

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING ) RESOLUTION NO. 87-748 A  
RESOLUTION NO. 86-659 TO REVISE )  
THE FY 1986-87 BUDGET AND ) Introduced by the  
APPROPRIATIONS SCHEDULE ) Deputy Presiding Officer

WHEREAS, The Council of the Metropolitan Service District needs additional staff to carry out its policy-making and fiscal and administrative oversight functions in an effective manner; and

WHEREAS, Legislation proposed by the Executive Officer recognizes, clarifies and encourages the separation of powers between the Council and Executive Officer of this government causing the Council to reallocate resources so it can effectively meet its statutory responsibilities; and


WHEREAS, The reallocation of resources can be accomplished in the FY 1986-87 budget without causing additional increases in the total personal services costs of the General Fund; now, therefore,

BE IT RESOLVED,

1. That Resolution No. 86-659, Exhibit A, FY 1986-87 Budget, and Exhibit B, Schedule of Appropriations, is hereby amended as shown in Exhibits A and B to this Resolution.

2. That the Council in reviewing and approving the FY 1987-88 budget will assure that the addition of staff to the Council budget will not result in overall increased staffing levels in the General Fund.

ADOPTED by the Council of the Metropolitan Service District this 26th day of March, 1987.

  
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Jim Gardner, Deputy Presiding Officer



**METRO**

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

# Memorandum

Date: March 26, 1987  
To: Metro Council  
From: Jim Gardner, Deputy Presiding Officer  
Regarding: RESOLUTION NO. 87-748A

Attached please find a substitute resolution (No. 87-748A) for Council consideration at the March 26, 1987, meeting.

The resolution makes clear that the Council action on proposed staff changes results from the Executive Officer's desire to effect a more complete separation of the executive and legislative functions. It also makes clear that the proposed staff changes can be accomplished in the FY 1986-87 budget without additional increases in the total personal services costs of the General Fund. The resolution commits the Council to make every effort in considering the FY 1987-88 budget that the addition of staff to the Council budget will not result in overall increased staffing levels.

The difference in the proposed budget adjustments in this resolution from the initial resolution are as follows:

1. The Finance and Administration Director position is not eliminated.
2. The General Counsel and Governmental Affairs Manager positions will remain in the Executive Management budget to make clear that the supervisory responsibility for these positions remains with the Executive Officer. This change is suggested by me after reaching verbal agreement with the Executive Officer on March 25, 1987, that the Council will participate with the Executive Officer in the selection and termination process for these positions; that Council will have confirmation authority; that the Council will have direct access to the services of the General Counsel; and that the Governmental Relations Manager will communicate to others only adopted District policies, programs and procedures, and will not advocate the position of any individual elected official. I have prepared a proposed agreement for the signature of the

Memorandum  
March 26, 1987  
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Executive Officer and the Deputy Presiding Officer which specify these points.

3. The budget adjustment to the Council budget would be reduced to \$35,688. The funds would come from unspent personal services costs in the Executive Management budget (\$29,921) and the Data Processing Division budget (\$5,767). In regard to the Executive Management budget sufficient funds remain for the Executive Officer to function at current staffing levels for the remainder of the fiscal year. This includes all budgeted positions and the current temporary employees working on legislative matters and providing legal assistance.

If the Council approves this substitute resolution, then Resolution No. 87-749 should be amended to delete item number 3 in the resolved section which refers to the assignment of duties and responsibilities to the Deputy Executive Officer.

DEC/gl  
7259C/D4  
03/26/87

EXHIBIT A

Council

|                       | <u>Current</u><br><u>Budget</u> | <u>FTE</u>  | <u>Revision</u> | <u>Proposed</u><br><u>Budget</u> | <u>FTE</u>  |
|-----------------------|---------------------------------|-------------|-----------------|----------------------------------|-------------|
| Personal Services     |                                 |             |                 |                                  |             |
| Council Administrator | \$ 0                            | 0           | \$13,533        | \$ 13,533                        | .25         |
| Council Clerk         | 0                               | 0           | 5,974           | 5,974                            | .25         |
| Temporary             | 964                             | .09         | 9,130           | 10,094                           | .59         |
| Fringe                | 17,770                          | 0           | 7,051           | 24,821                           |             |
| All Other Accounts    | 56,912                          | 2.00        |                 | 56,912                           | 2.00        |
| TOTAL                 | <u>\$75,646</u>                 | <u>2.09</u> | <u>\$35,688</u> | <u>\$111,334</u>                 | <u>3.09</u> |

No Other Changes To This Department

Executive Management

|                                 |                  |             |                 |                  |             |
|---------------------------------|------------------|-------------|-----------------|------------------|-------------|
| Personal Services               |                  |             |                 |                  |             |
| Council Clerk                   | \$ 23,557        | 1.0         | (5,974)         | \$ 17,583        | .75         |
| Secretary                       | 8,057            | .5          | (4,028)         | 4,029            | .25         |
| Government Relations<br>Manager | 33,424           | 1.0         | 4,770           | 38,194           | 1.13        |
| Temporary                       | 30,761           | 2.07        | (20,761)        | 10,000           | 1.57        |
| Fringe                          | 85,763           |             | (3,928)         | 81,835           |             |
| All Other Accounts              | 200,695          | 5.12        |                 | 200,695          | 5.12        |
| TOTAL                           | <u>\$382,257</u> | <u>9.69</u> | <u>(29,921)</u> | <u>\$352,336</u> | <u>8.82</u> |

No Other Changes To This Department

FINANCE & ADMINISTRATION

Data Processing

|                      |                  |             |                |                  |             |
|----------------------|------------------|-------------|----------------|------------------|-------------|
| Personal Services    |                  |             |                |                  |             |
| Info Systems Analyst | \$ 11,698        | .50         | (5,767)        | \$ 5,931         | .37         |
| All Other Accounts   | 119,889          | 2.48        |                | 119,889          | 2.48        |
| TOTAL                | <u>\$131,587</u> | <u>2.98</u> | <u>(5,767)</u> | <u>\$125,820</u> | <u>2.85</u> |

No Other Changes in This Division

DC/gl  
7194C/496-3  
03/26/87

EXHIBIT B  
APPROPRIATIONS SCHEDULE

| General Fund                        | Current<br>Appropriation | Revision        | Proposed<br>Appropriation |
|-------------------------------------|--------------------------|-----------------|---------------------------|
| <b>Council</b>                      |                          |                 |                           |
| Personal Services                   | \$ 75,646                | \$35,688        | \$111,334                 |
| Materials & Services                | 59,020                   | 0               | 59,020                    |
| Capital Outlay                      | 0                        | 0               | 0                         |
| TOTAL                               | <u>\$134,666</u>         | <u>\$35,688</u> | <u>\$170,354</u>          |
| <b>Executive Management</b>         |                          |                 |                           |
| Personal Services                   | \$382,257                | (29,921)        | \$352,336                 |
| Materials & Services                | 58,033                   | 0               | 58,033                    |
| Capital Outlay                      | 2,442                    | 0               | 2,442                     |
| TOTAL                               | <u>\$442,732</u>         | <u>(29,921)</u> | <u>\$412,811</u>          |
| <b>Finance &amp; Administration</b> |                          |                 |                           |
| Personal Services                   | \$ 683,589               | (5,767)         | \$ 677,822                |
| Materials & Services                | 412,649                  | 0               | 412,649                   |
| Capital Outlay                      | 9,200                    | 0               | 9,200                     |
| TOTAL                               | <u>\$1,105,438</u>       | <u>(5,767)</u>  | <u>\$1,099,671</u>        |

No Other Changes To The General Fund.  
No Other Changes To Other Funds.

DC/gl  
7194C/496-3  
03/26/87

Motion: Councilor Ragsdale moved to adopt Resolution No. 87-743 and Councilor Knowles seconded the motion.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried and Resolution No. 87-743 was adopted.

11.5 Consideration of Resolution No. 87-748, for the Purpose of Amending Resolution No. 86-659 to Revise the FY 1986-87 Budget and Appropriations Schedule (Regarding Council Department Reorganization);

Consideration of Resolution No. 87-748A, for the Purpose of Amending Resolution No. 86-659 to Revise the FY 1986-87 Budget and Appropriations Schedule (Regarding Council Department Reorganization);

Consideration of Resolution No. 87-749, for the Purpose of Amending the Classification Plan and the Pay Plan to Add the Position of Council Administrator;

Consideration of Resolution No. 87-750, for the Purpose of Transferring an Employee (Donald E. Carlson) to the Position of Council Administrator and Authorizing an Employment Agreement (with Donald E. Carlson); and

Consideration of Resolution No. 87-751, for the Purpose of Ratifying Recruitment Waivers and Confirming Appointments (for Richard Engstrom, Tor Lyshaug, Marc Madden and Raymond Phelps)

Deputy Presiding Officer Gardner first explained that as a result of an agreement with the Executive Officer, Resolution No. 87-748A would replace Resolution No. 87-748. He referred to his memo to Councilors dated March 26, which explained the difference between the two Resolutions:

1. Resolution No. 87-748A would provide for maintenance of the Finance and Administration Director position. Resolution No. 87-748 would have eliminated the position.
2. Resolution No. 87-748A would provide for the General Counsel and Governmental Affairs Manager positions to remain in the Executive Management budget and supervisory responsibility for those positions would remain with the Executive Officer. Resolution No. 87-748 would have budgeted the two positions in both the Executive Management and Council budgets.

3. Resolution No. 87-748A would authorize the budget adjustment to the Council budget be reduced to \$35,688. The funds would come from unspent Personal Services costs in the Executive Management budget (\$29,921) and the Data Processing Division budget (\$5,767).

The Deputy Presiding Officer concluded that Resolution No. 87-748A would accomplish a more defined separation of the Council and Executive branches of government without having to increase expenditures during FY 1986-87.

Councilor Bonner read into the record a letter he had received from Donald N. Johnson, 3655 S.E. Tolman Street, Portland. Mr. Johnson had served on the Portland Planning Commission and had recently retired after 25 years of services with the Bureau of Governmental Research. His letter stated "Many of our public institutions have developed separate legislative and executive capabilities . . . This is, in fact, quite a common practice and appears to meet the need created by the separation of power proposed by Metro's new Executive Officer. I would support the proposal even though it were more costly, for I believe that a weakened legislative branch threatens the democratic process."

The Deputy Presiding Officer read a letter he had received from Donald S. McClave, 7719 S.E. 28th Avenue, Portland. Mr. McClave endorsed the Council's proposed action to transfer Donald E. Carlson to the position of Council Administrator. He proposed "In the long-term, it may be advisable to alter Metro's charter in such a way that the Executive reports to and is directly responsible to the Council. In the short-term, it seems clearly in the best interest of orderly functioning of the Council to pass the three resolutions under agenda item 11.5 . . ."

Motion: Councilor Knowles moved, seconded by Councilor Bonner, that Resolution No. 87-748A be adopted with the following amendments: 1) The second "Whereas" be changed to read: "Legislation proposed by the Executive Officer recognizes, clarifies and encourages the separation of powers between the [legislative] Council and [executive branches of this government] Executive Officer causing the [legislative branch] Council to reallocate resources so it can effectively meet its statutory responsibilities; and . . ."

Don Williams, former staff assistant to Clackamas County Commissioner and former MSD Board Chair Robert Schumacher, testified he had been interested in the development of the Metro organization and had served as an advisor during the transition merger of the CRAG

and MSD organizations in 1979. He noted the government was unique and it was difficult to compare its structure to other governments. He said Resolution No. 87-748A would be necessary to formalize the relationship between the Council and staff.

James L. Knoll, 2738 S.W. Robins Crest, Portland, said he agreed with Mr. Williams' testimony. He explained that as a former Budget Advisory Committee member, he had observed excellent cooperation between the Executive, Council and staff. He said he regretted the changes that appeared to be taking place but acknowledged those changes were inevitable as the agency grew.

Denise M. Amos, 4610 N.W. Imnaha Court, Portland, testified she was speaking for the Metro Watch organization. She said the organization wanted to see Metro work because the success of the convention center was at stake. She questioned why the Council was not considering Resolution No. 87-751, proposed by the Executive Officer, before it considered other structure-related resolutions.

Deputy Presiding Officer Gardner explained that because Resolution No. 87-751 considered confirmation of the Finance & Administration Director position, the Council could not logically adopt that Resolution until it was established that the position would continue to exist. Adoption of Resolution No. 87-748A would provide that the position continue to exist.

Ms. Amos then requested the Council postpone deliberation on these matters until the outcome of SB 629 (regarding general separation of powers for the Metro organization) was known. The Deputy Presiding Officer explained adopting Resolution Nos. 87-748A, 87-749, 87-750 and 87-751 would not pre-empt subsequent structure changes.

In response to Councilor Knowles question, Executive Officer Cusma said she supported the motion to adopt Resolution No. 87-748A and the resulting transfer of budget funds. She was positive she and Mr. Carlson would work well together and that transition problems could be resolved for the benefit of everyone involved.

Deputy Presiding Officer Gardner noted his memo to Councilors had stated a verbal agreement had been reached with the Executive Officer that: 1) the Council would participate with the Executive in the selection and termination process for the General Counsel and Governmental Affairs Manager positions; 2) that the Council would have confirmation authority for the two positions; 3) that the Council would have direct access to the services of the General Counsel; and 4) that the Governmental Relations Manager would communicate to others only adopted District policies, programs and procedures, and would not advocate the position of any individual elected official. The memo further stated: "I have prepared a



proposed agreement for the signature of the Executive Officer and the Deputy Presiding Officer which specify those [the above] points." He then explained no written agreement had been signed.

Councilor Knowles thought the Council would be best served by addressing the issue of a signed agreement at another time.

Councilor Hansen acknowledged that upon adoption of the legislation now before the Council, relationships between the Council and Executive Officer would change. He advised the Council, Executive and staff to conduct a workshop as soon as possible to work out the new relationship.

Councilor Ragsdale noted that Presiding Officer Waker was not able to attend this meeting. He said he appreciated the Presiding Officer's key leadership role in working to resolve the relationships between the Council, Executive Officer and staff.

Councilor Van Bergen asked how the proposed changes in staff structure would effect the FY 1987-88 budget. Deputy Presiding Officer Gardner explained the resolutions only addressed changes to the FY 1986-87 budget. Changes to the FY 1987-88 budget would have to be worked out later, he said. Councilor Kirkpatrick, Chair of the Council Budget Advisory Committee, said she was committed to not raising transfer to the General Fund as a result of staff changes proposed by the Resolutions.

Vote: A vote on the motion to adopt Resolution No. 87-748A resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously and Resolution No. 87-748A was adopted.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 87-749 and to delete the third "be it resolved" paragraph which referred to eliminating the Finance and Administrator position and reassigning those duties to the Deputy Executive Officer. Councilor Ragsdale seconded the motion.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously and Resolution No. 87-749 was adopted.

Motion: Councilor Knowles moved to adopt Resolution No. 87-751 and Councilor Kelley seconded the motion.

Withdrawal of Motion: After discussion, Councilors Knowles and Kelley withdrew their motion so that confirmation and recruitment waiver issues could be voted on separately for each individual named in Resolution No. 87-751.

Motion: Councilor Knowles moved the Council consider confirmation and recruitment waivers by separate motion for each individual named in Resolution No. 87-751.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale and Van Bergen

Nays: Councilors Bonner, Collier, Cooper and Kelley

Absent: Councilors DeJardin and Waker

The motion for separate consideration of each individual carried.

Councilor Ragsdale noted it was his policy to always cast an affirmative vote on any motion to separate an issue.

Motion: Councilor Knowles moved, seconded by Councilor Ragsdale, to confirm Richard Engstrom as Deputy Executive Officer and that recruitment procedures be waived for his appointment.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously.

Motion: Councilor Knowles moved, seconded by Councilor Hansen, to confirm Tor Lyshaug as provisional Solid Waste Director and that recruitment procedures not be waived for his appointment since recruitment was currently in progress for a permanent Director.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously.

Motion: Councilor Knowles moved, seconded by Councilor Cooper, to confirm Marc Madden as provisional IRC Administrator and that recruitment procedures not be waived for his appointment.

Vote: A vote on the motion resulted in:

Ayes: Bonner, Collier, Cooper, Gardner, Hansen, Kelley, Knowles, Ragsdale and Van Bergen

Nay: Councilor Kirkpatrick

Absent: Councilors DeJardin and Waker

The motion carried.

Motion: Councilor Knowles moved, seconded by Councilor Ragsdale, to confirm Ray Phelps as Director of Finance & Administration and that recruitment procedures be waived for his appointment.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously.

Eleanore Baxendale explained that by adopting the four motions to confirm the above individuals and to grant recruitment waivers for two of the appointments, the Council had amended and adopted Resolution No. 87-751.

#### OTHER BUSINESS

Connie Hawes, citizen, asked that copies of all documents considered by the Council be supplied to the public so they could follow along with discussions and offer comments as appropriate.

There being no further business, Deputy Presiding Officer Gardner adjourned the meeting at 10:45 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council