

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

January 4, 1979

Councilors in Attendance

Coun. Donna Stuhr
Coun. Charles Williamson
Coun. Craig Berkman
Coun. Jack Deines
Coun. Jane Rhodes
Coun. Caroline Miller
Coun. Cindy Banzer
Coun. Gene Peterson
Coun. Michael Burton

Coun. Kirkpatrick, Schedeen
and Kafoury were absent

Others in Attendance

Mr. Bob Weil
Mr. Don Carlson
Dr. Ron Cease
Mr. Fred Leeson
Mr. Bill Culham
Mr. Frank Angelo
Ms. Jan Fortier
Mr. Wm. Carder
Ms. Ghislaine Iliff
Ms. Sarah Smith
Ms. Linda Macpherson

Staff in Attendance

Executive Officer Rick Gustafson
Mr. Denton Kent
Mr. Andrew Jordan
Mr. James Sitzman
Mr. Robert McAbee
Mr. Wm. Ockert
Mr. Terry Waldele
Ms. Judith Bieberle
Ms. Peg Henwood
Mr. Chuck Kemper
Ms. Karen Tweten
Ms. Barbara Higbee
Mr. Jim Laubenthal
Ms. Sue Klobertanz
Ms. Marilyn Holstrom
Mr. Warren Iliff
Mr. Keith Lawton
Ms. Mary Carder

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CALL TO ORDER

The first meeting of the Council of the Metropolitan Service District was called to order by Coun. Craig Berkman, acting as Temporary Chairman. Coun. Berkman requested a Rollcall, and those present are listed on the previous page. The meeting was held in Conference Room "C" of the Metropolitan Service District offices, 527 SW Hall Street, (formerly CRAG), January 4, 1979, at 7:00 p.m.

1. ADOPTION OF COUNCIL PROCEDURAL RULES (Res. No. 79-1)

Temporary Chairman Berkman explained that the Council had met several times at informal sessions, and had appointed a temporary committee to draft Procedural Rules for the conduct of its business. Members of that committee were Jane Rhodes, Charles Williamson, Gene Peterson and Temporary Chairman Berkman, assisted by Bob Simpson, Dean Gisvold, Andy Jordan and Jack Faust.

Coun. Stuhr moved, seconded by Coun. Williamson, that the Council adopt Resolution #79-1, In the matter of the adoption of rules of procedure for the conduct of Council meetings, the transaction of Council business and repealing all prior rules of procedure.

Coun. Miller expressed concern regarding section 11.02 referring to reconsideration. After discussion, Coun. Miller moved, seconded by Coun. Deines, that the last full line of that paragraph read "to the presiding officer prior to or at the next meeting." All Councilors present voting aye, the motion for amendment carried unanimously.

Mr. Jordan pointed out changes made for clarification of the rules or to comply with state statutes.

Coun. Stuhr pointed out that these rules were being temporarily adopted by Resolution, and would be on a future agenda in ordinance form.

The question was called on the motion to adopt Resolution #79-1. All councilors present voting aye, the motion carried unanimously.

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2. ELECTION OF OFFICERS

Temporary Chairman Berkman explained that at the last informal meeting of the Council councilors had requested that written ballots be distributed and that a public record be kept of the actual tally of the vote for Presiding Officer and Vice Presiding Officer. He asked whether the Council wished to operate on that basis or would prefer to entertain a motion from the floor and elect the chairman by voice vote.

Coun. Williamson moved, seconded by Coun. Stuhr that the election be conducted by voice vote. All Councilors present voting aye, the motion carried unanimously.

Coun. Williamson nominated Coun. Michael Burton for the position of Presiding Officer, saying he felt Mr. Burton would be a fine and fair leader and would serve the Council well.

Coun. Peterson seconded the nomination for Councilor Burton.

Coun. Rhodes moved, seconded by Coun. Stuhr, that the Council cast a unanimous ballot for Michael Burton for Presiding Officer of the Council. All Councilors present voting aye, the motion carried unanimously.

Coun. Banzer nominated Coun. Donna Stuhr for the position of Vice Presiding Officer. Coun. Williams seconded the nomination.

Coun. Peterson moved that the nominations be closed. All Councilors present voting aye, the motion carried.

The question was called on the motion to nominate Coun. Stuhr for the position of Vice Presiding Officer. All Councilors present voting aye, the motion carried unanimously.

Temporary Chairman Berkman turned the meeting over to the Presiding Officer, and thanked Councilors for their cooperation during his temporary chairmanship.

Presiding Officer Burton thanked Coun. Berkman for his service as temporary chairman and commented that the Council

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owed him a debt of gratitude.

3. WRITTEN COMMUNICATIONS TO THE COUNCIL

The Presiding Officer read a telegram written by Representative Al Ullman wishing the Council his best. The Presiding Officer said that Rick Gustafson, Executive Officer, had forwarded a reply.

Executive Officer Gustafson informed the Council that he had received a letter of congratulation to the Council and Executive Officer from County Commissioner Don Clark.

There were no further communications.

4. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

Mr. Robert Stacey, attorney for 1000 Friends of Oregon, asked that he be allowed to address the Council on Agenda Item 5.2.

The Presiding Officer said Mr. Stacey would be allowed to speak at the time that item was discussed.

5. OLD BUSINESS

5.1 Consideration of Budget Adjustments (Ord. No. 79-64)

Coun. Stuhr moved, seconded by Coun. Deines, that the Council adopt Emergency Ordinance No. 79-64, providing for a budget adjustment.

Executive Officer Gustafson reported that, during a recent retreat, the Council discussed budget adjustments necessary to the formation of the Council, and that staff had consulted with the Council regarding personnel changes required to accommodate the proposed MSD organization structure. The impact of the recommended changes will not increase currently approved budget totals, but will redistribute \$7400 to various accounts, with an additional \$33,000 to be redistributed through the supplemental budget process to be accomplished by March 31.

General Counsel Jordan read Ordinance No. 79-64 by title only.

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There was council discussion concerning some of the title changes and what the long range effect of this action would be.

Question called on motion. Rollcall vote. Councilors Stuhr, Williamson, Berkman, Deines, Rhodes, Miller, Banzer, Peterson and Burton voted aye. Counselors Kirkpatrick, Schedeen and Kafoury were absent. The motion carried.

To provide direction on expenditure of funds provided for the Council, Coun. Stuhr moved:

1. That each Councilor be allotted \$1,000 for the remainder of the fiscal year to cover necessary expenses.
2. That the following expenses are allowable as of January 1, 1979, if necessary and directly related to a Councilor's duties:
 - a. Travel and meal expenses in accordance with personnel rules.
 - b. Meal expenses for persons other than Councilors when necessary for conduct of Council business.
 - c. Necessary meeting and conference expenses, other than regular Council meetings.
3. That Councilors receive \$30 per meeting as per diem compensation.
4. That Council per diem and expense policies be reviewed annually in conjunction with the budget cycle.
5. That the Executive Officer shall make payments pursuant to this motion.

Presiding Officer Burton had some concerns about the amount proposed to cover expenses, and suggested that this be reduced to \$500. He said the amount could be increased in the next budget, if it was found additional money was required.

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Presiding Officer Burton moved, seconded by Coun. Berkman that the motion be amended to read \$500, instead of \$1000.

Coun. Banzer expressed concern that \$500 would not cover expenses of travel to conferences if they were held on the east coast.

There was Council discussion of how expenses in excess of \$500 could be handled, if necessary.

The question was called on the amendment. All Councilors present voted aye except Coun. Banzer who voted nay. The motion carried.

There was discussion of the main motion. as amended. Coun. Peterson clarified that the \$30 per diem was decided upon, because Councilors would not claim travel expense to meetings in the metropolitan area. The question was called on the main motion as amended. All Councilors present voting aye, the motion carried unanimously.

A short break was taken.

Presiding Officer Burton asked to introduce two Resolutions he had prepared to promote strong relationships between the Metropolitan Service District and local government jurisdictions and with Clark County and Vancouver, Washington.

Coun. Stuhr moved, seconded by Coun. Deines, that the Council adopt Resolution No. 79-3, In the matter of establishing and maintaining a good relationship with local government jurisdictions, and Resolution No. 79-4, In the matter of establishing and maintaining a strong working relationship with Clark County and Vancouver, Washington.

General Counsel Jordan read the Resolutions.

Presiding Officer Burton explained that he had offered these Resolutions to affirm the Council's intent to propose legislation to establish a formal relationship with Clark County and Vancouver, Wasington, and to reaffirm the intent of the Council to work closely with local jurisdictions within the District.

Members of the Council expressed appreciation to the Presiding Officer for introducing these Resolutions, and agreed that it was

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important to formalize the intent of the Council.

Question called on the motion. All Councilors present voting aye, the motion carried unanimously.

5.2 Consideration of Urban Growth Boundary

Chief Administrative Officer Denton Kent provided background on adoption of the Urban Growth Boundary (UGB) and the decision by LCDC that there were insufficient findings to judge the adequacy of the boundary. He reviewed the process through which staff made additional findings which lead to readoption by the CRAG Board of the boundary at its December 21, 1978, meeting. At that meeting the CRAG Board instructed staff to formally request LCDC to acknowledge the boundary, thereby insulating land within the boundary from an agricultural exception.

Mr. Kent explained that there are differing opinions whether or not the new MSD Council has the power to enforce the UGB. Legal opinions of the attorney for 1000 Friends of Oregon and the MSD General Counsel both indicate that the new MSD has the power and responsibility to incorporate an Urban Growth Boundary within its planning functions, while other opinions hold that the adopted UGB does not automatically carry over to the MSD for enforcement.

Mr. Kent continued that three major options appeared to be available to MSD to resolve the differences. First, the MSD could accept the UGB and enforce it as a planning and review criteria. Second, the MSD could disavow responsibility for the UGB and indicate that growth boundary responsibilities rested with county governments. Third, the MSD could solicit a state legislator to request an Attorney General's opinion as to whether or not the legislation provides authority for MSD to establish and implement an UGB.

Mr. Jordan reviewed the opinion he had provided the Council, saying that he was convinced that the UGB was now in existence, was effective in the region and would be effective until the Council either repealed or amended it.

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Executive Officer Gustafson said he concurred with the opinion of the General Counsel that the Council had a clear cut authority for enforcement of an urban growth boundary, and that the urban growth boundary was an item of regional significance.

Members of the Council questioned Mr. Jordan regarding his opinion and how to best request an Attorney General opinion.

Mr. Robert Stacey, Attorney for 1000 Friends of Oregon, said it was his opinion that the boundary was in effect and enforceable. He urged that the Council not rescind the boundary, and that, if an Attorney General opinion was requested, that the Council make it clear that it does not intend to rescind or cast a cloud on the boundary.

Council members discussed further the advisability and propriety of seeking an opinion of the Attorney General.

Coun. Miller felt one decision would not preclude another, that Council could seek an Attorney General opinion, but should not evade the issue of the boundary itself. She encouraged Council to accept Mr. Stacey's recommendation and to take some responsibility for the UGB.

Other Councilors agreed that the UGB would be an effective tool for regional planning.

Coun. Deines moved, seconded by Coun. Peterson, that the Council adopt Resolution No. 79-6, In the matter of securing an Attorney General opinion regarding the Metropolitan Service District power to enact and enforce an Urban Growth Boundary.

Coun. Williamson moved, seconded by Coun. Berkman, that Resolution No. 79-6 be amended by adding: "Be it further resolved that the Metropolitan Service District accepts the CRAG established UGB and shall enforce it as a planning review criteria.

There was Council discussion whether or not the amendment was necessary. It was decided that such an amendment

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would provide clarification that, while the Council would seek an Attorney General opinion, it intended to enforce the boundary in the interim.

Question called on amendment. All Councilors present voting aye, the motion carried unanimously.

Question called on the main motion to adopt Resolution No. 79-6. All Councilors present voting aye, the motion carried unanimously.

5.3 Consideration of Joint Personnel Rules

Coun. Williamson moved, seconded by Coun. Peterson, that Resolution No. 79-2, In the matter of adoption of interim joint personnel rules for the Metropolitan Service District, be adopted.

Executive Officer Gustafson explained that a joint committee of CRAG and MSD employees, representing both management and employees, had prepared joint personnel rules which would provide for continuation of existing separate benefit programs. Mr. Gustafson explained that, over the next few months, staff would be working to resolve some discrepancies, and that he was asking that these rules be adopted with the understanding that they were interim. A memorandum from Councilors Miller and Peterson was distributed to the Council. Highlighted in the memorandum were issues which should be discussed prior to final adoption of the Personnel Rules.

Councilors expressed some concerns regarding the effect changes from previous personnel rules might have on employees, and were assured by Mr. Jordan that there were no differences between these rules and those now in effect for MSD or CRAG.

Question was called on the motion. All Councilors present voting aye, the motion carried unanimously.

6. NEW BUSINESS

6.1 Action on Advisory Committees

Coun. Berkman moved, seconded by Coun. Stuhr, that the Council adopt Resolution No. 79-5, In the matter of

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continuing the functions of existing advisory committees created by the Columbia Region Association of Governments and the Metropolitan Service District.

Presiding Officer Burton commented that it had been the intent of the Council when it met informally, to continue advisory committees until the Council could become more familiar with them and could take time to properly structure these and other committees.

Coun. Williamson moved, seconded by Coun. Berkman, that the last portion of the last sentence, which read: "...until such time as the Council reaches a decision to discontinue such committees." be deleted. He felt the Council might wish to continue all committees now in effect.

Executive Officer Gustafson told the Council that one committee appointment had not been listed in the Agenda. Dr. McBride had contacted him regarding his appointment to the Health Systems Agency (HSA), and indicated his willingness to continue his service until the Council could make another appointment.

Presiding Officer Burton suggested that discussion of this matter be held until the motion had been acted upon.

Question called on motion. All Councilors present voting aye, the motion, as amended, carried unanimously.

Presiding Officer Burton felt, with reference to the appointment to HSA, that an elected official should be appointed to that body. He suggested that Coun. Berkman would be willing to accept the appointment.

Coun. Berkman said he would consider the appointment, but asked to discuss with Dr. McBride what the time commitment would be.

Presiding Officer Burton asked the Executive Officer to request Dr. McBride to continue in his capacity as representative to HSA until an appointment could be made.

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Coun. Miller referred to the direction given by the Procedural Rules and moved, seconded by Coun. Williamson, that Roberts Rules of Order, revised, Henry M. Robert, 1971, printed by Morrow, be adopted as the authority of the Council.

Coun. Berkman asked if it would not be proper to amend the rules to officially appoint Coun. Miller as parliamentarian.

In answer to Councilors questions, Mr. Jordan said it would be appropriate that a parliamentarian be advisory. However, this should be the judgment of the Chair.

Coun. Miller explained that the role of the parliamentarian, in her opinion, was to interpret and not to provide advice unless the chair so requested.

The Presiding Officer explained the question and said that it would be understood that Coun. Miller would act as parliamentarian to the Council. All Councilors present voting aye, the motion carried unanimously.

Presiding Officer Burton indicated that he would appoint Coun. Kirkpatrick as the Council liaison to work with the Executive Officer on the Clark County and Vancouver, Washington matter. He said that Coun. Peterson is working on goals and objectives on an ad hoc basis, and said he would like that to continue on a committee basis. He asked for volunteers to work with Coun. Peterson.

Presiding Officer Burton said he would appoint a Committee on committees to include: Coun. Banzer, Coun. Berkman, Coun. Rhodes, Coun. Kirkpatrick and Coun. Peterson.

Presiding Officer Burton gave the Council a preview of items to be on the agenda of the Committee of the Whole which meets January 11, and explained that any decisions made at that meeting would be referred to the regular meeting for adoption.

The meeting was adjourned.

Respectfully submitted,



Mary E. Carder
Clerk of the Council