

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING) RESOLUTION NO. 87-799
PROVISIONAL APPOINTMENT OF)
MCKAY RICH, AND WAIVER OF THE) Introduced by the
PERSONNEL RULES) Executive Officer

WHEREAS, The Code of the Metropolitan Service District,
Section 2.02.040, requires that the Council of the Metropolitan
Service District confirm the provisional appointment of a candidate
to the position of Director of the Washington Park Zoo; and

WHEREAS, The position of Director becomes vacant on
August 17, 1987, due to the resignation of Gene Leo, Jr.; and

WHEREAS, A national recruitment is being initiated to fill
the position of Director of the Washington Park Zoo; and


WHEREAS, It is necessary to appoint a provisional Director;
now, therefore,

BE IT RESOLVED,

1. That pursuant to Metro Code 2.02.025, the Council of
the Metropolitan Service District hereby ratifies the waiver of
recruitment procedures for McKay Rich, appointed as Acting Director
of the Washington Park Zoo.

2. That pursuant to Metro Code Section 2.02.040, the
Council of the Metropolitan Service District confirms the
provisional appointment of McKay Rich as Acting Director of the
Washington Park Zoo.

ADOPTED by the Council of the Metropolitan Service District
this 13th day of August, 1987.


Richard Waker, Presiding Officer

Ellen Saunders said the Coalition would continue to interact with the Council because residents lives were directly effected by the issue. She said, however, the group would not be rejected and sent away like children. She encouraged the Council to let the group know the best way of communicating its ideas and concerns in order to help the Council make its decision.

The Presiding Officer reported the landfill siting issue would soon be on the Council's regular agenda.

Councilor Gardner requested Mr. Martizsus include quantities of specific wastes in his reports to the Council.

5. EXECUTIVE OFFICER COMMUNICATIONS

5.1 Consideration of Resolution No. 87-799, for the Purpose of Approving the Provisional Appointment of McKay Rich and a Waiver of the Personnel Rules

Executive Officer Cusma introduced the resolution. Due to the resignation of Gene Leo, Zoo Director, she wished to appoint Mr. Rich, current Zoo Assistant Director, to serve as the acting provisional Director until a candidate could be hired for the Director position.

Main Motion: Councilor Kirkpatrick moved to adopt Resolution No. 87-799 and Councilor Gardner seconded the motion.

Motion to Amend: Councilor Van Bergen moved, seconded by Councilor Kirkpatrick, to amend the resolution to change Mr. Rich's interim title from "Acting Director" to "Director" and to assure that Mr. Rich would return to the position of Assistant Zoo Director upon termination of his provisional appointment as Zoo Director.

Presiding Officer Waker did not think the motion legal since the Council had no jurisdiction over matters of appointment, other than confirming designated positions. He said that to change the "Acting Director" title to that of "Director" would also send an improper message to the public. "Acting Director" implied that recruitment efforts were underway to hire a permanent Director.

Executive Officer Cusma thought the motion unnecessary since she intended to return Mr. Rich to his Assistant Director position when a permanent Director was hired.

Councilor Hansen asked if the title of "Acting Director" should be changed to "Provisional Director," given the former Counsel's

opinion of the difference between provisional and temporary employees. The Presiding Officer said the term "Acting Director" was appropriate in this case because the Acting Director was not eligible to apply for the vacant Director position. A Provisional Director would be eligible to apply for the job. A temporary employee was hired to perform a specific task for a designated period of time.

The Presiding Officer noted that Richard Steinfeld, President of the Friends of the Zoo, advocated Mr. Rich as Acting Director.

Councilor Gardner said he would oppose the motion to amend because he thought it inappropriate and unnecessary for the Council to guarantee Mr. Rich's return to his prior position. Councilor Ragsdale agreed with Councilor Gardner.

Vote on the Motion to Amend: A vote on the motion resulted in:

Ayes: Councilors Kirkpatrick and Van Bergen

Nays: Councilors Bonner, Cooper, DeJardin, Gardner, Hansen, Kelley, Knowles, Ragsdale and Waker

Absent: Councilor Waker

The motion failed.

Vote on the Main Motion: A vote resulted in:

Ayes: Councilors Bonner, Cooper, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale and Waker

Nays: Councilors DeJardin and Van Bergen

Absent: Councilor Collier

The motion carried and Resolution No. 87-799 was adopted.

4. COUNCILOR COMMUNICATIONS

4.1 Appointment of Councilor Kirkpatrick as Fifth Member to the Council Solid Waste Committee

Presiding Officer Waker announced he wished to appoint Councilor Kirkpatrick as a fifth member to the Council Solid Waste Committee to be consistent with the five-member Convention Center Committee, to make it easier to maintain a quorum at meetings, and to reduce the possibility of tie votes.