

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING)	RESOLUTION NO. 87-810
POLICIES FOR THE CREATION OF)	
OPERATING COMMISSIONS)	Introduced by the Council
)	Task Force on Regional
)	Convention, Trade and
)	Spectator Facilities
)	Commission

WHEREAS, The Council of the Metropolitan Service District is authorized to create commissions to carry out District functions prescribed by law; and

WHEREAS, ORS 268.395 requires the creation of commissions by adoption of an ordinance which sets forth the powers delegated to commissions, the number of commission members, qualifications, terms of office, methods of appointment and review of commission actions; and

WHEREAS, It is the intent of the Council to assure an orderly and reasonable process for the creation of commissions; and

WHEREAS, It is the intent of the Council to assure that highly qualified individuals who represent all geographical areas of the District are appointed to commissions; and

WHEREAS, It is the intent of the Council to assure that commissions have sufficient authority and resources to efficiently and effectively carry out the purposes for which they are created; and

WHEREAS, It is the intent of the Council to assure that commissions are accountable to the elected representatives of the District; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts the following policies for the establishment of commissions to carry out District functions:

1. The Council shall establish that there is a need for creation of commissions.
2. The Council shall establish a public process for development of needed commissions which include representatives of appropriate interest groups and citizens.
3. Commissions shall have seven members including a chairperson appointed by the Executive Officer unless the Council determines there are reasons to do otherwise.
4. Commissions shall be broadly representative of various interests and geographic areas in the metropolitan region.
5. Commissions shall be appointed by the Executive Officer subject to confirmation by the Council. In confirming appointees the Council shall use but not be limited to the following criteria:
 - a. Appointees shall have sufficient knowledge and experience commensurate with the purposes and responsibilities of the commission to which they are appointed.
 - b. To the maximum feasible extent the appointees shall reside in different geographic areas of the District.
 - c. Not more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.
6. The Council shall delegate sufficient authority within the provisions of the law for commissions to efficiently and effectively carry out the purposes for which they are created while assuring the efficient and effective operation of all District functions and accountability by commissions to the elected representatives of the District. In this regard, unless the Council on a case-by-case basis determines otherwise commissions shall operate under general personnel and contract rules adopted by the Council for the District and shall use central administrative services of the District including legal, risk management, personnel and accounting services. Any personnel or contract rules adopted by commissions shall contain Affirmative Action/Equal Employment

Opportunity and Disadvantaged Business Enterprise/Women-Owned
Business Enterprise policies and procedures.

ADOPTED by the Council of the Metropolitan Service District
this 8th day of October, 1987.



Richard Waker, Presiding Officer

DEC/sm
8163C/513
09/23/87

- 8.3 Consideration of Resolution No. 87-810, for the Purpose of Establishing Policies for the Creation of Operating Commissions; and
9. Consideration of Ordinance No. 87-225, Establishing a Regional Commission to Construct and Operate Regional Convention, Trade and Spectator Facilities (Introduced by the Executive Officer) (Second Reading)

The Clerk read Ordinance No. 87-225 a second time by title only.

Presiding Officer explained that at the August 27, 1987, Council meeting, a motion was adopted (moved by Councilors Knowles and DeJardin) to introduce Ordinance Nos. 87-225, 87-226 and 87-227 for first reading. Ordinance No. 87-225 was introduced by the Executive Officer, Ordinance No. 87-226 was introduced by the Presiding Officer at the request of the CTS Committee, and Ordinance No. 87-227 was introduced by Councilors Kirkpatrick and Van Bergen. A public hearing was conducted on August 27 for all three ordinances.

Also on August 27, the Presiding Officer announced he would refer the three ordinances to the Ad Hoc Task Force on the CTS Commission for review and recommendation. At that meeting, the Council adopted a motion requiring the Ad Hoc Task Force to return to the Council on or before October 8, 1987, with a recommended ordinance for a second reading and final adoption.

The Task Force met on September 3, 17 and 29 and as a result of those meetings, was now recommending the Council table Ordinance Nos. 87-226 and 87-227 from further consideration and adopt Resolution No. 87-225 as amended.

Presiding Officer Waker announced he had received a request from several Councilors to continue discussion of the Ordinance to the October 22 meeting. He requested Councilor Kirkpatrick present the Task Force's recommendation before such a continuation was considered.

Councilor Kirkpatrick, Chair of the Ad Hoc Task Force on the CTS Commission, reviewed the group's written report (contained in the meeting agenda packet) and explained the Task Force's process for reviewing legislation. She said the group had used the Convention Center Master Plan as a basis for evaluating all legislation. The group had examined the Exposition-Recreation (E-R) Commission operations and had talked to people working for and serving on the Commission. The Councilor then reviewed major amendments to Ordinance No. 87-225 recommended by the Task Force as listed in their written report. She concluded the Council would, on October 22, be asked to consider an ordinance that would amend Metro's personnel and

contracting rules to transfer certain authority from the Executive Officer to the Commission.

Presiding Officer Waker reviewed the issues before the Council. Resolution No. 87-810 set out a policy for establishing the need for commissions and the manner in which commission members would be appointed. The Council was requested to adopt the Resolution at this meeting.

Ordinance No. 87-225 as amended defined the procedures for appointing Metro CTS Commission members and the chair. There was agreement among all parties that language was satisfactory. The Ordinance also set up the Commission and charged that body with returning to the Metro Council for approval of an operating plan and personnel and contract procedures. If the Commission did not recommend Metro's existing personnel and contracting rules be used, they were required to demonstrate why they would not work. The Presiding Officer pointed out that some parties did not agree with the revised ordinance and recommended the Commission be empowered to establish their own personnel and contracting rules without having to demonstrate why Metro's rules would not work.

Presiding Officer Waker supported the ordinance as amended by the Ad Hoc Task Force, saying Metro was about consolidation of government and the ordinance clearly embodied the intent of the Convention Center Master Plan.

Motion: Councilor Knowles moved, seconded by Councilor Hansen, to defer consideration of Resolution No. 87-810 and Ordinance No. 87-225 to another meeting.

Councilor Knowles thought consideration should be delayed until Councilor Cooper could attend. Councilor Hansen concurred and added a delay might resolve the substantial differences between the Ordinance's authors and the City of Portland and Multnomah County. Councilor Ragsdale said Clackamas County Commissioner Ed Lindquist supported a delay in order for the County to take an official position on the legislation.

Councilor Kirkpatrick said she had challenged Executive Officer Cusma and other parties to convince her a delay would result in negotiations. Because no one had offered to negotiate a compromise, she urged the Council not to delay consideration because nothing would be gained.

Vote: A vote on the motion resulted in:

Ayes: Councilors Hansen, Kelley, Knowles and Ragsdale

Nays: Councilors Bonner, Collier, DeJardin, Gardner,
Kirkpatrick, Van Bergen and Waker

Absent: Councilor Cooper

The motion failed.

Motion: Councilor Kirkpatrick moved to adopt Resolution
No. 87-810 and Councilor Van Bergen seconded the
motion.

Councilor DeJardin said he would support Ordinance No. 87-225 as amended because it expressed a balance between what the City of Portland, Multnomah County and Metro Council wanted to achieve. Regarding the issue of personnel and contract rules, he questioned why the newly formed commission should reinvent the wheel when the systems had been proven workable. He said Representative Cease's letter, included in the agenda packet, stated his own views concerning the issue of the Commission's autonomy and accountability. He also pointed out that delays traditionally made decision-making more difficult and urged the Council to adopt the Ordinance and Resolution at this meeting.

Councilor Bonner concurred with Councilor DeJardin.

Councilor Gardner supported the ordinance as revised, pointing out any separate rules the Commission would propose would embody the same open hiring and contracting principles contained in Metro's existing rules. The ordinance clearly allowed the Council to grant the Commission exemptions where Metro's rules were not found workable. He agreed with Councilor Kirkpatrick there was no more room to compromise.

Vote: A vote on the motion to adopt Resolution No./ 87-810 resulted in:

Ayes: Councilors Bonner, Collier, DeJardin, Gardner,
Kelley, Kirkpatrick, Van Bergen and Waker

Nays: Councilors Hansen, Knowles and Ragsdale

The motion carried and Resolution No. 87-810 was adopted.

Motion: Councilor Kirkpatrick moved to adopt Ordinance
No. 87-225 as amended by the Ad Hoc CTS Commission
Task Force. Councilor Van Bergen seconded the motion.