

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

| | | |
|------------------------------------|---|-----------------------------|
| FOR THE PURPOSE OF SUPPORTING AN |) | RESOLUTION NO. 88-980 |
| AMENDMENT TO THE STATE STATUTE |) | |
| TO INCREASE THE SIZE OF THE |) | Introduced by the |
| COUNCIL TO 13 MEMBERS AND TO |) | Intergovernmental Relations |
| PROVIDE FOR AN APPOINTED EXECUTIVE |) | Committee |

WHEREAS, The Interim Task Force on Regional Metropolitan Government, established in November 1987 by the State and Metro, is completing its charge and, following public hearings in September and October of this year, will present its report and legislative recommendations to the 1989 State Legislature convening January 1989; and

WHEREAS, Said Task Force has requested the Council of the Metropolitan Service District generally to develop and provide proposed legislation for the 1989 State session, and specifically to provide advice on the issue of government structure; now, therefore,


BE IT RESOLVED,

1. That the Council of the Metropolitan Service District supports an amendment to this District's statute which provides for an increase in the size of the elected Council to 13 members after the decennial census in 1990 and a Council-appointed Executive Officer or director who would serve as the administrative head of the agency.

2. That the Council in adopting this resolution hereby respectfully requests that this amendment proposal be included in the Task Force's report and introduced during the 1989 Legislative session.

3. That the Council further requests the Legislature refer any matter dealing with the governance structure of Metro to the voters of the region.

ADOPTED by the Council of the Metropolitan Service District
this 22nd day of September, 1988.



Mike Ragsdale, Presiding Officer

jpm a:\strucres



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

September 13, 1988

The Honorable Jim Gardner
Chair
Council Intergovernmental
Relations Committee

Dear Chairman, Members of the Committee:

This evening you are considering Resolution No. 88-980 which would endorse the formation of a 13-member council and provide for that council to appoint an executive to administer Metro.

As you know, we have discussed and debated this issue repeatedly over the last 20 months of my tenure. I am sure you are well aware of my position, but I feel it important to restate that position during your deliberations.

I will not seek to advise you at this time on the number of councilors to comprise your council. However, I believe it is my responsibility to restate my concerns about taking from voters the region-wide elected executive office and replacing it with an appointed bureaucrat.

My primary concern remains citizen access to this government and the ability of voters to make a change in the leadership of Metro. As it stands now, citizens in the region have one shot every four years to judge the performance of this government. If the voters don't like the performance, they have a chance to change leadership by electing a new executive officer.

This opportunity would be lost to voters if the executive officer was appointed. District elections of councilors could not replace the region-wide referendum represented by an elected executive. Voters want and deserve a chance to make a change.

I am also concerned that an appointed bureaucrat would not be in a position to represent a regional point of view, nor would an appointed executive share the same respect and equal relationship with other elected heads of government in our region. Without a region-wide

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Page 2

elected executive, there would be no region-wide perspective represented on the council. This is not to say that councilors don't think regionally -- but they are elected locally and expected to act locally.

In short, eliminating the vote on the full-time executive will make it harder for citizens to make a difference in what Metro is doing and will make it more difficult for this government to create and implement a regional vision.

I urge you to not support Resolution No. 88-980. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rena Cusma".

Rena Cusma
Executive Officer



METRO

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

Memorandum

Agenda Item No. 7.5

Meeting Date September 22, 1988

Date: September 14, 1988

To: Metro Council

From: Councilor Jim Gardner, Chair
Council Intergovernmental Relations Committee

Regarding: INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT ON SEPTEMBER 22, 1988 COUNCIL MEETING AGENDA ITEM NO. 7.5, CONSIDERATION OF RESOLUTION NO. 88-980 TO SUPPORT AN AMENDMENT TO THE STATE STATUTE TO INCREASE THE SIZE OF THE COUNCIL TO 13 MEMBERS AND TO PROVIDE FOR AN APPOINTED EXECUTIVE

Committee Recommendation: The Committee voted unanimously to recommend Council adoption of Resolution No. 88-980. All Committee members were present: Collier, DeJardin, Knowles, Waker and myself.

Committee Discussion & Issues: Councilor Waker introduced the resolution noting that under the former Planning & Development Committee the same concept had been forwarded to the Council, but the Council split 6 to 6 in its vote. Perceiving possible changes in the Council's position on Metro's structure, Councilor Waker reintroduced the resolution. He added that had Rick Gustafson been elected instead of Rena Cusma, the Council would probably still be addressing this issue.

The Committee received a copy of the Executive Officer's letter to me restating her position; that letter is attached as Exhibit A. No one from the public testified.

Citing the past changes and developments in Metro's governance structure, Councilor Kirkpatrick noted her support for the resolution; not in opposition to the Executive Officer, but as an improvement in Metro's operating structure.

Councilor DeJardin felt that the "adversarial" relationship [between the Council/legislative branch and the Executive/Administrative branch] initiated by the Executive Officer has not benefitted Metro.

Councilor Knowles recalled that he first argued strongly in favor of the separation of powers model, but over time has come to see that the model does not work for Metro and would not work for any municipal government. He added that there was a need for a system that is more predictable for people working in Metro and for those outside of Metro.

IGR Committee Report
Agenda Item 7.5
Page 2

Councilor Knowles summarized 2 points: 1) He believes that there is a need for a districtwide elected Presiding Officer. 2) Ultimately, the District voters need to decide.

The Committee acknowledged that in all likelihood Senator Otto's Committee or the State Legislature would refer this change to the voters. The Committee felt that this would be appropriate.

JG/JPM a:igrrpt3

DRAFT

- . Appointed Executive
- . 13 Councilors
- . Council Reapportionment

A BILL FOR AN ACT

Relating to metropolitan service districts; and amending ORS 268.020, 268.150, 268.180, 268.190 and 268.210; repealing ORS 268.215; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 268.020 is amended to read:

268.020. As used in this chapter:

(1) "Council" means the governing body of a district.

(2) "District" means a metropolitan service district established under this chapter.

~~[(3) -- "Executive officer" means the official responsible for the executive and administrative functions of the district.]~~

~~[(4)]~~ (3) "Metropolitan area" means that area which lies within the boundaries of Clackamas, Multnomah and Washington Counties.

[+5+] (4) "Improvement" means the facilities and other property constructed, erected or acquired by and to be used in the performance of services authorized to be performed by a district.

[+6+] (5) "Metropolitan significance" means having major or significant district-wide impact.

[+7+] (6) "Person" means the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

SECTION 2. ORS 268.150 is amended to read:

268.150. (1) The governing body of a district shall be a council consisting of [+2] 13 part-time councilors, each elected on a nonpartisan basis from a single subdistrict within the boundaries of the metropolitan service district. Each councilor shall be a resident and elector of the subdistrict from which the councilor is elected and shall not be an elected official of any other public body. Each councilor shall be a resident of the subdistrict from which the councilor is elected for not less than one year before taking office. The term of office for a councilor shall be four years beginning on the first Monday in January of the year next following the election. Councilors shall be divided into two classes so that one-half, as nearly as possible, of the number of councilors shall be elected

biennially. A vacancy in office shall be filled by a majority of the remaining members of the council. The councilor, before taking office, shall take an oath to support the Constitution of the United States, and the Constitution and laws of this state. Candidates for councilor positions shall be nominated and elected at the primary and general elections as provided in subsection (3) of this section.

(2) The [~~Secretary-of-State~~] council shall by legislative enactment reapportion the subdistricts after the data of each United States decennial census are compiled and released. The reapportionment shall provide for substantially equal population in each subdistrict. Area within each subdistrict shall be contiguous. In apportioning subdistricts the [~~Secretary-of-State~~] council shall give consideration to existent city or special district boundaries or the political boundaries of state representative or state senate election districts except when these political boundaries coincide with natural boundaries. Any councilor whose term continues through the primary election following reapportionment shall be specifically assigned to a subdistrict. The reapportionment shall be enacted by a vote of a majority of the members of the council and shall be effective upon its enactment. The reapportionment shall become operative on the 250th day before the date of the next primary election.

(3) For the purposes of section 18, Article II of the Oregon Constitution, a councilor whose term continues through the next primary election following a reapportionment is subject to recall by the

electors of the subdistrict to which the councilor is assigned and not by the electors of the subdistrict existing before the latest reapportionment.

(4) For the purposes of filling a vacancy in office under subsection (1) of this section, after a reapportionment of the subdistrict, the vacancy shall be deemed to have occurred in the subdistrict to which the councilor is assigned and not the subdistrict existing before the latest reapportionment. This subsection shall apply only to a vacancy in office occurring after the primary election next following the reapportionment and before a person has been elected and qualified to fill the vacancy.

[+3+] (5) ORS chapters 249 and 254, relating to the nomination and election on nonpartisan candidates for office, apply to the nomination and election of councilors except as provided in subsection (1) of this section and except that a candidate shall be nominated from the subdistrict required for a nomination is that required under ORS 249.072(2), but the requirement that the petition contain signatures of persons residing in a number of precincts shall not apply.

SECTION 3. ORS 268.180 is amended to read:

(1) District business shall be administered, and district rules and ordinances shall be enforced, by ~~[an-executive-officer]~~ a chief administrative officer.

~~[(2)--The executive officer shall be elected in the same manner provided under ORS-268-150, but the officer shall be elected from the district at large on a nonpartisan basis.--The number of signatures within the district required for nomination is that required under ORS 249-072(2), but the requirement that the petition contain signatures of persons residing in a number of precincts shall not apply.--The executive officer shall be a resident and elector of the district and shall not be an elected official of any other public body.--The executive officer shall be a resident in the district for not less than one year before taking office.--The term of office for an executive officer shall be four years beginning on the first Monday in January on the next year following the election.--A vacancy in office shall be filled by appointment by a majority of the council.--The executive officer, before taking office, shall take an oath to support the Constitution of the United States and the Constitution and laws of this state.]~~

~~(3)--The executive officer shall serve full time and shall not be employed by any other person or governmental body while serving the district.--The executive officer shall not serve as a member of the council.]~~

~~(4)--The salary and employment benefits of the executive officer shall be set by the council upon the recommendation of a salary~~

~~commission-to-be-appointed-by-the-council; but shall not be less than that of a district court judge of this state.~~

~~(5) -- The executive officer may employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties and powers of the executive officer subject to the personnel and contract ordinances adopted by the council.]~~

(2) The chief administrative officer shall be appointed by the council based on professional qualifications to carry out the administrative duties prescribed by law and by the council. The chief administrative officer shall serve at the pleasure of the council.

SECTION 4. ORS 268.190 is amended to read:

(1) The council is responsible for ~~[the legislative functions of the district and such other duties as the law prescribes]~~ carrying out the duties, functions and powers of the district except as provided in this section.

(2) The ~~[executive]~~ chief administrative officer shall present to the council plans, studies and reports prepared for district purposes and may propose to the council for adoption such measures as deemed necessary to enforce or carry out the powers and duties of the district, or to the efficient administration of the affairs of the district.

(3) The [executive] chief administrative officer shall keep the council fully advised as to its financial condition, and shall prepare and submit to the council the district's annual budget for its approval, and any other financial information the council requests.

(4) The [executive] chief administrative officer shall administer the district and enforce the ordinances enacted by the council and perform all other duties as may be prescribed by the council. The chief administrative officer may employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties, functions and powers of the district subject to personnel and contract ordinances adopted by the council.

~~[(5)--Any-legislative-enactment-of-the-council-may-be-vetoed-by the-executive-officer-within-five-working-days-after-its-enactment.-- The-veto-may-be-overridden-by-an-affirmative-vote-of-two-thirds-of-the council-not-later-than-30-days-after-the-veto.]~~

SECTION 5. ORS 268.210 is amended to read:

The council of the district may employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties and powers of the [council] district, subject to the personnel and contract ordinances adopted by the council.

SECTION 6. ORS 268.215 is repealed.

SECTION 7. Section 2 of this Act takes effect on _____, 1991,
and sections 1 and 3 through 6 take effect on January 1, 1990.

DEC:gpwb

8/17/88

Billrea.2



METRO

2000 SW First Avenue
Portland, OR 97201-5398
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EXHIBIT A

September 13, 1988

The Honorable Jim Gardner
Chair
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Relations Committee

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As you know, we have discussed and debated this issue repeatedly over the last 20 months of my tenure. I am sure you are well aware of my position, but I feel it important to restate that position during your deliberations.

I will not seek to advise you at this time on the number of councilors to comprise your council. However, I believe it is my responsibility to restate my concerns about taking from voters the region-wide elected executive office and replacing it with an appointed bureaucrat.

My primary concern remains citizen access to this government and the ability of voters to make a change in the leadership of Metro. As it stands now, citizens in the region have one shot every four years to judge the performance of this government. If the voters don't like the performance, they have a chance to change leadership by electing a new executive officer.

This opportunity would be lost to voters if the executive officer was appointed. District elections of councilors could not replace the region-wide referendum represented by an elected executive. Voters want and deserve a chance to make a change.

I am also concerned that an appointed bureaucrat would not be in a position to represent a regional point of view, nor would an appointed executive share the same respect and equal relationship with other elected heads of government in our region. Without a region-wide

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In short, eliminating the vote on the full-time executive will make it harder for citizens to make a difference in what Metro is doing and will make it more difficult for this government to create and implement a regional vision.

I urge you to not support Resolution No. 88-980. Thank you for your consideration.

Sincerely,

Rena Cusma
Executive Officer



METRO

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503/221-1646

Memorandum

- ATTACHMENT I -

Resd. 88-980

Date: August 17, 1988
To: Metro Council
From: Councilor Richard Waker *RCW*
Regarding: PROPOSED LEGISLATION FOR A 13-MEMBER COUNCIL AND AN APPOINTED CHIEF ADMINISTRATIVE OFFICER

Attached for your consideration is a proposed bill which provides for the expansion of the Council to 13 members, elimination of the elected executive officer position and creation of a Council-appointed chief administrative officer position. The bill also provides for the Council to be responsible for reapportioning itself upon receipt of the decennial census data. The bill provides an effective date of January 1, 1990 for the change in administrative officers and a later effective date (not determined at this time) for adding the thirteenth councilor and implementing the reapportionment of the Council.

My reasons for suggesting this legislation are as follows:

Council Size - The Council should remain substantially as is--part-time elected officials who serve without pay other than per diem and expense reimbursement. It's obvious that an odd-numbered Council is preferable to an even-numbered council. Adding an additional councilor to break the even number is preferable to reducing the number by one because the size of the electoral district will be somewhat reduced, thus enabling closer constituent contact and relationships.

Council Reapportionment - This provision is included based on past Council preference to handle its reapportionment rather than rely on the Secretary of State. Also, the amendments fit in the same sections as the other matters in this bill.

Appointed Administrator - My reasons for recommending a change to an appointed professional administrator for the District have not changed since I testified before the Legislative Task Force on Metropolitan Regional Government on November 13, 1987. Attached as Exhibit A is the portion of my testimony regarding Metro's governance system.

For the most part, the governing and management situation is the same at Metro since I made my remarks. We are a divided agency with a fading sense of purpose. The Council and Executive are divided into separate camps, and now a new division is in the process of development--namely, the work force is in the process of organizing a collective bargaining unit as a reaction to the administration's

efforts to change employee benefits. The institutional nature of this division is clearly understood by the Executive and should also be clear to the Council as indicated in the following excerpt from the Executive's letter to the Employment Relations Board dated July 27, 1988 regarding Council staff:

" . . . Because Metro's governance structure is modeled on a separation of powers concept, the relationship between the Metro Executive and Metro Council has all of the tensions and adversarial characteristics similar to the relationship between a Governor and a Legislature or Congress and the President. Council employees must share the viewpoint of the Council and thus, are expected to be in an adversarial role with employees of the Executive."

This system, with it's emphasis on an adversarial relationship rather than a shared one, not only inhibits the development of a focused agency (policy, administration and work force moving together in the same direction) but it is more costly to operate because each side must "arm" itself to carry out its respective roles and responsibilities. Exhibit B provides information in the current FY 1988-89 budget for the Council Department and the Executive Management Department. It shows that the combined cost for both existing departments as well as a proposed budget for a combined department under an appointed professional chief administrative officer. A summary of the potential savings shown on Exhibit B for such a governmental system is as follows:

| Category | Existing Combined Council & Exec. | | Proposed Policy Devel. & Admin. | | Difference |
|----------------------|--------------------------------------|---------|------------------------------------|---------|-----------------------|
| | Mgmt. Budgets | (FTE) | Budget | (FTE) | |
| Personal Services | 599,788 | (13.26) | 456,478 | (10.26) | <143,310> |
| Materials & Services | 138,493 | | 133,002 | | < 5,491> |
| Capital Outlay | <u>7,980</u> | | <u>5,000</u> | | <u>< 2,980></u> |
| Total | 746,261 | (13.26) | 594,480 | (10.26) | <151,781> |

The purpose of the Policy Development and Administration Department is to provide assistance to the Council in developing policy and overall direction for the agency and to carry out the overall administration responsibilities of the agency.

In summary, I believe that changing the District's governance system to a 13-member elected council and an appointed professional chief

Metro Council
August 17, 1988
Page 3

administrative officer will strengthen our ability (Council, administration and staff) to focus our creative energies in a positive direction for the benefit of citizens and taxpayers of the region. We will have a system based on elected representation and professional administration, providing more efficient and effective service to our constituents.

attachments

RW/DEC:gpwb
Waker.817

Metro Governance System

I have been asked to comment on how the current governance system is working. Before I comment I want to preface the remarks with my view on what the District is and what it is not. The Metropolitan Service District is a local government and not the state government. The District is a multi-purpose special district and not a general purpose unit. Its functions and powers are limited to those expressly stated in its enabling statute. It provides the "metropolitan aspect" of certain local government services to residents within its boundaries. The District is not involved in legislating and administering broad social programs or issues, but rather provides specific services such as operating the Zoo, constructing and operating a convention center, planning for and implementing a solid waste disposal system.

My purpose in making these introductory remarks is to ask the question -- what kind of governance system is desirable to efficiently and effectively carry out the functions of this local government?

Based on my four years on the Council, the last two as Presiding Officer, it is my opinion that the existing governance is not working all that well and should be changed.

The last year has been an excruciating experience for the organization. We have spent much time and energy defining relationships between the Executive Officer and Council rather than building relationships. We are continuing to spend valuable time and energy on the question of who has the authority to do what.

For example, on November 20, 1987, the Council, Executive Officer and principal staff will hold a work session to explore further definition of the relationship. One issue on the agenda is the question of who has the authority to approve contracts. Currently, the Metro Code is based on the premise that contract approval authority resides with the governing body unless delegated to the Executive Officer or staff. It is the Executive Officer's contention that with the passage of SB 629 the Executive Officer has authority to approve contracts and not the governing body of the District. Metro awards millions of dollars in contracts each year and I find it inconceivable that the governing body would have no role in the contract approval process other than adopting a budget and appropriating funds once each year. The only assurance that the terms and conditions of contracts are proper and necessary or that proper procurement procedures had been followed would be through post-award audits of contract compliance.

The current governance system is flawed because it has the potential (when pushed to the limit) to create two separate competing power centers with no real way to resolve the dispute. This is the situation at present. A system that enables the creation and continuance of a power struggle is not efficient for the taxpayers and constituents of this government. Such a system has additional

costs in direct expenditures of funds by either the Council or Executive Officer to carry out their separate activities or expenditure of time and energy by both the Council and Executive Officer which are unnecessary and to a large degree unproductive. Our time and energy and money could be better spent focusing on the services and functions to be provided to the residents within the District.

I suggest that the Task Force seriously consider elimination of the elected executive position and replace it with a paid professional administrator who serves at the pleasure of the Council. If it is important that there be a regional political spokesman for the District, then I suggest that the chair of the Council be directly elected on an at large full-time paid basis to preside over the Council and represent the policy-making body of the District.

Other Issues

The charge of the Task Force is broader than just reviewing Metro's governance system. It is my hope that this Task Force will do the following things:

1. Develop a plan for the appropriate merger of the Boundary Commission and Tri-Met with the Metropolitan Service District. I use the word "appropriate" because there are various ways to accomplish this goal. At a minimum, the merger should include appointment of commission members by Metro and budget and revenue raising approval by the Metro Council. The appeal of actions of these respective entities (Boundary Commission and Tri-Met) to the Metro Council and the degree of merger or autonomy vis-a-vis operating policies and procedures and integration with Metro's central service system need to be carefully reviewed and may vary depending on the size of the entity and the nature of the respective functions.
2. Review the potential for elevating additional functions to the regional level. As you know, Metro's enabling statute includes a list of additional functions which can be provided at the regional level including sewage disposal, drainage, water supply, human services, parks, jails and libraries. Also there are currently and have been recent discussions in this community concerning the inadequate provision of certain services such as libraries and parks. The Metro Council has identified certain functions which are to be the subject of long-range planning efforts. These functions are listed in our 1987-88 Priorities and Objectives (see Priority G) which are attached as Exhibit F. It would be useful for the task force to review Metro's enabling statute and operations to identify impediments to the provision of such services by the District. Once impediments are identified the task force should recommend solutions.

EXHIBIT B

COMPARISON OF EXISTING AND PROPOSED POLICY
DEVELOPMENT AND ADMINISTRATION COSTS (FY 1988-89)

Existing Budgeted Departments

| <u>Category</u> | <u>Council (FTE)</u> | <u>Executive Mgmt. (FTE)</u> | <u>Total (FTE)</u> | <u>New Policy Dev. And Admin. (FTE)</u> |
|---------------------------------|----------------------|----------------------------------|--------------------|---|
| <u>Personal Services</u> | | | | |
| Executive Officer | 0 | \$ 65,645 (1.00) | \$ 65,645 (1.00) | \$ 66,000 (1.00) |
| Deputy Exe. Off. | 0 | 47,669 (1.00) | 47,669 (1.00) | 50,000 (1.00) |
| Council Admin. | \$ 55,259 (1.00) | 0 | 55,259 (1.00) | 0 |
| Sen. Mgmt. Analyst | 74,167 (2.00) | 36,386 (1.00) | 110,553 (3.00) | 75,000 (2.00) |
| Gov't. Rel. Mgr. | 0 | 50,000 (1.00) | 50,000 (1.00) | 50,000 (1.00) |
| Council Clerk | 26,699 (1.00) | 0 | 26,699 (1.00) | 26,700 (1.00) |
| Committee Clerk | 29,035 (1.50) | 0 | 29,035 (1.50) | 29,100 (1.50) |
| Administrative Asst. | 0 | 23,010 (1.00) | 23,010 (1.00) | 23,000 (1.00) |
| Secretary | 21,290 (1.00) | 17,808 (1.00) | 39,098 (2.00) | 19,000 (1.00) |
| Temporary | 3,100 (.16) | 9,500 (.60) | 12,600 (.76) | 11,000 (.76) |
| SUBTOTAL | \$209,550 (6.66) | \$250,018 (6.60) | \$459,568 (13.26) | \$349,800 (10.26) |
| FRINGE | 64,960 | 75,261 | 140,221 | 106,678 |
| TOTAL | \$274,510 (6.66) | \$325,278 (6.60) | \$599,788 (13.26) | \$456,478 (10.26) |
| <u>Materials & Services</u> | | | | |
| Council Per Diem | \$ 34,560 | 0 | \$ 34,560 | \$ 34,560 |
| Councilor Expenses | 19,200 | 0 | 19,200 | 19,200 |
| Travel | 6,000 | \$ 8,120 | 14,120 | 12,000 |
| Meetings & Conf. | 6,500 | 5,300 | 11,800 | 10,000 |
| Training & Tuition | 600 | 3,100 | 3,700 | 3,000 |
| Dues & Subscriptions | 250 | 8,250 | 8,500 | 8,250 |
| Ads & Legals | 500 | 0 | 500 | 500 |
| Printing | 0 | 150 | 150 | 150 |
| Telephone | 0 | 380 | 380 | 380 |
| Postage | 0 | 500 | 500 | 500 |
| Equipment Rental | 0 | 760 | 760 | 760 |
| Office Supplies | 2,500 | 2,621 | 5,121 | 4,500 |
| Misc. Prof. Services | 5,000 | 0 | 5,000 | 5,000 |
| Audit Services | 12,000 | 0 | 12,000 | 12,000 |
| Payments to other agencies | 0 | 20,702 | 20,702 | 20,702 |
| Lease -- Building | 0 | 1,500 | 1,500 | 1,500 |
| TOTAL M & S | \$87,110 | \$51,383 | \$138,493 | \$133,002 |
| <u>Capital Outlay</u> | | | | |
| Office Furniture | \$ 3,000 | \$ 4,980 | \$ 7,980 | \$ 5,000 |
| TOTAL C. O. | 3,000 | 4,980 | 7,980 | 5,000 |
| TOTAL EXPENDITURES | \$364,620 (6.66) | \$381,641 (6.60) | \$746,261 (13.26) | \$594,480 (10.26) |

of members of the Council Convention Center Committee to review the matter. He introduced Councilor Knowles, Task Force Chair, to present the group's report and recommendation.

Councilor Knowles explained Resolution No. 88-975 would adopt the Commission's Personnel Rules as amended. The amendments allow for Metro's Personnel Officer and functions to be used instead of the Commission creating its own Personnel Officer position and performing its own personnel functions. The Councilor also noted staff had recommended other, minor changes to the Rules to be consistent with the Task Force's recommendation. He thanked Commission representatives for their cooperation and assistance and explained that once the resolution was adopted, the rules would immediately go into effect.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Cooper was absent.

The motion carried unanimously.

7.3 Consideration of Resolution No. 88-971, for the Purpose of Approving a Request for Bids for Waste Transport Services (to the Gilliam County Landfill)

As reported under agenda item No. 4, the Council adopted a motion to defer consideration of this item until October 13 in order to provide Councilor Kirkpatrick an opportunity to prepare and file a minority report.

7.4 Consideration of Resolution No. 88-976, for the Purpose of Granting/Amending a Franchise for Operation of the Forest Grove Transfer Station

Solid Waste Committee Chair Councilor Hansen presented the Committee's report and recommendation. He said the City of Forest Grove had reviewed the franchise request and supported the franchise after resolving of litter pickup and abatement issues. The Committee had unanimously recommended the Council adopt the resolution which would grant a franchise to the Forest Grove Transfer Station.

Councilor Kirkpatrick asked if the agreement language would allow the Council to cancel the franchise in three years. General Counsel Dan Cooper said the language would not allow that action unless the franchisee were in violation of franchise terms. The agreement was for five years, he explained.

Councilor Knowles asked how the Forest Grove Transfer Station related to Metro's region-wide transfer station system. Councilor Hansen

reported the franchise would not preclude Metro from building its own transfer station in Washington County. Per Metro's contract with Oregon Waste Management to operate the Gilliam County Landfill, 90 percent of the region's waste had to be delivered to Oregon Waste Management. That would leave 10 percent that could be delivered to Riverbend or McMinnville landfills, he said, and the Forest Grove Transfer Station was very conveniently located to deliver waste to McMinnville.

Councilor Knowles questioned whether the proposed franchise agreement would guarantee Forest Grove Transfer Station a portion of the solid waste flow. Ambrose Calcagno of FGTS explained the agreement contained no guarantees and his business would continue to compete with others in the industry. Mr. Cooper, Metro's Counsel, added that the agreement was a non-exclusive franchise, that Metro could site another transfer station in the area or could grant another franchise to a private transfer station operation.

Councilor Waker said he had supported the original franchise agreement on the basis it was a non-exclusive franchise. He supported a continued, non-exclusive agreement.

Vote: A vote on the motion to adopt Resolution No. 88-976 resulted in all ten Councilors present voting aye. Councilors Knowles and Cooper were absent.

The motion carried and the resolution was unanimously adopted.

7.5 Consideration of Resolution No. 88-980, for the Purpose of Supporting State Legislation for a 13-Member Council and an Appointed Executive Officer

Councilor Gardner, Chair of the Intergovernmental Relations Committee, reported the Committee had reviewed the resolution and supported its adoption. He summarized the Committee's written report which was included in the agenda materials. He explained that the current "separation of powers" governance structure was inefficient and had resulted in a divided agency without common policy goals. The executive and legislative government branches were currently adversarial, he said, and Resolution No. 88-980 was an attempt to remedy that problem.

Councilor Waker pointed out the resolution also provided for the Council to reapportion Metro districts. He also explained the provisions concerning an appointed Executive Officer were not a reflection on the current Executive. He recalled earlier difficulties with former Executive Officer Rick Gustafson and thought the present structure was inefficient and not appropriate for a small, local government agency.

Main Motion: Councilor Waker moved, seconded by Councilor Kirkpatrick, to adopt Resolution No. 88-980.

Councilor Knowles said he would not support the resolution because he did not favor an appointed Executive Officer. He also did not support the Council having power to reapportion Metro districts, explaining that jerrymandering could be the negative result.

Councilor Kirkpatrick supported the resolution because the current system had resulted in spending more money and less effective governance.

Councilor Gardner reported the Council staff, after a preliminary examination, had determined about \$150,000 a year could be saved if the current separation of powers type government were eliminated.

First Motion to Amend: Councilor Knowles moved, seconded by Councilor Collier, to add a third "be it resolved" paragraph to read: "The Council further requests the Legislature refer any matter dealing with the governance structure of Metro to the voters of the region."

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

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

Nays: Councilors Coleman, DeJardin, Hansen and Waker

Absent: Councilor Cooper

The motion carried.

Councilor Hansen said he opposed the main motion because he believed the Executive Officer should be elected by the District at large. It was important for the voters to be able to vote leaders out of office. He did not want "bland, in-bred" Metro leadership that could result if there were no ability to elect a leader district-wide.

Councilor Waker thought the public should identify with Metro's policy makers, not its chief administrator.

Councilor Van Bergen said he had served on many boards, most of which functioned under a system where the board appointed the chief executive. He therefore supported the resolution.

Councilor Coleman said she would not support the resolution because she favored an elected Presiding Officer rather than an elected

Executive. Councilor Knowles suggested the resolution be amended to provide for an elected Presiding Officer.

Second Motion to Amend: Councilor Knowles moved to amend the resolution to provide for the Presiding Officer to be elected by the District at large. Councilor Coleman seconded the motion.

Councilor Knowles explained he agreed with Councilor Coleman that Metro needed an area-wide elected official to represent the agency and to give focus to Metro's activities.

Councilor Hansen did not think the Presiding Officer should be elected at large because an Officer at odds with the Council's objectives could paralyze the District's aims. He suggested one Councilor be elected to serve at large and the Presiding Officer continue to be appointed by all Councilors.

Councilor Gardner did not support an elected Presiding Officer. He also acknowledged that the current elected Executive Officer system gave District voters the allusion they were changing the direction of the agency when, in fact, they were not.

Councilor Van Bergen cautioned that the purpose of the resolution was to send a general message to the Otto Committee that the Council did not want an elected Executive Officer. He explained the Committee would then debate the issue and the State Legislature would amend the law as necessary.

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

Ayes: Coleman and Knowles

Nays: Councilors Collier, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Van Bergen, Waker and Ragsdale???

Absent: Councilor Cooper

The motion failed to carry.

After discussion, Council Administrator Don Carlson explained the Council had already adopted a resolution taking the position that the Council should have the authority to reapportion Metro districts. Resolution No. 88-980 did not address the reapportionment issue, he said, and the draft legislation regarding reapportionment included in the agenda packet was not an attachment or exhibit to Resolution No. 88-980.

Vote on the Main Motion as Amended: A vote resulted in:

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

Nays: Councilors Coleman, Collier and Hansen

The motion carried and Resolution No. 88-980 was adopted as amended.

7.6 Consideration of Resolution No. 88-974, for the Purpose of Authorizing a Public Contract with Safety Specialists, Inc. to Collect, Transport, Store, Recycle, Treat and Dispose of Hazardous Waste from Two Collection Day Events to be Held by Metro on October 1, 1988, and April 22, 1989

Councilor Hansen, Chair of the Solid Waste Committee, briefly summarized staff's report. He added that since the Committee had recommended approval of the resolution, staff had requested changes to the contract which would alter the contract sum.

Motion: Councilor Hansen moved, seconded by Councilor Kelley, to adopt Resolution No. 88-974 to include the three language changes recommended by staff per Bob Martin's memo to the Council dated September 15, 1988.

At Presiding Officer Ragsdale's request, Bob Martin, Solid Waste Engineering Manager, reviewed the three proposed changes to Attachment B to the resolution: 1) the cost of collecting oil based paints would be the same as for latex paints; 2) the cost to additionally insure Metro was not a fixed cost but was variable at 1 percent of the total contract amount; and 3) the contractor would be paid 10 percent of the total contract amount seven days prior to each event to cover his mobilization costs.

For all future actions, the Presiding Officer directed Metro staff to specifically refer to contracts, reports, RFPs, RFBs, and other types of attachments in the body of resolutions and ordinances as exhibits to the resolutions or ordinances. Any amendments to the attachments would require committee or Council approval.

Vote: A vote on the motion to adopt the resolution resulted in all ten Councilors present voting aye. Councilors Cooper and Kelley were absent.

The motion carried and Resolution No. 88-974 was adopted as amended.

8. COMMITTEE REPORTS

Councilors announced various upcoming meetings.

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There was no other business and the meeting was adjourned at
11:50 p.m.

Respectfully submitted,

A. Marie Nelson
Clerk of the Council

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