

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REVISING  
GUIDELINES FOR COUNCIL PER DIEM,  
COUNCILOR EXPENSE AND GENERAL  
COUNCIL MATERIALS & SERVICES  
ACCOUNTS

) RESOLUTION NO. 89-1065A

) Introduced by Councilor  
) Gardner  
)

WHEREAS, the Council of the Metropolitan Service District adopted guidelines for the expenditure of Councilor per diem and expense accounts and Council-related expenses through Resolution No. 83-431; and

WHEREAS, the Council of the Metropolitan Service District revised the guidelines for Councilor per diem, expense and general expenses through adoption of Resolution Nos. 85-541 and 88-922; and


WHEREAS, the Council of the Metropolitan Service District has reorganized its operation including merging of committees and obtaining additional staff which necessitates a review of Councilor and Councilor-related expenditure guidelines; now, therefore

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District amends the expenditure guidelines attached as Exhibit A which will supersede any previous adopted guidelines.

2. That the amended guidelines attached as Exhibit A will be effective immediately.

ADOPTED by the Council of the Metropolitan Service District  
this 27th day of July, 1989.

  
Mike Ragsdale, Presiding Officer

## EXHIBIT A

### GUIDELINES FOR THE EXPENDITURES OF COUNCIL PER DIEM, EXPENSE AND GENERAL MATERIALS & SERVICES ACCOUNTS

#### GENERAL PROVISIONS

1. A Councilor may receive per diem, plus mileage to the meetings, and/or reimbursement for actual authorized expenses incurred, for attendance at Council, Council committee, Council task force meetings or other meetings as provided in these guidelines.
2. Reimbursement for travel and subsistence on official business shall only be for the amount of actual and reasonable expenses incurred during the performance of official duty as a Metro Councilor or Council employee.

#### COUNCILOR PER DIEM ACCOUNTS

1. Each Councilor is authorized to receive up to \$4,800 each fiscal year in per diem from the Council Per Diem account. A Councilor who leaves the Council at the end of a calendar year or joins the Council at the start of a calendar year is authorized to receive up to \$2,400 in per diem in that fiscal year.
2. Per diem shall be paid at a rate of \$50 per day for attendance at an authorized meeting or meetings. The per diem rate shall be revised at the beginning of each fiscal year based on the change in the Portland All Urban Consumer CPI for the prior calendar year. The new per diem rate shall be rounded to the nearest dollar, and the amounts of per diem authorized in subsection 1 of this section shall be revised based on the new per diem rate times 96 meetings per year or 48 meetings for each half year.
3. Per diem shall be authorized as follows:
  - a) for attendance at any council meeting;
  - b) for attendance at any Council standing committee meeting; Council task force or standing committee task force meeting;
  - c) for attendance at a meeting of any other committee created by Council action or any meeting of a committee to which the councilor requesting per diem has been appointed by the Presiding Officer; or
  - d) for attendance at any other meeting at which District business is discussed.

Per diem shall be paid only if the councilor attends a substantial portion of the meeting for which the per diem is authorized.

4. Payments within these limits shall be authorized by the Council Administrator.

#### COUNCILOR EXPENSE ACCOUNTS

1. Each Councilor is authorized to receive up to \$1,600 each fiscal year as reimbursement for authorized expenses incurred for Council-related activities. A Councilor who leaves the Council at the end of a calendar year or joins the Council at the start of a calendar year is authorized to receive up to \$800 for authorized expenses for that fiscal year.
2. The Presiding Officer shall be authorized an additional \$600 for each six months of service in his or her individual Councilor expense account for authorized expenses in carrying out official duties associated with that office.
3. Each request for reimbursement must be accompanied by supporting documentation which shall include the nature and purpose of the activity, the names and titles of all persons for whom the expense was incurred and receipts justifying the expense as required by the Internal Revenue Service. No reimbursement shall be authorized for any expense submitted without the above-named documentation.
4. In addition to necessary Council-related travel, meals and lodging expenses, expenses may include:
  - a. Advance reimbursement for specific expenses, provided that any advance reimbursement in excess of actual expenses incurred shall be returned or shall be deducted from subsequent expense reimbursement request;
  - b. Up to \$200 per year for memberships in non-partisan community organizations;
  - c. Mileage reimbursement for use of a personal auto while on district business at a rate of \$.24 per mile;
  - d. Expenses to publish and distribute a Council-related District newsletter which may not be mailed within 120 days of an election in which the Councilor is a candidate;
  - e. Council business-related books, publications and subscriptions;
  - f. Meeting or conference registration fees;
  - g. Child care costs for necessary Metro business with documentation as outlined in No. 2 of this section, including duration of the activity; and

h. Reimbursement for telephone and facsimile transmission expenses incurred while doing business of the District.

5. Only authorized expenses as identified herein shall qualify for reimbursement.
6. Payments within these limits shall be authorized by the Council Administrator.

#### TRANSFERS

Notwithstanding the limits on per diem and expenses indicated above, the Presiding Officer may, upon advance request of a Councilor, authorize the transfer of funds between a Councilor's per diem and expense accounts. Such transfers may be made only to the extent that the combined total of each Councilor's authorized per diem and expense accounts is not exceeded. Transfers between one Councilor's per diem and/or expense accounts and another Councilor's per diem and/or expense accounts are not authorized.

#### COUNCIL GENERAL ACCOUNT

1. The purpose of the Council General account is to provide support for the Council and the Council staff.
2. Authorized expenses which may be charged to appropriate Materials & Services categories in the Council General account include:
  - a. Meals for regular and special Council, Council committee and Council task force meetings and other Council-related business;
  - b. Facilities rentals for public meetings;
  - c. Meeting equipment such as audio-visual aids, public address systems, tape recorders, etc., for public meetings;
  - d. Receptions for guests of the Council, Council committees or Council task forces;
  - e. Honorials;
  - f. Expenses for official visitors;
  - g. General Council, Council committees or Council task force information, publications, promotional materials or supplies;
  - h. Remembrances from Council, Council committee or Council task force;
  - i. Professional services for the Council, Council committee or Council task force;
  - j. Outside consultants to the Council, Council committee or Council task force; and
  - k. Authorized travel on behalf of the Council, Council committee or Council task force. Mileage reimbursement for the use of a personal auto while on District business shall be at a rate of \$.24 per mile.
3. Only authorized expenses as identified herein shall qualify for reimbursement.



4. An individual Councilor may request reimbursement from the Council General account for expenses incurred for general Council business.
5. All requests by Councilors for reimbursement or expenditure from the Council General account shall be approved in advance in writing by the Presiding Officer. All other requests for reimbursement or expenditure shall be approved by the Council Administrator. Each request shall be accompanied by supporting documentation which shall include the nature and purpose of the expense, the names of all persons for which the expense was incurred and the receipts of justifying the expense. The Department of Finance & Administration shall provide timely expenditure reports to Councilors and the Council Department.

DEC:pa  
Gwen a:\1065A.res  
amended 8/15/89



**METRO**

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

# Memorandum

Date: August 21, 1989

To: Metro Councilors

From: Gwen Ware-Barrett, *gpwb* Clerk of the Council

Regarding: ORDINANCE NO. 89-307, AMENDING ORDINANCE NO. 89-294A  
REVISING THE FY 1989-90 BUDGET AND APPROPRIATIONS  
SCHEDULE FOR COUNCIL PER DIEM REQUIREMENTS

The Finance Committee considered Ordinance No. 89-307 on August 17, 1989. At that time, Councilor Van Bergen requested the Council receive a copy of General Counsel Cooper's August 15 letter regarding Councilor per diem and a copy of three of the statutes referenced in Mr. Cooper's letter. Attached is that material.

gpwb  
min.mem



# METRO

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

August 15, 1989

Ms. Jessica Marlitt  
Metropolitan Service District  
2000 S. W. First Avenue  
Portland, OR 97201-5398

Dear Ms. Marlitt:

Re: Councilor Per Diem

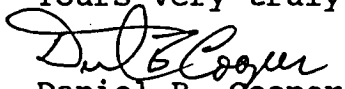
Councilor Van Bergen is correct. There are statutory provisions contained in ORS 198.180 and 198.190 which set a limit on expenses and other compensation that may be received by members of a governing body of a "district." Prior to this session of the Legislature, that limit was a maximum of \$20 a day. HB 2351 (chapter 517, Or Laws 1989) raises the \$20 limitation to \$50 effective October 3, 1989.

The \$20 limitation is contained in ORS 198.190. ORS 198.180 defines the term "district" as used in ORS 198.190 to having the meaning given that term by "ORS 198.101(2) to (5), and (7) to (23)." ORS 198.010 defines "district" to mean any one of 24 "districts" created by specific provisions of state law. A metropolitan service district organized under ORS chapter 268 is included in the definition of a "district" pursuant to subsection 6 of ORS 198.010. Therefore, pursuant to the terms of ORS 198.180 the \$20 (\$50) limitation contained in ORS 198.190 does not apply to a metropolitan service district.

Rather, the provisions of ORS 268.160 are controlling in this circumstance. That section reads in pertinent part: "Notwithstanding the provisions of ORS 198.190 councilors shall receive no other compensation for their office than a per diem for meetings, plus necessary meals, travel and other expenses as determined by the council." (emphasis supplied)

Please let me know if you or Councilor Van Bergen have any further questions in this regard.

Yours very truly,

  
Daniel B. Cooper  
General Counsel

gl  
cc: Councilor Van Bergen

Executive Officer  
Rena Cusma  
Metro Council  
Mike Ragsdale  
Presiding Officer  
District 1  
Sharron Kelley  
Deputy Presiding  
Officer  
District 7  
Lawrence Bauer  
District 2  
Jim Gardner  
District 3  
Richard Devlin  
District 4  
Tom DeJardin  
District 5  
George Van Bergen  
District 6  
Judy Wyers  
District 8  
Tanya Collier  
District 9  
Roger Buchanan  
District 10  
David Knowles  
District 11  
Gary Hansen  
District 12

(2) The new date of forfeiture shall not be sooner than the date of forfeiture as set forth in the seller's notice of default which was subject to the stay.

(3) Prior to the date of forfeiture, the seller shall cause to be recorded in the real property records of each county in which any part of the property is located, a copy of the amended notice of default, together with an affidavit of service or mailing of the amended notice of default, reciting the date the amended notice of default was served or mailed and the name and address of each person to whom it was given. From the date of its recording, the amended notice of default shall be subject to the provisions of ORS 93.915 (4) and (5).

Approved by the Governor June 29, 1989

Filed in the office of Secretary of State June 30, 1989

## CHAPTER 517

### AN ACT

HB 2351

Relating to governing bodies of districts; amending ORS 198.190.

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

**SECTION 1.** ORS 198.190 is amended to read:

198.190. A member of the governing body of a district may receive not to exceed [\$20] \$50 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties.

Approved by the Governor June 29, 1989

Filed in the office of Secretary of State June 30, 1989

## CHAPTER 518

### AN ACT

HB 2427

Relating to domestic relations; amending ORS 107.108.

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

**SECTION 1.** ORS 107.108 is amended to read:

107.108. (1) In addition to any other authority of the court, the court may enter an order against either parent, or both of them, to provide for the support or maintenance of a child attending school:

(a) After the commencement of a suit for annulment or dissolution of a marriage or for separation from bed and board and before the decree therein;

(b) In a decree of annulment or dissolution of a marriage or of separation from bed and board; and

(c) During the pendency of an appeal taken from all or part of a decree rendered in pursuance of ORS

107.005 to 107.085, 107.095 to 107.174, 107.405, 107.425, 107.445 to 107.520, 107.540, 107.610 or this section.

(2) An order providing for temporary support pursuant to paragraph (c) of subsection (1) of this section may be modified at any time by the court making the decree appealed from, shall provide that the support money be paid in monthly instalments, and shall further provide that it is to be in effect only during the pendency of the appeal. No appeal lies from any such temporary order.

(3) If the court provides for the support and maintenance of a child attending school pursuant to this section, the child is a party for purposes of matters related to that provision.

(4) As used in this section, "child attending school" means a child of the parties who is unmarried, is 18 years of age or older and under 21 years of age and is a student regularly attending school, community college, college or university, or regularly attending a course of vocational or technical training designed to fit the child for gainful employment. A child enrolled in an educational course load of less than one-half that determined by the educational facility to constitute "full-time" enrollment is not a "child attending school."

Approved by the Governor June 29, 1989

Filed in the office of Secretary of State June 30, 1989

## CHAPTER 519

### AN ACT

HB 2457

Relating to support; amending ORS 25.220, 25.610, 293.250, 416.400, 416.417, 419.513 and 657.665.

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

**SECTION 1.** ORS 25.220 is amended to read:

25.220. In any proceeding to establish, enforce or modify a support obligation, extrinsic evidence of authenticity is not required as a condition precedent to the admission of a Department of Human Resources computer printout which may reflect the employment records of a parent, the support payment record of an obligor, the payment of public assistance, the amounts paid, the period during which public assistance was paid, the persons receiving or having received assistance and any other pertinent information, if the printout bears a seal purporting to be that of the department and is certified as a true copy by original or facsimile signature of a person purporting to be an officer or employe of the department. Printouts certified in accordance with this section constitute prima facie evidence of the existence of the facts stated therein.

**SECTION 2.** ORS 657.665 is amended to read:

657.665. (1) Information secured from employing units, employes or other individuals pursuant to this chapter:

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## DEFINITIONS

**198.010 Definitions.** As used in this chapter, except as otherwise specifically provided, "district" means any one of the following:

- (1) A people's utility district organized under ORS chapter 261.
- (2) A domestic water supply district organized under ORS chapter 264.
- (3) A cemetery maintenance district organized under ORS chapter 265.
- (4) A park and recreation district organized under ORS chapter 266.
- (5) A mass transit district organized under ORS 267.010 to 267.390.
- (6) A metropolitan service district organized under ORS chapter 268.
- (7) A special road district organized under ORS 371.305 to 371.360.
- (8) A road assessment district organized under ORS 371.405 to 371.535.
- (9) A highway lighting district organized under ORS chapter 372.
- (10) A health district organized under ORS 440.305 to 440.410.
- (11) A sanitary district organized under ORS 450.005 to 450.245.
- (12) A sanitary authority or water supply authority organized under ORS 450.675 to 450.989.
- (13) A vector control district organized under ORS 452.020 to 452.170.
- (14) A rural fire protection district organized under ORS chapter 478.
- (15) An irrigation district organized under ORS chapter 545.
- (16) A drainage district organized under ORS chapter 547.
- (17) A water improvement district organized under ORS chapter 552.
- (18) A water control district organized under ORS chapter 553.
- (19) A weather modification district organized under ORS 558.200 to 558.540.
- (20) A port organized under ORS 777.005 to 777.725.
- (21) A geothermal heating district organized under ORS chapter 523.
- (22) A transportation district organized under ORS 267.510 to 267.650.

(23) A library district organized under ORS 357.216 to 357.286.

(24) An emergency communications district organized under ORS 401.807 to 401.847. [1971 c.23 §2; 1975 c.782 §48; 1977 c.756 §1; 1981 c.226 §18; 1987 c.671 §10; 1987 c.863 §10]

**198.110 Definitions for ORS 198.335.** As used in ORS 198.335 in addition to the meaning given the term by ORS 198.010, "district" means any one of the following:

- (1) A diking district organized under ORS chapter 551.
- (2) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.

(3) A soil and water conservation district organized under ORS 568.210 to 568.805. [1969 c.344 §1; 1971 c.23 §3; 1983 c.740 §52]

**198.120** [1969 c.344 §2; repealed by 1975 c.771 §33]

## COMPENSATION AND EXPENSES

**198.180 "District" defined for ORS 198.190.** As used in ORS 198.190, unless the context requires otherwise, "district" has the meaning given that term by ORS 198.010 (2) to (5) and (7) to (23). In addition, "district" means any one of the following:

- (1) A county service district organized under ORS chapter 451.
- (2) A diking district organized under ORS chapter 551.
- (3) A corporation for irrigation, drainage, water supply or flood control organized under ORS chapter 554.

(4) A soil and water conservation district organized under ORS 568.210 to 568.805.

(5) The Port of Portland created by ORS 778.010. [1971 c.403 §1; 1975 c.782 §48a; 1977 c.756 §2; 1981 c.226 §19; 1983 c.740 §53]

**198.190 Compensation and expenses of members of certain boards.** A member of the governing body of a district may receive not to exceed \$20 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative. The governing body may provide for reimbursement of a member for actual and reasonable traveling and other expenses necessarily incurred by a member in performing official duties. [1971 c.403 §2; 1983 c.327 §2; 1983 c.740 §53a]

## BONDS

**198.210 Definitions for ORS 198.220.** As used in ORS 198.220, in addition to the

FINANCE COMMITTEE REPORT

RESOLUTION NO. 89-1065A, FOR THE PURPOSE OF REVISING GUIDELINES FOR  
COUNCIL PER DIEM AND COUNCIL EXPENSES

Date: July 25, 1989

Presented by: Councilor  
Gardner

Background: The Council considered Resolution No. 89-1065 on May 25, 1989, and adopted a motion to amend the guidelines to set the per diem rate equal to that of a member of the Oregon House of Representatives. Since there were other potential amendments and budget implications regarding implementation of the guidelines, the Council adopted a motion to refer Resolution No. 89-1065A to the Finance Committee. The Finance Committee considered Resolution No. 89-1065A at its June 15, 1989, meeting at which time it also considered Ordinance 89-294A which approved the FY 89-90 Budget and Schedule of Appropriations. The Finance Committee approved a motion to recommend Council adoption of Resolution No. 89-1065A in its current form. Voting in favor of the motion were Councilors Wyers, Van Bergen and myself, and voting in opposition was Councilor Devlin. I originally voted against the motion but changed my vote to enable the Resolution to be considered by the full Council. Councilor Collier was excused from the meeting.

In regard to the funding question, the Finance Committee recommended approval of the FY 89-90 Budget Ordinance (No. 89-294A) with an amendment which would reduce several General Fund Department budgets and the General Fund Contingency category to fund the increased per diem costs at the level in Resolution No. 89-1065A. At the June 22, 1989, Council meeting the Council approved Ordinance No. 89-294A after deleting the suggested Finance Committee Budget changes and restoring the various General Fund department reductions. There was sentiment expressed by the Council to first decide the expenditure guideline issues embodied in Resolution No. 89-1065A and then to make the appropriate budget changes to the extent necessary.

Provisions of Resolution No. 89-1065A

Resolution No. 89-1065A does the following:

1. Reorganizes the General Provisions for the expenditure guidelines at the beginning of the guidelines. (Page 1)
2. Increases the annual Councilor Per Diem cap from \$2,880 to \$6336 and the one-half year cap from \$1,440 to \$3,168. (Page 1)
3. Sets the per diem rate at the amount authorized for a member of the Oregon House of Representatives. The effect of this is to increase the per diem rate from \$30 to \$66 which is the current rate for state representative. (Page 2)

RESOLUTION NO. 89-1065A

July 25, 1989

Page 2

4. Clarify the meetings for which per diem is authorized. The essential standard is for "any meeting at which District business is discussed." Requires that a Councilor attend a substantial portion of the meeting. (Page 2)
5. Leaves the Councilor expense cap at \$1,600 per year but clarifies that Councilors serving only one half of a fiscal year get only \$800. Authorizes an additional \$600 per each half year for the Presiding Officer. (Page 3)
6. Adds to the list of authorized expenses mileage reimbursement at a rate of \$.24 per mile and telephone and FAX expenses. (Page 4)
7. Deletes the list of "not authorized expenses" and replaces it with a limitation statement that only expenditures identified in the guidelines are reimbursable. (Page 5)
8. Adds to the list of General Council Account reimbursable expenses mileage at the rate of \$.24 per mile. (Page 7)
8. For Council General accounts deletes the list of "not authorized" expenditures and replaces it with a limitation statement. (page 7)

Issues and Discussion: The issues identified and discussed at the Finance Committee mainly dealt with the amount of the per diem rate and cap. Council staff at the request of Councilor Hansen (at the Internal Affairs Committee), and with the assistance of Councilor Devlin, prepared an analysis of the effect of CPI increases on the per diem rate. That analysis is attached as Exhibit A to this report. The Committee considered two motions to alter the per diem rate and cap. One made by myself to set the rate at \$42 and have it change automatically each year based on the CPI (the \$42 rate was based on an earlier incomplete analysis) and another motion made by Councilor Devlin to set a variable rate between \$42 and \$63 based on the length of the meeting. Both motions failed to receive a majority of votes.

JG:DEC:pa

#2C:\FCREPT.725



**METRO**

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

# Memorandum

DATE: June 20, 1989

TO: Metro Council

FROM: Donald E. Carlson, Council Administrator

RE: REVISED ANALYSIS OF CPI INCREASES ON COUNCILOR PER DIEM

EXHIBIT A

Resolution No. 89-1065A REPORT  
July 25, 1989

Thanks to Councilor Devlin's inquiring mind, it has come to the attention of Council staff that on January 4, 1979, the Council adopted a motion regarding Council expenses and per diem. As indicated in Exhibit A attached, the action provided each Councilor with \$500 in expenses for the remainder of the fiscal year and set the per diem rate at "\$30 per meeting as per diem compensation."

Regarding the issue of a cap on total per diem for each Councilor, the FY 1981-82 Budget is the earliest document I could find which has a Council per diem line item. In 1981-82, the total Council Per Diem budget was \$25,920 which equates to \$2,160 per Councilor. Whether or not a cap was adopted is not known but it appears the budget was based on that assumption. The expenditure history in the Council Per Diem line item for FY 1979-80 and FY 1980-81 is consistent with the \$25,920 budget level that appears in fiscal years 81-82 through 86-87. Therefore it is reasonable to assume that the budgets for the Council Per Diem account in FY 79-80 and FY 80-81 were based on \$2,160 per Councilor.

As a result of this additional information, I have revise the table which shows the effect of changes in the CPI in the Per Diem rate and cap. Exhibit B attached adds 18 months worth of inflation at the beginning of the chart. Based on this additional time period and the change in the CPI, the adjusted per Councilor cap amount is \$3,567 and the adjusted rate is \$49.55. If the per diem rate was set at \$50 and the number of meetings held constant at 96 per year, the cap would be \$4,800 rather than \$2,880 for the current fiscal year. The proposed budget has \$34,560 in the total Council Per Diem line item. The \$50 rate/\$4,800 cap would increase that by \$23,040 to \$57,600.



EXHIBIT AMSD Council  
Minutes of January 4, 1979

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.

MSD Council  
Meeting of January 4, 1979

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, Washington, 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

EFFECT OF CPI ON COUNCILOR PER DIEM  
Exhibit B

<u>Year</u>	<u>Per Councilor Budgeted Amount</u>	<u>Rate</u>	<u>CPI Increase</u>	<u>Adjusted Amounts</u>	
				<u>Per Councilor</u>	<u>Rate</u>
1/1/79	\$2,160	30	-	-	-
7/1/79	2,160	30	7.4%	\$2,320	\$32.22
7/1/80	2,160	30	11.1%	2,578	35.80
7/1/81	2,160	30	11.1%	2,864	39.77
7/1/82	2,160	30	4.2%	2,984	41.44
7/1/83	2,160	30	0.0%	2,984	41.44
7/1/84	2,160	30	3.2%	3,079	42.77
7/1/85	2,160	30	4.2%	3,202	44.48
7/1/86	2,160	30	0.6%	3,221	44.75
7/1/87	2,880	30	2.2%	3,292	45.73
7/1/88	2,880	30	3.4%	3,404	47.28
7/1/89	2,880	30	4.8%	3,567	49.55

CPI INCREASE  
All Urban Consumers - Portland  
July to July

1/79 to 7/79	211.7 to 227.4	=	0.07416
1979 to 1980	227.4 to 252.7	=	0.11125
1980 to 1981	252.7 to 280.8	=	0.11119
1981 to 1982	280.8 to 292.5	=	0.04166
1982 to 1983	292.5 to 291.5	=	-0.00341
1983 to 1984	291.5 to 300.9	=	0.03224
1984 to 1985	300.9 to 312.9	=	0.03988
1985 to 1986	312.9 to 314.7	=	0.00575
1986 to 1987	314.7 to 321.6	=	0.02192
1987 to 1988	321.6 to 332.5	=	0.03389
1988 to 1989	3/88 to 3/89 all West Coast Cities	=	4.8%

DEC:pa  
6/20/89  
A:DISK:DON:MEMDEC.620

PROPOSED AMENDMENTS TO RESOLUTION NO. 89-1065A

By Councilors Gardner and Devlin

- o On page 1 of Exhibit A in Section 1 of Councilor Per Diem Accounts change "\$6,336" (per diem cap) to "\$4,800" and "\$3,168" (one half year per diem cap) to "\$2,400."
- o On page 2 of Exhibit A in Section 2 at the top of the page, delete the phrase "a member of the Oregon House of Representatives" and insert \$50. Also add the following sentences after the word "meetings:" "The per diem rate shall be revised at the beginning of each fiscal year based on the change in the Portland All Urban Consumer CPI for the prior calendar year. The new per diem rate shall be rounded to the nearest dollar and the amounts of per diem authorized in subsection 1 of this section shall be revised based on the new per diem rate times 96 meetings per year or 48 meetings for each half year."

FINANCE COMMITTEE REPORT

RESOLUTION NO. 89-1065A, FOR THE PURPOSE OF REVISING GUIDELINES FOR  
COUNCIL PER DIEM AND COUNCIL EXPENSES

---

Date: July 25, 1989

Presented by: Councilor  
Gardner

Background: The Council considered Resolution No. 89-1065 on May 15, 1989, and adopted a motion to amend the guidelines to set the per diem rate equal to that of a member of the Oregon House of Representatives. Since there were other potential amendments and budget implications regarding implementation of the guidelines, the Council adopted a motion to refer Resolution No. 89-1065A to the Finance Committee. The Finance Committee considered Resolution No. 89-1065A at its June 16, 1989, meeting at which time it also considered Ordinance 89-294A which approved the FY 89-90 Budget and Schedule of Appropriations. The Finance Committee approved a motion to recommend Council adoption of Resolution No. 89-1065A in its current form. Voting in favor of the motion were Councilors Wyers, Van Bergen and myself, and voting in opposition was Councilor Devlin. I originally voted against the motion but changed my vote to enable the Resolution to be considered by the full Council. Councilor Collier was excused from the meeting.

In regard to the funding question, the Finance Committee recommended approval of the FY 89-90 Budget Ordinance (No. 89-294A) with an amendment which would reduce several General Fund Department budgets and the General Fund Contingency category to fund the increased per diem costs at the level in Resolution No. 89-1065A. At the June 22, 1989, Council meeting the Council approved Ordinance No. 89-294A after deleting the suggested Finance Committee Budget changes and restoring the various General Fund department reductions. There was sentiment expressed by the Council to first decide the expenditure guideline issues embodied in Resolution No. 89-1065A and then to make the appropriate budget changes to the extent necessary.

Provisions of Resolution No. 89-1065A

Resolution No. 89-1065A does the following:

1. Reorganizes the General Provisions for the expenditure guidelines at the beginning of the guidelines. (Page 1)
2. Increases the annual Councilor Per Diem cap from \$2,880 to \$6336 and the one-half year cap from \$1,440 to \$3,168. (Page 1)
3. Sets the per diem rate at the amount authorized for a member of the Oregon House of Representatives. The effect of this is to increase the per diem rate from \$30 to \$66 which is the current rate for state representative. (Page 2)



4. Clarify the meetings for which per diem is authorized. The essential standard is for "any meeting at which District business is discussed." Requires that a Councilor attend a substantial portion of the meeting. (Page 2)
5. Leaves the Councilor expense cap at \$1,600 per year but clarifies that Councilors serving only one half of a fiscal year get only \$800. Authorizes an additional \$600 per each half year for the Presiding Officer. (Page 3)
6. Adds to the list of authorized expenses mileage reimbursement at a rate of \$.24 per mile and telephone and FAX expenses. (Page 4)
7. Deletes the list of "not authorized expenses" and replaces it with a limitation statement that only expenditures identified in the guidelines are reimbursable. (Page 5)
8. Adds to the list of General Council Account reimbursable expenses mileage at the rate of \$.24 per mile. (Page 7)
8. For Council General accounts deletes the list of "not authorized" expenditures and replaces it with a limitation statement. (page 7)

Issues and Discussion: The issues identified and discussed at the Finance Committee mainly dealt with the amount of the per diem rate and cap. Council staff at the request of Councilor Hansen (at the Internal Affairs Committee), and with the assistance of Councilor Devlin, prepared an analysis of the effect of CPI increases on the per diem rate. That analysis is attached as Exhibit A to this report. The Committee considered two motions to alter the per diem rate and cap. One made by myself to set the rate at \$42 and have it change automatically each year based on the CPI (the \$42 rate was based on an earlier incomplete analysis) and another motion made by Councilor Devlin to set a variable rate between \$42 and \$63 based on the length of the meeting. Both motions failed to receive a majority of votes.

JG:DEC:pa

#2C:\FCREPT.725





**METRO**

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

# Memorandum

DATE: June 20, 1989  
TO: Metro Council  
FROM: Donald E. Carlson, Council Administrator  
RE: REVISED ANALYSIS OF CPI INCREASES ON COUNCILOR PER DIEM

EXHIBIT A  
Resolution No. 89-1065A REPORT  
July 25, 1989

Thanks to Councilor Devlin's inquiring mind, it has come to the attention of Council staff that on January 4, 1979, the Council adopted a motion regarding Council expenses and per diem. As indicated in Exhibit A attached, the action provided each Councilor with \$500 in expenses for the remainder of the fiscal year and set the per diem rate at "\$30 per meeting as per diem compensation."

Regarding the issue of a cap on total per diem for each Councilor, the FY 1981-82 Budget is the earliest document I could find which has a Council per diem line item. In 1981-82, the total Council Per Diem budget was \$25,920 which equates to \$2,160 per Councilor. Whether or not a cap was adopted is not known but it appears the budget was based on that assumption. The expenditure history in the Council Per Diem line item for FY 1979-80 and FY 1980-81 is consistent with the \$25,920 budget level that appears in fiscal years 81-82 through 86-87. Therefore it is reasonable to assume that the budgets for the Council Per Diem account in FY 79-80 and FY 80-81 were based on \$2,160 per Councilor.

As a result of this additional information, I have revise the table which shows the effect of changes in the CPI in the Per Diem rate and cap. Exhibit B attached adds 18 months worth of inflation at the beginning of the chart. Based on this additional time period and the change in the CPI, the adjusted per Councilor cap amount is \$3,567 and the adjusted rate is \$49.55. If the per diem rate was set at \$50 and the number of meetings held constant at 96 per year, the cap would be \$4,800 rather than \$2,880 for the current fiscal year. The proposed budget has \$34,560 in the total Council Per Diem line item. The \$50 rate/\$4,800 cap would increase that by \$23,040 to \$57,600.



MSD Council  
Minutes of January 4, 1979

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.



MSD Council  
Meeting of January 4, 1979

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, Washington, 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



EFFECT OF CPI ON COUNCILOR PER DIEM  
Exhibit B

<u>Year</u>	<u>Per Councilor Budgeted Amount</u>	<u>Rate</u>	<u>CPI Increase</u>	<u>Adjusted Amounts</u>	
				<u>Per Councilor</u>	<u>Rate</u>
1/1/79	\$2,160	30	-	-	-
7/1/79	2,160	30	7.4%	\$2,320	\$32.22
7/1/80	2,160	30	11.1%	2,578	35.80
7/1/81	2,160	30	11.1%	2,864	39.77
7/1/82	2,160	30	4.2%	2,984	41.44
7/1/83	2,160	30	0.0%	2,984	41.44
7/1/84	2,160	30	3.2%	3,079	42.77
7/1/85	2,160	30	4.2%	3,202	44.48
7/1/86	2,160	30	0.6%	3,221	44.75
7/1/87	2,880	30	2.2%	3,292	45.73
7/1/88	2,880	30	3.4%	3,404	47.28
7/1/89	2,880	30	4.8%	3,567	49.55

CPI INCREASE  
All Urban Consumers - Portland  
July to July

1/79 to 7/79	211.7 to 227.4	=	0.07416
1979 to 1980	227.4 to 252.7	=	0.11125
1980 to 1981	252.7 to 280.8	=	0.11119
1981 to 1982	280.8 to 292.5	=	0.04166
1982 to 1983	292.5 to 291.5	=	-0.00341
1983 to 1984	291.5 to 300.9	=	0.03224
1984 to 1985	300.9 to 312.9	=	0.03988
1985 to 1986	312.9 to 314.7	=	0.00575
1986 to 1987	314.7 to 321.6	=	0.02192
1987 to 1988	321.6 to 332.5	=	0.03389
1988 to 1989	3/88 to 3/89 all West Coast Cities	=	4.8%

DEC:pa  
6/20/89  
A:DISK:DON:MEMDEC.620



**METRO**

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

# Memorandum

DATE: July 27, 1989

TO: Councilor David Knowles

FROM: Donald E. Carlson, *DEC* Council Administrator

RE: INFORMATION ON PER DIEM REQUIREMENTS FOR OREGON LEGISLATORS

This memo is in response to your request for information on the per diem requirements for Oregon legislators. My sources of this information are Michael Greenfield, Legislative Administrator, and Ms. Jan Taylor, Manager of Financial Services for the Legislative Administration Committee.

ORS 171.072(3) authorizes per diem payments to legislators during each legislative session as follows:

"(3) A member of the Legislative Assembly shall receive, as an allowance for expenses not otherwise provided for, a per diem determined as provided in subsection (9) of this section for each day within the period that the Legislative Assembly is in session, to be paid weekly."

ORS 171.072(4) authorizes per diem payments to legislators during the interim as follows:

"(4) A member of the Legislature Assembly shall receive, as an allowance for expenses incurred in the performance of official duties during periods when the legislature is not in session, ..., a per diem determined as provided in section (9) of this section for each day a member is engaged in the business of legislative interim and statutory committees and subcommittees thereof, and task forces and for each day a member serves on interstate bodies, advisory committees and other entities on which the member serves ex officio, whether or not the entity is a legislative one."

In response to my question concerning the "advisory committees" and "other entities," Jan Taylor indicated that there are a number of statutorily created committees where legislators are appointed as regular or ex-officio members and that such committees are technically not "legislative" committees. Examples are the Criminal Justice Commission, the Capital Planning Commission and the Black Affairs Commission. After each legislative session, the Legislative Administration staff compiles a list of such committees and their legislative membership. Those members serving on such committees may collect per diem for each day they are engaged in the business of the committee.

PER DIEM REQUIREMENTS  
July 27, 1989  
Page 2

Section (9) of ORS 171.072 establishes the legislative per diem allowance as follows:

"(9) The per diem allowance referred to in subsections (3) and (4) of this section shall be the amount fixed for per diem allowance that is authorized by the United States Internal Revenue Service to be excluded from gross income with itemization."

Attached as Exhibit A is the relevant IRS Code section plus a table which shows the Oregon per diem amount to be \$66. It should be noted that at the 1989 legislative session, the Legislative Administration Budget was approved for a \$75 per diem level in anticipation of an increase at some point during the biennium.

I hope this information meets your request. If you need more, please let me know.

DEC:pa  
#2C:\DIEMMEM.727

Source: Internal Revenue Code, 26 U.S.C. 162(h)

[Sec. 162(h)]

(h) STATE LEGISLATORS' TRAVEL EXPENSES AWAY FROM HOME.—

(1) IN GENERAL.—For purposes of subsection (a), in the case of any individual who is a State legislator at any time during the taxable year and who makes an election under this subsection for the taxable year—

(A) the place of residence of such individual within the legislative district which he represented shall be considered his home,

(B) he shall be deemed to have expended for living expenses (in connection with his trade or business as a legislator) an amount equal to the sum of the amounts determined by multiplying each legislative day of such individual during the taxable year by the greater of—

(i) the amount generally allowable with respect to such day to employees of the State of which he is a legislator for per diem while away from home, to the extent such amount does not exceed 110 percent of the amount described in clause (ii) with respect to such day, or

(ii) the amount generally allowable with respect to such day to employees of the executive branch of the Federal Government for per diem while away from home but serving in the United States, and

(C) he shall be deemed to be away from home in the pursuit of a trade or business on each legislative day.

(2) LEGISLATIVE DAYS.—For purposes of paragraph (1), a legislative day during any taxable year for any individual shall be any day during such year on which—

(A) the legislature was in session (including any day in which the legislature was not in session for a period of 4 consecutive days or less), or

(B) the legislature was not in session but the physical presence of the individual was formally recorded at a meeting of a committee of such legislature.

(3) ELECTION.—An election under this subsection for any taxable year shall be made at such time and in such manner as the Secretary shall by regulations prescribe.

(4) SECTION NOT TO APPLY TO LEGISLATORS WHO RESIDE NEAR CAPITOL.—For taxable years beginning after December 31, 1980, this subsection shall not apply to any legislator whose place of residence within the legislative district which he represents is 50 or fewer miles from the capitol building of the State.

Amendments:

Sec. as amended  
effective:

A second Code Sec. 162(h) was added by P.L. 97-35,  
§ 2146(b).

P.L. 97-34, § 127(a)

P.L. 97-34, § 127(a):

Added Code Sec. 162(h) to read as above, effective for  
taxable years beginning on or after January 1, 1976. Note:

**Legislators' Tax Home Per Diem  
Internal Revenue Code Section 162(h)**

**On or after August 1, 1987  
(52 Fed. Register 26630)**

**On or after October 9, 1988  
(53 Fed. Register 37710)**

	Lodging	Meals	Total	Lodging	Meals	Total
Alaska*	--	--	109	As of 4/1/88		114
Alabama	42	25	67	43	26	69
Arkansas	48	25	73	48	26	74
Arizona	50	25	75	52	26	78
California	54	33	87	54	34	88
Colorado	63	33	96	65	34	99
Connecticut	50	33	83	52	34	86
Delaware	42	25	67	44	26	70
Florida	43	25	68	45	26	71
Georgia	69	33	102	72	34	106
Hawaii*	As of 7/1/87		102	As of 6/1/88		116
Idaho	44	25	69	46	26	72
Illinois	47	25	72	48	26	74
Indiana	55	25	80	57	26	83
Iowa	48	25	73	50	26	76
Kansas	41	25	66	43	26	69
Kentucky	42	25	67	43	26	69
Louisiana	50	25	75	50	26	76
Maine	43	25	68	45	26	71
Maryland	70	25	95	70	34	104
Massachusetts	75	33	108	81	34	115
Michigan	46	25	71	48	26	74
Minnesota	52	25	77	54	26	80
Mississippi	50	25	75	50	26	76
Missouri	44	25	69	46	26	72
Montana	37	25	62	40	26	66
Nebraska	41	25	66	41	26	67
Nevada	35	25	60	40	26	66
New Hampshire	49	25	74	51	26	77
New Jersey	77	33	110	80	34	114
New Mexico	62	33	95	64	34	98
New York	59	25	84	61	26	87
North Carolina	56	25	81	56	26	82
North Dakota	44	25	69	44	26	70
Ohio	54	25	79	56	26	82
Oklahoma	47	25	72	47	26	73
Oregon	37	25	62	40	26	66
Pennsylvania	60	25	85	62	26	88
Rhode Island	71	25	96	74	26	100
South Carolina	48	25	73	48	26	74
South Dakota	35	25	60	40	26	66
Tennessee	52	25	77	52	26	78
Texas	55	25	80	55	26	81
Utah	60	25	85	60	26	86
Vermont	36	25	61	40	26	66
Virginia	54	25	79	56	26	82
Washington	46	25	71	48	26	74
West Virginia	48	25	73	49	26	75
Wisconsin	54	25	79	56	26	82
Wyoming	43	25	68	43	26	69

\*Set by Department of Defense

For additional information, contact





**METRO**

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

# Memorandum

DATE: June 13, 1989

TO: Finance Committee *DE*

FROM: Donald E. Carlson, Council Administrator

RE: ANALYSIS OF CPI INCREASES ON COUNCILOR PER DIEM

The Council at its May 25, 1989 meeting amended Resolution No. 89-1065 to increase the Councilor per diem amount to be equivalent to a member of the State House of Representatives (\$66) and referred the resolution to the Internal Affairs Committee. The Internal Affairs Committee at its June 8, 1989 meeting amended the resolution to increase the annual expenditure cap to \$6,336 per Councilor. The current rate and cap are \$30 and \$2,880 respectively. The resolution was then referred by the Presiding Officer to the Finance Committee for consideration of the budget implications of the above changes. Prior to the referral, Councilor Hansen requested information on the effect of CPI changes on the Councilor per diem rate and cap from the start of per diem authorization. Exhibit A attached provides such information.

As indicated in Exhibit A, based on CPI increases for the past nine years, the adjusted Councilor per diem cap should total \$2,990 on July 1, 1989, or the rate should be \$41.51. It is interesting to note that the per diem cap increase approved by the Council effective on July 1, 1987, roughly equated to the CPI increase up to that point in time. If the per diem amount were changed from \$30 to \$40 (to approximate the increase in the CPI) and the estimated number of meetings were held constant (96 per year), the per diem cap would be increased from \$2,880 to \$3,840. On an accumulative basis, the budgeted per diem line item would need to be increased by \$11,520 from \$34,560 to \$46,080.

Exhibit B attached is the fiscal analysis prepared for the Internal Affairs Committee on the proposed change in the per diem rate and cap to \$66 and \$6,336 respectively. Based on that information, the budgeted per diem line item increase would be \$41,472 from the current \$34,560 to \$76,032. As indicated in Exhibit B, there are three ways to find the money to fund the increase: 1) reduce the Contingency; 2) increase transfers or; 3) reduce other fund expenditures. These methods can be used separately or in any combination. If the Committee were to change the recommendation to lower the increase in per diem to \$40 and the cap to \$3,840, staff recommends the FY 89-90 budget be amended to reduce the contingency by \$11,520 and increase the per diem line item in the Council budget by the same amount. If the recommendation is to keep the per diem at \$66 and the cap at \$6,336, staff recommends that contingency funds be used for about \$11,000 of the needed \$41,472 and the balance be found by reducing other General Fund expenditures.

DEC:gpwb  
A:\MEMDEC.613



METRO

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

# Memorandum

Date: June 8, 1989

To: Internal Affairs Committee

From: Donald E. Carlson, Council Administrator

Regarding: FISCAL IMPLICATIONS OF RESOLUTION NO. 89-1065

This memo is in response to a request from the Presiding Officer. The Council at its May 25, 1989 meeting adopted an amendment to this resolution which would set the Council per diem amount at \$66 per day for attendance at authorized meetings.

Based on the current assumptions of per diem for 96 meetings per fiscal year, the amendment would increase Council expenditures as follows:

	<u>Current Rate (\$30)</u>	<u>Amended Rate (\$66)</u>	<u>Difference</u>
Individual Councilor	\$ 2,880	\$ 6,336	\$ 3,456
Total Council	\$34,560	\$76,032	\$41,472

To implement the new rate at the level indicated above for FY 1989-90 would require one of the following three budget adjustments at the June 22, 1989 Council meeting:

1. Reduce the General Fund Contingency by \$41,472 and budget the money in the Council budget. The proposed contingency for the General Fund is \$150,000. This action would reduce it by approximately 28 percent.
2. Increase the total operating fund expenditure by \$41,472 and increase the transfers from the other operating funds accordingly.
3. Reduce proposed expenditures in the General Fund by \$41,472, and budget the money in the Council budget.

DEC:gpwb  
891065.mem



EXHIBIT AEFFECT OF CPI ON COUNCILOR PER DIEM

<u>Year</u>	<u>Per Councilor Budgeted Amount</u>	<u>Rate</u>	<u>CPI Increase</u>	<u>Adjusted Amounts Per Councilor</u>	<u>Rate</u>
7/1/80	\$2,160	\$30	-	-	-
7/1/81	2,160	30	11.1%	2,400	33.33
7/1/82	2,160	30	4.2%	2,501	34.73
7/1/83	2,160	30	0.0%	2,501	34.73
7/1/84	2,160	30	3.2%	2,581	35.84
7/1/85	2,160	30	4.0%	2,684	37.27
7/1/86	2,160	30	0.6%	2,700	37.49
7/1/87	2,880	30	2.2%	2,759	38.31
7/1/88	2,880	30	3.4%	2,853	39.61
7/1/89	2,880	30	4.8%	2,990	41.51

**CPI INCREASE**  
**All Urban Consumers - Portland**  
**July to July**

1980 to 1981	252.7 to 280.8	=	0.11119
1981 to 1982	280.8 to 292.5	=	0.04166
1982 to 1983	292.5 to 291.5	=	-0.00341
1983 to 1984	291.5 to 300.9	=	0.03224
1984 to 1985	300.9 to 312.9	=	0.03988
1985 to 1986	312.9 to 314.7	=	0.00575
1986 to 1987	314.7 to 321.6	=	0.02192
1987 to 1988	321.6 to 332.5	=	0.03389
1988 to 1989	3/88 to 3/89 all West Coast cities	=	4.8%

memdec.6132  
 DEC:gpwb  
 6/14/89



**METRO**

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

# Memorandum

DATE: June 1, 1989

TO: Internal Affairs Committee

FROM: Donald E. Carlson, <sup>DEC</sup>Council Administrator

RE: RESOLUTION NO. 89-1065 (COUNCILOR PER DIEM AND EXPENSE GUIDELINES)

Resolution No. 89-1065 was considered by the Council at the May 25 meeting and referred back to the Internal Affairs Committee for further consideration. Prior to the referral, the Council amended Exhibit A of the resolution to change the per diem rate from \$30 to be the same as a member of the State House of Representatives. The attached Resolution No. 89-1065A incorporates that amendment which is shown in the first numbered section on page 2 of Exhibit A.

Several Councilors expressed concern that the resolution as proposed prohibits child care costs as reimbursable expenses. Also, Councilor Van Bergen drafted a proposed amendment for Council consideration on May 25, but deferred discussion on it to the Internal Affairs Committee. His amendment and explanation are attached to this report.

DEC:pa  
memiac89.61

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

# Memorandum

Date: June 15, 1989

To: Council Finance Committee

From: Donald E. Carlson, Council Administrator

Regarding: RESOLUTION NO. 89-1065A, AMENDING THE COUNCIL PER DIEM  
-- SUGGESTED FY89-90 BUDGET CHANGES

Resolution No. 89-1065A before the Finance Committee this evening provides for an increase in the Council per diem from the current \$30 to \$66 per day for meetings. If approved, the total budget impact of this change will be \$41,472 for FY89-90. Outlined below are suggested amendments to the Approved FY89-90 Budget to fund the \$41,472.

<u>FUND</u>	<u>DEPARTMENT</u>	<u>ACCT # - DESCRIP.</u>	<u>APPRVD.</u>	<u>CHANGE</u>	<u>RESULT</u>
GF	Council	511121, Salaries	62,182	(2,000)	60,182
GF	Council	512000, Fringe	73,791	( 600)	73,191
GF	Council	526500, Travel	10,000	(1,000)	9,000
GF	Council	524190, Misc. Prof. Services	9,000	(2,000)	7,000
GF	Exec. Mgmt.	526500, Travel	10,780	(1,000)	9,780
GF	F&A	528200, Election	120,000	(10,000)	110,000
GF	F&A	521100, Ofc. Sup.	47,365	(2,752)	44,613
GF	Gen. Counsel	511235, Temp. Adm.	1,120	( <del>1,120</del> )	0
GF	Pub. Affairs	526500, Travel	5,621	( <u>1,000</u> )	4,621
		SUBTOTAL		(\$21,472)	
GF	CONTINGENCY	599999	150,000	( <u>20,000</u> )	
		TOTAL SAVINGS		(\$41,472)	

21,120

6-15-89  
DISK:NEWJPM  
A:PDIEMSV.MEM



**METRO**

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

# Memorandum

DATE: June 13, 1989

TO: Finance Committee *DL*

FROM: Donald E. Carlson, Council Administrator

RE: ANALYSIS OF CPI INCREASES ON COUNCILOR PER DIEM

The Council at its May 25, 1989 meeting amended Resolution No. 89-1065 to increase the Councilor per diem amount to be equivalent to a member of the State House of Representatives (\$66) and referred the resolution to the Internal Affairs Committee. The Internal Affairs Committee at its June 8, 1989 meeting amended the resolution to increase the annual expenditure cap to \$6,336 per Councilor. The current rate and cap are \$30 and \$2,880 respectively. The resolution was then referred by the Presiding Officer to the Finance Committee for consideration of the budget implications of the above changes. Prior to the referral, Councilor Hansen requested information on the effect of CPI changes on the Councilor per diem rate and cap from the start of per diem authorization. Exhibit A attached provides such information.

As indicated in Exhibit A, based on CPI increases for the past nine years, the adjusted Councilor per diem cap should total \$2,990 on July 1, 1989, or the rate should be \$41.51. It is interesting to note that the per diem cap increase approved by the Council effective on July 1, 1987, roughly equated to the CPI increase up to that point in time. If the per diem amount were changed from \$30 to \$40 (to approximate the increase in the CPI) and the estimated number of meetings were held constant (96 per year), the per diem cap would be increased from \$2,880 to \$3,840. On an accumulative basis, the budgeted per diem line item would need to be increased by \$11,520 from \$34,560 to \$46,080.

Exhibit B attached is the fiscal analysis prepared for the Internal Affairs Committee on the proposed change in the per diem rate and cap to \$66 and \$6,336 respectively. Based on that information, the budgeted per diem line item increase would be \$41,472 from the current \$34,560 to \$76,032. As indicated in Exhibit B, there are three ways to find the money to fund the increase: 1) reduce the Contingency; 2) increase transfers or; 3) reduce other fund expenditures. These methods can be used separately or in any combination. If the Committee were to change the recommendation to lower the increase in per diem to \$40 and the cap to \$3,840, staff recommends the FY 89-90 budget be amended to reduce the contingency by \$11,520 and increase the per diem line item in the Council budget by the same amount. If the recommendation is to keep the per diem at \$66 and the cap at \$6,336, staff recommends that contingency funds be used for about \$11,000 of the needed \$41,472 and the balance be found by reducing other General Fund expenditures.

DEC:gpwb  
A:\MEMDEC.613

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

# Memorandum

Date: June 8, 1989

To: Internal Affairs Committee

From: Donald E. Carlson, Council Administrator

Regarding: FISCAL IMPLICATIONS OF RESOLUTION NO. 89-1065

This memo is in response to a request from the Presiding Officer. The Council at its May 25, 1989 meeting adopted an amendment to this resolution which would set the Council per diem amount at \$66 per day for attendance at authorized meetings.

Based on the current assumptions of per diem for 96 meetings per fiscal year, the amendment would increase Council expenditures as follows:

	<u>Current Rate (\$30)</u>	<u>Amended Rate (\$66)</u>	<u>Difference</u>
Individual Councilor	\$ 2,880	\$ 6,336	\$ 3,456
Total Council	\$34,560	\$76,032	\$41,472

To implement the new rate at the level indicated above for FY 1989-90 would require one of the following three budget adjustments at the June 22, 1989 Council meeting:

1. Reduce the General Fund Contingency by \$41,472 and budget the money in the Council budget. The proposed contingency for the General Fund is \$150,000. This action would reduce it by approximately 28 percent.
2. Increase the total operating fund expenditure by \$41,472 and increase the transfers from the other operating funds accordingly.
3. Reduce proposed expenditures in the General Fund by \$41,472, and budget the money in the Council budget.

DEC:gpwb  
891065.mem

EXHIBIT AEFFECT OF CPI ON COUNCILOR PER DIEM

<u>Year</u>	<u>Per Councilor Budgeted Amount</u>	<u>Rate</u>	<u>CPI Increase</u>	<u>Adjusted Amounts Per Councilor</u>	<u>Rate</u>
7/1/80	\$2,160	\$30	-	-	-
7/1/81	2,160	30	11.1%	2,400	33.33
7/1/82	2,160	30	4.2%	2,501	34.73
7/1/83	2,160	30	0.0%	2,501	34.73
7/1/84	2,160	30	3.2%	2,581	35.84
7/1/85	2,160	30	4.0%	2,684	37.27
7/1/86	2,160	30	0.6%	2,700	37.49
7/1/87	2,880	30	2.2%	2,759	38.31
7/1/88	2,880	30	3.4%	2,853	39.61
7/1/89	2,880	30	4.8%	2,990	41.51

**CPI INCREASE**  
**All Urban Consumers - Portland**  
**July to July**

1980 to 1981	252.7 to 280.8	=	0.11119
1981 to 1982	280.8 to 292.5	=	0.04166
1982 to 1983	292.5 to 291.5	=	-0.00341
1983 to 1984	291.5 to 300.9	=	0.03224
1984 to 1985	300.9 to 312.9	=	0.03988
1985 to 1986	312.9 to 314.7	=	0.00575
1986 to 1987	314.7 to 321.6	=	0.02192
1987 to 1988	321.6 to 332.5	=	0.03389
1988 to 1989	3/88 to 3/89 all West Coast cities	=	4.8%

memdec.6132  
DEC:gpwb  
6/14/89



**METRO**

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

# Memorandum

Date: June 8, 1989  
To: Internal Affairs Committee  
From: Donald E. Carlson, Council Administrator  
Regarding: FISCAL IMPLICATIONS OF RESOLUTION NO. 89-1065

This memo is in response to a request from the Presiding Officer. The Council at its May 25, 1989 meeting adopted an amendment to this resolution which would set the Council per diem amount at \$66 per day for attendance at authorized meetings.

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1. Reduce the General Fund Contingency by \$41,472 and budget the money in the Council budget. The proposed contingency for the General Fund is \$150,000. This action would reduce it by approximately 28 percent.
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3. Reduce proposed expenditures in the General Fund by \$41,472, and budget the money in the Council budget.

DEC:gpwb  
891065.mem



**METRO**

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

# Memorandum

Date: May 23, 1989  
To: Metro Council *G.V.B*  
From: Councilor George Van Bergen  
Regarding: PROPOSED AMENDMENT TO RESOLUTION NO. 89-1065 (COUNCIL  
EXPENDITURE GUIDELINES)

It is my intent to offer the following amendment to Exhibit A of Resolution No. 89-1065 (see corrected copy).

- On Page 2 of Exhibit A, delete proposed subsection (d) of Section 3 and insert new subsection (d) as follows:

"d. for attendance at any other meeting at which District business is discussed."

My reasons for suggesting this amendment are stated in the attached letter to Don Carlson dated May 22, 1989.

GVB/DEC:gpwb  
89-10652.mem

attachment



V. G. VAN BERGEN

ATTORNEY AT LAW  
2336 S.E. WASHINGTON ST.  
MILWAUKIE, OREGON 97222

TELEPHONE  
659.4440

May 22, 1989

Don Carlson  
Metropolitan Service District  
2000 SW First Avenue  
Portland, OR 97201-5398

HAND DELIVERED

Re: 89-1065  
Councilor per diem

Dear Don:

In reviewing the agenda for Thursday, May 25, I find that I am in need of your assistance in preparing a motion to alter what has been presented to us by the respective committee.

The motion that I desire prepared is one that will remove the need for prior approval of non-member committee attendance of the Presiding Officer. My position remains the same in this regard in that while we have had a number of very responsible Presiding Officers, it is true that any of us are qualified for that role and being qualified for the role of Presiding Officer, our judgment is as valid as that elected official in determining whether a non-member committee attendance is for the benefit of the region.

My recall of the reason for this inclusion some years ago was to put a control on one member, who at the time was in fact a Presiding Officer. The cure for that situation is the balance of the year when a new Presiding Officer is elected. The additional control is the limitation that any one member can spend within the respective fiscal period, which should be enough control.

Please give early distribution of this letter to other councilors so that they will be apprised that I shall be making such a motion and hopefully at least one other person will feel that they can provide a second.

Very truly yours,



V. G. Van Bergen

VGVB:lp

INTERNAL AFFAIRS COMMITTEE REPORT

Agenda Item No. 2

Meeting Date June 8, 1989

RESOLUTION NO. 89-1065, REVISING EXPENDITURE GUIDELINES FOR  
COUNCILOR PER DIEM, COUNCILOR EXPENSE AND GENERAL COUNCIL MATERIALS  
AND SERVICES ACCOUNTS

Date: May 16, 1989

Presented By: Councilor Ragsdale

COMMITTEE RECOMMENDATION: At the May 11, 1989 Internal Affairs Committee meeting, members present -- Councilors Bauer, Collier, Hansen and myself -- voted unanimously to recommend Council adoption of Resolution No. 89-1065 as amended. Councilor Knowles was absent.

COMMITTEE DISCUSSION/ISSUES: Jessica Marlitt, Council staff, reviewed Council Administrator Don Carlson's May 10, 1989 memo regarding Resolution No. 89-1065. The memo summarized revisions moved by the Internal Affairs Committee at its April 27 meeting:

- o clarify that per diem is authorized for attendance as either a member or non-member at Council standing committee meetings and other designated task forces and committees. The resolution includes examples of "committee", such as JPACT.
- o clarify that mileage is an authorized expense "while on district business"; update the rate from \$0.21/mile to \$0.24/mile.
- o delete reference to "Child Care Costs" as a not-authorized expense.

The Committee retained the April 27 revisions as presented in Exhibit A to the resolution and discussed the need to list specific items which are not authorized for reimbursement. It was unanimously agreed to amend Resolution No. 89-1065, Exhibit A to remove the specific lists of unauthorized expenses -- page A-4, Section 5, "Councilor Expense Accounts" and page A-7, Section 3, "Council General Account" -- and replace the list with a general statement such as, "Only authorized expenses as identified herein shall qualify for reimbursement." Staff was directed to amend Exhibit A to the resolution and forward the amended version to the Council for inclusion on the May 25 agenda.

No other issues were raised and there was no additional discussion.

jpm  
a:\res1065.cr  
5-16-89



**METRO**

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

# Memorandum

Date: May 10, 1989

To: Internal Affairs Committee

From: Donald E. Carlson, Council Administrator

Regarding: PROPOSED REVISIONS TO COUNCIL EXPENDITURE  
GUIDELINES IN RESOLUTION NO. 89-1065

Please find attached a revised copy of Exhibit A to Resolution No. 89-1065 which will be considered by the Committee at its May 11, 1989 meeting. The changes incorporate motions and suggestions of the Committee made at its meeting of April 27. The changes highlighted in yellow in the attached draft are as follows:

- o Under the heading COUNCILOR PER DIEM ACCOUNTS, Section 3 (page 2) has been revised to make it clear that per diem is authorized for attendance as either a member or non-member at Council standing committee meetings or task force meetings, other committees created by Council action, or as a member of a committee to which a councilor has been appointed by the Presiding Officer.

In reviewing the minutes it was unclear whether or not "task forces" in Subsection (b) should be included as authorized meetings, so I included them in this draft. If they were not to be included, the committee can delete them.

Examples of "committee" in Subsection (c) include the Bi-State Committee, J-PACT, One Per Cent for Art Committee, North Portland Enhancement Committee, Tri-Met Handicap Transportation Committee.

- o Under the heading COUNCILOR EXPENSE ACCOUNTS, Section 4(C) (page 4) has been revised to make it clear mileage is an authorized expense "while on district business" rather than to and from an "authorized meeting." The rate has been changed from \$0.21/mile to \$0.24/mile.

Staff discussed this matter with Ray Phelps who indicated the Executive Officer plans to change the administration guidelines (via Executive Order) to \$0.24 to make them consistent.



May 10, 1989  
Page 2

- o Under the heading COUNCILOR EXPENSE ACCOUNTS, Section 5 (page 5) has been revised to delete reference to "Child Care Costs" as a not-authorized expense.
- o Under the heading COUNCIL GENERAL ACCOUNT, Section 2(k) (page 7) is revised to make the mileage reimbursement \$0.24/mile rather than \$0.21/mile.

## EXHIBIT A

### GUIDELINES FOR THE EXPENDITURES OF COUNCIL PER DIEM, EXPENSE AND GENERAL MATERIALS & SERVICES ACCOUNTS

#### GENERAL PROVISIONS

1. A Councilor may receive per diem, plus mileage to the meetings, and/or reimbursement for actual authorized expenses incurred, for attendance at Council, Council committee, Council task force meetings or other meetings approved in advance in writing by the Presiding Officer.
2. Reimbursement for travel and subsistence on official business shall only be for the amount of actual and reasonable expenses incurred during the performance of official duty as a Metro Councilor or Council employee.

#### COUNCILOR PER DIEM ACCOUNTS

1. Each Councilor is authorized to receive up to \$2,880 [~~48-meetings-per half-year, i.e., July-December/January-June~~] each fiscal year in per diem from the Council Per Diem account. A Councilor who leaves the Council at the end of a calendar year or joins the Council at the start of a calendar year is authorized to receive up to \$1,440 in per diem in that fiscal year.



2. Per diem shall be paid at a rate of \$30 per ~~[meeting]~~ day for attendance at an authorized meeting or meetings.
3. ~~[Per diem shall be authorized for attendance at regular and special Council meetings, and regular and special Council committee and task force meetings. -- Per diem may also be collected for attendance at any meeting or function approved by the Presiding Officer.]~~ Per diem shall be authorized as follows:
- a) for attendance at any council meeting;
  - b) for attendance at any Council standing committee meeting; Council task force or standing committee task force meeting;
  - c) for attendance at a meeting of any other committee created by Council action or any meeting of a committee to which the councilor requesting per diem has been appointed by the Presiding Officer; or
  - d) for attendance at any meeting or function approved in advance in writing by the Presiding Officer.

Per diem shall be paid only if the councilor attends a substantial portion of the meeting for which the per diem is authorized.

4. Payments within these limits shall be authorized by the Council Administrator.

COUNCILOR EXPENSE[S] ACCOUNTS

1. Each Councilor is authorized to receive up to \$1,600 each fiscal year as reimbursement for authorized expenses incurred for [necessary] Council-related activities. A Councilor who leaves the Council at the end of a calendar year or joins the Council at the start of a calendar year is authorized to receive up to \$800 for authorized expenses for that fiscal year.
2. The Presiding Officer shall be authorized an additional \$600 for each six months of service in his or her individual Councilor expense account for authorized expenses in carrying out official duties associated with that office.
- [2-] 3. Each request for reimbursement must be accompanied by supporting documentation which shall include the nature and purpose of the activity, the names and titles of all persons for whom the expense was incurred and receipts justifying the expense as required by the Internal Revenue Service. No reimbursement shall be authorized for any expense submitted without the above-named documentation.
- [3-] 4. In addition to necessary Council-related travel, meals and lodging expenses, expenses may include:
  - a. Advance reimbursement for specific expenses, provided that any advance reimbursement in excess of actual expenses



incurred shall be returned or shall be deducted from subsequent expense reimbursement request;

b. Up to \$200 per year for memberships in non-partisan community organizations;

c. Mileage reimbursement for use of a personal auto while on district business at a rate of \$.24 per mile;

~~[e-]~~d. Expenses to publish and distribute a Council-related District newsletter which may not be mailed within 120 days of an election in which [a] the Councilor is a candidate;

~~[d-]~~e. Council business-related books, publications and subscriptions; and

~~[e-]~~f. Meeting or conference registration fees~~[+and]~~.

~~[f.--Child-care-costs-for-necessary-Metro-business-with documentation-as-outlined-in-No.-2-of-this-section, including-duration-of-the-activity.]~~

~~[4-]~~5. Reimbursement shall not be authorized for the following:

a. Alcoholic beverages;

- b. Laundry or dry cleaning;
- c. Contributions to political campaigns of any kind;
- d. Parking tickets or citations for traffic violations;
- e. Contributions to fund-raising efforts of any kind;
- f. Entertaining or other social functions;
  
- g. Any other costs or purchases considered to be of a personal nature, such as supplies or equipment for personal use.

★ DELETED REFERENCE TO "CHILD CARE COSTS".

[5-]6. Payments within these limits shall be authorized by the Council Administrator.

#### TRANSFERS

Notwithstanding the limits on per diem and expenses indicated above, the Presiding Officer may, upon advance request of a Councilor, authorize the transfer of funds between a Councilor's per diem and expense accounts. Such transfers may be made only to the extent that the combined total of each Councilor's authorized per diem and expense accounts is not exceeded. Transfers between one Councilor's per diem and/or expense accounts and another Councilor's per diem and/or expense accounts are not authorized.

#### [GENERAL-PROVISIONS]

~~1.---A-Councilor-may-receive-per-diem,-plus-mileage-to-the-meetings,-and/or reimbursement-for-actual-authorized-expenses-incurred,-for-attendance~~



~~at-Council,-Council-committee,-Council-task-force-meetings-or-other  
meeting-approved-by-the-Presiding-Officer-~~

~~2.---Reimbursement-for-travel-and-subsistence-on-official-business-shall  
only-be-for-the-amount-of-actual-and-reasonable-expenses-incurred  
during-the-performance-of-official-duty-as-a-Metro-Councilor-or  
Council-employee.]~~

#### COUNCIL GENERAL ACCOUNT

1. The purpose of the Council General account is to provide support for the Council and the Council staff.
2. Authorized expenses which may be charged to appropriate Materials & Services categories in the Council General account include:
  - a. Meals for regular and special Council, Council committee and Council task force meetings and other Council-related business;
  - b. Facilities rentals for public meetings;
  - c. Meeting equipment such as audio-visual aids, public address systems, tape recorders, etc., for public meetings;
  - d. Receptions for guests of the Council, Council committees or Council task forces;
  - e. Honorials;
  - f. Expenses for official visitors;

- g. General Council, Council committees or Council task force information, publications, promotional materials or supplies;
- h. Remembrances from Council, Council committee or Council task force;
- i. Professional services for the Council, Council committee or Council task force;
- j. Outside consultants to the Council, Council committee or Council task force; and
- k. Authorized travel on behalf of the Council, Council committee or Council task force. Mileage reimbursement for the use of a personal auto while on District business shall be at a rate of \$.24 per mile.

3. Expenses to the Council General account shall not be authorized for the following:

- a. Alcoholic beverages;
- b. Contributions to political campaigns of any kind;
- c. Contributions to fund-raising efforts of any kind; and
- d. Social functions including birthday and retirement parties, and holiday functions.

~~[4.--Within the Council general account up to \$1,000 per year (\$600 each half-year) shall be reserved for expenses incurred by the Presiding Officer of the Council in carrying out official duties associated with that office.]~~



[5-]4. An individual Councilor may request reimbursement from the Council General account for expenses incurred for general Council business.

[6-]5. All requests by Councilors for reimbursement or expenditure from the Council General account shall be approved in advance in writing by the Presiding Officer. All other requests for reimbursement or expenditure shall be approved by the Council Administrator. Each request shall be accompanied by supporting documentation which shall include the nature and purpose of the expense, the names of all persons for which the expense was incurred and the receipts of justifying the expense. The Department of Finance & Administration shall provide timely expenditure reports to Councilors and the Council Department.

DEC:pa

pa/c:d.1:/DC.DIE

5/07/89

## COUNCIL STAFF REPORT

### RESOLUTION NO. 89-1065 REVISING EXPENDITURE GUIDELINES FOR COUNCILOR PER DIEM, COUNCILOR EXPENSE AND GENERAL COUNCIL MATERIALS AND SERVICES ACCOUNTS

March 6, 1989

Presented By: Donald E. Carlson

#### PURPOSE OF RESOLUTION

Resolution No. 89-1065 has been introduced by Councilors Gardner and Ragsdale in response to questions raised by several councilors regarding expenditure guidelines and a recent commitment by Councilor Gardner made when testifying before the Senate Government Operations Committee to review the Council's expenditure guidelines. The changes proposed by Resolution No. 89-1065 do the following:

1. reorganize the guidelines to place the "General Provisions" section at the front of the guidelines;
2. in the Per Diem section (1), clarify that a councilor who leaves or assumes office at the end of a calendar year shall receive one-half of the authorized per diem amount (\$1,440); this is consistent with current Council practice;
3. in the Per Diem section (2), clarify that a councilor may receive only one day's per diem regardless of how many meetings are attended that day; this is consistent with current Council practice;
4. in the Per Diem section (3), changes are proposed to state that per diem is paid for attendance at meetings of which the councilor is a member, that per diem paid for other meetings must be approved in advance in writing by the Presiding Officer, and per diem will be paid only if the councilor attends a substantial portion of the meeting; these provisions are a change from past practice in that per diem has been paid for attendance at authorized meetings of which the councilor was not a member;
5. in the Councilor Expense section (1), clarify that a councilor who leaves or assumes office at the end of a calendar year shall receive one-half of the authorized expense account (\$800); this is consistent with current Council practice;
6. in the Councilor Expense section (2), include the additional expense allotment (\$600 for each half year) for the Presiding Officer in the Presiding Officer's individual account rather than in the General council accounts; this is

proposed for ease of administration of the Council general accounts;

7. in the Councilor Expense section (4c), clarify that reimbursement for the use of a personal auto is at a rate of \$.21 per mile; this is consistent with current Council practice;
8. in the Councilor Expense section (4f), the provision for child care costs is deleted as an authorized expense and added as a not-authorized expense in section (5g); it has been several years since a councilor has requested reimbursement for child care costs;
9. in the Council General Account section (2k), clarify the mileage reimbursement for use of a personal auto shall be at a rate of \$.21 per mile; this is consistent with the current Council practice.

#### BACKGROUND INFORMATION

Council expenditure guidelines were first adopted in November, 1983 by Resolution No. 83-431. The original guidelines were essentially in the same form as the current guidelines. The per diem amount was set at \$30 per meeting with a maximum amount authorized of \$2,160 (based on an estimate of 72 meetings). The authorized/not-authorized expenses were the same as provided in the current guidelines, and the maximum amount authorized was \$1,500 per Councilor per year. The original guidelines required the Presiding Officer to submit a budget for expenditure out of the General Council Materials and Services accounts to the Council Coordinating Committee for approval. The Presiding Officer was authorized to approve expenditures within the limits authorized by the Coordinating Committee.

In February, 1985, the Council adopted revisions to the Expenditure Guidelines through Resolution No. 85-541. The guidelines remained the same but the reference to the Council "Coordinating Committee" was changed to the Council "Management Committee" to reflect a restructuring of Council committees.

In June of 1988, the Council again adopted revisions to the guidelines through Resolution No. 88-922. The major changes included:

1. Increasing the maximum amount for per diem to \$2,880 per year (the per diem amount remained at \$30, but the estimated number of meetings was increased to 96 per year).
2. Increasing the maximum amount for councilors' expenditure reimbursement to \$1,600 per year.



3. Elimination of the reference to the Council Management Committee and substituting authority to the Presiding Officer to approve requests for the transfer between per diem and expenditure accounts for individual councilors and requests by councilors for reimbursement out of the General Council Materials and Services accounts. Also the Council Administrator was given authority to approve all other requests. These changes were adopted to reflect the reorganization of the Council into permanent standing committees in 1988 and the further development of Council staff.

Councilor Wyers has requested information be provided regarding 1) the amount of per diem and the total maximum allowable amount of \$2,880; 2) the additional amount allowable to the Presiding Officer; and 3) the amount of per diem authorized by the state of Oregon, specifically to State legislators.

In response to point number 1 (when and how per diem came about) Metro's enabling statute authorizes per diem and expenditure reimbursement for councilors as follows (ORS 268.160):

" . . . notwithstanding the provisions of ORS 198.190, councilors shall receive no other compensation for their office than a per diem for meetings, plus necessary meals, travel and other expenses as determined by the Council."

It is Council staff's understanding that councilors received per diem payments and expenditure reimbursements from the beginning of the creation of the District in its current form (1/79). As indicated above, the first formal guidelines were adopted in November, 1983, which put on paper the amounts that had been used up to that time. Also, as indicated above, the per diem amount has remained constant at \$30 per meeting, but the total amount authorized was increased in June of 1988 from \$2,160 to \$2,880 for councilor per diem and from \$1,500 to \$1,600 for councilor expenses.

In regard to point number 2 (extra amount for the Presiding Officer), the Presiding Officer has always received the same amount for per diem as other councilors. Since November, 1983, the Presiding Officer has been authorized an additional \$1,200 per year in expenses with that amount being contained within the General Council Materials and Services accounts. The guidelines proposed by Resolution No. 89-1065 would retain the current policy of an extra \$1,200 in expenses but place that amount in the Presiding Officer's individual account for ease of administration of the accounts.

In regard to point number 3 (per diem practice of the state of Oregon), Council staff contacted the Legislature's Financial Services Office for information. State legislators receive \$66

per day for per diem (days when they attend a meeting or meetings). The per diem amount is established by rule of the IRS (done on a state-by-state basis) with the per diem being justified as a reimbursement for meals and lodging. The per diem is not taxable income, but rather an expense reimbursement. Per diem is paid to legislators who attend statutorily required meetings. Legislators must be in attendance at a meeting, and there is no rule on how long a person must stay at the meeting. Legislative staff indicated some legislators on occasion request reduced per diem for certain meetings if they are relatively short. This determination is at the discretion of individual legislators.

Members of the various state boards and commissions are authorized to receive per diem and expenses by ORS 292.495 (see Attachment A). Each board or commission must have funds included in its budget for per diem and expenses and per diem is limited to \$30 per day. Expenditure reimbursement follows guidelines set in each board or commission statute and/or those guidelines established by the Executive Department. Also, members of State boards or commissions may be reimbursed for costs of a "substitute" but such costs are limited to \$25 per day.

Councilor Van Bergen has raised a question about receiving per diem for committee meetings at which the councilor is not a members (see Attachment B). The existing guidelines do not specifically address this issue. As indicated above, the guidelines proposed would restrict per diem to committee meetings at which the councilor is a member. This is a change in past practice.

DEC:gpwb  
R891065

attachment

[1963 c.198 §9; 1971 c.642 §5; 1973 c.786 §1; 1977 c.896 §3; 1979 c.635 §2; 1981 c.739 §2; 1985 c.782 §5; 1987 c.894 §5]

**292.410 Supreme Court Justice.** (1) The annual salary of the Chief Justice of the Supreme Court shall be \$72,718 for the year beginning July 1, 1987, and \$74,172 thereafter.

(2) The annual salary of each other judge of the Supreme Court shall be \$70,943 for the year beginning July 1, 1987, and \$72,362 thereafter. [Formerly 292.315; 1961 c.702 §3; 1965 c.171 §3; 1967 c.38 §3; 1969 c.365 §3; 1971 c.642 §6; 1973 c.786 §2; 1977 c.896 §4; 1979 c.635 §3; 1981 c.739 §3; 1985 c.782 §6; 1987 c.894 §6]

**292.415 Circuit court judge.** The annual salary of each judge of a circuit court shall be \$64,358 for the year beginning July 1, 1987, and \$65,645 thereafter. [1971 c.642 §43; 1973 c.786 §3; 1977 c.896 §5; 1979 c.635 §4; 1981 c.739 §4; 1985 c.782 §7; 1987 c.894 §7]

**292.420** [1971 c.642 §44; 1973 c.786 §4; 1977 c.896 §6; 1979 c.635 §5; 1981 c.739 §5; repealed by 1981 c.816 §3]

**292.422 District court judge.** The annual salary of each judge of a district court shall be \$64,358 for the year beginning July 1, 1987, and \$65,645 thereafter. [1981 c.816 §2; 1985 c.782 §8; 1987 c.894 §8]

**292.425 Tax court judge.** The annual salary of the judge of the Oregon Tax Court shall be \$66,475 for the year beginning July 1, 1987, and \$67,805 thereafter. [1977 c.896 §8; 1979 c.635 §6; 1981 c.739 §6; 1985 c.782 §9; 1987 c.894 §9]

**292.430 Retirement and insurance benefits extension to state elected officers.** (1) In addition to the annual salaries set forth in ORS 171.072 and 292.315, the Executive Department may "pick-up," assume and pay to the Public Employees' Retirement Fund the employee contributions, otherwise required by ORS 237.071, for the Governor, Secretary of State, State Treasurer, Attorney General, Superintendent of Public Instruction, Commissioner of the Bureau of Labor and Industries and members of the Legislative Assembly.

(2) The Executive Department may provide health, dental, life and long-term disability insurance without cost to the officers referred to in subsection (1) of this section and to judges of the Supreme Court, Court of Appeals, Oregon Tax Court, circuit courts and district courts in such amounts as are provided from time to time to employees in the unclassified service of the state. [1979 c.635 §9]

## SALARIES AND EXPENSES OF NONELECTIVE STATE OFFICIALS

**292.495 Compensation and expenses of members of state boards and commissions.**

(1) Subject to the availability of funds therefor in the budget of the state board or commission, and except as otherwise provided by law, any member of a state board or commission, other than a member who is employed in full-time public service, who is authorized by law to receive compensation for time spent in performance of official duties, shall receive a payment of \$30 for each day or portion thereof during which the member is actually engaged in the performance of official duties.

(2) Except as otherwise provided by law, all members of state boards and commissions, including those employed in full-time public service, may receive actual and necessary travel or other expenses actually incurred in the performance of their official duties within the limits provided by law or by the Executive Department under ORS 292.210 to 292.250.

(3) As used in subsection (2) of this section, "other expenses" includes expenses incurred by a member of a state board or commission in employing a substitute to perform duties, including personal, normally performed by the member which the member is unable to perform because of the performance of official duties and which by the nature of such duties cannot be delayed without risk to health or safety. No member shall be reimbursed for expenses incurred in employing a substitute in excess of \$25 per day. [1969 c.314 §1; 1973 c.224 §2; 1975 c.441 §1; 1979 c.616 §1]

**292.505** [Formerly part of 292.317; 1961 c.530 §1; 1963 c.572 §1; 1965 c.14 §4; 1967 c.7 §3; 1969 c.644 §2; 1971 c.642 §7; repealed by 1977 c.589 §1]

**292.510** [Formerly part of 292.317; 1961 c.530 §2; repealed by 1963 c.38 §2]

**292.515** [Formerly part of 292.317; 1961 c.530 §3; 1963 c.572 §2; 1965 c.14 §5; 1967 c.7 §4; 1969 c.644 §3; 1971 c.642 §8; 1973 c.787 §1; repealed by 1977 c.589 §1]

**292.520** [Formerly part of 292.317; 1961 c.530 §4; 1963 c.572 §3; repealed by 1965 c.14 §45]

**292.525** [Formerly part of 292.317; 1961 c.530 §5; 1963 c.572 §4; 1965 c.14 §6; 1967 c.7 §5; 1969 c.644 §4; 1971 c.642 §9; 1973 c.787 §2; repealed by 1977 c.589 §1]

**292.530** [Formerly part of 292.317; 1961 c.530 §6; 1963 c.572 §5; repealed by 1965 c.14 §45]

**292.535** [Formerly part of 292.317; 1961 c.530 §7; repealed by 1963 c.572 §50]

**292.540** [Formerly part of 292.317; 1961 c.530 §8; 1963 c.572 §6; repealed by 1965 c.14 §45]

**292.545** [Formerly part of 292.317; 1961 c.530 §9; 1963 c.572 §7; 1965 c.14 §7; 1967 c.7 §6; 1969 c.644 §5; repealed by 1971 c.301 §26 and 1971 c.642 §10]

**292.550** [Formerly part of 292.317; 1961 c.530 §10; 1963 c.572 §8; repealed by 1965 c.14 §45]

ATTACHMENT B

V.G.VAN BERGEN

ATTORNEY AT LAW  
2336 S.E. WASHINGTON ST.  
MILWAUKIE, OREGON 97222

TELEPHONE  
659-4440

February 7, 1989

Toby Janus  
Metropolitan Service District  
2000 SW First Avenue  
Portland, OR 97201-5398

Re: Non-member meetings  
or non committee meetings

Dear Toby:

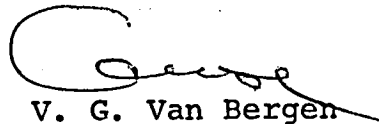
For a period of time I have included as an expense item meetings that I felt in my judgment required my attendance in order to better serve the district and such is the case on my January Invoice for Payment where I listed a Solid Waste meeting.

My point is that on many occasions I do provide time to the district on a non-committee basis and in my judgment I feel those meetings should be compensated. This is particularly true as on a number of occasions the whole council is invited by the committee chair to attend these meetings. Perhaps our ordinance or resolution states that we are entitled to per diem only at a committee meeting, I do not know.

In any event, please run this by the accounting department again with this letter so they can be apprised of my position on this.

I appreciate your help in this matter.

Very truly yours,

  
V. G. Van Bergen

VGVB:lp  
Enc.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REVISING  
GUIDELINES FOR COUNCIL PER DIEM,  
COUNCILOR EXPENSE AND GENERAL  
COUNCIL MATERIALS & SERVICES  
ACCOUNTS

) RESOLUTION NO. 89-1065A

) Introduced by Councilor  
) Gardner  
)

WHEREAS, the Council of the Metropolitan Service District adopted guidelines for the expenditure of Councilor per diem and expense accounts and Council-related expenses through Resolution No. 83-431; and

WHEREAS, the Council of the Metropolitan Service District revised the guidelines for Councilor per diem, expense and general expenses through adoption of Resolution Nos. 85-541 and 88-922; and

WHEREAS, the Council of the Metropolitan Service District has reorganized its operation including merging of committees and obtaining additional staff which necessitates a review of Councilor and Councilor-related expenditure guidelines; now, therefore

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District amends the expenditure guidelines attached as Exhibit A which will supersede any previous adopted guidelines.

2. That the amended guidelines attached as Exhibit A will be effective immediately.

ADOPTED by the Council of the Metropolitan Service District  
this 27th day of July, 1989.

Mike Ragsdale  
Mike Ragsdale, Presiding Officer



**METRO**

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

# Memorandum

DATE: July 27, 1989

TO: Councilor David Knowles

FROM: Donald E. Carlson, *DEC* Council Administrator

RE: INFORMATION ON PER DIEM REQUIREMENTS FOR OREGON LEGISLATORS

This memo is in response to your request for information on the per diem requirements for Oregon legislators. My sources of this information are Michael Greenfield, Legislative Administrator, and Ms. Jan Taylor, Manager of Financial Services for the Legislative Administration Committee.

ORS 171.072(3) authorizes per diem payments to legislators during each legislative session as follows:

"(3) A member of the Legislative Assembly shall receive, as an allowance for expenses not otherwise provided for, a per diem determined as provided in subsection (9) of this section for each day within the period that the Legislative Assembly is in session, to be paid weekly."

ORS 171.072(4) authorizes per diem payments to legislators during the interim as follows:

"(4) A member of the Legislature Assembly shall receive, as an allowance for expenses incurred in the performance of official duties during periods when the legislature is not in session, ..., a per diem determined as provided in section (9) of this section for each day a member is engaged in the business of legislative interim and statutory committees and subcommittees thereof, and task forces and for each day a member serves on interstate bodies, advisory committees and other entities on which the member serves ex officio, whether or not the entity is a legislative one."

In response to my question concerning the "advisory committees" and "other entities," Jan Taylor indicated that there are a number of statutorily created committees where legislators are appointed as regular or ex-officio members and that such committees are technically not "legislative" committees. Examples are the Criminal Justice Commission, the Capital Planning Commission and the Black Affairs Commission. After each legislative session, the Legislative Administration staff compiles a list of such committees and their legislative membership. Those members serving on such committees may collect per diem for each day they are engaged in the business of the committee.

PER DIEM REQUIREMENTS

July 27, 1989

Page 2

Section (9) of ORS 171.072 establishes the legislative per diem allowance as follows:

"(9) The per diem allowance referred to in subsections (3) and (4) of this section shall be the amount fixed for per diem allowance that is authorized by the United States Internal Revenue Service to be excluded from gross income with itemization."

Attached as Exhibit A is the relevant IRS Code section plus a table which shows the Oregon per diem amount to be \$66. It should be noted that at the 1989 legislative session, the Legislative Administration Budget was approved for a \$75 per diem level in anticipation of an increase at some point during the biennium.

I hope this information meets your request. If you need more, please let me know.

DEC:pa

#2C:\DIEMMEM.727



Source: Internal Revenue Code, 26 U.S.C. 162(h)

[Sec. 162(h)]

(h) STATE LEGISLATORS' TRAVEL EXPENSES AWAY FROM HOME.—

(1) IN GENERAL.—For purposes of subsection (a), in the case of any individual who is a State legislator at any time during the taxable year and who makes an election under this subsection for the taxable year—

(A) the place of residence of such individual within the legislative district which he represented shall be considered his home,

(B) he shall be deemed to have expended for living expenses (in connection with his trade or business as a legislator) an amount equal to the sum of the amounts determined by multiplying each legislative day of such individual during the taxable year by the greater of—

(i) the amount generally allowable with respect to such day to employees of the State of which he is a legislator for per diem while away from home, to the extent such amount does not exceed 110 percent of the amount described in clause (ii) with respect to such day, or

(ii) the amount generally allowable with respect to such day to employees of the executive branch of the Federal Government for per diem while away from home but serving in the United States, and

(C) he shall be deemed to be away from home in the pursuit of a trade or business on each legislative day.

(2) LEGISLATIVE DAYS.—For purposes of paragraph (1), a legislative day during any taxable year for any individual shall be any day during such year on which—

(A) the legislature was in session (including any day in which the legislature was not in session for a period of 4 consecutive days or less), or

(B) the legislature was not in session but the physical presence of the individual was formally recorded at a meeting of a committee of such legislature.

(3) ELECTION.—An election under this subsection for any taxable year shall be made at such time and in such manner as the Secretary shall by regulations prescribe.

(4) SECTION NOT TO APPLY TO LEGISLATORS WHO RESIDE NEAR CAPITOL.—For taxable years beginning after December 31, 1980, this subsection shall not apply to any legislator whose place of residence within the legislative district which he represents is 50 or fewer miles from the capitol building of the State.

Amendments:

Sec. as amended  
effective:

A second Code Sec. 162(h) was added by P.L. 97-35,  
§ 2146(b).

P.L. 97-34, § 127(a).

P.L. 97-34, § 127(a):

Added Code Sec. 162(h) to read as above, effective for  
taxable years beginning on or after January 1, 1976. Note:

Legislators' Tax Home Per Diem  
Internal Revenue Code Section 162(h)

On or after August 1, 1987  
(52 Fed. Register 26630)

On or after October 9, 1988  
(53 Fed. Register 37710)

	Lodging	Meals	Total	Lodging	Meals	Total
Alaska*	--	--	109	As of 4/1/88		114
Alabama	42	25	67	43	26	69
Arkansas	48	25	73	48	26	74
Arizona	50	25	75	52	26	78
California	54	33	87	54	34	88
Colorado	63	33	96	65	34	99
Connecticut	50	33	83	52	34	86
Delaware	42	25	67	44	26	70
Florida	43	25	68	45	26	71
Georgia	69	33	102	72	34	106
Hawaii*	As of 7/1/87		102	As of 6/1/88		116
Idaho	44	25	69	46	26	72
Illinois	47	25	72	48	26	74
Indiana	55	25	80	57	26	83
Iowa	48	25	73	50	26	76
Kansas	41	25	66	43	26	69
Kentucky	42	25	67	43	26	69
Louisiana	50	25	75	50	26	76
Maine	43	25	68	45	26	71
Maryland	70	25	95	70	34	104
Massachusetts	75	33	108	81	34	115
Michigan	46	25	71	48	26	74
Minnesota	52	25	77	54	26	80
Mississippi	50	25	75	50	26	76
Missouri	44	25	69	46	26	72
Montana	37	25	62	40	26	66
Nebraska	41	25	66	41	26	67
Nevada	35	25	60	40	26	66
New Hampshire	49	25	74	51	26	77
New Jersey	77	33	110	80	34	114
New Mexico	62	33	95	64	34	98
New York	59	25	84	61	26	87
North Carolina	56	25	81	56	26	82
North Dakota	44	25	69	44	26	70
Ohio	54	25	79	56	26	82
Oklahoma	47	25	72	47	26	73
Oregon	37	25	62	40	26	66
Pennsylvania	60	25	85	62	26	88
Rhode Island	71	25	96	74	26	100
South Carolina	48	25	73	48	26	74
South Dakota	35	25	60	40	26	66
Tennessee	52	25	77	52	26	78
Texas	55	25	80	55	26	81
Utah	60	25	85	60	26	86
Vermont	36	25	61	40	26	66
Virginia	54	25	79	56	26	82
Washington	46	25	71	48	26	74
West Virginia	48	25	73	49	26	75
Wisconsin	54	25	79	56	26	82
Wyoming	43	25	68	43	26	69

\*Set by Department of Defense

For additional information, contact

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

# Memorandum

Date: June 15, 1989

To: Council Finance Committee

From: Donald E. Carlson, Council Administrator

Regarding: RESOLUTION NO. 89-1065A, AMENDING THE COUNCIL PER DIEM  
-- SUGGESTED FY89-90 BUDGET CHANGES

Resolution No. 89-1065A before the Finance Committee this evening provides for an increase in the Council per diem from the current \$30 to \$66 per day for meetings. If approved, the total budget impact of this change will be \$41,472 for FY89-90. Outlined below are suggested amendments to the Approved FY89-90 Budget to fund the \$41,472.

<u>FUND</u>	<u>DEPARTMENT</u>	<u>ACCT # - DESCRIP.</u>	<u>APPRVD.</u>	<u>CHANGE</u>	<u>RESULT</u>
GF	Council	511121, Salaries	62,182	(2,000)	60,182
GF	Council	512000, Fringe	73,791	( 600)	73,191
GF	Council	526500, Travel	10,000	(1,000)	9,000
GF	Council	524190, Misc. Prof. Services	9,000	(2,000)	7,000
GF	Exec. Mgmt.	526500, Travel	10,780	(1,000)	9,780
GF	F&A	528200, Election	120,000	(10,000)	110,000
GF	F&A	521100, Ofc. Sup.	47,365	(2,752)	44,613
GF	Gen. Counsel	511235, Temp. Adm.	1,120	(1,120)	0
GF	Pub. Affairs	526500, Travel	5,621	(1,000)	4,621
		SUBTOTAL		(\$21,472)	
GF	CONTINGENCY	599999	150,000	(20,000)	
		TOTAL SAVINGS		(\$41,472)	

21,120

6-15-89  
DISK:NEWJPM  
A:PDIEMSV.MEM

## COUNCIL MEETING MINUTES (DRAFT)

SEPTEMBER 14, 1989

Roll called, all present. Also present Rena Cusma, Dan Cooper, Ray Barker, Don Carlson.

### 1.1 No Introductions

### 2. Citizens Communications to Council on Non-Agenda Items:

T.R. Factor - I'm here to give you an update of what's been going on with the Jack Grey contract, a lot has been happening recently and I have discovered some memos that passed misinformation to you that I thought I should clear up for your benefit since you all received the memos, you should be aware that they are not accurate. The first one is relative to the temporary PUC mark area authority in which there was some checking as to whether or not Jack Grey could be granted a temporary permit should his application not be decided upon before the first of January. And the last line of this communication from Dan Cooper to Gary Hansen says that "as Monica", of course that would be Monica Little, concludes there is no barrier to the issuance of a temporary permit for Jack Grey Transport if the PUC has failed to conclude this matter by January 1, 1990. That is not correct. I have been in communication with the PUC and the temporary permit authority person, they have been working on staff report on specifically that point. That is, what constitutes true need. So I have a couple of excerpts to let you know what the facts are relative to this from the PUC's point of view. "True need is not ordinarily found in cases where existing carriers are able to provide reasonable service. Temporary authority is not granted merely for reasons of convenience or because of a shipper's preference of carriers. The simple willingness of a carrier to charge lower rates will not justify approval of the application". And one more excerpt about this matter, "If it has been determined that a quote 'true need exists' staffs approval of a temporary authority application is conditioned on the fact that the applicant has a satisfactory record of compliance with PUC regulations. Staff reviews, past operations to confirm that highway use taxes have been paid in a timely fashion, there have not been suspensions for weight mile tax bond and insurance filing violations, there have not been violations of rate and authority regulations, and finally, the applicant has a satisfactory safety inspection record", and we know, of course, that that is not the case with Jack Grey, his rating is conditional,

has been for some years. I would be glad to provide copies of this entire staff report and documentation relative to the question of true need for the Council's perusal.

The next item was a memo from Bob Martin trying to answer Ruth McFarland's questions about the 526 miles, and if that fit into an appropriate operating plan. I've been in communication with the Deputy Director of Safety for the Public Utility Commission and he got very busy in the last several days and wasn't able to send me up the letter, but I will have it for you before next Tuesday's Solid Waste Committee Meeting, in which this operating plan is questionable at best, and just as an example I might point out to you that this 526 miles within 10 hours means that 55 m.p.h. is as fast as they're supposed to go or they're breaking the law, you divide that out that comes out to 55 m.p.h. for 9.56 hours, which means that of that 10 hours, all but 25 minutes have to be done at 55 m.p.h. and I think that I would certainly credit you with the ability to figure out that cannot be. That means that they would have to start from 0 to 55 m.p.h. just like that, and maintain it. It can't be done but I will have documentation for you from the Safety Administrator very soon. (etc., etc.)

Charles Hales, Staff Vice President for Governmental Affairs, Homebuilder's Association, Metropolitan Portland. I'm sorry to have to take the Council's time for such an important issue under this item of business, but unfortunately this is the only procedure by which we can bring it to you. We're here regarding a proposal, a staff report that was brought to your Intergovernmental Affairs Committee regarding an Amicus Brief that is to be filed in Great American Development vs. The City of Milwaukie. I will very briefly take a few minutes of your time this evening to describe what's going on and why it's so important that the Council consider the issue this evening. As you might remember, it took Milwaukie three times to go through the acknowledgement process. The reason was, Milwaukie was very reluctant to accept their share of the region's housing density under Goal 10, A Thousand Friends of Oregon, State Housing Counsel, the reviewer, Tom O'Connor, here at Metro, all of us put a great deal of pressure on Milwaukie, and a number of other jurisdictions, Happy Valley, for example, who frankly didn't want high density housing, what they perceived to be high density housing, in their jurisdictions at acknowledgement. And on the third try, the city was acknowledged with some very tough provisions about UPSOM, they were acknowledged with a two-map system, like Portland has, where the old pre-land use planning densities were maintained in the zoning map and



the comp-plan map contained the higher densities necessary to reach the Metro Housing rule. (etc., etc.)

Knowles: I think this is an issue the Council should have a chance to debate. In part it involves whether or not Metro instructs its legal counsel to take some action, and that ordinarily has been an issue that the full council has decided, rather than a committee. Would you prepared to accept a Motion at this time and Suspend the Rules and pick this up now?

Ragsdale: If you made such a motion it would be in order. I believe, however, it might be more appropriate to make the motion as the first item under the agenda item of resolution, \_\_\_\_\_. It seems more appropriate to deal with it as a resolution sort of an item. It seems more appropriate to deal with it at that agenda time as opposed to Citizen's Communication. So, if it's your intent to make a Motion I'll recognize you as we get to agenda item number 6.

Knowles: And that would give us an opportunity to discuss this further?

Ragsdale: Right.

Devlin: Since there will be an interim of least a brief time before that occurs, could I ask that the staff report that the IGR committee had be made available to the Council?

Knowles: I would agree, and it would be my intention to call on the staff to explain their recommendations.

Ragsdale: Could you see that the staff report is pulled out and distributed to the Council?

Hansen: Will the vote on the suspension of the rules require a unanimous vote?

Ragsdale: I was aware that this might come before us, so I've done some research. The first question we ask was would it be possible to remove the resolution from the committee and act on it tonight? The answer to that is clearly no in that our code allows provisions for the Council or the Presiding Officer to remove an item from the committee, it must come on a subsequent Council meeting, so it could not be dealt with tonight. We can suspend our rules to allow a Resolution to be introduced, that would require Councilor Knowles to introduce a new resolution, we can suspend the rules for that purpose. Subsequently, if we do that, either in the same motion or in a subsequent motion, we can place it on the agenda for immediate action. It would be single motion and it does require 2/3 majority vote.

(etc., etc.)

Rena Cusma: I do concur with Mr. Hale's position on this issue.

And the reason for that is, I believe strongly that Metro does have a role here, I think that we've abrogated that, we clearly are the responsible agency, and I don't think that we are taking our proper role or sending out a proper message if we back away from this one. I think it is a regional issue, I think it's something that is appropriate for us to take a position on, and I think we have the responsibility to do that. Secondly, let me move on to my second agenda item, I'd like to introduce to you Mr. David Cantor, who is replacing Mr. Bob Applegate. Mr. Cantor is the joint position between Public Affairs and the Executive Office, and I wanted you to know him because you'll be working with him.

FIRST READINGS OF ORDINANCES BY TITLE ONLY BY COUNCIL CLERK:

Ord. No. 89-309 - referred to Convention, Zoo & Visitors  
Facilities Committee

Ord. No. 89-310 - referred to Finance Committee

Ord. No. 89-312 - referred to Finance Committee

Ord. No. 89-313 - referred to Solid Waste & Finance Committee

Ord. No. 89-314 - referred Internal Affairs Committee

Ord. No. 89-303 - referred to Solid Waste Committee

MOTIONS TO ADOPT THE ORDINANCE:

Ord. No. 89-306 - (Van Bergen) Salaries reflect quality of office. Very supportive of legislature in enhancing level of the salaries for executive officers as I am for the judicial, which is key, I give it my full support.

Motion Passes. (12/0)

Ord. No. 89-307 - (Van Bergen) \$50 per meeting.

Knowles - Opposed the resolution when we changed our rules and I now oppose this motion on the basis that I strongly disagreed with the rules that we adopted for ourselves.

Motion Passes (11/1)

Ord. No. 89-308 - (Gardner) Over past two years Metro has been getting some subtle and not so subtle messages from Federal EPA and State DEQ that we needed to take a more active role in coordinating the activities in this region as relate to water resources and particularly water quality. In review of the current year's budget the Budget Committee and Finance Committee at the Executive Officer's recommendation, decided to create one full time position within Metro working and working with our Planning and Development Department to do just that. To analyze numerous water resources, water supply, water quality issues in this region, and to develop a regional role for Metro in trying to deal with those issues and to coordinate the activities that are going on with the variety of the jurisdictions and water districts, etc. We have hired one full-time person (Sprecker) who I'm sure has immediately realized that he has one heck of a project to get his arms around. It

became obvious very quickly that the scope of the problem was very large. The scope of the number of various agencies that were already involved and would be getting involved..... The recommendation is to expand our water quality study program by adding additional position, an Associate Management Analyst, to assist Mr. Sprecker and to take parts of that task that are simply too much for one person to be able to handle. (etc., etc)

Ragsdale: Will place subject matter in Intergovernmental Affairs Committee for time being, it will likely soon merit it's own free-standing Council Committee.

Gardner: Related to our discussion on how to fund this position, there's concern not only for the cost this year, but what on-going costs might be. The Finance Committee therefore recommended a budget note also, the budget note would state "the Administration should seek other sources of revenue for this program in an effort to fund all or a portion of this request and thus reduce the use of existing general fund money during this fiscal year". While we're willing to put up the money, we hope that we'll be able to find, as the year goes on and as the program develops we'll be able to find some other revenue sources. A large part of what we're doing is going to be of great benefit to a lot of those existing agencies that deal with this problem from day to day. (etc., etc.)

Motion passes unanimously.

Item 6 - Resolutions (Knowles) I move to suspend the rules to allow for the immediate consideration of Resolution 89-1148.

Ragsdale - Motion to Suspend is non-debatable.

Motion fails (7/5)

Res. No. 89-1107A - Motion passes unanimously

Res. No. 89-1133A - Motion passes unanimously

Res. No. 89-1131A - Motion passes (8/4)

#### PUBLIC HEARING

Berna Plummer - (see her attachment)

T.R. Factor - Why aren't you considering the best possible proposal even if it requires a little more attention to detail and a little more work. I think the idea of trying to get it done quickly, quickly, quickly is going to land you in the same can of worms that doing quickly, quickly the Jack Grey contract did. You know, 5 1/2 months after the contract is signed, nothing has happened. And you may run into the same kind of problem. Consider the best possible proposal with whatever information comes up, and not to make a decision right away and then to try to squeeze in it all these environmental concerns. Would'nt it be better to resolve that

before you sign your name on the bottom of the piece of paper.  
(etc., etc.)

#### DISCUSSION ON MOTION TO APPROVE

McFarland: I believe pollution on that side is inevitable. I believe we will be in litigation for 25 years over this site, but Metro will come out the winner - I will have to vote no on this site.

Van Bergen: What is our role under a RFP. Mr. Cooper, my concern is what is our statutory authorities under an RFP to accept what may be the recommendation of staff or otherwise.

Mr. Cooper: Oregon law competitive bidding is the rule. Evaluate bids on who is the lowest responsible bidder, price is the final determinant.