

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FEBRUARY 25, 1982

Members present: Couns. Banzer, Berkman, Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Oleson, Rhodes, Schedeen and Williamson.

Also present: Executive Officer Rick Gustafson.

Staff present: Jack Bails, Richard Brandman, Andy Cotugno, Jill Hinckley, Mike Holstun, Mel Hule, Warren Iliff, Merle Irvine, Andy Jordan, Dan LaGrande, Sonnie Russell, Ethan Seltzer, Steve Siegel, Jennifer Sims, and Caryl Waters.

Visitors present: Beth Blunt, League of Women Voters;
John Hayes, Oregonian;
Ron Brown, KYXI;
Robert Bothman, Asst. State Highway Engineer;
on Bryan, Portland Air Quality Commission.

The meeting was called to order by Presiding Officer Banzer.

There were no introductions at this time.

2. Written Communications to Council.

Coun. Banzer reported she had received a letter of gratitude from the Juba family for the recently adopted resolution honoring Sue Juba.

Coun. Burton reported he had received two letters in opposition to the Wildwood landfill from M. J. Setven, P.E., and Gordon C. Hoare, P.E. Coun. Burton requested that the letters be entered into the record.

There were no citizen communications to Council on non-agenda items.

4. Councilor Communications.

Coun. Oleson stated he had received a request from Washington Commissioner Dagg for a copy of Metro's audit. Coun. Oleson did supply her with a copy of the audit.

Coun. Berkman stated that the Council should make a statement regarding Commissioner Dagg's request that the Secretary of State perform an audit on Metro's '80-'81 finances. Coun. Berkman read a prepared statement regarding the audit just completed by Coopers and Lybrand, which he believes is thorough and accurate. Coun. Berkman continued by saying, "It would be a much wiser use of public funds, in my view, to hire another bookkeeper, if we need one, than to spend thousands of dollars to duplicate the audit just completed by Coopers and Lybrand." He continued that the Secretary of State's office does not have the resources to conduct an audit without billing us for their costs, as any other outside auditing firm.

Motion that Metro will not request the Secretary of State to conduct another audit in which additional public monies would be spent (Berkman/Schedeen); carried by the following roll call vote:

YEAS: Berkman, Kirkpatrick, Oleson, Rhodes, Schedeen, Williamson
NAYS: Banzer, Bonner, Etlinger
ABSENT: Deines
ABSTAINING: Burton

Coun. Bonner stated that Commissioner Dagg does not dignify herself in her positions about Metro and Metro would not dignify itself with any reactions.

Coun. Etlinger stated that he concurred with Coun. Bonner and to make a motion such as this is out of place.

Coun. Oleson stated he was in favor of the motion and would support it since he has had several citizens comment on the issue and that the Council should go on record with their statement.

Coun. Banzer stated that Metro has not received a formal request; it has only been printed in the newspaper, so there is no formal request to respond to. She continued that it is her recommendation that the Council withhold a decision on this issue until the Fiscal Management Task Force has had the opportunity to make their recommendations.

Coun. Berkman stated he was not responding to Comm. Dagg's request, but to the questions he has received about the reliability of the Coopers and Lybrand audit just completed.

5. ODOT Presentation on North McLoughlin Corridor.

Robert Bothman, Asst. State Highway Engineer, Oregon Department of Transportation, reviewed the McLoughlin Corridor project, which would widen a 4.41-mile section of McLoughlin Boulevard (US 99E) in Multnomah and Clackamas Counties from the Union-Grand Viaduct to S. E. River Road.

Mr. Bothman reported that on February 18, the alternatives were presented at a public hearing at which approximately 60% of the property owners in the area were contacted. The following is the procedure from this point:

- March 18 - Hearing on project alternatives; receive public testimony.
- ODOT will prepare hearing study report.
- June '82 - ODOT to seek recommendations of Portland and Milwaukie.
- Given "build" alternative, ODOT to prepare final document.
- October '82 - Final document to Federal Highway Administration for approval.
- December '82 - Approval by Federal Highway Administration.
- Early '83 - Begin right-of-way acquisition.
- '83 or '84 - Phase I - Tacoma St. project construction.
- '86 - '87 - Phase II - construction of remainder of project.

6. Consent Agenda

The consent agenda for this meeting consisted of:

- 6.1 A-95 Review.
- 6.2 Minutes of 1/28/82 and 2/4/82 Meetings.
- 6.3 Resolution No. 82-303, For the Purpose of Authorizing the Executive Officer to Review and Approve Metro's Recommendations to the Land Conservation and Development Commission (LCDC) on Requests for Compliance Acknowledgement.
- 6.4 Final Amendments to 'Problem 5' in Transportation Staff Report 77.
- 6.5 Resolution No. 82-304, For the Purpose of Endorsing Priorities Using Interstate Transfer Funds in FY 1982.
- 6.6 Resolution No. 82-302, For the Purpose of Selecting Members of the Solid Waste Policy Alternatives Committee for 1982-84.
- 6.7 Contract Award for Construction of Zoo's Lemur Island.

Items No. 6.1, 6.3 and 6.6 were removed from the consent agenda.

Coun. Berkman stated that in the minutes of 1/28/82, Clerk should correct the spelling of Bob Auinger's name.

Motion that the consent agenda be approved, as amended; carried unanimously. (Kirkpatrick/Schedeen)

6.1 A-95 Review.

Coun. Kafoury explained that she had requested this item be removed from the consent agenda. She stated that the local match shown (\$121,000) was incorrect on the first item. She continued that this authorization would be to submit an application to Health and Human Services in the event that a concept paper, which has already been submitted, is approved. Then, HHS would invite submittal of a grant application. She requested that if Metro is invited to submit a grant application that it not make reference to the options project as a match project for this grant unless it has approval of the Juvenile Services Division.

Jack Bails stated that there is no match required for the concept papers and it was an error that it appeared as a match on the report.

Coun. Etlinger commented on what appeared to be a duplication of grant applications for computer services for several social service agencies, stating that Metro should review such cases to eliminate duplication of authorization for the same project.

Coun. Kirkpatrick stated that all HHS grants require concept papers and they are not really grant proposals. Those chosen from the papers will be invited to submit grant proposals.

Motion that the A95 Review be approved; carried unanimously. (Kirkpatrick/Rhodes)

6.3 Resolution No. 82-303, For the Purpose of Authorizing the Executive Officer to Review and Approve Metro's Recommendations to the Land Conservation and Commission (LCDC) on Requests for Compliance Acknowledgement.

This item was referred back to the Development Committee.

6.6 Resolution No. 82-302, For the Purpose of Selecting Members of the Solid Waste Policy Alternatives Committee for 1982-84.

Motion to amend the resolution to remove the name of Kelly Wellington and replace him with John Gray. (Banzer/Schedeen, motion withdrawn after discussion.)

General discussion of the nominees, their background and the bylaws of the Committee.

Motion that this item be removed from the agenda and sent back to the Services Committee. (Kafoury/Williamson)

Coun. Banzer and Schedeen withdrew their original motion.

Motion to amend Coun. Kafoury's motion to accept the committee members as presented and request that the Services Committee address the SWPAC committee bylaws as they relate to expanding the membership; carried. (Oleson/Kafoury, Kirkpatrick voting "no")

Resolution No. 82-311, Amending the Metro Pay and Classification Plan with Respect to the Position of Solid Waste Director.

Coun. Berkman stated that in light of Metro's increased solid waste responsibilities and resignation of the Solid Waste Director, he would like Council to indicate to the Executive Officer approval of a new classification and specifications for the new Solid Waste Director. Funds for this position are available from two sources--the Solid Waste Operating Fund and SW 115 (Energy Recovery Funds). He stated he felt that Metro should move swiftly and directly to fill this important position.

Motion to authorize the Executive Officer to begin recruiting applicants for the position of Solid Waste Director. (Berkman/Oleson)

Coun. Burton stated he did not understand recruiting for a position for which neither salary nor job description have been established; also, the Council has made no determination to commit themselves to building the Energy Recovery Facility.

Coun. Oleson stated that regardless of commitment to Energy Recovery, the position of Solid Waste Director will have to be filled. He continued that the recruiting process could take five to six weeks.

Coun. Berkman stated that the intent is to recruit someone competent and that it may cost more than the budgeted amount.

Coun. Etlinger stated that from the applicants' standpoint, it would be better to recruit when a job description has been formulated. He also stated

that he felt Metro's existing staff in Solid Waste is capable of handling the operation until the Energy Recovery decisions are made.

Coun. Rhodes stated that the resolution does not adopt a new job description but only provides for the removal of the present description and salary and placed on a flat rate. The decision on the job description may be made at a later time. She stated she would like to add a provision that the position must be confirmed by the Council.

Executive Officer Gustafson stated that the Council has reviewed and approved the Solid Waste Management Plan, which includes a number of programs. He asked for Council's approval to recruit for the position that will have a competitive salary and have responsibility for implementation for the Solid Waste Program which is well outlined. He feels that the need for the upgraded position would be increased should the choice be made not to proceed with Energy Recovery. He stated the position should have long-term construction and management experience in order to carry out the Solid Waste Program as outlined.

Motion to end debate; failed. (Williamson/Schedeen; Bonner, Burton and Rhodes voting "no")

Coun. Rhodes asked for a point of order; of vote was on the motion to refer the resolution to the Coordinating Committee.

Presiding Officer stated that Coun. Berkman had introduced a resolution which has been referred to the Committee; but he also made a motion to authorize the Executive Officer to begin recruiting for the position of Solid Waste Director, the pay scale, responsibilities and reporting mechanism to be decided at a later time.

Executive Officer stated that what he is looking for is authorization to recruit for the position with specific job description and responsibilities to be decided by the Council at a later date, but keeping in mind to recruit someone with both construction and management experience. The current job description for Solid Waste Director does not include those elements.

General discussion and clarification of the motion.

Motion to amend the previous motion to read:

"Motion to authorize the Executive Officer to begin recruiting applicants for the position of Solid Waste Director, with a salary not to exceed \$50,000."

(Berkman/Kafoury)

Coun. Bonner moved to strike the language having to do with the salary. Coun. Deines seconded the motion.

Coun. Bonner stated that his intent with the motion was to authorize the Executive Officer to begin recruiting for the position at a salary "to be determined", but to begin the recruiting process as soon as possible.

Coun. Deines suggested that the ad request resumes and salary requirements; the salary should be negotiated.

Coun. Etlinger concurred with Coun. Deines, stating that an agency that regulates the solid waste industry should not begin a bidding war on staff positions with outside agencies.

Executive Officer stated that he is not concerned with the level of salary at this time, but he requests that Council authorize him to recruit in excess of the current salary, \$41,000 per year. Applicants' salary requirements may exceed the present range and the Exec. Officer asks for approval to recruit at those applicants, if necessary.

A vote on the amendment ("not to exceed \$50,000") failed with Coun. Rhodes voicing the only affirmative vote.

Coun. Burton reiterated that in his opinion, Metro does not need a high-powered, high-salaried Solid Waste Director when decisions have yet to be made in the Solid Waste Program.

Coun. Deines stated that the Executive Officer has been managing the contracts for the Energy Recovery and he is, in essence, saying that he needs some assistance in managing these contracts. He also stated that with the resignation of the present Solid Waste Director imminent, recruiting for a replacement should begin immediately.

Executive Officer asked if he could correct some erroneous facts. In June, 1981, he wrote a memo to the leadership of the Council, which included Coun. Burton, that suggested that Metro had major capital improvements and that the Council should address the responsibilities of the Solid Waste Dept. The Solid Waste Program is being substantially expanded; the money involved is immense. It is unfair to suggest that there has not been a considerable amount of information made available to the Council on the subject of the Solid Waste Program. He stated he feels it is important to obtain a solid Waste Director qualified in both construction and management, even if the Energy Recovery Facility is not built.

A vote on the motion was taken (to authorize the Executive Officer to begin recruiting for the position of Solid Waste Director):

YEAS: Williamson, Kafoury, Rhodes, Oleson, Schedeen, Kirkpatrick, Berkman
Etlinger, Bonner and Deines.

NAYS: Banzer and Burton.

The meeting recessed for fifteen minutes.

7.1 Resolution No. 82-305, Adopting the Ozone and Carbon Monoxide State Implementation Plans (SIP's) for the Oregon Portion of the Portland-Vancouver Air Quality Maintenance Area.

Motion to adopt Resolution No. 82-305; carried unanimously. (Kafoury/Williamson)

Coun. Williamson reported that the area is achieving the goals for clean

air and in fact, it is projected that the area will more than meet the goal.

Coun. Burton reported that a resolution of differences between the Portland and Vancouver plans is being pursued. It has not yet been decided how the "cushion" of offsets will be credited to Portland and Vancouver.

Don Bryan of the Portland Air Quality Advisory Committee spoke in favor of adoption of the SIP's.

7.2 Resolution No. 82-307, Providing for the Metropolitan Citizens' League Review and Recommendation on Metro's Governing Structure.

Motion to adopt Resolutio No. 82-307. (Bonner/Etlinger)

Motion to amend the Resolution by deleting the following wording in the paragraph numbered 1. in the Resolution:

"...with a view to recommending ways to improve Metro's fundamental governing structure as set forth in the State statutes."

(Rhodes/Deines); carried by the following roll call vote:

YEAS: Williamson, Kafoury, Etlinger, Rhodes, Oleson, Schedeen and Berkman.
NAYS: Bonner, Deines, Banzer, Burtcn and Kirkpatrick.

7.3 Resolution No. 82-308, A Resolution Establishing Budget Control Procedures.

Motion that Resolution No. 82-308 be adopted; carried unanimously. (Burton/Berkman)

7.4 Resolution No. 82-309, In the Matter of Initiating a Metropolitan Service District Boundary Annexation to Include the Area of the Waldo View Estates UGB Amendment.

Motion that Resolution No. 82-309 be adopted; carried. (Bonner/Schedeen, Kafoury voting "no")

7.5 Resolution No. 82-310, A Resolution Providing for the Assessment of Dues to Local Governments for FY 1983.

Motion that Resolution No. 82-310 be adopted; carried unanimously. (Deines/Kirkpatrick)

Prior to the vote on adoption of the resolution, there was a motion by Coun. Etlinger, seconded by Coun. Bonner, to increase the dues from 50¢ to 51¢ per apita. The motion on the amendment failed by a 2-10 vote.

8.1 Public Hearing on Ordinance No. 82-129, An Ordinance Approving in Part the City of Portland's Petition for Locational Adjustment of Metro's Urban Growth Boundary (UGB) as Requested by Co-petitioners Kenneth and Melinda Scott and Amending the UGB as Approved.

Motion that the Ordinance be adopted. (Bonner/Schedeen)

There was no one present who wished to speak during the public hearing.

8.2 Public Hearing on Ordinance No. 82-128, For the Purpose of Adopting and Implementing the Regional Stormwater Management Plan. (First Reading)

Motion that the ordinance be adopted. (Oleson/Rhodes)

Motion to amend the ordinance with the three amendments proposed in the memo from Couns. Rhodes and Oleson; carried unanimously. (Rhodes/Bonner)

There was no one present who wished to speak during the public hearing.

8.3 Public Hearing on Ordinance No. 82-130, An Ordinance Relating to the Approval and Execution of Public Contracts and Repealing Ordinance No. 80-103. (First Reading)

Motion that the ordinance be adopted. (Burton/Schedeen)

Motion to amend the ordinance to delete Section II.C.4.g. in the contract procedures; carried. (Rhodes/Kirkpatrick; Etlinger, Banzer and Schedeen voting "no")

General discussion of the contract procedures.

There was no one present who wished to speak during the public hearing.

9.1 Executive Officer's Report.

Executive Officer Gustafson had no report at this time.

9.2 Committee Reports.

Coun. Berkman stated the Council Audit Committee would meet some time next week.

Coun. Rhodes reported the Services Committee had received an informative update on gas recovery at their last meeting.

Presiding Officer reported that the Task Force on Fiscal Management would meet at 5:30 PM on Wednesday, March 3.

The meeting adjourned at 10:20 PM.

Respectfully submitted,


Sue Haynes, Clerk of the Council