

**MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

JANUARY 6, 1983

Councilors Present: Councilors Banzer, Berkman, Bonner, Deines, Etlinger, Hansen, Kafoury Kelley, Kirkpatrick, Oleson, Van Bergen, and Williamson.

Councilors Absent: None.

Also Present: Rick Gustafson, Executive Officer.

Staff: Don Carlson, Andrew Jordan, Dan Durig, Jennifer Sims, Dan LaGrande, Dennis Mulvihill, and Doug Drennen.

Testifiers: Tom Saucy, Citizens To Save Yamhill County Committee.

The meeting was convened at 7:35 p.m. by Presiding Officer Banzer.

1. Election of Officers

Motion: Councilor Deines nominated Councilor Kirkpatrick as Presiding Officer. Councilor Kafoury seconded the motion.

Motion: Councilor Etlinger nominated Councilor Banzer as Presiding Officer. Councilor Oleson seconded the motion.

Motion: Councilor Kafoury moved closure of nominations.

Vote: The motion to close nominations carried unanimously by voice vote.

Councilor Berkman stated he had distributed a letter to each of the Councilors regarding the Presiding Officer selection process. (A copy of the letter is attached to the agenda of the meeting.) He proposed that the candidates for the position of Presiding Officer be given the opportunity to state for the public record their reasons for seeking the position, as well as their plans and goals. In addition, he said each Councilor should be given the opportunity to express his or her reasons for supporting the candidate of their choice.

Motion: Councilor Berkman moved that the Council adopt an amendment to its Presiding Officer selection process that each candidate be given the opportunity to offer comments with reference to their own candidacy and

that each Councilor, if they choose to do so, be given the opportunity to express support for the candidate of their choice. Councilor Etlinger seconded the motion.

Motion

to amend: Councilor Bonner moved amendment to the motion to refer it to the Council Coordinating Committee for consideration and in addition to develop some procedures, for review by the Council, on the selection of Presiding Officer. Councilor Oleson seconded the motion to amend.

Vote: By voice vote, the motion to amend failed.

Vote: By voice vote, the motion to amend the Presiding Officer selection process carried unanimously.

Councilor Kirkpatrick stated that she believed she could bring to the Council, as Presiding Officer, the professionalism needed to give Metro credibility in the region. She said the Metro Council needed to conduct a self-evaluation in order to establish some realistic goals for itself. She said she believed very strongly in the regional government concept. She then recited her background in public service. She said another thing she would like to accomplish during the next year was a strengthening of their statutory obligations for a local government advisory committee. She said it was important for the Council to pick out those issues that are regional in nature and they can do that best if they worked with people at the County, City and State level so that responsibilities are divided and there is no duplication.

Councilor Banzer stated that she believed her record as Presiding Officer spoke for itself. She said she had worked with the staff during the last year in a cooperative basis and yet preserved the prerogative of the Council to make and exercise its policy-making role and responsibility. She said she would like to see the Council review its own structure and organization in the interest of determining whether or not the current organizational form is allowing them to most effectively carry out their policy-making responsibilities as well as their budgetary and personnel oversight responsibilities. She said the Councilors needed to work in their respective districts to heighten Metro's visibility. She said as a long-term goal for the Council there was the need to address the diminishing fiscal resources in the public sector in the state of Oregon. She said it was appropriate for Metro to be involved in some limited but appropriate direct services. She said the

time had come for them to begin to talk about what, if any, and when those services should be delivered.

Councilors Kafoury, Williamson, Deines and Berkman then spoke in support of Councilor Kirkpatrick's candidacy as Presiding Officer.

Councilors Etlinger, Bonner, Oleson, and Hansen spoke in support of Councilor Banzer's candidacy.

Councilor Berkman spoke in support of the rotation of the Presiding Officer position each year. He said he believed as long as the Council had willing people to serve, the honor as well as the responsibility should be shared.

Vote: A vote by ballot resulted in the following:

For Councilor Kirkpatrick: Councilors Berkman, Deines, Kafoury, Kirkpatrick, Van Bergen, and Williamson.

For Councilor Banzer: Councilors Banzer, Bonner, Etlinger, Hansen, Kelley and Oleson.

Tie Vote.

Presiding Officer Banzer stated that the above agenda item would be continued to the end of the agenda.

2. Introductions.

There were no introductions at this time.

Don Carlson, Deputy Executive Officer, stated that he had been asked on behalf of the Executive Officer, who had had to leave, to reiterate Mr. Gustafson's statement made at the swearing-in ceremony that he wanted to welcome the new Council members and his pledge to improve the relationship between himself and the Councilors and the Council as a whole.

3. Councilor Communications.

There were no Councilor communications.

4. Written Communications to Council on Non-Agenda Items.

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

5. Citizen Communications to Council on Non-Agenda Items.

Mr. Tom Saucy, representing the Committee to Save Yamhill County, stated the Committee felt it was appropriate to come before the Council to share the results of the Newberg/Dundee area Planning Advisory Committee meeting regarding the application for the Big Fir Landfill. The PACT, he said, was the first decision-making body in the approval process and had unanimously recommended denial of the application.

Mr. Saucy requested permission to show slides of the area proposed for the landfill. Presiding Officer Banzer stated she would rather have Mr. Saucy wait until the Council Coordinating Committee meeting of January 12, 1983, at which time there would be a full hearing on the matter and it would be more appropriate for the slides to be shown at that time. Mr. Saucy agreed to return on January 12th.

6. Consent Agenda.

The Consent Agenda consisted of the following:

6.1 Minutes of the meeting of November 23, 1982.

Motion: Councilor Kafoury moved adoption of the Consent Agenda. Councilor Kirkpatrick seconded the motion.

Vote: The vote on the motion to adopt the Consent Agenda resulted in:

Ayes: Councilors Berkman, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, Williamson, and Banzer.

Nays: None.

Motion carried; Consent Agenda adopted.

7.1 Consideration of Resolution No. 83-379, for the purpose of appointing three citizens to the Metro Investment Committee.

Councilor Berkman stated that he and Councilor Banzer were recommending the appointment of Susan McGrath, Rebecca Marshall and Dave Smith as members of the newly created Investment Committee for Council approval.

Motion: Councilor Berkman moved adoption of Resolution No. 83-379. Councilor Kirkpatrick seconded the motion.

Councilor Van Bergen stated he was in full agreement with the Resolution but suggested that the citizens be appointed for definite terms so there would be a rotation and provide the opportunity for the Council to reappoint or not reappoint. He suggested that the terms be for three years and that one citizen be appointed for one year, another for two years and the third for three years.

Don Carlson suggested the selection of terms take place at the first meeting of the Investment Committee and that an amendment to the Resolution be brought back to the Council setting forth those terms.

Councilor Kelley asked if it was intended that the Committee would go on for three years. Councilor Berkman stated that as long as Metro existed it should have an Investment Advisory Committee.

Councilor Kafoury asked if there was to be protection against any conflict of interest on the part of the committee members. Councilor Berkman responded that in the course of evolving the rules and policies by which the committee would operate that it be clearly established that no member of the committee would participate in or benefit by an investment decision.

Mr. Carlson stated that the Committee members would assist the staff in developing rules and policies which would be brought to the Council for their adoption. He said conflict of interest rules would be included in the Committee's rules and policies.

Vote: The vote on the motion to adopt Resolution No. 83-379 resulted in:

Ayes: Councilors Berkman, Bonner, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, Williamson, and Banzer.

Nays: None.

Absent: Councilor Deines.

8.1 Ordinance No. 82-150, relating to the FY 1982-83 budget and appropriations schedule; eliminating three energy recovery facility funds, eliminating the drainage fund, creating a sewer assistance fund, and amending Ordinance No. 82-132. (Second Reading)

The ordinance was read a second time, by title only.

Jennifer Sims, Manager, Budget & Administrative Services, briefly reviewed the staff report, as contained in the agenda of the meeting.

Councilor Etlinger brought up the point that the Council has never made a policy decision regarding curbside recycling and yet the ordinance before them provided for \$58,000 to be dedicated to the program. Mr. Durig, Solid Waste Director, stated that while the appropriation was included in the budget, the funds for the contracts would not be expended without Council approval.

Councilor Kafoury inquired how many people were being eliminated as a result of the proposed ordinance. Mr. Durig stated three of the four positions eliminated were achieved through attrition and the fourth position, which was a secretarial position at the Oregon City office, was abolished when the Oregon City office was closed.

Councilor Deines stated that the dollars being set aside for the waste reduction and recycling program needed to be monitored. He said Metro was going to receive many requests for the funds for recycling from organizations who were under the impression that Metro had unlimited resources.

Vote: The vote on the motion to adopt Ordinance No. 82-150 resulted in:

Ayes: Councilors Berkman, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, and Banzer.

Nays: Councilor Williamson.

Motion carried, Ordinance adopted.

9. Committee Reports.

Councilor Deines stated that at the next meeting of the Council Coordinating meeting they would be considering the citizen appointments to the committee for the FY 83-84 budget process. He asked Councilors to submit additional names as soon as possible.

Presiding Officer Banzer stated that the Services Committee meeting would be held on Tuesday, January 11th.

Councilor Bonner stated that the Development Committee would meet on Monday, January 10th in the Multnomah County Education Service District building. He said the Committee would be hearing testimony on possible ways of reorganizing local government.

Presiding Officer Banzer stated the first meeting of the Investment Committee would be held on Monday, January 10th at 4:00 P.M. and that there would be a Special Council meeting held on Wednesday, January 12th at 5:30 P.M. for the purpose of appointing someone to fill the vacancy in District 3. Following that Special Council meeting, she said, there would be a special Council Coordinating Committee meeting to discuss the Big Fir Landfill proposal.

Councilor Williamson stated that JPAC would be meeting on Thursday, January 13th at 7:30 a.m.

At this time the Council recessed to 8:55 p.m.

1. Election of Officers. (Continued)

Vote: The vote, by ballot, for Presiding Officer resulted in:

For Councilor Kirkpatrick: Councilors Berkman, Deines, Kafoury, Kirkpatrick, Van Bergen, and Williamson.

For Councilor Banzer: Councilors Banzer, Bonner, Etlinger, Hansen, Kelley, and Oleson.

Tie Vote.

Motion: Councilor Berkman moved that nominations be reopened. Councilor Kirkpatrick seconded the motion.

Vote: The motion carried by voice vote, with one dissenting vote (Bonner).

Motion: Councilor Berkman moved the nomination of Councilor Williamson as Presiding Officer. Councilor Kirkpatrick seconded the motion.

Councilor Kirkpatrick said that in seconding the motion she was withdrawing her name from consideration in the interest of resolving the deadlock.

Councilor Williamson, in response to the motion adopted that nominees make a statement regarding their candidacy, stated that the primary job of the Presiding Officer is to be sure that the Council functions well together, to ensure that everyone is able to serve in a role that they want to serve in, and contribute in a way that they choose to contribute. He said he would like to see Councilor Banzer serve as Vice Presiding Officer and Councilor Kirkpatrick serve as Coordinating Committee Chair.

Councilor Van Bergen asked if Councilor Williamson was going to be resigning from District 2. Councilor Williamson responded that it was his intention to resign from District 2 and that a majority of the Council had indicated support for his appointment to District 3. Councilor Van Bergen stated that he did not want to confuse the issue before the Council but did want to reiterate his position that the process for filling the District 3 vacancy should be an open one and that he would speak more to that issue when the time was appropriate.

Vote: The vote, by ballot, for the Presiding Officer resulted in:

For Councilor Williamson: Councilors Berkman, Deines, Kafoury, Kirkpatrick, Van Bergen, and Williamson.

For Councilor Banzer: Councilors Banzer, Bonner, Etlinger, Hansen, Kelley, and Oleson.

Tie Vote.

Councilor Oleson suggested that the Council recess until the first of the week. There was discussion regarding whether the meeting should be recessed.

Councilor Etlinger asked what the statutes required in order to elect a Presiding Officer. General Counsel Jordan stated that the statutes required that at the first meeting of each year a Presiding Officer is to be elected. He said Metro's ordinance requires that at the first meeting of each year the Council is to elect, by seven votes, a Presiding Officer and a Deputy Presiding Officer.

Councilor Oleson stated that the Council seemed to be at an impasse and that after a major recess it might be appropriate to look at a different configuration of candidates.

Council Minutes
January 6, 1983
Page 9

Councilor Berkman suggested a short recess after which there would be one more vote and if it wasn't resolved at that time, the meeting should be recessed to another time.

At this time, the Council recessed for ten minutes.

Councilor Kelley spoke in support of Councilor Banzer for the position of Presiding Officer.

Vote: The vote, by ballot, for Presiding Officer resulted in:

For Councilor Williamson: Councilors Berkman, Deines, Kafoury, Kirkpatrick, Van Bergen, and Williamson.

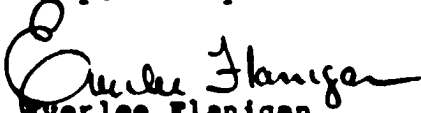
For Councilor Banzer: Councilors Banzer, Bonner, Etlinger, Hansen, Kelley, and Oleson.

Tie Vote

Motion: Councilor Bonner moved that the Council recess until Monday between 3:00 and 4:00 P.M. Councilor Deines seconded the motion.

Presiding Officer Banzer recessed the meeting at 9:35 P.M., to Monday, January 10, 1983 at 3:30 P.M.

Respectfully submitted,


Everlee Flanigan
Council Clerk

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