

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

SPECIAL MEETING
OCTOBER 6, 1983

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

Staff Present: Andrew Jordan and Ray Barker.

A special meeting of the Council of the Metropolitan Service District was called to order at 5:45 p.m. by Presiding Officer Banzer for the purpose of continuing discussion on Council Guidelines for Expenditure of the Per Diem, Expense and General Materials & Services Accounts.

GENERAL PROVISIONS

Proposed Guidelines:

1. A Councilor may receive per diem, plus mileage to the meeting, and/or reimbursement for actual authorized expenses incurred, for attendance at Council, Council committees or Council task force meetings.
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.

Councilor Kirkpatrick said the issue raised with the proposed guideline in Section 1 was whether Councilors should receive per diem and expenses for attendance at meetings or whether they should receive per diem or expense reimbursement.

Councilor Waker said that in Section 2 "official business" should be defined as whatever each Councilor decided was in the best interest of their district.

Councilor Williamson said that in number one reimbursement should be for per diem or actual expenses but not both.

Motion: Councilor Kirkpatrick moved adoption of Sections 1 and 2, with deletion of the word "and" from Section 1. Sections 1 and 2 would read as follows:

1. A Councilor may receive per diem, plus mileage to the meeting, or reimbursement for actual authorized increases incurred, for attendance at Council, Council committees or Council task force meetings.
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.

Councilor Kafoury seconded the motion.

Motion
to
amend:

Councilor Oleson moved to amend the main motion to add the words "and child care costs", with Section 1 reading as follows:

1. A Councilor may receive per diem, plus mileage and child care costs to the meeting or reimbursement for actual authorized expenses incurred, for attendance at Council, Council committees or Council task force meetings.

Councilor Hansen seconded the motion.

Councilor Kafoury said she was opposed to the motion to amend because per diem was intended to cover expenses that may occur in attending a meeting.

Councilor Kelley said she was uncomfortable with the addition of child care reimbursement to Section 1.

Councilor Etlinger said it was possible to expend more than \$30 in per diem, after taxes, to cover expenses such as mileage and meals. He said he favored receipt of both per diem and expense reimbursement.

Presiding Officer Banzer cited ORS Chapter 292.495 which allows per diem and expenses for members of state boards and commissions. She said she preferred to continue the status quo of receiving both per diem and actual expenses.

Vote

The vote on the amendment to add the words "and child care costs" resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger,
Hansen, Oleson, and Waker.

Special Council Meeting
October 6, 1983
Page 3

Nays: Councilors Kafoury, Kelley,
Kirkpatrick, Van Bergen, and
Williamson.

Abstention: Councilor Deines.

Motion carried.

Mr. Jordan, Legal Counsel, noted that the language in Section 1 of General Provisions, and Section 3, Councilor Per Diem, should be made consistent.

Vote: The vote on the main motion, as amended, resulted in:
Ayes: Councilors Deines, Kafoury, and Kirkpatrick.
Nays: Councilors Banzer, Bonner, Etlinger,
Hansen, Kelley, Oleson, Van Bergen, and
Waker.

Motion failed.

Motion: Councilor Kelley moved reconsideration of Section 3 under Councilor Per Diem, to delete the second sentence of the section: "Per diem may also be collected for attendance at a task force or function approved by the Presiding Officer". Councilor Deines seconded the motion.

Councilor Kelley said she moved for reconsideration because of a concern by the Legal Counsel that the state statute required that per diem be authorized only for Metro Council, committee and task force meetings in the building. Mr. Jordan clarified that his concern was that per diem should be limited to Council, Committee or task force meetings and not necessarily that they be held in the Metro offices. He said he was primarily concerned about the word "function" in that section. He advised that it should either be deleted or interpreted to mean "meetings".

Councilor Waker said he could not support the amendment because it would be too limiting. He said they should have the latitude to determine what meetings to receive per diem for. Councilor Hansen agreed with Councilor Waker's comments.

Councilor Deines said they should not expect to receive per diem for every meeting they attended and should only receive it for official Metro Council or Committee meetings.

Councilor Kelley said it was appropriate to stay within the guidelines of the state, given the limited amount of funding available for per diem.

Councilor Kafoury reiterated that the Accounting Department needed to know what was appropriate to be paid and what wasn't and clear guidelines were the only way they would know.

Councilor Etlinger suggested that the word "function" be replaced by the words "other meetings" and that "chair of the committee" be added to clear up the ambiguity.

Vote: The vote on the motion to delete sentence two from Section 2 under Councilor Per Diem resulted in:

Ayes: Councilors Kelley, Kirkpatrick, Van Bergen, and Williamson.

Nays: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Oleson, and Waker.

Motion failed.

Motion: Councilor Hansen moved to amend sentence two of Section 3 under Councilor Per Diem to delete the word "function" and insert the words "other meetings". Sentence two would read as follows:

Per diem may also be collected for attendance at a task force meeting or other meetings approved by the Presiding Officer.

Councilor Etlinger seconded the motion.

Councilor Hansen said the amendment would provide the latitude some of the Councilors were seeking and still stay within the context of the word "meeting". He said he would interpret "other meetings" to mean meetings with staff, meetings with legislators, or meetings with constituents within the district.

Motion to amend: Councilor Williamson moved to amend the motion to delete the words "task force meetings or" from the second sentence of Section 3 under Councilor Per Diem, with the second sentence reading as follows:

Per diem may also be collected for attendance at other meetings approved by the Presiding Officer.

Councilor Kirkpatrick seconded the motion.

Special Council Meeting
October 6, 1983
Page 5

Councilor Williamson said the amendment would clear up the redundancy of task force meetings being authorized for per diem in both sentences one and two.

Vote: The vote on the motion to amend the main motion to delete the words "task force meetings or", resulted in:

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

Nays: Councilor Van Bergen.

Motion carried.

Motion
to
amend: Councilor Kafoury moved to amend the main motion to add the words "or chair of a committee" to the second sentence of Section 3 under Per Diem, to read as follows:

Per Diem may also be collected for attendance at other meetings approved by the Presiding Officer or chair of a committee.

Councilor Kirkpatrick seconded the motion.

Councilor Van Bergen said he would continue to vote against amendments to the Section because he believed that per diem should only be authorized for regularly called meetings of the body and not for miscellaneous meetings.

Vote: The vote on the motion to amend the main motion to add the words "or chair of a committee", resulted in:

Ayes: Councilors Banzer, Bonner, Deines,
Etlinger, Hansen, Kafoury, Kelley,
Kirkpatrick, Oleson, and Waker.

Nays: Councilors Van Bergen and Williamson.

Motion carried.

Vote: The vote on the main motion, as amended, resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger,
Hansen, Oleson, and Waker.

Special Council Meeting
October 6, 1983
Page 6

Nays: Councilor Deines, Kafoury, Kelley,
Kirkpatrick, Van Bergen, and Williamson.

Motion failed. Section 3 remains as adopted on
September 29, 1983.

GENERAL PROVISIONS (CONTD)

Motion: Councilor Deines moved that Section 1 be amended to
add the following language "or other meetings ap-
proved by the Presiding Officer or chair of a
committee". Section 1 would then read as follows:

1. A Councilor may receive per diem plus mileage to
the meeting, and/or reimbursement for actual
authorized expenses incurred, for attendance at
Council, Council committees, Council task force
meetings or other meetings approved by the
Presiding Officer or chair of a committee.

Councilor Etlinger seconded.

Councilor Kirkpatrick said that as a member of the Tri-County Local
Government Commission it had been the intent that reimbursement for
expenses should occur but that per diem and expenses for the same
meeting should not.

Councilor Deines said the intent of the original twelve Councilors
was that a Councilor either received per diem or expenses but not
both.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines,
Etlinger, Hansen, Kelley, Oleson, and Waker.

Nays: Councilor Kafoury, Kirkpatrick, Van Bergen,
and Williamson.

Motion carried.

Motion: Councilor Kirkpatrick moved adoption of Section 2
under General Provisions, as written. Councilor
Bonner seconded.

Councilor Oleson asked if Section 2 applied to out-of-town travel
only. Presiding Officer Banzer indicated that was the intent.

Vote: The vote on the motion to adopt Section 2 resulted in:

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

Nays: None.

Motion carried.

TRANSFERS

Proposed Guideline:

Notwithstanding the limits on per diem and expenses indicated above, the Council Coordinating Committee may, upon advance request by a Councilor, authorize the fiscal officer to transfer 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 must be authorized by the presiding officer are not authorized.

Councilor Kirkpatrick said the issue was whether transfers between individual Councilor's accounts should be allowed. She said the proposed language would not allow such transfers.

Motion: Councilor Kirkpatrick moved adoption of the Transfer section, to read as follows:

Notwithstanding the limits on per diem and expenses indicated above, the Council Coordinating Committee may, upon advance request by a Councilor, authorize the fiscal officer to transfer 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 other Councilor's per diem and/or expense accounts are not authorized.

Councilor Kafoury seconded the motion.

Councilor Oleson said he couldn't vote for the motion because he had wanted to see what provisions were made for the Presiding Officer in

the General Account Section before he could vote on whether or not to allow transfers.

Councilor Etlinger argued in behalf of allowing transfers to allow a Councilor the flexibility to provide sufficient funds for a particular project, such as an information sheet to mid-county residents. He also said, for example, that he served on many committees and went to many meetings and the flexibility should be allowed for the transfer of funds for additional per diem for attendance at those meetings.

Councilor Kafoury responded that if a Councilor wanted to do a project as Councilor Etlinger suggested, that funds could come from the Council's General Account upon request.

Vote: The vote on the motion to adopt the Transfers section resulted in:

Ayes: Councilors Bonner, Deines, Etlinger, Kafoury, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: Councilors Banzer, Hansen, and Oleson.

Motion carried.

COUNCIL GENERAL ACCOUNT

Proposed Guidelines:

1. The purpose of the Council General account is to provide support for the General Council, Councilor committees and Council task forces.
2. Authorized expenses which may be charged to appropriate Materials and Services categories in the Council General account include:
 - a. Meals for regular and special Council, Council committee and Council task force meetings;
 - 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. Honoraria;
- f. Expenses for official visitors;
- g. General Council, Council committee or Council task force information, publications, promotional materials or supplies.
- h. Remembrances from the 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.

Motion: Councilor Kirkpatrick moved adoption of Sections 1 and 2 as written. Councilor Bonner seconded the motion.

Vote: The vote on the motion to adopt Sections 1 and 2 resulted in:

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

Nays: None.

Motion carried.

Proposed Guideline:

- 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; or
 - d. Social functions including birthday and retirement parties, and holiday observances.

Special Council Meeting
October 6, 1983
Page 10

Motion: Councilor Kirkpatrick moved adoption of Section 3, as written. Councilor Kafoury seconded the motion.

Presiding Officer Banzer argued on behalf of deleting (d) from unauthorized expenses. She said it was appropriate to honor Councilors when they left the Council or to provide plaques or certificates as remembrances, and that the subsection was unnecessarily limiting.

Councilor Kirkpatrick said she believed it was inappropriate to spend public funds on social functions. She said the subsection did not preclude the purchase of a plaque for someone leaving.

Councilor Kelley urged support for the motion. She said the limited amount of funds in the General account should be used for Metro business.

Vote: The vote on the motion to adopt Section 3 resulted in:

Ayes: Councilors Bonner, Etlinger, Kafoury, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: Councilors Banzer, Hansen, and Oleson.

Absent: Councilor Deines.

Motion carried.

Proposed Guideline:

4. Within the Council General account up to \$0,/\$500,/\$1,500 per year shall be reserved for expenses in meetings incurred by the Presiding Officer of the Council in carrying out official duties associated with that office.

Councilor Kirkpatrick said the original language included a \$500 amount, but the proposed language included a zero amount and a \$1,500 amount to provide the Council with a choice. She said the \$500 amount was based on other jurisdictions' allocation for their Mayor or Presiding Officer.

Motion: Councilor Kirkpatrick moved adoption of Section 4 with the \$500 amount. Councilor Williamson seconded.

Motion to substitute: Councilor Kafoury moved to substitute the main motion to delete Section 4. Councilor Van Bergen seconded the motion.

Special Council Meeting
October 6, 1983
Page 11

Councilor Etlinger said the Presiding Officer played a key role at Metro and there should be a reward or compensation for strong leadership and that the amount should be \$1,500.

Councilor Kafoury said there had been three presiding officers before the current one and they had not received any General Account funds. She said while Councilor Etlinger might argue there had been no leadership during previous presiding officers' terms, she did not feel impeded in carrying out her presiding officership by not having those funds.

Vote: The vote on the substitute motion to delete Section 4 resulted in:

Ayes: Councilor Deines, Kafoury, Kirkpatrick, Van Bergen, and Williamson.

Nays: Councilors Banzer, Bonner, Etlinger, Hansen, Kelley, Oleson, and Waker.

Motion to substitute failed.

Motion: Councilor Williamson moved the previous question and end debate. Councilor Kafoury seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Deines, Kafoury, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: Councilors Banzer, Etlinger, Hansen, and Oleson.

Motion carried.

Vote: The vote on the main motion to adopt Section 4 with a \$500 amount, resulted in:

Ayes: Councilors Deines, Kafoury, Kelley, Kirkpatrick, Van Bergen, and Williamson.

Nays: Councilors Banzer, Bonner, Etlinger, Hansen, Oleson, and Waker.

Motion failed.

Special Council Meeting
October 6, 1983
Page 12

Motion: Councilor Oleson moved adoption of Section 4 with a \$1,500 amount. Councilor Bonner seconded.

Presiding Officer Banzer said that although previous presiding officers had not used General Account funds, the Executive Officer had often paid those expenses for them. She said when Metro's financial problems occurred, the Executive Officer ceased that practice and it had become incumbent on the Council to pay for expenses. She said it was appropriate that the Presiding Officer have funds set aside for their use and that \$1,500 was an appropriate amount.

Councilor Hansen said with all the meetings the Presiding Officer attended, they should be able to get per diem for them.

Councilor Kirkpatrick said the intent of the set aside for the presiding officer was not for per diem. Councilor Williamson stated that the \$1,500 would double the Presiding Officer's allocation for expenses.

Motion to amend: Councilor Etlinger moved to amend the main motion to read as follows:

Within the Council General Account up to \$1,500 per year shall be reserved for expenses and/or per diem incurred by the Presiding Officer of the Council in carrying out official duties associated with that office".

Motion died for lack of a second.

Motion: Councilor Kirkpatrick moved the previous question and end debate. Councilor Kafoury seconded.

Vote: A voice vote on the motion carried unanimously.

Vote: The vote on the main motion to adopt Section 4 with the \$1,500 amount resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger, Hansen, Oleson, and Waker.

Nays: Councilors Deines, Kafoury, Kelley, Kirkpatrick, Van Bergen, and Williamson.

Motion failed.

Special Council Meeting
October 6, 1983
Page 13

Councilor Van Bergen asked that an interpretation of ORS Chapter 268.160 be obtained. He said he was not sure the statute provided for additional funds for the Presiding Officer thus making it an elite position. He asked that the Chair write a letter requesting an opinion. Presiding Officer Banzer said she would request an opinion.

Motion: Councilor Etlinger moved adoption of Section 4 to read as follows:

Within the Council General account up to \$1,200 per year shall be reserved for expenses incurred by the Presiding Officer of the Council in carrying out official duties associated with that office.

Councilor Bonner seconded the motion.

Motion: Councilor Kafoury moved to table the discussion until the November 3, 1983 Council meeting. Councilor Williamson seconded the motion.

Councilor Kafoury said that since several Councilor had left the meeting and it was almost the scheduled time for the regular meeting, that the discussion should be continued until November 3rd.

Vote: The vote on the motion to table discussion resulted in:

Ayes: Councilors Bonner, Kafoury, Kelley, Van Bergen, Waker, and Williamson.

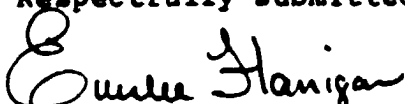
Nays: Councilors Banzer, Etlinger, Hansen, and Oleson.

Absent: Councilors Deines and Kirkpatrick.

Motion carried.

The special meeting was adjourned at 7:30 p.m.

Respectfully submitted,


Everlee Planigan
Clerk of the Council

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