

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

**REGULAR MEETING
February 23, 1984**

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

Councilors Absent: Councilor Etlinger.

Staff Present: Donald Carlson, Ray Barker, Dan LaGrande, Dennis Mulvihill, Jennifer Sims, Andy Cotugno, Andrew Jordan, Mark Brown, and Karol Morgan-Brown.

Testifiers: Art Tarlow, Jeanne Roy, Edmund Duyck, Adam Davis, Kenneth Fink, Dan Flanagan.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:35 p.m. by Presiding Officer Kirkpatrick.

1. Introductions.

There were no introductions.

2. Councilor Communications.

There were no Councilor communications.

3. Executive Officer Communications.

There were no Executive Officer 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.

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

6. Consent Agenda.

The Consent Agenda consisted of the following items:

- 6.1 Minutes of the meeting of December 20, 1983 and special meeting of January 5, 1984.
- 6.2 Resolution No. 84-446, for the purpose of amending the 1984 Transportation Improvement Program to transfer Urban Mass Transportation Administration Section 9 Funds from Capital Assistance to Operating Assistance, and to add a new restoration (4R) project.
- 6.3 Resolution No. 84-447, for the purpose of recommending approval of the City of West Linn's request for acknowledgement of compliance with the Land Conservation and Development Commission goals. (See after Agenda Item 10 for additional discussion)
- 6.4 Resolution No. 84-451, for the purpose of extending the terms of members for the Solid Waste Policy Alternatives Committee.
- 6.5 Resolution No. 84-448, for the purpose of entering into an Intergovernmental Agreement establishing the Oregon Regional Councils Association (ORCA) and becoming an active member of ORCA.
- 6.6 Consideration of support for Citizens Advisory Committee on regional government as outlined by the Columbia-Willamette Futures Forum.
- 6.7 FY 1984-85 Local Government Dues Assessment.

Presiding Officer Kirkpatrick noted that there had been a request to remove Agenda Item Nos. 6.6 and 6.7 from the Consent Agenda.

Motion: Councilor Bonner moved adoption of the Consent Agenda, with the exception of Agenda Items 6.6 and 6.7. Councilor Kafoury seconded the motion.

Vote: The vote on the motion resulted in:

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

Nays: None.

Absent: Councilors Banzer and Etlinger.

Motion carried, Consent Agenda adopted.

6.6 Consideration of support for Citizens Advisory Committee on regional government as outlined by the Columbia-Willamette Futures Forum.

Motion: Councilor Bonner moved adoption of the Executive Officer's recommendation to allocate \$5,000 from the General Fund Contingency to partially fund the creation of a citizens advisory committee, contingent upon other regional jurisdictions' willingness to financially participate. Councilor Kafoury seconded the motion.

Councilor Van Bergen explained that he requested to have the item removed from the Consent Agenda in order to vote no on it. He said he was concerned about the mandate of the committee, especially as it related to Tri-Met.

Councilor Waker requested additional information on the membership of the committee.

Mr. Adam Davis, Chair, Columbia-Willamette Futures Forum, 525 S.W. Jackson, explained that the membership would consist of representatives of civic groups that have traditionally had a concern about regional government--League of Women Voters, City Club of Portland, Columbia-Willamette Futures Forum, and the Metropolitan Citizens League. He indicated that Representative Otto would be invited to participate as a member of the committee inasmuch as he was chair of the Special Legislative Task Force on Regional Government. He also indicated there would be citizens-at-large appointed to the committee.

Vote: The vote on the motion resulted in:

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

Nays: Councilors Deines and Van Bergen.

Absent: Councilors Banzer and Etlinger.

Motion carried.

6.7 FY 1984-85 Local Government Dues Assessment.

Motion: Councilor Bonner moved adoption of a FY 1984-85 Local Government Dues Assessment of \$.50 per capita. Councilor Kafoury seconded the motion.

Councilor Van Bergen said he requested the item be removed from the Consent Agenda because he believed a formal resolution should be adopted by the Council instead of a motion.

Presiding Officer Kirkpatrick indicated that she had had staff prepare a resolution for the Council's consideration (attached to the agenda of the meeting).

Substitute Motion: Councilor Bonner moved a substitute motion to adopt Resolution No. 84-454, for the purpose of providing for the assessment of dues to local governments for FY 1984-85. Councilor Van Bergen seconded the motion.

Vote: The vote on the substitute motion resulted in:

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

Nays: None.

Absent: Councilors Banzer and Etlinger.

Motion carried, Resolution adopted.

7.1 Consideration of Resolution No. 84-450, for the purpose of reviewing Interim Yard Debris Recovery Strategies for 1984-85.

Councilor Hansen reported on the Services Committee consideration and recommendation to adopt the Resolution.

Motion: Councilor Hansen moved adoption of Resolution No. 84-450. Councilor Bonner seconded the motion.

Ms. Jeanne Roy, 2420 S.W. Boundary Street, testified in support of the adoption of the resolution.

Vote: The vote on the motion resulted in:

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

Nays: None.

Absent: Councilors Banzer and Etlinger.

Motion carried, Resolution adopted.

7.2 Consideration of Resolution No. 84-455, for the purpose of authorizing partial settlement in pending Clackamas Transfer & Recycling Center litigation and authorizing additional litigation.

Motion: Councilor Kafoury moved adoption of Resolution No. 84-455. Councilor Waker seconded the motion.

Andrew Jordan and Art Tarlow, of the law firm Bollinger, Hampton & Tarlow, 1600 S.W. Cedar Hills Blvd., presented the background information on the litigation and explained the settlement agreement (as outlined in their memorandum dated February 21, 1984 attached to the agenda of the meeting).

Vote: The vote on the motion resulted in:

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

Nays: Councilor Van Bergen.

Absent: Councilors Banzer and Etlinger.

Motion carried, Resolution adopted.

8.1 Consideration of Ordinance No. 84-168, relating to FY 1983-84 Budget and Appropriations Schedule; and amending Ordinance No. 83-153. (Second Reading)

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

Councilor Bonner reported on the Council Coordinating Committee's consideration and recommendation for Council adoption.

Vote: The vote on the motion to adopt Ordinance No. 84-168, made by Councilors Kafoury and Deines on January 26, 1984, resulted in:

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

Nays: None.

Absent: Councilors Banzer and Etlinger.

Motion carried, Ordinance adopted.

8.2 Consideration of Order and Ordinance No. 84-170, amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 83-2. (First Reading)

Mark Brown, Development Services Department, presented the staff report as contained in the agenda of the meeting. He said no exceptions to the Hearings Officer's report had been received.

Councilor Deines asked why lots within the City of Cornelius were not initially included in the UGB and were now being included.

Mr. Edmund Duyck, 2020 S.W. 325th Street, Hillsboro, stated that when he bought his property he believed the property was in the UGB but subsequently found that it was not.

Motion: Councilor Waker moved adoption of the Order in the matter of a petition of Edmund Duyck for an amendment to the Regional Urban Growth Boundary. Councilor Van Bergen seconded the motion.

Vote: The vote on the motion to adopt the Order resulted in:

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

Nays: Councilor Kafoury.

Absent: Councilors Banzer and Etlinger.

Motion carried, Order adopted.

Motion: Councilor Waker moved adoption of Ordinance No. 84-170. Councilor Williamson seconded the motion.

The ordinance was read the first time, by title only.

The ordinance was then passed to second reading on March 22, 1984.

9.1 Consideration of the continuance items regarding Hillsboro's request for acknowledgement. (Informational)

Councilor Kafoury reported that the Regional Development Committee was given a status report on the City of Hillsboro's request for acknowledgement. She said that the Executive Officer was writing a letter to LCDC explaining that Metro still took issue with the City's response to Goal 10 and was requesting a continuance of the acknowledgement. She said the Regional Development Committee wanted the Council to know what was going on with the request.

9.2 Consideration of Budget Committee Appointments.

Councilor Bonner stated that the Council Coordinating Committee had reviewed the citizen nominations to the Budget Committee and was recommending the following citizens for appointment: John Kelly, Juanita Leger, Jerome Levey, Henry Miggins and Lester Rawls. In addition, he said, the Coordinating Committee was recommending that the following Councilors be appointed to the Budget Committee: Councilors Kafoury, Kelley, Hansen, Oleson and Kirkpatrick.

Motion: Councilor Bonner moved adoption of the Council Coordinating Committee's recommendation for appointments to the Budget Committee. Councilor Kafoury seconded the motion.

Councilor Van Bergen commented that there was no statutory requirement for the committee and that he objected to the committee because it involved time that was not really necessary.

Councilor Oleson said he disagreed with the Committee's reasoning that because Hardy Meyers was thinking about running for a Metro Council position that he should not be appointed to the Budget Committee.

Vote: The vote on the motion resulted in:

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

Nays: Councilor Deines.

Absent: Councilors Banzer and Etlinger.

Motion carried.

Councilor Kafoury, as chair of the Budget Committee, said the first meeting of the Committee would be held on March 14 and that meetings would occur for four or five weeks every Wednesday from 5:30 to 8:30 p.m.

Councilor Hansen requested a ruling on what would constitute a quorum of the Committee. Presiding Officer Kirkpatrick responded that if there was no objection, a quorum would be determined as a quorum of the whole.

9.3 Ratification of waiver of Personnel Rules, Section 8(d) governing recruitment.

Motion: Councilor Bonner moved ratification of the waiver of the Personnel Rules. Councilor Deines seconded the motion.

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

Vote: The vote on the motion resulted in:

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

Nays: None.

Absent: Councilors Banzer and Etlinger.

Motion carried.

10. Committee Reports.

Councilor Kafoury reported that the Regional Development Committee would meet on on March 5.

Councilor Hansen reported that the Regional Services Committee would meet on on March 6.

Councilor Williamson noted that JPACT would meet on March 9.

Councilor Bonner said the Recycling subcommittee was still working on options to be presented to the Services Committee some time in April.

Councilor Waker reported that the Bi-State Policy Advisory Committee had met on February 16 and discussed the Oregon income tax that results in Washington residents who work in Oregon paying additional taxes. He said the Committee was recommending that the affected local jurisdictions take a position in opposition to the tax. He then introduced a resolution prepared for the Council's consideration--Resolution for the purpose of supporting the repeal of the personal income tax law that resulted from the passage of H.B. 2201. Presiding Officer Kirkpatrick referred the resolution to the Council Coordinating Committee for consideration at their next meeting.

Presiding Officer Kirkpatrick reported on the first Council/Executive Officer workshop. She also announced that because there were no pressing business items scheduled for the March 1 regular Council meeting that the meeting would be cancelled. She suggested in lieu of the Council meeting that the Council hold its next workshop that evening.

At this time Mr. Kenneth Fink indicated that he had wanted to speak to agenda item 6.3. Mr. Fink was informed that the Council had adopted the matter as a part of the Consent Agenda. In order to accommodate Mr. Fink, the Council agreed to hear Mr. Fink's remarks.

Mr. Fink, 6250 S.W. Prosperity Park Road, Tualatin, spoke in opposition to a mobile home site in the City of West Linn's Comprehensive Plan. He said the site was in a floodplain near the Tualatin River. He asked that Metro oppose the acknowledgment.

Andrew Jordan, Legal Counsel, indicated that it was Metro policy to review Comprehensive Plans for compliance with LCDC's goals based on regional issues. He said the issue presented by Mr. Fink may be a goal issue but not a regional issue.

Councilor Kafoury asked what Mr. Fink should do. Mr. Jordan suggested that Mr. Fink could appear before LCDC to raise his objections.

Councilor Deines noted that there may be a zoning designation for mobile homes but the West Linn building code would probably not allow the building if it was in a floodplain. He said there was nothing Metro could do to make West Linn enforce their own codes and laws. Councilor Waker agreed and said there was no purpose for Metro involvement in the issue.

Motion: Councilor Hansen moved reconsideration of Resolution No. 84-447. Councilor Kelley seconded the motion.

Councilor Hansen said he moved reconsideration because he believed the Council should not discuss an issue when there was no motion on the floor. He said if the Council wished to take testimony it should reconsider its vote.

Vote: The vote on the motion for reconsideration resulted in:

Ayes: Councilors Banzer, Bonner, Hansen, and Kirkpatrick.

Nays: Councilors Kafoury, Kelley, and Waker.

Absent: Councilors Deines, Etlinger, Oleson, Van Bergen, and Williamson.

Motion carried.

Motion: Councilor Banzer moved adoption of Resolution No. 84-447, for the purpose of recommending approval of the City of West Linn's request for acknowledgement of compliance with the Land Conservation and Development Commission goals. Councilor Kafoury seconded the motion.

Mr. Dan Planagan, West Linn, said for the most part they believed the West Linn Comprehensive Plan was a good plan. However, he said, they were opposed to a 6 acre tract along the Tualatin River designated for mobile homes. He said they wanted to make the Council aware of their concern and ask that staff look at it.

Don Carlson reiterated that in the past the Council had measured Comprehensive Plans against regional issues and not site specific concerns.

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Vote: The vote on the motion resulted in:

Ayes: Councilors Banser, Bonner, Hansen, Kafoury,
Kelley, Kirkpatrick, and Waker.

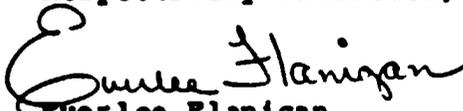
Nays: None.

Absent: Councilors Deines, Etlinger, Oleson, Van
Bergen, and Williamson.

Motion carried, Resolution adopted.

There being no further business, the meeting adjourned at 9:10 p.m.

Respectfully submitted,


Everlee Flanigan
Clerk of the Council

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