

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

**November 20, 1984**

**Councilors Present:** Councilors Banzer, Bonner, Deines, Hansen, Kelley, Oleson, Waker, Williamson and Kirkpatrick

**Councilors Absent:** Councilors Cooper, Kafoury and Van Bergen

**Also Present:** Rick Gustafson

**Staff Present:** Don Carlson, Eleanore Baxendale, Dan LaGrande, Sonnie Russill, Norm Wietting, Randi Wexler, Steve Siegel, Andy Cotugno, Jill Hinckley, Marion Hemphill, Jennifer Sims, Wayne Rifer, Ed Stuhr

A regular meeting of the Council was called to order by Presiding Officer Kirkpatrick at 5:30 p.m.

**1. INTRODUCTIONS**

Councilor Kelley introduced her son and a guest visiting from Japan.

**2. COUNCILOR COMMUNICATIONS**

None.

**3. EXECUTIVE OFFICER COMMUNICATIONS**

Executive Officer Gustafson announced the Multnomah County Board of Commissioners would consider proposed amendments to the landfill siting criteria ordinance on November 27, 1984. He encouraged all Councilors to attend the hearing.

Regarding legislative activities, the Executive Officer reported Metro Public Affairs had produced, with the help of other departments, the "Report to the 1985 Legislature" and copies of this document had been distributed to Councilors. He also said Presiding Officer Kirkpatrick had been successful in introducing most of Metro's legislation to the Interim Committee. Introductions of the Cigarette Tax and Excise Tax bills would be held over to December, he reported.

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Executive Officer Gustafson said the selection process for a new Zoo Director was proceeding smoothly and the initial round of interviews would commence the following week.

The Transportation Task Force, chaired by Robin Lindquist, of which Andy Cotugno is a member, introduced a bill to the 1985 Legislature which would call for a 2¢ gas tax increase, the Executive Officer said. One cent would be used by local governments and 1¢ would be used for various modernization programs available to all Oregon highways. The Presiding Officer asked Councilor Williamson to work with Mr. Cotugno and other staff in meeting with state transportation officials to represent Metro's interests in these negotiations.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CONSENT AGENDA

Motion: Councilor Williamson moved adoption of the Consent Agenda and Councilor Waker seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Kelley, Waker, Williamson and Kirkpatrick

Absent: Councilors Cooper, Hansen, Kafoury, Oleson and Van Bergen

The motion carried and the following items were approved and adopted:

6.1 Minutes of the meeting of October 25, 1984;

6.2 Resolution No. 84-517, Amending the Transportation Improvement Program to include a Brookwood Avenue Bridge Replacement Project over Rock Creek in Washington County; and

6.3 Resolution No. 84-518, Amending the Transportation Improvement Program to include a reconstruction and replacement project for two retaining walls on N.W. Cornell Road in the vicinity of N.W. 29th/30th Avenues.

7. ORDINANCES

7.1 Consideration of Ordinance No. 84-180, for the Purpose of Establishing a Local Officials Advisory Committee for the Intergovernmental Resource Center (Second Reading)

Steve Siegel reported that as a result of meeting with public officials within the region, most were very supporting of the proposed Ordinance. A few officials, however, had expressed the need to encourage more extensive participation of local officials with the new committee. Another concern of some local officials was the advisory capacity of the proposed committee, Mr. Siegel reported. He also said officials expressing that concern encouraged the committee be established as soon as possible and those issues be resolved in the early stages of operation. Mr. Siegel was confident all concerns could be addressed.

Mr. Siegel suggested the name of the committee be changed to the "Intergovernmental Resource Committee" because local officials had been using this term in their initial discussions.

Motion: The motion to adopt the Ordinance was made by Councilors Kafoury and Waker at the Council Meeting of October 25, 1984.

Motion: Councilor Deines moved to amend the main motion by changing the name of the proposed committee to the "Intergovernmental Resource Committee." Councilor Bonner seconded the motion.

Vote: A vote on the amendment resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Kelley, Waker, Williamson and Kirkpatrick

Absent: Councilors Cooper, Hansen, Kafoury, Oleson and Van Bergen

The motion carried and the main motion was amended.

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

Ayes: Councilors Banzer, Bonner, Deines, Kelley, Waker, Williamson and Kirkpatrick

Absent: Councilors Cooper, Hansen, Kafoury, Oleson and Van Bergen

The motion carried and the Ordinance was adopted as amended.

7.2 Consideration of Ordinance No. 84-182, for the Purpose of Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 84-1; Ray Property (Second Reading)

Motion: The motion to adopt the Ordinance was made at the Council meeting of November 8, 1984, by Councilors Rafoury and Waker.

Jill Hinckley reported the document being considered for adoption had been amended per the Council's instructions of November 8, 1984.

Councilor Deines asked if any citizens had objected to this proposed action. Ms. Hinckley said eight residents living on Meadowlark Lane had opposed the action but as a result of the hearing, decided not to file objections and would address the matter before the Lake Oswego City Council during that approval process.

Vote: A vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Kelley, Waker, Williamson and Kirkpatrick

Absent: Councilors Cooper, Hansen, Rafoury, Oleson and Van Bergen

The motion carried and Ordinance No. 84-182 was adopted.

7.3 Consideration of Ordinance No. 84-183, for the Purpose of Amending the Personnel Rules for Appointments and Employment Contracts, Code Sections 2.02.040 and 2.02.270 (First Reading)

The Clerk read the Ordinance by title only.

Ms. Baxendale presented the staff report information explaining the Council had previously approved a resolution that placed the Solid Waste and Zoo Director positions in the Classification Plan. This Resolution had been adopted with the understanding the Personnel Rules would be revised to provide for Council confirmation of the two positions, she said, regardless of whether supplemental employment contracts were in force. She explained that in the past, the Council had powers of confirmation only if the positions were covered under an individual employment contract of \$50,000 or more.

Ms. Baxendale said two amendments to the Personnel Rules were being proposed: 1) to add the Zoo and Solid Waste Director positions to the list of positions confirmed by the Council; and 2) to change the procedures to allow the Council to approve all employment contracts,

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regardless of the contract sum and to eliminate the provision to allow the Council to approve or consent to the termination of employees covered under personnel contracts.

Ms. Baxendale explained this proposed ordinance had been reviewed by the Council Management Committee on November 15 and the Committee had requested she provide the Council with additional information about the appointment and termination processes used by other local governments. She said this information was now before the Council in memo form for their consideration. In summary, she said of the six jurisdictions contacted, in no case did local councils terminate or confirm the termination of positions unless they had been directly responsible for the hiring of these employees.

Motion: Councilor Bonner moved for adoption of Ordinance No. 84-183. Councilor Williamson seconded the motion.

Councilor Bonner reported that at the November 15 Management Committee meeting, the three Councilors in attendance were divided in opinion about the proposed Ordinance. He interpreted the issue of concern at that meeting as should the Council have the authority to review terminations proposed by the Executive Officer. Because the Committee could not agree, no recommendation was made to the Council, he said.

Councilor Oleson said he wanted to amend Councilor Bonner's statement by saying the main issue considered by the Management Committee was whether the Council should give up its authority to confirm the terminations of key positions. He said that if language were added to the Ordinance to allow for the Executive Officer to consult with the Council or the Presiding Officer before terminations of key positions were made, he could then support the Ordinance. Councilor Kelley agreed with this position.

Presiding Officer Kirkpatrick suggested Councilors Kelley and Oleson work with Ms. Baxendale and present language for an amendment and that the proposed amendment be included in the December 13 agenda packet so that Councilors would have ample time to review the material.

Councilor Bonner urged the Council not to adopt language that would allow for Council involvement in terminations of key personnel but to support Council confirmation of hiring for these positions.

Councilor Waker said he would support the Ordinance as originally proposed because he thought it the job of the Executive Officer to administer staff.

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Presiding Officer Kirkpatrick said she would not vote for the Ordinance because she did not think the Council should have powers of hiring, termination or confirmation of these functions.

7.4 Consideration of Ordinance No. 84-184, for the Purpose of Amending the Regional Waste Treatment Management Plan ("208" Plan) to Incorporate Amendments No. 12, 13, 14 and 15, and Request Plan Recertification (First Reading)

The Clerk read the Ordinance by title only.

Motion: Councilor Williamson moved for adoption of the Ordinance, and Councilor Deines seconded the motion.

Marion Hemphill explained the purpose of this Ordinance was: 1) to provide for annual certification which would allow the region to continue receiving federal grants for sewerage management; and 2) to update the plan to reflect current sewer and sewerage treatment needs. Mr. Hemphill then reviewed specific amendments to the current sewer and sewerage treatment plan.

There being no discussion of the proposed Ordinance, the Presiding Officer said a second reading would take place at the Council meeting of December 13.

Executive Officer Gustafson announced Mr. Hemphill would be leaving Metro and had taken a position as lobbyist for the Oregon Public Utility District. He thanked Mr. Hemphill for doing an excellent job on the preparatory work for this ordinance and in helping to develop the Intergovernmental Resource Center. The Executive Officer said Mr. Hemphill would be greatly missed at Metro.

The Presiding Officer and Councilor Bonner also thanked Mr. Hemphill for his fine work and wished him well in his new position.

8. OTHER BUSINESS

8.1 Report on Metropolitan Citizens' League Request for Metro to Conduct an In-depth Study of Regional Parks

Ray Barker reported a draft of the complete Metropolitan Citizen League's study on regional parks had been distributed to Councilors earlier in the month. He said materials in this meeting's agenda packet were the findings and recommendations of that report. He explained the study panel recommended Metro conduct an in-depth study of regional parks and appoint a task force to oversee the study.

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Mr. Barker then invited Burke Raymond, vice president of the Metropolitan Citizens' League, and Steering Committee member of the Columbia-Willamette Futures Forum, to address the Council about the study.

Mr. Raymond said the Citizens' League became interested in the regional parks issue because of serious funding problems for neighborhood and regional parks. He explained the League's report was presented in October and a panel of regional officials indicated the League's recommendations should be implemented and that Metro was the logical agency to commence an in-depth study. These officials also indicated they would consider contributing money and staff time to the study, he said.

Mr. Raymond reported that as a result of group discussions at the recent Columbia-Willamette Futures Forum Conference, there was an agreement about the need for a comprehensive inventory of all parks in the metropolitan region. The groups also recommended a publication containing lists of all parks within the region and the resources available within each park. Finally, he said the groups recommended a regional park system. Neighborhoods should still have input into the development and control of their parks, he said, but all such parks should be linked and governed by a consortium, metropolitan-wide park district, or possibly by Metro. Mr. Raymond said the official findings of the Conference would be published mid-January.

Councilor Waker thought the newly established Intergovernmental Resource Committee would be the proper group to address the subject of regional parks. He proposed that group determine whether there would be enough support for the project, and if so, then a task force could be appointed to conduct the study.

Councilor Kelley did not agree with Councilor Waker, explaining this study would require the involvement of city and county park professionals. She said the Intergovernmental Resource Committee had not been established for this type of project but rather, to determine which services Metro should lend to local governments.

Motion: Councilor Hansen moved to accept the Executive Officer's Recommendation but to have the Council Assistant bring the study outline, budget and proposed task force information back to the full Council for consideration. Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Banzer, Cooper, Kafoury and Van Bergen

The motion carried.

### 8.1 Black & Veatch Litigation

The following action was taken as a result of information shared at the Executive Session held earlier during this meeting:

Motion: Councilor Williamson moved to settle the litigation matter based on the offer proposed in Mr. Bodyfelt's letter of November 5, 1984. Councilor Waker seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Banzer, Cooper, Kafoury and Van Bergen

The motion carried.

### 8.3 Interest Due on Taxes to Metro from Washington County

The following action was taken based on information shared by the Executive Session held earlier during this meeting:

Motion: Councilor Williamson moved that Metro accept a settlement of approximately \$3,000 from Washington County to be payable within one year in one lump payment. Councilor Deines seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Banzer, Cooper, Kafoury and Van Bergen

The motion carried.



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9. COMMITTEE REPORTS

Councilor Oleson reported that he and Presiding Officer Kirkpatrick had been attending Criminal Justice Task Force meetings, chaired by Multnomah County Executive Buchanan, and he was confident the Task Force would draft a good regional legislative program. He said he would report back to the Council about further progress of the Task Force.

Councilor Bonner reminded staff they had committed to prepare an amendment in November to a resolution regarding diverting waste from the St. Johns Landfill and the amendment had not been distributed to Councilors to date. The Presiding Officer explained she was working with staff on this amendment and it would be distributed to Councilors at the meeting of December 13, 1984.

There being no further business, the Presiding Officer adjourned the meeting at 7:20 p.m.

Respectfully submitted,



A. Marie Nelson,  
Clerk of the Council

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