

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

Regular Meeting  
January 22, 1987

Councilors Present: Mike Bonner, Tanya Collier, Tom DeJardin,  
Jim Gardner, Gary Hansen, Sharron Kelley,  
Corky Kirkpatrick, David Knowles, Mike  
Ragsdale, George Van Bergen and Richard  
Waker

Councilors Absent: Larry Cooper

Also Present: Rena Cusma, Executive Officer

Staff Present: Eleanore Baxendale, Dick Engstrom, Chuck  
Stoudt, Dan Durig, Phillip Fell, Donald  
Carlson, Vickie Rocker, Dennis Mulvihill,  
Becky Crockett, Jennifer Sims, Randy Boose,  
Debbie Allmeyer, Jan Schaeffer, Neil  
McFarlane and Tuck Wilson

Presiding Officer Waker called the regular meeting to order at  
5:35 p.m. He announced that Agenda item 9.1 would be considered  
immediately after item 6.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

2.1 Council Committee Appointments

Presiding Officer Waker distributed a list of Council Committee  
assignments for calendar year 1987. After brief discussion, it was  
agreed Councilor DeJardin would replace Councilor Van Bergen as an  
alternate member of the Management Committee. There were no objec-  
tions to the assignments.

Budget Committee Appointment. Presiding Officer Waker explained  
John Michelet, previously appointed by the Council to the Committee,  
had moved out of the state. There being no objection, he appointed  
Bernie Bottomly from District 3 to the FY 1987-88 Budget Committee.

3. EXECUTIVE OFFICER'S COMMUNICATIONS

Executive Officer Cusma said she wished to use her time that evening  
to talk about keeping promises. During her campaign for office she

Metro Council  
January 22, 1987  
Page 2

had promised the voters she would change Metro, that she believed in regional government and that Metro needed new leadership. She had been determined there was no clear separation of power and no clear delineation of authority between the Executive and the Council. She explained it was logical to assume that when only one person -- the Executive Officer -- was elected by all voters of the region, the Council should set policy and the Executive should carry it out. That system was intended when Metro was proposed, she said, but that system did not now exist: the Council had the majority of power to administer the District.

Executive Officer Cusma reported the Tri-County Commission originally proposed a Council with authority to "adopt motions, ordinances, resolutions, a budget and to perform legislative oversight." They intended the Executive to have authority to "administer, execute and enforce the policy of that Council." The Commission explained its proposal was in keeping with the American system of distinguishing between the policy-makers who framed the laws and the chief executive who enforced the laws, she said.

The Executive Officer said she was asking the Oregon State Legislature to make changes in Metro's enabling statutes which would clarify the power of the Executive Officer and the role of the Council. She announced she would appear in Salem the next day to present a simple package to Legislators in order to make Metro's government work.

In conclusion, the Executive asked the Council to assist her by adopting an amendment to Metro's Personnel Rules. The amendment, she explained, would establish proper separation of executive and legislative authority with the appropriate checks and balances. It would enable the Executive Officer to appoint operating department managers, subject to Council confirmation.

Presiding Officer Waker explained that with the assistance of the Council Transition Committee, he had prepared a list of Council discussion items related to the Executive's concerns and he wished to conduct a discussion on those topics at the end of the meeting.

Councilor Van Bergen requested the Executive provide the Council with a written copy of her speech and the proposed legislation she would be delivering the Salem.

#### EXECUTIVE SESSION

At 5:50 p.m., Presiding Officer Waker called the meeting into executive session under the authority of ORS 192.660(1)(b). The Presiding Officer called the meeting back into regular session at 6:55 p.m.

3.1 Consideration of Updated Zoo Master Plan Concept Statement and Goals and Objectives

Presiding Officer Waker announced the report would be presented at a later date.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Alayne Woolsey, concerned citizen from Oregon City, read a letter to Councilors and Executive Officer Cusma from Kenneth M. Michell, Mayor of Oregon City, regarding his concerns about tentative plans to use the site near the Clackamas Transfer & Recycling Center for a solid waste resource recovery plant. He requested use of the site be compatible with the City's tourism plan. He explained the City already housed the state's only solid waste transfer station. Mayor Michell noted that Metro had a unique opportunity to make a positive statement on behalf of his community and to show other potential sites Metro's sensitivity to local plans.

Connie Haws, Aloha citizen, reported the Council's December 18, 1986, action transferring a franchise from Genstar to Wastech had been effective December 18. She explained that as of that date, Wastech was not legally qualified to do business in the state of Oregon. Ms. Haws said she had brought this fact to staff's attention before the December 18 meeting.

Executive Officer Cusma said she would look into the matter.

Don Clark, former Multnomah County Executive, testified in favor of the Executive Officer's proposal to initiate legislative action which would create clearer separation between legislative and administrative functions. He thought the Council should have the power to confirm key employees but strongly felt the Executive Officer should have the power to hire and fire all employees. He said the changes proposed by Executive Officer Cusma would make Metro work.

In response to Councilor Knowles question, Mr. Clark said the Executive had run for the office with full understanding of Metro's current rules. However, he explained, she strongly believed those rules were not satisfactory and committed herself to changing them.

Councilor Knowles questioned the possible negative outcome of important projects if Metro could not resolve its organizational structure problems. Mr. Clark thought a public discussion should occur and that a discussion would create more public interest in the

organization. Councilor Knowles again expressed concern about the disposition of the convention center, landfill siting and resource recovery projects if public confidence in Metro's ability to govern were eroded. Mr. Clark argued the Executive, not the Council, would be held publically responsible for those failures should they occur.

Ken Lewis, former member and Chair of the Port of Portland Board of Commissioners, explained he had also served on the former Zoo Society Board during the transition from City of Portland to MSD ownership. Mr. Lewis strongly advocated restructuring the Metro agency so the Executive Officer would clearly be in charge. Using the Port as a model, he explained the Board of Commissioners made policy and the Executive carried out those policies. He also discussed the standard corporate structure and power balance of Board of Directors, President and stockholders. He explained the Board did not tell the President who to hire and fire. He thought a clear separation of powers was necessary to establish accountability.

Presiding Officer Waker and Councilor Kirkpatrick pointed out the Metro Council had no power to fire the Executive Officer. A corporate Board of Directors would have the power to fire their executive. Mr. Lewis continued to urge the Council to support the legislative changes proposed by Executive Officer Cusma. Councilor Knowles explained it was difficult to lend support when the Executive had not shared her proposals with the Council.

Mr. Lewis said The Oregonian editorials advocating a change of structure for Metro should not have been a suprise to Councilors. Councilor DeJardin disagreed with Mr. Lewis that most Metro voters thought a change in Metro meant firing employees. He thought it best for the Executive Officer to first exhibit leadership capabilities before firing key employees. Mr. Lewis explained few, if any, key staff had approached the Executive after the election to offer their loyalty and support. He again urged the Council to support structural changes that would make the agency consistent with other government models.

Bob Bouneff, President of the Central Eastside Industrial Council, supported changing the State statute to create a balanced Metro government. The current structure, he said, was a mish-mash. He thought Metro had the potential to be the most powerful government in the region. He urged the Council not to jeopardize the Convention Center Project and to support the Executive's proposed legislative changes.

Connie Haws, Aloha citizen, strongly supported an open, public forum for discussing structural changes. She said citizens would applaud that openness and their ideas deserved to be respected.

**6. CONSIDERATION OF MINUTES**

**Motion:** Councilor DeJardin moved the minutes of December 11 and 18, 1986, be approved. Councilor Kirkpatrick seconded the motion.

**Vote:** A vote on the motion resulted in;

**Ayes:** Councilors Bonner, Collier, DeJardin, Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

**Absent:** Councilors Cooper and Kelley

The motion carried and the minutes were approved.

**9. CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT with Tri-Met for the Receipt of Section 9 Planning Funds**

Andy Cotugno, Transportation Director, presented staff's written report.

**Motion:** Councilor Van Bergen moved the intergovernmental agreement with Tri-Met be approved. Councilor DeJardin seconded the motion.

**Vote:** A vote on the motion resulted in;

**Ayes:** Councilors Bonner, Collier, DeJardin, Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

**Absent:** Councilors Cooper and Kelley

The motion carried and the intergovernmental agreement was approved.

**7. ORDINANCES**

**7.1 Consideration of Ordinance No. 87-217, for the Purpose of Amending Metro Code Section 5.02.030 (Regarding the Transfer of Solid Waste) (Second Reading)**

The Clerk read the Ordinance a second time by title only. There was no discussion on the Ordinance.

**Motion:** Councilors Kelley and DeJardin moved the Ordinance be adopted at the Council meeting of January 8, 1987.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Collier, DeJardin, Gardner,  
Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen  
and Waker

Absent: Councilors Cooper and Kelley

The motion carried and Ordinance No. 87-217 was adopted.

7.2 Consideration of Ordinance No. 87-218, for the Purpose of  
Amending Metro Code Section 2.02.040 Regarding Personnel Rules  
for Appointments (Second Reading)

The Clerk read the Ordinance by title only a second time.

Main Motion: a motion to adopt the Ordinance was received by  
Councilors Kirkpatrick and Gardner at the meeting of  
January 8, 1987.

Randy Boose, Personnel Officer, explained that based on previous  
Council discussion, the Ordinance now listed the Convention Center  
Project Director position and the reference to ORS 668.180 had been  
changed to 268.180(5).

After brief discussion, it was determined the IRC Administrator  
position should also be added to the Ordinance as a position requir-  
ing Council confirmation.

Motion to Amend: Councilor Kirkpatrick moved to amend the  
Ordinance to add the position of IRC Administrator to  
the list of positions requiring Council confirma-  
tion. Councilor Gardner seconded the motion.

Vote on Motion to Amend: A vote on the motion resulted in:

Ayes: Councilors Bonner, Collier, DeJardin, Gardner,  
Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen  
and Waker

Absent: Councilors Cooper and Kelley

The motion carried and Ordinance No. 87-218 was amended.

Vote on Main Motion: A vote resulted in:

Ayes: Councilors Bonner, Collier, DeJardin, Gardner,  
Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen  
and Waker

Metro Council  
January 22, 1987  
Page 7

Absent: Councilors Cooper and Kelley

The motion carried and Ordinance No. 87-218 was adopted as amended.

7.3 Consideration of Ordinance No. 87-215, for the Purpose of  
Establishing a One Percent for Art Program for the New  
Construction or Major Alteration of Major District Facilities  
(Continued Second Reading)

The Clerk read the Ordinance by title only.

Motion for Adoption: A motion to adopt Ordinance No. 87-215  
was made by Councilors DeJardin and Knowles at the  
first reading of the Ordinance on December 18, 1986.

Phillip Fell, Legislative Liaison, explained two issues remained to be resolved concerning the proposed one percent for art program: 1) the definition of "adjacent to" or the physical relationship of an artwork to specific Metro facilities; and 2) at what point in the planning process a project could be declared exempt from the art program. Mr. Fell recommended, after discussions with the Presiding Officer and others, the above matters be referred to a subcommittee and the subcommittee make a recommendation to the full Council.

Presiding Officer Waker thought the Council Management Committee should discuss the issues and report back to the Council on February 26, 1987.

Motion: Councilor DeJardin moved, seconded the Councilor Bonner, to refer Ordinance No. 87-215 to the Council Management Committee and for the Committee to return to the Council on February 26 with recommendations on: 1) policy determining the physical relationship of art projects to Metro facilities; and 2) at which point in the planning process a project could be declared exempt from the art program.

In response to Councilor Ragsdale's concerns, Presiding Officer Waker said the Chair of the Management Committee would ensure the Convention Center Committee was involved in discussions on the art program.

Presiding Officer Waker answered Councilor Collier's question by saying the Committee would only address the above two concerns related to the Ordinance and Resolution.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Collier, DeJardin, Gardner,  
Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen  
and Waker

Absent: Councilors Cooper and Kelley

The motion carried.

## 8. RESOLUTIONS

### 8.1 Consideration of Resolution No. 87-717, for the Purpose of Establishing Guidelines for Metro's One Percent fo Art Program

Motion: Councilor Van Bergen moved, seconded by Councilor  
Collier, to refer the Resolution to the Management  
Committee for discussions related to the same issues  
as for Ordinance No. 87-215, and for the Committee to  
report its findings to the Council on February 26,  
1987.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Collier, DeJardin, Gardner,  
Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen  
and Waker

Absent: Councilors Cooper and Kelley

The motion carried.

### 8.2 Consideration of Resolution No. 87-731, for the Purpose of Establishing Metro Council Support for the Legislative Technical Committee of the Committee on Regional Convention, Trade and Spectator Facilities

Tuck Wilson, Convention Center Project Director, reviewed staff's  
written report. Councilor Ragsdale, Chair of the Council's Con-  
vention Center Committee, recommended the Council adopt the Resolution  
as a show of support for the proposed actions.

Motion: Councilor Ragsdale moved the Council adopt Resolution  
No. 87-731 and Councilor Van Bergen seconded the  
motion.

In response to Councilor Kirkpatrick's question, Councilor Ragsdale  
reported the legislative programs proposed by the Legislative  
Technical Committee would require staff support from Kim Duncan.  
Mr. Wilson added that Ms. Duncan would coordinate her efforts with  
the Council and key staff.



Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Collier, DeJardin, Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Absent: Councilors Cooper and Kelley

The motion carried and Resolution No. 87-731 was adopted.

Mr. Wilson reported that the convention center architect selection team would recommend the Council approve a contract with Zimmer Gunsul Frasca to design the Oregon Convention Center. The Council would be asked to consider that contract on February 26.

Presiding Officer Waker noted as a member of the contract selection team, he had traveled to several convention center facilities and had learned much about why selecting the right architect was integral to the success of a convention center.

#### 10. COMMITTEE REPORTS

Councilor Gardner, Chair of the Council Solid Waste Committee, reported the Committee met to discuss which alternative technology method would be recommended to the Legislature. The Committee decided to give the Executive Officer time to review the history of the project and proposed recommendations before making a formal recommendation.

Councilor Hansen said the Committee also recommended the State not add yard debris to its list of recyclable materials at this time because sufficient markets for that material did not exist.

#### PERSONNEL AND LEGISLATIVE ISSUES

Presiding Officer Waker requested the issues be set over to February 12 rather than discussing them at this time. He explained the Executive Officer had left the meeting due to illness and two Councilors were not in attendance at the meeting.

After a brief discussion, it was generally agreed the personnel and legislative issues should be addressed at a special meeting to be held as soon as possible. Councilors Kirkpatrick and Collier also expressed concern about the Executive's proposed lobbying efforts the following day in Salem. Councilor Collier pointed out that according to Metro's Code, parties other than the Executive could only lobby on policies that had been adopted by the Council.

Metro Council  
January 22, 1987  
Page 10

There being no further business, Presiding Officer Waker adjourned  
the meeting at 8:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "A. Marie Nelson".

A. Marie Nelson  
Clerk of the Council

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