

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

**Regular Meeting
March 26, 1987**

Councilors Present: Mike Bonner, Tanya Collier, Larry Cooper, Jim Gardner, Gary Hansen, Sharron Kelley, Corky Kirkpatrick, David Knowles, Mike Ragsdale and George Van Bergen

Councilors Absent: Tom DeJardin and Richard Waker

Also Present: Executive Officer Rena Cusma

Staff Present: Ray Barker, Kim Duncan, Rishinath Rao, Tuck Wilson, Keith Lawton, Gwen Ware-Barrett, Donald Carlson, Jennifer Sims, Cathy Thomas, Marilyn Matteson, Kathy Bucher, Kay Rich, Tor Lyshaug, Chuck Stoudt, Becky Crockett, Jon Allred, Darlene Badrick, Jill Hinckley, Dick Karnuth, Gayle Rathbun, Cathy Vandehey, Andy Cotugno, Marc Madden and Joan Saroka

Deputy Presiding Officer Gardner called the meeting to order at 5:45 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

Request Regarding Oregon Trail Designation. Councilor Collier reported the Council Legislative Committee had considered Alayne Woolsey's request that Metro ask the Oregon State Legislature to amend its statute to designate the city of Oregon City, rather than the city of Seaside, as the official end of the Oregon Trail. The Councilor read a draft letter to Senator Joyce Cohen which endorsed the concept of that request and proposed the letter be sent to Senator Cohen by the Executive and Presiding Officers of Metro.

Motion: Councilor Collier moved, seconded by Councilor Knowles, that the draft letter, as read by Councilor Collier, be sent to Senator Cohen.

Vote: A vote on the motion resulted in:

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

Nay: Councilor Cooper

Absent: Councilors DeJardin and Waker

The motion carried.

Councilor Collier asked the Clerk to ensure Ms. Woolsey receive a copy of the signed letter.

Concern About Changes in Work Programs. Councilor Van Bergen said he had received February 26 Solid Waste staff meeting minutes and was concerned to learn from those minutes the West Transfer & Recycling Center (WTRC) and waste reduction certification programs would be "shelved." He said he sent a letter to Executive Officer Cusma expressing his concerns that work might have stopped on priority programs adopted by the Council. He questioned the status of other programs such as the methane gas recovery project, the yard debris program, St. Johns Landfill capacity and tonnage limits imposed on the Oregon City transfer station. He was concerned that large amounts of money had been spent on programs that had been or would be dropped.

Executive Officer Cusma said she had tried to reach Councilor Van Bergen about his concerns. She would provide the Councilor with a written report on the status of the WTRC. She reported the WTRC program was currently being appealed and it could be another year before work could commence. The methane gas program had been terminated by the Council last December due to low gas prices and the economic unfeasibility of the project. The status of the yard debris program would be reported by staff later in the meeting. A report on St. Johns Landfill capacity was now before the Council and the Oregon City transfer station tonnage issue was currently being negotiated with Oregon City and Clackamas County.

At the request of Councilor Van Bergen, Eleanore Baxendale, General Counsel, reviewed the legal status of the WTRC. She also explained she submitted to the Council quarterly reports on the legal status of all projects. The next report would be submitted in April, she said. Ms. Baxendale reported litigation concerning Metro's site selection could be resolved by June 1, 1987, after which time the Council could proceed with the project or wait until other outstanding appeals had been settled.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Presentation of the Executive Officer's Proposed FY 1987-88 Budget

Executive Officer Cusma introduced her proposed budget for the next fiscal year. She said the budget reflected new programs and priorities and the General Fund had been increased to reflect general costs formerly budgeted under other departments. The Executive said staff were working to finalize transition committee reports so that recommended program changes would be reflected in the proposed budget document.

3.2 Consideration of Resolution No. 87-744, for the Purpose of Adopting the FY 1987-88 Budget and Appropriations Schedule; and Resolution No. 87-745, Approving the FY 1987-88 Budget for Transmittal to the Tax Supervising & Conservation Commission (TSCC) (Public Hearing)

Jennifer Sims, Director of Management Services, reviewed the schedule for adopting the annual budget. She explained the purpose of this meeting was to introduce the budget and conduct a public hearing. The Council would consider adoption of Resolution No. 87-745 after the Budget Advisory Committee had concluded their review and made recommendations to the Council. The Budget would then be forwarded to the TSCC for hearings and certification. After the certified budget was returned by the TSCC, the Council would consider adoption of Resolution No. 87-744, probably at its meeting of June 25.

Ms. Sims introduced three citizens members of the Budget Advisory Committee in the audience: Ron Hohnstein, David Little and Oladapo Sobohemin.

Deputy Presiding Officer Gardner opened the public hearing on the proposed budget. There being no testimony, he closed the hearing. There was no discussion on the proposed budget by the Council and the budget was formerly referred to the Council Budget Advisory Committee for review and comment.

3.3 Presentation of Ray Phelps' Findings Regarding Contracting and Budgetary Matters

Executive Officer Cusma distributed copies of a report submitted to her by Ray Phelps. She had contracted with Mr. Phelps to determine whether Metro should institute a performance audit program. She reported that Mr. Phelps had recommended an internal audit program be implemented.

A short discussion followed about whether such an audit should more appropriately be a work product for the Council rather than the Executive. Councilor Knowles pointed out because the Council had just received the report, the Management Committee should review it at their next meeting and report back to the Council on its findings.

Motion: Councilor Knowles moved, seconded by Councilor Ragsdale, to refer the Ray Phelps' report to the Council Management Committee for their review and comment back to the Council.

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Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilor DeJardin and Waker were absent.

The motion carried.

Resolution No. 87-751, Ratifying Recruitment Waivers and Confirming Appointments. Executive Officer Cusma introduced the Resolution and explained it was being submitted for Council consideration at their request. Deputy Presiding Officer Gardner noted that since the Council needed to make a decision on Agenda Item 11.5 before it considered Resolution No. 87-751, the Resolution should be deferred until the end of the meeting.

At the request of the Council, the Deputy Presiding Officer called at 10-minute recess at 6:25 p.m. to give Councilors an opportunity to review Resolution No. 87-751, introduced by the Executive Officer, and Resolution No. 87-748A, introduced by the Deputy Presiding Officer. The Council reconvened at 6:45 p.m.

Legislative Status Report. Kim Duncan, Metro's legislative representative, reviewed the written "Legislative Status Report" dated the week of March 23, 1987.

Council position on HB 2929 (general functional planning authority for Metro). Councilor Gardner, Chair of the Council Solid Waste Committee, reported the Committee could not reach a consensus to endorse HB 2929. Executive Officer Cusma urged the Council to support the proposed legislation. She explained her Land Use Transition Committee also endorsed the bill.

Motion: Councilor Bonner moved to instruct staff to withdraw all effort to lobby for passage of HB 2929 and that the proposed legislation not be considered a priority at this time. Councilor Kelley seconded the motion.

Discussion followed on the merits of the proposed legislation. Eleanore Baxendale, Legal Counsel, explained Metro currently had functional planning authority but the bill would impose certain time frames on the process. Councilors Ragsdale, Van Bergen, Gardner and Hansen said they would not support the motion because they thought a strong functional planning program would ease the way for siting future solid waste facilities. Councilor Kelley supported the motion and favored the supersiting process with ample citizen participation.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner and Kelley

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Nays: Councilors Collier, Cooper, Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale and Van Bergen

Absent: Councilors DeJardin and Waker

The motion failed.

Motion: Councilor Ragsdale moved the Council take a position in favor of HB 2929 and to instruct the legislative liaison to request the bill be separated from other Metro-related legislation in order that it receive a separate hearing date and its due consideration. Councilor Van Bergen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, Gardner, Kirkpatrick, Knowles, Ragsdale and Van Bergen

Nays: Councilors Bonner, Hansen and Kelley

Absent: Councilors DeJardin and Waker

The motion carried.

Council position on SB 629 (legislation regarding general separation of powers for the Metropolitan Service District).

Councilor Collier, Chair of the Council Legislation Planning Committee, explained the Committee recommended an amendment to the legislation. Councilor Knowles then distributed copies of the proposed amendment which he explained. Changes included: 1) amending the word "legislative body" to read "governing body" to be consistent with all other references in Oregon statutes; 2) clarifying the Council's and Executive's roles in personnel matters; and 3) requiring 8 affirmative votes to override the Executive's veto rather than 10 votes to be consistent with the Oregon Constitution.

Motion: Councilor Hansen moved to endorse the above noted amendments to SB 629 and Councilor Collier seconded the motion.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Alayne Woolsey, Oregon City resident, presented Councilors with information packets on Oregon City. She explained the packets contained information on recent tourism efforts to promote the City's historical merits. She requested the Council consider Resolution No. 87-747 at this time because she could not stay for the remainder of the meeting.

11.4 Consideration of Resolution No. 87-747, for the Purpose of Displaying Artifacts in the Council Chamber of the Metropolitan Service District

Councilor Collier introduced the Resolution and reviewed the written staff report, explaining Ms. Woolsey had introduced the idea of placing historical and regional artifacts in the Council Chamber.

Motion: Councilor Collier moved Resolution No. 87-747 be adopted and Councilor Ragsdale seconded the motion.

Councilor Van Bergen was concerned that the Chamber could become filled with artifacts and that a rotation schedule should be considered.

Councilor Cooper did not support the Resolution, saying it was not appropriate for the Council Chamber to become a museum for artifacts.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Collier, Gardner, Hansen, Kelley, Kirkpatrick, Knowles and Van Bergen

Nays: Councilors Cooper and Ragsdale

Absent: Councilors DeJardin and Waker

The motion carried and Resolution No. 87-747 was adopted. Councilor Collier requested the Clerk send a copy of the signed Resolution to Ms. Woolsey along with a copy of the signed letter to Senator Cohen regarding Oregon City being designated as the end of the Old Oregon Trail.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
(Continued)

Judy Dehen, 2965 N.W. Verde Vista, Portland, representing the Columbia Group of the Sierra Club, stressed the importance of Metro not restricting itself to mass incineration as a solution to its solid waste alternative technology effort. She said flexibility was the most important factor to consider and composting technology had that kind of flexibility. She noted that Councilor Ragsdale had challenged citizens who criticized the alternatives proposed by Metro to come up with other alternatives. She said that composting was the ideal alternative. Councilor Ragsdale asked Ms. Dehen to send him details on any cost-effective, feasible alternatives available.

Connie Hawes, Aloha resident, commented on the earlier discussion regarding whether the Council should endorse proposed state functional planning legislation. She noted that one man's/woman's "procedural morass" was another's due process. She strongly criticized the process for siting the West Transfer & Recycling Center (WTRC) as an example of mediocre staff work and noted Metro had been very unresponsive to citizen input throughout the process. She strongly supported the functional planning approach as one with more citizen involvement.

Gary LaHaie, 310 East Baseline, Hillsboro, read a statement which he had distributed to Councilors. Mr. LaHaie was a member of the WTRC Advisory Committee which had reviewed and made recommendations on sites for the facility. He supported the Ramsey Lake site for the new regional landfill, explaining that site was already industrially zoned, the facility would create jobs in that area, and the site would best serve the regional solid waste disposal plan.

Claire Green, Aloha citizen, criticized the Council's subcommittee structure and meeting process. She pointed out that many important decisions were made at those meetings and they were often called at the last minute with no published agenda. She urged the Council to do its business in a public forum in order for the public to have input.

Regarding the Council's earlier discussion on whether to support HB 2929 and the solid waste functional planning process, Mr. Green urged the Council to adopt a solid waste functional plan which would involve the public in initial planning stages for major solid waste facilities.

6. CONSIDERATION OF MINUTES.

Motion: Councilor Kelley moved, seconded by Councilor Ragsdale, to approve the minutes of February 26, 1987.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried and the minutes were approved.

7. CONSIDERATION OF AN ADDENDUM TO THE CONTRACT WITH WORLD SECURITY FOR UNIFORMED SECURITY GUARD SERVICE AT THE ZOO

Kay Rich, Zoo Assistant Director, reviewed staff's report.

Motion: Councilor Kelley moved the addendum be approved and Councilor Hansen seconded the motion.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried and the addendum to the contract with World Security was approved.

8. ORDINANCES

8.1 Consideration of Ordinance No. 87-219, for the Purpose of Amending the Urban Growth Boundary for Contested Case No. 86-2: West Coast Auto Salvage (Second Reading and Public Hearing)

The Clerk read the Ordinance a second time by title only. Jill Hinckley, Land Use Coordinator, briefly reviewed staff's written report. There was no discussion on the Ordinance.

Deputy Presiding Officer Gardner opened the public hearing on the Ordinance. There was no testimony and the hearing was closed.

Motion: The motion to adopt Ordinance No. 87-219 was made by Councilor DeJardin and seconded by Councilor Collier at the meeting of March 12, 1987.

Vote: A roll call vote to adopt the Ordinance resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried and Ordinance No. 87-219 was adopted.

8.2 Consideration of Ordinance No. 87-221, for the Purpose of Replacing Section 2.02.275 of the Metro Code, Seasonal Visitor Services Worker Personnel Rules (First Reading and Public Hearing)

The Clerk read the Ordinance a first time by title only. Randy Boose, Personnel Officer, presented an overview of staff's written report.

Motion: Councilor Knowels moved the adoption of Ordinance No. 87-221 and Councilor Ragsdale seconded the motion.

Deputy Presiding Officer Gardner opened the public hearing. There being no testimony, he closed the hearing.

Councilor Van Bergen was concerned the Ordinance would change full-time positions to part-time positions with a resulting loss of benefits for some employees. Mr. Boose said he would contact the Councilor later in the week to discuss his concerns.

Deputy Presiding Officer Gardner announced the second reading of the Ordinance was scheduled for April 9, 1987.

9. CONSIDERATION OF A REQUEST FROM BENJFRAN DEVELOPMENT COMPANY for a Waiver of the April 1, 1987, Filing Deadline for Petitions for Major Amendment of the Urban Growth Boundary

Jill Hinckley, Land Use Coordinator, reviewed the history of the request as explained in staff's written report. Councilor Ragsdale questioned if the proposed extension to May 15 should be amended to June 1. Marc Madden, Acting IRC Administrator, and Ms. Hinckley saw no problems with the June 1 date.

Motion: Councilor Ragsdale moved, seconded by Councilor Van Bergen, to allow an extension of the filing deadline for BenjFran Development Company to June 1, 1987.

Councilor Ragsdale stated he and Mr. Nelson, President of BenjFran Development, had served together on a board but he did not think that arrangement was in conflict with voting on this matter.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried and the deadline was extended to June 1, 1987.

10. CONSIDERATION OF THE "DRAFT" SOUTHWEST CORRIDOR CONCLUSIONS, Recommendations and Evaluation of Alternatives Report and Initiation of a Public Hearing and Adoption Process

Andy Cotugno, Transportation Director, reviewed staff's report and the schedule for public hearings on the draft report. He explained this matter had been brought before the Council for informational purposes only and that staff would bring the matter back to the Council for adoption in May.

Councilor Van Bergen noted the document was a highly sophisticated study and would be important for Washington and Clackamas counties project planning. He said he was proud of Metro for its well performed work on the project.

A discussion followed on how the study had addressed light rail transit for the Sunset Corridor. Mr. Cotugno reported no specific conclusion had been reached but options were discussed in the study. He added that any plan for light rail transit would be subject to a separate decision-making process.

Deputy Presiding Officer Gardner announced a public hearing on the draft report before the Joint Policy Alternatives Committee on Transportation (JPACT) was scheduled for 7:00 p.m., April 15 at St. Vincent Hospital.

11. RESOLUTIONS

11.3 Consideration of Resolution No. 87-738, for the Purpose of Adopting a Marketing Plan for Yard Debris Compost as Part of Metro's Solid Waste Reduction Program

Jon Allred and Becky Crockett, Solid Waste Analysts, presented staff's report as printed in the meeting agenda packet.

Motion: Councilor Ragsdale moved the Resolution be adopted and Councilor Van Bergen seconded the motion.

Councilor Knowles asked staff to describe reaction to the proposed yard debris marketing plan from other yard debris processors. Mr. Allred answered that a consultant to staff had determined ample markets existed for all parties in the business of marketing the material.

Councilor Cooper asked if the study had determined whether yard debris could be sold at a price competitive with bark dust. Ms. Crockett responded that the study did not address pricing in order to avoid the perception of price fixing or collusion.

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Councilor Van Bergen noted the difficulties staff had experienced in processing the large pile of yard debris at the St. Johns Landfill. Mr. Allred explained that situation had little to do with the success or failure of markets for composted materials. He was confident staff would find uses for the St. Johns material because yard debris was a viable product.

Jerry Herrman, 15178 South Highland Road, Oregon City, Director, John Inskip Environmental Learning Center, testified markets did exist for compost. He said composted materials were used on the grounds of the Learning Center and the Center had developed programs to educate the public on how to compost and how to use the material. He noted commercial uses for compost had recently increased due to the higher cost of bark dust. He concluded that what had once been a disposal problem as a result of the DEQ burning ban was now becoming a viable marketing opportunity. He commended Metro for developing the yard debris marketing plan and urged the Council to implement it.

Rod Grimm, No. 8 Hotspare, Lake Oswego, owner of Grimm's Fuel Company, presented Councilors with potted pansies grown in composted yard debris material. Mr. Grimm testified that Metro's proposed marketing program would greatly contribute to solving the region's solid waste problems to the benefit of everyone. He discussed research being conducted by pathologists using composted materials as a growing medium. He said Metro's efforts would help business develop a guaranteed supply of raw material.

Responding to Councilor Ragsdale's question, Mr. Grimm said he did not see Metro in a role of competing with private business. Rather, he thought Metro's efforts to help develop markets for private business were to the benefit of everyone. He explained the region's solid waste disposal problem was very real, public problem. Any efforts to reduce the amount of yard debris landfilled were important.

Estle Harlan, 2202 Lake Road, Milwaukie, representing the Tri-County Council of solid waste haulers, testified the Tri-County Council supported Metro's role in developing markets for yard debris. Her only concern was if McParlane's, a private company processing yard debris, were flooded with material, they could not process the material fast enough or that adequate markets would not exist for the material. Ms. Harlan also asked staff and the Council to assure her that Metro would not involve itself in collection of yard debris. Councilor Van Bergen confirmed that Metro's appropriate role was to develop markets for yard debris, not to collect the material.

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Kathleen Keene, 124014 S.E. Raymond Street, Portland, representing McFarlane's Bark, Inc., testified McFarlane's and Grimm's operations had already added two years to the life of the St. Johns Landfill and that Metro's public information program encouraging proper disposal of yard debris had helped the two companies. She was not concerned about stockpiles of yard debris, explaining those stockpiles were valuable inventory.

Responding to Councilor Van Bergen's question, Ms. Keene said since McFarlane's radio ads had been aired, about three times more yard debris had been brought to their facility than was brought in the same time last year.

A discussion followed about the cost of the Metro yard debris marketing program. Councilor Ragsdale asked staff to explain total costs and whether those costs were included in the budget. Ms. Crockett said the budget would have to be amended to include program costs. She explained the yard debris program had been budgeted in both the Public Affairs and Solid Waste departments and Table 4 of staff's report had listed only expenses included Solid Waste budget.

Councilor Ragsdale requested adoption of Resolution No. 87-738 be set over to another meeting until all program costs were clearly reported to the Council. The Councilor explained he supported the program but needed more information in order to vote on the matter.

Executive Officer Cusma said staff would present a complete expense overview of the proposed yard debris program for the April 9 Council meeting. Councilor Cooper requested the revised report also include information about the financial impacts of the program on other markets.

Withdrawal of Motion: Councilor Ragsdale and Van Bergen withdrew their previous motion to adopt Resolution No. 87-738 with the understanding staff would return to the Council on April 9 with the information requested.

11.2 Consideration of Resolution No. 87-743, for the Purpose of Amending the Pay Plan to Upgrade the Position of Waste Reduction Manager

Randy Boose, Personnel Officer, briefly reviewed staff's written report. He explained if the Resolution were adopted, the base salary for the position would increase from \$29,328 to \$32,300 and the incumbent would receive a 5 percent pay increase per provisions of the Personnel Rules.

Motion: Councilor Ragsdale moved to adopt Resolution No. 87-743 and Councilor Knowles seconded the motion.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried and Resolution No. 87-743 was adopted.

11.5 Consideration of Resolution No. 87-748, for the Purpose of Amending Resolution No. 86-659 to Revise the FY 1986-87 Budget and Appropriations Schedule (Regarding Council Department Reorganization);

Consideration of Resolution No. 87-748A, for the Purpose of Amending Resolution No. 86-659 to Revise the FY 1986-87 Budget and Appropriations Schedule (Regarding Council Department Reorganization);

Consideration of Resolution No. 87-749, for the Purpose of Amending the Classification Plan and the Pay Plan to Add the Position of Council Administrator;

Consideration of Resolution No. 87-750, for the Purpose of Transferring an Employee (Donald E. Carlson) to the Position of Council Administrator and Authorizing an Employment Agreement (with Donald E. Carlson); and

Consideration of Resolution No. 87-751, for the Purpose of Ratifying Recruitment Waivers and Confirming Appointments (for Richard Engstrom, Tor Lyshaug, Marc Madden and Raymond Phelps)

Deputy Presiding Officer Gardner first explained that as a result of an agreement with the Executive Officer, Resolution No. 87-748A would replace Resolution No. 87-748. He referred to his memo to Councilors dated March 26, which explained the difference between the two Resolutions:

1. Resolution No. 87-748A would provide for maintenance of the Finance and Administration Director position. Resolution No. 87-748 would have eliminated the position.
2. Resolution No. 87-748A would provide for the General Counsel and Governmental Affairs Manager positions to remain in the Executive Management budget and supervisory responsibility for those positions would remain with the Executive Officer. Resolution No. 87-748 would have budgeted the two positions in both the Executive Management and Council budgets.

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3. Resolution No. 87-748A would authorize the budget adjustment to the Council budget be reduced to \$35,688. The funds would come from unspent Personal Services costs in the Executive Management budget (\$29,921) and the Data Processing Division budget (\$5,767).

The Deputy Presiding Officer concluded that Resolution No. 87-748A would accomplish a more defined separation of the Councilor and Executive branches of government without having to increase expenditures during FY 1986-87.

Councilor Bonner read into the record a letter he had received from Donald N. Johnson, 3655 S.E. Tolman Street, Portland. Mr. Johnson had served on the Portland Planning Commission and had recently retired after 25 years of services with the Bureau of Governmental Research. His letter stated "Many of our public institutions have developed separate legislative and executive capabilities . . . This is, in fact, quite a common practice and appears to meet the need created by the separation of power proposed by Metro's new Executive Officer. I would support the proposal even though it were more costly, for I believe that a weakened legislative branch threatens the democratic process."

The Deputy Presiding Officer read a letter he had received from Donald S. McClave, 7719 S.E. 28th Avenue, Portland. Mr. McClave endorsed the Council's proposed action to transfer Donald E. Carlson to the position of Council Administrator. He proposed "In the long-term, it may be advisable to alter Metro's charter in such a way that the Executive reports to and is directly responsible to the Council. In the short-term, it seems clearly in the best interest of orderly functioning of the Council to pass the three resolutions under agenda item 11.5 . . ."

Motion: Councilor Knowles moved, seconded by Councilor Bonner, that Resolution No. 87-748A be adopted with the following amendments: 1) The second "Whereas" be changed to read: "Legislation proposed by the Executive Officer recognizes, clarifies and encourages the separation of powers between the [legislative] Council and [executive branches of this government] Executive Officer causing the [legislative branch] Council to reallocate resources so it can effectively meet its statutory responsibilities; and . . ."

Don Williams, former staff assistant to Clackamas County Commissioner and former MSD Board Chair Robert Schumacher, testified he had been interested in the development of the Metro organization and had served as an advisor during the transition merger of the CRAG

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and MSD organizations in 1979. He noted the government was unique and it was difficult to compare its structure to other governments. He said Resolution No. 87-748A would be necessary to formalize the relationship between the Council and staff.

James L. Knoll, 2738 S.W. Robins Crest, Portland, said he agreed with Mr. Williams' testimony. He explained that as a former Budget Advisory Committee member, he had observed excellent cooperation between the Executive, Council and staff. He said he regretted the changes that appeared to be taking place but acknowledged those changes were inevitable as the agency grew.

Denise M. Amos, 4610 N.W. Imnaha Court, Portland, testified she was speaking for the Metro Watch organization. She said the organization wanted to see Metro work because the success of the convention center was at stake. She questioned why the Council was not considering Resolution No. 87-751, proposed by the Executive Officer, before it considered other structure-related resolutions.

Deputy Presiding Officer Gardner explained that because Resolution No. 87-751 considered confirmation of the Finance & Administration Director position, the Council could not logically adopt that Resolution until it was established that the position would continue to exist. Adoption of Resolution No. 87-748A would provide that the position continue to exist.

Ms. Amos then requested the Council postpone deliberation on these matters until the outcome of SB 629 (regarding general separation of powers for the Metro organization) was known. The Deputy Presiding Officer explained adopting Resolution Nos. 87-748A, 87-749, 87-750 and 87-751 would not pre-empt subsequent structure changes.

In response to Councilor Knowles question, Executive Officer Cusma said she supported the motion to adopt Resolution No. 87-748A and the resulting transfer of budget funds. She was positive she and Mr. Carlson would work well together and that transition problems could be resolved for the benefit of everyone involved.

Deputy Presiding Officer Gardner noted his memo to Councilors had stated a verbal agreement had been reached with the Executive Officer that: 1) the Council would participate with the Executive in the selection and termination process for the General Counsel and Governmental Affairs Manager positions; 2) that the Council would have confirmation authority for the two positions; 3) that the Council would have direct access to the services of the General Counsel; and 4) that the Governmental Relations Manager would communicate to others only adopted District policies, programs and procedures, and would not advocate the position of any individual elected official. The memo further stated: "I have prepared a

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proposed agreement for the signature of the Executive Officer and the Deputy Presiding Officer which specify those [the above] points." He then explained no written agreement had been signed.

Councilor Knowles thought the Council would be best served by addressing the issue of a signed agreement at another time.

Councilor Hansen acknowledged that upon adoption of the legislation now before the Council, relationships between the Council and Executive Officer would change. He advised the Council, Executive and staff to conduct a workshop as soon as possible to work out the new relationship.

Councilor Ragsdale noted that Presiding Officer Waker was not able to attend this meeting. He said he appreciated the Presiding Officer's key leadership role in working to resolve the relationships between the Council, Executive Officer and staff.

Councilor Van Bergen asked how the proposed changes in staff structure would effect the FY 1987-88 budget. Deputy Presiding Officer Gardner explained the resolutions only addressed changes to the FY 1986-87 budget. Changes to the FY 1987-88 budget would have to be worked out later, he said. Councilor Kirkpatrick, Chair of the Council Budget Advisory Committee, said she was committed to not raising transfer to the General Fund as a result of staff changes proposed by the Resolutions.

Vote: A vote on the motion to adopt Resolution No. 87-748A resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously and Resolution No. 87-748A was adopted.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 87-749 and to delete the third "be it resolved" paragraph which referred to eliminating the Finance and Administrator position and reassigning those duties to the Deputy Executive Officer. Councilor Ragsdale seconded the motion.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously and Resolution No. 87-749 was adopted.

Motion: Councilor Knowles moved to adopt Resolution No. 87-751 and Councilor Kelley seconded the motion.

Withdrawal of Motion: After discussion, Councilors Knowles and Kelley withdrew their motion so that confirmation and recruitment waiver issues could be voted on separately for each individual named in Resolution No. 87-751.

Motion: Councilor Knowles moved the Council consider confirmation and recruitment waivers by separate motion for each individual named in Resolution No. 87-751.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kirkpatrick, Knowles, Ragsdale and Van Bergen

Nays: Councilors Bonner, Collier, Cooper and Kelley

Absent: Councilors DeJardin and Waker

The motion for separate consideration of each individual carried.

Councilor Ragsdale noted it was his policy to always cast an affirmative vote on any motion to separate an issue.

Motion: Councilor Knowles moved, seconded by Councilor Ragsdale, to confirm Richard Engstrom as Deputy Executive Officer and that recruitment procedures be waived for his appointment.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously.

Motion: Councilor Knowles moved, seconded by Councilor Hansen, to confirm Tor Lyshaug as provisional Solid Waste Director and that recruitment procedures not be waived for his appointment since recruitment was currently in progress for a permanent Director.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

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The motion carried unanimously.

Motion: Councilor Knowles moved, seconded by Councilor Cooper, to confirm Marc Madden as provisional IRC Administrator and that recruitment procedures not be waived for his appointment.

Vote: A vote on the motion resulted in:

Ayes: Bonner, Collier, Cooper, Gardner, Hansen, Kelley, Knowles, Ragsdale and Van Bergen

Nay: Councilor Kirkpatrick

Absent: Councilors DeJardin and Waker

The motion carried.

Motion: Councilor Knowles moved, seconded by Councilor Ragsdale, to confirm Ray Phelps as Director of Finance & Administration and that recruitment procedures be waived for his appointment.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Waker were absent.

The motion carried unanimously.

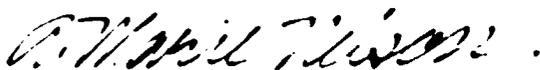
Eleanore Baxendale explained that by adopting the four motions to confirm the above individuals and to grant recruitment waivers for two of the appointments, the Council had amended and adopted Resolution No. 87-751.

OTHER BUSINESS

Connie Hawes, citizen, asked that copies of all documents considered by the Council be supplied to the public so they could follow along with discussions and offer comments as appropriate.

There being no further business, Deputy Presiding Officer Gardner adjourned the meeting at 10:45 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

amn/7341C/313-2/04/24/87