

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Regular Meeting
April 23, 1987

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

Councilors Absent: Tanya Collier

Also Present: Rena Cusma, Executive Officer

Staff Present: Eleanore Baxendale, Tor Lyshaug, Dennis
Mulvihill, Donald Carlson, Ray Barker, Kim
Duncan, LeRoy Nollette, Vickie Rocker, Dick
Engstrom, Pat Vernon, Becky Crockett, Andy
Cotugno, Chuck Stoudt, Jennifer Sims, Marc
Madden, Gwen Ware-Barrett, Gene Leo, Kay
Rich, Don Cox and Ray Phelps

Presiding Officer Waker called the meeting to order at 5:35 p.m. He announced Councilor Collier could not attend the meeting because she had to attend a work-related conference out of town.

1. RECONSIDERATION OF A REQUEST BY HILLSBORO GARBAGE DISPOSAL, INC. to Transport and Dispose of Waste at a Proposed Reload Facility Which the Applicant Would Operate

Presiding Officer Waker explained that at the Council meeting of April 9, 1987, the Council adopted a motion to deny the request by Hillsboro Garbage Disposal, Inc. At that meeting, Councilor Hansen gave notice he intended to move the matter be reconsidered by the Council. Councilor Hansen wanted the matter reconsidered at a meeting when both Councilor Ragsdale and the Presiding Officer would be present because they both represented parts of the Washington County Area. The Presiding Officer referred Councilors to a memo in the agenda packet from the Council Clerk on rules for reconsideration.

Motion: Councilor Hansen moved the request by Hillsboro Garbage Disposal, Inc. to transport and dispose of waste at a proposed reload facility which the applicant would operate be reconsidered. Councilor Kelley seconded the motion.

Councilor Ragsdale said he would vote for reconsideration of the matter but had not taken a position on whether the request should be approved or denied.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale and Waker

Nay: Councilor Van Bergen

Absent: Councilor Collier

The motion passed and Presiding Officer Waker announced the matter would be reconsidered at the May 14, 1987, Council meeting.

2. INTRODUCTIONS

None.

3. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

4. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Judy Dehen, representing the Columbia Group of the Sierra Club, discussed issues related to solid waste alternative technology. She presented the Council with smaller copies of the flow charts she had reviewed at the April 9 Council meeting. Referring to the poem by Robert Frost, she said the charts explained the consequences of the "road not taken." The Council could not follow two roads -- burning and composting technology -- and continue to have a good image of being committed to recycling. She explained garbage burners had insatiable appetites which could conflict with Metro's waste reduction campaign.

Presiding Officer Waker asked Ms. Dehen not to presume the Council would select a specific technology before that decision had been made.

5. COUNCILOR COMMUNICATIONS

5.1 Report on the Status of Senate Bill 629 (Proposed Legislation Regarding General Separation of Powers of the Metropolitan Service District)

Councilor Knowles distributed a memo dated April 20 to Councilors which included proposed amendments to SB 629 and a draft letter of understanding between the Council and the Executive Officer.

Motion: Councilor Knowles moved the Council support SB 629 provided the amendments prepared by Councilor Knowles were adopted and provided the conditions outlined in the Executive Officer's Memo of Understanding to the Council were adopted. Councilor Bonner seconded the motion.

A discussion followed about how the bill would effect the existing Personnel Rules and certain positions now covered under the Rules. Councilor Knowles explained the comments in his memo to Councilors applied only to non-exempt positions. All other positions would be covered by the Rules. He acknowledged that the Executive Officer could, of course, request the Council consider amendments to the Rules. He explained the bill would designate Department Heads as exempt, "at will" employees who would serve at the pleasure of the Executive Officer. The Presiding Officer added that the Council would continue to have the power to confirm Department Heads.

Richard Steinfeld, President of the Friends of the Washington Park Zoo, testified the Friends Board preferred the Zoo Director position be exempt from provisions of SB 629. Councilor Knowles explained all current employees, including the current Zoo Director, Gene Leo, were not effected by the bill. Mr. Steinfeld said the Friend's position was that no present or future Zoo Director should be an "at will" employee.

Councilor Van Bergen said he did not think the proposed amendments would settle outstanding problems. He cited several problems with the proposed legislation: Department Heads were not clearly defined, there were no provisions for enforcing the letter of understanding, and the bill seemed to have no regard for the status of employees. Councilor Van Bergen explained he had been elected by his constituents to serve in a particular capacity and he would not feel bound by a decision to support SB 629.

Councilor Gardner asked whether, under the proposed bill, the position of General Counsel would be exempt from the Personnel Rules. Councilor Knowles responded the bill was not designed to address that question. His memo of understanding with the Executive outlined how the General Counsel would be hired. Executive Officer Cusma added that the General Counsel would continue to be hired in the same manner as the past. Councilor Knowles noted the Council could amend its Personnel Rules Ordinance to change specific hiring or personnel policies.

Councilor DeJardin said he would support the motion because Department Heads, in reality, campaigned for reelection of the Executive Officer.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, DeJardin, Hansen, Knowles, Ragsdale and Waker

Nay: Councilors Gardner, Kelley and Van Bergen

Absent: Councilors Collier and Kirkpatrick

The motion carried.

In response to Councilor Van Bergen's question, Presiding Officer Waker said the Metro Legislative Liaison would work in support of SB 629 and the proposed amendments outlined by Councilor Knowles.

Councilor Gardner explained he had voted against the motion because of his concern about how Metro's legal advisor would be hired. He said the Council must be able to rely on the objective advice of counsel. The Council, he explained, would not be well-served if the counsel could be fired at will by the Executive Officer. Councilor Knowles said SB 629 would not change the existing Personnel Rules as they related to the General Counsel position. Councilor Gardner said when he had asked about the status of the position before voting, he thought Councilor Knowles had said the position would not be covered under the Personnel Rules.

5.2 Report from the Council Legislative Planning Committee
Recommending a Council Position on State Legislation Regarding
the Disposition of Plastics

Presiding Officer Waker announced that because Councilor Collier, Chair of the Committee, was unable to attend this meeting, she would present the report at the May 14 Council Meeting.

6. EXECUTIVE OFFICER COMMUNICATIONS

6.1 Legislative Status Report

Metro's legislative representative, Kim Duncan, briefly reviewed her written report to the Council on the current status of Metro-related state legislation.

6.4 Report of the Transportation Transition Committee

Executive Officer Cusma introduced the Committee Chair, John Frewing, former Metro Councilor and currently with Portland General Electric Company. Mr. Frewing named other Committee members and their work affiliations: Bebe Rucker, Port of Portland; Tom VanderZanden, director, Planning and Economic Development Division,

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Clackamas County; and Gary Conkling, public affairs director, Tektronix. Mr. Frewing then reviewed the Committee's written report of findings and recommendations.

Mr. Frewing said the Transition Committee had received repeated commendations on the excellent work of Metro's Transportation Division which he said was a credit to Andy Cotugno, Transportation Director. The Committee recommended the Joint Policy Advisory Committee on Transportation (JPACT) undergo a self-examination process and that the Regional Transportation Plan (RTP) be updated to provide a new vision of regional, long-term needs that would include light rail transit. The committee also thought Metro should consider more business community representation on transportation committees and a market-driven transportation system.

A discussion followed about the close interrelationship of regional transportation and economic development plans. Presiding Officer Waker reported that Governor Goldschmidt would address JPACT in June on the subject.

6.2 Report on the Land Use Transition Committee

Dave Fredrickson, Committee member, explained the Committee's report was based on the members' collective planning experience, land use legislation and interviews with planning directors. The Committee learned from discussions with planning directors there was a desire for Metro to take a stronger role in regional land use planning. Referring to page 3 of the Committee's report, Mr. Fredrickson also noted that Metro should exercise more leadership in this area and that Metro's successful Transportation Division and JPACT committee structure could be used as a model for local participation.

Mr. Fredrickson reviewed specific Committee recommendations relating to leadership, coordination, goals, land use planning, functional plans, local plan review, Urban Growth Boundary, housing, public facilities plans, boundaries, economic development, and miscellaneous activities such as database, information exchange, training and technical assistance.

Presiding Officer Waker and Councilor Ragsdale, responding to the Committee's recommendation that Metro take a more aggressive role in land use planning, noted that when Metro had taken an aggressive role in coordinating regional comprehensive plans, some local governments had strongly resisted Metro's leadership role. In response to Councilor Ragsdale's question, Mr. Fredrickson said he had not shared the Committee's final recommendations with planning directors and other parties who were interviewed. Councilor Ragsdale requested the Committee circulate the report to local

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governments for their review and comment and report back to the Council on comments received.

Councilor Gardner noted no City of Portland planners had been interviewed. Mr. Fredrickson explained Norm Harrison and Jim Abbott had been interviewed but had been inadvertently omitted from the list.

Councilor Knowles commended the Committee on their work and questioned why no private sector representatives had been interviewed. Mr. Fredrickson said time constraints did not allow such interviews but Committee members had represented private sector interests. He also explained the Committee had assumed planning directors were in close contact with the private sector and their comments would reflect those interests. Councilor Knowles strongly encouraged the Committee to interview regional business representatives.

6.3 Report of the Intergovernmental Resource Center (IRC) Transition Committee

Jack Caldwell, Chair of the Committee and a local attorney, introduced another Committee member, Don Rocks of Telephone Sales and Communications, Inc. Mr. Caldwell reported the Transition Committee closely examined internal management problems. They concluded the IRC had grown with no definite goal or plan and that the IRC name had no credibility in the region. Further, many of Metro's constituents perceived the IRC's work as being "make work" and they did not understand the department's function. Based on those assumptions, the Committee recommended a separate Transportation Department be established and that other IRC functions be absorbed by other, existing departments. Specifically, the Committee recommended that land use functions be coordinated by the Legal Counsel who worked under the Executive Officer. Personnel working on special projects would also report to the Executive Officer. Government relations staff would work under the newly reorganized Community Relations Department. Mr. Caldwell concluded that the recommended changes would result in a more efficient organization. Mr. Rox briefly addressed the Council and agreed with Mr. Caldwell's statements.

Presiding Officer Waker commented that the Transportation Transition Committee has discussed the close interrelationship of transportation and land use planning and questioned why the IRC Transition Committee would propose housing the two functions under separate departments. Mr. Caldwell agreed with the Transportation Committee's conclusion, but explained the type of land use issues addressed by the IRC Land Use Coordinator related to maintaining the existing Urban Growth Boundary.

Councilor Van Bergen recalled that the IRC was established in order to give local governments a voice in deciding the types of services their dues funds would give them. He asked Mr. Caldwell how Metro could maintain credibility with the local governments when most IRC functions were proposed to be housed under the Executive Officer's expanded department.

Mr. Caldwell questioned whether local government representatives had the authority to dedicate dues funds for projects of their choosing. He thought it a mistake to give that impression to the region. He again advocated reorganization of the department in order to provide services in more logical places. He also concluded that some services currently being provided probably should be dropped.

Councilor Kirkpatrick said the IRC was organized and modeled after the successful Joint Policy Advisory Committee on Transportation (JPACT) in order to involve local governments in Metro. She thought the IRC was a success because local governments had become more involved. She noted that Metro had assumed authority to build and operate the convention center due to IRC Committee consensus. She thought it very important Metro's planning and development functions continue and she was open to new ways of organizing staff. She suggested the Council discuss the Transition Committee's recommendations be discussed at the Council's priorities and objectives work session.

Councilor DeJardin said the strength of the IRC had been diminished due to lack of funding. The 51¢ per capita dues had not increased over the years and federal funds to local governments had been greatly reduced.

Councilor Kelley asked Mr. Caldwell if the Committee had addressed IRC budget and organizational factors mandated by Oregon Statute. She thought Metro's Counsel should offer an opinion before any proposal for reorganization were considered by the Council. Mr. Caldwell acknowledged some restrictions did exist but that Metro would still have the ability to organize departments.

Executive Officer Cusma said the IRC budget would not change without due process.

6.5 Comments and Discussion Regarding the Public Affairs Transition Committee Report Presented on April 9, 1987

Vickie Rocker, Public Affairs Director, reported she strongly supported the Committee's recommendations and explained she had long lobbied for many of the recommended changes. She noted the Government Relations and Lobbyist positions had formerly been housed under

the Public Affairs Department, so it would be a simple adjustment to accept those functions back into the department.

Ms. Rocker said the only new element proposed by the Committee called for Public Affairs to assume responsibility for the Recycling Information Center (RIC). She agreed with the Committee's conclusions that most of the Center's functions were strongly identified with public affairs. Under the proposed reorganization, RIC staff would be able to provide better feedback to the Public Affairs Director about the public's concerns and about responses to Metro's advertising. Ms. Rocker emphasized that staff would work very closely with the Solid Waste Department to ensure all technical information was accurately disbursed.

Ms. Rocker addressed the Committee's recommendation that Metro needed a stronger, more unified identity. She explained the previous Executive Officer had shelved a program aimed at that result due to other priorities. She said staff were currently producing a graphics manual that would define requirements for giving all Metro publications a standard identity.

Ms. Rocker then showed a series of slides illustrating the current work products of the Public Affairs Department. She concluded that the department had the talent and skills to accomplish the Transition Committee's recommendations and urged the Council's support in carrying out those recommendations.

Councilor Ragsdale said he had looked over all the transition reports and agreed with most of the Committees' recommendations except those of the Public Affairs Transition Committee. He expressed a desire to discuss his concerns at a later date.

6.6 Program Progress Report for the Quarter Ended March 31, 1987

Executive Officer Cusma noted the report had been distributed to Councilors.

Other

Responding to Councilor Gardner's question, the Executive Officer reported the Solid Waste and Budget Transition Committee reports would be presented to the Council after completion of the FY 1987-88 budget adoption schedule.

7. CONSENT AGENDA

Motion: Councilor Kirkpatrick moved the items on the Consent Agenda be approved and Councilor Ragsdale seconded the motion.

Motion to Amend: Councilor Gardner moved, seconded by Councilor Kelley, to remove Item No. 7.4, Resolution No. 87-758 (confirming citizen members of the Transportation Policy Alternatives Committee) from the Consent Agenda.

Councilor Gardner said he requested Resolution No. 87-758 be removed from the Consent Agenda because the staff report did not adequately explain the process for recommending individuals to the Committee.

Vote on Motion to Amend: A vote resulted in all ten Councilors present voting aye. Councilors Collier and Van Bergen were absent.

The motion carried.

Vote on the Main Motion as Amended: A vote resulted in all eleven Councilors present voting aye. Councilor Collier was absent.

The motion carried and the following items were approved:

- 7.1 Minutes of March 12, 1987;
- 7.2 Resolution No. 87-752, for the Purpose of Amending the Transportation Improvement Program (TIP) to Include a Section 6 Tri-Met Demonstration Project;
- 7.3 Resolution No. 87-753, for the Purpose of Amending the Section 3 "Letter-of-Intent" Program and Authorizing the Addition of Two New Projects.

After discussion, it was agreed Resolution No. 87-758, the items which had been removed from the Consent Agenda, would be considered by the Council at another meeting.

8. CONSIDERATION OF ORDINANCE NO. 87-222, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-7: Kaiser Development Company (Second Reading)

The Clerk read the Ordinance a second time by title only. Jill Hinckley, Land Use Coordinator, reported that adoption of the Ordinance would be the final action required to amend the Urban Growth Boundary. There was no further discussion.

Motion: A motion to adopt the Ordinance was made by Councilor Kelley and Kirkpatrick on April 9, 1987.

Vote: A roll call vote on the motion resulted in all ten Councilors present voting aye. Councilors Collier and Hansen were absent.

The motion carried and Ordinance No. 87-222 was adopted.

9. REPORT ON THE PROPOSED ZOO MASTER PLAN UPDATE

Councilor Kirkpatrick, Chair of the Council's Zoo Planning Committee, reported the Committee and representatives of the Friends of the Zoo Board had formed a joint task force to study the proposed Master Plan. The Task Force recommended approval of the Plan.

Rick Steinfeld, Friends of the Zoo President, thanked the Council for including the Friends in the planning process. He said the Friends looked forward to helping the Council accomplish the exciting projects proposed in the Plan. Presiding Officer Waker thanked the Friends for their continued support of Metro Zoo projects.

Gene Leo, Zoo Director, distributed copies of the draft Master Plan document. He discussed each project proposed in the Plan and asked Councilors to present their comments for inclusion in the final document.

Councilor Kelley asked how the draft Master Plan addressed parking problems. Mr. Leo explained that when OMSI's moving plans were final, the Zoo could plan parking solutions. Several options were now being discussed.

Responding to Presiding Officer Waker's question, Mr. Leo said the new Plan did not propose moving the Zoo's main entrance. The current entrance provided a good orientation to the Zoo grounds and the railroad and it would be expanded and enhanced.

Councilor Kirkpatrick reported a public hearing on the Plan was scheduled before the Council on May 14 and a Friends of the Zoo meeting was scheduled before May 16 for discussing the draft plan.

10.1 Consideration of Resolution No. 87-745, Approving the FY 1987-88 Budget and Transmitting to the Tax Supervising and Conservation Commission (TSCC) (Public Hearing)

Jennifer Sims, Management Services Director, explained the Resolution, when adopted, would approve the budget for transmittal to the TSCC. The purpose of this meeting was to conduct a public hearing on the proposed budget. The Council would then conduct a budget work session on April 30 and would adopt the Resolution at a special meeting on May 7, 1987.

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Presiding Officer Waker commended members of the Budget Advisory Committee for their work and noted Committee member Ron Hohnstein was in attendance. Councilor Kirkpatrick, Committee Chair, said Mr. Hohnstein had served the Committee well because of his careful preparation.

The Council discussed the nature of the April 30 work session. It was determined the Council would be taking action at the meeting to amend the budget. Their final action to approve the entire budget would be taken at the May 7 meeting.

Executive Officer Cusma noted that she had provided the Council with a written response to Councilor Administrator Don Carlson's budget questions related to the Executive Management Department.

Presiding Officer Waker opened the public hearing.

Estle Harlan, 2202 S.E. Lake Road, Milwaukie, representing the Tri-County Council, distributed written testimony to the Council which she read. She was concerned that \$20,000 of the Solid Waste budget had been allocated for an "economic analysis of waste collection" (Management & Administration Program, Contract Services line item). Ms. Harlan questioned the need for the expenditure when Metro had no responsibility for collection of solid waste.

There being no further testimony, the hearing was closed.

The Presiding Officer reported that Resolution No. 87-745 would be considered for adoption at the May 7 Council meeting.

10.2 Consideration of Resolution No. 87-754, for the Purpose of Approving the FY 1988 Unified Work Program (UWP); and Consideration of Resolution No. 87-755, for the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirement

Andy Cotugno, Transportation Director, explained Resolution No. 87-754 would approve the UWP which contained the transportation planning work program for FY 1988 and would authorize the submittal of grant applications to the appropriate funding agencies. The Transportation Policy Alternative Committee (TPAC) and the Joint Policy Advisory Committee on Transportation (JPACT) had reviewed the UWP and recommended adoption of Resolution No. 87-754. Both committees had recommended adoption of Resolution No. 87-755 as well. Mr. Cotugno explained that grants identified in the proposed FY 1988 budget were also identified in the FY 1988 UWP.

Councilor Ragsdale asked about the status of air quality in the region. Mr. Cotugno responded the region was now in compliance with

federal standards although some concern had been expressed about whether the region could remain in compliance with those standards. He explained problems would result when most cars on the road were of the low omission type. After that point, any increase in vehicle volume could diminish air quality.

Motion: Councilor Van Bergen moved Resolution No. 87-754 be adopted and Councilor DeJardin seconded the motion.

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

The motion carried and Resolution No. 87-754 was adopted.

Motion: Councilor Van Bergen moved Resolution No. 87-755 be adopted and Councilor Ragsdale seconded the motion.

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

The motion carried and Resolution No. 87-755 was adopted.

10.3 Consideration of Resolution No. 87-757, for the Purpose of Adding a New Analyst 3 Position to the Solid Waste Department

Jennifer Sims, Management Services Director, reviewed staff's written report. She reported the position would be needed to implement Metro's recently adopted Solid Waste Functional Plan.

Councilor Van Bergen asked if the Resolution had been reviewed by the Council's Solid Waste Committee. Councilor Gardner, Committee Chair, explained the Committee had not reviewed the Resolution but he supported staff's recommendation.

Motion: Councilor Ragsdale moved to adopt Resolution No. 87-757 and Councilor Kelley seconded the motion.

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

The motion carried and Resolution No. 87-757 was adopted.

11. COMMITTEE REPORTS

Councilor Ragsdale reported the Convention Center Project architects would brief the Council on the project design process at the May 14 Council meeting.

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There being no further business, the meeting was adjourned at
8:35 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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