

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

July 7, 1988
Special Meeting

Councilors Present: Mike Ragsdale (Presiding Officer), Corky Kirkpatrick (Deputy Presiding Officer), Tanya Collier, Larry Cooper, Jim Gardner, Gary Hansen, Sharron Kelley, David Knowles, George Van Bergen and Richard Waker

Councilors Absent: Tom DeJardin

Others Present: Dan Cooper, General Counsel

Presiding Officer Ragsdale called the special meeting to order at 4:25 p.m.

1. Consideration of Ordinance No. 88-252, for the Purpose of Amending Chapter 2.04 of the Metro Code Relating to the Disadvantaged Business Program (Continued Second Reading)

The Clerk read the ordinance by title only a second time. The Presiding Officer announced that the ordinance was read before the Council a first time on May 26. It was then referred to the Internal Affairs Committee. The committee conducted public hearings on June 9 and 16 and recommended the Council adopt the ordinance as submitted. The ordinance was placed on the June 23 Council agenda but Council consideration was deferred so that a Council subcommittee could examine questions raised about Metro's Disadvantaged Business Enterprise/Women-Owned Business Enterprise (DBE/WBE) contracting program as a result of public hearings before the Internal Affairs Committee. The subcommittee was appointed by the Presiding Officer and consisted of Councilors Knowles (Chair), Kelley and Collier.

Councilor Knowles summarized the subcommittee's written report on Ordinance No. 88-252 dated July 6, 1988. At hearings before the Internal Affairs Committee, several people expressed concerns about Code Section 2.04.160(b)(7). This provision is contained in the Code section which designates the tasks a bidder/proposer must accomplish to establish good faith efforts to achieve the applicable contract goals. According to staff, the purpose of that provision was to clarify that the bidder/proposer, thought required to meet good faith requirements, was not obligated to accept a bid from a DBE/WBE contractor which was not the lowest, responsive, responsible bid.

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The Council subcommittee unanimously concluded that no changes should be made to Section 2.04.160(b)(7) at this time for the following reasons:

1. There was lack of consensus among representatives of minority contractors about the effect and importance of that provision.
2. Deletion of the Code section would create a need for new Code provisions to give guidance to contractors and staff to determine when good faith efforts had been met. The subcommittee received no suggestions for alternative language from participants.
3. Because the Convention Center General Contract will be issued on July 11, 1988, there was too little time to gather information and evaluate fully the arguments on both sides, particularly if additional Code provisions were required.
4. An extensive public process preceded adoption of the existing Code provisions and they represented a consensus of members of an advisory committee appointed to examine Metro's DBE/MBE requirements.
5. Since the current procedures were adopted, the process seemed to be working well.

Motion: Councilor Knowles moved to adopt Ordinance No. 88-252. Councilor Kirkpatrick seconded the motion.

Councilor Waker said he supported the Committee's recommendation and would vote for the motion.

Councilor Knowles recommended the Council establish a committee to monitor the results of Metro's DBE/WBE procedures. He thought committee members should be appointed by the Executive Officer and confirmed by the Council. Councilor Waker, however, thought the Council should appoint committee members.

Councilor Knowles noted he had received a call earlier in the day from Lina Garcia Seabold, Governor Goldschmidt's Advocate for Minority/Women Business, supporting a change in the language to Code Section 2.04.160(b)(7). Ms. Garcia's position was stated in a letter to Presiding Officer Ragsdale dated June 16, 1988, which had been printed in the June 23, 1988, Council meeting packet.

There was no testimony on the ordinance.

Vote: A roll call vote on the motion to adopt Ordinance No. 88-252 resulted in:

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

Nay: Councilor Hansen

Absent: Councilors DeJardin and Van Bergen

The motion carried and Ordinance No. 88-252 was adopted.

The Presiding Officer called a recess at 4:40 p.m. The meeting was reconvened at 5:05 p.m.

2. Consideration of a Candidate for the Vacant District 8 Council Position

Presiding Officer Ragsdale explained that due to the June 6, 1988, resignation of Mike Bonner from the District 8 Council position, the Council had been involved in a process to select another Councilor to serve in that position. He then reviewed the selection process:

1. An advertisement was published in The Oregonian soliciting candidates to apply for the vacant position.
2. The Council appointed an eight-member citizen's advisory panel to help with the selection process. Names and affiliations of panel members are listed below:
 - a. Sally Anderson, Multnomah County Sheriff's Office;
 - b. Pat Dannen, Chair, Eastmoreland Neighborhood Association (appointed by the Presiding Officer to serve in place of Sally McCracken who could not participate);
 - c. John DiLorenzo, Jr., Attorney, Moshofsk, DiLorenzo & Deitz;
 - d. Lynn Dingler, Residential Energy Consultant and President of Schools for the City;
 - e. John Frewing, former Tri-Met Board member and former District 8 Metro Councilor;
 - f. Steven Schell, Attorney, Rappleyea, Beck, Helterline, Spencer & Roskie and former Chair of the City/County Services Task Force; and

- g. Catherine Sohm, past President and current member of the Sellwood-Moreland Neighborhood Association.

The names of most panel members were recommended to the Council by District 8 neighborhood associations. The panel received copies of candidates' applications, resumes and other background information submitted by candidates. At this meeting panelists would evaluate candidates' interviews and submit their responses to the Council for consideration.

3. The seven candidates would be interviewed by the Council. All candidates would be asked the same six questions. Councilors and citizen members could also ask additional questions of candidates. Each candidate would be given 15 minutes to answer the initial seven questions and make an optional presentation before the Council. The order of interviews was randomly determined by lot.
4. After all interviews have been conducted, the Council and the citizen advisory panel would break to Conference Room 330, third floor, for dinner and to receive and consider the citizen review panel's recommendations. That portion of the meeting would be open to the public.
5. Councilors would return to the Council Chamber to elect a District 8 Councilor. The election process would be as follows:
 - a. Printed ballots listing all eight candidates would be distributed to Councilors. Councilors would vote for one candidate and sign their ballots. Staff would tally the votes. A candidate would be elected if he or she received at least six votes. If no candidate is elected, a second ballot would be held between the two candidates receiving the most votes on the first ballot. In case of a tie for the first or second spots on the first ballot, all candidates in the first and second spots would be on the second ballot. The same procedure would follow for a third ballot.
 - b. If a second ballot was necessary, Councilors would be distributed additional ballots. Councilors would then vote for one of the two candidates receiving the most votes in the first round of voting. Councilors would sign their ballots which would be tallied by staff. Again, a candidate will be elected if he or she received at least six votes. If necessary, voting would continue until one candidate received at least six votes.

6. Once a Councilor was elected, the Council would adopt Resolution No. 88-956, for the purpose of appointing a Councilor to the vacant District 8 position. A copy of the resolution had been distributed to Councilors.
7. The candidate elected by the Council at this meeting would serve until January 1, 1989. There would be a Metro-wide General election held for the District 8 position on November 8, 1988. The elected term of office would be from January 2, 1989, to January 6, 1991.

Interviews of Candidates for the Vacant District 8 Council Position

The following seven candidates were interviewed for the position:

1. Bill Grenfell
2. Elsa Coleman
3. David Fredrikson
4. Byron Western
5. Charles Stoudt
6. Robert McGaughey
7. Judy Wyers

As announced earlier, candidate John Sweeney withdrew his name from consideration immediately before the start of the meeting.

All seven candidates were asked the following questions:

1. Why would you like to be a Metro Councilor?
2. What services do you think Metro should provide?
3. How should Metro relate with other governments in the region?
4. Metro Councilors are responsible for setting regional policy and for fiscal oversight of the Metropolitan Service District. Explain how your background would enhance the Council's ability to perform these tasks.
5. By assuming this position, you will be appointed to represent a district of approximately 78,000 people. Please share with us your knowledge of the needs and concerns of your district. What experience do you have in working with community organizations, as well as individuals in your district? How would you balance the needs of the district with the needs of the region?
6. What do you believe ought to be changed about Metro, if anything?

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In addition to responding to the above questions, candidates responded to additional questions asked by Councilors and the citizen panel.

Presiding Officer Ragsdale called a recess at 7:20 p.m. The Council reconvened in Room 330 at 7:35 p.m.

Report from the Citizen Advisory Panel

At the time candidates were being interviewed, citizen panel members were evaluating each candidate's responses according to pre-determined criteria: knowledge of metropolitan issues; duties of Metro Councilor; constituent relations, personal goals and other observations. Panelists assigned a numerical score to each candidate interviewed. Staff tallied these scores to determine a composite rating for each candidate. The average, composite scores were: Elsa Coleman, 27.6; David Fredrikson, 26.0, Judy Wyers, 25.4; Charles Stoudt, 18.5; Robert McGaughey, 17.3; Byron Western, 14.5; and Bill Grenfell, 13.6. The panel recommended Elsa Coleman, David Fredrikson and Judy Wyers for consideration by the Council. Discussion followed about the merits of the candidates recommended.

At Presiding Officer Ragsdale's request, Don Carlson, Council Administrator, explained the process by which the citizen panelists were selected. Mr. Carlson said staff had contacted District 8 neighborhood associations requesting names of citizens to serve. About 25 names were submitted. The Presiding Officer and Council staff forwarded 8 names for Council approval based on geographical location and input from Metro Councilors serving in neighboring districts. The Council then adopted Resolution No. 88-946 on June 23, 1988, which appointed the citizens to the advisory panel.

Presiding Officer Ragsdale thanked citizen panelists for their valuable assistance to the Council.

The meeting was called into recess at 8:10 p.m. for the purpose of moving the proceedings back to the Council Chambers. The meeting reconvened at 8:20 p.m.

Selection of a Councilor for the District 8 Position

The Presiding Officer reviewed the instructions for the first round of balloting. As a result of the first ballot, Elsa Coleman received 7 votes, Judy Wyers received 2 votes and David Fredrikson received 1 vote. The signed ballots are on file with the Council Clerk. Elsa Coleman was elected.

The Presiding Officer congratulated Ms. Coleman and thanked all the candidates for their participation.

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Consideration of Resolution No. 88-956, for the Purpose of
Appointing Elsa Coleman to Fill the Vacant District 8 Council
Position

Motion: Councilor Kirkpatrick moved, seconded by Councilor Waker, to adopt Resolution No. 88-956.

Vote: A vote on the motion resulted in:

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

Absent: Councilor DeJardin

The motion carried and the resolution was unanimously adopted.

There was no further business and Presiding Officer Ragsdale adjourned the meeting at 8:25 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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