

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

July 23, 1987  
Regular Meeting

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: Richard Owings, Cathy Howatt, Bob  
Applegate, Vickie Rucker, Cathy Thomas,  
Judith Mandt, Unette Worley, Ray Barker,  
Debbie Allmeyer, Becky Crockett, Tuck  
Wilson, Neil McFarlane, Sandy Bradley,  
Randi Wexler and Gwen Ware-Barrett

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

1. INTRODUCTIONS

None.

2. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Ted Stanwood, Warren, Oregon, testified he was opposed to a garbage burner being built in the St. Helens area. He submitted a petition from Columbia County residents who also opposed the burner. He explained that although Columbia County Commissioner Michael Sykes had told Metro the County wanted the burner, the Commissioner did not speak on behalf of many residents who thought otherwise.

Linda Peters, Route 1, Box 192, Cornelius, Oregon 97113, introduced other citizens who would address the Council regarding why the next regional landfill should not be located at the Bacona Road site. She said residents were all dependent on the Bacona Road watershed and were concerned the proposed landfill would damage the area's water quality.

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Presiding Officer Waker noted the Council would not be addressing the landfill siting issue for several months and there would be opportunity for public testimony when the decision was before the Council.

Greg Brown, Route 1, Box 212, Cornelius, Oregon 97113, testified regarding the State Department of Environmental Quality's (DEQ) landfill siting process. He said in spite of the fact that other environmentally sound sites were available the DEQ selected the Bacona Road site as its first choice. Land on the Bacona Road site was unstable and subject to slides, the geology of the site was unknown, some land on the site had been identified as wetlands, the hydrology of the site was unknown, a potential existed for endangering animal species on that site, a landfill operation could pose a fire hazard to the surrounding forests, severe winter weather could cause problems for service trucks on high grade roads, and the site was outside the Urban Growth Boundary. Mr. Brown was especially concerned about the potential effects of leachate and questioned whether a safe facility could actually be designed. He noted Metro had a history of public relations problems and thought building a landfill on the Bacona Road site would only make those problems worse. He also was concerned that the Bacona Road site was outside Metro's boundaries and neighbors of the site had no representation on the Metro Council.

A brief discussion followed Mr. Brown's testimony. Councilor DeJardin explained that modern landfills did not pose the same threats to the environment as in the past. He also explained Metro had to find a solution to the region's disposal problems quickly. Mr. Brown noted Metro had responsible alternatives to landfilling waste as would be discussed in later testimony.

Michael Edera, Route 1, Box 232E, Banks, Oregon 97106, testified when he had sought advice on landfill alternatives from national groups, people had expressed surprise that new landfills were still being sited in Oregon because of the state's reputation for recycling. Mr. Edera also testified it was inappropriate for a regional landfill to be sited outside the Metro area. People living near that site had no Metro representation, he said.

Mr. Edera pointed out that Metro's staff thought 50 percent recycling was possible: if the same amount of money and effort were committed to recycling as had been budgeted for landfilling, Metro would not have to site a new regional landfill. He questioned why Metro would want to repeat the past mistakes of Wildwood and the Oregon City burner proposal. Mr. Edera pointed out the alternative proposed by Wastech to site a landfill in eastern Oregon negated "emergency" conditions. He again urged the Council to make recycling a real priority and for Metro to help create recycling markets.

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Ed Martiszus, 53215 Tim Der Road, Vernonia, Oregon 97064, testified regarding the environmental hazards that would result from siting a landfill at Bacona Road. He explained leachates were currently polluting the Columbia Slough because of the St. Johns Landfill. He also had reviewed special waste permits filed with the DEQ and had learned that millions of pounds of asbestos had not been properly disposed at St. Johns. Other infectious agents (sewage sludge, hospital wastes and out of date blood -- possibly infected with the AIDS virus) were disposed at St. Johns and posed a threat to surrounding water. Because Mr. Martiszus saw the landfill as a potential health threat, he proposed disease prevention measures be taken before the landfill was built. As an alternative, he suggested health tests be given residents before the landfill was built so that if disease posed problems later, the effects could be documented and attributed to the landfill. In conclusion, Mr. Martiszus said the Bacona Road landfill would not be a sanitary landfill but a hazardous waste dump.

Dave McCoy, Route 1, Box 242, Cornelius, Oregon, briefly discussed the problem of a landfill liner not being able to contain leachate in the Bacona Road watershed area. He presented Presiding Officer Waker with a plaque which proposed a solution -- the plaque read, "in case of liner failure break glass." The glass window on the plaque could be broken to retrieve an adhesive bandage.

Linda Peters summarized the public testimony against the Bacona Road site. She urged the Council to consider and read the information presented. She said water safety was an issue for which residents would fight and citizens wanted a well-designed solid waste management system.

In response to discussion, Ms. Peters said citizens concerned about the proposed Bacona Road site would bring up new and different issues to the Council, that better alternatives were available to the Council and that Metro could design a sound disposal system.

Judy Dehen, 2965 N.W. Verde Vista, Portland, Oregon, representing the Columbia Group of the Sierra Club, testified in opposition to mass garbage incineration as a means of solving Metro's solid waste disposal problem. She distributed a handout advocating recycling and a newspaper reprint reporting that Los Angeles Mayor Thomas Bradley that withdrawn support for a proposed waste-to-energy plant. She pointed out because of national opposition to mass incineration, recycling was the solution. She challenged Metro to establish recycling as its number one priority. She also reported the Sierra Club was studying the eastern Oregon landfill proposal and would make a recommendation to Metro in the near future.

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Wes Engles, Route 1, Box 306, Warren, Oregon, testified in opposition to the Bacona Road site. He explained because of the proposed landfill, no potential buyers had expressed interest in purchasing his farm. He asked the Council to consider the economic impacts on the surrounding area.

Presiding Officer Waker called a recess at 6:35 p.m. The Council reconvened at 6:45 p.m.

#### 4. COUNCILOR COMMUNICATIONS

General Counsel Hiring Process. Councilor Knowles reported the vacant position had been readvertised and the Presiding and Executive Officers would soon interview finalists and make a recommendation for Council confirmation.

#### 5. EXECUTIVE OFFICER COMMUNICATIONS

None.

#### 6. CONSIDERATION OF MINUTES

Presiding Officer Waker noted the Council Clerk had distributed a memo to Councilors regarding a correction to page 3 of the June 25 minutes.

Motion: Councilor Kelley moved, seconded by Councilor Kirkpatrick, to approve the minutes of June 25 and June 30, 1987 as corrected.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Cooper was absent.

The motion carried and the minutes were approved as corrected.

#### 7. ORDINANCES

##### 7.1 Consideration of Ordinance No. 87-224, for the Purpose of Waiving Metro Code Section 3.01.020(d) for Contested Case No. 87-2: Angel Property (Second Reading)

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

Jill Hinckley, Land Use Coordinator, summarized staff's written report. There was no discussion on the Ordinance.

Motion: The motion to adopt Ordinance No. 87-224 was made by Councilors Cooper and Kirkpatrick on July 9, 1987.

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Vote: A roll call vote on the motion to adopt Ordinance No. 87-224 resulted in:

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

Absent: Councilor Cooper

The motion carried and Ordinance No. 87-224 was adopted.

## 8. CONTRACTS

### 8.1 Consideration of a Amendment to the Contract with McEwen, Gisvold, Rankin & Stewart for Solid Waste Resource Recovery Project Legal Counsel

Debbie Allmeyer, Resource Recovery Project Coordinator, presented staff's report. Staff recommended increasing the contract sum from \$30,000 to \$130,000 due to the following factors: 1) the vacant General Counsel position had caused more reliance on Dean Gisvold's services; 2) the Council's decision to negotiate with additional resource recovery project vendors had increased the time and cost of the contract; and 3) Mr. Gisvold had been made lead legal advisor for the project which would increase the demand for his services.

Councilor Gardner, Chair of the Council Solid Waste Committee, reported the Committee had reviewed the proposed contract amendment and had not problems with it.

Councilor Kirkpatrick asked staff to explain how the legal firm was originally selected for the project. Ms. Allmeyer said Eleanore Baxendale, former General Counsel, contacted firms she had deemed appropriate for the work to determine which firms were available and not be in conflict of interest. McEwen, Gisvold et al. were chosen because they were available, were not in conflict of interest and had past experience in negotiating a resource recovery project contract.

Councilor Kirkpatrick was concerned about the amount of the contract sum increase and asked if in-house counsel would no longer be used for work related to the project. Ms. Allmeyer responded that in-house counsel would be used but because of the reason cited in staff's report, the contract sum had to be increased. Executive Officer Cusma added that much of the increased scope of work had resulted at the Council's request.

In response to Councilor Collier's question, Ms. Allmeyer explained the increased contract sum had been calculated after asking the lead

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legal advisor and the project bond counsel for their estimate of the scope of pending work.

Motion: Councilor Hansen moved the amendment to the contract with McEwen, Gisvold, Rankin & Stewart be approved. Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Nays: Councilors Bonner and Collier

Absent: Councilor Cooper

The motion carried and the contract amendment was approved.

Councilor Bonner explained he had voted against the motion because the original contract had not been let by a fully competitive process.

Presiding Officer Waker requested that when future contract extensions were requested, staff summarize the process by which the original contract had been let.

## 8.2 Consideration of an Intergovernmental Agreement with the Portland Development Commission (PDC) for the Purpose of Funding the Convention Center Area Development Strategy

Tuck Wilson, Convention Center Project Manager, introduced Neil McFarlane, Public Facilities Analyst, who presented staff's report. Mr. McFarlane reported the proposed contract with PDC would provide: 1) market research especially oriented toward hotel and retail uses in the immediate vicinity of the convention center; 2) a transportation circulation study which would lead to further definition of necessary improvements to the area immediately adjacent to the facility; 3) a study to establish basic land use relationships between the convention center, other sections of the District and Downtown; 4) recommendations for new development on key properties adjacent to the site and for pedestrian connections between the site and other activity areas; and 5) development programming. Mr. McFarlane further explained that 75 percent of the contract costs would be paid by the PDC to consultants.

Motion: Councilor Ragsdale moved, seconded by Councilor Knowles, the agreement with the PDC be approved.

Councilor Ragsdale, Chair of the Council Convention Center Committee, reported the Committee recommended approval of the contract.

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He explained the Committee initially had serious concerns with the agreement because some of the work was not an outright requirement. Councilor Ragsdale said he had met with the Executive Officer and representatives from the PDC to discuss the proposed project, he was now comfortable with the agreement, responsibilities of all parties had been clearly defined and fees were equitable.

Councilor Van Bergen reported he was uncomfortable with the results of Councilor Ragsdale's oral negotiations with the PDC and the Executive Officer. He thought it the City of Portland's responsibility to conduct studies for developing surrounding properties.

Councilor Gardner shared Councilor Van Bergen's concerns and questioned whether the contractual arrangement went beyond Metro's legal and reasonable scope of responsibility.

In response to Councilor Collier's question, Mr. Wilson explained the PDC, rather than Metro or a private firm, had been proposed to coordinate the work of consultants for various development studies because PDC had a demonstrated experience in laying groundwork for urban renewal districts, they had qualified staff to perform the work, and PDC and Metro would both benefit from the final work product.

Discussion continued regarding the nature of the work to be performed. Mr. Wilson explained the studies contemplated would lay the groundwork for an urban renewal plan -- a development strategy would result. Executive Officer Cusma added that this project was an early step in developing the convention center site. She said there would be ample, future opportunities for intergovernmental cooperation and Metro would expect accommodation in the future by its member governments.

Councilor Ragsdale, referring to page 13 of the agreement, Item 5, "Budget," explained the dollar figures could be adjusted as work developed but the total value of the contract would not exceed \$90,000.

Vote: A vote on the motion to approve the agreement resulted in:

Ayes: Councilors DeJardin, Hansen, Kelley, Knowles, Ragsdale and Waker

Nays: Councilors Bonner, Collier, Gardner, Kirkpatrick and Van Bergen

Absent: Councilor Collier

The motion carried and the agreement was approved.

8.3 Consideration of an Amendment to the Contract with Zimmer Gunsul Frasca Partnership for Printing for the Oregon Convention Center Project

Sandy Bradley, Management Analyst, summarized staff's written report. She explained the contract was to cover printing costs for construction-related documents, costs had been budgeted but those expenses had been inadvertently omitted from the original design contract. Printing would be provided by the low bidder, a Disadvantaged Business Enterprise (DBE) firm.

Motion: Councilor Ragsdale moved, seconded by Councilor Van Bergen, to approve the contract amendment.

Vote: A vote on the motion resulted in all nine Councilors present voting aye. Councilor Bonner, Cooper and Hansen were absent.

The motion carried and the contract amendment was approved.

9. RESOLUTIONS

9.1 Consideration of Resolution No. 87-785A, for the Purpose of Initiating an Update to the Solid Waste Management Plan

Becky Crockett, Functional Planning Project Coordinator, first explained that Resolution No. 87-785A had replaced the Resolution No. 87-785 originally included in the agenda packet. She further explained the Council had adopted Resolution No. 98-740 which designated solid waste as an area and activity appropriate for development of a functional plan. Resolution No. 87-785A was recommended by the Council Solid Waste Committee and would set up the process for developing a solid waste functional plan. Staff supported the Committee's recommendation to adopt the new Resolution, she said.

Councilor Gardner, Chair of the Council Solid Waste Committee, explained Resolution No. 87-785A was a substitute resolution for No. 87-785 and included the following changes from No. 87-785: 1) clarified that the Council established the two committees to advise it on the development of the Solid Waste Management Plan; 2) designated the Presiding Officer as chair of the Policy Committee; 3) added small city representation for Clackamas and Washington counties on the Policy Committee; and 4) clarified that the draft work plan was approved for discussion by the two committees and that it would be returned to the Council for final adoption.

Councilor Hansen, a member of the Council Solid Waste Committee, said although he had not been at the most recent Committee meeting when the issue was discussed, he endorsed No. 87-785A. In response



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to his question, Richard Owings, Solid Waste Director, said the solid waste Technical and Policy Committees would cease to exist once the functional planning process was complete.

Steve Larrance, Washington County Commissioner, testified the County had 13 willing participants and offered staff to coordinate its part in the Solid Waste Management Plan. He reported Washington County representatives met on July 22 to discuss the Plan. He distributed minutes of the meeting to the Council. The minutes reflected amendments Washington County representatives proposed be made to the Metro committee structure and organization.

Councilor Kelley asked how decisions made by the Technical and Policy Committees would be communicated to the Council. Presiding Officer Waker noted that Councilors served on both Committees and they would report back to the full Council. He also said he intended to appoint the Chair of the Council Solid Waste Committee as Chair of the Policy Committee. He expected the committee organization to work much the same as the Joint Policy Advisory Committee on Transportation (JPACT) -- a clear consensus must be reached in order for a recommendation to be forwarded to the full Council. A split vote, he explained, would mean the representative committee process had failed.

Councilor Ragsdale asked Commissioner Larrance how Washington County had resolved the issue of small city representation on the Metro committees. Commissioner Larrance said Washington County representatives would vote for two representatives.

A discussion followed about whether Resolution No. 87-785A should be amended to include a purpose statement. Commissioner Larrance said Washington County representatives assumed Metro was anxious to change the siting process and that the Committees' purposes were clear, although he did not oppose such an amendment. Councilor Van Bergen said many of the local government representatives also served on JPACT and clearly understood the consensus building purpose of the bodies.

Councilor Kirkpatrick thought it wise to include the committees' charges in the resolution, that each group had a single purpose and that the timeline for accomplishing a consensus be shortened.

Councilor Hansen noted the work plan attached to the Resolution clearly defined the committees' charge.

Ms. Crockett recommended not shortening the work schedule. She pointed out that because staff would be working with three major committees, the extra time would be needed.

Carolyn Brown, citizen representative from Multnomah County on Metro's Solid Waste Policy Advisory Committee (SWPAC), submitted written testimony which she read. Ms. Brown expressed frustration that the Council and administration had not clearly defined the role of SWPAC in the functional planning process. She suggested SWPAC either be suspended during the functional planning process or included in the process.

Councilor Gardner said some SWPAC citizen representatives could be appointed to the Technical Committee. He acknowledged it made sense to disband SWPAC during the functional planning process and after a plan had been developed, the Council re-evaluate SWPAC's role.

Motion: Councilor Knowles moved, seconded by Councilor Van Bergen, to adopt Resolution No. 87-785A.

A discussion followed about amendments that should be incorporated into the Resolution.

Motion to Amend: Councilor Knowles moved, seconded by Councilor Ragsdale, to amend Resolution No. 87-785A as follows (language proposed to be deleted is in brackets and language proposed to be added is underlined):

1. The fifth "Be it Resolved" paragraph be changed to read: "That the preliminary work program as described in Exhibit C is approved for [discussion with] submission to the Policy and Technical Committees. The final proposed work program will be [returned for] developed by the Policy and Technical Committees and returned to Council for consideration at the earliest feasible date."
2. Exhibit B, "Policy Committee," be amended as follows: The number of representatives be changed from 12 to 14; the Committee be chaired by the Council Solid Waste Committee Chair; the Committee include a Metro Councilor (rather than the Metro Council Presiding Officer); and reference to Clackamas and Washington County city representation for cities over and under 15,000 be deleted.

Before voting on the motions, Presiding Officer Waker said the Resolution would not attempt to resolve the role of SWPAC. The matter would be addressed by the Council at a later date.

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Vote on the Motion to Amend: A vote resulted in all ten Councilors present voting aye. Councilors Cooper and Hansen were absent.

The motion carried.

Vote on the Main Motion: A vote to adopt Resolution No. 87-785A as amended resulted in all ten Councilors present voting aye. Councilors Cooper and Hansen were absent.

The motion carried and Resolution No. 87-785A was adopted as amended.

9.2 Consideration of Resolution No. 87-784, for the Purpose of Appointing a Member to the Solid Waste Policy Advisory Committee (John G. Drew)

Motion: Councilor Gardner moved to adopt the Resolution and Councilor Ragsdale seconded the motion.

Councilor Kirkpatrick, referring to the discussion regarding the Solid Waste Policy Advisory Committee (SWPAC) that had occurred when Resolution No. 87-785A was considered earlier in the evening, suggested SWPAC be kept active in order to address solid waste issues not related to functional planning. She also suggested SWPAC be better staffed in order to make the committee process successful.

Councilor Knowles said he had never seen a work product from the Committee. Councilor Gardner explained the Committee had produced work in the past. As a result of the separation of powers issue, staff now perceived SWPAC as serving only the Council and the Committee was not well used.

Councilor Ragsdale suggested Resolution No. 87-784 not be adopted until SWPAC's role in the Metro organization was addressed.

Motion to Table the Resolution: Councilor Kirkpatrick moved, seconded by Councilor Collier, to table adoption of Resolution No. 87-784 and to refer the matter of the future of SWPAC to the Council Solid Waste Committee. The Committee would make a recommendation to the full Council on August 27.

Vote on the Motion:

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

**Nay:** Councilor Ragsdale

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Absent: Councilors Bonner and Cooper

The motion carried and the Resolution was tabled.

Councilor Hansen requested SWPAC be involved in the Solid Waste Committee's evaluation process.

#### EXECUTIVE SESSION

Presiding Officer Waker called an executive session at 9:05 p.m. under the authority of ORS 192.660(1)(f) to discuss matters related to litigation regarding the proposed West Transfer & Recycling Center (WTRC); and under the authority of ORS 192.660(1)(e) to discuss matters related to real property transactions for the Oregon Convention Center. All Councilors except Bonner and Cooper were present at the session.

#### WEST TRANSFER & RECYCLING CENTER

Presiding Officer Waker called the meeting back into regular session at 10:00 p.m.

Motion: Councilor Van Bergen moved, seconded by Councilor Collier, to instruct legal counsel to file a notice of intent to appeal to the Washington County Commission regarding the Washington County Hearings Officer's Report.

Councilor Van Bergen explained the Council had taken every possible action to site the transfer station in Washington County, he perceived weaknesses in the Hearings Officer's report, and not to appeal would mean not to continue on the course of action.

Executive Officer Cusma urged the Council not to support the motion. She said to appeal the decision would be to send out the wrong message and that nothing would be gained in the process.

Councilor Hansen said he would vote against the motion because he believed Metro could accomplish more by pursuing the functional planning process to site a transfer station in Washington County.

Councilor Gardner said he supported the functional planning process but thought it would take at least two years before a transfer station site could be selected through that process. Two years was a long time for Clackamas Transfer & Recycling Center (CTRC) to be the only regional transfer station, he explained. He had read the Hearings Officer's report and did not agree with his decision. As a result, the Councilor said he would support the motion in order to learn what LUBA and the Washington County Circuit Court would say

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about the siting process. He also pointed out that functional planning would not bar Metro from future suits by local governments.

A discussion followed about the effects of no Washington County transfer station on the regional solid waste system. Richard Owings, Solid Waste Director, said staff could, in the interim, manage without WTRC. He also thought it desirable to site the next regional landfill before locating the transfer station.

Presiding Officer Waker said he would not support the motion because Metro would need to find a place for Washington County's public to dispose of waste when the Hillsboro Landfill closed in 12 to 18 months. He said he was not convinced the Washington County Hearings Officer's report was well founded.

Councilor Collier pointed out it had taken the Council five years to conclude its transfer station siting process. She acknowledged that functional planning, although a superior process, would still require time and a site selected by that process could still end up being contested in the courts. She urged keeping all options open and to appeal the decision.

Executive Officer Cusma said she did not propose backing down because of the lawsuit. Rather, the Council should not support the motion because Metro's conditional use application process had been flawed.

Councilor Gardner pointed out that by adopting Resolution No. 87-785A earlier in the evening, functional planning guidelines had been established that recognized specific projects in process, including WTRC. Therefore, the Council would not be sending out an inconsistent message by supporting the motion on the table.

Councilor Ragsdale said the inconsistency was that Metro had not followed its own rules, as indicated by the Washington County Hearings Officer's report. Councilor Gardner said the report had not convinced him the process was flawed which pointed out the necessity of receiving a LUBA and Circuit Court opinion.

Councilor Knowles said he would oppose the motion because he had heard from the public that Metro could not make up its mind on important issues. He thought it inconsistent to adopt a functional planning process and then pursue an appeal he doubted Metro would win.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, DeJardin, Gardner, Kirkpatrick and Van Bergen

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Nays: Councilors Hansen, Kelley, Knowles, Ragsdale and Waker

Absent: Councilors Bonner and Cooper

The motion failed due lack of a majority.

OREGON CONVENTION CENTER PROPERTY TRANSACTIONS

Motion: Councilor Kirkpatrick moved, seconded by Councilor Van Bergen, to instruct the Portland Development Commission to proceed with acquiring the two pieces of property discussed earlier in Executive Session.

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

The motion carried.

10.1 Report from the Intergovernmental Resource Center (IRC) Reorganization Committee; and

Consideration of Resolution No. 87-786, Creating a Department of Transportation, and Establishing a Research and Development Department

(NOTE: Resolution No. 87-786 also created the new classifications of Research & Development Director and Manager of Development Services; appointed and confirmed Andy Cotugno as Director of Transportation and Ray Phelps as Director of Research & Development; and waived the appointment requirements for Marc Madden, Manager of Development Services.)

Councilor Ragsdale, member of the IRC Transition Committee, reviewed the committee's written report and explained the importance of reorganizing the IRC to strengthen Metro's ability to develop an extensive database for providing regional economic development information.

Councilor Kirkpatrick noted since she had received the reorganization proposal the day before the meeting, the Council would be well-served to refer the matter to the Council Management Committee for review and recommendation.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Gardner, to set over consideration of Resolution No. 87-786 to August 27 in order for the Management Committee to review the Resolution and make a recommendation to the full Council.

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Councilor Ragsdale opposed the motion, pointing out that Council staff had attended all meetings of the IRC Transition Committee and had represented the Council in making the recommendation now before the Council.

Councilor Gardner asked staff to explain why the proposed Director of Research & Development had been funded as a part-time position (.21 FTE). Ray Phelps, Director of Finance & Administration, explained the .21 FTE reflected the fact that it would take him about six to seven months to organize the new Research & Development Department, to then evaluate the Director position and possibly make it full-time. He did not know who would eventually be named full-time Department Director.

Councilor Hansen questioned the impact of delaying action on the Resolution. Executive Officer Cusma responded that a delay would require the Council to extend Marc Madden's current provisional appointment as IRC Administrator. Staff was commencing work on Boundary Commission appointments, the contractors' licensing effort, working with the Legislative interim committee on the Metro-related study, the Convention Center Commission and the Governor's tourism alliance. Those projects would be delayed if the reorganization was delayed, she said.

Councilor Gardner asked if Councilor Kirkpatrick would amend the motion to require Council reconsideration on August 13 rather than August 27.

Revision of Motion: Councilors Kirkpatrick and Gardner revised the previous motion to set over consideration of Resolution No. 87-786 to August 13, 1987.

Vote on the Revised Motion: A vote on the motion resulted in:

Ayes: DeJardin, Gardner, Kelley, Kirkpatrick and Van Bergen

Nays: Councilors Collier, Hansen, Knowles, Ragsdale and Waker

Absent: Councilors Bonner and Cooper

The motion failed for lack of a majority.

In response to Councilor Kelley's question, the Presiding Officer and Councilor Ragsdale explained the reorganization had no budgetary impacts at this time. Councilor Ragsdale said additional computer equipment would be requested for the Research & Development Department during the FY 1988-89 budget process.

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Councilor Kirkpatrick was concerned the IRC program had been established by a consensus-building process and that Metro, by adopting the Resolution, would make promises it could not deliver to local governments.

Mr. Phelps pointed out that with the advent of HB 3011 (relating to regional strategies for economic development), Metro had an opportunity and resources to be a major player in the economic development effort.

Councilor Kirkpatrick asked why Data Services had been proposed to be housed in the Transportation Department. Mr. Phelps replied that because over two-thirds of Data Services work related to transportation, the function had been proposed to be housed in that department. However, the function could be moved to the new Research & Development Department later when a demand for data services increased.

In response to Councilor Kirkpatrick's question, Mr. Phelps explained the new job descriptions and pay ranges for the Director of Research & Development and Manager of Development Services positions had been developed by Metro's Personnel Division with the assistance of Jennifer Sims, Management Services Director. The Councilor was concerned a Masters' degree had not been required for the Director of Research & Development position and requested staff review that requirement before outside recruitment took place.

Motion to Amend Resolution: Councilor Kirkpatrick moved, seconded by Councilor Gardner, to amend Resolution No. 87-786 by deleting paragraph 7 under "Be it Resolved" ("7. Pursuant to Section 2.02.025, Variances, Metro Code requirements of Section 2.02.040, Appointment, are hereby waived for the initial filling of the position of Manager of Development Services because the strict application of said provision would result in practical difficulties.")

Councilor Gardner asked Mr. Phelps to explain what practical difficulties would result if an open recruitment procedure were applied to the initial filling of the Development Services Manager position. Mr. Phelps explained that the Executive Officer had already determined the incumbent provisional IRC Administrator, Marc Madden, was well qualified for the position and that it would be difficult to find another candidate of equal or better qualifications.

Councilor Gardner explained the problem he had with the reorganization proposal was that a new department was being created with a quarter-time department head and a full-time person who would be



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doing most of the lead work. Since the full-time person was not a department head, that position would not require confirmation. In addition, the Council was being asked to waive the recruitment requirements to fill that full-time position. He said it appeared a person was being brought into a high level, high salaried position but was bypassing Council confirmation. It appeared that person was actually serving as the head of the proposed Research & Development Department or could eventually serve in the department head position.

Mr. Phelps responded that the Manager of Development Services would spend most of his time performing internal organization tasks, developing databases, and building an information bank. The Department Director, however, would be playing a very active role in maintaining and developing external contacts. If the department did grow and the job functions of the Manager of Data Services changed to require more external contacts, then Mr. Phelps thought it justified for the Council to reexamine the position and determine whether Council confirmation should be required.

Councilor Ragsdale added that the Resolution intentionally set up Mr. Phelps as part-time department director. There was no intent to move the current Development Services Manager into the department director position. He noted that the department director position clearly required Council confirmation. When the department director functions could no longer be accomplished on a part-time basis, the staff would return to the Council with a recommendation to make the position full-time, to recruit for the director position in an open process, and to bring back a candidate for Council confirmation. Mr. Phelps said any decision to make the department director position full-time would automatically require Council approval via the budget amendment process.

Vote on the Motion to Amend: A vote on the motion to amend Resolution No. 87-786 resulted in:

Ayes: Councilors Collier, Gardner, Kirkpatrick and Van Bergen

Nays: Councilors DeJardin, Hansen, Kelley, Knowles, Ragsdale and Waker

Absent: Councilors Bonner and Cooper

The motion to amend failed.

Councilor Knowles asked how the salary range for the Manager of Development Services had been determined. Mr. Phelps said the range had been developed by the Personnel Office and was consistent with salaries of other department managers and was, in fact, one range

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lower than the salaries of Transportation and Research & Development Directors.

In response to Councilor Kelley's question, Mr. Phelps explained Metro was addressing a housing guidance program because it was part of the emphasis on regional economic development. After discussion between Councilors Kelley, Knowles and Mr. Phelps, it was determined Councilor Kelley would have the opportunity to revisit the proposed work program for the new Research & Development Department and could ask more specific questions at that time.

Vote on the Main Motion: A vote on the motion to Adopt Resolution No. 87-786 resulted in:

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

Nays: Councilors Kirkpatrick and Van Bergen

Absent: Councilors Bonner and Cooper

The motion carried and Resolution No. 87-786 was adopted.

There being no further business, Presiding Officer Waker adjourned the meeting at 11:15 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council

amn  
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08/19/87