

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

September 22, 1987  
Regular Meeting

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

Councilors Absent: Larry Cooper, Mike Ragsdale

Also Present: Rena Cusma, Executive Officer  
Dan Cooper, General Counsel

Presiding Officer Waker called the meeting to order at 5:35 p.m.

1. INTRODUCTIONS

Executive Officer Cusma introduced Charles Ahlers, the new Executive Director of the Greater Portland Convention & Visitors Association (GPVCA).

2. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

4. COUNCILOR COMMUNICATIONS

None.

5. EXECUTIVE OFFICER COMMUNICATIONS

None.

6. CONSENT AGENDA

- 6.1 Consideration of Resolution No. 87-808, for the Purpose of Amending the FY 1988 Unified Work Program to Include Implementation of Public/Private Task Force on the Future of Transit Finance in the Portland Region

Motion: Councilor Kirkpatrick moved the Consent Agenda be approved. Councilor DeJardin seconded the motion.

Metro Council  
September 22, 1987  
Page 2

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

The motion carried and the Consent Agenda was approved.

#### 8. EXECUTIVE SESSION

Presiding Officer Waker called an executive session at 5:45 p.m. under the authority of ORS 192.660(1)(e), relating to the purchase of real property for the Oregon Convention Center; and also under ORS 192.660(1)(h), for the purpose of discussing litigation matters with General Counsel Cooper regarding the Clackamas Transfer & Recycling Center. All Councilors except Cooper and Ragsdale were present at the session. Richard Owings, Solid Waste Director, was present during the discussion regarding CTRC. The session was held in the Executive Management Conference Room.

Presiding Officer Waker called the meeting back into regular session at 6:05 p.m.

#### Convention Center Property Aquisition

Motion: Councilor Van Bergen moved, seconded by Councilor DeJardin, to approve the recommendation of the Portland Development Commission relating to the purchase of real property for the Oregon Convention Center.

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

The motion carried.

Presiding Officer Waker stated that the second item discussed in Executive Session had to do with litigation matters relating to the CTRC and the Council need not take any action on the matter.

#### 7. Consideration of Resolution No. 87-809, for the Purpose of Authorizing Entry Into Memorandum of Understanding Negotiations with Systems Contractors Mass Composting and Refuse-Derived Fuel Incineration Systems.

Presiding Officer Waker stated that on September 10, 1987, the Executive Officer announced her recommendation for proposers with which to proceed into negotiations for Memorandums of Understanding to construct resource recovery facilities. On September 15, 1987, the Council Solid Waste Committee heard presentations by three resource recovery project proposers and received public testimony.

Metro Council  
September 22, 1987  
Page 3

Presiding Officer Waker explained to the audience how tonight's proceeding would be conducted.

Councilor Jim Gardner stated that the Council should have received a copy of a memo explaining the Solid Waste Committee's recommendation. He added the Committee had a strong concern that any garbage burning project the organization would build would be the most environmentally sound project possible. He stated that Mr. Joe Schultz, a St. Helens Port Commissioner, had suggested Metro set up an independent review of the environmental impacts of such a project, focusing particularly on the emissions and ash such a project might generate. It was obvious from the testimony received at the Committee meeting the question of air emissions, particularly dioxins, was causing the most concern. The Committee concurred with Mr. Schultz's recommendation. This recommendation would also include that the independent review not be conducted by Metro, not by consultants that Metro might be contracting with, but by a totally independent and Oregon-based group. Suggestions were that Metro could perhaps turn to the Oregon Health Sciences University and to DEQ for people to serve on the review group. The group could also include residents and local officials of the St. Helens area. Councilor Gardner explained the goal was to have an independent, credible review group give Metro the best answer possible about any environmental impacts a resource recovery project would have. With that addition, the Committee recommended the Council follow the Executive Officer's recommendation about entering into the MOU negotiations both with Combustion Engineering and the Riedel/DANO. He reported the Committee was not unanimous in this recommendation. Councilor Kelley dissented vigorously.

Councilor DeJardin stated that some of the comments made by the other vendors regarding the recommendation were very astute. The Committee also received correspondence from vendors asking very good questions that need to be clarified. He noted staff would respond to those concerns at this meeting.

Councilor Kelley stated she had an amendment to make after the public hearing regarding the process the Council was about to go into, assuming that the Council adopted the Resolution. She wanted the public to understand the Council was concerned about the cost of any kind of mass incineration system and was also concerned about what went into the air. Councilor Kelley said that her amendment, if adopted by the Council, would simply say that any vendor selected has to meet or exceed at least the federal standards and that those standards be examined during the next MOU process.

In response to Councilor Hansen's question Councilor Kelley replied that her amendment would have the Council address the issue of emission standards.

Metro Council  
September 22, 1987  
Page 4

Vendor's Presentations

SCHNITZER/OGDEN

Mr. David Sokol, President & Chief Operating Officer, Member of Board of Directors, Professional Engineer, introduced Mr. Barry Rosen, Vice President of Finance, Schnitzer Steel. Mr. Sokol stated he and Mr. Rosen would speak not only as a vendor in the selection process, but as citizens of the area.

Mr. Sokol read a prepared statement (not given to the Council) that discussed a number of issues that corresponded to the September 10, 1987, evaluation report. Mr. Sokol assured the Council that he personally would see to it that his firm would work cooperatively in working with Metro on the project.

Presiding Officer Waker called for questions. There were none.

FLUOR/SEI

No one came forward.

COMBUSTION ENGINEERING

Michael E. Bray, Vice President, Business Development, read the presentation of Combustion Engineering. A copy of the presentation was submitted for the record. Mr. Bray also submitted a copy of the Environmental Protection Agency (EPA) press release that he had referenced in his presentation.

Presiding Officer Waker called for questions. There were none.

Project Team's Response to Vendor's Statements.

Debbie Allmeyer, Metro Solid Waste Department, introduced members of the resource recovery project team: Mr. Harvey Gershman; Dr. Robert Zier, Vice President, GBB; Ed Einowski, Stoel Rives Boley Jones & Grey, Bond Counsel; Paul Atanasio, Investment Banker; Rebecca Marshall, Government Finance Associates; Dean Gisvold, Transaction Attorney; and Dr. Floyd Hasselriis, Senior Project Engineer, GBB.

Mr. Harvey Gershman read a prepared statement regarding the waste-to-energy proposer evaluation on behalf of the Metro Evaluation Team (a copy was submitted for the record).

Councilor Hansen asked if Mr. Gershman could give size comparisons on nanograms. Dr. Floyd Hasselriis, Senior Project Engineer with GBB, gave an example. Dr. Zier commented on the comparison.

Metro Council  
September 22, 1987  
Page 5

Councilor Hansen asked the team to comment on Combustion Engineering's proposal relating to the number of processing lines and to provide a definition of "significant deviation."

Dean Gisvold responded that CE had not provided a precise definition of "significant." There were a lot of factors to consider and that would be one of the negotiating items when and if the Council decided to go into negotiations with CE.

There were a number of questions from Councilors and discussion with Mr. Gershman, Dr. Zier and Mr. Hasselriis.

#### Public Hearing

Mr. Ted Stanwood, Warren, Oregon, handed out copies of the Initiative Petition filed in St. Helens, Oregon, and a copy of Ordinance No. 81-3 for regulating disposal of solid waste in Columbia County.

Ms. Estle Harlan, speaking on behalf of the solid waste industry, specifically the Tri-County Council, stated that the solid waste industry's position was to support the system that has the most economic viability. She was encouraged by what she had heard tonight. Ms. Harlan's written testimony was submitted for the record.

Ms. Cherry Hostenstein, representing Fair Share, opposed Resolution No. 87-809.

Ms. Judy Dehen, 2965 N. W. Verde Vista, Portland, Oregon, representing the Sierra Club, handed out copies of a document regarding trash separation and recycling system for the town of East Hampton, New York. Ms. Dehen then discussed the issue of Btu guarantees.

Councilor Hansen commented that the purpose of the negotiations was to get answers -- not to make commitments.

Mr. Richard A. Parrish, 408 S. W. Second Avenue, 406 Governor Building, Portland, Oregon 97204, speaking as a resident of Portland, opposed Resolution No. 87-809 because he thought the action was premature. The Council did not have many of the answers it needed. The answers should be provided before negotiations started in order to negotiate from a position of strength.

Mr. David Reed, staff researcher for Oregon Fair Share, concurred with the request for an independent economic study as well as an environmental study.

Councilor Hansen asked Mr. Reed where he got the figure of \$21 per ton tip fee at Bacon Road. Mr. Reed said it came from the final evaluation report, Table 5.

Metro Council  
September 22, 1987  
Page 6

Councilor Gardner said Mr. Reed had a very valid point that Metro did not know what a new landfill would cost, that the \$21 estimate was already outdated, and that serious questions remained about the Bacon Road landfill site.

Mr. David Phillips, said he was not testifying as chairman of the blue ribbon committee, but as ex-chairman and Solid Waste Administrator for Clackamas County. (Mr. Phillips who was the chair of the blue ribbon committee that originally made a recommendation against RDF technology.) Mr. Phillips stated that it pleased him to see the reduction that has occurred in the tip fee scenario. He recommended that the Council enter into an MOU with CE. Should negotiations reach an impasse, then Metro should negotiate with Schnitzer/Ogden. He feels urged the District to seriously pursue resource recovery.

Mr. John Charles, Executive Director of the Oregon Environmental Council, 2637 S. W. Water Avenue, Portland, stated he was not here as an opponent or proponent, but to offer ideas that might improve the Council position in negotiations; 1) the negotiating should focus on getting an RDF vendor if that is the preferred technology; 2) negotiations should proceed on the assumption that the majority of yard debris would not be burned; and 3) pollution control tax credits should be sought.

Councilor Gardner noted Metro was trying to get to the same end result advocated by Mr. Charles, but in a different manner because the markets had to exist before yard debris could be removed from the wastestream.

Councilor Hansen suggested Mr. Charles send the Council information on the cost-effectiveness of his proposal.

Columbia County Commissioner Michael Sykes testified regarding Oregon's excellent recycling record. "We need to go with the most proven technology possible and try to come up with a plan that the entire region can be proud of and, again, Columbia County has a number of concerns once we enter the MOU stage that they would like to discuss," he said. Commissioner Sykes commended the Council's efforts and hoped the Council goes forward with the MOU phase.

Presiding Officer Waker asked Commissioner Sykes if he thought it more important for Metro to try to landfill or to foster an alternative technologies project. Commissioner Sykes thought both were important.

Ms. Patricia Jensen, Vernonia, Oregon, stated that Metro had spent a lot of money on siting a landfill and on looking at a burner. She wondered what strides could be made if the same money had been spent on recycling and developing markets for recyclables.

There was no further testimony and the hearing was closed.

Metro Council  
September 22, 1987  
Page 7

Council Discussion/Questions of Staff and Consultants

Councilor Kelley requested more information about ash.

Dr. Hasselriis responded, explaining that emission samples had been sent to three laboratories and the state. The state's reading was three times higher than the other laboratories, he said, which showed their testing method was faulty. The EPA did not want to continue with that testing method because it was not reliable. Commercial laboratories took an average reading from many samples and they all passed. EPA indicated that 80 percent of the samples must pass.

Councilor Kelley was concerned that Metro might not know enough to make a responsible decision about the final disposition of ash.

Dr. Hasselriis noted the whole resource recovery industry had suddenly realized the problem. They were finding out if they operated the plants properly, consistently, and controlled things well, the ash came out consistently good. The ash itself was not harmful, he explained, but mixing it incorrectly could be a problem. Metro had to implement the proper system.

Presiding Officer Waker asked staff the cost of continuing negotiations until Metro received information on landfill proposals. Mr. Harvey Gershman commented the decision to authorize MOU negotiations with one firm or two firms would have a bearing on cost.

Presiding Officer Waker asked Mr. Gershman if the resolution would allow the team to negotiate with all the proposers: if CE's proposal did not work out, then the team would negotiate with other vendor(s). The Council, then, could not be assured together who the team would recommend for a final contract.

Mr. Gershman responded that the Council would certainly be briefed along the way, but Presiding Officer Waker's assumption was correct.

Executive Officer Cusma commented the Council had been assured it would be briefed regularly and, if in the event the team moved from one vendor to another the Council would be informed. The recommendation from the Solid Waste Committee gave staff that latitude because of the relatively short time frame and because all proposals were good.

Main Motion: Councilor Knowles moved, seconded by Councilor Gardner, the Council adopt Resolution No. 87-809 as amended by the Solid Waste Committee to include the provision of an independent evaluation of the health effects of the burner in St. Helens.

Metro Council  
September 22, 1987  
Page 8

Councilor Gardner stated that he had an amendment to propose to the resolution that achieved the Solid Waste Committee's recommendation for the independent environmental review.

First Motion to Amend: Councilor Gardner moved, seconded by Councilor Kirkpatrick, to amend Resolution No. 87-809 by adding a fourth "Be it Resolved" paragraph to read:

"4. That Metro will initiate an independent scientific review of the potential environmental and health impacts of a solid waste incineration project for the Metro area; this review will be conducted by Oregon citizens and scientists, including private citizens and public officials of St. Helens and Columbia County, and environmental and public health experts from, for example, Oregon Health Sciences University, Oregon State University, and the Department of Environmental Quality."

Councilor Gardner stated the motion was not meant to be inclusive list, just examples of where Metro could turn for the environmental and public health experts to serve on this panel.

Councilor Gardner thought the study could be completed in 60 days, but he did not want to specifically limit it to any time period. The intent was to have the results of that review by the time MOU negotiations commenced.

Councilor Collier wanted to have a date certain to not hold up the process.

Gardner replied the reason he had not stated a due date was because he wanted the review to be totally independent of Metro.

Discussion continued about a realistic timeline and cost for a health impact review.

Presiding Officer Waker stated that in the interest of expediting the matter perhaps the proposer of the amendment could offer some time certain.

Revision of First Motion to Amend: Councilor Gardner stated that at the end of the sentence, the language "The review should be completed by December 31, 1987." should be added. Councilor Kirkpatrick agreed with the language.

Councilor Kirkpatrick thought the review should start immediately and requested staff submit a proposal for the Solid Waste Committee's review.



Vote on the First Motion to Amend Resolution No. 87-809:

A vote on the motion resulted in:

Ayes: Councilors Bonner, Gardner, Hansen, Kelley,  
Kirkpatrick, Knowles, Waker

Nays: Councilors DeJardin, Van Bergen, Collier

Absent: Cooper, Ragsdale

The motion to amend passed.

Presiding Officer Waker stated the Council would now consider the motion to adopt Resolution No. 87-809 as amended.

Second Motion to Amend: Councilor Kelley moved, seconded by Councilor Hansen, to amend the second "Be it Resolved" paragraph to read: "That the Metropolitan Service District will proceed to negotiate a Memorandum of Understanding...those negotiations require the vendor meet or exceed the air emissions standards of the State Department of Environmental Quality."

(Note: as a result of a subsequent suggestion by General Counsel, the last phrase was changed to read "those negotiations require the vendor meet or [exceed] better the air emission standards of the State Department of Environmental Quality."

Councilor Van Bergen commented that the amendment was irrelevant because one could not get a permit to build unless the facility met or exceeded the standards.

Daniel B. Cooper, Metro General Counsel, stated that Councilor Kelley had used the word to "exceed" DEQ standards. He thought she meant "better than." To say "exceeding the standard" would mean one was not meeting them, he explained.

Councilor Hansen reported that at the last Solid Waste Committee meeting there were serious allegations put forward concerning RDF plants and whether they could meet Oregon emissions standards. He had seconded the amendment because he wanted the issue resolved quickly in the negotiation process.

Councilor Gardner stated he had a problem with the amendment language. At the Solid Waste Committee meeting on September 15, Wendy Sims from DEQ explained how that agency set standards for a project. DEQ waited until they received a permit application and

Metro Council  
September 22, 1987  
Page 10

then looked at the best available technology for controlling various emissions before setting standards for that permit. That would result in problems at the start of negotiations if the Council required guarantees to meet a standard that had not yet been determined by the DEQ, he said.

Mr. Harvey Gershman, GBB, explained the negotiating team would work to reach an agreement that the vendor obtain permits. He expected CE would provide the necessary guarantees and commitments as a result of the MOU process. He thought the conditions imposed by the amendment could in essence be met in the MOU but not be determined until the permitting process.

Presiding Officer Waker commented that Metro would not have a downside risk. Mr. Gershman stated that would be the objective and a reasonable policy to state at this time.

Councilor Knowles noted the amendment asked Metro to direct the negotiators to assure that the vendor will meet or exceed the DEQ standards, but in fact because they are set on a case by case basis there were no DEQ standards that applied to this particular project.

Councilor Knowles asked Mr. Gershman if the amendment as proposed would restrict his ability to negotiate the MOU.

Mr. Gershman thought the amendment would assist the team.

Presiding Officer Waker stated that there was a proposed amendment to add a sentence to the bottom of Be It Resolved #2 that says "negotiations require the vendor to meet or better the standards of the state Department of Environmental Quality."

Vote on the Second Motion to Amend: A vote on the amendment resulted in:

Ayes: Councilors Bonner, Collier, DeJardin, Gardner,  
Hansen, Kelley, Kirkpatrick, Knowles, Waker

Nays: Councilor Van Bergen

Absent: Councilors Cooper and Ragsdale

The motion passed.

Councilor Van Bergen said he would not support the Resolution because the amendments would make it impossible for the team to negotiate a timely, cost-effective project.

Third Motion to Amend: Councilor Bonner moved to delete the third "Be It Resolved" paragraph from Resolution No. 87-809. The motion died for lack of a second.

Presiding Officer Waker said he would not support Resolution No. 87-809 because he agreed with Councilor Van Bergen that the most important thing the Council needed to do right now was to find out the cost of the landfill system before making decisions based on that cost.

Vote on the Main Motion as Amended:

Vote: To adopt Resolution No. 87-809 as amended.

Ayes: Collier, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Knowles,

Nays: Bonner, Van Bergen, Waker

Absent: Councilors Cooper and Ragsdale.

The motion passed and Resolution No. 87-809 was adopted as amended.

Presiding Officer Waker called for a 15-minute recess at 9:25 p.m. The Council reconvened at 9:40 p.m.

9. CONTRACTS

9.2 Consideration of an Intergovernmental Agreement with Exposition-Recreation (E-R) Commission for Marketing Services For the Oregon Convention Center

Mr. Tuck Wilson, Convention Center Project Director, introduced Mr. Lee Fehrenkamp, E-R Commission Executive Director. Mr. Wilson stated the contract represented a "mosaic of marketing efforts that will paint the successful picture." The proposed agreement had been reviewed on two occasions by the Convention Center Committee.

Mr. Fehrenkamp explained the convention center should have its own marketing personnel to work hand-in-hand with GPCVA. The GPCVA was doing "the lion's share" of the national advertising and promotional work for the center with the Convention Center Project staff doing regional and local advertising and promotional work.

Presiding Officer Waker noted that the Convention Center Committee had unanimously recommended the Council approve this agreement for services.

Metro Council  
September 22, 1987  
Page 12

Motion: Councilor Kelley moved, seconded by Councilor Van Bergen, that the contract with the Exposition-Recreation Commission for marketing services be approved.

Vote: A vote on the motion resulted in:

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

Absent: Cooper and Ragsdale

The motion carried and the contract was approved.

9.1 Consideration of a Contract to Provide Environmental Testing Services on the Convention Center Site.

Mr. Tuck Wilson, Convention Center Project Director, stated the contract had already been executed pursuant to the emergency contract provisions of the Metro Code. As reported at the last Council meeting, Mr. Wilson discovered the need for an environmental audit on the site because of the presence of potentially hazardous materials. The contract was awarded to Dames & Moore following a review of this matter with ACDC, Presiding Officer Waker and the Executive Officer this contract following a standard process of requesting proposals.

Councilor Van Bergen asked if the contract's warranty and liability clause would protect Metro if problems occurred five years from now.

Mr. Wilson commented that if a claim were made during the effective period. Metro's insurance policy would be protected because they were named as an additionally named insured on the policy.

The discussion of liability issues continued. The Presiding Officer recommended approval of the contract after reviewing the history of events leading up to the potential ground problems.

Motion: Councilor Van Bergen moved, seconded by Councilor Kelley, for approval of the contract with Dames & Moore.

Vote: A vote on the motion resulted in:

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

Absent: Cooper and Ragsdale

The motion carried and the contract was approved.

Presiding Officer Waker noted the contract had been executed per provisions of the emergency contracting clause of Metro's ordinance.

9.3 Consideration of an Amendment to the Contract with Browning Ferris Industries for a Second Compactor at the St. Johns Landfill

Mr. Richard Owings, Solid Waste Director, stated that this amendment would add a second compactor which was the most cost-effective way for Metro to increase the life of the St. Johns Landfill. The Executive Officer recommended approval of the amendment.

Councilor Gardner stated that the Solid Waste Committee reviewed the amendment at their last meeting and recommended approval.

Councilor Kirkpatrick noted she had previously requested Committee recommendations be reflected on staff reports because it was helpful for Councilors not on committees to know of recommendations.

Motion: Councilor Knowles moved, seconded by Councilor Kirkpatrick, to approve the amendment to the contract with Browning Ferris Industries for a second compactor at the St. Johns Landfill.

Vote: A vote on the motion to amend the Browning Ferris Industries contract resulted in:

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

Absent: Councilors Cooper and Ragsdale

The motion carried and the amendment was approved.

9.4 Consideration of a Contract with Sun Roofing and Gutters, Inc. for Zoo Roof Rehabilitation Projects

Mr. Allan Goff, Manager, Facilities Management Division, stated that there are a lot of leaky roofs at the Zoo and five main buildings had been chosen as top priorities for new roofs this fall prior to the heavy rains. The contract proposed would be completed by November 1, 1987, and consist of replacing asphalt membrane roofs on existing laminate. Sun Roofing and Gutters, Inc. proposed to do the work.

Councilor Van Bergen asked Mr. Goff if he had cleared everything regarding advertising. Mr. Goff stated that they had cleared all those matters.

Motion: Councilor Knowles moved, seconded by Councilor Collier, to approve the contract with Sun Roof and Gutters, Inc.

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

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

Absent: Councilors Cooper and Ragsdale

The motion carried and the contract was approved.

9.5 Consideration of a Contract with Forest Grove Industries for Phase II Modifications to the Zoo's Pachyderm House

Mr. Allan Goff, Manager, Facilities Management Division, requested replacement of the four concrete doors, reinforcing specific structural walls and the crush room door trolley system. The improvements would address potential keeper and animal safety concerns. Staff recommended a contract with Forest Grove Industries (the contractor for Phase I improvements) because they knew the process and submitted the low bid on this project.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Collier, to approve the contract for modifications in the Zoo's Pachyderm House -- Phase II.

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

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

Absent: Councilors Cooper and Ragsdale

The motion carried and the contract was approved.

10. ORDINANCES

10.1 Consideration of Ordinance No. 87-228, Adopting Investment Procedures, Establishing Chapter 2.06 of the Metro Code, and Declaring an Emergency (Public Hearing)

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

Mr. Ray Phelps, Director of Finance & Administration, stated that he was before the Council to ask that the investment policies of Metro

Metro Council  
September 22, 1987  
Page 15

be adopted as an emergency ordinance for two reasons: 1) the policies and ordinance had been thoroughly reviewed by the Management Committee; and 2) monies invested on short-term notes for the convention center bond revenues are all coming due at the end of the month for the purpose of making some long-term investments.

Mr. Phelps introduced Rebecca Marshall with Government Finance Associates.

Councilor Gardner noted the Management Committee recommended approval of the policies.

Councilor Van Bergen said he understood the ordinance would move authority for investments from the Council to the Executive Officer and convert the authority momentum from policy to ordinance.

Mr. Phelps stated that was accurate. He added the new policies as ordinances were much more binding on staff than a resolution.

Councilor Van Bergen said investments had originally been an authority of the Council when the Investment Committee was established. The idea at the time was that Councilors and the committee would be handling investments independent from the Executive Officer. We set up the guidelines for the Accounting staff. He perceived the ordinance to be a dramatic change in policy.

Presiding Officer Waker commented that it would not be any problem for the Council to change the policy if it was found to be a problem.

Presiding Officer Waker explained an emergency ordinance required one reading prior to passage. Unanimous approval of all members of the Council was required to adopt an emergency ordinance.

Motion: The motion to adopt Ordinance No. 87-228 was made by Councilor Gardner, seconded by Councilor Hansen.

Presiding Officer Waker announced that this was a public hearing. Being that no one in attendance wished to testify, the Presiding Officer closed the public hearing.

Vote: A roll call vote on the motion to adopt Ordinance No. 87-228 resulted in:

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

Absent: Councilors Cooper, Ragsdale and DeJardin

The motion carried and Ordinance No. 87-228 was adopted.

Metro Council  
September 22, 1987  
Page 16

Councilor Van Bergen requested the Council continue to receive reports regarding Metro's investments.

## 11. RESOLUTIONS

### 11.1 Consideration of Resolution No. 87-807, for the Purpose of Amending Resolution No. 87-744 Revising the FY 1987-88 Budget and Appropriations Schedule (for Phase II of the Aquarium Feasibility Study)

Mr. Ray Phelps introduced the resolution for discussion.

Councilor Kirkpatrick stated that the joint committee of the Friends of the Washington Park Zoo and the Council had not reviewed the resolution.

Presiding Officer Waker recommended the feasibility study be put on a Zoo Committee agenda for review and comment.

Councilor Kirkpatrick commented that she was very supportive of the aquarium, she was questioning whether it ought to be a public investment.

Motion: Councilor Bonner moved, seconded by Councilor Kirkpatrick, that Resolution No. 87-807 be referred to the Council Management Committee for review and recommendation to the full Council.

Councilors Kirkpatrick and Hansen were concerned an aquarium could impose a burden on the region's taxpayers and could jeopardize other worthy projects.

Presiding Officer Waker reported that he had attended the press conference with Commissioner Lindberg and Executive Officer Cusma and the press had asked those kinds of questions. The response from Commissioner Lindberg was that he realized there were other competing projects on people's lists and that he was not proposing to advance the aquarium in a vacuum. He was proposing to find out what an aquarium would cost and as part of that discussion it could very well be decided an aquarium was 10 years ahead of its time.

Vote: A vote resulted in all nine Councilors present voting aye.

Absent: Councilors Cooper, DeJardin and Ragadale

The motion carried and Resolution No. 87-807 was to be referred back to the Council Management Committee for review and recommendation to the full Council at its earliest possible convenience.



11.2 Consideration of Resolution No. 87-797, for the Purpose of Authorizing Two New Positions (Construction Project Manager and Secretary), Amending the Pay and Classification Plans, and Amending the FY 1987-88 Budget and Appropriations Schedule

Mr. Ray Phelps, Director of Finance & Administration, stated that this request of the Executive Officer was presented to the Management Committee earlier this month and after a very lengthy discussion, the Management Committee recommended to bring the resolution forward to the Council for approval.

Councilor Gardner stated that Mr. Phelps' report was accurate. However, the Management Committee wished to recommend the positions be funded from the various capital funds in the operating departments based on an allocation schedule that Mr. Phelps showed the Committee.

Mr. Ray Barker, Council Assistant, noted a revised version of Resolution No. 87-797 had been distributed which reflected the Committee's recommendations.

Motion: Councilor Gardner moved, seconded by Councilor Hansen, to adopt the substitute Resolution No. 87-797.

Presiding Officer Waker thought some past construction problems would possibly have been avoided if a construction expert had been on staff. He expected the staff addition could save money.

Councilor Kirkpatrick wanted the record to show that the Management Committee talked at length about next year's budget process, and evaluation and revision of other existing contracts and positions in light of these new positions. Councilor Gardner added the construction management contract for the convention center and the construction manager position at the Zoo should be reviewed.

Councilor Van Bergen was concerned there be authority built into this new position so that they have no fear a particular project could be a "sacred cow" over another project.

Vote: A vote on the motion to adopt the resolution resulted in all nine Councilors present voting aye.

Absent: Councilors Cooper, DeJardin and Ragadale

The motion carried.

13. COMMITTEE REPORTS

Councilor Gardner reported the Solid Waste Committee had discussed the appeal to LUBA on Oregon City's recent restriction of waste

Metro Council  
September 22, 1987  
Page 18

going to the Clackamas Transfer & Recycling Center. The Committee recommended that the Council decide by resolution or motion that Metro start abiding by the 700 tons per day limit imposed by the Oregon City conditional use permit. The Solid Waste staff was looking at options to achieve and would return to the Council with a plan.

Councilor Van Bergen said there should also be a review of Mr. Cooper's report at this meeting. He also thought the Council should address its role in initiating litigation.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Van Bergen, to request General Counsel to meet with a subcommittee of the Council to discuss our policy with respect to litigation.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Cooper, Ragadale and DeJardin

The motion carried.

The Solid Waste Committee's recommendation to the staff was to look at alternatives and to report those to the Council so a choice could be made regarding how to achieve the 700 ton limit at CTC. She said Councilor Gardner intended to forward a resolution of that nature from the Committee to the next Council meeting.

Councilor Collier's concern was that Metro maintain "good neighbor policy" in dealing with Oregon City and its residents.

#### Report from Convention Center Ad Hoc Task Force on Governance

Councilor Kirkpatrick reported the Task Force had concluded one round of discussions and were trying to come up with the best compromise solution between Ordinance Nos. 87-225 and 87-227. The Task Force has also drafted a resolution on operating commission policies. The Task Force was meeting again on September 29 at 3:00 p.m. and invited anyone interested to join them. Councilor

Metro Council  
September 22, 1987  
Page 19

Kirkpatrick expected to have a draft resolution and ordinance distributed to Councilors later in the week.

There being no further business, Presiding Officer Waker adjourned the meeting at 10:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gloria Logan".

Gloria Logan  
Acting Clerk of the Council

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