

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

Special Meeting (Work Session)  
Lake House, Blue Lake Park

November 20, 1987

Councilors Present: Tanya Collier, Larry Cooper, Jim Gardner,  
Gary Hansen, Sharron Kelley, David Knowles,  
Mike Ragsdale and Richard Waker

Councilors Absent: Mike Bonner, Tom DeJardin, Corky  
Kirkpatrick and George Van Bergen

Also Present: Rena Cusma, Executive Officer

A special work session of the Metro Council was convened at 12:00  
noon and adjourned at 4:30 p.m. The attached memorandum dated  
December 8, 1987, from Don Rock, Executive Assistant, and Don  
Carlson, Council Administrator, is an accurate account of the work  
session proceedings.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council

amn  
8668C/313-1  
12/14/87



**METRO**

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503/221-1646

# Memorandum

**Date:** December 8, 1987

**To:** Rena Cusma, Executive Officer  
Richard Waker, Presiding Officer  
Metro Council  
Department Heads

**From:** Don Rocks, Executive Assistant *[Signature]*  
Don Carlson, Council Administrator *[Signature]*

**Regarding:** JOINT COUNCIL/ADMINISTRATION WORK SESSION

The following summary of the November 20, 1987, work session represents our combined recollection of major discussion topics and points of view advanced and agreements about follow-up action to occur.

LAKE HOUSE, BLUE LAKE PARK

Friday, November 20, 1987

Attendance:

Councilors	Richard Waker, Tanya Collier, Larry Cooper, Jim Gardner, Gary Hansen, Sharron Kelley, David Knowles, Mike Ragsdale
Invited Guests	Judge Charles Crookham, Senator Glenn Otto, John Houser
General Counsel	Daniel B. Cooper
Council Staff	Donald E. Carlson, Ray Barker, Marie Nelson
Administration	Rena Cusma, Richard Engstrom, Andy Cotugno, Richard Owings, Ray Phelps, Kay Rich, Vickie Rocker, Tuck Wilson, Don Rocks, Katie Dowdall, Unette Worley

## SUMMARY

### CONTRACTING:

General Counsel reiterated his opinion that:

1. Sole power to contract on behalf of Metro has been granted to the Executive.

#### Exceptions

Intergovernmental Agreements; issuance of bonds; issuance of franchises or long-term commitments for operating solid waste facilities or receiving waste from the Metro region.

2. Council has power to adopt procedural requirements for Executive to follow in contracting.
3. Council has full authority over Metro budget; can restrict Executive's action by not authorizing expenditure of funds until such time as it determines expenditure is appropriate, subject to Local Budget Law (state).
4. Council Management Committee does not have any valid power it can exercise to approve a contract or authorize expenditure of funds.

#### Executive View:

That the Council's ability to not release budgeted funds for certain contracts they were interested in until reviewed as well as the ability to establish contracting procedures provides ample Council control; particularly since any aggrieved contractor can get a Council hearing of the grievance through the Contract Review Board process.

#### Council View:

That approval of contracts is vital to the general governance of Metro. Promotes agency fiscal responsibility and should not be relinquished. Council did not accept General Counsel's opinion.

#### Action Taken:

General Counsel to complete process of preparing a formal written opinion.

Judge Crookham suggested, and Executive and Council agreed, that the contracting question be put before the state Attorney General as his opinion has the force of law and was preferable to the Council's engaging outside legal counsel to produce a second opinion. Dan Cooper and Don Carlson were assigned to

produce the language to ask the question or questions, and Senator Otto agreed to transmit Metro's request.

Council and Executive agreed that this budget year was not the best time to implement procedural changes in the contracting process and that the upcoming budget process was the best time to initiate and accommodate changes, although some alterations might be made if Council and Executive could agree on content and form of any changes.

Most Councilors not concerned about routine, non-controversial operational contracts and would consider changes to the contract code prior to next fiscal year.

#### COUNCIL COMMITTEES:

##### Executive View:

That committee structure too often doubled staff time by requiring two "full dress" presentations.

That it was not clear how committee deliberations and recommendations related to Council actions. Do recommendations have force or standing or are they purely advisory and in no way binding upon the Council.

That it might be helpful if matters proceeded first to the full Council and, where necessary or advisable, then assigned to committee. That would allow Councilors to express their opinions ask questions and better inform the committee as to Council concerns that need to be addressed.

##### Council View:

That committee recommendations were not nor could not be binding upon the full Council. That committee assignments should be made by the Presiding Officer with a clearer charge and understanding of Councilor's concerns.

That public hearings process needed to be made more clear and that some hearings should perhaps be held at the Committee level rather than be repeated; once before the committee and again before the full Council. That public hearings at the committee level should be better advertised and that Councilors could and would attend whatever such hearings they were interested in.

##### Action Taken:

This is an area of Council responsibility and Council staff at directive of Presiding Officer will review committee structure and process and present conclusions and anticipated changes in structure and procedures to Council.

## APPOINTMENTS:

### Executive View:

That the Executive appoints according to general criteria established by the Council and that if those criteria were met, Council confirmation should follow.

That Council should establish clear criteria to reduce conflict surrounding appointments.

That the Executive should not be expected to routinely poll Councilors regarding appointee acceptability.

That when advisory bodies are created jointly by two (or more) jurisdictions to which each jurisdiction makes appointments, it is not appropriate for Metro to expect the right to confirm or approve the appointments of another jurisdiction.

Executive recognizes that advance notification to Councilors regarding appointees, while not a requirement, is politic and a courtesy that may be a good idea in particular instances.

### Council View:

That the Council may or may not confirm appointments for any reason, and that the Executive cannot expect routine confirmation if Councilors have not had an opportunity to express an opinion prior to the formal confirmation process. Most Councilors expressed the opinion that Executive should "consult" with Councilors (not necessarily all Councilors) prior to making appointments. The point was made that at least the Councilor representing the district from which an appointment was made should be notified.

### Action Taken:

Criteria for appointments will be more closely monitored and improved as necessary to minimize conflict. Council staff to develop a formal confirmation process or procedure for future Council deliberation.

Executive staff to prepare information sheet detailing each body created by Metro and bodies to which Metro makes appointments.

## STAFF COMMUNICATIONS

### Executive View:

That the administration should know what questions have been asked and information sought by Councilors and that such requests should be made through the Executive, department heads or key Executive staff.

Of concern too are requests that may generate new work and in these instances a higher level contact is required as such requests should not be made to Metro staff in general.

Intention is not to throttle informal communication, but to stay abreast of Councilor concerns, assure "requests" don't turn into "assignments" without administration approval and expedite an administration response.

Council View:

That the impression formed over the last number of months was that direct communication with staff was discouraged and that closure of that avenue made information more difficult to come by and forced business to be conducted more formally which reduced effectiveness and was more cumbersome. Agreed that better communication between Council staff and Executive staff would also work to reduce rigidly formalized dealings and net practical results.

Action Taken:

Council staff to prepare memo outlining appropriate methods of obtaining information and improving communications between Councilors and administration on programmatic matters. Memo to differentiate between information requests and requests that may generate staff work.

LEADERSHIP AND AGENCY DIRECTION

Executive View:

That the Executive and Council have a leadership role above and beyond ongoing operational concerns and that the direction and future of the agency depends upon the collective ability to formulate, to take a position, and promote that position across the region. Examples of issues on which the Executive and Council can work toward a common objective include such things as a Metro tax base, Tri-Met takeover, regional library system.

Council View:

That an improved working relationship that includes some mutually acceptable streamlining of processes and procedures as well as more informal communication would help turn Council attention to larger policy questions.

That the goals and objectives process of past years did not easily or directly connect with Metro policy and work programs because the resulting language was often too general or too ambiguous. No direction or suggestions were forthcoming as to how to improve the goals and objectives process or whether or not to review or repeat the process.

Action Taken:

It was agreed that the Executive and Council should begin to find practical and effective ways to consider and to produce positions and approaches to resolving issues that must be dealt with and which have large impact on the future direction and shaping of the agency. Examples of such issues would include Tri-Met takeover and Metro tax base. It was agreed that initially a breakfast meeting or meetings of Council and Executive would be an appropriate vehicle to start productive discussions.

The Executive and Presiding Officer shall produce the framework for the first such breakfast meeting and instruct their staff to complete plans and arrangements.

FUTURE WORK SESSIONS

Councilors and department heads were encouraged to review the material prepared for the November 20 work session, to identify areas they believe need to be discussed, resolved or improved and to forward thoughts and observations to Council or Executive staff.

No follow up work session date was established but a commitment was made to continue refining understandings reached and to prepare procedures, reports or whatever else may be needed to advance the common agenda.

A shorter session will be called if such is helpful to the process.

DR/gl  
8582C/522