

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

July 14, 1988

Councilors Present: Mike Ragsdale (Chair), Corky Kirkpatrick (V. Chair), Elsa Coleman, Tom DeJardin, Jim Gardner, Gary Hansen, Sharron Kelley, David Knowles, George Van Bergen

Councilors Absent: Tanya Collier, Larry Cooper and Richard Waker

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

Chair Ragsdale called the meeting to order at 5:30 p.m.

Installation of Elsa Coleman as Councilor, District 8

The Presiding Officer announced that due to the resignation of Mike Bonner from the District 8 Council position effective June 6, the Council had conducted an extensive public process to select a person to fill the vacancy. Elsa Coleman was selected to fill the vacancy on July 7. The Presiding Officer administered the oath of office to Councilor Coleman and she was seated with other Councilors. The Council also presented her with a framed copy of Resolution No. 88-956, the resolution adopted by the Council on July 7 which appointed her to the District 8 position.

1. Reconsideration of Resolution No. 88-894A, for the Purpose of Amending Classification and Pay Plans for the Metropolitan Service District

Presiding Officer Ragsdale explained that on June 23 the Council adopted Resolution No. 88-894A. However, before the meeting adjourned, he had served notice he might move to reconsider the matter in order that it be deliberated together with Resolution No. 88-949 (a resolution developing a contract with ODS Health Plan, Kaiser Permanente, Standard Life and the Public Employees Retirement System). At that point, Presiding Officer Ragsdale turned the gavel over to Deputy Presiding Officer Kirkpatrick so she could preside during the reconsideration proceedings.

Motion: Councilor Ragsdale moved, seconded by Councilor DeJardin, to reconsider Resolution No. 88-894A.

Councilor Van Bergen agreed that Resolution Nos. 88-894A and 88-949 should be considered together and did not think it necessary to

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refer Resolution No. 88-894A back to the Internal Affairs Committee. He recommended consideration of the two resolutions at a time certain.

Vote: A vote on the motion to reconsider Resolution No. 88-894A resulted in all nine Councilors present voting aye. Councilors Collier, Cooper and Waker were absent.

The motion carried.

Motion: Councilor Ragsdale moved, seconded by Councilor DeJardin, to defer consideration of Resolution No. 88-894A to September 22.

Councilor Ragsdale explained at the July 14 Internal Affairs Committee, the Committee had moved to defer the employee benefits resolution until the September 8 Committee meeting or until after the employee union representation election, whichever date occurred first. The above motion would fit in with that schedule, he said.

Councilor Van Bergen, Chair of a Council/employee subcommittee that had examined the Pay & Classification Plan and employee benefits, said the subcommittee supported the Executive Officer's recommendation to adopt Resolution No. 88-949 as submitted. He referred to a memo to Councilors from Donald Carlson, Council Administrator, which recommended a different course of action be taken. The Councilor said he was very surprised Mr. Carlson had taken that position after the subcommittee had made its recommendation.

At Deputy Presiding Officer Kirkpatrick's request, Councilors Ragsdale and Knowles summarized the actions taken at the July 14 Internal Affairs Committee. Councilor Knowles explained that Mr. Carlson's memo had raised doubts in the minds of some Committee members about whether Resolution No. 88-949 (concerning employee benefits) should be adopted. Also, employees would soon conduct an election to determine whether a union would represent them. After discussion of those issues, the Committee adopted a motion to defer consideration of Resolution No. 88-949 until the September 8 Committee meeting or until after the employee election, whichever date occurred first. He noted that Councilor Ragsdale had not support that motion.

Councilor Hansen advised the Council to take time to deliberate the issues. He noted the Council/employee subcommittee had done good work. After that recommendation was made, however, the Council received testimony from many employees who disagreed with the subcommittee's recommendation. He thought it wise to wait until

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after the employee union election to take further action. The employees had sent the Council a clear message, he said.

Substitute Motion: Councilor Van Bergen moved, seconded by Councilor Ragsdale, to defer consideration of Resolution No. 88-894A, together with Resolution No. 88-949, until August 11.

The makers of the previous motion agreed to the substitute motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Coleman, DeJardin, Gardner, Kelley, Kirkpatrick, Van Bergen and Ragsdale

Nays: Councilors Hansen and Knowles

Absent: Councilors Collier, Cooper and Waker

The motion carried and consideration of Resolution No. 88-894A was deferred to August 11 along with consideration of Resolution No. 88-949.

Councilor Ragsdale resumed his role as Presiding Officer.

## 1. INTRODUCTIONS

None.

## 2. Citizen Communications to Council on Non-Agenda Items

Judy Dehen, 2965 N.W. Verde Vista, Portland, Oregon 97210, representing the Columbia Group of the Sierra Club, testified she had read in The Oregonian that Metro continued to be interested in waste incineration as a method of solid waste disposal. She urged the Council to abandon incineration as an acceptable disposal alternative because it discouraged recycling, was expensive, environmentally damaging, opposed by the public, and because better disposal alternatives existed. She suggested that engineers working on incineration technology be sent back to school so they could learn how to design composting facilities.

Councilor Hansen challenged Ms. Dehen's statement that incineration technology was more expensive than other forms of solid waste disposal. Councilor Kirkpatrick and DeJardin pointed out that Metro was mandated by a State-imposed hierarchy to divert as much waste as possible from landfills and environmentally safe incineration technology was an option the Council must continue to consider. They

assured Ms. Dehen that Metro would not reduce its commitment to recycling if a incineration facility were built.

4. Councilor Communications

None.

5. Executive Officer Communications

Executive Officer Cusma welcomed Councilor Coleman to the Council.

6. CONSENT AGENDA

Motion: Councilor DeJardin moved, seconded by Councilor Kirkpatrick, to approve all the items listed on the Consent Agenda.

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

The motion carried and the following items were approved:

- 6.1 Minutes of June 9 and May 5, 1988
- 6.2 Resolution No. 88-945, Expressing Appreciation to Metro Employees for Dedicated Work on the Household Hazardous Waste Collection Day
- 6.3 Resolution No. 88-950, Authorizing a Contract with Northwest Testing Labs, Inc. to Perform Testing and Inspection Services for the Oregon Convention Center

Councilor DeJardin, referring to Resolution No. 88-945, thanked employees for the many hours of hard work put in on the Hazardous Waste Collection Day effort.

7. ORDINANCES, FIRST READINGS

- 7.1 Ordinance No. 88-257, for the Purpose of Amending Metro Code Chapter 5.02 Relating to Solid Waste Disposal Charges, Regional Transfer Charges and User Fees

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced he was referring the ordinance to the Solid Waste Committee for a public hearing and recommendation. The hearing was scheduled for July 19.

ORDINANCES, SECOND READINGS

7.2 Consideration of Ordinance No. 88-249, for the Purpose of Amending Chapter 2.04 of the Contract Procedures of the Metro Code in order to Clarify the Division of Powers Between the Council and the Executive Officer and Making Other Changes

The Clerk read the ordinance by title only a second time. The Presiding Officer announced that the first reading of the ordinance was conducted before the Council on May 26 and the ordinance was then referred to the Internal Affairs Committee for a public hearing and recommendation. The Committee considered the matter on June 9 and 16. Presiding Officer Ragsdale then reviewed the Committee's report to the Council which was included in the meeting agenda packet. The Committee unanimously had approved a motion to recommend the Council adopt Ordinance No. 88-249 as amended.

Motion: Councilor Ragsdale moved, seconded by Councilor DeJardin, to adopt Ordinance No. 88-249 as recommended by the Internal Affairs Committee.

Councilor Gardner said he would not support the motion. He explained the current process which provided for the Council to approve contracts over \$10,000 was created to give Metro's legislative body more control over procurement. Because of Metro's unique structure, he thought it unwise for the Council to relinquish that control.

Councilor Kirkpatrick also opposed the ordinance explaining the Council had responsibility for budget oversight. She thought it would be difficult to carry out that responsibility without the authority to approve large contracts.

Councilor Coleman asked if the Executive Officer's recommendation was based on General Counsel's legal opinion and questioned whether the Council could make a decision contrary to that opinion.

Dan Cooper, General Counsel, responded that the ordinance represented a solution to a political problem. If the problem were not resolved by Metro's elected officials it would be resolved in the courts. At Councilor Gardner's request, Mr. Cooper summarized the history of the Council's involvement in procurement. He said Metro's contract procedures were originally established by executive order in 1979 and no Council approval of contracts was required. The Council became involved in approving contracts when it adopted contract procedures in 1982 which are very similar to the procedures currently in force, he explained. Mr. Cooper said a legal opinion on the Council's authority over procurement had been rendered by former Metro Counsel Andy Jordan and was similar to the opinion

rendered by himself. He knew of no other legal opinions on the matter.

Councilor Coleman asked if the ordinance would provide assurance that a budget amendment allowing more Council control over procurement would be adopted at the same time the ordinance became effective. Councilor Kirkpatrick said Section 3 of the ordinance provided that "The effective date of this ordinance shall be December 31, 1988, or the date of adoption of an ordinance amending Ordinance No. 88-247 adopting a schedule of contract appropriations which appropriates funds for specified contract purposes, whichever date is the sooner."

- Vote: A roll call vote on the motion to adopt the ordinance resulted in:
- Ayes: Councilors Coleman, DeJardin, Hansen, Kelley, Knowles, Van Bergen and Ragsdale
- Nays: Councilors Gardner and Kirkpatrick
- Absent: Councilors Collier, Cooper and Waker

The motion carried and Ordinance No. 88-249 was adopted as recommended by the Internal Affairs Committee.

7.3 Consideration of Ordinance No. 88-250B, for the Purpose of Adding Chapter 5.04 to the Metro Code to Provide for a One Percent for Recycling Program

The Clerk read the ordinance a second time by title only. Presiding Officer Ragsdale said the first reading of the ordinance was held before the Council on May 26 and the ordinance was then referred to the Solid Waste Committee for a public hearing and recommendation. The Committee considered the matter and conducted hearings on May 31, June 14 and June 21.

Councilor Hansen, Chair of the Solid Waste Committee, reported the Committee unanimously supported adoption of the ordinance. It was an innovative program, he said, and provided a good response to the public's concern that Metro only sought "mega solutions" to solid waste disposal problems.

- Motion: Councilor Hansen moved, seconded by Councilor Knowles, to adopt Ordinance No. 88-250B as recommended by the Solid Waste Committee.

Responding to Presiding Officer Ragsdale's question, Executive Officer Cusma said the fiscal impact of the program would be about

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one percent of the solid waste operating budget or approximately \$300,000 for FY 1988-89. Councilor Hansen noted the Council had already approved the project budget.

Councilor Gardner said he supported the program and hoped the funded projects would be innovative. He also hoped the program focused solely on recycling and not small alternative technology projects.

The Presiding Officer noted one of the program requirements was an annual report to the Council from the project committee. He requested the Executive Officer develop guidelines for the reporting process and distribute those guidelines to the Council.

Vote: A roll call vote on the motion to adopt the ordinance resulted in all nine Councilors present voting aye. Councilors Collier, Cooper and Waker were absent.

The motion carried and the ordinance was adopted.

7.4 Ordinance No. 88-251, for the Purpose of Amending Section 4.01.030 of the Metro Code to Prohibit Illegal Parking in the Zoo Parking Lot and Other Areas Adjacent to the Washington Park Zoo, and Providing for the Issuance of Citations by Metro Personnel

The Clerk read the ordinance a second time by title only. Presiding Officer Ragsdale announced the first reading of the ordinance was conducted before the Council on June 9 and it was then referred to the Intergovernmental Relations Committee for a public hearing and recommendation. The Committee considered the matter on June 21.

Councilor DeJardin, Vice-Chair of the Intergovernmental Relations Committee, reported the ordinance was drafted after regretful circumstances brought about by Zoo visitors parking in fire lanes and other prohibited areas on concert nights and other busy periods. The ordinance was necessary to discourage people from continuing illegal parking practices. The Committee had unanimously recommended adoption of the ordinance.

Motion: Councilor DeJardin moved, seconded by Councilor Kelley, to adopt Ordinance No. 88-251 as recommended by the Intergovernmental Relations Committee.

Responding to Councilor Knoles' questions, Zoo Security Manager Dick Karnuth explained that under current provisions, Zoo personnel could have cars towed only after City of Portland police issued traffic violations. Due to heavy traffic on concert nights, that was not a workable solution. The ordinance would allow Zoo personnel to issue citations.

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Councilor Coleman asked how the amount of citations would be determined. She was thought the amount should be high enough to deter continued parking violations. Dan Cooper, General Counsel, explained he would soon draft an ordinance providing for the citation amount to be determined by the Multnomah County Court. Citations would then be the same as those issued by Portland and County police, he said. Amounts would vary depending on whether the violator had parked in a handicapped parking zone, a fire lane, etc. He pointed out the Metro Code provided a maximum penalty of \$500 for violating any Code provision.

Councilor Van Bergen was concerned about prohibited activities listed in Section 4.01.030(3)(1) through (9). He suggested staff work with the Multnomah County Bar Association to have those provisions reviewed and an opinion rendered. He was concerned about possible exposure if someone sued for false arrest or if Zoo security staff carried weapons or were not adequately trained. He also suggested staff talk with Tri-Met to learn from its police program experience. Councilor Kelley said she shared some of the Councilor's concerns. She thought the Council should review the new citation program in September to see if improvements should be made.

Councilor Hansen said he hoped staff would mark parking areas in order to warn Zoo visitors that citations would be issued to violators.

Vote: A roll call vote on the motion to adopt the ordinance resulted in all nine Councilors present voting aye. Councilors Collier, Cooper and Waker were absent.

The motion carried and the ordinance was adopted.

Councilor DeJardin said he had noticed solicitors near the Zoo's entrance and suggested a sign be posted informing the public that people had the right to solicit at that location but those people did not necessarily reflect the views and opinions of Metro. Presiding Officer Ragsdale said the Executive Officer could direct staff to post such a sign.

## 9. COMMITTEE REPORTS

Solid Waste Committee. In response to Councilor Knowles' question, Councilor Hansen reported the Committee would soon forward legislation to the Council regarding policy for the East Transfer & Recycling Center(s). The Council could expect to consider the legislation in August, he said. Councilor Knowles was concerned that further delays in developing policy would narrow the field of firms responding to a bid for transfer station services.



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Other Councilors reported on upcoming meetings and events.

There was no further business and the meeting was adjourned at  
6:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "A. Marie Nelson".

A. Marie Nelson  
Clerk of the Council

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