

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

August 8, 1989
Regular Meeting

Councilors Present: Mike Ragsdale (Presiding Officer),
Lawrence Bauer, Roger Buchanan, Tanya
Collier, Richard Devlin, Tom DeJardin, Jim
Gardner, Gary Hansen, David Knowles,
George Van Bergen and Judy Wyers

Councilors Absent: None

Mike Ragsdale, Presiding Officer, called the meeting to order at 5:05 p.m. He announced Agenda Item No. 8.4, Resolution No. 89-1128, for the Purpose of Amending Resolution No. 89-1103 to Add a Citizen to the Composter Community Enhancement Advisory Committee, had been added to the agenda.

1. INTRODUCTIONS

1.1 District 7 Citizens Advisory Committee

Presiding Officer Ragsdale said an eight-member Citizen's Advisory Committee had been appointed by the Council to assist the Council in appointing a District 7 Metro Councilor. He introduced the Committee members as follows: Kay Foetisch, George Hysmith, Franklin Jenkins, Penny Malmquist, Bob McKenzie, Senator Glenn Otto, Sed Stuart and Marv Woidyla.

2. CONSIDERATION OF A CANDIDATE FOR THE VACANT DISTRICT 7 COUNCIL POSITION

2.A. Interviews of Candidates by the Council

Presiding Officer Ragsdale announced that a vacant Metro Council position existed in District 7 due to the July 7, 1989, resignation of Sharron Kelley. He said the Council had placed advertisements in The Oregonian and Gresham Outlook newspapers soliciting candidates to fill the vacancy, resulting in eight applications. The Presiding Officer said seven, rather than eight, candidates would be interviewed since Michael Weatherby, candidate number eight, had withdrawn his application shortly before the meeting convened. The Presiding Officer said the order of interviews was randomly determined by lot, and that the interviews were scheduled for 20 minutes and would be timed by the Clerk. Councilor Ragsdale said all candidates would be asked the same six questions. The questions which were:

1. Why would you like to be a Metro Councilor?
2. What services do you think Metro should provide?
3. How should Metro relate with other governments in the region?

4. Metro Councilors are responsible for setting regional policy and for fiscal oversight of the Metropolitan Service District. Explain how your background would enhance the Council's ability to perform these tasks.
5. By assuming this position, you would be appointed to represent a district of approximately 80,000 people. Please share with us your knowledge of the needs and concerns of your district. What experience do you have in working with community organizations, as well as individuals in your district? How would you balance the needs of District 7 with the needs of the region?
6. What do you believe ought to be changed about Metro, if anything?

He stated Councilors and Advisory Committee members would have an opportunity to ask questions after the candidate had responded to the six prepared questions, and the candidate may save two of their 20 minutes for a closing statement. Then, after all interviews had been conducted, the Council would receive the Advisory Committee's recommendations and vote on the candidates. He explained in order for a candidate to be elected, he or she must receive six votes. He continued, if as a result of the first ballot, no candidate received six votes, a second ballot between the top two candidates would be cast. If there were a tie in the first and second spots, all candidates in the first or second spots would be on the second ballot. If necessary, balloting would continue until one candidate received at least six votes. The Presiding Officer said once a candidate was elected, the Council would adopt Resolution No. 89-1127, For the Purpose of Appointing a Councilor to the Vacant District 7 Position, and the newly-elected Councilor would serve until January 7, 1991.

The Presiding Officer stated, although it was a public meeting, out of courtesy to the other candidates he was asking candidates not being interviewed to wait in the lobby and the public address system to be turned off. He then called the first candidate, Douglas Walters, followed by Charles Becker, Robert Wiggin and Max Talbot. Presiding Officer Ragsdale gave each candidate the same instructions; i.e. 20 minutes to respond to six questions; candidate could make a presentation that addressed the six questions or the Presiding Officer could ask each questions; the candidate could use two of the twenty minutes for a closing statement.

The Presiding Officer called a recess at 6:45 p.m. and reconvened at 6:55 p.m. The interview process continued as described above with candidates Wendell Tamburro, J. Ruth McFarland and James Walters. After the last candidate had been interviewed, the Presiding Officer called a recess at 8:10 p.m.

2.B. Dinner Break in Room 440

Council staff distributed a matrix showing the composite numerical scores each candidate had received from the Citizens Advisory Committee. Advisory Committee members discussed their views on the candidates qualifications with the Council.

2.C. Selection of a Councilor for the District 7 Position

Presiding Officer Ragsdale reconvened the Council meeting in the Council Chambers at 9:10 p.m. He announced the composite scores of the candidates as follows:

<u>Candidate</u>	<u>Average*</u>	<u>Total</u>
D. Walters	13.5	108
C. Becker	27.0	216
R. Wiggin	29.1	233
M. Talbot	30.3	242
W. Tamburro	15.3	122
J. R. McFarland	25.6	205
J. Walters	19.8	158

* Maximum possible points per rater = 35.

Councilor Ragsdale asked if any member of the citizen advisory group or Council had any comments they wished to make prior to voting. Councilor DeJardin thanked the advisory committee for their assistance. Councilor Ragsdale added he thought the open and candid input from the Advisory Committee was helpful to the process. Councilor Bauer thanked the candidates for their interest and applications. Councilor Hansen said he felt each candidate could serve well and was impressed with the candidates' qualifications. Councilor Van Bergen said he thought the applications filed were not representative of the candidates and suggested the application forms be redesigned to better reflect the candidates' qualifications. Councilor Wyers said she, too, thought all candidates were well qualified to serve and urged those not selected to continue their interest in the Metro Council and consider running for the office.

Printed ballots containing the names of candidates D. Walters, C. Becker, R. Wiggin, M. Talbot, W. Tamburro, J. R. McFarland and J. Walters were distributed to Councilors. Councilors were asked to vote for one candidate and sign their ballots.

Vote on First Ballot: D. Walters - 0 votes; C. Becker - 1 vote, Councilor Hansen; R. Wiggin - 2 votes, Councilors Bauer and Buchanan; M. Talbot - 3 votes, Councilors

DeJardin, Ragsdale and Van Bergen; W. Tamburro - 0 votes; J.R. McFarland - 5 votes, Councilors Collier, Devlin, Gardner, Knowles and Wyers; and J. Walters - 0 votes.

No candidate received six votes. New ballots were distributed, and the Councilors were instructed to vote for one of the top two candidates, M. Talbot or J.R. McFarland, and sign their ballots.

Vote on Second Ballot: M. Talbot - 4 votes, Councilors Bauer, DeJardin, Ragsdale and Van Bergen; J. R. McFarland - 7 votes, Councilors Buchanan, Collier, Devlin, Gardner, Hansen, Knowles and Wyers.

J. Ruth McFarland was elected.

2.D. Resolution No. 89-1127, For the Purpose of Appointing a Candidate to Fill the Vacant District 7 Council Position

Motion: Councilor Knowles moved, seconded by Councilor Gardner, to adopt Resolution No. 89-1127 appointing J. Ruth McFarland Metro Councilor for District 7 for a term beginning August 8, 1989 and expiring January 7, 1991.

Vote: All eleven Councilors voted in favor of the motion.

The motion carried unanimously.

Presiding Officer Ragsdale thanked the District 7 Citizens Advisory Committee, and asked General Counsel Dan Cooper to administer the oath of office to Ms. McFarland. Mr. Cooper swore Ms. McFarland in and Councilor McFarland was seated with the other Council members.

3. COUNCILOR COMMUNICATIONS

None.

4. CITIZENS COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Rena Cusma said at the Council's request, she had asked Bob Martin, Solid Waste Director, to report on contract compliance by Jack Gray Transport Inc. Councilor Ragsdale announced the Council would receive a more detailed briefing at a

Solid Waste Committee meeting. Mr. Martin said Jack Gray's Plan of Operations had been received by the Department on schedule and the Department had circulated the Plan to the Gorge and other communities and interested parties for review and comment. He said few comments had been received, and no comments were received by the deadline date. Mr. Martin said the Department would, as promised, reply to letters received, by March 1990. He said the main comments regarding the Plan of Operations were that the Plan did not say much about commitments previously made regarding issues such as non-use of rest areas and continuing dialogue with the public. He said the Department would be meeting with the Contractor to review the Plan comments with them. Mr. Martin said permit hearings and equipment procurement was in process. He said the Department and Contractor were also discussing an operations staging area, and the Department favored consolidation with the Transfer Station. Mr. Martin said, in his judgement, the regulatory matters would be resolved within the required timeframe.

Councilor Wyers said at the Solid Waste Committee briefing she would ask about timelines, conditional use permits and equipment acquisitions. Councilor Devlin asked at what point all the regulatory requirements must be met. Mr. Martin said by January 2, 1990. Councilor Devlin asked at what point the Department would become concerned about permits not yet acquired. Mr. Martin said the staff would assess progress on a steadily increasing basis. Councilor Knowles asked if there were any milestones or checkpoints in the contract. Mr. Martin said there were and the Contractor had met the ones required thus far. Councilor Hansen noted the contract progress was still 10-12 months ahead of any other alternative.

6. ORDINANCES, FIRST READINGS

6.1 Ordinance No. 89-306, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule to Increase the Executive Officer's Salary in Accordance with Senate Bill 1150

Clerk read the ordinance for a first time by title only. The Presiding Officer referred the ordinance to the Finance Committee for public hearing.

6.2 Ordinance No. 89-307, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for Council Per Diem Requirements

Clerk read the ordinance for a first time by title only. The Presiding Officer referred the ordinance to the Finance Committee for public hearing.

6.3 Ordinance No. 89-308, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purpose of Expanding the Water Quality Study Program and Adding an Associate Management Analyst Position in Executive Management

Clerk read the ordinance for a first time by title only. The Presiding Officer referred the ordinance to the Finance Committee for public hearing.

7. ORDINANCES, SECOND READINGS

7.1 Ordinance No. 89-300, For the Purpose of Dedicating the St. Johns Reserve Fund for Purposes Established by OAR 340-61-034

The Presiding Officer read the ordinance by title only for a second time and announced the ordinance was first read before the Council on July 27, 1989, and referred to the Council Solid Waste Committee who held a public hearing on the ordinance on August 1, 1989. Councilor Hansen presented the Solid Waste Committee's report and recommendations. He said this ordinance was the first of four St. Johns Landfill closure-related issues that would be coming before the Council within the next several months. He said the ordinance was primarily a housekeeping item and that Metro had been collecting money, and appropriately budgeting those monies for closure. This ordinance, he said, would dedicate those funds in a manner prescribed by Oregon Administrative Rules (OAR).

Motion: Councilor Hansen moved; Councilor DeJardin seconded the Council adopt Ordinance No. 89-300.

Councilor Van Bergen asked if it should be clarified in the ordinance that adopting the ordinance did not mean the Council was approving the St. Johns Landfill Closure Plan. Councilor Hansen said Councilor Van Bergen's comment was accurate, however, he did not feel the ordinance needed to state that. Councilor Van Bergen also recommended a change to Section 4. of the ordinance to remove language interpreting the OAR and replace it with the OAR citation.

Motion to Amend: Councilor Van Bergen moved; Councilor Collier seconded to amend Ordinance No. 89-300, Section 4. to read "Any excess monies received or interest earned shall . . . be used in accordance with OAR 340-61-034.

Vote on Amendment: The ten Councilors present (Bauer, Collier, Devlin, DeJardin, Gardner, Hansen, McFarland, Van Bergen, Myers and

Ragsdale) voted aye. Councilors Buchanan and Knowles were absent.

Motion carried unanimously.

Vote on Main Motion: A roll call vote was taken resulting in ten Councilors voting in favor of the motion (Bauer, Collier, Devlin, DeJardin, Gardner, Hansen, McFarland, Van Bergen, Wyers and Ragsdale). Two Councilors were absent (Buchanan and Knowles).

The motion carried unanimously.

8. RESOLUTIONS

8.1 Resolution no. 89-1124, For the Purpose of Awarding a Two-Year Contract to Coates Advertising and Public Relations to Design and Implement Portions of the Public Education and Promotion Program for the Solid Waste Reduction Program

Councilor Hansen read the Solid Waste Committee's report which had been included in the agenda packet. He pointed out the purpose of the contract was to motivate the public to increase recycling and reduce waste and that the Committee expected improved recycling markets as a result of the contract.

Motion: Councilor Hansen moved; Councilor Buchanan seconded adoption of Resolution No. 89-1124.

Councilor Van Bergen asked if the contract was in compliance with Metro's contracting ordinance, to which General Counsel Cooper replied affirmatively. Councilor Gardner commented he hoped Coates would not print the informational materials on non-recyclable paper. Councilor Wyers said she strongly supported a public relations campaign to encourage use of two-sided photocopies.

Vote: All 12 Councilors voted in favor of the motion.
The motion carried.

8.2 Resolution No. 89-1113, For the Purpose of Approving a Request for Bids (RFB) Document for Removal of Source Separated Yard Debris from the St. Johns Landfill and Processing the Material into a Product

Councilor Hansen read the Solid Waste Committee report and recommendations. He said adoption of the resolution would initiate a process for establishing a new agreement to remove yard debris from the St. Johns Landfill. He noted the contract was for two

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years, and funds had been budgeted for the contract in FY 1989-90. He said the Committee had asked about contracting opportunities for disadvantaged business enterprises, and the Solid Waste staff had stated the contract could be subcontracted.

Motion: Councilor Hansen moved; seconded by Councilor Devlin to adopt Resolution No. 89-1113.

Councilor Van Bergen noted the former yard debris hauling contract had expired in June, 1988, and asked why the matter had not been addressed prior to this time. Solid Waste Director Bob Martin said while he was not sure of the specific reasons for the delay, he assumed part of the reason was other Department priorities and the necessity to set a rate for clean yard debris. Councilor Collier asked Mr. Martin to research the matter and if it was found the matter had "slipped through the cracks," develop a method to avoid that happening in the future.

Vote: The eleven Councilors present voted in favor of the motion. Councilor McFarland was absent.

The motion carried unanimously.

8.3 Resolution No. 89-1115, Ratifying a Memorandum of Understanding Regarding Consolidation of Regional Convention, Trade, Spectator and Performing Arts Facilities Presently Owned and Operated by the City of Portland and the Metropolitan Service District

Councilor Knowles presented the Convention, Zoo and Visitor Facilities Committee's report and recommendations. He said the memorandum of understanding (MOU) represented the first step towards developing a consolidation plan for facilities owned and operated by the City of Portland and Metro. He said it was a conceptual document intended to provide a framework for the detailed, legal implementing agreement. Councilor Knowles said Metro had been represented in the MOU development and negotiation by its Consolidation Task Force consisting of Presiding Officer Ragsdale as Chair, Executive Officer Rena Cusma, Metro Exposition-Recreation Commission Chair Ted Runstein, Tom Walsh, Chair of the Convention Center Advisory Committee on Design and Construction (ACDC) and himself.

Motion: Councilor Knowles moved; Councilor Buchanan seconded to adopt Resolution No. 89-1115.

Councilors Collier and Gardner raised questions regarding joint approval of the Metro ERC budget by both the City of Portland and Metro. Councilor Knowles emphasized the MOU was conceptual, only, and details of the actual agreement would be worked out by

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attorneys Chris Thomas, representing the City of Portland, and Dan Cooper, representing Metro. He stated the MOU covered Phase 1 operations, only. Councilor Van Bergen said he had voted against the resolution at the Committee level and would vote against the resolution at the Council level because he had misgivings about the MOU. He said the agreement was not legally binding, but it was perceived to be. He questioned the Commission's autonomy and noted the Commission was heavily weighted by those not directly responsible to Metro. Councilor Devlin said although he had concerns about the MOU, he felt he could achieve more by voting in favor of the agreement than against. He said he would like the implementing agreement to provide for: 1) flexibility in Metro ERC appointments; 2) a regional PCPA Advisory Committee; 3) coverage of incurred overhead costs for "central services" and review and oversight; and 4) no diminishment in the Council's oversight authority relative to the Metro ERC. Councilor Devlin requested ongoing updates on the progress of the implementing agreement.

Councilor Ragsdale explained that while the MOU was an agreement for Phase 1, it was clearly understood by both parties that some of those provisions may not apply to Phase 2 including the provision for the method of certain appointments to be made and the advisory committee to the Portland Center for the Performing Arts (PCPA). He noted during the negotiations, concessions had been made by both parties. In reference to the Advisory Committee to the Performing Arts Center, he said the City felt they had an unwritten commitment to the local arts community who helped secure funds for the facility. The City had demanded a subsidy rate for the local arts community, and Metro had yielded to an Advisory Committee. He said the City felt that they should have review opportunity while they owned facilities operated by Metro, and it was understood that once Metro assumed ownership and liability, the City would no longer have that role. Councilor Ragsdale asked the minutes to reflect that appointments to the Metro ERC by classification was not perceived to continue beyond Phase 1, nor City approval of the budget. He also said the Performing Arts Center Advisory Committee was not required to continue beyond Phase 1. Councilor Ragsdale said Bob Ridgley had been instrumental in reaching the agreement and had intervened when negotiations had become stalled. Councilor Knowles said the agreement was a significant achievement for marketing and sales of Oregon facilities and implemented a vision.

Vote: A roll call vote was taken on the motion resulting in eleven Councilors voting aye (Bauer, Buchanan, Collier, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, Wyers and Ragsdale). Councilor Van Bergen voted nay.

The motion carried.

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8.4 Resolution No. 89-1128, For the Purpose of Amending Resolution No. 89-1103 To Add a Citizen to the Composter Community Enhancement Advisory Committee

Motion: Councilor Gardner moved; Councilor Buchanan seconded to suspend Council rules requiring non-referred resolutions introduced at the Council level to be referred to Committee so that Resolution No. 89-1128 could be considered by the Council as a whole.

Vote: All 12 Councilors voted in favor of the motion.

The motion carried.

Councilor Knowles introduced the resolution. He said the resolution would name a City of Portland representative, Commissioner Earl Blumenhauer; add a Central Northeast Neighborhoods representative, Tom Lunday and two citizen-at-large representatives, Tina Christensen and Val Layton.

Motion: Councilor Knowles moved; Councilor Buchanan seconded to adopt Resolution No. 89-1128.

Vote: All 12 Councilors voted in favor of the motion.

The motion carried unanimously.

9. COUNCIL COMMITTEE REPORTS

Councilor Devlin announced a Parks Forum would be held on August 22. Presiding Officer Ragsdale announced Council staff was in the process of organizing a Council policy workshop tentatively scheduled for late September.

There was no other business, and the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Gwen Ware-Barrett

Gwen Ware-Barrett
Clerk of the Council

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