

**MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

**October 12, 1989
Regular Meeting**

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

Councilors Absent: Presiding Officer Mike Ragsdale and Councilor Tom DeJardin

Deputy Presiding Officer Gary Hansen called the meeting to order at 5:35 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Ms. T. R. Factor raised concerns about the Jack Gray Transport contract regarding the Company's ability to complete daily trips without breaking speed limit laws. Mr. George Ward testified regarding that signalized crossings on the Norcal site proposed for the East Transfer Station had been approved. Doug DeVries spoke in favor of revenue bonds for the Jack Gray Transport Company.

3. EXECUTIVE OFFICER COMMUNICATIONS

Richard Engstrom, Deputy Executive Officer, congratulated recipients of recycling achievement awards on behalf of the Executive Officer. Bob Martin, Solid Waste Department Director, briefed the Council on the progress of negotiations with Trans Industries. Mr. Martin said that major issues were indemnification and environmental concerns and that negotiations were progressing on course. Mr. Martin also said that engineering firm Dames and Moore had been hired to review data regarding environmental concerns, Jack Gray Company was in the process of obtaining permits from the Public Utilities Commission and purchasing equipment.

4. CONSENT AGENDA

Deputy Presiding Officer Hansen announced that the following items were on the Consent Agenda:

4.1 Minutes of May 25, 1989

- 4.2 Resolution No. 89-1151, For the Purpose of Approving Right-of-Way Easement for Pacific Power and Light Company for Installation of Electrical Conduit for the Oregon Convention Center
- 4.3 Resolution No. 89-1146, For the Purpose of Establishing the FY 1990-91 Metropolitan Service District Budget Committee and Outlining the FY 1990-91 Proposed Budget Review Process
- 4.4 Resolution No. 89-1147, For the Purpose of Approving the RFP for Financial Advisory Services
- 4.5 Resolution No. 89-1155, For the Purpose of Authorizing Issuance of Request for Bids for Photogrammetric Services at St. Johns Landfill

Councilor Wyers requested that item number 4.3, Resolution No. 89-1146, For the Purpose of Establishing the FY 1990-91 Metropolitan Service District Budget Committee and Outlining the FY 1990-91 Proposed Budget Review Process, be removed from the Consent Agenda. Deputy Presiding Officer Hansen announced that Resolution No. 89-1146 would be heard immediately following Ordinance No. 89-310.

Motion: Councilor Devlin moved, seconded by Councilor Collier to adopt item numbers 4.1, 4.2, 4.4 and 4.5 of the Consent Agenda.

Vote: The nine councilors present voted in favor of the motion. Councilors Bauer, DeJardin and Ragsdale were absent.

The motion carried.

5. SPECIAL ORDERS OF BUSINESS

5.1 Resolution No. 89-1145, Recognizing Recycling Achievements

The Deputy Presiding Officer explained that the awards were being presented as a part of the Recycling Awareness Week celebration.

Motion: Councilor Buchanan moved, seconded by Councilor Devlin to adopt Resolution No. 89-1145.

Vote: The eight councilors present voted in favor of the motion. Councilors Bauer, DeJardin, Ragsdale and Wyers were absent.

The motion carried.

The Deputy Presiding Officer then presented awards to the following individuals and firms: Ed Druback; Peace Mennonite Church/Red Barn Recycling; Fred Meyer, Inc.; Far West Fibers and Allen Hurst/Oregon State Highway Division.

6. ORDINANCES, FIRST READINGS

6.1 Ordinance No. 89-316, For the Purpose of Designating the District's Executive Officer as Metro's Representative for the Purpose of Taking Legal Action to Collect the Past Due Accounts of Credit Customers who Dispose of Solid Waste at Metro-Owned Facilities

The Clerk read the ordinance by title only for a first time. The Deputy Presiding Officer announced that the ordinance was being referred to the Internal Affairs Committee.

6.2 Ordinance No. 89-317, For the Purpose of Amending Metro Code Chapter 3.02, Amending the Regional Wastewater Management Plan and Submitting it for Recertification

The Clerk read the ordinance by title only for a first time. The Deputy Presiding Officer announced that the ordinance was being referred to the Intergovernmental Relations Committee.

6.3 Ordinance No. 89-319, An Ordinance Establishing a Plan for Financing from Time-to-Time of Various Components of the Metropolitan Service District's Solid and Liquid Waste Disposal System; Authorizing the Issuance of One or More Series of Revenue Bonds for such Purpose under the Provisions of Supplemental Ordinances Adopted Pursuant Hereto; and Establishing and Determining Other Matters in Connection Therewith

The Clerk read the ordinance by title only for a first time. The Deputy Presiding Officer announced that the ordinance was being referred to the Solid Waste Committee.

6.4 Ordinance No. 89-320, An Ordinance Enacted as a Supplemental Ordinance to Ordinance No. 89-319; Establishing a Plan for Financing the 1989 Compost Project to Serve as a Part of the Metropolitan Service District's Solid and Liquid Waste Disposal System; Authorizing the Issuance of the 1989 Compost Project Bonds for such Purpose; and Establishing and Determining Other Matters in Connection Therewith

The Clerk read the ordinance by title only for a first time. The Deputy Presiding Officer announced that the ordinance was being referred to the Solid Waste Committee.

6.5 Ordinance No. 89-321, An Ordinance Enacted as a Supplemental Ordinance to Ordinance No. 89-319; Establishing a Plan for Financing the Metro East Transfer Station to Serve as a Part of the Metropolitan Service District's Solid and Liquid Waste Disposal System; Authorizing the Issuance of the Series A System Bonds for Such Purpose; and Establishing and Determining Other Matters in Connection Therewith

The Clerk read the ordinance by title only for a first time. The Deputy Presiding Officer announced that the ordinance was being referred to the Solid Waste Committee.

7. ORDINANCES, SECOND READINGS

7.1 Ordinance No. 89-303, For the Adoption of a Model Purchasing Policy for the Metropolitan Service District Requiring the Purchase of Yard Debris Compost and Sewage Sludge

The Clerk read the ordinance for a second time by title only. The Deputy Presiding Officer announced that the ordinance was first read before the Council on September 14 and referred to the Solid Waste Committee. The Committee held public hearings on September 19 and October 3 and recommended the Council adopt ordinance as amended.

Motion: Councilor Wyers moved, seconded by Councilor Buchanan to adopt Ordinance No. 89-303.

Councilor Wyers presented the Solid Waste Committee's report and recommendations. She said that the Committee had unanimously recommended that the Council adopt the ordinance which would establish a model purchasing policy for the District's employees, contractors and subcontractors for the purchase of yard debris and sewage sludge. She said that the ordinance further outlined a model procurement guidelines for business and governments.

Vote: A roll call vote was taken resulting in the ten councilors present voting aye. Councilors DeJardin and Ragsdale were absent.

The motion carried unanimously.

7.2 Ordinance No. 89-314, Amending Metro Code Section 2.04.040 Relating to Public Contracts, General Provisions to Allow Metro to Enter into an Intergovernmental Agreement with the State of Oregon to Make Purchases from State Price Agreements

The Clerk read the ordinance for a second time by title only. The Deputy Presiding Officer announced that the ordinance was first read before the Council on September 14 and referred to the

Internal Affairs Committee. The Internal Affairs Committee held a public hearing on September 28 and recommended the Council adopt ordinance. Councilor Collier presented the Internal Affairs Committee's report and recommendations. She said adoption of the ordinance would allow the District to enter into an intergovernmental agreement with the State of Oregon to make purchases from State price agreements established by the State through competitive bids. She noted that District would still have to follow existing District procedures for obtaining goods and services.

Motion: Councilor Collier moved, seconded by Councilor Bauer to adopt Ordinance No. 89-314.

Councilor Van Bergen asked if the District would be delegating its responsibilities and if there would be a process for reviewing purchases made under through the price list agreement. Councilor Collier said that the contract reports Councilors received from the Finance and Administration Department were difficult to read and confusing and that Council Administrator Don Carlson would prepare a contract reporting form which would be easily readable. Councilor Collier noted that the State's purchasing policy regarding lowest, responsive bid was identical to Metro's policy. Councilor Hansen noted that the State price list would be considered as only one quote.

Vote: A roll call vote was taken resulting in nine councilors voting aye. Councilors DeJardin, Ragsdale and Wyers were absent.

The motion carried unanimously.

7.3 Ordinance No. 89-310, Amending Ordinance No. 89-294A
Revising the FY 1989-90 Budget and Appropriations Schedule
to Implement the Oregon Laborers International Local 483
Collective Bargaining Agreement

The Clerk read the ordinance for a second time by title only. The Deputy Presiding Officer announced that the ordinance was first read before the Council on September 14 and referred to the Finance Committee. The Committee held a public hearing on September 21 and recommended the Council adopt the ordinance. Councilor Collier presented the Finance Committee's report and recommendations. She said that ordinance was related to Resolution No. 89-1137 and that the ordinance, if adopted, would amend the budget to increase employee wage compensation for members of Laborers International Union Local 483 and Resolution No. 89-1137 would ratify the labor agreement. Councilor Collier said that the labor agreement would implement a 5 percent cost of living increase, make salary adjustments to selected positions and increase health care cost payments. She said the agreement

was consistent with the recently-signed agreement with the American Federation of State and Municipal Employees.

Motion: Councilor Collier moved, seconded by Councilor Buchanan to adopt Ordinance No. 89-310.

Vote: A roll call vote was taken resulting in nine councilors voting aye. Councilors DeJardin, Ragsdale and Myers were absent.

8. RESOLUTIONS

8.1 Resolution No. 89-1137, Ratifying the Labor Agreement Between the Metropolitan Service District and Laborers International Union Local 483

Councilor Collier said that she recommended that Council staff be instructed to prepare correspondence to the Executive Officer directing the administration to, in the future, periodically inform the Council of progress in the negotiations before an agreement is reached. Councilor Devlin said that he concurred with Councilor Collier and that the Council should be consulted regarding the agreement parameters, policy issues and to give direction to the negotiators. Councilor Gardner advised that briefings could be conducted under executive session. John Leahy, Personnel Manager, said that the Council's directive was clear.

Motion: Councilor Collier moved, seconded by Councilor Devlin to adopt Resolution No. 89-1137.

Vote: The eight councilors present voted in favor of the motion. Councilors Bauer, DeJardin, Knowles and Ragsdale were absent.

The motion carried unanimously.

4.3 Resolution No. 89-1146, For the Purpose of Establishing the FY 1990-91 Metropolitan Service District Budget Committee and Outlining the FY 1990-91 Proposed Budget Review Process

Councilor Myers said that she had requested that the Resolution be removed from the Consent Agenda in order to amend the resolution.

Main Motion: Councilor Myers moved, seconded by Councilor Collier to adopt Resolution No. 89-1146.

Motion to Amend: Councilor Myers moved, seconded by Councilor Collier to amend subsection 1.D. of Resolution No. 89-1146 as follows: "Require the Executive Officer

to submit the Proposed Budget to the Council by the first Council meeting in March 4, 1990; (underlining indicates added text; ~~strikeout~~ indicates deleted text).

Vote: The seven councilors present voted in favor of the amendment. Councilors Bauer, DeJardin, Gardner, Knowles and Ragsdale were absent.

Councilor Van Bergen said that he felt that the budget should be considered by the Council as a whole. He said that he did not feel that it was necessary to have citizen members on the Budget Committee and felt that the process had been considerably slowed due to the time spent educating citizen members of the Budget Committee on the budget process. Councilor Wyers disagreed with Councilor Van Bergen and said that she thought the citizens gave valuable input to the process. Councilor Hansen said that he agreed with Councilor Van Bergen.

Vote on Main Motion: Councilors Buchanan, Collier, Devlin, McFarland, Van Bergen and Wyers voted aye. Councilor Hansen voted nay. Councilors Bauer, DeJardin, Gardner, Knowles and Ragsdale were absent.

The motion carried.

8.2 Resolution No. 89-1150. Granting an Exemption from Metro Code Requirement 2.04.060 for Contract with Pacific Power and Light Company for the Purchase and Installation of Transformers in the Oregon Convention Center

The Deputy Presiding Officer announced that the Council, in its capacity as the District's Contract Review Board, would consider the exemption. He then recessed the Council, and convened the Contract Review Board. Councilor Knowles, presented the Convention, Zoo and Visitor Facilities Committee's report and recommendations. He said that the Committee had considered using natural gas, but had decided it would be more economical to use one source of energy.

Motion: Councilor Knowles moved, seconded by Councilor Buchanan to adopt Resolution No. 89-1150.

Vote: The nine councilors present voted aye. Councilors Bauer, DeJardin and Ragsdale were absent.

The motion carried.

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Deputy Presiding Officer Hansen adjourned the Contract Review Board and reconvened the Council.

9. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

Councilor Knowles announced that a presentation from Public Financial Management, Incorporated on the Consolidation Financial Analysis Study had been scheduled for the meeting, however, the PFM representatives were not present. He told councilors that the full report had previously been distributed to them and urged councilors to review the report.

Neil McFarlane, Convention Center Project staff, directed the Council to a memo he had distributed to them dated October 12, 1989 regarding Metro ERC Meeting Issues. The memo has been filed with the meeting record and is incorporated in these minutes by reference. Mr. McFarlane then answered questions from Councilors.

Councilor Van Bergen advised that the Joint Policy Alternatives Committee on Transportation had voted to place a measure to increase vehicle registration fees before the voters in May. He said that the vote would request the funds generated be earmarked for transit and that there would be discussion throughout the region on how the increased funds should be spent.

10. EXECUTIVE SESSION

An Executive Session was convened at 7:35 p.m. under the authority of ORS 192.660(1)(h), for the purpose of discussing possible litigation matters with General Counsel. In attendance were Councilors McFarland, Wyers, Knowles, Gardner, Hansen, Collier, Devlin, Van Bergen and Buchanan; Council Administrator Carlson; General Counsel Dan Cooper and Council Clerk Ware-Barrett. The Executive Session was adjourned and the Council reconvened at 7:40 p.m.

There was no other business, and the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Gwen Ware - Barrett

Gwen Ware-Barrett
Clerk of the Council