

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

January 11, 1990
Regular Meeting

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

Presiding Officer Mike Ragsdale called the meeting to order at 5:30 p.m.

1. ELECTION OF COUNCIL PRESIDING OFFICER

Presiding Officer Ragsdale explained that the procedure for electing the Presiding Officer would be in accordance with Metro Code Section 2.01.010 as follows:

1) Nominations would be received for Presiding Officer; 2) voting would be done by secret ballot; 3) a nominee would have to receive seven votes in order to be elected; 4) the clerk would tally the votes and if seven votes were not cast for one candidate, another ballot would be distributed, and voting would continue until one nominee had received seven votes.

Councilor Knowles nominated Collier for Presiding Officer.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin to declare a unanimous ballot for Councilor Collier.

Vote: All twelve councilors voted in favor of the motion.

The motion carried unanimously.

Councilor Ragsdale thanked the Councilors and Council staff for their efforts during his tenure as Presiding Officer, congratulated Councilor Collier on her election and turned the gavel over to her. Presiding Officer Collier assumed the chair and thanked Councilor Ragsdale for his accomplishments as Presiding Officer. She particularly noted the successful organization of the Council into the committee system, adoption of the Solid Waste Management Plan and the merger of City Exposition-Recreation facilities with Metro. Presiding Officer Collier then announced that Councilor Hansen would be the Deputy Presiding Officer.

2. COMMITTEE REORGANIZATION

2.1 Resolution No. 90-1207, For the Purpose of Reorganizing Council Standing Committees and Making Appointments for 1990

Motion: Councilor Ragsdale moved, seconded by Councilor Buchanan to suspend the Council's rules requiring non-referred resolutions introduced at the Council level to be referred by the Presiding Officer to a Committee so that the Council as a whole could consider Resolution No. 90-1207.

Vote: All twelve councilors voted in favor of the motion.

The motion carried.

Motion: Councilor Ragsdale moved, seconded by Councilor Gardner to adopt Resolution No. 90-1207.

Motion to amend: Councilor Gardner moved, seconded by Councilor Knowles to amend Exhibit B to Resolution No. 90-1207 to change the meeting time of the Convention and Visitor Facilities Committee to 4:00 p.m. and the Intergovernmental Relations Committee meeting time to 6:00 p.m.

Vote on amendment: All twelve councilors voted in favor of the amendment.

The motion carried.

Councilor Ragsdale noted that Resolution No. 90-1207, if adopted, would divide the Convention, Zoo and Visitor Facilities Committee into two separate committees. He said that reasons for the separation were the need to develop long-range strategies for the Zoo, the intent of the Council to seek a tax base, and the increased committee work load associated with facilities consolidation and the Convention Center opening. Councilor Ragsdale said that the separation would represent a more balanced committee workload. He also noted that the Internal Affairs Committee had been abolished because it had served its function which was to provide a committee that could assist in the transition between the Council operating as a committee of the whole and within a legislative committee structure.

Vote on main motion: All twelve councilors voted in favor of the amendment.

The motion carried.

3. INTRODUCTIONS

None.

4. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Ms. Teace Adams, Columbia Region Inter-League Organization, complimented Planning & Development staff on a recently held urban growth conference.

5. EXECUTIVE OFFICER COMMUNICATIONS

5.1 Summary of State of the Region Address

Executive Officer Rena Cusma said that copies of the State of the Region Address which she had delivered to the Portland-Oregon Visitors Association (POVA) earlier in the day had been distributed to councilors.

Ms. Cusma said that the address had been well received by POVA and encouraged councilors to forward to her any comments they may have.

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

6.1 Minutes of July 27 and August 24, 1989

REFERRED FROM FINANCE COMMITTEE

6.2 Resolution No. 90-1174, Approving Contract Documents for Insurance Broker of Record

REFERRED FROM FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEES

6.3 Resolution No. 90-1182, Approving an Agreement with the Intergovernmental Resource Center for Bi-State Policy Advisory Committee Staff

REFERRED FROM INTERGOVERNMENTAL RELATIONS COMMITTEE

6.4 Resolution No. 90-1183, Approving Bi-State Policy Advisory Committee Bylaws

REFERRED FROM SOLID WASTE COMMITTEE

6.5 Resolution No. 90-1190, For the Purpose of Authorizing the Issuance of a Request for Proposals for an Additional Environmental Risk Investigation for the Metro East Transfer Station

6.6 Resolution No. 90-1191, For the Purpose of Authorizing Issuance of a Request for Proposals for Inspection Services at St. Johns Landfill

Councilor Van Bergen asked that agenda item no. 6.5 Resolution No. 90-1190, For the Purpose of Authorizing the Issuance of a Request for Proposals for an Additional Environmental Risk Investigation for the Metro East Transfer Station, be removed from the Consent Agenda. The Presiding Officer announced the item would be added to the agenda after agenda item no. 9.3.

7. ORDINANCES, FIRST READINGS

7.1 Ordinance No. 90-330, For the Purpose of Adopting a Procedure to Include the Ballot Title, Explanatory Statement and Arguments Relating to Certain District Measures in the State Voters' Pamphlet

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Finance Committee.

7.2 Ordinance No. 90-331, An Ordinance Adding Chapter 5.06 to the Metro Code to Provide for a Composter Community Enhancement Program and Creating a Composter Community Enhancement Committee

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

7.3 Ordinance No. 90-326, For the Purpose of Amending the Metro Code Section 4.01.060 Revising Admission Fees and Policies at the Metro Washington Park Zoo

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Zoo Committee with subsequent referral to the Finance Committee.

8. ORDINANCES, SECOND READINGS

8.1 Ordinance No. 90-311, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purpose of Moving Appropriations from Capital Outlay to Materials & Services in Various Funds and Amending Public Affairs Capital Outlay Appropriations

The Clerk read the ordinance by title only for a second time. The Presiding Officer announced that Ordinance No. 90-311 was first read before the Council on December 14, 1989 and referred to the Finance Committee. The Committee held a public hearing on December 21 and recommended the Council adopt the ordinance as amended. Councilor Wyers summarized the Finance Committee's report and recommendations. She said that adoption of the ordinance would correct how expenditures are recorded in various funds based on accepted accounting definitions and transfer \$4,530 from the General Fund contingency to the Public Affairs Capital Outlay fund to finance computer purchases approved and budgeted in fiscal year 1988-89 but received and paid for in fiscal year 1989-90. Councilor Wyers said that the Finance Committee unanimously recommended Council adoption of the ordinance.

Motion: A roll call vote was taken resulting in all twelve councilors voting aye.

The motion carried.

8.2 Ordinance No. 90-327, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purposes of Recognizing New Transportation Planning Grants and Expenditures, Adding Four Positions to the Transportation Department and Increased Capital Computer Needs within the Transportation and Planning and Development Departments

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 90-327 was first read before the Council on December 14, 1989 and referred to the Finance Committee. The Intergovernmental Relations Committee considered the ordinance on December 19 and recommended the Council adopt the ordinance. The Finance Committee held a public hearing on December 21 and recommended the Council adopt the ordinance.

Councilor Devlin reported that the Finance Committee had unanimously recommended the Council adopt the ordinance and that Councilor Van Bergen had requested that the Transportation Department during the FY 1990-91 budget process present a summary of staffing increases since FY 1984-85. Councilor Devlin said that a similar request would be made of all Metro departments.

Councilor Devlin said that the Intergovernmental Relations Committee had also unanimously recommended the Council approve the ordinance and that during their consideration questions were raised regarding the light rail transit community relations staff being assigned to the Transportation Department rather than the Public Affairs Department. He said that the Committee accepted the explanation offered and was assured that the community relations staff would coordinate efforts with the Public Affairs Department, City of Portland and other concerned parties.

Motion: Councilor Devlin moved, seconded by Councilor Bauer to adopt Ordinance No. 90-327.

Councilor Ragsdale announced that the Intergovernmental Relations Committee would be receiving a comprehensive review of the RLIS program on January 23 and invited interested councilors who were not members of the Committee to attend the meeting.

Vote: A roll call vote was taken resulting in all twelve councilors voting aye.

The motion carried.

8.3 Ordinance No. 90-323, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purpose of Providing Staff Services to the Bi-State Policy Advisory Committee

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 90-323 was first read before the Council on November 9, 1989 and referred to the Finance Committee. The Finance Committee considered the ordinance on December 7; on December 19, the Intergovernmental Relations Committee considered the ordinance and recommended Council adoption. The Finance Committee held a public hearing on December 21 and also recommended the Council adopt the ordinance.

Councilor Devlin said that the Finance Committee in its initial review of the ordinance had noted some computational errors which had been corrected to the Committee's satisfaction. Councilor Bauer said that funding would be accomplished through a contractual agreement with Clark County's Intergovernmental Resource Center. Councilor Bauer said that he felt it was a prudent expenditure, and while this funding was only an interim measure. He said that the Bi-State Committee would be exploring long-term staffing and that during Metro's budget process the issue would again be raised.

Motion: Councilor Bauer moved, seconded by Councilor Devlin that the Council adopt Ordinance No. 90-323.

Vote: A roll call vote was taken resulting in all twelve councilors voting aye.

The motion carried.

Presiding Officer Collier congratulated Councilor Bauer on his efforts to make the Bi-State Committee more active than it had previously been. Councilor DeJardin shared positive comments that had been made to him regarding a need to strengthen ties between the Metro region and Clark County.

9. RESOLUTIONS

9.1 Resolution No. 90-1192, Adopting the FY 1989-90 Pay Plan for Zoo Visitor Services Workers

Councilor Wyers said that adoption of Resolution No. 90-1192 would bring the Zoo pay plan in compliance with the State's minimum wage requirement of \$4.25 per hour. She said that the Finance Committee had unanimously recommended adoption of the resolution.

Motion: Councilor Wyers moved, seconded by Councilor Devlin to adopt Resolution No. 90-1192.

Vote: All twelve councilors voted aye.

The motion carried unanimously.

9.2 Resolution No. 90-1188, Consideration of Confirming the Reappointment of Bonnie Kraft to the Investment Advisory Board

Councilor Van Bergen said that the Investment Advisory Board was charged with advising Metro on how to invest its funds that were "in float." He said that largely due to the qualifications of the people who had served on the Board, the District had been well served.

Motion: Councilor Van Bergen moved, seconded by Councilor Devlin to adopt Resolution No. 90-1188.

Councilor Gardner noted that the expiration date of Ms. Kraft's term should be December 31, 1992, rather than October 31, 1992.

Motion to amend: Councilor Gardner moved, seconded by Councilor Van Bergen to amend the resolution to correct the term expiration date to be December 31, 1992.

Vote on amendment: All twelve councilors voted aye.

The motion carried.

Vote on main motion: All twelve councilors voted aye.

The motion carried, and the resolution was adopted.

9.3 Resolution No. 90-1196. Endorsing a Contract with Portland General Electric for Exchange of Digital Information

Councilor Gardner said that adoption of Resolution No. 90-1196 would approve a sole source contract with Portland General Electric for exchange of digital data. He said PGE land parcel data would be used as the foundation for Metro's Regional Land Information System (RLIS); Metro would then add other layers of data to that base. Councilor Gardner said that the agreement provided for PGE to receive \$25,000 in royalties in exchange for the data. Councilor Gardner said that Metro would receive revenue through sale of RLIS data, and in turn pay PGE. If at the end of four years, Metro had received less than \$25,000 through sales, PGE would receive a credit for the balance Metro owed to them which PGE would use against future charges for acquisition of data from Metro. Councilor Gardner said that after the Committee had recommended the Council enter into the agreement, PGE legal staff made some minor revisions to the user agreement. He said that Metro legal staff had reviewed the changes and had deemed them non-substantive.

Motion: Councilor Gardner moved, seconded by Councilor Devlin to adopt Resolution No. 90-1196.

Councilor Bauer said that he supported the resolution and anticipated significant demand for the data from the private sector. He also said that he felt that the \$25,000 royalty was fair and equitable to both parties.

Councilor Ragsdale said that he was concerned about use restrictions on Metro's sale of the data to third parties and asked for clarification. Transportation Director Andy Cotugno explained that the licensing agreement that Metro would sign with purchasers of the information restricted the purchaser from electronically duplicating the data for any purpose other than backup. Councilor Ragsdale said that he wanted to assure that Metro was not restricted in choosing end users, determining the methodology for distribution to end users and that the end user had flexibility in using the data with the exception of duplication for further distribution.

Councilor Ragsdale asked if Metro were restricted in any way in selling data to a third party. Mr. Cotugno replied that the agreement restricted Metro from selling the data in digital form to any non-member government or individual without PGE's approval.

Motion to refer: Councilor Knowles moved, seconded by Councilor Gardner to refer Resolution No. 90-1196 back to the Intergovernmental Relations Committee.

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

The motion failed to carry.

Mr. Cotugno said that staff would get a letter from PGE clarifying the terms of the third party sale.

Vote on main motion: The eleven councilors present voted aye. Councilor Wyers was absent.

The motion carried, and the resolution was adopted.

6.5 Resolution No. 90-1190, For the Purpose of Authorizing the Issuance of a Request for Proposals for an Additional Environmental Risk Investigation for the Metro East Transfer Station

Councilor Van Bergen said that he thought the proposal's scope of work was too narrow. He questioned why only lead and chromium contamination was being evaluated and why the test area was limited to six inches below the surface and only in the northwest portion of the property. Councilor Hansen said that the purpose of the request for proposal was to answer some questions that were raised during an earlier study performed by Dames and Moore. Councilor Hansen said that lead and chromium levels were being measured because the earlier Dames and Moore report had indicated that those were the two contaminants with which Metro should be most concerned. Councilor Hansen said that due to the construction schedule he would encourage the Council to approve the resolution and if there were other concerns, councilors submit those to the Solid Waste Committee and amendments to the scope of work could be made. Mr. Martin said that the intent of the proposal was to develop a more clear understanding of data that already existed.

Motion: Councilor DeJardin moved, seconded by Councilor Hansen to adopt Resolution No. 90-1190.

Vote: Nine councilors voted aye. Councilors McFarland and Van Bergen voted nay. Councilor Wyers was absent.

The motion carried.

10. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

Councilor Gardner reported that the Space Planning Task Force appointed by the Council had met with the Director of Finance and Administration and had recommended relocating the Presiding Officer's office to the office formerly occupied by Finance and Administration Director. He said the Task Force also recommended the Presiding Officer appoint a task force to look at long-term space needs. Councilors Ragsdale and Van Bergen said that they supported investigating another building with a better

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geographic location and physical layout conducive to this form of government.

Councilor Devlin reported that the recently held Urban Growth Forum had been successful and well attended.

Councilor Hansen said that he had attended the opening of the Arlington Landfill on January 2, and that Metro had been well received by the Arlington community.

The Presiding Officer announced that since adoption of Resolution No. 90-1207 created a Zoo Committee and eliminated the Internal Affairs Committee, she was referring the two items that were in the Convention, Zoo and Visitor Facilities Committee pertaining to the Zoo (Ordinance No. 90-329, Submitting a Metropolitan Service District Tax Base Measure for the Metro Washington Park Zoo, and Resolution No. 90-1194, Approving the Zoo Five-Year Financial Plan and Submitting a Metropolitan Service District Zoo Capital Serial Levy to District Voters) to the Zoo Committee and that she was referring the one item pending in the Internal Affairs Committee, Ordinance No. 90-322, For the Purpose of Amending Metro Code Chapter 2.01 Relating to an Appointment to Fill a Vacancy on the Council, to the Intergovernmental Relations Committee.

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

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