

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

February 8, 1990
Regular Meeting

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

Councilors Absent: Councilors Ruth McFarland and Judy Wyers

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

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

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

4.1 Minutes of November 9 and 21, 1989

4.2 Resolution No. 90-1209, Appointing Alice Schlenker to the Urban Growth Boundary Policy Advisory Committee

The Presiding Officer announced that the Clerk had received from Councilor Devlin a minor correction to the minutes of November 21, which had been distributed to them and would be considered part of a motion for adoption of the Consent Agenda.

Motion: Councilor Van Bergen moved, seconded by Councilor Ragsdale to adopt the Consent Agenda as corrected.

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

The motion carried.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 90-333, An Ordinance for the Purpose of Imposing an Excise Tax

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that she was referring the ordinance to the Council Finance Committee for public hearings. She announced that in order for the tax to be effective on July 1, 1990, the Council must adopt the ordinance no later than March 22. She said that the public hearings would be held before the Finance Committee on February 15 and March 1 and that on March 8 the ordinance would have a second reading and Council action as appropriate.

Mr. Phil Dreyer, a citizen, asked if the ordinance would be referred to the voters. Councilor Van Bergen said that he was awaiting a legal opinion from General Counsel, but it was his understanding that the measure did not require voter approval. Councilor Van Bergen said that after the hearings, the Committee would decide whether or not to recommend submission to the voters and that the Council as a whole would make the decision.

5.2 Ordinance No. 90-335, AN EMERGENCY ORDINANCE For the Purpose of Correcting the Ballot Title for the Metro Zoo Tax Base Ballot Measure and Declaring an Emergency

The Clerk read the ordinance for a first time by title only. General Counsel Dan Cooper explained the procedure for emergency ordinances. He said that Council rules require two readings on an ordinance and prior publication that the ordinance has been placed on the agenda, unless the ordinance is to meet an emergency situation. Mr. Cooper said that if the purpose of the ordinance was to meet an emergency, and the reasons requiring immediate action were stated in the ordinance, then the Council could act on the ordinance at a first reading.

Mr. Cooper said that the ballot title adopted by Ordinance No. 90-335 contained eleven words, and the maximum allowed was ten. He said that in order to have the ballot title and explanatory statement published in the Voters' Pamphlet, the statutory deadline for receipt of the information was 5:00 p.m., February 22 which would be prior to the Council's next regularly-scheduled meeting. He also said that the ordinance should be acted upon as soon as possible in order to allow adequate time to resolve any ballot title challenge that may arise.

Motion: Councilor DeJardin moved, seconded by Councilor Devlin to adopt Ordinance No. 90-335.

Vote: A roll call vote was taken, resulting in the nine councilors present voting aye. Councilors Bauer, McFarland and Wyers were absent.

The ordinance was adopted by unanimous vote.

6. RESOLUTIONS

6.1 Resolution No. 90-1214. For the Purpose of Approving a Contract with KPMG Peat Marwick for Performance Audit Services

Councilor Gardner presented the Finance Committee's report and recommendations. He said that a task force had helped develop a Request for Proposal document for performance auditing services and subsequently assisted in evaluating the proposals. Councilor Gardner said that five proposals had been received, and the proposal submitted by KPMG Peat Marwick had been selected. He said that the functions to be audited were support services, financial management, contract administration, construction management, data processing and personnel. He said that the Committee had selected the Peat Marwick proposal because they felt it superior in the depth of experience of their personnel and the breadth of experience of the firm. He said that the Committee also thought there may be a potential for cost saving because Peat Marwick was also Metro's financial auditor, and that had indeed proven true, because Peat Marwick had identified some follow-up work they would perform at no charge to Metro.

Motion: Councilor Gardner moved, seconded by Councilor Van Bergen to adopt Resolution No. 90-1214.

Councilor Van Bergen thanked the citizen members of the task force. Councilor Devlin said that the Finance Committee encouraged other councilors to stay involved in the performance audit activities. Councilor Van Bergen also noted the Executive Officer's cooperation.

Vote: All ten councilors present voted aye. Councilors McFarland and Wyers were absent.

The motion carried.

6.2 Resolution No. 90-1212. Appointing the Joint Policy Advisory Committee on Transportation and the Urban Growth Management Policy Advisory Committee as the Local Government Dues Committee

Councilor Gardner presented the Intergovernmental Relations Committee's report and recommendations. He said that Metro was

required to consult with local governments before assessing dues. He said that in previous years, a special purpose advisory committee made up of local government elected officials had been convened. However, since both the Joint Policy Advisory Committee on Transportation (JPACT) and Urban Growth Management Policy Advisory Committee (UGM PAC) were comprised of elected local government officials, it was desired to appoint that joint group as the Local Government Dues Committee.

Motion: Councilor Gardner moved, seconded by Councilor Devlin to adopt Resolution No. 90-1212.

Councilor Bauer commented that he supported the proposal because he felt that through JPACT and UGM PAC, Metro had obtained broad-based local participation. He said that he felt the resolution represented another opportunity to incorporate that local participation.

Vote: The ten councilors present voted aye. Councilors McFarland and Wyers were absent.

The motion carried.

6.3 Resolution No. 90-1216, Authorizing an Exemption to Metro Code Chapter 2.04.043 Competitive Bidding Procedures and Authorizing Payment of Purchase Order No. 5529FM to the Best Lock Company Under Metro Code Chapter 2.04.060 Sole Source Contract Provisions

The Presiding Officer announced that in accordance with Metro Code Chapter 2.04.060, sole source contracts exceeding \$2,500 must receive a specific exemption from public bidding by the Contract Review Board. She recessed the Council, and convened the Contract Review Board.

Councilor DeJardin, presented the Zoo Committee's report and recommendations. He said that Best Lock Company had a patent on the locks they had installed at the Zoo. Because of new construction and maintenance at the Zoo it had become necessary to install some new locks and recore other existing locks. Councilor DeJardin said that the work had previously been authorized and paid through purchase orders, however the Council's change in contract rules now required authorization of a sole source contract exemption.

Motion: Councilor DeJardin moved, seconded by Councilor Buchanan to adopt Resolution No. 90-1216.

Vote: The ten councilors present voted aye. Councilors McFarland and Wyers were absent.

The motion carried.

The Presiding Officer adjourned the Contract Review Board and reconvened the Council.

7. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

Councilor Van Bergen advised the Council that he had distributed a memo to them regarding the budget review process and schedule. He said that he had met with Executive Officer Cusma and that she had agreed with the process and schedule. He said that each of the functional committees would forward to the Budget Committee their recommendations for program priorities. He said that he would be meeting with department heads to advise them of the schedule and process.

Councilor Bauer said that he would like the Council to discuss goals and policy direction prior to the budget cycle. Councilors Bauer and Devlin would coordinate selecting a date for the retreat.

Councilor Devlin said that he felt that there should be a closer association and identification between the Metro Council and the Metro Exposition-Recreation Commission (Metro ERC). He said that he may forward a resolution requiring Council confirmation hearings for Metro E-R Commissioners.

Councilor Knowles announced that the February 13 Convention and Visitor Facilities Committee meeting had been cancelled due to lack of significant agenda items.

Councilor Gardner said that he agreed with Councilor Devlin regarding a closer relationship between the Metro Council and Metro ERC. He said that he felt a series of hearings would enable the councilors to become better informed about the appointees, and he felt that a good forum to accomplish that would be through a model similar to the legislative confirmation hearing process. Presiding Officer Collier advised Councilors Devlin and Gardner to discuss the matter with the Convention and Visitor Facilities chairperson, and forward legislation, as appropriate.

Councilor Hansen said that the Finance Committee had considered and tabled Ordinance No. 90-328 relating to a Construction Coordinator Position for solid waste facilities. Subsequently, at the request of the Solid Waste Committee, the Finance Committee had removed the ordinance from the table and a motion to recommend Council adoption failed to carry.

Motion: Councilor Hansen moved, seconded by Councilor Buchanan for Ordinance No. 90-328 to be scheduled on the next Council agenda for consideration by the Council as a whole.

Vote: Six councilors voted in favor of the motion. Councilors Knowles, Ragsdale, Van Bergen and Collier voted nay. Councilors McFarland and Wiers were absent.

The motion carried.

Councilor Ragsdale announced that during the full Council's consideration of Ordinance No. 90-328, he would move to refer the ordinance to committee since he felt that discussion of substantive policy and amendments belonged at the committee, rather than Council, level.

There was no other business, and the meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Gwen Ware-Barrett

Gwen Ware-Barrett
Clerk of the Council