

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

**September 27, 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, David Saucy, Jr., George Van Bergen and Judy Wyers

Councilors Absent: Ruth McFarland

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

1. INTRODUCTIONS

1.1 Resolution No. 90-1330, For the Purpose of Expressing Appreciation to Convention Center Project Office Staff for Excellent Work on Behalf of the Metropolitan Service District.

Motion: Councilor Buchanan moved, seconded by Councilor Knowles to suspend the Council's rules requiring resolutions introduced at the Council level to be referred to Committee in order that the Council as a whole may consider Resolution No. 90-1330.

Vote: The ten councilors present voted in favor of the motion. Councilors Devlin and McFarland were absent.

The motion carried unanimously.

Motion: Councilor Knowles moved, seconded by Councilor Gardner to adopt Resolution No. 90-1330.

Councilor Knowles read the resolution.

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

The motion carried.

The Presiding Officer and Executive Officer congratulated the staff and presented signed copies of the resolution to the project staff.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Dr. James DeYoung and Pastor Hiro Yokai expressed opposition on behalf of the Saltshakers to the display of the temple bells at the Oregon Convention Center. Dr. DeYoung said that he felt that

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the bells were primarily a religious symbol, and therefore inappropriate for display at a public building.

3. EXECUTIVE OFFICER COMMUNICATIONS

The Executive Officer announced that Government Relations Manager Greg McMurdo had resigned effective the first week in November.

4. CONSENT AGENDA

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

4.1 Minutes of June 14, 1990

4.2 Resolution No. 90-1315, For the Purpose of Adopting the FY 1991 to Post 1994 Transportation Improvement Program and the FY 1991 Annual Element

4.3 Resolution No. 90-1321, For the Purpose of Confirming Appointments to the Parks & Natural Areas Policy Advisory Committee

4.4 Resolution No. 90-1319, For the Purposes of Recognizing Recycling Achievement in the Metro Region

Motion: Councilor DeJardin moved seconded by Councilor Devlin to adopt the Consent Agenda.

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

The motion carried.

5. ORDINANCES, FIRST READING

5.1 Ordinance No. 90-361, 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 for a first time by title only. The Presiding Officer announced that Ordinance No. 90-361 had been referred to the Intergovernmental Relations Committee.

5.2 Ordinance No. 90-364, an Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule to Fund a Tri-Met Merger Services Study

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the draft ordinance and contract

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had been reviewed by the Intergovernmental Relations Committee. She referred Ordinance No. 90-364 to the Finance Committee.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 90-360A, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for Adding One Full Time Associate Management Analyst (.75 FTE) in the Personnel Division

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 90-360 was first read before the Council on August 23 and referred to the Finance Committee. The Finance Committee held a public hearing on the ordinance on September 6 and recommended the Council adopt the ordinance as amended.

Motion: Councilor Devlin moved, seconded by Councilor Wyers to adopt Ordinance No. 90-360A.

Councilor Devlin presented the Finance Committee's report. He said that the ordinance would add one full time management analyst and amend the budget to fund the position. He said that the person would spend 65 percent of their time on workmen's compensation issues, 10 percent on agency safety issues and 25 percent on recruitment. Councilor Devlin said that in the workmen's compensation area \$345,000 was budgeted, and Metro had potential exposure liability of \$782,000. Councilor Devlin said that a budget note required the effectiveness of the program to be evaluated in one year.

The public hearing was opened and closed, no testimony was offered.

Councilor Saucy, Jr. said that he questioned whether it was advisable to add staff for that purpose at this time. He suggested contracting for the services.

Vote: A roll call vote was taken. Councilors Knowles, Saucy, Jr. and Van Bergen voted nay. Councilor McFarland was absent, and the other eight councilors voted in favor of the ordinance, favor of the motion.

The motion carried.

6.2 Ordinance No. 90-359, For the Purpose of Adopting the Plan Development and Amendment Chapter of the Regional Solid Waste Management Plan

The Clerk read the ordinance for a second time be title only. The Presiding Officer announced that Ordinance No. 90-359 was first read before the Council on August 23 and referred to the Solid Waste Committee. The Committee held a public hearing on the ordinance on September 4 and recommended the Council adopt the ordinance.

Motion: Councilor DeJardin moved, seconded by Councilor Wyers to adopt Ordinance No. 90-359.

Councilor DeJardin presented the Solid Waste Committee's report. He said that the ordinance would add a chapter to the Solid Waste Management Plan that prescribed the process by which the Plan would be updated or changed. He said that all changes to the Plan would be by Council adoption of an ordinance. He said that the adoption process would be the same as for any other ordinance.

The public hearing was opened and closed, no testimony was offered.

Councilor Devlin asked about the role of the Solid Waste Policy Advisory Committee. Councilor DeJardin said that the Policy Advisory Committee was an adjunct to the Solid Waste Committee.

Vote: A roll call vote was taken. Councilor McFarland was absent; the other eleven councilors present all voted in favor of the motion.

The motion carried unanimously.

6.3 Ordinance No. 90-362A, For the Purpose of Creating Chapter 5.07 Adopting a Program to Provide Recycling Credits to Eligible Nonprofit Organizations and Amending Ordinance No. 90-340A Adopting the Fiscal Year 1990-91 Metro Budget and Authorizing Funds for this Program

The Clerk read the ordinance for a second time be title only. The Presiding Officer announced that Ordinance No. 90-362 was first read before the Council on August 23 and referred to the Solid Waste Committee with subsequent referral to the Finance Committee. The Solid Waste Committee held a public hearing on the ordinance on September 18 and recommended the Finance Committee support their proposed amendments and recommendations to Council. The Finance Committee held a public hearing on the amended ordinance on September 19 and recommended the Council adopt the ordinance as amended.

Motion: Councilor DeJardin moved, seconded by Councilor Wyers to adopt Ordinance No. 90-362A.

Councilor DeJardin presented the Solid Waste Committee's report. Councilor DeJardin said that in the past the Council had rejected recycling credit programs due to issues of eligibility and program administrative guidelines. He said that he felt that Ordinance No. 90-362A adequately addressed those issues and additionally addressed issues regarding separation of church and state. Councilor DeJardin said that in the current fiscal year cost for the program would be approximately \$175,000.

Councilor Wyers presented the Finance Committee's report and recommendation. Councilor Wyers said that savings on construction and unanticipated revenue would fund the program. Councilor Wyers said that the program would become part of the Waste Reduction Program. Councilor Wyers pointed out that the Solid Waste Department had stated that it may have other unanticipated expenses at which time a budget adjustment would be necessary.

The public hearing was opened. Cheryl Gallison said that she represented the Coalition for Non-Profit Rehabilitation Organizations. She said that the Coalition supported the ordinance. There was no other testimony offered, and the public hearing was closed.

Councilor Bauer spoke in favor of the ordinance and thanked the Coalition for the correspondence and information the Coalition had provided him. Councilor DeJardin said that he strongly supported the ordinance and felt that it would make a significant contribution to the community.

Councilor Devlin said that in the near future, the Council should determine to what extent it was going to subsidize recycling and waste reduction efforts. Councilor Devlin also said that the Council should consider guidelines to determine which groups it would subsidize. Councilor Hansen said that the Council should continue to evaluate and re-evaluate the program. Councilor Wyers said that she supported the ordinance because it would be mutually beneficial.

Vote: A roll call vote was taken. Councilor McFarland was absent; the other eleven councilors present all voted in favor of the motion.

The motion carried unanimously.

7. RESOLUTIONS

7.1 Resolution No. 90-1307, For the Purpose of Confirming the Appointment of Metro's Representatives to the Oregon Tourism Alliance Board

Motion: Councilor Knowles moved, seconded by Councilor Devlin to adopt Resolution No. 90-1307.

Councilor Knowles presented the Convention and Visitor Facilities Committee's report and recommendations. Councilor Knowles said that the resolution would appoint Karen Whitman as Metro's representative and himself as the alternate.

Vote: The eight councilors present voted aye. Councilors DeJardin, Hansen, McFarland and Wyers were absent.

The motion carried.

7.2 Resolution No. 90-1302, Establishing a Policy to Guide Distribution of RLIS Products and Services

Motion: Councilor Gardner moved, seconded by Councilor Bauer to adopt Resolution No. 90-1302.

Councilor Gardner said that the Intergovernmental Relations Committee had unanimously recommended the Council adopt the resolution. He said that the policy directs how and to whom RLIS products and services would be distributed.

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

The motion carried.

7.3 Resolution No. 90-1326, For the Purpose of Authorizing Entering into an Intergovernmental Agreement Regarding Coordination of Decision-Making for the Westside Project and the Hillsboro Project

Motion: Councilor Bauer moved, seconded by Councilor Buchanan to adopt Resolution No. 90-1326.

Councilor Bauer said that eight jurisdictions were involved in the Westside and Hillsboro transportation projects. He said that it was anticipated that legal actions would be undertaken by groups or individuals opposed to the project. Councilor Bauer said that the intergovernmental agreement provided that if legal action were commenced against one of the eight jurisdictions, all eight jurisdictions would participate.

Vote: The ten councilors present voted in favor of the resolution. Councilor McFarland and Hansen were absent.

The motion carried unanimously.

7.4 Resolution No. 90-1327, For the Purpose of Reaffirming Support of the November 6 Light Rail Bond Measure, Ballot Measure 26-1

Motion: Councilor Gardner moved, seconded by Councilor Devlin to adopt Resolution No. 90-1327.

Councilor Gardner said that he felt that the bond measure was important to growth in the region. Councilors Wyers and Knowles spoke in favor of the measure. The Presiding Officer directed a press release be prepared.

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

The motion carried.

7.5 Resolution No. 90-1320, For the Purpose of Authorizing an Intergovernmental Agreement with Clackamas County to Provide Litter Collection Services

Motion: Councilor Saucy, Jr. moved, seconded by Councilor Buchanan to adopt Resolution No. 90-1320.

Councilor Saucy, Jr. presented the Solid Waste Committee's report and recommendations. He said that Clackamas County had previously provided the services for road side litter collection near Metro South. He pointed out that the contract had expired over a year ago, however the County was still being paid. He requested that auditors review payment procedures and determine how the payments could have been paid.

Councilor Gardner expressed concern that payments had been made without existing contracts. He said that he was pleased that the Solid Waste Department had been selected for performance review. Councilor Hansen suggested that the Finance Committee review contracting procedures. The Presiding Officer directed the Finance Committee to place a discussion of contracting procedures on a future agenda.

Councilor Van Bergen questioned whether Clackamas County was performing on the contract. He said that the State of Oregon collected litter along the roadside, and Metro contractors collected litter around the transfer station. The Solid Waste Committee was directed to review the terms and performance on the contract.

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Vote: Ten of the eleven councilors present voted in favor of the motion. Councilor McFarland was absent, and Councilor Knowles voted nay.

The motion carried.

8. EXECUTIVE SESSION

The Presiding Officer recessed the Council at 7:35 and convened an Executive Session under the authority of ORS 192.660(1)(h). In attendance were Presiding Officer Collier; Councilors Bauer, Buchanan, DeJardin, Devlin, Gardner, Hansen, Knowles, Saucy, Jr., Van Bergen and Wyers; General Counsel Cooper; Council Administrator Carlson and the Clerk of the Council.

The Presiding Officer adjourned the Executive Session at 8:00 p.m. and reconvened the Council.

9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

9.1 Tri-Met Merger

Councilor Gardner reported that consultant work was continuing. He said that although the Merger Subcommittee would not be meeting until after the election, dialogue between representatives would be ongoing.

There was no other business, and the meeting was adjourned at 8:14 p.m.

Respectfully submitted,


Gwen Ware-Barrett
Clerk of the Council

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