

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

January 9, 1992

Council Chamber

Councilors Present: Presiding Officer Jim Gardner, Deputy Presiding Officer Judy Wyers, Roger Buchanan, Tanya Collier, Richard Devlin, Tom DeJardin, Sandi Hansen, David Knowles, Ruth McFarland, Susan McLain and George Van Bergen

Councilors Absent: Larry Bauer

Also Present: Executive Officer Rena Cusma

Presiding Officer Collier called the meeting to order at 5:31 p.m.

1. ELECTION OF COUNCIL PRESIDING OFFICER

Presiding Officer Collier announced that the Council Presiding Officer for calendar year 1992 would be elected according to Metro Code Section 2.01.010. She explained nominations for Presiding Officer would be received and voting would be done by written ballot. She said election nominations did not require seconding motions. She said a nominee must receive seven votes in order to be elected. She announced if seven votes were not cast for one candidate, another ballot would be distributed and the voting would continue until one nominee had received seven votes.

Presiding Officer Collier asked for nominations.

Motion: Councilor Devlin moved to nominate Councilor Gardner for Presiding Officer for 1992.

Presiding Officer Collier asked if there were any other nominations. There were no further nominations.

Motion: Councilor Knowles moved, seconded by Councilor Buchanan, to close the nominations.

Vote: Councilors Buchanan, Collier, Devlin, Gardner, Hansen, Knowles, McFarland, Van Bergen and Wyers voted aye on the nomination to elect Councilor Gardner. Councilors Bauer, DeJardin and McLain were absent. The vote was unanimous and Councilor Gardner was elected Council Presiding Officer for calendar year 1992.

Councilor Collier turned the gavel over to Presiding Officer Gardner.

Presiding Officer Gardner thanked the Council and said it was an honor to be elected. He said to serve as Presiding Officer would be challenging and that he cared deeply about the issues. He said he wanted everyone on the Council to express their opinions openly and come together to reach consensus on the issues. He announced he had appointed Councilor Wyers to serve as Deputy Presiding Officer for calendar year 1992.

Presiding Officer Gardner presented Councilor Collier with a plaque commemorating her service on the Council as Presiding Officer for calendar years 1990 and 1991. Presiding Officer Gardner thanked Councilor Collier for her years of service as Presiding Officer.

Councilor Collier thanked Presiding Officer Gardner and the Council. She also thanked Council Department staff for their support and expressed regret at Councilor Knowles' impending resignation.

## 2. NON-REFERRED RESOLUTIONS

### 2.1 Resolution No. 92-1553, For the Purpose of Reorganizing Council Standing Committees, Making Appointments for 1992 and Setting Meeting Schedules

Presiding Officer Gardner introduced Resolution No. 92-1553 and said the resolution reorganized Council standing committees, made appointments for 1992 and set meeting schedules.

Motion to Suspend: Councilor Wyers moved, seconded by Councilor Wyers to suspend the Council's rules requiring that resolutions be referred by committee so that the Council as a whole could consider Resolution No. 92-1553.

Main Motion: Councilor Buchanan moved, seconded by Councilor Devlin, for adoption of Resolution No. 92-1553.

Vote on Main Motion: Councilors Buchanan, Collier, Devlin, Hansen, Knowles, McFarland, Van Bergen, Wyers and Gardner voted aye. Councilors Bauer, DeJardin and McLain were absent. The vote was unanimous and Resolution No. 92-1553 was adopted.

### 2.2 Resolution No. 92-1541, For the Purpose of Confirming the Reappointment of Ron Kawamoto to the Metropolitan Exposition-Recreation Commission

Motion to Suspend: Councilor Knowles moved, seconded by Councilor Wyers, to suspend the Council's rules requiring that resolutions be referred by committee so that the

Council as a whole could consider Resolution No. 92-1541.

Vote on Motion to Suspend: Councilors Buchanan, Collier, Devlin, Hansen, Knowles, McFarland, Van Bergen, Wyers and Gardner voted aye. Councilors Bauer, DeJardin and McLain were absent. The vote was unanimous and the motion to suspend the rules passed.

Main Motion: Councilor Knowles moved, seconded by Councilor Wyers, for adoption of Resolution No. 1541.

Executive Officer Cusma said she was pleased to forward Commissioner Kawamoto's name to the Council for reappointment.

Vote on Main Motion: Councilors Buchanan, Collier, Devlin, Hansen, Knowles, McFarland, Van Bergen, Wyers and Gardner voted aye. Councilors Bauer, DeJardin and McLain were absent. The vote was unanimous and Resolution No. 92-1553 was adopted.

2.3 Resolution No. 92-1554, For the Purpose of Expressing Appreciation to David Knowles for Services Rendered to the Council of the Metropolitan Service District

Motion to Suspend: Councilor Wyers moved, seconded by Councilor Collier, to suspend the Council's rules requiring that resolutions be referred by committee so that the Council as a whole could consider Resolution No. 92-1554.

Vote on Motion to Suspend: Councilors Buchanan, Collier, Devlin, Hansen, Knowles, McFarland, Van Bergen, Wyers and Gardner voted aye. Councilors Bauer, DeJardin and McLain were absent. The vote was unanimous and the motion to suspend the rules passed.

Presiding Officer Gardner read the resolution for the record.

Main Motion: Councilor Wyers moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1554.

Vote: Councilors Buchanan, Collier, Devlin, Hansen, Knowles, McFarland, Van Bergen, Wyers and Gardner voted aye. Councilors Bauer, DeJardin and McLain were absent. The vote was unanimous and Resolution No. 92-1541 was adopted.

Executive Officer presented Councilor Knowles with the Medal of the Executive Officer which she said was inscribed with the words,

"David Knowles, Councilor, November 1986 to January 1992, man of service and abilities, he would not leave until charting a course for regional facilities."

Councilor Knowles thanked Executive Officer Cusma for the medal and the Council for the resolution expressing appreciation for his services rendered to the Metropolitan Service District. He expressed regret about leaving the Council. He thanked Council Department and Administrative staff for their efforts.

3. INTRODUCTIONS

None.

4. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None.

5. EXECUTIVE OFFICER COMMUNICATIONS

None.

6. ORDINANCES, FIRST READINGS

6.1 Ordinance No. 92-446, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding One Full Time FTE Lead Accounting Clerk in the Finance and Management Information Department for PERS Administration

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced that Ordinance No. 92-446 had been referred to the Finance Committee for consideration.

6.2 Ordinance No. 92-447, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Recognizing New Grants and Authorizing Six New Positions in the Transportation Department

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced that Ordinance No. 92-447 had been referred to the Finance Committee for consideration.

6.3 Ordinance No. 92-441, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 91-1: Dammasch

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The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced the Council would consider Ordinance No. 92-441 in its capacity as a quasi-judicial decision-maker. He announced the Council previously took action on this case via adoption of Resolution No. 91-1496, For the Purpose of Expressing Council Intent to Amend Metro's Urban Growth Boundary for Contested Case No. 91-1: Dammasch, on September 26, 1991.

Ethan Seltzer, Regional Planning Supervisor, said the Council previously heard the details of this case via Resolution No. 91-1496 on September 26, 1991, and the amendment involved the lands surrounding Dammasch Center and the Callaghan State Training Center near Wilsonville. He said since September 26, the Boundary Commission had acted to bring the property into the Metropolitan District Boundary and into the City of Wilsonville, that the property was under Metro jurisdiction and the Council could act to amend the Metro Urban Growth Boundary (UGB) as indicated in the resolution.

Mr. Seltzer noted the ordinance contained a condition included by staff to address concerns raised by 1000 Friends of Oregon which was made part of Resolution No. 91-1496 also.

Councilor Van Bergen announced he discovered this date that he knew some of the parties involved in this case and removed himself from consideration of the ordinance.

Presiding Officer Gardner opened the public hearing.

No persons appeared to testify on the case and the public hearing was closed.

Presiding Officer Gardner announced Ordinance No. 92-441 would receive a second hearing at the January 23 Council meeting.

7.1 Resolution No. 92-1543A, For the Purpose of Establishing a Procedure for Metro Service District Response to Positions on Governance Under Consideration or Endorsed by the Metropolitan Service District Charter Committee

Motion: Councilor Devlin moved, seconded by Councilor Collier, for adoption of Resolution No. 92-1543A.

Councilor Devlin gave the Governmental Affairs Committee's report and recommendations. He explained the resolution contained a statement by the Council on the function, structure and financing of the District. He said the Council and Executive Officer Cusma were in agreement on the statement. He said the statement included

comments on Metro's general purpose and expanded more clearly on ORS Ch. 268 language on the general purpose of the District. He said the resolution said existing functions already provided by state statute should be continued, utilized the Charter to gain voter approval of those statutory functions where voter approval was required; left in the same qualifications for adding new functions to the District because existing statutory language allowed those to be added; but also included a new provision not contained in statutory language - a comment by the Council and the Executive Officer that it was important when adding new functions, whether they were planning or service functions, that local governments be consulted on the process. He said the resolution stated the Council's and Executive Officer Cusma's support of the current structure and separation of powers. He said the resolution did not directly address what the size of the Council should be. He said the Council had stated in the past that if the Council did become a full-time elected body, its number should be no less than nine members to provide for geographic diversity because of the size of the region. He said the Council should also not expand beyond 21 part-time Councilors. He said the resolution asked for a general grant of taxing authority for financing purposes.

Councilor Devlin said it was originally planned to present this resolution on January 18, but noted that date had changed because the Charter Committee would hear testimony from invited bodies only. He said the Charter Committee would hear the Council's comments on January 30.

Councilor Buchanan announced he would vote nay on the resolution because of the variations in the size of the Council suggested. He expressed satisfaction with the size of the current Council size and part-time status.

Executive Officer Cusma reiterated her support for the resolution. She said it was a working document, but said it was important for the Charter Committee to hear hers and the Council's position at this time. She noted the resolution stated a range of options only on the current size and status of the Metro Council for the Charter Committee's review.

Presiding Officer Gardner concurred with Councilor Buchanan's concern on the size of the Council. He did not want the resolution to be interpreted as supporting a change.

Vote: Councilors Collier, DeJardin, Devlin, Hansen, Knowles, McParland, McLain, Van Bergen, Wyers and Gardner voted aye. Councilor Buchanan voted nay. Councilor Bauer was absent. The vote was 10 to 1 in favor and Resolution No. 92-1543A was adopted.

7.2 Resolution No. 92-1546, For the Purpose of Authorizing Issuance of a Request for Bids for the Construction of an Improved Cover System, Gas Collection System, and Stormwater Collection System on a Portion of St. Johns Landfill

Motion: Councilor McFarland moved, seconded by Councilor Wyers, for adoption of Resolution No. 92-1546.

Councilor McFarland gave the Solid Waste Committee's report and recommendations. Using a map of the site, she explained the RFB would procure a contract to construct improved cover, gas, and stormwater collection systems for Subarea 1, a portion of the power line corridor, and a portion of Subarea 2. She said each bidder would be requested to submit an alternative bid for the construction of a methane gas collection system on the areas proposed. She said that requirement would give Metro the option of using one of the bidders or one of the methane gas recovery project proposers for construction of the collection system.

Councilor Van Bergen asked about Environment Protection Agency (EPA) requirements. Linda Pang-Wright, Associate Engineer, said Metro would work closely with the Department of Environmental Quality (DEQ) on any Subtitle D changes as they occurred. The Council as a whole discussed the resolution further. Councilor Devlin requested staff get tasks signed off at various points by all regulatory agencies involved so that Metro would have approval at all times in the case of changing environmental rules.

Vote: Councilors Buchanan, Collier, DeJardin, Devlin, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Gardner voted aye. Councilor Bauer was absent. The vote was unanimous and Resolution No. 92-1546 was adopted.

7.3 Resolution No. 92-1548, For the Purpose of Approving a Contract with Western Compliance Services, Inc., to Transport, Recycle, Treat and Dispose of Wastes Collected at Metro's Permanent Household Hazardous Waste Collection Facilities

Motion: Councilor McLain moved, seconded by Councilor Wyers for adoption of Resolution No. 92-1548.

Councilor McLain gave the Solid Waste Committee's report and recommendations. She said Western Compliance Services, Inc. was the successful of four bidders who responded to an RFB issued by the Council July 1991. She said staff used cost, experience and abilities as criteria to select the lowest bidder. She said the contract would start January 10, 1992 and run through June 30, 1993. Councilor McLain discussed the new household hazardous waste

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(HHW) disposal facilities. The Council briefly discussed the resolution further.

Vote: Councilors Buchanan, Collier, DeJardin, Devlin, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Gardner voted aye. Councilor Bauer was absent. The vote was unanimous and Resolution No. 92-1548 was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

The Council discussed transmission of Resolution No. 92-1543A to the Charter Committee.

The Council discussed Riedel's recent default on their bonds issued to construct the Metro-Riedel Composter Facility and asked General Counsel Dan Cooper questions related to that and other issues related to possible litigation.

There being no further business, Presiding Officer Gardner adjourned the meeting at 6:15 p.m.

Respectfully submitted,



Paulette Allen  
Clerk of the Council