

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

June 11, 1992

Council Chamber

Councilors Present: Presiding Officer Jim Gardner, Deputy Presiding Officer Judy Wyers, Roger Buchanan, Richard Devlin, Ed Gronke, Sandi Hansen, Ruth McFarland, Susan McLain, George Van Bergen, Ed Washington and Judy Wyers

Councilors Excused: Tanya Collier

Councilors Absent: Larry Bauer

Also Present: Rena Cusma, Executive Officer

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

1. INTRODUCTIONS

None.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Region 2040 Work Session

The work session began at 5:36 p.m. and ended at 6:41 p.m. Present were Councilors Gronke, Washington, Hansen, Devlin, McFarland, Wyers, Gardner, Buchanan, McLain and Van Bergen and Executive Officer Cusma. Staff present: Andy Cotugno, Mark Turpel, Ethan Seltzer and Dan Cooper.

4. CONSENT AGENDA

4.1 Minutes of May 7, 1992

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of the Consent Agenda.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Bauer and Collier were absent. The vote was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 92-464, For the Purpose of Amending Metro C Code Chapter 7.01 to Modify the Report of Excise Tax and the Application of the Receipts

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

Presiding Officer Gardner announced Ordinance No. 92-464 had been referred to the Finance Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 92-461A, An Ordinance Amending Metro Ordinance No. 92-444A, For Contested Case No. 91-2; Forest Park

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

Presiding Officer Gardner announced the Council would consider Ordinance No. 92-461A in its capacity as a quasi-judicial decision-maker. He announced Ordinance No. 92-461 was first read on May 28, 1992, at which time the Council received the Hearings Officer's report. A public hearing was held and consideration of the ordinance was continued to this meeting for final consideration and vote.

Ethan Seltzer, Regional Planning Supervisor, gave staff's report and explained the ordinance as presented. He said Ordinance No. 92-461A would amend Ordinance No. 92-444A previously adopted by the Council to approve a trade of lands in Forest Park. He said the Hearings Officer found the trade complied with Metro's criteria for approving such action, but noted the City of Portland's participation in the trade was contingent upon the resolution of a transaction with a third party. He said the City of Portland had stated if it was not satisfied with the outcome of that transaction, it would not be party to this case, and approval of the case would be overturned because the land trade would not comply with Metro criteria. He said the City of Portland worked with HGW, Inc. and had made progress on resolving the third transaction within the 90 day time frame defined in Ordinance No. 92-444A. He said they were not able to complete the action within that 90 days and said Ordinance No. 92-461A would amend the condition requiring the transaction be completed within 90 days and to allow the City of Portland and HGW, Inc. to proceed to complete and/or report on the transaction over the next year up to June 1, 1993. He said Ordinance No. 92-461A also replaced the word "donation" with "acquisition" because even though the property would be donated to the City, the City would be an active participant in securing the property through its use

of eminent domain. He said if the transaction was not completed satisfactorily from the City's point of view by June 1, 1993, the ordinance also required the parties to return to Metro without automatically rejecting the petition.

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-461A.

Councilor Van Bergen expressed concern about Metro's procedure and approach. He said UGB cases should be able to stand alone rather than be based on barter. He said the Forest Park trade was a good thing to do, but noted Legal Counsel Larry Shaw's June 10, 1992, memorandum "Authority for Urban Growth Boundary (UGB) Conditions." He said Mr. Shaw's memo stated Metro had the authority to condition UGB amendment approvals. He said the three cases cited in the memo as justification for conditions were low-level cases. He said the Forest Park exchange was based on the monetary value of the property involved. He noted he had told General Counsel that this case was outside of normal UGB criteria and discussed previous UGB cases and expressed concern about possible litigation in the future.

Councilor Devlin said the amendment itself appeared to easily meet UGB criteria for amendment. He said conditions would be needed when the UGB expanded into urban reserve areas.

Presiding Officer Gardner agreed with Councilor Devlin and said it would be appropriate for Metro to condition future UGB cases even more extensively than had been done in the past.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Bauer and Collier were absent. The vote was unanimous and Ordinance No. 92-461A was adopted.

6.2 Ordinance No. 92-457, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations Within the Insurance Fund (Public Hearing)

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

Presiding Officer Gardner announced Ordinance No. 92-457 was first read on May 28 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor Devlin moved, seconded by Councilor Wyers, for adoption of Ordinance No. 92-457.

Councilor Devlin gave the Finance Committee's report and recommendations. He said Metro received \$23,000 from the State of Oregon to provide equipment for injured workers so that they could return to normal or similar work activities.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Bauer and Collier were absent. The vote was unanimous and Ordinance No. 92-457 was adopted.

6.3 Ordinance No. 92-458, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations Within the Oregon Convention Center Operating Fund and Spectator Facilities Operating Fund for Increased Metro ERC Operations (Public Hearing)

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

Presiding Officer Gardner announced that Ordinance No. 92-458 was first read on May 28 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor Hansen moved, seconded by Councilor Wyers, for adoption of Ordinance No. 92-458.

Councilor Hansen gave the Finance Committee's report and recommendations. She explained the ordinance would transfer funds from Contingency and other funds to compensate for materials and services expended because of the higher than anticipated use of MERC facilities. She said Dominic Buffetta, MERC Finance Director, said staff had not been able to predict expenditure accurately because this fiscal year was the first full fiscal year of operations for the Oregon Convention Center and said MERC staff would be able to predict expenditures more accurately next year.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Washington, Wyers and Gardner voted aye. Councilors Collier and Bauer were absent. The vote was unanimous and Ordinance No. 92-458 was adopted.

6.4 Ordinance No. 92-459, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Upgrades and Enhancements to the Financial System and the Purchase of a High Capacity Tape Drive (Public Hearing)

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

Presiding Officer Gardner announced Ordinance No. 92-459 was first read on May 28 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-459.

Councilor Wyers gave the Finance Committee's report and recommendations. She explained the ordinance requested the transfer of \$57,230 from various existing Materials & Services appropriations in the Finance and Management Information Department's budget to Capital Outlay to purchase disk and memory upgrades for the mainframe computer, a report writer, and a local area network connection. She said the ordinance also requested a transfer of \$18,300 for the Support Service Fund Contingency to the FMI Department's Capital Outlay to purchase a high capacity tape drive.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Collier and Bauer were absent. The vote was unanimous and Ordinance No. 92-459 was adopted.

6.5 Ordinance No. 92-460, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Unanticipated Costs for the Use of the Lexis System for Legal Research (Public Hearing)

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

Presiding Officer Gardner announced Ordinance No. 92-460 was first read on May 28 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor Van Bergen moved, seconded by Councilor Devlin, for adoption of Ordinance No. 92-460.

Councilor Van Bergen gave the Finance Committee's report and recommendations. He explained the ordinance would transfer \$5,000 from Support Service Contingency to Materials & Services category in the Office of General Counsel Department budget for the use of the Lexis System for legal research.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Collier and Bauer were absent. The vote was unanimous and Ordinance No. 92-460 was adopted.

6.6 Ordinance No. 92-462, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Increases in the Solid Waste Revenue Fund Operating Account and Enhancement Fund (Public Hearing)

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

Presiding Officer Gardner announced Ordinance No. 92-460 was first read on May 28 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of Ordinance No. 92-462.

Councilor Wyers gave the Finance Committee's report and recommendations. She explained the ordinance requested adjustment of the Budget Appropriation Schedule for the Operating Account within the Solid Waste Revenue Fund for four specific requested actions: 1) To transfer \$11,500 from the Solid Waste Revenue Fund Contingency to the Materials & Services, Accounting and Auditing Services line items to pay for costs associated with bonds sold by Metro for the composter at Metro Central; 2) To

transfer \$18,500 from the Solid Waste Revenue Fund Contingency to the Computer Software line item in Materials & Services to pay for costs associated with the connection of the Solid Waste Department to the computer network; 3) To transfer \$10,000 from the Solid Waste Revenue Contingency to the Materials & Services category in the Budget and Finance Division to pay for the cost for temporary help to provide computer system maintenance and support in that department; and 4) To transfer \$35,000 from the Solid Waste Revenue Contingency to the Personal Services in the Administration Division to pay for higher than anticipated Personal Services costs in that division. She said the ordinance also requested additional monies for the Oregon City Enhancement Account because more solid waste had been disposed of at Metro South Station than originally anticipated because of the Riedel Composter Facility closure.

Presiding Officer Gardner opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Washington, Wyers and Gardner voted aye. Councilors Collier and Bauer were absent. The vote was unanimous and Ordinance No. 92-462 was adopted.

6.7 Ordinance No. 92-463, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations within the Council Department

Presiding Officer Gardner called on Councilor Devlin to explain activity related to Ordinance No. 92-463.

Councilor Devlin referred to his June 11, 1992, memorandum "Referral of Ordinance No. 92-463 Back to the Finance Committee." He explained it was necessary to refer the ordinance back to committee because May 8 primary expenses totalled \$187,000 while the Council Department had only budgeted \$100,000 in election expenses. He said the Finance Committee could amend the Council budget at its next meeting and refer the amended ordinance to Council for consideration at the June 25 meeting.

Motion to Refer Back to Committee: Councilor Devlin moved, seconded by Councilor McFarland, to refer Ordinance No. 92-463 back to the Finance Committee for further consideration.

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Councilor Washington asked why election costs had increased. Don Carlson, Council Administrator, noted Multnomah County's elections costs had increased substantially and Metro had to pay its proportionate share of elections costs. The Council discussed election costs and related expenses further.

Vote on Motion to Refer Back to Committee: Councilors Buchanan, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. Councilors Bauer and Collier were absent. The vote was unanimous and the motion passed.

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Presiding Officer Gardner noted Teace Adams, League of Women Voters, was present. Ms. Adams introduced Nancy Lipzack and said Ms. Lipzack would cover UGB and land use issues related to Metro activities.

Councilor Van Bergen discussed pending MERC resolutions related to MERC financing activities.

7.1 Discussion of Scheduling a Councilor Retreat for the Purpose of Discussing Councilor Working Relationships and Procedures

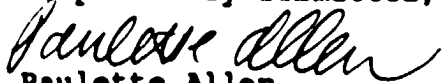
Presiding Officer Gardner discussed scheduling a Councilor retreat for late summer to hold discussions with Executive Officer Rena Cusma on the Charter, Metro's legislative agenda and to review previous discussions on Councilor relations. He noted new Councilors were on board and asked Council staff to coordinate details. He said if a summer retreat would be too difficult to schedule, a one-day retreat could be scheduled with Executive Officer Cusma invited to attend the morning session. Councilor Devlin said the Council could cover more material if on an overnight retreat.

Councilor Wyers said a retreat should be scheduled for January or February also because new Councilors would be on board.

The Council discussed the retreat and related details further.

All business having been attended to, Presiding Officer Gardner adjourned the meeting at 7:34 p.m.

Respectfully submitted,


Paulette Allen
Clerk of the Council