

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING CHAPTER 2.04)	ORDINANCE NO. 88-249
METRO CONTRACT PROCEDURES OF THE)	
METRO CODE IN ORDER TO CLARIFY THE)	Introduced by Rena Cusma,
DIVISION OF POWERS BETWEEN THE)	Executive Officer
COUNCIL AND THE EXECUTIVE OFFICER)	
AND MAKING OTHER CHANGES)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Metro Council finds:

(a) Chapter 2.04, Metro Contract Procedures, of the Metro Code, presently requires approval by a Council Committee or the Council as whole of all contracts in excess of \$10,000.

(b) It is more appropriate for the Council to regulate contract procedures in general and to establish clear lines of authority for administration of contracts and contract procedures by the Executive Officer.

(c) The annual budget adopted by the Council is the appropriate vehicle for the Council to establish priorities for management of the agency's affairs.

(d) Certain other portions of Chapter 2.04 are in need of clarification and amendment in order to carry out the intent and policies of the Council.

Section 2. The following sections of Chapter 2.04, Metro Contract Procedures of the Metro Code, are amended to read as follows:

2.04.030 Rules and Procedures Governing All Personal Services and Public Contracts:

(a) Applicability: All personal services and public contracts are subject to the applicable selection, review and approval procedures of this Chapter.

(b) Initiating a Contract: When a department initiates a contract not in the form of a purchase order, it must first notify the Department of Finance and Administration of its intention and request the issuance of a contract number which shall appear on all copies of the contract. The department must complete a Contract Summary form indicating the specifics of the contract. This form must be forwarded to the Department of Finance and Administration either with a fully executed contract (one copy) if the amount is estimated to be \$2,500 or under, or with an unexecuted contract (three copies) for review, approval and signature if the amount is over \$2,500.

(c) Documentation Required for Contract Files: The Department of Finance and Administration will maintain central files for all contracts. An original copy should be given to each contractor. All correspondence relating to a contract which alters conditions or amounts must be included in the central files as should all papers which document the process of obtaining competitive bids, quotes, or proposals. In any case where a low bid, quote, or proposal is not accepted, a detailed justification must be included with the contract file. Other documentation, if applicable, that should be included in the file includes:

- Mailing lists
- Affidavits of Publication
- Insurance Endorsements and Certificates
- Amendments
- Extensions
- Related Correspondence
- Quotes, Proposals, and Bids
- Bonds
- WBE/DBE information
- Contract Closure form
- Personal Services Evaluation form

(d) Contract Review: Prior to approval by the appropriate person or body, contracts shall be reviewed as follows:

- (1) Any contract which deviates from a standard contract form, exceeds \$10,000, or is with another public agency must be reviewed by [legal counsel] the General Counsel.
- (2) Contracts involving federal or state grant funds must be reviewed by the Deputy Executive Officer.

(e) Disadvantaged Business Program: All contracting and purchasing is subject to the Metro Disadvantaged Business Enterprise Program. Metro will take affirmative action to do business with Disadvantaged Business Enterprises. The Director of Finance and Administration will maintain a directory of disadvantaged businesses which shall be consulted and used in all contracting and purchasing of goods and services. If a disadvantaged business is included in the directory that appears capable of providing needed goods or services, that business should be contacted and given an opportunity to compete for Metro business. [Contracts awarded subject to the program may be exempted from the competitive bidding process by resolution of the Contract Review Board.]

(f) Monthly Contract Report: The Executive Officer shall provide a monthly report to the Council of all contracts, including extensions and amendments, which have been executed during the preceding month; provided, however, that such monthly report need not include purchase orders under \$500.

(g) Code of Conduct:

(1) No employee, elected official or agent of Metro shall participate in the selection, award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, elected official or agent, any member of his/her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. No Metro elected official, employee or agent shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

(2) Violations of this Code of Conduct shall subject an employee to disciplinary action pursuant to the Metro Personnel Rules and may be grounds for other civil or criminal penalties provided by law.

(h) Federal/State Agency Approval: When required by federal or state law or regulations, review and approval of Metro contracts shall include prior concurrence or approval by appropriate federal or state agencies.

(i) No contract or contract amendment may be approved or executed for any amount in excess of the amount authorized in the budget.

(j) Prior to entering into (1) any public contract or personal services agreement pursuant to the authority granted in Section 2.04.060 authorizing Sole Source Contract, or (2) any public contract or personnel services agreement in an amount exceeding \$15,000 for which only one bid or response to a Request for Proposal has been received, the Executive Officer shall file a written report with the Council detailing the reasons why a sole source contract was entered into or giving an explanation of why only one bid or response was received.

2.04.035 Metropolitan Exposition-Recreation Commission:

The Metropolitan Exposition-Recreation Commission shall have authority to enter into contracts pursuant to the procedures and policies set forth in this chapter. For this purpose the Metropolitan Exposition-Recreation Commission may without the prior approval of [either] the Executive Officer[, the Council Management Committee or the Council] enter into contracts in any amount. No contract or contract amendment may be approved or executed for any amount in excess of the amount authorized in the budget. The Metropolitan Exposition-Recreation Commission shall file copies of all contracts and amendments thereto with the Department of Finance & Administration. The Metropolitan Service District Contract Review Board created pursuant to Section 2.04.020 of this Code shall be the local Contract Review Board for the Metropolitan Exposition-Recreation Commission.

2.04.040 Public Contracts, General Provisions:

(a) Competitive Bidding: Unless exempt from competitive bidding, all public contracts shall be awarded to the lowest responsive, responsible bidder.

(b) Oregon Preference: In all public contracts, the District shall prefer goods or services that have been manufactured or produced in Oregon if price, fitness, availability and quality are otherwise equal. Where a contract in excess of \$10,000 is awarded to a contractor not domiciled or registered to do business in Oregon, the initiating Department shall assure compliance with the provisions of ORS 279.021.

(c) Rejection of Bids: The Executive Officer or the Deputy Executive Officer may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may, for good cause, reject any or all bids upon a finding that it is in the public interest to do so, for example, when all bids exceed the budget or estimate for that project.

(d) Bonds:

Unless the Board shall otherwise provide, bonds and bid security requirements are as follows:

(1) Bid security not exceeding 10 percent of the amount bid for the contract is required unless the contract is for \$15,000 or less.

(2) For public improvements a labor and materials bond in an amount equal to 100 percent of the contract price is required for contracts over \$10,000.

(3) For public improvements a performance bond in an amount equal to 100 percent of the contract price is required for contracts over \$10,000. If the contract is under \$50,000, the performance bond and labor and material bond may be one bond; if the contract is \$50,000 or more, there shall be two bonds.

(4) Bid security, labor and material bond and performance bond may be required even though the contract is of a class not identified above, if the [department head of the initiating department] Executive Officer determines it is in the public interest.

(5) Bid security and bonds may be provided in the form of a surety bond, cash, cashier's check or certified check.

2.04.042 Public Contracts Under \$2,500 [and Under]:

(a) Selection Process:

(1) Under \$500: Unless completely exempt from competitive bidding under Section 2.04.041, competitive bids are not required for public contracts [not exceeding] less than \$500. The District should, where feasible, obtain competitive quotes.

(2) Between [\$501] \$500 and \$2,500: Unless completely exempt from competitive bidding under Section 2.04.041, when the amount of the contract is \$500 or more [than \$500], but [not more] less than \$2,500, the District must obtain a minimum of three (3) competitive quotes. The District shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. [No contractor may be awarded in the aggregate, within the fiscal year, contracts in excess of \$30,000 without competitive bidding. In computing the aggregate under this subsection, awards under \$500 shall not be included.]

(b) Approval Process: For public contracts of an amount of less than \$2,500 [or under], the Director of the initiating department, or a designee of the Director approved by the Executive Officer, may sign contracts if the following conditions are met:

- (1) A standard contract form is used;
- (2) Any deviations to the contract form are approved by the [Legal] General Counsel;
- (3) The expenditure is authorized in the budget;
- (4) The contract does not further obligate the District [beyond] for \$2,500 or more;
- (5) The appropriate Scope of Work is attached to the contract; and
- (6) The contract is for an entire project or purchase; not a portion of a project or purchase which, when complete, will amount to a cost [greater than] of \$2,500 or more.
- (7) No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(e) Prior to the award of a contract to any bidder other than the apparent low bidder the Executive Officer shall obtain the prior approval of the Contract Review Board.

2.04.043 Public Contracts Between [\$2,501] \$2,500 and \$15,000

(a) Selection Process: Unless completely exempt from competitive bidding under Section 2.04.041, when the amount of the contract is [more than] \$2,500 or more, but less than \$15,000, the District must obtain a minimum of three (3) competitive quotes. The District shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. [No contractor may be awarded in the aggregate, within the fiscal year, contracts in excess of \$30,000 without competitive bidding. In computing the aggregate under this subsection, awards under \$500 shall not be included.]

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the [Director] Department of Finance and Administration.

(c) Approval Process: (1) [Between \$2,501 and \$10,000.] For contracts of [more than] \$2,500 or more, either the Executive Officer or Deputy Executive Officer must sign; however, the Director or Assistant Director of the Zoo may sign purchase orders of \$10,000 or less. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contracts. No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

[(2) Between \$10,001 and \$15,000: Except as provided in subsection (3) of this section, all initial contracts with a contract price of greater than \$10,000 but \$15,000 or less shall be approved by the Council Management Committee prior to execution by the Executive Officer or Deputy Executive Officer.]

[(3) Exceptions: The following types of contracts may be approved by the Executive Officer or his/her designee:]

[(A) Contracts which merely pass through funds from a state or federal agency.]

[(B) Purchases of inventory and gift items for resale at the Zoo Gift Shop.]

[(C) Emergency contracts.]

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.044 Public Contracts [Over] of \$15,000 or More

(a) Selection Process:

Unless exempt from competitive bidding by Code section 2.04.041, the following competitive bidding procedures shall apply to all contracts:

(1) The initiating department staff will prepare [or have prepared] bid specifications and compile a list of potential bidders.

(2) The bid document will be reviewed by the Department of Finance and Administration and by [legal] the General Counsel before bids are solicited or advertised, and shall include the contract form to be used.

(3) A request for bids will be advertised in [Portland Business Today,] the manner required by law and in a local minority newspaper, and [when feasible,] in [an] any appropriate trade magazine. Additional advertisement may be appropriate depending upon the nature of the contract.

(4) The initiating department will receive and open sealed bids at the time and place designated in the request for bids.

(5) The opened bids will be reviewed by the requesting department and a recommendation and contract will be submitted to the Department of Finance and Administration.

(6) After selection and prior to approval, the contract must be reviewed by the [Director] Department of Finance and Administration.

(7) The initiating department will notify all bidders in writing of the contract award and obtain any necessary bonds and insurance certificates.

(8) The District shall reserve the right to reject any or all quotes or bids received.

(b) Approval Process:

[(1) Between \$15,001 and \$50,000: Except as provided in subsection (3) of this section,] All initial contracts with a contract price of [greater than] \$15,000 or more [but \$50,000 or less] shall be approved and executed by [the Council Management Committee prior to execution by] the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance & Administration may approve and execute contracts of \$15,000 or more. No contract may be

approved or executed for any amount in excess of the amount authorized in the budget.

[(2) Over \$50,000: Except as provided in subsection (3) of this section, all contracts with a contract price of more than \$50,000 shall be approved by the Council prior to execution by the Executive Officer or the Deputy Executive Officer.]

[(3) Exceptions: The following types of contracts may be approved by the Executive Officer or his/her designee:]

[(A) Contracts which merely pass through funds from a state or federal agency.]

[(B) Purchases of inventory and gift items for resale at the Zoo Gift Shop.]

[(C) Emergency contracts.]

(c) Within thirty (30) days of award of a construction contract, the Department of Finance and Administration shall provide the notice required by ORS 279.363.

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(e) Prior to the award of a contract to any bidder other than the apparent low bidder the Executive Officer shall obtain the prior approval of the Contract Review Board.

2.04.045 Public Contract Extensions and Amendments (including Change Orders, Extra Work and Contract Renewals):

(a) Selection Process: Any contract amendment for additional work including contract renewals, change orders, extra work, field orders and other changes in the original specifications which increase the original contract price may be made with the contractor without competitive bidding subject to the extent any of the following conditions are met:

(1) The original contract was let by competitive bidding, unit prices or bid alternates were provided that established the cost for additional work and a binding obligation exists on the parties covering the terms and conditions of the additional work. However, in the event that the increase in price results solely from extension of the termination date of the contract, the extension shall not be greater than three months; or

(2) The amount of the aggregate cost increase resulting from all amendments does not exceed 20 percent of the initial contract if the face amount is less than or equal

to \$1,000,000 or 10 percent if the face amount is greater than \$1,000,000; amendments made under subsection 1 are not included in computing the aggregate amount under this section; or

(3) The increase in price is due to unexpected conditions which arise during performance of a construction, maintenance or repair contract and the Executive Officer determines that extension of the scope of work on the current contract is the most economical method of dealing with the unexpected conditions; or

(4) The total cost of the contract, including amendments, does not exceed \$5,000, but if the amendment is for more than \$500, three (3) competitive quotes shall be obtained as described in Sections 2.04.042(a)(2) and 2.04.043(a).

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the [Director] Department of Finance and Administration.

(c) Approval Process:

(1) In applying the following rules for approval of contract amendments, when an amendment falls under two different rules, the amendment shall be approved under the rule for the higher dollar amount; e.g., an amendment of under \$2,500 (rule 2) which results in a contract price of [more than \$10,000] \$2,500 or more (rule 3) shall be approved under the rule for contract prices [more than \$10,000] of \$2,500 or more.

(2) [\$2,500 and] Under \$2,500: All contract amendments and extensions which are less than \$2,500 [or less] if the contract was originally for \$2,500 or more or which result in a total contract price of less than \$2,500 [or less] may be approved by the Director of the initiating department or by a designee of the Director approved by the Executive Officer if the following conditions are met:

- (A) A standard contract form is used;
- (B) Any deviations to the contract form are approved by the Legal Counsel;
- (C) The expenditure is authorized in the budget;
- (D) The contract does not further obligate the District beyond \$2,500; and
- (E) The appropriate Scope of Work is attached to the contract[;] and

(F) [The contract is for an entire project or purchase; not a portion of a project which, when complete, will amount to a cost not greater than \$2,500.] No contract amendment or extension may be approved in an amount in excess of the amount authorized in the budget.

(3) [Between \$2,501 and \$10,000 Over] \$2,500 or More:

(A) [Except as provided in (B) below,] All contract amendments and extensions which [exceed] are for \$2,500 or more or which result in a total contract price of more than \$2,500 [but \$10,000 or less] if the original contract was for less than \$2,500 may be approved by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contract amendments and extensions. No contract amendment or extension may be approved in an amount in excess of the amount authorized in the budget.

[(B) The Council Management Committee shall approve contract amendments when:]

[(1) The initial contract has been approved by the Council Management Committee or the Council; and]

[(2) The amount of the aggregate cost increase resulting from all contract amendments exceeds 100 percent of a contract between \$10,000 and \$50,000 or 20 percent of the contract over \$100,000; the amount of the contract is the amount last approved by the Council Management Committee or Council.]

[(3) Between \$10,001 and \$50,000: Except as provided in subsection 5 of this section, all contract amendments and extensions which exceed \$10,000 or which result in a total contract price of more than \$10,000 but \$50,000 or less shall be approved by the Council Management Committee prior to execution.]

[(5) Over \$50,000: Except as provided in subsection 5 of this section, all contract amendments and extensions which exceed \$50,000 or which result in a total contract price of more than \$50,000 shall be approved by the Council prior to execution.]

[(6) Exceptions: The following types of contract amendments and extensions may be approved by the Executive Officer or his/her designee:]

[(A) Extensions and amendments to contracts which merely pass through funds from a state or federal agency.]

[(B) Contract extensions and amendments for purchases of inventory and gift items for resale at the Zoo Gift Shop.]

[(C) Emergency contract extensions and amendments.]

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.050 Personal Services Contracts, General Provisions:

(a) Distinguishing Between Employees and Independent Contractors: Employees shall not be hired under the guise of a Personal Services Contract. To determine whether a particular worker is to be an employee or an independent contractor, the most important factor to consider is the employer's right to control. If the employer is to retain the right to control the manner and means of accomplishing a desired result, the worker is generally considered an employee; if, however, the employer has the right to control only the results of the work, the worker is considered an independent contractor. This test of control does not require actual exercise of control, but rather the employer's right to control. The following factors shall be considered in determining a worker's status:

- (1) Whether the worker is to be engaged in a distinct occupation or business. Independent contractor status is often accorded those who are engaged for their special skills. Thus, the hiring of an architect, broker, doctor, painter or attorney may indicate that an independent contractor relationship is being contemplated.
- (2) Whether the employer or the worker is to supply the instrumentalities, tools and the place of work.
- (3) Whether the worker or the employer is to have the power to dictate the particular manner in which the instrumentalities or tools shall be used and the way the workers shall do their work.
- (4) Whether the worker employs, pays and has full power of control over assistants.
- (5) Whether the work is part of the regular business of the employer.

(b) An emergency contract for personal services may be let without obtaining quotes in writing when the Executive Officer makes written findings that an emergency exists because of circumstances which could not have been reasonably foreseen and requires the prompt execution of a contract to remedy that condition. The Executive Officer shall inform the Council of all such contracts declared to be an emergency at the Council meeting immediately following the adoption of findings declaring an emergency.

2.04.051 Personal Services Contracts [\$2,500 and] Under \$2,500

(a) Selection Process: For Personal Services contracts of less than \$2,500 [or less], the Department Director shall state in writing the need for the contract. This statement shall include a description of the contractor's capabilities in performing the work. Multiple proposals need not be obtained. This statement will be kept in the Department of Finance and Administration contract file.

(b) Approval Process: For Personal Services contracts of less than \$2,500 [or less], the Director of the initiating department, or a designee of the Director approved by the Executive Officer, may sign contracts if the following conditions are met:

- (1) A standard contract form is used;
- (2) Any deviations to the contract form are approved by the [Legal] General Counsel;
- (3) The expenditure is authorized in the budget;
- (4) The contract does not further obligate Metro beyond \$2,500;
- (5) The appropriate Scope of Work is attached to the contract; and
- (6) The Contract is for an entire project or purchase; not a portion of a project or purchase which, when complete, will amount to a cost [greater than] of \$2,500 or more.
- (7) No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.052 Personal Services Contracts Between [\$2,501] \$2,500 and \$10,000

(a) Selection Process: For Personal Services contracts [greater than] \$2,500 or more but less than \$10,000 [or less], the Department Director shall use the following process:

- (1) Proposals shall be solicited from at least three potential contractors who, in the judgment of the Department Director, are capable and qualified to perform the requested work.
- (2) The initiating Department shall document the fact that at least three (3) proposals have been solicited.

Preferably, the proposals should be written, but this is not required. The District reserves the right to reject any or all proposals for any reason.

(3) Evaluation, as determined by the Department Director, may require oral presentations and shall include use of a contractor evaluation form. The objective is the highest quality of work for the most reasonable price. The quality of the proposal may be more important than cost.

(4) Personal Services Evaluation Form: The Personal Services evaluation form shall document the reasons for the selection. Proposals shall be evaluated according to predetermined criteria. The evaluation process may include the evaluators assigning a quantifiable score on how each aspect of a proposal meets the predetermined criteria. The contract may be awarded to the firm receiving the highest average score.

(5) Notification of selection or rejection shall be made in writing after final review by the initiating department.

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the [Director] Department of Finance and Administration.

(c) Approval Process: For contracts of [more than] \$2,500 or more, either the Executive Officer or Deputy Executive Officer must sign. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contracts. No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.053 Personal Services Contracts [Over] of \$10,000 or More

(a) Selection Process: For Personal Services contracts of \$10,000 or more an evaluation of proposals from potential contractors shall be performed as follows:

(1) A request for proposals shall be prepared by the initiating department and shall be reviewed by [legal] the General Counsel and the Department of Finance and Administration. Where appropriate, the request shall be published in a newspaper of general circulation or in trade magazines. In addition, Metro shall notify in writing at least three (3) potential contractors, who, in the judgment of the Department Director are capable and qualified to perform the requested work. The initiating department will be responsible for maintaining the file and making the appropriate notification.

(2) Evaluations of proposals shall include use of a contract evaluation form. The use of an oral interview or an evaluation team is recommended.

(3) Personal Services Evaluation Form: The Personal Services evaluation form shall document the reasons for the selection. Proposals shall be evaluated according to predetermined criteria. The evaluation process may include the evaluators assigning a quantifiable score on how each aspect of a proposal meets the predetermined criteria. The contract may be awarded to the firm receiving the highest average score.

(4) After evaluation is complete, the Department Director will recommend final selection through the Department of Finance and Administration.

(5) Notifications of selection and rejection shall be made in writing by the initiating department.

(6) Personal Services contracts with the Scope of Work must be approved by the department head and then forwarded to the [Director] Department of Finance and Administration for internal review and execution. [Legal] General Counsel review is required.

(b) Approval Process:

[(1) Between \$10,001 and \$50,000: Except as provided in subsection (3) of this section,] All initial contracts with a contract price of greater than \$10,000 [but \$50,000 or less] shall be approved and executed by the [Council Management Committee] Executive Officer [prior to execution] or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance & Administration may approve and execute contracts of \$15,000 or more. No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

[(2) Over \$50,000: Except as provided in subsection (3) of this section, all contracts with a contract price of more than \$50,000 shall be approved by the Council prior to execution.]

[(3) Exceptions: The following types of contracts may be approved by the Executive Officer or his/her designee.]

[(A) Contracts which merely pass through funds from a state or federal agency.]

[(B) Grant award contracts.]

[(C) Emergency contracts.]

(c) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.054 Personal Services Contract Extensions and Amendments:

(a) Selection Process:

(1) A Personal Services contract may be renewed without receiving competitive proposals if the contractor is performing a continuing activity for the agency. This applies, but is not limited to contracts for construction observation, public relations consulting, outside legal counsel and annual auditing. Except as provided in subsection (2) below, competitive proposals must be solicited for these services at least once every three (3) years and annually if the contractor proposes a price or rate increase of more than 10 percent over the previous year.

(2) Personal Services contracts may be renewed, extended or renegotiated without soliciting competitive proposals if, at the time of renewal, extension or renegotiation, there are fewer than three (3) potential contractors qualified to provide the quality and type of services required and the initiating department makes detailed findings that the quality and type of services required make it unnecessary or impractical to solicit proposals.

(b) Approval Process:

(1) Less than \$2,500 [and Under]: All contract amendments and extensions which are less than \$2,500 [or less] if the contract was originally for \$2,500 or more or which result in a total contract price of less than \$2,500 [or less] may be approved by the Director of the initiating department or by a designee of the Director approved by the Executive Officer if the following conditions are met:

- (A) A standard contract form is used;
- (B) Any deviations to the contract form are approved by the Legal Counsel;
- (C) The expenditure is authorized in the budget;
- (D) The contract does not further obligate Metro beyond \$2,500;
- (E) The appropriate Scope of Work is attached to the contract; and
- (F) [The contract is for an entire project or purchase; not a portion of a project which, when

complete, will amount to a cost not greater than \$2,500.] No contract amendment or extension may be approved in an amount in excess of the amount authorized in the budget.

(2) Between \$2,501 and \$10,000 \$2,500 and Over:

(A) All contract amendments and extension which [exceed] are for \$2,500 or more or which result in a total contract price of more than \$2,500 [but less than \$10,000 may] shall be approved by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contract amendments and extensions. No contract amendment or extension may be approved for an amount in excess of the amount provided for in the budget.

[(B) The Council Management Committee shall approve contract amendments when:]

[(i) The initial contract has been approved by the Council Management Committee or the Council; and]

[(ii) The amount of the aggregate cost increase resulting from all contract amendments exceeds 100 percent of a contract between \$10,000 and \$50,000 or 20 percent of the contract over \$100,000 based on the amount last approved by the Council Management Committee or Council.]

[(3) Between \$10,001 and \$50,000: Except as provided in subsection 5 of this section, all contract amendments and extensions which exceed \$10,000 or which result in a total contract price of more than \$10,000 but less than \$50,000 shall be approved by the Council Management Committee prior to execution.]

[(4) Over \$50,000: Except as provided in subsection 5 of this section, all contract amendments and extensions which exceed \$50,000 or which result in a total contract price of more than \$50,000 shall be approved by the Council prior to execution.]

[(5) Exceptions: The following types of contract amendments and extensions may be approved by the Executive Officer or his/her designee:]

[(A) Extensions and amendments to contracts which merely pass through funds from a state or federal agency.]

[(B) Contract extensions and amendments for purchases of inventory and gift items for resale at the Zoo Gift Shop.]

[(C) Emergency contract extensions and amendments.]

(c) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

Section 3. The effective date of this ordinance shall be December 31, 1988, or the date of adoption of an ordinance amending Ordinance No. 88-247 adopting a schedule of contract appropriations which appropriates funds for specified contract purposes whichever date is the sooner.

ADOPTED by the Council of the Metropolitan Service District
this 14th day of July, 1988.


Mike Ragsdale, Presiding Officer

ATTEST:


Clerk of the Council

amn
9771C/529
06/21/88

I certify this ordinance was not vetoed by the Executive Officer


Clerk of the Council

July 22, 1988
Date



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Agenda Item No. 7.2

Meeting Date July 14, 1988

Date: July 5, 1988

To: Metro Council

From: Councilor Mike Ragsdale
Chair, Internal Affairs Committee

Regarding: COMMITTEE REPORT ON JULY 14, 1988, COUNCIL MEETING AGENDA
ITEM NO. 7.1: CONSIDERATION OF ORDINANCE NO. 88-249
AMENDING METRO CONTRACT PROCEDURES TO CLARIFY DIVISION
OF POWER BETWEEN THE COUNCIL AND THE EXECUTIVE OFFICER

Ordinance No. 88-249 was introduced by the Executive Officer to clarify the division of power between the Council and the Executive Officer regarding approval of contracts for the District. The Ordinance does the following things:

1. Deletes the requirement for Council approval of contracts over \$50,000 and Internal Affairs Committee approval of contracts between \$10,000 and \$50,000. Also deletes requirement for Council and Committee approval of certain contract amendments.
2. Inserts language that limits the Executive Officer's authority to execute or amend certain contracts to an amount not to exceed the dollar amount authorized in the budget adopted by the Council. The language which is inserted throughout the Ordinance in various places is as follows:

"No contract or contract amendment may be approved or executed for any amount in excess of the amount authorized in the budget."
3. Clarifies the dollar amounts or limitations in the various contract categories in the Ordinance (under or over \$2,500, etc.).
4. Revises in certain instances the person or department responsible for various levels of contract review.
5. Sets the effective date of the ordinance on December 31, 1988, or the date of enactment of an ordinance which adopts a schedule of contract appropriations whichever date is the sooner.

The Committee considered Ordinance No. 88-249 at its meetings on June 9 and 16, 1988. At the June 16 meeting, the Committee unanimously approved a motion to recommend the Council adopt Ordinance No. 88-249 as amended.

The amendments approved by the Committee are as follows:

1. In Section 2.04.030 Rules and Procedures ... (see page 3) Subsection (j) is added which requires the Executive Officer to file a written report with the Council prior to executing a Sole Source Contract or a contract over \$15,000 for which only one bid or response to an RFP has been received.
2. In the following sections language was added to make the Ordinance consistent with the general limitation contained in Subsection (j) of Section 2.04.030 (page 3).
 - 2.04.035 Metropolitan Exposition-Recreation Commission
 - 2.04.042(b) (7) Public Contracts Under \$2,500
 - 2.04.045(c) (2) (F) Public Contracts Extensions and Amendments Under \$2,500
 - 2.04.051(b) (7) Personal Services Contracts Under \$2,500
 - 2.04.054(b) (1) (F) Personal Services Contracts Extensions and Amendments Under \$2,500
3. In Section 2.04.044 Public Contracts of \$15,000 or More Subsection (e) is added which requires the Executive Officer to obtain approval of the Contract Review Board (Metro Council) for any Public Contract over \$15,000 other than the apparent low bidder.
4. At the end of the Ordinance a new Section 3 is added which sets an effective date of December 31, 1988, or the date of adoption of a Schedule of Contract Appropriations whichever is the sooner date.

The Council staff review of this ordinance is attached as background information.

DEC/sm
9824C/D5

Attachment



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Agenda Item No. 5

Meeting Date June 9, 1988

INTERNAL AFFAIRS COMMITTEE

Date: June 7, 1988
To: Internal Affairs Committee
From: Donald E. Carlson, ^{DC} Council Administrator
Regarding: STAFF REVIEW OF ORDINANCE NO. 88-249

The purpose of this memo is to provide the Committee with a review of the proposed ordinance. The main purpose of the ordinance is to delete the requirement for Council and Internal Affairs Committee approval of certain contracts and insert language that limits the Executive Officer's authority to execute or amend contracts to an amount not to exceed the dollar amount authorized in the budget adopted by the Council. The ordinance also clarifies the dollar limitations in the various categories (under or over \$2,500 etc.) and revises in certain instances the person or department responsible for various levels of review. A complete list of the changes by code section is described in Exhibit A attached.

There appears to be some inconsistency in the proposed amendments to limit contracts and contract extension to not exceed the amount authorized in the budget. The necessary language is first included in Section 2.04.030 as a new subsection (i). The entire section deals with contract requirements generally so the limitation requirement applies to all contracts and extensions regardless of type and size. Consistent language is inserted in all appropriate sections (types and sizes of contracts and extensions) except for the following:

- 2.04.042 Public Contracts Under \$2,500
- 2.04.045(c)(2) Public Contract Extensions and Amendments Under \$2,500
- 2.04.051 Personal Services Contracts Under \$2,500
- 2.04.054(b)(1) Personal Services Contract Extensions and Amendments Less than \$2,500

Since the limitation language in 2.04.030 applies to all contracts and contract extensions regardless of type or size, it appears appropriate language should be inserted in the four sections listed above to avoid any confusion or misunderstanding about the approval process.

Another inconsistency appears in 2.04.035 which deals with the Metropolitan Exposition-Recreation Commission. The limitation

Internal Affairs Committee
June 7, 1988
Page 2

language inserted does not cover contract amendments. If the general limitation language section 2.04.030 applies to the Metropolitan Exposition-Recreation Commission, the limitation language in 2.04.035 should be revised accordingly.

Finally, it should be pointed out that to implement the provisions of this ordinance, the budget and appropriations ordinance (No. 88-247) should be amended to clarify specifically the dollar amounts of the contracts authorized in the budget. General Counsel has indicated that the appropriate mechanism is to include an appropriations clause and an appropriations schedule regarding contracts in Ordinance No. 88-247. Council staff is developing the necessary language and schedule for discussion and action at the Finance Committee meeting on June 16, 1988. The budget and appropriations ordinance will be before the Council for final action on June 23, 1988.

DEC/gl
9681C/D2

EXHIBIT A

PROPOSED CONTRACT CODE CHANGES

A. 2.04.030 Rules and Procedures Governing all Personal Services Contracts and Public Contracts:

- In subsection (d)(1) requirement for contract review is changed from "Legal Counsel" to "General Counsel."
- In subsection (e) a provision enabling the Council to exempt contracts subject to the DBE program from the competitive bidding process is deleted.
- A new subsection (i) is added which limits the Executive Officer ability to enter into or amend contracts to not exceed the amount authorized in the budget adopted by the Council.

B. 2.04.035 Metropolitan Exposition-Recreation Commission:

- The section is revised to delete reference to contracts subject to approval by the Council or Council Management Committee and to limit the Metropolitan Exposition-Recreation Commission's ability to enter into contract to not exceed the amount authorized in the budget adopted by the Council.

C. 2.04.040 Public Contracts, General Provisions:

- In subsection (d) at the beginning language is inserted to clarify that the Council acting as the Contract Review Board has the discretion to alter the bond and bid security requirements.
- Subsection (d)(4) the person having discretion to require a bid security or certain kind of bond is changed from the "department head" to the "Executive Officer."

D. 2.04.042 Public Contracts Under \$2,500:

- In subsection (a)(1) language is provided to clarify that the amount dealt with is "under \$2,500."
- In subsection (a)(2) language is provided to clarify that the amount dealt with is "between \$500 and \$2,500" and language is deleted which limits the aggregate amount of contract awards without competitive bids to \$30,000.
- In subsection (b) language is provided to clarify the amount dealt with -- either less than or more than \$2,500.

E. 2.04.043 Public Contracts Between \$2,500 and \$15,000:

- In subsection (a) language is provided to clarify the amount dealt with and language is deleted which limits the aggregate amount of contract awards without competitive bids to \$30,000.
- In subsection (b) language is provided to change the contract review requirement from "Director of Finance & Administration" to "Department of Finance & Administration."
- In subsection (c)(1) language is provided to clarify the amount dealt with (\$2,500 or more) and language is added that no contract may be executed for any amount more than is included in the budget adopted by the Council.
- Subsection (c)(2) which requires Council Management Committee approval of contracts between \$10,000 and \$15,000 is deleted.
- Subsection (c)(3) which provides for certain exceptions for contract approval by the Executive Officer is deleted.

F. 2.04.044 Public Contracts of \$15,000 or More:

- In subsection (a)(2) language is provided to change the review requirement from "Legal Counsel" to "General Counsel."
- In subsection (a)(3) language is provided to provide for notification generally in newspaper or trade magazines rather than a specific newspaper.
- In subsection (a)(6) contract review requirement is changed from the "Director" to the "Department of Finance & Administration."
- In subsection (b)(1) the requirement for Council Management Committee approval of certain contracts is deleted and language is inserted authorizing the Director of Finance & Administration to approve certain contracts under certain conditions and language is added which limits contract approval to not exceed the amount in the budget adopted by the Council.
- In subsection (b)(2) the requirement for Council approval of contracts over \$50,000 is deleted.
- In subsection (b)(3) the list of exceptions for contract approval by the Executive Officer is deleted.

G. 2.04.045 Public Contract Extensions and Amendments:

- In subsection (a) language is added which qualifies the conditions under which a contract amendment can be made without competitive bidding.
- In subsection (a)(3) language is added to clarify that "construction" contracts are included in the list of contracts which might be amended.
- In subsection (b) the review requirement is changed from "Director" to "Department of Finance & Administration."
- In subsection (c)(1) language is provided which clarifies the dollar amount dealt with.
- In subsection (c)(2) language is provided which clarifies the amount dealt with and the condition requiring the contract to be for an entire project or purchase is deleted.
- In subsection (c)(3)(A) language is provided clarifying the amount dealt with and language is added limiting contract extensions to an amount not to exceed the amount authorized in the budget adopted by the Council.
- In subsection (c)(3)(B) language requiring Council Management Committee approval of contract extensions under certain conditions is deleted.

H. 2.04.050 Personal Services Contracts, General Provisions:

- In subsection (b) language is added to clarify that the subsection deals with Personal Services Contracts.

I. 2.04.051 Personal Services Contracts Under \$2,500:

- In subsection (a) and (b) language is provided clarifying the amount dealt with and the approval of the contract from is changes from "Legal Counsel" to "General Counsel."

J. 2.04.052 Personal Services Contracts Between \$2,500 and \$10,000:

- In subsection (a) language is provided clarifying the amount dealt with.
- In subsection (b) the review requirement is changed from "Director" to "Department of Finance & Administration."
- In subsection (c) language is provided clarifying the amount dealt with and limiting approval of contracts not to exceed any amount in excess of the amount in the budget adopted by the Council.

K. 2.04.053 Personal Services Contracts of \$10,000 or More:

- In subsection (a)(1) language is provided requiring Request for Proposals (RFP) review by the "General Counsel" rather than "Legal Counsel."
- In subsection (a)(6) language is provided requiring "Department" of Finance & Administration review and "General" Counsel review of contracts.
- In subsection (b)(1) language is provided which 1) deletes Council Management Committee approval; 2) authorizes the Director of Finance & Administration to approve contracts over \$15,000 under certain conditions; and 3) limits the approval of contracts to not exceed the amount authorized in the budget adopted by the Council.
- In subsection (b)(2) the requirement for Council approval of contracts over \$50,000 is deleted.
- In subsection (b)(3) the exceptions which authorize the Executive Officer to approve contracts are deleted.

L. 2.04.054 Personal Services Contracts Extensions and Amendments:

- In subsection (b)(1) language is provided to clarify the amount dealt with.
- In subsection (b)(1)(F) the condition that the contract be for an entire project or purchase is deleted.
- In subsection (b)(2)(A) language is provided that clarifies the amount dealt with and limits approval of contract amendments not to exceed the amount provided for in the budget adopted by the Council.
- In subsection (b)(2)(B) the requirement for Council Management Committee approval of certain contract amendments is deleted.
- In subsection (b)(3) the requirement for Council Management Committee approval of certain contract amendments is deleted.
- In subsection (b)(4) the requirement for Council approval of certain amendments is deleted.
- In subsection (b)(5) the list of exceptions which authorize the Executive Officer to approve certain contracts is deleted.

EXECUTIVE REPORT

CONSIDERATION OF ORDINANCE NO.88-249, FOR THE PURPOSE OF AMENDING CHAPTER 2.04 METRO CONTRACT PROCEDURES OF THE METRO CODE IN ORDER TO CLARIFY THE DIVISION OF POWERS BETWEEN THE COUNCIL AND THE EXECUTIVE OFFICER AND MAKING OTHER CHANGES

Date: May 9, 1988

Presented by: Rena Cusma

PROPOSED ACTION

Amend the Metro Contract Code to accurately reflect the division of powers between the Council and the Executive Officer as required by state law.

FACTUAL BACKGROUND AND ANALYSIS

On December 18, 1987, Metro's General Counsel opined that the Council may not require the Executive Office to obtain its "approval" prior to entering into a contract. This opinion turns in large part upon the issue of whether contracting is an administrative function or a legislative act. Oregon law clearly provides that contracting is an administrative function.

General Counsel has stated in his opinion that the Council may through the budget process restrain the Executive Officer's authority to contract. Once budgeted, however, the funds are available to the Executive Officer for contracting within the bounds of Metro's contracting policies.

Attached is a letter from the General Counsel to the Executive Officer highlighting the nature of the changes to Metro's Contract Code. Daniel B. Cooper provides information in his letter regarding the processing of change orders for construction projects. This is of course significant to the Convention Center Construction project.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoptions of Ordinance No. 88-249.



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

March 31, 1988

The Honorable Rena Cusma
Executive Officer
Metropolitan Service District
2000 S. W. First Avenue
Portland, OR 97201-5398

Dear Executive Officer:

Re: Metro Contract Code

At your request, I have prepared the enclosed ordinance which would modify the Metro Contract Code in order to make the Code consistent with the legal opinion that I furnished to you and Council Presiding Officer Waker in December of 1987. In that opinion I determined that the present procedures contained in the Metro Contract Code do not accurately reflect the division of powers between the Metro Executive Officer and the Metro Council that are required by state law.

The draft ordinance I have prepared makes numerous changes to the Contract Code. All references to Council approval or Council Management Committee approval of contracts or contract amendments have been deleted. Contracts of less than \$2,500 may be approved by department heads, contracts of a larger amount require the approval of the Executive Officer. Language has been added to strictly limit the authority of the Executive Officer or departments to prohibit contracts from being entered into in excess of any amount provided for in the budget. All presently required competitive requirements have been retained.

The provisions relating to amendments to contracts has been altered to provide that change orders for construction contracts which are the result of unanticipated or unknown circumstances may be made by the Executive Officer in any amount. Change orders to construction contracts which are the result of management decisions made to intentionally alter the scope of the contract would still be subject to the existing limitations that they may not exceed a certain percentage of the contract without competitive bidding being required. This means that in the case of the convention center construction contracts,

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

The Honorable Rena Cusma
March 31, 1988
Page 2

change orders resulting from problems arising in the scope of the construction could be approved by the Executive Officer, if within budgeted amounts. Change orders resulting from Metro initiated requests to alter the building could not exceed the existing provisions of the Code which limit such amounts unless the extra work was either competitively bid or the Council sitting as a contract review board granted an exception to the competitive bidding requirements.

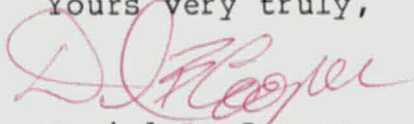
Other changes have been made through the Contract Code to render the Code provisions consistent with actual practice. All references to documents being reviewed by Legal Counsel have been amended to refer to the General Counsel. A provision providing for a potential exemption from the competitive bidding process for Disadvantaged Business Programs set aside has been eliminated in order to make the Code consistent with existing law.

Changes have been made to clearly delineate that contracts under \$2,500 are subject to different rules than contracts of \$2,500 and above. The existing Code contains ambiguities in this area which have been clarified.

Existing language which attempts to prevent one contractor from receiving more than \$30,000 in Metro work in any one year without competitive bidding has been deleted because no system exists for tracking this limitation at the present time and existing provisions of the Code prevent any abuses in this area because the Code now prohibits departments or the Executive Officer from tacking two non-competitively bid contracts together in order to complete one project.

Please let me know if you have any questions. I believe this document is ready to be forwarded to the Council for consideration.

Yours very truly,



Daniel B. Cooper
General Counsel

gl/9250C/D4

Enclosure

ORDINANCES, SECOND READINGS

7.2 Consideration of Ordinance No. 88-249, for the Purpose of Amending Chapter 2.04 of the Contract Procedures of the Metro Code in order to Clarify the Division of Powers Between the Council and the Executive Officer and Making Other Changes

The Clerk read the ordinance by title only a second time. The Presiding Officer announced that the first reading of the ordinance was conducted before the Council on May 26 and the ordinance was then referred to the Internal Affairs Committee for a public hearing and recommendation. The Committee considered the matter on June 9 and 16. Presiding Officer Ragsdale then reviewed the Committee's report to the Council which was included in the meeting agenda packet. The Committee unanimously had approved a motion to recommend the Council adopt Ordinance No. 88-249 as amended.

Motion: Councilor Ragsdale moved, seconded by Councilor DeJardin, to adopt Ordinance No. 88-249 as recommended by the Internal Affairs Committee.

Councilor Gardner said he would not support the motion. He explained the current process which provided for the Council to approve contracts over \$10,000 was created to give Metro's legislative body more control over procurement. Because of Metro's unique structure, he thought it unwise for the Council to relinquish that control.

Councilor Kirkpatrick also opposed the ordinance explaining the Council had responsibility for budget oversight. She thought it would be difficult to carry out that responsibility without the authority to approve large contracts.

Councilor Coleman asked if the Executive Officer's recommendation was based on General Counsel's legal opinion and questioned whether the Council could make a decision contrary to that opinion.

Dan Cooper, General Counsel, responded that the ordinance represented a solution to a political problem. If the problem were not resolved by Metro's elected officials it would be resolved in the courts. At Councilor Gardner's request, Mr. Cooper summarized the history of the Council's involvement in procurement. He said Metro's contract procedures were originally established by executive order in 1979 and no Council approval of contracts was required. The Council became involved in approving contracts when it adopted contract procedures in 1982 which are very similar to the procedures currently in force, he explained. Mr. Cooper said a legal opinion on the Council's authority over procurement had been rendered by former Metro Counsel Andy Jordan and was similar to the opinion

rendered by himself. He knew of no other legal opinions on the matter.

Councilor Coleman asked if the ordinance would provide assurance that a budget amendment allowing more Council control over procurement would be adopted at the same time the ordinance became effective. Councilor Kirkpatrick said Section 3 of the ordinance provided that "The effective date of this ordinance shall be December 31, 1988, or the date of adoption of an ordinance amending Ordinance No. 88-247 adopting a schedule of contract appropriations which appropriates funds for specified contract purposes, whichever date is the sooner."

Vote: A roll call vote on the motion to adopt the ordinance resulted in:

Ayes: Councilors Coleman, DeJardin, Hansen, Kelley, Knowles, Van Bergen and Ragsdale

Nays: Councilors Gardner and Kirkpatrick

Absent: Councilors Collier, Cooper and Waker

The motion carried and Ordinance No. 88-249 was adopted as recommended by the Internal Affairs Committee.

7.3 Consideration of Ordinance No. 88-250B, for the Purpose of Adding Chapter 5.04 to the Metro Code to Provide for a One Percent for Recycling Program

The Clerk read the ordinance a second time by title only. Presiding Officer Ragsdale said the first reading of the ordinance was held before the Council on May 26 and the ordinance was then referred to the Solid Waste Committee for a public hearing and recommendation. The Committee considered the matter and conducted hearings on May 31, June 14 and June 21.

Councilor Hansen, Chair of the Solid Waste Committee, reported the Committee unanimously supported adoption of the ordinance. It was an innovative program, he said, and provided a good response to the public's concern that Metro only sought "mega solutions" to solid waste disposal problems.

Motion: Councilor Hansen moved, seconded by Councilor Knowles, to adopt Ordinance No. 88-250B as recommended by the Solid Waste Committee.

Responding to Presiding Officer Ragsdale's question, Executive Officer Cusma said the fiscal impact of the program would be about

6. CONSENT AGENDA

Motion: Councilor DeJardin moved, seconded by Councilor Cooper, to approve the Consent Agenda.

Vote: A vote on the motion resulted in all eight Councilors present voting aye.

The motion carried and the following items were approved.

- 6.1 Minutes of April 14 and 28, 1988; and
- 6.2 Resolution No. 88-914, Authorizing Federal Funds for Seven Section 16(b)(2) Transportation Projects and Amending the Transportation Improvement Program

7. ORDINANCES

- 7.1 Consideration of Ordinance No. 88-249, Amending Chapter 2.04, Metro Contract Procedure of the Metro Code, in Order to Clarify the Division of Powers Between the Council and the Executive Officer and Making Other Changes (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced he was referring the ordinance to the Council Internal Affairs Committee for a public hearing and recommendation. The Committee would meet on June 9 to consider the ordinance.

- 7.2 Consideration of Ordinance No. 88-250, Adding Chapter 5.04 to the Metro Code to Provide for a One Percent for Recycling Program (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced he was referring the ordinance to the Council Solid Waste Committee for a public hearing and recommendation. The Committee would meet May 31 to consider the ordinance.

- 7.3 Consideration of Ordinance No. 88-252, Amending Metro Code Chapter 2.04 Relating to the Disadvantaged Business Program (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced he was referring the ordinance to the Council Internal Affairs Committee for a public hearing and recommendation. The Committee would meet June 9 to consider the ordinance.

Agenda Item No. 6.1

Meeting Date June 23, 1988

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

May 26, 1988
Regular Meeting

Councilors Present: Mike Ragsdale (Chair), Larry Cooper, Tom DeJardin, Gary Hansen, Sharron Kelley, David Knowles, George Van Bergen and Richard Waker

Councilors Absent: Mike Bonner, Tanya Collier, Jim Gardner and Corky Kirkpatrick

Chair Ragsdale called the meeting to order at 5:40 p.m.

1. INTRODUCTIONS

None.

2. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Councilor Van Bergen submitted for the record a letter from the Eagle Creek Grange regarding Metro's recent ban on waste disposed by citizens at the Clackamas Transfer & Recycling Center (CTRC) as a result of the city of Oregon City's limit on the amount of waste that could be disposed at the facility.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Estle Harlan, 2202 Lake Road, Milwaukie, Oregon 97222, representing the solid waste disposal industry and the Tri-County Council, distributed written comments concerning the recent Clackamas County Circuit Court decision that Metro comply with the 700 ton per day limit to waste entering CTRC imposed by the city of Oregon City. Ms. Harlan asked Metro not to make hasty decisions regarding how to comply with the limit. Rather, she suggested the agency take the time to assure that the system was properly managed. The solid waste industry was working on alternatives to assist Metro in developing rational answers, she said.

4. EXECUTIVE OFFICER COMMUNICATIONS

Rena Cusma, Executive Officer, reported she would soon announce her appointments to the Metropolitan Boundary Commission.

5. COUNCILOR COMMUNICATIONS

None.



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Date: July 15, 1988

To: Rena Cusma, Executive Officer

From: Marie Nelson, Clerk of the Council *AMN*

Regarding: TRANSMITTAL OF ORDINANCE NOS. 88-249, 88-250B and 88-251
FOR CONSIDERATION OF VETO

Attached for your consideration is a true copy of Ordinance Nos. 88-249, 88-250B and 88-251, adopted by the Council on July 14, 1988.

If you wish to veto this ordinance, I must receive a signed and dated, written veto message from you no later than 5:00 p.m., Thursday, July 21, 1988. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time stated above, this ordinance will be considered finally adopted.

I, *Leslie D. Dwyer*, received this memo and a true copy of Ordinance No. 88-249 from the Council Clerk on July 15, 1988.

Signed: *Leslie D. Dwyer*

Dated: July 15, 1988

AMN:gpwb



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

June 19, 1989

John Kauffman, County Clerk
Clackamas County Courthouse
807 Main St.
Oregon City, OR 97045

Dear Mr. Kauffman:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro file maintained by your county.

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Sharron Kelley
Deputy Presiding
Officer
District 7

Lawrence Bauer
District 2

Jim Gardner
District 3

Richard Devlin
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Judy Wyers
District 8

Tanya Collier
District 9

Roger Buchanan
District 10

David Knowles
District 11

Gary Hansen
District 12

- * **ORDINANCE NO. 88-249**, AN ORDINANCE AMENDING CHAPTER 2.04 METRO CONTRACT PROCEDURES OF THE METRO CODE IN ORDER TO CLARIFY THE DIVISION OF POWERS BETWEEN THE COUNCIL AND THE EXECUTIVE OFFICER AND MAKING OTHER CHANGES
- * ORDINANCE NO. 88-250B, AN ORDINANCE ADDING CHAPTER 5.04 TO THE METRO CODE TO PROVIDE FOR A ONE PERCENT FOR RECYCLING PROGRAM
- * ORDINANCE NO. 88-251, AN ORDINANCE FOR THE PURPOSE OF AMENDING SECTION 4.01.030 OF THE METRO CODE TO PROHIBIT ILLEGAL PARKING IN THE ZOO PARKING LOT AND OTHER AREAS ADJACENT TO THE WASHINGTON PARK ZOO, AND PROVIDING FOR THE ISSUANCE OF CITATIONS BY METRO PERSONNEL
- * ORDINANCE NO. 88-267, FOR THE PURPOSE OF REVISING METRO CODE SECTION 5.04.040 RELATING TO THE MEMBERSHIP ON THE RECYCLING ADVISORY COMMITTEE
- * ORDINANCE NO. 89-269, FOR THE PURPOSE OF AMENDING CHAPTERS 2.02, 4.01 AND 5.02 OF THE METRO CODE RELATING TO THE NAMES OF METRO FACILITIES
- * ORDINANCE NO. 89-271E, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.04 RELATING TO CONTRACTING PROCEDURES
- * ORDINANCE 88-275, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 3.02, AMENDING THE REGIONAL WASTE TREATMENT MANAGEMENT PLAN AND SUBMITTING IT FOR RECERTIFICATION


- * ORDINANCE NO. 89-280, FOR THE PURPOSE OF ADOPTING A POLICY GIVING PREFERENCE TO THE PURCHASE OF RECYCLED PAPER AND PAPER PRODUCTS
- * ORDINANCE NO. 89-282, FOR THE PURPOSE OF UPDATING THE REGIONAL TRANSPORTATION PLAN (RTP)
- * ORDINANCE NO. 89-283A, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR THE PURPOSE OF IMPLEMENTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY SOLID WASTE REQUIREMENTS AND RESTRUCTURING THE SOLID WASTE PROGRAMS
- * ORDINANCE NO. 89-284, AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 88-1: ZURCHER PROPERTY
- * ORDINANCE NO. 89-285A, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.02 BY ADDING SECTION 2.02.28 ESTABLISHING A SMOKING POLICY FOR METRO FACILITIES
- * ORDINANCE NO. 89-286, AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 88-4: BEAN PROPERTY
- * ORDINANCE NO. 89-287A, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR MENDING A CONTRACT WITH GOVERNMENT FINANCE ASSOCIATES TO STAFF THE WORK PROGRAM OF THE METROPOLITAN GOVERNMENT FINANCE COMMITTEE AND APPROVING A CONTRACT EXTENSION
- * ORDINANCE NO. 89-288, FOR THE PURPOSE OF AMENDING CODE SECTION 2.02.090 PROVIDING A PROCEDURE FOR COUNCIL VOTING
- * ORDINANCE NO. 89-290, FOR THE PURPOSE OF AMENDING THE 1986 WASTE REDUCTION PROGRAM AND THE REGIONAL SOLID WASTE MANAGEMENT PLAN

June 19, 1989
Page 3

- * ORDINANCE NO. 89-291A, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE FOR COMPUTER PURCHASES, SYSTEM RECONFIGURATION FOR THE PUBLIC AFFAIRS DEPARTMENT AND WAGE AND SALARY ADJUSTMENT FOR AFSCME REPRESENTED AND CERTAIN NON-REPRESENTED EMPLOYEES

- * ORDINANCE NO. 89-292, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE FOR ZOO OPERATIONS AND AFRICAFAE BASEMENT IMPROVEMENTS

Sincerely,


Gwen Ware-Barrett
Clerk of the Council

GWB:bfq:lc
Enclosures



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

June 19, 1989

Charles D. Cameron, County Administrator
Washington County Courthouse
150 N. First Ave.
Hillsboro, OR 97124

Dear Mr. Cameron:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro file maintained by your county.

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Sharron Kelley
Deputy Presiding
Officer
District 7

Lawrence Bauer
District 2

Jim Gardner
District 3

Richard Devlin
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Judy Wyers
District 8

Tanya Collier
District 9

Roger Buchanan
District 10

David Knowles
District 11

Gary Hansen
District 12

- * **ORDINANCE NO. 88-249**, AN ORDINANCE AMENDING CHAPTER 2.04 METRO CONTRACT PROCEDURES OF THE METRO CODE IN ORDER TO CLARIFY THE DIVISION OF POWERS BETWEEN THE COUNCIL AND THE EXECUTIVE OFFICER AND MAKING OTHER CHANGES
- * ORDINANCE NO. 88-250B, AN ORDINANCE ADDING CHAPTER 5.04 TO THE METRO CODE TO PROVIDE FOR A ONE PERCENT FOR RECYCLING PROGRAM
- * ORDINANCE NO. 88-251, AN ORDINANCE FOR THE PURPOSE OF AMENDING SECTION 4.01.030 OF THE METRO CODE TO PROHIBIT ILLEGAL PARKING IN THE ZOO PARKING LOT AND OTHER AREAS ADJACENT TO THE WASHINGTON PARK ZOO, AND PROVIDING FOR THE ISSUANCE OF CITATIONS BY METRO PERSONNEL
- * ORDINANCE NO. 88-267, FOR THE PURPOSE OF REVISING METRO CODE SECTION 5.04.040 RELATING TO THE MEMBERSHIP ON THE RECYCLING ADVISORY COMMITTEE
- * ORDINANCE NO. 89-269, FOR THE PURPOSE OF AMENDING CHAPTERS 2.02, 4.01 AND 5.02 OF THE METRO CODE RELATING TO THE NAMES OF METRO FACILITIES
- * ORDINANCE NO. 89-271E, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.04 RELATING TO CONTRACTING PROCEDURES
- * ORDINANCE 88-275, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 3.02, AMENDING THE REGIONAL WASTE TREATMENT MANAGEMENT PLAN AND SUBMITTING IT FOR RECERTIFICATION

June 19, 1989

Page 2

- * ORDINANCE NO. 89-280, FOR THE PURPOSE OF ADOPTING A POLICY GIVING PREFERENCE TO THE PURCHASE OF RECYCLED PAPER AND PAPER PRODUCTS
- * ORDINANCE NO. 89-282, FOR THE PURPOSE OF UPDATING THE REGIONAL TRANSPORTATION PLAN (RTP)
- * ORDINANCE NO. 89-283A, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR THE PURPOSE OF IMPLEMENTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY SOLID WASTE REQUIREMENTS AND RESTRUCTURING THE SOLID WASTE PROGRAMS
- * ORDINANCE NO. 89-284, AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 88-1: ZURCHER PROPERTY
- * ORDINANCE NO. 89-285A, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.02 BY ADDING SECTION 2.02.28 ESTABLISHING A SMOKING POLICY FOR METRO FACILITIES
- * ORDINANCE NO. 89-286, AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 88-4: BEAN PROPERTY
- * ORDINANCE NO. 89-287A, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR MENDING A CONTRACT WITH GOVERNMENT FINANCE ASSOCIATES TO STAFF THE WORK PROGRAM OF THE METROPOLITAN GOVERNMENT FINANCE COMMITTEE AND APPROVING A CONTRACT EXTENSION
- * ORDINANCE NO. 89-288, FOR THE PURPOSE OF AMENDING CODE SECTION 2.02.090 PROVIDING A PROCEDURE FOR COUNCIL VOTING
- * ORDINANCE NO. 89-290, FOR THE PURPOSE OF AMENDING THE 1986 WASTE REDUCTION PROGRAM AND THE REGIONAL SOLID WASTE MANAGEMENT PLAN

June 19, 1989

Page 3

- * ORDINANCE NO. 89-291A, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE FOR COMPUTER PURCHASES, SYSTEM RECONFIGURATION FOR THE PUBLIC AFFAIRS DEPARTMENT AND WAGE AND SALARY ADJUSTMENT FOR AFSCME REPRESENTED AND CERTAIN NON-REPRESENTED EMPLOYEES

- * ORDINANCE NO. 89-292, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE FOR ZOO OPERATIONS AND AFRICAFAE BASEMENT IMPROVEMENTS

Sincerely,



Gwen Ware-Barrett
Clerk of the Council

GWB:bfq:lc
Enclosures



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

June 19, 1989

Jane McGarvin, Clerk of the Board
Multnomah County Courthouse
1021 S.W. 4th Avenue
Portland, OR 97204

Dear Mrs. McGarvin:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro file maintained by your county.

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Sharron Kelley
Deputy Presiding
Officer
District 7

Lawrence Bauer
District 2

Jim Gardner
District 3

Richard Devlin
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Judy Wyers
District 8

Tanya Collier
District 9

Roger Buchanan
District 10

David Knowles
District 11

Gary Hansen
District 12

- * **ORDINANCE NO. 88-249**, AN ORDINANCE AMENDING CHAPTER 2.04 METRO CONTRACT PROCEDURES OF THE METRO CODE IN ORDER TO CLARIFY THE DIVISION OF POWERS BETWEEN THE COUNCIL AND THE EXECUTIVE OFFICER AND MAKING OTHER CHANGES
- * ORDINANCE NO. 88-250B, AN ORDINANCE ADDING CHAPTER 5.04 TO THE METRO CODE TO PROVIDE FOR A ONE PERCENT FOR RECYCLING PROGRAM
- * ORDINANCE NO. 88-251, AN ORDINANCE FOR THE PURPOSE OF AMENDING SECTION 4.01.030 OF THE METRO CODE TO PROHIBIT ILLEGAL PARKING IN THE ZOO PARKING LOT AND OTHER AREAS ADJACENT TO THE WASHINGTON PARK ZOO, AND PROVIDING FOR THE ISSUANCE OF CITATIONS BY METRO PERSONNEL
- * ORDINANCE NO. 88-267, FOR THE PURPOSE OF REVISING METRO CODE SECTION 5.04.040 RELATING TO THE MEMBERSHIP ON THE RECYCLING ADVISORY COMMITTEE
- * ORDINANCE NO. 89-269, FOR THE PURPOSE OF AMENDING CHAPTERS 2.02, 4.01 AND 5.02 OF THE METRO CODE RELATING TO THE NAMES OF METRO FACILITIES
- * ORDINANCE NO. 89-271E, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.04 RELATING TO CONTRACTING PROCEDURES
- * ORDINANCE 88-275, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 3.02, AMENDING THE REGIONAL WASTE TREATMENT MANAGEMENT PLAN AND SUBMITTING IT FOR RECERTIFICATION

- * ORDINANCE NO. 89-280, FOR THE PURPOSE OF ADOPTING A POLICY GIVING PREFERENCE TO THE PURCHASE OF RECYCLED PAPER AND PAPER PRODUCTS
- * ORDINANCE NO. 89-282, FOR THE PURPOSE OF UPDATING THE REGIONAL TRANSPORTATION PLAN (RTP)
- * ORDINANCE NO. 89-283A, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR THE PURPOSE OF IMPLEMENTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY SOLID WASTE REQUIREMENTS AND RESTRUCTURING THE SOLID WASTE PROGRAMS
- * ORDINANCE NO. 89-284, AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 88-1: ZURCHER PROPERTY
- * ORDINANCE NO. 89-285A, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.02 BY ADDING SECTION 2.02.28 ESTABLISHING A SMOKING POLICY FOR METRO FACILITIES
- * ORDINANCE NO. 89-286, AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 88-4: BEAN PROPERTY
- * ORDINANCE NO. 89-287A, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR MENDING A CONTRACT WITH GOVERNMENT FINANCE ASSOCIATES TO STAFF THE WORK PROGRAM OF THE METROPOLITAN GOVERNMENT FINANCE COMMITTEE AND APPROVING A CONTRACT EXTENSION
- * ORDINANCE NO. 89-288, FOR THE PURPOSE OF AMENDING CODE SECTION 2.02.090 PROVIDING A PROCEDURE FOR COUNCIL VOTING
- * ORDINANCE NO. 89-290, FOR THE PURPOSE OF AMENDING THE 1986 WASTE REDUCTION PROGRAM AND THE REGIONAL SOLID WASTE MANAGEMENT PLAN

June 19, 1989
Page 3

- * ORDINANCE NO. 89-291A, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE FOR COMPUTER PURCHASES, SYSTEM RECONFIGURATION FOR THE PUBLIC AFFAIRS DEPARTMENT AND WAGE AND SALARY ADJUSTMENT FOR AFSCME REPRESENTED AND CERTAIN NON-REPRESENTED EMPLOYEES

- * ORDINANCE NO. 89-292, AN ORDINANCE AMENDING ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND APPROPRIATIONS SCHEDULE FOR ZOO OPERATIONS AND AFRICAFAE BASEMENT IMPROVEMENTS

Sincerely,

Gwen Ware Barrett
Gwen Ware-Barrett
Clerk of the Council

GWB:bfq:lc
Enclosures