

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING ) RESOLUTION NO. 91-1491 A  
AN INTERGOVERNMENTAL AGREEMENT) .  
WITH THE SPECIAL DISTRICT ) Introduced by Rena Cusma,  
ASSOCIATIONS OF OREGON (SDAO) ) Executive Officer  
TO PROVIDE LEGISLATIVE SERVICE)  
TO THE METROPOLITAN SERVICE )  
DISTRICT )

WHEREAS, The Metropolitan Service District needs to coordinate and advance its legislative and intergovernmental relations activities during FY 1991-92, and

WHEREAS, The Metropolitan Service District is a member of the Special Districts Association of Oregon (SDAO), and

WHEREAS, Adequate funds for such services are included in the FY 1991-92 budget for the Metro legislative and intergovernmental activities; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby authorizes the Executive Officer to execute an agreement with the Special Districts Association of Oregon in substantially the same form as shown in the enclosed Attachment for the purpose of coordinating the legislative agenda of the agency during FY 1991-92.

ADOPTED by the Council of the Metropolitan Service District this 12th day of September, 1991.

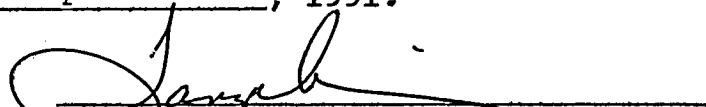
  
Tanya Collier, Presiding Officer

EXHIBIT A

SCOPE OF WORK

The Special Districts Association of Oregon (SDAO) shall provide the following services to Metro through a contract with Western Advocates:

I. Interim Legislative Committees and Task Force representation.

There will be six interim committees and/or task forces meeting between legislative sessions.

Those that will require special attention and monitoring are:

- \* Joint Committee on Revenue
- \* Joint Committee on Land Use
- \* Ways and Means
- \* Task force on Local Government Mandates

II. Administrative agency activity.

The contractor will monitor Administrative Agency activity specific to development of administrative rules that impact Metro. These are:

- \* LCDC -Development of administrative rules regarding specific land use issues.
- \* DEQ -Implementation of HB 2175 (Air Quality Legislation)
- \* DEQ -Implementation of SB 66 (Solid Waste Legislation)
- \* LCDC -Task groups on Urban Development and Infrastructure Finance.

III. Special Session of legislature.

There is some indication that special session will be called to deal with revenue related issues. No date has been set.

IV. Contact with Individual Legislators.

The Contractor will maintain contact with individual legislators between sessions. It is important that Metro issues be communicated as an ongoing part of the governmental relations activity.

V. Intergovernmental Relations Activity.

The contractor will be responsible for continuing contacts with Cities, Counties and Special Districts located within Metro Boundaries.

The purpose of these contacts will be to maintain a clear line of information regarding problems, issues, etc.. that affect Metro, Cities, Counties and Special Districts. This will require the contractor to attend meetings such as the City

Managers Organization, ARPAC, and other such activities.

The primary objectives of these activities will be communication of Metro policy and program initiatives that affect local jurisdictions and vice/versa.

Coordination and management of Contract

Direction and oversight of the Scope of Work shall be accomplished through a committee consisting of the:

- \* Executive Officer or her designee
- \* Chairman of the Government Affairs Committee
- \* Deputy Executive Officer
- \* Council Administrator
- \* Presiding Officer

The Contractor shall meet with the Committee once a month to transmit a progress report and receive guidance regarding the Scope of Work. Additional meetings may be scheduled upon request by the Contractor.

MEMO TO: Metro Government Affairs Committee

FROM: Burton Weast

RE: Interim Legislative Activities

DATE: August 1, 1991

We anticipate the following legislative activities during the interim that will require Metro participation:

1. Joint Revenue Committee. The replacement tax issue will be dealt with initially by the interim committee. Issues will be local taxation policy, distribution of any replacement tax adopted by voters and the continuing issue of Measure 5.

2. Joint Committee on Land Use. Several of the unresolved issues on land use will be considered by the interim committee. Issues such as urban fringe planning, LCDC urban growth policies, secondary lands and urban growth boundary expansion will be the subject of hearings.

3. Task Force on Mandates. Speaker Campbell has indicated that he will appoint a task force, chaired by Representative Liz VanLueewen, to examine state mandated costs on local government. Metro, as they did during the session, will be expected to participate in providing testimony on mandated costs.

4. PERS Costs. The added costs to local governments required by the passage of SB 656 will be the subject of a joint local government effort during the interim. Metro, and other local governments will need to estimate increased benefit costs, and present those costs to the legislature in order to receive any relief from the 1993 session.

#### Other Interim Issues.

1. Land Use. Beginning today, LCDC has begun a process of adopting rules to deal with the urban fringe issue. Also, Metro will be seeking LCDC administrative action to make clear that our functional plans can be "acknowledged" in the same manner as local county and city comprehensive plans. This process will be a direct outgrowth of the bills introduced during the 1991 session.

A second issue will be the implementation of the RUGGO program about to be considered by the Council. While the RUGGO bill did not pass the legislature, coordination with legislative leaders on how the policy affects local governments and regional planning will be important if we are to avoid "hostile" legislation during the next session.

2. Building relations with legislators. One key activity will be working with the metropolitan legislative delegation and the

legislative leadership to build a positive relationship. Metro is misunderstood by most legislators, and it is our responsibility to provide them with accurate information.

3. Building relations with our local government partners. Metro, by its very nature, can be viewed as a "threat" to local governments in the region. This concern by local government can translate into opposition to a possible charter as well as opposition to Metro on legislative issues. Metro should work closely with local governments during the interim to listen and resolve their concerns whenever possible. Further, we should expand the opportunity for local government professionals to directly influence Metro staff and decisions makers where appropriate.

4. Increasing the visibility of Metro Councilors with legislators. The process of increasing our legislative contacts outside the formal session should include the Metro Council and Executive. Building these relationships will be very important to Metro's future legislative efforts. We should develop ways to bring the Council and Executive together with legislators much in the same manner as is done by the various cities and counties with their delegations.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING AN ) RESOLUTION NO. 91-1491  
INTERGOVERNMENTAL AGREEMENT WITH )  
THE SPECIAL DISTRICTS ASSOCIATION ) Introduced by Rena Cusma,  
OF OREGON (SDAO) TO PROVIDE LEGIS- ) Executive Officer  
LATIVE SERVICE TO THE METROPOLITAN )  
SERVICE DISTRICT )

WHEREAS, The Metropolitan Service District needs to coordinate and advance its legislative and intergovernmental relations activities during FY 1991-92; and

WHEREAS, The Metropolitan Service District is a member of the Special Districts Association of Oregon; and

WHEREAS, Adequate funds for such services are included in the FY 1991-92 budget for the Metro legislative and intergovernmental activities; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby authorizes the Executive Officer to execute an Agreement with the Special Districts Association of Oregon for the purpose of coordinating the legislative agenda of the agency during FY 1991-92.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

## EXHIBIT A

### SCOPE OF WORK

The Special Districts Association of Oregon (SDAO) shall provide the following services to Metro through a contract with Western Advocates:

#### I. Interim Legislative Committees and Task Force representation.

There will be six interim committees and/or task forces meeting between legislative sessions.

Those that will require special attention and monitoring are:

- \* Joint Committee on Revenue
- \* Joint Committee on Land Use
- \* Ways and Means
- \* Task force on Local Government Mandates

#### II. Administrative agency activity.

The contractor will monitor Administrative Agency activity specific to development of administrative rules that impact Metro. These are:

- \* LCDC -Development of administrative rules regarding specific land use issues.
- \* DEQ -Implementation of 2175 (Solid Waste Legislation)
- \* LCDC -Task groups on Urban Development and Infrastructure Finance.

#### III. Special Session of legislature.

There is some indication that special session will be called to deal with revenue related issues. No date has been set.

#### IV. Contact with Individual Legislators.

The Contractor will maintain contact with individual legislators between sessions. It is important that Metro issues be communicated as an ongoing part of the governmental relations activity.

#### V. Intergovernmental Relations Activity.

The contractor will be responsible for continuing contacts with Cities, Counties and Special Districts located within Metro Boundaries.

The purpose of these contacts will be to maintain a clear line of information regarding problems, issues, etc.. that affect Metro, Cities, Counties and Special Districts. This will require the contractor to attend meetings such as the City Managers Organization, ARPAC, and other such activities.

The primary objectives of these activities will be communication of Metro policy and program initiatives that affect local jurisdictions and vice/versa.

Coordination and management of Contract

Direction and oversight of the Scope of Work shall be accomplished through a committee consisting of the:

- \* Executive Officer or her designee
- \* Chairman of the Government Affairs Committee
- \* Deputy Executive Officer
- \* Council Administrator
- \* Presiding Officer

The Contractor shall meet with the Committee once a month to transmit a progress report and receive guidance regarding the Scope of Work. Additional meetings may be scheduled upon request by the Contractor.



## STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1491 FOR THE PURPOSE OF APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SPECIAL DISTRICT ASSOCIATIONS OF OREGON (SDAO) TO PROVIDE LEGISLATIVE SERVICES TO THE METROPOLITAN SERVICE DISTRICT.

---

Date: August 7, 1991

Presented by: Richard Engstrom

### PROPOSAL

It is recommended that Metro approve an Intergovernmental Agreement with the Special Districts Associations (SDAO). SDAO will provide interim legislative and IGR services on behalf of its members through a contract with Western Advocates Incorporated, a Clackamas County lobbying, government relations, and public relations firm.

This contract will continue a relationship, begun in FY 90-91, with SDAO.

### SCOPE OF WORK

The Scope of Work as delineated in Exhibit A shall include:

The Special Districts Association of Oregon (SDAO) shall provide the following services to Metro through a contract with Western Advocates:

#### I. Interim Legislative Committees and Task Force representation.

There will be six interim committees and/or task forces meeting between legislative sessions.

Those that will require special attention and monitoring are:

- \* Joint Committee on Revenue
- \* Joint Committee on Land Use
- \* Ways and Means
- \* Task force on Local Government Mandates

#### II. Administrative agency activity.

The contractor will monitor Administrative Agency activity specific to development of administrative rules that impact Metro. These are:

- \* LCDC -Development of administrative rules regarding specific land use issues.
- \* DEQ -Implementation of 2175 (Solid Waste Legislation)
- \* LCDC -Task groups on Urban Development and Infrastructure Finance.

### III. Special Session of legislature.

There is some indication that special session will be called to deal with revenue related issues. No date has been set.

### IV. Contact with Individual Legislators.

The Contractor will maintain contact with individual legislators between sessions. It is important that Metro issues be communicated as an ongoing part of the governmental relations activity.

### V. Intergovernmental Relations Activity.

The contractor will be responsible for continuing contacts with Cities, Counties and Special Districts located within Metro Boundaries.

The purpose of these contacts will be to maintain a clear line of information regarding problems, issues, etc.. that affect Metro, Cities, Counties and Special Districts. This will require the contractor to attend meetings such as the City Managers Organization, ARPAC, and other such activities.

The primary objectives of these activities will be communication of Metro policy and program initiatives that affect local jurisdictions and vice/versa.

### Coordination and management of Contract

Direction and oversight of the Scope of Work shall be accomplished through a committee consisting of the:

- \* Executive Officer or her designee
- \* Chairman of the Government Affairs Committee
- \* Deputy Executive Officer
- \* Council Administrator
- \* Presiding Officer

The Contractor shall meet with the Committee once a month to transmit a progress report and receive guidance regarding the Scope of Work. Additional meetings may be scheduled upon request by the Contractor.

Metro will provide a monthly fee of \$5,000.00 not to exceed \$50,000 for FY 91-92. Resources for this contract are budgeted in the Government Relations Division.

### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 91-1491 for the purpose of entering into an Intergovernmental Agreement with Special District Association of Oregon to provide legislative services to the Metropolitan Service District.

ATTACHMENT

Contract No. \_\_\_\_\_

AGREEMENT FOR SERVICES

This Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 1991, is between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, (hereinafter referred to as "METRO"), whose address is 2000 S.W. First Avenue, Portland, OR 97201-5398, and the SPECIAL DISTRICTS ASSOCIATION OF OREGON (SDAO), (hereinafter referred to as "CONTRACTOR"), whose address is P.O. Box 12613, Salem, OR 97309, for the period of September 1, 1991 through June 30, 1992, and for any extensions thereafter pursuant to a new written agreement of both parties.

WITNESSETH:

WHEREAS, This Agreement is exclusively for Personal Services;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

CONTRACTOR AGREES:

1. To perform the services and deliver to METRO the materials described in the Scope of Work attached hereto as Exhibit A;
2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;

3. To comply with all applicable provisions and all other terms and conditions necessary to be inserted into public contracts in the state of Oregon, as if such provisions were a part of this Agreement;

4. To maintain resources relating to the Scope of Work on a generally recognized accounting basis and to make said records available to METRO at mutually convenient times; and

5. CONTRACTOR shall be an independent contractor for all purposes, shall be entitled to no compensation other than the compensation provided for in the Agreement, CONTRACTOR hereby certifies that it is the direct responsibility employer as provided in ORS 656.407, or a contributing employer as provided in ORS 656.411. In the event CONTRACTOR is to perform the services described in the Agreement without the assistance of others, CONTRACTOR hereby agrees to file a joint declaration with METRO to the effect that CONTRACTOR services are those of an independent contractor as provided under Oregon Laws 1979, chapter 864.

METRO AGREES:

1. To pay CONTRACTOR for services performed and materials delivered in the maximum sum of Fifty Thousand and No/100th Dollars (\$50,000), and in the manner and at the time designated in the Scope of Work; and

2. To provide full information regarding its requirements for the work.

////

BOTH PARTIES AGREE:

1. That either party may terminate this Agreement upon giving the other party five (5) days written notice without waiving any claims or remedies it may have against the other party;

2. That in the event of termination, METRO shall pay CONTRACTOR for services performed and materials delivered prior to the date of termination; but shall not be liable for indirect or consequential damages;

3. That in the event of any litigation concerning this Agreement the prevailing party shall be entitled to reasonable attorneys' fees and court costs, including fees and costs on appeal to an appellate court; and

4. That this Agreement is binding on each party, its successors, assigns, and legal representatives, and may not under any condition be assigned or transferred by either party.

SPECIAL DISTRICTS ASSOCIATION  
OF OREGON

METROPOLITAN SERVICE DISTRICT

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form

\_\_\_\_\_  
Daniel B. Cooper  
Metro General Counsel

## GOVERNMENTAL AFFAIRS COMMITTEE REPORT

---

RESOLUTION NO. 91-1491A, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE SPECIAL DISTRICTS ASSOCIATION OF OREGON TO PROVIDE LEGISLATIVE SERVICE TO THE METROPOLITAN SERVICE DISTRICT

---

Date: August 16, 1991

Presented by: Councilor DeJardin

**COMMITTEE RECOMMENDATION:** At its August 15, 1991 meeting, the Governmental Affairs Committee voted 3-0 to recommend Council adoption of Resolution No. 91-1491A. Voting were Councilors Devlin, DeJardin, and Hansen. Councilors Collier and Knowles were excused.

**COMMITTEE DISCUSSION/ISSUES:** Betsy Bergstein presented the staff report. She said this resolution would authorize continuation of Metro's relationship with Western Advocates, through an intergovernmental agreement with the Special Districts Association of Oregon (SDAO). The cost for FY 91-92 is \$50,000, which is budgeted. The scope of work calls for the contract to be managed by a committee consisting of the Executive Officer (or her designee), Presiding Officer, Chair of the Governmental Affairs Committee, Deputy Executive Officer, and Council Administrator. She added that Council staff suggests two minor amendments, clarifying that the agreement is to be substantially the same as attached to the resolution, and clarifying the scope of DEQ activity to be monitored.

Councilor DeJardin asked if SDAO is a government, as is implied by the intergovernmental agreement. General Counsel Dan Cooper explained that Metro had a similar arrangement with SDAO and Western Advocates last fiscal year, which was developed to clarify the relationships between the three parties. He also said that by enacting an intergovernmental agreement, we do not need to go through a formal bid process for lobbying services, where we would if this were a direct contract with a firm. On the issue of the justification for an intergovernmental agreement, Mr. Cooper said that SDAO is an association of local governments, which is funded by and takes its direction from local governments. SDAO is not a governmental entity, but for the purposes of this resolution an intergovernmental agreement is appropriate.

Councilor Devlin stated that the arrangement with Western Advocates has been beneficial for Metro, as well as being cheaper than hiring a full time staff lobbyist. He added that he had heard there might be some concern among local governments over Metro adopting this agreement, but he had also spoken with the Tualatin City Manager, who supported it. Councilor Devlin asked for public testimony on the resolution, and there was none. The committee then approved the resolution with staff's suggested amendments.