

NOT ADOPTED

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RECOMMENDING) RESOLUTION NO. 94-1997
A AND B CONTRACT DESIGNATIONS FOR)
THE PERSONNEL AND EXECUTIVE) Introduced by Governmental
MANAGEMENT DEPARTMENTS) Affairs Committee

WHEREAS, Metro Code Section 2.04.032(d) requires the Council to designate contracts as either "A" or "B" for the purpose of determining whether Council or Council Committee authorization of release of bid documents is required; and

WHEREAS, Such designation may be included as part of the annual budget ordinance, which has been the Council's practice in the past; and

WHEREAS, The Governmental Affairs Committee has prepared recommendations for contract list designations for the Personnel and Executive Management Departments; and

WHEREAS, Council adoption of Resolution No. 94-1973 on June 9, 1994 directed special legal counsel to initiate litigation to determine whether the Executive or the Council has legal authority to approve a specific contract amendment; and

WHEREAS, A judicial declaration pursuant to the litigation authorized by Resolution No. 94-1973 may address broader questions of contracting authority between the Council and Executive; and

WHEREAS, It is not in the interests of the Council in preparing for litigation to act in a way that may harm its case; and

WHEREAS, Special legal counsel has been retained to advise the Council on matters pertaining to contract authority; now, therefore,

BE IT RESOLVED,

That the Metro Council :

1. Directs Council staff to request clarification from special legal counsel whether acting to adopt contract list designations pursuant to Metro Code Section 2.04.032(d), prior to a judgment being rendered in the litigation authorized by Resolution No. 94-1974, would jeopardize or weaken the Council's case in pursuing said litigation.

2. Recommends the contract designations for the Personnel and Executive Management Departments as described in Exhibit A, attached, be included in the 1994-95 Adopted Budget, only if special legal counsel advises that such inclusion will not jeopardize or weaken Council's pending litigation.

ADOPTED by the Metro Council this 23rd day of June, 1994.

Judy Wyers, Presiding Officer

Contracts List

The following list contains all known, existing or anticipated contracts for FY 1994-5. This list has been prepared in accordance with Metr and 2.04.033. The contracts are shown by department and /or division. All contract have been classified into one or more of the followin PS - Personal Services, PUB - Public Contract, PROC - Procurement, CONST - Construction, IGA - Intergovernmental Agreement, REV - Rev LM - Labor and Materials, LEASE/PURCH - Lease/Purchase

In addition, these acronyms and abbreviations have been utilized: MRC - Metro Regional Center, SPA - State Price Agreement, LIC - Licens Explanation of Council Designation as follows:

- A -Bid or request for proposal documents require Council Committee approval
- B -Bid or request for proposal documents do not require Council Committee approval
- N/A -Contract is exempt or not subject to Metro Code sections 2.04.032 and 2.04.033
- Existing -Contract already exists and/or bid documents have already received appropriate review according to Metro Code
- A/Multi-Year -Bid or request for proposal documents and contract documents require Council approval

COUNCIL STAFF RECOMMENDATION

DEPT	CONTRACT #	VENDOR/DESCRIPTION	TYPE	DURATION	TOTAL AMOUNT OF CONTRACT	FY 1994-95 AMOUNT
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EXECUTIVE MANAGEMENT

Office of Government Relations

	New	Special Districts Association of Oregon Professional Governmental Services	PS	7/1/94-6/30/95	60,000	60,000	(A)
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FINANCE AND MANAGEMENT INFORMATION

Accounting Division

	901871	KPMG Peat Marwick Audit: Financial and Grant compliance with management letter	PS	4/1/91-3/31/95	200,000	65,000
	New	To be determined Audit: Financial and Grant compliance with management letter	PS	4/1/95-3/31/98	200,000	65,000
	902436	U. S. Bank of Oregon Banking: Checking and cash management accounts	PS	5/1/92-4/30/95	Per unit	25,200

Contracts List

DEPT	CONTRACT #	VENDOR/DESCRIPTION	TYPE	DURATION	TOTAL AMOUNT OF CONTRACT	FY 1994-95 AMOUNT	COUNCIL STAFF RECOMMENDATION
METROPOLITAN EXPOSITION-RECREATION COMMISSION - continued							
<i>Administration - continued</i>							
	New	To be determined Sound System: Civic Auditorium	PUB	7/1/94-6/30/95	30,000	30,000	
PERSONNEL							
	New	To be determined Multiple Training Contracts: Management/Supervisor/Diversity/AA/EEO	PS	7/1/94-6/30/95	17,000	17,000	(B)
	New	To be determined Employee Counseling Service: Assistance Program	PS	7/1/94-6/30/95	16,200	8,100	(B)
	902826	Mercer Inc Agent/Consultant: Employee Health & Welfare Program	PS	1/1/93-12/31/95	108,000	36,000	N/A
	New	To be determined Administration/Recordkeeping: 401(k) Savings Plan	PS	7/1/94-6/30/95	38,000	19,000	(B)
	902241	Gibbens Unemployment Claims Processing	PS	1/1/93-12/31/94	9,000	2,250	N/A
	New	To be determined Unemployment Claims Processing	PS	1/1/95-12/31/96	9,950	2,450	(B)

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 94-1997, RECOMMENDING A AND B CONTRACT
DESIGNATIONS FOR THE PERSONNEL AND EXECUTIVE MANAGEMENT
DEPARTMENTS

Date: June 16, 1994

Presented by: Councilor Van Bergen

COMMITTEE RECOMMENDATION: At its June 14, 1994 meeting the Governmental Affairs Committee voted 4-0 to direct Council staff to prepare a resolution recommending contract list designations for the departments under the committee's oversight, with the resolution to contain the condition that such designations be adopted only if special legal counsel advised that such action would not adversely affect Council's pending litigation. All Committee members were present and voted in favor.

COMMITTEE DISCUSSION/ISSUES: Council Analyst Casey Short presented his recommended contract list designations for the departments under the Governmental Affairs Committee's oversight. Only Executive Management and Personnel have contracts proposed for the contracts list; the Council Department, Office of General Counsel, and Office of Public and Government Relations have no contracts listed.

Councilor Van Bergen asked if an action designating contracts would harm the proposed litigation approved by the Council on June 9. Council Administrator Don Carlson said he recommended going ahead with the designations because the Code calls for this to be done; he added that he anticipated future Council action to change the contracting Code, but in the meantime we should abide by the provisions of the Code. Councilor Van Bergen said he supported approval of the designations with the condition that Mr. Carlson speak with Council's special counsel to determine if this action would harm the Council's case. Councilor Wyers said she shares some of Councilor Van Bergen's concerns, and wants the Council to be sure to establish a clear path on contracting procedures. She added that other contractors have begun expressing concern about their ability to amend their contracts.

Councilor Wyers asked if it is necessary to designate the contracts. Mr. Carlson said the charter expressly continues current ordinances, and Mr. Short cited the Code section which says the Council shall designate all contracts included in the annual contracts list. Councilor Van Bergen moved to direct Mr. Short to prepare a resolution for Council consideration which approves the committee's recommended contract designations, conditioned on approval from special counsel.