

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)	RESOLUTION NO. 94-2014
A CONTRACT WITH JACOB TANZER)	
FOR LEGAL SERVICES REGARDING)	Introduced by Rena Cusma,
METRO EXECUTIVE OFFICER CONTRACT-)	Executive Officer
ING AUTHORITY)	

WHEREAS, The Metro Council approved Resolution No. 94-1939 on March 24, 1994 authorizing Metro General Counsel to employ outside legal counsel to advise the Council regarding its authority under the 1992 Metro Charter to control the approval of contracts and contract amendments; and

WHEREAS, Metro General Counsel entered into a contract with the firm of Harrang Long Gary Rudnick, P.C., on April 15, 1994, for a maximum amount of \$10,000 to obtain advice on the Metro Council's contracting authority; and

WHEREAS, The Metro Council approved Resolution No. 94-1973 on June 9, 1994 directing special legal counsel to initiate litigation to obtain a judicial declaration as to the validity of Amendment No. 4 to the contract between Metro and Oregon Waste Systems, Inc. executed by the Metro Executive Officer on March 16, 1994; and

WHEREAS, The Metro Council approved Resolution No. 94-1996 authorizing Amendment No. 1 to the contract with Harrang Long Gary Rudnick, P.C., increasing the maximum amount to \$75,000; and

WHEREAS, At the request of the Executive Officer, Metro General Counsel entered into a contract with Jacob Tanzer to provide legal services for the Executive Officer; and

WHEREAS, It is necessary and appropriate for the contract with Jacob Tanzer to be amended so that the Executive Officer has the ability to defend her actions; now, therefore,

BE IT RESOLVED,

1. That the Metro Council acting as the Contract Review Board exempts Contract Amendment No. 1 from the competitive procurement procedures of Section 2.04.053 of the Metro Code.
2. That the Metro Council approves Amendment No. 1 to the contract with Jacob Tanzer increasing the maximum amount to \$75,000; and amending the Scope of Work.

ADOPTED by the Metro Council this 22 day of September, 1994.


Judy Wyers, Presiding Officer

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AMENDMENT NO. 1

ADDITIONAL SCOPE OF WORK, TERM AND CONTRACT AMOUNT

That Contract between Metro and Jacob Tanzer, hereinafter referred to as "Contractor," dated April 26, 1994 for legal services is hereby amended to:

1. Add the Scope of Work as described in Exhibit "A" attached hereto;
2. Extend the length of the Contract to December 31, 1994; and
3. Increase the maximum amount that Metro shall pay to the Contractor for services provided to Seventy-Five Thousand and No/100ths (\$75,000) Dollars.

All other terms of the Contract remain in full force and effect.

DATED the ____ day of _____, 1994.

JACOB TANZER

METRO

Title _____

EXHIBIT "A"

SCOPE OF WORK

The Contractor shall advise the Executive Officer regarding any proceedings for a judicial declaration as to the validity of Amendment No. 4 to the Contract between Metro and Oregon Waste Systems, Inc. executed by the Executive Officer on March 16, 1994; and the Contractor shall represent the Metro Executive Officer in such proceeding at the trial level.

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STAFF REPORT

IN CONSIDERATION OF:

RESOLUTION NO. 94-2014 FOR THE PURPOSE OF AMENDING A CONTRACT WITH JACOB TANZER FOR LEGAL SERVICES REGARDING METRO EXECUTIVE OFFICER CONTRACTING AUTHORITY, AND;

ORDINANCE NO. 94-565 AMENDING THE FY 94-95 BUDGET AND APPROPRIATIONS SCHEDULE BY TRANSFERRING \$68,262 FROM THE SOLID WASTE REVENUE FUND CONTINGENCY TO THE ADMINISTRATION DIVISION MATERIALS & SERVICES, MISC. PROFESSIONAL SERVICES ACCOUNT FOR THE PURPOSE OF PROVIDING LEGAL SERVICES REGARDING METRO EXECUTIVE OFFICER CONTRACTING AUTHORITY; AND DECLARING AN EMERGENCY.

Date: August 28, 1994

Presented by: Dick Engstrom

FACTUAL BACKGROUND AND ANALYSIS

The Metro Council approved Resolution No. 94-1973 on June 9, 1994, directing special legal counsel to initiate litigation to obtain a judicial declaration as to the validity of Amendment No. 4 to the contract between Metro and Oregon Waste Systems, Inc. executed by the Metro Executive Officer on March 16, 1994. The Metro Council approved Resolution No. 94-1994 increasing the maximum authorized payment on the contract with special legal counsel of Harrang Long Gary Rudnick, P.C., to \$75,000.

At the request of the Executive Officer, Metro General Counsel entered into a contract with Jacob Tanzer to provide legal services for the Executive Officer in defending her actions in executing Amendment No. 4 to the contract between Metro and Oregon Waste Systems, Inc.

Resolution No. 94-2014 authorizes an increase in the maximum authorized payment on the contract with special legal counsel Tanzer to \$75,000; amends the Scope of Work of the contract; and exempts the contract amendment from the competitive procurement procedures of Section 2.04.053 of the Metro Code. The amendment to the scope of work provides, "The Contractor shall advise the Executive Officer regarding any proceedings for a judicial declaration as to the validity of Amendment No. 4 to the Contract between Metro and Oregon Waste Systems, Inc. executed by the Executive Officer on March 16, 1994; and the Contractor shall represent the Metro Executive Officer in such proceeding at the trial level."

Six thousand seven hundred and thirty eight dollars were spent on this contract in FY 1993-94. This ordinance amends the FY 1994-95 Solid Waste budget and appropriations schedule by transferring \$68,262 from the Solid Waste Revenue Fund contingency to the Administration Division Misc. Professional Services account from which this contract will be paid. Contract expenses are being incurred in both FY 1993-94 and FY 1994-95. The \$68,262 transfer will provide funds for payments made in FY 1994-95 and total maximum funding of \$75,000 for the contract.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution 94-2014.

The Executive Officer recommends approval of Ordinance No. 94-565 and declaring an emergency.

FINANCE COMMITTEE REPORT

RESOLUTION NO. 94-2014 AMENDING A CONTRACT WITH JACOB TANZER FOR LEGAL SERVICES REGARDING METRO EXECUTIVE OFFICER CONTRACTING AUTHORITY

Date: September 15, 1994 Presented By; Councilor Van Bergen

COMMITTEE RECOMMENDATION: At its September 14, 1994 meeting the Committee voted 5 to 1 to recommend Council approval of Resolution No. 94-2014 as amended. Committee members voting in favor were Councilors Buchanan, Kvistad, McLain, Van Bergen and Washington. Councilor Devlin voted against and Councilors Gardner and Monroe were absent.

COMMITTEE DISCUSSION/ISSUES: Dick Engstrom, Deputy Executive Officer gave the Staff Report. He stated this resolution is related to Ordinance No. 94-565B and amends the contract with Jacob Tanzer to provide legal services for the Executive Officer.

Don Carlson, Council Administrator recommended an amendment to the Scope of Work to add the words "and appellate" so it is clear that Mr. Tanzer can represent the Executive Officer during the appeal (See Attachment 1 to this Committee Report). Mr. Carlson stated the Scope of Work in the Council's contract with Harrang Long will be amended in a similar manner.

There was no Committee discussion of the resolution.

SCOPE OF WORK

The Contractor shall advise the Executive Officer regarding any proceedings for a judicial declaration as to the validity of Amendment No. 4 to the Contract between Metro and Oregon Waste Systems, Inc. executed by the Executive Officer on March 16, 1994; and the Contractor shall represent the Metro Executive Officer in such proceeding at the trial AND APPELLATE level.

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FINANCE COMMITTEE REPORT

RESOLUTION NO. 94-2014, AMENDING A CONTRACT WITH JACOB TANZER FOR LEGAL SERVICES REGARDING METRO EXECUTIVE OFFICER CONTRACTING AUTHORITY

Date: September 1, 1994

Presented by: Councilor Van Bergen

COMMITTEE RECOMMENDATION: At its August 24, 1994 meeting the Finance Committee voted 5-2 to recommend Council adoption of Resolution No. 94-2014. Voting in favor were Councilors Monroe, Kvistad, McLain, Van Bergen, and Washington. Voting in opposition were Councilors Devlin and Gardner. Councilor Buchanan was absent.

COMMITTEE DISCUSSION/ISSUES: The Finance Committee discussed this item in conjunction with its consideration of Ordinance No. 94-565, and raised no issues specific to this resolution. Please see the committee report for Ordinance 94-565A for the committee's discussion.