

APPROVED
Date 8-13-94

MINUTES OF THE METRO COUNCIL GOVERNMENTAL AFFAIRS COMMITTEE

July 13, 1994

Council Chamber

Committee Members Present Mike Gates (Chair), George Van Bergen (Vice Chair), Roger Buchanan, Ruth McFarland, Judy Wyers

Councilors Also Present Susan McLain

Chair Gates called the regular meeting of the Governmental Affairs Committee to order at 4 02 p m

1. Consideration of ^{June 14} ~~July 13~~, 1994 Governmental Affairs Committee Meeting Minutes

Motion Councilor Van Bergen moved to approve the ^{June 14} ~~July 13~~, 1994 Governmental Affairs Committee meeting minutes as submitted _{myp}

Vote Councilors Buchanan, McFarland, Van Bergen and Gates voted aye

The vote was unanimous and the motion passed.

2. Communications from Local Governments

No communications from local Governments

3. Resolution No. 94-2004. For the Purpose of Approving An Intergovernmental Agreement In the Amount of \$52,000 With the Special Districts Association of Oregon (SDAO) to Provide Legislative Services to Metro

Chair Gates noted the SDAO had not yet concluded their review of the contract before the Committee, and said he understood minor language changes could be requested

In response to Chair Gates, Casey Short, Council Analyst, referenced the July 13, 1994 Staff Report and changes in the accompanying Exhibit A Scope of Work This document has been made a part of the permanent meeting record

Merrie Waylett, Senior Management Analyst, gave further explanation regarding the language changes

Mr Short confirmed for the Chair that payment would not ensue to the SDAO until the contract was approved by the Metro Council Ms Waylett confirmed the current contract was expired

In response to Councilor Buchanan, Chair Gates said the matter was being handled at this time only as a matter of courtesy Councilor Buchanan felt a vote on a clean document would be appropriate. Chair Gates indicated he did not see a problem in setting the matter over for a later date.

Chair Gates asked for a motion Seeing no motion, Chair Gates recommended the matter be put over for placement on the next Governmental Affairs Committee meeting to be held July 26, 1994 followed by placement on the Council agenda for July 28, 1994

In response to Councilor Van Bergen, Mr Short said the contract amount was a decrease to \$50,000 from the previous year's contract amount of \$60,000 due to a reduced scope of work to have the SDAO concentrate on activities at the state legislature and no longer coordinate Metro's relationships with other local governments He said that was directed to be accomplished by the Office of Public and Government Relations

Councilor Van Bergen expressed concern regarding the timing of the work to be done by the SDAO, which he felt was limited by the current terms of the contract. Mr. Short described a remedy that could accomplish timing objectives.

In response to Councilor Van Bergen, Ms. Waylett indicated the Office of Public and Government Relations work plan called for a closer management and monitoring role than had been performed in the past of the work done by the SDAO. She said the SDAO would be reporting to the Committee on a more frequent basis.

Councilor Van Bergen felt passage of the proposed resolution at this time would be beneficial.

Motion: Councilor Van Bergen moved to recommend Resolution No. 94-2004 to the full Council for adoption.

Vote: Councilors Buchanan, McFarland, Van Bergen and Gates voted aye. Councilor Wyers was absent.

The vote was unanimous and the motion passed.

4. Resolution No. 94-1963, For the Purpose of Waiving and Postponing a Competitive RFP Process and Extending Metro Contract No. 902675 with Howard Johnson & Company and Rainier Trust for Administrative Record Keeping and Trust Services for the Metro Employee Salary Savings Plan

Paula Paris, Personnel Director, Jaye Fraser, Benefits Officer; Mark Williams, Senior Assistant Counsel, and Dan Cooper, Legal Counsel, presented the staff report.

Ms. Paris said the group was present to give answer to questions previously raised by Councilor Van Bergen.

Mr. Williams described the historical background of the matter before the Committee. He said originally a contract was approved by the Council with W.M. Benefits, which company was divided into two companies, a trust side and a benefits services side. He said less than a year after that two year contract was approved, Metro received a letter from W. M. Benefits informing Metro that the company was going out of business and advising Metro to make other arrangements. Mr. Williams pointed out to at that time that the company had signed a Personal Services contract stipulating 90 days written notice prior to termination and that Metro had not received such. He said Metro suggested W. M. Benefits make other arrangements. Mr. Williams said W. M. Benefits responded in the affirmative, and said they would continue operating under the contract until such time as Metro found another provider. He said an advisory committee had to search for a new provider at that time. Mr. Williams noted that Howard Johnson had worked out some sort of deal to take over these accounts nation wide, but noted that Metro was not under obligation to go with Howard Johnson at that time. Mr. Williams said the advisory committee conducted a kind of mini-competition, and said among those parties interested Howard Johnson Company had come forward. He noted the other companies had come in with higher cost, and the Howard Johnson Company had indicated they could provide the necessary services at a lower cost in comparison. Mr. Williams said he advised the Committee and the Executive Officer that an emergency contract could be entered into for an interim given the provisions outlined in the Metro Code. He said the proposed resolution would extend the contract further.

Councilor Van Bergen asked if there was any federal oversight over this kind of endeavor. Mr. Williams indicated he knew of nothing specific in the way of a federal agency, but he was aware of tax laws that would be involved. Mr. Cooper noted the federal government did pass legislation, the federal employee retirement system, which he said was a tax code mechanism that governed when and how corporations and private employers could get favorable tax treatment for creating retirement plans. He said the legislation provided protection for employees which had not hitherto existed.

In response to Councilor Van Bergen, Mr. Williams said the original dealings with WM Benefits had occurred in under the signature of Rick Gustafson. He explained the connection between WM Benefits and Rainier Trust.

Councilor Van Bergen noted one corporation, Washington Mutual, was in effect subsidizing another corporation's take over of the contracts. He expressed caution in the future as he believed the contract would come in at a much higher price the next time around.

Mr. Williams suggested a way to structure the matter. He said when the matter went out to bid, it would be well to direct the community to provide all the services from one provider, and direct that the trust and benefits organizations get together to bring Metro joint proposals.

Ms. Paris noted she had discovered over charges and said that WM Benefits had remitted payment to Metro for overcharges.

Councilor Van Bergen recalled he had expressed concern previously regarding the composition of the membership of the advisory committee. Ms. Paris said a new committee was assigned in response to Councilor Van Bergen's concerns, and said the members of the new advisory committee included Ms. Fraser, Mr. Short, Craig Prosser, Financial Planning Manager, herself, and Candy Cavanagh, Stadium Manager and MERC employee.

Councilor McFarland agreed it would be appropriate to go ahead with the contract as proposed, but that a more knowledgeable approach be taken in the future.

In response to Councilor Buchanan, Ms. Paris said no union member was involved in the advisory committee.

Motion: Councilor Van Bergen moved to recommend Resolution No. 94-1963 to the full Council for adoption.

Vote: Councilors Buchanan, McFarland, Van Bergen and Gates voted aye. Councilor Wyers was absent.

5. Ordinance No. 94-559, An Ordinance Relating to Public Meetings Allowing Council Members To Be Present At Meetings Through the Use of Electronic Means and Declaring an Emergency

Donald E. Carlson, Council Administrator, presented the staff report, and said the proposed ordinance would amend the Metro Code consistent with the Oregon Public Meeting Law allowing Council meetings to be conducted through the use of telephone conference calls or other electronic communications. He noted the emergency clause was not necessary at this time.

Councilor McLain expressed support for the proposed ordinance, and said it would be beneficial in times when it was not possible to be present at a meeting.

Councilor Buchanan indicated he had reservations about the proposed ordinance.

Councilor Van Bergen indicated he would oppose the proposed ordinance. He expressed concern over lack of controls in the matter.

Councilor McFarland opposed the matter, and expressed concern over precedent.

Chair Gates felt technology was moving in a direction in which this would become commonplace. He felt, however, the Councilors' points were well taken.

Councilor Wyers felt more reserved concerning her support at this time. She was concerned about the reaction of the public to a meeting in which an elected official's presence was only via telephone.

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Chair Gates noted a previous meeting was held in which a telephone conversation with Bill Gary, Outside Legal Counsel

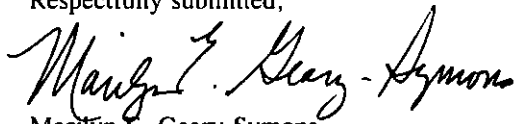
Councilor Van Bergen noted that session was an Executive Session in which no public were involved

The Committee discussed the possibility of public testimony call in times during Metro Council and Committee meetings in the future.

Chair Gates asked Councilor McLain to take the matter under advisement and bring back a revision to the Committee for further review Councilor McLain agreed

There being no further business, the meeting adjourned at 4.59 p m

Respectfully submitted,



Marilyn E Geary-Symons

Committee Recorder

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