

MINUTES OF THE COUNCIL GOVERNMENTAL AFFAIRS COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

September 17, 1992
Council Chamber

Committee Members Present: Tanya Collier (Chair), Richard Devlin (Vice Chair), Edward Gronke, Judy Wyers

Committee Members Absent: None

Other Councilors Present: Ed Washington

Chair Collier called the regular meeting to order at 4:05 p.m.

1. Consideration of Ordinance No. 92-467A, Approving the Revision of Metro Code Section 2.02.275, Zoo Visitor Services Employees

Paula Paris, Personnel Director, introduced Theresa Metke, Personnel Services Manager, Metropolitan Park Zoo. Ms. Paris said she and Ms. Metke had made revisions to the Code as it relates to the operation of the Zoo. She said major changes were made to clarify seasonal workers' status. She said a disciplinary procedure was developed because there was a higher standard of just-cause for these employees. She said open recruitment was included in the changes.

Ms. Metke said the changes in the open recruitment will allow for a higher quality of applicants for recruitment.

Councilor Devlin asked how the just cause differed from represented employees. Ms. Paris said that there would be no probationary period for seasonal workers. She said the desired affect would be to standardize disciplinary procedures among non-represented employees. She compared the proposed system for seasonal workers to that of the represented employees.

Councilor Washington asked what precipitated the changes. Ms. Paris said repeated problems arose that could be eliminated through updating the current system.

Motion: Councilor Gronke moved to recommend Council adoption of Ordinance No. 92-467A.

Chair Collier opened the meeting for public testimony. No citizens appeared to testify.

Vote: Councilors Collier, Devlin, and Gronke voted aye. Councilor Wyers was absent. The vote was unanimous and the motion passed.

2. Consideration of Ordinance No. 92-466A, Repealing Metro Code Sections 2.04.100-.180, and Enacting New Provisions Establishing and Governing Metro's Contracting Procedures for Minority, Women and Disadvantaged Business Enterprises

Casey Short, Council Analyst, presented the staff report. Mr. Short presented historical background on the Ordinance. He said the Ordinance had been before the Committee for approximately one year. He said recently the Committee asked Council staff to meet with interested parties to develop a program. He said the charge was to craft the most liberal program available under current Federal and State laws related to government contracting.

Mr. Short said the two purposes of the program were Metro will be active in outreach efforts for women and minority contracting (good faith effort) and will notify state registered business entities to include them in the bidding process. He said the second part places good faith requirements on the general contractors for construction projects over \$50,000.

Mr. Short noted that in July, 1992, concerns still existed in the community and further meetings were held to address those concerns. He summarized the changes that resulted from these meetings as outlined in his September 10, 1992 memo, a copy of which is included in the record of this meeting.

Councilor Devlin asked Mr. Short to clarify that previous testimony providers had been notified of the meeting. Mr. Short said they had. Councilor Devlin asked if a budget amendment would be made to staff the position to implement the program. Mr. Short said a recognition of adding a staff person was included in the budget process. Mr. Short said Mr. Saling would start the budget amendment process.

Chair Collier asked about a disparity study. Mr. Short said Resolution No. 92-1661 would address the issue of a disparity study. Mr. Short said if a disparity study showed historical past discrimination existed then preferential bidding would be allowed.

Mark Williams, General Counsel, said the disparity study would uncover evidence that might allow for bidding preferences. He said the study itself might not find evidence to allow preferential bidding. Chair Collier said because of the short history of Metro, discrimination might not have occurred. Mr. Williams said that if funding from Metro went towards an industry that included discrimination then preference might also be allowed.

Chair Collier opened the meeting for public testimony. No citizens appeared to testify and the public hearing was closed.

Chair Collier asked if the task force favored the Ordinance passage. Mr. Short said Henry Pelfrey felt it was the best Metro could do, but was not particularly pleased. Mr. Short said it was the best he felt was available under the law.

Motion: Councilor Devlin moved to recommend Council adoption of Ordinance No. 92-466A.

Vote: Councilor Collier, Devlin, and Gronke voted aye. Councilor Wyers was absent. The vote was unanimous and the motion passed.

Chair Collier thanked staff for their hard work on the development of the Ordinance.

3. Consideration of Resolution No. 92-1661, Authorizing the Executive Officer to Execute a Statement in Support of Determining the Feasibility of a Predicate/Disparity Study

Neil Saling, Regional Facilities Director, presented the staff report. He said the predicate study would identify if a preferential bidding program would be allowed. He said the study might cost upwards of \$500,000. He said he proposed a study be made to examine the feasibility of conducting such a study. He said Tri-Met and Multnomah County will fund the feasibility study. He said Resolution No. 92-1661 was a statement of support. He said the support did not commit Metro to conducting the predicate study, but that in the future such support would likely be requested.

Mr. Short said Metro was not committing itself to a future study, the result of the study would identify whether a full study would be worthwhile. Chair Collier said that if the feasibility study indicated a predicate study would address issues then Metro would likely proceed.

Mr. Short noted this resolution was delayed to allow it to proceed at the same time as Ordinance No. 92-466A.

Councilor Gronke asked how much the study would cost and how long it would take. Mr. Saling said a cap of \$25,000 was placed on the contract. He said he did not know how long it would take, but he would find out and advise the Committee. Councilor Gronke asked how the cost of a full predicate study would be distributed. Mr. Saling said no determination had been made.

Chair Collier asked if the task force favored the study. Mr. Saling said no specific support was indicated, but Clifford Freeman was very active with the study and was also on the task force.

Chair Collier opened the meeting for public testimony. No citizens appeared to testify and the public hearing was closed.

Motion: Councilor Gronke moved to recommend Council adoption of Resolution No. 92-1661.

Vote: Councilors Collier, Devlin, and Gronke voted aye. Councilor Wyers was absent. The vote was unanimous and the motion passed.

5. Consideration of Summary Information concerning the Metro Charter

Betsy Bergstein, Senior Management Analyst, distributed and summarized an example fact sheet, copies of which are included in the record of this meeting.

Ken Gervais, Senior Management Analyst, noted the difficulty in preparing a fact sheet.

Chair Collier said her preference was to model a Charter Fact Sheet after the Greenspaces example, using what the Charter would do, not what Metro does now. Councilor Devlin said he personally preferred the second version. He said the first version would probably be most useful to Councilors but would need significant modification to make it more neutral. He said the most commonly asked questions should be answered. Chair Collier noted that impact should be addressed. Councilor Gronke said he concurred with Councilor Devlin.

Ms. Bergstein asked for a proposed deadline for completion of a fact sheet. Mr. Short said a resolution would need to be adopted to allow the distribution of a fact sheet. Mr. Short distributed a draft resolution for consideration. Dan Cooper, General Counsel, said staff could be directed to prepare the actual distribution document. He said a suspension of the rules would need to be made at the Council meeting to adopt the resolution.

Motion: Councilor Gronke moved to instruct staff to prepare a resolution allowing staff to prepare a fact sheet for public distribution related to the Metro Charter.

Vote: Councilors Collier, Devlin, and Gronke voted aye. Councilor Wyers was absent. the vote was unanimous and the motion passed.

4. Review of Departmental Five-Year Financial Plans, Phase One

Mr. Short noted three departments would not present their reports.

Ms. Bergstein summarized the Office of Government Relation's five-year financial plan, a copy of which is included in the record of this meeting. She noted the plan might need significant amendments pending the results of the Charter Ballot and the 1993 Legislative activity.

Councilor Gronke asked why Metro used a contract lobbyist. Chair Collier said the answer was historical and complicated. Ms. Bergstein noted a contract was less expensive than employing a lobbyist.

Councilor Devlin noted all the departments would be impacted by the elections in November. He said an immediate assessment would need to occur following the results of the elections.

Mr. Cooper distributed and summarized the Office of General Counsel's five-year financial plan. He said the assumptions used in preparation of the report changed from the previous year. He discussed the difficulty in accurately forecasting proposed changes to the agency. He discussed the Greenspaces program and the Charter as areas of potential significant changes in work load of the department.

Councilor Wyers asked why the Tri-Met Merger issue was not included in the assumptions. Mr. Cooper said last year Tri-Met was not included and the instructions from Finance did not ask for it. He said the study did not require additional legal staff. He said implementation of a merger would be examined later to indicate changes required.

Mr. Short noted the Council Department's Five-Year Financial plan had been distributed. Chair Collier said consideration would be made at the next regular meeting.

Chair Collier and Councilor Wyers requested that separate five-year financial plans not be made for each department based on the Metro related ballot measures.

With no further business before the Committee, Chair Collier adjourned the meeting at 5:35 p.m.

Respectfully Submitted,



Susan Lee
Committee Clerk