

MINUTES OF THE INTERGOVERNMENTAL RELATIONS COMMITTEE  
OF THE METROPOLITAN SERVICE DISTRICT

August 28, 1990

Council Chamber

Committee Members Present: Jim Gardner (Chair), Richard Devlin (Vice Chair), Larry Bauer and Gary Hansen

Committee Members Absent: Ruth McFarland

Tri-Met Merger Subcommittee (Second Meeting)

Chair Gardner called the Tri-Met Merger Subcommittee to order at 6:06 p.m. Subcommittee members present: Councilors Gardner, Devlin and Bauer and Loren Wyss, Tri-Met Board of Directors President. Subcommittee members absent: Councilor McFarland and Rena Cusma, Metro Executive Officer.

o Status of Consultant RFP; Evaluation Form

Jessica Marlitt, Council Analyst, distributed her memorandum "Report on Responses to Request for Proposals (RFP) for Metro/Tri-Met Merger Services" dated August 28, 1990. She explained the RFP was released August 13 and the deadline was August 27. Council staff received one response from Cogan Sharpe Cogan August 27 at 4:22 p.m. She said the required eight proposal copies were distributed this date with an evaluation form. She said the Subcommittee could accept, reject or re-initiate the RFP. Ms. Marlitt noted her memorandum was written per Metro Code requirements for contracts over \$15,000 if only one response was received.

Ms. Marlitt said RFPs were sent to 17 potential vendors and advertised in The Oregonian. Staff contacted three possible vendors this date to determine why they did not submit proposals. One vendor noted they preferred to work on one portion of, not the whole, project, particularly the financial analysis.

Mr. Wyss noted the project cost was estimated at \$15,000 to \$20,000, but that Cogan Sharpe Cogan's submitted cost was much higher at \$37,083. Ms. Marlitt said staff originally believed \$20,000 to be a realistic amount, but were not sure what costs proposers would estimate. Chair Gardner asked staff if all vendors received the same budget information. Ms. Marlitt said they did. Mr. Wyss asked if the proposer would consider re-evaluating their budget in view of Metro budget considerations. Councilor Bauer asked if it were possible to re-issue the RFP. Ms. Marlitt said the Subcommittee had the discretion to accept or reject the current bid. Councilor Bauer noted the price appeared high. Councilor Devlin said the price initially appeared high but project costs could have been underestimated. He asked about scheduling concerns if the Subcommittee chose not to accept the one proposal received. Ms. Marlitt said scheduling would become tighter because ten days to two weeks were required for responses to a second RFP and

budgeting was a concern. She noted vendors contacted believed the political content involved was intimidating and that one vendor did not feel it had the appropriate government expertise to do the project. Councilor Devlin said if the budget amount were larger, there would be more proposals but at the same or higher costs as the current proposer. Mr. Wyss concurred with Councilor Devlin, but said there would be at least two or more proposers with which to make comparisons. Mr. Wyss advised a one week delay before the Subcommittee accepted or rejected the proposal.

Don Carlson, Council Administrator, said he spoke to five of the potential vendors who all indicated the amount estimated for the project was insufficient because of the fiscal and organizational analysis required. He said they were told not to be constrained by budget considerations because Metro wanted value, but also the best work possible. He said he called three potential vendors this date to determine why they did not submit a proposal. He said one vendor did not want to do the whole project, particularly the financial analysis; the second believed the cost estimate too low and doubted they would be selected if they submitted a proposal for what they estimated it would cost. He said if the RFP was resubmitted he was not sure more responses would be received, but knew the cost Metro offered was too low. Mr. Wyss said staff should check back over the next week and see if another bid could be submitted and also negotiate with the current bidder on cost. Chair Gardner concurred with Mr. Wyss. He said the largest concern was not the cost but that there was only one bidder. He said costs were underestimated and agreed with Councilor Devlin's assessment that more bids could be received but not at a lower cost. He expressed concern whether Metro would tip off a price bid and said there were legal and ethical issues to be concerned about. Ms. Marlitt said staff would discuss the objectivity of the process with General Counsel.

Councilor Devlin said if the RFP were re-issued, the current proposal must be rejected. He asked if the FY 1990-91 performance audit of the Solid Waste Department could be paid from Solid Waste Department funds rather than the General Fund to free more dollars for the higher cost of the Metro/Tri-Met Merger RFP. Ms. Marlitt said the performance audit was intended to benefit Metro as a whole, and its cost should come from the General Fund even if it were focussed on only one department. She said such action could set a precedent and noted the Council Department had initiated the performance audit process and was funding for it came from the General Fund. Chair Gardner requested Ms. Marlitt and Mr. Carlson discuss RFP procedures with General Counsel. Chair Gardner said the lack of variety of proposals would be sufficient reason to re-issue the RFP.

o Review of Timeline

Chair Gardner said the timeline included Council review and action on a merger ordinance. He said Presiding Officer Collier said the Subcommittee must make its report to the Council before the end of December. The Committee and staff discussed when the Joint Policy Advisory Committee (JPACT) on Transportation would make its report to the Subcommittee on the merger. Andy Cotugno, Director of Transportation, noted JPACT was concerned about the tight schedule. Councilor Devlin asked who would serve on JPACT's Tri-Met/Metro merger subcommittee. Mr. Cotugno said City of Portland Commissioner Earl Blumenauer would chair and candidates to serve on the subcommittee were Port of Portland legal counsel; Washington County Commissioner Bonnie Hayes; and Metro Councilor David Knowles. He said at least eight would serve on the subcommittee. With regard to the timeline, Mr. Cotugno suggested JPACT submit their draft work 20 days ahead of time and the final report 10 days behind their current deadline. The Subcommittee and staff discussed scheduling further. Mr. Wyss said it would be helpful to have JPACT's report earlier than later. Mr. Cotugno said a November deadline would give the JPACT subcommittee more time to complete their work. Chair Gardner said he preferred the report be submitted in early October because of the Metro Council deadline. Chair Gardner instructed Ms. Marlitt to amend the schedule of events so that JPACT would be scheduled to deliver its report to the Subcommittee November 7, 1990.

o Review of Legal Counsel Memorandum

Ms. Marlitt noted the agenda packet contained a memorandum from Larry Shaw, Legal Counsel, dated August 9, 1990, "Tri-Met and AFSCME "Wall-to-Wall" Unit." Ms. Marlitt said Mr. Shaw's memo responded to Chair Gardner's request for clarification on the status of the Tri-Met Transit Worker's Union in the event of a merger. The memo addressed the Metro's AFSCME Union's current claim that Metropolitan Exposition-Recreation Commission (MERC) employees transferred to Metro through the consolidation agreement with the City of Portland should become AFSCME members. MERC employees are currently covered by four existing collective bargaining agreements with three different unions. Mr. Shaw's memo stated AFSCME's claim would not be upheld by the Employment Relations Board (ERB). His memo also noted the Metro ERC employees had filed an action with the AFL-CIO in Washington, D.C. to challenge AFSCME's "raid" of existing unions. The AFL-CIO ruling, and possibly the ERB Hearings Officer's report, have been scheduled for release in mid-October. Mr. Shaw believed neither ruling would support AFSCME's claim.

o Review of RFP Evaluation Form

The Subcommittee requested Ms. Marlitt amend language on the RFP evaluation form to change "approach" to "structure" and to clarify the points system. The Committee discussed the evaluation form further.

Chair Gardner adjourned the Tri-Metro/Metro Merger Subcommittee at 7:09 p.m.

Chair Gardner called the regular Intergovernmental Relations Committee to order at 7:21 p.m.

1. Consideration of July 24 Minutes

Chair Gardner noted the minutes were not submitted and could not be considered.

2. Resolution No. 90-1318, Approving a Sole Source Agreement with CEIP

Mr. Cotugno said the Transportation Department had used CEIP interns for years. He said a CEIP hire was more economical than a staff hire because of the savings on fringe benefits and overhead. He said CEIP did all screening and recruitment of college students and young professionals in environmental sciences on a national basis. He said the CEIP intern hired this year would work primarily on redistribution of Metro Council seats. He said the use of CEIP interns had been quite successful in the past.

Motion: Councilor Devlin moved to recommend the full Council adopt Resolution No. 90-1318.

Vote: Councilors Bauer, Devlin, Hansen and Gardner voted aye. Councilor McFarland was absent. The vote was unanimous and the motion passed.

3. Discussion of 1990 Ballot Measures and 1991 Legislation, Update on Legislative Initiatives and Discussion of Possible Metro Positions and Legislative/Process Timelines

Greg McMurdo, Government Relations Manager, said it was not necessary for the Council to adopt a resolution supporting Ballot Measure No. 1 which "Grants Metropolitan Service District Electors Right to Self Governance" (Legislative Referral). Councilor Devlin asked how many arguments were filed to-date in favor of the Charter measure. Mr. McMurdo said three arguments were filed in favor and two would be filed against. Mr. McMurdo said he had contacted newspapers throughout the State, but there was little interest in the ballot measure outside the metropolitan regional area. He said newspapers contacted were inclined to endorse the measure, however.

Mr. McMurdo said Ballot Measure No. 6, "Product Packaging Must Meet Recycling Standards or Receive Hardship Waiver," would have a significant dollar impact on the Department of Environmental Quality (DEQ) and said there were few general fund dollars available to DEQ. He said the State Legislature would probably look at tipping fees to augment DEQ funds. Debbie Gorham, Waste Reduction Manager, discussed what the packaging bill would require. Mr. McMurdo said opponents of the ballot measure argued it would increase packaging costs.

Mr. McMurdo and Ms. Gorham reviewed two additional recycling bills with the Committee: Legislative Draft 413 to be introduced by the Joint Interim Committee on Environment, Energy and Hazardous Materials and the Association of Oregon Counties (AOC) proposal. Both bills were intended to increase recycling levels to at least 50 percent by the year 2000 in urban areas with more than 4,000 citizens. Mr. McMurdo preferred the AOC bill because it gave local government flexibility to achieve their recycling targets and still ensure DEQ oversight. Mr. McMurdo expected at least two more recycling bills to come forward during the legislative session.

Bob Ricks, Senior Management Analyst, distributed staff's report and discussed Ballot Measure No. 5, "State Constitutional Limit on Property Taxes for Schools." Mr. McMurdo said there were no poll results, but it was widely predicted the measure would pass. He said the measure could only be challenged at the federal constitutional level.

With regard to the Light Rail (LRT) Bond Measure, Mr. McMurdo recalled the Council had already passed a resolution of support requesting Tri-Met place the measure on the November ballot.

Mr. McMurdo briefly reviewed HB 2336, "Limited Purpose Landfills," a bill from last session which failed because of a Jack Gray Transport (JGT) rider. He recommended the Council re-introduce the bill because it was very popular prior to the separate rider.

Mr. McMurdo summarized Attachments G through J of his report and noted they were "housekeeping bills."

Motion: Councilor Devlin moved to request staff combine LC 178-1, LC 178-2, and LC 178-3 into one omnibus bill.

Vote: Councilors Bauer, Devlin, Hansen and Gardner voted aye. Councilor McFarland was absent. The vote was unanimous and the motion passed.

Councilor Bauer noted the Council would consider a bill to provide Councilors with the option to participate in Metro's health insurance program and asked if it would qualify for part of the omnibus

housekeeping measure created in the above motion and vote. Mr. McMurdo and the Committee discussed the definition of "housekeeping" measures and determined the Council should address possible health insurance legislation separately.

4. RLIS Policy Statement Discussion, Update with Transportation Staff on Possible Ordinance to Set Policy Guidelines for RLIS Marketing and Development

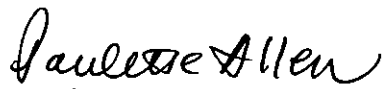
The Committee and staff discussed RLIS Marketing and Development and reviewed the goals and policy points developed at the June 26 Committee meeting. The Committee recommended Transportation staff pursue development of a market study contract.

5. Discussion of September 8 Council Policy Retreat Issues

The Committee discussed Council Policy Retreat issues and the retreat process. Council Devlin will report on the "Next Steps" implemented for the Parks and Natural Areas Program and Councilor Gardner will report on the Metro/Tri-Met Merger Subcommittee. No additional issues beyond those listed in Presiding Officer Collier's August 23 memo were identified for review at the retreat.

Chair Gardner adjourned the meeting at 8:51 p.m.

Respectfully submitted,

  
Paulette Allen  
Committee Clerk  
IGR90.2402