

MINUTES OF THE COUNCIL INTERGOVERNMENTAL RELATIONS COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

September 11, 1990

Council Chamber

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

Committee Members Absent: Larry Bauer

o Metro/Tri-Met Merger Subcommittee (Third Meeting)

Chair Gardner called the Metro/Tri-Met Merger Subcommittee to order at 5:38 p.m. Subcommittee members present: Metro Councilors Devlin, Gardner and McFarland, and Metro Executive Officer Rena Cusma. Subcommittee member absent: Loren Wyss, Tri-Met Board of Directors President.

o Recommendation on Metro/Tri-Met Merger Services Contract Award

Chair Gardner said on August 28 the Subcommittee postponed its decision on the personal services contract award for one week to allow Council staff to contact, and determine why, more vendors did not submit proposals. He referred to his September 4, 1990, memo "Metro/Tri-Met Merger Request for Proposals (RFP) Response and Decision on Contract" which reported the results of Council staff's survey.

Jessica Marlitt, Council Analyst, said 17 firms were contacted and explained the firms' various reasons for not responding to the RFP. She said some proposers indicated they would not have responded even if the budget amount originally allocated was increased. She said based on all, and especially the comments related to budget concerns, staff determined no additional responses would be received. She said one small firm did express interest and that she explained to them the Subcommittee was considering the Cogan Sharpe Cogan proposal and was undecided whether or not to reject their proposal and re-issue the RFP. She said the firm noted they missed the original project deadline and expressed interest in proposing if the Cogan Sharpe Cogan proposal was rejected and the project was put out for bid again.

Chair Gardner said his memo recommended the Subcommittee award the contract to Cogan Sharpe Cogan and negotiate further on budget issues. He said he spoke with Mr. Wyss on September 10 and said Mr. Wyss agreed, in view of the Subcommittee's restricted timeline, that the Subcommittee should award the contract at this time. He noted Intergovernmental Relations Committee Agenda Item Nos. 7 and 8 were directly related to the RFP.

COUNCIL INTERGOVERNMENTAL RELATIONS COMMITTEE
September 11, 1990
Page 2

Motion: Councilor Devlin moved to recommend, to the Intergovernmental Relations Committee and to the full Metro Council, approval of the merger services contract award with Cogan Sharpe Cogan and its subcontractor, Management Technology Associates, Ltd.

Councilor McFarland asked Councilor Van Bergen his opinion of the proposed contract. Councilor Van Bergen expressed some doubt. Councilor Devlin stated for the record there was no question that Cogan Sharpe Cogan, or their subcontractor firm Management Technology Associates, Ltd. (MTA) was not qualified, or that the work program was not adequate. He requested the full Council receive copies of the proposal. Ms. Marlitt said Intergovernmental Relations Committee (IGR) members had copies and the rest of the Council would receive copies September 12.

Vote: Councilors Devlin, Gardner, and McFarland and Executive Officer Cusma voted aye. Mr. Wyss was absent. The vote was unanimous and the motion passed.

o Update on Project Timeline

Council staff distributed "Tri-Met Merger Subcommittee Project Outline, Revised Draft" dated September 4, 1990. Chair Gardner noted the Subcommittee's first public hearing was delayed until after November 6, Election Day, because of possible adverse publicity for the Tri-Met light rail bond measure. He discussed the due date for JPACT's report on transit service and transportation planning implications of the merger. He said the first public hearing would be held November 12 and JPACT's final report was due November 8. Councilor Devlin suggested the next Subcommittee meeting be held before the next IGR Committee meeting September 25 to discuss contract issues with Cogan Sharpe Cogan. The Committee set the next Subcommittee meeting for 4:00, Tuesday, September 18.

Chair Gardner adjourned the Subcommittee at 5:50 p.m.

Chair Gardner called the regular Intergovernmental Relations Committee to order at 5:56 p.m.

1. Consideration of July 24 and August 8, 1990 Minutes

Motion: Councilor Devlin moved, seconded by Councilor McFarland, for approval of the minutes.

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

2. Staff Update on County Clerks' Proposed Legislation Regarding Statistical Sampling

Greg McMurdo, Government Relations Manager, explained under current state law, the County Clerks utilize statistical sampling to determine if sufficient signatures were obtained on referendums or recall petitions. He said Metro's charter did not authorize statistical sampling and the County Clerks, who planned to introduce a measure to implement it, had asked Metro for a letter of support of legislative concept to the Clerks Association.

Motion: Councilor McFarland moved to recommend the full Council support the County Clerks' measure to support statistical sampling for Metropolitan Service District measures.

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

Mr. McMurdo discussed proposed amendments to ORS 268.360. Mr. McMurdo said he had discussed with Dan Cooper, General Counsel, that Metro appeared to be the only governmental entity in the state which could not declare an ordinance was an emergency measure. He said that was because a bill supported by the Council and the Executive Officer lowered the signature requirements for initiative referendum petitions for Metro, Tri-Met, the Port of Portland and Portland Public Schools. He said that bill contained language which gave voters the right of referendum for up to 90 days. He said ORS 268.360, Metro's mandating legislation which could override the 90-day provision, stated:

(2) Unless otherwise specified by the governing body in the ordinance, an ordinance shall become effective upon its adoption. If the council refers an ordinance to the electors or if a proper referral petition containing the appropriate number of valid signatures is filed, except ordinances making appropriations or effecting an annual tax levy, the ordinance shall become inoperative and the effective date shall be suspended...

He said the proposed substitute (2) language indicated when an ordinance would become effective. He said it stated clearly a majority vote of seven Council members authorized an emergency ordinance. He said the emergency provision would apply to all but measures that related to District assessments and the excise tax. He recommended 90 days as the standard time period after which an ordinance goes into effect to maintain consistency with the rest of the state. He said the act specifically referred ordinances to the voters and included the right of referendum. He said he would present amendment language to Legislative Counsel to meet pre-session filing deadlines.

Motion: Councilor McFarland moved to recommend 268.360 proposed amendment language to the full Council for approval, stipulating measures become effective within 90 days, or immediately if the emergency clause is applied.

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

7. Resolution No. 90-1322, Approving a Contract for Provision of Metro/Tri-Met Merger Services

Chair Gardner explained the resolution would approve and put into effect Metro's contract with Cogan Sharpe Cogan and its subcontractor MTA for Metro/Tri-Met merger services analysis. The Committee discussed the resolution briefly.

Vote: Councilor Hansen moved to recommend the full Council adopt Resolution No. 90-1322.

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

8. Review of Draft Ordinance Providing for General Fund Contingency Transfer to Support Metro/Tri-Met Services Contract

Ms. Marlitt distributed draft Ordinance No. 90-364, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule to Fund a Tri-Met Merger Services Study. She explained the ordinance was drafted to delineate funding options in view of the higher than expected cost of contracting for personal services for Metro/Tri-Met Merger analysis. The Committee discussed funding options briefly. The Committee noted the ordinance would receive Council first reading September 27, 1990.

3. Resolution No. 90-1302, Establishing a Policy to Guide Distribution of RLIS Products and Services

Dick Bolen, Regional Planning Supervisor, distributed a corrected Resolution No. 90-1302. He explained the resolution reflected IGR meeting consensus at the June 26, 1990, worksession to discuss RLIS distribution, access and marketing issues. He discussed Resolution 90-1302 Sections 1, 2, 3, 4 and 5, and said if proposed data marketing could be successfully implemented, such a program would be innovative on the national level.

Andy Cotugno, Director of Transportation, said the resolution represented a focused effort to provide a pricing approach to an ad hoc

process in the past. Councilor Devlin requested staff inform the Committee of any fiscal split/impacts on departments and local government dues. Mr. Cotugno said any effect on departments was currently unknown and the local government dues would remain the same. Ms. Marlitt asked how much the marketing study would cost. Mr. Bolen said he did not know how much the marketing study would cost. Ms. Marlitt asked if staff anticipated using Contingency or other Funds.

Motion: Councilor McFarland recommended the full Council adopt Resolution No. 90-1302.

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

9. Report from the "Oregon Benchmarks" Review Subcommittee, Review and Discussion of Subcommittee

Councilor Devlin presented the "Oregon Benchmarks" Review Subcommittee's report.

Motion to Amend: Councilor Devlin moved to correct the "Oregon Benchmarks" report by deleting the words "and to a higher power" in the fifth line of paragraph 3 on page 1. A

Committee members noted the change seemed appropriate to maintain the report's secular tone.

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

Main Motion as Amended: Councilor Devlin moved to recommend Council approval of the "Oregon Benchmarks" report as amended.

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

The IGR Committee lost its quorum and was not able to take action on the items below. Mr. Cotugno explained the agenda items to the Committee and the Committee and staff discussed them for informational purposes only. Also in attendance and participating in discussion was Ray J. Polani, Citizens For Better Transit chair and member of TPAC. Mr. Polani distributed his letter "Designation of Highways of National Significance" dated August 31, 1990, pertaining to Agenda Item No. 5 and "Proposed 1990 Oregon Highway Plan" dated August 31, 1990, pertaining to Agenda Item No. 6.

COUNCIL INTERGOVERNMENTAL RELATIONS COMMITTEE
September 11, 1990
Page 6

4. Resolution No. 90-1315, Adopting the Annual Transportation Improvement Program
5. Review of TPAC Preliminary Designation of Highways of National Significance
6. Review and Comment on Draft Highway State Plan

Chair Gardner adjourned the meeting at 8:15 p.m.

Respectfully submitted,

Paulette Allen

Paulette Allen
Committee Clerk
IGR90.261