

MINUTES OF THE COUNCIL MANAGEMENT COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

September 18, 1986

Committee Members Present: Councilors Cooper, DeJardin, Gardner, Kelley and Van Bergen. Councilor Collier as an alternate member also attended.

Staff Present: Ray Barker, Eleanor Baxendale, Doug Drennen, Allan Goff, Jennifer Sims, and Ed Stuhr

Chairman Gardner called the meeting to order at 5:01 p.m.

1. Consideration of a Contract with Chris Thomas to Act as Hearings Officer in Urban Growth Boundary Cases

Eleanore Baxendale, General Counsel, informed this Committee that she will be discussing this contract in Jill Hinckley's place. She said that the contract exceeds the usual amount Metro normally pays for a Hearings Officer because Mr. Thomas has done a very good and conscientious job on complicated cases and listens well to the applicants who come before him. He is an asset to Metro and because it has become increasingly difficult to obtain Hearings Officers of his caliber, due to some having a conflict of interest in Washington County or others having full-time employment in agencies who do not allow them to be a Hearings Officer for Metro. Since Mr. Thomas's services will be used more than anticipated, we feel he ought to have a larger budget than normally paid to other Hearings Officers.

Among the questions asked by Committee members and answered by General Counsel Baxendale were as follows: How many Hearings Officers does Metro have now? Six. Is this contract renewable on a yearly basis and can it be terminated at anytime? Yes, Personal Services contracts can be terminated at any time. Is the selection of a Hearings Officer equal between males and females? Whenever possible, although the choice is always made on expertise in a specific area.

Councilor Kelley stated that if Chris Thomas is continuously used as our Hearings Officer then he will be perceived as a Metro person. I believe that we ought to use a rotation system in our selection as does Multnomah County.

Councilor Van Bergen said that he was impressed with Chris Thomas's ability at a hearing he attended and would like to move on his appointment tonight. However, he would like to work with staff and other Councilors to review the entire hearings procedure.

Motion: Councilor Van Bergen moved to approve the contract and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, DeJardin, Gardner,
and Van Bergen

Nay: Councilor Kelley

The motion carried and the contract was approved.

General Counsel Baxendale said that it might be appropriate to set up a time to discuss the process of selecting a Hearings Officer so that the concerns of the Committee members can be addressed.

Councilor Van Bergen as well as other Councilors present agreed to meet at a future date to discuss this issue.

2. Consideration of a Contract with Metropolitan Disposal Corporation for Refuse Hauling and Dropbox Service at the Zoo

Alan Goff, Buildings and Grounds Manager, described the process that the Zoo uses to get rid of its 80% human refuse and the 20% animal waste. He explained the dropbox pickup arrangements with the present contractor Metropolitan Disposal Corporation (MDC) has been charging \$65 per load but has increased the charge to \$67 per ton because of increased dump fees. This contract was put to bid, two bids were received and the successful bidder was MDC because the Zoo feels that the increase is fair and we are happy with the service. It is a one-year contract but can be renewed two more times for a total of three years.

Councilor Gardner asked where was the Invitation to Bid advertised?

Mr. Goff answered in The Oregonian, and I believe in the other publications as well, I will be glad to get that information to you.

Councilor Collier inquired whether there is a bid process?

Mr. Goff replied that Carol Nelson, Kay Rich's secretary follows the same rules as the Metro Code.

Ed Stuhr, Grants/Contract Specialist, added that competitive bidding requires that we advertise in the Daily Journal of Commerce, a minority newspaper, and when feasible in a trade magazine.

Councilor Cooper expressed surprise that there were only two bids and suggested that the Committee consider such a situation as non-competitive or non-responsive and perhaps opening up the process again to get more bids.

Metro Council
September 18, 1986
Page 3

The Councilors then discussed whether the present contract which expires tomorrow, could be extended on a short-term basis. A decision was made to ask the current provider to extend their service.

Councilor Cooper stated that he would like to see the contract rebid so that more bids could be sought from minority dropbox haulers. He also stated that MDC is a very reputable company and wouldn't want to take that away from them.

Doug Drennen, Engineering/Analysis Manager, stated that he felt MDC rates were reasonable according to analyses he has done.

Motion: Councilor Van Bergen, seconded by Councilor Gardner, moved that the bids be rejected and a one month agreement be developed with the existing contractor to obtain service in the interim while the contract is re-bid.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, Gardner, Kelley and Van Bergen

Nay: Councilor DeJardin

Greater Portland Convention and Visitors Association (GPCVA)

Jennifer Sims, Director Management Services, referred to a memo distributed to Councilors earlier today regarding GPCVA. She said the purpose of the memo is to bring to the Council's attention that the GPCVA's Board of Directors is informing Metro that it has decided not to execute the contract that was acted on by the Council at their August 28, 1986 meeting.

Councilors then discussed the implications of the GPCVA's decision and if any action was appropriate. They concluded that the Executive Officer should report to the next Council meeting on this matter.

There being no further business, Chairman Gardner adjourned the meeting at 5:50 p.m.

Respectfully submitted,



Toby Janus
Council Secretary