

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

Regular Meeting
August 24, 1989

Committee members present: Councilors Mike Ragsdale (Chair), Gary Hansen, Lawrence Bauer, Tanya Collier and David Knowles

Committee members absent: None

Chair Ragsdale called the meeting to order at 3:30 p.m.

1. Resolution No. 89-1107A, For the Purpose of Amending the Pay Plan for Non-Represented Employees

Councilors Collier and Hansen introduced Resolution No. 89-1107A which replaces Resolution No. 89-1107 tabled by the Internal Affairs Committee on July 27, 1989. Councilor Collier reported that she and Councilor Hansen had been working with Council staff and others to develop a pay plan which conforms to the Metro Code and incorporates the performance evaluation/merit pay provisions of the Code. It was noted that the plan incorporated a 5% cost of living increase, and the Zoo's seasonal Visitor Services workers would be receiving an increase, effective September 1, 1989, to bring them into step with the Federal/State minimum wage.

John Leahy, Personnel Manager, had no comments to make regarding the Resolution. He did note, however, that the Executive Officer supports the 8-step pay plan originally filed.

Motion: Councilor Collier moved to recommend the Council adopt Resolution No. 89-1107A.

Vote: Councilors Bauer, Collier and Ragsdale voted aye.

The motion carried unanimously.

2. Ordinance No. 89-302, Establishing and Regulating Charitable Solicitations Among Metropolitan Service District Employees

John Leahy, Personnel Manager, presented the report to the Committee. He noted that the Ordinance provides for regulating solicitations to employees by charitable organizations. In putting together the Ordinance he looked at a number of similar ordinances being used by other public agencies and came up with the one being presented to the Committee. Don Carlson, Council Administrator, then explained the Ordinance and what it proposes to accomplish. He noted that rules and procedures should be

propagated for carrying out the Ordinance; i.e., having a specified time limit for the campaign and a specified enrollment period. The recommended time table is one month for solicitations, with all payroll deduction signature cards turned in within two weeks after the end of the solicitation period. Staff is also recommending deletion of subsection (b) which is the criteria regarding where the money is spent. By doing this, national or international organizations would be allowed to solicit contributions. Committee members noted some problems with the entire issue; the feeling being that charity is an individual and private matter that does not belong in the work place.

Chair Ragsdale opened the public hearing at 3:55 p.m. Jim Shoemake, Solid Waste Facilities Superintendent, testified as being in favor of the Ordinance since it allows various agencies to become visible and also allows group support to these agencies. In response to Councilors' questions, Mr. Leahy noted that some ordinances have language specifying that contributions are to be made to organizations directly related to human services, eliminating religious and political charities. If desired, this language could be added. Mr. Carlson pointed out that the organizations would have to qualify as charitable under IRS code.

Amina Anderson, Executive Director for the Black United Fund, then presented testimony on behalf of her organization and their desire to be given equal opportunity with United Way. She noted that historically when employees are given choices giving goes up rather than down. She also expressed the desire that the Black United Fund be allowed to participate in this fall's campaign. In response to Chair Ragsdale's question regarding the language in Section 3(e) of the Ordinance, Ms. Anderson told the Committee that although funding is directed to the black community, it is approximately 50% white and the funds go to all who live in the North/ Northeast community. She has no problem with the language. Ms. Anderson also suggested that the Committee might want to consider raising the number of charities allowed to solicit from 5 to 10, noting that both the City of Portland and the Portland School District currently allow only 5, but are addressing the issue of increasing that number.

There being no further testimony, Chair Ragsdale closed the public hearing at 4:10 p.m.

One of the concerns expressed by the Committee was the amount of additional time required by staff to handle the application process. Mr. Leahy noted that it was difficult to estimate without knowing the number of applications to expect. In

response to questions by Councilor Collier, it was noted that a number of people had been talked to regarding this.

First Motion to Amend: Councilor Knowles moved that there be a conceptual amendment to delete subsection (b) of Section 3.

Vote on First Motion to Amend: Councilor Knowles voted aye. Councilors Bauer, Collier, Hansen and Ragsdale voted nay. The motion was defeated.

Second Motion to Amend: Councilor Collier moved to insert the additional language in Section 2 authorizing the Executive Officer to propagate rules and procedures and implement this ordinance and limit the solicitation to once a year for no longer than one month and limit the open enrollment period for employees to sign payroll deduction cards to no longer than two weeks after the solicitation period.

Vote on Second Motion to Amend: Councilors Bauer, Collier, Hansen, Knowles and Ragsdale voted aye. The motion passed unanimously.

Mr. Carlson noted that if we proceed on this ordinance and get it done in a sufficiently timely fashion, it should be ready for this year's campaign. Councilor Hansen then asked if the Executive Officer should be authorized to either set a number or limit, if it becomes unwieldy, on the number of applicants. Councilor Collier felt that if it became unwieldy, Mr. Leahy should inform the Council and changes could be made to the ordinance at that time; but to arbitrarily set a limit of 5 or 7 organizations doesn't seem very fair. The Committee also noted that there ought to be a review after a year or so to see how well this system works. It should come back for review at this same time next year. Mr. Carlson said that if the Committee so desired, it could be arranged to have Mr. Leahy come back after this fall's campaign and report on his experience at that time.

Concern was expressed as to the best way to ensure that any monies collected would be used to help people in the local area, rather than being spent nationally or internationally. In response to Councilor questions as to how other jurisdictions have handled this issue, Ms. Anderson suggested inserting the clause "local presence." This would guarantee is that the organization has an office in the local area to disburse funds. She used both United Way and the Black United Fund as examples, stating that each organization has local offices in all the states they serve.

Third Motion to Amend: Councilor Collier moved to amend Section 3 (d) to require local presence.

Vote on Third Motion to Amend: Councilors Bauer, Collier, Hansen, Knowles and Ragsdale voted aye. The motion passed unanimously.

Chair Ragsdale noted that since there has been numerous amendments to the original motion, he was going to set it over until the next Committee meeting and wanted to see it at that time in its amended form.

3. Contracting Reports and Procedures

Don Carlson told the Committee that Jessica Marlitt, Council Analyst, would present a report for them on questions that had arisen over the last several months about changes to the contract code. He noted that the changes discussed are changes that have come up through discussions with and requests from Councilors over the last two months. Also, the Finance and Administration is also working on some things in the code and would like to have the opportunity at some future date to discuss those with the Committee.

Ms. Marlitt then presented her report for Committee consideration, noting that the purpose of this discussion was to see if there were other issues to be considered. The first of the five points is that the code is silent on the Council review and/or approval process for intergovernmental agreements. Because intergovernmental agreements are not subject to the competitive bid process, there is no language that talks about how these should be approved. The second one is in terms of revenue contracts, staff believes that would fall under the definition of an intergovernmental agreement. The third is that there is no process to address addendums to these documents, in particular with multi-year contracts where the council is required to approve the big documents prior to their sending out to, for response. The fourth is that the code is silent on special grant awards that Metro does. She noted that staff had discussed this and there may be other rules beyond that. And fifth is in the multi-year contract approval process; there may be a way to streamline that. Councilor Knowles noted he wanted to make sure that in addressing item no. 5 one of things looked at was a clear definition of a multi-year contract with the objective of avoiding the controversy that arose with the Zoo contract.

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Motion: Councilor Collier moved to introduce the draft as a Committee ordinance

Vote: Councilors Bauer, Collier, Hansen, Knowles and Ragsdale voted aye. The motion carried unanimously.

Chair Ragsdale informed staff that he wanted a first reading at the next Council meeting and first Committee review at the Committee meeting following that Council meeting.

Councilor Knowles raised the issue of reporting claims and change orders to the Council. He was not sure what the code said about the obligation to convey to the Council information about claims and change orders which have an affect of increasing the cost of the project over the budgeted amount or at least within the budget, taking it out of contingency and putting it into the project itself. He was not advocating that they should be sent to the Council for approval, but thinks there needs to be a formal requirement for reporting to the Council. Staff noted that the reporting requirements were substantially changed, but they would look at that in the context of what has been experienced on the Convention, Zoo and Visitor Facilities Committee. It was also noted that staff has tried to come up with suitable language to address the problem of amendments and addendums to the RFP/RFD's.

Councilor Bauer then told the Committee what an outstanding job intern Steve Carpenter had done for him and asked that the Committee go on record as giving Steve a commendation for outstanding service.

Motion: Councilor Bauer moved to have the Internal Affairs Committee recommend to Council that Steve Carpenter be commended by a letter from the Presiding Officer.

Vote: Councilors Bauer, Collier, Hansen, Knowles and Ragsdale voted aye. Motion carried unanimously.

There being no further business, the meeting was adjourned at 4:50 p.m.

Respectfully submitted,

Ann Brunson
Committee Clerk

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