

MINUTES OF THE COUNCIL COORDINATING COMMITTEE

REGULAR MEETING  
DECEMBER 12, 1983

Committee Members Present: Councilors Banzer, Etlinger, Hansen, Kafoury, and Kirkpatrick.

Committee Members Absent: Councilor Oleson.

Other Councilors Present: Councilors Deines and Kelley.

Staff Present: Buff Winn, Doug Drennen, Sonnie Russill, Donald Carlson, Ray Barker, Jennifer Sims, and Sue Klobertanz.

Testifiers: Ron Anderson.

A regular meeting of the Council Coordinating Committee was called to order at 5:30 p.m. by Chairperson Corky Kirkpatrick.

Minutes

The minutes of the meeting of November 14, 1983 were accepted as submitted.

Consideration of contract award to construct a truck wash facility, to service commercial haulers, at the Clackamas Transfer & Recycling Center (CTRC).

Buff Winn and Doug Drennen, Solid Waste Department, presented the staff report, as contained in the agenda of the meeting. Mr. Winn reported that five bids were received on November 18, 1983 and that the low bidder had met the MBE requirements with approximately 30% minority participation.

Motion: Councilor Kafoury moved that the Committee recommend Council approval of a contract with Michael J. Watt, Inc. in the amount of \$56,494 to construct a truck wash facility at CTRC.

Vote: The vote on the motion resulted in:

Ayes: Councilors Etlinger, Hansen, Kafoury, and Kirkpatrick.

Nays: None.

Absent: Councilors Banzer and Oleson.

Motion carried.

Mark-up session on Ordinance No. 83-165, an Ordinance for the purpose of adopting a Disadvantaged Business Program, and Resolution No. 83-435 for the purpose of approving FY 1983-84 goals for utilization of Disadvantaged and Women-Owned Businesses.

Donald Carlson, Deputy Executive Officer, Sue Klobertanz, Management Analyst, and Ron Anderson, a member of the MBE Subcommittee, reviewed and commented on possible amendments to the DBP ordinance which had been raised by the members of the Council at their November 22, 1983 meeting. (The proposed amendments are detailed in the agenda of the meeting.)

Ms. Klobertanz noted that UMTA's comments had not yet been received. She said if UMTA's were not received by the December 20 Council meeting, action on the ordinance should be postponed until those comments were received in order to incorporate them into the finally adopted ordinance.

Each proposed amendment was then reviewed and voted on as follows:  
(Exhibits refer to exhibits contained in the staff report)

Exhibit A

Question/Issue:      Wording of policy statement re: use of  
                             disadvantaged and women-owned businesses.  
                             (Raised by Councilor Waker)

Motion:      Councilor Etlinger moved retention of the existing  
                             language.

Mr. Anderson cited the Federal language regard DBP and suggested that changing Metro's policy statement language to "expresses its strong commitment to providing maximum practicable opportunity for participation by disadvantaged and women-owned businesses in contracting" would make it consistent with the Federal executive order.

Vote:      The vote on the motion to retain the existing  
                             language resulted in:

Ayes:      Councilor Etlinger.

Nays:      Councilors Hansen, Kafoury, and Kirkpatrick.

Absent:      Councilors Banzer and Oleson.

Motion failed.

Motion: Councilor Hansen moved adoption of the revised language for Section 2 of the ordinance, as follows: "expresses its strong commitment to provide equal opportunity to disadvantaged and women-owned businesses in contracting"

Councilor Kafoury suggested that the word "equal" be substituted with the word "maximum".

Councilor Hansen accepted the substitution as a friendly amendment.

Vote: The vote on the motion to adopt the revised language for Section 2 resulted in:

Ayes: Councilors Etlinger, Hansen, Kafoury, and Kirkpatrick.

Nays: None.

Absent: Councilors Banzer and Oleson.

Motion carried.

#### Exhibit B

Question/Issue: How does the DBP apply to Metro's short-term investment policy? (Raised by Councilor Van Bergen)

Motion: Councilor Etlinger moved adoption of the revised language for Section 7 of the ordinance, as contained in the agenda, which would add the following language to Section 7 of the ordinance: Metro will seek to identify minority-owned banks and within the policies adopted by the Metro Investment Committee make the greatest feasible use of their services. In addition, Metro will encourage prime contractors, subcontractors and consultants to utilize such services.

Vote: The vote on the motion resulted in:

Ayes: Councilors Etlinger, Hansen, Kafoury, and Kirkpatrick.

Nays: None.

Absent: Councilors Banzer and Oleson.

Motion carried.

Exhibit C

Question/Issue: Do minority prime contractors have to subcontract to other minority firms on construction contracts over \$50,000? (Raised by Councilor Deines)

Motion: Councilor Hansen moved adoption of the existing language in Sections 11 and 16 of the ordinance which would require minority prime contracts to subcontract to other minority firms for construction contracts over \$50,000.

Mr. Anderson said the MBE subcommittee supported the existing language. He said if minority prime contractors were not required to subcontract, there would be an inequity in terms of costs between the non-minority prime contractor who had to provide for minority subcontractors and the minority prime contractor who did not.

Vote: The vote on the motion to retain the existing language in Sections 11 and 16 resulted in:

Ayes: Councilors Etlinger, Hansen, Kafoury, and Kirkpatrick.

Nays: None.

Absent: Councilors Banzer and Oleson.

Motion carried.

Exhibit D

Question/Issue: Should contractors forfeit any required bid security if they cannot meet the DBP goals as stated in their bids? (Raised by Councilors Deines and Waker)

Councilor Kafoury asked if losing the bid bond on top of losing the bid by not fulfilling the MBE requirements was necessary. Mr. Anderson commented that he believed the loss of the bid was a sufficient penalty given the amount of money a contractor puts into preparing a bid.

Ms. Klobertanz explained that the language was put into the ordinance to let potential bidders know that Metro was serious about its DBP program. She said that in the past contractors who had not fulfilled the DBP requirements, nor the good faith effort requirements,

Mr. Anderson also spoke in support of the existing language allowing the five days for submission.

Vote: The vote on the motion to retain the existing language resulted in:

Ayes: Councilors Banzer, Etlinger, Hansen, Kafoury, and Kirkpatrick.

Nays: None.

Absent: Councilor Oleson.

Motion carried.

Exhibit F

Question/Issue: Removal of administrative matters (Liaison Officer position description)

Motion: Councilor Kafoury moved adoption of the revised language which would delete the position description of the Liaison Officer in Section 5 of the ordinance.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Etlinger, Hansen, Kafoury, and Kirkpatrick.

Nays: None.

Absent: Councilor Oleson.

Motion carried.

Exhibit G

Question/Issue: Housekeeping changes suggested by General Counsel.

Motion: Councilor Kafoury moved adoption of the housekeeping changes as outlined in Exhibit G contained in the agenda of the meeting.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Etlinger, Hansen, Kafoury, and Kirkpatrick.

Nays: None.

Absent: Councilor Oleson.

Motion carried.

Chairperson Kirkpatrick stated that the ordinance and resolution would be forwarded to the Council for adoption with the changes suggested by the Committee.

Mark-up session on Ordinance No. 83-166, an Ordinance for the purpose of establishing the Metro Equal Employment Opportunity and Affirmative Action Policies, and Resolution No. 83-436 for the purpose of adopting the goals and objectives in the Affirmative Action Plan as the approved goals for fiscal year 1983-84.

Jennifer Sims, Budget and Administrative Services Manager, stated there was one staff recommended amendment to the ordinance. She said the wording in Section 2(f) of the ordinance should be amended as follows:

Section 2. Policy Statement

- (f) Metro accepts and agrees to the statements of the Department of Transportation, Urban Mass Transportation Administration, Circular UMTA C 1155.1, December 30, 1977, "UMTA Interim Equal Employment Opportunity Policy and Requirements for Grant Recipient."

Motion: Councilor Kafoury moved adoption of the revised language proposed by the staff.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Etlinger, Hansen, Kafoury, and Kirkpatrick.

Nays: None.

Absent: Councilor Oleson.

Motion carried.

Motion: Councilor Banzer moved that the Committee recommend Council adoption of Ordinance No. 83-166, as amended, and Resolution No. 83-436.

were getting contract awards because they were the low bid. Mr. Carlson reiterated that the existing language would put everyone on notice that there were goals and a good faith effort to meet and if they were not, the bid bond would be forfeited.

Motion: Councilor Kafoury moved retention of the existing language in Section 12(h) of the ordinance which would require the forfeiture of any required bid security or bid bond if the DBP goals or good faith effort were not met.

Councilor Hansen said he had mixed feelings about the language and said that the language should be monitored to see if it became a problem for contractors.

Vote: The vote on the motion to retain the existing language in Section 12(h) resulted in:

Ayes: Councilors Etlinger, Hansen, Kafoury, and Kirkpatrick.

Nays: None.

Abstention: Councilor Banzer.

Absent: Councilor Oleson.

Motion carried.

#### Exhibit E

Question/Issue: Contractors should have to submit, with their bids, information on minority subcontractors.  
(Raised by Councilor Deines)

Councilor Deines said he believed bidders should have to document their DBP participation when they submitted their bids and not have an extra five days to gather the documentation for submission.

Motion: Councilor Hansen moved retention of the existing language in Section 12 of the ordinance which would allow five working days to submit DBP documentation.

Councilor Hansen said his experience in the bidding process made him lean toward the five day "window" of time to submit documentation for the bid. He argued there wasn't enough time for put all the documentation together when last minutes changes to a bid were made.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Etlinger, Hansen,  
Kafoury, and Kirkpatrick.

Nays: None.

Absent: Councilor Oleson.

Motion carried.

Council/Executive Officer Workshop

Sonnie Russill, Executive Administrative Assistant, described changes made to the draft RFP since its mailing to the committee members, and reviewed a schedule for selection of a facilitator (a copy of the RFP is attached to the agenda of the meeting).

Councilor Kafoury suggested that instead of requesting proposals, that a letter of interest be required which included the consultant's qualifications, an outline of what approach was proposed to be used, and an estimated cost. From that, she said, they could screen the letters of interest for those who should be interviewed.

Councilor Banzer suggested specific language which would require the proposals to provide a brief overview of how to address the four key issues of interest to the Council.

Motion: Councilor Kafoury moved approval of the RFP, with the changes suggested, for mailing.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Etlinger, Hansen,  
Kafoury, and Kirkpatrick.

Nays: None.

Absent: Councilor Oleson.

Motion carried.

Councilor Kafoury requested that she be appointed to the screening committee to select the facilitator.

Consideration of FY 1984-85 Budget Schedule and Process.

Ms. Sims reviewed the proposed budget schedule, as contained in the agenda of the meeting.



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Councilor Kafoury requested that departments be asked to demonstrate how a proposed program related to short-, mid- or long-term Metro objectives.

Councilor Etlinger suggested that alternative budget packages be proposed by each department for the Council's consideration. Councilor Kafoury said that alternative budget packages were a good idea if there was sufficient discretionary funding to make those choices. She said Metro had limited discretionary funding.

Councilor Hansen requested that Councilors be provided with preliminary revenue projections prior to Councilor meetings with the Executive Officer if available. Ms. Sims said preliminary budget projections would probably not begin to be generated until at least mid-January.

Ms. Sims said she would again prepare for the Council a table indicating where the dues money was spent. She said in the past such a table had been used as the focus of discussion regarding discretionary funds.

Councilor Kafoury asked if two zoo budgets would be prepared, given the zoo levy election. Ms. Sims responded that two budgets had been discussed and was a good idea.

Ms. Sims said that the citizen involvement process used for the FY 83-84 budget was good but had involved some duplication, as well as confusion to some of the Councilors who did not sit on the Coordinating Committee as to where their input should occur. She suggested that the Council, as a whole, sit as the Budget Committee with six citizens appointed to serve with them.

Councilor Kafoury said a group of eighteen could not work as an effective budget committee because of its size. She said she liked the process used during FY 83-84 with the Coordinating Committee and six citizens sitting as the Budget Committee.

Councilor Deines said before the budget was presented the Council should meet and set policy. He suggested that the Council meet sometime in January for two to three hours and look at where the dollars were going, and discuss policy options and alternatives for existing programs or new programs. He said such a discussion should occur before a proposed budget was presented to the Budget Committee.

Mr. Carlson suggested that a time to do that might be during the mid-year departmental progress report presentation which was scheduled to occur in February. He said the reports would indicate progress and dollars spent for programs approved by the Council for FY 1983-84.

Councilor Deines agreed that during the mid-year reports was a good time to have a Council discussion and asked that along with those reports that the Council should be provided with information about the policy decisions that drove the Council to fund the existing programs. For instance, he said, in recycling--what was the policy on recycling, how much funding was appropriated, and was Metro getting its money's worth.

Chairperson Kirkpatrick said the Budget Schedule should be amended to reflect a mid-year report discussion by the Council during the first week of February. Councilor Kafoury also asked that the Council Assistant point out those policy areas which should be focused on by the Council.

Chairperson Kirkpatrick said a consensus of the committee seemed to be that the budget schedule, as amended, and the same citizen involvement process used for the FY 83-84 budget be recommended for the Council's approval.

Councilor Hansen said he preferred that the Budget Committee be made up of the Council as a whole with six citizens.

Motion: Councilor Hansen moved that the Council as a whole sit as the Budget Committee with six citizens appointed to serve with the Council.

Vote: The vote on the motion resulted in:

Ayes: Councilors Etlinger and Hansen.

Nays: Councilors Kafoury and Kirkpatrick.

Absent: Councilors Banzer and Oleson.

Motion failed.

Consideration of "on-the-job" injury coverage for Metro Councilors.

Ms. Sims presented the staff report, as contained in the agenda of the meeting. She said the Executive Officer had instructed staff to enroll the Council members for Workers' Compensation.

Councilor Hansen said he was opposed to Workers' Compensation because it might jeopardize other coverage Councilors might have and might limit a Councilor's lawsuit opportunities. He said he needed further information before he could approve any of the options presented.

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The consensus of the committee was to forward the report to the Council with no recommendation. Staff was requested to furnish additional information to the Council on how a Workers' Compensation claim would relate to other kinds of coverage carried by a Councilor, as well as information about a Councilor's ability to file a lawsuit under Workers' Compensation.

Council Assistant Quarterly Report

Chairperson Kirkpatrick noted that Mr. Barker, Council Assistant, had forwarded to the Committee members a quarterly report on his activities per the committee's request. (A copy of the report is attached to the agenda of the meeting.)

There being no further business, the meeting adjourned at 7:43 p.m.

Written by Everlee Flanigan.

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