

# A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
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METRO

MEETING: Metro Council Regular Meeting  
DATE: January 26, 1995  
DAY: Thursday  
TIME: 7:00 p.m.\*  
PLACE: Council Chamber

NOTE: A regular session of the Metro Council beginning at 7:00 p.m. is held on the fourth Thursday of each month.

Approx. Time*		Staff Presenter:	Lead Councilor:
7:00 p.m.	<b>CALL TO ORDER &amp; ROLL CALL</b>		
(5 min.)	1. INTRODUCTIONS		
(5 min.)	2. CITIZEN COMMUNICATIONS		
(5 min.)	3. EXECUTIVE OFFICER COMMUNICATIONS		
	4. CONSENT AGENDA		
7:15 p.m. (5 min.)	4.1 Consideration of Minutes for the January 5, 1995, January 12, 1995, and January 19, 1995 Metro Council Regular Meetings; and the Minutes for the January 10, 1995 and January 17, 1995 Metro Council Work Sessions (Action Requested: Motion to Approve the Minutes)		
	5. ORDINANCES SECOND READINGS		
7:20 p.m. (10 min.)	5.1 Ordinance No. 95-574, An Ordinance Repealing Ordinance No. 94-556C Relating to Taxation <u>Public Hearing</u> (Action Requested: Motion to Adopt the Ordinance)		Kvistad

(Continued)

\* All Times listed on the agenda are approximate; items may not be considered in the exact order listed.

METRO COUNCIL MEMBERS: Ruth McFarland (Presiding Officer), Rod Monroe (Deputy Presiding Officer), Jon Kvistad, Patricia M<sup>c</sup>Caig, Susan McLain, Don Morissette, Ed Washington

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			<b>Staff Presenter:</b>	<b>Lead Councilor:</b>
7:30 p.m. (10 min.)	5.2	<b>Ordinance No. 95-583A</b> , Amending Chapter 2.01 of the Metro Code Relating to Council Organization and Procedures; and Declaring an Emergency <u>Public Hearing</u> (Action Requested: Motion to Adopt the Ordinance)	Short	Monroe
	6.	<b>RESOLUTIONS</b>		
7:40 p.m. (15 min.)	6.1	<b>Resolution No. 95-2078</b> , For the Purpose of Adopting Rules Establishing Procedures Relating to the Conduct of Council Business (Action Requested: Motion to Adopt Resolution)	Short	Monroe
7:55 p.m. (15 min.)	6.2	<b>Resolution No. 95-2079</b> , For the Purpose of Revising Guidelines for Councilor Expense and General Council Materials & Services Accounts (Action Requested: Motion to Adopt Resolution)	Short	Kvistad
8:10 p.m. (10 min.)	6.3	<b>Resolution No. 95-2077</b> , For the Purpose of Authorizing the Auditor to Release a Request for Proposals and Execute a Contract for Independent Audit Services (Action Requested: Motion to Adopt Resolution)	Dow	M <sup>c</sup> Caig
8:20 p.m. (10 min.)	6.4	<b>Resolution No. 95-2080</b> , For the Purpose of Accepting Nominees to the Metro Committee for Citizen Involvement (Metro CCI) (Action Requested: Motion to Adopt Resolution)	Shioishi	McLain
8:30 p.m.		<b>ADJOURN</b>		

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\* All Times listed on the agenda are approximate; items may not be considered in the exact order listed.

METRO COUNCIL MEMBERS: Ruth McFarland (Presiding Officer), Rod Monroe (Deputy Presiding Officer), Jon Kvistad, Patricia M<sup>c</sup>Caig, Susan McLain, Don Morissette, Ed Washington

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MINUTES OF THE METRO COUNCIL

Council Chamber

January 5, 1995

Councilors Present: Ruth McFarland (Presiding Officer), Rod Monroe (Deputy Presiding Officer), Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington

Presiding Officer McFarland called the regular January 5, 1995 Metro Council meeting to order at 2:00 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

No citizens appeared before the Council to testify.

3. EXECUTIVE OFFICER COMMUNICATIONS

Presiding Officer McFarland noted discussion had been underway with the Executive Officer prior to the Council meeting.

Presiding Officer McFarland asked that the agenda item no. 5.2, Executive Session held pursuant to ORS 192.660(1)(h) to consult with outside legal counsel regarding litigation related to Council authority under 1992 Metro Charter be moved forward and she called the session to order at 2:03 p.m.

**EXECUTIVE SESSION Held Pursuant to ORS 192.660(1)(h) to Consult With Outside Legal Counsel Regarding Litigation Related to Council Authority Under 1992 Metro Charter**

Councilors Present: Ruth McFarland, Rod Monroe, Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington.

Metro Staff Present: Lisa Creel, Senior Public Affairs Specialist; Don Carlson, Council Analyst; John Houser, Council Analyst; Casey Short, Council Analyst; Cathy Ross, Assistant to the Presiding Officer; Marilyn Geary-Symons, Council Assistant; and, Lindsey Ray, Council Assistant.

Also Present: Bill Gary and Jim Mountain, Special Counsel to the Metro Council; Greg Nokes, Oregonian Staff person

The Executive Session ended at 2:48 p.m.

(continued)

Motion: Councilor Kvistad moved that the Metro Council direct Council's Special Counsel to enter into negotiation with the Executive Officer's Attorney for the purpose of resolving issues related to the Council's pending litigation as outlined in the Executive Session.

Councilor Washington seconded the motion.

Motion to Amend: Councilor Monroe amended the motion to include that any agreement reached would have to come before the Council for approval.

Vote on Motion as Amended: Councilors Kvistad, McCaig, McLain, Monroe, Morissette, Washington and McFarland voted aye.

The vote was unanimous and the motion passed.

Councilor McFarland asked that the agenda item no. 5.3, Executive Session, held pursuant to ORS 192.660(1)(e) to conduct deliberations with persons designated by the Metro Council to negotiate real property transactions be moved forward and she called the session to order at 2:50 p.m.

**EXECUTIVE SESSION Held Pursuant to ORS 192.660(1)(e) to Conduct Deliberations with Persons Designated by the Metro Council to Negotiate Real Property Transactions**

Councilors Present: Ruth McFarland, Rod Monroe, Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington.

Metro Staff Present: Daniel B. Cooper, General Counsel; Lisa Creel, Senior Public Affairs Specialist; Don Carlson, Council Analyst; Casey Short, Council Analyst; Cathy Ross, Assistant to the Presiding Officer; Charlie Ciecko, Director of Parks and Greenspaces, and, Nancy Chase, Senior Regional Planner, Parks and Greenspaces; Berit Stevenson, Principal Management Analyst; Marilyn Geary-Symons, Council Assistant; and, Lindsey Ray, Council Assistant.

Also Present: Greg Nokes, Oregonian staff person

The Executive Session ended at: 3:03 p.m.

Presiding Officer McFarland requested that agenda items 6.1 and 6.2 be considered at this time.

- 6.1 Resolution No. 95-1982. For the Purpose of Authorizing the Executive Officer to Enter into Agreements with Portland Area Camp Fire Council to Option Properties
- 6.2 Resolution No. 95-2069, For the Purpose of Authorizing the Executive Officer to Enter Into an Agreement with J.J & Associates to Option Property

The Council agreed to consider both of these proposed resolutions together.

Ms. Stevenson presented the staff report, and said the proposed resolution requested Council approval for the Executive Officer to execute three Option Agreements with the Portland Area Council of Camp Fire (Camp Fire Council) to purchase three separate parcels of property. She explained the properties

involved Camp Tolinda, Camp Lowami and Camp Weiko, and distributed documents to the Council containing the Staff Report, the proposed resolution and copies of the Option Agreements for the three parcels. These documents have been made a part of the permanent meeting record.

Ms. Stevenson presented the staff report, and said the proposed resolution would authorize the Executive Officer to execute an Option Agreement with J. J. and Associates to purchase real property. She distributed documents to the Council containing the Staff Report, the proposed resolution and a copy of the Option Agreement with J.J. & Associates. This document has been made a part of the permanent meeting record.

The Council briefly discussed the resolutions.

**Motion:** Councilor Monroe moved to adopt Resolution No. 95-1982 and Resolution No. 95-2069. Councilor Washington seconded the motion.

**Vote:** Councilors Washington, Kvistad, McCaig, McLain, Monroe, Morissette and McFarland voted aye.

The vote was unanimous and the motion passed.

Presiding Officer McFarland requested that agenda items no. 4.1 and 4.2 be considered at this time.

- 4.1 Ordinance No. 95-584, An Ordinance Amending the FY 1994-95 Budget by Reinstating Two Positions (1.0 FTE) and Deleting One Administrator Position (0.5 FTE) from Executive Management in the General Fund; and Declaring an Emergency
- 4.2 Ordinance No. 95-585, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Adding Funding to the General Fund Executive Office Personal Services to Fund Unemployment Compensation for Terminating Employees; and Declaring an Emergency

Mike Burton, Executive Officer, addressed the Council and explained the proposed ordinances were concerned with the budget for Executive Management. He noted four long term employees in the Executive Office that were terminated effective with the change in administration had an impact on the FY 1994-95 budget; e.g. unbudgeted vacation time, retroactive salary increases and unfunded unemployment compensation needs. He said also three temporary positions would be created in the Executive Office for the remainder of the current fiscal year, noting fringe costs were not involved in these temporary positions. He noted also he would not be hiring a Deputy Executive Officer, which he felt would be a benefit while empowering him to learn the workings of the agency in an expeditious manner.

Executive Officer Burton said the ordinances would accomplish funding the staffing within the existing amount budgeted, but noted \$29,000 would need to be funded from Contingency for the unemployment compensation.

Presiding Officer McFarland opened a public hearing.

Jack Polans, King City resident, asked if the ordinance was a reorganization and involved the laying off employees and/or job changes.

Presiding Officer McFarland suggested Mr. Polans contact the Department Staff with questions prior to the Council meetings.

Executive Officer Burton explained the employees involved were at will employees of the Executive Officer and were non-represented positions. He said staff people to the Executive Officer were personal staff people, and with the transition in the Executive Office the previous personal staff to the previous Executive Officer left their tenure at the agency as well. He added he would also gain some time to consider what the needs of the Executive Officer would be in terms of personal staff for the coming fiscal year in order to present those requests to the Council for approval.

Mr. Polans was interested to know if the proposed ordinances would circumvent the outcome of Measure 8. Mr. Cooper said the proposed action had no relationship to Measure 8.

Executive Officer Burton the temporary nature of the employees excluded them from PERS membership.

Presiding Officer McFarland closed the public hearing.

Motion: Councilor McLain moved to adopt Ordinance No. 95-584. Councilor Kvistad seconded the motion.

Vote: Councilor Monroe, Morissette, Washington, Kvistad, McCaig, McLain and McFarland voted aye.

The vote was unanimous and the motion passed.

Councilor Monroe personally commended the Executive Officer's actions in not hiring a Deputy Presiding Officer from both a financial and a strategic point of view.

In response to Councilor Kvistad, Jennifer Sims, Director of the Finance and Management Information Department, said the Executive Office was budgeted in the General Fund, and added the additional funds requested would come from Contingency. Councilor Kvistad asked if a process could be established for funding for such an event involving unemployment compensation in the future. Ms. Sims said procedures in place would cover a normal situation, but an expense such as this, i.e. a large number of employees in a small department, required other means.

Motion: Councilor Kvistad moved to adopt Ordinance No. 95-585. Councilor McLain seconded the motion.

Presiding Officer McFarland opened a public hearing.

Mr. Polans addressed the Council, and repeated the question he posed regarding Ordinance No. 95-484. Mr. Cooper reiterated that the answer was the same as for 95-484.

Presiding Officer McFarland closed the public hearing.

Executive Officer Burton said if the monies budgeted from Contingency were uncollected by the concerned individuals, the funds would be replaced in the next fiscal years ending fund balance.

Motion: Councilor Kvistad moved to adopt Ordinance No. 95-585. Councilor McLain seconded the motion.

Vote: Councilors McLain, Monroe, Morissette, Washington, Kvistad, McCaig and McFarland voted aye.

The vote was unanimous and the motion passed.

Presiding Officer McFarland requested that agenda item no. 5.1 be considered at this time.

5.1 Consideration of Letter from Tri-Met Regarding Metro Washington Park Zoo Parking Lot Agreement

Councilor Washington asked about the difference between the letters dated December 22, 1994 as printed in the agenda packet for this meeting and the letter dated December 29, 1994 received in the Council Office subsequent to the printing of the packet. The Recorder explained the letter dated December 29, 1994 had been hand delivered to the Council Office two days prior to the meeting. Both letters have been placed in the permanent meeting record.

Executive Officer Burton said the letter before the Council was a letter of intent to move toward an intergovernmental agreement (IGA) with Tri-Met to provide mitigation for the loss of 44 parking spaces at the Zoo while construction activities occurred as a reduction in gate receipts was anticipated.

Ms. Shung explained the relationship between the two letters.

Executive Officer Burton said the IGA would be developed over the next couple of weeks, and said it would then be brought before the Council for consideration.

Councilor McLain requested further information from staff regarding the meaning of the term, enhanced transit service, and for additional information regarding the dollar amounts involved. Executive Officer Burton indicated he would provide that information and noted some of it would be contained in the IGA.

Councilor Washington asked for further information to be included in the revenue loss estimates, and asked if there was a possibility the Zoo station might be eliminated.

Executive Officer Burton noted the cost of building the tunnel was exceeding original expectations. He said the federal government had made a \$944 million commitment to that light rail line, and he said everything was currently on the table and changes might be forthcoming.

Presiding Officer McFarland opened a public hearing.

Phil Selinger, representative from Tri-Met's Project Control Department group, addressed the Council and said he was available to answer questions.

Councilor Washington expressed concern regarding Metro's \$2 million commitment.

Mr. Selinger said ongoing weekly discussions were underway with the group.

Councilor Monroe asked if Tri-Met decided to eliminate the Zoo station, what would be the process they would have to go through, and at what points would the Metro Council and the Metro Executive be involved in that process.

Mr. Selinger said he was not in a position to answer such questions and said if there were discussion, it would normally occur within the Project Control group.

Councilor Monroe noted the Project Control group was in a position to recommend to the Joint Policy Advisory Committee on Transportation (JPACT) which then made recommendation to the Metro Council.

Councilor Monroe said he could not foresee any circumstances in which he would support eliminating the Zoo station. Ms. Shung said based on the fact that Tri-Met intended to cover the cost for valet parking and said the Zoo intended to provide valet parking for free.

In response to Councilor Monroe, Ms. Shung said the preference was to handle the valet parking by in house staff.

Councilor Monroe commented on the article in the newspaper with regard to the method by which the tunnel would be dug. Mr. Selinger explained the process further, and agreed that delays could occur depending on the method used.

Councilor Morissette asked about the \$2 million commitment. Executive Officer Burton said the commitment was obligated in accordance with revenue bond authority and noted the agency was currently paying interest against that until such time as collections occurred.

In response to Councilor Morissette, Ms. Shung said Risk Management had been asked to do an analysis regarding incidents that had been reported in the Zoo parking lot, and she said the estimated cost was approximately \$17 to \$20 thousand average per year. She said the intent was to seek reimbursement for those monies.

In response to Councilor Morissette, Ms. Shung said the service provided in-house would be cost effective.

Presiding Officer McFarland continued the matter pending receipt of the IGA.

## 7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Motion: Councilor Kvistad moved to bring Ordinance No. 95-574, the repeal of the Construction Excise Tax, before the Council as an action item on the January 12, 1995 agenda. Councilor Washington seconded the motion.

Councilor McLain asked to consideration to allow time to have conversation with partners to bring their comments to the table.

Councilor Monroe indicated that conversation with Executive Officer Burton this date demonstrated that he favored the repeal of the Construction Excise Tax. He said he was willing to support the motion with allowance for additional time for a briefing at the next JPACT and Metro Policy Advisory Committee (MPAC).

Councilor Kvistad agreed postponing the matter for a time to be heard two weeks for today. He amended his motion to that date certain; i.e. January 19, 1995.

The Council discussed the matter.

Vote: Councilors McCaig, McLain, Monroe, Morissette, Washington, Kvistad and McFarland voted aye.

The vote was unanimous and the motion passed.

Councilor Kvistad voiced his concerns regarding the process used in the membership selection to the Metro Committee for Citizen Involvement (MCCI). He explained his participation in that selection process noting he had reviewed applications from citizens in his district while carrying out his role in the decision making process as Councilor for his district. He said he subsequently submitted his three



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January 5, 1995

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recommendations, and he said the individuals he had recommended were all rejected in a manner he found unacceptable. He indicated on that basis he intended to reject the other three selections from his district and to reappoint new individuals to those MCCI positions.

Presiding Officer McFarland noted the membership selection would be confirmed by the Council in the near future.

Councilor McLain commented that the portion of the process she sat in on appeared appropriate, and was concerned regarding the message given to the citizens of the region concerning the manner in which the matter was to be handled. She asked that Councilor Kvistad draft a memorandum to the parties involved reviewing what he felt were reasons for reconsideration.

Councilor McCaig asked regarding the process for appointment to the MCCI. Presiding Officer McFarland said Councilors could recommend citizens from their district for appointment to the MCCI.

In response to Councilor McCaig, Mr. Short indicated he would review the MCCI by-laws and provide further information regarding the process for appointment of citizens to membership in the MCCI.

Councilor Kvistad indicated he had sent a memorandum to the MCCI at the beginning of the process as well as following the process. He indicated he had reviewed the MCCI by-laws and had discussion with Council Analyst, Judy Shioishi, and that it was his intent to proceed in an open handed manner regarding the matter.

There being no further business, the meeting adjourned at 4:23.m.

Respectfully submitted,

Marilyn E. Geary-Symons  
Council Assistant

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Minutes of the Metro Council Work Session  
January 10, 1995  
Council Chamber

Councilors Present: Ruth McFarland (Presiding Officer), Rod Monroe (Deputy Presiding Officer), Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington

Councilors Absent: None

Presiding Officer McFarland called the work session to order at 2 p.m.

1. Introductions

None.

2. Citizen Communications

None.

3. Executive Officer Communications

None.

4. Other Business

4.1 Discussion of Council Procedures

Casey Short, Senior Council Analyst, distributed and summarized four memorandums summarizing several options for Council procedures, copies of which are included in the record of this meeting.

The Council held a work session to develop recommended Council procedures for the conduct of business.

Presiding Officer McFarland discussed process for Council review of MERC Resolutions. The consensus was that the MERC Resolutions would be reviewed at the Tuesday work session following the Wednesday MERC adoption.

In response to Councilor McCaig, Mr. Short discussed options for opportunities for public testimony. In response to Councilor Monroe, Mr. Short noted substantive legislation would be filed early and distributed to the lead and support Councilors to allow opportunity for additional discussion in work session. Councilor Monroe preferred having a regularly scheduled JPACT agenda review. He favored providing an opportunity for lead Councilor review of legislation prior to Council consideration to allow the lead Councilor an opportunity to provide some leadership. Councilor Washington concurred.

The Council discussed a cut-off time for new item consideration. Presiding Officer McFarland favored 5:00 p.m. Councilor Monroe concurred. Councilor McLain preferred 6:00 p.m. Councilor McCaig favored limiting meetings to adjourn at 4:00 p.m. Councilor Monroe noted items with significant interest should be scheduled for the monthly evening meeting. Councilor Morissette favored a goal of maintaining succinct meetings.

Councilor McCaig favored reducing the number of hours spent in meetings, limiting duplication presentations, and making for efficient use of time. Councilor McLain favored version "B" contained in Mr. Short's handouts, copies of which are included in the record of this meeting.

Presiding Officer announced she would support any Councilor's request to schedule any MERC Resolution for additional consideration. Councilor Monroe favored the version "B" including review of MERC Resolutions and Council Resolutions requiring JPACT approval.

Councilor McLain favored cable access coverage of the work sessions. She called for additional education for the public into the informational items if there was no cable coverage.

The Council agreed to a Monday scheduling deadline. The Council agreed to allow consent agenda be scheduled by the Presiding Officer with input from the lead Councilor. The Council agreed to allow substantive discussion of Ordinances at first readings.

Presiding Officer McFarland noted a resolution would be drafted to address the Council procedures further. She noted a memorandum would then be distributed to executive management staff.

In response to Councilor Kvistad and relating to the veto power of the Executive Officer, Dan Cooper, General Counsel, explained veto power had been limited by the Charter. Councilor Kvistad requested background information on Councilor expenses, numeration of the Ordinance pages, and further clarification regarding Boundary Commission appointment expiration dates.

Mr. Short reviewed his understanding: prepare a resolution, filing deadline will be the preceding Monday, ordinance first readings will include initial discussion, work sessions would include informational items, and Presiding Officer in consultation with lead and support Councilors will determine the consent agenda.

#### 5. Councilor Communications

Councilor McCaig requested a briefing on the legislative package. Councilor McLain noted MCCI was discussing recording secretary requirements and communications with the Council. She noted the Future Vision Commission requested Council attendance at the Monday, January 30, 1995 Future Vision Commission meeting. Councilor Kvistad called for extended discussion on issues related to the MCCI. Councilor Morissette noted he was not a lead Councilor and expressed interest in finding solutions to areas with potential need of that interest. Councilors McLain and Washington invited Councilor Morissette to attend their meetings with staff. Mr. Cooper discussed public meeting law requirements.

With no further business before the Council, Presiding Officer adjourned the meeting at 3:30 p.m.

Prepared by.

Susan Lee  
Council Assistant

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Minutes of the Metro Council  
January 12, 1995  
Council Chamber

Councilors Present: Ruth McFarland (Presiding Officer), Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington

Councilors Excused: Rod Monroe (Deputy Presiding Officer),

Presiding Officer McFarland called the meeting to order at 2 p.m.

1. Introductions

None.

2. Citizen Communications

Jack Polantz, 16000 Queen Victoria Place, Tigard, appeared to testify. He discussed a letter he distributed to the Council, elected officials and the media. He proposed a water study program. He offered his services on a voluntary basis. Presiding Officer McFarland noted Metro had a water resource program and suggested he start communications with that staff. Councilor McLain noted Metro welcomed citizen participation and thanked him for his comments. Mr. Polantz clarified he requested a separate department be created.

3. Executive Officer Communications

Executive Officer Burton distributed and summarized three memorandums discussing budget, station development planning, and South/North Light Rail Transit, copies of which are included in the record of this meeting.

Executive Officer Burton requested an extension of the transmittal of the FY 1995-96 Budget to February 16, 1995, explaining he had not had ample opportunity to review and develop the budget because he had only been sworn in on January 3, 1995.

Motion: Councilor Morissette moved seconded by McLain to extend the Executive Officer transmittal of the FY 1995-96 Budget to February 16, 1995.

Councilor Kvistad noted he would vote in favor this year, but would not favor establishing the extension as a policy.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

Executive Officer Burton discussed potential State of Oregon legislation regarding South/North Light Rail with the Council. Andy Cotugno, Planning Director, discussed options for process related to the subject matter.

4. ORDINANCES FIRST READINGS

4.1 Ordinance No. 95-583, Amending Chapter 2.01 of the Metro Code Relating to Council Organization and Procedures; and Declaring an Emergency

The Clerk read the Ordinance for the first time by title only.

Casey Short, Senior Council Analyst, discussed the purpose of the Ordinance, stating it would change the Metro Code to reflect changes made necessary by the adoption of the Metro Charter. Mr. Short and Dan Cooper, General Counsel, reviewed the Ordinance. Mr. Short identified several issues for discussion: the Clerk of the Council; and language related to the use of standing committees. Mr. Cooper noted he reviewed the draft and proposed technical changes. He discussed the veto authority of the Executive Officer explaining the Metro Charter established the veto power of the Executive Officer.

The pleasure of the Council was to continue discussions at the next meeting of the Council.

Councilor Kvistad noted a companion resolution would be prepared to address organizational details. Mr. Short said the resolution would be before the Council at the January 26, 1995 Council meeting.

## 5. RESOLUTIONS

Presiding Officer McFarland convened the Contract Review Board.

### 5.1 Consideration of Resolution 95-2064, Declaring Novell to be a Metro Local Area Network Standard and Thereby Authorizing a Sole Source Relationship with Novell Netware Pursuant to State Price Agreement

Councilor McCaig noted the resolution was a minor contract and requested postponement to the January 19, 1994 meeting. The Council unanimously agreed to postpone the item.

Presiding Officer McFarland adjourned the Contract Review Board.

### 5.2 Consideration of Resolution No. 95-2071, Accepting Nominees to the Metro Committee for Citizen Involvement (Metro CCI)

Councilor McLain discussed the background of the development of the resolution. She noted Councilor Kvistad had a concern with the nomination and selection process and would propose an amendment to the resolution.

Bob Bothman, MCCI Vice Chair, reviewed the selection process with the Metro Council. He discussed the criteria used for selection of members.

Motion: Councilor McLain moved, seconded by Councilor McCaig to adopt the resolution.

Councilor McLain called for limited rejection of nominations by Metro Councilors. Councilor Morissette stated he looked forward to working with the persons selected for District 2

Motion to amend: Councilor Kvistad moved, seconded by Councilor Morissette his amendment to remove the three names from District 3 and re-nominated within one month.

In response to Councilor McCaig, Councilor Kvistad discussed the positive relationship he developed with a former CCI member from his district. He stated he would like to have additional conversations with the CCI prior to the next round of nominations.

Councilor Kvistad stated his intent was to remove the three people put forward from the nomination pool. Councilor McLain said the nominees should not be removed. Councilor Washington asked the MCCI and Councilor Kvistad to make a good faith effort to resolve the issues noting he would appreciate the same opportunity for discussion should he ever have a concern about nominations from his district.

Donald MacGillivray, MCCI member, appeared to testify. He noted the Bylaws called for any rejections to be returned with a written statement as to the rejection. Councilor Kvistad stated a letter was prepared should the Council approve the amendment.

Jack Polantz stated he favored the resolution.

Councilor Kvistad stated his intentions were to have an opportunity to develop a positive relationship with both the MCCI and the selected representative from his district.

Vote on motion to amend: All those present voted aye. The vote was unanimous and the motion passed.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

#### 6. COUNCILOR COMMUNICATIONS

Councilor Kvistad noted the Council budget would need to be prepared. Councilor McCaig stated she had not began to work on the budget but would be moving forward with development and review. Don Carlson, Senior Council Analyst, stated the work would need to be performed. Presiding Officer McFarland directed staff to work with Councilor McCaig and Cathy Ross, Assistant to the Presiding Officer. Councilor McCaig expressed dissatisfaction with not having been notified of the expectation. Councilor McLain requested discussion of the budget and staffing responsibilities to occur at the next work session of the Council.

Councilor McLain reported on the January 11, 1995 MPAC and January 12, 1995 JPACT meetings. Councilor Morissette called for development of a schedule and process for Council discussion of work session discussions.

With no further business before the Council, Presiding Officer adjourned the meeting at 3:30 p.m.

Prepared by,

Susan Lee  
Council Assistant

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## MINUTES OF THE METRO COUNCIL WORK SESSION

January 17, 1995

Council Chamber

Councilors Present: Ruth McFarland (Presiding Officer), Rod Monroe (Deputy Presiding Officer), Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington

Councilors Absent: None

Also Present: Executive Officer Mike Burton

Presiding Officer McFarland called the work session to order at 2:00 p.m.

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATIONS ON NON-AGENDA ITEMS

Jack Polans, 16000 SW Queen Victoria Place, King City, Oregon, gave a follow-up on his testimony of January 12, pertaining to regional water programs.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. OTHER BUSINESS

#### 4.1 Review of MERC Resolutions Adopted at its January 11, 1995 Meeting

Pat LaCrosse, MERC General Manager, gave a review of MERC Resolutions 95-1 through 95-4. Presiding Officer McFarland indicated that if the Council doesn't act on any given resolution, it will stand as written and will become policy.

With regard to MERC Resolution 95-2, Councilor Monroe suggested that potential bidders on the RFPs for concessions and catering at MERC facilities be advised of the Executive Officer's proposed 7.5 per cent excise tax on concessions at the Oregon Convention Center and Expo. Parties submitting bids will need to determine the financial impact of the proposed excise tax when preparing their bids. Mr. LaCrosse agreed, and reported several MERC Commissioners and staff had had extensive discussions with the Executive Officer to assess the impact of the tax.

Councilor Washington asked how the proposed excise tax would affect contract negotiations with Fine Host. Mr. LaCrosse responded that the timing of the budget process and the timing of contract negotiations would overlap, allowing opportunity for all affected parties to consider the excise tax in reaching a contract agreement. Jeff Blosser, Oregon Convention Center General Manager, concurred with Mr. LaCrosse, referring to discussions he had held with Fine Host representatives.

#### 4.2 Overview of the 1995 Legislature

The overview of the 1995 Legislature did not take place due to scheduling conflicts. The overview will be rescheduled for a future date.

#### 4.3 Goal 5 Update

Larry Shaw, Senior Assistant Counsel, reported on the LCDC Goal 5 Revisions. He reviewed a letter from Executive Officer Burton to Richard Benner, Director of the DLCD, dated January 17, 1995, regarding Goal 5 revisions. A copy of this letter is included as part of the meeting record. Mr. Shaw reported that former Metro Councilor Sandi Hansen had testified in front of a subcommittee of the LCDC taking the position that open space and scenic waterways planning should not be made optional in local comprehensive plans. The response from LCDC Commissioners was positive, however, this was not reflected in subsequent documents distributed by DLCD staff. The letter to Mr. Benner outlines the Executive Officer's concerns.

#### 4.4 Council Office Budget Development

Presiding Officer McFarland asked that Councilors contact her with questions about the Council department budget prior to Thursday's meeting.

### 5. COUNCILOR COMMUNICATIONS

Councilor McCaig distributed a memorandum from Don Carlson, Senior Council Analyst, to Councilor McCaig, dated January 12, 1995, regarding Resolution 95-2064A for a sole source relationship with Novell Netware. She suggested Councilors review it prior to discussing it at the Thursday, January 19 Council meeting.

Councilor McCaig also reported that Resolution 95-2074, which would change the election date of the Greenspaces bond measure, was on the agenda for the January 19 Council meeting, a week earlier than she anticipated. She indicated it would be her intent to go ahead and consider the Resolution at the earlier date, unless other Councilors had reason to delay action.



Council Work Session Minutes

January 17, 1995

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Councilor Monroe reported on JPACT-related issues. He and other Clackamas County officials and business leaders met with Congressman Jim Bunn, who is on the House Appropriations Committee, and who will be important in terms of acquiring federal funding for transportation projects in the State of Oregon. Representative Bunn has indicated strong support for federal funding of S/N Light Rail.

Councilor Monroe announced that the finance subcommittee of JPACT will hold its first meeting January 17, 1995.

Councilor McLain informed the Council about a document entitled "Transportation Planning Role Regional Discussion" that will be very helpful to Councilors as they speak in their local jurisdictions.

Councilor McLain asked if Councilors would prefer the Future Vision Commission to set their January 30 meeting back a week in order to allow more Councilors to attend. Following discussion it was decided to let the Commission decide which week would be best for them.

Councilor Kvistad gave a brief preview of Resolution 95-2073, regarding an RFP to purchase diesel fuel that will be on the agenda for Thursday.

With no further business before the Council, Presiding Officer adjourned the meeting at 3:00 p.m.

Prepared by,

Lindsey Ray  
Council Assistant

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# MINUTES OF THE METRO COUNCIL REGULAR MEETING

January 19, 1995

Council Chamber

Councilors Present: Ruth McFarland (Presiding Officer), Rod Monroe (Deputy Presiding Officer), Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington

Councilors Excused: None

Also Present: Executive Officer Mike Burton

Presiding Officer McFarland called the meeting to order at 2:00 p.m.

## 1. INTRODUCTIONS

None.

## 2. CITIZEN COMMUNICATIONS ON NON-AGENDA ITEMS

None.

## 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

## 4. ORDINANCES -- SECOND READINGS

### 4.1 Ordinance No. 95-583, Amending Chapter 2.01 of the Metro Code Relating to Council Organization and Procedures; and Declaring an Emergency

Casey Short, Senior Council Analyst, reported on Ordinance 95-583A, stating that the purpose of the Ordinance is to bring the Code into conformance with the fact that there are now seven Councilors rather than 13. Presiding Officer McFarland stated that action on the Ordinance will be held over until supporting legislation has been drafted, and that all of the pieces will be considered as a group.

Councilor Monroe inquired about the procedures to be followed if the office of Presiding Officer was vacated mid-term. Dan Cooper, Metro General Counsel, said staff would prepare a report to the Council clarifying these procedures. Councilor Monroe then asked if the requirement that an

Ordinance be read at a previous meeting could be overcome with a suspension of the rules in an emergency. Mr. Short answered affirmatively, and outlined the legal requirements for doing so. Councilor Washington asked for and received clarification of language that says fewer Councilors than a quorum may compel absent members to attend. Councilors Morissette and Kvistad asked for clarification regarding approved absences. Mr. Cooper responded briefly, referring to a previously adopted Ordinance that set in place procedures for the Council to declare an office vacant. Councilor McLain asked about job descriptions, and expressed concern about the fact that Clerk of the Council does not exist but is mentioned in the Ordinance. Mr. Cooper indicated the language is not inconsistent with current staff assignments.

## 5. RESOLUTIONS

Presiding Officer McFarland convened the Contract Review Board.

### 5.1 Consideration of Resolution 95-2064A, Declaring Novell to be a Metro Local Area Network Standard and Thereby Authorizing a Sole Source Relationship with Novell Network Pursuant to State Price Agreement No. 3215 (Action Requested: Motion to Adopt the Resolution)

***Motion:** Councilor McCaig moved for adoption of Resolution No. 95-2064A.*

Prior to the meeting, Councilor McCaig distributed Resolution No. 95-2064A for consideration at the meeting. She gave a brief presentation of Resolution No. 95-2064A. The contract will provide maintenance for Metro software. There is only one firm that delivers the kind of maintenance needed for the existing software. Metro is issuing a sole source contract to the State of Oregon to purchase Novell software maintenance services.

***Vote:** Councilors McCaig, Morissette, Monroe, Washington, McLain, Kvistad and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.*

### 5.3 Consideration of Resolution No. 95-2073, Authorizing an Exemption from the Competitive Bid Process and Authorizing Issuance RFP #94R-35-SW for Purchasing Diesel Fuel (Action Requested: Motion to Adopt the Resolution)

***Motion:** Councilor Kvistad moved, seconded by Councilor Washington for adoption of Resolution No. 95-2073.*

Councilor Kvistad discussed the amended version, Resolution No. 95-2073A, and reported that Metro has an opportunity to realize savings on fuel purchases by entering into a sole-source agreement with a vendor for reasons stated in Exhibit C to the Resolution. The Resolution will authorize an RFP to establish a contract that will extend the current contract 14 months. At the end of the 14 month period of evaluation, there will be either a bid process or a series of yearly

extensions with a three extension maximum. Councilor Kvistad indicated the cost of the contract is about \$900,000 annually.

John Houser, Senior Council Analyst, pointed out that since the RFP is for a multi-year contract, the contract extension will be subject to annual Council approval. The specific language modifications comprising Councilor Kvistad's amendments were distributed with the amended version, and are part of the official meeting record.

***Motion to Amend Main Motion:*** Councilor Kvistad moved, seconded by Councilor Washington to substitute Resolution No. 95-2073A for Council consideration.

***Vote on Main Motion as Amended:*** Councilors Morissette, Monroe, Washington, McLain, Kvistad, McCaig, and McFarland voted aye. The vote was 7/0 in favor, and the motion passed unanimously.

***Vote:*** Councilors Monroe, Washington, McLain, Kvistad, McCaig, Morissette, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

Presiding Officer McFarland adjourned the Contract Review Board.

**5.5 Consideration of Resolution No. 95-2058, Allocating I-205 Busway Withdrawal Funds to South/North Environmental Impact Statement and Preliminary Engineering and Airport Ground Access Study and Rescinding Tri-Met Obligation to Repay Previous I-205 Buslane Withdrawal Grant (Action Requested: Motion to Adopt the Resolution)**

***Motion:*** Councilor Monroe moved, seconded by Councilor Kvistad for adoption of Resolution No. 95-2058.

Executive Officer Burton stated the resolution provides allocation of \$12,605,958 of the I-205 Buslane Withdrawal funds to support the South/North Transit Corridor project. He gave a brief history of prior legislation relating to the Resolution.

Andy Cotugno, Metro Planning Director, provided further history on Metro's actions to date, and gave a brief overview of the factual background and analysis of the proposed legislation, which is included as part of the staff report to the Resolution, and is part of the meeting packet.

Councilor Monroe agreed that the bus lane improvements are not currently warranted on the I-205 Corridor. He expressed concern about losing out on Federal funds if action is not taken quickly. He said appropriating these funds for the South/North Light Rail project will reflect an increased emphasis and commitment to the project, thereby improving the likelihood of obtaining ISTEA funds.

***Vote:** Councilors Washington, McLain, Kvistad, McCaig, Morissette, Monroe, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.*

**5.6 Consideration of Resolution No. 95-2072, Endorsing the Oregon Transportation Finance Package (Action Requested: Motion to Adopt the Resolution)**

***Motion:** Councilor Monroe moved, seconded by Councilor Kvistad for adoption of Resolution No. 95-2072.*

Executive Officer Burton gave a presentation on the Oregon Transportation Finance Package. Council was asked to endorse the package which establishes a comprehensive, multi-modal funding strategy for consideration by the 1995 Oregon Legislature. He gave an overview of the factual background and analysis of the package which is included as part of the staff report to the Resolution and is included in the meeting packet.

The Council discussed the effectiveness of the package. It was recommended that more creative funding mechanisms be explored in the future.

***Vote:** Councilors McLain, Kvistad, McCaig, Morissette, Monroe, Washington, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.*

**5.7 Consideration of Resolution No. 95-2076, Adopting the Metro 1995 Oregon Legislative Process, Principles and Priorities (Action Requested: Motion to Adopt the Resolution)**

***Motion:** Councilor Monroe moved, seconded by Councilor Washington for adoption of Resolution 95-2076.*

Executive Officer Burton briefed the Council on Resolution No. 95-2076 adopting the Metro 1995 Oregon Legislative Process, Principles, and Priorities. He explained the state legislative process and introduced an amendment to the Resolution under consideration.

Councilor McCaig asked about Section "C" of Exhibit A, entitled "Legislative Priorities." She said, while she supports the Executive's agenda, it is important for Council to forward their own agenda. Councilors Morissette and Kvistad expressed concern over the portion of Section "C" pertaining to Boundary Commission membership.

Following discussion of these issues, it was decided to postpone adoption of Section "C" of Exhibit A until Council has an opportunity to address their priorities in a future work session. Sections "A" and "B" of Exhibit A will move forward with the resolution.

***Motion to Amend Main Motion:** Councilor McCaig moved, seconded by Councilor McLain to amend Resolution No. 95-2076 to exclude Section "C" of Exhibit A to the Resolution.*

Following discussion, Councilor McCaig withdrew her motion to amend the main motion and replaced it with the following:

**Motion to Amend Main Motion:** Councilor McCaig moved, seconded by Councilor Kvistad for adoption of the Executive's amendment to Exhibit A, Section "3" of Resolution No. 95-2076.

**Vote on Main Motion as Amended:** Councilors McCaig, Morissette, Monroe, Washington, McLain, and McFarland voted aye. Councilor Kvistad abstained. The vote was 6/0 in favor, with one abstention and the motion passed.

**Motion to Amend No. 2:** Councilor McCaig moved, seconded by Councilor McLain to amend Resolution No. 95-2076 to exclude Section "C" of Exhibit A to the Resolution.

**Vote on Motion to Amend No. 2:** Councilors McCaig, Morissette, Washington, McLain, Monroe, and McFarland voted aye. Councilor Kvistad abstained. The vote was 6/0 in favor, with one abstention and the motion passed.

**Vote:** Councilor McCaig, Morissette, Monroe, Washington, McLain and McFarland voted aye. Councilor Kvistad abstained. The vote was 6/0 in favor, with one abstention and the motion passed.

Noel Klein of Western Advocates distributed a package of Oregon Legislative background to Councilors. A copy of this package is included as part of the meeting record. Mr. Klein gave a briefing on the first week of legislative action.

5.2 Consideration of Resolution No. 95-2074, Changing the Election Date of the Submission to the Voters of a General Obligation Bond Indebtedness to Proceed with the Acquisition of Land for a Regional System of Greenspaces (Action Requested: Motion to Adopt the Resolution)

**Motion:** Councilor McCaig moved, seconded by Councilor Morissette for adoption of Resolution No. 95-2074.

**Motion to Amend Main Motion:** Councilor McCaig moved, seconded by Councilor Morissette to substitute Resolution No. 95-2974A for Council consideration.

Councilor McCaig gave a report on Resolution No. 95-2074A which changes the election date for the Greenspaces bond measure from March to May 16. Exhibit A is the re-drafted ballot title. Exhibit B is the ballot measure language for the voter's pamphlet. Councilor McLain asked if the Cornelius project will be added to the list of local projects. Presiding Officer McFarland directed staff to correct the omission of The City of Cornelius from the document.

*Vote on Main Motion as Amended: Councilors Morissette, Monroe, Washington, McLain, Kvistad, McCaig, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.*

Presiding Officer McFarland opened a public hearing.

George Ward , 510 SW Third, Suite 433, Portland, OR 97204, appeared to speak before the Council on Resolution No. 95-2074. A copy of his prepared comments is included in the official meeting record.

Presiding Officer McFarland closed the public hearing.

*Vote: Councilors Monroe, Washington, McLain, Kvistad, McCaig, Morissette, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.*

5.4 Consideration of Resolution No. 95-1995, Certifying that Tri-Met's Joint Complementary Paratransit Plan Update for 1995 Conforms to Metro's Regional Transportation Plan (Action Requested: Motion to Adopt the Resolution)

*Motion: Councilor Monroe moved, seconded by Councilor McLain for adoption of Resolution No. 95-1995.*

Mr. Cotugno spoke to the Resolution, stating that Tri-Met is in compliance with the paratransit plan established by Metro, he added that Tri-Met is currently several years ahead of Federal guidelines for paratransit.

*Vote: Councilors Washington, McLain, Kvistad, McCaig, Morissette, Monroe, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.*

## 6. COUNCILOR COMMUNICATIONS

Presiding Officer McFarland informed the Council that, as agreed upon earlier, a work session is scheduled for Friday, January 27 from 12:00 p.m. to 3:00 p.m. to discuss legislative priorities

Councilor Monroe reported that Executive Officer Burton will address the City Club Friday, January 20. He also informed the Council that the Oregon Senate Transportation Committee will meet that same day at the Portland Chamber of Commerce.

Councilor McCaig distributed a draft schedule for the budget process. Following discussion it was decided to schedule a work session on Friday, February 17, from 10:00 a.m. to 5:00 p.m. to review Executive Officer Burton's proposed budget. Another work session will be scheduled for Tuesday, February 14 from 12:00 p.m. to 2:00 p.m. to discuss general budget strategy. If any

one wishes to suggest further modifications to the schedule, they should speak to Councilor McCaig.

Councilor Kvistad spoke of a Tigard leadership conference scheduled to come to Metro for an overview of regional government. He also related serious concern about the application and nomination process for the Citizens Advisory Committee of the Regional Transportation Plan. He wants to reorganize the way nominations are handled for that committee. Councilor McLain said that there is still time for Councilor Kvistad to effect that process.

With no further business before the Council, Presiding Officer McFarland adjourned the meeting at 5:13 p.m.

Prepared by,

Lindsey Ray  
Council Assistant



AGENDA ITEM NO. 5.1  
Meeting Date: January 26, 1995

ORDINANCE NO. 95-574

BEFORE THE METRO COUNCIL

AN ORDINANCE REPEALING  
ORDINANCE NO. 94-556C RELATING  
TO TAXATION

)  
)  
)  
)

ORDINANCE NO. 95-574

Introduced by Council  
Finance Committee

THE METRO COUNCIL ORDAINS:

Section 1. The Council finds that:

1. Ordinance No. 94-556C, a copy of which is attached as Exhibit "A", was adopted by the Council on August 25, 1994.
2. By adoption of Resolution No. 94-2045 the Council has referred the question of approval or disapproval of Ordinance No. 94-556 to the electors of Metro at an election to be held on May 16, 1995.
3. Adoption of Ordinance No. 94-556C was not in the best interests of the District.
4. The Council will after adoption of this Ordinance by separate resolution rescind Resolution No. 94-2045.

Section 2. Ordinance No. 94-556C is repealed.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer

ATTEST:

\_\_\_\_\_  
Recording Clerk

gl1193

**AGENDA ITEM NO. 5.2**  
**Meeting Date: January 26, 1995**

**ORDINANCE NO. 95-583A**



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 95-583A
CHAPTER 2.01 OF THE METRO CODE	)	
RELATING TO COUNCIL	)	Introduced by Councilor )
ORGANIZATION AND PROCEDURES;	)	McFarland
AND DECLARING AN EMERGENCY	)	

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amending the Metro Code. Chapter 2.01 is amended as follows:

2.01.001 Definitions: As used in this chapter the following terms shall have the meanings indicated:

(a) "Adoption" means the act of the Council to approve a motion to adopt an ordinance or resolution.

(b) "Clerk" means Clerk of the Council.

(c) "Final adoption" means 1) for an ordinance subject to veto by the Executive Officer the time and date an ordinance passes the five working days veto period without being vetoed or the act of the Council to override an Executive Officer veto of an ordinance; or 2) for an ordinance not subject to the Executive Officer's veto the date of adoption by the Council.

(d) "Quorum" means the majority of the members of the Council holding office [~~or a committee~~].

2.01.010 Officers:

(a) The Council shall, at its first meeting after the first Monday in January of each year, elect one Councilor to serve as its Presiding Officer for the ensuing year. The newly elected Presiding Officer shall appoint at the same meeting a Deputy Presiding Officer. The affirmative vote of [~~the~~] a majority of the members of the Council [~~(7)~~] is required to elect the Presiding Officer.

(b) The Presiding Officer will preside at all meetings of the Council and will preserve order and decorum. The Presiding Officer is authorized to sign all documents memorializing Council's action on behalf of the Council. The Presiding Officer will have a vote on each matter before the Council, but will not make motions unless first relinquishing the position of Presiding Officer for the purpose of making such motion.

(c) The Deputy Presiding Officer shall be the Presiding Officer in the absence or incapacity of the Presiding Officer, and will have the authority and perform the duties of the Presiding Officer but shall not receive the salary of the Presiding Officer.

(d) In the absence or incapacity of the Presiding Officer and the Deputy Presiding Officer, the Presiding Officer may designate a Councilor to act as the temporary Presiding Officer.

(e) The Presiding Officer [~~or temporary Presiding Officer~~] may be removed by the Council upon the affirmative vote of two-thirds (2/3) of the members of the Council [~~ors (8)~~].

2.01.020 Clerk of the Council: The Clerk of the Council, or a qualified alternate designated by the Presiding Officer, [~~shall act as agent of record for the District,~~] shall act as recording secretary for the Council, shall be present at each meeting of the Council and shall provide that the proceedings be recorded as specified in Section 2.01.090(B). Sound recordings shall be made

of each meeting. Equipment malfunction shall not be a reason to postpone the meeting and shall not negate the minutes. The Council Clerk may temporarily interrupt Council proceedings in the event of equipment malfunction, changes of tapes or other cause of short-term loss of recording. The Clerk shall also maintain a journal of Council proceedings that shall be available to the public during regular office hours.

2.01.030 Regular Meetings: The Council shall meet regularly on the ~~[second and fourth Thursdays of each month at a time designated by the Presiding Officer]~~ dates and times established by a resolution adopted by the Council. Regular meetings shall be held at a place designated in the published agenda of the meeting. Regular meetings may be adjourned to a specific time and place before the day of the next regular meeting. Published notice of the time and place of an adjourned meeting is not required. Matters included on the agenda of a regular meeting that is adjourned to a later date need not be republished. New matters to be considered at the adjourned meeting shall be published in the same manner as the agenda for a regular meeting.



2.01.035 Work Sessions

The Council may conduct work sessions for the purpose of receiving briefings from staff and other invited persons and for discussing issues of interest to the Council. Public hearings may be held at work sessions, but are not required. Rules governing work sessions shall be prescribed by resolution.

2.01.040 Special Meetings: The Presiding Officer or a majority of the members of the Council [~~7~~] may call a special meeting of the Council provided that at least 24 hours notice is given to the Council and the general public. [~~The agenda shall be limited to the purpose for which the meeting is called.~~] Except for the provisions of this section, special meetings are subject to the same rules as regular meetings. If possible, the agenda and time and place of the meeting should be published in a newspaper of general circulation in the District. If publication is not possible, the provisions for notifying the public of emergency meetings should be followed.

2.01.050 Emergency Meetings: In case of an actual emergency, the Presiding Officer or a majority of the members of the Council

may call an emergency meeting of the Council upon such notice as is appropriate to the circumstances. The agenda shall be limited to the purposes for which the meeting is called. To the extent possible, telephone calls and news released to the media and interested persons should be made to give public notice of the agenda and time and place of meeting.

2.01.060 Notice and Agenda:

(a) An agenda that sets forth the time, date, and place of the meeting, that includes the title and a brief description of the ordinances and other matters to be considered, and that states that copies of ordinances are available at the office of ~~[the] Metro[politan Service District]~~ shall be published in a newspaper of general circulation within the District no more than ten (10) nor less than ~~[four (4)]~~ three (3) days before a regular meeting of the Council. If an Executive Session will be held, the Notice shall state the specific provision of the law authorizing the Executive Session. Items may be considered at a regular or special meeting that were not included in the published agenda as provided by law.

(b) The Presiding Officer shall establish the agenda from the agenda items submitted by the Councilors, Council committees, the Auditor, or the Executive Officer. By majority vote of a quorum of the Council any matter that has been filed for Council consideration shall be considered at a subsequent meeting. The Presiding Officer may, at his or her discretion, determine the time by which agenda items must be submitted for inclusion in the next succeeding agenda and shall notify the Councilors [~~Council committees~~] and the Executive Officer of such due dates.

~~[(c) All ordinances and resolutions shall be referred to the Presiding Officer. With the exception of matters described in (d) of this section, the Presiding Officer shall refer each ordinance and resolution to an appropriate committee of the Council. Notice of such referral shall be in writing and distributed to each Councilor and the Executive Officer. The Presiding Officer shall notify each Councilor and the Executive Officer in writing that an ordinance or resolution has been filed.]~~

~~(d) The following matters shall be considered and acted upon by the Council as a whole:~~

~~(1) All ordinances and resolutions introduced for Council consideration as provided by this Chapter or rules of the Council except that, if the Council establishes a Standing committee or Committees as authorized by this Chapter, the Presiding Officer shall refer appropriate ordinances or resolutions to such committee or Committees prior to consideration and action by the Council.~~

~~[(1)] (2) Any ordinance or resolution placed on the agenda for any emergency meeting of the Council as authorized by section 2.01.050;~~

~~[(2)] (3) Any order, final order or ordinance proposed for Council action as a result of a contested case proceeding as provided in chapter 2.05 of the Metro Code; or~~

~~{(3)} (4) Any action of the Metropolitan Exposition Recreation Commission placed on the Council agenda as provided by section 6.01.080 of the Metro Code.~~

~~(5) Any item brought before the Council pursuant to the suspension of the Council's rules approved by a vote of two thirds (2/3) of the members of the Council.]~~

2.01.070 Ordinances:

(a) The legislative action of the Metro[opolitan Service District] shall be by Ordinance.

(b) ~~[Except as provided in subsection (g) of this section, before]~~ Before an ordinance is adopted, it shall be read ~~[during two regular meetings of the Council on two different days at least six (6) days apart]~~ at a previous meeting of the Council; the title of the ordinance must be included in the written agenda of the meeting at which the ordinance is adopted; the agenda [is] shall be publicized not less than three business days nor more than ten days before the meeting; and copies of the ordinance [are] available for public inspection at least three business

days before the meeting. The reading shall be full and distinct unless at the meeting:

- (1) A copy of the ordinance is available for each person who desires a copy; and
- (2) The Presiding Officer directs that the reading be by title only.

(c) Ordinances may be introduced for Council consideration by the Council, a Councilor or Councilors, a committee of the Council, or the Executive Officer. The Council by resolution shall adopt procedures for introduction and consideration of ordinances.

(d) Except as provided in [~~subsection (1) of this section,~~ Section 39(1) of the 1992 Metro Charter, the affirmative vote of at least [~~the majority of the~~] four members of the Council [~~(4)~~] is required to adopt an ordinance. A roll call vote shall be taken on all ordinances. Any ordinance which receives [~~six~~] four or more Nay votes shall be defeated and shall be filed and

receive no further consideration. Any ordinance voted upon and neither adopted nor ~~[not]~~ defeated shall be continued to the next regular meeting.

(e) Within two working days of adoption, any ordinance subject to the Executive Officer's veto shall be enrolled and transmitted to the Executive Officer for veto consideration.

(f) The Executive Officer ~~[shall]~~ may veto an ordinance by filing a written and signed message with the Clerk no later than 5:00 p.m. of the fifth working day following adoption of the ordinance. If the Clerk has not received such veto message within the prescribed time then the ordinance shall be considered finally adopted.

(g) The Council may override an Executive Officer veto by an affirmative vote of ~~[eight]~~ five members of the Council ~~[at the next regular meeting of the Council, but]~~ not later than ~~[30]~~ 30 calendar days after the Executive Officer's veto. ~~[The vote to override an Executive Officer veto shall be the first item of~~

~~business on the Council's agenda and a roll call vote shall be taken on all considerations of an override to a veto.]~~

~~[(h) Ordinances adopted by the Council which are not legislative in nature as determined by the General Counsel shall not be subject to the Executive Officer's veto.~~

~~(i) Unless otherwise specified by the Council in the ordinance, an ordinance shall become effective on the 90th day after its adoption. If an ordinance is vetoed by the Executive Officer and the veto is overridden by the Council, the date of adoption shall be the date on which the veto is overridden. Except as provided in ORS 268.465 and 268.507, the Council by a majority vote of its members may declare that an emergency exists in which case an ordinance may take effect immediately or in less than 90 days. The Council by a majority vote of its members may prescribe that an ordinance take effect later than the 90th day after its adoption. If the Council refers an ordinance to the electors, the ordinance shall become effective on the 30th day after its approval by a majority of the electors voting on the measure or on a later date specified in the ordinance. If a~~



~~referendum petition, other than a petition referring an ordinance declaring an emergency, is filed with the filing officer not later than the 90th day after the adoption of the ordinance and before the ordinance takes effect, the effective date of the ordinance shall be suspended. An ordinance referred by a proper referendum petition shall become inoperative and shall not take effect if a minority of the electors voting on the measure reject the ordinance.]~~

[~~(j)~~] (h) Within seven (7) days after adoption or final adoption of an ordinance, the enrolled ordinance shall be:

- (1) Signed by the Presiding Officer;
- (2) Attested by the person who served as Recording Secretary of the Council at the meeting at which the Council adopted the ordinance; and
- (3) Filed in the records of the [~~District~~] Metro.

~~[(k)]~~ (i) If required by law a certified copy of each ordinance shall be filed with the Division of Courts Process of Multnomah County, and the County Clerk for Washington and Clackamas counties.

(j) The provisions of subsection (b) of this section do not apply to an ordinance adopted by the unanimous consent of the Council and containing findings on the need for immediate adoption.

~~[(1) Pursuant to ORS 198.550(3), an ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the Council at the meeting, a quorum being present, is required to adopt an emergency ordinance. Failing such approval, an emergency ordinance shall be considered pursuant to subsections 2.01.070(b) and (c) above. Emergency ordinances may be subject to the veto of the Executive Officer as described in~~

~~subsections (c), (f) and (g) of this section and shall have an effective date as described in subsection (i) of this section.]~~

(Ordinance No. 79-65, Sec. 7; amended by Ordinance No. 88-241, Sec. 1; and Ordinance No. 91-407A, Sec. 1)

2.01.080 Resolutions:

(a) All matters other than legislation and ~~[rules]~~ procedural matters coming before the Council and requiring Council action shall be handled by resolution.

(b) Excluding procedural matters, the affirmative vote of a majority of the Council present and voting, a quorum being present, is required to adopt a resolution. Procedural matters shall be subject to Robert's Rules of Order, newly revised, unless chapter 2.01 of this Code provides otherwise.

(c) Resolutions shall become effective upon adoption unless a later date is specified therein.

(d) The Council by resolution shall adopt procedures for introducing and considering resolutions.

2.01.090 Conduct of Meetings:

(a) A quorum of the Council is [~~seven (7) members~~] a majority of the members of the Councilors in holding office. If a quorum is present, the Council may proceed with the transaction of its business. If fewer Councilors are present they may compel absent members to attend.

(b) Minutes of each meeting shall be prepared by the Clerk of the Council or his/her designee, and shall include at least the following information:

- (1) All members of the Council present;
- (2) All motions, [~~proposals,~~] resolutions, and [~~orders,~~] ordinances [~~and rules~~] proposed and their dispositions;

(3) The results of all votes, and the vote of each Councilor by name; and

(4) The substance of any discussion on any matter.

(c) Minutes of Executive Sessions may be limited consistent with [~~ORS 192.660~~] Oregon Law.

(d) The written minutes shall be available to the public within a reasonable time after the meeting, and shall be maintained as a permanent record of the actions of the Council by the Clerk of the Council.

(e) The Council shall by resolution adopt rules establishing procedures governing conduct of debate on matters considered by the Council at Council meetings.

(f) Council members present, but not voting or not specifically abstaining, shall be counted as voting with the majority. In the event that there is no such majority, such members shall be counted as abstaining.

(g) Except for ordinances [~~and rules~~], the Presiding Officer may order the unanimous approval of any matter before the Council unless there is an objection from one or more Councilors.

If there is an objection, then a voice vote shall be taken, unless the objecting Councilor requests a roll call vote [~~and at least two (2) Councilors concur in such request,~~] in which case a roll call vote shall be taken. At each meeting, the Clerk of the Council shall rotate the order for each roll call vote so that the Councilor who voted first shall vote last on the next roll call vote, except that the Presiding Officer shall always vote last on a roll call vote.

(h) In the event a matter is the subject of a voice vote or a roll call vote, after the vote is taken the Presiding Officer shall announce the result of the votes. Prior to proceeding to the next item on the agenda, or if the item voted upon is the last item on the agenda before adjournment, any member may request that the Clerk of the Council change [~~their~~] that member's vote in which case the change in vote shall be announced by the Presiding Officer and the result of the votes as modified

shall also be announced. Upon commencement of the next agenda or adjournment, as the case may be, all votes shall become final and may not be further changed without the unanimous consent of the Council.

(i) Any matter not covered by this chapter or a rule adopted by the Council pursuant to a resolution shall be determined by Robert's Rules of Order, newly revised. The Council may by a positive vote of [~~eight (8)~~] two-thirds (2/3) of the members of the Council authorize the suspension of any rule adopted by a resolution of the Council.

(j) All meetings of the Council, its committees and advisory committees shall be held and conducted in accordance with the Oregon Public Meetings law.

2.01.100 Adoption and Amendment of Rules: No standing rule of procedure of the Council shall be adopted, amended, or [~~repealed~~] repealed except pursuant to a duly adopted resolution approved by [~~upon~~] the affirmative vote of a majority of the

members of the Council [~~(7)~~]. Any rule may be suspended by a vote of two-thirds (2/3) of the members of the Council.

2.01.110 Reconsideration:

(a) When a matter has been adopted or defeated, any Councilor voting on the prevailing side may move for reconsideration of the matter.

(b) Notice of the intention to move for reconsideration of an ordinance or [~~rule~~] resolution must be given orally by the Councilor who intends to make the motion prior to adjournment on the same day on which the vote to be reconsidered was taken.  
~~[Notice of the intention to move for reconsideration of other matters should be made to the Presiding Officer prior to or at the next meeting.]~~

(c) A motion to reconsider shall be made and voted on not later than the next regular meeting after the meeting on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.



(d) A motion for reconsideration must receive the affirmative vote of a majority of the members of the Council [~~7~~] in order to be adopted.

(e) There shall be only one (1) reconsideration of any final vote even though the action of Council reverses its previous action.

2.01.120 Communications from the Public: Communications from the public both for matters on the agenda and matters not on the agenda may be allowed by the Council according to rules and procedures prescribed by resolution. [~~provided, however:~~

~~(a) Persons addressing the Council shall do so from the rostrum upon first gaining recognition of the Presiding Officer and after stating name and address.~~

~~(b) To facilitate the orderly transaction of business, the Presiding Officer may limit the time, order and number of~~

~~appearances in accordance with rules establishing procedures  
adopted by resolution by the Council.]~~

2.01.130 Order of Business:

(a) The general order of business for the Council shall be prescribed by resolution.

(b) Questions relating to the priority of business shall be decided without debate. The general order of business shall not be varied except upon the affirmative vote of a majority of the Council present and voting, a quorum being present.

(c) A consent agenda shall be presented for the consideration and vote of the Council only at regular meetings. Items may be placed on the consent agenda pursuant to rules establishing criteria adopted by the Council by resolution. Copies of the consent agenda shall be printed and distributed to the Council prior to consideration.

(d) Before calling for the vote on the consent agenda, the Presiding Officer shall ask if any Councilor objects to any matter on the consent agenda. If any matter on the consent agenda is objected to by a member of the Council, that matter shall be removed from the consent agenda and placed upon the regular agenda of the Council at a time or place determined by the Presiding Officer.

(Ordinance No. 79-65, Sec. 13; amended by Ordinance No. 80-87, Sec. 2; and Ordinance No. 91-407A, Sec. 4)

2.01.140 Standing Committees of the Council:

~~(a)~~ The Council may establish standing committees as it deems necessary. The purpose, structure, membership and responsibilities of any standing committee shall be established by the Council by the adoption of a resolution.

~~(b) Members of all standing committees shall be appointed by the Presiding Officer subject to confirmation of the Council.~~

~~The first named shall be the Chair and the second named shall be the Vice Chair.~~

~~(c) A majority of the members of the standing committee shall constitute a quorum for the transaction of business before the committee. Except as otherwise provided in this chapter, or rules adopted by the Council, all standing committees of the Council shall be governed by Robert's Rules of Order, newly revised.~~

~~(d) All standing committees shall meet at the call of the Chair or upon the request of a majority of the members of the Committee.~~

~~(e) The purposes of standing committees of the Council are to:~~

~~(1) Make studies of and inquiries into areas of concern and interest of the Council.~~

~~(2) Report information to the Council.~~

~~(3) Prepare and submit recommendations, proposals and ordinances to the Council.~~

~~(f) Unless otherwise specifically provided, standing Committees of the Council shall have the power to:~~

~~(1) Hold meetings at such times and places as the committee considers expedient.~~

~~(2) Hold public hearings and take testimony.~~

~~(3) Make findings, conclusions and recommendations.~~

~~(4) Draft and prepare resolutions and ordinances for consideration by the Council.~~

~~(5) Appoint task forces and committees to advise the committees of the Council, subject to Council approval.~~

~~(g) Standing committees shall conduct business according to the following rules:~~

~~(1) A quorum of the committee is necessary to take action on any matter before the committee;~~

~~(2) Any matter before a committee may be decided by a majority of a quorum;~~

~~(3) Each committee member shall have one (1) vote and the Chair may vote and discuss any issue before the committee without relinquishing his or her position as Chair;~~

~~(4) Any member may make a motion for action by the committee and a second is not necessary for committee consideration of the motion;~~

~~(5) Comment from members of the public appearing at the meeting shall be solicited prior to the committee taking action on any matter before it.~~

~~The Chair may set time limits for public comment on matters before the committee, and~~

~~(6) A committee may go into Executive Session for the purposes and following procedures prescribed by law.~~

~~(h) A standing committee may take the following action on an ordinance or resolution:~~

~~(1) Refer the ordinance or resolution to the Council or another Committee, if it has received a subsequent referral by the Presiding Officer, either as originally submitted or as amended, with a recommendation for approval or with no recommendation; or~~

~~(2) Table the ordinance or resolution; or~~

~~(3) Continue the ordinance or resolution to another committee meeting.~~

~~Any ordinance or resolution which remains in a standing committee over six (6) months from the date it was introduced shall be considered to be defeated and shall be filed with the Council Clerk and receive no further consideration. By majority vote of a quorum of the Council or by action of the Presiding Officer any matter referred to a standing committee may be removed from the committee and reassigned to another committee or be considered by the Council at a subsequent meeting. Consideration of such action shall take place under the "Councilor Communication" agenda item.~~

~~(i) The term for a committee member shall be one (1) year. Except for filling vacancies, committee appointments shall be made in January of each year.~~

~~(j) No committee will incur any indebtedness or hire any personnel without the express approval of the Council.~~

~~(k) The Chair, the Vice Chair or committee members may be removed from committee assignment(s) upon the affirmative vote of~~



~~the majority of the Council (7). Consideration of such action shall take place under the "Councilor Communication" agenda item. (Ordinance No. 79 65, Sec. 14, amended by Ordinance No. 88 241, Sec. 1 and Ordinance No. 91 407A, Sec. 5)]~~

~~2.01.150 Local Government Advisory Committees.~~

~~(a) The Council shall appoint such advisory committees comprised of local government officials from the metropolitan area and any other areas receiving services from the District as may be necessary to assist the Council in the performance of its duties. The number of members and term for each committee so appointed shall be established by the Council.~~

~~(b) Each member shall have one (1) vote and the Chair may vote on and discuss any matter coming before the committee.~~

~~(c) Unless otherwise specifically provided, local government advisory committees shall have a power to:~~

~~(1) Select a Chair and a Vice Chair.~~

~~(2) Hold meetings at such times and places as the committee considers expedient.~~

~~(3) Prepare and submit proposals and recommendations to the Council.~~

~~(4) Perform other functions assigned by the Council.~~

~~(d) A majority of the members of the committee shall constitute a quorum for the transaction of business before the committee. Except as otherwise provided in this chapter, all committees of local government officials shall be governed by Robert's Rules of Order, newly revised.~~

~~(e) All committees shall meet at the call of the Chair or upon the request of a majority of the members of the committee or upon the request of the Council. All meetings of the committee shall be subject to the Oregon Public Meetings law.]~~

2.01.160 [Other] Advisory Committees: The Presiding Officer may appoint [~~ether~~] advisory committees or task forces as necessary to assist the Council in the performance of its duties. The purposes and powers of each advisory committee or task force shall be expressly stated at the time of appointment. Advisory committees shall serve at the pleasure of the Presiding Officer.

2.01.170 Salary and Expenditure Reimbursement Guidelines:

(a) Councilors shall be paid an authorized salary at the same time as regular Metro employees. The amount of the salary shall be as prescribed by law. The annual salary shall be divided into twenty-four (24) equal payments. If a councilor vacates the office, he or she shall be paid on a pro-rata basis for the number of working days from the last pay period. A councilor may waive all or any portion of an authorized salary by signing a waiver form which indicates the amount of salary waived and the period of time for the waiver. The waiver shall remain in effect until written notice of cancellation is given prior to the commencement of the pay period for which the waiver will no longer be in effect. A councilor who waives a salary must sign a

release form at the time of receipt of a salary which releases Metro from any further obligation for the period of time for which the salary is paid. ~~[The Council Administrator shall provide the necessary forms for implementation of this section.]~~

Notwithstanding any waiver of salary, all councilors shall receive the full benefit (health and welfare) package received by other Metro employees. Such benefits shall be based on the full salary of the councilor provided by law regardless of any waiver or salary payments.

(b) The Council by resolution shall adopt guidelines for reimbursement of Councilors and Council employees for expenses incurred in the conduct of business of Metro. The guidelines shall specify the amount each councilor shall ~~[receive]~~ be allocated for authorized expenditures, the type of authorized expenditure, and procedures for the request and approval of expenditure reimbursement requests.

2.01.190 Appointment Process, Qualifications and Terms of Office for Boundary Commission Members:

(1) As provided by Oregon Law;

(a) The Portland Metropolitan Area Local Government Boundary Commission shall have a number of members that is equal to the number of Councilors of the Metropolitan Service District.

(b) The members of that Boundary Commission shall be appointed by the Executive Officer of the Metropolitan Service District. The Executive Officer shall appoint members of a Boundary Commission from a list of individuals nominated by the Councilors of the District. Each Councilor shall nominate no fewer than three nor more than five individuals for appointment to the Boundary Commission. When first appointing all the members of Boundary Commission, the Executive Officer shall appoint one individual from among those nominated by each Councilor. Thereafter, as the term of a member of a Boundary Commission expires or as a vacancy occurs, the Executive Officer shall appoint an individual nominated by the Councilor or a successor who nominated the Boundary Commission member whose term has expired or who vacated the office. The Executive Officer shall endeavor to appoint members from various cities, counties

and districts so as to provide geographical diversity of representation on the Boundary Commission.

(c) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than one-half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

(d) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

(i) Any service for the unexpired term of a predecessor in office.

(ii) Any term less than four years served on the commission first appointed.

(2) The terms of office of members of the Boundary Commission appointed prior to 1991 shall be as follows:

(a) Members appointed from nominations made by Councilors representing Council Districts 2, 6 and 8 shall serve from July 1, 1988 to January 1, 1992;

(b) Members appointed from nominations made by Councilors representing Council Districts 1, 5 and 7 shall serve from July 1, 1988 to January 1, 1993;

(c) Members appointed from nominations made by Councilors representing Council Districts 3, 10 and 11 shall serve from January 1, 1990 to January 1, 1994; and

(d) Members appointed from nominations made by Councilors representing Council Districts 4, 9 and 12 shall serve from January 1, 1990 to January 1, 1995.

(3) Notwithstanding the provisions of subsection (2) above, effective January 2, 1995, the Boundary Commission shall consist of seven members and each shall be appointed from nominations made by Councilors. The terms of the Boundary Commission members nominated by Councilors representing districts 2,3,6,7,8, and 10 terminate effective January 2, 1995. Whenever a vacancy exists on the Boundary Commission after January 2, 1995, the Boundary Commission member nominated by the Councilor representing former Council district number one shall be nominated by the Councilor representing new Council district number four; the Boundary Commission member nominated by the Councilor representing former Council district number four shall be nominated by the Councilor representing new Council district number three; the Boundary Commission member nominated by the Council representing former Councilor district number five shall be nominated by the Councilor representing new Council district number two; the Boundary Commission member nominated by the Council representing former Councilor district number nine shall be nominated by the



Councilor representing new Council district number six; the Boundary Commission member nominated by the Council representing former Councilor district number eleven shall be nominated by the Councilor representing new Council district number five; the Boundary Commission member nominated by the Council representing former Councilor district number twelve shall be nominated by the Councilor representing new Council district number one; the Boundary Commission member nominated by the Council representing former Councilor district number thirteen shall be nominated by the Councilor representing new Council district number seven;

Section 2. EMERGENCY CLAUSE. This ordinance being necessary for the health, safety or welfare of the Metro area for the reason that the Metro Council is reducing in numbers on January 2, 1995 which requires new operating procedures, an emergency is declared and this ordinance shall be effective upon adoption.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_,  
1995.

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J. Ruth McFarland, Presiding Officer

ATTEST:

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Clerk of the Council

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**AGENDA ITEM NO. 6.1**  
**Meeting Date: January 26, 1995**

**RESOLUTION NO. 95-2078**



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING	)	RESOLUTION NO. 95-2078
RULES ESTABLISHING PROCEDURES	)	
RELATING TO THE CONDUCT OF	)	Introduced by Presiding
COUNCIL BUSINESS	)	Officer Ruth McFarland

WHEREAS, Metro Code Section 2.01.090 requires the Council by resolution to adopt rules establishing procedures governing conduct of debate on matters considered by the Council; and

WHEREAS, Metro Code Section 2.01.120 requires the Council by resolution to adopt rules and procedures relating to the receipt of communications from the public at Council meetings; and

WHEREAS, Metro Code Sections 2.01.070 and 2.01.080 require the Council by resolution to adopt rules establishing procedures for the introduction and consideration of ordinances and resolutions respectively; and

WHEREAS, Metro Code Section 2.01.130 requires the Council by resolution to establish the general order of business for Council meetings, and to establish criteria for placing items on a consent agenda; and

WHEREAS, Metro Code Section 2.01.035 requires the Council by resolution to establish procedures governing the conduct of Council work sessions; and

WHEREAS, Resolution No. 91-1467A established Council rules and procedures which governed debate, receipt of communications from the public, introduction and consideration of ordinances and resolutions, the general order of business, and criteria for the consent agenda; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby repeals Resolution No. 91-1467A and adopts the following rules establishing criteria, and/or procedures:

1. Rules of procedure governing debate on matters before the Council as shown in Exhibit A.
2. Rules of procedure relating to receipt of communications from the public at Council meetings as shown in Exhibit B.
3. Rules of procedure for consideration of ordinances and resolutions as shown in Exhibit C.

4. Rules of procedure for Council work sessions as shown in Exhibit D.

5. Rules establishing the general order of business for Council meetings as shown in Exhibit E.

6. Rules of procedure and criteria for the consent agenda as shown in Exhibit F.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

J. Ruth McFarland, Presiding Officer

EXHIBIT A

RULES OF PROCEDURE GOVERNING DEBATE ON MATTERS BEFORE THE COUNCIL

To conduct Council business in an orderly and expeditious manner the following rules of procedure are established:

1. All Councilors have a right to debate each matter brought before the Council. There shall be a question before the Council prior to debate on any matter. On each matter brought before the Council for a decision, the Presiding Officer shall ask for a motion on the matter which must be seconded for it to be a proper question.
2. A Councilor speaking on a motion shall confine his or her remarks to the matter under consideration by the Council and shall avoid repetition and irrelevant comment.
3. A Councilor may speak once for up to five (5) minutes on each main motion and substantive amendment to a main motion before the Council. A Councilor may speak more than the allotted time with unanimous consent of the Council or if another Councilor yields his or her right to speak and time on the question at hand. A member may be permitted to speak a second time to clear up a matter of fact, to explain a point misunderstood, or to clear up a question that has arisen in the debate. A Councilor may be recognized by the Presiding Officer to question any person appearing before the Council. When a Councilor has been recognized he or she is considered to have the floor and need not be recognized for each subsequent question until he or she is finished with the questioning.

4. The Councilor who moves a matter before the Council is entitled to close the debate after other Councilors wishing to speak have spoken. The closing comments shall be limited to three (3) minutes unless extended by unanimous consent of the Council.



EXHIBIT B

RULES OF PROCEDURE RELATING TO COMMUNICATIONS FROM THE PUBLIC

The Council shall encourage the appearance of members of the public both for matters on the agenda and not on the agenda. To facilitate the orderly transaction of business the following procedures shall apply for matters other than contested cases:

1. At the beginning of each Council meeting and periodically during the meeting, the Presiding Officer shall announce that public testimony is allowed on matters before the Council and shall instruct members of the public to fill out sign-up cards and submit them to the Clerk of the Council. The sign-up card shall indicate the name and address of the person to testify, the agenda item on which the person wishes to speak and whether the person is speaking in favor or against the matter before the Council.
2. A member of the public may appear only once on each separate matter before the Council and shall be limited to three (3) minutes of testimony, exclusive of answers to questions from Councilors. A member of the public may speak more than once and longer than the three (3) minutes with unanimous consent of the Council or if a member of the public who has also signed up to speak yields his or her time and opportunity to speak.
3. On matters before the Council on which a decision is to be made the Presiding Officer shall alternate the testimony between those speaking in favor of the matter and those speaking in opposition to the matter, starting with a person

in favor of the matter. If there are no persons remaining to alternate, the Presiding Officer shall call the remaining persons to testify in whichever order he or she determines is best. The Presiding Officer shall request members of the public to avoid providing repetitive testimony.

4. A person addressing the Council shall do so from the rostrum or table upon first gaining recognition of the Presiding Officer and after stating his or her name and address for the record.

EXHIBIT C

RULES OF PROCEDURE AND CONSIDERATION  
OF ORDINANCES AND RESOLUTIONS

1. Introduction: An ordinance or resolution may be introduced by the Council, a Councilor or Councilors, the Auditor, or the Executive Officer. Each ordinance or resolution shall designate the person or persons introducing the ordinance or resolution.
2. Filing: The Clerk of the Council (Council Clerk) shall assign numbers and approve titles for all proposed ordinances or resolutions. The Presiding Officer may establish requirements for filing supporting materials with ordinances and resolutions to assist the Council and its committees in deliberating on matters brought before it. A proposed ordinance shall be filed with the Council Clerk at least ten days prior to the next regular Council meeting for which it is requested to be considered for first reading. A proposed resolution shall be filed with the Council Clerk at least ten days prior to consideration by the Council. The Presiding Officer may waive filing deadlines.
3. Disposition and Referral: An ordinance or resolution timely filed with the Council Clerk and in proper form (including all required supporting materials) shall be 1) in the case of an ordinance placed on the next available Council agenda for first reading; or, 2) in the case of a resolution placed on a Council agenda for the Council's consideration.



EXHIBIT D

RULES OF PROCEDURE FOR COUNCIL WORK SESSIONS

1. The primary purpose of Council work sessions is to provide the Council the opportunity to receive and consider information on issues of interest to the Council in a public meeting. In addition to discussing issues, receiving briefings and status reports, etc., the Council may discuss and vote on matters that have been filed for its consideration and which otherwise comply with Oregon law and Metro ordinances and rules.
2. The general order of business for Council work sessions will be as follows:
  - Call to order
  - Introductions
  - Citizen Communications
  - Executive Officer Communications
  - Old Business
  - New Business
  - Councilor Communications
3. The Presiding Officer shall set the agenda for the work sessions from items requested by a Councilor or Councilors, the Auditor, or the Executive Officer. The Presiding Officer has the authority to determine whether and when to schedule an item for a work session.
4. Requests for an item to be included on a work session agenda and materials to be included in the agenda packet for a work session shall be filed with the Clerk of the Council at

least eight days prior to the work session; a Councilor, however, may request at a work session that an item be included on the agenda for the following week's work session. The Presiding Officer may waive the filing deadline.

EXHIBIT E

A RULE ESTABLISHING THE GENERAL ORDER OF BUSINESS

FOR COUNCIL MEETINGS

1. The general order of business for regular Council meetings shall be as follows:
  - o Call to order
  - o Introductions
  - o Citizen Communications to the Council on Non-Agenda Items
  - o Executive Officer Communications
  - o Ordinances
    - First Readings
    - Second Readings
  - o Orders
  - o Resolutions
  - o Other Business
  - o Councilor Communications and Committee Reports
  - o Adjourn
2. The Presiding Officer shall follow the above general order of business in preparing regular Council meeting agendas and shall include approximate times for the consideration of each item on the agenda.
3. The Presiding Officer may change the order of business in preparing a regular Council meeting to meet special circumstances and shall notify the Council of such change in the general order of business at the beginning of the Council meeting.





EXHIBIT F

RULES OF PROCEDURE AND CRITERIA FOR THE CONSENT AGENDA

The following criteria and procedures shall apply to the Consent Agenda:

1. Agenda items may be placed on the Consent Agenda at the discretion of the Presiding Officer, subject to the requirements of this section. The Presiding Officer may consult with other Councilors to determine which items shall be placed on the Consent Agenda. The party filing an item for Council consideration may request that it be placed on the Consent Agenda. The Consent Agenda may not include any item for which a public hearing before the Council is required by law or Metro ordinance.
3. A Consent Agenda may only be presented at a regular Council meeting and shall be included as part of the regular meeting agenda.
4. If a Councilor objects to any item on the Consent Agenda, that item may be removed from the Consent Agenda and placed on the regular agenda of the Council at a time or place to be determined by the Presiding Officer.



AGENDA ITEM NO. 6.2  
Meeting Date: January 26, 1995

RESOLUTION NO. 95-2079



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REVISING ) RESOLUTION NO. 95-2079  
GUIDELINES FOR COUNCILOR EXPENSE )  
AND GENERAL COUNCIL MATERIALS & ) Introduced by Presiding  
SERVICES ACCOUNTS ) Officer Ruth McFarland

WHEREAS, The Council of the Metropolitan Service District adopted guidelines for the expenditure of Councilor per diem and expense accounts and Council-related expenses through Resolution No. 83-431; and

WHEREAS, The Council revised the guidelines for Councilor per diem, expense and general expenses through adoption of Resolutions No. 85-541, 88-922, 89-1065A, 90-1281, 91-1468, and 92-1643; and

WHEREAS, The Metro Council eliminated the per diem payment guidelines pursuant to the terms of the 1992 Metro Charter and revised the guidelines for Council expenses and general expenses through adoption of Resolution No. 93-1746A; now, therefore,

BE IT RESOLVED,

That the Metro Council adopts the expenditure guidelines attached as Exhibit A which will supersede any previously adopted guidelines.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

J. Ruth McFarland, Presiding Officer

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## EXHIBIT A

### GUIDELINES FOR THE EXPENDITURES OF COUNCIL EXPENSE AND GENERAL MATERIALS & SERVICES ACCOUNTS

#### GENERAL PROVISIONS

1. A Councilor may receive reimbursement for mileage to authorized meetings, and/or reimbursement for actual authorized expenses incurred as provided in these guidelines.
2. Reimbursement for travel and subsistence on official business shall only be for the amount of actual and reasonable expenses incurred during the performance of official duty as a Metro Councilor or Council employee.

#### COUNCILOR EXPENSE ACCOUNTS

1. Each Councilor is authorized to receive up to \$4,000 each fiscal year as reimbursement for authorized expenses incurred for Council-related activities. A Councilor who leaves the Council at the end of a calendar year or joins the Council at the start of a calendar year is authorized to receive up to \$2,000 for authorized expenses for that fiscal year.
2. The Presiding Officer may be authorized an additional \$500 for each six months of service in his or her individual Councilor expense account for authorized expenses in carrying out official duties associated with that office.
3. Each request for reimbursement must be accompanied by supporting documentation which shall include the nature and purpose of the activity, the names and titles of all persons for whom the expense was incurred and receipts justifying the expense as required by the Internal Revenue Service. No reimbursement shall be authorized for any expense submitted without the above-named documentation.
4. Expenses for out-of-town travel on behalf of the Council, Council committee or Council task force shall be charged against a Councilor's expense account. Authorized expenses shall be limited to the cost of travel, meals, lodging, and meeting or conference registration fees; the cost of travel may include mileage reimbursement for the use of a personal auto while on Metro business outside the Metro boundary at the rate per mile established by Executive Order.
5. In addition to necessary Council-related travel, meals and lodging expenses, expenses may include:

- a. Advance reimbursement for specific expenses, provided that any advance reimbursement in excess of actual expenses incurred shall be returned or shall be deducted from subsequent expense reimbursement requests;
  - b. Mileage reimbursement for use of a personal auto while on Metro business at the rate per mile established by Executive Order;
  - c. Expenses to publish and distribute a Council-related District newsletter which may not be mailed within 120 days of an election in which the Councilor is a candidate;
  - d. Meeting or conference registration fees;
  - e. Child care costs incurred while conducting Metro business with documentation as outlined in No. 3 of this section, including duration of the activity;
  - f. Reimbursement for telephone and facsimile transmission expenses incurred while doing Metro business;
  - g. Council business-related books, publications and subscriptions; and
  - h. Up to \$200 per year for membership in non-partisan community organizations.
6. Other expenses may be authorized by the Presiding Officer.
  7. Payments within these limits shall be authorized by the Presiding Officer or his/her designee.

COUNCIL GENERAL ACCOUNT

1. The purpose of the Council General Account is to provide support for the Council and the Council staff.
2. Authorized expenses which may be charged to appropriate Materials & Services categories in the Council General account include:
  - a. Meals for Council-related business;
  - b. Facilities rentals for public meetings;
  - c. Meeting equipment such as audio-visual aids, public address systems, tape recorders, etc., for public meetings;
  - d. Receptions for guests of the Council;
  - e. Expenses for official visitors;
  - f. General Council information, publications, or supplies;
  - g. Remembrances from the Council;
  - h. Professional services for the Council;
  - i. Outside consultants to the Council;
  - j. Authorized out-of-town travel on behalf of the Council. Mileage reimbursement for the use of a personal auto while on Metro business shall be at the rate established by Executive Order.



3. Other expenses may be authorized by the Presiding Officer.
4. An individual Councilor may request reimbursement from the Council General account for expenses incurred for general Council business. All requests by Councilors for reimbursement or expenditure from the Council General account shall be approved in advance in writing by the Presiding Officer, and a report detailing such reimbursement or expenditure shall be provided to the full Council.
5. All other requests for reimbursement or expenditure shall be approved by the Presiding Officer or her/his designee. Each request shall be accompanied by supporting documentation which shall include the nature and purpose of the expense, the names of all persons for whom the expense was incurred, and the receipts justifying the expense. The Finance Department shall provide timely expenditure reports to Councilors and the Council Department.



AGENDA ITEM NO. 6.3  
Meeting Date: January 26, 1995

RESOLUTION NO. 95-2077



STAFF REPORT

IN CONSIDERATION OF RESOLUTION 95-2077 FOR THE PURPOSE OF  
AUTHORIZING THE RELEASE OF A REQUEST FOR PROPOSALS FOR  
INDEPENDENT AUDIT SERVICES

Date: January 10, 1995

Presented by: Alexis Dow

PROPOSED ACTION

Adoption of Resolution No. 95-2077 would authorize the Office of the Auditor to release a Request for Proposals for Independent Audit Services covering examinations of Metro's financial statements for fiscal years ended June 30, 1995, 1996 and 1997.

FACTUAL BACKGROUND AND ANALYSIS

The contract with KPMG Peat Marwick for audit services will expire on March 31, 1995.

The Metro Code Chapter 2.04 regarding Metro contract procedures specifies at section 2.04.054 that competitive proposals be solicited at least once every three years with exceptions allowed. The present independent auditors have been under contract for a period exceeding three years due to contract extensions as allowed by the Code. With the impending expiration of the present contract, it is the recommendation of the Office of the Auditor that competitive proposals be solicited for independent audit services.

BUDGET IMPACT

Audit fees for a particular fiscal year audit cross two fiscal years. There remains approximately \$25,000 in the fiscal year 1994-95 budget. The amount currently under consideration for audit fees in the fiscal year 1995-96 budget process is \$75,000.

AUDITOR RECOMMENDATION

The Auditor recommends approval of Resolution No. 95-2077.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING )  
THE AUDITOR TO RELEASE A REQUEST )  
FOR PROPOSALS AND EXECUTE A )  
CONTRACT FOR INDEPENDENT AUDIT )  
SERVICES )

RESOLUTION NO. 95-2077

Introduced by Alexis Dow  
Auditor

WHEREAS, State ORS provision 297.465 requires an annual independent audit of Metro's financial statements; and

WHEREAS, Metro Code Section 2.04.033(a)(1) requires Council approval prior to the execution of a contract which would commit Metro to the expenditure of revenues beyond the current fiscal year; and

WHEREAS, Contract no. 901871 with KPMG Peat Marwick, independent Certified Public Accountants, previously utilized for such services, has been designated as an "A" contract by the Metro Council and will expire on March 31, 1995; and

WHEREAS, Metro Code Section 2.04.054(a)(1) specifically requires competitive proposals for Personal Services Contracts to be solicited at least once every three years; and

WHEREAS, Contract no. 901871 has exceeded the three year limitation; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby authorizes the Auditor to release a Request for Proposals (RFP) for Independent Audit Services in substantial compliance with the attached document and subsequently authorizes the Auditor to execute a contract with the most advantageous proposer.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J.Ruth McFarland, Presiding Officer





## REQUEST FOR PROPOSALS

### INDEPENDENT AUDIT SERVICES

Metro hereby requests written proposals for Independent Audit Services for the Office of the Auditor. Proposals are due (postmarks not accepted) no later than 5:00 P.M. PST Tuesday, February 21, 1995 at Metro, 600 N.E. Grand Avenue, Portland, Oregon 97232-2736. Attention: Alexis Dow, Auditor.

Proposals must be submitted in sealed envelopes which clearly identify the services as stated in the RFP. That RFP represents the most definitive statement Metro will make and is available at the above address 8:30 A.M. to 4:30 P.M. Mon.-Fri. or by calling (503) 797-1891.

All proposals must conform to the RFP format, answer all questions and be complete including the use of any required forms. Metro may reject any proposal not in compliance with the prescribed RFP requirements and any or all proposals if such action is deemed in the public interest.

Metro and its contractors will not discriminate against any person or firm based on race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status.

Metro extends equal opportunity to all persons and specifically encourages minority and women-owned businesses to access and participate in this and all Metro projects, programs and services.

\\procure\m\rfp-smpl.ad



- EVALUATION OF PROPOSALS  
INDEPENDENT AUDIT SERVICES

**EXPERTISE AND EXPERIENCE (MAXIMUM 65 POINTS)**

1. Firm's past experience and performance on similar size and complex engagements. (0-20 points)
2. Quality of the firm's professional personnel assigned to the engagement (demonstrated governmental expertise). (0-15 points)
3. Quality of additional support personnel assigned to the engagement. (0-5 points)
4. Experience with Federal and State grant programs and OMB Circular A-128 requirements. (0-10 points)
5. EDP expertise. (0-5 points)
6. Experience in auditing bond covenants and accounting for arbitrage issues. (0-5 points)
7. Reference check. (0-5 points)

**AUDIT APPROACH (MAXIMUM 35 POINTS)**

1. Adequacy of proposed work plan (hours and level) for the various segments of the engagement. (0-10 points)
2. Audit schedule (timing with Metro's schedule). (0-5 points)
3. Assistance provided to Metro. (0-10 points, with 5 of the points CAFR assistance)
4. Involvement of in-charge, manager and partner during the course of the engagement and staff rotation policy. (0-5 points)
5. Organization and size of the firm adequate to undertake Metro's audit. (0-5 points)

*Note: A minimum of 80 points must be received at this stage in order for a proposal to be considered further.*

**COST (MAXIMUM 25 POINTS)**

Lowest cost proposal divided by individual proposal cost multiplied by points assigned for price equals score.



OFFICE OF THE AUDITOR

**METRO**

REQUEST FOR PROPOSALS

FOR

**INDEPENDENT AUDIT SERVICES**

Alexis Dow, CPA  
Auditor

January 30, 1995

NOTICE OF REQUEST FOR PROPOSAL

Summary

Requesting Entity:

Metro  
600 N.E. Grand Avenue  
Portland, OR 97232-2736

Contact Person:

Alexis Dow, CPA  
Metro Auditor  
Phone: (503) 797-1891

Pre-proposal Conference

Thursday, February 9, 1995

Response Due Date:

Tuesday, February 21, 1995  
at 5:00 p.m. PST in Metro's business offices  
600 N.E. Grand Avenue, Portland, Oregon

Number of Copies of Response:

Six (6) copies of the firm's proposal shall be submitted.

Contract Period:

April 1, 1995 - March 31, 1998

Nature of Work to be Performed:

Examination of financial statements for fiscal years  
ended June 30, 1995, 1996 and 1997

METRO  
REQUEST FOR PROPOSALS  
FOR  
INDEPENDENT AUDIT SERVICES

For The Period April 1, 1995 - March 31, 1998

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REQUEST FOR PROPOSAL  
FOR  
INDEPENDENT AUDIT SERVICES

I. INTRODUCTION

The Office of the Auditor of Metro invites qualified independent certified public accountants to submit proposals to examine Metro's annual financial statements for the fiscal years ending June 30, 1995, 1996 and 1997. A pre-proposal conference is scheduled for Thursday, February 9, 1995, at 2:00 p.m. in Room 601 at Metro's business offices, 600 N.E. Grand Avenue, Portland, Oregon.

Metro hereby solicits your firm's proposal in accordance with the terms and conditions of this RFP and requests that it be submitted to Alexis Dow, Auditor, 600 N.E. Grand Avenue, Portland, Oregon 97232-2736. Proposals will be due on Tuesday, February 21, 1995, at 5:00 p.m. (PST). Details concerning these projects and proposal are contained in this document.

Purpose and Objective

The purpose and objective of this RFP is to obtain technical and cost proposals, covering fiscal years 1995, 1996 and 1997 from qualified independent certified public accounting firms. Our objective is to select the firm best qualified to provide:

- Annual examination of the financial statements for Metro as required under generally accepted auditing standards and the Minimum Standards for Audits of Oregon Municipal Corporations;
- "Single Audit" covering Metro's federal, state and local grants for each year as required by the Uniform Single Audit Act of 1984 and OMB Circular A-128;
- Technical assistance to Metro personnel on various accounting and reporting questions.

The firm recommended by the selection committee will be forwarded by the Metro Auditor to the Metro Council.

II. DESCRIPTION OF METRO AND RECORDS TO BE AUDITED

Organization and Operation

Metro was organized under the provisions of Oregon Revised Statutes (ORS) chapter 268 to make available in the Portland metropolitan area public services not adequately available through previously authorized governmental agencies. On November 3, 1992 voters approved a home rule charter for Metro, which became effective January 1, 1993. Under the Metro Charter, Metro's primary function is regional planning services. Metro is also authorized to exercise the following functions: 1) Acquisition, development, maintenance and operation of a) a metropolitan zoo, b) public cultural, trade, convention, exhibition, sports, entertainment, and spectator facilities, c) facilities for disposal of solid and liquid wastes, and d) a system of parks, opens spaces and recreational facilities of metropolitan concern; 2) Metropolitan aspects of natural disaster planning and response coordination; 3) Development and marketing of data; and 4) Any other function required by state law or assigned to Metro by the voters. The Charter permits Metro to assume additional functions if approved by ordinance.

The Metro Council is the governing body and consists of seven part-time councilors, each elected on a nonpartisan basis from a single district within the Metro area. This represents a reduction from thirteen positions and was effective January 2, 1995. The office of Metro Executive Officer, whose primary duty is to enforce Metro ordinances and otherwise execute the policies of the Council, is elected from the Metro area at large. The office of Metro auditor is elected at large to perform financial and performance audits and to make reports to the Council and Executive Officer. The auditor took office January 3, 1995.

Included in Metro's combined financial statements are all activities and organizations with which Metro exercises oversight authority as demonstrated by financial interdependency and/or authoritative appointment of governing authority.

Metro has one component unit-the Metropolitan Exposition-Recreation Commission (MERC), as related to Oregon Convention Center Fund, Spectator Facilities Fund, Coliseum Fund, and the MERC Administration Fund. The Metropolitan Exposition-Recreation Commission (MERC) was established by Metro Ordinance to operate, maintain and renovate metropolitan convention, trade and spectator facilities pursuant to appropriate state statutes. The Commission consists of seven members appointed by the Executive Officer and confirmed by the Metro Council.

Metro as a financial and economic unit is presented in financial statements consisting of several funds and account groups. The financial statements are prepared to conform fully with generally accepted accounting principles (GAAP) and to be in compliance with the pronouncements of the GASB and/or the Financial Accounting Standards Board (FASB) as appropriate. The independent auditor's opinion will be directed toward the fairness of presentation of the financial statements in accordance with GAAP. The independent auditor will also provide compliance reports as required under federal and state laws.

**Funds and Account Groups**

The following table provides a complete listing of the funds and account groups used by Metro in fiscal year 1994.

<u>Generic Fund Type</u>	<u>Fund</u>	<u>Budgetary Funds</u>	<u>GAAP Basis*</u>
<i>Governmental Funds:</i>			
General Fund	General	General	Modified Accrual
Special Revenue Funds	Zoo	Zoo Operating	Modified Accrual
	Regional Parks and Expo	Regional Parks and Expo	Modified Accrual
	Planning	Planning	Modified Accrual
	Spectator Facilities	Spectator Facilities	Modified Accrual
	Coliseum	Coliseum	Modified Accrual
	MERC Admin.	MERC Admin.	Modified Accrual
Capital Projects Fund	Zoo Capital	Zoo Capital	Modified Accrual
Debt Service Fund	Convention Center Debt	Convention Center Debt	Modified Accrual
<i>Proprietary Funds:</i>			
Enterprise Funds	Solid Waste Fund	Solid Waste Revenue	Accrual
	Convention Center Fund	Convention Center Operating	Accrual
		Convention Center Project Capital	Accrual

<u>Generic Fund Type</u>	<u>Fund</u>	<u>Budgetary Funds</u>	<u>GAAP Basis*</u>
		Convention Center Renewal & Replacement	Accrual
	Building Mgmt Fund	Building Mgmt.	Accrual
		Gen'l Revenue Bond	Accrual
Internal Service Funds	Risk Management Fund	Risk Management	Accrual
	Support Services Fund	Support Services	Accrual
<i>Fiduciary Funds:</i>			
Expendable Trust Funds	Rehabilitation and Enhancement	Rehabilitation and Enhancement	Modified Accrual
	Smith and Bybee Lakes Trust	Smith and Bybee Lakes Trust	Modified Accrual
	Regional Parks Trust	Regional Parks Trust	Modified Accrual
Pension Trust Fund	Pension Trust Fund	(not budgeted)	Accrual
General Long-Term Debt Account Group	---	---	---
General Fixed Asset Account Group	---	---	---

\*For budgetary purposes, all funds are presently accounted for on the modified accrual basis.

### Financial Activity

The current financial system permits recording of budget records and encumbrances in the accounting records (General Ledger). These records are maintained on the EDP system for reporting purposes (e.g., line-item budget to actual reports). Metro currently maintains two checking accounts: 1) accounts payable and 2) payroll (which is a "zero-balance account"). In addition, investments are made with various Oregon financial institutions (certificates of deposit, U.S. Treasury Securities, etc.) in accordance with Metro Code and state law. Monies for construction of the Oregon Convention Center are invested and monitored through an investment trust agreement with First Interstate Bank of Oregon, N.A. First Interstate Bank of Oregon maintains the following sub-accounts on Metro's behalf: 1) General Obligation Bond Proceeds account; 2) City Bond Proceeds account; 3) State Grant Proceeds account; 4) Debt Service account; and 5) Rebate account. A similar number of accounts are maintained for the Metro Central Transfer Station and Metro Regional Center Headquarters Revenue bonds. In addition to the above accounts, MERC maintains various checking, vault and other cash accounts used for their operations.

Metro's bond registrar and paying agent is Chase Manhattan Bank. Metro's co-registrar and co-paying agent on all bonds is First Interstate Bank of Oregon, N.A. Metro receives dedicated property tax revenue for bonded debt service and a tax base for zoo operations from three counties -- Multnomah, Washington and Clackamas -- and has receivable accounts for each. Metro employs approximately 1200 people during a fiscal year.

## Other Systems, Records and Procedures

- Metro's written investment policies were adopted in the form of an ordinance which forms the basis of an investment policy document.
- Fixed asset procedures were developed in FY 1983-84. This system has only recently been fully implemented due to limited staff resources in the past.
- All major systems are computerized (payroll, accounts payable, accounts receivable, general ledger, financial reporting), but each function maintains certain manual tasks as well. Certain systems are currently not integrated on the EDP system. (e.g. purchasing/ contracts).
- Internal audit functions are currently carried out by the existing Accounting staff as resources permit. The newly elected Auditor took office January 3, 1995 and will perform financial and performance audit functions. All required audit workpapers and reports are prepared by the Accounting Division staff, except certain items prepared by MERC staff as required to successfully process audited financial information to the City of Portland.
- MERC maintains a separately operated accounting function which monitors the financial operations of MERC and processes documentation and transactions through Metro's Accounting Section for budget purposes.
- An organizational chart for the Finance Department, Accounting Division has been included in Appendix C.

## Reports Available

The Comprehensive Annual Financial Report for Metro for the fiscal year ended June 30, 1994, is available upon request (as are the Schedule of Federal Financial Assistance and reports required by the Single Audit Act and management letter). Any of the above reports for years ended prior to June 30, 1994, are available for examination at the office of Donald R. Cox, Jr., Accounting Manager, phone number 797-1632.

The adopted budget for FY 1995 is available upon request. Contact the Accounting Manager for copies.

## III. PROPOSED SCOPE OF WORK/SCHEDULE

Metro is seeking proposals from qualified firms to perform the following services and to deliver the products described:

- A. **AUDIT SERVICES** – the independent auditor shall examine the financial statements of all Metro funds and account groups and issue an opinion on Metro's financial statements:

Reports Required – The following reports are expected at the completion of the audit and in the quantities, form and times indicated.

- *Comprehensive Annual Financial Report (CAFR)*

Metro staff shall produce a complete copy of the CAFR in draft form by approximately October 20 of each year and shall submit such report to the independent audit firm for review.

A report on the examination of the combined financial statements and related notes thereto, and independent auditor comments and disclosures required by the Minimum Standards for Audits of Oregon Municipal Corporations shall be issued by the audit firm no later than October 31.

The combining, individual fund and account group financial statements and schedules, as listed in the supplementary data section of the 1993-94 CAFR, are to be examined "in relation to" the general purpose financial statements.

• *Report on the Single Audit*

A report on the results of a single audit of Metro's grants-in-aid is required by the Uniform Single Audit Act of 1984 and OMB Circular A-128, "Audits of State and Local Governments." Metro's Planning staff will provide a schedule of grant activity and a draft schedule of Federal Financial Assistance; however, the audit firm is expected to type and print the Schedule of Federal Assistance reconciled to Metro's financial statements.

The audit firm shall submit two preliminary drafts of the single audit report by October 15 of each year for review and comment. The audit firm will prepare and deliver 75 copies of the final report no later than November 15 of each year.

The report on the single audit shall include:

- ◆ The Schedule of Federal Assistance showing total expenditures for each federal assistance program as identified in the Catalog of Federal Domestic Assistance, and all other federal programs and grants which have not been assigned catalog numbers;
- ◆ The following Independent Auditor's Reports:
  - on Supplementary Schedule of Federal Financial Assistance
  - on Compliance Based on an Audit of the Financial Statements
  - on Compliance with General Requirements
  - on Compliance with Specific Requirements (Major Programs)
  - on Compliance with Specific Requirements (Nonmajor Programs)
  - on the Internal Control Structure Based on an Audit of the Financial Statements
  - on the Internal Control Structure Used in Administering Federal Financial Assistance Programs
- ◆ Other statements or reports to satisfy federal, state and local regulations or requirements.

• *Management Letter*

The engagement should include recommendations to management and the Metro Auditor, prepared by the audit firm in letter form, which include any findings, observations, opinions, comments or recommendations relating to internal control, accounting systems, data processing, compliance with laws, rules and regulations, or any other matters that come to the attention of the independent auditor during the course of the examination. Such recommendations shall not be construed as special or additional studies, but shall be limited to those usually associated with the study of internal control systems and procedures as a part of an examination of financial statements. The recommendations will be discussed with the appropriate Metro officials prior to publication.

The discussion draft shall be submitted by October 31 of each year. Fifty copies of the final letters will be required no later than November 15 of each year.

• *Secretary of State Summary of Revenues and Expenditures*

The audit firm shall prepare the Summary of Revenues and Expenditures required by the Secretary of State for the State of Oregon and deliver the report to Metro no later than November 15 of each year.

GFOA Certificate of Achievement – Metro has been awarded the Government Finance Officer's Association Certificate of Achievement for Excellence in Financial Reporting for its FY 1992 and 1993 CAFRs. The award indicates the report not only complies with generally accepted accounting principles and applicable legal requirements, but is also easy to read, efficiently organized and conforms to program standards.

It is Metro's intent to annually submit its CAFR to the GFOA Certificate program and to continue to receive the award. Metro may require minor technical assistance from the audit firm in regard to presentation or disclosures issues relating to the GFOA program.

Technical Assistance – As a part of the overall audit contract, Metro expects to receive from the audit firm a variety of technical assistance throughout the fiscal year. This assistance would include answers to accounting, reporting or internal control questions.

Additional Services – Proposals shall contain provisions for dealing with extraordinary circumstances discovered during the audit that may require an expansion of audit work beyond that which was originally planned.

In addition, the audit firm may be requested to perform special projects for Metro during the year. Because of variations in the demand for additional services, such work will be contracted for, provided and billed separately to Metro on an hourly basis. Proposals should describe the types of services available from the firm and the standard hourly fees to be charged for such services.

## B. AUDIT CONTRACTS

Contract Period – The audit contract will be for a period of three (3) years, April 1, 1995, through March 31, 1998. The successful proposer shall be required to sign Metro's standard Personal Services Agreement (Appendix D) along with the negotiated Scope of Work.

Prime Contractor Responsibilities – Metro will negotiate and contract only with the successful audit firm. The proposer shall have the responsibility to carry out the contract and shall be the only entity recognized to receive payment from Metro.

## C. MANDATORY REQUIREMENTS

Audit Standards and Scope – Each examination shall be made in accordance with Generally Accepted Auditing Standards, promulgated by the American Institute of Certified Public Accountants; the Minimum Standards for Audits of Oregon Municipal Corporations promulgated by the Secretary of State; Standards for Audit of Governmental Organizations, Programs, Activities and Functions, promulgated by the U.S. General Accounting Office; the Uniform Single Audit Act of 1984; OMB Circular A-128, Audits of State and Local Governments; Oregon and local laws and regulations; and consider the comments received from the GFOA Certificate of Achievement review, as appropriate.

All staff assigned to the engagement must have a minimum of a bachelor's degree in accounting or related subject area and must be properly supervised. The scope of each audit should be planned so as to preclude the necessity for exceptions arising from scope limitations and should be sufficient to enable the independent auditor to issue management letters. The scope of the audits as detailed in a formal Audit Plan, will be reviewed by Metro's Auditor.

Matter of Public Record – Final reports covering examination of financial statements, compliance with grant programs, and the management letter will be a matter of public record. Copies of the management letter, together with Metro's response to such letter, may be forwarded to municipal bond rating agencies and other interested parties.

The audited financial statements may appear in all official statements or other documents covering the sale of Metro securities. A copy of a recent offering statement is available for review at Metro's offices.

Reporting Deadlines – Metro's audited financial statements shall be submitted to the Secretary of State no later than December 31 after the June 30 fiscal year end.

#### D. MEETINGS AND PROGRESS REPORTS

##### Commencement of Work

Pre-audit conferences with Metro staff (and possibly Council) will be held no later than May 15, to discuss audit schedules. The audit firm will commence the audit at a mutually agreeable date (Metro's preference is for final full field work to begin approximately the first to mid-September).

##### Progress Reports

The audit firm and Metro management shall meet periodically to discuss audit-related issues. At a minimum, monthly meetings will be held during the course of the audit engagement to report on the progress of the audit. The audit firm is expected to consult on accounting policy issues and render financial advisory services as deemed necessary. Any unusual conditions encountered during the course of the examination where services of the audit firm must be extended beyond the normal work anticipated will require written notification to the Accounting Manager and Director of Finance prior to the commencement of work.

##### Exit Conferences

Post-audit conferences to review the various reports and financial statements will be held with the Director of Finance, Accounting Manager, Metro Auditor and other appropriate Metro officials.

##### Council and Commission Meetings

Audit firm management shall be present at any meetings of the Metro Council and Metropolitan Exposition Recreation Commission when matters regarding the audit or related reports are discussed. Meetings with individual Councilors, Commissioners or managers may also be requested.

#### E. WORK PRODUCTS

Metro is responsible for closing the books, preparing trial balances, reconciling bank accounts and all other general ledger accounts and performing other management functions. A detailed description of support and services to be provided to the independent auditor by Metro and MERC staff is included in Appendix B.

Metro currently has Zoo concession inventories of approximately \$225,000, for which a physical inventory is taken June 30 of each year by Zoo staff and an outside inventory firm. The audit firm will be responsible for inventory observation at no additional cost, if the audit firm deems it necessary.

Materials and working papers developed during the engagement will be maintained for a minimum of three (3) years from the date of the audit report and will be made available for examination by authorized representatives of the Cognizant Federal Audit Agency, the U.S. General Accounting office and Metro.

#### IV. PROPOSAL SUBMISSION REQUIREMENTS

##### A GENERAL INFORMATION

Requesting Agency: Metro

Metro Contact:

Alexis Dow, CPA  
Auditor  
600 N.E. Grand Avenue  
Portland, Oregon 97232-2736  
(503) 797-1891

**B. SUBMISSION REQUIREMENTS**

**1. Proposal Deadlines**

Proposals will be accepted until 5:00 p.m., PST, February 21, 1995, at the Office of the Auditor, 600 N.E. Grand Avenue, Portland, Oregon 97232-2736. Postmarked proposals are not acceptable. All proposals are to be clearly labeled "Annual Audit Services." Proposals are to include a "Technical Proposal" and a "Fee Proposal." The "Technical" and "Fee" proposals are to be submitted in separate, sealed envelopes clearly labeled. Six (6) copies of each proposal are required.

**DELIVERY IS THE SOLE RESPONSIBILITY OF THE PROPOSER. PROPOSALS RECEIVED AFTER 5:00 P.M., FEBRUARY 21, 1995 WILL BE RETURNED.**

**2. Multiple Proposals**

No more than one proposal may be submitted by each firm.

**3. Independent Price Determination and Guidelines**

By submission of the proposal, the audit firm certifies that price offerings have been arrived at independently.

**4. Proposal Procedure Questions and Requests**

Any audit firm requiring further clarification of the proposal procedures contained herein should submit specific questions in writing by February 6, 1995 to the Metro Auditor. A written response will be provided by February 9, 1995, to those questions which are deemed appropriate. The response will be in the form of an addendum and will be sent to all firms in receipt of this RFP.

**5. Accounting System Questions and Requests**

Any audit firm requiring further clarification of accounting or data processing system information contained herein should submit specific questions or requests in writing no later than February 6, 1995 to the Metro Auditor.

A written response will be provided by February 9, 1995 to those questions which are deemed appropriate. The response will be in the form of an addendum which will be sent to all firms in receipt of this RFP.

**6. Signing of Proposals**

The submission and signature of a proposal shall indicate the intention of the audit services firm to adhere to the provisions described in this RFP.

**C. PROPOSAL ACTIVITIES**

**1. Timetable**

<u>Events</u>	<u>Dates</u>
Release of Formal RFP	January 30, 1995
Written questions due	February 6, 1995
Pre-proposal Conference	February 9, 1995
Proposals Due	February 21, 1995
Notification of Finalist(s)	February 27, 1995
Interview Finalist(s)	March 2, 1995
Select/notify firm	March 6, 1995
Appointment of Independent auditor not later than	March 16, 1995



2. **Pre-Proposal Conference**

A pre-proposal conference will be held at 2:00 p.m. on February 9, 1995, in Room 601, 600 N.E. Grand Avenue, Portland, Oregon. Metro staff will be available to answer questions regarding the accounting system, work papers to be prepared by Metro staff, the year-end closing timetable and the bid process.

Attendance at this conference is voluntary, however, please notify the Auditor at 797-1891 if you plan to attend.

3. **Presentations**

At the option of the Audit Services Selection Committee, certain firms may be required to make a presentation of their proposal. This presentation will provide an opportunity to clarify or elaborate on the proposal, but will in no way provide an opportunity to change the fee originally proposed. The Metro Auditor will schedule the time and location of these presentations (if necessary) and notify the selected firms.

4. **Appointment of Audit Services Firm**

The Audit Services Selection Committee will make a recommendation to the Metro Auditor. The Metro Auditor will then make a recommendation for contract award. This award is expected to take place in mid to late March 1995. All firms submitting a proposal will be notified in writing of the recommendation and award of contract.

**D. OTHER CONDITIONS AND REQUIREMENTS**

1. **Restrictions on Contact**

From the issue date of the RFP until a proposal is selected, all contact with Metro employees concerning the RFP must be cleared through the Director of Finance.

2. **Independence**

The American Institute of Certified Public Accountants' Rules on Independence, as interpreted by Metro, requires that assigned partners and principals of the successful audit firm divest themselves of all holdings of Metro indebtedness. To comply with this stipulation, each proposal shall indicate a willingness to conform.

3. **Audit Firm Qualifications and Representations**

Each audit firm shall complete and duly execute the Audit Firm Qualifications and Representation Form (Appendix A) and submit it as part of the proposal.

4. **Metro Clarification of Proposals**

Metro reserves the right to obtain clarification of any point in a firm's proposal or to obtain additional information necessary to properly evaluate a particular proposal. Failure of a proposer to respond to such a request for additional information or clarification could result in rejection of the firm's proposal.

5. **Confidentiality**

The audit services firm is required not to release any news or make any statements to the public, press, or other media relating to matters pertinent to the audit services contract, or the CAFR, without prior approval from the Metro Auditor.

Except in the case of written questions relating to proposal procedures or technical questions as provided for above, all communications between audit services firms and Metro will be held in strict confidence until an audit services firm is selected and an audit contract is signed.

6. Computer Time

Metro will generally not be able to make computer time available to the independent auditors. Accordingly, candidates shall consider this in their fee proposal.

7. Basis and Method of Compensation

Proposals shall set forth the hourly rates and the maximum amount of compensation to provide the contracted services for each of the three fiscal years requested. Meetings and out-of-pocket costs shall be considered as part of the proposal amount.

Firms are free to propose whatever method of compensation and payment that will be to the best advantage of both Metro and the firm.

In the event that Metro's ability to raise revenue is severely restricted, it may be necessary to reduce the scope of work and contract amount. **ACCORDINGLY, A NONAPPROPRIATION CLAUSE WILL BE CONTAINED IN THE FINAL AUDIT SERVICES CONTRACT.**

8. Insurance Requirements:

The contractor shall provide (from insurance companies acceptable to Metro) General Liability insurance coverage with a combined single limit of not less than \$500,000. Before commencing work under this contract the contractor shall furnish Metro with a certificate of insurance evidencing coverage as specified, naming Metro as an additional insured.

9. Cost of Proposal

This RFP does not commit Metro to pay any costs incurred by any proposer in the submission or presentation of a proposal, or in making the necessary studies for the preparation thereof.

10. Disputes

In case of any doubt or difference of opinions as to the items to be furnished hereunder or the interpretation of the provisions of this RFP, the decision of the Metro Auditor shall be final and binding upon all parties.

11. Rejection of Proposals

Metro reserves the right to reject any or all proposals received as a result of this request. Proposals may be rejected for one or more of the following reasons or others deemed appropriate by Metro:

- Failure of the proposer to adhere to one or more of the provisions established in this RFP.
- Failure of the proposer to submit a proposal in the format specified herein.
- Failure of the proposer to submit a proposal within the deadline established herein.
- Failure to adhere to ethical and professional standards during the proposal process.
- Lack of experience or qualifications necessary to perform the services.

12. Notice Regarding Solicitation

Metro staff are not permitted, by Metro Code, to accept anything of any value greater than \$100 per year from any contractor or potential contractor. This notification is provided so that firms are aware that any business conducted at a luncheon meeting to discuss proposals (etc.) will be at the direction of the Director of Finance and/or the Metro Auditor.

13. Disadvantaged Business Enterprise Utilization Program

In the event that any subcontracts are to be utilized in the performance of this agreement, the Proposer's attention is directed to Metro Code provisions 2.04.300.

Copies of that document are available from the Contracts Division of Metro's General Services Department, 600 N.E. Grand Avenue, Portland, OR 97232 or by calling (503) 797-1717.

14. Validity Period of Proposal

The proposal shall be considered valid for a period of at least 90 days and shall contain a statement to that effect.

15. Estimated Budget for Contract

The amount currently under consideration for audit fees in the fiscal year 1995-96 budget process is \$75,000.

E. PROPOSAL CONTENT AND FORMAT

To simplify and expedite the review process, candidates are required to prepare their proposals in the format specified below. The proposals should consist of two parts -- a technical proposal and a fee proposal. These parts should be submitted at the same time but in SEPARATE SEALED ENVELOPES clearly marked "Technical Proposal" and "Fee Proposal." Six (6) copies of each proposal are required.

Technical Proposal Format

The Technical Proposal should be arranged in the following format:

1. Title Page

Include the RFP subject, name of the independent auditor, local address, telephone number, name and title of contact person, date of submission, and the period for which the proposal is effective.

2. Transmittal Letter

Transmittal letter should be no more than two pages long and include at a minimum:

- A brief understanding of the audit services to be performed;
- A positive commitment to perform the services within the time period specified;
- The names of the persons authorized to represent and legally bind the Proposer for 90 days following proposal submission, their title, address and telephone number (if different from the individual who signs the transmittal letter); and
- Reference to a sealed envelope that contains the all-inclusive audit services fee for which the audit work will be done. The fee should not be disclosed elsewhere in the proposal.

### 3. Firm's Qualifications and Representations

Include the Audit Firm's Qualifications and Representations using the format presented in Appendix A.

#### Summary of Audit Firm's Qualifications

- Identify the audit managers, field supervisors and other staff who will work on the audit, including staff from other than the local office. Resumes describing relevant experience and continuing education for the auditor-in-charge up through the individual with final responsibility for the engagement should be included.
- Describe the range of activities performed by the local office such as auditing, accounting, tax service or management services and recent local and regional office auditing experience similar to the type work requested.
- If other audit firms are to participate in the audit, similar information should also be provided for these other firms.
- Describe the firm's policies and practices regarding peer review, including dates of the most recent review and any significant findings.

#### Audit Firm's Approach to the Examination

Submit a work plan to accomplish the scope of work defined earlier in this RFP. The work plan should include time estimates (in hours) for each significant segment of the audit and the staff level to be assigned. Where possible, individual staff members should be named and their titles provided. The planned use of specialists (if any) should be described.

For example, the audit work plan for the single audit should completely cover what audit work will be accomplished to allow the independent auditor to issue:

- An opinion report on the financial statements;
- A report on the study and evaluation of internal control systems; and
- A report on Metro's control systems to assure compliance and whether Metro has complied with laws and regulations that may have an effect on major federal assistance programs.

The audit work plan should demonstrate the audit firm's understanding of the audit requirements of a single audit as specified in OMB Circular A-128 and the audit tests and procedures to be applied in completing the audit plan.

For financial and compliance audits other than a single audit, the instructions should be tailored. If other audit guidelines or regulations are applicable, the audit work plan should satisfy those audit requirements.

Provide a brief statement on the firm's policy for senior staff rotation once assigned to audit Metro.

#### Report Requirements

Demonstrate understanding of the reporting requirements of Metro and the Metropolitan Exposition-Recreation Commission and its oversight units by providing a schedule which lists the various reports, due dates and quantities to be provided by the audit firm. The specific reports required by OMB Circular A-128 for the single audit should also be listed.

#### Time Requirements

Provide detailed information on how the audit firm proposes to meet the timelines and reporting deadlines of the engagement. Audit milestones and dates should be provided.

### References

Provide a list of five references for which the audit firm has provided auditing services within the last five years. The list must contain the name of the government, periods (fiscal years) audited, name of government official to be contacted, phone number and address of the government

### Fee Proposal Format

The Fee Proposal should be submitted in a SEPARATE SEALED ENVELOPE clearly identified. The Fee Proposal should list the total hours and dollar amounts and specify out-of-pocket costs to be included in the fee for each year of the contract.

### Additional Services

Provide a brief description of any other services that your firm could provide Metro and an approximation of the hourly charge for each such service. Such services would be contracted for on an "as needed" basis to be provided and billed separately.

The fee estimate for additional services should be presented for:

Partners  
Managers  
Senior staff  
Junior staff

## **V. EVALUATION OF PROPOSALS**

Proposals will be evaluated to determine which one best meets the needs of Metro. After meeting the mandatory requirements, the proposals receiving scores of 80 points or greater will then be evaluated on both their technical (80 percent) and cost (20 percent) aspects.

### Mandatory Requirements

There are two requirements that the audit firm must meet to enable the proposal to be evaluated further:

- The audit firm is properly licensed for public practice as an independent auditor and qualifies as a municipal auditor; and
- The audit firm must meet the independence standards of the GAO Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.

### Technical Requirements

The technical evaluation of all qualifying proposals will represent 80 percent of the evaluation process and score. Points to be considered in the technical evaluation include:

- Responsiveness of the proposal in clearly stating an understanding of the work to be performed, demonstrated through an audit work plan and time estimates for each major segment of the work plan;
- Organization and size of the firm, demonstrating the firm's ability to undertake an audit the size of Metro;
- Technical experience of the firm and prior experience with governmental and municipal audits; and

- Qualifications of staff and consultants assigned to the audit work as demonstrated through resumes stating education, governmental experience, and position with the firm. The firm's policy with regard to rotation of audit staff should also be stated.

#### Cost Evaluation

The evaluation of the proposed fees will consider the overall cost (audit fees plus out-of-pocket expenses) and the proposed audit hours. Both of these factors are important in evaluating the reasonableness of the fee and the proposers' understanding of the audit services time requirements.

The total score resulting from the technical and cost evaluation will guide the selection of the audit services firm. If more than one proposer, based on total scores, appears to be qualified to undertake Metro's audit services, interviews with the Audit Services Selection Committee may be held before the final selection.

#### Audit Services Selection Committee

The Audit Services Selection Committee will be comprised of the following members, each having one vote:

Metro Auditor  
Metro Councilor  
Director of Finance  
Accounting Manager  
Financial Reporting and Control Supervisor  
Director of MERC Fiscal Operations

APPENDIX A

METRO  
REQUEST FOR PROPOSAL FOR AUDIT SERVICES

January 30, 1995

PROPOSER'S QUALIFICATIONS AND REPRESENTATIONS

The Proposer makes the following statements and representations as part of the proposal:

General Information

1. Name (firm or individual) of Proposer. \_\_\_\_\_
2. Address. \_\_\_\_\_
3. Federal Employer Identification Number. \_\_\_\_\_
4. How long have you been in business? \_\_\_\_\_
5. Are you a corporation? Yes \_\_\_ No \_\_\_  
If yes, please provide the date and state of incorporation, type of corporation, and list the names of all Portland area audit stockholders.
6. Are you a partnership? Yes \_\_\_ No \_\_\_  
If yes, please list names of all Portland area audit partners.
7. Number of professional audit staff employed in the Portland area office. \_\_\_\_\_
8. In the preceding five years, has the firm audited at least three different local governments serving populations of 30,000 or more with at least one of these being a special district? Yes \_\_\_ No \_\_\_
9. Does the firm have current experience in assisting audit clients in obtaining and/or retaining the GFOA Certificate of Achievement? Yes \_\_\_ No \_\_\_
10. Does the firm have current experience in the areas of bonds (tax-exempt) and the tax impacts on local government? Yes \_\_\_ No \_\_\_
11. Has the firm ever bid or submitted a proposal to Metro under another name? Yes \_\_\_ No \_\_\_  
If yes, please list the name(s) used.
12. Does the firm have any outstanding bids or proposals for contracts with Metro? Yes \_\_\_ No \_\_\_

If yes, please provide the following:

Subject

Requesting Department

13. Does the firm have any current contract awards from Metro?

Yes \_\_\_ No \_\_\_

If yes, please provide the following:

Subject

Requesting Department

Amount

14. Please provide any other information you feel would help the Selection Committee evaluate your firm for this engagement.



ADDITIONAL REPRESENTATIONS

In addition to the foregoing general information, the Proposer certifies that:

15. The Proposer, if an individual, is of lawful age; is the only one interested in this proposal; and that no person, firm or corporation, other than that named, has any interest in the proposal, or in the contract proposed to be entered into.
16. The Proposer and each person signing on behalf of any Proposer certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief:
  - a. The prices in the proposal have been arrived at independently without collusion, consultation, communication or agreement for the purpose of restraining competition as to any matter relating to such prices with any other proposer or with any competitor;
  - b. Unless otherwise required by law, the prices which have been quoted in the proposal have not been knowingly disclosed by the Proposer prior to the proposal deadline, either directly or indirectly, to any other proposer or competitor;
  - c. No attempt has been made nor will be made by the Proposer to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restraining trade;
  - d. No Council member or other officer, employee, or person, whose salary is payable in whole or in part from Metro is directly or indirectly interested in the proposal, or in the services to which it relates, or in any of the profits thereof;
  - e. Said Proposer is not in arrears to Metro upon any debt or contract, and is not a defaulter, as surety or otherwise, upon any obligation to Metro, and has not been declared irresponsible, or unqualified, by any department of Metro or the State of Oregon, nor is there any proceeding pending relating to the responsibility or qualification of the Proposer to receive public contracts, except (if none, Proposer will insert "none").
  - f. Said Proposer meets the independence requirements of the American Institute of Certified Public Accountants and the Standards for Audit of Governmental Organizations, Programs, Activities and Functions, published by the U.S. General Accounting Office.
17. The Proposer has examined all parts of the RFP, including all requirements and contract terms and conditions thereof, and if its Proposal is accepted, the Proposer shall execute the proposed contract.
18. The Proposer is duly licensed to do business in the City of Portland and is licensed by the Oregon State Board of Accountancy as a Certified Public Accountant and Municipal Auditor.
19. The Proposer is and will certify to being an EEO Affirmative Action Employer.
20. The Proposer has or will provide for all persons employed to perform the services covered by the proposal, or for any other contract for service, in accordance with Oregon Revised Statutes Section 656.001 to 656.794, either as a:
  - Carrier-insured employer, or as a
  - Self-insured employer as provided by ORS 656.407.

The Proposer further certifies that evidence of such coverage shall be filed with Metro's Contracts Officer and maintained in effect for the duration of the contract.

21. The Proposer fully understands and submits its proposal with the specific knowledge that:

- The selected proposal must be approved by the Metro Council.
- In the event that the Proposer's proposal is accepted and receives all necessary approvals, the proposal will be incorporated into a contract containing general terms and conditions provided by the Director of Finance and the resultant contract must be approved as to form by Metro's Legal Counsel, and approved by the Executive Officer and Metro Council.

The undersigned hereby certifies to the truth and accuracy of all statements, answers and data contained in this proposal and application, and hereby authorizes Metro to make any necessary examinations or inquiries in order to make a determination as to the qualifications and responsibility of the Proposer. The undersigned has examined all parts of the Request for Proposals and understands that it is completely discretionary with the Audit Services Selection Committee whether to accept, reject, or negotiate its proposal submitted pursuant thereto.

\_\_\_\_\_  
Signature of Proposer

\_\_\_\_\_  
Title

APPENDIX B

METRO  
REQUEST FOR PROPOSALS FOR AUDIT SERVICES  
January 30, 1995

SUPPORT AND SERVICES PROVIDED BY METRO STAFF

The following work papers are prepared by Metro Accounting Division staff:

AUDIT WORK PAPERS

Trial Balances and Other Financial Statements

- Trial balances with prior year, budget, and actual activity for each budgetary fund. Includes balance sheet and revenue and expenditure accounts.
- Client Adjusting Entries
- GAAP conversion trial balances for all proprietary funds with GAAP journal entries.
- Cash flow statements and support for each applicable fund.
- Completed draft of CAFR including all statements, schedules and note disclosures.

Cash/Investments

- Bank Reconciliations
- Outstanding Check Lists (Operation & Payroll Accounts)
- Deposits In Transit
- Cash Transfers Schedule (June 25 -- July 5)
- Restricted Investments By Fund
- Collateral Requirements Analysis
- Trust Account Lead And Detail Schedules - Convention Center, Debt Service And Solid Waste Revenue Funds

Balance Sheet Analysis - Assets

- Accounts receivable lead schedule
- Zoo Inventory Lead Schedule
- General Fixed Assets Summary
- General Fixed Assets Combining Schedule
- Fixed Assets - All funds
- Fixed Assets -- Disposals and Transfers
- Enterprise Fund Fixed Assets:
  - Summary of Fixed Assets
  - Summary of Additions
  - Summary of Deletions
- Depreciation Schedule
- Support for Current Year Contributed Capital and Amortization
- Accrued Interest
- Property Tax Accrual

Balance Sheet Analysis - Payables

- A/P Lead Schedule
- Retainage Payable -All funds
- Post-Closure and Liability Support
- Deposits -- Enterprise Fund

- Accounts Payable – Payroll Lead Schedule
- Accrued Vacation Summary
- Accrued Vacation Supporting Detail
- Lease Payable Schedule
- Analysis of Capital Leases
- Solid Waste Debt Service – Loans and Bonds Payable Footnote Support
- Arbitrage liability calculation
- General long-term debt account group rollforward schedules

#### Other

- Property Tax Revenue/Deferred Revenue Lead Schedule
- Property Tax Transactions
- Interfund Transfers – Lead Schedule
- Due to/due from schedule
- Interest Revenue Reasonableness Test
- Commercial Disposal Fee Reasonableness Test
- Public Disposal Fees Reasonableness Test
- Solid Waste Tip Fee Fluctuation Analysis
- Solid Waste Disposal Fee Reasonableness Test
- Solid Waste Disposal Charges and User Fees
- User Fee and Regional Transfer Charge Analysis
- Commitments Schedule (contracts)
- Solid Waste Quantities – All Sites
- New bond issues or refundings detail
- GASB 10 footnote support
- Pension trust fund statements and schedules
- Response to GFOA comments

#### Grants

##### Summary Schedule – Grant Activity and End A/R Balance

- Grant Billings at June 30
- Schedule of Federal Financial Assistance
- Revenues/Expenditures by Grant (current year)
- Revenues/Expenditures by Grant (from inception)
- Schedule of Closed Grants
- Schedule of Indirect Costs
- All grant agreements and amendments

#### EDP and Other Reports

- June 30 General Ledger
- Detail Transaction Summary of Listing
- June 30 Aged Trial Balance
- Affirmative Action Plan
- Indirect Cost Rate Proposal
- Fiscal Year Unified Work Program
- Budget Amendments and Supplemental Budget
- Budget Hearing Notices
- Budget documents

Metro staff will also perform the following:

- Pulling Documents for verification of numbers and information
- Performing physical inventory counts of Zoo concession items.
- Preparation of additional analyses not listed above as required.

APPENDIX D

NOTICE TO ALL PROPOSERS

The Personal Services Agreement included herein is a standard agreement approved for use by Metro's General Counsel. As such, it is included for your specific consideration and review during the course of this competitive process.

Any changes in the adopted language must be requested and resolved as part of this process or as a condition attached to the proposal.

**Consider the language carefully!**

Metro reserves the right to:

- Selectively declare any conditioned proposal nonresponsive and reject it without further consideration;
- Reject any or all subsequent requests for modification;
- Interpret insistence upon a contract modification as a refusal to honor the original proposal and reinstitute the evaluation process.

Project \_\_\_\_\_  
Contract No. \_\_\_\_\_

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 N.E. Grand Avenue, Portland, OR 97232-2736, and \_\_\_\_\_, referred to herein as "Contractor," located at \_\_\_\_\_.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. Duration. This personal services agreement shall be effective \_\_\_\_\_ and shall remain in effect until and including \_\_\_\_\_, unless terminated or extended as provided in this Agreement.

2. Scope of Work. Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.

3. Payment. Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for maximum a sum not to exceed \_\_\_\_\_ AND \_\_\_\_\_/100THS DOLLARS (\$\_\_\_\_\_).

4. Insurance.

a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:

(1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and

(2) Automobile bodily injury and property damage liability insurance.

b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.

c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDs. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

100

d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement; or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the

Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the state of Oregon and shall be conducted in the circuit court of the state of Oregon, for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor \_\_\_ days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

\_\_\_\_\_ METRO

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



AGENDA ITEM NO. 6.4  
Meeting Date: January 26, 1995

RESOLUTION NO. 95-2080



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ACCEPTING ) RESOLUTION NO. 95-2080  
NOMINEES TO THE METRO COMMITTEE )  
FOR CITIZEN INVOLVEMENT (METRO CCI) ) Introduced by Councilor Susan McLain  
) Council Liaison to the Metro  
) Committee for Citizen Involvement

WHEREAS, The Metro Council adopted the Regional Urban Growth Goals and Objectives (RUGGOs) on September 26, 1991 by Ordinance 91-418B; and

WHEREAS, A partnership is described therein between Metro, citizens, cities, counties, special districts, school districts, and state and regional agencies to work together in this planning process; and

WHEREAS, Citizen Participation is included in the RUGGOs as the first objective under Goal 1, the Regional Planning Process; and

WHEREAS, Objective 1.1 states that Metro shall establish a Regional Citizen Involvement Coordinating Committee (RCICC) to assist with the development, implementation and evaluation of its citizen involvement program, and

WHEREAS, a committee was formed to draft, develop, solicit comments upon, and revise, a set of bylaws to establish the RCICC; and

WHEREAS, These bylaws identify the committee as the Metro Committee for Citizen Involvement (Metro CCI); and

WHEREAS, These bylaws have been adopted by the Metro Council by Resolution No. 92-1580A on May 28, 1992; and subsequently revised three times, most recently by Resolution 94-1986 on November 22, 1994; and

WHEREAS, The Metro Charter called for the creation of an Office of Citizen Involvement, and the establishment of a citizens committee therein; and

WHEREAS, The Metro Council created said Office and established the Metro CCI as the citizen committee within that Office, by adopting Ordinance No. 93-479A,

WHEREAS, The Metro Council accepted the initial membership of the Metro CCI by Resolution No. 92-1666 on August 27, 1992 with subsequent rounds of applicants approved by Resolution No. 92-1702 on October 20, 1992; Resolution No. 92-1763 on February 25, 1993;

Resolution No. 93-1859 on October 15, 1993; Resolution No. 93-1882 on December 23, 1993;  
Resolution No. 94-1899 on February 24, 1994; Resolution No. 94-2048 on November 10, 1994;  
and Resolution No. 95-2071 A on January 12, 1995, and

WHEREAS, This portion of the selection process for nomination to the Metro CCI has  
been initiated, resulting in the nominations of individuals indicated in Attachment A; now,  
therefore,

BE IT RESOLVED,

That the Metro Council accepts the persons nominated for membership on the  
Metro Committee for Citizen Involvement (Metro CCI) identified in Exhibit A attached to this  
resolution.

ADOPTED BY THE METRO COUNCIL this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer



METRO

January 26, 1995

Dear Madam Presiding Officer:

I am sorry I am unable to present this Testimony in person, but I am in Canby with a group of Clackamas County cities.

I urge you to pass Ordinance #95-574. This Ordinance will repeal the Construction Excise Tax and I am in full agreement that the repeal of this tax measure is in the best interest of the Region.

The budget that I will be presenting to the Council for consideration on February 16, 1995 is based on the assumption of this repeal. I have instructed the departments to rework their budgets on existing revenue sources.

Thank you for your timely addressing of this most important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike".

Mike Burton  
Executive Officer

MB:ma



**METRO**

**DATE:** January 26, 1995

**TO:** Metro Councilors  
Interested Parties

**FROM:** Marilyn Geary-Symons, <sup>WY</sup> Council Assistant

**RE:** Agenda Item No. 5.1 -- Ordinance No. 95-574, An Ordinance Repealing Ordinance No. 94-556C Relating to Taxation

Attached you will find Ordinance No. 95-574 with accompanying Ordinance No. 94-556C.

Ordinance No. 94-556C, adopted by the Metro Council August 25, 1994, was not printed in the agenda packet.

mgs\h:\council\95-574.mmo

BEFORE THE METRO COUNCIL

AN ORDINANCE REPEALING )  
ORDINANCE NO. 94-556C RELATING )  
TO TAXATION )  
)

ORDINANCE NO. 95-574

Introduced by Council  
Finance Committee

THE METRO COUNCIL ORDAINS:

Section 1. The Council finds that:

1. Ordinance No. 94-556C, a copy of which is attached as Exhibit "A", was adopted by the Council on August 25, 1994.
2. By adoption of Resolution No. 94-2045 the Council has referred the question of approval or disapproval of Ordinance No. 94-556 to the electors of Metro at an election to be held on May 16, 1995.
3. Adoption of Ordinance No. 94-556C was not in the best interests of the District.
4. The Council will after adoption of this Ordinance by separate resolution rescind Resolution No. 94-2045.

Section 2. Ordinance No. 94-556C is repealed.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer

ATTEST:

\_\_\_\_\_  
Recording Clerk

gl1193

I HEREBY CERTIFY THAT THE FOREGOING  
IS A COMPLETE AND EXACT COPY OF THE  
ORIGINAL THEREOF.  
*Mark Z. Gray - Jma*  
Clerk of the Metro Council

BEFORE THE METRO COUNCIL

AN ORDINANCE RELATING TO TAXATION, )  
ESTABLISHING A CONSTRUCTION EXCISE )  
TAX REDUCING THE METRO EXCISE TAX, )  
REDUCING SOLID WASTE RATES AND )  
REFUNDING PLANNING SERVICE FEES )  
TO LOCAL GOVERNMENTS )

ORDINANCE NO. 94-556C  
Introduced by  
Councilor Rod Monroe

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. Effective November 1, 1994 or the effective date of this Ordinance, whichever is the latest, the following Chapter 7.02 Construction Excise Tax is added to the Metro Code.

CHAPTER 7.02

CONSTRUCTION EXCISE TAX

SECTIONS:

7.02.010 Short title.  
7.02.020 Construction.  
7.02.030 Definitions.  
7.02.040 Exemptions.  
7.02.050 Rules and regulations promulgation.  
7.02.060 Administration and enforcement authority.  
7.02.070 Imposition of tax.  
7.02.080 Rate of tax.  
7.02.090 Failure to pay.  
7.02.100 Statement of entire floor area required.  
7.02.110 Intergovernmental agreements.  
7.02.120 Rebates.  
7.02.130 Hearings Officer.  
7.02.140 Appeals.  
7.02.150 Refunds.  
7.02.160 Occupation of improvement without payment unlawful.  
7.02.170 Enforcement by civil action.  
7.02.180 Review.  
7.02.190 Failure to pay -- Penalty.  
7.02.200 Violation -- Penalty.  
7.02.210 Rate stabilization.  
7.02.220 Needs assessment.  
7.02.230 Dedication of revenues.



**7.02.010 Short title:** This chapter shall be known as the "Construction Excise Tax Ordinance" and may be so pleaded.

**7.02.020 Construction:** The construction excise tax ordinance and all amendments hereinafter made thereto shall be referred to herein as "this chapter." This chapter and any terms not defined herein or elsewhere in this Code shall be construed to be consistent with definitions and terminology used in the Oregon State Building Code, 1993 Edition (the Uniform Building Code).

**7.02.030 Definitions:** As used in this chapter unless the context requires otherwise:

- (a) "Building Official" means any person charged by a municipality with responsibility for the administration and enforcement of a building code.
- (b) "Commercial Construction" means the construction of any building or structure, or portion thereof, that is classified as any occupancy other than a residential occupancy.
- (c) "Construction" means erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure for which the issuance of a building permit is required pursuant to the provisions of Oregon law. Construction also includes the installation of a manufactured dwelling.
- (d) "Contractor" means any person who performs Construction for compensation.
- (e) "Executive Officer" means the Metro Executive Officer.
- (f) "Improvement" means any newly constructed structure or a modification of any existing structure.
- (g) "Major Renovation" means any renovation, alteration or remodeling of an existing building or structure, or portion thereof, that will result in a change in occupancy classification of the building or structure, or portion thereof, from a residential occupancy classification to a non-residential occupancy classification, or from one non-residential occupancy classification to another.
- (h) "Manufactured Dwelling" means any building or structure designed to be used as a residence that is subject to regulation pursuant to ORS ch 446, as further defined in ORS 446.003(26).
- (i) "Occupancy Classification" means any occupancy group or division of any occupancy group as defined by the Oregon State Building Code.

(j) "Person" means and includes individuals, domestic and foreign corporations, societies, joint ventures, associations, firms, partnerships, joint stock companies, clubs or any legal entity whatsoever.

(k) "Residential Construction" means the Construction or installation of any building or structure, or portion thereof, that is classified as a residential occupancy and includes all accessory buildings and structures. The installation of a Manufactured Dwelling is included within the meaning of the term Residential Construction.

(l) "Total Combined Floor Area" means the sum of the floor areas of each floor created by the Construction. Total Combined Floor Area shall be also construed to mean the newly created floor area added to an existing building or structure by any renovation, alternation or remodeling.

(m) "Total Renovated Floor Area" means the Total Combined Floor Area of an existing building or structure, or portion thereof, that is the subject of a Major Renovation.

#### 7.02.040 Exemptions:

(a) No obligation to pay the tax imposed by Section 7.02.070 shall arise from the Construction of any Improvement that is owned by any government entity whether federal, state or local.

(b) The Executive Officer shall pursuant to Sections 7.02.050, 7.02.060 and 7.02.110 exempt from the duty to pay the tax imposed by Section 7.02.070 any Person who would be entitled to a rebate pursuant to Section 7.02.120(a)(2) or Section 7.02.120(a)(3).

7.02.050 Rules and regulations promulgation: The Executive Officer may promulgate rules and regulations necessary for the administration and enforcement of this chapter.

#### 7.02.060 Administration and enforcement authority:

(a) The Executive Officer shall be responsible for the administration and enforcement of this chapter. In exercising the responsibilities of this section of the Executive Officer may act through a designated representative.

(b) In order to carry out the duties imposed by this chapter, the Executive Officer shall have the authority to do the following acts, which enumeration shall not be deemed to be exhaustive, namely: administer oaths; certify to all official acts; to subpoena and require attendance of witnesses at hearings to determine compliance with this chapter, rules and regulations; to require production of relevant documents at public hearings; to swear witnesses; and take testimony of any Person by deposition.

**7.02.070 Imposition of tax:** An excise tax is imposed on every Person who engages in the act of engaging in Construction within the District. The tax shall be measured by the Total Combined Floor Area constructed or the Total Renovated Floor Area constructed as set forth in Section 7.02.080. If no additional floor area is created or added by the Construction and if the Construction does not constitute a Major Renovation then there shall be no tax due. The tax shall be due and payable at the time of the issuance of any building permit, or installation permit in the case of a manufactured dwelling, by any building authority. Liability for this tax shall attach upon every owner or occupant of property on which the is located and every Contractor who engages in Construction; provided, however, that only one tax must be paid.

**7.02.080: Rate of tax:** The rate of tax to be paid is set forth in this section for each specific category of Construction:

(a) The rate of tax to be paid for Residential Construction or Commercial Construction shall be 12 cents for each square foot of Total Combined Floor Area constructed.

(b) The rate of tax to be paid for any Major Renovation shall be one-half the rate for Commercial Construction per square foot of Total Renovated Floor Area.

(c) If any Major Renovation results in the addition of additional floor area to an existing building or structure, then the tax to be paid shall be the total tax due pursuant to subsections (a) and (b).

**7.02.090 Failure to pay:** It shall be unlawful for any Person to fail to pay all or any portion of the tax imposed by this chapter.

**7.02.100 Statement of entire floor area required:** It shall be unlawful for any Person to fail to state or to misstate the full floor area of any Improvement or Manufactured Dwelling. When any Person pays the tax, within the time provided for payment of the tax, there shall be a conclusive presumption, for purposes of computation of the tax, that the floor area of the Improvement or Manufactured Dwelling is the floor area as determined by the Building Official at the time of issuance of the building permit or installation permit. When any Person fails to pay the tax within the time provided for payment of the tax, the floor area constructed shall be as established by the Executive Officer who may consider the floor area established by the Building Official but may consider other evidence of actual floor area as well.

**7.02.110 Intergovernmental agreements:** The Executive Officer may enter into intergovernmental agreements with other governments to provide for the enforcement of this chapter and the collection of the Construction Excise Tax. The agreements may provide for the governments to retain no more than 5 percent of the taxes actually collected as

reimbursement of administrative expense and be reimbursed for the government's reasonable, one time, start up costs as set forth in the agreements.

**7.02.120 Rebates:**

(a) The Executive Officer shall rebate to any Person who has paid a tax the amount of tax actually paid, upon the Person establishing that:

- (1) The tax was paid for the Construction of a single family residence that was sold to its original occupant for a price less than \$100,000; provided that the maximum amount that may be refunded for any one residence is \$125; or
- (2) The Person who paid the tax is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), or a limited partnership the sole general partner of which is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), the Construction is used for residential purposes and the property is restricted to being occupied by Persons with incomes less than 50 percent of the median income for a period of 30 years or longer; or
- (3) The Person who paid the tax is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3) and the Construction is dedicated for use for the purpose of providing charitable services to Persons with incomes less than 50 percent of the median income.

(b) In the event the tax was paid for Construction that is eligible for a rebate for only a portion of the Construction, the Executive Officer shall rebate only the tax paid for the eligible portion.

(c) The Executive Officer may require any Person seeking a refund to demonstrate that the Person is eligible for a refund and that all necessary facts to support the refund are established.

(d) The Executive Officer shall either rebate all amounts due under this section within 30 days of receipt of a complete application for the rebate or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in Section 7.02.140.

**7.02.130 Hearings Officer:** The Executive Officer shall appoint a hearings officer to conduct hearings related to enforcement or appeals of this Chapter. All hearings shall be conducted in accordance with rules and regulations adopted by the Executive Officer.

**7.02.140 Appeals:** Any Person who is aggrieved by any determination of the Executive Officer regarding liability for payment of the tax, the amount of tax owed, or the amount of tax that is subject to refund or rebate may appeal the determination in accordance with Section 7.02.140. All appeals must be in writing and must be filed within 10 days of the determination by the Executive Officer. No appeal may be made unless the Person has first paid the tax due as determined by the Executive Officer.

**7.02.150 Refunds:**

(a) Upon written request, the Executive Officer shall refund any tax paid upon the Person who paid the tax establishing that Construction was not commenced and that any building permit issued has been cancelled as provided by law.

(b) The Executive Officer shall either refund all amounts due under this section within 30 days of a complete application for the refund or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in Section 7.02.140.

**7.02.160 Occupation of improvement without payment unlawful:** It shall be unlawful for any Person to occupy any Improvement unless the tax imposed by this chapter has been paid.

**7.02.170 Enforcement by civil action:** The tax and any penalty imposed by this chapter constitutes a debt of the Person liable for the tax as set forth in Section 7.02.070 of this chapter and may be collected by the Executive Officer in an action at law. If litigation is necessary to collect the tax and any penalty, the prevailing party shall be entitled to reasonable attorney fees at trial or on appeal. The Office of General Counsel is authorized to prosecute any action needed to enforce this chapter as requested by the Executive Officer.

**7.02.180 Review:** Review of any action of the Executive Officer taken pursuant to this chapter, or the rules and regulations adopted pursuant thereto, shall be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 through 34.100, provided, however, that any aggrieved Person may demand such relief by writ of review.

**7.02.190 Failure to pay -- Penalty:** In addition to any other fine or penalty provided by this chapter, failure to pay the tax within fifteen days of the date of issuance of any building permit for any Improvement or installation permit for any Manufactured Dwelling shall result in a penalty equal to the amount of tax owed or \$50.00, whichever is greater.

**7.02.200 Violation -- Penalty:**

(a) In addition to any other civil enforcement provided herein, violation of this chapter shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not more than five hundred dollars.

(b) Violation of this chapter by any officer, director, partner or other Person having direction or control over any Person violating this chapter shall subject each such Person to such fine.

**7.02.210 Rate stabilization:** In order to protect against the cyclical nature of the construction industry and development patterns, the Council shall annually as part of the budget process create reserves from the revenues generated by the construction excise tax that are designed to protect against future fluctuations so as to promote stability in the rate of tax needed to support required programs.

**7.02.220 Needs assessment:** Prior to July 1, 1998, the Council shall conduct a needs assessment review of the Construction Excise Tax to determine whether it is necessary to continue the tax beyond the period of adoption and implementation of the Regional Framework Plan. In conducting the assessment, the Council shall hold at least two public hearings.

**7.02.230 Dedication of revenues:** Revenue derived from the imposition of this tax after deduction of necessary costs of collection shall be dedicated solely to carrying out the Regional Planning Functions of Metro mandated by Section 5 of the 1992 Metro Charter.

**Section 2.** Section 7.01.020 of the Metro Code is amended to read as follows:

**7.01.020 Tax Imposed:**

(a) For the privilege of use of the facilities, equipment, systems, functions, services, or Improvements owned, operated, franchised, or provided by the District, each user shall pay a tax in the amount established in subsection 7.01.020(b) but not to exceed six (6) percent of the payment charged by the operator or the District for such use. The tax constitutes a debt owed by the user to the District which is extinguished only by payment of the tax directly to the District or by the operator to the District. The user shall pay the tax to the District or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(b) The Council may for any annual period commencing July 1 of any year and ending on June 30 of the following year establish a tax rate lower than the rate of tax provided for in subsection 7.01.020(a) by so providing in the annual budget ordinance adopted by the District. If the Council so establishes a lower rate of tax, the Executive Officer shall immediately notify all operators of the new tax rate. Upon the end of the fiscal year the rate of tax shall revert to the maximum rate established in subsection 7.01.020(a) unchanged for the next year unless further action to establish a lower rate is adopted by the Council as provided for herein.

Section 3. Metro Code Section 5.02.025 and 5.02.045 is amended to read as follows:

5.02.025 Disposal Charges at Metro South Station, Metro Central Station and the Metro Household Hazardous Waste Facilities:

(a) Total fees for disposal by credit account customers shall be \$73.00 per ton of solid waste delivered for disposal at Metro South Station or Metro Central Station.

(b) Total fees for disposal by cash account customers shall be \$100.00 per ton of solid waste delivered for disposal at Metro South Station or Metro Central Station. A cash account customer delivering a load of waste such that no portion of the waste is visible to Metro scalehouse personnel (unless the waste is only visible through a secure covering), shall receive a 25 percent rebate.

(c) The total disposal fees specified in subsection (a) and (b) of this section include:

- (1) A disposal fee of \$37.70 per ton;
- (2) A regional transfer charge of \$7.10 per ton;
- (3) The user fees specified in Section 5.02.045;
- (4) An enhancement fee of \$.50 per ton; and
- (5) DEQ fees totaling \$1.05 per ton.

(d) Notwithstanding subsection (b) of this section, cash account customers using Metro South Station or Metro Central Station, who have separated and included in their loads at least one half cubic yard of recyclable material (as defined in ORS 459.005) shall receive a \$3.00 credit toward their disposal charge if their load is transported inside a passenger car or in a pickup truck not greater than a 3/4 ton capacity.

(e) The minimum charge shall be \$19.00 for all credit account vehicles and shall be \$25.00 for all cash account vehicles. The minimum charge shall be adjusted by the covered load rebate as specified in subsection (b) of this section, and may also be reduced by application of the recycling credit provided in subsection (d) of this section. If both the rebate and the recycling credit are applicable, the rebate shall be calculated first.

(f) Total fees assessed at Metro facilities shall be rounded to the nearest whole dollar amount (a \$.50 charge shall be rounded up) for all cash account customers.

(g) A fee of \$5.00 is established to be charged at the Metro Household Hazardous Waste facilities for each load of Household Hazardous Waste.

(h) A fee of \$10.00 is established at the Metro Household Hazardous Waste facilities for special loads.

(i) The following table summarizes the disposal charges to be collected by Metro from all persons disposing of solid waste at Metro South Station and Metro Central Station:

**METRO SOUTH STATION  
METRO CENTRAL STATION**

Fee Component	\$/Ton	Tonnage Rate
Disposal Fee		\$37.70
Regional User Fee		17.25
Metro User Fee		9.40
Regional Transfer Charge		7.10
<b>Total Rate</b>		<b>\$71.45</b>
<b>Additional Fees</b>		
Enhancement Fee		\$ .50
DEQ Fees		1.05
<b>Total Disposal Fee</b>		<b>\$73.00</b>
<b>Minimum Charge</b>		
Per Charge Account Vehicle		\$19.00
Per Cash Account Vehicle (subject to possible covered load rebate and recycling credit)		25.00

Tires	Type of Tire	Per Unit
	Car tires off rim	\$ 1.00
	Car tires on rim	3.00
	Truck tires off rim	5.00
	Truck tires on rim	8.00
	Any tire 21 inches or larger diameter off or on rim	\$12.00

**5.02.045 User Fees:**

The following user fees shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or outside of the boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed of within Metro boundaries, in accordance with Metro Code Section 5.01.150:



(a) Regional User Fee:

For compacted or noncompacted solid waste, \$17.25 per ton delivered.

(b) Metro User Fee:

\$9.40 per ton for all solid waste delivered to Metro-owned or operated facilities.

(c) Inert material, including but not limited to earth, sand, stone, crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at the St. Johns Landfill for cover, diking, road base or other internal use shall be exempt from the above user fees.

(d) User fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(e) Notwithstanding the provisions of (a) and (b) above, Metro User Fees may be assessed as may be appropriate for solid waste which is the subject of a Non-System License under Chapter 5.05 of the Metro Code.

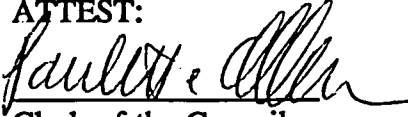
Section 4. The Executive Officer shall rebate to each local government that has made a voluntary payment to Metro in lieu of the per capita payments required by the provisions of former ORS 268.513 for fiscal year 1994-95 an amount equal to amount of the payment made to Metro multiplied by a fraction equal to the number of days remaining in fiscal year 1994-95 on the effective date of this Ordinance divided by 365.

Section 5. The Metro Construction Excise Tax established pursuant to Metro Code Chapter 7.02 shall not be imposed on and no person shall be liable to pay any tax for any construction activity that is commenced pursuant to a building permit issued on or after July 1, 2000.

ADOPTED by the Metro Council this 25<sup>th</sup> day of August, 1994.

  
Ed Washington, Deputy Presiding Officer

ATTEST:

  
Clerk of the Council

gl1166i

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF WITHDRAWING	)	RESOLUTION NO. 95-2030
THE REFERRAL OF ORDINANCE	)	
NO. 94-556C RELATING TO TAXATION	)	Introduced by
TO THE VOTERS	)	Councilor Jon Kvistad

WHEREAS, Pursuant to Resolution No. 94-2045, the Council referred the question of approval of Ordinance No. 94-556C to the electors of the District at a Special election to be held on May 16, 1995; and

WHEREAS, The Council by adoption of Ordinance No. 95-574 has repealed Ordinance No. 94-556C; and

WHEREAS, The repeal of Ordinance No. 94-556C makes the referral of this Measure to the voters unnecessary and moot; now, therefore,

BE IT RESOLVED,

That the referral to the electors of the District of the approval of Ordinance No. 94-556C relating to taxation at a Special election to be held on May 16, 1995, is withdrawn, Resolution No. 94-2045 is rescinded, and the Special election called for May 16, 1995, for the purpose of referring this Measure to the electors is cancelled.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer



METRO COUNCIL MEETING  
January 26, 1995

Agenda Item No. 5.2

**METRO**

Date: January 25, 1995  
To: Ruth McFarland, Presiding Officer  
From: Donald E. Carlson, Council Analyst  
Re: Ordinance No. 95-583A Amending Chapter 2.01 of the Metro Code Relating to Council Organization and Procedures

This memo is in response to your request for a review of Ordinance No. 95-583A as it relates to the question of who is authorized to introduce ordinances and resolutions for Council consideration.

To start with the Metro Code is based on the premise that the Metro Council will exercise its policy making through either the adoption of an ordinance or a resolution. Section 2.01.07 of Ordinance 95-583A states in part (Page 11 of the Agenda Packet):

"(a) The legislative action of Metro shall be by Ordinance."

Section 2.01.080 of the Ordinance states in part (Page 17 of the Agenda Packet):

"(a) All matters other than legislation and procedural matters coming before the Council and requiring Council action shall be handled by resolution."

The question is what does the Ordinance say about who is authorized to initiate policy making matters before the Metro Council. Section 2.01.070(c) which deals with ordinances states as follows (Page 12 of the Agenda Packet):

"(c) Ordinances may be introduced for Council consideration by the Council, a Councilor or Councilors, a committee of the Council or the Executive Officer. The Council by resolution shall adopt procedures for introduction and consideration of ordinances."

Section 2.01.080(d) of the Ordinance, which deals with resolutions, states as follows (Page 16 of the Agenda Packet):

"(d) The Council by resolution shall adopt procedures for introducing and considering resolution."

The companion measure to this Ordinance is Resolution No. 95-2078 which is for the purpose of adopting rules of procedure relating to the conduct of Council business. Exhibit C of that resolution contains the more detailed rules of procedure for consideration of

ordinances and resolutions referred to in Ordinance No. 95-583A. Section 1 of Exhibit C states as follows (Page 49 of the Agenda Packet):

"1. Introduction: An ordinance or resolution may be introduced by the Council, a Councilor or Councilors, the Auditor, or the Executive Officer.. Each ordinance or resolution shall designate the person or persons introducing the ordinance or resolution."

This section conflicts with Section 2.01.070 of Ordinance No. 95-583A quoted above in that the ordinance does not authorize the Auditor to introduce ordinances for council consideration. The language in Exhibit C regarding the introduction of resolutions is not in conflict with Section 2.01.080 of Ordinance No. 95-583A because the ordinance defers to the policy stated in Resolution No. 95-2078 regarding introduction of resolutions for Council consideration.

To resolve the conflict identified above it is appropriate for the Council to consider the question of who should be authorized to introduce policy making measures (ordinances and resolutions) for Council consideration. A guide for answering this question is found in the Metro Charter which sets forth the duties and responsibilities of the Council, the Executive Officer and the Auditor. It goes with out saying that the members of the governing body need to be authorized to introduce ordinances and resolutions because doing so is an essential step in making policy.

It appears that the Executive Officer should be authorized to introduce ordinances and resolutions because in Section 17(2) of the Charter one of the specific duties of the Executive Officer is to:

"(c) propose for council adoption measures deemed necessary to enforce or carry out powers and duties of Metro,"

It appears that the Charter does not contemplate that the Auditor be authorized to introduce ordinances and resolutions. Section 18(3) states the in part the duties of the Auditor as follows:

"The auditor shall: ... (b) make reports to the Metro council and executive officer of the results of any investigation with any recommendations for remedial action."

It is clear the Auditor has a reporting relationship to the Council and Executive Officer but that the decision whether to act on recommendations made is at the discretion of the Council and Executive Officer. The decision to either introduce or not introduce an ordinance or resolution in response to a recommendation is a policy decision to be made by the Council or a councilor or the Executive Officer.

There will be times that the Auditor needs Council consideration of

an ordinance or resolution to carry out the duties of the Office. Resolution No. 95-2077 on the Councils January 26, 1995 Agenda is an example of such a measure. To meet these situations the following language in Section 1. of Exhibit C to Resolution No. 95-2078 is suggested:

1. Introduction: An ordinance or resolution may be introduced by the Council, a Councilor or Councilors[, the Auditor,] or the Executive Officer. The Auditor may request a Councilor or the Executive Officer to introduce any ordinance or resolution necessary for the Auditor to carry out the duties of the Office of the Auditor. Each ordinance or resolution shall designate the person or persons introducing the ordinance or resolution.

Finally, there is language in Ordinance No. 95-583A and Resolution No. 95-2078 which relate to the ability of the Auditor to submit items for the Council agenda. In Section 2.01.060 of the Ordinance (Page 9 of the Agenda Packet) the reference is as follows:

"(b) The Presiding Officer shall establish the agenda from the agenda items submitted by the Councilors, Council committees, the Auditor, or the Executive Officer..."

Similar language is included in Section 3 of Exhibit D to Resolution No. 95-2078 (Page 51 of the Agenda Packet). If the Council determines that the Auditor can not introduce ordinances and resolutions, this language still appears to be appropriate since the Auditor should have access to the Council's agenda to make reports on the various audits completed.

If you have any questions or need additional information, please let me know.

cc: Metro Council  
Mike Burton, Executive Officer  
Alexis Dow, Auditor  
Dan Cooper, General Counsel  
Casey Short, Council Analyst



**METRO**

METRO COUNCIL MEETING  
January 26, 1995

Agenda Item No. 5.2

DATE: January 25, 1995  
TO: Metro Councilors  
FROM: Casey Short *CS*  
RE: Ordinance No. 95-583

At last week's Council meeting, the Council directed staff to prepare amendments to Ordinance 95-583 which would give you alternatives for determining who would become Presiding Officer if the position were vacated. The attached options provide two alternatives.

Option 1 would simply have the Deputy Presiding Officer become the Presiding Officer for the remainder of the year. Option 2 would have the Council elect a Presiding Officer to serve for the remainder of the year. Dan Cooper and I will be available to discuss this matter at the January 26 Council meeting.

STATUS OF DEPUTY PRESIDING OFFICER

Option 1: If vacancy in office of Presiding Officer, then Deputy becomes Presiding Officer for rest of year.

Amend Metro Code Section 2.01.010(c) to read:

(c) The Deputy Presiding Officer shall be the Acting Presiding Officer in the temporary absence or incapacity of the Presiding Officer, and will have the authority and perform the duties of the Presiding Officer, but shall not receive the salary of the Presiding Officer. In the event a vacancy exists in the office of Presiding Officer, the Deputy Presiding Officer shall become the Presiding Officer for the remainder of the year, and shall appoint a Councilor to serve as Deputy Presiding Officer.

**Option 2:**

If vacancy in office of Presiding Officer, then Council elects new Presiding Officer.

Amend Metro Code Section 2.01.010(c) to read as follows:

(c) The Deputy Presiding Officer shall be the Acting Presiding Officer in the temporary absence or incapacity of the Presiding Officer, and will have the authority and perform the duties of the Presiding Officer.

In the event a vacancy exists in the office of Presiding Officer, the Deputy Presiding Officer shall serve as the Acting Presiding Officer until the Council elects a new Presiding Officer. An Acting Presiding Officer shall not receive the salary of the Presiding Officer.

Amend Metro Code Section 2.01.010 by adding new subsection (f) to read as follows:

(f) In the event a vacancy exists in the office of Presiding Officer, the Council shall elect a Councilor to serve as Presiding Officer for the remainder of the year. The newly elected Presiding Officer shall appoint a Deputy Presiding Officer.





METRO

*Daniel B. Cooper*  
*Tele: (503) 797-1528*  
*FAX (503) 797-1792*

January 26, 1995

The Honorable Ruth McFarland  
Metro Council Presiding Officer  
600 N.E. Grand Avenue  
Portland, OR 97232

Re: Ordinance No. 95-583A  
Amending Chapter 2.01 of the Metro Code

Dear Presiding Officer McFarland:

You have asked me to review a memorandum you received dated January 25, 1995, from Don Carlson, Council analyst, on this subject.

As I indicated to you in our conversation on this subject, I do not believe the question of the intent of the 1992 Metro Charter on whether or not the Auditor should have the authority to introduce ordinances is as clear as Mr. Carlson states in his memorandum to you. While I have not reviewed the Charter Committee minutes in this regard, or considered other means of determining the intent of the Charter, I believe it is certainly possible to construe the Charter to conclude that the direction to introduce "recommendations for remedial action" could be read to include the intent to include proposed ordinances which would constitute such remedial action.

There is no question regarding the authority of the Council to, in its discretion, determine what, if anything, to do with any proposal for legislation it receives from either the Executive Officer, the Auditor, individual Council members, or private citizens.

In reviewing the provisions of Ordinance No. 95-583A that have been presented to the Council it does appear that Mr. Short and I were inconsistent in our drafting in that we did not include a reference to the Auditor in Section 2.01.070(c), but did include the Auditor in the language contained in Section 2.01.060(b).

The Honorable Ruth McFarland  
January 26, 1995  
Page 2

This oversight can be corrected by inserting the words "the Auditor" after the reference to "a Committee of the Council," and before the reference to "or the Executive Officer" in Section 2.01.070(c).

Yours very truly,



Daniel B. Cooper,  
General Counsel

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cc: Metro Council  
Mike Burton  
Alexis Dow  
Don Carlson  
Casey Short



## METRO

Date: January 24, 1995

To: Councilor McCaig, Finance Lead Councilor  
Councilor Monroe, Finance Support Councilor

From: Donald E. Carlson, <sup>DEC</sup> Council Analyst

Re: Resolution No. 95-2077 Authorizing the Auditor to Release  
a RFP and Execute a Contract for Independent Audit  
Services

This resolution does two things: 1) it authorizes the Auditor to release the request for proposal for independent financial audit services to potential proposers of the service; and 2) it authorizes the Auditor to execute a contract with the successful proposer. This process is set forth in the Metro Code as follows:

1. Section 2.04.032(d) requires the Executive Officer to provide during the annual budget process a list of proposed contracts to be entered into during the next fiscal year. The Council shall designate all listed contracts as "A" or "B". Contracts which are designated as "A" must have the RFP or RFB filed with the Council Clerk at least 35 days prior to the release for response by potential bidders. If the Council does not schedule the RFP for hearing within 14 days from the filing, the documents may be released to prospective bidders after the 14th day. This contract for audit services has been designated as an "A" contract in the FY 1994-95 Adopted Budget.
2. Section 2.04.033(a)(1) provides that the Council shall approve all "A" designated contracts which commit Metro the expenditure of appropriations not otherwise provided for in the current fiscal year budget at the time the contract is executed (multi-year contracts). This contract for audit services is for parts of three fiscal years (4/1/95 to 3/31/98).
3. Section 2.04.033(b) provides that all multi-year "A" contracts must have Council approval of the RFP or RFB documents prior to their release. It also provides that at the time of approval of the release of the RFP or RFB, the Council may waive the requirement of Council approval of the contract and authorize the Executive Officer to execute the contract subject to any conditions consistent

with Council contracting authorities. Resolution No. 95-2077 is written to approve release of the RFP and authorize approval of the contract.

Since Metro has a new elected Auditor and this is the start of a new relationship regarding the performance of Metro's annual financial audit several issues should be explored regarding the conduct of the annual financial audit.

1. What is the relationship of the independent auditors hired under the contract to the Metro Auditor, the Executive Officer/administrative staff, and the Metro Council. Does the Metro Council have direct access to the independent auditors or is the access through the Metro Auditor. This question is brought up because of past Councilor interest in periodically meeting with the independent auditors separate from the administrative staff.
2. Relating to the questions listed above, in the Proposed Scope of Work under the heading titled "Management Letter" (Page 5) the independent auditor is required to prepare recommendations to management and the Metro Auditor which include findings, observations opinions, comments or recommendations relating to the Metro financial system. Why aren't the recommendations made to the Council as was the case in prior year audits?
3. In the Proposed Scope of Work four reports are required from the independent auditor: 1) a report on the examination of the Comprehensive Annual Financial Report; 2) a Report on the Single Audit; 3) a Management Letter; and 4) the Summary of Revenue and Expenditures required by the Secretary of State. Why isn't the certification letter required by a Bond Covenant to the General Revenue Bonds included in the Scope of Work. Each three years the agency must have an independent certification that the assessments made to the various operating funds for the Building Management Fund are valid and proper. During last years budget process the Council indicated that such certification could be made as an extension of the work of the independent auditor rather than bid out a whole new contract. Because this years performance audit dealt with a review of the Cost Allocation Plan, the contract with Talbot Korvola and Warwick was extended to provide such certification letter. The next such letter will be needed in January of 1998 which is within the time of this proposed contract.
4. In the RFP under the section dealing with Other Conditions and Requirements (#15 on Page 11) the statement is made that \$75,000 is currently under consideration for audit fees in FY 1995-96. Why not state that the amount budgeted for audit fees in the

current fiscal year is \$65,000. The ten thousand dollar difference is an increase of 15.4% over the current year amount. Most respondents will probably propose total costs toward the \$75,000 figure. Why not state the \$65,000 figure and make the proposers state what they think the increase, if any, ought to be to do the work requested.

The Council in the past has adopted similar resolutions expediting the contracting process. Usually the expedited resolutions have set two conditions for waiving subsequent Council approval: 1) requiring the contract Scope of Work to be substantially similar to the Scope of Work in the RFP; and 2) setting a maximum amount of the contract. If either of the conditions cannot be met following the procurement process, the contract must be brought back to the Council for approval. Below is an amended "BE IT RESOLVED" which includes possible language setting forth the conditions mentioned above.

"That the Metro Council hereby authorizes the Auditor to release a Request for Proposals (RFP) for Independent Audit Services in substantial compliance with the attached document. [and subsequently] The Metro Council authorizes the Auditor to execute a contract with the most advantageous proposer subject to the following conditions:

a) the contract Scope of Work is not materially different than the Scope of Work included in the RFP; and

b) the total amount of the contract does not exceed \$221,000."

The amount suggested above starts with \$70,000 and increases 5% each of the two next years of the contract.

cc: Metro Council  
Alexis Dow, Metro Auditor  
Mike Burton, Executive Officer  
Jennifer Sims, Finance Director



**METRO**

**DATE:** January 26, 1995

**TO:** Metro Councilors  
Interested Parties

**FROM:** Marilyn Geary-Symons, Council Assistant

**RE:** Agenda Item No. 6.4 -- Resolution No. 95-2080A, For the Purpose of Accepting Nominees to the Metro Committee for Citizen Involvement (Metro CCI)

Attached you will find an amended version of Resolution No. 95-2080A.

The amendments proposed for your consideration are found accompanying the resolution in draft Exhibit A.

mgs\h:\council\95-2080A.mmo

## Staff Report

CONSIDERATION OF RESOLUTION NO. 95-2080A, FOR THE PURPOSE OF ACCEPTING NOMINEES TO THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT.

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Date: January 19, 1995

By: Judy Shioishi

### RESOLUTION NO. 95-2080 A -- PROPOSED AMENDMENT

Resolution No. 95-2080 would complete the membership of the Metro Committee for Citizen Involvement (MCCI), except for one position. Position 24 remained vacant as there were no applicants for this area. The seat is reserved for a resident of the portion of Washington County, outside of the Metro boundaries. A number of individuals volunteered to mount a special recruitment to fill this seat, and one application was received on Wednesday, January 18, 1995. This occurred well into the final phase of this round of the selection process.

Staff discussed the late arrival with Councilor McLain (Council Liaison to the MCCI) and noted that the next round of the selection process is not scheduled to occur until June. The possibility of including this late nomination with Resolution No. 95-2080, which is before you today, was then discussed. A full committee meeting of the MCCI was scheduled for the evening of the 18th, and the members of the nominating committee were expected to attend. Councilor McLain offered that as the Liaison to the committee she would be willing to propose this friendly amendment (Resolution No. 95-2080A) if all of the requirements for naming a member to the committee were completed in time.

The MCCI bylaws require that nominations will be forwarded from the nominating committee for consideration by Council. The members of the nominating committee convened after the full committee meeting and have unanimously approved this candidate for consideration by the Metro Council at their earliest convenience. Mr. Kenneth W. Buel's application for appointment to the Metro Committee for Citizen Involvement is included with this staff report and marked as "Attachment A".

A draft version of Exhibit A as proposed for amendment accompanies this resolution. The addition of Mr. Buel's name is indicated with an underline and light gray highlighting.

APPLICATION FOR APPOINTMENT TO  
METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI)

Interested in Appointment to Position(s) #: 24

The purpose of this form is to obtain general information for use in determining qualifications for nomination and appointment to the Metro Committee for Citizen Involvement (Metro CCI). Position descriptions are listed on the attached sheet. PLEASE COMPLETE AND RETURN THIS FORM to Judy Shiochi, Metro, 600 N.E. Grand Avenue, Portland, OR 97232. Please feel free to attach or enclose supplemental information or a recent resume which more fully details your involvement in volunteer activities, public affairs, civic services, affiliations, etc.

Applicants may nominate themselves but are also encouraged to attach nominations from community organizations. One purpose of the Metro CCI is to develop a community organization network in which to share information about Metro.

## PERSONAL DATA

Name: Buelt Kenneth W  
(Please type or print last name, first name, middle initial)

Residence Address: 7855 NW Milne Rd  
(include county) Cornelius OR 97113

Mailing Address: Washington Co.  
(if different)

Occupation: Farm

Phone Numbers: 648-1490  
(Home) (Business) (Other)

Why are you interested in serving on the Metro CCI? Having  
been involved in various committees in  
the state & local governments  
dealing with roads, land use,  
farm labor I feel metro can and should  
set the tone for the tri-county area and  
would like to have input into the process



Community Service Activities/Honors:

Member Metro Board, Chair Wash Co Trans  
Bureau, Member of WSSAC (Unified Sewerage  
Sludge Advisory Committee)

Educational Background:

OPTIONAL

Nominating Group:

On a separate sheet please include the name of the organization, a contact person, address and phone number, and a brief description of the applicant's connection with the organization and why the applicant is deserving of such nomination.

As a resident of either Clackamas, Multnomah or Washington Counties I affirm that all information is true to the best of my knowledge. I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification of my application, disqualification from appointment, or dismissal from the Metro CCI once appointed.

I understand that appointment to this committee will involve a substantial time commitment, including regular, special and sub-committee meetings, and am willing to make such a commitment.

1-10-95  
(Date)

x Kenneth W. Buel  
(Signature)

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ACCEPTING ) RESOLUTION NO. 95-2080 A  
NOMINEES TO THE METRO COMMITTEE )  
FOR CITIZEN INVOLVEMENT (METRO CCI) ) Introduced by Councilor Susan McLain  
) Council Liaison to the Metro  
) Committee for Citizen Involvement

WHEREAS, The Metro Council adopted the Regional Urban Growth Goals and Objectives (RUGGOs) on September 26, 1991 by Ordinance 91-418B; and

WHEREAS, A partnership is described therein between Metro, citizens, cities, counties, special districts, school districts, and state and regional agencies to work together in this planning process; and

WHEREAS, Citizen Participation is included in the RUGGOs as the first objective under Goal 1, the Regional Planning Process; and

WHEREAS, Objective 1.1 states that Metro shall establish a Regional Citizen Involvement Coordinating Committee (RCICC) to assist with the development, implementation and evaluation of its citizen involvement program, and

WHEREAS, a committee was formed to draft, develop, solicit comments upon, and revise, a set of bylaws to establish the RCICC; and

WHEREAS, These bylaws identify the committee as the Metro Committee for Citizen Involvement (Metro CCI); and

WHEREAS, These bylaws have been adopted by the Metro Council by Resolution No. 92-1580A on May 28, 1992; and subsequently revised three times, most recently by Resolution 94-1986 on November 22, 1994; and

WHEREAS, The Metro Charter called for the creation of an Office of Citizen Involvement, and the establishment of a citizens committee therein; and

WHEREAS, The Metro Council created said Office and established the Metro CCI as the citizen committee within that Office, by adopting Ordinance No. 93-479A,

WHEREAS, The Metro Council accepted the initial membership of the Metro CCI by Resolution No. 92-1666 on August 27, 1992 with subsequent rounds of applicants approved by Resolution No. 92-1702 on October 20, 1992; Resolution No. 92-1763 on February 25, 1993;

Resolution No. 93-1859 on October 15, 1993; Resolution No. 93-1882 on December 23, 1993; Resolution No. 94-1899 on February 24, 1994; Resolution No. 94-2048 on November 10, 1994; and Resolution No. 95-2071 A on January 12, 1995, and

WHEREAS, This portion of the selection process for nomination to the Metro CCI has been initiated, resulting in the nominations of individuals indicated in Exhibit A; now, therefore,

BE IT RESOLVED,

That the Metro Council accepts the persons nominated for membership on the Metro Committee for Citizen Involvement (Metro CCI) identified in Exhibit A attached to this resolution.

ADOPTED BY THE METRO COUNCIL this \_\_\_\_ day of \_\_\_\_\_, 1995.

---

J. Ruth McFarland, Presiding Officer

**EXHIBIT A**  
**METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI)**  
**POSITION DESCRIPTIONS & NOMINEES TO FILL VACANT POSITIONS**

January 19, 1995

**RESIDING WITHIN METRO COUNCIL DISTRICTS:**

**District 1**

Resides within Metro Council district #1.

Position 1

Position 2

Position 3

**District 2**

Resides within Metro Council district #2.

Position 4

Position 5

Position 6

**District 3**

Resides within Metro Council district #3. Three positions are open with different lengths of terms.

Position 7 Term Expires: 12/97

Position 8 Term Expires: 12/96

Position 9 Term Expires: 12/95

Holly K. Isaak

Debra Downey

Ronald G. Repp

18345 SW Salix Ridge

7041 SW Montauk Circle

14865 SW 89th Court

Beaverton, OR 97006

Lake Oswego, OR 97035

Tigard, OR 97224

**District 4**

Resides within Metro Council district #4.

Position 10

Position 11

Position 12

**District 5**

Resides within Metro Council district #5.

Position 13

Position 14

Position 15

**District 6**

Resides within Metro Council district #6.

Position 16

Position 17

Position 18

**District 7**

Resides within Metro Council district #7.

Position 19

Position 20

Position 21

**RESIDING IN THE TRI-COUNTY AREA, OUTSIDE METRO BOUNDARIES**

**Clackamas County Outside Metro Boundaries**

Resides within Multnomah County, outside of the Metro boundaries. Position 22

**Multnomah County Outside Metro Boundaries**

Resides within Multnomah County, outside of the Metro boundaries. Position 23

**Washington County Outside Metro Boundaries**

Resides within Washington County, outside of the Metro boundaries. Position 24

Term Expires: 12/96

**Kenneth W. Buelt**

**7855 NW Milne Rd**

**Cornelius, OR 97113**

**CITIZEN INVOLVEMENT COMMITTEE REPRESENTATIVES**

**Clackamas County Committee for Citizen Involvement**

Represents the Clackamas County Committee for Citizen Involvement. Position 25

**Multnomah County Committee for Citizen Involvement**

Represents the Multnomah County Committee for Citizen Involvement. Position 26

**Washington County Committee for Citizen Involvement**

Represents the Washington County Committee for Citizen Involvement. Position 27



## METRO

Date: January 26, 1995

To: Patricia McCaig, Finance Lead Councilor  
Rod Monroe, Finance Support Councilor

From: Donald E. Carlson, <sup>DEC</sup> Council Analyst

Re: Resolution No. 95-2077--Possible Amendments to the RFP

In my memo dated January 24, 1995 regarding the RFP and contract for Financial Audit Services, I raised several questions regarding the RFP which might lead to proposed changes in the RFP for Council consideration. I neglected to suggest any possible language for consideration in that earlier memo. Below are suggestions for possible changes:

- A. On page 5 of the RFP (Page 83 of the Agenda Packet) in the section titled "Management Letter" insert the following language in the first line after the word "management"--, the Metro Council, (See Exhibit A attached).
- B. On page 5 of the RFP (Page 83 of the Agenda Packet) insert the following language at the end of the Page as a new bullated section--

General Revenue Bond Covenant Certification Letter

After January 1, 1998, review Metro's method of determining Department Assessments under General Revenue Bond covenants, as required by Ordinance No. 91-439, Section 501(c) and provide a report of that review before March 1, 1998, including any recommendations for improvements. (See Exhibit A attached)

- C. On page 11 of the RFP (Page 89 of the Agenda Packet) change the language in No. 15 to read as follows--

The amount currently budgeted for audit fees in the fiscal year 1994-95 Adopted Budget is \$65,000. (See Exhibit B attached)

If you have any questions or need additional information, please let me know.

cc: Metro Council  
Alexis Dow, Auditor  
95-2077.memo2