

RESOLUTION NO. 4301

A RESOLUTION ACCEPTING THE 2000-2001 CITY OF CORVALLIS INTERGOVERNMENTAL AGREEMENT FOR THE LINN-BENTON LOOP TRANSIT SYSTEM FUNDING.

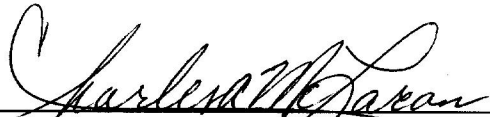
WHEREAS, the City of Corvallis has submitted the 2000-2001 annual funding support agreement for the Linn-Benton Loop Transit System; and

WHEREAS, the City of Albany is the service provider for the Linn-Benton Loop Transit System.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany accepts the City of Corvallis funding support agreement in the amount of \$12,200 for operating expenses for the Linn-Benton Loop Transit System for fiscal year 2000-2001; and

BE IT FURTHER RESOLVED that the City Council of the City of Albany, Oregon, accepts these funds and authorizes the City Manager to execute the agreement and conditions for their acceptance.

DATED THIS 28TH DAY OF JUNE 2000.



Mayor

ATTEST:



City Recorder

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is entered into this 28 day of June, 2000, by and between the CITY OF CORVALLIS, hereinafter referred to as "Corvallis", and the CITY OF ALBANY, hereinafter referred to as "Albany", the promises of each being given in consideration of the promises of the other.

WHEREAS, Albany is the operator of the Linn-Benton Loop Transit System, which provides an economical, effective, and responsive public transit system between Albany and Corvallis; and

WHEREAS, the Linn-Benton Loop is a cooperative effort of Albany, Corvallis, Linn-Benton Community College, Benton County, and Linn County; and

WHEREAS, Corvallis desires to continue to participate in this cooperative effort to provide a transportation alternative for Corvallis residents desiring to travel to Albany and Linn-Benton Community College;

NOW, THEREFORE, the parties agree as follows:

1. Compensation. Corvallis shall pay \$12,200 to CITY OF ALBANY in twelve equal monthly payments of \$1,016.67 each beginning July 1, 2000 and continuing during the term of the contract.

2. Purpose. Albany shall use these funds to offset operating expenses of the Linn-Benton Loop Transit System.

3. Term. The period of this Agreement is from July 1, 2000 through June 30, 2001.

4. Loop Commission. Corvallis through this payment becomes a member of the Linn-Benton Loop Transit Commission; and the rules for that Commission are attached hereto as Exhibit A and by this reference are incorporated into and made a part of this agreement.

5. Living Wage. Albany agrees to comply with Corvallis Municipal Code Chapter 1.25 establishing and implementing the Living Wage, a copy of which is attached as Exhibit B and by this reference is incorporated into and made a part of this agreement.

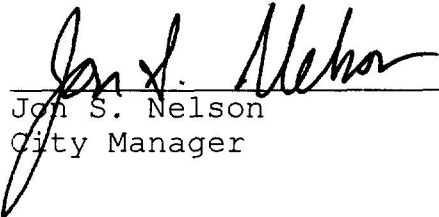
6. Each party shall indemnify and hold harmless the other from any suits or damages caused by the negligent actions or omissions of its employees or agents. Nothing in this hold harmless condition shall be deemed to create a liability in excess of the Oregon Tort Claims limits for either party. Albany shall maintain general and automobile liability insurance meeting or exceeding the amounts stated in ORS 30.260 through 30.300 as now exists or as may be hereinafter amended. Such insurance shall name the City of Corvallis and Linn-Benton Transit Loop Commission as additional insureds, but only with respect to Albany's services to be provided under this Agreement.

7. The parties shall not discriminate on the basis of race, religion, sex, color, age, source of income, sexual orientation, or national origin in the performance of this contract.


In witness whereof the parties hereto affix their signatures below.

CITY OF CORVALLIS, OREGON

CITY OF ALBANY, OREGON



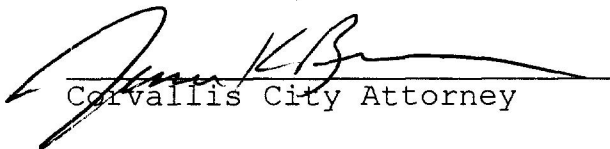
Jon S. Nelson
City Manager



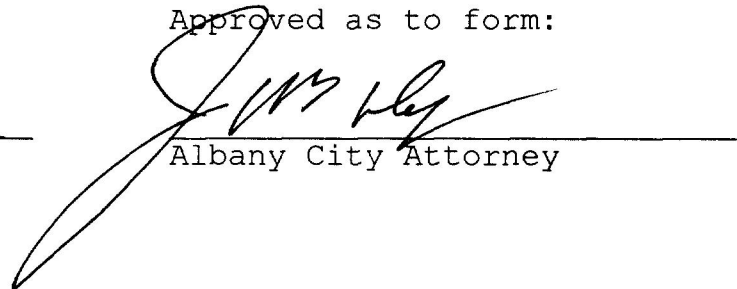
Steve Bryant
City Manager

Approved as to form:

Approved as to form:



Corvallis City Attorney



Albany City Attorney

OPERATING RULES
FOR THE
LINN-BENTON LOOP TRANSIT COMMISSION

The Rules for the Linn-Benton Loop Transit Commission are comprised of four (4) Articles.

- ARTICLE I – GENERAL
- ARTICLE II – ORGANIZATION
- ARTICLE III – BUDGET AND FINANCE
- ARTICLE IV – AMENDMENTS AND UPDATING PROCESS

The Name of the Organization shall be the Linn-Benton Loop Transit System.

The Linn-Benton Loop Transit Commission hereinafter shall be referred to as the “Commission.”

ARTICLE I – GENERAL

Six (6) Sections introduce the Rules of the Linn-Benton Loop Transit Administrative and Advisory Committee:

- Section 1. Membership
- Section 2. Purpose-Goals-Objectives
- Section 3. Transit Commission Rules
- Section 4. Voting Process
- Section 5. Meetings
- Section 6. Equipment ownership and use

Section 1. Membership

Member Agencies shall be limited to those local governmental agencies contributing prorata financial support to the operation and maintenance of the Transit System.

The Commission shall be made up by two (2) people from each Member Agency who shall represent their respective Agency.

- One (1) Elected or Appointed Official or Citizen-at-Large from each Member Agency
- One (1) Staff Person from each Member Agency

Section 2. Purpose-Goals-Objectives

- a. The Purpose of the Linn-Benton Loop Transit System is to provide a public transit system linking the citizens of participating local governments.
- b. The Purpose (Mission) of the Commission is to establish and implement policies and procedures, and to administer the contract to operate the Linn-Benton Loop Transit System. The Commission oversees operation issues.

- c. The Goals for the Commission are to provide an economical, efficient, and responsive regional transit service.
- d. The Specific Objectives of the Commission are to:
 - 1. Refine operations.
 - 2. Encourage more ridership.
 - 3. Expand services as resources become available.
 - 4. Improve present financial program.
 - 5. Identify and secure new funding sources.

Section 3. Loop Transit Rules

The Transit System Rules, as approved or modified, shall be reviewed bi-annually before the first of July or as needed. Necessary changes to accommodate changed conditions will become effective on July 1, or at the appropriate date during the fiscal operating year.

Section 4. Voting Process

All Members of the Loop Transit Commission representing Member Agencies shall be eligible to vote. Fifty percent (50%) of the official membership shall be a quorum. Motions shall be passed by an affirmative vote of fifty percent (50%) of the official membership.

Section 5. Meetings

The Loop Transit Commission shall hold regular quarterly meetings (January, April, July, and October) during the second week of that month. Special meetings may be conducted at any time a specific need arises by order of the Chairperson or Vice Chairperson. Ten days written advance notice shall be given for required and special meetings. An emergency meeting may be called by the Chairperson or Vice Chairperson upon 24-hour notice.

Section 6. Vehicle/Equipment Ownership and Use

- a. As defined in the Interagency Cooperative Agreement, vehicles and equipment purchased with Transit money and titled to the designated System Operator, shall remain the personal property of the Linn-Benton Loop Transit System.
- b. Vehicles and equipment purchased with Transit money shall be used only for the Linn-Benton Loop Transit System unless special use permission is granted by the Commission.

ARTICLE II - ORGANIZATION

Five (5) Sections describe the Organization for the Linn-Benton Loop Transit System:

- Section 1. Member Agencies
- Section 2. Loop Transit Commission
- Section 3. Loop Transit System Operator
- Section 4. System Operator Agreement
- Section 5. Election of Officers.

Section 1. Member Agencies

Each Member Agency shall:

- a. Authorize Member Agency participation
- b. Appoint Members to the Commission
- c. Authorize Agency financial involvement

Section 2. Loop Transit Commission

The Linn-Benton Loop Transit Commission shall:

- a. Establish and administer the policies of the Linn-Benton Loop Transit System.
- b. Establish Agency financial obligation.
- c. Conduct meetings.
- d. Seek and consider input that will improve transportation services to the public.
- e. Review operation reports.
- f. Review and approve system budget.
- g. Review and approve system operation standards.
- h. The Commission may terminate operations at any time there is insufficient funds for continued operation without incurring a deficit. Operating Deficit shall mean the actual deficiency of system operating funds from all sources.

Section 3. Loop Transit System Operator

The System Operator shall be that Agency or Organization, designated by the Commission, to operate and maintain the Linn-Benton Loop Transit System.

The Loop Transit System Operator shall provide or cause to be provided the personnel, facilities, vehicles, and resources necessary for operations, maintenance, and management of the Transit System. Responsibilities include:

- a. Supervise and direct transit operations.
- b. Maintain complete and accurate fiscal and program records for the Transit System.
- c. Prepare and submit operations reports quarterly to the Commission.
- d. Pursue funding from all potential sources including federal, state, and local funding.

- e. Provide for collecting revenues and for the distribution of funds for the Transit System.
- f. Prepare and submit an Operating Budget to the Commission for review and approval (see Article III – Budget and Finance).
- g. Prepare and submit Operational Standards to the Commission for their approval:
 1. Fares
 2. Routes
 3. Schedules
 4. Marketing
 5. Others as appropriate
- h. Promptly notify the Commission of revenue (financial) shortfall and work with the Commission to prepare a financial action plan.
- i. The Loop Transit System Operator shall designate one person on their full-time staff to be their Transit System Manager.

Section 4. System Operator Agreement

A System Operating Agreement shall be prepared and submitted to the Loop Transit system Operator. The agreement shall contain an Agreement Statement identifying the Loop System Operator, the Member Agencies, and the Commission. The agreement shall refer to these Rules and contain the following:

- a. Effective date
- b. Term
- c. Designation of System Operator
- d. Responsibility of System Operator
- e. Responsibility of Member Agencies
- f. Budget and Financial Planning
- g. Termination
- h. Amendment/Modification
- i. Insurance
- j. Insolvency
- k. Disputes
- l. Waiver
- m. Witness and signatures
- n. Financing

Section 5. Election of Officers

- a. The Officers for the Commission shall be a Chairperson and Vice Chairperson.
- b. Annual Elections shall be held at the October quarterly Meeting. The term of office shall be for one year beginning January 1.
- c. Eligibility shall be limited to two (2) consecutive terms.
- e. The Chairperson shall arrange for secretarial services.
- f. A vacancy in either office may be filled by an appointment of the Commission to serve out the term.

- g. New officers or subcommittees can be created at any time to meet a special need. Terms shall be determined to accomplish the task. Subcommittees may include non-members.

ARTICLE III – BUDGET AND FINANCE

Two (2) Sections describe the budget and finance program:

Section 1. System Operating Budget

Section 2. Billing

Section 1. System Operating Budget

- a. The System Operator shall prepare an Annual System Financial Plan projecting funding resources based on anticipated grant and funding programs, fare box revenues, fees and other sources.
- b. The System Operator shall prepare an Annual Operating Budget based on anticipated resources and expenses. A tentative System Operating Budget shall be submitted to the Commission for review at the regular January meeting. Expenses, as listed in the System Operating Budget, shall be the expenses necessary to effectively operate the Loop Transit System.
- c. Member Agency financial obligation shall be submitted to the Member Agencies in the form of an Agreement for Financial Participation early in February.
- d. Tentative System Operating Budget shall be adopted at the April regular Commission meeting, subject to final adoption by Member Agencies of their financial obligation as referenced in Article III, Section 1, b and c above.
- e. Any revisions to the System Operating Budget shall be acted upon at the regular July Commission meeting.

Section 2. Billing

- a. An Annual System Operating Financial Agreement will be prepared for each Member Agency indicating financial obligation.
- b. A Billing Statement will be sent to each Member Agency after July 1. Fees shall be due and payable before September 1, or as agreed upon between the System Operator and the individual Member Agency.

ARTICLE IV – AMENDMENTS AND UPDATING PROCESS

This Article will identify those objectives and tasks necessary to evaluate the efforts of the Commission and the System Operator to keep these rules up-to-date and effective.

Section 1. Evaluation

Section 2. Revision and Updating

Section 1. Evaluation

Periodic evaluation will provide better utilization of time, talent, and resources. The evaluation process involves a measure of actual accomplishments. Evaluation will reveal problems encountered, potential solutions, and recommended future action. Evaluation shall include, but not limited to:

- a. Period of evaluation
- b. Specific objectives
- c. Accomplishments
- d. Problems encountered
- e. Potential solutions
- f. Recommended actions

Section 2. Revision and Updating

These Rules may be changed by a simple majority vote of the full Commission Membership. A Commission-appointed Subcommittee shall prepare a plan of action for revisions and updating the Articles and Section of these Rules and determine the time necessary and establish a date of completion.

Accepted this _____ day of _____ 1999, by a majority vote of the Linn-Benton Loop Transit Commission members.

Stephan Friedt, Chairperson
Linn-Benton Loop Transit Commission

ORDINANCE 2000-07

AN ORDINANCE ESTABLISHING A LIVING WAGE, AMENDING INITIATIVE 02-80, ESTABLISHING A NEW CHAPTER OF THE CORVALLIS MUNICIPAL CODE (1.25) AND DECLARING AN EMERGENCY

Section 1. Corvallis Municipal Code Chapter 1.25, section 010, is adopted as follows

1.25.010 Title.

This Chapter shall be known and may be cited as the Living Wage Chapter of the City of Corvallis Municipal Code.

Section 2. Corvallis Municipal Code Chapter 1.25, section 020, is adopted as follows

1.25.020 Purpose.

This Chapter implements the Living Wage initiative 02-80 approved by voters on November 2, 1999.

Section 3. Corvallis Municipal Code Chapter 1.25, section 030, is adopted as follows

1.25.030 Definitions.

In this Chapter the following definitions shall apply:

1) Apprentice - A person who has completed formal professional training, and is undergoing on-the-job training in an official apprenticeship program prior to being able to work independently;

2) Consumer Price Index/CPI - The Bureau of Labor and Statistics change in the National Consumer Price Index - All Wage Earners (CPI-W). The December, 1999 CPI-W of 165.1 will be the base year;

3) Contract for services - All services provided by a contractor to the City of Corvallis which are for services or work normally offered by a governmental entity. These contracts provide services that directly advance the work of the City of Corvallis. These contracts do not include contracts for the purchase of goods, materials or supplies;

4) Employee - A person working for an employer for whom the employer withholds federal or State income taxes;

5) Financial assistance - Any monies given to any person or organization to provide a service which is not a service normally offered by the City. This includes grants provided through the annual allocation processes to social service agencies and economic development services;

6) Goods - Any tangible item which is expected to be used until depleted or until it no longer has value; materials, supplies, and capital outlay are considered to be goods for the purposes of this Chapter;

7) Intern - A person who receives job training in conjunction with an educational program; interns can be paid or unpaid personnel;

8) Living Wage - A wage, or a combination of wages and health benefits, which totals at least \$9 per hour, as adjusted annually by the CPI-W;

9) Medical benefits - A benefit or combination of benefits that provide medical, dental, vision, or long-term disability insurance, or an Internal Revenue Service Chapter 125 cafeteria benefits plan.

10) Small independent contractor - A company owned and operated by not more than five people with no employees other than the owners and operators;

11) Student - A person who spends more than four hours per day in an educational program;

12) Support staff/indirect employees - A person or group of people who provide support services to the contractor and do not work specifically on any given contract; these positions include, but are not limited to, receptionists, secretaries, mail clerks.

13) Volunteer - A person who agrees to work for a government agency or non-profit entity without accepting any remuneration except monies to cover direct out-of-pocket expenses such as mileage or meals;

14) Youth employment - A program where students are hired for temporary work weekdays after school, weekends, or during the summer when school is out of session.

Section 4. Corvallis Municipal Code Chapter 1.25, section 040, is adopted as follows

1.25.040 Application of the Living Wage.

1) The "Living Wage" shall apply to employees working for a contractor which has a contract for services in excess of \$10,000 in any given 12 month period. If the contract is for multiple years, then the \$10,000 threshold shall apply based on the City's fiscal year.

2) The Living Wage shall apply only to contracts for services. Contracts for the purchase of goods are not included.

3) The Living Wage shall apply only to employees of the contractor who actually work on the City's contract, and only during the time that the employee is working on the City's project.

4) The Living Wage shall be adjusted annually by the CPI-W. The annual adjustment will be based on the period from December 31 in one year and ending December 31 of the next successive year. The calculation will be Current Year CPI / Base Year CPI * Base Year Wage = CPI Adjusted Living Wage. The CPI adjustment will go into effect for all wages earned after June 30 of the year following the year of the CPI calculation.

Section 5. Corvallis Municipal Code Chapter 1.25, section 050, is adopted as follows

1.25.050 Exceptions.

Exceptions to the requirement for a contractor to pay the Living Wage are:

- 1) Employees who are hired through a youth employment program or as student workers;
- 2) Interns who participate in an established educational internship program;
- 3) Apprentices working in an approved apprenticeship program;
- 4) Volunteers working without pay;
- 5) Small independent contractors;
- 6) Employees working in a non-profit Qualified Rehabilitation Facility as defined in ORS 279;
- 7) Support staff or indirect employees;
- 8) Employees working for agencies which receive Financial Assistance from the City.

Section 6. Corvallis Municipal Code Chapter 1.25, section 060, is adopted as follows

1.25.060 Method for calculating value of a wage and benefit package.

A contractor shall pay employees an hourly wage, or a combination of wage and medical benefits, which equals the Living Wage as adjusted by the CPI-W annually. If the combination of wage and medical benefits is used, the following methodology must be used to calculate the value of the medical benefits:

- 1) The dollar value of the employer's monthly contribution toward medical benefits divided by the average number of hours the employee works in a month.
- 2) If the health insurance or 125 Plan have an employee co-pay, the employee's monthly co-pay amount shall be deducted from the employer's monthly contribution prior to calculating the value of medical benefits.
- 3) If medical benefits are offered by the employer, but the employee declines the benefits, the Living Wage shall be the hourly wage paid to the employee, not a combination of the hourly wage and declined benefits.

Section 7. Corvallis Municipal Code Chapter 1.25, section 070, is adopted as follows

1.25.070 Record keeping.

1) Employers to whom this ordinance applies shall keep records of all employees who work on City of Corvallis projects, the number of hours that are worked, the wages paid, and the level of medical benefits provided by the employer and used by the employee while working on City of Corvallis projects.

2) Employers shall provide these records and all related payroll records, including payroll tax filings and tax returns, for City of Corvallis inspection within 15 calendar days of a request by the City for such records.

3) Employers are required to post information about the Living Wage in an area where employees may easily review the information. The City of Corvallis will provide the information employers are required to post.

Section 8. Corvallis Municipal Code Chapter 1.25, section 080, is adopted as follows

1.25.080 Complaint Process.

1) Employees who believe that they have not been paid a Living Wage for the time that they worked on City of Corvallis projects may file a written complaint with the City of Corvallis, City Manager or his/her designee.

2) Within five working days, the City shall request in writing records for the City's inspection from the employer. The City may also request pay stubs, or copies of paychecks from the complaining individual.

3) City staff will audit the payroll records and the employee's records for compliance with the City's Living Wage chapter of the Corvallis Municipal Code. The audit report will outline and detail all findings of non-compliance with the City's Living Wage Ordinance. The audit report will be given to the contractor and the City Manager or his/her designee.

Section 9. Corvallis Municipal Code Chapter 1.25, section 090, is adopted as follows

1.25.090 Penalties

1) Contractors who are found to be in violation of this section of the Municipal Code based on the audit identified in section 1.25.080 of the code will have 15 calendar days to correct any violations, including paying employees the Living Wage retroactively to the beginning of the contract term. If the violations are not corrected within 15 calendar days the City will terminate the current contract for the public good and disqualify the contractor from doing business with the City for one year.

2) A contractor who is found to be in violation of the Living Wage more than one time, and who fails to correct the violation with 15 days, shall be barred from doing business with the City for five years.

3) Liability for payment of the Living Wage rests solely with the contractor. The City shall not be held liable for any incorrectly paid amounts.

4) The employee or the employer may appeal staff's findings that a violation of the Living Wage had occurred in writing to the City Manager within 15 calendar days. The appeal must state why the employee or employer believes staff's findings were in error, and must include any documents available to support their appeal.

Section 10. Corvallis Municipal Code Chapter 1.25, section 100, is adopted as follows

1.25.100 Severability.

If any phrase, clause, sentence, paragraph, subsection, or section of the Chapter is declared by a court of competent jurisdiction to be invalid or unconstitutional, the declaration shall not affect the validity of the remaining portion of this code.

Section 11. Corvallis Municipal Code Chapter 1.25, section 110, is adopted as follows

1.25.110 Declaration of emergency.

The general welfare of the public will be promoted if these provisions take effect immediately. Therefore an emergency is declared and this ordinance shall take effect immediately upon its passage by the City Council and its approval by the Mayor.

Passed by the City Council this Third day of April, 2000.

Approved by the Mayor this Third day of April, 2000.

Effective this Third day of April, 2000.

/s/

Mayor

ATTEST:

/s/

City Recorder