

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: March 18, 1999
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. EXECUTIVE OFFICER COMMUNICATIONS

4. AUDITOR COMMUNICATIONS

5. MPAC COMMUNICATIONS

6. METRO LEGISLATIVE UPDATE

PacWest

7. CONSENT AGENDA

7.1 Consideration of Minutes for the March 11, 1999 Metro Council Regular Meeting.

8. ORDINANCES - SECOND READING

8.1 **Ordinance No. 99-793, For the Purpose of Adopting the Annual Budget for Fiscal Year 1999-00, Making Appropriations, and Levying Ad Valorem Taxes; and Declaring an Emergency. (CONSIDERATION OF AMENDMENTS AND PUBLIC HEARING)**

- Council Office
- Auditor's Office
- Executive Office
- Office of General Counsel
- Administrative Services
- Human Resources
- Regional Parks and Greenspaces
- Miscellaneous funds

9. RESOLUTIONS

- 9.1 Resolution No. 99-2769-For the Purpose of Authorizing a Notice of Withdrawal of Ordinance No. 98-788C, for Reconsideration.

McLain

10. COUNCILOR COMMUNICATIONS

ADJOURN

CABLE VIEWERS: Council Meetings, the second and fourth Thursdays of the month are shown on City Net 30 (Paragon and TCI Cablevision) the first Sunday after the meeting at 8:30 p.m. The entire meeting is also shown again on the second Monday after the meeting at 2:00 p.m. on City Net 30. The meeting is also shown on Channel 11 (Community Access Network) the first Monday after the meeting at 4:00 p.m. The first and third Thursdays of the month are shown on Channel 11 the Friday after the meeting at 2:00 p.m. and the first Sunday and Wednesday after the meeting on Channels 21 & 30 at 7:00 p.m.

PUBLIC HEARINGS: Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public. Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Consideration of the March 11, 1999 Metro Council Meeting minutes.

**Metro Council Meeting
Thursday, March 18, 1999
Council Chamber**

MINUTES OF THE METRO COUNCIL MEETING

March 11, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent: None

Presiding Officer Monroe convened the Regular Council Meeting at 2:03 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

Alexis Dow, Metro Auditor, presented the Financial Statement Auditor Communications, required by professional standards. The Financial Statement Auditor Communications included information presented by Ms. Dow and may be found included in the meeting record.

5. MPAC COMMUNICATION

Councilor McLain reported that the most recent Metro Policy Advisory Committee (MPAC) meeting focused on the amendments to Chapter 3 of the Metro Code. MPAC referred the amendments to the Metro Technical Advisory Committee (MTAC). The issue would return to Growth Management Committee, who would then listen to MPAC and MTAC recommendations, before it was forwarded to the full Council for a decision.

Councilor McLain said MPAC also discussed the Land Use Board of Appeals (LUBA) decision, and voted unanimously that the Council should appeal.

6. METRO LEGISLATIVE UPDATE

Jeff Stone, Chief of Staff, said he had nothing to report since the informal Council-Executive Office meeting Tuesday.

Councilor McLain said it was announced at MPAC that a bill will be printed addressing Metro's jurisdictional boundary issue. She asked for an update.

Mr. Stone said he knew the bill was being printed, but he had not yet obtained a copy. He said he would distribute copies to the Council as soon as possible.

Presiding Officer Monroe asked for an update on the prison siting.

Mr. Stone said there was nothing new to report.

7. CONSENT AGENDA

7.1 Consideration meeting minutes of the March 4, 1999, Regular Council Meeting.

Motion: **Councilor Atherton** moved to adopt the meeting minutes of March 4, 1999, Regular Council Meeting.

Seconded: **Councilor Park** seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

8. RESOLUTIONS

8.1 **Resolution No. 99-2759**, For the Purpose of Completing Appointments to the Affordable Housing Technical Advisory Committee; and Confirming the Chair and Vice Chair.

Motion: **Councilor Bragdon** moved to adopt Resolution No. 99-2759.

Seconded: **Councilor McLain** seconded the motion.

Councilor Bragdon presented Resolution No. 99-2759. A staff report to the resolution included information presented by Councilor Bragdon and may be found included in the meeting record. An updated version of Attachment B was also included in the meeting record.

Councilor Atherton asked if Commissioner Diane Linn, Multnomah County, was nominated for chair by the Affordable Housing Technical Advisory Committee (H-TAC). He asked if Jeffrey Condit chose not to continue as chair.

Councilor Bragdon said Resolution No. 99-2759 also appointed Mr. Condit as vice chair, and Commissioner Erik Sten as the representative for City of Portland.

Councilor Atherton said Mr. Condit was not an elected official, and that it could be valuable for the chair of an advisory committee to not be an elected official. He said Mr. Condit was well known for staying on process and not being part of the task at hand.

Councilor Washington noted the misspelling of Margaret Van Vliet's name on item 27 of Attachment B to the resolution. He asked Larry Shaw, Assistant Legal Counsel, if the resolution needed to reflect that a Metro Councilor served as an *ex-officio* member of H-TAC.

Councilor Bragdon said Councilor Washington designation was Council liaison to H-TAC.

Presiding Officer Monroe said it was an appointed position by the presiding officer, and Councilor Washington had been appointed. He said the position did not need to be listed in the resolution.

Councilor Kvistad asked if the City of Portland was not represented on H-TAC, as stated in the fifth paragraph of the resolution.

Councilor Bragdon said he believed the appointment was changed when Portland changed the portfolios at city hall and Commissioner Sten became responsible for that bureau. Councilor Bragdon said H-TAC had formed two subcommittees under Commissioner Linn's leadership, one to look at production of affordable housing and the other to mathematical matters with regard to fair share.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(h), TO CONSULT WITH LEGAL COUNSEL CONCERNING THE LEGAL RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO CURRENT LITIGATION.

Presiding Officer Monroe opened an executive session, pursuant to ORS 192.660(1)(h) to discuss Resolution No. 99-2768.

Present: Presiding Officer Monroe, Councilor McLain, Councilor Park, Councilor Atherton, Councilor Kvistad, Councilor Washington, Councilor Bragdon, Mark Turpel, Growth Management Services, Mike Burton, Metro Executive Officer, Alexis Dow, Metro Auditor, and members of her department, Karen Blauer, Executive Office, Ray Valone, Growth Management Services, members of the media

Presiding Officer Monroe closed the executive session.

8.2 Resolution No. 99-2768, For the Purpose of Authorizing an Appeal of the Decision of the Land Use Board of Appeals regarding the Metro Designation of Urban Reserves.

Motion: Councilor McLain moved to adopt Resolution No. 99-2768.

Seconded: Councilor Kvistad seconded the motion.

Councilor McLain presented Resolution No. 99-2768. Resolution No. 99-2768 was passed out of Growth Management Committee on March 9, 1999, by a 3-0 vote. The purpose of the resolution was to gather needed information. The Council needed broad clarity on the meaning of the urban reserve ruling. This was the first time such a case had gone before LUBA, and there were many questions, and the 152-page LUBA ruling left many questions. She said Metro would benefit from answers to the following questions: 1) what did the 2040 Growth Concept and the Regional Urban Goals and Objectives (RUGGO) mean as they relate to the urban reserve rule, 2) what kind of finding would LUBA consider adequate, 3) how far could the key concepts in the 2040 Growth Concept and RUGGO be carried as they relate to the urban reserve rule, 4) what exactly was LUBA's findings on the issue of severability. She said there appeared to be internal inconsistencies within LUBA's findings, in which LUBA supported both sides of the issue without answering how it would solve the issue, such as the criteria of exception applications. She said two people reviewed Metro's urban reserve decision, which was the result of many years of work by many people. She said it would be irresponsible of the Council not to receive more clarity on LUBA's decision.

Motion to

Amend: Councilor Park moved to amend Resolution No. 99-2768 as follows:
NOW THEREFORE,

The Metro Council Resolves as follows:

The Office of General Counsel is authorized to appeal the LUBA decision regarding Ordinance No. 96-655E to the Oregon Court of Appeals in support of consistency with Metro's acknowledged RUGGO's and 2040 Growth Concept, with regard to the nature of and extent of required findings and in support of Metro's position on severability.

Seconded: Councilor Bragdon seconded the amendment.

A copy of Councilor Park's amendment was included in the meeting record.

Councilor Park said a number of policy decisions were intertwined in the appeals. He said it was appropriate to appeal parts of the LUBA decision because it would be a prudent use of Metro's limited resources, in order to find out the quickest way to clarify the technical portions, including the question of RUGGO's status, the amount of findings necessary, and the issue of severability. He said he did not agree with the logic of taking farmland to protect farmland, and he believed it was inappropriate to appeal that portion of LUBA's decision.

Presiding Officer Monroe opened a public hearing on Resolution No. 99-2768 and the amendment on the table.

Executive Officer Burton submitted a written statement, "Urban Reserve Appeal Statement before the Metro Council," into the meeting record. Executive Officer Burton read his statement to the Council. He urged the Council to proceed with an appeal.

Presiding Officer Monroe asked Executive Officer Burton for his position on Councilor Park's amendment.

Executive Officer Burton responded that he personally had no problem with Councilor Park's amendment. He said to some extent there was a legal matter that must go forward, and a lot of the matters would be appealed by other parties and some of the clarification would come out of that. He said he believed legal counsel should be given the flexibility to deal with these issues as they came up. On the other hand, he said it was important for each of the Councilors as policy makers, to clarify on the record his or her position.

Councilor Atherton asked Executive Officer Burton if he believed that simply because land was designated as an urban reserve that it would be brought into the urban growth boundary (UGB).

Executive Officer Burton said his understanding of the concept of urban reserves was to designate an area around the UGB, which after careful consideration and projections, would potentially be urbanized at some point. He said the intent was to protect the land and to restrict the type of development that would occur if it was not designated as an urban reserve, which would result in rural sprawl. He said it was also intended to assure people who own resource lands outside of urban reserves that their land would be protected for a considerable period time.

Councilor Atherton said the Council could still designate as urban reserves a much larger area than it would expect to take into the UGB, in order to protect the land. He said the intent of the urban reserve rule was to protect large areas from parcelization and other infrastructure improvements that would frustrate the potential for future urbanization.

Executive Officer Burton said the intent of state law was not to designate far more land than needed in order to enact tighter limitations, but the policy issue could be raised. He said if the Council decided that nothing would be developed, there was still within law the ability to do some limited development on areas that were not designated high farm use in certain farm areas.

Councilor Atherton said the question for the Council then became, was this an issue it believed the courts could adequately resolve. He said if the Council allowed that part of the LUBA decision to stand, then the Council would have to address the question of how much was enough. He said the Council would do that, and explain its decision in the future. He said it would be unwise to leave the decision to the courts.

Executive Officer Burton said based on his limited experience, he believed that if the Council chose not to appeal LUBA's decision, at some point somebody would appeal it and there would have to be a response from the courts. He recommended that the Council proceed to get as much clarification as possible.

Presiding Officer Monroe closed the public hearing. He asked for Council discussion on the amendment.

Councilor McLain said she found both Mr. Shaw's and Executive Officer Burton's comments helpful as she reviewed the amendment. She said she would vote no on the amendment because the amendment only covered 60 percent of all the important questions that the Council needed to ask. She said Mr. Burton indicated in his written statement that it was extremely important for Metro to receive clarification on the interpretation of key urban reserve rule requirements. She said this was not included in the amendment. She said it was time for Metro to receive clarity on the broad land use planning issues that were raised by the LUBA decision.

Councilor Kvistad echoed Councilor McLain's comments. He said Metro needed clarification on the entire LUBA opinion, and to limit the ability to appeal the decision in total would be a mistake. He said he would vote no on the amendment.

Councilor Atherton said he was much more in favor of a limited appeal and would support Councilor Park's amendment. He said he would prefer that the Metro Council addressed the internal inconsistencies in LUBA's decision. He said it was inappropriate to allow the courts to make these land use decisions.

Councilor Bragdon said he would support the amendment for three reasons. First, he argued that it was appropriate for the Council to instruct legal counsel in the appeal of LUBA's findings. Second, he said it was important to clarify for the public that LUBA's decision could result in a larger UGB than Metro's decision. Third, he said the items he wanted to see appealed were covered by Councilor Park's amendment. LUBA's decision appeared to undermine Metro's RUGGO and 2040 Growth Concept, both of which were acknowledged by LCDC. Page 36 of Metro's Regional Framework Plan stated that state land use planning goals were equally important and represented competing and sometimes conflicting policy interests which needed to be balanced. He said it was important to balance these factors in a logical, fair, transparent way with the confidence of the public. He said the final point to appeal was that Metro needed a workable urban reserve rule because predictability and stability were the great strengths of Oregon's system. He said he was not interested in appealing everything in LUBA's remand.

Councilor Washington asked Mr. Shaw to review what would happen after the Council vote.

Mr. Shaw responded that the vote on either the amendment or the resolution will direct legal counsel to go forward on some kind of appeal. The notice of appeal is due on Thursday, March 18, and the initial briefs are due two weeks after notice is filed. An initial petition will be due about April 1, 1999, and then Metro will have two weeks to respond petitioners' briefs. He said the Court of Appeals does not allow reply briefs in land use cases. The Court of Appeals should then schedule oral arguments within four weeks. Following the oral arguments, Metro will wait for the Court of Appeals to complete its review and make a decision. He said his best estimate for the entire process is one year.

Councilor Washington summarized that if the amendment passes, Metro will face a shorter appeal. He asked about the ramifications to the Council and to legal counsel of the short appeal versus the long appeal.

Mr. Shaw said legal counsel's job was to prepare an appeal. In executive session, he explained the areas which legal counsel planned to appeal for the purpose of receiving further clarification. He said if the amendment passes, it would remove about half of the issues which would otherwise be appealed. Under this scenario, the Court of Appeals would not receive new arguments from Metro on some issues, and would rule based on Metro and LUBA's first opinions on those issues. He anticipated that on several of those issues, the Court of Appeals would not rule in favor of Metro or LUBA, but would come up with a new version. He said with a limited appeal, the Council would have fewer areas in which it would know what the Court of Appeals would say about the difference between what the Council originally said and

what LUBA said, which were in areas of first impression in the law. He said the Court of Appeals' word was stronger than LUBA's word, particularly as LUBA would be composed of different for cases in the future.

Councilor Washington asked Mr. Shaw if there would be less to deal with on the amended motion.

Mr. Shaw responded that about half of the issues raised to the Court of Appeals in Metro's brief.

Councilor Washington asked how the Council would receive further information under a limited appeal. He asked if it could be appealed again.

Mr. Shaw said yes, that could happen in any case. He said the appeal was going forward, whether it was on a limited basis or not, so the same amount of time would go by regardless. Assuming the Council chose a limited appeal, and one year later it had answers from the Court of Appeals on the issues they gave us answers on, there was the possibility that Metro would do it again, because there undoubtedly would be appeals. He said the issue was whether or not the subsequent appeals would contain issues on which Metro did not receive answers in the Court of Appeals the first time.

Councilor Washington asked if the Council chose the broad approach, would it receive all the clarification it needed, or would it still be in a position where its decision could be appealed again.

Mr. Shaw said Metro could still be appealed, but the hope was that by doing a broader appeal, the Court of Appeals would give answers on more issues, so that if Metro was appealed in the future, there would be fewer issues that were wide open for LUBA and the Court of Appeals to address the second time.

Councilor Washington asked Mr. Shaw to respond to the fact that policy was intertwined in the process.

Mr. Shaw said he agreed with the Executive Officer that it was appropriate for elected officials to state their positions on the record. He said he agreed with Councilor Bragdon that it was appropriate for the Council to consider whether or not it wanted to instruct its legal counsel in an appeal of this kind. He said Office of General Counsel's policy was that it was difficult to write legal briefs when there was a lack of flexibility. In a case like this, there were differences of opinion on not only what the different policy answers may be, but on which things were policy and which things were interpretations of rules. He said legal counsel tried to be very forthcoming in executive session about the assignments of error it anticipated and how it intended to handle those assignments, to try to give the Council the comfort level to allow flexibility. He said it was up to the Council, and legal counsel would follow the Council's instructions.

Councilor Washington asked if it was possible for the decision to be appealed to the Supreme Court, or if a final determination would be made at the Court of Appeals. He also asked if there was any way that this issue could find its way back into the legislative process to be resolved, in which case Metro started all over again.

Mr. Shaw said he could give his best estimation. The process was clear, the Supreme Court could be petitioned on any Court of Appeals case and be asked to take the appeal. The Supreme Court had complete discretion whether to take the appeal, and statistically, less than 5 percent of petitions were taken. He said it was unlikely that the Supreme Court would take the appeal, and the decision would depend on the action taken by the Court of Appeals and on how the issue was framed by the petitioner. He said LCDC may decide to simplify and clarify its rules at some point, after looking at the outcome of the Court of Appeals decision.

Presiding Officer Monroe asked whether approval of Councilor Park's amendment would shorten the appeal process.

Mr. Shaw said no, it would not.

Presiding Officer Monroe asked whether approval of the amendment would save the agency money.

Mr. Shaw said no, it would not.

Presiding Officer Monroe said he did not view LUBA's remand as a situation of winners and losers. He said Metro was making completely new law, and needed clarification as to what the law said. He said the purpose of the appeal was to receive clarification; to actually make law. He said courts made law by interpreting the intent of legislators and by interpreting whether the Metro Council followed those laws. He said he wanted to receive the greatest degree of clarity possible as to what the law required of Metro, so that the Council could move forward with some certainty. He said therefore he supported the appeal. He said he did not think it was appropriate to hinder lawyers, therefore he would not support the amendment. He said he wanted to allow legal counsel the maximum ability to receive clarification as to what the law meant so that the Council could move forward in a rational way.

Councilor Park closed by saying that there was a diversity of opinions in the Council. He said this amendment was a very important statement to make at this time in terms of limiting what the Council believed, or did not believe, in terms of policy. The purpose of the amendment was to exclude those areas in which, as a matter of policy, he believed that state land use policy was correct. He said he supported taking exception land first. He said he would not try to block growth. He believed growth would occur, and it needed to be planned wisely. He said it was incorrect to give legal counsel a *carte blanche* to go after some of the other areas, and it sent a wrong message to the public. He said at the same time, the Council did need to receive clarification on some areas. He said the reason for the urban reserve rule was to primarily protect exception areas from future parcelization that would make it difficult to urbanize in the future, and to give certainty where future development will go for those special districts that needed to plan long in advance for infrastructure needed such as water, sewage, and roads. He said he would like to see the appeal stay on topic, and the Council accept that development was supposed to go on exception areas, and to get back to the technical questions such as how much findings were enough, how much weight did RUGGO carry, and could non-controversial areas be severed.

Presiding Officer Monroe adjourned for a five-minute recess.

Presiding Officer Monroe reconvened the meeting.

**Vote on
Motion to**

Amend: The vote was 3 aye/ 4 nay/ 0 abstain. The motion failed with Councilors McLain, Washington, Kvistad and Presiding Officer Monroe voting no.

Councilor Park said given that the amendment failed, he was unclear on the message the Council was sending. He said concerns had been voiced about tying the attorneys' hands versus the Council's policy decision. He asked if, as a policy, was the Council saying it agreed with the LUBA decision in part or very little, and on which parts in general. He said as the resolution was currently written, it gave legal counsel a blank check, and he was concerned about the areas in which the Council would be going into as the process moved forward. This was a policy decision, parts of which the Council agreed or did not agree with, and the current urban reserve decision did lay it out as to exception areas first. If the Council was going to refute that part of the LUBA decision, that was a decision of the Council.

Councilor Atherton pointed out that the legal profession blossomed when dueling was outlawed. He said the Council's purpose was to reduce conflict and provide clarity. He said he was continually reminded that all of this confusion was taking place because someone was trying to force a square peg in a round hole. The State was trying to mandate places for growth which did not want to grow. The Council would have to find other ways to resolve this conflict, and this would not be resolved in this appeal.

Councilor Bragdon clarified that he respected Mr. Shaw as a professional, and as a non-attorney, he did not mean to get into the business of telling him how to conduct his job. He said in executive session they talked about the scope of the appeal, and he clarified that the scope was more limited than what was described in the resolution. He said with that understanding, he would support Resolution No. 99-2768.

Presiding Officer Monroe said the Council would have opportunities throughout the appeal process to speak with Mr. Cooper and Mr. Shaw and given further instruction.

Councilor Kvistad said he was appalled by the LUBA remand; it was convoluted and poorly written. He said two of the three members of LUBA were leaving shortly, and this was the last piece of paper they threw out the door on their way out. He said Metro spent millions of dollars and seven years making this land use decision. He said LUBA delayed review of the urban reserve decision for a year and a half, then finally tossed out a piece of trash. As legal counsel said, LUBA agreed that Metro did each step correctly, but they did not like the final result, so they decided that part was incorrect. He said there were other parts of the remand where LUBA made a ruling on items that were not appealed. He said it was wrong to have appointed bureaucrats making these decisions, and it was time to entirely revamp LUBA and make it more like the tax court with a judge whose job was to adjudicate matters. He said if every land use decision made by every government body must go through this process, the state may as well quit planning for an urban edge. He said an appeal was necessary, and the Council should go after it as hard and as fast as possible. He said Metro's positions were fair, honest, and balanced. He found LUBA's decision that Metro must take more land unbelievable. He said Councilor McLain was kind to say that LUBA's opinion contained internal inconsistencies. He said he would support Resolution No. 99-2768.

Councilor Park said he refuted everything Councilor Kvistad said.

Councilor McLain closed her presentation by answering Councilor Bragdon and Councilor Park's question about the message Metro was sending with the appeal. She said the message was that Metro needed more information because there were areas in the LUBA decision which were not clear enough for the Council to apply. The information the Council was requesting should give more information by which the Council could make policy decisions in 1999. A vote for Resolution No. 99-2768 was a vote to get as much information as possible about state law, Goal 14, the seemingly inconsistent issues in the LUBA report, and to get answers on three questions: 1) what was the application of the 2040 Growth Vision to urban reserves, 2) what was the relationship between the urban reserve findings and the comprehensive plans, and 3) what was the interpretation of the key urban reserve rule requirements.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

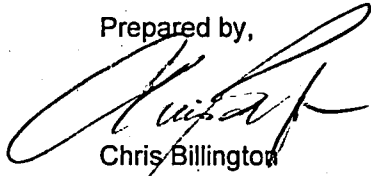
10. COUNCILOR COMMUNICATION

Presiding Officer Monroe announced that at the request of Councilor Bragdon, the Metro Council meeting on May 20, 1999, will be held at 2:00 P.M. at the Milwaukie City Chamber. He said the Council may have additional meetings around the region at the request of Councilors. He said the Council may meet in Hillsboro in September.

11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 4:02 p.m.

Prepared by,



Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
031199c-01	3/4/99	Minutes of the Metro Council Meeting, March 4, 1999	TO Metro Council/ FROM Chris Billington	
031199c-02	3/1/99	Financial Statement Auditor Communications	TO Metro Council and Executive Officer /FROM Alexis Dow	
031199c-03	3/11/99	Resolution No. 99-2759 Attachment B		Res. 99-2759
031199c-04	3/11/99	Councilor Park Amendment 1 to Resolution No. 99-2768	TO Metro Council/FROM Rod Park	Res. 99-2768
031199c-05	3/11/99	Urban Reserve Appeal Statement before the Metro Council	TO Metro Council / FROM Mike Burton	Res. 99-2768

Agenda Item Number 8.1

**Ordinance No. 99-793, For the Purpose of Adopting the Annual Budget for Fiscal Year 1999-00,
Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency.**

Public Hearing and Consideration of Amendments

Metro Council Meeting
Thursday, March 18, 1999
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE)
ANNUAL BUDGET FOR FISCAL YEAR)
1999-00, MAKING APPROPRIATIONS,)
AND LEVYING AD VALOREM TAXES, AND)
DECLARING AN EMERGENCY)

ORDINANCE NO. 99-793

Introduced by
Mike Burton, Executive Officer

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 1999, and ending June 30, 2000; and

WHEREAS, recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by Metro (attached as Exhibit A and made a part of the Ordinance) and considered; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The "Fiscal Year 1999-00 Metro Budget," in the total amount of THREE HUNDRED SIXTY-SEVEN MILLION, TWO HUNDRED EIGHTY-SEVEN THOUSAND, SIX HUNDRED SEVENTY-FOUR (\$367,287,674) DOLLARS, attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, at the rate of \$0.0966 per thousand dollars of assessed value for Zoo operations and in the amount of SEVENTEEN MILLION THREE HUNDRED FIFTY-TWO THOUSAND TWO HUNDRED TWENTY-FOUR (\$17,352,224) DOLLARS for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 1999-00. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from the <u>Limitation</u>
Zoo Tax Base	\$0.0966/\$1,000	
General Obligation Bond Levy		\$17,352,224

3. The Washington Park Parking Lot Fund is hereby eliminated. The balance of the fund is zero.

4. The Convention Center Project Capital Fund is hereby eliminated. The balance of the fund is zero.

5. In accordance with Section 2.02.125 of the Metro Code, the Metro Council hereby authorizes positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 1999, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

6. Pursuant to Metro Code 2.04.026(b) the Council designated the contracts which have significant impact on Metro for FY 1998-99 and their designations as shown in Exhibit D, attached hereto.

7. The Executive Officer shall make the filings as required by ORS 294.555 and ORS 310.060, or as requested by the Assessor's Office of Clackamas, Multnomah, and Washington Counties.

8. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins July 1, 1999, and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council on this ____ day of June, 1999.

Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

KR:rs

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STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 99-793 ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 1999-00, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES, AND DECLARING AN EMERGENCY

Date: January 28, 1999

Presented by: Mike Burton
Executive Officer

FACTUAL BACKGROUND AND ANALYSIS

I am forwarding to the Council for consideration and approval my proposed budget for Fiscal Year 1999-00.

Council action, through Ordinance No. 99-793, is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Council to adopt this plan must be completed by June 30, 1999.

Oregon Revised Statutes 294.635, Oregon Budget Law, requires that Metro prepare and submit Metro's approved budget to the Tax Supervising and Conservation Commission by May 15, 1999. The Commission will conduct a hearing during June 1999 for the purpose of receiving information from the public regarding the Council's approved budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.

Once the budget plan for Fiscal Year 1999-00 is adopted by the Council, the number of funds and their total dollar amount and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's appropriations in the period between Council approval and adoption.

Exhibits B and C of the Ordinance will be available at the public hearing on February 11, 1999.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 99-793.

KR:rs

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Agenda Item Number 9.1

Resolution No. 99-2769, For the Purpose of Authorizing a Notice of Withdrawal of Ordinance No. 98-788C, for Reconsideration.

**Metro Council Meeting
Thursday, March 18, 1999
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING A) RESOLUTION NO 99-2769
NOTICE OF WITHDRAWAL OF ORDINANCE)
NO. 98-788C FOR RECONSIDERATION) Introduced by Councilor McLain
)
)

WHEREAS, Ordinance No. 98-788C was adopted December 18, 1998 to add approximately 350 acres to the regional urban growth boundary (UGB) south of the City of Hillsboro; and

WHEREAS, these lands inside Metro's district boundary are part of the "South Hillsboro Urban Reserve Concept Plan;" and

WHEREAS, these lands are all exception lands other than approximately 48 acres of land zoned for exclusive farm use (EFU) on the southwest edge of this area; and

WHEREAS, three appeals were filed by parties who generally support the inclusion of the exception lands; and

WHEREAS, discussions with these parties indicate that revising the ordinance to exclude these 48 acres and adopt additional conditions of approval consistent with the urban reserve plan would likely result in dismissal of their appeals; and

WHEREAS, Metro has the ability to withdraw Ordinance No. 98-788C for reconsideration by filing a notice consistent with Land Use Board of Appeals rules at OAR 660-010-0021(1); now, therefore,

BE IT RESOLVED:

/////

/////

/////

That the Office of General Counsel is authorized to file a Notice of Withdrawal for Reconsideration of Ordinance No. 98-788C with the Land Use Board of Appeals on behalf of the Metro Council or before March 19, 1999.

ADOPTED by the Metro Council this _____ day of _____ 1999.

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

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3/10/99



METRO

DATE: March 10, 1999

TO: Councilor Susan McLain
Chair, Growth Management Committee

FROM: *LS*
Larry Shaw
Office of General Counsel

SUBJECT: Withdrawal of UGB Ordinance for (URA 55) Reconsideration

Two UGB ordinances remain on appeal to LUBA after LUBA's recent dismissal of appeals of the three Resolutions of Intent to Amend the UGB. The decision record is due to be transmitted to LUBA for both ordinances on March 19, 1999. The record for the North Stafford ordinance will be filed at that time. Office of General Counsel recommends that the Metro Council consider withdrawal of the URA 55 ordinance for reconsideration of 48 acres and technical amendments. The purpose of the withdrawal would be to consider amending and readopting the ordinance to settle at least three of the four appeals.

Withdrawal For Reconsideration - OAR 661-010-0021(1)

LUBA rules allow Metro to file a notice to withdraw a decision for purposes of reconsideration on or before the date the record is due. This suspends the LUBA appeal until a decision on reconsideration is filed. Such a decision on reconsideration must be filed within 90 days of Metro's withdrawal notice. This notice of withdrawal process differs from a "voluntary remand" which requires a motion that must be granted by LUBA.

Four Appellants - DLCD, 1000 Friends, Farm Bureau, Citizen Larrance

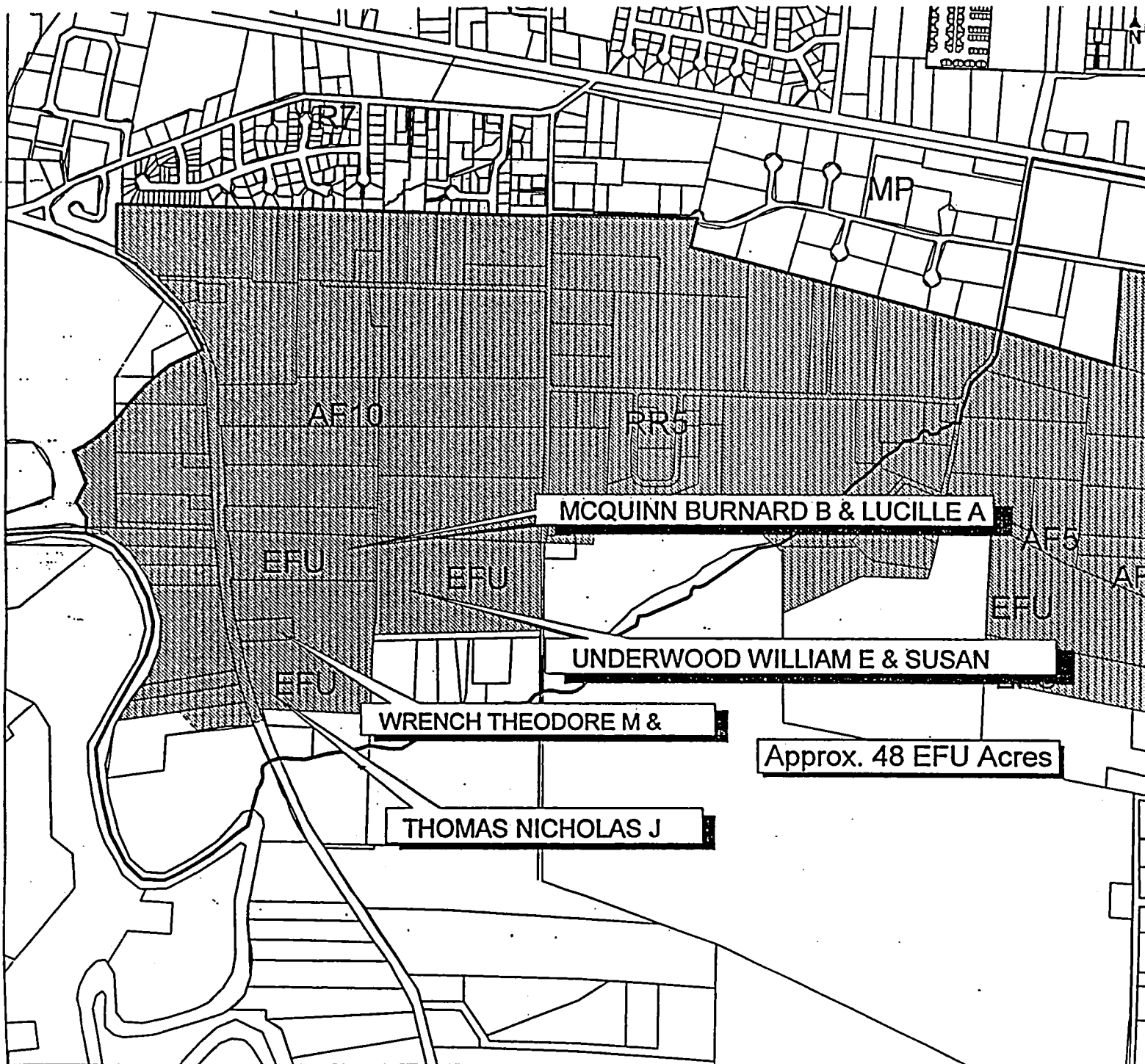
Three of the four appellants support the bulk of the URA 55 ordinance because it adds exception land, rather than resource land, to the UGB. Their primary objections are the inclusion of 48 acres of the southwest edge of URA 55 and clear separation from the St. Mary's Resolution. Citizen Larrance's concerns are focused on transportation issues that may or may not be resolvable during a 90-day reconsideration.

Potential Dismissal of Three Appeals - DLCD, 1000 Friends, Farm Bureau

Discussions with these three appellants indicates that amendments on the following subjects are likely to accomplish dismissal of their appeals of this ordinance:

1. Revise the UGB boundary to exclude about 48 acres zoned EFU;
2. Adopt more conditions of approval to clarify implementation of the portions of the "South Hillsboro Urban Reserve Concept Plan" applicable to the URA 55 ordinance area:
 - Require exception land floodplains west of River Road to be used only for park purposes;
 - Assure ten dwelling units/net acre average density and zoning mix in the main street;
 - Require residential zoning identified on Table 12 of the plan;
 - Correct transportation projects list in existing condition.

cc: Metro Council, Mike Burton, Executive Officer, Elaine Wilkerson
Attachment



Urban Reserve #55 EFU Acres

- Urban reserves
- First Tier
 - Other Reserves
 - Urban Growth Boundary
 - Tax Lots
 - Met_Line.shp

0 500 1000 1500 Feet

1" = 1000 feet



METRO

800 NE Grand Ave.
Portland, OR 97232-2736
503 797-1742 FAX 503 797-1909
Email: drc@metro.dst.or.us

Plot date: Jan 19, 1999; c:\vsl\lur.apr

1 the change in the Portland SMSA CPI or the overall change in the
2 proceeds of the tax;

3 (c) To the operator of the Portland Center for the Performing Arts for
4 marketing, \$100,000 in fiscal year 1997-98 and, in each fiscal year
5 thereafter, that amount plus annual percentage increases equal to
6 the lesser of the change in the Portland SMSA CPI or the overall
7 change in the proceeds of the tax;

8 (d) To the Portland Oregon Visitor's Association for cultural tourism, in
9 collaboration with The Regional Arts and Culture Council, \$300,000
10 in fiscal year 1997-98 and, in each fiscal year thereafter, that amount
11 plus annual percentage increases equal to the lesser of the change
12 in the Portland SMSA CPI or the overall change in the proceeds of
13 the tax;

14 (e) To The Regional Arts and Culture Council for neighborhood arts, any
15 remaining balance up to \$200,000 of the proceeds from the tax after
16 the payments in sections (a) through (d) are made;

17 (f) To the operator of the Oregon Convention Center any remaining
18 balance of the proceeds from the tax after the payments in sections
19 (a) through (e) are made.

20 (6) Earnings on proceeds allocated to the Transient Lodging Tax Fund
21 [convention and trade show center special fund] shall be credited to the
22 Transient Lodging Tax Fund.
23
24
25
26

**METRO**

03/899c-02

To: All Councilors

From: John Houser, Senior Council Analyst
Michael Morrissey, Senior Council Analyst

Re: Budget Amendments For Consideration at the March 18 Council Meeting

Date: March 18, 1999

The following amendments have been submitted for consideration at the March 18 Council meeting:

Council Office

- 1) Elimination of Proposed Assistant to the Presiding Officer Position (Monroe/McLain)
- 2) Councilor Salary and Pay Adjustments (Monroe/McLain)
- 3) Enhanced Public Outreach (Monroe/McLain)

Auditor's Office

- 1) Pay Adjustment/Auditor's Salary (Monroe/McLain)
- 2) Reduction in Contracted Professional Services (\$10,000) (Monroe/McLain)
- 3) Reduction in Contracted Professional Services (\$5,000) (Park)

Executive Office

- 1) Pay Adjustment/Executive Officer's Salary (Monroe/McLain)
- 2) Budget Note Concerning Expenditure of Contracted Professional Services Related to the Communications Plan (Monroe/McLain)
- 3) (Note: the Kvistad amendment related to a Special Appropriation for RACC is listed for discussion under Miscellaneous Funds, but if adopted would affect the Executive Office budget)

Office of General Counsel

No proposed amendments

Administrative Services Department

1) Budget note requiring the completion of an independent analysis of Metro business processes (Monroe/McLain)

2) Funding for a Tax Study Commission (McLain)

Human Resources

No proposed amendments

Regional Parks

1) Budget Note related to Open Spaces Program (Monroe/McLain)

2) Budget Note in Support of Tax Study Commission (Monroe/McLain)

3) Budget Note Related to Master Planning and Landbanking (Monroe/McLain)

**METRO**

To: All Councilors

From: Presiding Officer Rod Monroe
Deputy Presiding Officer Susan McLain

Re: Proposed Budget Amendments For the February 23 Budget Workshop

Date: February 23, 1999

The Council Budget Workshop on February 23 is scheduled to review the proposed budgets for the offices of Metro's elected officials (Council, Executive Officer, Auditor) and the Office of General Council. Based on a review of these budgets by our Council analysts and discussions with the affected officials and department heads, the following memo outlines the amendments and budget notes that we will be offering for Council consideration at the workshop.

Council Office

Our recommended changes to the Council budget (including the outreach staff) address three areas: 1) elimination of a proposed new Council assistant position, 2) clarification of the merit and cost-of-living (COLA) pay adjustments for Councilors and staff, and 3) providing a modest level of additional funding for Council outreach programs.

Position Elimination. The proposed budget includes a new Council assistant position that would provide clerical and scheduling support to the Presiding Officer. For the past four years, the Council has funded an Assistant to the Presiding Officer professional level position. Within the past year this position has evolved into the current Chief of Staff position. This transition has resulted in the assumption of many new administrative duties. The new position was proposed under the assumption that the Presiding Officer would have continuing support needs that could no longer be met through the Chief of Staff position. Funding for the new position would be provided through the elimination of the third analyst position that is currently not filled.

Based on our experience with the existing staff, it appears that all of the support needs for both the Presiding Officer and Deputy Presiding Officer can be met within the existing staffing structure. The Chief of Staff is still providing both scheduling and professional assistance to the Presiding Officer and other analytical and clerical needs are being met by other staff. Given that general fund budgeting for next year is tight and many Councilors have expressed an interest in identifying additional funding for Council

outreach programs; we would recommend that the Council eliminate the proposed new Council assistant position.

Pay Adjustments. We would propose that the Council consider several minor amendments related to pay adjustments for both Councilors and staff. First, the proposed budget includes a 5% adjustment in Councilor salaries. Because these salaries are tied to the salaries of state circuit court judges, the actual percentage of increase will be dependent upon final action on judges salaries by the Legislative Assembly. Our analyst has contacted the State Court Administrators concerning potential legislative action. He was advised that a state public officials compensation commission has recommended a 4% increase in judges' salaries. In addition, judges may receive the same 2% COLA that is being offered to rank-and-file state employees. Thus, the total adjustment in the judges salaries may be as high as 6%. Because, final legislative action on these salaries may not occur until Metro has adopted its budget, we believe that it would be prudent for the budget to include a 6% adjustment for Councilor salaries.

Second, through a miscommunication between Council and Financial Planning staff, the Council budget does not include any COLA increase for Council staff. The agency budget manual recommended that a 2% COLA be included in salary adjustments in the proposed budget. We believe that Council staff should be eligible for the same level of COLA salary adjustments that would apply to other similarly classed (non-represented) Metro employees. The actual rate for the COLA will likely not be known until April or May.

The proposed budget also includes merit-based pay adjustments of up to 4%. This is slightly lower than the 5% maximum rate suggested in the budget manual. Given the tightness of general fund-related budgets, we believe that the 4% proposal provides adequate flexibility within a merit-based salary review process for each employee.

In a memo dated February 19 (see attached), Kathy Rutkowski, Financial Planning Budget Coordinator, estimated the potential fiscal impact of the position elimination and pay adjustment recommendations that we are proposing. She ran four differing scenarios based on 4 or 5% merit increases and the timing of these increases. Scenario 1 is the scenario that reflects the amendments that we are recommending. Under this scenario there would be a total of \$42,167 in savings in the Council Office personal services budget, and an additional \$2,732 in the Public Outreach Office budget.

Enhanced Public Outreach. Several councilors have expressed interest in increasing the level of funding for Council outreach. The savings from the recommended amendments presented above would total \$44,899. We would recommend that the Council consider transferring a major portion of these savings (\$40,000) to the Public Outreach Office budget. These funds would be placed in the contracted professional services line item where they would provide maximum flexibility for any new outreach efforts that may be approved by the Council. Because the changes recommended above will result in very tight personal services budgets, we would further recommend that the savings from the Outreach personal services budget (\$2,732) be placed in the miscellaneous expenditures line item where they could be

used for any unforeseen personal services or material and services needs. We also would recommend that a total \$2,167 in the savings from the Council office be placed in the miscellaneous expenditures line item in the Council budget for the same purpose.

Auditor's Office.

Given that the proposed Auditor's budget already reflects a \$34,000 reduction from the current fiscal year, we are recommending only two changes in the proposed budget. The first amendment would be a \$10,000 reduction in the contracted professional services line item. This recommendation is based on historic spending patterns of these funds and the potential that additional funding (if needed) could be found within other materials and services line items without the need for a budget amount.

The Auditor has requested a total \$101,210, for contracted professional services. This represents a reduction from the \$163,288 budgeted for the current year. However, it should be noted that the current year's budget includes significant resources that were used for the Infolink-related audits that have now been completed.

Historically, this line item has included funding for the annual financial audit that is required to be performed by an outside vendor. In addition, beginning in FY 96-97, the Auditor's included funds for unforeseen contracted needs. These needs would include specialized outside assistance for technical aspects of audits or projects for which the Auditor has no expertise on her own staff. A total of \$7,500 was authorized in FY 96-97, \$18,000 in FY 97-98 and \$25,000 in the current fiscal year. If the proposed Auditor's budget were adopted a total of about \$30,000 would be available for discretionary contracting.

In reviewing the proposed budget, our analyst found that the actual expenditure of these discretionary contracting funds has been far less than the requested amount. For example, in FY 96-97, spending not related to the financial audit totaled \$11,805. In FY 97-98, the total was only \$3,129.

Based on the estimated cost of the financial audit for next year (\$70,600), if the Council adopts the amendment we are proposing, the Auditor would still have \$20,610 available for discretionary contracting. This would appear to be well above historical spending levels. In addition, it would appear that if additional funds are needed, the Auditor has historically underspent in other materials and services line items. These unspent funds could be used for contracting services. For example, in FY 96-97, the budget for materials and services other than the audit and contracting totaled \$37,000. Of this total, only \$22,000 was spent. In FY 97-98 the non-contracting and audit materials and services budget was \$46,000 and only \$33,800 was spent.

The second change relates to the proposed salary for the auditor. The actual Auditor's salary is based on the circuit court judge's salary and is currently \$68,240, or only \$475 lower than the amount in the proposed budget (\$68,715). As noted above, Councilor salaries, which are also tied to the judges salaries, may increase as much as 6% as a result of legislative action. There we believe that it would be prudent for the proposed Auditor's salary to reflect the potential for a 6% increase. Such an increase would raise

her salary to \$72,334. Therefore, we would recommend that the proposed Auditor's salary be increased by \$3,619.

Executive Office

We are proposing two changes in the proposed budget for the Executive Office. First, the Executive Officer is proposing to establish a centralized communications team which will include the transfer of one public affairs specialist from Growth Management and one from Transportation. The intent of the Executive Officer is to create a "centralized, streamlined communications resource; working with all other Metro departments to develop and carry out an integrated communications plan for the agency." The budget includes \$75,000 in contracted professional services that would support the efforts of this unit. Given that this unit will be creating a communications plan and developing documents and processes for disseminating Metro's message to the community, we believe that the Metro should have an approval role with regard to both the communications plan and the expenditure of funds to implement that plan. Therefore, we would recommend that the Council attach a budget note that clearly provides for Council approval of the communications plan and the expenditure of outreach funds for its implement plan. The budget note would be worded as follows:

"A total of \$95,000 has been allocated for contracted professional services within the Public Affairs and Government Relations section of the Office of the Executive Officer. Of this total, \$75,000 has been allocated for the general support of the communications and outreach activities of the new central communications team. These funds are not allocated for specific purposes or contracts. Therefore, the Council directs that these funds shall not be expended until the proposed communications plan has been developed, submitted to, and adopted by the Council. The plan shall include a proposal for the expenditure of these funds."

The second change, again relates to the need to adjust the salary of the Executive Officer to reflect the potential for a 6% salary increase. In the case of the Executive Officer, the change would represent an increase of \$853, or an adjusted salary of \$90,418.

Office of General Counsel

No changes are proposed.



METRO

DATE: February 19, 1999

TO: Chris Billington, Council Office Manager
John Houser, Council Analyst
Jeff Stone, Council Chief of Staff

FROM: Kathy Rutkowski, ^{VR}Budget Coordinator

RE: COUNCIL PERSONAL SERVICES FOR FY 1999-00

Following yesterday's discussion on the Council Office budget, I have completed an analysis of the Council's personal services budget. The analysis includes four different scenarios for possible pay increases. Each scenario assumes a six percent increase in Councilor salaries and a two percent COLA increase effective July 1, 1999 for all Council staff. The calculation for merit pay varies in each scenario as follows:

Scenario	Merit Increase %	Calculation Method
1	4%	From Anniversary Date
2	5%	From Anniversary Date
3	4%	From July 1, 1999
4	5%	From July 1, 1999

The analysis uses current staff salaries as the base providing for four percent merit increases where needed for the remainder of the current fiscal year. It does not include the Assistant to the Presiding Officer position for next year. This was done specifically to identify the amount of savings available in personal services from the proposed budget that may be moved to provide for additional Council outreach.

The table attached summarizes the results of the analysis. Based on previous discussions, it appears that the Council budget as proposed has already provided for a 2% COLA and 4% merit increases calculated from July 1, 1999 for all staff.

I have not attached the detailed analysis. However, it is available should you wish to see it. I hope this analysis has been useful. If I may be of additional assistance or if you have any questions, please call me at extension 1630.

Attachment

Cc: Rod Monroe, Council Presiding Officer
Susan McLain, Council Deputy Presiding Officer
Michael Morrissey, Council Analyst
Jennifer Sims, Chief Financial Officer
Craig Prosser, Financial Planning Manager

Attachment
Summary of Council Office Personal Services Analysis for FY 1999-00

	Scenario 1	Scenario 2	Scenario 3	Scenario 4
COUNCIL OFFICE STAFF				
Total base salaries	\$566,143	\$566,143	\$566,143	\$566,143
6% increase for Councilors	13,648	13,648	13,648	13,648
2% COLA for staff	6,773	6,773	6,773	6,773
Merit pay for staff	8,562	10,703	13,818	17,272
Subtotal Salaries	\$603,146	\$605,287	\$608,402	\$611,856
Fringe Benefits	206,193	206,932	208,007	209,198
Unemployment	3,982	3,982	3,982	3,982
Total Personal Services	\$813,321	\$816,201	\$820,391	\$825,036
Current FY 1999-00 Budget	855,488	855,488	855,488	855,488
Savings/(Additional Need)	\$42,167	\$39,287	\$35,097	\$30,452

	Scenario 1	Scenario 2	Scenario 3	Scenario 4
COUNCIL OFFICE OF PUBLIC OUTREACH				
Total base salaries	\$77,527	\$77,527	\$77,527	\$77,527
2% COLA for staff	1,551	1,551	1,551	1,551
Merit pay for staff	1,726	2,157	3,163	3,954
Subtotal Salaries	\$80,804	\$81,235	\$82,241	\$83,032
Fringe Benefits	29,494	29,651	30,018	30,307
Total Personal Services	\$110,298	\$110,886	\$112,259	\$113,339
Current FY 1999-00 Budget	113,030	113,030	113,030	113,030
Savings/(Additional Need)	\$2,732	\$2,144	\$774	(\$309)

**METRO**

To: All Councilors

From: Councilor Rod Park

Re: Amendment to the Auditor's Proposed Budget

Date: March 15, 1999

At the February 23 budget meeting, the Presiding Officer and Deputy Presiding Officer proposed that the contracted professional services line item in the proposed Auditor's budget be reduced by \$10,000, from \$101,120 to \$91,210. The bulk of these funds (\$70,600) are allocated to the required annual financial audit. The remaining funds are available for the Auditor to obtain outside assistance in addressing technical or unforeseen issues that arise as part of an audit.

I am proposing that the amount of the amendment be reduced to \$5,000. My reasons for proposing this change are as follows:

- * The Auditor's overall proposed budget is already \$34,000 less than the current year's budget.
- * In the past the Council has recognized the auditor's need to have the flexibility to address unforeseen needs. The allocation of funds for this purpose has increased from \$7,000 in FY 97-98 to \$25,000 for the current fiscal year.
- * The amendment proposed by the Presiding Officer would reduce the flexible contracting funds available to the Auditor by 32%.
- * The reduction proposed by the Presiding Officer would leave a budgeted amount (\$20,610) that is less than the current fiscal year. My proposed amendment would provide an amount that is comparable to the current budget.
- * The auditor has indicated that she could accept a \$5,000 cut in this line item.

I would urge your support of this proposed amendment.

**METRO**

To: All Councilors

From: Presiding Officer Rod Monroe
Deputy Presiding Officer Susan McLain

Re: Budget Recommendations Related to the Administrative Services Department,
Miscellaneous Funds and Special Appropriations

Date: March 9, 1999

This memo summarizes our budget recommendations related to the Administrative Services Department and the miscellaneous bond-related funds and the special appropriations from the general fund.

Administrative Services Department

Our analyst's review of the Administrative Services Department proposed budget found the both personal services and materials and services have been budgeted very tightly by all divisions within the department. The overall department budget is down \$647,000. from the current year. This includes the transfer of the Creative Services Division to the Executive Office. But, even with this transfer, the budget is still down about \$136,000. One new Systems Specialist position is being requested in the Information Management Systems Division to address training and other implementation issues related to Infolink. (The Council was advised in January that this position would be requested.) A .5 FTE Accounting Clerk position would be transferred to support the Contractor licensing program in the Accounting Division. Overall, materials and services expenditures would decline by \$35,000.

The report of the department's budget advisory committee raised several concerns about level of expenditures for both staffing and M&S within the department. For example, the committee concluded that the Accounting Division was staffed at an 80% level. This would result in an inability to perform certain basic functions such as internal control work, assistance with REM site audits and a fixed asset inventory.

Based on the assessment of the proposed budget by our analyst and the budget advisory committee we are not recommending any monetary changes or reductions. However, the budget advisory committee has raised two issues that we believe should be addressed through a budget note. These issues include the need for an independent assessment of the department's business processes that would include staffing levels, material and services support needs and the level of risk associated with current

expenditure levels. Such a study would assist the department in more clearly identifying critical staffing and funding needs. Second, the committee concluded that Metro could achieve some cost savings by moving to a system of more centralized purchasing and centralizing the computer purchasing function.

Therefore, we are recommending that the Council adopt the following budget note:

" During FY 99-00, the department shall contract with an outside vendor to conduct an independent analysis of the department's business processes. This study shall include an assessment of staffing levels, materials and services funding, and the effectiveness of current operational procedures. The department also shall conduct an analysis of the feasibility and potential cost savings that could result from a more centralizing purchasing system and the centralized purchase of computers. The results of these studies and analyses shall be reported to the Council prior to the consideration of the FY 2000-01 budget. **ASD shall seek the advice of the Auditor in the selection of a vendor to perform this review.**"

Miscellaneous Funds/Special Appropriations

Metro's two principal miscellaneous funds are the General Revenue Bond Fund and the General Obligation Debt Service Fund. Both of these funds were established for the receipt of bond or loan proceeds and include the annual debt service that is due on these bonds or loans. The only issue concerning these funds that the Council needs to be aware of is the potential that funds in the General Revenue Bond Fund that are being used to finance the parking lot improvements at the Zoo may need to be carried over until FY 99-00. Financial planning staff has indicated that they may bring a technical amendment forward later in the budget process that outlines the exact carryover amount that would be needed.

Historically, Metro has allocated a variety of special appropriations out of the General Fund. The most common of these allocations have been for election expenses and a funding allocation to the Regional Arts and Culture Council (RACC). Depending on the number of Metro elected officials whose positions are subject to election, the budget has generally included an appropriation of between \$150,000-225,000 to pay these election expenses. Because the Executive Officer and Auditor positions are not up for election in the year 200,000, the proposed budget includes an appropriation of \$150,000.

In recent years the Metro RACC allocation has ranged from \$50,000 to \$125,000. Due to the need for tight budgeting of General Fund resources in the proposed budget, the Executive Officer is proposing no RACC allocation for FY 99-00.

Given Metro's past commitment of RACC support, we believe that the Council should endeavor to identify funding for a \$25,000 allocation to RACC. Based on data developed by the financial planning staff we believe that at least a portion of this allocation can come from a less than expected COLA increase for non-represented employees funded from the General Fund. The budget manual directed that departments include a 2% COLA for such employees. The actual COLA that they receive is tied to the annual change in the national consumer price index from March to March of each year. The actual percentage change will not be known until early May,

but it appears that it will be significantly less than 2%. If additional funds are needed to meet the goal of a \$25,000 RACC allocation, we would suggest that the Council consider a small reduction in the proposed General Fund contingency. The proposed contingency is \$500,000 and the amount needed for the RACC allocation will probably be less than \$15,000. While the Council must carefully consider any allocation of general fund dollars in the proposed budget, we believe that a small allocation of these funds to carry forward Metro's long-standing support of RACC would support continued arts-related activities that benefit the entire region.

**METRO**

To: All Councilors

From: Deputy Presiding Officer Susan McLain

Re: Tax Study Commission Appropriation

Date: March 18, 1999

The purpose of this memo is to offer an amendment to the proposed FY 99-00 budget to provide funding for a tax study commission as authorized under the provisions of the Metro Charter. The Council and the Executive Officer have long recognized the need for Metro to have a dedicated source of revenue to fund the agency's general government needs and its primary growth management and planning functions as outlined in the Charter.

In his budget address, the Executive Officer supported the need for a tax study commission to address these need. In addition, Council discussion during prior budget worksessions have indicated a general level of support for the creation of a commission. Unfortunately, the proposed budget contains no funding for this purpose. Staff indicates that the only other commission established to examine Metro taxation issues, spent about \$47,000 for outside contracted assistance. Additional Metro costs for staffing and support of the commission's work were absorbed within existing budgets.

Given the level of apparent Executive and Council support for a commission, I am proposing that the budget be amended to add \$50,000 to the Contracted Professional Services line item in the Financial Planning Division of the Administrative Services Department.

**METRO**

To: All Councilors

From: John Houser, Senior Council Analyst

Re: RACC Special Appropriation

Date: March 18, 1999

The purpose of this memo is to summarize the three funding level scenarios that have been proposed for the RACC special appropriation and the various potential sources that might be used to fund the appropriation.

Funding Levels

For several years, Metro has given a special appropriation to RACC from the general fund. The appropriation level has ranged from \$50,000 to \$125,000. For FY 99-00, three different funding levels have been suggested. These include: 1) the Executive Officer's proposed budget, which includes no appropriation, 2) a proposal from the Presiding Officer and Deputy Presiding Officer for a \$25,000 appropriation (see attached memo), and 3) a proposal from Councilor Kvistad for a \$100,000 appropriation (see attached amendment).

Funding Sources

Given that the proposed budget did not include a RACC appropriation, the Council would need to find a source of funding to amend the budget to include a new RACC appropriation. The following sources have been suggested:

Non-represented employee COLA savings. The proposed budget includes a 2% COLA for non-represented employees. The actual COLA will be based on the March-March annual change in the national CPI. Staff is currently estimating that the actual COLA will be in the 1.5-1.6% range. For each 1/10 of a point less than 2%, there will be about \$2,900 in salary savings for non-represented employees in the general fund. Therefore, if the actual COLA is 1.6%, a saving of about \$11,500 would occur. These funds could be allocated to a RACC appropriation.

Eliminate proposed Chief Operating Officer position. The Kvistad amendment noted above proposed that a significant portion of the funding necessary for a \$100,000 appropriation could come from the elimination of the proposed Chief

Operating Officer position in the Executive Office. Though this proposed position is funded through the cost allocation plan, a significant portion of its funding could come from the General Fund. Staff has identified \$17,868 of funding would come directly from the General Fund. There could be additional indirect general fund funding ranging from \$1-34,000 from the position depending on the recalculation of the cost allocation plan at the end of the budget process.

Council and Executive Office vacancies. There is currently one employee vacancy in both the Executive and Council offices. There is the potential that the new employees hired to fill these vacancies will be hired at a salary that is lower than that requested for their predecessors. The potential savings could total up to \$8,000-\$10,000.

General Fund Contingency. The proposed budget includes a General Fund contingency of \$500,000. In addition to providing backup funding for all of the agency activities funded from the General Fund, this contingency is the only backup should any other fund contingency be exhausted. It also should be noted that a new solid waste tonnage for FY 99-00 will be completed within the next week to 10 days. Should this forecast show a decline in estimated tonnage, this will put further pressure on general fund resources that come primarily from the excise tax.

POVA/MERC. The Executive Officer has suggested that, if the Council wishes to approve a new appropriation for RACC, funding now provided by MERC to POVA should be considered as a possible source for the appropriation (see attached letter). The Executive Officer further noted that any funds sent to RACC should be designated for use on programs and not for administration.

Kvistad RACC Amendment

In addition to the RACC allocation proposed by the Presiding Officer, I would propose that the position of Chief Operations Officer be eliminated from the budget of the Executive Officer. All direct general fund funding for this position (estimated to be \$17,868) shall be allocated to increase the RACC allocation. In addition, any increases in general fund resources that may result from other budget amendment actions or changes in the general fund transfer for support services resulting from changes in the cost allocation plan shall be dedicated to RACC up to a maximum total RACC allocation of \$100,000.



METRO

March 10, 1999

Honorable Rod Monroe, Presiding Officer
Chair, Finance Committee
Metro
600 NE Grand
Portland, OR 97232

Dear Chair Monroe:

It is my understanding that the Regional Arts and Culture Council (RACC) has requested funding from Metro for its 1999-2000 budget. The written request was received from RACC Monday - copy enclosed.

Please remember that I submitted a balanced budget. For each dollar that is allocated to one program, a dollar must be cut from another program or contingencies or fund balances must be reduced accordingly. And we already have an unfunded \$16,614 for Water Providers Consortium dues.

However, I have a proposal. Since RACC's programs generally relate to arts and entertainment I would urge the Council to consider asking POVA to make the contribution through MERC from the funds they currently receive from MERC (\$2.3 million).

It should be noted that in the past Metro's contribution to RACC has been unrestricted. I would also urge that if the Council does make a contribution that it specify that the funds be restricted to programming and not be used for administration.

Sincerely,

Mike Burton
Executive Officer

cc: Metro Council

620 SW Main St. #420
Portland OR 97205
Tel: 503.823.5111



Regional
Arts &
Culture
Council

fax

March 8, 1999

To: Nancy Gross-Duran

Fr: Katherine Robinette

Re: RACC Request FY 1999-2000

Comments:

Nancy -

Thank you for calling me for this information.
Following are the materials you requested, with
a note from our Finance Director Bill Bradford.
If you have any questions about the
figures, please call Bill directly at 823.5403.

I will also put this in the mail to
you in case the fax is slightly unreadable.

Thank you!

Katherine
823-5425

Date: 3-8-99

From: KAR

To: Nancy Gross-Duran

Re: RACC request FY 1999-2000

Fax to: 797-1799

No of pages: 4

Telephone: 503.823.5111⁵⁴²⁵

Facsimile: 503.823.5432



**Regional Arts &
Culture Council**

620 SW Main St., Suite 420

Portland, OR 97205

Tel: 503.823.5111

Fax: 503.823.5432

Email: info@racc.org

TDD# 503.823.6868

www.racc.org

March 8, 1999

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

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Mike Burton - Metro

Judie Hammerstad - Clackamas County

Beverly Stein - Multnomah County

Linda Peters - Washington County

Dear Mr Burton:

Please accept our request for another \$100,000 contract between the Regional Arts & Culture Council and Metro in FY1999-2000 to support the arts in the region.

Metro funds are a vital component of the regional arts structure. These funds leverage funds from other public and private sources while providing valuable services in a range of arts areas in the region.

Enclosed is the proposed workplan and a draft of the RACC budget for FY2000. In addition to the \$100,000 from the Metro general fund, we are including a \$25,000 item in the area of public art from Metro, anticipating the potential need for RACC's services in this area again next year.

Sincerely,

Bill Bradford
Director of Finance & Administration

Regional Arts & Culture Council
WORKPLAN FOR REGIONAL ARTS DEVELOPMENT
FY1999-2000
with METRO support

\$46,000	Grants are awarded to artists and arts organizations throughout the region, helping to make the arts affordable and accessible to children and families. These include grants to Portland based organizations which provide programs to regional audiences, as well as grants for programs and festivals in community centers, parks and local facilities outside of Portland.
\$18,000	ArtsPlan Schools & Education Conference funds support RACC's nationally recognized curriculum based arts education for schools in the region outside of Multnomah County. The Education Conference refers to the Arts at the Heart of Learning conference, which conveys to artists and educators the latest in arts education developments.
\$20,000	Regional Partnerships and Special Projects support local arts development outside of Portland within the region; ranging from a grant to the Clackamas County Arts Action Alliance to work on a variety of arts issues in Washington County; as well as projects with broad regional significance such as Indian Art Northwest, which has been funded through Metro funds for the past two years.
\$5,000	Public Art planning and development support enables the RACC staff to respond to the growing requests for assistance throughout the region. Although the City of Portland and Multnomah County have implemented dedicated funding of public art, the region requires broader oversight until regional funding is identified.
\$4,400	Technical Assistance & Community Workshops for artists and arts organizations throughout the region involves RACC staff working to improve the business practices of the arts in the region and providing valuable resources to the arts community. RACC workshops address a range of issues in low- or no-cost venues to improve the abilities of the arts community to deliver services effectively.
\$3,300	Community Programs Management is for planning and responding to community arts needs. By working closely with a broad array of community partners, RACC is able to provide programs to meet community needs.
\$3,300	Administration support for RACC from Metro helps provide the general services required to maintain financial reporting and office systems to assure strong business practices.
\$100,000	Total

		1997-1998	1998-1999		*1999-2000						*1999-2000
Sources of Funds		Actual	Projected	% of Total	Arts Education	Grants Programs	Community Programs	Partnerships	Public Art	Administration	Budget
City of Portland											
	General Fund	\$ 1,315,526	\$ 1,397,648	31.7%	\$ 52,978	\$ 880,492	\$ 177,065	\$ 2,770	\$ 45,410	\$ 361,263	1,822,807
	Grants Program addition	-	250,000	5.7%		469,761					469,761
	Flow through										
	Portland Opera	-	-			200,000					200,000
	Stabilization (for 5 years FY99-FY03)	-	200,000	4.5%				200,000			200,000
	Oregon Ballet Theatre Special Grant (for 5 yr	-	200,000	4.5%		200,000					200,000
	Oregon Symphony in the Parks	165,000	200,000	4.5%			200,000				move to general
	Portland Art Museum (for 5 years FY96-FY01)	200,000	200,000	4.5%		200,000					200,000
	Parks funds for Arts Education	93,261	95,296	2.2%	102,828						move to general
	Public Art (Special for Maintenance)	-	-						100,000		100,000
	Percent for Art (1.33% of construction budgets)	308,327	250,000	5.7%					175,000		175,000
City of Portland total		2,167,114	2,792,944	63.3%	155,806	1,950,253	377,065	202,770	320,410	361,263	3,367,568
Multnomah County											
	General Fund	202,285	284,354	6.4%	70,000	150,000	15,000		3,000	50,619	288,619
	Hotel Tax (100K for NAP; 100K for POVA)	200,000	200,000	4.5%			100,000	100,000			200,000
	After School add package	-	-		25,000		25,000				50,000
	Percent for Art (1.33% of construction budgets)	243,991	200,000	4.5%					300,000		300,000
	Library Levy	-	92,000	2.1%							
Multnomah County total		646,276	776,354	17.6%	95,000	150,000	140,000	100,000	303,000	50,619	838,619
Metro											
	Metro General Fund	50,000	100,000	2.3%	18,000	46,000	7,700	20,000	5,000	3,300	100,000
	Metro Public Art projects	34,000	22,000	0.5%					25,000		25,000
Metro total		84,000	122,000	2.8%	18,000	46,000	7,700	20,000	30,000	3,300	125,000
Washington County											
	General Fund	-	50,000	1.1%	2,500	25,000	10,000	6,000	5,000	1,500	50,000
Washington County total		14,655	50,000	1.1%	2,500	25,000	10,000	6,000	5,000	1,500	50,000
Clackamas County											
	General Fund	35,000	50,000	1.1%	2,500	25,000	1,000	20,000		1,500	50,000
Clackamas County total		35,000	50,000	1.1%	2,500	25,000	1,000	20,000		1,500	50,000
	National Endowment for the Arts	93,890	64,500	1.5%	50,000		50,000				100,000
	Save Outdoor Sculpture (SOS)	-	-	0.0%					30,000		30,000
	Oregon Arts Commission	44,000	44,000	1.0%	30,000					15,000	45,000
OAC & National total		137,890	108,500	2.5%	80,000		50,000		30,000	15,000	175,000
	Schools	119,231	120,000	2.7%	120,000						120,000
	Private Fundraising	60,345	100,000	2.3%	75,000	20,000			40,000	5,000	140,000
	Private Contracts	298,769	140,000	3.2%					150,000		150,000
	Other	291,023	150,000	3.4%	5,000				70,000	75,000	150,000
Other Sources total		769,368	510,000	11.6%	200,000	20,000			260,000	80,000	560,000
TOTAL		\$ 3,854,303	\$ 4,409,798	100%	\$ 558,806	\$ 2,266,253	\$ 596,765	\$ 374,770	\$ 953,410	\$ 516,182	\$ 5,166,187



PORTLAND • OREGON VISITORS ASSOCIATION
the convention and visitors bureau of metropolitan Portland

March 12, 1999

Honorable Rod Monroe, Presiding Officer
Chair, Finance Committee
Metro
600 NE Grand
Portland, OR 97232

Dear Chairman Monroe:

It has come to my attention that a proposal has been made to ask the Portland Oregon Visitors Association (POVA) to contribute funds from its Oregon Convention Center marketing contract to the Regional Arts and Culture Council (RACC) on behalf of Metro. Although POVA is very supportive of the arts and RACC's regional arts programs, we feel that this proposal would not be a responsible diversion of our resources.

The mission of POVA is to strengthen the region's economy by marketing the Portland metropolitan region as a preferred destination for meetings, conventions and leisure travel. A primary focus of our activities is to promote the facilities that Metro owns and manages, especially the Oregon Convention Center (OCC). We feel that our activities have played a critical role in the success of the OCC, which, in turn, has generated considerable economic benefit for the entire region.

In order to ensure effective programs and offer the greatest return on investment, POVA dedicates considerable analysis and research to the development of a comprehensive business plan. Each program we undertake has measurable goals and objectives, and I am proud to say that the results for each have been impressive. A recent report on our activities showed that the return on investment for POVA's convention sales activities is \$28 generated for every dollar invested. We want to continue this record of success for the region.

When ranked against the convention and visitors bureaus of its major competitor cities, POVA has one of the smallest marketing budgets in the group. It is our opinion that further depletion of POVA's limited resources would not be in the best interest of the Metro facilities specifically or the region in general.

The arts play a vital role in the quality of life in this region and deserve to be supported. It is our hope that a more appropriate alternative can be developed.

Please let me know if I can be of assistance or provide any additional information.

*Sincerely,
Joe D'Alessandro*

Joe D'Alessandro
President & CEO

cc: Metro Council
Mike Burton, Metro Executive Officer
POVA Executive Committee
Kathleen Stephenson-Kuhn, NWBCA
Ben Middleton, Chair MERC
Mark Williams, MERC General Manager

REGIONAL PARKS AND GREENSPACES DEPARTMENT
1999 Proposed Budget.
3/18/99

BUDGET NOTE RECOMMENDATIONS:

1. Open Spaces Program: By end of calendar year 1999, department will prepare outline and policy recommendations for future of Open Spaces program. The outline will include options for staff, spending of remaining Open Spaces funds and the possibility of raising additional funds. Based on Council response to these options, department will complete a more detailed plan by June 31, 2000. The detailed plan should break out categories for acquisition, capital development and operations. (Budget note)
2. Support creation of a tax-study committee. The committee will, at a minimum, investigate the creation of a stable funding source which could meet the needs for master-planning and development of current developed park, and landbanked properties. (Budget note)
3. Develop process and criteria for masterplanning and developing landbanked properties. For example criteria should take into account what weight should be given to regional distribution, level of use, available funds, current demand, etc., in choosing next sites to masterplan and/or develop. (Budget Note)

**METRO**

031899c-02

To: All Councilors

**From: John Houser, Senior Council Analyst
Michael Morrissey, Senior Council Analyst**

Re: Budget Amendments For Consideration at the March 18 Council Meeting

Date: March 18, 1999

The following amendments have been submitted for consideration at the March 18 Council meeting:

Council Office

1) Elimination of Proposed Assistant to the Presiding Officer Position (Monroe/McLain)

2) Councilor Salary and Pay Adjustments (Monroe/McLain)

3) Enhanced Public Outreach (Monroe/McLain)

Auditor's Office

1) Pay Adjustment/Auditor's Salary (Monroe/McLain)

2) Reduction in Contracted Professional Services (\$10,000) (Monroe/McLain)

3) Reduction in Contracted Professional Services (\$5,000) (Park)

Executive Office

1) Pay Adjustment/Executive Officer's Salary (Monroe/McLain)

2) Budget Note Concerning Expenditure of Contracted Professional Services Related to the Communications Plan (Monroe/McLain)

3) (Note: the Kvistad amendment related to a Special Appropriation for RACC is listed for discussion under Miscellaneous Funds, but if adopted would affect the Executive Office budget)

Office of General Counsel

No proposed amendments

Administrative Services Department

1) Budget note requiring the completion of an independent analysis of Metro business processes (Monroe/McLain)

2) Funding for a Tax Study Commission (McLain)

Human Resources

No proposed amendments

Regional Parks

1) Budget Note related to Open Spaces Program (Monroe/McLain)

2) Budget Note in Support of Tax Study Commission (Monroe/McLain)

3) Budget Note Related to Master Planning and Landbanking (Monroe/McLain)

**METRO**

To: All Councilors

From: Presiding Officer Rod Monroe
Deputy Presiding Officer Susan McLain

Re: Proposed Budget Amendments For the February 23 Budget Workshop

Date: February 23, 1999

The Council Budget Workshop on February 23 is scheduled to review the proposed budgets for the offices of Metro's elected officials (Council, Executive Officer, Auditor) and the Office of General Council. Based on a review of these budgets by our Council analysts and discussions with the affected officials and department heads, the following memo outlines the amendments and budget notes that we will be offering for Council consideration at the workshop.

Council Office

Our recommended changes to the Council budget (including the outreach staff) address three areas: 1) elimination of a proposed new Council assistant position, 2) clarification of the merit and cost-of-living (COLA) pay adjustments for Councilors and staff, and 3) providing a modest level of additional funding for Council outreach programs.

Position Elimination. The proposed budget includes a new Council assistant position that would provide clerical and scheduling support to the Presiding Officer. For the past four years, the Council has funded an Assistant to the Presiding Officer professional level position. Within the past year this position has evolved into the current Chief of Staff position. This transition has resulted in the assumption of many new administrative duties. The new position was proposed under the assumption that the Presiding Officer would have continuing support needs that could no longer be met through the Chief of Staff position. Funding for the new position would be provided through the elimination of the third analyst position that is currently not filled.

Based on our experience with the existing staff, it appears that all of the support needs for both the Presiding Officer and Deputy Presiding Officer can be met within the existing staffing structure. The Chief of Staff is still providing both scheduling and professional assistance to the Presiding Officer and other analytical and clerical needs are being met by other staff. Given that general fund budgeting for next year is tight and many Councilors have expressed an interest in identifying additional funding for Council

outreach programs, we would recommend that the Council eliminate the proposed new Council assistant position.

Pay Adjustments. We would propose that the Council consider several minor amendments related to pay adjustments for both Councilors and staff. First, the proposed budget includes a 5% adjustment in Councilor salaries. Because these salaries are tied to the salaries of state circuit court judges, the actual percentage of increase will be dependent upon final action on judges salaries by the Legislative Assembly. Our analyst has contacted the State Court Administrators concerning potential legislative action. He was advised that a state public officials compensation commission has recommended a 4% increase in judges' salaries. In addition, judges may receive the same 2% COLA that is being offered to rank-and-file state employees. Thus, the total adjustment in the judges salaries may be as high as 6%. Because, final legislative action on these salaries may not occur until Metro has adopted its budget, we believe that it would be prudent for the budget to include a 6% adjustment for Councilor salaries.

Second, through a miscommunication between Council and Financial Planning staff, the Council budget does not include any COLA increase for Council staff. The agency budget manual recommended that a 2% COLA be included in salary adjustments in the proposed budget. We believe that Council staff should be eligible for the same level of COLA salary adjustments that would apply to other similarly classed (non-represented) Metro employees. The actual rate for the COLA will likely not be known until April or May.

The proposed budget also includes merit-based pay adjustments of up to 4%. This is slightly lower than the 5% maximum rate suggested in the budget manual. Given the tightness of general fund-related budgets, we believe that the 4% proposal provides adequate flexibility within a merit-based salary review process for each employee.

In a memo dated February 19 (see attached), Kathy Rutkowski, Financial Planning Budget Coordinator, estimated the potential fiscal impact of the position elimination and pay adjustment recommendations that we are proposing. She ran four differing scenarios based on 4 or 5% merit increases and the timing of these increases. Scenario 1 is the scenario that reflects the amendments that we are recommending. Under this scenario there would be a total of \$42,167 in savings in the Council Office personal services budget, and an additional \$2,732 in the Public Outreach Office budget.

Enhanced Public Outreach. Several councilors have expressed interest in increasing the level of funding for Council outreach. The savings from the recommended amendments presented above would total \$44,899. We would recommend that the Council consider transferring a major portion of these savings (\$40,000) to the Public Outreach Office budget. These funds would be placed in the contracted professional services line item where they would provide maximum flexibility for any new outreach efforts that may be approved by the Council. Because the changes recommended above will result in very tight personal services budgets, we would further recommend that the savings from the Outreach personal services budget (\$2,732) be placed in the miscellaneous expenditures line item where they could be

used for any unforeseen personal services or material and services needs. We also would recommend that a total \$2,167 in the savings from the Council office be placed in the miscellaneous expenditures line item in the Council budget for the same purpose.

Auditor's Office.

Given that the proposed Auditor's budget already reflects a \$34,000 reduction from the current fiscal year, we are recommending only two changes in the proposed budget. The first amendment would be a \$10,000 reduction in the contracted professional services line item. This recommendation is based on historic spending patterns of these funds and the potential that additional funding (if needed) could be found within other materials and services line items without the need for a budget amount.

The Auditor has requested a total \$101,210, for contracted professional services. This represents a reduction from the \$163,288 budgeted for the current year. However, it should be noted that the current year's budget includes significant resources that were used for the Infolink-related audits that have now been completed.

Historically, this line item has included funding for the annual financial audit that is required to be performed by an outside vendor. In addition, beginning in FY 96-97, the Auditor's included funds for unforeseen contracted needs. These needs would include specialized outside assistance for technical aspects of audits or projects for which the Auditor has no expertise on her own staff. A total of \$7,500 was authorized in FY 96-97, \$18,000 in FY 97-98 and \$25,000 in the current fiscal year. If the proposed Auditor's budget were adopted a total of about \$30,000 would be available for discretionary contracting.

In reviewing the proposed budget, our analyst found that the actual expenditure of these discretionary contracting funds has been far less than the requested amount. For example, in FY 96-97, spending not related to the financial audit totaled \$11,805. In FY 97-98, the total was only \$3,129.

Based on the estimated cost of the financial audit for next year (\$70,600), if the Council adopts the amendment we are proposing, the Auditor would still have \$20,610 available for discretionary contracting. This would appear to be well above historical spending levels. In addition, it would appear that if additional funds are needed, the Auditor has historically underspent in other materials and services line items. These unspent funds could be used for contracting services. For example, in FY 96-97, the budget for materials and services other than the audit and contracting totaled \$37,000. Of this total, only \$22,000 was spent. In FY 97-98 the non-contracting and audit materials and services budget was \$46,000 and only \$33,800 was spent.

The second change relates to the proposed salary for the auditor. The actual Auditor's salary is based on the circuit court judge's salary and is currently \$68,240, or only \$475 lower than the amount in the proposed budget (\$68,715). As noted above, Councilor salaries, which are also tied to the judges salaries, may increase as much as 6% as a result of legislative action. There we believe that it would be prudent for the proposed Auditor's salary to reflect the potential for a 6% increase. Such an increase would raise

TO: Metro Council

FROM: John Houser, Michael Morrissey
Council Analysts

DATE: March 18, 1999

RE: Flagged Items not Scheduled for Discussion Today

As you move through the scheduled department and fund budgets at today's Council meetings, we want you to be aware of other items that have been flagged for later discussion, relative to other funds or departments. They include:

<u>Issue</u>	<u>Amount</u>
Measure #56 related notice costs, Based on one district-wide mailing:	\$150,000
Regional Water Consortium dues:	\$16,000
Growth Dept. related local planning and out reach grants. Currently budgeted at \$240,000. No money budgeted for next year.	not specified at this time
Administrative Services Business Practices. Analyze adequacy of ASD resources, relative to customer requirements.	not specified at this time



031899c-04

March 17, 1999

Regional Arts &
Culture Council

620 SW Main St., Suite 420
Portland, OR 97205
Tel: 503.823.5111
Fax: 503.823.5432
Email: info@racc.org
TDD# 503.823.6868
www.racc.org

Mike Burton
Executive Officer
Metro
600 N.E. Grand
Portland, OR 97232-2736

Dear Mike,

First, let me compliment you and the Council on your recent success re-negotiating the Region's garbage contract. It appears to be evidence of Metro's desire and ability to manage a serious regional issue intelligently, efficiently, and in a manner that will benefit everyone.

Regarding the RACC funding issue, in a conversation with George Forbes (an appointed Metro RACC board member, like myself), I learned of your most recent budget strategy for the Metro funding of RACC. Our understanding is that you propose a combination of C.O.L.A. savings (\$25,000) which would be available at the beginning of the fiscal year, with the balance to be funded from the estimated \$30 million resulting from the garbage contract re-negotiation.

Mike, in the four plus years since the intergovernmental contract was executed, Metro's funding has been critical to both arts funding *and* leveraging our other four funding sources. While the Metro contribution is *relatively* small, it is 1) symbolically very substantial, 2) confirms the spirit of the "regional" partnership (and commitment to arts and culture as envisioned in ArtsPlan 2000+) and 3) provides critical support to artists and organizations alike.

So, while we may never have thought of art and garbage as partners, we endorse your proposal and compliment a creative approach to RACC funding. As we have visited with the Councilors during this process, we are mindful of immense budgetary challenges you face, but are grateful for the Councilors' stated desire to continue funding RACC.

Should the Council favor your recommendation, may we suggest the following approach:

- \$25,000 in funding be made available at the commencement of the fiscal year to support programs beginning in Fall, 1999
- A firm stipulation that \$75,000 will be funded in January, 2000

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Linda Peters - Washington County

Member of Americans for the Arts

- That the Council consider an additional \$25,000 to \$50,000 add-on in January, 2000 to enable RACC to improve regional art services *and improve our relatively unfavorable comparison to peer metropolitan areas, when measured by the standard of public funding.*

Again, we appreciate that there are many competing demands for limited funds, but we see this as an opportunity to build on Metro's past support and strengthen the notion that Metro recognizes the essential linkage of arts and culture to regional livability.

Thank you again for your initiative in seeking a solution. Please let us know if you require assistance during the budget process.

Sincerely,

Tony Marquis, Chair

cc: Metro Council
RACC Executive Committee
George Forbes, RACC
Joe D'Alessandro, POVA
Kathleen Stephenson- Kuhn, NWBCA
Mark Williams, MERC

It is obvious that the impacts of traffic are most egregious in the neighborhoods of East Portland. Long lines of daily traffic have turned SE Portland into a commuter thoroughfare. The increasing use of cars has turned all SE Portland into "parking lot neighborhoods". This disturbing development has led me to several conclusions.

Powell Blvd must receive a major upgrades at specific intersections. Starting with Milwaukie Ave, I propose a series of "cut & crossing" intersections that will improve flow of traffic on Hwy 26 (removing stoplights, not increasing the speed limit). This also improves pedestrian ability to cross Powell Blvd & creates development potential near these intersections. SE 21st, SE 50 & 52 are also potential intersections for this treatment. The Milwaukie Ave intersection is the most crucial. Brooklyn has much potential due to it's location, but can never achieve a healthy economy or become a popular destination, until this disastrous intersection is completely ameliorated. With this improvement a number of problems become solvable. The #70 bus should become more popular & thus make better connections to the Eastbound lines. The development of Brooklyn, (including north of Powell), will add to the transit usage of the #70, leading to its' increased service frequency. The intersections of the #70 that connect to the 4, 14, 15, & 20 should also receive development that makes transferring on this "crucial" SE corridor attractive.

The Ross Island Bridge must receive a major rebuild (widening, with direct connections to I-405). The proposal that accomplishes this goal, drafted by David Evans & Associates, available from the City of Portland, is supported by the Corbett/Lair Hill Neighborhood. This fine proposal strengthens the argument for major repairs on the east side of the Ross Isl Br. Approximately, 50% of the traffic using the Sellwood Bridge should be using the Ross Isl Br. No argument about the needs of the Sellwood Bridge can get around this fact. No new bridge connecting Milwaukie to Lake Oswego will reduce traffic on the Sellwood as significantly. Working on the Ross, solves the problems of both bridges & leads to improvements along the Powell Blvd.

The South/North lightrail must be left on the eastside of the Willamette, but more than that, must be in operation, before major reconstruction of the Ross Isl Br. begins. Transportation planners must invest where the greatest need exists. The North segment of the S/N light rail will, in no way, improve Portlands' traffic situation, nor is it the best route north. The SE Portland Hwy 99 & 26 upgrades will accomplish more than a light rail line designed to serve the development desires of downtown Vancouver. The pitifully engineered & environmentally damaging North Portland segment of the S/N is a veiled attempt to force Vancouver into finishing the (useless by itself) 1st segment. Two alternate routes north are possible, via the Glen Jackson Bridge & Swan Island.

Yeon Hwy

I-5 NORTH

NW

NE

ROSE
QUARTER

Notice how the
SE Highways are
"disconnected"
from the other
regional Highway
system.

BANFIELD
FREWAY

Sunset Hwy

SE

SW

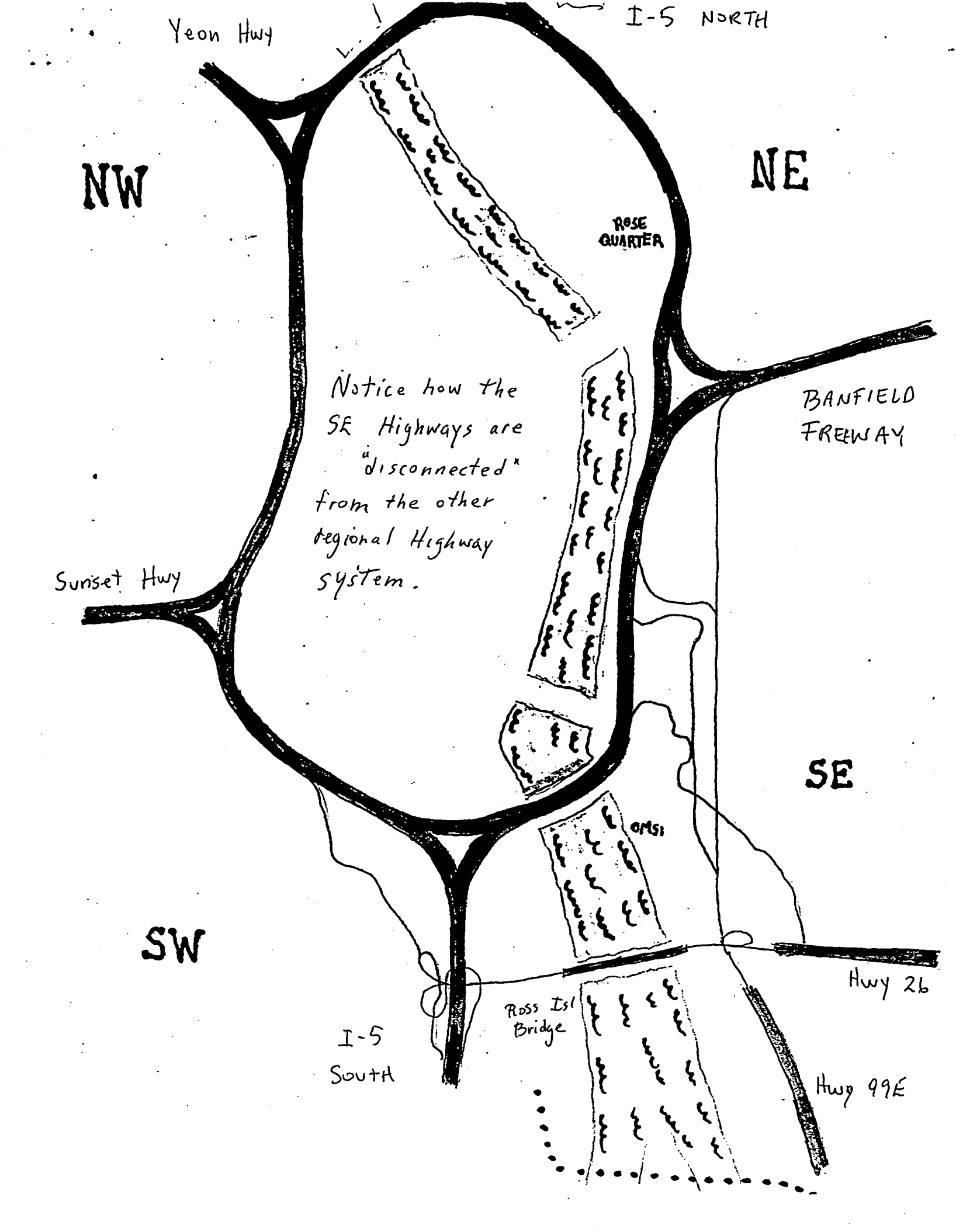
I-5
South

Ross Isl
Bridge

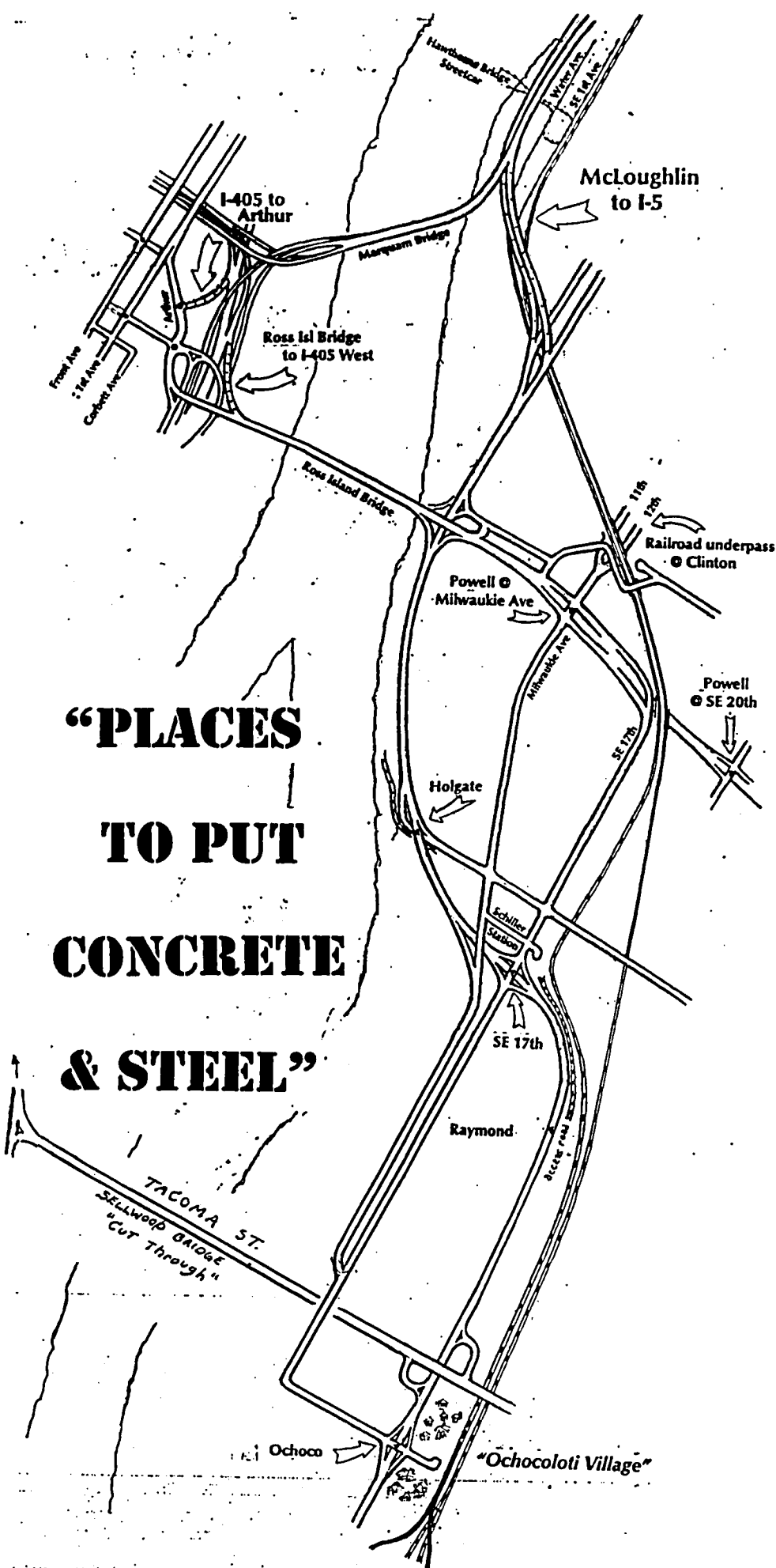
Hwy 26

Hwy 99E

OMSI

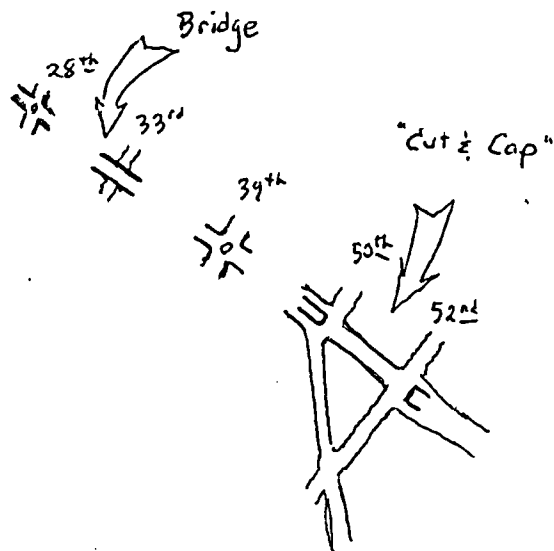


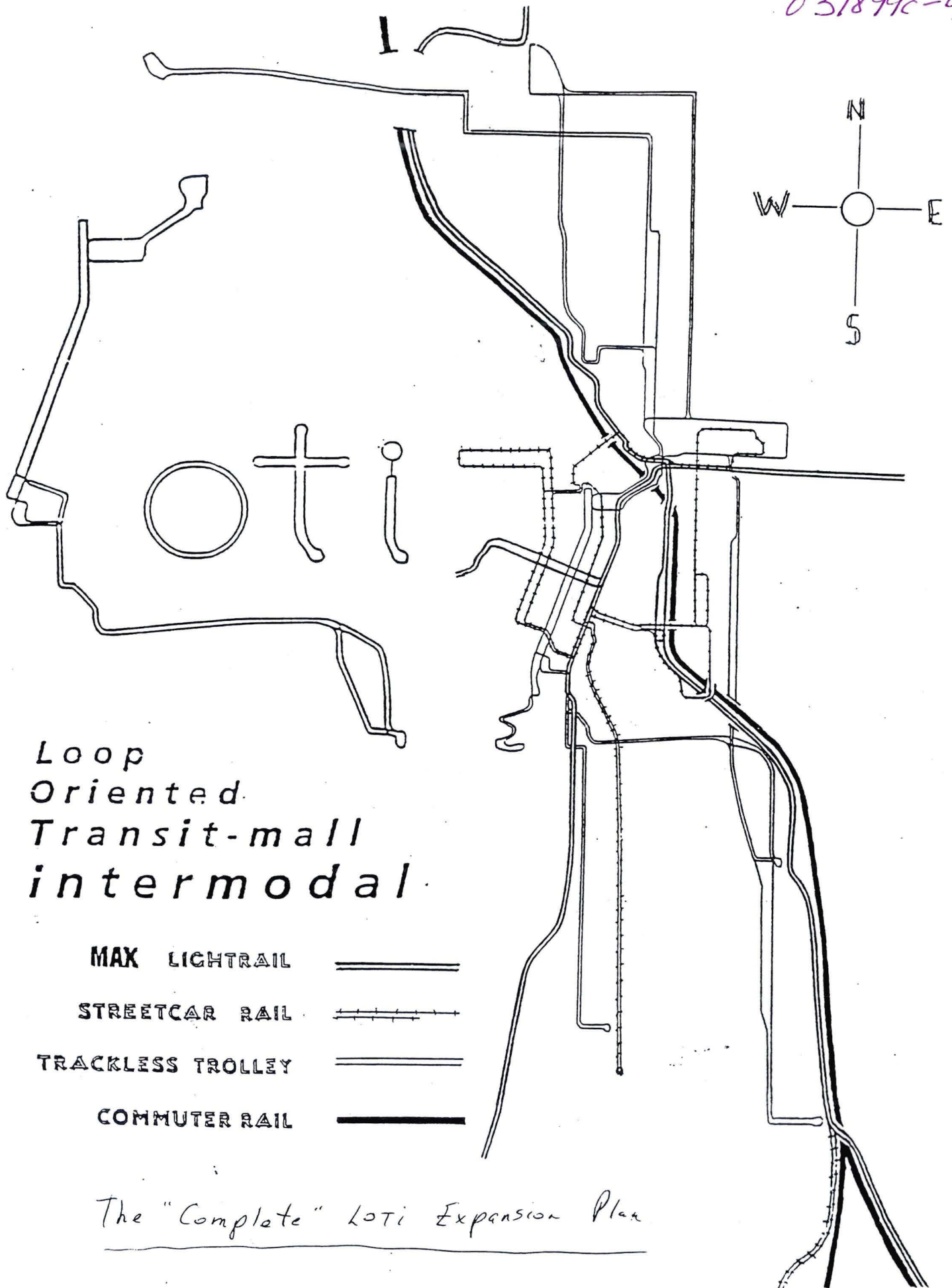
**"PLACES
TO PUT
CONCRETE
& STEEL"**



"A Proposal to build
the Mt. Hood "Expressway"

The removal of 7 stoplights





N

LOTi

LIGHT RAIL

Street car



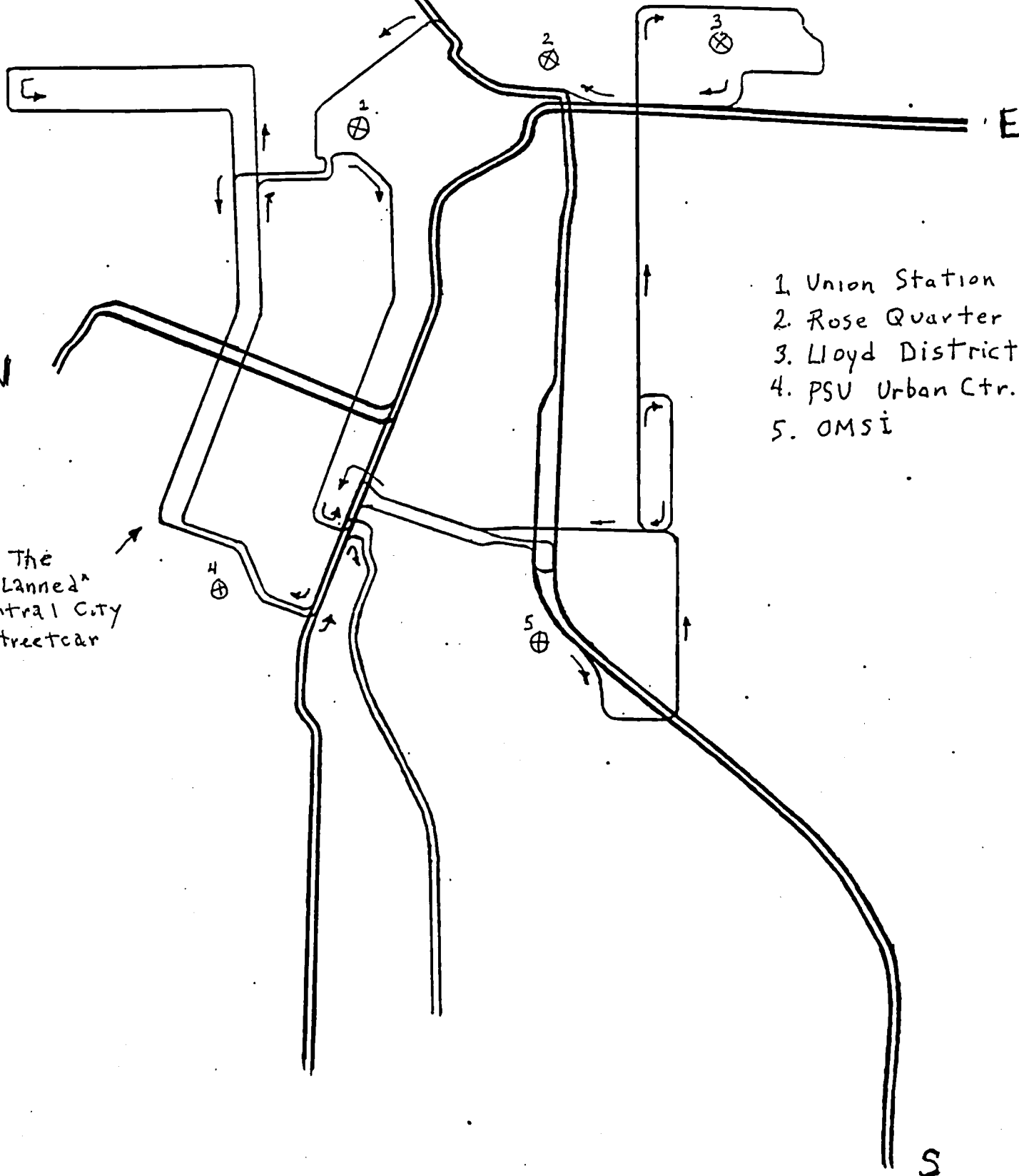
W

E

1. Union Station
2. Rose Quarter
3. Lloyd District
4. PSU Urban Ctr.
5. OMSI

The
"Planned"
Central City
Streetcar

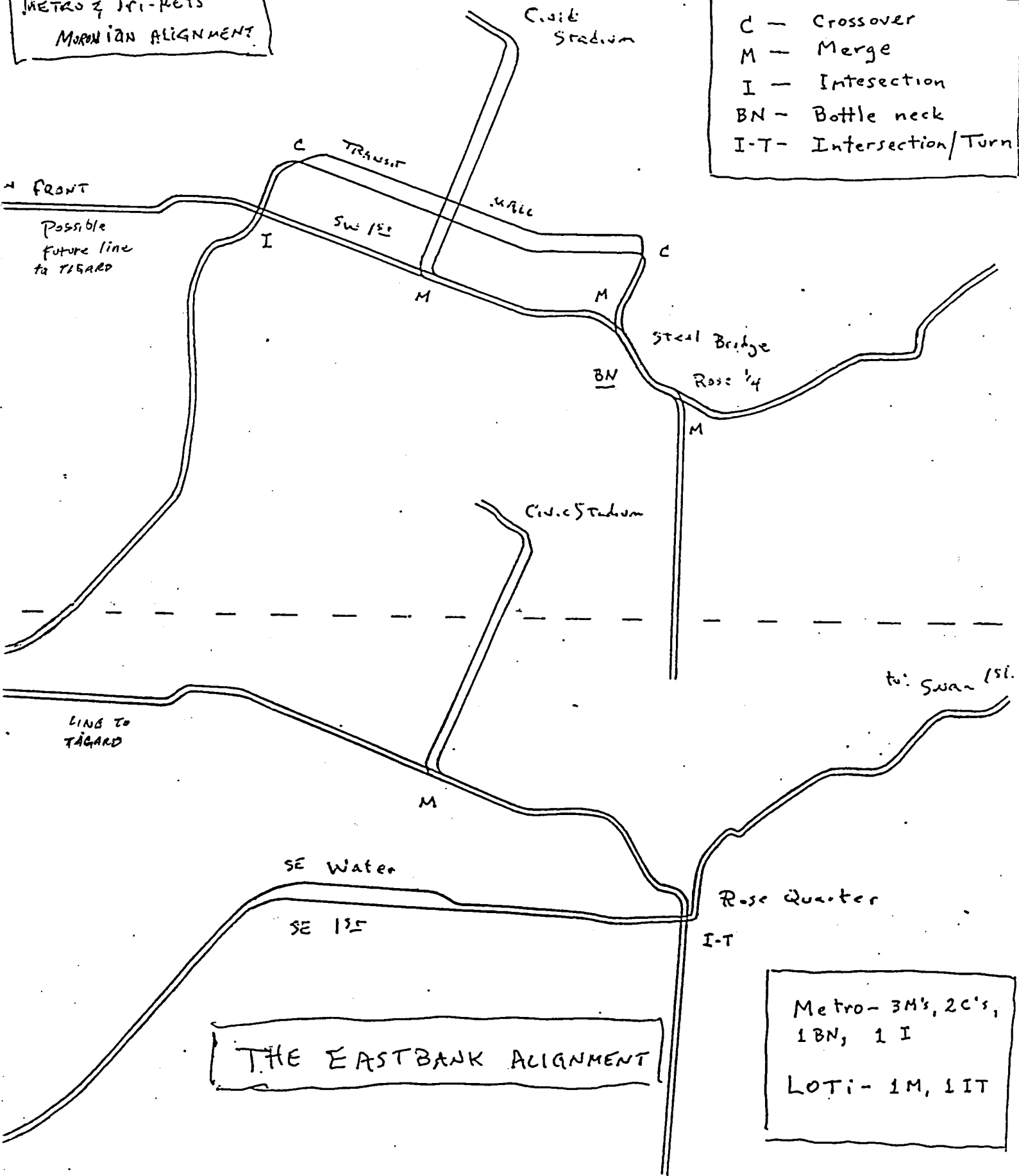
S



Note: The Transit Mall alignment is foolish!

Metro & Tri-METS'
MORRISON ALIGNMENT

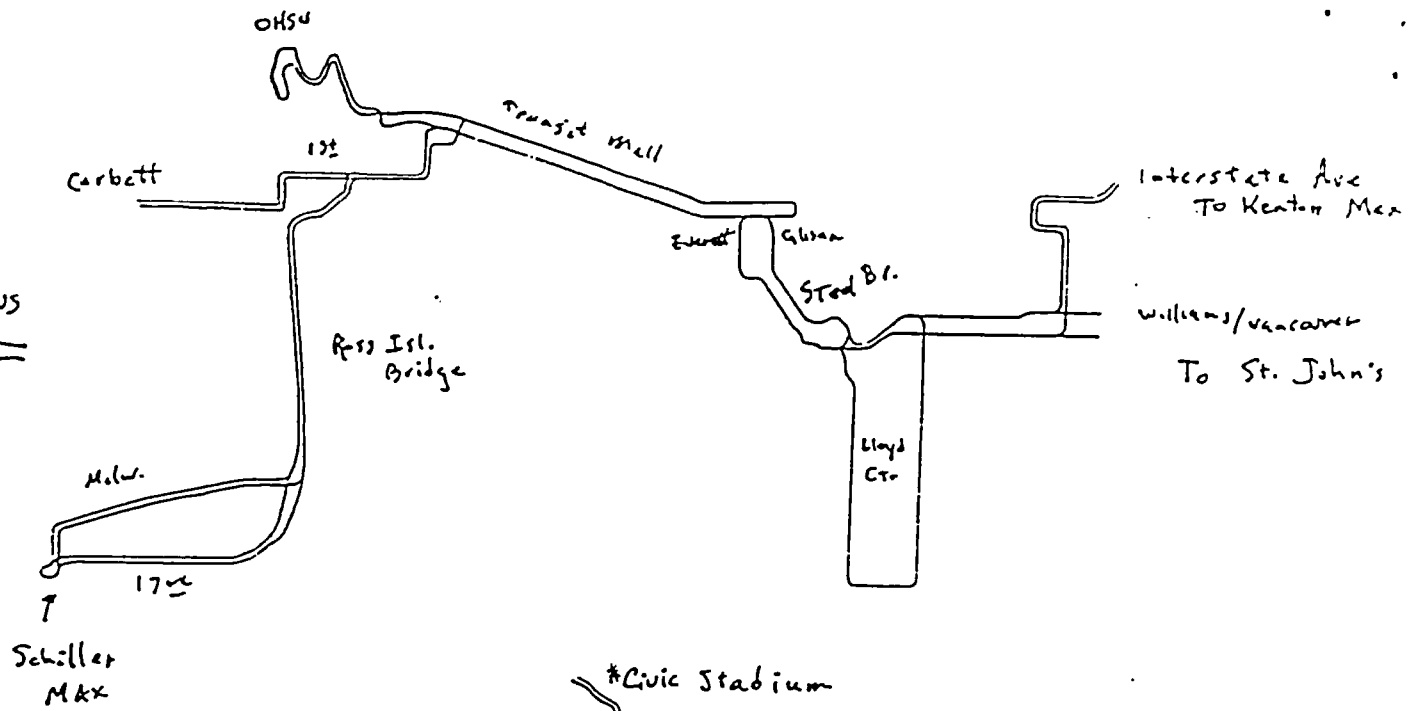
- M.V.
- C — Crossover
 - M — Merge
 - I — Intersection
 - BN — Bottle neck
 - I-T — Intersection/Turn



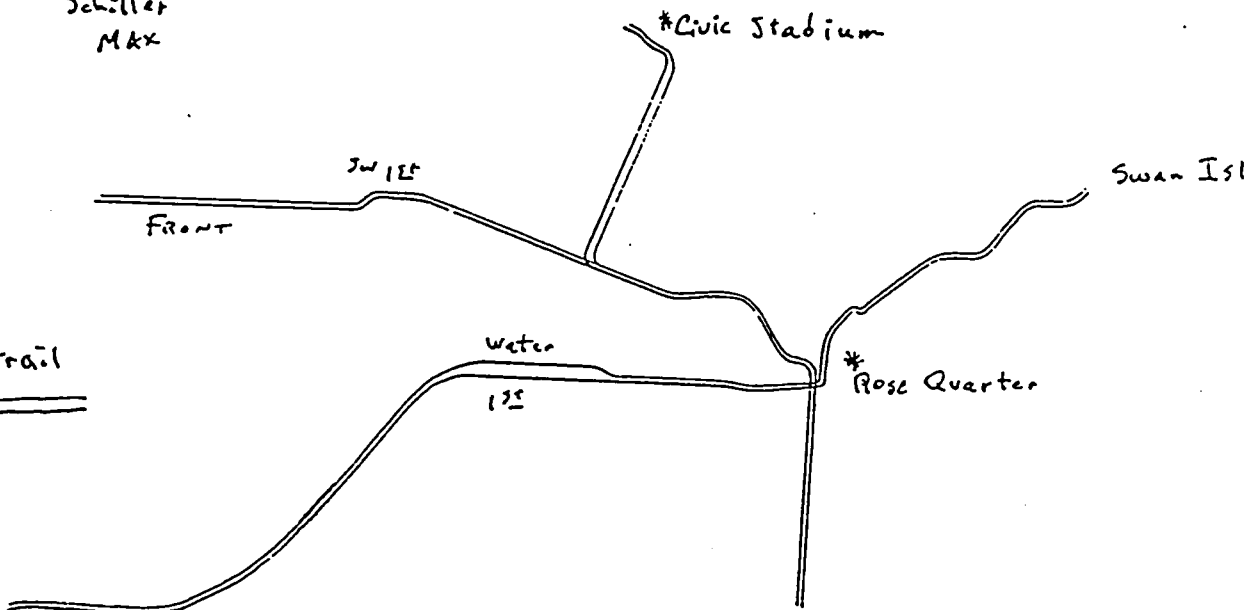
THE EASTBANK ALIGNMENT

Metro - 3M's, 2C's,
1BN, 1 I
LOTi - 1M, 1IT

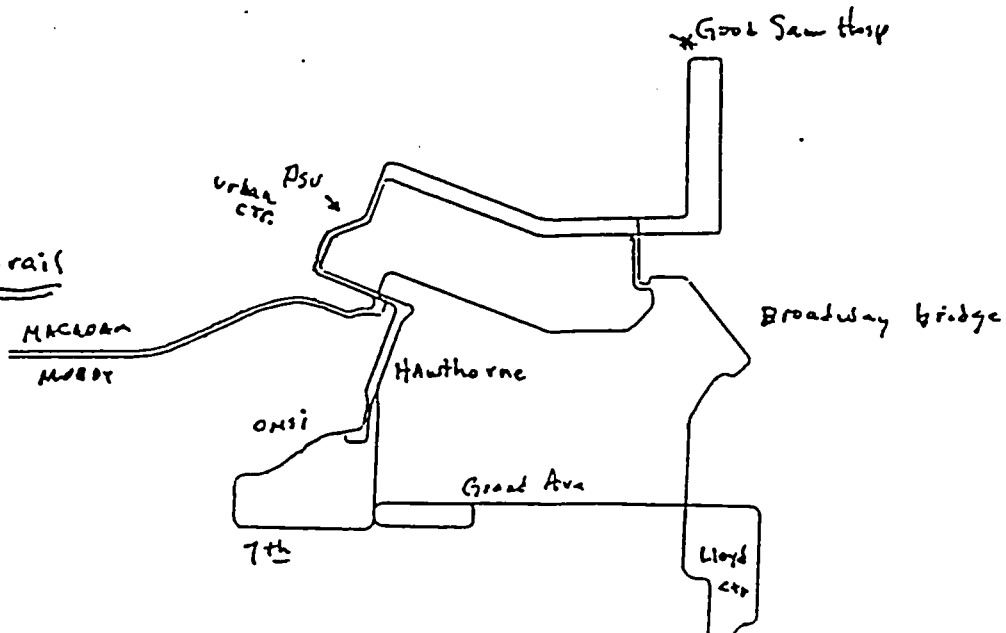
Trolley-bus

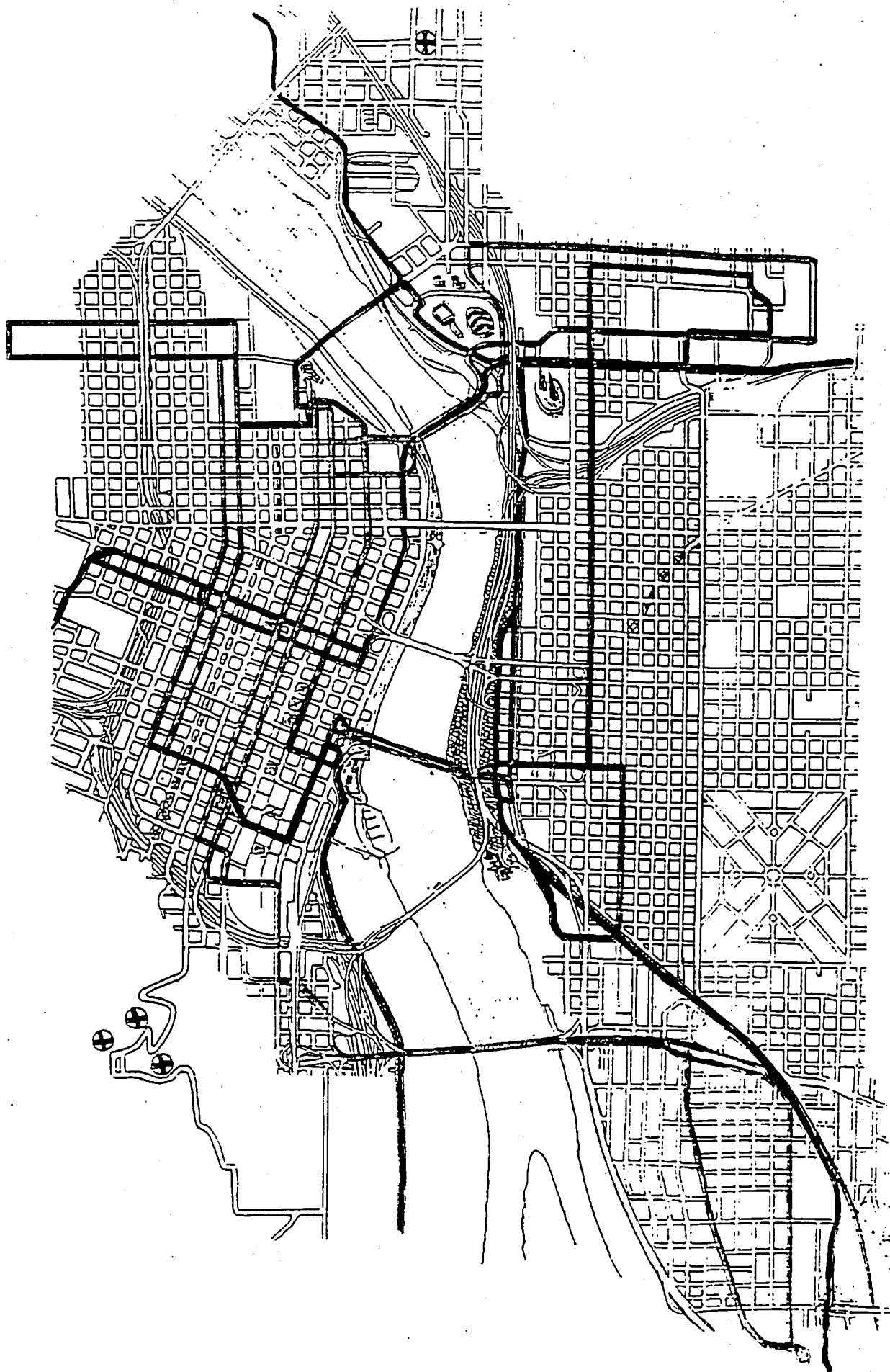


Light rail



Streetcar-rail





LOTI

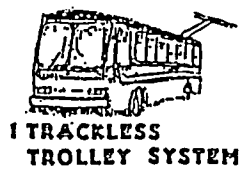
The Loti
 Outlines the 3 Streetcar lines, alignment following the Union Pacific Railroad corridor. LOTI minimizes bridge construction & displacements, potential, broadens electric

Regional Plan
 the trolley-bus loop for the Mall, the S/N lightrail the trolley-bus loop for the Mall, the S/N lightrail Pacific Railroad corridor. LOTI minimizes bridge Increases LRT speed efficiency & redevelopment vehicle applicability, offers attractive compromise

BONUS
 HIGH-SPEED RAIL SYSTEM
 COMMUTER-RAIL SYSTEMS

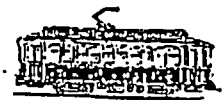
COMMUTER-RAIL
 AINSETS SERVING:

CLYNDIA
 Astoria
 SALEM
 Tillamook
 Hood River



1 TRACKLESS TROLLEY SYSTEM

3 miles



3 STREETCAR RAIL SYSTEMS

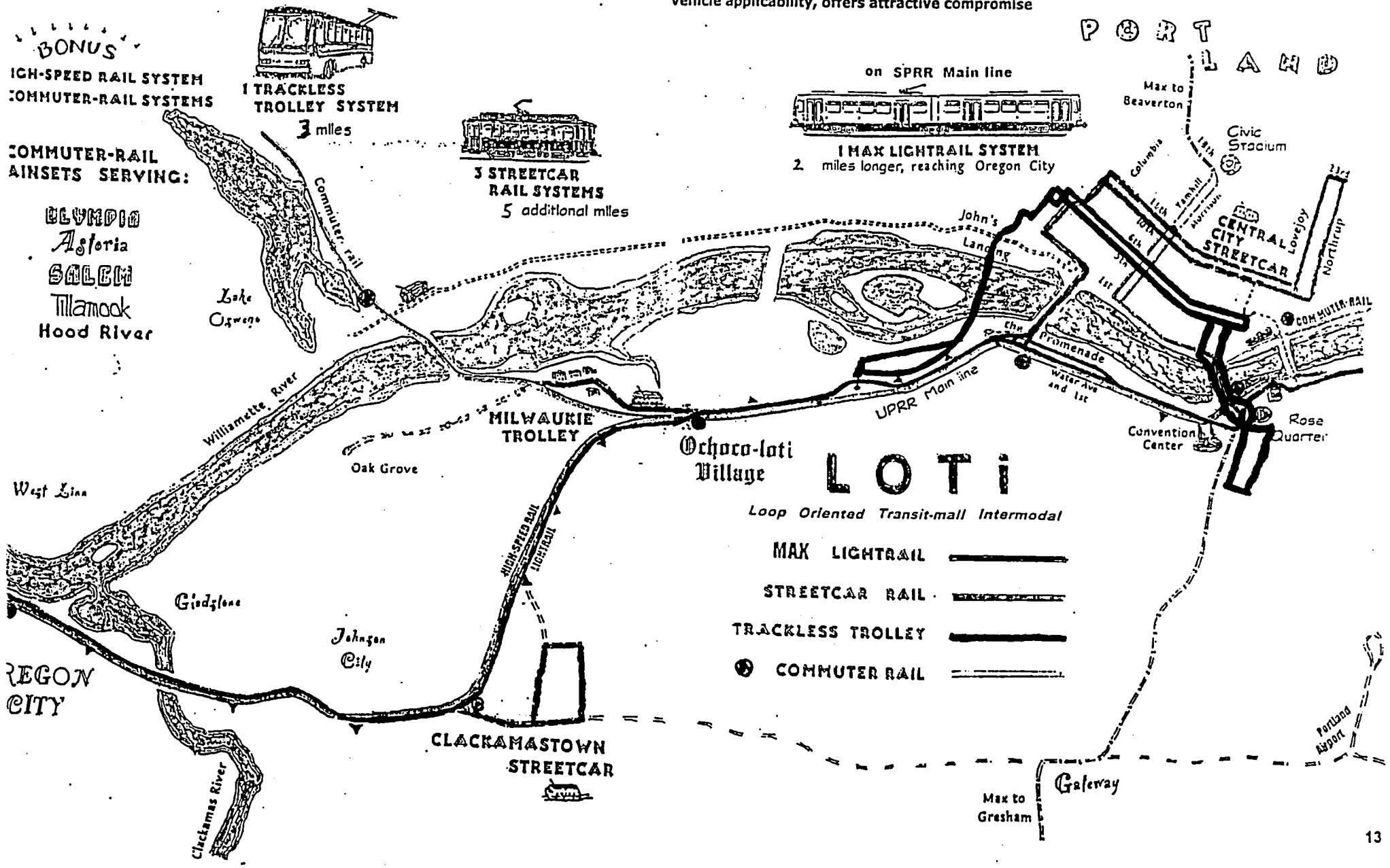
5 additional miles



1 MAX LIGHTRAIL SYSTEM

2 miles longer, reaching Oregon City

PORTLAND



Loop Oriented Transit-mall Intermodal

MAX LIGHTRAIL

STREETCAR RAIL

TRACKLESS TROLLEY

● COMMUTER RAIL

St. Johns

Chatauqua MAX station

Kenton

Paul Bunyan MAX station

Denver

Lombard

Portland Blvd

Greeley

Interstate

Vancouver

Williams

King Blvd

Russell

Lloyd Ctr

Transit Mall

Steel Bridge

College Lincoln

11th

12th

1st

Ross Island Bridge

OHSU

Corbett

Milwaukie

Schiller MAX station

17th

Taylor's Ferry

Ochoco MAX station

Lewis & Clark

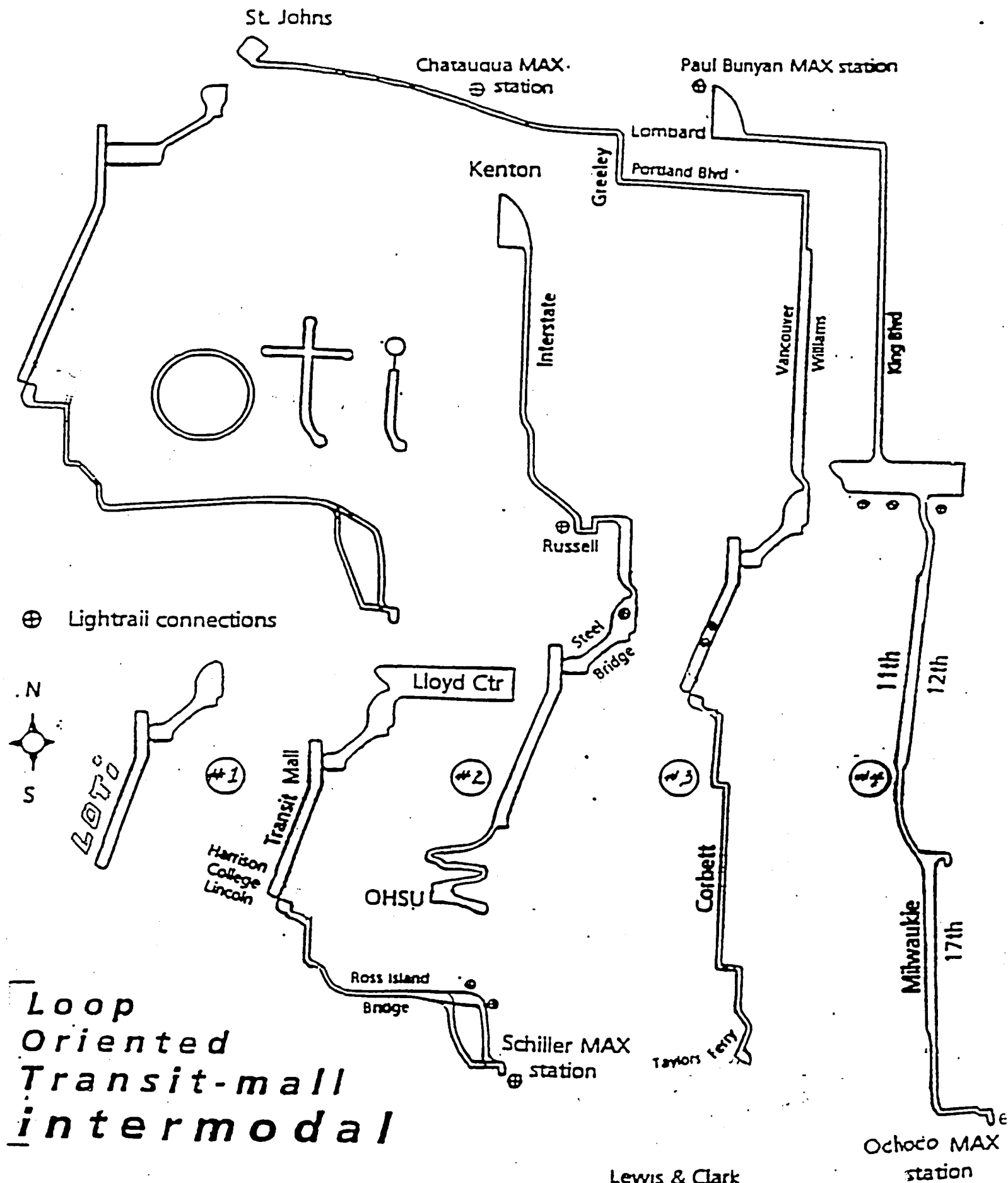
"OchocoLoti Village"

*Loop
Oriented
Transit-mall
intermodal*

1 mile

⊕ Lightrail connections





McQuinn
Burnard & Lucy McQuinn Marvin & Linda McQuinn
2560 SW 229th Ave.
Hillsboro, OR 97123-6638
503 649-5444

031899c-07

March 18, 1999

Metro Council
Susan McLain
600 NE Grand
Portland, OR 97232

Attention:
Cris Billington
Please submit this
at Council meeting
for Resolution 99-2769
Thank you.

Ref: Resolution: 99-2769

Property address: 4100 SW River Road---Hillsboro
Map & Tax lot # 1S216A-00804
portion of Urban Reserve Site 55 inside UBG

Ms. McLain and Metro Council:

It is my understanding that the committee will bring to the entire Council the recommendation that 48 acres be excluded from ordinance 98-788C that was adopted December 18, 1998. I am addressing 8.67 acres of that 48 acres.

As I mentioned tuesday March 16, 1999 at the committee meeting we are zoned EFU but have a waivering right of Remonstrance against customarliy excepted Farm practices. Since we have already given you papers to show that we do not own high value commercial farm land, we feel our property should remain in the UGB.

Failing that, I would respectfully request a waiver of the dead line of March 15, 1999 to begin the locational adjustment process for property under 20 acres. We had not attempted this before because we were told that we were in the UGB and thought so until the afternoon of March 12, 1999.

Thank you for your considerations.

Yours truly,



Linda McQuinn

CITY OF HILLSBORO

031899c-08



March 16, 1999

Fax Transmitted:

Hon. Susan McLain, Chair
and Members
Metro Growth Management Committee
600 NE Grand Avenue
Portland, OR 97232

RE: Metro Resolution No. 99-2769: Authorizing Notice of Withdrawal of Ordinance No. 98-788C For Reconsideration.

Dear Chair McLain & Committee Members:

Thank you considering the following comments on Resolution 98-2769. The Resolution proposes Metro Council withdrawal and reconsideration of its approval of Ordinance 98-788C.

According to a March 10th report to the Growth Management Committee from Metro legal counsel, upon such reconsideration approximately 48 acres of EFU lands from the UGB designation of Urban Reserve Site 55, and four (4) new conditions of approval clarifying implementation of the South Hillsboro Urban Reserve Plan would be added to the Ordinance. It appears these conditions are prescriptive in nature and thus, would be binding upon Hillsboro.

Removal of the 48 EFU acres is intended to resolve three appeals of Ordinance 98-788C to LUBA filed by DLCD, 1000 Friends of Oregon and the Farm Bureau. It is not expected to remove a fourth appeal filed by Steve Larrance, et al who appealed on the basis of transportation issues. The only ostensible gain to be achieved from the Resolution is a reduction of the number of issues to be argued before, and determined by LUBA. Unless the withdrawal and re-adoption of Ordinance 98-788C settles all LUBA appeal issues; i.e., also resolving the appeal by Steve Larrance, et al, Metro would not avoid the legal and administrative costs associated with an appeal to LUBA of Ordinance 98-788C.

The South Hillsboro Concept Plan was approved by the Metro Council to enable the inclusion of Site 55 into the UGB in Ordinance 98-788C. We are concerned that Resolution 99-2769 does not direct Metro to follow a Plan amendment process that allows us to consider and give input on the proposed additional conditions of Plan approval prior to final Metro action on the new conditions. To the extent that they alter or modify current conditions of Plan approval, we also need to be able to review and determine their acceptability to our own City as future policy directions governing the development of this portion of the South Hillsboro area. As you know, we are processing the Concept Plan for City approval by our Council.

Post-it® Fax Note	7671	Date 3/15	# of pages 3
To Hon. Susan McLain		From Pat Riballio	
Co./Dept. GHL		Co. Hillsboro	
Phone # 797-1553		Phone # 681-6239	
Fax # 797-1743		Fax # 681-6245	

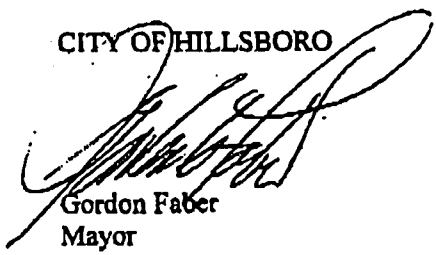
Metro Growth Management Committee
March 16, 1999
Page 2.

We respectfully ask the Metro Council to follow a Concept Plan amendment process that allows for our local review and action on the proposed additional conditions and our input to you on the matter prior to Metro Council final action on the conditions. Please allow us to consider their impacts on our City, the affected stakeholders, the surrounding community, continuing Plan feasibility, and successful Concept Plan implementation.

Thank you for considering our remarks.

Respectfully submitted:

CITY OF HILLSBORO



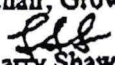
Gordon Faber
Mayor

**METRO**

03/899c-09

DATE: March 10, 1999

TO: Councilor Susan McLain
Chair, Growth Management Committee

FROM: 
Larry Shaw
Office of General Counsel

SUBJECT: Withdrawal of UGB Ordinance for (URA 55) Reconsideration

Two UGB ordinances remain on appeal to LUBA after LUBA's recent dismissal of appeals of the three Resolutions of Intent to Amend the UGB. The decision record is due to be transmitted to LUBA for both ordinances on March 19, 1999. The record for the North Stafford ordinance will be filed at that time. Office of General Counsel recommends that the Metro Council consider withdrawal of the URA 55 ordinance for reconsideration of 48 acres and technical amendments. The purpose of the withdrawal would be to consider amending and readopting the ordinance to settle at least three of the four appeals.

Withdrawal For Reconsideration - OAR 661-010-0021(1)

LUBA rules allow Metro to file a notice to withdraw a decision for purposes of reconsideration on or before the date the record is due. This suspends the LUBA appeal until a decision on reconsideration is filed. Such a decision on reconsideration must be filed within 90 days of Metro's withdrawal notice. This notice of withdrawal process differs from a "voluntary remand" which requires a motion that must be granted by LUBA.

Four Appellants - DLCD, 1000 Friends, Farm Bureau, Citizen Larrance

Three of the four appellants support the bulk of the URA 55 ordinance because it adds exception land, rather than resource land, to the UGB. Their primary objections are the inclusion of 48 acres of the southwest edge of URA 55 and clear separation from the St. Mary's Resolution. Citizen Larrance's concerns are focused on transportation issues that may or may not be resolvable during a 90-day reconsideration.

Potential Dismissal of Three Appeals - DLCD, 1000 Friends, Farm Bureau

Discussions with these three appellants indicates that amendments on the following subjects are likely to accomplish dismissal of their appeals of this ordinance:

1. Revise the UGB boundary to exclude about 48 acres zoned EFU;
2. Adopt more conditions of approval to clarify implementation of the portions of the "South Hillsboro Urban Reserve Concept Plan" applicable to the URA 55 ordinance area:
 - Require exception land floodplains west of River Road to be used only for park purposes;
 - Assure ten dwelling units/net acre average density and zoning mix in the main street;
 - Require residential zoning identified on Table 12 of the plan;
 - Correct transportation projects list in existing condition.

cc: Metro Council, Mike Burton, Executive Officer, Elaine Wilkerson
Attachment

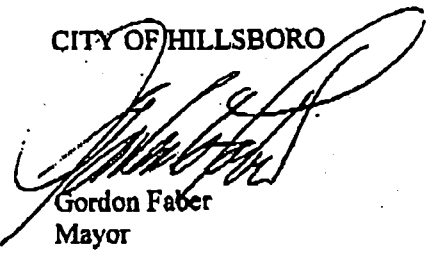
Metro Growth Management Committee
March 16, 1999
Page 2.

We respectfully ask the Metro Council to follow a Concept Plan amendment process that allows for our local review and action on the proposed additional conditions and our input to you on the matter prior to Metro Council final action on the conditions. Please allow us to consider their impacts on our City, the affected stakeholders, the surrounding community, continuing Plan feasibility, and successful Concept Plan implementation.

Thank you for considering our remarks.

Respectfully submitted:

CITY OF HILLSBORO



Gordon Faber
Mayor

McQuinn
Burnard & Lucy McQuinn Marvin & Linda McQuinn
2560 SW 229th Ave.
Hillsboro, OR 97123-6638
503 649-5444

031899c-10

Metro Council
Susan McLain
600 NE Grand
Portland, OR 97232

Ref: Resolution: 99-2769
Property address: 4100 SW River Road---Hillsboro
Map & Tax lot # 1S216A-00804
portion of Urban Reserve Site 55 inside UBG

Ms. McLain and Metro Council:

I am writing & speaking today in favor of again including our property in the UGB.

It is my understanding our 8.67 acres was included in the UGB in December 1998 but Metro was directed by the state to look at other land and now Metro is deciding on an appeal process.

I read in Saturday, March 13, 1999 Oregonian newspaper a quote from Mr. Park that stated the purpose of urban reserves is to protect farmland.

I received in January 1997 from Washington County a copy of Exclusive Farm Use District Standard, revised July 27, 1995 that states: The intent of the Exclusive Farm Use District is to preserve and maintain commercial agricultural land within the County. The purpose of the Exclusive Farm Use District is to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forest and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm use and related supportive uses which are deemed appropriate.

We are located 3000 feet south of Witch Hazel Road which is in the City of Hillsboro boundary and less than that from the sewer plant. In fact we are in close proximity to all public facilities, schools, fire, police, and ambulance protection.

We have a Waiving right of Remonstrance against customarily excepted Farm practices. We are waived EFU to allow a Church and Sunday school building that are now present. We aren't presently using the property as such because of permit costs. Neither is there family supportive productivity on such a small piece of property.

Our records show that the property has had a non-farm conditional use for a Church since Aug. 25, 1983. The property is not viable commercially for farming and

McQuinn
Burnard & Lucy McQuinn Marvin & Linda McQuinn
2560 SW 229th Ave.
Hillsboro, OR 97123-6638
503 649-5444

apparently not high value farm land. 340-5.1 of the EFU standard states, and I paraphrase "Churches are not permitted on high-value farmland."

We have attended for months the City of Hillsboro informational projected land use plans. We have watched them addressing traffic and peoples needs from the beginning. We agree with the need for controlled growth and are confident the City of Hillsboro is addressing the diversity of living opportunities close to jobs.

I believe the City of Hillsboro comprehension plan is making an effort to benefit the general welfare of the public and the public housing needs. Our property is part of the "Gordon Creek" area envisioned by the City.

We are in such a location and proximity to the boundary that the inclusion of our property into the UGB is a practical, logical conclusion to land use efficiency. It does not/nor would not add a productive commercial piece of farm land to the out laying rural areas further south of Hillsboro.

I only hope the Council will agree with us and vote again for inclusion in the UGB. and finalize a decision to appeal to the State so we can go forward with the greater publics need.

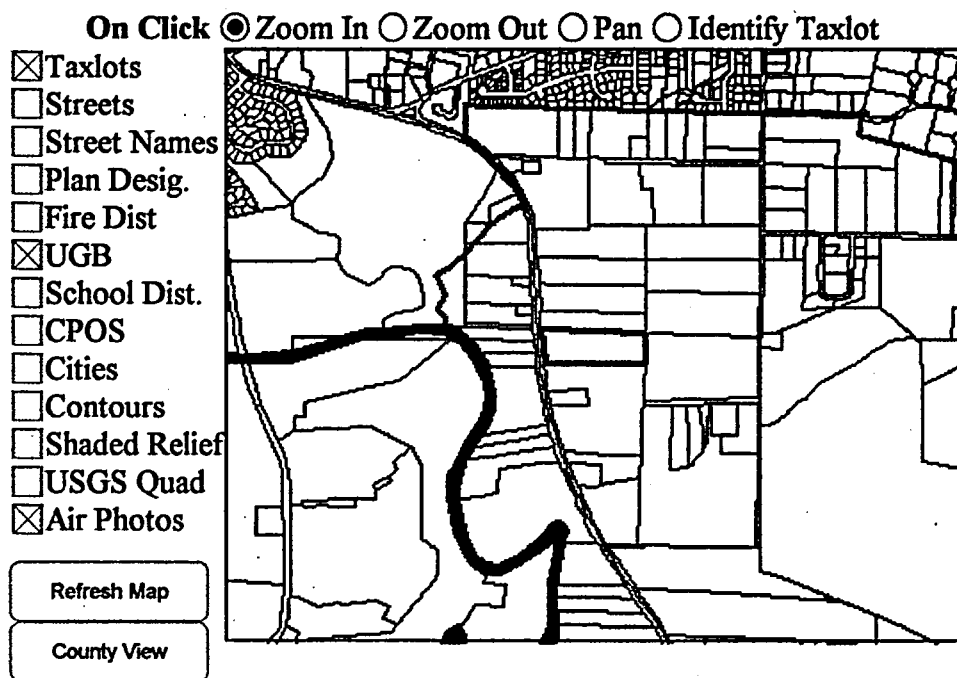
Thank you for this opportunity to voice our views.

Yours truly,



Linda McQuinn

Enclosed map copy from internet/Washington County taxlots-April 1998



WAIVING RIGHT OF DEMONSTRANCE AGAINST
CUSTOMARILY (commonly) ACCEPTED FARM
OR FORESTRY PRACTICES

90-11915
Washington County

106
C
This agreement and Waiver is entered into this 12 day of March, 1990. This Agreement and Waiver is for the benefit of the parties hereto and Washington County, Oregon. The undersigned, being the legal owner(s) of real property hereinafter described, do hereby agree as follows: That the undersigned consent to the use of properties within the vicinity of the real property hereinafter described, for customarily (commonly) accepted farm or forestry practices, to the extent that said practices are allowed by Washington County's Land Use laws:

MAR 12 1990
This Agreement and Waiver is in consideration of: Rural in the EFM District and is required by the Rural/Natural Resource Plan (EFU, AF-20, AF-10, AF-5 OR RR-5) and the Community Development Ordinance of Washington County relating to Land Use.

This Agreement and Waiver shall be construed as a consent to those customarily (commonly) accepted farm or forestry practices within the vicinity of the hereinafter described property to the extent that the farm or forestry practice is allowed by Washington County's Zoning laws, including any applicable dimensional and use requirements.

The property subject to this waiver of remonstrance is described as Map 152 16A, Tax Lot 8045 and is more particularly described as:

Tualatin Church of Christ.
Acres 1.20. Non-Assessable Portion

This Agreement and Waiver shall in no way limit, restrict or pre-empt, the authority of Washington County to exercise any of its governmental authority as regards the subject site.

It is hereby intended that this Agreement and Waiver shall be binding on ourselves and all subsequent owners of the hereinabove described property as well as any of the aforesaid's heirs, successors, assignees or purchasers of the hereinabove described property and shall run with the title to the said property.

This Agreement and Waiver shall immediately be recorded in the Deed Records of Washington County of the above-described property and shall not be removed until this waiver is no longer required by Washington County's zoning laws.

DONE AND DATED this 12 day of March, 1990.

Mrs. Dorelle Spencer

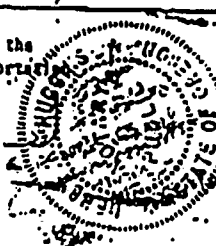
STATE OF OREGON)

ss

County of Washington)

BE IT REMEMBERED that on this 12 day of March, 1990, before me, the undersigned, notary public in and for said County and State, personally appeared the within named Mildred E. Spencer known to me to be the identical individual(s) described in and who executed this instrument and acknowledged to me that the same was executed freely and voluntarily with full knowledge and acknowledged to me that the same was executed freely and voluntarily with full knowledge of the facts and circumstances regarding the issuance of:

After Recording, please return to the
Department of Land Use and Transportation



Mildred E. Spencer
Notary Public for Oregon
My Commission expires: 4-27-91

1-2

7/30/84

PORTLAND

3M P

E3

EXTRA

North/Northeast notes

Blazer Boys and Girls Club will brush up trash cans

Trash along Northeast Alberta Street stands to get classier in the near future.

Ten boys and girls from the Blazers Boys and Girls Club will work with artist Adriene Cruz to design and paint 15 steel drums. The artsy trash cans will be placed outside businesses along Alberta.

The project is part of the Sabin Community Development Corp.'s campaign for a litter-free Alberta. Merchants along Alberta will maintain the cans as their part of helping keep the street clean. The development organization has 13 merchants interested and is looking for more.

The Regional Arts and Culture Council is sponsoring Cruz's role in the project.

Debbie Zwetchkenbaum, program director for the Boys and Girls Club at 5250 N.E. Martin Luther King Jr. Blvd., said the youngsters taking part are 11 to 13 years old and are members of the club's Torch Club, a peer leadership group.

Starting Tuesday, they will work with Cruz for three or four weeks to come up with designs for the drums and to paint them.

March 18, 1999

Public Hearing
1999-2000 Metro Budget

Jerry Rust
3417 N Russet
Portland 97217

Mr. Presiding Officer and members of the Council:

I am affiliated with St. Vincent de Paul Society of Lane County, and with Enterprise Foundation of Portland. Our interest is to develop the capacity of businesses to create waste-based enterprises.

In analyzing the Metro area's solid waste stream, and the potential for creating waste-based enterprises I have reached several tentative conclusions:

- 1) The Solid Waste Plan is failing dramatically. If the Solid Waste Plan was a budget it would be more than a quarter million tons a year out of balance. And, the deficit is growing. For the first time since recycling programs began we are losing ground in meeting the Plan's objectives of recovering 52% of the waste stream by the year 2000.
- 2) Metro needs to pull some big-ticket items from the waste stream to rescue the plan. (Construction materials, asphalt roofing, textile materials, glass, and compostables are prime examples.)
- 3) There are entrepreneurs out there that can help you rescue the plan.
- 4) Most of the waste-recovery projects are capital-intensive during the start up phase of operations. (Usually, specialized equipment is needed).

Given these considerations, I would like to request the following: In the Solid Waste Revenue Fund, page 144 of the proposed budget amend the Recycling Business Assistance from \$271,000 to \$2,000,000, the difference coming from one of the reserve accounts on the same page. I would also request that you make this a revolving loan/grant program. The intent is to recover funds from profitable enterprises to plow back in to future programs.

At a minimum, I ask that you direct staff to comment on this proposal at a future budget work session.

Finally, as you incorporate new revenues in to this budget, it is clear that Metro needs a long-range financial planning document to guide the Metro Council in making

decisions about this fund. What are the unfunded liabilities for this fund? What is the level of reserves needed in the fund? What policies would the Council set to guide expenditures in this fund? And what activities apart from Solid Waste programs are eligible for spending from this fund? I urge you to direct staff to prepare a long-range financial planning document for public review.

GROWTH MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 99-2769 FOR THE PURPOSE OF AUTHORIZING A NOTICE OF WITHDRAWAL OF ORDINANCE 98-788C, FOR RECONSIDERATION.

Date: March 18, 1999

Presented by: Councilor McLain

Committee Action: At its March 16, 1999 meeting, the Growth Management Committee voted 3-0 to recommend Council adoption of Resolution No. 99-2769. Voting in favor: Councilors Bragdon, Park and McLain.

Council Issues/Discussion: Resolution 99-2769 authorizes the Office of General Counsel to file a notice of withdrawal for reconsideration of Ordinance No. 98-788C with the Land Use Board of Appeals. Ordinance No. 98-788C enacted the movement of the Metro urban growth boundary to include approximately 350 acres south of the City of Hillsboro, in Washington County. The area is that part of urban reserve #55 inside the Metro jurisdictional boundary. It includes mostly exception land but also includes 48 acres of land zoned for Exclusive Farm Use, in four parcels.

Ordinance No. 98-788C is one of two of Metro's UGB ordinances remaining on appeal to LUBA. An issue is inclusion of the EFU acres in urban reserve #55. The Office of General Counsel recommends reconsidering the ordinance for possible exclusion of the EFU acres, and other considerations. Such action may cause several of the appellants in this case to withdraw their objections. The resolution is being considered by the Council in the same week as committee action due to a deadline for transmission of the decision record in the LUBA appeal.

Testimony was offered at the committee hearing by the City of Hillsboro, one of the landowners, one of the appellants, DLCD and others. Comments both for and against reconsidering the ordinance were offered. Counselor Park responded that the state requirement to include exception land first, thus protecting farmland, is an appropriate guiding factor. Counselor McLain indicated further considerations to this issue (possible revising of the UGB in urban reserve site #55) can be given when the Council takes up the new ordinance to revise the UGB for that area, which the Metro Council must consider in 90 days.