

A G E N D A

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**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: May 25, 2006  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. RECYCLING IN JAPAN PRESENTATION** Blauer

**4. CONSENT AGENDA**

4.1 Consideration of Minutes for the May 18, 2006 Metro Council Regular Meeting.

4.2 **Resolution No. 06-3695**, For the Purpose of Recommending Approval by the Oregon Environmental Quality Commission of the Draft 2006 Portland-Vancouver AQMA (Oregon Portion) and Salem Keizer Area Ozone Maintenance Plan.

**5. ORDINANCES – SECOND READING**

5.1 **Ordinance No. 06-1119**, For the Purpose of Amending the FY 2005-06 Budget and Appropriations Schedule Recognizing a Donation from the Regional Arts and Culture Council and Declaring an Emergency. Liberty

5.2 **Ordinance No. 06-1120**, For the Purpose of Amending the FY 2005-06 Budget and Appropriations Schedule for the Purpose of Amending the MERC Operating and Pooled Capital Funds and Declaring an Emergency. Park

5.3 **Ordinance No. 06-1121**, For the Purpose of Amending FY 2005-06 Budget and Appropriations Schedule transferring \$350,000 from Contingency to Capital Outlay in the Metro Capital Fund; and Declaring An Emergency. Newman

5.4 **Ordinance No. 06-1122**, For the Purpose of Amending the FY 2005-06 Budget and Appropriations Schedule replacing Copiers in the Metro Regional Center, Purchasing and Installing Timekeeping Software throughout Metro, Amending the FY 2005-06 Through FY 2009-10 Capital Improvement Plan; and Declaring an Emergency. McLain

**6. RESOLUTIONS**

6.1 **Resolution No. 06-3686**, For the Purpose of Establishing the Regional Freight and Goods Movement Task Force and Appointing Members. Park

6.2. **Resolution No. 06-3693**, For the Purpose of Endorsing the Week of May 31 through June 11, 2006 as Great Blue Heron Week. McLain

6.3 **Resolution No. 06-3702**, For the Purpose of Proclaiming the Grand Opening of the Tualatin River National Wildlife Refuge on June 3 and 4, 2006. McLain

**7. CONTRACT REVIEW BOARD**

7.1 **Resolution No. 06-3698**, For the Purpose of Approving the Release of a Request For Proposals and Award of Contract for Design and Engineering Services For Public Access Facilities at the Cooper Mountain Natural Area. McLain

**8. CHIEF OPERATING OFFICER COMMUNICATION**

**9. COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for May 25, 2006 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, Wash.</b>          Channel 11 -- Community Access Network  <a href="http://www.yourtv.org">www.yourtv.org</a> -- (503) 629-8534          2 p.m. Thursday, May 25 (live)</p>	<p><b>Portland</b>          Channel 30 (CityNet 30) -- Portland Community Media  <a href="http://www.pcmtv.org">www.pcmtv.org</a> -- (503) 288-1515          8:30 p.m. Sunday, May 28          2 p.m. Monday, May 29</p>
<p><b>Gresham</b>          Channel 30 -- MCTV  <a href="http://www.mctv.org">www.mctv.org</a> -- (503) 491-7636          2 p.m. Monday, May 29</p>	<p><b>Washington County</b>          Channel 30 -- TVC-TV  <a href="http://www.tvctv.org">www.tvctv.org</a> -- (503) 629-8534          11 p.m. Saturday, May 27          11 p.m. Sunday, May 28          6 a.m. Tuesday, May 30          4 p.m. Wednesday, May 31</p>
<p><b>Oregon City, Gladstone</b>          Channel 28 -- Willamette Falls Television  <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275          Call or visit website for program times.</p>	<p><b>West Linn</b>          Channel 30 -- Willamette Falls Television  <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275          Call or visit website for program times.</p>

**PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.**

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, (503) 797-1542. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website [www.metro-region.org](http://www.metro-region.org) and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RECOMMENDING ) RESOLUTION NO. 06-3695  
APPROVAL BY THE OREGON ENVIRONMENTAL )  
QUALITY COMMISSION OF THE DRAFT 2006 )  
PORTLAND-VANCOUVER AQMA (OREGON ) Introduced by Michael Jordan, Chief  
PORTION) AND SALEM KEIZER AREA OZONE ) Operating Officer, with the concurrence of  
MAINTENANCE PLAN ) Council President Bragdon

WHEREAS, in accordance with the Clean Air Act Amendments (CAAA) of 1990, the U.S Environmental Protection Agency (EPA) designated the Portland metropolitan region a marginal nonattainment area for the one-hour ozone standard; and

WHEREAS, because of the region's air quality designation, the CAAA required that an ozone maintenance plan be prepared for the region; and

WHEREAS, the Metro Council, after consultation and coordination with the Joint Policy Advisory Committee on Transportation (JPACT), approved Resolution No. 96-2260, For the Purpose of Recommending to the Environmental Quality Commission the Transportation Control Measures (TCM's), Contingencies, and Emissions Budgets to Be Included in the Portland Region's Ozone and Carbon Monoxide (CO) Maintenance Plans; and

WHEREAS, the Oregon Environmental Quality Commission (EQC) adopted the 1996 Ozone Maintenance Plan on July 12, 1996, and, in turn, the EPA approved said plan on May 19, 1997; and

WHEREAS, although the region has not violated the one-hour ozone standard since 1998, and has not violated the new eight-hour ozone standard, the CAAA and EPA rules require that the region update the 1997 Ozone Maintenance Plan to demonstrate continued maintenance of ozone standards through the year 2015; and

WHEREAS, the Oregon Department of Environmental Quality (DEQ) has prepared a memo to interested parties dated April 11, 2006 and the draft 2006 Portland-Vancouver AQMA (Oregon Portion) and Salem Keizer Area Ozone Maintenance Plan dated April 18, 2006 ("Draft 2006 Ozone Maintenance Plan"), attached hereto concurrently as Exhibits A and B; and

WHEREAS, the Draft 2006 Ozone Maintenance Plan includes continuation of Employee Commute Options program, Industrial Emission Management program and air quality contingency plans which help ensure coordination between the state and region with regard to integrating transportation, land use and air quality; and

WHEREAS, DEQ has, in accordance with state and federal requirements, asked for public comment on the Draft 2006 Ozone Maintenance Plan; and

WHEREAS, the Transportation Policy Advisory Committee (TPAC), JPACT and the Metro Council have reviewed and considered the Draft 2006 Ozone Maintenance Plan; now, therefore

BE IT RESOLVED that the Metro Council hereby recommends that the EQC approve the Portland metropolitan region's portion of the Draft 2006 Ozone Maintenance Plan.

ADOPTED by the Metro Council this \_\_\_\_\_ day of May 2006.

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David Bragdon, Council President

Approved as to Form:

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Daniel B. Cooper, Metro Attorney

State of Oregon  
Department of Environmental Quality

Memorandum

**Date:** April 11, 2006

**To:** Interested Persons

**From:** Marianne Fitzgerald, (503) 229-5946

**Subject:** Portland-Vancouver and Salem Ozone Maintenance Plan  
and Proposed Rule Revisions

**Background**

The Portland area has exceeded federal clean air standards for ground level ozone (commonly known as summertime smog) in the past. The Oregon Department of Environmental Quality (DEQ) and the Southwest Clean Air Agency (SWCAA) developed Ozone Maintenance Plans for the Portland-Vancouver Air Quality Maintenance Area (AQMA) in 1996 that included several strategies to reduce emissions of air pollutants. DEQ and SWCAA are now updating the plans to demonstrate how the AQMA will maintain air quality within the 8-hour ozone standard through 2015. DEQ is also updating the ozone maintenance plan for the Salem area.

**Maintenance Plan Proposal**

Air quality data and projections show that the region will maintain clean air with the current programs in place. DEQ proposes to make certain rule changes to update certain parts of the maintenance plans affecting Portland and Salem. Highlights of the proposals include the following:

- Retain existing rules and strategies in the current ozone maintenance plans;
- Revise rules for Employee Commute Options to reduce administrative burdens while maintaining alternative commute programs at larger employers;
- Update rules for Industrial Emission Management in the Portland area, to manage growth of major new and expanding industrial sources;
- Redesignate Salem from a nonattainment area to a maintenance area under state rules; and
- Update rules for New Source Review in the Salem area, to manage growth of major new and expanding industrial sources.
- Amend DEQ rules to reflect the new federal ozone air quality standard, from the old 1-hour standard (which EPA has revoked) to the current federal 8-hour standard of 0.08 ppm, three year average.

The purpose of this memo is to let interested people know about the proposed plan and rule changes. Here is the schedule:

**Informational Meeting**

Friday, April 21, 2006, 8:30 am  
DEQ Headquarters, Room 3A  
811 SW Sixth Avenue  
Portland

**Rules Advisory Committee Meeting**

Thursday, May 4, 2006, 8:30 am  
DEQ Headquarters, Room 3A  
811 SW Sixth Avenue  
Portland

**Other key dates:**

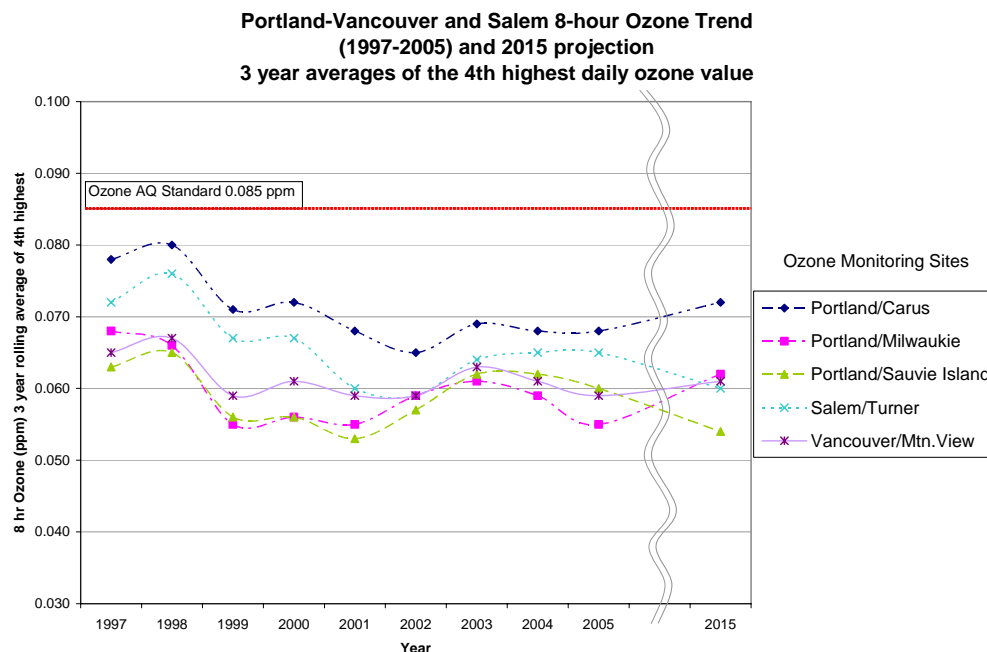
- Public Comment Period: June 1 to July 14, 2006
- Public Hearing: July 11, 2006 (Salem and Portland)
- EQC Adoption: December 14 or 15, 2006

## Ozone Air Quality

Ozone air pollution is often called summertime smog. Pollutants known as volatile organic compounds (VOCs) and oxides of nitrogen (NO<sub>x</sub>) combine with oxygen to form ground level ozone on hot, stagnant summer days. Ozone producing emissions come from a wide variety of sources. Exposure to high levels of ground-level ozone can damage lung tissue and can be especially harmful to older people, children and people with respiratory ailments such as asthma.

The U.S. Environmental Protection Agency (EPA) revised the ozone standard from a 1-hour average of 0.12 ppm to an 8-hour average of 0.08 ppm in July 1997. After a lengthy court battle, the courts upheld the 8-hour ozone standard in 2002. EPA adopted rules to implement the 8-hour ozone standard on April 30, 2004, and revoked the 1-hour standard effective June 15, 2005.

**Figure 1**



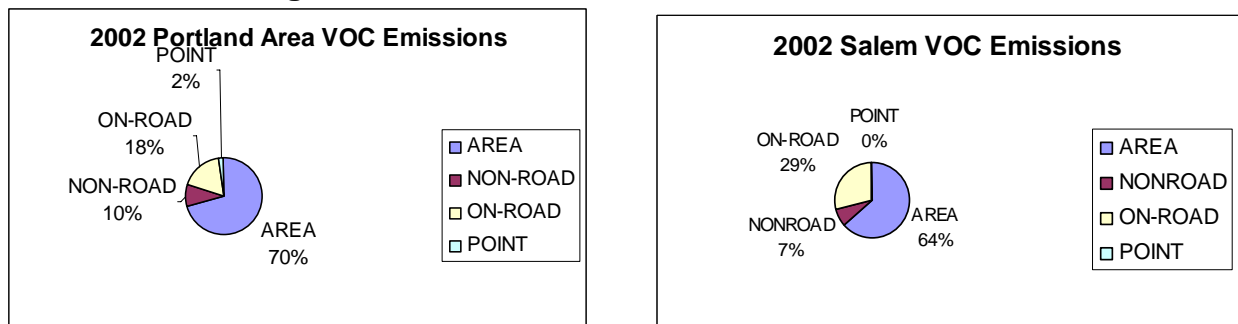
No violations of the 8-hour ozone standard have been recorded in Portland or Salem (see Figure 1). A violation is based on averaging the fourth highest daily 8-hour ozone values over a rolling three year period. There were exceedances of the 1-hour and 8-hour standards in 1996 and 1998 (based on the highest daily maximum 8-hour ozone value).

EPA designated the State of Oregon in “attainment” with the 8-hour ozone standard, effective June 15, 2004, based on air quality data from monitoring sites in the Portland-Vancouver, Salem, Eugene, and Medford areas. The federal Clean Air Act and EPA rules require DEQ to update the maintenance plan for Portland and Salem because they have violated the one-hour ozone standard in the past.

### **Where does the pollution come from?**

The latest emissions estimates indicate that the largest contributors of VOC emissions are “area sources” which are primarily from households, small businesses and other small diffuse sources (see Figures 2 and 3). Area sources include household consumer products, paints and other surface coating, dry cleaners, printing operations, open burning and wildfires. Mobile sources, which include both on-road motor vehicles and non-road engines, also are a major source of VOC emissions as well as air toxics and greenhouse gases. On-road motor vehicle emissions are projected to decrease as federal engine and fuel standards phase in over the next ten years. Emissions from small engines, including lawnmowers, construction equipment and recreational watercraft, are projected to increase due to population increases in the region. Industrial (point) sources are a relatively small portion of the 2002 emission inventory.

**Figure 2: VOC Emissions in Portland and Salem**



### **Future Year Forecast**

DEQ calculated 2015 air quality values using air quality dispersion modeling techniques. Modeling projections for 2015 ozone values are based on simulating meteorological conditions during a July 1998 episode that produced the highest ozone values in recent years. The model applies future year emission estimates to the meteorology and calculates ozone values. The 2015 maintenance projection predicts that the Portland-Vancouver AQMA and Salem-Keizer Area Transportation Study (SKATS) will remain in compliance with the 8-hour ozone standard (see Figure 1).

Figure 3 illustrates emission projections for 2015 in both Portland and Salem. These emission values are in tons per year and represent the annual emissions estimates. The Portland area includes Clackamas, Multnomah and Washington Counties. The Salem area includes Marion and Polk Counties.

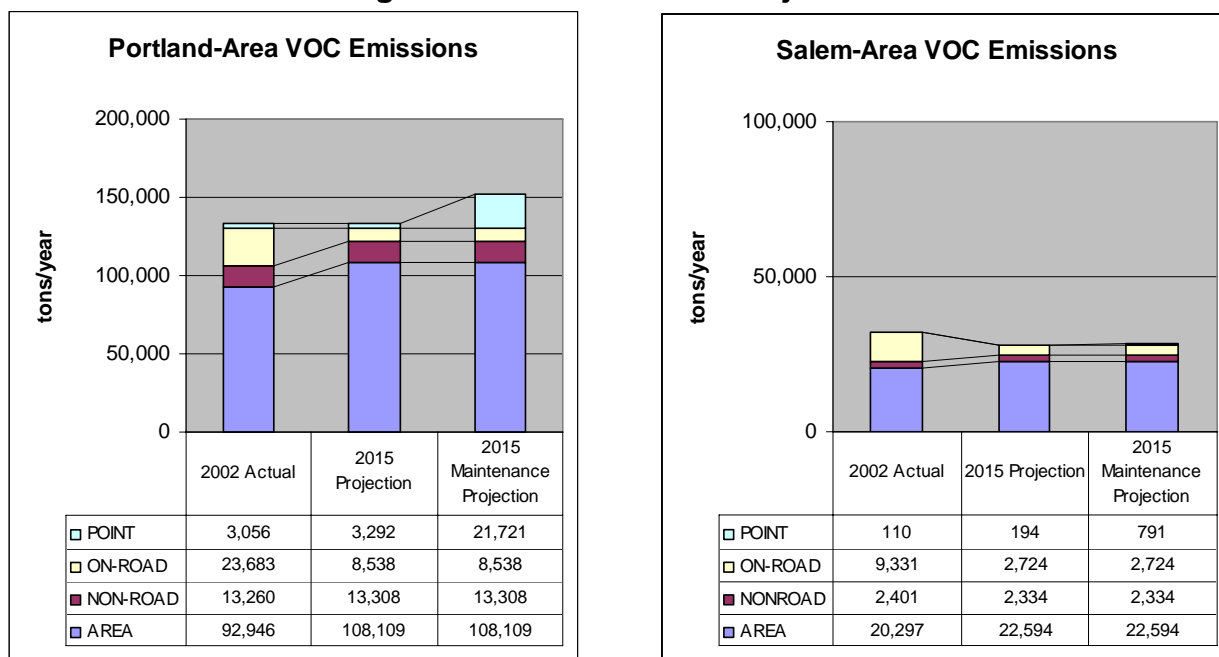
- The “2002 actual” column represents the baseline year in the maintenance plan.
- The “2015 Projection” column represents the future year emissions using the actual emissions data that industrial sources reported to DEQ in 2002, forecast using employment projections through 2015. Growth factors and modeling techniques were also applied to other sources to calculate the 2015 emissions estimate. The “actual” emissions represent the most likely estimate of future year emissions.
- The “2015 Maintenance Projection” column represents future year emissions using the “allowable” plant site emission limits in industrial source air quality permits. The “allowable” emissions represent the most conservative estimate of industrial emissions



allowed under existing permits. The point source emissions estimate also includes the industrial emissions growth allowance described below.

The “2015 Maintenance Projection” is the emissions inventory used in the air quality dispersion model to determine whether the Portland-Vancouver AQMA and Salem SKATS would maintain compliance with the 8-hour ozone standard. The model predicts that both areas will remain within the 8-hour ozone standard in 2015 (see Figure 1).

**Figure 3: VOC Emission Projections**



**Air Quality Maintenance Plans for Portland-Vancouver and Salem**

DEQ is updating the Oregon portion of the Portland-Vancouver Ozone Maintenance Plan, and developing a Salem Ozone Maintenance Plan, to address federal Clean Air Act requirements and EPA rules. As discussed above, DEQ’s air quality modeling analysis demonstrates that even though some sources are projected to increase emissions and other are projected to decrease emissions over the next ten years, the strategies in the plan ensure that ozone air quality will remain within the federal 8-hour ozone standard (see Figures 1 and 3).

**Portland-Vancouver Ozone Maintenance Plan**

The maintenance plan that was adopted for the Portland-Vancouver AQMA in 1996 contained several rules and programs that reduced VOC and NO<sub>x</sub> emissions. These strategies would remain in place and work together to protect air quality as the population increases over the next ten years. These strategies also reduce emissions of air toxics and greenhouse gases that are emerging issues of concern.

The following strategies would remain in the Portland Ozone Maintenance Plan as they currently apply to sources in the Portland area:

- Motor Vehicle Inspection Program;
- Emission Standards for Industrial Sources of VOC;
- New Source Review Program for new and expanding major industrial facilities;
- Voluntary Parking Ratio Rules;
- Barge Loading Rules that control VOCs from gasoline delivery operations;
- Aerosol Paint Rules that lower VOC content from spray paints sold in the Portland area;
- Motor Vehicle Refinishing Rules that require low-emitting painting methods at autobody repair shops; and
- Public education and outreach that encourages people to voluntarily reduce emissions, such as not mowing lawns on Clean Air Action Days, and driving less during Air Pollution Advisories.

The following strategies would also remain in the Portland Ozone Maintenance Plan, but would be modified (see detail below):

- Employee Commute Options (ECO) Program; and
- Industrial Emission Management Program.

Stage II gasoline vapor recovery system requirements for gas stations in the Portland area would remain in effect until enough newer cars and trucks with on-board vapor recovery canister systems become widespread within the motor vehicle fleet.

### Salem Ozone Maintenance Plan

The Portland-Vancouver and Salem SKATS Ozone Maintenance Plans are being updated together because Salem's ozone concentrations are impacted by emissions of VOC and NO<sub>x</sub> in the Portland area. Salem is technically defined as a "rural" ozone nonattainment area, and a plan was developed in September, 1980 under EPA's rural ozone policy and approved by EPA in 1982. The Salem Ozone Maintenance Plan relies on three strategies:

- Controls on major existing industrial VOC sources under Reasonably Available Control Technology (RACT) rules;
- Controls on major new or expanding industrial VOC sources under Lowest Achievable Emission Rate (LAER) rules; and
- An approved control strategy for the major upwind urban area influencing ozone concentrations in Salem (Portland).

DEQ requested redesignation of Salem to a maintenance area in 1987, but the plan was returned by EPA without formal action. Salem's ozone monitor was temporarily discontinued from 1987 through 1994 due to low ozone air quality levels and agency budget cuts. Following the 1990 Clean Air Act Amendments, Salem was designated a "nonattainment" area with incomplete data. No violations of the 1-hour ozone standard have been recorded at the Salem/Turner monitoring site since 1996, and no violations of the 8-hour ozone standard have ever been recorded.

DEQ proposes to retain the strategies in the Salem Ozone Maintenance Plan, including the industrial source RACT rules, although two rules affecting the Salem area would be modified (see detail below):

- Redesignate Salem from a “nonattainment” area to a “maintenance” area under state rules; and
- Modify requirements for major new industrial sources from “Lowest Achievable Emission Rate” (LAER) to “Best Available Control Technology (BACT); all other new source review requirements would remain the same.

### **Proposed Revisions to Strategies and Rules**

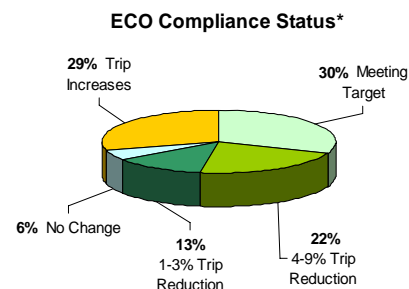
DEQ proposes to amend certain rules as part of the Portland-Vancouver and Salem Ozone Maintenance Plan. The proposed revisions are described below.

### **Employee Commute Options Program Rules**

The Employee Commute Option rules affect employers in the Portland area with more than 50 employees reporting to a single work site. Affected employers must provide incentives for employee use of alternative commute options. The incentives must have the potential to reduce commute trips to the work site by 10% within three years of completing an initial employee survey. Annual surveys measure progress toward this goal.

Key program statistics:

- Number of employer work sites: 1212
- Estimated number of employees affected: 250,000
- Annual Vehicle Miles Traveled reduced: 35.4 million



\*based on survey data as of August 2005. Not all employers are required to survey.

Annual survey data indicates that larger employers are more likely to comply with ECO and provide meaningful transportation options to their employees. Larger employers represent most of the employees in the region. Smaller companies make up the majority of employers who are behind with ECO compliance.

- Employers with more than 100 employees generate 92% of the total trip reduction.
- Employers with more than 100 employees make up 86% of the total ECO affected *employees*.
- Employers with more than 100 employees make up 53% of the total ECO affected *employers*.

DEQ is proposing changes that would more effectively focus limited DEQ staff resources on the larger employers, and update some provisions in the rules. The following are proposed changes to the ECO rules:

- Change the threshold for rule applicability from “more than 50” to “more than 100” employees.
- Change the survey requirement from annual to every two years.

- Require all employers to submit an approved plan, or demonstrate that they participate in an equivalent commute trip reduction program, such as EPA's Best Workplaces for Commuters program or TriMet's Passport program.
- Modify the survey requirements to allow an employer to submit follow-up survey results with less than 75% response rate. DEQ would assign single occupancy vehicle trips to the percentage of employees who did not respond up to the 75% rate.
- Eliminate the 2006 sunset date since the ozone maintenance plan does not sunset.
- Require employers that qualify for exemptions (e.g. through restricted parking ratios) to certify every two years that they continue to qualify for the exemption.

The Employee Commute Option Program has been effective in reducing the amount of vehicle miles traveled by single-occupancy-vehicles in the Portland area, thereby reducing air pollution and traffic congestion in the region. The ECO program has resulted in an estimated annual reduction of over 100 tons of VOCs and over 85 tons of NO<sub>x</sub>. In addition to the benefits to ozone air quality, DEQ estimates that the ECO program is also effective in reducing over 44 million pounds per year of carbon dioxide (a greenhouse gas), as well as associated air toxics emissions (most notably benzene). DEQ's proposed rule changes would streamline the program and make it more effective in encouraging alternative commute trips among larger employers while providing relief to smaller employers.

#### Update to the Industrial Emission Management Rules

DEQ proposes to update the Portland-area Industrial Emissions Management Program to support economic development for major new or expanding sources that locate in the Portland area while assuring compliance with the ozone standard. Currently, major new or expanding sources that propose to increase emissions of more than 40 tons/year of VOC or NO<sub>x</sub> must "offset" those emission increases. The 1996 Portland Ozone Maintenance Plan established a growth allowance that could be used to offset those emission increases while maintaining clean air. DEQ's modeling analysis shows that the growth allowance could be continued and still maintain air quality within the air quality standard (see Figure 1 and Figure 3).

DEQ proposes to modify the rules to:

- Re-establish the size of the growth allowance at 5000 tons of VOC and 5000 tons of NO<sub>x</sub>; and
- Provide an opportunity to replenish the growth allowance, if needed, based on periodic emission inventory updates and an evaluation of ozone air quality monitoring data and trends.

#### Salem Redesignation and New Source Review

Salem is currently designated a "nonattainment" area under state rules, and major new and modified industrial sources that emit more than 40 tons/year of VOC or NO<sub>x</sub> are subject to the most stringent emission control technologies known as "Lowest Achievable Emission Rate" (LAER). Once redesignated as a "maintenance" area, state rules would continue to require sources emitting more than 40 tons/year of VOC or NO<sub>x</sub> to install emission control technology, but would lessen the level of control required from LAER to "Best Achievable Control Technology (BACT)". If Salem were not redesignated as a "maintenance" area, but were redesignated a federal attainment area only, then BACT emission control technology would not be required until a new or expanding major industrial source became a Federal Major Source and emitted 100 tons/year or more of VOC or NO<sub>x</sub> for 28 source categories, or 250 tons/year or more of VOC or NO<sub>x</sub> for other sources. DEQ believes maintaining a lower maintenance area threshold of 40 tons/year for triggering BACT requirements will better protect future compliance with the ozone standard in the Salem area.

The main difference between LAER and BACT is the consideration of cost. LAER reflects the most stringent level of emission control achievable at the time of permitting, and it must be installed

regardless of cost. BACT can also provide a very high level of control, but cost is allowed as a consideration when evaluating the feasibility and cost effectiveness of control options.

**Contingency Plans:**

DEQ proposes to modify the existing Portland-Vancouver contingency plan, and adopt a contingency plan for Salem. The contingency plan establishes early warning thresholds that are designed to prevent violations of the 8-hour ozone standard.

The contingency plan consists of several tiers:

- If air quality is forecast to exceed the standard for one or more days, DEQ will issue a health warning to sensitive individuals and groups and seek voluntary emission reductions;
- If air quality is at risk of violating the 8-hour ozone standard, DEQ will investigate the cause of the event, review key maintenance plan assumptions, and take corrective action with new strategies as needed.
- If air quality violates the standard, DEQ will also investigate the cause of the event, review key maintenance plan assumptions, and take corrective action as needed to reduce emissions and prevent future violations.

**For more information**

If you have questions or would like a copy of the discussion draft of the Portland-Vancouver AQMA and Salem-Keizer Area Ozone Maintenance Plan and associated rules, please contact Marianne Fitzgerald at DEQ's Air Quality Division in Portland at (503) 229-5946, or [fitzgerald.marianne@deq.state.or.us](mailto:fitzgerald.marianne@deq.state.or.us).

# *Discussion Draft*

## Portland-Vancouver AQMA (Oregon Portion) and Salem Keizer Area Ozone Maintenance Plan

Oregon Department of Environmental Quality  
Air Quality Division  
811 SW Sixth Avenue  
Portland, OR 97204

April 18<sup>th</sup>  
2006

### **For more information**

If you have questions or would like a copy of the proposed rule revisions, please contact Marianne Fitzgerald at DEQ's Air Quality Division in Portland at (503) 229-5946, or [fitzgerald.marianne@deq.state.or.us](mailto:fitzgerald.marianne@deq.state.or.us).

# DISCUSSION DRAFT

## Oregon State Implementation Plan Section 4.50

### Portland-Vancouver AQMA (Oregon portion) And Salem-Keizer Area 8-hour Ozone Maintenance Plan

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4.50.3		Attainment Inventory
	4.50.3.1	<ul style="list-style-type: none"><li>Portland-Vancouver AQMA (Oregon portion)</li></ul>
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	4.50.6.3	<ul style="list-style-type: none"><li>Salem SKATS</li></ul>
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# DISCUSSION DRAFT

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4	Portland and Salem 2002 VOC and NO <sub>x</sub> Seasonal Emissions (lb/day)
5	Portland and Salem Area Population Projections
6	Portland-Area VOC and NO <sub>x</sub> Emissions and 2015 Maintenance Projection
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6	Maintenance Demonstration



# DISCUSSION DRAFT

## Executive Summary

The Portland area has exceeded federal clean air standards for ground level ozone (commonly known as summertime smog) as recently as 1998. In 1996, the Oregon Department of Environmental Quality (DEQ) and the Southwest Clean Air Agency (SWCAA) developed Ozone Maintenance Plans for the Portland-Vancouver Air Quality Maintenance Area (AQMA) that included several strategies to reduce air pollutants and ensure compliance with ozone standards. These strategies were successful in reducing smog forming emissions and no violations of the ozone standard have occurred in the Portland-Vancouver area since 1998.

In 1997, the U. S. Environmental Protection Agency (EPA) revised the ozone standard from a 1-hour average of 0.12 parts per million (ppm) to an 8-hour average of 0.08 ppm. This 2006 ozone maintenance plan is a revision to the 1996 maintenance plan for the Portland-Vancouver area, and ensures continued compliance with the new 8-hour ozone standard through at least 2015. The plan also includes an ozone maintenance plan for the Salem-Keizer Area Transportation Study (SKATS) area. Both the Portland-Vancouver and Salem areas are covered in the Departments ozone maintenance (modeling) analysis. An ozone maintenance plan update for the Vancouver portion of the Portland-Vancouver AQMA is being prepared by the Southwest Clean Air Agency in Vancouver, Washington.

This 2006 maintenance plan continues the same strategies adopted for the Portland-Vancouver AQMA in 1996 to reduce and manage Volatile Organic Compounds (VOC) and Nitrogen Oxide (NO<sub>x</sub>) emissions. Air quality data and projections show that ozone levels can still occasionally approach or exceed the 8-hour ozone standard in the Portland-Vancouver area, but that with the existing strategies in place, the region will maintain compliance with the 8-hour ozone standard. The suite of strategies described below work together to protect air quality as growth and population pressures increase over the next ten years. This suite of strategies will also reduce emissions of air toxics and greenhouse gases that are important emerging issues of concern.

The following strategies will remain in the Portland-Vancouver Ozone Maintenance Plan as they currently apply to sources in the Portland area:

- Motor Vehicle Inspection Program;
- Emission Standards for Industrial Sources of VOC;
- New Source Review Program for new and expanding major industrial facilities;
- Voluntary Parking Ratio Rules;
- Barge Loading Rules that control VOCs from gasoline delivery operations;
- Aerosol Paint Rules that lower VOC content from spray paints sold in the Portland area;
- Motor Vehicle Refinishing Rules that require low-emitting painting methods at autobody repair shops; and
- Public education and outreach that encourages people to voluntarily reduce emissions, such as not mowing lawns and driving less on Clean Air Action Days (now called Air Pollution Advisories).

Strategies that have reduced VOC emissions in the Salem SKATS area will also remain in place, including emission standards for existing industrial source of VOC.

# DISCUSSION DRAFT

The 2006 maintenance plan includes updates to several programs:

- Revised rules for Employee Commute Options in the Portland Area to reduce administrative burdens while maintaining alternative commute programs at larger employers;
- Updated rules for Industrial Emission Management in the Portland area, to manage growth of new and expanding major industrial sources;
- Designate the Salem-Keizer Air Quality Area as an ozone maintenance area under state rules;
- Revised rules for New Source Review in the Salem area, to change emission control technology requirements for new and expanding major industrial sources; and
- Amended DEQ rules to reflect the new federal ozone air quality standard, from the old 1-hour standard (which EPA has revoked) to the current federal 8-hour standard of 0.08 ppm, three year rolling average.

## **4.50.1 Background**

Ground level ozone, also known as smog, is an air pollutant formed in the atmosphere by a chemical reaction of volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>). This reaction is most intense on hot summer days with poor ventilation. Ozone is a strong respiratory system irritant that aggravates respiratory illnesses, impairs athletic performance, and can cause permanent respiratory system damage. Ozone can be especially harmful to older people and children, and can damage crops and other materials. In the past, motor vehicles and industrial operations have been the major sources of ozone precursors. We now recognize that other sources such as household products, paints, construction equipment, watercraft and lawnmowers are major contributors to ozone formation.

Historically, the Portland-Vancouver and Salem-Keizer areas violated the national ambient air quality standard (NAAQS) for ground level ozone<sup>1</sup>. The Portland-Vancouver Air Quality Maintenance Area (AQMA) and the Salem-Keizer Area Transportation Study (SKATS) areas were designated nonattainment for ozone on March 3, 1978 under the 1977 Clean Air Act Amendments. Plans were subsequently developed to reduce ozone precursor emissions of VOC and NO<sub>x</sub>, and bring the areas into compliance (attainment) with standards. Under the 1990 Clean Air Act Amendments, the Portland-Vancouver AQMA was designated a “marginal” ozone nonattainment area, and Salem-Keizer Transportation Area Study was designated “nonattainment/insufficient data”.

### **4.50.1.1 Portland-Vancouver AQMA**

Over several decades, efforts to reduce smog forming emissions in the Portland area have included a combination of federal, state, and local emission control strategies, including a vehicle inspection and maintenance program for Portland-area motor vehicles (1975), industrial VOC controls (1978), and area source controls on gasoline station vapors (1991). The most recent ozone maintenance plan for Portland-Vancouver was adopted by the Oregon Environmental Quality Commission (EQC) on July 12, 1996 and approved by EPA on May 19, 1997 (62FR 27204). A violation of the 1-hour ozone standard did occur in 1998, before all

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<sup>1</sup> Ozone monitoring sites were established in Oregon beginning in the early 1970s (see Appendix 1).

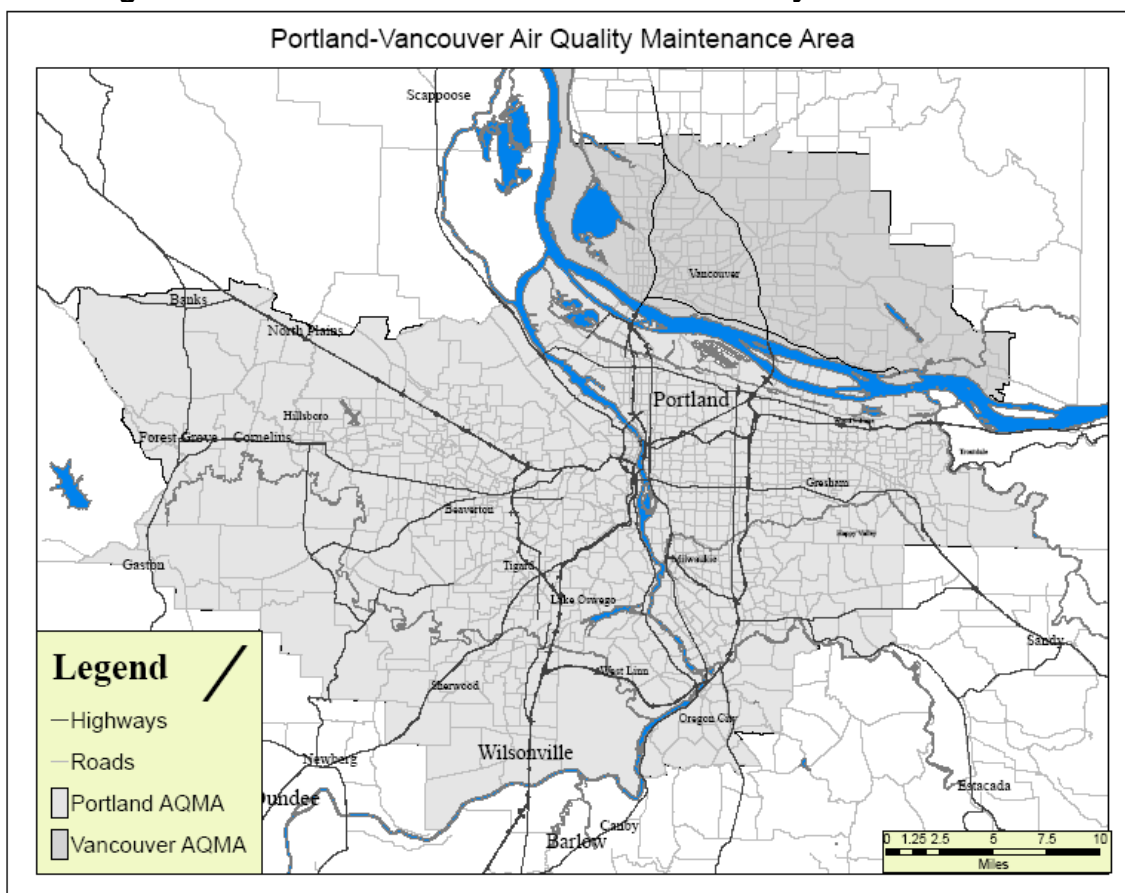
# DISCUSSION DRAFT

emission reduction measures had been fully implemented. However, since 1998, there have been no violations of the ozone standard.

In 1997, the U. S. Environmental Protection Agency (EPA) revised the ozone standard from a 1-hour average of 0.12 parts per million (ppm) to an 8-hour average of 0.08 ppm. After a lengthy court battle, the courts upheld the 8-hour ozone standard in 2002. EPA adopted rules to implement the 8-hour ozone standard on April 30, 2004, and revoked the 1-hour standard effective June 15, 2005. EPA designated the State of Oregon in “attainment” with the 8-hour ozone standard, effective June 15, 2004 (62FR 23858, April 30, 2004).

EPA’s transition rules from the 1-hour to 8-hour ozone standards require DEQ to prepare this 2006 maintenance plan update for the Portland-Vancouver area to ensure continued compliance with the 8-hour ozone standard. Also, in accordance with EPA rules to implement the 8-hour ozone standard (62 FR 23951, April 30, 2004), Oregon hereby requests that EPA remove the obligation to do a second one-hour ozone maintenance plan.

**Figure 1: Portland-Vancouver Interstate Air Quality Maintenance Area**



An analysis of meteorological and growth factors indicates that the number of days with elevated ozone levels should have risen over the past several years, but in fact has remained relatively stable (see Appendix 2). This stable ozone trend indicates that the ozone strategies

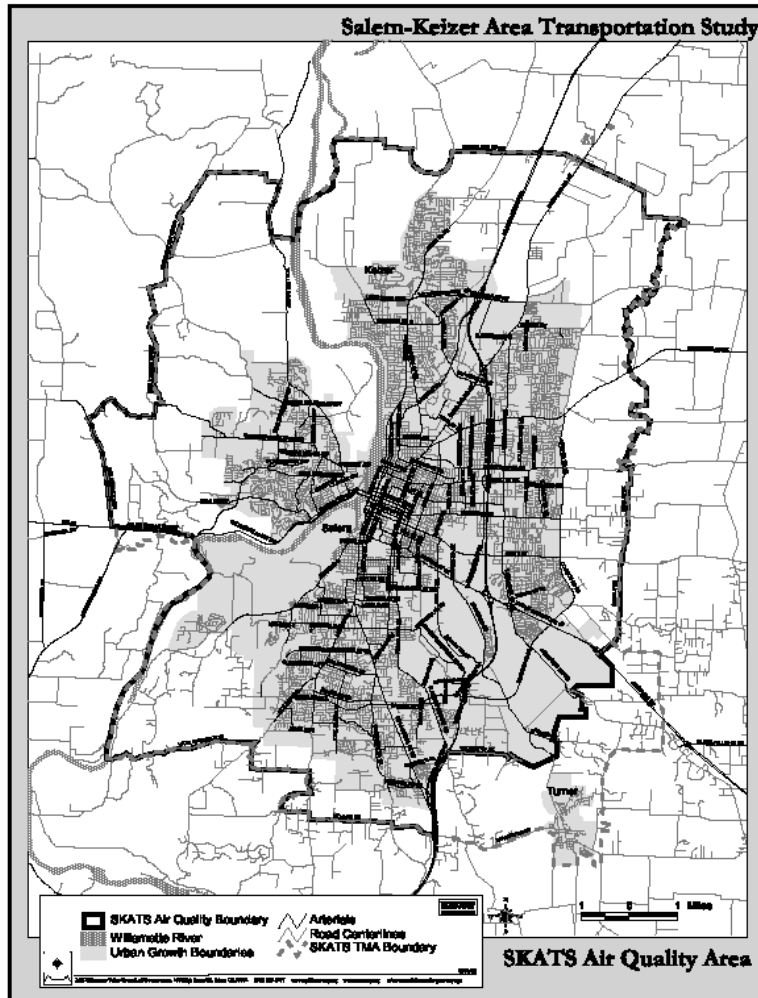
# DISCUSSION DRAFT

continue to work despite significant population growth in the metropolitan area and the occurrence of high temperature/air stagnation events that drive ozone formation. The suite of emission reduction strategies contained in Portland ozone plan will continue to be very successful in reducing smog forming emissions, and will continue to ensure compliance with ozone standards in to the future.

## 4.50.1.2: Salem-Keizer Area

The Salem area marginally violated the federal air quality standard for ozone in the 1970s and was designated an ozone nonattainment area on March 3, 1978 under the 1977 Clean Air Act Amendments. The Mid-Willamette Valley Council of Governments recommended the nonattainment area as the area within the Salem-Keizer Area Transportation Study boundary (SKATS). This includes portions of Marion and Polk County, including the cities of Salem and Keizer.

Figure 2: Salem-Keizer Area Transportation Study Air Quality Area



# DISCUSSION DRAFT

Salem's ozone concentrations appear to be influenced by emissions of ozone precursors in the Portland area. In 1979 the Salem area was defined under EPA guidelines as a "rural" ozone nonattainment area, and an Attainment Plan was adopted by the EQC in September, 1980 and approved by EPA on April 12, 1982. Salem's attainment plan under the rural ozone policy consists of three elements: 1) controls on major existing sources of volatile organic compounds under Reasonably Available Control Technology (RACT) rules, 2) controls on major new VOC sources under Lowest Achievable Emission Rate (LAER) rules, and 3) an approved maintenance plan for the Portland-Vancouver AQMA, which is the major urban area upwind of Salem.

DEQ had developed a maintenance plan and requested redesignation to attainment in 1987, but EPA returned the plan because EPA did not believe it contained sufficient emission inventory data and forecasts. Due to low ambient ozone levels and agency budget cuts, DEQ discontinued the Salem ozone monitor from 1987 through 1994 and was not able to complete the necessary planning work for redesignation. Under the 1990 Clean Air Act Amendments, SKATS was designated a nonattainment area with incomplete data. In 1995, DEQ reinstated the ozone monitor to support development of a maintenance plan for Salem, but was unable to secure staffing resources to complete the plan.

No violations of the federal 1-hour standard have been recorded at the Salem/Turner ozone monitoring site since 1996, and no violations of the 8-hour ozone standard have ever been recorded (see Figure 3 and Tables 1 and 2). Salem SKATS was designated in attainment with the 8-hour ozone NAAQS effective June 15, 2004 (62 FR 23858, April 30, 2004).

## **4.50.2 Ozone Trends and Compliance with Standards**

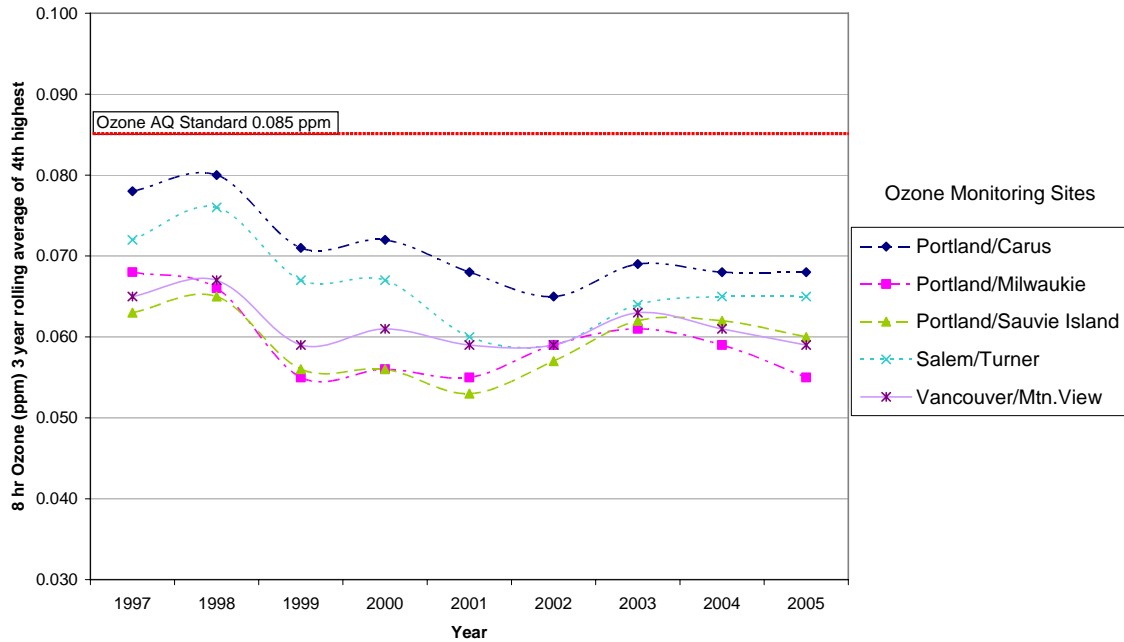
Figure 3 shows the ozone trends measured at monitoring sites for the Portland, Vancouver, and Salem areas for the period 1997 through 2005. Table 1 shows the highest maximum 8-hour average ozone concentrations measured for 1998, 2003, 2004, and 2005. While these peak values are important in assessing public health risk, they are not used to determine official compliance with the federal ozone standard. Compliance with the standard is based on a statistical method that looks at the three year average of the 4<sup>th</sup> highest (maximum 8-hr avg.) ozone value each year. If the three-year average of the 4<sup>th</sup> highest values exceeds the standard, the area is in violation. Table 2 shows the rolling three-year average of 4<sup>th</sup> high values for 1998, 2003, 2004, and 2005. It is these ("design values") that are compared to the 0.08 ppm ozone standard to determine compliance. Under EPA's calculation convention, a value of 0.084 ppm would round down to 0.08 ppm (i.e. in compliance), while a value of 0.085 ppm or higher would be a violation.

Key ozone monitoring sites include the "Carus" site in Portland, "Mountain View" site in Vancouver, and the "Turner" site in Salem (see Appendix 1).

# DISCUSSION DRAFT

**Figure 3: Portland-Vancouver and Salem 8-Hour Ozone Values**

8-hour Ozone Air Quality (1997-2005)  
3 year averages of the 4th highest daily ozone value



**Table 1: 8-Hour Ozone Maximum Values**

8-hour ozone standard = 0.08 ppm  
Exceedance = 0.085 ppm maximum

Monitoring Site	1998 8-hour Maximum	2003 8-hour Maximum	2004 8-hour Maximum	2005 8-hour Maximum
Portland/Carus	0.116	0.084	0.084	0.079
Portland/Milwaukie	0.100	0.068	0.077	0.063
Portland/Sauvie Island	0.077	0.073	0.061	0.065
Vancouver/Mtn. View	0.078	0.076	0.065	0.076
Salem/Turner	0.098	0.080	0.068	0.080

# DISCUSSION DRAFT

**Table 2: 8-Hour Ozone 4<sup>th</sup> High, Design Values**

Design Value = 4<sup>th</sup> highest 8-hour average, averaged over three years

8-hour ozone standard = 0.08 ppm

Violation = 0.085 ppm design value

Monitoring Site	1998 Design Value	2003 Design Value <sup>2</sup>	2004 Design Value	2005 Design Value
Portland/Carus	0.080	0.070	0.068	0.068
Portland/Milwaukie	0.066	0.060	0.059	0.055
Portland/Sauvie Island	0.065	0.060	0.062	0.060
Vancouver/Mtn View	0.067	0.060	0.061	0.060
Salem/Turner	0.076	0.060	0.065	0.065

### 4.50.3 Attainment Inventory

DEQ developed an attainment emission inventory for the year 2002. The emission inventory reflects detailed estimates of emissions from all sources on an annual, countywide basis.

Emissions are grouped in four major categories:

- Industrial (Point) Sources (sources with a DEQ air quality permit),
- On-Road Mobile Sources (e.g. motor vehicles and trucks),
- Non-Road Mobile Sources (e.g. lawnmowers, construction equipment and other small engines), and
- Area Sources (e.g. household products, print shops, degreasing and surface coating operations, pesticide application, open burning and wildfires).

The 2002 Consolidated Emissions Reporting Rule (CERR) emissions data submitted by DEQ and SWCAA to EPA's National Emission Inventory (NEI) was used as the basis for the 2002 attainment year inventory. This 2002 county-by-county annual inventory was developed following the currently accepted methodologies for the National Emission Inventory. Appendix 3 and Appendix 4 describe the emissions inventory calculations in more detail.

Table 3 contains the countywide estimates for the Portland-Vancouver AQMA, Oregon portion (Clackamas, Multnomah and Washington Counties) and Salem SKATS (Marion and Polk Counties) in tons/year. Countywide estimates, in tons/year, will be used to track future emission trends. The final Portland-Vancouver and Salem Ozone Maintenance Plan will include a typical summer-seasonal day emission inventory, adjusted for AQMA and SKATS boundaries, in accordance with EPA guidance.

Area source emissions were calculated following EPA guidance for the 2002 NEI. Area sources are the largest category of emission sources. Some of these sources of VOC emissions include

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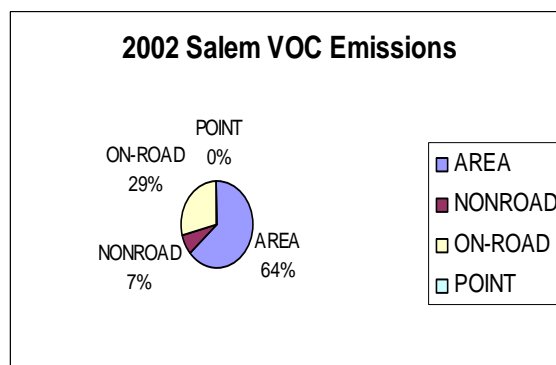
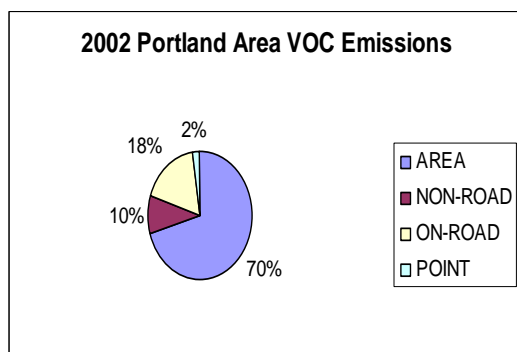
<sup>2</sup> 2003 Design Value was used to determine the attainment designation for Portland-Vancouver AQMA (January 22, 2004 letter from DEQ to EPA). Design value is calculated using the 4<sup>th</sup> highest ozone value at each monitoring site, averaged over 3 years.

# DISCUSSION DRAFT

painting, surface coating and degreasing operations; print shops; dry cleaners; and household consumer products. The annual area source emissions inventory in both Portland and Salem includes residential wood stoves, a significant emitter of VOC but not likely to be in use during ozone episode conditions with temperatures above 90 degrees. The summer-seasonal emissions inventory and ozone maintenance modeling demonstration reflect daily summertime conditions.

**Table 3: Portland and Salem 2002 Annual Emissions (tons/year)**

Portland-Area 2002 Emissions (Clackamas, Multnomah, Washington Counties)			Salem-Area 2002 Emissions (Marion, Polk Counties)		
Source Type	2002 VOC	2002 NO <sub>x</sub>	Source Type	2002 VOC	2002 NO <sub>x</sub>
AREA	92,946	5,808	AREA	20,297	1,646
NON-ROAD	13,260	17,347	NONROAD	2,401	3,159
ON-ROAD	23,683	36,786	ON-ROAD	9,331	11,276
POINT	3,056	2,522	POINT	110	290
	-----	-----		-----	-----
Total	132,944	62,464	Total	32,138	16,371



Non-road mobile source emissions were calculated using EPA's draft NONROAD2002 model and other methods following EPA guidance for the NEI. Non-road engines are also significant contributors to both VOC and NO<sub>x</sub> during the summer ozone season, and sources include aircraft, locomotives and marine engines as well as lawn and garden equipment, construction equipment, boats and personal watercraft.

On-road mobile source emissions for the 2002 CERR were calculated using traffic data and growth forecasts from the Oregon Department of Transportation. Because of growing vehicle travel throughout the region, motor vehicles will continue to be significant emitters of VOCs and NO<sub>x</sub>, although motor vehicle emission standards will reduce individual vehicle emissions over the next ten years.

Point source emissions for the 2002 Attainment Inventory are based on data submitted by permitted facilities and reflect actual 2002 emissions reported in annual permit reports to DEQ.



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Within the Portland-Vancouver AQMA, industrial point sources that emit more than 10 tons/year of VOC, 40 tons/year of NO<sub>x</sub>, or 100 tons/year of CO were inventoried. Outside of the Portland-Vancouver AQMA (including Salem), point sources that emit more than 40 tons/year of NO<sub>x</sub> or 100 tons/year of VOC or CO were inventoried. Stack parameters, activity, and exact location were collected to provide the most comprehensive accounting possible.

*Reserved for seasonally adjusted summer-season emissions inventory*

**Table 4: Portland and Salem 2002 VOC and NO<sub>x</sub> Summer-Season Daily Emissions**

Reserved

## **4.50.4 Portland and Salem Control Strategies**

### **4.50.4.1 Portland-Vancouver AQMA Ozone Maintenance Plan**

The Portland-Vancouver AQMA Ozone Maintenance Plan (Oregon portion) includes federal, state and local emission control programs. All four major source categories of ozone precursor emissions (VOC and NO<sub>x</sub>) are affected by rules that reduce emissions from these sources. Several of the strategies provide benefits beyond VOC and NO<sub>x</sub> emission reductions, such as air toxics and greenhouse gas emission reductions, traffic congestion reduction, energy savings, and overall cost-savings for the transportation systems.

The existing Portland-Vancouver AQMA Ozone Maintenance Plan strategies will remain in place and work together to protect air quality as the population increases over the next ten years. These strategies have successfully reduced VOC and NO<sub>x</sub> emissions and also reduce emissions of air toxics and greenhouse gases that are emerging issues of concern.

The following strategies will remain in the Portland Ozone Maintenance Plan as they currently apply to sources in the Portland area:

- Motor Vehicle Inspection Program;
- Emission Standards for VOC Point Sources (Reasonably Available Control Technology) for existing major industrial facilities;
- New Source Review Program for new and expanding major industrial facilities;
- Voluntary Parking Ratio Rules;
- Barge Loading Rules that control VOCs from gasoline delivery operations;
- Aerosol Paint Rules that lower VOC content from spray paints sold in the Portland area;
- Motor Vehicle Refinishing Rules that require low-emitting painting methods at autobody shops; and
- Public education and outreach that encourages people to voluntarily reduce emissions, such as not mowing lawns and driving less on Clean Air Action Days (now called Air Pollution Advisories).

The following strategies Portland-Vancouver Ozone Maintenance Plan strategies (Oregon portion), have been modified:

# DISCUSSION DRAFT

- Employee Commute Options Program: Program requirements now focus on larger employers (100 or more employees) and reduce the survey requirements from annual to every two years (see detail below),
- Industrial Emission Management Program: Updated industrial growth allowance for new and modified major industrial sources and create a public process to replenish the growth allowance (see detail below).

In June, 2005, the Environmental Quality Commission amended the Vehicle Inspection Program rules to replace the “enhanced” vehicle inspection test with the “basic” vehicle inspection test for vehicle model years 1981-1995. This change is reflected in the modeling projections and maintenance demonstration of this plan.

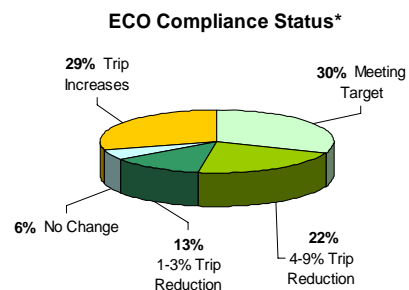
Stage II vapor recovery system requirements for gas stations will remain in effect until the motor vehicle fleet reflects widespread use of on-board canister systems. The Stage II rules will be revised at that time (prior to 2015). The eventual shift from Stage II vapor recovery to on-board canisters is reflected in the 2015 modeling projections and maintenance demonstration of this plan.

#### 4.50.3.1.1 Changes to the Employee Commute Options Rule

The Employee Commute Options Program rules adopted in 1996 (OAR 340-242-0010 through 0290) require Portland-area employers with more than 50 employees to implement programs that would reduce single-occupancy commute travel by 10%. Affected employers must provide incentives for employee use of alternative commute options. The incentives must have the potential to reduce commute trips to the work site by 10% within three years of completing an initial employee survey. Annual surveys measure progress toward this goal.

#### Key program statistics:

- Number of employer work sites: 1212
- Estimated number of employees affected: 250,000
- Annual Vehicle Miles Traveled reduced: 35.4 million



\*based on survey data as of August 2005. Not all employers are required to survey.

# DISCUSSION DRAFT

Annual survey data indicates that larger employers are more likely to comply with ECO and provide meaningful transportation options to their employees. Larger employers represent most of the employees in the region. Smaller companies make up the majority of employers who are behind with ECO compliance.

- Employers with more than 100 employees generate 92% of the total trip reduction.
- Employers with more than 100 employees make up 86% of the total ECO affected *employees*.
- Employers with more than 100 employees make up 53% of the total ECO affected *employers*.

DEQ has modified the ECO program to more effectively focus limited DEQ staff resources on larger employers that produce the most significant amount of emission reduction benefit, and to streamline reporting requirements. Program changes include:

- Changing the threshold for rule applicability from “more than 50” employees to “more than 100” employees;
- Changing survey requirements from annual to every two years;
- Requiring all employers to submit an approved plan, or demonstrate that they participate in an equivalent commute trip reduction program, such as EPA’s Best Workplaces for Commuters program or TriMet’s Passport program;
- Modifying survey requirements to allow an employer to submit follow-up survey results with less than 75% response rate. DEQ will assign single occupancy vehicle trips to the percentage of employees who did not respond up to the 75% rate;
- Eliminating the 2006 sunset date since the ozone maintenance plan does not sunset; and
- Requiring employers that qualify for exemptions (e.g. through restricted parking ratios) to certify every two years that they continue to qualify for the exemption.

The Employee Commute Option Program has been effective in reducing the amount of vehicle miles traveled by single-occupancy-vehicles in the Portland area, thereby reducing air pollution and traffic congestion in the region. The ECO program has resulted in an estimated annual reduction of over 100 tons of VOCs and over 85 tons of NO<sub>x</sub>. In addition to the benefits to ozone air quality, DEQ estimates that the ECO program is also effective in reducing over 44 million pounds per year of carbon dioxide (a greenhouse gas), as well as associated air toxics emissions (most notably benzene). DEQ’s proposed rule changes would streamline the program and make it more effective in encouraging alternative commute trips among larger employers while providing relief to smaller employers. The program is one of many efforts in the Portland area to reduce single-occupancy vehicle trips and DEQ will continue to partner with regional alternative transportation programs in these efforts.

DEQ will continue to focus on larger employers (those with over 100 employees) who account for over 90% of the trip and emission reduction achieved by the EQO program.

# DISCUSSION DRAFT

Therefore, DEQ believes there will be no significant loss in emission reduction benefit from ECO by focusing the program on larger employers.

## 4.50.4.1.2 Industrial Emission Management Rules

The 1996 Portland-Vancouver Ozone Maintenance Plan included an industrial emissions growth allowance that could be used by new and expanding major industry in lieu of obtaining emission offsets. This 2006 maintenance plan update continues this approach to managing industrial emissions growth. The growth allowance program is described below.

Under the existing Industrial Emission Management Rules adopted in 1996 (OAR 340-242-0400 through 0440), new or expanding major industrial sources located in or near the Portland AQMA must “offset” emission increases of more than 40 tons/year of VOC and NO<sub>x</sub> by obtaining an equivalent decrease from another facility. However, the offset requirement can be satisfied by obtaining an allocation from an emissions growth allowance set aside for this purpose. This 2006 maintenance plan update reestablishes the growth allowance for new and expanding major VOC and NO<sub>x</sub> industrial sources, and retains the emission offset requirement as a safeguard. The growth allowance has been included in the modeled 2015 ozone maintenance demonstration.

### Growth Allowance Program Elements

This plan reestablishes the industrial growth allowance at 5,000 tons for VOC and 5,000 tons for NO<sub>x</sub>. The owner or operator of a proposed major source or major modification may apply to DEQ for an allocation of the growth allowance in lieu of providing an emission offset. As required in the existing rules, the growth allowance will be allocated on a first come first served basis, with one exception. Sources that previously reduced their allowable emissions through the voluntary Plant Site Emission Limit (PSEL) donation program will receive priority access to the growth allowance.

Consumption of the growth allowance will be monitored and tracked by the Department. If the growth allowance decreases to 1,000 tons per year or less, DEQ may increase the growth allowance by utilizing new federally enforceable emission reductions and shutdown credits that were not relied on in the maintenance demonstration. Any such increase to the growth allowance will be subject to public comment and review by EPA. Federally enforceable emission reductions include requirements adopted by EPA, requirements adopted by the EQC and approved by EPA as a revision to the Oregon State Implementation Plan, and requirements established by a federally enforceable permit condition. If the growth allowance is consumed, and cannot be reestablished, emission offsets for VOC and NO<sub>x</sub> will be required for new and expanding major industry.

The Department may consider temporarily reducing the growth allowance if monitored ozone concentrations exceed the thresholds described in the contingency plan (Section 4.50.7.2.1). The Department must provide reasonable advance notice to affected industries if there is a possibility that the growth allowance could be reduced.

# DISCUSSION DRAFT

## Growth Management System

The emissions growth allowance approach described above works together with several other elements in the maintenance plan, including the tracking of emission growth, ambient ozone monitoring, the emission offset backstop requirement, and the early warning and action elements in the contingency plan, to meet air quality management goals and protect compliance with standards. The Industrial Emissions Management Rules provide both flexibility for future economic opportunity and protection of the ozone NAAQS.

### 4.50.4.1.3 Transportation Conformity and Transportation Control Measures

Under EPA's 2004 ozone implementation rules (40 CFR 51.905), neither general conformity nor transportation conformity is required. This means that new transportation project plans will no longer need to demonstrate that they conform to clean air plans. However, DEQ and Metro (the Portland-area metropolitan planning organization) have agreed to informally track VOC, NO<sub>x</sub>, air toxics and greenhouse gas emissions when Metro assesses conformity for the purposes of the Portland Carbon Monoxide Maintenance Plan as a voluntary program to assess impacts of transportation emissions on air quality over time. In addition, when Metro assesses VMT/Capita for purposes of the Portland Carbon Monoxide Maintenance Plan Contingency Plan, the information will also be used for the Portland-Vancouver AQMA Ozone Contingency Plan (see Section 4.50.7.2.2).

### 4.50.4.2 Salem SKATS Ozone Maintenance Plan

DEQ also proposes to retain existing strategies in the Salem-Keizer Area Transportation Study (SKATS) area Attainment Plan that was adopted in 1980, including Emission Standards for VOC Point Sources (RACT rules), with some updates:

- Designate Salem/SKATS a maintenance area under state rules;
- Modify control technology requirements for new and expanding major industrial sources from "Lowest Achievable Emission Rate" (LAER) to "Best Available Control Technology" (BACT); all other new source review requirements would remain the same.
- Adopt a contingency plan that includes a commitment to adopt measures to reduce emissions if the Salem area is at risk of violating or violates the ozone standard in the future.

Salem is currently an ozone "nonattainment" area under state rules, and major new and modified industrial sources that emit more than 40 tons/year of VOC or NO<sub>x</sub> are required to install the most stringent level of emission control technology known as "Lowest Achievable Emission Rate" (LAER). Once designated a "maintenance" area under state rules, sources emitting more than 40 tons/year of VOC or NO<sub>x</sub> will be required to install "Best Achievable Control Technology" (BACT).

# DISCUSSION DRAFT

The main difference between LAER and BACT is the consideration of cost. LAER reflects the most stringent level of emission control achievable at the time of permitting, and it must be installed regardless of cost. BACT can also provide an equivalent or very high level of control, but cost is allowed as a consideration when evaluating the feasibility and cost effectiveness of control options.

Under the Clean Air Act, Salem could be designated as a federal ozone attainment area. Under this designation, emission control technology (BACT) would only be required for Federal Major Sources (those sources in 28 categories emitting 100 tons/year or more of VOC or NO<sub>x</sub>, or other sources emitting 250 tons/year or more). However, as an Oregon ozone maintenance area, BACT controls will be continue to be required for sources emitting 40 tons/year of VOC or NO<sub>x</sub>. DEQ believes maintaining a lower maintenance area threshold of 40 tons/year for triggering BACT requirements will better protect future compliance with the ozone standard in the Salem area. All other requirements for new source review in Salem would remain the same, including the current exemption from the need to provide emission offsets or use a growth allowance.

Because Portland has the highest ozone levels in the region, new or expanding major industrial sources within 100 km of the Portland-Vancouver AQMA (which includes part of the Salem area) would continue to evaluate their impact on Portland's ozone air quality.

## **4.50.5 Maintenance Demonstration (Portland-Vancouver and Salem)**

### **4.50.5.1 Ozone Modeling Study**

DEQ and SWCAA teamed with Washington State University (WSU), the Washington Department of Ecology and EPA to study ozone formation using a computer dispersion model (see Appendix 4, "Historical and Future Ozone Simulations using the MM5/SMOKE/CMAQ System in the Portland/Vancouver Area", WSU, 12/31/05 final report). The purpose of the study was to develop a predictive tool to forecast future ozone concentrations based on emission projections and summer meteorology in which ozone formation occurs.

The modeling study simulated two historical high ozone episodes that occurred during the summer of 1997 and 1998. The study compared actual ozone levels measured (monitored) during the 1997 and 1998 events to model predicted ozone levels for the same period in order to test and validate model performance. The model performed within EPA guidelines for both episodes. The model performance testing verifies that the CMAQ model can predict future ozone concentrations for the region.

The modeling team selected the July 26-28, 1998 episode as the basis for future year projections because ozone levels were much higher in 1998 than in 1997, and meteorology reflected worst case conditions that contribute to ozone formation in the Portland area (high temperatures and low wind speeds, with predominant winds from the north). Methodology for developing the modeling emissions data is detailed in the WSU modeling report (Appendix 4).

# DISCUSSION DRAFT

## 4.50.5.2 Growth Projections

The 2015 emissions forecast used in the modeling study reflects 2002 emissions, increased by expected growth in various sectors. The 2002 emission inventory reflects the 2002 Consolidated Emissions Reporting Rule (CERR) emissions data submitted by DEQ and SWCAA to the National Emission Inventory (NEI) and documented in Appendix 3 and 4. Growth factors for various source sectors were derived from the 2002 “Economic Report to the Metro Council, 2000-2030 Regional Forecast for the Portland-Vancouver, Metropolitan Area” (see Appendix 5).

For the 2015 Maintenance Projection, the following growth assumptions were included in the forecast:

Area sources: Area source emissions were calculated following EPA guidance for the 2002 NEI. The 2015 emissions inventory assumes a linear, non-compounding population growth rate of 1.8% per year, and household growth rate of 2.0% per year (see Appendix 5). Table 5 summarizes population trends in Portland and Salem. The area source emission inventory was adjusted to reflect summertime conditions when used in the modeling analysis and maintenance demonstration.

**Table 5: Portland and Salem Area Population Projections**

	2000 Estimate	2003 Estimate	2005 Forecast	2010 Forecast	2015 Forecast
Oregon	3,436,750	3,541,500	3,618,200	3,843,900	4,095,708
Portland Area (Clackamas, Multnomah and Washington Counties)	1,451,650	1,503,900	1,540,055	1,646,124	1,759,470
Salem Area (Marion and Polk Counties)	349,000	359,900	368,347	395,973	427,781

Prepared by the Oregon Office of Economic Analysis, April 2004

Non-road mobile sources: EPA’s draft NONROAD2004 model was used to estimate area source emissions for 2015. This model incorporates the latest assumptions and rules, including EPA’s Tier 4 non-road diesel engine standards and non-road diesel fuel sulfur standards associated with the Tier 4 rule. Railroads, marine vessels and airports were estimated independently of the NONROAD model (see Appendix 4). Aircraft emissions for the four airports with the Portland AQMA were calculated using Port of Portland data (Aviation Demand Forecast Update for Portland International Airport, Port of Portland, November 4, 1999, and associated spreadsheets), which was also used in the 2002 NEI submittal.

On road mobile sources: 2015 emissions estimates used in the modeling analysis are based on two sources: travel demand forecast models run by Metro and the Southwest Regional Transportation Council for the Portland-Vancouver AQMA, and Department of Transportation data and projections for the modeling domain. For emissions tracking purposes, ODOT projections are included in the 2015 Maintenance Projection because they will be used in future CERR submittals.

# DISCUSSION DRAFT

Point sources: The 2015 Maintenance Projection for major industry (point sources) used in the modeling analysis reflects the legally allowable emission level currently permitted for existing sources plus an emissions growth allowance for new and expanding facilities (Tables 6 and 7 and Figures 4 and 5).

Point source emissions in the 2015 Projection and Figures 4 and 5 were calculated based on actual emissions data and forecast using employment projections in the “Economic Report to Metro Council, 2000-2030 Regional Forecast,” Appendix A-5 (Appendix 5). For the 2015 projection, “actual” emissions were used because they most closely represent the emissions that will be emitted by the sources in the region in 2015.

The point source emission projections include a few sources that were permitted but not yet operational when the point source inventory was completed in 2004. The most significant change since that time is the withdrawal of a permit application for a large energy facility that was proposed for construction in Marion County (this facility is included in the projections for the Salem area).

Biogenics: The modeling analysis included biogenic emissions which are produced by life substances (e.g. terpenes from pine trees). The data will be included in the seasonally adjusted daily emissions inventory.

#### 4.50.5.3 Forecast and Maintenance Inventory (2015)

The 2015 Maintenance Inventory reflects 2002 emission levels, increased by the various growth factors described in section 4.50.5.2. Again, for the major industry sector, the future forecast reflects a very conservative scenario of maximum allowable emissions plus a growth allowance. Tables 6 and 7 below show the 2015 Maintenance Projection that was used in the maintenance demonstration modeled by DEQ.

Both VOC and NO<sub>x</sub> emissions are involved in the formation of ozone and the relative amounts of each (VOC/NO<sub>x</sub> ratio) can influence the level of ozone formation. DEQ’s modeling analysis shows of the two pollutants, VOC is the primary driver of ozone formation in the urban Portland and Salem areas. Both VOC and NO<sub>x</sub> emission reduction strategies continue to be important to reducing ozone formation. Figures 4 and 5 below focus on VOC emissions; information regarding NO<sub>x</sub> emissions will be added for the final draft plan.

Figure 4 below shows graphically the 2002 estimate of actual VOC emissions, a 2015 projection reflecting modest employment increases, and the 2015 Maintenance Projection in which industry emissions have been conservatively increased to reflect legally allowable emissions and a growth allowance. Including maximum allowable emissions and the growth allowance, the major industry sector would account for approximately 14% of total 2015 Portland area VOC emissions. Actual emissions from industry in 2015 are expected to be much less than expressed in the worst-case maintenance scenario. Major industry currently accounts for about 2% of total VOC emissions in the Portland area. Under the 2015 maintenance forecast, the majority of VOC emissions (approximately 71% annually) come from the area source sector.



# DISCUSSION DRAFT

Figure 5 shows expected growth in VOC emissions for the Salem area, including allowable emissions for existing industry. No industrial growth allowance is established for the Salem-Keizer area. Future growth in that area is expected to be accommodated through the New Source Review process. Including maximum allowable emissions, the major industry sector accounts for under 3% to total Salem area VOC emissions. The majority of VOC emissions (approximately 79% annually) come from the Area Source sector.

**Table 6: Portland-Area VOC and NO<sub>x</sub> Emissions and 2015 Maintenance Projection**

Portland-Area 2015 VOC Emissions (Clackamas, Multnomah, Washington Counties)				Portland-Area 2015 NO <sub>x</sub> Emissions (Clackamas, Multnomah, Washington Counties)			
----- VOC -----				----- NO <sub>x</sub> -----			
Source Type	2002 Actual	2015 Maintenance		Source Type	2002 Actual	2015 Maintenance	
		Projection	% Change			Projection	% Change
AREA	92,946	108,109	16.3%	AREA	5,808	5,822	0.2%
NONROAD	13,260	13,308	0.4%	NONROAD	17,347	17,223	-0.7%
ON-ROAD	23,683	8,538	-63.9%	ON-ROAD	36,786	10,339	-71.9%
POINT	3,056	21,721	610.9%	POINT	2,522	15,191	502.3%
Total	132,944	151,675	14.1%	Total	62,464	48,574	-22.2%

**Table 7: Salem-Area VOC and NO<sub>x</sub> Emissions**

Salem-Area 2015 VOC Emissions (Marion and Polk Counties)				Salem-Area 2015 NO <sub>x</sub> Emissions (Marion and Polk Counties)			
----- VOC -----				----- NO <sub>x</sub> -----			
Source Type	2002 Actual	2015 Maintenance		Source Type	2002 Actual	2015 Maintenance	
		Projection	% Change			Projection	% Change
AREA	20,297	22,594	11.3%	AREA	1,646	1,581	-4.0%
NONROAD	2,401	2,334	-2.8%	NONROAD	3,159	3,062	-3.1%
ON-ROAD	9,331	2,724	-70.8%	ON-ROAD	11,276	3,326	-70.5%
POINT	110	791	621.9%	POINT	290	782	169.7%
Total	32,138	28,443	-11.5%	Total	16,371	8,751	-46.5%

# DISCUSSION DRAFT

Figure 4: Portland-Area VOC Emissions (t/yr) and 2015 Maintenance Projection

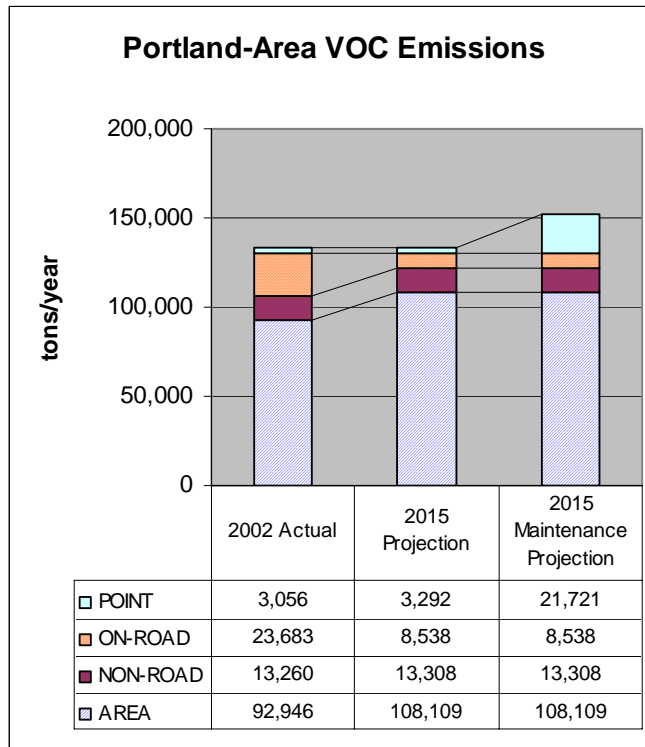
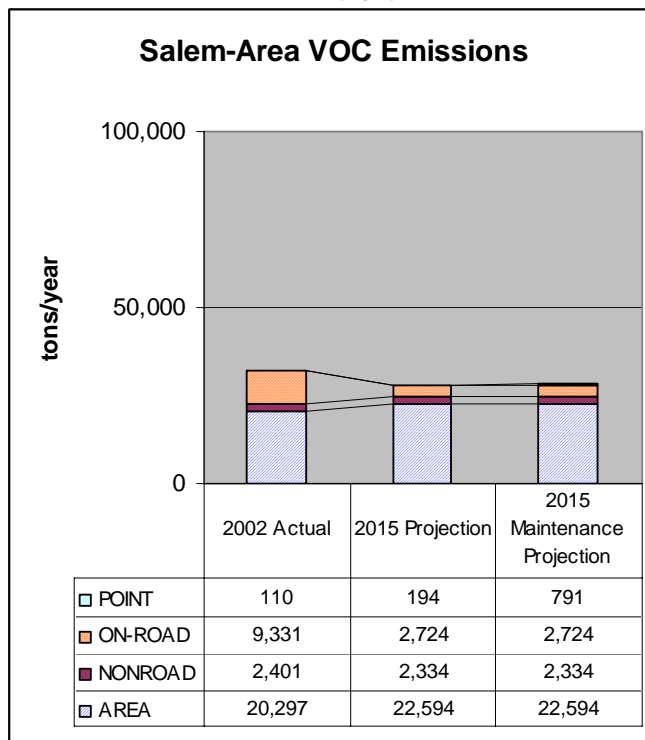


Figure 5: Salem Area VOC Emissions (t/yr) and 2015 Maintenance Projection



# DISCUSSION DRAFT

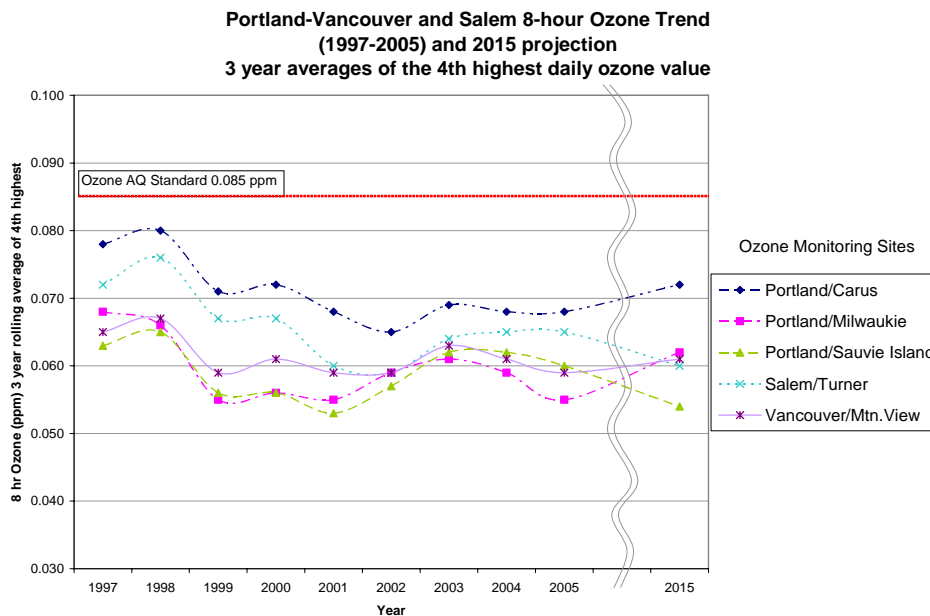
## 4.50.5.4 Maintenance Projection

The Department used the 2015 maintenance emission forecast and worst-case meteorology from the 1998 high ozone event in the CMAQ model to estimate future ozone concentrations for the Portland and Salem areas in 2015. Table 8 shows the predicted maximum 8-hour ozone concentrations predicted for the key Portland, Vancouver, and Salem monitoring sites. Table 8 also shows the 2015 predicted “Design Value”, which is used to compare to the ozone standard for purposes of determining compliance. DEQ’s modeling analysis also confirms that the existing monitoring network is capturing the areas of highest ozone concentrations.

The 8-hour NAAQS for ozone requires the fourth highest 8-hour daily maximum ozone concentration, averaged over three consecutive years, to be equal to or less than 0.08 ppm<sup>3</sup>. Compliance is demonstrated when the modeled estimates of future ozone concentrations are less than or equal to 0.084 ppm.

Figure 6 shows the ozone compliance trend for the Portland-Vancouver and Salem areas, including the 2015 maintenance forecast. Figure 6 and Table 8 show that the Portland-Vancouver and Salem-Keizer areas will remain in compliance with the 8-hour ozone standard. Table 8 also shows that peak ozone concentrations can exceed the standard, illustrating the need for continuing the suite of emission reduction strategies that limit ozone formation in the Portland and Salem areas.

**Figure 6: Portland-Vancouver and Salem Ozone Maintenance Projection**



<sup>3</sup> Because of rounding conventions in which non-significant figures are truncated, a modeling estimate of <0.085 ppm is equivalent to <= 0.08 ppm

# DISCUSSION DRAFT

**Table 8: 2015 Maintenance Projection (ozone values)**

8-hour ozone standard = 0.08 ppm  
Exceedance = 0.085 ppm maximum

Monitoring Site	1998 Predicted Maximum	2015 Predicted Maximum	2015 Predicted Design Value*
Portland/Carus	98	94	72
Portland/Milwaukie	92	96	62
Portland/Sauvie Island	82	76	54
Vancouver/Mtn. View	83	81	61
Salem/Turner	88	75	60

\*Predicted Design Value is calculated using the relative reduction factor as described in Appendix 5 and EPA 8-hour ozone modeling guidance.

Again, Figure 6 and Table 8 illustrate that the Portland-Vancouver AQMA and Salem SKATS will maintain compliance with the 8-hour ozone standard through 2015. The Carus monitoring site, downwind of Portland, has traditionally been the site with the highest ozone readings in the region. The model predicted that the Milwaukie site would produce a slightly higher maximum value under meteorological conditions similar to the 1998 episode, and the maximum value would exceed the standard. However, the 4<sup>th</sup> high compliance values show that the Carus site is expected to remain the highest and most important site for determining compliance with the ozone standard.

#### **4.50.6 Air Quality Monitoring (Portland and Salem)**

DEQ will continue to operate an ozone air quality monitoring network in accordance with 40 CFR 58 to verify maintenance of the 8-hour ozone standard in Portland and Salem (see Appendix 1). Any modification to the ambient air monitoring network, such as removal of duplicative or unnecessary monitors, will be accomplished through close consultation with EPA Region 10. Proposed network modifications would be accompanied by technical and statistical analysis sufficient to document a given monitor may be removed because it is unnecessary or duplicative in the case of network reductions, or to justify the value of investing in monitoring network enhancements. In accordance with 40CFR 58, the final network design will be subject to the approval of the Regional Administrator.

#### **4.50.7 Contingency Plan**

The maintenance plan must include a process to quickly prevent or correct any measured violation of the 8-hour ozone standard. This process of investigation and (if needed) corrective action is called the “contingency plan”. Contingency plans typically have several stages of action depending on the severity of monitored ozone levels. Ambient ozone thresholds are established in the contingency plan as early-warning action levels. If monitored ozone levels exceed these action levels, the contingency provisions are triggered.

# DISCUSSION DRAFT

## 4.50.7.1 Request To Replace the Portland-Vancouver AQMA 1-Hour Contingency Plan With an 8-Hour Contingency Plan

EPA revoked the 1-hour ozone standard, effective June 15, 2005 (69 FR 23951, April 30, 2004). DEQ hereby requests that the 1-hour ozone contingency plan be removed from the Portland-Vancouver AQMA Ozone Maintenance Plan, and replaced with a contingency plan that addresses the 8-hour ozone standard as described below, in accordance with EPA rules implementing the 8-hour ozone standard (40 CFR 51.905).

## 4.50.7.2 Portland-Vancouver AQMA 8-hour Ozone Contingency Plan

This contingency plan includes two sets of contingency measures. The provisions specified under Part A of the Contingency Plan for the Portland-Vancouver AQMA are linked to ambient concentrations of ozone and would be triggered if measured ozone levels at any of the ozone monitoring sites (Mtn. View, Sauvie Island, Milwaukie, or Carus) exceed the early-warning thresholds below, or if a violation of the 8-hour ozone standards occurs. The provisions specified under Part B of the Contingency Plan are linked to increases in the average amount of vehicle use per person in the Portland metropolitan area, and would only affect the Oregon portion of the Portland-Vancouver AQMA.

### 4.50.7.2.1 Part A, Contingency Plan Based On Ambient Concentrations in Portland or Vancouver

#### PHASE 1: ELEVATED OZONE LEVELS

If the air quality index (AQI) is forecast to be within the "orange" range for ozone air quality (unhealthy for sensitive populations), or 8-hour daily maximum ozone values approach 0.100 ppm or greater, and meteorological conditions conducive to ozone formation are expected to persist, DEQ and SWCAA will issue an advisory to inform the public of air quality levels and voluntary actions they can take to limit exposure to unhealthy air pollution levels and reduce emissions.

#### PHASE 2: RISK OF VIOLATION

If monitored 8-hour ozone levels at any site within the Portland-Vancouver area registers an annual fourth high monitored value of 0.085 ppm or greater within *a single ozone season*, or 0.08 ppm or greater *averaged over two years*, DEQ and SWCAA will assess the likely emissions and meteorological events contributing to elevated ozone levels. DEQ may form a planning group to assist the Department in its review. The DEQ could recommend that no action be taken if it is determined that: (a) elevated ozone levels were caused by an event that is unlikely to occur again within the maintenance planning timeframe, or (b) high ozone levels were caused by an uncontrollable event, or (c) federal regulations that will reduce ozone precursor emissions are scheduled to be implemented within two years. If it is determined that the event was caused by conditions that could occur again, and that new federal, state or local emission reduction strategies will be not implemented and affective within two years, the Department will evaluate options for appropriate action, including the option for additional emission reduction strategies to prevent future exceedances or a violation of the 8-hour ozone standard.

# DISCUSSION DRAFT

## PHASE 3: ACTUAL VIOLATION

If a violation of the 8-hour ozone standard occurs, DEQ and SWCAA will determine the emissions and meteorological events contributing to the violation. If the violation is not due to an uncontrollable event, DEQ will identify new strategies necessary to ensure compliance with the 8-hour ozone standard within 18 months of the conclusion of the ozone season that prompted the contingency plan, and revise the maintenance plan as needed to correct the violation. A revised maintenance plan would be submitted to EPA for approval.

Measures that would be considered for implementation include the following:

- Reinstatement of the Enhanced Inspection/Maintenance Test for certain model year vehicles (EPA requires that this be considered);
- Other measures as appropriate.

### 4.50.7.2.2 Part B. Contingency Plan Based on Significant Increase in Vehicle Miles Traveled in the Oregon portion of the Portland-Vancouver AQMA

EPA's 8-hour ozone implementation rule (69FR pages 23987-88, April 30, 2004) notes that although states cannot implement conformity for attainment areas as a matter of federal law, they could still work with their metropolitan planning organizations to develop a voluntary program to address motor vehicle emissions growth. Metro has agreed to informally track motor vehicle VOC and NO<sub>x</sub> emissions at the same time as they are demonstrating conformity with the Portland Carbon Monoxide Maintenance Plan emissions budget. In addition, Metro has agreed to the following contingency measures for the Portland Carbon Monoxide Maintenance Plan. These transportation control measures are also appropriate as voluntary measures for addressing ozone precursor emissions within the Portland metropolitan area. However, transportation control measures cannot be adopted or enforced for the Portland-Vancouver AQMA Ozone Maintenance Plan (40 CFR 51.905).

## PHASE 1: 5% VMT INCREASE

Metro will review and verify the local average vehicle miles traveled per capita (VMT/capita) for the Oregon portion of the Portland-Vancouver Air Quality Maintenance Area derived from the most recent estimates of population and daily vehicle miles traveled from federal and state sources.

If daily VMT/capita exceeds 20.5 daily VMT/capita (a 5 % increase above the 2002 rate) for two successive years, the Standing Committee [TPAC, as defined at OAR 340-252-0060(2)(b)(A)(iii)] shall be convened to:

- a) determine whether there is a data problem with the trigger;
- b) if there is not a data problem with the trigger, identify and analyze the effectiveness of those local actions that could reduce air pollutant emissions; and,
- c) determine whether a recommendation should be made to JPACT to initiate local action to reduce VMT/capita until the 2002 level is once again attained.

# DISCUSSION DRAFT

## PHASE 2: 10% VMT INCREASE

Metro will review and verify local VMT/capita values derived from the most recent estimates of population and daily vehicle miles traveled from federal and state sources.

If average daily VMT/capita exceeds 21.5 miles (a 10 percent increase above the 2002 rate) for the Oregon portion of the Portland-Vancouver Air Quality Maintenance Area for two successive years, the following measures will become required Transportation Control Measures for the region (as determined by the programming of funds for specified projects) under the Portland Carbon Monoxide Maintenance Plan and would be considered for inclusion in the 8-hour ozone maintenance plan:

- a) Washington County Commuter Rail within six years after exceeding the 21.5 VMT/capita rate,
- b) Interstate 205 Light Rail Transit (I-205 LRT) within six years after exceeding the 21.5 VMT/capita rate;
- c) An increase of efforts for the Regional Travel Options Program sufficient to increase the number of employers reached by the program by at least 5 % per year the number of employers currently subject to the DEQ Employee Commute Options program. Alternatively, specific projects from the Regional Transportation Options program could be substituted.
- d) An increase of funding of at least 5% per year greater than current funding for Transit Oriented Development projects.
- e) Other programs or projects consistent with state and federal law as may be determined by the Metro Council after consultation with the Joint Policy Advisory Committee on Transportation.

### 4.50.7.3 Salem SKATS 8-Hour Ozone Contingency Plan

#### PHASE 1: ELEVATED OZONE LEVELS

If the air quality index (AQI) is forecast to be within the “orange” range for ozone air quality (unhealthy for sensitive populations), or 8-hour daily maximum ozone values reach 0.100 ppm or greater, and meteorological conditions conducive to ozone formation are expected to persist, DEQ will issue an advisory to inform the public of air quality levels and actions they can take to limit exposure to unhealthy air pollution levels and reduce emissions.

#### PHASE 2: RISK OF VIOLATION

If monitored 8-hour ozone levels at any site within the Salem/Turner area registers an annual fourth high monitored value of 0.085 ppm or greater *within a single ozone season*, or 0.08 ppm or greater *averaged over two years*, DEQ will assess the likely emissions and meteorological events contributing to elevated ozone levels DEQ may form a planning group to assist the Department in its review. The DEQ could

# DISCUSSION DRAFT

recommend that no action be taken if it is determined that: (a) elevated ozone levels were caused by an event that is unlikely to occur again within the maintenance planning timeframe, or (b) high ozone levels were caused by an uncontrollable event, or (c) federal regulations that will reduce ozone precursor emissions are scheduled to be implemented within two years. If it is determined that the event was caused by conditions that could occur again, and that new federal, state or local emission reduction strategies will be not implemented and affective within two years, the Department will evaluate options for appropriate action, including the option for additional emission reduction strategies to prevent future exceedances or a violation of the 8-hour ozone standard.

## PHASE 3: ACTUAL VIOLATION

If a violation of the 8-hour ozone standard occurs, the Department will determine the probable emissions and meteorological events contributing to the violation. If the violation is not due to an uncontrollable event, DEQ will identify new strategies necessary to ensure compliance with the 8-hour ozone standard within 18 months of the conclusion of the ozone season that prompted the contingency plan, and revise the maintenance plan as needed to correct the violation. A revised maintenance plan would be submitted to EPA for approval.

### **4.50.8 Verification of Continued Attainment (Portland and Salem)**

DEQ will continue to monitor ambient air quality ozone levels as described in the Contingency Plan. DEQ will update countywide emission inventories every three years beginning in 2005 as required by the Consolidated Emission and Reporting Rule (CERR) update of the National Emissions Inventory. If ambient ozone levels appear to be increasing, DEQ will compare CERR updates with the 2002 and 2015 emissions inventories and evaluate the assumptions used in the 2015 emissions projections to determine whether emissions are increasing at a rate not anticipated in the maintenance plan. The triggers in the Contingency Plan should prevent violations of the 8-hour standard in the Portland-Vancouver and Salem area.

### **Appendices**

1. Ozone Monitoring Network (Vancouver-Portland-Salem regional area map and site description)
2. 1992 to 2005 Meteorological Factors Conducive to Ozone Formation in the Portland-Vancouver Area (ODEQ, draft, April 2006)
3. Emission Inventory
  - a. Explanation of growth factors used in 2015 modeling projection, by source type, including assumptions included in the modeling projection
  - b. AQMA and SKATS, 2002 (actuals) and 2015 (allowables + growth allowance), VOC Emissions, lb/seasonal day
  - c. AQMA and SKATS, 2002 (actuals) and 2015 (allowables + growth allowance), NO<sub>x</sub> Emissions, tons/year



# DISCUSSION DRAFT

- d. AQMA and SKATS, 2002 (actuals) and 2015 (allowables + growth allowance), NO<sub>x</sub> Emissions, lb/seasonal day
  - e. AQMA and SKATS, 2002 (actuals) and 2015 (allowables + growth allowance), CO Emissions, tons/year
  - f. AQMA and SKATS, 2002 (actuals) and 2015 (allowables + growth allowance), CO Emissions, lb/seasonal day
4. Historical and Future Ozone Simulations Using the MM5/SMOKE/CMAQ System in the Portland-Vancouver Area (WSU, December 31, 2005)
  5. Economic Report to the Metro Council, 2000-2030 Regional Forecast for the Portland-Vancouver Metropolitan Area (Metro's Data Resource Center, December 2002 final draft)
  6. Maintenance Demonstration (detailed spreadsheet)

## References

- "Maintenance Plan Guidance Document for Certain 8-hour Ozone Areas Under Section 110(a)(1) of the Clean Air Act" (memo dated May 20, 2005 from Lydia Wegman, EPA). The May 20, 2005 guidance applies to areas designated in attainment with the 8-hour ozone standard and preparing maintenance plans under Section 110(a)(1) of the Clean Air Act and 40 CFR 51.905(c) and (d).
- "Demonstrating Noninterference Under Section 110(l) of the Clean Air Act When Revising a State Implementation Plan" (draft EPA Guidance, 6/8/05)
- "1-Hour Ozone Maintenance Plans Containing Basic I/M Programs (memo dated May 12, 2004 from Tom Helms, EPA)
- April 30, 2004 Federal Register (69FR 23951), Final Rule to Implement the 8-Hour Ozone NAAQS-Phase 1
- July 8, 2005 Federal Register (70FR 39413), Notice of Final Rulemaking regarding Nonattainment Major New Source Review Implementation under 8-Hour Ozone NAAQS
- "Guidance on the Use of Models and Other Analyses in Attainment Demonstrations for the 8-hour Ozone NAAQS" (EPA-450/R-05-002, October, 2005)
- "Emission Inventory Guidance for Implementation of Ozone and Particulate Matter NAAQS and Regional Haze" (EPA-454/R-05-001, August 2005)
- "2002 Base Year Emission Inventory SIP Planning: 8-hr Ozone, PM 2.5 and Regional Haze Programs" (memo dated November 18, 2002 from Lydia Wegman, EPA)
- "Procedures for Processing Requests to Redesignate Areas to Attainment" (memo dated September 4, 1992 from John Calcagni, EPA)

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 06-3695, FOR THE PURPOSE  
OF RECOMMENDING APPROVAL BY THE OREGON ENVIRONMENTAL  
QUALITY COMMISSION OF THE DRAFT 2006 PORTLAND-  
VANCOUVER AQMA (OREGON PORTION) AND SALEM KEIZER AREA  
OZONE MAINTENANCE PLAN

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Date: May 3, 2006

Prepared by: Mark Turpel

### BACKGROUND

In the 1980's and 1990's, the Metro region had a problem with meeting federal ozone (smog) standards. There have been no ozone violations in the region since 1998. Today, the region is in attainment with both the 1-hour and 8-hour ozone standards. In addition, air quality conformity determinations (comparisons of future emissions from transportation with maximum transportation "budgets") for ozone are no longer required. However, an ozone maintenance plan update is still required by the federal Clean Air Act and U.S. Environmental Protection Agency rules.

Accordingly, the Oregon Department of Environmental Quality has prepared a draft 2006 Portland-Vancouver AQMA (Oregon Portion) and Salem Keizer Area Ozone Maintenance Plan dated April 18, 2006 ("Draft 2006 Ozone Maintenance Plan").

The Draft 2006 Ozone Maintenance Plan features of note to the region include continuing the Employee Commute Option (ECO) and Industrial Emissions Management Program. The ECO program is proposed to be refocused to address employers with more than 100 employees instead of employers with more than 50 employees and reporting every two years instead of annually. These changes to the Employee Commute Option have been reviewed by the Regional Travel Options (RTO) committee. The Draft 2006 Ozone Maintenance Plan also continues the Industrial Emissions Management Program, where a "cushion" is provided for expansion of existing businesses or new businesses. New growth allowances totals have been proposed and appear to be sufficient to provide for substantial growth.

As there is no longer any requirement for the region to model future ozone emissions from transportation sources, Metro and DEQ staff have discussed the worth of continuing this effort as a means of identifying potential problems early on. Such analysis is required for carbon monoxide and running the air quality emission model for ozone is easily done at the same time and with little extra effort. Metro and DEQ staff recommend that such ozone monitoring be done on a voluntary basis.

At the April 28, 2006 TPAC meeting, one of the proposed Transportation Control Measures (TCM) concerning monitoring Vehicle Miles Traveled (vmt) per capita was discussed. TPAC suggested that this measure remain substantially as proposed with triggers for reassessment should vmt per capita increase by the five percent trigger or more. However, they suggested that the additional nominal numbers representing the absolute vmt per capita be deleted so that adjustments in the geography of the area where vmt per capita is measured is not tied to older data based on a smaller urban area. (Previous data on vmt per capita did not include the Damascus area as well as portions of Sherwood and Wilsonville.)

### ANALYSIS/INFORMATION

#### 1. Known Opposition

None

## 2. Legal Antecedents

### Federal

Clean Air Act

SAFETEA-LU and predecessor transportation legislation

### State

OAR 340, Division 200, State of Oregon Clean Air Act Implementation Plan

OAR 340, Division 202 Ambient Air Quality Standards and PSD Increments

OAR 340, Division 204 Designation of Air Quality Areas

OAR 340, Division 224 Major New Source Review

OAR 340, Division 225 Air Quality Analysis Requirements

OAR 340, Division 232 Emission Standards for VOC Point Sources

OAR 340, Division 242 Rules Applicable to the Portland Area - Employee Commute Options Program

### Metro

Resolution No. 82-305, For the Purpose of Adopting the Ozone and Carbon Monoxide State Implementation Plans For the Oregon Portion of the Portland-Vancouver Air Quality Maintenance Area.

Resolution No. 85-610, For the Purpose of Endorsing the Revised Ozone Control Strategy For the Portland-Vancouver Interstate Air Quality Maintenance Area (AQMA).

Resolution No. 96-2260, For the Purpose of Recommending to the Environmental Quality Commission the Transportation Control Measures (TCM's), Contingencies, and Emissions Budgets to Be Included in the Portland Region's Ozone and Carbon Monoxide (CO) Maintenance Plans.

## 3. Anticipated Effects

Approval of the 2006 Ozone Maintenance Plan will ensure that federal regulations are met and air quality standards maintained.

## 4. Budget Impacts

The approval of the 2006 Ozone Maintenance Plan will result in fewer requirements for Metro.

## RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 06-3695.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY ) ORDINANCE NO. 06-1119  
2005-06 BUDGET AND APPROPRIATIONS )  
SCHEDULE RECOGNIZING A DONATION ) Introduced by Mike Jordan, Chief Operating  
FROM THE REGIONAL ARTS AND CULTURE ) Officer, with the concurrence of Council  
COUNCIL AND DECLARING AN EMERGENCY ) President Bragdon

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2005-06 Budget; and

WHEREAS, Oregon Budget Law ORS 294.326 allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose; and

WHEREAS, the need for the increase of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2005-06 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of recognizing \$190,000 in a capital donation in the Smith & Bybee Lakes Fund and increasing the capital outlay appropriation to allow for recognition of the asset value of the art installed with the facility improvements.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to Form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

**Exhibit A**  
**Ordinance No. 06-1119**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Smith &amp; Bybee Lakes Fund</b>							
<b><u>Resources</u></b>							
<i>BEGBAL Beginning Fund Balance</i>							
	* Prior year ending balance		3,610,000		0		3,610,000
<i>CHGSVC Charges for Service</i>							
4500	Admission Fees		1,700		0		1,700
<i>INTRST Interest Earnings</i>							
4700	Interest on Investments		90,250		0		90,250
<i>CAPGRT Capital Grants</i>							
4755	Capital Donation & Contributions		0		190,000		190,000
<b>TOTAL RESOURCES</b>			<b>\$3,701,950</b>		<b>\$190,000</b>		<b>\$3,891,950</b>
<b><u>Capital Outlay</u></b>							
<i>CAPCIP Capital Outlay (CIP Projects)</i>							
5725	Buildings & Related (CIP)		0		190,000		190,000
<b>Total Capital Outlay</b>			<b>\$0</b>		<b>\$190,000</b>		<b>\$190,000</b>
<b>Total Interfund Transfers</b>			<b>\$21,700</b>		<b>\$0</b>		<b>\$21,700</b>
<b><u>Contingency and Ending Balance</u></b>							
<i>UNAPP Unappropriated Fund Balance</i>							
	* Ending Balance		3,680,250		0		3,680,250
<b>Total Contingency and Ending Balance</b>			<b>\$3,680,250</b>		<b>\$0</b>		<b>\$3,680,250</b>
<b>TOTAL REQUIREMENTS</b>		<b>-</b>	<b>\$3,701,950</b>	<b>-</b>	<b>\$190,000</b>	<b>-</b>	<b>\$3,891,950</b>

**Exhibit B**  
**Ordinance No. 06-1119**  
**FY 2005-06 SCHEDULE OF APPROPRIATIONS**

	<u>Current Appropriation</u>	<u>Revision</u>	<u>Amended Appropriation</u>
<b>SMITH AND BYBEE LAKES FUND</b>			
Capital Outlay	\$0	\$190,000	\$190,000
Interfund Transfers	21,700	0	21,700
Unappropriated Balance	3,680,250	0	3,680,250
<b>Total Fund Requirements</b>	<b>\$3,701,950</b>	<b>\$190,000</b>	<b>\$3,891,950</b>

*All Other Appropriations Remain as Previously Adopted*

## **STAFF REPORT**

### CONSIDERATION OF ORDINANCE NO. 06-1119 FOR THE PURPOSE OF RECOGNIZING A DONATION FROM THE REGIONAL ARTS AND CULTURE COUNCIL AND DECLARING AN EMERGENCY

---

Date: April 25, 2006

Presented by: Jeff Tucker

## **BACKGROUND**

As part of the facility improvements at Smith & Bybee Wetlands Natural Area, the Regional Arts and Culture Council (RACC) commissioned an art installation that was integrated into the facility improvement designs. RACC spent \$190,000 directly on the installation of the art. Because this installation is integrated with the facility improvements, it represents an asset that was donated by RACC to Metro. It is necessary to book this asset in the General Ledger, and budget authority is needed to make this book entry. This action also amends the FY 2005-06 through FY 2009-10 Capital Budget.

## **ANALYSIS/INFORMATION**

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.326(3) provides an exemption to Oregon Budget Law allowing for the expenditure in the year of receipt of grants, gifts and bequests received by a municipal corporation in trust for a specific purpose. ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
- 3. Anticipated Effects:** This action will allow for the accounting entry necessary to recognize the value of the art installation as an asset of Metro.
- 4. Budget Impacts:** Capital outlay appropriation will be increased by \$190,000 to allow for the book entry of the asset value.

## **RECOMMENDED ACTION**

The Chief Operating Operator recommends adoption of Ordinance No. 06-1119.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY ) ORDINANCE NO. 06-1120  
2005-06 BUDGET AND APPROPRIATIONS )  
SCHEDULE FOR THE PURPOSE OF AMENDING ) Introduced by Mike Jordan, Chief Operating  
THE MERC OPERATING AND POOLED ) Officer, with the concurrence of Council  
CAPITAL FUNDS AND DECLARING AN ) President Bragdon  
EMERGENCY )

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2005-06 Budget; and

WHEREAS, the need for the increase of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. That the FY 2005-06 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of amending the MERC Operating and Pooled Capital Funds.
- 2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to Form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney



**Exhibit A  
Ordinance No. 06-1120**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>MERC Operating Fund</b>							
<b>Total MERC Operating Fund</b>							
<b>Total Personal Services</b>		<b>150.65</b>	<b>\$14,402,032</b>	<b>0.00</b>	<b>\$0</b>	<b>150.65</b>	<b>\$14,402,032</b>
<i><u>Materials &amp; Services</u></i>							
<i>GOOD: Goods</i>							
	5201 Office Supplies		205,766		0		205,766
	5205 Operating Supplies		245,773		0		245,773
	5210 Subscriptions and Dues		27,404		0		27,404
	5214 Fuels and Lubricants		7,900		0		7,900
	5215 Maintenance & Repairs Supplies		267,800		0		267,800
	5225 Retail		13,500		0		13,500
<i>SVCS Services</i>							
	5240 Contracted Professional Svcs		242,239		0		242,239
	5245 Marketing Expense		2,258,776		0		2,258,776
	5247 POVA Pass-Through		392,015		0		392,015
	5251 Utility Services		2,241,642		0		2,241,642
	5255 Cleaning Services		700		0		700
	5260 Maintenance & Repair Services		576,501		0		576,501
	5265 Rentals		409,445		0		409,445
	5280 Other Purchased Services		457,678		0		457,678
	5281 Other Purchased Services - Reimb		482,593		0		482,593
	5290 Operations Contracts		156,053		0		156,053
	5291 Food and Beverage Services		7,777,266		610,391		8,387,657
	5292 Parking Services		115,000		0		115,000
<i>IGEXP Intergov't Expenditures</i>							
	5300 Payments to Other Agencies		80,725		0		80,725
<i>OTHEX Other Expenditures</i>							
	5450 Travel		80,190		0		80,190
	5455 Staff Development		63,215		0		63,215
	5490 Miscellaneous Expenditures		42,065		0		42,065
	5520 Bad Debt Expense		9,000		0		9,000
<b>Total Materials &amp; Services</b>			<b>\$16,153,246</b>		<b>\$610,391</b>		<b>\$16,763,637</b>
<b>Total Debt Service</b>			<b>\$22,768</b>		<b>\$0</b>		<b>\$22,768</b>
<b>Total Capital Outlay</b>			<b>\$0</b>		<b>\$0</b>		<b>\$0</b>

**Exhibit A**  
**Ordinance No. 06-1120**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>MERC Operating Fund</b>							
<b>Total MERC Operating Fund</b>							
<b><u>Interfund Transfers</u></b>							
<i>INDTE Interfund Reimbursements</i>							
5800	Transfer for Indirect Costs						
	* to General Fund-Support Services		1,606,715		0		1,606,715
	* to General Fund		52,821		0		52,821
	* to Risk Management Fund - Liability		443,004		0		443,004
	* to Risk Management Fund - Workers Comj		93,705		0		93,705
<i>INTCH Internal Service Transfers</i>							
5820	Transfer for Direct Costs						
	to General Fund-Support Services		72,677		0		72,677
<i>EQTCH Fund Equity Transfers</i>							
5810	Transfer of Resources						
	* to MERC Pooled Capital		97,637		511,108		608,745
	* to General Fund (Pension Obligation)		1,778,272		0		1,778,272
	* to General Revenue Bond Fund		1,215,134		0		1,215,134
<b>Total Interfund Transfers</b>			<b>\$5,359,965</b>		<b>\$511,108</b>		<b>\$5,871,073</b>
<b><u>Contingency and Ending Balance</u></b>							
<i>CONT Contingency</i>							
5999	Contingency						
	* General Contingency		1,221,092		(1,121,499)		99,593
	* Prior Year PERS Reserve		49,037		0		49,037
<i>UNAPF Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance						
	* Restricted Fund Balance (User Fees)		644,546		0		644,546
	* Ending Balance		6,899,259		0		6,899,259
<b>Total Contingency and Ending Balance</b>			<b>\$8,813,934</b>		<b>(\$1,121,499)</b>		<b>\$7,692,435</b>
<b>TOTAL REQUIREMENTS</b>		<b>150.65</b>	<b>\$44,751,945</b>	<b>0.00</b>	<b>\$0</b>	<b>150.65</b>	<b>\$44,751,945</b>

**Exhibit A**  
**Ordinance No. 06-1120**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>MERC Pooled Capital Fund</b>							
<b><u>Resources</u></b>							
<i>BEGBA Beginning Fund Balance</i>							
	* Prior year ending balance		4,435,080		0		4,435,080
	* Prior year PERS reserve		56,761		0		56,761
<i>GVCNI Contributions from Governments</i>							
4145	Government Contributions		337,750		0		337,750
<i>INTRST Interest Earnings</i>							
4700	Interest on Investments		31,102		0		31,102
<i>DONAT Contributions from Private Sources</i>							
4750	Donations and Bequests		575,000		0		575,000
<i>MISCR\ Miscellaneous Revenue</i>							
4891	Refunds and Reimbursements		150,000				150,000
<i>EQTRE Fund Equity Transfers</i>							
4970	Transfer of Resources						
	* from MERC Operating - Administrati		0		461,108		461,108
	* from MERC Operating - Expo Center		97,637		50,000		147,637
	* from General Fund		636,208		0		636,208
<b>TOTAL RESOURCES</b>			<b>\$6,319,538</b>		<b>\$511,108</b>		<b>\$6,830,646</b>
<b><u>Personal Services</u></b>							
<i>SALWG Salaries &amp; Wages</i>							
	Construction Coordinator	1.00	63,415	-	0	1.00	63,415
	Construction/Capital Projects M	1.00	84,598	-	0	1.00	84,598
	PCPA Director	0.50	51,802	-	0	0.50	51,802
	PCPA Operations Manager II	0.75	59,870	-	0	0.75	59,870
	PCPA Operations Accounting (	0.30	12,751	-	0	0.30	12,751
5015	Reg Employees-Full Time-Non-Exempt						
	PCPA Administrative Assistan	0.15	5,741	-	0	0.15	5,741
	PCPA Operating Engineer	1.00	50,024	-	0	1.00	50,024
	PCPA Utility Maintenance Tec	0.15	4,780	-	0	0.15	4,780
	PCPA Lead Electricain	0.50	29,599	-	0	0.50	29,599
5030	Temporary		0		2,000		2,000
5080	Overtime		0		13,000		13,000
5089	Merit/Bonus Pay		1,776		0		1,776
	Salary Adjustment						
	Salary Adjustment Pool (non-represen		27,230		0		27,230
<i>FRINGE Fringe Benefits</i>							
5100	Fringe Benefits						
	Base Fringe (variable & fixed)		176,888		3,750		180,638
<b>Total Personal Services</b>		<b>5.35</b>	<b>\$568,474</b>	<b>0.00</b>	<b>\$18,750</b>	<b>5.35</b>	<b>\$587,224</b>

**Exhibit A**  
**Ordinance No. 06-1120**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>MERC Pooled Capital Fund</b>							
<i><u>Materials and Services</u></i>							
<i>SVCS Services</i>							
5240	Contracted Professional Svcs		0		125,000		125,000
<b>Total Materials and Services</b>			<b>\$0</b>	<b>\$125,000</b>			<b>\$125,000</b>
<i><u>Capital Outlay</u></i>							
<i>CAPNG Capital Outlay (Non-CIP Projects)</i>							
5720	Buildings & Related (non-CIP)		222,000		0		222,000
5740	Equipment & Vehicles (non-CIP)		52,500		0		52,500
5750	Office Furn & Equip (non-CIP)		36,000		0		36,000
<i>CAPCII Capital Outlay (CIP Projects)</i>							
5715	Improve-Oth thn Bldg (CIP)		239,345		0		239,345
5725	Buildings & Related (CIP)		2,919,227		(75,000)		2,844,227
5745	Equipment & Vehicles (CIP)		245,000		0		245,000
5755	Office Furniture & Equip (CIP)		44,000		0		44,000
<b>Total Capital Outlay</b>			<b>\$3,758,072</b>	<b>(\$75,000)</b>			<b>\$3,683,072</b>
<b>Total Interfund Transfers</b>			<b>\$61,160</b>	<b>\$0</b>			<b>\$61,160</b>
<i><u>Contingency and Ending Balance</u></i>							
<i>CONT Contingency</i>							
5999	Contingency						
	* General Contingency		695,182		(68,750)		626,432
	* Prior Year PERS Reserve		(3,512)		0		(3,512)
	* Current Year PERS Reserve		(1,594)		0		(1,594)
<i>UNAPP Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance						
	* Ending Balance		1,240,162		511,108		1,751,270
	* Prior Year PERS Reserve		1,594		0		1,594
<b>Total Contingency and Ending Balance</b>			<b>\$1,931,832</b>	<b>\$442,358</b>			<b>\$2,374,190</b>
<b>TOTAL REQUIREMENTS</b>		<b>5.35</b>	<b>\$6,319,538</b>	<b>0.00</b>	<b>\$511,108</b>	<b>5.35</b>	<b>\$6,830,646</b>

**Exhibit B**  
**Ordinance No. 06-1120**  
**FY 2005-06 SCHEDULE OF APPROPRIATIONS**

	<u>Current Appropriation</u>	<u>Revision</u>	<u>Amended Appropriation</u>
<b>MERC OPERATING FUND</b>			
Operating Expenses (PS & M&S)	\$30,555,278	\$610,391	\$31,165,669
Debt Service	22,768	0	22,768
Interfund Transfers	5,359,965	511,108	5,871,073
Contingency	1,270,129	(1,121,499)	148,630
Unappropriated Balance	7,543,805	0	7,543,805
<b>Total Fund Requirements</b>	<b>\$44,751,945</b>	<b>\$0</b>	<b>\$44,751,945</b>
<b>MERC POOLED CAPITAL FUND</b>			
Operating Expenses (PS & M&S)	\$568,474	\$143,750	\$712,224
Capital Outlay	3,758,072	(75,000)	3,683,072
Interfund Transfers	61,160	0	61,160
Contingency	690,076	(68,750)	621,326
Unappropriated Balance	1,241,756	511,108	1,752,864
<b>Total Fund Requirements</b>	<b>\$6,319,538</b>	<b>\$511,108</b>	<b>\$6,830,646</b>

*All Other Appropriations Remain as Previously Adopted*

## **STAFF REPORT**

### CONSIDERATION OF ORDINANCE NO. 06-1120 FOR THE PURPOSE OF AMENDING THE MERC OPERATING AND POOLED CAPITAL FUNDS; AND DECLARING AN EMERGENCY

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Date: April 28, 2006

Presented by: Jeff Miller  
Kathy Taylor

## **BACKGROUND**

This action requests amendments to the MERC Operating and Capital Fund to recognize several actions:

*Aramark National Vendor Rebate* - In September Aramark remitted \$569,596 for national rebates for a period from 1999 to 2005. Effective this current year these rebates are paid quarterly. The venues will retain the 2004-05 amount (\$108,488) in fund balance. Prior year rebates in the amount of \$461,108 will be transferred to the MERC Pooled Capital Fund for General Manager approved projects primarily upgrading food and beverage infrastructure and technology.

*Food and Beverage Expenditures* – The Oregon Convention Center and PCPA are experiencing food and beverage costs that are greater than the original budget forecast. This action would transfer a total of \$610,391 from contingency to materials & services as a precaution against possible over-expenditure in this area.

*Expo Center Phase 3 Market Assessment* – MERC management is conducting a market assessment and design study for Expo Center Phase 3 construction. This action transfers \$50,000 from the MERC Pooled Capital Fund contingency to pay for the study. A transfer from the Operating Fund to the Pooled Capital Fund will be made to reimburse the capital fund's contingency.

*Capital Project staff* – The ordinance requests a minor transfer from contingency to fund overtime and temporary assistance for staff working on capital projects. This action requests \$18,750 from contingency to personal services in the MERC Pooled Capital Fund.

*Arlene Schnitzer Concert Hall Improvements Design Study* - The Adopted Budget includes \$75,000 for partial funding of an Architectural and Theatrical Consultant Design study for improvements to the Arlene Schnitzer Concert Hall. The actual project will be paid for through fundraising efforts of others. This amendment reclassifies the \$75,000 from capital outlay to materials and services to account for preliminary contracted professional services.

## **ANALYSIS/INFORMATION**

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
- 3. Anticipated Effects:** This ordinance provides for several actions. First, it moves funds from contingency to materials & services or personal services in the operating and capital budgets as a

precaution against possible over-expenditure due to higher than anticipated food and beverage costs and additional temporary assistance on capital projects; second, it properly classifies the budget for two studies from capital outlay to materials & services; and third, it places the rebates received from Aramark in the MERC Pooled Capital Fund reserve.

- 4. Budget Impacts:** The ordinance will place an additional \$461,108 in the Pooled Capital Fund reserves pending General Manager approval of projects primarily aimed at upgrading food and beverage infrastructure and technology. It will also move \$610,391 from the operating fund contingency to materials and services as a precaution against possible over-expenditure. The facilities are experiencing costs greater than the original budget.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of Ordinance No. 06-1120

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING FY 2005-06 BUDGET AND APPROPRIATIONS	)	ORDINANCE NO. 06-1121
SCHEDULE TRANSFERRING \$350,000 FROM CONTINGENCY TO CAPITAL OUTLAY IN THE METRO CAPITAL FUND; AND	)	Introduced by Mike Jordan, Chief Operating Officer, with the concurrence of Council President Bragdon
DECLARING AN EMERGENCY	)	

WHEREAS, the Metro Council has reviewed and considered the need to transfer appropriations within the FY 2005-06 Budget; and

WHEREAS, Oregon Budget Law ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction; and

WHEREAS, the need for the increase of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2005-06 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose transferring \$350,000 in appropriation from Contingency to Capital Outlay in the Metro Capital Fund.
2. That the FY 2005-06 through FY 2009-10 Capital Improvement Plan is hereby amended to include the projects shown in Exhibit C to this Ordinance.
3. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to Form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney



**Exhibit A**  
**Ordinance No. 06-1121**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Metro Capital Fund</b>							
<b>TOTAL RESOURCES</b>			\$10,361,269		\$0		\$10,361,269
	Total Personal Services	1.00	\$98,279	-	\$0	1.00	\$98,279
	Total Materials & Services		\$500,000		\$0		\$500,000
<u>Capital Outlay</u>							
CAPCIP	Capital Outlay (CIP Projects)						
5715	Improve-Oth thn Bldg (CIP)		1,107,500		0		1,107,500
5725	Buildings & Related (CIP)		450,000		0		450,000
	* Great Northwest Project		2,098,000		350,000		2,448,000
	* California Condor Breeding Facility		520,000		0		520,000
	* Admission Ticketing System		200,000		0		200,000
	Total Capital Outlay		\$4,375,500		\$350,000		\$4,725,500
	Total Interfund Transfers		\$500		\$0		\$500
<u>Contingency &amp; Unappropriated Balance</u>							
CONT	Contingency						
5999	Contingency						
	* General contingency		1,207,000		(350,000)		857,000
	* Current Year PERS Reserve		3,551		0		3,551
	* Prior Year PERS Reserve		6,601		0		6,601
UNAPP	Unappropriated Fund Balance						
5990	Unappropriated Fund Balance						
	* Renewal & Replacement - IT		316,570		0		316,570
	* Renewal & Replacement - MRC		396,625		0		396,625
	* Oregon Zoo Projects Account		1,763,911		0		1,763,911
	* Parks Capital Projects Account		233,822		0		233,822
	* Parks Renewal & Replacement		173,150		0		173,150
	* Parks Cap. Imp, R&R (Mult. Cty Reserve)		982,660		0		982,660
	* Oxbow Park Nature Center Account		303,100		0		303,100
	Total Contingency & Unappropriated Balance		\$5,386,990		(\$350,000)		\$5,036,990
<b>TOTAL REQUIREMENTS</b>		1.00	\$10,361,269	-	\$0	1.00	\$10,361,269

**Exhibit B**  
**Ordinance No. 06-1121**  
**FY 2005-06 SCHEDULE OF APPROPRIATIONS**

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Amended</u> <u>Appropriation</u>
<b>METRO CAPITAL FUND</b>			
Operating Expenses (PS & M&S)	\$598,279	\$0	\$598,279
Capital Outlay	4,375,500	350,000	4,725,500
Interfund Transfers	500	0	500
Contingency	1,217,152	(350,000)	867,152
Unappropriated Balance	4,169,838	0	4,169,838
<b>Total Fund Requirements</b>	<b>\$10,361,269</b>	<b>\$0</b>	<b>\$10,361,269</b>

*All Other Appropriations Remain as Previously Adopted*

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 06-1121, FOR THE PURPOSE OF AMENDING FY 2005-06 BUDGET AND APPROPRIATIONS SCHEDULE TRANSFERRING \$350,000 FROM CONTINGENCY TO CAPITAL OUTLAY IN THE METRO CAPITAL FUND; AND DECLARING AN EMERGENCY

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Date: May 3, 2006

Prepared by: Tony Vecchio and  
Brad Stevens

## BACKGROUND

In December of 2005, the Oregon Zoo began work on the Cascade Canyon trail, a major capital construction project adding regional habitat exhibits to the zoo. The project showcases northwest forest-edge animals including Black Bear, Bobcat and Cougar, augmenting the existing Great Northwest exhibits. Cascade Canyon is part of the Zoo's Master Plan, approved by the City of Portland in 1997. In 1996, Metro Area voters authorized issuance of General Obligation Bonds "to make capital improvements to the Metro Washington Park Zoo," subsequently renamed the Oregon Zoo.

The Cascade Canyon project was divided into two phases with an overall budget of \$3,000,000. Work on the first phase was originally scheduled to be complete in June 2006, the end of the current fiscal year. The second phase of the project was to begin in July 2006 and was included in the 2006-07 budget. At this point, the contractor is ahead of schedule and has nearly completed all of the first phase work. If work on the second phase is delayed until July, the contractor will be forced to stop work until the beginning of the next fiscal year. It is estimated that the work stoppage will add an additional \$33,000 to the overall cost of the project. This amendment would transfer \$350,000 in the current fiscal year from Contingency to Capital Outlay so that second phase work may begin. This amendment would not increase the overall cost of the project it would merely change the timing. If this amendment is approved, a technical amendment will be submitted to reduce the FY 2006-07 appropriation for this project by \$350,000.

<i>Metro Capital Fund – Oregon Zoo Capital Projects</i>	
Buildings & Related (CIP Projects)	\$350,000
Contingency	(\$350,000)

## ANALYSIS/INFORMATION

- 1. Known Opposition:** None known
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
- 3. Anticipated Effects:** This action would allow the Oregon Zoo to begin work on the second phase of the Cascade Canyon construction project in the current fiscal year, avoiding a work stoppage, and reducing the overall project costs by approximately \$33,000.
- 4. Budget Impacts:** This action requests the transfer of \$350,000 from Contingency to Capital Outlay in the Metro Capital Fund – Oregon Zoo Capital Projects Account for FY 2005-06

## RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY	)	ORDINANCE NO. 06-1122
2005-06 BUDGET AND APPROPRIATIONS	)	
SCHEDULE REPLACING COPIERS IN THE	)	Introduced by Mike Jordan, Chief Operating
METRO REGIONAL CENTER, PURCHASING	)	Officer, with the concurrence of Council
AND INSTALLING TIMEKEEPING SOFTWARE	)	President Bragdon
THROUGHOUT METRO; AMENDING THE FY	)	
2005-06 THROUGH FY 2009-10 CAPITAL	)	
IMPROVEMENT PLAN; AND DECLARING AN	)	
EMERGENCY	)	

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2005-06 Budget; and

WHEREAS, the need for the increase of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2005-06 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of replacing copiers in the Metro Regional Center, and purchasing and installing timekeeping software throughout Metro.
2. That the FY 2005-06 through FY 2009-10 Capital Improvement Plan is amended as shown in Exhibit C to this ordinance.
3. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to Form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

**Exhibit A**  
**Ordinance No. 06-1122**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Metro Capital Fund</b>							
<b>Total Personal Services</b>		<b>1.00</b>	<b>\$98,279</b>	<b>-</b>	<b>\$0</b>	<b>1.00</b>	<b>\$98,279</b>
<b>Total Materials &amp; Services</b>			<b>\$500,000</b>		<b>\$0</b>		<b>\$500,000</b>
<b>Total Capital Outlay</b>			<b>\$4,375,500</b>		<b>\$0</b>		<b>\$4,375,500</b>
<b><u>Interfund Transfers</u></b>							
<i>EQTCH Fund Equity Transfers</i>							
5810	Transfer of Resources						
	* to General Fund (Support Services)		0		181,000		181,000
	* to General Fund (Pension Obligation)		9,634		0		9,634
	* to General Fund (Regional Parks-Tibbets)		500		0		500
<b>Total Interfund Transfers</b>			<b>\$10,134</b>		<b>\$181,000</b>		<b>\$191,134</b>
<b><u>Contingency &amp; Unappropriated Balance</u></b>							
<i>CONT Contingency</i>							
5999	Contingency						
	* General contingency		1,207,000		(181,000)		1,026,000
	* Prior Year PERS Reserve		518		0		518
<i>UNAPP Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance						
	* Renewal & Replacement - IT		316,570		(61,000)		255,570
	* Renewal & Replacement - MRC		396,625		61,000		457,625
	* Oregon Zoo Projects Account		1,763,911		0		1,763,911
	* Parks Capital Projects Account		233,822		0		233,822
	* Parks Renewal & Replacement		173,150		0		173,150
	* Parks Cap. Imp, R&R (Mult. Cty Res)		982,660		0		982,660
	* Oxbow Park Nature Center Account		303,100		0		303,100
<b>Total Contingency &amp; Unappropriated Balance</b>			<b>\$5,377,356</b>		<b>(\$181,000)</b>		<b>\$5,196,356</b>
<b>TOTAL REQUIREMENTS</b>		<b>1.00</b>	<b>\$10,361,269</b>	<b>-</b>	<b>\$0</b>	<b>1.00</b>	<b>\$10,361,269</b>

**Exhibit A**  
**Ordinance No. 06-1122**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Resources</b>							
<i>BEGBAL Beginning Fund Balance</i>							
3500	Beginning Fund Balance						
	* Prior year ending balance		8,180,930		0		8,180,930
	* Undesignated		1,503,573		0		1,503,573
	* Cash Flow Reserve		936,668		0		936,668
	* Project Carryover		477,362		0		477,362
	* Tourism Opportunity & Comp. Account		42,354		0		42,354
	* Recovery Rate Stabilization Reserve		1,333,034		0		1,333,034
	* Reserve for Future Debt Service		1,682,054		0		1,682,054
	* General Renewal & Replacement Reserve		250,000		0		250,000
	* Renewal, Replace., Cap Imp (Mult. Cty)		1,032,660		0		1,032,660
	* IT Renewal & Replacement Reserve		350,000		0		350,000
	* Prior year PERS Reserve		2,660,801		0		2,660,801
<i>EXCISE Excise Tax</i>							
4050	Excise Taxes		12,805,010		0		12,805,010
<i>RPTAX Real Property Taxes</i>							
4010	Real Property Taxes-Current Yr		9,024,168		0		9,024,168
4015	Real Property Taxes-Prior Yrs		270,725		0		270,725
<i>GRANTS Grants</i>							
4100	Federal Grants - Direct		3,336,509		0		3,336,509
4105	Federal Grants - Indirect		5,212,398		0		5,212,398
4110	State Grants - Direct		1,815,633		0		1,815,633
4115	State Grants - Indirect		345,700		0		345,700
4120	Local Grants - Direct		4,854,805		0		4,854,805
4125	Local Grants - Indirect		2,235,372		0		2,235,372
<i>LGSHRE Local Gov't Share Revenues</i>							
4135	Marine Board Fuel Tax		118,125		0		118,125
4139	Other Local Govt Shared Rev.		378,362		0		378,362
<i>GVCNTB Contributions from Governments</i>							
4145	Government Contributions		81,500		0		81,500
<i>LICPER Licenses and Permits</i>							
4150	Contractor's Business License		400,000		0		400,000
<i>CHGSVC Charges for Service</i>							
4160	Boat Ramp Use Permits		500		0		500
4165	Boat Launch Fees		166,550		0		166,550
4180	Contract & Professional Service		144,500		0		144,500
4200	UGB Fees		50,000		0		50,000
4230	Product Sales		1,775		0		1,775

**Exhibit A**  
**Ordinance No. 06-1122**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Resources</b>							
4280	Grave Openings		194,901		0		194,901
4285	Grave Sales		139,707		0		139,707
4500	Admission Fees		6,168,023		0		6,168,023
4510	Rentals		739,371		0		739,371
4550	Food Service Revenue		4,115,953		0		4,115,953
4560	Retail Sales		1,917,209		0		1,917,209
4580	Utility Services		2,100		0		2,100
4610	Contract Revenue		912,953		0		912,953
4620	Parking Fees		639,553		0		639,553
4630	Tuition and Lectures		812,487		0		812,487
4635	Exhibit Shows		433,778		0		433,778
4640	Railroad Rides		487,442		0		487,442
4645	Reimbursed Services		186,047		0		186,047
4650	Miscellaneous Charges for Service		29,625		0		29,625
4760	Sponsorships		14,000		0		14,000
<i>INTRST</i>	<i>Interest Earnings</i>						
4700	Interest on Investments		329,419		0		329,419
<i>DONAT</i>	<i>Contributions from Private Sources</i>						
4750	Donations and Bequests		1,151,295		0		1,151,295
4670	Charges for Service		869,007		0		869,007
<i>MISCRV</i>	<i>Miscellaneous Revenue</i>						
4170	Fines and Forfeits		25,000		0		25,000
4890	Miscellaneous Revenue		80,212		0		80,212
<i>INFREQ</i>	<i>Special Items-Infrequent Items</i>						
4810	Sale of Fixed Assets		2,000		0		2,000
<i>DBTREV</i>	<i>Bond &amp; Loan Proceeds</i>						
4905	Revenue Bond Proceeds		24,313,286		0		24,313,286
<i>EQTREV</i>	<i>Fund Equity Transfers</i>						
4970	Transfer of Resources						
	* from MERC Operating Fund		1,778,272		0		1,778,272
	* from MERC Pooled Capital Fund		61,160		0		61,160
	* from Metro Capital Fund-Tibbets Acct		500		0		500
	* from Metro Capital Fund-Zoo Projects		9,634		0		9,634
	* from Metro Capital Fund-IT R&R Acct		0		61,000		61,000
	* from Metro Capital Fund-MRC R&R Acct		0		120,000		120,000
	* from Open Spaces Fund		58,485		0		58,485
	* from Risk Management Fund		32,384		0		32,384
	* from Solid Waste Revenue Fund		1,205,549		0		1,205,549

**Exhibit A**  
**Ordinance No. 06-1122**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Resources</b>							
<i>INDTRV</i>	<i>Interfund Reimbursements</i>						
4975	Transfer for Indirect Costs						
	* from MERC Operating Fund		1,659,536		0		1,659,536
	* from Open Spaces Fund		312,499		0		312,499
	* from Solid Waste Revenue Fund		3,463,419		0		3,463,419
<i>INTSRV</i>	<i>Internal Service Transfers</i>						
4980	Transfer for Direct Costs						
	* from MERC Operating Fund		72,677		0		72,677
	* from Open Spaces Fund		31,796		0		31,796
	* from Smith & Bybee Lakes Fund		21,700		0		21,700
	* from Solid Waste Revenue Fund		359,466		0		359,466
<b>TOTAL RESOURCES</b>			<b>\$112,321,513</b>	<b>\$181,000</b>		<b>\$112,502,513</b>	



**Exhibit A  
Ordinance No. 06-1122**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Finance &amp; Administrative Services Department</b>							
<b>Total Personal Services</b>		<b>59.40</b>	<b>\$4,744,191</b>	<b>0.00</b>	<b>\$0</b>	<b>59.40</b>	<b>\$4,744,191</b>
<b><u>Materials &amp; Services</u></b>							
<i>GOODS Goods</i>							
	5201 Office Supplies		81,287		0		81,287
	5205 Operating Supplies		83,148		0		83,148
	5210 Subscriptions and Dues		10,126		0		10,126
	5214 Fuels and Lubricants		821		0		821
	5215 Maintenance & Repairs Supplies		40,825		0		40,825
<i>SVCS Services</i>							
	5240 Contracted Professional Svcs		128,696		0		128,696
	5250 Contracted Property Services		53,000		0		53,000
	5251 Utility Services		244,771		0		244,771
	5255 Cleaning Services		153,750		0		153,750
	5260 Maintenance & Repair Services		507,652		(69,000)		438,652
	5265 Rentals		50,225		0		50,225
	5280 Other Purchased Services		100,590		0		100,590
<i>CAPMNT Capital Maintenance</i>							
	5262 Capital Maintenance - Non-CIP		58,000		0		58,000
<i>IGEXP Intergov't Expenditures</i>							
	5300 Payments to Other Agencies		326,852		0		326,852
<i>OTHEXP Other Expenditures</i>							
	5450 Travel		27,746		0		27,746
	5455 Staff Development		46,477		0		46,477
	5490 Miscellaneous Expenditures		16,677		0		16,677
<b>Total Materials &amp; Services</b>			<b>\$1,930,643</b>		<b>(\$69,000)</b>		<b>\$1,861,643</b>
<b><u>Capital Outlay</u></b>							
<i>CAPNON Capital Outlay (Non-CIP Projects)</i>							
	5720 Buildings & Related (non-CIP)		70,000		0		70,000
	5750 Office Furn & Equip (non-CIP)		5,000		0		5,000
<i>CAPCIP Capital Outlay (CIP Projects)</i>							
	5755 Office Furniture & Equip (CIP)		251,000		250,000		501,000
<b>Total Capital Outlay</b>			<b>\$326,000</b>		<b>\$250,000</b>		<b>\$576,000</b>
<b>TOTAL REQUIREMENTS</b>		<b>59.40</b>	<b>\$7,000,834</b>	<b>0.00</b>	<b>\$181,000</b>	<b>59.40</b>	<b>\$7,181,834</b>

**Exhibit B**  
**Ordinance No. 06-1122**  
**FY 2005-06 SCHEDULE OF APPROPRIATIONS**

<b>GENERAL FUND</b>	<b><u>Current</u></b>	<b><u>Revision</u></b>	<b><u>Amended</u></b>
	<b><u>Appropriation</u></b>	<b><u>Revision</u></b>	<b><u>Appropriation</u></b>
<b>Council Office</b>			
Operating Expenses (PS & M&S)	1,594,311	0	1,594,311
Subtotal	1,594,311	0	1,594,311
<b>Finance &amp; Administrative Services</b>			
Operating Expenses (PS & M&S)	6,674,834	(69,000)	6,605,834
Capital Outlay	326,000	250,000	576,000
Subtotal	7,000,834	181,000	7,181,834
<b>Human Resources</b>			
Operating Expenses (PS & M&S)	1,136,818	0	1,136,818
Subtotal	1,136,818	0	1,136,818
<b>Metro Auditor</b>			
Operating Expenses (PS & M&S)	631,742	0	631,742
Subtotal	631,742	0	631,742
<b>Office of Metro Attorney</b>			
Operating Expenses (PS & M&S)	1,390,347	0	1,390,347
Subtotal	1,390,347	0	1,390,347
<b>Oregon Zoo</b>			
Operating Expenses (PS & M&S)	21,412,240	0	21,412,240
Capital Outlay	462,150	0	462,150
Subtotal	21,874,390	0	21,874,390
<b>Planning</b>			
Operating Expenses (PS & M&S)	18,608,746	0	18,608,746
Capital Outlay	32,000	0	32,000
Subtotal	18,640,746	0	18,640,746
<b>Public Affairs &amp; Government Relations</b>			
Operating Expenses (PS & M&S)	1,228,768	0	1,228,768
Subtotal	1,228,768	0	1,228,768
<b>Regional Parks &amp; Greenspaces</b>			
Operating Expenses (PS & M&S)	6,314,599	0	6,314,599
Capital Outlay	75,000	0	75,000
Subtotal	6,389,599	0	6,389,599

**Exhibit B**  
**Ordinance No. 06-1122**  
**FY 2005-06 SCHEDULE OF APPROPRIATIONS**

	<u>Current Appropriation</u>	<u>Revision</u>	<u>Amended Appropriation</u>
<b>GENERAL FUND (continued)</b>			
Non-Departmental			
Operating Expenses (PS & M&S)	34,375,694	0	34,375,694
Debt Service	825,907	0	825,907
Subtotal	35,201,601	0	35,201,601
General Expenses			
Interfund Transfers	7,623,242	0	7,623,242
Contingency	7,656,686	(181,000)	7,475,686
Subtotal	15,279,928	(181,000)	15,098,928
Unappropriated Balance	1,952,429	181,000	2,133,429
<b>Total Fund Requirements</b>	<b>\$112,321,513</b>	<b>\$181,000</b>	<b>\$112,502,513</b>
<b>METRO CAPITAL FUND</b>			
Operating Expenses (PS & M&S)	\$598,279	0	\$598,279
Capital Outlay	4,375,500	0	4,375,500
Interfund Transfers	10,134	181,000	191,134
Contingency	1,207,518	(181,000)	1,026,518
Unappropriated Balance	4,169,838	0	4,169,838
<b>Total Fund Requirements</b>	<b>\$10,361,269</b>	<b>\$0</b>	<b>\$10,361,269</b>

*All Other Appropriations Remain As Previously Adopted*

**EXHIBIT C  
Ordinance 06-1122**

**Capital Project Request - Project Detail**

<b>Project Title:</b>	Copier Replacement			<b>Fund:</b>	Support Services Fund		
<b>Project Status:</b>	Incomplete	<b>Funding Status:</b>	Funded	<b>FY First Authorized:</b>	2005-06	<b>Department:</b>	Finance
<b>Project Number:</b>	65110	<b>Active:</b>	<input checked="" type="checkbox"/>	<b>Dept. Priority:</b>	0	<b>Facility:</b>	
<b>Source Of Estimate</b>	Preliminary	<b>Source:</b>		<b>Start Date:</b>	1/06	<b>Date:</b>	1/1/2006
<b>Type of Project:</b>	New	<b>Request Type</b>	Initial	<b>Completion Date:</b>	6/06	<b>Prepared By:</b>	Kathy Rutkowski

Project Estimates	Actual	Budget/Est	Prior						
Capital Cost:	Expend	2004-2005	Years	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	Total
Equipment/Furnishings	\$0	\$0	\$0	\$138,000	\$0	\$0	\$0	\$0	\$138,000
<b>Total:</b>	\$0	\$0	\$0	\$138,000	\$0	\$0	\$0	\$0	\$138,000

Funding Source:									
Other - Cost Allocation Plan	\$0	\$0	\$0	\$18,000	\$0	\$0	\$0	\$0	\$18,000
Fund Balance - Renewal and Replacement	\$0	\$0	\$0	\$120,000	\$0	\$0	\$0	\$0	\$120,000
<b>Total:</b>	\$0	\$0	\$0	\$138,000	\$0	\$0	\$0	\$0	\$138,000

**Annual Operating Budget Impact:**

**Annual Expenditures**

Materials and Services	\$0	(\$27,300)	(\$27,300)	(\$27,300)	(\$27,300)	(\$109,200)
Renewal and Replacement	\$0	\$20,900	\$20,900	\$20,900	\$20,900	\$83,600
Subtotal, Expenditures:	\$0	(\$6,400)	(\$6,400)	(\$6,400)	(\$6,400)	(\$25,600)
<b>Net Operating Contribution (Cost):</b>	\$0	\$6,400	\$6,400	\$6,400	\$6,400	\$25,600

<b>Project Description / Justification:</b>	<b>Estimated Useful Life (yrs)</b>	0	<b>First Full Fiscal Year of Operation</b>	2006-07
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The estimated budget for this project is \$138,000, funded \$18,000 from department allocations through the cost allocation plan and \$120,000 from Metro Regional Center renewal & replacement reserves. The actual total cost is \$135,600. The anticipated savings per year is \$27,300 resulting in a payback period for the project of approximately five years. The estimated useful life of the equipment is between six and seven years providing a 30 percent overall return on investment and about a 4.6 percent annual return. This calculation does not include expected reductions in maintenance efforts that had been provided by Information Technology staff on the eliminated copiers as that savings will be deployed to other needed tasks.

**EXHIBIT C**  
**Ordinance 06-1122**

**Capital Project Request - Project Detail**

**Project Title:** Time Collection software      **Fund:** Support Services Fund

**Project Status:** Incomplete    **Funding Status:** Funded    **FY First Authorized:** 2005-06    **Department:** Finance

**Project Number:** 65630    **Active:**     **Dept. Priority:** 2    **Facility:** Information Technology    **Division:** Information Technology

**Source Of Estimate:** Based on Design    **Source:**    **Start Date:** 3/05    **Date:** 2/10/2006

**Type of Project:** New    **Request Type:** Initial    **Completion Date:** 7/06    **Prepared By:** David Biedermann

Project Estimates	Actual	Budget/Est	Prior						
Capital Cost:	Expend	2004-2005	Years	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	Total
Equipment/Furnishings	\$0	\$96,349	\$96,349	\$173,651	\$0	\$0	\$0	\$0	\$270,000
<b>Total:</b>	\$0	\$96,349	\$96,349	\$173,651	\$0	\$0	\$0	\$0	\$270,000

Funding Source:									
Other	\$0	\$96,349	\$96,349	\$173,651	\$0	\$0	\$0	\$0	\$270,000
<b>Total:</b>	\$0	\$96,349	\$96,349	\$173,651	\$0	\$0	\$0	\$0	\$270,000

**Annual Operating Budget Impact:**

**Annual Expenditures**

Personal Services	\$0	(\$73,700)	(\$73,700)	(\$73,700)	(\$73,700)	(\$294,800)
Materials and Services	\$0	\$20,000	\$20,000	\$20,000	\$20,000	\$80,000
Subtotal, Expenditures:	\$0	(\$53,700)	(\$53,700)	(\$53,700)	(\$53,700)	(\$214,800)
<b>Net Operating Contribution (Cost):</b>	\$0	\$53,700	\$53,700	\$53,700	\$53,700	\$214,800

**Project Description / Justification:**      **Estimated Useful Life (yrs)** 15      **First Full Fiscal Year of Operation** 2006-07

This project will provide for automated timekeeping throughout Metro. The Information Technology department has estimated staff savings from implementation of the project at approximately \$146,000. Ongoing operating costs include about one-third of an IT analyst to maintain the system and \$20,000 per year for maintenance, licensing and software upgrade. Full discussion of the project is provided as part of the staff report to ordinance 06-1122, adopting the budget actions necessary in FY 2005-06 to implement the project.

## **STAFF REPORT**

IN CONSIDERATION OF ORDINANCE NO. 06-1122 FOR THE PURPOSE OF AMENDING THE FY 2005-06 BUDGET AND APPROPRIATIONS SCHEDULE REPLACING COPIERS IN THE METRO REGIONAL CENTER; PURCHASING AND INSTALLING TIMEKEEPING SOFTWARE THROUGHOUT METRO; AMENDING THE FY 2005-06 THROUGH FY 2009-10 CAPITAL IMPROVEMENT PLAN; AND DECLARING AN EMERGENCY

---

Date: May 4, 2006

Prepared by: Bill Stringer  
David Biedermann

## **BACKGROUND**

Information Technology within the Finance and Administrative Services Department has examined a number of areas of technology with a goal of both ultimate costs savings and enhanced efficiency. Two areas with considerable promise are in the areas of copier consolidation and timekeeping automation. The Chief Financial Officer had indicated in the FY 2005-06 Second Quarter Report that a budget amendment to the Capital Improvement Plan would be forthcoming providing for additional spending in FY 2005-06, which would allow for additional savings and/or efficiencies in out years. These are “soft-savings” in that they allow Metro to redirect resources towards alternative projects and products.

### **Copier Consolidation and Replacement Project**

Beginning in 2004, the Information Technology and Property Services divisions of the Finance and Administrative Services Department embarked on a study of printing use and behavior in the Metro Regional Center. This included a detailed analysis of the types, capacities and placement of printers throughout the building.

Of major interest was the proliferation of small single user black and white and color “desktop” ink jet printers. While the purchase price of these printers is relatively small, the supplies (largely ink and toner cartridges) are very expensive compared to the larger high production printers. On a per page basis, these small desktop printers are the most expensive option for printing documents. Black and white prints on these machines cost between 5 and 10 cents per page; color prints cost 15 to 75 cents.

As a result of a request for proposal, staff contracted with IKON to assist in the analysis of the printer usage at Metro. Detailed research was conducted to identify the amount and type of printing on all printers. Software was installed to monitor all printer usage for 60 days. An on-line computer survey of Metro Regional Center staff was used to develop broad themes and individual interviews were conducted to ensure the contractor and staff understood the needs of users within the organization.

At the time of the study, Metro Regional Center had 186 printers, using 1.3 million sheets of paper per year in printers alone, the equivalent of over 5,000 sheets a day. Annual cost for all printing (not including photocopying) was approximately \$65,000 in the Metro Regional Center.

When compared with using large capacity multi-function devices (which also copy, fax and scan and provide “finishing” capabilities such as hole punching, page numbering, etc), the research showed we could cut the present printing costs by \$27,300 annually, a savings of 42 percent. The reduction is through efficiency; the larger machines print at a significantly lower cost per page (for black and white-- 3 cents vs. 5 to 10 cents) and at a faster pace than a small desktop unit.

To capitalize on the potential savings, Metro purchased and installed eight multi-function devices at the Metro Regional Center. Two existing machines with remaining life presently located at the Metro Regional Center were relocated to the Oregon Zoo to replace failing copiers at that location. Two other existing machines were relocated within the Metro Regional Center to accommodate usage needs within the departments. The total equipment cost was about \$135,600. The anticipated savings per annum is \$27,300 resulting in a payback period for the equipment of approximately five years. The estimated useful life of the equipment is between six and seven years providing a 30% overall return on investment and about a 4.6% annual return. This calculation does not include expected reductions in maintenance efforts that had been provided by Information Technology staff on the eliminated copiers as that savings would be deployed to other needed tasks.

The projected investment cost includes training all Regional Center staff and removing the inefficient printers. This project will assist Staff in reaching its goal to reduce the number of printers by 90% and to remove approximately 20 fax machines and scanners made redundant by the additional capabilities of the copiers. Serviceable units were offered to other jurisdictions, and as of this date, 21 units have been placed in cities, schools and nonprofit organizations.

The new technology includes the ability to track all printing, and, through the cost allocation plan, to allocate to each department based on usage. The estimated cost per print is 2.9 cents for black and white and 12.7 cents for color. This amount includes paper, toner, supplies such as staples, maintenance, service and equipment replacement costs when the equipment reaches its useful life cycle in 6 to 7 years.

Based on direction from the Chief Operating Officer and the Chief Financial Officer, the Information Technology and Building Divisions implemented the changes in order to realize the savings as soon as possible. Councilors were briefed on the nature of the project, and all were supportive to proceed. The units were purchased earlier in the fiscal year with existing undedicated appropriations.

Staff will conduct a similar analysis of the Oregon Zoo campus to identify potential savings. We do not expect dramatic savings due to the many buildings on the Zoo campus; however, the Zoo Director believes the study will return some benefit in reducing present operating costs.

This ordinance moves available funds from the Metro Regional Center renewal & replacement reserves to replace the appropriations used to fund the expenditures related to the copier replacement project.

As this project was not identified in the Capital Improvement Plan for FY 2005-06 through FY 2009-10, this ordinance will also amend the CIP.

### **Electronic Timekeeping Software Project**

The Chief Financial Officer established the Business Design Team (BDT) process in March 2005. One of the recommendations from the BDT was to assess the timekeeping/ payroll process. The basis for the recommendation was both efficiency and potential cost saving, but the recommendation was also based on the recognition that the system would allow for better management of overtime, better coding of activities and better tracking of attendance patterns. Two departments (Solid Waste and Recycling and the Oregon Zoo) and the Metro Exposition Recreation Commission use local versions of electronic timekeeping in connection with the Metro wide paper timesheet system.

The BDT's recommendation was to install software to allow electronic timekeeping throughout Metro, and to upgrade the existing department use to that standard. It was anticipated that a 0.8 FTE

Administrative Assistant position from the Oregon Zoo could be eliminated if the agency-wide software was installed.

The Chief Operating Officer and the Business Design Team Steering Committee directed Information Technology to implement the software in order to realize the position savings potential at the Oregon Zoo, at MERC and within the Metro Regional Center. Solid Waste and Recycling had already begun the implementation and use of the software.

Solid Waste and Recycling and the Oregon Zoo are now completely implemented on agency-wide centralized timekeeping software. The project is now in the MERC implementation phase, and will conclude with the installation and implementation at the Metro Regional Center this spring and early summer. When the project is completed, there will be no paper timesheets and all timekeeping will be done with automated time clocks and computer entry. Supervisor approvals will be done electronically via computers.

The software implementation cost to date is \$209,000 and includes some consulting and training. It is funded in three ways: Solid Waste and Recycling and MERC funded their respective portions (\$96,349 and \$46,809 respectively), while Information Technology funded the Zoo portion (\$65,842) out of the department's existing operating budget by reducing the capacity of other technology initiatives and improvements, and by delaying some purchases until next year.

The remaining costs for installation and implementation at the Metro Regional Center and the Regional Parks and Greenspaces sites are estimated to cost \$61,000. This portion of the project will be funded from the Information Technology Renewal and Replacement Fund. This brings the total project cost for all Metro departments to \$270,000.

At the time the BDT estimated staff efficiency (time saved by eliminating some work in all departments) to be \$145,790 annually. A conservative estimate of savings is \$100,000 a year. At that rate of savings net of new resources needed this project provides about a 20% Return on Investment each year. The payback period for the investment would be about 4.65 years. Additional resources for training and implementation were absorbed by existing staff and not included in this analysis. Improved accuracy of timekeeping, enhanced ability to manage overtime and temporary help, and increased ability to track employee work hours are efficiencies that cannot be captured by payback period calculations.

Ongoing support for the agency-wide system is included in Information Technology's work plan for FY 2006-07, and in the approved FY 2006-07 budget. Next year's budget includes \$20,000 in the Materials and Services account for the licensing costs of the software and the addition of a 1.0 FTE Systems Analyst I to provide central support for additional software needs within the agency. The cost for this position is budgeted at \$78,814 (fully loaded). Only one-third of this FTE or \$26,300 is attributable to this project.

As this project was not identified in the Capital Improvement Plan for FY 2005-06 through FY 2009-10, this ordinance will also amend the CIP.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition** None.



2. **Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.

3. **Anticipated Effects:** This ordinance moves the funds from the reserves into the operating budgets for these expenditures and amends the Capital Improvement Plan to include two additional projects in Finance and Administrative Services. The total cost for the copier replacement project is \$120,000 and the total cost for the timekeeping software is presently estimated at \$270,000. These costs do not include additional FTE for the Information Technology support nor do they include the costs identified with staff training.

4. **Budget Impacts:** There are sufficient funds in the respective Information Technology and Metro Regional Center reserves to fund start-up costs of these expenditures. The entire copier project will be funded from the Metro Regional Center Renewal and Replacement fund and the remaining KRONOS implementation costs of \$61,000 will be paid for out of the Information Technology Renewal and Replacement fund.

Ongoing budget impacts include operational impacts to the Information Technology personnel services accounts for the .33 FTE (\$26,300) and the materials service account for the software licensure and upgrades (\$20,000). Ongoing operational costs for the printer projects include maintenance and repairs and eventually, copier replacements as scheduled (\$18,000 per copier). These costs are costs included in the Approved 2006-07 Budget.

**RECOMMENDED ACTION:**

The Chief Operating Officer recommends approval of Ordinance 06-1122.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPOINTING ) RESOLUTION NO. 06-3686  
MEMBERS TO THE REGIONAL FREIGHT AND )  
GOODS MOVEMENT TASK FORCE ) Introduced by David Bragdon

WHEREAS, Metro was awarded a Transportation & Growth Management Grant for the 2005 – 2007 Biennium in the amount of \$155,000 to prepare a regional plan for freight and goods movement with input from private and public sector organizations that actively participate in or oversee the movement of freight and goods in the region; and

WHEREAS, Metro is conducting a planning process that will focus on the regional freight transportation system in the Portland-Vancouver metropolitan region. The project will provide a common base of knowledge about the different elements of the regional freight transportation system, identify issues, needs, and deficiencies, define an interconnected regional freight network, prioritize multimodal freight improvement projects consistent with available funding resources, identify implementation strategies, and identify truck movement needs as they relate to existing regional street design guidelines; and

WHEREAS, the Metro Council wishes to avail itself of the advice of persons from the private sector knowledgeable about freight and goods movement in order to better inform public sector decisions; and

WHEREAS, improvements to freight mobility are an important element of the Portland Business Alliance draft Regional Business Plan; and

WHEREAS, a Regional Freight and Goods Movement Task Force is being formed to provide project oversight, make policy recommendations to JPACT and Metro Council, and ensure public input throughout the process in accordance with Metro Code 2.19; and

WHEREAS, the Regional Freight and Goods Movement Task Force shall include representatives from industry and trade sectors, public sector agency, and the community; and

WHEREAS, nominations to the Regional Freight and Goods Movement Task Force were developed by the Metro Council President in consultation with Metro Council, involved jurisdictions, and industry organizations; and

WHEREAS, the charter for the Freight and Goods Movement Task Force is described in Exhibit A; and

WHEREAS, Metro Councilor Rod Park will serve as chairperson of the Freight and Goods Movement Task Force; and

WHEREAS, the Freight and Goods Movement Task Force is scheduled to begin meeting in June 2006 and complete its work within an 18 month period; now therefore

BE IT RESOLVED that the Metro Council hereby confirms the members nominated by the Metro Council President as identified in Exhibit B for an 18-month term beginning June 2006.

ADOPTED by the Metro Council this 25th day of May 2006

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David Bragdon, Council President

Approved as to Form:

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Daniel B. Cooper, Metro Attorney

## **EXHIBIT A - REGIONAL FREIGHT AND GOODS MOVEMENT TASK FORCE CHARTER**

### **Purpose**

The Regional Freight and Goods Movement Task Force is charged with advising the development of Metro's Plan for Regional Freight and Goods Movement. The Metro Council-appointed Task Force members will work in collaboration with the New Look and 2035 Regional Transportation Plan Update to form recommendations for the region's multimodal freight transportation system, which will be integrated in the Regional Transportation Plan. The Joint Policy Advisory Committee on Transportation (JPACT) and Metro Council will consider the Task Force recommendations.

### **Task Force Objectives**

The Task Force will be charged with:

- Developing recommendations for desired outcomes for the regional freight transportation system that are consistent with the regional values articulated in the New Look.
- Contributing expert input to the common base of knowledge about the various elements of the regional freight system.
- Identifying issues, needs, and deficiencies in the regional freight system.
- Developing strategies that address the community and environmental impacts of freight and goods movement.
- Planning a multimodal freight network that connects industrial and employment areas, 2040 Centers, the national and regional highways system, and intermodal and terminal facilities.
- Identifying and prioritizing multi-modal freight improvement projects throughout the region that respond to the desired outcomes for the freight transportation system and are consistent with the available financial resources.

### **Membership**

The Regional Freight and Goods Movement Task Force is composed of members from the private and public sectors that represent a multitude of freight transportation interests. Members should be:

- Knowledgeable about or have experienced in the freight and goods movement industry;
- Interested in formulating solutions for improving freight mobility and reducing impacts;
- Able to consider a range of ideas and opinions in a group setting and participate in the formation of collaborative recommendations.

Members will serve for up to eighteen months on the task force. The committee will be chaired by Metro Councilor Rod Park and supported by Metro Planning Department staff.

**EXHIBIT B - REGIONAL FREIGHT AND GOODS MOVEMENT TASK FORCE  
MEMBERSHIP ROSTER**

<b>Category</b>	<b>Representatives</b>
Marine	Elizabeth Wainwright - Merchants Exchange
Rail	William Bremer – Portland & Western Jim Nave – Union Pacific
Trucking	Steve Bates – Redmond Heavy Haul Bob Russell – Oregon Trucking Assoc.
Warehouse	Steve Akre – OR Int’l Airfreight Pete George – P.W. George Consulting
Agriculture	Terry Cleaver – Columbia Grain
Construction	Alan Kirk - OrePac
Distributor/Food Service	Van Hooper - Sysco Foods*
Retail	Michael Powell – Powell’s Bookstore*
Forest Products	John Drew - Far West Fibers
Industrial Real Estate	Tom Dechenne - Norris Beggs Simpson
Labor	Bob Peterson – Teamsters Local 162
Logistics	Monica Isbel - Starboard Alliance
Manufacturer/Distributor	Grant Armbruster – Columbia Sportswear Jeanne Morgan – Xerox Warren Rosenfeld – Calbag Metals Tracy Whalen - Esco Corp
Solid Waste	Gary Cardwell - NW Container Service
Community	Scott Bricker - Bicycle Transportation Alliance Rick Williams – Lloyd Transportation Management Association*
<hr/>	
<b>Total Private Members – 22</b>	<b>*Pending</b>

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**Public Sector\***

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Cities/Counties of Eastern Region	Honorable Paul Thalhoffer – Mayor of Troutdale
Cities/Counties of Western Region	Pending
Cities/Counties of Southern Region	Cam Gilmour – Clackamas County Transportation & Development Director
City of Portland	Paul Smith – Transportation Planner Manager
Port of Portland	Pending
Port of Vancouver	Pending
ODOT	Pending
WSDOT	Brian McMullen – Assistant Regional Plan Program Manager
Metro	Councilor Rod Park
SW Washington RTC	Pending

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***Total Public Members – 10***

*\*Solicitation letter sent to JPACT representatives – waiting for responses*

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**TOTAL TASK FORCE COMMITTEE - 32**

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 06-3686, FOR THE PURPOSE OF APPOINTING MEMBERS TO THE REGIONAL FREIGHT AND GOODS MOVEMENT TASK FORCE

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Date: May 11, 2006

Prepared by: Deena Platman

#### BACKGROUND

The region's 2002 Commodity Flow Forecast estimates that the amount of tonnage moved on the freight transportation system will double by 2030 in the Portland metropolitan region. Increasing population in the region and significant trends in the logistics and distribution sector, such as the growth of intermodal shipping, just-in-time delivery, and e-commerce, have changed how freight and goods move and have put pressure on the performance of the freight system. Customer demands for quicker and cheaper movement of freight and goods mean system efficiency is paramount for businesses to remain competitive. These trends are driving the growth in freight movement and have real implications for how the region invests in and manages the transportation network and community livability.

In response to these trends and their effects on the region's transportation system, Metro is undertaking a planning effort, which focuses specifically on the region's freight transportation system. Like the passenger component of the regional transportation system, the regional freight transportation system comprises multiple modal networks that both complement, and compete with, one another in the goal of moving freight and delivering goods and services. This project will focus on understanding how the different elements of the regional freight transportation system function and interconnect in an effort to better address system needs and impacts.

To this end, the project will establish the desired planning outcomes through a public involvement process. It will provide a common base of knowledge about the different elements of the regional freight transportation system and identify the issues, needs, and deficiencies within the system. The project will refine existing regional freight policies and the multimodal regional freight network map. The identification and prioritization of multimodal freight network and facility improvements is a key element of the planning effort. This element of the project will target infrastructure improvements that address strategic mobility and access needs for all freight modes and will include transportation system management infrastructure projects. The plan will look at implementation strategies that address environmental and community impacts, system management, economic development, and financing. Lastly, the project will incorporate truck movement needs into existing regional street design guidelines.

The development of the *Plan for Regional Freight and Goods Movement* will be concurrent with broader Metro initiatives to evaluate implementation of the regional growth concept (*New Look*) and to update the region's transportation system plan (*2035 RTP Update*). This project will coordinate with both the technical and public participation elements of these other efforts to ensure a consistent planning approach. The relevant policy, project, and implementation strategy recommendations will be incorporated into the broader 2035 RTP update process.

To support the preparation of the *Plan for Regional Freight and Goods Movement*, the Oregon Department of Transportation awarded Metro a Transportation & Growth Management Grant for the

2005 – 2007 Biennium in the amount of \$155,000. The grant was approved in the amended 2006 Unified Planning Work Program (UPWP). Support for the grant was condition on Metro’s commitment to seek out and incorporate input from private and public sector organizations that actively participate in or oversee the movement of freight and goods in the region. The formation of a task force that can provide expertise and varied perspectives on freight system needs and impacts is a key element of the planning process for this project.

The Regional Freight and Goods Movement Task Force is intended to advise Metro Council on the development of the *Plan for Regional Freight and Goods Movement*. The Task Force will be composed of members from the public and private sectors who represent the many elements of the multimodal freight transportation system. The Task Force is charged with the formation of recommendations for freight policies, projects, and implementation strategies that address the changing nature of freight and goods movement in the region. Members of the Task Force will serve for a period not to exceed 18 months, which is the anticipated schedule for taking plan recommendations through the public adoption process in coordination with the 2035 Regional Transportation Plan Update.

The Metro Council President, having sole authority to appoint advisory committee members per Ordinance No. 00-860A (For the purpose of adding a new chapter to the Metro Code relating to Advisory Committees – approved 11/9/00), nominated the members, identified on Exhibit B, the serve on the Task Force. The charge of this task force is laid out in its charter, described in Exhibit A.

## **ANALYSIS/INFORMATION**

1. **Known Opposition** There is no known opposition to the formation of a task force to advise regional freight transportation system planning.
2. **Legal Antecedents** Metro Code (reference Ordinance No. 00-860A) Section 2.19.030 (a) (b) (c) describes the process for formation of a Metro advisory committee including recruitment, appointment and confirmation. Section 2.19.040 pertains to the purpose and authority of the advisory committee. Section 2.19.060 pertains to the existence and duration of a task force. Section 2.19.070 (c) pertains to the identification of resources to support a task force in the fiscal year it is active. Section 2.19.070 (e) pertains to the inapplicability of Section 2.19.070 requirements if an advisory committee is created or authorized by an agreement between Metro and another government.]
3. **Anticipated Effects** The Regional Freight and Goods Movement Task Force will provide project oversight, make policy recommendations, and ensure on-going public input into the planning process. The Task Force will make its recommendations to the Transportation Policy Advisory Committee, Joint Policy Advisory Committee on Transportation, and Metro Council. The recommendations will be forward to the 2035 Regional Transportation Plan process for adoption into the region’s long-range transportation system plan.
4. **Budget Impacts** Funding for the Regional Freight and Goods Movement Task Force is included in Metro’s fiscal year 05-06 budget.

## **RECOMMENDED ACTION**

Approve Resolution No. 06-3686 to appoint nominees identified in Exhibit A to the newly formed Regional Freight and Goods Movement Task Force.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROCLAIMING THE ) RESOLUTION NO. 06-3693  
WEEK OF MAY 31 THROUGH JUNE 11, 2006 )  
AS GREAT BLUE HERON WEEK ) Introduced by Councilor McLain

WHEREAS, since 1986 the City of Portland has recognized the Great Blue Heron as the official symbol of the region's efforts to maintain the highest possible standard of livability for its wildlife as well as its citizens; and

WHEREAS, the Great Blue Heron (*Ardea herodias*) as the largest heron in North America, standing four feet tall with a wingspan of six feet, gray in color and tinged with very distinctive blue markings, is a familiar and welcome sight in many natural areas throughout the Metro region; and

WHEREAS, on May 23, 1991, the Metro Council adopted Resolution No. 91-1453A ("For the Purpose of Endorsing the Week of June 2-9, 1991 as Great Blue Heron Week"), initiating Metro's participation in the annual Great Blue Heron Week celebration; and

WHEREAS, on May 31, 2006, the Portland City Council will proclaim May 31 through June 11, 2006 as the 20<sup>th</sup> Annual Great Blue Heron Week extending the celebration to 12 days; and

WHEREAS, the Audubon Society of Portland's flyer of the 2006 Annual Great Blue Heron Week declares the theme of Great Blue Heron Week 2006 is "Celebrating Natural Areas, Parks, and Streams" and adds that the bird is symbolic of our region's commitment to protecting and restoring the ecological health of our urban watersheds; and

WHEREAS, Great Blue Heron Week invites residents and visitors to celebrate by enjoying our region's natural areas at many sites already in public ownership such as Smith and Bybee Wetlands Natural Area, the Columbia Slough, Tualatin River National Wildlife Refuge, Creekside Marsh, Heron Lakes, Oaks Bottom Wildlife Refuge and Jackson Bottom Wetland Preserve; and

WHEREAS, the Audubon Society of Portland's May 2006 *Warbler* describes this year's Great Blue Heron Week as a celebration of "the region's successful 1995 regional Greenspaces bond measure, which added over 8,200 acres of natural areas, 74 miles of stream and river corridors, and new trails to the region's parks trails, and natural areas system"; and

WHEREAS, on March 9, 2006, Metro Council adopted Resolution No. 06-3672B, ("For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection") to protect habitat, river and stream frontages and natural areas through land acquisition, restoration and enhancement; including \$44 million to be distributed to cities, counties and local park providers and \$15 million Nature in Neighborhoods Capital Grants Program Fund to be provided to local organizations and public entities; and

WHEREAS, participants of the Great Blue Heron Week celebration will learn about new natural areas that are important to the region's biological diversity and rich natural area heritage; now therefore,

BE IT RESOLVED, that in honor of the Great Blue Heron, a fitting symbol of livability for the entire region's residents, both people and wildlife, the Metro Council proclaims the week of May 31 through June 11, 2006 as the 20<sup>th</sup> Annual Great Blue Heron Week and encourages all citizens to participate in the walks, bike rides and paddles occurring that week in honor of the Great Blue Heron.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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David Bragdon, Council President

Approved as to Form:

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Daniel B. Cooper, Metro Attorney

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROCLAIMING THE ) RESOLUTION NO. 06- 3702  
GRAND OPENING OF THE TUALATIN RIVER )  
NATIONAL WILDLIFE REFUGE ON JUNE 3 & ) Introduced by Councilor Susan McLain  
4, 2006

WHEREAS, the Tualatin River National Wildlife Refuge, near Sherwood, Oregon, is a regionally significant open space preserving wetlands, riparian corridors, and other floodplain habitats and the fish and wildlife that live in and migrate through the Tualatin River Basin, all in the midst of the urbanizing Portland metro area; and

WHEREAS, the Tualatin River National Wildlife Refuge is one of America's few "urban" refuges, and grew from an idea first promoted in 1990 by the City of Sherwood, Oregon and its citizens; and

WHEREAS, from its inception, the Tualatin River National Wildlife Refuge has been a unique and broad-based partnership between members of the local Sherwood community, federal and state agencies, surrounding local jurisdictions, business groups, and local and national non-profits, with steady support from Oregon's Congressional delegation; and

WHEREAS, the story of this community-based Tualatin River National Wildlife Refuge has entered a new chapter as the building of refuge visitor facilities is nearing completion; and

WHEREAS, with this new development, the Tualatin River National Wildlife Refuge will take its place among the most important publicly accessible natural areas in the metro area and Northwestern Oregon, and for the first time will be open to the public on a regular basis; and

WHEREAS, protection of important fish and wildlife habitat within and adjacent to the refuge boundary has been assured for future generation through the Metro Council's acquisition of lands along the Tualatin River as part of the 1995 Open Spaces Bond Measure approved by the Metro voters in May 1995; and

WHEREAS, the U.S. Fish and Wildlife Refuge and the Metro Council have worked together cooperatively to secure funding for, implement and maintain restoration projects on Metro-owned properties within the refuge Tualatin River target area; and

WHEREAS a series of grants from Metro have supported restoration efforts at the refuge such as the recreation of oak savannah habitat and the development of environmental education programs such as the city of Sherwood's Raindrops to Refuge grassroots community conservation education program, the Friends of the Refuge's Seasonal Field Guide to the Refuge (created by school children) and a special 12-week intensive Nature University training for refuge staff and volunteers from Metro's expert naturalists staff; and

WHEREAS, in celebration of this community dream that has been over 15 years in the making, a Grand Opening Celebration is planned for June 3 & 4, 2006 at the Tualatin River National Wildlife Refuge on State Highway 99W between Sherwood and King City; now therefore

BE IT RESOLVED that the Metro Council does hereby declare:

That June 3 & 4, 2006 is officially declared Tualatin River National Wildlife Refuge Celebration Weekend and the Metro Council and the citizens of our metro area are hereby encouraged to take the opportunity to tour and enjoy the Refuge on the afternoon of Saturday, June 3 and all day Sunday, June 4, and in the weeks, months and years that follow.

ADOPTED by the Metro Council this 25th day of May, 2006.

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David Bragdon, Council President

Approved as to Form:

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Daniel B. Cooper, Metro Attorney

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING THE	)	RESOLUTION NO. 06-3698
RELEASE OF A REQUEST FOR PROPOSALS	)	
AND AWARD OF CONTRACT FOR DESIGN &	)	Introduced by Chief Operating Officer
ENGINEERING SERVICES FOR PUBLIC	)	Michael J. Jordan, with the concurrence of
ACCESS FACILITIES AT THE COOPER	)	Council President David Bragdon
MOUNTAIN NATURAL AREA	)	

WHEREAS, on July 23, 1992, Metro Council adopted Resolution No. 92-1637 (“For the Purpose of Considering Adoption of the Metropolitan Greenspaces Master Plan”), which identified a desired system of natural areas interconnected with greenways and trails; and



WHEREAS, Cooper Mountain was identified as a regionally significant open space by the Metro Greenspaces Master Plan; and

WHEREAS, on July 19, 2001, Metro Resolution 01-3088, (“ For the Purpose of Creating a Green Ribbon Committee to Examine and Nominate Certain Metro Greenspaces Sites to Open and Operate for the Public”), was adopted which directed the formation of a working citizen task force, The Green Ribbon Committee, to address Regional Parks and Greenspaces project priorities and funding needs; and

WHEREAS, in its “Executive Summary 2001-2002” to Metro Council, the Green Ribbon Committee identified Cooper Mountain as a “recommended site” for development and as an “anchor site” deserving a higher funding level; and

WHEREAS, on May 20, 2004, Metro Council adopted Ordinance No. 04-1048A (“For the Purpose of Amending Metro Code Chapter 7.01.023 to Increase the Amount of Additional Excise Tax Dedicated to Funding Metro’s Regional Parks and Greenspaces Programs”); and

WHEREAS, Cooper Mountain is one of four sites chosen as a new regional natural area planned for development with the dedicated excise tax dollars; and

WHEREAS, the Cooper Mountain Master Plan and Management Recommendations were approved by Metro Council on December 1, 2005 with Resolution 05-3643 (“For the Purpose of Council Approval of the Cooper Mountain Master Plan and Management Recommendations”); and

WHEREAS, the Washington County Board of Commissioners adopted the Cooper Mountain Master Plan through Ordinance No. 653 on April 4, 2006 which, in addition, applies the State and Regional Park Overlay Designation to the rural portion of Cooper Mountain Natural Area and amends the Washington County Comprehensive Plan to recognize Cooper Mountain Master Plan Concept; and

WHEREAS, consultant services are required to perform the work tasks identified in the attached Request for Proposals (RFP) (Exhibit A); and

WHEREAS, Metro Code Section 2.04.026(c) requires that all proposed contracts that have been designated as having a significant impact on Metro in the Metro Council's annual budget ordinance and that are subject to Request for Proposals procedures be submitted to the Metro Council for authorization prior to the release of the Request for Proposals to vendors; now therefore

BE IT RESOLVED that the Metro Contract Review Board authorizes the Chief Operating Officer to release a Request for Proposals substantially similar to that attached as Exhibit A and execute a contract with the lowest, responsive and responsible bidder.

ADOPTED by the Metro Contract Review Board this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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David Bragdon, Council President

APPROVED AS TO FORM:

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Daniel B. Cooper, Metro Attorney

**Resolution No. 06-3698  
Exhibit A**

**Metro Regional Parks  
And Greenspaces**



**METRO**

**Request for Proposals**  
(RFP #06-1193-PKS)

**Design & Engineering Services**

**For**

**PUBLIC ACCESS FACILITIES**

**At**

**COOPER MOUNTAIN NATURAL AREA**

Proposals Due: June 22, 2006

Project Manager: Lora Price (503) 797-1846

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## SECTION I - GENERAL INFORMATION

### Request For Proposals

Metro's Regional Parks and Greenspaces Department is requesting proposals for design and engineering services for facility improvements at Cooper Mountain Natural Area. The Natural Area is a 230-acre site located on the south facing slope of Cooper Mountain, which is located southwest of Beaverton city limits. The design services requested will include feasibility assessment of the renovation of an existing residence, refinement of trailhead design and trail alignments, public involvement assistance, preparation of construction documents, development permitting assistance and construction oversight. A preliminary cost estimate for the facility development, described below, is 1.4 million. One percent of this budget is designated for public art. Metro has budgeted \$140,000 for requested design and engineering services. Proposed facilities will include the following features:

#### Kemmer Road Trailhead:

- Entrance gate
- Renovation of an existing 1,150 SF house into an indoor/outdoor classroom with covered deck, approximately 16 feet by 30 feet.
- Parking for approximately 25 cars and a bus turnaround
- Storm water and landscape improvements.
- Street improvements (sidewalks and landscaping along Kemmer Road and 190<sup>th</sup> Street)
- A children's nature play area
- A two-unit pre-manufactured flush restroom
- Entry sign, orientation map and interpretive sign
- Site furnishings, i.e. picnic tables, benches, drinking fountain and bike racks

#### Trail System:

- Approximately 3.5 miles of trail comprised of a combination of earthen and paved surfaces, ranging in width from 4 to 10 feet
- Six footbridges, 6-feet wide, with lengths ranging from approximately 20 to 60 feet.
- Way finding and trail signing.
- 10 interpretive stations, approximately

#### Grabhorn Road Trailhead:

- Entrance gate
- Parking for approximately 16 cars and 4 horse trailers
- Entry sign, orientation map and interpretive sign
- A pre-manufactured vault restroom
- Picnic shelter
- Site furnishings, i.e. picnic tables, seating and bike racks
- ADA equestrian ramp

### Qualifications

Metro is seeking a multi-disciplinary consulting team that possesses a combination of creative and technical expertise with professional experience on projects of a similar nature and references from previous projects. Professional expertise anticipated for this project includes: architectural, landscape architectural (with particular experience in trail design in natural settings, children's play environments and interpretative facilities), civil engineering (for bridge footings, storm water and utilities), surveying, and development permitting experience in Washington County. In addition, proposers may elect to include an artist on the consultant team to ensure that the art is optimally integrated with the site design. Artists must be listed on the Regional Arts and Culture Council (RACC) roster and public art shall meet the guidelines defined by RACC.

## Whom to Contact

Correspondence pertaining to the content of this RFP should be directed to:  
Lora Price, Project Manager  
Metro Regional Parks and Greenspaces Department  
600 NE Grand Avenue  
Portland, OR 97232  
Phone (503) 797-1846, Fax (503) 797-1849

A non-mandatory pre-proposal conference will be held on June 8, 2006 to provide proposers with an understanding of the RFP. It is requested that proposers submit their RFP questions in writing to Lora Price at [pricel@metro.dst.or.us](mailto:pricel@metro.dst.or.us) prior to the pre-proposal conference or call as soon as possible.

Project background information includes, but is not limited to: the December 2005 "Cooper Mountain Master Plan", the February 2006 "Cooper Mountain Natural Area Traffic Impact Analysis" prepared by DKS Associates and the "Cooper Mountain Natural Area Management Strategy"). These three documents are available to proposers for review at Metro Regional Parks and Greenspaces Department. Proposers should call Patricia Sullivan between 8:00 AM and 5:00 PM, Monday-Friday at (503) 797-1870 to schedule an appointment to review the file. The Master Plan can also be viewed or downloaded from Metro's website at [www.metro-region.org](http://www.metro-region.org).

## Proposal Submittal

**Proposals must be received within a sealed envelope at the reception desk of the Regional Parks and Greenspaces office, attention Lora Price, 600 NE Grand Avenue, Portland, Oregon 97232, by 4:00 p.m., on or before June 22, 2006.** No faxed materials will be accepted. Postmarks are not considered proof of delivery. If proposal is hand-delivered, it must be delivered to and date stamped by personnel at Metro's Regional Parks and Greenspaces Department on the first floor of the Metro building. Delivery persons should inquire with the front reception desk personnel for directions to the Park Department office.

All proposals must be clearly marked "**Proposal #06-1193-PKS Public Access Facilities Design & Engineering At Cooper Mountain Natural Area**" and contain all information outlined herein.

## Schedule Of Request For Proposal Process

Advertise RFP	<b>May 29, 2006</b>
Pre-Proposal Conference	<b>June 8, 2006</b>
Proposals due	<b>June 22, 2006</b>
Oral Interviews	<b>July 6, 2006</b>
* Final Selection	<b>July 7, 2006</b>
* Project Commences	<b>August 1, 2006</b>

\* These dates are approximate and subject to change.

## Pre-Proposal Conference

A voluntary pre-proposal conference will be held in Rooms 370 A and B at Metro, 600 NE Grand Ave., Portland, OR, on **June 8, 2006** from 2:00 – 4:00 p.m. The objective of the pre-proposal conference is to explain the contents of the RFP in detail and clarify questions proposers may have. In addition, this meeting will give proposers an opportunity to meet Metro staff working on the project.

**Oral Interview**

Consulting teams selected for final evaluation will be asked to participate in an oral interview and presentation of their proposal to Metro's Selection Committee. These presentations provide an opportunity for the firm to clarify their proposal to assure mutual understanding. Interviews are tentatively scheduled for **July 6, 2006** and will be limited to 40 minutes in duration. The interview team should include team members from the key disciplines involved in the project at the interviews. Metro will confirm the time and location for these interviews.

## **SECTION II - PROJECT BACKGROUND AND CONTEXT**

### **Site Location and Description**

Metro purchased approximately 231 acres near the crest of Cooper Mountain on its southwest slopes to preserve the site's natural resources and to provide for recreational access. The site is located in Washington County just outside the southwest edge of Beaverton. The site straddles the Urban Growth Boundary, therefore the northern third is zoned FD for future development and the southern two thirds is rural land zoned AF20, farm and forest. The site is bordered on the north by SW Kemmer Road and, on the northwest SW 190<sup>th</sup> Avenue and residential development, on the west by SW Grabhorn Road and by a mosaic of farm and forest lands on the south and east.

The site offers a commanding view of the Tualatin River Valley and the Chehalem Mountains. It also contains the headwaters to Lindow Creek, a major tributary of the Tualatin River. The site features shallow, rocky soils; small, seasonally-perched seeps; oak and Madrone woodlands, fir forests; and a diverse prairie community of wildflowers – habitats that are primarily defined by the site's geomorphic origins and southern exposure.

### **Planning and Management Background**

Metro Planners completed a 20-month public master planning process that resulted in a Master Plan & Management Recommendations report, which was approved by Metro Council in December 2005. In March 2006, the Washington County Board of Commissioners approved the Master Plan and amended the Comprehensive Plan to include the master plan concept and to apply the park overlay district to the rural portion of the site.

The Master Plan provides a conceptual vision for Cooper Mountain Natural Area that guides future use, site improvements, vegetation management and future operations. Specific recommendations for site development include:

- A 3.5-mile trail system that traverses a diversity of habitats and accommodates hikers, equestrians and people with disabilities, as well as emergency and service vehicle access along a converted logging road. Way finding signs, mile markers and interpretive signs will be incorporated into the trail system.
- A nature house that will provide an indoor/outdoor environmental education classroom for school groups and meeting space for community groups.
- Two parking areas and trailheads - Kemmer Road will provide parking for up to 25 vehicles, a bus drop off, restroom, benches, drinking fountain, children's play area and other amenities. Grabhorn Road will offer parking for 20 vehicles including horse trailers, staging for equestrians, restroom, picnic tables, shelter and other amenities such as bike racks, benches and trash receptacles.
- A caretaker residence and maintenance yard to provide a management presence on site.

The focus of this RFP will be to design all of the site development components above, with the exception of the caretaker residence and maintenance yard. Also, graphic design services for design content of signs will be performed under a separate contract. A working group of stakeholders consisting of Metro staff, neighborhood representatives and conservation and trail groups will be formed to give input to the design refinement process. Construction is targeted for summer and fall of 2007.

## **SECTION III - SCOPE OF SERVICES**

Metro is requesting design and engineering services, and permitting technical assistance for the implementation of improvements for public access facilities at Cooper Mountain Natural Area.

### **PROJECT TASKS AND PRODUCTS TO BE DELIVERED BY CONSULTANT**

The proposer selected to produce the design documents for public access facilities at the Cooper Mountain Natural Area will be required to perform the specific tasks and deliver the products described in this section:

#### **Task I - Review Existing Information & Finalize Work Scope**

- A. Review existing information relating to the Cooper Mountain Natural Area and its context; including but not limited to the 2005 Master Plan, Cooper Mountain Natural Area Management Strategy, Cooper Mountain Traffic Impact Analysis, and Washington County Development Code for rural and urban areas.
- B. Identify zoning and permitting parameters and requirements for site design and development.
- C. Attend initial meeting to clarify and/or revise work scope plan and schedule.

#### **Products:**

- A. Preliminary program and schedule of compliance requirements.
- B. Revised final work plan and schedule.

#### **Task II – Site Analysis and Feasibility Assessment of existing residence.**

- A. Conduct site analysis of the project development areas: Grabhorn and Kemmer trailhead areas, general trail alignment locations and proposed stream crossings in order to further refine project design parameters.
- B. Conduct feasibility analysis for the existing residence. The analysis shall consider aesthetic and functional opportunities and constraints of renovating the residence for public use with classroom labs and determine costs to renovate. Compare renovation costs to new construction alternatives.

#### **Products:**

- A. Provide site analysis findings for the trailhead areas, trail and stream crossing locations.
- B. Provide findings of feasibility assessments for renovation of the existing residence into a “nature house” in the form of a report that includes text, tables and illustrations as necessary to present aesthetic, functional and cost considerations.

#### **Task III – Design Development and public involvement assistance**

- A. Attend design progress meetings with the Project Working Group, to present and solicit input on design development. (2-3 meetings anticipated).
- B. Prepare and present preferred concept plan and cost estimate to the Project Working Group and Metro staff for determination of first phase implementation.

**Products:**

- A. Produce schematic plan and elevation view drawings to convey design development alternatives and refinement.
- B. Produce a preferred plan in color illustration in a format suitable for public presentation.
- C. Produce preliminary cost estimates.

**Task IV - Construction Document Preparation:**

Contractor will develop construction documents (AutoCAD plans and technical specifications). The design services will include:

- A. Conduct on-site surveying as needed to develop construction document base maps.
- B. Develop design and engineering construction documents for facility improvements (in AutoCAD 2004 or compatible format or version that can be translated to it); 50%, 90% and final documents. The following design parameters must be incorporated in the design:
  - 1. Final construction documents must meet all applicable current city, county, state and federal development codes.
  - 2. Materials will be new and installed in accordance with the appropriate codes, regulations and industry standards. Use of materials utilizing recycled content wherever possible per Metro Executive Order #47.
  - 3. Design specifications will require the Construction Contractor to make submittals for all materials to be used in the installation.
  - 4. Design will include guidance for the construction contractor to minimize disruption to the site during construction.
  - 5. Design will take into consideration long-term operation and maintenance efficiencies.
  - 6. Design to take advantage of any reuse and salvage materials during construction.
- C. Prepare construction cost estimates at design development, 50% and 90% and final submittal phases.

**Products:**

- A. Provide 2 hard copies of construction document plan sets (11x17 reduced) for facilities at design development, 50%, 90% completions and one full size and one 11x17 reduced set of final documents, stamped by professional landscape architect or engineer registered in Oregon.
- B. Provide specifications at 90% and final document submittal.
- C. Provide construction cost estimates at design development, 50%, 90% and final document submittal.
- D. Provide wet stamped 100% construction drawings and specifications that meet all permit requirements, a complete final set on CD in AutoCAD 2004 format and a final stamped set in pdf format.

## **Task V - Permitting Support**

Contractor will provide the following services for permits on the project:

- A. Attend coordination meetings and pre-application conference as needed with Metro staff and permitting agencies.
- B. Provide required design documents and assist in writing narrative findings for development permits.
- C. Submit construction documents at the earliest possible time in the design process to permitting agencies for development and building permits and revise documents as required to obtain final permits.

### **Products:**

- A. Provide two copies of plan submittals for Development Review.

## **Task VI – Construction Phase Assistance**

- A. Attend the pre-bid conference and be prepared to spend up to 4 hours in addressing technical questions related to bidding.
- B. Attend the pre-construction conference and be prepared to expend up to 6 hours in addressing technical details.
- C. Provide assistance during the construction (e.g., review of submittals and change order requests, and periodic site visits) to ensure adherence to drawings and specifications.
- D. Compile as-built information for all site features and revise construction plans accordingly.

### **Products:**

- A. Provide to Metro, two hard copies and one electronic copy of as-built drawings in AutoCAD 2004 and pdf format.

## **PROJECT TASKS TO BE PERFORMED BY METRO**

1. Provide background reference materials and mapping materials, including: Metro GIS maps of coverage for property; aerial photography (1' pixel accuracy) with information layers for ownership, zoning, topography (5' contour accuracy), water features and roads.
2. Take lead in coordinating public involvement activities associated with design development. Assist in facilitation of public involvement/committee meetings.
3. Provide timely feedback on review material.
4. Reproduce draft and final copies of the construction documents.
5. Take lead as applicant submitting development permits.
6. Prepare grant application for submittal in April 2007

7. Perform other tasks as negotiated with consultant.

### **TENTATIVE PROJECT TIMELINE**

- |   |                     |
|---|---------------------|
| 1. Initial Project Meeting                                      | August 2006         |
| 2. Complete surveying, site analysis and feasibility assessment | September 2006      |
| 3. Design development completion                                | Late October 2006   |
| 4. 50% design completion  | November 2006       |
| 5. Develop plans & narratives for development permit submittal  | November 2006       |
| 6. 90% design completion  | Early February 2007 |
| 7. Construction documents complete and permits obtained         | Late April 2007     |
| 8. Advertise for construction contractor                        | May 2007            |
| 9. Bid opening  | June 2007           |
| 10. Notice to proceed   | July 2007           |
| 11. Construction complete                                       | Winter 2008         |



## SECTION IV - PROPOSAL FORMAT AND CONTENT

The format required for the proposal is as follows:

The proposal should be submitted on double-sided, recyclable paper (post-consumer content). No waxed page dividers or non-recyclable materials should be included in the proposal. Submit 8 proposals.

1. Introductory Letter

A maximum two-page letter that identifies the name, title, address, telephone number, FAX number and e-mail address of the lead contact person authorized to represent the Proposer in any negotiations and the person(s) authorized to sign any contract which may result. State the firm's interest in the project. A statement must be provided establishing that the proposal will remain in effect for sixty (60) days after receipt by Metro.

2. Background and Qualifications

Provide the name of firm, year established, type of service, and size of staff for both the prime and any sub consultant(s). Indicate if the firm and any sub consultant(s) is/are a State of Oregon certified Emerging Small Business (ESB), Minority Business Enterprise (MBE) or Women-Owned Business (WBE).

Provide information about the experience of the firm, particularly experience of individual team members and their experience in site design collaboration in projects similar to the work described in this RFP. Please include detailed information about three recent projects the firm and team members had a lead role in. Include dates, client's name, client's project manager and phone number.

In particular, describe the specific scope and role in those projects for the staff members who will be committed to this project. Include a resume describing their relevant experience to this project and three references. A brief synopsis of additional projects, including dates and references may be added if desired.

3. Proposed Approach to the Scope of Work

A description of the team's approach for carrying out the work tasks described in this RFP. Proposer should include a statement of understanding of the project. Proposers may include suggested revisions to the scope of work, associated impact on project budget and completion time frames and rationale for suggestions.

4. Work Plan and Schedule

Provide an outline of primary work tasks that reflects the approach above, and the scope of work described in this RFP. Submit a project schedule with timeline and critical milestones to accomplish the major items of the scope of work prior to construction.

5. Project Staffing Summary

Describe the specific role and responsibilities proposed for each individual to be involved in this project and an estimate of the time commitment for the individual. The primary consultant must assume responsibility for sub consultant work and shall be responsible for the day-to-day internal management of the consultant effort.

6. Fee Schedule/Budget Summary

Prepare a budget summary table that includes personnel by level, associated hourly rates, the amount of person hours and labor cost associated with each project task, and direct expense categories and amounts. The budget summary table should include the following summaries: hours per person, hours per task, direct expense totals and total hours and costs for the project.

7. Examples of Work

Enclosed with each proposal, provide examples of recreation facility design in natural resource areas for at least two past relevant projects, in which the firm has had the lead role. Provide references for example projects.

Proposers submitting a proposal may revise and improve the request for proposal, including work items, as necessary, and to make subsequent modifications of the proposal before submission, as a demonstration of their expertise and competence with quality consulting work and procedures.

## SECTION V - EVALUATION OF PROPOSALS

### Evaluation Process

An evaluation team consisting of representatives for Metro staff & stakeholders yet to be determined will conduct the evaluation process. Metro will only evaluate proposals that, in the evaluation team's sole opinion, conform to the proposal instructions. The team will rank proposals based on the following criteria and points:

	<u>Points</u>
1. Firm's and design team's experience with design of similar work in similar applications. Comprehensive skills and expertise of the proposed team.	25
2. Project approach demonstrates a thorough understanding of issues and commitment to collaboration.	25
3. Scope of work, schedule and cost proposal conveys a thorough and realistic understanding of the tasks required to complete the project.	40
5. Overall quality, completeness and presentation of proposal.	10
<i>TOTAL</i> .....	<u>100</u>

Consultant selection will be based upon the proposal submitted and oral interviews, if conducted. Upon completion of the evaluations and the oral interviews, the Committee will notify all proposers of its selection. Metro reserves the right to request and require submission of technical, managerial, financial, or other evidence of abilities prior to selection.

Metro will enter into negotiations with the highest ranked firm to finalize a contract. If Metro is unsuccessful in negotiating a contract with the highest ranking firm, Metro will select the second ranked firm and this process will continue until a contract is recommended to the Metro Council for award. The scoring of the evaluation team, and the consequent ranking of firms, will not be permitted as grounds for an appeal of the award of a contract, per the Metro Code.

### Information & Questions

This Request For Proposals represents the most definitive statement Metro will make concerning this project. Any verbal information that is not specifically contained herein shall not be considered in evaluating the proposals received. Therefore, all questions relating to this RFP should be addressed in writing to Lora Price at Metro at [pricel@metro.dst.or.us](mailto:pricel@metro.dst.or.us) or may be faxed to (503) 797-1849. Any questions, which in the opinion of Metro, warrant a written reply or RFP amendment will be furnished to all parties receiving this.

### References

Through submission of a proposal, respondents agree to and release Metro to solicit and confirm all background information provided. Fully descriptive and complete information should therefore be provided to assist in this process.

## **VI. GENERAL PROPOSAL/CONTRACT CONDITIONS**

### **Rejection Or Acceptance Of Proposals**

Metro reserves the right to accept or reject any or all proposals received as well as negotiate with any or all respondents. Metro intends to award a contract to the respondent it deems most qualified and capable of performing the requested design services.

### **Non Collusion**

All proposals must certify that: 1) no officer, agent, or employee of Metro has a pecuniary interest in this project or has participated in contract negotiations on behalf of Metro; 2) that the proposal is made in good faith, without fraud, collusion, or connection of any kind with any other proposer for the same solicitation of proposals; and 3) the proposer is competing solely in its own behalf without connection with, or obligation to, any undisclosed person(s) or firm(s).

### **Minority And Women Owned Business Program**

Metro and its contractors will not discriminate against any person based on race, color, and national origin, sex, sexual orientation, age, religion, physical disability, political affiliation or marital status. Metro extends equal opportunity to all persons and specifically encourages disadvantaged, minority and women-owned businesses to access and participate in this and all Metro projects, programs and services.

If any subcontracting is intended, Proposers are directed to Metro Code 2.04.100 governing utilization of minority and women-owned businesses. Please contact the Contract Services Division at (503) 797-1816 with any detailed questions.

### **Limitation and Award**

This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to waive minor irregularities, accept or reject any or all proposals received as the result of this request, negotiate with all qualified sources, or to cancel all or part of this RFP.

### **Validity Period and Authority**

The proposal shall be considered valid for a period of Sixty (60) days and shall contain a statement to that effect. The proposal shall contain the name, title, address, and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposal.

### **Billing Procedures**

**Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. Contractor's invoices shall include an itemized statement of the work done during the billing period, and will not be submitted more frequently than once a month. Metro shall pay Contractor within 30 days of receipt of an approved invoice.**

## SECTION VII - PERSONAL SERVICES AGREEMENT

### Notice To All Proposers

The Personal Services Agreement included herein is a standard agreement approved for use by Metro's General Counsel. As such, it is included for your specific consideration and review during the course of this competitive process. All participants are therefore required to cite and define any/all proposed changes, additions, deletions or modifications as a condition to acceptance of their RFP. No response will be interpreted as acceptance of the standard terms and conditions of the contract and subsequent changes will not be considered.

Consider the language carefully. Metro reserves the right to:

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

PERSONAL SERVICES AGREEMENT

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

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

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

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

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

4. Insurance.

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

(1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability shall be a minimum of \$1,000,000 per occurrence. The policy must be endorsed with contractual liability coverage; and

(2) Automobile bodily injury and property damage liability insurance coverage shall be a minimum of \$1,000,000 per occurrence.

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

c. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no

employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

d. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$1,000,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

e. Contractor shall provide Metro with a certificate of insurance complying with this article and naming Metro as an additional insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours before services under this Contract commence, whichever date is earlier.

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

#### 6. Documents and Maintenance of Records.

A. Contractor and subcontractors shall maintain all fiscal records relating to such contracts in accordance with generally accepted accounting principles. In addition, Contractor and subcontractors shall maintain any other records necessary to clearly document:

1. The performance of the contractor, including but not limited to the contractor's compliance with contract plans and specifications, compliance with fair contracting and employment programs, compliance with Oregon law on the payment of wages and accelerated payment provisions; and compliance with any and all requirements imposed on the contractor or subcontractor under the terms of the contract or subcontract;
2. Any claims arising from or relating to the performance of the contractor or subcontractor under a public contract;
3. Any cost and pricing data relating to the contract; and
4. Payments made to all suppliers and subcontractors.

B. Contractor and subcontractors shall maintain records for the longer period of (a.) six years from the date of final completion of the contract to which the records relate or (b.) until the conclusion of any audit, controversy or litigation arising out of or related to the contract.

C. Contractor and subcontractors shall make records available to Metro and its authorized representatives, including but not limited to the staff of any Metro department and the staff of the Metro Auditor, within the boundaries of the Metro region, at reasonable times and places regardless of whether litigation has been filed on any claims. If the records are not made available within the boundaries of Metro, the Contractor or subcontractor agrees to bear all of the costs for Metro employees, and any necessary consultants hired by Metro, including but not limited to the costs of travel, per diem sums, salary, and any other expenses that Metro incurs, in sending its employees or consultants to examine,

audit, inspect, and copy those records. If the Contractor elects to have such records outside these boundaries, the costs paid by the Contractor to Metro for inspection, auditing, examining and copying those records shall not be recoverable costs in any legal proceeding.

- D. Contractor and subcontractors authorize and permit Metro and its authorized representatives, including but not limited to the staff of any Metro department and the staff of the Metro Auditor, to inspect, examine, copy and audit the books and records of Contractor or subcontractor, including tax returns, financial statements, other financial documents and any documents that may be placed in escrow according to any contract requirements. Metro shall keep any such documents confidential to the extent permitted by Oregon law, subject to the provisions of section E.
- E. Contractor and subcontractors agree to disclose the records requested by Metro and agree to the admission of such records as evidence in any proceeding between Metro and the Contractor or subcontractor, including, but not limited to, a court proceeding, arbitration, mediation or other alternative dispute resolution process.
- F. Contractor and subcontractors agree that in the event such records disclose that Metro is owed any sum of money or establish that any portion of any claim made against Metro is not warranted, the Contractor or subcontractor shall pay all costs incurred by Metro in conducting the audit and inspection. Such costs may be withheld from any sum that is due or that becomes due from Metro.
- G. Failure of the Contractor or subcontractor to keep or disclose records as required by this document or any solicitation document may result in disqualification as a bidder or proposer for future Metro contracts as provided in ORS 279.037 and Metro Code Section 2.04.070(c), or may result in a finding that the Contractor or subcontractor is not a responsible bidder or proposer as provided in ORS 279.029 and Metro Code Section 2.04.052.

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

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

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



carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

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

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

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

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

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

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

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

_____	METRO
By_____	By_____
Title_____	Title_____
Date_____	Date_____

**Exhibit A**

**Scope of Work**

**1. Statement of Work.**

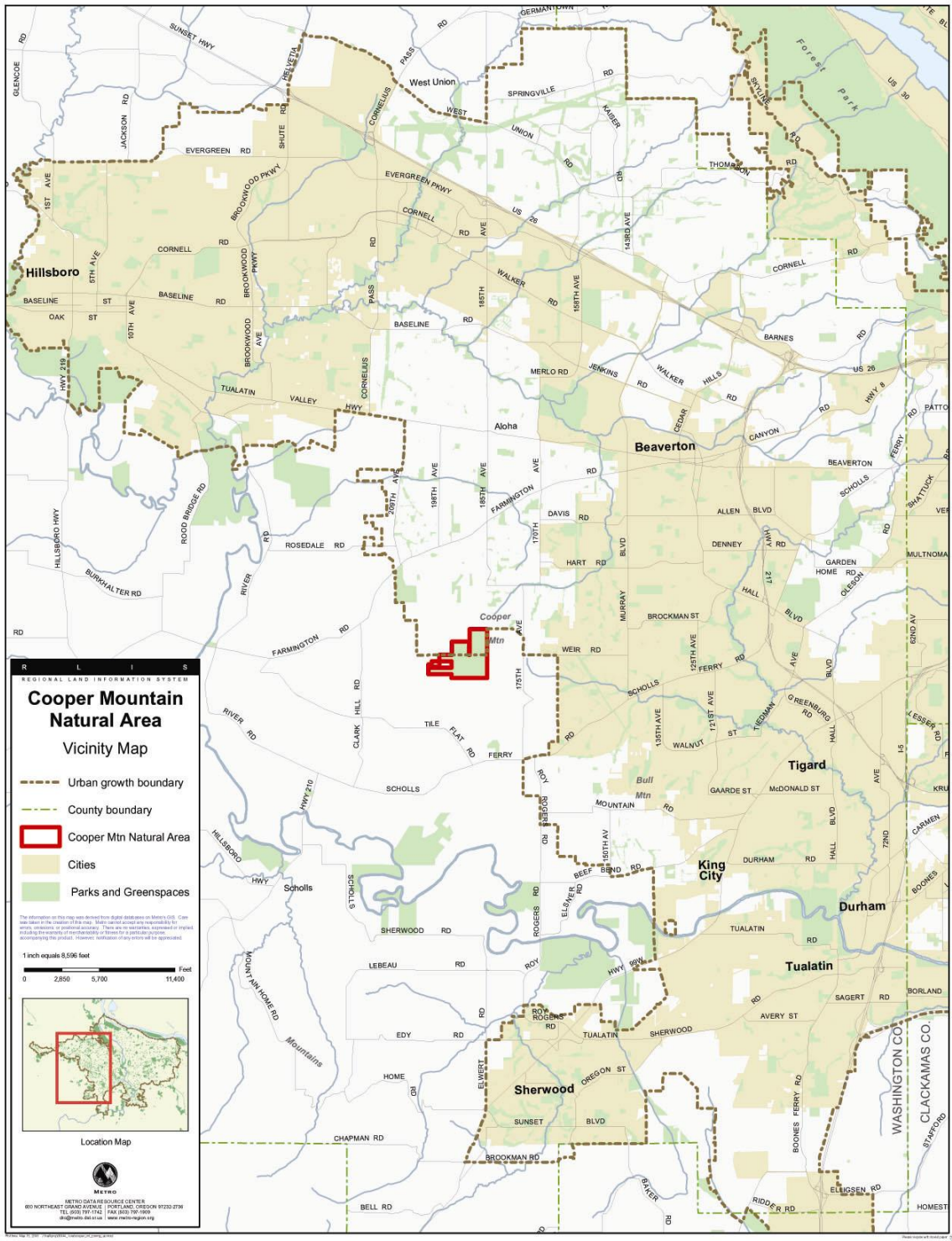
PER REQUEST FOR PROPOSAL (RFP #06-1193-PKS) for Design and Engineering Services for Public Access Facilities At Cooper Mountain Natural Area. (Attached)

**2. Payment, Billing and Term.**

Contractor shall provide engineering services for a maximum price not to exceed \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_). Progress payments shall be made following receipt of invoice from Contractor that identifies the cost of services. These costs shall be based upon the rates as outlined in the Hours and Fee Schedule (enclosed) as provided in Contractor's proposal. In addition, reasonable miscellaneous costs not addressed in the Hours and Fee Schedule will be considered if accompanied by sufficient back-up information. An expense summary sheet will accompany each invoice.

In the event Metro wishes for Contractor to provide services or materials after the maximum contract price has been reached, Contractor shall provide such services or materials pursuant to amendment at the same unit prices that Contractor utilized as of the date of this Agreement, and which Contractor utilizes to submit requests for payment pursuant to this Scope of Work. Metro may, in its sole discretion and upon written notice to Contractor, extend the term of this contract for a period not to exceed 12 months. During such extended term all terms and conditions of this contract shall continue in full force and effect.

The maximum price includes all fees, costs and expenses of whatever nature. Each of Metro's payments to Contractor shall equal the percentage of the work Contractor accomplished during the billing period. Contractor's billing statements will include an itemized statement of unit prices for labor, materials, and equipment, will include an itemized statement of work done and expenses incurred during the billing period, will not be submitted more frequently than once a month, and will be sent to Metro, Attention Regional Parks and Greenspaces Department. Metro will pay Contractor within 30 days of receipt of an approved billing statement.



## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 06-3698 FOR THE PURPOSE OF APPROVING THE RELEASE OF A REQUEST FOR PROPOSALS AND AWARD OF CONTRACT FOR DESIGN & ENGINEERING SERVICES FOR PUBLIC ACCESS FACILITIES AT COOPER MOUNTAIN NATURAL AREA**

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Date: May 5, 2006

Prepared by: Lora Price

## **BACKGROUND**

Under the 1995 Metro Open Spaces, Parks & Streams bond measure, Metro purchased 231 acres on Cooper Mountain for natural resource protection and recreational access to nature. The site is located on the southwest edge of Beaverton and straddles the Urban Growth Boundary. It is bordered on the north and northwest by residential development, and on the remaining borders by a mosaic of rural farm and forest lands.

The site offers a commanding view of the Tualatin River valley and the Chehalem Mountains. It also contains the headwaters to Lindow Creek, a major tributary of the Tualatin River. The site features shallow, rocky soils; small, seasonally-perched seeps; oak and madrone woodlands; and a diverse prairie community of wildflowers – habitats that are primarily defined by the site’s geomorphic origins and southern exposure.

In September 2005, Metro Planners completed a Master Plan & Management Recommendations report. The Master Plan and Management Recommendations provides a conceptual vision for Cooper Mountain Natural Area that guides future use, site improvements, vegetation management and future operations. Specific recommendations in the Master Plan for facility development include:

- Two parking areas and trailheads. Kemmer Road trailhead will provide parking for approximately 25 vehicles, a bus drop-off, restroom, benches, drinking fountain, and children’s play area. Grabhorn Road trailhead will offer parking for approximately 20 vehicles including horse trailers, staging for equestrians, restroom, picnic tables and shelter.
- A “nature house” at Kemmer trailhead, which will provide indoor/outdoor environmental education classrooms for school groups.
- A 3.5-mile trail system that traverses a diversity of habitats and accommodates hikers, equestrians and people with disabilities, which will feature interpretive points and mile markers.
- Emergency and service vehicle access along a converted logging road, which will also accommodate a future regional bike trail.
- A caretaker residence and maintenance yard to provide a management presence on site.

The focus of this RFP will be to design the elements for Phase I and II of the Master Plan, which includes all of the above with the exception of the caretaker residence and maintenance yard.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

The Master Plan is unanimously approved by Metro Council and the Washington County Board of Commissioners. However, two citizens have filed a notice of intent to appeal Washington County's decision. Metro Counsel has filed a motion to intervene. At this time we do not know the grounds of their appeal.

### **2. Legal Antecedents**

On July 23, 1992, Metro Council adopted Resolution No. 92-1637, ("For the Purpose of Considering Adoption of the Metropolitan Greenspaces Master Plan"), which identified a desired system of natural areas interconnected with greenways and trails.

On February 15, 1996, Metro Council adopted Resolution No. 96-2275A, ("For the Purpose of Approving a Refinement Plan for the Cooper Mountain Target Area as Outlined in the Open Space Implementation Work Plan"), which identified 428 acres of forested natural area in the Cooper Mountain Target Area as a priority for acquisition in order to provide a regional scale natural area in Washington County accessible to the public.

On May 20, 2004, Metro Council adopted Ordinance No. 04-1048A, (" For The Purpose of Amending Metro Code Chapter 7.01.023 to Increase the Amount of Additional Excise Tax Dedicated to Funding Metro's Regional Parks and Greenspaces Programs"), which approved an additional \$1.50 per ton excise tax on solid waste dedicated to Regional Parks to provide the resources necessary to develop the highest priorities in the Green Ribbon Committee's report which included development of Cooper Mountain.

The Cooper Mountain Master Plan and Management Recommendations was adopted on December 1, 2005 by Metro Council via Resolution No. 05-3643, ("For the Purpose of Council Approval of the Cooper Mountain Master Plan and Management Recommendations").

On April 4, 2006 Washington County Board of Commissioners adopted the Cooper Mountain Master Plan through Ordinance No. 653 which, in addition, applies the State and Regional Park Overlay Designation to the rural portion of Cooper Mountain Natural Area and amends the Rural/Natural Resource Plan and Aloha-Reedville-Cooper Community Plan to recognize the Natural Area.

### **3. Anticipated Effects**

Approval of Resolution No.06-3698 will allow the Regional Parks and Greenspaces Department to release a Request for Proposal for the design and engineering services for the public access facilities for Cooper Mountain Natural Area. Once a consultant is selected, Resolution No. 06-3698 also allows the Department to award the contract.

#### **4. Budget Impacts**

The cost of the design for the Cooper Mountain project is in Metro's FY 05-06 Adopted Budget and CIP, and is estimated at \$150,000. Council listed this project as a Significant Impact in this year's budget process. Funding for the project comes from the additional excise tax dedicated to funding Metro's Regional Parks and Greenspaces Programs. Metro's FY 2006-07 and 2007-08 budgets allocate a total of \$1,500,000 for the construction of facility improvements. This funding will also be used as leverage to pursue and obtain additional funding through grants.

#### **RECOMMENDED ACTION**

Michael Jordan, Chief Operating Officer, recommends adoption of Resolution No. 06-3698 for approving the release of the Request for Proposal and Award of Contract for Design & Engineering Services for Public Access Facilities at Cooper Mountain Natural Area.