

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: May 8, 1997
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

Approx.
Time*

Presenter

- | | | | |
|---------------------|-----|--|-------|
| 2:00 PM | | CALL TO ORDER AND ROLL CALL | |
| (5 min.) | 1. | INTRODUCTIONS | |
| (5 min.) | 2. | CITIZEN COMMUNICATIONS | |
| (5 min.) | 3. | EXECUTIVE OFFICER COMMUNICATIONS | |
| (10 min.) | 4. | POTENTIAL ISSUES REGARDING STATE LEGISLATION | Naito |
| | 5. | CONSENT AGENDA | |
| 2:25 PM
(5 min.) | 5.1 | Consideration of Minutes of the May 1, 1997 Metro Council Regular Meeting. | |
| | 6. | ORDINANCES - FIRST READING | |
| 2:30 PM
(5 min.) | 6.1 | Ordinance No. 97-692 , For the Purpose of Amending Metro Code Chapter 2.04, modifying the MBE/WBE Program and Establishing an ESB Program; and Declaring an Emergency. | |
| 2:35 PM
(5 min.) | 6.2 | Ordinance No. 97-693 , Amending the FY 1996-97 Budget and Appropriations to Adjust the Growth Management Services Department Budget in the Planning Fund to Transfer Appropriations From Materials and Services to Personal Services to Complete Approved Projects; and Declaring an Emergency. | |

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|----------------------|-----|--|--------|
| 2:40 PM
(5 min.) | 6.3 | Ordinance No. 97-694, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule by transferring \$80,000 from personal services to materials and services in the Spectators Facilities Fund to provide for unanticipated concessions expenditures at the Portland Center for the Performing Arts (PCPA), and Declaring an Emergency. | |
| 2:45 PM
(5 min.) | 6.4 | Ordinance No. 97-695, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule by transferring \$23,500 from materials and services to capital outlay in the MERC Administration Fund to provide for unanticipated capital expenditures, and Declaring An Emergency. | |
| 2:50 PM
(5 min.) | 6.5 | Ordinance No. 97-697, Amending the FY 1996-97 Budget and Appropriations Schedule Transferring \$3,000,000 from Open Spaces Fund and Transferring \$7,000 from Smith Bybee Contingency to Personal Services in the Smith and Bybee Lakes Fund and Transferring \$34,600 from the Regional Parks and Expo Fund Contingency to Personal Services in the Regional Parks and Greenspaces Department to Provide for Unanticipated Expenditures; and Declaring an Emergency. | |
| | 7. | RESOLUTIONS | |
| 2:55 PM
(5 min.) | 7.1 | Resolution No. 97-2437, For the Purpose of Approving a Change in Composition for the Metro Policy Advisory Committee and Revising the Bylaws to reflect the change. | McLain |
| 3:00 PM
(5 min.) | 7.2 | Resolution No. 97-2502, For the Purpose of Approving the Selection of Hearings Officers for Contested Case Hearings. | McLain |
| 3:05 PM
(5 min.) | 7.3 | Resolution No. 97-2506, For the Purpose of Waiver of the Filing deadline for the Chamberlain Petition for an Urban Growth Boundary Locational Adjustment. | McLain |
| 3:05 PM
(10 min.) | 8. | COUNCILOR COMMUNICATION | |

ADJOURN

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All times listed on the agenda are approximate; items may not be considered in the exact order.
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Agenda Item Number 5.1

Consideration of the May 1, 1997 Metro Council Meeting Minutes

(Available for review on May 6, 1997 by contacting Chris Billington 797-1542)

Metro Council Meeting
Thursday, May 8, 1997
Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

May 1, 1997

Council Chamber

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

Councilors Absent: Jon Kvistad (Presiding Officer), Lisa Naito (in Salem representing Metro)

Deputy Presiding Officer Ruth McFarland called the meeting to order at 2:02 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mr. Mike Burton, Executive Officer, noted that he and Councilor Washington were over at the Oregon Association of Minority Enterprises and Metro was given an award this year in recognition of Metro's commitment to increase the number of minority contracts in the work that Metro had done. He added that the Council was the body that gave Metro the real resources to do this work as well as the work done by Doug Butler, Jennifer Sims, and Kathy Newton and Bertha Carol.

Metro would be celebrating the second year of the Metro openspace land acquisition, there were a number of activities planned for this month, a report to shareholders, media tours, and open houses. Amy Kirshbaum had the detailed information on this celebration.

The Solv-It Program was successful with 60 cubic yards of debris collected at the sites.

Councilor Naito and he have met on the legislative package and she asked Mr. Burton to present up coming and current legislation.

Deputy Presiding Officer McFarland added that Councilor Naito was in Salem today defending the cause.

Mr. Burton reviewed HB 3163, the transportation package bill had another public hearing tomorrow in House Revenue Committee. The issue with this had to do with weight mile and the trucker's position on this. There were efforts being made to find some way to unlog jam this problem. There was nothing to exempt or change the current structure of weight mile and cost responsibility within the bill.

Ballot Measure 50 implementation was being considered waiting the outcome of the voters.

HB 3638, the Egge Bill had a hearing and work session scheduled in the House General Government Committee, there were some potential amendments but the bill seemed to be going through well. He added that Mr. Dan Cooper had been monitoring the bill.

SB 686 concerned a tax supervision and conservation committee filed by Multnomah County, it was a mandated cost, they wished to try to allocate the cost of operation of this to the various governments within Multnomah County. Metro's portion would be \$8,000. During the hearing, there was a recommendation to abolish the TSCC. He suggested that there needed to be discussion among the Council on their position. He believed it would be a mistake to eliminate the TSCC because the alternative to this would be a lot more involved process under budget law. By having the TSCC be the citizen review committee on the budget it made the issue clearer.

The Boundary Commission Bill passed out the Senate Livability Committee, 3 to 1 and was on the Senate floor next week. The Special Districts Association continued to push that bill with a discussion in the committee to consider abolishment rather than amendment.

HB 2515, which was on land use decisions, was currently in the House U and E Committee. There would be a hearing on it on Friday. That bill would give citizen notice that it would require initially to have the Department of Land Conservation and Development add about 6 FTE to do the notice. The was being modified, the question was more cost.

4. SIXTH GRADE FUTURE CITIES PROJECT

John Donovan, Growth Management Services Public Involvement Specialist, brought 40 representatives from the region, sixth, seventh and eighth graders from Bolton Middle School, Beaver Creek Elementary School and Mt. Tabor Middle School. He reviewed how the idea came about. They wanted to have a small microcosm of the schools in the region work together to talk about some of the values that they shared and that they may differ on in the way their communities were structured. These grade school and middle school students were studying cities and how they functioned. He asked three teachers to incorporate an addition into their regular program which was to have the kids talk about the values behind some of the decisions that went into creating and maintaining cities. They each did different projects but all talked about those values and when they came to Metro today, they were able to give some of their views, insights, but also talked to each other. The schools found that there was some common ground and some differences as well. He noted the projects in the Chamber.

Deputy Presiding Officer McFarland noted how special the teachers were, particularly the three teachers who allowed these project to occur. She then asked the presenters to come forward.

The first group was from Bolton Middle School, McKenzie Carocci, Nichole Tabbal, Kyle Tilley and Mark Curtis introduced themselves.

McKenzie Carocci, 2921 Ascot Circle, West Linn, OR 97068 reviewed that their sixth grade designed future cities in student groups.

Nichole Tabbal, 1296 Spring Rock Circle, West Linn, OR 97068 added, first the class was given a map of West Linn and then were to design and zone the residence A, apartments, the residence B, houses and commercial and industrial. Next, they were instructed to include the infrastructure which included roads, sewer, water, and power plants. On the third overlay they put in hospitals and all commercial industries to make their city a better city. During this future city project they learned many lessons about the planning process. They learned that it was not easy to design a city, many times disagreeing on values, learning to cooperate and compromise on points.

Kyle Tilley, 2580 Oregon City Blvd., West Linn, OR 97068, said in their planning, they had to consider their values, in order of priority. These included 1) opens spaces and parks, 2) recreation and entertainment, 3) good schools, 4) low crime rate, 5) uncrowded available housing with large lots.

Mark Curtis, 6260 Harerhill Ct. West Linn OR 97068 said that the class had decided on the following as recommendations from West Linn; they liked the openspaces and greenspaces which Metro was currently protecting and purchasing, they liked recycling that Metro supported. They wanted Metro to slow the building and growth in their area.

Chelsea Harness, 16435 S Bucknercreek Rd. Beavercreek, OR 97004, Beavercreek Elementary School's class did a survey that considered what they liked about Beavercreek and what they did not like, where they shopped. They liked space and peace, but didn't like the noise from traffic, most shopped in the Clackamas Town Center. Most kids wouldn't mind having a mall close at hand.

Dirk Rosenberry, 19601 S Thimble Creek Dr. Oregon City, OR 97045, Beavercreek Elementary School, talked about their slide presentation of what Beavercreek was like.

Ashleigh Hart, 455 SE 68th Ave, Portland, OR 97215, Mt. Tabor Middle School, said they were part of Cedar Lodge which was an integrated program of seventh and eighth graders. Last semester they dealt with the future. They felt that one way to deal with this was to build future cities. To prepare they made decimal package, which included scale and the metric system, they studied energy types, learning how to conserve energy, did an insulation experiment. They also had to decide where to do the city (discovered and not discovered). They decided to do it in Portland in 50 years for more accurate assumption on what would happen.

Morgan McDonald, 2382 NW Kearney, Portland, OR 97210, Mt. Tabor Middle School said that after they had built their future cities they came to learn about Metro and how it worked. They found that Metro included 24 cities and 3 counties. They learned that Metro was involved with recycling and garbage programs, ran regional facilities. From the other students that had been at this presentation, they also learned that there were many different lifestyle and perspectives. But even with these differences, they found that they shared some of the same values. All groups shared values of open spaces and parks, these areas were comforting and appreciative for the natural environment. They had expressed that having community sense among neighbors, clean and safe neighborhoods were at the top of their priorities.

Ms. Hart added that they also were concerned about population, knowing that the population would double in 50 years and because of the over population in the eastern side of the country this would impact increases in population in the west. For Portland, they knew there was a good sense of community and they would like to keep it this way so they were concerned with the

growth. They were also concerned about the preservation of their resources and would like to learn about other alternatives for energy. They studied solar as well as current electricity. They also studied geothermal energy. They were also concerned with shopping and traffic accessibility. They would like to see more communities like Belmont and Hawthorne developments which brought a closer feeling of community to the neighborhoods. They would encourage more of these developments.

Deputy Presiding Officer McFarland said she was very impressed with the entire program and thanked the sixth, seventh, eighth graders for their participation.

Aleta Woodruff, 2143 NE 95th Place, Portland, OR 97220 addressed the children and spoke about living in Beavercreek as a child. She talked about how Beavercreek was when she lived there many years ago.

Mr. Donovan added that there was a delegation of Russian Environmentalist Activists and Educators. They showed them the future visions projects and provided opportunity for the kids and the delegation to talk about their communities.

Councilor McLain complemented Mr. Donovan and the rest of the Growth Management staff that put this project together. She encouraged the kids to get into the high school programs and continue to work through these processes. She encouraged them to continue to be good regional ambassadors.

Councilor Washington thanked the dedicated teachers, Metro staff and kids for their presentation. He asked if any kids had worked at Metro, they had done such a good job.

Deputy Presiding Officer McFarland said that this presentation indicated to her that a lot was very good in our schools as well as in the teaching profession.

5. SOUTH/NORTH LIGHTRAIL PRESENTATION

Councilor Washington said he had asked for an update on South/North. The public comment period had ended, the cost cutting had been finished, there had been acceptance both by the South/North Committee and the citizen advisory committee with regard to these issues. Mr. Brandman and Mr. Skiles were here to share what they had shared with both committees as well as the public.

Richard Brandman, Assistant Director of Transportation Planning, said there had been a lot progress and a lot of public involvement concerning the proposed amendments to the South/North draft project. There had been over 200 meetings held during the formal public comment process. There was a brochure mailed to over 100,000 households containing a survey on a number of transportation issues. There were over 3000 survey response returned with 80% urging Metro to move forward with this project. The recommendations that would be coming to Council at the end of May was recommended unanimously from the South/North Steering Group. He noted the packet and a memo from him (a copy of which may be found in the permanent record of this meeting in the Council Office). The citizens advisory committee also considered the recommendations and they concurred with the department with one exception. There was also a unanimous recommendation from the downtown oversight committee with respect to issues in downtown. The expert review panel met and said that the department had

adequately analyzed and presented it in a manner that was clear and understandable for the public.

They started these revisions as a result of Ballot Measure 32 where they lost \$375 million of state funding as well as losing the ability to match the state funding which meant that if they were going to proceed with the project they would greatly have to reduce its cost. The goal was to reduce the total cost and the cost per mile. They had discussed cost with the community, this helped the public understand why Metro was moving forward with lightrail. He reviewed the changes as stated in the memo which included cost and revisions in the designs. They included expansion to North Portland with a consideration of Kinton for future planning as well as considering extensions into Clark County with added costs, benefits and impacts. They had also heard recommendations to delay the downtown Portland area and stay on the east side of the river. This was revisited but they felt that there would be too much ridership lost. They were proposing a deferral of the north mall for the downtown area. In the south end of the downtown they were also proposed to construct a diagonal which would be part of the Portland State University urban plaza project proposal. Citizen groups were very supportive of the cost saving cuts. He added that there had been changes in the Milwaukee alignment which also saved money, both residential and business impacts were eliminated. The Railroad Avenue alignment changed, with neighbors concerned about displacement of houses, it had been changed by using a skinny street. The final change was Clackamas Town Center, which would stop at the town center itself, saving \$55 million.

Mr. Brandman added that there had been a lot of discussion about commuter rail. They had written a report on commuter rail (included in this package). AORTA did not agree with the commuter rail recommendation although Coalition for a Livable Future and 1000 Friends did support this idea. Transportation Department found that commuter rail was not the same as lightrail, it was for a different purpose with a different mode. Commuter rail served trips in a distance of 40 to 80 miles, interregional trips rather intraregional trips. Commuter rail worked well in large sprawling communities. The department did not recommend this concept although there were studies in Washington County and Clark County. They also recommended that JPACT provide Fall workshops on commuter rail so that the community could better understand the issues of commuter rail.

Councilor McLain said that when they were doing Westside, it was mentioned that there might be an extension to Hillsboro, should this be said about the Oregon City extension? She encouraged that when things were put out publicly or in writing that these be included.

Mr. Brandman responded that this was an oversight on his part and it was included.

Councilor McCaig asked what the \$500 million in cost savings did to the projected ridership?

Mr. Brandman responded it increased the projected ridership.

Councilor McCaig asked if that did not unnerve Mr. Brandman a bit with costs savings and design changes indicating it would increase ridership, did it not worry him that it would be difficult to sell this to the public?

Mr. Brandman said that it heartens him because what they had been able to do with the costs savings of \$500 million was to extend the initial construction phase into Lombard, North

Portland. This was where the additional ridership came from. Original ridership projections were in the vicinity of 28,000 trips per day. They expected the ridership to be the same with the truncated project. This came at a price, deferring the downtown, segments in Clackamas County, and what they were trying to demonstrate to the public, with their support, that they had been able to cut out some of the parts of the project that people wanted but hadn't lopped off North Portland, where the additional ridership was coming from.

Councilor McCaig asked about the cost savings, redesign, administration and engineering as well as deferral. What were the percentage of each?

Mr. Brandman responded that with respect to deferrals, about \$200 million were saved, local jurisdictions weren't getting everything they wanted and TriMet was also taking more risk. They had lowered the inflation rate for the purposes of analysis and for what the project would cost. Down the road there would be inflation that would occur, they had lowered the rate of inflation allowing for a savings of \$150 million.

Councilor McCaig asked if that was just not moving money around?

Mr. Brandman answered that this was correct. The remainder of savings were in the areas of engineering, contingency rates and administration rates.

Councilor McCaig asked what was not done last time that would have already been on the table? How could she approach the voters, educating them on what they were doing now that hadn't been done previously to save money? What confidence did we have that they were not making the same mistakes again?

Mr. Brandman said he would not define it as a mistake, they had learned more since the previous project. He felt that Councilor McCaig's questions were good.

Councilor McCaig said with the savings, the increase in ridership what happened to the service?

Mr. Brandman responded that they would still have the same number of trains, they would just be running shorter in places.

Councilor McCaig said that some who originally voted for this may find that they did not vote for what was being brought forward. What was the long term strategy for this because this was not the project that was approved by the feds.

Mr. Brandman said that the project that had been submitted to the feds was the project that he was describing.

Councilor McCaig asked if this required another vote?

Mr. Brandman said that it did not.

Councilor Morissette said there was a 1.3 billion dollar project, how did the funding break down, \$487 million from the federal government, 540 million of local available funds from the current ISTEA, and in the second ISTEA \$300 million more from the feds. Would there need to be another vote by the local citizens?

Mr. Brandman said no not at this time. The general obligation bonds passed by voters in 1994 were valid for the construction of the project.

Councilor Morissette said that the project was different now, was it not the assumption of the JPACT and the group representing the new South/North line that the voters should have another opportunity to vote on it?

Mr. Brandman said that the final decision as to whether or not there should be a confirmation of that would be made by TriMet. TriMet would be the issuer of the bonds. They had not made that decisions yet.

Councilor Morissette asked that when TriMet made that decision to let him know. He asked about the contingency.

Mr. Brandman said that they were basing the actual engineering rates on the westside contract.

Councilor Morissette reviewed the savings. He then asked where the additional moneys came for funding the North Portland extension?

Mr. Brandman responded that the extension into North Portland assumed a 50% funding share from the federal government for the first segment, the second segment would be backloaded with federal money.

Councilor Morissette asked how much was the additional cost for this extension?

Mr. Brandman responded that this was \$300 million cost which they were anticipating from the federal government in the second round of ISTEA six years from now.

Mr. Andy Cotugno, Transportation Planning Director, said the project that went to the voters was 1.5 million project from downtown to the town center, that 1.5 million project was 1 billion.

Councilor McLain said one of the things that she was impressed with was the polling that was done on this. The public understood what they wanted but that those extensions would be made in the next phase. This was the element that should be taken back to the voters.

Councilor Washington closed by saying to Councilor McLain that if this went back to the voters that would be a TriMet call, but this had not happened. He felt that the staff had done an outstanding job in terms of public and seeking it as well as cutting the costs.

Councilor Morissette said he hoped that they went back to the voters for an acknowledgment and an approval.

6. POTENTIAL ISSUES REGARDING STATE LEGISLATION

Mike Burton had reviewed legislative issues during his Executive Officer presentation.

7. CONSENT AGENDA

7.1 Consideration of the Minutes of April 24, 1997 Metro Council Regular Meeting and the March 24, 1997 Metro Budget Meeting.

Motion: **Councilor Washington** moved the adoption of the minutes of April 24, 1997 Metro Council Regular Meeting and March 24, 1997 Metro Budget Meeting.

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

Discussion: None.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain for the April 24, 1997 Metro Council Meeting Minutes passing unanimously. The minutes of the March 24, 1997 Budget meeting minutes were approved, the vote was 4 aye/ 0 nay/ 1 abstain. Councilor Morissette abstained because he was not in attendance at that meeting.

8. ORDINANCES - FIRST READING

8.1 **Ordinance No. 97-689**, For the Purpose of Amending the 1992 RTP to Include the need, Mode, Function and General Corridor for the I-5/99W Connector.

Presiding Officer Kvistad assigned Ordinance No. 97-689 to Transportation Committee.

9. ORDINANCES - SECOND READING

9.1 **Ordinance No. 97-673**, For the Purpose of Adopting the Regional Disaster Debris Management Plan and Incorporating Part Two into the Regional Solid Waste Management Plan.

Motion: **Councilor Morissette** moved adoption of Ordinance No. 97-673.

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

Discussion: **Councilor Morissette** briefed the Council stating that a predisaster implementation included data gathering, assistance to local governments, and the management of the library. These responsibilities may be filled from existing staff, supplementary contracts totaling \$18,000 had been budgeted for software and other support. Metro benefitted from this plan by having a clear and objective road map that described how, when and the extent of action that was warranted and required during and after a disaster. The plan identified roles and coordinating issues to help ensure efficient delivery of disposal services and other types of disaster aid.

Deputy Presiding Officer McFarland opened a public hearing on this ordinance.

No one came forward to testify.

Deputy Presiding Officer McFarland closed the public hearing.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

9.2 **Ordinance No. 97-682**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in the Parks and Expo Fund to Increase Capital Outlay for Expo and Declaring an Emergency.

Motion: **Councilor McCaig** moved adoption of Ordinance No. 97-682.

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

Discussion: **Councilor McCaig** asked Michael Morrissey to review this ordinance.

Michael Morrissey, Council Analyst, indicated that there were parks staff in the audience to answer questions and speak to the ordinance.

Deputy Presiding Officer McFarland opened a public hearing on this ordinance.

No one came forward to testify.

Deputy Presiding Officer McFarland closed the public hearing.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

9.3 **Ordinance No. 97-686**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule By Transferring \$223,718 from Contingency to Personal Services and Capital Outlay of the Zoo Operating Fund, and Declaring an Emergency.

Motion: **Councilor McLain** moved adoption of Ordinance No. 97-686.

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

Discussion: **Councilor McLain** reviewed this ordinance which moved money from the Zoo operating fund to be used for unanticipated costs associated with flood and storm repair, completion of a painting project, overtime associated with Bell's surgery and recovery, and the HVAC system for Center for Species Survival.

Deputy Presiding Officer McFarland opened a public hearing on this ordinance.

No one came forward to testify.

Deputy Presiding Officer McFarland closed the public hearing.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

9.4 **Ordinance No. 97-687**, Amending the FY 1996-97 Budget and Appropriations Schedule for the Purpose of Reflecting Funding Increases Due to Costs Associated with Disaster Debris Disposal in Excess of Budget Expectations, Transferring Appropriations within the Solid Waste Revenue Fund, and Declaring an Emergency.

Motion: **Councilor Morissette** moved adoption of Ordinance No. 97-687.

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

Discussion: **Councilor Morissette** said that this just paid for the bills that Metro agreed to pay to the help the region out for the disasters sustained this last winter.

Deputy Presiding Officer McFarland opened a public hearing on this ordinance.

No one came forward to testify.

Deputy Presiding Officer McFarland closed the public hearing.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

10. RESOLUTIONS

10.1 **Resolution No. 97-2456**, For the Purpose of Approving the FY 1997-98 Budget and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission.

Motion: **Councilor McLain** moved adoption of Resolution No. 97-2456.

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

Discussion: **Councilor McLain** reviewed the process the proposed budget had gone through. There were a number of changes that the Council had made over the second series of budget reviews.

Councilor McCaig said that she would be voting against the resolution and suggested that Jennifer Sims review the changes to get on record what the changes were.

Ms. Jennifer Sims, Chief Financial Officer, indicated that the Council Analysts Michael Morrissey and John Houser would be presenting the changes to the Executive Officer's budget for each of the areas they analyzed.

Michael Morrissey, Council Analyst, reviewed the adjustments to the budget.

MERC - \$472,000 no longer directed from MERC to Regional Parks.

- \$325,00 allocated to payment of the Intel Loan.

- Approval of global budget format, and roll up appropriations for full MERC budget.

- Revises support services package with Administrative Services Dept. Redefines scope and process for providing support services. Reduces the MERC Payments to ASD by \$204,000 as compared to proposed budget.

ZOO - \$219,000 allocated from the general fund to buy back 9.5 FTE of filled positions recommended to be cut in the proposed budget.

GROWTH MANAGEMENT

- Increased appropriation for planning activities of \$140,000. This derives from an \$80,000 increase from the general fund, and \$60,000 from department contingency.

PARKS- Replacement of \$472,000 of directed funds from Expo, with general fund dollars.
- Net \$200,000 new general fund dollars to reduce fund balance losses and increase capital expenditures.

John Houser, Council Analyst, continued the review of the adjustments to the budget.

GENERAL FUND

- Changes in general fund portion of the Council budget, adopting a disparity change for Office Manager's salary, reducing the overtime line item, various additions and deletions to the line items to Materials and Services.
- The portion of the Executive Officer's budget funded out of the general fund had no changes.
- Other changes were the \$100,000 appropriations set aside for OMSI shown in the general fund as a special appropriation. This concept was used in the past.
- Additional revenue resulting from the adoption of the differential of an excise tax on solid waste and additional revenue from upward revision in the ton adjustment for solid waste for both this year and next year.

SUPPORT SERVICES FUND

- In the Auditor's budget, a proposed new auditor was eliminated and changes in materials and services that were associated with that new position reducing miscellaneous professional services line item by \$7000, with a net reduction in the Auditor's budget of \$84,000. This reflecting a funding package brought forth by the Auditor at the Councils' request to reduce the amount of funding she sought in her original proposed budget.
- In the portion of the Executive Officer budget funded from this fund, the Council eliminated two positions in the Office of Public Affairs and Government Relations and made related adjustments in Materials and Services line items associated with those positions.
- Within the Council Office, an Office of Public Outreach was created with two positions to be funded from the Support Service fund, totaling \$139,000.
- Within the Office of General Counsel, the Council created a new Archivist position to be funded out of this fund.
- Within the Administrative Services Department there were several changes that resulted from their agreement with MERC to have MERC continue utilizing the various support services that the department provides during the coming Fiscal Year included the elimination of an analyst position in Financial Planning, various reductions in Materials and Services in the various divisions within the department, about \$68,000 and a reduction in the support service fund contingency of about \$3,000.

SOLID WASTE REVENUE FUND

- The budget reflects the Council's acceptance of \$70 tip fee versus \$71 tip fee proposed in the original budget. There were also adjustments made in various unappropriations and contingency fund balances to reflect increase in the excise tax rate on solid waste and also increased revenue from the upward revision in the tonnage estimate and the budget cuts adopted by the Council.

- The net effect of all of these changes was that there will be an increase in the total unappropriated and contingency fund balances of \$1.61 million. The Council also adopted specific cuts totaling over \$1 million, the largest being a recognition that Metro did not need to expend \$1 million for the closure of parcel A out at the St. Johns Landfill. There were approximately \$93,000 of other cuts that were made in the Solid Waste budget.

Deputy Presiding Officer McFarland opened a public hearing on this resolution.

No one came forward to testify.

Deputy Presiding Officer McFarland closed the public hearing.

Councilor McLain said that after the review of this budget, this Council tried to be creative in getting more efficiencies and recognizing places where there were some needs that were not addressed in the Executive Officers budget. Part of the interest in this year's budget was recognizing that Metro still did not have a general fund. There were still a lot of services and functions that Metro was responsible. They tried to do the very best with all of the Metro's functions that were part of Metro's message and mission.

Vote: The vote was 3 aye/ 2 nay/ 0 abstain. The motion passed with Councilors McCaig and Morissette voting nay.

Councilor McCaig announced that TSCC meeting was June 12th in the Council Annex at 12 noon. There had been four Councilors who volunteered to attend this meeting at the beginning of the budget season. There needed to be four at the meeting, she would confirm this to the Presiding Officer as well.

The ordinance which moved the budget to the full Council for adoption, she would like to schedule that finance committee meeting for June 18th at 3:30 p.m. Council should consider this on Thursday, June 26th. She added that this should be noticed on the calendar as a public hearing.

Deputy Presiding Officer McFarland asked Councilor McCaig to put this in writing for the entire Council.

10.2 **Resolution No. 97-2485**, For the Purpose of Increasing the Citizen Membership to Seven and Redefining the Area from Which Each Member Must Reside for Membership on the North Portland Enhancement Committee.

Motion: **Councilor Washington** moved adoption of Resolution No. 97-2485.

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

Discussion: **Councilor Washington** reviewed this resolution would increase the number of members of the North Portland Enhancement Committee from six to seven. He had recommended this in order to represent all of the neighborhoods.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

10.3 **Resolution No. 97-2487**, For the Purpose of Recommending A Development Program for Adoption by the Oregon Transportation Commission in the FY 1998-2001 STIP.

Motion: **Councilor McLain** moved adoption of Resolution No. 97-2487.

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

Discussion: **Councilor McLain** said that ODOT and Metro were jointly preparing a recommendation for the State Transportation Commission. There were three resolve clauses, she read these.

Councilor Morissette asked Mr. Cotugno, was this the Trolley Barn issue?

Andy Cotugno, Transportation Department Director, responded no. That was an issue that would be coming forward for resolution in the next month. This current resolution was dealing with projects that were going to be developed in the future. The Trolley Barn project was within this fiscal year's budget.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

10.4 **Resolution No. 97-2489**, For the Purpose of Accepting Nominees to the Metro Committee For Citizen Involvement (MCCI).

Motion: **Councilor McLain** moved adoption of Resolution No. 97-2489.

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

Discussion: **Councilor McLain** announced that the nominee would be Jason Franklin. She asked Ms. Woodruff to come forward and speak about the nominee.

Aleta Woodruff, thanked Mr. Donovan for bringing in the children to make their presentation today before the Council. MCCI had always been advocates of sending educational programs to the schools to help the school children understand Metro's role in local situations.

The MCCI Nominating Committee was meeting regularly to keep MCCI positions filled, allowing a shorter time between selection and Council approval of the candidates. The new member would represent Councilor McCaig's district, District 7 position 20. Mr. Jason Franklin is employed by Pacific Rim Resource. She then read a statement from Mr. Franklin's resume.

Ms. Woodruff also asked that the Council consider one evening meeting a month. Linda Bauer sent her thanks to the Councilor who helped the residents in the Foster Road area to fight the local improvement district and keep from paying over \$1 million that would have been assessed to property owners abutting Foster Road.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

10.5 **Resolution No. 97-2490**, For the Purpose of Authorizing Release of RFP 97R-9-REM for the Establishment of Native Vegetation on St. Johns Landfill.

Motion: **Councilor Washington** moved adoption of Resolution No. 97-2490.

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

Discussion: **Councilor Washington** reviewed the resolution authorizing staff to request proposal for a special contract to develop a plan to establish, maintain and monitor existing and proposed test plots to allow the establishment of native vegetation on the St. John's Landfill as well as to review the effectiveness and suitability of such plots over the entire landfill during each successive five years. He noted Councilor McFarland's contributions to this effort.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

10.6 **Resolution No. 97-2492**, For the Purpose of Authorizing the Executive Officer to Execute the Rock Creek Greenway Intergovernmental Agreement with the City of Hillsboro to Manage Properties Purchased by Metro Open Spaces.

Motion: **Councilor Washington** moved adoption of Resolution No. 97-2492.

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

Discussion: **Councilor Washington** reviewed Resolution No. 97-2492 authorizing Metro to enter into the Rock Creek IGA with Hillsboro to manage target areas in the Rock Creek Greenway. Metro would retain title to these properties. The City would be responsible for the management of the properties.

Councilor McLain said this was one of the first agreements that Metro had gotten from a local jurisdiction and made an intergovernmental agreement to take over management responsibilities. She thanked the City of Hillsboro, she was hopeful for more of these IGAs.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

10.7 **Resolution No. 97-2494**, For the Purpose of Authorizing an Exemption Pursuant to Metro Code Section 2.04.054(c) and Authorizing a Sole Source Contract Pursuant to Metro Code Section 2.04.062 for the Sale of Landfill Gas to Portland LFG Joint Venture.

Motion: **Councilor Morissette** moved adoption of Resolution No. 97-2494.

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

Discussion: **Councilor Morissette** said that this was a very environmentally sound way of using the gas at the landfill, raising about \$1.4 million for Metro. He urged support of this resolution.

Councilor McFarland said that this information was presented in committee by Mr. Jim Watkins, he did an excellent job.

Councilor Washington added that the principles of this resolution gave him a presentation, he appreciated all of the work that had been done on this contract.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

10.8 **Resolution No. 97-2495**, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding, Authorizing Issuance of a Request for Proposals to Procure Hazardous Waste Disposal Services and Authorizing the Executive Officer to Execute the Resulting Multi-Year Contracts.

Motion: **Councilor Washington** moved adoption of Resolution No. 97-2495.

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

Discussion: **Councilor Washington** said passage of this resolution would authorize the transport and collection of hazardous waste that Metro collected. This was necessary because Metro's contract expired on June 30, 1997. The request for proposal rather than bid would allow for competitive bidding to create a public/private enterprise.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

10.9 **Resolution No. 97-2500**, For the Purpose of Encouraging Haulers and Local Governments Within the Metro Region to Implement Solid Waste Fee Reductions Corresponding to Metro's Reduction in Disposal Rate.

Motion: **Councilor Morissette** moved adoption of Resolution No. 97-2500.

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

Discussion: **Councilor Morissette** read, "Metro was unable to directly reduce the rates paid by most regional solid waste generators, i.e., home owners and businesses. Despite the \$5.00 per ton rate reduction recently approved by the Metro Council because Metro's primary relationship was through the franchised haulers who serve these home owners and businesses, Metro must rely on the good will of the haulers and of the actions of local governments to pass along these savings. He urged the Council unanimous support."

Councilor McFarland said she had gotten a call from some of Metro's very good local partners who have worked over the years with Metro in a major effort to keep control and to keep the cost as low as possible to the rate payers in the region. They felt a bit threatened by this resolution. She said that this was not meant as a criticism of them and their past record of fine cooperation however, what it was meant to do was to bring this into the public view and to put it before the public in a way that the rate payers understand that Metro had indeed given a \$5.00 a ton reduction and that the public was able and should go to their local franchising agency or government and find out how the rest of the cost stack up if none of these savings are passed through to the public. Her purpose in voting for this was to ensure that this became a matter of public record not as a reprimand to any of Metro's partners.

Councilor Morissette closed by saying that it was important and always very difficult to get returns back to people, this was an attempt to do this, the people that actually write the check.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

11. CONTRACT REVIEW BOARD

11.1 **Resolution No. 97-2484**, For the Purpose of Amendment of Contracts for Property Acquisition Service for Metro Open Spaces Acquisition Division.

Motion: **Councilor McCaig** moved adoption of Resolution No. 97-2484.

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

Discussion: **Councilor McCaig** asked Jim Desmond to review the resolution.

Mr. Jim Desmond, Regional Parks and Greenspaces said when the open spaces implementation program was set up they went through an extensive RFP and RFQ to line up contractors needed in eight disciplines, i.e., appraisers, environmental auditors. Those outside services were required to conduct the normal real estate services. It was estimated that they would spend a total of \$2.5 million on such services over the course of the program. There were 62 contracts awarded in eight disciplines. They had now acquired 22,074 acres, a number of those original contracts had been exhausted. Rather than conduct a new RFP, they had gone through their list and determined how much service they would need over the next year and a half to take them through December 1998, when these 62 contracts expired.

Mr. Morrissey added that he believed Councilor Naito had questions about this resolution but thought she had had them answered.

Mr. Desmond responded that he believed Councilor Naito had had her questions answered about the process for the original RFP.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

11.2 **Resolution No. 97-2491**, For the Purpose of Authorizing Change Order No. 22 to the Contract for Operating Metro Central Station, Change Order No. 21 to the Contract for Operating Metro South Station, and Change Order No. 22 to the Contract for Waste Transport Services.

Motion: **Councilor McLain** moved adoption of Resolution No. 97-2491.

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

Discussion: **Councilor McLain** reviewed the resolution, indicating that it would keep the wood waste delivered to Metro South, separate it from other waste and transfer it in Jack Grey transport trailers. Jack Grey would haul the wood waste to Metro Central and then Browning Ferris Industries would chip the wood waste into hog fuel. The change order also continued the extension of operating hours and the existing method of calculating the recycling revenues that were paid to Metro. The REM Committee unanimous voted to move this resolution forward to Council. Metro saved \$13.00 per ton as well as the wood that was recovered. This was a win/win situation.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

11.3 **Resolution No. 97-2496**, For the Purpose of Authorizing the Executive Officer to Extend Contracts with Devin Oil Co., Inc. and Stein Oil Co., Inc. for Purchasing Diesel Fuel Until June 30, 1998.

Motion: **Councilor Washington** moved adoption of Resolution No. 97-2496.

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

Discussion: **Councilor Washington** reviewed, indicating that this was the second extension of this contract that Metro had authorized. Metro could rebid the contract however no new suppliers existed and it would continue to save the excise tax at \$.24 per gallon.

Councilor McFarland added that there was extensive testimony on this resolution in the REM Committee.

Vote: The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

12. COUNCILOR COMMUNICATIONS

Councilor McCaig thanked Councilor Morissette for requesting a summary of the solid waste bills. The agenda was a tad daunting this week and the summary really helped.

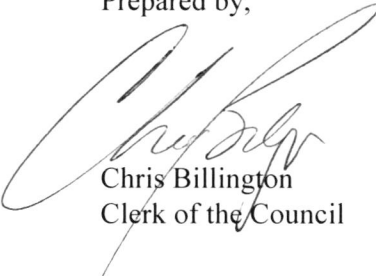
Councilor Morissette indicated that this was due to Bruce Warner, REM Director and his staff.

Councilor McLain said that in the transportation department and in the Council work done recently there was an education transportation growth management bus available to the council and the agency this summer. She said she saw a draft of the outside art work and it was very good. This bus would take around information about growth management, transportation, recycling. She believed this to be a real success story between TriMet, private industry and Metro.

13. ADJOURNED

There being no further business to come before the Metro Council, Deputy Presiding Officer McFarland adjourned the meeting at 4:17 p.m.

Prepared by,



Chris Billington
Clerk of the Council

Agenda Item Number 6.1

Ordinance No. 97-692, For the Purpose of Amending Metro Code Chapter 2.04, modifying the MBE/WBE Program and Establishing an ESB Program; and Declaring an Emergency.

First Reading

Metro Council Meeting
Thursday, May 8, 1997
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO 97-692
CODE CHAPTER 2.04, MODIFYING THE)
MBE/WBE PROGRAM AND ESTABLISHING) Introduced by Mike Burton, Executive
AN ESB PROGRAM; AND DECLARING AN) Officer
EMERGENCY)

WHEREAS, in 1994 the Metro Council authorized expenditures for a Regional Disparity Study in association with other regional governmental partners; and

WHEREAS, the Study examined construction contracts to determine Metro's utilization of minority and women owned firms; and

WHEREAS, the Regional Disparity Study found no statistical disparity in terms of the dollar amounts of contracts that Metro had let to minority or women owned contractors, and made other recommendations, including establishing an emerging small business program; and

WHEREAS, improvements in the MBE/WBE program have been made; and

WHEREAS, additional changes to Metro's minority and women-owned business programs are needed to expand outreach to and utilization of minority and women owned businesses; and

WHEREAS, this Ordinance was submitted to the Executive Officer for consideration and forwarded to the Council for approval; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Metro Code Section 2.04.100 is repealed and Section 2 of this Ordinance is enacted in lieu thereof.

SECTION 2.

2.04.100 Findings

- (a) The Metro council finds:
- (1) The opportunity for full participation in our free enterprise system by emerging small businesses, minorities and women owned businesses is essential;
 - (2) Greater economic opportunity for emerging small businesses, minorities and women owned businesses is essential;
 - (3) Historical patterns of exclusion and discrimination against racial or ethnic groups and women resulted in unfortunate effects of social, political and economic inequity that still exist;
 - (4) It is in the best interest of Metro and the community to do business with emerging small businesses, minority and women owned businesses resulting in increased competition and a stronger local economy;
 - (5) In cooperation with the private sector, the affected populations, interested groups and appropriate governmental entities, a program should be established to recommend remedies.

(b) It is the purpose of this policy to establish and implement a program to encourage the utilization by Metro of emerging small businesses, minority and women owned businesses, to the greatest extent permitted by law, by creating for such businesses the maximum possible opportunity to compete for and participate in locally-funded Metro contracting activities. This program does not apply to federally-funded contracts, which are governed by Metro Code 2.04.300, et seq.

SECTION 3. Metro Code Section 2.04.105 is amended to read:

2.04.105 Policy Statement

(a) ~~Through this MBE Program, Metro:~~

- ~~_____ (1) Expresses its strong commitment to provide maximum opportunity to do business with ESBs, MBEs and WBEs in contracting; and~~
- ~~_____ (2) Informs all employees, governmental agencies and the general public of its intent to implement this policy statement.~~

(b) It is the policy of Metro to provide equal opportunity to all persons to access and participate in the locally-funded projects, programs and services of Metro. Metro and Metro contractors shall not discriminate against any person or firm on the basis of race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status.

~~(c) The policies, practices and procedures established by the MBE Program shall apply to all Metro departments, commissions and project areas except as expressly provided herein.~~

~~(d) The objectives of the MBE Program shall be:~~

~~(1) To assure that provisions of the MBE Program are adhered to by all Metro departments, contractors and employees; and~~

~~(2) To initiate and maintain efforts to increase, to the greatest extent permitted by law, program participation by minority businesses.~~

SECTION 4. Metro Code Section 2.04.110 is repealed and Section 5 of this Ordinance is enacted in lieu thereof.

SECTION 5.

2.04.110 Definitions

For purposes of Metro Code sections 2.04.110 to 2.04.140, unless the context requires otherwise, the following definitions shall apply:

(a) "Department" means the State of Oregon's Department of Consumer and Business Affairs or such state agency, department or entity to which has been delegated the responsibility to certify a Emerging Small Business Enterprise, Minority Business Enterprise, Women Business Enterprise, or a Disadvantaged Business Enterprise and to engage in related activities.

(b) "Emerging Small Business Enterprise" or "ESB" means a small business concern which is certified as such by the Department.

(c) "Minority Business Enterprise" or "MBE" means a business concern which is certified as such by the Department.

(d) "Women Owned Business Enterprise" or "WBE" means a business concern which is certified as such by the Department.

SECTION 6. Metro Code Section 2.04.115 is repealed.

SECTION 7. Metro Code Section 2.04.120 is repealed and Sections 8 and 9 of this

Ordinance are enacted in lieu thereof.

SECTION 8.

2.04.115 Program Administration

(a) The executive officer shall be responsible for administering this program. The executive officer may, by executive order, designate a Program Coordinator and, if necessary, other staff adequate to administer this program on the executive's behalf.

(b) In administering this program, the executive officer shall advise potential ESB, MBE and WBE vendors that Metro does not certify ESBs, MBEs and WBEs, and shall direct them to the Department.

SECTION 9.

2.04.120 Program Activities

The executive officer shall direct staff to develop procedures in the following areas leading to increased business with ESBs, MBEs, and WBEs.

(a) Outreach: Such procedures may include electronic notices, telephone hotlines, annual contract lists, newsletters, regularly-scheduled contractor orientation programs, and participation in regional outreach opportunities.

(b) Technical assistance: Provide information on feasible options for management assistance, bonding, insurance, and financial assistance.

(c) Reduce Contract Size: Examining alternatives for arranging contracts by size and type of work so as to enhance the possibility of participation by ESBs, MBEs and WBEs.

(d) Education: Periodic training for staff to ensure awareness of program objectives and desired activities on their part.

(e) Plan Centers: Ensuring ESB, MBE and WBE plan centers and contractors are receiving requests for bids, proposals and quotes.

(f) Advertising: Advertise formal purchases and contracting opportunities in at a minimum, one newspaper of general circulation and one minority-oriented publication.

(g) Informal Purchasing Opportunities: Requiring that at least one ESB and one MBE and one WBE vendor or contractor be contacted for all purchases and contracts more than \$2,500 and less than \$25,000. The program coordinator may waive this

requirement if he/she determines that there are no certified ESBs, MBEs and WBEs on the certification list capable of providing the service or item. Any such waivers shall be in writing, and shall be kept as supporting documentation.

(h) **Informal Construction Opportunities:** Requiring all construction opportunities for contracts more than \$2,500 and less than \$25,000 to be bid only by qualified ESBs, MBEs and WBEs. The executive officer may waive this requirement if he/she determines that there are no certified ESBs, MBEs and WBEs on the certification list capable of providing the project needed. Any such waivers shall be in writing, and shall be kept as supporting documentation.

(i) The program coordinator may establish and implement additional techniques which are consistent with this Program and designed to facilitate participation of ESBs, MBEs and WBEs in Metro purchasing and contracting activities.

SECTION 10. Metro Code Section 2.04.125 is repealed.

SECTION 11. Metro Code Sections 2.04.135, 2.04.140 and 2.04.145 are repealed.

SECTION 12. Metro Code Section 2.04.150 is amended to read:

2.04.150 Good Faith Efforts at Maximizing ESB, MBE and WBE Opportunities

The executive officer shall establish procedures relating to good faith opportunities for major construction projects. Procedures shall be consistent in nature and scope to other local public bodies for ease in understanding for contractors.

(a) Good faith efforts ~~at~~ for maximizing ESB, MBE and WBE opportunities shall be required for construction contracts ~~over \$50,000~~ in an amount determined by the executive officer.

(b) At the discretion of the ~~liaison officer~~ program coordinator, good faith efforts ~~at maximizing MBE opportunities~~ may be required for any other contract, including architects and engineers. This requirement shall be made in writing prior to the solicitation of bids for such contract.

~~———— (e) ——— Where good faith efforts are required, the liaison officer shall direct the inclusion of a clause in any RFP or bid documents which requires that the prime contractor, prior to entering into any subcontracts, make good faith efforts at maximizing MBE opportunities, as that term is defined in section 2.04.160.~~

(c) When construction projects using a proposal process are approved by council, the staff shall consider past ESB, MBE and WBE utilization as part of the selection criteria. The program coordinator shall provide the awarded contractor with ESB, MBE and WBE targets for subcontracting.

(d) Compliance with good faith efforts is required. Contractors failing to comply will be considered in breach of contract.

SECTION 13. Metro Code Sections 2.04.155 and 2.04.160 are repealed.

SECTION 14. Section 15 of this Ordinance is added to and made part of Metro Code Sections 2.04.100 to 2.04.190.

SECTION 15.

Contractor Work Force Efforts at Maximizing Minority and Women Opportunities

(a) Metro contractors shall not discriminate against any person or firm on the basis of race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status.

(b) Assuring that minorities and women have access to employment opportunities in the construction industry is critical. The executive officer shall establish procedures relating to work apprenticeships for minorities and women for Metro major construction projects. Procedures may include participation in a workforce clearing house providing opportunities for minorities and women.

SECTION 16. Metro Code Section 2.04.170 is repealed, and Section 17 of this Ordinance is enacted in lieu thereof.

SECTION 17.

2.04.170 Council Information Reports

The executive officer shall provide an annual report to council showing utilization of ESBs, MBEs and WBEs doing business with Metro.

The executive officer shall use utilization when evaluating the performance of this program and department directors.

SECTION 18. Metro Code Section 2.04.180 is repealed.

SECTION 19. Metro Code Section 2.04.190 is amended to read:

2.04.190 Severability and Intent

(a) The provisions of ~~the MBE Program~~ Metro Code sections 2.04.100 to 2.04.190 shall be effective in all cases unless otherwise provided for by state or federal law. The provisions of ~~the MBE Program~~ Metro Code sections 2.04.100 to 2.04.190 are separate and severable. The invalidity of any clause, sentence, paragraph, subdivision,

section or portion of ~~the MBE Program~~ Metro Code sections 2.04.100 to 2.04.190 or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of ~~the MBE Program~~ Metro Code sections 2.04.100 to 2.04.190, or the validity of ~~its~~ their application to other persons or circumstances.

(b) ~~The MBE Program is~~ Metro Code sections 2.04.100 to 2.04.190 are intended, and should be construed, as establishing and requiring the maximum efforts at assuring ESB, MBE, and WBE participation in Metro contracting activities that is consistent with the United States and Oregon Constitutions and applicable federal and state law.

SECTION 20. Metro Code Section 2.04.042 is amended to read:

2.04.042 Personal Services Contracts Up to \$25,000

(a) For personal services contracts of less than \$2,500, multiple proposals ~~need not be obtained~~ are not required, but ~~are~~ shall be encouraged.

(b) ~~For~~ Personal services contracts of \$2,500 or more but not more than \$25,000, proposals shall be ~~subject to the following process:~~

~~Proposals shall be solicited from at least a minimum of three potential contractors who are capable and qualified to perform the requested work. Metro shall keep a written record of the source and amount of the quotes received. If three quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. In addition, the contracting department shall notify the procurement officer of the nature of the proposed contract, the estimated cost of the contract, and the name of the contact person. Prior to selecting any contractor for a personal services contract greater than \$10,000 but not more than \$25,000, the procurement officer shall publish notice of the intent to solicit competitive proposals, and include a summary of the nature of the proposed contract, the estimated cost of the contract, and the name of a contact person. No contract selection may be made until at least five days after such publication and after consideration of all proposals received.~~

SECTION 21. Metro Code Section 2.04.056 is amended to read:

2.04.056 Public Contracts Under Up to \$25,000

(a) Under \$2,500. ~~For public contracts of less than \$2,500, C~~competitive bids are not required ~~for public contracts less than \$2,500. Metro should, where feasible, obtain competitive quotes.~~ but shall be encouraged.

(b) Between \$2,500 and \$10,000. ~~For public contracts of \$2,500 or more but not more than \$25,000, Metro shall Unless otherwise exempt from competitive bidding under section 2.04.054, when the amount of the contract is \$2,500 or more, but less than \$10,000, Metro must obtain a minimum of three competitive quotes. Metro shall keep a written record of the source and amount of the quotes received. If three quotes are not~~

available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes.

~~(c) Between \$10,000 and \$25,000. Unless otherwise exempt from competitive bidding under section 2.04.054, when the amount of the contract is \$10,000 or more, but not more than \$25,000, Metro must obtain a minimum of three competitive quotes. Metro shall keep a written record of the source and amount of the quotes received. If three quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. In addition, the contracting department shall notify the procurement officer of the nature of the proposed contract, the estimated cost of the contract, and the name of the contact person. The procurement officer shall publish notice of the intent to solicit competitive quotes, including a summary of the information supplied by the contracting department regarding the nature of the proposed contract. No contract selection may be made until at least five days after such publication and after consideration of all quotes received.~~

(dc) Contracts under \$25,000 should be awarded on the basis of the least cost alternative available that is capable of performing the work required.

SECTION 22. Metro Code Sections 2.04.200, 2.04.205, 2.04.210, 2.04.215, 2.04.220, 2.04.225, 2.04.230, 2.04.235, 2.04.240, 2.04.245, 2.04.250, 2.04.255, 2.04.260, 2.04.265, 2.04.270, 2.04.280 and 2.04.290 are repealed.

SECTION 23. Metro Code Section 2.04.300(b) is hereby amended to read:

(b) Metro Code sections 2.04.300-.390 are adopted pursuant to 49 CFR 23 and are intended to comply with all relevant federal regulations. Federal regulation 49 CFR 23 and its amendments including those adopted to implement section (105)(f) of the Surface Transportation Assistance Act of 1982, relating to the participation by Minority Business Enterprises in Department of Transportation programs, and Section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

SECTION 24. Metro Code Section 2.04.305(b) is hereby amended to read:

(b) It is the policy of Metro to provide equal opportunity to all persons to access and participate in the projects, programs and services of Metro, in accordance with Title VI of the Civil Rights Act of 1964. Metro and Metro contractors will not discriminate against any person or firm on the basis of race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status.

SECTION 25. Metro Code Section 2.04.320 is hereby amended to read:

2.04.320 DBE Liaison Officer

(a) The executive officer shall, by executive order, designate a ~~disadvantaged business~~ DBE liaison officer and, if necessary, other staff adequate to administer the DBE Program. The DBE liaison officer shall report directly to the executive officer on matters pertaining to the DBE Program.

(b) The DBE liaison officer shall be responsible for developing, managing and implementing the DBE Program, and for disseminating information on available business opportunities so that DBEs are provided an equitable opportunity to bid on Metro contracts. In addition to the responsibilities of the DBE liaison officer, all department directors and program managers shall have responsibility to assure implementation of the DBE Program.

SECTION 26. Metro Code Section 2.04.345(a) is hereby amended to read:

(a) The Metro council shall, by resolution each ~~June~~ August, establish annual DBE goals for the ensuing fiscal year. Such annual goals shall be established separately for construction contracts, labor and materials contracts, personal services contracts, procurement contracts and USDOT-assisted contracts regardless of type.

SECTION 27. Metro Code Section 2.04.375(a)(8) is repealed.

SECTION 28. This Ordinance is necessary for the immediate preservation of public health, safety and welfare; an emergency is therefore declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Sections 37(2) and 39(1).

ADOPTED by the Metro Council this ____ day of _____ 1997.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

MDF:kaj
I:\R-097-692.ORD
4/21/97

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. **97-692** AMENDING METRO CODE CHAPTER 2.04; MODIFYING THE MBE/WBE PROGRAM AND ESTABLISHING AN ESB PROGRAM; AND DECLARING AN EMERGENCY

Date: April 21, 1997

Presented by: Scott Moss

PROPOSED ACTION

Adoption of amendments to Metro Code 2.04 making modifications to the Minority Business Enterprise Program, Women Business Enterprise Program, and Disadvantaged Business Enterprise Program

FACTUAL BACKGROUND AND ANALYSIS

In 1992, Metro Council added to the Metro Code an MBE and WBE program. (Ordinance No. 92-466)

In 1994, the Council authorized Metro to contribute to a Regional Disparity Study. The Disparity Study was completed in July 1996, at which time staff provided a full report to Council. A follow up staff report was provided to Council in November, 1996.

After five years experience with Metro's MBE/WBE program and with the recommendations from the Disparity Study, staff recommends making changes to the MBE/WBE Program.

This ordinance makes the following proposed changes:

- Add flexibility to the MBE/WBE program while reducing the bureaucracy associated with the current program. Allows program coordinator to establish creative procedures within the limits of the policy to promote MBE/WBE/ESB utilization. Reduces the program from 47 pages to nine.
- Establish an emerging small business (ESB) program.
- Change advertising for informal bids and proposals to methods other than newspapers, saving approximately \$10,000 annually. (Funds will be used for other program enhancements such as the apprenticeship program.)
- Require an MBE, WBE and ESB to be contacted for bids and proposals over \$2,500.

- Provide for a sheltered market for construction contracts under \$25,000. This program provides first opportunity for MBEs, WBEs and ESBs to bid on informal construction projects.
- Modify the Good Faith Effort (GFE) program to allow flexibility. This would allow the Good Faith Effort program to be consistent with other local jurisdictions making adherence easier for prime and subcontractors.
- Toughen compliance and penalty for failure to perform good faith efforts or follow through on commitments made in the bid.
- Authorize apprenticeship programs for minorities and women on major Metro construction projects.
- Affirm Metro contractors from discriminating against any person or firm on the basis of race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status.
- Make housekeeping changes to Metro's Disadvantaged Business Enterprises section in accordance with Federal requirements.

The proposed changes have been forwarded to the M/WBE contracting community and minority and contractor organizations. Staff is available to respond to questions. Implementation would be July 1, 1997. No additional funding is requested for this ordinance.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. **97-692**.

Agenda Item Number 6.2

Ordinance No. 97-693, Amending the FY 1996-97 Budget and Appropriations to Adjust the Growth Management Services Department Budget in the Planning Fund to Transfer Appropriations from Materials and Services to Personal Services to Complete Approved Projects; and Declaring an Emergency.

First Reading

Metro Council Meeting
Thursday May 8, 1997
Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 1996-97 BUDGET AND)	ORDINANCE NO. 97-693
APPROPRIATIONS TO ADJUST THE)	
GROWTH MANAGEMENT SERVICES)	
DEPARTMENT BUDGET IN THE PLANNING)	Introduced by Mike Burton
FUND TO TRANSFER APPROPRIATIONS)	Executive Officer
FROM MATERIALS AND SERVICES TO)	
PERSONAL SERVICES TO COMPLETE)	
APPROVED PROJECTS; AND DECLARING)	
AN EMERGENCY.)	

WHEREAS, the Growth management Services Department has experienced changes in its budget which were not anticipated at the time the budget was adopted; and

WHEREAS, the department has used in-house staff or interns rather than miscellaneous professional services for several projects; and

WHEREAS, the department has a need to pay in-house staff out of class pay for doing this work, and

WHEREAS, the department has a experienced several vacancies which were filled at a higher point in the pay range than budgeted, and

WHEREAS, savings in Miscellaneous Professional Services exist to cover these additional Personal Services costs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS;

1. That the FY 1996-97 Budget and Schedule of Appropriations are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$21,118 from Miscellaneous Professional Services to Personal Services in the Growth Management Services Department

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 _____, 1997.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

I:\Budget\FY96-97\BudOrd\97-693\97-693Or.Doc
April 23, 1997

Exhibit A

Ordinance No. 97-693

Planning Fund

ACCT #	DESCRIPTION	FISCAL YEAR 1996-97		Current Budget		Revision		Proposed Budget	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Growth Management Services Department									
<u>Personal Services</u>									
511121	SALARIES-REGULAR EMPLOYEES (full time)	32.65	1,550,948	0.00	7,236	32.65	1,558,184		
511221	WAGES-REGULAR EMPLOYEES (full time)	3.50	104,591	0.00	4,973	3.50	109,564		
511231	WAGES - TEMPORARY EMPLOYEES (Full-time)	0.00	0	0.52	7,160	0.52	7,160		
511400	OVERTIME		2,645	0.00	0		2,645		
512000	FRINGE		490,368	0.00	1,749		492,117		
Total Personal Services		36.15	2,148,552	0.52	21,118	36.67	2,169,670		
<u>Materials & Services</u>									
521100	Office Supplies		12,250		0		12,250		
521110	Computer Software		39,382		0		39,382		
521111	Computer Supplies		12,950		0		12,950		
521240	Graphics/Reprographic Supplies		21,390		0		21,390		
521260	Printing Supplies		1,560		0		1,560		
521310	Subscriptions		2,764		0		2,764		
521320	Dues		1,445		0		1,445		
524190	Misc. Professional Services		904,620		(21,118)		883,502		
525640	Maint. & Repairs Services-Equipment		51,870		0		51,870		
525710	Equipment Rental		0		0		0		
525740	Capital Leases (FY 92)		158,800		0		158,800		
526200	Ads & Legal Notices		9,460		0		9,460		
526310	Printing Services		144,700		0		144,700		
526320	Typesetting & Reprographics Services		12,182		0		12,182		
526410	Telephone		8,500		0		8,500		
526420	Postage		108,500		0		108,500		
526440	Delivery Services		1,850		0		1,850		
526500	Travel		15,334		0		15,334		
526510	Mileage Reimbursement		1,061		0		1,061		
526700	Temporary Help Services		0		0		0		
526800	Training, Tuition, Conferences		15,512		0		15,512		
528100	License, Permits, Payments to Other Agencies		250,000		0		250,000		
529500	Meetings		3,000		0		3,000		
529800	Miscellaneous		0		0		0		
Total Materials & Services			1,777,130		(21,118)		1,756,012		
Total Capital Outlay			90,903		0		90,903		
Total Interfund Transfers			730,827		0		730,827		
Total Contingency and Unappropriated Balance			127,827		0		127,827		
TOTAL REQUIREMENTS		36.15	4,875,239	0.52	0	36.67	4,875,239		

Exhibit B
Ordinance No. 97-693

FY 1996-97 SCHEDULE OF APPROPRIATIONS

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Proposed</u> <u>Appropriation</u>
PLANNING FUND			
Transportation Planning			
Personal Services	3,613,210		3,613,210
Materials & Services	11,313,538		11,313,538
Capital Outlay	2,469,000		2,469,000
Subtotal	17,395,748	0	17,395,748
Growth Management Services			
Personal Services	2,148,552	21,118	2,169,670
Materials & Services	1,777,130	(21,118)	1,756,012
Capital Outlay	90,903		90,903
Subtotal	4,016,585	0	4,016,585
General Expenses			
Interfund Transfers	1,997,772		1,997,772
Contingency	534,252		534,252
Subtotal	2,532,024	0	2,532,024
Unappropriated Balance	44,262		44,262
Total Fund Requirements	\$23,988,619	\$0	\$23,988,619

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 97-693 AMENDING THE
FY 1996-97 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE
PURPOSE OF ADJUSTING THE PLANNING FUND BUDGET IN THE
GROWTH MANAGEMENT SERVICES DEPARTMENT; DECLARING AN
EMERGENCY.

Date: April 22, 1997

Presented by John Fregonese

FACTUAL BACKGROUND AND ANALYSIS

During the current 1996-97 fiscal year, the Growth Management Services Department has experienced changes in its budget that were not anticipated at the time the budget was prepared. In particular, Personal Services costs have increased due to using in-house staff or interns rather than contracted miscellaneous professional services and paying existing staff for out-of-class work which is required by Metro's contract with AFSCME Local 3588. In addition, a number of job vacancies have occurred this year and filling these positions with the best qualified people has resulted in starting salaries above the first step of the pay range.

The department requests moving \$21,118 from Materials and Services (Miscellaneous Professional Services) to Personal Services. In one case, a consultant we contracted with was unable due to health reasons to complete the project. The department then requested assistance from staff in another department to complete the project with staff time paid by the Growth Management Services Department. In addition, the department determined that it would be cost effective to hire temporary interns to conduct research rather than hiring consultants. These projects include the Regional Framework Plan, Urban Growth Management Functional Plan, and Martin Luther King Main Street. Due to the technical nature of recent public inquiries on urban reserves, support personnel have worked and been paid for out-of-class work.

BUDGET IMPACT

This ordinance transfers funds within the Growth management Services Department from M&S to Personal Services. It does not increase the overall size of the budget. It recognizes an increase of .52 FTE for temporary interns for FY 1996-97. These temporary positions are not carried over into FY 1997-98.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 97-693.

Agenda Item Number 6.3

Ordinance No. 97-694, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule by transferring \$80,000 from Personal Services to Materials and Services in the Spectators Facilities Fund to provide for unanticipated concessions expenditures at the Portland Center for the Performing Arts (PCPA); and Declaring an Emergency.

First Reading

Metro Council Meeting
Thursday, May 8, 1997
Council Chamber

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1996-97)	ORDINANCE NO. 97-694
BUDGET AND APPROPRIATIONS)	
SCHEDULE BY TRANSFERRING \$80,000)	
FROM PERSONAL SERVICES TO)	
MATERIALS AND SERVICES IN THE)	
SPECTATOR FACILITIES FUND TO)	Introduced by Councilor
PROVIDE FOR UNANTICIPATED)	Ruth McFarland
CONCESSIONS EXPENDITURES AT THE)	
PORTLAND CENTER FOR THE)	
PERFORMING ARTS (PCPA), AND)	
DECLARING AN EMERGENCY)	

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations with the FY 1996-97 Budget; and

WHEREAS, The need for a transfer 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 1996-97 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 transferring \$80,000 from the Personal Services portion of the PCPA budget within the Spectator Facilities Fund to Materials and Services for the purpose of providing funds to provide for the higher than anticipated concessions costs.

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 _____, 1997.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

Exhibit A
Ordinance No. 96-694
Spectator Facilities Fund

FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Civic Stadium							
TOTAL EXPENDITURES		20.16	2,266,824	0.00	0	20.16	2,266,824

Portland Center for the Performing Arts

<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	PCPA Director	1.00	73,165	0.00	0	1.00	73,165
	Sales/Marketing Manager		0	0.00	0		0
	Sales Representative	1.00	41,400	0.00	0	1.00	41,400
	Event Services Manager	1.00	45,443	0.00	0	1.00	45,443
	Operations Engineer		0	0.00	0		0
	Asst Operations Manager (Asst Tech Serv Mgr)	1.00	46,561	0.00	0	1.00	46,561
	Building Maintenance Supervisor	1.00	33,829	0.00	0	1.00	33,829
	Ticket Service Manager	1.00	43,529	0.00	0	1.00	43,529
	Assistant Ticket Services Manager		0	0.00	0		0
	Ticket Service Supervisor I		0	0.00	0		0
	Ticket Service Supervisor II	5.00	161,620	0.00	0	5.00	161,620
	Volunteer Coordinator	1.00	34,604	0.00	0	1.00	34,604
	Development Project Manager		0	0.00	0		0
	Admissions Scheduling Coordinator	0.60	19,292	0.00	0	0.60	19,292
	Stage Manager	1.00	37,335	0.00	0	1.00	37,335
	Operations Systems Assistant	1.00	29,894	0.00	0	1.00	29,894
	Operations Manager		0	0.00	0		0
	Assistant Special Services Manager-Admissions		0	0.00	0		0
	Group Sales Coordinator		0	0.00	0		0
	Operations Manager (Technical Services Mgr)	1.00	57,014	0.00	0	1.00	57,014
	Asst Event Services Mgr or Senior House Mgr	1.00	37,572	0.00	0	1.00	37,572
	Assistant Special Services Manager-Sec./Medical		0	0.00	0		0
	Construction/Capital Projects Manager	0.10	6,153	0.00	0	0.10	6,153
	Security Services Supervisor	0.05	1,659	0.00	0	0.05	1,659
	Assistant Security Services Supervisor	0.05	1,431	0.00	0	0.05	1,431
	Facility Security Supervisor		0	0.00	0		0
	Admissions Staffing Manager		0	0.00	0		0
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Utility Lead	3.00	91,551	0.00	0	3.00	91,551
	Receptionist	1.00	27,077	0.00	0	1.00	27,077
	Administrative Secretary	1.00	29,894	0.00	0	1.00	29,894
	Capital Projects Assistant	0.10	1,964	0.00	0	0.10	1,964
	Secretary	2.00	55,530	0.00	0	2.00	55,530
	Secretary		0	0.00	0		0
	Marketing Associate		0	0.00	0		0
	Facility Security Agent	2.00	53,186	0.00	0	2.00	53,186
	Operating Engineer	3.00	126,533	0.00	0	3.00	126,533
	Bookkeeper	1.00	27,743	0.00	0	1.00	27,743
	Stagedoor Security		0	0.00	0		0
	Event Services Clerk	0.60	13,334	0.00	0	0.60	13,334
	House Manager I		0	0.00	0		0
	Utility Maintenance		0	0.00	0		0
	Booking Coordinator	1.00	32,174	0.00	0	1.00	32,174
	Operations - Lead II			0.00	0		

Exhibit A
Ordinance No. 96-694
Spectator Facilities Fund

FISCAL YEAR 1996-97		CURRENT		REVISION		PROPOSED	
ACCT #	DESCRIPTION	FTE	BUDGET AMOUNT	FTE	AMOUNT	FTE	BUDGET AMOUNT
	Operations - Event Coordinator			0.00	0		
511225	WAGES-REGULAR EMPLOYEES (part time)			0.00	0		
	Stagehand/Utility Workers		0	0.00	0		0
	Security/Medical Workers		0	0.00	0		0
	Ushers/Gate Attendants/Supervisor		0	0.00	0		0
	Ticket Sellers/Supervisors	5.49	130,125	0.00	0	5.49	130,125
	House Managers/Coat Check/Elevator Op	2.70	97,971	0.00	0	2.70	97,971
	Event Custodians	7.14	140,552	0.00	0	7.14	140,552
	Engineers	1.20	47,930	0.00	0	1.20	47,930
	Receptionist/Secretarial		0	0.00	0		0
	Merchandising Vendors		0	0.00	0		0
	Checkroom Attendants		0	0.00	0		0
	Operation - Event Coordinator		0	0.00	0		0
	Controller		0	0.00	0		0
511255	WAGES-REGULAR EMP REIMBURSED (part-time)						
	Stagehands	38.90	1,498,913	0.00	(60,000)	38.90	1,438,913
	Security/Medical	5.34	134,330	0.00	0	5.34	134,330
	Elevator Operators	1.76	30,750	0.00	0	1.76	30,750
	Admissions Supervisors	1.40	33,115	0.00	0	1.40	33,115
	Gate Attendants	5.05	91,655	0.00	0	5.05	91,655
	Checkroom Attendants	1.91	37,236	0.00	0	1.91	37,236
	Ushers	28.72	410,667	0.00	0	28.72	410,667
511400	OVERTIME		69,119	0.00	0		69,119
512000	FRINGE		904,723	0.00	(20,000)		884,723
Total Personal Services		131.11	4,756,573	0.00	(80,000)	131.11	4,676,573
<u>Materials & Services</u>							
521100	Office Supplies		17,000		0		17,000
521110	Computer Software		14,600		0		14,600
521220	Custodial Supplies		41,146		0		41,146
521290	Other Supplies		56,631		0		56,631
521292	Small Tools		6,403		0		6,403
521293	Promotion Supplies		2,725		0		2,725
521310	Subscriptions		670		0		670
521320	Dues		1,750		0		1,750
521510	Maint & Repair Supplies - Buildings		41,355		0		41,355
521520	Maint & Repair Supplies - Grounds		544		0		544
521540	Maint & Repair Supplies - Equipment		11,423		0		11,423
523200	Merchandise for Resale - Retail Goods		10,700		0		10,700
524130	Promotion/Public Relation Services		6,375		0		6,375
524190	Misc. Professional Services		8,540		0		8,540
525110	Utilities-Electricity		210,000		0		210,000
525120	Utilities-Water and Sewer		40,000		0		40,000
525130	Utilities-Natural Gas		58,000		0		58,000
525150	Utilities-Sanitation Service		12,000		0		12,000
525610	Maintenance & Repair Services-Building		83,590		0		83,590
525620	Maintenance & Repair Services-Grounds		9,490		0		9,490
525640	Maintenance & Repair Services-Equipment		46,893		0		46,893
525710	Equipment Rental		4,675		0		4,675
525720	Building Rental		100,608		0		100,608
525740	Capital Leases (FY 92)		80,257		0		80,257
526200	Advertising and Legal Notices		7,437		0		7,437
526310	Printing Services		17,180		0		17,180
526320	Typesetting & Reprographic		2,625		0		2,625
526410	Telephone		46,413		0		46,413
526420	Postage		15,750		0		15,750
526430	Catalogues & Brochures		2,300		0		2,300

Exhibit A
Ordinance No. 96-694
Spectator Facilities Fund

FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
526440	Communications-Delivery Services		1,373		0		1,373
526500	Travel		2,800		0		2,800
526690	Concessions/Catering Expense		600,975		80,000		680,975
526700	Temporary Help Services		72,423		0		72,423
526800	Training, Tuition, Conferences		11,470		0		11,470
526910	Uniforms and Cleaning		23,095		0		23,095
528100	License, Permits, Payments to Other Agencies		42,657		0		42,657
529500	Meeting Expenditures		2,800		0		2,800
529800	Miscellaneous		9,850		0		9,850
529835	External Promotion Expenses		1,100		0		1,100
Total Materials & Services			1,725,623		80,000		1,805,623
<u>Capital Outlay</u>							
571300	Purchased Buildings, Exhibits & Related		425,000		0		425,000
571500	Purchases - Office Furniture and Equipment		74,700		0		74,700
Total Capital Outlay			499,700		0		499,700
TOTAL EXPENDITURES		131.11	6,981,896	0.00	0	131.11	6,981,896
General Expenses							
Total Interfund Transfers			813,157		0		813,157
Total Contingency and Unappropriated Balance			2,516,704		0		2,516,704
TOTAL FUND REQUIREMENTS		151.27	\$12,578,581	0.00	0	151.27	\$12,578,581

Exhibit B
Ordinance No. 97-694
FY 1996-97 SCHEDULE OF APPROPRIATIONS

	Current Budget	Revision	Proposed Budget
SPECTATOR FACILITIES FUND			
Personal Services	\$5,496,098	(\$80,000)	\$5,416,098
Materials & Services	3,041,005	80,000	3,121,005
Capital Outlay	711,617	0	711,617
Subtotal	9,248,720	0	9,248,720
General Expenses			
Interfund Transfers	813,157	0	813,157
Contingency	182,982	0	182,982
Subtotal	996,139	0	996,139
Unappropriated Balance	2,333,722	0	2,333,722
Total Fund Requirements	\$12,578,581	\$0	\$12,578,581

ALL OTHER APPROPRIATIONS REMAIN AS ADOPTED

STAFF REPORT

IN CONSIDERATION OF ORDINANCE 97-694 AMENDING THE FY 1996-97 BUDGET AND APPROPRIATIONS SCHEDULE BY TRANSFERRING \$80,000 FROM PERSONAL SERVICES TO MATERIALS AND SERVICES IN THE SPECTATOR FACILITIES FUND TO PROVIDE FOR UNANTICIPATED CONCESSIONS EXPENDITURES AT THE PORTLAND CENTER FOR THE PERFORMING ARTS (PCPA), AND DECLARING AN EMERGENCY.

Date: April 23, 1997

Presented by: Mark Williams
Norman Kraft

FACTUAL BACKGROUND AND ANALYSIS

On March 22, 1997, the Metropolitan Exposition-Recreation Commission (MERC) passed Resolution No. 97-09 authorizing adjustments to the budget appropriations of the PCPA portion of the Spectator Facilities Fund. The adjustments are necessary to cover unanticipated concessions expenditures. A copy of the resolution is attached for reference.

When the budget for fiscal year 1996-97 was prepared, a new contractor had just been chosen to provide concessions services at the PCPA. Therefore, the revenue and expenditure projections were based upon available historical gross sales information rather than from actual operational experience.

The new contractor has made innovations that have increased concessions sales. It is estimated that gross concessions sales will exceed budgeted revenues by \$40,000 which results in an additional \$36,000 in expenditures. Additionally, the wages of the staff utilized by the concessionaire have been impacted by the change in the minimum wage. These higher than anticipated costs result in additional charges to MERC per the contract with the concessionaire. These two circumstances have resulted in the increased cost at PCPA.

Adequate funds exists within the personal services portion of the budget to provide for this transfer. Council action will prevent this budget from being over appropriations at fiscal year end.

METROPOLITAN EXPOSITION-RECREATION COMMISSION
Resolution No. 97-09

Authorizing a budget amendment to the FY 1996-97 Adopted Budget for the Spectator Facilities - PCPA Fund related to an anticipated over-expenditure of Materials and Services expenditures.

The Metropolitan Exposition-Recreation Commission finds that the following budget amendment is necessary:

	<u>Adopted Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>	
Personal Services	\$4,756,573	(\$ 80,000)	\$4,676,573	
Materials & Services	\$1,725,623	\$ 80,000	\$1,805,623	"

BE IT THEREFORE RESOLVED that the Metropolitan Exposition-Recreation Commission here-by approves the above budget amendment and submits it to the Metro Council under the Metro Code provisions applicable to FY 1996-97.

Passed by the Commission on March 22, 1997.

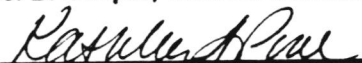


Chair



Secretary-Treasurer

Approved as to Form:
Daniel B. Cooper, General Counsel

By: 
Kathleen Pool, Assistant Counsel

MERC STAFF REPORT

Agenda Item/Issue: Approval of amendment to the FY 1996-97 budget for the PCPA (Spectator Facilities Fund).

Resolution No. 97-09

Date: March 14, 1997

Presented by: Norman Kraft

Background and Analysis: This \$80,000 budget amendment is anticipated to be necessary to prevent an over-expenditure of Material & Services appropriations by year-end. There is the expectation that Concessions expenditures will exceed its line-item appropriation thereby causing an over-expenditure of Material & Services for the following reasons:

1. The revenue and expenditure forecast for the FY 1996-97 budget was prepared in October and November of 1995. The new contract concessionaire had just begun operation in July of 1995; thus their revenue and expenditure projections were based on available historical gross sales information rather than from their actual operational experience.
2. Due to a combination of a new operator and their capital investment for improvements to the various buildings, we have seen the per capita sales rise to some degree for various events and or promoters. Although FY 1995-96 was a banner year, the PCPA is experiencing a 10% decline in attendance this fiscal year, we are experiencing only a 5% decline in concessions sales. It is our estimate that gross concessions sales will exceed budget by approximately \$40,000 and that increase equates to an approximate additional cost of \$36,000 in Concessions expenditures that was not budgeted..
3. In addition to the points above, there have been unanticipated increases in payroll costs because of the increase in the minimum wage effective January 1, 1997 and other operational costs.

Based on the stated factors it is necessary to move \$80,000 from Personal Services to Material and Services to prevent an over-expenditure.

Fiscal Impact: The movement of \$80,000 of Personal Services appropriation to Material and Services has no impact on total appropriations and will have a small impact on the bottom line cash flow. It is necessary to move this appropriation to avoid an over-expenditure of budget, which is a violation of Oregon Budget Law.

	Balance Prior to Change	Additions	Deletions	Balance Adjusted
<u>Expenditures</u>				
Personal Services-	4,756,573	0	(80,000)	4,676,573
Wages-Reimb.-PT	2,236,666	0	(60,000)	2,176,666
Fringe Benefits	904,723	0	(20,000)	884,723
Material & Services -	1,725,623	0	80,000	1,805,623
Concessions	600,975	0	80,000	680,975

Recommendation: Staff recommends that the Commission approve the revised and amended FY 1996-1997 Budget for the PCPA.

Agenda Item Number 6.4

Ordinance No. 97-695, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule by transferring \$23,500 from Materials and Services to Capital Outlay in the MERC Administration Fund to provide for unanticipated capital expenditures; and Declaring an Emergency.

First Reading

Metro Council Meeting
Thursday, May 8, 1997
Council Chamber

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1996-97)
BUDGET AND APPROPRIATIONS)
SCHEDULE BY TRANSFERRING \$23,500)
FROM MATERIALS AND SERVICES TO)
CAPITAL OUTLAY IN THE MERC)
ADMINISTRATION FUND TO PROVIDE FOR)
UNANTICIPATED CAPITAL EXPENDITURES,)
AND DECLARING AN EMERGENCY)

ORDINANCE NO. 97-695

Introduced by Councilor
Ruth McFarland

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations with the FY 1996-97 Budget; and

WHEREAS, The need for a transfer 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 1996-97 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 transferring \$23,500 from the MERC Administration Fund materials and services appropriation to capital outlay for the purpose of providing funds for purchase of computer equipment and other auxiliary purchases.

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 _____, 1997.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

**Exhibit A
Ordinance No. 97-695**

Metro ERC Administration Fund

ACCT #	DESCRIPTION	FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Total Personal Services		7.70	495,569	0.00	0	7.70	495,569		
<u>Materials & Services</u>									
521100	Office Supplies		9,340		0		9,340		
521110	Computer Supplies		7,300		(7,300)		0		
521290	Other Supplies		430		0		430		
521292	Small Tools		374		0		374		
521310	Subscriptions		380		0		380		
521320	Dues		1,365		0		1,365		
521540	Maint. & Repairs Supplies-Equipment		360		0		360		
524120	Legal Fees		0		0		0		
524130	Promotion/Public Relations Services		0		0		0		
524190	Misc. Professional Services		17,800		0		17,800		
525640	Maint. & Repairs Services-Equipment		43,600		(16,200)		27,400		
525710	Equipment Rental		7,870		0		7,870		
525720	Building Rental		0		0		0		
526200	Ads & Legal Notices		832		0		832		
526310	Printing Services		4,940		0		4,940		
526320	Typesetting & Reprographics		500		0		500		
526410	Telephone		500		0		500		
526420	Postage		0		0		0		
526430	Catalogues & Brochures		1,040		0		1,040		
526440	Delivery Services		15,500		0		15,500		
526420	Postage		3,895		0		3,895		
526500	Travel		6,160		0		6,160		
526700	Purchased Labor		8,500		0		8,500		
526800	Training, Tuition, Conferences		16,465		0		16,465		
529500	Meeting Expenditures		7,000		0		7,000		
529800	Miscellaneous		1,040		0		1,040		
529835	External Promotions Expense		1,400		0		1,400		
Total Materials & Services			156,591		(23,500)		133,091		
<u>Capital Outlay</u>									
571500	Purchases-Office Furniture and Equipment		34,800		23,500		58,300		
Total Capital Outlay			34,800		23,500		58,300		
Total Contingency and Unappropriated Balance			32,643		0		32,643		
TOTAL REQUIREMENTS		7.70	719,603	0.00	0	7.70	719,603		

Exhibit B
Ordinance No. 97-695
FY 1996-97 SCHEDULE OF APPROPRIATIONS

	Current Budget	Revision	Proposed Budget
METRO ERC ADMINISTRATION FUND			
Personal Services	\$495,569	\$0	\$495,569
Materials & Services	156,591	(23,500)	133,091
Capital Outlay	34,800	23,500	58,300
Contingency	32,643	0	32,643
Total Fund Requirements	\$719,603	\$0	\$719,603

ALL OTHER APPROPRIATIONS REMAIN AS ADOPTED

STAFF REPORT

CONSIDERATION OF ORDINANCE 97-695 AMENDING THE FY 1996-97 BUDGET AND APPROPRIATIONS SCHEDULE BY TRANSFERRING \$23,500 FROM MATERIALS AND SERVICES TO CAPITAL OUTLAY IN THE MERC ADMINISTRATION FUND TO PROVIDE FOR UNANTICIPATED CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY.

Date: April 23, 1997

Presented by: Mark Williams
Norman Kraft

FACTUAL BACKGROUND AND ANALYSIS

On March 22, 1997, the Metropolitan Exposition-Recreation Commission (MERC) passed Resolution No. 97-11 authorizing adjustments to the budget appropriations of the MERC Administration Fund. The resolution is attached for reference.

This budget adjustment moves appropriations from the materials and services portion of the budget to capital outlay. The adjustment is necessary because when the budget was prepared for this fund it was anticipated that the expenditures for the computer upgrades planned within the budget would be partially expended from materials and services and partially from capital outlay. When the equipment was purchased, certain pieces of software and auxiliary equipment were considered capital items and therefore had to be purchased from capital outlay. This caused the capital outlay portion of this budget to be over appropriations. If, at the end of the fiscal year, this budget were found to be over appropriations, it would be a violation of Oregon Budget Law.

The action requested of the Council prevents this violation.

FISCAL IMPACT

The requested budget adjustment of \$23,500 is reflected below:

	Current Budget	Adjustment	Revised Budget
MERC Administration Fund			
Personal Services	\$495,569		\$495,569
Materials & Services	156,591	(23,500)	133,091
Capital Outlay	34,800	23,500	58,300
Contingency	32,643		32,643
Total Fund Expenditures	\$719,603	0	\$719,603

METROPOLITAN EXPOSITION-RECREATION COMMISSION
Resolution No. 97-11

Authorizing a budget amendment to the FY 1996-97 Adopted Budget for the MERC Administration Fund related to an anticipated over-expenditure of Capital Outlay expenditures.

The Metropolitan Exposition-Recreation Commission finds that the following budget amendment is necessary:

	<u>Adopted Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>
Materials & Services	\$ 156,591	\$(23,500)	\$ 133,091
Capital Outlay	\$ 34,800	\$ 23,500	\$ 58,300

BE IT THEREFORE RESOLVED that the Metropolitan Exposition-Recreation Commission here-by approves the above budget amendment and submits it to the Metro Council under the Metro Code provisions applicable to FY 1996-97.

Passed by the Commission on March 22, 1997.

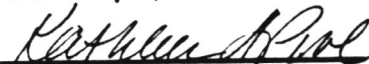


Chair



Secretary-Treasurer

Approved as to Form:
Daniel B. Cooper, General Counsel

By: 
Kathleen Pool, Assistant Counsel

MERC STAFF REPORT

Agenda Item/Issue: Approval of amendment to the FY 1996-97 budget for MERC Administration.

Resolution No. 97-11

Date: March 14, 1997

Presented by: Norman Kraft

Background and Analysis: This \$23,500 budget amendment is anticipated to be necessary to prevent an over-expenditure of Capital Outlay appropriations by year-end. The total costs of the Computer Upgrade Project have not been posted yet but MERC Administration has exceeded their appropriations in Capital Outlay. The over-expenditure was due to the following:

- Software costs for the project were budgeted as part of Material & Services appropriations, however once the project began there was a decision to capitalize the costs. Thereby creating a need to move the appropriations to where the costs have been recorded.
- There was approximately \$7,200 in a one time fee to upgrade the support costs for the Alpha hardware to a three year maintenance agreement that was not anticipated when the budget for the project was assembled. This one time fee replaces annual support costs of approximately \$27,000 for three years.
- The original proposal called for a PC with a 16 Bit memory capacity and the PC that was accepted had a 32 Bit capacity. This additional memory capability plus additional expenses for network cards, printer cards and cables accounted for approximately \$3,000 in additional costs.
- Another primary cost factor was in additional hardware costs that were not anticipated as part of the MERC Administration network costs. This equipment included such items as repeaters and modems.
- There is also approximately \$3,000 built into this transfer to allow for additional unforeseen costs before this project is completed.

The appropriation transfers will come from two line-items within Materials & Services, \$7,300 from Computer Software and \$16,200 from Maintenance & Repair Services - Equipment. The reason for choosing these two line-items are contained in the above issues causing the over-expenditure.

Fiscal Impact: The movement of \$23,500 of Material and Services appropriations to Capital Outlay has no impact on total appropriations. It is necessary to move this appropriation to avoid an over-expenditure of budget, which is a violation of Oregon Budget Law.

MERC STAF REPORT
Resolution 97-11
Page 2

	<u>Balance</u> <u>Prior to Change</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance</u> <u>Adjusted</u>
<u>Expenditures</u>				
Material & Services:	156,591	0	(23,500)	133,091
Computer Software:	7,300	0	(7,300)	0
Maint. & Repair-Srvcs	43,600	0	(16,200)	27,400
Capital Outlay	34,800	0	23,500	58,300
Office F & F	34,800	0	23,500	58,300

Recommendation: Staff recommends that the Commission approve the revised and amended FY 1996-1997 Budget for MERC Administration.

Ordinance No. 97-697, Amending the FY 1996-97 Budget and Appropriations Schedule Transferring \$3,000,000 from Open Spaces Fund and Transferring \$7,000 from Smith Bybee Contingency to Personal Services in the Smith and Bybee Lakes Fund and Transferring \$34,600 from the Regional Parks and Expo Fund Contingency to Personal Services in the Regional Parks and Greenspaces Department to Provide for Unanticipated Expenditures; and Declaring an Emergency.

First Reading

**Metro Council Meeting
Thursday, May 8, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1996-97)
BUDGET AND APPROPRIATIONS SCHEDULE BY)
TRANSFERRING \$3,000,000 FROM OPEN SPACES)
FUND CONTINGENCY TO CAPITAL OUTLAY IN)
THE OPEN SPACES FUND, TRANSFERRING)
\$7,000 FROM SMITH AND BYBEE LAKES TRUST)
FUND CONTINGENCY TO PERSONAL SERVICES)
IN SMITH AND BYBEE LAKES TRUST FUND, AND)
TRANSFERRING \$34,600 FROM THE REGIONAL)
PARKS AND EXPO FUND CONTINGENCY TO)
PERSONAL SERVICES IN THE REGIONAL PARKS)
AND GREENSPACES DEPARTMENT TO PROVIDE)
FUNDING FOR UNANTICIPATED EXPENDITURES;)
AND DECLARING AN EMERGENCY.)

ORDINANCE NO. 97-697

Introduced by
Mike Burton, Executive Officer

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations within the FY 1996-97 budget; and

WHEREAS, The need for the transfer has been justified; and

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

THE METRO COUNCIL HEREBY ORDAINS:

1. That the FY 1996-97 Budget and Schedule of Appropriations are hereby amended as shown in Exhibit A for the purpose of transferring \$3,000,000 from Open Spaces Fund Contingency to Capital Outlay for potential land acquisitions, and transferring \$7,000 from Smith and Bybee Lakes Trust Fund Contingency to Personal Services of the Smith and Bybee Lakes Trust Fund for fringe benefit costs, and transferring \$34,600 from the Regional Parks and Expo Fund Contingency to Personal Services in the Regional Parks and Greenspaces Department for costs associated with the departure of a division manager.

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 the Oregon Budget Law; an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this ____ day of _____, 1997.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

DS:rs

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Exhibit A
Ordinance No. 97-697

Regional Parks and Expo Fund

ACCT #	DESCRIPTION	CURRENT BUDGET		Revision		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Greenspaces Department							
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Director	0.75	55,322	0.00	0	0.75	55,322
	Manager	2.00	119,172	0.00	28,000	2.00	147,172
	Senior Service Supervisor	4.00	168,414	0.00	0	4.00	168,414
	Senior Admin Services Analyst	0.25	12,263	0.00	0	0.25	12,263
	Program Supervisor		0		0		0
	Senior Regional Planner	1.00	54,847	0.00	0	1.00	54,847
	Associate Regional Planner	3.50	150,761	0.00	0	3.50	150,761
	Assistant Regional Planner	1.00	40,584	0.00	0	1.00	40,584
	Assistant Management Analyst	0.75	27,907	0.00	0	0.75	27,907
	Administrative Assistant	1.00	36,980	0.00	0	1.00	36,980
	Program Coordinator	2.00	82,328	0.00	0	2.00	82,328
511125	SALARIES-REGULAR EMPLOYEES (PART time)						
	Senior Regional Planner		0		0		0
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary		0		0		0
	Receptionist	1.00	19,859	0.00	0	1.00	19,859
	Secretary	1.00	27,855	0.00	0	1.00	27,855
	Program Assistant 2	2.00	55,007	0.00	0	2.00	55,007
511225	WAGES-REGULAR EMPLOYEES (part time)						
	Receptionist		0		0		0
	Program Assistant 2		0		0		0
511231	W Intergovernmental Revenue						
	Temporary Support		0		0		0
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Temporary Support	0.00	0	0.00	0	0.00	0
	Park Workers	13.73	215,013	0.00	0	13.73	215,013
	Park Rangers	1.50	25,057	0.00	0	1.50	25,057
	Clerical Assistance	0.50	7,830	0.00	0	0.50	7,830
	Program Assistance	0.50	9,396	0.00	0	0.50	9,396
	Rafting guides	0.25	6,853	0.00	0	0.25	6,853
511321	WAGES-REGULAR EMPLOYEES-REPRESENTED 483 (full time)						
	Arborist	1.00	39,213	0.00	0	1.00	39,213
	Senior Gardener	1.00	39,213	0.00	0	1.00	39,213
	Gardener 1	1.00	32,844	0.00	0	1.00	32,844
	Park Ranger	10.00	345,980	0.00	0	10.00	345,980
511400	OVERTIME		13,367		0		13,367
511500	PREMIUM PAY		2,716		0		2,716
512000	FRINGE		455,622		6,600		462,222
Total Personal Services		49.73	2,044,403	0.00	34,600	49.73	2,079,003
Total Materials & Services			1,529,748		0		1,529,748

Exhibit A
Ordinance No. 97-697

Regional Parks and Expo Fund

FISCAL YEAR 1996-97		CURRENT BUDGET		Revision		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
	Total Capital Outlay		1,902,250		0		1,902,250
	Total Parks and Greenspaces	49.73	5,476,401	0.00	34,600	49.73	5,511,001
	Total Expo Center	21.03	15,394,388	0.00	0	21.03	15,394,388
	General Expenses						
	Total Interfund Transfers		763,415		0		763,415
	Contingency and Unappropriated Balance						
599999	Contingency						
	* Undesignated		488,253		(34,600)		453,653
	* Open Spaces Bonds		0		0		0
599990	Unappropriated Balance		0		0		0
	* Undesignated		835,822		0		835,822
	* Restricted (Natural Areas Fund)		1,032,660		0		1,032,660
	* Renewal & Replacement		0		0		0
	Total Contingency and Unappropriated Balance		2,356,735		(34,600)		2,322,135
TOTAL FUND REQUIREMENTS		70.76	23,990,939	0.00	0	70.76	23,990,939

Exhibit A
Ordinance No. 97-697

Smith and Bybee Lakes Trust Fund

ACCT #	FISCAL YEAR 1996-97 DESCRIPTION	CURRENT BUDGET		Revision		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEE (full time)						
	Senior Regional Planner		0	0.00	0		0
	Program Coordinator		0	0.00	0		0
	Associate Regional Planner	1.00	40,898	0.00	0	1.00	40,898
511225	WAGES - REGULAR EMPLOYEES - (part time)						
	Planning Technician		0	0.00	0		0
	Program Assistant 2		0	0.00	0		0
511235	WAGES - TEMPORARY EMPLOYEES - (part time)						
	Planning Technician		0	0.00	0		0
	Program Assistant 2	0.50	13,702	0.00	0	0.50	13,702
511400	OVERTIME		0	0.00	0		0
512000	FRINGE		13,669	0.00	7,000		20,669
	Service Reimbursement-Workers' Compensation		0	0.00	0		0
Total Personal Services		1.50	68,269	0.00	7,000	1.50	75,269
Total Materials & Services			166,114		0		166,114
Total Capital Outlay			131,190		0		131,190
Total Interfund Transfers			44,324		0		44,324
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		46,068		(7,000)		39,068
599990	Unappropriated Balance		2,589,235		0		2,589,235
Total Contingency & Unapp. Balance			2,635,303		(7,000)		2,628,303
TOTAL REQUIREMENTS		1.50	3,045,200	0.00	0	1.50	3,045,200

Exhibit A
Ordinance No. 97-697

Open Spaces Fund

FISCAL YEAR 1996-97		CURRENT BUDGET		Revision		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Open Spaces Total							
	Total Personal Services	16.50	1,084,749	0.00	0	16.50	1,084,749
	Total Materials & Services		19,104,785		0		19,104,785
	<u>Capital Outlay</u>						
571100	Purchases - Land		17,798,016		3,000,000		20,798,016
571500	Office Equipment		5,000		0		5,000
574510	Construction Work-Other Improvements		800,000		0		800,000
	Total Capital Outlay		18,603,016		3,000,000		21,603,016
	Total Interfund Transfers		2,361,624		0		2,361,624
	<u>Contingency & Unapp. Balance</u>						
599999	Contingency		39,976,122		(3,000,000)		36,976,122
599990	Unappropriated Balance		42,525,102		0		42,525,102
	Total Contingency & Unapp. Balance		82,501,224		(3,000,000)		79,501,224
TOTAL REQUIREMENTS		16.50	123,655,398	0.00	0	16.50	123,655,398

Exhibit B
Ordinance No. 97-697
FY 1996-97 SCHEDULE OF APPROPRIATIONS

	Current Budget	Revision	Proposed Budget
REGIONAL PARKS AND EXPO FUND			
Regional Parks and Greenspaces			
Personal Services	\$2,044,403	34,600	\$2,079,003
Materials & Services	1,529,748	0	1,529,748
Capital Outlay	1,902,250	0	1,902,250
Subtotal	<u>5,476,401</u>	<u>34,600</u>	<u>5,511,001</u>
Expo Center			
Personal Services	836,787	0	836,787
Materials & Services	2,197,101	0	2,197,101
Debt Service	150,000	0	150,000
Capital Outlay	12,210,500	0	12,210,500
Subtotal	<u>15,394,388</u>	<u>0</u>	<u>15,394,388</u>
General Expenses			
Interfund Transfers	763,415	0	763,415
Contingency	488,253	(34,600)	453,653
Subtotal	<u>1,251,668</u>	<u>(34,600)</u>	<u>1,217,068</u>
Unappropriated Balance	1,868,482	0	1,868,482
Total Fund Requirements	\$23,990,939	\$0	\$23,990,939
SMITH AND BYBEE LAKES TRUST FUND			
Personal Services	\$68,269	7,000	\$75,269
Materials & Services	166,114	0	166,114
Capital Outlay	131,190	0	131,190
Interfund Transfers	44,324	0	44,324
Contingency	46,068	(7,000)	39,068
Unappropriated Balance	2,589,235	0	2,589,235
Total Fund Requirements	\$3,045,200	\$0	\$3,045,200
OPEN SPACES FUND			
Personal Services	\$1,084,749	0	\$1,084,749
Materials & Services	19,104,785	0	19,104,785
Capital Outlay	18,603,016	3,000,000	21,603,016
Interfund Transfers	2,361,624	0	2,361,624
Contingency	39,976,122	(3,000,000)	36,976,122
Unappropriated Balance	42,525,102	0	42,525,102
Total Fund Requirements	\$123,655,398	\$0	\$123,655,398

ALL OTHER APPROPRIATIONS REMAIN AS ADOPTED

STAFF REPORT

IN CONSIDERATION OF ORDINANCE 97-697 AMENDING THE FY 1996-97 BUDGET AND APPROPRIATIONS SCHEDULE BY TRANSFERRING \$3,000,000 FROM OPEN SPACES FUND CONTINGENCY TO CAPITAL OUTLAY IN THE OPEN SPACES FUND, TRANSFERRING \$7,000 FROM SMITH AND BYBEE LAKES TRUST FUND CONTINGENCY TO PERSONAL SERVICES IN THE SMITH AND BYBEE LAKES TRUST FUND, AND TRANSFERRING \$34,600 FROM THE REGIONAL PARKS AND EXPO FUND CONTINGENCY TO PERSONAL SERVICES IN THE REGIONAL PARKS AND GREENSPACES DEPARTMENT TO PROVIDE FUNDING FOR UNANTICIPATED EXPENDITURES; AND DECLARING AN EMERGENCY.

Date: April 23, 1997

Presented by: Charles Ciecko
Karen Feher

FACTUAL BACKGROUND AND ANALYSIS

Open Spaces Fund:

Property purchases have proceeded at a faster pace than budgeted. This fund has carried a high contingency to accommodate such an occurrence. To date, over \$14,000,000 of the originally budgeted \$17,708,016 has been expended from this fund for land purchases. More than \$2.4 million in properties are currently under negotiation leaving an unacceptably low balance available to purchase land. This action would transfer \$3,000,000 from Contingency to Capital Outlay, Land Purchases to cover potential transactions.

350 219110 571100	Capital Outlay Land Purchases	\$3,000,000
350 219110 599999	Contingency	(\$3,000,000)

Smith and Bybee Lakes Trust Fund:

During the preparation of the FY 1996-97 budget, an error was made in calculating the fringe rate for the one full-time position financed through this fund. A 25% fringe rate was used when a 40% fringe rate should have been used. This action is to correct that error by transferring \$7,000 from Smith and Bybee Lakes Trust Fund Contingency to Smith and Bybee Lakes Trust Fund Personal Services fringe as follows:

761 411000 512000	Fringe	\$7,000
761 411000 599999	Contingency	(\$7,000)

Regional Parks and Greenspaces Fund, Planning and Capital Development Division:

The division manager of the Planning and Capital Development division left Metro April 15, 1997. Because the Department has budgeted tightly and has not experienced other staff turnover, a transfer from Contingency to Personal Services is necessary to

cover costs associated with the manager's departure and filling the position on a temporary basis.

160 215100 511121	Salaries	\$28,000
160 215100 520000	Fringe	6,600
160 215100 599999	Contingency	(\$34,600)

EXECUTIVE OFFICER'S RECOMMENDATION:

The Executive Officer recommends adoption of Ordinance No. 97-697.

KF:DS:rs

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Agenda Item Number 7.1

Resolution No. 97-2437, For the Purpose of Approving Changes in Composition for the Metro Policy Advisory Committee and Revising the Bylaws to reflect the change.

**Metro Council Meeting
Thursday, May 8, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING A)	RESOLUTION NO 97-2437
CHANGE OF COMPOSITION AND)	
REVISING THE BYLAWS FOR)	Introduced by Mike Burton,
METRO POLICY ADVISORY)	Executive Officer
COMMITTEE)	

WHEREAS, Metro has consistently sought partnership with cities, counties, and citizens in the region in its regional planning program; and

WHEREAS, That partnership has been described since September, 1991 in Goal I of Metro's Regional urban Growth Goals and Objectives which were acknowledged on December 9, 1996; and

WHEREAS, Implementation of that partnership was intended to occur, in large part, through the creation of an ongoing Metro Policy Advisory Committee (MPAC) required by Section 27 of the Metro Charter to advise and recommend actions to the Metro Council on ways to address areas and activities of metropolitan significance;

WHEREAS, A change in the membership composition of MPAC is authorized by Section 27(2) of the 1992 Metro Charter, when approved by a majority of MPAC members and a majority of all Metro Councilors; now, therefore,

BE IT RESOLVED:

That the Metro Council hereby concurs with the majority of the members of MPAC that the membership of MPAC shall include the following additional member:

One (1) representative and one (1) alternate of a governing body of a school district within the Metro region; and

The Bylaws will be amended as outlined in Attachment A, to reflect the addition of representation from the governing bodies of the school districts in the territory of the Metro region.

ADOPTED by the Metro Council this ___ day of _____, 1997.

Jon Kvistad
Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

MPAC Bylaws
Article III
Committee Membership

Section 1. Membership

a. The Committee will be made up of representatives of the following:

Multnomah County	1
Second Largest City in Multnomah County	1
Other Cities in Multnomah County	1
Special District in Multnomah County	1
City of Portland	2
Clackamas County Commission	1
Largest City in Clackamas County	1
Other Cities in Clackamas County	1
Special District in Clackamas County	1
Washington County Commission	1
Largest City in Washington County	1
Other Cities in Washington County	1
Special District in Washington County	1
Tri-Met	1
<u>Governing body of a school district within the Metro region</u>	<u>1</u>
Citizens of Metro	3
State Agency Growth Council	1
Clack County	1
City of Vancouver	1
Total	22

b. Members representing jurisdictions shall be appointed from among members of the governing body. All jurisdictions represented by members, including cities within each county, shall have territory within Metro boundaries.

c. Alternates qualified to be members shall be appointed to serve in the absence of the regular members.

d. Metro Councilors will participate with the Committee membership with three non-voting liaison delegates appointed by the Metro Council.

e. Clack County, Washington, and City of Vancouver, Washington membership includes all duties of MPAC except approving or disapproving authorization for Metro to provide or regulate a local service, as defined in Charter section 7(2), in those cases in which Metro does not seek or secure such approval directly from the voters.

- f. The composition of the MPAC may be changed at any time by a vote of both a majority of the MPAC members and a majority of all Metro Councilors (Section 27 (2)).

Section 2. Appointment of Members and Alternates

- a. Members and alternates will be initially appointed to serve for two years. Members and alternates from the City of Portland, the counties of Multnomah, Clackamas, and Washington, and the largest cities of Multnomah Clackamas, and Washington Counties, excluding Portland, shall be appointed by the jurisdiction. Members and alternates may be removed by the appointing jurisdiction at any time.
- b. Members and alternates from the cities of Multnomah, Clackamas, and Washington Counties, excluding Portland and the remaining largest city from each county will be appointed jointly by the governing bodies of those cities represented. The member and alternate will be from different jurisdictions. The member and alternate will serve two-year terms unless other action is taken by the appointing authority. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.
- c. Members and alternates from the special districts with territory in Multnomah, Clackamas, and Washington Counties will be appointed by special district caucus. The member and alternate will serve two-year terms unless other action is taken by the appointing authority. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.
- d. Metro Council delegates will be appointed by the Presiding Officer of the Metro Council and will represent each county in the region. The delegates may be removed by the Presiding Officer of the Metro Council at any time.
- e. Members and alternates representing citizens will be appointed by the Metro Executive Officer and confirmed by the Metro Council consistent with Section 27 (1) (m) of the 1992 Metro Charter.
- f. Members and alternates from the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) will be appointed by the governing body of that District. The member and alternate will serve until removed by the governing body.
- g. Members and alternates from the State Agency Growth Council will be chosen by the Chairperson of that body. The member and alternate may be removed by the Chairperson at any time.
- h. The member and alternate from the school boards in the Metro Region will be appointed by a caucus or organization of school boards from districts within the Metro region. If there is no caucus or organization of school boards within the region, the Executive Officer will facilitate the appointment by the school boards. The member and alternate will serve two-year terms unless other action is taken by the appointing authority. The member and alternate will be from different school districts in the Metro Region. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 97-2437 FOR THE PURPOSE OF APPROVING A CHANGE OF COMPOSITION FOR THE METRO POLICY ADVISORY COMMITTEE AND REVISING THE BYLAWS TO REFLECT THE CHANGE

Dated: March 27, 1997

FACTUAL BACKGROUND AND INFORMATION

The Metro Policy Advisory Committee (MPAC) is an advisory committee created by Section 27 of the 1992 Metro Charter. MPAC is comprised of a representative body of the elected officials in the Metro area that advises Metro Council on regional planning issues as outlined in the Bylaws.

Last October representatives of the superintendents of the school districts made a presentation before MPAC about the concerns and needs they have for planning in the region. It became apparent that it would be valuable to regional planning to include an elected school board member on MPAC. The representative on MPAC would provide the unique perspective and insight of the school districts in developing the region's future.

The unanimous vote for approval of the modification for the change to the Bylaws by the MPAC membership took place at their meeting on March 26, 1997 after the required 30 day written notice. They voted to recommend to Council to adopt this resolution and to emphasize the importance of adding a school board representative to MPACs composition.

PROPOSED ACTION

The resolution seeks to modify the membership of MPAC to include a representative and alternate from the School Boards within the Metro region and to modify the Bylaws to define the additional member.

There are no implications to the Metro budget as a result of this resolution.

Agenda Item Number 7.2

Resolution No. 97-2502, For the Purpose of Approving the Selection of Hearings Officers for Contested Case Hearings.

**Metro Council Meeting
Thursday May 8, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING) RESOLUTION NO 97-2502
THE SELECTION OF HEARINGS)
OFFICERS FOR CONTESTED CASE) Introduced by Councilor
HEARINGS) Susan McLain

WHEREAS, Section 2.05.025(a) of the Metro Code requires that contested case hearings and amendments to the Regional Urban Growth Boundary ("UGB") shall be held before a Hearings Officer; and

WHEREAS, Metro also utilizes the services of Hearings Officers in other cases when contested case hearings must be held pursuant to the Metro Code; and

WHEREAS, The Council may from time to time approve and provide to the Executive Officer a list of prospective Hearings Officers from which Hearings Officers may be appointed by the Executive Officer; and

WHEREAS The Council last authorized the issuance of a Request for Proposals for Hearings Officer services in 1993; and

WHEREAS, Three qualified responses were received, but only one designated Hearings Officer has been available for UGB hearings; and

WHEREAS, The only available Hearings Officer has an employment relationship with the applicant for a locational adjustment ready to be scheduled for hearing; and

WHEREAS, The Council seeks the availability of alternative Hearings Officers for easier scheduling and avoiding any appearance of a conflict of interest; now, therefore,

BE IT RESOLVED THAT:

A. Pursuant to Metro Code Section 2.05.025(a), Richard Forester and Michael Holstun are designated as approved Hearings Officers.

B. The Executive Officer is authorized to enter into contracts with Richard Forester and Michael Holstun at the same rates and in a form substantially similar to the existing contract with Larry Epstein.

ADOPTED by the Metro Council this ____ day of _____ 1997.

Jon Kvistad, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

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STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 97-2502, FOR THE PURPOSE OF APPROVING THE SELECTION OF HEARINGS OFFICERS FOR CONTESTED CASE HEARINGS

Date, April 30, 1997

BACKGROUND

As the resolution states, Metro has sought hearings officers with land use experience for its Urban Growth Boundary amendments. Metro's current situation results from by a Request For Proposals process that yielded three qualified applicants who signed "as needed" contracts. Two of the three took positions that put them in conflict with Metro hearings officer work. Metro therefore proceeded for several years with just one hearings officer.

One pending UGB application, the West Linn locational adjustment, cannot be done by the one contracted hearings officer. Office of General Counsel contacted three experienced land use hearings officers about work on Metro UGB hearings in general, and on this case in particular. Two of these attorneys have verbally agreed to sign "as needed" contracts with Metro at the current hearings officers "government" rate of \$90 per hour.

Each of these attorneys is experienced in land use and in acting as a hearing officer in land use cases. The Office of General Counsel recommends entering into "as needed" agreements now to increase scheduling alternatives and avoid emergency conflict situations for UGB hearings. A Request For Proposals to further expand and update a list of qualified land use hearings officers will be undertaken by the Office of General Counsel during the next fiscal year.

RECOMMENDATION

Counselor McLain recommends council approval of this resolution.

Agenda Item Number 7.3

**Resolution No. 97-2506, For the Purpose of Waiver of the Filing Deadline for the Chamberlain Petition
for an Urban Growth Boundary Locational Adjustment.**

**Metro Council Meeting
Thursday, May 8, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF WAIVER OF) RESOLUTION NO 97-2506
THE FILING DEADLINE FOR THE)
CHAMBERLAIN PETITION FOR AN) Introduced by Councilor McLain
URBAN GROWTH BOUNDARY)
LOCATIONAL ADJUSTMENT)

WHEREAS, the Metro Code establishes the deadline for filing petitions for individual amendments of the Urban Growth Boundary (UGB) as May 15 of each calendar year; and

WHEREAS, a petition for locational adjustment was received from Joseph Chamberlain on March 14, 1997, and that application was still incomplete on April 3, 1997, the deadline for final completion of all such applications; and

WHEREAS, the petition now seems to be complete except for the required recommendation by Washington County; and

WHEREAS, the application involves land in the area of the Taylor Industrial Park adjacent to the City of Forest Grove; and

WHEREAS, the Metro Code 3.01.033(d) provides as follows: "Upon request by a councilor or the executive officer, the council may, by an affirmative vote of two-thirds of the full council, waive the filing deadline for a particular petitioner or petitions . . . Such waiver shall not waive any other requirement of this chapter"; and

WHEREAS, the Executive Officer has taken no position on this matter; and

WHEREAS, granting the waiver indicates no position as to the merits of this issue; now, therefore,

BE IT RESOLVED:

1. That Mr. Chamberlain be permitted to complete the application for a locational adjustment in the vicinity of the Taylor Industrial Park; and
2. That upon completion of the petition, a hearings officer be assigned for completion of review of this locational adjustment petition.

ADOPTED by the Metro Council this ____ day of _____ 1997.

Jon Kvistad, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

LSS:kaj
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4/30/97

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 97-2506, FOR THE PURPOSE OF WAIVER OF THE FILING DEADLINE FOR THE CHAMBERLAIN PETITION FOR AN URBAN GROWTH BOUNDARY LOCATIONAL ADJUSTMENT

DATE: May 1, 1997

PROPOSED ACTION

A waiver of the deadline for filing a UGB locational adjustment is being sought by a Metro Council member according to Metro code 3.01.33(d). Five votes are required to enact this resolution.

BACKGROUND

An Urban Growth Boundary amendment was filed with Metro on March 14, 1997, one day before the deadline, requesting that a 1.28 acre parcel be added to the UGB, adjacent to Forest Grove. Ray Valone, Senior Regional Planner in the Growth Management Department, has been handling this application. He describes the particulars as follows:

The proposal is to swap 1.13 acres of land (Parcel 1 on map) the applicant claims is inside the UGB for 1.28 acres of land (Parcel 2 on map) outside the UGB. The Metro UGB map, however, shows both pieces of land to be outside the boundary. The City of Forest Grove agrees that the properties are both outside the line. Some of the confusion is due to the UGB line being defined by the 1974 Washington County floodplain elevation line (see attached map.) Both of the properties are zoned as EFU, though the applicant has indicated that the 1.13 acre piece is General Industrial.

The application was still incomplete on April 3, 1997, the deadline for final completion of all such applications. The City of Forest Grove has recommended approval of this petition. Washington County has not taken action on any recommendation. Such an action by the county is required to complete the application.

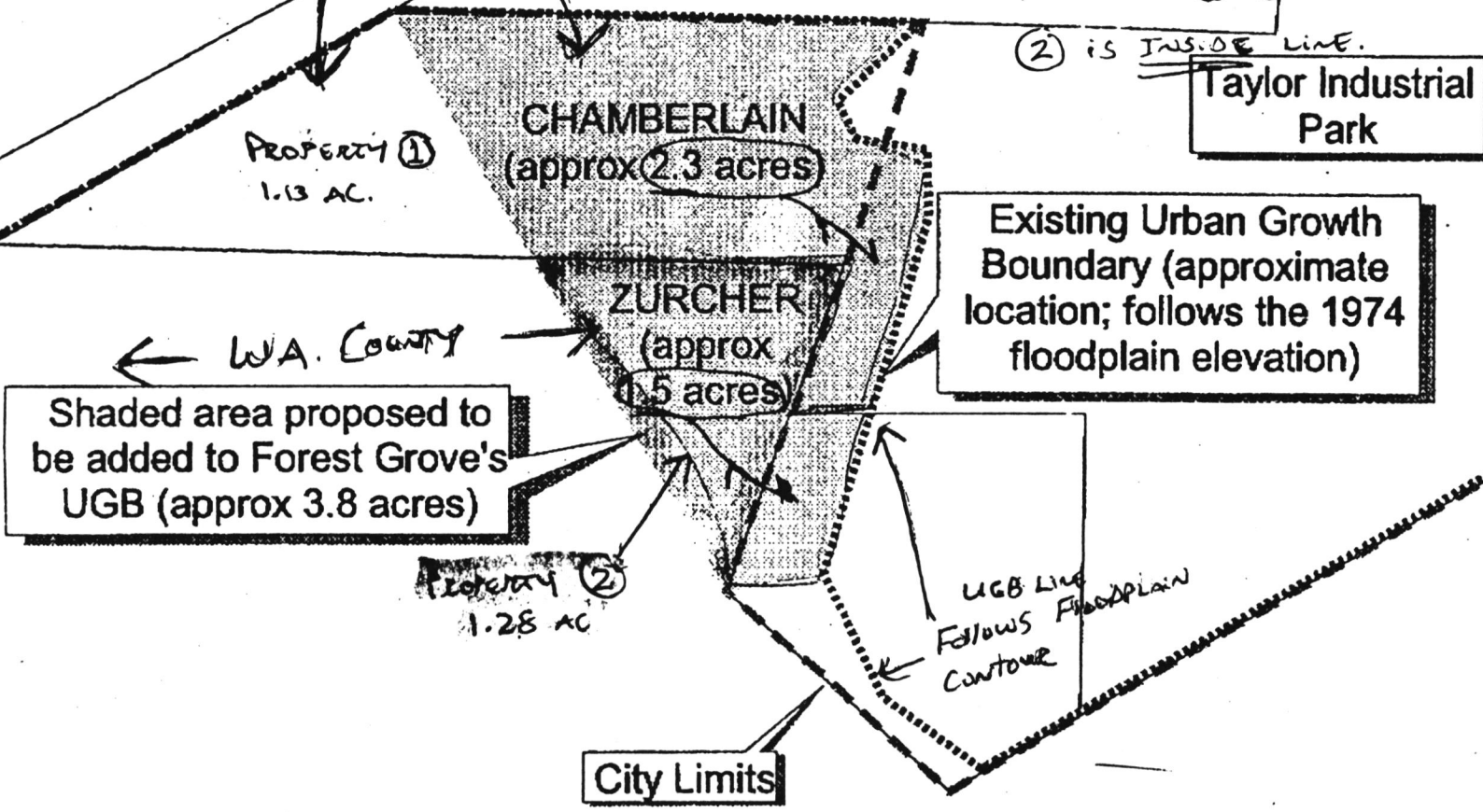
The Executive Officer has taken no position on this matter. Granting the waiver does not indicate a position as to the merits of the issue. If the request is not granted, the applicant will have to wait until March of 1998 to resubmit

Post-It® Location 7671
 To Ray Valone
 Co. Dept. Metro
 Phone # 797-1808
 Fax # 797-1211

Date 3-17-97 # of pages 2
 From Bob Tiernan
 Co. City of Forest Grove
 Phone # 359-3227
 Fax # 359-3207

WA County

NOTE: THIS MAP WAS SENT BY CITY OF FOREST GROVE AND REFLECTS STAFF UNDERSTANDING OF UGB LINE & WHAT AREAS (SHADED) ARE SUBJECT OF LOCATIONAL ADJUSTMENT. THE APPLICANT (JOE CHAMBERLAIN) CLAIMS PROPERTY ① IS OUTSIDE UGB AND PROPERTY ② IS INSIDE LINE.



Shaded area proposed to be added to Forest Grove's UGB (approx 3.8 acres)

Existing Urban Growth Boundary (approximate location; follows the 1974 floodplain elevation)

Taylor Industrial Park

City Limits

Inset Map of Locational Adjustment