

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING - REVISED
DATE: January 23, 1997
DAY: Thursday
TIME: 6:00 PM
PLACE: Council Chamber

<u>Approx. Time*</u>		<u>Presenter</u>
6:00 PM	CALL TO ORDER AND ROLL CALL	
(5 min.)	1. INTRODUCTIONS	
(5 min.)	2. CITIZEN COMMUNICATIONS	
(5 min.)	3. EXECUTIVE OFFICER COMMUNICATIONS	
(35 min.)	4. MCCI PRESENTATION	
	5. CONSENT AGENDA	
6:50 PM (5 min.)	5.1 Consideration of Minutes for the January 16, 1997 Metro Council Regular Meeting.	
	6. ORDINANCES - FIRST READING	
6:55 PM (5 min.)	6.1 Ordinance No. 97-676 , For the Purpose of Adopting the Regional Dumping Plan and Incorporating it into the Regional Solid Waste Management Plan.	
	7. ORDINANCES - SECOND READING	
7:00 PM (60 min.)	7.1 Ordinance No. 96-665 , For the Purpose of Coordinating Comprehensive Plans by Establishing an Urban Service Boundary.	Naito
	8. RESOLUTIONS	
8:00 PM (5 min.)	8.1 Resolution No. 96-2426 , For the Purpose of Adopting Policies for Coordination of City and County Comprehensive Plans.	Naito

8:05 PM (5 min.)	8.2	Resolution No. 96-2436A , For the Purpose of Endorsing the Statewide Advisory Committee Recommendations on the Oregon Transportation Initiative.	Washington
8:10 PM (5 min.)	8.3	Resolution No. 96-2442 , For the Purpose of Endorsing a Regional Position on Reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA).	Washington
8:15 PM (5 min.)	8.4	Resolution No. 96-2433 , For the Purpose of Adopting Metro Citizen Involvement Principles.	McLain
8:20 PM (5 min.)	8.5	Resolution No. 96-2432 , For the Purpose of Accepting Nominees to the Metro Committee for Citizen Involvement (MCCI).	McLain
8:25 PM (5 min.)	8.6	Resolution No. 97-2451A , For the Purpose of Adopting the Metro 1997 Oregon Legislative Principles and Priorities.	Naito
8:30 PM (10 min.)	9.	COUNCILOR COMMUNICATION	

ADJOURN

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Agenda Item Number 4.0

MCCI Presentation

**Metro Council Meeting
Thursday January 23, 1997
Council Chamber**

Agenda Item Number 5.1

Consideration of the January 16, 1997 Council Meeting Minutes

(Available January 22 upon request, please call Chris at 797-1542).

**Metro Council Meeting
Thursday January 23, 1997
Council Chamber**

MINUTES OF THE METRO COUNCIL MEETING

January 16, 1997

Council Chamber

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

Councilors Absent: None.

Presiding Officer Jon Kvistad called the meeting to order at 2:08 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Mike Burton briefed the Council on the Urban Services Boundary ordinance and resolution that would be before Council on January 23, 1997. He planned to include a detailed presentation at that meeting. At this meeting he reviewed what the process that the Council would be going through. Next week's meeting would be the final decision on determining the Urban Services Boundary in a dispute that had been going on for almost 12 years between the City of Beaverton and the City of Portland over an unincorporated area that lie between the two cities. Two things brought this dispute to this point, one was the filing of law suits that went to the Oregon Supreme Court. The Supreme Court said that where there were conflicts between comprehensive plans within the Metro boundary area, the resolution of those conflicts would be determined by the Metro Council. Secondly, the State passed Senate Bill 122 which required that the counties have an orderly withdrawal from providing those services in areas that were urbanizing. Washington County was going through that process in their 2000 plan, indicating that in the area of dispute they would be withdrawing the urban services from that area and that those services should be provided by other government cities or special districts.

A year ago, Mr. Burton convened meetings with Portland, Beaverton and special districts that service that area including Tualatin Valley Parks and Recreation, Fire Department, the United Service Agency, Sewer Agency and others to try and see if the conflict could be resolved. The result of that was the narrowing of a geographic line on the Urban Services Boundary. He reiterated that this was not an annexation issue. What had happened in the past when an Urban Services Boundary was determined, that became the line at which an annexation usually occurred. That would not be the action being taken by the Council if they should act on this .

recommendation. Mr. Burton recommended that the proposed Urban Services Boundary be drawn. That same recommendation had been before City Councils of both Beaverton and Portland and they had approved that recommendation. The cities would be coming before the Council agreeing that this would be where the Urban Services Boundary should lie. He noted the map in the Council Office indicating those areas he was referring to. He added that not everyone agreed to this line even though the jurisdictions agreed, there would be testimony next week from people with views different than the jurisdictions' views.

The final analysis of that line was drawn where Mr. Burton thought that Metro could best provide a line of differentiation for services and where Metro would not interfere with existing deed restrictions that might have existed at the time that there were plots or properties developed. The decision that the Council would be asked to make would be to make a decision as to where that boundary line should be and that was defined in the proposal. He reiterated that the jurisdictions had agreed to that line. If Council supported the proposal, it would allow those jurisdictions to go forward, for the county to pull out of those urban services areas and for the City of Beaverton and the special districts in Washington County that services those areas and the City of Portland to know exactly where they were supposed to be planning who delivered services where. This would allow an issue that had been going on for twelve years to be resolved. He added that he would be happy to provide a tour of the area for any of the Council who would like this.

Councilor Morissette indicated he would not be at the January 23, 1997 meeting but he would make himself available if he was needed.

Presiding Officer Kvistad said that a written request from Councilor Morissette indicating his wish to vote on this issue would allow coordination of a vote by phone.

Councilor Morissette said if it were a three/three vote, he would coordinate with Mr. Stone to make sure he was available to vote by phone. He indicated that he had a gentleman come in to talk with him about this issue, he asked Mr. Cooper what the appropriate way to disclaim this was. He indicated that this man was lobbying for having the boundary in a different location than the current proposal.

Mr. Dan Cooper, Metro Legal Counsel, said that the matter before Council was not a quasi-judicial matter but rather a legislative matter. The x-party contact limitation that Councilor Morissette expressed concern about did not apply here. However, out of caution, it would not be inappropriate for any of the Councilors who wanted to put in the record that they had had some information from individuals to do so at the next Council meeting.

Councilor Morissette reiterated that he would not be at next week's Council meeting and he would provide to Counsel the name of the individual who talked to him.

Presiding Officer Kvistad read a memo into the record about the process (as attached in the Permanent Record). "As many of you know, no formal action was taken by the Growth Management Committee on Ordinance No. 96-665 or Resolution No. 96-2426. I am announcing that the Ordinance and Resolution will be on next week's Council agenda for consideration. A background memo is created by Michael Morrissey and Jeff Stone regarding the Urban Services Boundary issue and you should find the memo in your box."

Mr. Burton said he would keep the Council informed about the Elephants. The Elephants could not sit down thereby creating foot problems. He said that it had been a matter of concern at the Zoo for some time.

Councilor McFarland said that the Elephant problem was ongoing. In fact one elephant had already been lost to this problem. No one had found the solution yet.

4. TRAFFIC RELIEF OPTIONS STUDY UPDATE

Bridget Wieghart, Program Supervisor for the Traffic Relief Options Study, updated Council about this ongoing two year study, which commenced in July 1996 examining whether or not congestion pricing or peak period pricing or variable pricing would be something that would be advisable to undertake within the region. At the end of the two year study, it would be a determination by the Council and Oregon Transportation Commission as to whether or not to pursue a demonstration project to further evaluate this traffic management tool. The study was funded under a federal grant program as part of the ISTEA program and it had been approved by Council and JPACT to undertake the study, the contracting process and the task force. The study was guided by a 15 member independent task force. She noted the fact sheet and newsletter that the Council had received (a copy of these may be found in the Permanent Record of the Council) which had the names of the Task Force members.

In terms of the status of the study, they had identified the different types of congestion pricing to be evaluated as part of the study. They had looked at a number of projects on the ground and also studies going on throughout the country to learn from those activities. They had looked at a recent project in California, SR 91, which had been open for a year. It was a four lane toll road which was constructed in the medium of the existing congested highway with private revenues based on the projected toll. It was variably priced which made it congestion pricing. The peak period was priced higher than the off peak. It had produced some interesting results. Because travelers on the road had a choice, it had been pretty well accepted within that region (Riverside, California). It had also attracted a broader array of customers than originally anticipated. About 50% of the commuters on that route had purchased the electronic transponder which allowed the commuter to go on the roadway. It was not a traditional tolling system. It was an electronic tolling system.

The study had also undertaken focus groups and targeted workshops with a variety of interest groups in the region as well as stake holder interviews to establish baseline public opinion and to get some feedback on what had been done so far. Most recently the study group had tried to match up the types of congestion pricing that they were looking at with congested locations throughout the region to see whether they could come up with a group for further evaluation. They had also established proposed evaluation criteria. The types of congestion pricing were as follows (she noted the maps in the Council packet, a copy of which may be found in the Permanent Record of the Council):

- 1) Spot pricing, tolling either electronic or manual, identified the characteristics that would make this type of pricing appropriate for a particular location to see if it would work within the region. In terms of the spot facility, a location that was a choke point was needed.

- 2) Partial facility, similar to the SR 91 example, where you took one or two lanes of an existing highway and priced those higher at the peak and lower at the off peak. That option was only suitable if there were three lanes in each direction on the existing highway. The study group was looking at facilities as they were and also with proposed capacity improvements in the Regional Transportation Plan. The region had very few three lane facilities in each direction.
- 3) Whole facility option, this managed more of the traffic. The drawbacks were if there were parallel routes, one could have spill over onto those routes. It was really most appropriate if there were not a lot of good parallel arterials. The group had identified some of these areas in the region.
- 4) Corridor option would be a situation where there was congestion on the highway but the highway had some arterials parallel to it, one would look at pricing the highway as well as the parallel arterials. This would be the most comprehensive approach but more expensive and more intrusive.
- 5) Area pricing was similar to what had been undertaken in Singapore and Trontime Norway where a congested downtown area was taken and priced it through parking pricing which varied by time of day or through some kind of cord or licensing system which would charge a higher fee at peak periods for people who went into that area. Because this option was more complex and there were a lot more questions, the group was doing further literature review and talking with some potential congested areas in the region to see what types of pricing incentive they may already be undertaking such as parking pricing and whether or not this might fit. The group would come back with specific proposals for areas if they wished to study them further.

At this point the Council had in their packet a detailed outline of how the group had matched congested locations with these different types of options. This was for their preliminary field, the group would review these further over the next months, come up with 10 specific alternatives, bring these back to JPACT, Metro Council, and to public open houses. That would be the real basis for the study. She asked for the input of the Council if areas were left out.

She reviewed the proposed evaluation criteria to be used throughout the study at each stage. These criteria would help the group identify ten alternatives for review in the spring. Over the summer, the group would do further review and try to evaluate and condense these down to three to five options for concept design. She noted the two page overview (as included in the Permanent Record). She identified these criteria: implementation issues (legal), technology, revenue use, performance of the transportation system (basic cost benefit), how much time was being saved in aggregate versus the cost on the system, compatibility with land use and transportation plans, did it support 2040 and the Regional Transportation Plan, societal effects - essentially focusing on air quality and neighborhood infiltration or benefits from the pricing system, equity - the distribution of benefits, positive cost benefit and aggregate but were certain groups being hurt or helped disproportionately, political feasibility and public acceptance. The detailed findings of the both the location and types were contained in working paper 3 and the evaluation criteria in working paper 4 (contained in the Permanent Record of this meeting found in the Council Office).

5. CONSENT AGENDA

- 5.1 Consideration of the Minutes for the January 7 and 9, 1997 Metro Council Meetings.

Motion: Councilor McFarland moved approval of the January 7 and 9, 1997 Council Meeting minutes.

Seconded: Councilor Morissette seconded the motion.

Discussion: Councilor McFarland noted that when she referred to Mr. Hall in the January 9, 1997 minutes, the word she used was conscientious not contentious.

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

6. ORDINANCES - FIRST READING

6.1 **Ordinance No. 97-677**, For the Purpose of Amending the Metro Code Chapters 2.04 and 6.01 and Declaring an Emergency.

Presiding Officer Kvistad assigned Ordinance No. 97-677 to the Regional Facilities Committee.

Councilor McFarland announced that because next Monday was Martin Luther King Day, the Regional Facilities Committee meeting had been moved to Tuesday at 10:30 a.m.

7. RESOLUTIONS

7.1 **Resolution No. 96-2434A**, For the Purpose of Approving Change Order No. 7 to the Waste Disposal Services Contract.

Motion: Councilor McFarland moved for the approval of Resolution No. 96-2434A.

Seconded: Councilor Washington seconded the motion.

Discussion: Councilor McFarland said that this resolution had been heard several times both in REM and Finance Committees and in Council. She asked Mr. Burton, the Executive Officer as well as the leader of the negotiation team, to come forward and to give an overview. She had said in December that it would cost Metro \$85,000 to wait until January for a vote, however, it actually cost \$150,000 if indeed the resolution was adopted at this meeting. The passage of Change Order No. 7 would save the region \$37 million over the next 13 years. This contract could not be negotiated with someone else but the people with whom Metro had the contract. She believed that Metro had been treated very fairly and that these amendments would be useful to Metro and would serve Metro's rate payers well. She appreciated the evidence of good corporate neighbors because of the changes that were useful to Metro and to the rate payers.

Executive Officer Mike Burton reviewed the resolution and thanked Councilor McFarland for the work she had done to bring this resolution to this point. When he took office two years ago, at that time he said the rates being paid were way above market. He sat down with the principles of Oregon Waste and asked to talk about Metro's rates. He was reminded by them

that this was a business arrangement that this company had with Metro. It was a contract entered into in 1989 to dispose of the region's waste. In trying to reach accommodation, this resolution was an opportunity to save \$37 million for the region over the remaining life of the contract. Could he have brought a contract to Council that would save more money? He said no he could not have. This did not mean that he may not come back to Council later with additional savings. The contract before Council today was what Metro was able to deal with. He noted the questions that had come up about comparability to rates in other cities such as Seattle, Salt Lake City, Los Angeles. He did not believe this was the question, the question was what could Metro get for savings here that were as close to what the market may be, given the environment they were in. He believed that Metro had reached something which reflected very closely what the market would be. Another question was, was there an effect on recycling? He reminded the Council that Metro was into recycling because it was what the State required of Metro and because it was a good thing to do. State statute required a recycling goal, Metro's own Regional Management Waste Plan required efforts to reach those goals, the Council had set a goal for recycling and there was no deterrents from that. Metro would certainly press on every opportunity to reduce waste, to reuse waste and to recycling waste. He did not believe that this contract would effect that rate. What had been brought to Council was the best deal he could bring under the circumstances. He would continue to try to pursue the best business opportunities to reduce rates to regional customers. Some comments had been made about if there was a rate reduction, would these rate reductions be passed on to consumers? He noted that the Council did not set the consumer rates, it was the cities that did this. He encouraged the Council to ask for resolutions from those cities that those rate reductions be passed on to consumers.

Councilor McFarland said that if people wanted to hear a more detailed description she believed that Mr. Burton's staff would be ready to provide this.

Councilor Naito asked if Metro as an agency had an official position in the lawsuit over Amendment 4?

Mr. Dan Cooper responded that Metro, at the request of the Executive Officer, had filed an answer and motions in the lawsuit. Metro's position that was filed was that Metro thought that the lawsuit should be dismissed and that Amendment 4 should be upheld. His office took that action at the request of the Executive Officer. The Council had not taken a formal action either way, so in the silence of the Council, there was no question in his own mind that the Executive Officer had the authority to ask him to take this action in the lawsuit.

Presiding Officer Kvistad asked Mr. Burton if he had given notice to the Council in writing about this negotiation when it began?

Mr. Burton said he did not believe he had, he had notified the Chair of the Solid Waste Committee, Ruth McFarland. She and he had proceeded with a lot of discussion before formal negotiations occurred. He was uncertain what the Presiding Officer meant by negotiations.

Presiding Officer Kvistad summarized that there was no notice to the whole Council but Mr. Burton had had discussion between himself and individual councilors. He asked Mr. Burton how were the members of the Council selected to deal with those negotiations. Were they simply asked?

Mr. Burton responded that as the Executive Director he took the negotiations. He believed, under the Charter, this was his authority to do, to administer those contracts in place and that was the action that he took. He gave notification to the Chair of the Committee responsible for this area, that he was going to have those discussions.

Presiding Officer Kvistad asked at any time prior to notifying Metro's attorney to take a position on the pending lawsuit, did he notify the Council?

Mr. Burton answered that the lawsuit was filed against Metro and had to be responded to. He believed that the Council members received notification of the lawsuit at that same time as he had.

Presiding Officer Kvistad asked Mr. Burton if it would not have been helpful to have a discussion as to whether or not the Council wanted to take a position, and if so, that we did take a position with the seven members of the policy body of this agency?

Mr. Burton said that he would assume that the leader of this policy body would have brought that up before Council and asked them to take a position.

Presiding Officer Kvistad indicated that it would have been possible for him to have done that but prior to notification that Metro had taken a position, he chose not to.

Mr. Burton said that he believed that in the Charter he had that authority.

Presiding Officer Kvistad indicated that there may be some disagreement about that interpretation of authority.

Mr. Burton asked if that was germane to the matter before Council?

Presiding Officer Kvistad said that it was germane because it tied in. Change Order No. 7 stated that Metro gave up their right to Contract Amendment 4. It also stated that Metro had to take a position if any lawsuit were to come forward in favor of Waste Management or WMMX. He believed that was specifically germane to the issue. Metro would have to join a lawsuit and defend them on this item. It was directly germane.

Councilor McFarland said that when Mr. Burton said that she and he talked about these issues and as Chair of the Regional Environmental Management Committee she did, there was another person that was in on these negotiations from perhaps the very beginning and that was the Chair of the Finance Committee, Councilor Rod Monroe. She noted that she did unofficially poll the Council and found that there were four people in agreement with taking this action. She didn't realize she should poll the Council formally. If she should have, she was terribly sorry.

Presiding Officer Kvistad indicated that he had some very strong opinions on this issue.

Councilor McLain believed that the Executive Officer and the Chair of REM believed that they were carrying their responsibility out in a reasonable fashion. She did ask Mr. Cooper as an individual member of this Council if there were going to be any change of status with the lawsuit

that she wanted notification personally. She did not received that notice. She had talked with both of the lawyers about this and she thought that in their mind they did not feel that it was necessary because the Executive asked them to, as far as the motion to dismiss. She did now believe she would get notification the next time this occurred, but she was not notified this time. She added that it was a member of the industry that gave it to her and it was rather embarrassing not to have seen it prior.

Councilor McCaig said she was ready to vote on Amendment 7 or go to the public hearing?

Presiding Officer Kvistad said that the Council would be moving to the public hearing as soon as the Council was done with Mr. Burton and the Council had had general discussion about any technical matters.

Mr. Burton commented that was to remind the Council to follow the dollar both ways because there were some dollars at stake and one of the other comments that he had heard was that this large Waste Management company was running over the tops of other companies. In this region, Metro had the largest waste management companies in the world. He asked the Council to remember that this was not mom and pop versus the giant.

Presiding Officer Kvistad called for any general discussion and technical questions.

Ms. Alexis Dow, Metro Auditor, commented on the report that the auditor's office did addressing the issues surrounding Amendment No. 7. Her report was distributed to the Council on January 15, 1997 addressing the issues in an objective fashion. (A copy of this report may be found in the Permanent Record of the Council Office) She reiterated that the first conclusion that came out of that objective review was that the adoption of amendment 7 would provide substantial savings to Metro, the \$37 million. Also, Metro would continue to pay above market rates for waste disposal, yes it was a deal but Metro would still be above market. Metro did have an existing contract with Waste Management and apparently this was the best deal they could negotiate. The savings could be passed on to the rate payers and if adopted such action should be initiated. The auditor also found that recycling may or may not be effected by the reduction of the reduced tip fees. She believed that its effects could be mitigated if the tip fees were kept within 10% of the current rates and were based on averages rather than the incrementally reduced tiers under amendment 7. Lastly, with respect to competition and potential monopoly in the effects, the important thing to keep in mind was the effect it would have on Metro rather than on others.

Presiding Officer Kvistad opened a public hearing at 2:50 p.m.

Ms. Susan Keil, Business Service Manager for the Bureau of Environmental Services, City of Portland, said that she was at this meeting on behalf of City Council to reaffirm their strong interest in having the Council pass the savings that would come from any change that was made on to the municipalities. They were committed to passing those on to their rate payers whether it be in terms of a real rate reduction or in terms of an absorption of costs but the rate payer would get the benefit of any savings Metro passed on. The rate payers told the City consistently that they liked the garbage and recycling service but they preferred that it cost less. Secondly, the City did not believe that a reduction, even if it were the full pass through of the savings that might be possible under this change, would adversely effect recycling either for

commercial or residential customers. The amount was not large enough in light of a \$75 tipping fee to have that kind of an impact.

Councilor McFarland said she and Ms. Keil had worked together for the last three years. She had tried before to lower the tipping fee rate. She believed that she could speak for herself as well as the present Chair of the REM Committee, Councilor Morissette, that a resolution would be brought before the Council that would lower the tipping fee particularly if this resolution passed. She anticipated that this could happen so it would be up to the Council as to what was done.

David Erickson, Metro Watch, a group of concerned citizens, were concerned that Metro citizens had been paying 28% higher than any other city in the entire western United States for garbage rates. He asked the Council, if the law suit regarding amendment 4 was successful, how much money would Waste Management owe Metro and how did that number compare to the \$37 million in savings proposed by Waste Management in the settlement negotiations? Secondly, had the Council been considering the ramifications of awarding a monopoly such as this to one vendor? Had this been something that had been discussed? Obviously the rate payer would not be getting the full benefit of the competitive environment that everyone else in the business world had to deal with.

Presiding Officer Kvistad asked if Mr. Erickson wished to hear a response.

Mr. Erickson said he would be happy to hear a response today if possible.

Councilor McFarland responded to Mr. Erickson's first question, it was that Waste Management wouldn't owe Metro any money, in deed, she believed that Metro would owe them a considerable amount. She asked Mr. Warner if she was correct?

Mr. Warner responded, it was likely.

Ms. Diana Godwin, attorney in private practice representing the Regional Disposal Company. The Vice President of that company, Jim Frank, asked her to delivery remarks. Regional Disposal Company had brought forth information to assist Metro Councilors and staff in determining what rate Seattle was paying for disposal services only. Their company would have liked to have Metro retain the most favored rate agreement, they were a major competitor with Waste Management. The existence of the most favored rate had assisted competition in the region and had assisted the company in being very competitive in the region. Regional Disposal Company understood the position that the Council was in and had been in for some time. There was litigation pending concerning Contract Amendment No. 4, that was very stressful. They understood that Metro wanted to resolve that uncertainty. Metro signed a contract in 1988 that contained a disposal rate that today was significantly higher than market, there was not much dispute about that, however, while Metro must live with that contract, at the same time Regional Disposal Company understood that Metro wanted to achieve any available savings for the rate payers. Contract Amendment No. 7 offered the opportunity to the Metro to accomplish those major objectives. It accomplished the major objective of settling contract Amendment No. 4 litigation, it accomplished the objective of obtaining \$37 million in savings for Metro that they presently did not have. Many would argue that there were potentially greater savings than that. Metro wanted rate relief for rate payers and also to settle the other legal

issues that hadn't been discussed too much but they knew that there were other pending problems that Contract Amendment No. 7 would settle. Given that, she understood why the Council wanted to move forward at this meeting. In the past her company and she had suggested delaying and getting some outside help. Her company understood that was not necessarily what was going to happen so what she wanted to do was to talk about the fact that Metro could accomplish their major objectives by adopting the amendment. Her company was very concerned that before that resolution was adopted that the Council amend it to eliminate the tiered rate structure that appeared in paragraph B1 of that contract. She understood that Metro staff and Oregon Waste Systems had agreed that \$24.35 per ton approximated the disposal component only of the new Seattle contract. Regional Disposal Company urged the Council to eliminate the tiered rate, Metro needed to look to itself and the interest of its rate payers, however, it was in the best interest of Metro and its rate payers to be sure that Metro had continued competition in the region. The fact of competition in the Pacific Northwest was what had enabled and brought some pressure to bear to help make the negotiations successful. If the Council adopted the tiered rate it would result in one company getting 100% of the disposable municipal solid waste in this region. Presently 10% had been held out. If that went up for bid there would be no way that her client could come in and hope to bid against \$7.50 a ton. Her company was the largest landfill in the country in terms of annual tonnage. They could not bid at \$7.50 a ton for disposal. She did not believe other landfills could either. Metro would not have the benefit of any competition in this region. Her company would disappear from the Metro market and the situation that existed in 1988 of not having competition available would occur again with the tier rate. She believed that the tiered rate would destroy the competitive marketplace in the Metro region. She said others would talk to the Council about their concerns about the inherent conflict with the tiered rate with the tonnage at \$7.50 per ton, what that would do to incentives to recycle where it cost more than that to recycle per ton.

Mr. Duane Woods, Counsel for USA Waste Services Inc. said that there had been much discussion about this proposed change order (a written memo of his comments to the Council may be found in the Permanent Record found in the Council Office). Was this the best deal? Was it as good as Seattle's deal from Waste Management? Was it as good as the Pierce County proposal? In his company's opinion, the answer was no. On the other hand, as a company that had invested a significant amount of expense, opposing what happened with Amendment Four and hoping that there would be a day where Metro got a better deal, they supported the view that Metro had something significantly better than what they had two and a half years ago. They also believed that the Executive and the Council wanted the best rate. He believed that there had been good faith on everyone's part to get a better deal for the rate payers. But cost was not the only issue, several members had pointed out that that was not really the issue here today. If the Council decided that this was the best deal economically that Metro could cut, his company could live with that. The structure of this proposal caused his company grave concerns and should cause rate payers, others and the Council some concerns as well. It was self evident that when Waste Management was negotiating its business deal with Metro it had three clear objectives, one was to eliminate the risk that Amendment Four would be invalidated, in fact, it would be back under the most favored rate agreement, second, they would like to reduce the amount of dry waste that Metro was diverting out of the Metro system that was not going to the Waste Management facility at Columbia Ridge, for example, effecting the RFP on the transfer station and that waste that went to River Bend Landfill. In addition, he believed that Waste Management wanted to minimize the cost of giving Metro reductions by trying to get larger waste volumes. The first objective of getting rid of the risk was achieved by

correcting the procedural defect when Amendment Four was signed by the former Executive. The second and third objectives were achieved by the structure of the deal, by the way it dropped 63% at 550,000 ton to \$10 per ton. In none of Metro's analysis or staff analysis did his company think that Metro would ever get to 550,000 tons. In fact, they were projected to be at 647,000 tons and this year they were over 700,000 tons. He asked why was there an adjustment at that level, 63% down, was it based on the cost savings and operating the landfill? Not a chance. It didn't drop 63%. There were no drops like this in any contract he had seen nationally nor on the west coast. Seattle's rate provided for a drop if they hit over 450,000 tons around \$3 to \$4. His company had many contracts that scaled down if they got additional volumes, \$.50 to \$1.50, not \$17.00. Why did it do that? If it were the intent of staff or Metro in all of these competitive bids for the additional waste stream to look at that contract tiered rate and call that the marginal cost, then of course none of them were ever going to be able to compete for that waste stream. How could his company compete if Metro was going to tell his company that they had to compete against \$8.00 per ton because that was what the contract said. In reality, they knew that Metro was paying more than that. If you averaged out the total tonnage against what Metro paid in total for disposal, the staff had indicated Metro paid about \$25.00 per ton. What he was saying was that there was benefit to that competition. There was a significant benefit to the community, to having an extra facility available that could take waste streams, in terms of a lower cost and competition for that dry waste stream. This structure went directly against that. It was directly against Metro policy of encouraging a healthy disposal sector, competition. One couldn't help but wonder what it did to recycling. One could say that the Metro fee was not going to adjust so it wouldn't effect it but on the commercial side of this industry, which was very deregulated for dry waste, why wouldn't Waste Management be able to offer \$7.50 a ton. It did not conflict with this contract to do that once they were over 550,000 tons. His company couldn't compete against that kind of a level. In fact because it was front loaded at \$27, Metro had already paid for it. It was easy to offer that rate. There was no rationale for that kind of structure, there was no cost based rationale for dropping 63% at 550,000 tons. It was his company's hope that this Council, if they chose to approve this deal, would look at the actual rate that Metro was actually paying based on the total expense Metro was paying during any year and use that rate, the fixed rate or the blended rate. In any competition for other waste streams, don't stop the attempts to competitively bid diversion of waste that was either not going there or did not have to go there. Make people compete for that waste. Keep the disposal sector healthy. It was better for the rate payer, better for Metro. It should not effect this deal.

Mr. David White, Regional Representative of the Oregon Refuse and Recycling Association and the Chair of the Tri-County Council, a group of garbage haulers representing the tri-county area. His council had discussed Change Order No. 7 and several issues came up for them. Mr. White was asked to put them in the record. These issues had to do with their request that any savings be passed along to their customers. He noted that Mr. Burton said that that was a local government issue but what caused the concern for his group was a letter from Mr. Warner addressed to a number people that said, "it was our expectation that these savings will be passed along as lower tip fees". That idea of an expectation, he understood that Mr. Warner couldn't make a policy statement, that they would be passed along but he thought their fears were allayed to some degree because of what they had heard discussed today. It was a concern of the association and the Tri-County Council. As discussed at the previous SWAK meeting, even if those tipping fees were lowered and passed along at the garbage can, that might only be \$.30, but the fact was that Portland's plastics program was

considered to cost a \$.25 and actually cost less. That could actually be a recycling program that could be implemented in the future based on that type of a savings. Next, they were concerned about the impact on recycling and dependent upon who one talked to, it could or could not have an impact, dependent upon whether the rates were averaged or not. Mr. Doug Anderson, on the REM staff, wrote a report to Mr. Warner saying that one of the ways to address that issue was to average the rates. At Tri-County, it seemed to them that if you were going to average the rate why not have a flat rate. It was confusing to them, did that mean that the garbage bill to their customer would be higher in January than in December. Of course that would not be what would happen. Metro was going to have to come up with an average tipping fee that Metro predicted would be the tipping fee for the entire year. It seemed that if this was done, the flat rate would go along way towards addressing this concern.

Mr. Jeff Murray, Far West Fibers Inc, a privately held recycling company operating three recycling facilities in the Portland area, addressed the tiered rate structure of the contract. As a recycling company, Far West Fibers objected to this tiered rate structure established by Change Order No. 7. They felt it was counter productive to the goals of Metro, the region and the State of Oregon in regards to waste reduction and recycling. If Change Order No. 7 was passed as written the tons of future waste reduction and recycling would take away from Metro the most important tons to Metro, the cheapest ones. These would be the tons Metro needed to ship to Arlington to recognize the full savings that were being offered for giving up the most favored rate clause in the existing contract. On behalf of Far West Fibers, he recommended that the tiered rate structure offered in the Amendment 7 be eliminated and a lower rate for all garbage sent to Waste Management Landfill be negotiated, a rate that was comparable to rates paid by other large suppliers of garbage throughout the northwest. This would give the Metro region a competitive rate and help eliminate the potential conflict a tiered rate would create with the region's goals of waste reduction and recycling.

Presiding Officer Kvistad closed the public meeting at 3:16 p.m.

Motion to Amend: **Presiding Officer Kvistad** moved to amend Change Order No. 7 to provide a flat rate of \$24.34 for all tons and all other terms and conditions of this contract would remain the same consistent with that flat rate.

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

Discussion: **Presiding Officer Kvistad** said he was very sensitive to the comments that had been made about this tiered rate. He was very concerned about this contract and the potential predatory nature of the pricing. He thought that Metro had been presented by Waste Management a number representing the price that the City of Seattle paid for their waste. He personally disagreed with that but he was taking them at their word to say that this was the rate. As such, he believed for this agency and this government to accept any rate lower than received by another jurisdiction for a facility which Metro had helped to fund which allowed this vendor a opportunity to bid for other waste, for Metro to have a structure which was potentially detrimental to some of the recycling goals, convoluted and potentially predatory in nature, to move simply to a flat fee equaling that of Seattle would allay his fears and would allow him to vote forward this contract.

Councilor McFarland said she resisted this amendment to this agreement. One of the things that the Presiding Officer said about the implication that maybe the staff had not given the Council an accurate reflection of what Seattle was paying, she did not understand their preoccupation with Seattle, but the reality was that she believed that the staff gave the Council a very conservative estimate. The truth was that it was very likely that this would bring Metro to what Seattle was paying without any further modification of these numbers. She understood why the staff was conservative in this because they did not try to over reach on any of their predictions or numbers but she thought that this amendment would defeat a part of the purpose of the resolution. She urged the Council to vote against this amendment.

Councilor McLain spoke in favor of the amendment. First, there was one philosophical problem with Change Order No. 7. She believed Bruce Warner, Jim Watkins, Mike Burton, Dan Cooper's Office and Waste Management had acted in a very professional way during this conversation on contract. They had done their best to bring forward a good package for themselves and for the Council. She had no doubt about that. The work she had done especially with Jim Watkins and Bruce Warner had been very professional and she had appreciated all the help. There was one fundamental difference that Metro continued to carry on with this contract and that was that Metro had conflicting goals of a low disposal rate for this agency and for the public and a high recycling rate. With this Change Order No. 7, Metro continued that conflict at high degree. She thought that this Council had an obligation to try and minimize that conflict between Metro goals so that both of their goals could be successful. The only way this could be done would be with a flat or fixed rate. Metro had already given Waste Management 90% of a commitment of Metro's waste stream. Those were big commitments. She believed that Metro had to make an equal commitment to ourselves that we truly were going to try and make sure that there was not a conflict between low and reasonable disposal costs and extremely high and effective recycling rates. This was why she supported this amendment.

Councilor McCaig said that she wished that this was much easier but it was not. The complexity of this deal was worked out over weeks if not months of negotiation. She did not think, from her perspective, that it was appropriate that the Council take an item that had been on the table in negotiations and resolved, maybe not to the Council's satisfaction, but the negotiation that resulted in the proposal before Council was built having reviewed whether Metro could do a flat rate and whether Metro's partners in the negotiation would accept it. They had already said no. That was why the proposal in front of Council was as it was. It was the best deal that Metro could get from Waste Management. She was unwilling to unravel this as a result of an amendment that came in the day of the final proposal in order to unravel the entire proposal. The Council had no indication from Waste Management, in fact they had had early indications and negotiations that they would not accept this. That was the point, Waste Management did not want this. Yes the Council had the opportunity to say no to the entire deal, Change Order No. 7 but to amend Amendment 7 with this proposal in fact eliminated the deal. She planned to vote no on the amendment.

Councilor McLain said that in response to that last comment, it did not come to Council unless they wanted Council to review it. If it were going to come to Council as a basic situation where there was a plastic rubber stamp on it, she did not know why the Council was up there then. The Council was reviewing this amendment to look at this the negotiation work that had been done and to say if it were reasonable or if there were some flaws that this Council could

not support. This was the only flaw that she found in this contract. Change Order No. 7 was in deed better than Amendment No. 4. Change Order No. 7 did do some things that Metro had not been able to do before but it still got away from the fundamental need that this Council had of not having a chance of not competing in both the recycling goals and low disposal fees. Metro needed an opportunity to take away that conflict that continued because of this type of tiered rate. This was why Metro got the small bucks. The Council was here to review any change order, any contract, and to represent the public. The public had written in, including a recycling advocate call, that indicated that this was a very concerning proposal because of this declining fee structure. She was responding to the public and to the industry and to this Council's need for trying to make sure that Metro's goals worked.

Councilor McCaig followed up by saying that this was not the deal before the Council. If the Council amended Amendment No. 7 to include this language, the Council would not have made it so. It was not a done deal. Metro had not cinched a deal. Waste Management would still have the opportunity as the Council had amended this to walk away from it. It was not the deal before the Council. Metro would be giving up a sure thing for an unknown if the Council accepted this amendment to amend Change Order No. 7.

Councilor McLain responded that this was true, if the Council put in an amendment then Waste Management had an opportunity to say that it did not work for them and walk away. If they had an opportunity to do that, she believed that was all fair in love and war. The situation was that they couldn't talk to Metro nor find out how the Council was feeling unless the Council was in a public place. Waste Management would only find out what the commitment of this Council was on recycling and low disposal fees if the Council did public business in public. They were trying to do public business in public so that Waste Management knew exactly what the Council was thinking about the conflict with tiered rates between recycling and low disposal fees. It did not work, Waste Management had put them between a rock and a hard place. Wasn't there anything that Council could be done on a flat rate? This was what was being asked for with this amendment.

Councilor McFarland reminded all the members of the Council that we had several hearings on the Change Order. She reiterated this further. It was heard in the REM Committee, in the Finance Committee and in the Council. She too believed that this was a last minute amendment that could have been brought forward much sooner than this. She reminded the Council that there had been several opportunities prior to this meeting to have public input on this information.

Councilor Naito said she would oppose the motion. She did agree that the declining rate was troublesome and had a potential concern down the road but those were concerns that the Council could address as they moved forward while taking advantage of the savings to the rate payers that this amendment offered. She believed that the recycling issue could be dealt with in looking at the tipping rate and she had talked to a number of recycling advocates. While they may be concerned, she thought that the Council should be concerned as well. There was nothing in this deal that would necessarily reduce recycling. While it was a concern and she believed that the Council should watchdog these, there was no question, she believed that a deal had been brought to Council and pending in front of the Council for several months, specifically since last December and at this late hour she thought it was inappropriate to open it up.

Councilor Washington said he was not voting on a deal, today he was voting on an agreement.

Presiding Officer Kvistad closed by saying that he was attempting to deal with this with a positive approach and good humor. He still believed and felt very strongly about where the Council was with this. It was said that there had been a lot of hearings and a lot of opportunities on this, quite frankly, there had not been. The Change Order No. 7 was brought to Council on a Monday, it went to a committee meeting on a Wednesday, to another committee meeting the following Monday and then the Council was asked to vote on the Change Order that Thursday. The vote was put off for a week and he thought that at that time he had asked for a delay. He made a commitment at that time to the members of the Council that if they granted the delay he would not lobby the members of the Council on this item. He had stuck to that agreement. Today, that agreement ended. He believed that for Metro to have any rate lower than that of another vendor which was comparable to Contract Amendment No. 4 was not in the best interest of the people of this region. He consistently held his opinion that Contract Amendment No. 4 was invalid, that the lawsuit proposed by this Council and moved forward by this Council would have succeeded on appeal. He supported the lawsuit that had been filed by other vendors in this region for that very reason. The only way for him to be able to support this in good conscience was for Metro to receive a rate that was equal or lower to that given to any other major vendor at a landfill that Metro helped fund and develop. That was the reason for this amendment, the reason that the amendment was before Council was that this was the place to make amendments and to be clear about where the Council was. The amendment was before the Council for that purpose regardless of which way it went, he would have some fairly strong comments to come but he would appreciate the Council's aye vote.

Vote to Amend the Motion: The vote was 2 aye / 5 nay / 0 abstain. The motion to amend failed with Presiding Officer Kvistad and Councilor McLain voting aye, Councilors Morissette, McFarland, Washington, Naito and McCaig voted nay.

Councilor Naito said she had learned more in the last week about garbage than anyone would want to know. If the Council were authorizing a new contract today there would be no way that any of the Council would go for this agreement or contract. Metro's projections were that they would be paying an average of \$25.15 or possibly lower per ton to Waste Management. Most people, even the Metro staff, had said that market rate was about \$18.00 per ton. However, Metro was not in a position to negotiate a new contract. The Council was here to make a decision based on many action that had been taken prior to the current Council and she would try to make the best decision she could within that framework. She was essentially bound by the agreements that had been made before Council and by positions that the agency had taken in various lawsuits. Correctly or not, in 1994, the Executive Director opted for Amendment No. 4. She knew that there was a lot of history on this issue and a lot of feelings on both sides of this issue. As an agency a position had been taken to uphold Amendment No. 4 so technically, in response to the individual testifying on Metro Watch, if Metro won the lawsuit, Metro's win would be to uphold Amendment No. 4. This deal, being so much better for the rate payers than what was in Amendment No. 4, there was almost no position other than to go and vote yes today. She noted that she was a lawyer yet she had no knowledge of the merits of the lawsuit and she did have to rely on Metro's Legal Counsel, who was part of the negotiating team, to

make this contract, to make those decisions on the merits of the lawsuit and not to take his position completely but to seek his advise, he was the person that advised this entity. She had taken that into consideration. She had also looked at the report of Alexis Dow, Auditor, and her analysis of what the potential would be in accepting this amendment. Ultimately for Council Naito it came down to some policy considerations; one, it did provide substantial long term relief to the rate payers and she believed there was a commitment to reduce the tipping fee. This was good government when there could be actual savings to the public. This was what the public was asking for, both tax payers as well as rate payers. She did have two concerns about the Change Order, one was competition. She thought this was something that Metro had to continue to watch, whether or not this rate structure eliminated competition in this region. It was possible it could, however, the Council should be aware that when the original contract was signed there was no competition in the region. In Metro's neighboring partner, Washington, there was competition and major multinational companies. With respect to the recycling, Metro would have to watch that and make sure that Metro's goal was to continue recycling. She knew that the Executive Director had made a commitment that they would continue to comply with State law and even exceed whenever possible. She felt comfortable in supporting Amendment No. 7.

Councilor McLain indicated that there were two things that were important to her, that was that the Council had in a public place Waste Management's representatives and that they were hearing the Council's dialogue and it was also publicly to tell the Council what each Councilor was feeling about what needed to be done whether the Change Order No. 7 was passed or not. She had tried her best over the last month to impact the process so that Metro would have a better contract then even what staff brought to Council over a month ago. There were three areas she had worked on. Area 1 was making sure that there would not be a connection to Change Order No. 7 and Amendment 4, that Change Order No. 7 would be what the Council was talking about and that Change Order No. 7 would not be tied to Amendment No. 4 or to that litigation. She got that. Area 2 was that in that resolution that Metro would again reaffirm and support that recycling and diversion would continue at a high level. She got that. The third area that she could not get was that flat fee. She had asked staff to go back again and again. Staff couldn't do it, Waste Management could not honor that request. She thought that from the industry, from the community, from the recycling advocates and from at least two Councilors that Metro was still interested after Change Order No. 7 in looking at a flat rate. Metro was at the crux where if Metro was effective as she thought they were going to be on diversion of dry waste, creative ways to divert wet waste and Metro's ability to be able to continue to get Metro's transfer stations to be leaders in recycling even at that last ditch effort, Waste Management was going to want to go to a flat rate because it would be beneficial to them as well. Her message today was, yes, \$37 million over 13 years was OK, but it was not enough. She promised she would vote up if Metro got those things that we could do. She had tried to get the amendment, she couldn't. She would be voting yes today but only with the understanding that her commitment was to divert waste, to have higher recycling rates and to get Waste Management to a point where it would be better for them if there were a flat rate.

Presiding Officer Kvistad noted that he had been involved with Contract Amendment No. 4 since day one. He expressed that he had a deep fear about Change Order No. 7, was apprehensive and felt a lack of trust. He addressed Waste Management, to where the Council was and where they came from, he could not say in good conscientious that he trusted them. This was difficult for him to say because he operated himself, his business and personally on

the basis of trust. He had felt that there had been a breach of that trust and that there had been an underlying specific agenda that had not been in the best interest of the people of this region. He could not get beyond that, he had tried to be very cordial and he believed that he had been to Waste Management. But he wanted to say this for the record, flat out and right up front so there was no misunderstandings. Beyond that what did you do when you had \$32 million that could go to the people of the region before you when you knew that they could receive more and that the people of this region deserved Metro doing more for them. They deserved a competitive environment with the lowest rate possible. They deserved vendors from which they could make choices and they deserved the lowest rate that Metro could humanly get as elected officials. He did not believe that this rate was the best rate that Metro could get, he believed it was far from it. But having said that, he would like to move forward with Metro's partners, hopefully in an environment where the trust would be built back. It pained him to do so and he was doing this with a great deal of apprehension but he would vote in favor of this contract with the understanding that in the future Metro's negotiations with Waste Management and Waste Management's discussions with this agency would be ones that really took in the best interest of the people of this region. He thanked those who were involved in putting this resolution back on the table. He thanked those in the industry who had worked with him over the last months and years on Contract Amendment No. 4 and who had been very good partners. It was his hope that Metro would not be in a situation where this would be used as a predatory and anti-competitive pricing. It was however his feeling that it would be and that some of those who he had considered to be good regional partners with the rate payers here would no longer be able to operate in this market. He felt that this would be a shame for the people of this State and of this region. He indicated that he would reluctantly vote in favor of the resolution.

Councilor McFarland closed by urging the aye vote for this resolution.

Vote on the Main Motion: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

7.2 **Resolution No. 96-2423A**, For the Purpose of Adopting the Capital Improvement Plan for Fiscal Years 1997-98 and 2001-02.

Motion: **Councilor McCaig** moved the approval of Resolution No. 96-2423A.

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

Discussion: **Councilor McCaig** thought that Jennifer Sims was going to give the presentation. She indicated that this resolution was Councilor Mornoe's, putting in place the plan by which Metro would be investing in the capital needs over the next five years authorizing the next plan for the fiscal year to be completed.

Mr. Dennis Strachota, Capital Improvement Plan Coordinator Financial Planning Division, said what this resolution did was approve for consideration future projects that covered the years 1997-98 through 2001-02. In terms of the projects it was detailed in the substantive committees as well as the Finance Committee. He noted the changes that were approved by the Finance Committee would be reflected in a revised document that would be issued in the next several weeks. This resolution approved for consideration close to \$300 million worth of projects over the next five years and a large chunk of those were projects that

had already had been approved, such as Open Spaces acquisitions and the Zoo Oregon Project.

Presiding Officer Kvistad said he had one or two concerns about some of the projects in the plan. He had verbalized them before but he did not believe they were substantive enough for him to not support the resolution.

Councilor Naito noted that she would abstain on this vote as the work had taken place prior to her being on board:

Vote: The vote was 6 aye/ 0 nay/ 1 abstain. The motion passed with Councilor Naito abstaining from the vote.

8. COUNCILOR COMMUNICATION

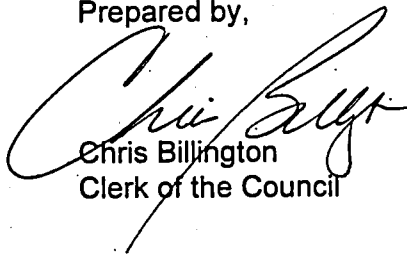
Presiding Officer Kvistad announced next week's meeting would be an evening meeting because it was a public hearing the neighborhoods had asked for as well as a MCCI presentation. He noted that the new schedules for committee meetings and Council meetings were in Council boxes.

Councilor Morissette announced that he would not be at the meeting, he would be in Houston on business.

9. ADJOURN

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Jon Kvistad at 3:45 p.m.

Prepared by,



Chris Billington
Clerk of the Council

Agenda Item Number 6.1

Ordinance No. 97-676, For the Purpose of Adopting the Regional Dumping Plan and Incorporating it into the Regional Solid Waste Management Plan.

FIRST READING

**Metro Council Meeting
Thursday, January 23, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE)	ORDINANCE NO. 97-676
REGIONAL ILLEGAL DUMPING PLAN AND)	
INCORPORATING IT INTO THE REGIONAL)	Introduced by Mike Burton
SOLID WASTE MANAGEMENT PLAN)	Executive Officer

WHEREAS, the Regional Solid Waste Management Plan was adopted by the Metro Council on November 30, 1995, through Metro Ordinance No. 95-624; and

WHEREAS, Ordinance No. 95-624 also rescinded the 1991 Illegal Dumping Plan; and

WHEREAS, the Regional Solid Waste Management Plan called for the development of updated goals, objectives and management practices to address the region's current problems related to illegal dumping; and

WHEREAS, the Office of the Auditor issued a report entitled "Review of Metro's Solid Waste Enforcement Unit," dated February 1996, which included specific recommendations related to the management of illegal dumping prevention, investigation, enforcement and dump site cleanup; and

WHEREAS, the Solid Waste Advisory Committee appointed the Illegal Disposal Task Force to work with staff to develop an updated Illegal Dumping Plan and to involve the public in the planning process; and

WHEREAS, the task force has developed an Illegal Dumping Plan that is consistent with the main goal of the Regional Solid Waste Management Plan (to develop a plan that achieves a solid waste system that is regionally balanced, environmentally sound, cost-effective, technologically feasible and acceptable to the public) and that responds to the Auditor's recommendations related to illegal dumping; and

WHEREAS, the regional Solid Waste Advisory Committee has endorsed the work of that task force; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Regional Illegal Dumping Plan, shown as Exhibit A to this ordinance, is adopted and is incorporated into Chapters 5 and 7 of the Regional Solid Waste Management Plan, a functional plan, under ORS 268.390.

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

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 97-676, FOR THE PURPOSE OF ADOPTING THE REGIONAL ILLEGAL DUMPING PLAN AND INCORPORATING IT INTO THE REGIONAL SOLID WASTE MANAGEMENT PLAN

DATE: January 7, 1997

Presented By: Bruce Warner
Marie Nelson
Steve Kraten

Action Requested. Council adoption of Ordinance No. 97-676.

Introduction and Background. On November 30, 1995, the Council adopted a new Regional Solid Waste Management Plan (RSWMP) and rescinded the 1991 Illegal Dumping Plan. At that time, the Council acknowledged that some elements of solid waste management would be updated and incorporated into the new RSWMP, illegal dumping being one of those elements.

In February 1996, the Office of the Auditor issued a report entitled "Review of Metro's Solid Waste Enforcement Unit." The report included specific recommendations related to the management of illegal dumping prevention, investigation, enforcement and dump site cleanup, as well as other solid waste enforcement activities.

In April, 1996, the Solid Waste Advisory Committee (SWAC) appointed the Regional Illegal Disposal Task Force -- comprised of government, waste hauler, and Stop Oregon Litter and Vandalism (SOLV) representatives -- to develop a regional plan to address illegal dumping problems and to involve the public in that process. The task force has completed its work.

The Illegal Dumping plan is consistent with the main goal of the Regional Solid Waste Management Plan: "To develop a plan that achieves a solid waste system that is regionally balanced, environmentally sound, cost-effective, technologically feasible and acceptable to the public." The Illegal Dumping Plan acknowledges Metro's responsibilities for regional solid waste management planning and disposal. The plan also responds to the Auditor's recommendations related to illegal dumping prevention, investigation, enforcement, and dump site cleanup.

Please note that the February 1996 Auditor's recommendations not related to illegal dumping -- activities concerning the enforcement of Metro's revenue and facility regulation system -- are not addressed in the Illegal Dumping Plan. Goals and objectives for those activities will be added to the Regional Solid Waste Management Plan once the franchise code is revised.

The Illegal Dumping Plan is included in this packet as Exhibit A to Ordinance No. 97-676 (pages 14 through 29). The following information is included as attachments to staff's report:

Plan Development

Attachment 1 Pg. 5 Illegal Disposal Task Force Membership
Attachment 2 Pg. 6 Public Involvement Process and Schedule
Attachment 3 Pg. 7 Public Comments Received on the Draft Plan

Plan Implementation

Attachment 4 Pg. 10 Implementation Work Group Membership (Draft)
Attachment 5 Pg. 11 Implementation Schedule (Draft)

Organization of the Plan

The introduction summarizes the problems the plan will address, identifies the plan's central goal and objectives, and lists six management practices to accomplish those objectives. A summary of government and private sector roles and responsibilities to implement the plan is provided in matrix form at the beginning of the document.

The remainder of the document provides information about the management practices recommended to accomplish the goal and objectives. These practices address regional concerns and will require continued planning and coordination to be implemented. The descriptions of these practices set expectations for what can be accomplished, and provide a strategy or approach for implementation.

Summary of Plan Recommendations

◆ Roles and Responsibilities

Consensus. The task force spent much of its time reaching consensus regarding the specific roles and responsibilities of governments and the private sector to implement the recommended practices. The objectives of consensus were to aggressively address the problem of illegal dumping; provide better public service; eliminate duplication of efforts; and acknowledge the authorities of state, regional and local governments to enforce the laws they make.

Local governments regulate their respective waste collection franchises, illegal dumping on property within their jurisdictions, and other aspects of local solid waste management. Each local government has established penalties (usually criminal penalties) for those who break its laws and an enforcement unit to investigate cases and prosecute offenders. Each local government has also established a protocol for cleaning up dump sites.

This plan acknowledges that each local government has the authority to provide its own services to local citizens using local enforcement personnel, or it may choose to delegate certain responsibilities to the Metro Solid Waste Enforcement Unit (SWEU). Metro has also offered each local government the opportunity to prosecute cases under Metro's ordinance which cites illegal dumping as a civil offense. This plan anticipates that further Metro / local government cooperation will be undertaken and that the public will continue to benefit from these cooperative efforts.

Metro. The plan acknowledges that Metro has enforcement authority for its requirements relating to Metro-owned disposal facilities, designated facilities, and facility franchises. Goals, objectives and management practices for those activities will be developed at a later date in tandem with the Metro facility regulation code revision. And as described above, Metro will continue to play a major role to assist local governments as requested to enforce against illegal dumping and to clean up dump sites. Dump site cleanup services will be provided according to Metro's criteria. Investigation and prosecution services would be provided under Metro's civil penalty code.

Private sector. Finally, the proposed plan anticipates a continued, major role for the private sector -- waste haulers, SOLV, neighborhood associations, businesses -- to participate with governments in public education campaigns; community cleanup events, region-wide cleanup events, and other activities that address the problem of illegal dumping.

Six management practices are proposed in the plan. Under each practice, specific programs are recommended that will solve the problem of illegal dumping. New programs include:

- ◆ *A work group*, facilitated by Metro, to implement the programs requiring regional cooperation and coordination [Practice 1, elements a) and b)]. See Attachment 4 for a proposed work group membership list.
- ◆ *Illegal dumping prevention and public education programs* for general and targeted audiences [Practice 2, elements a) through c)].
- ◆ *A region-wide call referral service* administered by Metro Recycling Information and the Illegal Dumping Work Group. The service would allow the public to call one phone number to report problems or receive information. Calls would then be referred, via "seamless" phone transfer, to the Metro or local government person designed to address the problem [Practice 3, element b)].
- ◆ *A regional, computerized database* of suspects, offenders, dump sites, and open and closed cases [Practice 3, element b)].
- ◆ *Methods to track programs, measure results, and report progress* [Practice 6, elements a) through c)]. (The plan proposes benchmarks against which progress can be measured. Metro will continue to produce and distribute an annual report which will serve as the mechanism for reporting progress on implementing the plan, as well as the progress made toward reaching objectives and benchmarks.

Plan Implementation. A draft implementation schedule is included as Attachment 5 to this staff report. Staff recommends that key dates not become part of this framework plan, they be established by the regional planning group in February, 1997, reported to interested parties for review and comment, and progress to implement the plan be reported annually in late February per Practice 6.

Financial Impact. Staff anticipate that the programs and recommendations proposed for Metro can be implemented without increases to the Regional Environmental Management (REM) budget.

The plan recommends that key existing programs continue. This includes illegal dump site cleanup, prosecution and investigation of illegal dumping cases under Metro's civil code, a regional hearings officer, public information, the transfer station voucher program, and grants for community cleanup events.

The estimated cost to implement new projects is modest. For example, computer software and electronic equipment to implement the regional call referral service and the regional database will cost approximately \$5,500 for fiscal year 1997-98. It is anticipated that maintenance costs for those projects would be approximately \$5,000 per year thereafter.

The department has allocated .25 FTE staff time this fiscal year to coordinate plan implementation. The department's FY 1997-98 budget request will include .25 FTE to complete the bulk of implementation tasks.

Executive Officer's Recommendation. The Executive Officer recommends adoption of Ordinance No. 97-676.

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Attachment 1

Illegal Disposal Task Force Membership

Members:

Andre Bjornskov * Washington County, Enforcement Officer
Cory Chang * State of Oregon, DEQ, Enforcement Officer
JoAnn Herrigel City of Milwaukie, Solid Waste Program Mgr.
Richard Atkinson * City of Milwaukie, Code Enforcement Officer
Linda Summers * City of Gresham, Code Enforcement Officer
Steve Kraten * Metro, Solid Waste Enforcement Officer
Jan McGowan SOLV (Stop Oregon Litter and Vandalism)
Wayne Potter * City of Portland, Enforcement Officer
Ken Spiegle ** Clackamas County, Solid Waste Program Coord.
Jane Kolberg * (Alt.) Clackamas County, Community Environment
David White ** ORRA / Tri County Council of Haulers
Mike Beam * ODOT, District 2-B Litter Coordinator

Project Advisors:

Dave Kunz ** State of Oregon, DEQ, NW Region
Terry Petersen Metro, Environmental Services Manager
Lynne Storz ** Washington County, Solid Waste Program Coordinator

Staff:

Marie Nelson Project Coordinator, Metro SW Planning Supervisor

Facilitator:

Joe Hertzberg Decisions Decisions, Consultant to Metro

* Member, Solid Waste Inter-Agency Network for Enforcement (SWINE), a regional group

** Member, Regional Solid Waste Advisory Committee (SWAC)

Attachment 2

**Illegal Dumping Plan
Public Involvement Process and Schedule**

Review of Draft	Public Involvement Timeline	Oct. 8 - Nov. 22
	Illegal Disposal Task Force completes 1st draft	Oct. 8, 1996
SWAC Meeting	Review and comment on 1st draft	Oct. 16
Council REMCom Meeting	Council work session Review and comment on 1st draft	Oct. 23
Public Review of Draft	Mailing to interested parties: . Letter informing parties of the plan and how to request a copy of the document . Summary of public involvement process and schedule	Oct. 30
	Deadline for public comments on 1st draft	Nov. 22
	The Illegal Disposal Task Force incorporates comments received to date into a 2nd draft	Nov. 22 - Dec. 13
Final Approval	Public Involvement Timeline	Dec. 30 - Feb. 5
Public Review of Final Draft	Mailing to interested parties: . Copy of Illegal Dumping Plan - Final Draft . Report on the results of public involvement during prior public review phase . Public meeting schedule	Dec. 30, 1996
	Deadline for public comments on final draft	Jan. 12, 1997
SWAC Meeting	Consideration of recommending the Illegal Dumping Plan (final draft) for Metro Council adoption	Jan. 15
Council meeting	1st reading of the ordinance* to adopt the Plan	Jan. 23
Council REMCom Meeting	Public hearing on the ordinance* to adopt the Plan; REMCom forms its recommendation to the Council	Feb. 5 (tentative)
Full Council Meeting	2nd reading of the ordinance* to adopt the Plan; Consideration of Plan adoption	Feb. 13 (tentative)
DEQ approval	DEQ approval of the Council's adopted Plan	March 1997
	Adopted Plan distributed to interested parties	March

* The ordinance, when approved by the Metro Council, would adopt the Illegal Dumping Plan and incorporate it into the Regional Solid Waste Management Plan.

REMCom: Regional Environmental Management Committee, a subcommittee of the Metro Council.

SWAC: Regional Solid Waste Advisory Committee; advisory to the Metro Executive Officer and Council.

Meeting times and places - Call the Metro Council Office (797-1540) for information about REMCom meeting times and places. Call Connie Kinney about SWAC meeting times and places (797-1643).

Attachment 3
**Summary of
Public Comments Received
on the Draft Illegal Dumping Plan**

Summary of Comment Received on the 1st Draft Plan	Received From:	Response to Comments
Introduction		
Beginning statement Add language to clarify that the plan addresses the illegal dumping problem within the boundaries of Clackamas, Washington and Multnomah counties.	SWINE (Solid Waste Interagency Network of Enforcers)	"Goals and Objectives" section, new language added to show that this is a Metro plan to address the problem within the region and that local governments can use this plan to address problems outside Metro's boundaries.
Beginning statement - Add language to show how the draft plan is consistent with the RSWMP goals.	Metro councilor	"Goals and Objectives" section, new language
Beginning statement - Add language to show how the plan addresses Metro's responsibility to manage the region's solid waste.	Metro councilor	"Goals and Objectives" section, new language
Summary of Management Practices Staff recommends that key dates not become part of this framework plan. Key dates will be established by the regional planning group in February, 1997, reported to interested parties, and progress to implement the plan will be reported annually in late February per Practice 6.	Metro staff	"Summary of Mgt. Practices" section - key date reference deleted. Practice 6, element b), last paragraph - key date reference deleted.
Practice 1: Communication and Regional Coordination		
no comments received		
Practice 2: Mitigation and Education		
Key Concept and Approach, "Problem Materials" and "Problem Generators" paragraphs It may be helpful to state some examples here (unless there is a concern about implicating certain industries or trades).	Clark Co., SW Wash. Health Dist.	Specific examples were omitted due to the Illegal Disposal Task Force's concerns about implicating certain industries or trades.
b) Abate Disposal Facility Litter Clark County offers public education and sells tarps in an effort to mitigate future problems with uncovered loads.	Clark Co., SW Wash. Health Dist.	Metro is currently providing the same type of public education and services. Staff have requested a copy of Clark Co.'s code and will consider improvements to its program.
c) Provide economic incentives for proper disposal - Low income dumpers will continue to be a problem without a specific plan and funds.	Clark Co., SW Wash. Health Dist.	We agree. The regional planning group will continue its work to develop specific implementation plans.
d) Construction and demolition materials A third example could be to require containers, identified for placement of specific recyclable materials, placed on site during certain construction projects.	Clark Co., SW Wash. Health Dist.	We agree. Waste reduction practices for building industries are addressed in the existing RSWMP, Chapter 7, pg. 7-19, 20, 21, and 38.
d) Sharps handling and disposal Form partnerships with sharps distributors such as pharmacies to take back used sharps for proper disposal. Encourage franchised haulers to provide bio waste collection to both commercial and residential haulers. It may also be prudent to provide a standard recommendation for the public on how to handle used syringes found indiscriminately discarded on public or private property.	Clark Co., SW Wash. Health Dist.	We agree. These suggestions have been passed on to the Pollution Prevention Outreach Group and Metro's Hazardous Waste Unit who are currently working implement the suggestions offered by Clark County.

Summary of Comment Received	Received From:	Response to Comments
<p>d) Sharps handling and disposal Staff requested counsel review the statement to ensure it was consistent with Metro Code.</p>	Metro legal counsel	The new language simplifies Metro's policy on the acceptance of sharps at events and hazardous waste facilities.
<p>e) Education re: homeowners' responsibilities, 3rd bullet - The draft plan calls for educating homeowners that they may be responsible if they hire haulers who illegally dispose of their waste. In fact, they are responsible only if their local codes say they are. The Plan should also advocate for state legislation that requires the homeowners to be responsible state-wide.</p> <p>The Plan should continue to advocate for local jurisdictions to adopt ordinances that would make homeowners responsible.</p>	SWINE	<p>Element e) - language changed to specify responsibility only if local codes apply.</p> <p>Practice 4, element d), 4th bullet - this language will remain; it advocates for local jurisdictions to adopt laws that will restrict homeowners' use of unauthorized and name those haulers and/or homeowners responsible.</p> <p>Practice 4, element d), 5th bullet - new language added to encourage Metro and local jurisdictions to advocate for new state legislation.</p>
Practice 3: Dump Site Cleanup		
<p>a) Metro dump site cleanup criteria Staff requested counsel review of the "hardship" criteria, paragraph a).</p>	Metro legal counsel	Element a) - Counsel proposed amended language and did not think that "undue hardship" needed to be defined. SWAC will consider this language at its Jan. 15 meeting.
<p>b) Regional Call Referral Service Call referrals need to be made to the appropriate local jurisdictions unless there is a written agreement for other referral arrangements.</p>	Wash. Co. Recycling Cooperative	We agree.
Practice 4: Prosecution and Enforcement		
<p>a) Delegation of enforcement responsibilities Staff requested counsel review elements a) and d) to ensure they were consistent with Metro Code and state law.</p>	Metro legal counsel	Elements a) and d) - new language
<p>b) Computer database The Coop. supports the database concept as long as participation is voluntary.</p>	Wash. Co. Recycling Cooperative	We agree.
Practice 5: Theft of Service		
<p>Delegation of enforcement responsibilities The Coop. proposes a language change which acknowledges that local jurisdictions have primary authority in this area.</p>	Wash. Co. Recycling Cooperative	Element a) - new language

Summary of Comment Received	Received From:	Response to Comments
Practice 6: Track Progress and Measure Results		
General comments on Practice 6 All of this depends on what's known, what's reported, what's cleaned up, etc. An annual report could look quite different from reality, depending on what data are used.	Clark Co., SW Wash. Health Dist.	We agree. Implementation work will continue to ensure accurate and useful data collection and reporting.
a) Performance Indicators, element a), "Illegal Dump Site Cleanup," first bullet - Delete the performance indicator of quantifying how much in cleanup costs were repaid to the local jurisdictions. This indicator would be hard to measure and is not the most important indicator of how well dump sites are cleaned up.	Illegal Dumping Task Force, mtg. of Dec. 5	Element a), "illegal dump site cleanup," 1st bullet - The language has been deleted.
b) Annual Reports - The Coop. Is concerned that the proposed language would result in unnecessary reporting requirements.	Wash. Co. Recycling Cooperative	Element b) - new language
Other Comments		
The Auditor supports the plan and thinks an aggressive, cost effective, regional approach is needed to solve the problem.	City of Portland Auditor	Comments received via phone call. Staff memo summarize the call is available on request.
County staff like the plan and want to work with the region to solve the problem of illegal dumping.	Clark Co., SW Wash. Health Dist.	A memo from the county is available upon request. A delegate representing Clark, Skamania and Klickitat counties will participate on the Illegal Dumping Work Group to implement the new plan.
The Cooperative is "strongly supports the plan's proposal to utilize an IGA which would allow local governments to elect the various assistance options from Metro."	Wash. Co. Recycling Cooperative	A letter from the Cooperative is available upon request.

Attachment 4

Illegal Disposal Work Group (Draft)

Work Group Objective: Implement portions of the new Illegal Dumping Plan that call for regional cooperation and coordination.

Name	Phone	Affiliation	Current Position	Address	Fax
Members					
Ken Spiegle Jane Kolberg	650-3374 650-3747	Clackamas County	Solid Waste Program Coordinator Community Environment	902 Abernethy Road, Oregon City, OR 97045	557-6355
JoAnn Herrigel	786-7508	Clack. Co. Cities	Milwaukie, Solid Waste Prog. Mgr.	10722 SE Main Street, Milwaukie, OR 97222	652-4433
		East Mult. Co. Cities Fairv., Wood Village, Troutdale			
Linda Summers	618-2463	City of Gresham	Code Enforcement Officer	1333 NW Eastman Pkwy, Gresham, OR 97030	669-1376
Andre Bjornskov	681-3664	Washington County	Enforcement Officer	155 N 1st Ave., Hillsboro, OR 97124	693-4490
		Washington Co. Cities	City of Tigard		
Gary Bickett (Voice Mail: 360/737-6008, box 3055)	360 695-9215	SW Wash. Health Dist. (Clark, Skamania, and Klickitat Counties)	Environmental Health Specialist, Solid Waste Program	PO Box 1870, Vancouver, WA 98663	360 696-7424
Wayne Potter	823-6110	City of Portland	Enforcement Officer	Building 106, Room 400 (Inter-Agency Mail)	823-4562
		DEQ	Enforcement Officer	2020 SW 4th Ave., Rm. 400, Portland, OR 97201	229-6957
Steve Kraten	797-1678	Metro	Solid Waste Enforcement Officer	600 NE Grant Ave., Portland, OR 97232	797-1795
Jan McGowan	844-9571	SOLV		PO Box 1235, Hillsboro, OR 97123	844-9575
David White	690-3143	Haulers / ORRA	ORRA/Tri County Council	1739 NW 156th Ave., Beaverton, OR 97006	690-3143
Advisors					
Dave Kunz	229-5061	DEQ	State of Oregon, DEQ	2020 SW 4th Ave., Rm. 400, Portland, OR 97201	229-6957
Lynne Storz	681-3663	Washington County	Solid Waste Program Manager	155 N 1st Ave., Hillsboro, OR 97124	693-4490
Terry Petersen	797-1669	Metro	Metro, Env. Services Manager	600 NE Grand Ave., Portland, OR 97232	797-1795
Staff					
		Metro	Work Group Coordinator	600 NE Grand Ave., Portland, OR 97232	797-1795
Marie Nelson	797-1670	Metro	Solid Waste Planning Supervisor	600 NE Grand Ave., Portland, OR 97232	797-1795

Attachment 5

Plan Implementation Schedule - Draft

Note: This implementation schedule has been proposed by staff and will be reviewed by the Illegal Dumping Implementation Work Group at its meeting of Feb. 6, 1997.

	Practice/ Key Elem.	Completion Date	Summary of Implementation Task	Lead Roles
Time Certain Tasks				
1	1.a	Completed	Regional committee - establish a work group to implement parts of the new Illegal Dumping Plan that call for regional coordination and cooperation	M, WG
2	3.c	4/30/97	Develop the matrix of policies/services and map of dump sites	M, WG
3	3.a 4.c 5.a	4/30/97	Designation of services - LG designate in writing who (Metro and/or LG's) will provide the following types of services: <ul style="list-style-type: none"> . Dump site cleanup services . Investigation and prosecution of illegal dumping cases . Investigation and prosecution of theft of recyclable cases 	LG, M
4	2.e, 3.b	4/30/97	Call referral service - Develop a promotion strategy for the new service	M, WG
5	3.b	6/30/97	Call referral service - Up and running via the Metro Recycling Info Center	M, WG
6	2.e, 3.b	6/30/97	Call referral service - implement the promotion strategy	
7	6.a	7/31/97	Plan evaluation methods - complete consultant work	M
8	2.e	9/30/97	Public info strategy - develop a 3-year strategy and begin implementation	WG
9	6.a	10/31/97	Plan evaluation methods - develop strategy to measure plan progress; complete SWAC and REM review	WG
10	4.b	12/31/97	Database - regional computerized database up and running	M, WG
11	6.a	1/1/98	Plan evaluation methods - begin ongoing implementation of meas. strategy	M
12	6.a	3/1/98	Plan evaluation methods - incorporate meas. strategy into the annual report	M
Annual Tasks				
1	2.e	9/30	Public info strategy - Review 3-yr. strategy annual and anticipate budget needs	WG
2	3.a, 4.c, 5.a	To be determined	Designation of services - Periodic review of agreements between Metro and LG's	M, LG
3	6.a	3/1	Plan evaluation - annual review and assessments included in annual report	M, WG
Ongoing Tasks				
1	2.a		Mitigate chronic illegal dump sites	LG, SOLV
2	2.b		Abate disposal facility litter	M
3	2.c, 2.d		Conduct special hazardous waste and bulky waste collection events	LG, M
4	3.a		Dump site cleanup services - provide services according to local policies	LG
5	3.b		Call referral service - update referral listings	WG
6	3.c		Matrix and map of dump sites, etc. - update matrix information and map	WG
7	3.d		Region-wide dump site cleanup events	LG, SOLV
8	4.a		Prosecute and investigate illegal dumping cases	LG
9	4.b		Database - update data	WG
10	4.d		Implement programs / enact legislation - voluntary	LG
11	5.c		Enact various legislation - voluntary	LG

H = Waste Haulers LG = Local Governments M = Metro PS = Private Sector WG = Illegal Dumping Work Group

Refer to the Illegal Dumping Plan for a complete description of tasks as well as lead and supportive roles to implement them.

Exhibit A to Ordinance No. 97-676

Regional Solid Waste Management Plan -- 1995-2005

Illegal Dumping Plan

**Goal, Objectives, and
Management Practices**

Final Draft: Dec. 30, 1996

Goal and Objectives	Pg. 15
Summary of Management Practices	15
Implementation of the Management Practices Roles and Responsibilities	16
Summary of Roles and Responsibilities	17
Practice 1: Improve Communication and Regional Coordination	19
Practice 2: Prevent Illegal Dumping Through Mitigation and Public Education	20
Practice 3: Provide for Illegal Dump Site Cleanup	23
Practice 4: Coordinate Prosecution and Enforcement Efforts	25
Practice 5: Reduce the Incidents of Unauthorized Use of Disposal Containers	27
Practice 6: Track Progress and Measure Results	28

Goal and Objectives

Illegal dumping is a problem that affects public health and safety as well as the region's environment, economic vitality and livability. It is also costly to investigate and prosecute illegal dumping and to clean up dump sites.

This draft plan was developed to address the problem within Metro's boundaries. It also acknowledges that local governments can use this plan to address illegal dumping problems within the rural portions of Clackamas, Multnomah and Washington Counties. This plan was developed collaboratively with government, waste hauler, and private sector representatives who work in the region to prevent illegal dumping, enforce illegal dumping laws, clean up dump sites, and plan for the future. The goal and objectives that guide this plan are:

Goal: Help keep the Metro region clean, livable, and healthy through the cooperative efforts of the public and private sectors to promote proper disposal of solid waste.

Objectives:

- Educate the public about illegal dumping and promote legal alternatives
- Reduce illegal dumping
- Clean up dump sites
- Reduce the unauthorized use of disposal containers

The main goal of the Regional Solid Waste Management Plan (RSWMP) is to develop a plan that achieves a solid waste system that is regionally balanced, environmentally sound, cost-effective, technologically feasible and acceptable to the public. This Illegal Dumping Plan is consistent with that goal. This plan also acknowledges Metro's responsibilities for regional solid waste management planning and disposal.

Summary of Management Practices

The management practices listed below are proposed as the six most effective ways to accomplish the goal and objectives. They identify areas of regional interest where coordination and continued planning will be required, they set expectations for what can be accomplished, and they provide a strategy or approach for implementation.

- Practice 1: Improve communication, coordination and planning
- Practice 2: Prevent illegal dumping through mitigation and public education
- Practice 3: Provide for dump site cleanup
- Practice 4: Coordinate prosecution and enforcement efforts
- Practice 5: Reduce the incidents of unauthorized use of disposal containers through public education and enforcement
- Practice 6: Track progress and measure results

Each proposed management practice includes the components listed below.

Key Concept: A description of the problem or opportunity the practice addresses.

Key Element: The specific programs or activities that make up the practice.

Roles and Responsibilities: The responsibilities of each party to implement the practice.

Implementation of the Management Practices

Roles and Responsibilities

The management practices will be implemented through cooperative and individual efforts of governments and the private sector. Roles and responsibilities have been proposed for the purpose of ensuring the best use of resources and respecting the authorities of state, regional and local governments over specific solid waste management functions. The table on the next page summarizes proposed roles for each partner to implement the management practices.

Illegal Dumping - Recommended Management Practices
Summary of Roles and Responsibilities - Page 1 of 2

Mgt. Practice	Regional Coordination *	State DEQ	Metro	Cities and Counties	Private Sector **
Practice 1: Regional Coordination and Planning	Establish an effective means to coordinate and plan region-wide efforts	Participate Share information	Lead role to coordinate regional planning efforts Participate Share information Provide for meeting space and facilitation	Participate Share information	Participate Share information
Practice 2: Educate the Public	Plan effective education strategies and programs	Implement state programs to educate the public and specific audiences	Lead role to coordinate regional education and promotion planning efforts Implement regional programs to educate the public and specific audiences	Implement local programs to educate the public and specific audiences	Implement private sector programs to educate the public and specific audiences
Practice 2: Mitigate Illegal Dumping	Plan effective mitigation strategies and programs		Lead role to coordinate regional mitigation planning efforts. Provide mitigation programs Assist with implementation of programs per agreements with cities and counties Enforce Metro's "covered load" regulation	Lead role to provide mitigation programs	Lead role to provide mitigation programs
Practice 3: Clean Up Dump Sites	Develop a regional call referral service to report dump sites and related problems; develop a matrix of services and referrals	Lead role to provide technical assistance to other governments as requested to identify and handle special and hazardous materials Lead role to clean up large waste tire dump sites	Lead role to provide the regional call referral service Assist with clean up of dump sites per agreements with cities and counties	Lead role to clean up dump sites consistent with local regulations	Lead role to coordinate and conduct region-wide clean up events Lead role to provide volunteers as available for local cleanup events

- Regional Coordination = Coordinated planning by state, Metro and local governments and the private sector ** Private Sector = Organizations or individuals working to solve the illegal dumping problem.

Summary of Roles and Responsibilities - Page 2 of 2

Mgt. Practice	Regional Coordination *	State DEQ	Metro	Cities and Counties	Private Sector **
<p>Practice 4: Coordinate Investigation and Prosecution</p>	<p>Develop and maintain a regional database of dump sites, suspects, and known illegal perpetrators</p>	<p>Lead role to enforce state regulations Assist to maintain the regional database</p>	<p>Lead role to coordinate the development and maintenance of a regional database. Lead role to enforce Metro regulations related to revenue flow and facility franchises If requested, assist cities and counties to develop "civil penalty" laws Provide investigation and prosecution services per agreements with cities and counties Provide assistance to develop and maintain the regional database</p>	<p>Lead role to investigate and prosecute cases relating to collection, theft of services, and illegal dumping . Lead role to enforce local facility franchise agreements (if applicable) Coordinate with other governments on cases as appropriate Assist to maintain the regional database</p>	
<p>Practice 5: Reduce the Incidence of Unauthorized Use of Disposal Containers</p>	<p>Develop a regional public education campaign</p>	<p>Participate in the development of a public education campaign</p>	<p>Lead role to coordinate the development of a regional public education campaign; implement specific education strategies as determined If permitted by local laws and if requested, assist cities and counties to investigate and prosecute theft of services cases</p>	<p>Lead role to investigate and prosecute theft of services cases Participate in the development of a regional public education campaign; implement specific education strategies as determined</p>	<p>Participate in the development of a regional public education campaign</p>
<p>Practice 6: Track Progress Measure Results</p>	<p>Track program results and plan program improvements where necessary</p>	<p>Assist to provide data for the annual report Participate to assess program results and to plan improvements where necessary</p>	<p>Lead role to provide data, produce and distribute an annual report of activities Lead role to conduct surveys and studies to measure regional progress Lead role to assess program results and to plan improvements</p>	<p>Assist to provide data for the annual report Assist with surveys and studies as appropriate Participate to assess program results and to plan improvements</p>	<p>Assist to provide data for the annual report as appropriate Assist with surveys and studies as appropriate Participate to assess program results and to plan improvements</p>

Practice 1: Improve Communication and Regional Coordination

Key Concept and Approach

Effective communication and regional coordination will be required to accomplish the goal, objectives, and management practices of this plan, and to minimize duplication of efforts and service gaps. The other management practices describe key projects where coordination will be necessary. This practice describes the specific mechanisms to improve cooperation and coordination.

Key Elements

Roles and Responsibilities

[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]

- a) **Establish and support, financially and through staffing, a regional committee or committees.** The purpose of the committee(s) will be to provide an effective, ongoing regional forum to share information, discuss key issues, develop plans and programs, implement programs to involve the public in plan development, and to assess program results. Metro will provide meeting space and facilitation services as required. Governments and the private sector will participate.
- b) Metro and DEQ will coordinate cooperative efforts developed through the regional committee, as defined in "a)."

Practice 2: Prevent Illegal Dumping through Mitigation and Public Education

Key Concept and Approach

Resources invested to prevent illegal dumping will result in fewer resources expended to investigate and prosecute cases, and to clean up illegal dump sites. Effective prevention can also help alleviate the negative economic consequences of chronic illegal dumping for neighborhoods, businesses, and government. The results of annual tracking surveys suggest that prevention efforts implemented in the last several years have resulted in fewer dump sites in locations that have traditionally experienced problems. Prevention activities should be strengthened to increase this momentum. Prevention activities should address the principal reasons illegal dumping continues to be a problem. These include:

Chronic dump sites - Known illegal dump sites attract more illegal dumping. Prompt cleanup and physical barricades will make these sites less attractive to potential perpetrators.

Economic considerations - Problems that lead to illegal dumping and are sometimes economic in nature, such as low-income residents who cannot otherwise afford garbage service. The public needs to be made aware of low cost, legal options such as recycling.

Problem materials - Some materials have proven to be a chronic illegal dumping problem. Implementation of solutions that help to improve their chances of being recycled or properly disposed is a key step in managing illegal dumping.

Problem generators - Certain types of commercial and industrial waste generators have been found to be more prone to dispose of materials through illegal means. Specific solutions should be implemented to mitigate potential illegal dumping activities.

Lack of public awareness - Large segments of the general public and certain targeted generators may not be aware of the health, safety, social, economic, environmental, and legal consequences of illegal dumping. They may not be aware of legal recycling and disposal options. Effective promotional and educational efforts will raise awareness and help prevent illegal activity.

Key Elements
Roles and Responsibilities

[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]

- a) **Mitigate chronic illegal dump sites.** Make chronic dump sites less attractive to perpetrators by placing or removing barriers, signs, lighting and other deterrents at chronic dump sites whenever feasible. Monitor chronic sites for problems. Work with private property owners to mitigate illegal dumping.
- b) **Abate Disposal Facility Litter.** Metro will continue to mitigate litter problems at Metro-owned and franchised solid waste facilities and roadsides by levying a surcharge for loads arriving without proper cover or containment.
- c) **Provide economic incentives for proper waste disposal.** Make it convenient and economically viable for waste generators to recycle bulky and hazardous items thus making it less likely they will be illegally dumped. Continue special collection events for these materials. Provide grants to fund these events.
- d) **Continue effective programs for problem materials** and launch new programs that will solve acute problems.

Bulky materials - As noted in c) above, continue special collection events for bulky materials that are often illegally dumped.

Waste tires - Accept waste tires at community cleanup events. Encourage state legislation for the better management of waste tires and to strengthen actions that can be taken against the illegal disposal of waste tires.

Construction and demolition materials - Initiate programs to educate construction and demolition contractors on proper waste disposal techniques and recycling opportunities. When feasible, implement additional measures to increase proper management of waste. Examples could include: 1) require waste generators to develop and submit recycling plans to local governments; or 2) increase enforcement of regulations that require the use of authorized haulers.

Hazardous materials - Work cooperatively to implement state, regional and local programs to promote the safe and legal use and disposal of hazardous materials.

Sharps - promote the safe and legal disposal of sharps generated by households and institutions. Support the planning and public outreach efforts of the Pollution Prevention Outreach Group, a region-wide group working to promote the safe and legal disposal of sharps generated by households and institutions and work cooperatively with that group as opportunities arise. Metro will continue to collect properly contained sharps at its permanent hazardous waste facilities and at satellite household hazardous waste collection events, subject to the conditions of Metro's sharps container exchange program.

Sharps are defined in ORS 459.386 as including needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers.

Renters - Local governments may elect to implement policies requiring landlords to subscribe to garbage and recycling service for their tenants. These policies have been effective in other jurisdictions.

e) **Educate the general public and targeted audiences.** Collaborate to develop and implement effective education to:

- Help the general public and targeted audiences to understand what illegal dumping is and its legal, social, economic, and environmental consequences;
- Inform the general public and targeted audiences about the roles and responsibilities of citizens, governments and the private sector to solve the problem of illegal dumping;
- In applicable jurisdictions, inform the general public and targeted audiences that they may be directly responsible if they hire a hauler who illegally disposes of their waste;
- Promote legal recycling, disposal alternatives, and locations of service facilities; and
- Inform the public government enforcement officers' success in apprehending perpetrators.

Target audiences should include business owners, rental property owners and associations of investors, self-haulers, people who use the services of haulers that are not authorized by local governments to haul waste, remodelers, carpenters, roofers, landscapers, painters, security personnel, judges, hearings officers, police officers, and fire fighters.

Depending on target audiences and messages, specific education methods could include: newspaper articles or ads; city, county or neighborhood association newsletters; professional association newsletters, cable access television programs; public service announcements (radio and television); garbage bill inserts; videos; speakers bureaus (slide presentations and talks to civic groups and trade associations); workshops or roundtable discussions with business groups, law enforcement and fire fighter associations.

Proper solid waste reduction, disposal, and recycling practices will continue to be promoted.

Practice 3: Provide for Illegal Dump Site Cleanup

Key Concept and Approach

Prompt cleanup of illegal dump sites ensures the removal of health and safety hazards, provides a means to obtain and preserve evidence and information that could lead to prosecution, and lessens the likelihood of more dumping at the same site. The region's local governments have different approaches to dump site cleanup. In addition, private sector organizations have assumed an important role to coordinate regional cleanup events and services. Roles and responsibilities need to be worked out in order to avoid service gaps and overlaps.

Key Elements

Roles and Responsibilities

[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]

- a) **Provide dumpsite cleanup services according to local policies.** Local governments have the authority to provide dumpsite cleanup within their jurisdictions.

Metro will provide illegal dump site cleanup services on private property per agreements with cities and counties, and according to one or more of the following criteria:

- The property is not a county or city right-of-way that is regularly cleaned up by a local jurisdiction
- The dump site is a health and/or safety hazard to the public
- The dump site is unsightly
- It would present an undue hardship to the property owner under the circumstances to clean up the site.
- Evidence about the probable perpetrator can be gathered in the process of cleaning up the site

Metro's objective will be to provide quick response to appropriate service requests in order to mitigate additional illegal dumping problems at the site.

DEQ will continue to provide technical assistance to other governments and the private sector as requested to identify potentially hazardous materials that have been illegally dumped or abandoned. It will also address water and air quality concerns that arise as a result of illegal dump sites.

- b) **Establish a regional call referral service for reporting illegal dumping.** The purpose of the call referral service is to provide better public service. It will ensure that the public has a simple and understandable way to report incidents. Metro will provide the service through its existing Recycling Information Center and will promote the new number to the public. Regional coordination will be required to set up and maintain reliable referrals as described in c) below.
- c) **Develop a matrix and map of dump site cleanup policies and services.** Through a cooperative regional effort, identify the laws, codes, and enforcement procedures, including penalties and cleanup policies, that exist within the region and including Vancouver and Clark County, Washington. Identify the boundaries of those programs on a regional map. Identify reliable phone numbers and referrals for different types of illegal dumping situations that are likely to occur. Ensure that all jurisdictions receive the information and that the information is updated on a regular basis. This matrix and map will be used by the call referral service described in b) above.

- d) **Continue to provide local and region-wide dump site cleanup events.** Governments and the private sector will continue to plan and implement cleanup events. This includes those organized by Stop Oregon Litter & Vandalism (SOLV). SOLV will also provide volunteers as available for cleanups coordinated by state, regional or local governments.

Practice 4: Coordinate Prosecution and Enforcement Efforts

Key Concept and Approach

There are challenges to prosecution and enforcement efforts that heighten the need for coordination. For example, illegal dumping policies and enforcement practices vary among jurisdictions. Another challenge is that perpetrators do not usually confine their activities to one jurisdiction. Instead, they tend to cross jurisdictional boundaries and continue those activities. Also, some local officials may not see illegal dumping cases as a high priority and may be unaware of an offender's prior illegal dumping offenses. Coordination is required to address these challenges effectively.

Key Elements

Roles and Responsibilities

[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]

- a) **Prosecution and investigation is under the authority of local governments.** Local jurisdictions have the authority to investigate and prosecute illegal dumping incidents that occur within their boundaries. When permitted by law, this enforcement authority may be delegated to another jurisdiction by written agreement. Metro will assist to investigate and prosecute cases per written agreements with cities and counties.
- b) **Develop and maintain a regional, computerized database of suspects, offenders, dump sites, and open and closed cases.** The purpose of the database is to provide the means to electronically share current information region-wide about illegal dump sites, suspects and perpetrators in order to apprehend more offenders. Metro will provide technical assistance and funding to establish and maintain the database and to provide other governments the opportunity to access the database. All jurisdictions will coordinate to maintain the database, to evaluate its effectiveness, and to plan improvements.
- c) **Conduct information meetings with criminal enforcement personnel.** Governments will coordinate to plan and conduct regional and local meetings with civil and criminal enforcement personnel. The purpose of these meetings will be to increase awareness of illegal dumping enforcement programs and the serious nature of the offense.
- d) **Other Actions.** In the interest of establishing more consistent policies, any of the following elements can be implemented by governments as appropriate:
 - Local governments may choose to issue citations under Metro's illegal dumping ordinance through written agreements with Metro.
 - Adopt laws to:
 - Allow liens to be placed on the personal property of perpetrators (e.g., vehicles) if they fail to pay civil penalties or costs of cleanup.

- Restrict homeowners' use of unauthorized haulers and hold unauthorized haulers and/or homeowners liable for cleanup of illegally-dumped materials.
 - Advocate for a state law that would restrict homeowners' use of unauthorized haulers and hold unauthorized haulers and/or homeowners liable for cleanup of illegally-dumped materials.
 - Require convicted offenders to subscribe to residential garbage service.
 - Enact an illegal dumping ordinance.
-
- Develop procedures to identify repeat offenders across the region
 - Provide cost-effective ways for recycling coordinators and enforcement officials to access the state Department of Motor Vehicle's automated voice exchange system (DAVE) in order to do license plate checks on illegal dumping suspects.

Practice 5: Reduce the incidents of unauthorized use of disposal containers through public education and enforcement

Key Concept and Approach

Illegal disposal includes the unauthorized placing of one's garbage in another's refuse container. Considering that "garbage collection" is a service that is paid for by the customer, this activity is tantamount to stealing the service from the individual or business that paid for it. As disposal costs increase, so does the monetary significance to the victim and the number of incidents.

Illegal disposal also includes cases where waste or recyclables are deposited at a legitimate disposal or recovery facility but dumped after hours and/or without proper payment. Such cases occur infrequently and can be handled either as thefts or as illegal dumping.

"Theft of service" is a crime under Oregon law and as such it is the responsibility of the local law enforcement agency to investigate the offense and prosecute through the district attorney's office. Individuals who participate in this activity may be unaware that it is a crime and the possible consequences. Public education would raise awareness and help prevent this activity.

Due to limited law enforcement resources, local jurisdictions may determine that this activity is a low priority for criminal investigation and prosecution. The regional committee established under Practice 1 of this Plan could investigate alternative approaches to address this problem, including prosecuting as a civil offense.

Key Elements

Roles and Responsibilities

[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]

- a) **Investigation and Prosecution is under the authority of local governments.** Local jurisdictions have the authority under Oregon law to investigate and prosecute the unauthorized use of disposal containers (theft of services) occurring within their boundaries. This enforcement authority may be delegated to another jurisdiction by written agreement.
- b) **Develop a public education campaign** to inform individuals that this activity is "theft" and of the legal consequences. In addition, both residential and business waste collection customers should be educated on steps that may be taken to protect their disposal containers from unauthorized use, such as lighting, signage and locks.
- c) **Enact legislation.** Local jurisdictions may enact legislation making unauthorized use of a disposal container a civil violation, thereby removing investigation and prosecution from the criminal justice system.

Practice 6: Track Progress and Measure Results

Key Concept and Approach

Surveys and program tracking are traditional management tools used to measure and evaluate the effectiveness of programs. These same types of management tools should be used to assess the effectiveness of illegal dumping programs, to plan better approaches to solve the problem, and to ensure

to best use of resources. Annual reviews will be necessary given the changing face of the problem. For example, new illegal dump sites may emerge as old ones are cleaned up, changing solid waste policies may result in the decrease or increase of illegal activity, or an increase in construction activity in a particular area may result in more illegally disposed construction waste.

Key Elements

Roles and Responsibilities

[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]

- a) **Identify performance indicators.** In order to track progress from year to year, governments and the private sector have identified key indicators of performance. These indicators will be used to assess region-wide progress toward reaching the objectives of this plan.

Communication and Regional Coordination

- Participation in the Solid Waste Interagency Network of Enforcers (SWINE)
- Participation in regional planning efforts
- Successful implementation of regional programs

Prevention and Public Education

- Identify sites where mitigation measures have been taken and determine whether or not they are dumped on less frequently
- Decrease in the size and number of illegal dump sites
- Changes in public attitudes (surveyed through public opinion polls)
- Changes in the behavior of targeted waste generators
- Numbers and types of calls to the regional call referral service phone number

Illegal Dump Site Cleanup

- Number of sites cleaned up, who cleaned them up, and who paid for the cleanup. Calls to the regional call referral service

Coordinated Investigation and Prosecution

- Adoption of new laws
- Jurisdictions use the new regional database
- Number of informational meeting with enforcement personnel
- Number of cases involving coordinated investigation and prosecution

- b) **Produce and distribute an annual report on the status of illegal dumping.** The purpose of this report is to survey and inventory the current status of the illegal dumping problem. The report will also analyze survey information and make specific recommendations for change as discussed in element b) below. The report may include the following information for each annual reporting period:

- Size, locations and types of known illegal dump sites (“types” can include whether the land was privately or publicly owned, the types of materials dumped, and whether the material was dumped by households or businesses)

- Number, size, locations, and types of illegal dump site cleanups, quantities of materials collected, whether the site owner or the local government cleaned the site, how much money was recovered from local government cleanups, and the costs of cleanup activities.
- Number of violators apprehended
- Status of repeat violators
- Number of cases successfully cleared
- Call activity - regional call referral service by geographic location
- Summary of programs implemented
- Summary of new solid waste management policies and their probable effects on illegal dumping
- Comparisons with prior years and analysis
- Recommendations for change
- Survey of types of materials dumped
- Map matrix to mitigate repeat calls and transferring of calls
- Response times for resolving problems

Metro will compile and distribute the report annually. Local governments may contribute information for their jurisdictions. Metro will work with state and local governments to determine specific reporting needs.

c) Analyze report data and recommend program improvements. All parties will participate in the following activities:

- Analyze annual data
- Assess the effectiveness of current programs
- Amend existing programs as a result of surveys
- Recommend new programs to address emerging problems

Agenda Item Number 7.1

Ordinance No. 96-665, For the Purpose of Coordinating Comprehensive Plans by Establishing an Urban Service Boundary.

Second Reading

**Metro Council Meeting
Thursday January 23, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF COORDINATING) ORDINANCE NO 96-665
COMPREHENSIVE PLANS BY ESTABLISHING)
AN URBAN SERVICE BOUNDARY) Introduced by Executive Officer,
) Mike Burton

WHEREAS, Metro is required by ORS 195.025(1) to be responsible for coordinating all planning activities affecting land uses within its jurisdiction to assure integrated comprehensive plans for the entire metropolitan area; and

WHEREAS, Metro must approve cooperative agreements and review urban services agreements as part of coordinating urban services in the SB 122 process while retaining overall coordination responsibility; and

WHEREAS, the cities of Portland and Beaverton and Washington County have been involved in a long-standing dispute over planning the ultimate areas for urban services to be provided under the comprehensive plans of the cities in unincorporated urban areas of Washington County between the two cities; and

WHEREAS, Metro's Executive Officer convened informal discussions of the urban services issues among the cities, the County, special service districts and citizens of the unincorporated area which reviewed provision of sewer, water, and parks services in the unincorporated area between Portland and Beaverton; and

WHEREAS, discussion of urban services among the affected parties indicated a strong desire for the certainty in the planning of urban services that has been provided to abutting cities by the use of policies in comprehensive plans establishing urban service boundaries between the cities of Portland and Gresham and Beaverton and Tigard; and

WHEREAS, the courts have held that the comprehensive plans of Beaverton, Portland and Washington County contain inconsistent provisions on an urban service boundary between Beaverton and Portland; and

WHEREAS, the County, cities, and special service districts participating in informal discussions with the Metro Executive Officer have agreed to policies and actions to assure coordination of the comprehensive plans of Washington County and the cities of Beaverton and Portland; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the past amendments to the comprehensive plans of the City of Portland, the City of Beaverton and Washington County relating to urban service boundaries between Portland and Beaverton shall be replaced by text in the comprehensive plans describing an Urban Service Boundary line between Beaverton and Portland as the area of ultimate annexation for each city. The text description shall be consistent with the Urban Service Boundary Map attached and incorporated herein as Exhibit A. This Map shall be used to establish the Urban Service Boundary in each comprehensive plan which shall be the basis for adopting new urban planning agreements consistent with this Ordinance.

The Urban Service Boundary Map establishes the Urban Service Boundary as the Multnomah-Washington County boundary line, with the following small exceptions due to existing annexation, deed restrictions and service connections:

A. The following exceptions to the county line are needed to make a logical boundary for small areas already annexed into City of Portland:

1. The southernmost Portland annexation adjacent to Florence Lane remains in Portland.

2. The Portland annexation south of Garden Home Road and west of Oleson Road remains in Portland, plus a small "island" north of Garden Home Road near 67th Avenue.
 3. The Portland annexation north of Beaverton-Hillsdale Highway, the annexation at Hamilton and Scholls Ferry Road, and the property between them west to Scholls Ferry Road remain in Portland.
 4. The SW Burnside and Barnes Road Portland annexation remains in Portland.
- B. A small area to create a logical boundary and retain an existing neighborhood: Oleson Road becomes the USB between SW 70th Avenue and SW Vermont to the boundary of the third Portland annexation, including the neighborhood streets of SW 70th, SW Canby on the south and SW 66th and 68th Court on the north, plus two small "islands" north of SW Vermont at SW 66th Court and SW 68th Court.
- C. A small area with deed restrictions requiring annexation to Portland and streets connected to Portland remains in Portland: Meadowridge development.
- D. A small area for the extension of SW 66th Avenue, north to SW Barnes Road.
- E. A small area east of SW Canyon Drive and south of U.S. 26 for access to SW 64th Place, SW Bucharest Court in Multnomah County.

2. That the following policies shall be added to the Beaverton, Portland and Washington County comprehensive plans and shall be the basis for adopting new urban planning agreements consistent with these policies:

- A. Upon annexation of the area in the vicinity of SW Garden Home Road and SW Oleson Road by Beaverton consistent with the Urban Service Boundary, Portland shall consent to annexation by Beaverton of that area south of SW Garden Home Road and west of Oleson Road that is currently in Portland.
- B. For the Raleigh Hills Town Center as shown on the acknowledged Metro 2040 Growth Concept Map, the affected jurisdictions of Beaverton, Portland, Washington County and Metro shall enter into an urban planning agreement to assure implementation of the Urban Growth Management Functional Plan provisions relating to town centers, including the establishment of town center boundaries and demonstration of target capacities for jobs and housing.

3. That Metro shall adopt regional coordination policies to assist the City of Beaverton, City or Portland and Washington County in the adoption of new planning agreements consistent with this Ordinance.

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

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STAFF REPORT

CONSIDERATION OF ORDINANCE 96-665 FOR THE PURPOSE OF COORDINATING COMPREHENSIVE PLANS BY ESTABLISHING AN URBAN SERVICE BOUNDARY

Date: November 21, 1996

Presented by: Mike Burton, Executive Officer

BACKGROUND

Executive Officer Mike Burton has been working with the City of Beaverton, the City of Portland, Washington County and affected special districts in determining an urban services boundary in unincorporated Washington County. Since last spring these agencies have actively participated in a process to determine a boundary that best meets the needs of residents in this area. A series of neighborhood workshops were held to provide information to residents. These were followed with a random phone survey and a mailed questionnaire to registered voters and property owners.

In September, the executive officer recommended a tentative agreement including a boundary line and provisions to ensure coordinated planning efforts in the area. The Portland City Council, Beaverton City Council, Washington County Commission, and the special districts have all approved the tentative agreement. Ordinance No. 96-665 is a coordination action directing Portland, Beaverton and Washington County to amend their comprehensive plans to be consistent with the agreement.

The ordinance establishes that the Multnomah/Washington County boundary line serve as the urban services boundary with some small exceptions due to existing annexations, deed restrictions, neighborhood boundaries and service connections. The attached map illustrates the urban service boundary.

While annexations may not occur for a number of years, the ordinance establishes the urban service boundary line as the area of ultimate annexation between Portland and Beaverton. Until annexation, the area continues to be an unincorporated area within Washington County served by existing service providers. The agreement does not affect school districts or postal addresses.

The ordinance also requires a joint planning agreement for the Raleigh Hills Town Center to ensure a coordinated effort between the jurisdictions in implementing the 2040 Growth Concept.

A separate resolution establishes that Metro shall adopt coordination policies related to review of Senate Bill 122 agreements, Metro service coordination and dispute resolution, and review the provision of urban services and annexations in currently unincorporated Washington County adjacent to Portland.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Ordinance 96-665. The agreement is a compromise that gives certainty to the citizens of the affected area and ensures long-term planning coordination across jurisdictional boundaries to protect and enhance livability.

Agenda Item Number 8.1

Resolution No. 96-2426, For the Purpose of Adopting Policies for Coordination of City and County Comprehensive Plans.

**Metro Council Meeting
Thursday January 23, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING) RESOLUTION NO 96-2426
POLICIES FOR COORDINATION OF)
CITY AND COUNTY COMPREHENSIVE) Introduced by Executive Officer,
PLANS) Mike Burton
)

WHEREAS, Metro is required by ORS 195.025(1) to be responsible for coordinating all planning activities affecting land uses within its jurisdiction to assure integrated comprehensive plans for the entire metropolitan area; and

WHEREAS, Metro must approve cooperative agreements and review urban services agreements as part of coordinating urban services in the SB 122 process while retaining overall coordination responsibility; and

WHEREAS, the courts have held that the comprehensive plans of Beaverton, Portland and Washington County contain inconsistent provisions on an urban service boundary between Beaverton and Portland; and

WHEREAS, Metro participated with the County, cities, and special service districts in informal discussions convened by the Metro Executive Officer where the parties tentatively agreed to policies and actions to assure coordination of the comprehensive plans of Washington County and the cities of Beaverton and Portland that included Metro coordination policies; now, therefore,

BE IT RESOLVED:

1. That the Executive Officer shall prepare a policy and process as a basis for Metro review of cooperative agreements and urban service agreements submitted to Metro under SB 122 which contains the following:

- A. Recognition of county-convened processes pursuant to SB 122 which complete draft urban service agreements for Metro review.
- B. Use of the urban service boundaries between Portland and Gresham, Beaverton and Tigard, and Portland and Beaverton as a basis for review of proposed SB 122 cooperative agreements and urban service agreements.
- C. Provision for the City of Portland to comment to Metro on those proposed urban service agreements relating to areas near the Beaverton-Portland Urban Service Boundary which impact Portland as part of Metro review of those proposed urban service agreements.
- D. Metro determination of whether Metro mediation or coordination action relating to proposed SB 122 agreements is indicated to assist city and county implementation of the Urban Growth Management Functional Plan, including review of transportation and planning impacts to areas near the Portland-Beaverton Urban Service Boundary commented on by Portland.

2. That a procedure shall be added to the Metro Code for consideration of Metro actions to coordinate urban services and resolve urban services disputes which shall include the following:

- A. A mediation process by the Executive Officer with a report to the Metro Council.
- B. A hearing at the Metro Council for consideration of any formal coordination action or other region-wide policy.
- C. Provision for Metro Council coordination or regional policy actions to be final land use decisions consistent with acknowledged RUGGO, including

the 2040 Growth Concept, and adopted functional plans. Such decisions would be appealable to the Land Use Board of Appeals.

3. That Metro shall adopt a policy to review provision of urban services and annexations in currently unincorporated Washington County adjacent to Portland with Washington County, Beaverton, Portland and affected service districts.

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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Agenda Item Number 8.2

**Resolution No. 96-2436A, For the Purpose of Endorsing the Statewide Advisory Committee
Recommendations on the Oregon Transportation Initiative.**

**Metro Council Meeting
Thursday January 23, 1997
Council Chamber**

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING THE) RESOLUTION NO. 96-2436A
STATEWIDE ADVISORY COMMITTEE)
RECOMMENDATIONS ON THE OREGON) Introduced by
TRANSPORTATION INITIATIVE) Transportation Planning
Committee

WHEREAS, Governor John Kitzhaber launched his Oregon Transportation Initiative (OTI) in January 1996 to assess the transportation needs of the State of Oregon and to provide for the involvement of communities across Oregon in this effort; and

WHEREAS, The recommendations of the five regional citizen advisory committees (RAC) and the statewide citizen advisory committee (SAC) of the OTI were integrated by the SAC into a report on its recommendations to Governor Kitzhaber; and

WHEREAS, Metro is responsible for preparing and adopting the Regional Transportation Plan, the long-range transportation plan for the Portland metropolitan area; and

WHEREAS, The Regional Transportation Plan (RTP) identifies a 20-year shortfall in funding for identified transportation improvements; and

WHEREAS, The SAC recommendations on the Oregon Transportation Initiative recognize the funding shortfall identified in the RTP and provides a funding package that begins to address this shortfall consisting of both state and regional/local efforts; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby endorses the general principles of the Statewide Advisory Committee Recommendations on the

Oregon Transportation Initiative (as described in Exhibit A) as an initial statewide step toward addressing the shortfall in funding the region's long-range transportation needs.

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

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

**SUMMARY OF SAC RECOMMENDATIONS
TO GOVERNOR KITZHABER
11/20/96**

Following is a summary of key elements of the Statewide Advisory Committee's November 18 report and recommendations to the Governor.

- 1. Preservation of a "Base System"**
 - Make OM&P on "base system" facilities and services top priority.
 - Focus first on roads (42,000+ miles) and special needs transit.
- 2. Improve Efficiency**
 - Reduce costs per unit OM&P output by 1 percent per year compounded.
 - Link allocation of "modernization" money to hitting this target.
 - Further reduce "needs" by 10 percent (adjust standards, etc.).
- 3. Decentralize Decision-Making**
 - Establish regional bodies to review use of existing resources and assets, and guide spending on system modernization and expansion.
 - Link new investment to livability, economic opportunity and efficiency.
- 4. Separate Funding for Preservation and Modernization**
 - Halt deterioration in existing road and bridge infrastructure.
 - Create a slowly growing stream of revenue for OM&P.
 - Make spending on modernization more flexible and efficient; link to community and region plans.
- 5. Funding for OM&P**
 - Rely on user and "damage" fees.
 - Index the OM&P revenue base.
 - Maintain effort at the local level.
- 6. Funding for Modernization ("LEO Fund")**
 - Shift emphasis to "drivers of demand".
 - Add flexibility in use of new vehicle registration fees.
 - Encourage local/regional "effort".
- 7. Change Long-Term Funding Approach**
 - Reduce reliance on current user fees.
 - Focus on funding mechanisms that provide incentives change behavior.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 96-2436A FOR THE PURPOSE OF ENDORING THE STATEWIDE ADVISORY COMMITTEE RECOMMENDATIONS ON THE OREGON TRANSPORTATION INITIATIVE

Date: December 10, 1996

Presented by: Andrew Cotugno

PROPOSED ACTION

This action recognizes Metro area support of the Statewide Advisory Committee (SAC) recommendations on the Oregon Transportation Initiative (OTI) as they are forwarded to Governor Kitzhaber. The SAC recommendations are consistent with policies adopted by the Metro Council as part of Metro's regional transportation and growth management planning.

FACTUAL BACKGROUND AND ANALYSIS

The Oregon Transportation Initiative

Governor John Kitzhaber launched the Oregon Transportation Initiative (previously the Governor's Transportation Initiative) in January 1996 to assess the transportation-related needs of communities throughout Oregon, identify those most crucial to livability and economic vitality, and develop ways to meet priority needs as economically as possible. The Governor said that the OTI would build on the Oregon Transportation Plan, which provides a broad policy framework for addressing needs and improving transportation system efficiency through better coordination of land use, economic and transportation decisions.

Business and community leaders across Oregon participated in five regional citizen advisory committees (RAC), including one in the Portland metropolitan area and in a statewide advisory committee (SAC) chaired by former Governor Neil Goldschmidt. The SAC integrated the findings of the state and regional committees and forwarded its recommendations to Governor Kitzhaber for his consideration.

Relationship of the OTI to Metro's Regional Transportation Plan

Metro's Regional Transportation Plan (RTP) is a multi-modal transportation planning document which provides a 20-year blue print for transportation decision-making, while working toward implementation of the region's 2040 Growth Concept. This plan identifies a set of improvements to the regional transportation system, including operations, maintenance, preservation and capital expansion, that best meet the region's needs over the 20-year period. The RTP identifies a \$4 billion shortfall in funding this set of improvements.

The OTI provides a comprehensive funding package that begins to address this shortfall. The OTI recognizes the importance of adequately funding maintenance and preservation needs in addition to expansion of the transportation system to accommodate growth. The OTI also recognizes that both state and local efforts will be needed to fully address these needs.



OREGON TRANSPORTATION INITIATIVE

STATEWIDE ADVISORY COMMITTEE RECOMMENDATIONS ON OREGON TRANSPORTATION POLICY

November 18, 1996

I. EXECUTIVE SUMMARY

The Statewide Advisory Committee (SAC) of the Oregon Transportation Initiative has received and reviewed reports and recommendations from four working groups established in August by Governor John Kitzhaber to provide advice on issues critical to the evolution of Oregon's transportation system.

Taken together, the recommendations of these groups would produce dramatic and fundamental changes in the way transportation facilities and services throughout Oregon are developed, managed and financed.

- They would build on past successes to improve efficiency and lower the long-term cost transportation for Oregonians.
- They would reorganize our system of transportation funding by:
 - a. making operation, maintenance and preservation of existing transportation assets the top priority for use of transportation funds collected statewide;
 - b. linking new public investment in transportation system expansion to the ability of projects to contribute to livability and economic opportunity objectives at the community level, and
 - c. separating resources into at least two funds -- one of which would be flexible enough to fund the most beneficial projects, regardless of mode.
- They would shift more responsibility for decision-making on projects of local and regional significance to citizens in affected areas.

The SAC believes such change is necessary, and concurs with most of the recommendations of the working groups. Our major policy-related recommendations to the Governor follow.

1. Improving Efficiency

- We recommend implementation of a system that will ensure base transportation system operations, maintenance and preservation efficiency improves by at least 1 percent per year, compounded for the foreseeable future. We believe efficiency will be encouraged by allowing areas that achieve exceptional results to retain a share of the savings for transportation purposes.
- We recommend the OTC link allocation of state resources for transportation system modernization and expansion to successful achievement of efficiency improvement objectives and biennial productivity plans.
- Long-term, we believe we must find a way to measure the effectiveness of the transportation system as whole. Developing a system to track the average total (public and private) cost of moving people and goods in the state is a good first step.

2. Establishing a "Base System"

- We recommend focusing operation, maintenance and preservation resources on a "base system" of roads that includes about half the total roads in the state -- specifically, those which are most used to move people and freight throughout the state on a daily basis.
- We recommend the OTC, in cooperation with AOC and LOC, develop and implement systems to ensure that revenue collected at the state level for operations, maintenance and

preservation (OM&P) is used principally for that purpose, and to measure the condition of roads as a way of verifying our commitment to base system OM&P.

- We recommend, for the time being, that public transportation for the elderly and disabled be considered part of the "base system" for which the state takes primary funding responsibility. Additional work is needed to define a base system that considers the balance of the transit system, along with other modes.

3. Reorganizing Decision-Making

- We need transportation priorities that are consistent with community and region plans to improve livability and enhance economic opportunity. We believe regional bodies, comprised of public and private sector leaders, can help bridge the gap that often exists between state, regional and local concerns. We recommend creation of such bodies.
- We believe these groups should set criteria to guide regional transportation investment, and should be empowered to review proposed changes to the "base system" in their areas, assess the progress agencies are making toward achievement of efficiency objectives, facilitate multi-agency efforts to improve efficiency, and assess and make recommendations on inter-regional transportation needs.
- We recommend the regional bodies review access management plans for the major highways and roads in this area, to help ensure those facilities serve their intended purposes. Priority should be given to through movement in rural areas. Through movement should be balanced with access functions in community centers.

4. Linking Investment to Core Values

- We believe the state, cities, counties and regional bodies should have a clear idea of how spending on modernization and expansion of transportation systems and services will support community and regional livability and economic opportunity before committing resources to specific projects.
- We recommend regional bodies be given responsibility to establish livability and economic opportunity criteria for their areas, consistent with broad, statewide guidelines, and that the OTC ensure state spending on transportation system modernization focuses on projects that are most consistent with these guidelines and criteria.

5. Creating Separate Funds for Preservation and Expansion

- We recommend creating two funds at the state level for transportation purposes: one dedicated to operation, maintenance and preservation of "base system" facilities and services; a second for modernization and expansion of facilities and services -- particularly those that improve livability and enhance economic opportunity.
- We recommend raising sufficient revenue to meet the limited, OM&P needs described in the following section, to provide funding for elderly and disabled transit service statewide, and to allow for a limited modernization and expansion of transportation facilities and services. In total, the increase proposed is equivalent to a five cent increase in gas taxes and comparable truck taxes in each of the next two years, plus an increase of at least \$20 per year (\$40 per biennium) in vehicle registration fees.
- We do not recommend exclusive reliance on these sources. In fact, we believe we should plan to begin reducing our reliance on these sources over time (see section 8).

6. Funding Operations, Maintenance and Preservation (OM&P)

- We recommend funding for base system OM&P be predicated on the assumption that efficiency initiatives are implemented successfully, and that 90 percent of the cost of operating, maintaining and preserving existing road surface conditions is the "need" that must be met. Improving existing surface conditions would require additional resources.
- We recommend funding for OM&P of base system roads and bridges continue to be drawn primarily from user fees -- supplemented at the local level by timber receipts and a variety of other resources.
- We believe user fees (gas taxes and weight-mile charges) should continue as the principal sources of funding for OM&P. We recommend they be indexed to ensure that funding is sufficient to help offset the effects of inflation, improved fuel efficiency, and system growth. We believe additional alternatives, such as congestion pricing, should be considered as more information becomes available.
- We note studded tires and utility cuts cause extraordinary damage to pavement. We recommend the costs of this damage be recovered from those who cause it, and that revenue resulting from such collections be used to offset a part of the need for increases in other user fees.

7. Funding to Support Livability and Economic Opportunity

- We recommend creating a second fund at the state level for transportation system modernization and expansion.
- We recommend some new funding for transportation system modernization and expansion be "flexible" – that is, available for use on projects, facilities and services that will contribute the most to community and region livability and economic opportunity at the lowest cost, regardless of mode. We propose a change in the Oregon Constitution to allow revenue from any increase in vehicle registration fees to be used flexibly. We believe road user fees (gas taxes and weight-mile charges) should remain committed to roads and bridges.
- We recommend use of vehicle registration fees, transportation utility (or system access) fees and other resources to help raise money for needed modernization, expansion and transit, and to help offset a portion of the need for increased gas and weight-mile taxes.
- We recommend establishing a utility franchise or public right-of-way use fee for use by ODOT and counties to help fund needed modernization and expansion.
- We believe a transportation utility fee would be an appropriate source of funding for elderly and disabled transit, since it is a "general" revenue source.

8. Changing our Approach to Transportation Finance

- We recommend the state and its local government partners begin moving now to further reduce their reliance on gas taxes and truck weight-mile fees – particularly as sources of funding for system modernization and expansion. Adoption of a mileage-based vehicle registration fee would be an important step in this direction. Other mechanisms that merit immediate attention include congestion pricing and tax credits that reward behavior which makes use of existing assets more efficient (e.g., payroll tax credits to fund transit alternatives).

II. EFFICIENCY RECOMMENDATIONS

Working Group Report Summary

The Efficiency Working Group report addresses transportation efficiency improvement from two perspectives. First, it focuses on reducing the cost of operating, maintaining and preserving of Oregon's roads and bridges; second, on tracking the cost of moving people and goods as a way of measuring long-term transportation system performance.

The Group recommends three measures to track performance on operation, maintenance and preservation efficiency:

- total operations and maintenance (O&M) cost per lane mile;
- miles of roads and bridges with deferred preservation or reconstruction needs;
- total O&M cost per daily vehicle mile of travel (with truck travel equated to an equivalent amount of auto travel).

To ensure both a focus on efficiency improvement, and a sharing of good ideas and information among jurisdictions and regions, the Group recommends (1) an annual report on efficiency improvements made across the state and in each region; (2) a biennial productivity project plan developed by ODOT, counties and cities in each region; and (3) a summary report on previous efficiency improvements that are as yet little publicized.

The Group also recommends regular tracking and reporting on the average total (public and private) cost of transporting people and goods in Oregon as a way of monitoring the effectiveness of Oregon's transportation system, and decisions affecting its upkeep and development.

The Group's report also contains recommendations on recognizing and rewarding superior performance, measuring progress toward goals, and implementing recommendations.

SAC Recommendations

The SAC believes the recommendations of the Efficiency Working Group should be implemented as quickly as possible. It supports the working group's suggestion that a partial or preliminary report on trends in agency O&M expenditures and trends in pavement and bridge condition be prepared for use in the 1997 legislative session (even though data will be incomplete), and that the first complete Annual Productivity Report be submitted by July 1998.

The SAC recommends adoption of two policies that will encourage transportation providers to pursue efficiencies aggressively.

- (1) Like the working group, we recommend the Oregon Transportation Commission (OTC) and ODOT establish a "savings retention policy" that allows ODOT districts or regions to keep and reprogram a portion of any savings they achieve beyond the 1 percent per year improvement targeted for all jurisdictions as part of this process.
- (2) We also recommend the OTC link allocation of state resources for transportation system modernization and expansion to successful achievement of efficiency improvement objectives and the biennial productivity plan.

The SAC recognizes there is uncertainty about whether the measures of efficiency identified by the Working Group are the best available. Like the Working Group, the SAC recommends periodic review of measures and modification if superior alternatives emerge.

III. BASE SYSTEM RECOMMENDATIONS

Working Group Report Summary

The Base System Working Group report defines a "base system" of roads, bridges and -- on a preliminary basis -- public transit services for Oregon that includes most facilities state, regional and local transportation agencies are investing in today.

The base system of roads defined by the group includes 42,113 miles of freeways, arterials, collectors and local roads -- including approximately 12,000 miles of unpaved roads, and approximately 16,000 miles of roads that serve residential properties. The base system excludes more than 43,000 miles of forest, government agency, tribal, private and local roads that are not maintained, for the most part, by ODOT, city and county agencies.

The Working Group notes statewide interest in different parts of this base system varies. Ninety-five percent of vehicle miles traveled in the state occur on freeways, arterials and collectors -- roads that make up 53 percent of the lane miles included in the base. Five percent of travel occurs on the remaining 47 percent of lane miles. The Group's report indicates public investment in road types differs dramatically, and should continue to differ.

The base system of public transit services is defined to include the entire existing "public transportation" (transit) system, since effective transit service is essential to meeting state and local goals related to livability, growth management, and transportation system efficiency improvement. State and local estimates of long-term road needs and costs assume transit will be able to accommodate a growing share of trips, thereby lowering road needs.

The Group notes there is statewide interest and investment already in public transportation for the elderly, disabled and, to some extent, the transit dependent. There is also a statewide interest in basic, intercity public transportation. The report says additional work must be done to better define the state's interest in other public transit services.

The report proposes some criteria for use in deciding on additions to the base system of roads.

SAC Recommendations

The SAC continues to believe Oregon's top transportation priority should be the maintenance, preservation and operation of a "base system" of transportation facilities and services that ensures every Oregonian a basic level of mobility within and between communities. It continues to believe funding for maintenance, preservation and operation of this system should be a state responsibility -- a shared commitment of Oregonians to one another.

We recommend responsibility for funding OM&P on local roads continue to be shared between state and local governments -- at least in the short term -- with the state providing a safety net that ensures minimal funding for OM&P to local agencies faced with extraordinary declines in receipts.

We recommend the OTC, in conjunction with the Association of Counties (AOC) and League of Cities (LOC) develop and implement systems to ensure that revenue collected at the state level for OM&P is used principally for that purpose, and to measure the condition of roads as a way of ensuring our commitment to base system OM&P is being met.

We recommend ODOT, AOC, LOC and other affected agencies (e.g., transit providers, ports) set mutually acceptable criteria to guide the process of adding facilities and services to Oregon's base system of transportation facilities and services.

We concur with the Working Group's recommendation on transit. For the time being, the state should focus on services for the elderly and disabled which is important to communities throughout the state.

IV. RECOMMENDATIONS RELATED TO LIVABILITY, ECONOMIC OPPORTUNITY AND REGIONALIZATION

Working Group Report Summary

The Working Group on Livability, Economic Opportunity and Regionalization recommends two major changes in transportation decision-making.

First, it proposes a tight link between transportation decisions and investments, and local land use plans, regional economic strategies and statewide plans and goals related to livability and economic opportunity.

Second, it recommends creating regional bodies and processes to set regional transportation priorities consistent with criteria related to community livability and economic opportunity, to advise the Oregon Transportation Commission on regional transportation investments, to facilitate coordination among transportation providers, and, in so doing, help improve transportation system efficiency.

The Working Group proposes broad objectives and guidelines to guide all phases of transportation planning and decision-making including: (1) plan development, (2) solution development, (3) project selection and (4) project development and construction.

These objectives and guidelines would be used by transportation providers and newly-created regional bodies in evaluating potential solutions to transportation problems and proposing project priorities. Transportation investments would be guided by the results of this process.

The Working Group recommends regional bodies be encouraged to form on the basis of shared interests, rather than predetermined regional boundaries. It recommends the bodies have members from the public and private sectors within the region. ODOT would be a voting member of each body. Representatives of other state agencies would participate as well.

The duties of the regional bodies would include assessing and making recommendations on inter-regional transportation needs and reviewing facilities and services proposed for addition to the region's "base system."

SAC Recommendations

The SAC generally supports the Working Group recommendations.

We believe state, city, county and regional bodies should have a clear idea of how its spending on modernization and expansion of transportation systems and services will support community and regional livability and economic opportunity before it commits resources to specific projects.

We believe it is important to involve business and private sector leaders in the bodies proposed by the Working Group. The primary value of the process is the broader perspective it brings to transportation decision-making.

We recommend regional bodies be given a role in reviewing plans for efficiency improvement in operation, maintenance and preservation of base system roads and bridges, and in assessing progress toward plans. If regional efficiency initiatives produce savings above targeted levels, the regional bodies should work with ODOT to decide how best to use any "shared savings" retained by ODOT district or region.

We concur in the Working Group's recommendation that the regional bodies should be responsible for reviewing proposed additions to the base system, and assessing and making recommendations on inter-regional transportation needs.

V. FUNDING RECOMMENDATIONS

Working Group Report Summary

The Finance Working Group recommends creation of two transportation funds at the state government level.

- One would pay for OM&P of "base system" roads and bridges, and would be funded primarily by user fees collected at the federal and state levels of government -- with supplemental funding, in some cases, from local government.
- A second fund would help pay for modernization and expansion of the transportation system consistent with state and local plans for improving community livability and economic opportunity (LEO) regardless of mode. Resources for the LEO fund would come from a variety of sources. Most should be linked to a "driver of demand" for new capacity on the transportation system.

OM&P of "base system" public transit (services for the elderly and disabled) would be funded with resources from either the LEO fund or a separate, specially dedicated fund.

The Working Group proposes an increase in fuel taxes and truck weight-mile fees, and "indexing" a portion of both those sources to fund OM&P work on roads and bridges in the next several years. The group indicates a five cent increase in the gas tax in each of the next two years, combined with equivalent increases in truck weight mile taxes and a \$20 per year (\$40 per biennium) increase in the vehicle registration fee would produce enough revenue to (a) meet 90 percent of base system OM&P needs assuming efficiency initiatives are successfully implemented (see item 6, page 3), (b) close the funding gap for elderly and disabled transit services, and (c) provide some additional resources for modernization and expansion of transportation infrastructure.

The group notes that use of other resources could lower the need for increases in gas taxes and a truck weight-mile fees. Alternatives discussed by the group include: studded tire fees, utility pavement "cut" fees, utility right-of-way use fees (in areas where they are not already in place), transportation system access (or transportation "utility") fees, mileage-based vehicle registration fees, special titling fees for vehicles that add to the total number in the state, tolling and such things as additional cigarette taxes to help fund public transit.

The group recommends amending the Oregon Constitution to allow a flexible use of revenue raised from any increase in the vehicle registration fee. It does not recommend changing constitutional limitations on use of revenue from gas taxes and truck weight-mile charges.

The Working Group noted some recommendations may have to be phased in over several biennia.

SAC Recommendations

The SAC believes the two-fund concept is a good one. It serves several important purposes.

- First, it helps ensure that preservation of existing public assets is a top priority and that those assets are maintained in a way that lowers long-term costs.
- Second, it helps ensure new resources are spent in ways that improve community livability and economic opportunity.
- Third, it provides increased flexibility in use of funds -- a change that enables communities and transportation agencies to invest in ways that lower long-term costs of providing transportation services.

The SAC recommends funding for base system OM&P be predicated on the assumption that efficiency initiatives are implemented successfully, and that 90 percent of the cost of operating, maintaining and preserving existing road surface conditions is the "need" that must be met. Improving existing surface conditions would require additional resources. This will require some redefinition of road standards by affected agencies and encourage additional, extraordinary efforts to improve performance and lower costs.

It agrees with the Working Group's assessment of need and recommends seeking the equivalent of a five cent increase in the gas tax in each of the next two years, combined with equivalent truck tax increases and a \$20 per year increase in the vehicle registration fee in each of the two years.

The SAC believes user fees (gas taxes and weight-mile charges) should continue as the principal source of funding for OM&P. It recommends they be indexed to ensure that funding is sufficient to help offset for inflation, improved fuel efficiency, and system growth. The SAC notes studded tires and utility cuts cause extraordinary damage to pavement. It recommends the costs of this damage be recovered from those who cause it, and that revenue resulting from such collections be used to offset a part of the need for increases in other user fees.

The SAC notes locally-provided resources make an important contribution to OM&P on base system roads and bridges. It assumes that contributions will continue for the foreseeable future.

The SAC recommends some new funding for transportation system modernization and expansion be "flexible" – that is, available for use on projects, facilities and services that will contribute the most to community and region livability and economic opportunity at the lowest cost, regardless of mode. It believes road user fees (gas taxes and weight-mile charges) should remain committed to roads and bridges.

The SAC endorses the Working Group's proposal that "drivers of demand" for new transportation system capacity – including such things as numbers of vehicles on the road, the amount they are driven and numbers of people using the system – should be the principal sources of funding for modernization and expansion of system capacity.

It recommends use of vehicle registration fees and transportation utility (or system access) fees to help raise money for needed modernization and expansion, and offset a portion of the need for increased gas and weight-mile taxes. Transportation utility fee revenue would be an appropriate source of funding for elderly and disabled transit, since it is a "general" revenue source.

The SAC recommends the state and its local government partners begin moving now to further reduce their reliance on gas taxes and truck weight-mile fees – particularly as sources of funding for system modernization and expansion. It believes new funding sources should do a better job of encouraging change in the way the transportation system is developed and used so that long term needs and costs are reduced. Adoption of a mileage-based vehicle registration fee would be an important step in this direction. Other mechanisms that merit immediate attention include tolling, congestion pricing and tax credit mechanisms that reward behavior that makes use of existing assets more efficiently.

The SAC notes the state and local and regional governments are partners in accommodating and managing growth. Local and regional governments need additional funding tools to hold up their end of this partnership. The SAC recommends extending authority to impose utility right-of-way fees to county governments, and allowing more flexibility in local imposition and use of vehicle registration fees as ways to assist local agencies meet growing obligations.

Finally, the SAC notes there are important local government concerns about revenue allocation, declining local receipts and the need for a "safety net", rapid growth in unincorporated areas, and the need for some flexibility in use of OM&P revenue on safety projects and small, short-term capital improvements that will produce longer-term OM&P savings. The SAC recommends ODOT be directed to work with its local government partners to devise solutions to these problems that are acceptable to all parties prior to submitting proposals relevant to these issues to the Legislature.

**Oregon Transportation Initiative
Statewide Advisory Committee Report**

**Summary of Funding Recommendations:
Average Annual Needs and Revenues
1998-2001**

	Operations & Maintenance & Preservation (OM&P)	Liability and Accounting Opportunity (LEO) Fund	Special Need Transit (SNT)
	(Millions)		
The Need ²	\$ 905-	\$ 556	\$ 53
Existing Resources	652	199 ^a	18
The Gap	253	357	35
Shifts, Adjustments and Efficiency ³	118	68	1
Reduced Gap	135	289	34
Revenue Measures			
(For alternatives see next table)			
Indexing ⁴	57		
5+5-Cent ⁵	78	114	
\$20 Annual VRF ⁶		24	34
Remaining Gap	0	151	0

¹ Includes City, County and State base system roads and bridges

² From "Steady State" scenario that preserves existing conditions but makes no net improvement in road conditions or level of transit service.

³ Funding available for capacity expansion, but not available for OM&P by statute or policy.

⁴ A 1% per year cumulative efficiency gain in all areas and a 10% reduction in OM&P and road capacity expansion needs.

⁵ Adjusts motor fuel and weight-distance taxes going to OM&P by rate of inflation plus adjustment for improved fuel efficiency.

⁶ Including equivalent weight-distance.

⁷ Assumes accompanying constitutional amendment to permit use for transit. First priority for use would be SNT with additional funding going to LEO for roads, transit or other transportation uses.

Alternative Revenue Sources		
Source	Basis of Calculation	Average Annual 1998 - 2001 ⁷ (millions)
1-cent fuel	Implemented January 1998	\$ 14.3
1-cent equivalent weight-mile	Assumes 38.7% truck responsibility	8.0
Studded Tire	\$8.50 per tire sold	8.1
Transportation Utility Fee	\$1.00 per month per resident and per employee	50.1
Cigarette Tax (for Special Transportation)	2-cents per pack	9.4
Mileage-based registration fees (1/2-cent per mile)	Light vehicles only at 29 billion miles per year	145.0
System Access Fee (first time title charge)	\$200 per vehicle, first time registered in Oregon	78.0
Utility Pavement Cut Fees	Would be implemented primarily by local governments for cost recovery.	n/a
Utility right-of-way	Fees for use of rights of way would probably be negotiated.	n/a
Tolling	A \$1.00 fee, one direction on the I- 5 and I-205 Interstate Bridges	43.0
Congestion Pricing	A congestion fee netting \$1.00 per vehicle using the Vista Ridge Tunnels in Portland during weekdays.	30.0

⁷ Exact estimates depend on details of timing, collection cost and level of application, whether state or local. These figures are intended to provide a general estimate of trade-offs with revenue sources shown in the previous table.

Agenda Item Number 8.3

Resolution No. 96-2442, For the Purpose of Endorsing a Regional Position on Reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA).

**Metro Council Meeting
Thursday January 23, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING A) RESOLUTION NO. 96-2442
REGIONAL POSITION ON REAUTHORIZATION)
OF THE INTERMODAL SURFACE TRANSPOR-) Introduced by
TATION EFFICIENCY ACT (ISTEA)) Mike Burton,
Executive Officer

WHEREAS, The Intermodal Surface Transportation Efficiency Act (ISTEA) was adopted by Congress in 1991; and

WHEREAS, ISTEA is scheduled to expire at the end of federal Fiscal Year 1997 (September 30, 1997); and

WHEREAS, Congress will be considering reauthorization of ISTEA during 1997; and

WHEREAS, ISTEA has a significant policy effect on transportation planning and decision-making in the Portland region; and

WHEREAS, It is through ISTEA that federal "New Rail Starts" funding commitments are made; now, therefore,

BE IT RESOLVED,

That the Metro Council:

1. Endorses the ISTEA Position Paper as reflected in Exhibit A subject to coordination with ODOT on a statewide position.
2. Requests ISTEA "New Rail Starts" funding for Phase I of the South/North LRT project.
3. Commits \$55 million of Regional Surface Transportation Program (STP) funds to the South/North LRT project during the period FY 99-2009 that would otherwise have been allocated to Tri-Met and was previously committed to be transferred to the now

defunct "Transportation Equity Account." This allocation plus the \$475 million of Tri-Met General Obligation bonds will provide the initial increment of local matching funds for the project.

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

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

EXHIBIT A

ISTEA REAUTHORIZATION PORTLAND, OREGON REGIONAL POSITION PAPER JANUARY 1997

This position paper should be viewed as a work in progress. ISTEA reauthorization will extend over the next nine months during which time numerous proposals will surface which require further consideration by the Portland region. This position represents the region's starting place, thereby allowing these positions to be advocated through national organizations, before federal hearings and with the Oregon Congressional delegation. In addition, changes will be considered, if necessary, after coordination with other interests statewide through ODOT.

I. Introduction

The transportation providers of the Portland region believe there is a national interest in transportation that should be reflected in the programmatic emphasis in the next ISTEA. This national interest should focus on maintaining and improving metropolitan mobility to support the economic engines of the country and further international competitiveness. Second, it should maintain and improve vital connections between metropolitan areas. Finally, effective connections to international passenger and freight terminals to access the global marketplace are critical.

In order to ensure these national interests are accomplished through the distribution of federal transportation funds, a programmatic approach, rather than a block grant approach, is most appropriate. In this manner, the Federal Government can target its resources to the program areas that represent the national interest. The current ISTEA, with several improvements, provides an excellent model for such an approach to the next ISTEA. The ground-breaking changes in flexible financing, local control and public involvement embodied in the passage of ISTEA in 1991 were a major step forward in transportation development. Reauthorization of ISTEA should focus on building on the strengths of this landmark legislation rather than on major rollbacks or wholesale changes.

Reauthorization of ISTEA to include these provisions is integral to the Portland region's objectives for growth management and building a livable community. This region has strived to link transportation investments to land use decisions to achieve multiple objectives of preserving farm and forest lands, reinvesting in communities, meeting air quality standards, efficiently using existing infrastructure, and maintaining a livable region in the face of massive growth. It is essential that the Federal Government

maintain its partnership with the Portland region through the reauthorization of ISTEA.

The region would like to highlight the following issues for consideration during the reauthorization of ISTEA:

II. Substantive Issues

1. **MPO Role in Decision-Making.** We believe that the increased local and state role in transportation decision-making is one of the most important advances in ISTEA. The region strongly supports continuing a strong MPO role in planning, project selection, joint TIP/STIP approval, and public involvement. The MPO role in ISTEA has improved the partnership of local government officials, state departments of transportation and other transportation interests and should be reinforced in reauthorization.
2. **Joint MPO/State DOT Approval of TIPS.** Joint approval of state and metropolitan Transportation Improvement Programs (TIP) in each metropolitan area ensures a partnership approach to solving transportation problems. Typically, the state DOT is responsible for only a part of the transportation system and cities, counties, transit districts and port districts are responsible for the balance. Through a partnership approach, transportation investment decisions can be made to ensure the system as a whole meets the needs of the public and responds to the federal interest. Often in a complex metropolitan area, trade-off decisions must be made to determine which improvements to which part of the system can most effectively meet the needs. In addition, it is critical that transportation investment decisions are coordinated with land use decisions for the region which typically rest with local governments rather than the state DOT. Joint approval of the TIP assures that all parties responsible for the transportation system are party to making the priority decisions about its improvement.
3. **Flexible Funding.** The region supports maintaining and, where appropriate, expanding flexible funding. Flexibility gives local and state governments and citizens the opportunity to craft the most appropriate local solutions to transportation needs. Flexible funding has been a key component of this region's effort to respond to the demands of growth, address congestion and freight mobility needs and preserve livability and environmental quality.

While the region supports continuing the existing categories for Surface Transportation Program funds, Transportation Enhancement funds, and Congestion Mitigation/Air Quality funds, including metropolitan set-asides, there should not be any additional categorical funding allocations in the next ISTEA if they have the effect, particularly in the environment of reduced or level funding, of actually reducing rather than increasing flexibility. This can occur if there is less funding split up among more categories. The region supports expanding the flexibility of existing STP and CMAQ funds to address capital improvements to freight rail and intermodal facilities. In addition, the region supports maintaining the existing flexibility provisions for the NHS program.

4. **Reject Rollbacks and Devolution.** The region does not support the rollback or elimination of major elements of ISTEA, such as local control, public involvement or joint MPO/state DOT approval of TIP/STIP or the "devolution" of the federal program and its return to the states. The passage of ISTEA resulted in improved coordination between the state, region and federal transportation providers. The benefits to the taxpayers are a more efficient use of existing transportation investments and the construction of new investments that best reflect their individual community needs. In this region, the experience of ISTEA has been a positive one and has resulted in a greater degree of public involvement in and support for the transportation investments. In addition, it is problematic for states to adopt sufficient tax increases to offset the elimination of the federal program.
5. **Discretionary Section 3 "New Start" Program.** The region supports the continuation of a discretionary Section 3 "New Starts" program. The program has been shown to be an effective way for urban areas to implement large-scale innovative transit alternatives to new freeway construction. Opportunities to leverage private sector investments are substantially enhanced with the existence of a categorical program and predictable funding allocations. The existence of a categorical program and the scale of investment accommodated by the New Start program is critical to the integration of long-range transit development and land use planning efforts such as that underway in the Portland region.
6. **New Start Evaluation and Land Use Benefits.** The region believes that one of the most important benefits of the Section 3 New Start program is the opportunity it offers communities to reduce urban sprawl and its associated costs. The new ISTEA should direct FTA to include the

benefits of improved land use and the reduced costs of sprawl in the analysis for new rail projects. Projects which can demonstrate the reduced costs of sprawl through legally binding land use requirements should be given additional consideration in the allocation of New Start funding.

FTA should be encouraged to continue its efforts to include in its evaluations the value of reduced sprawl, reduced utility costs, road construction and maintenance costs, air pollution and other benefits associated with the more compact development pattern attainable with integrated transit development and land use planning.

7. Blanket Authorization of Contingent Commitments and Existing Full-Funding Grant Agreements. The region supports the "en bloc" authorization of contingent commitment projects and carryover Full-Funding Grant Agreements. Failure to authorize these projects would unfairly penalize communities that have moved forward with the expenditure of local and state funds under the spirit and the letter of ISTEA's contingent commitment provisions. The level of local trust and cooperation with the Federal Government would be seriously harmed if contingent commitment projects are not authorized as indicated in ISTEA. Not authorizing contingent commitment projects will send a signal to the private sector that public sector financing is unreliable and would reduce future opportunities for public-private ventures. "En bloc" reauthorization of carryover Full-Funding Grant Agreements is critical to complete projects in mid-stream. In many cases, appropriations for these projects have not kept pace with the amount authorized in the current ISTEA and contracted for in these Full-funding Grant Agreements. The remaining appropriation must be provided for in the next ISTEA.
8. Innovative Financing. Steps taken in ISTEA to authorize innovative methods for financing transportation facilities is very helpful. These should be nurtured and expanded in the next ISTEA authorization bill. The flexible funding provisions of ISTEA provided important new tools for local communities to address their transportation needs. However, transportation infrastructure needs still far outstrip local, state and federal resources. Additional innovative financing mechanisms should be explored and local jurisdictions, MPOs and states should be given a broader range of tools to address funding shortfalls. In particular, the region supports expanded authority for tolling federal facilities to address mobility, freight movement and congestion demands. Secondly, the Congestion Pricing

authority should be retained and funded. Third, expanded opportunities for public-private partnerships could allow greater private sector participation in transportation financing. Fourth, expanded methods of providing the required local match should be retained and enhanced. Finally, the pilot effort to implement "Infrastructure Banks" should continue, be made permanent and should be capitalized with federal seed money.

9. **Congestion Pricing.** The Congestion Pricing PILOT Program should be retained and funded. Market-based mechanisms have proven ability to manage demand with limited resources. The PILOT program to date has been instrumental in promoting the effectiveness of market policies to significantly reduce peak period congestion. By allowing regions around the country to intensively study the concept, the PILOT program has significantly furthered the understanding of the role that congestion pricing can play in managing transportation costs while enhancing mobility. The recent opening of State Route 91 in California and the High Occupancy Toll Lanes in San Diego and the high level of public acceptance in recent public opinion surveys conducted as part of the Southern California Council of Governments and the San Francisco Bay Bridge projects demonstrate the growing support for congestion pricing. Like any policy which involves a dramatic change in behavior among the general populous, implementations of congestion pricing face enormous challenges in terms of public education and acceptance. The program is now poised to capitalize on the concrete successes in a variety of locations around the country. The Portland metropolitan region is currently in the midst of a study which is exploring the potential of this tool to play a key role in our regional transportation future. The region is interested in having access to funding through the PILOT program should it conclude congestion pricing is an appropriate tool to implement in the Portland region.
10. **Increased Funding.** ISTEA recognized the critical link between transportation investments and economic development, increased productivity and individual opportunity. Funding for ISTEA programs should be increased to reflect this critical linkage. To maintain the equity and flexibility in ISTEA, the existing 80/20 funding ratio between highways and transit should remain constant.
11. Many of the highway funding distribution formulas are biased against Oregon, resulting in the state being in a "donor" status, paying more into the federal trust fund than returns through ISTEA. These formulas should be revisited to correct this problem.

12. 4.3 cents of the federal fuel tax is now being used for deficit reduction. When this tax increase was adopted by Congress, it was on the basis of being an interim measure and the commitment was made to return this to the Highway and Transit Trust Funds. This commitment should be fulfilled through a shift of this 4.3 cents to: 1) one-half cent for passenger rail; 2) 80 percent of the balance to the Highway Trust Fund; and 3) 20 percent of the balance to the Transit Trust Fund with an associated increase in spending authority in these areas.

13. The High-Speed Rail Program within ISTEA should be reauthorized for the five selected priority corridors, including the Cascadia Corridor from Eugene, Oregon to Vancouver, B.C. There are important trackway improvements needed within the Portland metro area to improve speed and safety. In addition, the Portland region benefits from improved service (speed and frequency) to Eugene, Seattle and Vancouver, B.C.

Associated with this, one-half cent of the 4.3-cent gas tax now dedicated to deficit reduction should be committed to intercity passenger services, capital improvements, such as high-speed rail, intercity bus and Amtrak. This program would provide for grants and loan guarantees to such applicants as ODOT, transit districts, Amtrak and local governments.

14. NHS Priority Corridors. ISTEA designated several high priority NHS corridors throughout the nation. These corridors receive special funding for capital improvements. Oregon in cooperation with Washington and California should seek special status for I-5 as an NHS Priority Corridor. With the passage of NAFTA, this special designation is of even greater importance.

15. Match Ratios. Oregon should oppose any attempts to change the match ratios as outlined in ISTEA. Oregon benefits from the sliding scale match ratio provisions of ISTEA tied to federal lands within the state and should advocate for their inclusion in the next ISTEA. In addition, ISTEA should explicitly allow "overmatching" federal funds with a higher than required local match.

16. Fiscal Constraint. The current requirement to base transportation plans and programs on realistic revenue forecasts should be continued. This requirement has brought about more realistic plans rather than simply a "wish list" and therefore greater attention to funding decisions which assume more cost-effective projects. However, equal attention should be paid to a "vision" plan to provide the basis for pursuing the funding needed to accomplish that vision.

17. Oregon is facing a severe shortfall in meeting its Transportation Capital needs. This has been exacerbated by federal funding cuts and lack of action by the Oregon Legislature to meet the need. Most recently, ODOT was forced to cut \$400 million from its Modernization Program. Highway "Demo" projects represent a possibility for helping to meet these needs. The state should submit projects that have the greatest likelihood of being included as "Demo" projects.

Project Priorities

FY 97 is the final year of ISTEA which was adopted in 1991. In 1997, both consideration of the FY 98-2003 ISTEA and the FY 98 Appropriations Bill will provide opportunities to consider earmarking projects. The following priorities should be considered for funding through the ISTEA reauthorization or appropriations or other legislative actions. This list should be accepted on a preliminary basis to allow for coordination with ODOT on statewide priorities. It may be necessary to add projects elsewhere in the state or delete some Portland area projects. The "Regional Priority Projects" are endorsed as priorities for all jurisdictions of the region while the other projects are a priority for individual jurisdictions.

A. Regional Priority Projects

1. Completion of Westside/Hillsboro LRT project - Section 3.

\$74 million of "contingent commitment" for the Hillsboro extension must be authorized in ISTEA; in addition, \$100 million remains to be appropriated in FY 98 for this project.

2. Initiation of South/North LRT project - Section 3.

It is the intent of the region to re-examine the scope and cost of the South/North project now under consideration in order to define a Phase I project that meets regional objectives within a more constrained budget and to seek federal "New Rail Starts" funding. In March 1997, the region will amend the alternatives now under consideration in the Draft EIS. This project is likely to require partial funding in the next ISTEA and a commitment to complete the funding in the following ISTEA.

Also needed to accomplish this is a local and regional commitment over this same time period. Consideration should be given to various local and regional sources in addition to the \$475 million General Obligation Bond Measure and the \$55 million of regional STP funds.

The region will consider adoption of a detailed financial plan for this proposal in March 1997.

3. Deepening of the Columbia River Ship Channel - Corps of Engineers.

The Port of Portland, in cooperation with other Columbia River ports, is seeking Corps of Engineers funding to deepen the Columbia River ship channel to accommodate

larger ocean-going vessels. This is critical to the international competitiveness of the Portland area and the greater Columbia River Basin and directly tied to truck and freight rail access improvements in the Rivergate area.

We strongly support continued funding of \$725,000 per year in Fiscal Years 1998 and 1999 for the U.S. Army Corps of Engineers' completion of the feasibility and environmental studies for the Columbia River channel deepening.

The region also encourages Congress to approve bill language to provide a contingent authorization of \$65 million for the federal share of the project, subject to required environmental, economic and engineering reviews. This authorization is a critical step in keeping the project on schedule for construction early in the next decade.

B. Local or Agency Priority Projects

1. I-5/Highway 217/Kruse Way Interchange - FHWA Demo project.

A revised design has been developed and endorsed by ODOT, the affected local governments and Metro. \$38 million of Highway Demonstration funds or Interstate Discretionary funds would allow this critical I-5 bottleneck and safety problem to be corrected.

2. Sunnybrook Interchange - FHWA Demo project.

Project development on this project is nearly complete. \$19 million of Highway Demonstration funds or Interstate Discretionary funds in combination with previously committed ODOT and local funds would allow this project to proceed on schedule.

3. South Rivergate Railroad Overcrossing/Columbia Boulevard Corridor - FHWA Demo project.

Columbia River channel dredging and Rivergate rail improvements are increasing the cargo movements into and out of the Rivergate port terminals. \$15 million of Highway Demonstration funds for this railroad grade separation would enhance truck access to these terminals. This project is the second in a series of planned improvements in the Columbia Boulevard corridor between Rivergate and I-205.

4. Sunset Highway - Phase III.

The Westside Corridor Project included both LRT to Hillsboro and Sunset Highway improvements. The Sunset Highway projects, however, have been delayed due to lack of funding. This \$27 million would allow the next logical phase to proceed.

5. Lovejoy Ramp Removal/Broadway Bridge Rehabilitation - FHWA Demo and Bridge Program.

Replacement of the Lovejoy ramp in the River district and upgrade to the Broadway Bridge will enable major redevelopment in this Central City district. \$15 million of Highway Demonstration funds and \$10 million of Highway Bridge Repair and Replacement funds would allow these projects to proceed.

6. Seek federal discretionary funds to "capitalize" the Oregon State Infrastructure Bank for such projects as the Tualatin Expressway and cash flow management for the Westside LRT project.

7. 242nd Avenue/I-84 Connection: Mt. Hood Parkway Interim Improvement.

242nd Avenue is the region's designated NHS corridor connection between I-84 and U.S. 26. Existing roads in this corridor are poorly connected to these highways or provide less direct travel into and out of the region for autos and substantial truck movements.

The proposed project will provide for a more direct connection to I-84 by extending 242nd Avenue northerly from Glisan Street to Sandy Boulevard and connecting to I-84 via ramps. Development of this alignment will replace a hazardous, steep three-lane road (238th Avenue) which has a high accident rate and must be closed during icy conditions. Existing East County streets used for travel into and through the region are projected to suffer from increased congestion. Thus a more direct route with access control and with some operational changes can better serve these substantial non-local traffic movements.

Much of the right-of-way is currently owned by Multnomah County and ODOT. Project cost for project construction is \$20 million. An additional \$5 million is proposed to make operational enhancements to the existing 242nd Avenue to improve flow and eliminate bottlenecks.

8. Cornell @ Cornelius Pass and Baseline @ 185th Intersections.

Implementation of the Region 2040 Growth Concept in the vicinity of the Westside LRT project creates the need to also provide road improvements. This \$12 million demonstration project will identify and construct the correct solution to accommodate the land use regime the region desires for this area.

9. Willamette Valley High-Speed Rail - High-Speed Rail Account.

Funding should be sought for track upgrade to improve speed and safety. The Eugene to Vancouver, B.C. corridor is one of five priority corridors selected by USDOT following establishment of the High-Speed Rail Program in the last ISTEA.

10. Transit-Oriented Development Revolving Fund - Section 3.

In 1994, \$3 million of Regional STP funds were allocated to establish this revolving fund. Initiation of the grant application through the Federal Transit Administration is now in progress. In addition, \$10 million of Section 3 funds would allow additional projects adjacent to LRT to be implemented.

11. Federal demonstration funds for a regional "Intelligent Transportation System" should be sought. This technology shows promise to improve the efficiency of the region's freeway, arterial and transit systems.

The criteria for recommending these projects is as follows:

1. Projects are of statewide significance.
2. Projects can be built within the timeframe of the next ISTEA bill (1998-2003).
3. There is a strong base of support for the project within the governments, community and business organizations.
4. The proposal would bring new funds to the state, not merely result in reallocation of existing funds.
5. Members of the Congressional delegation express a willingness to pursue the project.
6. There should be a short list of priorities.
7. The list should be integrated with ODOT's statewide priorities.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 96-2442 FOR THE PURPOSE OF ENDORING A REGIONAL POSITION ON REAUTHORIZATION OF THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA)

Date: December 24, 1996

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution adopts a regional policy position on the re-authorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 to serve as the basis for a coordinated regional lobbying position as Congress considers its update during 1997. One of the key elements is to seek federal "New Rail Starts" funding for Phase I of the South/North LRT project. In conjunction with this request, this resolution commits \$55 million of Regional Surface Transportation Program (STP) funds to the project.

TPAC and JPACT have reviewed this Position Paper and recommend approval of Resolution No. 96-2442. In addition, the South/North Steering Committee recommended approval of the South/North component at its January 8, 1997 meeting.

FACTUAL BACKGROUND AND ANALYSIS

When ISTEA was adopted in 1991, it established a significant national policy direction in support of multi-modal decision-making, funding flexibility, regional responsibility for decision-making, integration with local land use plans, partnership with state and local governments and increased public involvement. These provisions of ISTEA provided the Portland region a significant tool to meet its transportation and land use goals. This policy position paper, in large part, calls for continuing this policy direction with some refinements.

CONTINUE THE SUCCESSES OF ISTEA

Key provisions of ISTEA that should be continued include:

- Continuation of the MPO role in decision-making;
- Joint approval with the state of transportation funding allocations;
- Continuation of flexible funding programs, particularly the Surface Transportation Program, Congestion Mitigation/Air Quality Program and Transportation Enhancement Program;
- Continuation and expansion of the "New Rail Starts" Program; and
- Linkage of transportation decision-making to land use.

REFINEMENTS TO ISTEА

Potential areas of refinement to ISTEА include:

- Expansion of innovative financing authority, including tolls and congestion pricing;
- Funding for State Infrastructure Banks (of which Oregon is one of ten);
- Shifting of 4.3 cents of gas tax from deficit reduction to transportation with a commensurate increase in transportation spending levels;
- Funding for high-speed rail and other intercity passenger services; and
- Expansion of funding flexibility for freight projects.

WESTSIDE LRT

The 1991 ISTEА committed federal funding to the Westside LRT project to 185th Avenue. Subsequently, the Federal Transit Administration made a "contingent commitment" of \$74 million authorizing the extension to Hillsboro to begin construction. It is essential that this ISTEА include a firm commitment for this \$74 million and provide for the remaining \$100 million of appropriations toward the project.

SOUTH/NORTH LRT - PHASE I

"New Rail Starts" funding is requested for a Phase I South/North LRT project. The federal funding could be through a combination of funding authority in this ISTEА and "contingent commitment" against the next ISTEА. The specific cash flow and borrowing requirements should be adopted by the region in March 1997 specifying the details of this program.

The local and regional funding should be through use of the \$475 million of General Obligation bonds and allocation of \$55 million of Regional STP funds during the period 1999-2009 that would otherwise have been allocated to Tri-Met and commitment of other local and regional sources. The specific sources to commit should be included in the same financing plan to be adopted in March 1997.

Agenda Item Number 8.4

Resolution No. 96-2433, For the Purpose of Adopting Metro Citizen Involvement Principles.

**Metro Council Meeting
Thursday January 23, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING) RESOLUTION NO. 97-2433
METRO CITIZEN INVOLVEMENT)
PRINCIPLES) Introduced by Councilor Susan McLain
) Council Liaison to the Metro
) Committee for Citizen Involvement

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

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

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

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

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

WHEREAS, The Metro Charter Charter, Section 28(2)(b), mandates a citizen involvement process at Metro; and

WHEREAS, The Metro Council in order to better advance and promote the mandate of citizen involvement at Metro; now, therefore,

BE IT RESOLVED,

That the Metro Council adopts the following Metro Principles of Citizen Involvement as guidelines to be used by Metro elected officials, staff and committee members:

Metro believes that effective citizen involvement is essential to good government. Elected officials, staff and citizens all play important roles in governing the region. Cooperation among the Metro government, local governments and citizens results in the best policy decisions. Therefore, Metro commits to promote and to sustain a responsive citizen involvement environment. To carry out our commitment we adopt these guiding principles:

1. Value active citizen involvement as essential to the future of the Metro region.
2. Respect and consider all citizen input.
3. Encourage opportunities that reflect the rich diversity of the region.
4. Promote participation, based on citizen involvement opportunities, of individuals and of community, business, and special interest groups.
5. Provide communications to encourage citizen participation in Metro processes that are understandable, timely and broadly distributed.
6. Provide citizens with an opportunity to be involved early in the process of policy development, planning, and projects.
7. Organize involvement activities to make the best use of citizens' time and effort.
8. Provide financial and staff support to Metro's Office of Citizen Involvement.
9. Sustain ongoing networking among citizens, local governments, Metro officials and staff.
10. Respond to citizens' perspectives and insights in a timely manner.
11. Coordinate interdepartmental and interjurisdictional activities.
12. Evaluate the effectiveness of Metro citizen involvement.

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

Jon Kvistad
Presiding Officer

Staff Report

**CONSIDERATION OF RESOLUTION 97-2433, FOR THE PURPOSE OF ADOPTING
METRO PRINCIPLES OF CITIZEN INVOLVEMENT**

Dated January 2, 1997

By: Barbara Herget

The Metro Charter, Section 28 (2), mandates a citizen involvement committee and a citizen involvement process at Metro. The Metro Committee for Citizen Involvement (MCCI) has been working with Metro Departments since its inception to assist in developing policies, procedures and strategies for citizen involvement.

To formalize Metro's commitment to the principles behind citizen involvement, MCCI asks the Council to adopt a resolution outlining the basic principles developed by MCCI membership. The principles were developed with a great deal of thought by members with years of experience working with citizen involvement issues. Each of the counties and many of the cities within Metro have adopted similar principles to insure that citizens will be heard in decisions which affect their lives. Adopting the principles would put Metro in step with its jurisdictions and confirm its commitment to citizen involvement.

Agenda Item Number 8.5

Resolution No. 96-2432, For the Purpose of Accepting Nominees to the Metro Committee for Citizen Involvement MCCI.

**Metro Council Meeting
Thursday January 23, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ACCEPTING) RESOLUTION NO. 96-2432
NOMINEES TO THE METRO COMMITTEE)
FOR CITIZEN INVOLVEMENT (MCCI)) Introduced by Councilor Susan McLain
) Council Liaison to the Metro
) Committee for Citizen Involvement

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

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

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

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

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

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

WHEREAS, The Metro Council created said Office and established the MCCI as the citizen committee within that Office, by adopted Ordinance No. 930479A; and

WHEREAS, The Metro Council accepted the initial membership of the MCCI by Resolution No. 92-1666 on August 27, 1992 with subsequent rounds of applicants approved by Resolution No. 92-1702 on October 20, 1992; Resolution No. 92-1763 on February 25, 1993; Resolution No. 93-

1849 on October 15, 1993; Resolution No. 93-1882 on December 23, 1993; Resolution No. 94-1899 on February 24, 1994; Resolution No. 94-1945 on April 28, 1995; Resolution No. 94-2048 on November 10, 1994; Resolution No. 95-2071A on January 12, 1995, Resolution No. 95-2080 A on January 26, 1995; Resolution No. 95-2181 on July 27, 1995, Resolution No. 96-2264 on January 18, 1996; Resolution No. 96-2363 on July 25, 1996; and

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

BE IT RESOLVED,

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

ADOPTED BY THE METRO COUNCIL this ____ day of _____, 1997.

Jon Kvistad, Presiding Officer

Staff Report

CONSIDERATION OF RESOLUTION NO. 96-2432 , FOR THE PURPOSE OF ACCEPTING NOMINEES TO THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT

Dated January 15, 1997

By: Barbara Herget

Background

There are eight vacancies created by expiring terms and five vacancies created by resignation or removal on the Metro Committee for Citizen Involvement (MCCI). At this time, MCCI is requesting approval of 11 nominees to begin their terms beginning January 1, 1997. Nominees for the other positions will be submitted at a later date.

A recruitment campaign was conducted which included mailings to neighborhood associations, citizen participation organizations, small newspapers, business organizations and interested citizens. Advertisements were also placed in the Oregonian and community newspapers. MCCI coordinated efforts with TPAC and RTPCAC in their recruitment efforts for open citizen positions. The new Metro Citizen Involvement Application Form was used by all of the committees and the applications were centrally collected by Office of Citizen Involvement.

The MCCI Nominating Committee met on November 6 and November 18 to consider the applicants for the vacant positions. On November 6, the Nominating Committee members present were Kay Durtschi representing Multnomah Co. CIC, Bill Merchant representing Clackamas County CCI, Patty Mamula, Don MacGillivray and Aleta Woodruff. The Committee considered applications from current members for expiring positions. The following nominees were selected for Council approval: District 1, Position 2, Bob Wiggin; District 5 Position 14, Stefan Stent; District 6, Position 17, Position 21, Don MacGillivray.

The Nominating Committee members present on November 18 were: Kay Durtschi representing Multnomah Co. CIC, Bob Bothman representing Washington Co. CCI, Patty Mamula, Don MacGillivray, and Aleta Woodruff. After consideration of the applications, the Committee voted to submit the following nominees to Council for approval: District 1, Position 3, Dwight Rexin; District 2, Position 4; Peggy Neff; District 3, Position 9, Bob Bothman; District 3, Position 8, Dick Schouten; District 4, Position 11, Position 10, BeBe Schindler; District 7, Position 19, Eileen Brady; and Washington County Outside of Metro, Kim Van De Hey.

The nominees for the position representing Multnomah County Citizen Involvement Committee was submitted by that group and forwarded to MCCI. Kay Durtschi has been put forward for nomination by Multnomah Co. CIC for Position 26.

EXHIBIT A
METRO COMMITTEE FOR CITIZEN INVOLVEMENT (MCCI)
POSITION DESCRIPTIONS & NOMINEES TO FILL VACANT POSITIONS
December 4, 1996

District 1

Resides within Metro Council district #1

Position 2 Term Expires 12/99

Bob Wiggin

111 NE 192nd Avenue

Portland, OR 97230

Position 3 Term Expires 12/98

Dwight D. Rexin

1773 NE 19th St.

Gresham, OR 97030

District 2

Resides within Metro Council district #2

Position 4 Term Expires 12/99

Peggy Neff

16564 SE Gordon Crt

Milwaukie, OR 97267

District 3

Resides within Metro Council district #3

Position 9 Term Expires 12/98

Bob Bothman

8465 SW 87th Avenue

Portland, OR 97223

Position 8 Term Expires 12/99

Dick Schouten

6105 SW 148th Ave.

Beaverton, OR 97007

District 4

Resides within Metro Council District #4

Position 11 Term Expires 12/99

VACANT

Position 10 Term Expires 12/98

BeBe Schindler

208 NW Bailey

Hillsboro, OR 97124

District 5

Resides within Metro Council District #5

Position 14 Term Expires 12/99

Stefan Stent

909 SW 12th Ave., Apt. 211

Portland, OR 97205

District 6

Resides within Metro Council District #6

Position 17 Term Expires 12/99

VACANT

District 7

Resides in Metro Council District #7

Position 21 Term Expires 12/99

Don MacGillivray

2339 SE Yamhill

Portland, OR 97214

Position 19 Term Expires 12/98

Eileen Brady

3655 SE Yamhill St.

Portland, OR 97214

Citizen Involvement Committee Representatives

Multnomah County Citizen Involvement Committee

Position 26 Term Expires 12/99

Kay Durtschi

2230 SW Caldew

Portland, OR 97219

Washington County Committee for Citizen Involvement

Position 27 Term Expires 12/98

VACANT

Citizens Outside of Metro Boundaries

Washington County Representative Outside of Metro Boundaries

Position 24 Term Expires 12/99

Kim Van De Hey

17207 SW Siler Ridge

Aloha, OR 97007

VACANT

Agenda Item Number 8.6

**Resolution No. 96-2451, For the Purpose of Adopting the Metro 1997 Oregon Legislative Process,
Principles and Priorities.**

**Metro Council Meeting
Thursday, January 23, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE) RESOLUTION NO 97-2451A
METRO 1997 OREGON LEGISLATIVE)
PROCESS, PRINCIPLES AND) Introduced by Mike Burton, Executive Officer
PRIORITIES)

WHEREAS, the 1997 Oregon Legislature convened on Monday, January 13, 1997; and

WHEREAS, Metro has certain legislation which it is requesting be introduced into the 1997 Session of the Oregon Legislature for consideration; and

WHEREAS, the 1997 Oregon Legislature may consider other legislation which may have an impact on Metro; and

WHEREAS, Metro is represented at the Oregon Legislature by Western Strategies; and

WHEREAS, there are procedures and principles which have been developed to guide Metro's involvement in the 1997 Session of the Oregon Legislature, and a beginning list of priorities (Exhibit A), which the Metro Executive Officer has approved, and the Metro Council is to adopt, to guide Metro's lobbyist; now, therefore,

BE IT RESOLVED:

That the Metro Council adopts the ~~process, principles and priorities~~ outlined in Exhibit A, and directs its representatives to follow the ~~process and principles~~, and to report on the status of priorities listed above and additional priorities as the 1997 Session proceeds.

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

Jon Kvistad, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

January 23, 1997

**PROPOSED
METRO
LEGISLATIVE PRIORITIES**
(Exhibit A to Resolution No. 97-2451A)

Metro has considerable interest in the 1997 Legislative Session, and will be monitoring its developments and actively participating as a constructive voice on behalf of the metropolitan region. Numerous areas of legislative activity will be of importance to Metro, and several bills will be introduced at Metro's request.

To further Metro's mission, it will be important to pursue the following this Session:

A. Growth Management

1. Boundary Commission revision legislation (*Metro bill*).

Request introduction of legislation to provide Metro with the responsibility for boundary, annexation and urban service decisions, consistent with the results of the charter mandated Boundary Commission study as adopted by the Council.

2. Retention of growth management and land use planning authority.

Support efforts to retain Metro's authority to perform its growth management and land use planning functions, and oppose attempts to limit Metro's local control, diminish the regionally adopted Charter, and circumvent the policy established by the Metro Council.

3. Monitor annexation legislation.

Monitor annexation legislation, and work with Metro's regional partners to ensure that annexations, and the efficient provision of essential urban services, occur in a manner which meets the needs of local jurisdictions, the region's citizens and Metro policy.

4. Support an adequate DLCD budget.

The policy established by the Land Conservation and Development Commission, and the work of the Department of Land Conservation

and Development, complements much of what Metro is trying to accomplish in the region. Accordingly, Metro supports adequate funding of the DLCDC budget, subject to council review of the actual budget proposal.

5. Regional and local planning funding.

Metro will support efforts to provide funding for land use planning on both the regional and local levels, to ensure that the region can effectively accommodate and manage the growth which is occurring, subject to council review of specific legislative proposals.

6. Natural disaster planning and response.

The state's experience over the past year underscores the importance of having mechanisms in place to plan for and respond to natural disasters. Metro will support legislation offered by Oregon's emergency managers to provide funding for natural disaster planning and response.

7. Seismic standards.

Metro will support efforts or proposed programs to assist property owners complying with seismic standards for buildings.

B. Transportation

Transportation and transit planning are essential components of Metro's growth management responsibilities. Transportation plans must be developed to support land use policies and, ultimately, move people and goods throughout the region in an efficient manner. Increased funding will be an important goal if the region is to be able to meet the needs imposed by growth.

1. Support enhancement of Oregon's transportation programs.

Metro will support efforts to enhance Oregon's transportation programs. The specific elements of such proposals will be presented separately by the Transportation Department to the Council for approval.

2. Continue transportation components of regional growth management.

Metro will support efforts to sustain policy and funding for transportation components of regional growth management. Specifically, Metro will support continuation of the Oregon Department

of Transportation's Transportation/Growth Management grant program.

3. Preserve local and regional control/authority.

Metro will work with its regional partners to maintain regional and local control and preserve regional and local authority to develop funding for transportation needs. This would include preserving local and regional options for generating revenues, such as vehicle registration fees and gas taxes.

C. Solid Waste and Recycling

Metro is responsible for solid waste disposal, as well as solid waste reduction and recycling. Metro will continue to work with its regional partners to provide cost-effective disposal and promote waste reduction. In the wake of a recent occurrence at a transfer station where employees were injured as they were handling chlorine, Metro will work to ensure safe disposal and transporting of hazardous or potentially hazardous materials.

1. Flow Control.

Metro will oppose attempts to erode Metro's authority over solid waste flow control in the region.

2. Metro fee avoidance.

Metro will oppose industry specific attempts to evade Metro fees on solid waste.

3. Minimum recycled material content requirements.

Metro will support efforts to increase the requirements for minimum recycled material content and to continue encouragement of markets for recycled materials. With adequate markets in place the recycling program costs borne by the public can be offset to a greater degree.

4. Maintain successful recycling programs.

The region is well on its way to accomplishing the recycling goals established by Metro. This success—due to the state's policies and local and regional recycling programs—should continue. Accordingly, Metro will support maintaining the components of these successful recycling programs, and oppose efforts to weaken them. Additionally, Metro will actively participate in deliberations on legislation which

could dramatically reduce the region's recovery of beverage containers by promoting redemption centers.

5. Disposal of hazardous or potentially hazardous materials.

Metro will work closely with state and local officials to identify measures to improve employee and public safety in disposing or transporting hazardous or potentially hazardous materials. This is necessitated by the recent incident with chlorine at one of Metro's transfer stations.

D. Regional Parks and Greenspaces

Metro has the considerable responsibility to acquire, plan, operate and manage a system of regional parks and greenspaces. With the 1994 transfer of parks functions from Multnomah County, and the approval of the 1995 bond measure to acquire and protect open spaces, parks and streams, Metro operates 21 regional parks and natural areas, as well as 14 pioneer cemeteries. Metro will ask for several statutory changes to reflect these increased responsibilities.

1. Metro and parks statutes (*Metro bill*)

Metro will request introduction of housekeeping legislation to add Metro to the listing of public entities in the parks statutes.

2. Authorization of Metro receipt of parks revenues (*Metro bill*)

Metro will request introduction of legislation to allow Metro to directly receive Multnomah County's share of state revenues for local parks. This action is pursuant to the express provisions of the Intergovernmental Agreement between Multnomah County and Metro.

3. Acquiring property with farm/forest deferral designation (*Metro bill*)

Metro will request introduction of legislation which would add Metro to the list of entities allowed to purchase, for a public purpose, property bearing a farm and forest deferral designation without exposing Metro to a tax obligation.

4. Authority to partition parks and greenspaces property (*Metro bill*)

Metro will request introduction of legislation granting authority to partition property purchased by Metro for parks and greenspaces purposes. This would encourage acquisition of property where the

seller desires to maintain a personal residence on a portion of the property.

5. Parks funding and stream protection programs

Metro will monitor legislative efforts to provide funding for state and local parks systems, and enhance stream protection programs. While generally supportive of securing stable funding for the state parks system, Metro would prefer the development of new programs and revenues that would also be made available to meet the considerable acquisition, operation and maintenance needs of regional and local parks systems.

E. Metro Washington Park Zoo

The Metro Washington Park Zoo will be facing some of the greatest challenges and threats in its 110 year history. Although the full impact of Ballot Measure 47 will not be known until this Spring, the Zoo is facing dramatic cuts in its operating budget—assuming proportional allocation of losses throughout the region, the Zoo will lose at least \$1.5 million. It is likely to be more. Along with its regional partners, Metro will take an active role in the legislative deliberations surrounding the implementation of Ballot Measure 47 to minimize the impact on the Zoo, allow it to continue to operate on an entrepreneurial basis, and to help craft collaborative responses to the region's needs.

F. Utility Deregulation

Metro will monitor legislation and deliberations concerning the deregulation of utilities in Oregon. This issue is of importance to Metro because it is a substantial consumer of utility services. Additionally, many of the local governments in the region rely, or hope to rely, upon utility franchise fees as a major source of funding. As the region continues to grow, Metro's regional partners will require reliable revenues to plan and provide services for all of our constituents.

G. Public Contracting

Several public contracting issues may arise this Session which might have a significant impact on the way the Metro conducts its business.

1. Oppose efforts to restrict regional and local authority.

Metro will join other jurisdictions and oppose efforts to change public contracting laws in such a way as to undermine Metro's ability to

protect the public's interest. Such efforts may include proposals to separate local government Contract Review Boards from their governing bodies, and to restrict government's use of negotiated construction contracts.

2. Support State's efforts to improve contracting laws.

Metro will support proposals by the State to improve ORS Chapter 279. Such proposed changes would allow the use of electronic advertising instead of newspapers, and implement the recommendations of the regional disparity study by changing the definitions of Minority and Women-Owned Businesses (M/WBE) and Emerging Small Businesses (ESB).

3. Monitor efforts to improve QRF statutes.

Metro will monitor any legislation intended to improve the rules and statutes governing Qualified Rehabilitation Facilities (QRF's).



METRO

GOVERNMENT AFFAIRS COMMITTEE REPORT:

CONSIDERATION OF RESOLUTION NO. 97-2451A, FOR THE PURPOSE OF ADOPTING THE METRO 1997 OREGON LEGISLATIVE PRINCIPLES AND PRIORITIES.

Date: January 23, 1997

Presented by Councilor: Naito

Committee Recommendation: At the January 21, 1997 meeting, the Government Affairs Committee voted unanimously to recommend Resolution No. 97-2451 for Council adoption. Voting in favor: councilors McCaig, Morissette and Naito.

Committee Issues/Discussion: Presentation of the draft legislative package was made by Brad Higbee, Metro lobbyist. Department heads were also available to comment on the package, which was arranged for the most part to correspond to department related subjects, e.g. growth, transportation, etc.

Several items were held over for further discussion and are not included in this package. These items include measure 47, and certain aspects related to the Zoo, Growth and MERC. The committee will take up these items at future meetings and may amend this package at a later date.

Councilor Morissette expressed general support for many items in this package, while reserving the right to express different opinions when specific bills were introduced at the legislature. The committee agreed to this approach.

This resolution does not contain specifics as to how the council might want to handle some measures on an expedited basis, and the committee will take this up later as well.

A. Implementation of Ballot Measure 47

The dramatic impact of Ballot Measure 47 will be felt not only by Metro, but also by its regional partners. The zoo will suffer a minimum loss of \$1.5 million, a 28% reduction in the operating budget, if the region's allocation of Ballot Measure 47 losses is proportional. Metro must work closely with others to minimize the severity of impact on Metro, and to ensure that other local governments have resources and authority sufficient to provide services to the region's citizens. Absent adequate resources, Metro's regional partners may not be in a position to meet the burgeoning needs of a growing region nor implement effective growth management policies.

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URBAN SERVICE BOUNDARY RECORDS MAY BE FOUND IN THE PERMANENT
RECORDS OF THE COUNCIL UNDER URBAN SERVICE BOUNDARY

*Addendum/Attachments

A copy of the originals of the following documents can be found filed with the Permanent Record of this meeting, in the Metro Council Office.

Document Number	Document Name	Document Date
012397-01	Ericka Hoffman 9480 NW Wells Court Portland, OR 97229	January 28, 1997
012397-02	Ericka Hoffman 9480 NW Wells Court Portland, OR 97229	January 20, 1997
012397-03	Susan Burnett/James Hall 7222 SW 70th Ave Portland, OR 97223	January 24, 1997
012397-04	Charles L Waltemath 7130 SW Sylvan Court Portland, OR 97225	January 23, 1997
012397-05	Rob Drake, Mayor City of Beaverton 4755 SW Griffith Drive PO Box 4755 Beaverton, OR 97076	January 23, 1997
012397-06	Meridian Garden Petition	
012397-07	Bruce Clere 6675 SW 67th Ave Portland, OR 97223	
012397-08	Mary Terman 2555 SW 84th Ave Portland, OR 97225	January 28, 1997
012397-09	Colin Lamb Lamb's Thriftway 7410 SW Olsen Portland, OR 97223	

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012397-10	Background Reports on Service Provision for the Unincorporated Area of Washington County Between the Cities of Portland and Beaverton.	
012397-11	Record in Consideration of the Establishment of the Washington County Segment of Portland's Urban Service Boundary from 1986 to 1993	
012397-12	City of Beaverton's Submittal to Metro on the Proposed Urban Services Boundary (USB) Ordinance	January 23, 1997
012397-13	Catherine Darby 6620 SW Canby Portland, OR 97223	
012397-14	Mike Burton Executive Officer Metro 600 NE Grand Ave Portland OR 97232	May 21, 1996
012397-15	Mike Burton Public Hearing Notice - Brochure	December 30, 1996
012397-16	Mike Burton Memo to Intererested Parties on Urban Servies Perference Survey Results	August 16, 1996
012397-17	Mike Burton Changes in the Urban Services Boundary Open Houses Notices	5/29/96-6/3/96
012397-18	Barbara Clark Portland City Auditor (FAX 503 823-4571) Resolution 35562 - Accepting Metro's proposed USB Settlement with Beaverton, Washington Co. and affected Special Service Districts	November 5, 1996
012397-19	Mayor Rob Drake City of Beaverton 4755 SW Griffith Drive PO Box 4755 Beaverton, OR 97076	November 12, 1996

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012397-20	Charles Cameron County Administrative Office Washington County 155 N First Avenue Suite 300, MS 21 Hillsboro, OR 97124	November 12, 1996
012397-21	Unified Sewerage Agency Board of Directors Approve Resolution and Order Ratifying Urban Service Boundary Settlement	October 30, 1996
012397-22	Jeff Johnson, Fire Chief Tualatin Valley Fire and Rescue 20665 SW Blanton St Aloha, OR 97007	November 6, 1996
012397-23	Urban Service Boundary Settlement Signed by: Charles Cameron, Washington County Rob Drake, Mayor City of Beaverton Charlie Hales, Commissioner, City of Portland Mike Burton, Executive Officer, Metro Ronald Willoughby, Tualatin Hills Park and Recreation District Jeff Johnson, Tualatin Valley Fire and Rescue William Gaffi, Unified Sewerage Agency Jess Lowman, Tualatin Water District	
012397-24	Urban Service Boundary Map (8 1/2 x 11)	
012397-25	Urban Service Boundary Map (Large)	
012397-26	Washington County Water Purveyors Map (Large)	
012397-27	United Sewer Agency Map 1	
012397-28	United Sewer Agency Map 2 USA Collection System for Durham	
012397-29	United Sewer Agency Map 3 USA Collection System for Rock Creek	
012397-30	United Sewer Agency Map 4 USA Collection System for Forest Grove/ Hillsboro West	
012397-31	Lynora Printz 6564 SW Hickman Lane	January 27, 1997

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Portland, OR 97223

012397-32

Thomas Curtis
6836 SW Peyton Rd
Portland, OR 97223

January 28, 1997