

A G E N D A

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METRO

Agenda - Revised

MEETING: METRO COUNCIL REGULAR MEETING
DATE: March 20, 1997
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

<u>Approx. Time*</u>		<u>Presenter</u>
2:00 PM	CALL TO ORDER AND ROLL CALL	
(5 min.)	1. INTRODUCTIONS	
(10 min.)	2. POTENTIAL ISSUES REGARDING STATE LEGISLATION	Naito
(5 min.)	3. CITIZEN COMMUNICATIONS	
(5 min.)	4. EXECUTIVE OFFICER COMMUNICATIONS	
	5. CONSENT AGENDA	
2:25 PM (5 min.)	5.1 Consideration of Minutes for the March 13, 1997 Metro Council Regular Meeting	
	6. ORDINANCES - FIRST READING	
2:30 PM (5 min.)	6.1 Ordinance No. 97-682, An Ordinance Amending the FY 1996-97 budget and appropriations schedule in the Parks and Expo Fund to increase capital outlay for Expo, and Declaring an Emergency.	
	7. ORDINANCES - SECOND READING	
2:35 PM (5 min.)	7.1 Ordinance No. 97-681, For the Purpose of Amending Metro Code 5.02; Reducing Disposal Fees Charged at Regional Solid Waste Facilities and Making Certain Form and Style Changes to Stations.	McLain

8. RESOLUTIONS

2:40 PM
(5 min.)

- 8.1 **Resolution No. 97-2478**, For the Purpose of Identifying Metro's Position on State of Oregon Legislation. Naito

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

2:45 PM
(10 min.)

- 9.1 **Resolution No. 97-2476**, For the Purpose of Authorizing the Executive Officer to Purchase Property in the Multnomah Channel Target Area. Washington

2:55 PM
(10 min.)

10. COUNCILOR COMMUNICATION

ADJOURN

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

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

Consideration of the March 13, 1997 Regular Council Meeting Minutes

**Metro Council Meeting
Thursday March 20, 1997
Council Chamber**

MINUTES OF THE METRO COUNCIL MEETING

March 13, 1997

Council Chamber

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

Councilors Absent:

Presiding Officer Jon Kvistad called the meeting to order at 2:01 p.m.

1. INTRODUCTIONS

Councilor McFarland introduced Aleta Woodruff.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. REVIEW OF LEGISLATIVE ISSUES

Councilor Naito noted that she had asked Mr. Brad Higbee to update what was happening at the legislature particular with Measure 47 and the transportation package as well as some of Metro's bills. She noted the House Committee on Revenue summary of the rewrite of Ballot Measure 47 (a copy of this may be found in the Permanent Record of this Council meeting in the Council Office). She added that it did pass unanimously out of committee.

Mr. Brad Higbee, Metro Lobbyist, said that the House Revenue Committee voted out of committee a tax rewrite incorporating many of the principles and provisions that were in the legislation that they had been considering for some time to implement Ballot Measure 47. In an effort to try and do this in a more sensible coordinated effort and uniform manner both the Senate and House Revenue Committees met together to expedite the review and consideration of provisions that would rewrite Oregon's tax code. Many of the committee members embraced the principles of the tax rewrite, passing it along to the House floor tomorrow and then to the Senate Revenue Committee. The rewrite would simplify some of those cuts in provisions, set the property values for residential and commercial property, roll it back 10% and out of that system essentially create a rate system. What it would do for Metro was reduce the impact on the Zoo's operating levy, redefine fees and assessments in such a way that Metro might continue to operate the Zoo in a functional manner without suffering some of the grave revenue cuts that they had earlier suspected and overall would implement a rate based property tax system that would

reflect the increase in values in some of the high growth areas which should be of some benefit to areas throughout the region. He described the process the committee went through to come to a final product. The bill passed out unanimously, he felt that boded well for passage in the House and Senate. They hoped to get the final version of the legislation to the Governor's desk for signature no later than March 31, 1997 which was the last date that it could be signed before it was sent to the ballot. They had targeted the May 20th date for a vote on this. If it passed, it would replace the provisions of both Ballot Measure 47 and 5. If it did not pass, they would go back and work on HB 2047 and continue to implement Ballot Measure 47.

Mr. Dan Cooper, Legal Counsel, noted that it was more comprehensible than the version the voters passed.

Presiding Officer Kvistad asked Mr. Cooper about presenting an overview. He asked Mr. Cooper to give a written overview to the Council by the end of this day.

Mr. Cooper affirmed that he would take care of this.

Councilor Washington asked about HJR 85A and what the "Allows property assessment date to be moved back to January 1" meant.

Mr. Higbee responded that this was a suggestion that was offered by the assessors so that they could uniformly calculate the uniform date, to uniformly calculate the values of the property.

Councilor Washington asked if this was establishing it on a calendar year?

Mr. Higbee responded that he believed that is what it did, taking it back to a calendar year.

Councilor Naito asked Mr. Higbee to review the transportation issues, focusing on some of the big picture items and then Metro's legislative agenda.

Mr. Higbee expressed his gratitude and respect for Representative Tom Bryan garnered in conducting the revenue process, without his efforts this never would have happened. He also noted Senator Ken Baker's role and that the Senator would be asked to ride the helm soon when it went to the Senate Revenue Committee. The legislature had been considering a number of different proposals, the Governor's Transportation Initiative suggested a number of different alternative modes of coming up with funding for transportation related items. The Legislature had taken a somewhat different view, none of them very encouraging or optimistic. There would be efforts to consider transportation funding throughout the State. Items still on the table included gas tax increases, weight mile equivalent increases, vehicle registration fee increase. There were a number of proposals in the hopper to increase the vehicle registration fees, some for transportation related purposes, some for State police and parks, and even for emergency service providers.

Presiding Officer Kvistad reviewed the JPACT discussion about how and which particular portions of either vehicle registration or an increase in the tax on gasoline would be used and what the allocation might be, the county partners stated that they wanted to change part of the allocation process as well as wanted an additional \$10.00 on the auto registration fee to be a local county options for individual county projects and priorities. There was a bit of a discord between that position and the other partners in the cities as well as some of those on the Metro

Council as to what effect that might have. ODOT expressed some reservations in terms of where they were. He had requested staff and Mr. Lindquist to put together an emergency JPACT meeting this coming Tuesday morning where they would have an overview of the projects and what the priorities would be, have a general discussion about what the needs would be and what the interrelationships and where opportunities to facilitate might occur. He noted that JPACT did not meet until next month, they would try to get information out to the members of JPACT and the Council.

Councilor Naito hoped that they could resolve any of their difference in light of the transportation needs of the region. She was concerned that if there was too much dissension about what the package looked like it could torpedo the whole effort. Her hope was that the Council could take a position on what type of transportation funding package they would want to push as a Council. She urged the Council to move on this quickly in light of the fact that JPACT was continuing discussions next week. She suggested discussing this in Government Affairs next Tuesday, March 18th and make a recommendation to the Council.

Presiding Officer Kvistad suggested that Councilors Naito and Washington discuss which committee and which way to go on the issue of transportation. He would like people to be involved in that because it was going to have a major impact on where the region was going especially with the funding package. He did not want to lose the opportunity to have those dollars available for everyone.

Councilor Naito added that JPACT was getting information to the legislators, if there was a given amount of revenue, what exact projects would be accomplished in this region with those dollars. She felt this would be helpful to the legislators who may or may not be familiar with the various needs of their district.

Councilor Washington said at the JPACT meeting this morning he was caught off guard by the areas of concern between the cities and counties. He said that Councilor Naito and he were getting together this afternoon to begin to discuss transportation and governmental affairs. He asked Mr. Higbee about increasing the auto registration fee, by \$10.00, did Mr. Higbee have any idea of what that meant in terms of total dollars to the State? What did each dollar of registration produce?

Mr. Higbee indicated he did not know what the impact of that increase would be.

Presiding Officer Kvistad suggested Councilor Washington speak to Mr. Andy Cotugno, Transportation Department Director about this and he would be able to give a rough estimate.

Councilor Naito suggested moving on to Metro's legislative package.

Mr. Higbee reviewed the Boundary Commission legislation which reflected the legislation of MPAC, this bill was still being printed and would be SB 947. Changes would be made once the bill came up in committee. He believed the bill would be out by the middle part of next week. He reviewed the parks bills, four were on the docket, they were house keeping measures, allowing Metro to be included in those statutory provisions that cities and counties were included in right now for the purposes of parks. Two would be going to the Senate Livability Committee and two to the Senate Revenue Committee, having to do with the farm and forest deferral acquisition

issues. There would probably be hearing on these in the next two to four weeks. Issues related to State funding of State parks as well as other issues having to do with access to the resources and river environments.

Councilor McLain asked about the Boundary Commission legislation. She had seen a copy of the legislation that went to MPAC which was the mistake draft, was this correct? Her concern was that she got a report from MPAC and then Metro staff wrote up a piece of legislation that looked liked at least some of the items that they had heard from MPAC and from committees. She said what she saw looked like a regurgitated effort from last year's legislation. Was there more than one draft?

Mr. Cooper responded by saying that the format of the bill that was distributed, the LC draft, was in the format where it did substantially follow the draft that Mr. Cooper prepared, dealt with the existing statutes that provided for the Boundary Commission now that needed to be substantially amended to carve out the Portland Boundary Commission from the Lane County Boundary Commission. If the Council looked at the draft that came out of the Legal Counsel Office because those statutory sections were numbered in the 197's rather than the 268's they showed up in the front end of the bill and they were pretty confusing to trace through. The amending of Chapter 268 was, where noted, what the new system would be, it was easier to see where it tracks what the Council resolution was.

Councilor McLain said she didn't see the similarities at all, she saw the differences between the Portland area and the rest of the state but there were some big difference such as the size of the committee. She asked if there were several bad drafts?

Mr. Cooper suggested sitting down with Councilor McLain and the draft that she had seen so he could answer that question.

Councilor Washington said that the legislature was in about the third month of the session, what provision were in place, particularly in the areas of transportation where there were some critical issues that were coming up and there had to be representation and testimony from the Council. How would the Council be notified to be there and support Councilor Naito on behalf of the Council and Metro?

Mr. Higbee said that he would have to be communicating with each other of the Council directly. Councilor Naito would be actively involved, daily, there were mechanisms in place where he could communicate both with Council staff and the Executive Officer staff to make sure that there was good information flow, through telephone, faxes, and e-mail regularly. He added that one of the keys to making sure they could be on top of thing was that they understood clearly how Metro felt about these issues that would come forward. This would save an immense amount of time. If they knew what was important to Metro and to the region, then they had something to work with and could march forward in an affirmative fashion and implement Metro's agenda.

Councilor McFarland asked how the Council got notified when something came up that they might not have anticipated. The Council did not always know in advance where they were on issues.

Mr. Higbee said that it was hoped that through the regular process of meeting once a week as he did with Councilor Naito and staff as well as the Government Affairs Committee meetings that there was a chance to have a handle on this and a mechanism to translate back to the Council. Councilor Naito had been on the spot in terms of relaying back to the Council things that were coming up. If there was any major concern on a bill, he would be immediately contracting Councilor Naito as well as Council staff and the Executive Officer staff.

Councilor McFarland asked Councilor Naito how the Council would get notified when issues came up that needed to be dealt with immediately?

Councilor Naito said that when she talked with staff, she had asked that staff notify their Councilors immediately if a situation came up like this. She would not hesitate to contact each Councilor if need be.

Councilor McFarland encouraged Councilor Naito to call. She said there may be times when Mr. Higbee may need some judgment on whether something was innocuous or not. She suggested the Council needed to hear about these bills as well.

Councilor Washington wasn't inferring in his request that what he had just talked about wasn't happening, he felt Councilor Naito had done a very good job of keeping the Council apprised but just like the issue that came up in JPACT that the Councilors had not been privy to. The transportation issues were very important to this agency.

Councilor Naito said she agreed with Councilor Washington, as legislature moved into the transportation issues, Metro wanted to be pro-active in terms of having an advocacy position. It would be much more of a give and take as the legislature under went negotiations of what they wanted to do and how Metro wanted to be involved with that. She noted the rally for Parks on the capital steps, Charlie Cieko had encouraged all to be involved.

5. CONSENT AGENDA

5.1 Consideration of the Minutes of March 6, 1997 Metro Council Regular Meeting Minutes and the February 26, 1997 Council Work Session.

Motion: **Councilor McFarland** moved the adoption of the minutes of March 6, 1997 Metro Council Regular Meeting as amended and the February 26, 1997 Council Work Session.

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

Discussion: **Councilor McFarland** corrected the minutes of March 6, 1997, on the last page, the building of the new Expo building was 13.4 million, not 3.4 million.

Councilor McLain asked if the corrected agricultural figures were included in the minutes.

Ms. Billington responded, yes they had been corrected.

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

6. ORDINANCES - FIRST READING

6.1 **Ordinance No. 97-680**, For the Purpose of Granting a Metro Franchise to American Compost and Recycling Inc. to Operate a Commercial Food Waste Processing Facility and Yard Debris Composting Facility.

Presiding Officer Kvistad assigned Ordinance No. 97-680 to Regional Environmental Management Committee.

6.2 **Ordinance No. 97-681**, For the Purpose of Amending Metro Code 5.02, Reducing Disposal Fees Charged at Regional Solid Waste Facilities and Making Certain Form and Style Changes.

Presiding Officer Kvistad assigned Ordinance No. 97-681 to Regional Environmental Management Committee.

7. CONTRACT REVIEW BOARD - RESOLUTIONS

7.1 **Resolution No. 97-2465**, For the Purpose of Amending the Contract Between Metro and Gardiner and Clancy, LLC (Contract No. 904803) for Financial Advisory Services.

Motion: Councilor McCaig moved approval of Resolution No. 97-2465.

Seconded: Councilor Washington seconded the motion.

Discussion: Councilor McCaig reviewed this resolution which came through the Budget Committee and on to the full Council. This was originally proposed as a three year contract for financial advisory services. Due to the newness of the firm, Gardiner and Clancy the objective was changed and Metro contracted only with them for one year for a total of about \$65,000. They had successfully completed that first year and after an extensive review by Executive as well as some other individuals who did business with them, the recommendation was to go ahead and renew the contract for the remaining two and a half years. The total contract was not to exceed \$275,000. The request was for \$162,500. At the point that the contract was completed, it would not exceed \$275,000.

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

8. Executive Session Held Pursuant to ORS 192.660(1)(e). Deliberations with Persons Designated to Negotiate Real Property Transactions.

8.1 **Resolution No. 97-2466**, For the Purpose of Authorizing the Executive Officer to Purchase Property Necessary to the Construction of the Peninsula Crossing Trail.

Members Present: Jim Desmond, Charlie Cieko, Alexis Dow, Heather Nelson, Mel Huie, Alison Campbell, Linnea Nelson, Nancy Duran.

Motion: Councilor McCaig moved approval of Resolution No. 97-2466.

Seconded: Councilor McFarland seconded the motion.

Discussion: Councilor McCaig said that this was a 1.5 acre parcel that would allow Metro to improve the Peninsula Trail Crossing and was an opportunity to make it actually more accessible to all of the people of the region.

Councilor McLain said she would like to support Resolution No. 97-2466. It gave better access, improved public recreation as well as with the concept of the 2040 Growth Plan was trying to protect urban greenspace which allowed the public to know that Metro cared about the greenspace in urban areas as well as rural areas or outside UGB. She pointed out that this urban greenspace was one that was necessary if one looked at the kind of density that was around the greenspace. She also believed that the Peninsula Crossing was a hallmark trail, demonstrating some of the best possible kinds of walking and commuting from this type of facility, truly a star in this type of trails program. She noted that they were in uncharted territory in the sense that there was some money that was available because of some savings in some other refinement areas. As they got down to the last portions of what could be acquired in the 6,000 acre goal, she thought there may be some issues about choosing some land that fit the amount of money that was left, trying to leverage as much as possible of the dollar amount from the bond measure. There may be need for guidelines on the refinement, spending, and criteria that would fit some of these unusual circumstances.

Councilor Washington asked Mr. Desmond how much money had Metro saved, how much was left?

Jim Desmond responded that the only target area that was completed was Willamette Cove. At this point the savings on this target area was \$150,000. On the Peninsula Crossing project there was about \$150,000 for contingency that they could have used for this acquisition but it may not be necessary to take it out of the account if the construction went well.

Councilor Washington said he asked the question for his own sense of interest, he applauded the staff for saving money.

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

9. COUNCILOR COMMUNICATIONS

Councilor McLain reported on two subcommittee's MPAC and WRPAC. Subcommittee formed that would be deal with the role the MPAC played with the Metro Council, some of the refinement that might be possible for more efficiency for the Council and MPAC. Councilor McCaig and she would be happy to serve on that committee but would like to invite any Councilor who would like to sit in on that committee. The second subcommittee would deal with the performance measures from the Functional Plan in Title 9. There was a good conversation on the goal of performance measures and how it related to the Functional Plan and to the Regional Framework Plan and other parts of the growth management strategies as they were put forward in both the Future Vision, RUGGOs, etc. At the WRPAC meeting working on Title 3, on the Model Code, and the map review which they hoped to be done with by the middle of April. These would be sent to MPAC at that time.

Councilor Washington said the Transportation Department had scheduled a meeting with the EIS alternative to reflect cost cutting measures on South/North Lightrail. Starting the 14th of this month, they would be going into a 30 day comment period through April 15th. At that point from April 15th to April 24th, project recommendation, participating jurisdiction recommendation would be April 28th through May 7th. Then it would be coming before the Council to adopt amendments May 8th through May 22nd. There would also be a steering committee work session on the 17th of this month. There would be some public information meetings on March 31st, April 1st and 2nd. He had also asked the Presiding Officer to please allow Mr. Cotugno or members his staff to come in from this point forward to give a report to the Council on the South/North to keep Council apprise of where they were in the process. He encouraged the Council's active participation.

Councilor McCaig spoke of the role and relationship of the Council in reference to MPAC. When the Functional Plan was adopted, there was a place holder put in on performance measures and asked the Executive to put a work group back together, come forward and make a presentation to the Council about what the performance measures should include after having given them some guidance. She believed there were five or six areas that they thought would be appropriate and then left the flexibility of that work group to add others. The Executive called the group together and they met twice. Before the work was concluded the performance measurement in draft form that members of the committee hadn't seen yet were sent out to MPAC. Immediately after that it was scheduled for the Growth Management Committee. Yesterday was the first hearing in front of MPAC and there was a long discussion about a product that was not complete; had not been reviewed by the committee, nor adequately presented to the Growth Management Committee. The process was not a wise use of anyone's time. Now, the group had been asked to go back and finish work that wasn't completed in the first place. As a result, there was indication given to a group that they had a whole lot of opportunity to have a say in all of the different performance measurements rather than having it better defined from a Council perspective and then taking it to MPAC and asking for their advise in specific areas. It was her hope that as they worked at the relationships that there was thought about the work flow as part of the problem at getting crosswise with each other.

Presiding Officer Kvistad said that he believed that was what they had been talking about in redeveloping the whole MPAC relationship, items should come to Council for review and then go out to MPAC.

Councilor McLain noted that MPAC was very cooperative, on this particular item, everyone was a long way from understanding what they really wanted. There was direction to do more work on the document. She said there would be a subcommittee work report at the March 26th MPAC meeting as well as a full discussion of it on April 9th. So of the issues that Councilor McCaig addressed were brought up at MPAC and they were trying to put together a better process and system for the measurement standards document as well as future ones. They were very much part of the process at the MPAC meeting.

Presiding Officer Kvistad requested that Councilor Naito take that under advisement with her committee in terms of the MPAC relationship and have a general discussion to set a tone and a direction that the Council as a group could decide on.

Councilor Naito reported back to the Council about going to Washington DC. She thought it was helpful to the delegation that a Councilor, an elected official from Metro, was actually present. There was Linda Peters from Washington County, Gary Hansen, and Charlie Hales from the City of Portland. She thought one of the big selling points for Oregon, Portland and the region was that they had wonderful working relationships, in partnership with the counties and the cities. They spoke with one voice in terms of the needs of the region. That message had gotten out way beyond their delegation. It was known to other people around the country, the poster children. The goals were to get reauthorization of the ISTEA funding, complete the westside funding commitment from the federal level and to advocate for South/North. It was a positive experience. Obviously they were lacking some of the clout that they once had in terms of South/North, however, their delegation both in the Senate and House, was positive and supportive.

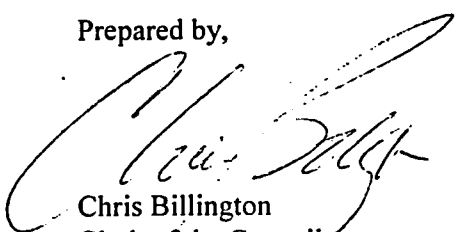
Councilor Washington thanked Councilor Naito for going on his behalf. He understood that she did an excellent job and they were happy to have a representative from Metro.

Presiding Officer Kvistad thanked Councilor McCaig, he thought that the last Finance/Budget Committee was a very positive one. As the Council moved into other issues he was very comfortable with that experience. The Council budget was coming up in a couple of weeks, he asked the Council to get their comments and questions before they went into those deliberations.

10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 3:20 p.m.

Prepared by,



Chris Billington
Clerk of the Council

Agenda Item Number 6.1

Ordinance No. 97-682, An Ordinance Amending the FY 1996-97 budget and appropriations schedule in the Parks and Expo Fund to increase capital outlay for Expo, and Declaring an Emergency.

First Reading

**Metro Council Meeting
Thursday, March 20, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1996-97)	ORDINANCE NO. 97-682
BUDGET AND APPROPRIATIONS)	
SCHEDULE IN THE PARKS AND EXPO FUND)	Introduced by Councilor
TO INCREASE CAPITAL OUTLAY FOR EXPO,)	Ruth McFarland
AND DECLARING AN EMERGENCY)	

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

WHEREAS, The need for a transfer of appropriation has been justified; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 1996-97 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$285,806 from the Regional Parks and Expo Fund Contingency to Expo Center capital outlay for the purpose of providing funds to complete construction of the new exhibit hall and to purchase concessions and catering equipment.

2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

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

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

**Exhibit A
Ordinance No. 97-682**

Regional Parks and Expo Fund

ACCT #	DESCRIPTION	FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Greenspaces									
TOTAL EXPENDITURES		49.73	5,441,126	0.00	0	49.73	5,441,126		
Expo Center									
Total Personal Services		21.03	836,787	0.00	0	21.03	836,787		
Total Materials & Services			2,197,101		0		2,197,101		
Total Debt Service			150,000		0		150,000		
<u>Capital Outlay</u>									
571200	Purchases-Improvements		45,000	0.00	0		45,000		
571300	Buildings, Exhibits & Related		95,000	0.00	0		95,000		
571400	Equipment and Vehicles		49,500	0.00	212,616		262,116		
571500	Purchases-Office Furniture & Equipment		21,000	0.00	0		21,000		
574110	Construction Management		393,000	0.00	0		393,000		
574120	Construction - Architectural Services		214,650	0.00	0		214,650		
574130	Construction - Engineering Services		22,995	0.00	0		22,995		
574190	Construction - Other Constr. Services		89,500	0.00	0		89,500		
574510	Construction - Improve. other than Bldgs		0	0.00	0		0		
574520	Construction Work/Materials-Buildings		11,279,855	0.00	73,190		11,353,045		
Total Capital Outlay			12,210,500	0.00	285,806		12,496,306		
TOTAL EXPENDITURES		21.03	15,394,388	0.00	285,806	21.03	15,680,194		
General Expenses									
Total Interfund Transfers			763,415		0		763,415		
<u>Contingency and Unappropriated Balance</u>									
599999	Contingency		523,528		(285,806)		237,722		
	• Undesignated		0		0		0		
	• Open Spaces Bonds		0		0		0		
599990	Unappropriated Balance		835,822		0		835,822		
	• Undesignated		1,032,660		0		1,032,660		
	• Restricted (Natural Areas Fund)								
Total Contingency and Unappropriated Balance			2,392,010		(285,806)		2,106,204		
TOTAL FUND REQUIREMENTS		70.76	\$23,990,939	0.00	\$0	70.76	\$23,990,939		

Exhibit B
Ordinance No. 97-682
FY 1996-97 SCHEDULE OF APPROPRIATIONS

	<u>Current Budget</u>	<u>Revision</u>	<u>Proposed Budget</u>
REGIONAL PARKS AND EXPO FUND			
Regional Parks and Greenspaces			
Personal Services	\$2,044,403	0	\$2,044,403
Materials & Services	1,498,623	0	1,498,623
Capital Outlay	1,898,100	0	1,898,100
Subtotal	<u>5,441,126</u>	<u>0</u>	<u>5,441,126</u>
Expo Center			
Personal Services	836,787	0	836,787
Materials & Services	2,197,101	0	2,197,101
Debt Service	150,000	0	150,000
Capital Outlay	12,210,500	285,806	12,496,306
Subtotal	<u>15,394,388</u>	<u>285,806</u>	<u>15,680,194</u>
General Expenses			
Interfund Transfers	763,415	0	763,415
Contingency	523,528	(285,806)	237,722
Subtotal	<u>1,286,943</u>	<u>(285,806)</u>	<u>1,001,137</u>
Unappropriated Balance	1,868,482	0	1,868,482
Total Fund Requirements	<u>\$23,990,939</u>	<u>\$0</u>	<u>\$23,990,939</u>

ALL OTHER APPROPRIATIONS REMAIN AS ADOPTED

MERC STAFF REPORT

Agenda Item/Issue: Approval of amendment to the FY 1996-97 budget for the Expo Center related to anticipated capital expenditures.

Resolution No. 97-06

Date: February 12, 1997

Presented by: Heather Teed

Background and Analysis: This \$285,806 budget amendment is best explained broken down into the two purposes it serves:

1. To cover the anticipated over-expenditure of budget of \$73,190 associated with the payment of costs incurred in the construction of the new Expo building.

The construction of the new building at Expo is progressing on schedule and under-budget. It is expected that there will be savings on the construction of approximately \$400,000, which will be used to purchase necessary concessions equipment, phones and other furniture necessary for the new building. Thus, we project that the entire \$13.5 million approved for the new building will be spent on construction plus necessary furniture, fixtures and equipment.

Because the construction of the new Expo building straddled two fiscal years, and the costs paid in those fiscal years are anticipated to be slightly different than we had projected in the budget, it is necessary to move \$73,190 from Contingency to Capital Outlay.

Specifically, we anticipated that we would pay \$1.5 million in FY 95-96 and \$12 million in FY 96-97, for a total of \$13.5 million cost; therefore we budgeted only \$12 million in Capital Outlay for the new building costs in the FY 96-97 budget. As it turns out, rather than paying out \$1.5 million in FY 95-96, we paid only \$1,426,810, or \$73,190 less than anticipated. That \$73,190 difference, given the fact that we expect to spend the entire \$13.5 million approved for the building, will be paid in this current fiscal year, along with the other \$12 million. Therefore, it is necessary to move \$73,190 from Contingency to Capital Outlay to cover the overage in budgeted expenditures expected to hit FY 96-97.

2. To cover the anticipated over-expenditure of budget of \$212,616 associated with an accounting change in how we treated the Fine Host proceeds used for capital needs.

Recall that, through the contract, Fine Host agreed to provide and spend funds on behalf of the Expo for necessary capital purchases. The amount of funds provided was \$450,000. For this "loan", the Expo pays approximately \$ 82,000 per year for principal and interest.

MERC STAFF REPORT

Resolution No. 97-6

Page 2

Based on inquiry of and discussions with Metro accounting personnel in early FY 95-96, we accounted for this situation by simply recording the \$82,000 annual payment as a lease payable in the financial records. Given the fact that Fine Host was not only providing the funds, but also spending them on our behalf, we determined it was not necessary to record those dollars and expenditures on our books.

As a result of the annual audit conducted by Peat Marwick, the accounting for the Fine Host loan was adjusted from how it had been reflected in the accounting records. Peat Marwick made the determination that this situation constituted a loan from Fine Host, which necessitated recognizing the loan proceeds as a resource and the purchases as capital expenditures on Expo's books. This determination was made in September/October, 1996.

The reason this affects FY 96-97 is because the entire \$450,000 in loan proceeds was not spent during the previous fiscal year. At June 30, 1996, there was \$212,616 which had not been spent. So, given the required accounting, that meant that FY 95-96 resulted in \$212,616 in unexpended resources falling to Expo's fund balance.

Now in FY 96-97, those remaining dollars (\$212,616) have been spent, and thus, will be recorded as a capital outlay expenditure in this fiscal year. This \$212,616 in capital outlay expenditures was not anticipated nor included in the Adopted Budget for Capital Outlay due to the fact that the final determination of the accounting treatment occurred months after the FY 96-97 budget was adopted. So, it is necessary to move \$212,616 in appropriation from Contingency to Capital Outlay to prevent an over-expenditure of budget.

Fiscal Impact: The movement of \$285,806 of Contingency appropriation to Capital Outlay has no impact on the budgeted bottom line net cash flow for Expo. It is necessary to move this appropriation to avoid an over-expenditure of budget, which is a violation of Oregon Budget Law.

Recommendation: Staff recommends that the Commission approve the FY 1996-97 budget amendment for the Expo Center related to anticipated capital expenditures.

METROPOLITAN EXPOSITION-RECREATION COMMISSION

Resolution No. 97-06

Authorizing a budget amendment to the FY 1996-97 Adopted Budget for the Expo Center related to anticipated capital expenditures.

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

	<u>Adopted Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>
Capital Outlay	\$12,210,500	\$285,806	\$12,496,306
Contingency	\$ 380,217	(\$285,806)	\$ 94,411

BE IT THEREFORE RESOLVED that the Metropolitan Exposition-Recreation Commission hereby approves the above budget amendment and submits it to the Metro Council.

Passed by the Commission on February 12, 1997.

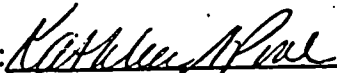


Chair



Secretary-Treasurer

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

By: 

Katie Pool, Assistant Counsel

STAFF REPORT

CONSIDERATION OF ORDINANCE 97-682 AMENDING THE FY 1996-97 BUDGET AND APPROPRIATIONS SCHEDULE IN PARKS AND EXPO FUND TO FOR CAPITAL EXPENDITURES FOR EXPO; AND DECLARING AN EMERGENCY.

Date: February 28, 1997

Presented by: Mark Williams
Norman Kraft

FACTUAL BACKGROUND AND ANALYSIS

On February 12, 1997, the Metropolitan Exposition-Recreation Commission (MERC) passed Resolution No. 97-06 authorizing adjustments to the budget appropriations of the Expo Center portion of the Parks and Expo Fund. The adjustments are necessary to cover capital expenditures as outlined below:

Expo Center Construction

The construction of the new building at Expo is progressing on schedule and within the total project budget of \$13.5 million. It is anticipated that there will be a savings of \$400,000 that can be used for necessary concessions equipment, phones and other furniture.

Because the project has taken place over two fiscal years, it was projected that \$1.5 million would be spent in FY 95-96 and \$12 million would be spent in FY 96-97. At the end of FY 95-96 actual expenditures were \$1,426,810 or an underexpenditure of \$73,190 resulting in an overexpenditure of \$73,190 in FY 96-97. In preparing the budget for FY 96-97 funds were included in contingency to cover this type of unforeseen expenditure.

Fine Host Contract

In the contract between Fine Host and MERC for concession services there is a provision where Fine Host agreed to provide and spend funds on behalf of Expo for capital purchases. The total amount of funds provided was \$450,000. The repayment of this "loan" was \$82,000 annually for principal and interest.

Discussions between accounting staff at Metro and MERC resulted in a decision that for fiscal year 1995-96 the annual payment of \$82,000 would be budgeted and expended as a lease payment

As a result of the annual audit conducted by Peat Marwick, conducted in the Fall of 1996, there was a change in the accounting of the revenue and expenditures. Peat Marwick determined that the \$450,000 was a loan from Fine Host and required that

the amount be recorded as loan proceeds under revenues and that the full capital purchases be recorded in capital outlay.

The reason this effects FY 96-97 is because the entire \$450,000 in loan proceeds were not spent during the previous fiscal year. On June 30, 1996, there was \$212,616 of the loan proceeds unspent. These unspent proceeds became part of the ending fund balance.

Now, in FY 96-97, those remaining dollars have been spent as capital outlay. This additional expenditure was not anticipated nor included in the budget as the decision for the accounting changed happened after the budget was adopted. Therefore, it is necessary to move \$212,616 in appropriations from Contingency to Capital Outlay in the Parks and Expo Fund to avoid an overexpenditure.

FISCAL IMPACT

The total requested budget adjustment of \$285,806, (\$73,190 for Expo Construction and \$212,616 for capital outlay), are reflected in the below.

	Current Budget	Adjustment	Revised Budget
Regional Parks and Expo Fund			
Expo - Personal Services	\$ 836,787		\$ 836,787
Expo - Materials & Services	2,197,101		2,197,101
Expo - Debt Service	150,000		150,000
Expo - Capital Outlay	12,210,500	285,806	12,496,306
Expo - Contingency	374,407	(285,806)	88,601

The contingency amount shown on Exhibits A and B are for the total fund which includes both Parks and Expo. The amount shown above for contingency varies from the amount shown in MERC Resolution 97-06 due to the previously approved transfer of \$5,810 (Ordinance 96-661).

Agenda Item Number 7.1

Resolution No. 97-2478, For the Purpose of Identifying Metro's Position on State of Oregon Legislation.

**Metro Council Meeting
Thursday, March 20, 1997
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF IDENTIFYING) RESOLUTION NO 97-2478
METRO'S POSITION ON STATE OF)
OREGON LEGISLATION) Introduced by the Government
) Affairs Committee

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

WHEREAS, the Government Affairs Committee has identified legislation which it is
in Metro's interest to follow and, if necessary, take a position on; now, therefore,

BE IT RESOLVED:

That the Metro Council adopts the attached list in Exhibit A which adds to Metro's
position on legislation pending in the 1997 Oregon Legislature.

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

Jon Kvistad, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

Exhibit to Resolution No. 97-2478
 Metro's Position on 1997 Oregon Legislation
 March 20, 1997

BILL	SUBJECT	DESCRIPTION	POSITION
SB 459	Tollway	Authorizes tollway in metro area UGB (Sen. Baker)	Monitor
SB 543	Hazardous waste	Reduces HW management fee for disposal; eliminates requirement that DEQ approve disposal of out of state waste under certain conditions; repeals differential fee for out-of-region SW and right to ban disposal of SW generated out of region (requested by Oregon Waste Systems)	Monitor
SJR 12	SB 600 ('95 Session) Takings bill	Refers "eco-take" bill to voters; requires compensation for regulation.	Oppose
HB 2446	Fed/State Standards	Prohibits State agency from adopting standard more stringent than federal requirement unless Oregon conditions are unique	Oppose
HB 2626	Local industry specific sales taxes	Prohibits local government industry-specific sales taxes	Monitor
HB 2643	Limits class who may appeal land use decisions	Limits class of persons who may appeal a local government land use decision to LUBA – to those "adversely affected."	
HB 2644	Conditions for filing petition for review by LUBA	Limits the ability to appeal to LUBA to those who appeared before the local government "in person" (and not in writing)	Monitor
HB 2645	Dwelling in EFU	Allows single family dwelling in EFU if dwelling was allowed at time lot or parcel was acquired	Monitor

HB 2709	Compensation for regulation	Requires compensation to be paid by regulating entities for regulations affecting real property (Rep. VanLeeuwen)	Oppose
HB 2720	Vehicle Reg. Fees for EMS	Increase vehicle registration fees for emergency medical services	Monitor/
HB 2745	Prohibits local RETT	Prohibits local real estate transfer taxes, upon approval of voters at May, 1998 election	Oppose
HB 2752	Local Government budget law	Revises Local Budget Law	Monitor
HB 2753	Restricts condemnation outside UGB	Restricts power of cities to condemn land outside of UGBs, or condemn property scheduled for development.	Oppose
HB 2756	Standards for rural housing	Eases standards for rural housing, allowing rezoning of resource land to provide market demand for rural housing.	Monitor
HB 2774	Local government development conditions	Requires local government to demonstrate that condition imposed on development is related to likely adverse effects.	Monitor
HB 2790	Public Meetings	Requires all meetings of public body or "advisory committee" (two or more persons) be subject to public meetings law, with opportunity for oral or written public comment, and free public copies of all agenda items provided to committee.	Oppose
HB 2809	Fuel tax increase	Increases fuel tax for state parks, if constitutional amendment passes.	Monitor
HB 2842	UGB signs	Requires ODOT place signs at all UGBs on state highways (Rep. Beck).	Monitor
HB 2843	Easements	Permits landowner considering conveying conservation easement to apply to assessor for report on effect of easement on assessed value. (Rep. Beck)	Monitor

HB 2844	Disclosure of land restrictions outside of UGB	Requires seller of property located outside of UGB to disclose that property is outside of UGB and describe permissible uses. (Rep. Beck)	Monitor
HB 2853	Dwellings in EFU	Allows landowner to develop up to four dwellings on land zoned for EFU. (Rep. Beck)	Monitor
HB 2924	Land Use Regulation	Changes composition of LCDC and creates regional advisory committees (House E&E Comm.)	Monitor
HB 2926	Mediation of land use disputes	Creates mediation program for certain land use disputes, and requires participation of local government or appropriate state agency. (House E&E Comm.)	Monitor
HB 2928	Review of local land use planning	Requires LCDC to approve determination of local government on comp. plans and land use regs. if substantial evidence in record supports determination.	Monitor
HB 2929	Participation of DLCD in land use hearings	Prohibits DLCD from participation in certain local land use hearings (unless the hearing regulates the sale, partition, subdivision or uses of state owned land). (House E&E)	Monitor
HB 2930	Definition of land use decision	Exempts nondiscretionary decisions of local government or decisions regarding certain uses in EFU from def. of land use decision (House E&E).	Monitor
HB 3482	Beverage container tax and programs	Imposes beverage container tax for various funds for parks (including local parks) and natural resources. (Rep. Beck)	Monitor
HJR 18	Vehicle fees	If adopted by voters, would allow use of motor vehicle fees for school transportation and trans. for elderly and handicapped.	Monitor

BILL	SUBJECT	DESCRIPTION	POSITION
HB 2810	Public use of waterways. Floatage easements.	Modifies right of public to recreational use of waterways.	Support
HB 2904	Public use of waterways. Floatage easements.	Establishes public right to recreational use of streams. Allows State Land Board to adopt rules governing recreational use of streams	Support
HB 2898	Public use of waterways.	Establishes right to floatage use of all waters of state. Specifies additional rights to persons using navigable waterway. Requires Division of State Lands to quitclaim all rights, title and interest to all lands under surface waters of state that are not identified as mnavigable in division report dated January 1983.	Oppose

Agenda Item Number 8.1

Resolution No. 97-2476, For the Purpose of Authorizing the Executive Officer to Purchase Property in the Multnomah Channel Target Area.

Executive Session Held Pursuant to ORS 192.660(1)(e).Deliberations with Persons Designated to Negotiate Real Property Transactions.

Metro Council Meeting
Thursday, March 20, 1997
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 97-2476
THE EXECUTIVE OFFICER TO)	
PURCHASE PROPERTY IN THE)	Introduced by Mike Burton
MULTNOMAH CHANNEL)	Executive Officer
TARGET AREA)	

WHEREAS, in July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, at the election held on May 16, 1995, the Metro area voters approved Ballot Measure 26-26 which authorizes Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements pursuant to Metro's Open Spaces Program; and

WHEREAS, the Multnomah Channel regional target area was designated as a greenspace of regional significance in the Greenspaces Master Plan and identified as a regional target area in the Open Space, Parks and Streams Bond Measure; and

WHEREAS, on July 11, 1996 the Metro Council adopted a refinement plan for the Multnomah Channel regional target area, including a confidential tax-lot-specific map identifying priority properties for acquisition; and

WHEREAS, the property owned by Charles G. Hegele, Jr. and Carleen C. Hegele, as identified in Exhibit A, is a priority property in Tier I of the Multnomah Channel target area and qualifies as a property to be acquired; and

WHEREAS, the amended Open Spaces Implementation Work Plan adopted in January, 1997 provides that Metro Council approval is required for purchases involving "unusual circumstances" or if the purchase price is more than the fair market value determined by Metro's staff appraiser; and

WHEREAS, the Hegele property purchase has unusual circumstances, now therefore

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to execute the Option Agreement and purchase the Hegele property in the Multnomah Channel regional target area, subject to the terms and conditions set forth in the Option Agreement, as amended.

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

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Exhibit A

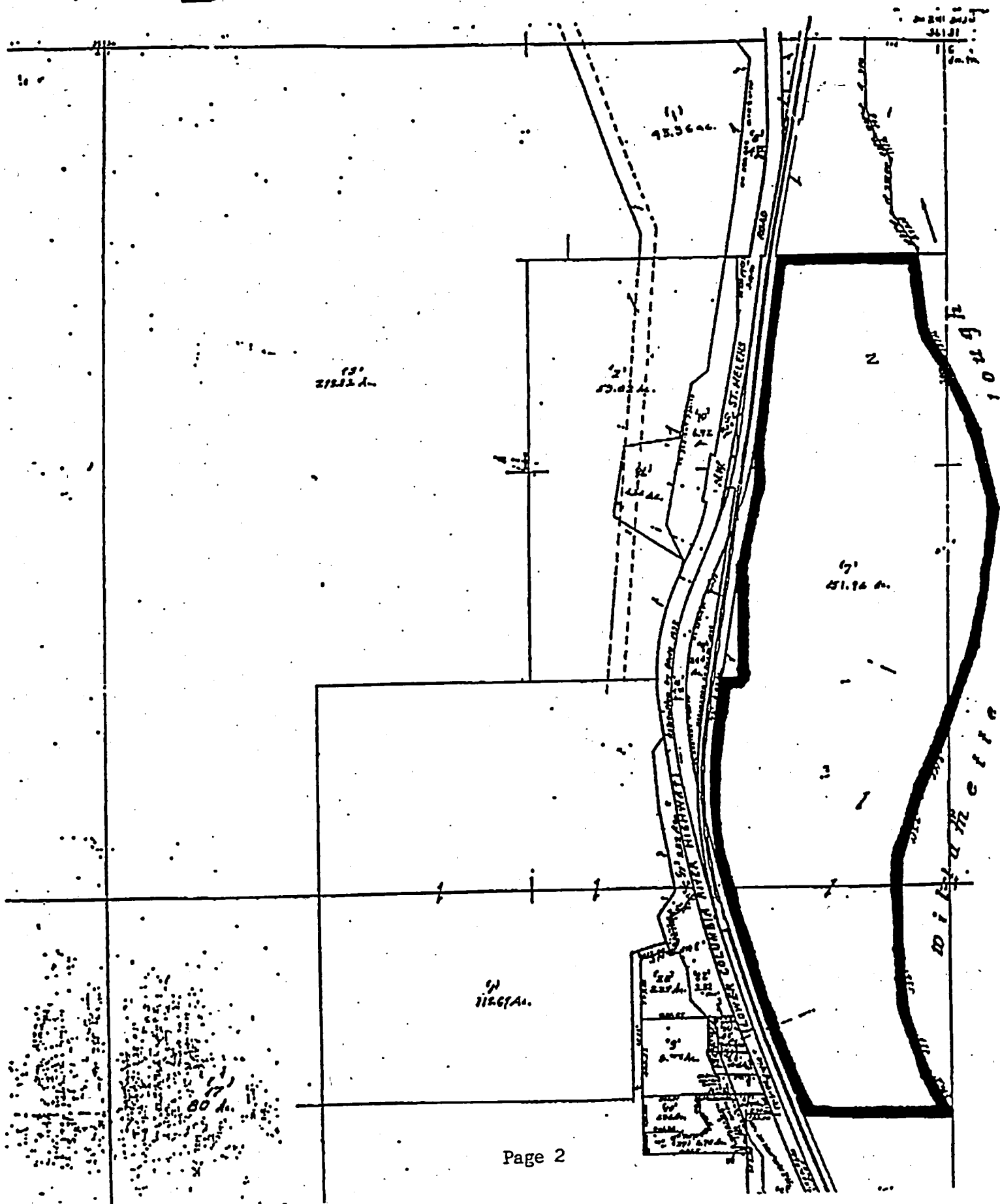
Resolution 97-2476

LEGAL DESCRIPTION

Government Lot 1 of Section 6, Township 2 North, Range 1 West of Willamette Meridian and Government Lot 3 of Section 1, Township 2 North, Range 2 West of the Willamette Meridian, and all those portions of the following described property lying Easterly of the Easterly line of the Spokane; Portland & Seattle Railway Co. right of way as relocated in 1972, to wit:

Government Lot 2, the Northeast one-quarter of the Southeast one-quarter and the Southwest one-quarter of the Southeast one-quarter of Section 1 and the West one-half of the Northeast one-quarter and Government Lot 1 of Section 12, Township 2 North, Range 2 West of the Willamette Meridian, in the County of Multnomah and State of Oregon.

TICOR TITLE INSURANCE



Staff Report

CONSIDERATION OF RESOLUTION NO. 97-2476 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE PROPERTY IN THE MULTNOMAH CHANNEL TARGET AREA.

Date: March 12, 1997

**Presented by: Charles Ciecko
Nancy Chase**

PROPOSED ACTION

Resolution No. 97-2476 requests authorization for the Executive Officer to purchase property in the Multnomah Channel Target Area.

BACKGROUND AND ANALYSIS

The property is 151.96 acres in size and is located on the east side of NW St. Helens Highway, across the channel from Sauvie Island. The parcel is located in Tier I in the adopted refinement plan. It contains significant wetlands, riparian habitat and has over 5,700 feet of shoreline. Approximately 60% of the site is estimated to be wetland. The area along the channel is characterized by an ash, willow and cottonwood forest. The majority of the property is open pasture. The area provides important habitat for a variety of wildlife. Multnomah County zoning allows 20-acre lots, and therefore this property could be approved for seven homesites.

The Nature Conservancy and Metro have been negotiating with the owners for almost two years. Value of the property has been the central point of the discussion. An independent appraisal has been obtained and the negotiated price exceeds that appraised value by 14%. Based on the Open Spaces Implementation Work Plan, this purchase price is an "unusual circumstance" requiring Council approval.

FINDINGS

Acquisition of this property is recommended based on the following:

- The property is listed as a Tier I property in the adopted refinement plan for the Multnomah Channel.
- The target area description in the Bond Measure Fact Sheet is as follows: "Multnomah Channel. Acquire 500 acres along west bank of channel for wildlife habitat in Willamette River Greenway." Acquisition of the 151.96-acre parcel is necessary in order to meet this acreage goal.

- The site has important scenic and wildlife qualities, excellent accessibility and exposure to a major highway.
- The large size of the parcel, its proximity to Portland, the exposure to a major highway and the 5,700 lineal feet of river frontage make the process of establishing a price very subjective. The owner has recently received two offers for greater values than the price offered by Metro, and those offers have been verified by an independent appraiser retained by Metro.
- The appraisal states that it is "reasonably safe to consider an appreciation rate in the range of 5 to 10% per year." Based on this fact the 14% difference in price would be accounted for in less than two years.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends passage of Resolution No. 97-2476.



METRO

Date: March 20, 1997

To: Mike Burton, Executive Officer
Jon Kvistad, Presiding Officer

From: Dan Cooper, General Counsel *D. Cooper*

Subject: SB 947

Attached is a copy of SB 947. This bill was introduced at Metro's request to implement the study of the Boundary Commission Function.

In drafting the bill, Legislative Counsel made changes to the language of proposed Section 10 of the bill. These changes may need to be corrected in order to fully carry out Council and MPAC's intent.

Section 10 of the Bill should be changed as follows:

"Section 10. In addition to the requirements established by ORS chapters 198, 221 and 222 for boundary changes, boundary changes within a metropolitan service district are subject to the requirements established by the district. [*However, for boundary changes within a metropolitan service district*] **The requirements established by a district are limited to the following:**

- (1) [*The b*] Boundary changes shall be subject to a uniform hearing and notification process adopted by the district.
- (2) The district [*may*] shall establish an expedited process for [*such*] **uncontested boundary changes.**
- (3) Contested cases shall be subject to appeal to a commission established by the district with further appeals as provided by law. For such further appeals, the commission shall be considered to be the final decision maker for purposes of ORS chapters 198, 221 and 222.
- (4) All boundary change decisions shall be subject to clear and objective criteria established by the district including, but not limited to, compliance with the adopted regional urban growth goals and objectives, functional plans and the regional framework plan of the district."

cc: Metro Council
Brad Higbee

jep

I:\DAN\0320MBS.JK

69th OREGON LEGISLATIVE ASSEMBLY--1997 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } .

LC 3061

Senate Bill 947

Sponsored by COMMITTEE ON LIVABILITY (at the request of Metro)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Abolishes existing local government boundary commission in Portland metropolitan area on January 1, 1999.

Grants metropolitan service district authority to make boundary changes in metropolitan area. Provides certain criteria and definitions applicable to boundary changes made under jurisdiction of district.

Eliminates power of metropolitan service district to create commissions by ordinance.

A BILL FOR AN ACT

Relating to the exercise of certain governmental functions within a metropolitan service district, including but not limited to boundary changes; creating new provisions; amending ORS 199.425, 199.440, 199.457, 199.458, 199.459, 199.460 and 268.320; and repealing ORS 199.427, 268.395 and 268.400..

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 199.425 is amended to read:

199.425. { - Two - } { + A + } local government boundary { - commissions - } { + commission + } hereby { - are - } { + is + } created, { - one - } having jurisdiction in { - each of the following areas: - }

{ - (1) The area consisting of Washington, Multnomah and Clackamas Counties. - }

{ - (2) - } the area consisting of Lane County.

SECTION 2. ORS 199.440 is amended to read:

199.440. (1) A boundary commission shall have seven members.

{ - However, if the population of the area subject to the jurisdiction of the commission exceeds 500,000 and if the area subject to its jurisdiction is wholly or partly situated within the boundaries of a metropolitan service district, the commission shall have a number of members that is equal to the number of councilors of the metropolitan service district. - }

(2) { - Except as provided in subsection (3) of this section, - } The Governor may appoint all members of a commission from a list of names obtained from cities, counties and districts within the area of jurisdiction of the boundary commission. The Governor shall prepare the list annually and keep it current so timely appointments will be made as vacancies occur. The Governor

shall endeavor to appoint members from the various cities, counties and districts so as to provide geographical diversity of representation on the commission.

{ - (3) When the area subject to the jurisdiction of a boundary commission is wholly or partly situated within the boundaries of a metropolitan service district organized under ORS chapter 268, the members of that boundary commission shall be appointed by the executive officer of the metropolitan service district. The executive officer shall appoint members of a boundary commission from a list of individuals nominated by the councilors of the district. Each councilor shall nominate no fewer than three nor more than five individuals for appointment to the boundary commission. When first appointing all the members of a boundary commission, the executive officer shall appoint one individual from among those nominated by each councilor. Thereafter, as the term of a member of a boundary commission expires or as a vacancy occurs, the executive officer shall appoint an individual nominated by the councilor or a successor who nominated the boundary commission member whose term has expired or who vacated the office. The executive officer shall endeavor to appoint members from various cities, counties and districts so as to provide geographical diversity of representation on the boundary commission. - }

{ - (4) - } { + (3) + } To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

{ - (5) - } { + (4) + } A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

(a) Any service for the unexpired term of a predecessor in office.

(b) Any term less than four years served on the commission first appointed.

{ - (6) - } { + (5) + } A commission may declare the office of a member vacant for any cause set out by ORS 236.010 or for failure, without good reason, to attend two consecutive meetings of the commission. A vacancy shall be filled by the Governor

{ - or by the executive officer of a metropolitan service district, by appointment for the unexpired term - } . If the Governor { - or the executive officer - } has not filled a vacancy within 45 days after the vacancy occurs, then, and until such time as the vacancy is filled, the remaining members of a commission shall comprise and act as the full membership of the commission for purposes of ORS 199.445.

SECTION 3. ORS 199.457 is amended to read:

199.457. (1) Any county located within the jurisdiction of a boundary commission may levy taxes and expend funds for the purposes of ORS 199.410 to 199.534.

(2) A boundary commission may accept any funds, property or services, or the use of any property donated by any person, district, city or county in carrying out the purposes of ORS 199.410 to 199.534.

(3) A boundary commission, with the approval of the advisory

committee appointed under ORS 199.450, may establish and collect reasonable service charges from persons, cities, the county or counties and special districts within its jurisdiction to defray the costs of operating the commission and carrying out the purposes of ORS 199.410 to 199.534. Such charges shall include, but not be limited to, fees for filing a petition or resolution for a boundary change with the commission.

(4) In addition to any service charges established under subsection (3) of this section, a boundary commission may determine it is necessary to charge cities and counties within its jurisdiction for services and activities carried out under ORS 199.410 to 199.534. If the commission determines that it is necessary to charge cities and counties within its jurisdiction for any fiscal year, the commission shall determine, with the approval of the advisory committee appointed under ORS 199.450, the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the portion of the city or county within the jurisdiction of the commission bears to the total population of the area within the jurisdiction of the commission. For the purposes of this subsection, the population of a county does not include the population of any city situated within the boundaries of that county. An assessment made under this subsection shall not exceed { - the rate of 10 cents per capita per year for a boundary commission created pursuant to ORS 199.425 (1) or - } 21 cents per capita per year for a boundary commission created pursuant to ORS 199.425 { - (2) - } .

(5) In addition to any service charges, established under subsection (3) of this section, a boundary commission may determine it is necessary to charge districts within its jurisdiction for services and activities carried out under ORS 199.410 to 199.534. If the commission determines that it is necessary to charge districts within its jurisdiction for any fiscal year, the commission shall determine, with the approval of the advisory committee appointed under ORS 199.450, the total amount to be charged and shall assess each district with the portion of the total amount as the assessed valuation of the district within the jurisdiction of the commission bears to the total assessed valuation of all districts within the jurisdiction of the commission. For purposes of this subsection, the assessed valuation of inactive or nonfunctioning districts shall not be included in the total assessed valuation of all districts and such districts shall not be assessed. { - For a boundary commission created pursuant to ORS 199.425 (1) any district with an assessed valuation over \$3,144,645,000 and less than \$10 billion shall be assessed a flat rate of \$5,000 per year and any district with an assessed valuation of \$10 billion or more shall be assessed a flat rate of \$7,500 per year and such district's assessed valuation shall not be included in the total assessed valuation of all districts within the jurisdiction of the commission. An assessment made under this subsection shall not exceed .00159 dollars per thousand dollars of assessed valuation per year for a boundary commission created pursuant to ORS 199.425 (1). - } For a boundary commission created pursuant to ORS 199.425 { - (2) - } any district with an assessed valuation over \$1 billion shall be assessed a flat rate of \$2,500 per year and such district's assessed valuation shall not be included in the total assessed valuation of all districts within the jurisdiction of the commission. An assessment made under this subsection shall not exceed .00878 dollars per thousand dollars of assessed valuation per year for a boundary commission created pursuant to ORS 199.425 { - (2) - } . However, assessments shall not be made by a boundary commission under this subsection against a highway lighting district organized under ORS chapter

372, a vector control district organized under ORS chapter 452 or a county service district organized under ORS chapter 451 for the purpose of providing street lighting works or vector control.

(6) For each fiscal year beginning on or after July 1, 1982, the commission shall notify each city, county or district governing body of its intent to levy an assessment under this section and the amount of the assessment for each city, county and district at least 120 days before the beginning of the fiscal year for which the assessment will be made.

(7) The decision of the commission to assess the cities, counties and districts within its jurisdiction, and the amount of the assessment upon each, shall be binding upon those governmental bodies. Cities, counties and districts shall pay their assessment in equal quarterly payments as the commission may require except that any city or district with a total annual assessment of less than \$100 shall pay the total assessment in one installment at the time specified for the second quarterly payment.

(8) When a city or district located in a county outside the jurisdiction of a boundary commission annexes or otherwise incorporates territory located within the jurisdiction of a boundary commission, the boundary commission shall assess the city or district with the portion of the total amount determined under subsection (4) or (5) of this section as the assessed valuation of the territory of the city or district within the jurisdiction of the boundary commission bears to the total assessed valuation of the entire city or district.

SECTION 4. ORS 199.458 is amended to read:

199.458. (1) Notwithstanding ORS 199.457 (4) to (7), a boundary commission created under ORS 199.425 { - (2) - } shall not levy the assessments authorized by ORS 199.457 (4) to (7) upon a district when the district has not utilized the services of the commission during the two fiscal years immediately preceding the fiscal year for which the assessment would otherwise be levied. As used in this section, 'utilized the services of the commission' means processing a boundary change or application under ORS 199.464 through the commission by means of either the regular or expedited process.

(2) For any fiscal year, when any district assessment is limited by operation of subsection (1) of this section, the boundary commission shall increase the assessment under ORS 199.457 (4) against each city with a population exceeding 85,000 and the county in order to obtain the amount of revenues lost to the boundary commission by reason of the assessment limit imposed by subsection (1) of this section. The increase in assessments authorized by this subsection shall be assessed against the county and each city with a population exceeding 85,000 in the same proportion as the population of the city or county bears to the total population of the unincorporated area of the county and of all cities with a population exceeding 85,000.

SECTION 5. ORS 199.459 is amended to read:

199.459. { - (1) - } There is established in the State Treasury separate from the General Fund a fund to be known as the Portland Metropolitan Area Local Government Boundary Commission Fund into which shall be deposited all revenues received pursuant to ORS 199.457. - }

{ - (2) - } { + (1) + } There is established in the State Treasury separate from the General Fund a fund to be known as the Lane County Local Government Boundary Commission Fund into which shall be deposited all revenues received pursuant to ORS 199.457.

{ - (3) - } { + (2) + } Amounts in the { - funds - } { + fund + } established under { - subsections (1) and (2) - } { + subsection (1) + } of this section are continuously appropriated for the purposes of

the { - commissions, respectively - } { + commission + }.

SECTION 6. ORS 199.460 is amended to read:

199.460. (1) A boundary commission has jurisdiction of a proceeding to consider a boundary change if any part of the territory included or proposed to be included within the affected city or district is within the jurisdiction of the commission.

(2) If the territory subject to the proceeding is within the jurisdiction of two or more commissions, the highest assessed value commission shall have primary jurisdiction in the conduct of the proceeding under ORS 199.410 to 199.534, and all other commissions having jurisdiction of the territory shall cooperate in the conduct of the proceeding. On the call of the highest assessed value commission, the commissions shall meet as a joint commission to hold hearings and to adopt a final order in the proceeding. As used in this subsection, 'highest assessed value commission' means the commission having jurisdiction of the greatest portion of the taxable assessed valuation of the affected territory.

{ - (3) Notwithstanding subsection (2) of this section, the local government boundary commission created by ORS 199.425 (1) shall not have jurisdiction over boundary changes involving cities or districts that are located primarily within Marion County and that were formerly within the jurisdiction of the Marion-Polk County Local Government Boundary Commission. - }

SECTION 7. ORS 268.320 is amended to read:

268.320. (1) The electors of a district may, from time to time, and in exercise of their power of the initiative, or by approving a proposition referred to them by the governing body of the district, authorize the district to assume additional functions and determine the number, qualifications and manner of selecting members of the governing body of the district.

(2) Local aspects of the functions authorized by subsection (1) of this section may be assumed only on the basis of agreements between the district and other public corporations, cities or counties.

(3) { - The electors of a district may, in exercise of their power of initiative, or by approving a proposition referred to them by the governing body of the district, authorize a transfer of all the duties, functions and powers of the boundary commission formed within the metropolitan area under ORS 199.410 to 199.519 to the district - } { + A district may also exercise jurisdiction over matters of metropolitan concern as provided in any district charter approved by the electors of the district. When authorized to implement the results of a study of a boundary commission formed within the metropolitan area under ORS 199.410 to 199.519, a district may, subject to the provisions of sections 9, 10 and 11 of this 1997 Act, adopt an ordinance exercising jurisdiction over a boundary change, as defined in section 9 of this 1997 Act, otherwise authorized under ORS chapters 198, 221 and 222 + }.

SECTION 8. { + Sections 9 to 11 and 13 of this Act are added to and made a part of ORS chapter 268. + }

SECTION 9. { + As used in sections 10 and 11 of this 1997 Act, unless the context requires otherwise:

(1) 'Boundary change' means a major boundary change or a minor boundary change, as those terms are defined in ORS 199.415.

(2) 'Contested case' means a boundary change decision that is contested or otherwise challenged by a city, county or special district. + }

SECTION 10. { + In addition to the requirements established by ORS chapters 198, 221 and 222 for boundary changes, boundary changes within a metropolitan service district are subject to the requirements established by the district. However, for boundary changes within a metropolitan service district:

(1) The boundary changes shall be subject to a uniform hearing and notification process adopted by the district.

(2) The district may establish an expedited process for such changes.

(3) Contested cases shall be subject to appeal to a commission established by the district with further appeals as provided by law. For such further appeals, the commission shall be considered to be the final decision maker for purposes of ORS chapters 198, 221 and 222.

(4) All boundary change decisions shall be subject to clear and objective criteria established by the district including, but not limited to, compliance with the adopted regional urban growth goals and objectives, functional plans and the regional framework plan of the district. +)

SECTION 11. { + On December 31, 1998, any proceeding under consideration by the local government boundary commission having jurisdiction in Clackamas, Multnomah and Washington Counties under ORS 199.425 shall be transferred to the entity that has jurisdiction over the proceeding under section 10 of this 1997 Act. + }

SECTION 12. { + The amendments to statutes by sections 1 to 7 of this Act and sections 9 to 11 of this Act first become operative on January 1, 1999. + }

SECTION 13. { + Notwithstanding any other law, the boundaries of a metropolitan service district include all territory designated as urban reserves by a metropolitan service district under an ordinance adopted by the district council prior to ____, 1997. + }

SECTION 14. { + ORS 199.427, 268.395 and 268.400 are repealed. + }

Amend Ordinance No. 97-681A
By Adding New Sections 10 and 11 To The Ordinance
To Read As Follows:

"Section 10. Metro Code Section 7.01.020 is amended to read:

7.01.020

(a) For the privilege of the use of the facilities, equipment, systems, functions, services, or improvements owned, operated, franchised, or provided by the district, each user shall pay a tax of 7.5 percent of the payment charged by the operator or the district for such use unless a lower rate has been established as provided in subsection 7.01.020(b). Each user of all solid waste system facilities shall pay an additional tax of 1.0 percent of the payment charged by the operator or the district. The tax constitutes a debt owed by the user to the district which is extinguished only by payment of the tax directly to the district or by the operator to the district. The user shall pay the tax to the district or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her record on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(b) The council may for any period commencing no sooner than July 1 of any year and ending on June 30 of the following year establish a tax rate lower than the rate of tax provided for in subsection 7.01.020(a) by so providing in an ordinance adopted by the district. If the council so establishes a lower rate of tax, the executive officer shall immediately notify all operators of the new tax rate. Upon the end of the fiscal year the rate of tax shall revert to the maximum rate established in subsection 7.01.020(a) unchanged for the next year unless further action to establish a lower rate is adopted by the council as provided for herein.'

Section 11. The amendments to the Metro Code provided for in Sections 1 through 10 of this Ordinance shall take effect on July 1, 1997."

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE)	ORDINANCE NO. 97-681
CHAPTER 5.02, REDUCING DISPOSAL FEES)	
CHARGED AT REGIONAL SOLID WASTE FACILITIES)	Introduced by Mike Burton
AND MAKING CERTAIN FORM AND STYLE)	Executive Officer
ADJUSTMENTS)	

WHEREAS, It is desirable to reduce disposal fees charged at Regional solid waste facilities to reflect Metro's reduced operating costs for the 1997-98 fiscal year; and

WHEREAS, It is necessary to adjust the fee components of Metro's disposal rate system to accomplish these changes; and

WHEREAS, Certain other fees and credits require adjustment as a result of the above fee changes; and

WHEREAS, It is desirable that the Executive Officer has authority to waive disposal fees under certain extraordinary conditions or circumstances; and

WHEREAS, It is appropriate to make certain form and style amendments to Metro Code Chapter 5.02 as a part of this update of disposal fees; and

WHEREAS, It is desirable that the Executive Officer has sufficient authority to determine and refuse unacceptable waste delivered to Metro Central and Metro South Transfer stations because of safety or operational restrictions; and

WHEREAS, It is appropriate to state the basis of a special waste surcharge being determined solely by Metro's actual costs for managing permitted special wastes and non-permitted special waste discovered at a Metro operated facility; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Section 5.02.015 is amended to read:

5.02.015 Definitions

(s) "Special waste" means any waste (even though it may be part of a delivered load of waste) which one or more of the following categories describes:

- (1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 through 9 and 11 of this definition below;~~or,~~
- (2) Waste transported in a bulk tanker;~~or,~~
- (3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or includes 25 or more gallons of free liquid per load, whichever is more restrictive.
- (4) Containers (or drums) which once held commercial products or chemicals ~~are included unless the container is,~~ unless the containers (or drums) are empty. A container is empty when:

(A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating.

(B) One end has been removed (for containers in excess of 25 gallons); and

~~(C)~~ (i) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or

~~(D)~~ (ii) No more than 1 percent by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or

~~(E)~~ (iii) No more than 0.3 percent by weight of the total capacity of the container remains in the container for containers larger than 110 gallons.

~~(C) — Containers which~~ Containers that once held acutely hazardous wastes must be triple-rinsed with an appropriate solvent or cleaned by an equivalent alternative method. ~~Containers which~~ Containers that once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple-rinsed with an appropriate solvent or cleaned by an equivalent method.

Plastic containers larger than five gallons that hold any regulated waste must be cut in half or punctured, and be dry and free of contamination to be accepted as refuse; ~~or.~~

- (5) Sludge waste from septic tanks, food service, grease traps, ~~or~~ wastewater from commercial laundries, laundromats or car washes; ~~or.~~
- (6) Waste from an industrial process; ~~or.~~
- (7) Waste from a pollution control process; ~~or.~~
- (8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 through 7 or 9 of this definition; ~~or.~~
- (9) Soil, water, residue, debris, or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 through 8 of this definition; ~~or.~~
- (10) Chemical-containing equipment removed from service (for example: filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks, refrigeration units, or any other chemical containing equipment); ~~or~~
- (11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4, but not empty containers so marked; ~~or.~~
- (12) Any waste that requires extraordinary management or special handling.

Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products.

- (13) All loads of household hazardous waste that are 35 gallons or more in the aggregate.

~~(t) "Total fees" means the total per transaction of all tip and special fees~~

(u) "Unacceptable waste" means waste that is either:

- (1) Prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition;
- (2) A hazardous waste;
- (3) Special waste without an approved special waste permit; ~~or~~

- (4) Infectious medical waste;
- (5) Any other waste that the Executive Officer determines to be unacceptable for delivery to the Metro Central Station or Metro South Station because of safety or operational restrictions.

SECTION 2. Metro Code Section 5.02.025 is amended to read:

5.02.025 Disposal Charges at Metro South Station, Metro Central Station, and the Metro Household Hazardous Waste Facilities

(a) Total fees for disposal by credit account customers shall be ~~\$75~~70 per ton of solid waste delivered for disposal at Metro South Station or Metro Central Station.

(b) Total fees for disposal by cash account customers shall be ~~\$100~~95 per ton of solid waste delivered for disposal at Metro South Station or Metro Central Station. A cash account customer delivering a load of waste such that no portion of the waste is visible to Metro scalehouse personnel (unless the waste is only visible through a secure covering), shall receive a ~~25 percent rebate~~\$25 rebate per ton.

(c) The total per ton disposal fees specified in subsection (a) and (b) of this section include:

- (1) A disposal fee of ~~\$39.25~~\$37.83 per ton;
- (2) A regional transfer charge of ~~\$7.20~~\$7.50 per ton;
- (3) The user fees specified in section 5.02.045;
- (4) An enhancement fee of \$.50 per ton; and
- (5) DEQ fees totaling ~~\$4.05~~\$1.17 per ton.
- (6) A rebatable service charge of \$25.00 per ton for cash customers delivering covered loads, as described in subsection (b) of this section.

(d) Notwithstanding subsection (b) of this section, cash account customers using who use Metro South Station or Metro Central Station, and who have separated and included in their loads at least one-half cubic yard of recyclable material (as defined in ORS 459.005) shall receive a \$3 either a \$3 lump sum credit toward their disposal charge. disposal charge for less than 100 pounds of recyclables or, alternatively, a \$6 lump sum credit toward their disposal charge for 100 pounds or more of recyclables. The credit shall be applied and deducted in addition to any rebate described in subsection (b) of this section. the rebate shall be calculated first.

(e) The minimum charge shall be \$197.00 for all credit account vehicles and shall be \$253.00 for all cash account vehicles. The minimum charged for a cash account customer that delivers a load of waste such that no portion of the waste is visible to Metro Scalehouse personnel (unless the waste is only visible through a secure covering), shall receive a rebate of \$6.00 shall be adjusted by the covered load rebate as specified in subsection (b) of this section, and may also be reduced by application of the recycling credit provided in subsection (d) of this section. ~~If both the rebate and the recycling credit are applicable,~~

(f) Total fees assessed at Metro facilities shall be rounded to the nearest whole dollar amount (a \$.50 charge shall be rounded up) for all cash account customers.

~~(g) A fee of \$5 is established to be charged at the Metro household hazardous waste facilities for each load of household hazardous waste.~~

~~(h) A fee of \$10 is established at the Metro household hazardous waste facilities for special loads~~ (g) Fees for managing loads of household hazardous waste delivered to Metro Hazardous Waste Facilities will be as follows: (1) \$5.00 for each 35 gallons of waste or any lesser portion thereof, regardless of the total gallonage of any individual load; (2) \$5.00 handling fee for empty drums, (3) \$10.00 handling fee for any drum containing less than 25 gallons of waste, and (4) \$15.00 handling fee for any drum containing 25 or more gallons of waste.

(h) The Executive Officer may waive disposal fees under extraordinary conditions or circumstances. Any such waiver will occur solely for the purpose of compensating public customers for unanticipated and unforeseeable costs incurred while using a Metro facility.

(i) The following table summarizes the disposal charges to be collected by Metro from all persons disposing of solid waste at Metro South Station and Metro Central Station:

METRO SOUTH STATION
METRO CENTRAL STATION

Tonnage Fee Component	\$/Ton Rate	
Disposal Fee	\$39.25 <u>37.83</u>	
Regional User Fee (Tier One)	\$17.50 <u>15.00</u>	
Metro User Fee (Tier Two)	9.50 <u>8.00</u>	
Regional Transfer Charge	7.20 <u>7.50</u>	
 Total Rate		 <u>\$73.4568.33</u>
 Additional Fees		
Enhancement Fee	<u>\$.50</u>	
DEQ Fees	<u>1.17</u> <u>4.05</u>	
 Total Disposal Fee:		 <u>\$75.0070.00</u>
 Minimum Charge		
Per Charge Account Vehicle	\$19.00 <u>17.00</u>	
Per Cash Account Vehicle (subject to possible covered	25.00 <u>23.00</u>	

load rebate and recycling credit)

<u>Tires</u>	<u>Type of Tire</u>	<u>Per Unit</u>
	Car tires off rim	\$1.00
	Car tires on rim	\$3.00
	Truck tires off rim	\$5.00
	Truck tires on rim	\$8.00
	Any tire 21 inches or larger diameter off or on rim	\$12.00

SECTION 3. Metro Code Section 5.02.035 is amended to read:

5.02.035 Litter Control Surcharge

A surcharge of \$100 per load shall be levied against a Metro credit account customer who disposes of waste at a Metro-operated solid waste disposal facility, transfer station, recycling center or compost facility, if, when entering the facility, any portion of the customer's waste is visible to Metro scalehouse personnel. However, personnel, unless there shall be no surcharge if the waste is only visible through a secure covering. The surcharge shall be collected in the same manner as other Metro collects disposal fees are collected at the facility.

SECTION 4. Metro Code Section 5.02.045 is amended to read:

5.02.045 User Fees

The following user fees shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or outside of the boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed of within Metro boundaries, in accordance with Metro Code section 5.01.150:

(a) Regional User Fee
For compacted or noncompacted solid waste, ~~\$17.50~~\$15.00 per ton delivered.

(b) Metro User Fee
~~\$9.50~~\$8.00 per ton for all solid waste delivered to Metro-owned or operated facilities.

(c) Inert material, including but not limited to earth, sand, stone, crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at the ~~St. Johns Landfill~~ disposal facilities for cover, diking, road base, or other internal use shall be exempt from the above user fees.

(d) User fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(e) Notwithstanding the provisions of (a) and (b) above, Metro user fees may be assessed as may be appropriate for solid waste which is the subject of a non-system license under chapter 5.05 of the Metro Code.

SECTION 5. Metro Code Section 5.02.055 is amended to read:

5.02.055 Remittance to Metro of User Fees and Other Charges by Franchisees and Other Designated Facilities

(a) Franchisees and other operators of facilities designated to receive waste under Metro Code section 5.05.030 shall remit user fees and charges other than excise taxes to Metro as specified in this section.

(b) User fees shall accrue on a monthly basis, and shall be remitted to Metro by the 15th day of the month for waste disposed of in the preceding month. User fees and other charges ~~are considered to~~ will be delinquent if not received by Metro on or before the due date, either by personal delivery to the Metro Department ~~offinance and management information~~ Administrative Services during business hours or, if delivered by mail, by receipt in Metro's mail room on or before the due date. If the due date falls on a holiday or weekend, amounts are delinquent at the end of the first business day that follows.

SECTION 6. Metro Code Section 5.02.060 is amended to read:

5.02.060. Credit Policy at Metro Solid Waste Disposal Facilities

(a) Disposal charges, including all fees and taxes, may be paid at the time of disposal in cash, by credit card, or by guaranteed check, or may be paid under Metro's credit policy. No credit shall be granted to any person prior to approval of a credit application in a form or forms provided by Metro.

(b) ~~The executive of~~ Metro's Executive Officer shall establish and maintain appropriate credit requirements for new and existing accounts, which requirements shall be designed to diminish Metro's risk of loss due to nonpayment. Existing account holders may be required to make new application for credit or provide additional guarantees, as deemed necessary or prudent by the ~~executive of~~ Executive Officer.

(c) Account charges shall accrue on a monthly basis. ~~Statements will be mailed~~ Metro will mail statements on or about the 10th day of the month, for disposal services rendered in the prior month. A statement must be paid no later than the last business day of the month in which it is mailed, ~~and is;~~ the statement will be considered past due thereafter. A payment shall under no circumstances be considered received by Metro unless it is delivered personally to the Metro Department ~~offinance and management information~~ Administrative Services during business hours or, if delivered by mail, ~~is~~ received in Metro's mail room on or before the due date.

(d) A finance charge of 1.5 percent shall be assessed on all past due charges on the 15th day of the month following the month in which a statement is mailed, and on the 15th day

of each month thereafter. Finance charges will be assessed only on unpaid past due balances, and not on previously assessed finance charges. Finance charges will continue to be assessed on negotiated repayment schedules. Payments will be applied first to finance charges and then to the oldest amount past due.

(e) An account that is 15 days past due may be placed on a cash only basis, until all past due disposal and finance charges are paid. Facility access may be denied to a person whose account is past due and unpaid for 30 days. A decision to place an account on a cash only basis or deny facility access shall be at the discretion of the director of finance and information management.

(f) A credit customer that sells, terminates, or makes a substantial change in the scope of its business after its application for credit has been approved must notify Metro immediately. Failure to provide the notice required by this subsection may result in termination of credit at Metro facilities pending reapplication for credit.

(g) The Department of ~~finance and management information~~ Administrative Services may adjust accounts receivable and reverse finance charges in accordance with prudent credit practices. Adjustments over \$500 shall be reported to the eCouncil in writing on a monthly basis, and adjustments over \$10,000 shall require eCouncil approval.

(h) The ~~executive~~ Executive Officer may end pursuit of an account receivable, consistent with prudent credit practices, when the likelihood of collecting does not justify further collection costs. Such action shall be reported to the eCouncil in writing on a monthly basis when the amount exceeds \$500, and amounts over \$10,000 shall require eCouncil approval.

SECTION 7. Metro Code Section 5.02.065 is amended to read:

5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees; Conditionally Exempt Generator Waste

(a) Special Waste

- (1) A special waste surcharge and a special waste permit application fee shall be collected on all special wastes disposed of at Metro facilities and on all special waste permit applications. The surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste to pay the cost of services provided by the ~~Metro solid waste department~~ to manage special wastes. The surcharge and fee shall be applied to all ~~acceptable~~ special wastes, ~~CFC tanks and refrigeration units~~.
- (2) The special waste surcharge shall be ~~\$4 per ton of special waste delivered~~ a per-ton charge determined by Metro's actual costs in managing special waste, which costs comprise: special handling costs, cleanup costs, and lab or testing costs. The special waste surcharge shall apply to all permitted special wastes and to all nonpermitted special

wastes that Metro discovers at a Metro-operated facility that result in additional management costs not otherwise covered by, or incorporated within, any other Metro fee.

(3) The special waste permit application fee shall be \$25. This fee shall be collected at the time special waste permit applications are received for processing.

~~(4) Lab or testing costs incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste.~~

~~(5) The amount charged for residential refrigeration units and CFC containing tanks shall be \$15.~~

~~(6) The amount charged for commercial refrigeration units shall be \$20.~~

~~(7) Refrigeration units that can be certified as free of CFC chemical content shall be considered a recyclable and therefore exempt from any fee.~~

(b) Conditionally exempt generator (CEG) waste. The amount charged for acceptance of CEG waste ~~and for household hazardous waste~~ from non-household sources shall be the actual disposal costs of such waste calculated from the current Metro contractor price schedules, Metro and/or contractor labor costs, ~~and all applicable excise taxes,~~ and the cost of material utilized for managing the waste.

SECTION 8. Metro Code Section 5.02.075 is amended to read:

5.02.075 Special Exemption from Disposal Fees

(a) ~~The solid waste director~~ Executive Officer may issue a special exemption permit to a public agency, local government, or qualified non-profit entity, ~~waiving that functions to waive fees for disposal of solid waste generated within the Metro region, by.~~ Prior to issuing such a permit the making Executive Officer shall render the following findings:

- (1) Total aggregate disposal fees to be waived for the entity requesting waiver ~~does~~will not exceed \$5,000 per Metro fiscal year;
- (2) The waiver of fees will address or remedy a hardship suffered by the applicant, or the public interest will be served by waiver of the disposal fees;
- (3) The waste in question is acceptable for disposal at a Metro facility;
- (4) The amount of the waiver is covered by budgeted funds; and
- (5) If the applicant for a special exemption permit is a nonprofit entity, such entity is qualified as specified in Code section 5.07.030(a), (b), (c), (d) and (j).

(b) ~~The solid waste director shall notify the Executive Officer~~ Director shall notify the Metro Council 14 days in advance of the date of issuance of an exemption permit under this section by filing a written report of the proposed action, including required findings, with the clerk of the council. ~~If the council notifies the dCouncil.~~ If the Council notifies the Executive Officer ~~Director~~ within the 14-day period of its intent to review the proposed waiver, the Executive Officer ~~Director~~ shall not issue the permit unless so authorized by the eCouncil.

SECTION 9. Metro Code Section 5.02.085 is amended to read:

5.02.085 Out-of-District Waste

(a) Solid waste generated outside of the district shall not be accepted at the Metro South Station, ~~or the Metro Central Station or MSW Compost Facility~~ for disposal unless a special permit to do so is issued by the Metro ~~executive~~ Executive Officer. Any permit issued shall specify the circumstances justifying such exception. ~~Any permit issued shall be subject to, and shall take into account the following:~~

- (1) Available landfill or facility capacity considering the capacity needs for disposal of solid waste generated within the district;
- (2) No adverse impact upon district rate-payers;
- (3) Any solid waste authorized to be disposed under this ordinance shall be subject to the same standards and conditions pertaining to "acceptable waste" deliveries to the above named facilities; and
- (4) Any additional conditions as specified by the ~~executive~~ Executive Officer which may be necessary for the safe, efficient or cost effective operation of Metro facilities.

(b) Any special permit issued under paragraph 4(a) shall expire in a period of time not to exceed 12 months from date of issuance unless a longer period of time is authorized by the Metro eCouncil. Any renewals or extensions of a permit resulting in a cumulative permit period exceeding 12 months shall require the approval of the Metro eCouncil.

(c) Any special permit issued by the ~~executive~~ Executive Officer may be revoked upon 30 days notice to the permit holder.

(d) Any permit for a monthly tonnage in excess of 1,000 tons per month must be referred to the Council prior to the approval.

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

RC:ay
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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 97-681 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02, REDUCING DISPOSAL FEES CHARGED AT REGIONAL SOLID WASTE FACILITIES AND MAKING CERTAIN FORM AND STYLE ADJUSTMENTS

Date: March 3, 1997

Presented by: Bruce A. Warner
Roosevelt Carter

PROPOSED ACTION

Adopt Ordinance No. 97-681.

FACTUAL BACKGROUND AND ANALYSIS

Metro's waste disposal rate has remained stable at \$75/ton since FY 1992. Due to the re-negotiated contract with Oregon Waste Systems (Amendment No. 7), other expenditure savings in the Regional Environmental Management Department over multiple years and a strong, regional economy (resulting in higher than expected tonnage generation and disposal), Metro is able to offer a major reduction in the fees charged for waste disposal. After careful consideration and recommendation of Metro's Rate Review Committee, the Executive Officer recommends a \$70/ton overall disposal rate at Metro facilities for FY 1997-98. Ordinance No. 97-681 will:

- reduce Metro's solid waste disposal fees and adjust the fee components of Metro's solid waste disposal rate system and make adjustments to other fees and credits for overall consistency;
- provide Executive Officer authority to waive disposal fees under certain, extra-ordinary conditions or circumstances;
- expand the definition of "unacceptable waste" such that the Executive Officer may further determine such waste beyond that specifically included in the Code when safety or operational restrictions apply;
- define the basis for assessing a surcharge on special waste; and
- incorporate certain form and style amendments to Metro Code Chapter 5.02.

System Disposal Rates

Metro's System Disposal rates were increased to \$75.00 per ton on July 1, 1992. After five years of stability, the proposed rate of \$70.00 per ton for FY 1997-98 is the first overall disposal rate reduction in Metro's history. The proposed \$70.00 per ton rate reflects: (1) the REM Department's most current tonnage forecast; (2) the effects of Amendment No. 7 to the Oregon Waste Systems contract; and (3) a revised revenue estimate following the A. C.

Trucking Franchise Rate Review. The proposed rates also allow the Council to later consider possible changes in the rate structure to address identified inequities to a small class of rate payers. This concept will require further staff analysis and review by the Solid Waste Advisory Committee and Rate Review Committee. The proposed rates do not reflect any charges in our costs to operate the two Metro-owned transfer stations by private contractors. New five (5) year proposals are to be submitted by potential bidders on March 5, 1997. Further, the FY 1997-98 rate proposal has been reviewed and is recommended by Metro's Rate Review Committee.

As proposed, individual fee component recommendations are as follows:

■ Regional User Fee	\$15.00/ton	
■ Metro User Fee	8.00/ton	
■ Regional Transfer Charge	7.50/ton	
■ Transportation/Disposal Fee	37.83/ton	
Total Rate		\$68.33/ton
<u>Additional Fees</u>		
■ Enhancement Fee	.50/ton	
■ DEQ Fees	1.17/ton	
Total Disposal Fee		\$70.00/ton

Disposal Fee Waiver

Recent experience has shown that emergency conditions may force interruption of normal operations or temporary shutdown of Metro facilities while customers are waiting to dispose of their waste, e.g., when radiation is detected or when other hazardous or unknown waste is illegally disposed. Such interruptions have, on occasion, led to strong complaints by some customers who were forced to wait for the situation to be cleared. Rather than engage certain, angry customers, it is sometimes more effective to offer a waiver of fees as recognition of a problem they were unable to control. Grant of this authority will help remove scalehouse staff from potentially volatile situations.

Unacceptable Waste

Due to the wide variety of materials available to consumers and businesses today, it is nearly impossible to identify all wastes that may be unacceptable at transfer facilities in advance. While an extensive list of such waste is included in the Code, some wastes will surely find their way to the transfer stations that are not specifically noted. In such cases, a timely review and determination is warranted. Grant of this authority will allow transfer station operations to proceed with minimal interruption.

Special Waste Surcharge

Metro has experienced recent incidents of illegal disposal of certain special wastes resulting in interruption of transfer station operations. These incidences also resulted in hospitalization of employees and customers, required costly resources for appropriate emergency response, investigation and cleanup.

Authority to charge customers for actual costs of response, testing, managing, clean-up and disposal of permitted and non-permitted special wastes found in Metro operated facilities is warranted.

FISCAL IMPACT

The \$70.00 per ton disposal fee is based on estimated expenses for the Regional Environmental Management Department for FY 1997-98. This will allow Metro to collect all REM's revenue requirements for FY 1997-98.

Implementation of the proposed rates will result in \$53,052,962 at the forecast tonnage level of 1,176,359 total regional tons for FY 1997-98. (725,578 tons are expected to directly transit the Metro facilities.) The excise tax associated with this proposal is \$3,952,157. The FY 1997-98 Proposed Budget assumed 1,103,989 system tons at \$71.00 per ton. The excise tax under this proposal is \$166,265 more than would have been collected in the Proposed Budget.

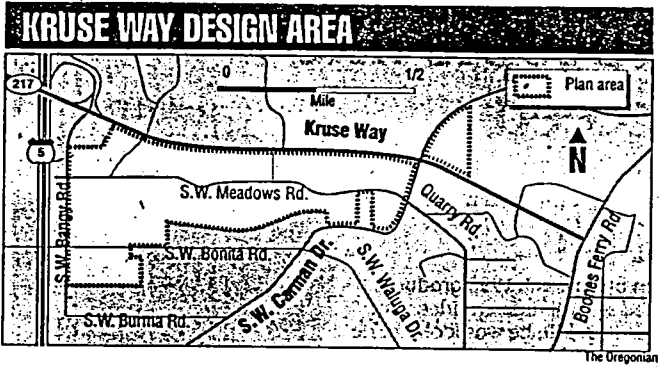
As calculated the Regional User Fee assumes an "alternative regional user fee" for a small class of rate payers if the Council chooses to adopt such a fee by ordinance after July 1, 1997. Presentation of such a fee for Council consideration is dependent on further study and review by the Solid Waste Advisory Committee and the Rate Review Committee.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 97-681.

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Kruse Way neighbors seek relief from traffic

■ A coalition wants the county and Lake Oswego to review development and transportation plans to ease the congestion

By JANET GOETZE
of The Oregonian staff

LAKE OSWEGO — Dana Waldman, like a lot of others who live near Kruse Way, avoids the broad, tree-lined boulevard bordering Lake Oswego's expanding core of office buildings east of Interstate 5. The traffic congestion, especially

during the evening rush hour, is so severe that she and her neighbors take alternate routes through residential areas to get around the gridlock.

This means too much traffic is pouring onto smaller neighborhood streets as traffic counts climb at the Kruse Way intersections, especially those closest to I-5.

A coalition of Clackamas County and city neighborhood organizations wants county commissioners and Lake Oswego councilors to review development and transportation plans with the goal of finding ways to relieve the congestion.

The City Council and the county commissioners agree the area has growing problems of density and traffic that need attention. At least one commissioner is expected to meet with city councilors April 1.

Residents of seven neighborhoods near the Kruse Way corridor, which straddles the city-county boundary, are calling on both jurisdictions to work on the problems so one can't shrug off responsibility onto the other.

They went directly to elected officials because complaints to planners in recent years have resulted in only more meetings, Waldman said.

"Nothing happens to solve the problem," she said.

Once the elected officials begin dealing with the problem, some residents acknowledge, the next step will be to gain the cooperation of companies represented in the Kruse Way corridor.

Before construction on buildings begins, developers must show the county their traffic management plans, including employee incentives for car pooling and staggered work hours, which put cars on the roads in off-peak hours. However, neither the city nor the county has a mechanism for requiring companies to follow such plans.

Terry Curry, a county planner, describes the traffic management plans as "more like a goal or a guideline rather than a specific requirement."

However, said Jeff Gudman, a Holly Orchards neighborhood resident, the neighborhoods believe traffic management is a serious concern rather than a desired goal.

"Traffic management for the city and county should be an issue which can be reviewed more rigorously," he said, "and for which neighborhood input is considered during design or planning review, even though the project is permitted by zoning."

Sunnyside Road poses problem

With the population increasing in metropolitan Portland, traffic is a growing problem throughout the region. One of Clackamas County's continuing headaches is Sunnyside Road, where land uses that would pour more cars into intersections are getting second looks. The county denied a zone change for a subdivision that would have congested Hubbard Road and Oregon 212 until a developer came up with a new transportation plan.

Another problem area is the west end of Kruse Way where I-5 ramps and Oregon 217 pour out endless knots of cars, vans and trucks, especially between 3 and 7 p.m.

The state is planning improvements to get traffic moving more smoothly through the I-5/Oregon 217 interchange. However, because of tight money, the work is planned in at least two stages stretching over the next six to eight years.

A block east of the interchange, traffic counts put the Bangy Road/Kruse Way intersection at service level "F" during evening rush hours. That means it is failing to operate adequately in after-work hours.

Kruse Way: Traffic management a big concern for county

Traffic can pile up at other intersections, too, including the large one at Southwest Boones Ferry Road, at the eastern end of Kruse Way. Waldman said one of her neighbors turned onto Kruse Way from Boones Ferry Road late one Friday afternoon expecting to take two or three minutes to drive about 1.5 miles to I-5. "Instead," Waldman said, "it took him 25 minutes."

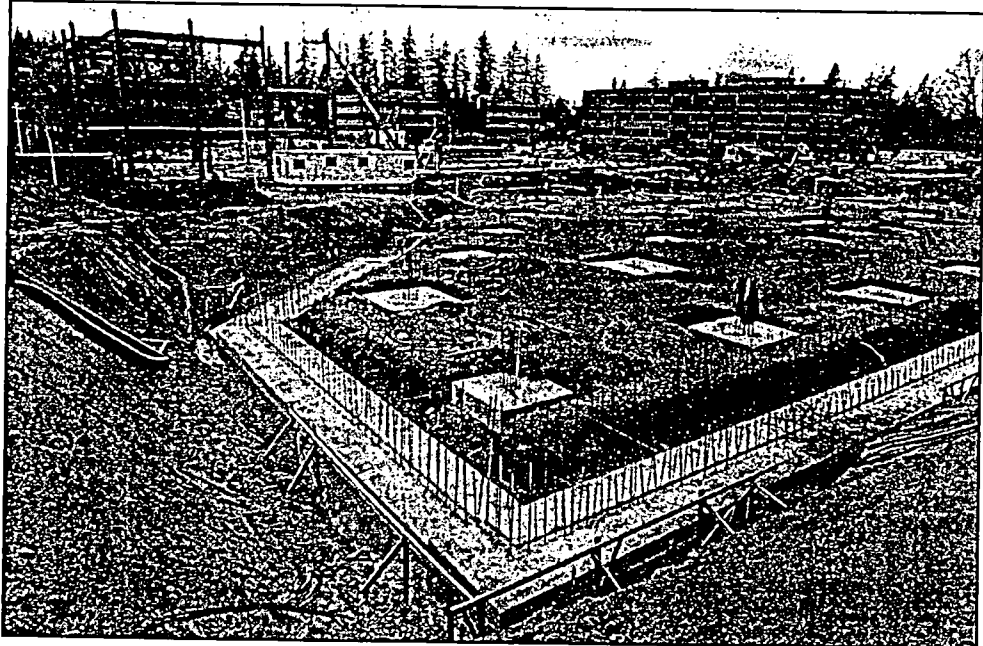
Some days, she said, she feels virtually trapped in her home by heavy traffic that fills Kruse, Carman Drive, Quarry Road and other area streets.

Annexation looms

In the Kruse Way corridor, new buildings rise according to county standards. Six months after the buildings are occupied, Lake Oswego annexes the property.

That pattern is spelled out in a settlement signed by the city and several developers and landowners in 1988 after the city balked at annexing property that didn't meet certain of its standards. The property owners and developers took the city to court, and the disagreement was resolved in the "Settlement and Annexation Agreement."

The agreement says the city can hold developers to traffic management plans they develop for the county. However, Lake Oswego can't block new development on vacant land in an effort to reduce congestion, even if an occupied building generates more traffic than expected. "This stuff is developed in the county, then annexed by the city, and the city has to deal with any problems that happen later," Waldman said.



Another office building along Southwest Meadows Road near Kruse Way will add 125,000 square feet of office space in an area already choked by commuter traffic. Traffic counts are climbing at Kruse Way intersections.

The county and city also have an urban-growth-management agreement covering the Kruse Way corridor to assure compatible zoning and development goals.

Waldman and other residents want the city and county to make sure existing plans, whether the 1988 agreement or other documents, are closely followed, especially the traffic control sections.

Next, they want a clear-eyed review of how much more development will occur near Kruse Way and how to deal with the traffic the additional office buildings and businesses will generate.

Buildings already cover nearly 75 percent of the land in the Kruse Way Development Area, a county planning area, said Gudman, a county planning resident. Nevertheless, transportation studies completed in conjunction with the county planning document a decade ago indicate Kruse Way intersections

shouldn't be congested at this stage of the corridor's development.

They are, of course, despite the addition of turning and traffic signals prescribed in plans written 10 years ago.

"The gap between the rhetoric of our plans and the existing conditions must be closed," Gudman said.

However, county planner Curry said that may not be easy. As long

as development proposals fit the corridor's land-use and transportation plans, the county design review commission has no authority to look at potential traffic impacts from a new project. It can check for adequate landscaping and parking lots, however.

"A premise of land-use planning is that once a jurisdiction applies a zone to the area, it is identifying public services to support development in the zone," Curry said. "It is, in effect, saying it's OK to do this development in this zone."

"That is, however, to some extent, a faulty premise. We can see, even with accepted uses (built) on Kruse Way and on Sunnyside Road, it doesn't work."

Nevertheless, the planner said, he knows of no way to go back into the comprehensive plan to find remedies for too much traffic. Changing land-use plans, however, isn't what residents are suggesting. Instead, they want public officials to get tougher in following existing documents for traffic management.

That may mean pushing private companies to follow their own traf-

fic management plans more closely and finding ways to increase mass transit in the area.

Last year, Tri-Met hoped to run shuttle buses among Kruse Way offices, restaurants, shopping areas and the Tigard Transit Center in a one-year experiment for serving suburban office and commercial areas. The agency had \$650,000 for the pilot project and asked area businesses to contribute \$250,000. Tri-Met received less than \$50,000 and had to put the idea back on the shelf, said Mary Fetsch, Tri-Met's public information director.

The agency isn't giving up, however. Instead, she said, Tri-Met is working on new plans for serving the burgeoning suburban commercial centers.

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From the desk of
Don Morissette