

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: May 28, 1998  
DAY: Thursday  
TIME: 7:00 PM  
PLACE: Council Chamber

Approx.  
Time\*

Presenter

- |                      |     |  |  |
|----------------------|-----|--|--|
| 7:00 PM              |     | <b>CALL TO ORDER AND ROLL CALL</b>   |  |
| (5 min.)             | 1.  | <b>INTRODUCTIONS</b>   |  |
| (5 min.)             | 2.  | <b>CITIZEN COMMUNICATIONS</b>  |  |
| (5 min.)             | 3.  | <b>EXECUTIVE OFFICER COMMUNICATIONS</b>  |  |
| (5 min.)             | 4.  | <b>AUDITOR COMMUNICATIONS</b>  |  |
| (5 min.)             | 5.  | <b>MPAC COMMUNICATIONS</b>   |  |
|                      | 6.  | <b>CONSENT AGENDA</b>  |  |
| 7:25 PM<br>(5 min.)  | 6.1 | Consideration of Minutes for the May 21, 1998<br>Metro Council Regular Meeting.  |  |
|                      | 7.  | <b>ORDINANCES - SECOND READING</b>   |  |
| 7:30 PM<br>(30 min.) | 7.1 | <b>Ordinance No. 98-724A</b> , For the Purpose of Adopting<br>the Annual Budget for Fiscal Year 1998-99, Making<br>Appropriations, Creating Funds, Levying Ad Valorem<br>Taxes, Authorizing Interfund Loans and Declaring<br>an Emergency.<br><i>(PUBLIC HEARING, NO FINAL ACTION)</i> |  |

**8. RESOLUTIONS**

8:00 PM  
(5 min.)

- 8.1 **Resolution No. 98-2638, For the Purpose of Authorizing the Executive Officer to Enter Into Washington County "Cooperative Agreements" among Service Providers.**

McLain

8:05 PM  
(10 min.)

**9. 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. The first and third Thursdays of the month are shown on Channel 11 the Friday after the meeting at 2:00 p.m. and the first Sunday and Wednesday after the meeting on Channels 21 & 30 at 7:00 p.m.

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

**Consideration of the May 21, 1998 Metro Council Regular meeting minutes.**

**Metro Council Meeting  
Thursday, May 28, 1998  
Council Chamber**

# MINUTES OF THE METRO COUNCIL MEETING

May 21, 1998

Council Chamber

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

**Councilors Absent:** Patricia McCaig (excused)

**Presiding Officer Kvistad** convened the Regular Council Meeting at 2:02 p.m.

## 1. INTRODUCTIONS

**Councilor Morissette** introduced Brian Butler, a student who was at today's Council meeting for Career Day. Presiding Officer Kvistad invited Brian to sit at the dais.

## 2. CITIZEN COMMUNICATION

None.

## 3. EXECUTIVE OFFICER COMMUNICATION

**Mike Burton** presented an award from the Government Financial Officers Association for Distinguished Budget Presentation to the Financial Planning staff. He noted that the department continued to do an outstanding job of planning and budgeting. Mr. Craig Prosser presented the award to the Deputy Finance Chair, Councilor McFarland.

**Councilor McFarland** accepted the award.

## 4. AUDITOR COMMUNICATIONS

None.

## 5. MPAC COMMUNICATION

None.

## 6. CONSENT AGENDA

6.1 Consideration meeting minutes of the May 14, 1998 Regular Council Meeting.

**Motion:** Councilor Naito moved to adopt the meeting minutes of May 14, 1998 Regular Council Meeting.

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

**Vote:** The vote was 5 aye/ 0 nay/ 1 abstain. The motion passed with Councilor Morissette abstaining from the vote.

## **7. ORDINANCES - FIRST READING**

**7.1 Ordinance No. 98-738, For the Purpose of Adopting Ethical Requirements for Metro Officials and for Lobbyists.**

**Presiding Officer Kvistad assigned Ordinance No. 98-738 to the Government Affairs Committee.**

**7.2 Ordinance No. 98-741, For the Purpose of Granting a Yard Debris Processing Facility License to McFarlane's Bark, Inc. to Operate a Yard Debris Processing Facility and Declaring an Emergency.**

**Presiding Officer Kvistad assigned Ordinance No. 98-741 to the Regional Environmental Management Committee.**

**Councilor McFarland clarified that this company was not related to her, the name was spelled different.**

**7.3 Ordinance No. 98-745, For the Purpose of Granting a Franchise to Citistics, Incorporated for the Purpose of Operating a Combined Transfer Station and Solid Waste Materials Recovery Facility.**

**Presiding Officer Kvistad assigned Ordinance No. 98-745 to the Regional Environmental Management Committee.**

**7.4 Ordinance No. 98-752, Amending the FY 1997-98 Budget and Appropriations Schedule by transferring \$120,000 from Contingency to Personal Services in the Zoo Operating Fund to provide for increased Temporary Staffing at the Oregon Zoo, and Declaring an Emergency.**

**Presiding Officer Kvistad assigned Ordinance No. 98-752 to the Regional Facilities Committee.**

**7.5 Ordinance No. 98-754, Amending the FY 1997-98 Budget and Appropriations Schedule by Transferring \$10,000 from Contingency to the Office of General Counsel Portion of the Support Services Fund for Various Funding Purposes, and Declaring an Emergency.**

**Presiding Officer Kvistad assigned Ordinance No. 98-754 to Finance Committee.**

## **8. RESOLUTIONS**

**8.1 Resolution No. 98-2647, For the Purpose of Authorizing Release of RFB #98B-26-REM for the Construction of a Maintenance Building at the St. Johns Landfill.**

**Motion:** Councilor Washington moved to adopt Resolution No. 98-2647.

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

**Discussion:** Councilor Washington reviewed that Metro was still in the process of closing down the St. Johns Landfill. There was a lot of equipment at the landfill that needed to be under cover. This was a building for equipment storage and would also provide space for the staff. He urged the support of the council.

Councilor Morissette said he supported this measure and pointed out the additional cost to this project, with the effects of the new Title 3 regulations, was approximately \$29,000 on a \$476,000 project.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

8.2 **Resolution No. 98-2648, For the Purpose of Amending the Metropolitan Transportation Improvement Program to Authorize \$1,082,000 of Congestion Mitigation/Air Quality (CMAQ) Funds in Federal Fiscal Year 1998 for the Purchase and Installation of Standby Power at Union Station and Purchase of Two Cab-Cars for the Pacific Northwest Passenger Rail Program.**

**Motion:** Councilor Washington moved to adopt Resolution No. 98-2648.

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

**Discussion:** Councilor Washington said this was from the CMAQ federal fund. The purpose of this resolution was to provide the opportunity to get more people on the trains at Union Station. A part of this resolution was to buy a cab so they could spend less time with turning the train around. It also included the purchase of equipment to help with air quality. There was discussion at JPACT on this resolution. He urged the council's support.

Councilor McFarland asked what cab cars were?

Councilor Washington responded that the cab car was the engineer's car.

Mr. Andy Cotugno, Transportation Planning Director, said a normal locomotive had all of the power units in the cab car to control operation of the train. The idea was to put in a cab car on the other end of the train to operate the locomotive from either end of the train.

Councilor Washington asked if the train could then operate in tandem?

Mr. Cotugno, said no, it was a matter of being able to drive it from either end.

Councilor Washington clarified that it was tied to the power unit at the front end. He asked Mr. Cotugno to address the council on the air quality aspects.

Mr. Cotugno said there was two different items; one was the stand-by power, when the train laid over night, they would leave the locomotive running to run the refrigeration equipment and air conditioning. The locomotive was putting out pollution all night long. The stand-by power unit allowed them to plug the train in and turn off the locomotive off while keeping the refrigeration and air conditioning running. The other was that the train had to make a number of maneuvers to get pointed back in the other direction. With the addition of a cab car at the other end of the train,

they could walk to the other end of the train and leave. There was less shuttling around of the locomotive to get it on the right end of the train, thereby creating less pollution during the shuttling activity.

**Councilor Naito** said from reading the staff report it looked like it would allow the stand-by services to remain on. In looking at rail service, this resolution would allow those services to continue while you were at the station or make the ride much more enjoyable for the passengers. This was something that we needed to continue to work for as a community and as a culture. She said look at the trains in Europe and Canada and how frequently people were willing to ride them because they were well maintained and had the amenities that most travelers had come to expect. People were willing to pay a bit more to have those comforts of travel. It was very important that we continued to look at these kind of amenities to make it more enjoyable for the ridership.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

## 9. CONTRACT REVIEW BOARD

9.1 **Resolution No. 98-2652**, For the Purpose of Amending the South/North Technical Assistance, Financial Analysis and Intergovernmental Coordination Consultant Services Contract, No. 904099, with the Larkin Group, Inc. to Incorporate Activities Associated with Preliminary Engineering and the Final Environmental Impact Statement.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 98-2652.

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

**Discussion:** **Councilor McLain** said that in March of 1995, the Council adopted a resolution which authorized a release of request for proposal for consultant services to prepare technical assistance. The technical assistance, the financial analysis and the intergovernmental agreement coordination was for the South North project draft environmental impact statement. This resolution authorized the Executive Officer to execute an amendment in the amount of \$293,316. This would be a revision to the contract and scope of work to do similar work as found in Exhibit A. This work was not to exceed the original budget. This resolution would allow Metro to begin the final needed environmental impact statement work that must be done on this project.

**Councilor Morissette** said it had grown and they expected the adjustments. Everything was in line with what had already been set into place.

**Councilor McLain** affirmed Councilor Morissette's summary. This was an RFP so they had scoped out what they wished to have done. The first portion of the first phase helped narrow down what had to be done in the second phase. This work was predictable, followed the first phase work and they were looking at using this particular contract because of the expertise of the vendors.

**Mr. Cotugno** added that the RFP included a phase one and two. They signed the contract to start phase one to take them through the draft EIS step of the work. This was the extension to go into

phase two, the RFP covered both halves. It had not grown unexpectedly, they were simply moving into phase two as the project moved into phase two.

**Councilor Morissette** clarified, it was based on Metro's request.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

## 10. COUNCILOR COMMUNICATION

**Councilor McLain** handed out a program. This program was the Common Voices 1998 Music about our Watershed which the council had been invited to attend. There were a blended class of fifth and sixth graders who had gotten one of the Metro Educational Grants. They were learning more about watersheds and salmon. This class, using this grant, had raised salmon in their classroom and then released them up at Hagg Lake. They also had created a video and songs (she noted one of the songs). It was enjoyable, professional, educationally sound and provided a lot to think about as far as policy makers for having to deal with quality of water and flood mitigation. She encouraged the students to come to the open houses and public hearings to testify. There was also a slide show which she was going to try and provide to Metro. The students encouraged passing Title 3.

**Councilor Morissette** spoke about Title 3, the stream preservation plan. We all support the protection of the streams and the salmon. The problem was a procedural problem. He believed what was going to happen shortly, without some negotiated settlement, was a vote on Title 3, making adjustments very difficult. The problem that he had with Title 3 was that the majority of the home owners that would be effected did not know about the effect. There was 30,000 to 40,000 home owners that, he believed, were not engaged in this discussion that would go, in some cases, from a zero set back to a 50 foot set back, restricting what they could do on that property from building a structure to modifying their landscaping. He thought it was incumbent upon the Council and Metro, as a good government, to make sure, once the property owners were notified, because there had been agreement that local governments would notify home owners of Title 3 ramifications, to set up a process for final decision at the time that people had had the opportunity to engage. Some may think that the point he was trying to make was just to extend the eighteen month implementation period. He said absolutely not. There was nothing wrong, in his opinion, with creating a six month window for the local governments to work with the effected property owners and the constituencies in the region after they had been notified about the buffer requirements, non-native vegetation and activity restriction in those effected areas. If there was something that we could do and still protect the streams that came as a solution for those effected property owners, he believed this would be wonderful. He suggested that the process should be brought back to the Council, a final decision made after that notification to property owners, allowing for a six month notification period and then allowing implementation of Title 3 to occur over the following twelve months. This would not extend the eighteen month period but allow people, once they had been notified, an agreement to notify the effected property owners and the opportunity to realize that what the property owners thought that they could do with their property they were probably not going to be able to do to the same degree in the future. Councilor Morissette did not fear that there was going to necessarily have to be a lot of changes but he did think that once those effected property owners were engaged, they would come up with some creative solutions, not diminishing our ability to protect the streams, but still protecting their home owners property rights.



**Councilor Naito** announced the specially set meeting of the Growth Management Committee at 2:30 p.m. on Thursday, May 28, 1998 in the Metro Council Chamber where they would be hopefully considering the final vote for Title 3 in committee. Several issues to be discussed were the wetlands and notification issues.

The productivity analysis of the Urban Reserves had been awarded. A contract had been awarded to Pacific Rim Resources, Echo Northwest and W & H Pacific. This group was selected to complete the work on the productivity analysis. There were two companies that submitted proposals to do the work. They were both excellent presentation, Metro chose to go with the above mentioned group. If Council had questions, she suggested, contracting Elaine Wilkerson.

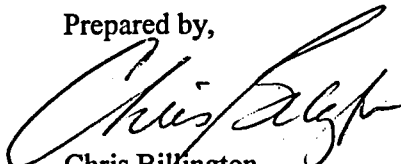
**Councilor Washington** commented to Councilor McLain that she had had the largest waste collection in her district. He congratulated her on this accomplishment.

**Presiding Officer Kvistad** thanked the staff and council for their kindness, supportive words and all of the hard work in making up for his absence while he was running for the congressional seat.

**11. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 2:27 p.m.

Prepared by,



Chris Billington  
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
052198c-01	5/20/98	Common Voice 1998 Music about Our Watershed program brochure	TO: Metro Council FROM: Councilor McLain	

***Agenda Item Number 7.1***

**Ordinance No. 98-724A, For the Purpose of Adopting the Annual Budget for Fiscal Year 1998-99,  
Making Appropriations Creating Funds, Levying Ad Valorem Taxes, Authorizing Interfund Loans and  
Declaring an Emergency.**

***Public Hearing***

**Metro Council Meeting  
Thursday, May 28, 1998  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE )  
ANNUAL BUDGET FOR FISCAL YEAR )  
1998-99, MAKING APPROPRIATIONS, )  
CREATING FUNDS, LEVYING AD )  
VALOREM TAXES, AUTHORIZING )  
INTERFUND LOANS, AND DECLARING )  
AN EMERGENCY )

ORDINANCE NO. 98-724-A

Introduced by  
Mike Burton, Executive Officer

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 1998, and ending June 30, 1999; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The "Fiscal Year 1998-99 Metro Budget," in the total amount of FOUR HUNDRED NINE MILLION, TWO HUNDRED THOUSAND, ONE HUNDRED TWENTY-SIX (\$409,200,126) DOLLARS, attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, at the rate of \$0.0968 per thousand dollars of assessed value for Zoo operations and in the amount of NINETEEN MILLION TWO HUNDRED SIXTY-SEVEN THOUSAND THREE HUNDRED TWENTY-FIVE (\$19,267,325) DOLLARS for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 1998-99. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

## SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from the <u>Limitation</u>
Zoo Tax Base	\$0.0968/\$1,000	
General Obligation Bond Levy		\$19,267,325

3. The Washington Park Parking Lot Fund is hereby created for the purpose of operating the parking lot at the Metro Washington Park Zoo. The sources of revenue for this fund shall be fees and other revenues attributable to the operations of the facility. In the event of the future elimination of this fund, remaining balances will be transferred to any successor fund or funds responsible for the operation of this facility, or as the Metro Council shall direct.

4. An interfund loan not to exceed THREE HUNDRED THOUSAND DOLLARS (\$300,000) is hereby authorized from the Zoo Operating Fund to the Washington Park Parking Lot Fund. The loan is anticipated to provide necessary cash flow for debt service payments on the Oregon Economic Development Department loan issued to fund parking lot renovation. The loan will be repaid in fiscal year 1999-2000 from the parking lot proceeds. Simple interest shall be paid on the loan amount from the date of draw based on Metro's monthly pooled investment yield as calculated by the Department of Administrative Services.

5. The MERC Renewal and Replacement Fund is hereby renamed the MERC Pooled Capital Fund. The purpose of the fund will be expanded to include non-general obligation bond funded capital projects as well as renewal and replacement needs for all MERC-operated facilities.

6. In accordance with Section 2.02.125 of the Metro Code, the Metro Council hereby authorizes personnel positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 1998, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

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

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

9. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins July 1, 1998, and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council on this \_\_\_\_\_ day of June, 1998.

---

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

---

Recording Secretary

---

Daniel B. Cooper, General Counsel

KR:rs

I:\Budget\FY98-99\BudOrd\98-724-A.Doc

## **FINANCE COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 98-2599, APPROVING THE FISCAL YEAR 1998-99 BUDGET AND TRANSMITTING THE APPROVED BUDGET TO THE TAX SUPERVISING AND CONSERVATION COMMISSION

-----  
Date: April 22, 1998

Presented by: Councilor McCaig

**Committee Recommendation:** At its April 15 meeting, the Committee considered Resolution No. 98-2599 and voted 6-1 to send the resolution to the Council with a do pass recommendation. Voting in favor: Councilors McFarland, McLain, Morissette, Naito, Washington, and Chair McCaig. Councilor Kvistad voted no.

### **Background**

State law requires that Metro submit its budget for review and comment by the Tax Supervising and Conservation Commission (TSCC). This staff report includes a summary of amendments to the proposed budget adopted by the Finance Committee, a listing of issues referred to substantive committees for further consideration, technical budget amendments approved by the committee and a line item summary of the budget that includes these changes.

**Committee Issues/Discussion:** Between February 19 and April 15 the Council Finance met on a weekly basis (nine total meetings) to consider the proposed budget submitted by the Executive Officer. Public hearings were held at three meetings with testimony focusing on the need to increase Metro's funding for the arts. Additional public hearings will be held on April 23, May 28 and June 25. The TSCC hearing on the Metro budget will be June 11 at 12:30.

The approved budget totals \$409.2 million. This is a \$20 million increase from the original proposed budget that resulted from the adoption of the technical budget amendments. These amendments included:

- \* a \$10 million increase in the beginning fund balances from programs and projects carried over in the next fiscal year, including \$8 million in local share open spaces bond funds.
- \* \$6.2 million in additional grant funding, including \$5 million in engineering funds for South/North light rail
- \* \$2 million potentially from the city of Portland to fund a portion of the Convention Center expansion, if approved by the voters

Specific line item amendments approved by the Council reduced the budget by \$158,938.

The approved budget includes 672 FTE, up from 656.89 in the current budget. The increase includes ten additional zoo staff for the Oregon project and four additional MERC staff

## STAFF REPORT

### **CONSIDERATION OF ORDINANCE NO. 98-724 ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 1998-99, MAKING APPROPRIATIONS, CREATING FUNDS, LEVYING AD VALOREM TAXES, AUTHORIZING INTERFUND LOANS, AND DECLARING AN EMERGENCY**

Date: February 12, 1998

Presented by: Mike Burton  
Executive Officer

## FACTUAL BACKGROUND AND ANALYSIS

I am forwarding to the Council for consideration and approval my proposed budget for Fiscal Year 1998-99.

Council action, through Ordinance No. 98-724, is the next step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Council to adopt this plan must be completed by June 30, 1998.

Oregon Revised Statutes 294.635, Oregon Budget Law, requires that Metro prepare and submit Metro's approved budget to the Tax Supervising and Conservation Commission by May 15, 1998. The Commission will conduct a hearing during June 1998 for the purpose of receiving information from the public regarding the Council's approved budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.

Once the budget plan for Fiscal Year 1998-99 is adopted by the Council, the number of funds and their total dollar amount and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's appropriations in the period between Council approval and adoption.

Exhibits B and C of the Ordinance will be available at the public hearing on February 19, 1998.

## EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that the Council conduct a public hearing on Ordinance No. 98-724. The Executive Officer recommends that the Council schedule consideration of the proposed budget and necessary actions to meet the key dates as set out in Oregon Budget Law described above.

KR:rs

\\Budget\FY98-99\BudOrd\98-724SR.Doc

*Agenda Item Number 8.1*

**Resolution No. 98-2638, For the Purpose of Authorizing the Executive Officer to Enter Into Washington County "Cooperative Agreements" among Service Providers.**

**Metro Council Meeting  
Thursday, May 28, 1998  
Council Chamber**



**BEFORE THE METRO COUNCIL**

**FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO WASHINGTON COUNTY "COOPERATIVE AGREEMENTS" AMONG SERVICE PROVIDERS** ) **RESOLUTION NO 98-2638**  
)  
) **Introduced by Mike Burton, Executive**  
) **Officer**  
)

WHEREAS, Senate Bill 122 (1993) substantially amended the process in state law for coordination of special district planning with city and county comprehensive plan to require "cooperative" and "urban service" agreements by the next periodic review of city and county comprehensive plans; and

WHEREAS, Metro retained its overall coordination authority for all land use planning within its jurisdictional boundaries at ORS 195.025(1); and

WHEREAS, Metro's planning coordination responsibility includes the duty to review and be a party to the SB 122 "cooperative agreements which identify roles, notices, and approaches to the detailed" urban service agreements; and

WHEREAS, Washington County has convened all urban service providers to begin the process of completing both the "coordination" and "urban service" agreements required by SB 122; and

WHEREAS, the "cooperative agreements" listed in Exhibit A have been submitted to Metro for approval after extensive negotiations at Washington County; now, therefore,

**BE IT RESOLVED**

That the Executive Officer is hereby authorized to enter into the "cooperative agreements" for coordination of urban services listed in Exhibit A, attached and incorporated herein, which are

substantially in the form of the agreement with Unified Sewerage Agency in Exhibit B, attached and incorporated herein.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 1998.

---

Jon Kvistad, Presiding Officer

APPROVED AS TO FORM:

---

Daniel B. Cooper, General Counsel

I:\DOCS#07.P&D\10REGLCO.ORD\COOPAGT.M17

**EXHIBIT A**

"Urban Services" are defined in ORS 195.065(4) to include the following categories of "Cooperative Agreements:"

**"(a) Sanitary sewers:"**

1. Wastewater and Surface Water Services between Unified Sewerage Agency, Washington County, Cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Lake Oswego, Portland, Sherwood, Tigard, Tualatin, Metro

**"(b) Water:"**

1. Water Supply Services between Tigard Water Service Area, Tigard Water District, Washington County, Cities of Durham, King City, Tigard, Metro

2. Water Supply Services between Raleigh Hills Water District, Washington County, Cities of Beaverton, Portland, Metro

3. Water Supply Services between West Slope Water District, Washington County, Cities of Beaverton, Portland, Metro

4. Water Supply Services between Tualatin Valley Water District, Washington County, Cities of Beaverton, Hillsboro, Portland, Tigard, Metro

5. Water Supply Services between Rivergrove Water District, Washington County, Cities of Rivergrove, Tualatin, Metro

**"(c) Fire protection:"**

1. Fire and Life Safety Services between Tualatin Valley Fire and Rescue, Washington County, Cities of Beaverton, Durham, Hillsboro, King City, Lake Oswego, Portland, Rivergrove, Sherwood, Tigard, Tualatin, Wilsonville, Metro

2. Fire and Life Safety Services between Cornelius Rural Fire District, Washington County, City of Cornelius, Metro

3. Fire and Life Safety Services between Washington County Fire District No. 2, Washington County, Cities of Beaverton, Hillsboro, Metro

4. Fire and Life Safety Services between Forest Grove Rural Fire District, Washington County, City of Forest Grove, Metro

**"(d) Parks:"**

1. Parks, Recreation and Open Space between Tualatin Hills Park and Recreation District, Washington County, Cities of Beaverton, Hillsboro, Portland, Tigard, Metro

RESOLUTION NO. 98-2638, For the Purpose of Authorizing  
the Executive Officer to Enter Into Washington County  
Cooperative Agreements among Service Providers.

EXHIBIT A - TOO LARGE TO COPY  
ORIGINAL IN METRO COUNCIL RECORDS  
COPIES MAY BE OBTAINED BY CONTACTING  
THE GROWTH MANAGEMENT SERVICES DEPT.

**GOVERNMENTAL AFFAIRS COMMITTEE REPORT  
CONSIDERATION OF RESOLUTION 98-2638, FOR THE PURPOSE OF  
AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO WASHINGTON  
COUNTY "COOPERATIVE AGREEMENTS" AMONG SERVICE PROVIDERS**

---

Date: May 19, 1998

Presented by: Councilor McLain

**Committee Action:**

At its May 4, 1998, meeting, the Governmental Affairs Committee voted to recommend to the full council adoption of Resolution 98-2638. Councilors McLain, Naito and McFarland voted in favor.

**Committee Discussion:**

Councilor McLain asked if all of the parks districts in Washington County were included in the cooperative agreement. Larry Shaw stated that Tualatin Hills was the only parks district in this agreement, but that there would be many other smaller service agreements made pursuant to this cooperative agreement that could include other parks districts.

Councilor McLain also asked if the schools were included in these service district agreements. Brent Curtis of Washington County stated that they were not required to be included by law, but that Washington County had decided to include them because of their integral nature in the planning process. Larry Shaw stated that schools had much more stringent planning requirements that went beyond these cooperative agreements, in as much as they had to include their plans with the local government comprehensive plans.

## STAFF REPORT

### Resolution 98-2638: FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO WASHINGTON COUNTY "COOPERATIVE AGREEMENTS" AMONG SERVICE PROVIDERS

---

#### BACKGROUND

The "Senate Bill 122" service provider coordination process has been proceeding in Washington County following the statutory steps. The first agreements in that process are "cooperative agreements" among all special districts which provide an urban service, cities and counties, and Metro. Counties have the responsibility for convening cities and special districts for negotiating the important second stage of agreements, called "urban service agreements." So, Washington County convened service providers for the "cooperative agreements," as well. A series of these first agreements for service providers in Washington County is ready for Metro approval. They are important for establishing the parties and the mapped areas for negotiating the detailed "urban service agreements." (See attached.)

#### Metro Regional Coordination Function - ORS 195.025(1), 195.020(2)

In the SB 122 (1993) statutory amendments on services coordination, Metro retained its "umbrella" regional coordination role for all planning:

"(Metro), through its governing body shall be responsible for coordinating all planning activities affecting land uses within (Metro), including planning activities of the county, cities, special districts and state agencies..." ORS 195.025(1). (Emphasis added.)

For SB 122 that coordination responsibility is explicit for "cooperative agreements:"

"(Metro)...shall enter into a cooperative agreement with each special district that provides an urban service within the boundaries of (Metro)." ORS 195.020(2)

ORS 195.065(2)(a) gives each county the responsibility of "convening representatives" to negotiate urban service agreements as Washington County has done.

#### "Cooperative Agreements" Ingredients - ORS 195.020(4)

The statutory list of provisions required for city and county agreements has been used by Washington County to put Metro, cities, counties and districts in the same agreements. These ingredients describe special districts' involvement, role and responsibilities in comprehensive plans, regional plans and approval of new development. Also, "cooperative agreements" "specify the units of local government which shall be parties to an urban service agreement..." The groupings of parties working toward urban service agreements with each other in their service areas are listed on the attachment to this memo.

## Metro Responsibilities In These Cooperative Agreements - More Notice

In all these agreements, Metro and cities and counties are agreeing to provide notice and define special district involvement in plan amendments and certain development actions.

At I.C.2, 3 and I.D.1 and I.F.1 of each agreement, Metro agrees to provide "the opportunity to participate, review and comment" on all UGB amendments, including locational adjustments, within service district boundaries and within one-half mile of the boundary and all RUGGO amendments as follows:

1. The requirement that Metro gives district notice within 45 days of final hearing (copy of LCDC 45-day Notice).
2. Service district comments shall be entered into the record, and shall be given consideration.
3. Upon final action on all UGB amendments, the special district shall receive written notice of decision. (Copy of LCDC Notice.)
4. For "new planning goals and objectives or functional plans," identification of urban reserve areas or major updates to (RUGGO) or (rfp)" Metro must notify districts at the initiation of the proposed change. I.D.1.b.
5. On RUGGO and the Framework Plan, special districts must be given written notice of the final decision within 30 days. I.D.1.f.
6. On regional plan amendments, Metro must notify special districts at least 20 days prior to final hearing and send written notice of the decision within 30 days. I.F.1.a and d.

None of these agreed notices, if missed, would invalidate any Metro decision. This is a new approach to greater involvement by affected special districts.

Additional coordination requirements are added at I.G.1, 2 for each service. For example, water districts receive notice from cities, counties and Metro of actions to commence development for new sites for water facilities and after acquisition of property for such facilities.

### Portland Agreement

The only "cooperative agreement" including Portland as a party is the sewer, wastewater agreement with the Unified Sewerage Agency (U.S.A.) and others. Metro notices to U.S.A. include open space acquisitions in or within one-half mile of U.S.A. boundaries (p. 10). It is an element of the "urban service boundary" settlement that Portland be given notice of the other agreements.

### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends passage of Resolution 9-2638