



**METRO**

**Agenda**

MEETING: METRO COUNCIL – revised May 8, 2007  
DATE: May 10, 2007  
DAY: Thursday  
TIME: 10:30 AM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. GILLIAM COUNTY METRO PARTNERSHIP**

Shaw

**4. FINANCIAL QUARTERLY REPORT**

Stringer

**5. CONSENT AGENDA**

5.1 Consideration of Minutes for the May 3, 2007 Metro Council Regular Meeting.

5.2 **Resolution No. 07-3805**, Approving a Settlement Agreement with Lowell E. Patton and Pacific Western Company Regarding Metro Notice of Violation No. NOV-139-05.

5.3 **Resolution No. 07-3814**, For the Purpose of Confirming the Appointment of Chris Duffy, Robin Plance, Michael Salvo, and Doretta Schrock to the North Portland Rehabilitation and Enhancement Committee (NPREC).

**6. ORDINANCES - SECOND READING**

6.1 **Ordinance No. 07-1146**, For the Purpose of Amending Metro Code Chapter 5.02 to Establish Metro's Charges for Household Hazardous Waste, and to Establish Metro's Solid Waste Disposal Charges and System Fees for Fiscal Year 2007-08.

Park

**7. RESOLUTIONS**

7.1 **Resolution No. 07-3789**, For the Purpose of Approving the Year 18 Metro and Local Government Annual Waste Reduction Plan (Fiscal Year 2007-08).

Harrington

7.2 **Resolution No. 07-3815**, For the Purpose of Designating Council Projects and Confirming Lead Councilor and Council Liaisons for the Regional Transportation Funding Project.

Newman

7.3 Removed from the agenda.

7.4 Removed from the agenda.

**8. CHIEF OPERATING OFFICER COMMUNICATION**

**9. COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for May 10, 2007 Metro Council meeting**

NOTE: Due to the early start time of 10:30 a.m., the meeting will not be aired live.

<b>Clackamas, Multnomah and Washington counties, and Vancouver, Wash.</b> Channel 11 -- Community Access Network <a href="http://www.tvctv.org">www.tvctv.org</a> -- (503) 629-8534 2 p.m. Thursday, May 10	<b>Portland</b> Channel 30 (CityNet 30) -- Portland Community Media <a href="http://www.pcmv.org">www.pcmv.org</a> -- (503) 288-1515 8:30 p.m. Sunday, May 13 2 p.m. Monday, May 14
<b>Gresham</b> Channel 30 -- MCTV <a href="http://www.mctv.org">www.mctv.org</a> -- (503) 491-7636 2 p.m. Monday, May 14	<b>Washington County</b> Channel 30 -- TVC-TV <a href="http://www.tvctv.org">www.tvctv.org</a> -- (503) 629-8534 11 p.m. Saturday, May 12 11 p.m. Sunday, May 13 6 a.m. Tuesday, May 15 4 p.m. Wednesday, May 16
<b>Oregon City, Gladstone</b> Channel 28 -- Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275 Call or visit website for program times.	<b>West Linn</b> Channel 30 -- Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275 Call or visit website for program times.

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

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

BEFORE THE METRO COUNCIL

APPROVING A SETTLEMENT AGREEMENT ) RESOLUTION NO. 07-3805  
WITH LOWELL E. PATTON AND PACIFIC )  
WESTERN COMPANY REGARDING METRO ) Introduced by Metro Chief Operating Officer  
NOTICE OF VIOLATION NO. NOV-139-05 ) Michael Jordan, with the concurrence of  
) Metro Council President David Bragdon

WHEREAS, during and possibly prior to 1996, Lowell E. Patton and/or Pacific Western Company accepted and accumulated approximately 900 tons of waste composition roofing from roofing contractors and other haulers at his property located at 16050 SE Highway 224 in Carver, Oregon, within the Metro region; and

WHEREAS, neither Mr. Patton nor Pacific Western Company had a Metro solid waste facility license at such time, nor did either have authority to operate a solid waste facility from either the Oregon Department of Environmental Quality or from Clackamas County; and

WHEREAS, by mutual agreement between Metro, Clackamas County and the DEQ, the DEQ acted as the lead enforcement agency in this matter until 2005; and

WHEREAS, on February 26, 2003 the Oregon Court of Appeals affirmed the final contested case order issued by the Oregon Environmental Quality Commission, which order assessed a \$9,400.00 civil penalty against Pacific Western Company for operating a solid waste facility without a DEQ permit; and

WHEREAS, as Pacific Western Company considered alternatives for reuse or disposal of the material, Metro solid waste staff offered to enter into a settlement agreement under which the waste roofing would be capped on-site, with DEQ approval, thereby rendering the property a disposal site and Pacific Western would pay Metro the regional system fee and excise tax rate applied to waste material derived from contaminated site cleanups, which would have been approximately \$3,600; and

WHEREAS, thereafter, and with DEQ's approval, Mr. Patton arranged for the waste roofing to be tested for asbestos and removed from the Carver property and allowed it to be used as feedstock for an asphalt batch plant operated by Rinker Materials for asphalt paving (and as recovered material, no Metro fees or taxes would be assessed and collected); and

WHEREAS, Mr. Patton, instead, on May 6, 2005 hauled and deposited the waste roofing on another property he owns located in Rhododendron, Oregon, without prior notice to DEQ or Metro regarding his change of plans; and

WHEREAS, on October 11, 2005, DEQ issued a notice of violation to both Mr. Patton and to Pacific Western Company, assessing civil penalties of \$55,261 against Mr. Patton for operating an illegal solid waste disposal facility on his property in Rhododendron, and of \$78,486 against Pacific Western Company for violating a prior EQC order regarding disposal of the waste roofing; and

WHEREAS, on December 15, 2005, Metro issued Notice of Violation NOV-139-05 which imposed a penalty of \$30,788.69 for delivery of solid waste generated from within the Metro boundary to an unauthorized disposal site in violation of Section 5.05.025 of the Metro Code and for failure to pay Metro excise taxes on such waste, in violation of Code Section 7.01.020(c); and

WHEREAS, on March 27, 2006, DEQ entered into a Mutual Agreement and Final Order with Mr. Patton and Pacific Western Company dismissing the civil penalty against Mr. Patton and reducing the civil penalty against Pacific Western Company to \$30,000, contingent on cleaning up the Rhododendron property and the disposal of the material in a fully permitted landfill; and

WHEREAS, Mr. Patton delivered the waste roofing to the Wasco County Landfill; and

WHEREAS, Metro has pursued this enforcement matter before a hearings officer for over a year and a half, including briefing two issues related to Metro's solid waste enforcement authority and after assurance that the roofing waste was properly disposed of in a landfill; and

WHEREAS, Metro and Mr. Patton and Pacific Western Company recently resumed negotiations regarding a settlement of this matter with respect to civil penalties owed to Metro; and

WHEREAS, Metro Code Section 2.03.090 requires the Council to approve any settlement of unpaid civil penalties assessed by the Director or the COO; and

WHEREAS, Metro and Mr. Patton and Pacific Western Company have agreed to terms of a settlement, contingent on Metro Council approval; and

WHEREAS, the COO recommends that Metro fully settle NOV-139-05 with respect to the civil penalties imposed in NOV-139-05; now therefore

BE IT RESOLVED that the Metro Council approves settlement with Mr. Patton regarding NOV-139-05 and authorizes the Chief Operating Officer to enter into a settlement agreement substantially similar to the document attached as Exhibit A to this resolution.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007

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David Bragdon, Council President

Approved as to Form:

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Daniel B. Cooper, Metro Attorney

M:\rem\od\projects\Legislation\2007\073805 Patton Settlement RES.DOC

**SETTLEMENT AGREEMENT**

Metro, a municipal corporation organized under the Oregon Constitution, ORS Chapter 268, and the Metro Charter (“Metro”), Pacific Western Co., an Oregon corporation, (“Pacific Western”), and Lowell E. Patton, an Oregon resident and President of Pacific Western, enter this Settlement Agreement (“Agreement”) effective the date this Agreement is fully executed (the “Effective Date”). Metro, Pacific Western and Mr. Patton shall collectively be referred to herein as the “Parties” and each individually as a “Party.”

**RECITALS**

- A. The Metro Chief Operating Officer issued Notice of Violation No. 139-05 (NOV-139-05) to Pacific Western and Mr. Patton on December 15, 2005, finding that Pacific Western and Mr. Patton violated Metro Code Sections 5.05.025, 7.01.020(c) and 7.01.023 when they delivered approximately 907 tons of solid waste to an unauthorized disposal site. NOV-139-05 imposed a civil penalty of \$30,788.69 against Pacific Western and Mr. Patton.
- B. Metro received a timely request for a contested case hearing in this matter dated January 6, 2006, from James E. Mountain, Jr., an attorney representing Pacific Western and Mr. Patton.
- C. The Parties enter into this Settlement Agreement to fully settle and compromise contested NOV-139-05.

**NOW THEREFORE**, in reliance on the above recitals and in consideration of the mutual promises described below, the adequacy of which the Parties hereby acknowledge, the Parties agree as follows:

1. Promissory Note.

Mr. Patton shall sign the Promissory Note attached as Exhibit A to this Agreement and incorporated herein by reference, in which Mr. Patton promises to pay Metro the sum of \$13,500.00, on the schedule and with interest accruing as described in Exhibit A.

2. Metro Release.

As of the Effective Date of this Agreement, and except for an action to enforce the provisions of the promissory note attached as Exhibit A and described in Section 1 of this Agreement, Metro hereby releases, acquits, and forever discharges its authority to pursue further enforcement action against Pacific Western and/or Mr. Patton which may in any manner be related to the violation(s) alleged in NOV-139-05.

3. Modification and Waiver.

This Agreement shall not be modified unless such modification is in writing and is signed by all of the Parties. Waiver of any provision(s) of this Agreement shall not affect the enforceability of any other provision(s) of this Agreement.

4. Agreement Not Assignable or Transferable.

This Agreement may not be transferred or assigned without the prior written approval of Metro, Pacific Western and Mr. Patton.

5. Notice.

Any notice provided under the terms of this Agreement shall be sent via certified U.S. mail, return receipt requested, and addressed as follows:

If to Pacific Western and Mr. Patton:

Lowell E. Patton, individually and as  
President and Registered Agent for  
Pacific Western Co.  
16050 SE Highway 224  
P.O. Box 85  
Clackamas, OR 97015

If to Metro:

Michael Jordan  
Metro Chief Operating Officer  
600 N.E. Grand Ave.  
Portland, OR 97232  
(503) 813-7544

Dan Cooper  
Metro Attorney  
600 NE Grand Ave.  
Portland, OR 97232  
Fax (503) 797-1792

6. Choice of Law.

This Agreement shall be construed, applied, and enforced in accordance with the laws of the State of Oregon.

7. Severability.

If any non-material provision of this Agreement is held to be invalid, illegal, or unenforceable in any respect, the validity of the remaining provisions contained in this Agreement shall not be affected.

8. Legal Fees.

If any suit or action arising out of or related to this Agreement is brought by any Party, the prevailing Party or Parties shall be entitled to recover the costs and fees incurred by such Party or Parties in such suit or action, including, without limitation, any post-trial or appellate proceeding, or in the collection or enforcement of any judgment or award entered or made in such suit or action. Such recoverable costs and fees shall include, without limitation, reasonable attorneys' fees, the fees and costs of experts and consultants, copying costs, courier and telecommunication costs, and deposition and all other costs of discovery.

9. Entire Agreement.

This Agreement is the entire agreement between the Parties.

10. Voluntary Agreement.

Each Party hereby declares and represents that it fully understands the terms of this Agreement, that it has had ample opportunity to review this Agreement and solicit and receive the advice of its own counsel, and that it voluntarily enters into this Agreement.

11. Authority to Enter Into This Agreement and Signatory Authority.

Each Party hereby declares and represents that it has the legal power, right, and authority to enter into this Agreement. The individuals signing below warrant that they have full authority to execute this Agreement on behalf of the Party for which they sign.

**PACIFIC WESTERN COMPANY**

**METRO**

\_\_\_\_\_  
Lowell E. Patton, President

\_\_\_\_\_  
Michael Jordan, Chief Operating Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**LOWELL E. PATTON**

\_\_\_\_\_  
Date: \_\_\_\_\_

Attachment: Exhibit A—Promissory Note

## PROMISSORY NOTE

\$13,500

**FOR VALUE RECEIVED**, the undersigned Lowell E. Patton (hereinafter Patton), his heirs and assigns promises to pay to the order of Metro, a municipal corporation organized under the Oregon Constitution, ORS Chapter 268, and the Metro Charter (hereinafter METRO), at 600 NE Grand Ave., Portland, OR 97232, or such other place or address as METRO may designate, the principal sum of Thirteen Thousand Five Hundred Dollars (\$13,500) together with interest on the principal sum as provided below in this Note.

### 1. **INTEREST AND PAYMENT.**

(a) **Interest Rate.** Interest on the unpaid balance of this note shall begin accruing on January 10, 2008. Beginning January 10, 2008, Patton promises to pay interest on the unpaid principal balance of this Note until paid in full at a rate equal to six percent (6.0%) simple interest, per annum.

(b) **Payment Schedule and Maturity Date.** Commencing on January 10, 2008, and on or before the 10<sup>th</sup> day of each succeeding month until paid in full, Patton shall make principal and interest payments in the amount of Seven Hundred Eighty Six and 24/100 dollars (\$786.24). If not sooner paid, the entire unpaid balance of principal and interest owing under this Note shall be due and payable on or before 5:00 pm June 10, 2009 (the "Maturity Date").

(c) **Prepayment.** All or any part of the principal balance of this Note, and all accrued but unpaid interest thereon, may be prepaid by Patton at any time without penalty or prepayment charge.

(d) **Place and Time of Payment.** All payments specified in this Note shall be deemed made when actually received by METRO. All payments shall be made to METRO at its address set forth above or at such other address as METRO may designate in writing to Patton, and shall be made without offset and without prior notice or demand.

(e) **Form and Application of Payments.** Payments shall be in lawful money of the United States of America, and when received by METRO shall be applied: (1) to all amounts due under this Note other than principal or interest, (2) to accrued interest, (3) upon the portion of the principal balance then due (if any), and (4) as a principal payment.

### 2. **DEFAULT.** Time is of the essence of this Note. A default shall occur if:

(a) **Failure to Make Payment.** Patton fails to pay METRO either (1) a scheduled payment when due as provided in Section 1 above, or (b) the unpaid balance then owing hereunder on or before the Maturity Date.



3. **REMEDIES.** In the event of a default, METRO may take any one or more of the following steps:

(a) **Acceleration.** Declare the entire unpaid principal balance of the debt evidenced by this Note, and all interest on such debt and all other costs and expenses evidenced by this Note, to be immediately due and payable.

(b) **Other Remedies.** Pursue any other right or remedy provided in this Note or otherwise, allowed by law. METRO may pursue such rights or remedies singly, together or successively. Exercise of any such right or remedy shall not be deemed an election of remedies. Failure to exercise any right or remedy shall neither be deemed a waiver of any existing or subsequent default nor a waiver of any such right or remedy.

4. **ATTORNEY FEES AND COLLECTION COSTS.** Patton agrees to pay all costs of collection for sums due under this Note, including reasonable attorney fees. In the event that METRO is made party to any litigation because of the existence of the indebtedness evidenced by this Note, Patton shall reimburse METRO for its costs and attorney fees incurred with respect to such litigation. In the event litigation is commenced by a party to this Note to enforce or interpret any provision of this Note, or to collect any amount due hereunder, the prevailing party in such litigation shall be entitled to receive, in addition to all other sums and relief, its reasonable costs and attorney fees, incurred both at and in preparation for trial and any appeal or review, such amount to be set by the court(s) before which the matter is heard.

5. **GOVERNING LAW AND VENUE; SEVERABILITY.**

(a) **Governing Law and Venue.** This Note shall be governed by and construed in accordance with the laws of the State of Oregon. Any lawsuit commenced in connection with this Note shall be filed in the Circuit Court of Clackamas County, Oregon.

(b) **Severability.** If any provision of this Note is found by a court of competent jurisdiction to be invalid or unenforceable as written, then the parties intend and desire that (1) such provision be enforceable to the full extent permitted by law, and (2) the invalidity or unenforceability of such provision shall not affect the validity and enforceability of the remainder of this Note.

6. **NOTICES.** Any notice or other communication required to be given under this Note shall be in writing and shall be deemed given upon hand-delivery (accompanied by a written receipt therefore) or two (2) days after deposit in the U.S. mail, return receipt requested, postage prepaid, addressed to the parties at the following addresses:

To PATTON: Lowell E. Patton  
16050 SE Highway 224  
P.O. Box 85  
Clackamas, OR 97015

To METRO: Office of the Metro Attorney  
600 NE Grand Ave.  
Portland, OR 97232

The addresses to which notices or other communications shall be mailed may be changed by a party from time to time by giving written notice to the other party as provided in this paragraph.

7. **AMENDMENT.** This Note may not be amended, modified or changed, nor shall any provision of this Note be deemed waived, except only by an instrument in writing signed by the party against whom enforcement of any such waiver, amendment, change, or modification is sought.

8. **WAIVERS.** Patton hereby (a) waives diligence, presentment, protest and demand, (b) waives notice of protest, or consent to any extension or alteration of the time or terms of payment of this Note, any release of all or any part of any security which may be given for the payment of this Note, any acceptance of additional security of any kind, and any release of or resort to any party liability for payment of this Note, any of which may be made without notice to any of such parties.

9. **BINDING AGREEMENT.** This Note shall be binding upon Patton, his heirs and successors, and shall inure to the benefit of METRO and assigns.

**PATTON:**

\_\_\_\_\_ Date: \_\_\_\_\_  
**Lowell E. Patton**

State of Oregon            }  
  } SS  
County of Clackamas    }

I \_\_\_\_\_ a Notary Public for the State of Oregon certify that on the \_\_\_\_ day of \_\_\_\_\_, 2007 personally appeared before me **Lowell E. Patton** who, being first duly sworn, did say that he is the herein named Patton and hereby acknowledges said instrument to be his free and voluntary act.

\_\_\_\_\_ Notary Public  
My Commission Expires: \_\_\_\_\_

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## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 07-3805 APPROVING A SETTLEMENT AGREEMENT WITH LOWELL E. PATTON AND PACIFIC WESTERN COMPANY REGARDING METRO NOTICE OF VIOLATION NO. NOV-139-05**

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May 10, 2007

Prepared by: Steve Kraten

## **BACKGROUND**

### **Description of the Resolution**

In 1996 Metro discovered that Pacific Western Company, a business owned and operated by Lowell Patton and located at 16050 SE Highway 224 near Carver in Clackamas County, was functioning as an unauthorized solid waste disposal site, accepting waste roofing tear-off debris from roofing contractors for a tip fee of \$13 per cubic yard. The site is within the Metro regional boundary. Metro ordered Mr. Patton and Pacific Western Company to cease such operations and also alerted the Department of Environmental Quality ("DEQ"). In a letter dated September 5, 1996, Mr. Patton notified his customers that he would cease accepting waste roofing after September 30, 1996. By mutual agreement, DEQ took the lead in enforcing against Pacific Western to have the roofing waste properly disposed. Mr. Patton contested DEQ's enforcement, ultimately leading in February 2003 to the Oregon Court of Appeals affirming the Environmental Quality Commission's ("EQC") imposition of a \$9,400 civil penalty and requiring Mr. Patton to dispose of the material appropriately. In February 2004 DEQ sampling revealed the presence of asbestos in the roofing pile, which limited the options available for reuse of this material.

Mr. Patton and Pacific Western proceeded to negotiate with DEQ and Metro regarding the reuse or disposal of the material. This included, in late 2004, Pacific Western Company considering to cap the material on-site, with DEQ approval, thereby rendering the property a disposal site. To facilitate such an approach, Metro staff offered a settlement agreement whereby Pacific Western would pay Metro the regional system fee and excise tax rate that applied to waste material derived from contaminated site cleanups, which would have been approximately \$3,600. Mr. Patton and Pacific Western Company ultimately decided not to pursue that approach.

Finally, after continuing negotiations that took more than two years since the Court of Appeals' decision, on April 7, 2005, DEQ approved a disposal plan for the roofing waste to be delivered to Rinker Materials for incorporation into an asphalt paving mix. On May 6, 2005, Metro made an unannounced visit to Mr. Patton's site to confirm that the material was being delivered to Rinker Materials and discovered that the roofing waste was, instead, being delivered to a rural property owned by Mr. Patton near Rhododendron, Oregon where it was placed on the ground in a small clearing in the forest. Such disposition of the roofing waste was being performed without Metro's or the DEQ's knowledge or authorization. As a result, in October 2005 the DEQ issued a Notice of Violation that imposed a civil penalty of \$78,486 against Pacific Western Company, for failing to comply with the EQC's order to dispose of the waste roofing at a permitted disposal facility, and a separate penalty of \$55,261 against Lowell Patton personally

for establishing a solid waste disposal site without a permit. In addition, the notice included an order to properly dispose of the roofing at a permitted solid waste disposal facility.

On December 15, 2005, Metro issued Notice of Violation NOV-139-05 imposing a penalty of \$30,788.69 for delivery of solid waste generated from within the Metro boundary to an unauthorized disposal site in violation of Section 5.05.025 of the Metro Code and for failure to pay Metro excise taxes in violation of Metro Code Section 7.01.020(c). Metro stayed pursuit of its enforcement action while DEQ and Mr. Patton and Pacific Western Company actively negotiated resolution of DEQ's enforcement action. Metro's goal at that time was to cooperate with DEQ as necessary to ensure, first, that the waste roofing material was appropriately disposed in a landfill.

On March 27, 2006, DEQ entered into a Mutual Agreement and Final Order with Mr. Patton and Pacific Western Company dismissing the civil penalty against Mr. Patton altogether and reducing the civil penalty against Pacific Western Company to \$30,000, contingent on cleaning up the Rhododendron property and the disposal of the material in a fully permitted landfill. Mr. Patton thereafter delivered the waste roofing to the Wasco County Landfill in compliance with his agreement with DEQ and, as of the date of this staff report, has paid \$21,575 in principal and interest on the penalty.

Metro staff then reinitiated this enforcement action before the Metro Hearings Officer. Such action has continued for the past year, including briefing two issues related to Metro's solid waste enforcement authority. Metro and Mr. Patton and Pacific Western Company recently resumed negotiations regarding a settlement of this matter with respect to civil penalties owed to Metro.

Resolution No. 07-3805 approves a settlement agreement regarding NOV-139-05 for the sum of \$13,500.00. The Chief Operating Officer recommends approval of this settlement for three reasons:

1. The waste roofing was ultimately disposed in an appropriate and permitted landfill;
2. Upon approval of this settlement agreement and upon compliance therewith, Pacific Western Company will have paid a total penalty of \$52,900 plus interest for its violations of State law and Metro Code, plus the costs incurred to cleanup, transport and dispose of the material in an appropriate landfill, which sums are sufficient to deter future violations; and
3. This matter has continued for over ten years and it is in all parties' interest to bring this matter to conclusion.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

There is no known opposition to the proposed settlement.

### **2. Legal Antecedents**

Metro Code Section 2.03.090 provides that, after the Chief Operating Officer (or his designee) issues an NOV assessing a civil penalty, any settlement that compromises or settles the assessed civil penalty must be approved by the Metro Council.

### **3. Anticipated Effects**

The effects of Resolution No. 07-3805 will be to approve a settlement of a Notice of Violation that requires the violator, Lowell Patton, to pay METRO the sum of \$13,500.00 in 18 monthly installments at six percent interest commencing on January 1, 2008.

### **4. Budget Impacts**

No budget impact is anticipated.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends approval of Resolution No. 07-3805, approving a Settlement Agreement with Lowell E. Patton substantially similar to the Settlement Agreement attached to the resolution as Exhibit A.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE ) RESOLUTION NO. 07-3814  
APPOINTMENT OF CHRIS DUFFY, ROBIN PLANCE, )  
MICHAEL SALVO AND DORETTA SCHROCK TO THE ) Introduced by David Bragdon,  
NORTH PORTLAND REHABILITATION AND ) Council President  
ENHANCEMENT COMMITTEE (NPREC)

WHEREAS, Metro Code Chapter 2.19.140 provides for a North Portland Rehabilitation and Enhancement Committee (NPREC); and

WHEREAS, Metro Code 2.19.140(b) authorizes seven citizen representatives for NPREC membership; and

WHEREAS, vacancies have occurred in the NPREC membership; and

WHEREAS, Metro Code Chapter 2.19.030 states that advisory committee members are limited to two consecutive two-year terms; and

WHEREAS, the Council President has appointed Chris Duffy to the position of Arbor Lodge neighborhood representative, Robin Plance to the position of St. Johns neighborhood representative, Michael Salvo to the position of University Park neighborhood representative and Doretta Schrock to the position of Kenton neighborhood representative, subject to confirmation by the Metro Council; now, therefore

BE IT RESOLVED, that the Metro Council confirms the appointments of Ms. Duffy, Mr. Plance, Mr. Salvo and Ms. Schrock to serve on the North Portland Rehabilitation and Enhancement Committee.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 2007.

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

Approved as to Form:

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

## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 07-3814 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENTS OF CHRIS DUFFY, ROBIN PLANCE, MICHAEL SALVO AND DORETTA SCHROCK TO THE NORTH PORTLAND REHABILITATION AND ENHANCEMENT COMMITTEE (NPREC)**

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Date: May 10, 2007

Prepared by: Karen Blauer

#### **BACKGROUND**

Four vacancies have occurred in the North Portland Rehabilitation and Enhancement Committee (hereinafter referred to as NPREC) membership. Metro Code Chapter 2.19.140, "North Portland Rehabilitation and Enhancement Committee (NPREC)," provides for the NPREC and subsection 2.19.140(b) authorizes representatives for Committee membership and representation criteria. The vacancies in the NPREC membership exist due to term limits for the members representing the Arbor Lodge, St. Johns, University Park and Kenton neighborhoods.

A process to fill the positions was launched on March 26, 2007 with a mailing sent to approximately 450 individuals residing in the enhancement boundary and to neighborhood groups, business associations and the North Portland Neighborhood Service Office. A letter from Rex Burkholder, Metro Councilor and North Portland Enhancement Committee chair, requested that candidates complete and return an application to Metro by April 23, 2007. A separate letter to North Portland neighborhood association chairs was sent to request help recruiting new members. An advertisement was placed in two local newspapers. The application was posted on Metro's web site. (See a copy of the mailing, letter and advertisement as attachments 1 - 4.)

A review panel was selected to consider applicants. The panel was comprised of Susan Landauer (neighborhood activist and former member of the enhancement committee from Portsmouth neighborhood), Alan Holzapfel (neighborhood activist and former member of the enhancement committee from Arbor Lodge neighborhood), and Tom Griffin-Valade (North Portland Neighborhood Office District Coordinator).

Two candidates applied for the St Johns neighborhood position; one for the Arbor Lodge, University Park and Kenton positions. The review panel considered candidate's applications using an evaluation form. The panel recommends the appointment of Chris Duffy (Arbor Lodge), Robin Plance (St. Johns), Michael Salvo (University Park) and Doretta Schrock (Kenton). All are well known for their work in the community. (See a copy of candidate's applications and the review panel's evaluation as attachments 5 – 9.).

#### **ANALYSIS/INFORMATION**

1. Known Opposition. There is no known opposition to the appointments of Mr. Ray and Ms. Duffy, Mr. Plance, Mr. Salvo or Ms. Schrock to the NPREC.
2. Legal Antecedents. Chapter 2.19 of the Metro Code Relating to Advisory Committees; Section 2.19.140 provides for a North Portland Rehabilitation and Enhancement Committee (NPREC) and sets forth guidelines for representation.
3. Anticipated Effects. Adoption of this resolution would confirm the appointments of Ms. Duffy, Mr. Plance, Mr. Salvo and Ms. Schrock to the NPREC.
4. Budget Impacts. There are no known costs associated with implementation of this legislation.

**RECOMMENDED ACTION**

David Bragdon, Council President, and Councilor Rex Burkholder, chair of the enhancement committee, recommend adoption of this Resolution to confirm the appointments of Chris Duffy, Robin Plance, Michael Salvo and Doretta Schrock to serve on the North Portland Rehabilitation and Enhancement Committee.



Dear North Portland resident:

Do you have an idea to help make your community greener, cleaner, safer or healthier? Metro has grants to help. Approximately \$45,000 is available for projects that benefit Arbor Lodge, Cathedral Park, Kenton, Overlook, Portsmouth, St. Johns and University Park neighborhoods.

Since it was established in the mid-1980s, Metro's North Portland enhancement grant program has awarded more than \$2 million to nearly 400 projects. There has never been a shortage of great project ideas that support the community's vision and respond to its unique blend of needs - from food distribution and nutrition education to health care clinics, a tool-lending library to free concerts in Cathedral Park. I hope you will consider this opportunity.

**Grant writing skills and more!  
7 to 9 p.m. Monday, April 16<sup>th</sup>**

It's not too late to reserve your place at a free grant-writing workshop offered by Metro at the Historic Kenton Firehouse, 8105 N. Brandon Ave. (diagonal from the Kenton Post Office; TriMet bus lines 6, 75). This session will include tips from successful grant applicants, time to network with others, information about wildlife and nature in your backyard, a coupon for MetroPaint and much more. Please call Karen Blauer to reserve your place at the workshop (503/797-1506).

**Grant application deadline:  
5 p.m. Monday, May 21, 2007**

Both the application and applicant information for the 2007-08 North Portland enhancement grant program are available now at the following locations: online ([www.metro-region.org/grants](http://www.metro-region.org/grants)), at Metro Regional Center (600 NE Grand Ave., Portland) and at North Portland Neighborhood Services office (2209 N. Schofield, Portland). Attached for your convenience, please find an electronic copy of both forms.

**Want to help select projects to fund?**

Metro is now recruiting residents of Arbor Lodge, Kenton, St. Johns and University Park neighborhoods to serve on Metro's grant selection committee. Are you interested? Attached for your convenience, please find an Appointment Interest Form. **Applications for committee membership are due at Metro by 9 a.m. Monday, April 23rd.** Send completed forms to Karen Blauer by email ([blauerk@metro.dst.or.us](mailto:blauerk@metro.dst.or.us)) or by fax to (503) 797-1795.

I hope you will keep Metro grant funds in mind to help make North Portland an even-more vibrant, accessible and physically distinct place to live, work and play. Please share this information with others who maybe interested. Thank you.

Sincerely,

Rex Burkholder, Metro Councilor (District 5)  
Chair, North Portland Enhancement Committee

Dear North Portland neighborhood leader:

Metro is recruiting a representative from Arbor Lodge, Kenton, St. Johns and University Park neighborhoods to serve a two-year term on the North Portland Enhancement Committee. Please consider people you believe would be good prospects for this special opportunity and encourage them to apply now. The application deadline is 9 a.m. Monday, April 23, 2007.

As Metro Councilor representing the area targeted to receive these funds, I chair the grant selection committee. The committee is comprised of seven citizen members. Typically, nominees are community activists who live in the neighborhood and are knowledgeable about the needs of their specific neighborhood and the community in general.

Committee members help solicit and review grant applications, and select a proposed slate of projects to fund. The committee meets two to three times per grant cycle - usually in June at Metro Regional Center in Northeast Portland.

Current and past committee members have commented that their work, though limited in scope and time commitment, is challenging and very rewarding. Since the program was established, more than \$2 million has funded 400 local projects in North Portland neighborhoods.

Nominees must complete the attached "appointment interest form" and send it to Karen Blauer (US mail to Metro 600 NE Grand Ave., Portland, OR 97232 or by email at [blauerk@metro.dst.or.us](mailto:blauerk@metro.dst.or.us)). The application deadline is 9 a.m. Monday, April 23. A selection panel headed by Tom Griffin-Valade, District Director of North Portland Neighborhood Services, will review applications and forward nominations for the Metro Council's confirmation.

For more information about committee work or Metro's community grants program, please call Karen Blauer, Metro community grants coordinator, at (503) 797-1506 or visit Metro's web page ([www.metro-region.org/grants](http://www.metro-region.org/grants)). Thank you for your consideration.

Rex Burkholder, Metro Councilor (District 5)  
Chair, North Portland Enhancement Committee

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Queue

## Metro Community Enhancement Grants

# Apply now for funds

Have an idea to help make your community greener, cleaner, safer or healthier? Metro has grants to support North Portland projects that benefit Arbor Lodge, Cathedral Park, Kenton, Portsmouth, Overlook, St. Johns and University Park neighborhoods.

### Grant-writing skills and more!

**7 to 9 p.m. Monday, April 16**

Get help from successful grant applicants, tips about wildlife and nature in your backyard, a coupon for MetroPaint and more.

### Grant application deadline:

**5 p.m. Monday, May 21, 2007**

### Want to help select projects to fund?

Now recruiting residents of Arbor Lodge, Kenton, St. Johns and University Park to serve on Metro's selection committee. Interested? Apply by Monday, April 23, 2007.

Details available online at

**[www.metro-region.org/grants](http://www.metro-region.org/grants)**

For more information, call Karen Blauer, community grants coordinator, at (503) 797-1506 or send e-mail to [blauerk@metro.dst.or.us](mailto:blauerk@metro.dst.or.us).



**METRO**  
PEOPLE PLACES • OPEN SPACES



## Metro Community Enhancement Grants

# Apply now for funds

Have an idea to help make your community greener, cleaner, safer or healthier? Metro has grants to support North Portland projects that benefit Arbor Lodge, Cathedral Park, Kenton, Portsmouth, Overlook, St. Johns and University Park neighborhoods.

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**5 p.m. Monday, May 21, 2007**

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Now recruiting residents of Arbor Lodge, Kenton, St. Johns and University Park to serve on Metro's selection committee. Interested? Apply by Monday, April 23, 2007.

For more information, call Karen Blauer, community grants coordinator, at (503) 797-1506 or send e-mail to [blauerk@metro.dst.or.us](mailto:blauerk@metro.dst.or.us).

Details available online at

**[www.metro-region.org/grants](http://www.metro-region.org/grants)**



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PEOPLE PLACES • OPEN SPACES



COMMENTS (THIS SECTION TO BE FILLED OUT BY NOMINATION COMMITTEE ONLY):

NAME CHRIS DUFFY \_\_\_\_\_ DATE 4/22/2007 \_\_\_\_\_

HOME ADDRESS: 7034 N. MARYLAND AVE... \_\_\_\_\_ PORTLAND \_\_\_\_\_ OR \_\_\_\_\_ 97217 \_\_\_\_\_  
 STREET CITY STATE ZIP

BUSINESS ADDRESS: SAME \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 STREET

HOME PHONE: 503-85-6440 \_\_\_\_\_ BUSINESS PHONE: 971-506-0541 \_\_\_\_\_  
 E-MAIL: CHRISDUFFYALNA@YAHOO.COM \_\_\_\_\_

FAX NONE \_\_\_\_\_ NEIGHBORHOOD ARBOR LODGE \_\_\_\_\_

THE FOLLOWING INFORMATION IS VOLUNTARY:

SEX: FEMALE \_\_\_\_\_ ETHNIC ORIGIN CAUCASIAN \_\_\_\_\_

(METRO STRIVES FOR ETHNIC AND MINORITY BALANCE, AS WELL AS GEOGRAPHIC REPRESENTATION, IN ITS MEMBERSHIP COMPOSITION.)

SCHOOL (INCLUDE HIGH SCHOOL)	LOCATION	MAJOR OR DEGREE
UNIVERSITY OF MARYLAND	UNIVERSITY PARK, MD	BUSINESS
TOWSON STATE	TOWSON, MD	BUSINESS
PORTLAND STATE	PORTLAND, OR	ACCOUNTING
ST. MARY'S ACADEMY	PORTLAND, OR	HIGH SCHOOL

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDING ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT):

SMALL BUSINESS OWNER: CHAIR, ARBOR LODGE NEIGHBORHOOD ASSOCIATION; FORMER LAND USE COMMITTEE CHAIR; MEMBER INTERSTATE CORRIDOR ZONING REVIEW COMMITTEE; MEMBER ICURAC; PDC COMMUNITY ENHANCEMENT GRANTS COMMITTEE MEMBER; NORTH PORTLAND TRUST FUND COMMITTEE MEMBER ; MEMBER FRIENDS OF THE KENTON FIREHOUSE; FORMER NORTH PORTLAND REPRESENTATIVE TO THE POLICE CHIEF'S FORUM; PUBLIC SAFETY ACTION COMMITTEE STEERING COMMITTEE MEMBER; FORMER MEMBER I-5/DELTA PARK COMMUNITY ENHANCEMENTS COMMITTEE; CHIEF JOSEPH SCHOOL VOLUNTEER FUNDRAISER FOR PLAYGROUND EQUIPMENT PROJECT AND ART PROGRAM BENEFIT AUCTION.

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HAVE YOU VOLUNTEERED FOR ANY MINORITY ORGANIZATIONS?

NO BUT I WORK WITH GROUPS THAT BENEFIT MINORITY ORGANIZATIONS.

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EXPERIENCE, SKILLS OR QUALIFICATIONS YOU FEEL WOULD CONTRIBUTE TO A PUBLIC SERVICE APPOINTMENT:

I HAVE SERVED AS CHAIR OF THE ARBOR LODGE NEIGHBORHOOD ASSOCIATION FOR THE LAST 2 ½ YEARS, HAVING PREVIOUSLY BEEN VICE-PRESIDENT AND A BOARD MEMBER. IN THIS ROLE, I HAVE HAD THE OPPORTUNITY TO BECOME INFORMED ABOUT AND CONNECTED WITH MANY DIVERSE GROUPS WITHIN THE BROADER COMMUNITY. THIS HAS GIVEN ME INSIGHT INTO THE NEEDS AND INTERESTS OF THE NORTH PORTLAND NEIGHBORHOODS. REVIEWING APPLICATIONS ON OTHER GRANT COMMITTEES, I HAVE BEEN ABLE TO LEARN WHAT TYPE OF PROJECTS ARE PRIORITIES IN THE AREA AND WHICH HAVE THE BROADEST SUPPORT. I BELIEVE I CAN BE OPEN-MINDED AND FAIR IN MAKING EVALUATIONS .

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OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

I AM INTERESTED IN BRINGING IMPROVEMENTS TO NORTH PORTLAND IN A VARIETY OF WAYS AND THIS APPOINTMENT WOULD BE ONE MORE WAY TO DO SO. I AM WILLING TO WORK WITH ALL MEMBERS OF THE COMMUNITY TO BRING IN AS DIVERSE GROUP OF APPLICANTS AS POSSIBLE AND TO JUDGE EACH APPLICATION FAIRLY BASED ON ITS MERIT. I BELIEVE THIS IS AN IMPORTANT TIME FOR THE FUTURE OF NORTH PORTLAND WITH THE GROWTH AND CHANGES WE ARE NOW EXPERIENCING, PEOPLE'S INTEREST IN LIVABILITY ISSUES AND A STRONG INTEREST IN OUR ENVIRONMENT, AND I AM HONORED TO BE ABLE TO TAKE PART IN SHAPING SOME OF THE CHANGES.

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4/22/2007

DATE

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APPLICATION FOR MEMBERSHIP

COMMENTS (THIS SECTION TO BE FILLED OUT BY NOMINATION COMMITTEE ONLY):

Separator line

NAME Robin Plance DATE 4/17/07

HOME ADDRESS: 9137 N Central Portland Oregon 97203  
STREET CITY STATE ZIP

BUSINESS ADDRESS: 4421 NE Col. Blvd. Portland Oregon 97218  
STREET CITY STATE ZIP

HOME PHONE: 503-240-1923

BUSINESS PHONE: 503-288-6411

FAX 503-280-1890

E-MAIL: rplance@haltonco.com

NEIGHBORHOOD St Johns  
rgplance@hotmail.com

THE FOLLOWING INFORMATION IS VOLUNTARY:

SEX: MALE

ETHNIC ORIGIN MULTI

(METRO STRIVES FOR ETHNIC AND MINORITY BALANCE, AS WELL AS GEOGRAPHIC REPRESENTATION, IN ITS MEMBERSHIP COMPOSITION.)

SCHOOL (INCLUDE HIGH SCHOOL)	LOCATION	MAJOR OR DEGREE
<u>Centennial</u>	<u>Gresham</u>	<u>HS Diploma</u>
<u>Mt Hood CC</u>	<u>Troutdale</u>	<u>AA Gen Studies</u>

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDING ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT):

- 6/01 - Halton Co - SJNA Chair  
- CDHC City of Gresham - PHCAG Chair  
- Charter Review Commission/City of Portland  
Also refer to attached sheet

HAVE YOU VOLUNTEERED FOR ANY MINORITY ORGANIZATIONS?

Not that I am aware of.

EXPERIENCE, SKILLS OR QUALIFICATIONS YOU FEEL WOULD CONTRIBUTE TO A PUBLIC SERVICE APPOINTMENT:

I have worked with grant applicants, have applied for and received several grants in past. As PHCAG chair and SJNA chair have worked with a wide and diverse groups and individuals. Have own my own small business and understand the need for organizational skills and leveraging resources.

Also refer to attached sheet

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

I feel I can bring a wide range of skill sets and knowledge to reviewing grant applications. With the experience I have fair judgement and participation with processes such as this. Also feel I bring a good understanding to the needs of communities but I have an open mind for new and creative ways to tackle issues.

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4/17/07



**List of employment and volunteer activities:**

<b><u>Dates (from/to)</u></b>	<b><u>Activity</u></b>	<b><u>Responsibilities</u></b>
2001/2002	St Johns Neighborhood Assoc.	Vice Chair. Fund raising, backup chair. Misc. activities within the community.
6-2001/present	The Halton Co.	Maintenance department.
1999/2001	CRInc.	Maintenance department.
1995/2001	CDHC City of Gresham	Advisory board member. CDBG/HUD applications.
1982/1994	Optimist Club of Gresham	Committee Chair. Secretary/Treasure Vice President
1991	ProHobby, Co-owner	Daily retail operations Implement sales & inventory controls.
1989	MHCC	A.A. Gen. Studies
1988	Fred Pryor Seminars	"How to Work with People"
1982/1987	AimCo Inc.	Supervisor of Project Administration.
1985/1987	MHCC-Advisory Committees	Computers in Business & Automation System Tech.
1981/1984	SBA Lecture Series (MHCC)	
1980	12 Week Plant Supervisor Management Program	
1979/1982	United Foam Corp.	Supervisor, Maint. Dept. Safety Comm. Chair



NORTH PORTLAND ENHANCEMENT COMMITTEE  
APPLICATION FOR MEMBERSHIP

Comments section header

COMMENTS (THIS SECTION TO BE FILLED OUT BY NOMINATION COMMITTEE ONLY):

Comments section header

NAME MICHAEL SALVO DATE APRIL 18, 2007

HOME ADDRESS: 4785 N. YALE STREET PORTLAND OR 97203 CITY STATE ZIP

BUSINESS ADDRESS: SAME STREET CITY STATE ZIP

HOME PHONE: 503-285-3239 BUSINESS PHONE: 503-289-3534  
FAX 503-289-3534 E-MAIL: MIKENEVIE71@YAHOO.COM  
NEIGHBORHOOD UNIVERSITY PARK

THE FOLLOWING INFORMATION IS VOLUNTARY:

SEX: MALE ETHNIC ORIGIN CAUCASIAN

(METRO STRIVES FOR ETHNIC AND MINORITY BALANCE, AS WELL AS GEOGRAPHIC REPRESENTATION, IN ITS MEMBERSHIP COMPOSITION.)

Table with 3 columns: SCHOOL (INCLUDE HIGH SCHOOL), LOCATION, MAJOR OR DEGREE. Rows include Roosevelt High School, Oregon Technical Institute, and Clark College.

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDING ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT):

22 YEARS, RODGERS INSTRUMENTS, HILLSBORO, OR, RET FACILITIES MGR. VOLUNTEER WITH SAIF HELPING EMPLOYERS TO IDENTIFY ERGONOMIC AND SAFETY RISKS IN THEIR OPERATIONS, VOLUNTEER FOR MEALS ON WHEELS, VOLUNTEER NEWSLETTER EDITOR AND BOARD MEMBER FOR NORTH PORTLAND BUSINESS ASSOC.

HAVE YOU VOLUNTEERED FOR ANY MINORITY ORGANIZATIONS?

No

EXPERIENCE, SKILLS OR QUALIFICATIONS YOU FEEL WOULD CONTRIBUTE TO A PUBLIC SERVICE APPOINTMENT:

MANAGEMENT SKILLS INCLUDE GOOD LISTENING TECHNIQUES, GROUP DYNAMICS, FACILITATING GROUPS AND GROUP PROBLEM SOLVING. I AM A 60 YEAR RESIDENT OF UNIVERSITY PARK NEIGHBORHOOD, HELPED TO ORGANIZE UPNA AND WAS ITS FIRST PRESIDENT FOR 4 YEARS. I HAVE SERVED IN VARIOUS CAPACITIES ON ITS BOARD OVER THE YEARS. I BRING A BALANCED PERSPECTIVE WITHIN THE FRAMEWORK OF A LONG TERM RESIDENT OF NORTH PORTLAND.

OUTLINE YOUR REASONS AND INTEREST IN APPLYING FOR AN APPOINTMENT

I BELIEVE MORE CAN BE DONE IN A COLLABORATIVE WAY BETWEEN THE BUSINESS INTERESTS OF NORTH PORTLAND AND THE NEIGHBORHOODS THEY ARE A PART OF. THE PROJECTS THAT ARE FUNDED CAN SERVE AS A CATALYST, NOT ONLY FOR THE CONTINUED GROWTH AND LIVABILITY OF OUR COMMUNITY, BUT ALSO TO SPARK INTEREST AND VITALITY INTO OUR LOCAL BUSINESS DISTRICT WHICH IN TURN ADD BENEFITS BACK TO THE COMMUNITY. I AM VERY INTERESTED IN PROJECTS THAT WILL CONTINUE TO BRING INCREASED PRIDE AND SENSE OF COMMUNITY TO NORTH PORTLAND.

APRIL 18, 2007

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LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDING ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT):

TRANSPORTATION SECURITY OFFICER: DEPARTMENT OF HOMELAND SECURITY; COMMUNITY OUTREACH AIDE II: CITY OF PORTLAND; VICE CHAIR/CHAIR/BOARD MEMBER: KENTON NEIGHBORHOOD ASSOCIATION; BOARD MEMBER: NORTH PORTLAND PUBLIC SAFETY ACTION COMMITTEE; CO-CHAIR: OFFICE OF NEIGHBORHOOD INVOLVEMENT BUREAU ADVISORY COMMITTEE; AD HOC COMMITTEE ON CARGO FEEDER NOISE; READER: START MAKING A READER TODAY; ODOT COMMUNITY ENHANCEMENT COMMITTEE; HAP COMMUNITY ADVISORY COMMITTEE; CONSULTANT: COMPUTER SYSTEMS AND NETWORK SUPPORT; DIRECTOR OF ENGINEERING: INCONTROL SOLUTIONS, INC.; SOFTWARE ENGINEERING MANAGER: HOMEROW, INC.; SOFTWARE ENGINEERING MANAGER/SOFTWARE ENGINEER: TEKTRONIX, INC.; CO-FOUNDER: CANBY NEIGHBORS FOR A SAFE COMMUNITY; COMMITTEE MEMBER AND REGULAR CONTRIBUTOR: LESBIAN COMMUNITY PROJECT NEWSLETTER

HAVE YOU VOLUNTEERED FOR ANY MINORITY ORGANIZATIONS?  
LESBIAN COMMUNITY PROJECT

EXPERIENCE, SKILLS OR QUALIFICATIONS YOU FEEL WOULD CONTRIBUTE TO A PUBLIC SERVICE APPOINTMENT:

I HAVE EXCELLENT LOGICAL AND ANALYTICAL SKILLS. I HAVE SIGNIFICANT EXPERIENCE AS A NEIGHBORHOOD ACTIVIST AND COMMITTEE MEMBER. I BRING A SENSE OF HUMOR, A COMMITMENT TO FAIRNESS AND A CONCERN FOR PEOPLE TO ALL MY ENDEAVORS.

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

MULTIPLE COMMUNITY LEADERS SUGGESTED I APPLY. I THINK I CAN MAKE A POSITIVE CONTRIBUTION TO THE COMMITTEE'S DELIBERATIONS.

4/17/2007

DATE

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TO: Rex Burkholder, Metro Councilor

THROUGH: Karen Blauer, Administrator  
Metro REM

FROM: Tom Griffin-Valade  
North Portland Neighborhood Services

DATE: April 26, 2007

RE: Recommendations for Metro North Portland Enhancement Fund Committee  
Vacancies

Alan Holzapfel, Susan Landauer and I, were appointed to review applications for the North Portland Enhancement Fund for the four vacancies from the Arbor Lodge, Kenton, St Johns, and University Park neighborhoods. One application each was submitted for the Arbor Lodge, Kenton, and University Park neighborhoods, and two were submitted for the St Johns neighborhood vacancies.

Chris Duffy (Arbor Lodge), Doretta Schrock (Kenton), and Mike Salvo (University Park), the single applicants for these openings, were approved by the appointment committee. The appointment committee recommends their appointment to these positions.

St Johns Neighborhood Association:

Robin Plance received high ratings from the appointment committee. His long service of volunteer work in St Johns along with his knowledge of North Portland and Metro make him the strongest of the candidates. Mr. Plance has served in the past as the neighborhood chair of the St Johns Neighborhood Association and on other community boards and has demonstrated a thorough knowledge of the neighborhood and North Portland.

Donna Cohen received medium-high ratings from the appointment committee. Committee members noted good analytical skills and experience. She was not as able to demonstrate as well how she had been engaged in the community or her knowledge of the community. Ms. Cohen's experience could be a future asset to the neighborhood association, North Portland community driven programs, and/or other volunteer opportunities available at Metro.

The application committee recommends the appointment of Robin Plance to this position.

Tom Griffin-Valade  
Director  
North Portland Neighborhood Services  
Historic Kenton Firehouse  
2209 N. Schofield  
Portland, OR 97217  
503.823.4513

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO. 07-1146  
METRO CODE CHAPTER 5.02 )  
TO ESTABLISH METRO'S CHARGES FOR ) Introduced by: Michael Jordan, Chief Operating  
HOUSEHOLD HAZARDOUS WASTE, AND ) Officer, with the concurrence of David Bragdon,  
TO ESTABLISH METRO'S SOLID WASTE ) Council President  
DISPOSAL CHARGES AND SYSTEM FEES  
FOR FISCAL YEAR 2007-08

WHEREAS, Metro Code Chapter 5.02 establishes charges for disposal of solid waste and hazardous waste at Metro South and Metro Central transfer stations; and

WHEREAS, Metro Code Chapter 5.02 establishes fees assessed on solid waste generated within the District or delivered to solid waste facilities regulated by or contracting with Metro; and,

WHEREAS, Metro's costs for solid waste services and programs have changed; and

WHEREAS, pursuant to its charge under Metro Code section 2.19.170, the Solid Waste Rate Review Committee has reviewed the Solid Waste & Recycling department's proposed FY 2007-08 charges for household hazardous waste; and

WHEREAS, pursuant to its charge under Metro Code section 2.19.170, the Solid Waste Rate Review Committee has reviewed the Solid Waste & Recycling department's proposed FY 2007-08 budget, rate methodology and cost allocations; and

WHEREAS, Solid Waste Rate Review Committee recommends that the Metro Council adopt the rates set forth in this ordinance; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Section 5.02.025 is amended to read:

5.02.025 Disposal Charges at Metro South & Metro Central Station

(a) The fee for disposal of solid waste at the Metro South Station and at the Metro Central Station shall consist of:

(1) The following charges for each ton of solid waste delivered for disposal:

- (A) A tonnage charge of \$~~46.20~~47.09 per ton,
- (B) The Regional System Fee as provided in Section 5.02.045,
- (C) An enhancement fee of \$.50 per ton, and
- (D) DEQ fees totaling \$1.24 per ton;

(2) All applicable solid waste taxes as established in Metro Code Chapter 7.01, which excise taxes shall be stated separately; and

(3) The following Transaction Charge for each Solid Waste Disposal Transaction:

(A) For each Solid Waste Disposal Transaction completed at staffed scales, the Transaction Charge shall be \$8.50.

(B) For each Solid Waste Disposal Transaction that is completed at the automated scales, the Transaction Charge shall be \$3.00.

(C) Notwithstanding the provisions of subsection (A), the Solid Waste Disposal Transaction Charge shall be \$3.00 in the event that a transaction that is otherwise capable of being completed at the automated scales must be completed at the staffed scales due to a physical site limitation, a limit or restriction of the computer operating system for the automated scales, or due to a malfunction of the automated scales.

(b) Notwithstanding subsection (a) of this section,

(1) There shall be a minimum solid waste disposal charge at the Metro South Station and at the Metro Central Station for loads of solid waste weighing 240 pounds or less of \$17, which shall consist of a minimum Tonnage Charge of \$8.50 plus a Transaction Charge of \$8.50 per Transaction.

(2) The Chief Operating Officer may waive collection of the Regional System Fee on solid waste that is generated outside the District, and collected by a hauler that is regulated by a local government unit, and accepted at Metro South Station or Metro Central Station.

(c) Total fees assessed in cash at the Metro South Station and at the Metro Central Station shall be rounded to the nearest whole dollar amount, with any \$0.50 charge rounded down.

(d) The Director of the Solid Waste & Recycling Department may waive disposal fees created in this section for Non-commercial Customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances.

Section 2. Metro Code Section 5.02.027 is amended to read:

5.02.27 Charges for Management of Household Hazardous Wastes

(a) There is hereby established a Household Hazardous Waste Management Charge that shall be collected on ~~all~~ household hazardous waste accepted at Metro Hazardous Waste Facilities and at household hazardous waste collection events. Such Household Hazardous Waste Management Charge shall be in lieu of all other base disposal charges, user fees, regional transfer charges, rehabilitation and enhancement fees, and certification non-compliance fees that may be required by this chapter.

(b) ~~There shall be no Household Hazardous Waste Management Charge shall be \$5.00 for the first 35 gallons of household hazardous waste that is accepted delivered in a single transaction in containers of 10 gallons capacity or less, and \$5.00 for each additional 35 gallons (or portion thereof) of household hazardous waste that is delivered in the same transaction in containers of 10 gallons capacity or less.~~



(c) The Household Hazardous Waste Management Charge ~~shall be \$5.00 for a quantity of~~ household hazardous waste that is ~~accepted delivered in a single transaction in a~~ containers ~~of~~ greater than 10 gallons capacity ~~shall be, together with an additional charge for the contents of each container as follows:~~

~~(1) \$5.00 for each empty container only;~~

~~(2) \$510.00 for each container that contains up to 25 gallons of household hazardous waste;~~

~~(3) \$415.00 for each container that contains more than 25 gallons of household hazardous waste.~~

(d) Each of the above charges may be waived by the Director of the Solid Waste and Recycling Department.

~~(e) Notwithstanding subsections (b) and (c) of this section, there shall be no charge for household hazardous waste accepted at Metro Hazardous Waste Facilities or household hazardous waste collection events in a container of less than 10 gallons capacity. The provisions of this sub-section (e) are repealed September 30, 2007.~~

Section 3. Metro Code Section 5.02.045 is amended to read:

#### 5.02.045 System Fees

(a) The Regional System Fee shall be \$~~13.57~~14.08 per ton of solid waste, prorated based on the actual weight of solid waste at issue rounded to the nearest one-hundredth of a ton.

(b) Any waste hauler or other person transporting solid waste generated, originating, or collected from inside the Metro region shall pay Regional System Fees to Metro for the disposal of such solid waste. Payment of applicable system fees to the operator of a Designated Facility shall satisfy the obligation to pay system fees, provided that, if such solid waste is transported to a Designated Facility outside of the Metro region, then such waste hauler or other person must have informed the operator of the Designated Facility that the solid waste was generated, originated or collected inside the Metro region. In any dispute regarding whether such waste hauler or other person informed such operator that the solid waste was generated, originated, or collected inside the Metro region, such waste hauler or other person shall have the burden of proving that such information was communicated.

(c) Designated Facility operators shall collect and pay to Metro the Regional System Fee for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, in accordance with Metro Code Section 5.01.150.

(d) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated from outside the Metro boundary, the load in its entirety shall be reported at the disposal site by the generator or hauler as having been generated within the Metro boundary, and the Regional System Fee shall be paid on the entire load unless the generator or hauler provides the disposal site operator with documentation regarding the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary and the disposal site operator forwards such documentation to Metro, or unless Metro has agreed in writing to another method of reporting.

(e) System fees described in this Section 5.02.045 shall not apply to exemptions listed in Section 5.01.150(b) of this Code.

Section 4. Metro Code Section 5.02.047 is amended to read:

5.02.047 Regional System Fee Credits

(a) A solid waste facility which is certified, licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 or a Designated Facility regulated by Metro under the terms of an intergovernmental agreement shall be allowed a credit against the Regional System Fee otherwise due each month under Section 5.02.045 for disposal of Processing Residuals from the facility. The Facility Recovery Rate shall be calculated for each twelve-month period before the month in which the credit is claimed. The amount of such credit shall be in accordance with and no greater than as provided on the following table:

System Fee Credit Schedule

Facility Recovery Rate		
From Above	Up To & Including	System Fee Credit of no more than
0%	30%	0.00
30%	35%	9.92
35%	40%	11.46
40%	45%	13.28
45%	100%	14.00

(b) The Chief Operating Officer:

(1) Shall establish administrative procedures to implement subsections (b) and (c) of Metro Code Section 5.02.046; and

(2) May establish additional administrative procedures regarding the Regional System Fee Credits, including, but not limited to establishing eligibility requirements for such credits and establishing incremental System Fee Credits associated with Recovery Rates which fall between the ranges set forth in paragraph (a) of this section.

(c) Any person delivering Cleanup Material Contaminated By Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances shall be allowed a credit in the amount of ~~\$11.07~~11.58 against the Regional System Fee otherwise due under Section 5.02.045(a) of this Chapter.

(d) During any Fiscal Year, the total aggregate amount of credits granted under the Regional System Fee credit program shall not exceed the dollar amount budget without the prior review and authorization of the Metro Council.

(e) The Director of the Solid Waste and Recycling Department shall make a semi-annual report to the Council on the status of the credit program. The report shall include that aggregate amount

of all credits paid during the preceding six months and the amount paid to each facility eligible for the credit program. The report shall also project whether the appropriation for the credit program will be sufficient to meet anticipated credit payment requests and maintain existing contingency funding.

Section 8. Effective Date

The provisions of this ordinance shall become effective on September 1, 2007, or 90 days after adoption by Metro Council, whichever is later.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

ATTEST:

Approved as to Form:

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

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

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 07-1146 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 TO ESTABLISH METRO'S CHARGES FOR HOUSEHOLD HAZARDOUS WASTE, AND TO ESTABLISH METRO'S SOLID WASTE DISPOSAL CHARGES AND SYSTEM FEES FOR FISCAL YEAR 2007-08.

Date: May 3, 2007

Prepared by: Douglas Anderson

### EXECUTIVE SUMMARY

**Solid Waste Rates.** Adoption of the FY 2007-08 Solid Waste Rate Ordinance would implement the rates shown in boldface in the following table. As a result, on September 1, 2007, the Metro tip fee would rise by \$1.28 per ton to \$71.14 and the Regional System Fee collected from privately-owned disposal sites would rise 51¢ to \$14.08 per ton.

#### **Solid Waste Disposal Charges Effective September 1, 2007 through August 31, 2008**

Solid Waste Rates	Current Rates	This Ordinance	Change
<u>Transaction Fees</u>			
Scalehouse users	\$8.50	\$8.50	– 0 –
Automated scale users	\$3.00	\$3.00	– 0 –
<u>Per-ton rates:</u>			
<b>Tonnage charge</b>	\$46.20	<b>\$47.09</b>	\$0.89
<b>Regional System Fee</b>	\$13.57	<b>\$14.08</b>	\$0.51
Excise tax	\$8.35	\$8.23	(\$0.12)
DEQ & host fees	\$1.74	\$1.74	– 0 –
Metro Tip Fee	\$69.86	\$71.14	\$1.28
Minimum load charge	\$17	\$17	– 0 –

Note

Boldface type indicates the rates that are amended by this ordinance.

The rates recover the net solid waste operating costs in the FY 2007-08 Proposed Budget; they meet the Rate Covenant of the Solid Waste Revenue Bonds relating to the debt service coverage; and fulfill the Metro Charter's Section 15 limitation that charges for the provision of good or services may not exceed the costs of providing the goods or services.

**Hazardous Waste Rates.** Adoption of Ordinance No. 07-1146 would also eliminate the charge for small quantities of household hazardous waste accepted at the Metro hazardous waste facilities or at the Round Ups. The Council has waived these fees since 2001. Therefore, this rate ordinance simply makes permanent the current policy.

## BACKGROUND

### Solid Waste Rates

The proposed FY 2007-08 solid waste rates are based on the same rate policies and methodology as were used in FY 2006-07. All differences between the FY 2006-07 adopted rates and the FY 2007-08 proposed rates are due to changes in costs and tonnage flows.

### Performance of the Two-Part Transaction Fee

Last year, acting on recommendations from the Rate Policy Subcommittee of SWAC and the Rate Review Committee, the Metro Council adopted a split transaction fee based on two customer classes: users of the staffed scalehouses vs. users of the automated scale system. The adopted rates are \$8.50 and \$3.00, respectively. The main purpose of the split fee was to better align charges with costs.

Metro staff also anticipated a shift of usage from the staffed scales to the automated scales, due to the savings of \$5.50 per transaction between the two modes. Transactions completed at the automated scales are more efficient. Therefore, such a shift would be an operational benefit. Based on information available to the Rate Review Committee at the time of their deliberations, it appears that a shift from staffed scales to automated scales is being realized, as shown in the table below.

Scale	Budget Assumption*		Year-to-Date**	
	Count	Percent	Count	Percent
Staffed	294,582	73.7%	109,283	71.2%
Automated	105,122	26.3%	44,130	28.8%
Total	399,704	100%	153,413	100%

\* The budget assumed the same proportions of scalehouse and automated transactions as during the previous two years.  
\*\* September 2006 through January 2007.

The committee recommended tracking these numbers for a year before considering any further adjustments or actions to the structure of the transaction fees.

### Hazardous Waste Rates

At its February 27, 2007 meeting, the Rate Review Committee considered fee policies for household hazardous waste. Between 1993 and 2001, customers using Metro's household hazardous waste facilities were charged a fee. Since 2001 this fee has been waived, though this waiver sunsets in September 2007.

The Rate Review Committee reviewed the various arguments for and against charging a fee to household hazardous waste program users. While there are some benefits to charging a fee, the committee concluded that these benefits are not worth the tradeoffs, which include: administration costs, mixed messages regarding waste reduction, threats to health and safety, and increased risk of improper disposal. In particular the group emphasized the potential risk to workers in the solid waste system from exposure to hazardous waste thrown in the trash instead of brought to Metro's collection program.

The committee unanimously adopted a motion to recommend making permanent the current waiver of the household hazardous waste fee. Accordingly, Ordinance No. 07-1146 amends Metro Code Section 5.02.027 to eliminate household hazardous waste fees, with the exception of hazardous waste accepted in very large containers, such as 55 gallon drums.

## INFORMATION/ANALYSIS

- 1. Known Opposition.** There is no known opposition.
- 2. Legal Antecedents.** Metro's solid waste rates are set in Metro Code Chapter 5.02. Any change in these rates requires an ordinance amending Chapter 5.02. Metro reviews solid waste rates annually, and has amended Chapter 5.02 when changes are warranted.
- 3. Anticipated Effects:** This year's changes are of relatively small magnitude, and balanced between the Tonnage Charge and the Regional System Fee. Accordingly, staff anticipates no significant effects stemming from adoption of Ordinance No. 07-1146.
- 4. Budget Impacts.** These rates are designed to recover the department's net operating cost for FY 2007-08. These rates are in full compliance with the Rate Covenant of the Solid Waste Revenue Bonds relating to debt service coverage.

## RECOMMENDATION

The Chief Operating Officer recommends adoption of Ordinance No. 07-1146.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE	)	RESOLUTION NO. 07-3789
YEAR 18 METRO AND LOCAL	)	
GOVERNMENT ANNUAL WASTE	)	Introduced by Michael Jordan, Chief
REDUCTION PLAN (FISCAL YEAR 2007-08)	)	Operating Officer, with the concurrence of
	)	David Bragdon, Council President

WHEREAS, the Metro and Local Government Annual Waste Reduction Plan has been a significant part of the Region’s waste reduction and recycling programs for the past 17 years in order to attain state-mandated regional recovery goals (OAR 340-90-050); and

WHEREAS, the Annual Waste Reduction Plan serves as an implementation tool for the Regional Solid Waste Management Plan; and

WHEREAS, the Annual Waste Reduction Plan, in its 18<sup>th</sup> year, continues to be one of the primary mechanisms for Metro and local governments to establish, maintain and improve recycling and waste reduction efforts throughout the Region; and

WHEREAS, the means of implementing these waste reduction tasks is through the Annual Waste Reduction Plan, which is adopted by Metro and local governments and defines the work to be completed in the region; and

WHEREAS, a cooperative process for formulating the Year 18 Waste Reduction Plan was used by Metro and local governments and ensures a coordinated regional effort to reduce waste; and

WHEREAS, the Waste Reduction Plan funding distribution to local governments for the maintenance section programs is a revenue-sharing program that is tied to adherence to the plan and satisfactory completion of work plan elements; and

WHEREAS, the Waste Reduction Plan grants are funded in the 2007-08 budget; and

WHEREAS, the Year 18 Waste Reduction Plan has been reviewed by the Solid Waste Advisory Committee; and

WHEREAS, the resolution was submitted to the Council President for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED, that the Metro Council approves the Year 18 Metro and Local Government Annual Waste Reduction Plan (attached hereto as Exhibit “A”) and supports increased efforts to reduce waste in the Metro region.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

Approved as to Form:

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

Exhibit A

**2007-2008 (Year 18)  
Metro and Local Government  
Annual Waste Reduction Work Plan**

March 13, 2007

**I. Introduction**

Since 1990, Metro and its local government partners have developed cooperative plans to implement the region's waste reduction and recycling programs. These plans serve as one of the implementation tools for the Regional Solid Waste Management Plan (RSWMP) that provides direction for waste reduction programs for the metropolitan region. Because the RSWMP update and revision for the years 2005-2015 is still underway, an Interim Waste Reduction Plan was adopted in 2005 to guide programs until the fully revised RSWMP is complete.

The Annual Waste Reduction Work Plan is the primary means by which Metro and local governments plan for waste reduction and recycling programs, projects and activities. Plans are developed on an annual basis by regional work groups and reviewed by stakeholder groups and policy makers.

**II. Plan Structure & Format**

The Annual Work Plan is divided into two areas:

- Regional Program Focus Areas
- Maintenance of Existing Programs

See Appendix A for detail on roles and responsibilities.

A. The **Regional Program Focus Areas** are regionally coordinated work plans that address specific sectors of the region (Single-Family Residential, Multi-Family Residential, Business, Construction & Demolition, Commercial Organics). These plans are designed to address the individual needs, barriers and the particular circumstances affecting each sector. The focus area work plans provide specific action steps, staffing and budgets for achieving the larger objectives within the RSWMP. This annual planning process allows for a flexible and more rapid response to changing conditions, enables the region to quickly phase out those tasks that prove less effective, and allows for shifting efforts and resources between areas as need arises.

For 2007-08 the Regional Program Focus Areas are Multi-Family Residential, Business, Construction & Demolition, and Commercial Organics.



These focus areas form the core of the work and activities to be implemented in the region. Each of the programs was identified as needing intensive, focused planning and implementation efforts over the next few years.

- B. The second area of the Annual Work Plan focuses on **Maintenance of Existing Programs** and established local and regional waste reduction and recycling programs through per capita grants to local governments. Significant progress in waste reduction & recycling has been made over past years through these existing programs. In order to maintain these successes, established programs must continue to be funded, staffed and maintained at the same time that new initiatives are introduced. The funding assistance provided to local jurisdictions to maintain existing programs is allocated on a per capita basis. Each jurisdiction receives an allocation based upon its percent of the region's total population.

The objectives of the maintenance section are to maintain and increase recovery through existing local government waste reduction and recycling programs; to provide an incentive for local governments to participate in regional waste reduction planning activities; and to continue to ensure the region is meeting (and exceeding) required state program elements for waste reduction and recycling programs.

The maintenance program format is intentionally simple and straightforward. Local governments will submit an overview of existing programs in place; detailing the outreach, education and collection programs currently implemented and the efforts they will engage in to maintain these programs. This will provide a comprehensive regional picture of existing programs in place. The plan format outline is presented in Appendix B.

For jurisdictions receiving \$100,000 or more in funding allocations, an additional reporting element and a different disbursement method is used. Funding is released in two allotments; the first half upon signature of the Intergovernmental Agreement, and the second after receipt of a satisfactory interim progress report is received and approved by Metro. The intent is to more closely monitor the funds and to provide a greater degree of accountability for large allocations.

### III. **Compliance with State Law and the Regional Solid Waste Management Plan**

All local jurisdictions are required to comply with the provisions set forth in State Law (OAR 340-090-0040 and ORS 459A) in addition to compliance with the RSWMP. Metro has been designated by the State as the reporting agency for the region's three county area and local jurisdictions are to provide data to Metro to assist with this annual reporting responsibility. Metro will review Annual

Reports for compliance with state law. Those programs that appear to be out of compliance will be reviewed with the local jurisdiction and if not resolved satisfactorily, will be referred to DEQ for further action.

#### **IV. Monitoring and Evaluation**

The Regional Program Focus Areas and Maintenance of Existing Programs sections of the annual plan each have independent progress measurement and reporting scenarios tied to the specific tasks involved. These performance measures, combined with the annual DEQ Material Recovery Survey Report, are used to assess progress.

##### Regional Program Focus Areas

Monitoring and evaluation methods have been developed for each focus area and are incorporated into the individual plans.

##### Maintenance of Existing Programs

Annual reports documenting efforts completed by local governments are submitted to Metro no later than August 1, 2008. These annual reports serve as the basis for monitoring the status of existing programs and progress with regard to the RSWMP as well as required annual reporting to the Oregon Department of Environmental Quality.

The maintenance efforts will also be reviewed based upon the following:

- Local governments will identify and undertake a specific curbside recycling outreach activity for an existing local government program.
- Local government representatives will participate in at least one regional waste reduction planning group (larger jurisdictions will tend to participate in more than one group).
- Local governments will provide jurisdictional solid waste and recycling budget information to Metro.
- Maintain or increase curbside recovery levels (total tons and per capita tons recovered and disposed).

Metro publishes a complete Performance Measures Report in the spring following the Annual Work Plan completion and data gathering.

**APPENDIX A  
Year 18 Roles and Responsibilities**

	<b>Local government role</b>	<b>Metro role</b>	<b>Desired outcomes 07-08</b>	<b>Budgeted Amount</b>
Single-family residential	Primary responsibility for implementation.	Oversight; coordinate work groups.	Maintenance of existing programs. Local government transition to roll carts; contamination levels limited.	\$675,584
Multi-family residential	Primary responsibility for implementation.	Assist in education and outreach; coordinate work group.	Convert to two-sort collection; improve tenant education.	\$130,000
Building industry	Participate in work group.	Primary responsibility for new program development and outreach; coordinate work group.	Enact regional dry waste program; conduct regional outreach and education.	\$198,000
Business	Provide technical assistance to businesses.	Primary responsibility for new program development and outreach; coordinate work group.	Enact enhanced business recovery program; conduct regional outreach and education.	\$950,000
Organics	Primary responsibility for implementation.	Locate site; administer grants; assist in education and outreach; coordinate work group.	Increased food waste composting collection in local jurisdictions. Locate site for regional composting facility; improve reloading services at Metro facilities; provide grants to businesses.	\$245,000

## APPENDIX B

### MAINTENANCE OF EXISTING PROGRAMS

#### 1. Program Overview Narrative

This section of the plan is intended to provide a more descriptive and encompassing overview of the range of local government waste reduction and recycling programs being implemented throughout the region and the principles behind them. This section also includes a description of local government participation in regional planning efforts and provides narrative information demonstrating compliance with state law.

#### 2. Budget Information

Local governments provide information about their total solid waste budget and what portion of the budget comes from the per-capita maintenance funds.

#### 3. Maintenance Program Tasks

The third section of the Annual Work Plan consists of tables listing specific tasks, outreach or other efforts planned for completion in each program area during the fiscal year. These program areas are consistent with those listed in the Interim Waste Reduction Plan:

- **Single Family Residential** (including home composting)
- **Multi Family Residential**
- **Commercial**
- **Construction & Demolition**
- **Commercial Organics**
- **School Outreach and Education**
- **Toxicity Reduction**
- **Other/Special Events**

Each program area task also includes a status notation that identifies whether this particular program or activity is primarily ongoing (minor administrative updates and changes only), revised (major program policy or implementation adjustments) or new (brand new program, or substantially revised or reconstituted). This notation is to assist Metro in collecting data for annual reporting to the Department of Environmental Quality on the region's activities.

The completed Maintenance Program Plan is due to Metro no later than June 1, 2007. Funding is contingent upon the receipt of a complete and detailed plan as well as a satisfactory Annual Report of the previous year's activities due on August 1, 2007.

**YEAR 18 (FY 2007-08) LOCAL GOVERNMENT ANNUAL WORK PLAN TEMPLATE**

Jurisdiction: \_\_\_\_\_

Contact: \_\_\_\_\_

**I. Program Overview Narrative**

Please provide a narrative overview of programs, services and focus areas for FY 2007-08 including your jurisdiction’s participation with regional planning efforts and demonstration of compliance with state law. In addition, the following elements are required as part of the Annual Plan:

- Identify and undertake a specific curbside recycling outreach activity for an existing local government program.
- Participate in at least one regional waste reduction planning group.
- Maintain or increase curbside recovery levels (total tons and per capita tons recovered and disposed).

**II. Budget Information**

Provide overall solid waste & recycling budget and percentage of Metro per-capita maintenance funds contributing to these efforts.

**III. Annual Program Tasks**

Complete the following tables listing specific efforts planned for completion during this fiscal year. Identify if the particular program or activity is primarily ongoing (O), revised (R) or new (N).

Status Key:

- O = Ongoing (minor administrative updates and changes only.)
- R = Revised (major program policy or implementation adjustments.)
- N = New (brand new program, or substantially revised or reconstituted.)

Single Family Residential (Include home composting programs)	
Tasks	Status
<b>1. Required: Curbside recycling outreach activity for an existing program:</b>	
2.	
3.	
4.	
5.	

Multifamily Residential	
Tasks	Status
1.	
2.	
3.	
4.	
5.	

Status Key:  
 O = Ongoing (minor administrative updates and changes only.)  
 R = Revised (major program policy or implementation adjustments.)  
 N = New (brand new program, or substantially revised or reconstituted.)

<p><b>Business</b></p> <p><i>(NOTE: Local jurisdictions that submit Recycle at Work plans and receive associated funding need only list tasks implemented outside of the Recycle at Work program.)</i></p>	
Tasks	Status
1.	
2.	
3.	
4.	
5.	

<p><b>Construction &amp; Demolition</b></p>	
Tasks	Status
1.	
2.	
3.	
4.	
5.	

Status Key:

- O = Ongoing (minor administrative updates and changes only.)
- R = Revised (major program policy or implementation adjustments.)
- N = New (brand new program, or substantially revised or reconstituted.)

Commercial Organics	
Tasks	Status
1.	
2.	
3.	
4.	
5.	

School Outreach & Education	
Tasks	Status
1.	
2.	
3.	
4.	
5.	



Status Key:  
 O = Ongoing (minor administrative updates and changes only.)  
 R = Revised (major program policy or implementation adjustments.)  
 N = New (brand new program, or substantially revised or reconstituted.)

Toxicity Reduction	
Tasks	Status
1.	
2.	
3.	
4.	
5.	

Other/Special Events	
Tasks	Status
1. Required: Participate in at least one regional waste reduction planning group. <i>(please provide details)</i>	O
2. Required: Maintain or increase curbside recovery levels (total tons and per capita tons recovered and disposed).	O
3.	
4.	
5.	

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 07-3789, FOR THE PURPOSE OF APPROVING THE YEAR 18 METRO AND LOCAL GOVERNMENT ANNUAL WASTE REDUCTION PLAN (FISCAL YEAR 2007-08)

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Date: May 3, 2007

Prepared by: Jennifer Erickson

### BACKGROUND

Since 1990, Metro and its local government partners have developed cooperative plans to implement the region's waste reduction and recycling programs. These plans are key implementation tools for the Regional Solid Waste Management Plan (RSWMP).

The Annual Waste Reduction Plan is the primary means by which Metro and local governments plan for waste reduction and recycling programs, projects and activities. Plans are developed on an annual basis by regional work groups and reviewed by stakeholder groups and policy makers.

The Annual Plan is divided into two areas:

- Regional Program Areas
- Maintenance of Existing Programs

The Regional Program Areas are regionally coordinated work plans that address specific sectors of the region (e.g., Multi-family Residential, Business, Building Industry, Commercial Organics). These plans are designed to address the individual needs, barriers and particular circumstances affecting each sector. These program area work plans provide specific action steps, staffing and budgets for achieving the larger objectives within the RSWMP. This annual planning process allows for a flexible and more rapid response to changing conditions, enables the region to quickly phase out those tasks that prove less effective, and allows for shifting efforts and resources between areas as need arises.

Maintenance of Existing Programs focuses on supporting existing and established local and regional waste reduction and recycling programs through per capita grants to local governments. Significant progress in waste reduction and recycling has been made over past years through these existing programs. In order to maintain these successes, established programs must continue to be funded, staffed and maintained at the same time that new initiatives are introduced. The funding assistance provided to local jurisdictions to maintain existing programs is allocated on a per capita basis. Each jurisdiction receives an allocation based upon its percent of the region's total population.

The Regional Program Areas and Maintenance of Existing Programs sections of the annual plan each have independent progress measurement and reporting scenarios tied to the specific tasks involved. These performance measures, combined with the annual DEQ Material Recovery Survey Report, will be used to assess progress.

Solid Waste Advisory Committee (SWAC) Review: The plan has been referred to Metro Council at the April 26, 2007 meeting.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

There is no known opposition.

### **2. Legal Antecedents**

ORS 459A "Opportunity to Recycle Act" requires "that the city, county or metropolitan service district responsible for solid waste management" provide recycling services, public education programs, and contribute to the statewide solid waste recovery goals. OAR 340-90-040 sets forth the administrative requirements for such programs. In response to state requirements and more aggressive regional goals, Metro developed a Regional Solid Waste Management Plan adopted by Council via Ordinance 95-624, "For the Purpose of Adopting the Regional Solid Waste Management Plan." The Annual Waste Reduction Plan, adopted by resolution is a key implementation tool to fulfill the objectives of the Regional Solid Waste Management Plan.

### **3. Anticipated Effects**

This resolution will approve the format and framework for the Metro and Local Government Annual Waste Reduction Plan. This enables local jurisdictions to complete their portion of the plan and for Metro and local jurisdictions to begin the annual waste reduction program implementation process.

### **4. Budget Impacts**

A total of \$2,198,584 has been proposed in the FY 2007-08 draft budget for this program:

\$675,584 for Maintenance of Existing Programs  
\$1,523,000 for the Waste Reduction Initiatives (\$130,000 Multi-family, \$198,000 Building Industry, \$950,000 Business, and \$245,000 Commercial Organics programs.)

## **RECOMMENDED ACTION**

Staff recommends the Chief Operating Officer approve Resolution No. 07-3789.

M:\rem\od\projects\Legislation\2007\073789 Annual Waste Reduction Plan Year 18 Strprt.doc

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DESIGNATING ) RESOLUTION NO. 07- 3815  
COUNCIL PROJECTS AND CONFIRMING )  
LEAD COUNCILOR AND COUNCIL LIAISONS ) Introduced by Council President David  
FOR THE REGIONAL TRANSPORTATION ) Bragdon  
FUNDING PROJECT

WHEREAS, the development and/or implementation of certain Metro projects have policy implications that require the attention of the Metro Council;

WHEREAS, some projects with policy implications are of a scope and complexity that, for purposes of efficiency, benefit from the focused attention of a subset of the Council; and

WHEREAS, members of the Council have identified such a project; and

WHEREAS, the project identified has been defined and put forth in the form of a project proposal, included in Exhibit A; and

WHEREAS, the Council President, working with members of the council, has designated specific councilors to play lead and/or liaison roles on the project as specified in Exhibit A; now therefore

BE IT RESOLVED that the Metro Council

1. Confirms the project proposal, including the designation of the project, project definitions, lead councilor assignments, and councilor liaison assignments as specified in Exhibit A for the Regional Transportation Funding Project;
2. Directs that the Regional Transportation Funding Project will sunset as a Council Project March 31, 2008.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_, 2007.

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David Bragdon, Council President

Approved as to Form:

---

Daniel B. Cooper, Metro Attorney

## Transportation Funding Project Proposal

### 1) Project Title

Regional Transportation Funding

### 2) Lead Councilor

Brian Newman

### 3) Council Liaisons

Rex Burkholder, Rod Park

### 4) Project Begin Date

May 2007

### 5) Estimated Date of Completion

The estimated date of completion is March 2008

### 6) Project Description (What issue/problem will be addressed?)

Investment in transportation infrastructure strengthens the regional economy and increases the quality of life for its residents. The coordination between the update of the Regional Transportation Plan and the New Look seeks to ensure that Portland's transportation system remains one of the best in the nation. However, additional funding and potentially new sources need to be identified to fully implement the plan.

In December 2006, ECONorthwest completed a preliminary financial analysis report for the 2035 Regional Transportation Plan on behalf of Metro. This work was based on information supplied by ODOT and local governments. One of the goals of the analysis was to estimate the "reasonably available revenue" resources for transportation projects as outlined in the updated Regional Transportation Plan. Reasonably available revenue refers to the total funds that are expected to be generated through currently available funding mechanisms such as federal funds, the Oregon gas tax and vehicle registration fees, and anticipated increases in those sources over time.

To summarize their work and updates made since its completion, ODOT estimates that they will have a shortfall of at least \$11 billion over the 30-year timeframe for modernization projects on their facilities. ECO has estimated that TriMet will have at least a \$5 billion shortfall to build, operate and maintain its bus and rail system. The shortfall for local governments to build and maintain their roads would be billions more.

The proposed Transportation Funding Project would delineate possible responses to address portions of this funding gap. There are major issues which need to be addressed leading to a decision of whether or not to submit a transportation funding ballot measure to Metro voters in 2008. These include:

- The transportation funding gap is enormous. How much can reasonably be addressed in one ballot measure?
- Should the measure address only capital improvements for roads and transit or should it try and address maintenance issues?
- Is there a sense that the public is willing to raise revenues to address the problem?
- What would be included in the ballot measure? We would need to ensure that projects are consistent with 2040 and other adopted policies.
- Should the projects all be of regional significance or should smaller neighborhood/local improvements be considered? What specific projects and project categories resonate with voters?
- Is it possible to reach consensus among local governments to place a measure on the ballot?
- What revenue sources would have the best chance of success?

There are other issues that are more internal to Metro:

- a. The fundamental issue at this time is whether or not the Metro Council concurs that this is an issue that should be examined further?
- b. If so, what role should the Metro Council play?
- c. How would such a project proceed? What steps would be required?
- d. What resources would be required for Metro to play the identified role(s)?

## **7) Outcomes (What will result from the project? What must be in place for the project to be considered complete?)**

This project will result in a determination of whether or not to submit a transportation funding ballot measure to voters in November 2008. This determination will be made after careful consideration and evaluation of a number of factors including public attitudes, likelihood of success, ability to achieve desired outcomes, and willingness of regional partners to enthusiastically support and participate in a campaign which would follow. All such activities would need to be complete by March 2008.

## **8) Connection to Council Goals and Objectives**

Projects supports the following Metro Council Goals and Objectives:

- Economic Vitality (Objectives 3.3, 3.5, 3.7)
- Smart Government (Objective 4.2)
- Critical Success Factors (Objectives 2.2 and 2.7)

## **9) Resources Required/budget Implications**

This project proposes to be funded through a \$150,000 budget amendment (see Exhibit B). Additional funding will be sought from regional partners.

<b>Department</b>	<b>#</b>
PLANNING	5

## **AMENDMENT TO FY 2007-08 BUDGET**

**SPONSOR:** Councilor Rex Burkholder, Councilor Brian Newman, Councilor Rod Park

**DRAFTER:** Andy Cotugno, Kathryn Sofich

**DATE:** April 16, 2007

**PROPOSED AMENDMENT:** Transportation Finance

This amendment would add a \$150,000 Contingency set-aside in the General Fund to allow the Council to decide whether or not to pursue a transportation funding ballot measure.

Department	Fund	Line Items		
		Acct #	Account Title	Amount
Non-Department	General Fund – 010	5999	Contingency	\$150,000
Non-Department	General Fund – 010	5990	Unappropriated Balance	(\$150,000)

### **PROGRAM/STAFFING IMPACTS**

This additional funding will allow for assignment of staff and contracting with consultants to do the necessary work to develop and refer a ballot measure to the voters, potentially in November 2008.

### **ARGUMENTS IN FAVOR OF THE PROPOSED AMENDMENT**

The update to the Regional Transportation Plan (RTP) is in the process of defining needed transportation improvements and linking those improvements to a long-range funding strategy. At this point it is not clear what that strategy will call for and whether or not the region's transportation stakeholders will call for a Metro ballot measure to implement a portion of the strategy. In addition, it is not clear at this time whether or not the Metro Council is interested in defining this as one of the priority Council projects.

It is important to set-aside resources now when Council is deciding the disposition of various Reserves because grant funds budgeted in the Planning Department are not eligible to pay for a substantial share of these types of expenses. Use of these funds will require further action of the Council after the other issues described above become clear.

### **OPTIONS FOR FUNDING THIS AMENDMENT**

This budget amendment proposes to provide funding in the FY 2007-08 budget year as a "one-time-only" allocation. Funding for this amendment will come from either the PERS Reserve or any contingency fund created by the Council for future discussion and later disposition.



## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 07-3815, FOR THE PURPOSE OF DESIGNATING COUNCIL PROJECTS AND CONFIRMING LEAD COUNCILOR AND COUNCIL LIAISONS FOR THE REGIONAL TRANSPORTATION FUNDING PROJECT

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Date: May 1, 2007

Prepared by: Maria Ellis

### **BACKGROUND**

This resolution adopts a new council project: Regional Transportation Funding. Exhibit A to the resolution includes the council project proposal that defines the general scope of the project. Project managers are responsible to bring a more detailed work plan to the council for approval at a later date.

### **ANALYSIS/INFORMATION**

1. **Known Opposition** None Known.
2. **Legal Antecedents** None.
3. **Anticipated Effects** Policymaking work will continue on the project as defined in the exhibit.
4. **Budget Impacts** The project is seeking funding in the form of an amendment to the FY08 Metro budget as described in Exhibit B.

### **RECOMMENDED ACTION**

Approve the resolution adopting the project.