



**METRO**

**Agenda**

MEETING: METRO COUNCIL – Revised 5/29/2007  
DATE: May 31, 2007  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. BIKE MAP PRESENTATION**

Peck

**4. CONSENT AGENDA**

4.1 Consideration of Minutes for the May 24, 2007 Metro Council Regular Meeting.

**5. ORDINANCES – FIRST READING**

5.1 **Ordinance No. 07-1154**, For the Purpose of Amending the Regional Framework Plan and Chapter 3.01 of the Metro Code (Urban Growth Boundary and Urban Reserve Procedures) to Allow Consideration of Major Amendments to the UGB to Accommodate Need for Housing.

**6. ORDINANCES – SECOND READING**

6.1 **Ordinance No. 07-1150**, Amending the FY 2006-07 Budget and Appropriations Schedule Removing the Interim Appropriation Authority for the Natural Areas Program and Declaring an Emergency. Hosticka

6.2 **Ordinance No. 07-1151**, For the Purpose of Amending Metro Code Section 2.19.08 to Change the Composition of the Metro Policy Advisory Committee (“MPAC”) and to Amend the MPAC Bylaws and Declaring an Emergency. Harrington

6.3 **Ordinance No. 07-1152**, Amending the FY 2006-07 Budget and Appropriations Schedule Recognizing Donations to the Oregon Zoo and Declaring an Emergency. Liberty

6.4 **Ordinance No. 07-1153**, Amending the FY 2006-07 Budget and Appropriations Schedule Transferring Appropriations in the MERC Operating and Pooled Capital Funds and Declaring an Emergency. Park

- 6.5 **Ordinance No. 07-1155**, Amending Metro Code Chapter 2.19 to Establish the Natural Areas Program Performance Oversight Committee, and Declaring an Emergency. Park
7. **RESOLUTIONS**
- 7.1 **Resolution No. 07-3813**, For the Purpose of Proclaiming the Week of May 30 through June 10, 2007 as Great Blue Heron Week. Hosticka
- 7.2 **Resolution No. 07-3817**, Confirming the Appointment of Members to the Natural Areas Program Performance Oversight Committee. Park
- 7.3 **Resolution No. 07-3810**, For the Purpose of Entering an Order Relating to the Way W. Lee Claim for Compensation under ORS 197.352 (Measure 37).
8. **EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e), DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.**
- 8.1 **Resolution No. 07-3819**, Authorizing the Chief Operating Officer to Acquire Properties in the Johnson Creek Target Area Under the 2006 Natural Areas Bond Measure. Hosticka
9. **CHIEF OPERATING OFFICER COMMUNICATION**
10. **COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for May 31, 2007 Metro Council meeting**

<p><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 31 (live)</p>	<p><b>Portland</b>  Channel 30 (CityNet 30) -- Portland Community Media  <a href="http://www.pcmtv.org">www.pcmtv.org</a> -- (503) 288-1515  8:30 p.m. Sunday, June 3  2 p.m. Monday, June 4</p>
<p><b>Gresham</b>  Channel 30 -- MCTV  <a href="http://www.mctv.org">www.mctv.org</a> -- (503) 491-7636  2 p.m. Monday, June 4</p>	<p><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, June 2  11 p.m. Sunday, June 3  6 a.m. Tuesday, June 5  4 p.m. Wednesday, June 6</p>
<p><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.</p>	<p><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.</p>

**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

FOR THE PURPOSE OF AMENDING THE )  
REGIONAL FRAMEWORK PLAN AND ) Ordinance No. 07-1154  
CHAPTER 3.01 OF THE METRO CODE )  
(URBAN GROWTH BOUNDARY AND )  
URBAN RESERVE PROCEDURES) TO )  
ALLOW CONSIDERATION OF MAJOR )  
AMENDMENTS TO THE UGB TO ) Introduced by Councilor Carl Hosticka  
ACCOMMODATE NEED FOR HOUSING )

WHEREAS, the Regional Framework Plan (“RFP”) and Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserves Procedures) authorize “major amendments” to the urban growth boundary (“UGB”) except during years in which Metro is determining the capacity of the UGB to accommodate long-term population and employment growth pursuant to ORS 197.299; and

WHEREAS, the Metro Council amended the RFP and Metro Code Chapter 3.01 to limit access to the major amendment process to proposed UGB amendments to add land for needs other than housing needs by Ordinance No. 01-929A (For the Purpose of Amending the Regional Framework Plan Ordinance No. 97-715B and Metro Code Sections 3.01.010, 3.01.025, 3.01.030, 3.01.035, 3.01.040, 3.01.045, 3.01.050, 3.01.055, 3.01.060, 3.01.065 and 3.07.1120 and Repealing Metro Code Sections 3.01.037 and 3.01.075 to Revise the Scope and the Criteria for Quasi-Judicial Amendments to the Urban Growth Boundary; and Declaring an Emergency) on December 13, 2001; and

WHEREAS, the Council determines the need for land for housing based upon a forecast of population growth which is necessarily based upon assumptions that may prove inaccurate over time, as has sometimes been Metro’s experience; and

WHEREAS, the “periodic review” process Metro must follow under state law to determine the capacity of the UGB to accommodate long-term need for land for housing is not responsive to unanticipated short-term changes in circumstances; and

WHEREAS, Metro should have a process to respond to unanticipated changes in the need for land for housing; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. The RFP is hereby amended as indicated in Exhibit A, attached and incorporated into this ordinance, to allow consideration of proposed “major amendments” to the UGB to accommodate need for land for housing.
2. Metro Code section 3.01.030 (Major Amendments – Criteria) is hereby amended as indicated in Exhibit B, attached and incorporated into this ordinance, to allow consideration of proposed “major amendments” to the UGB to accommodate need for land for housing.
3. The Findings of Fact and Conclusions of Law in Exhibit C, attached and incorporated into this ordinance, explain how these amendments to the RFP and the Metro code comply with regional and statewide planning laws.

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

## Exhibit A to Ordinance No. 07-1154

### Amendment to the Regional Framework Plan

#### 1.9 Urban Growth Boundary

It is the policy of the Metro Council to:

- 1.9.1 Ensure that expansions of the UGB help achieve the objectives of the 2040 Growth Concept.
- 1.9.2 Determine when the UGB is expanded, whether the expansion will enhance the roles of Centers and, to the extent practicable, ensure that it does.
- 1.9.3 Use the regional UGB, a long-term planning tool, to separate urbanizable from rural land, based in aggregate on the region's 20-year projected need for urban land.
- 1.9.4 Locate the UGB consistent with statewide planning goals and this plan and adopted Metro Council procedures for UGB amendment.
- 1.9.5 Improve the functional value of the UGB in the location, amendment and management of the regional UGB, as described in policies 1.9.6, 1.9.7, 1.9.8, 1.9.9.
- 1.9.6 Expand the UGB first within any adopted urban reserves, upon demonstrating a need for additional urban land, to the extent consistent with ORS 197.298 and Metro's acknowledged urban growth amendment process.
- 1.9.7 Adopt criteria for amending the UGB based on applicable state planning goals and relevant policies of this Plan:
  - a. Major Amendments: Amendments of the UGB may be made through a quasi-judicial or a legislative process. Metro will initiate the legislative amendment process when it determines there is need to add land to the UGB following the analysis of buildable land supply required every five years by ORS 197.299(1). The process involves local governments, special districts, citizens and other interests. A local government, a special district or a property owner may initiate a quasi-judicial amendment process to add land to the UGB for **[public facilities, public schools, natural areas and those nonhousing]** needs that (a) were not accommodated in the most recent analysis of land supply conducted pursuant to state law and (b) must be addressed prior to the next analysis.
  - b. Minor Adjustments: Minor adjustments of the UGB may be brought to Metro by a local government, a special district or a property owner for siting public facility lines and roads, for land trades and to make the UGB coterminous with nearby property lines or natural or built features in order to make the UGB function more efficiently and effectively.
- 1.9.8 Require cities and counties to adopt conceptual land use plans and concept maps coordinated among affected jurisdictions for all areas added to the UGB as Major or Legislative amendments.
- 1.9.9 Establish criteria for concept plans and implementing ordinances.

- 1.9.10 Prepare a report on the effect of the proposed amendment on existing residential neighborhoods prior to approving any amendment or amendments of the urban growth boundary in excess of 100 acres.
- 1.9.11 Provide copies of the completed report to all households located within one mile of the proposed urban growth boundary amendment area and to all cities and counties within the district. The report shall address:
  - a. Traffic patterns and any resulting increase in traffic congestion, commute times and air quality.
  - b. Whether parks and open space protection in the area to be added will benefit existing residents of the district as well as future residents of the added territory.
  - c. The cost impacts on existing residents of providing needed public services and public infrastructure to the area to be added.

## Exhibit B to Ordinance No. 07-1154

### Amendment to Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserve Procedures)

#### 3.01.030 Major Amendments - Criteria

(a) The purpose of the major amendment process is to provide a mechanism to address needs for land that were not anticipated in the last analysis of buildable land supply under ORS 197.299(1) and cannot wait until the next analysis. ~~Land may be added to the UGB under this section only for the following purposes: public facilities and services, public schools, natural areas, land trades and other non-housing needs.~~

(b) The applicant shall demonstrate that the proposed amendment to the UGB will provide for an orderly and efficient transition from rural to urban land use and complies with the criteria and factors in subsections (b), (c) and (d) of Section 3.01.020 of this chapter. The applicant shall also demonstrate that:

- (1) The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land;
- (2) The amendment will not result in the creation of an island of urban land outside the UGB or an island of rural land inside the UGB; and
- (3) If the amendment would add land for public school facilities, a conceptual school plan as described in Section 3.07.1120(I) has been completed.

~~(c) If the Council incidentally adds land to the UGB for housing in order to facilitate a trade, the Council shall designate the land to allow an average density of at least 10 units per net developable acre or such other density that is consistent with the 2040 Growth Concept plan designation for the area.~~ If the applicant proposes an amendment to the UGB to add land for housing, the applicant shall also demonstrate that the land proposed for addition to the UGB:

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;

(2) Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;



(3) Can be designed to be walkable and serviced by a well-connected system of streets by appropriate and financially capable service providers; and

(4) Can be designed to preserve and enhance natural ecological systems.

(d) If the applicant proposes to amend the UGB to add land for residential use, the applicant shall submit a written statement, adopted by the elected officials of the city or county likely to be responsible for land use planning of the land to be added to the UGB and from the elected officials of the boards of likely providers of public facilities and services, as defined in section 3.01.010 of this chapter, that they are willing to provide services to the land.

## **STAFF REPORT**

IN CONSIDERATION OF ORDINANCE NO. 07-1154, FOR THE PURPOSE OF AMENDING THE REGIONAL FRAMEWORK PLAN AND CHAPTER 3.01 OF THE METRO CODE (URBAN GROWTH BOUNDARY AND URBAN RESERVE PROCEDURES) TO ALLOW CONSIDERATION OF MAJOR AMENDMENTS TO THE UGB TO ACCOMMODATE NEED FOR HOUSING

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Date: May 24, 2007

Prepared by: Tim O'Brien  
Senior Regional Planner

## **INTRODUCTION**

State law directs the Metro Council to complete a periodic analysis of the capacity of the UGB and the need to amend it to accommodate long-range growth in population and employment. The Metro Council determines the need for land for housing based upon a 20-year population forecast that is coordinated with affected local governments. Past regional forecasts have represented the most likely and reasonable “middle of the road” growth projections that are based on a framework of how the region has responded to historical trends – including economic, industry, demographic, and national and global forces at work in the region. A number of assumptions are included in the 20-year forecast that may prove inaccurate over time and the periodic review process is not always responsive to unanticipated short-term changes in circumstances. The proposed changes to the RFP and Metro Code Section 3.01 will provide a process for Metro to respond to unanticipated changes in the need for land for housing in addition to other non-housing needs.

Ordinance 07-1154 proposes three key changes related to the UGB Major Amendment process. Adoption of this ordinance will:

1. Remove the prohibition, enacted in 2001, on UGB Major Amendment applications for residential use;
2. Add additional criteria for UGB Major Amendments for residential use; and
3. Require a written statement adopted by the elected officials of the jurisdiction responsible for land use planning of the land to be added to the UGB and from the elected officials of the boards of the likely urban service providers that they are willing to provide services to the land being brought into the UGB through the Major Amendment process.

## **BACKGROUND**

The Metro Regional Framework Plan (RFP) and Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserves Procedures) authorize amending the Urban Growth Boundary (UGB) through a Major Amendment process. The purpose of the Major Amendment process is to provide a mechanism to address needs for land that were not anticipated in the last analysis of the buildable land supply under ORS 197.299 (1) and cannot wait until the next analysis. A city, county, special district or property owner may submit a Major Amendment application to Metro between February 1 and March 15 of each calendar year, except that calendar year in which the Metro Council is completing its analysis of the buildable land supply under ORS 197.299 (1). Currently, land may be added to the UGB under the Major Amendment process for the following purposes: public facilities and services, public schools, natural areas, land trades and other non-housing needs.

### Existing Metro Code Requirements

Presently under the Major Amendment process the applicant must meet the “need” and “locational factors” of Statewide Planning Goal 14: Urbanization, equivalent to Metro’s legislative amendment process. Briefly, the “need” criteria address:

- A demonstrated need to accommodate long-range urban population consistent with a 20-year forecast;
- A demonstrated need for land suitable to accommodate housing, employment opportunities and other uses such as public facilities, parks and schools; and
- A demonstration that the need cannot be reasonably accommodated on land already inside the UGB.

The “locational factors” criteria address:

- The efficient accommodation of the need;
- Orderly and economic provision of public facilities and services;
- Comparative environmental, energy, economic and social consequences; and
- The compatibility of the proposed urban use with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

### Proposed Additional Metro Code Requirements for Residential Major Amendments

In addition to the existing code requirements noted above, this ordinance would require an application for a Major Amendment for residential uses to address additional quantitative and qualitative criteria including a demonstration that the land proposed for addition to the UGB can meet the following:

- Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;
- Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;
- Can be designed to be walkable and serviced by a well-connected system of streets by appropriate and financially capable service providers; and
- Can be designed to preserve and enhance natural ecological systems.

Finally, the applicant must also submit a written statement adopted by the elected officials of the jurisdiction responsible for land use planning of the land to be added to the UGB and from the elected officials of the boards of the likely urban service providers that they are willing to provide services to the land being brought into the UGB through the Major Amendment process.

The public hearing for any Major Amendment application is before a hearings officer. The hearings officer submits a proposed order and recommendation, with findings of fact and conclusions of law and the record of the hearing, for consideration by the Metro Council. The Council shall allow oral and written arguments by participants in the proceedings before the hearings officer. The Council shall adopt the proposed order and ordinance if the Council decides to expand the UGB, or revise or replace the findings and conclusions in a proposed order or remand the matter to the hearings officer. If the amendment is less than 100 acres the Council’s decision may be appealed to LUBA. If the amendment is over 100 acres the Council’s decision may be appealed to LCDC and then the Court of Appeals.

### **ANALYSIS/INFORMATION**

**Known Opposition:** Staff is not aware of any formal statements of opposition, but it has come to staff’s attention that 1000 Friends of Oregon opposes this ordinance.

**Legal Antecedents:** The Metro Regional Framework Plan and Metro Code Chapter 3.01 (Urban Growth Boundary and Urban Reserves Procedures) authorize amending the Urban Growth Boundary through a Major Amendment process.

**Anticipated Effects:** The adoption of Ordinance 07-1154 will provide the opportunity to amend the UGB for residential uses through the Major Amendment process. It is not possible to know how many applications will be received, if any, but Metro staff has responded to numerous inquiries since 2001, when the code was changed to eliminate housing from the Major Amendment process, regarding the possibility for adding residential land to the UGB through the Major Amendment process.

**Budget Impacts:** Under Metro Code 3.01 the applicant is required to submit a deposit with the application to cover staff time for processing the Major Amendment application. This deposit is also used to cover the cost of the hearings officer and notice requirements. The applicant will be billed for any costs beyond the initial deposit.

Due to the difficult nature of demonstrating “need” as defined by Goal 14 during the period between Metro’s analysis of the buildable land supply under ORS 197.299 (1) and the additional financial and qualitative design criteria that will need to be evaluated, considerable staff time will be necessary to process Major Amendment applications for residential uses.

If the proposed Major Amendment would add more than 100 acres to the UGB, Metro code requires staff to prepare a report on the effect of the proposed amendment on existing residential neighborhoods that addresses the following (per Metro Code Section 3.01.025(h)):

1. Traffic patterns and any resulting increase in traffic congestion, commute times and air quality;
2. Whether parks and open space protection in the area to be added will benefit existing residents of the district as well as future residents of the added territory; and
3. The cost impacts on existing residents of providing needed public facilities and services, police and fire services, public schools, emergency services and parks and open spaces.

As this additional report is a requirement Metro has imposed upon itself and is not part of the application requirements, the staff time to complete this report is not covered by the deposit submitted by the applicant. Since it is not possible to know how many Major Amendment applications over 100 acres will be received, it is not possible to project the specific budget impact or whether additional staff resources will be needed.

In addition, if the proposed Major Amendment would add more than 100 acres to the UGB, Metro would have to submit the amendment to LCDC in the manner provided for periodic review, according to ORS 197.626. The deposit submitted by the applicant does not cover the time spent by staff completing this process. Since it is not possible to know how many Major Amendment applications over 100 acres will be received, it is not possible to project the specific budget impact or whether additional staff resources will be needed.

The application processing time period for a Major Amendment is 40 calendar days. Due to this relatively short time period and the extensive amount of work necessary to evaluate the application, write the staff report, and coordinate the hearing before the hearings officer, it will be necessary to re-allocate some staff duties exclusively to this work in both the Long Range Planning and Data Resource Center sections of the Planning Department to meet the deadline. Since it is not possible to know how many Major Amendment applications will be received, it is not possible to project the specific budget impact or whether additional staff resources will be needed.

BEFORE THE METRO COUNCIL

AMENDING THE FY 2006-07 BUDGET AND ) ORDINANCE NO. 07-1150  
APPROPRIATIONS SCHEDULE REMOVING )  
THE INTERIM APPROPRIATION AUTHORITY ) Introduced by Mike Jordan, Chief Operating  
FOR THE NATURAL AREAS PROGRAM AND ) Officer, with the concurrence of Council  
DECLARING AN EMERGENCY ) President Bragdon

WHEREAS, the Metro Council has reviewed and considered the need to modify appropriations within the FY 2006-07 Budget; and

WHEREAS, the need for the change in appropriation has been justified; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2006-07 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance to remove the interim appropriation authority that was required prior to the sale of the natural areas bonds.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

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

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

Attest:

Approved as to Form:

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

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

**Exhibit A**  
**Ordinance No. 07-1150**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Regional Parks &amp; Greenspaces Department</b>							
<u>Personal Services</u>							
<i>SALWGE</i>	<i>Salaries &amp; Wages</i>						
5010	Reg Employees-Full Time-Exempt						
	Assistant Public Affairs Specialist	1.00	46,359	-	0	1.00	46,359
	Associate Management Analyst	2.13	120,510	(0.13)	(5,056)	2.00	115,454
	Associate Regional Planner	1.50	68,072	(0.50)	(22,086)	1.00	45,986
	Director II	1.00	119,769	-	0	1.00	119,769
	Education Coordinator II	1.00	53,638	-	0	1.00	53,638
	Management Technician	1.19	51,183	(0.19)	(7,000)	1.00	44,183
	Manager I	4.00	334,758	-	0	4.00	334,758
	Manager II	1.00	85,344	-	0	1.00	85,344
	Program Analyst I	1.00	31,346	-	0	1.00	31,346
	Program Analyst III	1.00	55,668	-	0	1.00	55,668
	Program Director I	1.34	134,389	(0.34)	(33,952)	1.00	100,437
	Real Estate Negotiator	1.12	74,477	(1.12)	(74,477)	-	0
	Senior Regional Planner	4.00	270,693	-	0	4.00	270,693
	Service Supervisor III	1.00	61,406	-	0	1.00	61,406
5015	Reg Empl-Full Time-Non-Exempt						
	Arborist	1.00	49,336	-	0	1.00	49,336
	Education Coordinator I	1.00	48,526	-	0	1.00	48,526
	Park Ranger	12.17	528,229	(0.17)	(6,066)	12.00	522,163
	Secretary	3.34	99,045	(0.34)	(8,200)	3.00	90,845
5020	Reg Emp-Part Time-Exempt						
	Education Coordinator I	0.50	24,263	-	0	0.50	24,263
	Program Supervisor II	0.50	25,549	-	0	0.50	25,549
	Senior Regional Planner	1.60	112,293	-	0	1.60	112,293
	Volunteer Coordinator I	0.80	33,511	-	0	0.80	33,511
	Volunteer Coordinator II	0.50	29,557	-	0	0.50	29,557
5025	Reg Employees-Part Time-Non-Exempt						
	Program Assistant 2	0.50	17,320	-	0	0.50	17,320
5030	Temporary Employees		12,575		0		12,575
5040	Seasonal Employees		280,668		0		280,668
5080	Overtime		14,995		0		14,995
5089	Salary Adjustments						
	Salary Adjustment Pool (non-represented)		46,977		0		46,977
	Step Increases (AFSCME)		28,550		0		28,550
	COLA (represented employees)		38,080		0		38,080
<i>FRINGE</i>	<i>Fringe Benefits</i>						
5100	Fringe Benefits						
	Base Fringe (variable & fixed)		1,016,069		(73,730)		942,339
5190	PERS Bond Recovery		81,384		(5,990)		75,394
<b>Total Personal Services</b>		<b>44.71</b>	<b>\$4,030,927</b>	<b>(3.31)</b>	<b>(\$272,945)</b>	<b>41.40</b>	<b>\$3,757,982</b>
<u>Materials &amp; Services</u>							
<i>GOODS</i>	<i>Goods</i>						
5201	Office Supplies		47,078		(13,000)		34,078
5205	Operating Supplies		55,299		0		55,299
5210	Subscriptions and Dues		2,423		0		2,423
5215	Maintenance & Repairs Supplies		81,185		0		81,185
5225	Retail		11,026		0		11,026

**Exhibit A**  
**Ordinance No. 07-1150**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Regional Parks &amp; Greenspaces Department</b>							
<i>SVCS</i>	<i>Services</i>						
	5240 Contracted Professional Svcs		968,849		(100,000)		868,849
	5250 Contracted Property Services		1,381,042		(33,350)		1,347,692
	5251 Utility Services		111,729		(1,750)		109,979
	5255 Cleaning Services		254		0		254
	5260 Maintenance & Repair Services		53,436		0		53,436
	5265 Rentals		28,409		0		28,409
	5270 Insurance		26,000		0		26,000
	5280 Other Purchased Services		45,058		(5,000)		40,058
	5290 Operations Contracts		5,242		0		5,242
<i>IGEXP</i>	<i>Intergov't Expenditures</i>						
	5300 Payments to Other Agencies		1,262,299		(1,000,000)		262,299
	5310 Taxes (Non-Payroll)		199,461		0		199,461
<i>OTHEXP</i>	<i>Other Expenditures</i>						
	5450 Travel		2,620		0		2,620
	5455 Staff Development		22,300		(1,700)		20,600
	5490 Miscellaneous Expenditures		11,274		(3,300)		7,974
<b>Total Materials &amp; Services</b>			<b>\$4,314,984</b>		<b>(\$1,158,100)</b>		<b>\$3,156,884</b>
<b>Capital Outlay</b>							
<i>CAPNON</i>	<i>Capital Outlay (Non-CIP Projects)</i>						
	5700 Land (non-CIP)		6,805,500		(6,705,500)		100,000
<b>Total Capital Outlay</b>			<b>\$6,805,500</b>		<b>(\$6,705,500)</b>		<b>\$100,000</b>
<b>TOTAL REQUIREMENTS</b>		<b>44.71</b>	<b>\$15,151,411</b>	<b>(3.31)</b>	<b>(\$8,136,545)</b>	<b>41.40</b>	<b>\$7,014,866</b>

**Exhibit A**  
**Ordinance No. 07-1150**

ACCT	DESCRIPTION	<u>Current Budget</u>		<u>Revision</u>		<u>Amended Budget</u>	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Non-Departmental</b>							
<b>Total Personal Services</b>		<b>4.00</b>	<b>\$454,058</b>	<b>0.00</b>	<b>\$0</b>	<b>4.00</b>	<b>\$454,058</b>
<i><u>Materials &amp; Services</u></i>							
<i>GOODS Goods</i>							
	5201 Office Supplies		20,780		0		20,780
	5205 Operating Supplies		4,370		0		4,370
	5210 Subscriptions and Dues		32,500		0		32,500
	5215 Maintenance & Repairs Supplies		7,500		0		7,500
<i>SVCS Services</i>							
	5240 Contracted Professional Svcs		413,450		0		413,450
	5246 Sponsorships		30,000		0		30,000
	5251 Utility Services		1,000		0		1,000
	5280 Other Purchased Services		186,640		0		186,640
	5290 Operations Contracts		250		0		250
<i>IGEXP Intergov't Expenditures</i>							
	5300 Payments to Other Agencies		7,492,501		3,827,545		11,320,046
	5305 Election Expenses		300,000		0		300,000
<i>OTHEXP Other Expenditures</i>							
	5445 Grants		1,175,000		0		1,175,000
	5450 Travel		6,000		0		6,000
	5455 Staff Development		2,000		0		2,000
	5470 Council Costs		0		0		0
	5475 Claims Paid		0		0		0
	5490 Miscellaneous Expenditures		50,000		0		50,000
<b>Total Materials &amp; Services</b>			<b>\$9,721,991</b>		<b>\$3,827,545</b>		<b>\$13,549,536</b>
	5635 Revenue Bond Payments-Interest		1,198,898		0		1,198,898
<b>Total Debt Service</b>			<b>\$1,198,898</b>		<b>\$0</b>		<b>\$1,198,898</b>
<b>TOTAL REQUIREMENTS</b>		<b>4.00</b>	<b>\$11,374,947</b>	<b>0.00</b>	<b>\$3,827,545</b>	<b>4.00</b>	<b>\$15,202,492</b>



**Exhibit A**  
**Ordinance No. 07-1150**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>General Expenses</b>							
<b>Total Interfund Transfers</b>			<b>\$7,823,692</b>		<b>\$0</b>		<b>\$7,823,692</b>
<i><u>Contingency &amp; Unappropriated Balance</u></i>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* General Contingency		1,189,899		0		1,189,899
	* General Reserve		1,539,983		4,309,000		5,848,983
	* Tourism Opportunity & Comp. Account		43,307		0		43,307
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Undesignated		42,000		0		42,000
	* Recovery Rate Stabilization reserve		1,982,748		0		1,982,748
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		278		0		278
	* Reserve for Future Debt Service		1,867,516		0		1,867,516
<b>Total Contingency &amp; Unappropriated Balance</b>			<b>\$6,755,731</b>		<b>\$4,309,000</b>		<b>\$11,064,731</b>
<b>TOTAL REQUIREMENTS</b>		<b>407.14</b>	<b>\$102,209,092</b>	<b>(3.31)</b>	<b>\$0</b>	<b>403.83</b>	<b>\$102,209,092</b>

**Exhibit B**  
**Ordinance No. 07-1150**  
**FY 2006-07 SCHEDULE OF APPROPRIATIONS**

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Amended</u> <u>Appropriation</u>
<b>GENERAL FUND</b>			
Council Office			
Operating Expenses (PS & M&S)	1,775,095	0	1,775,095
Subtotal	<u>1,775,095</u>	<u>0</u>	<u>1,775,095</u>
Finance & Administrative Services			
Operating Expenses (PS & M&S)	7,374,001	0	7,374,001
Capital Outlay	205,150	0	205,150
Subtotal	<u>7,579,151</u>	<u>0</u>	<u>7,579,151</u>
Human Resources			
Operating Expenses (PS & M&S)	1,527,312	0	1,527,312
Subtotal	<u>1,527,312</u>	<u>0</u>	<u>1,527,312</u>
Metro Auditor			
Operating Expenses (PS & M&S)	579,455	0	579,455
Subtotal	<u>579,455</u>	<u>0</u>	<u>579,455</u>
Office of Metro Attorney			
Operating Expenses (PS & M&S)	1,582,475	0	1,582,475
Subtotal	<u>1,582,475</u>	<u>0</u>	<u>1,582,475</u>
Oregon Zoo			
Operating Expenses (PS & M&S)	22,508,631	0	22,508,631
Capital Outlay	308,394	0	308,394
Subtotal	<u>22,817,025</u>	<u>0</u>	<u>22,817,025</u>
Planning			
Operating Expenses (PS & M&S)	23,822,826	0	23,822,826
Debt Service	29,250	0	29,250
Subtotal	<u>23,852,076</u>	<u>0</u>	<u>23,852,076</u>
Public Affairs & Government Relations			
Operating Expenses (PS & M&S)	1,390,721	0	1,390,721
Subtotal	<u>1,390,721</u>	<u>0</u>	<u>1,390,721</u>
Regional Parks & Greenspaces			
Operating Expenses (PS & M&S)	8,365,911	(1,431,045)	6,934,866
Capital Outlay	6,805,500	(6,705,500)	100,000
Subtotal	<u>15,171,411</u>	<u>(8,136,545)</u>	<u>7,034,866</u>

**Exhibit B**  
**Ordinance No. 07-1150**  
**FY 2006-07 SCHEDULE OF APPROPRIATIONS**

	<u>Current Appropriation</u>	<u>Revision</u>	<u>Amended Appropriation</u>
Non-Departmental			
Operating Expenses (PS & M&S)	10,176,049	3,827,545	14,003,594
Debt Service	1,198,898	0	1,198,898
Subtotal	11,374,947	3,827,545	15,202,492
General Expenses			
Interfund Transfers	7,803,692	0	7,803,692
Contingency	2,773,189	4,309,000	7,082,189
Subtotal	10,576,881	4,309,000	14,885,881
Unappropriated Balance	3,982,542	0	3,982,542
<b>Total Fund Requirements</b>	<b>\$102,209,092</b>	<b>\$0</b>	<b>\$102,209,092</b>

*All Other Appropriations Remain as Previously Adopted*

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 07-1150 AMENDING THE FY 2006-07  
BUDGET AND APPROPRIATIONS SCHEDULE REMOVING THE INTERIM  
APPROPRIATION AUTHORITY FOR THE NATURAL AREAS PROGRAM AND  
DECLARING AN EMERGENCY

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Date: April 18, 2007

Presented by: Kathy Rutkowski

### BACKGROUND

On December 14, 2006 and March 1, 2007 the Metro Council approved Ordinances No. 06-1133 and No. 07-1141 respectively, amending the FY 2006-07 budget and appropriations schedule to provide interim appropriation authority for the Natural Areas bond program. The amendments borrowed heavily from the General Fund contingency and the PERS Reserve to provide the interim authority. The interim authority was necessary only until such time as the bonds were sold. At that time, expenditures from bond proceeds became exempt from the provisions of Oregon Budget Law through the remainder of the fiscal year.

This action removes the interim appropriation authority and returns the funding to the original source – either the General Fund contingency or the PERS Reserve contribution budgeted in the Pension Obligation Account of the General Fund. These funds will, once again, be available for appropriation by the Council from the General Fund contingency.

### ANALYSIS/INFORMATION

1. **Known Opposition:** There is no known opposition to this ordinance.
2. **Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
3. **Anticipated Effects:** This ordinance removes the interim appropriation authority for the natural areas program and returns the funding to the General Fund contingency or PERS Reserve contribution.
4. **Budget Impacts:** This action removes \$8,136,545 in interim appropriation authority granted the Regional Parks Department for the Natural Areas program prior to the sale and receipt of the general obligation bonds in April. The ordinance returns \$3,827,545 borrowed from the PERS Reserve contribution in the Pension Obligation Account of the General Fund and returns \$4,309,000 to the General Fund contingency.

### RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Ordinance 07-1150.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE ) Ordinance No. 07-1151  
SECTION 2.19.080 TO CHANGE THE COMPOSITION )  
OF THE METRO POLICY ADVISORY COMMITTEE ) Introduced by Chief Operating Officer  
("MPAC") AND TO AMEND THE MPAC BYLAWS ) Michael Jordan with the concurrence of  
AND DECLARING AN EMERGENCY ) Council President David Bragdon

WHEREAS, MPAC was created and its composition defined by the Metro Charter § 26(1) "Creation and Composition"; and

WHEREAS, the Metro Charter § 26(2) "Change of Composition" allows a change of composition of MPAC by a majority vote of the MPAC members and a majority of all Metro Councilors at any time; and

WHEREAS, the Metro Charter § 26(4) "Bylaws" requires MPAC to adopt bylaws; and

WHEREAS, the Metro Code § 2.19.080(b) defines the membership of MPAC; and

WHEREAS, the Metro Code § 2.19.080(d) authorizes a change of composition of MPAC at any time and requires that the Council action be in the form of an ordinance; and

WHEREAS, on April 25, 2007 a majority of the MPAC membership voted to amend the MPAC Bylaws regarding membership.

WHEREAS, a majority of the Metro Council and a majority of the MPAC members wish to change the composition of MPAC; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the Metro Code § 2.19.080 is amended as set forth in Exhibit "A" that is attached and incorporated by reference to this ordinance; and
2. That the MPAC Bylaws have been amended consistent with Exhibit "B" that is attached and incorporated by reference to this ordinance.
3. This ordinance being necessary for the immediate preservation of the public health, safety, or welfare because, without this Ordinance, MPAC may not be able to achieve a quorum at meetings, an emergency is declared to exist, and this Ordinance takes effect upon passage.

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

**Exhibit "A" to Ordinance No. 07-1151**

2.19.080 Metro Policy Advisory Committee (MPAC)

(a) Purpose. The purpose of MPAC is to advise the Metro Council and perform the duties assigned to it by the Metro Charter and to perform other duties that the Metro Council shall prescribe.

(b) Membership. The members of MPAC include:

1. Voting Members:

Multnomah County Commission	1
Second Largest City in Multnomah County	1
Other Cities in Multnomah County	1
Special Districts in Multnomah County	1
Citizen of Multnomah County	1
City of Portland	2
Clackamas County Commission	1
Largest City in Clackamas County	1
Second Largest City in Clackamas County	1
Other Cities in Clackamas County	1
Special Districts in Clackamas County	1
Citizen of Clackamas County	1
Washington County Commission	1
Largest City in Washington County	1
Second Largest City in Washington County	1
Other Cities in Washington County	1
Special Districts in Washington County	1
Citizen of Washington County	1
Tri-Met	1
Governing body of a school district	1
<del>State Agency Growth Council</del>	<del>1</del>
<del>Clark County</del>	<del>1</del>
<del>City of Vancouver</del>	<del>1</del>
<del>Port of Portland</del>	<del>1</del>
TOTAL	<u>2521</u>

2. Non-voting members:

<u>Oregon Dept of Land Conservation and Development</u>	<u>1</u>
<u>Clark County</u>	<u>1</u>
<u>City of Vancouver</u>	<u>1</u>
<u>Port of Portland</u>	<u>1</u>
<u>City in Clackamas County outside UGB</u>	<u>1</u>
<u>City in Washington County outside UGB</u>	<u>1</u>
<u>TOTAL</u>	<u>6</u>

(c) MPAC may provide in its bylaws for the creation of a Technical Advisory Committee, which may make recommendations to MPAC.

(d) A vote of both a majority of the MPAC members and a majority of all councilors may change the composition of MPAC at any time. The Council action shall be in the form of an ordinance and shall amend this code section. The MPAC bylaws shall govern the terms of its members.

## Exhibit “B” to Ordinance No. 07-1151

### METRO POLICY ADVISORY COMMITTEE (MPAC) BY-LAWS

Approved March 13, 1996; Revised March 26, 1997; May 1998; September, 1999; October, 2000; November, 2000; June, 2001; March 12, 2003; [April 25, 2007](#)

#### ARTICLE I

This Committee shall be known as the METRO POLICY ADVISORY COMMITTEE (“MPAC”) created by Section 27 of the 1992 Metro Charter.

#### ARTICLE II MISSION AND PURPOSE

**Section 1.** The MPAC shall perform the duties assigned to it by the 1992 Metro Charter and any other duties the Metro Council prescribes.

**Section 2.** The purposes of MPAC are as follows:

- a. MPAC shall perform those duties required by the Charter, including:
  1. Providing consultation and advice to the Council on the Regional Framework Plan (Section 5 (2));
  2. Providing consultation and advice to the Council on the possible inclusion in the Regional Framework Plan of other growth management and land use planning matters, determined by the Council to be of metropolitan concern, which will benefit from regional planning, other than those specifically identified in Charter Section 5 (2) (b);
  3. Providing consultation and advice to the Council on any amendments to the Regional Framework Plan (Section 5 (2) (d));
  4. Approve or disapprove the authorization for Metro to provide or regulate a local government service, as defined in Charter Section 7 (2), in those cases in which Metro does not seek or secure such approval directly from the voters;
  5. Providing advice to the Council before it adopts an ordinance authorizing provision or regulation by Metro of a service which is not a local government service as defined by the Charter (Section 7 (3)); and
  6. Providing advice to the Council on a study of the Portland Metropolitan Area Local Government Boundary Commission (Section 7 (5)).
- b. Other duties prescribed by the Council.



**ARTICLE III  
COMMITTEE MEMBERSHIP**

**Section 1. Membership**

a. The Committee will be made up of representative of the following [voting and non-voting members](#):

**1. Voting Members:**

Multnomah County Commission	1
Second Largest City in Multnomah County	1
Other Cities in Multnomah County	1
Special Districts in Multnomah County	1
Citizen of Multnomah County	1
City of Portland	2
Clackamas County Commission	1
Largest City in Clackamas County	1
Second Largest City in Clackamas County	1
Other Cities in Clackamas County	1
Special Districts in Clackamas County	1
Citizen of Clackamas County	1
Washington County Commission	1
Largest City in Washington County	1
Second Largest City in Washington County	1
Other Cities in Washington County	1
Special Districts in Washington County	1
Citizen of Washington County	1
Tri-Met	1
Governing Body of a School District	1
<del>State Agency Growth Council</del>	<del>1</del>
<del>Clark County</del>	<del>1</del>
<del>City of Vancouver</del>	<del>1</del>
<del>Port of Portland</del>	<del>1</del>
<b>Total</b>	<b><u>2521</u></b>

**2. Non-voting members:**

<a href="#">Oregon Dept of Land Conservation and Development</a>	<u>1</u>
<a href="#">Clark County</a>	<u>1</u>
<a href="#">City of Vancouver</a>	<u>1</u>
<a href="#">Port of Portland</a>	<u>1</u>
<a href="#">City in Clackamas County outside UGB</a>	<u>1</u>
<a href="#">City in Washington County outside UGB</a>	<u>1</u>
<b><u>Total</u></b>	<b><u>6</u></b>

b. Except as provided in Section 2 voting Mmembers and alternates representing jurisdictions shall be appointed from among members of the governing body. All voting jurisdictions represented by members, including cities within each county, shall have territory within Metro boundaries.

c. Non-voting members or alternates may either be members of the governing body of a jurisdiction or serve as a Chief Operating Office or Planning Director or equivalent.

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

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

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

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

## **Section 2. Appointment of Members and Alternates**

a. ~~Members and alternates will be initially appointed to serve for two years.~~ Members and alternates from the City of Portland, the counties of Multnomah, Clackamas, and Washington, the largest cities of Multnomah, Clackamas, and Washington Counties, excluding Portland, and the second largest cities of Clackamas and Washington counties shall be appointed by the jurisdiction. ~~Members and alternates may be removed by the appointing jurisdiction at any time.~~

b. Members and alternates from the cities of Multnomah, Clackamas, and Washington Counties, other than those directly entitled to membership, will be appointed jointly by the governing bodies of those cities represented. The member and alternate will be from different jurisdictions. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

c. Members and alternates from the special districts with territory in Multnomah, Clackamas, and Washington Counties will be appointed by special district caucus. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

- d. Metro Council delegates will be appointed by ~~the Presiding Officer of~~ the Metro Council President and will represent each county in the region. The delegates may be removed by the ~~Presiding Officer of the Metro~~ Council President at any time.
- e. Members and alternates representing citizens will be appointed by the Metro ~~Executive Officer~~ Council President and confirmed by the Metro Council consistent with Section 27(1)(m) of the 1992 Metro Charter and will represent each county in the region. Members and alternates will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. Members and alternates may be reappointed. Terms of the members and alternates will be staggered to ensure continuity. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.
- f. Members and alternates from the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) will be appointed by the governing body of that District. The member and alternate will serve until removed by the governing body.
- g. Members and alternates from the ~~State Agency Growth Council~~ Land Conservation and Development Commission will be chosen by the Chairperson of that body. The member and alternate may be removed by the Chairperson at any time. ~~The member and alternate will serve as non-voting members.~~
- h. Members and alternates from the Port of Portland will be appointed by the governing body of that organization. The member and alternate will serve until removed by the governing body.
- i. The member and alternate from the school boards in the Metro Region will be appointed by a caucus or organization of school boards from districts within the Metro region. If there is no caucus or organization of school boards within the region, the Executive Officer will facilitate the appointment by the school boards. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. The member and alternate will be from different school districts in the Metro Region. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.
- j. Appointments of all members and alternates shall become effective upon the appointing authority giving written notice addressed to the Chair of MPAC and filing the notice with the Clerk of the Metro Council. The determination of the relative size of cities shall be based on the official population estimates for Oregon issued by the Center for Population Research and Census, School of Urban and Public Affairs, Portland State University. If the official population estimates result in a change in the relative population of a city entitled to membership, then the term of membership of the affected city or cities shall terminate 90 days after the release of the official estimate and new member(s) shall be appointed as provided by these by-laws. Members and alternates may be removed by the appointing authority at any time.

**ARTICLE IV  
MEETINGS, CONDUCT OF MEETINGS, AND QUORUM**

- a. A regular meeting date, time and place of MPAC shall be established by the MPAC Chair. Special or emergency meetings may be called by the Chair or a third of the members of MPAC.
- b. A majority of the members (or designated alternates) shall constitute a quorum for the conduct of business. The act of a majority of those voting members present at meetings at which a quorum is present shall be the act of MPAC, except in exercising the duty of authorizing Metro to provide or regulate a local government service as described in Section 7 (2) of the 1992 Metro Charter. In these cases a majority vote of all voting MPAC members is required.
- c. Subcommittees or advisory committees to develop recommendations for MPAC may be appointed by the Chair and ratified by MPAC. At a regularly scheduled meeting MPAC shall approve subcommittee membership and MPAC members and/or alternates and outside experts. The Chair of any citizen advisory committee shall neither be the Chair of MPAC nor be an MPAC member, except upon the agreement of a majority of the advisory committee membership. MPAC members of any citizen advisory committee of MPAC shall participate on a nonvoting basis.  
The Metro Technical Advisory Committee (“MTAC”) is an advisory committee to MPAC. Its purpose shall be to provide MPAC with technical recommendations on growth management subjects as directed by MPAC. MTAC shall have the following representation:

Each county government	1
City of Portland	1
Largest city in each county (not including Portland)	1
Second largest city in Clackamas County	1
Second largest city in Washington County	1
Other cities in each county	1
Citizen representative from each county to be represented by the respective county’s Committee for Citizen Involvement	1
Tri-Met	1
Oregon Department of Land Conservation and Development	1
Oregon Department of Transportation	1
Port of Portland	1
A commercial and industrial contractor association (“AGC”)	1
A residential contractor association (“HBA”)	1
A private economic development association	1
A public economic development association	1
A land use advocacy organization	1
An environmental organization	1
A school district	1
Water Resource Policy Advisory Committee (“WRPAC”)	1
A sanitary sewer and/or storm drainage agency (“WRPAC”)	1
An architect association (“AIA”)	1

A landscape architect association (“ASLA”)	1
Electric utilities	1
Natural gas utilities	1
Telecommunication utilities	1
Metro representative from the Planning Dept who shall serve as chair (non-voting)	1
An affordable housing advocacy organization	1
Clark County, Washington	1
Vancouver, Washington	1

Each jurisdiction or organization named shall annually notify MPAC of their nomination. MPAC may approve or reject any nomination. Revision of the membership of MTAC may occur consistent with MPAC bylaw amendment procedures. If any membership category (member and alternate) is absent for three (3) consecutive MTAC meetings, the representatives shall lose their voting privilege. MTAC members who acquire non-voting status may regain their voting status after attending three (3) consecutive MTAC meetings. A quorum for MTAC meetings shall be a simple majority of voting MTAC members. MTAC shall provide MPAC with observations concerning technical, policy, legal and process issues along with implementation effects of proposed growth management issues, including differing opinions, with an emphasis on providing the broad range of views and likely positive and negative outcomes of alternative courses of action. MTAC may adopt its own bylaws provided they are consistent with MPAC bylaws and are approved by a majority vote of MTAC members.

- d. All meetings shall be conducted in accordance with ROBERT’S RULES OF ORDER, Newly Revised.
- e. MPAC may establish other rules of procedure as deemed necessary for the conduct of business.
- f. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chair to notify the appointing body with a request for remedial action.
- g. MPAC shall make its reports and findings, including minority reports, public and shall forward them to the Metro Council.
- h. MPAC may receive information and analysis on issues before it from a variety of sources.
- i. MPAC shall provide an opportunity for the public and the Metro Committee for Citizen Involvement (“Metro CCI”) to provide comment on relevant issues at each of its regularly scheduled meetings.
- j. MPAC shall provide a minimum of seven days notice to members of any regular or special meetings.
- k. MPAC shall abide by ORS Chapter 192, which provides for public records and meetings.

**ARTICLE V  
OFFICERS AND DUTIES**

- a. A Chair, 1<sup>st</sup> Vice-Chair, and 2<sup>nd</sup> Vice-Chair shall be elected by a majority of the voting members for a one year term of office ending in January of each year. A vacancy in any of these offices shall be filled by a majority vote of MPAC, for the remainder of the unexpired term.
  - 1. Nominations shall be received at the first meeting in January for chair, first vice chair and second vice chair.
  - 2. The first Vice-Chair shall become Chair following the completion of the Chair's term.
  - 3. The second vice chair shall be a rotating position to keep balance for a) county/geographic representation; and/or b) city/county/special district representation after the previous year's first vice chair moves up to chair and the first vice chair is selected.
- b. The Chair shall set the agenda of and preside at all meetings, and shall be responsible for the expeditious conduct of MPAC's business. Three members can cause a special meeting to be called with a minimum of seven days notice.
- c. In the absence of the Chair, the 1st Vice-Chair, and then the 2nd Vice-Chair shall assume the duties of the Chair.

**ARTICLE VI  
AMENDMENTS**

- a. These by-laws may be amended by a majority vote of the MPAC membership, except that Article III related to the MPAC membership may not be amended without the concurrence of the majority of the Metro Council.
- b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend the by-laws.

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 07-1151, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 2.19.080 TO CHANGE THE COMPOSITION OF THE METRO POLICY ADVISORY COMMITTEE ("MPAC") AND TO AMEND THE MPAC BYLAWS AND DECLARING AN EMERGENCY

---

Date: 5/2/07

Prepared by: Kim Bardes

### BACKGROUND

Because of heavy absences at the Metro Policy Advisory Committee (MPAC) during the 2005 and 2006 calendar years, there were numerous meeting at which the body could not conduct business due to lack of quorum. This led to MPAC creating a subcommittee in 2007 to review their bylaws and take a close look at procedures and quorum requirements. It was proposed by an MPAC subcommittee to reduce the number of voting members needed in order to form a quorum. New bylaws have been drawn up to reflect the changes approved by the MPAC membership. An emergency clause has been added so that the changes can be effective immediately in order to assist MPAC to achieve a quorum at meetings.

### ANALYSIS/INFORMATION

1. **Known Opposition:** There is no known opposition.
2. **Legal Antecedents:** Metro Code 2.19.080 Metro Policy Advisory Committee (MPAC)
3. **Anticipated Effects:** It is hoped that the new bylaws will allow more frequent and efficient general operation of MPAC committee business.
4. **Budget Impacts:** No budget impacts perceived.

### RECOMMENDED ACTION

MPAC recommends that the Metro Council adopt the newly proposed Metro Policy Advisory Committee bylaws.

BEFORE THE METRO COUNCIL

AMENDING THE FY 2006-07 BUDGET AND ) ORDINANCE NO. 07-1152  
APPROPRIATIONS SCHEDULE RECOGNIZING )  
DONATIONS TO THE OREGON ZOO AND ) Introduced by Mike Jordan, Chief Operating  
DECLARING AN EMERGENCY ) Officer, with the concurrence of Council  
) President Bragdon

WHEREAS, the Metro Council has reviewed and considered the need to modify appropriations within the FY 2006-07 Budget; and

WHEREAS, Oregon Budget Law ORS 294.326 allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose; and

WHEREAS, the need for the change in appropriation has been justified; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2006-07 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance to recognize donations to the Oregon Zoo Great Northwest Project.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

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

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

Attest:

Approved as to Form:

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

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



**Exhibit A**  
**Ordinance No. 07-1152**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Metro Capital Fund</b>							
<b>Oregon Zoo Capital Projects</b>							
<u>Resources</u>							
<i>BEGBAL</i>	<i>Beginning Fund Balance</i>						
3500	* Prior year ending balance		2,335,933		0		2,335,933
3500	* Prior year PERS Reserve		8,786		0		8,786
<i>INTRST</i>	<i>Interest Earnings</i>						
4700	Interest on Investments		78,552		0		78,552
<i>DONAT</i>	<i>Contributions from Private Sources</i>						
4750	Donations and Bequests		220,000		149,274		369,274
<i>EQTREV</i>	<i>Fund Equity Transfers</i>						
4970	Transfer of Resources						
	* from General Fund (Zoo)		55,000		0		55,000
<b>TOTAL RESOURCES</b>			<b>\$2,698,271</b>		<b>\$149,274</b>		<b>\$2,847,545</b>
<b>Total Personal Services</b>		<b>1.00</b>	<b>\$107,561</b>	<b>-</b>	<b>\$0</b>	<b>1.00</b>	<b>\$107,561</b>
<u>Capital Outlay</u>							
<i>CAPCIP</i>	<i>Capital Outlay (CIP Projects)</i>						
5725	Buildings & Related (CIP)		0		0		0
	* Great Northwest Project		550,000		149,274		699,274
	* Admission Ticketing System		200,000		0		200,000
	* Fluorescent Light Fixture Upgrade		55,000		0		55,000
	* Lion Exhibit		50,000		0		50,000
	* Primate Building		150,000		0		150,000
5755	Office Furniture & Equip (CIP)		70,000		0		70,000
<b>Total Capital Outlay</b>			<b>\$1,075,000</b>		<b>\$149,274</b>		<b>\$1,224,274</b>
<b>Total Interfund Transfers</b>			<b>\$11,955</b>		<b>\$0</b>		<b>\$11,955</b>
<u>Contingency &amp; Unappropriated Balance</u>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* General contingency		1,503,755		0		1,503,755
<b>Total Contingency &amp; Unappropriated Balance</b>			<b>\$1,503,755</b>		<b>\$0</b>		<b>\$1,503,755</b>
<b>TOTAL REQUIREMENTS</b>		<b>1.00</b>	<b>\$2,698,271</b>	<b>-</b>	<b>\$149,274</b>	<b>1.00</b>	<b>\$2,847,545</b>

**Exhibit B**  
**Ordinance No. 07-1152**  
**FY 2006-07 SCHEDULE OF APPROPRIATIONS**

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Amended</u> <u>Appropriation</u>
<b>METRO CAPITAL FUND</b>			
Operating Expenses (PS & M&S)	\$697,561	\$0	\$697,561
Capital Outlay	10,972,000	149,274	11,121,274
Interfund Transfers	11,955	0	11,955
Contingency	2,617,030	0	2,617,030
Unappropriated Balance	878,338	0	878,338
<b>Total Fund Requirements</b>	<b>\$15,176,884</b>	<b>\$149,274</b>	<b>\$15,326,158</b>

*All Other Appropriations Remain As Previously Adopted*

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO.07-1152, AMENDING FY 2006-07 BUDGET AND APPROPRIATIONS SCHEDULE RECOGNIZING DONATIONS TO THE OREGON ZOO AND DECLARING AN EMERGENCY

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Date: April 30, 2007

Prepared by: Craig M. Stroud

## BACKGROUND

The Oregon Zoo received capital donations totaling \$149,274 from the Oregon Zoo Foundation for the 2006-07 fiscal year that were not forecast when the budget was presented and adopted. The intent of this Ordinance is to recognize the new revenues and increase expenditure authority for the purposes described below.

### *Great Northwest Exhibit*

The Oregon Zoo completed and opened the Great Northwest Exhibit in March 2007. The project includes naturalistic areas for black bears and bobcats. The black bear portion includes a large exhibit yard, a smaller outdoor holding yard, and five indoor holding areas. Bobcats have a forested enclosure that includes a log den with a close-up viewing area where visitors are only separated by glass from these elusive cats. Off exhibit holding for the bobcats is also available. The Oregon Zoo Foundation has donated \$149,274 to assist in funding the project's final stage.

<i>Capital Fund – Oregon Zoo</i>	
<i>Revenues</i>	
Donations and Bequests	\$149,274
<i>Expenditures</i>	
Buildings and Related (CIP)	\$149,274

## ANALYSIS/INFORMATION

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.326(3) provides an exemption to Oregon Budget Law allowing for the expenditure in the year of receipt of grants, gifts and bequests received by a municipal corporation in trust for a specific purpose.
- 3. Anticipated Effects:** This action allows the department to recognize the donations dedicated to the purpose described in this report and make expenditures to fulfill the terms of the donations.
- 4. Budget Impacts:** This action requests the recognition of \$149,274 in private contributions received from the Oregon Zoo Foundation for the Great Northwest Exhibit and increases appropriation authority in the Metro Capital Fund by a similar amount

## RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

BEFORE THE METRO COUNCIL

AMENDING THE FY 2006-07 BUDGET AND	)	ORDINANCE NO. 07-1153
APPROPRIATIONS SCHEDULE	)	
TRANSFERRING APPROPRIATIONS IN THE	)	Introduced by Mike Jordan, Chief Operating
MERC OPERATING AND POOLED CAPITAL	)	Officer, with the concurrence of Council
FUNDS AND DECLARING AN EMERGENCY	)	President Bragdon
	)	

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2006-07 Budget; and

WHEREAS, the need for the increase of appropriation has been justified; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2006-07 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of amending the MERC Operating and MERC Pooled Capital Funds.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

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

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

Attest:

Approved as to Form:

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

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

**Exhibit A  
Ordinance No. 07-1153**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>MERC Operating Fund</b>							
<b>Total MERC Operating Fund</b>							
<u>Resources</u>							
<i>BEGBAL Beginning Fund Balance</i>							
	* MERC Admin		130,602		0		130,602
	* Expo Center		3,102,543		0		3,102,543
	* Oregon Convention Center		5,692,249		0		5,692,249
	* Portland Center for the Performing Arts		4,268,924		0		4,268,924
<i>LGSHRE Local Gov't Share Revenues</i>							
4130	Hotel/Motel Tax		8,794,328		0		8,794,328
4142	Intergovernment Misc. Revenue		43,955		0		43,955
<i>GVCNTB Contributions from Governments</i>							
4145	Government Contributions		687,200		0		687,200
<i>CHGSVC Charges for Service</i>							
4500	Admission Fees		1,462,000		0		1,462,000
4510	Rentals		5,394,504		0		5,394,504
4550	Food Service Revenue		10,719,309		777,000		11,496,309
4560	Retail Sales		32,750		0		32,750
4570	Merchandising		37,400		0		37,400
4575	Advertising		95,870		0		95,870
4580	Utility Services		2,306,685		0		2,306,685
4590	Commissions		512,900		0		512,900
4620	Parking Fees		2,390,415		0		2,390,415
4645	Reimbursed Services		2,589,361		0		2,589,361
4647	Reimbursed Services - Contract		279,582		0		279,582
4650	Miscellaneous Charges for Svc		87,290		0		87,290
<i>INTRST Interest Earnings</i>							
4700	Interest on Investments		355,642		0		355,642
<i>DONAT Contributions from Private Sources</i>							
4760	Sponsorship Revenue		181,270		0		181,270
<i>MISCRV Miscellaneous Revenue</i>							
4805	Financing Transaction		3,000		0		3,000
4890	Miscellaneous Revenue		72,000		0		72,000
<b>TOTAL RESOURCES</b>			<b>\$49,239,779</b>		<b>\$777,000</b>		<b>\$50,016,779</b>
<b>Total Personal Services</b>		<b>161.00</b>	<b>\$15,441,793</b>	<b>0.00</b>	<b>\$0</b>	<b>161.00</b>	<b>\$15,441,793</b>
<u>Materials &amp; Services</u>							
<i>GOODS Goods</i>							
5201	Office Supplies		201,911		0		201,911
5205	Operating Supplies		317,001		0		317,001
5210	Subscriptions and Dues		25,902		0		25,902
5214	Fuels and Lubricants		10,350		0		10,350
5215	Maintenance & Repairs Supplies		131,700		0		131,700
5225	Retail		12,000		0		12,000
<i>SVCS Services</i>							
5240	Contracted Professional Svcs		778,412		0		778,412
5245	Marketing Expense		2,024,375		0		2,024,375
5247	POVA Pass-Through		385,239		0		385,239
5251	Utility Services		2,299,479		0		2,299,479
5255	Cleaning Services		16,950		0		16,950
5260	Maintenance & Repair Services		517,970		0		517,970
5265	Rentals		489,634		0		489,634
5280	Other Purchased Services		350,722		0		350,722
5281	Other Purchased Services - Reimb		262,794		0		262,794

**Exhibit A**  
**Ordinance No. 07-1153**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>MERC Operating Fund</b>							
<b>Total MERC Operating Fund</b>							
5291	Food and Beverage Services		8,422,996		600,000		9,022,996
5292	Parking Services		205,011		0		205,011
<i>IGEXP</i>	<i>Intergov't Expenditures</i>						
5300	Payments to Other Agencies		88,872		0		88,872
5310	Taxes (Non-Payroll)		7,000		0		7,000
<i>OTHEXP</i>	<i>Other Expenditures</i>						
5450	Travel		85,513		0		85,513
5455	Staff Development		80,264		0		80,264
5480	Fee Reimbursements		40,300		0		40,300
5490	Miscellaneous Expenditures		132,022		0		132,022
<b>Total Materials &amp; Services</b>			<b>\$16,886,417</b>		<b>\$600,000</b>		<b>\$17,486,417</b>
<b>Total Debt Service</b>			<b>\$18,899</b>		<b>\$0</b>		<b>\$18,899</b>
<b>Total Capital Outlay</b>			<b>\$40,000</b>		<b>\$0</b>		<b>\$40,000</b>
<b>Total Interfund Transfers</b>			<b>\$6,088,876</b>	<b>0.00</b>	<b>\$0</b>		<b>\$6,088,876</b>
<i>Contingency and Ending Balance</i>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* General Contingency		859,037		(600,000)		259,037
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Restricted Fund Balance (User Fees)		840,445		0		840,445
	* Ending Balance		9,064,312		777,000		9,841,312
<b>Total Contingency and Ending Balance</b>			<b>\$10,763,794</b>		<b>\$177,000</b>		<b>\$10,940,794</b>
<b>TOTAL REQUIREMENTS</b>		<b>161.00</b>	<b>\$49,239,779</b>	<b>0.00</b>	<b>\$777,000</b>	<b>161.00</b>	<b>\$50,016,779</b>

**Exhibit A  
Ordinance No. 07-1153**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>MERC Pooled Capital Fund</b>							
<i>Personal Services</i>							
SALWGE	<i>Salaries &amp; Wages</i>						
5010	Reg Employees-Full Time-Exempt						
	Construction Coordinator	1.00	65,854	-	0	1.00	65,854
	Construction/Capital Projects Manager	1.00	86,120	-	0	1.00	86,120
5043	Part-Time, Non-Reimbursed Labor		0		46,000		46,000
5089	Merit/Bonus Pay		10,404		0		10,404
FRINGE	<i>Fringe Benefits</i>						
5100	Fringe Benefits						
	Base Fringe (variable & fixed)		54,894		12,450		67,344
5190	PERS Bond Recovery		5,034		1,550		6,584
<b>Total Personal Services</b>		<b>2.00</b>	<b>\$222,306</b>	<b>0.00</b>	<b>\$60,000</b>	<b>2.00</b>	<b>\$282,306</b>
<i>Capital Outlay</i>							
CAPNON	<i>Capital Outlay (Non-CIP Projects)</i>						
5710	Improve-Oth thn Bldg (non-CIP)		25,000		0		25,000
5720	Buildings & Related (non-CIP)		71,000		0		71,000
5740	Equipment & Vehicles (non-CIP)		253,000		0		253,000
5750	Office Furn & Equip (non-CIP)		25,000		0		25,000
CAPCIP	<i>Capital Outlay (CIP Projects)</i>						
5715	Improve-Oth thn Bldg (CIP)		150,000		0		150,000
5725	Buildings & Related (CIP)		2,676,985		(60,000)		2,616,985
<b>Total Capital Outlay</b>			<b>\$3,200,985</b>		<b>(\$60,000)</b>		<b>\$3,140,985</b>
<b>Total Interfund Transfers</b>			<b>\$76,196</b>		<b>\$0</b>		<b>\$76,196</b>
<i>Contingency and Ending Balance</i>							
CONT	<i>Contingency</i>						
5999	Contingency						
	* General Contingency		742,702		0		742,702
	* Current Year PERS Reserve		224		0		224
UNAPP	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Ending Balance		1,205,471		0		1,205,471
<b>Total Contingency and Ending Balance</b>			<b>\$1,948,397</b>		<b>\$0</b>		<b>\$1,948,397</b>
<b>TOTAL REQUIREMENTS</b>		<b>2.00</b>	<b>\$5,534,374</b>	<b>0.00</b>	<b>\$0</b>	<b>2.00</b>	<b>\$5,534,374</b>

**Exhibit B**  
**Ordinance No. 07-1153**  
**FY 2006-07 SCHEDULE OF APPROPRIATIONS**

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Amended</u> <u>Appropriation</u>
<b>MERC OPERATING FUND</b>			
Operating Expenses (PS & M&S)	\$32,328,210	\$600,000	\$32,928,210
Debt Service	18,899	0	18,899
Capital Outlay	40,000	0	40,000
Interfund Transfers	6,088,876	0	6,088,876
Contingency	859,037	(600,000)	259,037
Unappropriated Balance	9,904,757	777,000	10,681,757
<b>Total Fund Requirements</b>	<b>\$49,239,779</b>	<b>\$777,000</b>	<b>\$50,016,779</b>
<b>MERC POOLED CAPITAL FUND</b>			
Operating Expenses (PS & M&S)	\$308,796	\$60,000	\$368,796
Capital Outlay	3,200,985	(60,000)	3,140,985
Interfund Transfers	76,196	0	76,196
Contingency	742,926	0	742,926
Unappropriated Balance	1,205,471	0	1,205,471
<b>Total Fund Requirements</b>	<b>\$5,534,374</b>	<b>\$0</b>	<b>\$5,534,374</b>

*All Other Appropriations Remain as Previously Adopted*



## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO.07-1153, AMENDING FY 2006-07 BUDGET AND APPROPRIATIONS TRANSFERRING APPROPRIATIONS IN THE MERC OPERATING AND POOLED CAPITAL FUNDS AND DECLARING AN EMERGENCY

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Date: May 1, 2007

Prepared by: Cynthia Hill

## BACKGROUND

This action requests amended appropriation authority for the following purposes:

### *Oregon Convention Center Food & Beverage Sales*

The Oregon Convention Center is experiencing food and beverage sales greater than estimated in the adopted budget. Revenue is currently estimated at \$8.1 million, an increase of \$777,000 over the budget. With increased sales, there is an increase in the cost of goods sold estimated at \$600,000. The projected food and beverage margin for fiscal year 2006-07 is 23 percent. Oregon budget law does not allow the recognition and direct appropriation of this revenue without benefit of a supplemental budget. This action requests the transfer of \$600,000 from the MERC Operating Fund contingency to provide for the necessary increase of food and beverage expenditures, however, increased revenue will more than offset the request.

<i>MERC Operating Fund</i>	
<i>Revenues</i>	
Food & Beverage Sales	\$777,000
<i>Expenditures</i>	
Food & Beverage Services	\$600,000
Contingency	(\$600,000)
Ending Balance	\$777,000

### *MERC Pooled Capital Projects*

The Oregon Convention Center (OCC) and the Portland Center for Performing Arts (PCPA) employees will complete a portion of the labor required on two capital projects. Using existing staff is a cost savings to the overall projects. OCC staff will work on AV Control Room Project and at PCPA staff will work on the Arlene Schnitzer Concert Hall Front House Lighting System Replacement. This action requests the transfer of \$60,000 from capital outlay to personal services in the MERC Pooled Capital Fund to pay for the staff costs associated with these employees.

<i>MERC Pooled Capital Fund</i>	
<i>Expenditures</i>	
Part-time staff	\$46,000
Fringe Benefits	\$12,450
Fringe PERS Bond Recovery	\$1,550
Capital Outlay	(\$60,000)

## **ANALYSIS/INFORMATION**

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
- 3. Anticipated Effects:** This action provides appropriation authority necessary for MERC to meet its service demands.
- 4. Budget Impacts:** This action will transfer \$600,000 from contingency in the MERC Operating Fund to provide for increase food and beverage services at the Oregon Convention Center. However, additional revenue will be received over budget estimates that will more than offset the transfer. There is anticipated to be a positive cash flow to the ending balance of approximately \$177,000. In the MERC Pooled Capital Fund in-house labor will be used to complete two capital projects at a cost savings to the facilities. This action transfers appropriation authority from capital outlay to personal services to cover the staff costs.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of this Ordinance.

BEFORE THE METRO COUNCIL

AMENDING METRO CODE CHAPTER 2.19 TO ) ORDINANCE NO. 07-1155  
ESTABLISH THE NATURAL AREAS PROGRAM )  
PERFORMANCE OVERSIGHT COMMITTEE, ) Introduced by Chief Operating Officer  
AND DECLARING AN EMERGENCY ) Michael J. Jordan, with the concurrence of  
 ) Council President David Bragdon

WHEREAS, on March 9, 2006, the Metro Council adopted Resolution No. 06-3672B (For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection), referring a \$227.4 million general obligation bond measure to the voters for the purpose of maintaining and improving water quality and fish and wildlife habitat by acquiring, protecting, preserving and enhancing natural areas and streams (the “Natural Areas Bond Measure” or “Measure”); and

WHEREAS, at the election held on November 7, 2006, the Metro voters approved Measure 26-80, the Natural Areas Bond Measure; and

WHEREAS, the Measure called for spending bond program funds in three ways: (1) \$168.4 million toward the acquisition of natural areas from willing sellers in 27 identified regional target areas; (2) \$44 million allocated to local governments in the region on a per-capita basis for completion of approved park improvement projects and locally important acquisitions, and (3) \$15 million toward the Nature in Neighborhoods Capital Grants Program to increase natural features and the ecological function and water quality of public lands in neighborhoods; and

WHEREAS, the Measure called for Metro to undertake a public refinement process to establish specific acquisition strategies, goals and objectives, and confidential tax-lot specific acquisition target maps, for each of the 27 target areas; and

WHEREAS, the Measure included a list of specific, approved local share projects for each jurisdiction within the region for the use of their local share of bond proceeds, and allowed for the substitution of such projects if undertaken consistent with program requirements; and

WHEREAS, the Measure included selection criteria and applicant eligibility for projects to be funded as part of the Nature in Neighborhoods Capital Grants Program; and

WHEREAS, the Measure provided for the creation of an independent citizen oversight committee to “review progress in the acquisition of regional target areas, local share project implementation and grant administration;” and

WHEREAS, this new oversight committee is to be known as the Natural Areas Program Performance Oversight Committee (the Committee);

WHEREAS, the efficacy of the Committee will be greatly enhanced, and with it the level and quality of service it provides to the citizens of the region, by its immediate creation and appointments thereto so that it can begin its work while the Natural Areas Program refinement process is under way, during the period that intergovernmental agreements for distribution of local share bond funds are being signed and some jurisdictions will soon begin spending such funds, and while planning is finalized for the Nature in Neighborhoods Capital Grants Program; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Chapter 2.19 shall be amended to add the following text as new Code Section 2.19.220:

2.19.220 Natural Areas Program Performance Oversight Committee

(a) Purpose and Authority. The purpose and authority of the Natural Areas Program Performance Oversight Committee is to annually review whether the program is meeting the goals and objectives established for the program by the Metro Council (“program performance”). The Committee shall annually report to the Metro Council regarding such program performance, which report shall provide the Committee’s recommendations to improve such performance, if any. The Committee’s program performance review and report to Council:

- (1) Shall assess the program’s progress in implementing the strategies, goals and objectives approved by the Metro Council for:
  - (A) Property acquisition and protection in each of the 27 target areas, as described in Council-approved refinement plans;
  - (B) Local share projects; and
  - (C) Awards of Nature in Neighborhoods Capital Grants; and
- (2) May include recommendations regarding the Natural Areas Program Work Plan to improve program efficiency, administration, and performance.

(b) Membership. The Committee shall be composed of no fewer than 13 and no more than 17 members, all appointed by the Metro Council President subject to Council confirmation. The Council President shall designate one (1) member to serve as Chair. Committee members shall primarily be professionals with experience in real estate, finance, auditing, public budgeting, banking, general business, and realty law. Eight (8) of the initial Committee members shall be appointed to serve a one (1) year term and may be reappointed for up to two (2) additional terms as provided in Metro Code Section 2.19.020.

(c) Meetings. The Committee shall meet no fewer than two times per year.

Section 2. This Ordinance being necessary to better serve the public and to work more effectively and efficiently with communities of interest of the Metro Area to implement and provide performance oversight of the Natural Areas Program, an emergency is declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

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. 07-1155, AMENDING METRO  
CODE CHAPTER 2.19 TO ESTABLISH THE NATURAL AREAS PROGRAM  
PERFORMANCE OVERSIGHT COMMITTEE, AND DECLARING AN  
EMERGENCY

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Date: May 24, 2007

Prepared by: Office of Metro Attorney and  
Jim Desmond, Parks & Greenspaces

### BACKGROUND

The Natural Areas Bond Measure included a provision for the establishment of a citizen oversight committee in order to review and suggest improvements to the administration and implementation of the Natural Areas Program. The purpose of the committee is to provide the Metro Council and the citizens of the region an outside third party review that will help Metro achieve the best results for clean water, fish and wildlife, and future generations. This ordinance establishes the committee, terms of service for the chair and its members, and provides greater detail about the charge of the committee.

### ANALYSIS/INFORMATION

**1. Known Opposition:** None.

**2. Legal Antecedents:**

Metro Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection", approved March 9, 2006.

Metro Code Chapter 2.19, "Metro Advisory Committees," providing generally applicable rules for the creation of committees providing advice to the Metro Council and appointment of members to such committees.

This Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

**3. Anticipated Effects:**

By approving Ordinance No. 07-1155, the Metro Council will meet the requirements of the Natural Areas Bond Measure as directed by the region's voters in November 2006. The expertise of the Committee will help ensure that the funds voters have authorized provide the greatest possible benefit to the region. This Committee is required by the Bond Measure and will be most effective if it begins work immediately, and for that reason an emergency is declared to exist and this Ordinance will become effective immediately upon adoption.

**4. Budget Impacts:**

Budget impacts should be limited to staffing of the committee meetings (estimated to be held 2-4 times annually) and producing annual reports for the purpose of the committee's review. Metro Parks and Greenspaces staff will assist the Committee on administrative and technical matters as needed. The Committee will report to the Metro Council on a regular basis, appearing at regular Metro Council meetings no less than once per year.

**5. Outstanding Questions:** None.

**RECOMMENDED ACTION**

Staff recommends adoption of Ordinance No. 07-1155

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROCLAIMING THE )  
WEEK OF MAY 30 THROUGH JUNE 10, 2007 )  
AS GREAT BLUE HERON WEEK )

RESOLUTION NO. 07-3813  
Introduced by Council President  
David Bragdon

WHEREAS, since 1986 the City of Portland has recognized the Great Blue Heron as the official symbol of the region’s efforts to maintain the highest possible standard of livability for its wildlife as well as its citizens; and

WHEREAS, the Great Blue Heron (*Ardea herodias*) as the largest heron in North America, standing four feet tall with a wingspan of six feet, gray in color and tinged with very distinctive blue markings, is a familiar and welcome sight in many natural areas throughout the Metro region; and

WHEREAS, on May 23, 1991, the Metro Council adopted Resolution No. 91-1453A (“For the Purpose of Endorsing the Week of June 29, 1991 as Great Blue Heron Week”), initiating Metro's participation in the annual Great Blue Heron Week celebration; and

WHEREAS, on May 30, 2007, the Portland City Council will proclaim May 30 through June 10, 2007 as the 21st Annual Great Blue Heron Week extending the celebration to 12 days; and

WHEREAS, the Audubon Society of Portland and Urban Greenspaces Institute’s flyer of the 2007 Annual Great Blue Heron Week declares the theme of Great Blue Heron Week 2006 is “Celebrating Natural Areas, Parks, and Streams” and adds that the bird is symbolic of our region’s commitment to protecting and restoring the ecological health of our urban watersheds; and

WHEREAS, Great Blue Heron Week invites residents and visitors to celebrate by enjoying our region's natural areas at many sites already in public ownership such as Smith and Bybee Wetlands Natural Area, the Columbia Slough, Tualatin River National Wildlife Refuge, Creekside Marsh, Heron Lakes Golf Course, Oaks Bottom Wildlife Refuge and Jackson Bottom Wetland Preserve; and

WHEREAS, the Audubon Society of Portland’s May 2006 *Warbler* describes this year’s Great Blue Heron Week as a celebration of “the region’s successful 2006 regional Parks, Natural Areas, and Streams bond measure, which will add another 5,000 acres and miles of trails to the region’s parks trails, and natural areas system”; and

WHEREAS, thanks to the region’s voters overwhelming passage of Measure 26-80, Parks, Natural Areas and Streams bond measure, which will provide the Portland region with \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection; to protect habitat, river and stream frontages and natural areas through land acquisition, restoration and enhancement; including \$44 million to be distributed to cities, counties and local park providers and \$15 million Nature in Neighborhoods Capital Grants Program Fund to be provided to local organizations and public entities; and

WHEREAS, participants of the Great Blue Heron Week celebration will learn about new natural areas that are important to the region’s biological diversity and rich natural area heritage; now therefore,



BE IT RESOLVED, that in honor of the Great Blue Heron, a fitting symbol of livability for the entire region's residents, both people and wildlife, the Metro Council proclaims the week of May 30 through June 10, 2007 as the 20<sup>th</sup> Annual Great Blue Heron Week and encourages all citizens to participate in the walks, bike rides and paddles occurring that week in honor of the Great Blue Heron.

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. 07-3813, FOR THE PURPOSE OF PROCLAIMING THE WEEK OF MAY 30 THROUGH JUNE 10, 2007 AS GREAT BLUE HERON WEEK

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Date: May 10, 2007

Prepared by: Lake McTighe

## BACKGROUND

Great Blue Heron Week has been held the last week of May and first week of June each year in the Portland region since 1986, when the City of Portland recognized the Great Blue Heron as the official symbol of the region's efforts to maintain the highest possible standard of livability for its wildlife as well as its citizens. The Metro Council initiated its participation in the Great Blue Heron Week celebration when it adopted Resolution No. 91-1453A "For the Purpose of Endorsing the Week of June 29, 1991 as Great Blue Heron Week", and has continued to partner with the City of Portland, Portland Audubon Society, the Urban Greenspaces Institute, the Bureau of Environmental Services, River Renaissance and other organizations and agencies each year on the celebration.

Great Blue Heron Week celebrates the strides that have been made towards providing for access to nature in the heart of the city, integrating the built and natural environments, and creating a more ecologically sustainable metropolitan region. Prominent among these successes are two regional bond measures, one in 1995 and more recently in November 2006, the Parks, Trails and Streams \$227.4 million bond, has protected over 8,200 acres in public ownership and will add more than 5,000 additional acres to the public land base in the next decade. Additionally, over one-hundred miles of stream and river banks are now in public ownership.

Participants of the Great Blue Heron Week celebration will learn about new natural areas that are important to the region's biological diversity and rich natural area heritage.

## ANALYSIS/INFORMATION

1. **Known Opposition:** None.
2. **Legal Antecedents**
3. **Anticipated Effects** Continued partnership with local governments, non-governmental entities, and communities to celebrate past success and define future challenges to protect water quality, fish and wildlife habitats and open space in the Portland region.
4. **Budget Impacts:** None.

## RECOMMENDED ACTION

David Bragdon, Metro Council President, recommends adoption of Resolution 07-3813.

BEFORE THE METRO COUNCIL

CONFIRMING THE APPOINTMENT OF MEMBERS ) RESOLUTION NO. 07-3817  
TO THE NATURAL AREAS PROGRAM )  
PERFORMANCE OVERSIGHT COMMITTEE ) Introduced by Council President Bragdon

WHEREAS, the Metro Council has adopted Ordinance No. 07-1155, "Amending Metro Code Chapter 2.19 To Establish The Natural Areas Program Performance Oversight Committee, And Declaring An Emergency"; and

WHEREAS, Ordinance No. 07-1155 creates a new Natural Areas Program Performance Oversight Committee consisting of 13 to 17 members, to be appointed by the Council President subject to confirmation by the Metro Council; and

WHEREAS, the Council President has appointed 15 members and designated a chair person as set forth in Exhibit "A" attached hereto; and

WHEREAS, the Council desires to confirm the appointments; now, therefore,

BE IT RESOLVED, that the Metro Council confirms the appointments to the Natural Areas Program Performance Oversight Committee as set forth in Exhibit "A" attached hereto.

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

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

Approved as to Form:

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

**Natural Areas Program  
Performance Oversight Committee**

**Committee Member Appointments**

The chairperson of the committee, serving a two-year term, shall be:

Peter Krainock	Chief Executive Officer of American International Supply Inc., (AISI) and President, American Waterworks International, a division of ASI
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The following persons shall serve two-year terms, and shall be eligible thereafter to serve one additional two-year term:

Linda Craig	CPA, Brown/Armstrong
Rocky Dixon	Principal, Endeavor Capital
Dave Evans	Controller, ODS Companies
Dave Fogle	Chief Financial Officer, Pacific Coast Restaurants
Jill Long	Real Estate Attorney, Lane Powell
Lori Luchak	Vice President, Miles Fiberglass and Composites, Inc.
Sylvia Roll	General Manager, Grubb & Ellis Management Services, Inc.

The following persons shall serve one-year terms, and be eligible thereafter to serve two additional two-year terms:

David Pollock	Senior Advisor, Ashoka and Director, Ecotrust Forest LLC
Michele Frank	Senior Vice President of Acquisitions/Dispositions, ScanlanKemperBard
Helena Huang	Independent Consultant, JEHT Foundation
Don Jones	Vice President and Manager, Bank of the West, Forest Grove
Anil Raj Krishnamurthy	Associate, Development Services, Pacific Security Capital
Jacquenette McIntire	Escrow Officer, Lawyer's Title
Don Morrissette	Homebuilder, Don Morrissette Realty, Inc.
Segeni Mungai	Citizen

**Committee Member Biographies**

**Linda Craig**

Linda is a Certified Public Accountant with Brown/Armstrong. Linda has extensive expertise in the areas of personal financial planning, financial accounting, and litigation support. Prior to her public accounting career, she was a small business owner. Linda is adept at preparing budgets and financial reports, managing projects and team building.

Linda holds a Bachelor's degree in Mathematics from the University of Northern Iowa and a Master's degree in Educational Psychology from the University of Iowa. She is a member of the American Institute of Certified Public Accountants, the Financial Planning Association and the Oregon Society of Certified Public Accountants. Linda lives in the Beaverton area and is a member of the Audubon.

**Rocky Dixon**

Prior to co-founding Endeavour Capital, Rocky spent six years as the West Coast Director of the Earl Kinship Capital Corporation, an \$80 million Chicago-based diversified investment company. Rocky also spent five years in marketing and sales management at Stanley Tools.

Rocky currently sits on the board of The Bi-Mart Corporation. He also supports numerous local and international causes. He is on the board of Oregon Health Sciences University and the Oregon Wildlife Heritage Foundation, and he serves on the advisory board of Ecotrust and Three Rivers Conservancy.

Rocky is a graduate of the University of Oregon. He lives in Lake Oswego with his wife and two sons.

**David Evans**

Dave has been the Controller of The ODS Companies for more than five years, and brings a broad knowledge of financial planning and budget management to his role.

Dedicated and detail-oriented, Dave is responsible for the company's day-to-day accounting and finance activities, including financial reporting, billing and eligibility, compliance and budgeting. Prior to joining ODS, Dave spent seven years in the audit practice of PricewaterhouseCoopers. While at PricewaterhouseCoopers, Dave worked with clients in several industries, including forest products, retail, real estate and insurance.

Dave earned his Bachelor of Science degree from Oregon State University and is an active certified public accountant. In 2005, he participated in the Portland Business Alliance's annual Leadership Portland program and for the past several years has been involved in the Oregon Society of Certified Public Accountants (OSCPA) mentoring program, through which he helps educate accounting students and guide them on a career path.

**Dave Fogle**

Dave is in his fifteenth year as Chief Financial Officer of Pacific Coast Restaurants, Inc., a holding company for well-known brands including Stanford's, Manzanitas, Newport Bay, and the Portland City Grill, and has been instrumental in increasing the budget from \$10 million per year to \$110 million in 2006. Before joining Pacific Coast Restaurants, Dave was a Certified Public Accountant with Arthur Anderson and at the Marriott Corporation in their corporate office and as Division Controller of the Farrell's Ice Cream Parlour. For four years Dave owned and operated his own Farrell's Ice Cream Parlour in Raleigh Hills. Dave spent six years as Controller of OSF International, Inc. (The Old Spaghetti Factory).

Dave holds an Economics Degree from Washington & Jefferson College, Washington, PA.

**Michele Frank**

Michele is Senior Vice President of Acquisitions/Dispositions at ScanlanKemperBard (SKB). Michele is responsible for underwriting and managing the due diligence process. Before joining SKB in June 2003, she was an asset manager for Schnitzer Northwest and was responsible for 1.1 million square feet of industrial and office product. Michele also worked for Equity Office as a leasing representative where she handled the leasing for 1.3 million square feet, and as a project manager for Spieker Properties where she did property management and leasing.

Michele holds a Bachelor of Arts degree in Journalism from Boston University.

**Helena Huang**

In August 2006, Helena Huang and her family relocated to Portland, Oregon. She is currently working as an independent consultant with the JEHT Foundation. Before moving to the Pacific Northwest, Helena was a Senior Program Manager at the JEHT Foundation. Dedicated to criminal justice reform and human rights, JEHT is a national foundation established in 2001. Helena joined JEHT the following year as its first Senior Program Manager, and managed the Foundation's portfolio on Alternatives to Incarceration. She was responsible for creating and advancing the Foundation's grantmaking strategies, specifically related to drug policy and juvenile justice reform, and worked with government leaders in local jurisdictions across the country to leverage interest and resources in support of reform, and established public/private partnerships.

Prior to joining JEHT, Helena was a Program Director with the Open Society Institute (OSI), a not-for-profit private operating foundation established by international financier George Soros. Here, she was jointly responsible for the strategic planning, budget and management of what was then the largest private US foundation dedicated to criminal justice reform. She supervised the Soros Justice Fellowship Program and established the Community Advocacy Project (CAP), a grantmaking program to support grassroots organizing and advocacy in communities most affected by high rates of incarceration.

Before becoming a funder, Helena was Deputy Director for Client Services with a community-based organization, Women In Need, Inc., that served homeless families. Here she managed an aftercare/transitional housing program for families in the South Bronx and created education and employment programs.

Helena holds a BS in Social Policy from Cornell University and a MPA from Columbia University's School of International and Public Affairs. Helena now lives in Southeast Portland with her husband, journalist and documentary filmmaker Robe Imbriano, and their daughter, Lu.

**Don Jones**

Don has been the Vice President and Manager of the Forest Grove branch of the Bank of the West for eight years. He has been in banking for 21 years. Don started in a single branch community bank and was the District Manager for a national bank before joining Bank of the West.

Don is the Past President of the Forest Grove Chamber of Commerce, and he serves on the Parks Commission, City Vision Committee, and Economic Task Force. He was a two term Past President of the Downtown Association.

Don has been a citizen of Forest Grove for nine years with his wife, Dawn, who teaches 3rd Grade and their two children. He enjoys coaching soccer as the Classic Soccer Program Director and his fourteen-year-old son's team. Don is a volunteer for the Forest Grove Swim Club and the Rotary Concours d'Elegance.

**Peter Kranioc**

Peter is the Chief Executive Officer of American International Supply Inc., (AIS) a California based international sales firm dealing in plumbing and waterworks materials with offices in the Pacific Rim, and President of American Waterworks International, a division of AIS.

Peter is a consultant to the U.S. Trade representative as a member of Industry Trade Advisory Committee #9 and Chair of the Government Relations Committee of the Water & Sewer Distributors of America, and is an Executive Committee member of the Pioneer Courthouse Square Board of Trustees. From 1996 to 2006 Peter was a member of the Board of Trustees of the Catlin Gabel School and was Chair of the Board from 2002-2005.

**Anil Raj Krishnamurthy**

Anil is an Associate with the Development Services group at Pacific Security Capital (PSC) where he is responsible for entitlement, negotiation, financing, due diligence and other front-end development activities and coordination. Anil has also worked with Research and Analytics as well as the Capital Markets group within PSC and is committed to the progression of the industry that he serves. Prior to coming on board with PSC, Anil worked in development for Portland, Oregon flex-office/industrial based developer Specht Development where he was involved with both development and construction management. His previous experience also includes a work rotation in architecture with noted transit oriented/new urbanist firm, Fletcher Farr Ayotte, and a position with commercial real estate brokerage, Grubb & Ellis. Additional real estate experience includes working for a well-respected real estate consulting group and completing market and site evaluation studies for a national restaurant chain.

Anil recently completed his graduate studies in Real Estate Development at the School of Urban Planning at Portland State University. He also holds an undergraduate degree in finance from the University of Oregon and is actively involved in continuing education and professional development through numerous industry events, seminars and lectures.

**Jill Long**

Jill is a Real Estate Attorney with Lane Powell. Jill's practice is focused on estate and business law, including a concentration on obtaining entitlements for developers and property owners. Jill has appeared successfully before City and County boards as well as the Cascade Station Design Review Committee, Oregon Land Use Board of Appeals and the Columbia River Gorge Commission, advocating for clients involved in a variety of projects including property development, zone and comprehensive plan changes, legislative lobbying, design review, variances and appeals. Jill also represents owners and borrowers in the acquisition, leasing, financing and disposition of various types of real property.

Jill holds a law degree from Northwestern School of Law of Lewis and Clark College (J.D., 1999), and a B.A. in Political Science from the University of Oregon.

**Lori Luchak**

Lori graduated from Portland State University with a double major in Marketing and Psychology. She is currently President of Miles Fiberglass & Composites. She oversees marketing, public relations, environmental and government regulations. Lori is Past President of the North Clackamas County Chamber of Commerce and Society of Plastic Industry of Pacific NW, presides on the Executive Board of the Pacific Northwest Defense Coalition, and OSU Family Business Advisory Board.

Lori writes a column, "Reinforced People", for American Composites Manufacturers Association's trade magazine. Lori resides in Happy Valley with her husband Joe and sons, Alex and Justin.

**Jacquenette McIntire**

Jacquenette McIntire is a former Gresham City Council woman, just recently completing her four-year term of service. Jacquenette began as a volunteer with the City of Gresham in 1994 as a Neighborhood Mediator, and then joined the Police Advisory Committee. While Chair of the Gresham Police Advisory Committee, the committee brought forth Oregon's first "Road Rage" ordinance to address Aggressive Drivers in Gresham. She is a single mother of 3 and a Senior Escrow Officer with LandAmerica Lawyers Title in Gresham. Jacquenette has worked in the Real Estate industry over 17 years, almost exclusively in Escrow. Jacquenette is serving on East Metro Association of Realtors Government Affairs Committee for the past 6 years. She brings her knowledge of the Real Estate industry and her unique experience as an elected volunteer and working professional to this committee. Jacquenette is currently serving on Gresham Mayors Task Force for Public Safety Issues.

**Don Morissette**

Don is the founder and owner of Don Morissette Realty, Inc., He is committed to designing and building quality townhomes and single-family homes. Don is a member of the National Homebuilders Association, the Home Builders Association of Metropolitan Portland, the Central Oregon Visitor's Association, and the Central Oregon Builder's Association. Don served on the Metro Council, representing District 2, from 1994 through 1998, and he served on Gordon Smith's Financial Reelection Committee. Don has received numerous awards for his work in the building industry, including a Better Business Integrity Award, the Governor's Corporate Award for Children's Safety, the Home Builders Association Lifetime Achievement Award, the Best in American Living Award, and the Building Excellence Award.

**Segeni Mungai**

Segeni was born and raised in Kenya, and holds a BA in Business Administration and a minor in Economics from Coe College, Iowa. He and his family moved to Portland from Berkeley, CA, in 1996 and were where struck by how green Oregon is. While in Berkeley, Segeni became interested in local politics and social justice and volunteered in CALPIRG, an environmental organization, and his neighborhood association.

Segeni campaigned for the Open Spaces bond measure and subsequently got involved with the Metro Commission on Citizen Involvement (MCCI), where he was recently approved to its Advisory Council. Segeni is a member of the Tualatin River Keepers, Coalition for a Livable Future, and Oregon League of Conservation Voters. Segeni worked in sales for KeyBank Oregon. He is married, has a 5 year old son and is expecting another one in September - another incentive to make Oregon a more livable place.

**David Pollack**

David, recently retired President and CEO of Stormwater Management Inc, has had an extensive business career (Cummins Engine Company, Hyster, KΣssbohrer GelΣndefahrzeug) spanning 35 years living on three continents. David is now a senior advisor to Ashoka, the organization, which supports social entrepreneurs globally, and concurrently a Director for Ecotrust Forest LLC. He is active in the World President's Organization (founding board of Portland Chapter), World Affairs Council (Advisory Board), Oregon Business Association (Economic board), is a mentor at St. Mary's Home for Boys, and actively supports a number of philanthropic endeavors including Mercy Corps, the Portland Art Museum, Trillium Family Services, Stand for Children and the Tibetan Community. He and Shirley, his wife of 39 years, enjoy the arts and the outdoors. They have two grown children and a recent grandchild. David has degrees from the University of Redlands (BA) and the University of Virginia (MBA). He and Shirley were Peace Corps Volunteers in Korea from 1969-1972.

**Sylvia Roll**

Sylvia Roll has worked in the commercial real estate industry for 25 years as a real property manager, with experience in multi-family, retail, industrial and office building portfolios. She currently works for Grubb and Ellis Management Services and is the General Manager for the Wells Fargo Center in downtown Portland. The Wells Fargo Center totals 1.2 million square feet of office and retail space.

She currently is President of BOMA Portland (Building Owners and Managers Association) and was recently elected to the BOMA International Nominating Committee. Sylvia is a CPM® (Commercial Property Manager) and served as IREM President (Institute of Real Estate Management) in 2001.

She is a native of Colorado and happily transplanted to Oregon 30 years ago. Sylvia is married with two sons and lives in Vancouver, WA. She enjoys golfing in her spare time.



## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 07-3817, CONFIRMING THE APPOINTMENT OF MEMBERS TO THE NATURAL AREAS PROGRAM PERFORMANCE OVERSIGHT COMMITTEE

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Date: May 15, 2007

Prepared by: Jim Desmond, Parks and Greenspaces

## BACKGROUND

The Natural Areas Bond Measure included a provision for the establishment of a citizen oversight committee in order to review and suggest improvements to the administration and implementation of the Natural Areas Program. This resolution establishes the committee, terms of service for the chair and its members, and provides greater detail about the charge of the committee.

The purpose of the committee is to provide the Metro Council and the citizens of the region an outside third party review that will help Metro achieve the best results for clean water, fish and wildlife, and future generations. Specifically, the Committee will review program performance and report to Council regarding the program's progress in implementing the strategies, goals and objectives approved by the Metro Council for property acquisition and protection in each of the 27 target areas, as described in Council-approved refinement plans; local share projects; and awards of Nature in Neighborhoods Capital Grants. In addition, the Committee may make recommendations regarding the Natural Areas Program Work Plan to improve program efficiency, administration, and performance.

Members of the committee are drawn from all areas of the region and from a variety of technical and professional disciplines, including finance, auditing, accounting, real estate, banking, and law. Committee members will share their technical and professional expertise to ensure that expenditure of the bond measure satisfies the requirements of the program.

Metro staff will be assigned to assist the committee as necessary. Staff will perform such duties as making technical presentations and preparing reports to the committee; coordinating and staffing meetings; and preparing the committee's annual report.

The first meeting of the committee will be in June or July 2007. The committee will meet twice a year (unless the committee decides that more meetings are necessary). The committee will determine meeting dates, times, and length of future meetings at the initial meeting. Meetings will be held at the Metro Regional Center.

## ANALYSIS/INFORMATION

- 1. Known Opposition:** None.
- 2. Legal Antecedents:**

Metro Resolution No. 06-3672B, For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection, approved March 9, 2006.

Metro Code Chapter 2.19, "Metro Advisory Committees," providing generally applicable rules for the creation of committees providing advice to the Metro Council and appointment of members to such committees.

Ordinance 07-1155 amending metro code chapter 2.19 to establish the Natural Areas Program Performance Oversight Committee, and declaring an emergency, approved May 31, 2007.

**3. Anticipated Effects:**

By approving Resolution No. 07-3817, the Metro Council will appoint a committee as directed by the region's voters in November 2006. The expertise of the Committee will help ensure that the funds voters have authorized provide the greatest possible benefit to the region.

**4. Budget Impacts:**

Staff time to staff the committee and prepare reports.

**5. Outstanding Questions:** None.

**RECOMMENDED ACTION**

Michael J. Jordan, Chief Operating Officer, with the concurrence of David Bragdon, Council President, recommends adoption of Resolution 07-3817.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN ) Resolution No. 07-3810  
ORDER RELATING TO THE WAY W. LEE )  
CLAIM FOR COMPENSATION UNDER ) Introduced by Chief Operating Officer Michael  
ORS 197.352 (MEASURE 37) ) Jordan with the concurrence of Council President  
 ) David Bragdon

WHEREAS, Way W. Lee filed a claim for compensation under ORS 197.352 (Measure 37) contending that Metro regulations had reduced the fair market value of property he owns in the city of Tigard; and

WHEREAS, the claimant requested dismissal of the claim on May 14, 2007; and

WHEREAS, the Metro Council considered the request on May 31, 2007; now, therefore

BE IT RESOLVED that the Metro Council:

1. Enters Order 07-040, attached to this resolution as Exhibit A, which dismisses the claim for compensation.
2. Directs the Chief Operating Officer (“COO”) to send a copy of Order No. 07-040 to the claimant and the City of Tigard. The COO shall also post the order at the Metro website.

ADOPTED by the Metro Council this 31<sup>st</sup> day of May, 2007

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David Bragdon, Council President

Approved as to form:

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Daniel B. Cooper, Metro Attorney

Exhibit A to Resolution No. 07-3810

Order No. 07-040

RELATING TO THE WAY W. LEE CLAIM  
FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37)

Claimants: Way W. Lee

Property: SW 68<sup>th</sup> Parkway, Tigard

Claim: Regulations in Titles 2 and 6 reduce the fair market value of claimant's property

Claimant submitted the claim to Metro pursuant to ORS 197.352 (Measure 37). This order is based upon materials submitted by the claimants and the claimant's request for dismissal of the order.

The Metro Council considered the claim at a public hearing on May 31, 2007.

IT IS ORDERED THAT:

The claim of Way W. Lee for compensation be dismissed because the claimant requested dismissal on May 14, 2007.

ENTERED this \_\_\_\_ day of May, 2007.

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David Bragdon, Council President

Approved as to form:

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Daniel B. Cooper, Metro Attorney

## STAFF REPORT

IN CONSIDERATION OF ORDER NO. 07-040, FOR THE PURPOSE OF ENTERING AN ORDER RELATING TO THE MEASURE 37 CLAIM OF WAY W. LEE

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Date: May 22, 2007

Prepared by: Ted Reid

### BACKGROUND

On November 29, 2006, Way W. Lee (Claimant) filed a claim for compensation under ORS 197.352 (Measure 37) contending that Metro regulations had reduced the fair market value of property he owns in the City of Tigard. On May 14, 2007, the claimant withdrew the claim and has requested that the Metro Council dismiss the claim.

### ANALYSIS/INFORMATION

1. **Known Opposition** none
2. **Legal Antecedents** ORS 197.352 (Measure 37)
3. **Anticipated Effects** none
4. **Budget Impacts** none

### RECOMMENDED ACTION

Dismiss the claim as requested by claimant.

BEFORE THE METRO COUNCIL

RESOLUTION NO. 07-3819

AUTHORIZING THE CHIEF OPERATING OFFICER  
TO ACQUIRE PROPERTY IN THE JOHNSON CREEK  
TARGET AREA UNDER THE 2006 NATURAL AREAS  
BOND MEASURE

Introduced by Chief Operating Officer  
Michael J. Jordan, with the  
concurrence of Council President  
David Bragdon

WHEREAS, the Metro Council has taken a leadership role in identifying remaining natural areas in the Metro area and planning for their protection; and

WHEREAS, Resolution No. 06-3672B "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection," adopted by the Metro Council on March 9, 2006 (the "2006 Natural Areas Bond Measure"), recommended submission to the voters of a general obligation bond to preserve natural areas and clean water and protect fish and wildlife; and

WHEREAS, the voters approved the 2006 Natural Areas Bond Measure at the general election held on November 7, 2006; and

WHEREAS, as provided in the Measure, Metro is currently undertaking a public refinement process to establish specific acquisition strategies, goals and objectives, and confidential tax-lot specific acquisition target maps, for each of the 27 target areas; and

WHEREAS, in advance of completing the refinement process, Metro staff has identified an opportunity to purchase a property in the 2006 Natural Areas Bond Measure Johnson Creek Target Area, as identified and further described in Exhibit A; and

WHEREAS, all terms of the transaction contemplated herein shall comply with the 2006 Natural Areas Acquisition Parameters and Due Diligence Guidelines, set forth in Metro Council Resolution No. 07-3766A "Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan," adopted on March 1, 2007; now, therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to acquire the property identified in Exhibit A, in accord with the Acquisition Parameters and Due Diligence Guidelines of the Natural Areas Implementation Work Plan.

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

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

Approved as to Form:

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Daniel B. Cooper, Metro Attorney

**Target Area: JOHNSON CREEK  
Clatsop Buttes Natural Area Property**

**Description:** Staff has identified an opportunity to protect 49 acres of property including densely forested hillsides and floodplain creek frontage in the Boring Lava Domes in the Johnson Creek Target Area. The property is located south of Foster Road and west of Barbara Welch Road on the North face of the butte (“Clatsop Buttes Natural Area Property”).

The site is home to a mix of native trees and vegetation including maples, cedars, Douglas firs, red alder, Oregon grape, huckleberry, elderberry, sword fern and hosts wildlife including deer, fox, coyote, migrating flicker, pileated woodpecker and other birds. Threatened development, which proposes 97 residential sites would have substantial negative impact on the Johnson Creek watershed and would represent the destruction of one of the last remaining functioning intact habitats of this size in the City of Portland. Protection of the sight will retain important habitat, maintain scenic qualities and prevent the water quality impacts of a development of this magnitude on the watershed.

The area has been distinguished by Johnson Creek Target Area stakeholders as one of the last opportunities of this habitat quality and scale in the City of Portland. The City of Portland has identified this habitat in its Natural Areas acquisition strategy accepted by Portland City Council in 2006. The City of Portland is committed to long-term management of this site, maintaining its rare values and protecting it from invasive species.

- Bond Criteria Addressed:**
- Protection of this level of intact canopy on property with multiple drainages to the main stem will keep water temperatures low, a major water quality benefit.
  - Property represents a unique opportunity to protect one of the last intact forested habitats on Johnson Creek within the City of Portland.
  - Identified in refinement plans for the Johnson Creek Target Area an important link in the wildlife corridor extending from Powell Butte South.
  - Protects resources from imminent development threat.
  - The north facing Butte is an important scenic resource.
  - Opportunity is adjacent to City of Portland owned Kingsley D. Bundy Park, a dedicated natural area, which expands habitat protection another 5 acres across Johnson Creek to the North.
  - There has been strong community support and we anticipate active partnership in restoration.

Property identification: Township 1 South, Range 2 East, Section 24B, Lots 1300 and 1400; Township 1 South, Range 2 East, Section 23AA, Lots 900, 1200, 1201, 1202, and 1300; Township 1 South, Range 2 East, Section 23AD, Lot 100; and Township 1 South, Range 2 East, Section 24BB, Lot 1000; Township 1 South, Range 2 East, Section 24BD, Lots 1700, 1800 and 1900



Sellers: Private Party

Size: 49 acres

Stream Frontage: Johnson Creek

Conditions: Metro Council Approval, Appraisal and all other standard due diligence

## STAFF REPORT

In consideration of Resolution No. 07-3819, authorizing the Chief Operating Officer to Acquire Property in the Johnson Creek Target Area under the 2006 Natural Areas Bond Measure

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Date: May 31, 2007

Prepared by: Kathleen Brennan-Hunter

## BACKGROUND

Resolution No. 07-3819 requests authorization for Metro to purchase property in the Johnson Creek Target Area as described in Exhibit A. This resolution proposes authorization for the purchase of the property subject to the terms of a Purchase and Sale Agreement executed between Metro and the Seller. Authorization from Council is needed because Metro Council has not yet approved an acquisition refinement plan for the Johnson Creek Target Area under the 2006 Natural Areas Bond Measure.

Metro Council has directed staff to bring forward for consideration for purchase any high quality sites that are available now, under some threat of being lost if not acted upon at this time, and highly likely to be recommended by key stakeholders and staff as priority sites for acquisition when the refinement plan for their respective target areas are brought forward.

## JOHNSON CREEK HEADWATERS

As stated in the 2006 Natural Areas bond description of the Johnson Creek Target Area, as adopted by Metro Council:

*Johnson Creek remains the most densely urbanized creek in our region. Opportunities remain to acquire tracts within the remaining floodplain, upland habitat areas adjacent to the main stem, and along both Butler and Kelly creeks to protect water quality and connect public holdings with the Damascus Buttes.*

## Clatsop Buttes Natural Area

Staff has identified an opportunity to protect 49 acres of property including densely forested hillsides and floodplain creek frontage in the Boring Lava Domes in the Johnson Creek Target Area. The property is located south of Foster Road and west of Barbara Welch Road on the north face of the butte ("Clatsop Buttes Natural Area Property").

Several significant drainages, springs and creeks traverse the site, which includes frontage on Johnson Creek. The site is home to a mix of native trees and vegetation including maples, cedars, Douglas firs, red alder, Oregon grape, huckleberry, elderberry, sword fern and hosts wildlife including deer, fox, coyote, migrating flicker, pileated woodpecker and other birds.

This area including the Clatsop Buttes Natural Area Property has been identified in refinement plans for the Johnson Creek Target Area as a priority habitat protection opportunity and important link in the wildlife corridor extending from Powell Butte to the south. The area has been distinguished by Johnson Creek stakeholders as one of the last opportunities of this habitat quality in the City of Portland.

Threatened development, which proposes 97 residential sites, would have substantial negative impact on the Johnson Creek watershed and would represent the destruction of one of the last large, intact habitats in the City of Portland. Protection of the site will secure important habitat, maintain scenic qualities and prevent water quality impacts from development in this watershed.

There is strong stakeholder and community advocacy for protection of this property. Based on refinement work to date, the science community and stakeholders agree this property will be one of the highest priorities for the Johnson Creek Target Area Refinement Plan.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

None.

### **2. Legal Antecedents**

Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisitions and Water Quality Protection," adopted on March 9, 2006.

The voters' approval of Metro's 2006 Natural Areas Bond Measure at the general election held on November 6, 2006.

Resolution No. 07-3766A "Authorizing the Chief Operating Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan," adopted by the Metro Council on March 1, 2007, established the Acquisition Parameters and Due Diligence Guidelines for the purchase of properties as part of the 2006 Natural Areas Bond Program.

This Resolution No. 07-3819 proposes to authorize the purchase of the Property subject to the terms of the Purchase and Sale Agreement executed by the Property owner and Metro.

This authorization assumes that the purchase will meet the terms of the Acquisition Parameters and Due Diligence Guidelines of the 2006 Natural Areas Implementation Work Plan on matters such as appraisal review, environmental audit and title matters. This authorization does not cover any "unusual circumstances" and to the extent any "unusual circumstances" arise during Metro's due diligence process, further Council review and authorization will be required.

### **3. Anticipated Effects**

Assuming that no unusual circumstances arise, Metro will close on the purchase of this property and will own 100% fee simple interest in the property.

The City of Portland will assume Management of the Clatsop Buttes Natural Area Property, under a management IGA to be finalized.

#### **4. Budget Impacts**

The property is scheduled to close prior to September 30, 2007 and will be purchased utilizing 2006 Regional Bond proceeds. Metro shall bear stabilization costs only for the Clatsop Buttes Natural Area Property. Landbanking and future management costs for the Clatsop Buttes Natural Area Property shall be borne by the City of Portland under an intergovernmental agreement regarding management.

#### **RECOMMENDED ACTION**

The Chief Operating Officer recommends passage of Resolution No. 07-3819.