

BEFORE THE METRO COUNCIL

AMENDING METRO CODE CHAPTER 2.19 TO) ORDINANCE NO. 07-1155A
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.

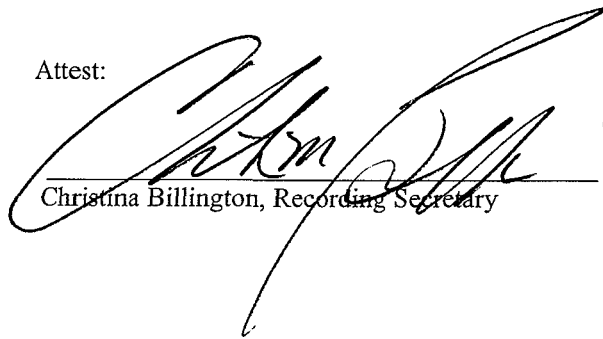
(d) The committee shall be dissolved on July 1, 2017 or upon the issuance of a final report by the committee after all funds authorized by the 2006 bond measure have been spent , whichever is earlier.

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).

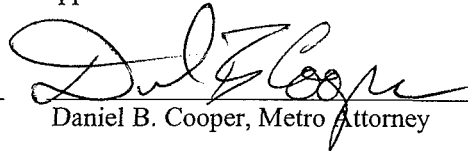
ADOPTED by the Metro Council this 31st day of May, 2007.

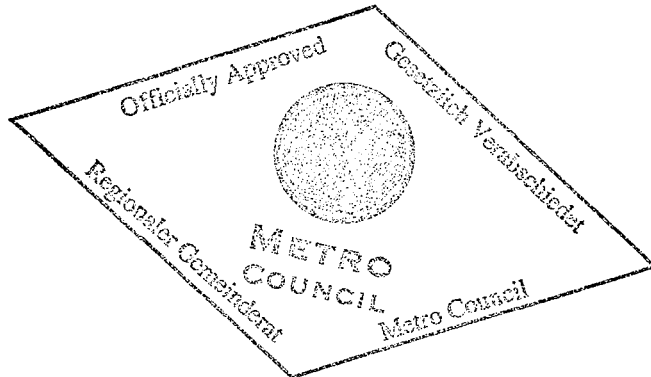

David Bragdon, Council President

Attest:


Christina Billington, Recording Secretary

Approved as to form:


Daniel B. Cooper, Metro Attorney



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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

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(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

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