

# A G E N D A

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**METRO**

## **Agenda**

MEETING: METRO COUNCIL/EXECUTIVE OFFICER INFORMAL MEETING  
DATE: May 15, 2001  
DAY: Tuesday  
TIME: 2:00 PM  
PLACE: Council Annex

### **CALL TO ORDER AND ROLL CALL**

#### **I. UPCOMING LEGISLATION**

#### **II. PORT OF PORTLAND MASTER PLAN**

Lohman

#### **III. FAIRVIEW IGA**

Sandrock/Ciecko

#### **IV. EXECUTIVE OFFICER COMMUNICATION**

#### **V. COUNCILOR COMMUNICATIONS**

### **ADJOURN**



**Resolution No. 01-3046**  
**2001 – 71<sup>st</sup> Oregon Legislative Bills**  
**As of April 2, 2001**

LEG. TEAM RECOMMENDATION	BILL NO.	Subject / Topic	Sponsor Of Bill	Title / Description	Council Position
<b>METRO GENERATED BILLS</b>					
<b>PUBLIC VOTE</b>	HB3716	Bybee-Howell House issue in EFU zone	Rep. Vicki Walker (At request of Metro)	Modifies provisions authorizing parks and community centers on land zoned for exclusive farm use.	<b>Support</b>
<b>PUBLIC VOTE</b>	HB3909	Tire Recycling	Rep. Kafoury, Starr, Tomei; Ackerman, Backlund, Barnhart, Beck, Bowman, Close, Devlin, Doyle, Gardner, Hansen, Hass, Hopson, Johnson, King, Krieger, Krummel, Lee, Leonard, Lowe, March, Merkley, Minnis, Monnes Anderson, Morrisette, Nolan, Patridge, Ringo, Rosenbaum, Shetterly, P Smith, V Walker, Williams, Witt, Senators Atkinson, Castillo, Gordly, Trow (at the request of Metro Regional Services)	Establishes Tire Recycling Board. Directs board to develop and administer tire recycling program. Imposes tax on sale of new tires. Directs revenue from tax into Tire Recycling Fund. Specifies purposes of Tire Recycling Fund.	<b>Support</b>
<b>PUBLIC VOTE</b>	SB906	Self-Insurance	Sen. Brown (At the request of Metro)	Reduces number of covered employees and retirees required for self-insurance of health insurance by individual public body.	<b>Support</b>
<b>BILLS TO SUPPORT</b>					
<b>Support Bill</b>	HB2022	Biennial Budgets	House Interim Revenue Committee	Allows local governments to adopt biennial budgets.	<b>Support</b>
<b>Support Bill</b>	HB2140	Highway Modernization Program Money	Governor John A. Kitzhaber, M.D., For Department Of Transportation)	Deletes requirement that specified moneys be spent on highway modernization program.	<b>Support</b>



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LEG. TEAM RECOMMENDATION	BILL NO.	Subject / Topic	Sponsor Of Bill	Title / Description	Council Position
<b>Support Bill</b>	HB2816	Environmental Mercury added novelties prohibition	Rep. Merkley, Witt; Ackerman, Backlund, Barnhart, Bates, Beck, Carlson, Devlin, Garrard, Hansen, Johnson, King, Knopp, Kropf, Krummel, Leonard, Lowe, March, Monnes Anderson, Ringo, Rosenbaum, Schrader, Shetterly, V Walker, Williams, Sen. George	Amends Unlawful Trade Practices Act. Prohibits sale of mercury fever thermometers, mercury-added novelties and motor vehicles containing mercury light switches. Prohibits installation of thermostats containing mercury in commercial or residential building. Provides exception. Prohibits sale of thermostats containing mercury. Provides exception. Prohibits certain actions relating to mercury and mercury products. Directs Oregon Department of Administrative Services to remove mercury light switches from state-owned motor vehicles. Directs Department of Environmental Quality to work with local agencies to provide technical assistance to wrecking businesses concerning removal of mercury light switches from motor vehicles.	<b>Support</b>
<b>Support Bill</b>	HB2825	Growth Creates Home Ownership Task Force	Rep. Merkley; Rep. Butler, Devlin, Kafoury, Knopp, Kropf, Ringo, Rosenbaum, V Walker, Williams, Wirth	Creates Home Ownership Task Force. Specifies composition of task force. Requires task force to study issues regarding home ownership among low and moderate income Oregonians and to report its findings to interim committee of Seventy-first Legislative Assembly.	<b>Support</b>
<b>Support Bill</b>	HB2923	PCPA/RACC Creates Trust for Cultural Development Board	Rep. Simmons, Westlund, Sen. L Beyer; Rep. Beck, Brown, Gardner, Kafoury, Leonard, Minnis, Nolan, Patridge, Shetterly, G Smith, Williams, Sen. Atkinson, Brown, Burdick, Carter, Castillo, Clarno, Corcoran, Courtney, Duncan, Ferrioli, Hannon, Hartung, Metsger, Minnis, Shields (at the request of Joint Interim Task Force on Cultural Arts and former Rep. Lynn Snodgrass)	Renames Cultural Trust Fund Investment Account as Trust for Cultural Development Account. Creates Trust for Cultural Development Board to oversee account. Directs office of the Secretary of State to provide staff support to board. Specifies distribution of funds for cultural development, community cultural participation and core partner agencies. Creates tax credit for amounts contributed to Trust for Cultural Development Account and cultural organizations. Directs Department of Transportation to establish cultural license plate program for issuance of special registration plate. Imposes surcharge. Uses moneys collected for Trust for Cultural Development Account. Appropriates moneys from General Fund to department to initiate program. <b>Takes effect on 91st day following adjournment sine die.</b>	<b>Support</b>



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LEG. TEAM RECOMMENDATION	BILL NO.	Subject / Topic	Sponsor Of Bill	Title / Description	Council Position
<b>Support Bill</b>	HB3179	Allows Exemption from SDC for Affordable Housing	Rep. Ringo	Adds public schools, community colleges, library districts, fire protection and rescue services and police protection to definition of capital improvements for which system development charges may be imposed. Allows exemption from system development charges for affordable housing.	<b>Support</b>
<b>Support Bill</b>	HB3400	Growth Distributes Tax Proceeds to Affordable Housing Fund	Rep. Deborah Kafoury, Ackerman, Bates, Beck, Bowman, Gardner, Hansen, Lee, Leonard, Merkley, Rosenbaum, Tomei, Wirth, Senators L Beyer, Brown, Burdick, Castillo, Corcoran, Deckert, Gordly, Hartung, Shields (At The Request Of Oregon Home)	Establishes affordable housing district in standard metropolitan statistical areas of state with population of 500,000 or more. Requires district governing board to consist of representatives from cities and counties in district. Authorizes district governing board to impose real estate transfer tax if two-thirds of board members approve. Distributes tax proceeds to Regional Affordable Housing Fund to be distributed within district for affordable housing development and assistance to first-time home purchasers and development that directly benefits affordable housing. [Creation of a regional housing body which could levy a real estate transfer tax upon approval of 3/4ths of the 27 jurisdictions in the region.]	<b>Support</b>
<b>Support Bill</b>	SB230	Animal Abuse	Sen. Deckert (At The Request Of Christopher And Constance Hawes, Oregon Humane Society And Michael E. Wellington Of The Lane County Animal Regulation Authority)	Changes definition of physical injury for purposes of animal abuse and neglect statutes. Specifies means of establishing some forms of physical injury to animal. Changes neglect resulting in death of animal from crime of animal neglect in the first degree to new crime of aggravated animal neglect in the first degree. Provides for maximum penalty of five years' imprisonment, fine of \$100,000, or both. Prohibits possession of animal within specified period following conviction for certain crimes against animals. Creates exceptions. Makes violation offense subject to maximum penalty of \$1,000 fine and forfeiture of animal if predicate conviction was misdemeanor or \$5,000 fine and forfeiture of animal if predicate conviction was felony. Changes culpable mental state for animal abuse in the second degree from recklessly to criminally negligent. Changes culpable mental state for animal abuse in the first degree from recklessly to criminally negligent. Eliminates element that abuse causing death of animal be inflicted cruelly. Reclassifies crime of animal abuse in the first degree to felony with maximum penalty of five years' imprisonment, fine of \$100,000, or both, if crime is committed under certain conditions or committed by defendant	<b>Support</b>



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LEG. TEAM RECOMMENDATION	BILL NO.	Subject / Topic	Sponsor Of Bill	Title / Description	Council Position
				having specified criminal history. Changes definitions for crime of aggravated animal abuse in the first degree. Changes culpable mental state for malicious killing of animal from intentionally to recklessly. Revises elements for establishing torture. Increases maximum penalty for crime of animal abandonment to six months' imprisonment, \$2,000 fine, or both. Amends statute governing peace officer entry of premises to care for animal to allow entry in any lawful manner. Changes time limit for holding hearing on preconviction forfeiture of animal.	
<b>Support Bill</b>	SB433	Fish & Wildlife Oregon Plan (Concept Only)	Governor John A. Kitzhaber, M.D., For Office Of The Governor	Directs Governor to coordinate activities and programs of natural resources agencies in implementing Oregon Plan. Defines natural resources agency. Specifies elements that must be included in state agency or local government species recovery plan for plan to be incorporated into Oregon Plan. Provides direction to natural resources agencies for implementing Oregon Plan. Requires state agencies managing state-owned lands to develop aquatic and watershed conservation strategies if substantial salmonid habitat exists or potentially could exist. Directs Oregon Watershed Enhancement Board to submit biennial report to Governor and Legislative Assembly on implementation of Oregon Plan. <b>Declares emergency, effective on passage.</b>	<b>Support</b>
<b>Support Bill</b>	SB816	Toll Roads— Removes Certain Restrictions/Re quirements	Sen. Clarno	Removes requirement for specific legislative approval of tollway project. Removes restrictions on amount that may be charged for toll. Removes requirement for bicycle paths and rest areas on tollways. Removes provision vesting title to tollway project in Department of Transportation 40 years after completion.	<b>Support</b>
<b>BILLS TO OPPOSE</b>					
	HB2311	Transportation Bonds/Fuel Tax-Requires \$600 million in ODOT Funding for Modernization To Be Paid Off	Rep. Jerry Krummel	Authorizes issuance of bonds by Department of Transportation, to be repaid with revenues from current tax on motor vehicle and other fuels. Exempts bonds from statutory provisions requiring Governor to recommend and legislature to approve total maximum bonded debt level for each biennium.	<b>Oppose</b>



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LEG. TEAM RECOMMENDATION	BILL NO.	Subject / Topic	Sponsor Of Bill	Title / Description	Council Position
		The Top of Highway Trust Fund; Affects Funds to ODOT, Cities & Counties			
	HB2837	Repeals SB838 from last session allowing EFU subdivision for Parks/Open Spaces	Rep. Schrader (at the request of Oregon Farm Bureau)	Eliminates authority of county or county's designee to authorize division of land in exclusive farm use zone to allow purchase for public parks, open space or nonprofit land conservation. [Amends ORS 215.263 and repeals ORS 215.265]	Oppose
	HB2976	Land Use Amend UGB to Actual Housing Types / Densities Under 20 years	Rep. Morgan (at the request of Oregon Building Industry Association)	Requires local government to amend urban growth boundary if analysis finds actual housing types and densities insufficient for next 20 years. Requires inclusion of certain school facilities, parks and open spaces. Defines buildable lands. Allows local government to amend comprehensive plan, functional plan or land use regulations to increase likelihood that residential development will be accommodated under current or partially expanded urban growth boundary. Requires local government to amend urban growth boundary if residential development is not accommodated.	Oppose
	HB2979	Land Use Limits Coordination of Open Space	Rep. Morgan (at the request of Oregon Building Industry Association)	Limits metropolitan service district coordination of open spaces, scenic and historic areas and natural resources regulated under statewide goals to instances where those spaces, areas and resources cross jurisdictional boundaries and all jurisdictions request coordination.	Oppose
	SB929	UGB Inclusion within City / Metro Service Districts	Sen. Ferrioli (at the request of Associated Oregon Industries)	Requires that urban growth boundary include all area within city limits or all area within boundaries of metropolitan service district.	Oppose
<b>BILLS TO MONITOR</b>					
	HB2499	Land Use	Rep. Kruse	Changes planning period for buildable land supply inside urban growth boundary.	Monitor



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LEG. TEAM RECOMMENDATION	BILL NO.	Subject / Topic	Sponsor Of Bill	Title / Description	Council Position
	HB2731	Land Use Farm & Forest Practices (EFU in UGB)	Rep. Shetterly (At The Request Of Oregon Farm Bureau)	Modifies limitation on liability for engaging in certain farming and forest practices. Eliminates requirement that practice occur outside urban growth boundary as condition of liability limitation.	<b>Monitor / Oppose</b>
	HB2981	Land Use LCDC / Local governments Prohibited – Minimum Lot Sizes	Rep. Morgan (at the request of Oregon Building Industry Association)	Prohibits Land Conservation and Development Commission and local governments from prescribing minimum lot size in urban reserve areas unless justified after analysis. Prescribes analysis considerations.	<b>Monitor / Oppose</b>
	LC	Transportation	Metro / House Transportation Committee Chairman Bruce Starr	Regional Transportation Authorities.	<b>Monitor</b>
<b>CONCEPT TO PURSUE</b>					
				Measure 7 Principles (Cooper Draft)	



051501c-02

HB 3408-6  
(LC 3673)  
5/14/01 (BHC/ps)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3408**

1 On page 1 of the printed bill, line 2, after "transportation" insert a period  
2 and delete the rest of the line.

3 Delete lines 4 through 30 and delete pages 2 through 4 and insert:

4 **"SECTION 1. As used in sections 1 to 6 of this 2001 Act:**

5 **"(1) 'Agency account' means an account of a regional transporta-**  
6 **tion authority used to hold funds derived from a revenue-raising**  
7 **measure passed by the electors of a regional transportation authority**  
8 **district or subdistrict or other income or receipts of an authority.**

9 **"(2) 'Authority' means a regional transportation authority organ-**  
10 **ized under section 2 of this 2001 Act.**

11 **"(3) 'Board' means the board of directors of a regional transporta-**  
12 **tion authority.**

13 **"(4) 'District' means the territorial jurisdiction of a regional trans-**  
14 **portation authority.**

15 **"(5) 'Local government' means a city, county, mass transit district,**  
16 **metropolitan planning organization, metropolitan service district or**  
17 **port authority.**

18 **"(6) 'Revenue-raising measure' means a ballot measure referred by**  
19 **the board to the electors of an authority district or subdistrict to im-**  
20 **pose, issue or change a fee, toll, excise tax, assessment, general obli-**  
21 **gation or revenue bond, property tax or other tax to fund regional**  
22 **transportation projects or programs.**

23 **"(7) 'Subdistrict' means an area within the district that is estab-**  
24 **lished under section 2 (6) of this 2001 Act.**

*Not Addressed*  
1- cities in metro area  
2 largest then 3rd district  
by remainder  
2- construct of mountain  
one is gone - bus district  
del - local agreement  
verify metro Council  
3 Revenue Bonds  
J. G. O.



**kinko's**

## fax cover sheet

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Version 6w/ Crunican notes

call into her on 5/15/01



1       “(8) ‘Transportation project or program’ means a project or pro-  
2 gram:

3       “(a) To finance, acquire, engineer, plan, operate, install, construct,  
4 repair or maintain facilities, equipment and rolling stock for travel  
5 by road, transit, bicycle, air, water or passenger or freight rail or pe-  
6 destrian travel;

7       “(b) For transportation demand management; or

8       “(c) To inform the public about or to promote or discourage the use  
9 of the facilities, equipment and associated services.

10       “SECTION 2. (1) Local governments may form a regional transpor-  
11 tation authority and a regional transportation authority district by an  
12 intergovernmental agreement under ORS 190.003 to 190.130. The parties  
13 to the intergovernmental agreement must include each of the follow-  
14 ing jurisdictions if the proposed district is located, in whole or in part,  
15 within the boundaries of the jurisdiction:

16       “(a) A metropolitan planning organization or, ~~if different from the~~

17 (b) ~~metropolitan planning organization~~; a metropolitan service district;

18 c “(b) A county;

19 d “(c) A port authority;

20 e “(d) A mass transit district;

21 f “(e) A city with a population of at least 400,000 people; and

22 g “(f) A majority of all cities.

23       “(2) The territorial jurisdiction of an authority is limited to the  
24 geographic boundary of the district. The geographic boundary of the  
25 district:

26       “(a) Must be identified in the intergovernmental agreement; and

27       “(b) May be limited to a proposed service area but may not extend  
28 beyond the aggregate boundary of the local governments that form or  
29 become party to the intergovernmental agreement.

30       “(3)(a) The board of directors shall govern the authority.

31       “(b) Board members shall be appointed or elected ~~as at-large mem~~



1 bers. *e*

2       “(c) The intergovernmental agreement must describe the manner  
3 and terms of appointing or electing members of the board, the method  
4 for scheduling board meetings, the selection of a board chairperson  
5 and other officers and the creation of board committees and advisory  
6 committees.

7       “(4) The board may not:

8       “(a) Conduct business unless a quorum, as established by the  
9 intergovernmental agreement, is present.

10       “(b) Exercise a power granted under section 4 of this 2001 Act unless  
11 a majority of the board members in attendance at the time of the vote  
12 approves.

*Siegel*  
*?*

13       “(5) The intergovernmental agreement forming an authority must  
14 include provisions that:

15       “(a) Ensure the payment of operating costs of the authority, in-  
16 cluding the reasonable costs of professional and support services, of-  
17 fice space, utility and telecommunications services and related  
18 operating costs;

19       “(b) Ensure coordination between the board and the participating  
20 local governments;

21       “(c) Establish a process for determining which transportation  
22 projects or programs to fund with a proposed revenue-raising measure  
23 and when the measure will be voted on by the electors of the district  
24 or subdistrict;

25       “(d) Specify the source of funds or the process for determining the  
26 source of funds to pay the cost of placing a revenue-raising measure  
27 on the ballot;

28       “(e) Relate to monitoring and auditing the expenditure of funds;

29       “(f) Establish how the authority will coordinate with the partic-  
30 ipating local governments to ensure compliance with applicable fed-  
31 eral, state, regional and local transportation planning, environmental,



1 development and construction requirements;

2 "(g) Provide for and govern the dissolution of the authority, or a

3 subdistrict of the district, but the agreement may not allow dissolution

4 unless a majority of the parties to the intergovernmental agreement

5 approves of the dissolution; and

6 "(h) Govern the process and requirements for amending the inter-

7 governmental agreement.

8 "(6)(a) A subdistrict of the district may be established:

9 "(A) In the intergovernmental agreement by which the authority

10 is formed; or

11 "(B) After the authority is formed, by a resolution or order of the

12 board if the board receives a request for the establishment of a sub-

13 district by all signatories to the intergovernmental agreement and the

14 board determines that a subdistrict is needed to address transportation

15 project or program needs of the subdistrict. A request for the estab-

16 lishment of a subdistrict must include a proposed boundary for the

17 subdistrict.

18 "(b) A subdistrict may be dissolved by a resolution or order of the

19 board if the board receives a request for the dissolution of a subdistrict

20 from the signatories to the intergovernmental agreement and the

21 board determines that a subdistrict is no longer needed.

22 "(7) A local government that was not a party to the formation of

23 the authority or an area that was not included within the boundary

24 of the district described in the intergovernmental agreement may be

25 added by an amendment to the intergovernmental agreement.

26 "(8) The board shall maintain a separate agency account for the

27 district and for each subdistrict.

28 "SECTION 3. (1) A regional transportation authority may by board

29 resolution or order refer to electors residing in the district or in a

30 subdistrict a revenue-raising measure that complies with section 4 (3)

31 of this 2001 Act to fund, in whole or in part, transportation projects

Sub  
v.  
District  
dissolution

Request  
Metro  
Board  
??

Outstanding  
obligations

How



1 or programs within the district or subdistrict.

2 “(2) Before referring a revenue-raising measure to the electors, an  
3 authority shall hold at least ~~one~~<sup>3</sup> public hearing<sup>3</sup> related to the proposed  
4 measure. Procedures and conditions shall be established through the  
5 intergovernmental agreement entered into under section 2 of this 2001  
6 Act.

7 **“SECTION 4. (1) The powers of the board of directors of a regional  
8 transportation authority include:**

9 **“(a) Notwithstanding ORS 190.080 (2), the issuance of general obli-  
10 gation bonds. Outstanding general obligation bonds may not exceed in  
11 the aggregate two and one-half percent of the real market value of all  
12 taxable property within the district or subdistrict, as appropriate. The  
13 board shall cause the issuance of general obligation bonds authorized  
14 by the electors from time to time, and the general obligation bonds  
15 must mature within a term not to exceed 30 years from issue date and  
16 bear interest at a rate determined by the board.**

17 **“(b) The adoption of a resolution or order that allows the authority  
18 to issue notes, warrants or other obligations in anticipation of taxes  
19 or other revenues or to refund obligations authorized under this sub-  
20 section; secure obligations by pledging as security for the obligations  
21 the taxes and other revenues in anticipation of which the obligations  
22 are issued; establish any reserves deemed necessary by the board for  
23 the payment of the obligations; enact covenants and provisions for  
24 protection and security of the holders of obligations, which shall con-  
25 stitute enforceable contracts with the holders, or issue and sell reve-  
26 nue bonds and pledge as security therefor all or any part of the  
27 unobligated net revenue of the authority in accordance with ORS  
28 288.805 to 288.945.**

29 **“(c) Notwithstanding ORS 190.080 (2), the power to levy taxes.**

30 **“(d) The establishment of an election date for a revenue-raising  
31 measure or other matters to be voted on by electors of the district or**



1 a subdistrict.

2 “(e) The identification of transportation projects or programs that  
3 comply with subsection (3) of this section to be financed with the  
4 proceeds of a revenue-raising measure or other obligations to be repaid  
5 with proceeds of a revenue-raising measure.

6 “(f) The power to contract or enter into an agreement to accom-  
7 plish the purposes of section 3 of this 2001 Act with a government  
8 agency or a private entity to obtain legal, financial, technical or other  
9 necessary information or services.

10 “(g) The power to contract or enter into an agreement with a gov-  
11 ernment agency or a private entity that sponsors a transportation  
12 project or program and to make a multiyear commitment, not to ex-  
13 ceed 30 years, of funds derived from a revenue-raising measure for the  
14 support of a transportation project or program. A contract or agree-  
15 ment may contain covenants and provisions for the protection and  
16 security of the holders of obligations issued by the transportation  
17 project or program sponsors and to be repaid with revenues from such  
18 contracts.

19 “(h) The disbursement of funds from agency accounts to a govern-  
20 ment agency, a nonprofit entity or a private entity that sponsors a  
21 transportation project or program on a formula allocation or project  
22 or program basis.

23 “(i) The performance of other acts that are necessary or convenient  
24 for the proper exercise of the powers granted to an authority by  
25 sections 1 to 6 of this 2001 Act.

26 “(2) An authority may not impose, issue or change a tax, fee, toll,  
27 assessment or general obligation or revenue bond without approval by  
28 a majority of electors voting on the revenue-raising measure in the  
29 district or subdistrict that is subject to the revenue-raising measure.

30 “(3) Moneys from a tax, fee, toll, assessment, general obligation or  
31 revenue bond, obligation or other encumbrance must be deposited into



1 an agency account and may be used only to fund, in whole or in part,  
2 a transportation project or program or to pay the administrative costs  
3 of the authority. A transportation project or program may be funded  
4 only if the project or program:

5 "(a) Is included in and consistent with the financially constrained ||  
6 version of an adopted regional transportation plan or, in an area  
7 without a metropolitan planning organization or a metropolitan ser-  
8 vice district, is included in an adopted local transportation plan; and ~ 1000

9 "(b) Complies with federal statutes and regulations, state laws and  
10 rules and regional and local regulations, ordinances and comprehen-  
11 sive plans, including those related to the environment, air quality,  
12 transportation and land use.

13 "(4) The board may by resolution or order determine methods to  
14 fairly allocate the responsibility to pay administrative and financing  
15 costs of the authority among the district and subdistrict agency ac-  
16 counts.

17 "SECTION 5. Before referring a revenue-raising measure to electors  
18 in a regional transportation authority district or subdistrict, the board  
19 of directors of the authority must:

20 "(1) Consult with the parties to the intergovernmental agreement  
21 forming the authority; and

22 "(2) If funds derived from a revenue-raising measure are to be used  
23 for improvements on state-owned facilities, receive approval from the  
24 Department of Transportation or the Oregon Department of Aviation.

25 "SECTION 6. A regional transportation authority is subject to laws  
26 relating to public records, public meetings and tort claims."  
27

*State  
Should be  
consulted  
if facilities  
taxed*



**Legislative Update:****May 15, 2001**

1. HB 3909: Tire Recycling - It will move to the house floor. It does have a 13 member interim task force to review the current situation (using the existing state hierarchy for resource stewardship)
2. SB 906: Self-Insurance - Moved from the Health Committee to the Rules Committee for further consideration. Efforts are being made to work out compromise language with Kaiser Healthcare.
3. HB 3540: Zoo Parking Lot - Passed the house and referred to the Rules Committee in the Senate.
4. HB 2731: Freedom to farm act in an urban area; passed the house.
5. HB 3400: (Real Estate Transfer Tax/Affordable Housing) – had a hearing and does not appear to moving.

- THE LEGISLATIVE TEAM IS RECOMMENDING THAT THE METRO COUNCIL VOTE ON THE FOLLOWING BILLS (AND PRINCIPLES) ON THURSDAY, MAY 17<sup>TH</sup>.

**HB 2502 (formerly HB 3716):** Clarifying the siting of parks in rural areas.

**HB 3057:** Riparian Tax Incentive. Change to existing statute, a key metro amendment would allow the riparian tax incentive to extend into urban areas, i.e. within the UGB.

**HB 3564:** Habitat Conservation Plan tax exemptions.

**HB 3026:** School siting in EFU lands.

**RTA:** List of Principles (in response to Council's concerns)



Since 1891, the Port of Portland has been meeting a critical need in the community, ensuring the efficient movement of people and goods in and out of our region. The Port ensures the region receives the benefits of a globalized market, and views trade as a tool that serves our community. Ultimately, the Port is answerable to public demand for growth, balanced with environmental sensitivity.

## **OPERATING A PORT IN TODAY'S ENVIRONMENT**

Over the last year the Port conducted a comprehensive strategic planning effort to ensure we continue to meet the needs of the community as an active air and sea port. Through this process, we redefined our priorities and the way we will do business in the years to come. This includes meeting the region's transportation needs and operating our facilities in an environmentally responsible manner. We hope to achieve this through a new comprehensive environmental policy, which includes a commitment to an Environmental Management System, designed to guide our decision-making. One element of our new policy is to open a dialogue with the public. We hope you will comment on this report and on other issues and concerns through our web site at [www.portofportland.com](http://www.portofportland.com).



## PARTNERING IN OUR COMMUNITY

While part of our work involves changing our practices internally, it is also important for us to improve our communications with the community. Part of our commitment to operating as an environmental steward involves getting out into the community to talk to you about what is happening at the Port. This is particularly important when it comes to environmental issues that affect the livability of our entire region. We want to know about the issues that concern you.

We will also be forming partnerships with community and environmental leaders. Examples of our current partnerships include the Lower Columbia River Estuary Program Management Committee which promotes estuary restoration; the Columbia Slough Watershed Council's Watershed Assessment and program to revegetate and clean up the Slough; Stop Oregon Litter and Vandalism (SOLV), an organization that removes litter and plants riparian vegetation; sponsorship of the Oregon Environmental Council's Business and Environmental Forums, and Headwaters to Ocean's (H2O) river education program.

## OUR CHALLENGE FOR THE FUTURE — CHARTING OUR PROGRESS

We are committed to meeting the needs of the community through responsible environmental practices and proactive environmental programs. We are proud of our progress, but are striving to continually improve. During the next year, we will take a hard look at each of our activities and determine the areas where we have the opportunity for the greatest improvement and the biggest environmental benefit and will report back to you our findings, how we are performing, and our progress.

## WE'RE INTERESTED IN YOUR THOUGHTS

We welcome your ideas as we work towards responsible environmental stewardship, implementation of proactive environmental programs, and integration of environmental considerations into all aspects of the Port's planning and decision making.

If you would like to receive regular e-mail updates on the Port's environmental programs, or would like more information, please contact:

### > Environmental Communications

Port of Portland  
121 N.W. Everett  
Portland, OR 97209  
P.O. Box 3529  
Portland, OR 97208

Phone: (503) 944-7051  
[www.portofportland.com](http://www.portofportland.com)  
[www.portlandairportpdx.com](http://www.portlandairportpdx.com)

*The mission of the Port of Portland is to provide competitive cargo and passenger access to regional, national, and international markets while enhancing the region's quality of life.*



051501E-04



ENVIRONMENTAL ANNUAL REPORT 2000



PORT OF PORTLAND














**“Environmental stewardship is now a top priority for the Port of Portland. This is a long-term commitment that will take consistent effort, over a long period of time. As a means of achieving this commitment, we will implement strict, proactive programs, we invite you to stay engaged with us and hold us accountable for our environmental performance.”**

**— Mike Thorne**  
Executive Director

## Our Commitment

### ENVIRONMENTAL POLICY

In February of 2000, the Port Commission adopted a new Environmental Policy that is the cornerstone of our Environmental Management System. Throughout the year, the Executive Director of the Port issued additional policies and procedures to implement the Commission's direction. The Environmental Policy states that:

*“The Port of Portland will achieve its mission through responsible environmental stewardship and the implementation of proactive environmental programs. The Port will integrate environmental considerations into all aspects of its strategic planning and business decision-making.”*

#### **> The policy specifically calls for the Port to:**

- Integrate environmental considerations into all business decisions and activities
- Be a responsible steward of the environment
- Strive to prevent pollution of our air, water and landscape
- Minimize impacts to and seek opportunities to enhance natural resources
- Continually improve our environmental performance and record
- Open a dialogue with the citizens and leaders of our community
- Comply with all laws and regulations governing our activities



**"Having worked in the environmental field for more than 30 years, I am excited about the far-reaching, positive impact the Port's environmental programs will have on the natural resources that are so critical to sustaining our way of life in the Pacific Northwest."**

**— Rick Mishaga**  
Natural Resources Manager

## **ENVIRONMENTAL MANAGEMENT SYSTEM**

Much of 2000 was devoted to development of an Environmental Management System (EMS) for the Port and the initial work is now complete.

Implementation will begin in earnest in 2001.

An EMS is a systematic, proactive way of managing environmental programs within the organization.

The goal is to incorporate environmental considerations into the early stages of every project. The EMS will allow us to have a strong, consistent environmental program integrated throughout Port operations, and drives continuous improvement of our environmental practices.

This new way of looking at the environment will allow us to design projects so they avoid environmental impact if possible, then minimize impacts and finally, mitigate the effects of our operations on the environment.

## **ENVIRONMENTAL TEAM**

Hiring the best people to develop proactive and sound environmental programs is key to operating in a manner that assures good stewardship of the environment. Over the past year, we have greatly expanded our environmental services team. We now employ over 25 people on the team, all of whom are technical experts and highly respected

in their fields. Environmental staff are assigned to all of our major project teams, allowing them to assess environmental impacts, as well as offer alternatives and solutions, throughout the life of a project.

## **EDUCATING OUR EMPLOYEES**

Beyond our specific environmental experts, we are working hard to foster a climate that empowers employees to incorporate environmental considerations into their daily activities. Every day there are opportunities to integrate good environmental practices into our business. These range from decisions about innovative ways of controlling storm water discharges, to making strategic business decisions. All employees will receive training on our new environmental management system and we will continue to keep them involved as new environmental strategies are developed. From large to small, from design to construction, from planning to operation, we're striving to conduct business in an environmentally responsible manner.



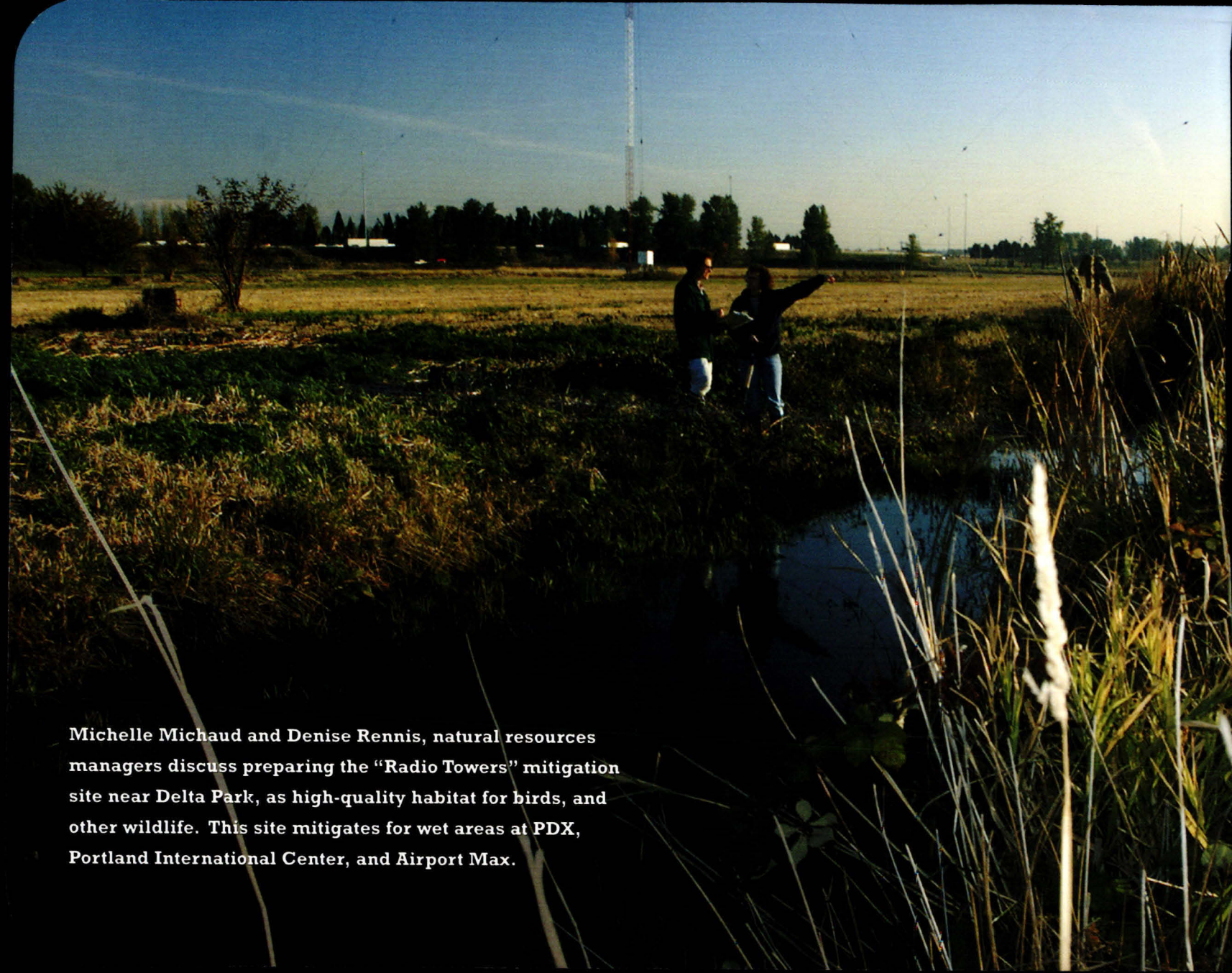


A woman with short brown hair, wearing a dark sweater, is crouching on a sandy beach. In the background, there is a body of water, a distant city skyline, and trees with autumn foliage. The scene is lit with warm, golden light, suggesting late afternoon or early morning.

**“Operating a vital air and sea port in an environmentally responsible and sustainable manner poses both challenge and opportunity. The EMS will help us manage and measure the success of our environmental programs. But it’s the vision of a new way of doing business that will really make the difference.”**

— Cheryl Koshuta  
Corporate Environmental Manager



A photograph of two people, Michelle Michaud and Denise Rennis, standing in a wetland area. They are surrounded by tall grasses and reeds. In the background, there are trees and a tall radio tower under a clear blue sky. The scene is a natural habitat for birds and other wildlife.

Michelle Michaud and Denise Rennis, natural resources managers discuss preparing the "Radio Towers" mitigation site near Delta Park, as high-quality habitat for birds, and other wildlife. This site mitigates for wet areas at PDX, Portland International Center, and Airport Max.





## Our Environmental Programs

While the Port's policies and the EMS represent our new formal commitment to the environment, they are the culmination of an ongoing commitment to improve our environmental practices and be good stewards of our communities' resources. Our main areas of focus include improving water and air quality, protecting natural resources and operating in a sustainable manner. The programs described below are examples of our ongoing work.

### WATER QUALITY

**PORT POLICY:** *strive to conserve and protect water resources; employ a watershed approach; promote sensible water use.*

#### > Storm Water Run-Off

Managing storm water is one of our biggest challenges. The Port has implemented a storm water management program in cooperation with the City of Portland and with oversight by DEQ. This program improves water quality and fish habitat by reducing contaminants in the water and minimizing erosion. We are also exploring new ways to minimize the amount of pollutants that reach the storm water.

### CONSERVING NATURAL RESOURCES

**PORT POLICY:** *seek opportunities to enhance and sustain natural resources; emphasize ecosystem based approaches; protect and enhance fish and wildlife habitat.*

The Port's environmental commitment includes the protection of endangered species, habitat enhancement programs, wetlands mitigation and river monitoring. We are committed to the stewardship of valuable habitat restoration projects including upland habitat planting at Kelley Point Park and working in partnership with the City of Portland Bureau of Environmental Services to revegetate riparian habitat along the Columbia Slough. The Port also has an active streambank management program for its riverfront properties.

#### > Endangered Species Act

Although the Endangered Species Act (ESA) covers several species potentially affected by Port activities, most of the attention in 2000 was on recovering dwindling salmon runs. The Port is committed to participating fully in this effort and has developed an action plan to ensure that Port activities are in compliance with the Act. Establishing riparian buffers adjacent to rivers and streams, managing stormwater run-off, and other efforts to improve salmon habitat are all part of the Port's environmental management programs. Additionally, the Port supports restoring the Lower Columbia River Estuary, which is critical to the health of young salmonids.



### > **Habitat Enhancement**

We have also begun habitat enhancement programs for the Rivergate Industrial District where native riparian vegetation is planted along Smith and Bybee lakes. Planting trees and other vegetation serves multiple purposes, including stabilizing banks, providing habitat and shade for creatures that live in the water or on the banks, and improving air quality. We have also used native vegetation for habitat enhancement and bank stabilization at Terminals 4 and 6.

### > **Wetlands Mitigation**

The Port's policy is to avoid filling wetlands, if possible. Sometimes filling wetlands is unavoidable for safety reasons (wetlands near airport runways, where birds come too close to aircraft), or in order to develop aviation, marine or industrial properties. If wetland fills cannot be avoided, the Port works with natural resource agencies to locate mitigation sites within the same watershed to replace wetlands which may have been impacted or lost. We currently manage 11 mitigation sites, totaling approximately 390 acres and are nearing completion of a comprehensive Wetlands Management Plan to further direct our efforts.

## **SUSTAINABILITY**

**PORT POLICY:** *consider life cycle of materials; seek energy efficiency and water conservation; reduce use of hazardous materials; procure reusable, recycled and recyclable products.*

The Port is committed to finding new practices that promote sustainability in all of our business operations. One example of how we incorporated sustainability standards was the siting, design and construction of our new headquarters building in Northwest Portland. From the very beginning, we incorporated environmental factors into the decision making. Recognizing the need to reduce the number of employee vehicles coming and going from the facility, we located the building on the light rail line within fareless square. The building was constructed according to "Earth Smart" building practices, using recycled wood for the interior paneling and designing electrical and air control systems to exceed Oregon's energy code by twenty percent.

### > **Recycling**

Our recycling and reuse program has been in place for more than ten years and recently won Metro's Business Recycling Awards Group (BRAG) award for business recycling. The Port reuses or recycles more than 25 items including paper, copier equipment and other items used in administrative offices. We even recycled lumber from one of our aging docks at Terminal 4 to use as prime building material, including the wood paneling in our new office building. This year, the Port received the American Association of Port Authorities' Environmental Improvement Award for the salvage program at Terminal 4.















## IMPROVING AIR QUALITY

**PORT POLICY:** *promote clean air; minimize air emissions from existing operations; minimize air emissions from development activities.*

### > Alternative Fuel Vehicles

Forty percent of our vehicle fleet at Portland International Airport has been replaced with vehicles that run on compressed natural gas (CNG), a fuel that burns significantly cleaner than gasoline. It is estimated that in one year, use of these vehicles will decrease carbon monoxide emissions by 1.4 tons and nitrogen oxide emissions by 1.9 tons. Port employees contribute to air quality improvements as well. The Port's annual employee survey indicated that 58% of Port employees located at our downtown office either use public transportation, carpool or ride their bikes to work each week.

### > Light Rail to the Airport

In 2000, the construction of most of the light rail line to PDX was completed. The 5.5 mile extension will open in September 2001. This important link will provide an attractive alternative to private autos for passengers and employees and will help improve air quality.

## NOISE REDUCTION

As part of an effort to reduce airport noise and be a better neighbor, the Port has worked with area residents and the PDX Citizen's Noise Advisory Committee to construct an innovative remedy to some of the noise caused by commercial aircraft. A new structure called the Ground Run-up Enclosure (GRE) will muffle the sound caused by commercial aircraft engine maintenance testing. The GRE is scheduled for completion in the spring of 2001, and will be the second facility of its type in the United States. Plans are also underway to begin an updated Noise Management Plan, which incorporates community input into a federally approved noise abatement plan for the airport.



# An Update on Current Major Projects

## LOWER COLUMBIA RIVER CHANNEL DEEPENING

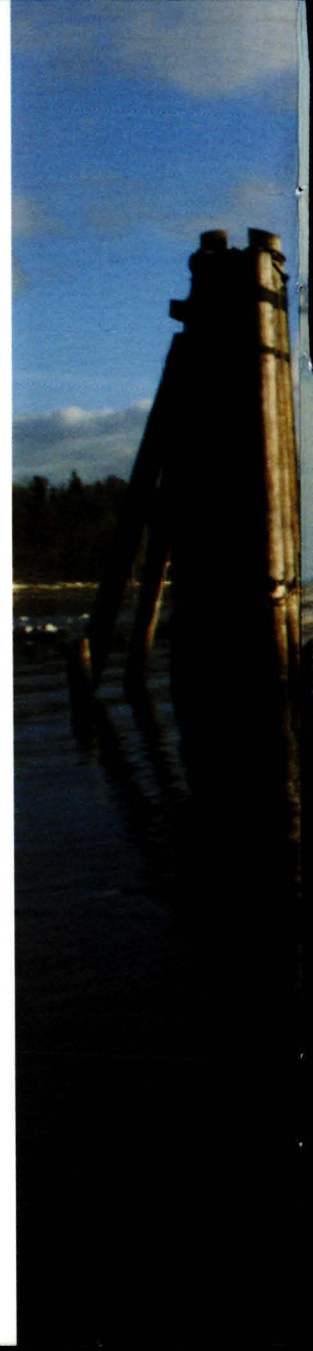
In response to the inevitability of larger, more efficient vessels calling on the Lower Columbia, the Port joined with other lower Columbia River ports to request that the U.S. Army Corps of Engineers study the need for and evaluate the feasibility of deepening the 40-foot navigation channel to 43 feet. This effort

included a full Environmental Impact Statement, which the Corps completed in 1999.

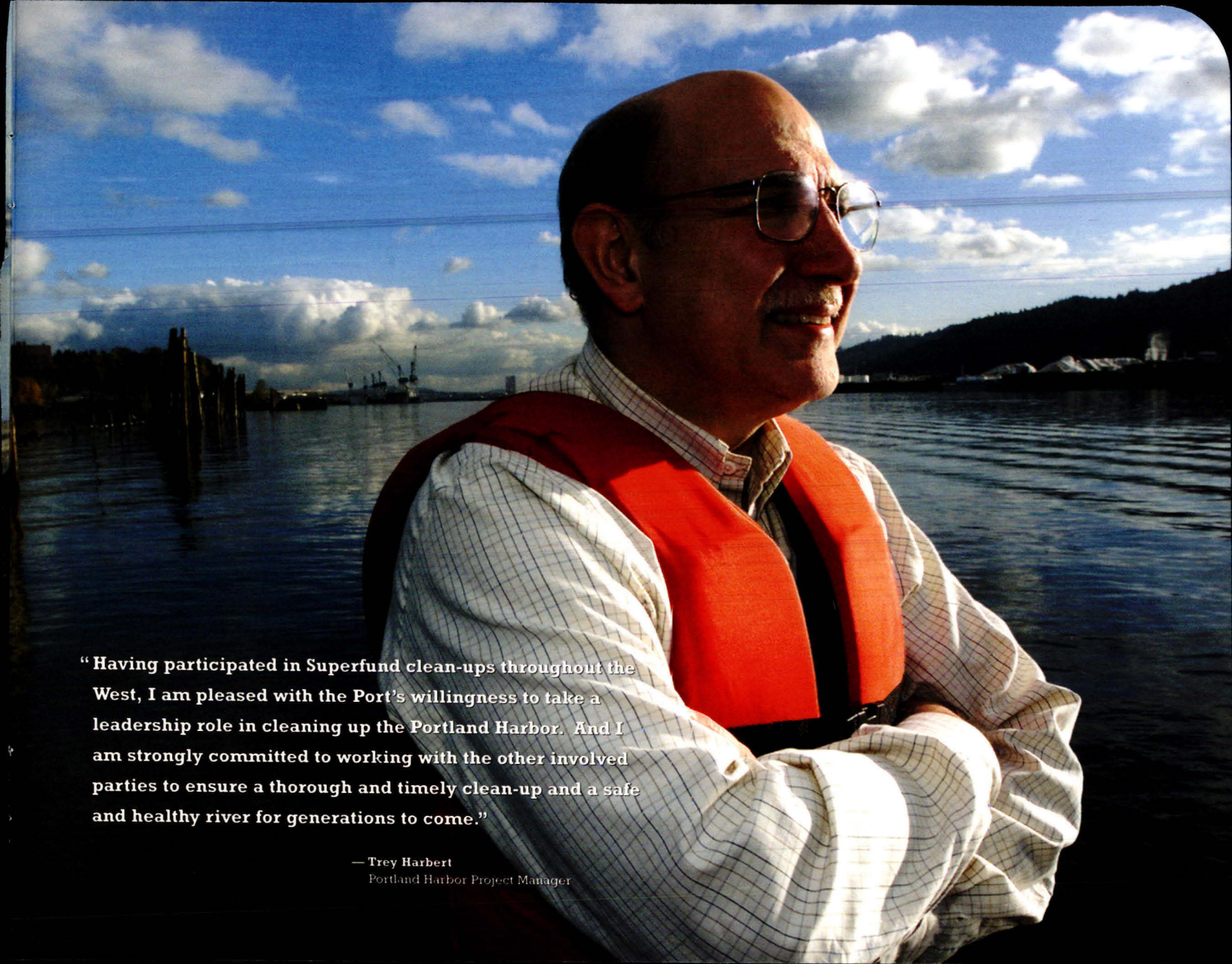
In August 2000, based on new information, the National Marine Fisheries Service (NMFS) reinitiated consultation with the Corps on the project. The project will not proceed until NMFS' Biological Opinion regarding the possible effects of the project on threatened and endangered species has been re-evaluated and issued. Additionally, the Oregon Department of Environmental Quality and the Washington State Department of Ecology have asked for additional studies regarding water quality before the project can proceed. The Port supports conducting the additional analysis needed to ensure that the environmental questions raised by NMFS and the state environmental departments have been addressed.

## PORTLAND HARBOR (Superfund Listing)

Over the past 110 years, as Portland grew and prospered, sites such as those within the Portland Harbor have become contaminated. On December 1, 2000, the EPA listed a portion of the Portland Harbor as a Superfund site — a result of more than a century of contamination by industrial and maritime activity. The Port has been, and remains, committed to a thorough and timely cleanup of the Portland Harbor. The Port will continue to work with DEQ, EPA, the Tribes, federal and state natural resource trustees and other responsible parties to clean up the Portland Harbor. To avoid future contamination, the Port is cleaning up contamination on its properties and has instituted measures called Best Management Practices to minimize or eliminate discharges of contaminants into the river from its marine and other facilities.







**“Having participated in Superfund clean-ups throughout the West, I am pleased with the Port’s willingness to take a leadership role in cleaning up the Portland Harbor. And I am strongly committed to working with the other involved parties to ensure a thorough and timely clean-up and a safe and healthy river for generations to come.”**

**— Trey Harbert**  
Portland Harbor Project Manager



A photograph showing a man and a woman standing on a metal platform with railings, overlooking a grassy field. In the background, an airport tarmac is visible with several large commercial airplanes, including one with a red and white livery. The scene is set during the day with a clear sky.

**"The new deicing management system is the first of its kind in the country. It's based on new technology which measures concentration levels in real time, and should make significant improvements in water quality within the Columbia Slough."**

— Chuck Shenk and Susan Aha  
PDX Environmental





## DEICING

The health of our rivers and waterways is critically important to the Port. One of our challenges is to meet new water quality standards by dramatically reducing the amount of material used to de-ice planes in the winter from reaching the Columbia Slough. Deicing and anti-icing are critically important to ensuring the safety of our air travel passengers. Glycol, the primary ingredient in plane deicing and anti-icing materials is biodegradable. However, during periods of heavy use, the amount of this material released into a small waterway such as the Columbia Slough can overwhelm the ecological system.

In cooperation with DEQ, area residents, environmental interests, and the airlines, the Port has developed a solution to this problem. We are currently constructing a state-of-the-art stormwater management system using new technology, which will manage runoff and allow us to meet water quality standards. When fully operational, the new system will reduce glycol discharge in the slough by approximately 90 percent. Construction is scheduled to be complete in the fall of 2002.

In the meantime, methods of applying anti-icing and deicing to the runways have been made more efficient and new types of materials with lower biodegradable oxygen demand are used when possible.

## PDX MASTER PLAN

In October, the Port Commission approved the PDX Master Plan, a document which outlines potential future facility needs, based on forecasts of passenger growth at the airport. The plan included the need for an additional terminal and potentially a 3rd parallel runway.

In 2001, the Port will study the potential environmental and noise impacts of the Master Plan recommendations and conclusions. The Port will fully examine land use, surface transportation, airspace capacity, and water quality issues, as well as work with other regional airports to explore opportunities to improve air service efficiency. In early 2001, the Port will begin the process of updating its FAA airspace capacity and noise management plan.

## WEST HAYDEN ISLAND PROJECT

The year 2000 saw much activity to proceed with the environmental work to support development of West Hayden Island for future Marine terminal needs in the region. However, the project has been postponed due to a decline in grain exports and encouragement by some members of the public to more fully assess possible alternatives to development of the island. The postponement will allow the Port to continue to work with the Port of Vancouver to evaluate future regional needs for marine cargo facilities. In the meantime, the Port will be exploring whether opportunities exist to do enhancement work as advance mitigation in the event West Hayden Island is developed.









## SEI Science Panel: Columbia River Channel Improvement Reconsultation

### Background Information

#### SEI

Sustainable Ecosystems Institute has been engaged to facilitate the discussion of the scientific issues regarding the proposed Columbia River Channel Deepening project. SEI is a public benefit non-profit scientific organization, dedicated to the use of science in environmental problem solving. The institute adopts an impartial approach, and seeks to solve problems through technical resolution of disputes. The institute comprises a core staff of 12 Ph.D level scientists, with 250 associated experts in an array of fields. A detailed description of the institute is more fully discussed at [www.sei.org](http://www.sei.org)

#### Panel Meetings

SEI is convening a panel of experts to consider the technical issues on the proposed deepening of the Columbia River. This panel will meet monthly, and evaluate materials on a range of topics associated with the project. The panel of 7 scientists is selected by SEI to include only nationally respected scientists, who are committed to an impartial evaluation of facts. The panel will be asked to review the established information on a topic, and to determine what constitutes the "best available science". Scientists from the agencies involved in the consultation may argue the issues before the panel. The panel will also be asked to evaluate the need for new studies, and the risks of proposed management alternatives. The panel will not however be asked to advise the agencies on which management option to follow; similarly the panel will not be involved in any decision-making, or advice on policy.

SEI and the agencies will prepare materials to be sent to panelists. These materials will then be discussed at the panel meeting. SEI will record the proceedings, and will prepare a summary of results from this record. The summary will then be circulated to all interested parties. It is the intent of the process that the scientists preparing the Biological Assessment, and the associated Biological Opinions, will have a clear statement of the scientific issues and an impartial evaluation leading to resolution of key issues involved in the consultation

#### The Issue

The Corps of Engineers has proposed to extend dredging of the Columbia River, to deepen the channel from the existing 40 feet, to the new depth of 43 feet. Deepening of the river and estuary may impact certain listed stocks of salmonids, listed under the Endangered Species Act. An original evaluation of the



issues resulted in issuance of a Biological Assessment, and a subsequent Biological Opinion, that allowed dredging to proceed. However the BO was withdrawn in the light of new scientific information. The action agency (Corps of Engineers) is now in reconsultation with the regulatory agencies (National Marine Fisheries Service and US Fish and Wildlife Service) on how to proceed. Several technical issues are under discussion, and the parties are seeking to establish a common understanding of the science involved.

### **Impacts**

At issue are the expected and possible impacts of the proposed action on various salmonids (several anadromous species under NMFS jurisdiction, and coastal cutthroat under USFWS). Included in these impacts will be any effects of dredging on habitat, saltwater intrusion, mobilization of toxics, sediment loads, and ecosystem function. In order to evaluate the total impact of any action, we will need to establish a framework for integrating such effects, and decide on appropriate measurement scales. Data quality will also need to be addressed, as will the consequences of management under imperfect information.

### **Panel responsibilities**

Panelists will be asked to carefully review printed materials prior to each meeting. At each meeting they will have the opportunity to meet with scientists from the different agencies, to listen to presentations, and to question the parties. Panelists will then be asked to answer important, unresolved questions regarding technical issues. Examples of such questions might include:

- “What are the best available data?”
- “What more information can we collect in the time available?”
- “Have we included all relevant information?”
- “Which model is most appropriate to the situation?”
- “How can we evaluate the risks associated with a proposed action?”

It is not expected that panelists will be experts in all subjects (fish biology, hydrology, risk management, estuarine function, etc.), but that each member be familiar with the use of science in management situations, and that the panel together will be able to evaluate the merits of different technical arguments relevant to the project

### **The results of the Panel's work**

The panel will work by consensus over an intensive two-day meeting. The panel will be asked to state its opinion only on technical issues: it is not the role of the group to make management or policy recommendations or decisions. The meeting summaries will be distributed as a draft for review. After that, they will become available on the SEI web page at [www.sei.org](http://www.sei.org)



# COLUMBIA RIVER CHANNEL IMPROVEMENT RECONSULTATION PROJECT

## SCIENTIFIC PANEL

**Professor Martin Cody**, The Panel Chair. Community structure, determinants of diversity, density and distribution, interspecific interactions and adaptive morphology. *Department of Organismic Biology, Ecology, and Evolution, UCLA.*

**Steven Bartell, Ph.D.** Ecological risks analysis and assessment, numerical sensitivity and uncertainty analysis, ecological modeling, environmental chemistry and toxicology. Dr. Bartell serves on the Editorial Boards of "Risk Analysis", "Human and Ecological Risk Assessment" and others. *The Cadmus Group Inc., Oak Ridge, TN.*

**Professor Donald Boesch**. Ecology of benthic communities in estuarine and continental shelf environments, salinity gradients, wetlands, coastal eutrophication. *President of Center for Environmental Sciences University of Maryland.*

**Professor Lawrence R. Curtis**. Bioaccumulation and toxicity of persistent contaminants. Dr. Curtis serves on the Committee on Toxicants and Pathogens in Biosolid Fertilizers for the national research Council (NRC). Department Head, *Department of Environmental and Molecular toxicology, Oregon State University.*

**Professor Thomas Dunne**. Geomorphology, river mechanics and morphology, turbidity currents, sedimentation, river engineering. *Donald Bren School of Environmental Science and Management, UC Santa Barbara.*

**Professor Charles Goldman**. Global studies of freshwater lakes with emphasis on biological, chemical and physical interaction between the surrounding watersheds and lakes. *Department of Environmental Science and Policy, Tahoe Research Group Director, UC Davis.*

**Professor Thomas Quinn**. Behavior, ecology and evolution of fisheries, with emphasis on migrations, life history patterns, reproduction, habitat requirements and diversification of Pacific salmon. *School of Aquatic and Fishery Sciences, University of Washington.*





## PORT OF PORTLAND

### Executive Summary Container Transportation Cost-Benefit Analysis

December 2000

The Port of Portland's mission is to "provide competitive cargo and passenger access to regional, national, and international markets while enhancing the region's quality of life." To better measure the Port's success in meeting one aspect of this mission – providing competitive access to world markets to the region's container cargo shippers – the Port hired HDR Engineering, Inc. to study the cost benefits of container transportation provided by regular steamship service in the Portland Harbor through the Port's Terminal 6 facilities.

As part of this study, HDR developed a model that estimates the net benefit to regional container shippers resulting from Portland container operations. The model compares the transportation costs faced by these shippers today ("with Portland container service" scenario) with the costs they would face using their least expensive shipping option in the absence of a Portland service ("without Portland container service" scenario), the difference representing the net shipper benefit. Because of the existence of Portland container service, ocean carriers in the Puget Sound must equalize transportation rates in order to be competitive. Consequently, benefits measured in this study are derived from both the lower transportation costs for those regional shippers using Portland container facilities and the reduced rates enjoyed by those using Puget Sound container facilities.

The study categorizes benefits by commodity type and location, providing the Port with a tool for estimating not only the overall value of Port container facilities, but also the extent to which these benefits accrue to specific geographic areas and producer groups. The study further provides the Port with a model of regional freight flows and the ability to identify specific companies involved in the import and export of containers. This information will aid the Port in its transportation planning efforts and enable the Port to better tailor its services to meet regional shipper needs.

#### Findings

##### **Portland container operations save Pacific Northwest businesses nearly \$68 million in transportation costs annually (1999).**

- The shipment of export cargo accounts for \$54 million (76 percent) of the shipper benefit, and import cargo accounts \$14 million (24 percent).

##### **Oregon shippers realize nearly \$53 million dollars in transportation cost savings annually by shipping container cargo via Portland as opposed to more distant ports.**

- Twenty-eight out of Oregon's 36 counties receive benefit from Portland container facilities.
- The remaining benefits are split between Washington (\$5.4 million) and Idaho shippers (\$5.0 million).

##### **Portland container operations benefit both urban and rural communities in the region, north and south, east and west.**

- Shippers in the four county Portland-Vancouver metropolitan area receive \$16.6 million (24 percent) of the benefits. Multnomah County receives \$10 million, the most of any county.
- The remaining \$51 million of transportation costs savings is distributed to shippers throughout the Pacific Northwest, most in rural areas.



- Agricultural and wood products account for the majority of benefits although Portland container service provides benefit to a diverse set of commodities.

Top 15 Counties Benefiting Portland Container Operations						
Rank	County	Shipping Cost with Portland	Shipping Cost w/o Portland	Shipper Benefit		
				Import	Export	Total
	Total	\$59,667,906	\$127,591,913	\$13,935,870	\$53,988,136	\$67,924,006
1	Multnomah, OR	\$ 4,689,955	\$ 14,619,268	\$ 4,894,650	\$ 5,034,663	\$ 9,929,313
2	Marion, OR	\$ 5,827,050	\$ 15,547,358	\$ 81,598	\$ 9,638,710	\$ 9,720,307
3	Lane, OR	\$ 5,237,854	\$ 13,717,240	\$ 161,544	\$ 8,317,842	\$ 8,479,386
4	Umatilla, OR	\$ 3,914,863	\$ 9,038,875	\$ 330	\$ 5,123,682	\$ 5,124,012
5	Linn, OR	\$ 2,479,568	\$ 7,263,646	\$ 171,417	\$ 4,612,662	\$ 4,784,078
6	Clackamas, OR	\$ 2,187,803	\$ 6,015,635	\$ 2,466,390	\$ 1,361,442	\$ 3,827,832
7	Nez Perce, ID	\$ 2,406,055	\$ 6,066,249	\$ -	\$ 3,660,194	\$ 3,660,194
8	Morrow, OR	\$ 2,287,758	\$ 5,089,146	\$ 11,314	\$ 2,790,075	\$ 2,801,388
9	Washington, OR	\$ 1,200,579	\$ 3,267,340	\$ 832,207	\$ 1,234,555	\$ 2,066,762
10	Jackson, OR	\$ 1,779,873	\$ 3,609,459	\$ 1,682,565	\$ 147,021	\$ 1,829,586
11	Franklin, WA	\$ 2,038,582	\$ 3,439,345	\$ 8,192	\$ 1,392,571	\$ 1,400,763
12	Yamhill, OR	\$ 760,330	\$ 2,027,383	\$ 5,578	\$ 1,261,474	\$ 1,267,052
13	Whitman, WA	\$ 1,024,004	\$ 2,188,448	\$ -	\$ 1,164,444	\$ 1,164,444
14	Cowlitz, WA	\$ 4,353,624	\$ 5,375,890	\$ 50,627	\$ 971,638	\$ 1,022,266
15	Clark, WA	\$ 407,013	\$ 1,169,142	\$ 484,804	\$ 277,324	\$ 762,128
	All Other	\$19,072,994	\$ 29,157,489	\$ 3,084,656	\$ 6,999,839	\$10,084,494

For a complete copy of the study, please contact: Aaron Ellis, Maritime Public Affairs Manager, at 503-944-7054.



6.1.11

## **Commission Environmental Policy**

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The Port of Portland will achieve its mission through responsible environmental stewardship and the implementation of proactive environmental programs. The Port will integrate environmental considerations into all aspects of its strategic planning and business decision-making.

The Port will actively seek resolutions to environmental issues by endeavoring to achieve the following goals:

<b>Compliance</b>	Comply fully and promptly with all applicable environmental laws, regulations, and Port policies.
<b>Planning</b>	Integrate environmental costs, risks, impacts, and public concerns into operating decisions and facility development planning processes.
<b>Natural Resources</b>	Minimize impacts and seek opportunities to enhance natural resources while carrying out Port projects.
<b>Pollution Prevention</b>	Minimize pollution and waste through source reduction, reuse, or recycling.
<b>Management Commitment</b>	Communicate this policy and its requirements and deliver the training, tools, and resources required to implement this policy.
<b>Government Relations</b>	Develop cooperative working relationships with agencies and promote development of sound environmental legislation and regulation.
<b>Community Relations</b>	Provide community outreach and leadership on environmental issues and respond in a timely fashion to inquiries or expressions of concern regarding environmental issues related to Port and tenant activities.
<b>Performance</b>	Improve the Port's environmental performance through regular monitoring and evaluations.
<b>Quality</b>	Achieve superior environmental performance and work product.
<b>Continuous Improvement</b>	Continuously improve the effectiveness of the Port's environmental program.

*Implementation of this policy is the responsibility of all employees.*



## STAFF REPORT

### RESOLUTION 01-XXXX, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF FAIRVIEW FOR POLICE SERVICE

March 31, 2001

Prepared by Pete Sandrock, COO

#### DESCRIPTION

This resolution authorizes the Executive Officer to execute an Intergovernmental Agreement (IGA) with the City of Fairview for police service at Blue Lake Park and Chinook Landing.

The proposed IGA requires Metro to pay the City of Fairview \$27,893 per year (indexed to CPI) for a higher level of police service at Blue Lake Park and Chinook Landing than is provided generally throughout the City.

The proposed IGA becomes effective as of January 1, 2001 and continues indefinitely on a month-to-month basis. Either party can terminate the agreement by giving written notice three months in advance.

The Regional Parks and Greenspaces Department is submitting an ordinance proposal and budget amendments to increase fees to fund the IGA.

#### EXISTING LAW

ORS 190.003 to 190.130 permits local governments to enter into Intergovernmental Agreements.

#### BACKGROUND

The City of Fairview annexed the areas containing Chinook Landing in 1985 and Blue Lake Park in 1987. The City agreed to provide municipal level police service to both areas. The City tried three times to pass law enforcement serial levies. Two levies failed and the third was effectively nullified by the simultaneous enactment of Measure 47's property tax limitation.

On February 16, 1999, the City's mayor requested that Metro consider paying the City \$50,000 per year for police service at Chinook Landing and Blue Lake Park. After briefing the Council on May 11, 1999, the Executive Officer turned down the mayor's request (*see Attachment 1*).

On February 9, 2000, the mayor renewed his request. The Executive Officer turned him down again (*see Attachment 2*), noting that although public agencies commonly contract for extra police service to meet special requirements, e.g., traffic and security



assistance for a concert, athletic event, or gun show, or special patrols during peak use times, there is no precedent for one government to charge another for routine, year-round police service.

On February 22, 2000, the city administrator notified Metro that the City was considering an ordinance imposing a \$0.50 per car surcharge on vehicles entering Blue Lake Park and Chinook Landing to reimburse the City for the cost of police, fire, and medical service. At Metro's request, the City postponed action to allow time for negotiations.

During the summer of 2000, Metro staff met three times with Fairview's city administrator and police chief, reviewed relevant data, and negotiated the principles of an agreement. In substance Metro staff accepted the City's argument that Metro's two recreational facilities generated increased public safety demands that required a special level of police service to protect persons and property. City staff accepted Metro's argument that Metro should not be required to pay for base-level service. The parties agreed, subject to Metro Council approval, that Metro would reimburse the City for police service costs over and above basic service. The parties agreed to postpone presentment of an IGA until after the results of the November 7, 2000 were known.

## DATA

In 1985 the City of Fairview had a population of 1,850 and employed one police officer; it now has a population of 7,561 and employs 8 officers.

In 1985 Blue Lake Park admitted 72,314 cars (Chinook Landing was not constructed until 1991). In 2000 Blue Lake Park admitted 66,262 cars; Chinook Landing admitted 22,028 cars—a total of 88,290 cars at both sites. *44K at 50¢/car*

Metro currently employs 5 Park Rangers and 2 Regional Park Supervisors that are commissioned by the Multnomah County Sheriff to enforce Park regulations. Metro contracts with the Sheriff to provide a deputy and a patrol car on weekends and holidays during peak use months.

The Fairview Police Department (FPD) generally patrols Blue Lake Park and Chinook Landing several times a shift depending on the time of the year—more attention is given during peak use periods and less during the off season. FPD also responds to specific calls for service, including 911 dispatches to those locations.

Between January 1 and June 15, 2000, FPD spent 35.5 hours responding to calls and investigating suspicious incidents. FPD did not record routine patrols<sup>1</sup>. Activity logs for the period reflect the following:

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<sup>1</sup> Beginning January 1, 2001, the police department started recording actual patrol time at both sites.



- Recorded incidents are seasonal. Nearly half occurred between June 1<sup>st</sup> and June 15<sup>th</sup>; none were logged in January. More than half occurred on a Friday or Saturday.
- 79% of the recorded incidents occurred at Chinook.

The nature of the recorded incidents covers a broad spectrum from motorists asking for help getting into locked cars to juvenile drinking to car break-ins to an occasional major crime (an attempted rape occurred at Chinook in December 1999 and an attempted murder occurred in June 2000).

## COST CALCULATIONS

For purposes of the IGA, the parties assume that FPD will provide an average of one-and-a-half hours per day patrol coverage for Chinook Landing and Blue Lake Park (1 hour per day at Chinook and a ½ per day at Blue Lake). Of the total average daily patrol time, twenty-five minutes represents the base service level for which Metro will not be charged. The parties also assume that FPD will spend 64.16 hours per year responding to calls for service and 160.28 hours per year in investigative follow-up, report writing, and court attendance. FPD calculates an additional 10 percent for supervision costs. The City charges the police department's services at \$40.15 per hour<sup>2</sup>.

### Cost Calculations

	Hourly rate	Hours/year	Cost/year
Calls for service	\$40.15	64.16	\$2,576
Patrol (Blue Lake)	\$40.15	182.50	\$7,327
Patrol (Chinook)	\$40.15	365.00	\$14,655
Investigative follow-up	\$40.15	160.28	\$6,435
Supervision (10 percent)			\$3,099
Less credit for 25 min/day of basic service	(\$40.15)	152.1	(\$6,107)
<b>Net cost to Metro</b>			<b>\$27,983</b>

The parties agreed in principle that they would seek to negotiate in good faith if there were significant changes in the amount of police service required at the two facilities. They agreed that changes in requirements should be demonstrated by credible data. They agreed that if the sites were to generate revenues for the City, e.g., property taxes or other fees, the City would negotiate a credit for Metro against the cost of the IGA. The parties did not agree on whether the City would credit all or only a part of the revenue. Finally the parties agreed that the general framework of the current formula is reasonable and should be used in future negotiations absent a compelling reason to change.

<sup>2</sup> Portland Police Bureau charges \$48 per hour.



## **BUDGET IMPACT**

The IGA will cost \$27,983 in the first year and increase by CPI in subsequent years unless modified or terminated. No funding source for the IGA has been budgeted in the Parks Department's FY 2000-01 adopted budget or proposed in its FY 2001-02 budget request. The Department is submitting a proposed ordinance and budget amendments to increase admission fees and to appropriate funds for the IGA.

## **OUTSTANDING QUESTIONS**

At this point in time, there are no outstanding questions.

## **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of resolution 01-xxxx.



**INTERGOVERNMENTAL AGREEMENT**

between

**CITY OF FAIRVIEW, OREGON**

and

**METRO**

for the provision of police services to Blue Lake Park and Chinook Landing

This Agreement is between the City of Fairview, a municipal corporation duly organized and existing under Oregon law (hereinafter "City") and METRO, a special district organized and existing under Oregon law (hereinafter "METRO"), WITNESSETH:

**RECITALS:**

- A. METRO has two recreational facilities -- Blue Lake Park and Chinook Landing -- located within the corporate limits of the City and the City provides police and law enforcement services to persons using those two facilities;
- B. The City and METRO have agreed that METRO will reimburse the City for certain exceptional costs associated with the policing of the two facilities and that this reimbursement should be manifested in a written agreement; and
- C. The City and METRO are authorized, by the terms of ORS 190.003 to ORS 190.130 to enter into such agreements.

**NOW THEREFORE**, based on the foregoing, the City and METRO agree as follows:

1. **Term, Modification and Termination**

This agreement shall be effective January 1, 2001 and continue thereafter on a month to month basis indefinitely unless and until terminated by either party by giving not less than three (3) months written notice of their desire to terminate the agreement to the other.

This agreement may only be modified, amended or altered from time to time if done so in writing and only with the consent of both parties.

2. **Scope of Duties**

The City shall provide a level of policing services to both Blue Lake Park and to Chinook Landing commensurate with the need, over and above the general level of police or law enforcement attention that other areas of the City receive including patrol and investigation services/activities.

The City will provide METRO with documentation on no less than a quarterly basis



showing the levels and types of law enforcement activity at both Chinook Landing and Blue Lake Park.

3. Compensation

In consideration of the increased level of policing services provided to Blue Lake Park and Chinook Landing, METRO hereby agrees and will pay to the City the sum of \$34,090 per year less a baseline credit of \$6,107.00 for a total yearly payment of \$27,983.00. Payment of said yearly payment shall be made by METRO to the City on a not less than quarterly basis in equal amounts. The first payment of \$6,995.75 shall be due not later than the 31<sup>st</sup> of October, 2001, and each succeeding payment of \$6,995.75 will be made at three (3) month intervals thereafter (i.e., April, July, October, January) not later than the 30<sup>th</sup> day of the respective month.

In the event that the Reports described in Section (2) disclose that law enforcement activity has decreased or otherwise disclose that the need for the City's law enforcement or patrolling activity has decreased, the City and METRO agree to meet and in good faith discuss lowering the amount of compensation due the City for said activities.

In any event, the City shall have the right to increase the base charge for policing services by an amount equal to the percentage increase in the Consumer Price Index (CPI-U) for Portland, Oregon as published by the U.S. Department of Labor, Bureau of Labor Statistics, on April 30, 2002 and annually thereafter.

5. Personnel

The City may assign such police personnel as it deems necessary to do the work or services rendered under this Agreement.

6. Indemnification

(a) The City will, to the extent permitted by law, hold harmless, defend and indemnify METRO and its officers, agents and employees against all claims, demands, actions, and suits (including attorneys' fees and costs) brought against any of them arising from the City's performance under this Agreement.

(b) METRO will, to the extent permitted by law, hold harmless, defend and indemnify the City and its officers, agents and employees against all claims, demands, actions and suits (including all attorneys' fees and costs) brought against any of them arising from METRO's performance under this Agreement.

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IN WITNESS WHEREOF, the City and METRO have executed this Agreement as of the day first written below.

CITY OF FAIRVIEW, OREGON

METRO

By \_\_\_\_\_

By \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

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

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**METRO**

May 27, 1999

Roger A. Vonderharr  
Mayor, City of Fairview  
Box 337  
Fairview, OR 97024

Re: Blue Lake Park and Chinook Landing

Dear Mayor Vonderharr:

I apologize that it has taken so long to reply to your February 16, 1999 request that Metro consider an annual payment to the City for police services at Blue Lake Park and Chinook Landing. Your request raised a number of issues, including the potential precedent it might set for Metro's relationship with other police agencies.

I have enormous empathy for the financial challenges facing Fairview. Like so many local governments, Fairview is hard pressed to raise the revenue it needs for basic operations. At Metro we are faced with the smallest estimated ending general fund balance in history—less than \$200,000. I am deeply concerned that neither we nor our local partners like Fairview are able to pay for basic services, let alone absorb the demands of new growth. I am convening a special advisory group to recommend funding strategies to help local governments finance the infrastructure costs associated with growth.

In addition to the information provided by Chief Jackson, the staff reviewed our agreements with other jurisdictions and analyzed practices statewide. Metro does not pay other governments for routine patrol or emergency police response at our other facilities. That practice is consistent with general practice elsewhere in Oregon. Municipalities do not charge other government entities for routine police patrol and emergency response; they do charge for specially contracted and dedicated services related to event control, campus policing, school resource officers and similar special programs.

Attachment 1 to Staff Report, Resolution 01-\_\_\_\_\_



At Councilor Rod Park's request we took a close look at the fee structure at Chinook Landing. Chinook Landing received 75 hours of response time and 1,000 hours of routine patrol in 1998. Our staff reported that fees at Chinook Landing were raised last year and are the highest in the state. Raising the fees again would likely result in the loss of maintenance assistance funds from the State Marine Board.

With this background information available, the Metro Council discussed the issue at its informal meeting on May 11, 1999. There appeared to be no consensus for moving the matter forward for formal Council action.

I am concerned about the burden that Metro's facilities may place on Fairview. I am also concerned about the safety of our citizens. Therefore, I have asked our staff to work with Fairview Police Department to determine whether there are opportunities, consistent with public safety, to reduce officer time spent at our facilities.

I and my staff have the highest regard for the professionalism and courtesy of Chief Jackson and his officers. We are grateful for their work on behalf of all of our citizens.

Very truly yours,

Mike Burton  
Metro Executive Officer

c: Rod Monroe, Presiding Officer  
Rod Park, Councilor  
Charlie Ciecko, Director, Regional Parks and Greenspaces





METRO

February 15, 2000

The Honorable Roger Vonderharr, Mayor  
City of Fairview  
PO Box 337  
Fairview, OR 97024

Re: Blue Lake Park/Chinook Landing  
Your Letter dated February 9, 2000

Dear Mayor Vonderharr:

I'd be happy to talk with you about police services at Blue Lake Park and Chinook Landing, but it may be a question that the Council needs to resolve. As you know, the Council discussed the issue on May 11, 1999 and did not reach a consensus.

It has been our general policy to contract for dedicated law enforcement services for any event that creates special public safety demands. We charge the cost of the service to the event promoters. For reasons that escape me, we have not charged the gun show for the cost of the law enforcement services it receives. I will be recommending that we treat the gun show like other events with similar requirements.

It's important to understand that we contract for dedicated service—police officers on site with no duties except those related to the event or facility. Metro does not contract with any government for standard police patrol and emergency response coverage within the government's geographic jurisdiction. Our practice is consistent with the general practice of other governments and public agencies.

I would gladly consider any new information you may have, but it is my belief that Metro has not requested and does not require dedicated coverage for Blue Lake Park or Chinook Landing.

Sincerely,

Mike Burton  
Executive Officer

cc: David Bragdon, Presiding Officer  
Rod Park, Councilor  
Charlie Ciecko, Parks Director

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Attachment 2 to Staff Report, Resolution 01-\_\_\_\_\_