



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Agenda

DATE: August 8, 1991
MEETING: METRO COUNCIL
DAY: Thursday
TIME: 5:30 p.m.
PLACE: Metro Council Chamber

****REVISED AGENDA****
Agenda Item No. 7.1 has been
moved to Agenda Item No. 9.2

Approx.
Time*

Presented
By

5:30
(5 min)

CALL TO ORDER/ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
3. EXECUTIVE OFFICER COMMUNICATIONS

(15 min.)

3.1 Final Report for 1991 Session of the Oregon Legislature (No Action Requested)

4. CONSENT AGENDA (Action Requested: Motion to Adopt the Items Listed Below)
4.1 Minutes of May 23, 1991

5:50
(5 min.)

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-419, Amending Ordinance No. 91-390A, Adopting the FY 1991-92 Budget and Levying Ad Valorem Taxes, for the Purpose of Revising the Timeframe Upon Which Taxes are Levied on Properties Within the District (Action Requested: Refer to the Finance Committee)

5.2 Ordinance No. 91-418, An Ordinance Repealing the Columbia Region Association of Governments Land Use Goals and Objectives and Adopting the Regional Urban Growth Goals and Objectives (RUGGO) (Action Requested: Refer to the Transportation & Planning Committee)

6. ORDINANCES, SECOND READINGS

(REFERRED FROM THE SOLID WASTE COMMITTEE)

5:55
(10 min.)

6.1 Ordinance No. 91-417, An Ordinance for the Purpose of Amending and Renewing the Franchise Agreement with East County Recycling, Inc.; and Declaring an Emergency Public Hearing (Action Requested: Motion to Adopt the Ordinance)

(Continued)

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6. ORDINANCES, SECOND READINGS (Continued)

(REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE)

6:05
(20 min.) **6.2 Ordinance No. 91-415, Reapportioning Metro Council Subdistricts Public Hearing** (Action Requested: Motion to Adopt the Ordinance)

7. RESOLUTIONS

(REFERRED FROM THE SOLID WASTE COMMITTEE)

6:25
(15 min.) **7.2 Resolution No. 91-1486, For the Purpose of Awarding a Two Year Contract to Marx/Knoll, DeNight & Dodge to Design and Implement Recycling and Waste Reduction Education Campaigns to Support Metro's Waste Reduction Campaigns** (Action Requested: Motion to Adopt the Resolution)

(BEFORE THE CONTRACT REVIEW BOARD)

6:40
(10 min.) **7.3 Resolution No. 91-1477, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding and Authorizing Issuance of a Request for Proposals from Paint Manufacturers to Reprocess Latex Paint Collected at Metro's Permanent Household Waste Collection Facilities** (Action Requested: Motion to Adopt the Resolution)

6:50
(10 min.) **7.4 Resolution No. 91-1481, For the Purpose of Authorizing the Executive Officer to Execute a Contract with Trans Industries for Processing and Transporting Yard Debris from the Metro Central Station** (Action Requested: Motion to Adopt the Resolution)

(Continued)

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8. NON-REFERRED RESOLUTIONS

7:00
(10 min.) **8.1 Resolution No. 91-1490, For the Purpose of
Funding Greenspaces Demonstration Projects to
Restore and Enhance Urban Wetlands, Streams and
Riparian Corridors (Action Requested: Motion to
Adopt the Resolution)**

9. RESOLUTION MOVED FROM SECTION 7

(REFERRED FROM GOVERNMENT AFFAIRS COMMITTEE)

7:10 **9.1 EXECUTIVE SESSION Held Under the Authority of ORS
192.660(1)(d) to Consult regarding Labor Negotiations**

(15 min.) **9.2 Resolution No. 91-1487, Recommending Ratification
of the Renegotiated Labor Agreement Between Metro
and LIU Effective 07-01-91 through 06-30-95
(Action Requested: Motion to Adopt the
Resolution)**

7:25 **10. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS**

7:30 **ADJOURN**



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(BEFORE THE CONTRACT REVIEW BOARD)

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7:20 **ADJOURN**



METRO

2000 S.W. First Avenue
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Memorandum

DATE: August 13, 1991

TO: Metro Council
Executive Officer
Interested Staff

FROM: Marilyn Geary-Symons *MG* Acting Clerk of the Council

RE: COUNCIL ACTIONS OF AUGUST 8, 1991 (REGULAR MEETING)

COUNCILORS PRESENT: Presiding Officer Tanya Collier, Deputy Presiding Officer Jim Gardner, Roger Buchanan, Richard Devlin, Sandi Hansen, David Knowles, Ruth McFarland, Susan McLain. COUNCILORS ABSENT: Larry Bauer, Tom DeJardin and George Van Bergen.

AGENDA ITEM

ACTION TAKEN

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Kathy Clair, Tualatin River Discovery Day coordinator, described the success of the June 29 event.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Final Report for 1991 Session of the Oregon Legislature

Burton Weast and Noel Klein of Western Advocates reported to the Council.

Waste Reduction Manager Debbie Gorham presented the staff report to the Council on 1990 Recycling Levels and distributed copies of the report.

4. CONSENT AGENDA

4.1 Minutes of May 23, 1991

Adopted (Buchanan/Gardner; 8-0 vote).

(Continued)

5. ORDINANCES, FIRST READINGS

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| <p>5.2 Ordinance No. 91-418, An Ordinance Repealing the Columbia Region Association of Governments Land Use Goals and Objectives and Adopting the Regional Urban Growth Goals and Objectives (RUGGO)</p> | <p>Referred to the Transportation & Planning Committee.</p> |

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| <p>6.2 Ordinance No. 91-415, Reapportioning Metro Council Subdistricts</p> | <p>The motion to refer the resolution back to the Government Affairs Committee for reconsideration passed (Devlin/McFarland; 8-1 vote).</p> |

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(Continued)

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- 7.4 Resolution No. 91-1481, For the Purpose of Authorizing the Executive Officer to Execute a Contract with Trans Industries for Processing and Transporting Yard Debris from the Metro Central Station Adopted (Gardner/Wyers; 8-0 vote).

8. NON-REFERRED RESOLUTIONS

- 8.1 Resolution No. 91-1490, For the Purpose of Funding Greenspaces Demonstration Projects to Restore and Enhance Urban Wetlands, Streams and Riparian Corridors The motion to suspend the rules to allow the Council to consider a non-referred resolution passed (Wyers/Gardner; 9/0 vote). Adopted (Devlin/Hansen; 9-0 vote).

9. RESOLUTION MOVED FROM SECTION 7

- 9.1 EXECUTIVE SESSION Held Under the Authority of ORS 192.660(1)(d) to Consult regarding Labor Negotiations Executive Session held. No action requested.
- 9.2 Resolution No. 91-1487, Recommending Ratification of the Renegotiated Labor Agreement Between Metro and LIU Effective 07-01-91 through 06-30-95 Adopted (Hansen/Devlin; 9-0 vote).

10. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

1) Councilor Devlin briefed the Council on the progress of communication and discussion with Councilors' Charter Committee appointees. 2) Councilor Wyers briefed the Council on the recent committee discussion and public hearing regarding the Composter facility.



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(Continued)

Reprocess Latex Paint Collected at
Metro's Permanent Household Waste
Collection Facilities

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Meeting Date: August 8, 1991
Agenda Item No. 3.1

LEGISLATIVE REPORT

M E M O R A N D U M

TO: Metro Executive Officer and Council
FROM: Burton Weast/Noel Klein
RE: Final report for 1991 session of the Oregon Legislature
DATE: August 2, 1991

Overview

The 1991 session of the Oregon Legislature ended on June 30, after 168 days. Overall, the session ended on a fairly positive note, with the legislature passing over 1,500 pieces of legislation out of nearly 4,000 introduced.

Major challenges for the session were:

- Adjusting to having the Republicans in control of the House of Representatives for the first time in 20 years.
- Implementing Measure 5, as required by voters.
- Dealing with numerous complaints about the land use process in rural areas.
- Passing recycling legislation that would avoid another ballot measure.
- Finding over \$600 million in additional revenue to fund Measure 5 cuts in school budgets for 1992-93.
- Passing legislation to equalize PERS retirement payments for federal and state employees.
- Funding existing and proposed programs from fee sources that were currently funded by general fund revenues.

Of these major challenges, all but land use planning was addressed by the session. Critics will argue that school funding was stop-gap and not enough, and that recycling didn't go far enough. However, most observers give the session good marks for addressing most of the issues in a positive manner.

Overall, Metro followed 75 bills. We supported 16 specific bills, of which 9 passed and 7 failed. We opposed 1 bill (SB 706) which was tabled. We monitored 58 bills. Bills supported were measures we testified in favor of and actively worked. Bills opposed we testified against and actively worked. Bills monitored means we attended the hearings and may or may not have testified while working to insure that Metro was not adversely affected by the legislation.

Metro Legislation

Metro legislation included several issues that were pre-session filed and a land use bill dealing with the RUGGO program that was drafted during the session. Most of the Metro issues were contained in Senate Bill 298 and 299, both of which were sent to the House Intergovernmental Affairs Committee chaired by Rep. Liz VanLueewen (R-Halsey), and the Senate Government Operations Committee chaired by Sen. Glenn Otto (D-Troutdale).

Overall, Metro was given fair and objective hearings by both sides. Of the 7 Metro issues the Council directed us to pass, 6 passed and one, the RUGGO bill, failed. As in previous sessions, Metro is the subject of some hostility by rural legislators who dislike the idea of regional

government, and by a few metropolitan area legislators who have long-standing problems with Metro -- some political and some personal.

Metro Bills:

SB 298: Metro Charter Bill. The measure was introduced by Senator Otto, and quickly assigned hearings beginning on January 17, only 3 days after the beginning of the session. After two hearings, the bill was sent to the Senate floor "do pass".

It should be noted that the bill (in the form negotiated between Metro and Senator Otto), was supported by both Multnomah and Washington counties at the hearing, with Washington County Chair Bonnie Hays appearing personally.

On January 31, the bill passed the Senate 24 to 4, with Senators Cohen, Dukes, Hamby and Kennemer voting no.

Due to the courtesy of Chair VanLueewen on the House side, the first hearing in the House was held quickly on February 14. At this point, Clackamas County opposed the bill, and offered amendments that would have essentially made the Charter Committee a body appointed by counties. Four hearings were held, with several mainly technical amendments made. Major amendments included having the Executive appoint last, and requiring the Committee to have at least four representatives from each county geographically. The amendments offered by Clackamas County were rejected by the House committee.

The bill was carried on the House floor by Rep. John Meek, who was an early critic of Metro. The bill passed 45 to 14, with the no votes being mainly from rural Republicans. Metro area legislators voting no were: Brian; Calouri; Clark; McTeague; Miller; Roberts; Sowa.

The Senate concurred in the House amendments on March 12, and the bill was signed by the Governor on April 10. The effective date of the bill was April 10.

The success of SB 298 was due in large part to the testimony and efforts of Councilors Devlin, McFarland and Knowles.

SB 299: Metro "Omnibus" Bill. This measure included several structural changes including elimination of the sunset on Metro appointing Boundary Commission members; provided for judicial review of Metro ballot titles and statements in voters pamphlets; provided procedure for when ordinances take effect; requires majority vote of council before emergency clause can take effect; provides that Metro ordinances referred to voters take effect 30 days after vote or on later specified date; provided for the election of 13 Metro councilors and subdistrict selection; and repealed legal description of Metro boundary in statute.

The measure was sent first to the Senate Government Operations Committee where 2 hearings were held. The bill passed the Senate with only technical amendments on January 30, with only 2 no votes, both from rural Republican districts downstate.

In the House, the measure was reviewed by the House Intergovernmental Affairs Committee. Three hearings were held, with the only major change the elimination of the section allowing Metro Councilors to utilize district employee health insurance. The bill then passed the House 47 to 11, with no votes by Meek, Miller and Roberts from the metropolitan area. The no votes were explained on the floor as being against the continuation of the Boundary Commission, rather than as votes against Metro or the other provisions of the bill. The bill was carried by Rep. Cease.

The Governor signed SB 299 on April 2, and the effective date was July 1, 1991.

SB 301: Metro Passport Business Fee. This measure expanded the already existing passport business license program operated by Metro and established by the 1989 Legislature. Under the new law, Metro can offer the regionwide (Less Portland) business license to construction related industries such as plumbers, electricians and others in addition to building contractors.

The measure was supported by all parties and met no resistance during the session. The bill passed unanimously in both houses and was signed by the Governor on April 10. The effective

date was July 1, 1991. Metro staff are already meeting with the various groups now included under the new law.

SB 1017: Metro RUGGO Bill. This measure was introduced at our request to assist in implementing Metro's Regional Urban Growth Goals and Objectives as developed by the Land Use Policy Committee (PAC). The measure made it clear that Metro's functional plans could be acknowledged as being consistent with the state goals and guidelines even though they are not "comprehensive plans" as defined in state statute. The bill was introduced late in the session (March) and assigned to the Senate Committee on Agriculture and Natural Resources chaired by Senator Dick Springer.

Hearings were held in April and May before the Senate committee. Minor technical amendments were offered by ourselves and adopted by the Committee. At the end of the third hearing, Senator Springer announced that he was holding the bill at the request of Senator Shoemaker as a possible vehicle for land use issues involving system development charges on new construction.

Rich Carson and Burton Weast immediately met with Senator Shoemaker and convinced him to remove his "hold" on the bill. This was reported to Springer who then announced he was still going to hold the bill to insure our "good behavior" on SB 66; the solid waste bill.

Unfortunately, by the time the bill was sent to the Senate floor (and passed 28-0), the House Environment and Energy Committee was closed and we were unable to get a hearing before another committee.

Despite the lack of legislative action, we are working with Department of Land Conservation and Development (DLCDD) staff to adopt an administrative rule that will allow Metro's functional plans to be adopted by the state as consistent with state goals and guidelines. We do not anticipate major problems at this time.

It should be noted that we received excellent support on this issue from Rich Carson and Larry Shaw.

Solid Waste Legislation

While several bills changing solid waste and recycling policy in the state were introduced, SB 66 became the vehicle for legislative action.

Industry, represented primarily by Associated Oregon Industries (AOI), badly wanted a bill as a means to avoid another costly (\$6 million) ballot measure fight. Environmental advocacy groups ranging from OSPRIG to recycling advocates also wanted a bill that would be landmark legislation nationally.

Somewhere in the middle were the implementors of the legislation: haulers, counties represented by Associated Oregon Counties and Metro.

The other major player was DEQ, which would be required to implement the resulting legislation and had a large financial stake in how the programs were to be funded.

In this setting, SB 66 was assigned to the Senate Committee on Agriculture and Natural Resources. Taking the lead on the issue were Senators Springer, the chair, and freshman Senator Smith from Salem. Various subcommittees were formed on the numerous complexities of the bill. Metro solid waste staff attended these meetings.

Metro issues in the discussions were primarily to insure that new state legislation did not "undo" any of the existing Metro programs. Of particular interest was maintaining Metro's composting program as counting towards any state mandated goals for recycling. This position was opposed by environmental groups who did not want composting of yard debris counted. Other issues included seeking funding for expanding Metro's recycling hotline statewide, and the general concern of having a bill that set achievable goals.

The lead activity on this complex issue was primarily done by the solid waste staff of Metro. Their efforts were successful in keeping Metro's composting program as part of the regional mandated recycling goal in the bill, and in developing an overall workable bill.

The lack of expertise by ourselves on the issue hurt Metro's efforts in some areas. We intend not be uneducated on the subject in the future.

The bill was sent to the Senate floor after 12 hearings and passed unanimously.

In the House, the bill was assigned to the House Committee on Environment and Energy, chaired by Representative Fred Parkinson (R-Silverton). At first, several amendments were adopted by the Committee, including proposals by the counties to eliminate most of the DEQ funding proposed by the Senate through an increase in the tip fees. After considerable controversy and direct intervention of the Speaker of the House, Larry Campbell, most of the amendments objectionable to AOI and the environmental community were changed. The bill then went to Ways and Means where much of the funding passed by the Senate was reinserted into the bill.

Overall, the measure should not disrupt any major programs of Metro, and is very positive in that it brings in the rest of the state under a specific program for recycling. Specific funding was not included for expansion of the Metro Recycling Hotline, however, DEQ could fund an expansion of the program if they wish.

The measure passed the House unanimously and was signed by the Governor on June 28.

Land Use Legislation

Land use issues ranged from planning for uses around light rail stops to a major overhaul of the land use process. Major players were the local governments, Metro, Home Builders Association of Metro Portland, Realtors, Manufactured Housing Institute, 1,000 Friends of Oregon, Oregonians in Action, LCDC and Senators Kitzhaber and Springer along with Representatives Campbell, Schoon and Parkinson.

The primary bills, SB 91 and HB's 3560 and 3570, were based on the so-called "Vida group" meetings held during the fall before the beginning of the session. Attending those meetings were Councilor Richard Devlin (representing Metro) and Burton Weast (representing the Special Districts Association of Oregon) along with Rich Carson and other support staff. These bills dealt with secondary lands, urban reserves, rural communities and other basic planning process issues.

Other land use bills included those introduced by Oregonians in Action, which would reduce the role of the state and empower counties and those introduced by various legislators dealing with light rail planning and other specific planning issues.

It was clear early in the session that without agreement between Speaker Campbell and President Kitzhaber, little would be passed. In the final analysis, no agreement was reached and very little passed of significance.

The major bills included:

SB 91: The Vida Group Bill. This measure was supported by Metro and contained our provisions for establishing urban reserve planning areas around the metropolitan urban growth boundary. Metro carefully avoided primarily rural issues which were very controversial, and instead we attempted to seek passage of our "urban planning agenda" by gaining broad support.

This measure was introduced by Senator Kitzhaber based on the Vida meetings. It was supported by the Home Builders Association of Metro Portland, Metro, 1,000 Friends of Oregon and other groups. The bill was opposed by Realtors, who objected to the urban fringe sections and the treatment of rural secondary lands, Oregonians in Action who object to the entire premise of the bill and by some local governments concerned about the secondary lands provisions.

The bill had 7 hearings in the Senate and then passed the Senate floor 18 to 12, on a primarily party line vote with Republicans voting no.

In the House, the bill had no hearings and was left in the House Committee on Environment and Energy upon adjournment.

SB 884: Rural Communities and Urban Fringe. This bill contained the sections of SB 91 that dealt with urban reserve and rural communities. The bill was supported by Metro and Special

Districts along with builders and others. The bill was passed by the Senate Agriculture and Natural Resources Committee after it became clear that SB 91 was not moving in the House. The bill became heavily amended to include several other planning issues that were also not moving. After passing the Senate 21 to 6, the bill was referred to Judiciary in the House, as the Environment and Energy Committee was closed.

We spent nearly 5 days of continuous effort in trying to get a hearing on SB 884 in the House. This was our last vehicle available to pass urban reserve language. After amending the bill over 20 times and loading it up with amendments ranging from "right to farm" language to siting of destination resorts, we obtained a hearing on June 28th, at 10 pm. The Judiciary Committee was clearly stunned to see the size of the bill and its complexity, and despite our efforts did not pass the bill out, it died in committee.

HB 2261: Expedited Land Use Process. The Home Builders Association introduced HB 2261 to allow local governments to approve subdivisions and other land use decisions administratively, rather than going through the hearing process. The bill also limits what issues can be appealed to LUBA. We monitored this bill, which was generally supported by local governments and opposed by 1,000 Friends of Oregon. The bill passed both houses by a large majority.

The bill does not directly affect Metro, however, we will be monitoring the impact of the bill on the local planning process.

SB 1011: Light Rail Planning. This measure was promoted by Senator Cohen. The bill required various planning activities by local governments in anticipation of light rail. The basic bill was developed by a committee consisting of representatives from the City of Portland, Metro, Washington and Multnomah counties, League of Cities, Tri-Met and others.

Metro supported the basic requirements of the bill as they represented simple good planning. Washington County expressed some level of concern but in general supported the concepts in the bill.

The measure was sent to the Senate Agriculture and Natural Resources Committee where it passed out after 3 hearings. The bill passed the Senate 27 to 0.

In the House, the bill was sent to Environment and Energy where it did not receive a hearing and was in committee upon adjournment.

HB 3570/3560: House version of Vida bill: HB 3570 was introduced by Rep. Parkinson and HB 3560 by Rep. Schoon, both of whom participated in the Vida meetings (See SB 91). Parkinson's bill included our issue of creating urban reserve areas as did Schoon's. The major differences were in how secondary lands were treated.

In hearings before the House Environment and Energy Committee, HB 3570 was amended to provide for urban reserve areas only in the metro Portland area. This action came after 12 county planning directors voiced opposition to the urban reserve concept.

HB 3560, though similar to HB 3570 in many areas, included the more restrictive language on secondary lands and was quickly passed over by the Committee. HB 3570 passed out of committee after 16 hearings and passed the House floor 35 to 24, on a mainly partyline vote.

The measure, in a "tit for tat" action over SB 91, was assigned to Senate Agriculture and Natural Resources where it died in committee. We made one effort to revive the bill the last day of the session as a vehicle for urban reserves. Although we got a hearing the bill died in committee after it became clear that Speaker Campbell would not support the bill as amended.

Transportation Bills

The major issues of the session for Metro were enactment of the 2 cent increase in the gasoline tax as already approved by voters, and the passage of the various light rail bills needed to obtain federal funding.

SB 573: Supersiting of Light Rail. This measure was required to convince the federal government that the necessary planning approvals required to build the light rail system would be in place. The measure was put on both Speaker Campbell and President Kitshaber's "fast track" list and moved quickly through the process and was signed by the Governor on February 18th, making it one of the first bills signed.

Critics of the land use process noted that if a prison or a light rail system is needed, it can only happen if the land use laws are bypassed. It is likely that future supersiting bills will be more difficult to pass.

SB 706: Governor appointment of JPACT. Introduced by Senator Springer, SB 706 would have required regional planning agencies dealing with transportation to be appointed by the Governor. The bill was sent to Senate Government Operations. At the hearing, Metro opposed the bill along with the Oregon Department of Transportation and local governments.

Senator Springer used the hearing to express his concerns about the transportation decision making process in the Metro area, specifically the west side bypass. After testimony, Senator Springer suggested that the bill not go further but be held in committee. The bill was tabled by the committee at a later date.

HB 2128: Light Rail Funding. This measure appropriated the funds for the state's share of the cost of Westside light rail. The bill had a somewhat rocky path concerning the most appropriate means to fund the system. Metro assisted Tri-Met when asked, but played a relatively small role in the measure. The bill passed in the last two days of the session.

HB 3577: Gas tax. This measure implemented the 2 cent gas tax increase approved by voters. Originally opposed by Speaker Campbell, the gas tax increase did not get a hearing until June 6th. Under pressure from ODOT, construction industry and local governments, the bill finally got Campbell's approval to proceed. After much parliamentary action, the bill passed the House 31 to 29, the narrowest possible margin. In the Senate the bill passed 21 to 9 and was sent to the Governor for signature.

Air Quality

The main activity in air quality was HB 2175, which was introduced by DEQ and proposed to implement the requirements of the federal Clean Air Act.

HB 2175: Implementation of Clean Air Act. This bill, introduced by DEQ, was a broad-based measure that would place a general \$25 per ton of pollutant fee on several emission sources including: Cord wood; automobiles; field burning; slash burning; industrial emissions. In its original form, the bill would have banned new fireplaces in homes, removed existing wood stoves not meeting emission requirements and required study of toll roads to reduce emissions in the metropolitan area. A major driving force of the bill was to establish a market driven system of reducing air pollution through fees which would change current market choices.

The bill was assigned to the House Environment and Energy Committee where it received a cool reception. After 8 hearings over a 3 month period, it passed out of the Committee heavily amended to remove most of the controversial sections including the tax on cord wood and elimination of fireplaces. A minority report was submitted but was defeated on the House floor 14 to 45. The amended bill then passed 59 to 0.

In the Senate, 4 hearings were held in Senate Agriculture and Natural Resources and then 4 hearings in Ways and Means. The bill then passed the Senate 23 to 7, and was sent to the House for concurrence.

The House refused to concur in the Senate amendments, and a conference committee was appointed. Conferees were Parkinson, Watt and Whitty from the House and Kitshaber and

Springer from the Senate. A compromise was reached and the conference report passed in both houses.

The compromised version requires DEQ to adopt rules necessary to meet the federal act but not to exceed the federal requirements unless the department can show a "...scientifically defensible need for additional actions..." Fees are established for industrial polluters based on the federal rate of \$25 per ton, and an advisory committee is organized to assist in implementing the fees.

The bill also requires a \$3 per cord fee on wood sold within areas not meeting federal air quality standards with several exceptions on where the wood is collected or used. Anyone who destroys a non-complying wood stove will receive a permit good for an exemption from the cord wood fee for up to 4 cords of wood. Also, a new wood stove air quality program is established to encourage replacement of old units.

Of importance to Metro, an advisory committee on motor vehicle emissions is established and a position on the committee for a representative from "regional government" is required. This committee will work with DEQ in implementing the vehicle portions of the Clean Air Act. Also important to Metro is Section 14f of the Act which provides for air quality improvement demonstrations projects in cooperation with metropolitan planning organizations. Funding is through fees raised under the bill.

While much modified from its original form, HB 2175 will establish and fund a fairly comprehensive clean air program consistent with activities already undertaken by Metro.

Local Government Taxation

The major issue of the session was the implementation of Measure 5. The House Committee on Revenue took the lead on the issue with HB 2550, which implemented Measure 5. The Senate introduced SB 550, which added an emergency clause to the House measure, an action required under the Oregon Constitution.

The other area of concern was that local governments not impose new taxes hastily and thus increase voter resistance to a state sales or other replacement tax. This issue surfaced during hearings on a bill sponsored by the Oregon Restaurant Association, which would have prohibited any local taxes on food or beverages. Committee Chair Delna Jones (R-Washington County), announced that she would hold the bill in committee unless she saw local governments, including Metro, adopting new taxes before the state had an opportunity to send a new tax to voters.

In response to Rep. Jones comments, the Special Districts Association, League of Oregon Cities and Association of Oregon Counties adopted a joint resolution urging their members not to enact new taxes at this time. The joint association's resolution eventually was adopted as a House Concurrent Resolution.

Concerns over Measure 5 were also reflected in the legislatures clear policy not to pass legislation requiring general fund support. For this reason, bills increasing tax support for parks and other such programs had little support during the session.

Taxation Measures:

HB 2550: Implementation of Measure 5. This measure had more hearings than any other bill before the Legislature. The House held hearings every day, 6 days a week for nearly 3 months. After passage, the Senate held hearings at the same rate for almost 2 months. We attended almost every meeting.

The key issue in HB 2550 for Metro was the definitions section. It was important that the definition of capital facility include such non-structural items as "zoo elephants." We specifically made clear on the record that such items were to be considered capital improvements for purposes of bonding and not to be considered under the Measure 5 tax rate cap.

The other important issue for local government was the definition of fees and other charges, which were resolved favorably. In all, the Legislature did an excellent job on definitions,

and was very receptive to local government concerns. Given the constraints of Measure 5, HB 2550 should cause a minimum of difficulties for Metro and local governments in general.

Other Issues

SB 479: Bi-State Policy Advisory Commission. This measure provided the Oregon portion of the \$60,000 budget for the Commission. The chief sponsor was Senator Otto, who also serves on the Commission. We testified in the support of the bill both before the Senate and in Ways and Means. The bill passed the Senate and Ways and Means but was assigned to House Judiciary where a hearing was never held. We were advised by our sources that the bill was held because of House dissatisfaction with the redistricting plan being offered by the Senate Redistricting Committee, chaired by Senator Otto. As a result, funding was not passed for the Bi-State Commission.

SJR 13: Bonds for state parks. This measure encourages the issuance of general obligation bonds for state parks and recreation and fish enhancement projects. This was the only major parks bill to pass the Legislature. In general, parks were considered important, but not important enough to have either general fund monies or new fees established to support them. SJR 13 passed both the Senate and House and was filed with the Secretary of State.

SB 656: PERS Retirement Funding. About 5 years ago, the U.S. Supreme Court ruled that state could not tax retirement benefits of state and local employees differently than they tax federal retirees. Some 15 state, including Oregon, had policies that taxed federal retirees while exempting state and local pension plans. As a result of the court action, a measure was placed on last November's ballot by the 1989 Legislature. The measure would have increased state benefits to off-set a new tax on all government retirement benefits. The ballot measure failed, sending the Legislature back to square one.

The Democratic Senate developed SB 656, which provided for a benefit increase of 7.9% for state and local retirees and subjected all retirees to state taxes. The bill did not provide for any sharing new tax revenue with local governments, who are required to pay the increased PERS benefits cost.

The House amended SB 656 to reduce the benefit increase to 4%, but also did not include any funding for local governments. The League of Oregon Cities and the Special Districts Association strongly opposed the measure for its lack of local funding, but lost the issue on the floor of the House. It is important to note that the estimated "windfall" to the state for the increased taxes versus the increased benefit cost is about \$50 million. The estimated cost to local governments is about \$12 million.

The bill goes into effect in 1993. During the interim, both the League and the Special Districts plan to developed more detailed cost data on the actual cost of the bill to local governments. The state has argued that PERS costs are declining, and that the cost to local government will be slight. We will be taking our case to the next session of the legislature.

METRO BILLS
1991 Session
Oregon Legislature

As of end of session

SENATE BILLS

SB 66 Establishes statewide solid waste management program (Springer Bill). Position: Support with amendments. Heavily amended in Senate Ag and Natural Resources Committee, referred to Ways and Means. Passed Ways and Means, sent to House Environment and Energy. Passed House unanimously. Senate concurred in House amendments, sent to Governor. Governor signed 6/28, effective July 1, 1991.

SB 91 Kitzhaber secondary lands bill, developed as a result of the "Vida" meetings. Position: Monitor. Ag and Natural Resources. Passed Senate 5-20, sent to House Environment and Energy. In committee upon adjournment.

SB 96 Establishes Seismic Safety Advisory Commission. Allows BCA to establish codes relating to seismic hazards. Position: Monitor. Do pass from Gov. Op.. Referred to Ways and Means. Passed Ways and Means, sent to Legislative Rules. Passed House 6-28. To Governor.

SB 183 Establishes statewide solid waste management program (DEQ Bill). Position: Monitor. Tabled in Ag and Natural Resources.

SB 184 Increases penalties for extreme violations of DEQ laws. Position: Monitor. Passed Senate. Referred to Environment and Energy. Sent to Judiciary. Passed Senate 21-8. Referred to House Environment and Energy. Referred to Judiciary by floor vote of 29 to 28. Amended and sent to floor where referred to House Rules. Passed House on 6-28. Senate concurred in House amendments 16 to 8. Sent to Governor.

SB 241 Increases fee for disposal of hazardous waste. Position: Support. Ag and Natural Resources then Ways and Means. Passed Senate. Referred to House Judiciary. Passed House on 6-29. Sent to Governor.

SB 264 Permits tax credit for investment in businesses that produce product from post-consumer waste. Position: Monitor. Revenue and School Finance. In committee upon adjournment.

SB 279 Allocates costs of elections between all electoral districts. Position: Monitor. Bill Tabled in Redistricting. In committee upon adjournment.

SB 283 Reduces number of election dates. Establishes July date. Position: Monitor. Passed both House and Senate. Governor signed.

SB 298 Metro Charter Bill. Position: Support with amendments. Passed Senate 24-4. Passed House 45-14. Governor signed.

SB 299 Metro omnibus bill. Position: Support with amendments. Passed Senate 25-2. Passed House 47-11. Governor signed.

SB 300 Changed metro appointment process. Position: Monitor. Tabled in committee.

SB 301 Metro construction business passport fee. Position: Support. Passed Senate 28-0. Passed House 58-0. Governor signed.

SB 302 Doubles Boundary Commission Fees. Position: Opposed by SDAO, Metro position to monitor. Was tabled in committee.

SB 303 Certifies and provides funding for regional councils of government. Position: Support. Trade and Econ Development then Ways and Means. In committee upon adjournment.

SB 305 Increases from 300,000 to 500,000 population level for mandatory creation of tax supervising and conservation commissions. Position: Monitor. Passed Senate. Passed House. Governor signed. Effective September 29, 1991.

SB 309 Establishes Seismic Safety Policy Advisory Commission. Position: Monitor. Passed Senate. Housing and Urban Development then Ways and Means. Passed House. Governor signed. Effective date September 29, 1991.

SB 326 Requires WR to review comp plans for adequate water before approving new development. Position: Monitor. Water Policy, then Ways and Means. In committee upon adjournment.

SB 363 Requires use of Oregon wood in construction of public facilities. Position: Monitor. Trade and Econ. Development, then Ways and Means. In committee upon adjournment.

SB 473 Establishes fee assessed on disposal of solid waste from outside region in addition to surcharge. Position: Monitor. Do pass from Ag and Natural Resources. Referred to Ways and Means. Passed Senate. Passed House on 6-28. Sent to Governor.

SB 474 Directs DEQ to establish statewide solid waste management plan. Position: Monitor. Do pass from Ag and Natural Resources. Referred to Ways and Means. In committee upon adjournment.

SB 475 Requires President and Speaker to designate interim committee as regional solid waste management committee. Position: Monitor. Do pass from Human Resources. Referred to Ways and Means. In committee upon adjournment.

SB 479 Appropriates \$60,000 for the biennium to support activities of the Bi-State Policy Advisory Committee. Position: Support. Due

pass from Gov Ops, sent to Ways and Means. Passed Senate on 6-22. Sent to Legislature Rules in House. In committee upon adjournment.

SB 550 Revises law to conform with Ballot Measure 5. Position: Monitor. Passed Senate. Passed House. Governor signed. Effective date of April 15, 1991.

SB 573 Exempts light rail from planning requirements. Position: Support. Passed Senate 28-0. Passed House 52-8. Governor signed. Effective date of February 22, 1991.

SB 685 Requires persons engaged in business relating to motor vehicle heating or cooling systems to recycle or hold for recycling, ethylene glycol. Position: Monitor. Ag and Natural Resources. Tabled in Committee.

SB 706 Requires Governor to appoint JPACT. Position: Oppose. Government Operations. Tabled in Committee.

SB 717 Requires beverage container distributor to submit unclaimed moneys collected as deposits for beverage containers to OLCC to be deposited in Resource Conservation Trust Fund. Position: Monitor. Business, Housing and Finance, then Ways and Means. In committee upon adjournment.

SB 785 Imposes one cent per gallon excise tax on motor vehicle fuels. Dedicates to state parks. Repeals in ten years. Position: Monitor. Transportation then Revenue and School Finance. In committee upon adjournment.

SB 836 Creates high-speed ground transportation task force. Position: Monitor. Transportation, then Ways and Means. In committee upon adjournment.

SB 884 Directs planning for rural communities and urban fringe areas. Ag and Natural Resources. Position: Support. Passed Senate on 6-13. Assigned to House Judiciary. Hearing held 6-28. In committee upon adjournment.

SB 895 Prohibits sale of beverage containers composed of inseparable aluminum, paper and plastic. Position: Support. Ag and Natural Resources. In committee upon adjournment.

SB 910 Directs coordination of transportation and land use planning for metropolitan areas with population greater than one million. Ag and Natural Resources. Position: Monitor. Merged with SB 1011. In committee upon adjournment.

SB 911 Allows local governments to collect fees for geographical data. Position: Monitor. Government Operations. Passed Senate. Sent to House Intergovernmental Affairs. Passed House. Signed by Governor, effective September 29, 1991.

SB 1011 Directs LCDC to require local governments to insure commercial and residential zoning at density appropriate to maximum use of mass transit in vicinity of mass transit stations. Position: Monitor. Ag and Natural Resources. Passed Senate on 5-27. Sent to House Environment and Energy. In committee upon adjournment.

SB 1017 Metro RUGGO bill. Position: Support. Ag and Natural Resources. Passed Senate 5-30. Sent to House Environment and Energy. In committee on adjournment.

SB 1092 Provides for implementation of waste reduction plan by local government unit. Position: Support. Ag and Natural Resources. Merged into SB 66. In committee upon adjournment.

SB 1093 Requires persons other than local governments to participate in solid waste reduction programs. Position: Monitor. Ag and Natural Resources. Tabled in committee.

SJR 4 Allows new growth to go directly onto tax base of taxing units. Position: Monitor. Revenue and School Finance. In committee upon adjournment.

SJR 10 Amends constitutional limitations on use of vehicle funds. Position: Transportation, then Revenue and School Finance. In committee upon adjournment.

SJR 12 Allows proceeds from specially dedicated fuel tax to be used for state parks. Position: Support. Transportation, then Revenue and School Finance. Passed Senate. Sent to House Revenue. Passed House.

SJR 13 Authorizes issuance of general obligation bonds for state parks and recreation and fish enhancement projects. Position: Support. Ag and Natural Resources. Passed Senate. Passed House. Filed with Secretary of State.

HOUSE BILLS

HB 2061 Exempts certain units of government from contractor registration requirements. Position: Monitor. Passed House. Referred to Governmental Operations. Passed Senate. Governor signed, effective September 29, 1991.

HB 2122 Imposes real estate transfer tax; distributes revenues for acquiring, developing and maintaining park facilities. Position: Monitor. Revenue and School Finance. In committee upon adjournment.

HB 2128 Funding for light rail. Position: Support. Transportation, then Rev. and School Finance. Passed House 53 to 6. Sent to Ways and Means. Passed Senate 26 to 3 on 6-26. Sent to Governor.

HB 2136 Creates tax on carbonated beverages. Funds to park and recreation sites. Position: Support. Revenue and School Finance. In committee upon adjournment.

HB 2150 Changes periodic review requirements. Position: Monitor. Passed House. Ag and Natural Resources. Passed Senate on 6-24. House concurred in Senate amendments on 6-26. Sent to Governor.

HB 2175 DEQ's comprehensive emissions fee bill. Position: Monitor. Environment and Energy. Several hearings held. Minority report defeated on House floor. Passed House on 5-24. Referred in Senate Agriculture and Natural Resources. Heavily amended. Passed Senate on 6-28. House refused to concur in Senate amendments. Conference committee appointed. Conference committee report adopted by Senate and House. Sent to Governor.

HB 2246 Requires permit to collect or transport waste tires. Position: Monitor. Environment and Energy. Passed House. Passed Senate. Sent to Governor.

HB 2248 Adds water districts and authorities to list of eligible agencies for state financed projects. Position: Monitor. Passed House. Trade and Econ Development. Passed Senate. Sent to Governor.

HB 2261 Changes land use appeal process. Position: Monitor. Passed House. Referred to Senate Ag and Natural Resources. Several hearings, amended and passed Senate on 6-27. House concurred in Senate amendments. Sent to Governor.

HB 2296 Exemption for light rail from planning requirements. Position: Support (Replaced by Senate Bill 573). Environment and Energy. In committee upon adjournment.

HB 2347 Imposes gross receipts tax on commercial and industrial solid waste collection. Position: Monitor. Environment and Energy, then Rev. and School Finance. In committee upon adjournment.

HB 2348 Imposes surcharge on personal income tax and corporate excise tax for habitat conservation and solid waste recycling. Position: Monitor. Environment and Energy, then Rev. and School Finance. In committee upon adjournment.

HB 2349 Imposes tax of five cents per container on beverages. 60 percent of proceeds go to state parks and 40 percent to Resource Conservation Trust Fund. Position: Monitor. Business and Consumer Affairs, then Rev and School Finance. In committee upon adjournment.

HB 2362 Establishes judicial review process for state and local governmental actions. Position: Monitor. Judiciary. In committee upon adjournment.

HB 2382 Creates Uniform Transboundary Pollution Reciprocal Access Act. Position: Monitor. Passed House. Judiciary. Passed Senate. Sent to Governor.

HB 2394 Creates tax of 1 cent on beverage containers. Money dedicated to hunger programs. Position: Monitor. Rev and School Finance. In committee upon adjournment.

HB 2461 Prohibits members of public bodies from contacting other members to agree on decision outside of public meeting. Position: Monitor. Intergovernmental Affairs. In committee upon adjournment.

HB 2550 Revises law to conform with Ballot Measure 5. Position: Monitor. Passed House. Rev and School Finance. Hearing six days a week for three months. Passed House. Senate Revenue. Several hearings and amendments in Senate. Passed Senate. House refused to concur in Senate Amendments. Conference committee appointed. Committee report adopted by both House and Senate. Sent to Governor.

HB 2561 Exempts light rail from planning requirements. Second version of 2296. Position: Monitor. Environment and Energy. In committee upon adjournment.

HB 2578 Establishes recycled newsprint requirements for newspapers over 40,000 circulation; requires EQC to establish statewide solid waste management plan by 1/1/92; requires EQC to establish rules regarding packaging; requires retail establishments that offer plastic bags to customers to offer paper bags as an alternative. Position: Monitor. Environment and Energy. In committee upon adjournment.

HB 2772 Relating to solid waste. Position: Monitor. Environment and Energy. In committee upon adjournment.

HB 3183 Requires transporter of solid waste to present written statement and obtain certification prior to disposal of waste within state. Position: Monitor. Environment and Energy. In committee upon adjournment.

HB 3256 Establishes land disposal site closure fund. Position: Monitor. Environment and Energy, then Ways and Means. In committee upon adjournment.

HB 3257 Establishes process for closing disposal sites. Position: Monitor. Environment and Energy then Ways and Means. In committee upon adjournment.

HB 3309 Relating to littering. Position: Support. Intergovernmental Affairs. Passed House. Referred to Senate Transportation. In committee upon adjournment.

HB 3339 Requires state to take affirmative action to encourage recycling. Position: Monitor. Environment and Energy. In committee upon adjournment.

HB 3342 Extends pollution control tax credit. Position: Support, changed to Monitor. Environment and Energy, then Rev and School Finance. In committee upon adjournment.

HB 3350 Encourages recycling of yard debris. Position: Monitor. Environment and Energy. In committee upon adjournment.

HB 3361 Prohibits sale of alkaline battery containing more than specified amount of mercury. Position: Monitor. Business and Consumer Affairs. Passed House. Referred to Senate Ag and Natural Resources. Amended and passed Senate. House concurred in Senate amendments. Sent to Governor.

HB 3376 Prohibits certain food providers from using polystyrene containers. Position: Monitor. Environment and Energy. In committee upon adjournment.

HB 3488 Requires state agencies to adopt personal policies prohibiting discrimination against persons who test positive for HIV. Position: Monitor. Human Resources. In committee upon adjournment.

HB 3560 Establishes commercial resource land and secondary land system; regulates growth of urban growth boundary. Environment and Energy. In committee upon adjournment.

HB 3570 Establishes commercial resource land and secondary land system; regulates growth of metropolitan service district urban growth boundary. Environment and Energy. Passed House. Referred to Senate Ag and Natural Resources. Stuffed with SB 91 by committee. In committee upon adjournment.

HJR 1 Authorizes bonds for parks and recreation. Position: Monitor. Environment and Energy. In committee upon adjournment.

Meeting Date: August 8, 1991
Agenda Item No. 4.1

MINUTES

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

May 23, 1991

Council Chamber

Councilors Present: Presiding Officer Collier, Deputy
Presiding Officer Gardner, Larry Bauer,
Roger Buchanan, Richard Devlin, Tom
DeJardin, Jim Gardner, Sandi Hansen,
David Knowles, Ruth McFarland, Susan
McLain and George Van Bergen

Councilors Absent: Judy Wyers

Also Present: Executive Officer Rena Cusma

Presiding Officer Collier called the regular meeting to order at
5:34 p.m.

Presiding Officer Collier announced that Agenda Item No. 8.1, the
work session on Regional Urban Growth Goals and Objectives
(RUGGO), had been removed from the agenda and would be
rescheduled for another Council meeting.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

Kathy Clair, Coordinator, Tualatin River Discovery Day,
distributed fliers describing the Tualatin River Discovery Day
event and invited Councilors and those present to attend the
Environmental Fair on Saturday, June 29 and to participate in
boat rides from Schamberg Bridge to the City of Tualatin. Ms.
Clair said the Tualatin River was on the Endangered River list
and asked for Metro's support of the event.

Motion: Councilor DeJardin moved, seconded by Councilor
Buchanan, to proclaim June 29, 1991 Tualatin River
Discovery Day and to declare that all support and
participation necessary should be provided to
celebrate said event.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin,
Gardner, Hansen, Knowles, McFarland, McLain, Van
Bergen, Wyers and Collier voted aye. Councilor
Wyers was absent. The vote was unanimous and the
motion passed.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Minutes of September 13 and 27, and October 11, 1990

4.2 Resolution No. 91-1440, Endorsing Demonstration Grants for Management of Transportation Mobility

4.3 Resolution No. 91-1442, Amending the Transportation Improvement Program and Its Annual Element by Revisions to Tri-Met's Section 3 Discretionary and Trade Programs

Motion: Councilor DeJardin moved, seconded by Councilor Devlin, for adoption of the Consent Agenda items listed above.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilor Wyers was absent. The vote was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-398, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Due Diligence Costs Related to the Metro Headquarters Relocation Project

The Clerk read the ordinance by title only for a first time.

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.2 Ordinance No. 91-399, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses at Metro ERC Facilities

The Clerk read the ordinance by title only for a first time.

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.3 Ordinance No. 91-400, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses in Zoo Operations

The Clerk read the ordinance by title only for a first time.

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.4 Ordinance No. 91-401, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses in the Solid Waste Revenue Fund

The Clerk read the ordinance by title only for a first time.

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.5 Ordinance No. 91-402, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses in the Council Department

The Clerk read the ordinance by title only for a first time.

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.6 Ordinance No. 91-403, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses in the Business License Program

The Clerk read the ordinance by title only for a first time.

Presiding Officer Collier announced that Ordinance No. 91-398 had been referred to the Finance Committee for consideration.

5.7 Ordinance No. 91-404, An Ordinance for the Purpose of Amending Chapter 5.02 of the Metro Code to Provide that All User Fees and Other Fees Submitted to Metro for Solid Waste Generated Within the District Shall be Calculated on a Tonnage Basis Using Certified Scale Weights

The Clerk read the ordinance by title only for a first time.

Presiding Officer Collier announced that Ordinance No. 91-404 had been referred to the Solid Waste Committee for consideration.

5.8 Ordinance No. 91-405, An Ordinance for the Purpose of Amending Chapter 5.02 of the Metro Code to Amend Section 5.02.025(c)

The Clerk read the ordinance by title only for a first time.

Presiding Officer Collier announced that Ordinance No. 91-405 had been referred to the Solid Waste Committee for consideration.

5.9 Ordinance No. 91-391, For the Purpose of Amending Metro Code Chapter 2.04, Modifying the Provisions Related to Procurements Involving Minorities, Women and Emerging Small Businesses

The Clerk read the ordinance by title only for a first time.

Presiding Officer Collier announced that Ordinance No. 91-405 had been referred to the Governmental Affairs Committee for consideration.

5.10 Ordinance No. 91-395, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 90-1: Wagner

The Clerk read the ordinance by title only for a first time.

Presiding Officer Collier noted a distributed Ordinance No. 91-395A revised from the ordinance submitted by staff printed in the agenda packet. She said the amended ordinance noted the Council's decision December 13, 1990, to consider the property in question as a single unit.

Presiding Officer Collier announced the Council would consider the ordinance in its capacity as a quasi-judicial decision-maker. She noted that the Council held a public hearing and adopted Resolution No. 90-1351, For the Purpose of Expressing Council Intent to Amend Metro's Urban Growth Boundary for Contested Case No. 90-1, Wagner Property, on December 13, 1990.

Ethan Seltzer, Senior Regional Planner, presented staff's summary. He said the case involved 6.35 acres at the east side of Wilsonville by the intersection of Wilsonville and Beckman Roads where Beckman turned into Advance Road. He said the amendment involved a locational adjustment which was one of two ways the Council could amend the Urban Growth Boundary (UGB). He said locational adjustments were intended for small scale

amendments and to address issues primarily related to service and the extent to which the location of the boundary was well located for purposes of service. He said small scale amendments were not intended for issues of need.

Mr. Seltzer said the amendment would realign Wilsonville Road because it came down from the north, made two 90 degree turns and had a documented history of traffic incidents at that location. He said as part of the Wilsonville Comprehensive Plan, Wilsonville Road had been marked for such an alignment. He said the realignment involved half the right-of-way occurring outside the UGB and stated the petitioners, Marvin and Bonnie Wagner, were asking for a locational adjustment to bring the full 6.35 acres within the UGB to facilitate the realignment.

Mr. Seltzer reminded the Council when they heard the case on December 13, 1990, that they were briefed by the Hearings Officer, heard the Hearings Officer's report and recommendations, reviewed the exceptions filed to the report by the parties of the case, heard testimony from the petitioners and opponents to the case, and then voted in favor of Resolution No. 90-1351 to amend the UGB contingent upon the property being annexed to the City of Wilsonville and Metro's District boundary. He said the Portland Metropolitan Area Local Boundary Commission (Boundary Commission) had acted and annexed the property to Wilsonville and Metro's District boundary. He said the issue was before the Council again so that they could complete the action they intended to take but could not until said annexation had occurred.

Mr. Seltzer stated for the record that to accomplish the realignment of Wilsonville Road it was necessary for the right-of-way to be located within the UGB. He said the Hearings Officer, petitioners and opposing parties had all agreed that portion, approximately 1 acre of the 6.35 acres needed for the realignment should be located within the UGB. He said the Hearings Officer in his report asked whether the Council should exercise its authority to split a parcel and not include the remaining 5.35 acres in the UGB amendment. He said both the petitioners and opponents to the case addressed that issue at the public hearing December 13. He said at that time the Hearings Officer recommended the whole parcel be dealt with as a unit for three primary reasons: 1) The findings supporting the locational adjustment process itself stated that for parcels of less than 10 acres, the effect on the urban area was negligible and such parcels should be regarded as whole units; 2) The Council had never done it in the past; and 3) Under the particular circumstances of this case, it was important to note the exact land involved and the effect the land would have on the adjacent agricultural area.

Mr. Seltzer said of the 6:35 acres, approximately 4 acres were Class 2 soils and approximately 2.35 acres were Class 7 soils. He said Class 2 soil was classified as very good soil, Class 7 soil was not considered as good, and that Class 7 soil did not receive the same protection as Class 2 soil received under the State Planning Program. He said the 4 acres designated Class 2 soil were currently being used as a filbert orchard in conjunction with 17.6 acres developed already inside the UGB. He said of 21 acres used for filbert production, 17.6 acres were zoned by the City of Wilsonville for urban development and intended for urban purposes in the future. He said 1 acre of the 4 acres used for filbert production would be used for the road realignment. He said the remainder was approximately three acres of filbert orchards with Class 7 soil on the eastern edge of the site. He said the Hearings Officer noted if the parcel was split, what would be left were three acres of agricultural soil which the record could demonstrate would not be viable as an agricultural unit.

Mr. Seltzer said Ordinance No. 91-395A noted that the Council heard the Hearings Officer's report and recommendations December 13 as well as testimony and exceptions, and also that the Council considered whether or not to split the parcel, and ruled in favor of the Hearings Officer's recommendation not to split the parcel.

Councilor McLain discussed the reasons given to keep the parcel a single unit. She stated for the record that the three points listed by staff were not sufficient to vote for the findings as given by the Hearings Officer. She said the 10 acres or less rule was not necessarily valid because it meant more land would or could be included in the UGB when such decisions were made; said because Metro had not split parcels of 10 acres or less in the past did not mean it could not be done now or in the future; and said the economics of surrounding lands should be addressed as well as the economics of the parcel being assessed. Councilor McLain noted the opponents to the case brought documentation to the December 13 meeting which they were not were allowed to submit because they had missed the filing deadline to do so.

Councilor Van Bergen asked if all parties to the case were notified of this meeting. Mr. Seltzer said they had been so notified. Councilor Van Bergen noted staff's statement that all parties were in agreement and asked if there was a document to that effect. Mr. Seltzer said the exceptions filed in the Hearings Officer's report stated all the involved parties agreed to the UGB amendment for purposes of the right-of-way. He said the issue the exceptions focussed on were whether or not to split the parcel. Councilor Van Bergen said the testimony also stated "completing the action we intended to take." He asked how staff

determined what action the Council intended to take. Mr. Seltzer said staff determined Council's intent through adoption of Resolution No. 90-1351 which stated the Council's intent to make the amendment following annexation of the property to the Metro District boundary and to the City of Wilsonville. Councilor Van Bergen asked if that statement applied to one or several units. Mr. Seltzer said the statement accepted the report of the Hearings Officer which viewed the parcel as a single unit.

Councilor McLain said Council discussion on December 13 centered on the one acre in question and that agreement was reached on the need to improve the road's right-of-way. She asked if the parties to the case had reached agreement on the other 6 acres. Mr. Seltzer said the Boundary Commission had reviewed the case again, but said the Council's decision via Resolution No. 90-1351 still stood. Councilor McLain asked how the Boundary Commission and City of Wilsonville's review affected the Metro Council's ruling. Mr. Seltzer said the Metro Council decided the location of the UGB but the City of Wilsonville made decisions about the actual zoning of the property within the City of Wilsonville and the UGB. He said the Hearings Officer held a hearing and brought his report and recommendation to the Council for its public hearing on December 13. Mr. Seltzer said because the property in question was outside the Metro District boundary, the Council could not adopt an ordinance in December, but could adopt a resolution declaring its intent. He said after Boundary Commission action to bring the property within the Metro Boundary district, the Council could then enact an ordinance. He said the petitioner would then petition the City of Wilsonville on zoning issues.

Councilors Devlin and McLain noted Council discussion December 13 on where the UGB should be located on the parcel and that discussion centered on whether the UGB should go through a ravine or the road. Councilor Devlin said because the Metro District boundary and the UGB Boundary were different, the Council could only enact a resolution in December. He said at this point the Council was following a procedural process to conclude the Boundary Commission's and the Council's own actions on December 13.

Presiding Officer Collier announced the public hearing record was closed after earlier consideration of Resolution No. 90-1351. She announced no motion to receive new evidence had been received.

Presiding Officer Collier asked the applicant to make a statement for the record.

Richard Whitman, 101 SW Main St., Portland, attorney for petitioners Marvin and Bonnie Wagner; noted the Council's discussion on the process used and said the process from its beginning to the time of this meeting had lasted approximately one year. He said the Metro process for locational adjustments was lengthy and said three public hearings had been held--the first before the Hearings Officer; the second before the Council on December 13; and the third before the Boundary Commission. He did not wish to offer any new testimony but wanted to address the issues raised at this meeting. He said the Boundary Commission had acted to bring the property within the City of Wilsonville's boundaries. He said under Land Conservation and Development Commission (LCDC) statewide planning goals, once property was brought within an incorporated city, it should be considered urban land. He said there would be conflict with statewide planning goals if the Council reversed its December 13 decision.

Mr. Whitman discussed the best location for the new UGB line. He said the Council discussed that issue extensively on December 13 and noted the Council received a great deal of testimony on the issue. He said the Council agreed via Resolution No. 91-1351, the eastern boundary line, a seasonal drainage way, was the best buffer between urban and rural uses for the vicinity. He noted the two citizens who testified in opposition to the resolution in December lived in the area but were not direct neighbors to the property in question. He said the petitioners submitted support from all the neighboring property owners to the parcel to the Hearings Officer. He said the evidence in the record showed the property's immediate neighbors were satisfied the line drawn on the eastern edge of the property along the forested drainage way was the best location for the UGB line. Mr. Whitman concurred with Mr. Seltzer's testimony and said the parcel should not be split because of soil and other considerations.

Presiding Officer Collier asked if anyone present wished to present arguments in opposition to Ordinance No. 91-395A. No one appeared to testify in opposition.

Presiding Officer Collier announced the second reading and hearing on Ordinance No. 91-395A had been tentatively scheduled for the Council meeting scheduled for June 13, 1991.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 91-397, For the Purpose of Amending Metro Code Section 5.02.035 Litter Control by Establishing a Surcharge for Uncovered Loads

The Clerk read the ordinance by title only for a second time.

Presiding Officer Collier announced Ordinance No. 91-397 was first read before the Council on May 9 and referred to the Solid Waste Committee for consideration. The Solid Waste Committee considered the ordinance on May 21 and recommended it for adoption.

Motion: Councilor DeJardin moved, seconded by Councilor McLain, for adoption of Ordinance No. 91-397.

Councilor DeJardin presented the Solid Waste Committee's report and recommendation. He said uncovered loads delivered to transfer stations, primarily by self-haulers, were contributing to the majority of litter found around transfer stations. He said staff believed the \$25 surcharge would eliminate the litter problems. He said he expressed concern at Committee about short advance notice to the public, but that staff explained individuals would receive notice of the surcharge on their first and second uncovered loads and then be charged if they came in a third time with an uncovered load.

Presiding Officer Collier opened the public hearing.

No citizens appeared to testify and the public hearing was closed.

Councilor Hansen asked if Metro still sold tarpaulin covers to haulers with uncovered loads. Councilor DeJardin said they were still being sold to the public. Councilor Van Bergen noted he hauled debris to the transfer station in cans and said that was not considered a covered load. He said there seemed to be as many orange bags of litter for highway pickup north from Milwaukie as there were leading to the transfer station. Councilor DeJardin noted those hauling loads such as lumber or other heavy materials that were unlikely to fly out would not be charged the surcharge for uncovered loads.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Wyers was absent. The vote was unanimous and Ordinance No. 91-397 was adopted.

7. RESOLUTIONS

7.1 Resolution No. 91-1453A, Proclaiming the Week of June 2-9, 1991 Great Blue Heron Week

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1453A.

Councilor Devlin gave the Transportation & Planning Committee's report and recommendation. He noted the Committee amended the resolution so that it endorsed the City of Portland's proclamation declaring the week of June 2-9 Great Blue Heron Week. He said the resolution provided Metro with the opportunity to indirectly promote and support the Metropolitan Greenspaces Program.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 91-1453A was adopted.

7.2 Resolution No. 91-1441, For the Purpose of Initiating the Public Involvement Process and Adopting the Purpose and Need Statement for the Western Bypass Study

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1441.

Councilor Devlin presented the Transportation & Planning Committee's report and recommendation. He said the resolution provided for two actions related to the Western Bypass Study (Study) Intergovernmental Agreement (IGA) approved by the Council on May 9, 1991 per Resolution No. 91-1425. He said Resolution No. 91-1441 initiated the Study's citizen involvement process and adopted the Study's Statement of Purpose and Need (Statement). He said there was some controversy attached to the Statement, that the resolution addressed that controversy, and said the resolution was a slightly different version from the resolution originally introduced for consideration. He said the first four Be It Resolved sections reflected IGA concepts to have Metro and other Study participants incorporate the citizen involvement process into each jurisdiction's regular citizen communications and to approve the Study's base assumptions and methodologies. He said Be It Resolved sections 5, 6 and 7 were recommended and incorporated by the Technical Policy Advisory Committee on Transportation (TPAC) to clarify that all applicable land use and transportation policies such as the Regional Transportation Plan (RTP), Regional Urban Growth Goals & Objectives (RUGGO), and the Federal Clean Air Act would be applied to the evaluation of alternatives later in the Study.

Councilor Devlin noted the Committee deleted Be It Resolved section 8: "That TPAC is directed to develop a recommended strategy for dealing with all major regional transportation projects during the next several years as the effect of the Regional Urban Growth Goals and Objects is determined." He said

the Committee agreed with the intent of the deleted language, but concurred with JPACT's recommendation to address that issue separately for the Metro area and not just in relation to the Western Bypass Study. He said the Committee's motion to delete also directed Transportation Department staff draft a resolution addressing the issue for TPAC consideration within 60 days.

Councilor Devlin said Michal Wert, Western Bypass Study Project Manager for Oregon Department of Transportation (ODOT) and Meeky Blizzard, Sensible Transportation Options for People (STOP) testified before the Committee on the issues. He said the Committee said the basis for the "No Build" scenario was to judge all the proposed alternatives. He said Councilor McLain expressed concern about the variety of information on which the Statement was based and expressed her belief that the problem as a whole had not been adequately defined. He said Councilor Gardner stated he was not comfortable with the narrow scope of data used to develop the Statement, but that he appreciated the difficulty of incorporating data on uncertain future trends. Councilor Devlin noted Councilor Van Bergen's request that Transportation Department staff prepare a response on what Metro's responsibilities were with regard to the Western Bypass Study process.

Councilor Devlin said the Study was currently at Step 2. He said there was little controversy attached to the IGA itself. He said the most controversial aspects would arise when the preferred alternative was selected.

Presiding Officer Collier opened a public hearing.

Dave Stewart, STOP vice-president, expressed STOP's reservations about the Statement. He said STOP had such reservations at the start of the process and noted his numeric analysis based on statistics supplied by ODOT showed that by 2010 the study area in Washington County would be extremely automobile dependent in that 96 percent of all trips would be made in single occupant vehicles. He said the projections of long-distance circumverential travel in the 2010 scenario and the Statement were not as accurate or as useful as they could have been. He said estimates on circumverential travel had been disregarded and how those estimates were measured did not reflect the percentage of traffic in the study areas that might use a rural bypass freeway. He said his analysis included who would use a bypass freeway or what percentage of trips would access Wilsonville, Tualatin, Sherwood, up to that end of the county, or towards Hillsboro, Helvetia and Sunset. He said that 3-4 percent of the trips represented a much smaller amount than the Statement claimed. He said the Statement said most trips, or 60-70

percent, were short urban trips six miles or less in length. He said the median trip length was closer to 4.2 miles in length. He said the Statement's text generally portrayed where people wanted to go from one end to the other of the county but said real numbers did not bolster that analysis. He said the link analysis used in the Statement was inaccurate. He said the text of the document ignored the goals and objectives of the Study. He said the goals and objectives had been listed but not addressed, and noted at public workshops held by ODOT, citizens expressed the most interest in reduction on automobile dependency. He said that issue was not addressed anywhere in the text of the document. He said key legal administrative requirements currently in force or set to be force such as the Federal Clean Air Act had not been addressed in addition to the LCDC Transportation Goal which would require a reduction in per capita miles travelled. He said key portions of the project as originally envisioned would be inconsistent with RUGGO. He said these and other issues should be addressed as soon as possible. He urged the Council to return the document to ODOT for redrafting.

No other citizens appeared to testify on the resolution and the public hearing was closed.

Andy Cotugno, Director of Transportation, said questions to be asked included how the Statement would address a variety of policy directions. He said the Statement was a description of the conditions Metro expected to see occur in the region under the assumptions that comprehensive plans would be adopted and that the region did not make major transportation adjustments or implement major policy requirements already defined in the RTP over the course of the next 20 years but instead fund only those projects clearly funded at this time only over the course of the next 20 years. He said also in effect was the assumption that travel patterns in the region would respond according to Metro's travel forecasts and methodologies. He said Be It Resolved sections 5 and 6 recognized concerns expressed by JPACT, TPAC and the Council. He said resolution language delineated that the basis for evaluating the alternatives would be how well the alternatives solved the problems depicted and how well the alternatives met policy objectives as defined by the RTP, Clean Air Act, RUGGO, and other adopted policy objectives.

Councilor McFarland noted traffic estimates given for the year 2020. She asked if the commitment to Westside Lightrail (LRT) changed those estimates. Mr. Cotugno said the document did reflect changes estimated to result from LRT, but said the extent of bus support needed to feed LRT had not been fed into the

forecasts. Mr. Cotugno noted low ridership in that area and said staff would explore that and related issues.

Councilor McLain expressed concern about the process as defined thus far. She said "Define Purpose and Need" was listed as a discussion item and assumed all plans would conclude as originally planned, that all transportation dollars allotted would be spent, and that demand management occurred as originally proposed. Mr. Cotugno said those assumptions were based on the assumption that what projects were currently funded only would be built. Councilor McLain objected to such a plan and expressed concern that consideration of limited current factors only had resulted in a too-narrow needs Statement.

Councilor Knowles concurred with Councilor McLain and said similar views were expressed at JPACT. Councilor Knowles asked why current policy direction was shifting at this time. Mr. Cotugno said the Clean Air Act had not been adopted when Resolution No. 91-1441 was prepared and that RUGGO had not yet been adopted. He said staff needed time to address new policy and how it would shape the region. He said Washington D.C. was still debating the Surface Transportation Act (STA). He said the final outcome of new and future policies were as yet unknown.

Councilor Knowles said although the Statement was not a comprehensive document, it was the best product that could be developed at this time in view of the mitigating factors. Councilor Bauer asked whether there should be a county-wide referendum on the Statement. Councilor McLain agreed with Councilor Knowles that the process must go forward despite the limitations of the document.

Councilor Devlin noted JPACT determined on the provisions related to evaluation criteria should widen the scope of advisory parties to JPACT. He said the Statement would develop a base line from which to go forward and discussed related issues including a possible land use study.

Motion: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Collier was absent. The vote was unanimous and Resolution No. 91-1441 was adopted.

7.3 Resolution No. 91-1443A, For the Purpose of Authorizing the Issue of a Request for Bids and Execution of a Contract for Work Associated With, and Including, Procurement, Transport, and Stockpiling of Subgrade Embankment Material and Sand on St. Johns Landfill

Motion: Councilor McFarland moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1443A.

Councilor McFarland presented the Solid Waste Committee's report and recommendation. She said the Solid Waste Committee deleted language waiving Council approval of the Request for Bids (RFB), changed language on contractor requirements to give Metro more control over the payment schedule, and added pre-construction surveys and staking to provide criteria to predetermine starting quantities. She said the Committee amended language related to the contractor's quality control; deleted a section on testing laboratory services and on inspection services; and amended the observational requirements. She said the Committee told staff to look for companies that had to get rid of dirt and/or fill materials. Councilor McFarland the contract should commence before heavy winter weather started.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilors Bauer and Wyers were absent. The vote was unanimous and Resolution No. 91-1443A was adopted.

7.4 Resolution No. 91-1410, For the Purpose of Declaring Certain Property Surplus and Authorizing the Execution of a Lease

Motion: Councilor DeJardin moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1410.

Councilor DeJardin gave the Solid Waste Committee's report and recommendation. He explained the resolution authorized execution of a lease with Jack Gray Trucking, Inc. (JGT) for one office in the new Metro building next to Metro Central Station. He noted the JGT office space was anticipated when the building was planned and that JGT's shuttle operation would be run from that office. He said JGT would pay \$204 per month for rent for a five-year lease and would also lease two parking spaces.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Van Bergen voted aye. Councilors Bauer, Wyers and Collier were absent. The vote was unanimous and Resolution No. 91-1410 was adopted.

7.5 Resolution No. 91-1455, For the Purpose of Authorizing Issuance of a Request for Proposal for Advertising and Public Relations Services to Design and Implement Recycling and Waste Reduction Education Campaigns to Support Metro's Waste Reduction Programs

Motion: Councilor McFarland moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1455.

Councilor McFarland presented the Solid Waste Committee's report and recommendation. She said the Committee discussed the effectiveness of advertising campaigns and how to gauge their effectiveness. She said Public Affairs staff was able to ascertain campaign success from the number of calls received and other factors. Councilor McFarland said it was important to educate the public on the value of waste reduction. She said some members of the Committee expressed concern no Solid Waste Committee representative would sit on the selection committee. She said it was determined that staff would screen all the proposals and a Councilor would participate in the final selection and be informed of evaluation criteria used.

Councilor DeJardin expressed support for the resolution and noted previous successful advertising campaigns for office paper, cans and bottles. He said next year's focus would be on corrugated cardboard and yard debris recycling. He said selection of the winning proposal should be considered a management function.

Councilor Van Bergen said the RFP represented a contract and not a management function. He said not all public relations firms were located in the Portland area and that county publications should be advertised in as well as Portland publications to solicit proposals. He said it was proper a Councilor should assist in evaluating proposers and said the Councilor should ask final applicants if they had any conflicts of interest which would preclude their ability to fulfill the contract such as any previous work performed for the Executive Officer or a Councilor.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 91-1455 was adopted.

7.6 Resolution No. 91-1448, Authorizing a Contract with Homawa Foundation for African Cultural Performance

Presiding Officer Collier recessed the Council of the Metropolitan Service District and convened the Contract Review Board of the Metropolitan Service District.

Motion: Councilor Buchanan moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1448.

Councilor Buchanan presented the Regional Facilities Committee's report and recommendation.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Van Bergen and Wyers were absent. The vote was unanimous and Resolution No. 91-1448 was adopted.

Presiding Officer Collier adjourned the Contract Review Board and reconvened the Council of the Metropolitan Service District.

7.7 Resolution No. 91-1450, Authorizing Appointment of a Committee to Consider Public Involvement in the Financing and Construction of a New Arena in the Metropolitan Area

Motion: Councilor Knowles moved, seconded by Councilor Bauer, for adoption of Resolution No. 91-1450.

Councilor Knowles presented the Regional Facilities Committee's recommendation and report. Councilor Knowles said the resolution anticipated a proposal submitted to the City of Portland and Metro for a new arena to be built by the Portland Trail Blazers. He said the resolution committed the Council to a process only and not a product. He noted in 1990 the Council authorized the creation of the Public Policy Advisory Committee for Regional, Trade, Performing Arts, and Spectator Facilities (Facilities Task Force). He said he served on that committee as the Council's representative and said the committee was currently evaluating the financial structure of all the regional facilities as well as proposed new facilities such as the arena. He said the committee had given a series of reports to date concerning the future of the Memorial Coliseum, the Expo Center and its relation to other facilities, the proposed new arena, a proposed new stadium, the status of the Portland Center for the Performing Arts (PCPA), and a report on a proposed domed facility which covered the Civic Stadium as well. He said those reports had been advanced to the Finance Subcommittee chaired by himself and said the subcommittee's charge would be to assemble all recommendations and suggestions and recommend to the Council on how to achieve fiscal stability for all of the recreational facilities, what role the region would have in those facilities, and what operational changes could be made for more economical upkeep.

Councilor Knowles said that work should have been completed before the implementation stage began. He said the Blazers had submitted their proposal before the committee had completed its planning work. He said the committee was a planning committee only and would not negotiate with the Blazers. He said that was

why Portland and Metro determined a separate task force should be formed to assess the Blazers proposal and said the resolution would create such a task force. He said Be It Resolved section 2 language stated "That the mission of the Arena Task Force will be to evaluate and recommend a fair and judicious public investment in a possible public/private partnership for a new arena which maximizes benefits to the citizens of the region while minimizing public costs." He said the Arena Task Force's specific charge was to return to Metro and the City of Portland with advice on public investment options for development of the new arena; reviewing current operating agreements between the Coliseum and other Metropolitan Exposition-Recreation Commission (MERC) facilities and any proposed operating agreements between the arena and other MERC facilities; identifying options to address expected revenue loss from the existing arena; advice on the master planning process, noted the Blazers were paying for a master plan that would determine the street, transit and other building infrastructure improvements in the area; and review the economic implications of options for the use or re-use of the Coliseum or redevelopment of the Coliseum site in connection with the construction of the new arena. He said the Task Force would report back to Metro and Portland by July 17 with guidance on timing, terms, conditions and amount of any public investment in the development of a new arena.

Councilor Knowles distributed a revised Exhibit A, "Arena Task Force Membership" which listed nominees to the Arena Task Force. He said the City acted on a similar resolution and exhibit on May 22. He said the bulk of capital investment would be under the City's auspices under its urban renewal responsibilities. He said Metro's responsibilities fell under its role as managers of the regional recreational facilities via MERC and said Metro's main interests would focus on operational arrangements, impact on the Coliseum, and other related issues.

First Motion to Amend: Councilor Knowles moved, seconded by Councilor Bauer, to amend Exhibit A, "Arena Task Force Membership" with the following names as submitted by Executive Officer Cusma and the City of Portland: Robert L. Ridgley; Cliff Carlsen; Executive Officer Cusma; City of Portland Mayor J.E. "Bud" Clark; Councilor Knowles; City Commissioner Mike Lindberg; Douglas McGregor; MERC Commissioner Sam Brooks; Harriet Sherburne; Washington County Commission Chair Bonnie Hays; Clackamas County Commission Chair Ed Lindquist; Multnomah County Commission Chair Gladys McCoy; Bob Ames; Tom Walsh and Bill Scott.

Councilor Devlin asked why Bill Scott, PDI representative, was asked to serve on the task force. Councilor Knowles noted the Task Force role was not to negotiate but to offer advice.

Vote on First Motion to Amend: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Wyers was absent. The vote was unanimous and the motion to amend Exhibit A passed.

Second Motion to Amend: Councilor Knowles moved, seconded by Councilor Devlin, to amend Be It Resolved section 4(g) to read (additions underlined and deletions bracketed): "[providing advice and recommendations on the above issues by July 17, 1991, to the Metropolitan Service District and the City of Portland to provide guidance to the timing terms, conditions, and amount of any public investment in the development of the arena] issuing a report on the above items by July 17, 1991 to the Metropolitan Service District and the City of Portland."

Councilor Devlin said it appeared that negotiations would commence before the Council received its recommendations. He asked how Metro could give direction to the negotiating team. He asked how the perception could be allayed that this Task Force was not empowered to negotiate. Councilor Knowles said complete communication would be essential and the Council was not obligated to adopt any document it did not agree upon. Councilor Van Bergen said resolution language had changed from a focus on partnership to a focus on negotiation. He said the issues were incumbent on fiscal support from constituents and said his own District constituents had not commented favorably on the proposed arena.

Executive Officer Cusma said since the bulk of responsibility and financing would fall on the City of Portland it was important to them to identify the lead agency. She concurred with Councilor Knowles' view that Metro should have a strong role in the proceedings. She said it appeared proper that the Portland Development Commission (PDC) act as the lead agency because Metro did not have staff who performed this type of work.

Third Motion to Amend: Councilor Knowles moved, seconded by Councilor Hansen, to amend Be It Resolved Section 5 to read: "[That research, planning, and other staff support to the Task Force shall be undertaken as a partnership between the Metropolitan Service District and, acting as the City's lead agency, the Portland Development Commission] That the Portland Development Commission shall serve as the lead agency for this Arena proposal, including negotiations with the Trail Blazers, as well as lead staff to the Task Force. The Executive Officer of Metro shall assign a lead staff person to the negotiating team."

Presiding Officer Collier agreed the City would carry the bulk of the financial responsibility but wanted to ensure the regional perspective was equally represented because the regional facilities would need regional funding. She said those issues were as important to the community as the City of Portland's financial responsibility was. She said the City must realize such issues were important to the Council. She expressed concern the Council would have too short a time line in which to consider and vote on any decision related to these issues.

Councilor Hansen concurred with Executive Officer Cusma's comments and the amendments. Executive Officer Cusma noted the task force would not be directly responsible for major decisions on the regional facilities. She said the Regional Facilities Task Force would make the recommendations that would affect all the regional facilities.

The Council discussed the amendments and the issues further.

Vote on Second Motion to Amend: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, and Collier voted aye. Councilor Van Bergen voted nay. Councilor Wyers was absent. The vote was 10 to 1 in favor and the motion to amend passed.

Vote on Third Motion to Amend: Councilors Bauer, Buchanan, DeJardin, Gardner, Hansen, Knowles and McLain voted aye. Councilors Devlin, McFarland, Van Bergen and Collier voted nay. Councilor Wyers was absent. The vote 7 to 4 in favor and the motion to amend passed.

Councilor McFarland said she would vote aye on the main motion but expressed disappointment with the representation Metro would receive on the task force. Councilor Knowles said he and Councilor McFarland discussed Exhibit A and her concern that the Council be represented at all the Task Force meetings. He said

he told Councilor McFarland if he were unable to attend Task Force meetings that he would ask the Regional Facilities Committee vice chair, Councilor Gardner, to attend as the Council's representative. Councilor Knowles said he had made every effort to have Task Force proceedings be as open as possible in his discussions with the City, PDC and the Blazers. He said it was essential that the Council take its time to make the right decision. Presiding Officer Collier thanked Councilor Knowles for his work on the resolution.

Vote on Main Motion as Amended: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilor Van Bergen voted nay. Councilor Wyers was absent. The vote was 10 to 1 in favor and Resolution No. 91-1450 was adopted as amended.

7.8 Resolution No. 91-1451A, For the Purpose of Authorizing Issuance of a Request for Proposal to Procure an Inter-Departmental Computer Network, Hardware, Software and Services, to Enter into a Contract(s) with the Most Qualified Proposer(s), to Waive the Requirement for Council Approval of the Contract(s), and to Authorize the Executive Officer to Execute the Contract Subject to Conditions

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1451A.

Councilor Devlin gave the Finance Committee's recommendation and report. Councilor Devlin said the resolution would implement the STRAP computer network budgeted in the proposed FY 1991-92 Budget. He said the RFP would proceed after budget approval by the Tax Supervising and Conservation Commission (TSCC). He said the network would realize costs savings due to shared equipment and licensing; provide for the electronic transfer of information and documents between work groups; implement the Recycling Information Center (RIC) Regional Land Information System (RLIS) based computer system; and provide RIC with an energy back-up computer system. He said there were questions at Committee about configuration and equipment which staff answered adequately. He said there was discussion about where equipment should be located and why some departments, such as MERC, were not listed for inclusion into the network. He said staff assured the Committee it was possible for departments to be hooked up in the future.

Councilor Van Bergen said he was confident the network would accomplish all it was predicted to do and would greatly facilitate future budget processes. He endorsed the expenditure necessary for the network.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilor Wyers was absent. The vote was unanimous and Resolution No. 91-1451A was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Executive Officer Cusma noted the National Association of Regional Councils (NARC) annual conference would start June 14 in Atlantic City.

Councilor Devlin distributed his memorandum dated May 17, 1991, "HB 3342." He said the Governmental Affairs Committee voted at its May 16 meeting to move HB 3342 from "Support" to "Monitor." He said the bill would extend pollution control tax credits through 1997 and said the credits were now due to end December 31, 1995. He said the Committee's reason for withdrawing support for HB 3342 was because the tax credits were primarily used by companies to compensate for pollution control activities they should be performing anyway. He noted Governor Roberts had announced her opposition to the bill and after further examination, the Governmental Affairs Committee had determined it was not in Metro's best interests to support it.

8.1 Worksession on Regional Urban Growth Goals & Objectives (RUGGO)

- o Review of RUGGO Development and Decisions to Date
- o Update on Status of RUGGO and Major Issues and Review of Next Steps
- o Discussion

Councilor Gardner discussed Agenda Item No. 8.1 and when it could be scheduled again. After discussion, the Council decided to schedule the RUGGO Worksession again June 27 under "Executive Officer Communications."

Presiding Officer Collier adjourned the meeting at 8:21 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council

Meeting Date: August 8, 1991
Agenda Item No. 5.1

ORDINANCE NO. 91-419

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-419 AMENDING ORDINANCE NO. 91-390A, ADOPTING THE FY 1991-92 BUDGET AND LEVYING AD VALOREM TAXES, FOR THE PURPOSE OF REVISING THE TIMEFRAME UPON WHICH TAXES ARE LEVIED ON PROPERTIES WITHIN THE DISTRICT

Date: July 26, 1991

Presented by: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

The ordinance adopting the annual budget requires that a date be stipulated upon which taxes will be levied on properties within the District. Prior to the passage of Ballot Measure 5, the property tax limitation measure, the date by law was January 1 of the year in which the budget was adopted.

Subsequent to the adoption of the budget, we were notified by the Tax Supervising Conservation Commission (TSCC) that the date reflected in Ordinance 91-390A was in error. This Ordinance stated a date of January 1, 1990, instead of January 1, 1991. However, under Measure 5, the date will be changed to July 1.

The Oregon Department of Revenue has recommended we revise the date but use the wording "for the 1991-92 tax year" for this transition period. Beginning FY 1992-93, the date will become July 1 of the year the budget is adopted.

The tax assessors for Multnomah, Clackamas and Washington Counties have been notified in advance of this revision. Certified copies of this ordinance will be filed with each assessor's office and the TSCC. We have been advised that there will be no problems as a result of this typographical error.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance 91-419, amending Ordinance No. 91-390A for the purpose of revising the timeframe upon which taxes are levied on properties within the District.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.)
91-390A ADOPTING THE FY 1991-92)
BUDGET AND LEVYING AD VALOREM TAXES)
FOR THE PURPOSE OF REVISING THE)
TIMEFRAME UPON WHICH TAXES ARE)
LEVIED ON PROPERTIES WITHIN THE)
DISTRICT)

ORDINANCE NO. 91-419

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and adopted the budget for the fiscal year 1991-92; and

WHEREAS, The adoption ordinance must state the timeframe upon which taxes will be levied on properties within the District; and

WHEREAS, The passage of Ballot Measure 5, Property Tax Limitation Measure, has revised this timeframe; and

WHEREAS, The date stipulated in Ordinance 91-390A, adopting the fiscal 1991-92 budget and levying ad valorem taxes is inconsistent with Ballot Measure 5; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That Ordinance No. 91-390A is hereby amended revising the date upon which taxes will be levied on properties within the district from 1:00 a.m., January 1, 1990, to "for the 1991-92 tax year" as recommended by the Oregon Department of Revenue.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this

_____ day of _____, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

Meeting Date: August 8, 1991
Agenda Item No. 5.2

ORDINANCE NO. 91-418

STAFF REPORT

ORDINANCE NO. 91-418: AN ORDINANCE REPEALING THE COLUMBIA REGION ASSOCIATION OF GOVERNMENTS LAND USE GOALS AND OBJECTIVES AND ADOPTING THE REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

July 30, 1991

Staff:

Richard H. Carson
Ethan Seltzer

BACKGROUND

Urban growth is changing the region. The growth experienced in the past five years, and expected in the next 20, is and will challenge this region's distinctive urban quality of life. In addition, the urban land supply contained within the region's Urban Growth Boundary (UGB) is being consumed, and we are fast approaching a whole host of crucial policy questions regarding urban form. Metro's enabling statutes called for the creation of regional land use goals and objectives to guide those policy discussions.

On December 22, 1988, the Metro Council adopted the Urban Growth Boundary Periodic Review Workplan (Resolution No. 88-1021), directing staff to begin preparation of an "Urban Growth Management Plan". In addition to addressing the Periodic Review Notice for the Urban Growth Boundary, furnished to Metro by the Land Conservation and Development Commission, the workplan identified the crafting of Regional Urban Growth Goals and Objectives (RUGGO's) as the core of the proposed growth management planning effort. The purpose of the goals and objectives was to provide a policy framework for Metro's management of the urban growth boundary, and for the coordination of Metro functional plans with that effort and each other. The goals and objectives, therefore, would provide the policy framework needed to address the urban form issues accompanying the growth of the metropolitan area.

In March of 1989, an Urban Growth Management Plan Policy Advisory Committee (PAC) and Technical Advisory Committee (TAC) were appointed by the Council to guide the periodic review effort, including the preparation of the goals and objectives. Since April of 1989, a period of 27 months, the PAC has met 28 times and the TAC has met 31 times. A brief chronology of the project is as follows:

March, 1989	PAC and TAC appointed.
Fall, 1989	Growth Issues Workshops held throughout the region for citizens, jurisdiction technical staff, and elected and appointed officials of cities, counties, school districts, and special districts - 200 participated.
January, 1990	First Annual Regional Growth Conference - 425 attended.
July, 1990	PAC completes first draft of RUGGO's.
August; 1990 - January, 1991	74 meetings held with cities, counties, citizen groups, public workshops, business organizations, and others to review and

	receive comment on PAC RUGGO draft.
March, 1991	Second Annual Regional Growth Conference - 720 attended.
July, 1991	PAC completes review and revision of RUGGO's based on fall review process comments and conference comments.
August, 1991	RUGGO's transmitted to Council for adoption.

Other steps taken to make the development of the RUGGO's a public process have included publication of "Metro Planning News" (12 issues to date, circulation of 5200 includes all jurisdictions, neighborhood associations, and CPO's, as well as other interested organizations, individuals, and agencies), Mailing of PAC and TAC agenda materials to lists of about 130 each (including all planning directors in the region), and numerous public presentations, UGB tours, and participation in other public events.

The RUGGO's are divided into two main sections. The first, Goal I, deals with the regional planning process. For the first time, Goal I explains the process that Metro will use for carrying out its regional planning responsibilities, and specifies the relationship between Metro planning authority, and the planning authority of cities and counties. In many respects, it is the first written explanation of the land use planning responsibilities given to Metro in its enabling legislation.

Goal I calls for the creation of a regional Citizen Involvement Committee to advise Metro on ways to better involve citizens in the regional planning program. Goal I also calls for the creation of an ongoing Regional Policy Advisory Committee (RPAC) to provide advice to the Council regarding Metro's regional planning program and activities. Significantly, Goal I limits the applicability of the RUGGO's to Metro functional plans and management of the UGB. Any application of the RUGGO's to the comprehensive plans of cities and counties can only occur through the preparation of a functional plan or through some aspect of the management of the UGB. The RUGGO's do not apply directly to city and county comprehensive plans or to site-specific land use actions.

The second section, Goal II, deals with urban form. The RUGGO's are not a plan, nor do they provide a single vision for the future development of the region. Rather, the RUGGO's, in Goal II, provide a range of "building blocks" in response to the issues accompanying urban growth. The elements of Goal II can be arranged in a variety of ways, depending on the policy objectives of the region, and therefore suggest but do not specify alternative regional development patterns. Goal II is envisioned as a starting point for Metro's regional planning program, with further refinement and change expected as the next phases of planning work are completed.

The RUGGO's will be used to guide the development of UGB amendment procedures, a central product expected of periodic review of the UGB. The RUGGO's will also be used as the primary policy guidance for the Region 2040 Study, now being formulated jointly by the Transportation and the Planning and Development Departments.

Ordinance No. 91-418 will be before the Metro Council for first reading on August 8, 1991. The Transportation and Planning Committee has scheduled public hearings on the

ordinance on August 27, 1991, and September 10, 1991. The RUGGO's will be back before the Metro Council for hearing and adoption on September 26, 1991. To assist interested parties with preparing testimony, RUGGO "open houses" have been scheduled for August 26, 1991, and September 9, 1991, from 4:30 - 9:00 pm. Metro is sending out approximately 5500 fliers describing the RUGGO's to publicize the hearings and the open houses. In addition, every jurisdiction in the region is receiving separate notification, and the hearings will be publicized through the news media. An additional 2500 fliers will be distributed by hand throughout the region through citizen, civic, and business organizations.

In addition to adopting the RUGGO's, Ordinance 91-418 formally repeals the Columbia Region Association of Governments (CRAG) Goals and Objectives, adopted on September 30, 1976, and left in place by the Legislature until Metro adopted its own goals and objectives. The CRAG goals and objectives are now out of date and represent a legal liability to all of Metro's existing and anticipated planning efforts. Finally, accompanying the Ordinance to Council on September 26, 1991, will be a separate resolution for the adoption of the RPAC by-laws and comments on the proposed workplan for the next steps in this process.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 91-418.

ES/es
7/30/91

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

AN ORDINANCE REPEALING THE COLUMBIA)	
REGION ASSOCIATION OF GOVERNMENTS)	ORDINANCE NO. 91-418
LAND USE GOALS AND OBJECTIVES AND)	Introduced by the
ADOPTING THE REGIONAL URBAN GROWTH)	Executive Officer
GOALS AND OBJECTIVES)	

WHEREAS Metro has been directed by the Oregon State Legislature (Oregon Revised Statutes Chapter 268, Section 380(1)) to develop land use goals and objectives for the Portland metropolitan region. Prior to adoption of those goals and objectives, the Columbia Region Association of Governments (CRAG) Goals and Objectives, adopted September 30, 1976 by the CRAG Board, have remained in effect by operation of 1977 Oregon Laws, Chapter 665 Section 25; and

WHEREAS Regional Goals and Objectives are intended to provide Metro with the policy framework needed to guide the District's regional planning program. All Metro functional plans and its management of the Urban Growth Boundary must be consistent with the District's goals and objectives; and

WHEREAS Metro has forecasted population growth of about 310,000 within the existing urban growth boundary between 1989 and 2010. In addition, the changes accompanying urban growth have begun to affect quality of life in the region. This kind of growth and these kinds of changes are not unique to this region. However, maintaining the livability of this region as it grows requires a fundamental examination of the policy framework used by Metro to guide its regional planning; and

WHEREAS To comply with its statutory requirements and in recognition of the

challenges posed by urban growth, Metro elected to begin development of Regional Urban Growth Goals and Objectives in March of 1989. Policy and Technical Advisory Committees were formed, and have met continuously since then.

**THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:**

Section 1. The Regional Urban Growth Goals and Objectives, included in this ordinance as Attachment A, is hereby adopted as Metro's regional land use goals and objectives.

Section 2. Metro's goals and objectives are consistent with the Statewide Land Use Planning Goals. Findings of consistency are included in this ordinance as Attachment B are hereby adopted.

Section 3. The CRAG Goals and Objectives, adopted September 30, 1976 by the CRAG Board, are hereby repealed and replaced by the Regional Urban Growth Goals and Objectives.

ADOPTED by the Council of the Metropolitan Service District

this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

ES/es
7/30/91

1 July 16, 1991

ATTACHMENT A

2
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INTRODUCTION

The Regional Urban Growth Goals and Objectives (RUGGO) have been developed to:

- 1) respond to the direction given to Metro by the legislature through ORS chapter 268.380 to develop land use goals and objectives for the region which would replace those adopted by the Columbia Region Association of Governments;
- 2) provide a policy framework for guiding Metro's regional planning program, principally its development of functional plans and management of the region's urban growth boundary; and
- 3) provide a process for coordinating planning in the metropolitan area to maintain metropolitan livability.

The RUGGO's are envisioned not as a final plan for the region, but as a starting point for developing a more focused vision for the future growth and development of the Portland area. Hence, the RUGGO's are the building blocks with which the local governments, citizens, and other interests can begin to develop a shared view of the future.

This document begins with the broad outlines of that vision. There are two principal goals, the first dealing with the planning process and the second outlining substantive concerns related to urban form. The "subgoals" (in Goal II) and objectives clarify the goals. The planning activities reflect priority actions that need to be taken at a later date to refine and clarify the goals and objectives further.

BACKGROUND STATEMENT

1
2
3 Planning for and managing the effects of urban growth in this metropolitan region involves 24
4 cities, three counties, and more than 130 special service districts and school districts, including
5 Metro. In addition, the State of Oregon, Tri-Met, the Port of Portland, and the Boundary
6 Commission all make decisions which affect and respond to regional urban growth. Each of
7 these jurisdictions and agencies has specific duties and powers which apply directly to the tasks
8 of urban growth management.
9

10 However, the issues of metropolitan growth are complex and inter-related. Consequently, the
11 planning and growth management activities of many jurisdictions are both affected by and
12 directly affect the actions of other jurisdictions in the region. In this region, as in others
13 throughout the country, coordination of planning and management activities is a central issue for
14 urban growth management.
15

16 Nonetheless, few models exist for coordinating growth management efforts in a metropolitan
17 region. Further, although the legislature charged Metro with certain coordinating
18 responsibilities, and gave it powers to accomplish that coordination, a participatory and
19 cooperative structure for responding to that charge has never been stated.
20

21 As urban growth in the region generates issues requiring a multijurisdictional response, a
22 "blueprint" for regional planning and coordination is critically needed. Although most would
23 agree that there is a need for coordination, there is a wide range of opinion regarding how
24 regional planning to address issues of regional significance should occur, and under what
25 circumstances Metro should exercise its coordination powers.
26

27 Goal I addresses this coordination issue in the region for the first time by providing the process
28 that Metro will use to address areas and activities of metropolitan significance. The process is
29 intended to be responsive to the challenges of urban growth while respecting the powers and
30 responsibilities of a wide range of interests, jurisdictions, and agencies.
31

32 Goal II recognizes that this region is changing as growth occurs, and that change is challenging
33 our assumptions about how urban growth will affect quality of life. For example:
34

35 -- overall, the number of vehicle miles travelled in the region has been increasing at a
36 rate far in excess of the rate of population and employment growth;

37
38 -- the greatest growth in traffic and movement is within suburban areas, rather than
39 between suburban areas and the central downtown district;

40
41 -- in the year 2010 Metro projects that 70% of all "trips" made daily in the region will
42 occur within suburban areas;

43
44 -- currently transit moves about 3% of the travellers in the region on an average

1 workday;
2

3 -- to this point the region has accommodated most forecasted growth on vacant land
4 within the urban growth boundary, with redevelopment expected to accommodate very
5 little of this growth;
6

7 -- single family residential construction is occurring at less than maximum planned
8 density;
9

10 -- rural residential development in rural exception areas is occurring in a manner and at
11 a rate that may result in forcing the expansion of the urban growth boundary on
12 important agricultural and forest resource lands in the future;
13

14 -- a recent study of urban infrastructure needs in the state has found that only about half
15 of the funding needed in the future to build needed facilities can be identified.
16

17 Add to this list growing citizen concern about rising housing costs, vanishing open space, and
18 increasing frustration with traffic congestion, and the issues associated with the growth of this
19 region are not at all different from those encountered in other west coast metropolitan areas such
20 as the Puget Sound region or cities in California. The lesson in these observations is that the
21 "quilt" of 27 separate comprehensive plans together with the region's urban growth boundary
22 is not enough to effectively deal with the dynamics of regional growth and maintain quality of
23 life.
24

25 The challenge is clear: if the Portland metropolitan area is going to be different than other
26 places, and if it is to preserve its vaunted quality of life as an additional 485,000 people move
27 into the 4-county urban area between 1989 and 2010, then a cooperative and participatory effort
28 to address the issues of growth must begin now. Further, that effort needs to deal with the
29 issues accompanying growth -- increasing traffic congestion, vanishing open space, speculative
30 pressure on rural farm lands, rising housing costs, diminishing environmental quality -- in a
31 common framework. Ignoring vital links between these issues will limit the scope and
32 effectiveness of our approach to managing urban growth.
33

34 Goal II provides that broad framework needed to address the issues accompanying urban growth.
35
36
37
38

**PLANNING FOR A VISION OF GROWTH IN THE
PORTLAND METROPOLITAN AREA**

1
2
3
4
5 As the metropolitan area changes, the importance of coordinated and balanced planning programs
6 to protect the environment and guide development becomes increasingly evident.
7

8 By encouraging efficient placement of jobs and housing near each other, along with supportive
9 commercial and recreational uses, a more efficient development pattern will result.
10

11 An important step toward achieving this planned pattern of regional growth is the integration of
12 land uses with transportation planning, including mass transit, which will link together mixed
13 use urban centers of higher density residential and commercial development.
14

15 The region must strive to protect and enhance its natural environment and significant natural
16 resources. This can best be achieved by integrating the important aspects of the natural
17 environment into a regional system of natural areas, open space and trails for wildlife and
18 people. Special attention should be given to the development of infrastructure and public
19 services in a manner that complements the natural environment.
20

21 A clear distinction must be created between the urbanizing areas and rural lands. Emphasis
22 should be placed upon the balance between new development and infill within the region's urban
23 growth boundary and the need for future urban growth boundary expansion. This regional
24 vision recognizes the pivotal role played by a healthy and active central city, while at the same
25 time providing for the growth of other communities of the region.
26

27 Finally, the regional planning program must be one that is based on a cooperative process that
28 involves the residents of the metropolitan area, as well as the many public and private interests.
29 Particular attention must be given to the need for effective partnerships with local governments
30 because they will have a major responsibility in implementing the vision. It is important to
31 consider the diversity of the region's communities when integrating local comprehensive plans
32 into the pattern of regional growth.

1 **GOAL I: REGIONAL PLANNING PROCESS**

2
3 Regional planning in the metropolitan area shall:

- 4
5 I.i) identify and designate areas and activities of metropolitan significance through a
6 participatory process involving citizens, cities, counties, special districts, school
7 districts, and state and regional agencies;
8
9 I.ii) occur in a cooperative manner in order to avoid creating duplicative processes,
10 standards, and/or governmental roles.
11

12 These goals and objectives shall only apply to acknowledged comprehensive plans of cities and
13 counties when implemented through functional plans or the acknowledged urban growth
14 boundary plan.
15

16
17 **OBJECTIVE 1. CITIZEN PARTICIPATION**

18
19 Metro shall develop and implement an ongoing program for citizen participation in all aspects
20 of the regional planning program. Such a program shall be coordinated with local programs for
21 supporting citizen involvement in planning processes, and shall not duplicate those programs.
22

23 1.1 - Regional Citizen Involvement Coordinating Committee - Metro shall establish a
24 Regional Citizen Involvement Coordinating Committee to assist with the development of
25 its citizen involvement program and to advise the Regional Policy Advisory Committee
26 regarding ways to best involve citizens in regional planning activities.
27

28 1.2 - Notification - Metro shall develop programs for public notification, especially for
29 (but not limited to) proposed legislative actions, that ensure a high level of awareness of
30 potential consequences as well as opportunities for involvement on the part of affected
31 citizens, both inside and outside of its district boundaries.
32

33
34 **OBJECTIVE 2. REGIONAL POLICY ADVISORY COMMITTEE**

35
36 The Metro Council shall establish a Regional Policy Advisory Committee to:

- 37
38 2.i) assist with the development and review of Metro's regional planning
39 activities pertaining to land use and growth management, including review and
40 implementation of these goals and objectives, present and prospective functional
41 planning, and management and review of the region's urban growth boundary;
42
43 2.ii) serve as a forum for identifying and discussing areas and activities of
44 metropolitan or subregional significance; and

1 2.iii) provide an avenue for involving all cities and counties and other interests
2 in the development and implementation of growth management strategies.
3

4 **2.1 - Regional Policy Advisory Committee Composition -** The Regional Policy Advisory
5 Committee (RPAC) shall be chosen according to the by-laws adopted by the Metro
6 Council. The voting membership shall include elected officials of cities, counties, and
7 the Metro Council as well as representatives of the State of Oregon and citizens. The
8 composition of the Committee shall reflect the partnership that must exist among
9 implementing jurisdictions in order to effectively address areas and activities of
10 metropolitan significance, with a majority of the voting members being elected officials
11 from within the Metro District boundaries.
12

13 **2.2 - Advisory Committees -** The Metro Council, consistent with the RPAC by-laws,
14 shall appoint technical advisory committees, task forces, and other bodies as it and the
15 Regional Policy Advisory Committee determine a need for such bodies.
16

17 **2.3 - Joint Policy Advisory Committee on Transportation (JPACT) -** JPACT with the
18 Metro Council shall continue to perform the functions of the designated Metropolitan
19 Planning Organization as required by federal transportation planning regulations. JPACT
20 and the Regional Policy Advisory Committee shall develop a coordinated process, to be
21 approved by the Metro Council, to assure that regional land use and transportation
22 planning remains consistent with these goals and objectives and with each other.
23

24 **OBJECTIVE 3. APPLICABILITY OF REGIONAL URBAN GROWTH GOALS AND**
25 **OBJECTIVES**
26

27 These Regional Urban Growth Goals and Objectives have been developed pursuant to ORS
28 268.380(1). Therefore, they comprise neither a comprehensive plan under ORS 197.015(5) nor
29 a functional plan under ORS 268.390(2). All functional plans prepared by Metro shall be
30 consistent with these goals and objectives. Metro's management of the Urban Growth Boundary
31 shall be guided by standards and procedures which must be consistent with these goals and
32 objectives. These goals and objectives shall not apply directly to site-specific land use actions,
33 including amendments of the urban growth boundary.
34

35 These Regional Urban Growth Goals and Objectives shall apply to adopted and acknowledged
36 comprehensive land use plans as follows:
37

38 3.i) A regional functional plan, itself consistent with these goals and objectives,
39 may recommend or require amendments to adopted and acknowledged
40 comprehensive land use plans; or
41

42 3.ii) The management and periodic review of Metro's acknowledged Urban
43 Growth Boundary Plan, itself consistent with these goals and objectives, may
44 require changes in adopted and acknowledged land use plans; or

1 3.iii) The Regional Policy Advisory Committee may identify and propose issues
2 of regional concern, related to or derived from these goals and objectives, for
3 consideration by cities and counties at the time of periodic review of their adopted
4 and acknowledged comprehensive plans.
5

6 3.1 - Urban Growth Boundary Plan - The Urban Growth Boundary Plan has two
7 components:
8

9 3.1.1) The acknowledged urban growth boundary line; and
10

11 3.1.2) Acknowledged procedures and standards for amending the urban growth
12 boundary line.
13

14 Metro's Urban Growth Boundary is not a regional comprehensive plan but a provision
15 of the comprehensive plans of the local governments within its boundaries. The location
16 of the urban growth boundary line shall be consistent with applicable statewide planning
17 goals and these goals and objectives. Amendments to the urban growth boundary line
18 shall demonstrate consistency only with the acknowledged procedures and standards.
19

20 3.2 - Functional Plans - Regional functional plans containing recommendations for
21 comprehensive planning by cities and counties may or may not involve land use
22 decisions. Functional plans are not required by the enabling statute to include findings
23 of consistency with statewide land use planning goals. If provisions in a functional plan,
24 or actions implementing a functional plan require changes in an adopted and
25 acknowledged comprehensive land use plan, then that action may be a land use action
26 required to be consistent with the statewide planning goals.
27

28 3.3 - Periodic Review of Comprehensive Land Use Plans - At the time of periodic
29 review for comprehensive land use plans in the region the Regional Policy Advisory
30 Committee:
31

32 3.3.1) shall assist Metro with the identification of functional plan provisions or
33 changes in functional plans adopted since the last periodic review for inclusion
34 in periodic review notices as changes in law; and
35

36 3.3.2) may provide comments during the periodic review of adopted and
37 acknowledged comprehensive plans on issues of regional concern.
38

39 3.4 - Periodic Review of the Regional Urban Growth Goals and Objectives - If statute
40 changes are made to ORS 197 to allow acknowledgement of these goals and objectives
41 as the means for meeting the statutory requirement that these goals and objectives be
42 consistent with statewide planning goals, then this section will apply. The Regional
43 Policy Advisory Committee shall consider the periodic review notice for these goals and
44 objectives and recommend a periodic review process for adoption by the Metro Council.

1 **OBJECTIVE 4. IMPLEMENTATION ROLES**

2
3 Regional planning and the implementation of these Regional Urban Growth Goals and Objectives
4 shall recognize the inter-relationships between cities, counties, special districts, Metro, regional
5 agencies, and the State, and their unique capabilities and roles.
6

7 4.1 - Metro Role - Metro shall:

- 8
9 4.1.1) identify and designate areas and activities of metropolitan significance;
10
11 4.1.2) provide staff and technical resources to support the activities of the
12 Regional Policy Advisory Committee;
13
14 4.1.3) serve as a technical resource for cities, counties, and other jurisdictions
15 and agencies;
16
17 4.1.4) facilitate a broad-based regional discussion to identify appropriate strategies
18 for responding to those issues of metropolitan significance; and
19
20 4.1.5) coordinate the efforts of cities, counties, special districts, and the state to
21 implement adopted strategies.
22

23 4.2 - Role of Cities -

- 24
25 4.2.1) adopt and amend comprehensive plans;
26
27 4.2.2) identify potential areas and activities of metropolitan significance;
28
29 4.2.3) cooperatively develop strategies for responding to designated areas and
30 activities of metropolitan significance;
31
32 4.2.4) participate in the review and refinement of these goals and objectives.
33

34 4.3 - Role of Counties -

- 35
36 4.3.1) adopt and amend comprehensive plans;
37
38 4.3.2) identify potential areas and activities of metropolitan significance;
39
40 4.3.3) cooperatively develop strategies for responding to designated areas and
41 activities of metropolitan significance;
42
43 4.3.4) participate in the review and refinement of these goals and objectives.
44

1 4.4 - Role of Special Service Districts - Assist Metro with the identification of areas and
2 activities of metropolitan significance and the development of strategies to address them,
3 and participate in the review and refinement of these goals and objectives.
4

5 4.5 - Role of the State of Oregon - Advise Metro regarding the identification of areas and
6 activities of metropolitan significance and the development of strategies to address them,
7 and participate in the review and refinement of these goals and objectives.
8

9 **OBJECTIVE 5. FUNCTIONAL PLANNING PROCESS**

10
11 Functional plans are limited purpose plans, consistent with these goals and objectives, which
12 address designated areas and activities of metropolitan significance.
13

14 5.1 - Existing Functional Plans - Metro shall continue to develop, amend, and
15 implement, with the assistance of cities, counties, special districts, and the state,
16 statutorily required functional plans for air, water, and transportation, as directed by ORS
17 268.390(1), and for solid waste as mandated by ORS chapter 459.
18

19 5.2 - New Functional Plans - New functional plans shall be proposed from one of two
20 sources:
21

22 5.2.1) The Regional Policy Advisory Committee may recommend that the Metro
23 Council adopt findings designating an area or activity of metropolitan significance
24 for which a functional plan should be prepared; or
25

26 5.2.2) The Metro Council may propose the preparation of a functional plan to
27 designate an area or activity of metropolitan significance, and refer that proposal
28 to the Regional Policy Advisory Committee.
29

30 Upon the Metro Council adopting factual reasons for the development of a new functional
31 plan, the Regional Policy Advisory Committee shall oversee the preparation of the plan,
32 consistent with these goals and objectives and the reasons cited by the Metro Council.
33 After preparing the plan and seeking broad public and local government consensus, using
34 existing citizen involvement processes established by cities, counties, and Metro, the
35 Regional Policy Advisory Committee may propose the plan to the Metro Council for
36 adoption. The Metro Council may act to resolve conflicts or problems impeding the
37 development of a new functional plan should such conflicts or problems prevent the
38 Regional Policy Advisory Committee from completing its work in a timely or orderly
39 manner.
40

41 The Metro Council shall hold a public hearing on the proposed plan and afterwards shall:
42

43 5.2.A) adopt the proposed functional plan; or
44

1 5.2.B) refer the proposed functional plan to the Regional Policy Advisory
2 Committee in order to consider amendments to the proposed plan prior to
3 adoption; or

4
5 5.2.C) amend and adopt the proposed functional plan; or
6

7 5.2.D) reject the proposed functional plan.
8

9 The proposed functional plan shall be adopted by ordinance, and shall include findings
10 of consistency with these goals and objectives.
11

12 5.3 - Functional Plan Implementation and Conflict Resolution -Adopted functional plans
13 shall be regionally coordinated policies, facilities, and/or approaches to addressing a
14 designated area or activity of metropolitan significance, to be considered by cities and
15 counties for incorporation in their comprehensive land use plans. If a city or county
16 determines that a functional plan recommendation cannot be incorporated into its
17 comprehensive plan, then Metro shall review any apparent inconsistencies by the
18 following process:
19

20 5.3.1) Metro and affected local governments shall notify each other of apparent
21 or potential comprehensive plan inconsistencies.
22

23 5.3.2) After Metro staff review, the Regional Policy Advisory Committee shall
24 consult the affected jurisdictions and attempt to resolve any apparent or potential
25 inconsistencies.
26

27 5.3.3) The Regional Policy Advisory Committee shall conduct a public hearing
28 and make a report to the Metro Council regarding instances and reasons why a
29 city or county has not adopted changes consistent with recommendations in a
30 regional functional plan.
31

32 5.3.4) The Metro Council shall review the Regional Policy Advisory Committee
33 report and hold a public hearing on any unresolved issues. The Council may
34 decide to:
35

36 5.3.4.a) amend the adopted regional functional plan; or
37

38 5.3.4.b) initiate proceedings to require a comprehensive plan change; or
39

40 5.3.4.c) find there is no inconsistency between the comprehensive plan(s)
41 and the functional plan.
42
43
44

1 **OBJECTIVE 6. AMENDMENTS TO THE REGIONAL URBAN GROWTH GOALS**
2 **AND OBJECTIVES**
3

4 The Regional Urban Growth Goals and Objectives shall be reviewed at regular intervals or at
5 other times determined jointly by the Regional Policy Advisory Committee and the Metro
6 Council. Any review and amendment process shall involve a broad cross-section of citizen and
7 jurisdictional interests, and shall be conducted by the Regional Policy Advisory Committee
8 consistent with Goal 1: Regional Planning Process. Proposals for amendments shall receive
9 broad public and local government review prior to final Metro Council action.

10
11 6.1 - Impact of Amendments - At the time of adoption of amendments to these goals and
12 objectives, the Metro Council shall determine whether amendments to adopted functional
13 plans or the acknowledged regional urban growth boundary are necessary. If
14 amendments to adopted functional plans are necessary, the Metro Council shall act on
15 amendments to applicable functional plans after referral of proposed amendments to the
16 Regional Policy Advisory Committee. All amendment proposals will include the date
17 and method through which they may become effective, should they be adopted.
18 Amendments to the acknowledged regional urban growth boundary will be considered
19 under acknowledged urban growth boundary amendment procedures incorporated in the
20 Metro Code.

21
22 If changes to functional plans are adopted, affected cities and counties shall be informed
23 in writing of those changes which are advisory in nature, those which recommend
24 changes in comprehensive land use plans, and those which require changes in
25 comprehensive plans. This notice shall specify the effective date of particular
26 amendment provisions.

27
28
29 **GOAL II: URBAN FORM**
30

31 The livability of the urban region should be maintained and enhanced through initiatives which:
32

33 II.i) preserve environmental quality;

34
35 II.ii) coordinate the development of jobs, housing, and public services and facilities; and

36
37 II.iii) inter-relate the benefits and consequences of growth in one part of the region with
38 the benefits and consequences of growth in another.

39
40 Urban form, therefore, describes an overall framework within which regional urban growth
41 management can occur. Clearly stating objectives for urban form, and pursuing them
42 comprehensively provides the focal strategy for rising to the challenges posed by the growth
43 trends present in the region today.
44

1 **II.1: NATURAL ENVIRONMENT**

2
3 Preservation, use, and modification of the natural environment of the region should maintain and
4 enhance environmental quality while striving for the wise use and preservation of a broad range
5 of natural resources.

6
7 **OBJECTIVE 7. WATER RESOURCES**

8
9 Planning and management of water resources should be coordinated in order to improve the
10 quality and ensure sufficient quantity of surface water and groundwater available to the region.

11
12 7.1 Formulate Strategy - A long-term strategy, coordinated by the jurisdictions and
13 agencies charged with planning and managing water resources, shall be developed to
14 comply with state and federal requirements for drinking water, to sustain beneficial water
15 uses, and to accommodate growth.

16
17 **Planning Activities:**

18
19 Planning programs for water resources management shall be evaluated to determine the
20 ability of current efforts to accomplish the following, and recommendations for changes
21 in these programs will be made if they are found to be inadequate:

22
23 -- Identify the future resource needs of the region for municipal and industrial water
24 supply, irrigation, fisheries, recreation, wildlife, environmental standards and aesthetic
25 amenities;

26
27 -- Monitor water quality and quantity trends vis-a-vis beneficial use standards adopted
28 by federal, state, regional, and local governments for specific water resources important
29 to the region;

30
31 -- Evaluate the cost-effectiveness of alternative water resource management scenarios,
32 and the use of conservation for both cost containment and resource management; and

33
34 -- Preserve, create, or enhance natural water features for use as elements in nonstructural
35 approaches to managing stormwater and water quality.

36
37 **OBJECTIVE 8. AIR QUALITY**

38
39 Air quality shall be protected and enhanced so that growth can occur and human health is
40 unimpaired. Visibility of the Cascades and the Coast Range from within the region should be
41 maintained.

42
43 8.1 Strategies for planning and managing air quality in the regional airshed shall be
44 included in the State Implementation Plan for the Portland-Vancouver air quality

1 maintenance area as required by the Federal Clean Air Act.
2

3 8.2 New regional strategies shall be developed to comply with Federal Clean Air Act
4 requirements and provide capacity for future growth.
5

6 8.3 The region, working with the state, shall pursue the consolidation of the Oregon and
7 Clark County Air Quality Management Areas.
8

9 8.4 All functional plans, when taken in the aggregate, shall be consistent with the State
10 Implementation Plan (SIP) for air quality.
11

12 Planning Activities: 13

14 An air quality management plan should be developed for the regional airshed which:
15

- 16 -- Outlines existing and forecast air quality problems;
- 17
- 18 -- Identifies prudent and equitable market based and regulatory strategies for
19 addressing present and probable air quality problems throughout the region;
20
- 21 -- Evaluates standards for visibility; and
- 22
- 23 -- Implements an air quality monitoring program to assess compliance with local,
24 state, and federal air quality requirements.
25

26 **OBJECTIVE 9. NATURAL AREAS, PARKS AND WILDLIFE HABITAT** 27

28 Sufficient open space in the urban region shall be acquired, or otherwise protected, and managed
29 to provide reasonable and convenient access to sites for passive and active recreation. An open
30 space system capable of sustaining or enhancing native wildlife and plant populations should be
31 established.
32

33 9.1 Quantifiable targets for setting aside certain amounts and types of open space shall
34 be identified.
35

36 9.2 Corridor Systems - The regional planning process shall be used to coordinate the
37 development of interconnected recreational and wildlife corridors within the metropolitan
38 region.
39

40 9.2.1) A region-wide system of trails should be developed to link public and
41 private open space resources within and between jurisdictions.
42

43 9.2.2) A region-wide system of linked significant wildlife habitats should be
44 developed.

1 9.2.3) A Willamette River Greenway Plan for the region should be implemented
2 by the turn of the century.

3
4 **Planning Activities:**

- 5
6 1) Inventory existing open space and open space opportunities to determine areas
7 within the region where open space deficiencies exist now, or will in the future,
8 given adopted land use plans and growth trends.
9
10 2) Assess current and future active recreational land needs. Target acreages should
11 be developed for neighborhood, community, and regional parks, as well as for
12 other types of open space in order to meet local needs while sharing responsibility
13 for meeting metropolitan open space demands.
14
15 3) Develop multijurisdictional tools for planning and financing the protection and
16 maintenance of open space resources. Particular attention will be paid to using
17 the land use planning and permitting process and to the possible development of
18 a land-banking program.
19
20 4) Conduct a detailed biological field inventory of the region to establish an accurate
21 baseline of native wildlife and plant populations. Target population goals for
22 native species will be established through a public process which will include an
23 analysis of amounts of habitat necessary to sustain native populations at target
24 levels.
25

26 **OBJECTIVE 10. PROTECTION OF AGRICULTURE AND FOREST RESOURCE**
27 **LANDS**

28
29 Agricultural and forest resource land outside the urban growth boundary shall be protected from
30 urbanization, and accounted for in regional economic and development plans.
31

32 10.1 Rural Resource Lands - Rural resource lands outside the urban growth boundary
33 which have significant resource value should actively be protected from urbanization.
34

35 10.2 Urban Expansion - Expansion of the urban growth boundary shall occur in urban
36 reserves, established consistent with Objective 15.3.
37

38 **Planning Activities:**

39
40 A regional economic opportunities analysis shall include consideration of the agricultural
41 and forest products economy associated with lands adjacent to or near the urban area.
42
43
44

1 **II.2: BUILT ENVIRONMENT**

2
3 Development in the region should occur in a coordinated and balanced fashion as evidenced by:

4
5 II.2.i) a regional "fair-share" approach to meeting the housing needs of the urban
6 population;

7
8 II.2.ii) the provision of infrastructure and critical public services concurrent with the
9 pace of urban growth;

10
11 II.2.iii) the integration of land use planning and economic development programs;

12
13 II.2.iv) the coordination of public investment with local comprehensive and regional
14 functional plans;

15
16 II.2.v) the continued evolution of regional economic opportunity; and

17
18 II.2.vi) the creation of a balanced transportation system, less dependent on the private
19 automobile, supported by both the use of emerging technology and the collocation of
20 jobs, housing, commercial activity, parks and open space.

21
22 **OBJECTIVE 11. HOUSING**

23
24 There shall be a diverse range of housing types available inside the UGB, for rent or purchase
25 at costs in balance with the range of household incomes in the region. Low and moderate
26 income housing needs should be addressed throughout the region. Housing densities should be
27 supportive of adopted public policy for the development of the regional transportation system
28 and designated mixed use urban centers.

29
30 **Planning Activities:**

31
32 The Metropolitan Housing Rule (OAR 660, Division 7) has effectively resulted in the
33 preparation of local comprehensive plans in the urban region that:

- 34
35 ● provide for the sharing of regional housing supply responsibilities by ensuring the
36 presence of single and multiple family zoning in every jurisdiction; and
37
38 ● plan for local residential housing densities that support net residential housing
39 density assumptions underlying the regional urban growth boundary.

40
41 However, it is now time to develop a new regional housing policy that directly addresses
42 the requirements of Statewide Planning Goal 10, in particular:

- 43
44 1) Strategies should be developed to preserve the region's supply of special needs

1 and existing low and moderate income housing.
2

- 3 2) Diverse Housing Needs - the diverse housing needs of the present and projected
4 population of the region shall be correlated with the available and prospective
5 housing supply. Upon identification of unmet housing needs, a regionwide
6 strategy shall be developed which takes into account subregional opportunities and
7 constraints, and the relationship of market dynamics to the management of the
8 overall supply of housing. In addition, that strategy shall address the "fair-share"
9 distribution of housing responsibilities among the jurisdictions of the region,
10 including the provision of supporting social services.
11
- 12 3) Housing Affordability - A housing needs analysis shall be carried out to assess
13 the adequacy of the supply of housing for rent and/or sale at prices for low and
14 moderate income households. If, following that needs analysis, certain income
15 groups in the region are found to not have affordable housing available to them,
16 strategies shall be developed to focus land use policy and public and private
17 investment towards meeting that need.
18
- 19 4) The uses of public policy and investment to encourage the development of
20 housing in locations near employment that is affordable to employees in those
21 enterprises shall be evaluated and, where feasible, implemented.
22

23 **OBJECTIVE 12. PUBLIC SERVICES AND FACILITIES**

24

25 Public services and facilities including but not limited to public safety, water and sewerage
26 systems, parks, libraries, the solid waste management system, stormwater management facilities,
27 and transportation should be planned and developed to:

28
29 12.i) minimize cost;

30
31 12.ii) maximize service efficiencies and coordination;

32
33 12.iii) result in net improvements in environmental quality and the conservation
34 of natural resources;

35
36 12.iv) keep pace with growth while preventing any loss of existing service levels
37 and achieving planned service levels;

38
39 12.v) use energy efficiently; and

40
41 12.vi) shape and direct growth to meet local and regional objectives.
42

43 12.1 Planning Area - The long-term geographical planning area for the provision of
44 urban services shall be the area described by the adopted and acknowledged urban growth

1 boundary and the designated urban reserves.
2

3 12.2 Forecast Need - Public service and facility development shall be planned to
4 accommodate the rate of urban growth forecast in the adopted regional growth forecast,
5 including anticipated expansions into urban reserve areas.
6

7 12.3 Timing - The region should seek the provision of public facilities and services at
8 the time of new urban growth.
9

10 **Planning Activities:**

- 11
- 12 1) Inventory current and projected public facilities and services needs throughout the
13 region, as described in adopted and acknowledged public facilities plans.
14
 - 15 2) Identify opportunities for and barriers to achieving concurrency in the region.
16
 - 17 3) Develop financial tools and techniques to enable cities, counties, school districts,
18 special districts, Metro and the State to secure the funds necessary to achieve
19 concurrency.
20
 - 21 4) Develop tools and strategies for better linking planning for school, library, and
22 park facilities to the land use planning process.
23

24 **OBJECTIVE 13. TRANSPORTATION**

25
26 A regional transportation system shall be developed which:

27
28 13.i) reduces reliance on a single mode of transportation through development
29 of a balanced transportation system which employs highways, transit, bicycle and
30 pedestrian improvements, and system and demand management, where
31 appropriate.
32

33 13.ii) provides adequate levels of mobility consistent with local comprehensive
34 plans and state and regional policies and plans;
35

36 13.iii) encourages energy efficiency;
37

38 13.iv) recognizes financial constraints; and
39

40 13.v) minimizes the environmental impacts of system development, operations,
41 and maintenance.
42

43 13.1 System Priorities - In developing new regional transportation system infrastructure,
44 the highest priority should be meeting the mobility needs of mixed use urban centers,

1 when designated. Such needs, associated with ensuring access to jobs, housing, and
2 shopping within and among those centers, should be assessed and met through a
3 combination of intensifying land uses and increasing transportation system capacity so
4 as to minimize negative impacts on environmental quality, urban form, and urban design.
5

6 **13.2 Environmental Considerations - Planning for the regional transportation system**
7 **should seek to:**
8

9 13.2.1) reduce the region's transportation-related energy consumption through
10 increased use of transit, carpools, vanpools, bicycles and walking;
11

12 13.2.2) maintain the region's air quality (see Objective 8: Air Quality); and
13

14 13.2.3) reduce negative impacts on parks, public open space, wetlands, and
15 negative effects on communities and neighborhoods arising from noise, visual
16 impacts, and physical segmentation.
17

18 **13.3 Transportation Balance - Although the predominant form of transportation is the**
19 **private automobile, planning for and development of the regional transportation system**
20 **should seek to:**
21

22 13.3.1) reduce automobile dependency, especially the use of single-occupancy
23 vehicles;
24

25 13.3.2) increase the use of transit through both expanding transit service and
26 addressing a broad range of requirements for making transit competitive with the
27 private automobile; and
28

29 13.3.3) encourage bicycle and pedestrian movement through the location and
30 design of land uses.
31

32 **Planning Activities:**
33

34
35 1) **Build on existing mechanisms for coordinating transportation planning in the**
36 **region by:**
37

38 ● **identifying the role for local transportation system improvements and relationship**
39 **between local, regional, and state transportation system improvements in regional**
40 **transportation plans;**
41

42 ● **clarifying institutional roles, especially for plan implementation, in local,**
43 **regional, and state transportation plans; and**
44

- 1 ● including plans and policies for the inter-regional movement of people and goods
2 by rail, ship, barge, and air in regional transportation plans.
3
4 2) Structural barriers to mobility for transportation disadvantaged populations should
5 be assessed in the current and planned regional transportation system and
6 addressed through a comprehensive program of transportation and non-
7 transportation system based actions.
8
9 3) The needs for movement of goods via trucks, rail, and barge should be assessed
10 and addressed through a coordinated program of transportation system
11 improvements and actions to affect the location of trip generating activities.
12
13 4) Transportation-related guidelines and standards for designating mixed use urban
14 centers shall be developed.
15

16 **OBJECTIVE 14. ECONOMIC OPPORTUNITY**

17
18 Public policy should encourage the development of a diverse and sufficient supply of jobs,
19 especially family wage jobs, in appropriate locations throughout the region. Expansions of the
20 urban growth boundary for industrial or commercial purposes shall occur in locations consistent
21 with these Regional Urban Growth Goals and Objectives.
22

23 Planning Activities:

- 24
25 1) Regional and subregional economic opportunities analyses, as described in OAR
26 660 Division 9, should be conducted to:
27
28 -- assess the adequacy and, if necessary, propose modifications to the
29 supply of vacant and redevelopable land inventories designated for a broad
30 range of employment activities;
31
32 -- identify regional and subregional target industries. Economic
33 subregions will be developed which reflect a functional relationship
34 between locational characteristics and the locational requirements of target
35 industries. Enterprises identified for recruitment, retention, and expansion
36 should be basic industries that broaden and diversify the region's
37 economic base while providing jobs that pay at family wage levels or
38 better; and
39
40 -- link job development efforts with an active and comprehensive program
41 of training and education to improve the overall quality of the region's
42 labor force. In particular, new strategies to provide labor training and
43 education should focus on the needs of economically disadvantaged,
44 minority, and elderly populations.

- 1 2) An assessment should be made of the potential for redevelopment and/or
2 intensification of use of existing commercial and industrial land resources in the
3 region.
4
5

6 **II.3: GROWTH MANAGEMENT**

7
8 The management of the urban land supply shall occur in a manner which encourages:

9
10 II.3.i) the evolution of an efficient urban growth form which reduces sprawl;

11
12 II.3.ii) a clear distinction between urban and rural lands; and

13
14 II.3.iii) recognition of the inter-relationship between development of vacant land and
15 redevelopment objectives in all parts of the urban region.
16
17

18 **OBJECTIVE 15. URBAN/RURAL TRANSITION**

19
20 There should be a clear transition between urban and rural land that makes best use of natural
21 and built landscape features and which recognizes the likely long-term prospects for regional
22 urban growth.
23

24 15.1 Boundary Features - The Metro urban growth boundary should be located using
25 natural and built features, including roads, drainage divides, floodplains, powerlines,
26 major topographic features, and historic patterns of land use or settlement.
27

28 15.2 Sense of Place - Historic, cultural, topographic, and biological features of the
29 regional landscape which contribute significantly to this region's identity and "sense of
30 place", shall be identified. Management of the total urban land supply should occur in
31 a manner that supports the preservation of those features, when designated, as growth
32 occurs.
33

34 15.3 Urban Reserves - Thirty-year "urban reserves", adopted for purposes of
35 coordinating planning and delineating areas for future urban expansion, should be
36 identified consistent with these goals and objectives, and reviewed by Metro every 15
37 years.
38

39 15.3.1 Establishment of urban reserves will take into account:

40
41 15.3.1.a) The efficiency with which the proposed reserve can be provided
42 with urban services in the future;

43
44 15.3.1.b) The unique land needs of specific urban activities assessed from

1 a regional perspective;

2
3 15.3.1.c) The provision of green spaces between communities;

4
5 15.3.1.d) The efficiencies with which the proposed reserve can be
6 urbanized;

7
8 15.3.1.e) The proximity of jobs and housing to each other;

9
10 15.3.1.f) The balance of growth opportunities throughout the region so
11 that the costs and benefits can be shared;

12
13 15.3.1.g) The impact on the regional transportation system; and

14
15 15.3.1.h) The protection of farm and forest resource lands from
16 urbanization.

17
18 Inclusion of land in an urban reserve shall be preceded by consideration of all of
19 the above factors.

20
21 15.3.2 In addressing 15.3.1(h), the following hierarchy should be used for
22 identifying priority sites for urban reserves:

23
24 15.3.2.a) First, propose such reserves on rural lands excepted from
25 Statewide Planning goals 3 and 4 in adopted and acknowledged county
26 comprehensive plans. This recognizes that small amounts of rural
27 resource land adjacent to or surrounded by those exception lands may be
28 necessary for inclusion in the proposal to improve the efficiency of the
29 future urban growth boundary amendment.

30
31 15.3.2.b) Second, consider secondary forest resource lands, or
32 equivalent, as defined by the state.

33
34 15.3.2.c) Third, consider secondary agricultural resource lands, or
35 equivalent, as defined by the state.

36
37 15.3.2.d) Fourth, consider primary forest resource lands, or equivalent,
38 as defined by the state.

39
40 15.3.2.e) Finally, when all other options are exhausted, consider primary
41 agricultural lands, or equivalent, as defined by the state.

42
43 15.3.3 Expansion of the urban growth boundary shall occur consistent with
44 Objectives 16 and 17. Where urban land is adjacent to rural lands outside of an

1 urban reserve, Metro will work with affected cities and counties to ensure that
2 urban uses do not significantly affect the use or condition of the rural land.
3 Where urban land is adjacent to lands within an urban reserve that may someday
4 be included within the urban growth boundary, Metro will work with affected
5 cities and counties to ensure that rural development does not create obstacles to
6 efficient urbanization in the future.

7
8 **Planning Activities:**

- 9
- 10 1) Identification of urban reserves adjacent to the urban growth boundary shall be
11 accompanied by the development of a generalized future land use plan. The
12 planning effort will primarily be concerned with identifying and protecting future
13 open space resources and the development of short-term strategies needed to
14 preserve future urbanization potential. Ultimate providers of urban services
15 within those areas should be designated and charged with incorporating the
16 reserve area(s) in their public facility plans in conjunction with the next periodic
17 review. Changes in the location of the urban growth boundary should occur so
18 as to ensure that plans exist for key public facilities and services.
 - 19 2) The prospect of creating transportation and other links between the urban
20 economy within the Metro Urban Growth Boundary and other urban areas in the
21 state should be investigated as a means for better utilizing Oregon's urban land
22 and human resources.
 - 23 3) The use of greenbelts for creating a clear distinction between urban and rural
24 lands, and for creating linkages between communities, should be explored.
 - 25 4) The region, working with the state and other urban communities in the northern
26 Willamette Valley, should evaluate the opportunities for accommodating
27 forecasted urban growth in urban areas outside of and not adjacent to the present
28 urban growth boundary.
 - 29
 - 30
 - 31
 - 32

33 **OBJECTIVE 16. DEVELOPED URBAN LAND**

34
35 Opportunities for and obstacles to the continued development and redevelopment of existing
36 urban land shall be identified and actively addressed. A combination of regulations and
37 incentives shall be employed to ensure that the prospect of living, working, and doing business
38 in those locations remains attractive to a wide range of households and employers.

39
40 16.1 Redevelopment & Infill - The potential for redevelopment and infill on existing
41 urban land will be included as an element when calculating the buildable land supply in
42 the region, where it can be demonstrated that the infill and redevelopment can be
43 reasonably expected to occur during the next 20 years. When Metro examines whether
44 additional urban land is needed within the urban growth boundary, it shall assess

1 redevelopment and infill potential in the region.
2

3 Metro will work with jurisdictions in the region to determine the extent to which
4 redevelopment and infill can be relied on to meet the identified need for additional urban
5 land. After this analysis and review, Metro will initiate an amendment of the urban
6 growth boundary to meet that portion of the identified need for land not met through
7 commitments for redevelopment and infill.
8

9 16.2 Portland Central City - The Central City area of Portland is an area of regional and
10 state significance for commercial, economic, cultural, tourism, government, and
11 transportation functions. State and regional policy and public investment should continue
12 to recognize this special significance.
13

14 16.3 Mixed Use Urban Centers - The region shall evaluate and designate mixed use
15 urban centers. A "mixed use urban center" is a mixed use node of relatively high
16 density, supportive of non-auto based transportation modes, and supported by sufficient
17 public facilities and services, parks, open space, and other urban amenities. Upon
18 identification of mixed use urban centers, state, regional, and local policy and investment
19 shall be coordinated to achieve development objectives for those places. Minimum
20 targets for transit:highway mode split, jobs:housing balance, and minimum housing
21 density may be associated with those public investments.
22

23 New mixed use urban centers shall be sited with respect to a system of such centers in
24 the region, and shall not significantly affect regional goals for existing centers, the
25 transportation system, and other public services and facilities.
26

27 **Planning Activities:**
28

- 29 1) Metro's assessment of redevelopment and infill potential in the region shall
30 include but not be limited to:
31
- 32 a) An inventory of parcels where the assessed value of improvements is
33 less than the assessed value of the land.
34
 - 35 b) An analysis of the difference between comprehensive plan development
36 densities and actual development densities for all parcels as a first step
37 towards determining the efficiency with which urban land is being used.
38 In this case, efficiency is a function of land development densities
39 incorporated in local comprehensive plans.
40
 - 41 c) An assessment of the impacts on the cost of housing of redevelopment
42 versus expansion of the urban growth boundary.
43
 - 44 d) An assessment of the impediments to redevelopment and infill posed

1 by existing urban land uses or conditions.
2

- 3 2) Financial incentives to encourage redevelopment and infill consistent with adopted
4 and acknowledged comprehensive plans should be pursued to make redevelopment
5 and infill attractive alternatives to raw land conversion for investors and buyers.
6
- 7 3) Cities and their neighborhoods should be recognized as the focal points for this
8 region's urban diversity. Actions should be identified to reinforce the role of
9 existing downtowns in maintaining the strength of urban communities.
10
- 11 4) Tools will be developed to address regional economic equity issues stemming
12 from the fact that not all jurisdictions will serve as a site for an economic activity
13 center. Such tools may include off-site linkage programs to meet housing or
14 other needs or a program of fiscal tax equity.
15
- 16 5) Criteria shall be developed to guide the potential designation of mixed use urban
17 centers. The development and application of such criteria will address the
18 specific area to be included in the center, the type and amount of uses it is to
19 eventually contain, the steps to be taken to encourage public and private
20 investment. Existing and possible future mixed use urban centers will be
21 evaluated as to their current functions, potentials, and need for future public and
22 private investment. Strategies to meet the needs of the individual centers will be
23 developed. The implications of both limiting and not limiting the location of
24 large scale office and retail development in mixed use urban centers shall be
25 evaluated.
26

27 **OBJECTIVE 17. URBAN GROWTH BOUNDARY**

28
29 The regional urban growth boundary, a long-term planning tool, shall separate urbanizable from
30 rural land, be based in aggregate on the region's 20-year projected need for urban land, and be
31 located consistent with statewide planning goals and these Regional Urban Growth Goals and
32 Objectives. In the location, amendment, and management of the regional urban growth
33 boundary, Metro shall seek to improve the functional value of the boundary.
34

35 17.1 Expansion into Urban Reserves - Upon demonstrating a need for additional urban
36 land, major and legislative urban growth boundary amendments shall only occur within
37 urban reserves unless it can be demonstrated that Statewide Planning Goal 14 cannot be
38 met for the urban region through use of urban reserve lands.
39

40 17.2 Urban Growth Boundary Amendment Process - Criteria for amending the urban
41 growth boundary shall be derived from statewide planning goals 2 and 14 and relevant
42 portions of the Regional Urban Growth Goals and Objectives.
43

44 17.2.1) Major Amendments - Proposals for major amendment of the UGB shall

1 be made primarily through a legislative process in conjunction with the
2 development and adoption of regional forecasts for population and employment
3 growth. The amendment process will be initiated by a Metro finding of need,
4 and involve local governments, special districts, citizens, and other interests.
5

6 17.2.2) Locational Adjustments - Locational adjustments of the UGB shall be
7 brought to Metro by cities, counties, and/or property owners based on public
8 facility plans in adopted and acknowledged comprehensive plans.
9

10 **OBJECTIVE 18. URBAN DESIGN**

11
12 The identity and functioning of communities in the region shall be supported through:

13
14 18.i) the recognition and protection of critical open space features in the region;

15
16 18.ii) public policies which encourage diversity and excellence in the design and
17 development of settlement patterns, landscapes, and structures; and

18
19 18.iii) ensuring that incentives and regulations guiding the development and
20 redevelopment of the urban area promote a settlement pattern which:

21
22 18.iii.a) is pedestrian "friendly" and reduces auto dependence;

23
24 18.iii.b) encourages transit use;

25
26 18.iii.c) reinforces nodal, mixed use, neighborhood oriented design;

27
28 18.iii.d) includes concentrated, high density, mixed use urban centers developed
29 in relation to the region's transit system; and

30
31 18.iii.e) is responsive to needs for privacy, community, and personal safety in an
32 urban setting.
33

34 18.1 Pedestrian and transit supportive building patterns will be encouraged in order to
35 minimize the need for auto trips and to create a development pattern conducive to face-
36 to-face community interaction.
37

38 **Planning Activities:**

39
40 1) A regional landscape analysis shall be undertaken to inventory and analyze the
41 relationship between the built and natural environments and to identify key open
42 space, topographic, natural resource, cultural, and architectural features which
43 should be protected or provided as urban growth occurs.
44

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7

- 2) **Model guidelines and standards shall be developed which expand the range of tools available to jurisdictions for accommodating change in ways compatible with neighborhoods and communities while addressing this objective.**
- 3) **Light rail transit stops, bus stops, transit routes, and transit centers leading to and within mixed use urban centers shall be planned to encourage pedestrian use and the creation of mixed use, high density residential development.**

1 **GLOSSARY**

2
3 **Areas and Activities of Metropolitan Significance.** A program, resource, or issue, affecting
4 or arising from the orderly, efficient and environmentally sound development of the region, that
5 can be factually demonstrated to require a coordinated multijurisdictional response.
6

7 **Beneficial Use Standards.** Under Oregon law, specific uses of water within a drainage basin
8 deemed to be important to the ecology of that basin as well as to the needs of local communities
9 are designated as "beneficial uses". Hence, "beneficial use standards" are adopted to preserve
10 water quality or quantity necessary to sustain the identified beneficial uses.
11

12 **Economic Opportunities Analysis.** An "economic opportunities analysis" is a strategic
13 assessment of the likely trends for growth of local economies in the state. Such an analysis is
14 critical for economic planning and for ensuring that the land supply in an urban area will meet
15 long-term employment growth needs.
16

17 **Exception.** An "exception" is taken for land when either commitments for use, current uses,
18 or other reasons make it impossible to meet the requirements of one or a number of the
19 statewide planning goals. Hence, lands "excepted" from statewide planning goals 3 (Agricultural
20 Lands) and 4 (Forest Lands) have been determined to be unable to comply with the strict
21 resource protection requirements of those goals, and are thereby able to be used for other than
22 rural resource production purposes. Lands not excepted from statewide planning goals 3 and
23 4 are to be used for agricultural or forest product purposes, and other, adjacent uses must
24 support their continued resource productivity.
25

26 **Family Wage Job.** A permanent job with an annual income greater than or equal to the average
27 annual covered wage in the region. The most current average annual covered wage information
28 from the Oregon Employment Division shall be used to determine the family wage job rate for
29 the region or for counties within the region.
30

31 **Fiscal Tax Equity.** The process by which inter-jurisdictional fiscal disparities can be addressed
32 through a partial redistribution of the revenue gained from economic wealth, particularly the
33 increment gained through economic growth.
34

35 **Functional Plan.** A limited purpose multijurisdictional plan which carries forward strategies
36 to address identified areas and activities of metropolitan significance.
37

38 **Housing Affordability.** The availability of housing such that no more than 30% (an index
39 derived from federal, state, and local housing agencies) of the monthly income of the household
40 need be spent on shelter.
41

42 **Infill.** New development on a parcel or parcels of less than one contiguous acre located within
43 the urban growth boundary.
44

1 **Infrastructure.** Roads, water systems, sewage systems, systems for stormdrainage, bridges,
2 and other facilities developed to support the functioning of the developed portions of the
3 environment.

4
5 **Key or Critical Public Facilities and Services.** Basic facilities that are primarily planned for
6 by local government but which also may be provided by private enterprise and are essential to
7 the support of more intensive development, including transportation, water supply, sewage,
8 parks, and solid waste disposal.

9
10 **Local Comprehensive Plan.** A generalized, coordinated land use map and policy statement of
11 the governing body of a city or county that inter-relates all functional and natural systems and
12 activities related to the use of land, consistent with state law.

13
14 **Metropolitan Housing Rule.** A rule (OAR 660, Division 7) adopted by the Land Conservation
15 and Development Commission to assure opportunity for the provision of adequate numbers of
16 needed housing units and the efficient use of land within the Metro Urban Growth Boundary.
17 This rule establishes minimum overall net residential densities for all cities and counties within
18 the urban growth boundary, and specifies that 50% of the land set aside for new residential
19 development be zoned for multifamily housing.

20
21 **Mixed Use Urban Center.** A "mixed use urban center" is a designated location for a mix of
22 relatively high density office space, commercial activity, residential uses, and supporting public
23 facilities and services, parks and public places. There will be a limited number of these centers
24 designated in the region, and they will be characterized by design elements which work to
25 minimize the need to make trips by automobile either to or within a center. State, regional, and
26 local policy and investment will be coordinated to achieve development and functional objectives
27 for these centers.

28
29 **State Implementation Plan.** A plan for ensuring that all parts of Oregon remain in compliance
30 with Federal air quality standards.

31
32 **Urban Form.** The net result of efforts to preserve environmental quality, coordinate the
33 development of jobs, housing, and public services and facilities, and inter-relate the benefits and
34 consequences of growth in one part of the region with the benefits and consequences of growth
35 in another. Urban form, therefore, describes an overall framework within which regional urban
36 growth management can occur. Clearly stating objectives for urban form, and pursuing them
37 comprehensively provides the focal strategy for rising to the challenges posed by the growth
38 trends present in the region today.

39
40 **Urban Growth Boundary.** A boundary which identifies urbanizable lands to be planned and
41 serviced to support urban development densities, and which separates urbanizable lands from
42 rural lands.

1 **Urban Reserve.** An area adjacent to the present urban growth boundary that would provide
2 priority locations for any future urban growth boundary amendments. Urban reserves are
3 intended to provide cities, counties, other service providers, and both urban and rural land
4 owners with a greater degree of certainty regarding future regional urban form than presently
5 exists. Whereas the urban growth boundary describes an area needed to accommodate the urban
6 growth forecasted over a twenty year period, the urban reserves describe an area capable of
7 accommodating the growth expected for an additional 30 years. Therefore, the urban growth
8 boundary and the urban reserves together provide the region with a 50-year planning area.

ATTACHMENT B - FINDINGS OF STATEWIDE GOAL CONSISTENCY

NOTE: Attachment B will be completed prior to the Metro Council hearing on September 26, 1991. In the interim, questions pertaining to Statewide Planning Goal Consistency can be referred to either Larry Shaw or Ethan Seltzer.

Meeting Date: August 8, 1991
Agenda Item No. 6.1

ORDINANCE NO. 91-417



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503-221-1646

DATE: July 31, 1991

TO: Metro Council
Interested Persons

FROM: Paulette Allen, Clerk of the Council *PA*

RE: ORDINANCE NO. 91-417

The Council agenda will be printed before the Solid Waste Committee meets on August 6 to consider the ordinance referenced above. Committee reports will be distributed in advance to Councilors and available at the Council meeting August 8.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

To: Solid Waste Committee Members

From: John House^{JKH}, Council Analyst

Date: July 25, 1991

Re: Ordinance 91-417, for the purpose of renewing the franchise of East County Recycling, Inc.

Ordinance No. 91-417 has been scheduled for consideration by the Committee at the August 6, 1991 meeting.

Background

East County Recycling (ERC) is currently franchised by Metro to accept non-putrescible mixed solid waste from which recyclable materials such as cardboard, aluminum, and ferrous metals are recovered. ERC also accepts yard debris, construction debris and wood waste. Wood debris and waste is processed into hog fuel in boilers.

The current franchise expires on August 22, 1991 and the franchisee has requested a five-year renewal. There are three principal changes proposed in the existing franchise agreement. First, the franchisee has proposed that the current annual limit on the amount of material that can be accepted at the ERC facility be changed from 100,000 yards to 60,000 tons. The facility now uses scaling equipment that measures incoming loads by weight and therefore it is more appropriate to set limitations on the facility based on weight rather than size.

The second proposed change in the franchise agreement would be to eliminate the limit of 500 yards per day on material that may be accepted at the facility. The final change would be to set an annual limit of 25,000 tons of material that could be landfilled from the facility. The effect of this limitation would be to require the franchisee to have a recycling rate of up to 58%, if it accepts the permitted maximum amount of material under the agreement.

Issues and Questions

In considering the franchise renewal request the committee may wish to address several issues:

1) There is no rationale or justification for the increase in the limit on the amount of material that may be processed at the facility. It is difficult to estimate the level of this increase

because the weight of an average yard of material may vary greatly. But, it would appear that the 60,000 ton limit would allow at least a 20% increase, though the actual increase could be 100% or more. The staff report does not provide any assessment of whether the current facility has the capacity to effectively process large amounts of new material or what effect increased traffic to the facility would have on the local neighborhood.

2) There also is no justification for completely removing the daily limit on the amount of material that may be accepted at the facility. The Solid Waste Department could be asked to explain why the original limitation was set and what circumstances have changed to allow the elimination of a limit. For example, why could a new limit based on tonnage not be set?

3) The staff report notes that the facility is not subject to rate regulation to allow "flexibility to respond to changing materials markets." The RSWMP Waste Reduction Chapter makes at least two references to regulation of rates to assist in the development of yard debris disposal programs. For example, in describing the recycling program for yard debris (pg. I-24) it is noted that a rate structure should be adopted "at appropriate regional disposal sites that will provide an incentive for yard debris recycling." And, in discussing Metro regulation of yard debris processors (pg I-165) it is noted that the program "at a minimum" should include "establishing stability in rate adjustments for incoming material."

Since the ERC facility processes a significant amount of yard debris, the department could be asked to discuss how the goals from the Waste Reduction Chapter noted above are to be addressed at the ERC facility.

4) In justifying the need for an emergency clause, the ordinance notes that "Whereas, Delay in implementing the amended franchise agreement, ... could negatively impact the recycling and processing at the facility." It should be noted that based on the date of receipt of the proposed ordinance, the earliest date that the full Council could take action will be the actual date on which the existing franchise agreement expires. Should any questions emerge that would delay consideration of the ordinance, action would not be complete until after the expiration date. As the Council has clear authority to review such agreements, earlier submittal of such documents would permit Council review, without jeopardizing the operation of franchisee facilities

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE FOR THE PURPOSE)
OF AMENDING AND RENEWING THE)
FRANCHISE AGREEMENT WITH EAST)
COUNTY RECYCLING, INC.; AND)
DECLARING AN EMERGENCY)

ORDINANCE NO. 91-417
Introduced by Rena Cusma,
Executive Officer

WHEREAS, East County Recycling, Inc. (ECR), Solid Waste Franchise No. 6, has requested a renewal of its franchise agreement with Metro; and

WHEREAS, ECR requests that its authorized processing capacity be amended to permit receipt of 60,000 tons of mixed solid waste; and

WHEREAS, As a processor ECR has been exempt from rate setting and collection of User Fees for incoming waste; and

WHEREAS, Delay in implementing the amended franchise agreement, as shown in Exhibit A attached to this Ordinance, could negatively impact the recycling and processing at the facility; and

WHEREAS, Senate Bill No. 299 and Metro Code Section 2.01.080(i) would result in an implementation date significantly later than desired by ECR and Metro in the absence of declaring an emergency; and

WHEREAS, Avoidance of any processing interruption and encouragement of recycling at ECR are appropriate grounds for declaration of an emergency; NOW, THEREFORE,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That East County Recycling, Inc., franchise agreement shall be amended as shown in Exhibit A attached to and made part of this Ordinance by reference.
2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of August, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of Council

PEN:JC
July 17, 1991
SW91417.ORD

FRANCHISE NO.: 6
DATE ISSUED: August 14, 1986
RENEWAL DATE: [~~September 22, 1988~~] August 22, 1991
EXPIRATION DATE: [~~September 22, 1993~~] August 22, 1996

SOLID WASTE FRANCHISE
issued by the
METROPOLITAN SERVICE DISTRICT
2000 S.W. First Avenue
Portland, Oregon 97201-5398
(503) 221-1646

ISSUED TO: East County Recycling Company
NAME OF FACILITY: East County Recycling Company
ADDRESS: 12409 NE San Rafael Street
Portland, OR 97220
LEGAL DESCRIPTION: Lot 30, Hazelwood Addition
CITY, STATE, ZIP: Portland, OR 97220
NAME OF OPERATOR: East County Recycling Company
PERSON IN CHARGE: Ralph Gilbert, President
ADDRESS: PO BOX 20096
CITY, STATE, ZIP: Portland, OR 97220
TELEPHONE NUMBER: (503) 252-0076

This Franchise Agreement shall not become effective until the City of Portland issues a Conditional Use Permit which is necessary for the intended use of the site, and until the Oregon Department of Environmental Quality issues a Solid Waste Disposal Permit which is necessary for the intended operation.

This Franchise will automatically terminate on the expiration date shown above, or upon modification or revocation, whichever occurs first. Until this Franchise terminates the East County Recycling Company is authorized to operate and maintain a solid waste processing facility located at 12409 NE San Rafael Street, Portland, Oregon 97220, for which purpose of accepting and processing solid waste in accordance with the Metro Code and the attached Schedules A, B, C, D, and E, and in accordance with the provisions specified in the Solid Waste Disposal Site Permit to be issued by the State of Oregon, Department of Environmental Quality. This Franchise may be revoked at any time for any violation of the conditions of this Franchise or the Metro Code. This Franchise does not relieve the Franchise Holder from responsibility for compliance with ORS 459 or other applicable federal, state or local laws, rules, regulations or standards.

EAST COUNTY RECYCLING COMPANY

METROPOLITAN SERVICE DISTRICT

Ralph Gilbert, President

Rena Cusma, Executive Officer

FRANCHISE CONDITIONS

Franchise Number: 6

Expiration Date: August 22, 1996

SCHEDULE A

AUTHORIZED AND PROHIBITED ACTIVITIES

- SA-1 The Franchise Holder is authorized to accept loads of mixed or source-separated non-putrescible solid waste for processing in order to recover recyclable materials. The Franchisee is allowed to accept clean inert debris for land disposal as currently authorized. No other wastes shall be accepted unless specifically authorized in writing by Metro supplementary to this Franchise.
- SA-2 The following types of materials are specifically prohibited from being accepted at the processing facility:
- a. Putrescible food wastes;
 - b. bulky combustible materials except processible stumps, car bodies, dead animals, sewage sludges, septic tank pumpings and hospital wastes.
 - c. All chemicals, liquids, explosives, infectious materials which may be hazardous or difficult to manage, unless specifically authorized by Metro.
- SA-3 Disposal of mixed non-food wastes by public haulers and by commercial solid waste haulers is allowed. No public or commercial hauler will be excluded from this site except when the load contains less than 30 percent, by weight, recyclables.
- SA-4 Salvaging and hand or mechanical sorting of mixed waste on a tipping floor to recover materials is authorized. Piles of mixed waste on the tipping floor shall be maintained to a reasonable size and shall be controlled so as to not create unsightly conditions or vector harborage. No wastes shall be allowed to remain on the tipping floor for longer than a 24-hour period.
- SA-5 Non-recoverable material shall be removed from the processing tip floor and shall be transported to a franchised or authorized disposal site on a weekly basis or more often if necessary. Storage and transportation shall be carried out to avoid vector production and bird attraction.
- SA-6 Materials separated and recovered for recycling (such as newsprint, waste paper, cardboard, glass, metals, yard debris, tires, appliances, and wood) shall be neatly stored in containers or areas provided for this purpose and shall be transported off-site to materials markets as often as necessary.

- SA-7 In the operation of an approved landfill for inert debris the Franchisee is prohibited from the burial of any materials other than: clean uncontaminated earth, rock, sand, soil and stone, hardened concrete, hardened asphaltic concrete, brick and other similar materials which are inert. The Franchisee shall assure that no woody waste, yard debris, food wastes, paper products, glass, metals or other material accepted as mixed solid waste become incorporated into the material used for landfilling.
- SA-8 Yard debris to be processed and the resulting product shall be stored in a sightly manner which minimizes leaching, vector production or harborage and the potential for incorporation into inert debris being landfilled. No yard debris shall remain on site for longer than thirty (30) days before being processed. No product created from the processing of yard debris shall remain on site for longer than ninety (90) days unless an adequate storage facility is provided.
- SA-9 The Franchise Holder shall perform litter patrols to keep the facility free of blowing paper and other materials on at least a daily basis or more often if necessary.
- SA-10 The Franchise Holder shall operate the processing facility in accordance with the application and Operation Plan dated June 26, 1986, and the supplemental data in the letter from Ralph Gilbert and William Plew to Rich McConaghy dated July 21, 1986. It is understood that the waste processing which the Franchisee will perform is being done on an experimental basis and that modifications to the operation plan may be required. The franchisee shall provide notification and obtain prior approval before deviating from the operation which is outlines in the aforementioned application and letter or before constructing any additional facilities or structures on the site.
- SA-11 The Franchise Holder shall not, by act or omission discriminate against, treat unequally or prefer any user of the processing facility in the fees or the operation of the facility. The Franchisee may accept no more than ~~[±]60,000 [cubic yards] tons~~ of mixed waste per year, ~~[no more than 500 cubic yards of mixed waste per day, on a monthly average,]~~ without amendment to this franchise agreement. ~~This limit is conditioned upon the requirement that the franchise holder generate no more than 25,000 tons of residue material requiring landfill disposal.~~
- SA-12 All solid waste transferring vehicles and devices using public roads shall be constructed, maintained, and operated so as to prevent leaking, sifting, spilling, or blowing of solid waste while in transit.

FRANCHISE CONDITIONS

Franchise Number: 6

Expiration Date: August 22, 1996

SCHEDULE B

MINIMUM MONITORING AND REPORTING REQUIREMENTS

SB-1 The Franchise Holder or his/her Contractor shall effectively monitor the processing facility operation and maintain records of the following required data to be submitted to Metro:

- a. Name and address of the Franchisee
- b. Month and year of each report

<u>Item of Parameter</u>	<u>Minimum Monitoring Frequency</u>
c. Tons or Cubic yards of solid waste delivered by private vehicles and by commercial collection vehicles	Daily
d. Number of public and commercial collection vehicles	Daily
e. Unusual occurrences affecting processing facility operation	Each Occurrence
f. Tons or cubic yards of reject material disposed at an authorized disposal site	Monthly
g. Disposal rate charged for mixed solid waste	Daily
h. Tons or cubic yards of waste salvaged by type of Material	Monthly
i. Signature and title of the Franchisee or his/her agents	

SB-2 Monitoring results shall be reported on approved forms. The reporting period is the calendar month. Reports must be submitted to Metro by the [2]10th day of the month following the end of each month.

SB-3 The Franchise Holder shall pay an annual franchise fee established by the Council within 30 days of the effective date of the Franchise Agreement and each year thereafter.

SB-4 The Franchise Holder shall report to the District and changes in excess of five percent (5%) of ownership of the Franchisee's corporation or similar entity or of the partners of a partnership within ten (10) day of such changes of ownership.

SB-5 The Franchisee may contract with another person to operate the disposal facility only upon ninety (90) days prior

written notice to the District and the written approval of the Executive Officer. If approved, the Franchisee shall remain responsible for compliance with this Franchise Agreement.

- SB-6 The Franchisee shall establish and follow procedures designed to give responsible notice prior to refusing service to any person. Copies of notification and procedures for such action will be retained on file for three (3) years by each Franchisee for possible review by the District.
- SB-7 The Franchisee shall maintain, during the term of the franchise, public liability insurance in the amounts set forth in SC-1 and shall give thirty (30) days written notice to the District of any lapse or proposed cancellation of insurance coverage or performance bond.
- SB-8 The Franchisee shall file an Annual Operating Report detailing the operation as outlined in the Franchise on or before August 14 (anniversary date of Franchise) of each year for the preceding year.
- SB-9 The Franchise Holder shall submit a duplicate copy to the District of any information submitted to, or required by the Department of Environmental Quality pertaining to the solid waste permit for this facility.
- SB-10 The Franchise Holder shall report to Metro the names of solid waste credit customers which are sixty (60) days or more past due in paying their disposal fees at the processing facility. Such report shall be submitted in writing each month on Metro approved forms. For the purposes of this section sixty (60) days past due means disposal charges due, but not paid on the first day of the second month following billing.
- SB-11 In the event a breakdown of equipment, fire or other occurrence causes a violation of any conditions of this Franchise Agreement or of the Metro Code, the Franchise Holder shall:
- a. Immediately take action to correct the unauthorized condition or operation.
 - b. Immediately notify Metro so that an investigation can be made to evaluate the impact and the corrective actions taken and determine additional action that must be taken.
- SB-12 In the event that the processing facility is to be closed permanently or for an indefinite period of time during the effective period of this Franchise, the Franchise Holder shall provide Metro with written notice, at least ninety (90) days prior to closure, of the proposed time schedule and closure procedures.
- SB-13 The Franchisee shall file a monthly report on forms approved by the District indicating the types (wood, paper, cardboard, metal, glass, etc.) and quantities (tonnage/cubic

yards) of solid wastes accepted and recovered at the facility.

SB-14

Authorized representatives of Metro shall be permitted to inspect recyclable quantity information during normal working hours or at other reasonable times with notice.

FRANCHISE CONDITIONS

Franchise Number: 6

Expiration Date: August 22, 1996

SCHEDULE C

- SC-1 The Franchise Holder shall furnish Metro with proof of public liability insurance, including automotive coverage, in the amounts of not less than \$300,000 for any number of claims arising out of a single accident or occurrence, \$50,000 to any claimant for any number of claims for damage to or destruction of property, and \$100,000 to any claimant for all other claims arising out of a single accident or occurrence or such other amounts as may be required by State law for public contracts. The District shall be named as an additional insured in this insurance policy.
- SC-2 The Franchise Holder shall obtain a corporate surety bond in the amount of \$25,000 guaranteeing full and faithful performance during the term of this Franchise of the duties and obligations of the Franchisee under the Solid Waste Code, applicable federal, state and local laws, rules and regulations. In lieu of this surety bond, the Franchisee may elect to issue a lien on the franchise site property, which he owns, provided that the lien is in a form satisfactory to Metro and evidence is provided that the value of the land exceeds \$25,000.
- SC-3 The term processing facility is used in this Franchise as defined in Metro Code Section 5.01.010(n).
- SC-4 The conditions of this Franchise shall be binding upon, and the Franchise Holder shall be responsible for all acts and omissions of, all contractors and agents of the Franchise Holder.
- SC-5 The processing facility operation shall be in strict compliance with the Metro Code regarding storage, collection, transportation, recycling and disposal of solid waste.
- SC-6 The Franchise Holder shall provide an adequate operating staff which is duly qualified to carry out the reporting functions required to ensure compliance with the conditions of this Franchise Agreement.
- SC-7 Metro may reasonably regular the hours of site operation as it finds necessary to ensure compliance with this Franchise Agreement.
- SC-8 At least one sign shall be erected at the entrance to the processing facility. This sign shall be easily visible, legible, and shall contain at least the following:
- a. Name of the facility;
 - b. Emergency phone number;
 - c. Operational hours during which material will be received;

- d. Disposal rates;
- e. Metro information phone number; and
- f. Acceptable materials.

SC-9 If the Executive Officer finds that there is a serious danger to the Public health or safety as a result of the actions or inactions of the Franchisee, he/she may take whatever steps are necessary to abate the danger without notice to the Franchisee.

SC-10 Authorized representatives of Metro shall be permitted access to the premises of the processing facility owned or operated by the Franchise Holder at all reasonable times for the purpose of making inspections and carrying out other necessary functions related to this Franchise. Access to inspect is authorized:

- a. during all working hours;
- b. at other reasonable times with notice;
- c. at any time without notice where, at the discretion of the Metro Solid Waste Director, such notice would defeat the purpose of the entry.

SC-11 This Franchise Agreement is subject to suspension, modification, revocation or nonrenewal upon finding that a Franchisee has:

- a. violated the Disposal Franchise Ordinance, the Franchise Agreement, the Metro Code, ORS Chapter 459 or the rules promulgated thereunder or any other applicable laws or regulations; or
- b. Misrepresented material facts or information in the Franchise Application, Annual Operating Report, or other information required to be submitted to the District;
- c. Refused to provide adequate service at the franchised site, facility or station, after written notification and reasonable opportunity to do so.
- d. That there has been a significant change in the quantity or character of solid waste received or the method of solid waste processing.

SC-12 This Franchise Agreement, or a photocopy thereof, shall be displayed where it can be readily referred to by operating personnel.

SC-13 The granting of a Franchise shall not vest any right or privilege in the Franchisee to receive specific types or quantities of solid waste during the term of the Franchise.

- a. To ensure a sufficient flow of solid waste to the District's resource recovery facilities, the Executive Officer may, at any time during the term of the Franchise, without hearing, direct solid waste away from

the Franchisee. In such case, the District shall make every reasonable effort to provide notice of such direction to affected haulers of solid waste.

- b. To carry out any other purpose of the Metro Disposal Franchise Ordinance, the Executive Officer may, upon sixty (60) days written notice, direct solid wastes away from the Franchisee or limit the type of solid wastes which the Franchisee may receive.

Any Franchisee receiving said notice shall have the right to a contested case hearing pursuant to Code Chapter 2.05. A request for a hearing shall not stay action by the Executive Officer. Prior notice shall not be required if the Executive Officer finds that there is an immediate and serious danger to the public or that a health hazard or public nuisance would be created by a delay.

SC-14

All notices required to be given to the Franchisee under this Franchise Agreement shall be given to Ralph Gilbert, East County Recycling Company, PO Box 20096, Portland, Oregon 97220. All notices and correspondence required to be given to Metro under this Agreement shall be given to the Solid Waste Director, Solid Waste Department, Metropolitan Service District, 2000 SW First Avenue, Portland, OR 97201-5398.

FRANCHISE CONDITIONS

Franchise Number: 6

Expiration Date: August 22, 1996

SCHEDULE D

WASTE REDUCTION PLAN

SD-1 To fulfill the requirements for a Waste Reduction Plan as stated in Section 5.01.120(k) of the Metro Code and the guidelines adopted through Metro Resolution No. 81-272, the Franchisee shall provide the services described in Attachment K and shall perform other operational functions as described in the Franchise Application date June 26, 1986. The Franchisee shall participate in an annual review with Metro of the facilities' performance in accomplishing waste reduction goals and shall complete annual objectives for waste reduction which may be mutually identified through the process.

FRANCHISE CONDITIONS

Franchise Number: 6

Expiration Date: August 22, 1996

SCHEDULE E

DISPOSAL RATES

- SE-1 In accordance with the variance granted by the Metro Council, the rates charged at this facility will be exempt from Metro rate-setting, Metro Use Fee payments and Metro Regional Transfer Charge payments, ~~[except that the Executive Officer and Rate Review Committee shall review the variance from rate setting prior to August 22, 1987, and make a recommendation to the Council on the appropriateness of continuing the variance or the need to establish disposal rates for the facility.]~~
- SE-2 Until Metro establishes rates which are to be charged at the facility, the Franchisee shall adhere to the following conditions in the disposal rates which are changed at East County Recycling Company:
- ~~[a. Between the effective date of this franchise and October 1, 1986, the rate schedule included as Attachment "E" of the June 26, 1986, franchise application is to be in effect.]~~
 - [b] ~~a.~~ The Franchisee may modify rates to be charged and rate schedules on a quarterly basis. Rates may be adjusted on October 1, January 1, April 1, and July 1. Rates will not change more frequently than on these dates. Metro shall be notified ten (10) days prior to any proposed rate changes.
 - [e] ~~b.~~ Rates to be charged at the facility shall be posted on a sign near where fees are collected. All customers within a given disposal class shall receive equal, consistent and non-discriminatory treatment in the collection of fees.
 - [d] ~~c.~~ The Franchisee shall maintain complete records of all costs, revenues, rates, waste flows, and other information on the franchised operation which would be helpful to the Metro staff and Rate Review Committee for reviews of the operation's financial performance and for possible future rate-setting. These records shall be made available on request and summary reports shall be provided to Metro on a quarterly basis (fourth quarter reports are due February 1, first quarter reports are due May 1, and so on).
 - ~~[e. After the first two quarterly reports are provided, Metro staff and the Rate Review Committee will develop a recommendation on the appropriateness of further rate regulation under this Franchise Agreement.]~~

STAFF REPORT

FOR THE PURPOSE OF AMENDING AND RENEWING THE FRANCHISE
AGREEMENT WITH EAST COUNTY RECYCLING, INC.; AND DECLARING AN
EMERGENCY

Date: July 16, 1991

Presented by: Roosevelt Carter
Phil North

FACTUAL BACKGROUND AND ANALYSIS

East County Recycling, Inc. (ECR) does business at 2409 NE Raphael St., Portland, Oregon. The current franchise agreement expires in August 1991. The franchise holder has requested a renewal of the franchise. The main consideration for renewal is that ECR's processing limit be raised from the current "100,000 yards" to 60,000 tons. No other substantive changes were requested.

ECR processes non-putrescible mixed solid waste to recover corrugated cardboard, aluminum, and ferrous metals. Also, ECR accepts a variety of mixed yard debris, construction debris and wood waste. Most materials received at ECR are of lower quality (greater contamination) than those acceptable at other area processors.

Public and commercial vehicles are weighed in and out. ECR's processing consists of hand picking and machine processing. Materials are spread out with a front end loader. Hand pickers remove corrugated cardboard, metals and wood debris. Appliances are segregated and stripped in a separate area. Aluminum is melted into ingots in a small "sweat furnace."

Woody debris and other wood waste are processed in a large tub grinder. The tub grinder, installed in 1990, is mounted on its own semi-trailer and has the capacity to chip 30 tons per hour. The machine is capable of chipping materials up to the size of split stumps. Presently, woody waste is ground and sized for use as hog fuel. The hog fuel obtained is satisfactory for both conveyor fed and pneumatically fed boilers.

East County Recycling has been exempted from Metro rate setting due to the need for rate flexibility to respond to changing materials markets. Also, as a processor ECR is exempt from Metro User Fees except on the residue disposed. The only materials that remain on site are inert materials such as dirt and stone.

Presently, residue materials are disposed at the Northern Wasco County Landfill per a Non-System License issued under Metro's flow control ordinance. Formerly, the residue was disposed at

the Killingsworth Fast Disposal limited purpose landfill before its closure.

ECR's current franchise capacity is described as 100,000 cubic yards of mixed waste per year. Since scales are now used to weigh all loads coming into the facility, description of the operation's capacity in yards is outdated. ECR has requested a facility limitation to receive 60,000 tons of mixed waste with the limitation that it may not send more than 25,000 tons of residue for disposal per year. These dual limitations would allow the facility to achieve approximately a fifty eight percent (58%) recovery rate. The facility presently has a recycling rate in excess of fifty percent (50%).

ECR's request for renewal is consistent with the provisions of Metro Code Sections 5.01.080 and 5.01.070. It complies with the Regional Solid Waste Management Plan and there has been no change of circumstances that would impact the need for the facility relative to its site, other existing and planned facility sites, transfer stations, processing facilities or resource recovery facilities.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 91-417.

Meeting Date: August 8, 1991
Agenda Item No. 6.2

ORDINANCE NO. 91-415



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: July 31, 1991

TO: Metro Council
Interested Persons

FROM: Paulette Allen, Clerk of the Council *PA*

RE: ORDINANCE NO. 91-415

The Council agenda will be printed before the Governmental Affairs Committee meets August 1 to consider the ordinance referenced above. Committee reports will be distributed in advance to Councilors and available at the Council meeting August 8.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REAPPORTIONING)
COUNCIL SUBDISTRICTS)
)
)
)
)

ORDINANCE NO. 91-415

INTRODUCED BY THE
GOVERNMENTAL AFFAIRS
COMMITTEE

WHEREAS, ORS 268.150 directs the Council to reapportion the Council subdistricts after the data of the United States decennial census are compiled and released; and

WHEREAS, the 1991 legislature passed and the Governor signed Senate Bill 299, directing the Council to describe the 13 subdistricts into which the district will be divided on the first Monday in January 1993, and further directing that the description of the 13 subdistricts shall be accomplished not later than the 250th day before the 1992 primary election; and

WHEREAS, Senate Bill 299 requires each Councilor whose term extends beyond the first Monday in January 1993 to be assigned to a subdistrict described by the Council in the reapportionment ordinance; and

WHEREAS, Senate Bill 299 requires the description of the 13 subdistricts and the assignment of Councilors to subdistricts to be accomplished in one legislative enactment by the Council; and

WHEREAS, Senate Bill 299 provides that ordinances shall become effective 90 days after adoption unless otherwise specified by the Council in the ordinance, and further provides that the Council by a majority vote of its members may declare that an emergency exists in which case an ordinance may take effect immediately or in less than 90 days; and

WHEREAS, in order to meet the statutory deadline for enactment of reapportionment, it is necessary for this ordinance to be effective on or before September 12, 1991, and an emergency exists pursuant to ORS 268.360(2), as amended by the 1991 Oregon Legislature; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1.

(a) The 13 Council subdistricts shall be as described in Exhibit A (attached).

(b) The assignment of Councilors to subdistricts shall be as described in Exhibit B (attached).

Section 2. The Council declares that, in order to meet the statutory requirement that the reapportionment become operative on the 250th day before the date of the next primary election, an emergency exists pursuant to ORS 268.360(2), and therefore this ordinance shall be in effect upon adoption by the Council.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

EXHIBIT A

Metro Council District Reapportionment

Legal Description of proposed boundaries

**Metro Council Reapportionment
July, 1991**

The following is a description of the proposed Metro Council Districts. Each district is described beginning usually at the northwestern most point and moving in a clockwise fashion around district. The phrase: "outer boundary of the district" refers to the boundary of the Metropolitan Service District as a whole. Unless specified otherwise, references to city streets are meant to indicate the street centerline. Population figures for each of the districts are included in Appendix A. Appendix B includes a description of each sub-district by Census Tract/Block.

District 1: Beginning at the intersection of the East line of section 23 of Township 1 North 4 West and the Bonneville Power Administration right of way follow the outer boundary of the district; SW 185th Ave; SW Kinniman to the outer boundary; back to the point of beginning.

Notes: Includes the portion of the communities of Forest Grove, Hillsboro and Cornelius that lie within the boundary of Metro.

District 2: Beginning at the intersection of SW 209th and SW Kinniman; SW Kinniman; SW 185th Ave; Tualatin Valley Highway (Hwy 8); S W Murray Blvd; SW Millikan Way; SW Hocken Way; SW Henry St; SW Cedar Hills Blvd; The boundary of the City of Beaverton: SW Center St ; Highway 217; SW Scholls Ferry Rd; Fanno Creek; SW Tiedeman Ave; SW Walnut St; Pacific Highway (Hwy 99W); Bull Mt Rd; the outer boundary of the district back to the point of beginning.

Notes: the intention is to keep intact the Central Beaverton Planning Association as well as the Tigard Neighborhood Planning Organization (NPO #7).

District 3: Beginning at the intersection of the Multnomah/Washington County line and Burnside Dr; Burnside Dr; NW Westover; NW 25th Ave; NW Lovejoy; NW Cornell Rd; Boundary of Forest Park; unnamed intermittent stream paralleling NW Groce Rd to St Helens Rd; NW Vaughn St; 1-405; Burnside St; Willamette River; Dunthorpe/City of Portland boundary;

Multnomah/Clackamas County line The City of Portland Boundary; the Multnomah/Clackamas County line back to the point of beginning.

Notes: The district includes all of SW Portland that is within Multnomah County. The NW Neighborhood Association is also included.

District 4: Beginning at the intersection of the West line of section 8 of Township 2 South 1 West and Bull Mt Rd; SW Bull Mt Rd; Highway 99W; SW Walnut St; SW Tiedman Ave; Fanno Creek; SW Scholls Ferry Rd; Highway 217; Hall Blvd; SW Locust St; SW 72nd Ave; SW Oak St; SW 71st Ave; Barbur Blvd; Multnomah/Washington county line; Multnomah/Clackamas County line; City of Portland boundary; Multnomah Clackamas County line; City of Portland/Dunthorpe boundary; Willamette River; Oswego Creek; Lake Oswego; South Shore Blvd; West Bay Rd; Bryant Rd; Lakeview Blvd; Clackamas/Washington County line; Tualatin River; SW Stafford Rd; the outer boundary of the district back to the point of beginning.

Notes: Includes the communities of Sherwood, Wilsonville, Lake Oswego (North of the lake), Tigard, King City, Durham, Tualatin, Rivergrove and Dunthorpe; Straddles all three counties in order to balance population, as well as keep Lake Oswego and Dunthorpe communities intact.

District 5: Beginning at the intersection of the Washington/Clackamas County line and Lakeview Blvd; Lakeview Blvd; Bryant Rd; West Bay Rd; South Shore Blvd; Lake Oswego; Oswego Creek; Willamette River; Risely Ave; River Rd; Concord Rd; Oatfield Rd; Theissen Rd; Webster Rd; SE Strawberry Ave; SE 82nd Dr; Gladstone city boundary to the Clackamas River; the outer boundary of the district; SW Stafford Rd; Tualatin River; the Clackamas/Washington County line back to the point of beginning.

notes: Includes the communities of West Linn, Oregon City, Gladstone and Johnson City. Breaches the Willamette River to keep this "tri-city" area intact.

District 6: Beginning just South of the Sellwood Bridge - at the junction of the Willamette River and the Multnomah/Clackamas County line; The Multnomah/Clackamas County line; the outer boundary of the district; Clackamas River to the Gladstone city boundary; SE 82nd Dr; SE Strawberry Ave; Webster Rd; Theissen Rd; Oatfield Rd; Concord Rd; River Rd; Risely Ave to the Willamette River.

District 7: Beginning at the intersection of NE Marine Dr and NE 185th Dr; Due North to the center of the South Channel of the Columbia River; South Channel to the outer boundary of the district; Multnomah/Clackamas County line; 112th Ave; Foster Rd; 122nd Ave; Portland Traction Co. Railroad right of way (40 mile loop trail); the boundary of Powell Butte Park; 148th Ave; Powell

Blvd; 182nd Ave; SE/NE 181st Ave; Sandy Blvd; 185th Dr back to the point of beginning.

Notes: This boundary splits the Rockwood community at 181st Ave, but creates a simple, easily recognizable district for.

District 8: Beginning at the Center of the Hawthorne Bridge; SE Hawthorne Blvd; SE 26th Ave; SE Stark St; SE 50th Ave; SE Division St; SE 52nd St; SE Powell Blvd; SE Foster Rd. SE 82nd Ave; the Clackamas/Multnomah county line; the Willamette River back to the point of beginning.

Notes: Includes the Hosford-Abernathy, Richmond, Sunnyside, Brooklyn, Creston-Kenilworth, Sellwood-Moreland, Reed, Eastmoreland, Woodstock, Mt Scott-Arleta, and Brentwood-Darlington Neighborhood Associations.

District 9: Beginning at the intersection of NE 68th Ave and I-84 (Banfield Freeway); I-84; NE Halsey St; NE/SE 122nd Ave; SE Stark St; SE 130th Ave; SE Division St; SE 148th Ave; the boundary of Powell Butte Park; Portland Traction Co. Railroad right of way (40 mile loop trail); SE 122nd Ave; SE Foster Rd; SE 112th Ave; Multnomah/Clackamas county line; SE 82nd Ave; SE Foster Rd; SE Powell Blvd; SE 52nd Ave; SE Division St; SE 50th Ave; SE Hawthorne Blvd; SE 49th Ave; SE Stark St; SE 49th Ave; E Burnside St; NE 68th St back to the point of beginning.

Notes: Includes the Mt Tabor, South Tabor, Montavilla, Lents, Foster-Powell, and Powellhurst-Gilbert Neighborhood Associations. The district splits the Hazelwood Neighborhood Associations with District 10 along 122nd Ave.

District 10: Beginning at the intersection of the I-205 Bridge and the Oregon/Washington State boundary; the outer boundary of the district (Oregon/Washington State boundary); South Channel of the Columbia River to a point due North of the intersection of NE Marine Dr and NE 185th Dr, in the center of the South Channel of the Columbia River; 185th Dr; Sandy Blvd; NE/SE 181st Ave; SE 182nd Ave; NE Glisan St; 201st Ave (Birdsdale); SE Division St; SE 130th Ave; SE Stark St; SE/NE 122nd Ave; NE Halsey St; I-84 (Banfield Freeway); NE 63rd Ave; NE Halsey; NE 62nd AVE; NE Fremont St; NE 57th St; NE Cully Blvd; NE Prescott St; NE Sandy Blvd; I-205; Columbia Blvd; NE 82nd Ave; NE Lombard St; NE Airport Way; NE Lombard St to a point in the center of the South Channel of the Columbia River; the South Channel to the Oregon/Washington State boundary and back to the point of beginning.

Notes: Includes the Parkrose Community Group, Madison North, Madison South, Woodland Park, Parkrose Heights, Parkrose, Argay and Wilkes Neighborhood Associations. Also includes Government Island and the City of Maywood Park. The Hazelwood Neighborhood Association is split with district

9 along 122nd Ave. The Rose City Neighborhood Association is also split with district 11. The existing boundary between 11 and 10 also created this split. This district splits block 104 of tract 73.00 (pop = 0).

District 11: Beginning at the intersection of the Interstate Bridge and the Oregon/Washington boundary; the outer boundary of the district; the South Channel of the Columbia River to a point opposite the intersection of NE Lombard St and NE Marine Dr; NE Lombard St; NE Airport Way; NE Lombard St; NE 82nd Ave; Columbia Blvd; I-205; NE Sandy Blvd; NE Prescott St; NE Cully Blvd; NE 57th St; NE Fremont St; NE 62nd Ave; NE Halsey St; NE 63rd St; I-84 (Banfield Fwy); NE 68th Ave; E Burnside St; SE 49th St; SE Stark St; SE 26th Ave; SE Hawthorne St; The Willamette River; NE Broadway St; NE 7th Ave; NE Fremont St; NE 21st St; NE Mason St; NE 23rd Ave; NE Prescott St; NE 22nd Ave; NE Killingsworth St; NE 21st Ave; NE Lombard St; NE 13th Ave; NE Lombard Pl; Columbia Blvd; I-5; The shoreline of Hayden Island and back to the point of beginning.

Notes: This district includes all of Hayden Island, the East Columbia, Sunderland, Concordia, Cully, Alameda, Beaumont-Wilshire, Irvington, Grant Park, Hollywood, Lloyd Center, Sullivan's Gulch, Kerns, Laurelhurst, Center, Buckman and Sunnyside Neighborhood Associations. Most of the Rose City Neighborhood Association is in this district the split being along 57th Ave. This district splits block 104 of tract 73.00 (pop = 0)

District 12: Beginning at the confluence of the Columbia and Willamette Rivers; the outer boundary of the district; The South Channel of the Columbia River as it passes Hayden Island; I-5; NE Columbia Blvd; NE Lombard Pl; NE 13th Ave; NE Lombard St; NE 21st Ave; NE Killingsworth St; NE 22nd Ave; NE Prescott St; NE 23rd St; NE Mason St; NE 21st St; NE Fremont St; NE 7th Ave; NE Broadway; Willamette River; Burnside St; I-405; NW Vaughn St; St Helens Rd; unnamed intermittent stream paralleling NW Groce Rd to the boundary of Forest Park; NW Cornell Rd; NW Lovejoy St; NW 25th Ave; NW Westover; W Burnside/Burnside Dr; Multnomah/Washington county line; the outer boundary of the district back to the point of beginning.

Notes: Includes the Piedmont; Woodlawn, Humboldt; King, Boise, Sabin, Vernon, Eliot, Overlook, Arbor Lodge, Kenton, Portsmouth, University Park, Friends of Cathedral Park, St. Johns; Linnton, Northwest Industrial, Northwest Industrial Addition, NW Triangle and Burnside Neighborhood Associations. This district comprises the highest concentration of ethnic Black population in the Metro area.

District 13: Beginning at the intersection of SW 185th Ave and Springville Rd; the outer boundary of the district; Multnomah/Washington county line; SW Barbur Blvd; SW 71st Ave; SW Oak St; SW 72nd Ave; SW Locust St; SW Hall

7/23/91

5

Blvd; Highway 217; SW Center St; The Boundary of the City of Beaverton; SW Cedar Hills Blvd; SW Henry St; SW Hocken Way; SW Millikan Way; SW Murray Blvd; Tualatin Valley Highway (Hwy 8); SW 185th Ave back to the point of beginning.

Notes: This is the new district, which is characterized by straddling the Sunset Highway out to SW 185th Ave. It has the advantage of not having an incumbent living in the area.

Appendix A

Population and Ethnic data - Proposed Metro Council Districts

Proposed Metro Council Districts
Population Summary Report

District	Population	Deviation	Pct. Dev.
1	79,028	-1,881	-2.32
2	81,017	108	0.13
3	83,993	3,084	3.81
4	77,060	-3,849	-4.76
5	81,726	817	1.01
6	79,056	-1,853	-2.29
7	80,553	-356	-0.44
8	82,804	1,895	2.34
9	84,480	3,571	4.41
10	79,588	-1,321	-1.63
11	80,552	-357	-0.44
12	82,298	1,389	1.72
13	79,664	-1,245	-1.54
	=====	=====	=====
	1,051,819	2	0.00

Mean Deviation is: 1,671
Mean Percent Deviation is: 2.07

Largest Positive Deviation is: 3,571 4.41 Percent
Largest Negative Deviation is: -3,849 -4.76 Percent
Overall Range in Deviation is: 7,420 9.17 Percent

Plan Type : METRO
 Plan name : VERSION5
 Date : July 23,
 Time : 1:29 PM
 User : markb

=====

DISTRICT No. : 1

Total Population : 79,028
 Deviation : -1,881
 Dev. Percentage : -2.32
 Total 18+ : 55,183

	NHwhite	NHblack	Hispanic	NHameri	NHasian	NHother
Group Total	68,457	349	7,147	461	2,563	51
% of Total Pop.	87.00	0.44	9.04	0.58	3.24	0.06
18+	48,754	189	4,225	327	1,662	26
% of Total 18+	88.00	0.34	7.66	0.59	3.01	0.05

=====

DISTRICT No. : 2

Total Population : 81,017
 Deviation : 108
 Dev. Percentage : 0.13
 Total 18+ : 58,786

	NHwhite	NHblack	Hispanic	NHameri	NHasian	NHother
Group Total	71,893	700	2,643	420	5,316	45
% of Total Pop.	89.00	0.86	3.26	0.52	6.56	0.06
18+	52,853	423	1,651	289	3,551	19
% of Total 18+	90.00	0.72	2.81	0.49	6.04	0.03

=====

DISTRICT No. : 3

Total Population : 83,993
 Deviation : 3,084
 Dev. Percentage : 3.81
 Total 18+ : 71,245

	NHwhite	NHblack	Hispanic	NHameri	NHasian	NHother
Group Total	76,353	1,556	2,038	595	3,403	48
% of Total Pop.	91.00	1.85	2.43	0.71	4.05	0.06
18+	64,993	1,261	1,624	491	2,844	32
% of Total 18+	91.00	1.77	2.28	0.69	3.99	0.04

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=====
DISTRICT      No. :      4

Total Population :    77,060
      Deviation :    -3,849
Dev. Percentage :    -4.76
      Total 18+ :    59,193
  
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-----
: NHwhite : NHblack : Hispanic: NHameri : NHasian : NHOther :
-----+-----+-----+-----+-----+-----+
Group Total : 72,788: 447: 1,642: 351: 1,793: 39:
% of Total Pop. : 94.00: 0.58: 2.13: 0.46: 2.33: 0.05:
18+ : 56,225: 291: 1,114: 271: 1,274: 18:
% of Total 18+ : 95.00: 0.49: 1.88: 0.46: 2.15: 0.03:
-----
  
```

```

=====
DISTRICT      No. :      5

Total Population :    81,726
      Deviation :      817
Dev. Percentage :      1.01
      Total 18+ :    58,916
  
```

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-----
: NHwhite : NHblack : Hispanic: NHameri : NHasian : NHOther :
-----+-----+-----+-----+-----+-----+
Group Total : 77,860: 335: 1,611: 469: 1,423: 28:
% of Total Pop. : 95.00: 0.41: 1.97: 0.57: 1.74: 0.03:
18+ : 56,559: 193: 952: 320: 882: 10:
% of Total 18+ : 96.00: 0.33: 1.62: 0.54: 1.50: 0.02:
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```

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=====
DISTRICT      No. :      6

Total Population :    79,056
      Deviation :   -1,853
Dev. Percentage :    -2.29
      Total 18+ :    59,648
  
```

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-----
: NHwhite : NHblack : Hispanic: NHameri : NHasian : NHOther :
-----+-----+-----+-----+-----+-----+
Group Total : 74,513: 387: 1,679: 554: 1,895: 28:
% of Total Pop. : 94.00: 0.49: 2.12: 0.70: 2.40: 0.04:
18+ : 56,623: 239: 1,069: 392: 1,311: 14:
% of Total 18+ : 95.00: 0.40: 1.79: 0.66: 2.20: 0.02:
-----
  
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=====
DISTRICT      No. :      7

Total Population :    80,553
      Deviation :    -356
  
```

Dev. Percentage : -0.44
 Total 18+ : 58,071

	NHwhite	NHblack	Hispanic	NHameri	NHasian	NHother
Group Total	74,729	767	2,291	606	2,129	31
% of Total Pop.	93.00	0.95	2.84	0.75	2.64	0.04
18+	54,234	503	1,455	427	1,438	14
% of Total 18+	93.00	0.87	2.51	0.74	2.48	0.02

DISTRICT No. : 8

Total Population : 82,804
 Deviation : 1,895
 Dev. Percentage : 2.34
 Total 18+ : 64,767

	NHwhite	NHblack	Hispanic	NHameri	NHasian	NHother
Group Total	72,647	1,455	2,421	1,033	5,162	86
% of Total Pop.	88.00	1.76	2.92	1.25	6.23	0.10
18+	57,703	985	1,595	683	3,774	27
% of Total 18+	89.00	1.52	2.46	1.05	5.83	0.04

DISTRICT No. : 9

Total Population : 84,480
 Deviation : 3,571
 Dev. Percentage : 4.41
 Total 18+ : 63,974

	NHwhite	NHblack	Hispanic	NHameri	NHasian	NHother
Group Total	74,554	1,085	2,634	871	5,260	76
% of Total Pop.	88.00	1.28	3.12	1.03	6.23	0.09
18+	57,317	668	1,638	626	3,695	30
% of Total 18+	90.00	1.04	2.56	0.98	5.78	0.05

DISTRICT No. : 10

Total Population : 79,588
 Deviation : -1,321
 Dev. Percentage : -1.63
 Total 18+ : 60,727

: NHwhite : NHblack : Hispanic : NHameri : NHasian : NHother :

Group Total	:	71,151:	1,358:	2,470:	714:	3,843:	52:
% of Total Pop.	:	89.00:	1.71:	3.10:	0.90:	4.83:	0.07:
18+	:	55,131:	876:	1,649:	495:	2,559:	17:
% of Total 18+	:	91.00:	1.44:	2.72:	0.82:	4.21:	0.03:

=====
DISTRICT No. : 11

Total Population : 80,552
Deviation : -357
Dev. Percentage : -0.44
Total 18+ : 62,856

	:	NHwhite :	NHblack :	Hispanic:	NHameri :	NHasian :	NHother :
Group Total	:	66,016:	7,575:	2,593:	851:	3,371:	146:
% of Total Pop.	:	82.00:	9.40:	3.22:	1.06:	4.18:	0.18:
18+	:	52,997:	5,112:	1,785:	604:	2,314:	44:
% of Total 18+	:	84.00:	8.13:	2.84:	0.96:	3.68:	0.07:

=====
DISTRICT No. : 12

Total Population : 82,298
Deviation : 1,389
Dev. Percentage : 1.72
Total 18+ : 59,875

	:	NHwhite :	NHblack :	Hispanic:	NHameri :	NHasian :	NHother :
Group Total	:	53,087:	20,565:	3,796:	1,404:	3,255:	191:
% of Total Pop.	:	65.00:	25.00:	4.61:	1.71:	3.96:	0.23:
18+	:	41,371:	12,991:	2,364:	930:	2,142:	77:
% of Total 18+	:	69.00:	22.00:	3.95:	1.55:	3.58:	0.13:

=====
DISTRICT No. : 13

Total Population : 79,664
Deviation : -1,245
Dev. Percentage : -1.54
Total 18+ : 60,601

	:	NHwhite :	NHblack :	Hispanic:	NHameri :	NHasian :	NHother :
Group Total	:	72,806:	608:	1,775:	333:	4,105:	37:
% of Total Pop.	:	91.00:	0.76:	2.23:	0.42:	5.15:	0.05:
18+	:	55,910:	408:	1,192:	240:	2,839:	12:
% of Total 18+	:	92.00:	0.67:	1.97:	0.40:	4.68:	0.02:

Appendix B

Census Tract/Block Description - Proposed Metro
Council Districts

Metro Council District 1

Whole tracts

315.04
 316.03
 316.05
 316.06
 324.03
 324.04
 326.02

Partial Tracts

Tract	Blocks												
317.03	101	102	103	104	105	106	107	108	109	205	801	802	
	803	804	805	806	807	808							
323.00	902A	903	904	905	906A	906B	906C	906D	906E	906E	907	908A	
	908B	908D	911										
324.02	101	102	103	104	105	106	107	108	109	110	111	112	
	113	114	115	116	117	118	119	120	121	122	123	124	
	125	126	127	128	201A	201B	201C	201D	202	203A	203B	204A	
	204B	204C	204D	204E	204F	204G	205A	205B	205C	205D	206A	206B	
	206C	206D	206E	301A	301B	301C	302A	302B	302C	302D	302E	302F	
	302G	302H	302J	302K	302L	302M	302N	303A	303B	303C	303D	304	
	305	306	307	401A	401B	401C	401D	402A	402B	402C	402D	403A	
	403B	403C	404A	404B	404C	405	406	407A	407B	407C	407D	407E	
	408A	408B	409	410	411	412	501	502	503	504	505	506	
	507	599											
325.00	101	102	103	104	105	106	107	108	109	110	111	112	
	113	114	115	116	117	118	119	120	121	122	123	124	
	125	126	127	201	202	203	204	205A	205C	206	207	208	
	209	210	211	212	213	214	215	216	217	218	219	220	
	221	222	223	224	225	226	227	228	229	230	231	232	
	233	234	235	236	237	238	239	240	301	302	303	304	
	305	306A	306C	307	308	309	310	311	312A	312B	313A	313B	
	315	316	317	318	319B	319C	320	321	322	323	401	402	
	403	404	405	406	407	408	409	410	411	412	501A	501B	
	502A	502B	503	504	505A	505C	506	507	508				
326.01	101	102	103	104	105	106	107	108	109	201	202	203	
	204	205	206	207	208	209	210	211	212	213	214	215	
	216	217	218	219	220	221	222	301	302	303	304	305	
	306	307	308	309	310	311	312	313	314	315	316	317	
	318	319	320	321	401	402	403	404	405	406	407	408	
	409	410	411	412	413	414	415	416	417	418	419	420	
	421	422	423	424	425	426	427	428	502A	502B	502C	502D	
	503	504A	504B	505	506	507	508	509	510A	510B	511	512	
	513	514	610	614D	615	901A	901B	901C	901D	901E	901F	901G	
	903A	903B	903C	904	905	906							
327.00	101A	101B	102A	102B	104	105A	105B	181A					
329.00	102	103	104B	106	107	108A	108B	108C	109	110	111	112	
	113	114	115	116	117	118	119	120	121	122	123	124	

	125	126	127	128	129A	129B	129C	129C	130	131	132	133
	134	135	136	137	138	139	140	141	142	143	144	145
	146	147	148	149A	149B	149C	150	151	152	153	154	155
	156	157	158A	158B	158C	159	160	161	162	163	164	165A
	165B	165C	166	167	168	169	170	171	172	173	174	175
	176	199	201	202A	203	205	211	212	213	214	215	216
	217	218	219	220	221	222	223	224	225	226	227	228
	229	230	231A	231B	231C	232	233	234	236	237	238	239
	240	241	242	243	244	245	246	247	248	249	250	251
	252	253	254	255	256	257	258	259	260	261	262	263
	301	302	303	304	305A	305B	306					
331.00	101	102	103	104	105	106	107	108	109	110	111	112
	113	114	115	116	117	118	119	120	121	122	123	124
	125	126	127	128	129	130	131	132A	132B	132C	133	134
	135	136	137	138	139	140	141	142	143	144	145	146
	147	148	149	150	151	152	153	154	155	156	157	158
	159	160	161	162	163	164	165	166	167	168	169	201A
	201B	202	203	204A	204B	204C	205	206	207	208	209	210
	211	212	213	214	215	216	217	218	219	220	221	222A
	222B	224	225	226	227	228	229	230	231	232	233	234A
	234B	235A	235B	237A	237B	299	299	299				
332.00	104A	104B	105	106	108A	108B	108C	108D	109	110	111	112A
	112B	113	114	115A	115B	116	117	118	119	120	121	122
	123	124	125	126	127	128	129	130A	130B	131	132	133
	134	135	136	137	138	139	140	141	142	143	144	145
	146	147	148	149	199							
333.00	102A	102B	102C	102D	103A	103B	103C	104A	104C	110A	110B	110C
	111	112	113	115	116	117	118	119	120	121		

64.01	101	102	103	104	105	106	107	108	109	110	201
	202	203	204	205	206	207	208	209	210	211	212
	213	214	215	216	217	218	219	220	221	301	302
	303	304	305	306	307	308B	309	310	311	312	313
	314	315	316	317	401	402	403	404	405	406	407
	408	409	410	411	412	413	414	415	416	417	418
	419	420C	429C								
64.02	101	102	103	104	105	106	107	108	109	110	111
	112	113	114	115	116	117	118	119	120	121	122
	123	124	125	126	127	128	129	130	131	132	133
	134	201	202	203	204	205	206B	207	208	210	211
	214	215	216	217B							

Metro Council District 4

Whole Tracts

201.00
 202.00
 203.00
 307.00
 308.01
 308.02

Partial Tracts

Tract	Block													
63.00	101A	101C	113A	113B	116	117	118	119	120	121	122	125		
	201B	202	203	204	205	206	207B	207C	210	211	212	213		
	214	220A	220B	221	225	226A	226B	226C						
64.01	308A	318	319	320	321	322	420A	420B	421	422	423	424		
	425	426	427	428	429A	429B	430	431						
64.02	206A	209	212	213	217A	217C	217D	218	220	221	222	223		
	224	225	226											
203.01	101A	101B	101C	102	103	104	105	106	107	108	109	110		
	111	112A	112B	112C	112D	113	114A	114B	114C	115	116A	116B		
	117	118	119A	119B	119C	120	121	122	123	124	125	126		
	127	128	129	130	131A	131B	132	133	134	138A	138B	142		
	143	146	147	148	149	151	152	153	154	155	156			
203.02	101	102	103	104	105	106	120	121A	121B	121C	122A	122B		
	135	138	139A	139B	140	143	144A	144B	144C	144D	144E	201		
	202A	202B	203A	203B	203C	204	205A	205B	206A	206B	207A	207B		
	207C	208	209	210	211	212A	212B	212C	213	214A	214B	215		
	216	217	218	219	220	221	222	223	224	225	226	227		
	228	229	230	231	232	233A	233B	234	235	236				
	204.01	104	105	201A	201B	201C	202A	202B	202C	202D	203	204	205	
	206	207	210	211	212	213	304A	312	313A	313B	313C	320		
227.01	409C													
	201	202	203A	204A	205	206	207	208	209	210	211	212		
	213	214	215	216	217	218	219	220	221	222	223	224		
	225	226	302A	303	304	305	306	307	308	309	310	311		
	312	313	314	315	316	317A	318	319	320	321	322	323		
	324	325	326	327	401A	401B	407A	411A	411B	412	413	414		
	415	416	417	418	419	420	421A	422	423	424	425	426		
	427	428												
	227.02	101	102	103A	103B	103C	103D	103E	103F	103G	104A	104B	105	
		106A	106B	107	108	109A	109B	110	111	112	116	117	118	
119		120A	120B	203	204									
228.00	101A	103	104	105	106	107	108	109	110	111	112	113		
	114	115	116	117	118	119	120	122A	203A					
306.00	111	112	113	114	115	116	117	118A	119	120A	120B	121A		
	121B	124A	125A	126	127	128	129	130	131	132	133	134A		
	135	136	137	138	139	143A	143B	144	145	146	202	203		
319.01	201A	201B	202	203	205A	205B	206	207	208	209	210	211		
	212	901	902	903	904	905	906	907	908	909A	909B	909C		

Metro Council District 7

Whole tracts

98.02
 99.01
 99.02
 99.03
 101
 103.01
 103.02
 104.05
 104.06
 104.07

Partial Tracts

Tract	Block												
89.00	101A	101B	101C	102	103	104	105	106	107A	107B	107C	108	
	124A	124B	124C	125A	125B	126	127	128	129	130	131	132	
	218B	219											
91.00	101	102	103	104	105	106	107	108	109	110	111	119	
96.02	101	102	103	104	105	106	110	111	113	115	116	117	
98.02	101	102	103A	103B	103C	104A	104B	104C	105A	105B	106	107	
	131A	131B	132	133	134	201	202A	202B	203	204	205	206	
	314	315	316	317	318	319	320	321	322				
100.00	101	102	103	104	105	106	107	108	109	110	111	112	
	211	212	213	214	215	216	217	218	219	220	221	222	
	316	317	318	319	320	321	322	323	324	325	326	327	
	419	420	421	422	423	424	425	426	427	428	429	431	
102.00	101A	101B	101C	101D	101E	101F	102	103A	103B	103C	104	105A	
	124A	124B	125A	125B	126A	126B	127	301	302A	302B	303A	303B	
104.02	101	102	103	104	105	106	107	108	109	115	116	117	
	208	209	210	212	213	301	302	303	304	305	306	307	
104.04	101	102	103	104	105	106	107	108	109A	109B	110	111	
	216	217	218	219	220	221	222	223	224	301A	301B	302A	
105.00	101A	101B	102	104A	104B	105A	105B	106A	106B	107	108A	108B	

Metro Council District 8

Whole tracts

1.00
2.00
3.01
3.02
4.01
4.02
5.01
9.01
9.02
10.00
11.02
12.02
13.02
14.00

Partial tracts

Tract	Block											
5.02	201	201	202	203	204	205	206	207	208	209	210	211
	404	405	406	408	409	410	411	412	413	414	415	416
8.01	202	202	203	204	205	206	207	208	209	210	218	219
	402	403	404	405	406	407	408	409	410	411	412	413
8.02	201	201	202	203	204	205	206	207	208	209	210	211
	319	320	321	322	323	324	325	401	402	403	404	405
12.01	101	101	102	105	108	109	110	111	112	121	122	123
13.01	101	101	102	103	104	105	106	107	108	109	110	111
	301	302	303	304	305	306	307	308	310	311	313	314
	421	422										
18.02	201	201	202	203	204	205	206	207	208	225	226	227

Metro Council District 9

Whole tracts

6.01
 6.02
 7.01
 7.02
 15.00
 16.01
 16.02
 17.02
 81.00
 82.02
 83.02
 84.00
 85.00
 90.00

Partial tracts

Tract	block											
5.02	101	102	103	104	105	106	107	108	109	110	111	112
8.01	101	102	103	104	105	106	107	108	109	110	111	112
8.02	101	102	103	104	105	106	107	108	109	110	111	112
14	316	317	318	319								
17.01	101	102	103	104	105	106	107	108	109	110	111	112
	216	217	218	219	220	221	222	223	224	225	226	227
	411	412	413	414	415	416	417	418	419	420	421	422
	605	606	607	608	609	610	611	612	613	614	615	616
18.02	101	102	103	104	105	106	107	108	109	110	111	112
82.01	101	102	103	104	106	107	108	109	110	111	115	116
	306	307	308	310	312	313						
83.01	301	302	303	304	305	306	307	308	309	310	311	312
	418	419										
89	202	203	217	301	302	303	304	305	306	307	308	309
	414											
91	112	113	114	115	116	117	118	124	127	129	130	131
92.01	203	204	207A	207B	207C	209A	209B	210	301A	301B	302A	302B

Metro Council District 10

Whole tracts

29.02
 29.03
 78
 79
 80.01
 80.02
 92.02
 93
 94
 95
 96.01
 97.01
 97.02
 98.01

Partial tracts

Tract	Block											
11.01	101	102	103	104	105	106	107	108	109	110	111	112
	207	208	209	210	211	212	213	214	215	216	217	218
	313	316	317	318	319	320	321	322	323	324	325	326
	422	423	424	425	426	429	430	431	432	433	434	501
	528											
12.01	103	104	106	107	113	114	115	116	117	118	119	120
	312	313	314	315	316	317	318	319	320	321	401	402
	429											
17.01	507	524	525	719	721	722	723	724	726	733	735	736
18.01	101	102	103	104	105	106	107	108	109	110	111	112
	217	218	219	220	221	301	302	303	304	305	306	307
	416	417	418	419	420	422	423					
18.02	119	120	121	122	123	124	125					
19.00	101	102	103	104	105	106	107	108	109	110	111	112
	212	213	214	215	216	217	218	219	220	221	222	223
	325	401	402	403	404	405	406	407	408	409	410	411
	514	515	516	517								
20.00	101	105	106	107	108	109	110	111	112	113	114	115
	302	303	304	305	306	307	308	309	310	311	312	313
	422	423	424	425	426	501	502	503	504	505	506	507
	607	608	609	610	611	612	613	614	615	617	618	619
21.00	101	102	103	104	105	106	107	108	109	110	111	112
	202	203	204	205	206	207	208	209	210	211	212	213
	309	310	311	312	313	314	315	316	317	318	319	320
	418	421	422	423	424	425	501	502	503	504	505	506
	612	613	614	615	616	617	618	619	620	621	622	628
22.02	125	126	127	129	130	204	206	207	208	209	210	211
23.01	113	201	214	301	310							

23.02	101	108	118	119	126	127	128	129	130	131	132	201
	230	231	232	233	234	235	236	237	301	302	303	304
	333	334	335									
24.01	101	102	103	104	105	106	107	108	109	110	111	112
	309	310	311	312	313	314	315	401	402	403	404	405
24.02	101	102	103	104	105	106	107	108	109	110	111	112
	220	221	301	302	303	304	305	306	308	309	310	311
25.01	101	102	103	104	105	106	107	108	109	110	111	112
	308	309	310	311	312	313	314	315	316	401	402	403
	514	515	516	601	602	603	604	605	606	607	608	609
25.02	101	102	103	104	105	106	107	108	109	110	111	112
	217	218	219	220	221	222	301	302	303	304	305	306
	417	418	419	420	421							
26.00	101	102	103	104	105	106	107	108	109	110	111	112
	217	218	219	220	221	222	223	301	302	303	304	305
27.01	101	102	103	104	105	106	107	108	109	110	111	112
	216	217	218	219	220	221	223	224	225	227	228	229
27.02	101	102	103	104	105	106	107	108	109	110	111	112
	215	216	217	218	219	220	221	222	223	224	225	226
28.01	101	102	103	104	105	106	107	108	109	110	111	112
	206	207	208	209	210	211	212	213	214	215	217	218
28.02	101	102	103	104	105	106	107	108	109	110	111	112
	217	218	219	220	221	222	301	302	303	304	305	306
	418	419	420									
29.01	101	102	103	104	105	106	107	108	109	110	111	112
	216	217	218	219	220	221	222	223	224	225	301	302
	331	401	402	403	404	405	406	407	408	409	410	411
30.00	101	102	103	104	105	106	107	108	109	110	111	112
	208	209	210	211	212	213	214	215	216	217	218	219
	319	401	402	403	404	405	406	407	408	409	410	411
31.00	101	102	103	104	105	106	107	108	109	110	111	112
	209	210	211	212	213	214	215	216	217	218	219	220
	317	318	319	320	321	322	323	324	325	326	329	330
	425	426	427	428								
32.00	101	102	116	117	118	119	208	209	210	211	226	227
36.02	101	102	103	104	105	106	107	108	109	110	111	112
	211	212	213	214	215	216	217	218	219	220	221	222
36.03	101	102	103	104	105	106	107	108	109	110	111	112
72.01	101	102	103A	103B	104	105	106A	106B	107A	107B	108	109
72.02	201	202	203	204	205	206	207	208	209	210	211	212
	239	240	241	242	243	244	245	246	247	248A	248B	249
73.00	101	102A	102B	103	104	105	106	107	108	109	110	111
	138	139	140	141	142	143	144	145	201	202	203	204
	231	232	233	234	235	236	237	238	239	240		
74.00	101	102	107	108	109	110	111	112	113	114	115	116
75.00	101	102	103	104	105	106	107	108	109	110	111	112
	219	220	301	302	303	304	305	306	307	308	309	310
76.00	101	102	104	105	106	107	108	109	110	111	112	113
	217	218	219	220	221	222	223	224	225	226	227	
77.00	101	102	103	104	105	106	107	108	109	110	111	112
	209	210	211	212	213	214	215	216	217	218	219	220
92.01	101	102	103	105	107	109	110	111	112	113	114	115
96.02	107	108	109	112	114	121	122	123	124	125	126	127
102.00	106D	106D	124C	128	129	130A	130B	131A	131B	131C	131D	132A

28.02	106	107	108	109	110	111	112	113	114	115	116
	117	206	207	208	209	210	211	212	213	214	215
	216	217	309	310	405	406	407	408	409	411	413
	414	416	417	418	419	420					
29.01	326	327	328	329	330	331	401	402	403	404	405
	406	426	427	435	436	437	438				
36.02	101	102	103	104	105	106	107	108	109	110	111
	112	113	114	115	116	117	118	119	120	121	122
	123	124	125	126	127	128	201	202	203	204	205
	206	207	208	209	210	211	212	213	214	215	216
	217	218	219	220	221	222	223	224	225	226	227
	301	305	306	310	311	410	411	412	413	414	415
	416	430	431	432	433						
72.01	101	102	103A	103B	104	105	106A	106B	107A	107B	108
	109	201A	201B	202	203	204	205	206			
72.02	201	202	203	204	205	206	207	208	209	210	211
	212	213	214	215	216	217	218	219	220	221	222
	223	224	225	226	227	228	229	230	231	232	233
	234	235	236	237	238	239	240	241	242	243	244
	245	246	247	248A	248B	249	250				
73.00	101	102A	102B	103	104	105	106	107	108	109	110
	111	112	113	114	115	116	117	118	126	127	128
	129	130	131	132	133	134	135	136			
77.00	103	104	105	106	107	108	109	110	111	112	113
	114	115	116	117	118	119	123	124	125	126	127
	128	207	208	209	210	211	212	213	214	215	216
	217	218	219	220	221	222	223				

Metro Council District 13

Whole tracts

301.00
302.00
303.00
304.02
305.01
305.02
314.01
315.05
315.06
315.07
315.08
316.04
316.07

Partial tracts

Tract	Block											
304.01	101	125	149	201	202	203A	203B	204	205	206	207	208
	240	241	242	243A	243B	244A	244B	245	246	247	248	250
306	101	102	103	104	105	106	107	108	109	110A	110B	118B
	218B	219	220	221	222	223	224	225	226	227	228A	228B
313	101A	101B	102	103A	103B	104	105A	105B	105C	106A	106B	106C
	217	218	219	220	221	222	223	224A	224B	225	226A	226B
314.02	101	102	107	108	109A	109B	109C	110	111	112A	112B	113
	148	149	150									
315.01	129	130	131	925	926	928	929	930				

STAFF REPORT

ORDINANCE NO. 91-415 FOR THE PURPOSE OF REAPPORTIONING
METRO COUNCIL SUBDISTRICTS

Date: July 25, 1991

Presented by: Casey Short

ORS 268.150, as amended by the 1991 Oregon Legislature, requires the Metro Council to enact an ordinance reapportioning Council subdistricts at least 250 days prior to the primary election. The statute also requires the Council to consist of 13 Councilors elected from single-member districts, effective the first Monday in January, 1993.

Following release of the 1990 decennial census data, the Governmental Affairs Committee has interviewed each Councilor regarding reapportionment, held public hearings in the District, and conducted several work sessions to develop a reapportionment plan.

Ordinance No. 91-415 is the mechanism for effecting the reapportionment plan. It adheres to the criteria set forward in the statute, observing county lines, maintaining traditional communities, preserving contiguity of each subdistrict, and considering city or special district boundaries only when those boundaries were deemed to delineate communities of interest. The plan generally treats neighborhood associations as communities of interest, and preserves these organizations intact within subdistricts for the most part; there are a couple of instances in which population considerations dictate that a neighborhood association be divided into two districts. Most notable among these is the Rose City Park neighborhood in northeast Portland, which is split between districts 10 and 11.

An important consideration for the committee was preserving within one district a concentration of Black population. The committee determined that such concentration of Black voters should be at least of comparable density to the current District 11, which has the highest Black population of existing districts. This was done, though the district with the highest concentration of Black population will be District 12 rather than 11.

In developing the reapportionment plan, the committee ascertained the appropriate number of Council districts which population figures indicated should be in each of Metro's three counties. Those figures called for 7.15 seats in Multnomah County, 3.49 seats in Washington County, and 2.36 seats in Clackamas County. The plan contained in Ordinance No. 91-415 has seven districts wholly contained within Multnomah County, 3 districts wholly within Washington County, and 2 districts wholly within Clackamas County.

One district (District 4), lies in all three counties, with its majority in Washington and only a small portion in Multnomah.

The plan recognizes growth areas in two ways. First, it places the newly-created 13th district in Washington County, where the most growth has occurred in the last decade, and establishes two districts completely inside Clackamas County, which has also enjoyed significant growth. Second, in cases where subdistrict population deviated from the median, the committee attempted to have lower growth districts above the median population and have higher growth districts below median population. The total deviation between the highest and lowest population districts is within the acceptable range as advised by legal counsel.



380 "A" AVENUE
POST OFFICE BOX 369
LAKE OSWEGO,
OREGON 97034
(503) 635-0213
FAX (503) 635-0269

May 13, 1991

ALICE L. SCHLENKER,
MAYOR

Richard Devlin, Chair
Council Governmental Affairs Committee
METRO
2000 SW First Avenue
Portland OR 97201-5398

DANIEL E. ANDERSON,
COUNCILOR

Dear Councilor Devlin:

JOHN "JACK" CHURCHILL,
COUNCILOR

The City Council of the City of Lake Oswego, at the regular Council meeting of May 7, 1991, reviewed the communications from you regarding the hearings on METRO Council District Reapportionment. The City Council consensus was that there was a close relationship between Lake Oswego, Rivergrove, Tualatin, and West Linn, and they would like to see a district reflecting that area. The City Council did not see that same close relationship with the Tigard, King City, and Sherwood area.

WILLIAM HOLSTEIN,
COUNCILOR

HEATHER CHRISMAN,
COUNCILOR

The main point of interest and relationship voiced by Council members was the need for Lake Oswego, Tualatin, and West Linn, along with Clackamas County, to deal with the unplanned growth taking place in the Stafford Road area, the issues of secondary lands in this area, and the potential expansion of the urban growth boundary.

MERRY COLVIN,
COUNCILOR

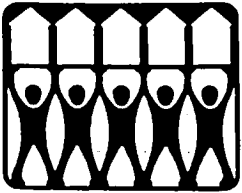
ED MARCOTTE,
COUNCILOR

I hope this input will be of some value to your committee in the review of reapportionment.

Sincerely,

Alice L. Schlenker
Mayor

ALS/sms
c: Casey Short, Council Analyst



Southeast Uplift Neighborhood Program

3534 SE Main Street • Portland, Oregon • 97214 • Phone 232-0010

A non-profit coalition supporting citizen participation and community development in Southeast Portland.

May 30, 1991

Judy Wyers
Metro Councilor
2000 SW First
Portland, OR 97201-5398

Dear Judy,

Thanks for the opportunity to comment on Metro's redistricting plan. As a staff person at Southeast Uplift, I know of Metro's impact on neighborhood livability for everything from transportation planning to neighborhood cleanups.

I am writing to say that I agree wholeheartedly with the goal of maintaining historic and traditional communities within Metro boundaries. As neighborhood associations have been greatly beneficial to the health of the metro area, I ask that the Metro Council respect their boundaries during redistricting.

As I said to you when we spoke, I think the present Metro district boundaries are quite good. It is good to hear that district boundaries will probably not change substantially in southeast Portland.

Thanks for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Nick Sauvie".

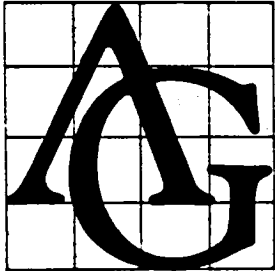
Nick Sauvie
Southeast Uplift staff

cc: Richard Devlin

APPRAISAL GROUP

INCORPORATED
American Bank Building
621 S.W. Morrison, #400
Portland, Oregon 97205
Telephone 503/222-3332
FAX Number 503/274-4721

July 16, 1991



Mr. Richard Devlin
Metro Councilor
District IV
8624 S.W. Seminole Trail
Tualatin, OR 97062

Re: Reapportionment plan--Version 5

Dear Mr. Devlin:

I write to you in no official capacity, although I am a member of the Lake Oswego Planning Commission. I am a little concerned about the reapportionment plan proposed by Metro, which would split the city of Lake Oswego around the lake. I have no opinion regarding which district the city falls into, but it should be kept as a unit.

In the months ahead, the city is charged with revising elements of its comprehensive plan, and I see growing importance for our jurisdiction to coordinate that effort with Metro. Dividing the city could make consensus more difficult. As it is today, Lake Oswego is in not two but three congressional districts, and I would hate to see this gerrymandering compounded by Metro.

If appropriate, I would be happy to put this issue on the Planning Commission agenda and forward our recommendations to you.

Thank you for your consideration.

My best regards,
APPRAISAL GROUP, INC.


P. Barton DeLacy, MAI
President
(Planning Commissioner, City of Lake Oswego)

cc: Alice Schlenker, Mayor, City of Lake Oswego
Charles Oldham, LOPC Chairman
Mike Ragsdale

CS



July 30, 1991

Richard Devlin, Chair
Council Governmental Affairs Committee
METRO
2000 SW First Avenue
Portland, Oregon 97201

Dear Councilor Devlin

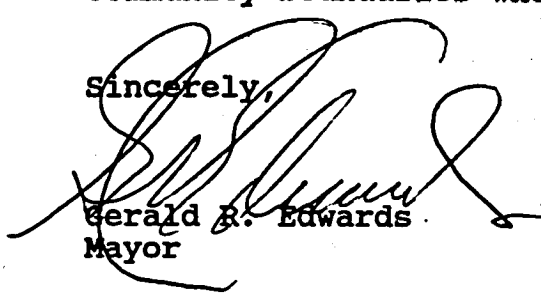
After reviewing the map showing proposed METRO Council District Reapportionment, the City of Tigard has some concerns about the proposed boundaries for District 4.

First, the proposed District 4 northern boundary separates northwest Tigard neighborhoods from the rest of the city. Secondly, the southern part of the district includes Wilsonville and a portion of Clackamas County. Finally, the eastern boundary extends into Clackamas County, Lake Oswego, and the City of Portland.

It is important to the City of Tigard that the entire city and planning area be within one Council District in order to retain the sense of community that is so important in planning for Tigard's future. The population base of 80,000 for Metro Council Districts well exceeds Tigard's 30,000 population. The citizens of Tigard share a sense of community that is not shared with residents of Clackamas County and the City of Portland. It seems appropriate that Tigard residents be represented by one METRO Councilor on regional issues.

We recognize the difficult task before you and appreciate the opportunity to comment. We can't emphasize enough however the importance of METRO District Boundaries reflecting city and community boundaries wherever possible.

Sincerely,



Gerald R. Edwards
Mayor



CLACKAMAS COUNTY

Board of Commissioners

July 30, 1991

Mr. Richard Devlin, Chair
Council Governmental Affairs Committee
Metro
2000 SW First Avenue
Portland, OR 97201-5398

ED LINDQUIST
CHAIR

JUDIE HAMMERSTAD
COMMISSIONER

DARLENE HOOLEY
COMMISSIONER

MICHAEL F. SWANSON
CHIEF EXECUTIVE OFFICER

Dear Chair Devlin:

The Clackamas County Board of Commissioners recently received your memo to interested parties regarding the Metro Council District Reapportionment hearings. As we are unable to attend, we are submitting our comments in writing. Please include them as part of the permanent record.

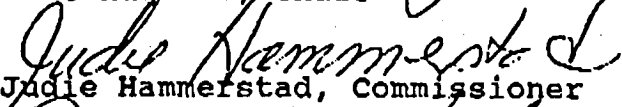
Clackamas County has two major concerns with regard to the reapportionment plan. Our largest concern is that all districts should contain as equivalent an amount of population as is possible to achieve.

Secondly, we appreciate that much of your reapportionment process is dictated by state statute. Consequently, you are required to proceed with reapportionment in spite of alterations in governance which may occur as a result of recommendations made by the Charter Committee. Decisions regarding reapportionment should be made with a careful eye toward the possibility that the Charter Committee may, in fact, suggest changes in the governance structure. As much as is possible, we respectfully suggest that the Governmental Affairs Committee operate under that understanding.

We appreciate you and your committee's dedicated work toward a reapportionment plan which will fairly represent all citizens subject to Metro's governance. Thank you for the opportunity to comment.

Sincerely yours,


Ed Lindquist, Chair


Judie Hammerstad, Commissioner


Darlene Hooley, Commissioner

Meeting Date: August 8, 1991
Agenda Item No. 7.1

RESOLUTION NO. 91-1487



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

DATE: July 31, 1991
TO: Metro Council
Interested Parties
FROM: Paulette Allen, Clerk of the Council *PA*
RE: RESOLUTION NO. 91-1487

Resolution No. 91-1487 Exhibit A, Agreement between Metropolitan Service District and Laborers International Union, Local No. 483 has been published separately from the agenda packet due to the volume of that document. Supplemental Packets will be distributed in advance to Councilors and available at the Council meeting August 8.

The Council agenda will be published before the Governmental Affairs Committee meets to consider Resolution No. 91-1487. The Committee report will be distributed in advance to Councilors and available at the Council meeting.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RATIFYING THE) RESOLUTION NO. 91-1487
1991-1995 COLLECTIVE BARGAINING)
AGREEMENT WITH THE LABORERS) Introduced by Rena Cusma,
INTERNATIONAL UNION, LOCAL 483) Executive Officer

WHEREAS, The Laborers International Union, Local 483 is the exclusive bargaining agent for specified bargaining unit members employed at the Metro Washington Park Zoo; and

WHEREAS, Negotiations for a collective bargaining agreement began on May 8, 1991; and

WHEREAS, On July 16, 1991 tentative agreement was reached with the LIU Local 483 bargaining team on the 1991-1995 collective bargaining agreement which would renew the contract between the Metropolitan Service District and the Laborers International Union, Local 483; and

WHEREAS, A ratification vote by the Laborers International Union, Local 483 membership has been scheduled for August 5, 1991; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby ratifies the tentatively agreed 1991-1995 collective bargaining agreement with the Laborers International Union, Local 483.

DATED this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION 91-1487
RECOMMENDING RATIFICATION OF THE RENEGOTIATED
LABOR AGREEMENT BETWEEN METRO AND LIU
EFFECTIVE 7-1-91 THROUGH 6-30-95

Background: Contract negotiations between Metro and LIU commenced on May 8, 1991. Tentative agreement on a four year contract was reached after eight sessions, on July 16, 1991.

The Union has scheduled a ratification vote for Monday, August 5, 1991. It is assumed the agreement will be ratified by the Union membership at that time.

Following for your consideration is a summary of the major changes made in the tentative agreement. It is the recommendation of the Executive Officer that the Agreement be ratified as negotiated.

ECONOMIC ISSUES:

Retirement: The Union accepted membership in PERS effective July 1, 1991, in lieu of a cost of living increase. The net cost to Metro is approximately 5% of gross payroll for this year and all years hereafter. PERS membership, as agreed to does include the sick leave credit, which will go into effect the second year of the Agreement and will cost 1 ½% of payroll.

Wages:

7-1-91	0% increase due to PERS implementation
7-1-92	COLA based on 85% of increase in Portland Area CPI-W, with a minimum of 3% and a maximum of 6%. This formula will apply to the third and fourth year of the Agreement as well.

Health and Welfare: Bargaining Unit members will have the option of enrolling in either the Union benefit trust or the Metro sponsored benefit package. Employees who enroll in the Metro sponsored plan will be eligible for a welfare package including long-term disability, accidental death and dismemberment, and life insurance coverage.

During Year 1 of the Agreement, Metro will pay no more than 112.5% of the 90/91 composite rate for coverage provided by the current medical, dental and vision plans. Metro will pay no more than 122.5% of the 90/91 rate during Year 2, and no more than 132.5% and 142.5% of the 90/91 rate during Years 3

and 4, respectively. (Please note that all percentage increases are indexed to FY 90/91).

MAJOR NON-ECONOMIC CHANGES:

Holidays: Holiday pay eligibility for part-time employees will be pro-rated according to a formula based on actual hours worked in the preceding pay period. Under the prior Agreement half-time employees received full-time benefits.

Vacation: Annual vacation leave will be computed based on actual hours worked during each calendar year. Total vacation accrual will be limited to two times the employee's annual accrual rate.

Sick Leave: Language was added specifying that current workers' compensation law and administrative rules would prevail in the event of a conflict between the law and the Agreement.

Sick leave may be denied to employees who don't follow appropriate call-in procedures.

The employer may require that Workers' Compensation claimants undergo an independent medical examination, at the employer's expense.

**Leaves of
Absence:**

Educational leave privileges may be rescinded when an employee is found to be engaged in employment not directly related to the pre-approved education program.

Payday: The time between the close of the pay period and pay day was increased from 6 to 10 calendar days.

**Grievance
Procedures:**

Language was added allowing for grievance mediation prior to arbitration.

**Term of
Agreement:**

The Agreement will be in force for four years, until June 30, 1992.

**Other
Changes:**

The term "Permanent" will be changed to "Regular" in accordance with the terminology of the Metro classification system and budget process.

The term "work" day will be changed to "calendar" day for purposes of clarifying contract deadlines.

Meeting Date: August 8, 1991
Agenda Item No. 7.2

RESOLUTION NO. 91-1486



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

DATE: July 31, 1991

TO: Metro Council
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: RESOLUTION NO. 91-1486

The Council agenda will be printed before the Solid Waste Committee meets to consider the resolution referenced above. Committee reports will be distributed in advance to Councilors and available at the Council meeting August 8.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

To: Solid Waste Committee Members

From: John Houser, ^{SA} Council Analyst

Date: July 29, 1991

Re: Resolution 91-1486, For the Purpose of Awarding a Two-Year Contract to Marx/Knoll, Denight, & Dodgeo to Design and Implement Recycling and Waste Reduction Education Campaigns to Support Metro's Waste Reduction Programs.

Resolution 91-1486 has been scheduled for consideration by the Committee at the August 6, 1991 meeting.

Background

The Public Affairs Department is proposing a two-year contract with Marx/Knoll, Denight, & Dodgeo to implement a waste reduction promotion and public education program. A total of \$200,000 was budgeted for the current fiscal year for this contract. The department anticipates that at least this amount will be budgeted for the second year of the contract. The existing contract for these services expired on June 30, 1991.

The program objective will be to reduce targeted materials from the waste stream, increase recycling of these materials and increase the number of calls to the Recycling Information Center concerning such recycling. The agency will develop a two-year work plan within the projected budget parameters.

Issues and Questions

In considering this resolution, the committee may wish to address the following issues and questions:

The Department has requested that the committee expedite consideration of the resolution so that the full council can take final action on it at its August 8 meeting. This request is being made because the previous contract expired on June 30, 1991 and the department wants to begin a new promotional program as soon as possible. Since it is likely that the council's regular meeting on August 22 will be cancelled, the committee may wish to favorably consider this request.

But it is interesting to note that, while the department began the RFP process for this contract on May 24, 1991, prospective contractors were not interviewed until July 16-17, 1991. If the department were concerned about the expiration of the prior contract, it could have expedited the selection process.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AWARDING A) RESOLUTION NO. 91-1486
TWO-YEAR CONTRACT TO MARX/)
KNOLL, DENIGHT & DODGE TO DESIGN)
AND IMPLEMENT RECYCLING AND)
WASTE REDUCTION EDUCATION)
CAMPAIGNS TO SUPPORT METRO'S)
WASTE REDUCTION PROGRAMS.)

WHEREAS, the Metropolitan Service District (Metro) requires the services of an advertising agency to design and implement campaigns that support the promotion and public education component of the Solid Waste Reduction Program; and

WHEREAS, the Council has approved a budget of \$200,000 for FY 1991-92 to contract with an advertising agency; and

WHEREAS, the Council has authorized the Public Affairs Department to execute the contract with the agency selected through an approved solicitation and evaluation process, as presented in the Staff Report attached hereto; and

WHEREAS, Marx/Knoll, Denight & Dodge was the agency selected through that process; now therefore

BE IT RESOLVED,

1. Pursuant to Metro Code 2.04.033(a) the Council authorizes the Executive Office to execute an agreement with Marx/Knoll, Denight & Dodge to design and implement recycling and waste reduction campaigns to support Metro's waste reduction programs.

ADOPTED by the Council of the Metropolitan Service District this _____
day of _____, 1991.

Tanya Collier, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1486, FOR THE PURPOSE OF AWARDING A TWO-YEAR CONTRACT TO MARX/KNOLL, DENIGHT & DODGEO TO DESIGN AND IMPLEMENT RECYCLING AND WASTE REDUCTION EDUCATION CAMPAIGNS TO SUPPORT METRO'S WASTE REDUCTION PROGRAMS.

Date: July 22, 1991

Presented by Vickie Rocker

FACTUAL BACKGROUND AND ANALYSIS

Description

The services of an advertising and public relations agency are required to implement the promotion and public education component of the Solid Waste Reduction Program.

The agency will assist in waste reduction/recycling education and promotion planning, develop waste reduction and recycling advertising campaigns, design and produce major campaign materials, place media, and identify and pursue cooperative promotional opportunities. Campaigns will focus on yard debris recycling, corrugated cardboard recycling *and/or* other issues identified as waste reduction priorities.

The objective of campaigns will be a measurable reduction in targeted materials entering the waste stream, increased recycling of those targeted materials and increased calls to the Metro Recycling Information Center regarding targeted materials.

Selection Process

1. Request for Proposals

An RFP was distributed to 39 firms beginning on May 24, 1991. Advertisements were placed in the Oregonian, the Daily Journal of Commerce and the Skanner. Notification was sent to the six advertising firms registered as disadvantaged businesses.

2. Preliminary Evaluation

The three-member evaluation committee consisted of Metro staff from Public Affairs and Executive Management. Each proposal was evaluated according to the following criteria:

- 25% Approach: Understanding objectives/sound methodology
- 25% Staffing: Relevant experience and balance
- 40% Previous work: Relevance, creativity and results
- 10% Budget: Value

The five firms that scored the highest were selected for the interview stage of evaluation. Nine firms were eliminated because of weak past work, limited relevant staff experience and/or failure to adequately address approach.

3. Presentations and interviews

Presentations and interviews were held July 16 and 17 with the following firms: Marx/Knoll, Denight & Dodge; The Coates Agency; Turtledove Clemens, Inc.; Pihas Schmidt Westerdahl; and Gard & Lesh. The six-member interview committee consisted of representatives from the Public Affairs, Solid Waste and Executive Management Departments, and the general manager of The Rockey Company, a Northwest public relations firm.

Firms were asked to address three specific areas in their presentations. The committee evaluated each proposer according to the following criteria:

- 20% Account team: Expertise & rapport
- 30% Past project case study: Relevance, creativity & results
- 30% Corrugated cardboard campaign assignment: Approach & creativity.
- 20% Overall impression

Marx/Knoll, Denight & Dodge and Turtledove Clemens, Inc. were the two highest scoring agencies. However, when scores from proposal evaluations were taken into account, Marx/Knoll et al outscored Turtledove Clemens by 14.5 points.

4. Selection

Based on the cumulative scores, overall impressions as a result of the interview process and a reference check, the interview team decided to recommend Marx/Knoll for the contract.

Budget

The Metro Council has approved an annual budget of \$200,000 for advertising and public relations services to support waste reduction promotion programs during FY 1991-92. The year two budget for FY 92-93 is also expected to be at least \$200,000. Following start-up meetings at the onset of the contract, the agency will develop a two-year work plan within the fixed budget parameters.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 91-1486.



GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

310326

GRANT/CONTRACT NO. 902012 BUDGET CODE NO. 531-313200-524130-75809

FUND: General DEPARTMENT: Public Affairs (IF MORE THAN ONE) _____

SOURCE CODE (IF REVENUE) _____

INSTRUCTIONS

- OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
- COMPLETE SUMMARY FORM.
- IF CONTRACT IS —
 - SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
 - UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, AND Sec: R. F. Director
 - OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC. R. F. Director Contract Admin
 - OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, ETC. Construction Mgr. Labor Manager
- PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING Building Mgr. Fac. Plan. Mgr.

REGIONAL FACILITIES
PROCUREMENT DIV

JUN 25 '91

1. PURPOSE OF GRANT/CONTRACT waste reduction advertising

2. TYPE OF EXPENSE PERSONAL SERVICES LABOR AND MATERIALS PROCUREMENT
 PASS THROUGH AGREEMENT INTER-GOVERNMENTAL AGREEMENT CONSTRUCTION
 OTHER

OR

- TYPE OF REVENUE GRANT CONTRACT OTHER
3. TYPE OF ACTION CHANGE IN COST CHANGE IN WORK SCOPE
 CHANGE IN TIMING NEW CONTRACT

4. PARTIES Metropolitan Service District & Marx/Knoll Denight & Dodge

5. EFFECTIVE DATE August 23, 1991 TERMINATION DATE June 30, 1991
(THIS IS A CHANGE FROM _____)

6. EXTENT OF TOTAL COMMITMENT:	ORIGINAL/NEW	\$ <u>400,000.00</u>
	PREV. AMEND	_____
	THIS AMEND	_____
	TOTAL	\$ <u>400,000.00</u>

7. BUDGET INFORMATION

- A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 198 91-8-92 \$ 200,000.00
- B. BUDGET LINE ITEM NAME Promo/PR Contracts AMOUNT APPROPRIATED FOR CONTRACT \$ 200,000.00
- C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF _____, 19 91 \$ 200,000.00

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

See attached

SUBMITTED BY _____ \$ _____ MBE
 AMOUNT

SUBMITTED BY _____ \$ _____ MBE
 AMOUNT

SUBMITTED BY _____ \$ _____ MBE
 AMOUNT

9. NUMBER AND LOCATION OF ORIGINALS Five finalist proposals. See Public Affairs files.

10. A. APPROVED BY STATE/FEDERAL AGENCIES? YES NO NOT APPLICABLE
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT YES NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? YES NO
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION _____
12. WILL INSURANCE CERTIFICATE BE REQUIRED? YES NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? YES NOT APPLICABLE
 TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE) N/A
- | | | |
|------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
15. IF THE CONTRACT IS OVER \$10,000
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?
 YES NO
 B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?
 YES DATE _____ INITIAL _____
16. COMMENTS:

GRANT/CONTRACT APPROVAL

<p>INTERNAL REVIEW <i>Tucker Koch</i></p> <p>DEPARTMENT HEAD <i>Donald R. Craig</i></p> <p>FISCAL REVIEW <i>7/24/91</i> <i>Blumstein</i></p> <p>BUDGET REVIEW <i>7/26/91</i></p>	<p>CONTRACT REVIEW BOARD (IF REQUIRED) DATE _____</p> <p>1. _____ COUNCILOR</p> <p>2. _____ COUNCILOR</p> <p>3. _____ COUNCILOR</p>	<p>COUNCIL REVIEW (IF REQUIRED)</p> <p>DATE _____</p>
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LEGAL COUNSEL REVIEW AS NEEDED:

- A. DEVIATION TO CONTRACT FORM _____
- B. CONTRACTS OVER \$10,000 _____
- C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

Advertising Agencies Submitting Proposals

(Asterisk "*" indicates those that were interviewed/pound sign "#" indicates DBE or WBE firm)

<u>Name</u>	<u>1st score (100 poss.)</u>	<u>2nd score (50 poss.)</u>	<u>Overall average</u>
Marx/Knoll, Denight & Dodge*	95.8	41	136.8
The Coates Agency*/#	83.8	33.5	117.3
Turtledove Clemens, Inc.*	81.8	40.5	122.3
Pihas Schmidt Westerdahl*	74.5	37	111.5
Gard & Lesh*	71.5	27	98.5
Young & Roehr	67	--	
Cole & Weber	65.3	--	
KVO	64.8	--	
Lawton, Sweitzer, Ratti	61.8	--	
Enviro/Comm	61.16	--	
Gerber	57.5	--	
Adams, McKinney & Johnson	56.6	--	
Richardson, Strang & Assoc.	52.5	--	
Recycled Consortium	39.6	--	

Contract No. 902012

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT dated this 23rd day of August 1991, is between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, hereinafter referred to as "METRO," whose address is 2000 S.W. First Avenue, Portland, OR 97201-5398, and Marx/Knoll, Denight & Dodge, hereinafter referred to as "CONTRACTOR," whose address is 1230 S.W. First Ave., Ste 200 Portland, OR 97204, for the period of Aug. 23, 1991, through June 30, 1993, and for any extensions thereafter pursuant to written agreement of both parties.

W I T N E S S E T H :

WHEREAS, This Agreement is exclusively for Personal Services;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

CONTRACTOR AGREES:

1. To perform the services and deliver to METRO the materials described in the Scope of Work attached hereto;
2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;
3. All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement,

including but not limited to ORS 279.310 to 279.320.

Specifically, it is a condition of this contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by Oregon Laws 1989, ch 684.

4. To maintain records relating to the Scope of work on a generally recognized accounting basis and to make said records available to METRO at mutually convenient times;

5. To indemnify and hold METRO, its agents and employees harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, with any patent infringement arising out of the use of CONTRACTOR'S designs or other materials by METRO and for any claims or disputes involving subcontractors;

6. To comply with any other "Contract Provisions" attached hereto as so labeled; and

7. CONTRACTOR shall be an independent contractor for all purposes, shall be entitled to no compensation other than the compensation provided for in the Agreement. CONTRACTOR hereby certifies that it is the direct responsibility employer as provided in ORS 656.407 or a contributing employer as provided in ORS 656.411. In the event CONTRACTOR is to perform the services described in this Agreement without the assistance of others, CONTRACTOR hereby agrees to file a joint declaration with METRO to the effect that CONTRACTOR services are those of an

independent contractor as provided under Oregon Laws 1979,
ch 864.

METRO AGREES:

1. To pay CONTRACTOR for services performed and materials delivered in the maximum sum of Four hundred thousand AND no ___/100THS (\$ 400,000) DOLLARS and in the manner and at the time designated in the Scope of Work; and

2. To provide full information regarding its requirements for the Scope of Work.

BOTH PARTIES AGREE:

1. That METRO may terminate this Agreement upon giving CONTRACTOR five (5) days written notice without waiving any claims or remedies it may have against CONTRACTOR;

2. That, in the event of termination, METRO shall pay CONTRACTOR for services performed and materials delivered prior to the date of termination; but shall not be liable for indirect or consequential damages;

3. That, in the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court;

4. That this Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party; and

5. That this Agreement may be amended only by the written agreement of both parties.

CONTRACTOR NAME

METROPOLITAN SERVICE DISTRICT

By: _____

By: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____

Date: _____

AMH:jp
PERSONAL.FOR
6/17/91

Contract No. 902012

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT dated this 23rd day of August 1991, is between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, hereinafter referred to as "METRO," whose address is 2000 S.W. First Avenue, Portland, OR 97201-5398, and Marx/Knoll, Denight & Dodge, hereinafter referred to as "CONTRACTOR," whose address is 1230 S.W. First Ave., Ste 200 Portland, OR 97204, for the period of Aug. 23, 1991 through June 30, 1993, and for any extensions thereafter pursuant to written agreement of both parties.

W I T N E S S E T H :

WHEREAS, This Agreement is exclusively for Personal Services;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

CONTRACTOR AGREES:

1. To perform the services and deliver to METRO the materials described in the Scope of Work attached hereto;
2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;
3. All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement,

including but not limited to ORS 279.310 to 279.320.

Specifically, it is a condition of this contract that Contractor and all employers working under this this Agreement are subject employers that will comply with ORS 656.017 as required by Oregon Laws 1989, ch 684.

4. To maintain records relating to the Scope of work on a generally recognized accounting basis and to make said records available to METRO at mutually convenient times;

5. To indemnify and hold METRO, its agents and employees harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, with any patent infringement arising out of the use of CONTRACTOR'S designs or other materials by METRO and for any claims or disputes involving subcontractors;

6. To comply with any other "Contract Provisions" attached hereto as so labeled; and

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4. That this Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party; and

5. That this Agreement may be amended only by the written agreement of both parties.

CONTRACTOR NAME

METROPOLITAN SERVICE DISTRICT

By: _____

By: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____

Date: _____

AMH:jp
PERSONAL.FOR
6/17/91

Contract No. 902012

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2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;
3. All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement,

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5. That this Agreement may be amended only by the written agreement of both parties.

CONTRACTOR NAME

METROPOLITAN SERVICE DISTRICT

By: _____

By: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____

Date: _____

AMH:jp
PERSONAL.FOR
6/17/91

MEMO

Date: July 22, 1991
To: Amha Hazen, Contracts
From: Michel Gregory, Public Affairs
Re: Advertising agency contract

Last week we completed our selection process for an advertising agency to handle Metro's waste reduction campaigns for the next two years. We used a two-step evaluation. In the first stage Don Rocks, Vickie Rocker and I scored the fourteen written proposals we received. In the second stage, a committee of six people (Bob Martin; Janice Larson; Pete Dorn, an outside public relations professional; and the three listed above) evaluated 90-minute presentations from the top five agencies. The agency with the highest overall score, Marx/Knoll, Denight & Dodge, was selected. Both evaluation forms are attached.

Also attached are the contract documents, including an RFP summary form, the contract summary form, three copies of the personal services contract and the proposals we received from the five finalists. All proposers submitted either the DBE compliance form or stated that they understood the subconsultant requirements and would comply if they were to subcontract any work. Based on the wording from the RFP, ("If applicable, complete the attached DBE/WBE compliance form with your application"), we considered both adequate responses to the subconsultant requirement.

Your prompt attention to this contract will be appreciated. We are tentatively scheduled on the August 6 Solid Waste Committee agenda, so the attached resolution and staff report are due in the Council office a week from today (July 29).

Please call me or Vickie Rocker if you have questions.

cc: Vickie Rocker

BID/RFP SUMMARY

RFP Title: Request for Proposal for Advertising Services
Description of Work: Design + implement recycling + waste reduction education campaigns. 2yr. contract
Bid/RFP Opening Date: 5/24/91
No. of BIDs/RFPs received: 14 / 5 finalists were interviewed

(If only one bid or RFP received, state reasons why only one was received)

Is bid awarded to the apparent low bidder: / / yes, / / no N/A
If no, explain: fixed annual budget - \$200,000/year
(Use additional sheet if necessary)

Was a committee used for selection of the RFP yes, / / no
(Submit a copy of the RFP evaluation form)

DBE/WBE Requirements: / / Do not apply to the Bid/RFP
see attached / / DBE/WBE Goals met. (Provide list of DBE/WBEs, dollar amounts of participation and description of work)
/ / DBE/WBE goals not met. Good faith effort applied by apparent low bidder/proposer per Metro Code 2.04.160. (Documentation attached).

The following bidder/proposer is recommended to the Director of Finance and Administration:

Marx/Kroll, Senright + Dodge

Date Signature Title

FOR DEPARTMENT OF FINANCE & ADMINISTRATION USE ONLY

- / / The recommendation submitted has been approved. Please send a notification of award to bidder/proposer.
- / / The recommendation submitted has not been approved. See attached memo for reasons why.

Date Director of Finance & Admin. Signature

DISADVANTAGED BUSINESS PROGRAM COMPLIANCE FORM

(To be submitted with Bid or Proposal)

Name of Metro Project: Metropolitan Service District-Recycling

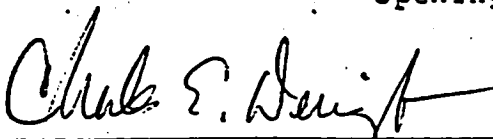
Name of Contractor: Marx/Knoll, Denight & Dodge

Address: 1230 SW First Ave., Portland, OR 97204

Phone: 226-2867

In accordance with Metro's Disadvantaged Business Program, the above-named contractor has accomplished the following:

- 1. Has fully met the contract goals and will subcontract percent of the contract amount to DBEs and percent to WBEs.
- 2. Has partially met the contract goals and will subcontract percent of the contract amount to DBEs and percent to WBEs. Contractor has made good faith efforts prior to bid opening (or proposal submission date, as applicable) to meet the full goals and will submit documentation of the same to Metro within two working days of bid opening (or proposal submission date).
- X 3. Will not subcontract any of the contract amount to DBEs or WBEs but has made good faith efforts * prior to bid opening (or proposal submission date, as applicable) to meet the contract goals and will submit documentation of such good faith efforts to Metro within two working days of bid opening (or proposal submission date).



Authorized Signature

June 28, 1991
Date

* Will not subcontract any of contract amount at time of RFP submission. If work plan requires any work be subcontracted, agency will make good faith effort to meet contract goals.

Stage One

PROPOSAL EVALUATION FORM
Advertising Services - Waste Reduction Promotion

Agency name: _____

Reviewer: _____

INSTRUCTIONS: Score the proposal on a scale from 1=low to 5=high as you feel their proposal rates on the following list of criteria. Weighted points equal the factor multiplied by the numerical score.

CRITERIA	1	2	3	4	5	FACTOR	WEIGHTED POINTS	MAX SCORE
Approach: Understanding objectives/issues based on information presented in RFP. Soundness of methodology in developing plan/campaigns.						5		25
Staffing: Relevant experience of account team. Reasonable balance between account management, creative and production.						5		25
Previous work: •Relevance to Metro project (public affairs/education projects directed at general public and business sector). •Creative approach on past projects. •Measurable results/effectiveness.						8		40
Budget: Value (competitive rates, mark-up policy, pro bono/sponsorship options.)						2		10
						SCORE		100
						BONUS POINTS FROM REVERSE (Max. 10 pts.)		
						TOTAL		110

Page 2 - Agency Proposal Evaluation Form

Other comments/considerations (may award up to 10 bonus points):

AGENCY PRESENTATION EVALUATION FORM

Stage Two

Agency name: _____ Reviewer: _____

INSTRUCTIONS: Score the presentation on a scale from 1=low to 5=high as you feel their presentation rates on the following criteria. Weighted points equal the factor multiplied by the numerical score.

CRITERIA	1 2 3 4 5	FACTOR	WEIGHTED POINTS	MAX SCORE
<i>Account team:</i> Proven expertise. Balance of strategic thinkers/strong creative/media buying/account management. Understand role of public relations in overall promotion plan. Would we be able to communicate & work with them? Do we like them?		2		10
<i>Past project:</i> <ul style="list-style-type: none"> •Relevance to Metro project (public affairs/ education projects directed at general public or business sector). •Emphasis on research in developing approach. •Creative & appropriate approach to the problem. •Quality of execution (tone, production values). •Measurable results/effectiveness. 		3		15
<i>Corrugated campaign assignment:</i> <ul style="list-style-type: none"> •Research-based campaign development. •Comprehensive approach. (Creative, appropriate, multi-dimensional, understanding of public relations role, good use of Recycling Information Center as resource.) •Results measurement plan. 		3		15
SUBTOTAL				40

CRITERIA	1 2 3 4 5	FACTOR	WEIGHTED POINTS	MAX SCORE
<i>Overall impression of agency:</i> •Basic understanding of Metro issues & objectives. •Emphasis on client service, results, maximizing budget. •Motivation to make this account a priority.		2		
SUBTOTAL (from reverse)				40
TOTAL POINTS				50

COMMENTS:

Meeting Date: August 8, 1991
Agenda Item No. 7.3

RESOLUTION NO. 91-1477



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: July 31, 1991
TO: Interested Parties
FROM: Paulette Allen, Clerk of the Council
RE: RESOLUTION NO. 91-1477 *PA*

The Council agenda will be printed before the Solid Waste Committee meets August 6 to consider the resolution referenced above. Committee reports will be distributed in advance to Councilors and available at the Council meeting August 8.

Due to the length of that document, Exhibit A, Request for Proposals for Reprocessing of Latex Paint Collected at Metro Permanent Household Hazardous Waste Collection Facilities



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

To: Solid Waste Committee Members

From: John Houser^{QSA} Council Analyst

Date: July 31, 1991

Re: Resolution 91-1477, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding and Authorizing Issuance of a Request for Proposals From Paint Manufacturers to Reprocess Latex Paint Collected at Metro's Permanent Household Hazardous Waste Collection Facilities

Resolution 91-1477 has been scheduled for consideration by the committee at its August 6, 1991 meeting.

Background

When household hazardous waste facilities become operational at Metro Central and Metro South, it is anticipated that latex paint will make up a significant portion of the material received. Emerging technologies may permit over 70% of the returned paint to be recycled. It is anticipated that during the first year of operation, approximately 5-6,000 gallons of latex paint may be returned and that ultimately up to 50,000 gallons may be returned annually.

The purpose of the resolution is to permit Metro to waive competitive bidding requirements and issue a request for proposals (RFP) to reprocess the latex paint returned to Metro facilities. Responses to the request also may include proposals for the marketing, distribution, and resale of the reprocessed paints.

Use of the RFP process is being sought to maximize the flexibility given to potential contractors. Many of the technologies for reprocessing paint and related resale marketing approaches are new. The RFP process will encourage responses and give Metro the opportunity to examine a broader spectrum of approaches to address the paint recycling issue. It is estimated that the cost of the paint reprocessing program will be \$25,000 during the first year.

Seattle has developed a paint recycling program that is producing a high grade product to can be resold.

BEFORE THE METROPOLITAN SERVICE DISTRICT
CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN)	RESOLUTION NO. 91-1477
EXEMPTION TO THE REQUIREMENT OF)	
COMPETITIVE BIDDING AND AUTHORIZING)	Introduced by Rena Cusma,
ISSUANCE OF A REQUEST FOR PROPOSALS)	Executive Officer
FROM PAINT MANUFACTURERS TO REPROCESS)	
LATEX PAINT COLLECTED AT METRO'S)	
PERMANENT HOUSEHOLD HAZARDOUS WASTE)	
COLLECTION FACILITIES)	

WHEREAS, The Metropolitan Service District is in the process of designing and constructing two permanent facilities for the collection of household hazardous wastes; and

WHEREAS, Latex paint constitutes a significant portion of household hazardous wastes collected; and

WHEREAS, Reprocessing of latex paints into high quality paint products for resale has been shown to be a cost effective and environmentally sound management technique; and

WHEREAS, A paint manufacturing firm will need to be selected to reprocess latex paints collected at Metro facilities; and

WHEREAS, ORS 279.015 authorizes the exemption of certain contracts from the competitive bidding requirement; and

WHEREAS, Metro Code Section 2.04.010, as amended, requires an exemption for public contracts obtained through a Request For Proposals (RFP) process; and

WHEREAS, Metro Code Section 2.04.041(c) and ORS 279.015(2) allows the board to exempt a public contract from public bidding requirements if it finds that: (1) It is unlikely that the exemption will encourage favoritism in the awarding of public

contracts or substantially diminish competition for public contracts; and (2) awarding the contract pursuant to the exemption will result in substantial lost savings to the contracting agency; and

WHEREAS, Metro Code Section 2.04.041(c) authorizes, where appropriate, the use of alternative contracting and purchasing practices that are consistent with the public policy of encouraging competition; and

WHEREAS, The Board finds that it is unlikely that exempting solicitation of household hazardous waste transportation and disposal services from competitive bidding will encourage favoritism in the award of public contracts or substantially diminish competition for public contracts because: (1) a Request for Proposals process will be utilized; (2) the invitation to submit proposals will be advertised; and (3) Requests for Proposals will be sent to a variety of paint manufacturing firms; and

WHEREAS, The Board also finds that the exemption will result in substantial cost savings to Metro because: (1) proposers will be allowed to recommend paint reprocessing procedures and distribution methods that result in decreased costs; and (2) cost will be a primary factor in the selection process; and

WHEREAS, The resolution and attached exhibit was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now, therefore,

BE IT RESOLVED,

1. That, based on the above findings and additional information presented to the Board, the Board hereby exempts the contract for reprocessing of latex paint collected at Metro's permanent household hazardous waste collection facilities from the competitive bid process and authorizes staff to issue a Request for Proposals.

2. That the Board approves issuance of the Request for Proposals for Reprocessing of Latex Paint Collected at Metro Permanent Household Hazardous Waste Collection Facilities, attached to this Resolution as Exhibit "A" and incorporated by reference.

ADOPTED by the Metropolitan Service District Contract Review Board this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1477, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING AND AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FROM PAINT MANUFACTURERS TO REPROCESS LATEX PAINT COLLECTED AT METRO'S PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES

Date: June 28, 1991

Presented by: Sam Chandler
Jim Quinn

PROPOSED ACTION

Approve Resolution 91-1477 to grant an exemption to competitive bidding requirements, authorize the use of a request for proposals to procure paint reprocessing services and to authorize issuance of the attached RFP (Exhibit A).

BACKGROUND

Metro is in the process of designing and constructing two permanent facilities for the collection of household hazardous wastes (HHW). The first of these facilities is expected to begin collecting wastes this fall. Latex paint consistently makes up a significant fraction of wastes collected in HHW collection programs; it is anticipated that 5000-6000 gallons of latex paint will be collected during the first year of operations at Metro's permanent collection facilities.

Several options are available for managing latex paints collected from households. Several HHW programs have successfully recycled a large portion of their waste latex paint by sorting out material that was still in usable condition, bulking it into larger containers, and finding users for it. This "low-tech" recycled paint is generally given away at no cost.

A pilot project in Seattle explored a "high-tech" recycling option, which produced a high quality product suitable for sale. This approach involves three main elements:

- 1) Careful screening to exclude material that is not recyclable, or that is high in hazardous ingredients such as lead or mercury;
- 2) Separation into varieties based on whether the paint is light or dark in color, and on whether it is formulated for interior or exterior use;
- 3) Sending the material to a paint manufacturer for batching, testing, addition of additives, mixing, sieving, and other processing as necessary to meet high quality specifications.

Metro has retained Morely and Associates, the consulting firm that assisted Seattle with their program, to aid in developing a recycling program for latex paint collected at Metro facilities. According to an analysis conducted by Morely and Associates, with input from Metro, the high-tech recycling option appears to be the most cost-effective approach. While the costs associated with handling and processing the material are greater than the low-tech option, it is anticipated that the quality of the product will allow for collection of revenue.

Once the material is suitable for sale, it will be necessary to secure a contractor to distribute and market the recycled paint. In the paint reprocessing RFP, preference will be given to firms that are willing to distribute and market the resulting paint product, as well as perform the reprocessing. If this is unsuccessful, a separate RFP will be developed for distribution alone.

JUSTIFICATION FOR USING RFP PROCESS

The high tech latex paint recycling envisioned is an unexplored technology which will be new to paint manufacturers in the area. Different paint manufacturing firms may have differing capabilities and ideas for paint transport, batch size, testing, addition of additives, mechanical processing, labeling, quality control, distribution, marketing, or other aspects of the project. A request for bids process would include defining specific requirements for these factors which would be likely to restrict competition. In the worst case, this could result in no responses, which would require Metro to use one of the more extensive latex paint management approaches. Using the Request for Proposal process will allow candidate reprocessing firms to propose reprocessing procedures and distribution methods which are likely to result in lower costs to Metro.

BUDGET IMPACT

Reprocessing of latex paint falls under hazardous waste disposal operations. The 1991-1992 budget has \$400,000 budgeted for hazardous waste disposal at the Metro South household hazardous waste facility, and \$400,000 budgeted for hazardous waste disposal at the Metro Central facility. It is estimated that latex paint reprocessing will require a total of approximately \$25,000 of this budgeted amount.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive officer recommends adoption of Resolution No. 91-1477.

Meeting Date: July 25, 1991
Agenda Item No. 7.4

RESOLUTION NO. 91-1481



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: July 31, 1991
TO: Interested Parties
FROM: Paulette Allen, Clerk of the Council *PA*
RE: RESOLUTION NO. 91-1481

The Council agenda will be printed before the Solid Waste Committee meets August 6 to consider the resolution referenced above. Committee reports will be distributed in advance to Councilors and available at the Council meeting August 8.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

To: Solid Waste Committee Members

From: John Houser^{OKA}, Council Analyst

Date: July 30, 1991

Re: Resolution 91-1481, For the Purpose of Authorizing the Executive Officer to Execute a Contract with Trans Industries For Processing and Transporting Yard Debris From the Metro Central Station

Resolution 91-1481 has been scheduled for consideration by the Committee at its August 6, 1991 meeting.

Background

Yard debris from Metro Central currently is transported under contract with Marine Dropbox Service to Grimm's Fuel in Tualatin at a cost of \$19.50 per ton. Metro contracts with Grimm's to process the material into usable products at a cost of \$20 per ton. The total contracted cost for processing Metro Central yard debris is \$39.50.

The existing contracts expire on July 31, 1991. Metro solicited requests for bids for hauling and processing yard debris at Metro Central, Metro South, or from both facilities. The only bid received was from Trans Industries for Metro Central. The bid was to process up to 1,800 tons of material for a one-year period between August 1, 1991 and July 31, 1992 at a cost of \$35 per ton. (Note: A new RFB for Metro South resulted in three bids that currently under review.)

The Trans Industries bid represents a savings of \$4.50 per ton when compared with the existing contracts (\$63,000 annual cost versus \$81,000 under the current contracts). This saving probably results from the fact that, as the operator of the Metro Central Station, Trans Industries can obtain certain economies of scale.

The contract provides that the material be ground at Metro Central and then transported to other facilities for processing into usable products such as hog fuel or compost. The contract also provides that none of the material may be mass incinerated or landfilled and that it cannot be held in an unprocessed form for more than 12 months.

Issues and Questions

The committee may wish to ask what products will be produced from the yard debris and the available markets for these products.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 91-1481
THE EXECUTIVE OFFICER TO EXECUTE)	
A CONTRACT WITH TRANS INDUSTRIES)	Introduced by Rena Cusma,
FOR PROCESSING AND TRANSPORTING)	Executive Officer
YARD DEBRIS FROM THE METRO)	
CENTRAL STATION)	

WHEREAS, An estimated 1,800 tons of source-separated yard debris will be disposed of at Metro Central Station during fiscal year 1991-92; and

WHEREAS, It is Metro's policy to recycle source-separated yard debris; and

WHEREAS, The existing contracts for hauling and processing yard debris from Metro Central Station expire on July 31, 1991; and

WHEREAS, A public bidding process was used to obtain bids for the hauling and processing of yard debris from the Metro Central Station; and

WHEREAS, Trans Industries submitted the only bid for processing and transporting yard debris from Metro Central Station; and

WHEREAS, Trans Industries has the necessary equipment and expertise to process the yard debris from Metro Central Station into usable products; and

WHEREAS, The Executive Officer has reviewed the contract with Trans Industries to process and transport yard debris from Metro Central Station and hereby forwards the Agreement to the Council for Approval; now, therefore,

BE IT RESOLVED, That the Council of the Metropolitan Service District authorizes the Executive Officer to execute the attached contract (Exhibit "A" hereto) with Trans Industries to process and transport yard debris from Metro Central Station.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1991.

Tanya Collier, Presiding Officer



GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 901988 BUDGET CODE NO. 531-310253-526612-75000
 FUND: Operations DEPARTMENT: Solid Waste (IF MORE THAN ONE) _____
 SOURCE CODE (IF REVENUE) _____

INSTRUCTIONS

- OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
- COMPLETE SUMMARY FORM.
- IF CONTRACT IS —
 - SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
 - UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
 - OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC.
 - OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
- PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT Hauling and processing of yard debris from Metro Central Station.

2. TYPE OF EXPENSE PERSONAL SERVICES LABOR AND MATERIALS PROCUREMENT
 PASS THROUGH AGREEMENT INTER-GOVERNMENTAL AGREEMENT CONSTRUCTION
 OTHER

OR

TYPE OF REVENUE GRANT CONTRACT OTHER

3. TYPE OF ACTION CHANGE IN COST CHANGE IN WORK SCOPE
 CHANGE IN TIMING NEW CONTRACT

4. PARTIES Metro and Trans Industries

5. EFFECTIVE DATE August 1, 1991 TERMINATION DATE July 31, 1992
 (THIS IS A CHANGE FROM _____)

6. EXTENT OF TOTAL COMMITMENT:	ORIGINAL/NEW	\$ <u>63,000.</u>
	PREV. AMEND	_____
	THIS AMEND	_____
	TOTAL	\$ <u>63,000</u>

7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 198 91-92 \$ 57,750
 B. BUDGET LINE ITEM NAME Disposal Operations AMOUNT APPROPRIATED FOR CONTRACT \$ 81,000
 C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF July 1, 1991 \$ _____

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

<u>Trans Industries</u>	\$ <u>35.00/ton</u>	<input type="checkbox"/> MBE
SUBMITTED BY _____	AMOUNT	
SUBMITTED BY _____	\$ _____	<input type="checkbox"/> MBE
	AMOUNT	
SUBMITTED BY _____	\$ _____	<input type="checkbox"/> MBE
	AMOUNT	

9. NUMBER AND LOCATION OF ORIGINALS _____

10. A. APPROVED BY STATE/FEDERAL AGENCIES? YES NO NOT APPLICABLE
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT YES NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? YES NO
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION _____
12. WILL INSURANCE CERTIFICATE BE REQUIRED? YES NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? YES NOT APPLICABLE

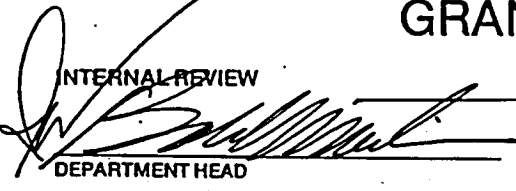
TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____

14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- | | | |
|------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |

15. IF THE CONTRACT IS OVER \$10,000
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?
 YES NO
- B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?
 YES DATE _____ INITIAL _____

16. COMMENTS:
 Contract amount is based upon 1800 tons of yard debris at \$35./ton (\$63,000.). Only one bid was received.

GRANT/CONTRACT APPROVAL

INTERNAL REVIEW

 DEPARTMENT HEAD

CONTRACT REVIEW BOARD
 (IF REQUIRED) DATE _____

1. _____
 COUNCILOR

2. _____
 COUNCILOR

3. _____
 COUNCILOR

COUNCIL REVIEW
 (IF REQUIRED)
 DATE _____

FISCAL REVIEW _____
 BUDGET REVIEW _____

- LEGAL COUNSEL REVIEW AS NEEDED:
- A. DEVIATION TO CONTRACT FORM _____
- B. CONTRACTS OVER \$10,000 _____
- C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

PUBLIC CONTRACT

THIS Contract is entered into between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, whose address is 2000 S.W. First Avenue, Portland, Oregon 97201-5398, hereinafter referred to as "Metro," and Trans Industries, Inc., whose address is 6161 NW 61st Avenue, Portland, Oregon 97210, hereinafter referred to as the "Contractor."

THE PARTIES AGREE AS FOLLOWS:

ARTICLE I

SCOPE OF WORK

Contractor shall perform the work and/or deliver to Metro the goods described in the Scope of Work attached hereto as Attachment A. All services and goods shall be of good quality and, otherwise, in accordance with the Scope of Work.

ARTICLE II

TERM OF CONTRACT

The term of this Contract shall be for the period commencing August 1, 1991 through and including July 31, 1992.

ARTICLE III

CONTRACT SUM AND TERMS OF PAYMENT

Metro shall compensate the Contractor for work performed and/or goods supplied as described in Attachment B. Metro shall not be responsible for payment of any materials, expenses or costs other than those which are specifically included in Attachment B.

ARTICLE IV

LIABILITY AND INDEMNITY

Contractor is an independent contractor and assumes full responsibility for the content of its work and performance of Contractor's labor, and assumes full responsibility for all liability for bodily injury or physical damage to person or property arising out of or related to this Contract, and shall indemnify and hold harmless Metro, its agents and employees, from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Contract. Contractor is solely responsible for paying Contractor's subcontractors. Nothing in this Contract shall create any contractual relationship between any subcontractor and Metro.

ARTICLE V

TERMINATION

Metro may terminate this Contract upon giving Contractor seven (7) days written notice. In the event of termination,

Contractor shall be entitled to payment for work performed to the date of termination. Metro shall not be liable for indirect or consequential damages. Termination by Metro will not waive any claim or remedies it may have against Contractor.

ARTICLE VI

INSURANCE

Contractor shall maintain such insurance as will protect Contractor from claims under Workers' Compensation Acts and other employee benefits acts covering all of Contractor's employees engaged in performing the work under this Contract; and from claims for damages because of bodily injury, including death and damages to property, all with coverage limits satisfactory to Metro. Liability insurance shall have minimum coverage limits of at least the dollar amounts listed in ORS 30.270. Additional coverage may be required in the Scope of Work attached hereto. This insurance must cover Contractor's operations under this Contract, whether such operations be by Contractor or by any subcontractor or anyone directly or indirectly employed by either of them. Contractor shall immediately increase the amounts of liability insurance required to reflect any changes in Oregon Law so that the insurance provided shall cover, at a minimum, the maximum liability limits under the Oregon Tort Claims Act.

If required in the Scope of Work attached hereto, Contractor shall provide Metro with a certificate of insurance complying with this article and naming Metro as an insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours

before services under this Contract commence, whichever date is earlier.

Contractor shall not be required to provide the liability insurance described in this Article if an express exclusion relieving Contractor of this requirement is contained in the Scope of Work.

ARTICLE VII

PUBLIC CONTRACTS

All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement, including, but not limited to, ORS 279.310 to 279.320. Specifically, it is a condition of this Contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by 1989 Oregon Laws chapter 684.

ARTICLE VIII

ATTORNEY'S FEES

In the event of any litigation concerning this Contract, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to any appellate courts.

ARTICLE IX

QUALITY OF GOODS AND SERVICES

Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of the highest quality.

All workers and subcontractors shall be skilled in their trades. Contractor guarantees all work against defects in material or workmanship for a period of one (1) year from the date of acceptance or final payment by Metro, whichever is later. All guarantees and warranties of goods furnished to Contractor or subcontractors by any manufacturer or supplier shall be deemed to run to the benefit of Metro.

ARTICLE X

OWNERSHIP OF DOCUMENTS

All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this agreement are the property of Metro and it is agreed by the parties hereto that such documents are works made for hire. Contractor does hereby convey, transfer and grant to Metro all rights of reproduction and the copyright to all such documents.

ARTICLE XI

SUBCONTRACTORS; DISADVANTAGED BUSINESS PROGRAM

Contractor shall contact Metro prior to negotiating any subcontracts and Contractor shall obtain approval from Metro before entering into any subcontracts for the performance of any

of the services and/or supply of any of the goods covered by this Contract.

Metro reserves the right to reasonably reject any subcontractor or supplier and no increase in the Contractor's compensation shall result thereby. All subcontracts related to this Contract shall include the terms and conditions of this agreement. Contractor shall be fully responsible for all of its subcontractors as provided in Article IV.

If required in the Scope of Work, Contractor agrees to make a good faith effort, as that term is defined in Metro's Disadvantaged Business Program (Section 2.04.160 of the Metro Code) to reach the goals of subcontracting seven percent (7%) of the contract amount to Disadvantaged Business Enterprise and five percent (5%) of the contract amount to Women-Owned Business Enterprise. Metro reserves the right, at all times during the period of this agreement, to monitor compliance with the terms of this paragraph and Metro's Disadvantaged Business Program.

ARTICLE XII

RIGHT TO WITHHOLD PAYMENTS

Metro shall have the right to withhold from payments due Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage or claim which may result from Contractor's performance or failure to perform under this agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

If a liquidated damages provision is contained in the Scope of Work and if Contractor has, in Metro's opinion, violated that provision, Metro shall have the right to withhold from payments due Contractor such sums as shall satisfy that provision. All sums withheld by Metro under this Article shall become the property of Metro and Contractor shall have no right to such sums to the extent that Contractor has breached this Contract.

ARTICLE XIII

SAFETY

If services of any nature are to be performed pursuant to this agreement, Contractor shall take all necessary precautions for the safety of employees and others in the vicinity of the services being performed and shall comply with all applicable provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits.

ARTICLE XIV

INTEGRATION OF CONTRACT DOCUMENTS

All of the provisions of any bidding documents including, but not limited to, the Advertisement for Bids, General and Special Instructions to Bidders, Proposal, Scope of Work, and Specifications which were utilized in conjunction with the bidding of this Contract are hereby expressly incorporated by reference.

Otherwise, this Contract represents the entire and integrated agreement between Metro and Contractor and supersedes

all prior negotiations, representations or agreements, either written or oral. This Contract may be amended only by written instrument signed by both Metro and Contractor. The law of the State of Oregon shall govern the construction and interpretation of this Contract.

ARTICLE XV

ASSIGNMENT

Contractor shall not assign any rights or obligations under or arising from this Contract without prior written consent from Metro.

TRANS INDUSTRIES, INC.

METROPOLITAN SERVICE DISTRICT

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM

By: _____

Date: _____

RB:BY
CONTRACT\YDMCS.ONT
July 11, 1991

ATTACHMENT A

SCOPE OF WORK

1. Contractor shall process into usable products and transport approximately 1,800 tons of source-separated yard debris from the Metro Central Station, located at 6161 NW 61st Avenue, Portland, OR 97210.
2. Contractor shall provide all equipment and personnel necessary to supply the processing and transport services described in this Scope of Work.
3. For purposes of this agreement, the term "yard debris" is defined as heterogenous material composed mostly of leaves, branches, yard prunings and grass clippings, with incidental quantities of tree stumps, root balls and sod. The material is reasonably free of waste contamination. Metro will strive to keep the material as clean of contamination as is reasonably possible.
4. Metro guarantees no minimum amount of material for delivery to Contractor and reserves the right to limit the quantity of material to be delivered to Contractor.
5. Contractor shall have a designated area within the Metro Central Station for the deposit of source separated yard debris. Contractor must then process and haul to a facility permitted to further process such material into a usable product except for those restrictions noted in paragraph 8 of this agreement.
6. All source-separated yard debris shall be weighed by Metro on the scales at the transfer station scalehouse before the material is deposited in the designated area within the transfer station. The net weight of the load shall be registered on a transaction invoice and a copy given to the Contractor. This weight shall be the basis for payment to Contractor.
7. All vehicles used for transporting material must be tarped, or fully enclosed prior to leaving the facility, so as to prevent litter from being deposited on the streets.
8. Once the material has been removed from the transfer station, none of the material covered under this Agreement shall be landfilled or burned in a solid waste mass incinerator. Except for these restrictions, Contractor may handle the final processed product in any lawful manner that Contractor deems appropriate.

9. Contractor shall be solely responsible for processing the material into final usable products.
10. Contractor shall not receive a Materials Recovery Incentive for source-separated yard debris. Materials Recovery Incentive means the monthly amount paid by Metro to the Contractor equal to the avoided cost for Recovered Material. Avoided Cost means the sum of money equal to the unit cost per ton of acceptable waste residue that Metro would have incurred to transport and dispose of such waste at the Disposal Site but for Contractor's conversion of acceptable waste to recovered materials.
11. No material shall be stockpiled by Contractor in an unprocessed form for longer than twelve (12) months.
12. Contractor shall provide (from insurance companies acceptable to Metro) the insurance coverage designated hereinafter and pay for all costs therefore. Before commencing work under this contract, Contractor shall furnish Metro with certificates of insurance evidencing coverage as specified and where indicated naming Metro as an additional insured.

a. Comprehensive General Liability

Contractor shall maintain Comprehensive General Liability insurance covering all operations, including contractual liability, against bodily injury or death including personal injury and property damage with a combined single limit of not less than \$1,000,000. Such policy shall name Metro, its directors, officers, agents, and employees as an additional insured. Such insurance shall provide for thirty days prior written notice to Metro in the event of alteration or cancellation.

b. Auto Liability

Contractor shall maintain Auto Liability with a combined single limit of not less than \$1,000,000. Such policy shall insure against bodily injury and property damage arising out of the use by or on behalf of Contractor, his agents and employees in pursuit of services provided for in this Agreement, of any owned, non-owned or hired vehicle. Such policy shall name Metro, its directors, officers, agents and employees as an additional insured. Such insurance shall provide

for thirty days prior written notice to Metro in the event of alteration or cancellation.

c. **Workers' Compensation Coverage**

Contractor shall maintain in force Workers' Compensation coverage as required by the State of Oregon. Contractor shall also maintain Employers' Liability insurance including bodily injury caused by disease with a limit of not less than \$1,000,000. Consultant shall require his sub-consultants (if any) to maintain such insurance also. Contractor shall provide Metro a Certificate of Insurance evidencing that such coverage is in force.

13. Contractor shall provide to Metro a performance bond in an amount equal to 100 percent (100%) of the bid price.

RB:BY
CONTRACT\YDMCS.SOW
JULY 22, 1991

ATTACHMENT B

CONTRACT SUM AND TERMS OF PAYMENT

1. Metro shall compensate Contractor \$35.00 per ton for hauling and processing of yard debris from Metro Central Station.
2. Metro shall pay Contractor for services performed and materials delivered in the maximum sum of SIXTY THREE THOUSAND AND NO/100ths DOLLARS (\$63,000.00).
3. Contractor shall submit to Metro a monthly invoice which details services performed by Contractor during the previous month. Contractor shall attach to each invoice copies of transaction receipts equal to the amount being invoiced. Monthly Invoices shall be sent to Metro, Attention: Solid Waste Facilities Manager, 2000 S.W. First Avenue, Portland, OR 97201.
4. Metro shall pay Contractor within thirty (30) days following receipt of an approved invoice from Contractor.

BB:BY
CONTRACT\YDMCS.ATB
JULY 11, 1991

BIDDERS DECLARATION AND UNDERSTANDING

NOTE TO BIDDER: Preferably type or use BLACK ink for completing this Bid form.

BID

To: Metropolitan Service District
Address: 2000 S.W. First Avenue
Bid Title: For Hauling and Processing of Yard Debris from Metro's Solid Waste Disposal Facilities
Bidder: TRANS INDUSTRIES
Address: 6161 NW 61st Ave.
Date: 7/8/91
Authorized Signature: F. Ralph Orlando
Bidder's Person to Contact for Additional Information on this Bid Name: F. RALPH ORLANDO
Telephone: 226-6161

BIDDER'S DECLARATION AND UNDERSTANDING

The undersigned, hereinafter called the Bidder, declares that the only persons or parties interested in this Bid are those named herein, that this Bid is, in all aspects, fair and without fraud, that the Bid is made without collusion with any official of the Owner, and that the Bid is made without any connection or collusion with any person submitting another Bid on this Contract.

The Bidder further declares that he/she has carefully examined all the Contract Documents, that he/she has personally inspected the site, if required in the Contract Documents, that he/she has satisfied himself/herself as to the quantities and conditions of work involved, and that this Bid is made in accordance with the provisions and under the terms of all of the Contract Documents, which Documents are hereby made a part of this Bid.

This Bid is irrevocable for sixty (60) days following the opening of Bids.

The Bidder agrees that if this Bid is accepted, he/she will, within ten (10) days, not including Sundays and legal holidays, after Notice of Conditional Award, sign the Contract in the form annexed hereto, and will at that time, deliver to Metro any Bonds or Letters of Credit required herein and will, to the extent of his/her Bid, furnish all machinery, tools, apparatus, and other means of operation and do the work and furnish all the materials necessary to complete all work as specified or indicated in the Contract Documents.

**BIDDERS DECLARATION AND UNDERSTANDING
(Continued)**

CERTIFICATE OF INSURANCE

The Bidder agrees to furnish to Metro, before commencing the work under this Contract, any original certificates of insurance required by these Documents.

SALES AND USE TAXES

The Bidder agrees that all federal, state and local sales and use taxes are included in the stated bid prices for the work.

LUMP SUM OR UNIT PRICE WORK

The Bidder agrees to accept as full payment for the goods and/or service covered by this Bid the lump sum and/or unit price amounts supplied by Bidder. The Bidder agrees that the lump sum prices and the unit prices represent a true measure of the labor and materials required to complete the Contract, including all allowance for overhead and profit.

PREVAILING WAGE FOR PUBLIC WORKS

If this project is a public work as defined in ORS 279.348, the undersigned, as Bidder on this project, hereby certifies that he/she will comply with ORS 279.350.

S. Robert Quinn
Signature

General Manager
Title

7/8/91
Date

BID SCHEDULE
For
Hauling and Processing of Source Separated Yard Debris

Bidders may bid on any or all of the following Alternates:

Alternate #1: Contractor to haul and process into usable products approximately 1,800 tons of source separated yard debris from the Metro Central Station according to the Scope of Work.

UNIT PRICE PER TON \$ 35.00

Alternate #2: Contractor to haul and process into usable products approximately 1,500 tons of source-separated yard debris from the Metro South Station according to the Scope of Work.

UNIT PRICE PER TON \$ No Bid

Alternate #3: Contractor to haul and process into usable products a total of approximately 3,300 tons of source-separated yard debris from both the Metro Central Station and the Metro South Station, according to the Scope of Work.

UNIT PRICE PER TON \$ No Bid

BIDDER: TRANS INDUSTRIES

ADDRESS: 6161 NW 61st AVE
PORTLAND, OR 97210

BY: *F. Ralph Orrino*
Signature

F. RALPH ORRINO
Print Name

TITLE: GEN. MANAGER

DATE: 7/8/91

Bidder's Contact Person for additional information on this bid:

NAME: F. RALPH ORRINO

TELEPHONE: 226-6161

NOTE: Metro reserves the right to reject any or all bids.

SURETY

If the Bidder is awarded a Contract on this Bid, the Surety who provides the Performance Bond and Labor and Materials Payment Bond

will be United Pacific Insurance Co. whose address is
Name

Fred S. James & Co. of Georgia, Inc. 333 Peachtree Rd.,
Street City N.E., Suite 500 Atlanta

GA, 30326 which is the address to which all
State Zip Code

communications concerned with this Bid and with the Contract shall be sent. The names of the principal officers of the corporation submitting this Bid, or of the partnership, or of all persons interested in the Bid as principals are as follows:

Ralph Orrino
6161 NW 61st Ave
Portland Or 97210

Is the Bidder domiciled or registered to do business in the state of Oregon Yes No

Bidders not domiciled or registered to do business in Oregon who are awarded a public Contract in excess of \$10,000 must report to the Oregon Department of Revenue as provided in ORS 279.021.

If Sole Proprietor or Partnership

IN WITNESS, hereto the undersigned has set his/her (its) hand this _____ day of _____, 19____.

Signature of Bidder

Title

CERT. CHECK ATTACHED IN LIEU OF BID BOND

BID BOND

BOND NO. _____
AMOUNT: \$ 500.00

KNOW ALL MEN BY THESE PRESENTS, that _____
hereinafter called the PRINCIPAL, and _____

_____ a corporation duly organized under the laws of the
State of _____ having its principal place of business at _____
_____, in the
state of _____, and authorized to do business in the
state of Oregon, as SURETY, are held and firmly bound unto _____
_____ hereinafter called the OBLIGEE,
in the penal sum of FIVE HUNDRED AND NO/100 DOLLARS (\$ 500.00),
for the payment of which we bind ourselves, our heirs, executors,
administrators, successors, and assigns, jointly and severally, firmly
by these presents.

THE CONDITION OF THIS PRINCIPAL IS SUCH THAT:

WHEREAS the PRINCIPAL is herewith submitting his/her or its Bid
Bid for _____
said Bid, by reference thereto, being hereby made a part hereof.

NOW, THEREFORE, if the Bid submitted by the PRINCIPAL is accepted, and
the Contract awarded to the PRINCIPAL, and if the PRINCIPAL shall
execute the proposed Contract and shall furnish any bond(s) required
by the Contract Documents within the time fixed by the Documents, then
this obligation shall be void; if the PRINCIPAL shall fail to execute
the proposed Contract and furnish the bond(s), the SURETY hereby

agrees to pay to the OBLIGEE the penal sum as liquidated damages,
within ten (10) days of such failure.

Signed and sealed this _____ day of _____, 19__.

PRINCIPAL

By _____

SURETY

By _____
Attorney-in-Fact

DISADVANTAGED BUSINESS PROGRAM COMPLIANCE FORM

(To be submitted with Bid or Proposal)

Name of Metro Project: HAULING AND PROCESSING OF YARD DEBRIS
Name of Bidder: TRANS INDUSTRIES
Address: 6161 NW 61ST AVE
Telephone: 226-6161

In accordance with Metro's Disadvantaged Business Program, the above-named Bidder has accomplished the following:

- 1. Has fully met the Contract goals and will subcontract _____ percent of the Contract amount to DBEs and _____ percent to WBEs.
- 2. Has partially met the Contract goals and will subcontract _____ percent of the Contract amount to DBEs and _____ percent to WBEs. The Contractor has made good faith efforts prior to Bid opening (or proposal submission date, as applicable) to meet the full goals and will submit documentation of the same to Metro within two working days of Bid opening (or proposal submission date).
- 3. Will not subcontract any of the contract amount to DBEs or WBEs but has made good faith efforts prior to Bid opening (or proposal submission date, as applicable) to meet the contract goals and will submit documentation of such good faith efforts to Metro within two working days of Bid opening (or proposal submission date).
- 4. Will not subcontract any of the contract amount.

Shel Quinn
Authorized Signature

7/8/91
Date

DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION FORM

1. Name of Metro Project HAULING AND PROCESSING OF SOURCE SEPARATED YARD DEBRIS
2. Name of Bidder TRANS INDUSTRIES
Address of Bidder 6161 NW 6133 AVE PORTLAND
3. The above-named bidder intends to subcontract 0 percent of the Total Bid Price to the following Disadvantaged Business Enterprises (DBEs):

Names, Contact Persons,
Addresses and Telephone Numbers
of DBE Firms Bidder
Anticipates Utilizing _____

Nature of
Participation _____

Dollar
Value of
Participation _____

Names, Contact Persons, Addresses and Telephone Numbers of DBE Firms Bidder Anticipates Utilizing _____	Nature of Participation _____	Dollar Value of Participation _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total _____
 Amount of Total Bid Price _____
 DBE Percent of Total Bid Price _____



 Authorized Signature

Date: 2/8/91

THIS FORM IS TO BE COMPLETED, SIGNED AND SUBMITTED BY THE CLOSE OF THE NEXT WORKING DAY FOLLOWING BID OPENING

WOMEN-OWNED BUSINESS ENTERPRISES UTILIZATION FORM

1. Name of Metro Project Hauling and Processing of Source Separated
YARD DEBRIS
2. Name of Bidder TRANS INDUSTRIES
Address of Bidder 6161 NW 61st Ave
3. The above-named Bidder intends to subcontract 0 percent of the Total Bid Price to the following Women-Owned Business Enterprises (WBEs):

Names, Contact Persons,
Addresses and Telephone Numbers
of WBE Firms Bidder
Anticipates Utilizing _____

Nature of Participation _____ Dollar Value of Participation _____

Names, Contact Persons, Addresses and Telephone Numbers of WBE Firms Bidder Anticipates Utilizing	Nature of Participation	Dollar Value of Participation
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total Amount of Total Bid Price _____
WBE Percent of Total Bid Price _____

Shah Jamin
Authorized Signature
Date: 7/8/91

THIS FORM IS TO BE COMPLETED, SIGNED AND SUBMITTED BY THE CLOSE OF THE NEXT WORKING DAY FOLLOWING BID OPENING

RS:PV
RAY\CONTRACT\YARDD08.RFB



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

June 19, 1991

Rod Grimm
Grimm's Fuel Co.
1631 South Shore Blvd.
Lake Oswego, OR 97034

Dear Rod:

The Metropolitan Service District (Metro) is requesting bids for hauling and processing of yard debris from Metro's solid waste disposal facilities. A scope of work is enclosed.

Sealed bids must be delivered to the Solid Waste Department, Metropolitan Service District, 2000 S.W. First Avenue, Portland, OR 97201-5398, to the attention of Ray Barker, Assistant Facilities Manager, no later than 3:00 p.m. PDT, July 8, 1991.

The work contemplated consists of hauling and processing into usable products source-separated yard debris from one or both of Metro's solid waste transfer stations.

Each bid must be submitted on the prescribed forms in the enclosed bid package.

Sincerely,

Ray Barker
Assistant Facilities Manager

RB:ay

Enclosure

cc: Sam Chandler, Solid Waste Facilities Manager
Brent Leathers, Contracts Compliance Officer

Don Chappell
American Container and Recycling
PO Box 83960
Portland, OR 97283

Ralph Gilbert
East County Recycling Co.
PO Box 20096
Portland, OR 97220

Rod Grimm
Grimm's Fuel Co.
1631 South Shore Blvd.
Lake Oswego, OR 97034

John McFarlane
McFarlane's Bark, Inc.
13345 SE Johnson Road
Milwaukie, OR 97222

Merle Irvine
Wastech
701 N. Hunt
Portland, OR 97217

Ralph Orino
Trans Industries
6161 NW 61st
Portland, OR 97210

Dan Holcombe
Oregon Soil Corporation
17810 SW BUnker Oak Road
Beaverton, OR 97006

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 91-1481 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE A CONTRACT WITH TRANS INDUSTRIES FOR PROCESSING AND TRANSPORTING YARD DEBRIS FROM THE METRO CENTRAL STATION

Date: July 15, 1991

Presented by: Sam Chandler
Ray Barker

PROPOSED ACTION

Adoption of Resolution No. 91-1481, authorizing the Executive Officer to execute a contract with Trans Industries for processing and transporting yard debris from the Metro Central Station.

FACTUAL BACKGROUND AND ANALYSIS

Currently, Metro has contracts with Marine Dropbox Service, Inc. and Grimm's Fuel Co. to haul and process source-separated yard debris from Metro Central Station. Under the existing contracts, source-separated yard debris is hauled from Metro Central Station by Marine Dropbox to Grimm's Fuel in Tualatin at a cost of \$19.50/ton. Grimm's processes the yard debris into usable products at a cost of \$20/ton. Both contracts expire July 31, 1991.

A Request for Bids (RFB) for hauling and processing of source-separated yard debris was issued on June 20, 1991. The RFB provided three alternates for hauling and processing yard debris into usable products. Vendors were asked to bid on one or more of the following:

1. Price per ton for hauling and processing approximately 1,500 tons of yard debris from the Metro South Station
2. Price per ton for hauling and processing approximately 1,800 tons of yard debris from the Metro Central Station
3. Price per ton for hauling and processing a total of approximately 3,300 tons of yard debris from both the Metro Central Station and the Metro South Station

The Bid opening was held July 8, 1991. Trans Industries submitted the only bid, \$35/ton to process and transport yard debris from the Metro Central Station. Because no bids were received to haul and process yard debris from Metro South Station, a second RFB was issued on July 18, 1991 for Metro South Station only. That bid opening is scheduled for July 29, 1991.

The proposed contract with Trans Industries for processing and transporting yard debris from Metro Central Station is summarized as follows:

1. Contractor shall process into usable products and transport approximately 1,800 tons of source-separated yard debris from Metro Central Station during a one-year period at a cost of \$35/ton (\$63,000 total contract amount). The rate is \$4.50 per ton less than the current cost to haul and process.)
2. Contractor will grind the yard debris at the Metro Central Station site, and then transport material to other facilities to be processed as hog fuel or compost.
3. Contractor shall not receive a materials recovery incentive for source-separated yard debris.
4. Contractor shall provide to Metro a performance bond in an amount equal to 100 percent (100%) of the bid price.
5. None of the yard debris shall be burned in a mass incinerator or landfilled.
6. No material shall be stockpiled by Contractor in an unprocessed form for longer than 12 months.

BUDGET IMPACT

The FY 1991-92 budget provides \$81,000 for hauling and processing yard debris from Metro Central Station. The proposed contract with Trans Industries is for the total amount of \$63,000.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1481.

Meeting Date: August 8, 1991
Agenda Item No. 8.1

RESOLUTION NO. 91-1490

STAFF REPORT

FOR THE PURPOSE OF FUNDING GREENSPACES DEMONSTRATION PROJECTS TO RESTORE AND ENHANCE URBAN WETLANDS, STREAMS AND RIPARIAN CORRIDORS

Date: August 8, 1991

Presented By: Mel Huie, Project Manager

FACTUAL BACKGROUND AND ANALYSIS

The Metropolitan Greenspaces Program has outlined a four phase approach to identify, map, protect, preserve and potentially acquire natural areas in the region. Phase 3 specifically calls for the program to carry out restoration and enhancement projects along stream corridors and riparian areas, and in wetlands. Funding for the demonstration grants comes from a \$200,000 grant from the U.S. Fish and Wildlife Service.

On April 25, 1991, the Metro Council passed Resolution No. 91-1428 which established the demonstration grant program with guidelines, funding criteria and application kit. The Council directed the Chair of the Metropolitan Greenspaces Program to organize a review and selection committee to accept grant applications and to make funding recommendations to the Executive Officer and the Council as to which proposals should be funded.

A ten person committee comprised of three Metro Councilors (Devlin, McFarland, Gardner), two Metro staff from the Planning and Development Department, one member from the Greenspaces Policy Advisory Committee, one member from the Greenspaces Technical Advisory Committee, two citizen representatives, and a staff person from the U.S. Fish and Wildlife Service met five times during June and July to review proposals. Included in that process were field visits to all of the sites and personal interviews with the applicants. Councilor Devlin served as chair of the committee.

- Funding recommendations of the committee are listed in Exhibit A hereto.
- Total funding from Metro for the projects shall not exceed \$200,000.
- Metro will enter into contracts and/or intergovernmental agreements to fund the projects.
- Metro staff will work with local project managers to monitor and evaluate the projects throughout the project work period. Projects are to be completed by September 30, 1992.
- A final report of the demonstration projects will be published by December 31, 1992. The projects will serve as models to other communities as innovative ways to restore and enhance urban wetlands, streams and riparian corridors.

- Each funded project will have a sign at the site documenting that Metro and the U.S. Fish and Wildlife Service were financial sponsors. Events to educate the public about the Metropolitan Greenspaces Program will occur at each site during the project work period. Metro officials will notify the governing bodies of each of the projects about Metro's financial support.
- Metro has applied to the federal government for funding the demonstration grant program for a second year. The amount will range between \$200,000 to \$400,000 depending on the amount of federal assistance Metro receives. **Note:** Metro applied for \$800,000 for the Greenspaces Program of which \$200,000 to \$400,000 will be earmarked to the demonstration grants program. At this time Congress has yet to pass its budget for its next fiscal year. Metro should know by this fall or early winter as to its funding from the federal government.
- Planning and Development staff will begin to update and improve this year's application kit so government agencies and nonprofit organizations will have more time to apply for next year's grants (if funding becomes available).

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 91-1490.

**BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

FOR THE PURPOSE OF FUNDING GREENSPACES)	RESOLUTION <u>91-1490</u>
DEMONSTRATION PROJECTS TO RESTORE AND)	
ENHANCE URBAN WETLANDS, STREAMS AND)	Introduced by Rena Cusma,
RIPARIAN CORRIDORS)	Executive Officer

WHEREAS, the Metropolitan Greenspaces Program has outlined a four phase approach for inventorying, mapping, analyzing, preserving, protecting, and potentially acquiring natural areas; and

WHEREAS, Phase 3 calls for restoration and enhancement demonstration projects as part of the Greenspaces Program; and

WHEREAS, the U.S. Fish and Wildlife Service has awarded Metro \$200,000 to carry out such restoration and enhancement projects; and

WHEREAS, the demonstration projects will increase public awareness and cooperation between Metro, federal, state and local agencies, nonprofit organizations, neighborhood associations, and the region's citizens about natural resource issues; and

WHEREAS, the demonstration projects target 14 sites around the Portland - Vancouver region for "on the ground" restoration and enhancement which will serve as models for other public agencies, conservation organizations, developers, homeowners and other property owners in restoring urban wetlands and riparian corridors; and

WHEREAS, the Council of the Metropolitan Service District adopted Resolution No. 91-1428 on April 25, 1991 which established the demonstration grant program with guidelines, funding criteria, application kit, and directed the Chair of the Metropolitan Greenspaces Policy Advisory Committee to organize a review and selection committee to

accept grant applications and to make recommendations to the Executive Officer and Council which projects should be funded; and

WHEREAS, the review and selection committee met five times during June and July to review applications, tour the sites, conduct interviews of the applicants, and to make funding recommendations; and

WHEREAS, all projects recommended for funding must be approved by the Metro Council.

BE IT RESOLVED,

1) That the Council of the Metropolitan Service District hereby approves funding for the demonstration projects as recommended by the review and selection committee and which are listed in Exhibit A hereto, and that the funding for these projects shall not exceed \$200,000.

2) That the Council of the Metropolitan Service District hereby directs the Chair of the Metropolitan Greenspaces Policy Advisory Committee (Councilor Richard Devlin) to work with the Executive Officer and staff in the Planning and Development Department to execute contracts and/or intergovernmental agreements between the Metropolitan Service District and the organizations selected for funding.

ADOPTED by the Council of the Metropolitan Service District this ____ day of August 1991.

Tanya Collier, Presiding Officer

Res.91-1490

EXHIBIT "A"

RECOMMENDED PROJECTS TO BE FUNDED UNDER THE
METROPOLITAN GREENSPACES
DEMONSTRATION GRANTS

To Restore and Enhance
Urban Wetlands, Streams and Riparian Corridors

1. **Applicant:** Clackamas County (North Clackamas Parks & Recreation District) and City of Milwaukie Parks Department

Project Site: Mt. Scott Creek at North Clackamas Park

Project Description: Bank stabilization and erosion control by bio-engineering; removal of blackberries and reed canary grass by re-contouring the drainage swale to include shallow ponds; and planting native trees.

Recommendation: \$14,455

Request of Metro: \$14,455

Contact Person: Don Robertson, City of Milwaukie, 659-5171

2. **Applicant:** Clark County Dept. of Public Services with the cooperation of the City of Vancouver Parks and Recreation

Project Site: Meadowbrook Wetlands Restoration on Burnt Bridge Creek

Project Description: Construction of a stormwater retention facility to recreate a natural wetlands area that reflects the original habitat. The recreated wetlands will facilitate the efficient retention of floodwater, as well as provide water quality improvement and natural habitat.

Recommendation: \$20,500

Request of Metro: \$67,000

Contact Person: Philip Gaddis, Clark County, (206) 699-2375

3. **Applicant:** Multnomah County Park Services Division

Project Site: Bybee-Howell Territorial Park on Sauvie Island

Project Description: Increase biological diversity and demonstrate appropriate pasture management practices at the wetlands site; pasture lands will be plowed and replanted with a selection of grasses and/or legumes and install fences so that grazing and the protection of the wetlands can coexist in harmony; and dig well and pump water to site to maintain ponds in area at four to five feet levels.

Recommendation: \$10,000

Request of Metro: \$24,350

Contact Person: Dan Kromer, Multnomah County, 248-5050

4. **Applicant:** City of Beaverton with the cooperation of the Tualatin Hills Park and Recreation District

Project Site: Little People's Park on Beaverton Creek

Project Description: Restore and enhance an urban stream corridor by planting native vegetation, adding soil amendments, and installing wood duck boxes.

Recommendation: \$ 7,500

Request of Metro: \$10,090

Contact Person: Irish Bunnell, City of Beaverton, 526-2415

5. **Applicant:** City of Forest Grove with the cooperation of the Fern Hill Wetlands Council and the Unified Sewerage Agency

Project Site: Fern Hill Wetlands near the Tualatin River

Project Description: Enhancement of the area through excavation work to form an emergent marsh with a mosaic of islands for waterfowl habitat.

Recommendation: \$20,000

Request of Metro: \$20,000

Contact Person: Bruce Copenhagen, City of Forest Grove, 359-3263

6. Applicant: City of Gresham with the cooperation of the East Multnomah Soil & Water Conservation District and Friends of Trees

Project Site: Binford Lake/Butler Creek Greenway

Project Description: Restoration, enhancement and re-vegetation of an urban pond, wetland and forested upland area. Removal of debris and blackberry bushes; landscaping and re-vegetation of banks with native shrubs and trees to stabilize the soil and to prevent erosion; and construction of wildlife nesting boxes.

Recommendation: \$ 7,500

Request of Metro: \$12,775

Contact Person: Julee Conway, City of Gresham, 669--2408

7. Applicant: City of Hillsboro with the cooperation of the Jackson Bottom Steering Committee, Oregon Graduate Institute and the Unified Sewerage Agency

Project Site: Jackson Bottom wetlands in the floodplain of the Tualatin River/Oak Island Marsh

Project Description: Vegetation such as reed canary grass will be removed. Native vegetation will be planted; a new wetland will be developed; diversity of wetland habitat will be increased through a cooperative research effort with the Oregon Graduate Institute.

Recommendation: \$15,000

Request of Metro: \$15,000

Contact Person: Linda Newberry, Jackson Bottom Steering Committee, 681-6206

8. Applicant: John Inskeep Environmental Learning Center with the cooperation of Clackamas Community College and the City of Oregon City

Project Site: Newell Creek watershed

Project Description: Re-establish a one acre upper watershed wetland using bio-landscaping methods and new-age materials derived from recycled materials. Demonstrate effective low-cost bio-filtration of stormwater runoff from the college campus.

Recommendation: \$14,925

Request of Metro: \$14,925

Contact Person: Jerry Herrmann, John Inskeep ELC, 656-0155

9. **Applicant:** City of Lake Oswego and the Lake Oswego Land Trust

Project Site: Ball Creek in the drainage basin of Fanno Creek

Project Description: Enhancement of a stream corridor including erosion control through channel stabilization using rock check dams and vegetation; removal of blackberry bushes and planting of native shrubs and trees; dead tree snags will be retained for habitat diversity.

Recommendation: \$ 7,500

Request of Metro: \$27,000

Contact Person: Catherine Clark and Andy Harris, City of Lake Oswego, 635-0293

10. **Applicant:** City of Portland Bureau of Environmental Services and Bureau of Parks and Recreation and Fans of Fanno Creek

Project Site: Vermont Tributary of Fanno Creek; one site in Gabriel Park and the second site along S.W. Shattuck Rd.

Note: This is the top priority of the city's two applications. A city can apply and receive funding for more than one project.

Project Description: Stream bank rehabilitation; rehabilitation of an existing pond; dredging; and wetlands construction. The project will reduce phosphorus and other pollutants by reducing erosion and siltation. Tied to the Tualatin River cleanup project.

Recommendation: \$29,500

Request of Metro: \$49,800

Contact Person: Lori Faha, City of Portland, 796-7192

11. **Applicant:** City of Portland Bureau of Parks and Recreation and Bureau of Environmental Services and Friends of Leach Garden

Project Site: Johnson Creek at Leach Botanical Gardens in southeast Portland

Project Description: As part of the Johnson Creek Corridor Project: remove accumulations of vegetation debris and other debris; replace non-native vegetation indigenous plants and trees representative of riparian and wetland vegetation communities; creation of a stream side wetland; and creation of a vegetated swale to provide water quality enhancement for local run-off.

Recommendation: \$11,500

Request of Metro: \$18,475

Contact Person: Jim Sjulín, City of Portland, 796-5122

12. **Applicant:** Tigard Public Schools (Dist. 23J) -- Fowler Junior High School
- Project Site:** Fowler School Wetlands Restoration in the city of Tigard.
Fanno Creek and Summers Creek flow through the school grounds
- Project Description:** Establish an environmental education center; clearing of invasive plants, primarily blackberry bushes; planting of native shrubs, trees and wetland vegetation; create an arboretum like environment; and install bird houses and wood duck boxes; create a "living laboratory" for students and the community.
- Recommendation:** \$10,000
- Request of Metro:** \$10,000
- Contact Person:** Richard Bishop, Fowler Junior High, 684-2244
13. **Applicant:** City of West Linn
- Project Site:** Willamette Park Wetlands
- Project Description:** Restore the wetland meadows and pond for wildlife habitat and environmental education for the public. Removal of drain tiles and construction of a weir for water control to re-establish the pond at the site.
- Recommendation:** \$15,620
- Request of Metro:** \$43,285
- Contact Person:** Ken Worchester, City of West Linn, 656-6081
14. **Applicant:** West Multnomah Soil & Water Conservation District with the cooperation of the Portland Parks and Recreation Bureau and the Friends of Trees
- Project Site:** Balch Creek in the Northwest foothills in the Forest Park area
- Project Description:** Habitat improvement for wildlife and fish through securing large organic matter in the stream, re-vegetation, clean-up activities; bank stabilization and erosion control activities; removing invasive plants and replanting indigenous species tailored to riparian areas; and clean-up of illegal dump sites along the creek. Use of at-risk youth to provide labor.
- Recommendation:** \$16,000
- Request of Metro:** \$16,000
- Contact Person:** Ivy Frances, West Multnomah S&W Conservation Dist., 231-2270

GREENSPACES DEMONSTRATION GRANT RECOMMENDATIONS

1. Clackamas County	\$14,455
2. Clark County	\$20,500
3. Multnomah County	\$10,000
4. Beaverton	\$ 7,500
5. Forest Grove	\$20,000
6. Gresham	\$ 7,500
7. Hillsboro	\$15,000
8. John Inskeep Environmental Learning Center	\$14,925
9. Lake Oswego	\$ 7,500
10. Portland - Fanno Creek	\$29,500
11. Portland - Johnson Creek	\$11,500
12. Tigard Public School District	\$10,000
13. West Linn	\$15,620
14. West Multnomah Soil & Water Conservation District	<u>\$16,000</u>
TOTAL	\$200,000