



METRO

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

Agenda

MEETING: METRO COUNCIL
DATE: April 25, 1991
DAY: Thursday
TIME: 5:30 p.m.
PLACE: Metro Council Chamber

**Approx.
Time**

**Presented
By**

- 5:30
(5 min.)
1. CALL TO ORDER/ROLL CALL
 2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
 3. EXECUTIVE OFFICER COMMUNICATIONS

- 5:35
(5 min.)
4. CONSENT AGENDA (Action Requested: Motion to Adopt the Recommendations Listed Below)

4.1 Minutes of March 14, 1991

- 4.2 Resolution No. 91-1435, For the Purpose of Endorsing the Establishment of an Institute of Portland Metropolitan Studies at Portland State University and Other Institutions of Higher Education in the Metropolitan Area

DeJardin

- 5:40
(5 min.)
5. ORDINANCES, FIRST READINGS

- 5.1 Ordinance No. 91-396, 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 Insurance Fund

6. RESOLUTIONS

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

- 5:45
(5 min.)
- 6.1 Resolution No. 91-1439A, Adding Items to Metro's Legislative Package (Action Requested: Motion to Adopt the Resolution)

Devlin

REFERRED FROM THE SOLID WASTE COMMITTEE

- 5:50
(10 min.)
- 6.2 Resolution No. 91-1423A, For the Purpose of Approving the Lease of Metro Owned Property Located at the Junction of Southwest 209th Avenue and Tualatin Valley Highway in Aloha, Oregon (Action Requested: Motion to Adopt the Resolution)

McLain

* All times listed on this agenda are approximate. Items may not be considered in the exact order listed.

Approx.
Time:

Presented
By:

REFERRED FROM THE TRANSPORTATION & PLANNING COMMITTEE

- | | | | |
|-------------------|-----|--|--------|
| 5:50
(10 min.) | 6.3 | Resolution No. 91-1430, For the Purpose of Approving Amendment to a Personal Services to Expand the RLIS Map Extent to Include Rural Areas Adjacent the UGB (Action Requested: Motion to Adopt the Resolution) | McLain |
| 6:00
5 min.) | 6.4 | Resolution No. 91-1433, For the Purpose of Approving a Contract to Digitize Soil Surveys of Clackamas and Multnomah Counties (Action Requested: Motion to Adopt the Resolution) | Bauer |
| 6:05
(10 min.) | 6.5 | Resolution No. 91-1436, For the Purpose of Approving Release of a Request for Proposals (RFP) for Personal Services to Enhance the Census Bureau TIGER Maps for Use in the Regional Land Information System (Action Requested: Motion to Adopt the Resolution) | |
| 6:15
(10 min.) | 6.6 | Resolution No. 91-1428, For the Purpose of Establishing Guidelines and Criteria for the Greenspaces Demonstration Grants Program to Restore and Enhance Urban Wetlands, Streams and Riparian Corridors (Action Requested: Motion to Adopt the Resolution) | |
| 6:25
(15 min.) | 6.7 | Resolution No. 91-1422, For the Purpose of Endorsing Comments and Recommendations Regarding DEQ's Comprehensive Emissions Fee Proposal (Action Requested: Motion to Adopt the Resolution) | |
| 6:40
(5 min.) | 6.8 | Resolution No. 91-1432, For the Purpose of Ratifying Bi-State Policy Advisory Committee Resolution 03-01-1991 Amending the Bi-State Policy Advisory Committee (Action Requested: Motion to Adopt the Resolution) | |
| 6:45
(10 min.) | 7. | COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS | |

6:55 ADJOURN

* All times listed on this agenda are approximate. Items may not be considered in the exact order listed.



METRO

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

Memorandum

DATE: April 26, 1991

TO: Metro Council
Executive Officer
Interested Staff

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

RE: COUNCIL ACTIONS OF APRIL 25, 1991 (REGULAR MEETING)

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

AGENDA ITEM

ACTION TAKEN

- | | |
|--|--|
| 1. INTRODUCTIONS | None. |
| 2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS | None. |
| 3. EXECUTIVE OFFICER COMMUNICATIONS | None. |
| 4. CONSENT AGENDA | Adopted (DeJardin/
Buchanan; 11-0 vote). |
| 4.1 Minutes of March 14, 1991 | |
| 4.2 Resolution No. 91-1435, For the Purpose of Endorsing the Establishment of an Institute of Portland Metropolitan Studies at Portland State University and Other Institutions of Higher Education in the Metropolitan Area | |
| 5. ORDINANCES, FIRST READINGS | |
| 5.1 Ordinance No. 91-396, 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 Insurance Fund | Referred to the Finance Committee for consideration. |

(Continued)

6. RESOLUTIONS

- | | | |
|-----|---|--|
| 6.1 | Resolution No. 91-1439A, Adding Items to Metro's Legislative Package | Adopted as amended (Devlin/DeJardin; 10-0 vote with Councilor Knowles abstaining). |
| 6.2 | Resolution No. 91-1423A, For the Purpose of Approving the Lease of Metro Owned Property Located at the Junction of Southwest 209th Avenue and Tualatin Valley Highway in Aloha, Oregon | Resolution No. 91-1423B adopted as amended (McLain/Devlin; 11-0 vote). |
| 6.3 | Resolution No. 91-1430, For the Purpose of Approving Amendment to a Personal Services Contract with David Evans and Associates to Expand the RLIS Map Extent to Include Rural Areas Adjacent to the Urban Growth Boundary | Adopted (McLain/Devlin; 11-0 vote). |
| 6.4 | Resolution No. 91-1433, For the Purpose of Approving a Contract to Digitize Soil Surveys of Clackamas and Multnomah Counties | Adopted (Bauer/McLain; 11-0 vote). |
| 6.5 | Resolution No. 91-1436, For the Purpose of Approving Release of A Request for Proposals (RFP) for Personal Services to Enhance the Census Bureau TIGER Maps for Use in the Regional Land Information System (RLIS), Waiving Council Approval of the Contract, and Authorizing the Executive Officer to Execute the Contract | Adopted as amended (Devlin/DeJardin; 11-0 vote). |
| 6.6 | Resolution No. 91-1428, For the Purpose of Establishing Guidelines and Criteria for the Greenspaces Demonstration Grants Program to Restore and Enhance Urban Wetlands, Streams and Riparian Corridors | Adopted (Devlin/Hansen; 11-0 vote). |
| 6.7 | Resolution No. 91-1422, For the Purpose of Endorsing Comments and Recommendations Regarding DEQ's Comprehensive Emissions Fee Proposal | Adopted (Devlin/Wyers; 9-2 vote. Councilors McFarland and Van Bergen voted nay). |

(Continued)

- 6.8 Resolution No. 91-1432, For the Purpose Adopted (Bauer/Hansen;
of Ratifying Bi-State Policy Advisory 11-0 vote).
Committee Resolution 03-01-1991
Amending the Bi-State Policy Advisory
Committee

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

1) Council discussion was held on the number of meetings in excess of the allocation currently allotted for per diem allowance; 2) Councilor Wyers discussed upcoming Solid Waste Committee agenda items; 3) Councilor Gardner discussed legislative issues and the Council retreat April 27; and 4) Councilor Van Bergen distributed the FY 1991-92 Budget Committee Recommendations and gave an oral report on the Budget process.

Agenda Item No. 4.1
Meeting Date: April 25, 1991

MINUTES

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

March 14, 1991

Council Chamber

Councilors Present: Presiding Officer Tanya Collier, Deputy Presiding Officer Jim Gardner, Larry Bauer, Roger Buchanan, Richard Devlin, Sandi Hansen, David Knowles, Ruth McFarland, George Van Bergen and Judy Wyers

Councilors Absent: Tom DeJardin and Susan McLain

Also Present: Executive Officer Rena Cusma

Presiding Officer Collier called the regular meeting to order at 5:30 p.m.

Presiding Officer Collier announced Agenda Item No. 5.3, Ordinance No. 91-392, Amending Ordinance No. 90-340A Revising the FY 90-91 Budget and Appropriations Schedule for the Purpose of Funding the Charter Commission had been added to the agenda. Presiding Officer Collier announced Agenda Item No. 7.4, Resolution No. 91-1388A would be considered before Agenda Item No. 7.1 but that public testimony on the resolution would be taken at 7:15 at the scheduled agenda time.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Cusma noted the Intergovernmental Affairs Division of the American Planning Association had given an award to Metro. She said Mary Kihl, Intergovernmental Affairs Division Chair in the notification letter to Metro of the award stated, "The concept of a directly elected regional government effectively serving the changing planning needs of three counties and 24 cities is clearly a model that deserves accolades."

Executive Officer Cusma presented the Proposed Budget FY 1991-92 document.

4. CONSENT AGENDA

4.1 Minutes of January 24, 1991

Motion: Councilor Buchanan moved, seconded by Councilor Devlin, for adoption of the Consent Agenda.

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

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-390, For the Purpose of Adopting the Annual Budget for Fiscal Year 1991-92, Making Appropriations and Levying Ad Valorem Taxes

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

Presiding Officer Collier referred Ordinance No. 91-390 to the Finance Committee for consideration.

5.2 Ordinance No. 91-389, For the Purpose of Exempting the Oregon Convention Center Grand Opening from the Provisions of Metro Code Chapter 7.01 Excise Tax

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

Presiding Officer Collier referred Ordinance No. 91-389 to the Finance Committee for consideration.

5.3 Ordinance No. 91-392, Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget & Appropriations Schedule for the Purpose of Funding the Charter Commission

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

Presiding Officer Collier referred Ordinance No. 91-392 to the Finance and Governmental Affairs Committees for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 91-388, For the Purpose of Amending Metro Code Chapter 5.05, Regulating the Flow of Solid Waste Originating Within the Boundaries of the Metropolitan Service District (Public Hearing)

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

Presiding Officer Collier announced the first reading of the ordinance was held on February 28, 1991. She announced the ordinance was referred to the Solid Waste Committee which conducted a hearing on the ordinance on March 5. She said the Solid Waste Committee recommended Ordinance No. 91-388 for adoption on that date.

Motion: Councilor McFarland moved, seconded by Councilor Devlin, for adoption of Ordinance No. 91-388.

Councilor McFarland gave the Solid Waste Committee's report and recommendations. She said the ordinance would set priorities for the Solid Waste Director to follow when issuing an order directing haulers to use a facility the hauler would prefer not to use. She said the ordinance added language to the Metro Code which established a process for haulers to request reconsideration of required use orders, and also permitted gatehouse employees to enforce the orders by turning vehicles away and redirecting them to the proper facility. Councilor McFarland noted Merle Irvine, Wastech, Inc. vice president, asked the Solid Waste Committee about biological wastes appropriate for disposal at the Riedel Composter facility. She said it was stated for the record at the March 5 Committee meeting that nothing would interfere with the flow of food wastes to the Composter facility. She said haulers who objected to their assigned routes could file an appeal with the Executive Officer and if that process was not satisfactory to them, the contested case process could be utilized.

Presiding Officer Collier opened the public hearing.

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

Councilor Knowles asked if the ordinance would give the Solid Waste Director the authority to direct haulers to use different facilities in the case of undesirable arterials. Mr. Martin said routing would be based on haulers' time and distance to travel to the various facilities. Councilor McFarland said routing would be used in case one facility was over-utilized and another was under-utilized. Mr. Martin said staff's primary purpose was to ensure facility functions were fulfilled. Councilor Knowles said Metro had made commitments to concerned communities and had registered concerns with regard to the Riedel Composter facility. He expressed reluctance to authorize staff to engage in flow control without regard for traffic patterns. He said a hauler could tell staff they had no authority to direct flow in certain areas. Councilor McFarland said those concerns would fall under health, well-fare and well-being standards and disputes would initially be under the Executive Officer's jurisdiction and then the Council's. Councilor Bauer said such disputes were administrative in nature and should fall under the Executive Officer's authority. Councilor McFarland said Metro's flow control direction would not interfere with current traffic patterns. Councilor Bauer asked if appellants were required to file specific findings of error. Councilor McFarland stated the ordinance adequately dealt with that issue. Councilor Gardner noted the Solid Waste Committee did discuss such standards and determined Council review was limited to exceptional circumstances or if flow control direction caused extreme hardship to a hauler. He said the Committee felt the limited set of circumstances for Council review was defined. Councilor Devlin concurred with Councilor Bauer, but said since flow control was a relatively new concept, it could be amended at a later date if problems arose. Councilor McFarland asked Legal Counsel to clarify the issues.

Todd Sadlo, Legal Counsel, said the purpose of the ordinance was not to circumvent the Council's authority in such circumstances, but to insulate the Council from every petty occurrence that might occur. He said such disputes could first be handled administratively. Councilor Knowles said an amendment at this time might not be definitive enough. He said he would vote nay at this time, but preferred to refer the ordinance back to the Solid Waste Committee for refinement. Councilor McFarland said the ordinance addressed all concerns expressed at this meeting and that the ordinance if amended, should be amended by the Solid Waste Committee. Councilor Devlin suggested enacting the ordinance as soon as possible and then introducing another ordinance to amend the Metro Code.

Vote: Councilors Bauer, Buchanan, Devlin, Gardner, Hansen, McFarland, Van Bergen, Wyers and Collier voted aye. Councilor Knowles voted nay. Councilors DeJardin and McLain were absent. The vote was 9 to 1 and Ordinance No. 91-388 was adopted.

6.2 Ordinance No. 91-370A, An Ordinance Amending Ordinance No. 91-340A
Revising the FY 1990-91 Budget and Appropriations Schedule to for
the Purpose of Adopting a Supplemental Budget and Creating the
Smith and Bybee Lakes Trust Fund (Public Hearing)

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

Presiding Officer Collier announced the first reading of the ordinance was held on November 29, 1990 and referred to the Finance Committee which also considered Resolution No. 90-1347, For the Purpose of Approving a Fiscal Year 1990-91 Supplemental Budget and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission (TSCC). She said Resolution No. 90-1347 was a companion measure to the budget ordinance and was adopted by the Council on November 29, 1990. She said the TSCC considered the supplemental budget on February 13 and notified Metro on February 19 they had certified the supplemental budget. The Finance Committee conducted a public hearing and considered Ordinance No. 91-370A on March 7, 1991.

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of the ordinance.

Councilor Hansen gave the Finance Committee's report and recommendations. She said the ordinance allocated the funds to establish the Smith and Bybee Lakes Trust Fund to begin rehabilitation of wetlands adjacent to the St. Johns Landfill. She said the ordinance also defined the costs of acquiring the Sears Building. She said rehabilitation of the wetlands area would create a natural parks area that eventually would be equal or superior to similar parks.

Presiding Officer Collier opened the public hearing.

No persons present appeared to testify and the public hearing was closed.

Vote: All ten Councilors present voted aye. Councilors DeJardin and McLain were absent. The vote was unanimous and Ordinance No. 91-370A was adopted.

6.3 Ordinance No. 91-387A, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget & Appropriations Schedule for the Purpose of Funding Initial Financing and Purchase Costs of the Hanna Property (Public Hearing)

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

Presiding Officer Collier announced the first reading of the ordinance was held on February 28, 1991 and was referred to the Finance Committee which considered the ordinance on March 7 and recommended the ordinance for Council adoption dependent on the Regional Facilities Committee's positive recommendation of the ordinance. The Regional Facilities Committee recommended the ordinance for adoption on March 12.

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of the ordinance.

Councilor Buchanan gave the Finance Committee's report and recommendations. He said the purpose of the ordinance was to provide options for the Metropolitan Exposition-Recreation Commission (MERC) regarding the possible acquisition of the Hanna property at the corner of N. Williams and N.E. Hassalo near the Memorial Coliseum. He said MERC adopted a resolution to amend the Spectator Facility Operating Fund to transfer funds for the initial phase of the acquisition and asked that the Council proceed with the ordinance which would transfer funds from Contingency to Materials & Services and Capital Outlay to fund back taxes and initial renovation of facilities.

Presiding Officer Collier opened the public hearing.

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

The Council asked MERC Commissioner Dick Waker to answer questions about the ordinance. Commissioner Waker said the property had been appraised at \$1.6 million and was a good buy. The Council and Commissioner Waker discussed whether the property would be MERC or City property. Commissioner Waker said ownership depended on the ultimate outcome of the consolidation agreement. Councilor Van Bergen expressed concern about acquisition of the property when MERC was running out of operating funds. He said an alternative funding source had to be obtained because the Exposition-Recreation Commission reserve fund was running out. Commissioner Waker said MERC had to assess the facilities, new arena issues, and possible alternate use for the Memorial Coliseum. He said currently the deficit was large, but in terms of dollar amounts, not

enormous. He said if funding issues were presented to the public properly, there would be no difficulty in obtaining alternative resource funding. Councilor Van Bergen stated he did not want to find the Council in a default position. Commissioner Waker said the Council would have the opportunity to review funding issues again, especially through the budget process. The Council and Commissioner Waker discussed the issues further including Hanna property environmental clean-up issues since the property has three fuel tanks on-site. Councilor Gardner said he expressed concern at the Committee level about ultimate ownership of the Hanna property. He said it was essential to be able to purchase property and agreed with Commissioner Waker on the consolidation agreement. He said he would like all future purchases to be made in Metro's name and not the City's. He noted to buy property, a budget amendment would be required.

7. RESOLUTIONS

7.4 Resolution No. 91-1388A, For the Purpose of Endorsing Principles Associated with DEQ's Comprehensive Emissions Fee Proposal

Main Motion: Councilor Bauer moved, seconded by Councilor Wyers, for adoption of Resolution No. 91-1388A.

Councilor Bauer gave the Transportation and Planning Committee's report and recommendations. He explained amendments made at Committee, noted the Governmental Affairs Committee recommended the resolution be adopted, and explained discussion at the Committee level.

Councilor Knowles (Joint Policy Advisory Committee on Transportation (JPACT) chair), said the resolution was defeated at JPACT, referred back to the Transportation Policy Advisory Committee (TPAC), and then to the Council Transportation and Planning Committee which amended the resolution at its February 26 meeting. He said if the resolution were substantively amended it should be referred back to JPACT.

Motion to Amend: Councilor Knowles moved, seconded by Councilor Gardner, to amend Resolution No. 91-1388A by deletion of Section 7 language: "Limitations on the use of motor vehicle fee alternatives due to restrictions should the Oregon Constitution be changed."

Under the same amendment, references in the resolution to "Bi-State Committee" were changed to "Bi-State Policy Advisory Committee"

Councilor Bauer supported the motion to amend and noted the limitations issues could be addressed through a separate resolution. Councilor Gardner said the deletion shifted attention to the issue that Oregon did not allow gas or vehicle taxes to be used for anything but highway improvements and did not allow for multi-modal improvements.

Councilor Van Bergen objected to the first three WHEREAS sections of the resolution because they contained arguable language and said the fourth WHEREAS advocated a sin tax. He said the rest of the resolution was inappropriate.

Vote on Motion to Amend: Councilors Bauer, Buchanan, Devlin, Gardner, Hansen, Knowles, McFarland, Wyers and Collier voted aye. Councilor Van Bergen voted nay. Councilors DeJardin and McLain were absent. The vote was 9 to 1 and the motion to amend passed.

Vote on Main Motion as Amended: Councilors Bauer, Buchanan, Devlin, Gardner, Hansen, Knowles, McFarland, Wyers and Collier voted aye. Councilor Van Bergen voted nay. Councilors DeJardin and McLain were absent. The vote was 9 to 1 and Resolution No. 91-1388A was adopted as amended.

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

7.1 Resolution No. 91-1404, For the Purpose of Authorizing a Sole Source Contract

Motion: Councilor Van Bergen moved, seconded by Councilor Devlin, for adoption of the resolution.

Councilor Van Bergen gave the Transportation and Planning Committee's report and recommendations. He explained the Transportation Department's need for a certain kind of software obtainable only in Holland for an approximate cost of \$3,500 to \$4,500.

Vote: All nine Councilors present voted aye. Councilors DeJardin, Knowles and McLain were absent. The vote was unanimous and Resolution No. 91-1404 was adopted.

7.2 Resolution No. 91-1411, For the Purpose of Authorizing an Exemption to the Competitive Procurement Procedures of Metro Code 2.04.053 and Authorizing a Change Order to the Design Services Agreement with Parametrix, Inc.

Motion: Councilor Gardner moved, seconded by Councilor Wyers, for adoption of the resolution.

Councilor Gardner gave the Solid Waste Committee's report and recommendations. He said the current contractor would provide details on soil conditions and a soil monitoring plan. He said staff decided to have construction associated with landfill closure done via annual contracts for improved economic value and said this change order asked Parametrix, Inc. to design a construction sequencing plan. He said they would also provide assistance for recovery of methane gas at the landfill. He said the Solid Waste Committee discussed the use of change orders rather than putting new contracts out for bid. Councilor Gardner

said this project presented a refinement of previous work, was not new work, and said the dollar amount involved was less than if the project were put out to bid. He said the Committee expressed a preference for new bids for large contracts.

Councilor McFarland expressed concern about the number of contracts amended for additional work without utilizing the bid process and expressed her reluctance to vote aye on this resolution. She asked if the public was best served by extending or modifying contracts. She said the contract before the Council was different based on the reasons given by Councilor Gardner, but said all the reasons were rationalized as well. Councilor Van Bergen concurred with Councilor McFarland. He asked if staff had responded to a letter from George Ward, consultant, which proposed a soil conditioning project at the St. Johns Landfill. Councilor Wyers asked Karla Forsythe, Council Analyst, to call Mr. Ward to discuss the status of his project.

Vote: All ten Councilors present voted aye. Councilors DeJardin and McLain were absent. The vote was unanimous and Resolution No. 91-1411 was adopted.

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

7.3 Resolution No. 91-1403, For the Purpose of Demonstrating Support for Amendment of the Oregon Revised Statutes, Chapter 197, Pertaining to Acknowledgement and Periodic Review of Regional Objectives

Motion: Councilor Gardner moved, seconded by Councilor Wyers, for adoption of the resolution.

Councilor Gardner gave the Transportation and Planning Committee's report and recommendations. He explained the resolution directed staff to work on amendment of state statutes so that Oregon could determine if metropolitan area land-use planning goals and objectives were consistent with state land use goals and objectives. He said the process would be similar to periodic review used now for comprehensive land use plans.

Vote: All ten Councilors present voted aye. Councilors DeJardin and McLain were absent. The vote was unanimous and Resolution No. 91-1403 was adopted.

7.5 Resolution No. 91-1412A, For the Purpose of Establishing the Metro Central Station Community Enhancement Advisory Committee

Motion: Councilor Hansen moved, seconded by Councilor Wyers, for adoption of the resolution.

Councilor Hansen gave the Solid Waste Committee's report and recommendations. She explained the resolution would create the Metro Central Station Community Enhancement Advisory Committee which would

develop criteria for the permanent committee. Several Councilors noted the process was progressing smoothly. Councilor Hansen complimented Judith Mandt, Assistant to the Director of Solid Waste, and Ms. Forsythe for their advance work on the committee's behalf. Councilor Hansen noted enhancement committees were one of the few ways in which government could directly work with communities.

Vote: All nine Councilors present voted aye. Councilors Bauer, DeJardin and McLain were absent. The vote was unanimous and Resolution No. 91-1412A was adopted.

7.6 Resolution No. 91-1288, For the Purpose of Granting a Franchise to K.B. Recycling, Inc. for the Purpose of Operating a Solid Waste Facility

Motion: Councilor Wyers moved, seconded by Councilor Hansen, for adoption of the resolution.

Councilor Wyers gave the Solid Waste Committee's report and recommendations. She said the franchise had been requested because K.B. Recycling, a buy-back center, would like to add a pick line for loads which were 70 percent recyclable. She said this franchise would satisfy provisions of the Environmental Quality Commission (EQC) Stipulated Order.

Vote: All nine Councilors present voted aye. Councilors DeJardin, Knowles and McLain were absent. The vote was unanimous and Resolution No. 91-1288 was adopted.

7.7 Resolution No. 91-1409A, For the Purpose of Expressing Support for a Zoo/OMSI/World Forestry Center Station in the Preferred Alternative for Westside LRT

Motion: Councilor Bauer moved, seconded by Councilor Wyers, for adoption of the resolution.

Councilor Bauer gave the Regional Facilities Committee report and recommendations. He said the Committee felt unanimously the station was merited because of the public's future long-term public use and staff's projections of use. Councilor Knowles noted Zoo Director Sherry Sheng's efforts to obtain the Zoo station. Councilor Van Bergen expressed concern about the proposed long-tunnel option and a possible \$25 million in expenditure by Metro. He said if the long tunnel became the preferred option, he would not vote for it. Councilor Wyers supported the Zoo station and noted the successful use of a similar station at the San Diego Zoo. Councilor Devlin said he was hopeful the Steering Committee and the Tri-Met Board of Directors would take a long-term view of the project as a whole.

Vote: All ten Councilors present voted aye. Councilors DeJardin and McLain were absent. The vote was unanimous and Resolution No. 91-1409A was adopted.

7.8 Resolution No. 91-1416A, For the Purpose of Establishing a Process for Reapportioning Metro Council Subdistricts

Main Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1416A.

Councilor Devlin gave the Governmental Affairs Committee's report and recommendations. Councilor Devlin explained committee discussion and amendments and census issues.

Motion to Amend: Councilor Devlin moved, seconded by Councilor Hansen, to amend Resolution No. 91-1416A, Exhibit A on page 1 as follows (additions underlined and deletions bracketed):

"4. The following timeline shall be observed in preparing and adopting a reapportionment plan:

March 15 - April 11: Councilor interviews

April 3 -7: Public Hearing(s) (as specified in #1 above)

April 4: [Public Hearing (as specified in #1 above)]
Staff presentation on census results.

Vote on Motion to Amend: All ten Councilors present voted aye. Councilors DeJardin and McLain were absent. The vote was unanimous and the motion passed.

Vote on Main Motion as Amended: All ten Councilors present voted aye. Councilors DeJardin and McLain were absent. The vote was unanimous and Resolution No. 91-1416A was adopted.

7.9 Resolution No. 91-1413A, For the Purpose of Adopting an Amended Application to the Public Employment Retirement System

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of the resolution.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained the resolution resulted from the proposed Metro/Tri-Met merger in fall of 1990 and other issues related to Tri-Met employees and PERS. He said Metro's PERS application was approved by the Employees Retirement Board staff, but not by the Tri-Met Board of Directors. He said the District's application was withdrawn on November 20, 1990 for clarification on the acquisition of Tri-Met employees and the issue of disqualifications of current Metro retirement plans. Councilor Devlin explained the amendments made to the resolution to address these issues.

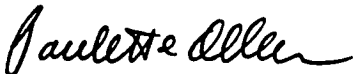
Vote: All ten Councilors voted aye. Councilors DeJardin and McLain were absent. The vote was unanimous and Resolution No. 91-1413A was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Knowles discussed possible Metro Code amendments on 1% for Art criteria for solid waste facilities. Councilor Devlin noted the Governmental Affairs Committee (State Legislature) moved SB 241 from "monitor" to "support" and noted the 25 day time for appointments to the Charter Commission. Presiding Officer Collier discussed the March 23 Metro Council retreat. Councilor Wyers discussed linking solid waste rate setting with the budget process.

Presiding Officer Collier adjourned the meeting at 7:39 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council

Agenda Item No. 4.2
Meeting Date: April 25 1991

RESOLUTION NO. 91-1435

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 91-1435, ENDORSING THE ESTABLISHMENT OF AN INSTITUTE OF PORTLAND METROPOLITAN STUDIES AT PORTLAND STATE UNIVERSITY AND OTHER INSTITUTIONS OF HIGHER EDUCATION IN THE METROPOLITAN AREA

Date: April 19, 1991

Presented by: Councilor DeJardin

COMMITTEE RECOMMENDATION: At its April 18, 1991 meeting, the Governmental Affairs Committee unanimously recommended Council approval of Resolution No. 91-1435. Voting were Councilors Devlin, Knowles, Collier, DeJardin, and Hansen.

COMMITTEE DISCUSSION/ISSUES: Professor Chuck Tracy of Portland State's School of Urban and Public Affairs gave a brief presentation on the proposed Institute of Metropolitan Studies. It is intended to identify expertise to address issues of importance to governments in the region. The Institute will serve as an umbrella unit, to coordinate student and faculty resources at member institutions, and will have a small staff of a director and clerical assistance. There will be a governing board to set the research agenda. The budget is expected to be some \$500,000 from private grants, some of which is already committed; they hope to get an endowment and assure financial independence.

The request of Council is to endorse the principle of establishing the Institute, and later to help select board members and establish the research agenda. The proposal has been endorsed by Clackamas County, will be considered soon by Multnomah County and the City of Portland, and will be presented to the State Board of Higher Education at its July meeting.

Councilor DeJardin asked if the funding was coming from foundations, and Professor Tracy said it was. Councilor DeJardin asked whether some of the studies the Institute would do could be done in conjunction with Metro and help eliminate the need for separate studies that Metro pays for; the answer again was yes.

Councilor Collier then moved the Resolution for Council approval.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING	)	RESOLUTION NO. 91-1435
THE ESTABLISHMENT OF AN)	
INSTITUTE OF PORTLAND	)	INTRODUCED BY RENA CUSMA,
METROPOLITAN STUDIES AT PORTLAND)		EXECUTIVE OFFICER
STATE UNIVERSITY AND OTHER)	
INSTITUTIONS OF HIGHER EDUCATION)		
IN THE METROPOLITAN AREA)	

WHEREAS, The Governor's Commission on Higher Education in the Portland Metropolitan Area recently issued its final report, "Working Together-A Community and Academic Partnership for Greater Portland"; and,

WHEREAS, The Report calls for the formation of a Council of Presidents of local colleges and universities, the development of Portland State University into an "Urban Grant University", focusing on the needs of the region, improving access and participation for students, and establishing a Greater Portland Trust to support implementation of the plan and seek new sources of funding, and enhance cooperation between institutions; and,

WHEREAS, The complexity of the issues confronting the governments of the metropolitan region requires a continuous search for innovative approaches to solutions, efficient mechanisms for service delivery, and a continuously updated information base; and,

WHEREAS, The Metropolitan Service District supports the establishment under the auspices of Higher Education of an independent research organization capable of conducting studies,

sponsoring policy seminars, and regularly disseminating information to all local governments in the region; and

WHEREAS, Portland State University has committed itself to work for the establishment of an Institute for Portland Metropolitan Studies to perform such functions; and,

WHEREAS, The Institute enhances the potential of cooperation, interactions and communication between government and higher education and provides an objective forum for dialogue and exchange of views regarding governmental service issues in the region; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District endorse the principle of establishing in the region an Institute of Portland Metropolitan Studies to be administered by Portland State University with participation of the Metropolitan Service District in such matters as the identification of the governing board and the development of an annual research agenda.

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

Tanya Collier, Presiding Officer

STAFF REPORT

FOR THE PURPOSE OF ENDORSING RESOLUTION NO. 91-1435 FOR THE ESTABLISHMENT OF AN INSTITUTE OR PORTLAND METROPOLITAN STUDIES AT PORTLAND STATE UNIVERSITY AND OTHER INSTITUTIONS OF HIGHER EDUCATION IN THE METROPOLITAN AREA.

Date: April 2, 1991

Presented by: Don Rocks

BACKGROUND AND ANALYSIS

Over the last several months, some three meetings involving the Executive Officer, Rena Cusma; Multnomah County Chair, Gladys McCoy; City of Portland Mayor, Bud Clark; Portland State University President, Judith Ramaley; Dean of PSU Urban and Public Affairs, Nohad Toulan; and Oregonian Publisher, Fred Stickel have been initiated by PSU to discuss the formation of an Institute for Metropolitan Studies.

Dr. Ramaley has given the Institute a high priority on the University's urban agenda and the value of such a body has been endorsed by the jurisdictions involved.

More recently, Commissioner Ed Lindquist, Clackamas County has attended meetings along with Washington County Manager, Charles Cameron and staff representatives of Washington County. The intent is for the Institute to be able to respond to regional issues and problems.

Interim discussions with staff from the represented jurisdictions have produced a structural framework for the Institute. The resolution to be adopted by participating jurisdictions is presently being considered and adoption is anticipated.

Agenda Item No. 5.1
Meeting Date: April 25, 1991

ORDINANCE NO. 91-396

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-396 AMENDING ORDINANCE NO. 90-340A REVISING THE FY 1990-91 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING INCREASED EXPENSES IN THE INSURANCE FUND

Date: April 11, 1991

Presented by: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

Fiscal Year 1990-91 is the first full year of insuring the Metro ERC facilities. At the time the budget was developed, preliminary estimates were made with the assistance of our Broker to determine the cost of insuring these facilities. Our liability carrier at the time indicated that our premiums at the January 1, 1991 renewal date would not exceed \$200,000. Unfortunately, due to an administrative change in the Special Districts Program, this insurance carrier was no longer available. The quotes received were triple the amount paid in 1990 and over twice the amount estimated for 1991. Through aggressive marketing of Metro's program, we were able to keep the cost of liability renewals to \$360,000. However, this is still considerably more than was estimated.

In addition to the change in insurance carriers, with the change in liability programs we also gave up claims handling and adjusting services which had previously been included in the program. These services are now contracted separately. An interim contract has been entered into with Corroon & Black to provide minimum claims adjusting services. The cost of these services is \$2,500 per quarter for one year with a maximum of 25 claims. This contract is to provide the basic minimum service required until the Risk Manager identified in the proposed budget can analyze and determine the level of claims administration and loss control services needed in the future.

Prior to FY 1990-91, the agency's claims losses have historically been under \$15,000 per year. With the addition of the Metro ERC facilities, it was anticipated this amount would increase significantly. As a result, \$50,000 was budgeted for claims losses for the year. In the first six months of the fiscal year, the agency has incurred losses of approximately \$30,000. It is anticipated this trend will continue for the remaining of the year.

This ordinance requests the transfer of \$55,000 from the Insurance Fund Contingency to fund the additional costs of premiums, claims adjusting services and claim losses. This action will maintain a self-insured retention reserve balance of approximately \$475,000. Attachment A provides a forecast of the costs incurred or estimated.

Staff Report
Ordinance No. 91-381
Page 2

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance 91-396, transferring \$55,000 from the Insurance Fund Contingency to fund increased expenditures related to premiums and claims.

kr:ord90-91:insur:er
April 12, 1991

ATTACHMENT A
Ordinance No. 91-396
Forecast of FY 1990-91 Insurance Fund

	<u>Adopted Budget</u>	<u>Incurred to date</u>	<u>Projected Remaining Year</u>	<u>Balance Remaining</u>
Dues/Miscellaneous	1,600	1,838	0	(238)
Insurance Premiums				
Property/Boiler	138,500	125,307	5,000	8,193
Liability (1)	200,000	274,353	5,000	(79,353)
Liquor Liability	8,000	0	0	8,000
Crime/Employee Bonds	20,500	17,433	0	3,067
Misc. coverage	15,000	0	0	15,000
Subtotal Premiums	382,000	417,093	10,000	(45,093)
Claims Paid	50,000	29,600	25,000	(4,600)
Professional Services				
Actuarial Study	20,000	20,000	0	0
Claims Adjusting	0	2,500	2,500	(5,000)
Subtotal Services	20,000	22,500	2,500	(5,000)
TOTAL MATERIALS & SERVICES	453,600	471,031	37,500	(54,931)

- (1) Liability premiums are for the period of January 1 through December 31. Proper accounting methods require that half of the premium be charged to each fiscal year with receives the benefit. The amount incurred to date reflects half of last years premiums (\$88,555) plus half of this years premiums (\$185,708)

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

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 INSURANCE)
FUND)

ORDINANCE NO. 91-396

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1990-91 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

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

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 90-340A, Exhibit B, FY 1990-91 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$55,000 from the Insurance Fund Contingency to fund increased expenses related to premiums and claims.

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

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

kr:ord90-91:insur:ord
April 11, 1991

EXHIBIT A
ORDINANCE NO. 91-396

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
INSURANCE FUND							
	Materials & Services						

	LIABILITY/PROPERTY PROGRAM						
521320	Dues		1,600				1,600
524190	Misc. Professional Services		20,000		5,000		25,000
526100	Insurance		382,000		45,000		427,000
529810	Claims Paid		50,000		5,000		55,000
	Workers Compensation Program						
529810	Claims Paid		374,930				374,930
			-----		-----		-----
	Total Materials & Services		828,530		55,000		883,530
	Contingency & Unappropriated Balance						

599999	Contingency		529,769		(55,000)		474,769
599990	Unappropriated Balance		3,206,421				3,206,421
			-----		-----		-----
	Total Contingency & Unapp. Balance		3,736,190		(55,000)		3,681,190
			-----		-----		-----
	TOTAL EXPENDITURES		4,564,720		0		4,564,720

EXHIBIT B
ORDINANCE NO. 91-396
SCHEDULE OF APPROPRIATIONS

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<hr/>			
INSURANCE FUND			
<hr/>			
Materials & Services	828,530	55,000	883,530
Contingency	529,769	(55,000)	474,769
Unappropriated Balance	3,206,421	0	3,206,421
	<hr/>	<hr/>	<hr/>
Total Insurance Fund Requirements	4,564,720	0	4,564,720

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

Agenda Item No. 6.1
Meeting Date: April 25, 1991

RESOLUTION NO. 91-1439

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 91-1439A, ADDING ITEMS TO METRO'S LEGISLATIVE PACKAGE

Date: April 19, 1991

Presented by: Councilor Devlin

COMMITTEE RECOMMENDATION: At its April 18, 1991 meeting, the Governmental Affairs Committee voted 4-0 to recommend Council approval of Resolution No. 91-1439A. Voting were Councilors Devlin, Collier, DeJardin, and Hansen. Councilor Knowles declared a conflict of interest and did not participate in the vote.

COMMITTEE DISCUSSION/ISSUES: Committee Staff Casey Short went over the items listed for support and opposition. Councilor Knowles declared a conflict of interest because he represents an interest opposing one of the bills listed for Council support. Chair Devlin explained that Council had already taken positions in opposition to SB 706 and in support of HB 2136, but they had not been incorporated into a resolution. He further explained that Governmental Affairs had previously voted to support two bills proposing to ban the sale of laundry detergents containing phosphates (SB 915 and HB 3331), but Resolution 91-1439 refers only to supporting the concept of a bill banning phosphates. The purpose of the language in the resolution is to give Metro's representatives flexibility to support any bill which would accomplish this purpose.

Chair Devlin asked Councilor Hansen to speak to HB 3488, which would direct state agencies not to discriminate against people who have tested positive for HIV or who have been diagnosed as having AIDS or AIDS-related complex. Councilor Hansen said that the bill was introduced at the request of the Portsmouth Neighborhood Association, which is in District 12, and that she had gotten a request from them to seek Metro support of the bill. She also expressed interest in adding such a non-discrimination clause to Metro's personnel policies. Councilor Collier said that she supports adding such a provision to Metro's personnel policies, but she opposed supporting HB 3488 because it is not directly related to Metro's business. Councilor Collier then made a motion to move HB 3488 from support to monitor, and take action to add an HIV/AIDS non-discrimination clause to Metro's personnel policies. Councilor DeJardin asked Councilor Hansen whether such an action would be perceived as weakness on Metro's part; Councilor Hansen replied that this would not be the case, particularly if the personnel policy were enacted. Chair Devlin asked Councilor Collier whether she thought such a policy could be enacted unilaterally; Councilor Collier replied that it would have to be bargained with the Unions, and restated her motion to say that Metro should introduce such a policy at the bargaining table and include it in personnel policies for non-represented employees. Councilor Collier's motion to amend was approved.

Chair Devlin clarified that by Committee consensus, HB 2136 was to be added to the list of bills to support. Burton Weast then spoke to SB 1017 (the RUGGO acknowledgment bill, introduced at Metro's request) and SB 91 (Sen. Kitzhaber's secondary lands bill). He said that the Senate Agriculture and Natural Resources Committee will have hearings on SB 91 as its next major bill (following the recent Committee approval of SB 66), and hearings would be held on SB 1017 after that. There was no further discussion of the resolution, and it was approved as amended.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADDING ITEMS TO)	RESOLUTION NO. 91-1439A
METRO'S LEGISLATIVE AGENDA)	
)	INTRODUCED BY GOVERNMENTAL
)	AFFAIRS COMMITTEE

WHEREAS, the Council of the Metropolitan Service District has adopted Resolution No. 91-1405A, identifying legislative issues for support, opposition, and monitoring in the 1991 legislative session; and

WHEREAS, bills of interest to the Metropolitan Service District have been introduced in the legislature since the February 28, 1991 adoption of Resolution No. 91-1405A; and

WHEREAS, the Governmental Affairs, Solid Waste, and Transportation & Planning Committees have considered bills of potential interest to the District and have recommended inclusion of a number of these bills in Metro's legislative package; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adds to the District's legislative package the bills and concepts listed in Exhibit A, to be supported, monitored, or opposed as stipulated in Exhibit A, and directs that a copy of this Resolution, with Exhibit A attached, be included in the file of Resolution No. 91-1405A.

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

Tanya Collier, Presiding Officer

EXHIBIT A

BILLS TO SUPPORT

- SB 895 - Prohibits sale of beverage containers composed of inseparable aluminum, paper and plastic.
- SB 1017 - Requires acknowledgment of Regional Urban Growth Goals and Objectives.
- SB 1092 - Provides for implementation of waste reduction plan by local government unit.
- HB 2136 - Imposes tax on carbonated beverages; dedicates proceeds to state parks and recreation, and to Natural Resource Conservation Trust Fund.
- HB 3342 - Extends pollution control tax credit to 1997.

CONCEPT TO SUPPORT

Statewide prohibition on sale of cleaning agents containing phosphorus, which conforms as closely as possible with Metro's ordinance.

BILLS TO OPPOSE

- SB 706 - Requires Governor appointment and Senate confirmation of members of metropolitan planning organizations.

BILLS TO MONITOR

- SB 91 - Establishes system governing determination of secondary lands, provides for urban reserve outside urban growth boundaries.
- SB 685 - Requires persons engaged in business of motor vehicle cooling systems to recycle ethylene glycol.
- SB 717 - Unclaimed deposit refunds dedicated to Resource Conservation Trust Fund.
- SB 785 - Imposes one cent per gallon excise tax on motor vehicle fuels, proceeds dedicated to state parks.
- SB 836 - Creates High-speed Ground Transportation Task Force to study feasibility of interstate high-speed rail system; creates advisory committee including representatives of regional transportation planning organizations.
- SB 911 - Allows group of local governments to collect fees for geographical data.

SB 1093 - Requires person in addition to local governments to participate in solid waste reduction programs.

HB 3183 - Requires transporter of solid waste to present written statement and obtain certification prior to disposal of waste within state.

HB 3256 - Establishes land disposal site closure fund.

HB 3257 - Establishes process for closing disposal sites.

HB 3339 - Requires state to take affirmative action to encourage recycling.

HB 3488 - Requires state agencies to adopt personnel policies prohibiting discrimination against persons who test positive for HIV.

HB 3350 - Encourages recycling of yard debris.

HB 3361 - Prohibits sale of alkaline battery containing more than specified amount of mercury.

HB 3376 - Prohibits certain food providers from using polystyrene containers.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADDING ITEMS TO) RESOLUTION NO. 91-1439
METRO'S LEGISLATIVE AGENDA)
) INTRODUCED BY GOVERNMENTAL
) AFFAIRS COMMITTEE

WHEREAS, the Council of the Metropolitan Service District has adopted Resolution No. 91-1405A, identifying legislative issues for support, opposition, and monitoring in the 1991 legislative session; and

WHEREAS, bills of interest to the Metropolitan Service District have been introduced in the legislature since the February 28, 1991 adoption of Resolution No. 91-1405A; and

WHEREAS, the Governmental Affairs, Solid Waste, and Transportation & Planning Committees have considered bills of potential interest to the District and have recommended inclusion of a number of these bills in Metro's legislative package; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adds to the District's legislative package the bills and concepts listed in Exhibit A, to be supported, monitored, or opposed as stipulated in Exhibit A, and directs that a copy of this Resolution, with Exhibit A attached, be included in the file of Resolution No. 91-1405A.

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

Tanya Collier, Presiding Officer

EXHIBIT A

BILLS TO SUPPORT

- SB 895 - Prohibits sale of beverage containers composed of inseparable aluminum, paper and plastic.
- SB 1017 - Requires acknowledgment of Regional Urban Growth Goals and Objectives.
- SB 1092 - Provides for implementation of waste reduction plan by local government unit.
- HB 3342 - Extends pollution control tax credit to 1997.
- HB 3488 - Requires state agencies to adopt personnel policies prohibiting discrimination against persons who test positive for HIV.

CONCEPT TO SUPPORT

Statewide prohibition on sale of cleaning agents containing phosphorus, which conforms as closely as possible with Metro's ordinance.

BILLS TO OPPOSE

- SB 706 - Requires Governor appointment and Senate confirmation of members of metropolitan planning organizations.

BILLS TO MONITOR

- SB 91 - Establishes system governing determination of secondary lands, provides for urban reserve outside urban growth boundaries.
- SB 685 - Requires persons engaged in business of motor vehicle cooling systems to recycle ethylene glycol.
- SB 717 - Unclaimed deposit refunds dedicated to Resource Conservation Trust Fund.
- SB 785 - Imposes one cent per gallon excise tax on motor vehicle fuels, proceeds dedicated to state parks.
- SB 836 - Creates High-speed Ground Transportation Task Force to study feasibility of interstate high-speed rail system; creates advisory committee including representatives of regional transportation planning organizations.
- SB 911 - Allows group of local governments to collect fees for geographical data.

SB 1093 - Requires person in addition to local governments to participate in solid waste reduction programs.

HB 3183 - Requires transporter of solid waste to present written statement and obtain certification prior to disposal of waste within state.

HB 3256 - Establishes land disposal site closure fund.

HB 3257 - Establishes process for closing disposal sites.

HB 3339 - Requires state to take affirmative action to encourage recycling.

HB 3350 - Encourages recycling of yard debris.

HB 3361 - Prohibits sale of alkaline battery containing more than specified amount of mercury.

HB 3376 - Prohibits certain food providers from using polystyrene containers.

Agenda Item No. 6.2
Meeting Date: April 25, 1991

RESOLUTION NO. 91-1423

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 91-1423, FOR THE PURPOSE OF APPROVING THE LEASE OF METRO OWNED PROPERTY LOCATED AT THE JUNCTION OF SOUTHWEST 209TH AVENUE AND TUALATIN VALLEY HIGHWAY IN ALOHA, OREGON

Date: April 17, 1991

Presented by: Councilor McLain

Committee Recommendation: At the April 16, 1991 meeting, the Committee voted 3-0 to recommend Council adoption of Resolution No. 91-1423 as amended. Voting in favor were Councilors Gardner, McLain and Wyers. Councilors DeJardin and McFarland were excused.

Committee Issues/Discussion: Neil Saling said that this resolution would permit the Executive Officer to execute a three year lease with Intel for a site adjacent to its facilities which Metro acquired for the purpose of constructing a solid waste transfer station. He said that Metro has granted Intel right of entry to stockpile construction material.

In response to a question from Councilor Gardner, Mr. Saling clarified that Intel ultimately wants to purchase the property to build a parking lot.

Councilor Wyers asked the rationale behind a lease rather than a sale. Mr. Saling indicated the Executive Officer wanted Metro to retain a tract of land in the event that it might still be needed for solid waste facilities.

Councilor Gardner noted that the Council is in the final decision-making stage about Washington County solid waste facilities, and said it seems prudent not to foreclose options. He expressed willingness to continue the right of entry, but not to commit to a three year lease. He asked what type of language would be needed to assert Metro's right to require Intel to vacate the site during the lease term at no cost to Metro.

Todd Sadio, Senior Assistant Counsel, said Metro could be responsible for damages, but that damages should not be great. Councilor Wyers expressed concern that seemingly small damages can be made to appear large.

Councilor Wyers expressed reluctance to keep the resolution in the Solid Waste Committee, since presently Intel is using the site without paying rent.

SOLID WASTE COMMITTEE REPORT
Resolution No. 91-1423
Page Two

Mr. Sadlo noted that a termination provision would have to be negotiated with Intel and added to the proposed lease.

Councilor Gardner said the lease should incorporate such a provision. He said it is imprudent to sell the property, or to put it beyond Metro's use for three years. He suggested adding language to the resolution conditioning execution of the lease on inclusion of a clause providing for termination on short notice. Additionally, he said he was not prepared to make the finding in paragraph 1 that the site will not be needed for public use within the three year term of the lease. Mr. Sadlo clarified that state law requires a finding that the site will not be needed for public use.

Mr. Sadlo suggested that Councilor Gardner's intent could be met by removing references to a three year lease term, and by adding language authorizing execution of the lease so long as the lease contains a provision for early termination which would allow possession by Metro with 90 days notice, without penalties.

The Committee voted 3-0 to amend the resolution to incorporate these changes.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 91-1423-A
THE EXECUTIVE OFFICER TO LEASE)	
PROPERTY AT 209TH AVENUE AND	)	Introduced by Executive
TUALATIN VALLEY HIGHWAYS TO	)	Officer Rena Cusma
INTEL CORPORATION)	

WHEREAS, Metro is the owner of a tract of land consisting of 8.26 acres located at the junction of southwest 209th Avenue and Tualatin Valley Highway in Aloha, Oregon; and

WHEREAS, Intel Corporation has offered to lease the property for a period of three (3) years at a monthly rate of four thousand dollars (\$4,000.00); and

WHEREAS, Metro believes that disposition of the property is contingent upon the establishment of a viable solid waste transfer station or stations in the West Watershed, but does not anticipate any public use of the property within the [~~next three years~~] term of the lease; and

WHEREAS, Metro Code 2.04.033 requires that the lease of real property owned by Metro be approved by the Council of the Metropolitan Service District; and

WHEREAS, ORS 271.310 provides that public property should not be leased unless the governing body determines that the property not be needed for public use during the term of the lease; now therefore;

BE IT RESOLVED,

1. The 8.26 acre Metro parcel at the corner of Oregon Highway 8 (Tualatin Valley Highway) and SW 209th Avenue will not be needed for public use within the [~~three-year~~] term of the

attached lease with Intel Corporation, made part of this Resolution by [~~referencing~~] reference; and

2. The Executive Officer is authorized to execute a lease in substantially the form of the attached lease with Intel Corporation, for use of the 8.26 acre Metro property, so long as the lease contains a provision for early termination which could allow possession by Metro with 90 days notice without penalties.

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

Tanya Collier, Presiding Officer

A:LEGIS\91-1423A.RES

L E A S E

THIS LEASE, made as of this ____ day of _____ 1991, between the METROPOLITAN SERVICE DISTRICT (METRO), a municipal corporation and public body of the State of Oregon, hereinafter referred to as "Lessor," and INTEL CORPORATION, a Delaware corporation, hereinafter referred to as "Lessee;"

W I T N E S S E T H:

That, in consideration of the rents hereinafter specified and the covenants, terms, and conditions herein contained, the parties hereto do hereby covenant to and with each other as follows:

1. Premises and Initial Term. Lessor does hereby lease and demise unto Lessee, and Lessee hereby leases from Lessor, on the covenants, terms, and conditions hereinafter set forth, the real property and the building and improvements thereon in the County of Washington, State of Oregon, described in EXHIBIT A, attached hereto and made a part hereof. Said premises are leased subject to such covenants, conditions, restrictions, easements, reservations, assessments, charges and rights of way, if any, as are now of record against said premises, any state of facts an accurate survey might show, zoning rules, restrictions, regulations, resolutions and ordinances, and building restrictions and governmental regulations now in effect or hereafter adopted by any governmental authorities having jurisdiction.

TO HAVE AND TO HOLD the above-described premises, together with all the tenements, hereditaments, appurtenances, and easements thereunto belonging, at the rental and upon the terms and conditions

herein stated, for an initial term of three (3) years, commencing May 1, 1991, and ending at 11:59 p.m. on April 30, 1994.

2. Rent.

2.1 For the initial term of this Lease (i.e., the period commencing with and including the month of May, 1991, and ending with and including the month of April, 1994), Lessee agrees to pay Lessor as rent the sum of FOUR THOUSAND AND NO/100THS DOLLARS (\$4,000.00) per month.

2.2 Monthly rent in the amounts hereinabove provided, which Lessee agrees to pay without offset or reduction, shall be due and payable in lawful money of the United States on or before the first day of each month in advance during the term of this Lease by check payable to Lessor and delivered to Lessor at 2000 S.W. First Avenue, Portland, Oregon 97201-5398, Attention: Accounting Division, or by check to any other payee or delivered to any other address which Lessor, or any successor in interest of Lessor, may designate by notice to Lessee.

3. Utilities and Governmental Impositions.

3.1 In addition to the rent provided for in Section 2 hereof, Lessee shall pay all charges and sums provided for in this Section 3. Lessee will pay all charges for electricity, water, sewer, gas, telephone, and other utility services used on or furnished to the premises. Lessee further agrees to pay all taxes, assessments, personal property taxes, water rents, rates and charges, sewer rents, and other governmental impositions and charges of every kind and nature whatsoever, extraordinary as well as ordinary, and each and every installment thereof, which shall or may during the term hereof be

charged, laid, levied, assessed or imposed upon or against the premises, or become due and payable upon or in respect of the premises or the rents payable hereunder, or become liens upon the premises or any rents payable hereunder, or arise in connection with the use, occupancy or possession of the premises, or grow due or payable out of or for the premises or the rents payable hereunder, during the term hereof; provided, however, that nothing contained herein shall obligate Lessee to pay:

(i) any federal, state or local gift, estate, inheritance or devolution tax; or

(ii) any federal, state or local tax upon or measured by the net income of Lessor, its successors and assigns;

which may at any time be levied or assessed against, or become a lien upon, the premises or the rents payable hereunder. Taxes, water rents, rates and charges, sewer rents, and other governmental impositions and charges allocable to an assessment year, a tax year, a fiscal year, service period or other term commencing prior to the commencement or ending after the termination of this Lease, and local improvement district or similar assessments which are payable on an extended basis pursuant to the terms of bond financing as authorized by law, shall be adjusted and prorated, and Lessor shall pay the prorated share thereof that is allocable to the period prior or subsequent to the term; and Lessee shall pay the prorated share thereof that is allocable to any period within the term of this Lease.

3.2 Lessee shall, within ten (10) days after any such tax, assessment or other charge constituting a lien on the leased premises shall become due and payable, or within ten (10) days of receiving written notice of any such tax, assessment or other charge if notice was initially sent to Lessor, produce and exhibit to Lessor satisfactory evidence of such payment.

4. Use of Premises. Lessee shall use the premises during the term of this Lease for parking, staging of materials for construction, and general office use (see paragraph 6.1) and for no other purpose whatsoever without Lessor's written consent, which shall not be unreasonably withheld. Lessee may not construct any new buildings or structures on the premises (see paragraph 6). Lessee will not make any unlawful, improper, or offensive use of the premises, will not suffer any strip or waste thereof, will not permit any objectionable noise or odor to escape or to be emitted from the premises, or do anything or permit anything to be done upon or about the premises in any way tending to create a nuisance. Subject to paragraph 6, Lessee may place or install in or upon the existing structures on the premises such trade fixtures and equipment as it shall deem desirable for the conduct of its business thereon. Personal property, trade fixtures, and equipment used in the conduct of Lessee's business (including telephone system, computer system and external wiring, and any other similar data processing equipment), as distinguished from fixtures and equipment used in connection with the physical operation and maintenance of the building and improvements, placed by Lessee in or upon the premises shall not become a part of the realty, even if nailed or screwed or

otherwise fastened to the premises, but shall retain their status as personal property and may be removed by Lessee at any time. Any damage caused the premises by the installation, use, or removal of such property shall be repaired by Lessee at its expense. Any personal property, trade fixtures, and equipment not used in connection with physical operation of the premises and belonging to Lessee, if not removed upon the expiration of the term of this Lease (or, in the event of the sooner termination of this Lease, within twenty (20) days after such termination) shall, at the option of Lessor, be deemed abandoned and shall become the property of Lessor without any payment or offset therefor.

5. Compliance With Laws. Lessee agrees, at Lessee's own cost and expense, to comply with and observe all laws, ordinances, orders, rules, regulations, or requirements of the United States of America, the State of Oregon and the County of Washington, and all duly constituted governmental bodies and authorities thereof, affecting the use and occupancy of the premises. Lessor represents and warrants that, as of the date of execution of this Lease, there are no known violations of any applicable zoning, building or safety code, regulation or ordinance affecting the premises.

6. Tenant Improvements, Alterations, Maintenance and Repairs.

6.1 Lessee shall be entitled to improve the premises to Lessee's standards by grinding, culverting, tilling, graveling, paving, landscaping and otherwise using the land area, substantially as specified in the attached Exhibit B, which is made part of this Lease.

by reference. Lessee shall not construct improvements, remove materials from, or deposit materials into, any area identified on the map in Exhibit B as wetlands, without first obtaining all required state or federal permits for such removal, fill, or construction, and without first obtaining the written consent of Lessor. In making and maintaining improvements specified in this paragraph 6.1, Lessee shall take reasonable care to prevent erosion into the wetland area, destruction of vegetation in the wetland or "wetland setback" area, or other undue impacts to the wetland area.

6.2 Lessee shall also have the right to utilize the existing buildings located on the premises, including the brick structure and appurtenances. Lessee shall not make alterations, additions, or improvements to the premises, or remove landscaping or trees in the immediate vicinity of the brick structure, without the prior written approval of Lessor. Such approval shall not be unreasonably withheld. Approval is hereby granted to Lessee to make interior, nonstructural alterations, additions, or improvements to the brick structure on the premises, provided the cost of any such alteration, addition, or improvement does not exceed twenty-five thousand dollars (\$25,000).

6.3 Except as expressly agreed to by Lessor in writing, Lessee shall not erect any new structures on the premises. Lessee may, however, install trailers on the premises and connect them with utilities as needed. Any trailers installed by Lessor shall be placed on temporary footings, unless written permission is obtained from Lessor, in advance, for placement of permanent footings or foundations.

Lessor may refuse to allow any new structures at its sole discretion, or may attach reasonable conditions to approval, including conditions relating to the removal of such improvements upon termination and restoration of the premises to their prior condition.

6.4 Lessee shall pay, when due, all lawful claims for labor or materials furnished to or for Lessee at or for use in the premises, which claims are or may be secured by any construction, mechanics' or materialmen's lien against the premises or any interest therein. Lessee shall give Lessor not less than ten (10) days' notice prior to the commencement of any work in the premises, and Lessor shall have the right to post notices of non-responsibility in or on the premises as provided by law.

7. Condition of Premises; Maintenance and Repairs.

7.1 Lessor agrees that, as of the delivery date, the premises shall be in broom clean condition and free of any personal property left by the previous occupant, and that any damage to the premises occasioned by the removal of the previous occupant shall be repaired at Lessor's cost. If previous tenants have left any significant amounts of refuse in the land areas of the premises, Lessee may have such materials removed, and deduct from the rents due hereunder the actual and reasonable costs of so doing. Lessee shall accept the premises on the delivery date in their condition as of the date of this Lease. The cost of any and all maintenance and repair to the premises, to include any structures thereon, shall be borne solely by the Lessee.

7.2 Lessor shall not be required to perform or pay for any maintenance, or to make or pay for any repairs, alterations,

restoration, reconstruction, additions or improvements, to or upon the premises during the term of this Lease. In all respects, Lessee hereby agrees, at Lessee's own cost and expense, to maintain and keep the premises, including the building and other improvements thereon, in good order and repair. In the event of any damage or destruction to the brick building and appurtenances for which other provision is not made, Lessee agrees to construct and reconstruct such premises, building and other improvements, unless Lessor agrees in writing to some alternative arrangement.

8. Repairs by Lessor. Lessor shall make no improvements to the premises nor structures thereon during the term of this Lease and under no circumstance shall have any obligation to do so.

9. Insurance and Indemnification.

9.1 Throughout the term of this Lease, Lessee shall cause to be kept insured, at Lessee's sole cost and expense, all building and other improvements located on the premises against loss or damage caused (a) by fire, windstorm, and perils generally included under "extended coverage," (b) boilers and machinery, and (c) vandalism and malicious mischief. The amount of the insurance shall be sufficient to prevent either Lessor or Lessee from becoming a co-insurer under the provisions of the policy, but in no event shall the amount be less than ninety percent (90%) of the then actual replacement cost (exclusive of the cost of excavations, foundations, and footings below the basement floor, but without deduction for depreciation and with not more than ONE THOUSAND AND NO/100THS (\$1,000.00) DOLLARS deductible from the loss payable for any casualty). Said policy or policies of insurance shall

provide that payment for any losses covered under or by said policy or policies shall be made unto Lessor, and/or any mortgagee or assignee designated by Lessor from time to time, and/or Lessee, as their respective interests may appear. Until such time as Lessor notifies Lessee that the amount of the insurance maintained by Lessee under this paragraph 9.1 is, in Lessor's opinion, less than the amount required by the second sentence of this paragraph 9.1, the amount of the insurance in force at any time, as evidenced by the certificate or certificates therefor furnished under paragraph 9.4, shall be deemed to be adequate under the second sentence of this paragraph 9.1.

9.2 Throughout the term of this Lease, at Lessee's sole cost and expense, Lessee shall keep in force public liability insurance (naming Lessor as an additional insured) insuring Lessor and Lessee against any and all loss, liability, and damage whatever for personal injury and property damage, or either, resulting from, or alleged to have resulted from negligence or the condition or use of the premises, or of any building or other improvement situated thereon, or of any sidewalk or way adjacent to said premises, with policy limits in such amounts as Lessor may at any time or from time to time require (provided, at the time, such policy amounts do not exceed those customarily maintained in connection with properties of similar size and utilization in the Portland, Oregon, metropolitan area). In no event shall such policy limits be less than ONE MILLION AND NO/100THS DOLLARS (\$1,000,000.00) for property damage and THREE MILLION AND NO/100THS DOLLARS (\$3,000,000.00) for personal injury (whether or not resulting in death) suffered by one person and FIVE MILLION AND NO/100THS DOLLARS

(\$5,000,000.00) for personal injuries (whether or not resulting in death) suffered by more than one person in one occurrence.

9.3 All insurance required by express provisions of this Lease shall be carried by responsible insurance companies licensed to do business in the State of Oregon. All such policies shall be nonassessable and shall contain language to the effect that (A) any loss shall be payable notwithstanding any act or negligence of Lessor that might otherwise result in a forfeiture of the insurance, and (B) the policies may not be canceled or materially changed except after thirty (30) days' notice by the insurer to Lessor or Lessor's designated representatives.

9.4 Lessee shall furnish Lessor with certificates evidencing the policies of insurance required hereunder to be maintained by Lessee and, in the case of any renewal or replacement of a policy already in existence, Lessee shall furnish a certificate evidencing such renewal or replacement at least thirty (30) days before expiration or other termination of the existing policy.

9.5 Lessee and Lessor each hereby waives any and all rights of recovery against the other, or against the officers, employees, agents and representatives of the other, for loss of or damage to such waiving party or its property or the property of others under its control, where such loss or damage is insured against under any insurance policy in force at the time of such loss or damage. Lessee shall, upon obtaining the policies of insurance required hereunder, give notice to the insurance carrier or carriers that the foregoing mutual waiver of subrogation is contained in this Lease.

9.6 Notwithstanding the insurance requirements of this Lease, Lessee shall have the option to self insure for so long as Intel's net worth as a corporate entity remains above one billion dollars (\$1,000,000,000.00). Coverage shall apply to any loss which but for the existence of the deductible or self insured retention would be covered under the insurance requirements described herein.

9.7 Lessee shall, independently of its obligation to obtain and maintain liability insurance as above provided, indemnify and hold harmless Lessor from and against any and all claims arising from Lessee's use of the premises, or from the conduct of Lessee's business or from any activity, work or things done, permitted or suffered by Lessee in or about the premises, to the extent not caused or contributed to by Lessor, and Lessee shall further indemnify and hold harmless Lessor from any and all claims arising from any breach or default in the performance of any obligation on Lessee's part to be performed under the terms of this Lease to the extent not caused by the negligent or intentional misconduct of Lessor, or arising from any negligence of the Lessee, or any of Lessee's agents, contractors or employees, and from and against all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought against Lessor by reason of any such claim, Lessee, upon notice from Lessor, shall defend the same at Lessee's expense by counsel satisfactory to Lessor.

9.8 Lessor shall indemnify and hold Intel harmless from and against any and all claims as follows:

(i) By a governmental agency or citizen acting to enforce an environmental law or regulation relating to the condition of the site as of March 14, 1991, the date the parties entered into a Right of Entry Agreement, and alleged to have occurred during Lessor's ownership of the property;

(ii) By any person claiming to have been damaged by the condition of the site through contact with the site or off-site migration of hazardous substances during the period of Lessor's ownership of the site and prior to March 14, 1991; and

(iii) By any person claiming to have been damaged by off-site migration, during the term of this Lease, of hazardous substances that were placed on the premises during Lessor's ownership and prior to March 14, 1991, if migration has occurred due to natural causes.

This indemnity by Lessor does not extend to claims of damage or injury by Lessee, its agents, contractors, consultants, employees, or invitees on the property. This indemnity is not intended to override any liability Intel may have under state or federal law as a prior owner of the property.

10. Condition of Premises in Lessee's Hands.

10.1 Lessee shall keep the driveways and parking areas upon the premises free and clear of ice, snow, rubbish, debris and obstruction.

10.2 At any time during the term of this Lease, Lessee, its sublessees and subtenants may place freestanding signs on the premises and may place wall signs on the exterior and interior walls of the existing buildings and structures on the premises. Such signs shall be for identification, for parking, or for directional purposes related to activities conducted on the premises; they shall be installed at Lessee's sole cost and expense, they shall conform at all times with applicable ordinance, codes, statutes, rules and regulations of governmental authorities, and they shall conform in terms of number, size, appearance and quality with standards prevailing for commercial buildings of similar size and utilization in the general neighborhood in which the premises are situated. At the expiration or sooner termination of this Lease, Lessee shall, at the Lessor's request and at Lessee's sole cost and expense, remove all such signs and restore the premises to their prior condition.

11. Assignment and Subletting.

11.1 Lessee shall not voluntarily or by operation of law assign, transfer, mortgage, sublet, or otherwise transfer or encumber to or in favor of any third party all or any part of Lessee's interest in this Lease or in the premises, without Lessor's prior written consent, which Lessor shall not unreasonably withhold. Any determination of the reasonableness of Lessor's refusal to give consent shall take into account the net worth, financial stability, and

financial responsibility of such third party, as well as the general reputation of the third party in the community or communities in which it has theretofore carried on business activities. Any attempted assignment, transfer, mortgage, encumbrance or subletting without such consent shall be voidable, and shall constitute a material default and breach of this Lease. Lessee shall, however, have the right to assign this Lease to a wholly owned subsidiary of Lessee, without Lessor's consent.

11.2 Regardless of Lessor's consent, no subletting or assignment shall release Lessee from any of Lessee's obligations hereunder or alter the primary liability of Lessee to pay the rent and perform all other obligations to be performed by Lessee hereunder. The acceptance of rent by Lessor from any other person shall not be deemed to be a waiver by Lessor of any provision hereof. Consent to one subletting or assignment shall not be deemed consent to any subsequent subletting or assignment.

12. Damage or Destruction. If the premises are damaged or destroyed and such damage or destruction is caused by a casualty covered under an insurance policy of the kind required to be maintained by Lessee pursuant to paragraph 9 above, Lessee shall, at Lessee's expense, repair such damage or reconstruct the premises, as the case may be, as soon as reasonably possible, and this Lease shall continue in full force and effect. In such event, all insurance proceeds shall be paid to Lessee as the work progresses and in a manner to ensure that no construction, labor, or material liens will arise. In such event, moreover, the building and improvements as repaired or reconstructed by

Lessee shall be of a value not less than the value of the building and improvements immediately prior to the casualty, and the building and improvements as repaired or reconstructed shall immediately become part of the realty and the property of Lessor. The plans and specifications for any reconstruction of the building or improvements shall be submitted in advance to Lessor for Lessor's approval, which approval shall not be unreasonably withheld.

13. Condemnation. If the premises or any portion thereof is taken under the power of eminent domain, or sold under the threat of the exercise of said power (all of which are herein called "condemnation"), this Lease shall terminate as to any part of the premises so taken as of the date the condemning authority takes title or possession, whichever first occurs, and the rental under paragraph 2 shall be reduced in the proportion that the area taken on the premises bears to the total of the premises. Any award for the taking of all or any part of the entire premises under the power of eminent domain or any payment made under threat of the exercise of such power shall be the property of Lessor, whether such award shall be made as compensation for diminution in value of the leasehold or for the taking of the fee, or as severance damages; provided, however, that Lessee shall be entitled to compensation for its loss, if any, of capital improvements installed in the premises by Lessee at Lessee's expense, in such amount as the Court may award or in proportion to the amount of any settlement reached in lieu of condemnation; and provided, further, that Lessee shall be entitled to any award for loss of or damage to Lessee's trade fixtures and removable tangible personal property.

14. Lessor's Performance of Lessee's Obligations. If Lessee fails to perform any obligation required hereunder to be performed by Lessee, and such failure continues for ten (10) days after written notice thereof is sent by Lessor, Lessor may make such payments and/or take all such other action as Lessor may deem reasonably necessary or appropriate to protect and preserve the property or the Lessor's interest therein, and, to this end, Lessor, its agents, contractors and employees, may, upon prior notice, enter upon the premises and put the same in good order, condition and repair. In an emergency, Lessor, its agents, contractors and employees, may make such payments, take such other action, or enter upon the premises to put the same in good order, condition or repair, without prior notice to Lessee. All costs, expenses and payments so paid or incurred by Lessor, together with interest thereon from the respective dates paid or incurred at the rate prescribed under section 32 below, shall be due and payable as additional rent to Lessor hereunder. Lessor is not required to make any such payment or take any such action, and by doing so, Lessor shall not be deemed to have waived any other remedy available unto Lessor.

15. Default by Lessee. The occurrence of any one or more of the following events shall constitute a material default and breach of this Lease by Lessee:

15.1 The vacating or abandonment of the premises by Lessee.

15.2 The failure by Lessee to make any payment of rent or any other payment required to be made by Lessee either to third parties or unto Lessor hereunder within ten (10) business days after the

same becomes due and payable, if such failure continues for ten (10) days after notice has been given to Lessor.

15.3 Any attempted assignment, transfer, mortgage, encumbrance, or subletting in contravention of paragraph 11, above, or any recordation of this Lease in contravention of paragraph 26 below.

15.4 The failure by Lessee to observe or perform any other of the covenants, conditions, or provisions of this Lease to be observed or performed by Lessee, where such failure shall continue for a period of thirty (30) days after written notice thereof from Lessor to Lessee; provided, however, that if the nature of Lessee's default is such that more than thirty (30) days is reasonably required for its cure, then Lessee shall not be deemed to be in default if Lessee commences such cure within said thirty (30) day period and thereafter diligently prosecutes such cure to completion.

15.5 The making by Lessee of any general assignment or general arrangement for the benefit of creditors; the filing by or against Lessee of a petition to have Lessee adjudged a bankrupt or a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Lessee, the same is dismissed within sixty (60) days); the appointment of a trustee or receiver to take possession of substantially all of Lessee's assets located at the premises or of Lessee's interest in this Lease, where possession is not restored to Lessee within thirty (30) days; or the attachment, execution, or judicial seizure of substantially all of Lessee's assets located at the premises or of Lessee's interest in this Lease, where such seizure is not discharged within thirty (30) days.

16. Remedies on Default by Lessee. In the event of any such material default or breach, Lessor may, at Lessor's option, exercise any one or more of the rights and remedies available to a landlord in the State of Oregon to redress such default, consecutively or concurrently, including but not limited to the following:

16.1 Lessor may elect to terminate Lessee's right to possession of the premises or any portion thereof by written notice to Lessee. Following such notice, Lessor may re-enter and take possession of the premises pursuant to process of law.

16.2 Following re-entry by Lessor, Lessor may relet the premises for a term longer or shorter than the term of this Lease and upon any reasonable terms, including the granting of rent concessions to the new tenant. Lessor may alter, refurbish, or otherwise change the character or use of the premises in connection with such reletting. Lessor shall not be required to relet for any use or purpose which Lessor may reasonably consider injurious to its property or to any tenant which Lessor may reasonably consider objectionable. No such reletting by Lessor following a default by Lessee shall be construed as an acceptance of the surrender of the premises. If rent received upon such reletting exceeds the rent received under this Lease, Lessee shall have no claim to the excess.

16.3 Following re-entry Lessor shall have the right to recover from Lessee the following damages:

16.3.1 All unpaid rent or other charges for the period prior to re-entry plus interest at the rate prescribed under paragraph 32 below.

16.3.2 An amount equal to the rent lost during any period during which the premises are not relet, if Lessor uses reasonable efforts to relet. If Lessor lists the premises with a real estate broker experienced in leasing commercial property in Portland, Oregon, for reasonable terms at market rent, such listing shall constitute the taking of reasonable efforts to relet the premises.

16.3.3 The following costs incurred in reletting or attempting to relet the premises: the cost of removing any personal property of Lessee from the premises, the cost of cleanup and repair in preparation for a new tenant, the cost of correcting any defaults or restoring any unauthorized alterations, the amount of any real estate commissions and advertising expenses, the cost (including, but not limited to, a reasonable attorney's fee) for negotiating and preparing a new lease, and the cost to Lessor of such rent concessions below market rent as may reasonably be required to induce a new tenant to lease the premises.

16.3.4 The difference between the rent reserved under this Lease and the amount actually received by Lessor after reletting at a market rate, as such amounts accrue.

16.3.5 Reasonable attorneys' fees incurred in connection with the default, whether or not any litigation is commenced.

16.4 Lessor may sue periodically to recover damages as they accrue throughout the term of this Lease and no action for accrued

damages shall be a bar to a later action for damages subsequently accruing. To avoid a multiplicity of actions, Lessor may seek a decree of specific performance requiring Lessee to pay damages as they accrue. Alternatively, Lessor may elect in any one action to seek to recover accrued damages plus the reasonable rental value of the premises for the remainder of the term, discounted to the time of the judgment at a reasonable discount rate.

16.5 In the event that Lessee remains in possession following default and Lessor does not elect to re-enter, Lessor may recover all back rent or other charges, plus interest at the rate prescribed under paragraph 32 below from the date of delinquency, and shall have the right to cure any default (other than one described at paragraph 15.2) and recover the cost of such cure from Lessee, plus interest at the rate prescribed under paragraph 32 below from the date of the expenditure. In addition, Lessor shall be entitled to recover attorneys' fees reasonably incurred in connection with the default, whether or not litigation is commenced. Lessor may sue to recover such amounts as they accrue, and no one action for accrued damages shall bar a later action for damages subsequently accruing.

16.6 The foregoing remedies shall not be exclusive but shall be in addition to all other remedies and rights provided hereunder or under applicable law, and no election to pursue one remedy shall preclude resort to another consistent remedy.

16.7 No action of Lessor, other than Lessor's express written notice of the termination of this Lease, shall terminate this Lease or be construed as an acceptance of the surrender of the premises.

17. Default by Lessor. Lessor shall not be in default unless Lessor fails to perform obligations required of Lessor within thirty (30) days after written notice by Lessee to Lessor and to the holder of any mortgage upon the premises whose name and address shall have theretofore been furnished to Lessee in writing, specifying wherein Lessor has failed to perform such obligation. At any time when Lessor is in default (as in this paragraph 17 provided) in the performance of any obligation to be performed by Lessor hereunder (other than a default relating to Lessor's failure to give a consent or approval that, under the terms of this Lease, may not be unreasonably withheld), Lessee shall have the right to cure such default and recover the cost of such cure from Lessor, plus interest at the rate prescribed under paragraph 32 below from the date of the expenditure. In the event Lessor fails so to reimburse Lessee within thirty (30) days following Lessee's written demand for reimbursement, Lessee may offset against succeeding installments of the monthly rent hereunder the amount of such unpaid reimbursement.

18. Late Charge. Lessee hereby acknowledges that late payment by Lessee to Lessor of rent and other sums due hereunder will cause Lessor to incur costs not contemplated by this Lease, the exact amount of which will be extremely difficult to ascertain. Such costs include, but are not limited to, processing and accounting charges, and late charges which may be imposed on Lessor by the terms of any mortgage upon the premises. Accordingly, if any installment of rent or any other sum due from Lessee shall not be received by Lessor or Lessor's designee within ten (10) business days after such amount shall be due, Lessee

shall pay to lessor a late charge equal to five percent (5%) of such overdue amount. The parties hereby agree that such late charge represents a fair and reasonable estimate of the costs Lessor will incur by reason of late payment by Lessee. Acceptance of such late charge by Lessor shall in no event constitute a waiver of Lessee's default with respect to such overdue amount, nor prevent Lessor from exercising any of the other rights and remedies granted hereunder. The late charge herein prescribed shall be in addition to, and not in lieu of any interest payable on amounts for which interest is recoverable hereunder.

19. Surrender of Premises. At the expiration or sooner termination of this Lease, Lessee shall surrender the premises to Lessor peaceably, quietly and in as good order and condition (reasonable use and wear thereof alone excepted) as the same are in at the commencement of the term of this Lease (or as they may thereafter be put by Lessor or Lessee under the provisions of this Lease). Lessee shall remove alterations, improvements, additions, and utility installations and restore the premises to their prior condition to the extent required by Lessor as a condition of having given consent under paragraph 6.1, and Lessee will remove therefrom all of Lessee's equipment, goods, and effects which may be affixed to or contained in or upon the premises. Lessee shall not be required to remove any of the alterations, improvements, or additions specified in the attached Exhibit B but shall remove any trailers placed on the property, including any footings or foundations, unless other written arrangements are made with Lessor in advance.

20. Estoppel Certificates.

20.1 Lessee shall at any time upon not less than fifteen (15) days' prior written notice from Lessor execute, acknowledge, and deliver to Lessor a certificate stating (a) whether this Lease is in full force and effect, (b) whether and in what respects this Lease has been modified, (c) whether Lessee is in occupancy and paying rent on a current basis with no rental offsets or claims, (d) whether there has been any prepayment of rent other than that provided for in the Lease, (e) whether any notice has been received by Lessee of any default which has not been cured, (f) whether Lessor is in default hereunder, (g) whether there is any action, voluntary or otherwise, pending against Lessee under the bankruptcy laws of the United States or any state thereof, and (h) such other matters as may be reasonably required by Lessor or any actual or prospective purchaser or mortgage lender. Any such certificate may be conclusively relied upon by any actual or prospective mortgagee, encumbrancer, or purchaser of the premises or any part thereof.

20.2 Lessee's failure to deliver such certificate within such time and within fifteen (15) days after Lessor's notice to Lessee of such failure shall be conclusive upon Lessee (a) that this Lease is in full force and effect, without modification, except as may be represented by Lessor, (b) that Lessee is in occupancy and paying rent on a current basis with no rental offsets or claims, (c) that there has been no prepayment of rent other than that provided for in the Lease, (d) that no notice has been received by Lessee of any default which has not been cured, except as may be represented by Lessor, (e) that Lessor is not in default hereunder, (f) that there is no

action, voluntary or otherwise, pending against Lessee under the bankruptcy laws of the United States or any state thereof, and (g) as to such other matters as Lessor may represent unto any actual or prospective purchaser or mortgage lender.

20.3 If Lessor desires to mortgage, encumber, sell, exchange or otherwise transfer the premises, or any part thereof, Lessee hereby agrees to deliver to any actual or prospective purchaser or mortgage lender designated by Lessor such publicly available financial information concerning Lessee as may be reasonably required by such actual or prospective purchaser or mortgage lender. Such financial information shall include the past three years' annual reports of Lessee.

21. Separability. The invalidity of any provision of this Lease, as determined by an arbitrator or a court of competent jurisdiction, shall in no way affect the validity of any other provision hereof.

22. Time of Essence. Time is of the essence of this Lease.

23. Integration. This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing only, signed by the parties in interest at the time of the modification.

24. Notices.

24.1 Any notice required or permitted to be given hereunder shall be in writing and may be served personally or by registered or certified mail, postage and registration or certification

prepaid, addressed to Lessor and Lessee respectively at the addresses set forth beside their signatures at the end of this Lease. Such notices, if mailed, shall be deemed sufficiently served or given, for all purposes hereunder, when received, or on the date of attempted delivery, if refused. Either party may, by like notice to the other party, at any time and from time to time, designate a different address to which notices shall be sent.

24.2 In the interest of establishing and maintaining lines of communication conducive to execution of this Lease in a manner satisfactory to both parties, each party designates the following individual as a contact for the party, to resolve disputes, accept notice and grant approvals when it is possible to handle such matters informally under the terms of this agreement:

For Lessor:

Neil Saling
Acting Director of Regional Facilities
Metropolitan Service District
2000 SW First Avenue
Portland, Oregon 97201-1646
Phone: (503) 221-1646
Fax: (503)

For Lessee:

Eric Kirkewoog
Intel Corporation
Mail Stop AL4-20
5200 N.E. Elam Young Parkway
Hillsboro, Oregon 97124-6497
Phone: (503) 642-6873

25. Limited Scope of Waiver and Consent. No waiver by Lessor of any provision hereof shall be deemed a waiver of any other provision

hereof or of any subsequent breach by Lessee of the same or any other provision. Lessor's consent to or approval of any act shall not be deemed to render unnecessary the obtaining of Lessor's consent to or approval of any subsequent act by Lessee. The acceptance of rent hereunder by Lessor shall not be a waiver of any preceding breach by Lessee of any provision hereof, other than the failure of Lessee to pay the particular rent so accepted, regardless of Lessor's knowledge of such preceding breach at the time of acceptance of such rent.

26. Recordation. Lessee shall not record this Lease without Lessor's prior written consent and such recordation shall, at the option of Lessor, constitute a noncurable material default and breach by Lessee hereunder. Either party shall, upon request of the other, execute, acknowledge and deliver to the other a "short form" memorandum of this Lease for recording purposes.

27. Holding Over. If Lessee remains in possession of the premises or any part thereof after the expiration of the term hereof without the express written consent of Lessor, such occupancy shall be a tenancy from month to month at a rental in the amount of the last monthly rental, plus all other charges payable hereunder, and upon all the terms hereof, as applied, however, to a month-to-month tenancy.

28. Binding Effect and Governing Law.

28.1 Each provision of this Lease performable by Lessee shall be deemed both a covenant and a condition, and shall run with the land.

28.2 Subject to any provisions hereof restricting assignment or subletting by Lessee, this Lease shall bind the parties, their successors and assigns.

28.3 This Lease shall be governed by the laws of the State of Oregon.

29. Attorneys' Fees. If either party hereto brings an action, suit or other legal proceeding to enforce the terms hereof, declare rights hereunder, or secure a remedy for a material default or breach of this Lease, the prevailing party in any such action, suit or other legal proceeding, on hearing, trial, appeal, or other proceeding, shall be entitled to its reasonable attorneys' fees to be paid by the losing party as fixed by the court or other tribunal, as the case may be.

30. Lessor's Access. Lessor and Lessor's agents shall have the right to enter the premises upon twenty-four (24) hours prior notice to Lessee and during normal business hours for the purpose of inspecting the same. Lessor may enter the premises without prior notice and/or during periods other than normal business hours in an emergency. At no time shall Lessor place any "For Sale" or "For Lease" signs on or about the premises without the prior written consent of Lessee. Such consent shall not be unreasonably withheld.

31. Surrender and Cancellation. The voluntary or other surrender of this Lease by Lessee, or a mutual cancellation thereof, shall not work a merger, and shall, at the option of Lessor, terminate all or any existing subtenancies or may, at the option of Lessor, operate as an assignment to Lessor of any or all such subtenancies.

32. Interest. Whenever, under any provision of this Lease, interest is due and payable at the rate prescribed under this paragraph 32, the rate of such interest shall be that rate per annum which is the lowest of (a) the highest rate per annum which may lawfully be charged under the laws of the State of Oregon, determined as of the time the underlying obligation to Lessor is incurred hereunder; or (b) at any time when quotations of discount rates on ninety (90) day commercial paper are outstanding from the Federal Reserve Bank of San Francisco, that rate per annum which is five (5) percentage points above the said discount rate of the Federal Reserve Bank of San Francisco on ninety (90) day commercial paper, determined as of the time the underlying obligation to Lessor is incurred hereunder; or (c) twenty percent (20%) per annum.

33. Net Lease. This is a net lease, it being the intention of the parties hereto that Lessee shall pay as additional rent, without offset or reduction all costs of maintenance, taxes and insurance, and other charges that are assessed or levied against the premises, including without limitation the costs, taxes, and charges set forth in this Lease. All taxes, charges, costs, and expenses which Lessee assumes or agrees to pay hereunder, together with all interest and other charges that may accrue thereon in the event of Lessee's failure to pay the same as herein provided, all other damages, costs, and expenses which Lessor may suffer or incur, and any and all other sums which may become due, by reason of any default of Lessee or failure on Lessee's part to comply with the covenants, agreements, terms, and conditions of this Lease on Lessee's part to be performed, and each or any of them,

shall be deemed to be additional rent, and, in the event of nonpayment, Lessor shall have all of the rights and remedies herein provided (or provided under applicable law) in the case of nonpayment of rent.

34. Captions. The paragraph captions contained in this Lease are inserted only as a matter of convenience and for reference and in no way define, limit, extend, or describe the intent of any provision hereof.

35. Authority of Officers Executing Lease. This Lease, and the rights and obligations of Lessee hereunder, are expressly conditioned upon the unqualified and unconditional ratification and approval of the Lease by Lessor's Council on or before the beginning of the term of this Lease. In the event Lessee's Council fails to so to ratify and approve this Lease, this Lease shall be null and void and of no further force and effect, and the parties hereto shall be relieved of any further liability or obligation each to the other under or by virtue of this Lease. Subject to ratification and approval as in this paragraph 35 above provided, the individual executing this Lease on behalf of Lessor represents and warrants that such individual is the Executive Officer of Lessor and is duly authorized to execute and deliver this Lease on behalf of said Lessor, and that this Lease is binding upon said Lessor in accordance with its terms. The individual executing this Lease on behalf of Lessee likewise warrants that such individual is duly authorized to execute and deliver this Lease on behalf of Lessee.

IN WITNESS WHEREOF, the parties have executed this Lease the
day and year first above written.

Address: 2000 S.W. First Avenue
Portland, Oregon
97201-5398

Metropolitan Service District,
a municipal corporation of the
State of Oregon

By: _____
"Lessor"

Address: Legal Department
Intel Corporation
3535 Garrett Drive, GR1-21
Santa Clara, California
95052-8199

Intel Corporation, a Delaware
corporation

By: _____
"Lessee"

1049c
04/08/91

EXHIBIT A

ATTACHMENT
TO
LEASE
BETWEEN
METROPOLITAN SERVICE DISTRICT
AND
INTEL CORPORATION

Description of Premises

Being a portion of A. J. Masters Donation Land Claim No. 46 in Sections 11 and 12, Township 1 South, Range 2 West, of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at a point on the South boundary line of the Oregon Central Railroad Company right of way, said point being West 22.55 chains and South 1°30' West, 27.17 chains from the Northeast corner of said Donation Land Claim No. 46; running thence South 1°30' West, 3.85 chains; thence West 14.40 chains; thence North 1°30' West 187.9 feet to the Northeast corner of that certain tract conveyed to John Frank, Jr., et ux, by deed recorded January 11, 1956, in Book 377, Page 486, Washington County Deed Records; thence West along the North line of said Frank tract 273.0 feet to the West line of said Donation Land Claim about 275.0 feet to the South boundary line of said right of way; thence South 81°30'0" East along the South boundary line of said right of way to the place of beginning.

SAVE AND EXCEPT that portion conveyed to Washington County, as set forth by instrument recorded October 20, 1977, Fee No. 77-13933, Mortgage Records of Washington County.

1049c
01/17/91

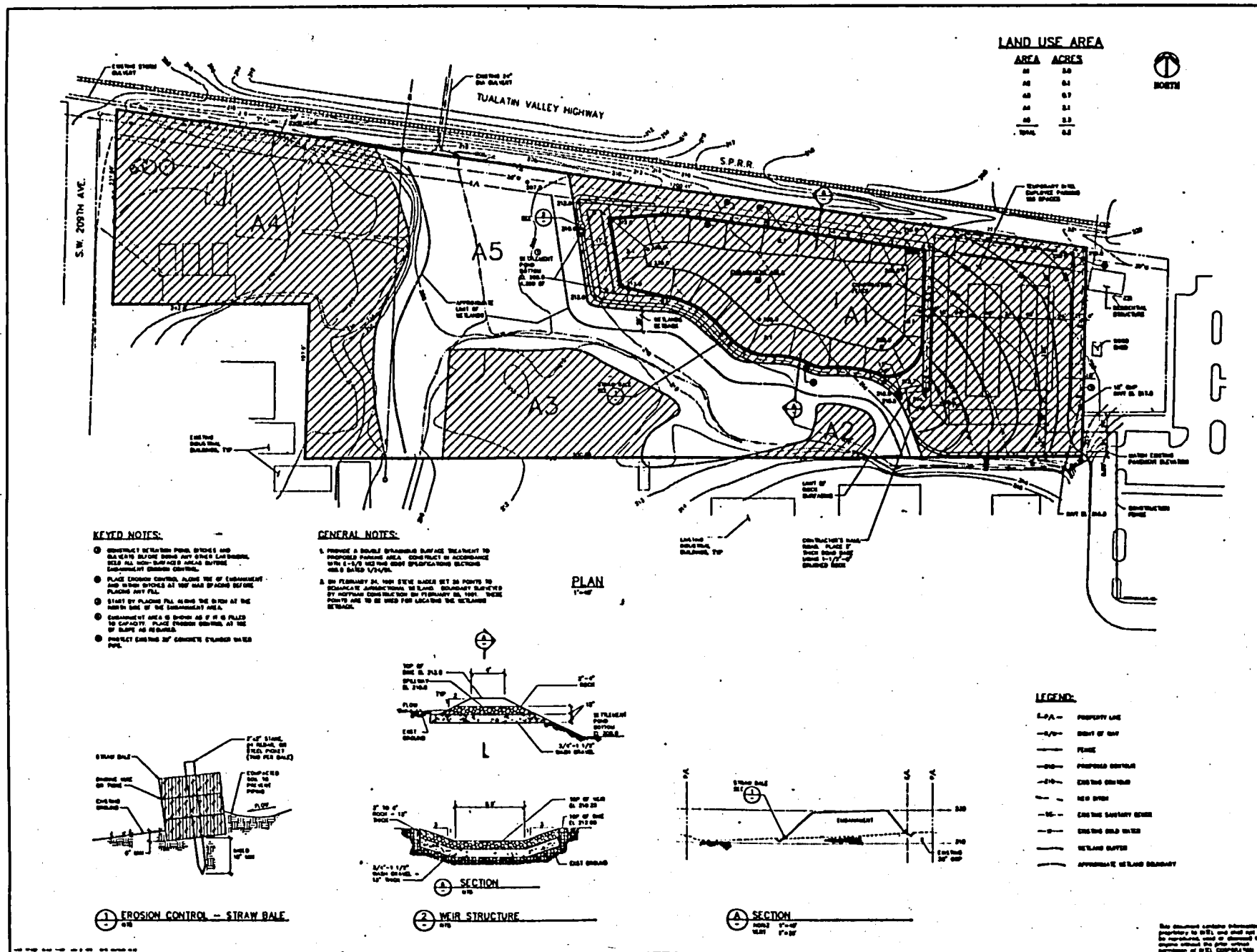


EXHIBIT B

Page 2

Narrative to Accompany Map

The wetlands (area A5, 2.3 acres) and fill areas surrounded by wetlands (area A2 & A3, 0.1 acres & 0.7 acres) will not be used by Intel.

The section on the West side (area A4, 2.1 acres) will be used for construction staging.

The section on the East side (area A1, 3.0 acres) will be used for Intel temporary parking and fill dirt. The parking area will be graded flat and covered with gravel. Fill dirt will be added to the remaining space left on area A1 as per the drawing.

Special provisions have been taken to protect the wetlands. This includes a 25-foot buffer, straw bales, additional ditches, and settlement ponds. Please refer to the attached drawing for detail.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 91-1423
THE EXECUTIVE OFFICER TO LEASE)	
PROPERTY AT 209TH AVENUE AND	)	Introduced by
TUALATIN VALLEY HIGHWAYS	)	Executive Officer
TO INTEL CORPORATION	)	Rena Cusma

WHEREAS, Metro is the owner of a tract of land consisting of 8.26 acres located at the junction of southwest 209th Avenue and Tualatin Valley Highway in Aloha, Oregon; and

WHEREAS, Intel Corporation has offered to lease the property for a period of three (3) years at a monthly rate of four thousand dollars (\$4,000.00); and

WHEREAS, Metro believes that disposition of the property is contingent upon the establishment of a viable solid waste transfer station or stations in the West Wasteshed, but does not anticipate any public use of the property within the next three years; and

WHEREAS, Metro Code 2.04.033 requires that the lease of real property owned by Metro be approved by the Council of the Metropolitan Service District; and;

WHEREAS, ORS 271.310 provides that public property should not be leased unless the governing body determines that the property not be needed for public use during the term of the lease; now therefore;

BE IT RESOLVED,

1. The 8.26 acre Metro parcel at the corner of Oregon Highway 8 (Tualatin Valley Highway) and SW 209th Avenue will not be needed for public use within the 3 year term of the attached lease with Intel Corporation, made part of this Resolution by referencing; and
2. The Executive Officer is authorized to execute a lease in substantially the form of the attached lease with Intel Corporation, for use of the 8.26 acre Metro property.

ADOPTED BY THE COUNCIL of the Metropolitan Service District

This _____ day of _____, 1991.

Tanya Collier, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1423 FOR THE PURPOSE OF APPROVING THE LEASE OF METRO OWNED PROPERTY LOCATED AT THE JUNCTION OF SOUTHWEST 209TH AVENUE AND TUALATIN VALLEY HIGHWAY IN ALOHA, OREGON

Date: April 1, 1991

Presented by: Neil E. Saling

Proposed Action

This resolution would permit the Executive Officer to execute a three (3) year lease with Intel Corporation for 8.26 acres of land located in Aloha, Oregon and sell that property should it be determined to be excess to Metro's needs.

Background and Analysis

In October 1986, Metro purchased 8.26 acres of land located at the junction of SW 209th avenue and Tualatin Valley Highway from Intel Corporation for the purpose of constructing a solid waste transfer station. The purchase price was \$810,000. The tract was mostly undeveloped except for 1.21 acres upon which a small office building, storage sheds and a surfaced parking area were located. Two leases were transferred to Metro at the time of sale: Close Construction which occupied the office building and utilized the adjacent sheds and parking area, and K&G Construction which parked heavy earthmoving equipment on a 0.55 acre fill they had created for that purpose. The lease payments covered little more than the property taxes on the taxed portions of the tract. For a variety of reasons, construction of the transfer station has not gone forward.

In mid - 1990, Coldwell Banker Real Estate, representing Intel Corporation, contacted Metro asking about the availability of the 8.26 acre tract. Coldwell indicated that Intel was looking at alternative locations for expanding its facilities and wanted a sales price on Metro's property. After discussions with the Directors of Solid Waste and Planning & Development, the Executive Officer determined that Metro should not relinquish title to the property until such time as the establishment of a Metro West Transfer Station (or stations) was resolved between Metro and Washington County. Intel Corporation, through Coldwell Banker, was informed that the land is not for sale at this time.

In December 1990, Intel Corporation, through Coldwell Banker, proposed to lease the property for a period of three years at a price of \$4000 per month. Intel Corporation asked to be given a right of first refusal to buy the property upon the determination by Metro that the property was excess to its needs. The rent would be applied to the eventual sale price should Intel choose to buy the property. Metro responded with a Letter of Intent reflecting its intention to enter into such a lease and providing additional provisions including a purchase price of \$1,100,000.

Concurrently, Metro granted a limited Right of Entry for the purpose of surveying and soils evaluation (December 13, 1990) and subsequently granted a more comprehensive Right of Entry for improving the property for parking and storage of construction materials. Based upon the Letter of Intent, Metro has also given notice to the lessees of the pending termination of their leases. All Metro actions taken to date are reversible.

Metro Code Section 2.04.033 (a) (3) requires Council approval of "Any contract for the sale, lease or transfer of real property owned by the District." In addition, ORS 271.310 provides that public property should only be leased if the governing body determines that the property will not be needed for public use within the period of the lease. Accordingly, a proposed lease has been prepared for your approval.

The proposed lease reflects the provisions of the Letter of Intent with the exception of a right of first refusal with an agreed sales price which has been deleted. Intel Corporation has indicated that their consultant, CH2M-Hill, has determined that 3.1 acres of the tract is wetland which will not be used by Intel but which will be protected. Coldwell Banker indicates a desire to negotiate a new sales price based upon the CH2M-Hill determination. However, they wish to expeditiously execute a lease with a right of first refusal with a purchase price to be negotiated. Metro staff concurs in this approach.

The proposed lease is attached as Attachment A. Approval of the proposed lease and authority to negotiate a fair and equitable sales price is requested.

Recommendation:

The Executive Officer recommends Council approval of Resolution No. 91-1423.

Agenda Item No. 6.3
Meeting Date: April 25, 1991

RESOLUTION NO. 91-1430

TRANSPORTATION AND PLANNING COMMITTEE REPORT

RESOLUTION NO. 91-1430, FOR THE PURPOSE OF APPROVING AN AMENDMENT TO THE PERSONAL SERVICES CONTRACT WITH DAVID EVANS AND ASSOCIATES TO EXPAND THE RLIS MAP EXTENT TO INCLUDE RURAL AREAS ADJACENT TO THE URBAN GROWTH BOUNDARY (UGB)

Date: April 18, 1991

Presented by: Councilor McLain

COMMITTEE RECOMMENDATION: At the April 9, 1991 Transportation and Planning Committee meeting, members present -- Councilors Bauer, Gardner, Van Bergen and myself -- voted 3 to 1, Councilor Van Bergen dissenting, to recommend the Council adopt Resolution No. 91-1430. Councilor Devlin was excused.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 91-1430 approves a contract amendment to extend the current Regional Land Information System (RLIS) base data layer (the tax lot parcels map) to areas outside of, but adjacent to the Urban Growth Boundary (UGB). Mapping the rural areas next to the UGB will provide preliminary information to analyze the region's long-term future land supply, urban encroachment, and land suitability for urban expansion. The Planning and Development Department refers to this work as the Urban Reserves Analysis, a critical component to development and implementation of the Regional Urban Growth Goals and Objectives.

The contract extension will add 350 map sections outside the UGB to the 552 currently being developed within the UGB and is for a total cost not to exceed \$50,000. Funding for this work would come from the \$100,000 appropriated for the "Thematic"/Land Use Suitability Study. The remaining budget would pay for RLIS soils digitization work (\$36,000, for Council approval under Resolution No. 91-1433), a Satellite Imagery Demonstration Project (\$9,000), and an intergovernmental agreement extension with the University of Oregon Landscape Architecture Department (\$1,500).

It was noted the additional RLIS map layers will not affect the FY91-92 budget; although, as RLIS grows data maintenance and update needs grow concurrently. Department staff clarified the FY91-92 proposed funding for RLIS Urban Reserves enhancements is for additional rural map layers beyond the base parcels information.

Of the \$50,000, approximately \$10,000 will be spent this fiscal year, requiring carry-over of the remaining \$40,000 into FY91-92 to complete the work.

In voting against the resolution, Councilor Van Bergen stated his concern over the on-going growth of RLIS. He also noted the State is examining secondary lands (non-prime agricultural/rural lands) and their uses.

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

FOR THE PURPOSE OF APPROVING AMEND-	) RESOLUTION NO. 91-1430
MENT TO A PERSONAL SERVICES TO	) Introduced by Rena Cusma
EXPAND THE RLIS MAP EXTENT TO	) Executive Officer
INCLUDE RURAL AREAS ADJACENT THE UGB	

WHEREAS, the Metropolitan Service District has embarked upon development of a Regional Land Information System (RLIS), covering the Portland metropolitan area, for the purpose of serving information needs of regional planning, member jurisdictions, citizenry, and the business community; and

WHEREAS, the Council of the Metropolitan Service District finds it necessary to include the rural areas adjacent the Urban Growth Boundary (UGB) in the RLIS system to support the information requirements of urban growth management planning; and

WHEREAS, there are funds available in the current fiscal year budget to amend the personal services contract with David Evans and Associates, the contractor currently developing the RLIS map base for Metro; and

WHEREAS, Section 2.04.054 of the Metro Code requires that the Council must approve contract amendments for an amount greater than \$10,000; now, therefore,

BE IT RESOLVED,

That the contract with David Evans and Associates (#901-334) be amended to add 350 sections to the RLIS map base at a cost not to exceed \$50,000.

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

Tanya Collier, Presiding Officer

CONTRACT AMENDMENT

That contract between the Metropolitan Service District (METRO) and David Evans and Associates, for spatial data conversion, contract number 901-334, Article 2, is hereby amended to increase the number of PGE Intergraph quarter-section maps to be converted to ARC/INFO from 1,677 to 3,077. The area of coverage is outlined on the attached map exhibit "A". The work to be completed for these additional 1,400 quarter-sections is described in Article 2, work tasks 1, 2, and 4. The rate of delivery shall average 140 quarter-sections per month and final delivery of completed product shall be no later than December 31, 1991.

Article 4 is hereby amended to provide compensation based on direct incurred costs, plus overhead charges, not to exceed \$50,000 for the scope of work defined by this amendment. This will produce an average cost per quarter-section of \$36. Monthly charges will be consistent with this average cost but expected to vary according to the complexity of the area being mapped.

Dated: _____

David Evans and Associates

METRO

By: _____

By: _____

Title: _____

Title: _____

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1430 FOR THE PURPOSE OF APPROVING AN AMENDMENT TO THE PERSONAL SERVICES CONTRACT WITH DAVID EVANS AND ASSOCIATES TO EXPAND THE RLIS MAP EXTENT TO INCLUDE RURAL AREAS ADJACENT TO THE URBAN GROWTH BOUNDARY (UGB)

Date: March 29, 1991

Presented by Andy Cotugno/Dick Bolen

FACTUAL BACKGROUND AND ANALYSIS

It has become evident as part of the process of developing RUGGO that the area currently being mapped by the RLIS system should be expanded to include the rural lands adjacent to the UGB. These lands are where the region's long-term future land supply exist and information regarding urban encroachment and suitability for urban expansion are needed.

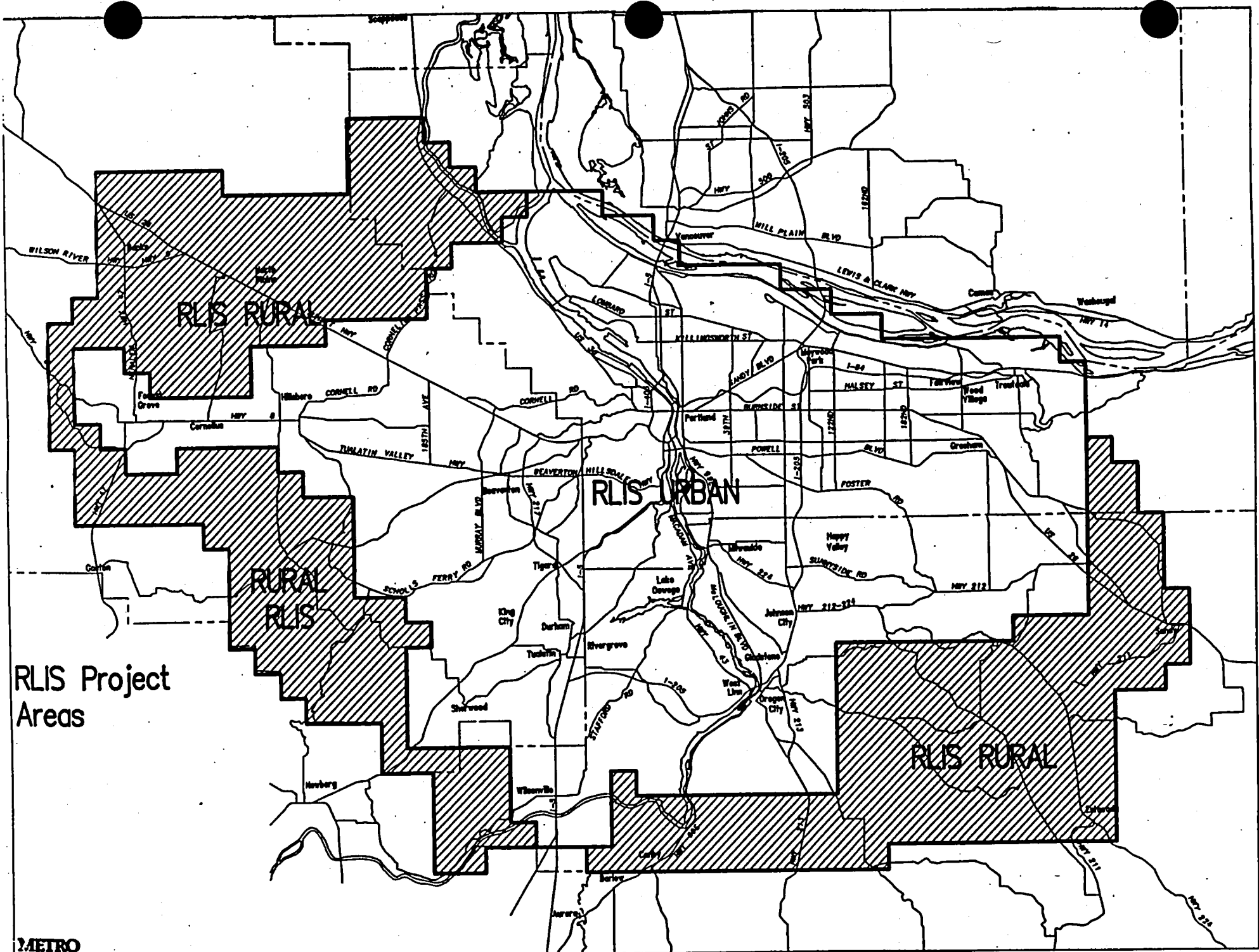
The attached map shows the areas under consideration. This adds 350 map sections to the 552 currently being developed. The cost is not to exceed \$50,000. The result is expanding the geographic extent of RLIS by 63 percent with a 31 percent cost increase.

Mapping lands adjacent to the UGB will involve a continuation of the contractual work now in progress with David Evans and Associates (DEA). When the RFP was issued for this work only one other firm responded. DEA has proven themselves capable and efficient in conducting this work and it is therefore desirable to keep them on the project. Time and money will be lost if another RFP is distributed for the expansion. Metro staff has reviewed DEA's estimate of cost to do this additional mapping and finds their not-to-exceed estimate of \$50,000 appropriate. This review included a visit to each of the county assessors to review the complexity of the maps being converted and to determine the average time required to accomplish the work.

Therefore, it has been concluded that the area being added to RLIS is that portion of the region needed to support anticipated urban growth management activities and that efficiencies and cost savings will result from adding this work to the current contract with DEA.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 91-1430



RLIS Project
Areas

Agenda Item No. 6.4
Meeting Date: April 25, 1991

RESOLUTION NO. 91-1433

TRANSPORTATION AND PLANNING COMMITTEE REPORT

RESOLUTION NO. 91-1433 APPROVING A REQUEST FOR PROPOSALS (RFP) FOR PERSONAL SERVICES TO DIGITIZE SOIL SURVEYS OF CLACKAMAS AND MULTNOMAH COUNTIES

Date: April 10, 1991

Presented by: Councilor Bauer

COMMITTEE RECOMMENDATION: At the April 9, 1991 Transportation and Planning Committee meeting, Councilors Gardner, McLain, Van Bergen and myself voted 3 to 1 (Van Bergen dissenting) to recommend the Council adopt Resolution No. 91-1433. Councilor Devlin was excused.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 91-1433 approves release of an RFP to secure services for preparing Multnomah and Clackamas County soils surveys ("digitizing") for inclusion on the Regional Land Information System (RLIS). Because the contract extends beyond a single fiscal year, Council review and approval of the RFP and subsequent contract are necessary. The project cost is \$36,000 and the resolution waives Code requirements for Council approval of the final contract, authorizing the Executive Officer to execute the contract.

Funding for the soils digitization comes from the Thematic/Land Use Suitability Study supported in the FY90-91 budget for \$100,000. The remaining study funds would pay for expansion of the RLIS base map to rural areas just outside the Urban Growth Boundary (a \$50,000 contract extension to be approved under Resolution No. 91-1430), a Satellite Imagery Project (\$9,000), and an intergovernmental agreement extension with the University of Oregon Landscape Architecture Department (\$1,500).

Department staff clarified the FY90-91 budget identified \$90,000 for soils digitization, but \$80,000 of that amount were targeted grants from federal and state sources. The grants were not received, but \$10,000 in Metro excise tax revenues was used to digitize Washington County soils surveys for the Unified Sewerage Agency.

The soils maps on RLIS will provide data for Planning and Development's Urban Reserves and Urban Infill analyses to support implementation of the Regional Urban Growth Goals and Objectives (RUGGO).

As with Resolution No. 91-1430, Councilor Van Bergen voted against Resolution No. 91-1433 due to concerns about the continued growth of RLIS.

BEFORE THE COUNCIL OF
THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING A)	RESOLUTION NO. 91-1433
CONTRACT TO DIGITIZE SOIL SURVEYS)	INTRODUCED BY EXECUTIVE
OF CLACKAMAS AND MULTNOMAH COUNTIES)	OFFICER RENA CUSMA

WHEREAS, resources for digitizing the Soil Conservation Service's Soil Surveys for the METRO region was approved by the Council in the FY90-91 budget; and

WHEREAS, the regional importance of acquiring this data has been demonstrated by the contributions by local governments toward sharing costs of the project; and

WHEREAS, digitization of the Washington County Soil Survey has been completed, with Clackamas and Multnomah Counties Soil Surveys remaining to complete the region; and

WHEREAS, digitization of the Soil Surveys has been identified as an important component in the Land Use Suitability Study approved in the FY90-91 budget under the "A" contract listing; and

WHEREAS, METRO Code 2.04.033(a)(1) requires Council approval of contracts prior to execution when expenditure of appropriations provided for that contract in the current fiscal year budget will occur in following fiscal year; now therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby approves release of the Request For Proposals for the Digitization of Soil Surveys of Clackamas and Multnomah Counties; and

That the Council of the Metropolitan Service District waives the requirement of Council approval of the contract and authorizes the Executive Officer to execute the contract.

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

Tanya Collier, Presiding Officer

REQUEST FOR PROPOSALS

**DIGITIZATION OF SOIL SURVEYS
OF CLACKAMAS AND MULTNOMAH COUNTIES**

**METROPOLITAN SERVICE DISTRICT
PLANNING AND DEVELOPMENT DEPT.
2000 S.W. FIRST AVENUE
PORTLAND, OREGON 97201-5398**

APRIL, 1991

REQUEST FOR PROPOSALS
FOR DIGITIZATION OF SOIL SURVEY MAPS

I. CALL FOR PROPOSALS

The Planning and Development Department of the Metropolitan Service District (METRO) is requesting proposals for digitizing the Soil Conservation Service (SCS) maps for Clackamas and Multnomah Counties, Oregon. Soil lines, open water boundaries, and survey boundaries will be digitized and each polygon will be labeled. Each map sheet will be edge-matched with adjoining sections to form a 7.5 minute quadrant map.

Proposals must be addressed to:

Metropolitan Service District
Attn: Jim Morgan
2000 S.W. First Avenue
Portland, Oregon 97201-5398

The METRO staff person responsible for coordinating this project is Jim Morgan at (503)221-1646.

Proposals must be delivered to the METRO office at the address above no later than 5:00 p.m. PDT, April 29, 1991, attention Jim Morgan.

II. BACKGROUND

The Soil Surveys developed by the U.S.D.A. Soil Conservation Service (SCS) are the principal sources of soil information for planners and engineers. These surveys identify and locate soil types, describe their characteristics, and interpret their uses. The Soil Surveys have been completed for Clackamas and Multnomah Counties. The Soil Survey is published in the form of map, tabular, and text data. For extensive analysis using soils data alone or with other data layers, soil survey data needs to be digitized for use in a computerized geographical information system (GIS). The spatial data (soil maps) needs to be digitized and tabular data linked with the spatial data for analysis.

In a cooperative effort between METRO, SCS, and participating agencies, the Soil Surveys for the two counties will be digitized by a selected contractor. To date, the Washington County Soil Survey has been digitized using the procedures described herein. The final product will be digital files of the county survey maps with their associated attributes that can be used in a GIS for analysis and map generation. Each file will contain the data for one 7.5' quadrant map. Separate files will be created when more than one of the above mentioned counties occurs on a single 7.5' quadrant map.

BUDGET

Present funds allocated by METRO for digitization of soil surveys total \$43,000.

III. SCOPE OF WORK

The preferred method of map digitization described in the Scope of Work is electronic scanning and editing. This is preferred method given:

- 1) the availability of the source documents in separate layers, making scanning more feasible; and,
- 2) the availability of recently developed software efficient in editing scanned files.

SOURCE DOCUMENTS

The Soil Conservation Service will provide all source documents. Each map consists of two separate layers compiled on stable based mylar material: one layer with soil mapping unit polygons with streams, rivers, and lakes delineating, and some cultural features (e.g. major highways, airports); the other layer containing labels for each polygon.

The maps were originally compiled on an orthophoto base. Each map sheet is one-third of a USGS 7.5 minute quadrant map. Joining three maps along northern and southern edges will yield a USGS 7.5 minute quadrant map.

Soil maps were compiled at the 1:20,000 scale. Maps have adequate points for geo-registration, with the exception of oversize sheets and insets. The oversize and inset sections will have to be cut off the original mylar, taped to a plotted quad frame on mylar, and scanned separately. The overlay data is essentially the same as the map sheets published in the Soil Surveys, but without the orthophoto background.

Tabular data associated with the maps has been entered into the SCS soil database system. The consultant is not expected to enter nor correlate the tabular data.

There is a total of 98 soil map sheets for Clackamas and Multnomah Counties.

SCS PROVISIONS

SCS will provide to the contractor the following:

1. Source documents as described above.
2. Available soil scientist at the work site during normal working hours to provide corrections to errors originating from the source documents.

METRO PROVISIONS

METRO will provide to the contractor the following:

1. A contractual agreement, management of the agreement, and disbursement of funds to the contractor according to the agreement.
2. The role as the principal coordinator for the project.

PROCEDURES AND REQUIREMENTS

Technical requirements for digitizing soil survey maps will follow standards outlined in SCS National Instruction No.170-303, Second Ed., Technical Specifications for Digitizing Soil Survey Maps, issued September, 1990 (see Attachment A). These specifications will be followed with the exceptions of modifications approved by Oregon SCS. One important modification is the requirement that the final vector file format will be DLG-3 Optional and conform to requirements stated in Step 8 below.

A pilot project had verified that scanning with a Houston Instruments 4000 scanner or Houston Instruments Scan-Cad attachment to a DMP-62 Plotter and appropriate editing with LTPlus software can meet SCS specifications. The critical line placement standards of within 0.010" of the original source material were consistently met with this procedure.

A brief outline of procedures is given below.

1. Electronically scan the overlays.
Each sheet will be scanned at a minimum resolution of 200 DPI (Dots Per Inch) and a raster file created. Resolution of the raster file will be maintained in a manner that ensures no degradation of the original scanned resolution. An example of a typical working resolution from the pilot test is a 2784 pixel height by a 4896 pixel width with a pixel size of 8.199 feet for a 1/3 quad sheet.
2. Geo-register soils maps to standard map base and coordinates.
Maps will be referenced by Latitude/Longitude, UTM, and State Plane coordinate systems.
3. Edit raster files.
Editing will include deletion of unwanted lines (roads, single-lined streams), closure of open polygons, cleanup of dangling lines. Neatlines will be removed between the

one-third quadrant map sheets and files combined to produce one data file for each USGS 7.5' quadrant area.

4. Add soil symbols.

Soil mapping unit symbols, as they appear in the manuscript, will be entered for each polygon in a soil polygon layer. The locations of special soil features, both point and linear, will be digitized as a separate line map layer.

5. Edge matching.

Joining each map sheet will require adjustments to be made due to information not matching at the edge of sheets. The soil boundaries ending at all four neatlines will be computer joined to any adjoining map sheets to achieve an exact match. Edge matching the soils between counties will also be necessary. SCS soil scientists will resolve edge matching questions.

6. Quality control by SCS.

Any abnormalities or errors noted throughout the editing process that originate from the source documents, such as mislabeled polygons or mismatched soil units along an edge of map, will require guidance from SCS prior to correction by the contractor. The contractor will provide checkplots of full 7.5 minute quad areas containing soil polygons, soil polygon map symbols, and soil feature locations for final quality control checks by SCS soil scientists. The check plots will be at the same scale as the published soil survey maps.

7. Prepare attributes for export.

Convert soil polygon and feature map symbols to integer attributes and construct data dictionary files relating new integer attributes to previous map symbols. There will be two data dictionary files for the entire survey, one for soil polygon symbols and one for feature symbols.

8. Prepare final vector files.

Thin vertices and export the 7.5 minute quad soil polygon layer and soil feature layer, both with integer attributes, in the Digital Line Graph Optional format (DLG-3 Optional). Options selected during the export will include both objects and attributes, coded pairs, UTM coordinate system, and all map type objects. This will result in a file that carries the integer attribute as a DLG minor code. Include the soil symbol and feature symbol data dictionary files for the Clackamas and Multnomah Counties Soil Surveys with the final set of DLG-3 files. File naming and file header information will conform to Oregon SCS conventions. Many GIS systems, including ARC/INFO and GRASS, have support

software to efficiently import map layers prepared in this format.

IV. QUALIFICATIONS

COMPANY DESCRIPTION AND EXPERIENCE

The company submitting a proposal must submit a general company description and list its experience specifically pertaining to the source documents of the project (SCS Soil Surveys) and digitization of spatial data. Descriptions should include any experience with geographical information systems (GIS) and spatial data management software.

V. PROPOSAL INSTRUCTIONS

A. Submission of Proposal

One (1) copy of the proposal shall be furnished to METRO addressed to:

Metropolitan Service District
Attn: Jim Morgan
2000 S.W. First Avenue
Portland, Oregon 97201-5398

B. Deadline

Proposals will not be considered if received after 5:00 p.m. April 29, 1991. Postmarks are not acceptable.

C. RFP as Basis for Proposals

This RFP represents the most definitive statement Metro will make concerning information upon which proposals are to be based. Any verbal information which is not contained in this RFP will not be considered by Metro in evaluating the proposals. All questions relating to the RFP must be submitted to Jim Morgan. Any questions which in the opinion of Metro warrant a written reply or RFP amendment will be furnished to all parties receiving a copy of this RFP. Metro will not respond to questions received after Friday, April 26, 1991.

VI. PROPOSAL CONTENTS

1. Company Description and Experience
2. Time for Completion (maximum of 6 months)
3. Proposed Cost

VII. GENERAL PROPOSAL/CONTRACT CONDITIONS

- A. Limitation and Award -- This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to accept or reject any or all proposals received as the result of this request, to negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. Subconsultants -- In the event that any subconsultants are to be used in the performance of this Agreement, the contractor agrees to make a good faith effort, as that term is defined in Metro's Disadvantaged Business Program (Section 2.04.160 of Metro's Code), to reach the goals of subconsulting 7 percent of the contract amount to Disadvantaged Businesses and 5 percent of the contract amount to Women Businesses. The consultant shall contact Metro prior to negotiating any subcontracts. 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.
- C. Contract Type--A copy of the standard form contract which the successful vendor will be required to execute is attached (Attachment B).
- D. Validity Period and Authority--The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposal.
- E. Insurance Requirements--The contractor shall provide (from insurance companies acceptable to METRO) General Liability insurance coverage with a combined single limit of not less than \$500,000. Before commencing work under this contract, the contractor shall furnish METRO with a certificate of insurance evidencing coverage as specified, naming METRO as an additional insured.

VIII. EVALUATION OF PROPOSALS

Criteria for final selection of the vendor will be based on:

- 1. Company's General Experience
- 2. Experience Working with Source Documents
- 3. Experience in Digitizing
- 4. Proposed Cost

STAFF REPORT

DIGITIZATION OF SCS SOILS SURVEYS OF CLACKAMAS AND MULTNOMAH COUNTIES

Date: April 9, 1991

Presented by: Pat Lee

PROPOSED ACTION

Resolution No. 91-1433 requests that the Council approve release of a Request For Proposals (RFP) to contract digitization of the SCS Soil Surveys of Clackamas and Washington Counties using the funds appropriated in fiscal year 1990-91. The contract will extend into fiscal year 1991-92 before the project will be completed. By adopting the resolution, the Council waives the requirement of Council approval of the contract and authorizes the Executive Officer to execute the contract once awarded.

BACKGROUND AND ANALYSIS

The USDA Soil Conservation Service's Soil Surveys identify and locate soil types, describe their characteristics, and interpret their uses. The Soil Survey is published in the form of map, tabular, and text data. For extensive analysis using soils data alone or with other data layers, soil survey data needs to be digitized for use in a computerized geographical information system (GIS). Soils data is critical for identifying prime agricultural lands, secondary lands' characteristics, wetlands (hydric soils), potentially highly erodible lands, and other soil characteristics related to land use potential.

Through the coordinated efforts of METRO and under the auspices of the SCS, the three counties of the METRO region will be the first counties in the state to be digitized. Digitization of the Soil Survey of Washington County has been completed by a METRO contractor. The proposed project will develop the same data in the RLIS database layer for Clackamas and Multnomah counties.

The Request for Proposals for Digitization of Clackamas and Multnomah Counties to be sent to prospective contractors is attached.

BUDGET IMPACT

The first phase of the soil digitization project covering Washington County was financed through a joint effort of the Unified Sewerage Agency of Washington County and METRO. METRO appropriation for this phase in FY90-91 was in the "B" contract listing. The proposed final phase of the project, with an estimated cost of \$43,000, will be funded primarily through funds appropriated in FY90-91 for the Land Use Suitability Study on the "A" contract list. Additional contributions to fund this final phase are expected from Clackamas County and the Oregon Bureau of State Lands.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that the Council adopt Resolution No. 91-1433.

Agenda Item No. 6.5
Meeting Date: April 25, 1991

RESOLUTION NO. 91-1436

TRANSPORTATION AND PLANNING COMMITTEE REPORT

RESOLUTION NO. 91-1436, FOR THE PURPOSE OF APPROVING RELEASE OF A REQUEST FOR PROPOSALS (RFP) FOR PERSONAL SERVICES TO ENHANCE THE CENSUS BUREAU TIGER MAPS FOR USE IN THE REGIONAL LAND INFORMATION SYSTEM (RLIS), WAIVING COUNCIL APPROVAL OF THE CONTRACT, AND AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE THE FINAL CONTRACT

Date: April 24, 1991

Presented by: Councilor Devlin

COMMITTEE RECOMMENDATION: At the April 23, 1991 Transportation and Planning Committee meeting, Councilors Bauer, Gardner, Van Bergen and myself voted unanimously to recommend Council adopt Resolution No. 91-1436 as amended. Councilor McLain was excused.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 91-1436 would release an RFP for services to enhance/upgrade the Census Bureau's TIGER street address mapping system for use on RLIS. The Transportation Department FY91-92 Proposed Budget includes this \$115,000 contract. Approval of Resolution No. 91-1436 would allow the project to begin this fiscal year, recognizing \$40,250 which Tri-Met has committed early to begin a critical component of the project.

Transportation Department staff summarized contract work which will add to TIGER streets built since the 1990 census work was completed; pick up streets which the census missed; and improve TIGER's graphic product, making it more accurate through incorporation with RLIS. Staff noted integrating TIGER with RLIS will make census updates less expensive.

The Committee reviewed the project funding. The FY91-92 Proposed Budget reflects the total project cost of \$140,250 of which \$115,000 is contract services. Metro is proposed to pay for half of the contract with the remaining portion coming from other participating agencies. Tri-Met is now pledging \$40,250 towards the a discrete project component. The RFP is for a multi-year contract, with the Tri-Met work moving from FY90-91 into FY91-92, but only approves expenditure of \$40,250 this year. Expenditure of the remaining \$74,750 is subject to Council approval through the FY91-92 budget. Staff does not anticipate the contract extending beyond FY91-92.

The Committee amended the title of the Resolution to add at the end, "waiving Council approval of the contract, and authorizing the Executive Officer to execute the contract." The resolution "Be It Resolved" paragraph was also amended to incorporate standard language on contract amendment and funding limitations, with the following language added (underlined): "...authorizes the Executive Officer to execute the final contract, subject to the final contract not substantially differing from the original RFP and not exceeding the budgeted funds for this project."

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING)
RELEASE OF A REQUEST FOR PROPOSALS)
(RFP) FOR PERSONAL SERVICES TO EN-)
HANCE THE CENSUS BUREAU TIGER MAPS)
FOR USE IN THE REGIONAL LAND IN-)
FORMATION SYSTEM (RLIS))

RESOLUTION NO. 91-1436

Introduced by
Rena Cusma,
Executive Officer

WHEREAS, The Metropolitan Service District has embarked upon development of a Regional Land Information System (RLIS) covering the Portland metropolitan area for the purpose of serving information needs of regional planning, member jurisdictions, citizenry and the business community; and

WHEREAS, The Council of the Metropolitan Service District finds that the TIGER digital street address map delivered to Metro by the U.S. Census Bureau provides a valuable addition to RLIS for a variety of uses, especially for transportation and solid waste planning activities; and

WHEREAS, The TIGER map requires certain enhancements, such as the addition of missing streets and address ranges to make it useful for the purposes sought; and

WHEREAS, Tri-Met is providing \$40,250 toward the accomplishment of this project; and

WHEREAS, There are funds available in the current fiscal year budget to conduct this work; and

WHEREAS, Metro Code Section 2.04.033 (a) (1) requires Council approval of contracts prior to execution when expenditure of appropriations provided for that contract in the current fiscal

year budget will occur in the following fiscal year budget; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby approves release of the Request for Proposals for the enhancement of the TIGER digital street address map, waives the requirement for Council approval of the final contract and authorizes the Executive Officer to execute the final contract.

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

Tanya Collier, Presiding Officer

mk
91-1436.RES
04-04-91



METRO

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

Request for Proposals (RFP) for Digital Map Enhancement (TIGER)

I. Introduction

The Data Resource Center (DRC) of the Metropolitan Service District (Metro) is currently developing a Regional Land Information System (RLIS) for the Portland, Oregon metropolitan area. This system uses geographic information system (GIS) computer technology. An essential addition being made to this system is a digital street address map developed by the U.S. Census Bureau. To render this map useful for applications and Metro, by other agencies and by business, it is necessary to accomplish certain enhancements

This request seeks proposals for enhancing the TIGER maps for Multnomah, Clackamas and Washington Counties. Costs for this work are budgeted at \$115,000. This fiscal year (June 30) only \$40,250 of this amount is available and the remainder is subject to Metro budget approval for FY 1991-92. Proposers may include optional items exceeding budgeted costs for consideration. The full work program is expect to require 6 to 10 months to complete. Proposals will be due on April 29, 1991, 5:00 PM PST, in Metro's business offices at 2000 S.W. First Avenue, Portland, OR 97201-5398.

II. Background/History of Project

The attached memorandum to the local "TIGER interest group" of Metro's member jurisdictions provides information on how this work has been conceived over the past year.

III. Proposed Scope of Work

Proposals are sought which define a methodology and production schedule for delivery of an enhanced TIGER map in Arc/Info format for Multnomah, Clackamas and Washington counties. The enhancement work shall involve two major tasks:

- Editing the TIGER map as it comes from the Census Bureau to add missing street segments and addresses
- Re-registering the TIGER map to conform to the RLIS parcel base map.

The first task must be completed within the \$40,250 budget allocating for the current fiscal year to assure Tri-Met a usable product for its investment in this project. The work does not have to be completed this fiscal year however.

IV. Qualification/Experience

The successful proposer must demonstrate evidence of ability to perform the required work, including examples of similar projects and references to contact. In particular, experience with digital street address network files and applications, such as the TIGER file. This product must be delivered in Arc/Info format, requiring that the proposer be a licensed user of ESRI's Network product, operating on a workstation computer system.

The firms submitting proposals shall include with their proposal statements on the following:

A. Qualifications

1. Description of personnel education and expertise.
2. Number of full-time staff and number to be allocated to this project.
3. Historical and present day description of company.

B. Experience and References

1. Similar projects conducted for public and/or private sector clients.
2. References specifically pertaining to network GIS applications, with emphasis on those using TIGER.
4. Experience of the project manager relevant to this project

V. Quality of Proposal

Quality of each submitted proposal will be evaluated based on:

A. Completeness of Technical Proposal response.

B. Completeness of Cost/Price Proposal response.

C. *References (?) (I feel it should be a part of your letter)*

VI. Project Administration

Metro's Project Manager is Richard Bolen and all inquiries should be directed to him. Alan Holsted should be contacted if Richard Bolen is not available.

VII. Proposal Instructions

A. Submission of Proposals

Three (3) copies of the proposal shall be furnished to Metro addressed to:

Richard Bolen
Data Resource Center
Metropolitan Service District
2000 S.W. First Avenue
Portland, OR 97201-5398

B. Deadline

Proposals will not be considered if received after 5:00 p.m. PST, April 29, 1991. Postmarks are not acceptable.

C. RFP as Basis for Proposals

This RFP and attachment represent the most definitive statement Metro will make concerning information upon which proposals are to be based. Any verbal information which is not contained in this RFP will not be considered by Metro in evaluating the proposals. All questions relating to the RFP or the project must be submitted in writing to Richard Bolen. Any questions which, in the opinion of Metro, warrant a written reply or RFP amendment will be furnished to all parties receiving a copy of this RFP. Metro will not respond to questions received after December 3, 1990.

D. Subconsultants; Disadvantaged Business Program

A subconsultant is any person or firm proposed to work for the prime consultant on this project. Metro does not wish any subconsultant selection to be finalized prior to contract award. For any task or portion of a task to be undertaken by a subconsultant, the prime consultant shall not contract with a subconsultant on an exclusive basis.

In the event that any subconsultants are to be used in the performance of this agreement, consultant 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 7 percent (7%) of the contract amount to Disadvantaged Businesses and 5 percent (5%) of the contract amount to Women-Owned Businesses. Consultant shall contact Metro prior to negotiating any subcontracts. 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.

VIII. Proposal Contents

The proposal should contain not more than fifty (50) pages of written material (excluding biographies and brochures, which may be included in an appendix), describing the ability of the consultant to perform the work requested, as outlined below:

- A. Transmittal Letter -- Indicate who will be assigned to the project, who will be project manager, and that the proposal will be valid for ninety (90) days.
- B. Approach/Project Work Plan -- Describe how the work will be done within the given time frame and budget. Include a proposed work plan and schedule.
- C. Staffing/Project Manager Designation -- Identify specific personnel assigned to major project tasks, their roles in relation to the work required, percent of their time on the project, and special qualifications they may bring to the project.

Metro intends to award this contract to a single firm to provide the services required. Proposals must identify a single person as project manager to work with Metro. The consultant must assure responsibility for any subconsultant work and shall be responsible for the day-to-day direction and internal management of the consultant effort.

- D. Experience -- List projects conducted over the past five years similar to the work required here. For each project, include the name of the contact person, his/her title, role on the project, and telephone number. Identify persons on the proposed study team who worked on each project and their respective roles. Include resumes of individuals proposed for this contract.
- E. Cost/Budget -- Present the proposed cost of the project and the proposed method of compensation. List hourly rates for personnel assigned to the project, total personnel expenditures, support services, and subconsultant fees (if any). Requested expenses should also be listed. List as options the cost of any items suggested as compliments to the central focus of this project.
- F. Exceptions and Comments -- To facilitate evaluation of proposals, Metro wishes that all responding firms adhere to the format outlined within this RFP.

Firms wishing to take exception to, or comment on, any specified criteria within this RFP are encouraged to document their concerns in this part of their proposal. Exceptions or comments should be succinct, thorough and organized.

IX. General Proposal/Contract Conditions

- A. **Limitation and Award** -- This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to accept or reject any or all proposals received as the result of this request, to negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. **Contract Type** -- Metro intends to award a personal services contract with the selected firm for this project.
- C. **Billing Procedures** -- Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. A monthly billing, accompanied by a progress report, will be prepared for review and approval.
- D. **Validity Period and Authority** -- The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address, and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposal.
- E. **The contractor shall provide** (from insurance companies acceptable to Metro) General Liability insurance coverage with a combined single limit of not less than \$500,000. Before commencing work under this contract, the contractor shall furnish Metro with a certificate of insurance evidencing coverage as specified, naming Metro as an additional insured.

X. Evaluation of Proposals

A Proposal Analysis Group of Metro staff (PAG) will independently read, review and evaluate each proposal. Selection will be made on the basis of the criteria listed below, and as depicted on the Proposal Evaluation Matrix contained herein.

Review of proposals will include an interview with each of the top scoring proposers. It is anticipated that two to four will be selected. Following interviews, one or more may be asked to resubmit their proposal if the

interview process produces new information which is deemed desirable to incorporate into their proposal(s) for further reevaluation.

Once each member of the PAG has independently read and rated each proposal and completed a proposal evaluation matrix form, a composite rating will be developed which will indicate the Group's collective ranking of the highest rated proposals, in descending order. At this point, the PAG will conduct interviews with only the top ranked firms, usually the top three, depending upon the number of proposals received. Following interviews, one or more may be asked to resubmit their proposal if the interview process produces new information which the PAG would like incorporated into their proposal(s) for further evaluation. The Proposal Analysis Group will conduct all subsequent negotiations and will make a recommendation for the contract award.

References for: _____

IMPORTANT: Proposers shall provide references on this form only.

1. Firm Name _____
Contact _____
Title _____
Mailing Address _____
Phone _____

2. Firm Name _____
Contact _____
Title _____
Mailing Address _____
Phone _____

3. Firm Name _____
Contact _____
Title _____
Mailing Address _____
Phone _____

4. Firm Name _____
Contact _____
Title _____
Mailing Address _____
Phone _____

5. Firm Name _____
Contact _____
Title _____
Mailing Address _____
Phone _____

**TIGER ENHANCEMENT PROJECT
(RFP)**

PROPOSAL EVALUATION MATRIX

Maximum Points: 100

FIRM: _____

		<u>MAXIMUM POINTS</u>	<u>SCORE</u>
1.	Qualifications.	15	_____
2.	Experience with similar projects.	15	_____
3.	Proposed Methodology.	15	_____
4.	Cost of Services.	15	_____
5.	Deliverables	15	_____
6.	Overall quality and completeness of proposal.	<u>5</u>	_____
	Subtotal	80	
7.	Interviews*	<u>20</u>	_____
	Total	100	

What are the three primary reasons you have for recommending this firm?

* Considered only for those selected for interview

What are the three primary reasons you have for rejecting this firm?

General Comments/Clarifications/Questions:

Name of Evaluator _____ **Date** _____



METRO

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

Memorandum

DATE: November 29, 1990

TO: TIGER Interest Group

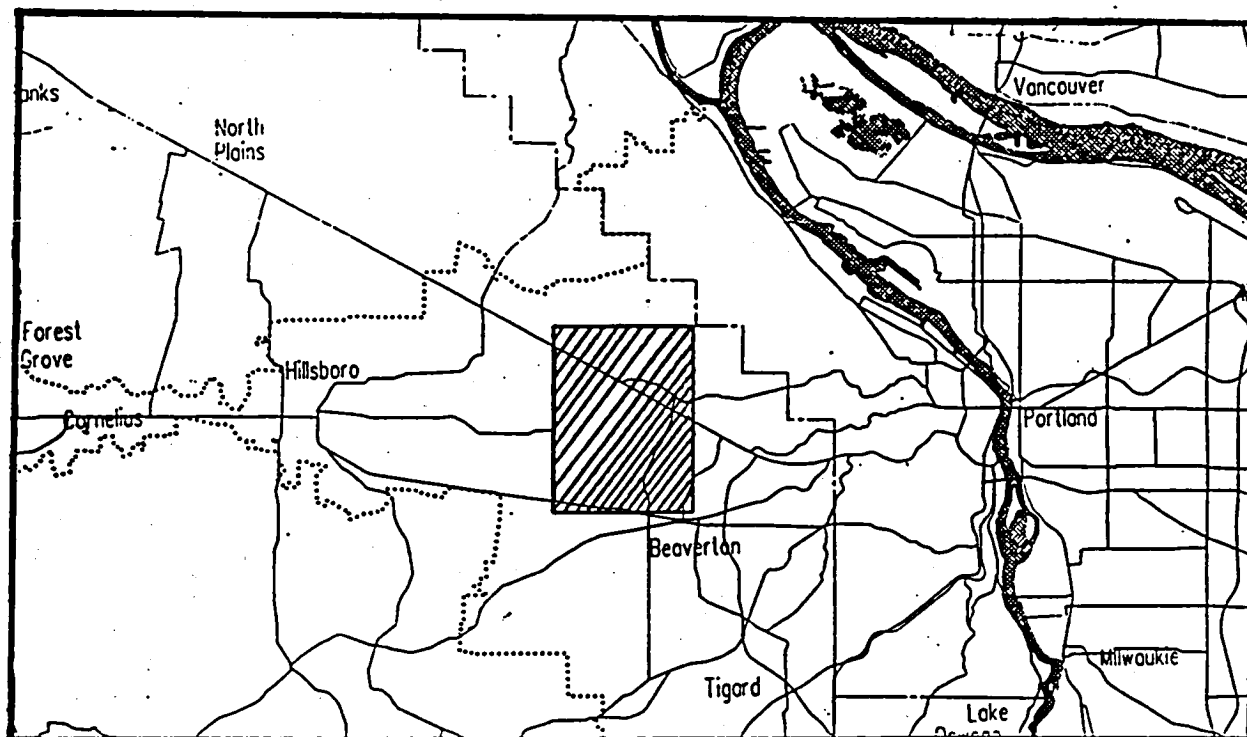
FROM: Dick Bolen, Data Resource Center Supervisor

RE: TIGER Pilot Study Presentation at Metro, Room 335
December 11, 1990, 9:00 am

At the May meeting of the TIGER interest group, Metro agreed to devote some time toward evaluation of TIGER to determine the following:

- * suitability and reliability for local government applications
- * tasks required to adapt the TIGER files to support local applications
- * an estimate of the resources needed (staff and computer) to make the needed refinements and continue maintenance for succeeding years

Study Area

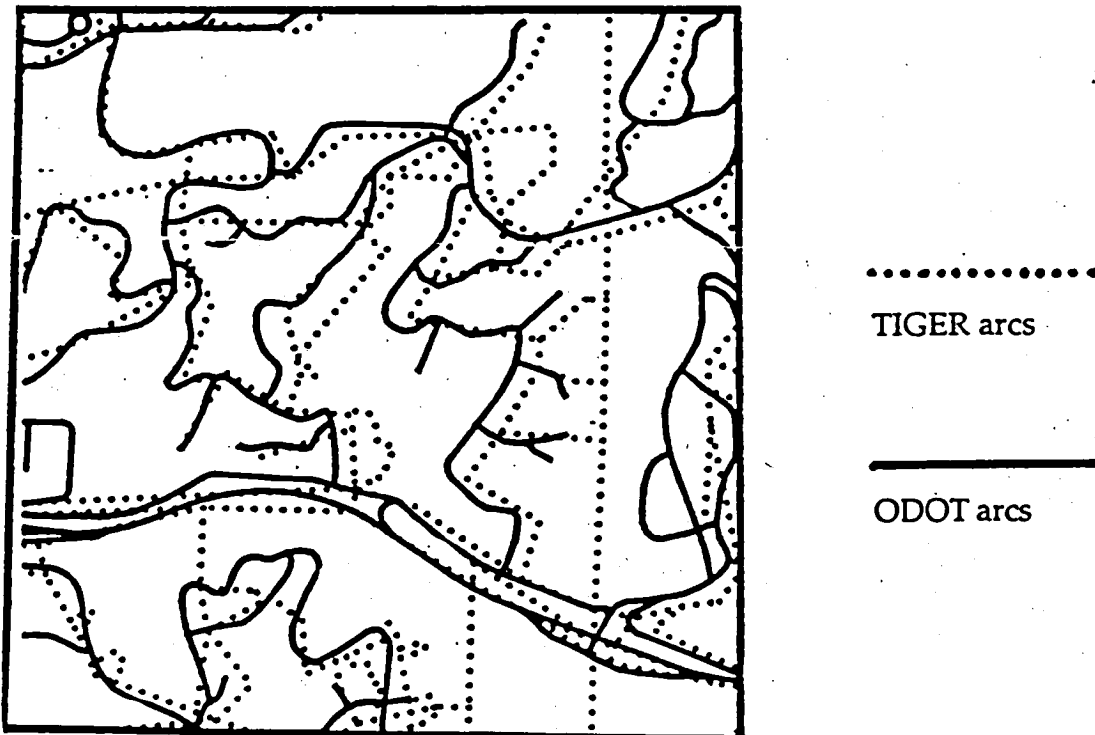


A subarea of the Washington County TIGER file was selected in Aloha. This area was chosen because it is an area experiencing rapid development and the RLIS parcel base map is also available for this area.

Evaluation of data for this subarea focused on the types of uses Metro expects to have for TIGER. For example, geocoding addresses, travel time isochrons (routing), and service area delineations (allocating resources). This work was admittedly biased by its focus on Metro's needs, even though many other users' applications will be similar. Therefore, an objective in presenting the results of this work is to identify the desired types of applications and to develop an approach meeting the requirements of the broader TIGER user community.

Principal Findings

1. **Completeness of records** -- In the rapidly developing Aloha area, 30% of the address ranges were missing and several subdivisions were not included. Some of the missing ranges were spread intermittently along the length of a street, presenting the need for time-consuming hunt-and-pick editing. This incompleteness is a function of the rate of development occurring in this suburban area. A geocoding project recently completed in Portland showed a more than 95% success rate. Therefore, the temporal stability of an area has a direct relationship on the reliability of TIGER.
2. **Registration with other digital base maps** -- Registration with either the ODOT 1:24,000 series street base or the PGE parcel base map was very poor. In some cases, differences as great as 500 feet were observed.



3. **Cartographic quality** -- The majority of the urban area is covered by the 1980 census DIME file which has a low quality appearance. This is primarily due to the absence of shape-points for smoothing curved lines. The results are shown on the previous map example.

TIGER Enhancement Options Considered

Upon completing the evaluation, the following options for adapting TIGER for local applications were considered:

1. **The "out-of-the-box" option** -- Use TIGER as it comes, for as long as it serves a useful purpose (no maintenance).

Pros -- minimal cost.

Cons -- is out of date upon arrival, has incomplete records, poor registration and cartographic quality

2. **Register to ODOT street base** -- Register TIGER to the ODOT street base, producing improved cartographic quality; add missing streets and addresses; correct any other coding errors (e.g., out of sequence street numbering) and develop an ongoing maintenance plan.

Pros -- an enhanced TIGER product with improved cartography and complete address data

Cons -- relatively costly to develop and maintain, this map base will not register with the region's parcel GIS base map being developed for RLIS

3. **Register to Metro's RLIS parcel base** -- Register TIGER to Metro's parcel base map, creating a common digital base map for this region. In essence, this would merge TIGER, ODOT and RLIS onto a single base. As in Option 2, TIGER's data would be cleaned up and a maintenance plan adopted.

Pros -- This option provides enhanced cartography and data coverage with the added features of being cheaper and easier to maintain. A major benefit will be the creation a single map registration base for all GIS projects in the region, network or parcel based.

Cons -- Initial development will be slightly more costly than registering TIGER to the ODOT base map.

Recommended Option

It is suggested that the third option be considered. The result will be a common digital map base for registry of spatial data products developed in the three county area. RLIS is currently incorporating the most accurate digital parcel base data available or currently being developed by the cities and counties of the region. Therefore, replacing TIGER and ODOT with a network base map derived from an RLIS centerline file will produce consistency with the large scale digital parcel maps currently under development by Metro and several local jurisdictions.

In the years ahead, as jurisdictions develop parcel map bases exceeding the accuracy of RLIS, Metro plans to integrate them into RLIS and make registry adjustments to related spatial data as needed. Such adjustments would include the network base map (TIGER).

Registry of TIGER to the RLIS base will make maintenance a much more efficient process than if done solely for TIGER. As new streets are added to RLIS, it will be a straightforward process to create a centerline file and copy it onto the network base map (enhanced TIGER). In addition, the address ranges will be available from the same agencies Metro will be dealing with to obtain related land records information.

Project Cost

Options 2 and 3 present similar cost figures for the initial work to enhance TIGER. The third option offers lower maintenance costs, however. Following is the cost estimate for the recommended option, broken into a Phase 1 development year and Phase 2 ongoing maintenance period.

Phase 1, development --	Put out for bid
Total =	\$115,000

Phase 2, maintenance --	Staff = 1 FTE
Cost =	\$30,000
Computer =	one workstation & license
Cost =	\$28,000
Total =	\$58,000 (first year includes capital costs)

Cost sharing

Following is a proposed scheme for sharing costs among the TIGER user community. This group is divided into four parts:

Regional Agencies

County Governments

Local Governments (including schools)

Private Businesses

Distributing development costs among these four produces a \$28,750 target for each group. The incentive for participation in development will be twofold:

The "developers" will not be charged maintenance costs in future years unless future sales and annual fees to agencies not participating in development are insufficient to cover all maintenance costs; and

the schedule of development will be guided by the developers, supporting their project priorities and timetables to the extent feasible and acceptable by all members.

The regional, county and local shares could be sought as a portion that Metro's governments contribute through their annual dues. This would leave \$28,750 to be raised from businesses offering GIS services and non-member governments such as schools and special districts. To obligate the dues for this project will require consideration as part of Metro's FY 91-92 budget.

Project Scheduling

There is interest by some agencies in developing an enhanced TIGER product as soon as possible. However, the above cost-sharing proposal is of necessity scheduled to mesh with the fiscal budget cycles of government. This results in a project start-up date of July 1991. To begin the enhancement process in the current fiscal year will require identifying a source of funds to carry the project over to the 1991-92 fiscal year. If an earlier start-up date such as March 1990 were selected, funds would be needed to carry the project for four months at an approximate cost of \$50,000.

Phase 1 development will require seven to twelve months of elapsed time, depending upon the amount of resources committed by the contracting firm. A March start-up could conceivably produce an enhanced TIGER product by the fall of 1991. Beginning the work in July will result in a delivery date from the winter of 1992 to the following summer.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1436 FOR THE PURPOSE OF APPROVING RELEASE OF A REQUEST FOR PROPOSALS (RFP) FOR PERSONAL SERVICES TO ENHANCE THE CENSUS BUREAU TIGER MAPS FOR USE IN THE REGIONAL LAND INFORMATION SYSTEM (RLIS)

Date: April 4, 1991

Presented by: Andrew C. Cotugno
Richard C. Bolen

PROPOSED ACTION

Distribution of a Request for Proposals (RFP) for the purpose of developing a contract to enhance the Census Bureau TIGER maps for use in the Regional Land Information System and waiver of final contract approval, with execution by the Executive Officer.

FACTUAL BACKGROUND AND ANALYSIS

The RFP is to retain a contractor to enhance the TIGER digital street address map developed by the Census Bureau to process the mail-in 1990 census returns. This is a valuable product which can be adapted to provide a high value GIS product for public and private uses. These include mapping address-based records, routing emergency vehicles, and solid waste flow modeling.

The past year has been spent working with Metro's member jurisdictions to determine the usefulness of TIGER and the work needed to adapt it to area government needs. Tri-Met has the most urgent need, primarily for paratransit trip planning and has committed \$40,250 toward the project this fiscal year. The total project cost is estimated to cost \$115,000 and half of this amount is included in the FY 91-92 budget. The remaining half is to come from other participating agencies, such as Tri-Met's proposed share.

It is possible to begin the contractual work this fiscal year, using the \$40,000 Tri-Met contribution. The RFP requires that a deliverable product equaling \$40,000 be defined to assure Tri-Met that it will receive value for its contribution if Metro's share is not approved by Council during the budget process. Therefore, this RFP is for a multi-year contract, not to exceed \$115,000, but with the stipulation that only \$40,250 be spent this fiscal year and the remainder to be subject to Metro budget approval. Metro staff is currently seeking donations from other agencies and has gotten positive comments from the Portland School District, the Tigard School District and the Portland City Lighting Bureau.

The RFP also requires that the majority of the contract work be done at a site in the Portland metropolitan area in order that Metro staff may inspect work in progress.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1436.

Agenda Item No. 6.6
Meeting Date: April 25, 1991

RESOLUTION NO. 91-1428

TRANSPORTATION AND PLANNING COMMITTEE REPORT

RESOLUTION NO. 91-1428, ESTABLISHING GUIDELINES AND CRITERIA FOR THE GREENSPACES DEMONSTRATION GRANT PROGRAM TO RESTORE AND ENHANCE URBAN WETLANDS, STREAMS AND RIPARIAN CORRIDORS

Date: April 18, 1991

Presented by: Councilor Devlin

COMMITTEE RECOMMENDATION: At the April 9, 1991 Transportation and Planning Committee meeting, all members were present and voted unanimously to recommend Council adopt Resolution No. 91-1428 as amended.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 91-1428 approves guidelines and criteria for Metro to award \$200,000 in demonstration grants starting in July, 1991. The \$200,000 is part of a \$537,000 grant the U.S. Fish and Wildlife Service awarded to Metro this fiscal year for the Metropolitan Greenspaces Program. The demonstration grant funding is for planning, restoration and enhancement of urban fish and wildlife habitat, with a strong public outreach component. Staff anticipates 10 to 15 projects will receive the demonstration grants.

The Review and Selection Committee to nominate grant recipients will have 10 members, including 3 Metro Councilors. All of the grant award recommendations will be submitted to the Executive Officer and come to Council for final approval.

Staff reviewed components of the grant process: a 50 percent local match of cash or in-kind services is required; at least one project will be funded in each of the four Portland/Vancouver metropolitan area counties; projects must be on public lands; funds cannot be used to purchase land/easements/options or equipment; proposed projects must be within the Greenspaces inventory area. Applications will be due May 31, 1991 and there will be two pre-application workshops May 6.

The Committee asked about any future budget obligations Metro assumes with the demonstration grant program. The only cost will be Metro staff time to monitor the grants.

Amendments to the resolution and grant application (see mark-ups in attached materials) were as follows:

- o On the second page of the resolution, first line, change "two" to "three" Metro Councilors;
- o On page 4 of the application, change the date of May 1 to August 1 for the date by which applicants must record any land donations with their County Assessor in order to count them towards the local match requirement;
- o On page 4 of the application, change the federal hourly minimum wage from "\$4.75" to "\$4.25", the correct amount.

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

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. <u>91-1428</u>
GUIDELINES AND CRITERIA FOR THE)	
GREENSPACES DEMONSTRATION GRANT	)	Introduced by Rena Cusma,
PROGRAM TO RESTORE AND ENHANCE	)	Executive Officer
URBAN WETLANDS, STREAMS AND)	
RIPARIAN CORRIDORS)	

WHEREAS, the Metropolitan Greenspaces Program has outlined a four phase approach to 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 cooperation between Metro, federal, state and local agencies, nonprofit organizations, neighborhood organizations and the general public in the restoration and enhancement of urban natural resources; and

WHEREAS, the Council of the Metropolitan Service District has adopted resolutions of support for the Greenspaces and Parks/Natural Areas Program over the past two years through Resolutions No. 89-1043, 89-1129, 90-1261 and 90-1344; and

WHEREAS, the Greenspaces Technical Advisory Committee and Parks Forum have reviewed the proposed criteria and guidelines for the demonstration grants; and

WHEREAS, the Greenspaces Policy Advisory Committee recommended at its February 27, 1991 meeting that the proposed criteria and guidelines for the demonstration grants be

consisting of ~~two~~ three Metro Councilors, Planning and Development staff, biologists, planners, and citizens to review and recommend to the Executive Officer and Council which projects should be funded.

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

Tanya Collier, Presiding Officer

METROPOLITAN GREENSPACES PROGRAM

DEMONSTRATION GRANTS

to

RESTORE AND ENHANCE

URBAN WETLANDS, STREAMS and RIPARIAN CORRIDORS

in the

Portland/Vancouver Region

Application For Funding

Applications Due By: May 31, 1991 (Friday) 5:00 p.m. at Metro

***Metropolitan Service District
Planning and Development Department
2000 S.W. First Ave.
Portland, Oregon 97201-5398***

503/221-1646

May 1, 1991

Table of Contents

I.	Background and Purpose of the Program	1
II.	Who is Eligible to Apply and Geographic Service Area of the Program	2
III.	Amount of Funds Available	3
IV.	Local Match Requirements	3
V.	Types of Projects/Activities That We Will Fund and Not Fund	5
VI.	Guidelines and Criteria for Selection	6
VII.	Evaluation and Selection of Proposals	7
VIII.	Contract and Audit Requirements of Selected Projects	8
IX.	Pre-application Workshop	8
X.	Check List of What You Must Submit	9
XI.	Key Dates	9
XII.	Post-Award Conference	9

■ Application Form ■

For More Information

**Mel Huie or Pat Lee
Metropolitan Service District
2000 S.W. First Ave., Portland, OR 97201
(503) 221-1646**

I. Background and Purpose of the Program

The Metropolitan Greenspaces Program is a regional approach to protecting natural resources coordinated by the Metropolitan Service District. The program proposes to link a mosaic of natural areas into connecting greenspaces, preserve fish and wildlife habitat, and create greenway corridors for plants, animals and people. The Greenspaces Program is a unique regional ecological approach to managing urban natural areas and is based on visionary ideals that go beyond political boundaries.

Encompassing the Portland, Oregon/Vancouver, Washington region and its four counties -Clackamas, Multnomah, Washington and Clark- the program embodies unparalleled cooperation to protect significant expanses of landscape. Involved are local governments in all four counties, as well as virtually every city in the metropolitan region. Under the direction of Metro, they are joined by Portland State University, special districts, conservation organizations, the business community, and numerous citizen groups.

Objectives of the demonstration grants program include: carrying-out needed restoration and enhancement projects that might not otherwise be completed; increasing public awareness of the loss of our urban natural resources and the importance of saving and preserving wetlands and streams; implementing projects that involve numerous jurisdictions, agencies, and "friends groups;" to show that cooperative and regional approaches offer real solutions.

The demonstration grants will be awarded to projects which will restore and enhance sites to their original natural states (or as best as possible). Targeted sites for the grants include urban wetlands, streams and riparian corridors. Organizations which receive funding must agree to maintain the site as a natural area with only passive recreational opportunities (wildlife viewing, hiking, etc.) in perpetuity. The types of projects that Metro will assist are listed in this packet.

- Funds cannot be used to purchase land/easements/options, or equipment.
- Existing and new projects will receive the same consideration for funding.
- Joint applications between public agencies and nonprofits are encouraged.

The U.S. Fish and Wildlife Service is the lead federal agency working with Metro on the Greenspaces Program. The intent of this grant program, which local jurisdictions and nonprofit organizations can apply for, is to demonstrate that greenspaces protection projects can be successfully completed on a regional level with the proper planning, cooperative efforts and the availability of resources.

A Greenspaces Master Plan, which is being developed during the next fourteen months, will outline specific steps on how the region can work together to identify, preserve, protect and potentially acquire natural areas which have area-wide significance, biological uniqueness, or which help to interconnect other natural resource areas and parks.

The program has become nationally recognized because of its cooperative, regional and innovative approach to inventorying and planning for the preservation of natural areas. Through the efforts of Sen. Mark Hatfield and Rep. Les AuCoin, Congress has awarded Metro a special grant to carry-out regional planning, public awareness activities and "on the ground" demonstration projects to restore and enhance urban wetlands, streams, riparian corridors and wildlife habitat. It is intended that the Greenspaces Program will serve as a model for other urban areas across the country.

II. Who is Eligible to Apply and Geographic Service Area of the Grant Program

- Cities, counties and special districts within the boundaries of the Metropolitan Service District.
- Cities, counties and special districts within Clark County, Washington.
- Nonprofit Organizations which are certified by the Internal Revenue Service (IRS) as 501 (C) (3) tax deductible charitable entities. These organizations must be located or provide services primarily within the boundaries of the Metropolitan Service District or in Clark County Washington.
- Organizations may submit more than one application, but must state a priority (e.g. numerical ranking) for each proposal. While we have not ruled out the possibility of funding more than one project in a jurisdiction, it will be unlikely due to the limited amount of funds available.

- Project sites eligible for funding must be located within the Greenspaces inventory area (i.e. within the Metro boundaries; portion of Sauvie Island within Multnomah County; Multnomah County east to the Mount Hood National Forest; areas adjacent and near Forest Park which was inventoried; Hagg Lake; Clark County)

III. Amount of Funds Available

\$200,000 in federal funds will be available. Metro will be responsible for reviewing applications, as well as making the awards and carrying out project oversight. All projects which receive funds will be subject to Metro and federal performance standards and audits.

At least one project in each of the four metropolitan counties and the city of Portland will be funded. Due to the relatively small amount of funds available and the monitoring requirements of projects which receive funding, it is anticipated that no more than 10 projects will be funded. No average amount for the grants has been established. Funds will not be awarded to geographic areas based upon their populations. All applications will be reviewed for project merit based upon the guidelines and criteria for selection as listed in this application packet.

The Metro Council will have final approval of all projects selected for funding. Successful applicants may be requested to make changes to their projects based on recommendations of the selection committee.

IV. Local Match Requirements

A 50 percent local match is required of each project. Applicants providing more than the minimum match requirement will receive greater consideration as outlined in the Selection Guidelines and Criteria.

The local match may include:

- Cash designated for the project
- Staff time (wages) to be allocated to the project which may already be budgeted
- Actual cost of land purchases/easements/development restriction agreements of the site to be restored and enhanced. If these items were donated, their fair market values will be the local match. All

transactions must be closed and recorded with the County Assessor no later than prior to May 1, 1991 August 1, 1991. This is the date when projects may start. A grant award is contingent upon the site being in public or private nonprofit ownership. The value of these donations and purchases can be counted retroactively to May 1, 1990 and still be counted as part of the local match. For example if you bought the site or received a donation prior to May 1, 1990 it would not count as part of the local match. You will receive credit for site acquisitions and donations for one year prior to the availability of this application (May 1, 1991).

- Easements and development restriction agreements must be owned by a public agency or a private nonprofit organization. Easements and development restriction agreements must be in perpetuity.
- Cost of planning, engineering, biological studies, surveys, inventories and plans
- Cost of landscape plans, designs and drawings
- Actual cost of purchases of plants, materials and supplies.
- Actual cost of purchase or rental of equipment and tools for "on the ground" work activities
- Volunteer hours designated to the project. Hours can be used for planning and/or actual labor at the project sites. The match is computed at the rate of one hour times the federal hourly minimum wage of ~~\$4.75~~ \$4.25.
- Direct labor, supplies, materials, rental cost of equipment needed to develop and/or construct trails/greenways along riparian corridors which complement the natural state and wildlife habitat of a site; stresses passive recreational opportunities; and which interconnect other natural areas and parks. Public accessibility to demonstration sites is a major objective of the program.

Applicants may begin accounting for their local match as of May 1, 1991. Some applicants may begin site preparation work and/or planning in anticipation of receiving a demonstration grant.

Metro encourages applicants to seek other sources of funds and donated services and materials to leverage the federal funds. This grant program is based on challenging applicants to secure partnerships with other government agencies, nonprofit organizations, friends groups, businesses, and the general public.

NOTE: All grants will be awarded on a reimbursement basis. No money will be advanced to demonstration projects. The local project applicant will have to front-end the costs. A billing procedure will be established on a monthly or every two month basis.

V. Types of Projects/Activities That We Will Fund and Not Fund

What We Will Fund:

- Sites where work is to occur must be on publicly owned lands or on land with conservation easements protecting the natural integrity of the proposed work site. Easements must be in effect for perpetuity. Development restriction agreements must also be in effect for perpetuity.
- Restoration and enhancement ("on the ground" work) of urban wetlands, streams and riparian corridors. Sites should be restored to an original natural state.
- Plants and materials (cost to purchase items and labor costs to plant)
- Earth moving work which restores a site to its original natural state
- Direct labor costs for "on the ground" work (clearing bush, planting, etc.)
- Rental fees for equipment to carry out "on the ground" work
- Cost of constructing water control structures (labor and materials) which maintain and/or restore a site to its original natural state or maintains ecological integrity of the site
- Fish and wildlife habitat improvement projects such as birdhouses, wood duck boxes, etc.
- Note: Nonprofit organizations may apply for up to 10 percent of the cost of professional services (planning, engineering, biological studies, landscape plans) related to the project. Metro acknowledges that nonprofit organizations do not have in-house professional staff to provide such services.)

What We Will Not Fund:

- Professional Services (planning, engineering, biological studies, inventories, mapping, landscape drawings, etc.). Nonprofit organizations may apply for up to 10 percent of such costs though.
- Purchase of land, easements, development restriction agreements and options
- Purchase of tools or equipment
- Planning, development or construction of trails, paths and greenways
- Purchase or construction of interpretive facilities, displays, viewing platforms, shelters and/or signs

VI. Guidelines and Criteria for Selection

- Each criterion may be weighted differently during the evaluation process. An evaluation sheet will be available for review at the Metro office following the final awards of the demonstration grants.
- Restoring a site to its natural and native state
- Ecological Appropriateness: Restores and supports fish and wildlife habitat; complements natural state of the site; restores native biological communities and native plants at sites
- Projects which are self-sustaining and which require minimal management and maintenance
- Sites located in geographic areas which provide connections and linkages with other natural areas and parks. Restoring a site along a regional corridor or greenway to its natural state
- Projects with multi-objectives (i.e. supports water quality improvements; interconnected system of natural areas and parks; passive recreational opportunities such as wildlife viewing, hiking, etc.)
- Cost effectiveness of the project; dollar for dollar impact; scope and size of the proposal
- Project is feasible and manageable; accounting capability of applicant
- Involvement of more than one public agency, nonprofit organization, "friends groups", business, and citizens

- Amount of local resources committed to the project. Applicants providing more than minimum match requirement will receive greater consideration.
- Written agreement to maintain the site in perpetuity as a natural area with only passive recreational activities. Public ownership or private nonprofit ownership of the land or easement is also required.
- Evidence of a locally approved Management Plan for the site or natural resources protection plan are also required.
- Project is consistent with and complements locally adopted comprehensive plans, and local Parks and Recreation Master Plans
- Accessibility to the Site by the public
- Accessibility to the Site by the Disabled
- Evidence of local support for the Greenspaces Program (i.e. passage of the resolution supporting the planning efforts of the program; and/or financial support for the natural areas inventory, mapping and analysis)
- Creative and innovative projects, with new approaches to solving problems.

VII. Evaluation and Selection of Proposals

A selection committee will review and evaluate proposals according to program guidelines and criteria. A standard evaluation form will be used by each committee member. Members of the selection committee will be familiar with the Greenspaces Program and represent Metro, the Greenspaces Policy Advisory Committee and Technical Advisory Committee, state and federal agencies, and the environmental community. Members will have technical backgrounds in biology, urban and land use planning, water resources planning, grants administration; project management, and community experience in natural resources preservation.

The selection committee will tour all of the proposed project sites, if this number does not exceed 15 sites. If Metro receives more than 15 applications, the selection committee will determine a "finalists list" of where actual site visits will be conducted.

All finalists will also be required to make a formal presentation (not to exceed

30 minutes) describing their project before the selection committee. Oral presentations, slide shows, video shows, charts, maps, photographs, etc. can be part of the formal presentation. The presentations will be made during the same day. Selection committee members will also interview applicants. Site visits will not be on the same day as the formal presentations. Finalists will be notified in advance of their scheduled presentation. Detailed instructions will be provided to the finalists.

A list of projects recommended for funding will be presented by Metro Executive Officer Rena Cusma to the Metro Council for final approval.

VIII. Contract and Audit Requirements of Selected Projects

- Specific details of contractual, reimbursement, accounting, auditing and legal requirements will be available to only those applicants which are awarded a demonstration grant. Numerous assurances and legal/contractual obligations must be signed by the organizations selected for funding.
- Metro and the organizations selected for funding will enter into a contract to carry out project activities.
- The program will be on a reimbursement basis. No federal funds will be advanced to Metro or the organizations selected for funding. Thus organizations will have to "front" all costs. Reimbursements may take up to 60 days. A detailed billing procedure will be outlined to the organizations selected for funding.
- All projects will be subject to Metro and federal audits.
- Metro will conduct a workshop for the project managers of the selected projects to inform them of all requirements.

IX. Pre-Application Workshop

Metro will conduct a workshop for potential applicants prior to the application deadline.

The grant application process will be described in detail. Date: May 6, 1991 --two sessions; attend one: 3:30 to 5:00 p.m. or 6:00 to 7:30 p.m. at Metro, Room 440.

X. Check List of What You Must Submit

___ Application Form (includes project description, list of project staff, budget, schedule, letters of endorsement, etc.). This is all detailed in the application packet.

___ Site and Vicinity Map which clearly details project area

___ Photograph(s) or Slide(s) or video tape(s) of Site

___ List and Schedule of all Governmental Permits and Approvals Needed

___ Documentation of IRS Status for Nonprofits and Articles of Incorporation

XI. Key Dates

- Applications Available: May 1, 1991
- Pre-Application Workshop: May 6, 1991 3:30-5:00 p.m. and 6:00-7:30 p.m.
- Application Deadline: May 31, 1991 (5:00 p.m.) Applications must be received.
- Site Visits: June-July 1991
- Presentations and Interviews: June-July 1991
- Review and Selection Period: June-July 1991
- Awards Made: By July 31, 1991
- Notification to Successful and Unsuccessful Applicants by 7/31/91
- Post Award Conferences: By July 31, 1991
- Project Start: August 1, 1991 (estimated)

XII. Post Award Conference

Successful applicants will attend a conference to go over award and contract requirements. Notifications will be mailed to successful applicants.

■ **APPLICATION FORM** ■

Metropolitan Greenspaces Program -- Demonstration Grants

Due May 31, 1991 by 5:00 p.m.

Name of Applicant Organization: _____

Department or Division: _____

Type of Organization: ___City ___County ___Special District ___Nonprofit

Describe Your Organization: _____

(You may enclose brochures about your organization.)

If This Is A Joint Application of more than one agency/organization, please list all the agencies and/or organizations: _____

Project Manager/Contact Person: _____

Address: _____

Telephone: _____

Project Title: _____

Type in Name of Signatory: _____

Signature _____ Date _____
Chief Elected Official or Executive Director

1. PROJECT DESCRIPTION

In the space provided below and on additional attached sheets, describe your project in detail. Information must be typed. Please respond to the following. You may include additional information.

- **Location of Project: County, Township, Range, Section, and Stream Mile if pertinent (please attach map)**
- **Project Narrative and Objective**
- **Problem Which Is Being Addressed and How It Will Be Solved**
- **Benefits and Values of the Project**
- **How will the project improve present conditions in the wetlands, riparian and adjacent uplands?**
- **How The Project is Consistent with the Objectives of the Metropolitan Greenspaces Program and local plans**
- **Coordination of project with other agencies, nonprofit organizations, neighborhood associations and citizens**
- **How will the project promote public awareness of natural areas preservation and the Metropolitan Greenspaces Program?**
- **What educational opportunities will the project provide?**
- **Other relevant information**

NOTE: You may use additional pages for your project description

2. ENVIRONMENTAL IMPACTS

- **Describe the topography and present development/vegetation/wildlife habitat of the site. Describe the surrounding area, adjacent land uses, and the interrelationships with adjacent areas.**
- **What is the zoning of the site?**
- **What is the comprehensive plan designation of the site?**
- **Describe the long-term management of the site.**
- **What agencies will monitor and be responsible for the site's environmental integrity?**
- **Describe the following environmental elements which would be affected.**
 - a) land use**
 - b) fish and wildlife**
 - c) vegetation**
 - d) geology and soils**
 - e) mineral resources**
 - f) air and water quality**
 - g) water resources and hydrology**
 - h) historic and archaeological resources**
 - i) transportation access**

NOTE: You may attach additional sheets

3. WORKPLAN AND SCHEDULE

Describe below the specific work tasks required to complete your project and a scheduled with estimated dates. Assume that projects start August 1, 1991 and end September 30, 1992.

TASK

Estimated Date

4. List of Governmental Permits and Approvals Needed with Dates

Permit/Approval

Agency

Date

Which agency(ies) will inspect the project for completion?

5. PROJECT BUDGET

	<u>Local Match</u>	<u>Request of Metro</u>	<u>Total</u>
a) Personnel			
b) Materials, Plants and Supplies			
c) Rental Fees			
d) Professional Services (planning, engineering, biological studies, landscape plans). Each applicant must detail this cost, but only nonprofits may apply for a reimbursement of up to 10 percent of total costs.			
e) Volunteer Labor Hrs. @ \$4.75			
f) Indirect Costs/Overhead (not grant eligible)			
g) Contingency (not grant eligible)			
h) Detail all local resources dedicated to the project (not grant eligible)			
TOTAL Funds	_____	_____	_____

Note: You may use additional pages for your budget summary.

6. PROJECT STAFF and VOLUNTEERS

List names and summarize their qualifications

7. REFERENCES

List four personal, civic, business or community references who are not employees, elected or appointed officials, volunteers, and/or board members of your organization/agency which are knowledgeable of your organization and its work in preserving natural resources and/or your specific proposal

Name_____

Organization/Affiliation_____

Address_____Phone_____

Name_____

Organization/Affiliation_____

Address_____Phone_____

Name_____

Organization/Affiliation_____

Address_____Phone_____

Name_____

Organization/Affiliation_____

Address_____Phone_____

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

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. <u>91-1428</u>
GUIDELINES AND CRITERIA FOR THE)	
GREENSPACES DEMONSTRATION GRANT	)	Introduced by Rena Cusma,
PROGRAM TO RESTORE AND ENHANCE	)	Executive Officer
URBAN WETLANDS, STREAMS AND)	
RIPARIAN CORRIDORS)	

WHEREAS, the Metropolitan Greenspaces Program has outlined a four phase approach to 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 cooperation between Metro, federal, state and local agencies, nonprofit organizations, neighborhood organizations and the general public in the restoration and enhancement of urban natural resources; and

WHEREAS, the Council of the Metropolitan Service District has adopted resolutions of support for the Greenspaces and Parks/Natural Areas Program over the past two years through Resolutions No. 89-1043, 89-1129, 90-1261 and 90-1344; and

WHEREAS, the Greenspaces Technical Advisory Committee and Parks Forum have reviewed the proposed criteria and guidelines for the demonstration grants; and

WHEREAS, the Greenspaces Policy Advisory Committee recommended at its February 27, 1991 meeting that the proposed criteria and guidelines for the demonstration grants be

approved in concept; and

WHEREAS, all funded projects will be monitored for successful completion by the affected local, state and federal agencies, and Metro; and

WHEREAS, all projects and funds will be subject to Metro and federal audits, and contracting procedures; and

WHEREAS, all projects recommenced for funding must be approved by the Metro Council.

BE IT RESOLVED,

1) That the Council of the Metropolitan Service District hereby establishes a special demonstration grant program to assist public agencies and nonprofit organizations in the restoration and enhancement of urban wetlands, streams and riparian corridors. The guidelines, criteria, and application kit for the program are hereby adopted as outlined in Exhibit A hereto.

2) That the Council of the Metropolitan Service District hereby approves the criteria and guidelines for the demonstration grants to restore and enhance urban wetlands, streams and riparian corridors under the coordination of the Metropolitan Greenspaces Program which is staffed by the Planning and Development Department. The guidelines, criteria, and application kit are hereby adopted as outlined in Exhibit A hereto.

3) 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 staff in the Planning and Development Department to carry out the demonstration grant program as outlined by the criteria and guidelines in Exhibit A hereto.

4) That the Council of the Metropolitan Service District directs the Chair of the Metropolitan Greenspaces Policy Advisory Committee to organize a selection committee

consisting of two Metro Councilors, Planning and Development staff, biologists, planners, and citizens to review and recommend to the Executive Officer and Council which projects should be funded.

ADOPTED by the Council of the Metropolitan Service District this _____ day of

_____, 1991.

Tanya Collier, Presiding Officer

EXHIBIT A

METROPOLITAN GREENSPACES PROGRAM

DEMONSTRATION GRANTS

to

RESTORE AND ENHANCE

URBAN WETLANDS, STREAMS and RIPARIAN CORRIDORS

in the

Portland/Vancouver Region

Application For Funding

Applications Due By: May 31, 1991 (Friday) 5:00 p.m. at Metro

***Metropolitan Service District
Planning and Development Department
2000 S.W. First Ave.
Portland, Oregon 97201-5398***

503/221-1646

May 1, 1991

Table of Contents

I.	Background and Purpose of the Program	1
II.	Who is Eligible to Apply and Geographic Service Area of the Program	2
III.	Amount of Funds Available	3
IV.	Local Match Requirements	3
V.	Types of Projects/Activities That We Will Fund and Not Fund	5
VI.	Guidelines and Criteria for Selection	6
VII.	Evaluation and Selection of Proposals	7
VIII.	Contract and Audit Requirements of Selected Projects	8
IX.	Pre-application Workshop	8
X.	Check List of What You Must Submit	9
XI.	Key Dates	9
XII.	Post-Award Conference	9

■ Application Form ■

For More Information

**Mel Huie or Pat Lee
Metropolitan Service District
2000 S.W. First Ave., Portland, OR 97201
(503) 221-1646**

I. Background and Purpose of the Program

The Metropolitan Greenspaces Program is a regional approach to protecting natural resources coordinated by the Metropolitan Service District. The program proposes to link a mosaic of natural areas into connecting greenspaces, preserve fish and wildlife habitat, and create greenway corridors for plants, animals and people. The Greenspaces Program is a unique regional ecological approach to managing urban natural areas and is based on visionary ideals that go beyond political boundaries.

Encompassing the Portland, Oregon/Vancouver, Washington region and its four counties -Clackamas, Multnomah, Washington and Clark- the program embodies unparalleled cooperation to protect significant expanses of landscape. Involved are local governments in all four counties, as well as virtually every city in the metropolitan region. Under the direction of Metro, they are joined by Portland State University, special districts, conservation organizations, the business community, and numerous citizen groups.

Objectives of the demonstration grants program include: carrying-out needed restoration and enhancement projects that might not otherwise be completed; increasing public awareness of the loss of our urban natural resources and the importance of saving and preserving wetlands and streams; implementing projects that involve numerous jurisdictions, agencies, and "friends groups;" to show that cooperative and regional approaches offer real solutions.

The demonstration grants will be awarded to projects which will restore and enhance sites to their original natural states (or as best as possible). Targeted sites for the grants include urban wetlands, streams and riparian corridors. Organizations which receive funding must agree to maintain the site as a natural area with only passive recreational opportunities (wildlife viewing, hiking, etc.) in perpetuity. The types of projects that Metro will assist are listed in this packet.

- Funds cannot be used to purchase land/easements/options, or equipment.
- Existing and new projects will receive the same consideration for funding.
- Joint applications between public agencies and nonprofits are encouraged.

The U.S. Fish and Wildlife Service is the lead federal agency working with Metro on the Greenspaces Program. The intent of this grant program, which local jurisdictions and nonprofit organizations can apply for, is to demonstrate that greenspaces protection projects can be successfully completed on a regional level with the proper planning, cooperative efforts and the availability of resources.

A Greenspaces Master Plan, which is being developed during the next fourteen months, will outline specific steps on how the region can work together to identify, preserve, protect and potentially acquire natural areas which have area-wide significance, biological uniqueness, or which help to interconnect other natural resource areas and parks.

The program has become nationally recognized because of its cooperative, regional and innovative approach to inventorying and planning for the preservation of natural areas. Through the efforts of Sen. Mark Hatfield and Rep. Les AuCoin, Congress has awarded Metro a special grant to carry-out regional planning, public awareness activities and "on the ground" demonstration projects to restore and enhance urban wetlands, streams, riparian corridors and wildlife habitat. It is intended that the Greenspaces Program will serve as a model for other urban areas across the country.

II. Who is Eligible to Apply and Geographic Service Area of the Grant Program

- Cities, counties and special districts within the boundaries of the Metropolitan Service District.
- Cities, counties and special districts within Clark County, Washington.
- Nonprofit Organizations which are certified by the Internal Revenue Service (IRS) as 501 (C) (3) tax deductible charitable entities. These organizations must be located or provide services primarily within the boundaries of the Metropolitan Service District or in Clark County Washington.
- Organizations may submit more than one application, but must state a priority (e.g. numerical ranking) for each proposal. While we have not ruled out the possibility of funding more than one project in a jurisdiction, it will be unlikely due to the limited amount of funds available.

- Project sites eligible for funding must be located within the Greenspaces inventory area (i.e. within the Metro boundaries; portion of Sauvie Island within Multnomah County; Multnomah County east to the Mount Hood National Forest; areas adjacent and near Forest Park which was inventoried; Hagg Lake; Clark County)

III. Amount of Funds Available

\$200,000 in federal funds will be available. Metro will be responsible for reviewing applications, as well as making the awards and carrying out project oversight. All projects which receive funds will be subject to Metro and federal performance standards and audits.

At least one project in each of the four metropolitan counties and the city of Portland will be funded. Due to the relatively small amount of funds available and the monitoring requirements of projects which receive funding, it is anticipated that no more than 10 projects will be funded. No average amount for the grants has been established. Funds will not be awarded to geographic areas based upon their populations. All applications will be reviewed for project merit based upon the guidelines and criteria for selection as listed in this application packet.

The Metro Council will have final approval of all projects selected for funding. Successful applicants may be requested to make changes to their projects based on recommendations of the selection committee.

IV. Local Match Requirements

A 50 percent local match is required of each project. Applicants providing more than the minimum match requirement will receive greater consideration as outlined in the Selection Guidelines and Criteria.

The local match may include:

- Cash designated for the project
- Staff time (wages) to be allocated to the project which may already be budgeted
- Actual cost of land purchases/easements/development restriction agreements of the site to be restored and enhanced. If these items were donated, their fair market values will be the local match. All

transactions must be closed prior to May 1, 1991. The value of these donations and purchases can be counted retroactively to May 1, 1990 and still be counted as part of the local match. For example if you bought the site or received a donation prior to May 1, 1990 it would not count as part of the local match. You will receive credit for site acquisitions and donations for one year prior to the availability of this application (May 1, 1991).

- Easements and development restriction agreements must be owned by a public agency or a private nonprofit organization. Easements and development restriction agreements must be in perpetuity.
- Cost of planning, engineering, biological studies, surveys, inventories and plans
- Cost of landscape plans, designs and drawings
- Actual cost of purchases of plants, materials and supplies.
- Actual cost of purchase or rental of equipment and tools for "on the ground" work activities
- Volunteer hours designated to the project. Hours can be used for planning and/or actual labor at the project sites. The match is computed at the rate of one hour times the federal hourly minimum wage of \$4.75.
- Direct labor, supplies, materials, rental cost of equipment needed to develop and/or construct trails/greenways along riparian corridors which complement the natural state and wildlife habitat of a site; stresses passive recreational opportunities; and which interconnect other natural areas and parks. Public accessibility to demonstration sites is a major objective of the program.

Applicants may begin accounting for their local match as of May 1, 1991. Some applicants may begin site preparation work and/or planning in anticipation of receiving a demonstration grant.

Metro encourages applicants to seek other sources of funds and donated services and materials to leverage the federal funds. This grant program is based on challenging applicants to secure partnerships with other government agencies, nonprofit organizations, friends groups, businesses, and the general public.

NOTE: All grants will be awarded on a reimbursement basis. No money will be advanced to demonstration projects. The local project applicant will have to front-end the costs. A billing procedure will be established on a monthly or every two month basis.

V. Types of Projects/Activities That We Will Fund and Not Fund

What We Will Fund:

- Sites where work is to occur must be on publicly owned lands or on land with conservation easements protecting the natural integrity of the proposed work site. Easements must be in effect for perpetuity. Development restriction agreements must also be in effect for perpetuity.
- Restoration and enhancement ("on the ground" work) of urban wetlands, streams and riparian corridors. Sites should be restored to an original natural state.
- Plants and materials (cost to purchase items and labor costs to plant)
- Earth moving work which restores a site to its original natural state
- Direct labor costs for "on the ground" work (clearing bush, planting, etc.)
- Rental fees for equipment to carry out "on the ground" work
- Cost of constructing water control structures (labor and materials) which maintain and/or restore a site to its original natural state or maintains ecological integrity of the site
- Fish and wildlife habitat improvement projects such as birdhouses, wood duck boxes, etc.
- **Note:** Nonprofit organizations may apply for up to 10 percent of the cost of professional services (planning, engineering, biological studies, landscape plans) related to the project. Metro acknowledges that nonprofit organizations do not have in-house professional staff to provide such services.)

What We Will Not Fund:

- Professional Services (planning, engineering, biological studies, inventories, mapping, landscape drawings, etc.). Nonprofit organizations may apply for up to 10 percent of such costs though.
- Purchase of land, easements, development restriction agreements and options
- Purchase of tools or equipment
- Planning, development or construction of trails, paths and greenways
- Purchase or construction of interpretive facilities, displays, viewing platforms, shelters and/or signs

VI. Guidelines and Criteria for Selection

- Each criterion may be weighted differently during the evaluation process. An evaluation sheet will be available for review at the Metro office following the final awards of the demonstration grants.
- Restoring a site to its natural and native state
- Ecological Appropriateness: Restores and supports fish and wildlife habitat; complements natural state of the site; restores native biological communities and native plants at sites
- Projects which are self-sustaining and which require minimal management and maintenance
- Sites located in geographic areas which provide connections and linkages with other natural areas and parks. Restoring a site along a regional corridor or greenway to its natural state
- Projects with multi-objectives (i.e. supports water quality improvements; interconnected system of natural areas and parks; passive recreational opportunities such as wildlife viewing, hiking, etc.)
- Cost effectiveness of the project; dollar for dollar impact; scope and size of the proposal
- Project is feasible and manageable; accounting capability of applicant
- Involvement of more than one public agency, nonprofit organization, "friends groups", business, and citizens

- Amount of local resources committed to the project. Applicants providing more than minimum match requirement will receive greater consideration.
- Written agreement to maintain the site in perpetuity as a natural area with only passive recreational activities. Public ownership or private nonprofit ownership of the land or easement is also required.
- Evidence of a locally approved Management Plan for the site or natural resources protection plan are also required.
- Project is consistent with and complements locally adopted comprehensive plans, and local Parks and Recreation Master Plans
- Accessibility to the Site by the public
- Accessibility to the Site by the Disabled
- Evidence of local support for the Greenspaces Program (i.e. passage of the resolution supporting the planning efforts of the program; and/or financial support for the natural areas inventory, mapping and analysis)
- Creative and innovative projects, with new approaches to solving problems.

VII. Evaluation and Selection of Proposals

A selection committee will review and evaluate proposals according to program guidelines and criteria. A standard evaluation form will be used by each committee member. Members of the selection committee will be familiar with the Greenspaces Program and represent Metro, the Greenspaces Policy Advisory Committee and Technical Advisory Committee, state and federal agencies, and the environmental community. Members will have technical backgrounds in biology, urban and land use planning, water resources planning, grants administration; project management, and community experience in natural resources preservation.

The selection committee will tour all of the proposed project sites, if this number does not exceed 15 sites. If Metro receives more than 15 applications, the selection committee will determine a "finalists list" of where actual site visits will be conducted.

All finalists will also be required to make a formal presentation (not to exceed

30 minutes) describing their project before the selection committee. Oral presentations, slide shows, video shows, charts, maps, photographs, etc. can be part of the formal presentation. The presentations will be made during the same day. Selection committee members will also interview applicants. Site visits will not be on the same day as the formal presentations. Finalists will be notified in advance of their scheduled presentation. Detailed instructions will be provided to the finalists.

A list of projects recommended for funding will be presented by Metro Executive Officer Rena Cusma to the Metro Council for final approval.

VIII. Contract and Audit Requirements of Selected Projects

- Specific details of contractual, reimbursement, accounting, auditing and legal requirements will be available to only those applicants which are awarded a demonstration grant. Numerous assurances and legal/contractual obligations must be signed by the organizations selected for funding.
- Metro and the organizations selected for funding will enter into a contract to carry out project activities.
- The program will be on a reimbursement basis. No federal funds will be advanced to Metro or the organizations selected for funding. Thus organizations will have to "front" all costs. Reimbursements may take up to 60 days. A detailed billing procedure will be outlined to the organizations selected for funding.
- All projects will be subject to Metro and federal audits.
- Metro will conduct a workshop for the project managers of the selected projects to inform them of all requirements.

IX. Pre-Application Workshop

Metro will conduct a workshop for potential applicants prior to the application deadline.

The grant application process will be described in detail. Date: May 6, 1991 --two sessions; attend one: 3:30 to 5:00 p.m. or 6:00 to 7:30 p.m. at Metro, Room 440.

X. Check List of What You Must Submit

___ Application Form (includes project description, list of project staff, budget, schedule, letters of endorsement, etc.). This is all detailed in the application packet.

___ Site and Vicinity Map which clearly details project area

___ Photograph(s) or Slide(s) or video tape(s) of Site

___ List and Schedule of all Governmental Permits and Approvals Needed

___ Documentation of IRS Status for Nonprofits and Articles of Incorporation

XI. Key Dates

- Applications Available: May 1, 1991
- Pre-Application Workshop: May 6, 1991 3:30-5:00 p.m. and 6:00-7:30 p.m.
- Application Deadline: May 31, 1991 (5:00 p.m.) Applications must be received.
- Site Visits: June-July 1991
- Presentations and Interviews: June-July 1991
- Review and Selection Period: June-July 1991
- Awards Made: By July 31, 1991
- Notification to Successful and Unsuccessful Applicants by 7/31/91
- Post Award Conferences: By July 31, 1991
- Project Start: August 1, 1991 (estimated)

XII. Post Award Conference

Successful applicants will attend a conference to go over award and contract requirements. Notifications will be mailed to successful applicants.

■ **APPLICATION FORM** ■

Metropolitan Greenspaces Program -- Demonstration Grants

Due May 31, 1991 by 5:00 p.m.

Name of Applicant Organization: _____

Department or Division: _____

Type of Organization: ___City ___County ___Special District ___Nonprofit

Describe Your Organization: _____

(You may enclose brochures about your organization.)

If This Is A Joint Application of more than one agency/organization, please list all the agencies and/or organizations: _____

Project Manager/Contact Person: _____

Address: _____

Telephone: _____

Project Title: _____

Type in Name of Signatory: _____

Signature _____ **Date** _____

Chief Elected Official or Executive Director

1. PROJECT DESCRIPTION

In the space provided below and on additional attached sheets, describe your project in detail. Information must be typed. Please respond to the following. You may include additional information.

- **Location of Project: County, Township, Range, Section, and Stream Mile if pertinent (please attach map)**
- **Project Narrative and Objective**
- **Problem Which Is Being Addressed and How It Will Be Solved**
- **Benefits and Values of the Project**
- **How will the project improve present conditions in the wetlands, riparian and adjacent uplands?**
- **How The Project is Consistent with the Objectives of the Metropolitan Greenspaces Program and local plans**
- **Coordination of project with other agencies, nonprofit organizations, neighborhood associations and citizens**
- **How will the project promote public awareness of natural areas preservation and the Metropolitan Greenspaces Program?**
- **What educational opportunities will the project provide?**
- **Other relevant information**

NOTE: You may use additional pages for your project description

2. ENVIRONMENTAL IMPACTS

- **Describe the topography and present development/vegetation/wildlife habitat of the site. Describe the surrounding area, adjacent land uses, and the interrelationships with adjacent areas.**
- **What is the zoning of the site?**
- **What is the comprehensive plan designation of the site?**
- **Describe the long-term management of the site.**
- **What agencies will monitor and be responsible for the site's environmental integrity?**
- **Describe the following environmental elements which would be affected.**
 - a) **land use**
 - b) **fish and wildlife**
 - c) **vegetation**
 - d) **geology and soils**
 - e) **mineral resources**
 - f) **air and water quality**
 - g) **water resources and hydrology**
 - h) **historic and archaeological resources**
 - i) **transportation access**

NOTE: You may attach additional sheets

3. WORKPLAN AND SCHEDULE

Describe below the specific work tasks required to complete your project and a scheduled with estimated dates. Assume that projects start August 1, 1991 and end September 30, 1992.

TASK

Estimated Date

4. List of Governmental Permits and Approvals Needed with Dates

Permit/Approval

Agency

Date

Which agency(ies) will inspect the project for completion?

5. PROJECT BUDGET

	<u>Local Match</u>	<u>Request of Metro</u>	<u>Total</u>
a) Personnel			
b) Materials, Plants and Supplies			
c) Rental Fees			
d) Professional Services (planning, engineering, biological studies, landscape plans). Each applicant must detail this cost, but only nonprofits may apply for a reimbursement of up to 10 percent of total costs.			
e) Volunteer Labor Hrs. @ \$4.75			
f) Indirect Costs/Overhead (not grant eligible)			
g) Contingency (not grant eligible)			
h) Detail all local resources dedicated to the project (not grant eligible)			
TOTAL Funds	_____	_____	_____

Note: You may use additional pages for your budget summary.

6. PROJECT STAFF and VOLUNTEERS

List names and summarize their qualifications

7. REFERENCES

List four personal, civic, business or community references who are not employees, elected or appointed officials, volunteers, and/or board members of your organization/agency which are knowledgeable of your organization and its work in preserving natural resources and/or your specific proposal

Name_____

Organization/Affiliation_____

Address_____Phone_____

Name_____

Organization/Affiliation_____

Address_____Phone_____

Name_____

Organization/Affiliation_____

Address_____Phone_____

Name_____

Organization/Affiliation_____

Address_____Phone_____

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1428 FOR THE PURPOSE OF ESTABLISHING GUIDELINES AND CRITERIA FOR THE GREENSPACES DEMONSTRATION GRANTS PROGRAM TO RESTORE AND ENHANCE URBAN WETLANDS, STREAMS AND RIPARIAN CORRIDORS

Date: April 9, 1991

Presented by: Mel Huie
Planning & Development Dept.

FACTUAL BACKGROUND AND ANALYSIS

Resolution No. 91-1428 establishes guidelines and criteria for awarding demonstration grants by Metro to cities, counties, special districts, and nonprofit organizations to restore and enhance urban wetlands, streams and riparian corridors. The purpose of this new grant program is to carry out "on the ground" projects involving public agencies, nonprofit organizations, businesses and citizens in restoring, preserving and enhancing fish and wildlife habitat located in wetlands and riparian corridors. The demonstration projects will give Metro and the Greenspaces Program increased public visibility.

The grant program is a major public outreach activity of the Metropolitan Greenspaces Program. This program will show that natural areas protection can be successfully completed on a regional level with coordinated planning, cooperative efforts, partnerships, and the availability of technical and financial resources provided by a regional agency such as Metro. The ecological system, natural areas, rivers, streams, and riparian corridors we plan to restore and enhance know no political boundaries.

Metro will have \$200,000 in grants to award starting in July 1991. Funding comes from the U.S. Fish and Wildlife Service through a national demonstration grant awarded to Metro to conduct planning, restoration and enhancement of urban fish and wildlife habitat, and public outreach for the Metropolitan Greenspaces Program. Through the efforts of Sen. Mark Hatfield and Rep. Les AuCoin, Congress appropriated funds for the Metropolitan Greenspaces Program to carry out such activities. It is intended that the Greenspaces Program will serve as a model for other urban areas across the country to inventory and protect open space and natural areas.

It is anticipated that approximately 10-15 projects will receive funding. At least one project will be funded in each of the four counties in the metropolitan area and one in the city of Portland. A local match of at least 50 percent is required. The match can be cash or in-kind services. This grant program is intended to leverage other financial and volunteer resources from the public and private sectors. There is much public interest and support for the program. Local governments and nonprofit organizations support these types of restoration and enhancement

activities, but unfortunately lack the funding. Metro's demonstration grants program will fill a major need in the region.

- Funds are targeted for "on the ground" projects (labor, plants and materials)
- Funds cannot be used to purchase land/easements/options or equipment
- Existing and new projects will receive the same consideration for funding
- Joint applications between public agencies, nonprofit organizations, "friends groups" and business are encouraged.

Attached is a complete application packet for review and approval in concept.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 91-1428.

Agenda Item No. 6.7
Meeting Date: April 25, 1991

RESOLUTION NO. 91-1422

TRANSPORTATION AND PLANNING COMMITTEE REPORT

RESOLUTION NO. 91-1422, FOR THE PURPOSE OF ENDORSING COMMENTS AND RECOMMENDATIONS REGARDING DEQ'S COMPREHENSIVE EMISSIONS FEE PROPOSAL

Date: April 24, 1991

Presented by: Councilor Gardner

COMMITTEE RECOMMENDATION: At the April 23, 1991 Transportation and Planning Committee meeting, Councilors Bauer, Devlin, Van Bergen and myself voted 3 to 1 (Councilor Van Bergen dissenting) to recommend Council adopt Resolution No. 91-1422 as amended. Councilor McLain was excused.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 91-1422 recommends specific amendments to House Bill 2175, now before the Oregon Legislature, and requests continued regional involvement in implementation of the bill's vehicle emission aspects. HB2175 would implement fees on air polluters per federal Clean Air Act Amendment requirements passed this year. However, while federal regulations focus on industrial polluters, HB2175 would extend the philosophy of fees to other air pollution sources -- automobiles, field burning, slash burning.

Resolution No. 91-1422 follows up on Resolution No. 91-1388A, adopted by the Council March 14, which broadly endorsed principles associated with HB 2175; noted regional concerns with a Portland metropolitan area add-on fee; and directed staff to develop additional comments on HB2175.

Transportation Department staff reviewed the substance of the recommended HB2175 amendments outlined in Exhibit A to Resolution No. 91-1422:

- o Proposed new Section 9 outlines a Portland metropolitan area approach to developing fees, including Metro conducting a joint study with the state Department of Environmental Quality (DEQ) (subsection 1). Subsection 2 provides for Metro, the Joint Policy Advisory Committee on Transportation (JPACT) and the Bi-State Policy Advisory Committee concurrence if DEQ initiates an emission fee-based program. DEQ supported the concurrence requirement because the department does not have the authority to unilaterally initiate such a program. Subsections 3 and 4 speak to Portland area fee revenues being used solely to mitigate auto emissions and a revenue management system being developed as a part of the joint DEQ/Metro study.
- o Section 15 comments recommend a cooperative statewide approach to reviewing air quality implications of the Emissions Fee Plan.
- o Section 21 comments strengthen the requirement that 100 percent of fee revenues, after deducting administrative costs, shall be used to mitigate auto emission pollution.

- o Section 24 comments would change the administrative cost deductions from fee revenues from the proposed 15 percent annual cap to a two-year 15 percent annual cap reduced thereafter to 10 percent. This proposal reflects the common experience of administrative costs decreasing once a program is well established.

Committee amendments addressed language clarifications. The Committee voted 3 to 1 (Councilor Van Bergen dissenting) to change "Portland area" to "Portland metropolitan area", the common designation for the full region, throughout the resolution and exhibit; to underline "include" (as part of the recommended amendment) in the second line of Section 8; to change "may" to "shall" in Section 8, consistent with the intent of Resolution No. 91-1388A; and to delete "and" in the eighth line of Section 8.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING	)	RESOLUTION NO. 91-1422
COMMENTS AND RECOMMENDATIONS)	
REGARDING DEQ'S COMPREHENSIVE	)	Introduced by
EMISSIONS FEE PROPOSAL	)	David Knowles, Chair
	)	Joint Policy Advisory Com-
	)	mittee on Transportation

WHEREAS, The Portland metropolitan area is in violation of air quality standards for carbon monoxide and ozone; and

WHEREAS, Motor vehicles are a significant source of air pollution statewide and should share the burden of meeting air quality standards; and

WHEREAS, The Department of Environmental Quality (DEQ) has proposed an emission fee approach to reduce emissions through fees on polluters at the rate of \$25.00 per ton; and

WHEREAS, The Council of the Metropolitan Service District has requested through Resolution 91-1388A that the Transportation Policy Advisory Committee (TPAC) work with the Department of Environmental Quality (DEQ) to develop a Portland area emissions approach; and

WHEREAS, The Council of the Metropolitan Service District further directed TPAC to review the specifics of HB 2175 and prepare comments and recommendations for review and consideration by the Metro Council, the Joint Policy Advisory Committee on Transportation (JPACT), and the Bi-State Policy Advisory Committee; and

WHEREAS, The air quality strategy recommended in HB 2175 as amended in this resolution is consistent with the Port-

land area's comprehensive regional effort to reduce reliance on the single occupant vehicle; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts the following recommendations:

1. That a Portland area emissions approach to meet air quality problems consistent with the Federal Clean Air Act Amendments of 1990 be developed as described and shown in Section 9 of Exhibit A.

2. Other changes as described in Exhibit A be included in HB 2175.

3. That the Metro Council, JPACT, and the Bi-State Policy Advisory Committee be further involved in the implementation of vehicle emission-related aspects of HB 2175.

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

Tanya Collier, Presiding Officer

EXHIBIT A

Portland Area Comments on HB 2175: Comprehensive Emissions Fees

SECTION 8. (1) Second sentence should be amended to read "This fee shall include a statewide fee and may include a regional component as described in Section 9 of this 1991 Act for ozone non-attainment areas to address the significant portion of ozone precursors emitted by motor vehicles.

SECTION 9. Portland Area Program. A new Section 9 should be created for the Portland component and remaining section headings revised accordingly. The new section would read as follows:

"(1) The Department of Environmental Quality, in consultation with the Metropolitan Service District, the District's Joint Policy Advisory Committee on Transportation and the Bi-State Policy Advisory Committee, shall as expeditiously as possible conduct a study of all reasonable alternatives, including emission fee-based and regulatory approaches, to determine and recommend the most appropriate program to implement and to control vehicle emissions to ensure that the federal ozone air quality standard will be attained by the end of 1993 and maintained through the year 2010 in the Portland metropolitan area as required by the Clean Air Act. This program shall be compatible and complementary to regional transportation and land use goals.

"(2) If an emission fee-based program is recommended under subsection (1) of this section, the Environmental Quality Commission shall be authorized, with concurrence of the Metro Council, the Joint Policy Advisory Committee on Transportation and the Bi-State Policy Advisory Committee, to adopt and implement such program as expeditiously as possible. If a regulatory program is recommended under subsection (1) of this section, the Environmental Quality Commission shall adopt and implement such program within existing authority.

"(3) If an emission fee-based program is chosen, revenue from these fees, less costs of administration, shall be solely used to mitigate emissions from motor vehicles in the Portland metropolitan area in the most cost beneficial manner.

"(4) If an emission fee-based program is chosen, the study required in (1) shall include identifying the most appropriate revenue management system."

SECTION 15. The existing paragraph should become subsection (1). The section should be rewritten to exclude the Transportation

Subaccount from formal review by the Air Quality Improvement Fund Advisory Board. The Transportation Subaccount would be subject to the process outlined in a new subsection (2). The new subsection (2) would be added to read "For monies in the Transportation Subaccount, the following procedure shall be used to determine projects eligible for air quality improvement funding:

"(a) At least biennially, the Oregon Department of Transportation shall prepare a plan containing a list of projects and programs eligible for air quality improvement funding. The plan would be based on an evaluation of needs and analysis of alternatives and would include program costs and priorities. The planning process would be a cooperative effort with representation from the Department of Environmental Quality, cities, counties, regional governments, and special transportation districts. The plan would be subject to public hearings before the Oregon Transportation Commission prior to submittal to the Environmental Quality Commission. The public hearings would be consistent with those conducted under section 16 of this 1991 Act pursuant to the Air Quality Improvement Fund Advisory Board.

"(b) At least biennially, the Environmental Quality Commission shall review the plan for adoption. In adopting the plan, the Commission shall take into consideration the recommendations received under section 16 of this 1991 Act and the public comments received in the public hearings conducted under section 16 of this 1991 Act.

"(c) At least biennially, the Oregon Transportation Commission shall select a list of air quality related improvement projects from the approved plan for inclusion in the Six-Year Transportation Improvement Program."

SECTION 16. Subsection (1) should be rewritten to include the Oregon Transportation Commission in the case of the Transportation Fund Subaccount. Subsection (2) should be similarly rewritten.

SECTION 21. Subsection (2) should be rewritten to read "Of the monies remaining in the Transportation Programs Subaccount after payment of the costs under subsection (1) of this section, One Hundred percent shall be used for projects and programs relating to the reduction in emissions from transportation." Existing subsections (a) and (b) should be deleted.

Subsection (3)(b) referring to toll roads should be deleted. Toll road alternatives would be included in the alternatives analysis for a Portland metropolitan area program.

SECTION 24. Subsection (6). The second sentence should be amended and a third sentence added as follows: "The maximum may not exceed 15 percent of the amount of fees collected by the entity in the first two years of the program. Beginning in the third year of the program, the maximum may not exceed 10 percent

of the amount of fees collected by the entity. This recognizes the potential for high start-up costs of a program, with the assumption costs decreasing following implementation.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENDORSING	)	RESOLUTION NO. 91-1388A
PRINCIPLES ASSOCIATED WITH DEQ'S)	
COMPREHENSIVE EMISSIONS FEE	)	Introduced by David Knowles,
PROPOSAL	)	Chair, Joint Policy Advisory
	)	Committee on Transportation

WHEREAS, The Portland metropolitan area is in violation of air quality standards for carbon monoxide and ozone; and

WHEREAS, Motor vehicles are a significant contributor to this air quality problem; and

WHEREAS, Significant growth of population, vehicle travel and congestion threaten to exacerbate this problem; and

WHEREAS, DEQ has proposed a market-sensitive approach to reduce emissions through fees on polluters at the rate of \$25.00 per ton; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts the following principles:

1. Motor vehicles are a significant source of air pollution statewide and should shoulder their share of the burden of meeting air quality standards.

2. A market-sensitive statewide approach to addressing this problem is appropriate.

3. Programs and fees proposed to control automobile emissions should be consistent with state, regional and local land use objectives and assist in implementing a multi-modal approach to meeting air quality objectives.

4. The Metro Council, JPACT, TPAC and Bi-State Policy Advisory Committee should be further involved in the development of program details.

5. An added approach should be pursued to meeting air quality problems in the Portland metropolitan area; TPAC should work with the Department of Environmental Quality to recommend to JPACT, Bi-State Policy Advisory Committee and the Metro Council specific language to be incorporated into HB 2175 calling for the development and implementation of the added approach in the Portland metropolitan area.

6. This resolution does not endorse any specific proposal to implement these principles.

ADOPTED by the Council of the Metropolitan Service District this 14th day of March, 1991.

/signed/

Tanya Collier, Presiding Officer

MH:mk
91-1388A.RES
03-14-91

Comprehensive Emission Fee Bill

HB 2175, 1/18/91
Section Listing

<u>Section</u>	<u>Description</u>	<u>Page</u>
1.	General: definitions	1
2.	General: purpose	2
3.	General: emission fee imposed	2
4.	Industry: fee collection mechanism	3
5.	Industry: existing permit fees	3
6.	Industry: new permit application fee	4
7.	Wood heating: fee collection mechanism	5
8.	Transportation: statewide and regional emission fee.....	5
9.	Slash Burning: fee collection mechanism	6
10.	Slash Burning: DOF smoke management coordination	6
11.	Field Burning: fee collection mechanism	7
12.	Field Burning: smoke management coordination	7
13.	Fund Management: fund established	8
14.	Fund Management: Advisory Board established	8
15.	Fund Management: project compilation and analysis	9
16.	Fund Management: Advisory Board recommendations	9
17.	Fund Management: project selection	9
18.	Fund Management: guidelines for use of funds	9
19.	Industry: use of funds	10
20.	Wood Heating: use of funds	10
21.	Transportation: use of funds	11
22.	Field Burning: use of funds	12
23.	Slash Burning: use of funds	12
24.	General: Environmental Quality Commission rules	13
25.	General: coordination with general exemptions	14
26.	General: report on air quality changes	14
27.	General: report on program management	14
28.	General: delegation of authority of Clean Air Act	15
29.	General: the bill is added to ORS 468	15

Comprehensive Emission Fee Bill

HB 2175, 1/18/91

Subject Listing

<u>Category</u>	<u>Sec- tion</u>	<u>Description</u>	<u>Page</u>
General	1.	Definitions	1
	2.	Purpose	2
	3.	Emission fee imposed	2
	24.	Environmental Quality Commission rules	13
	25.	Limiting existing exemptions	14
	26.	Report on program effectiveness	14
	27.	Report on program management	14
	28.	Delegation of authority of Clean Air Act	15
	29.	The bill is added to ORS 468	15
Industry	4.	Fee collection	3
	5.	Existing permit fees	3
	6.	New permit application fee	4
	19.	Use of funds	10
	24(1)	Fees for air toxics	13
	24(2)	Fee schedules and due dates	13
	24(7)	Requirements for partial refunds	13
Wood Heating	24(8)	Fee schedules for new/modified permits	13
	7.	Fee collection	5
	20.	Use of funds	10
Transpor tation	24(2)	Fee schedules and due dates	13
	8.	Statewide and regional emission fees	5
	21	Use of funds	11
	24(2)	Fee schedules and due dates	13
Slash Burning	24(9)	Requirements for trip reduction plans	14
	9.	Fee collection	6
	10.	DOF smoke management coordination	6
	23.	Use of funds	12
	24(2)	Fee schedules and due dates	13
Field Burning	24(10)	Collections outside smoke management areas	14
	11.	Fee collection	7
	12.	Smoke management coordination	7
	22.	Use of funds	12
	24(2)	Fee schedules and due dates	13
Fund Manage- ment	24(10)	Collections outside smoke management areas	14
	13.	Fund established	8
	14.	Advisory Board Established	8
	15.	Project compilation and analysis	9
	16.	Advisory board recommendations	9
	17.	Project selection	9
	18.	Guidelines for use of funds	9

House Bill 2175

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Department of Environmental Quality)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Establishes air pollution emission fee program. Imposes fee for emissions of air contaminants from industrial, residential wood heating, motor vehicles, forest prescribed burning and agricultural field burning sources and activities. Establishes Air Quality Improvement Fund and specifies programs and projects eligible to receive moneys from fund. Appropriates moneys.

A BILL FOR AN ACT

1
2 Relating to air pollution; creating new provisions; amending ORS 468.065, 468.290, 468.325 and
3 468.480 and section 8, chapter 920, Oregon Laws 1989; and appropriating money.

4 Whereas air pollution continues to present a threat to the public health and welfare of the state
5 despite enactment and implementation of long-standing regulatory programs at the federal, state and
6 local levels;

7 Whereas providing the purity of the air expected by citizens of the state, particularly in light
8 of anticipated growth, requires new and innovative approaches;

9 Whereas tightening of traditional regulatory programs has not met with widespread support in
10 recent times, particularly for nonindustrial sources, while the use of a market driven approach has
11 gained increasing support as a method of motivating and providing assistance to public and industry
12 efforts to prevent and control air pollution; and

13 Whereas an emission fee-based program offers the opportunity to reduce total statewide air
14 contaminant emissions by up to 40 percent within a 5 to 10-year period.

15 Be It Enacted by the People of the State of Oregon:

16 SECTION 1. As used in ORS 468.480, section 8, chapter 920, Oregon Laws 1989, and sections
17 1 to 4, 7 to 9, 11 and 13 to 24 of this 1991 Act:

18 (1) "Agricultural field burning" means the burning of any perennial or annual grass seed or
19 cereal grain crop, or associated residue, including but not limited to open burning, stack burning
20 and propane flaming.

21 (2) "Consumer price index" means the average of the Consumer Price Index for All Urban
22 Consumers of the Portland, Oregon, Standard Metropolitan Statistical Area or the revision that is
23 most consistent with the Consumer Price Index for the calendar year 1989, published by the United
24 States Department of Labor, Bureau of Labor Statistics, as of the close of the 24-month period end-
25 ing on July 31 of each biennium.

26 (3) "Federal permit program" means the permit program submitted to the United States Envi-
27 ronmental Protection Agency in accordance with section 502 (d) of the Clean Air Act Amendments
28 of 1990 (P.L. 101-549).

29 (4) "Nonattainment area" means an area of the state that exceeds, on or after January 1, 1990,
30 the air quality standard for an air contaminant as established by the Environmental Quality Com-

mission pursuant to ORS 468.295.

SECTION 2. The Legislative Assembly declares the purpose of this 1991 Act is to:

(1) Authorize the imposition of air contaminant emission fees on industrial sources as required by the Clean Air Act Amendments of 1990.

(2) Provide an economic incentive to reduce air contamination from all major source categories of air contaminants in the state.

(3) Establish a fund for financing public and private sector programs and projects in all areas of the state that substantially improve air quality.

(4) Enhance the air quality of the state while conserving energy and encouraging orderly growth and economic development.

(5) Develop an awareness that the air resources of the state are not a free dumping ground for air contaminants and that emissions of air contaminants may have a negative environmental or economic effect on a neighbor, a local airshed or the state as a whole or even on a global basis.

SECTION 3. (1) An emission fee is imposed on activities or sources that result directly or indirectly in the discharge of air contaminants into the outdoor atmosphere of this state. The amount of the fee shall be based on an average base rate of \$25 per ton of emissions. The specific amount of the fee for each source or activity set forth in subsection (4) of this section as established by the Environmental Quality Commission shall be based on the product of the average base rate and the following factors for each major air contaminant which are weighted to the potential environmental impact of the contaminant:

Contaminant	Factor
(a) Volatile Organic Compounds:	1.75
(b) PM10:	1.68
(c) Nitrogen Oxides:	0.87
(d) Sulfur Oxides:	0.66
(e) Carbon Monoxide:	0.04

(2) For any toxic air contaminant from an industrial source not included under subsection (1) of this section for which the Environmental Quality Commission adopts standards pursuant to section 112 of the Clean Air Act Amendments of 1990 (P.L. 101-549), the specific factor shall be adopted by rule by the commission. The specific fee for emissions of such toxic air contaminants shall be the product of the specific factor and an average base rate of \$25 per ton of emissions. The factor adopted by the commission shall average approximately 1.00 and not exceed 2.00.

(3) The average base rate of the emission fees established in subsections (1) and (2) of this section shall be increased biennially by the percentage, if any, by which the Consumer Price Index increases.

(4) The emission fees established under subsections (1) and (2) of this section shall apply to emissions from:

- (a) Industrial sources, as specified in section 4 of this 1991 Act;
- (b) Residential wood heating sources, as specified in section 7 of this 1991 Act;
- (c) Motor vehicle sources, as specified in section 8 of this 1991 Act;
- (d) Forest prescribed burning sources as specified in section 8, chapter 920, Oregon Laws 1989, and section 9 of this 1991 Act; and

1 (c) Agricultural field burning sources as specified in ORS 468.480 and section 11 of this 1991
2 Act.

3 (5) A person shall be liable for the payment of a fee established under this section for activities
4 resulting in the emission of air contaminants that occur on or after July 1, 1992, or such later date
5 as established by the commission by rule. The person shall pay the emission fee in accordance with
6 a schedule established by the commission.

7 **SECTION 4. (1)** All industrial emission sources subject to the federal permit program shall be
8 subject to an emission fee as specified in section 3 of this 1991 Act. The fees shall be assessed on
9 permitted emissions. The fees shall be collected by either the Department of Environmental Quality
10 or by a regional authority having jurisdiction over the source.

11 (2) An industrial emission source may apply to the department for a partial refund of the fee
12 submitted under subsection (1) of this section if actual emissions are less than permitted emissions.
13 Any industrial source applying for a partial refund shall do so in accordance with rules adopted by
14 the Environmental Quality Commission under section 24 of this 1991 Act.

15 (3) Any penalty paid under section 510 of the Clean Air Act Amendments of 1990 for emissions
16 in excess of allowances possessed by a source and any amount paid under section 519 of the Clean
17 Air Act Amendments of 1990 for the purchase of allowances shall be credited in the year paid
18 against emission fees due for emissions of the same air contaminants in excess of 4,000 tons per
19 year.

20 (4) All fees collected under this section from an industrial source shall be deposited in the State
21 Treasury to the credit of the Industrial Programs Subaccount of the Air Quality Improvement Fund
22 created under section 13 of this 1991 Act.

23 **SECTION 5. ORS 468.065 is amended to read:**

24 468.065. Subject to any specific requirements imposed by ORS 448.305, 454.010 to 454.040, 454.205
25 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter:

26 (1) Applications for all permits authorized or required by ORS 448.305, 454.010 to 454.040,
27 454.205 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter shall be
28 made in a form prescribed by the department. Any permit issued by the department shall specify its
29 duration, and the conditions for compliance with the rules and standards, if any, adopted by the
30 commission pursuant to ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405, 454.425, 454.505
31 to 454.535, 454.605 to 454.745 and this chapter.

32 (2) By rule and after hearing, the commission may establish a schedule of fees for permits issued
33 pursuant to ORS 468.310, 468.315, 468.555 and 468.740. Except for permits issued under ORS
34 468.310 and 468.315 for an industrial source subject to the fee assessed under section 4 of this
35 1991 Act, the fees contained in the schedule shall be based upon the anticipated cost of filing and
36 investigating the application, of issuing or denying the requested permit, and of an inspection pro-
37 gram to determine compliance or noncompliance with the permit. The fee shall accompany the ap-
38 plication for the permit. For a permit issued under ORS 468.310 and 468.315 for an industrial
39 source subject to the fee assessed under section 4 of this 1991 Act, the schedule of fees and
40 the payment due dates shall be as established by rule by the commission under section 24
41 of this 1991 Act.

42 (3) An applicant for certification of a project under ORS 468.732 or 468.734 shall pay as a fee
43 all expenses incurred by the commission and department related to the review and decision of the
44 director and commission. These expenses may include legal expenses, expenses incurred in process-

ing and evaluating the application, issuing or denying certification and expenses of commissioning an independent study by a contractor of any aspect of the proposed project. These expenses shall not include the costs incurred in defending a decision of either the director or the commission against appeals or legal challenges. Every applicant for certification shall submit to the department a fee at the same time as the application for certification is filed. The fee for a new project shall be \$5,000, and the fee for an existing project needing relicense shall be \$3,000. To the extent possible, the full cost of the investigation shall be paid from the application fee paid under this section. However, if the costs exceed the fee, the applicant shall pay any excess costs shown in an itemized statement prepared by the department. In no event shall the department incur expenses to be borne by the applicant in excess of 110 percent of the fee initially paid without prior notification to the applicant. In no event shall the total fee exceed \$40,000 for a new project or \$30,000 for an existing project needing relicense. If the costs are less than the initial fee paid, the excess shall be refunded to the applicant.

(4) The department may require the submission of plans, specifications and corrections and revisions thereto and such other reasonable information as it considers necessary to determine the eligibility of the applicant for the permit.

(5) The department may require periodic reports from persons who hold permits under ORS 448.305, 454.010 to 454.040, 454.205 to 454.225, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter. The report shall be in a form prescribed by the department and shall contain such information as to the amount and nature or common description of the pollutant, contaminant or waste and such other information as the department may require.

(6) Any fee collected under this section shall be deposited in the State Treasury to the credit of an account of the department. Such fees are continuously appropriated to meet the administrative expenses of the program for which they are collected. The fees accompanying an application to a regional air pollution control authority pursuant to a permit program authorized by the commission shall be retained by and shall be income to the regional authority. Such fees shall be accounted for and expended in the same manner as are other funds of the regional authority. However, if the department finds after hearing that the permit program administered by the regional authority does not conform to the requirements of the permit program approved by the commission pursuant to ORS 468.555, such fees shall be deposited and expended as are permit fees submitted to the department.

SECTION 6. ORS 468.325 is amended to read:

468.325. (1) The commission may require notice prior to the construction of new air contamination sources specified by class or classes in its rules or standards relating to air pollution.

(2) Within 30 days of receipt of such notice, the commission may require, as a condition precedent to approval of the construction, the submission of plans and specifications. After examination thereof, the commission may request corrections and revisions to the plans and specifications. The commission may also require any other information concerning air contaminant emissions as is necessary to determine whether the proposed construction is in accordance with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter and applicable rules or standards adopted pursuant thereto.

(3) If the commission determines that the proposed construction is in accordance with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405, 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter and applicable rules or standards adopted pursuant thereto, it

1 shall enter an order approving such construction. If the commission determines that the construction
 2 does not comply with the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.405,
 3 454.425, 454.505 to 454.535, 454.605 to 454.745 and this chapter and applicable rules or standards
 4 adopted pursuant thereto, it shall notify the applicant and enter an order prohibiting the con-
 5 struction.

6 (4) If within 60 days of the receipt of plans, specifications or any subsequently requested re-
 7 visions or corrections to the plans and specifications or any other information required pursuant to
 8 this section, the commission fails to issue an order, the failure shall be considered a determination
 9 that the construction may proceed. The construction must comply with the plans, specifications and
 10 any corrections or revisions thereto or other information, if any, previously submitted.

11 (5) Any person against whom the order is directed may, within 20 days from the date of mailing
 12 of the order, demand a hearing. The demand shall be in writing, shall state the grounds for hearing
 13 and shall be mailed to the director of the department. The hearing shall be conducted pursuant to
 14 the applicable provisions of ORS 183.310 to 183.550.

15 (6) The commission may delegate its duties under subsections (2) to (4) of this section to the
 16 Director of the Department of Environmental Quality. If the commission delegates its duties under
 17 this section, any person against whom an order of the director is directed may demand a hearing
 18 before the commission as provided in subsection (5) of this section.

19 (7) Any person applying for a permit required under ORS 468.310 for a new source or a
 20 major modification which, upon construction and operation, would be subject to the emission
 21 fee assessed under section 4 of this 1991 Act shall submit with the permit application a
 22 nonrefundable permit issuance fee. All permit issuance fees shall be in an amount sufficient
 23 to pay for the department's extraordinary application processing costs as established by the
 24 commission under section 24 of this 1991 Act. All fees collected under this subsection shall
 25 be deposited in the State Treasury to the credit of an account of the department and are
 26 continuously appropriated to the department to be used to carry out the department's re-
 27 sponsibilities relating to processing applications for new sources or major modifications of
 28 existing sources.

29 [(7)] (8) For the purposes of this section, "construction" includes installation and establishment
 30 of new air contamination sources. Addition to or enlargement or replacement of an air contam-
 31 ination source, or any major alteration or modification therein that significantly affects the emission
 32 of air contaminants shall be considered as construction of a new air contamination source.

33 **SECTION 7.** (1) Any federal, state or private land manager providing cordwood shall pay to the
 34 Department of Environmental Quality the emission fee imposed under section 3 of this 1991 Act.

35 (2) Any private land manager whose forestland holdings in this state are less than 1,000 acres
 36 shall be exempt from the fee required under subsection (1) of this section.

37 (3) All fees collected under this section shall be deposited in the State Treasury to the credit
 38 of the Residential Wood Heating Subaccount of the Air Quality Improvement Fund created under
 39 section 13 of this 1991 Act.

40 (4) As used in this section, "cordwood" means any split or unsplit logs or branches of any
 41 length, other than artificially compressed logs or pelletized fuel, that are to be used, sold or resold
 42 as fuel for residential space heating.

43 **SECTION 8.** (1) The emission fee imposed under section 3 of this 1991 Act shall be assessed on
 44 motor vehicle emissions. This fee shall include a statewide component and a regional component for

1 ozone nonattainment areas to address the significant portion of ozone precursors emitted by motor
2 vehicles.

3 (2) All moneys collected under this section shall be deposited in the State Treasury to the credit
4 of the Transportation Programs Subaccount of the Air Quality Improvement Fund created under
5 section 13 of this 1991 Act.

6 **SECTION 9.** (1) The emission fee imposed under section 3 of this 1991 Act shall be collected
7 from any person who conducts forest prescribed burning in Class 1 forestland under ORS 526.324
8 that is privately owned or managed by the state or Federal Government.

9 (2) For those forestlands subject to the registration requirements of section 8, chapter 920,
10 Oregon Laws 1989, the fee required under subsection (1) of this section shall be collected as a sur-
11 charge on the fee collected under section 8, chapter 920, Oregon Laws 1989. For all prescribed
12 burning conducted on forestlands not subject to chapter 920, Oregon Laws 1989, the Environmental
13 Quality Commission shall select the lowest cost mechanism for collecting the emission fee.

14 (3) All emission fees collected under this section shall be deposited in the State Treasury to the
15 credit of the Forest Prescribed Burning Subaccount of the Air Quality Improvement Fund created
16 under section 13 of this 1991 Act.

17 (4) As used in this section, "forest prescribed burning" includes broadcast and pile burning.

18 **SECTION 10.** Section 8, chapter 920, Oregon Laws 1989, is amended to read:

19 **Sec. 8.** (1) The department shall collect a nonrefundable registration fee for forestland to be
20 burned lying within the restricted area described under ORS 477.515 (3).

21 (2) Any owner of Class 1 forestland under ORS 526.324 and any agency managing Class 1
22 forestland under ORS 526.324 lying within the restricted area as described in the plan required un-
23 der ORS 477.515 (3) shall register with the State Forester, in accordance with rules adopted by the
24 State Forester, the number of acres to be burned prior to December 31 of the same year.

25 (3) The State Forester shall establish by rule the amount of fees to be collected under this sec-
26 tion. The fees shall not exceed:

27 (a) Fifty cents per acre for registration.

28 (b) \$1.50 per acre for forestland classified as Class 1 under ORS 526.324 that has been treated
29 by any prescription burn method authorized by the issuance of a permit under ORS 477.515 (1).

30 (4) Federal lands included within the restricted area under the provision of the smoke manage-
31 ment plan approved under ORS 477.515 (3)(a) shall also be subject to the fees authorized under
32 subsection (3) of this section for forest land to be treated by any prescription burn method subject
33 to the provisions of the State of Oregon Clean Air Act Implementation Plan and the Federal Clean
34 Air Act as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).

35 (5) Except as provided in subsection (6) of this section, notwithstanding ORS 291.239, moneys
36 collected under this section shall be deposited in the Oregon Forest Smoke Management Account
37 established under section 7, chapter 920, Oregon Laws 1989 *[of this 1989 Act]*.

38 (6) For any forestlands subject to the registration under this section, the emission fee
39 imposed under section 3 of this 1991 Act shall be collected as a surcharge from the person
40 conducting the forest prescribed burning. All fees collected as a surcharge under this sub-
41 section shall be deposited in the State Treasury to the credit of the Forest Prescribed
42 Burning Subaccount of the Air Quality Improvement Fund created under section 13 of this
43 1991 Act.

44 (7) As used in this section, "forest prescribed burning" includes broadcast and pile

1 burning.

2 **SECTION 11.** (1) The emission fee imposed under section 3 of this 1991 Act shall be collected
3 from any person who conducts agricultural field burning.

4 (2) For all agricultural field burning in areas of the state not subject to ORS 468.455 to 468.490,
5 the Environmental Quality Commission shall select the lowest cost mechanism for collecting the
6 emission fee.

7 (3) All emission fees collected under this section shall be deposited in the State Treasury to the
8 credit of the Agricultural Burning Subaccount of the Air Quality Improvement Fund created under
9 section 13 of this 1991 Act.

10 **SECTION 12.** ORS 468.480 is amended to read:

11 468.480. (1)(a) On or before April 1 of each year, the grower of a grass seed crop shall register
12 with the county court or board of county commissioners or the fire chief of a rural fire protection
13 district, or the designated representative of the fire chief, the number of acres to be burned in the
14 remainder of the year. At the time of registration the Department of Environmental Quality shall
15 collect a nonrefundable fee of \$1 per acre registered. The department may contract with counties
16 and rural fire protection districts for the collection of the fees which shall be forwarded to the de-
17 partment. Any person registering after the dates specified in this subsection shall pay an additional
18 fee of \$1 per acre registered if the late registration is due to the fault of the late registrant or one
19 under the control of the late registrant. Late registrations must be approved by the department.
20 Copies of the registration form shall be forwarded to the department. The required registration must
21 be made and the fee paid before a permit shall be issued under ORS 468.458.

22 (b) Except as provided in paragraph (c) of this subsection, after July 2, 1975, the department
23 shall collect a fee of \$2.50 per acre of crop burned prior to the issuance of any permit for open
24 burning of perennial or annual grass seed crops or cereal grain crops under ORS 468.140, 468.150,
25 468.290 and 468.455 to 468.480. The department may contract with counties and rural fire protection
26 districts for the collection of the fees which shall be forwarded to the department.

27 (c) The fee required by paragraph (b) of this subsection shall be refunded for any acreage where
28 efficient burning of stubble is accomplished with equipment using an auxiliary fuel or mobile field
29 sanitizer which has been approved by the department for field sanitizing purposes or with any other
30 certified alternative method to open field burning. The fee required by paragraph (b) of this sub-
31 section shall be refunded for any acreage not harvested prior to burning and for any acreage not
32 burned.

33 (2) With regard to the disbursement of funds collected pursuant to subsection (1) of this section,
34 the department shall:

35 (a) Pay an amount to the county or board of county commissioners or the fire chief of the rural
36 fire protection district, for each fire protection district 50 cents per acre registered for each of the
37 first 5,000 acres registered in the district, 35 cents per acre registered for each of the second 5,000
38 acres registered in the district and 20 cents per acre registered for all acreage registered in the
39 district in excess of 10,000 acres, to cover the cost of and to be used solely for the purpose of ad-
40 ministering the program of registration of acreage to be burned, issuance of permits, keeping of re-
41 cords and other matters directly related to agricultural field burning.

42 (b) Designate and retain an amount not to exceed \$500,000 for the biennium beginning July 1,
43 1979, to be used for the smoke management program defined in ORS 468.453. The department by
44 contract with the Oregon Seed Council or otherwise shall organize rural fire protection districts and

growers, coordinate and provide communications, hire ground support personnel, provide aircraft surveillance and provide such added support services as are necessary.

(c) Deposit the balance of acreage fees in the State Treasury to be credited to the account of the department. Such fees shall be segregated from other funds and used for the carrying out of the provisions of ORS 468.470, but if the amount designated in paragraph (b) of this subsection is not sufficient to support the carrying out of the smoke management program, the fees shall be used for the smoke management program.

(3) For any area of the state subject to registration under this section, the emission fee imposed under section 3 of this 1991 Act shall be collected as a surcharge from the person conducting the agricultural field burning. All fees collected as a surcharge under this subsection shall be deposited in the State Treasury to the credit of the Agricultural Burning Subaccount of the Air Quality Improvement Fund created under section 13 of this 1991 Act.

SECTION 13. (1) There is created within the State Treasury a fund known as the Air Quality Improvement Fund, separate and distinct from the General Fund. The fund shall include six subaccounts to be managed separately:

- (a) The Transportation Programs Subaccount;
- (b) The Residential Wood Heating Subaccount;
- (c) The Agricultural Burning Subaccount;
- (d) The Forest Prescribed Burning Subaccount;
- (e) The Industrial Programs Subaccount; and
- (f) The Common Subaccount.

(2) The following moneys shall be credited to the Air Quality Improvement Fund:

(a) Such moneys as may be appropriated to the fund and separate subaccounts by the Legislative Assembly.

(b) All moneys received as fees under ORS 468.480, section 8, chapter 920, Oregon Laws 1989, and sections 4, 7 to 9 and 11 of this 1991 Act.

(3) The State Treasurer may invest and reinvest the moneys in the fund as provided in ORS 293.701 to 293.776. Interest from the moneys deposited in the fund and earnings from investment of the moneys in the fund shall accrue to the fund and shall be credited to the subaccount from which the interest or earnings are derived.

SECTION 14. (1) An Air Quality Improvement Fund Advisory Board is established to advise the Environmental Quality Commission on uses of the moneys available in the Air Quality Improvement Fund. The advisory board shall consist of nine members as specified in subsection (2) of this section.

(2) The Air Quality Improvement Fund Advisory Board shall consist of:

- (a) Two members of the public, appointed by the Governor, one of whom shall serve as chair;
- (b) The chair of the Economic Development Commission, or designee;
- (c) The chair of the Energy Facility Siting Council, or designee;
- (d) The chair of the Land Conservation and Development Commission, or designee;
- (e) The chair of the Public Health Advisory Board, or designee;
- (f) The chair of the State Board of Agriculture, or designee;
- (g) The chair of the State Board of Forestry, or designee; and
- (h) The chair of the Oregon Transportation Commission, or designee.

(3) A member of the board is entitled to compensation and expenses as provided in ORS 292.495 which shall be payable from the Air Quality Improvement Fund.

1 SECTION 15. At least biennially, the Department of Environmental Quality shall solicit and
 2 compile a list of projects and programs eligible for air quality improvement funding along with an
 3 analysis of the relative merits of each project and present this information to the Air Quality Im-
 4 provement Fund Advisory Board for consideration. In preparing this analysis, the department shall
 5 request comments from other state departments and agencies whose programs may be affected by
 6 the projects or programs.

7 SECTION 16. (1) At least biennially, the Air Quality Improvement Fund Advisory Board shall
 8 recommend to the Environmental Quality Commission projects and programs to be funded from the
 9 Air Quality Improvement Fund.

10 (2) Before submitting its recommendations to the commission, the board shall consider the list
 11 of projects and programs compiled by the Department of Environmental Quality under section 15
 12 of this 1991 Act and shall conduct public hearings on its proposed recommendations in order to
 13 obtain comments from interested persons, including but not limited to persons in industry, city
 14 government, county government, automobile organizations, environmental organizations, agriculture,
 15 forestry, the woodstove industry and public health. The board shall conduct public hearings ac-
 16 cording to the provisions under ORS 183.310 to 183.550 applicable to hearings in noncontested cases.

17 SECTION 17. (1) At least once each biennium, the Environmental Quality Commission shall
 18 select the projects and programs to be funded from moneys available in the Air Quality Improvement
 19 Fund. In selecting the programs and projects, the commission shall take into consideration the rec-
 20 ommendations received under section 16 of this 1991 Act and the public comments received in the
 21 public hearings conducted under section 16 of this 1991 Act.

22 (2) The selected projects and programs shall be submitted to the Legislative Assembly as part
 23 of the biennial budget process. Up to 20 percent of available moneys may be budgeted for projects
 24 and programs to be selected by the commission during the biennium.

25 SECTION 18. Moneys remaining in the Air Quality Improvement Fund after paying for refunds,
 26 fee collection costs and expenses of the Department of Environmental Quality to administer the
 27 federal permit program and the Air Quality Improvement Fund programs shall be allocated in ac-
 28 cordance with the following guidelines:

29 (1) To be eligible, a project or program must relate in some manner to preventing or reducing
 30 air contaminant emissions in the State of Oregon.

31 (2) Moneys may be allocated to a federal, state, local government, public or private project or
 32 program including but not limited to those identified in sections 19 to 23 of this 1991 Act.

33 (3) The moneys may be used in any reasonable and appropriate manner, including but not limited
 34 to:

- 35 (a) Capital improvement projects;
- 36 (b) Low or no interest loan programs;
- 37 (c) Program operating subsidies; and
- 38 (d) Grants.

39 (4) Priority shall be given to those projects or programs that:

- 40 (a) Achieve the largest reductions in emissions and exposure to air contaminants;
- 41 (b) Are principally dedicated to full-scale air quality improvement projects;
- 42 (c) Achieve larger emission reductions per dollar expended than alternate projects or programs;
- 43 (d) Receive additional funding or in-kind services from the Federal Government, state govern-
 44 ment, local governments or private industry;

(c) Provide energy or other environmental benefits; and

(f) Address airshed problems that are barriers to orderly growth and economic development.

SECTION 19. (1) Moneys credited to the Industrial Programs Subaccount from industrial sources are continuously appropriated for the following purposes:

(a) To pay for partial refunds of the emission fees collected under section 4 of this 1991 Act if actual emissions are less than permitted emissions.

(b) To pay for all costs incurred by the Department of Environmental Quality and any regional authority in administering the federal permit program, collecting emission fees assessed under section 4 of this 1991 Act, maintaining industrial emission inventories, analyzing projects and programs proposed for funding and administering projects and programs selected for funding under this section.

(2) Of the moneys remaining in the Industrial Programs Subaccount after payment of the costs and refunds under subsection (1) of this section:

(a) Eighty percent shall be used for projects and programs relating to the reduction in emissions from industrial sources subject to the federal permit program; and

(b) Twenty percent shall be transferred to the Common Subaccount within the Air Quality Improvement Fund to be used for any eligible project or program. Any moneys remaining in the Industrial Programs Subaccount at the end of a biennium after all eligible projects and programs are funded also shall be transferred to the Common Subaccount.

SECTION 20. (1) Moneys credited to the Residential Wood Heating Subaccount from the cordwood emission fee collected under section 7 of this 1991 Act are continuously appropriated for the following purposes:

(a) To pay all costs incurred by the Department of Environmental Quality to collect the emission fee imposed under section 7 of this 1991 Act; and

(b) To pay all costs incurred by the department in maintaining residential wood heating emissions inventories, analyzing projects and programs proposed for funding in accordance with this section, and administering projects and programs selected for funding in accordance with this section.

(2) Of the moneys remaining in the Residential Wood Heating Subaccount after payment of the costs under subsection (1) of this section:

(a) Eighty percent shall be used for projects and programs relating to the reduction in emissions from residential wood burning; and

(b) Twenty percent shall be transferred to the Common Subaccount to be used for any eligible project or program. Any moneys remaining in the Residential Wood Heating Subaccount at the end of a biennium after all eligible projects and programs are funded also shall be transferred to the Common Subaccount.

(3) A portion of the moneys available under paragraph (a) of subsection (2) of this section shall be used to fund the following projects and programs at the level determined by the commission under section 17 of this 1991 Act:

(a) All reasonable costs of local government public education, curtailment and opacity programs to reduce residential wood heating emissions in an area that is a nonattainment area for suspended particulates with a diameter below 10 microns.

(b) A statewide low or no interest loan program to replace traditional woodstoves. The statewide program shall include the following elements:

(A) All forms of new high efficiency, low air contaminant emitting heating systems are allowed;

(B) Any removed woodstove must be destroyed; and

(C) Installations of used woodstoves that were not certified for sale as new on or after July 1, 1988, under ORS 468.655 (1) shall be prohibited by the state building code as defined in ORS 455.010.

(4) In addition to other projects and programs that comply with the guidelines set forth in section 18 of this 1991 Act, the commission also shall consider for funding at a level determined by the commission under section 17 of this 1991 Act, local government programs to provide subsidies to low income persons in PM10 nonattainment areas for improvements in weatherization and replacement of woodstoves that were not certified under ORS 468.655 for sale as new on or after July 1, 1988.

The local government programs must include the following elements to be eligible for funding:

(a) All forms of new high efficiency, low emitting heating systems are allowed.

(b) All woodstoves removed are destroyed.

(c) The local government adopts and enforces an ordinance that limits emissions from woodstoves to no visible smoke, except for steam and heat waves, during periods of air stagnation and to 20 percent opacity at all other times. This requirement shall not be in lieu of any final stage of woodstove curtailment required during air stagnation if the final stage of curtailment is necessary to prevent exceeding air quality standards established under ORS 468.295.

(d) In an airshed requiring more than a 50 percent reduction in woodheating emissions as specified in the PM10 State Implementation Plan control strategy, program participants are required to have a backup heat source if a certified wood stove is selected.

SECTION 21. (1) Moneys credited to the Transportation Programs Subaccount from fees received under section 8 of this 1991 Act are continuously appropriated for the following purposes:

(a) To pay all costs incurred by the Department of Environmental Quality and other entities to collect the emission fees imposed under section 8 of this 1991 Act.

(b) To pay for all costs incurred by the department in maintaining transportation emission inventories, analyzing projects and programs proposed for funding under this section and administering projects and programs selected for funding under this section.

(2) Of the moneys remaining in the Transportation Programs Subaccount after payment of the costs under subsection (1) of this section:

(a) Eighty percent shall be used for projects and programs relating to the reduction in emissions from transportation; and

(b) Twenty percent shall be transferred to the Common Subaccount within the Air Quality Improvement Fund to be used for any eligible project or program. Any moneys remaining in the Transportation Programs Subaccount at the end of a biennium after all eligible projects and programs are funded also shall be transferred to the Common Subaccount.

(3) A portion of the moneys available under paragraph (a) of subsection (2) of this section shall be used to fund the following projects and programs at the level determined by the commission under section 17 of this 1991 Act:

(a) A rebate program for resident individuals who purchase new alternative-fueled vehicles or convert a gasoline or diesel powered vehicle, in whole or in part, to an alternative-fueled vehicle. The amount of a rebate shall not exceed \$2,000 a vehicle;

(b) A feasibility study and pilot demonstration project to collect tolls on transportation routes congested by peak commuter traffic. At least one such study shall be conducted in the Portland metropolitan area;

(c) Transit service improvements including transit equipment acquisition and related operating expenses; and

(d) Work trip reduction projects sponsored by private or public employers of over 100 employees if the project meets the following conditions:

(A) The employer submits a trip reduction plan, in accordance with rules adopted by the commission under section 24 of this 1991 Act, to achieve an average vehicle ridership for employee vehicles of at least 1.5; and

(B) The application provides specific funding requests which may include transit service improvements, van pool or car pool equipment, transit subsidies or other measures designed to achieve the vehicle ridership target specified in the trip reduction plan.

(4) As used in this section, "average vehicle ridership" means the figure derived by dividing the average employee population at a given worksite that reports to work weekdays between 6:00 a.m. and 10:00 a.m. by the number of motor vehicles, excluding transit vehicles and vehicles stopping enroute to other worksites, driven by these employees commuting from home to the worksite during these hours.

SECTION 22. (1) Moneys credited to the Agricultural Burning Subaccount are continuously appropriated for the following purposes:

(a) To pay for all costs incurred by the Department of Environmental Quality and other entities to collect the emission fees imposed under ORS 468.480 and section 11 of this 1991 Act; and

(b) To pay for all costs incurred by the department in maintaining agricultural burning emissions inventories, analyzing projects and programs proposed for funding in accordance with this section and administering projects and programs selected for funding in accordance with this section.

(2) Of the moneys remaining in the Agricultural Burning Subaccount after payment of the costs under subsection (1) of this section:

(a) Eighty percent shall be used for projects and programs relating to the reduction of emissions from agricultural field burning; and

(b) Twenty percent shall be transferred to the Common Subaccount within the Air Quality Improvement Fund to be used for any eligible project or program. Any moneys remaining in the Agricultural Burning Subaccount at the end of a biennium after all eligible projects and programs are funded also shall be transferred returned to the Common Subaccount.

SECTION 23. (1) Moneys credited to the Forest Prescribed Burning Subaccount are continuously appropriated for the following purposes:

(a) To pay for all costs incurred by the Department of Environmental Quality and other entities to collect the forest prescribed burning emission fees imposed under section 8, chapter 920, Oregon Laws 1989, and section 9 of this 1991 Act; and

(b) To pay for all costs incurred by the department in maintaining forest prescribed burning emissions inventories, analyzing projects and programs proposed for funding in accordance with this section and administering projects and programs selected for funding in accordance with this section.

(2) Of the moneys remaining in the Forest Prescribed Burning Subaccount after payment of the costs under subsection (1) of this section:

(a) Eighty percent shall be used for projects and programs relating to the reduction of emissions from forest prescribed burning; and

(b) Twenty percent shall be transferred to the Common Subaccount within the Air Quality Improvement Fund to be used for any eligible project or program. Any moneys remaining in the Forest Prescribed Burning Subaccount at the end of a biennium after all eligible projects and programs are funded also shall be transferred to the Common Subaccount.

SECTION 24. The Environmental Quality Commission shall establish rules necessary to implement the provisions of sections 1 to 4, 7 to 9, 11 and 13 to 24 of this 1991 Act. The rules shall include but need not be limited to:

(1) The specific factor to be used to determine the specific emission fee for any toxic air contaminant under section 3 (2) of this 1991 Act.

(2) Emission calculation methodologies, specific fee schedules based on the fees established under section 3 of this 1991 Act and fee payment due dates for sources subject to emission fees. To the extent practicable, the fee schedule shall relate to actual emissions. The fee schedule for each category of sources shall be enumerated and assessed in the following units:

(a) Dollars per ton of emissions for emissions fees assessed under section 4 of this 1991 Act.

(b) Dollars per cord of wood for residential wood heating emissions fees assessed under section 7 of this 1991 Act. The specific fee schedules established for cordwood shall take into account the effect of wood species on emissions.

(c) Dollars per vehicle for the emission fees assessed under section 8 of this 1991 Act.

(d) Dollars per acre for prescribed forest burning emission fees assessed under section 8, chapter 920, Oregon Laws 1989, or section 9 of this 1991 Act. The specific fee schedule shall take into consideration fuel moisture, fuel loadings, lighting and mop-up techniques.

(e) Dollars per acre for agricultural field burning emission fees assessed under ORS 468.480 and section 11 of this 1991 Act. The specific fee schedule shall take into consideration fuel moisture, fuel loading and lighting techniques.

(3) Procedures for submitting project and program proposals for funding from the Air Quality Improvement Fund including, but not limited to, the content, format and due date for proposals.

(4) Criteria for selecting projects and programs for funding from the Air Quality Improvement Fund.

(5) Minimum conditions to be included in any agreement approving a project or program including but not limited to oversight, evaluation, fiscal control and accounting procedures.

(6) The portion of the emission fees that may be retained by an entity that collects an emission fee to reimburse the entity for the reasonable costs incurred in collecting the fee. The maximum may not exceed 15 percent of the amount of fees collected by the entity.

(7) Requirements for obtaining partial refunds under section 4 of this 1991 Act. The requirements shall specify acceptable and accurate methods for determining actual emissions including but not limited to emission monitoring, material balances, fuel use and production data. The maximum total refund shall be the difference between the revenues actually received from fees collected under section 4 of this 1991 Act and the amount of the fee due when calculated on actual emissions, but in no case shall the refund result in a net fee of less than the total costs, including fee collection costs, incurred by the Department of Environmental Quality and any regional authority to operate the federal permit program in the year for which the refund is being sought. The rules shall establish a method to reduce all refunds by an equal percentage in any year during which the total amount of applications approved for refunds exceeds the maximum available refund.

(8) A graduated schedule for the permit issuance fee imposed under ORS 468.325 based on the

1 anticipated complexity of the analysis and permit issuance process above and beyond normal permit
 2 issuance costs. The schedule at a minimum shall reflect work performed in control technology
 3 analysis, modeling, toxic risk assessment and emission trading evaluation.

4 (9) Requirements for trip reduction plans and applications for funding under section 21 of this
 5 1991 Act. At a minimum, these rules shall specify that trip reduction plans include designation of
 6 an individual responsible for implementation of the plan, an estimate of the existing average vehicle
 7 ridership, a list of existing incentives used to increase average vehicle ridership and a list of specific
 8 incentives the employer will undertake that can reasonably be expected to lead to the achievement
 9 and maintenance of the target average vehicle ridership within 12 months after plan approval. The
 10 commission also shall prepare guidelines for incentive programs that may be incorporated by an
 11 employer in the plan.

12 (10) The lowest cost mechanism for collecting emission fees for:

13 (a) Prescribed burning on land not subject to the registration requirements under section 8,
 14 chapter 920, Oregon laws 1989; and

15 (b) Agricultural field burning on land not subject to the requirements of ORS 468.455 to 468.490.

16 SECTION 25. ORS 468.290 is amended to read:

17 468.290. Except as provided in this section and in ORS 468.450, 476.380 and 478.960 and in
 18 section 11 of this 1991 Act, the air pollution laws contained in this chapter do not apply to:

19 (1) Agricultural operations and the growing or harvesting of crops and the raising of fowls or
 20 animals, except field burning which shall be subject to regulation pursuant to ORS 468.140, 468.150,
 21 468.455 to 468.480 and this section;

22 (2) Use of equipment in agricultural operations in the growth of crops or the raising of fowls
 23 or animals, except field burning which shall be subject to regulation pursuant to ORS 468.140,
 24 468.150, 468.455 to 468.480 and this section;

25 (3) Barbecue equipment used in connection with any residence;

26 (4) Agricultural land clearing operations or land grading;

27 (5) Heating equipment in or used in connection with residences used exclusively as dwellings for
 28 not more than four families, except woodstoves which shall be subject to regulation under this sec-
 29 tion and ORS 468.630 to 468.655;

30 (6) Fires set or permitted by any public agency when such fire is set or permitted in the per-
 31 formance of its official duty for the purpose of weed abatement, prevention or elimination of a fire
 32 hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the
 33 agency is necessary;

34 (7) Fires set pursuant to permit for the purpose of instruction of employees of private industrial
 35 concerns in methods of fire fighting, or for civil defense instruction; or

36 (8) The propagation and raising of nursery stock, except boilers used in connection with the
 37 propagation and raising of nursery stock.

38 SECTION 26. The Department of Environmental Quality shall submit a biennial report to the
 39 Legislative Assembly evaluating the improvements in the air quality of the state resulting from the
 40 air contaminant emission fee program. The report shall include a detailed account of air contam-
 41 inants, emissions and changes caused by the program.

42 SECTION 27. The Executive Department shall submit a biennial report to the Legislative As-
 43 sembly evaluating the overall effectiveness of the emission fee program including the project and
 44 program selection process, the incentives created by emission fees, the management of major

1 projects funded from the Air Quality Improvement Fund, the consistency of major projects with the
2 purpose specified in section 2 of this 1991 Act, the adequacy of the fund to meet air quality im-
3 provement objectives and the reasonableness of the fee collection costs.

4 **SECTION 28.** (1) The Environmental Quality commission and the Department of Environmental
5 Quality are authorized to perform or cause to be performed any act necessary to gain delegation
6 of authority for regulatory programs under the provisions of the Federal Clean Air Act (42 U.S.C.
7 1857 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549) and federal reg-
8 ulations and interpretive and guidance documents issued pursuant to the Federal Clean Air Act.

9 (2) The commission may adopt, amend or repeal any rule or license and the commission or de-
10 partment may enter into any agreement necessary to implement this section.

11 **SECTION 29.** Section 8, chapter 920, Oregon Laws 1989, and sections 1 to 4, 7 to 9, 11, 13 to
12 24 and 26 to 28 of this Act are added to and made a part of ORS chapter 468.
13

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1422 FOR THE PURPOSE OF ENDORING COMMENTS AND RECOMMENDATIONS REGARDING DEQ'S COMPREHENSIVE EMISSIONS FEE PROPOSAL

Date: April 1, 1991

Presented by: Michael Hoglund

PROPOSED ACTION

Adopt Resolution No. 91-1422 endorsing comments and recommendations regarding DEQ's proposed emissions fee program proposed for consideration as HB 2175 by the 1991 Oregon Legislature. This resolution responds to directives previously stipulated as part of Resolution No. 91-1388A.

FACTUAL BACKGROUND AND ANALYSIS

Metro Resolution No. 91-1388A, endorsing principles associated with DEQ's Emissions Fee Bill (HB 2175), calls for further review and recommendations on particular elements of the Bill by the Metro Council, JPACT, and the Bi-State Policy Advisory Committee. The proposed Metro resolution, No. 91-1422, is in response to that directive. The resolution endorses comments describing a process to develop a specific Portland area emissions approach and includes other comments and recommendations intended to respond to Metro Council and JPACT concerns related to HB 2175.

The following information identifies those areas previously specified for further action, summarizes activities to date, and provides a schedule for remaining issues.

Further Council/JPACT/Bi-State Action

Resolve No. 4 of Resolution 91-1388A states that the Metro Council, JPACT, and the Bi-State Policy Advisory Committee should be further involved in the development of the emission fee program details. Resolve No. 5 states that TPAC should work with DEQ to recommend to the Metro Council, JPACT, and the Bi-State Policy Advisory Committee specific language to be incorporated into HB 2175 calling for the development and implementation of the added approach in the Portland area. In addition to adopting the resolution, the Council and JPACT requested that TPAC also continue to monitor the progress of the bill and that detailed comments regarding major areas of concern be prepared for their review, adoption and subsequent submittal to the Legislature. The work on these elements has begun and is described below.

Activities to Date

In response to the Metro Council/JPACT directive, a TPAC Emissions Fee Bill Subcommittee was convened by TPAC on March 1, 1991

(a list of subcommittee members is attached). The subcommittee met twice, on March 7 and March 14, to develop language for a Portland area approach and to address other issues associated with the bill.

The subcommittee recommendation for the Portland approach is included as part of Exhibit A of Resolution No. 91-21. The main elements of the approach are:

1. Establishing the approach in context with Clean Air Act Amendments consistent with regional transportation and land use goals.
2. Requiring a study of all reasonable emission control alternatives.
3. Establishing and differentiating implementation authority for either a fee-based or regulatory program (a fee-based approach will require regional consensus; a regulatory approach may be implemented within existing DEQ authority).
4. Calling for the clarification of the use of fees and revenue management.

The subcommittee also examined and made recommendations on the following issues. The issues generally reflect comments heard at previous Council, JPACT, Bi-State, and TPAC discussions on HB 2175.

1. Distribution of Funds (Section 18 of HB 2175). The bill currently includes a process where distribution of funds would be the responsibility of the Environmental Quality Commission with advice from an "Air Quality Improvement Advisory Board." It was suggested by the subcommittee that for the statewide Transportation Subaccount, a three-step process for the distribution of funds be established and that the Advisory Board be replaced by the Oregon Transportation Commission. Step 1 of the process involves OTC development of a transportation-related air quality plan for the state. The plan would include an analysis of needs, establish priorities, and identify eligible projects or strategies (similar to control measures identified in the State Implementation Plan. Step 2 would require EQC approval of the plan elements and priorities. Step 3 would be administration and disbursement of the plan by the OTC. This is recommended to be done as part of the Six-Year Transportation Improvement Program. A similar process could be established for a Portland area approach with the Metro Council, Tri-Met Board, or JPACT serving in the role of the OTC.
2. Administrative Costs (Subsection 24 (6), page 13). The bill currently specifies that up to 15 percent of a fee may be retained to recover the cost of collecting such fees. The

subcommittee suggested that the cost be lowered to 10 percent following implementation of the fee collection program.

3. Eligible Project Definitions (Section 18). It is unclear in the bill as to which projects are eligible and how they will be prioritized. The TPAC subcommittee concluded those details can best be worked out through the development of the plan described in item No. 1 above.
4. Transportation Program Subaccount (Section 21). The TPAC subcommittee recommends all monies collected through the motor vehicle emissions fee be credited to the Transportation Program Subaccount. The current bill dedicates 20 percent of the monies to a Common Subaccount. The subcommittee felt that the current language could create an equity problem which would only act to hinder the success of the bill.
5. Toll Road Demonstration Project (Section 21). The subcommittee recommended omitting this reference as stated in Subsection (3)(b). First, the reference is inconsistent with other aspects of the bill in that it is the only specific or prescribed action included. Second, the toll road demonstration option can be reviewed as an alternative in conjunction with the development of a plan consistent with the process described in item No. 1 above.

Schedule

Comments and recommendations should be forwarded to the Legislature as soon as possible. The next action on the bill in Salem has not been scheduled. The House Energy and Environment Committee is currently reviewing comments and amendments on the Industrial Emissions Section of the bill. Review of the Vehicle Emissions Section is anticipated to begin within the next two to three weeks and another public hearing is expected. We will need to forward comments from the region in time for that hearing.

The Bi-State Policy Advisory Committee reviewed and adopted Resolution No. 91-1422 on March 22. TPAC action followed on March 29. JPACT review and adoption is scheduled for April 11, with Metro Council action on April 25. As noted, in order to meet the legislative schedule, it may be necessary to forward draft (prior to Council adoption) recommendations to the Legislature.

A copy of HB 2175 is attached as information.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1422.

Agenda Item No. 6.8
Meeting Date: April 25, 1991

RESOLUTION NO. 91-1432

TRANSPORTATION AND PLANNING COMMITTEE REPORT

**RESOLUTION NO. 91-1432, FOR THE PURPOSE OF RATIFYING BI-STATE
POLICY ADVISORY COMMITTEE RESOLUTION 03-01-1991 AMENDING THE
BI-STATE POLICY ADVISORY COMMITTEE BYLAWS**

Date: April 24, 1991

Presented by: Councilor Bauer

COMMITTEE RECOMMENDATION: At the April 23, 1991 Transportation and Planning Committee meeting, all Councilors were present and voted unanimously to recommend Council adopt Resolution No. 91-1432.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 91-1432 provides for a technical change to the Bi-State Policy Advisory Committee bylaws. As currently written, the bylaws membership section produces an awkward situation when Washington's Intergovernmental Resource Center (IRC) representative and a major jurisdiction representative are the same person (because the IRC Board, as a council of governments forum, is comprised of local jurisdictions elected officials). In this situation, the proposed amendment would allow IRC to select an alternate representative. The amendment would ensure IRC is fully represented in voting.

The Committee had no questions and did not raise any issues with the resolution.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RATIFYING BI-
STATE POLICY ADVISORY COMMITTEE
RESOLUTION 03-01-1991 AMENDING THE
BI-STATE POLICY ADVISORY COMMITTEE
BYLAWS

) RESOLUTION NO. 91-1432

) Introduced by
) Councilor Bauer, Co-Chair
) Bi-State Policy Advisory
) Committee

WHEREAS, On March 21, 1991, the Bi-State Policy Advisory
Committee voted unanimously to adopt Resolution 03-01-1991 to amend
the Bi-State Policy Advisory Committee bylaws; and

WHEREAS, Resolution 03-01-1991 would amend the Bi-State Policy
Advisory Committee bylaws to ensure balanced Washington State repre-
sentation when the Washington Co-Chair of the Committee is also the
representative from Vancouver, Clark County, or the cities of East
Clark County; and

WHEREAS, Per Article VIII, Section (b) of the Bi-State Policy
Advisory Committee bylaws, any amendment proposed by the Committee
must be ratified by a majority vote each of the Council of the
Metropolitan Service District and the Commission of the Intergovern-
mental Resource Center in Vancouver, Washington; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby
ratifies the recommended amendment to the Bi-State Policy Advisory
Committee bylaws as outlined in Resolution 03-01-1991 hereto as
Exhibit A.

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

Tanya Collier, Presiding Officer

EXHIBIT A

BI-STATE POLICY ADVISORY COMMITTEE
RESOLUTION 03-01-1991

For the purpose of maintaining balanced representation of public agencies on the Bi-State Policy Advisory Committee between Oregon and Washington.

WHEREAS, the current Bylaws of the Bi-State Policy Advisory Committee were adopted on December 20, 1989, after being approved by Intergovernmental Resource Center (IRC) and Metropolitan Service District (Metro).

WHEREAS, Article IV, Section 1 of the Bylaws calls for the membership of the Bi-State Committee to be composed of one elected official representatives from each of the following: IRC Board of Director, Metro Council, Clark County, Multnomah County, City of Vancouver, City of Portland, cities of east Clark County, cities of east Multnomah County, Washington legislature, and Oregon legislature.

WHEREAS, Article IV, Section 2, of the Bylaws stipulates that the member from IRC shall be the chair of the IRC Executive Committee or the chair's designated alternate.

WHEREAS, Article V, of the Bylaws stipulates that the Bi-State Committee shall be co-chaired by the Metro and IRC representative.

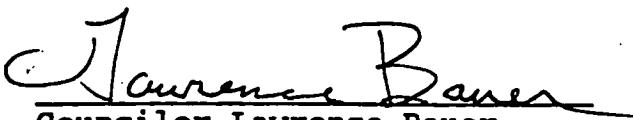
WHEREAS, the Bylaws as currently written create an imbalance in the Washington representation on the Bi-State when the Washington chair of the Bi-State Committee (IRC chair or designee) is also the representative from Vancouver, Clark County, or the cities of east Clark County.

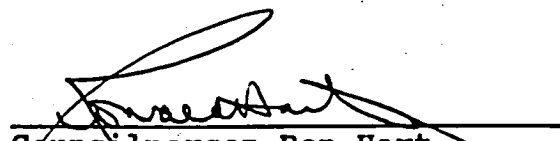
NOW THEREFORE BE IT RESOLVED that the following amendment to the Bylaws be recommended to Metro and IRC:

ARTICLE V (a)

Bi-State shall be co-chaired by the Metro representative and the IRC representative. When the Washington co-chair of Bi-State is also the representative from Vancouver, Clark County or the cities of east Clark County, the IRC Executive Committee shall designate a representative from the Board of Directors of IRC to serve as the IRC representative to Bi-State.

ADOPTED this 22nd day of March, 1991, by the Bi-State Policy Advisory Committee.


Councilor Lawrence Bauer
Co-Chair


Councilperson Ron Hart
Co-Chair



METRO

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

Memorandum

Date: April 1, 1991
To: Transportation & Planning Committee
From: Jessica *JM* Marlitt, Council Analyst
Regarding: RESOLUTION NO. 91-1432, RATIFYING BI-STATE POLICY
ADVISORY COMMITTEE RESOLUTION 03-01-1991 AMENDING THE BI-
STATE POLICY ADVISORY COMMITTEE BYLAWS

On March 21, 1991, the Bi-State Policy Advisory Committee voted unanimously to adopt Resolution 03-01-1991 to amend the Bi-State Policy Advisory Committee bylaws. All Committee members were present for the vote except Washington State Representative Kim Peery and Oregon State Senator Glenn Otto.

The proposed amendment to the bylaws is essentially technical in nature. It corrects an imbalance in Washington State representation which occurs when the Washington co-chair of the Committee, who is an Intergovernmental Resource Center (IRC) representative, is also the representative from Vancouver, Clark County, or the cities of east Clark County. In this situation, the proposed amendment would allow the IRC Executive Committee to designate a representative from the IRC Board of Directors to serve as the IRC representative to Bi-State.

This amendment was discussed and supported at the February Bi-State Policy Advisory Committee meeting. There were no questions or concerns raised at the March 21 meeting at which the Committee took action.

JPMSEVEN A:\911432.SR

Clunch
4/25/91
6.1

PROPOSED AMENDMENTS TO RESOLUTION NO. 91-1439

Add to the list of Bills to Monitor:

SB 884 - Directs planning for rural communities and urban fringe areas.

SB 910 - Directs coordination of transportation and land use planning for metropolitan areas with population greater than one million.

SB 1011 - Directs Land Conservation and Development Commission 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.

HB 3560 - Establishes commercial resource land and secondary land system; regulates growth of urban growth boundary.

HB 3570 - Establishes commercial resource land and secondary land system; regulates growth of metropolitan service district urban growth boundary.

Portsmouth tries to make a difference in

The Portsmouth Neighborhood is a typical blue-collar community.

People go to work at jobs that most often result in a lot of hard work and a modest check.

Taverns are more common than night clubs. Sandlot baseball takes precedence over golf. Chevies are in, Volvos are rare.

It's a community with rampant unemployment or under-employment and more than its share of subsidized housing. It's also got gangs, toxic wastes, noise from the airport and a couple race tracks.

And people who care about one another. This is a story about what this community did... and how it hopes its efforts will serve as an example around Oregon.

It began two years ago during a campaign for election to the Portsmouth Neighborhood Association. Created under a plan to give neighborhoods more say over their own environment, associations often end up in a Gordian knot of abandoned cars, tall weeds and petty politics.

Among the people running for president at that time was Michael Vernon. He ran on a multi-plank platform that included declaring the Portsmouth Neighborhood an "AIDS Compassionate Zone."

Vernon didn't get elected. But his idea caught fire.

"We've had a number of people in the community pass away as the result of AIDS," Vernon said. "I think everyone here knows someone who has been touched by the virus."

And so, on Oct. 4, 1989, the association — with 94 percent of the people voting in favor of the resolution — declared itself an "AIDS Compassionate Zone."

The declaration includes words that say: "There are residents who have been touched by the death of loved ones and family members as a result of this disease... and many more community members will be affected as the disease continues to spread... the Association chooses to express its concern and strive for equality for all people... By doing so we affirm the common humanity of all people and the intrinsic value of every individual... and we condemn discrimination against people infected with the HIV virus, encourage the education of residents, both young and old, and support the efforts of those who work to enable HIV positive persons to lead lives of dignity... and we will actively work to share the philosophy embodied in this



**JERRY
BOONE**

document with others throughout the city and state...."

One of the people they shared the philosophy with is Rep. Mike Burton, a Democrat who represents much of North Portland in the Oregon Legislature.

Along with a host of other lawmakers, Burton introduced House Bill 3483, debated in Salem this week. Right at the top of the bill, behind the names of Burton and the others sponsors, the legislation notes it was drafted "(at the request of Portsmouth Neighbor Association)".

Vernon went before the Legislature on Monday to testify in favor of the bill, both for himself and for Joe Griffin.

Griffin was a driver for Tri-Met who was laid off after the agency learned he tested positive for the AIDS virus. He was official-

THE OREGONIAN, THURSDAY, APRIL 18, 1991

n anti-discrimination fight

ly fired for job-performance reasons.

He sued the agency and was awarded a \$500,000 settlement in a discrimination case. The law required that the judgment be reduced to \$100,000, but the judge countered by raising the amount available for attorney fees to \$250,000.

In upping the lawyer's fees, Multnomah County Circuit Court Judge Robert Jones said, "If we do not have a responsive bar to accept these difficult, controversial cases, who is going to represent these people?"

Many of the Portsmouth neighbors befriended Griffin during and after his legal battles, and remain friends with him today.

"We felt that if an agency such as Tri-Met could discriminate against employees, it was just a small step before it could discriminate against riders who are HIV-positive."

So their legislation — if approved — would force state agencies to adopt policies that will prohibit discrimination against a person who has tested positive for HIV, or who has been diagnosed as suffering from AIDS or AIDS Related Complex. It would make such discrimination against the law.

"If we can get the state agencies to come around," Vernon said, "then maybe it can be expanded to the private sector."

Vernon said testimony early this week indicated support for the proposal. "The best testimony was from a health department official who said there is no real evidence to support the idea that AIDS can be acquired from casual contact," he said, "but that there is strong evidence supporting the idea that it can't be contracted that way."

"Our view," Vernon said, "is that discrimination is the result of fear and ignorance. When people have the facts, discrimination won't happen."

Vernon is vocal about not taking credit for the resolution or the proposed bill.

"It was my idea to bring it to them," he admitted, "but it was the community that acted on the idea. It became their own. It was the association that asked for the law. This area has a lot of problems of its own. Yet these people did a marvelous thing."

Now it's up to the Legislature to follow their lead.

□

Jerry Boone is the editor of the Portland Edition of The Oregonian.

Metro Courier
4/25/91
6.1



FAR WEST FIBERS, INC.

April 24, 1991

Ms. Tanya Collier
Presiding Officer, Council
Metropolitan Service District
2000 S.W. First Avenue
Portland, OR 97201

Subject: Agenda Item 6.1, Resolution No. 91-1439-A.

Testimony for Far West Fibers presented to the Council
Regarding HB 2136, on April 25, 1991.

Dear Ms. Collier;

Far West Fibers, Inc., E-Z Recycling and the Beaverton Recycling Center are buy-back centers or recycling depots for various recyclables collected in the Metropolitan Service District. We participate in Metro, Department of Environmental Quality, State of Oregon, and Association of Oregon Industries work, legislative and planning groups.

We support AOR's position to oppose HB 2136 and we similarly recommend that the Metro Council should not support this proposed legislative measure.

It is not proper to impose a tax on carbonated beverage containers in order to fund state parks and recreation, and particularly to finance The Resource Conservation Trust Fund. If required, it would be more appropriate for a tax on beverage containers to support recycling and waste reduction.

Thank you for allowing us the opportunity to testify on this matter.

Sincerely yours,

FAR WEST FIBERS, INC.

John G. Drew
President

JGD/ces

Association of Oregon Recyclers

AGENDA ITEM 6.1, RESOLUTION NO. 91-1439-A

Chair

Delyn Kies
Washington County
155 N. First Ave., # 200
Hillsboro, OR 97124
(503) 648-8722

Secretary

Rick Paul
Smurfit Recycling
1330 N.W. 14th Ave.
Portland, OR 97209
(503) 294-1560

Treasurer

Darrell Lyons
Sanipac Oregon, Ltd.
P.O. Box 10928
Eugene, OR 97440
(503) 747-2121

Markets

Rob Guttridge
K.B. Recycling
P.O. Box 550
Canby, OR 97013
(503) 659-7004

Legislation

Sam Chandler
Metro
2000 S.W. First Ave.
Portland, OR 97201
(503) 221-1646

Education

Joan Grimm
Washington County
155 N. First Ave., # 200
Hillsboro, OR 97124
(503) 648-8722

Special Projects

Lissa West
DEQ
811 S.W. Sixth Ave.
Portland, OR 97204
(503) 229-6823

AOR Office

Charlotte A. Becker
P.O. Box 15279
Portland, OR 97215
(503) 233-7770

Testimony for the Association of Oregon Recyclers presented to the Council
of the Metropolitan Service District regarding HB2136
April 25, 1991

The Association of Oregon Recyclers (AOR), the statewide professional organization representing all sectors of the recycling industry, government officials and citizens, is pleased that the Metro Council is considering positions on the recycling bills currently before the Oregon legislature. Many lawmakers and agencies around the state carefully watch the actions of the Council in determining their own course of action.

For this reason, we urge the Council to reconsider the proposal to support HB 2136, which imposes a tax on carbonated beverages and dedicates the proceeds to state parks and recreation and to the Natural Resource Conservation Trust Fund. While the funding of state parks and natural resource conservation are valuable and necessary, AOR strongly believes that such funding should not come from a tax on carbonated beverage products or containers. The funding mechanism should be closely related to the activity to be funded. Therefore, a tax on products or containers should produce funds to support recycling and waste reduction.

With this in mind, the Association of Oregon Recyclers recommends that the Council move HB 2136 from "Bills to Support" to "Bills to Monitor" in Exhibit A of Resolution No. 91-1439A.

We appreciate your interest in taking positions on bills to further recycling and waste reduction in the state and urge you to continue your efforts.



METRO

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

Memorandum

METRO COUNCIL
April 25, 1991
Agenda Item No. 6.2

Date: April 23, 1991
To: Metro Council
From: Todd Sadlo, Senior Assistant Counsel *TS*
Regarding: Resolution No. 91-1423B
Lease of Metro property in Aloha, Oregon to Intel Corporation

On April 16, 1991, the Council Solid Waste Committee recommended adoption of Resolution No. 91-1423A authorizing the lease of Metro property in Aloha, Oregon to Intel Corporation. The original proposal was to lease the property for a period of three years. The Committee amended the resolution to clarify that the lease must allow termination by Metro with 90 days notice, without penalty.

Intel will agree to a 90 day/no penalty termination clause, but is planning to use a portion of the property for construction staging and would like assurances that Metro will not attempt to regain possession prior to January 1, 1992. Metro's only proposed use of the property is as a site for a solid waste transfer facility. Given normal timelines for construction of transfer facilities, it is unlikely that such a restriction would interfere with Metro's possible use of the site.

Attached is proposed Resolution No. 91-1423B, which authorizes execution of the originally proposed lease, with an additional clause allowing Metro to retake possession with 90 days notice, without penalty, after January 1, 1992. Also attached is the lease amendment anticipated by Resolution No. 91-1423B.

TSS

1450

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 91-1423-B
THE EXECUTIVE OFFICER TO LEASE)	
PROPERTY AT 209TH AVENUE AND	)	Introduced by Executive
TUALATIN VALLEY HIGHWAYS TO	)	Officer Rena Cusma
INTEL CORPORATION)	

WHEREAS, Metro is the owner of a tract of land consisting of 8.26 acres located at the junction of southwest 209th Avenue and Tualatin Valley Highway in Aloha, Oregon; and

WHEREAS, Intel Corporation has offered to lease the property for a period of three (3) years at a monthly rate of four thousand dollars (\$4,000.00); and

WHEREAS, Metro believes that disposition of the property is contingent upon the establishment of a viable solid waste transfer station or stations in the West Watershed, but does not anticipate any public use of the property within the [~~next three~~ years] term of the lease; and

WHEREAS, Metro Code 2.04.033 requires that the lease of real property owned by Metro be approved by the Council of the Metropolitan Service District; and

WHEREAS, ORS 271.310 provides that public property should not be leased unless the governing body determines that the property not be needed for public use during the term of the lease; now therefore;

BE IT RESOLVED,

1. The 8.26 acre Metro parcel at the corner of Oregon Highway 8 (Tualatin Valley Highway) and SW 209th Avenue will not be needed for public use within the [~~three-year~~] term of the

attached lease with Intel Corporation, made part of this Resolution by [~~referencing~~] reference; and

2. The Executive Officer is authorized to execute a lease in substantially the form of the attached lease with Intel Corporation, for use of the 8.26 acre Metro property, so long as the lease contains a provision for early termination which could allow possession by Metro after January 1, 1992, with 90 days notice, without penalties.

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

Tanya Collier, Presiding Officer

A:LEGIS\91-1423A.RES

PROPOSED TERMINATION CLAUSE

LEASE BETWEEN METRO AND INTEL CORPORATION

(Resolution No. 91-1423B)

36. Termination. If Lessor determines that the premises are needed for a transfer station, Lessor may terminate this Lease, without penalty, by giving at least 90 days written notice of pending termination to Lessee. Lessor shall not be entitled to take possession of the premises under this paragraph prior to January 1, 1992. Termination as specified herein shall not excuse obligations incurred by either party prior to termination nor act as a waiver of any rights of either party. Upon termination, Lessor shall have no obligation to reimburse Lessee for any improvements made to the premises, and Lessee shall not be required to remove improvements made during the term unless such removal was a condition for approval of the improvement by Lessor.

EXHIBIT A

Portland Metropolitan Area
Comments on HB 2175: Comprehensive Emissions Fees

SECTION 8. (1) Change to read as follows: "The emission fee imposed under Section 3 of this 1991 Act shall be assessed on motor vehicle emissions. This fee shall include a statewide fee and shall include a regional component as described in Section 9 of this 1991 Act for ozone non-attainment areas to address the significant portion of ozone precursors emitted by motor vehicles.

SECTION 9. A new Section 9 should be created for the Portland metropolitan area component and remaining section headings revised accordingly. The new section would read as follows:

- "(1) The Department of Environmental Quality, in consultation with the Metropolitan Service District and the District's Joint Policy Advisory Committee on Transportation, shall as expeditiously as possible conduct a study of all reasonable alternatives, including emission fee-based and regulatory approaches, to determine and recommend the most appropriate program to implement to control vehicle emissions to ensure that the federal ozone air quality standard will be attained by the end of 1993 and maintained through the year 2010 in the Portland metropolitan area as required by the Clean Air Act. This program shall be compatible and complementary to regional transportation and land use goals.
- "(2) If an emission fee-based program is recommended under subsection (1) of this section, the Environmental Quality Commission shall be authorized, with concurrence of the Metro Council and the Joint Policy Advisory Committee on Transportation, to adopt and implement such program as expeditiously as possible. If a regulatory program is recommended under subsection (1) of this section, the Environmental Quality Commission shall adopt and implement such program within existing authority.
- "(3) If an emission fee-based program is chosen, revenue from these fees, less costs of administration, shall be solely used to mitigate emissions from motor vehicles in the Portland metropolitan area in the most cost beneficial manner.
- "(4) If an emission fee-based program is chosen, the study required in (1) shall include identifying the most appropriate revenue management system."

SECTION 15. The existing paragraph should become subsection (1). The section should be rewritten to exclude the Transportation Subaccount from formal review by the Air Quality

Improvement Fund Advisory Board. The Transportation Subaccount would be subject to the process outlined in a new subsection (2). Consequently, the new Section 15 would read as follows: (1) "At least biennially, the Department of Environmental Quality shall solicit and compile a list of projects and programs eligible for air quality improvement funding along with an analysis of the relative merits of each project and present this information to the Air Quality Improvement Fund Advisory Board for consideration. In preparing this analysis, the department shall request comments from other state departments and agencies whose programs may be affected by the projects or programs. The Transportation Subaccount shall be subject to the process identified in Subsection (2) of this section. (2) "For monies in the Transportation Subaccount, the following procedure shall be used to determine projects eligible for air quality improvement funding:

"(a) At least biennially, the Oregon Department of Transportation shall prepare a plan containing a list of projects and programs eligible for air quality improvement funding. The plan would be based on an evaluation of needs and analysis of alternatives and would include program costs and priorities. The planning process would be a cooperative effort with representation from the Department of Environmental Quality, cities, counties, regional governments, and special transportation districts. The plan would be subject to public hearings before the Oregon Transportation Commission prior to submittal to the Environmental Quality Commission. The public hearings would be consistent with those conducted under section 16 of this 1991 Act pursuant to the Air Quality Improvement Fund Advisory Board.

"(b) At least biennially, the Environmental Quality Commission shall review the plan for adoption. In adopting the plan, the Commission shall take into consideration the recommendations received under section 16 of this 1991 Act and the public comments received in the public hearings conducted under section 16 of this 1991 Act.

"(c) At least biennially, the Oregon Transportation Commission shall select a list of air quality related improvement projects from the approved plan for inclusion in the Six-Year Transportation Improvement Program."

SECTION 16. Subsection (1) should be rewritten to include the Oregon Transportation Commission in the case of the Transportation Fund Subaccount. Subsection (2) should be similarly rewritten. Consequently, Section 16 should be rewritten as follows: "SECTION 16. (1) At least biennially, the Air Quality Improvement Fund Advisory Board shall recommend to the Environmental Quality Commission projects and programs to be funded from the Air Quality Improvement Fund. For the Transportation Subaccount, the Oregon Transportation Commission shall, at least biennially, recommend to the Environmental Quality Commission projects and programs to be funded consistent with the process identified in Section 15." (2) Before submitting its recommendations to the commission, the board shall consider, for projects other than those funded through the Transportation Subaccount, the list of projects and programs compiled by the Department of Environmental Quality under Section 15 of this 1991 Act and shall conduct public hearings on its proposed recommendations in order to obtain comments from interested persons, including but not limited to persons in industry, city government, county government, automobile organizations,

environmental organizations, agriculture, forestry, the wood stove industry and public health. The board shall conduct public hearings according to the provisions under ORS 183.310 to 183.550 applicable to hearings in non-contested cases.

SECTION 21. Subsection (2) should be rewritten to read "Of the monies remaining in the Transportation Programs Subaccount after payment of the costs under subsection (1) of this section, [(a) Eighty] One Hundred percent shall be used for projects and programs relating to the reduction in emissions from transportation." Existing subsection (b) should be deleted as follows: "Section 21 (2) [(b) Twenty percent shall be transferred to the Common Subaccount within the Air Quality Improvement Fund to be used for any eligible project or program. Any moneys remaining in the Transportation Programs Subaccount at the end of a biennium after all eligible projects and programs are funded also shall be transferred to the Common Subaccount.]"

Subsection (3)(b) referring to toll roads should be deleted. Toll road alternatives would be included in the alternatives analysis for a Portland metropolitan area program. The deletion would be as follows: "Section 21 (3). [(b) A feasibility study and pilot demonstration project to collect tolls on transportation routes congested by peak commuter traffic. At least one such study shall be conducted in the Portland metropolitan area.]"

SECTION 24. Subsection (6). The second sentence should be amended and a third sentence added as follows: "The maximum may not exceed 15 percent of the amount of fees collected by the entity in the first two years of the program. Beginning in the third year of the program, the maximum may not exceed 10 percent of the amount of fees collected by the entity. This recognizes the potential for high start-up costs of a program, with the assumption costs decreasing following implementation.

ORAL BUDGET COMMITTEE REPORT

COUNCILOR VAN BERGEN

APRIL 25, 1991

Council
4/25/91
#7

DEPUTY PRESIDING OFFICER, I WOULD LIKE TO GIVE AN ORAL REPORT OF THE BUDGET COMMITTEE AT THIS TIME. THE COMMITTEE'S WRITTEN REPORT WILL BE DELIVERED TO YOU WELL IN ADVANCE OF OUR MAY 2, 1991 COUNCIL MEETING, AT WHICH TIME THE COUNCIL WILL TAKE INITIAL ACTION ON THE FY 1991-92 BUDGET.

BACKGROUND

THE PROPOSED FY 1991-92 BUDGET WAS RELEASED TO THE COUNCIL ON MARCH 14, 1991. THE BUDGET COMMITTEE STARTED WORK ON THE BUDGET ON MARCH 18, 1991 AND FINALIZED ITS RECOMMENDATIONS LAST NIGHT, APRIL 24, 1991. WE HELD A TOTAL OF TWELVE (12) MEETINGS TO COMPLETE A THREE PHASE PROCESS. PHASE I WAS THE BUDGET PRESENTATION BY THE VARIOUS DEPARTMENTS; PHASE II WAS THE RESPONSE TO COMMITTEE QUESTIONS AND COUNCIL STAFF ANALYSES; AND PHASE III WAS THE FORMATION OF COMMITTEE RECOMMENDATIONS FOR EACH FUND.

BUDGET COMMITTEE RECOMMENDATIONS

THE BUDGET COMMITTEE RECOMMENDATIONS ARE CONTAINED IN THE DOCUMENT BEING DISTRIBUTED AT THIS TIME. KEEP IT WITH YOU AND

REVIEW IT CAREFULLY FOR IT WILL BE THE DOCUMENT FROM WHICH YOU WILL MAKE DECISIONS ON MAY 2, 1991. ENCLOSED IN THE BUDGET COMMITTEE RECOMMENDATIONS IS A SUMMARY TABLE WHICH SHOWS THE TOTAL RECOMMENDATIONS FOR EACH FUND IN THE BUDGET. AS YOU CAN SEE AFTER ALL THE MANY RECOMMENDED CHANGES, THE NET RESULT IS THE PROPOSED BUDGET IS RECOMMENDED TO BE INCREASED BY A TOTAL OF \$561,003. THIS RESULT IS NEITHER GOOD NOR BAD, IT'S THE SPECIFIC CHANGES WITHIN EACH FUND WHICH MUST BE EXAMINED TO GET A FLAVOR OF THE POLICIES AND PROGRAMS CONTAINED IN THE BUDGET. I'D LIKE TO HIGHLIGHT SEVERAL OF THE MORE IMPORTANT POLICIES OR ASSUMPTIONS IN THE COMMITTEE RECOMMENDATION:

GENERAL FUND

THE GENERAL FUND IS RECOMMENDED TO BE INCREASED BY \$220,724. ON THE FACE OF IT THIS INCREASE IS MOSTLY ATTRIBUTABLE TO THE TRANSFER OF \$281,663 TO THE OREGON CONVENTION CENTER FUND. THE MONEY IS MERELY BEING PASSED THROUGH THE GENERAL FUND FROM THE CONVENTION CENTER MANAGEMENT FUND SO WE CAN ELIMINATE THE MANAGEMENT FUND DURING FY 1991-92. AS YOU KNOW THE GENERAL FUND CONTAINS THE EXCISE TAX AS ITS PRINCIPAL SOURCE OF REVENUE. THE COMMITTEE'S RECOMMENDATION IS TO BUDGET THE EXCISE TAX AT A 4.8% LEVEL AND LEVY IT AT A 5.0% LEVEL. THESE ARE ESSENTIALLY THE SAME LEVELS AT WHICH THE EXCISE TAX IS BUDGETED AND LEVIED DURING THE CURRENT FISCAL YEAR. THE TAXABLE BASE ON WHICH THE EXCISE TAX IS DETERMINED HAS INCREASED SUBSTANTIALLY FOR NEXT FISCAL

YEAR SO THE REVENUE TO BE DERIVED HAS ALSO INCREASED. THE COMMITTEE BASICALLY AGREED WITH THE PROPOSED GENERAL FUND BUDGET FOR THE DIRECT EXPENDITURES IN THE GENERAL FUND AND THE TRANSFERS TO THE PLANNING AND DEVELOPMENT AND TRANSPORTATION PLANNING FUNDS. THE COMMITTEE RECOMMENDS IN ADDITION 1) THAT \$100,000 OF GENERAL FUNDS BE TRANSFERRED TO THE BUILDING MANAGEMENT FUND TO CONTINUE WORK ON RESOLVING OUR OFFICE SPACE NEEDS AND 2) THAT \$200,000 BE TRANSFERRED TO THE INSURANCE FUND TO ACCELERATE THE BUILD UP OF THE LIABILITY RESERVE ACCOUNT WHICH IS PROPOSED TO BE ACCUMULATED AT A \$2,000,000 LEVEL OVER A 4 YEAR PERIOD.

SUPPORT SERVICE FUND

THE SUPPORT SERVICE FUND IS RECOMMENDED TO BE DECREASED BY \$362,814. THE REDUCTION IS SOMEWHAT MISLEADING BECAUSE IT INCLUDES \$156,323 IN THE BUILDERS LICENSE PROGRAM WHICH IS RECOMMENDED TO BE BUDGETED IN THIS FUND, AS IS THE CASE DURING THE CURRENT FISCAL YEAR. THE "REAL" RECOMMENDED REDUCTION IN THE "OVERHEAD" BUDGET REQUESTS IS \$519,137. WHILE THIS APPEARS TO BE A SUBSTANTIAL DECREASE IT IS LESS THAN ONE THIRD (31%) OF THE PROPOSED INCREASE OF \$1,685,006 OVER THE CURRENT YEAR BUDGET. DELIBERATION ON THE BUDGETS IN THIS FUND WERE THE MOST DIFFICULT FOR THE COMMITTEE. WE EXPERIENCED MANY 3 TO 2 VOTES IN THE PROCESS OF DEVELOPING OUR SPECIFIC RECOMMENDATIONS. MY PERSONAL VIEW ON THIS FUND IS THAT WE NEED TO GET CONTROL OVER THE MUSHROOMING "OVERHEAD" COSTS OF THE DISTRICT BECAUSE THEY HAVE AN

IMPACT ON THE AMOUNT OF FUNDS AVAILABLE FOR DIRECT EXPENDITURE IN THE DISTRICT'S OPERATING FUNDS. THIS YEAR IS THE SECOND YEAR IN A ROW FOR SUBSTANTIAL INCREASES IN THE DISTRICT'S "OVERHEAD" BUDGETS.

INSURANCE FUND

THE INSURANCE FUND IS RECOMMENDED SUBSTANTIALLY AS PROPOSED. THIS YEAR WE ARE EMBARKING ON THE DEVELOPMENT OF A SELF INSURANCE PROGRAM. THE BUDGET COMMITTEE AGREES WITH THIS APPROACH AND RECOMMENDS ACCELERATING THE ACCUMULATION OF THE RESERVE ACCOUNT BY USING AN ADDITIONAL \$200,000 OF EXCISE TAX REVENUE. THE COMMITTEE RECOMMENDS THAT ALL OPERATING ENTITIES PAY THEIR FULL SHARE OF THIS PROGRAM.

SOLID WASTE FUND

THE SOLID WASTE REVENUE FUND IS RECOMMENDED TO INCREASE BY \$3,168,316. THE MAJOR REASON FOR THIS INCREASE IS THAT THE EXECUTIVE OFFICER DID NOT INCLUDE BUDGETING FOR THE COMPOSTER DEBT SERVICE IN THE PROPOSED BUDGET. THE MAJOR OBJECTIVE OF THE COMMITTEE IN WORKING ON THIS BUDGET WAS TO REDUCE DIRECT EXPENDITURES AND BUILD UP THE CONTINGENCY ACCOUNT, WHICH WAS PROPOSED AT 2.5%, WELL BELOW THE 5% FIGURE RECOMMENDED BY THE DISTRICT'S FINANCIAL ADVISOR. YOU WILL SEE THERE ARE MANY CHANGES RECOMMENDED IN THE SOLID WASTE BUDGET. YOU WILL ALSO SEE

THAT THE CONTINGENCY HAS BEEN SUBSTANTIALLY INCREASED AND IS RECOMMENDED AT 5.2%.

TRANSPORTATION PLANNING AND PLANNING & DEVELOPMENT FUNDS

THESE FUNDS ARE RECOMMENDED TO BE APPROVED SUBSTANTIALLY AS PROPOSED BY THE EXECUTIVE OFFICER. THE EXCEPTION IS THE SOLID WASTE PLANNING PROGRAM, WHICH IS RECOMMENDED TO BE REDUCED BY \$131,320 (14.5%) TO REFLECT INITIAL IMPLEMENTATION OF RECOMMENDATIONS FROM THE RECENTLY COMPLETED PERFORMANCE AUDIT. BOTH THE TRANSPORTATION PLANNING AND PLANNING & DEVELOPMENT FUNDS HAVE LOCAL GOVERNMENT DUES BUDGETED AS REVENUE. THE PROPOSED BUDGET REFLECTS A DUES ASSESSMENT LEVEL OF .43 CENTS PER CAPITA. THE BUDGET COMMITTEE RECOMMENDS THE DUES ASSESSMENT CONTINUE AT THIS LEVEL BECAUSE OF THE VALUE OF SERVICES PROVIDED BY THE DISTRICT TO LOCAL GOVERNMENTS EXCEEDS THE AMOUNT OF THE DUES PAYMENT.

* * * * *

DEPUTY PRESIDING OFFICER, THESE ARE BUT SOME OF THE HIGHLIGHTS OF THE BUDGET COMMITTEE RECOMMENDATION. I WOULD LIKE TO SAY THAT DURING THIS PROCESS ALL PARTICIPANTS FUNCTIONED WELL. THE EXECUTIVE AND DEPARTMENT STAFF DID A GOOD JOB PRESENTING THEIR CASES; THE COUNCIL STAFF LIKEWISE DID VALUABLE WORK ANALYZING AND MAKING SOME DIFFICULT RECOMMENDATIONS ON BEHALF OF THE COMMITTEE. INTERESTED COUNCILORS AND COMMITTEE CHAIRS PRESENTED WELL THOUGHT OUT RECOMMENDATIONS; AND, FINALLY, THE BUDGET COMMITTEE MEMBERS SLUGGED THEIR WAY THROUGH ALL THE INFORMATION, THE NOISE AND

CLATTER ATTENDANT WITH ALL BUDGET PROCESSES TO MAKE THESE
RECOMMENDATIONS. I WANT TO THANK EACH OF THEM FOR A JOB WELL
DONE.