



METRO

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

Memorandum

MEETING: METRO COUNCIL
DATE: June 27, 1991
DAY: Thursday
TIME: 5:30 p.m.
PLACE: Metro Council Chamber & Room 440

Approx.
Time*

Presented
By

5:30
(5 min.)

CALL TO ORDER/ROLL CALL

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

5:35

Recess/Reconvene in Room 440

5:45
(1 hr.
15 min.)

3.1 Worksession on Regional Urban Growth Goals and Objectives (RUGGO) (No Action Requested: Informational Only) Held in Room 440

7:00

Recess/Reconvene in Council Chamber

7:10
(5 min.)

4. CONSENT AGENDA (Action Requested: Motion to Approve the Items Listed Below)

4.1 Minutes of April 11, 1991

(REFERRED FROM THE TRANSPORTATION & PLANNING COMMITTEE)

4.2 Resolution No. 91-1462, For the Purpose of Transferring Interstate Transfer Funds from the McLoughlin Boulevard Project to the Hawthorne Bridge Project

Van Bergen

4.3 Resolution No. 91-1463, For the Purpose of Amending the Transportation Improvement Program Annual Element to Include Federal Funding for the Westside Light Rail Project to Hillsboro

Devlin

(Continued)

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

Approx.
Time*

Presented
By

5. ORDINANCES, FIRST READINGS

(A NON-REFERRED ORDINANCE TO MEET AN EMERGENCY)

7:15
(15 min.) **5.1 Ordinance No. 91-410, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses at Metropolitan Exposition-Recreation Facilities Public Hearing (Action Requested: First Hearing Only and Adoption Pursuant to Metro Code Section 2.01.070(1))**

7:30
(5 min.) **5.2 Ordinance No. 91-409, For the Purpose of Amending Chapter 2 of the Metro Code to Establish the Appointment Process, Qualifications, and Terms of Office for Members of the Portland Metropolitan Area Local Government Boundary Commission (Referred to the Governmental Affairs Committee)**

6. ORDINANCES, SECOND READINGS

(REFERRED FROM THE FINANCE COMMITTEE)

7:35
(15 min.) **6.1 Ordinance No. 91-390A, For the Purpose of Adopting the Annual Budget for FY 1991-92, Making Appropriations and Levying Ad Valorem Taxes (Action Requested: Motion to Adopt the Ordinance)**

Van Bergen

(REFERRED FROM THE TRANSPORTATION & PLANNING COMMITTEE)

7:50
(10 min.) **6.2 Ordinance No. 91-408, Amending the Planning Procedure for Designating Functional Planning Areas and Activities (Action Requested: Motion to Adopt the Ordinance)**

(Continued)

Approx.
Time*

Presented
By

(REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE)

8:00 (15 min.) 6.3 Ordinance No. 91-407^A, For the Purpose of Amending Metro Code Sections 2.01.070, 2.01.090, 2.01.120, 2.01.130 and 2.01.140 Relating to Conduct of Debate at Council Meetings, Receipt of Public Testimony at Council Meetings and Consideration of a Consent Agenda at Council Meetings and Standing Committees of the Council (Action Requested: Motion to Adopt the Ordinance) Devlin

7. NON-REFERRED RESOLUTIONS

8:15 (10 min.) 7.1 Resolution No. 91-1475, For the Purpose of Ratifying the 1991-1995 Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (Action Requested: Motion to Adopt the Resolution)

8. RESOLUTIONS

(REFERRED FROM THE TRANSPORTATION & PLANNING AND THE REGIONAL FACILITIES COMMITTEES)

8:25 (15 min.) 8.1 Resolution No. 91-1449A, Authorizing the Execution of a Multi-Year Contract with Tri-Met for the Transfer of \$2 Million to Provide a Portion of Local Match to Federal Funds for Financing the Westside Lightrail Project ("Project") (Action Requested: Motion to Adopt the Resolution) Gardner

(REFERRED FROM THE FINANCE COMMITTEE)

8:40 (10 min.) 8.2 Resolution No. 91-1471, For the Purpose of Amending the Classification & the Pay Plan for Non-Represented Employees (Action Requested: Motion to Adopt the Resolution)

(Continued)

Approx.
Time*

Presented
By

(REFERRED FROM THE TRANSPORTATION & PLANNING COMMITTEE)

8:50
(10 min.) 8.3 Resolution No. 91-1469, For the Purpose of Partial Funding of the 1000 Friends of Oregon Western Bypass Study Land Use Alternative Analysis Project, "Making the Land Use, Transportation, Air Quality Connection," Including Direct Funding of Consultant and Software Elements and In-Kind Services from Metro Staff (Action Requested: Motion to Adopt the Resolution) McLain

(REFERRED FROM THE SOLID WASTE COMMITTEE)

9:00 8.4 Resolution No. 91-1415, For the Purpose of Recognizing the Model Solid Waste Facility Siting Ordinance as Meeting the Requirements of Chapter 16 of the Regional Solid Waste Management Plan (Action Requested: Motion to Refer Back to Solid Waste Committee Per General Counsel's Recommendation)

9:05
(10 min.) 9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

9:15 ADJOURN



METRO

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

Memorandum

DATE: June 28, 1991

TO: Metro Council
Executive Officer
Interested Staff

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

RE: COUNCIL ACTIONS OF JUNE 27, 1991 (REGULAR MEETING)

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

AGENDA ITEM

ACTION TAKEN

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Worksession on RUGGO held in Room 440. No action requested.

4. CONSENT AGENDA

4.1 Minutes of April 11, 1991

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

4.2 Resolution No. 91-1462, For the Purpose of Transferring Interstate Transfer Funds from the McLoughlin Boulevard Project to the Hawthorne Bridge Project

4.3 Resolution No. 91-1463, For the Purpose of Amending the Transportation Improvement Program Annual Element to Include Federal Funding for the Westside Light Rail Project to 185th Avenue

(Continued)

5. ORDINANCES, FIRST READINGS

- 5.1 **Ordinance No. 91-410**, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses at Metropolitan Exposition-Recreation Facilities
The motion to suspend the rules to consider a non-referred ordinance passed (McLain/Devlin; 8-0 vote). Adopted (Devlin/Gardner; 8-0 vote).
- 5.2 **Ordinance No. 91-409**, For the Purpose of Amending Chapter 2 of the Metro Code to Establish the Appointment Process, Qualifications, and Terms of Office for Members of the Portland Metropolitan Area Local Government Boundary Commission
Referred to the Governmental Affairs Committee.

6. ORDINANCES, SECOND READINGS

- 6.1 **Ordinance No. 91-390A**, For the Purpose of Adopting the Annual Budget for FY 1991-92, Making Appropriations and Levying Ad Valorem Taxes
Adopted (Van Bergen/Devlin; 8-0 vote).
- 6.2 **Ordinance No. 91-408**, Amending the Planning Procedure for Designating Functional Planning Areas and Activities
Adopted (Gardner/Devlin; 8-0 vote).
- 6.3 **Ordinance No. 91-407A**, For the Purpose of Amending Metro Code Sections 2.01.070, 2.01.090, 2.01.120, 2.01.130 and 2.01.140 Relating to Conduct of Debate at Council Meetings, Receipt of Public Testimony at Council Meetings and Consideration of a Consent Agenda at Council Meetings and Standing Committees of the Council
Adopted (Devlin/McFarland; 8-0 vote).

(Continued)

7. NON-REFERRED RESOLUTIONS

- 7.1 Resolution No. 91-1475, For the Purpose of Ratifying the 1991-1995 Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees
- The motion to suspend the rules to allow the Council to consider a non-referred resolution passed (Buchanan/Devlin; 8-0 vote). Adopted (Buchanan/McLain; 8-0 vote).

8. RESOLUTIONS

- 8.1 Resolution No. 91-1449A, Authorizing the Execution of a Multi-Year Contract with Tri-Met for the Transfer of \$2 Million to Provide a Portion of Local Match to Federal Funds for Financing the Westside Lightrail Project
- Adopted (Gardner/McFarland; 4-2 vote (Councilors Collier and Van Bergen voted nay.))
- 8.2 Resolution No. 91-1471, For the Purpose of Amending the Classification & the Pay Plan for Non-Represented Employees
- Adopted (Van Bergen/McFarland; 8-0 vote).
- 8.3 Resolution No. 91-1469A, For the Purpose of Partial Funding of the 1000 Friends of Oregon Western Bypass Study Land Use Alternative Analysis Project, "Making the Land Use, Transportation, Air Quality Connection," Including Direct Funding of Consultant and Software Elements and In-Kind Services from Metro Staff
- Adopted (McLain/Devlin; 4-2 vote (Councilors Collier and Van Bergen voted nay)).
- 8.4 Resolution No. 91-1415, For the Purpose of Recognizing the Model Solid Waste Facility Siting Ordinance as Meeting the Requirements of Chapter 16 of the Regional Solid Waste Management Plan
- The motion to refer the resolution back to the Solid Waste Committee for reconsideration passed (McFarland/Van Bergen; 8-0 vote).

9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

- 1) Councilor Van Bergen asked if Zoo staff had a contingency plan to deal with animal rights activists blocking the Zoo entrance or engaging in any other activities; 2) Councilor Devlin announced the Governmental Affairs Committee would complete its work on reapportionment by that committee's first meeting in August; 3) Councilors Van Bergen, Collier and McFarland served notice of their intent to file a request for Council review of MERC Resolution No. 135.

Meeting Date: June 27, 1991
Agenda Item No. 3.1

Worksession on RUGGO



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503.221-1646

Memorandum

Date: June 19, 1991

To: Metro Council

From: Donald E. Carlson, Council Administrator
Jessica P. Marshall, Council Analyst

Regarding: REVIEW OF GOAL I OF THE PROPOSED REGIONAL URBAN GROWTH GOALS AND OBJECTIVES (RUGGO)

INTRODUCTION

In preparation for the Council worksession June 27, we reviewed Goal I of the Regional Urban Growth Goals and Objectives (Attachment A) and identified policy issues for Council consideration. In order to make this document as useful to the Council as possible, we met with Larry Shaw, Metro Legal Counsel and Ethan Seltzer, Planning and Development Department and developed answers for the questions. We believe this question-and-answer format will better serve Councilors in preparing for the worksession than straight questions alone.

Additionally, Larry Shaw developed the following brief background section to provide a concise legal context for the Goals and Objectives development and adoption. If you would like any additional questions addressed prior to the June 27 worksession or additional information, please contact us.

BACKGROUND - METRO PLANNING AUTHORITY AND RUGGO

Regional land use planning authority is very general and it comes from state law. Metro is required by law to adopt goals and objectives, coordinate city and county plans, adopt and amend the UGB, adopt functional plans, and "recommend or require" local comprehensive plan changes. Other than administration of the UGB, Metro's functional plans have the most specific plan policies: Regional Transportation Plan (RTP), Solid Waste Management Plan, "208" Water Quality Plan. Regional Urban Growth Goals and Objectives, or RUGGO, are the general land use goals and objectives that Metro is required by law to adopt to guide the UGB and functional plans.

The existing CRAG goals and objectives were carried over by Metro's enabling law, but they are now outdated and legally inadequate. Functional plans must not violate regional goals and objectives. So, adoption of some form of defensible regional goals and objectives is needed as a foundation for existing and future functional plans.

Metro has the authority to "recommend or require" changes in city and county comprehensive plans to conform to functional plans. City and county comprehensive plans are the legally binding implementation plans under state law. Since functional plans are "living plans," intended to be constantly updated and improved, they are usually written as "recommendations." This approach postpones final land use decisions until policies or projects in functional plans are incorporated into comprehensive plans.

Goal I of RUGGO, adapted from Chapter 8 of the RTP, recognizes this implementation role of city and county comprehensive plans. It provides for coordination and dispute resolution with proposed or adopted comprehensive plan provisions. Review of implementation problems by RPAC and the Metro Council under Goal I will assist in interpretation and amendment of functional plans, as well as enforcement, hopefully, without litigation. Metro uses its "require" authority to make a final land use decision enforcing functional plans only after review of possible amendments or alternative interpretations. That review may be as detailed or as brief as the situation warrants.

GOAL I ISSUES FOR CONSIDERATION

1. On page 6, in the Goal I description paragraph, will the Regional Policy Advisory Committee (RPAC) be the main means of meeting the intent to implement RUGGO in a "cooperative manner"? What other groups and/or activities might be included?

RPAC will be a major part of structured cooperation to implement the RUGGO, but specific issues may merit other vehicles for attention -- focused studies, pilot projects, special task forces. Legally, the language "cooperative manner" does not require complete agreement on the part of all parties; the language is not binding for a certain type of outcome.

2. Does the last sentence of the Goal I description paragraph (lines 9 through 12) limit the District in any way from directly implementing functional plan actions, within Metro authorities?

No, by this language Metro voluntarily states the way it will exercise its authority in ORS 268.380(1). Committing to adoption of a functional plan before "requiring" a change in a local jurisdiction's comprehensive plan only limits Metro from directly implementing RUGGO into comprehensive plans. This is in Metro's interest to avoid litigation over the meaning of general words prior to implementation of specific functional plans. Metro is not limited in exercising Metro's other authorities, such as acquiring property for Greenspaces.

3. Regarding Objective I, Citizen Participation, lines 19 through 21, does this language mean Metro cannot set up its own citizen advisory committees and must use already established city/county citizen advisory groups? Is this an issue of interest to the Council?

By this language Metro is committing not to form a citizen involvement system which duplicates or parallels the cities and counties neighborhood associations and citizen planning organizations. Metro would coordinate with these existing citizen groups at the neighborhood level. This language does not eliminate Metro's ability to do additional citizen involvement activities, such as the proposed Regional Citizen Involvement Coordinating Council or special citizen advisory groups for particular issues.

4. What are the membership requirements envisioned for the Regional Citizen Involvement Coordinating Committee?

No membership requirements have been discussed; they are still to be developed consistent with state land use Goal I for citizen involvement.

5. What notification requirements are envisioned under Citizen Participation (Objective 1.2)? How do these compare to current Council provisions for ordinances/"legislative actions" as prescribed in the Metro Code?

The purpose of Objective 1.2 is to address only land use legislative actions (ordinances/orders). Specific provisions have not been drafted, but should match up with current Code requirements.

6. Regarding Objective 2, the Regional Policy Advisory Committee (RPAC), will Metro be able independently to explore new functions or undertake new studies? What process is envisioned between Metro and RPAC in those situations?

The intent is for RPAC to be involved in land use and urban growth management issues and development of related functional plans. Metro may explore issues prior to RPAC consideration. When such "explorations" mature to the level of a proposed functional plan, the issue would be referred to RPAC for its consideration and recommendation.

7. Regarding page 7, Objective 2.2, Advisory Committees, the Transportation and Planning Committee addressed this objective during its June 11 review of draft RPAC by-laws. Given the Council's authority under Metro Code Chapter 2.02 to establish task forces and advisory committees at any time, as determined necessary, the Committee agreed the condition "upon the recom-

mentation of RPAC" should be deleted. The latest revision of the draft RPAC by-laws omits this condition and simply describes the ability for both the Council and RPAC to establish technical advisory committees/task forces as desired.

The next draft of RUGGO Goal I will omit the language "upon recommendation of RPAC" and describe, like the draft RPAC by-laws, the ability for both the Council and RPAC to establish technical advisory committees/task forces as desired.

8. Under Objective 2.3 on page 7, what process is envisioned from a "coordinated process" between RPAC and the Joint Policy Advisory Committee on Transportation (JPACT)? If Metro has the ultimate legal responsibility for ensuring its activities in land use and transportation planning remain consistent with the RUGGO, would it not be more appropriate for Metro's Planning and Development and Transportation Departments to prepare a coordinated process, with advice from RPAC and JPACT?

RPAC-JPACT coordination is a goal for which a process has not yet been created. Staff and legal counsel believe that Metro should take the lead in developing the coordination process, seeking advice from RPAC and JPACT. (This revision, if acceptable to the Council, would be included in the next RUGGO draft.)

9. Regarding Objective 3, Applicability of Regional Urban Growth Goals and Objectives, why should RUGGO not apply directly to site-specific land use actions and Urban Growth Boundary amendments?

RUGGO are general goals and objectives that, if allowed to apply directly to site specific land use actions, could result in case-by-case micro management by the Land Use Board of Appeals (LUBA) as it determines which ones might be construed as "approval standards." Politically, cities and counties wanted to avoid this. It is much more legally defensible for Metro, as well, to state which policies are intended to be applied to comprehensive plans and site specific decisions in each functional plan.

10. On page 8, Objective 3.1, what does the sentence, "Metro's Urban Growth Boundary is not a regional comprehensive plan but a provision of the comprehensive plans of the local governments within its boundaries." mean?

In the absence of clarifying case law or amendments to state law, Metro is still in the process of convincing LUBA not to treat functional plans as part of a non-existent, unauthorized regional "comprehensive plan". This explanatory language in Objective 3.1 partially protects Metro on appeal. If the 1991 Legislature

adopts Senate Bill 884-A with Metro amendments, this explanation may become legally redundant. The cities and counties want to know the legal theory that Metro is following because ORS 268.380 is so general. Metro is required by statute to adopt and administer an urban growth boundary for the region. The above sentence does not limit that responsibility in any manner.

11. On page 8, Objective 3.3, what responsibility does Metro have regarding periodic review of comprehensive land use plans? Should the Council address the functional plan changes with advice from RPAC? What are the legal implications for the District if RPAC identifies the changes for "inclusion in periodic review notices as changes in law" ?

Metro has no legally specified post-acknowledgement role in local comprehensive plan periodic reviews. Staff and legal counsel agreed the next RUGGO revision should have the Council addressing the functional plan changes with advice from RPAC.

12. Under Objective 5, Functional Planning Process, page 11, lines 9 through 12, why should RPAC prepare Metro's functional plans? It would seem most appropriate for the District to prepare functional plans with advice from RPAC. Similarly, on page 11, point b, "re-refer the proposed functional plan to the Regional Policy Advisory Committee" should be changed to "seek additional advice from the Regional Policy Advisory Committee..."

RPAC, as the body representing the local jurisdictions which would implement Metro functional plans, will have expertise valuable to Metro in developing functional plans. However, staff proposes amending the RUGGO functional planning process to have Metro prepare the plan, with RPAC overseeing the preparation. On page 11, "re-refer" would be amended to simply "refer". Planning and Development Department staff noted lines 17 through 21 had been amended by the UGM PAC to provide directly for Metro to act on a functional plan if necessary.

13. For Objective 5.3 on page 11, lines 44 and 45, why are functional plans "to be considered" by cities and counties for incorporation in their comprehensive land use plans when ORS 268.390 (4) provides that the Council may "recommend or require cities and counties...to make changes in any plan...to assure that the plan and any actions taken under it conform to the district's functional plans."

As explained in the Background, functional plan provisions legally are "recommendations," not final land use decisions, until the Metro Council "requires" a comprehensive plan amendment by specific action. Therefore, legally, city and county

implementers are still "considering" the functional plan recommendation, knowing that it could be required in one more step by the Metro Council. If RUGGO uniformly "required" cities or counties to adopt functional plans, when Metro adopted a functional plan, all functional plan adoptions could be final land use decisions. This could require every policy or provision in a functional plan to be supported by findings of compliance with statewide Land Conservation and Development Commission (LCDC) goals. That would duplicate the existing legal requirement for such findings upon each comprehensive plan amendment. However, when Council determines a need to require a local jurisdiction to implement functional plan provisions, Metro will have to develop findings of compliance with the statewide LCDC goals.

14. On page 12, point b (lines 4 & 5), does RPAC's consultation with "affected jurisdictions" mean just the local jurisdictions or does it include Metro representatives too? What is the goal of having RPAC serve as a "hearings officer" for functional plan implementation? What are the pros and cons of this extra step in addressing opposition to functional plan implementation?

"Affected jurisdictions" is meant for locals only; staff will amend the line to read "affected local jurisdictions". The goal of RPAC in addressing functional plan implementation disputes is to be the first point of review, like a hearings officer. RPAC would receive and compile all information to assist the Council in a meaningful response. It is envisioned RPAC would outline response options: (1) Proposing an amendment to the functional plan; (2) Proposing to interpret the functional plan such that the local jurisdiction's implementation measures do not conflict with the plan; (3) Supporting Council enforcement options for local government to implement the functional plan provisions.

15. Under Objective 6, page 12, lines 31 through 33, does the Council want to restrict its authority to review the RUGGO by having review intervals be "determined jointly by the Regional Policy Advisory Committee and the Council?" Overall, should not formal review of RUGGO be conducted by the Council with advice from RPAC?

Determining review times "jointly" may be interpreted as giving RPAC veto authority on the review. Council staff will prepare possible alternative language. Amending acknowledged RUGGO per the state's periodic review process is different from amendments made in response to court cases or other specific instances. Staff will amend Objective 6 to add a non-periodic review amendment process at a regular interval of two years.

16. Regarding Objective 6.1, lines 45 through 48, what procedures are envisioned for amending functional plans? What actions could the Council take on functional plan amendments if they were referred to RPAC but RPAC does not act? Would it not be more appropriate to have Metro seek the advice of RPAC on functional plan amendments (similar to seeking advice as noted in question 12).

As noted in response to question 12, the Council would amend functional plans, as determined necessary, in response to local jurisdiction plan challenges. RPAC would assist the Council through its "hearings officer" role. In addition, amended language to RUGGO will clarify the Council's authority to act independently on functional plan amendments.

17. Regarding page 13, lines 3 through 8, does the amendment process differ from the initial incorporation of functional plan provisions into comprehensive plans?

No. In both instances, RPAC is assisting the Council in addressing local jurisdiction questions and concerns about implementation measures. Legally, as noted in response to question 13, Metro's functional plans, or amendments thereto, are "recommendations", not final land use decisions, until the Metro Council "requires" a comprehensive plan amendment by specific action.

ATTACHMENT A

APRIL 23, 1991

TAC REVISION FOR PAC CONSIDERATION ON MAY 16, 1991

REGIONAL URBAN GROWTH GOALS AND OBJECTIVES

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4 INTRODUCTION
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6

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

9 a) respond to the direction given to Metro by the legislature
10 through ORS ch 268.380 to develop land use goals and
11 objectives for the region which would replace those adopted by
12 the Columbia Region Association of Governments;

13 b) provide a policy framework for guiding Metro's regional
14 planning program, principally its development of functional
15 plans and management of the region's urban growth boundary;
16 and

17 c) provide a process for coordinating planning in the
18 metropolitan area to maintain metropolitan livability.
19

20 The RUGGO's are envisioned not as a final plan for the region, but
21 as a starting point for developing a more focused vision for the
22 future growth and development of the Portland area. Hence, the
23 RUGGO's are the building blocks with which the local governments,
24 citizens, and other interests can begin to develop a shared view of
25 the future.
26

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

BACKGROUND STATEMENT

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

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

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

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

34
35 Goal I addresses this coordination issue in the region for the
36 first time by providing the process that Metro will use to address
37 areas and activities of metropolitan significance. The process is
38 intended to be responsive to the challenges of urban growth while
39 respecting the powers and responsibilities of a wide range of
40 interests, jurisdictions, and agencies.

41
42 Goal II recognizes that this region is changing as growth occurs,
43 and that change is challenging our assumptions about how urban
44 growth will affect quality of life. For example:

45
46 -- overall, the number of vehicle miles travelled in the
47 region has been increasing at a rate far in excess of the rate
48 of population and employment growth;

49
50 -- the greatest growth in traffic and movement is within
51 suburban areas, rather than between suburban areas and the
52 central downtown district;

53
54 -- in the year 2010 Metro projects that 70% of all "trips"

1 made daily in the region will occur within suburban areas;

2
3 -- currently transit moves about 3% of the travellers in the
4 region on an average workday;

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

10
11 -- single family residential construction is occurring at less
12 than maximum planned density;

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

18
19 -- a recent study of urban infrastructure needs in the state
20 has found that only about half of the funding needed in the
21 future to build needed facilities can be identified.

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

32
33 The challenge is clear: if the Portland metropolitan area is going
34 to be different than other places, and if it is to preserve its
35 vaunted quality of life as an additional 485,000 people move into
36 the urban area in the next 20 years, then a cooperative and
37 participatory effort to address the issues of growth must begin
38 now. Further, that effort needs to deal with the issues
39 accompanying growth -- increasing traffic congestion, vanishing
40 open space, speculative pressure on rural farm lands, rising
41 housing costs, diminishing environmental quality -- in a common
42 framework. Ignoring vital links between these issues will limit
43 the scope and effectiveness of our approach to managing urban
44 growth.

45
46 Goal II provides that broad framework needed to address the issues
47 accompanying urban growth.
48
49
50

1 PLANNING FOR A VISION OF GROWTH IN THE PORTLAND METROPOLITAN AREA
2
3

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

8 By encouraging efficient placement of jobs and housing near each
9 other, along with supportive commercial and recreational uses, a
10 more efficient development pattern will result.
11

12 An important step toward achieving this planned pattern of regional
13 growth is the integration of land uses with transportation
14 planning, including mass transit, which will link together mixed
15 use urban centers of higher density residential and commercial
16 development.
17

18 The region must strive to protect and enhance its natural
19 environment and significant natural resources. This can best be
20 achieved by integrating the important aspects of the natural
21 environment into a regional system of natural areas, open space and
22 trails for wildlife and people. Special attention should be given
23 to the development of infrastructure and public services in a
24 manner that complements the natural environment.
25

26 A clear distinction must be created between the urbanizing areas
27 and rural lands. Emphasis should be placed upon the balance
28 between new development and infill within the region's urban growth
29 boundary and the need for future urban growth boundary expansion.
30 This regional vision recognizes the pivotal role played by a
31 healthy and active central city, while at the same time providing
32 for the growth of other communities of the region.
33

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

1 **GOAL I: REGIONAL PLANNING PROCESS**

2
3 Regional planning in the metropolitan area shall identify and
4 designate areas and activities of metropolitan significance through
5 a participatory process involving citizens, cities, counties,
6 special and school districts, and state and regional agencies.
7 Implementation of these goals and objectives shall occur in a
8 cooperative manner in order to avoid creating duplicative
9 processes, standards, and/or governmental roles. These goals and
10 objectives shall only apply directly to acknowledged comprehensive
11 plans of cities and counties when implemented through functional
12 plans or the acknowledged urban growth boundary plan.
13

14
15 **OBJECTIVE 1. CITIZEN PARTICIPATION**

16
17 Metro shall develop and implement an ongoing program for citizen
18 participation in all aspects of the regional planning program.
19 Such a program shall be coordinated with local programs for
20 supporting citizen involvement in planning processes, and shall not
21 duplicate those programs.
22

23 1.1 - Regional Citizen Involvement Coordinating Committee -
24 Metro shall establish a Regional Citizen Involvement
25 Coordinating Committee to assist with the development of its
26 citizen involvement program and to advise the Regional Policy
27 Advisory Committee regarding ways to best involve citizens in
28 regional planning activities.
29

30 1.2 - Notification - Metro shall develop programs for public
31 notification, especially for (but not limited to) proposed
32 legislative actions, that ensure a high level of awareness of
33 potential consequences as well as opportunities for
34 involvement on the part of affected citizens, both inside and
35 outside of its district boundaries.
36

37
38 **OBJECTIVE 2. REGIONAL POLICY ADVISORY COMMITTEE**

39
40 The Metro Council shall establish a Regional Policy Advisory
41 Committee to:

42
43 a) assist with the development and review of Metro's
44 regional planning activities pertaining to land use and
45 growth management, including review and implementation of
46 these goals and objectives, present and prospective
47 functional planning, and management and review of the
48 region's urban growth boundary;

49
50 b) serve as a forum for identifying and discussing areas
51 and activities of metropolitan or subregional
52 significance; and

1 c) provide an avenue for involving all cities and
2 counties and other interests in the development and
3 implementation of growth management strategies.
4

5 2.1 - Regional Policy Advisory Committee Composition - The
6 Regional Policy Advisory Committee (RPAC) shall be chosen
7 according to the by-laws adopted by the Metro Council. The
8 voting membership shall include elected officials of cities,
9 counties, and the Metro Council as well as representatives of
10 the State of Oregon and citizens. The composition of the
11 Committee shall reflect the partnership that must exist among
12 implementing jurisdictions in order to effectively address
13 areas and activities of metropolitan significance, with a
14 majority of the voting members being elected officials from
15 within the Metro District boundaries.
16

17 2.2 - Advisory Committees - The Metro Council, upon the
18 recommendation of RPAC, shall appoint technical advisory
19 committees, task forces, and other bodies as it and the
20 Regional Policy Advisory Committee determine a need for such
21 bodies.
22

23 2.3 - Joint Policy Advisory Committee on Transportation
24 (JPACT) - JPACT with the Metro Council shall continue to
25 perform the functions of the designated Metropolitan Planning
26 Organization as required by federal transportation planning
27 regulations. JPACT and the Regional Policy Advisory Committee
28 shall develop a coordinated process, to be approved by the
29 Metro Council, to assure that regional land use and
30 transportation planning remains consistent with these goals
31 and objectives.
32

33 **OBJECTIVE 3. APPLICABILITY OF REGIONAL URBAN GROWTH GOALS AND**
34 **OBJECTIVES**
35

36 These Regional Urban Growth Goals and Objectives have been
37 developed pursuant to ORS 268.380(1). Therefore, they comprise
38 neither a comprehensive plan under ORS 197.015(5) nor a functional
39 plan under ORS 268.390(2). All functional plans prepared by Metro
40 shall be consistent with these goals and objectives. Metro's
41 management of the Urban Growth Boundary shall be guided by
42 standards and procedures which must be consistent with these goals
43 and objectives. These goals and objectives shall not apply
44 directly to site-specific land use actions, including amendments of
45 the urban growth boundary.
46

47 These Regional Urban Growth Goals and Objectives shall apply to
48 adopted and acknowledged comprehensive land use plans as follows:
49

50 a) A regional functional plan, itself consistent with
51 these goals and objectives, may recommend or require
52 amendments to adopted and acknowledged comprehensive land

1 use plans; or
2

3 b) The management and periodic review of Metro's
4 acknowledged Urban Growth Boundary Plan, itself
5 consistent with these goals and objectives, may require
6 changes in adopted and acknowledged land use plans; or
7

8 c) The Regional Policy Advisory Committee may identify
9 and propose issues of regional concern, related to or
10 derived from these goals and objectives, for
11 consideration by cities and counties at the time of
12 periodic review of their adopted and acknowledged
13 comprehensive plans.
14

15 3.1 - Urban Growth Boundary Plan - The Urban Growth Boundary
16 Plan has three components:
17

18 a) The acknowledged urban growth boundary line;
19

20 b) Acknowledged growth management policies derived from
21 these goals and objectives and the statewide planning
22 goals; and
23

24 c) Acknowledged procedures and standards for amending
25 the urban growth boundary line.
26

27 Metro's Urban Growth Boundary is not a regional comprehensive
28 plan but a provision of the comprehensive plans of the local
29 governments within its boundaries. The location of the urban
30 growth boundary line shall be consistent with applicable
31 statewide planning goals, these goals and objectives, and
32 acknowledged growth management policies. Amendments to the
33 urban growth boundary line shall demonstrate consistency only
34 with the acknowledged procedures and standards and any
35 applicable acknowledged growth management policies.
36

37 3.2 - Functional Plans - Regional functional plans containing
38 recommendations for comprehensive planning by cities and
39 counties may or may not involve land use decisions.
40 Functional plans are not required by the enabling statute to
41 include findings of consistency with statewide land use
42 planning goals. If provisions in a functional plan, or
43 actions implementing a functional plan require changes in an
44 adopted and acknowledged comprehensive land use plan, then
45 that action may be a land use action required to be consistent
46 with the statewide planning goals.
47

48 3.3 - Periodic Review of Comprehensive Land Use Plans - At the
49 time of periodic review for comprehensive land use plans in
50 the region the Regional Policy Advisory Committee:
51

52 a) shall identify functional plan provisions or changes

1 in functional plans adopted since the last periodic
2 review for inclusion in periodic review notices as
3 changes in law; and
4

5 b) may provide comments during the periodic review of
6 adopted and acknowledged comprehensive plans on issues of
7 regional concern.
8

9 3.4 - Periodic Review of the Regional Urban Growth Goals and
10 Objectives - If statute changes are made to ORS 197 to allow
11 acknowledgement of these goals and objectives as the means for
12 meeting the statutory requirement that these goals and
13 objectives be consistent with statewide planning goals, then
14 this section will apply. The Regional Policy Advisory
15 Committee shall consider the periodic review notice for these
16 goals and objectives and recommend a periodic review process
17 for adoption by the Metro Council.
18

19 **OBJECTIVE 4. IMPLEMENTATION ROLES**
20

21 Regional planning and the implementation of these Regional Urban
22 Growth Goals and Objectives shall recognize the inter-relationships
23 between cities, counties, special districts, Metro, regional
24 agencies, and the State, and their unique capabilities and roles.
25

26 4.1 - Metro Role - Metro shall:
27

28 a) identify and designate areas and activities of
29 metropolitan significance;
30

31 b) provide staff and technical resources to support the
32 activities of the Regional Policy Advisory Committee;
33

34 c) serve as a technical resource for cities, counties,
35 and other jurisdictions and agencies;
36

37 d) facilitate a broad-based regional discussion to
38 identify appropriate strategies for responding to those
39 issues of regional significance; and
40

41 e) coordinate the efforts of cities, counties, special
42 districts, and the state to implement adopted strategies.
43

44 A functional plan adopted by the Metro Council may emerge as
45 one of a number of possible strategies for coordinating a
46 multijurisdictional response to an issue of regional
47 significance.
48

49 4.2 - Role of Cities -
50

51 a) adopt and amend comprehensive plans;
52

1 b) identify potential areas and activities of
2 metropolitan significance;

3
4 c) cooperatively develop strategies for responding to
5 designated areas and activities of regional significance;

6
7 d) participate in the review and refinement of these
8 goals and objectives.

9
10 4.3 - Role of Counties -

11 a) adopt and amend comprehensive plans;

12
13 b) identify potential areas and activities of
14 metropolitan significance;

15
16 c) cooperatively develop strategies for responding to
17 designated areas and activities of regional significance;

18
19 d) participate in the review and refinement of these
20 goals and objectives.

21
22 4.4 - Role of Special Service Districts - Assist Metro with
23 the identification of areas and activities of metropolitan
24 significance and the development of strategies to address
25 them, and participate in the review and refinement of these
26 goals and objectives.

27
28 4.5 - Role of the State of Oregon - Advise Metro regarding the
29 identification of areas and activities of metropolitan
30 significance and the development of strategies to address
31 them, and participate in the review and refinement of these
32 goals and objectives.

33
34
35 **OBJECTIVE 5. FUNCTIONAL PLANNING PROCESS**

36
37 Functional plans are limited purpose plans, consistent with these
38 goals and objectives, which address designated areas and activities
39 of metropolitan significance.

40
41 5.1 - Existing Functional Plans - Metro shall continue to
42 develop, amend, and implement, with the assistance of cities,
43 counties, special districts, and the state, statutorily
44 required functional plans for air, water, and transportation,
45 as directed by ORS 268.390(1), and for solid waste as mandated
46 by ORS ch 459.

47
48 5.2 - New Functional Plans - New functional plans shall be
49 proposed from one of two sources:

50
51 -- The Regional Policy Advisory Committee may recommend
52 that the Metro Council adopt findings designating an area

1 or activity of metropolitan significance for which a
2 functional plan should be prepared; or
3

4 -- The Metro Council may propose the preparation of a
5 functional plan to designate an area or activity of
6 metropolitan significance, and refer that proposal to the
7 Regional Policy Advisory Committee.
8

9 Upon the Metro Council adopting findings for the development
10 of a new functional plan, the Regional Policy Advisory
11 Committee shall prepare the plan, consistent with these goals
12 and objectives and the findings of the Metro Council. After
13 preparing the plan and seeking broad public and local
14 government consensus, using existing citizen involvement
15 processes established by cities, counties, and Metro, the
16 Regional Policy Advisory Committee may propose the plan to the
17 Metro Council for adoption. The Metro Council may act to
18 resolve conflicts or problems impeding the development of a
19 new functional plan should such conflicts or problems prevent
20 the Regional Policy Advisory Committee from completing its
21 work in a timely or orderly manner.
22

23 The Metro Council shall hold a public hearing on the proposed
24 plan and afterwards may decide to:
25

- 26 a) adopt the proposed functional plan; or
27
28 b) re-refer the proposed functional plan to the
29 Regional Policy Advisory Committee in order to
30 consider amendments to the proposed plan prior to
31 adoption; or
32
33 c) amend and adopt the proposed functional plan; or
34
35 d) reject the proposed functional plan.
36

37 The proposed functional plan shall be adopted by ordinance,
38 and shall include findings of consistency with these goals and
39 objectives.
40

41 5.3 - Functional Plan Implementation and Conflict Resolution -
42 Adopted functional plans shall be regionally coordinated
43 policies, facilities, and/or approaches to addressing a
44 designated area or activity of metropolitan significance, to
45 be considered by cities and counties for incorporation in
46 their comprehensive land use plans. If a city or county
47 determines that a functional plan recommendation cannot be
48 incorporated into its comprehensive plan, then Metro shall
49 review any apparent inconsistencies by the following process:
50

- 51 a) Metro and affected local governments shall notify
52 each other of apparent or potential comprehensive

1 plan inconsistencies.
2

3 b) After Metro staff review, the Regional Policy
4 Advisory Committee shall consult the affected
5 jurisdictions and attempt to resolve any apparent
6 or potential inconsistencies.
7

8 c) The Regional Policy Advisory Committee shall
9 conduct a public hearing and make a report to the
10 Metro Council regarding instances and reasons why a
11 city or county has not adopted changes consistent
12 with recommendations in a regional functional plan.
13

14 d) The Metro Council shall review the Regional Policy
15 Advisory Committee report and hold a public hearing
16 on any unresolved issues. The Council may decide
17 to:

18
19 1) amend the adopted regional functional
20 plan; or

21
22 2) initiate proceedings to require a
23 comprehensive plan change; or

24
25 3) find there is no inconsistency between the
26 comprehensive plan(s) and the functional plan.
27

28 **OBJECTIVE 6. AMENDMENTS TO THE REGIONAL URBAN GROWTH GOALS AND**
29 **OBJECTIVES**
30

31 The Regional Urban Growth Goals and Objectives shall be reviewed at
32 regular intervals or at other times determined jointly by the
33 Regional Policy Advisory Committee and the Metro Council. Any
34 review and amendment process shall involve a broad cross-section of
35 citizen and jurisdictional interests, and shall be conducted by the
36 Regional Policy Advisory Committee consistent with Goal 1: Regional
37 Planning Process. Proposals for amendments shall receive broad
38 public and local government review prior to final Metro Council
39 action.
40

41 6.1 - Impact of Amendments - At the time of adoption of
42 amendments to these goals and objectives, the Metro Council
43 shall determine whether amendments to adopted functional plans
44 or the acknowledged regional urban growth boundary are
45 necessary. If amendments to adopted functional plans are
46 necessary, the Metro Council shall act on amendments to
47 applicable functional plans after referral of proposed
48 amendments to the Regional Policy Advisory Committee. All
49 amendment proposals will include the date and method through
50 which they may become effective, should they be adopted.
51 Amendments to the acknowledged regional urban growth boundary
52 will be considered under acknowledged urban growth boundary

1 amendment procedures incorporated in the Metro Code.

2
3 If changes to functional plans are adopted, affected cities
4 and counties shall be informed in writing of those changes
5 which are advisory in nature, those which recommend changes in
6 comprehensive land use plans, and those which require changes
7 in comprehensive plans. This notice shall specify the
8 effective date of particular amendment provisions.
9

10
11 **GOAL II: URBAN FORM**

12
13 The livability of the urban region shall be maintained and enhanced
14 through initiatives which:

15
16 -- preserve environmental quality;

17
18 -- coordinate the development of jobs, housing, and public
19 services and facilities; and

20
21 -- inter-relate the benefits and consequences of growth in one
22 part of the region with the benefits and consequences of
23 growth in another.
24

25 Urban form, therefore, describes an overall framework within which
26 regional urban growth management can occur. Clearly stating
27 objectives for urban form, and pursuing them comprehensively
28 provides the focal strategy for rising to the challenges posed by
29 the growth trends present in the region today.
30

31 **II.1: NATURAL ENVIRONMENT**

32
33 Preservation, use, and modification of the natural environment of
34 the region shall seek to maintain and enhance environmental quality
35 while striving for the wise use and preservation of a broad range
36 of natural resources.
37

38 **OBJECTIVE 7. WATER RESOURCES**

39
40 Planning and management of water resources should be coordinated in
41 order to improve the quality and ensure sufficient quantity of
42 surface water and groundwater available to the region.
43

44 **7.1 Formulate Strategy** - A long-term strategy, coordinated by
45 the jurisdictions and agencies charged with planning and
46 managing water resources, is needed to ensure that beneficial
47 water uses of the region can be sustained while new urban
48 growth is accommodated. New management strategies shall be
49 developed to comply with changes in both the Federal Clean
50 Water Act and the Federal Safe Drinking Water Act.
51
52

Meeting Date: June 27, 1991
Agenda Item No. 4.1

Minutes of April 11, 1991

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Council Chamber

April 11, 1991

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

Councilors Absent: None

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

Presiding Officer Collier announced Resolution No. 91-1424, For the Purpose of Recommending the Westside Corridor Project Locally Preferred Alternative and Associated Land Use Action has been scheduled for a time certain at 5:50 p.m. for Council consideration and public hearing.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Rena Cusma introduced Ms. Robin McArthur-Phillips who briefed the Council on the State Agency Council's Growth Issues in the Portland Area 1990 Report and the State Agency Council's (SAC) activities since then Governor Goldschmidt started the Council approximately one year ago.

Councilor Knowles asked if the SAC would continue. Ms. McArthur-Phillips said Governor Roberts was very interested in SAC activities and in its continuance. Councilor Knowles asked how the SAC was funded. Ms. McArthur-Phillips said it was funded with a combination of highway, ODOT and housing funds. She said the State Legislature was currently discussing how the SAC should be funded in the future.

Councilor Gardner said RUGGO had benefitted greatly from the SAC and from Bill Young's input who served on Metro's Policy Advisory Committee. He said that committee would recommend creation of a regional policy advisory committee to advise Metro on regional land use issues and he anticipated that a SAC representative would serve on that committee when it was created.

4. CONSENT AGENDA

4.1 Minutes of December 13, 1990, and February 28, 1991

(Referred from the Finance Committee)

4.2 Resolution No. 91-1426, For the Purpose of Confirming the Appointment of Jennifer A. Sims to the Position of Director of Finance and Management Information

4.3 Resolution No. 91-1427, For the Purpose of Confirming the Appointment of Neil E. Saling to the Position of Director of Regional Facilities

4.4 Resolution No. 91-1349, For the Purpose of Confirming the Appointment of Roger S. Meier to the Investment Advisory Board

(Referred from the Solid Waste Committee)

4.5 Resolution No. 91-1421, For the Purpose of Confirming the Appointment of Kent Frutiger, Linda Mullen and Emilie Kroen to Fill Vacancies on the 1% for Recycling Advisory Committee

(Referred from the Regional Facilities Committee)

4.6 Resolution No. 91-1417, For the Purpose of Confirming the Appointment of Metro's Representatives to the Oregon Tourism Alliance Board

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

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

Councilor McLain introduced Mr. Kent Frutiger and Ms. Emilie Kroen were present and introduced them to the Council and those present.

5. RESOLUTIONS

5.2 Resolution No. 91-1424, For the Purpose of Recommending the Westside Corridor Project Locally Preferred Alternative and Associated Land Use Action

Main Motion: Councilor Knowles moved, seconded by Councilor Devlin for adoption of Resolution No. 91-1424.

Councilor Knowles reported on the Joint Policy Advisory Committee on Transportation's (JPACT) consideration of the resolution. He said JPACT considered the resolution the date of this meeting. He said the resolution endorsed the recommendations of the Project Steering Group comprised of representatives from governmental entities including Metro, Tri-Met and ODOT which in turn relied on recommendations from a citizens advisory committee and a project-managers group. He said the Steering Group's alignment recommendations as a whole comprised the preferred alternative and were listed in the decision document in the Council agenda packet. The decision document showed alternatives for each segment of the Westside LRT as well as related highway improvements. He said the Committee made decisions on the alternatives for each segment. He said the Council was asked to endorse the recommendations as a whole and Exhibit B (the Consolidated List of Mitigation Options) which contained outlined issues for continued consideration for each of the alignment sections.

Councilor Knowles proposed two amendments to Exhibit B. He said the first amendment addressed highway improvements made related to lightrail construction and access to and from U.S. 26 and Barnes Road. He said the second proposed amendment dealt with the Sylvan Station. He said the Steering Committee recommended the long tunnel option but did not include the Sylvan Station in that recommendation. He said Exhibit B should continue the Sylvan Station for consideration. Councilor Knowles referred to amended Exhibit B with new language which would make the Sylvan Station a bid alternate; to postpone a final decision on the Sylvan Station until after the UMTA full funding agreement was signed; and ensure it was a feasible option during the bidding process.

Councilor Bauer discussed the Transportation and Planning Committee's consideration of the resolution and noted the Committee unanimously supported the Steering Group's recommended preferred alternative (the long tunnel with the Zoo stop), but members were concerned about federal funding of the project.

Presiding Officer Collier opened the public hearing.

Bob Post, Tri-Met Assistant General Manager, noted Metro's hearing was the culmination of a two and a half year process before Tri-Met began negotiations on the project with the federal government. He said those negotiations had to finish by September 30, 1991 to meet funding requirements. Mr. Post said Tri-Met appealed to jurisdictions for their cooperation. He said the recommendation before the Council had evolved over two years and was meant to bring the consensus of community recommendations forward, with the Tri-Met Board holding a hearing April 12 for final consideration. He said the recommendations began with a position paper by the Citizens Advisory Committee, a body comprised of 24 citizens which met frequently over a two-year period to solicit public comment and have staff respond to that public comment. He said

the Citizens Advisory Committee made their recommendations to the Project Steering Committee and the Project Management Group chaired by himself. He said the Project Steering Committee developed the final recommendation. He said prior to this meeting, six other jurisdictions had already reviewed and passed on the recommendations nearly unanimously. Mr. Post gave a slide show presentation with an overview of the proposed light rail project.

Mr. Post said the Decision Document gave all the alternatives considered for the alignment; reviewed the advantages and disadvantages of each alternative; and reported the recommendations of the Project Citizen Advisory Committee (CAC Project Management Group) and the Steering Group. He said the recommendations were divided into the rail side and the highway side. He said the Steering Group recommendations on the rail side were to reaffirm rail as a preferred mode and alternative for the Westside Corridor as a reaffirming of the decision initially made in 1983. He said the second recommendation was to reaffirm the selection of Option A on the downtown portion of the project for the surface alignment of Southwest 18th and Jefferson Street. For the Canyon area, he said four options were reviewed for the Canyon area and the option recommended was a long tunnel with a station at the Metro Washington Park Zoo. He said the Steering Group appended two additional recommendations; 1) To preserve a future option for a station at Sylvan if cost-effective and 2) To preserve a future option for a station at Golf Creek. Mr. Post said the Steering Group recommended the north alignment into the Beaverton area on the Burlington-Northern tracks. He said the Group also recommended the preservation of a future option for a station in east Beaverton. He said the federal government allowed three terminus locations at 185th, Murray Boulevard, and at the intersection of Highway 217 and Sunset Highway. He said the original terminus recommended in 1983 was located at 185th.

Mr. Post reviewed recommendations for the highway side. He said the recommended base design had a series of modifications which included improvements to both the Zoo and the Sylvan interchange; and widening Sunset Highway from four to six lanes. He said the Steering Group's recommended modifications for the Zoo to Sylvan segment involved three possible options: 1) Moving the highway north of the south hillside and reducing some of the impacts the original design created on the south side of the freeway with regard to retaining walls and removal of vegetation and trees; 2) Keeping Canyon Court open (whereas the original design would have closed Canyon Court); and 3) Locating the new Zoo westbound on-ramp at the Zoo over-crossing structure. He said the Sylvan interchange area involved two recommendations to the base design: 1) To correct the misalignment of the Westgate and Montgomery intersection to minimize circulation impacts on neighborhood businesses and the French American School; and 2) To create a more standard design intersection on the south side of the freeway.

Mr. Post said the last series of recommendations for the Sylvan to Highway 217 interchange segment included: 1) Elimination of the Southwest 76th Avenue over-crossing included in the base design; 2) Routing all traffic north to Barnes Road to the intersection with Leahy Road; and 3) Building an eastbound/westbound collector road system between Sylvan and the Camelot Court over-crossing. Mr. Post referred to the Golf Creek alternatives and noted a recommendation by Washington County and ODOT was being carried forward which indicated that if routing traffic north to Barnes Road could not be accomplished, ODOT would explore providing access by Bramish Road to Camelot Court and the westbound on-ramp. He said those options were included in the Decision Document as Options 1-10 and 1-10A.

Mr. Post said there was still debate about the east end of the project and the downtown area Alternative C-2, a longer extension of the tunnel than the surface option. He said there was a mitigation option for the Sylvan area because of concern there would not be a Sylvan station. He said local neighborhoods opposed the station due to increased traffic and displacement of businesses. He said there had been on-going debate about the Golf Creek access. He said the recommendations before the Council had been carried forward by the local jurisdictions including Washington County and ODOT.

Councilor McFarland expressed concern about the Zoo being used as a park-and-ride location for light rail if there was no Sylvan Station, especially during inclement weather. Mr. Post said there were mechanisms to control park-and-ride activity.

Councilor Devlin noted Westside lightrail had enormous potential for the region and asked how long the process would take from the beginning planning/conceptual stage to when riders would actually use lightrail. Mr. Post said really serious effort was initiated in 1979 or 1980 and said the whole project would last 12 to 15 years from beginning to end. Councilor Devlin anticipated riders would use the line in 1997-98. Mr. Post noted San Diego had laid out a system they planned to build over a number of years, but had a dedicated funding source.

Tom Walsh, Tri-Met's General Manager designate, said the process had been a long one and had stirred controversy. He said the largest public works project in the state would generate controversy and noted the most controversial aspect was the Jefferson Street alignment. He said Portal C presented higher risk than a surface alignment but said the risk was solvable. He said additional costs for a surface alignment could range from \$5 to \$39 million. He said Portal C presented the best options and would keep the project moving.

Presiding Officer Collier opened the public hearing.

Carol Edelman, 222 N.W. Davis, Portland, urged the Council to include public arts in the lightrail construction project and said it had become apparent in the last decade how significant publicly-owned art was. She said the tunnel would present the greatest challenge and cited the O'Hare Airport in Chicago as an example of how art displayed at public facilities impacted citizens in a positive manner. She said such projects were successful when artists were involved early in the process. She thanked the Council for being visionary with regard to the Oregon Convention Center and said the Convention Center had been cited by national critics as the best facility of its type with regard to the art displayed there.

Councilor Knowles said Ms. Edelman's input was instrumental during Convention Center construction and thanked her for her efforts on Metro's behalf. Councilor Knowles noted Exhibit B addressed one percent funding for art for the lightrail project. He said the one percent allocated would not comprise one percent of the entire project, but portions which would have high visibility. Councilor Knowles noted Tuck Wilson served as the Westside Lightrail coordinator and had served as the original Oregon Convention Center Project Director, and was experienced in issues related to art for public facilities.

Ronald Kane, 1850 S.W. Skyline Blvd., Portland spoke for the Sylvan Neighborhood Association and Sylvan businesses against the Sylvan station and/or a park-and-ride stop in that area. He said the Association was backed by the CAC, Washington County and City of Portland commissioners. He said the reasons against such a station included inclement weather which prohibited safe vehicular movement, increased traffic, lack of room, and needlessly adding \$35 million to the project to acquire the property to build the station. He said the Golf Creek Station would be cheaper to site and build and said necessary funding was needed further down the line.

Barbara Devine, 2276 S.W. Humphrey Park Road, Portland, spoke as president-elect of the Southwest Hills Residential League and for the Citizens for the Canyon. She said mass transit was necessary but said the various alignment choices raised questions. She questioned lightrail travel through the Canyon and said the Citizens hired Richard Proctor, engineering geologist to examine the issue. She quoted Mr. Proctor, saying that it would be foolish to route lightrail through the Canyon because it was geologically unstable and environmentally fragile, and cited the loss of trees and danger of slides. Ms. Devine said there was time to do the entire lightrail project properly and urged the Council not to approve a Canyon route.

Micki Rosen, 4475 S.W. Fairview Circus, Portland, spoke as president of the Sylvan Highway Neighborhood Association and noted the Association submitted a petition with 148 signatures to the Metro Transportation & Planning Committee as well as copies of Sylvan neighborhood agreements.

Ms. Rosen supported the lightrail long tunnel option minus a park and ride station at Sylvan because of limited space at that site and the need for traction devices during inclement weather. She said adding cars and buses would not relieve current congestion but add to it. She said there was no way to carry traffic away from Sylvan and that traffic would have to use Sunset Highway. She said citizens hoped Metro would reduce traffic on Sylvan Hill.

Leonard Palmer, 724 S.W. Harrison, Portland, noted he taught geology at Portland State University, spoke for the Arlington Heights Neighborhood Association, and noted he had been involved in land use planning. He expressed concern about the lightrail process and its impact on citizens. He emphasized Arlington Heights supported lightrail and specifically supported Portal A and the Northside Surface route. He said over the long term, government officials had listened to residents and the proposal before the Council was good. He said Portland State University ridership would be served, surface transportation would be cheaper, and emphasized the aesthetics and experience of the ride itself. Mr. Palmer discussed geographical considerations and noted Portland had suffered three major landslides exactly in the way of Portal C-2 and Arlington Heights. Mr. Palmer cited Dale Cornforth & Associates, Red Squire & Associates, Dames/Moore & Associates and Tri-Met staff recommendations against putting a tunnel through an active landslide area.

Howard Glazer, 2378 S.W. Madison, Foothills Committee chair, spoke for the Goose Hollow Foothills League, and said the C-2 Option should have been chosen. He expressed concern that geology reports commissioned by his committee had been ignored. He said the Dames/Moore report was ignored. Mr. Glazer expressed strong opposition to the Portal A recommendation, citing safety and ridership benefits in favor of Portal C-2.

Councilor Van Bergen asked which of the three routes would provide the fastest trips compared to vehicular traffic. Mr. Glazer discussed time and distance of alternate routes and said that Tri-Met had admitted the C-2 route would increase ridership by 500.

Laurie Sitton, 4721 S.E. 38th, chair, City/County Advisory Committee on the Disabled, addressed level platform access issues. She said eastside lightrail to Gresham accomplished access via the mechanical lift and said it was not as successful as intended for the disabled to access the trains. She said level platform access had been used successfully by other jurisdictions and urged Metro to mandate its use. She said problems encountered with the lifts included equipment break-downs which caused time and inconvenience factors. She noted the trains had to slow down to align themselves with the lifts; the trains could not back up, so that if they went ahead of the lift, the rider had to wait for the next train. She said riders had to position themselves in the lifts and the lifts were sometimes used for garbage receptacles

making them unpleasant to use. She said when lifts and ramps were assessed in 1982-3, they were unaware of level access platforms now used in Europe. Ms. Sitton requested level platform access be included in the final planning processes for Westside Lightrail.

Bob Pike concurred with Ms. Sitton's testimony and discussed Oregon Convention Center handicapped access. He advocated additional elevators which could access the Skybars. Presiding Officer Collier asked the Regional Facilities Committee to address Oregon Convention Center disabled access issues.

Councilor Knowles said the City Planning Commission had adopted a recommendation that level platform access be provided in lieu of the lifts now used. Ms. Sitton said the City of Portland Planning Commission, the Multnomah County Commission, and the Portland City Council all supported level platform access. She said the U.S. Disability Act would require that two persons per car could transfer onto lightrail and said the lifts could not transfer two persons per car but level platform access could.

Don McClave, Portland Metropolitan Area Chamber of Commerce president, cited the success of the Portland Transit Mall and noted it faced opposition by various parties when first proposed. He cited the success of MAX and said the Westside Lightrail first proposed in 1983 was essentially the same as the one before the Council now and promised to be as successful as MAX.

Grady Landarm, 2443 SE Taylor, Portland, urged the Council to incorporate the level access platform. He had used such platforms in Europe, Washington, D.C., and San Francisco. He said the platforms provided easy access to the disabled and provided benefits to not only the disabled, but also to parents with small children in strollers, and seniors. He said the current lifts made the rider feel like he or she was in a box and it was difficult for MAX drivers to see if a person was in them or not. He noted Mr. Pike's reference to the Disability Act and said it was now difficult for the disabled to travel together as a group. Presiding Officer Collier asked Mr. Landarm if he knew Councilor Knowles had proposed amendments to Resolution No. 91-14 Exhibit A to incorporate level access platforms. Mr. Landarm said if the amendments were similar to those proposed by Ms. Sitton and Mr. Pike, they were acceptable to him. He noted level platform access was suitable for all terrains whether under or above ground.

Pam Baker, CAC Metro appointee, distributed the "bid alternate," and supported Councilor Knowles' proposed amendments. She said considering Sylvan as a bid alternate should allow economies of scale and would allow Tri-Met to find out if Sylvan and the Zoo Station could be built concurrently with the long tunnel. She said in looking at long range

benefits it was inappropriate to ignore the potential of Sylvan station would bring.

Jeff Gudman, Goose Hollow Foothills League Lightrail Committee member, said he testified before the Transportation & Planning Committee April 4 and would not repeat previous testimony. He noted, as Mr. Walsh had indicated, that the Goose Hollow Foothills League had hoped there would be consensus on the best decision for lightrail. He said that had not been the result, although all parties had acted in good faith. He said the excellent advocacy exhibited made it impossible for all parties to find consensus as a whole. He agreed with Mr. Walsh's assessment of Portal C-2 with regard to geologic and landslide considerations. He said Portal C-2 would increase ridership and get closer to the greatest concentration of population in Portland. He asked Metro to carefully consider both portal options.

Presiding Officer Collier asked if anyone else present wished to testify. No one else appeared to testify and the public hearing was closed.

First Motion to Amend: Councilor Knowles moved, seconded by Councilor Devlin to add at the end of Exhibit B under the heading "Project-Wide," the language "Handicapped Access; (new paragraph) Recommendation: Level platform access to lightrail cars shall be provided at all stations in lieu of the mechanical lift mechanism used on the Banfield rail line."

Councilor Gardner expressed support for the motion to amend, but asked if the amendment would present configuration difficulties for lightrail cars because of the different access design. Mr. Post said vehicles would be modified or replaced. Mr. Post said the amendment provided for options, including mixing new and old cars. He noted level platform access equipment was not currently manufactured in North America.

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

Second Motion to Amend: Councilor Knowles moved, seconded by Councilor Gardner, to amend Resolution No. 91-1424 Exhibit B, Consolidated List of Mitigation Options as follows:

New language to state: "Provision should be made for routing traffic from Golf Creek Apartments northward to the intersection of Barnes Road at Leahy Road. If further consideration of this option results in a finding that it is infeasible, a variation of mitigation option 110 or 110A that

is least disruptive to the existing ingress and egress situation should be explored."

Under the same motion Councilor Knowles submitted additional language to amend the Sylvan Station Recommendation: "Tri-Met is directed to undertake additional activities toward development of a Sylvan Station after negotiation of the full funding agreement by the September 30, 1991, deadline. Between September 1991 and tunnel project bidding (1993), Tri-Met is to refine the station's cost estimate and assess overall Westside project costs and funding. In the 1993 time frame, Tri-Met will bid the tunnel project with three options: 1) Long-tunnel without a Sylvan Station; 2) Long-tunnel which preserves the option for the Sylvan Station; and 3) Long-tunnel with a Sylvan Station included. At the time bids are received, and based on the financial status of the remainder of the project as well as the need to protect and preserve air quality, Tri-Met, in consultation with the region's participating governments and the appropriate state agencies, will assess whether or not to build Sylvan Station."

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

Vote on Main Motion as Amended: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. The vote was unanimous and Resolution No. 91-1424 was adopted as amended.

5.1 Resolution No. 91-1418, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.060, Personal Services Contracts Selection Process, and Authorizing a Sole-Source Contract with Stop Oregon Litter and Vandalism (SOLV) for Sponsorship of the Annual "SOLV-IT" Cleanup Event on Saturday, April 13, 1991

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

Motion: Councilor Gardner moved, seconded by Councilor Buchanan, for adoption of Resolution No. 91-1418.

Councilor Gardner gave the Solid Waste Committee's report and recommendations. He said the resolution represented Metro's contribution for the second annual regional SOLV-IT clean-up event on Saturday, April 13 for two activities including neighborhood clean-ups intended for neighborhood clean-up events intended for yard debris

collection in 44 neighborhoods within Portland and also for clean-up of 12 illegal dump sites located throughout the region. He noted last year's SOLV-IT event was extremely successful and noted Metro had budgeted \$78,000 for FY 1990-91 clean-up activities and that Metro's contribution to SOLV was for \$20,000. He said the contract was considered sole source because SOLV had the prior experience to perform these functions. He said remaining funds would be used for local jurisdictions to host their own clean-up events.

Councilor McFarland noted The Oregonian had published an article on Metro's sponsorship of the SOLV-IT event and believed the Council should adopt relevant legislation before Metro's participation was advertised in such a manner.

Councilor Wyers expressed concern about increased illegal dumping in the region and said the issue should be addressed in the future to prevent further illegal dumping. She said measures taken could be increased funding for local jurisdictions and programs to educate the public.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilors Bauer and Knowles were absent. The vote was unanimous and Resolution No. 91-1418 was adopted.

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

5.3 Resolution No. 91-1420B, For the Purpose of Supporting Modification of Constitutional Limitations on Use of Vehicle-Related Revenues

Motion: Councilor Gardner moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1420B.

Councilor Gardner presented the Transportation & Planning Committee's report and recommendations. He said the resolution expressed support for modification of the current limitation in the Oregon Constitution on the uses for vehicle-generated fees and revenues. He said the modification recommended the revenue raised from those fees be used for a broader range of transportation system improvements rather than highways only. He said the resolution recognized the state's need to continue to improve and expand the transportation system in a variety of ways and give local governments more flexibility with their transportation solutions. He said the resolution endorsed a true multi-modal transportation system from those revenues. He explained the resolution had become a "B" for language clarification purposes. Councilor Gardner said two bills were pending in Salem related to these issues and one bill was similar to Resolution No. 91-1420B. He said these concepts had been endorsed by other jurisdictions. He said

because of timing considerations the resolution did not speak for those jurisdictions and was a statement of support.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilor Bauer was absent. The vote was unanimous and Resolution No. 91-1420B was adopted.

6. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Devlin distributed and explained Senate Bill 706 and House Bill 2136. He asked for a vote on Council opposition to SB 706 because it conflicted with Metro's position as metropolitan planning organization (MPO) for the region because it provided for members to be nominated and confirmed by the Senate. He said Metro Councilors could not be confirmed by the Senate and the language was confusing. Councilor Devlin said the Council was not on record as supporting, opposing or monitoring SB 706.

Motion to Oppose: Councilor Devlin moved, seconded by Councilor Gardner, that the Metro Council stated its opposition to SB 706.

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

Councilor Devlin said the Council was on record as monitoring HB 2136, a bill sponsored by the State Parks Division to propose a tax on carbonated beverages originally to fund the State's 2010 Parks Plan. He said the Council was on record as supporting funding for the Resource Conservation Trust Fund (RCTF). He said the date of this meeting the Parks Division agreed to amendments to HB 2136 which would provide \$24 million for the 2010 Plan biennially; \$10 million to offset the State Parks from the General Fund; \$6 million annually for local governments which potentially included Metro; and \$4 million to start funding for the RCTF. He said the House Revenue Committee would consider HB 2136 April 14. He noted Governor Roberts supported the bill.

Motion to Support: Councilor Devlin moved, seconded by Councilor Wyers, to move HB 2136 from "monitor" to "support" with the understanding that Metro would carefully consider how Metro expressed its support for the measure in view of other jurisdictional support.

Councilor Van Bergen said he did not prefer the taxing method espoused by the bill.

Vote on Motion to Support: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, McFarland, McLain, Wyers and Collier voted aye. Councilors Bauer and Van Bergen voted nay. Councilor Knowles was absent. The motion passed.

Councilor Van Bergen reported on the Budget Committee's progress. He said the Council was facing new policy creation driven by a higher budget. He said staff had been directed to structure a budget which represented a 20 percent rather than a 36 percent increase in Support Services. He said the Committee would seek reductions in Support Services based upon budget revenue needs of 5 percent of excise tax revenues, or an excise tax of 5.2 percent. He said those measures would relieve Zoo and MERC transfers. He said the Committee anticipated the Data Processing and Accounting Departments would need immediate support. He recommended other Councilors attend Budget Committees to be informed. He noted Councilor Knowles took time to address the Budget Committee on April 12.

Councilor Wyers concurred with Councilor Van Bergen. She said the Budget Committee was facing difficult cuts and Councilors needed to speak up about their favorite programs. Councilor Wyers said staff had recommended the Solid Waste Contingency fund be increased and that the cost of a performance audit be continued. Councilor Van Bergen said the \$100,000 allocated for a study on the proposed Metro/Tri-Met merger could be cut. Councilor Devlin concurred with Councilors Van Bergen and Wyers. Don Carlson, Council Administrator, discussed Phase III final steps of the Budget process.

Presiding Officer Collier reminded the Council of the Council retreat scheduled for April 27. She said the Council would discuss Metro's strategic plan, the Charter Commission and the separation of powers which the Charter Committee would review also.

Presiding Officer Collier adjourned the meeting at 10:45 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council

Meeting Date: June 27, 1991
Agenda Item No. 4.2

RESOLUTION NO. 91-1462

TRANSPORTATION AND PLANNING COMMITTEE REPORT

**RESOLUTION NO. 91-1462, TRANSFERRING INTERSTATE TRANSFER FUNDS
FROM MCLOUGHLIN BLVD. PROJECT TO THE HAWTHORNE BRIDGE**

Date: June 12, 1991

Presented by: Councilor Van Bergen

COMMITTEE RECOMMENDATION: At the June 11, 1991, Transportation and Planning Committee meeting, Councilors Devlin, Gardner, McLain and myself voted unanimously to recommend Council adopt Resolution No. 91-1462. Councilor Bauer was excused.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 91-1462 transfers \$2 million in Interstate Transfer funds from the McLoughlin Boulevard project to the Hawthorne Bridge transition structure project. The transfer would fulfill funding for the bridge project and allow it to be completed after nearly three years of delay. Transportation Department Director Andy Cotugno explained the resolution essentially commits the state Department of Transportation (ODOT) to replace the \$2 million in transfer funds.

Councilor Van Bergen expressed concern about Metro's ability to "command" ODOT's replacement of the \$2 million. Mr. Cotugno said he had received the state's verbal agreement to this funding proposal, but said he would request the Council not act on this resolution if ODOT does not confirm this funding agreement in writing. Mr. Cotugno noted he anticipated written confirmation fairly soon.

The Committee raised no additional issues or concerns.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF TRANSFERRING) RESOLUTION NO. 91-1462
INTERSTATE TRANSFER FUNDS FROM)
THE M'CLOUGHLIN BOULEVARD PROJECT) Introduced by
TO THE HAWTHORNE BRIDGE PROJECT) David Knowles, Chair
Joint Policy Advisory Com-
mittee on Transportation

WHEREAS, In 1985, the Transportation Improvement Program (TIP) was amended to include the Hawthorne Bridge transition structure using Highway Bridge Replacement and Rehabilitation (HBRR) funds; and

WHEREAS, The State of Oregon has experienced cuts in HBRR funding and has reduced the original allocation to the Hawthorne Bridge project; and

WHEREAS, In June, 1990, Resolution No. 90-1275 authorized \$1.7 million of Interstate Transfer funds for use on the project in order to attain at least 50 percent federal participation; and

WHEREAS, An additional \$2.0 million is necessary to make the Hawthorne Bridge project whole; and

WHEREAS, ODOT seeks to proceed with the Hawthorne Bridge project; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby declares:

1. That Federal-Aid Interstate Transfer funds in the amount of \$2.0 million be transferred to the Hawthorne Bridge project from the McLoughlin Boulevard project.

2. That the shift of Interstate Transfer funds off of the McLoughlin Boulevard project is subject to replacement with state funds in an equivalent amount.

3. That this action eliminates the need for additional HBRR funds on this project.

4. That the Transportation Improvement Program be amended to reflect these actions.

5. That the Council of the Metropolitan Service District hereby finds the project in accordance with the Regional Transportation Plan and hereby gives affirmative Intergovernmental Project Review approval.

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

Tanya Collier, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1462 FOR THE PURPOSE
OF TRANSFERRING INTERSTATE TRANSFER FUNDS FROM THE
MCMCLOUGHLIN BOULEVARD PROJECT TO THE HAWTHORNE BRIDGE
PROJECT

Date: May 21, 1991

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution would transfer Interstate Transfer funds in the amount of \$2.0 million from the McLoughlin Boulevard project to the Hawthorne Bridge transition structure project. It would complete the funding to allow this bridge project to proceed and reduce the potential for lapsing of Interstate Transfer funds caused by the delay to 1992 in obligating McLoughlin Boulevard project funds.

TPAC has reviewed the proposed funding transfer from the McLoughlin Boulevard project to the Hawthorne Bridge project and recommends approval of Resolution No. 91-1462.

FACTUAL BACKGROUND AND ANALYSIS

In 1984, Multnomah County requested HBRR funds from the State for the replacement of the Hawthorne Bridge transition structure. Subsequently, in 1986, the State of Oregon and Multnomah County entered into an agreement to reconstruct the transition structure; this agreement provided full funding for the project to come from the HBRR program with appropriate local match. Since 1984, construction of the transition structure has been delayed due to lack of available HBRR funding. In June of 1988, the County received notice from the State that the HBRR funding allocation to the Hawthorne Bridge had been reduced by 64 percent. The County therefore has been allocated only \$1,040,000 of HBRR funding for construction of the \$5,000,000 transition structure replacement and has already spent some \$500,000 in County funds to keep the transition structure in an operable condition.

In May, 1990, Resolution No. 90-1275 authorized the transfer of \$1.7 million from the Scholls/Skyline project (ODOT) to the Hawthorne Bridge transition structure in order to meet the federal participation requirement of at least 50 percent. A commitment from ODOT to provide sufficient HBRR funds to fulfill the funding requirement on this project was requested.

The Hawthorne Bridge is estimated to cost some \$5.0 million in federal funds. Currently available is \$3.1 million composed of

FAU (exchanged in April, 1991 for the \$1.7 million Interstate Transfer funds) and Highway Bridge Replacement funds. The transfer of \$2.0 million of Interstate Transfer funds proposed in the resolution will make the project whole. The McLoughlin Boulevard project will be supplemented with state funds in an equivalent amount to the transfer. If provided by the new Surface Transportation Assistance Act, future HBRR funds will be set aside for use by the state to offset the use of the transferred funds.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1462.

Meeting Date: June 27, 1991
Agenda Item No. 4.3

RESOLUTION NO. 91-1463

TRANSPORTATION AND PLANNING COMMITTEE REPORT

RESOLUTION NO. 91-1463, APPROVING THE TIP ANNUAL ELEMENT TO INCLUDE FEDERAL FUNDING FOR WESTSIDE LRT PROJECT TO HILLSBORO

Date: June 12, 1991

Presented by: Councilor Devlin

COMMITTEE RECOMMENDATION: At the June 11, 1991, Transportation and Planning Committee meeting, Councilors Gardner, McLain, Van Bergen and myself voted unanimously to recommend Council adopt Resolution No. 91-1463. Councilor Bauer was excused.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 91-1463 amends the Transportation Improvement Program (TIP) to include all aspects of the Westside light rail (LRT) project to 185th Avenue, and its projected 75 percent federal funding, with a provision for a future amendment to include the Hillsboro extension locally preferred alternative. The resolution also recognizes future TIP amendments will occur to incorporate specific project costs and schedules as they develop.

Transportation Department staff explained this resolution responds to the Urban Mass Transportation Administration (UMTA) desire to have funds at this point specifically programmed through the 185th Avenue segment. The resolution clearly indicates, however, the future inclusion of the locally preferred alternative for the Hillsboro extension.

Committee members asked whether the public review and selection process would have to recur if UMTA rejected the region's recommendation for the long tunnel option. Neil McFarlane with Tri-Met noted the region would probably have to go through some type of supplemental hearing process, but UMTA to date has not indicated to Tri-Met officials any concerns about the long tunnel alternative.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE) RESOLUTION NO. 91-1463
TRANSPORTATION IMPROVEMENT PROGRAM)
ANNUAL ELEMENT TO INCLUDE FEDERAL) Introduced by
FUNDING FOR THE WESTSIDE LIGHT RAIL) David Knowles, Chair
PROJECT TO 185TH AVENUE) Joint Policy Advisory Com-
) mittee on Transportation

WHEREAS, The Regional Transportation Plan (RTP) calls for a combination of highway improvements and major expansion of transit system capacity in the Westside Corridor; and

WHEREAS, Tri-Met will be submitting to the Urban Mass Transportation Administration (UMTA) a grant application for the Westside light rail extension to 185th Avenue; and

WHEREAS, Metro is currently evaluating the extension of light rail transit (LRT) to Hillsboro and other transit options as part of the Hillsboro Alternatives Analysis; and

WHEREAS, UMTA approval of this grant will fund final design, right-of-way acquisition, light rail vehicles, construction and system improvements for the light rail project; and

WHEREAS, Each governmental agency in the corridor area adopted the Locally Preferred Alternative (LPA); and

WHEREAS, Metro approved the Locally Preferred Alternative by Resolution No. 91-1424; now, therefore

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District endorses Tri-Met's grant application as summarized in Exhibit A to the resolution.

2. That the Transportation Improvement Program and its Annual Element be amended to reflect Exhibit A allocations.

3. That the Council of the Metropolitan Service District finds that Tri-Met has complied with the requirements of the region's Private Enterprise Participation Policy as evidenced in Exhibit A.

4. That these actions are consistent with the Regional Transportation Plan and affirmative Intergovernmental Project Review is hereby given.

Tanya Collier, Presiding Officer

ACC:lmk
91-1463.RES
6-11-91

TRI-COUNTY
METROPOLITAN
TRANSPORTATION
DISTRICT
OF OREGON



TRI-MET

4012 S.E. 17TH AVENUE
PORTLAND, OREGON 97202

June 10, 1991



EXHIBIT A

Andy Cotugno
Metropolitan Service District
2000 SW First Avenue
Portland, OR 97201-5398

Subject: TIP Amendment for Westside Light Rail Extension Project
Second Revision

Dear Andy:

In response to comments from Pat Levine about the TIP amendment in process for the Westside Light Rail Extension Project, we are providing a revised Project Description and Budget for your presentation at the Transportation Planning Committee and JPACT meetings this week. The project description has been revised to distinguish that the SW 185th-Hillsboro extension is currently in an alternatives analysis phase and would be proposed for programming after a preferred alternative is selected. The budget has been decreased so as not to include a cost estimate for the Hillsboro extension at this time.

If you have any questions, please call Cynthia Weston, 238-4920.

Sincerely,

Douglas L. Capps
Executive Director
Public Services Division

DLC:cwl
Attachments

cc: G.B. Arrington
Cynthia Weston
Bob Post
J.E. Cowen

TIP AMENDMENT

for Westside Corridor Light Rail Project

I. Background

The Regional Transportation Plan calls for a combination of highway improvements and major expansion of the transit system capacity in the westside corridor by 2005 as the region's first transportation priority. This grant will fund the final design, right-of-way acquisition, light rail vehicles, construction and system improvements for the Westside Corridor light rail project.

II. Project Development

In 1983 the Portland metropolitan area governments chose light rail transit (LRT) as the major component of transportation system improvements needed to accommodate travel demand in the westside corridor. This decision followed several years of studies that examined more than fifteen alternatives, including a busway, an expanded bus system, and several LRT alignments. The Sunset Highway (U.S. 26) was adopted as the preferred route.

In January, 1988, the preliminary engineering effort was reactivated, and work on a Supplemental Draft Environmental Impact Statement began. Eight government agencies (cities of Beaverton, Hillsboro and Portland, Metropolitan Service District, Oregon Department of Transportation, Multnomah County, Washington County, and Tri-Met) worked cooperatively in defining alternatives. A 24-member Citizens Advisory Committee (CAC) was appointed by the eight agencies to study alternatives and make recommendations for westside light rail and highway improvements. The goals for the transportation changes are to optimize the transportation system, be environmentally sensitive while reflecting community values, and to remain fiscally responsive.

The CAC met regularly for over two years and, with extensive public involvement, developed the initial recommendation for the Locally Preferred Alternative (LPA). Subsequently, the Project Management Group, composed of top staff personnel, and the Steering Group, composed of elected officials, concurred in the CAC's recommendations.

In January 1991 the Supplemental Draft Environmental Impact Statement was published, and work on the Final Environmental Impact Statement began. In March and April 1991, in compliance with the requirements of the Urban Mass Transportation Administration, each government agency adopted the Locally-Preferred Alternative (LPA). The Tri-Met Board of Directors adopted the final order defining the LPA on April 12.

III. Project Description

The LPA is approximately 11.5 miles long from downtown Portland to S.W. 185th Avenue. The alignment features twelve stations, five park-and-ride lots, and parking spaces for over 3,000 vehicles. Twenty-nine new light rail vehicles are needed.

An extension of 6.5 miles from S.W. 185th to downtown Hillsboro is presently in the alternatives analysis stage, and a final alignment has not been selected. Subject to the regional decision selecting the Preferred Alternative and compliance with all applicable environmental laws and procedures, Tri-Met intends to construct an additional operable segment to the Westside Light Rail Extension extending from SW 185th to the Transit Center in the City of Hillsboro. The estimated cost of the Hillsboro portion is not included in the overall project budget, but would be programmed in a future TIP amendment.

A. Downtown

Beginning at S.W. 11th Avenue, the present west terminus of the eastside light rail system, the existing trackway, auto lane, and sidewalk configurations of S.W. Morrison and S.W. Yamhill Streets are extended west to S.W. 18th Avenue. At S.W. 17th Avenue, the S.W. Morrison Street track would turn southwest through a city block to join the S.W. Yamhill Street track at S.W. 18th Avenue. The two tracks would turn south in the median of S.W. 18th Avenue, flanked by an auto travel lane, parking lane and sidewalk in each direction. At S.W. Jefferson, the tracks turn west onto the southside. The LRT alignment in this segment is entirely at grade. All intersections crossed by the LRT along S.W. Morrison and S.W. Yamhill are signalized. Along S.W. 18th Avenue, intersections at S.W. Morrison, S.W. Yamhill, S.W. Salmon, and S.W. Jefferson are signalized. Only emergency vehicles will be permitted to cross the tracks on S.W. 18th Avenue at S.W. Taylor, S.W. Main and S.W. Madison Streets. Stations will be located on S.W. Morrison and S.W. Yamhill Streets between S.W. 13th and 14th Avenues; on the blocks bounded by S.W. Morrison Street, S.W. 17th Avenue, S.W. Yamhill Street and S.W. 18th Avenue; and between S.W. 18th and 20th Avenues on S.W. Jefferson Street. No park-and-ride facilities will be provided at these stations.

West from S.W. 20th Avenue and S.W. Jefferson Street, the tracks occupy the southside of S.W. Jefferson Street entirely at grade. Light rail would follow a large radius along the southside of Canyon Road, descending below and passing under Canyon Road to the tunnel portal beyond.

B. Canyon

The twin-tube tunnel extends for approximately three miles under the West Hills to the vicinity of S.W. 76th Avenue on the north side of the Sunset Highway.

The alignment follows the northside of the Sunset Highway to the Highway 217 interchange, where it crosses Highway 217 on structure and under the westbound Sunset Highway-to-southbound Highway 217 ramp.

A station at the Washington Park Zoo will be located beneath the existing parking lot adjacent to the OMSI and Zoo entrances, and will be accessible by elevator.

C. U.S.Highway 26/217

The tracks leave the Sunset Highway and pass under Sunset Highway to parallel the ramp from eastbound Sunset Highway to southbound Highway 217. The alignment then continues south along the westside of Highway 217 to approximately southwest Center Street. The tracks pass under S.W. Parkway, S.W. Wilshire Street, and S.W. Walker Road. The existing S.W. Cabot Street structure will be retained until a replacement facility is provided with the east/west arterial. A box structure to accommodate the LRT will be built under Cabot Street.

The Sunset Transit Center will be located at the northwest quadrant of the Sunset Highway/Highway 217 interchange. It will be a major station with off-street bus transfer facilities and a park-and-ride facility.

D. Beaverton (Highway 217 to S.W. Murray Boulevard)

The alignment turns west from Highway 217 near S.W. Cabot Street, crosses S.W. 114th at grade, and runs west along the north edge of the Canyon Place Shopping Center and along the north side of the Beaverton Transit Center. The tracks then cross S.W. Lombard Avenue, approximately 600 feet north of S.W. Canyon Road, and continue west across S.W. Hall Boulevard and S.W. Watson Avenue. The crossings of S.W. 114th Avenue, S.W. 117th Avenue, S.W. Lombard Avenue, S.W. Hall Boulevard and S.W. Watson Avenue are all at grade. Stations are located at Beaverton Transit Center, S.W. Hocken Street and at S.W. Watson Avenue, with no park-and-ride facilities.

E. Murray Boulevard to S.W. 185th

The LRT transitway crosses under S.W. Murray Boulevard at the existing overpass and follows existing Burlington-Northern Railroad right-of-way. The line terminates just west of 185th Avenue. All intersections west of S.W. Murray Boulevard are crossed at grade with gated protection.

Stations are located at S.W. Murray Boulevard, S.W. Merlo Road, S.W. 170th Avenue, and S.W. 185th Avenue. All stations in this segment have park-and-ride facilities and bus transfer connections. A westside maintenance and storage facility is located just east of S.W. 170th Avenue.

F. Related Highway Improvements

In addition to the light rail line, over \$100 million in highway-related improvements are planned in the Sunset Highway Corridor between the Zoo and Highway 217. These changes will be managed by the Oregon Department of Transportation. Construction of highway improvements will be coordinated with construction of the light rail.

G. Mitigation

The construction of the light rail line is expected to begin in 1993 and to be operational in late 1997. Plans to mitigate the environmental consequences of light rail are underway for the following: land use and economic development; displacements and relocation; neighborhoods; visual and aesthetic resources, air quality, noise and vibration; ecosystems; water quality and hydrology; energy; geology; historic, archaeological and parklands; and construction.

H. Cost Estimates

Preliminary engineering estimates reflect a total project cost of \$489.5 million (1990 dollars). This estimate is subject to change due to updated cost estimates based on current selected design, completion of value engineering and costs associated with mitigation of impacts. Tri-Met is presently negotiating with UMTA the terms of a Full Funding Grant Agreement (FFGA) for the light rail project. Details are reflected on the accompanying budget.

WESTSIDE CORRIDOR LIGHT RAIL PROJECT

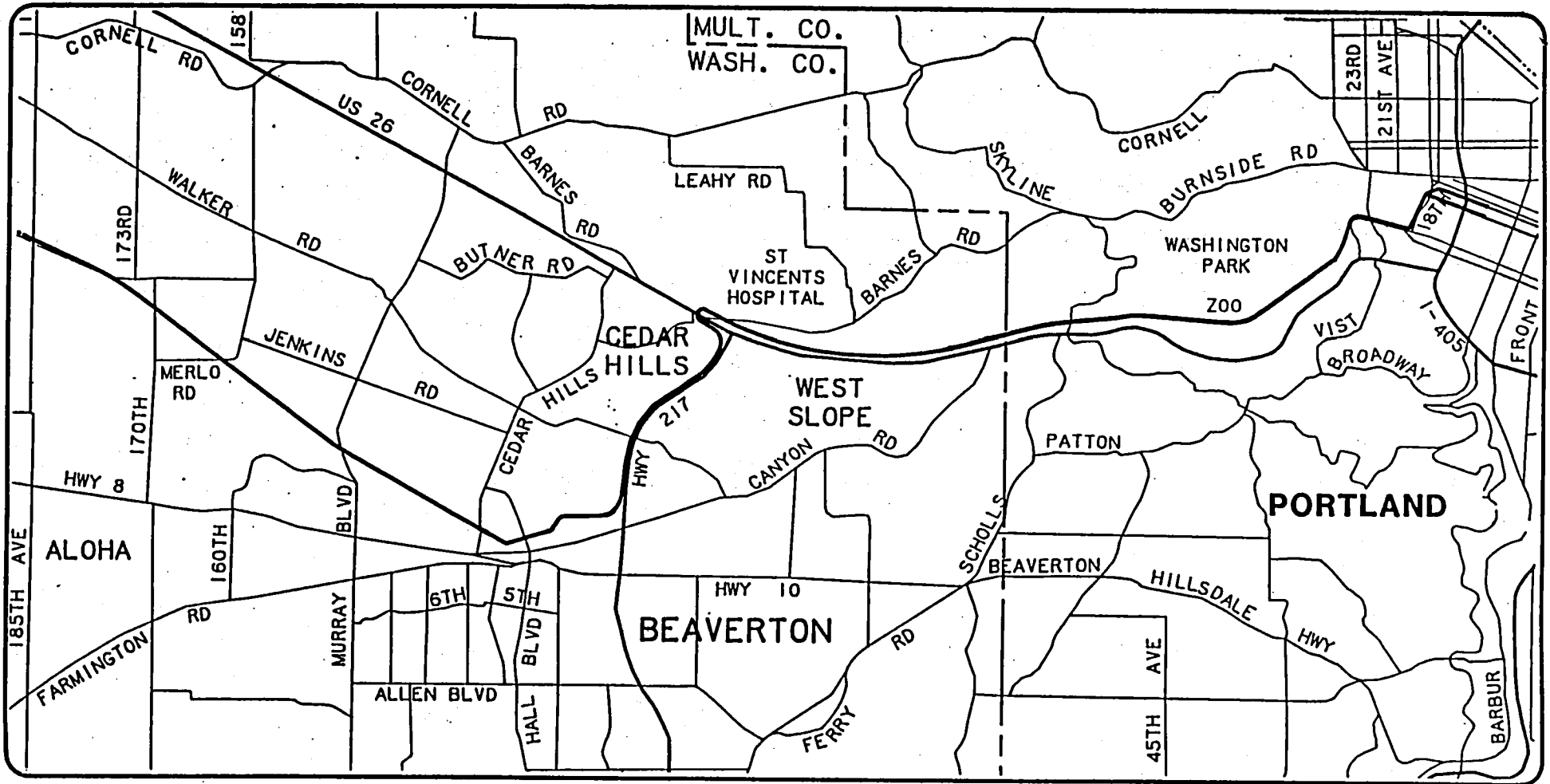
S.W. 11th Avenue to S.W. 185th

(all amounts in millions, 1990 dollars)

REQUIREMENTS SUMMARY

RESOURCES SUMMARY

A. Cost Elements	Amount	A. Partnership Funding	Amount
Right of Way	31.9		
Alignment preparation	87.3	UMTA (75%)	367.1
Tunnel	86.7		
Track Materials	10.5	Region (12.5%)	61.2
Electrification, Signals, Communications	38.1		
Stations and Park and Ride lots	41.1	State (12.5%)	61.2
Maintenance Facility and Equipment	16.2		
Light rail vehicles	58.2		
Engineering and Construction Management	89.6		
Design and Construction Contingency	29.9		
TOTAL PROJECT REQUIREMENTS	489.5	TOTAL PROJECT RESOURCES	489.5



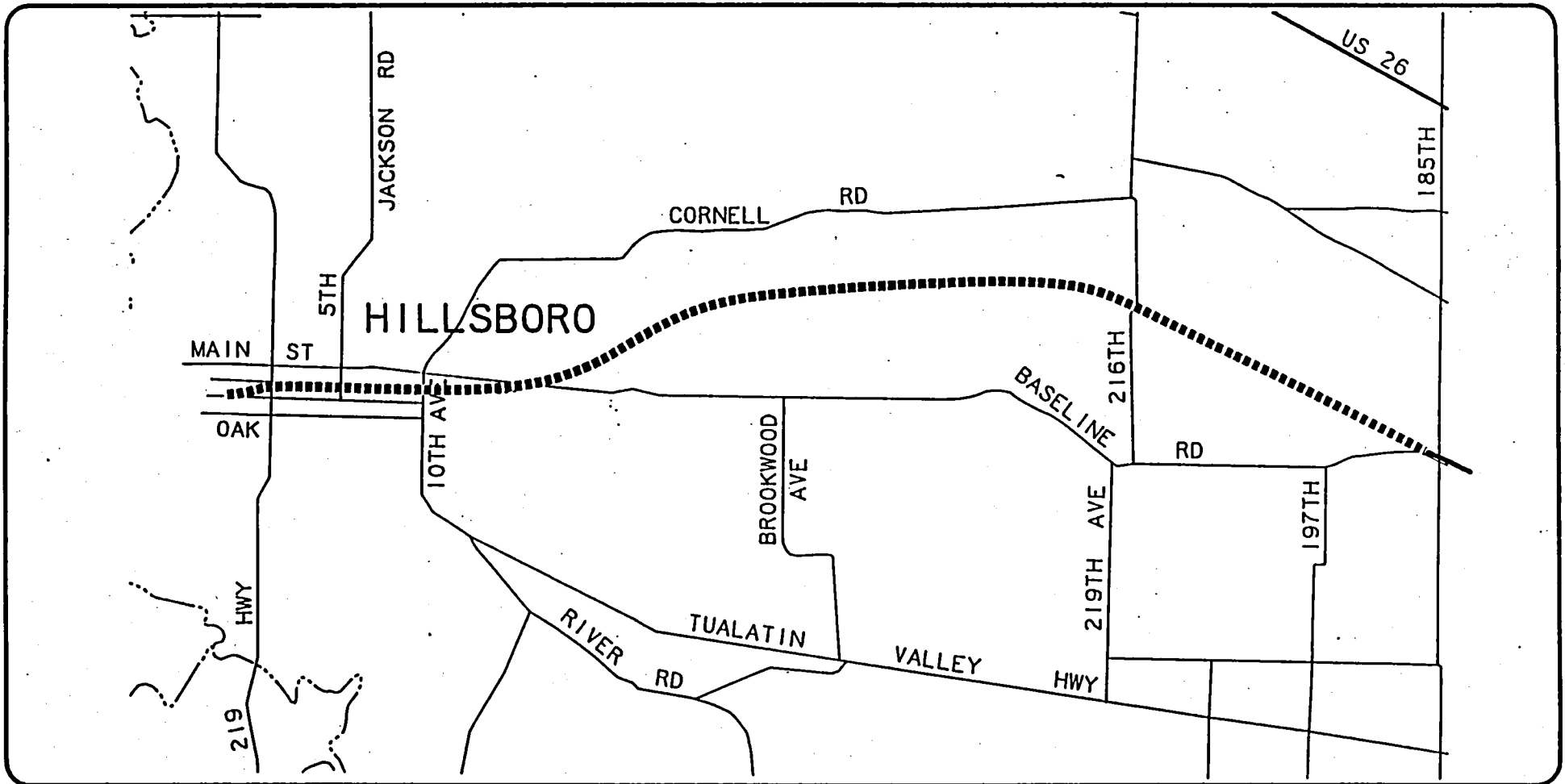
LEGEND

LRT ALIGNMENT ———



WESTSIDE CORRIDOR PROJECT

PREFERRED LRT ALIGNMENT OPTION



LEGEND

PROPOSED LRT ALIGNMENT



WESTSIDE CORRIDOR PROJECT

PROPOSED LRT ALIGNMENT TO HILLSBORO

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1463 FOR THE PURPOSE OF AMENDING THE TRANSPORTATION IMPROVEMENT PROGRAM ANNUAL ELEMENT TO INCLUDE FEDERAL FUNDING FOR THE WESTSIDE LIGHT RAIL PROJECT TO 185TH AVENUE

Date: May 23, 1991

Presented by: Andrew Cotugno

PROPOSED ACTION

Adoption of Resolution No. 91-1463 amends the Transportation Improvement Program (TIP) and programs some \$489.5 million in 1990 dollars (\$376.1 million federal) for the Westside light rail extension to 185th Avenue with provision for a future amendment to include the Locally Preferred Alternative resulting from the Hillsboro Alternatives Analysis. Additionally, it recognizes that the TIP will be amended in the future as required to reflect detailed project costs and schedules as they become defined.

TPAC has reviewed this TIP amendment and recommends approval of Resolution No. 91-1463 acknowledging that further refinements to the attachment will be incorporated prior to consideration by JPACT and the Metro Council.

FACTUAL BACKGROUND AND ANALYSIS

On July 1, 1991, Tri-Met will be submitting a grant application to the Urban Mass Transportation Administration (UMTA) for constructing the Westside light rail. Approval of the grant by UMTA will enable funding final design, right-of-way acquisition, light rail vehicle procurement, construction and system improvements.

Major milestones which directly support the grant application and negotiations with UMTA for the terms of a Full-Funding Agreement (FFGA) have been accomplished:

- . In May 1990, the RTP was amended to recognize the Westside Corridor project to Hillsboro as the region's next priority for consideration of LRT construction.
- . In July 1990, a regional compact was initiated with state, regional shares and amounts of funding for the Westside LRT Corridor. Defined contributions were developed in the form of statewide and regionwide revenue sources to reflect statewide and regionwide benefits resulting from the project and contributions from jurisdictions representing residents, businesses and users directly benefiting from the project.

- . In September 1990, the vehicle for entering into an intergovernmental agreement regarding coordination of decision-making for the Westside Corridor project and Hillsboro project was initiated (subsequently amended in January 1991).
- . In November 1990, tri-county voters approved \$125 million (\$110 million for Westside LRT) in general obligation bonds for combining with funds from the state and local governments. These funds will provide the local match (25 percent) for federal funds (75 percent) in constructing the Westside Corridor LRT.
- . In spring 1991, consideration by the Oregon Legislature of HB 2128 providing the state's half of the local match for the Westside LRT is in progress; adoption is anticipated by July 1991. The Oregon Legislature adopted LC 2193 providing for a streamlined decision-making process to accommodate the September 30, 1991 deadline for entering into a Full-Funding Agreement with UMTA. The Supplemental Draft Environmental Impact Statement was published and work on the Final Environmental Impact Statement began.
- . In March and April 1991, in compliance with the requirements of UMTA, each governmental agency adopted the Locally Preferred Alternative (LPA). The Tri-Met Board of Directors adopted the final order defining the LPA in mid-April.

Exhibit A to the Resolution contains descriptive information in the form of project description, maps, budget information, and private enterprise documentation.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1463.

Meeting Date: June 27, 1991
Agenda Item No. 5.1

ORDINANCE NO. 91-410

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-410 AMENDING ORDINANCE NO. 90-340A REVISING THE FY 1990-91 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF MEETING AN EMERGENCY IN FUNDING INCREASED EXPENSES AT THE METRO ERC FACILITIES

Date: June 21, 1991

Presented by: Dominic Buffetta

FACTUAL BACKGROUND AND ANALYSIS

This ordinance requests the following modifications:

Oregon Convention Center Operating Fund

The FY 1990-91 budget for the Oregon Convention Center was based on hosting 14 convention/trade shows. The Center will actually host 24 shows this year. The major area of increase is in the Concession/Catering revenues and expenses. The current budget reflects revenues at approximately \$1.07 million with expenses budgeted at \$906,065, netting a 15.4% profit for the Convention Center. Actual revenues for the year are projected to be well over \$2 million with expenses at \$1.5 million, netting a profit of over \$500,00 or 25% to the Commission. In order to meet the increased expenditures, this action requests the transfer of \$300,000 from the Oregon Convention Center Fund Contingency and \$155,000 of existing appropriation to the Concession/Catering expense line item in the Materials & Services category.

Spectator Facilities Fund, Memorial Coliseum

The FY 1990-91 budget for the Coliseum was based on hosting 23 concerts and 44 Blazer games in addition to other events. The Coliseum will actually host 32 concerts and 53 Blazer games resulting in additional revenues and expenditures to the facility.

The budget as prepared for FY 1990-91 estimated the Blazers would receive approximately \$ 361,000 in concessions receipts. The budget reflected this as being netted out of concessions revenues instead of reflected as an expenditure. The actual amount that has been paid to the Blazers is \$554,319. This amount has been reflected as an expense to the Coliseum resulting in a considerable over expenditure.

In addition, the nine additional concerts and an overall increase in attendance at the family events that regularly play at the Coliseum, has resulted in an increase of expenditures related to this events. It is projected an increase of \$250,000 will be needed to fund these increases.

This action requests the transfer of \$450,000 from the Spectator Facilities Contingency and \$350,000 in existing appropriation to the Concession/Catering expense line item in the Memorial Coliseum budget.

Staff Report
Ordinance No. 91-410
Page 2

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends immediate adoption of Ordinance 91-410, transferring appropriations to fund increased expenditures at the Metro ERC facilities.

kr:ord90-91:merc:er
June 20, 1991

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 MEETING AN)
EMERGENCY IN FUNDING INCREASED)
EXPENSES AT METRO ERC FACILITIES)

ORDINANCE NO. 91-410

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, The need for immediate action is necessary in order to comply with Oregon Budget Law ORS 294.435(4) and avoid over-expenditure of authorized appropriations; and

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

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. 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 appropriation to fund increased expenses at the Metro ERC facilities.

2. That immediate adoption of this ordinance pursuant to ORS 198.550(3) is required in order to meet the following emergency: to prevent over-expenditure of authorized appropriation in the Spectator Facilities Operating Fund and the Oregon Convention Center Operating Fund. All modifications to the FY 1990-91 budget must be adopted prior to the end of the fiscal year, June 30, 1991.

Ordinance No. 91-410
Page 2

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:marcamer:ord
June 18, 1991

EXHIBIT A
ORDINANCE NO. 91-410

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND							
Personal Services							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Marketing Manager/Director of Sales and Ma	1.00	31,643		(9,500)	1.00	22,143
	Sales Associate	1.00	23,682		(9,500)	1.00	14,182
	Event Coordinator	2.00	38,562		(19,000)	2.00	19,562
	Event Manager	1.00	29,932		(9,500)	1.00	20,432
	Chief Engineer	1.00	31,643		(9,500)	1.00	22,143
	Electrician	1.00	28,220		(9,500)	1.00	18,720
	Operating Engineer	2.75	61,580		(19,000)	2.75	42,580
	Set-up Superintendent	0.92	20,126		0	0.92	20,126
	Utility Technician	2.00	49,622		(9,500)	2.00	40,122
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Secretary	2.00	33,090		0	2.00	33,090
	Bookkeeper	1.00	19,631		0	1.00	19,631
	Clerical/Receptionist	3.33	49,536		0	3.33	49,536
	Lead Engineer/Mechanic	0.92	26,062		0	0.92	26,062
	Maintenance/Utility Lead	16.50	308,064		0	16.50	308,064
	Security Watch staff	5.83	78,222		0	5.83	78,222
	Sound/Audio Visual Technician	1.00	17,284		0	1.00	17,284
	Supervisor	1.83	39,855		0	1.83	39,855
	Telephone System Coordinator	0.92	23,126		0	0.92	23,126
	Utility Maintenance	1.83	44,133		0	1.83	44,133
	Utility-Grounds	2.75	49,725		0	2.75	49,725
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Secretary/Receptionist	1.50	26,945		0	1.50	26,945
	Operations Workers	5.71	83,206		0	5.71	83,206
	Facility Security	1.50	27,249		0	1.50	27,249
	Data Entry Clerk	1.00	16,388		0	1.00	16,388
	Box Office Supervisor	0.41	10,156		0	0.41	10,156
	Ticket Sellers	1.64	25,560		0	1.64	25,560
	Head Gate Attendant	0.41	8,307		0	0.41	8,307
	Gate Attendant	2.80	43,799		0	2.80	43,799
	Uniformed Security Supervisor	0.82	17,892		0	0.82	17,892
	Uniformed Agent	3.14	56,163		0	3.14	56,163
	Medical Specialist	0.56	12,138		0	0.56	12,138
511400	OVERTIME		50,000		0		50,000
512000	FRINGE		334,698		(45,000)		289,698
512400	Service Reimbursement-Workers comp		21,229		0		21,229
Total Personal Services		70.07	1,737,468	0.00	(140,000)	70.07	1,597,468

EXHIBIT A
ORDINANCE NO. 91-410

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND (continued)							
Materials & Services							
521100	Office Supplies		6,000		0		6,000
521290	Other Supplies		70,500		0		70,500
521292	Small Tools		4,000		0		4,000
521310	Subscriptions		215		0		215
521320	Dues		4,770		0		4,770
524120	Legal Fees		3,000		0		3,000
524130	Promotion/Public Relations		94,288		0		94,288
524190	Misc. Professional Services		2,143,528		0		2,143,528
525110	Utilities-Electricity		266,200		0		266,200
525120	Utilities-Water and Sewer		30,300		0		30,300
525130	Utilities-Natural Gas		92,000		0		92,000
525190	Utilities-Other		11,500		0		11,500
525610	Maintenance & Repair Services-Building		61,000		0		61,000
525640	Maintenance & Repair Services-Equipment		20,000		0		20,000
525710	Equipment Rental		40,000		0		40,000
525720	Building Rental		47,500		0		47,500
526200	Ads & Legal Notices		15,820		0		15,820
526310	Printing Services		55,000		0		55,000
526320	Typesetting and Reprographics		5,800		0		5,800
526410	Telephone		71,200		0		71,200
526420	Postage		16,360		0		16,360
526440	Delivery Service		360		0		360
526500	Travel		19,195		0		19,195
526690	Concession/Catering Contract		1,189,388		455,000		1,644,388
526691	Parking Contract		40,841		0		40,841
526800	Training, Tuition, Conferences		40,000		0		40,000
526910	Uniforms and Cleaning		8,869		0		8,869
529500	Meetings		20,500		0		20,500
529800	Miscellaneous		4,500		0		4,500
529835	External Promotion Expenses		7,000		0		7,000
531100	Capital Lease Payments-Office Equipment		12,600		0		12,600
			9,275		0		9,275
Total Materials & Services			4,411,509		455,000		4,866,509
Capital Outlay							
571400	Purchases - Equipment and Vehicles		55,000		0		55,000
571500	Purchases - Office Furniture and Equipment		123,000		(15,000)		108,000
574520	Construction Work/ Building		22,000		0		22,000
Total Capital Outlay			200,000		(15,000)		185,000

EXHIBIT A
ORDINANCE NO. 91-410

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND (continued)							
Interfund Transfers							
581610	Trans. Indirect Costs to Support Svs. Fund		193,633		0		193,633
581615	Trans. Indirect Cost to Insur. Fund		71,154		0		71,154
	Trans. Resources to MERC Management Pool		373,695		0		373,695
	Trans. Direct Costs to Support Svs. Fund		30,590		0		30,590
	Total Interfund Transfers		669,072		0		669,072
Contingency and Unappropriated Balance							
599999	Contingency		300,000		(300,000)		0
599990	Unappropriated Balance		1,155,594		0		1,155,594
	Total Contingency and Unappropriated Balance		1,455,594		(300,000)		1,155,594
	TOTAL EXPENDITURES	70.07	8,473,643	0.00	0	70.07	8,473,643

EXHIBIT A
ORDINANCE NO. 91-410

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SPECTATOR FACILITIES FUND:Coliseum							
Personal Services							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Coliseum/Stadium Manager	0.75	42,750		0	0.75	42,750
	Accountant	1.00	34,932		0	1.00	34,932
	Assistant Accountant	1.00	24,529		0	1.00	24,529
	Assistant Director of Security	1.00	31,720		0	1.00	31,720
	Admissions Assistant Director	1.00	31,780		0	1.00	31,780
	Admissions Supervisor	1.00	46,923		0	1.00	46,923
	Event Manager	1.00	37,028		0	1.00	37,028
	Customer Services Representative	3.00	69,944		0	3.00	69,944
	Sales Manager	1.00	40,965		0	1.00	40,965
	Promotions Coordinator	1.00	28,637		0	1.00	28,637
	Group Sales Coordinator	1.00	20,074		0	1.00	20,074
	Sales Associate	1.00	24,529		0	1.00	24,529
	Lead Engineer	1.00	31,720		0	1.00	31,720
	Operations Engineer	4.00	120,548		0	4.00	120,548
	Maintenance Section Superintendent	1.00	38,913		0	1.00	38,913
	Set-Up Supervisor	2.00	52,993		0	2.00	52,993
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Bookkeeper II	1.00	22,561		0	1.00	22,561
	Bookkeeper I	1.00	19,682		0	1.00	19,682
	Accounting Clerk	1.00	18,052		0	1.00	18,052
	Office Assistant	1.00	20,585		0	1.00	20,585
	Switchboard/Receptionist	1.00	20,585		0	1.00	20,585
	Data Entry Clerk	1.00	17,963		0	1.00	17,963
	Marketing Staff Assistant	1.00	17,963		0	1.00	17,963
	Security Watchman	2.00	37,548		0	2.00	37,548
	Security Secretary	1.00	20,585		0	1.00	20,585
	Marketing Secretary	1.00	20,585		0	1.00	20,585
	Utility/Grounds	1.00	22,318		0	1.00	22,318
	Utility Lead	15.00	346,948		0	15.00	346,948
	Utility Maintenance	3.00	67,372		0	3.00	67,372
	Set Up Staff Assistant	1.00	23,631		0	1.00	23,631
511225	WAGES-REGULAR EMPLOYEES (part time)	77.45	1,468,798		(120,000)	77.45	1,348,798
511400	OVERTIME		35,132		0		35,132
	PREMIUM PAY		8,519		0		8,519
512000	FRINGE		692,120		(30,000)		662,120
512400	Service Reimbursement-Workers Comp		36,916		0		36,916
Total Personal Services		130.20	3,595,848	0.00	(150,000)	130.20	3,445,848

EXHIBIT A
ORDINANCE NO. 91-410

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SPECTATOR FACILITIES FUND:Coliseum (continued)							
Materials & Services							
521100	Office Supplies		25,000		0		25,000
521290	Other Supplies		82,909		0		82,909
521292	Small Tools		12,715		0		12,715
521400	Fuels & Lubricants		3,350		0		3,350
524110	Audit Services		2,000		0		2,000
524120	Legal Fees		25,000		0		25,000
524130	Promotion/Public Relation Services		137,025		0		137,025
524190	Misc Professional Services		11,682		0		11,682
524310	Management Consulting Services		4,000		0		4,000
525110	Utilities-Electricity		262,851		0		262,851
525120	Utilities-Water and Sewer		64,468		0		64,468
525130	Utilities-Natural Gas		2,297		0		2,297
525140	Utilities-Heating Oil		44,688		0		44,688
525190	Utilities-Other		33,881		0		33,881
525610	Maintenance & Repair Services-Building		155,848		0		155,848
525710	Equipment Rental		31,598		0		31,598
526310	Printing Services		25,862		0		25,862
526410	Telephone		50,923		0		50,923
526420	Postage		25,500		0		25,500
526500	Travel		29,800		0		29,800
526690	Concessions/Catering Contract		3,091,375		800,000		3,891,375
526691	Parking Contract		421,338		0		421,338
526700	Temporary Help Services		357,280		0		357,280
526800	Training, Tuition, Conferences		10,500		0		10,500
526910	Uniforms and Cleaning		23,611		0		23,611
529800	Miscellaneous		41,525		0		41,525
Total Materials & Services			4,977,026		800,000		5,777,026
Capital Outlay							
571400	Purchases - Equipment and Vehicles		36,500		0		36,500
571500	Purchases - Office Furniture and Equipment		30,000		0		30,000
574510	Construction Work Other Than Building		152,500		0		152,500
574520	Construction Work - Building		249,500		(200,000)		49,500
Total Capital Outlay			468,500		(200,000)		268,500
TOTAL EXPENDITURES		130.20	9,041,374	0.00	450,000	130.20	9,491,374

EXHIBIT A
ORDINANCE NO. 91-410

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SPECTATOR FACILITIES FUND:General Expenses							
Interfund Transfers							
581610	Trans. Indirect Costs to Support Svs. Fund		312,466		0		312,466
581615	Trans. Indirect Cost to Insur. Fund		114,822		0		114,822
582751	Transfer Resources to Metro ERC Management Pool		603,030		0		603,030
583610	Transfer Direct Costs to Support Svs. Fund		45,885		0		45,885
Total Interfund Transfers			1,076,203		0		1,076,203
Contingency and Unappropriated Balance							
599999	Contingency		465,000		(450,000)		15,000
599990	Unappropriated Balance		2,005,453		0		2,005,453
Total Contingency and Unappropriated Balance			2,470,453		(450,000)		2,020,453
TOTAL EXPENDITURES		251.42	18,636,021	0.00	0	251.42	18,636,021

EXHIBIT B
ORDINANCE NO. 91-410
SCHEDULE OF APPROPRIATIONS

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
OREGON CONVENTION CENTER OPERATING FUND			
Personal Services	1,737,468	(140,000)	1,597,468
Materials & Services	4,411,509	455,000	4,866,509
Capital Outlay	200,000	(15,000)	185,000
Interfund Transfers	669,072	0	669,072
Contingency	300,000	(300,000)	0
Unappropriated Balance	1,155,594	0	1,155,594
Total Oregon Convention Center Operating Fund Requirements	8,473,643	0	8,473,643
SPECTATOR FACILITIES OPERATING FUND			
Memorial Coliseum			
Personal Services	3,595,848	(150,000)	3,445,848
Materials & Services	4,977,026	800,000	5,777,026
Capital Outlay	468,500	(200,000)	268,500
Subtotal	9,041,374	450,000	9,491,374
Civic Stadium			
Personal Services	516,945	0	516,945
Materials & Services	1,150,196	0	1,150,196
Capital Outlay	21,700	0	21,700
Subtotal	1,688,841	0	1,688,841
Performing Arts Center			
Personal Services	2,827,515	0	2,827,515
Materials & Services	1,210,060	0	1,210,060
Capital Outlay	321,575	0	321,575
Subtotal	4,359,150	0	4,359,150
General Expense			
Interfund Transfers	1,076,203	0	1,076,203
Contingency	465,000	(450,000)	15,000
Subtotal	1,541,203	(450,000)	1,091,203
Unappropriated Balance	2,005,453	0	2,005,453
Total Spectator Facilities Operating Fund Requirements	18,636,021	0	18,636,021

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

Meeting Date: June 27, 1991
Agenda Item No. 5.2

ORDINANCE NO. 91-409



METRO

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

Memorandum

DATE: June 18, 1991
TO: Metro Council
FROM: Don Carlson *DC*
RE: Ordinance No. 91-409 - Boundary Commission Terms

Ordinance No. 91-409 is scheduled for first reading at the June 27 Council meeting, and is expected to be referred to the Governmental Affairs Committee. This ordinance will change the ending dates of the terms of Boundary Commission members, in conformance with state law enacted in Senate Bill 299. That bill includes the provision - requested by Metro and included in our legislative package - that the terms of three Boundary Commission members expire each year, rather than six every two years.

Councilor Devlin has asked me to draft this memo advising you of this change so you can have the opportunity to suggest amendments in the ordinance to Governmental Affairs. The following is a listing of the current and proposed ending dates of Boundary Commission members' terms, by Council district:

<u>DISTRICT</u>	<u>CURRENT EXPIRATION</u>	<u>PROPOSED EXPIRATION</u>
1	1/92	1/93
2	1/92	1/92
3	1/94	1/94
4	1/94	1/95
5	1/92	1/93
6	1/92	1/92
7	1/92	1/93
8	1/92	1/92
9	1/94	1/95
10	1/94	1/94
11	1/94	1/94
12	1/94	1/95



METRO

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

Memorandum

DATE: June 18, 1991

TO: Metro Council *R.D.*

FROM: Councilor Devlin

RE: ORDINANCE NO. 91-409 RELATING TO APPOINTMENT OF BOUNDARY COMMISSION MEMBERS

Please find attached a copy of Ordinance No. 91-409 which has been introduced to carry out statutory requirements relating to appointment of Boundary Commission members. Sections (1), (2) and (7) of A-Engrossed Senate Bill 299 amend the Boundary Commission statute (ORS 199.410 to 199.540) to make permanent the process of Council nominations and Executive Officer appointment of Boundary Commission members (see Exhibit A). Included in the legislation is a change in the terms of office for Boundary Commission members which provides for a more staggered system. Currently of the 12 positions, 6 are appointed each 2 years. Senate Bill 299 provides for these positions to be appointed each year. The legislation also requires that the Metro Council by ordinance will establish a procedure to set up the staggered term system.

Ordinance No. 91-409 incorporates statutory language in the Metro Code regarding the appointment process and qualifications of Boundary Commission members. It also establishes the terms of office for the Boundary Commission positions. Exhibit B attached provides information on the current status of the Boundary Commission membership including the Council district number, the names of current members, the term of office and the nominating Councilor.

RD:DEC:pa
ORD91409.MEM

Attachments

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING)
CHAPTER 2 OF THE METRO CODE TO)
ESTABLISH THE APPOINTMENT)
PROCESS, QUALIFICATIONS, AND)
TERMS OF OFFICE FOR MEMBERS OF)
THE PORTLAND METROPOLITAN AREA)
LOCAL GOVERNMENT BOUNDARY)
COMMISSION)

ORDINANCE NO. 91-409
Introduced by Councilor
Devlin

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:
Section 1. Section 2.01.190 is hereby added to the Metro Code as follows:

2.01.190 Appointment Process, Qualifications and Terms of Office for Boundary Commission Members:

(1) As provided by Oregon Law;

(a) The Portland Metropolitan Area Local Government Boundary Commission shall have a number of members that is equal to the number of Councilors of the Metropolitan Service District.

(b) The members of that Boundary Commission shall be appointed by the Executive Officer of the Metropolitan Service District. The Executive Officer shall appoint members of a Boundary Commission from a list of individuals nominated by the Councilors of the District. Each Councilor shall nominate no fewer than three nor more than five individuals for appointment to the Boundary Commission. When first appointing all the members of Boundary Commission, the Executive Officer shall appoint one individual from among those nominated by each Councilor. Thereafter, as the term of a member of a Boundary Commission expires or as a vacancy occurs, the Executive Officer shall appoint an individual nominated by the Councilor or a successor who nominated the Boundary Commission member whose term has expired or who vacated the office. The Executive Officer shall endeavor to appoint members from various cities, counties and districts so as to provide geographical diversity of representation on the Boundary Commission.

(c) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive

more than one-half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engage principally in the buying selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

(d) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

(i) Any service for the unexpired term of a predecessor in office.

(ii) Any term less than four years served on the commission first appointed.

(2) The terms of office of members of the Boundary Commission appointed prior to 1991 shall be as follows:

(a) Members appointed from nominations made by Councilors representing Council Districts 2, 6 and 8 shall serve from July 1, 1988 to January 1, 1992;

(b) Members appointed from nominations made by Councilors representing Council Districts 1, 5 and 7 shall serve from July 1, 1988 to January 1, 1993;

(c) Members appointed from nominations made by Councilors representing Council Districts 3, 10 and 11 shall serve from January 1, 1990 to January 1, 1994; and

(d) Members appointed from nominations made by Councilors representing Council Districts 4, 9 and 12 shall serve from January 1, 1990 to January 1, 1995.

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

Tanya Collier, Presiding Officer

Attest:

Clerk of the Council

A-Engrossed Senate Bill 299

Ordered by the House February 25
Including House Amendments dated February 25

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Government Operations for Metropolitan Service District)

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.

Continues beyond July 1, 1991, process for selection of members of boundary commission in Portland metropolitan area by executive officer of metropolitan service district.

Provides procedure to stagger terms of office of boundary commission members.

Provides that judicial review of ballot title or explanatory statement to be printed in voters' pamphlet for metropolitan service district measures shall be in circuit court for county in which district has its administrative office.

Provides that ordinances enacted by council of metropolitan service district take effect on 90th day after adoption except when other effective date is specified by majority vote of council.

Requires majority of council to declare emergency and provide for earlier effective date.

Allows majority of council to delay effective date of ordinance for more than 90 days.

Provides that district ordinance referred to voters either takes effect 30 days after voter approval or on later date specified in ordinance or becomes inoperative after voter rejection.

Allows council of metropolitan service district instead of Secretary of State to reapportion and describe 13 subdistricts into which the district will be divided on January 1, 1993.

Repeals statutory legal description of boundaries of metropolitan service district.

Declares emergency, effective July 1, 1991.

A BILL FOR AN ACT

1

2 Relating to metropolitan service districts; creating new provisions; amending ORS 199.440, 251.285,
3 268.360, 815.300 and section 2, chapter 321, Oregon Laws 1989; repealing ORS 268.125; and de-
4 claring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 199.440, as amended by section 12b, chapter 92, Oregon Laws 1989, and sec-
7 tion 4, chapter 321, Oregon Laws 1989, is further amended to read:

8 199.440. (1) A boundary commission shall have seven members. However, if the population of
9 the area subject to the jurisdiction of the commission exceeds 500,000 and if the area subject to its
10 jurisdiction is wholly or partly situated within the boundaries of a metropolitan service district, the
11 commission shall have a number of members that is equal to the number of councilors of the met-
12 ropolitan service district.

13 (2) Except as provided in subsection (3) of this section, the Governor [*shall*] may appoint
14 all members of a commission from a list of names obtained from cities, counties and districts within
15 the area of jurisdiction of the boundary commission. The Governor shall prepare the list annually
16 and keep it current so timely appointments will be made as vacancies occur. The Governor shall
17 endeavor to appoint members from the various cities, counties and districts so as to provide ge-
18 ographical diversity of representation on the commission.

19 (3) When the area subject to the jurisdiction of a boundary commission is wholly or

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.

1 partly situated within the boundaries of a metropolitan service district organized under ORS
2 chapter 268, the members of that boundary commission shall be appointed by the executive
3 officer of the metropolitan service district. The executive officer shall appoint members of
4 a boundary commission from a list of individuals nominated by the councilors of the district.
5 Each councilor shall nominate no fewer than three nor more than five individuals for ap-
6 pointment to the boundary commission. When first appointing all the members of a boundary
7 commission, the executive officer shall appoint one individual from among those nominated
8 by each councilor. Thereafter, as the term of a member of a boundary commission expires
9 or as a vacancy occurs, the executive officer shall appoint an individual nominated by the
10 councilor or a successor who nominated the boundary commission member whose term has
11 expired or who vacated the office. The executive officer shall endeavor to appoint members
12 from various cities, counties and districts so as to provide geographical diversity of repre-
13 sentation on the boundary commission.

14 [(2)] (4) To be qualified to serve as a member of a commission, a person must be a resident of
15 the area subject to the jurisdiction of the commission. A person who is an elected or appointed of-
16 ficer or employee of a city, county or district may not serve as a member of a commission. No more
17 than two members of a commission shall be engaged principally in the buying, selling or developing
18 of real estate for profit as individuals, or receive more than half of their gross income as or be
19 principally occupied as members of any partnership, or as officers or employees of any corporation,
20 that is engaged principally in the buying, selling or developing of real estate for profit. No more
21 than two members of a commission shall be engaged in the same kind of business, trade, occupation
22 or profession.

23 [(3)] (5) A member shall be appointed to serve for a term of four years. A person shall not be
24 eligible to serve for more than two consecutive terms, exclusive of:

25 (a) Any service for the unexpired term of a predecessor in office.

26 (b) Any term less than four years served on the commission first appointed.

27 [(4)] (6) A commission may declare the office of a member vacant for any cause set out by ORS
28 236.010 or for failure, without good reason, to attend two consecutive meetings of the commission.
29 A vacancy shall be filled by the Governor or by the executive officer of a metropolitan service
30 district, by appointment for the unexpired term. If the Governor or the executive officer has not
31 filled a vacancy within 45 days after the vacancy occurs, then, and until such time as the vacancy
32 is filled, the remaining members of a commission shall comprise and act as the full membership of
33 the commission for purposes of ORS 199.445.

34 **SECTION 2.** The amendments to ORS 199.440 by section 1 of this Act are not intended to affect
35 the provisions of sections 1 and 14, chapter 882, Oregon Laws 1987.

36 **SECTION 3.** ORS 251.285 is amended to read:

37 251.285. (1) The Secretary of State shall have printed in the voters' pamphlet prepared for a
38 general or special election any county measure or any measure of a metropolitan service district
39 organized under ORS chapter 268, and the ballot title, explanatory statement and arguments relating
40 to the measure, if the requirements of this section are satisfied.

41 (2) The county or district measure, ballot title, explanatory statement and arguments shall not
42 be printed in the voters' pamphlet unless:

43 (a) The ballot title is a concise and impartial statement of the purpose of the measure;

44 (b) The explanatory statement is an impartial, simple and understandable statement explaining

1 the measure and its effect;

2 (c) The county or metropolitan service district adopts and complies with an ordinance that
3 provides a review procedure for a ballot title or explanatory statement which is contested because
4 it does not comply with the requirements of paragraph (a) or (b) of this subsection;

5 (d) The county or metropolitan service district adopts and complies with an ordinance that
6 provides for acceptance of typewritten arguments relating to the measure to be printed on 29.8
7 square inches of the voters' pamphlet; and

8 (e) The county or metropolitan service district does not require of a person filing an argument
9 a payment of more than \$300, or a petition containing more than a number of signatures equal to
10 1,000 electors eligible to vote on the measure or 10 percent of the total of such electors, whichever
11 is less.

12 (3) Any judicial review of a determination made under the review procedures adopted under
13 paragraph (c) of subsection (2) of this section shall be first and finally in the circuit court of the
14 judicial district in which the county is located or, for a district measure, in the circuit court [*for the*
15 *most populous county situated within*] of the judicial district in which the administrative office
16 of the metropolitan service district is located.

17 (4) If the county or metropolitan service district has adopted and complied with ordinances
18 prescribed in subsection (2) of this section, the decision to include the county or district measure,
19 ballot title, explanatory statement and arguments in the voters' pamphlet shall be made by:

20 (a) The county governing body with regard to any county measure or the council of the metro-
21 politan service district with regard to any district measure;

22 (b) The chief petitioners of the initiative or referendum with regard to a county or district
23 measure initiated or referred by the people. The chief petitioners shall indicate their decision in a
24 statement signed by all of the chief petitioners and filed with the county clerk or, for a district
25 measure, with the executive officer of the metropolitan service district; or

26 (c) A political committee, as defined in ORS 260.005, that opposes the county or district measure.
27 The committee shall indicate its decision in a statement signed by every committee director, as de-
28 fined in ORS 260.005, and filed with the county clerk or, for a district measure, with the executive
29 officer of the metropolitan service district.

30 (5) The county or metropolitan service district shall file the measure, ballot title, explanatory
31 statement and arguments with the Secretary of State not later than the 70th day before the general
32 election or the 68th day before a special election held on the date of any primary election. The
33 county or district shall pay to the Secretary of State the cost of including the county or district
34 material in the pamphlet as determined by the secretary. The Secretary of State shall not have this
35 material printed in the pamphlet unless:

36 (a) The time for filing a petition for judicial review of a determination made under paragraph
37 (c) of subsection (2) of this section has passed; and

38 (b) The measure, title, statement and arguments properly filed with the county or metropolitan
39 service district, are delivered to the secretary.

40 **SECTION 4.** ORS 268.360 is amended to read:

41 268.360. (1) For purposes of its authorized functions a district may exercise police power and in
42 so doing adopt such ordinances as a majority of the members of its [*governing body*] council con-
43 sidered necessary for the proper functioning of the district. All legislative acts shall be by ordinance
44 and all such ordinances shall be adopted in the manner provided in ORS chapter 198, except where

1 in conflict with this section.

2 (2) Unless otherwise specified by the [governing body] council in the ordinance, an ordinance
 3 shall become effective [upon its adoption. If the council refers an ordinance to the electors or if a
 4 proper referral petition containing the appropriate number of valid signatures is filed, except ordi-
 5 nances making appropriations or effecting an annual tax levy, the ordinance shall become inoperative
 6 and the effective date shall be suspended. An ordinance referred by the council or by action of the
 7 electors shall become effective when approved by a majority of the electors voting on the question] on
 8 the 90th day after its adoption. If an ordinance is vetoed by the executive officer and the veto
 9 is overridden by the council, the date of adoption shall be the date on which the veto is
 10 overridden. Except as provided in ORS 268.465 and 268.507, the council by a majority vote of
 11 its members may declare that an emergency exists in which case an ordinance may take
 12 effect immediately or in less than 90 days. The council by a majority vote of its members
 13 may prescribe that an ordinance take effect later than the 90th day after its adoption. If the
 14 council refers an ordinance to the electors, the ordinance shall become effective on the 30th
 15 day after its approval by a majority of the electors voting on the measure or on a later date
 16 specified in the ordinance. If a referendum petition, other than a petition referring an ordi-
 17 nance declaring an emergency, is filed with the filing officer not later than the 90th day after
 18 the adoption of the ordinance and before the ordinance takes effect, the effective date of the
 19 ordinance shall be suspended. An ordinance referred by a proper referendum petition shall
 20 become inoperative and shall not take effect if a majority of the electors voting on the
 21 measure reject the ordinance.

22 (3) In addition to the provisions of ORS 268.990, violation of the district's ordinances may be
 23 enjoined by the district upon suit in a court of competent jurisdiction.

24 (4) In addition to any other penalty provided by law, any person who violates any ordinances
 25 or order of the district pertaining to one or more of its authorized functions shall incur a civil
 26 penalty not to exceed \$500 a day for each day of violation.

27 (5) The civil penalty authorized by subsection (4) of this section shall be established, imposed
 28 and collected in the same manner as civil penalties are established, imposed and collected under
 29 ORS chapter 468.

30 **SECTION 5.** Section 2, chapter 321, Oregon Laws 1989, is amended to read:

31 **Sec. 2. (1)** Notwithstanding ORS 268.150 (2), the council of the metropolitan service district
 32 shall not reapportion the 12 subdistricts of the metropolitan service district following the
 33 1990 federal decennial census. In lieu of such reapportionment, not later than [January 1,] the
 34 250th day before the date of the regular primary election in 1992, the [Secretary of State]
 35 council shall describe the 13 subdistricts into which the district will be divided on [January 1,] the
 36 first Monday in January 1993. When describing the 13 subdistricts under this section, the [Secre-
 37 tary of State] council shall satisfy the requirements of ORS 268.150 (2). The description of 13
 38 subdistricts under this subsection and the assignment of councilors to subdistricts under
 39 subsection (4) of this section shall be accomplished in one legislative enactment by the
 40 council.

41 (2) Candidates for the office of councilor at the first regular primary election after [the effective
 42 date of this Act] July 1, 1991, shall be nominated from the subdistricts described under subsection
 43 (1) of this section and shall be elected from such subdistricts.

44 (3) Notwithstanding subsections (1) and (2) of this section, a person serving as councilor of a

1 metropolitan service district on *[the effective date of this Act]* July 1, 1991, shall continue to reside
2 in and represent the subdistrict to which the person was elected until the first Monday in January
3 1993.

4 (4) *[Not later than February 1, 1992,]* Each councilor of a metropolitan service district whose
5 term continues beyond the first Monday in January 1993, shall be specifically assigned to a subdis-
6 trict described by the *[Secretary of State]* council under subsection (1) of this section for that portion
7 of the councilor's term that extends beyond the first Monday in January 1993. *[The council of the*
8 *metropolitan service district shall make the assignments to subdistricts required by this subsection.]*

9 (5) Except for a candidate seeking election for the unexpired term of a councilor who
10 vacated the office, each candidate for the office of councilor who is elected to that office at the
11 regular general election in 1992 shall hold office for a term of four years beginning on the first
12 Monday in January 1993.

13 (6) On *[January 1,]* the first Monday in January 1993, the district shall be divided into the 13
14 subdistricts described by the *[Secretary of State]* council under subsection (1) of this section.

15 **SECTION 6.** ORS 815.300 is amended to read:

16 815.300. This section establishes exemptions from the requirements under ORS 815.295 to be
17 equipped with a certified pollution control system. Exemptions established by this section are in
18 addition to any exemptions established by ORS 801.026. The exemptions established in this section
19 are also applicable to requirements for certification of pollution control equipment before registra-
20 tion under ORS 803.350 and 803.465. All of the following vehicles are exempt from the requirements
21 under ORS 815.295:

22 (1) Any vehicle that is not a motor vehicle.

23 (2) Any vehicle unless the vehicle is registered within:

24 (a) The boundaries *[designated in ORS 268.125,]* of the metropolitan service district formed under
25 ORS chapter 268 for the metropolitan area, as defined in ORS 268.020, which includes the City of
26 Portland, Oregon.

27 (b) Boundaries designated by the Environmental Quality Commission under ORS 468.397.

28 (3) Any new motor vehicle or new motor vehicle engine when the registration results from the
29 initial retail sale thereof.

30 (4) Any motor vehicle with a model year that predates by more than 20 years the year in which
31 registration or renewal of registration is required.

32 (5) Motor vehicles that are registered as farm vehicles under ORS 805.300 or apportioned farm
33 vehicles under ORS 805.300.

34 (6) Special interest vehicles that are maintained as collectors' items and used for exhibitions,
35 parades, club activities and similar uses but not used primarily for the transportation of persons or
36 property.

37 (7) Fixed load vehicles.

38 (8) Vehicles that are proportionally registered under ORS 768.007 and 768.009 in accordance
39 with agreements established under ORS 768.005.

40 (9) Electric motor vehicles.

41 (10) First response rescue units operated by political subdivisions of this state that are not used
42 to transport persons suffering from illness, injury or disability.

43 **SECTION 7.** Notwithstanding ORS 199.440 (5), as amended by section 1 of this Act, the term
44 of office of each of six members of a boundary commission appointed by the executive officer of a

1 metropolitan service district on or before January 1, 1991, shall be extended for one additional year
2 so that the terms of three of the members originally appointed to serve four-year terms commencing
3 prior to January 1, 1991, shall terminate in each year commencing in 1992. The council of the met-
4 ropolitan service district, by ordinance, shall provide the procedure for determining which members
5 shall serve extended terms under this section.

6 **SECTION 8.** ORS 268.125 is repealed.

7 **SECTION 9.** This Act being necessary for the immediate preservation of the public peace,
8 health and safety, an emergency is declared to exist, and this Act takes effect July 1, 1991.

9

EXHIBIT B

<u>COUNCIL DISTRICT</u>	<u>COMMISSION MEMBER</u>	<u>TERM OF OFFICE</u>	<u>NOMINATED BY</u>
1	Marilyn Helzerman	7/88 to 1/92	Councilor Ragsdale
2	Wayne Atteberry	7/88 to 1/92	Councilor Waker
3	Eleanor Davis	1/90 to 1/94	Councilor Gardner
4	Norma Oyler	1/90 to 1/94	Councilor Devlin
5	Thomas Whittaker	7/88 to 1/92	Councilor DeJardin
6	Murlin Litson	7/88 to 1/92	Councilor Van Bergen
7	Richard Weill	7/88 to 1/92	Councilor Kelley
8	John Hall	7/88 to 1/92	Councilor M. Bonner
9	Donald Johnson	1/90 to 1/94	Councilor Collier
10	Robert Bouneff	1/90 to 1/94	Councilor Buchanan
11	Sy Kornbrodt	1/90 to 1/94	Councilor Knowles
12	Raymond Bartel	1/90 to 1/94	Councilor G. Hansen

Meeting Date: June 27, 1991
Agenda Item No. 6.1

ORDINANCE NO. 91-390A



METRO

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

Memorandum

DATE: June 21, 1991
TO: Interested Parties
FROM: Paulette Allen, Clerk of the Council *PA*
RE: ORDINANCE NO. 91-390A

The Finance Committee report on the above-referenced ordinance will be distributed to Councilors prior to, and available at, the June 27 Council meeting. Approved Budgets may be obtained by contacting the Clerk at ext. 206 and will be available at the meeting also.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING THE)
ANNUAL BUDGET FOR FISCAL YEAR)
1991-92, MAKING APPROPRIATIONS)
AND LEVYING AD VALOREM TAXES)

ORDINANCE NO. 91-390A
Introduced by
Rena Cusma, Executive Officer

WHEREAS, The Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual budget of the Metropolitan Service District for the fiscal year beginning July 1, 1991, and ending June 30, 1992; and

WHEREAS, Recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by the Metropolitan Service District (attached as Exhibit A and made a part of the Ordinance) and considered; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

1. The "Fiscal Year 1991-92 Budget of the Metropolitan Service District", as attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Council of the Metropolitan Service District does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, for a total amount of ~~FOURTEEN MILLION FIVE HUNDRED THIRTY THREE THOUSAND EIGHTY~~ ~~(\$14,533,080)~~ ELEVEN MILLION FORTY FIVE THOUSAND FOUR HUNDRED (\$11,045,400) DOLLARS to be levied upon taxable properties within the Metropolitan Service District as of 1:00 a.m., January 1, 1990.

FIVE MILLION FOUR HUNDRED SIX THOUSAND (\$5,406,000) DOLLARS shall be for the Zoo Operating Fund, said amount authorized in a tax base, said tax base approved by the voters of the Metropolitan Service District at a general election held May 15, 1990.

~~NINE MILLION ONE HUNDRED TWENTY SEVEN THOUSAND EIGHTY~~
~~(\$9,127,080)~~ FIVE MILLION SIX HUNDRED THIRTY NINE THOUSAND FOUR HUNDRED (\$5,639,400) DOLLARS shall be for the Convention Center Project Debt Service Fund, said levy needed to repay a portion of the proceeds of General Obligation bonds as approved by the voters of the Metropolitan Service District at a general election held November 4, 1986.

3. Pursuant to Metro code Section 7.01.020(b) pertaining to the Metro Excise Tax, the Council hereby establishes the rate of tax for the period commencing July 1, 1991 to and including June 30, 1991 to be five and one quarter percent (5.25%).

4. ~~3~~ An annual loan not to exceed THREE MILLION TWO HUNDRED FIFTY THOUSAND (\$3,250,000) DOLLARS is hereby authorized from the Solid Waste Revenue Fund to the Oregon Convention Center Debt Service Fund. The loan is needed to pay debt service on general obligation bonds prior to receiving property tax revenues. Simple interest shall be paid on the loan amount at the average daily rate paid by the State of Oregon Local Government Investment Pool for the duration of the loan based on a 360-day year. The loan amount and interest due shall

be returned to the Solid Waste Revenue Fund General Account by the end of the fiscal year in which it is borrowed.

5. 4. An annual loan not to exceed THREE HUNDRED NINETY THOUSAND (\$390,000) DOLLARS is hereby authorized from the Solid Waste Revenue Fund to the Transportation Planning Fund. The loan is needed to fund initial urban arterial program work. The loan will be repaid in future fiscal years from vehicle license fees or by the participating jurisdictions. Simple interest shall be paid on the loan amount at the average daily rate paid by the State of Oregon Local Government Investment Pool for the duration of the loan based on a 360-day year.

6. 5. An annual loan not to exceed TWELVE MILLION TWO HUNDRED FIFTY THOUSAND (\$12,250,000) DOLLARS is hereby authorized from the Solid Waste Revenue Fund to the Building Management Fund. The loan is needed to finance the non-exempt portion of the Sears facility purchase and construction prior to the sale of Revenue Bonds. Simple interest shall be paid on the loan amount at the average daily rate paid by the State of Oregon Local Government Investment Pool for the duration of the loan based on a 360-day year. The loan amount and interest due shall be returned to the Solid Waste Revenue Fund from the sale of General Revenue Bonds.

7. 6. In accordance with Section 2.02.125 of the Metropolitan Service District Code, the Council of the Metropolitan Service District hereby authorizes personnel positions and expenditures in accordance with the Annual Budget

adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 1991, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

8. ~~7~~ The Executive Officer shall make the following filings as provided by ORS 294.555 and ORS 310.060:

a. Multnomah County Assessor

- 1) An original and one copy of the Notice of Levy marked Exhibit D, attached hereto and made a part of this Ordinance.
- 2) Two copies of the budget document adopted by Section 2 of this Ordinance.
- 3) A copy of the Notice of Publication required by ORS 294.421.
- 4) Two copies of this Ordinance.

b. Clackamas and Washington County Assessor and Clerk

- 1) A copy of the Notice of Levy marked Exhibit D.
- 2) A copy of the budget document adopted by Section 2 of this Ordinance.
- 3) A copy of this Ordinance.
- 4) A copy of the Notice of Publication required by ORS 294.421.

ADOPTED by the Council of the Metropolitan Service

District this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

Attest:

Clerk of the Council

STAFF REPORT

CONSIDERATION OF FINAL ADJUSTMENTS TO THE FY 1991-92 APPROVED BUDGET

Date: June 21, 1991

Presented by: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

The following adjustments to the FY 1991-92 Approved Budget are presented for your consideration. If approved they will be incorporated as part of the FY 1991-92 budget to be adopted on June 27, 1991.

GENERAL FUND: Council Department

The Approved Budget includes Council Per Diem calculated at \$55.00 per meeting. With the CPI increase provided for in the Metro Code, the per diem rate will be \$56.00 per meeting. This action requests an increase of \$1,728 in Council Per Diem and a corresponding decrease in the General Fund Contingency.

Metro has recently learned it may receive a state grant of \$30,000 in FY 1991-92 for the Bi-State program. This action requests an increase in General Fund revenues of \$30,000 to reflect the receipt of this grant and a corresponding increase of \$30,000 in the Council Department's Materials & Services.

SUPPORT SERVICE FUND: Finance & Management Information Department

At the time the budget was approved, it was anticipated the Charter Committee would expend approximately \$16,000 of the \$100,000 Metro commitment in FY 1990-91. It now appears the Committee will not expend any of these funds during FY 1990-91, requiring the full \$100,000 to be carried over into FY 1991-92. This adjustment requests an increase in the Support Service Fund beginning fund balance by \$16,000 and a corresponding increase in Miscellaneous Professional Services in the Finance division of the Finance & Management Information Department.

BUILDING MANAGEMENT FUND/SUPPORT SERVICE FUND: Facilities Management

To provide adequate space and conference room needs for the agency as a result of the growth of several departments, it will be necessary to lease additional space outside of the Metro Center facility. The proposal includes the lease of 6,600 square feet of office space at the Contact Lumber Building located next door to Metro Center. The Transportation Department will be moved to this facility allowing Solid Waste and the Regional Facilities Departments to expand into this area. The total additional cost of this move is \$144,082, divided into two funds - Building Management, Metro Center Management (\$100,282) and Support Service Fund, Facilities Management (\$43,800).

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This action necessitated a modification to the Cost Allocation Plan, revising both the square footage basis of allocation and the amount of the transfers. A summary of the transfer changes is shown as Attachment 1.

This action requests the following expenditure changes in the Regional Facilities Department and the Building Management Fund:

<u>Line Item</u>	<u>Amount</u>
Support Services Fund, Regional Facilities:	
526410 Telephone	\$ 11,800
574500 Furniture & Equipment	32,000
Building Management Fund, Metro Center Management:	
521240 Graphic/Reprographics Supplies	\$ 300
521290 Other Supplies	176
524190 Misc. Professional Services	5,200
525200 Cleaning Services	6,000
525731 Operating Lease Payments	78,606
574570 Construction Work-Improvements	10,000

The corresponding revenue requirements are listed on Attachment 1, "Changes to Interfund Transfers".

ZOO OPERATING FUND

A final review of the Zoo Operating Fund beginning fund balance for FY 1991-92 has indicated that the amount reflected in the budget is overstated. This is due to lower than anticipated attendance levels in the last four months of this fiscal year. This adjustment requests a reduction in the Zoo Operating Fund beginning fund balance of \$150,000 and a corresponding reduction of \$150,000 in Unappropriated Fund Balance.

SOLID WASTE REVENUE FUND

A final review of the Solid Waste Revenue Fund beginning fund balance for FY 1991-92 has indicated that some adjustments are necessary to the components of the fund balance. The overall fund balance has increased by approximately \$1.6 million with the balance of the increase dedicated to the St. Johns Landfill Closure Account. The unrestricted fund balance is estimated to decrease approximately \$1.3 million from projections. In addition, the Waste Reduction division is requesting the carryover of \$180,000 for the curbside container program and \$150,000 for the 1% for recycling program. This action requests the following modification to the Solid Waste Revenue Fund:

- (1) Increase beginning fund balance by \$1,649,869

- (2) Increase Waste Reduction, Materials & Services by \$330,000
- (3) Increase Unappropriated Balance by \$1,319,869

TRANSPORTATION PLANNING FUND

The Transportation Planning Department will be executing a contract with 1000 Friends prior to the end of the fiscal year, however, payment for services rendered under this contract will not be invoiced until next fiscal year. This action requests an increase in the Transportation Planning Fund beginning fund balance of \$40,000 and a corresponding increase in Miscellaneous Professional Services.

PLANNING & DEVELOPMENT FUND

The Planning & Development Department has requested several modifications to the Greenspaces program in the Environmental Planning Division. The program will be receiving an additional \$28,000 in revenue this fiscal year to fund additional contractual work with Portland State University (\$23,000) and a new finance study (\$15,000) in FY 1991-92. In addition, \$28,000 of excise tax funds which were anticipated to be carried over into FY 1991-92 for contractual work with Portland State University will actually be spent in FY 1990-91 instead. However, \$10,000 of these funds will be required to assist in funding the finance study mentioned above.

This action requests the following adjustments for the Greenspaces program:

- (1) Increase the Planning & Development Fund beginning fund balance by \$28,000.
- (2) Decrease the excise tax Transfer of Resources from the General Fund by \$18,000.
- (3) Increase Miscellaneous Professional Services in the Environmental Planning Program by \$10,000 (\$23,000 for the PSU contract plus \$15,000 for the finance study less \$28,000 for the PSU work completed in FY 1990-91)

The Department is also requesting one modification to the Solid Waste program in the Urban Services Division. A contract for "System Model Software" will not be complete in FY 1990-91. This action requests an increase of \$50,000 in the beginning fund balance as carryover for this contract, and a corresponding increase in Miscellaneous Professional Services in the Urban Services Division.

SMITH & BYBEE LAKES TRUST FUND

The Port of Portland is obligated to mitigate wetlands losses that have occurred in the Rivergate Industrial area as a result of the Port's dredging and filling activities. The Port's proposals for mitigation

requires the additional approval of the Smith & Bybee Lakes Management Committee. There is the potential that this project may be coordinated through the Smith & Bybee Lakes Trust Fund with the Port of Portland transferring funds for this work to Metro. Expenditures for this project are expected not to exceed \$75,000 for FY 1991-92. This action requests the recognition of an additional \$75,000 in revenues and a corresponding increase in Miscellaneous Professional Services in the Smith & Bybee Lakes Trust Fund.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of the requested changes to the FY 1991-92 Approved Budget.

kr:budget:bud91-92:adopt:finadj:finadj.sr

ATTACHMENT 1
Summary of Interfund Transfer Changes

SUPPORT SERVICE FUND INDIRECT TRANSFERS

<u>FUND</u>	<u>APPROVED TRANSFER</u>	<u>RECOMMENDED TRANSFER</u>	<u>INCREASE/ (DECREASE)</u>	<u>SOURCE OF FUNDS</u>
Planning & Development	416,694	430,498	13,804	Reduced Contingency
Solid Waste	2,329,277	2,373,566	44,289	Reduced Contingency
Zoo Operating	738,690	747,343	8,653	Reduced Unappropriated Balance
Convention Center Capital	80,933	81,666	733	Reduced Contingency
Oregon Convention Center	248,727	252,064	3,337	Reduced Unappropriated Balance
Spectator Facilities	399,676	405,037	5,361	Reduced Unappropriated Balance
Transportation	497,567	516,181	18,614	Reduced Contingency and Increased General Fund Transfer for disallowed
General Fund	<u>448,044</u>	<u>463,144</u>	<u>15,100</u>	Reduced Contingency
TOTAL	5,159,608	5,269,499	109,891	

SUPPORT SERVICE FUND TRANSFER COMPONENTS:

Increase in Facilities Management	\$ 43,800
Increase in Pooled Building Allocation	<u>66,091</u>
TOTAL TRANSFER INCREASE	<u>\$109,891</u>

ATTACHMENT 1
Summary of Interfund Transfer Changes

BUILDING MANAGEMENT FUND INDIRECT TRANSFERS

<u>FUND</u>	<u>APPROVED TRANSFER</u>	<u>RECOMMENDED TRANSFER</u>	<u>INCREASE/ (DECREASE)</u>	<u>SOURCE OF FUNDS</u>
Planning & Development	106,709	76,597	(30,112)	Increased Contingency
Solid Waste	107,360	159,201	51,841	Reduced Contingency
Convention Center Capital	19,260	6,608	(12,652)	Increased Contingency
Transportation	85,237	142,680	57,443	Reduced Contingency
General Fund	83,546	51,215	(32,331)	Increased Contingency
Support Service Fund	<u>248,555</u>	<u>314,646</u>	<u>66,091</u>	Increased Transfers from other funds
TOTAL	650,667	750,947	100,280	

EXHIBIT A
 REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND:Resources							
Resources							
299000	Fund Balance		615,000		0		615,000
312000	Excise Tax		4,015,055		0		4,015,055
334210	State Grants-Operating-Non Categorical-Direct		0		30,000		30,000
361100	Interest on Investments		75,000		0		75,000
391558	Trans. Resources from Conv. Ctr. Mgmt. Fund		281,663		0		281,663
Total Resources			4,986,718		30,000		5,016,718

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND: Council							
	Total Personal Services	9.05	403,577	0.00	0	9.05	403,577
	Materials & Services						
521100	Office Supplies		6,860		0		6,860
521320	Dues		500		0		500
524110	Accounting & Auditing Services		50,000		0		50,000
524190	Misc. Professional Services		25,000		30,000		55,000
525640	Maintenance & Repairs Services-Equipment		1,000		0		1,000
525710	Equipment Rental		500		0		500
526200	Ads & Legal Notices		600		0		600
526310	Printing Services		1,200		0		1,200
526410	Telephone		400		0		400
526440	Delivery Services		200		0		200
526500	Travel		11,000		0		11,000
526800	Training, Tuition, Conferences		4,500		0		4,500
528100	License, Permits, Payments to Other Agencies		7,500		0		7,500
528200	Election Expense		100,000		0		100,000
529110	Council Per Diem		95,040		1,728		96,768
529120	Councilor Expenses		27,800		0		27,800
529500	Meetings		9,000		0		9,000
	Total Materials & Services		341,100		31,728		372,828
	Capital Outlay						
571500	Purchases-Office Furniture & Equipment		8,000		0		8,000
	Total Capital Outlay		8,000		0		8,000
	TOTAL EXPENDITURES	9.05	752,677	0.00	31,728	9.05	784,405

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND:General Expenses							
Interfund Transfers							
581513	Trans. Indirect Costs to Bldg. Fund		83,546		(32,329)		51,217
581610	Trans. Indirect Costs to Support Svs. Fund		448,044		15,100		463,144
581615	Trans. Indirect Costs to Insur. Fund-Gen'l		103,997		0		103,997
581615	Trans. Indirect Costs to Insur. Fund-Workers' Comp		16,816		0		16,816
582140	Trans. Resources to Transportation Fund		545,817		7,040		552,857
582142	Trans. Resources to Plan. & Dev. Fund		1,437,476		(18,000)		1,419,476
582513	Trans. Resources to Building Mgmt. Fund		100,000		0		100,000
582550	Trans. Resources to Oregon Conv. Ctr. Oper. Fund		281,663		0		281,663
	Total Interfund Transfers		3,017,359		(28,189)		2,989,170
Contingency and Unappropriated Balance							
599999	Contingency		375,097		26,461		401,558
	Total Contingency and Unappropriated Balance		375,097		26,461		401,558
	TOTAL EXPENDITURES	18.75	4,986,718	0.00	30,000	18.75	5,016,718

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND							
Resources							
Resources							
305000	Fund Balance		116,393		16,000		132,393
321100	Builders License Fee		131,780		0		131,780
382010	Trans. Indirect Costs from General Fund		448,044		15,100		463,144
392120	Trans. Indirect Costs from Zoo Oper. Fund		738,690		8,653		747,343
392140	Trans. Indirect Costs from Transportation		497,567		18,614		516,181
382142	Trans. Indirect Costs from Plan. & Dev. Fund		416,694		13,804		430,498
392531	Trans. Indirect Costs from S.W. Revenue Fund		2,329,277		44,289		2,373,566
392550	Trans. Indirect Costs from OCC Operating Fund		248,727		3,337		252,064
392559	Trans. Indirect Costs from Conv. Cnt. Cap. Fund		80,933		733		81,666
382750	Trans. Indirect Costs from Spec. Fac. Fund		399,676		5,361		405,037
393140	Trans. Direct Costs from Transportation		34,455		0		34,455
383531	Trans. Direct Costs from S.W. Revenue Fund		159,404		0		159,404
383550	Trans. Direct Costs from OCC Operating Fund		39,070		0		39,070
383750	Trans. Direct Costs from Spec. Fac. Fund		58,604		0		58,604
Total Resources			5,699,314		125,891		5,825,205

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
FINANCE & MANAGEMENT INFORMATION							
	Total Personal Services	38.00	1,595,295	0.00	0	38.00	1,595,295
	Materials & Services						
521100	Office Supplies		63,119		0		63,119
521110	Computer Software		17,090		0		17,090
521260	Printing Supplies		50,000		0		50,000
521291	Small Tools		840		0		840
521310	Subscriptions		3,558		0		3,558
521320	Dues		2,645		0		2,645
521540	Maintenance & Repairs Supplies-Equipment		500		0		500
524110	Accounting & Auditing Services		110,000		0		110,000
524190	Misc. Professional Services		123,400		16,000		139,400
524210	Data Processing Services		18,000		0		18,000
524310	Management Consulting Services		8,000		0		8,000
525640	Maintenance & Repairs Services-Equipment		135,620		0		135,620
525710	Equipment Rental		500		0		500
526200	Ads & Legal Notices		750		0		750
526310	Printing Services		3,735		0		3,735
526410	Telephone		1,500		0		1,500
526420	Postage		80,000		0		80,000
526440	Delivery Services		850		0		850
526500	Travel		18,360		0		18,360
526700	Temporary Help Services		4,700		0		4,700
526800	Training, Tuition, Conferences		16,720		0		16,720
526900	Misc Other Purchased Services		15,150		0		15,150
529500	Meetings		450		0		450
529800	Miscellaneous		900		0		900
531100	Capital Lease Payments-Furniture & Equipment		265,033		0		265,033
	Total Materials & Services		941,420		16,000		957,420
	Capital Outlay						
571500	Purchases-Office Furniture & Equipment		54,770		0		54,770
	Total Capital Outlay		54,770		0		54,770
	TOTAL EXPENDITURES	38.00	2,591,485	0.00	16,000	38.00	2,607,485

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
FINANCE & MANAGEMENT INFORMATION: Finance							
	Total Personal Services	6.30	326,947	0.00	0	6.30	326,947
	Materials & Services						
521100	Office Supplies		7,023		0		7,023
521110	Computer Software		3,890		0		3,890
521310	Subscriptions		423		0		423
521320	Dues		840		0		840
524190	Misc. Professional Services		110,000		16,000		126,000
526200	Ads & Legal Notices		450		0		450
526310	Printing Services		1,500		0		1,500
526440	Delivery Services		250		0		250
526500	Travel		3,600		0		3,600
526800	Training, Tuition, Conferences		3,700		0		3,700
529500	Meetings		300		0		300
	Total Materials & Services		131,976		16,000		147,976
	Capital Outlay						
571500	Purchases-Office Furniture & Equipment		13,398		0		13,398
	Total Capital Outlay		13,398		0		13,398
	TOTAL EXPENDITURES	6.30	472,321	0.00	16,000	6.30	488,321

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
REGIONAL FACILITIES TOTAL							
	Total Personal Services	9.35	434,662	0.00	0	9.35	434,662
	Materials & Services						
521100	Office Supplies		8,700		0		8,700
521110	Computer Software		1,750		0		1,750
521260	Printing Supplies		2,250		0		2,250
521290	Other Supplies		3,950		0		3,950
521310	Subscriptions		900		0		900
521320	Dues		775		0		775
521400	Fuels & Lubricants		7,794		0		7,794
524190	Misc. Professional Services		15,000		0		15,000
525630	Maintenance & Repairs Services-Vehicles		2,773		0		2,773
525640	Maintenance & Repairs Services-Equipment		12,420		0		12,420
525732	Operating Lease Payments-Vehicles		29,640		0		29,640
526200	Ads & Legal Notices		18,050		0		18,050
526310	Printing Services		700		0		700
526410	Telephone		52,643		11,800		64,443
526420	Postage		1,000		0		1,000
526440	Delivery Services		850		0		850
526500	Travel		3,600		0		3,600
526700	Temporary Help Services		1,440		0		1,440
526800	Training, Tuition, Conferences		5,800		0		5,800
526900	Misc Other Purchased Services		2,622		0		2,622
528100	License, Permits, Payments to Other Agencies		131,884		0		131,884
529500	Meetings		1,600		0		1,600
529800	Miscellaneous		25		0		25
	Total Materials & Services		306,166		11,800		317,966
	Capital Outlay						
571500	Purchases-Office Furniture & Equipment		8,500		32,000		40,500
	Total Capital Outlay		8,500		32,000		40,500
	TOTAL EXPENDITURES	9.35	749,328	0.00	43,800	9.35	793,128

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
REGIONAL FACILITIES:Facilities Management							
	Total Personal Services	2.50	81,379	0.00	0	2.50	81,379
	Materials & Services						
521100	Office Supplies		1,500		0		1,500
521290	Other Supplies		2,000		0		2,000
521320	Dues		475		0		475
521400	Fuels & Lubricants		7,794		0		7,794
525630	Maintenance & Repairs Services-Vehicles		2,773		0		2,773
525640	Maintenance & Repairs Services-Equipment		12,420		0		12,420
525732	Operating Lease Payments-Vehicles		29,640		0		29,640
526200	Ads & Legal Notices		1,050		0		1,050
526310	Printing Services		700		0		700
526410	Telephone		50,653		11,800		62,453
526440	Delivery Services		100		0		100
526500	Travel		600		0		600
526700	Temporary Help Services		1,440		0		1,440
526800	Training, Tuition, Conferences		600		0		600
526900	Misc Other Purchased Services		2,622		0		2,622
529500	Meetings		100		0		100
529800	Miscellaneous		25		0		25
	Total Materials & Services		114,492		11,800		126,292
	Capital Outlay						
571500	Purchases-Office Furniture & Equipment		2,000		32,000		34,000
	Total Capital Outlay		2,000		32,000		34,000
	TOTAL EXPENDITURES	2.50	197,871	0.00	43,800	2.50	241,671

EXHIBIT A
REVISIONS TO THE FY. 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND							
General Expenses							
Interfund Transfers							
581513	Trans. Indirect Costs to Bldg. Fund		248,555		66,091		314,646
581615	Trans. Indirect Costs to Insur. Fund-Gen'l		47,177		0		47,177
581615	Trans. Indirect Costs to Insur. Fund-Workers' Com		54,245		0		54,245
Total Interfund Transfers			349,977		66,091		416,068
Contingency and Unappropriated Balance							
599999	Contingency						
	* General		330,000		0		330,000
	* Builders License		7,848		0		7,848
Total Contingency and Unappropriated Balance			337,848		0		337,848
TOTAL EXPENDITURES		78.10	5,699,314	0.00	125,891	78.10	5,825,205

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
BUILDING MANAGEMENT FUND							
Resources							
Resources							
METRO CENTER							
347220	Sublease Income		28,798		0		28,798
374000	Parking Fees		56,018		0		56,018
391531	Trans. Resource from S.W. Revenue Fund		25,000		0		25,000
392010	Trans. Indirect Costs from Gen'l Fund		83,546		(32,329)		51,217
392140	Trans. Indirect Costs from Transportation		85,237		57,443		142,680
392142	Trans. Indirect Costs from Plan. & Dev. Fund		106,709		(30,112)		76,597
392531	Trans. Indirect Costs from S.W. Revenue Fund		107,360		51,841		159,201
392559	Trans. Indirect Costs from Conv. Cnt. Cap. Fund		19,260		(12,652)		6,608
392610	Trans. Indirect Costs from Support Svs. Fund		248,555		66,091		314,646
METRO HEADQUARTERS FACILITY							
305000	Fund Balance		16,571,146		0		16,571,146
361100	Interest on Investments		215,990		0		215,990
374000	Parking Fees		213,000		0		213,000
391010	Trans. Resources from General Fund		100,000		0		100,000
391531	Trans. Resources from Solid Waste Revenue Fund		12,250,000		0		12,250,000
Total Resources			30,110,619		100,282		30,210,901

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
BUILDING MANAGEMENT FUND							
Metro Center Account							
Personal Services							

511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Director	0.10	6,772		0	0.10	6,772
	Support Services Supervisor	0.50	23,228		0	0.50	23,228
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	0.25	5,333		0	0.25	5,333
	Secretary	0.25	4,842		0	0.25	4,842
	Building Operation Worker	0.50	11,213		0	0.50	11,213
	Security Officer	1.00	17,502		0	1.00	17,502
512000	FRINGE		27,757		0		27,757
	Total Personal Services	2.60	96,647	0.00	0	2.60	96,647
Materials & Services							

521220	Custodial Supplies		7,500		0		7,500
521240	Graphics/Reprographic Supplies		500		300		800
521290	Other Supplies		600		176		776
521292	Small Tools		500		0		500
521510	Maintenance & Repairs Supplies-Building		2,000		0		2,000
524190	Misc. Professional Services		15,000		5,200		20,200
525110	Utilities-Electricity		89,686		0		89,686
525120	Utilities-Water & Sewer		3,628		0		3,628
525130	Utilities-Natural Gas		26,145		0		26,145
525190	Utilities-Other		6,026		0		6,026
525200	Cleaning Services		47,346		6,000		53,346
525610	Maintenance & Repairs Services-Building		33,175		0		33,175
525620	Maintenance & Repairs Services-Grounds		9,120		0		9,120
525731	Operating Lease Payments-Building		290,760		78,606		369,366
528100	License, Permits, Payments to Other Agencies		250		0		250
528310	Real Property Taxes		16,600		0		16,600
	Total Materials & Services		548,836		90,282		639,118
Capital Outlay							

574570	Construction Work/Materials-Leasehold Imp.		40,000		10,000		50,000
	Total Capital Outlay		40,000		10,000		50,000
	TOTAL EXPENDITURES	2.60	685,483	0.00	100,282	2.60	785,765

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
BUILDING MANAGEMENT FUND							
Metro Headquarters Project							
Personal Services							

511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Construction Manager	0.10	5,742		0	0.10	5,742
	Senior Management Analyst	0.50	21,069		0	0.50	21,069
512000	FRINGE		8,311		0		8,311
		-----	-----	-----	-----	-----	-----
Total Personal Services		0.60	35,122	0.00	0	0.60	35,122
Materials & Services							

521100	Office Supplies		1,878		0		1,878
521110	Computer Software		500		0		500
521240	Graphics/Reprographic Supplies		3,500		0		3,500
521260	Printing Supplies		500		0		500
524190	Misc. Professional Services		672,000		0		672,000
525110	Utilities-Electricity		90,000		0		90,000
525710	Equipment Rental		5,000		0		5,000
526100	Insurance		25,000		0		25,000
526200	Ads & Legal Notices		2,500		0		2,500
526310	Printing		10,000		0		10,000
526410	Telephone		1,500		0		1,500
526420	Postage		1,500		0		1,500
526440	Delivery Services		750		0		750
526700	Temporary Help Services		4,000		0		4,000
528310	Real Property Taxes		80,000		0		80,000
529500	Meetings		1,000		0		1,000
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Total Materials & Services			899,628		0		899,628
Capital Outlay							

571100	Purchases-Land/building						
571300	Purchases-Building, Exhibit, Related		110,152		0		110,152
571500	Purchases-Office Furniture & Equipment		1,197,933		0		1,197,933
574110	Construction Management		250,000		0		250,000
574120	Architctural Services		1,243,115		0		1,243,115
574190	Other Construction Services		225,000		0		225,000
574510	Construction-Other than Buildings		30,000		0		30,000
574520	Construction-Building		13,059,186		0		13,059,186
		-----	-----	-----	-----	-----	-----
Total Capital Outlay			16,115,386		0		16,115,386
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TOTAL EXPENDITURES		0.60	17,050,136	0.00	0	0.60	17,050,136

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
BUILDING MANAGEMENT FUND							
General Expenses							
<u>Interfund Transfers</u>							
582531	Trans. Resources to Solid Waste Revenue Fund		12,250,000		0		12,250,000
	Total Interfund Transfers		12,250,000		0		12,250,000
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency						
	Metro Center Account		50,000		0		50,000
	Sears Facility Account		50,000		0		50,000
599990	Unappropriated Balance						
	Metro Center Account		25,000		0		25,000
	Total Contingency and Unappropriated Balance		125,000		0		125,000
	TOTAL EXPENDITURES	3.20	30,110,619	0.00	100,282	3.20	30,210,901

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATING FUND							
Resources							
Resources							
305000	Fund Balance		2,659,619		(150,000)		2,509,619
311110	Real Property Taxes-Current Year		4,329,125		0		4,329,125
311120	Real Property Taxes-Prior Year		348,340		0		348,340
318100	In Lieu of Property Taxes		13,200		0		13,200
319110	Interest & Penalties-Real Property Taxes		75,000		0		75,000
331210	Federal Grants-Operating-Non Categorical-Direct		150,000		0		150,000
347100	Admissions		3,090,996		0		3,090,996
347210	Rental-Conveyances		42,170		0		42,170
347220	Rentals-Buildings		475		0		475
347311	Food Service-Regular/Food		1,659,154		0		1,659,154
347312	Food Service-Regular/Beer & Wine		46,907		0		46,907
347321	Food Service-Catering/Food		250,398		0		250,398
347322	Food Service-Catering/Beer & Wine		13,735		0		13,735
347400	Retail Sales		655,790		0		655,790
347410	Retail Sales-Vending		53,565		0		53,565
347901	Sale of Animals		10,000		0		10,000
347910	Tuition & Lectures		162,214		0		162,214
347920	Exhibit Shows/Zoo		19,002		0		19,002
347930	Railroad Rides		361,121		0		361,121
351500	Fines & Forfeits-Parking		2,000		0		2,000
361100	Interest on Investments		166,867		0		166,867
365100	Donations & Bequests		429,513		0		429,513
365200	Zoo Parents		44,987		0		44,987
379000	Other Miscellaneous Revenue		44,735		0		44,735
381100	Sale of General Fixed Assets		4,499		0		4,499
Total Resources			14,633,412		(150,000)		14,483,412

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATING FUND							
General Expenses							
<u>Interfund Transfers</u>							
581610	Trans. Indirect Costs to Support Svs. Fund		738,690		8,653		747,343
581615	Trans. Indirect Cost to Insur. Fund (liability)		93,741		0		93,741
581615	Trans. Indirect Cost to Insur. Fund (Workers' Comp)		109,847		0		109,847
583615	Trans. Direct Cost to Insur. Fund-EIL		50,000		0		50,000
	Total Interfund Transfers		992,278		8,653		1,000,931
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		824,073		0		824,073
599990	Unappropriated Balance		2,552,265		(158,653)		2,393,612
	Total Contingency and Unappropriated Balance		3,376,338		(158,653)		3,217,685
	TOTAL EXPENDITURES	179.36	14,633,412	0.00	(150,000)	179.36	14,483,412

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SOLID WASTE REVENUE FUND							
Resources							
Resources							
	Fund Balance		3,620,000		(1,320,000)		2,300,000
	* St. Johns Reserve Account		23,305,000		2,540,270		25,845,270
	* Renewal and Replacement		519,000		0		519,000
	* Construction Account		3,525,000		0		3,525,000
	* Reserve Account		2,697,148		60,324		2,757,472
	* Metro Central Debt		0		369,275		369,275
341500	Documents & Publications		1,900		0		1,900
343111	Disposal Fees-Commercial		29,307,749		0		29,307,749
343121	User Fees-Commercial		22,399,484		0		22,399,484
343125	User Fees-Public		250,143		0		250,143
343131	Regional Transfer Charge-Commercial		8,136,188		0		8,136,188
343151	Rehabilitation & Enhancement Fee-Commercial		339,882		0		339,882
343161	Mitigation Fee-Commercial		142,500		0		142,500
343171	Host Fees-Commercial		173,133		0		173,133
343211	DEQ - Orphan Site Account - Commercial		172,249		0		172,249
343221	DEQ - Promotional Program - Commercial		342,443		0		342,443
343200	Franchise Fees		3,515		0		3,515
343300	Salvage Revenue		190,024		0		190,024
343900	Tarp Sales		702		0		702
347220	Sublease Income		45,606		0		45,606
361100	Interest on Investments		2,500,000		0		2,500,000
363000	Finance Charge		40,000		0		40,000
375000	Pass Through Debt Service Receipts		3,033,085		0		3,033,085
379000	Other Miscellaneous Revenue		486,100		0		486,100
391251	Trans. Resources from Conv. Ctr. Debt Srv. Fund		4,756		0		4,756
391513	Trans. Resources from Building Fund		12,250,000		0		12,250,000
393768	Trans. Direct Cost from Rehab. & Enhance.		44,752		0		44,752
	Total Resources		113,530,359		1,649,869		115,180,228

EXHIBIT A
 REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SOLID WASTE REVENUE FUND							
OPERATING ACCOUNT:Waste Reduction							
	Total Personal Services	15.65	649,650	0.00	0	15.65	649,650
	Materials & Services						
521100	Office Supplies		7,000		0		7,000
521110	Computer Software		830		0		830
521240	Graphics/Reprographic Supplies		13,000		0		13,000
521260	Printing Supplies		595		0		595
521290	Other Supplies		2,465		0		2,465
521291	Packaging Materials		425		0		425
521293	Promotion Supplies		7,500		0		7,500
521310	Subscriptions		3,800		0		3,800
521320	Dues		1,685		0		1,685
521540	Maintenance & Repairs Supplies-Equipment		300		0		300
524130	Promotion/Public Relations		217,200		0		217,200
524190	Misc. Professional Services		1,061,035		150,000		1,211,035
524210	Data Processing Services		14,000		0		14,000
525640	Maintenance & Repairs Services-Equipment		6,600		0		6,600
525710	Equipment Rental		36,932		0		36,932
526200	Ads & Legal Notices		65,000		0		65,000
526310	Printing Services		62,900		0		62,900
526320	Typesetting & Reprographics Services		7,095		0		7,095
526410	Telephone		2,650		0		2,650
526420	Postage		9,000		0		9,000
526440	Delivery Service		660		0		660
526500	Travel		18,100		0		18,100
526610	Temporary Help Services		49,150		0		49,150
526800	Training, Tuition, Conferences		8,500		0		8,500
528100	License, Permits, Payments to Other Agencies		1,313,374		180,000		1,493,374
529500	Meetings		15,000		0		15,000
	Total Materials & Services		2,924,796		330,000		3,254,796
	TOTAL EXPENDITURES	15.65	3,574,446	0.00	330,000	15.65	3,904,446

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SOLID WASTE REVENUE FUND							
General Expenses							
Interfund Transfers							

OPERATING ACCOUNT							
581610	Trans. Indirect Costs to Support Svs. Fund		2,329,277		44,289		2,373,566
581513	Trans. Indirect Costs to Bldg. Fund		107,360		51,841		159,201
581615	Trans. Indirect Costs to Insur. Fund-Gen'l		66,945		0		66,945
581615	Trans. Indirect Costs to Insur. Fund-Workers' Comp		48,369		0		48,369
582513	Trans. Resources to Building Fund		25,000		0		25,000
582513	Trans. Resources to Building Fund		12,250,000		0		12,250,000
582140	Trans. Resources to Transport. Plan. Fund		259,200		0		259,200
582140	Trans. Resources to Transport. Plan. Fund		390,000		0		390,000
582142	Trans. Resources to Plan. & Developmt Fund		1,021,048		0		1,021,048
582768	Trans. Resources to Rehab. & Enhance. Fund(s)		540,015		0		540,015
583610	Trans. Direct Costs to Supp. Svs. Fund		159,404		0		159,404
583615	Trans. Direct Costs to Insurance Fund-EIL		400,000		0		400,000
	Trans. Direct Costs to Smith/Bybee Lakes Fund		50,000		0		50,000
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	Total Interfund Transfers		17,646,618		96,130		17,742,748
Contingency and Unappropriated Balance							

599999	Contingency		2,561,927		(96,130)		2,465,797
599990	Unappropriated Fund Balance		20,140,522		1,319,869		21,460,391
			-----		-----		-----
	Total Contingency and Unappropriated Balance		22,702,449		1,223,739		23,926,188
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	TOTAL REVENUE FUND EXPENDITURES	84.30	113,530,359	0.00	1,649,869	84.30	115,180,228

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
TRANSPORTATION PLANNING FUND							
Resources							
Resources							
305000	Fund Balance		144,774		40,000		184,774
331110	Federal Grants-Operating-Categorical-Direct						
	FY 92 UMTA Sec. 8		208,900		0		208,900
	FY 92 UMTA e4		123,500		0		123,500
	FY 91 UMTA Sec 8(OR-08-0063)		40,000		0		40,000
	FY 90 UMTA 103(e)(4)(OR-29-9017)		40,800		0		40,800
	FY 88 UMTA Sec 8 (OR-08-0051)		9,000		0		9,000
	FY 88 UMTA Sec 8 (OR-08-0054)PPTF		9,000		0		9,000
	FY 92 UMTA I-205/Milwaukie		813,450		0		813,450
331120	FEDERAL GRANTS-OPERATING-CATEGORICAL-INDIRECT						
	FY 92 PL (ODOT)		295,567		0		295,567
	FY 92 FHWA e(4) (ODOT)		151,577		0		151,577
	FY 92 FHWA (TA) (ODOT)		36,000		0		36,000
	FY 92 Sec 9 (Tri-Met)		150,000		0		150,000
	FY 92 Hillsboro PE/FEIS(Tri-Met)		39,000		0		39,000
	FY 91 FHWA HPR (ODOT)		10,000		0		10,000
	FY 91 Sec 9-Pass thru from Tri-Met		20,000		0		20,000
	FY 91 Hillsboro AA (Tri-Met)		274,400		0		274,400
	FY 90 FHWA HPR (ODOT)		35,000		0		35,000
	FY 89 Sec 9 (Tri-Met)		15,000		0		15,000
334110	State Grants-Operating-Categorical-Direct						
	FY 92 ODOT Supplemental		272,158		0		272,158
	DEQ (Demand Management)		97,200		0		97,200
	ODOT - Western Bypass		32,500		0		32,500
337110	Local Grants-Operating-Categorical-Direct						
	I205/Milwaukie AA match-various jurisdictions		129,050		0		129,050
	FY92 Tri-Met match		75,000		0		75,000
	FY 90 Westside from Tri-Met		137,500		0		137,500
339100	Local Government Dues Assessment		471,050		0		471,050
339200	Contract Services		84,806		0		84,806
341500	Documents & Publications		38,480		0		38,480
361100	Interest on Investments		15,733		0		15,733
379000	Other Miscellaneous Revenue		1,900		0		1,900
391010	Trans. Resources from Gen'l Fund		545,817		7,040		552,857
391530	Trans. Resources from S.W. Oper. Fund		649,200		0		649,200
	Total Resources		4,966,362		47,040		5,013,402

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
TRANSPORTATION PLANNING FUND							
	Total Personal Services	39.00	1,831,899	0.00	0	39.00	1,831,899
	Materials & Services						
521100	Office Supplies		30,244		0		30,244
521110	Computer Software		78,250		0		78,250
521240	Graphics/Reprographic Supplies		2,100		0		2,100
521310	Subscriptions		1,260		0		1,260
521320	Dues		1,580		0		1,580
524110	Accounting & Auditing Services		5,000		0		5,000
524190	Misc. Professional Services		1,256,050		40,000		1,296,050
525640	Maint. & Repairs Services-Equipment		66,026		0		66,026
526200	Ads & Legal Notices		6,500		0		6,500
526310	Printing Services		53,940		0		53,940
526320	Typesetting & Reprographics Services		3,750		0		3,750
526410	Telephone		9,220		0		9,220
526420	Postage		3,500		0		3,500
526440	Delivery Services		1,000		0		1,000
526500	Travel		28,510		0		28,510
526700	Temporary Help Services		8,000		0		8,000
526800	Training, Tuition, Conferences		15,860		0		15,860
528100	License, Permits, Payments to Other Agencies		335,000		0		335,000
529500	Meetings		1,000		0		1,000
529800	Miscellaneous		3,000		0		3,000
531100	Capital Lease-Furniture & Equipment		144,748		0		144,748
	Total Materials & Services		2,054,538		40,000		2,094,538
	Total Capital Outlay		61,585		0		61,585
	Interfund Transfers						
581513	Trans. Indirect Costs to Bldg. Fund		85,237		57,443		142,680
581610	Trans. Indirect Costs to Support Svs. Fund		497,567		18,614		516,181
581615	Trans. Indirect Costs to Insur. Fund-Gen'l		1,821		0		1,821
581615	Trans. Indirect Costs to Insur. Fund-Workers' Com		27,575		0		27,575
583610	Trans. Direct Costs to Support Svs. Fund		34,455		0		34,455
	Total Interfund Transfers		646,655		76,057		722,712
	Contingency and Unappropriated Balance						
599999	Contingency		333,685		(69,017)		264,668
599990	Unappropriated Fund Balance		38,000		0		38,000
	Total Contingency and Unappropriated Balance		371,685		(69,017)		302,668
	TOTAL EXPENDITURES	39.00	4,966,362	0.00	47,040	39.00	5,013,402

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING & DEVELOPMENT FUND							
Resources							
Resources							
305000	Fund Balance		81,000		78,000		159,000
331110	Federal Grants-Operating-Categorical-Direct						
	Natural Areas 3		465,000		0		465,000
	Natural Areas 4		10,000		0		10,000
	Environ. Protection Agency		30,000		0		30,000
331120	Federal Grants-Operating-Categorical-Indirect						
	Water Demo		30,000		0		30,000
334210	State Grants-Operating-Non-Categorical-Direct						
	Water Quality		20,000		0		20,000
	DLCD		25,000		0		25,000
	Nat Areas 3		10,000		0		10,000
337210	Local Grants-Operating-Non-Categorical-Direct						
	Parks, Natural Areas 3		40,000		0		40,000
	Water Demo		10,000		0		10,000
	IPA with EPA		20,000		0		20,000
339100	Local Government Assessment Dues		107,669		0		107,669
341310	UGB Fees		1,423		0		1,423
341500	Documents & Publications		9,488		0		9,488
341600	Conferences & Workshops		18,977		0		18,977
365100	Donations and Bequests		259,290		0		259,290
391010	Trans. Resources from Gen'l Fund		1,437,476		(18,000)		1,419,476
391531	Trans. Resources from S.W. Rev. Fund		1,021,048		0		1,021,048
393761	Trans. Direct Costs from Lakes Trust Fund		40,000		0		40,000
	Total Resources		3,636,371		60,000		3,696,371

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING & DEVELOPMENT FUND							
Environmental Planning							
	Total Personal Services	9.60	446,950	0.00	0	9.60	446,950
	Materials & Services						
521100	Office Supplies		7,524		0		7,524
521110	Computer Software		4,030		0		4,030
521240	Graphics/Reprographic Supplies		1,541		0		1,541
521260	Printing Supplies		2,158		0		2,158
521290	Promotion Supplies		150		0		150
521310	Subscriptions		1,763		0		1,763
521320	Dues		1,405		0		1,405
524190	Misc. Professional Services		817,500		10,000		827,500
525640	Maint. & Repairs Services-Equipment		2,158		0		2,158
525710	Equipment Rental		300		0		300
526200	Ads & Legal Notices		1,456		0		1,456
526310	Printing Services		22,207		0		22,207
526320	Typesetting & Reprographics Services		3,082		0		3,082
526410	Telephone		3,990		0		3,990
526420	Postage		5,932		0		5,932
526440	Delivery Service		150		0		150
526500	Travel		10,879		0		10,879
526700	Temporary Help Services		1,583		0		1,583
526800	Training, Tuition, Conferences		8,532		0		8,532
529500	Meetings		4,915		0		4,915
	Total Materials & Services		901,255		10,000		911,255
	Capital Outlay						
571400	Purchases-Equipment & Vehicles		4,640		0		4,640
571500	Purchases-Office Furniture & Equipment		3,000		0		3,000
	Total Capital Outlay		7,640		0		7,640
	TOTAL EXPENDITURES	9.60	1,355,845	0.00	10,000	9.60	1,365,845

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING & DEVELOPMENT FUND							
Urban Services							
	Total Personal Services	10.05	483,660	0.00	0	10.05	483,660
	Materials & Services						
521100	Office Supplies		7,375		0		7,375
521110	Computer Software		4,781		0		4,781
521240	Graphics/Reprographic Supplies		2,015		0		2,015
521260	Printing Supplies		2,823		0		2,823
521310	Subscriptions		2,393		0		2,393
521320	Dues		1,375		0		1,375
524190	Misc. Professional Services		240,000		50,000		290,000
525640	Maint. & Repairs Services-Equipment		3,951		0		3,951
525710	Equipment Rental		2,506		0		2,506
526200	Ads & Legal Notices		2,760		0		2,760
526310	Printing Services		21,878		0		21,878
526320	Typesetting & Reprographics Services		4,020		0		4,020
526410	Telephone		3,150		0		3,150
526420	Postage		5,889		0		5,889
526440	Delivery Service		250		0		250
526500	Travel		12,944		0		12,944
526700	Temporary Help Services		1,350		0		1,350
526800	Training, Tuition, Conferences		9,652		0		9,652
529500	Meetings		7,600		0		7,600
	Total Materials & Services		336,712		50,000		386,712
	Capital Outlay						
571400	Purchases-Equipment & Vehicles		8,681		0		8,681
571500	Purchases-Office Furniture & Equipment		3,900		0		3,900
	Total Capital Outlay		12,581		0		12,581
	TOTAL EXPENDITURES	10.05	832,953	0.00	50,000	10.05	882,953

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING & DEVELOPMENT FUND							
General Expenses							
Interfund Transfers							
581610	Trans. Indirect Costs to Support Svs. Fund		416,694		13,804		430,498
581513	Trans. Indirect Costs to Bldg. Fund		106,709		(30,112)		76,597
581615	Trans. Indirect Costs to Insur. Fund-Gen'l		1,821		0		1,821
581615	Trans. Indirect Costs to Insur. Fund-Workers' Comp		16,274		0		16,274
	Total Interfund Transfers		541,498		(16,308)		525,190
Contingency and Unappropriated Balance							
599999	Contingency		98,045		16,308		114,353
	Total Contingency and Unappropriated Balance		98,045		16,308		114,353
	TOTAL EXPENDITURES	26.00	3,636,371	0.00	60,000	26.00	3,696,371

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SMITH & BYBEE LAKES TRUST FUND							
Resources							
305000	Fund Balance		1,807,450		0		1,807,450
334200	State DEQ		20,000		0		20,000
337200	Local Government Grant		20,000		0		20,000
339200	Contract Services (Intergovernmental Agreement)		0		75,000		75,000
361100	Interest on Investments		69,000		0		69,000
392531	Trans. of Resources from SW Revenue Fund		50,000		0		50,000
Total Resources			1,966,450		75,000		2,041,450
Personal Services							
SALARIES-REGULAR EMPLOYEE (full time)							
511121	Senior Regional Planner	1.00	40,131		0	1.00	40,131
512000	FRINGE		12,441		0		12,441
Total Personal Services		1.00	52,572	0.00	0	1.00	52,572
Materials & Services							
521100	Office Supplies		775		0		775
521110	Computer Software		500		0		500
521240	Graphic/Repro Supplies		220		0		220
521260	Printing Supplies		305		0		305
521310	Subscr/Publications		255		0		255
521320	Dues		236		0		236
524190	Misc. Prof. Svs.		242,500		75,000		317,500
525640	Maint/Rep Svs-Equip		335		0		335
526200	Ads/Legal Notices		190		0		190
526310	Printing Services		660		0		660
526320	Typesetting/Repro(PMT)		435		0		435
526410	Telephone (long distance)		337		0		337
526420	Postage-Bulk Mail		570		0		570
526440	Delivery Svs.		100		0		100
526500	Travel		1,375		0		1,375
526700	Temp. Help Services		174		0		174
526800	Training/Tuition/Conferences		1,070		0		1,070
529500	Meetings		540		0		540
Total Materials & Services			250,577		75,000		325,577

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SMITH & BYBEE LAKES TRUST FUND (continued)							
Capital Outlay							
571100	Purchases - Land		400,000		0		400,000
571500	Purchases-Office Furniture & Equipment		385		0		385
	Total Capital Outlay		400,385		0		400,385
Interfund Transfer							
583142	Trans. Direct Costs to Plan. & Devel. Fund		40,000		0		40,000
	Total Interfund Transfers		40,000		0		40,000
Contingency and Unappropriated Balance							
599999	Contingency		28,153		0		28,153
599990	Unappropriated Balance		1,194,763		0		1,194,763
	Total Contingency & Unapp. Balance		1,222,916		0		1,222,916
	TOTAL EXPENDITURES	1.00	1,966,450	0.00	75,000	1.00	2,041,450

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
CONVENTION CENTER CAPITAL FUND							
Personal Services							

511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Regional Facilities Director	0.10	6,772		0	0.10	6,772
	Construction Manager	0.20	11,484		0	0.20	11,484
	Senior Management Analyst	0.70	29,497		0	0.70	29,497
	Assistant Management Analyst	0.50	17,320		0	0.50	17,320
511221	WAGES-REGULAR EMPLOYEES (full time)				0		
	Administrative Secretary	0.25	5,333		0	0.25	5,333
512000	FRINGES		21,826		0		21,826
	Total Personal Services	1.75	92,232	0.00	0	1.75	92,232
Materials & Services							

521100	Office Supplies		1,000		0		1,000
521240	Graphics/Reprographic Supplies		1,000		0		1,000
521260	Printing Supplies		500		0		500
524190	Misc. Professional Services		15,000		0		15,000
526200	Ads & Legal Notices		2,000		0		2,000
526410	Telephone		200		0		200
526420	Postage		400		0		400
526440	Delivery Service		500		0		500
526700	Temporary Help Service		3,000		0		3,000
529500	Meetings		350		0		350
	Total Materials & Services		23,950		0		23,950
Capital Outlay							

571300	Purchases-Buildings, Exhibits & Related		45,000		0		45,000
574110	Construction Management		133,100		0		133,100
574120	Architectural Services		100,000		0		100,000
574190	Other Construction Services		78,000		0		78,000
574520	Const. Work/Materials-Bldgs, Exhibits & Rel.		995,679		0		995,679
	Total Capital Outlay		1,351,779		0		1,351,779

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
CONVENTION CENTER CAPITAL FUND (continued)							
Interfund Transfers							
581513	Trans. Indirect Costs to Bldg Fund		19,260		(12,652)		6,608
581610	Trans. Indirect Costs to Support Svs. Fund		80,933		733		81,666
581615	Trans. Indirect Cost to Insur. Fund-Liability		8,460		0		8,460
581615	Trans. Indirect Cost to Insur. Fund-Workers Comp		2,170		0		2,170
Total Interfund Transfers			110,823		(11,919)		98,904
Contingency and Unappropriated Balance							
599999	Contingency		254,109		11,919		266,028
Total Contingency and Unappropriated Balance			254,109		11,919		266,028
TOTAL EXPENDITURES		1.75	1,832,893	0.00	0	1.75	1,832,893

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND							
	Total Personal Services	82.61	2,539,392	0.00	0	82.61	2,539,392
	Total Materials & Services		3,473,700		0		3,473,700
	Total Capital Outlay		102,000		0		102,000
	Interfund Transfers						
581610	Trans. Indirect Costs to Support Svs. Fund		248,727		3,337		252,064
581615	Trans. Indirect Cost to Insur. Fund-Gen'l		108,723		0		108,723
581615	Trans. Indirect Cost to Insur. Fund-Workers' Comp		67,801		0		67,801
582751	Trans. Resources to MERC Management Pool		266,214		0		266,214
583610	Trans. Direct Costs to Support Svs. Fund		39,070		0		39,070
583615	Trans. Direct Cost to Insur. Fund-EIL		19,180		0		19,180
	Total Interfund Transfers		749,715		3,337		753,052
	Contingency and Unappropriated Balance						
599999	Contingency		300,000		0		300,000
599990	Unappropriated Balance		1,580,690		(3,337)		1,577,353
	Total Contingency and Unappropriated Balance		1,880,690		(3,337)		1,877,353
	TOTAL EXPENDITURES	82.61	8,745,497	0.00	0	82.61	8,745,497

EXHIBIT A
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

FISCAL YEAR 1991-92		APPROVED		FINAL ADJUSTMENT		ADOPTED	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SPECTATOR FACILITIES FUND							
General Expenses							
Interfund Transfers							
581610	Trans. Indirect Costs to Support Svs. Fund		399,676		5,361		405,037
581615	Trans. Indirect Cost to Insur. Fund-Gen'l		174,704		0		174,704
581615	Trans. Indirect Cost to Insur. Fund-Workers' Comp		108,949		0		108,949
582751	Transfer Resources to Metro ERC Management Pool		566,785		0		566,785
583610	Transfer Direct Costs to Support Svs. Fund		58,604		0		58,604
583615	Transfer Direct Cost to Insur. Fund-EIL		30,820		0		30,820
	Total Interfund Transfers		1,339,538		5,361		1,344,899
Contingency and Unappropriated Balance							
599999	Contingency		665,000		0		665,000
599990	Unappropriated Balance		1,142,952		(5,361)		1,137,591
	Total Contingency and Unappropriated Balance		1,807,952		(5,361)		1,802,591
	TOTAL EXPENDITURES	251.90	18,452,453	0.00	0	251.90	18,452,453

EXHIBIT C
SCHEDULE OF APPROPRIATIONS
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

	APPROVED APPROPRIATION	FINAL ADJUSTMENT	ADOPTED APPROPRIATION
GENERAL FUND			
Council			
Personal Services	403,577	0	403,577
Materials & Services	341,100	31,728	372,828
Capital Outlay	8,000	0	8,000
Subtotal	752,677	31,728	784,405
Executive Management			
Personal Services	348,071	0	348,071
Materials & Services	60,963	0	60,963
Capital Outlay	6,000	0	6,000
Subtotal	415,034	0	415,034
Office of Government Relations			
Personal Services	81,005	0	81,005
Materials & Services	164,320	0	164,320
Capital Outlay	4,000	0	4,000
Subtotal	249,325	0	249,325
Regional Facilities			
Personal Services	154,106	0	154,106
Materials & Services	23,120	0	23,120
Capital Outlay	0	0	0
Subtotal	177,226	0	177,226
General Expense			
Interfund Transfers	3,017,359	(28,189)	2,989,170
Contingency	375,097	26,461	401,558
Subtotal	3,392,456	(1,728)	3,390,728
Total General Fund Requirements	4,986,718	30,000	5,016,718
SUPPORT SERVICES FUND			
Finance & Management Information			
Personal Services	1,595,295	0	1,595,295
Materials & Services	941,420	16,000	957,420
Capital Outlay	54,770	0	54,770
Subtotal	2,591,485	16,000	2,607,485

EXHIBIT C
SCHEDULE OF APPROPRIATIONS
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

	APPROVED APPROPRIATION	FINAL ADJUSTMENT	ADOPTED APPROPRIATION
SUPPORT SERVICES FUND (continued)			
Regional Facilities			
Personal Services	434,662	0	434,662
Materials & Services	306,166	11,800	317,966
Capital Outlay	8,500	32,000	40,500
Subtotal	749,328	43,800	793,128
Personnel			
Personal Services	423,983	0	423,983
Materials & Services	62,310	0	62,310
Capital Outlay	1,227	0	1,227
Subtotal	487,520	0	487,520
Office of General Counsel			
Personal Services	359,346	0	359,346
Materials & Services	19,544	0	19,544
Capital Outlay	2,955	0	2,955
Subtotal	381,845	0	381,845
Public Affairs			
Personal Services	657,786	0	657,786
Materials & Services	136,040	0	136,040
Capital Outlay	7,485	0	7,485
Subtotal	801,311	0	801,311
General Expense			
Interfund Transfers	349,977	66,091	416,068
Contingency	337,848	0	337,848
Subtotal	687,825	66,091	753,916
Total Support Services Fund Requirements	5,699,314	125,891	5,825,205
BUILDING MANAGEMENT FUND			
Metro Center Account			
Personal Services	96,647	0	96,647
Materials & Services	548,836	90,282	639,118
Capital Outlay	40,000	10,000	50,000
Subtotal	685,483	100,282	785,765

EXHIBIT C
 SCHEDULE OF APPROPRIATIONS
 REVISIONS TO THE FY 1991-92 APPROVED BUDGET

	APPROVED APPROPRIATION	FINAL ADJUSTMENT	ADOPTED APPROPRIATION
BUILDING MANAGEMENT FUND (continued)			
Metro Headquarters Project			
Personal Services	35,122	0	35,122
Materials & Services	899,628	0	899,628
Capital Outlay	16,115,386	0	16,115,386
Subtotal	17,050,136	0	17,050,136
General Expenses			
Contingency	100,000	0	100,000
Interfund Transfers	12,250,000	0	12,250,000
Subtotal	12,350,000	0	12,350,000
Unappropriated Balance	25,000	0	25,000
Total Building Management Fund Requirements	30,110,619	100,282	30,210,901
INSURANCE FUND			
Personal Services	125,923	0	125,923
Materials & Services	947,290	0	947,290
Capital Outlay	16,220	0	16,220
Contingency	483,284	0	483,284
Unappropriated Balance	4,026,941	0	4,026,941
Total Insurance Fund Requirements	5,599,658	0	5,599,658
ZOO OPERATING FUND			
Administration			
Personal Services	645,735	0	645,735
Materials & Services	265,846	0	265,846
Capital Outlay	3,000	0	3,000
Subtotal	914,581	0	914,581
Animal Management			
Personal Services	1,817,523	0	1,817,523
Materials & Services	359,244	0	359,244
Capital Outlay	114,900	0	114,900
Subtotal	2,291,667	0	2,291,667

EXHIBIT C
SCHEDULE OF APPROPRIATIONS
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

	APPROVED APPROPRIATION	FINAL ADJUSTMENT	ADOPTED APPROPRIATION
ZOO OPERATING FUND (continued)			
Facilities Management			
Personal Services	1,460,707	0	1,460,707
Materials & Services	1,408,190	0	1,408,190
Capital Outlay	379,550	0	379,550
Subtotal	3,248,447	0	3,248,447
Education			
Personal Services	640,096	0	640,096
Materials & Services	263,574	0	263,574
Capital Outlay	10,200	0	10,200
Subtotal	913,870	0	913,870
Marketing			
Personal Services	181,524	0	181,524
Materials & Services	358,919	0	358,919
Capital Outlay	4,000	0	4,000
Subtotal	544,443	0	544,443
Visitor Services			
Personal Services	1,131,940	0	1,131,940
Materials & Services	1,176,198	0	1,176,198
Capital Outlay	43,650	0	43,650
Subtotal	2,351,788	0	2,351,788
General Expenses			
Interfund Transfers	992,278	8,653	1,000,931
Contingency	824,073	0	824,073
Subtotal	1,816,351	8,653	1,825,004
Unappropriated Balance	2,552,265	(158,653)	2,393,612
Total Zoo Operating Fund Requirements	14,633,412	(150,000)	14,483,412
ZOO CAPITAL FUND			
Personal Services	80,364	0	80,364
Materials & Services	2,400	0	2,400
Capital Outlay	1,097,560	0	1,097,560
Contingency	1,014,256	0	1,014,256
Unappropriated Balance	1,026,285	0	1,026,285
Total Zoo Capital Fund Requirements	3,220,865	0	3,220,865

EXHIBIT C
SCHEDULE OF APPROPRIATIONS
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

	APPROVED APPROPRIATION	FINAL ADJUSTMENT	ADOPTED APPROPRIATION
SOLID WASTE REVENUE FUND			
Administration			
Personal Services	347,683	0	347,683
Materials & Services	75,673	0	75,673
Subtotal	423,356	0	423,356
Budget and Finance			
Personal Services	393,083	0	393,083
Materials & Services	179,720	0	179,720
Subtotal	572,803	0	572,803
Operations			
Personal Services	1,196,133	0	1,196,133
Materials & Services	43,878,534	0	43,878,534
Subtotal	45,074,667	0	45,074,667
Engineering and Analysis			
Personal Services	536,402	0	536,402
Materials & Services	257,125	0	257,125
Subtotal	793,527	0	793,527
Waste Reduction			
Personal Services	649,650	0	649,650
Materials & Services	2,924,796	330,000	3,254,796
Subtotal	3,574,446	330,000	3,904,446
Debt Service Account			
Debt Service	2,191,328	0	2,191,328
Subtotal	2,191,328	0	2,191,328
Landfill Closure Account			
Materials & Services	10,016,200	0	10,016,200
Subtotal	10,016,200	0	10,016,200
Construction Account			
Capital Outlay	3,525,000	0	3,525,000
Subtotal	3,525,000	0	3,525,000
Renewal & Replacement Account			
Capital Outlay	732,000	0	732,000
Subtotal	732,000	0	732,000

EXHIBIT C
SCHEDULE OF APPROPRIATIONS
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

	APPROVED APPROPRIATION	FINAL ADJUSTMENT	ADOPTED APPROPRIATION
SOLID WASTE REVENUE FUND (continued)			
General Account			
Materials & Services	100,000	0	100,000
Capital Outlay	3,144,880	0	3,144,880
Subtotal	3,244,880	0	3,244,880
Master Project Account			
Debt Service	3,033,085	0	3,033,085
Subtotal	3,033,085	0	3,033,085
General Expense			
Interfund Transfers	17,646,618	96,130	17,742,748
Contingency	2,561,927	(96,130)	2,465,797
Subtotal	20,208,545	0	20,208,545
Unappropriated Balance	20,140,522	1,319,869	21,460,391
Total Solid Waste Revenue Fund Requirements	113,530,359	1,649,869	115,180,228
REHABILITATION & ENHANCEMENT FUND			
North Portland Enhancement Account			
Materials & Services	102,144	0	102,144
Subtotal	102,144	0	102,144
Composter Enhancement Account			
Materials & Services	100,922	0	100,922
Subtotal	100,922	0	100,922
Metro Central Enhancement Account			
Materials & Services	2,050	0	2,050
Subtotal	2,050	0	2,050
Forest Grove Account			
Materials & Services	32,237	0	32,237
Subtotal	32,237	0	32,237
Oregon City Account			
Materials & Services	150,008	0	150,008
Subtotal	150,008	0	150,008

EXHIBIT C
SCHEDULE OF APPROPRIATIONS
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

	APPROVED APPROPRIATION	FINAL ADJUSTMENT	ADOPTED APPROPRIATION
REHABILITATION & ENHANCEMENT FUND (continued)			
General Expenses			
Interfund Transfers	44,752	0	44,752
Contingency	55,000	0	55,000
Subtotal	99,752	0	99,752
Unappropriated Balance	2,241,707	0	2,241,707
Total Rehab. & Enhancement Fund Requirements	2,728,820	0	2,728,820
TRANSPORTATION PLANNING FUND			
Personal Services	1,831,899	0	1,831,899
Materials & Services	2,054,538	40,000	2,094,538
Capital Outlay	61,585	0	61,585
Interfund Transfers	646,655	76,057	722,712
Contingency	333,685	(69,017)	264,668
Unappropriated Balance	38,000	0	38,000
Total Transportation Planning Fund Requirements	4,966,362	47,040	5,013,402
PLANNING & DEVELOPMENT FUND			
Land Use Planning			
Personal Services	320,558	0	320,558
Materials & Services	476,772	0	476,772
Capital Outlay	10,700	0	10,700
Subtotal	808,030	0	808,030
Environmental Planning			
Personal Services	446,950	0	446,950
Materials & Services	901,255	10,000	911,255
Capital Outlay	7,640	0	7,640
Subtotal	1,355,845	10,000	1,365,845
Urban Services			
Personal Services	483,660	0	483,660
Materials & Services	336,712	50,000	386,712
Capital Outlay	12,581	0	12,581
Subtotal	832,953	50,000	882,953

EXHIBIT C
SCHEDULE OF APPROPRIATIONS
REVISIONS TO THE FY 1991-92 APPROVED BUDGET

	APPROVED APPROPRIATION	FINAL ADJUSTMENT	ADOPTED APPROPRIATION
PLANNING & DEVELOPMENT FUND (continued)			
General Expenses			
Interfund Transfer	541,498	(16,308)	525,190
Contingency	98,045	16,308	114,353
Subtotal	639,543	0	639,543
Total Planning & Development Fund Requirements	3,636,371	60,000	3,696,371
SMITH AND BYBEE LAKES TRUST FUND			
Personal Services	52,572	0	52,572
Materials & Services	250,577	75,000	325,577
Capital Outlay	400,385	0	400,385
Interfund Transfers	40,000	0	40,000
Contingency	28,153	0	28,153
Unappropriated Balance	1,194,763	0	1,194,763
Total Smith and Bybee Lakes Trust Fund	1,966,450	75,000	2,041,450
CONVENTION CENTER PROJECT MANAGEMENT FUND			
Interfund Transfers	281,663	0	281,663
Total Convention Center Project Management Fund Requirements	281,663	0	281,663
CONVENTION CENTER PROJECT CAPITAL FUND			
Personal Services	92,232	0	92,232
Materials & Services	23,950	0	23,950
Capital Outlay	1,351,779	0	1,351,779
Interfund Transfers	110,823	(11,919)	98,904
Contingency	254,109	11,919	266,028
Total Convention Center Project Capital Fund Requirements	1,832,893	0	1,832,893
CONVENTION CENTER PROJECT DEBT SERVICE FUND			
Debt Service	5,649,453	0	5,649,453
Interfund Transfers	4,756	0	4,756
Total Convention Center Project Debt Service Fund Requirements	5,654,209	0	5,654,209

EXHIBIT C
 SCHEDULE OF APPROPRIATIONS
 REVISIONS TO THE FY 1991-92 APPROVED BUDGET

	APPROVED APPROPRIATION	FINAL ADJUSTMENT	ADOPTED APPROPRIATION
METRO ERC MANAGEMENT POOL FUND			
Personal Services	748,429	0	748,429
Materials & Services	60,000	0	60,000
Contingency	54,570	0	54,570
Total Metro ERC Management Pool Fund Requirements	862,999	0	862,999
OREGON CONVENTION CENTER OPERATING FUND			
Personal Services	2,539,392	0	2,539,392
Materials & Services	3,473,700	0	3,473,700
Capital Outlay	102,000	0	102,000
Interfund Transfers	749,715	3,337	753,052
Contingency	300,000	0	300,000
Unappropriated Balance	1,580,690	(3,337)	1,577,353
Total Oregon Convention Center Operating Fund Requirements	8,745,497	0	8,745,497
SPECTATOR FACILITIES OPERATING FUND			
Memorial Coliseum			
Personal Services	3,541,001	0	3,541,001
Materials & Services	5,563,392	0	5,563,392
Capital Outlay	132,400	0	132,400
Subtotal	9,236,793	0	9,236,793
Civic Stadium			
Personal Services	607,148	0	607,148
Materials & Services	1,164,464	0	1,164,464
Capital Outlay	11,200	0	11,200
Subtotal	1,782,812	0	1,782,812
Performing Arts Center			
Personal Services	3,207,808	0	3,207,808
Materials & Services	941,400	0	941,400
Capital Outlay	136,150	0	136,150
Subtotal	4,285,358	0	4,285,358

EXHIBIT C
 SCHEDULE OF APPROPRIATIONS
 REVISIONS TO THE FY 1991-92 APPROVED BUDGET

	APPROVED APPROPRIATION	FINAL ADJUSTMENT	ADOPTED APPROPRIATION

SPECTATOR FACILITIES OPERATING FUND (continued)			
General Expense			
Interfund Transfers	1,339,538	5,361	1,344,899
Contingency	665,000	0	665,000
	-----	-----	-----
Subtotal	2,004,538	5,361	2,009,899
Unappropriated Balance	1,142,952	(5,361)	1,137,591
Total Spectator Facilities Operating Fund Requirements	18,452,453	0	18,452,453

PORTLAND CENTER FOR THE PERFORMING ARTS CAPITAL FUND			
Capital Outlay	900,000	0	900,000
Contingency	105,000	0	105,000
	-----	-----	-----
Total Portland Center for the Performing Arts Center Capital Fund Requirements	1,005,000	0	1,005,000
TOTAL APPROPRIATIONS	227,913,662	1,938,082	229,851,744

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING THE	)	ORDINANCE NO. 91-390
ANNUAL BUDGET FOR FISCAL YEAR)	
1991-92, MAKING APPROPRIATIONS	)	Introduced by
AND LEVYING AD VALOREM TAXES	)	Rena Cusma, Executive Officer

WHEREAS, The Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual budget of the Metropolitan Service District for the fiscal year beginning July 1, 1991, and ending June 30, 1992; and

WHEREAS, Recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by the Metropolitan Service District (attached as Exhibit A and made a part of the Ordinance) and considered; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

1. The "Fiscal Year 1991-92 Budget of the Metropolitan Service District", as attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Council of the Metropolitan Service District does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, for a total amount of FOURTEEN MILLION FIVE HUNDRED THIRTY THREE THOUSAND EIGHTY (\$14,533,080) DOLLARS to be levied upon taxable properties within the Metropolitan Service District as of 1:00 a.m., January 1, 1991.

FIVE MILLION FOUR HUNDRED SIX THOUSAND (\$5,406,000) DOLLARS shall be for the Zoo Operating Fund, said amount authorized in a tax base, said tax base approved by the voters of the Metropolitan Service District at a general election held May 15, 1990.

NINE MILLION ONE HUNDRED TWENTY SEVEN THOUSAND EIGHTY (\$9,127,080) DOLLARS shall be for the Convention Center Project Debt Service Fund, said levy needed to repay a portion of the proceeds of General Obligation bonds as approved by the voters of the Metropolitan Service District at a general election held November 4, 1986.

3. An annual loan not to exceed THREE MILLION TWO HUNDRED FIFTY THOUSAND (\$3,250,000) DOLLARS is hereby authorized from the Solid Waste Revenue Fund to the Oregon Convention Center Debt Service Fund. The loan is needed to pay debt service on general obligation bonds prior to receiving property tax revenues. Simple interest shall be paid on the loan amount at the average monthly rate paid by the State of Oregon Local Government Investment Pool for the duration of the loan based on a 360-day year. The loan amount and interest due shall be returned to the Solid Waste Revenue Fund General Account by the end of the fiscal year in which it is borrowed.

4. An annual loan not to exceed THREE HUNDRED NINETY THOUSAND (\$390,000) DOLLARS is hereby authorized from the Solid Waste Revenue Fund to the Transportation Planning Fund. The loan is needed to fund initial urban arterial program work. The loan

will be repaid in future fiscal years from vehicle license fees or by the participating jurisdictions. Simple interest shall be paid on the loan amount at the average monthly rate paid by the State of Oregon Local Government Investment Pool for the duration of the loan based on a 360-day year.

5. An annual loan not to exceed TWELVE MILLION TWO HUNDRED FIFTY THOUSAND (\$12,250,000) DOLLARS is hereby authorized from the Solid Waste Revenue Fund to the Building Management Fund. The loan is needed to finance the non-exempt portion of the Sears facility purchase and construction prior to the sale of Revenue Bonds. Simple interest shall be paid on the loan amount at the average monthly rate paid by the State of Oregon Local Government Investment Pool for the duration of the loan based on a 360-day year. The loan amount and interest due shall be returned to the Solid Waste Revenue Fund from the sale of General Revenue Bonds.

6. The purpose of the Rehabilitation & Enhancement Fund is hereby redefined for the purpose of accounting for all rehabilitation and enhancement fees, host fees and mitigation fees as established by the Council. Fees and expenditures specific to each facility will be reported in unique "Accounts" within the Fund.

7. The purpose of the Building Management Fund is hereby redefined to include the construction and management of any facility to be used by Metro as its office headquarters.

8. In accordance with Section 2.02.125 of the Metropolitan Service District Code, the Council of the Metropolitan Service District hereby authorizes personnel positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 1991, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

9. The Executive Officer shall make the following filings as provided by ORS 294.555 and ORS 310.060:

a. Multnomah County Assessor

- 1) An original and one copy of the Notice of Levy marked Exhibit D, attached hereto and made a part of this Ordinance.
- 2) Two copies of the budget document adopted by Section 2 of this Ordinance.
- 3) A copy of the Notice of Publication required by ORS 294.421.
- 4) Two copies of this Ordinance.

b. Clackamas and Washington County Assessor and Clerk

- 1) A copy of the Notice of Levy marked Exhibit D.
- 2) A copy of the budget document adopted by Section 2 of this Ordinance.
- 3) A copy of this Ordinance.
- 4) A copy of the Notice of Publication required by ORS 294.421.

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

Tanya Collier, Presiding Officer

Attest:

Clerk of the Council

sg\budget\91390.ord

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-390 ADOPTING THE
ANNUAL BUDGET FOR FISCAL YEAR 1991-92, MAKING
APPROPRIATIONS AND LEVYING AD VALOREM TAXES

Date: March 6, 1991

Presented by: Rena Cusma
Executive Officer

FACTUAL BACKGROUND AND ANALYSIS

I am forwarding to the Council for consideration and approval of my proposed budget for Fiscal Year 1991-92.

Council action, through Ordinance No. 91-390, is the first step in the process for the adoption of the District's operating financial plan for the forthcoming fiscal year. Final action by the Council to adopt this plan is scheduled for June 27, 1991.

Oregon Revised Statutes 294.635, Oregon Budget Law, requires that Metro prepare and submit the District's approved budget to the Tax Supervising and Conservation Commission by May 15, 1991. The Commission will conduct a hearing during June 1991, for the purpose of receiving information from the public regarding the Council's approved budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.

Once the budget plan for Fiscal Year 1991-92 is adopted by the Council, the number of funds and their total dollar amount and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of that fund in the period between approval, scheduled for May 2, 1991, and adoption.

Exhibits B, C and D of the Ordinance will be available at the public hearing on March 14, 1991.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that the Council conduct a public hearing on Ordinance No. 91-390. The Executive Officer recommends that the Council schedule consideration of the proposed budget and necessary actions to meet the key dates as set out in Oregon Budget Law described above.

JS/kc
js\bud\90340

Meeting Date: June 27, 1991
Agenda Item No. 6.2

ORDINANCE NO. 91-408



METRO

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

Memorandum

DATE: June 21, 1991
TO: Interested Parties
FROM: Paulette Allen, Clerk of the Council *PA*
RE: ORDINANCE NO. 91-408

The Council agenda will be printed before the Transportation & Planning Committee meets to consider the above-referenced ordinance. The Committee report on the ordinance will be distributed in advance to Councilors and available at the Council meeting June 27.



METRO

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

Memorandum

Date: June 20, 1991
To: Transportation and Planning Committee
From: Jessica *JM* Marlitt, Council Analyst
Regarding: ORDINANCE NO. 91-408, AMENDING THE PLANNING PROCEDURE FOR DESIGNATING FUNCTIONAL PLANNING AREAS AND ACTIVITIES

At the Transportation and Planning Committee meeting June 11, an informal briefing and review was conducted on draft Ordinance No. 91-408, amending provisions of Ordinance No. 86-207. Ordinance No. 86-207 was Metro's original legislative action to define procedures for designating Metro functional planning areas and activities.

The Committee asked Council staff to review the complete text of Ordinance No. 86-207 and prepare new language for Section 2, one area which Ordinance No. 91-408 would amend. The new language would clarify the Council standing committee process for annually reviewing areas/issues of development which might appropriately be addressed by a functional plan.

In the course of preparing this new language, Council staff consulted with legal counsel about codifying Ordinance No. 91-408. Legal counsel felt making Ordinance No. 91-408 a part of the Metro Code was important and advised the ordinance should be reformatted to meet Code requirements.

Therefore, a revised Ordinance No. 91-408A is being prepared and will be distributed prior to the June 25 meeting. It will be structured to become a part of the Metro Code, as Chapter 3.00, and include new language, per the Committee's directions, to clarify the intent of Section 2.

If you have any questions, please contact me at extension 286.

TPCOM A:\91408A.MEM

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE)
PLANNING PROCEDURE FOR DESIGNATING)
FUNCTIONAL PLANNING AREAS AND)
ACTIVITIES)

ORDINANCE NO. 91-408
Introduced by Rena Cusma,
Executive Officer

WHEREAS, Ordinance No. 86-207 was adopted to define a planning procedure for the Council of the Metropolitan Service District to identify and designate those activities and areas in need of functional planning; and

WHEREAS, Subsequent land use appeals of the Metropolitan Service District actions have focused on the legal issue of whether Metro planning actions are final land use decisions similar to actions implementing comprehensive plans; and

WHEREAS, The current procedural requirement in Ordinance No. 86-207 requiring findings for initiating functional plan development may confuse the legal status of this action; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 2 is hereby amended:

"As part of its recommendation on the annual work plan the ~~Intergovernmental Resource Committee established by Ordinance No. 84-180~~ Transportation and Planning Committee of the Metro Council."

Section 3 is amended to read:

"The Council may by resolution designate areas and activities having significant impact upon the orderly and responsible development of the metropolitan area,

including, but not limited to, air quality, water quality, and transportation. The resolution shall state that the area or activity designated has a significant impact on metropolitan area development."

Section 4 is hereby amended:

"The resolution shall direct the Executive Officer to present to the Council a functional plan for the area and activity designated in ~~Section 2~~ the resolution."

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

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

LS/gl
1043

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-408 FOR THE
PURPOSE OF AMENDING THE PLANNING PROCEDURE FOR
DESIGNATING FUNCTIONAL PLANNING AREAS AND
ACTIVITIES

DATE: June 13, 1991

Presented by: Rich Carson
Mel Huie
Larry Shaw

Factual Background and Analysis

Ordinance No. 86-207 defines the planning procedure for designating areas and activities which may be the subject of a functional plan. It was adopted in 1986 prior to initiation of the Solid Waste Management Plan. It provides a process for a Metro Council resolution to initiate a functional plan that requires findings of significant impact on orderly development of the metropolitan area. General Counsel has recommended this Ordinance amendment eliminating the findings requirement prior to initiation of any more functional plans to avoid confusion over the legal status of the resolution.

Review of Ordinance No. 86-207, Section 3, indicates that this procedure Ordinance requires more than ORS 268.390 requires to initiate a functional plan. The additional findings requirement in the Ordinance could be used against Metro if a legal argument is made that merely initiating development of a functional plan is an appealable land use decision. That Ordinance requirement makes exercise of Metro's statutory authority to begin functional planning look like a quasi-judicial decision.

STOP v. Metro held that plans with contingent recommendations were not final. So, a Metro Council decision to start such a plan should fit the same category. Therefore, General Counsel recommends that the special findings requirement be removed from the Ordinance. The reasons that Metro has for initiating a functional plan would still be indicated in a resolution format that is not labeled "findings."

The Ordinance amendments include the following:

1. Ordinance No. 86-207, Section 2, should be amended to change "Intergovernmental Resource Committee established by Ordinance No. 84-180" to "Transportation and Planning Committee of the Metro Council," the current Metro committee assigned to functional planning.
2. Ordinance No. 86-207, Section 3, should be amended to eliminate the "findings" requirement.
3. Ordinance No. 86-207, Section 4, should be amended to change "* * * designated in Section 2" to "designated in the resolution" for internal consistency.

These amendments to Ordinance No. 86-207 are clarifications intended to strengthen Metro's ability to defend a challenge to initiation of a functional plan.

Executive Officer's Recommendation

The Executive Officer recommends adoption of Ordinance No. 91-408.

Meeting Date: June 27, 1991
Agenda Item No. 6.3

ORDINANCE NO. 91-407



METRO

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

Memorandum

DATE: June 21, 1991
TO: Interested Parties
FROM: Paulette Allen, Clerk of the Council *PA*
RE: ORDINANCE NO. 91-407

The Governmental Affairs Committee report for the above-referenced ordinance will be distributed to Councilors in advance and available at the Council meeting June 27.



METRO

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

Memorandum

DATE: June 4, 1991

TO: METRO COUNCIL

FROM: Councilor Ruth McFarland *Ruth*
Councilor Susan McLain *Susan*
Presiding Officer Tanya Collier *Tanya*

RE: ORDINANCE NO. 91-407 AND RESOLUTION NO. 91-1467

Please find attached copies of Ordinance No. 91-407 and Resolution No. 91-1467 which revise the rules of procedure for the conduct of Council business. The initial impetus for such action came from the February 9, 1991 Council retreat, at which time the Council agreed that we would draft rules of debate for Council meetings. The effort has been broadened to deal with other procedural items which are out of date or which have been changed by state law.

Ordinance No. 91-407 for the most part sets forth the requirement that the Council adopt rules of procedure for certain matters by resolution. Resolution No. 91-1467 either establishes new rules of procedure (in the case of Exhibits A and B) or revises existing rules of procedure (in the case of Exhibits C, D and E). The ordinance also revises several existing procedures such as 1) changing the effective date of ordinances to conform with the requirements of SB 299 recently enacted by the Legislature (see Section 1); 2) requiring the rotation of roll call votes (see Section 2(g)); 3) authorizing the suspension of rules (see Section 2(i)); and 4) clarifying what action a standing committee can take regarding a resolution and ordinance and providing a method of disposing of ordinances and resolutions which do not get out of committee (see Section 5(h)).

Please review these matters carefully since they affect how the Council does its business. It is our understanding that the ordinance and resolution will be referred to the Governmental Affairs Committee and that the Chair will tentatively schedule them for consideration on June 20, 1991.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING)	ORDINANCE NO. 91-407
METRO CODE SECTIONS 2.01.070,)	
2.01.090, 2.01.120, 2.01.130)	
AND 2.01.140 RELATING TO)	Introduced by Councilors
CONDUCT OF DEBATE AT COUNCIL)	McFarland and McLain and
MEETINGS, RECEIPT OF PUBLIC)	Presiding Officer Collier
TESTIMONY AT COUNCIL MEETINGS)	
AND CONSIDERATION OF A CONSENT)	
AGENDA AT COUNCIL MEETINGS AND)	
STANDING COMMITTEES OF THE)	
COUNCIL)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 2.01.070 is hereby amended as follows:

2.01.070 Ordinances:

(a) The legislative action of the Metropolitan Service District shall be by Ordinance.

(b) Except as provided in Subsection (g) of this section, before an ordinance is adopted, it shall be read during two regular meetings of the Council on two different days at least six (6) days apart. The reading shall be full and distinct unless at the meeting:

- (1) A copy of the ordinance is available for each person who desires a copy; and
- (2) The Presiding Officer directs that the reading be by title only.

(c) Ordinances may be introduced for Council consideration by the Council, a Councilor, a committee of the Council or the Executive Officer. The Council by resolution shall adopt rules establishing procedures for introduction and consideration of ordinances.

(d) Except as provided in subsection (1) of this section, the affirmative vote of the majority of the members of the Council (7) is required to adopt an ordinance. A roll call vote shall be taken on all ordinances. Any ordinance which receives six (6) or more Nay votes shall be defeated and shall be filed and receive no further consideration. Any ordinance voted upon and not defeated shall be continued to the next regular meeting.

(e) Within two working days of adoption, any ordinance subject to the Executive Officer's veto shall be enrolled and transmitted to the Executive Officer for veto consideration.

(f) The Executive Officer shall veto an ordinance by filing a written and signed message with the Clerk no later than 5:00 p.m. of the fifth working day following adoption of the ordinance. If the Clerk has not received such veto message within the prescribed time then the ordinance shall be considered finally adopted.

(g) The Council may override an Executive Officer veto by an affirmative vote of eight members of the Council at the next regular meeting of the Council, but not later than 30 calendar days after the Executive Officer's veto. The vote to override an Executive Officer veto shall be the first item of business on the Council's agenda and a roll call vote shall be taken on all considerations of an override to a veto.

(h) Ordinances adopted by the Council which are not legislative in nature as determined by the General Counsel shall not be subject to the Executive Officer's veto.

~~[(i) Ordinances not subject to the veto shall become effective on the date of adoption unless a later date is specified therein. Ordinances subject to the veto shall become effective on the date of final adoption unless a later date is specified therein.]~~

(i) Unless otherwise specified by the Council in the ordinance, an ordinance shall become effective on the 90th day after its adoption. If an ordinance is vetoed by the Executive Officer and the veto is overridden by the Council, the date of adoption shall be the date on which the veto is overridden. Except as provided in ORS 268.465 and 268.507, the Council by a majority vote of its members may declare that an emergency exists in which case an ordinance may take effect immediately or in less than 90 days. The Council by a majority vote of its members may prescribe that an ordinance take effect later than the 90th day after its adoption. If the Council refers an ordinance to the electors, the ordinance shall become effective on the 30th day after its approval by a majority of the electors voting on the measure or on a later date specified in the ordinance. If a referendum petition, other than a petition referring an ordinance declaring an emergency, is filed with the filing officer not later than the 90th day after the adoption of the ordinance and before the ordinance takes effect, the effective date of the ordinance shall be suspended. An ordinance referred by a proper referendum petition shall become inoperative and shall not take effect if a minority of the electors voting on the measure reject the ordinance.

(j) Within seven (7) days after adoption or final adoption of an ordinance, the enrolled ordinance shall be:

- (1) Signed by the Presiding Officer;
- (2) Attested by the person who served as Recording Secretary of the Council at the meeting at which the Council adopted the ordinance; and

(3) Filed in the records of the District.

(k) If required by law a certified copy of each ordinance shall be filed with the Division of Courts Process of Multnomah County, and the County Clerk for Washington and Clackamas Counties.

(l) Pursuant to ORS 198.550(3), an ordinance to meet an emergency may be introduced, read once, and put on its final passage at a regular or special meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the Council at the meeting, a quorum being present, is required to adopt an emergency ordinance. Failing such approval, the emergency ordinance shall be considered pursuant to subsections 2.01.070(b) and (c) above. Emergency ordinances may be subject to the veto of the Executive Officer as described in subsection (e), (f) and (g) of this section [-] and shall have an effective date as described in subsection (i) of this section.

Section 2. Metro Code Section 2.01.090 is hereby amended as follows:

2.01.090 Conduct of Meetings:

(a) A quorum of the Council is seven (7) members. If a quorum is present, the Council may proceed with the transaction of its business.

(b) Minutes of each meeting shall be prepared by the Clerk of the Council, and shall include at least the following information:

- (1) All members of the Council present;
- (2) All motions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;
- (3) The results of all votes and the vote of each Councilor by name;
- (4) The substance of any discussion on any matter.

(c) Minutes of executive sessions may be limited consistent with ORS 192.660.

(d) The written minutes shall be available to the public within a reasonable time after the meeting, and shall be maintained as a permanent record of the actions of the Council by the Clerk of the Council.

(e) The Council shall by resolution adopt rules establishing procedures governing conduct of debate on matters considered by the Council at Council meetings.

~~(f)~~ ~~(+e)~~ Council members present, but not voting or not specifically abstaining shall be counted as voting with the majority. In the event that there is no such majority, such members shall be counted as abstaining.

~~(g)~~ ~~(+f)~~ Except for ordinances and rules, the Presiding Officer may order the unanimous approval of any matter before the Council unless there is an objection from one or more Councilors. If there is an objection, then a voice vote shall be taken, unless the objecting Councilor requests a roll call vote and at least two (2) Councilors concur in such request, in which case a roll call vote shall be taken. At each meeting the Clerk of the Council shall rotate the order for each roll call vote so that the Councilor who voted first shall vote last on the next roll call vote.

~~(h)~~ ~~(+g)~~ In the event a matter is the subject of a voice vote or a roll call vote, after the vote is taken the Presiding Officer shall announce the result of the votes. Prior to proceeding to the next item on the agenda, or if the item voted upon is the last item on the agenda before adjournment, any member may request that the Clerk of the Council change their vote in which case the change in vote shall be announced by the Presiding Officer and the result of the votes as modified shall also be announced. Upon commencement of the next agenda or adjournment, as the case may be, all votes shall become final and may not be further changed without the unanimous consent of the Council.

~~(i)~~ ~~(+h)~~ Any matter not covered by this chapter or a rule adopted by the Council shall be determined by "Roberts Rules of Order," latest revised edition. The Council may by a positive vote of eight (8) members authorize the suspension of any rule adopted by the Council.

~~(j)~~ ~~(+i)~~ All meetings of the Council, its committees, and advisory committees shall be held and conducted in accordance with the Oregon Public Meetings Law.

Section 3. Metro Code Section 2.01.120 is hereby amended as follows:

2.01.120 Communications from the Public: Communications from the public both for matters on the agenda and matters not on the agenda may be allowed by the Council; provided, however:

(a) Persons addressing the Council shall do so from the rostrum upon first gaining recognition of the Presiding Officer and after stating name and address.

(b) To facilitate the orderly transaction of business, the Presiding Officer may limit the time, order and number of appearances~~(-)~~ in accordance with rules establishing procedures adopted by resolution by the Council.

Section 4. Metro Code Section 2.01.130 is hereby amended as follows:

2.01.130 Order of Business:

(a) The general order of business for the Council shall be prescribed by resolution.

(b) Questions relating to the priority of business shall be decided without debate. The general order of business shall not be varied except upon the affirmative vote of a majority of the Council present and voting, a quorum being present.

(c) A [~~unanimous consent calendar~~] consent agenda shall be presented for the consideration and vote of the Council only at regular meetings. Items may be placed on the consent agenda pursuant to rules establishing criteria adopted by the Council by resolution. Copies of the consent [~~calendar~~] agenda shall be printed and distributed prior to consideration.

(d) Before calling for the vote on the consent [~~calendar~~] agenda, the Presiding Officer shall ask if any Councilor objects to any matter on the consent [~~calendar~~] agenda. If any matter on the consent [~~calendar~~] agenda is objected to by a member of the Council, that matter shall be removed from the consent [~~calendar~~] agenda and placed upon the regular agenda of the Council [~~under other business.~~] at a time or place determined by the Presiding Officer.

Section 5. Metro Code Section 2.01.140 is hereby amended as follows:

2.01.140 Standing Committees of the Council:

(a) The Council may establish standing committees as it deems necessary.

(b) Members of all standing committees shall be appointed by the Presiding Officer subject to confirmation of the Council. The first named shall be the Chair and the second named shall be the Vice Chair.

(c) A majority of the members of the standing committee shall constitute a quorum for the transaction of business before the Committee. Except as otherwise provided in this chapter or rules adopted by the Council, all standing committees of the Council shall be governed by "Roberts Rules of Order," latest revised edition.

(d) All standing committees shall meet at the call of the Chair or upon the request of a majority of the members of the Committee.

(e) The purposes of the standing committees are to:

- (1) Make studies of and inquiries into areas into concern and interest to the Council.
- (2) Report information to the Council.
- (3) Prepare and submit recommendations, proposals and ordinances to the Council.

(f) Unless otherwise specifically provided, standing Committees of the Council shall have the power to:

- (1) Hold meetings at such times and places as the committee considers expedient.
- (2) Hold public hearings and take testimony.
- (3) Make findings, conclusions and recommendations.
- (4) Draft and prepare resolutions and ordinances for consideration by the Council.
- (5) Appoint task forces and committees to advise the committees of the Council, subject to Council approval.

(g) Standing committees shall conduct business according to the following rule:

- (1) A quorum of the committee is necessary to take action on any matter before the committee;
- (2) Any matter before a committee may be decided by a majority of a quorum;
- (3) Each committee chair shall have one (1) vote and the chair may vote and discuss any issue before the committee without relinquishing his or her position as chair;
- (4) Any member may make a motion for action by the committee and a second is not necessary for committee consideration of the motion;
- (5) Comment from members of the public appearing at the committee shall be solicited prior to the committee taking action on any matter before it. The chair may set time limits for public comment on matters before the committee; and
- (6) A committee may go into executive session for the purposes and following procedures prescribed by law.

(h) A standing committee may take the following action on an ordinance or resolution:

- (1) Refer the ordinance or resolution to the Council or another Committee, if it has received a subsequent referral by the Presiding Officer, either as originally submitted or as amended with a recommendation for approval or with no recommendation; or
- (2) Table the ordinance or resolution; or
- (3) Continue the ordinance or resolution to another committee meeting.

Any ordinance or resolution which remains in a standing committee over six (6) months from the date it was introduced shall be considered to be defeated and shall be filed with the Council Clerk and receive no further consideration. By majority vote of a quorum of the Council or by action of the Presiding Officer any matter referred to a standing committee may be removed from the committee and reassigned to another committee or be considered by the Council at a subsequent meeting. Consideration of such action shall take place under the "Councilor Communication["] and Committee Reports" agenda item.

(i) The term for a committee member shall be one (1) year. Except for filling vacancies, committee appointments shall be made in January of each year.

(j) No committee will incur any indebtedness or hire any personnel without the express approval of the Council.

(k) The Chair, Vice Chair or committee members may be removed from committee assignment(s) upon the affirmative vote of the majority of the Council (7). Consideration of such agenda item shall take place under the "Councilor Communication["] and Committee Reports" agenda item.

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

Tanya Collier, Presiding Officer

Attest:

Clerk of the Council

Meeting Date: June 27, 1991
Agenda Item No. 7.1

RESOLUTION NO. 91-1475

STAFF REPORT

CONSIDERATION OF RESOLUTION 91-1475
RECOMMENDING RATIFICATION OF THE RENEGOTIATED
LABOR AGREEMENT BETWEEN METRO AND AFSCME LOCAL 3580
EFFECTIVE 7-1-91 THROUGH 6-30-95

Background: Contract negotiations between Metro and AFSCME Local 3580 commenced on May 14. Tentative agreement on a four year contract was reached after six sessions on June 14.

The Union has scheduled a ratification vote for Wednesday, June 26. It is assumed the agreement will be ratified by the Union membership at that time, since the AFSCME bargaining team is recommending adoption.

Following for your consideration is a summary of the major changes made in the tentative agreement. It is the recommendation of the Executive Officer that the Agreement be ratified as negotiated.

ECONOMIC ISSUES:

Retirement: The Union accepted membership in PERS effective July 1, 1991, in lieu of a cost of living increase. The net cost to Metro is approximately 5% of gross payroll for this year and all years hereafter. PERS membership as agreed to does not include the sick leave credit.

Wages: 7-1-91 0% increase due to PERS implementation.
7-1-92 COLA based on 85% of increase in Portland Area CPI-W, with a minimum of 3% and a maximum of 6%. This formula will apply to the third and fourth year of the Agreement as well.

Health and Welfare: During Year 1 of the Agreement, Metro will pay no more than 112.5% of the 90/91 composite rate for medical, dental and vision coverage provided by the current HMO and indemnity plans. Metro will pay no more than 122.5% of the 90/91 rate during Year 2, and no more than 132.5% and 142.5% of 90/91 during Years 3 and 4 respectively. (Please note that all percentage increases are indexed to FY 90/91.

This means that Metro will pick up the first 10% increase in medical insurance premiums during the last three years of the agreement, and the employees will pay the remainder. The co-pay threshold in the prior agreement was 15% per year.

NON-ECONOMIC CHANGES:

Holidays: Part-time employees will receive holiday pay based on actual hours worked. Under the prior Agreement, half-time employees received full-time benefits.

Vacation: Accrual rates will accelerate after 7 years of service, at which time employees will receive 120 hours of vacation per year. Formerly, the 120 hour rate was not attained until nine years. Employees with more than 12 years will now receive 180 hours per year as opposed to 160.

Sick Leave: Absent employees must now call in within 1/2 hour of beginning of shift as opposed to 1 hour. At multiple shift locations, employees must call in 1 hour before shift begins.

Personnel Files: Changed to clarify existing practice for removal of disciplinary material from file and placing of written record of oral reprimand.

Maintenance of Standards: Changed to allow error correction by Metro within 90 days of Metro's first knowledge of the error.

NEW ITEMS:

EAP: An employee Assistance Program will be implemented year one of the agreement. Continuation thereafter will be subject to budgetary considerations.

Child Care Committee: Sets up a committee to review and report on child care issues. Also establishes a vehicle to allow pre-tax dollars for child care.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RATIFYING THE) RESOLUTION NO. 91-1475
1991-1995 COLLECTIVE BARGAINING)
AGREEMENT WITH THE AMERICAN) Introduced by Rena Cusma,
FEDERATION OF STATE, COUNTY AND) Executive Officer
MUNICIPAL EMPLOYEES)

WHEREAS, The American Federation of State, County and
Municipal Employees (AFSCME) was recognized on October 25, 1988,
as the exclusive bargaining agent for all non-supervisory Metro
employees not represented by Laborers' International Union, Local
483; and

WHEREAS, Negotiations for a collective bargaining agreement
began in May 19, 1991; and

WHEREAS, Tentative agreement was reached with the AFSCME
bargaining team on the 1991-95 collective bargaining agreement
which would renew the contract between the Metropolitan Service
District and the American Federation of State, County and
Municipal Employees; and

WHEREAS, A ratification vote by the AFSCME membership was
scheduled for June 26, 1991; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby
ratifies the tentatively agreed 1991-95 collective bargaining
agreement with the American Federation of State, County and
Municipal Employees.

DATED this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

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ARTICLE 1: PREAMBLE

THIS AGREEMENT is entered into by the Metropolitan Service District, hereinafter referred to as "Metro," and the Oregon Public Employees Council No. 75, Local _____ of the American Federation of State, County and municipal Employees, AFL-CIO, hereinafter referred to as "the Union."

The purpose of this Agreement is to set forth the full and complete Agreement between Metro and the Union on matters pertaining to rates of pay, hours of work, fringe benefits and conditions of employment, to promote efficiency in employee work performance, and to provide an equitable and peaceful procedure for the resolution of disputes in the interpretation and application of the terms of this Agreement consistent with Metro's and the Union's mutual objective of providing ever improved services to the public of the Metropolitan Service District.

The provisions of this Agreement shall be applied equally to all employees in the bargaining unit without discrimination as to age, sex, marital status, sexual preference, race, color, creed, religion, national origin, association or political affiliation, mental or physical handicap.

Except as otherwise provided by law, regulation, or grant provisions, the PARTIES AGREE AS FOLLOWS:

ARTICLE 2: RECOGNITION

Section 2.1 Metro recognizes the Union as the exclusive bargaining representative of all permanent employees of Metro, excluding employees who are included in a bargaining unit represented by the Laborers' International Union, Local 483, and confidential and supervisory employees as defined by ORS 243.650(6) and (14).

Section 2.2 Temporary employees are not included in the bargaining unit. Temporary employees shall be defined as those employees working less than one thousand forty-four (1,044) hours per year in a twelve (12) month period from initial hiring, or any 12-month period thereafter. Temporary employees shall not be used to replace and/or diminish wages, hours or other conditions of employment of existing bargaining unit employees except during bona fide recruitment of permanent employees, leaves, or short-term non-recurring work operations. Metro agrees to provide the Union a monthly listing of temporary employees and hours worked from hire date.

ARTICLE 3: MANAGEMENT RIGHTS

The employer shall have and retain the sole responsibility for the management and operation of all Metro functions and direction and control of its work force, facilities, properties, programs and activities, except as expressly limited by the terms and conditions of this Agreement. These rights include but are not limited to the following:

- (1) Determination of Metro's mission, policies, and all standards of service offered to the public and other local governments;
- (2) Planning, directing, controlling and determining the operations or services to be conducted by employees of Metro;
- (3) Determining the methods, means, number of personnel needed to carry out any department's mission;
- (4) Directing the work force;
- (5) Hiring and assigning or transferring employees within or between departments;
- (6) To promote, suspend, discipline or discharge consistent with this Agreement;
- (7) To lay off or relieve employees due to lack of work or funds or for other legitimate reasons;
- (8) To make, publish and enforce rules and regulations including personnel rules and policies that do not violate any specific provision of this Agreement; and
- (9) To introduce new or improved methods, equipment or facilities.
- (10) To complete performance evaluations of employees as required.
- (11) To classify, reclassify or merge positions as required.

ARTICLE 4: UNION SECURITY

Section 4.1 Membership. Membership or non-membership in the Union shall be guaranteed individual choice of employees within the bargaining unit provided, however, that any employee who chooses to belong to the Union shall be entitled to subsequently withdraw from membership of the Union by the giving of written notice to the Union and Metro.

Section 4.2 Fairshare. Metro agrees to fairshare in accordance with and pursuant to the terms of the Oregon Revised Statutes . 243.650 (10) and (16) with the understanding that the fairshare for non-union employees shall be equivalent to the dues of the Union membership in Oregon Council 75, American Federation of State, County and Municipal Employees, Local AFL-CIO.

The right of non-association of employees based on bona fide religious tenets or teaching of a church or religious body of which an employee is a member is hereby guaranteed. Such employee shall pay the fairshare amount described hereinabove to a non-religious charity or to another charitable organization mutually agreed upon by the employee and the Union. The employee shall furnish proof to the Union that this has been done.

Section 4.3 Effective Date. The effective date of withholding Union membership dues or fairshare shall be the first of the month following thirty (30) calendar days of employment.

Section 4.4 Dues Checkoff. Upon receipt of a signed authorization from the employee, Metro agrees to deduct from the paycheck of each employee authorized by the Union, the regular monthly dues uniformly required of members of the Union and the amount of fairshare determined by application of Article 4.2 of this Agreement from all non-union members of the bargaining unit for which the Union is the exclusive bargaining agent. The aggregate amount deducted, together with an itemized statement, shall be transmitted monthly to the Council 75 offices on behalf of all employees involved. The performance of this service is at no cost to the Union. Metro will not be held liable for any errors or delays, but will make any proper corrections as soon as

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possible.

Section 4.5 The Union agrees that it will indemnify, defend and save Metro harmless from all suits, actions, proceedings, and claims against Metro, or person acting on behalf of Metro, whether for damages, compensation, reinstatement, or a combination hereof arising out of Metro's implementation of this Article. In the event any decision is rendered by the highest court having jurisdiction that this Article is invalid and/or that reimbursement of the service fee (fairshare) must be made to employees affected, the Union shall be solely responsible for such reimbursement.

ARTICLE 5: HOURS AND SHIFTS

- Section 5.1 Forty (40) hours shall constitute the normal workweek, eight (8) hours per day, five (5) consecutive days per week with two (2) consecutive days off. Notice of change in shift starting times or days off will be given prior to the end of the week before the week in which the change becomes effective, and such change will be effective for not less than one (1) week.
- Section 5.2 Except in cases of emergency, all employees' shall be provided with a fifteen (15) minute rest period during every four (4) hours worked. Rest periods normally shall be taken near the middle of each one-half (1/2) shift whenever feasible.
- Section 5.3 Notwithstanding the workweek set forth in 5.1 and 5.2 above, the Union may request and Metro may initiate an alternate workweek schedule, upon mutual agreement of the Union and Metro.
- Section 5.4 Shift work shall be permitted in all classifications, without restrictions, on the following basis. The day shift for pay purposes is any shift which begins between 6:00 a.m. and 11:59 a.m. Part-time work which is commenced after 11:59 a.m. and completed by 6:59 p.m. is day shift work.
- Section 5.5 Employees transferred from one shift to another, unless relieved from work at least a full shift before starting their new shift, shall be paid the overtime rates for the first such new shift worked.
- Section 5.6 The second or swing shift for pay purposes shall be defined as any shift which begins between 12:00 noon and 6:59 p.m. An employee scheduled on the second shift shall receive a forty (40) cents per hour shift differential in addition to the employee's regular hourly rate (as set forth in Schedule A).
- Section 5.7 The third or graveyard shift for pay purposes shall be defined as any shift which begins between 7:00 p.m. and 5:59 a.m. Employees scheduled on the third shift shall receive a shift premium of forty-five (45) cents per hour in addition to the regular

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hourly rate (as met forth in Schedule A).

Section 5.8 Relief shifts shall be defined as:

5.8.1 Any workweek schedule which includes multiple shifts with a maximum of three (3) day shifts.

5.8.2 Employee assigned to relief shifts shall be paid fifty-five (55) cents per hour premium for all hours worked.

5.8.3 Employees working relief shifts shall not receive shift premium authorized in Sections 5.6 and 5.7 above.

Section 5.9 The shift differential shall apply to all hours worked during that shift. If an employee works one-half or more of the second or third shift, the employee shall receive the higher differential for all hours worked in that shift.

ARTICLE 6: NO STRIKE OR LOCKOUT

Section 6.1 During the term of this Agreement, neither the Union nor its agents or any employee, for any reason, will authorize, institute, aid, condone or engage in a slowdown, work stoppage, picketing, strike, or any other interference with the work and statutory functions or obligations of Metro. During the term of this Agreement neither Metro nor its agents for any reason shall authorize, institute, aid, or promote any lockout of employees covered by this Agreement.

Section 6.2 If any work stoppage, slowdown, picketing, or strike shall take place, the Union agrees to immediately notify any employees engaging in such activities to cease and desist and to publicly declare that such work stoppage, slowdown, picketing, or strike is in violation of this Agreement and is unauthorized. The Union agrees to immediately notify all Local officers and representatives of their obligation and responsibility for maintaining compliance with this Article including their responsibilities to remain at work during any interruption which may be caused or initiated by others and to encourage other employees violating Section 6.1 above to return to work.

ARTICLE 7: OVERTIME AND COMP TIME

Section 7.1 Overtime worked by employees non-exempt from the Fair Labor Standards Act (FLSA) shall be paid at one and one-half (1-1/2) the employee's regular rate including any regular rate premiums. Overtime is time worked over eight (8) hours per day or over forty (40) hours in one (1) workweek. For employees working four-day workweeks overtime is time worked over ten (10) hours per day or over forty (40) hours in one (1) workweek.

Section 7.2 Upon agreement with a non-exempt employee that overtime not be paid, non-exempt employees shall receive one and one-half (1-1/2) hours of compensatory time off for every hour worked in excess of eight (8) hours (ten (10) hours per day for four-day workweek employees) or forty (40) hours per workweek.

Section 7.3 Exempt employees, as salaried professional, executive, and administrative employees under FLSA, shall not be paid overtime nor receive hour-for-hour compensatory time.

ARTICLE 8: HOLIDAYS

Section 8.1 All bargaining unit members shall receive one (1) day's hourly pay or no deduction from salary for each of the following designated holidays listed on which they perform no work:

- (1) New Years Day;
- (2) Martin Luther King Day;
- (3) Washington's Birthday;
- (4) Memorial Day;
- (5) Independence Day;
- (6) Labor Day;
- (7) Veterans Day;
- (8) Thanksgiving Day;
- (9) Christmas Day;
- (10) Two (2) Personal Holidays are allowed each fiscal year on days of each employee's choice, subject to schedule approval of the supervisor. Employees hired after January 1 of each fiscal year shall be entitled to one (1) such holiday in that fiscal year. For purposes of this section, a Personal Holiday is any day chosen by the employee and approved by the supervisor which would otherwise be a regular scheduled workday. The personal holidays must be taken by the employee within the fiscal year in which they accrue.

Section 8.2 All part-time employees will receive holiday pay pro-rated based on average hours worked per work day during the preceding two pay periods.

Section 8.3 Whenever a holiday shall fall on the first day not included in the employee's regularly scheduled work week, the preceding day in an employee's regular workweek shall be observed as a holiday. Whenever a holiday shall fall on the second day not included in the employee's regularly scheduled workweek, the following day in an employee's regular workweek shall be observed as a holiday.

Section 8.4 Holidays which occur during vacation or sick leave shall not be charged against such leave.

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Section 8.5 Eligible employees shall receive eight (8) hours regular pay for each of the holidays set forth above on which they perform no work. Eligible employees who work a 4-10 schedule shall receive ten (10) hours regular pay for each of the holidays set forth above on which they perform no work. In addition to holiday pay, any non-exempt employee shall be paid the overtime rate for any holiday actually worked. However, if an employee is scheduled to work on a holiday, that employee will be permitted to defer the holiday with regular pay until a later date. An employee under this section can accumulate no more than five deferred holidays.

ARTICLE 9: VACATION

Section 9.1 Subject to department approval and the provision on initial probationary period, all bargaining unit employees shall be granted annual vacation leave with pay based on hours worked, accruing at the following rates:

<u>Total Years of Continuous Service</u>	<u>Accrual Rate Per Hours</u>	<u>Equivalent Annual Hours Full-Time Employees</u>
Date of Hire thru completion of 3 years	.0385 hours	80 hours
4 years through completion of 7 years	.0577 hours	120 hours
8 years through completion of 11 yrs.	.0770 hours	160 hours
12 years plus	.0862 hours	180 hours

Section 9.2 Permanent employees who have been employed by Metro for more than six (6) consecutive months may be granted accrued vacation leave by approval of the department director or his/her designee.

Section 9.3 Employees shall not accumulate more than two hundred fifty (250) hours of vacation leave. Additional hours that would have accrued at the rates in this Agreement shall be forfeited unless a denial of a vacation request prevents an employee from avoiding the 250 hours maximum. If denial of a vacation request prevents an employee from avoiding the 250 hour maximum, the employee shall be paid at regular rate for those hours accrued over 250 hours.

Section 9.4 Department directors or their designees shall schedule vacation for their respective staff with consideration for vacation accrued, seniority, the desires of the staff, and for the work requirements of the department. Vacation schedules may be amended to allow the department to meet emergency situations. Vacation requests more than thirty (30) working days in advance shall not be arbitrarily denied or amended without demonstration of conflict with a prior request or a bona fide work emergency.

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Section 9.5 Any regular employee who resigns, retires, is laid off or dismissed from employment with Metro shall be entitled to immediate lump sum payment for accrued and unused vacation at the employee's existing salary rate provided, however, that such lump sum payment shall not be made if separation occurs prior to the completion of the initial probationary period including any extensions.

ARTICLE 10: SICK LEAVE

Section 10.1 Bargaining unit members shall earn sick leave with pay at a rate of .05 hours per hour worked accrued in an unlimited amount. Qualified employees shall be eligible for use of earned sick leave after working 1 day of service with Metro.

Section 10.2 Employees are eligible to use sick leave for the following reasons:

- (1) Personal illness or physical disability;
- (2) Illness or physical disability in the employee's immediate family or household requiring the employee to remain at home.
- (3) Medical appointments and office visits.

Section 10.3 Employees unable to report to work shall report the reason for absence to their supervisor within (1/2) hour after the scheduled beginning of their shift. At locations where multiple shifts are worked, employees unable to report to work due to illness shall report the reason for the absence to their supervisor one hour prior to the scheduled beginning of their shift. Sick leave with pay shall not be allowed unless such report has been made. The supervisor shall require sick leave beyond three (3) days to be supported by a physician's statement attesting to the illness.

Section 10.4 Metro and the Union agree that no employee should receive full wages in paid sick leave while also receiving time loss payments on an insured disability or Workers' Compensation claim. The parties therefore agree as follows:

Where the dual payment would result from the employee filing a claim for time loss payments for an injury or disease the employee shall receive only the paid sick leave, if any, for the same condition necessary to bring the employee to full pay for the pay period. Metro may recoup any overpayment of sick leave paid, either by deductions from gross wages per pay period in an amount not exceeding 20 percent gross wages until the total overpayment is recouped, or Metro and the employee may, by

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mutual agreement, provide for some other means for repayment. Upon repayment of the total amount of the excess, the employee's sick leave account shall be credited with that portion of the sick leave repaid.

Section 10.5 Sick leave shall not continue to accrue during periods of disability or leave unpaid by Metro.

ARTICLE 11: OTHER LEAVES

Section 11.1 Bereavement Leave. An employee absent from duty by reason of the death of his or her spouse, parents, children, sister, brother, grandparent, grandchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, or other household member shall be allowed not to exceed three (3) days time off duty without deduction of pay on account of such absence.

Employees may attend a funeral ceremony for a fellow employee within their own department with four (4) hours time off with pay to attend such funeral ceremony, subject to the needs of the operation.

Section 11.2 Employees shall be granted a paid leave of absence for any time required by law for military service, jury service, or as a result of service upon employee of a lawful subpoena or -required court appearance in a work-related matter. Any jury or witness fees or mileage Will be endorsed over to Metro.

Section 11.3 Disability Leave. (1) Upon application, supported by a statement of a physician, a leave of absence shall be granted without pay for a period not to exceed six (6) months from the beginning of the disability in cases of the physical disability of a regular employee. Any employee requesting such leave shall file such request in writing with the employee's department director and attach thereto a statement of the attending physician. The latter physician's statement must indicate that the duration of leave requested is necessary for the disabled employee to recover from the disability. Upon ceasing work, the employee may use any vacation and sick leave earned.

(2) Disability leave without pay shall commence immediately upon completion of the vacation and sick leave. During the first three (3) months of such disability leave, Metro shall continue to provide health, dental, life insurance, accidental death and dismemberment and long-term disability benefits, to the same extent provided other employees, and shall pay all appropriate premiums. if a leave of absence for a disability extends beyond three (3) months, the employee

may elect to continue the latter coverages and benefits; upon such election, the gross premiums for such extended coverage shall be paid by the employee. Any and all such extensions of coverages and benefits beyond the first three (3) months shall be subject to any and all restrictions and conditions in each applicable benefit policy or plan.

- (3) In the event that any leave of absence on account of a disability exceeds six (6) months, the employee may be dismissed from employment; provided, however, that the Executive Officer may extend such disability leave once by an additional six (6) month period if such extension will not adversely affect the operations of Metro and if prior to the expiration of such six-month period of disability leave, such employee presents to the Executive Officer an attending physician statement that the employee will be able to resume full performance of his/her normal work duties within six months following the expiration of the initial six months of disability leave. However, if the attending physician statement indicates that the employee will require disability leave for a total period extending beyond one (1) year, or if the actual period disability extends beyond one year, the employee shall be dismissed from employment. Any extension of an employee's disability leave beyond six months by the Executive Officer shall be writing and shall be filed in the Personnel Division office.

Section 11.4 Parental Leave. Unpaid Parental Leave up to the developmental stage equivalent of twelve (12) weeks for a newborn or for the 12-week period following the date an adoptive parent takes custody of a newly adopted child under six (6) years of age shall be granted to eligible employees.

- (1) The employee shall be entitled to take parental leave without being penalized for taking leave.
- (2) An employee returning from parental leave shall be reinstated with no greater or lesser rights in employment than if the employee had not taken the leave. This section is pursuant to ORS 659.360-659.370.

- (3) All regular employees who have completed ninety (90) calendar days of employment are eligible to request the leave.
- (4) Employees have the option of using their accrued vacation leave during the parental leave. If the employee chooses to take leave without pay, benefits will be paid through the last day of the month following the month in which the leave without pay commences. If the employee chooses to utilize accrued vacation, benefits will be continued as long as the leave is continued on paid status. Such leave shall not be used for parental leave unless required by law.
- (5) A request shall be submitted to the Personnel Division thirty (30) calendar days before the occurrence of the event. The request must be in writing and contain the following information:
 - (A) The employee's intent to take parental leave beginning on a date certain more than thirty (30) days from the date of the request.
 - (B) The anticipated date of birth of the parent's child, or
 - (C) The Anticipated date that the parent will obtain physical custody of a newly adopted child under six (6) years of age, and
 - (D) The dates when the parent, or if both parents request parental leave, the dates which each parent will commence and terminate his or her portion of the parental leave.
- (6) Employees who return from parental leave by the date listed in the written request on file will be restored to their former position without loss of seniority or vacation credits. If circumstances change so that the employee's former job is no longer available, that worker will be reinstated in an equivalent position. Employees who do not return by the date specified shall be placed on the appropriate lay off list under this Agreement.

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Section 11.5 Leave Without Pay. All permanent employees may be granted leave of absence without pay and without employee benefits for a period not to exceed six (6) months provided such leave can be scheduled without adversely affecting the operations of Metro. Such leave may be extended once by the Executive Officer for an additional six (6) months. All requests for leave of absence without pay shall be in writing, shall be directed to the department director and shall contain reasonable justification for approval. Requests of less than ten (10) calendar days may be approved by the Department Director. Both the request and the Executive Officer's approval of the request shall be in writing and shall be filed in the Personnel Division Office. The employee may elect to continue employee coverages and benefits, however, premiums for such extended coverages and benefits shall be paid by the employee. Any and all such extensions of coverages and benefits shall be subject to any and all restrictions and conditions which may exist in each applicable benefit policy or plan. No employee may be denied leave without pay for arbitrary or capricious reasons. Any employee returning from an approved leave shall be reinstated with no greater or lesser employment rights than if the employee had not taken the leave.

ARTICLE 12: HEALTH AND WELFARE

Section 12.1 No later than July 1, 1991 or within thirty (30) days from the signing of this agreement, a joint eight (8) member committee comprised of four (4) members appointed by the Union and four (4) members appointed by Metro shall be formed. Metro shall make available to the committee current information regarding insurance premium rates and projected increases as such information becomes available to Metro. The committee shall meet to consider adjustments to benefits or coverages to stay below the specified employer contributions for each year of the Agreement. Each employee may contribute the remainder of the actual composite premium cost greater than the employer contribution, if necessary.

A lawful meeting shall be comprised of an equal number of Union and Metro Committee members with not less than two of each group. The Committee shall make recommendations to the Executive Officer to keep health care costs under the amounts set forth in Sections 12.2 through 12.4 of this article.

The Executive Officer shall consider the committee's recommendations and have the authority to make Plan modifications as necessary. In the event that the parties do not agree, the union has the right to engage the remedies available under ORS 243.712-243.732 including mediation and factfinding.

For the purposes of this article, the 1990/91 composite rate is \$277.93 for employees covered by the indemnity plan, and \$275.81 for employees covered by the HMO plan.

Section 12.2 Effective July 1, 1991, Metro shall contribute an amount not to exceed 112.5% of the composite rate that Metro paid during 1990/91 per employee for an equivalent medical, dental and vision plan provided by an HMO and/ or indemnity carrier.

Section 12.4 Effective July 1, 1992 Metro shall contribute an amount not to exceed 122.5% of the composite rate that Metro paid during 1990/91 per employee for an equivalent medical, dental and vision plan provided

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- by an HMO and/ or indemnity carrier.
- Section 12.4 Effective July 1, 1993, Metro shall contribute an amount not to exceed 132.5% of the composite rate that Metro paid during 1990/91 per employee for an equivalent medical, dental and vision plan provided by an HMO and/ or indemnity carrier.
- Section 12.4 Effective July 1, 1994 Metro shall contribute an amount not to exceed 142.5% of the composite rate that Metro paid during 1990/91 per employee for an equivalent medical, dental and vision plan provided by an HMO and/ or indemnity carrier.
- Section 12. 3 Life Insurance and Additional Dependant Life And Disability coverages shall be maintained at current levels at no cost to the employee unless adjustments are made by the joint committee to keep medical, dental and vision costs below the cap for that coverage.

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ARTICLE 13: RETIREMENT BENEFITS

Section 13.1 Effective July 1, 1991, and during the term of this Agreement, all eligible unit employees shall participate in the Oregon Public Employees Retirement System (PERS), as provided in the Oregon Revised Statutes. The extent of PERS membership shall include prior eligibility service, but shall not include prior benefit service or the unused sick leave option.

Section 13.2 Metro agrees to pay the employee's contribution to the Oregon Public Employees Retirement System in the amount of six (6%) percent of the employee's base salary, in lieu of a salary increase on 7/1/91, in addition to the required employer contributions.

ARTICLE 14: SALARY ADMINISTRATION (Existing Language)

- Section 14.1 Metro shall notify the Union when creating a new classification or substantially revising an existing classification. The Union shall have ten (10) days to request wage negotiations for a new or substantially revised classification.
- Section 14.2 Metro will implement a salary rate for the new or revised classification. This rate shall remain in effect subject to negotiations between Metro and the Union. If negotiations result in an increase in salary rate, the increase shall be effective back to the date the new or revised classification was implemented.
- Section 14.3 When an employee is assigned for a limited period to perform the duties of a position at a higher level classification for more than three (3) days, the employee shall be compensated for all hours worked at the higher level classification. The employee shall be compensated at the next higher step in his/her range or the first step in the higher classification whichever is greater.
- Section 14.4 Employees hired at the entry step shall be placed at the next step in the salary range after completion of probation. The employee's date of completion of probation shall become the employee's anniversary date. One (1) year after the employee's anniversary and each "anniversary date" thereafter the employee shall advance one (1) step in the salary range until the employee reaches the top step. Nothing in this section is to be construed to prohibit Metro from placing employees above the entry step or advancing employees to higher levels of the salary range. Employees hired above the entry rate shall advance one (1) step in the salary range one (1) year after date of hire and each year thereafter until the employee reaches the top step.
- Section 14.5 Employees promoted into a higher classification at Metro shall be placed at the next higher step in the new salary range. Upon completion of promotional probation employees shall advance to the next step in the new range. The date of completion of promotional probation shall constitute a new

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"anniversary date" and employees shall advance one (1) step on each anniversary date until the employee reaches the top step. Nothing in this section shall be construed to prohibit Metro from starting promoted employees higher or advancing employees upon the steps faster.

Section 14.6

For the purposes of this section, initial and promotional probation shall be six (6) calendar months from the first day of hire or promotion. initial probationary employees may be terminated without recourse to grievance procedure. Promotional probationary employees shall return to their former classifications and rate of pay if they fail to complete their probation without recourse to the grievance procedure. Promotional probationary employees shall not be discharged without just cause and shall have recourse to the grievance procedure.

ARTICLE 15: WAGES

- Section 15.1 Employees shall be paid in accordance with the classifications and rates of pay contained in Schedule A based on their current Kenny classification number. (Note: Schedule A shall be all represented classifications with the midpoint of the Kenny Plan salary range for each classification as Step 4, then three (3) 5 percent increments (or Steps) in either direction, producing a salary range matrix of an entry level and seven (7) steps, the seventh step being the maximum salary for the classification.)
- Section 15.2 Effective July 1, 1991, the rates and ranges of all employees shall not be increased, but employees shall receive in lieu of a wage increase, a 6% contribution to PERS pursuant to Article 13.
- Section 15.3 Employees shall move to the next highest step in the salary range on the employee's anniversary date annually during the life of this agreement.
- Section 15.4 Effective July 1, 1992, the rates and ranges of all employees shall be increased by eighty-five percent (85%) of the increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers, (CPI-W) (January to January) for the City of Portland, Oregon, published by the Bureau of Labor Statistics, U.S. Department of Labor. However, in no event shall the salary increase be less than three percent (3%) or greater than six percent (6%).
- Section 15.5 Effective July 1, 1993, the rates and ranges of all employees shall be increased by eighty-five percent (85%) of the increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers, (CPI-W) (January to January) for the City of Portland, Oregon, published by the Bureau of Labor Statistics, U.S. Department of Labor. However, in no event shall the salary increase be less than three percent (3%) or greater than six percent (6%).
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U.S. Department of Labor. However, in no event shall the salary increase be less than three percent (3%) or greater than six percent (6%).

Section 15.7 Any non-exempt employee required to return to work before the employee's next work shift, shall be paid for a minimum of two (2) hours at the rate of one and one-half (1-1/2) times the regular rate. However, when any non-exempt employee is required to work in excess of eight (8) hours in any workday, and the excess time is adjacent to the employee's regular work schedule, the employee will be paid time and one-half (1-1/2) only for the time worked in excess of eight (8) hours.

Section 15.10 Upon determination by the Executive Officer, or the Executive Officer's designee, of inclement weather, conditions and such determination results in the decision to open later than regularly scheduled hours or close any Metro site and to send the staff home before the end of their normal shift, those employees shall receive pay for a regular shift.

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ARTICLE 16: SENIORITY

(Existing language with attached side letter.)

- Section 16.1 Seniority shall be computed from date of hire or promotion into the classification. Seniority shall be applied for lay off, shift bidding and elsewhere as specified in this Agreement.
- Section 16.2 Where Metro employs multiple shift operations employees, such employees shall have the right to choose appropriate shifts every six (6) months or whenever a vacancy occurs. Employees shall indicate their shift preference in writing to their immediate supervisor prior to the filling of a vacancy. The supervisors shall assign employees based on written seniority preference. Employees may not be denied seniority preference for arbitrary and capricious reasons.
- Section 16.3 Seniority shall be continuous service in the employee's classification. Time spent on approved leave or as a result of on the job injury or illness shall not be considered a break in service. continuous service in lower classifications shall count as total seniority in the case of lay off. Metro shall publish and distribute semi-annually and thirty (30) days prior to any lay off a seniority list for all employees.
- Section 16.4 Lay off shall be defined as a separation from service for involuntary reasons not reflecting discredit upon employees. The Executive Officer shall determine the number and classifications to be laid off. All temporary, seasonal and probational employees within the classification selected for lay off shall be laid off prior to any lay offs of permanent employees.
- Section 16.5 Employees will be laid off by classifications with the least senior employees laid off first. In cases of ties in seniority within classification, total Metro service seniority shall be the tie breaker. Employees shall be given thirty (30) days notice of lay off. Employees given notice of lay off shall within ten (10) working days:
- a. accept demotion to a former classification previously served, including bumping the

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least senior employee in that former classification, provided the bumping employee has more classification seniority in the former classification; or

- b. apply for appointment to a vacant Metro position for which the employee meets the minimum qualifications. The best qualified employee given notice of lay off shall be appointed to a vacant position for which the employee applies and meets the minimum qualifications.

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ARTICLE 17: DISCIPLINE AND DISCHARGE

(Existing Language)

- Section 17.1 No employee may be disciplined or discharged without just cause.
- Section 17.2 No employee shall be denied Union and/or legal representation in any investigation. Employees shall receive all rights and safeguards provided by the State and Federal Constitutions.
- Section 17.3 Any employee suspended or discharged may appeal such action directly to the Executive Officer step of the grievance procedure. All other disciplinary actions shall be processed through the grievance procedure from the first step.
- Section 17.4 If Metro has reason to reprimand or discipline an employee, every reasonable effort shall be made to avoid embarrassment to the employee before other employees or the public.

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ARTICLE 18: SAFETY AND HEALTH

Metro agrees to provide a safe and healthful workplace, as required by law. Metro also agrees to provide and maintain all clothing, tools and equipment required by Metro for use by the employee.

Metro and the Union will establish joint labor-management safety committees in compliance with current Oregon law and administrative rules. Joint Safety committees will be established to represent the following primary places of employment:

1. Metro Center
2. Metro Washington Park Zoo
3. All Solid Waste facilities under Solid Waste Department and control.

Metro and the Union will each elect or appoint an appropriate number of representatives and alternates to the committees specified above in accordance with the statute. Metro and the Union agree to establish new committees as required by expansion or reorganization.

Each safety committee shall inquire into and make recommendations to Metro on all safety issues in the work area. Any employee who observes an unsafe condition in the workplace shall promptly report the same to his/her supervisor. The supervisor shall promptly take appropriate action.

No employee shall be disciplined for failure to perform an unsafe work operation or operate unsafe equipment.

ARTICLE 19: GRIEVANCE PROCEDURE

- Section 19.1 A grievance for the purposes of this Agreement is any dispute regarding the meaning, application or interpretation of any provision of this Agreement. Grievances except as noted elsewhere in this Agreement shall be processed as follows:
- Section 19.2 Within fifteen (15) working days of the alleged dispute or the employee's first knowledge of such dispute, the employee alone or accompanied by the Union shall file the written grievance with the employee's immediate supervisor.
- Section 19.3 Within five (5) working days the supervisor shall respond in writing to the employee and Union. Failure of the supervisor to respond or if the grievance is not resolved at this level, the employee or Union may advance it to the next level within five (5) working days of the deadline for the supervisor's response.
- Section 19.4 Any grievance not resolved or advanced from 19.3 shall be reduced to writing on a form mutually agreed to by the parties. The employee and the Union may present the grievance in a meeting with the Director of the employee's particular Department. The Director may respond within ten (10) working days of receipt of the written grievance.
- Section 19.5. Any grievance not resolved at the Director's level, or failure of the Director to respond, will allow the Union to escalate the grievance within five (5) working days of the deadline for the Director's response. It shall be filed with the Executive Officer of Metro. The Executive Officer or his/her designee shall respond within ten (10) working days of receipt of the written grievance. Failure of the Executive Officer to respond or if the grievance is not resolved it may be advanced to the next level by the Union within ten (10) working days of the deadline for the Executive Officer's response.
- Section 19.6 If the parties are unable to resolve the grievance or as required elsewhere in the Agreement the Union may request binding arbitration to resolve the dispute. The Union shall request a list of five (5)

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arbitrators from the State of Oregon Mediation and Conciliation Service. Such request shall not prohibit the parties also requesting grievance mediation at the same time. Any mediation shall be mutually agreeable to the parties. Upon receipt of the list the parties shall select an arbitrator by mutual agreement or alternate striking of names with the Union proceeding with the first strike. The Arbitrator thus selected shall be contacted by the parties to set a hearing.

Section 19.7 The Arbitrator's decision in the grievance shall be final and binding upon the parties. The Arbitrator's decision shall be within the scope of the Agreement. The Arbitrator shall have no authority to alter, amend, modify, add to or detract from the Agreement. The losing party shall pay the cost of the Arbitrator's award. All other expenses shall be borne by the party incurring them.

ARTICLE 20: EQUAL OPPORTUNITY

(Existing Language)

- Section 20.1 Metro and the Union agree to continue their policies of not unlawfully discriminating against any employee because of race, color, religion, sex, sexual orientation, national origin, mental or physical disability, marital status, political affiliation, or Union activity.
- Section 20.2 Any complaint alleging unlawful discrimination based on race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, marital status or political affiliation which is brought to the Union for processing will be submitted directly to the Executive officer or designee. If such a complaint is not satisfactorily resolved within thirty (30) days of its submission, it may be submitted to the Bureau of Labor and Industries for resolution.
- Section 20.3 If an employee has a grievance alleging unlawful discrimination based on Union activity, it shall be first pursued through the grievance procedure at the Executive Officer's level, however, the parties may mutually agree, in writing, to waive arbitration on any such grievance allowing the matter to be resolved through the Employment Relations Board.

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ARTICLE 21: MAINTENANCE OF STANDARDS

Metro agrees that all conditions of employment in its individual operations relating to wages, hours of work, overtime differentials and general working conditions directly related to job performance shall be maintained at not less than the highest standards in effect at the time of the signing of this Agreement, except where those standards have been modified through collective bargaining. It is agreed that the provisions of this Article shall not apply to inadvertent or bona fide errors made by Metro or the Union in applying the terms and conditions of this Agreement, if such error is corrected within ninety (90) days from the date of Metro's first knowledge of the error. Any disagreement between the local Union and Metro with respect to this matter shall be subject to the grievance procedure.

ARTICLE 22: PERSONNEL FILE

- Section 22.1 Metro shall maintain one (1) official personnel file for all employees. This file shall be maintained in the Metro Personnel Office. No document, report or correspondence of an adverse nature shall be placed in this file without a signature by the employee or a statement signed by the supervisor which indicates the employee has been shown the document and refused to sign it. An employee's signature shall not be construed to mean the employee agrees with the content.
- Section 22.2 All material in the official personnel file of any employee may be inspected by the affected employee. No material of an adverse nature may be used against an employee unless entered in the official metro file as described in subsection 22.1. An employee upon request shall have the right to view all material in the employee's personnel file.
- Section 22.3 All disciplinary material shall be expunged from the personnel file two (2) years from the date the material was entered, provided that the employee has received no other disciplinary action. Periodic performance appraisals shall permanently remain part of the official personnel file. Supervisors may elect to remove disciplinary material from an employee's personnel file prior to the end of the 2 year period specified above. Any material of an adverse nature shall be removed if not entered in accordance with subsection 22.2. Employees may include in their official personnel file any material rebutting disciplinary material that they believe to be incorrect. Grievances shall not be maintained in the personnel file.
- Section 22.4 A written record of an oral reprimand may be included in the personnel file as disciplinary material subject to the restrictions specified in 22.3. Such a written record will consist only of the date of the reprimand and a brief one-two sentence statement of the reason for the reprimand.

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ARTICLE 23: OUTSIDE EMPLOYMENT

(Existing Language)

Employees may engage in outside employment, provided that such outside employment does not:

1. create a conflict of interest with the employee's Metro duties; and
2. create an inability to perform employee's job duties at Metro.

Employees who engage in outside employment which is found to violate the above restrictions and who have failed to notify their department director of such employment shall be discharged.

ARTICLE 24: UNION RIGHTS
(Existing Language)

Section 24.1 Bulletin Boards: Metro agrees to furnish and maintain suitable bulletin boards in convenient places in each work area to be used by the Union. The Union shall limit its posting of notices to such bulletin boards. All posting of notices on bulletin boards by the Union shall be signed and dated by the individual doing the posting.

Section 24.2 Union Representatives: The Union shall appoint and certify the names of shop stewards to Metro.

Shop stewards shall be allowed to investigate and process grievances during working hours. In the event such activities would interfere with either the stewards or employees work Metro agrees to arrange a mutually agreeable time within seventy-two (72) hours. The steward must notify his/her supervisor prior to engaging in Union activity.

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ARTICLE 25: SAVINGS CLAUSE

(Existing Language)

Should any Article, Section or portion thereof of this Agreement be held unlawful and unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific Article, Section or portion thereof directly specified in the decision. Upon the issuance of any such decision, the Parties agree immediately to negotiate a substitute, if possible, for the invalidated Article, Section or portion thereof. All other portions of this Agreement and the Agreement as a whole shall continue without interruption for the term of this Agreement.

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ARTICLE 26: TERM OF AGREEMENT

This Agreement shall remain in full force and effect from July 1, 1991, to June 30, 1995. Either party may give written notice sixty (60) days prior to the expiration of the Agreement of its intention to renegotiate the terms and provisions of this Agreement.

METROPOLITAN SERVICE DISTRICT: AFSCME COUNCIL 75

By: _____ Date: _____

Rena Cusma
Executive Officer

AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL EMPLOYEES
LOCAL #3580 NEGOTIATING TEAM:

Marilyn Dirksen _____
Chuck Geyer _____
Tim Collins _____
Ron Nagy -----
Carrie Heaton _____
Avory Gray _____
Dennis O'Neil _____

By: _____ Date: _____

Thomas C. Gunn
Council Representative

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NEW ARTICLE: EMPLOYEE ASSISTANCE PROGRAM (EAP)

(To be numbered and incorporated into
the main text of the final agreement.)

Effective July 1, 1991, during FY 1991/1992, Metro shall provide at no cost to the employee an employee assistance program. Thereafter, for the remainder of this agreement, continuance of the EAP shall be subject to approval of funding by the Metro Council.

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NEW ARTICLE: CHILD CARE

(To be renumbered and incorporated into the text of the final agreement.)

1. A committee of up to three union and three Management persons will meet beginning no later than 30 days after the signing of this agreement to study child care concerns to include, but not be limited to:
 - a. The need for child care among bargaining unit members.
 - b. Costs associated with child care.
 - c. Evaluating the feasibility of on site day care facilities.
 - d. Possible funding sources for child care facilities.

Within 90 days of its first meeting, the Joint Committee on Child Care Concerns will issue a report summarizing the results of their study. Only failure to meet will be subject to the grievance procedure.

2. Metro shall establish under the terms of Section 129 of the IRS Code, as a pre-tax benefit, a voluntary deduction by the employee to a flexible spending account for child care.

SIDE LETTER

(To be attached to final Agreement.)

The Parties hereby agree that effective 30 days from the signing of this Agreement, the First Floor Lunch Room at Metro Central will be declared a smoke free area in which smoking will no longer be permitted.

By: _____ Date _____

By: _____ Date _____

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SIDE LETTER: SHIFT BIDDING

(To be attached to final Agreement.)

The Parties hereby agree that the shift bidding process specified in Article 16.2 of the Agreement will be implemented in the following manner:

1. Formal shift bids will be held every six months, at which time employees will submit, in writing, their shift preferences. The shifts will then be assigned based on the written seniority preference.
2. During the interim six month period between the formal shift bids described in paragraph 1, above, supervisors will post openings for seven (7) calendar days. The senior employee submitting a written bid will be awarded the position. The bidding employee's position will then be posted and bid in a similar fashion. Any open position after that will be filled at the Employer's discretion.

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SCHEDULE A

SRange	EntLevel	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
1	5.956682	6.254516	6.567242	6.895604	7.240384	7.602403	7.982524	8.381650
2	6.254516	6.567242	6.895604	7.240384	7.602403	7.982524	8.381650	8.800732
3	6.567380	6.895749	7.240537	7.602564	7.982692	8.381826	8.600918	9.240964
4	6.895670	7.240454	7.602476	7.982600	8.381730	8.800817	9.240858	9.702901
5	7.240572	7.602601	7.982731	8.381868	8.800961	9.241009	9.703060	10.18821
6	7.602482	7.982606	8.381737	8.800824	9.240865	9.702908	10.18805	10.69745
7	7.982587	8.381716	8.800802	9.240842	9.702884	10.18802	10.69743	11.23230
8	8.351676	8.800760	9.240798	9.702838	10.18796	10.69737	11.23224	11.79386
9	8.800543	9.240570	9.702598	10.28772	10.69712	11.23197	11.79356	12.38324
10	9.240766	9.702606	10.18794	10.69734	11.23222	11.79382	12.38351	13.00268
11	9.702747	10.28788	10.69727	11.23214	11.79375	12.38343	13.00260	13.65273
12	10.18806	10.69746	11.23233	11.79395	12.38365	13.00283	13.65297	14.33562
13	10.69750	11.23238	11.79399	12.38369	13.00288	13.65302	14.33568	15.05246
14	11.23226	11.79387	12.38356	13.00274	13.65288	14.33552	15.05230	15.80492
15	11.79391	12.38361	13.00279	13.65293	14.33557	15.05235	15.80497	16.59522
16	12.38364	13.00263	13.65297	14.33562	15.05240	15.80492	16.59527	17.42503
17	13.00265	13.65278	14.33542	15.05219	15.80480	16.59504	17.42480	18.29604
18	13.65290	14.33555	15.05232	15.80494	16.59519	17.42495	18.29619	19.21100
19	14.33559	15.05237	15.80498	16.59523	17.425	18.29625	19.21106	20.17161

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REPRESENTED BY THE AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES

1990-1991: PAY PLAN

SALARY RANGE	BASE RATE	1ST STEP	2ND STEP	3RD STEP	4TH STEP	5TH STEP	6TH STEP	7TH STEP
1	6.57	6.90	7.24	7.60	7.98	8.38	8.80	9.24
2	6.90	7.24	7.60	7.98	8.38	8.80	9.24	9.70
3	7.24	7.60	7.98	8.38	8.80	9.24	9.70	10.19
4	7.60	7.98	8.38	8.80	9.24	9.70	10.19	10.70
5	7.98	8.38	8.80	9.24	9.70	10.19	10.70	11.24
6	8.38	8.80	9.24	9.70	10.19	10.70	11.24	11.79
7	8.80	9.24	9.70	10.19	10.70	11.24	11.79	12.38
8	9.24	9.70	10.19	10.70	11.24	11.79	12.38	13.00
9	9.70	10.19	10.70	11.23	11.79	12.38	13.00	13.65
10	10.19	10.70	11.23	11.79	12.38	13.00	13.65	14.34
11	10.70	12.23	11.79	12.38	13.00	13.65	14.34	15.05
12	12.23	11.79	12.38	13.00	13.65	14.34	15.05	15.80
13	11.79	12.38	13.00	13.65	14.34	15.05	15.80	16.60
14	12.38	13.00	13.65	14.34	15.05	15.80	16.60	17.43
15	13.00	13.65	14.34	15.05	15.80	16.60	17.43	18.30
16	13.65	14.34	15.05	15.80	16.60	17.43	18.30	19.20
17	14.34	15.05	15.80	16.60	17.43	18.30	19.22	20.18
18	15.05	15.00	16.60	17.43	18.30	19.22	20.18	21.19
19	15.80	16.60	17.43	18.30	19.22	20.18	21.19	22.25

Meeting Date: June 27, 1991
Agenda Item No. 8.1

RESOLUTION NO. 91-1449A

REGIONAL FACILITIES COMMITTEE REPORT

RESOLUTION NO. 91-1449A, AUTHORIZING THE EXECUTION OF A MULTI-YEAR CONTRACT WITH TRI-MET FOR THE TRANSFER OF \$2,000,000 TO PROVIDE A PORTION OF THE LOCAL MATCH TO FEDERAL FUNDS FOR FINANCING THE WESTSIDE LIGHT RAIL PROJECT

Date: June 18, 1991

Presented by: Councilor Gardner

COMMITTEE RECOMMENDATION: At its June 11, 1991 meeting the Regional Facilities Committee voted 5-0 to recommend Council approval of Resolution No. 91-1449. Voting were Councilors Knowles, Bauer, Buchanan, Gardner, and McFarland.

COMMITTEE DISCUSSION/ISSUES: Transportation Director Andy Cotugno presented the staff report. He explained that the resolution authorizes an intergovernmental agreement with Tri-Met, and establishes Metro's general intent to pursue charging for parking at the Zoo. Revenue raised is to satisfy Metro's \$2 million commitment to the project, to which we have agreed because of specific benefits we will receive due to close proximity to the light rail line (i.e., the Zoo station). The City of Portland (\$7 million) and Washington County (\$5 million) have similar obligations. Mr. Cotugno also reported that there is still work to do to accommodate physical and operation considerations, such as changing the configuration of the parking lot and SW Knights Blvd., and establishing rates and procedures for parking. Physical changes require approval of the Portland City Council; such approval has been requested and is expected.

Councilor McFarland asked whether there is a contingency plan for raising the money if this plan doesn't work. Mr. Cotugno said the alternatives are other Metro revenue authorities: the Zoo budget or the General Fund. Neither of these is recommended because of budget considerations. Another aspect is whether OMSI and the World Forestry Center will pay if the parking fee is not the mechanism. They would have to agree for a proposal to work, but neither is contractually obligated for the funding, as Metro is.

In response to questions, Mr. Cotugno said that the \$2 million would be produced through the parking revenues, and will likely be paid to Tri-Met over time on a schedule to be developed. He added that Metro would like improved bus service to the zoo, and such service might be paid for through the parking revenues.

Councilor Knowles offered a conceptual amendment to the resolution, calling for Metro to request Tri-Met to improve transit service to the Zoo prior to the opening of Westside LRT and after the imposition of the parking charges. He justified his amendment by citing the inadequate level of transit service now at the Zoo, pointing out that transit should be expanded if we start charging for parking.

Councilor Gardner suggested Metro borrow from Solid Waste funds to pay its obligation to Tri-Met, and not begin charging for parking until Westside LRT is operational. Councilors Knowles and Bauer spoke in opposition to Councilor Gardner's suggestion.

Councilor Knowles' amendment was approved without dissent, and the Chair asked Mr. Cotugno to investigate the cash flow issues raised by Councilor Gardner.

Chair Knowles convened a public hearing, and no one testified. Mr. Cotugno relayed a message he had received from a Linda Dugger, who expressed concern about the difficulty in taking strollers on the train or bus. Committee staff Casey Short reported that he had received several phone calls in opposition to the proposed parking charge. Those callers expressed concern that the Zoo would be pricing itself out of competition and hurting its revenues; that it would create difficulty for low-income people; and that accommodations should be made for Friends of the Zoo members.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 91-1449A
THE EXECUTION OF A MULTI-YEAR)
CONTRACT WITH TRI-MET FOR THE) Introduced by Rena Cusma,
TRANSFER OF \$2,000,000 TO PROVIDE) Executive Officer.
A PORTION OF THE LOCAL MATCH TO)
FEDERAL FUNDS FOR FINANCING THE)
WESTSIDE LIGHT RAIL PROJECT)

WHEREAS, The Regional Transportation Plan adopted by Ordinance No. 89-282 identifies light rail transit expansion as a key element of meeting the region's transportation needs, and the Westside Corridor project as the number one regional transportation priority; and

WHEREAS, The Council of the Metropolitan Service District adopted Resolution No. 89-1035 defining a comprehensive transportation finance strategy including funding for light rail transit; and

WHEREAS, There will be statewide, regionwide, and direct user benefits derived from the basic Westside Light Rail Project; and

WHEREAS, Local governments may wish to add features to the basic project to meet local objectives; and

WHEREAS, The Transportation 2000 Committee, the Joint Policy Advisory Committee on Transportation, and the Metro Council have recommended a light rail transit financing compact involving statewide, regionwide, and direct user and/or local funding sources for the local matching funds; and

WHEREAS, The Metro Council adopted Resolution No. 90-1300 adopting the Regional Compact on Light Rail Funding and endorsed the proceeding with the funding plan for the Westside Corridor project involving state, regional, and local funding mechanisms for the basic Westside project; and

WHEREAS, The adopted funding plan provides that Metro will contribute \$2,000,000 by July 1993 as its share of matching funds for the basic Westside Light Rail Project including a Zoo station; now, therefore,

BE IT RESOLVED,

1. That the Metropolitan Service District shall contribute \$2,000,000 as its share of the local match commitment for the Westside Light Rail Project, including a Zoo station, and shall transfer said \$2,000,000 to Tri-Met on July 1, 1993, or

thereafter in accordance with a mutually agreeable payment schedule pursuant to the terms and conditions of an Intergovernmental Agreement between the parties.

2. That the Executive Officer of the Metropolitan Service District is authorized to enter into an Intergovernmental Agreement with Tri-Met similar in form to Exhibit "A" which is attached.

3. That the Metropolitan Service District intends to pursue collection of parking fees at the Zoo to provide the ability to better manage overuse of the parking lot, encourage use of light rail transit to access the site, and provide a funding mechanism for payment of this local match. Prior to implementation of parking fees, consideration will be given to alternatives involving borrowing of funds with a delay in imposition of parking fees until after opening of LRT or improvements in bus service prior to opening of LRT and after imposition of parking fees.

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

Tanya Collier, Presiding Officer

EXHIBIT "A"

TO

RESOLUTION NO. 91-1449A

INTERGOVERNMENTAL AGREEMENT FOR MATCHING FUNDS
WESTSIDE LIGHT RAIL PROJECT

THIS AGREEMENT is entered into this _____ day of _____, 1991, by and between the Metropolitan Service District ("Metro"), and the Tri-County Metropolitan Transportation District of Oregon ("Tri-Met").

It is agreed by and between the parties hereto:

1. METRO AGREES TO DO AS FOLLOWS:

a. Payment: Metro shall pay to Tri-Met the sum of Two Million Dollars and No Cents (\$2,000,000) as Metro's agreed contribution to the local match share of the Westside Light Rail Project ("Project") including a Zoo station.

Payment shall be made on July 1, 1993, or at such other time and on such a payment schedule as may be mutually agreed by the parties, provided that Tri-Met shall be entitled to simple interest on all amounts not paid by July 1, 1993, at the current 90-day U.S. Treasury Bill rate for Treasury Bills sold on the day nearest to the first day of each fiscal year quarter. Any payment schedule will reflect the cash flow needs of Tri-Met to make necessary payments to further the Project and the reasonable efforts of Metro to reduce the cost of funds needed to make Metro's contribution.

Both parties understand that UMTA may require investigation, analysis, and audit before determining that Metro's commitment to provide the \$2,000,000 as a portion of the total local match for the Project is sufficiently secure and that Metro has the financial ability to provide such matching funds. Metro agrees to fully cooperate with UMTA in this determination and to negotiate in good faith with Tri-Met on any modifications to this Agreement that are required by UMTA.

b. Project Support: Metro shall in addition make reasonable efforts to support Tri-Met in carrying out the Project, and Metro further agrees to act as the lead in gaining support and cooperation from Oregon Museum of Science & Industry and the World Forestry Center in order to positively contribute to assisting Tri-Met in the design and location of the Zoo station to ensure integration with the existing and planned Metro

Washington Park Zoo, Oregon Museum of Science & Industry, and the World Forestry Center facilities.

2. TRI-MET AGREES TO DO AS FOLLOWS:

a. Project Responsibility: Make all necessary efforts to obtain a full funding agreement for the Project with Urban Mass Transportation Administration ("UMTA") and to construct the Project as set forth in the Locally Preferred Alternative Report adopted by the Tri-Met Board on April 12, 1991.

b. Project Information: Tri-Met agrees to share all information with and to fully cooperate with Metro in the planning, design, construction, and operation of the Project. If at any time, Tri-Met becomes aware of actual or potential problems relating to the Project, Tri-Met shall inform Metro.

c. Project Design: Tri-Met agrees to cooperate with Metro regarding the design of the Zoo station to ensure integration with the existing and planned Metro Washington Park Zoo, Oregon Museum of Science & Industry, and World Forestry Center facilities.

3. THE PARTIES FURTHER AGREE AS FOLLOWS:

a. Successors and Assigns: This Agreement shall bind each party, its successors, assigns, and legal representatives. Neither party, under any conditions, may voluntarily assign or transfer its obligations to any third party. Any attempted assignment or transfer shall be null and void.

b. Adherence to Law: This Agreement shall be governed by the laws of the State of Oregon. Tri-Met and Metro shall adhere to all applicable federal and state laws including, but not limited to, laws, rules, regulations and policies concerning employer and employee relationships, Workers' Compensation, and public contracting. Such provisions as are necessary to comply fully with the laws of the State of Oregon concerning public contracts and provisions to be included herein are made a part of this Agreement by reference, and the parties shall comply with all obligations and other provisions of those laws the same as though those obligations and provisions were fully set forth herein.

c. No Waiver: Tri-Met or Metro's failure to object to any breach of this Agreement shall not constitute a waiver of that party's right to object to any additional breach or to require specific performance of this Agreement.

d. Modification: Any mutually agreed to modifications of the provisions of this Agreement shall be reduced to writing and signed by both parties.

e. Integration: This Agreement contains the entire agreement between the parties and supersedes all prior written or oral discussions or agreements.

f. Termination: This Agreement shall terminate upon the completion of the Project or upon the failure of Tri-Met to secure sufficient local and federal funds to complete the Project as contemplated in the Locally Preferred Alternative Report adopted by the Tri-Met Board on April 12, 1991.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

TRI-METROPOLITAN TRANSPORTATION
DISTRICT OF OREGON

METROPOLITAN SERVICE DISTRICT

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM

APPROVED AS TO FORM

Daniel B. Cooper
Metro General Counsel

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1449A FOR THE PURPOSE OF AUTHORIZING THE EXECUTION OF A MULTI-YEAR CONTRACT WITH TRI-MET FOR THE TRANSFER OF \$2,000,000 TO PROVIDE A PORTION OF THE LOCAL MATCH TO FEDERAL FUNDS FOR FINANCING THE WESTSIDE LIGHT RAIL PROJECT ("PROJECT")

Date: May 3, 1991

Presented by: Andrew C. Cotugno

PROPOSED ACTION

This resolution would authorize execution of an Intergovernmental Agreement with Tri-Met for the transfer of \$2,000,000 towards local matching funds for the Westside LRT project and establish an intent to pursue fees for parking at the Zoo/OMSI/World Forestry Center.

FACTUAL BACKGROUND AND ANALYSIS

On July 26, 1990, the Metro Council adopted Resolution No. 90-1300 which:

1. Established an overall funding framework for the Westside Corridor Project to include state, regional and local funding sources to provide the needed 25 percent local matching funds.
2. Endorsed Tri-Met proceeding with a general obligation bond measure to collect the regional share of these matching funds and to seek a state contribution from the '91 Oregon Legislature for the state share of these matching funds.
3. Endorsed local contributions in recognition of direct station area or user benefits as follows:

Portland	\$ 7,000,000
Washington County	\$ 5,000,000
Tri-Met	\$ 7,000,000
Metro (Zoo/OMSI/ WFC Station)	<u>\$ 2,000,000</u>
	\$21,000,000

The Metro contribution of \$2,000,000 is in recognition of the significant benefit realized by the siting of a station in the Metro Washington Park Zoo/OMSI/World Forestry Center area. This is particularly important considering this area is a major statewide and regional attractor, the existing parking facility is inadequate to meet demand, projected attendance is expected to grow significantly and the level of ridership attraction by LRT is much higher than other forms of mass transit, especially for non-work related trips.

This resolution authorizes execution of an Intergovernmental Agreement with Tri-Met for the transfer of the \$2,000,000 as provided for in Resolution No. 90-1300. It is important to execute this agreement to allow Tri-Met to submit the project to UMTA for approval and execution of the federal funding contract. The overall package of materials that must be submitted to UMTA before they will consider approving the federal funds includes:

- approval of all local matching funds needed to build the project; this will require finalizing the state match and other local government contributions in addition to the voter-approved general obligation bond measure;
- selection and local approval of the preferred alternative for the project; and
- submittal of the Final Environmental Impact Statement for the preferred alternative which addresses federal requirements, project impacts and intended mitigations.

All other elements of this package are on schedule for submittal to UMTA by July 15, 1991. The Metro/Tri-Met Intergovernmental Agreement must be a part of this package.

FINANCING OPTIONS

In order to implement the intergovernmental agreement, it is important to recognize the potential funding mechanism that will be employed. This resolution establishes an intent to implement parking fees at the Zoo/OMSI/WFC complex to provide, among other things, a mechanism for raising the required \$2,000,000. A parking fee would also provide a mechanism for better managing the usage of the lot since the rate structure affects individual travel behavior. Since the lot does not meet existing demand, parking rates can be targeted to encourage alternative modes on the peak days and create an incentive for higher attendance on the off-peak days.

Operation of the parking lot would be through the mutual agreement of the three affected institutions. Revenue from the parking fees would need to be used not only to help pay for LRT, but also costs to restructure the lot to allow for paid parking operations and for parking lot operations and maintenance costs.

In order to implement a paid parking operation, restructuring of the lot and Knights Boulevard would be necessary. In particular, it would likely be necessary to reroute through traffic on Knights Boulevard around the perimeter of the lot rather than through the middle. In accordance with the Zoo/OMSI/WFC lease for the lot with the City of Portland, the Lessees have the operating authority for the lot, including conversion to paid parking, but physical improvements require approval of the City of Portland's Commissioner of Parks (Mike Lindberg) and a street

vacation requires approval of the Portland City Council. As such, support of the Portland City Council of this approval is essential (attached is a proposed resolution for adoption by the Portland City Council). In addition, agreement must be reached with OMSI and the World Forestry Center since they are co-lessees with Metro of the parking lot.

Alternative funding mechanisms would be either through full payment by the zoo or Metro or shared payment by the three institutions. If a pro-rata approval were taken based upon attendance, the shares would be approximately as follows:

	<u>Attendance</u>	<u>Share</u>	<u>Contribution</u>
Zoo	\$1,000,000	52.63%	\$1,052,630
OMSI	\$ 600,000	31.57%	\$ 631,580
WFC	\$ 300,000	15.78%	\$ 315,790
	<u>\$1,900,000</u>		<u>\$2,000,000</u>

These contributions are, however, not available from the operating budgets of the three institutions. Furthermore, there is no mandatory requirement that OMSI and WFC contribute. Full funding from Metro is limited by the resources Metro could apply to this purpose. The only available general purpose source of revenue is the Metro excise tax which is already too limited.

Implementation of this mechanism will require further activities, including:

- site planning to define needed physical improvements;
- development of an operations plan to define price and operations procedures;
- execution of an agreement with OMSI and WFC to implement the program and define operating procedures;
- financial planning to estimate revenue generation relative to required costs for physical improvements, operations and transfers to Tri-Met for LRT;
- agreement with Tri-Met on a payment schedule; and
- determination of whether to expand Tri-Met bus service in the interim before LRT opens.

Costs for implementing this proposal should be paid through revenues from parking after implementation. In addition, it will be important to coordinate this work with the Zoo Master planning effort and the LRT zoo station final design.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 91-1449A.

ATTACHMENT A

PROPOSED PORTLAND CITY
COUNCIL RESOLUTION

WHEREAS, Pursuant to Ordinance No. 147431, the City of Portland authorized and entered into a Lease with the Metropolitan Service District (Metro), the Oregon Museum of Science and Industry (OMSI), and the Western Forestry Center (WFC) (collectively "the Lessees") for a 35-year lease of the Parking Lot previously operated by the City of Portland that served the three facilities; and

WHEREAS, Tri-Met upon recommendation of the City and Metro, and others, has approved an alignment for the Westside Light Rail Project that includes the long tunnel option with a station at the Zoo/OMSI/WFC are; and

WHEREAS, Metro has committed \$2,000,000 toward the cost of the light rail system, as its share of the local match, in recognition of the public benefit to be gained from the construction of a station to serve the Zoo, OMSI and WFC; and

WHEREAS, The existing Lease allows the Lessees to operate the Parking Lot by charging patrons for the use thereof; and

WHEREAS, The Lessees desire to make improvements to the Parking Lot in order to make the operation more efficient in order to collect sufficient revenues to contribute the local share for the Zoo/OMSI/World Forestry Center station; and

WHEREAS, The need may exist to relocate or otherwise modify the existing right-of-way of Knights Boulevard located

within the Parking Lot area in order to increase efficiency of Parking Lot use; and

WHEREAS, Revenues from the use of the Parking Lot with the increased efficiency resulting from the improvements and relocation of Knights Boulevard will be utilized to fund the \$2,000,000 contribution for local match for the light rail; and

WHEREAS, The Lease requires the City Commissioner in charge of the Bureau of Parks to approve all improvements made to the area; and

WHEREAS, Any relocation of Knights Boulevard will require formal approval by the City Council pursuant to existing provisions of the City Code; now, therefore,

BE IT RESOLVED,

That the City Council states its intention to assist the Lessees by taking all reasonable actions necessary to accomplish the improvements to the Zoo/OMSI/World Forestry Center Parking Lot in order to facilitate the development of an efficient parking lot to assist in financing of the light rail project, and further states its intent that consistent with existing provisions of City Code and City Charter to consider and approve, if appropriate, any proposal for the relocation of Knights Boulevard in order to assist with the reconfiguration of the Parking Lot.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 91-1449
THE EXECUTION OF A MULTI-YEAR)
CONTRACT WITH TRI-MET FOR THE) Introduced by Rena Cusma,
TRANSFER OF \$2,000,000 TO PROVIDE) Executive Officer
A PORTION OF THE LOCAL MATCH TO)
FEDERAL FUNDS FOR FINANCING THE)
WESTSIDE LIGHT RAIL PROJECT)

WHEREAS, The Regional Transportation Plan adopted by Ordinance No. 89-282 identifies light rail transit expansion as a key element of meeting the region's transportation needs, and the Westside Corridor project as the number one regional transportation priority; and

WHEREAS, The Council of the Metropolitan Service District adopted Resolution No. 89-1035 defining a comprehensive transportation finance strategy including funding for light rail transit; and

WHEREAS, There will be statewide, regionwide, and direct user benefits derived from the basic Westside Light Rail Project; and

WHEREAS, Local governments may wish to add features to the basic project to meet local objectives; and

WHEREAS, The Transportation 2000 Committee, the Joint Policy Advisory Committee on Transportation, and the Metro Council have recommended a light rail transit financing compact involving statewide, regionwide, and direct user and/or local funding sources for the local matching funds; and

WHEREAS, The Metro Council adopted Resolution No. 90-1300 adopting the Regional Compact on Light Rail Funding and endorsed the proceeding with the funding plan for the Westside Corridor project involving state, regional, and local funding mechanisms for the basic Westside project; and

WHEREAS, The adopted funding plan provides that Metro will contribute \$2,000,000 by July 1993 as its share of matching funds for the basic Westside Light Rail Project including a Zoo station; now, therefore,

BE IT RESOLVED,

1. That the Metropolitan Service District shall contribute \$2,000,000 as its share of the local match commitment for the Westside Light Rail Project, including a Zoo station, and shall transfer said \$2,000,000 to Tri-Met on July 1, 1993, or

thereafter in accordance with a mutually agreeable payment schedule pursuant to the terms and conditions of an Intergovernmental Agreement between the parties.

2. That the Executive Officer of the Metropolitan Service District is authorized to enter into an Intergovernmental Agreement with Tri-Met similar in form to Exhibit "A" which is attached.

3. That the Metropolitan Service District intends to pursue collection of parking fees at the Zoo to provide the ability to better manage overuse of the parking lot, encourage use of light rail transit to access the site, and provide a funding mechanism for payment of this local match.

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

Tanya Collier, Presiding Officer

EXHIBIT "A"

TO

RESOLUTION NO. 91-1449

INTERGOVERNMENTAL AGREEMENT FOR MATCHING FUNDS
WESTSIDE LIGHT RAIL PROJECT

THIS AGREEMENT is entered into this _____ day of _____, 1991, by and between the Metropolitan Service District ("Metro"), and the Tri-County Metropolitan Transportation District of Oregon ("Tri-Met").

It is agreed by and between the parties hereto:

1. METRO AGREES TO DO AS FOLLOWS:

a. Payment: Metro shall pay to Tri-Met the sum of Two Million Dollars and No Cents (\$2,000,000) as Metro's agreed contribution to the local match share of the Westside Light Rail Project ("Project") including a Zoo station.

Payment shall be made on July 1, 1993, or at such other time and on such a payment schedule as may be mutually agreed by the parties, provided that Tri-Met shall be entitled to simple interest on all amounts not paid by July 1, 1993, at the current 90-day U.S. Treasury Bill rate for Treasury Bills sold on the day nearest to the first day of each fiscal year quarter. Any payment schedule will reflect the cash flow needs of Tri-Met to make necessary payments to further the Project and the reasonable efforts of Metro to reduce the cost of funds needed to make Metro's contribution.

Both parties understand that UMTA may require investigation, analysis, and audit before determining that Metro's commitment to provide the \$2,000,000 as a portion of the total local match for the Project is sufficiently secure and that Metro has the financial ability to provide such matching funds. Metro agrees to fully cooperate with UMTA in this determination and to negotiate in good faith with Tri-Met on any modifications to this Agreement that are required by UMTA.

b. Project Support: Metro shall in addition make reasonable efforts to support Tri-Met in carrying out the Project, and Metro further agrees to act as the lead in gaining support and cooperation from Oregon Museum of Science & Industry and the World Forestry Center in order to positively contribute to assisting Tri-Met in the design and location of the Zoo station to ensure integration with the existing and planned Metro

Washington Park Zoo, Oregon Museum of Science & Industry, and the World Forestry Center facilities.

2. TRI-MET AGREES TO DO AS FOLLOWS:

a. Project Responsibility: Make all necessary efforts to obtain a full funding agreement for the Project with Urban Mass Transportation Administration ("UMTA") and to construct the Project as set forth in the Locally Preferred Alternative Report adopted by the Tri-Met Board on April 12, 1991.

b. Project Information: Tri-Met agrees to share all information with and to fully cooperate with Metro in the planning, design, construction, and operation of the Project. If at any time, Tri-Met becomes aware of actual or potential problems relating to the Project, Tri-Met shall inform Metro.

c. Project Design: Tri-Met agrees to cooperate with Metro regarding the design of the Zoo station to ensure integration with the existing and planned Metro Washington Park Zoo, Oregon Museum of Science & Industry, and World Forestry Center facilities.

3. THE PARTIES FURTHER AGREE AS FOLLOWS:

a. Successors and Assigns: This Agreement shall bind each party, its successors, assigns, and legal representatives. Neither party, under any conditions, may voluntarily assign or transfer its obligations to any third party. Any attempted assignment or transfer shall be null and void.

b. Adherence to Law: This Agreement shall be governed by the laws of the State of Oregon. Tri-Met and Metro shall adhere to all applicable federal and state laws including, but not limited to, laws, rules, regulations and policies concerning employer and employee relationships, Workers' Compensation, and public contracting. Such provisions as are necessary to comply fully with the laws of the State of Oregon concerning public contracts and provisions to be included herein are made a part of this Agreement by reference, and the parties shall comply with all obligations and other provisions of those laws the same as though those obligations and provisions were fully set forth herein.

c. No Waiver: Tri-Met or Metro's failure to object to any breach of this Agreement shall not constitute a waiver of that party's right to object to any additional breach or to require specific performance of this Agreement.

d. Modification: Any mutually agreed to modifications of the provisions of this Agreement shall be reduced to writing and signed by both parties.

e. Integration: This Agreement contains the entire agreement between the parties and supersedes all prior written or oral discussions or agreements.

f. Termination: This Agreement shall terminate upon the completion of the Project or upon the failure of Tri-Met to secure sufficient local and federal funds to complete the Project as contemplated in the Locally Preferred Alternative Report adopted by the Tri-Met Board on April 12, 1991.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

TRI-METROPOLITAN TRANSPORTATION
DISTRICT OF OREGON

METROPOLITAN SERVICE DISTRICT

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM

APPROVED AS TO FORM

Daniel B. Cooper
Metro General Counsel

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1449 FOR THE PURPOSE OF AUTHORIZING THE EXECUTION OF A MULTI-YEAR CONTRACT WITH TRI-MET FOR THE TRANSFER OF \$2,000,000 TO PROVIDE A PORTION OF THE LOCAL MATCH TO FEDERAL FUNDS FOR FINANCING THE WESTSIDE LIGHT RAIL PROJECT ("PROJECT")

Date: May 3, 1991

Presented by: Andrew C. Cotugno

PROPOSED ACTION

This resolution would authorize execution of an Intergovernmental Agreement with Tri-Met for the transfer of \$2,000,000 towards local matching funds for the Westside LRT project and establish an intent to pursue fees for parking at the Zoo/OMSI/World Forestry Center.

FACTUAL BACKGROUND AND ANALYSIS

On July 26, 1990, the Metro Council adopted Resolution No. 90-1300 which:

1. Established an overall funding framework for the Westside Corridor Project to include state, regional and local funding sources to provide the needed 25 percent local matching funds.
2. Endorsed Tri-Met proceeding with a general obligation bond measure to collect the regional share of these matching funds and to seek a state contribution from the '91 Oregon Legislature for the state share of these matching funds.
3. Endorsed local contributions in recognition of direct station area or user benefits as follows:

Portland	\$ 7,000,000
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	\$21,000,000

The Metro contribution of \$2,000,000 is in recognition of the significant benefit realized by the siting of a station in the Metro Washington Park Zoo/OMSI/World Forestry Center area. This is particularly important considering this area is a major statewide and regional attractor, the existing parking facility is inadequate to meet demand, projected attendance is expected to grow significantly and the level of ridership attraction by LRT is much higher than other forms of mass transit, especially for non-work related trips.

This resolution authorizes execution of an Intergovernmental Agreement with Tri-Met for the transfer of the \$2,000,000 as provided for in Resolution No. 90-1300. It is important to execute this agreement to allow Tri-Met to submit the project to UMTA for approval and execution of the federal funding contract. The overall package of materials that must be submitted to UMTA before they will consider approving the federal funds includes:

- approval of all local matching funds needed to build the project; this will require finalizing the state match and other local government contributions in addition to the voter-approved general obligation bond measure;
- selection and local approval of the preferred alternative for the project; and
- submittal of the Final Environmental Impact Statement for the preferred alternative which addresses federal requirements, project impacts and intended mitigations.

All other elements of this package are on schedule for submittal to UMTA by July 15, 1991. The Metro/Tri-Met Intergovernmental Agreement must be a part of this package.

FINANCING OPTIONS

In order to implement the intergovernmental agreement, it is important to recognize the potential funding mechanism that will be employed. This resolution establishes an intent to implement parking fees at the Zoo/OMSI/WFC complex to provide, among other things, a mechanism for raising the required \$2,000,000. A parking fee would also provide a mechanism for better managing the usage of the lot since the rate structure affects individual travel behavior. Since the lot does not meet existing demand, parking rates can be targeted to encourage alternative modes on the peak days and create an incentive for higher attendance on the off-peak days.

Operation of the parking lot would be through the mutual agreement of the three affected institutions. Revenue from the parking fees would need to be used not only to help pay for LRT, but also costs to restructure the lot to allow for paid parking operations and for parking lot operations and maintenance costs.

In order to implement a paid parking operation, restructuring of the lot and Knights Boulevard would be necessary. In particular, it would likely be necessary to reroute through traffic on Knights Boulevard around the perimeter of the lot rather than through the middle. In accordance with the Zoo/OMSI/WFC lease for the lot with the City of Portland, the Lessees have the operating authority for the lot, including conversion to paid parking, but physical improvements require approval of the City of Portland's Commissioner of Parks (Mike Lindberg) and a street

vacation requires approval of the Portland City Council. As such, support of the Portland City Council of this approval is essential (attached is a proposed resolution for adoption by the Portland City Council). In addition, agreement must be reached with OMSI and the World Forestry Center since they are co-lessees with Metro of the parking lot.

Alternative funding mechanisms would be either through full payment by the zoo or Metro or shared payment by the three institutions. If a pro-rata approval were taken based upon attendance, the shares would be approximately as follows:

	<u>Attendance</u>	<u>Share</u>	<u>Contribution</u>
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WFC	<u>\$ 300,000</u>	15.78%	<u>\$ 315,790</u>
	\$1,900,000		\$2,000,000

These contributions are, however, not available from the operating budgets of the three institutions. Furthermore, there is no mandatory requirement that OMSI and WFC contribute. Full funding from Metro is limited by the resources Metro could apply to this purpose. The only available general purpose source of revenue is the Metro excise tax which is already too limited.

Implementation of this mechanism will require further activities, including:

- site planning to define needed physical improvements;
- development of an operations plan to define price and operations procedures;
- execution of an agreement with OMSI and WFC to implement the program and define operating procedures;
- financial planning to estimate revenue generation relative to required costs for physical improvements, operations and transfers to Tri-Met for LRT;
- agreement with Tri-Met on a payment schedule; and
- determination of whether to expand Tri-Met bus service in the interim before LRT opens.

Costs for implementing this proposal should be paid through revenues from parking after implementation. In addition, it will be important to coordinate this work with the Zoo Master planning effort and the LRT zoo station final design.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 91-1449.

ATTACHMENT A

PROPOSED PORTLAND CITY
COUNCIL RESOLUTION

WHEREAS, Pursuant to Ordinance No. 147431, the City of Portland authorized and entered into a Lease with the Metropolitan Service District (Metro), the Oregon Museum of Science and Industry (OMSI), and the Western Forestry Center (WFC) (collectively "the Lessees") for a 35-year lease of the Parking Lot previously operated by the City of Portland that served the three facilities; and

WHEREAS, Tri-Met upon recommendation of the City and Metro, and others, has approved an alignment for the Westside Light Rail Project that includes the long tunnel option with a station at the Zoo/OMSI/WFC are; and

WHEREAS, Metro has committed \$2,000,000 toward the cost of the light rail system, as its share of the local match, in recognition of the public benefit to be gained from the construction of a station to serve the Zoo, OMSI and WFC; and

WHEREAS, The existing Lease allows the Lessees to operate the Parking Lot by charging patrons for the use thereof; and

WHEREAS, The Lessees desire to make improvements to the Parking Lot in order to make the operation more efficient in order to collect sufficient revenues to contribute the local share for the Zoo/OMSI/World Forestry Center station; and

WHEREAS, The need may exist to relocate or otherwise modify the existing right-of-way of Knights Boulevard located

within the Parking Lot area in order to increase efficiency of Parking Lot use; and

WHEREAS, Revenues from the use of the Parking Lot with the increased efficiency resulting from the improvements and relocation of Knights Boulevard will be utilized to fund the \$2,000,000 contribution for local match for the light rail; and

WHEREAS, The Lease requires the City Commissioner in charge of the Bureau of Parks to approve all improvements made to the area; and

WHEREAS, Any relocation of Knights Boulevard will require formal approval by the City Council pursuant to existing provisions of the City Code; now, therefore,

BE IT RESOLVED,

That the City Council states its intention to assist the Lessees by taking all reasonable actions necessary to accomplish the improvements to the Zoo/OMSI/World Forestry Center Parking Lot in order to facilitate the development of an efficient parking lot to assist in financing of the light rail project, and further states its intent that consistent with existing provisions of City Code and City Charter to consider and approve, if appropriate, any proposal for the relocation of Knights Boulevard in order to assist with the reconfiguration of the Parking Lot.

Meeting Date: June 27, 1991
Agenda Item No. 8.2

RESOLUTION NO. 91-1471



METRO

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

Memorandum

DATE: June 21, 1991
TO: Interested Parties
FROM: Paulette Allen, Clerk of the Council *PA*
RE: RESOLUTION NO. 91-1471

The Finance Committee report for the above-referenced resolution will be distributed in advance to Councilors and available at the Council meeting June 27.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF	)	RESOLUTION NO. 91-1471
AMENDING THE CLASSIFICATION)	
PLAN AND THE PAY PLAN FOR	)	Introduced by
NON-REPRESENTED EMPLOYEES	)	Rena Cusma, Executive Officer

WHEREAS, Metropolitan Service District Code Section 2.02.130 requires that any new classification added to the classification plan requires Council approval; and

WHEREAS, Metropolitan Service District Code Section 2.02.120 requires that changes in current classification descriptions require Council approval; and

WHEREAS, Metropolitan Service District Code Section 2.02.145 requires that the pay plan shall be approved by Council; and

WHEREAS, the Council approved the classification plan as amended by Resolution 91-1375A; and

WHEREAS, the Council approved the pay plan for non-represented employees as amended by Resolution 91-1375A; and

WHEREAS, new classifications requiring addition to the classification plan have been recommended for approval; and

WHEREAS, certain current classification descriptions have been significantly modified; and

WHEREAS, certain current non-represented classifications have been evaluated and recommended for assignment to different salary ranges within the pay plan; and

WHEREAS, new non-represented classifications have been evaluated and recommended to salary ranges within the current pay non-represented pay plan; now, therefore,

BE IT RESOLVED,

1. That pursuant to Sections 2.02.120 and 2.02.130 of the Metropolitan Service District Code, the classification plan is amended to include new classification descriptions as shown in Attachments A through N attached hereto.

2. That pursuant to Section 2.02.145 of the Metropolitan Service District Code the pay plan for non-represented employees is amended and adopted as shown in Attachment O attached hereto.

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

Tanya Collier, Presiding Officer

ATTACHMENT A

Metro
Class No. 006
Title: Food Service/Retail
Specialist

Established 7/91
Revised:
EEO:
AA:

GENERAL STATEMENT OF DUTIES:

Assists with planning, organizing and implementing a variety of food service or retail operations for the Metro Washington Park Zoo.

SUPERVISION RECEIVED:

Supervision is received from either a Food Service Coordinator or Retail Coordinator.

SUPERVISION EXERCISED:

Acts as a lead over Visitor Service Workers and volunteers.

EXAMPLES OF PRINCIPAL DUTIES:

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform. Duties specific to food service or retail will be performed by the Specialist for that specialty assignment or area.

1. Trains new employees; serves as lead for the daily activities of assigned staff; may recommend corrective action as required to Coordinator.
2. Provides input to Coordinator for product sales, costs, marketing, trends, supplies, improvements, repairs, menu modifications, operational and personnel procedures.
3. Oversees and performs site cash handling.
4. Ensures site(s) are adequately supplied; reconciles paperwork associated with product ordering and receiving from both internal and external suppliers.
5. Assists with planning, organizing and executing special events.
6. Assists the Coordinator with sales or event sales data and labor control statistics.
7. Performs other duties as assigned.

RECRUITMENT REQUIREMENTS:

KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge of food preparation and service techniques, materials and equipment.
- Knowledge of product costs, marketing, site operations
- Ability to direct the activities of subordinates
- Ability to communicate effectively orally and in writing.
- Ability to maintain a moderately complex inventory, sales and recordkeeping system.
- Ability to establish and maintain effective working relationships with other employees, supervisors, subordinates, vendors and the general public.

EXPERIENCE AND TRAINING:

High school diploma or GED and two years of experience in a related field; or any combination of education and experience which provides the candidate with the knowledge, skill and ability required to perform the duties of the position.

SPECIAL REQUIREMENT

Possession of, or the ability to obtain, a valid OLCC permit and Multnomah County Food Handler's card if working in food or wine and beer service.

Metro
Class No: 13
Title: SCALEHOUSE TECHNICIAN

Established:
Revised:
EEO:
AA:

GENERAL STATEMENT OF DUTIES:

Operates computerized scaling system; estimates loads and performs cashier duties for commercial and public vehicles delivering solid waste to disposal sites. Provides information to the public and enforces Metro policy regarding solid waste disposal.

SUPERVISION RECEIVED:

Supervision is received from the Site Supervisor.

SUPERVISION EXERCISED:

None.

EXAMPLES OF PRINCIPAL DUTIES:

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

1. Estimates load volume of trucks delivering solid waste to disposal site. Calculates fees based on Metro policy; collects fees and issues receipts.
2. Prepares reports summarizing daily shift activity and fee collection; prepares daily deposit.
3. Collects information such as size, material codes, and volume through the computerized scaling system to assure accurate data for billing and development of Metro policy.
4. Records information regarding special materials, new commercial vehicles, special waste permits, account numbers, and daily deposits; distributes information as necessary.
5. Collects data and prepares special reports as requested.
6. Uses computer and word processing equipment, adding machine, copier and other general office equipment to perform duties.
7. May assist in training new employees.
8. Performs other related duties as assigned.

Page Two

Class No: 13

Title: SCALEHOUSE TECHNICIAN

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

- Good math skills and the ability to calculate/estimate quickly.
- Ability to make change and balance cash.
- Excellent oral communication skills; ability to establish effective working relationships with other employees and the general public.
- Ability to operate a cash register and adding machine or calculator.
- Knowledge of basic computer skills and procedures.

EXPERIENCE AND TRAINING:

High school diploma or G.E.D. and one year experience in a position requiring extensive interaction with the public, or any combination of experience and education which provides the applicant with the desired skills, knowledge and ability required to perform the job.

Metro
Class No: 16
Title: Senior Site Supervisor

Established: 4/91
Revised
EEO:
AA:

GENERAL STATEMENT OF DUTIES

Plans, organizes, coordinates and oversees activities of the solid waste disposal facilities.

SUPERVISION RECEIVED

Supervision is received from the Facilities Supervisor.

SUPERVISION EXERCISED

Supervision is exercised over the Site Supervisors.

EXAMPLES OF PRINCIPAL DUTIES

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

- 1) Assigns, supervises, and evaluates the work of assigned staff; advises and trains subordinates as necessary.
- 2) Oversees the cash management functions at each site; makes or approves deposits, assures change is available and audits vaults.
- 3) Reviews daily summary reports, computer logs, and other paperwork. Compiles regular or special reports as necessary.
- 4) Coordinates site activities with Metro objectives; develops procedures for implementation of new programs.
- 5) Provides information to the public regarding Metro policy and regulation on recycling, uncovered loads, special waste, and fee assessment. Enforces policy as necessary.
- 6) Develops and/or clarifies procedures for performing transactions such as special waste disposal and yard debris waste.

Page Two

Class No: 16

Title: Senior Site Supervisor

- 7) Maintains equipment and inventory of supplies; purchases supplies and equipment as needed. Oversees bid process for equipment.
- 8) Coordinates and manages all computer hardware and software support at all Metro operations facilities and suggests improvement to ensure accurate collection and reporting of information.
- 9) Trains employees with new or revised software programs.
- 10) Subject to call-back for emergency operations.
- 11) Performs special studies to provide information for the development of Metro policy or to review contractor performance.
- 12) Establishes and implements policy, procedures, and standards for efficient and effective operation of assigned areas.
- 13) Performs other duties as assigned.

RECRUITING REQUIREMENTS

KNOWLEDGE, SKILL, ABILITY:

- Ability to communicate effectively, both orally and in writing
- Knowledge of computer procedures, software, weighing systems, and functions
- Knowledge of supervisory principles and practices; ability to set work priorities and direct, guide, motivate, and estimate work of subordinates
- Knowledge of state-of-the-art solid waste transfer/disposal operations
- Knowledge of solid waste transfer/disposal operation
- Knowledge of hazardous waste handling
- Ability to set work priorities and direct, guide, motivate, and estimate work of subordinates.
- Ability to obtain OSHA certification
- Ability to obtain Haz/Cat certification

Page Three

Class No: 16

Title: Senior Site Supervisor

ATTACHMENT C

EXPERIENCE AND TRAINING

Two years college education and three years of supervisory experience or any combination of experience and education which provides the applicant with the desired skills, knowledge, and ability required to perform the job.

Metro
Class Code: 332
Title: Management Technician

Established: 2/91
Revised:
EEO:
AA:

GENERAL STATEMENT OF DUTIES

Under general supervision, performs a variety of entry-level professional and para-professional administrative and technical duties associated with contracting, budgeting, personnel, accounting, and grant management.

SUPERVISION RECEIVED

Supervision is received from a manager or department head.

SUPERVISION EXERCISED

May act as a lead over clerical staff.

EXAMPLES OF PRINCIPAL DUTIES

An employee in this classification may perform any of the following duties. However, these examples do not include all tasks which an employee may be expected to perform.

- 1) Prepares, reviews, monitors, and processes contracts and grants for the department.
- 2) Prepares bid materials and evaluates submitted bids; purchases materials, gathers data and prepares regular or periodic reports pertaining to department functions.
- 3) Monitors and analyzes financial reports for accuracy and budget comparisons.
- 4) Assists in developing annual department budget; develops preliminary budgets for review and approval.
- 5) Generates computer reports for monthly billings to allocate specific project charges; collects, reviews and processes department documents in conjunction with accounts receivable and accounts payable.
- 6) Performs other duties as assigned.

Metro
Class Code: 332
Title: Management Technician

Established: 2/91
Revised:
EEO:

KNOWLEDGE, SKILLS, AND ABILITIES (cont.)

- Knowledge of basic accounting principals
- Knowledge of pertinent laws and regulations, and departmental policies and procedures.
- Ability to conduct and organize assigned projects
- Ability to work independently and as part of a team.
- Ability to communicate effectively, both orally and in writing
- Ability to gather information and perform analysis

EXPERIENCE AND TRAINING

High school diploma or G.E.D., college course work relating to program area and one year of experience in a relevant area; or any combination of education and experience which would provide the applicant with the desired skills, knowledge, and ability required to perform the job.

Metro
Class No: 068
Title: Procurement Officer

Established:
Revised:
EEO:
AA:

GENERAL STATEMENT OF DUTIES:

Oversee and coordinate all purchasing activity for Metro. Provide technical guidance for the various program managers and purchasing specialists to obtain needed goods and services in the most cost effective and timely manner. Represent Metro with various vendors providing or desiring to provide goods and services to Metro.

SUPERVISION RECEIVED:

General supervision is received from the Director of Regional Facilities.

SUPERVISION EXERCISED:

Supervision is exercised over Purchasing Specialists (Associate and Senior Management Analysts) and clerical staff involved in purchasing goods and services for the agency.

EXAMPLES OF PRINCIPAL DUTIES:

The employee in the classification may perform any of the following duties. However, these examples do not include all the specific tasks which the employee may be expected to perform.

1. Assist departments with anticipation of purchasing needs in order for the departments to accomplish in a timely and successful manner the assigned work programs.
2. Identify prospective vendors for the purpose of providing, when necessary, immediate response to a specific purchase request of a department.
3. Continually survey market place to obtain the highest quality of goods and services at the specified time and for the most economical cost to the agency. Survey the market to assess changing opportunities to "buy recycled" (per Metro Ordinance No. 89-280).
4. Examine the agency's budget plan to maximize the purchasing power of Metro through the consolidation of common items for discounted quantity purchase.
5. Assist departments with the development of bid specifications, scope of work for personal services contracts and the goods and service selection process to ensure compliance with all applicable laws and regulations.
6. Ensure compliance with program for contracting with Disadvantaged and Women Business Enterprises by actively seeking the participation of these prospective vendors.
7. Provide departments with professional services and technical expertise in identifying purchasing problems and alternative solutions, making recommendations both orally and in writing for the resolution of identified problems.
8. Examine all requests for sole source purchasing to determine whether such a purchasing process is justified under the Metro code.
9. Investigate vendor protest of award of a contract to determine if the protest has merit.
10. Monitor the contracting and purchasing provisions of the Metro Code for the purpose of maximizing public participation in agency purchasing process as well as identifying operation cost savings.

EXAMPLES OF PRINCIPAL DUTIES (continued):

11. Establish and promulgate standard operating procedures for the proper processing of contract and purchase order documents.
12. Review proposed federal and state legislation and regulations to identify any problems for the agency's purchasing program; prepare, when necessary, pros and cons, recommend course of action and assist in the development of strategy recommendations.
13. Makes presentations to Council and advises the body in matters of purchasing procedures, economic feasibility of a proposed method of purchase and the worthiness of a product or service.
14. Supervise assigned personnel; recruit, train, assign work, and evaluate staff as necessary.
15. Develop, implement and monitor the purchasing and contract division's budget plan.
16. Plan, procure, coordinate and direct the work of outside consultants.
17. Execute contracts within delegated authority.
18. Perform other related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

1. Thorough knowledge of purchasing practices as well as the principles and applications of the techniques for central purchasing.
2. Knowledge of and ability to interpret and apply federal, state and agency laws and regulations in purchasing activity.
3. Ability to accurately analyze and evaluate technical information and cost data to formulate effective administrative and purchasing decisions.
4. Knowledge of supervisory principles and practices; ability to plan, organize and supervise the work of subordinates.
5. Ability to establish and maintain effective working relationships with contractors, vendors, outside agencies, the general public and Metro personnel.
6. Ability to communicate effectively, both orally and in writing, including the preparation and presentation of technical reports.

EXPERIENCE AND TRAINING:

Bachelor's degree in public administration, finance, economics or related field and seven years of purchasing experience, five of which include management responsibilities; or any combination of education and experience which would provide the applicant with the desired skills, knowledge and ability required to perform the duties of Procurement Officer.

Attachment F

Metro
Class No. 70
Title: Personnel Manager

Established
Revised: 7/91
EEO:
AA:

GENERAL STATEMENT OF DUTIES:

Plans, organizes and directs the activities of the agency's Personnel Division, including designing and implementing systems, policies and procedures to ensure effective personnel management including classification and compensation, recruitment and selection, benefits administration, labor relations and affirmative action functions.

SUPERVISION RECEIVED:

Supervision is received from the Executive Officer.

SUPERVISION EXERCISED:

Supervision is exercised over an Senior, Associate and Assistant Management Analysts and clerical employees.

EXAMPLES OF PRINCIPAL DUTIES:

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

1. Designs, develops and implements personnel policies and procedures to ensure Metro's compliance with federal state and local laws and regulations. Monitors the agency's operations to determine new or modified policies and procedures required, and interprets existing policies, procedures, Codes, Executive Orders and labor contracts.
2. Manages the agency's classification and compensation program, benefits program, labor relations program, training and affirmative action program, and employment program. Directs the activities of staff assigned to each program.
3. Prepares, presents, implements and monitors the division's annual budget.
4. Selects, trains, evaluates, supervises and directs the professional, paraprofessional and clerical staff of the division.

5. Oversees performance evaluation system, provides advice and counseling to managers, supervisors and employees; may provide short term counseling as required.
6. Ensures employee complaints and grievances are resolved in accordance with applicable laws, regulations, procedures and contracts.
7. Serves as the agency's Affirmative Action Officer; directs the development of goals and objectives and administers Affirmative Action Plan.
8. Performs other related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL AND ABILITY:

- Considerable knowledge of the principals and practices of public personnel administration
- Considerable knowledge of principals, practices and laws pertaining to collective bargaining
- Knowledge of principles and concepts of job evaluation systems, salary administration practices and other related issues
- Knowledge of effective employee relations practices
- Knowledge of current laws and regulations pertaining to Affirmative Action and Equal Employment Opportunity, employee benefits and personnel administration
- Ability to set work priorities and direct, guide, motivate evaluate the work of staff
- Ability to collect, organize and analyze data and prepare and present effective recommendations
- Ability to communicate effectively orally and in writing
- Ability to establish and maintain effective working relationships with Metro Council, agency management and staff, representatives of labor unions and the general public.

EXPERIENCE AND TRAINING:

Bachelor's degree in personnel management or a related field and six years progressively responsible personnel management

Attachment F

experience, preferably in the public sector; or any combination of education and experience which provides the applicant with the knowledge, skill and ability required to perform the duties of the position.

Metro
Class No.: 072
Title: Risk Manager

Established: 2/91
Revised:
EEO:
AA:

GENERAL STATEMENT OF DUTIES

Plans, organizes, and directs activities of the Risk Management Division. Identifies, evaluates, controls, and minimizes risks and exposures to physical assets and losses arising out of the liability and worker compensation programs.

SUPERVISION RECEIVED

Supervision is received from the Director of Finance and Management Information.

SUPERVISION EXERCISED

Supervision is exercised over Assistant, Associate, and Senior Management Analysts. The Risk Manager may supervise Management Analyst Supervisors as well as other technical and support staff assigned to the Division.

EXAMPLES OF PRINCIPAL DUTIES

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

- 1) Analyzes loss information; recommends and implements loss control programs policies.
- 2) Administers the liability insurance, self insurance, and worker compensation programs.
- 3) Prepares policy and procedure recommendations based upon technical analysis; oversees the development of appropriate systems to incorporate recommendations.
- 4) Prepares, administers, and monitors the Insurance Fund budget. Coordinates all cost allocation, bidding and contract processes.
- 5) Ensures that the risk management function is administered according to current legal requirements, legislation, regulations, bills, and developments impacting liability and worker compensation insurance.
- 6) Develops and coordinates safety and loss prevention programs.
- 7) Performs other duties as assigned.

KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge of relevant legal requirements, techniques, regulations, bills, and developments pertaining to liability and worker compensation insurances.
- Thorough knowledge of the principals and practices of risk management.
- Knowledge of safety, security, and loss prevention methods.
- Knowledge of management principles and practices associated with budgeting supervision, program planning and personnel administration.
- Ability to plan and organize a risk management program.
- Ability to work effectively with staff, management, vendors, and consultants.
- Ability to communicate effectively in writing, verbally, and through formal presentations.

EXPERIENCE AND TRAINING

Bachelor's degree in business, public administration, or related field and four years of progressively responsible risk management experience; or any combination of education and experience which would provide the applicant with the desired skills, knowledge, and ability required to perform the job.

Metro
Class No: 103
Title: SENIOR ASSISTANT COUNSEL

Established:
Revised:
EEO:
AA:

GENERAL STATEMENT OF DUTIES:

Provides legal services as directed by the General Counsel for the Metro Council, the Executive Officer and staff; provides in-house advice and counsel on a variety of legal issues and problems.

SUPERVISION RECEIVED:

Supervision received from the General Counsel.

SUPERVISION EXERCISED:

Supervision is exercised over Law Clerks and clerical staff.

EXAMPLES OF PRINCIPAL DUTIES:

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

1. Drafts and provides legal opinions and advice for the Council, the Executive Officer and staff on Metro activities, functions, issues, etc. as needed.
2. Prepares, reviews, revises and interprets a variety of legal documents, instruments, and procedures including ordinances, resolutions, legislative bills, contracts, etc.
3. Studies, researches, interprets and applies statutes, ordinances, court decisions and legal opinions in the preparation of opinions and briefs and for impact on Metro operations.
4. May organize and supervise staff projects and assignments of other professional staff; helps develop strategies for sensitive cases or issues.
5. Confers/works with other legal counsels of local jurisdictions and other agencies within Metro's jurisdiction.
6. Prepares pleadings and other papers in connection with lawsuits, trials, hearings and other papers in connection with lawsuits, trials, hearings and other legal proceedings, and represents the agency when feasible and appropriate.

Page Two
Class No: 103
Title: SENIOR ASSISTANT COUNSEL

EXAMPLES OF PRINCIPAL DUTIES:

7. Attends meetings of other agencies/community boards and commissions as requested to represent Metro; provides opinions concerning local government law issues.
8. Performs other related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

- Knowledge of legal principles, practices and terminology, particularly as they relate to municipal and civil law.
- Knowledge of administrative programs relating to legal practice, land use laws, rules of evidence, and legal research methods.
- Knowledge of contract law and administration principles.
- Knowledge of the conduct of court proceedings including trial and hearing procedures.
- Knowledge of supervisory principles and procedures.
- Ability to research, draft and interpret complex legal opinions and documents.
- Ability to analyze difficult legal problems and issues, anticipate impact and consequences, and apply effective legal principles and practices.
- Ability to prepare, present, and conduct proceedings and trials.
- Ability to set forth findings of fact and decisions clearly in writing.

Page Three

Class No: 103

Title: SENIOR ASSISTANT COUNSEL

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY: (continued)

- Ability to maintain professional, cooperative relationships with fellow staff members, the Council, Executive Management, and the public.
- Ability to communicate effectively both orally and in writing.

EXPERIENCE AND TRAINING:

Graduation from an accredited law school and two years active membership in the Oregon State Bar Association; or any combination of education and experience which would provide the applicant with the desired skills, knowledge, and ability required to perform the job.

Attachment I

Metro:
Class No. 320
Title: Solid Waste Budget and
Finance Manager

Established:
Revised 7/91
EEO
AA

GENERAL STATEMENT OF DUTIES:

Plans, organizes and directs the Budget and Finance Division activities including budget and disposal rate development and administration, contract administration, franchise administration and database management.

SUPERVISION RECEIVED:

Supervision is received from the Director of Solid Waste.

SUPERVISION EXERCISED:

Supervision is exercised over Senior Management Analysts, Senior Solid Waste Planners, Associate Solid Waste Planners and para-professional staff.

EXAMPLES OF PRINCIPAL DUTIES:

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

1. Coordinates preparation and maintenance of the Solid Waste Department's annual budget. Reviews budget requests, balances and assures compliance with laws and regulations. Prepares material and presents to Council.
2. Provides very close coordination with Metro's Finance Department to assure compliance with provisions and requirements of the Master Bond Ordinance and each series of bonds issued.
3. Develops, implements and maintains a solid waste rate-setting and monitoring system that provides sufficient revenues and accurate information regarding solid waste operations to assure financial stability. Analyzes data to determine rates and budgetary guidelines that will meet the financial goals of the Department.

Attachment I

4. Manages implementation and monitoring of franchise ordinance; reviews and recommends approval of new franchises.
5. Oversees the department's Contract Compliance program which consolidates management responsibilities for all department contracts.
6. Oversees the department's databases and data acquisition activities including waste flow modeling and analyses. Provides day to day coordination and management of the department's personal computers and computer network.
7. Develops short and long range plans to assure efficient and effective department operations; gathers, interprets and prepares data for studies, reports and recommendations.
8. Provides primary department coordination with Metro's Accounting Division on solid waste accounting needs.
9. Performs other related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL AND ABILITY:

- Knowledge of administrative principles and practices associated with budgeting, municipal finance, and management analysis
- Knowledge of contract administration policies and procedures
- Knowledge of supervisory principles and practices
- Ability to effectively develop and administer operational contracts and franchises
- Ability to set work priorities and direct, guide, motivate and evaluate the work of subordinates
- Ability to collect and analyze data and develop effective organizational strategies
- Ability of communicate effectively orally and in writing
- Ability to establish and maintain effective working relationships with Council, other Metro staff, officials, and the general public.

EXPERIENCE AND TRAINING:

Bachelor's degree in public administration, business administration or a related field and five years of administrative work experience; including budgeting, finance, or contract administration; or a Master's degree and three years of experience; or any combination of education and experience which provides the applicant with the knowledge, skill and ability required to perform the duties of the position.

Metro
Class No: 322
Title: Solid Waste Facilities Manager

Established:
Revised: May 6, 1991
EEO:
AA:

GENERAL STATEMENT OF DUTIES:

Manages, supervises and administers the district's solid waste facilities to ensure equitable and efficient transfer, recycling and disposal of waste.

SUPERVISION RECEIVED:

Supervision is received from the Director of Solid Waste.

SUPERVISION EXERCISED:

Supervision is exercised over the Solid Waste Assistant Facilities Manager, Site Supervisors, Hazardous Waste Specialists and other employee in the solid waste management facilities.

EXAMPLES OF PRINCIPAL DUTIES:

1. Manages Metro's solid waste facilities.
2. Develops, negotiates and manages necessary contracts for solid waste management facilities, construction and operation.
3. Develops, implements and maintains a solid waste monitoring system and a data collection and analysis system that will provide accurate information regarding solid waste operations. Analyzes data to assist in the rate process and budgetary guidelines that will meet financial goals of the department.
4. Supervises the day-to-day solid waste scalehouse operations to ensure efficient management, transfer and disposal of the region's waste.
5. Analyzes problems arising from solid waste operations; provides appropriate solutions to complaints and recommends techniques to improve program efficiency.
6. Supervises and schedules Metro solid waste facilities personnel; recruits, trains, evaluates and disciplines as necessary.
7. Manages implementation and monitoring of the flow control ordinance; reviews approval of new franchises.
8. Audits scalehouse cash and charge receipts; evaluates solid waste operational practices and makes recommendations to the Director of Solid Waste.
9. Develops, reviews and provides recommendations regarding solid waste construction and operational plans.
10. Assists Metro's accounting division in solid waste accounting needs.
11. Provides liaison with representatives of federal, state and local regulatory agencies and assures that solid waste operations meet all applicable laws, rules and regulations.
12. Prepares reports and makes presentations to the Metro Council, city and county boards, the public and other organizations regarding waste management.
13. Performs other related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

1. Thorough knowledge of landfill and transfer station design, operation, techniques, corresponding engineering and construction principles and applications, system design and strategic planning.
2. Knowledge of and ability to research, interpret and apply federal, state and local laws, rules and regulations regarding landfill, hazardous waste and solid waste management operations.
3. Knowledge of principles of environmental impact of solid waste disposal with emphasis on the accepted solid waste management hierarchy.
4. Knowledge of administration and management principles and procedures for fiscal control in a computer driven system.
5. Ability to establish and maintain efficient and effective operations program in compliance with accepted health and safety standards.
6. Ability to plan, organize and set work priorities and to supervise, direct, guide, evaluate and motivate the work of assigned staff in the context of a collective bargaining environment.
7. Ability to effectively develop and administer operational contracts, franchises and systems.
8. Ability to establish effective working relationships with other jurisdictions, contractors, outside agencies and Metro staff.
9. Ability to communicate effectively both orally and in writing.

EXPERIENCE AND TRAINING:

Bachelor's degree in public administration or closely related field and five years of work experience in solid waste operations, three of which include management or administrative responsibilities. Or, Master's degree in public administration or closely related field and three years of work experience in solid waste operations, two of which include management or administrative responsibilities.

Metro:
Class No.
Title: Hazardous Waste Specialist

Established:
Revised: 07/91
EEO:
AA:

GENERAL STATEMENT OF DUTIES

Supervises the identification, handling and disposal of hazardous wastes at solid waste disposal facilities.

SUPERVISION RECEIVED

Supervision is received from the Facilities Manager.

SUPERVISION EXERCISED

Supervision is exercised over Hazardous Waste Technicians.

EXAMPLES OF PRINCIPAL DUTIES

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

1. Assigns, supervises, and evaluates the work of assigned staff; advises and trains subordinates as necessary.
2. Supervises the inspection of incoming waste loads for hazardous material.
3. Oversees collecting, sorting, manifesting, and disposal of unacceptable incoming hazardous waste.
4. Coordinates with site contractors to ensure proper handling of clean ups from incoming load spills.
5. Coordinates activities between facility contract operators and waste haulers, to arrange for transporting hazardous waste collected.
6. Ensures all recordkeeping and reporting functions are in compliance with applicable federal, state, and local laws and regulations.
7. Performs other duties as assigned.

RECRUITING REQUIREMENTS
KNOWLEDGE, SKILL, ABILITY

- Knowledge of hazardous waste handling and disposal requirements.
- Knowledge of supervisor principles and practices; ability to set work priorities and direct, guide, motivate, and estimate work of subordinates.
- Knowledge of federal, state, and local regulations and reporting requirements including those of the DEQ, EPA, and OSHA.
- Ability to communicate effectively, both orally and in writing.

EXPERIENCE AND TRAINING

A Bachelor's degree in chemistry, environmental science, engineering, public administration, or closely related field or any combination of experience and education which provides the applicant with the desired skills, knowledge, and ability required to perform the job.

Metro
Class No: 337
Title: Administrative Manager

Established:
Revised:
EEO:
AA:

GENERAL STATEMENT OF DUTIES:

Manages the administrative function of a Metro department. Develops policies and procedures, exercises administrative oversight of the operational aspects of the department's activities. Supervises department staff as assigned by department Director.

SUPERVISION RECEIVED:

Supervision is received from the Department Director.

SUPERVISION EXERCISED:

Supervision is exercised over department administrative staff.

EXAMPLES OF PRINCIPAL DUTIES:

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

1. Plans, organizes and directs the centralized administrative functions for the department including hiring, training, and supervising administrative staff.
2. Assists in the development of departmental strategic and work plans, goals, objectives, policies and procedures.
3. Coordinates departmental activities with those of other departments, the Metro Council, citizens groups, and members of the general public.
4. Administers personnel policies and procedures in accordance with Metro Code, Executive Officer, Metro Councilors and elected officials of other jurisdictions.
6. Responds to and assists in resolving sensitive or controversial citizen concerns.
7. Manages and staffs citizen or intergovernmental committees and task forces.
8. May oversee the preparation of and/or present the departmental budget.
9. Performs other related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

1. Knowledge of the principles and practices of public policy development and administration.
2. Knowledge of the functions of local government organization.
3. Knowledge of the principles and practices of citizen participation.
4. Some knowledge of the principles and practices of public personnel administration and public budgeting.
5. Knowledge of the principles and practices of effective supervision.
6. Ability to plan, organize and direct the activities of professional, para-professional and clerical staff.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

7. Ability to establish and maintain effective working relationships with elected officials, agency management and staff, representatives of other jurisdictions, the press and members of the general public.
8. Ability to communicate effectively orally and in writing.

EXPERIENCE AND TRAINING:

A Bachelor's degree in political science, public administration or a related field and four years administrative experience, preferably in a supervisory capacity; or any combination of education and experience which provides the applicant with the knowledge, skill and ability required to perform the duties of the job.

Metro
Class No: 473
Title: Facilities Management
Project Coordinator

Established: July, 1990
Revised:
EEO:
AA:

GENERAL STATEMENT OF DUTIES:

Under the direction of the Facilities Manager, provides technical expertise and coordination of Zoo Facilities projects including performing research and budgeting; providing guidance to architects, engineers and consultants; writing specifications and providing on-site supervision of Facilities projects ensuring contractor compliance.

SUPERVISION RECEIVED:

Supervision is received from the Facilities Management Division Manager.

SUPERVISION EXERCISED:

Project Coordinator will supervise assigned Facilities Management Division personnel.

EXAMPLES OF PRINCIPAL DUTIES:

1. Performs on-site research for Zoo projects in conjunction with affected Zoo staff and recommends cost effective solutions.
2. Provides guidance to architects, engineers and consultants.
3. Works with City of Portland and other governmental jurisdictions to obtain building, plumbing, electrical, conditional use and other permits.
4. Writes technical specifications and bid/quote documents and administers contract processed, including addendum and change orders.
5. Provides budgetary input for Division and project budgets.
6. Provides on-site supervision to ensure contractor compliance including contract close out, punch list and follow up.
7. Performs on-site supervision of projects undertaken, in whole or in part, by Facilities Management staff.
8. Performs related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

1. Considerable knowledge of construction methods, materials, tools, practices and procedures.
2. Knowledge of practices and procedures for specifications, bid/quote documents, and construction contracts.
3. Knowledge of practices and procedures for obtaining permits.
4. Skill in effective oral and written communication.
5. Ability to work independently and as part of a team.
6. Ability to establish and maintain effective working relationships with architects, engineers, contractors, representatives of other governmental jurisdictions, Metro employees and the general public. Drafting and design experience beneficial.

EXPERIENCE AND TRAINING:

High school diploma or GED, college and/or trade school attendance, and a minimum of three years' experience in construction, maintenance or remodeling project coordination, or any combination of education and experience which would provide the candidate with the desired knowledge, skill and ability required to perform the job. Some experience utilizing computers preferred.

Metro
Class No: 478
Title: Facilities Management
Work Center Coordinator

Established: July, 1990
Revised:
EEO:
AA:

GENERAL STATEMENT OF DUTIES:

Provides daily scheduling and dispatch for all sections of the Facilities Management Division; coordinates, prioritizes and assigns work orders; purchases, receives and tracks materials and supplies; supervises division field staff, as necessary, and manages the Zoo telecommunications system.

SUPERVISION RECEIVED:

Works under the supervision of the Facilities Supervisor.

SUPERVISION EXERCISED:

Will, in the absence of Facilities Supervisor, assume responsibility for supervision of represented field staff and may make recommendations for disciplinary actions.

EXAMPLES OF PRINCIPAL DUTIES:

1. Receives and evaluates work orders and dispatch requests from other Zoo staff
2. Assigns priorities, determines staffing needs, dispatches staff as appropriate.
3. Determines material and supply needs including specification writing, coordinates ordering process, writes or requisitions purchase orders and ensures timely delivery of materials and supplies, verifies receipt; schedules heavy duty equipment.
4. Ensures timely and accurate coding in conjunction with Administrative Secretary.
5. Coordinates general purchasing and maintains inventory control for all sections.
6. Answers emergency and special attention telephone requests; dispatches appropriate staff in response and verifies follow-up.
7. Responsible for the maintenance of, and records for, the Zoo telephone system, including responding to malfunction calls, ordering requests for adds, moves and changes.
8. Assists Facilities Supervisor with Special Projects.
9. Works with Division Secretary to provide accurate reporting system.
10. Performs related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

1. Knowledge of practices and procedures related to buildings, grounds and vehicle maintenance.
2. Knowledge of, and ability to use, parts catalogues.
3. Knowledge of costs, products and sources of supply appropriate for the use in building, grounds and vehicle maintenance.
4. Skill in evaluating, estimating and prioritizing work orders, determining staffing and materials needs.

RECRUITING REQUIREMENTS (Continued):

KNOWLEDGE, SKILL, ABILITY:

5. Skill in purchasing, tracking purchases and providing inventory control.
6. Skill in establishing and maintaining effective working relationships with Zoo staff, Leadpersons, vendors, contractors, Metro staff and the general public.
7. Skill in written and oral communication.
8. Skill in working independently and as part of a team.

EXPERIENCE AND TRAINING:

High school diploma or GED and a minimum of three years experience in maintenance related work, preferably in a supervisory position with responsibilities for scheduling and prioritizing, or a combination of education and experience which provides the candidate with the knowledge, skill and ability required to perform the job. Experience in purchasing, telephone systems and utilizing a computer preferred.

NON-REPRESENTED EMPLOYEES PAY SCHEDULE
(Hourly and Annual Rate Based on 2,080 Per Year)

SALARY RANGE	CLASS CODE	CLASSIFICATION	BEGINNING RATE	ENTRY MERIT RATE	MAXIMUM MERIT RATE
1	012	Office Assistant	6.57	6.90	9.58 Hourly
	265	Education Service Aide 1	1,139	1,196	1,660 Monthly
			13,666	14,352	19,926 Annual
3	018	Receptionist	7.24	7.60	10.56 Hourly
			1,255	1,318	1,831 Monthly
			15,059	15,808	21,965 Annual
4	266	Education Service Aide 2	7.60	7.98	11.09 Hourly
			1,318	1,383	1,922 Monthly
			15,808	16,598	23,067 Annual
5	010	Management Intern	7.98	8.38	11.64 Hourly
	022	Secretary	1,383	1,452	2,018 Monthly
			16,598	17,430	24,211 Annual
8	021	Administrative Secretary	9.24	9.70	13.48 Hourly
			1,602	1,682	2,337 Monthly
			19,219	20,176	28,038 Annual
10	004	Food Service/Retail Coord.	10.19	10.70	14.86 Hourly
	031	Administrative Assistant	1,766	1,854	2,576 Monthly
	108	Legal Secretary	21,195	22,256	30,909 Annual
11	032	Clerk of the Council	10.70	11.24	15.60 Hourly
	520	Veterinarian Technician	1,855	1,948	2,705 Monthly
			22,256	23,379	32,448 Annual
12	075	Assistant Research Coord.	11.23	11.79	16.38 Hourly
			1,947	2,044	2,839 Monthly
			23,358	24,523	34,070 Annual
13			11.79	12.38	17.20 Hourly
			2,044	2,146	2,981 Monthly
			24,523	25,750	35,776 Annual
14	333	Asst. Management Analyst	12.38	13.00	18.06 Hourly
	540	Safety/Security Supervisor	2,146	2,253	3,130 Monthly
			25,750	27,040	37,565 Annual
15	007	Retail Supervisor	13.00	13.65	18.96 Hourly
	014	Site Supervisor	2,253	2,366	3,287 Monthly
	107	Law Clerk	27,040	28,392	39,437 Annual

Effective June 27, 1991

SALARY RANGE	CLASS CODE	CLASSIFICATION	BEGINNING RATE	ENTRY MERIT RATE	MAXIMUM MERIT. RATE
16	016	Senior Site Supervisor	13.65	14.33	19.91 Hourly
	270	Education Services Spec.	2,366	2,484	3,450 Monthly
	332	Hazardous Waste Spec.	28,392	29,806	41,413 Annual
	334	Assoc. Management Analyst			
	362	Graphics Coordinator			
17	009	Food Service Supervisor	14.34	15.06	20.92 Hourly
	076	Research Coordinator	2,486	2,610	3,626 Monthly
	473	Fac. Mgt. Project Coord.	29,827	31,325	43,514 Annual
18	030	Support Services Supervisor	15.05	15.80	21.96 Hourly
	335	Senior Management Analyst	2,609	2,739	3,805 Monthly
	340	Senior PA Specialist	31,304	32,864	45,677 Annual
	472	Assistant Curator			
	474	Facilities Supervisor			
19	060	Zoo Marketing Manager	15.80	16.59	23.06 Hourly
	061	Zoo Development Officer	2,739	2,876	3,996 Monthly
	345	Senior Solid Waste Planner	32,864	34,507	47,965 Annual
	525	Veterinarian			
20	062	Visitors Services Manager	16.60	17.43	24.21 Hourly
	091	Data Processing Admin.	2,877	3,021	4,197 Monthly
	275	Education Services Manager	34,528	36,254	50,357 Annual
	336	Management Analyst Super.			
	341	Public Information Super.			
	351	Trans. Planning Supervisor			
	357	Regional Planning Super.			
	476	Construction Coordinator			
21	063	Curator	17.43	18.30	25.41 Hourly
	085	Mgr. Development Services	3,021	3,172	4,405 Monthly
	309	Engineering Supervisor	36,254	38,064	52,853 Annual
	346	Solid Waste Planner Super.			
	353	Data Resource Center Super.			
	475	Zoo Facilities Manager			
22	071	Chief Accountant	18.30	19.22	26.69 Hourly
	103	Sr. Assistant Counsel	3,172	3,331	4,626 Monthly
	320	SW Budget & Finance Mgr.	38,064	39,978	55,515 Annual
	337	Administrative Manager			
	347	Waste Reduction Manager			
23	068	Procurement Officer	19.21	20.17	28.02 Hourly
	070	Personnel Manager	3,330	3,497	4,857 Monthly
	072	Risk Manager	39,957	41,954	58,282 Annual
	090	Transportation Tech. Mgr.			
	092	Govt. Relations Manager			
	311	Engineering/Analysis Mgr.			
	322	Solid Waste Facilities Mgr.			
	477	Construction Manager			

Effective June 27, 1991

SALARY RANGE	CLASS CODE	CLASSIFICATION	BEGINNING RATE	ENTRY MERIT RATE	MAXIMUM MERIT RATE
24	064	Assistant Zoo Director	20.17 3,496 41,954	21.18 3,671 44,054	29.42 Hourly 5,100 Monthly 61,194 Annual
25	080	Dir. of Regional Facilities	21.18	22.24	30.89 Hourly
	081	Director of Public Affairs	3,671	3,855	5,354 Monthly
	084	Dir. Finance & Mgmt. Info.	44,054	46,259	64,251 Annual
	088	Convention Ctr. Proj. Dir.			
	093	Council Administrator			
	094	Director of P & D			
	095	Deputy Executive Officer			
26	089	Director of Tran. Planning	22.24	23.35	32.43 Hourly
	105	General Counsel	3,855 46,259	4,048 48,568	5,622 Monthly 67,454 Annual
28	086	Director of Solid Waste	24.52	25.75	35.76 Hourly
	087	Zoo Director	4,250 51,002	4,463 53,560	6,199 Monthly 74,381 Annual

Effective Date: June 27, 1991

ADDITIONAL PROVISION:

As provided in Metro Code Section 2.02.160, the Executive Officer may annually award an Incentive Salary Rate of 1 to 3 percent above the Maximum Merit Rate.

Effective July 1, 1990

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1471
AMENDING THE CLASSIFICATION PLAN AND THE PAY PLAN
FOR NON-REPRESENTED EMPLOYEES

Date: June 12, 1991

Presented by: Kim Huey

FACTUAL BACKGROUND AND ANALYSIS:

This Resolution is submitted to comply with the provisions of Metro Code Sections 2.02.120, 2.02.130 and 2.02.145 requiring Council approval of all new or revised classification descriptions and the Metro Pay Plan.

During the course of Fiscal Year 1990-91 and in conjunction with the preparation of the Fiscal Year 1991-92 Budget, the Personnel Division reviewed and evaluated a number of current and proposed position descriptions to determine appropriate classification and salary level. Information on the positions was obtained from the managers, supervisors and incumbents, and the Kenny Point Factor System was used to determine appropriate salary grade for new and revised positions. Department managers affected by the recommendations resulting from these actions were advised of the budgetary impact, and prepared their budget requests to provide adequate funding to support them. Changes to current positions and the new positions are listed below:

Food Service/Retail Specialist - new class - AFSCME represented
Scalehouse Technician - title change only - AFSCME represented
Senior Site Supervisor - new class - salary grade 16
Management Technician - new class - AFSCME represented
Procurement Officer - new class - salary grade 23
Personnel Manager - revised description - salary grade change from 21 - 23
Risk Manager - new class - salary grade 23
Senior Assistant Counsel - title change only
Solid Waste Budget and Finance Manager - revised description and new title only
Waste Reduction Manager - salary grade change from 21 - 22
Solid Waste Facilities Manager - revised description, new title, salary grade change from 20 - 23
Hazardous Waste Specialist - revised description - salary grade change from 14 - 16
Administrative Manager - new class - salary grade 22

Facilities Management Project Coordinator - new position approved
FY 1990-91 - salary grade 17
Facilities Management Work Center Coordinator - new position
approved FY 1990-91 - AFSCME represented

Classification specification documents for all those positions
listed above are attached to the Resolution as amendments to the
current Metro Classification Plan. The Pay Plan is amended to
include only those positions which are non-represented, as wages
for represented employees are subject to collective bargaining.

FISCAL IMPACT:

No additional funds are required to accomplish the actions
recommended in this Resolution. Funds are available within the
approved FY 1991-92 budget for the individual departments impacted.

EXECUTIVE OFFICER'S RECOMMENDATION:

The Executive Officer recommends approval of Resolution No. 91-
1471.

KMH

Meeting Date: June 27, 1991
Agenda Item No. 8.3

RESOLUTION NO. 91-1469

TRANSPORTATION AND PLANNING COMMITTEE REPORT

RESOLUTION NO. 91-1469, FOR THE PURPOSE OF PARTIAL FUNDING OF THE 1000 FRIENDS OF OREGON WESTERN BYPASS STUDY LAND USE ALTERNATIVE ANALYSIS PROJECT "MAKING THE LAND USE, TRANSPORTATION, AIR QUALITY CONNECTION," INCLUDING DIRECT FUNDING OF CONSULTANT AND SOFTWARE ELEMENTS AND IN-KIND SERVICES FROM METRO STAFF

Date: June 13, 1991

Presented by: Councilor McLain

COMMITTEE RECOMMENDATION: At the June 11, 1991, Transportation and Planning Committee meeting, Councilors Bauer, Devlin, Gardner, Van Bergen and myself voted 3 to 2 (Councilors Bauer and Van Bergen dissenting) to recommend Council adopt Resolution No. 91-1469, with the allowance for staff to correct language in the actual contract to have billing occur between Metro and the study consultants.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 91-1469 approves an agreement with 1000 Friends of Oregon for Metro to provide funding and in-kind services for the group's Western Bypass Study land use alternatives analysis project being conducted concurrently, and in cooperation with, the Oregon Department of Transportation (ODOT) Western Bypass study. Metro would provide direct funding of \$40,000 and approximately \$40,000 of in-kind services towards the total project estimated at \$500,000.

Under the agreement, Metro would provide \$40,000 before July 1 towards the purchase and consultant development of the project's land use software. The product -- a land use growth allocation model -- would be permanently installed in Metro's computer system. This would be the first land use planning model installed at Metro, which Transportation staff views as a key component for the department's new transportation/land use planning analyses. During FY 91-92, the department would also contribute \$40,000 of in-kind services (staff and computer time) towards improvements to Metro's transportation forecasting models which will be used for the project.

Transportation Director Andy Cotugno emphasized the 1000 Friends study appears to complement the ODOT study contracted by Metro and would provide Metro with some permanent benefits: enhanced transportation forecasting models and the installation of a land-use modelling process.

Councilor Bauer expressed strong discomfort with the proposal as 1000 Friends formerly filed suit against the District regarding the Western Bypass. He questioned the objectivity of 1000 Friends study results. Mr. Cotugno clarified the contract would not fund the study's analyses nor buy into its results.

Discussion supporting the resolution focussed on the importance and value of coordinating the ODOT and 1000 Friends studies to ensure final Western Bypass decisions were based on the most comprehensive transportation and land use planning information available. It was also noted the 1000 Friends study assumptions, incorporating land use planning trends and projections, made up for the lack of this data in the ODOT study.

Councilor Van Bergen asked about the contract's timing, whether Metro would have title to the final software product, and if a conflict of interest existed. Mr. Cotugno noted the contract was unanticipated and multi-year (spanning more than one fiscal year), requiring Council/Contract Review Board approval and Metro would have title to the final land use modelling product. Metro, however, will not be a party to the study's final conclusions, precluding a conflict of interest. Mr. Cotugno said Metro staff, in developing final recommendations on the Western Bypass, would consider the 1000 Friends results just as they would consider ODOT's conclusions.

Keith Bartholemew, 1000 Friends staff attorney, discussed the group's former suit against Metro, noting the major emphasis was on the procedures/process required for considering land use options when developing transportation plans. 1000 Friends did not win the appeal but the Land Use Board of Appeals (LUBA) stated no land use decisions had been made in the Western Bypass project; land use options were still open. Given the appeal results, 1000 Friends, according to Mr. Bartholemew, felt obligated to return to the issue in a positive manner and developed the land use alternatives study now underway.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF PARTIAL) RESOLUTION NO. 91-1469
FUNDING OF THE 1000 FRIENDS OF)
OREGON WESTERN BYPASS STUDY) Introduced by
LAND USE ALTERNATIVE ANALYSIS) Rena Cusma, Executive Officer
PROJECT, "MAKING THE LAND USE,)
TRANSPORTATION, AIR QUALITY)
CONNECTION," INCLUDING DIRECT)
FUNDING OF CONSULTANT AND)
SOFTWARE ELEMENTS AND IN-KIND)
SERVICES FROM METRO STAFF)

WHEREAS, The 1000 Friends of Oregon have initiated a land use alternative study for the Western Bypass Study being carried out by the Oregon Department of Transportation; and

WHEREAS, Elements of the work are complementary to work in Metro's work program over the next two years, including the purchase of a calibrated land use forecast allocation model; and

WHEREAS, The 1000 Friends of Oregon have solicited funds from numerous sources and have requested both funds and in-kind services from Metro; and

WHEREAS, The participation of the Metropolitan Service District in this project will benefit both the region and this study; now, therefore,

BE IT RESOLVED,

1. That the Metropolitan Service District shall contribute \$40,000 for the purpose of purchasing the land use forecasting model and consultant help in improving Metro's transportation modeling system.

2. That the Metropolitan Service District shall provide up to \$40,000 of in-kind services, both staff and

computer time, to further the project.

3. That 1000 Friends of Oregon will reimburse Metro for one-half the staff and computer cost of model runs for land use and transportation scenarios, estimated at \$20,000.

4. That the Executive Officer of the Metropolitan Service District is authorized to enter into an Agreement with the 1000 Friends of Oregon similar in form to Exhibit A which is attached.

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

Tanya Collier, Presiding Officer

91-1469.RES
6-4-91
TKL:lmk

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT dated this 4th day of June 1991, is between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, hereinafter referred to as "METRO," whose address is 2000 S.W. First Avenue, Portland, OR 97201-5398, and 1000 Friends of Oregon, hereinafter referred to as "CONTRACTOR," whose address is 534 SW Third, Portland, OR, for the period of June 20, 1991, through June 30, 1992, and for any extensions thereafter pursuant to written agreement of both parties.

W I T N E S S E T H :

WHEREAS, This Agreement is exclusively for Personal Services;
NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

CONTRACTOR AGREES:

1. To perform the services and deliver to METRO the materials described in the Scope of Work attached hereto;
2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;
3. All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement, including but not limited to ORS 279.310 to 279.320.

Specifically, it is a condition of this contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by 1989 Oregon Laws Chapter 684.

4. To maintain records relating to the Scope of Work on a generally recognized accounting basis and to make said records available to METRO at mutually convenient times;

5. To indemnify and hold METRO, its agents and employees harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, with any patent infringement arising out of the use of CONTRACTOR'S designs or other materials by METRO and for any claims or disputes involving subcontractors;

6. To comply with any other "Contract Provisions" attached hereto as so labeled; and

7. CONTRACTOR shall be an independent contractor for all purposes, shall be entitled to no compensation other than the compensation provided for in the Agreement. CONTRACTOR hereby certifies that it is the direct responsibility employer as provided in ORS 656.407 or a contributing employer as provided in ORS 656.411.

In the event CONTRACTOR is to perform the services described in this Agreement without the assistance of others, CONTRACTOR hereby agrees to file a joint declaration with METRO to the effect that CONTRACTOR

services are those of an independent contractor as provided under Chapter 864 Oregon Laws, 1979.

METRO AGREES:

1. To pay CONTRACTOR for services performed and materials delivered in the maximum sum of FORTY THOUSAND AND 00/100THS (\$40,000) DOLLARS and in the manner and at the time designated in the Scope of Work; and
2. Metro agrees to provide in-kind support of up to FOURTY THOUSAND AND 00/100THS (\$40,000).
3. To provide full information regarding its requirements for the Scope of Work.

1000 FRIENDS AGREES:

1. To pay Metro up to a maximum of TWENTY THOUSAND AND 00/100THS (\$20,000) and in the manner and at the time designated in the Scope of Work.

BOTH PARTIES AGREE:

1. That METRO may terminate this Agreement upon giving CONTRACTOR five (5) days' written notice without waiving any claims or remedies it may have against CONTRACTOR;
2. That, in the event of termination, METRO shall pay CONTRACTOR for services performed and materials delivered prior to the date of termination; but shall not be liable for indirect or consequential damages;

3. That, in the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court;

4. That this Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party; and

5. That this Agreement may be amended only by the written agreement of both parties.

CONTRACTOR NAME

METROPOLITAN SERVICE DISTRICT

By: _____

By: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____

Date: _____

KT:bc
901-935.PSA
6/4/91

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1469 FOR THE PURPOSE OF PARTIAL FUNDING OF THE 1000 FRIENDS OF OREGON WESTERN BYPASS STUDY LAND USE ALTERNATIVE ANALYSIS PROJECT "MAKING THE LAND USE, TRANSPORTATION, AIR QUALITY CONNECTION," INCLUDING DIRECT FUNDING OF CONSULTANT AND SOFTWARE ELEMENTS AND IN-KIND SERVICES FROM METRO STAFF

Date: June 4, 1991

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution would commit Metro to the direct expenditure of \$40,000 for software and consultant services and the expenditure of \$40,000 in in-kind services (staff and computer time). This is Metro's contribution to their estimated \$500,000 project. The parts of the project funded by Metro will remain at Metro for Metro's use in future regional plan development, with particular emphasis on the RUGGO process over the next three years.

FACTUAL BACKGROUND AND ANALYSIS

The 1000 Friends of Oregon, a land-use watchdog group, has put together a project to begin investigation of land use arrangement and design as a way of minimizing the transportation needs associated with growth. The impetus for the project is the Western Bypass Study currently being conducted by the Oregon Department of Transportation, with the 1000 Friends project being to develop land use alternative(s) to mitigate the need for highway development.

The 1000 Friends organization is raising money for this project both nationally and locally and has approached us for funding to offset their costs. This project, in essence, is a pilot for the land use alternatives analysis we will need to carry out as a part of our upcoming urban growth management analysis in the RUGGO process, in particular Update Growth Forecasts (first two quarters of 1992) and Transportation and Land Use Concepts Phase II (last two quarters of 1992, first two quarters of 1993). As a part of this task we had intended to purchase and have calibrated a land use growth allocation model (DRAM-EMPAL, the current state of the practice model). We also intend to increase the sensitivity of our transportation forecasting model(s) to strategies aimed at reducing single occupant automobile use. A part of the 1000 Friends project as proposed by their consultants (Cambridge Systematics, with Dr. Stephen Putman and Peter Calthorp), is to install, calibrate and use DRAM-EMPAL, and following an evaluation of Metro's models, to recommend practical ways of increasing the sensitivity of the models to actions to increase pedestrian and bicycle use and demand management actions.

The cost of these two elements in the consultant proposal is \$30,000 each (a total of \$60,000 out of an estimated budget of \$500,000, of which about \$400,000 has been obtained or committed). Current donors include the Energy Foundation (Pugh, Rockefeller and MacArthur trusts), the Nathan Cumming Foundation, the Surdna Foundation and the Environmental Protection Agency.

Staff has identified \$40,000 in our current budget which could be allocated to this project directly. It is proposed that Metro should pay the \$30,000 for the DRAM-EMPAL model as it will be located at Metro and left with us as a part of this project and contribute \$10,000 towards the transportation model improvements.

It is also proposed that Metro provide in-kind services to help offset the costs that will be incurred at Metro with the involvement of both high-level staff in model development and the use of line staff in organizing historical data for DRAM-EMPAL input and running the land use scenarios through the modeling process. (Both RLIS and the transportation model EMME/2 will be used).

Selection of the Consultant Team:

The process used to select the consultant team was through a nationally advertized RFP written by a National Technical Advisory Committee composed of nationally recognized experts appointed by 1000 Friends. This committee, in conjunction with 1000 Friends carried out a formal evaluation of proposals prior to choosing this group.

Urgency:

There is a sense of urgency at this time in that Dr. Stephen Putman, who will be supplying and calibrating the DRAM-EMPAL model, has a summer window set aside starting in June. Failing this start, he will only be able to commence in late fall and will have difficulty coordinating this with other West Coast projects that would share in his travel expenses. This part of the project is on the critical path, and is a part that we at Metro will find particularly useful to have in place prior to next January.

EXECUTIVE OFFICERS RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1469.

ATTACHMENT A

SCOPE OF WORK
METRO/1000 FRIENDS OF OREGON

Making the Land Use, Transportation,
Air Quality Connection

1. DELIVERABLES TO METRO:

- a. 1000 Friends of Oregon and their consultant team will deliver to Metro a calibrated Iterative Transportation and Land Use Package (ITLUP), also known as DRAM-EMPAL. This population and employment allocation model should be set up to allocate to a mutually agreed-upon zone system (120 to 500 zones) the growth over any long-range growth horizon. This model was chosen by 1000 Friends aided by a National Technical Advisory Committee following a nationwide response to a Request for Proposals. The model was developed at the University of Pennsylvania by Dr. Stephen Putman who is a subcontractor to Cambridge Systematics, a member of the 1000 Friends consortium of consultants. This phase of the work will put in place an allocation model that Metro will use for the next regional long-range forecast allocation (in conjunction with the Regional Urban Growth Management process). The model must be calibrated using local (Metro supplied) data and be left at Metro to run on Metro's computer. It is expected that this model will be operable by October 31, 1991.
- b. 1000 Friends of Oregon and their consultant team will deliver to Metro improvements to the Metro transportation models, primarily in the inclusion of variables to better reflect density and design elements as they affect the choice of walk and bicycle modes. These models will be implemented at Metro within the EMME/2-MTX model software by October 31, 1991. The consortium member responsible for this is Cambridge Systematics. The combined cost to Metro for Subtasks 1a and 1b is \$40,000, payable to 1000 Friends of Oregon.

2. IN-KIND SERVICES FROM METRO:

Metro will provide advice and coordination to 1000 Friends of Oregon and their consultant team in the development and integration of these models/improvements in the Portland regional context and the integration into the modeling system at Metro. The Metro resources will consist of Keith Lawton, Dick Walker, Dick Bolen and Doug Anderson. A maximum level of support of \$20,000 (estimated to be 400 hours) will be provided.

3. SCENARIO FORECASTS FROM METRO:

Based upon inputs from 1000 Friends and their consultant team, Metro will model four land use and transportation scenarios to give measures of travel, congestion, energy consumption and emission inventories. Metro is prepared to contribute staff and computer services for one-half of the actual cost up to 125 person hours per scenario plus computer costs. This is an estimated Metro contribution of \$5,000 per scenario including computer costs, or a maximum of \$20,000, to be matched by 1000 Friends of Oregon. Metro will invoice 1000 Friends of Oregon monthly for one-half of actual incurred costs.



GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

DATE: 6-4-91

GRANT/CONTRACT NO. 901935

BUDGET CODE NO. 140 120000 339200 ^{Expense} ~~XXXXX~~

FUND: DEPARTMENT Trans

(IF MORE THAN ONE) XXXXX

SOURCE CODE (IF REVENUE) 35500

RECEIVED IN THE CONTRACTS DIVISION ON

INSTRUCTIONS

- OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT. JUN 7 1991
- COMPLETE SUMMARY FORM.
- IF CONTRACT IS —
 - SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
 - UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S BIDS.
 - OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC. CONTR. ADMINISTRATOR
 - OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET.
- PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

ROUTING:

DEPARTMENT HEAD _____

OFFICE SECRETARY, BIDS _____

CONTR. ADMINISTRATOR _____

TRANS. LICENSE MGR. _____

LABOR COMPLIANCE _____

1. PURPOSE OF GRANT/CONTRACT Cooperative development of Land Use/Tr. model

2. TYPE OF EXPENSE
- | | | |
|-------------------------------------------------------|-------------------------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> PERSONAL SERVICES | <input type="checkbox"/> LABOR AND MATERIALS | <input type="checkbox"/> PROCUREMENT |
| <input type="checkbox"/> PASS THROUGH AGREEMENT | <input type="checkbox"/> INTER-GOVERNMENTAL AGREEMENT | <input type="checkbox"/> CONSTRUCTION |
| | | <input type="checkbox"/> OTHER |

OR AWD

TYPE OF REVENUE GRANT CONTRACT OTHER

3. TYPE OF ACTION
- | | |
|-------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> CHANGE IN COST | <input type="checkbox"/> CHANGE IN WORK SCOPE |
| <input type="checkbox"/> CHANGE IN TIMING | <input checked="" type="checkbox"/> NEW CONTRACT |

4. PARTIES Metro / 1000 Friends of Oregon

5. EFFECTIVE DATE June 20, 1991 TERMINATION DATE June 30, 1992
(THIS IS A CHANGE FROM _____)

6. EXTENT OF TOTAL COMMITMENT:

ORIGINAL/NEW	pay to 1000 friends	\$ 40,000
PREV. AMEND	Metro In-kind	40,000
THIS AMEND	1000 Pay to Metro	20,000
TOTAL		\$ _____

7. BUDGET INFORMATION

- A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 1991 \$ 40,000
- B. BUDGET LINE ITEM NAME Misc Prof Sus AMOUNT APPROPRIATED FOR CONTRACT \$ _____
- C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF _____, 19____ \$ _____

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

SUBMITTED BY _____	\$ _____	<input type="checkbox"/> MBE
	AMOUNT	
SUBMITTED BY <u>NA</u>	\$ _____	<input type="checkbox"/> MBE
	AMOUNT	
SUBMITTED BY _____	\$ _____	<input type="checkbox"/> MBE
	AMOUNT	

9. NUMBER AND LOCATION OF ORIGINALS _____

10. A. APPROVED BY STATE/FEDERAL AGENCIES? YES NO NOT APPLICABLE
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT YES NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? YES NO
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION _____
12. WILL INSURANCE CERTIFICATE BE REQUIRED? YES NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? YES NOT APPLICABLE
 TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- | | | |
|-------------------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ <i>CASH</i> | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ <i>TRAI</i> | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ <i>WANTS</i> | SERVICE _____ | <input type="checkbox"/> MBE |
15. IF THE CONTRACT IS OVER \$10,000
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?
 YES NO
 B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?
 YES DATE _____ INITIAL _____
16. COMMENTS: _____

GRANT/CONTRACT APPROVAL

INTERNAL REVIEW <i>[Signature]</i> DEPARTMENT HEAD FISCAL REVIEW <i>6/14/91</i> BUDGET REVIEW <i>6/14/91</i>	CONTRACT REVIEW BOARD (IF REQUIRED) DATE _____ 1. _____ COUNCILOR 2. _____ COUNCILOR 3. _____ COUNCILOR	COUNCIL REVIEW (IF REQUIRED) DATE _____
--------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------

- LEGAL COUNSEL REVIEW AS NEEDED:
- A. DEVIATION TO CONTRACT FORM _____
- B. CONTRACTS OVER \$10,000 _____
- C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

Meeting Date: June 27, 1991
Agenda Item No. 8.4

RESOLUTION NO. 91-1415



METRO

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

Memorandum

DATE: June 21, 1991
TO: Interested Parties
FROM: Paulette Allen, Clerk of the Council *PA*
RE: RESOLUTION NO. 91-1415

Exhibit A, Model Siting Ordinance, has not been published in this agenda packet due to the size of that document. Supplemental packets will be prepared and available at the Council meeting June 27.



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

June 20, 1991

The Honorable Tanya Collier
Presiding Officer
Metropolitan Service District
2000 S. W. First Avenue
Portland, OR 97201-5398

Dear Presiding Officer:

Re: Resolution No. 91-1415
(Model Solid Waste Facility Siting Ordinance)

This Office has reviewed the Model Ordinance in order to answer certain questions raised by Councilor Gardner.

In conducting that review, we have determined that the Ordinance contains numerous technical drafting errors which need to be corrected. These concerns are independent of the concerns raised by Councilor Gardner. We recommend that Resolution No. 91-1415 be re-referred by the Council to the Solid Waste Committee in order for these errors to be corrected in an appropriate forum.

We are independently responding to Councilor Gardner. At the time this matter is reconsidered by the Council Solid Waste Committee the issues raised by his question which we have determined are a matter of balancing policy and legal concerns may also be addressed.

I have discussed this recommendation with the office of the Executive Officer, and the Director of Planning & Development, and understand that they have no objection to the Council referring the matter back to the Council Solid Waste Committee in order for this Office to assist the department and the Committee in making the necessary corrections.

Yours very truly,

Daniel B. Cooper,
General Counsel

gl1400

cc: Rena Cusma
Rich Carson




METRO

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

Memorandum

COPY

Date: June 20, 1991
To: Councilor Jim Gardner
From: Todd Sadlo, Senior Assistant Counsel 
Regarding: RESOLUTION NO. 91-1415, MODEL SOLID WASTE FACILITY SITING ORDINANCE

This memo addresses your questions to Daniel B. Cooper, General Counsel, dated May 15, 1991, concerning the potential consequences of adopting Resolution No. 91-1415, establishing a Model Solid Waste Facility Siting Ordinance. Your questions are as follows:

1. Could a local jurisdiction apply the standards in the model ordinance in a procedural or substantive way that would preclude a favorable siting decision for a politically unpopular solid waste facility?
2. If a local jurisdiction conditioned approval of a facility on a particular form of facility ownership, would the conditional use approval be in compliance with the provisions of the model zoning ordinance? Would such a condition be legally sustainable?

Resolution No. 91-1415 declares that the proposed model ordinance meets policy 16.2 of the Regional Solid Waste Management Plan (RSWMP). Policy 16.2 states that "Whether by outright permitted use, conditional use or otherwise, appropriate zoning shall utilize only clear and objective standards that do not effectively prohibit solid waste facilities."

Question No. 1: Answer and Discussion

The answer to your first question is yes, with the following explanation.

To begin, the only land use ordinance that a local jurisdiction would not be able to apply in a manner that would effectively prohibit a politically unpopular facility is an ordinance that would allow the facility outright in an available zone. The model ordinance applies approval criteria whether the facility is

Councilor Jim Gardner
Page 2
June 20, 1991

a "permitted" use or subject to conditions, and therefore requires the exercise of discretion by a local jurisdiction. Discretion can always be exercised to deny an application, leading to prohibitive procedural delays or substantive preclusion of a facility. Moreover, even if a local jurisdiction approved an application, opponents can appeal a discretionary land use decision, potentially leading to the same result.

You have specific concerns regarding Options 1 and 4 in the model ordinance, in which a local jurisdiction would adopt DEQ permit requirements as land use approval criteria. As you know, this Office shares your concern that by including such an option in a "model" ordinance, Metro indicates its approval of standards that may be difficult to apply in the land use arena.

We cannot conclude that the use of pollution control permit requirements as land use approval standards violates policy 16.2 by effectively prohibiting facilities. There are, however, policy questions related to encouragement of the use of Options 1 or 4 that require an understanding of the legal context in which they would be applied.

The central concern with using pollution control permit requirements as land use approval criteria is that they were not designed for such use, and are therefore ill suited for the type of review to which discretionary land use decisions are subject. The DEQ permitting system was designed as a give-and-take negotiation between the applicant and agency administrators. The level of tests and studies required, modeling and equipment can vary greatly between similar applications and is often not as clear-cut and numerical as simply applying a formula. DEQ decisions can often be made administratively and would not be subject to a hearing unless appealed. Appeal of an administrative DEQ decision would be to the Environmental Quality Commission, then to the Court of Appeals and Oregon Supreme Court.

Discretionary land use decisions require notice to surrounding property owners and the opportunity for a hearing. Unless a solid waste facility is permitted outright, subject only to rigidly numerical site-design review standards, approval of a proposed site is a discretionary decision subject to notice and an opportunity for a hearing.

If Options 1 or 4 are utilized by a local government in any land use proceeding, the local government will need to determine which of the numerous statements and clauses in the Oregon Administrative Rules are approval criteria that apply to the proposal. It must then determine whether there is substantial

evidence in the record addressing all relevant criteria, and adopt appropriate findings demonstrating correct application of the findings to the criteria. The model ordinance requires the applicant to submit necessary information and to "identify and describe" compliance with various criteria, but there would still be a heavy burden on local officials and their staffs to correctly apply the DEQ standards.

Most jurisdictions do not have staff expertise in pollution control regulations, engineering and modeling. The initial decision-maker in land use proceedings, which is most often a planning commission or hearings officer, may be overwhelmed. Since the applicant is most likely the only source of extensive information regarding the compliance of the project with pollution control regulations, the decision-maker may get only half the story, and turn to the DEQ as the only potentially free source of information. Yet, as we know, DEQ is not interested in reviewing the application until a land use compatibility statement has been issued by the local government. (OAR 340-18-050)

Since the applicant will under most circumstances be required to demonstrate compliance with applicable pollution control statutes in applying for state permits, adopting the regulations as land use approval criteria is probably not a substantive hurdle to siting a facility. That means that an applicant with enough money for consultants and attorneys is likely to prevail in the end, even under Option 1 or 4 of the model ordinance. Transforming pollution control permit requirements into land use approval criteria may nevertheless impose a significant procedural hurdle, because it provides food for appeals and remands. Opponents will be able to make many additional allegations of error related to which administrative rules are approval criteria, which rules are relevant, whether there is substantial evidence to support the findings made, and whether the findings demonstrate compliance. It is more than just a duplication of the review afforded by DEQ, it is a different type of review, leading to potentially different and conflicting results. The analysis applied and conclusions drawn by DEQ may differ markedly from the analysis and conclusions of the local planning authority.

Furthermore, to avoid potential problems with improper delegation of authority, the model ordinance states that the administrative rules adopted as part of the ordinance will apply to an application, even if the DEQ or EPA has amended its rules. If a local government fails to scrupulously monitor state agency rule adoption, outdated state and federal rules may be imposed as land use standards applicable to a proposed facility.

Councilor Jim Gardner

Page 4

June 20, 1991

A distrust of the DEQ, and state agency coordination rules that require a local jurisdiction to act first, are offered as justifications for Options 1 and 4 of the model ordinance. The result, however, is that local planners and decision-makers would be asked to review technical documents generally beyond their expertise, and justify their decisions through the land use appeals process. A local jurisdiction wishing to deny a facility will have greater opportunities to do so, and a "friendly" jurisdiction may be obstructed in its efforts to site a facility over the objections of opponents. While use of these options does not inherently offend policy 16.2 of the RSWMP, it provides a significant additional hurdle to an applicant attempting to construct a solid waste facility.

It should be noted that even if state agency regulations are not included as approval criteria in the model ordinance, local governments would be free to adopt such criteria anyway, and would still appear to be in conformance with Chapter 16 of the RSWMP. The policy concern is not, therefore, that a local government might adopt the model ordinance and succeed in using it to "effectively prohibit" facilities, but that there will be a perception that Metro believes that wholesale adoption of pollution control regulations as land use standards is a desirable way to review proposals to site solid waste facilities.

I hope the above discussion of the legal ramifications of a local government's use of Option 1 or 4 of the model ordinance aids in what is essentially a policy judgment by the Metro Council.

Question No. 2: Answer and Discussion

The model ordinance would not allow a local jurisdiction to condition approval of a facility on a particular form of facility ownership. Section 7 of the ordinance states that "Conditions of approval shall be reasonably related to impacts of the facility and the requirements of this ordinance and provisions incorporated herein." None of the applicable criteria relate to facility ownership, and facility ownership does not appear to be rationally related to potential land use impacts of a facility. The answer to the first part of question 2 is therefore, no. A simple amendment to Section 7 would clarify this point by providing that: "In no instance may an approval authority impose as a condition for approval a requirement that a facility be publicly or privately owned."

The second part of your question assumes that a local jurisdiction has accepted an application for development of a solid waste facility, and imposes as a condition of approval a requirement that the facility be either publicly or privately

Councilor Jim Gardner

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June 20, 1991

owned. This would be an awkward way of imposing an ownership requirement because it would potentially require an applicant to expend considerable resources before being told that it must transfer ownership of the facility before the application can be approved. A jurisdiction could reach a similar result by adopting an ordinance stating that all, or specific types of solid waste facilities must be either publicly or privately owned.

Such a condition or ordinance would raise constitutional questions. First, a claim might be made that the jurisdiction has established two specific classes of individuals, public and private, and has denied one or the other "equal protection of the laws." (U.S. Const. amend. XIV) There does not appear to be a "suspect class" or "fundamental interest" involved in such a classification, so its appropriateness under the U.S. Constitution would be judged under a rational basis or minimum rationality test. See generally, U.S. Railroad Retirement Bd. v. Fritz, 449 US 166, 401 S Ct 453, 66 L Ed2d 368 (1980); New Orleans v. Dukes, 427 US 297, 303, 96 S Ct 2513, 49 L Ed2d 511 (1976); Cleburne v. Cleburne Living Center, Inc., 473 US 432, 105 S Ct 3249, 87 L Ed2d 313, 320 (1985). Under this test, the burden on a challenger is to demonstrate that the classification does not have a "rational relationship to a legitimate state interest." Governments are given "wide latitude" when social or economic legislation is at issue, but will not be allowed to apply a "classification whose relationship to an asserted goal is so attenuated as to render the distinction arbitrary or irrational." Cleburne, supra, 87 L Ed2d at 320 In Cleburne, the court overturned application of a requirement that a mentally retarded group home obtain a special permit, when other boarding houses and hospitals were allowed in the same zone outright.

A similar claim under the Oregon Constitution would be that the ordinance denies equal "privileges and immunities" to a certain class of individuals. (Or. Const. art. I, sec. 20) Under the Oregon Constitution, courts weigh the stated governmental interest in treating classes of individuals differently, against the importance of the interest being infringed upon. See, e.g., Olsen v. State ex rel Johnson, 276 Or 9, 554 P2d 139, 145 (1976), Hunter v. State, 84 Or App 698, 701-702, 735 P2d 1225.

The constitutional implications of an ownership condition cannot be more fully established without knowing the governmental interest or public policy that is intended to be promoted by such a condition or restriction. Your memorandum does not provide such information, and I am hesitant to guess. Hopefully, the above discussion will provide you with the necessary framework for evaluating the propriety of an ownership requirement. If

Councilor Jim Gardner
Page 6
June 20, 1991

there is a legitimate public policy goal, an ownership restriction helps to meet the goal, and the importance of the public goal outweighs the development interests infringed upon, the ownership interest would be upheld. If the model ordinance prohibits such a restriction then the matter will be clarified.

If you have further questions regarding this memorandum, please don't hesitate to contact me.

2017

cc: Rich Carson
Karla Forsythe ✓



METRO

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

Memorandum

TO: Tanya Collier, Presiding Officer

FROM: Jim Gardner, Councilor *JG*

RE: Request to postpone Council consideration of Resolution No. 91-1415 and Ordinance No. 91-393A

DATE: May 15, 1991

On April 2, 1991, the Solid Waste Committee voted to recommend Council adoption of Ordinance No. 91-393A. The ordinance amends Chapter 16 of the Regional Solid Waste Management Plan to identify options for implementing local government facility siting standards.

On May 7, 1991, the Solid Waste Committee voted to recommend Council adoption of Resolution No. 91-1415, which recognizes the model solid waste facility siting ordinance as one of the options. It appears that these two matters should be scheduled for consideration by the Council on the same agenda, since they deal with related topics.

Normally these items would be scheduled for consideration by the Council at its May 23, 1991 meeting. However, I have requested a legal opinion regarding Resolution 91-1415 (see attached memorandum). I request that you defer scheduling these matters until the response to my memorandum is distributed to and reviewed by Councilors.

Thank you for considering this request.

cc: Council Solid Waste Committee
Rich Carson, Planning and Development Director



METRO

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

Memorandum

TO: Dan Cooper, General Counsel

FROM: Councilor Jim Gardner *JG*

RE: Resolution No. 91-1415, For the Purpose of Recognizing the Model Solid Waste Facility Siting Ordinance as Meeting the Requirements of Chapter 16 of the Regional Solid Waste Management Plan

DATE: May 15, 1991

As you are aware, the Solid Waste Committee has recommended that the Council adopt Resolution No. 91-1415. This resolution would authorize local jurisdictions to adopt an appended model zoning ordinance as a means of complying with their requirement to provide zoning for solid waste facilities based on clear and objective standards. The suggested standards incorporate detailed permitting regulations adopted and administered by DEQ.

I have two questions which relate to the potential consequences of adopting this resolution and the model zoning ordinance:

1. Could a local jurisdiction apply the standards in the model ordinance in a procedural or substantive way that would preclude a favorable siting decision for a politically unpopular solid waste facility?
2. If a local jurisdiction conditioned approval of a facility on a particular form of facility ownership, would the conditional use approval be in compliance with the provisions of the model zoning ordinance? Would such a condition be legally sustainable?

I would appreciate a written answer at your earliest opportunity.

cc: Council Solid Waste Committee
Rich Carson, Planning and Development Director

SOLID WASTE COMMITTEE REPORT

RESOLUTION NO. 91-1415, FOR THE PURPOSE OF RECOGNIZING THE MODEL SOLID WASTE FACILITY SITING ORDINANCE AS MEETING THE REQUIREMENTS OF CHAPTER 16 OF THE REGIONAL SOLID WASTE MANAGEMENT PLAN

Date: May 14, 1991

Presented by: Councilor McLain

Committee Recommendation: At the May 7, 1991 Committee meeting, the Committee voted 4-1 to recommend Council adoption of Resolution No. 91-1415. Voting in favor were Councilors DeJardin, McFarland, McLain and Wyers. Councilor Gardner was opposed.

Committee Issues/Discussion: The Committee first considered the resolution at the April 2, 1991 meeting; an interim report which outlines the discussion is attached.

After the April 2 meeting, Department staff revised Definition G of the model ordinance, relating to solid waste composting. A copy of the revised definition was included in the agenda packet for the May 7, 1991 meeting.

At the May 7, 1991 Committee meeting, Mark Turpel, Senior Regional Planner, discussed a memorandum from Rich Carson addressing questions which Councilor Wyers had raised in a memorandum to the Committee dated May 1, 1991. He said that two chapters of the Regional Solid Waste Management Plan (RSWMP) apply to facility siting: Chapter 16, dealing with local government solutions, and Chapter 18, which when written will provide that local plans shall recognize the RSWMP.

He said that when the model ordinance is approved, staff will survey local jurisdictions to determine the method each jurisdiction will adopt to comply with Chapter 16, and the timeline to carry it out.

Councilor Gardner said he had asked Department staff to look at zoning ordinances elsewhere to see if it is typical to include the full detail of permitting standards. In response, Mr. Turpel distributed a chart which summarizes existing standards in the region. He said that staff looked at the approaches in Washington State and Wisconsin. Washington State establishes minimal functional standards for solid waste facilities, and includes some standards quite different from those used by DEQ.

With regard to whether DEQ standards should be incorporated in local ordinances, Mr. Turpel said that noise standards have been incorporated in some existing ordinances. He said the Committee has three options: leave the model ordinance as it is, drop the option of allowing communities to use the DEQ standards, or only allow them to use the standards if the use is permitted outright.

Councilor Gardner said that by preparing a model zoning ordinance with detailed criteria, perhaps Metro is proposing an unnecessarily complex approach for a local ordinance. Mr. Carson said that if there are environmental problems, cities would like to know up front. Mr. Turpel noted that Washington County staff prefers not to use the DEQ standards, but that other jurisdictions feel differently.

Councilor Gardner asked if it would be possible for a majority of jurisdictions to comply with the Chapter by entering into intergovernmental agreements with one or two localities which are willing to site facilities. Mr. Turpel said that original language relating to intergovernmental agreements could have had this impact, but with the addition of language clarifying that Metro approves the findings, this scenario will not occur.

Councilor Gardner said that since Metro is in the solid waste disposal business in a broad, long term sense, Metro should want to make it easy to site facilities. He said localities may have an interest in making facilities difficult to site. He is concerned that the model ordinance takes the latter perspective. He thinks the goal of removing subjectivity has been achieved, but that the ordinance suits the interests of jurisdictions that do not want to site facilities.

Mr. Carson said the cities have expressed good faith, valid concerns, and that Metro should have the same concerns about resolving environmental problems up front.



METRO

Memorandum

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

TO: Council Solid Waste Committee
FROM: Karla Forsythe, ^{EIF} Council Analyst
DATE: April 30, 1991
RE: Resolution No. 91-1415 - Interim Report

At the April 2, 1991 meeting, the Council Solid Waste Committee considered Resolution No. 91-1415, For the Purpose of Recognizing the Model Solid Waste Facility Siting Ordinance as Meeting the Requirements of Chapter 16 of the Regional Solid Waste Management Plan. After hearing a presentation from Planning and Development Department staff, the Committee discussed the Resolution but did not take a vote, pending further discussion at the May 7, 1991 Committee meeting.

Since the initial discussion on the Resolution took place a month ago, I have prepared this interim report to assist the Committee in reviewing issues raised during the previous discussion.

Committee discussion/issues - April 2, 1991

Councilor McFarland indicated that she needed information showing that the proposed ordinance really accomplishes what is needed, and is not too loosely drafted.

Rich Carson, Planning and Development Director, said that when the Regional Solid Waste Management Plan was adopted, Metro agreed to provide a model facility siting ordinance. He said the model ordinance has received extensive review.

Councilor McLain inquired whether the model includes a timeline.

Mr. Carson explained that the backstop is the periodic review of each jurisdiction's comprehensive plan. Plans are reviewed for 24 cities and three counties, and a schedule has been established. He said Washington County has agreed to initiate the model ordinance immediately.

Councilor Gardner said that the definitions do not seem to include a facility which would handle commingled recyclables, or an organic composting facility. Mark Turpel, Senior Regional Planner, said

RESOLUTION NO. 91-1415
Interim Report
Page Two

that the facilities were defined so each could definition could stand alone, but that facilities could be combined on one site. Mr. Carson noted that Metro has no authority over recycling centers, and that organic compost falls within mixed solid waste.

Councilor Gardner asked if the model ordinance provides standards similar in detail and complexity to other industrial uses. Mr. Carson said there is not a great deal of information about standards in this area, and that this ordinance could serve as a model for the Northwest. Mr. Turpel said staff's objective was to substantially narrow the discretion of localities. Staff decided problems could be avoided by referencing existing state standards.

Councilor Gardner said he was not comfortable including DEQ standards in this code, because it seems to blend land use and permitting. Mr. Carson said DEQ does not want localities making DEQ decisions. Mr. Turpel added that several jurisdictions are concerned because citizens are raising these health and safety issues, and are not satisfied when they are told DEQ will resolve them.

Councilor McFarland asked if there are so many options that a community could get out of siting a facility. Mr. Turpel responded that some localities have no available land. Mr. Carson said that the model has been drawn as narrowly as possible, but there is no guarantee that a way can't be found around it.

Councilor McFarland asked if it would be possible to rewrite the definitions section to address the concern about mixed solid waste composting.

Councilor McLain noted that section 7F, which allows a city or county to conduct a period performance review of a facility to determine whether it continues to comply with applicable standards, is drafted in permissive rather than mandatory language. Mr. Turpel said that if a community accepts a facility as a conditional use, it has the ability to go back and review the conditions and tighten them. Councilor McLain noted that implementation and review is part of effective model ordinance language.

Bob Martin, Solid Waste Director, indicated he had reviewed the standards and believes they are clear and objective.

Councilor McFarland opened the public hearing. Jeanne Roy, Recycling Advocates, requested that the committee amend definition

RESOLUTION NO. 91-1415

Interim Report
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G, "mixed solid waste composting facility". She indicated her preference for source separated composting.

Councilor Gardner noted that language in Section 3 suggests appropriate zoning for solid waste facilities but does not require inclusion within a particular zone. He asked if a locality could exclude a facility even if it has industrial land. Mr. Turpel said localities will make Findings and Conclusions, which Metro will review. The ordinance sets out alternatives to consider.

The Committee discussed adopting mandatory language regarding local review of conditional uses. Larry Shaw, Legal Counsel, said that tightening the language would require periodic review. He said that the purpose behind using the word "may" is to limit local review to standards contained in the ordinance, and not to allow a locality to impose different standards. Mr. Turpel added that a locality could permit a facility outright, and that the conditional use process would be used if there are additional community concerns.

Councilor Gardner stated his concern that the complexity of the ordinance makes it possible to make the process so cumbersome that a facility without political support could not be sited, and that the ordinance could be used to not permit siting.

Councilor McFarland asked if staff could draft the amendments, and bring the model ordinance back to the committee for further discussion.

Mr. Carson indicated that would be possible. In response to Councilor Gardner, he said that under Oregon law, decisions must be made in 120 days. The model ordinance attempts to provide clear and objective standards which are achievable, and which can be addressed within the state-mandated time frame.

Councilor DeJardin agreed that the ordinance should not be moved from committee unless supported by a majority vote, and indicated his support for staff's work.

Councilors Gardner and McLain asked staff to look at zoning ordinances elsewhere in the region and the country, to see if others take the approach of incorporating permitting regulations.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503.221-1616

Memorandum

TO: Metro Council Solid Waste Committee

FROM: *RHC*
Richard H. Carson

DATE: April 30, 1991

SUBJECT: Model Ordinance for Siting Solid Waste Facilities

At the Committee's April 2 meeting, several comments and concerns were raised. These concerns, as well as staff responses, are as follows:

Question: *Does the ordinance provide for a facility which could process comingled materials?*

Yes. These materials could be processed in either transfer stations, material recovery facilities or mixed solid waste composting facilities, within the current definitions of the model ordinance.

Question: *Does the ordinance provide for a facility which can provide for composting of putrescibles and/or other organics, not necessarily municipal solid waste?*

Yes. The mixed solid waste composting facility could include these types of materials. However, it has been suggested by committee members that the existing definition be revised as follows:

G. Mixed solid waste composting facility. A facility that receives, stores, and processes solid waste ~~to separate out the recyclable and organic components of the waste and~~ to biologically decompose the organic waste under aerobic or anaerobic conditions into a final product such as compost, mulch, etc. that can be stored, sold or used as a soil amendment or for other useful purposes.

Staff believes that this revised definition is workable.

Comment: *Section D.2 on page 31 should be clarified to allow a community to review that a facility continues to meet stated standards.*

This provision has been addressed in the Chapter 16 amendments that the Committee has recommended to the full Council.

Comment: *Option 1 of the model ordinance is so complex that it virtually requires an applicant to have all application information available at the beginning of the process, and this would be so expensive, that a local government could discourage applications or make it virtually impossible to site a needed facility.*

Option 1 (which is explained on page 10 of the ordinance), allows a city or county to use existing DEQ and EPA standards as approval criteria. However, it is only 1 of 4 possible options. This option was created on the basis of the following considerations.

1. Metro, in addition to having an obligation to the region to provide solid waste management facilities, has the responsibility of protecting residents potentially affected by a solid waste facility. Accordingly, the model zoning ordinance was written with relatively strict standards to protect legitimate concerns about health and safety in particular.
2. Many jurisdictions use State standards now as approval criteria (noise, etc.)
3. Some cities have a concern that unless all issues are addressed concurrently, issues will not be fully addressed, or may "bounce" back and forth between agencies which must review and approve/deny applications. For example, if a city or county is to make a decision about siting a solid waste facility solely on traditional land use considerations (traffic, setbacks, landscape buffer, etc.), and cannot address such issues as air emissions or water quality concerns, the city or county decision is only part of the full picture. As DEQ, according to its rules, will not consider a facility until it receives a certificate of land use compatibility, there is a concern that opponents of a project can bounce the project between permitting entities.
4. If standards were used which were other than DEQ or EPA, there is a concern that inconsistencies between the new standard and DEQ standards may cause costs or delays which could result making a facility impossible to site.
5. Before writing the model ordinance, Metro and the consultant team examined 18 zoning ordinances from cities and counties within the region, as well as other standards, to examine the current extent of clear and objective standards (see attachment).
6. Cities and counties have 120 days to process a proposal, regardless of which option they may choose. An expeditious decision must be made, opportunities for delay are minimized, and serious proposals get the attention they deserve.

Alternatives:

- a. Delete option 1 (and option 4, which has some of the provisions of option 1)
- b. Leave option 1 as it stands.
- c. Allow options 1 and 4 only if all facilities are permitted uses; for any facility that is conditionally permitted, only options 2 or 3 would be available.



METRO

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

Memorandum

TO: Council Solid Waste Committee

FROM: Karla Forsythe^{YLF}, Council Analyst

DATE: March 29, 1991

RE: Resolution No. 91-1415 (Agenda Item 2, 4/2/91 Solid Waste Committee Meeting)

Under Policy 16.2 of the Regional Solid Waste Management Plan, "each city and county shall provide appropriate zoning to allow planned solid waste facilities or enter into intergovernmental agreements with others to assure such zoning. Whether by outright permitted use, conditional use or otherwise, appropriate zoning shall utilize only clear and objective standards that do not effectively prohibit solid waste facilities."

As a way of helping localities provide appropriate zoning, Planning and Development staff has coordinated development of a model zoning ordinance for localities to consider and adopt. By approving Resolution No. 91-1415, which will be considered by the Committee on April 2, 1991, the Council would be stating that the model ordinance meets the intent of the Plan.

Localities would not be required to adopt the model ordinance in order to meet Plan requirements. Other ways in which localities could comply with the Plan are addressed in Ordinance No. 91-393, also before the Committee at the April 2, 1991 meeting.

The basic question before the Committee is whether the model ordinance contains clear and objective standards that do not effectively prohibit solid waste facilities, in which case the model ordinance will be considered appropriate zoning to allow planned solid waste facilities.

Summary of model ordinance

The model ordinance identifies 16 types of solid waste facilities which a locality might have to site. Under the structure of the model ordinance, a locality would classify a facility as a principal/primary, conditional, temporary or prohibited use. The ordinance leaves open the issue of which type of facility should fall into which category; this decision would remain with each locality (see Section 3, page 7).

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March 29, 1991

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The model ordinance also lists specific criteria to be used in approving facilities. These are the "clear and objective standards", which include natural area impacts, vibration, site design, historic resources, operating impacts, signage, outdoor storage, litter, vector control, fire protection, traffic, floodplain, topography, geologic conditions, noise, odor, water, methane gas, and air quality.

The model ordinance also specifies information an applicant for solid waste facility siting must submit, and sets out the review procedure. Under Section 6. F., an applicant must prove that a facility complies with the ordinance, and is presumed to have done so if the application includes substantial evidence of compliance. The ordinance also sets out the procedure for setting conditions of approval, and what factors conditions of approval may address.

The bulk of the model ordinance is attributable to the appendices, which primarily contain DEQ regulations.

Questions

1. Since solid waste facilities owned or franchised by Metro would be sited in accordance with this model ordinance, does the Solid Waste Department concur that the standards are clear and objective?

2. In remarks to the Solid Waste Policy Advisory Committee, Stephanie Hallock from DEQ raised concerns about the consequences of detailed environmental review at both the local and DEQ level. Does the potential for duplicative review and/or inconsistent results raise issues for Metro?

3. Is there a potential for a locality to effectively prohibit solid waste facilities by the manner in which it establishes the underlying zoning under Section 3?

c: Rich Carson, Planning and Development Director
Bob Martin, Solid Waste Director
Mark Turpel, Senior Regional Planner

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOGNIZING THE	)	RESOLUTION NO. 91-1415
MODEL SOLID WASTE FACILITY SITING)	
ORDINANCE AS MEETING THE REQUIREMENTS	)	Introduced by Rena
OF CHAPTER 16 OF THE REGIONAL SOLID	)	Cusma, Executive
MANAGEMENT PLAN	)	Officer

WHEREAS, The Metropolitan Service District approved Ordinance No. 88-266B, which adopted the Regional Solid Waste Management Plan; and

WHEREAS, policy 16.2 of the Regional Solid Waste Management Plan states that "Each city and county shall provide appropriate zoning to allow planned solid waste facilities or enter into intergovernmental agreements with others to assure such zoning. Whether by outright permitted use, conditional use or otherwise, appropriate zoning shall utilize only clear and objective standards that do not effectively prohibit solid waste facilities."; and

WHEREAS, a model solid waste facility siting ordinance has been developed by staff of the Metropolitan Service District and by a consultant team as one means to meet the intent of the Regional Solid Waste Management Plan, including policy 16.2; and

WHEREAS, the model solid waste facility siting ordinance was extensively evaluated and revised as the result of reviews by the Land Use Subcommittee, the Solid Waste Technical Committee, the Solid Waste Policy committee, as well as being circulated for comment to all city managers and planning directors of the cities and counties within the region, and circulated for comment to representatives of the solid waste industry; now, therefore

STAFF REPORT

RESOLUTION NO. 91-1415, FOR THE PURPOSE OF RECOGNIZING THE MODEL SOLID WASTE FACILITY SITING ORDINANCE AS MEETING THE REQUIREMENTS OF CHAPTER 16 OF THE REGIONAL SOLID WASTE FACILITY PLAN.

March 14, 1991

By: Richard H. Carson
Mark Turpel

BACKGROUND

The Regional Solid Waste Management Plan was developed to achieve a "...regionally balanced, cost-effective, technologically feasible, environmentally sound and publicly acceptable solid waste system." In this regard, it follows the state mandated hierarchy for waste management: reduce, reuse, recycle, recover energy, and landfill.

Much of the most important solid waste management work in the region is targeted towards the first stages of this hierarchy - reduce and reuse. However, to the extent that these are not able to address all of the solid waste management needs, efforts consistent with the other stages of the hierarchy may be appropriate. These stages of solid waste management depend upon having facilities located to handle solid wastes not otherwise reduced or reused.

The Regional Solid Waste Management Plan gives priority to solutions developed at the local level. For this and other reasons, cities and counties have much of the responsibility for helping ensure that needed solid waste facilities can be provided.

In order to assist local governments with the task of providing standards for safely and appropriately siting needed solid waste facilities, Metro developed a model solid waste facility siting ordinance. This ordinance was extensively reviewed over the past six months by the Land Use Subcommittee, the Solid Waste Technical Advisory Committee, the Solid Waste Policy Committee, city managers and planning directors from throughout the region, as well as industry representatives.

The result, after 10 drafts, is an ordinance which addresses 15 types of solid waste facilities and 19 potential impacts. The ordinance provides flexibility through many options from which local governments may choose.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution 91-1415 which establishes a model ordinance for local governments to use in applying clear and objective standards for siting solid waste facilities.