

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: June 13, 2002
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS
3. AUDITOR COMMUNICATIONS
4. CONSENT AGENDA
 - 4.1 Consideration of Minutes for the June 6, 2002, Metro Council Regular Meeting.
5. ORDINANCES – FIRST READING
 - 5.1 **Ordinance No. 02-950**, For the Purpose of Amending Metro Code Chapter 7.01 to Increase the Credits Available Against the Solid Waste Excise Tax and Making Other Related Changes
 - 5.2 **Ordinance No. 02-951**, For the Purpose of Amending Metro Code Chapter 5.02 to Modify the Regional System Fee Credit Program
 - 5.3 **Ordinance No. 02-952**, For the Purpose of Amending Metro Code Chapter 5.01 to Decrease the Minimum Facility Recovery Rate Requirement
 - 5.4 **Ordinance No. 02-953**, For the Purpose of Amending Chapter 2.08 of the Metro Code to Create the Office of Metro Attorney
 - 5.5 **Ordinance No. 02-954**, For the Purpose of Amending Chapter 2.01 of the Metro Code to Reflect the Creation of the Office of Metro Council President
 - 5.6 **Ordinance No. 02-955**, For the Purpose of Amending Chapter 2.19 of the Metro Code to Conform to the Charter Amendments Adopted on November 7, 2000

6. ORDINANCES – SECOND READING

- 6.1 **Ordinance No. 02-940A**, Adopting the Annual Budget for Fiscal Year 2002-03, Making Appropriations and Levying Ad Valorem Taxes, and Declaring an Emergency. *(Public Hearing)* Burkholder
- 6.2 **Ordinance No. 02-948**, For the Purpose of Amending the FY 2001-02 Budget and Appropriations Schedule by Transferring Appropriations from Capital Outlay and Contingency in the MERC Operating Fund to Interfund Transfers and Transferring Those Resources in the MERC Pooled Capital Fund, and Declaring an Emergency. Budget and Finance Committee
- 6.3 **Ordinance No. 02-949**, For the Purpose of Amending the Metro Code Section 4.01.050, and Revising Admission Fees at the Oregon Zoo Effective January 1, 2003. Budget and Finance Committee

7. RESOLUTIONS

- 7.1 **Resolution No. 02-3185**, For the Purpose of Authorizing the Issuance of a Request for Proposals, No. 02-1020-REM, for the Design of Repairs and Improvements to the Roof and Ventilation System at Metro Central Station. Atherton
- 7.2 **Resolution No. 02-3194**, For the Purpose of Granting an Easement to the City of Oregon City for Non-Park Use through Metro Property on Newell Crest Drive. Atherton

8. COUNCILOR COMMUNICATION

9. ADJOURN

Cable Schedule for Week of June 13, 2002 (PCA)

	Sunday (6/16)	Monday (6/17)	Tuesday (6/18)	Wednesday (6/19)	Thursday (6/13)	Friday (6/14)	Saturday (6/15)
CHANNEL 11 (Community Access Network) (most of Portland area)		4:00 PM				2:00 PM (previous meeting)	
CHANNEL 21 (TVCA) (Washington Co., Lake Oswego, Wilsonville)					1:00 AM		
CHANNEL 30 (TVCA) (NE Washington Co. - people in Wash. Co. who get Portland TCI)					1:00 AM		
CHANNEL 30 (CityNet 30) (most of City of Portland)	8:30 P.M.	8:30 PM					
CHANNEL 30 (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)	4:30 PM			5:30 AM	1:00 PM 5:30 PM	3:00 PM	
CHANNEL 33 (ATT Consumer Svcs.) (Milwaukie)		10:00 AM 2:00 PM 9:00 PM					

PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES. PLEASE CALL THEM OR CHECK THEIR WEB SITES TO CONFIRM TIMES.

Portland Cable Access	<u>www.pcatv.org</u>	(503) 288-1515
Tualatin Valley Cable Access	<u>www.tvca.org</u>	(503) 629-8534
West Linn Cable Access	<u>www.ci.west-linn.or.us/CommunityServices/htmls/wltvsked.htm</u>	(503) 722-3424
Milwaukie Cable Access		(503) 654-2266

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 4.1

Consideration of the June 6, 2002 Regular Metro Council Meeting minutes.

Metro Council Meeting
Thursday, June 13, 2002
Metro Council Chamber

Agenda Item Number 5.1

Ordinance No. 02-950, For the Purpose of Amending Metro Code Chapter 7.01 to Increase the Credits Available Against the Solid Waste Excise Tax and Making Other Related Changes

First Reading

**Metro Council Meeting
Thursday, June 13, 2002
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)
CODE CHAPTER 7.01 TO INCREASE THE)
CREDITS AVAILABLE AGAINST THE SOLID)
WASTE EXCISE TAX AND MAKING OTHER)
RELATED CHANGES)

ORDINANCE NO. 02-950
Introduced by Mike Burton,
Executive Officer

WHEREAS, Chapter 7.01 of the Metro Code provides for Material Recovery Facilities that achieve certain recovery goals to pay reduced Metro excise tax; and,

WHEREAS, pursuant to Ordinance 01-919B the Metro Council established a work group of Metro staff and interested members of the Solid Waste Advisory Committee to make recommendations for improving regional recovery; and,

WHEREAS, the stakeholder work group recommended changes in the amounts of Regional System Fee credits available to Material Recovery Facilities pursuant to Metro Code Chapter 5.02.047; and,

WHEREAS, the Solid Waste Advisory Committee unanimously endorsed the recommendations of the stakeholder work group; and,

WHEREAS, the excise tax credit program of Metro Code Chapter 7.01 is implemented in a substantially similar way as the Regional System Fee credit program of Metro Code Chapter 5.02; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Subsection (g) of Metro Code Chapter 7.01.020 is amended to read:

(g) (1) A solid waste facility which is certified, licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 shall be allowed a credit against the Excise Tax otherwise due under Section 7.01.020(e)(1) for disposal of Processing Residuals from such facility. The Facility Recovery Rate shall be calculated for each six-month period before the month in which the credit is claimed. Such credit shall be dependent upon the Facility Recovery Rate achieved by such facility and shall be equal to the amount resulting from reducing the Excise Tax due by the percentage reduction amount corresponding with the Facility Recovery Rates provided on the following table:

Excise Tax Credit Schedule
Facility
Recovery Rate

From Above	Up To & Including	Excise Tax Credit of no more than
0%	25 <u>29.99</u> 30%	<u>0.00%</u>
25%	30%	4%
30%	35%	40% <u>1.92</u>
35%	40%	20% <u>2.75</u>
40%	45 <u>100</u> %	33% <u>3.51</u>

45%

100%

45%

(2) During any Fiscal Year, the total aggregate amount of excise tax credits granted under the provisions of this subsection shall not exceed the dollar amount budgeted for such purpose.

SECTION 2. Section 3 of this Ordinance is added to and made a part of Metro Code Chapter 7.01

SECTION 3. Excise Tax Credit Program Review.

(a) The Director of the Regional Environmental Management Department shall make a semi-annual report to the Metro Council on the status of the excise tax credit program for which provision is made in Metro Code Section 7.01.020(g). The report shall include the aggregate amount of all excise tax credits granted during the preceding six months and the amount granted to each facility eligible for the credits. The report shall also project if the total aggregate amount of excise tax credits for which the Metro Council has budgeted is expected to be reached.

(b) By March 31, 2004, the Director of the Regional Environmental Management Department shall convene a committee of stakeholders to review and report on the effectiveness of the solid waste excise tax credit program and to recommend to the Metro Council any proposed changes to such programs.

SECTION 4. Section 5 of this Ordinance is added to and made a part of Metro Code Chapter 7.01.

SECTION 5. Administrative Procedures for Excise Tax Credits

The Executive Officer may establish additional administrative procedures regarding the Excise Tax Credits to set forth eligibility requirements for such credits and to provide for incremental Excise Tax Credits associated with Recovery Rates which fall between the ranges set forth in of Metro Code Chapter 7.01.020(g).

SECTION 6. Effective Date and Repeal of Ordinance.

The provisions of this Ordinance shall become effective on October 1, 2002, and are repealed on the effective date of any Ordinance increasing the fee for disposal of solid waste set forth in Metro Code Section 5.02.025(a) to an amount equal to or greater than \$75 per ton. For the purpose of determining whether the fee for disposal of solid waste set forth in Metro Code Section 5.02.025(a) is greater than \$75 per ton, the Transaction Charge provided in Metro Code Section 5.02.025(a)(3) shall be expressed on a per-ton basis by dividing such Transaction Charge by the average number of tons per transaction delivered to Metro South and Metro Central transfer stations during the previous calendar year.

ADOPTED by the Metro Council this _____ day of _____, 2002.

Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 02-950, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 7.01 TO INCREASE THE CREDITS AVAILABLE AGAINST THE SOLID WASTE EXCISE TAX AND MAKING OTHER RELATED CHANGES

May 23, 2002

Prepared by: Tom Chaimov

BACKGROUND

Summary

This staff report summarizes recommendations on revising the Regional System Fee (RSF) credit program to improve recovery. The report discusses the changes to the Metro Code that would be required in order to implement those recommendations and to implement similar changes in the Excise Tax credit program. Also included are other recommendations beyond the confines of the RSF credit program that are critical to maximizing recovery in the region.

Implementing these recommendations and related changes would require amendments to three chapters of the Metro Code: 5.01, 5.02, and 7.01. This staff report accompanies three separate ordinances, to implement recommendations, one each for Metro Code Chapters 5.01, 5.02, and 7.01.

Recommendations

A 12-member work group, representing all the sectors of the Solid Waste Advisory Committee (SWAC), met almost weekly from December 2001 through February 2002 to debate the merits of a variety of options for improving post-collection recovery in the region. On February 25, 2002, the SWAC unanimously endorsed the work group's recommended changes to the Regional System Fee Credit program, as follows:

Recommendation 1. Count only materials that Oregon Department of Environmental Quality (DEQ) counts

The Metro region is required by State law to achieve a recovery rate of 62% by 2005. In the State's calculation of the regional recovery rate, certain materials are excluded, such as dirt, rock, and industrial waste; however, Metro has traditionally counted some of these materials for the purposes of calculating the individual facility recovery rates used in the RSF credit program. Counting only those materials that the State counts will now focus the program on recovery activity that boosts the region's recovery rate.

In the Metro region, rubble (concrete, asphalt, etc.) is the material most affected; however, high levels of rubble recovery currently occur at facilities that are not regulated by Metro and are not eligible for recovery incentives. SWAC believes that these high recovery levels will continue even if rubble does not count for the purposes of the recovery incentives.

Recommendation 2. Count only recovery from mixed loads

Material Recovery Facilities receive loads of both mixed waste (recoverable and non-recoverable wastes, e.g., from construction sites) and source-separated materials (such as recyclables from curbside collection programs). Recognizing that even source-separated loads could contain some contamination, in 1998 Metro designed the RSF credit program to allow 5% of all source-separated materials accepted at mixed waste processing facilities to count toward the Facility Recovery Rate. Actual contamination in these

loads has typically been much less, about 0.5%. Therefore, the recommended action is to discontinue an allowance for source-separated residual. Discontinuing the allowance will help to maintain the integrity of the source-separated system and will help focus facility recovery on the mixed waste stream.

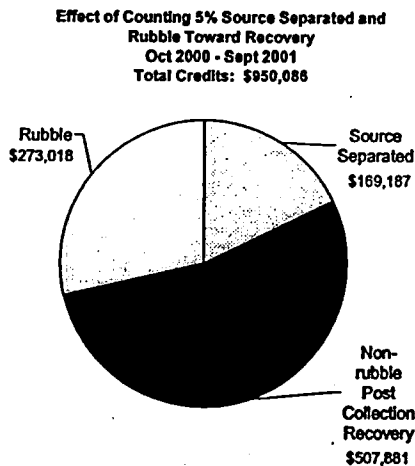


Figure 1. During the twelve months through September 2001, Metro granted approximately \$950,000 in Regional System Fee Credits; about \$440,000 of which rewarded facilities for recovering rubble (\$273,018), which does not count toward the regional recovery rate, and for accepting large amounts of source-separated recyclables (\$169,187).

Recommendation 3. Boost recovery with higher incentives

Implementing recommendations #1 and #2 above would free up about \$400,000 that could be redirected to improve post-collection recovery. Capitalizing on these savings by offering a higher incentive for materials that do count could help to increase the regional recovery rate. Maintaining the current program policy of reducing the RSF on disposal, based on each facility's recovery rate, would reward each facility according to its individual recovery effort: the higher the facility recovery rate, the larger the facility benefit. By redeploying the above savings as higher credits such that facilities as a whole continue to pay about the same effective RSF, the following credit curve results:

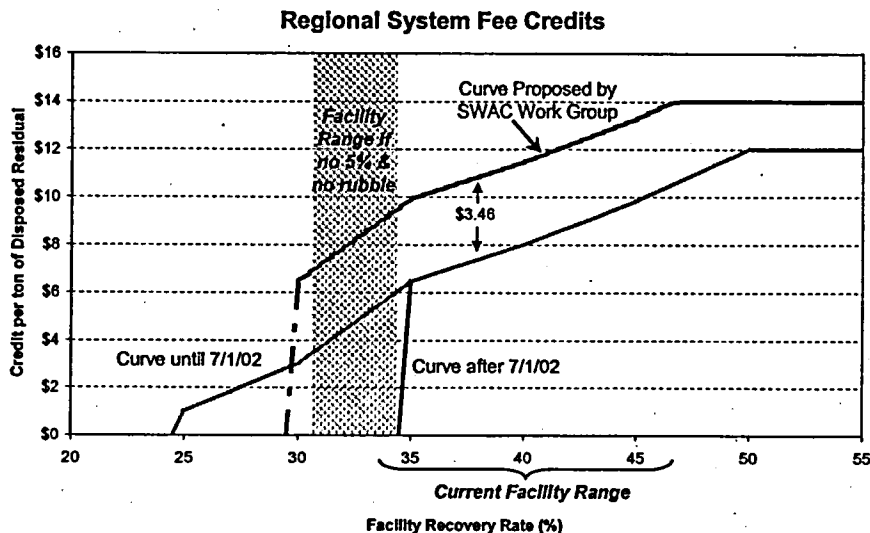


Figure 2. Regional System Fee credits available currently, until July 1, 2002; after July 1, 2002, pursuant to Ordinance 01-919B; and proposed. The higher proposed curve, recommended by SWAC because Facility Recovery Rates would be calculated differently, would ensure that facilities continue to pay about the same effective RSF as they are now.

Excise Tax Credits

Because a change in the way Metro calculates the Facility Recovery Rates would also affect Excise Tax credits, an analogous increase in the Excise Tax credit schedule is proposed as follows:

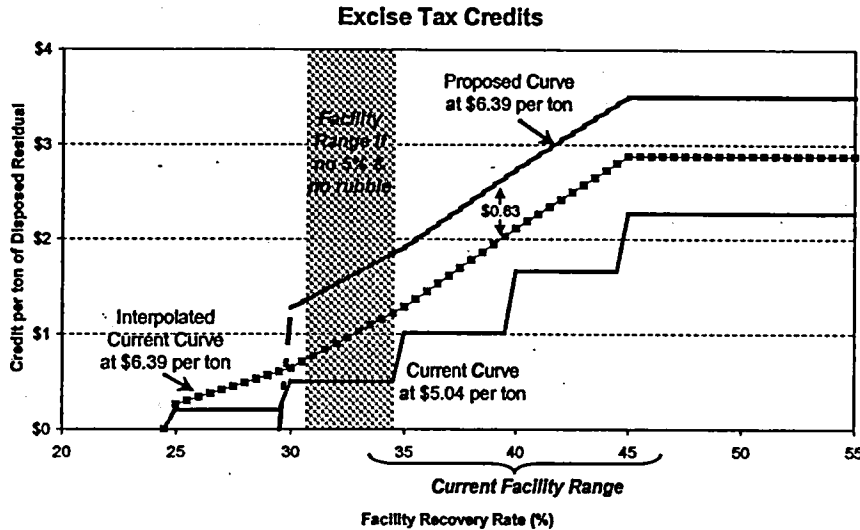


Figure 3. Excise Tax credits available currently and as proposed. The higher proposed curve, recommended by SWAC because Facility Recovery Rates would be calculated differently, would ensure that facilities continue to pay about the same effective Excise Tax as they are now. An oversight in the drafting of Ordinance 00-857, which established Excise Tax credits, prevented the agency from implementing a "smoothed" curve as shown. Ordinance 02-950 proposes to remedy that oversight.

Minimum Facility Recovery Rate

Currently, Metro-regulated facilities are required to maintain a minimum recovery rate of 25%, increasing to 30% July 1, 2002. The 5% increase was adopted by the Metro Council under the current formula for computing facility recovery rates. Counting neither rubble nor residual from source-separated recyclables for the purposes of calculating recovery rates would mean changing the formula that Metro uses to calculate Facility Recovery Rates.

The current formula, counting rubble and 5% of source-separated loads, results in a median Facility Recovery Rate of about 40% (see "Current Facility Range" in Figures 2 and 3). Changing the calculation as proposed (no rubble, no 5%) would result in a median Facility Recovery Rate of about 30%, with no change in recovered tonnage or in the regional recovery rate. For this reason, SWAC recommends that the minimum Facility Recovery Rate requirement remain at the current 25%, with eligibility for RSF and Excise Tax credits beginning at 30%. While this adjustment may give the impression that Metro is relaxing its recovery requirement, the opposite is true: a 25% minimum recovery rate under the proposed formula is actually more difficult to achieve than a 30% minimum under the current formula.

Additional Recommendations

In addition to specific changes to the RSF credit program, SWAC made the following recommendations to maximize recovery in the Metro region:

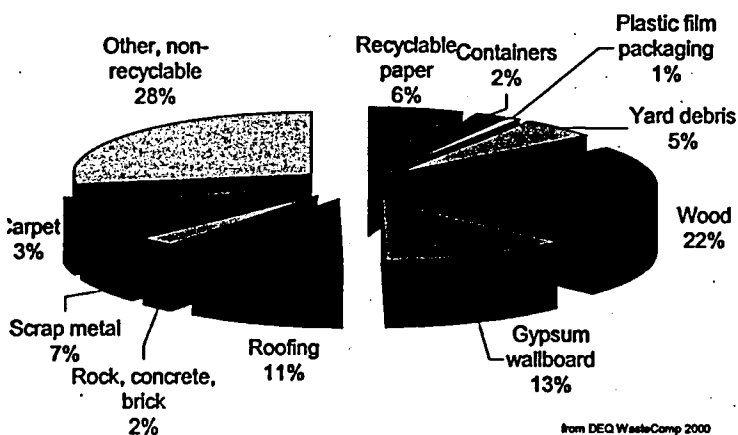
Recommendation 4. Increase recovery from currently landfilled loads

While some increase in the regional recovery rate may be achieved through the above adjustments to the RSF and Excise Tax credit programs, the greatest potential for boosting the regional recovery rate lies in waste that now is delivered directly to landfills.

Last year almost as many tons of mixed dry waste were delivered to the two out-of-district Washington County landfills as were delivered to in-Metro Material Recovery Facilities. Processing these landfilled loads at current recovery rates could almost double post-collection recovery and could add up to two full points to the regional recovery rate. Figures 4a and 4b compare the materials available for recovery in landfilled loads with materials in the dry residual typically disposed of by MRFs (data from Oregon Department of Environmental Quality.)

SWAC is asking Metro to investigate a range of potential means to process loads now delivered directly to landfills.

Waste Delivered to Washington Co. Landfills



MRF Residual

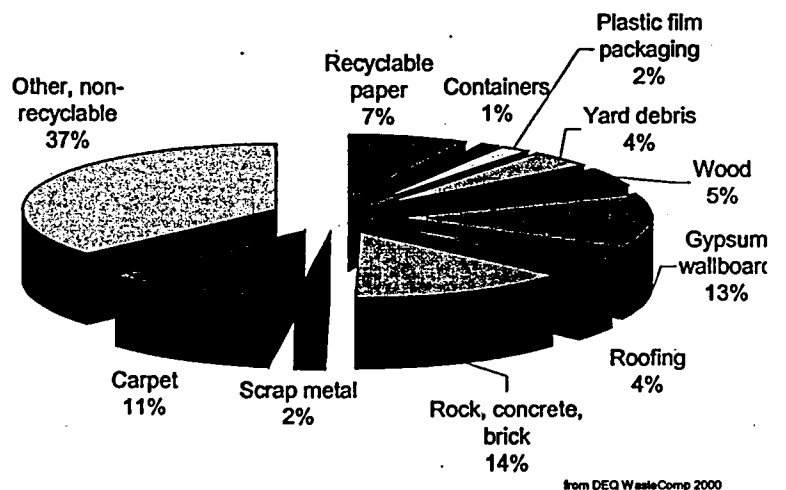


Figure 4. Dry waste loads delivered to Lakeside and Hillsboro landfills in Washington County are rich in recoverable materials. (a) 2000 DEQ waste characterization of loads delivered to Washington County landfills; (b) For comparison, the 2000 DEQ waste characterization of loads delivered to in-Metro Material Recovery Facilities. Note the apparent recovery potential, particularly of wood, at the landfills.

Recommendation 5. Provide credit access to out-of-district facilities

Currently, there are five Metro-regulated facilities that participate in the RSF credit program: East County Recycling, Pride Recycling, Recycle America, Wastech, and Willamette Resources, Inc. SWAC recommends that facilities outside Metro's jurisdiction, but whose recovery helps the region meet its recovery goals, should have access to RSF credits, provided that they satisfy the same eligibility requirements as in-Metro facilities, and provided that they grant Metro auditing and inspection authority comparable to its authority at in-Metro facilities. Metro's Office of the General Counsel has found that no change to Metro Code is required to enable Metro to grant credits to Designated Facilities. Regional

System Fee and Excise Tax credits may be granted via a Designated Facility Agreement. Accordingly, no change to the current Metro Code has been proposed in this regard.

Recommendation 6. Monitor program effectiveness

Semi-annual updates and a comprehensive program review in 2004 provide the Metro Council with periodic opportunities to evaluate the effectiveness of the RSF credit program and to make timely adjustments accordingly. Concurrent review requirements have been proposed for the Excise Tax credit program. In addition, a proposed program sunset for both RSF and Excise Tax credits if the Metro tip fee reaches historic pre-RSFC highs of \$75.00 per ton provides a signal to facilities that it is not Metro's intention to provide this economic incentive indefinitely.

ANALYSIS/INFORMATION

1. Known Opposition

None. The Solid Waste Advisory Committee voted unanimously to support the recommendations implemented by these ordinances.

2. Legal Antecedents

Ordinance 01-919B, "For the Purpose of Amending Metro Code Chapter 5.02 to Improve the Effectiveness of the Regional System Fee Credit Program and to Remove the Program Sunset Date", adopted by the Metro Council in October 2001, established a work group to make recommendations implementing the new focus of the Regional System Fee Credit program, namely to improve recovery and boost the region's recovery rate.

Regional System Fee Credits

Metro Code Chapter 5.02 provides Material Recovery Facilities with an opportunity to pay a reduced Regional System Fee for the disposal of dry waste processing residual (i.e., the waste left over after recyclables have been recovered from loads of mixed dry waste.) This program is referred to as the Regional System Fee (RSF) credit program.

Excise Tax Credits

Metro Code Chapter 7.01 provides Material Recovery Facilities with an opportunity to pay a reduced solid waste Excise Tax for the disposal of dry waste processing residual.

Minimum Recovery Rate

Metro Code Chapter 5.01 requires that Metro-regulated facilities recover a minimum of 25% of non-putrescible waste until July 1, 2002 and 30% thereafter.

3. Anticipated Effects

The anticipated effect is that recovery of targeted waste materials will increase.

4. Budget Impact

Solid Waste Fund

The Fiscal Year 2002-03 proposed budget appropriation for Regional System Fee credits is \$900,000, and pursuant to Ordinance 01-919B, effective July 1, 2002, the credit program will be capped at that amount.

With current recovery, about \$870,000 would be paid out in Regional System Fee Credits during FY 2002-03 if the proposed changes were in effect for the entire fiscal year.

General Fund

With a \$6.39 per-ton solid waste Excise Tax and assuming current waste generation and recovery, the total Excise Tax credits granted for Fiscal Year 2002-03 would be about \$210,000. The proposed changes to the Recovery Rate definition and to the Excise Tax credit schedule would lower that expectation to about \$170,000. Ordinance 02-950 proposes to limit the total Excise Tax credits granted in any fiscal year to the dollar amount budgeted for that year, currently \$170,000.

Other

Authorizing broader participation in the Regional System Fee and Excise Tax Credit programs itself causes no budget impact; however, there may be negative impacts to both the solid waste and general funds in the future, especially if the exemption from collecting Metro fees and excise tax currently granted to Material Recovery Facilities is extended to additional facilities.

RECOMMENDED ACTION

The Executive Officer recommends approval of Ordinance No. 02-950.

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Agenda Item Number 5.2

Ordinance No. 02-951, For the Purpose of Amending Metro Code Chapter 5.02 to Modify the Regional System Fee Credit Program

First Reading

**Metro Council Meeting
Thursday, June 13, 2002
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)
CODE CHAPTER 5.02 TO MODIFY THE)
REGIONAL SYSTEM FEE CREDIT PROGRAM)
ORDINANCE NO. 02-951)
Introduced by Mike Burton,
Executive Officer)

WHEREAS, in 2001, the Metro Council adopted Ordinance 01-919B to amend Chapter 5.02 of the Metro Code by providing that the primary goal of the Regional System Fee credit program shall be to improve material recovery in the Metro region and to boost the region's recovery rate; and,

WHEREAS, the Metro Council in adopting Ordinance 01-919B found that an operating subsidy could be a more effective recovery incentive if it were targeted at certain materials; and,

WHEREAS, pursuant to Ordinance 01-919B, the Metro Council established a work group of Metro staff and interested members of the Solid Waste Advisory Committee to make recommendations for implementing its findings; and,

WHEREAS, the Solid Waste Advisory Committee unanimously endorsed certain recommendations of the stakeholder work group; and,

WHEREAS, the Director of the Regional Environmental Management Department conveyed those recommendations to the Solid Waste and Recycling Committee of the Metro Council, together with certain refinements to such recommendations; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Subsection (w) of Metro Code Section 5.02.015 is amended to read:

(w) "Facility Recovery Rate" means the percentage expressed by dividing the sum amount of tonnage recovered at a solid waste facility, excluding Source Separate Recyclable Materials, by the sum of the tonnage recovered at such facility, excluding Source Separate Recyclable Materials, plus the Processing Residual at from such facility. As used in this subsection "tonnage recovered at solid waste facilities" excludes Source Separate Recyclable Materials; Waste from industrial processes; and ash, inert rock, concrete, brick, concrete block, foundry brick, asphalt, dirt, sand, and any similar inert materials.

SECTION 2. Metro Code Chapter 5.02.047, as amended by Section 4 of Metro Ordinance 01-919B, is further amended to read:

5.02.047 Regional System Fee Credits

(a) A solid waste facility which is certified, licensed or franchised by Metro pursuant to Metro Code Chapter 5.01 or a Designated Facility regulated by Metro under the terms of an intergovernmental agreement shall be allowed a credit against the Regional System Fee otherwise due each month under Section 5.02.045 for disposal of Processing Residuals from the facility. The Facility Recovery Rate shall be calculated for each six-month period before the month in which the credit is claimed. The amount of such credit shall be in accordance with and no greater than as provided on the following table:

System Fee Credit Schedule

<u>Facility Recovery Rate</u>		<u>System Fee Credit of no more than</u>
<u>From Above</u>	<u>Up To & Including</u>	
0%	35% 30%	0.00
<u>30%</u>	<u>35%</u>	<u>9.92</u>
35%	40%	8.00 11.46
40%	45%	9.82 13.28
45%	100%	12.00 14.00

(b) The Executive Officer

- (1) shall establish by ~~July 1, 2002~~ administrative procedures to implement Section 2(b) and Section 2(c) of this Ordinance ~~subsections (b) and (c) of Metro Code Section 5.02.046~~; and
- (2) may establish additional administrative procedures regarding the Regional System Fee Credits, including, but not limited to establishing eligibility requirements for such credits and establishing incremental System Fee Credits associated with Recovery Rates which fall between the ranges set forth in paragraph (a) of this section.

(c) The following users of Metro solid waste system facilities shall be allowed a credit in the amount of \$9 per ton against the Regional System Fee otherwise due under Section 5.02.045(a):

- (1) Users of Metro Central and Metro South Transfer Stations;
- (2) Any Person delivering authorized waste:
 - (A) to any landfill or other solid waste facility that is authorized to receive such waste through a Metro license, certificate, franchise or Designated Facility Agreement; or
 - (B) under the authority of a Metro Non-System License.

(d) Any person delivering Cleanup Material Contaminated By Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances shall be allowed a credit in the amount of \$12.50 against the Regional System Fee otherwise due under Section 5.02.045(a) of this Chapter

(e) During any Fiscal Year, the total aggregate amount of credits granted under the Regional System Fee credit program shall not exceed the dollar amount ~~appropriated~~ budgeted for such purpose.

(f) The Director of the Regional Environmental Management Department shall make a semi-annual report to the Council on the status of the credit program. The report shall include that aggregate amount of all credits paid during the preceding six months and the amount paid to each facility eligible for the credit program. The report shall also project whether the appropriation for the credit program will be sufficient to meet anticipated credit payment requests and ~~train~~ maintain existing contingency funding.

(g) The provisions of this Metro Code Section 5.02.047 are repealed on the effective date of any Ordinance increasing the fee for disposal of solid waste set forth in Metro Code Section 5.02.025(a) to an amount equal to or greater than \$75 per ton. For the purpose of determining whether the fee for disposal of solid waste set forth in Metro Code Section 5.02.025(a) is greater than \$75 per ton, the Transaction Charge provided in Metro Code Section 5.02.025(a)(3) shall be expressed on a per-ton basis by dividing such Transaction Charge by the average number of tons per transaction delivered to Metro South and Metro Central transfer stations during the previous calendar year."

SECTION 3. Effective Date

The provisions of this Ordinance shall become effective on October 1, 2002.

ADOPTED by the Metro Council this _____ day of _____, 2002.

Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel

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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 02-951, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 TO MODIFY THE REGIONAL SYSTEM FEE CREDIT PROGRAM

May 23, 2002

Prepared by: Tom Chaimov

BACKGROUND

Summary

This staff report summarizes recommendations on revising the Regional System Fee (RSF) credit program to improve recovery. The report discusses the changes to the Metro Code that would be required in order to implement those recommendations and to implement similar changes in the Excise Tax credit program. Also included are other recommendations beyond the confines of the RSF credit program that are critical to maximizing recovery in the region.

Implementing these recommendations and related changes would require amendments to three chapters of the Metro Code: 5.01, 5.02, and 7.01. This staff report accompanies three separate ordinances, to implement recommendations, one each for Metro Code Chapters 5.01, 5.02, and 7.01.

Recommendations

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Recommendation 1. Count only materials that Oregon Department of Environmental Quality (DEQ) counts

The Metro region is required by State law to achieve a recovery rate of 62% by 2005. In the State's calculation of the regional recovery rate, certain materials are excluded, such as dirt, rock, and industrial waste; however, Metro has traditionally counted some of these materials for the purposes of calculating the individual facility recovery rates used in the RSF credit program. Counting only those materials that the State counts will now focus the program on recovery activity that boosts the region's recovery rate.

In the Metro region, rubble (concrete, asphalt, etc.) is the material most affected; however, high levels of rubble recovery currently occur at facilities that are not regulated by Metro and are not eligible for recovery incentives. SWAC believes that these high recovery levels will continue even if rubble does not count for the purposes of the recovery incentives.

Recommendation 2. Count only recovery from mixed loads

Material Recovery Facilities receive loads of both mixed waste (recoverable and non-recoverable wastes, e.g., from construction sites) and source-separated materials (such as recyclables from curbside collection programs). Recognizing that even source-separated loads could contain some contamination, in 1998 Metro designed the RSF credit program to allow 5% of all source-separated materials accepted at mixed waste processing facilities to count toward the Facility Recovery Rate. Actual contamination in these loads has typically been much less, about 0.5%. Therefore, the recommended action is to discontinue an

allowance for source-separated residual. Discontinuing the allowance will help to maintain the integrity of the source-separated system and will help focus facility recovery on the mixed waste stream.

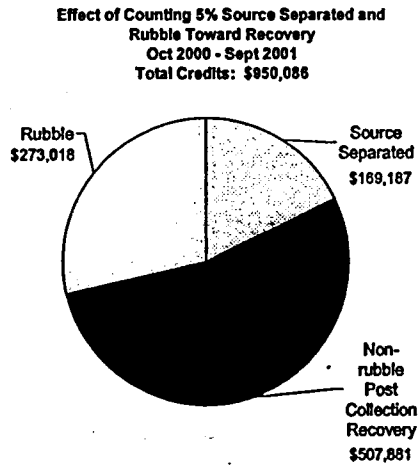


Figure 1. During the twelve months through September 2001, Metro granted approximately \$950,000 in Regional System Fee Credits; about \$440,000 of which rewarded facilities for recovering rubble (\$273,018), which does not count toward the regional recovery rate, and for accepting large amounts of source-separated recyclables (\$169,187).

Recommendation 3. Boost recovery with higher incentives

Implementing recommendations #1 and #2 above would free up about \$400,000 that could be redirected to improve post-collection recovery. Capitalizing on these savings by offering a higher incentive for materials that do count could help to increase the regional recovery rate. Maintaining the current program policy of reducing the RSF on disposal, based on each facility's recovery rate, would reward each facility according to its individual recovery effort: the higher the facility recovery rate, the larger the facility benefit. By redeploying the above savings as higher credits such that facilities as a whole continue to pay about the same effective RSF, the following credit curve results:

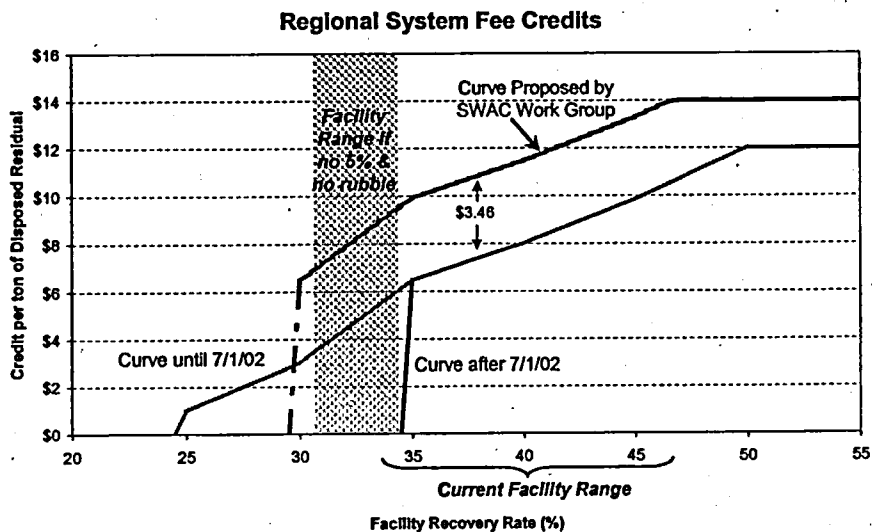


Figure 2. Regional System Fee credits available currently, until July 1, 2002; after July 1, 2002, pursuant to Ordinance 01-919B; and proposed. The higher proposed curve, recommended by SWAC because Facility Recovery Rates would be calculated differently, would ensure that facilities continue to pay about the same effective RSF as they are now.

Excise Tax Credits

Because a change in the way Metro calculates the Facility Recovery Rates would also affect Excise Tax credits, an analogous increase in the Excise Tax credit schedule is proposed as follows:

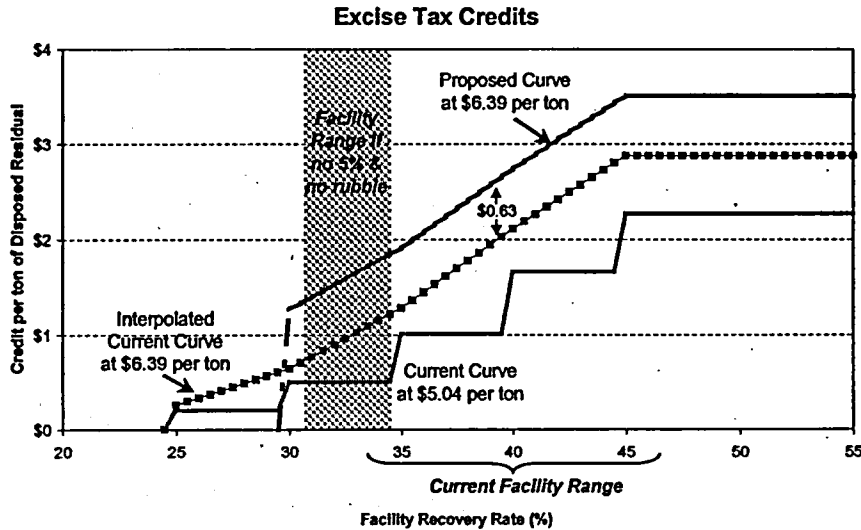


Figure 3. Excise Tax credits available currently and as proposed. The higher proposed curve, recommended by SWAC because Facility Recovery Rates would be calculated differently, would ensure that facilities continue to pay about the same effective Excise Tax as they are now. An oversight in the drafting of Ordinance 00-857, which established Excise Tax credits, prevented the agency from implementing a "smoothed" curve as shown. Ordinance 02-950 proposes to remedy that oversight.

Minimum Facility Recovery Rate

Currently, Metro-regulated facilities are required to maintain a minimum recovery rate of 25%, increasing to 30% July 1, 2002. The 5% increase was adopted by the Metro Council under the current formula for computing facility recovery rates. Counting neither rubble nor residual from source-separated recyclables for the purposes of calculating recovery rates would mean changing the formula that Metro uses to calculate Facility Recovery Rates.

The current formula, counting rubble and 5% of source-separated loads, results in a median Facility Recovery Rate of about 40% (see "Current Facility Range" in Figures 2 and 3). Changing the calculation as proposed (no rubble, no 5%) would result in a median Facility Recovery Rate of about 30%, with no change in recovered tonnage or in the regional recovery rate. For this reason, SWAC recommends that the minimum Facility Recovery Rate requirement remain at the current 25%, with eligibility for RSF and Excise Tax credits beginning at 30%. While this adjustment may give the impression that Metro is relaxing its recovery requirement, the opposite is true: a 25% minimum recovery rate under the proposed formula is actually more difficult to achieve than a 30% minimum under the current formula.

Additional Recommendations

In addition to specific changes to the RSF credit program, SWAC made the following recommendations to maximize recovery in the Metro region:

Recommendation 4. Increase recovery from currently landfilled loads

While some increase in the regional recovery rate may be achieved through the above adjustments to the RSF and Excise Tax credit programs, the greatest potential for boosting the regional recovery rate lies in waste that now is delivered directly to landfills.

Last year almost as many tons of mixed dry waste were delivered to the two out-of-district Washington County landfills as were delivered to in-Metro Material Recovery Facilities. Processing these landfilled loads at current recovery rates could almost double post-collection recovery and could add up to two full points to the regional recovery rate. Figures 4a and 4b compare the materials available for recovery in landfilled loads with materials in the dry residual typically disposed of by MRFs (data from Oregon Department of Environmental Quality.)

SWAC is asking Metro to investigate a range of potential means to process loads now delivered directly to landfills.

Waste Delivered to Washington Co. Landfills

MRF Residual

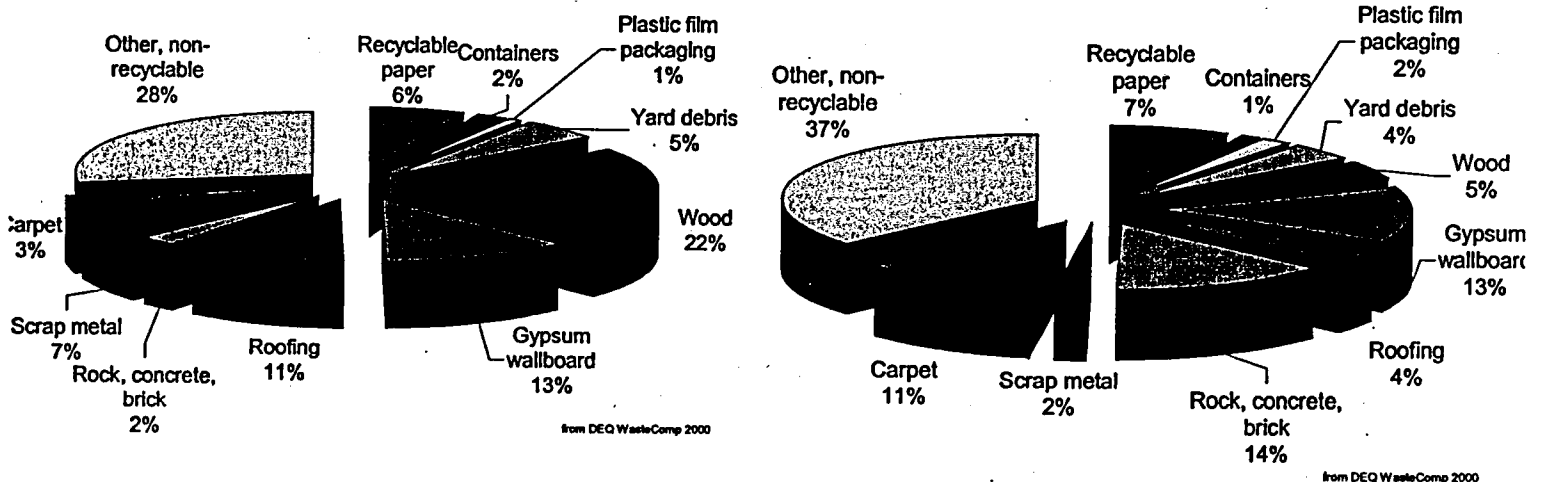


Figure 4. Dry waste loads delivered to Lakeside and Hillsboro landfills in Washington County are rich in recoverable materials. (a) 2000 DEQ waste characterization of loads delivered to Washington County landfills; (b) For comparison, the 2000 DEQ waste characterization of loads delivered to in-Metro Material Recovery Facilities. Note the apparent recovery potential, particularly of wood, at the landfills.

Recommendation 5. Provide credit access to out-of-district facilities

Currently, there are five Metro-regulated facilities that participate in the RSF credit program: East County Recycling, Pride Recycling, Recycle America, Wastech, and Willamette Resources, Inc. SWAC recommends that facilities outside Metro's jurisdiction, but whose recovery helps the region meet its recovery goals, should have access to RSF credits, provided that they satisfy the same eligibility requirements as in-Metro facilities, and provided that they grant Metro auditing and inspection authority comparable to its authority at in-Metro facilities. Metro's Office of the General Counsel has found that no change to Metro Code is required to enable Metro to grant credits to Designated Facilities. Regional

System Fee and Excise Tax credits may be granted via a Designated Facility Agreement. Accordingly, no change to the current Metro Code has been proposed in this regard.

Recommendation 6. Monitor program effectiveness

Semi-annual updates and a comprehensive program review in 2004 provide the Metro Council with periodic opportunities to evaluate the effectiveness of the RSF credit program and to make timely adjustments accordingly. Concurrent review requirements have been proposed for the Excise Tax credit program. In addition, a proposed program sunset for both RSF and Excise Tax credits if the Metro tip fee reaches historic pre-RSFC highs of \$75.00 per ton provides a signal to facilities that it is not Metro's intention to provide this economic incentive indefinitely.

ANALYSIS/INFORMATION

1. Known Opposition

None. The Solid Waste Advisory Committee voted unanimously to support the recommendations implemented by these ordinances.

2. Legal Antecedents

Ordinance 01-919B, "For the Purpose of Amending Metro Code Chapter 5.02 to Improve the Effectiveness of the Regional System Fee Credit Program and to Remove the Program Sunset Date", adopted by the Metro Council in October 2001, established a work group to make recommendations implementing the new focus of the Regional System Fee Credit program, namely to improve recovery and boost the region's recovery rate.

Regional System Fee Credits

Metro Code Chapter 5.02 provides Material Recovery Facilities with an opportunity to pay a reduced Regional System Fee for the disposal of dry waste processing residual (i.e., the waste left over after recyclables have been recovered from loads of mixed dry waste.) This program is referred to as the Regional System Fee (RSF) credit program.

Excise Tax Credits

Metro Code Chapter 7.01 provides Material Recovery Facilities with an opportunity to pay a reduced solid waste Excise Tax for the disposal of dry waste processing residual.

Minimum Recovery Rate

Metro Code Chapter 5.01 requires that Metro-regulated facilities recover a minimum of 25% of non-putrescible waste until July 1, 2002 and 30% thereafter.

3. Anticipated Effects

The anticipated effect is that recovery of targeted waste materials will increase.

4. Budget Impact

Solid Waste Fund

The Fiscal Year 2002-03 proposed budget appropriation for Regional System Fee credits is \$900,000, and pursuant to Ordinance 01-919B, effective July 1, 2002, the credit program will be capped at that amount.

With current recovery, about \$870,000 would be paid out in Regional System Fee Credits during FY 2002-03 if the proposed changes were in effect for the entire fiscal year.

General Fund

With a \$6.39 per-ton solid waste Excise Tax and assuming current waste generation and recovery, the total Excise Tax credits granted for Fiscal Year 2002-03 would be about \$210,000. The proposed changes to the Recovery Rate definition and to the Excise Tax credit schedule would lower that expectation to about \$170,000. Ordinance 02-950 proposes to limit the total Excise Tax credits granted in any fiscal year to the dollar amount budgeted for that year, currently \$170,000.

Other

Authorizing broader participation in the Regional System Fee and Excise Tax Credit programs itself causes no budget impact; however, there may be negative impacts to both the solid waste and general funds in the future, especially if the exemption from collecting Metro fees and excise tax currently granted to Material Recovery Facilities is extended to additional facilities.

RECOMMENDED ACTION

The Executive Officer recommends approval of Ordinance No. 02-950.

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Agenda Item Number 5.3

Ordinance No. 02-952, For the Purpose of Amending Metro Code Chapter 5.01 to Decrease the Minimum Facility Recovery Rate Requirement

First Reading

Metro Council Meeting
Thursday, June 13, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)
CODE CHAPTER 5.01 TO DECREASE THE)
MINIMUM FACILITY RECOVERY RATE)
REQUIREMENT)

ORDINANCE NO. 02-952
Introduced by Mike Burton,
Executive Officer

WHEREAS, Chapter 5.01 of the Metro Code specifies for certain solid waste recovery facilities a minimum recovery rate of 25 percent until July 1, 2002, and thereafter specifies a minimum recovery rate of 30 percent; and,

WHEREAS, pursuant to Metro Ordinance 01-919B the Metro Council established a work group of Metro staff and interested members of the Solid Waste Advisory Committee to make recommendations for improving regional recovery; and,

WHEREAS, the work group and the Solid Waste Advisory Committee recommended that Metro change the way it calculates Facility Recovery Rates by excluding from the calculation certain materials that do not count toward the regional recovery rate calculated by the Oregon Department of Environmental Quality and also by excluding an allowance for source-separated residual from the calculation; and,

WHEREAS, the recommended changes to the calculation of Facility Recovery Rates would effect a reduction in the average Facility Recovery Rate without any reduction in the amount of waste recovery; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. Metro Code Chapter 5.01.125 is amended to read:

(a) A holder of a Certificate, License or Franchise for a Material Recovery facility, Reload or Local Transfer Station, or a holder of a Franchise issued after July 1, 2000 for a Regional Transfer Station shall perform Material Recovery from Non-Putrescible Waste accepted at the facility, or shall deliver Non-Putrescible Waste to a Solid Waste facility whose primary purpose is to recover useful materials from Solid Waste.

(b) A holder of a Certificate, License or Franchise for a Material Recovery facility or Local Transfer Station, or a holder of a Franchise issued after July 1, 2000 for a Regional Transfer Station, shall recover at least 25% by weight of Non-Putrescible waste accepted at the facility and waste delivered by public customers. ~~and by July 1, 2002, shall recover at least 30% by weight of Non-Putrescible waste accepted at the facility and waste delivered by public customers.~~ For the purposes of calculating the amount of recovery required by this subsection, recovered waste shall exclude both waste from industrial processes and ash, inert rock, concrete, brick, concrete block, foundry brick, asphalt, dirt, sand, and any similar inert materials. Failure to maintain the minimum recovery rate specified in this section shall constitute a violation enforceable under Metro Code section 5.01.180 and 5.01.200.

(c) In addition to the requirements of (a) and (b) in this section, holders of a License or Franchise for a Local Transfer Station:

(1) Shall accept Putrescible Waste originating within the Metro boundary only from persons who are franchised or permitted by a local government unit to collect and haul Putrescible Waste.

(2) Shall not accept hazardous waste.

(3) Shall be limited in accepting Putrescible Waste during any fiscal year to an amount of Putrescible Waste equal to the demand for disposal of Putrescible Waste generated within a Service Area as specified in accordance with this chapter.

(4) Shall accept Solid Waste from any Waste Hauler who operates to serve a substantial portion of the demand for disposal of Solid Waste within the Service Area of the Local Transfer Station.

(d) In addition to the requirements of (a) and (b) in this section, holders of a Franchise for a Regional Transfer Station issued after July 1, 2000:

(1) Shall accept authorized Solid Waste originating within the Metro boundary from any person who delivers authorized waste to the facility, on the days and at the times established by Metro in approving the Franchise application.

(2) Shall provide an area for collecting Household Hazardous Waste from residential generators at the Franchised Solid Waste Facility, or at another location more convenient to the population being served by the franchised Solid Waste Facility, on the days and at the times established by Metro in approving the Franchise application.

(3) Shall provide an area for collecting source-separated recyclable materials without charge at the Franchised Solid Waste Facility, or at another location more convenient to the population being served by the franchised Solid Waste Facility, on the days and at the times established by Metro in approving the Franchise application.

SECTION 2. Effective Date

The provisions of this Ordinance shall become effective on October 1, 2002.

ADOPTED by the Metro Council this _____ day of _____, 2002.

Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 02-952, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.01 TO DECREASE THE MINIMUM FACILITY RECOVERY RATE REQUIREMENT

May 23, 2002

Prepared by: Tom Chaimov

BACKGROUND

Summary

This staff report summarizes recommendations on revising the Regional System Fee (RSF) credit program to improve recovery. The report discusses the changes to the Metro Code that would be required in order to implement those recommendations and to implement similar changes in the Excise Tax credit program. Also included are other recommendations beyond the confines of the RSF credit program that are critical to maximizing recovery in the region.

Implementing these recommendations and related changes would require amendments to three chapters of the Metro Code: 5.01, 5.02, and 7.01. This staff report accompanies three separate ordinances, to implement recommendations, one each for Metro Code Chapters 5.01, 5.02, and 7.01.

Recommendations

A 12-member work group, representing all the sectors of the Solid Waste Advisory Committee (SWAC), met almost weekly from December 2001 through February 2002 to debate the merits of a variety of options for improving post-collection recovery in the region. On February 25, 2002, the SWAC unanimously endorsed the work group's recommended changes to the Regional System Fee Credit program, as follows:

Recommendation 1. Count only materials that Oregon Department of Environmental Quality (DEQ) counts

The Metro region is required by State law to achieve a recovery rate of 62% by 2005. In the State's calculation of the regional recovery rate, certain materials are excluded, such as dirt, rock, and industrial waste; however, Metro has traditionally counted some of these materials for the purposes of calculating the individual facility recovery rates used in the RSF credit program. Counting only those materials that the State counts will now focus the program on recovery activity that boosts the region's recovery rate.

In the Metro region, rubble (concrete, asphalt, etc.) is the material most affected; however, high levels of rubble recovery currently occur at facilities that are not regulated by Metro and are not eligible for recovery incentives. SWAC believes that these high recovery levels will continue even if rubble does not count for the purposes of the recovery incentives.

Recommendation 2. Count only recovery from mixed loads

Material Recovery Facilities receive loads of both mixed waste (recoverable and non-recoverable wastes, e.g., from construction sites) and source-separated materials (such as recyclables from curbside collection programs). Recognizing that even source-separated loads could contain some contamination, in 1998 Metro designed the RSF credit program to allow 5% of all source-separated materials accepted at mixed waste processing facilities to count toward the Facility Recovery Rate. Actual contamination in these loads has typically been much less, about 0.5%. Therefore, the recommended action is to discontinue an

allowance for source-separated residual. Discontinuing the allowance will help to maintain the integrity of the source-separated system and will help focus facility recovery on the mixed waste stream.

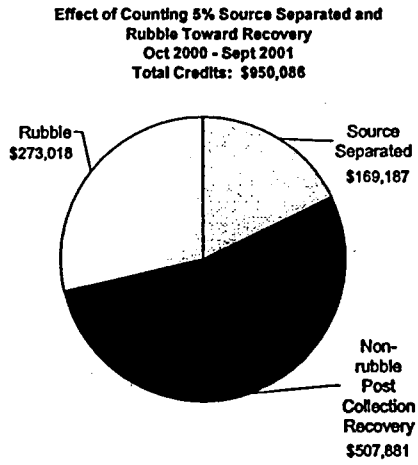


Figure 1. During the twelve months through September 2001, Metro granted approximately \$950,000 in Regional System Fee Credits; about \$440,000 of which rewarded facilities for recovering rubble (\$273,018), which does not count toward the regional recovery rate, and for accepting large amounts of source-separated recyclables (\$169,187).

Recommendation 3. Boost recovery with higher incentives

Implementing recommendations #1 and #2 above would free up about \$400,000 that could be redirected to improve post-collection recovery. Capitalizing on these savings by offering a higher incentive for materials that do count could help to increase the regional recovery rate. Maintaining the current program policy of reducing the RSF on disposal, based on each facility's recovery rate, would reward each facility according to its individual recovery effort: the higher the facility recovery rate, the larger the facility benefit. By redeploying the above savings as higher credits such that facilities as a whole continue to pay about the same effective RSF, the following credit curve results:

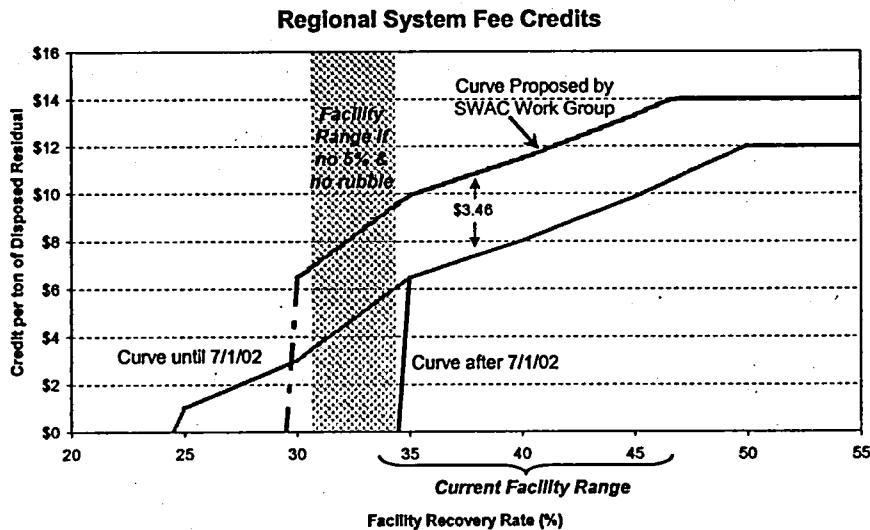


Figure 2. Regional System Fee credits available currently, until July 1, 2002; after July 1, 2002, pursuant to Ordinance 01-919B; and proposed. The higher proposed curve, recommended by SWAC because Facility Recovery Rates would be calculated differently, would ensure that facilities continue to pay about the same effective RSF as they are now.

Excise Tax Credits

Because a change in the way Metro calculates the Facility Recovery Rates would also affect Excise Tax credits, an analogous increase in the Excise Tax credit schedule is proposed as follows:

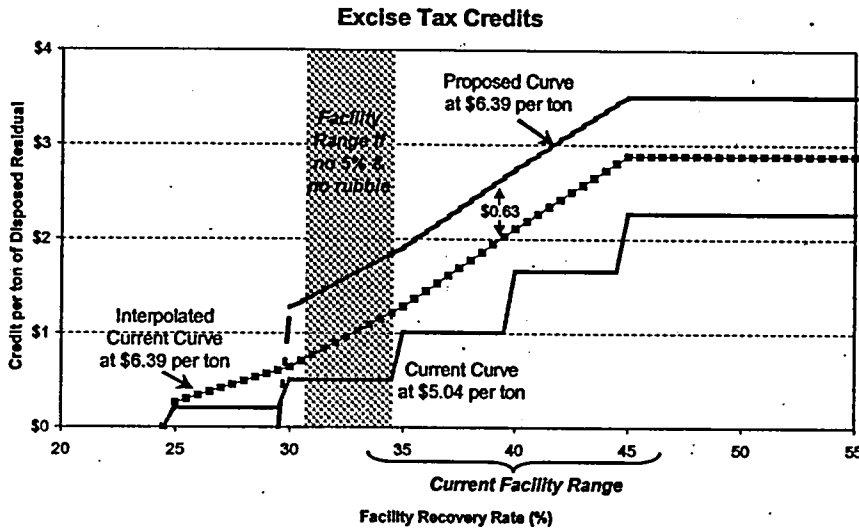


Figure 3. Excise Tax credits available currently and as proposed. The higher proposed curve, recommended by SWAC because Facility Recovery Rates would be calculated differently, would ensure that facilities continue to pay about the same effective Excise Tax as they are now. An oversight in the drafting of Ordinance 00-857, which established Excise Tax credits, prevented the agency from implementing a "smoothed" curve as shown. Ordinance 02-950 proposes to remedy that oversight.

Minimum Facility Recovery Rate

Currently, Metro-regulated facilities are required to maintain a minimum recovery rate of 25%, increasing to 30% July 1, 2002. The 5% increase was adopted by the Metro Council under the current formula for computing facility recovery rates. Counting neither rubble nor residual from source-separated recyclables for the purposes of calculating recovery rates would mean changing the formula that Metro uses to calculate Facility Recovery Rates.

The current formula, counting rubble and 5% of source-separated loads, results in a median Facility Recovery Rate of about 40% (see "Current Facility Range" in Figures 2 and 3). Changing the calculation as proposed (no rubble, no 5%) would result in a median Facility Recovery Rate of about 30%, with no change in recovered tonnage or in the regional recovery rate. For this reason, SWAC recommends that the minimum Facility Recovery Rate requirement remain at the current 25%, with eligibility for RSF and Excise Tax credits beginning at 30%. While this adjustment may give the impression that Metro is relaxing its recovery requirement, the opposite is true: a 25% minimum recovery rate under the proposed formula is actually more difficult to achieve than a 30% minimum under the current formula.

Additional Recommendations

In addition to specific changes to the RSF credit program, SWAC made the following recommendations to maximize recovery in the Metro region:

Recommendation 4. Increase recovery from currently landfilled loads

While some increase in the regional recovery rate may be achieved through the above adjustments to the RSF and Excise Tax credit programs, the greatest potential for boosting the regional recovery rate lies in waste that now is delivered directly to landfills.

Last year almost as many tons of mixed dry waste were delivered to the two out-of-district Washington County landfills as were delivered to in-Metro Material Recovery Facilities. Processing these landfilled loads at current recovery rates could almost double post-collection recovery and could add up to two full points to the regional recovery rate. Figures 4a and 4b compare the materials available for recovery in landfilled loads with materials in the dry residual typically disposed of by MRFs (data from Oregon Department of Environmental Quality.)

SWAC is asking Metro to investigate a range of potential means to process loads now delivered directly to landfills.

Waste Delivered to Washington Co. Landfills

MRF Residual

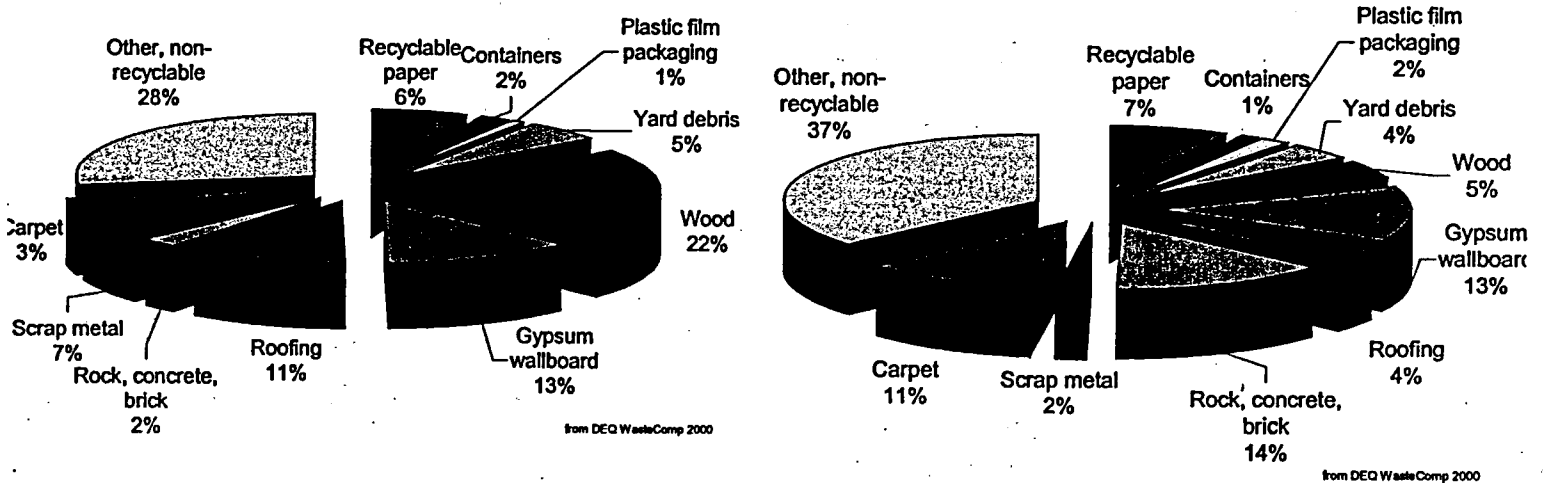


Figure 4. Dry waste loads delivered to Lakeside and Hillsboro landfills in Washington County are rich in recoverable materials. (a) 2000 DEQ waste characterization of loads delivered to Washington County landfills; (b) For comparison, the 2000 DEQ waste characterization of loads delivered to in-Metro Material Recovery Facilities. Note the apparent recovery potential, particularly of wood, at the landfills.

Recommendation 5. Provide credit access to out-of-district facilities

Currently, there are five Metro-regulated facilities that participate in the RSF credit program: East County Recycling, Pride Recycling, Recycle America, Wastech, and Willamette Resources, Inc. SWAC recommends that facilities outside Metro’s jurisdiction, but whose recovery helps the region meet its recovery goals, should have access to RSF credits, provided that they satisfy the same eligibility requirements as in-Metro facilities, and provided that they grant Metro auditing and inspection authority comparable to its authority at in-Metro facilities. Metro’s Office of the General Counsel has found that no change to Metro Code is required to enable Metro to grant credits to Designated Facilities. Regional

System Fee and Excise Tax credits may be granted via a Designated Facility Agreement. Accordingly, no change to the current Metro Code has been proposed in this regard.

Recommendation 6. Monitor program effectiveness

Semi-annual updates and a comprehensive program review in 2004 provide the Metro Council with periodic opportunities to evaluate the effectiveness of the RSF credit program and to make timely adjustments accordingly. Concurrent review requirements have been proposed for the Excise Tax credit program. In addition, a proposed program sunset for both RSF and Excise Tax credits if the Metro tip fee reaches historic pre-RSFC highs of \$75.00 per ton provides a signal to facilities that it is not Metro's intention to provide this economic incentive indefinitely.

ANALYSIS/INFORMATION

1. Known Opposition

None. The Solid Waste Advisory Committee voted unanimously to support the recommendations implemented by these ordinances.

2. Legal Antecedents

Ordinance 01-919B, "For the Purpose of Amending Metro Code Chapter 5.02 to Improve the Effectiveness of the Regional System Fee Credit Program and to Remove the Program Sunset Date", adopted by the Metro Council in October 2001, established a work group to make recommendations implementing the new focus of the Regional System Fee Credit program, namely to improve recovery and boost the region's recovery rate.

Regional System Fee Credits

Metro Code Chapter 5.02 provides Material Recovery Facilities with an opportunity to pay a reduced Regional System Fee for the disposal of dry waste processing residual (i.e., the waste left over after recyclables have been recovered from loads of mixed dry waste.) This program is referred to as the Regional System Fee (RSF) credit program.

Excise Tax Credits

Metro Code Chapter 7.01 provides Material Recovery Facilities with an opportunity to pay a reduced solid waste Excise Tax for the disposal of dry waste processing residual.

Minimum Recovery Rate

Metro Code Chapter 5.01 requires that Metro-regulated facilities recover a minimum of 25% of non-putrescible waste until July 1, 2002 and 30% thereafter.

3. Anticipated Effects

The anticipated effect is that recovery of targeted waste materials will increase.

4. Budget Impact

Solid Waste Fund

The Fiscal Year 2002-03 proposed budget appropriation for Regional System Fee credits is \$900,000, and pursuant to Ordinance 01-919B, effective July 1, 2002, the credit program will be capped at that amount.

With current recovery, about \$870,000 would be paid out in Regional System Fee Credits during FY 2002-03 if the proposed changes were in effect for the entire fiscal year.

General Fund

With a \$6.39 per-ton solid waste Excise Tax and assuming current waste generation and recovery, the total Excise Tax credits granted for Fiscal Year 2002-03 would be about \$210,000. The proposed changes to the Recovery Rate definition and to the Excise Tax credit schedule would lower that expectation to about \$170,000. Ordinance 02-950 proposes to limit the total Excise Tax credits granted in any fiscal year to the dollar amount budgeted for that year, currently \$170,000.

Other

Authorizing broader participation in the Regional System Fee and Excise Tax Credit programs itself causes no budget impact; however, there may be negative impacts to both the solid waste and general funds in the future, especially if the exemption from collecting Metro fees and excise tax currently granted to Material Recovery Facilities is extended to additional facilities.

RECOMMENDED ACTION

The Executive Officer recommends approval of Ordinance No. 02-952.

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Agenda Item Number 5.4

**Ordinance 02-953, For the Purpose of Amending Chapter 2.08 of the Metro Code to Create the Office of
Metro Attorney**

First Reading

**Metro Council Meeting
Thursday, June 13, 2002
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) Ordinance No. 02-953
CHAPTER 2.08 OF THE METRO)
CODE TO CREATE THE OFFICE OF) Introduced by the Council Governmental
METRO ATTORNEY) Affairs Committee at the request of the
) Metro Transition Advisory Task Force

WHEREAS, on November 7, 2000, the electors of Metro approved Ballot Measure 26-10 amending the Metro Charter; and

WHEREAS, the Metro Charter amendments, adopted on November 7, 2000, require the Metro Council to create the office of Metro Attorney and to define the duties and responsibilities of the Metro Attorney; and

WHEREAS, the Executive Officer and the Presiding Officer created a Metro Transition Advisory Task Force consisting of 12 members for the purpose of advising the Executive Officer and Council on issues related to the transition to the new charter provisions adopted in November 2000; and

WHEREAS, the Transition Advisory Task has recommended that the Metro Council amend the provisions of Metro Code Chapter 2.08 Office of General Counsel to conform to the creation of the office of the Metro Attorney, as provided for in Section 26 (2) of the newly created Metro Charter; and

WHEREAS, the Executive Officer and Presiding Officer recommend that the Metro Council implement this recommendation; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. The office of Metro Attorney is created and the duties and responsibilities of the Metro Attorney shall be as described as set forth in Metro Code Chapter 2.08, attached hereto as Exhibit A.
- 2. The amendments to the Metro Code adopted by this ordinance shall take effect on January 6, 2003.

ADOPTED by the Metro Council this _____ day of _____ 2002.

Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel

EXHIBIT A

METRO CODE AMENDMENT CREATING THE
OFFICE OF METRO ATTORNEY

CHAPTER 2.08

OFFICE OF METRO ATTORNEY ~~GENERAL COUNSEL~~

[BECOMES EFFECTIVE JANUARY 6, 2003]

SECTIONS	TITLE
2.08.010	<u>Creation of Office Purpose</u>
2.08.020	<u>Appointment and Removal</u> General Counsel Office Created
2.08.030	Powers
2.08.040	Duties
2.08.050	Records
2.08.060	Attorney-Client Relationship
2.08.070	Employment of Outside <u>Legal</u> Counsel
2.08.080	Opinions
<u>2.08.090</u>	<u>Compensation</u>
<u>2.08.100</u>	<u>Vacancy</u>

2.08.010 Creation of Office Purpose

(a) The office of Metro Attorney is hereby created pursuant to Metro Charter, Section 26 (2). The office of Metro Attorney shall include the Metro Attorney and such subordinate employees as the Council may provide. Subordinate attorneys shall serve at the pleasure of the Metro Attorney. The purpose of this chapter is to establish an Office of General Counsel to provide legal services to Metro.

(b) Neither the Council nor any of its members shall direct or request the appointment of any person to, or removal from office, by the Metro Attorney of any of the Metro Attorney's subordinate employees.

~~(b) There is hereby created an Office of General Counsel consisting of the general counsel and such subordinate employees as the Council may provide. Subordinate attorneys shall serve at the pleasure of the General Counsel. The General Counsel shall be appointed by the Council President subject to the confirmation of a majority of the members of the Council. The General Counsel may be removed by the Council President or by a vote of a majority of the members of the Council. In the event the Council President removes the General Counsel, the Council President shall report the occurrence to~~

the Council at the next regularly scheduled Council meeting. A decision to remove the General Counsel shall not be subject to review by any court or tribunal.

2.08.020 Appointment and Removal General Counsel Office Created

(a) The Metro Attorney shall be appointed by the Council President subject to confirmation by the Council by resolution. The Council President shall keep the Council informed in all aspects of the hiring process. The Metro Attorney shall be chosen solely on the basis of legal ability and qualifications with special reference to actual experience in or knowledge of the duties of the office of the Metro Attorney. At the time of the Metro Attorney's appointment, and at all times while holding office, the Metro Attorney shall be an active member in good standing of the Oregon State Bar and authorized to practice law in the State of Oregon and the Federal District Court for Oregon. During the Metro Attorney's tenure of office the Metro Attorney shall reside within Metro's corporate boundaries.

(b) The Metro Attorney serves at the pleasure of the Council and is subject to removal by the Council President with the concurrence of the Council by resolution.

2.08.030 Powers

The Metro Attorney general counsel shall have:

(a) General control and supervision of all civil actions and legal proceedings in which the district may be a party or may be interested.

(b) Full charge and control of all the legal business of all departments and commissions of the district, or of any office thereof, which requires the services of an attorney or counsel in order to protect the interests of the district. No district officer, board, council, commission, or department shall employ or be represented by any other counsel or attorney at law except as may be provided for in this chapter.

2.08.040 Duties

The Metro Attorney general counsel shall have the following duties:

(a) Give legal advice and opinions orally and in writing and prepare documents and ordinances concerning any matter in which the district is interested in when requested by the Council, the ~~executive officer~~ Chief Operating Officer, the Auditor, or any Metro commission.

(b) Review and approve as to form all written contracts, ordinances, resolutions, executive orders, bonds, or other legally binding instruments of the district;

(c) Except as provided by any insurance policy obtained by the district, appear for, represent, and defend the district, and its departments, officers, commissions and employees and other persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal matters except legal matters involving persons who after investigation by the office of Metro Attorney general counsel, are found by the Metro Attorney general counsel to have been acting outside the scope of their employment or duties or to have committed malfeasance in office or willful or wanton neglect of duty.

(d) Submit to the Council, ~~executive officer~~ Chief Operating Officer and Auditor annually quarterly a formal report of all suits or actions in which the district is a party. The report shall state the name of each pending suit or action and a brief description of the suit or action and the status of the suit or action at the date of the report. The report shall also state the name of each suit or action closed during the preceding calendar year and a brief description of the suit or action and the disposition of the suit or action including the amount of any money paid by the ~~district~~ District. At any time the Metro Attorney general counsel shall at the request of the Council, the ~~executive officer~~ Chief Operating Officer, or the Auditor, report on the status of any or all matters being handled by the Metro Attorney general counsel.

(e) Appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding in any court or tribunal when requested by the Council, the ~~executive officer~~ Chief Operating Officer, or any Metro commission when, in the discretion of the Metro Attorney general counsel, the same may be necessary or advisable to protect the interests of the district.

2.08.050 Records

(a) The Metro Attorney general counsel shall have charge and custody of the office of the Metro Attorney general counsel and of all legal papers pertaining thereto, which shall be arranged and indexed in such convenient and orderly manner as to be at all times readily accessible.

(b) The Metro Attorney general-counsel shall keep in the office a complete docket and set of pleadings of all suits, actions, or proceedings in which the district, the Council, the executive officer Chief Operating Officer, the Auditor, or any Metro commission or employee thereof is a party, pending in any court or tribunal, unless the suits, actions, or proceedings are conducted by outside private legal counsel retained by the district in which case the Metro Attorney general-counsel shall keep those records as the Metro Attorney general-counsel deems advisable.

(c) The Metro Attorney general-counsel shall keep and record all significant written opinions furnished to Metro and shall keep an index thereof; and shall keep a file including all opinions and correspondence of the office.

2.08.060 Attorney-Client Relationship

The relationship between the office of the Metro Attorney general-counsel and Metro shall be an attorney-client relationship, with Metro being entitled to all benefits thereof. For the purpose of this chapter, Metro is recognized as a single entity whose elected officials and appointed officers and commissioners collectively perform and exercise Metro's duties and authority. The Metro Attorney general-counsel shall maintain a proper attorney-client relationship with the elected officials of the district so long as such officials are acting within the scope of their official powers, duties and responsibilities.

2.08.070 Employment of Outside Legal Counsel

(a) When in the judgment of the Metro Attorney general-counsel the Metro Attorney general-counsel deems it necessary or appropriate to do so the Metro Attorney general-counsel may employ outside legal counsel on behalf of Metro to handle such matters as the Metro Attorney general-counsel deems advisable. Employment of outside legal counsel is subject to the general requirements of this chapter and Code Chapter 2.04 Metro Contract Policies.

(b) The Metro Attorney is authorized to waive on behalf of the district potential conflicts of interest of outside legal counsel retained by the district if the Metro Attorney determines the waiver to be in the district's interest.

(Ordinance No. 88-237, Sec. 1. Amended by Ordinance No. 95-601B, Sec. 1)

2.08.080 Opinions

(a) ~~The Metro Attorney general counsel shall prepare formal written opinions regarding interpretations of federal and Oregon law, the Metro Charter, and Metro ordinances. These opinions shall be official guidance to the district except as superseded by courts of law, legislative action administrative rules, or actions of other superior tribunals or bodies. Formal opinion requests may be made by any Metro elected official. All requests for opinions shall be in writing. Upon receipt of a written request for a formal opinion the Metro Attorney general counsel shall furnish a copy of the request to the executive officer Chief Operating Officer, the Auditor, and all members of the Council. Upon completion, copies of all formal opinions shall be furnished to the executive officer Chief Operating Officer, the Auditor, and all members of the Council.~~

(b) ~~Neither the executive officer Chief Operating Officer nor any member of the Council shall directly or indirectly by suggestion or otherwise attempt to influence or coerce the Metro Attorney general counsel in the preparation of any requested opinion. The Metro Attorney general counsel shall not be removed because of the rendering of any opinion. Nothing in this section prohibits, however, the executive officer Chief Operating Officer or the Council from fully and freely discussing with the Metro Attorney general counsel the legal affairs of Metro.~~

~~(Ordinance No. 90-347A, Sec. 2. Amended by Ordinance No. 95-601B, Sec. 1)~~

2.080.090 Compensation

The Metro Attorney shall receive such compensation as the Council shall fix from time to time by contract.

2.080.100 Vacancy

Any vacancy in the office of the Metro Attorney shall be filled with all due speed. During any vacancy or incapacity, the Council President may appoint an acting Metro Attorney subject to confirmation by the Council by resolution.

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 02-953, FOR THE PURPOSE OF AMENDING CHAPTER 2.08 OF THE METRO CODE TO CREATE THE OFFICE OF METRO ATTORNEY

Date: May 31, 2002

Presented by: Council Governmental Affairs Committee

Background

The Metro Charter amendments approved by the voters at the 2000 general election require that the Council establish the Office of Metro Attorney and prescribe the duties and functions of the office prior to the January 6, 2003 effective date of the charter amendments. The Presiding Officer and Executive Officer established an advisory task force to make recommendations concerning the implementation of the charter amendments. An original draft ordinance was prepared to implement the task force recommendations relating to the Office of the Council President. This draft was reviewed by the Council Governmental Affairs Committee which made several amendments to the draft.

Analysis/Information

Legal Background. Provisions of the current Metro Code Chapter 2.08 create and outline the duties and functions of the existing Office of General Counsel. The chapter also establishes procedures for the appointment and removal of the General Counsel and the legal working relationship between the General Counsel and the Metro Executive Officer and the Metro Council. In addition to requiring the establishment of an Office of Metro Attorney, the charter amendments adopted in 2000 eliminated the elected Executive Officer position and require the creation of a Chief Operating Officer position. Thus, the legislation creating the Office of Metro Attorney also needs to remove references to the Executive Officer and establish a working relationship with the newly created Chief Operating Officer.

Anticipated Effect. The proposed ordinance uses the existing Metro Code Chapter 2.08 as the basis for creating the Office of Metro Attorney. The duties, functions and record keeping activities of the new Metro Attorney's office are identical to those of the current Office of General Counsel. The attorney-client relationship provisions of the existing Code also are retained. Technical changes to the chapter include the removal of references to the Executive Officer and the addition of references to the new Chief Operating Officer where appropriate. New provisions added to Chapter 2.08 include:

- 1) Specific reference to the creation of the Office of Metro Attorney under the provisions of Section 26(2) of the amended Metro Charter.
- 2) Provisions for the appointment and removal of the Metro Attorney by the Council President subject to confirmation or concurrence by resolution adopted by the full Council.
- 3) Provisions for filling a vacancy in the office of Metro Attorney including the appointment of an acting Metro Attorney.
- 4) Establishment of general job qualifications including state bar membership and residence within the boundaries of Metro.
- 5) Placing in the Code the historic authority of the General Counsel to waive potential conflicts of interest of outside legal counsel hired by Metro.

Known Opposition. None.

Budget Impact. None, other than minor costs associated with new stationary and business cards associated with the change in the title of the office.

Recommended Action. Council adoption of the proposed ordinance.

Agenda Item Number 5.5

Ordinance 02-954, For the Purpose of Amending Chapter 2.01 of the Metro Code to Reflect the Creation of the Office of Metro Council President

First Reading

**Metro Council Meeting
Thursday, June 13, 2002
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) Ordinance No. 02-954
CHAPTER 2.01 OF THE METRO CODE)
TO REFLECT THE CREATION OF THE) Introduced by the Council Governmental
OFFICE OF METRO COUNCIL PRESIDENT) Affairs Committee at the request of the
) Metro Transition Advisory Task Force

WHEREAS, on November 7, 2000, the electors of Metro approved Ballot Measure 26-10 amending the Metro Charter; and

WHEREAS, the Metro Charter amendments, adopted on November 7, 2000, creates the Office of Council President and abolishes the Office of the Council Presiding Officer; and

WHEREAS, the Executive Officer and the Presiding Officer created a Metro Transition Advisory Task Force consisting of 12 members for the purpose of advising the Executive Officer and Council on issues related to the transition to the new charter provisions adopted in November 2000; and

WHEREAS, the Transition Advisory Task has recommended that the Metro Council amend the provisions of the Metro Code relating to the Council President; and

WHEREAS, the Executive Officer and Presiding Officer recommend that the Metro Council implement this recommendation; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Code Chapter 2.01 provisions to reflect the creation of Office of the Metro Council President are amended as provided for and are attached as Exhibit A.
2. The amendments to the Metro Code adopted by this ordinance shall take effect on January 6, 2003.

ADOPTED by the Metro Council this _____ day of _____ 2002.

Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel

EXHIBIT A

METRO CODE AMENDMENT TO REFLECT THE
CREATION OF THE OFFICE OF METRO COUNCIL PRESIDENT

CHAPTER 2.01

[BECOMES EFFECTIVE JANUARY 6, 2003]

2.01.010 Officers

(a) Council President. The Council President is elected by the voters of the region as provided for in the Charter. The Council President has the power and duties described in the Charter.

(ba) The Council shall, at its first meeting after the first Monday in January of each year, elect one Councilor to serve as its Deputy presiding officer for the ensuing year. ~~The newly elected presiding officer shall appoint at the same meeting a deputy presiding officer. The affirmative vote of the majority of the Council is required to elect the Deputy presiding officer. The Council may also adopt a resolution establishing such committees as the Council deems necessary for the orderly conduct of Council business. Committee members, and committee chairs shall be appointed by the Council President subject to confirmation by the Council by resolution.~~

(b) ~~The Council President presiding officer will preside at all meetings of the Council and will preserve order and decorum. The Council President presiding officer is authorized to sign all documents memorializing Council's action on behalf of the Council. The Council President presiding officer will have a vote on each matter before the Council, but will not make motions unless first relinquishing the position of Council President presiding officer for the purpose of making such motion.~~

(c) ~~The Deputy deputy presiding officer shall be the acting Council President presiding officer in the temporary absence or incapacity of the Council President presiding officer, and will have the authority and perform the duties of the Council President presiding officer but shall not receive the salary of the Council President presiding officer. In the event a vacancy exists in the office of the Council President presiding officer, the Deputy deputy presiding officer shall serve as the acting Acting Council President presiding officer until the council elects a new presiding officer until a new Council President is elected [or appointed] pursuant to Metro Code Chapter 9.01. An acting Acting Council President presiding officer shall not receive the salary of the Council President presiding officer.~~

(d) In the absence or incapacity of the Council President~~presiding officer~~ and the Deputy~~deputy presiding officer~~, the Council President~~presiding officer~~ may designate a Councilor to act as the Temporary Council President~~temporary presiding officer~~.

~~———— (e) ——— The presiding officer may be removed by the council upon the affirmative vote of two-thirds of the members of the Council.~~

(e) The Council President shall serve as the district budget officer and shall submit the budget to the Council, together with a message describing the important features of the proposed budget.

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 02-954, FOR THE PURPOSE OF AMENDING CHAPTER 2.01 OF THE METRO CODE TO REFLECT THE CREATION OF THE OFFICE OF METRO COUNCIL PRESIDENT

Date: May 31, 2002

Presented by: Council Governmental Affairs Committee

Background

The Metro Charter amendments approved by the voters at the 2000 general election created the Office of Council President and abolished the Office of Council Presiding Officer, effective January 6, 2003. The Presiding Officer and Executive Officer established an advisory task force to make recommendations concerning the implementation of the charter amendments. An original draft ordinance was prepared to implement the task force recommendations relating to the Office of the Council President. This draft was reviewed by the Council Governmental Affairs Committee which made several amendments to the draft.

Analysis/Information

Legal Background. Provisions of the current Metro Code Chapter 2.01 outline the annual selection process for the positions of Council Presiding Officer and the Deputy Presiding Officer and general roles and functions of these positions related to the conduct of Council business. The current code also provides that the deputy presiding officer shall serve as the presiding officer due to the absence or incapacity of the Presiding Officer and provides a procedure for the naming of a temporary presiding in the absence or incapacity of both the Presiding and Deputy Presiding Officer.

Anticipated Effect. The proposed ordinance uses the existing Metro Code Chapter 2.01 as the basis for implementing the charter amendment related to the Office of Council President. The ordinance recognizes the creation of Office of Council President under the provisions of the amended Metro Charter and that the charter also prescribes the general powers and duties of the office. The ordinance also would eliminate references to the Council Presiding Officer and replaces them with the new Office of Council President. In addition, the ordinance gives the Council discretionary authority to adopt a resolution establishing committee and gives the Council President the authority to appoint committee members and chairs subject to confirmation by the full Council.

The former deputy presiding officer position would be identified as the Deputy. The Deputy would be a councilor elected by a majority of the full Council at the first Council meeting of each calendar year. The ordinance also specifies that the provisions of Metro Code Chapter 9.01 would govern the selection of a new Council President in the event of a vacancy in that office. Because the Office of the Council President will be a regionally elected office, the current code provision which permitted the removal of the presiding officer by an affirmative vote of two-thirds of the Council would be repealed.

Known Opposition. None.

Budget Impact. None.

Recommended Action. Council adoption of the proposed ordinance.

Agenda Item Number 5.6

Ordinance 02-955, For the Purpose of Amending Chapter 2.19 of the Metro Code to Conform to the Charter Amendments Adopted on November 7, 2000

First Reading

Metro Council Meeting
Thursday, June 13, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) Ordinance No. 02-955
CHAPTER 2.19 OF THE METRO CODE)
TO CONFORM TO THE CHARTER) Introduced by the Council Governmental
AMENDMENTS ADOPTED ON) Affairs Committee at the request of the
NOVEMBER 7, 2000) Metro Transition Advisory Task Force

WHEREAS, on November 7, 2000, the electors of Metro approved Ballot Measure 26-10 amending the Metro Charter; and

WHEREAS, the Metro Charter amendments, adopted on November 7, 2000, creates the Office of Council President and abolishes the Office of the Council Presiding Officer, pursuant to Ordinance No. 02-955; and

WHEREAS, the Metro Charter amendments, adopted on November 7, 2000, require the Metro Council to create the offices of Chief Operating Officer and to define the duties and responsibilities of the Chief Operating Officer, pursuant to Ordinance No. 02-942; and

WHEREAS, the Executive Officer and the Presiding Officer created a Metro Transition Advisory Task Force consisting of 12 members for the purpose of advising the Executive Officer and Council on issues related to the transition to the new charter provisions adopted in November 2000; and

WHEREAS, the Transition Advisory Task has recommended that the Metro Council amend the provisions of the Metro Code Chapter 2.19 relating to the Council President; and

WHEREAS, the Transition Advisory Task has recommended that the Metro Council amend the provisions of the Metro Code Chapter 2.19 relating to the Chief Operating Officer; and

WHEREAS, the Executive Officer and Presiding Officer recommend that the Metro Council implement this recommendation; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Code Chapter 2.19 provisions relating to the Office of the Council President and Chief Operating Officer are amended as provided for and are attached as Exhibit A.
2. The amendments to the Metro Code adopted by this ordinance shall take effect on January 6, 2003.

ADOPTED by the Metro Council this _____ day of _____ 2002.

Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel

EXHIBIT A

**METRO CODE AMENDMENT TO CONFORM TO THE CHARTER
AMENDMENTS ADOPTED ON NOVEMBER 7, 2000**

CHAPTER 2.19

METRO ADVISORY COMMITTEES

[BECOMES EFFECTIVE JANUARY 6, 2003]

SECTIONS	TITLE
2.19.010	Purpose and Intent
2.19.020	Definitions
2.19.030	Membership of the Advisory Committees
2.19.040	Advisory Committee Purpose and Authority
2.19.050	Advisory Committee Bylaws
2.19.060	Task Forces
2.19.070	Status of All Advisory Committees
2.19.080	Metro Policy Advisory Committee (MPAC)
2.19.090	Joint Policy Advisory Committee on Transportation (JPACT)
2.19.100	Metro Committee for Citizen Involvement (MCCI)
2.19.110	Metro 401k Employee Salary Savings Plan Advisory Committee (401K ESSPAC)
2.19.120	Metro Central Station Community Enhancement Committee (MCSCE)
2.19.130	Metro Solid Waste Advisory Committee (SWAC)
2.19.140	North Portland Rehabilitation and Enhancement Committee (NPREC)
2.19.150	Investment Advisory Board (IAB)
2.19.160	Regional Parks and Greenspaces Advisory Committee (RPGAC)
2.19.170	Rate Review Committee (RRC)
2.19.180	Transportation Policy Alternatives Committee (TPAC)
2.19.190	Water Resources Policy Advisory Committee (WRPAC)
2.19.200	Tax Study Committee

2.19.010 Purpose and Intent

It is the purpose of this chapter to set forth general terms, conditions, functions and responsibility for all advisory committees (Advisory Committees) that have been created by action of the Metro Council or are required pursuant to applicable provisions of the 1992 Metro Charter or Oregon or federal law. In general, this chapter applies to all Advisory Committees of Metro that are public bodies subject to Oregon's Public Meetings (ORS 192.610 et. seq.), whether or not the specific Advisory Committee is mentioned herein. It is not the intent to govern or adopt requirements for committees that are appointed by or report solely to individual Metro officers and which are therefore not subject to Oregon Public Meeting Law. In addition, this chapter does not apply to committees created by the Metro Council that

consist solely of members of the Council or to any Metro Commission which exercises administrative functions. It is also not the intent of this chapter to amend any existing agreement with other governmental bodies, which have provisions for the creation and utilization of jointly appointed Advisory Committees.

(Ordinance No. 00-860A, Sec. 1.)

2.19.020 Definitions

For the purposes of this chapter, unless the context requires otherwise, the following terms shall have the meanings indicated:

(a) "Advisory Committee" means any committee, task force or group, created by an official action of the Metro Council or 1992-Charter, including but not limited to, any public body or advisory group described in this chapter.

(b) "Appointment" means the formal selection of a person to serve as a member of an Advisory Committee.

(c) "Appointment authority" means the ~~Executive Officer~~ Council President or council members or other entity specifically authorized to appoint an Advisory Committee member.

(d) "Confirmation" means the process by which the Metro Council approves the appointment of a member of an Advisory Committee.

(e) "JPACT" means Joint Policy Advisory Committee On Transportation.

(f) "MCSCE" means Metro Central Station Community Enhancement Committee.

(g) "MPAC" means Metro Policy Advisory Committee.

(h) "Nomination" means the formal submission to an appointing authority of a candidate for appointment to an Advisory Committee.

(i) "NPREC" means North Portland Rehabilitation and Enhancement Committee.

- (j) "RPGAC" means Regional Parks and Greenspaces Advisory Committee.
- (k) "RRC" means Rate Review Committee.
- (l) "SWAC" means Solid Waste Advisory Committee.
- (m) "Task Force" means any public body created by resolution or any official action of the Metro Council, which is not specifically defined in this chapter or any provision of the Metro Code.
- (n) "Tax Study Committee" means before considering the imposition of any new tax or taxes, which do not require prior voter approval under the Metro Charter, the Tax Study Committee shall consult with and advise the Metro Council regarding adoption of these taxes.
- (o) "TPAC" means Transportation Policy Alternatives Committee.
- (p) "WRPAC" means Water Resources Policy Advisory Committee.
- (q) "401K ESSPAC" means Metro 401K Employee Salary Savings Plan Advisory Committee.

(Ordinance No. 00-860A, Sec. 1.)

2.19.030 Membership of the Advisory Committees

- (a) Membership In General.
 - (1) The ~~Executive Officer~~ Council President shall ensure that the recruitment and selection process for appointments to vacant positions is open to all segments of the community and ensures a broad representation and diversity of membership. It is the policy of Metro not to discriminate with regard to race, color, religion, natural origin, sex, age, disability, sexual orientation, or mental or familial status in making appointments to Advisory Committees.

- (2) The ~~Executive Officer~~Council President is encouraged to streamline and standardize the recruitment and selection process, to a reasonable extent, and to facilitate a standing pool of volunteer candidates across the agency.
- (3) Advisory committees may submit names to the ~~Executive Officer~~Council President for inclusion in a list of interested and qualified candidates but nomination by an Advisory Committee may not be a requirement for appointment.

(b) Appointments and Confirmations.

- (1) Except as it is specifically provided for membership of MPAC and JPACT, or for certain positions specified for elected officials, as set forth in this chapter, all members of all Advisory Committees shall be appointed by the ~~Executive Officer~~Council President, ~~unless the appointment is specifically assigned to members of the Council.~~ All persons appointed by the ~~Executive Officer~~Council President ~~or council members~~ shall be subject to confirmation by the Council. A minimum of four (4) votes in favor of a specific appointment shall be necessary to confirm the appointment. Any person whose confirmation is defeated by four (4) or more votes in opposition, shall not be eligible for appointment to the same Advisory Committee during the succeeding twelve (12) months. The appointing authority may remove appointed members.
- (2) Appointments of members to individual Advisory Committees may be subject to nominations made by specified entities to the appointing authority. Under no circumstance shall any Advisory Committee have the authority to nominate members to serve on the committee itself.
- (3) Appointments and confirmation to Advisory Committees may be made with relevant geographical expertise or other criteria in mind. As a general rule, however, recruitment, appointment and confirmation of committee members will be conducted in a manner that attempts to reflect the demographic profile of the region as a whole.

(4) Alternate Members. Alternates may vote only in the absence of a specific regular member. Appointment and confirmation of alternates shall be subject to the same requirements that apply to regular members.

(c) Terms.

(1) All appointments made by the ~~Executive Officer~~ Council President ~~or members of the Council~~ shall be for a term of two (2) years or to fill a vacancy in the remaining portion of a term not to exceed two (2) years.

(2) No person may be appointed to serve more than two (2) consecutive full two (2) year terms on the same committee nor may any person be appointed to fill more than one partial term on any one committee. However, employees of agencies serving as the nominees of their employer are not subject to these limitations on terms.

(3) Members shall continue to serve until their successor is appointed and confirmed.

~~(d) Effective Date. The provisions of this chapter take effect on February 7, 2001.~~

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.040 Advisory Committee Purpose and Authority

The purpose and authority of each Advisory Committee shall be limited to matters specified in the action creating the committee and other matters specifically authorized by action of the Metro Council or other provisions of applicable law.

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.050 Advisory Committee Bylaws

Each Advisory Committee may adopt bylaws governing the Advisory Committee's functions and procedures. Bylaws may not govern the membership or authority of any Advisory Committee. Unless specifically authorized by the Council ~~or the Executive Officer~~ for any specific Advisory Committee,

Advisory Committees shall function as committees of the whole and may not appoint sub-committees or otherwise create any advisory body that constitutes a public body pursuant to Oregon Public Meeting law. However, sub-committees of limited duration may be created as provided in Section 2.19.070(d).

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.060 Task Forces

Task Forces are all Advisory Committees created by Metro Council action that have not been specifically provided for in a provision of the Metro Code. All Task Forces are of limited duration and the existence of any Task Force shall terminate one (1) year after its creation, unless specifically renewed and re-authorized by Metro Council action. However, in no circumstance, may a Task Force may be continued for more than three (3) years unless authorized by a duly adopted ordinance, which shall be codified.

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.070 Status of All Advisory Committees

(a) MPAC, JPACT, and MCCI are Advisory Committees that have permanent and continuing existence. They shall report directly to the Council and the Council President. MPAC and MCCI were created by the 1992 Metro Charter. JPACT was created pursuant to federal law and Executive Order of the Governor of Oregon. The Metro Council shall provide for these committees in the annual budget. ~~The Executive Officer~~Chief Operating Officer shall provide reasonable staff support for these three (3) committees from any legally available and budgeted resources.

(b) All other Advisory Committees authorized by this chapter or other provisions of Metro Code shall continue in active status only so long as the Metro Council specifically provides budgeted resources to support the committee's functions. All committees shall operate on a fiscal year basis, July 1 to June 30. In any fiscal year that Metro Council fails to authorize budgeted resources for any committee, that committee shall be in inactive status and shall not meet.

(c) Task Forces may be created by Metro Council adopted resolutions, but shall be of limited duration and shall not meet unless the Metro Council has identified specific resources for support within the fiscal year budget at the time the Task Force is created and for any subsequent fiscal year. No Task

Force may be re-authorized or continued without the Metro Council identifying resources necessary to support its function. The purpose of the Task Force shall be clearly defined in the authorizing resolution.

(d) Subcommittees may be created by specific action of Advisory Committees provided that the authorization for any subcommittee may not extend beyond the end of any fiscal year. Any Advisory Committee authorizing or re-authorizing any subcommittee shall identify how the subcommittee will function within the limitation of the budget resources provided to the committee.

(e) This chapter does not apply to the Smith and Bybee Lakes Management Committee, the Portland Center for Performing Arts Advisory Committee or any other Advisory Committee created or authorized by an agreement between Metro and another government.

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.080 Metro Policy Advisory Committee (MPAC)

(a) **Purpose.** The purpose of MPAC is to advise the Metro Council and perform the duties assigned to it by the 1992 Metro Charter and to perform other duties that the Metro Council shall prescribe.

(b) **Membership.** The members of MPAC include:

Multnomah County Commission	1
Second Largest City in Multnomah County	1
Other Cities in Multnomah County	1
Special Districts in Multnomah County	1
Citizen of Multnomah County	1
City of Portland	2
Clackamas County Commission	1
Largest City in Clackamas County	1
Second Largest City in Clackamas County	1
Other Cities in Clackamas County	1
Special Districts in Clackamas County	1
Citizen of Clackamas County	1
Washington County Commission	1

Largest City in Washington County	1
Second Largest City in Washington County	1
Other Cities in Washington County	1
Special Districts in Washington County	1
Citizen of Washington County	1
Tri-Met	1
Governing body of a school district	1
State Agency Growth Council	1
Clark County	1
City of Vancouver	1
Port of Portland	1
TOTAL	25

(c) MPAC may provide in its bylaws for the creation of a Technical Advisory Committee, which may make recommendations to MPAC.

(d) A vote of both a majority of the MPAC members and a majority of all councilors may change the composition of MPAC at any time. The Council action shall be in the form of an ordinance and shall amend this code section. The MPAC bylaws shall govern the terms of its members.

(Ordinance No. 00-860A, Sec. 1.)

2.19.090 Joint Policy Advisory Committee on Transportation (JPACT)

(a) **Purpose.** The purpose of JPACT is to advise the Metro Council and perform the duties assigned to it by Oregon and Federal law and the 1992 Metro Charter and to perform other duties that the Metro Council shall prescribe.

(b) **Membership.** The members of JPACT include representatives of the following jurisdictions and agencies:

City of Portland	1
Multnomah County	1
Washington County	1
Clackamas County	1

Cities of Multnomah County	1
Cities of Washington County	1
Cities of Clackamas County	1
Oregon Department of Transportation	1
Tri-Met	1
Port of Portland	1
Department of Environmental Quality	1
Metropolitan Service District (Metro)	3
<u>State of Washington</u>	<u>3</u>
TOTAL	17

(c) The composition, authority and duties of JPACT and JPACT's bylaws may only be changed as provided by applicable law.

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.100 Metro Committee for Citizen Involvement (MCCI)

(a) Purpose. The purpose of the MCCI is to advise the Metro Council and Executive Officer on the development and maintenance of programs and procedures to aid communication between citizens, and the Metro Council and the Executive Officer and perform the duties assigned to it by the 1992 Metro Charter and to perform other related duties that the Metro Council shall prescribe.

(b) Membership. The MCCI consists of twenty-seven (27) members. The members of MCCI shall be appointed as follows:

- (1) Three (3) representatives from each of the seven (7) Metro Council Districts (for a total of 21).
- (2) One (1) representative from each of the areas outside of the Metro boundaries of Clackamas, Multnomah, and Washington Counties (for a total of 3).
- (3) One (1) representative from each of Clackamas County's Committee for Citizen Involvement (CCI), Multnomah County Citizen Involvement Committee (CIC),

and Washington County Committee for Citizen Involvement (CCI) (for a total of 3).

(c) Terms. Notwithstanding the provisions of Section 2.19.030(c), MCCI members may be appointed to fill up to three (3) consecutive two (2)-year terms.

(Ordinance No. 00-860A, Sec. 1.)

2.19.110 Metro 401k Employee Salary Savings Plan Advisory Committee (401K ESSPAC)

(a) Purpose. Metro established a Salary Savings Plan and Trust ("Plan") effective July 1, 1985. The purpose of Metro's 401K ESSPAC is to give instructions to ~~the WM Trust Company, a non-~~discretionary Trustee, with respect to all matters concerning the Plan.

(b) Membership. The 401K ESSPAC consists of a five-person advisory/administrative committee.

(Ordinance No. 00-860A, Sec. 1.)

2.19.120 Metro Central Station Community Enhancement Committee (MCSCE)

(a) Purpose. It is the policy of the district to support a community enhancement program in the area of Metro Central Station, 6161 N.W. 61st Avenue, in Portland, Oregon.

(b) Membership. MCSCE consists of seven members to be appointed and serve terms as follows:

(1) Six members to be appointed by the ~~Executive Officer~~Council President subject to confirmation by the council. The ~~Executive Officer~~Council President shall make appointments as follows:

(A) One member shall be appointed from a list of nominees submitted by the Forest Park Neighborhood Association.

(B) One member shall be appointed from a list of nominees submitted by the Friends of Cathedral Park.

- (C) One member shall be appointed from a list of nominees submitted by the Linnton Neighborhood Association.
 - (D) One member shall be appointed from a list of nominees submitted by the Northwest District Neighborhood Association.
 - (E) One member shall be appointed from a list of nominees submitted by the Northwest Industrial Neighborhood Association.
 - (F) One member shall be appointed from a list or lists of nominees submitted by environmental organizations that have or will have an interest in the enhancement area.
- (2) MCSCE shall be chaired by the Metro Councilor representing ~~District 5~~the Council district in which the Metro Central Station is located.
 - (3) In the case of a vacancy in a non-council position on the committee, the ~~Executive Officer~~Council President shall solicit nominations from the same organizations that were eligible to submit nominations for the original appointment.
 - (4) In all instances, the ~~Executive Officer~~Council President may reject all nominations for a non-council position on the committee, and request that new nominations be submitted by the affected group.

2.19.130 Metro Solid Waste Advisory Committee (SWAC)

- (a) Purpose. The purpose of the Metro Solid Waste Advisory Committee (SWAC) is to:
 - (1) Evaluate policy options and present policy recommendations to the Metro Council and ~~Executive Officer~~Chief Operating Officer regarding regional solid waste management and planning.

- (2) Advise Metro on the implementation of existing solid waste plans and policies.
- (3) Provide recommendations concerning the solid waste planning process, to ensure adequate consideration of regional values such as land use, economic development, and other social, economic and environmental factors.
- (4) Provide recommendations on compliance with the Regional Solid Waste Management Plan and applicable state requirements.
- (5) Provide recommendations on alternative solid waste policies and practices developed by subcommittees of the SWAC.
- (6) Recommend needs and opportunities to involve citizens in solid waste issues.
- (7) Recommend measures to build regional consensus for the management of solid waste.

(b) Membership. Members are categorized as follows:

(1) <u>Regular Voting Members</u>		
Chair (Metro)		1
Recycling Interests:		3
Facilities	(1)	
Composters	(1)	
Recycler/advocate	(1)	3
Hauling Industry:		4
County Areas	(3)	
At-Large	(1)	4
Disposal Sites		3
Undesignated		
Citizen-Ratepayers		6
Citizens	(3)	
Business	(3)	
Governments:		6
Cities	(4)	
Counties	(2)	6
Total		23
(2) <u>Non-Voting Members:</u>		
Metro Regional Environmental Management Director		1
Department of Environmental Quality		1
Clark County, Washington		1

- (3) Associate Members:
Additional associate members without a vote may serve on the Committee at the pleasure of the Committee.

(c) Appointment of Members.

- (1) Candidates for the representative of recycling facilities shall be solicited from the processing industry and appointed by the ~~Metro Executive Officer~~Council President. Candidates for the representative of composting facilities shall be solicited from the composting industry and appointed by the ~~Metro Executive Officer~~Council President. Metro shall solicit candidates for the remaining recycling representative from recycling industries, environmental advocates and other business and civic groups. Candidates for the remaining recycling representative may also submit their names directly to the ~~Metro Executive Officer~~Council President. The remaining recycling representative shall be appointed by the ~~Metro Executive Officer~~Council President.
- (2) Solid Waste Hauling Industry candidates shall be solicited from the hauling industry and appointed by the ~~Metro Executive Officer~~Council President. Solid Waste Hauling Industry representatives shall include one from each of the three Counties, plus one representing the region at large.
- (3) Disposal Site candidates shall be solicited from the disposal industry and appointed by the ~~Metro Executive Officer~~Council President.
- (4) A pool of candidates for the citizen representatives shall be nominated by the participating jurisdictions, SWAC members, and by civic and business groups. Candidates may also submit their names directly to the ~~Metro Executive Officer~~Council President. The ~~Metro Executive Officer~~Council President shall appoint one citizen member from each of the three Counties, as available.
- (5) A pool of candidates for the business representatives shall be nominated by business groups, the participating jurisdictions, and SWAC members. Candidates may also submit their names directly to the ~~Metro Executive~~

~~Officer~~Council President. The ~~Metro-Executive-Officer~~Council President shall appoint three business members, as available.

- (6) The representative from the City of Portland shall be appointed by the Mayor of Portland.
- (7) Representatives of Cities within a County shall be appointed by consensus of those Cities.
- (8) Representatives from the Counties shall be appointed by the Chairperson of the County Board.

(d) Appointment Of Alternate Members. Alternate members shall be specifically named for recycling, the solid waste hauling industry, disposal site, and government positions and shall be appointed in the same manner as regular members. Alternates can vote in the absence of the regular Committee member and have full rights and responsibilities of the Committee member in his/her absence. Upon resignation of an Advisory Committee member, a new member shall be appointed in accordance with the appointment of regular members' section of the bylaws.

(e) Appointment Of Non-Voting Members. Non-voting members may be named by the non-voting agency represented.

(f) Membership.

- (1) Terms of Office. The ~~Executive-Officer~~Council President may review the status of the Committee Membership every four (4) years and appoint new members as needed.
- (2) Attendance. It is expected that members will be present and participate at all regular meetings. Members who are absent from four or more regular meetings in one calendar year may be asked by the ~~Executive-Officer~~Council President or Committee Chair to resign. Industry, facility and government representatives who send alternates to attend in their absence will be counted as present.

- (3) Restriction on Representation by One Company. No more than one regular voting member of the Committee may be employed by the same company.

(g) Officers.

- (1) Chair. The permanent-Chairperson of the Committee shall be the a Metro Council representative appointed by the Council President and confirmed by the Council~~REM-Committee-Chairpersons.~~
- (2) Vice-Chair. In the absence of the Chairperson, the Committee shall be chaired by the Vice-Chairperson.

(h) Subcommittees. Subcommittees may be established by the Chairperson as necessary upon request of the Committee. Membership composition shall be determined according to mission and may include individuals who are not members of the Committee. All such subcommittees shall report to the Committee.

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.140 North Portland Rehabilitation and Enhancement Committee (NPREC)

(a) Purpose. The purpose of the North Portland Rehabilitation and Enhancement Committee (NPREC) is to make recommendations to the Metro Council regarding policies and the administration of the rehabilitation and enhancement program for the North Portland Area to include as follows:

- (1) Specify the boundaries of the area to be rehabilitated and enhanced;
- (2) Criteria for determining how funds will be used for rehabilitation and enhancement; and
- (3) Continuing public involvement and recommending projects for funding.

(b) Membership. The NPREC shall be composed of 8 members:

(1) One (1) member shall be the Metro Councilor, whose district includes the site of the former St. Johns Landfill.

(2) Seven (7) members appointed by the ~~Executive Officer~~Council President. One member each shall reside within the following neighborhood boundaries, which neighborhood boundaries are determined by the City of Portland:

- (A) St. Johns
- (B) Cathedral Park
- (C) Portsmouth
- (D) Overlook
- (E) Arbor Lodge
- (F) Kenton
- (G) University Park

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.150 Investment Advisory Board (IAB)

(a) Purpose. An Investment Advisory Board is required by Oregon law. The IAB's purpose, membership and duties are provided for in Metro Code Section 2.06.030(b). These provisions are subject to annual re-adoption by the Council and therefore the provisions of this chapter do not apply to the IAB.

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.160 Regional Parks and Greenspaces Advisory Committee (RPGAC)

- (a) Purpose. The purpose of the Regional Parks and Greenspaces Advisory Committee is to:
- (1) Review, comment and make recommendations to the ~~Metro Executive Officer~~Chief Operating Officer and Council on the policies, plans, programs, and proposed annual budget for the Regional Parks and Greenspaces Department.
 - (2) The RPGAC replaces the Greenspaces Policy Advisory Committee and Multnomah County Parks Advisory Committee.

- (3) Coordinates its meetings, agendas, work tasks with the Greenspaces Technical Advisory Committee (GTAC).
 - (4) Makes recommendations on implementation activities for the Greenspaces Master Plan, and Greenspaces Bond Measure (when one is passed by the voters) to the Metro ~~Executive Officer~~ Chief Operating Officer and Council.
 - (5) Recommends actions related to Metro's management and operations of Regional Parks and Greenspaces.
- (b) Membership. The RPGAC shall be composed of:
- (1) Eleven voting members and one non-voting member who shall be a Metro Councilor. Appointments, ~~except for the ex-officio Metro Council member,~~ shall be made by the ~~Executive Officer~~ Council President and require confirmation. ~~The ex-officio Metro Council member shall be appointed by the Presiding Officer for a two-year term.~~
 - (2) Seven voting members (one residing in each of the seven Metro Council Districts) from within Metro's boundaries.
 - (3) One voting member residing in Clackamas County, but outside of Metro's boundaries.
 - (4) One voting member residing in Multnomah County, but outside of Metro's boundaries.
 - (5) One voting member residing in Washington County, but outside of Metro's boundaries.
 - (6) One voting member residing in Clark County (to retain the bi-state nature of the Greenspaces planning effort).

- (7) The chair of the RPGAC will come from the voting membership of the RPGAC. ~~The first chair shall be designated by the Metro Executive Officer, confirmed by the Council, serving a one-year term. After this initial period, the~~The RPGAC shall elect its chair from its membership, held by a majority vote. The chair of the Committee will be elected on an annual basis.

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.170 Rate Review Committee (RRC)

(a) Purpose. The Solid Waste Rate Review Committee (RRC) is established for the following purposes:

- (1) To enhance the credibility of solid waste disposal rates and the rate setting process.
- (2) To provide a rational, consistent, stable and predictable process for establishing solid waste disposal rates.
- (3) To make recommendations to the Metro Council regarding proposed solid waste disposal rates.
- (4) The RRC has the authority and responsibility to review and make recommendations to the Metro Council regarding:
 - (A) Proposed solid waste disposal rates and charges at facilities owned, operated or under contract to Metro (*see* Metro Code chapter 5.02) and at Metro franchised facilities as provided under the terms of a franchise agreement (*see* Metro Code chapter 5.01);
 - (B) All policy and technical issues related to solid waste disposal rate setting;
 - (C) Direct and indirect expenses included in proposed solid waste disposal rates before the committee; and

(D) Any technical analysis of proposed rates or rate setting procedures, developed by Metro staff or a consultant to Metro, for facilities under the purview of the committee.

(b) Membership. The RRC shall be composed of seven members as follows:

- (1) One Metro Councilor, who shall serve as committee chair.
- (2) Two persons engaged in the business of hauling solid waste.
- (3) One person with business-related financial experience.
- (4) One person with experience in establishing rates.
- (5) One person involved with a local recycling or waste reduction program.
- (6) One citizen ratepayer.
- (7) ~~The Metro Councilor serving on the committee shall be appointed by the Council Presiding Officer.~~ All other members shall be appointed by the Executive ~~Officer~~ Council President, subject to confirmation by the Metro Council.

(c) Meetings and Scheduling:

- (1) The committee shall meet at least once every two months, unless a majority of the committee establishes otherwise.
- (2) All rates impacting Metro's budget shall be reviewed on a time line intended to facilitate simultaneous council adoption of the rates and proposed budget in early May. At the beginning of the annual process leading to adoption of Metro rates, the solid waste department shall present to the committee an overview of the process and prior rate-setting efforts, anticipated deadlines, and related data.

- (3) Committee review of all other rates within the purview of the committee shall be scheduled in a manner likely to result in timely consideration by the council.

(d) Rate Review Criteria:

- (1) In reviewing and making recommendations to the Council regarding solid waste disposal rates impacting Metro's budget, the committee shall apply criteria established by resolution of the Council. The Council shall review the established criteria annually, and make revisions as necessary. The committee may recommend to the Council changes in established criteria deemed appropriate by the committee.
- (2) In reviewing and making recommendations to the council regarding rates charged by a Metro-franchised solid waste facility under the purview of the committee, the committee shall comply with Metro Code section 5.01.170.

(Ordinance No. 00-860A, Sec. 1.)

2.19.180 Transportation Policy Alternatives Committee (TPAC)

(a) Purpose. The purpose of the Transportation Policy Alternatives Committee (TPAC) is to provide technical and policy input to JPACT and the Metro Council with the following responsibilities:

- (1) Review the Unified Work Program (UWP) and prospectus for transportation planning.
- (2) Monitor and provide advice concerning the transportation planning process to ensure adequate consideration of regional values such as land use, economic development, and other social, economic and environmental factors in plan development.
- (3) Advise on the development of the Regional Transportation Plan in accordance with the Intermodal Surface Transportation Efficiency Act (ISTEA), the L.C.D.C. Transportation Planning Rule, the ~~1992~~ Metro Charter and the adopted 2040 Growth Concept.

- (4) Advise on the development of the Transportation Improvement Program (TIP) in accordance with ISTEA.
- (5) Review projects and plans affecting regional transportation.
- (6) Advise on the compliance of the regional transportation planning process with all applicable federal requirements for maintaining certification.
- (7) Develop alternative transportation policies for consideration by JPACT and the Metro Council.
- (8) Review local comprehensive plans for their transportation impacts and consistency with the Regional Transportation Plan.
- (9) Recommend needs and opportunities for involving citizens in transportation matters.
- (10) The responsibilities of TPAC with respect to air quality planning are:
 - (A) Review and recommend project funding for controlling mobile sources of particulates, CO, HC and NOx.
 - (B) Review the analysis of travel, social, economic and environmental impacts of proposed transportation control measures.
 - (C) Review and provide advice (critique) on the proposed plan for meeting particulate standards as they relate to mobile sources.
 - (D) Review and recommend action on transportation and parking elements necessary to meet federal and state clean air requirements.

(b) Membership. Notwithstanding the provisions of Section 2.19.003, memberships and appointments to TPAC are controlled by these provisions:

- (1) Representatives from local jurisdictions, implementing agencies and citizens as follows:

City of Portland	1
Clackamas County	1
Multnomah County	1
Washington County	1
Clackamas County Cities	1
Multnomah County Cities	1
Washington County Cities	1
Oregon Department of Transportation	1
Washington State Department of Transportation	1
Southwest Washington Regional Transportation Council	1
Port of Portland	1
Tri-Met	1
Oregon Department of Environmental Quality	1
Metro (Non-Voting)	2
Citizens	6
TOTAL	21

In addition, the City of Vancouver, Clark County, C-TRAN, Federal Highway Administration, Federal Aviation Administration (FAA), Federal Transit Administration (FTA), and Washington Department of Ecology may appoint an associate member without a vote. Additional associate members without vote may serve on the Committee at the pleasure of the Committee.

- (2) Each member shall serve until removed by the appointing agency. Citizen members shall serve for two years and can be re-appointed.
- (3) Alternates may be appointed to serve in the absence of the regular member.
- (4) Representatives (and alternatives if desired) of the Counties and the City of Portland shall be appointed by the presiding executive of their jurisdiction/agency).
- (5) Representatives (and alternates if desired) of Cities within a County shall be appointed by means of a consensus of the Mayors of those cities. It shall be the responsibility of the representative to coordinate with the cities within his/her county.

- (6) Citizen representatives and their alternates will be nominated through a public application process, ~~confirmed by the Metro Council, and Metro representatives~~ (non-voting) appointed by the Presiding Officer of the Metro Council Council President, and subject to confirmation by the Metro Council.
- ~~(7) Metro representatives (non-voting) shall be appointed one each by the Metro Executive Officer and Council Presiding Officer.~~
- (87) Each member or alternate of the Committee, except associate members, shall be entitled to one vote on all issues presented at regular and special meetings at which the member or alternate is present.
- (98) The Chairperson shall have no vote.

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.190 Water Resources Policy Advisory Committee (WRPAC)

(a) Purpose. The purpose of the Water Resources Policy Advisory Committee (WRPAC) shall be to advise the Metro Council, ~~Executive Officer and the Chief Operating Officer and staff on~~ policy and technical matters related to multi-objective watershed management. These policies will strive to manage watersheds to protect, restore and ensure, to the maximum extent practicable, the integrity of streams, wetlands and floodplains and their multiple biological physical and social values. Specific responsibilities include:

- (1) Assist Metro Council in the development of water resource policies and plans and their periodic review.
- (2) Provide guidance to the ~~Executive Officer~~ Chief Operating Officer and Metro staff on the conduct of Metro's water resources planning program:
- (3) Coordinating, facilitating and supporting water resource planning and management activities of local, regional, state and federal agencies.

- (4) Periodic review of the "208" Plans.
- (5) Ensuring adequate citizen participation in the water resources planning and management process.
- (6) Provide guidance to the Metro Council, ~~Executive Officer~~ and Chief Operating Officer and Metro staff in the development of water resources policies, plans and technical documents related to growth management planning, including the Regional 2040 program and the Regional Framework Plan.

(b) Membership. The Committee shall consist of representatives of the following jurisdictions and agencies:

(1) Voting Members.

(A) Metro Councilor (Chair)

(B) Management Agencies (One vote each):

	Tualatin Watershed	Clackamas Watershed	Lower Willamette Watershed
Water Supply	TVWD	Clackamas River Water District	Portland Water Bureau
Wastewater	USA*	Oak Lodge	Gresham
Surface Water			
• Urban	USA*	Clackamas County	Portland BES
• Agri-culture	Washington SWCD	Clackamas County SWCD	East Multnomah SWCD
			West Multnomah SWCD

*USA has only one vote

(C) Special Interests (One Vote Each):

Environmental:

Oregon Environmental Council
Portland Audubon Society
Environmental Member-At-Large
Fishery Interest

Additional Cities:

One city for Clackamas County
One city for Washington County

Metro Greenspaces Advisory Committee:

Chair

Industrial Organization:

Homebuilders Association
High Tech Business
Nursery Operator Business

Citizens:

Tualatin Watershed
Clackamas Watershed
Lower Willamette Watershed
Developer

Total Voting Members: 27

(2) Non-Voting Members:

Dept. of Land Conservation and Development
US Army Corp of Engineers
Port of Portland
Environmental Protection Agency
Portland General Electric
National Estuary Program

Oregon Dept. of Environmental Quality
Oregon Water Resources Dept.
Oregon Dept. of Agriculture
Oregon Dept. of Forestry
Oregon Dept. of Fish and Wildlife
US Fish & Wildlife Service
Natural Resources Conservation Seat

Total Non-Voting Members: 13

(c) Appointment and Tenure.

- (1) Each jurisdiction or agency shall nominate a representative and an alternate who will serve in the absence of the representative. In the case of representatives of multiple jurisdictions or agencies the nominations will be made by a poll of those represented.
 - (A) When action is about to take place to fill a pending vacancy, the vacancy will be listed as WRPAC agenda item, prior to solicitation of nominees.
 - (B) All representatives and their alternatives must be appointed by the ~~Executive Officer~~Council President and are subject to confirmation by Metro Council.
 - (C) Upon absence from three (3) consecutive, regularly scheduled meetings, the nominating jurisdiction or agency shall be requested to nominate a new representative. Attendance by an alternate shall not be grounds for waiver of this requirement.
 - (D) Each representative and alternate is responsible for informing and networking with the entities they represent in order to fully inform all parties and solicit their input on matters pertaining to committee work and decisions.

(Ordinance No. 00-860A, Sec. 1.)

2.19.200 Tax Study Committee

(a) Creation and Purpose. Before considering the imposition of any new tax or taxes, which do not require prior voter approval under the Charter, the Council shall create a tax study committee by adoption of a resolution. The purpose of a tax study committee shall be to consult with and advise the Council regarding adoption of these taxes. The resolution shall state the purpose for the creation of the committee, shall include a scope of work, the members of the committee, the staffing arrangement for the committee, and the length of time for the committee to complete its work.

(b) Committee Composition and Size. A committee shall consist of no more than 11 appointed members, plus the ~~executive officer~~ Council President and Chief Operating Officer and the ~~presiding officer~~ as ex-officio non-voting members. The membership of the committee shall be representative of the general population, and from any businesses and the governments of cities and counties, special districts and school districts within Metro.

(c) Appointments. The ~~Executive Officer~~ Council President shall appoint members of the committee subject to confirmation by the Council in the creating resolution. The ~~Executive Officer~~ Council President shall designate the chair and vice-chair of the committee at the time of appointment. If a vacancy occurs during the time a study committee is functioning, the position shall be filled in the same manner as the original appointment and confirmation.

(d) Final Report. Upon completion of the scope of work, a committee shall submit a final report to the Council on the activities and recommendations of the committee. The Council may, upon request of the committee, extend the time of that committee to submit its final report. In no event shall the time be extended longer than six months from the original termination date of the committee. If a committee is unable to agree on a final report, then the chair of the committee shall inform the Council in writing of that conclusion.

(Ordinance No. 00-860A, Sec. 1.)

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 02-955, FOR THE PURPOSE OF AMENDING CHAPTER 2.19 OF THE METRO CODE TO CONFORM TO THE CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000

Date: June 4, 2002

Presented by: Council Governmental Affairs Committee

Background

The Metro Charter amendments approved by the voters at the 2000 general election created the Office of Council President and Chief Operating Officer, and abolished the Offices of the Executive Officer and Council Presiding Officer, effective January 6, 2003. The current Presiding Officer and Executive Officer established an advisory task force to make recommendations concerning the implementation of the charter amendments. An proposed ordinance was prepared to implement the task force recommendations relating to the effect of the charter amendments of the various Metro advisory committees established in Metro Code Chapter 2.19.

Analysis/Information

Legal Background. In 2001, the Council adopted the provisions of Metro Code Chapter 2.19 to clarify the terms, functions and responsibilities of 12 Metro advisory committees in a single Code Chapter. Previously, the authority and role of these committees were established at various times and where scattered throughout the Metro Code. Generally, the appointment authority for these committees rested with the Executive Officer and some of the appointments were subject to Council confirmation.

Anticipated Effect. The proposed ordinance addresses the need to make technical changes in the appointment authority and administration of the advisory committees subject to the provisions of Metro Code Chapter 2.19. The ordinance would transfer the committee appointment authority from the abolished position of Executive Officer to the newly created Council President position. Various administrative functions related to the operation of the committees would be transferred from the Executive Officer to the new Chief Operating Officer. The Council President would be responsible for the administration of the committee membership recruitment process. In addition, the ordinance provides that the MPAC, JPACT, and MCCI would report directly to the Council and the Council President.

Known Opposition. None

Budget Impact. None, unless the administration of the committee membership recruitment process requires additional staff.

Recommended Action. Council adoption of the proposed ordinance.

Agenda Item Number 6.1

Ordinance No. 02-940A, Adopting the Annual Budget for Fiscal Year 2002-03, Making Appropriations and Levying Ad Valorem Taxes, and Declaring an Emergency.

Second Reading

**Metro Council Meeting
Thursday, June 13, 2002
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE)	ORDINANCE NO. 02-940A
ANNUAL BUDGET FOR FISCAL YEAR 2002-)	
03, MAKING APPROPRIATIONS, AND)	
LEVYING AD VALOREM TAXES, AND)	Introduced by
DECLARING AN EMERGENCY)	Mike Burton, Executive Officer

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 2002, and ending June 30, 2003; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The "Fiscal Year 2002-03 Metro Budget," in the total amount ~~THREE HUNDRED TWENTY SEVEN MILLION THREE HUNDRED FOURTY TWO THOUSAND FOUR HUNDRED (\$327,342,400)~~ THREE HUNDREDFIFTY NINE MILLION SIX HUNDRED SIXTY FIVE THOUSAND EIGHT HUNDRED SIXTY ONE (\$359,665,861) DOLLARS, attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, at the rate of \$0.0966 per thousand dollars of assessed value for Zoo operations and in the amount of SIXTEEN MILLION SEVEN HUNDRED NINETY SEVEN THOUSAND THREE HUNDRED EIGHT FIVE (\$16,797,385) DOLLARS for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2002-03. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from the <u>Limitation</u>
Zoo Tax Rate Levy	\$0.0966/\$1,000	
General Obligation Bond Levy		\$16,797,385

3. The Smith & Bybee Lakes Trust Fund is hereby renamed the Smith & Bybee Lakes Fund. The purpose of the fund remains the same.

4. The Regional Parks Trust Fund is hereby renamed the Regional Parks Special Accounts Fund. The purpose of the fund remains the same.

5. The Council hereby authorizes the Metropolitan Exposition-Recreation Commission (MERC) to enter into an installment payment contract with the City of Portland to pay MERC's obligation for its share of a Local Improvement District to construct a pedestrian walkway on the Steel Bridge. The principal amount of this obligation shall not exceed \$204,545.45, and may be paid in semi-annual installments for up to 20 years.

6. The Council hereby authorizes the Metropolitan Exposition-Recreation Commission (MERC) to enter into installment payment contracts with the City of Portland to pay MERC's obligation for its share of a Local Improvement District to finance the Portland Streetcar Phase 1 project. The principal amount of this obligation shall not exceed \$109,119.00, and may be paid in semi-annual installments for up to 20 years.

567. In accordance with Section 2.02.~~125~~040 of the Metro Code, the Metro Council hereby authorizes 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, 2001~~2~~, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

678. The Executive Officer shall make the filings as required by ORS 294.555 and ORS 310.060, or as requested by the Assessor's Office of Clackamas, Multnomah, and Washington Counties.

789. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins July 1, 2002, and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council on this _____13th day of June, 2002.

Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 02-940 ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2002-03, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES, AND DECLARING AN EMERGENCY

Date: February 11, 2002

Presented by: Mike Burton
Executive Officer

BACKGROUND

I am forwarding to the Council for consideration and approval my proposed budget for Fiscal Year 2002-03.

Council action, through Ordinance No. 02-940 is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Council to adopt this plan must be completed by June 30, 2002.

Once the budget plan for Fiscal Year 2002-03 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 any fund's appropriations in the period between Council approval and adoption.

Exhibits B and C of the Ordinance will be available at the public hearing on March 7, 2002.

ANALYSIS/INFORMATION

1. **Known Opposition** – Council hearings will be held on the Proposed Budget during the months of March and April 2002. Several opportunities for public comments will be provided. Opposition to any portion of the budget will be identified during that time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Tax Supervising and Conservation Commission by May 15, 2002. The Commission will conduct a hearing during June 2002 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.
3. **Anticipated Effects** – Adoption of this ordinance will put into effect the annual FY 2002-03 budget, effective July 1, 2002.
4. **Budget Impacts** – The total amount of the proposed FY 2002-03 annual budget is \$327,342,400.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 02-940.

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Agenda Item Number 6.2

Ordinance No. 02-948, For the Purpose of Amending the FY 2001-02 Budget and Appropriations Schedule by Transferring Appropriations from Capital Outlay and Contingency in the MERC Operating Fund to Interfund Transfers and Transferring Those Resources in the MERC Pooled Capital Fund, and Declaring an Emergency.

Second Reading

Metro Council Meeting
Thursday, June 13, 2002
Metro Council Chamber

BEFORE THE METRO COUNCIL

AN ORDINANCE FOR THE PURPOSE OF)
AMENDING THE FY 2001-02 BUDGET AND)
APPROPRIATIONS SCHEDULE BY TRANSFERRING)
APPROPRIATIONS FROM CAPITAL OUTLAY AND)
CONTINGENCY IN THE MERC OPERATING FUND)
TO INTERFUND TRANSFERS AND TRANSFERRING)
THOSE RESOURCES TO THE MERC POOLED)
CAPITAL FUND; AND DECLARING AN)
EMERGENCY)

ORDINANCE NO. 02-948

Introduced by Mike Burton,
Executive Officer

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations within the FY 2001-02 Budget; and

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

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2001-02 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibit A and B to this Ordinance for the purpose of transferring \$344,000 from Capital Outlay to Interfund Transfers in the MERC Operating Fund and transferring that \$344,000 to the MERC Pooled Capital Fund, Unappropriated Balance to reflect the change in accounting for capital expenditures.
2. That the FY 2001-02 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibit A and B to this Ordinance for the purpose of transferring \$200,000 from Contingency to Interfund Transfers in the MERC Operating Fund and transferring that \$200,000 to the MERC Pooled Capital Fund, Unappropriated Balance to provide funding for an unforeseen repair.
3. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____, 2002.

Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

Exhibit A
Ordinance No.02-948

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
MERC Operating Fund							
Total MERC Operating Fund							
<i>Resources</i>							
TOTAL RESOURCES			\$44,536,508		\$0		\$44,536,508
<i>Personal Services</i>							
Total Personal Services		146.70	\$11,905,992	0.00	\$0	146.70	\$11,905,992
<i>Materials & Services</i>							
Total Materials & Services			\$14,272,546		\$0		\$14,272,546
<i>Debt Service</i>							
Total Debt Service			\$17,700		\$0		\$17,700
<i>Capital Outlay</i>							
<i>CAPNON Capital Outlay (Non-CIP Projects)</i>							
5720	Buildings & Related (non-CIP)		90,500		(90,500)		0
5740	Equipment & Vehicles (non-CIP)		253,500		(253,500)		0
<i>CAPCIP Capital Outlay (CIP Projects)</i>							
Total Capital Outlay			\$344,000		(\$344,000)		\$0
TOTAL REQUIREMENTS		146.70	\$26,540,238	0.00	(\$344,000)	146.70	\$26,196,238
<i>Interfund Transfers</i>							
<i>INTCHG Internal Service Transfers</i>							
5800	Transfer for Indirect Costs				0		
	* to Support Services Fund		1,499,848		0		1,499,848
	* to Risk Management Fund - Liability		136,822		0		136,822
	* to Risk Management Fund - Workers Comp.		66,937		0		66,937
<i>EQTCHG Fund Equity Transfers</i>							
5810	Transfer of Resources				0		
	* to MERC Pooled Capital		800,000		544,000		1,344,000
	* to Revenue Bond Fund		908,625		0		908,625
Total Interfund Transfers			\$3,412,232		\$544,000		\$3,956,232
<i>Contingency and Ending Balance</i>							
<i>CONT Contingency</i>							
5999	Contingency		913,020		(200,000)		713,020
<i>UNAPP Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance		13,671,018		0		13,671,018
Total Contingency and Ending Balance			\$14,584,038		(\$200,000)		\$14,384,038
TOTAL REQUIREMENTS		146.70	\$44,536,508	0.00	\$0	146.70	\$44,536,508

**Exhibit A
Ordinance No.02-948**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
MERC Operating Fund							
Expo Center (For Information Only)							
<i>Resources</i>							
TOTAL RESOURCES			\$8,006,883		\$0		\$8,006,883
<i>Personal Services</i>							
Total Personal Services		14.10	\$1,209,548	0.00	\$0	14.10	\$1,209,548
<i>Materials & Services</i>							
Total Materials & Services			\$3,033,770		\$0		\$3,033,770
<i>Capital Outlay</i>							
<i>CAPNON Capital Outlay (Non-CIP Projects)</i>							
5720	Buildings & Related (non-CIP)		38,500		(38,500)		0
5740	Equipment & Vehicles (non-CIP)		81,000		(81,000)		0
Total Capital Outlay			\$119,500		(\$119,500)		\$0
TOTAL REQUIREMENTS		14.10	\$4,362,818	0.00	(\$119,500)	14.10	\$4,243,318
<i>Interfund Transfers</i>							
<i>INTCHG Internal Service Transfers</i>							
5800	Transfer for Indirect Costs						
	* to Support Services Fund		199,576		0		199,576
	* to Risk Management Fund - Liability		18,206		0		18,206
	* to Risk Management Fund - Workers Comp.		8,907		0		8,907
5820	Transfer for Direct Costs		0		0		0
<i>EQTCHG Fund Equity Transfers</i>							
5810	Transfer of Resources						
	* to MERC Pooled Capital		0		119,500		119,500
	* to Convention Center Project Capital Fund		0		0		0
	* to Revenue Bond Fund		908,625		0		908,625
Total Interfund Transfers		\$0	\$1,135,314	\$0	\$119,500	\$0	\$1,254,814
<i>Contingency and Ending Balance</i>							
<i>CONT Contingency</i>							
5999	Contingency		149,873		0		149,873
<i>UNAPP Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance		2,358,878		0		2,358,878
Total Contingency and Ending Balance			\$2,508,751		\$0		\$2,508,751
TOTAL REQUIREMENTS		14.10	\$8,006,883	0.00	\$0	14.10	\$8,006,883

Exhibit A
Ordinance No.02-948

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
MERC Operating Fund							
Oregon Convention Center (For Information Only)							
<i>Resources</i>							
						0	
TOTAL RESOURCES			\$25,255,658		\$0		\$25,255,658
<i>Personal Services</i>							
Total Personal Services		96.05	\$5,893,673	0.00	\$0	96.05	\$5,893,673
Total Materials & Services			\$8,646,127		\$0		\$8,646,127
<i>Debt Service</i>							
Total Debt Service			\$3,600		\$0		\$3,600
<i>Capital Outlay</i>							
<i>CAPNON Capital Outlay (Non-CIP Projects)</i>							
5720	Buildings & Related (non-CIP)		52,000		(52,000)		0
5740	Equipment & Vehicles (non-CIP)		172,500		(172,500)		0
Total Capital Outlay			\$224,500		(\$224,500)		\$0
TOTAL REQUIREMENTS		96.05	\$14,767,900	0.00	(\$224,500)	96.05	\$14,543,400
<i>Interfund Transfers</i>							
<i>INTCHG Internal Service Transfers</i>							
5800	Transfer for Indirect Costs						
	* to Support Services Fund		786,211		0		786,211
	* to Risk Management Fund - Liability		71,721		0		71,721
	* to Risk Management Fund - Workers Comp.		35,088		0		35,088
5820	Transfer for Direct Costs		0		0		0
<i>EQTCHG Fund Equity Transfers</i>							
5810	Transfer of Resources						
	* to MERC Pooled Capital		0		224,500		224,500
Total Interfund Transfers		\$0	\$893,020	\$0	\$224,500	\$0	\$1,117,520
<i>Contingency and Ending Balance</i>							
<i>CONT Contingency</i>							
5999	Contingency		563,147		0		563,147
<i>UNAPP Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance		9,031,591		0		9,031,591
Total Contingency and Ending Balance			\$9,594,738		\$0		\$9,594,738
TOTAL REQUIREMENTS		96.05	\$25,255,658	0.00	\$0	96.05	\$25,255,658

**Exhibit A
Ordinance No.02-948**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
MERC Operating Fund							
Portland Center for the Performing Arts (For Information Only)							
<i>Resources</i>							
						0	
TOTAL RESOURCES			\$9,296,912			\$0	\$9,296,912
<i>Personal Services</i>							
Total Personal Services		26.55	\$4,008,517	0.00		\$0	26.55 \$4,008,517
<i>Materials & Services</i>							
Total Materials & Services			\$2,209,848			\$0	\$2,209,848
<i>Debt Service</i>							
Total Debt Service			\$14,100			\$0	\$14,100
TOTAL REQUIREMENTS		26.55	\$6,232,465	0.00		\$0	26.55 \$6,232,465
<i>Interfund Transfers</i>							
<i>INTCHG Internal Service Transfers</i>							
5800	Transfer for Indirect Costs						
	* to Support Services Fund		514,061			0	514,061
	* to Risk Management Fund - Liability		46,895			0	46,895
	* to Risk Management Fund - Workers Comp.		22,942			0	22,942
<i>EQTCHG Fund Equity Transfers</i>							
5810	Transfer of Resources						
	* to MERC Pooled Capital		0		200,000		200,000
Total Interfund Transfers		\$0	\$583,898	\$0	\$200,000	\$0	\$783,898
<i>Contingency and Ending Balance</i>							
<i>CONT Contingency</i>							
5999	Contingency		200,000		(200,000)		0
<i>UNAPP Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance		2,280,549		0		2,280,549
Total Contingency and Ending Balance			\$2,480,549		(\$200,000)		\$2,280,549
TOTAL REQUIREMENTS		26.55	\$9,296,912	0.00		\$0	26.55 \$9,296,912

**Exhibit A
Ordinance No.02-948**

ACCT DESCRIPTION	Current Budget		Revision		Amended Budget	
	FTE	Amount	FTE	Amount	FTE	Amount
MERC Pooled Capital Fund						
Pooled Capital						
<u>Resources</u>						
<i>BEGBA Beginning Fund Balance</i>						
* Prior year ending balance		5,384,174		0		5,384,174
<i>GVCNT Contributions from Governments</i>						
4145 Government Contributions		300,000		0		300,000
<i>INTRST Interest Earnings</i>						
4700 Interest on Investments		225,000		0		225,000
<i>EQTRE Fund Equity Transfers</i>						
4970 Transfer of Resources						
* from OCC		0		224,500		224,500
* from Civic Stadium		800,000		0		800,000
* from PCPA		0		200,000		200,000
* from Expo Center		0		119,500		119,500
TOTAL RESOURCES		#####		\$544,000		#####
<u>Personal Services</u>						
<i>SALWG Salaries & Wages</i>						
5010 Reg Employees-Full Time-Exempt						
Capital Projects Assistant	0.35	12,500	0.00	0	0.35	12,500
Construction/Capital Projects M.20		12,500	0.00	0	0.20	12,500
5089 Merit/Bonus Pay		1,750		0		1,750
<i>FRINGE Fringe Benefits</i>						
5100 Fringe Benefits		6,821		0		6,821
Total Personal Services	0.55	\$33,571	0.00	\$0	0.55	\$33,571
<u>Materials and Services</u>						
<i>GOODS Goods</i>						
5205 Operating Supplies		25,000		0		25,000
<i>SVCS Services</i>						
5260 Maintenance & Repair Services		620,000		0		620,000
Total Materials and Services		\$645,000		\$0		\$645,000
<u>Capital Outlay</u>						
<i>CAPCIC Capital Outlay (CIP Projects)</i>						
5725 Buildings & Related (CIP)		2,410,000		0		2,410,000
Total Capital Outlay		#####		\$0		#####
<u>Contingency and Ending Balance</u>						
<i>CONT Contingency</i>						
5999 Contingency		928,400		0		928,400
<i>UNAPP Unappropriated Fund Balance</i>						
5990 Unappropriated Fund Balance		2,692,203		544,000		3,236,203
Total Contingency and Ending Balance		#####		\$544,000		#####
TOTAL REQUIREMENTS	0.55	#####	0.00	\$544,000	0.55	#####

Exhibit B

Ordinance No. 02-948

FY 2001-02 SCHEDULE OF APPROPRIATIONS

	Current		Amended
	Appropriation	Revision	Appropriation
MERC OPERATING FUND			
Operating Expenses (PS & M&S)	\$26,178,538	\$0	\$26,178,538
Debt Service	17,700	0	17,700
Capital Outlay	344,000	(344,000)	0
Interfund Transfers	3,412,232	544,000	3,956,232
Contingency	913,020	(200,000)	713,020
Unappropriated Balance	13,671,018	0	13,671,018
Total Fund Requirements	\$44,536,508	\$0	\$44,536,508
MERC POOLED CAPITAL FUND			
Operating Expenses (PS & M&S)	\$678,571	\$0	\$678,571
Capital Outlay	2,410,000	0	2,410,000
Interfund Transfers	0	\$0	0
Contingency	928,400	0	928,400
Unappropriated Balance	2,692,203	544,000	3,236,203
Total Fund Requirements	\$6,709,174	\$544,000	\$7,253,174
ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED			

STAFF REPORT

CONSIDERATION OF ORDINANCE 02-948 FOR THE PURPOSE OF AMENDING THE FY 2001-02 BUDGET AND APPROPRIATIONS SCHEDULE BY TRANSFERRING APPROPRIATIONS FROM CAPITAL OUTLAY AND CONTINGENCY IN THE MERC OPERATING FUND TO INTERFUND TRANSFERS AND TRANSFERRING THOSE RESOURCES TO THE MERC POOLED CAPITAL FUND, AND DECLARING AN EMERGENCY.

Date: May 13, 2002

Presented by: Bryant Enge

DESCRIPTION

The proposed amendment calls for transferring appropriations between MERC Operating Fund Capital Outlay and Contingency to Interfund Transfers. These funds will be transferred to the MERC Pooled Capital Funds Unappropriated Balance. This action is to reflect a change in accounting and provide for an unforeseen capital expenditure at Keller Auditorium.

EXISTING LAW

ORS 294.450 provides for transfers of appropriations between funds if official resolution or ordinance of the governing body for the local jurisdiction authorizes such transfers. MERC has a need for such transfers in the MERC Operating Fund and MERC Pooled Capital Fund.

BACKGROUND

In FY 2001-02 MERC changed its budgeting for Capital Outlay from being expended out of the MERC Operating Fund to the MERC Pooled Capital Fund. The purpose of this change was to have the operating fund better demonstrate facility operations and the capital fund to account for capital purchases and capital maintenance. These funds were not moved when that policy was first put into effect generating the need for this amendment. A total of \$344,000 needs to be moved in order to comply with the change in accounting.

During FY 2001-02 Keller Auditorium's stage lift hydraulics started to leak and needed repairs. As the needed repairs were unexpected, it creates a need to move the funds from MERC Operating Contingency to MERC Pooled Capital Fund in the amount of \$200,000. This action also amends the Fiscal 2001-02 adopted CIP.

BUDGET IMPACT

The proposed amendment moves current appropriations from Capital Outlay and Contingency in the MERC Operating Fund to Unappropriated Balance in the MERC Pooled Capital Fund. Sufficient appropriation exists in the Pooled Capital Fund to pay for the unexpected repairs to Keller Auditorium, so no additional appropriation is needed in that fund. All other appropriations remain as adopted.

OUTSTANDING QUESTIONS

Through this amendment all questions are resolved regarding this fund.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 02-948

Agenda Item Number 6.3

**Ordinance No. 02-949, For the Purpose of Amending the Metro Code Section 4.01.050, and Revising Admission Fees
at the Oregon Zoo Effective January 1, 2003.**

Second Reading

**Metro Council Meeting
Thursday, June 13, 2002
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 02-949
METRO CODE SECTION 4.01.050, AND)
REVISING ADMISSIONS FEES AT THE)
OREGON ZOO EFFECTIVE JANUARY 1,) Introduced by Mike Burton, Executive Officer
2003)

WHEREAS, the Oregon Zoo periodically needs to increase admission charges to keep pace with increased operating costs; and

WHEREAS, Oregon Zoo admission fees have not been increased since January 1, 2002; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That Metro Code Section 4.01.050 is amended to read as follows:

4.01.050 Admission Fees and Policies

(a) Regular Fee Schedule

Adult (12 years and over)	\$7.50	\$8.00	
Youth (3 years through 11 years)	\$4.50	\$5.00	
Child (2 years and younger)	free		
Senior Citizen (65 years and older)	\$6.00	\$6.50	

(b) Free and Reduced Admission

- (1) The Director may set free or reduced admission rates for groups, special events, or as otherwise in accordance with this Chapter.
- (2) A free admission pass will entitle the holder only to enter the Zoo without paying an admission fee.
- (3) A reduced admission pass will entitle the holder only to enter the Zoo by paying a reduced admission fee.
- (4) Free or reduced admission passes may be issued to the following groups or individuals and shall be administered as follows:

- (A) Metro employees shall be entitled to free regular Zoo admission upon presentation of a current Metro employee identification card.
 - (B) Metro elected officials, councilors and the Metro executive officer shall be entitled to free admission.
 - (C) Free admission passes in the form of volunteer identification cards may, at the director's discretion, be issued to persons who perform volunteer work at the Zoo. Cards shall bear the name of the volunteer, shall be signed by the director, shall be non-transferable, and shall terminate at the end of each calendar year or upon termination of volunteer duty, whichever date occurs first. New identification cards may be issued at the beginning of each new calendar year for active Zoo volunteers.
- (5) Admission to the Zoo shall be free for all persons during a portion of a day each month, to be designated by the Director.

(c) Special Events

The Zoo, or portions thereof, may be utilized for special events designed to enhance Zoo revenues during hours that the Zoo is not normally open to the public. The number, nature of, and admission fees for such events shall be determined by the Zoo Director.

2. That the admission fee increase set forth above shall take effect January 1, 2003.

ADOPTED by the Metro Council this _____ day of June, 2002.

Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

STAFF REPORT

IN CONSIDERATION OF ORDINANCE 02-949 AMENDING METRO CODE SECTION 4.01.050, AND REVISING ADMISSIONS FEES AT THE OREGON ZOO EFFECTIVE JANUARY 1, 2003

Date: May 21, 2002

Prepared by: Kathy Kiaunis and Dan Cooper

BACKGROUND

A fee increase of \$.50 is proposed in the development of the Zoo's FY02-03 budget, to take effect January 1, 2003. In the past, the admission fees charged at the Zoo were increased every other year to cover the increases in operating costs at the Zoo. It was decided that admissions increases would be on hold during the construction of the Tri-Met light rail station, the reconfiguration of the main visitor parking lot, and the new entry facilities. Since the completion of those projects the first fee increase since January, 1994 was implemented on October 1, 1999. The next fee increase was not implemented until January 1, 2002.

ANALYSIS/INFORMATION

1. **Known Opposition.** None
2. **Legal Antecedents.** Metro Code Section 4.01.050 Admission Fees and Policies identifies policies on Zoo admission fees, and requires the Zoo to request an amendment to increase fees. The proposed action amends Ordinance 01-915.
3. **Anticipated Effects.** The \$.50 fee increase proposed for 2003 would bring the adult admission rate to \$8.00. This rate is still the lowest of comparable facilities on the West Coast and considerably lower than the two other AZA accredited facilities in Oregon. Since opening the new entry facilities, the Zoo has lengthened its monthly free hours as well. The free hours are well used by the community, offering assistance to families that might otherwise not be able to visit the Zoo as frequently.

West Coast Zoos and Aquarimms	Location	Adult Admission
Oregon Coast Aquarium*	Newport, Oregon	\$10.25
Wildlife Safari*	Winston, Oregon	\$14.50
Woodland Park Zoo	Seattle, Washington	\$9.50
San Diego Zoo	San Diego, California	\$19.50
San Diego Wild Animal Park	San Diego, California	\$23.85
San Francisco Zoo	San Francisco, California	\$10.00
Los Angeles Zoo	Los Angeles, California	\$8.25
Monterey Bay Aquarium	Monterey, California	\$17.95
AVERAGE		\$14.23
Oregon Zoo Proposed January 1, 2003		\$8.00

* only other AZA accredited facilities in Oregon

By code, the Zoo is required to earn at least 50% of its operating revenue. The Zoo currently earns over 60% of its operating revenue. This is a result of both strong growth in enterprise functions, such as food sales, catering, camps and classes; and property tax measures which have limited the growth of property tax revenues. Periodic fee increases are required to help defray increases in the Zoo's operating costs. The Zoo has been impacted particularly hard by increases in utility costs and benefit costs.

The Zoo's current five-year financial outlook includes the assumption that adult admission fees would rise to \$9.50 by FY06-07. The assumption included a \$.50 increase in 2005, and a \$1.00 increase in 2007, and results roughly in a 4% annual increase in admission revenues, which is designed to keep pace with anticipated expense increases. Even if comparable institutions' fees did not rise during this period, the Oregon Zoo's fee would remain among the lowest on the West Coast.

The fee structure is proposed as follows:

<u>Category</u>	<u>Current</u>	<u>Proposed</u>	<u>Increase</u>
Adult	\$7.50	\$8.00	\$.50
Children	\$4.50	\$5.00	\$.50
Seniors	\$6.00	\$6.50	\$.50

- Budget Impacts.** The additional revenue generated by the increase in admissions is estimated to total \$127,092 after excise tax for the second half of the FY 02-03 fiscal year, which will net approximately \$108,000. These additional revenues are included in the revenue estimate in the FY 02-03 budget. This estimate is based on attendance of 1,250,000, and will vary with actual attendance.

RECOMMENDED ACTION

The Executive Officer recommends that the Council adopt Ordinance No. 02-949.

Resolution No. 02-3185, For the Purpose of Authorizing the Issuance of a Request for Proposals, No. 02-1020-REM, for the Design of Repairs and Improvements to the Roof and Ventilation System at Metro Central Station.

**Metro Council Meeting
Thursday, June 13, 2002
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 02- 3185
ISSUANCE OF A REQUEST FOR PROPOSALS,)	
NO. 02-1020-REM, FOR A PERSONAL SERVICES)	Introduced by Mike Burton,
CONTRACT FOR DESIGN OF REPAIRS AND)	Executive Officer
IMPROVEMENTS TO THE ROOF AND)	
VENTILATION SYSTEM AT METRO CENTRAL)	
STATION)	

WHEREAS, Metro owns the Metro Central Transfer Station, a solid waste facility located in Northwest Portland; and,

WHEREAS, a Metro renewal and replacement study, dated December 2001, has specified that the roof and ventilation system of the Metro Central Transfer Station require repairs and improvements; and,

WHEREAS, the Metro Council has assigned funds in the Metro Fiscal Year 2001-02 budget for the expenses of procuring a design for the repairs and improvements; and,

WHEREAS, the staff of the Regional Environmental Management Department has recommended the retention of a design firm to design a replacement for the existing roof and ventilation system at the Metro Central Transfer Station; and,

WHEREAS, Metro Code Section 2.04.026 requires approval for the release of requests for proposals for all contracts for personal services for a term greater than 12 months and in an amount greater than \$50,000; and,

WHEREAS, Metro Code Section 2.04.044 requires certain processes for procurement of personal services contracts in amounts greater than \$50,000; and,

WHEREAS, this Resolution was submitted to the Executive Officer for consideration and was forwarded to the Metro Council for its approval; now, therefore,

BE IT RESOLVED, that the Metro Council hereby authorizes the issuance of the attached Request for Proposal for a personal services agreement for the design of the roof and ventilation system at the Metro Central Transfer Station, (" Exhibit A") and further authorizes the Executive Officer to execute a contract with the most responsive proposer in a form substantially similar to the contract contained in Exhibit A.

ADOPTED by the Metro Council this _____ day of _____, 2002.

Carl Hosticka, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Exhibit A
Resolution No. 02-3185

**REQUEST FOR PROPOSAL
FOR
ROOF REPLACEMENT AND VENTILATION DESIGN
FOR METRO CENTRAL TRANSFER STATION**

RFP # 02-1020-REM

Metro
Regional Environmental Management
600 NE Grand Avenue
Portland, OR 97232

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REQUEST FOR PROPOSALS
FOR
ROOF REPLACEMENT AND VENTILATION DESIGN
FOR METRO CENTRAL TRANSFER STATION

I. INTRODUCTION

The Regional Environmental Management (REM) Department of Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, is requesting proposals to design a replacement for the existing metal roof at Metro Central Transfer Station. The work will involve all phases of design required to replace the existing roof including redesign of the facility ventilation with special attention to maximizing natural lighting within the facility. **Proposals will be received at Metro's REM reception desk, Attn: Maurice Neyman, 600 NE Grand Avenue, Portland, OR 97232-2736, until 4:00 p.m. PDT, on Tuesday, June 11, 2002.** Late proposals will not be considered for selection. Details concerning the project are contained in this document. Copies of this RFP and reference material may be obtained by contacting REM at (503) 797-1650.

II. BACKGROUND/HISTORY OF PROJECT

Metro Central Transfer Station (MCS) is located at 6161 N.W. 61st Street in Portland, Oregon and can be reached by taking St. Helen's Rd. (HWY 30) to Kittridge Avenue, left on Front, left on 61st Street. MCS is one of two transfer stations owned by Metro. Approximately 900 tons of waste is received each day. Materials, which can be economically recycled, are removed from the wastestream and the remaining waste is compacted and trucked to the Columbia Ridge Landfill in Gilliam County, Oregon. MCS is operated by Browning Ferris Industries (BFI) under contract to Metro. MCS operates 24 hours per day and is most active between the hours of 5am and 7pm each day.

The transfer station is comprised of seven individual steel structures grouped together to create one 171,000sf facility. The original phase was erected in 1920 with the final two stages in 1990 and 2000 as shown on the attached drawings. The roof materials are metal and pre-painted or coated with chop glass asphalt emulsion. The roofs contain approximately 25 smoke vents, 30 10-HP exhaust fans, 6 3-HP exhaust fans and 250 translucent panels.

The facility operator and customers both complain about the noise of the current ventilation system therefore, the system remains off most of the time. Evaluation and replacement of the existing system, including analysis of noise and natural ventilation, will be required.

The renewal and replacement budget for design and construction of this project is \$2,800,000. Metro is seeking proposals from qualified architectural/engineering firms to perform the following services and to deliver the products described in Section III, Proposed Scope of Work/Schedule.

III. PROPOSED SCOPE OF WORK/SCHEDULE

Contractor shall produce a design for the roof repair/replacement including drawings and technical specifications suitable for construction. The proposed solution(s) shall include:

- ❖ Investigate roof repair and replacement options and develop a comparison analysis covering at least 4 reasonable solutions or others as requested by Metro. One of which must include eco-technologies capable of treating roof runoff.
- ❖ Evaluate the particulate/smoke and exhaust ventilation system. Analyze additional considerations regarding passive ventilation options and noise reduction. Submit recommendations to Metro for selection then incorporate into the finalized design.
- ❖ Increase the amount of natural lighting within the facility to the maximum extent possible. It is anticipated that some options may correlate with the options regarding ventilation.
- ❖ It is imperative the facility remain in operation during the construction phase of this project. It is also desirable to keep the disruption to the facility operations to a minimum.

The design shall be in accordance with the appropriate codes, regulations and industry standards including Factory Mutual requirements (Metro's insurance underwriter). It shall incorporate materials utilizing recycled content wherever possible per Metro Executive Order #47 and take advantage of any reuse and salvage materials. Design services shall also include:

- ❖ Attend initial design meeting and progress meetings with Metro as necessary.
- ❖ Produce 30% and 90% construction documents and cost estimates for review.
- ❖ Obtain plan check approvals from applicable agencies.
- ❖ Prepare 100% drawings "For Construction" and a final engineering estimate for the cost of construction.
- ❖ Submit application for all required construction permits to applicable agencies.
- ❖ Attend the pre-bid conference to address technical questions related to design.
- ❖ Attend the pre-construction conference and participate in construction progress meetings with the selected construction contractor as requested by Metro.
- ❖ Provide assistance during construction (i.e. review technical submittals, respond to Request for Information (RFI) concerning the design, etc.) to ensure adherence to the drawings and specifications. Attend weekly construction meetings.
- ❖ Compile as-built information from red line drawings and submit Metro 2 hard copies (1 B-size, 1 D-size) and one electronic copy of as-built drawings (AutoCAD R14 or 2000) for review and approval.

IV. PROPOSAL CONTENTS

- ❖ **Proposal:** Four (4) copies of the proposal shall be furnished to Metro at the address and time set forth in the INSTRUCTION to this RFP. The proposal should thoroughly describe the ability of the consultant to perform the work requested in the manner outlined below. The proposal should be double-sided, single stapled and submitted on recycled paper containing post-consumer content. **No wax page dividers or other non-recyclable materials are to be included in the proposal.**
- ❖ **Transmittal Letter:** The letter should provide an overview of the approach that will be used to accomplish the work. Include in the overview the individual that is to be the contact for the project and who has authority to sign the agreement with Metro if a contract is awarded to the firm. State that the proposal will be valid for a minimum of 90 days. Also detail which other firms will be involved in the project and their roles.
- ❖ List the specific individuals who will perform the work and their specific roles.
- ❖ Describe the individuals experience in performing similar work.
- ❖ Describe the experience of the firm and all subcontractors in performing similar work.
- ❖ Estimate the number of hours, by position and task, required to complete all phases of the work. Enclose a fee schedule for all personnel to be utilized in the project. These documents will be used to develop a Not-To-Exceed agreement with the successful proposer.
- ❖ Submit a specific work plan for the project.
- ❖ Submit a detailed design schedule to accomplish the major items of the work.
- ❖ **Exceptions and Comments:** Firms wishing to take exception to, or comment on, any specified requirements within this RFP are encouraged to document their concerns in this part of their proposal. Exceptions or comments should be succinct, thorough and organized.

V. EVALUATION OF PROPOSALS

Evaluation Process

Metro will only evaluate proposals that, in the evaluation team's sole opinion, conform to the proposal instructions.

Metro will rank proposals based on the evaluation criteria and points described below. Interviews with the top ranked firm or firms are anticipated. Time, location and format will be announced, as necessary.

Based on the overall evaluation of proposals, Metro will enter negotiations with the highest ranked firm to finalize a contract. The scoring of the evaluator, and the consequent ranking of firms, will not be permitted as grounds for appeal of the award of a contract, per Metro Code.

If Metro is unsuccessful in negotiating a contract, Metro will select the next highest ranked firm and attempt to negotiate a contract. This process will continue until a contract is recommended for award or Metro terminates the procurement.

Evaluation Criteria

- ❖ Project budget and fee schedule. 20
- ❖ Firm's experience with design of similar structures in similar applications. 20
- ❖ Individuals' experience with design of similar structures in similar applications. 35
- ❖ Project plan, scope of work and design schedule. 45

VI. GENERAL PROPOSAL/CONTRACT CONDITIONS

1. **Limitation and Award:** This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to waive minor irregularities, accept or reject any or all proposals received as the result of this request, negotiate with all qualified sources, or to cancel all or part of this RFP.
2. **RFP as Basis for Proposals:** This Request for Proposals represents the most definitive statement Metro will make concerning the information upon which Proposals are to be based. Any verbal information that is not addressed in this RFP will not be considered by Metro in evaluating the Proposal. All questions relating to this RFP should be addressed to Maurice Neyman at (503) 797-1692 or 970-8081. Any questions, which in the opinion of Metro warrant a written reply or RFP amendment, will be furnished to all parties receiving this RFP. Metro will not respond to questions received after five working days prior to the date established for the receipt of proposals.
3. **Information Release:** All proposers are hereby advised that Metro may solicit and secure background information based upon the information, including references, provided in response to this RFP. By submission of a proposal, all proposers agree to such activity and release Metro from all claims arising from such activity.
4. **Minority and Women-Owned Business Program:** In the event that any subcontracts are to be utilized in the performance of this agreement, the proposer's attention is directed to Metro Code provision 2.04.100 and 200. Copies of that document are available from the Business Services Division of Administrative Services, Metro, Metro Regional Center, 600 NE Grand Avenue, Portland, OR 97232 or call (503) 797-1816.

5. **Billing Procedures:** Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. Contractor's invoices shall include an itemized statement of the work done during the billing period, and will not be submitted more frequently than once a month. Metro shall pay Contractor within 30 days of receipt of an approved invoice.
6. **Conflict of Interest:** A Proposer filing a proposal thereby certifies that no officer, agent, or employee of Metro or Metro has a pecuniary interest in this proposal or has participated in contract negotiations on behalf of Metro; that the proposal is made in good faith without fraud, collusion, or connection of any kind with any other Proposer for the same call for proposals; the Proposer is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm.

VII. NOTICE TO ALL PROPOSERS -- STANDARD AGREEMENT

The attached personal services agreement is a standard agreement approved for use by the Metro Office of General Counsel. This is the contract the successful proposer will enter into with Metro; it is included for your review prior to submitting a proposal. Any changes in these contract provisions should be requested and clearly documented as an "exception" within the proposal. Failure to respond will be interpreted as acceptance of the standard terms and conditions for the contract and subsequent changes will not be allowed. Consider the requested exceptions carefully as they will be considered in the evaluation of proposals. Requested exceptions that cannot be resolved will result in rejection of the proposal.

ATTACHMENTS

Metro Central Station

Site Layout

Roof plan

Personal Services Agreement

S:\SHARE\ENGMETRO CENTRAL\ROOF REPLACEMENT\RFP#02-1020-REM.DOC

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, and _____ referred to herein as "Contractor," located at _____

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. **Duration.** This personal services agreement shall be effective on the last signature date below and shall remain in effect until and including _____, unless terminated or extended as provided in this Agreement.

2. **Scope of Work.** Contractor shall provide all services and materials specified in the attached "Exhibit A — Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.

3. **Payment.** Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed _____ AND _____ /100THS DOLLARS (\$ _____).

4. **Insurance.**

a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:

(1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability shall be a minimum of \$1,000,000 per occurrence. The policy must be endorsed with contractual liability coverage; and

(2) Automobile bodily injury and property damage liability insurance coverage shall be a minimum of \$1,000,000 per occurrence.

b. **Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS.** Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

c. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with

ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

d. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$1,000,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

e. Contractor shall provide Metro with a certificate of insurance complying with this article and naming Metro as an additional insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours before services under this Contract commence, whichever date is earlier.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials 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, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status

and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the State of Oregon and shall be conducted in the Circuit Court of the state of Oregon for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor seven days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

METRO

By _____

By _____

Title _____

Title _____

Date _____

Date _____

Scope of Work

1. Statement of Work.

Contractor shall perform the work and provide those services described in the RFP and the Contractor's response to the RFP dated _____. RFP responses are incorporated into this contract.

2. Modification of (if applicable)

3. Payment, Billing and Term.

Contractor shall provide the above services for a maximum price not to exceed _____ AND NO/100 DOLLARS (\$ _____.00), based upon Contractor's quotation dated _____ (see attached).

The maximum price includes all fees, costs and expenses of whatever nature. Each of Metro's payments to Contractor shall equal the percentage of the work Contractor accomplished during the billing period. Contractor's billing statement will include an itemized statement of unit prices for labor, materials and equipment, will include an itemized statement of work done and expenses incurred during the billing period, will not be submitted more frequently than once a month, and will be sent to Metro, Attention Regional Environmental Management Department. Metro will pay Contractor within 30 days of receipt of an approved statement.

In the event Metro wishes for Contractor to provide services or materials after the maximum contract price has been reached, Contractor shall provide such services or materials pursuant to amendment at the same unit prices that Contractor utilized as of the date of this Agreement, and which Contractor utilized to submit requests for payment pursuant to this Scope of Work. Metro may, in its sole discretion and upon written notice to Contractor, extend the term of this contract for a period not to exceed 12 months. During such extended term all terms and conditions of this contract shall continue in full force and effect.

MN:clk

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 02-3185, FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS, NO. 02-1020-REM, FOR A PERSONAL SERVICES CONTRACT FOR DESIGN OF REPAIRS AND IMPROVEMENTS TO THE ROOF AND VENTILATION SYSTEM AT METRO CENTRAL STATION

Date: April 19, 2002

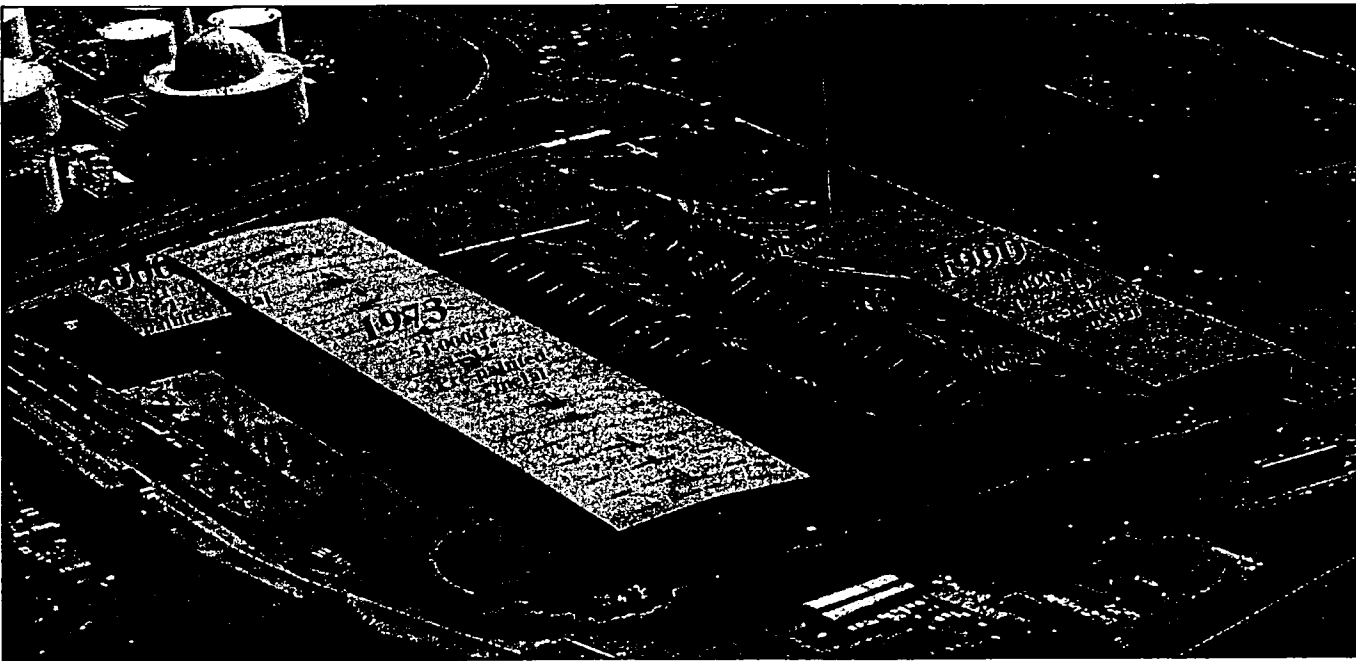
Prepared by: Maurice Neyman

BACKGROUND

Metro Central Station (MCS) is a Metro owned solid waste transfer station located in NW Portland and operated under contract by Browning Ferris Industries (BFI). It began accepting commercial and public waste in 1991 corresponding with the closure of the St. Johns Landfill located in North Portland. The facility received 328,000 tons of solid waste in 2001. Various recycling programs diverted 6.7% of the waste stream. The remainder was compacted into 30-ton slugs of waste, placed into transfer trailers and sent to the Columbia Ridge Landfill located 150 miles east of Portland near Arlington, Oregon.

The MCS facility is comprised of seven individual steel structures grouped together to create one 171,000sf facility. The original building was erected in 1920 and expanded in 1940, 1955, 1967 and 1973 with the final two stages in 1990 and 2000. The roof materials are metal, pre-painted or coated with chopped glass and asphalt emulsion and appear to be original. The roofs contain approximately 25 smoke vents, 35 exhaust fans and 250 translucent panels.

METRO CENTRAL STATION



Modifications to the roof at MCS have been included in the renewal and replacement report since 1989 and tied to the Metro bond ordinance requirements. The item has also been shown in the Capitol Improvement Plan since 1997. In 2001 URS, a local consultant, completed the Facility Master Plan and updated the renewal and replacement account which both identify the roof for replacement. Metro subsequently solicited an independent roof inspection that showed all, but the last roof installed in 2000, in "poor" condition and "requiring replacement".

In 2001, storm water sampling indicated the facility was over the allowable limit of zinc in the surface runoff. There is evidence the contamination is coming from the roof drainage, most probably from the corroded roofing materials. A roof replacement is expected to alleviate this situation although other issues will also be investigated to improve the quality of the facility's surface water runoff.

The intent of this project is to select a qualified and experienced design consultant to investigate and develop options for repairing or replacing the roof system. An experienced contractor will then be selected to complete the work. Several factors will be required in developing the design.

- ❖ Maximize the natural lighting within the facility.
- ❖ Improve ventilation and air quality inside the facility at the level public customers and facility operators perform their work.
- ❖ Minimize disruption to the operation of the facility.
- ❖ Investigate eco-technologies to solve storm water discharge issues.
- ❖ Reduce exhaust fan noise and energy requirements.

The existing 10hp up-draft roof mounted exhaust fans were not designed for the current use, or size of the facility. The current facility is completely opened on one end allowing a significant influence from natural ventilation. The existing fans are also extremely loud and inefficient. Due to their intense noise they are rarely used. The new ventilation design will utilize the natural cross ventilation, minimize noise, improve fan efficiency, thereby reducing energy consumption and improving the air quality inside the facility.

Roof access for inspection and maintenance will also be addressed. The ability to clean skylights and inspect the roof and blower units will be required on an annual basis. Appropriate and safe access to the equipment will be investigated including access to the underside of the roof and equipment.

Release of this RFP is anticipated by late May with the issuance of a design contract in early July. The RFB will be released late 2002 and the construction will follow in the spring of 2003. Estimated construction time is 6 months thereby concluding in the fall of 2003.

ANALYSIS/INFORMATION

1. Known Opposition

No known opposition.

2. Legal Antecedents

Metro Code 2.04.026(c) requires Council authorization prior to the release of proposal documents for contracts designated as having a significant impact on Metro. This project was so designated during the budget review process.

3. Anticipated Effects

The roof will be analyzed and subsequently repaired or replaced. Drainage, lighting and ventilation will all be considered in the design.

4. Budget Impacts

The current budget for design services is \$289,000. The proposed FY 2002-03 budget includes \$1.6 million for construction with an additional \$1.1 million proposed in the FY 2003-04 budget. The design services cost element of the contract is within industry standards for this type of work. Total project cost is \$3 million.

RECOMMENDED ACTION

The Executive Officer recommends approval of Resolution No. 02-3185.

S:\SHARE\ENG\METRO CENTRAL\ROOF REPLACEMENT\STAFFREP.DOC

Agenda Item Number 7.2

Resolution No. 02-3194, For the Purpose of Granting an Easement to the City of Oregon City for Non-Park Use through Metro Property on Newell Crest Drive.

**Metro Council Meeting
Thursday, June 13, 2002
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING AN) RESOLUTION NO. 02- 3194
EASEMENT TO THE CITY OF OREGON CITY)
FOR NON-PARK USE THROUGH METRO) Introduced by Mike Burton,
PROPERTY ON NEWELL CREST DRIVE) Executive Officer

WHEREAS, Metro owns and manages property in Oregon City near Newell Creek on Newell Crest Drive; and

WHEREAS, the City of Oregon City is requesting a permanent easement, next to their current easement, to build a generator enclosure for an auxiliary power source adjacent to the current wastewater pumping station as seen in Exhibit A; and

WHEREAS, the proposed permanent utility easement is 20 feet by 30 feet for the purpose of supplying power to the pump station to lift the sewage during power outages to prevent overflows into Newell Creek Canyon; and

WHEREAS, Resolution No. 97-2539B "For the Purpose of Approving General Policies Related To The Review Of Easements, Right-Of-Ways, And Leases For Non-Park Uses Through Properties Managed By The Regional Parks And Greenspaces Department" requires formal review of all easement requests by the Regional Parks and Greenspaces Advisory Committee, the Metro Natural Resources Committee and the full Metro Council; and

WHEREAS, the Metro Parks and Greenspaces Department has determined that this easement request has met the criteria in Resolution 97-2539B, as identified in Exhibit B, and can be accommodated without any impact to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management, and the Regional Parks and Greenspaces Advisory Committee has reviewed the proposal and has recommended approval and waiving of all fees for the City Of Oregon City; as requested by the City of Oregon City in Exhibit D; now therefore,

BE IT RESOLVED that the Metro Council authorizes the Executive Officer to grant a permanent easement to the City of Oregon City, as identified in Exhibit A and the attached legal easement document, Exhibit C, on the tract of land owned by Metro on Newell Crest Drive in the City of Oregon City.

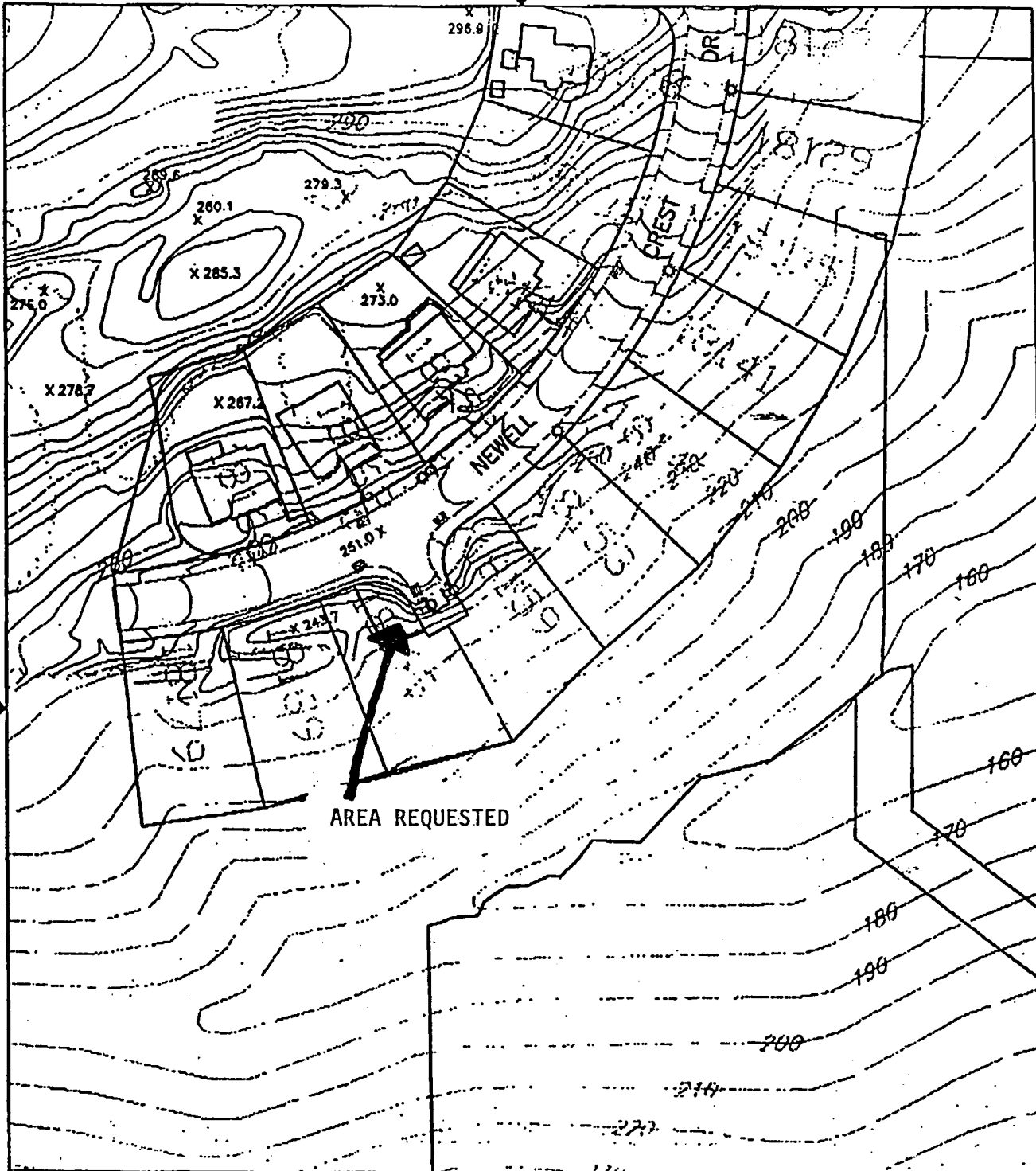
ADOPTED by the Metro Council this _____ day of _____, 2002.

Carl Hosticka, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

EXHIBIT A



AREA REQUESTED

NEWELL CREST PUMP STATION



CITY OF OREGON CITY
320 WARNER MILNE ROAD
OREGON CITY, OREGON
97045

SIZE	PROJECT NO.	DWG NO.	REV
A			
SCALE	1 1/2"		SHEET 1 OF 1

Exhibit B
Resolution No. 02-3194

Metro Easement Policy Criteria and Staff Findings

- 1) Provide for formal review of all proposed easements, rights of ways, and leases for non-park uses by the Regional Parks and Greenspaces Advisory Committee, the Regional Facilities Committee and the full Council. Notwithstanding satisfaction of the criteria set forth herein, the final determination of whether to approve a proposed easement, right of way, or lease is still subject to the review and approval by the full Metro Council.**

Staff Finding: Criterion has been satisfied through a review and approval process that includes formal easement application and approval from the Regional Parks and Greenspaces Advisory Committee. The Metro Natural Resources Committee and full Council body will review the easement prior to approval.

- 2) Prohibit the development of utilities, transportation projects and other non-park uses within corridors or on sites which are located inside of Metro owned or managed regional parks, natural areas, and recreational facilities except as provided herein.**

Staff Finding: The applicant proposes to build a generator enclosure for an auxiliary power source adjacent to the current wastewater pumping station to lift sewage during power outages to prevent overflows into Newell Creek Canyon. This will have a positive impact on this area to prevent overflow and does not impact any natural resource or park value.

- 3) Reject proposals for utility easements, transportation right of ways and leases for non-park uses which would result in significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management.**

Staff Finding: The very small increase to the current easement (600 sq. feet) will have negligible impact on park or natural resource values while preventing overflow into Newell Creek Canyon.

- 4) Accommodate utility easements, transportation right of ways or other non-park uses when the Regional Parks and Greenspaces Department (the Department) determines that a proposed easement, right of way, or non-park use can be accommodated without significant impact to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management; and that the impacts can be minimized and mitigated.**

Staff Finding: Meets criteria.

- 5) Require full mitigation and related maintenance, as determined by the Department, of all unavoidable impacts to natural resources, recreational facilities, recreational opportunities or their operation and management associated with the granting of easements, right of ways, or leases to use Metro owned or managed regional parks, natural areas or recreational facilities for non-park uses.**

Staff Finding: No mitigation is required given the minimal impact and benefit due to decreasing the likelihood of a sewage spill into the canyon area.

- 6) **Limit rights conveyed by easements, right of ways, and leases for non-park uses to the minimum necessary to accomplish the objectives of any proposal.**

Staff Finding: The dimensions and terms of the easement are limited to accommodate installation of a auxiliary power enclosure, and are not transferable or assignable to adjacent properties.

- 7) **Limit the term of easements, right of ways and leases to the minimum necessary to accomplish the objectives of any proposal.**

Staff Finding: The permanent easement space limitations are the minimum needed to accomplish the project while minimizing impact on Metro property.

- 8) **Require reversion, non-transferable, and removal and restoration clauses in all easements, rights of ways, and leases.**

Staff Finding: The easement will include these terms.

- 9) **Fully recover all direct costs (including staff time) associated with processing, reviewing, analyzing, negotiating, approving, conveying, or assuring compliance with the terms of any easement, right of way, or lease for non-park use.**

Staff Finding: Metro staff assigned to this application has documented time and costs of \$350.50 associated with review of this application and informed the applicant of the policy requiring reimbursement. Execution of the easement is subject to satisfaction of all expenses, unless fee is waived by Council, per request of the applicant.

- 10) **Receive no less than fair market value compensation for all easements, right of ways, or leases for non-park uses. Compensation may include, at the discretion of the Department, periodic fees or considerations other than money.**

Staff Finding: The value of the easement is \$1,951.29, based on the total purchase price and the square footage requested.

The City Of Oregon City has formally requested that Metro waive all fees due to the gains that Metro will attain through protection from sewage overflows to the canyon area below the pump station during power outages.

- 11) **Require full indemnification from the easement, right of way or leaseholder for all costs, damages, expenses, fines, or losses related to the use of the easement, right of way, or lease. Metro may also require insurance coverage and/or environmental assurances if deemed necessary by the Office of General Counsel.**

Staff Finding: The easement will include indemnification and insurance provisions.

- 12) **Limit the exceptions to this policy to: grave sales, utilities or transportation projects which are included in approved master/management plans for Metro regional parks, natural areas and recreational facilities; projects designed specifically for the benefit of a Metro regional park, natural area, or recreational facility; or interim use leases as noted in the Open Spaces Implementation Work Plan.**

Staff Finding: No exception requested.

13) Provide for the timely review and analysis of proposals for non-park uses by adhering to the following process:

- A. The applicant shall submit a detailed proposal to the Department which includes all relevant information including but not limited to: purpose, size, components, location, existing conditions, proposed project schedule and phasing, and an analysis of other alternatives which avoid the Metro owned or managed regional park, natural area or recreational facility which are considered infeasible by the applicant. Cost alone shall not constitute unfeasibility.

Staff Finding: Applicant has submitted a detailed proposal including all required information.

- B. Upon receipt of the detailed proposal, the Department shall determine if additional information or a Master Plan is required prior to further review and analysis of the proposal. For those facilities, which have master plans, require that all proposed uses are consistent with the master plan. Where no master plan exist all proposed uses shall be consistent with the Greenspaces Master Plan. Deficiencies shall be conveyed to the applicant for correction.

Staff Finding: No additional information is needed.

- C. Upon determination that the necessary information is complete, the Department shall review and analyze all available and relevant material and determine if alternative alignments or sites located outside of the Metro owned or managed regional park, natural area, or recreational facility are feasible.

Staff Finding: No reasonable alternative as the pump station already exists at this location.

- D. If outside alternatives are not feasible, the Department shall determine if the proposal can be accommodated without significant impact to park resources, facilities or their operation and management. Proposals which cannot be accommodated without significant impacts shall be rejected. If the Department determines that a proposal could be accommodated without significant impacts, staff shall initiate negotiations with the applicant to resolve all issues related to exact location, legal requirements, terms of the agreement, mitigation requirements, fair market value, site restoration, cultural resources, and any other issue relevant to a specific proposal or park, natural area or recreational facility. The Department shall endeavor to complete negotiations in a timely and business-like fashion.

Staff Finding: No significant negative impact on Metro property will occur.

- E. Upon completion of negotiations, the proposed agreement, in the appropriate format, shall be forwarded for review and approval. In no event shall construction of a project commence prior to formal approval of a proposal.

Staff Finding: Construction is contingent upon approval.

- F. Upon completion of all Metro tasks and responsibilities or at intervals determined by the Department, and regardless of Metro Council action related to a proposed easement, right of way, or lease for a non-park use, the applicant shall be invoiced for all expenses or the outstanding balance on expenses incurred by Metro.**

Staff Finding: Metro costs have been documented and applicant will be billed for reimbursement.

- G. Permission from Metro for an easement or right-of-way shall not preclude review under applicable federal, state, or local jurisdiction requirements.**

Staff Finding: Criterion satisfied.

Exhibit C
Resolution No. 02-3194

After recording return to:
CITY ENGINEER
CITY OF OREGON CITY
P.O. Box 351, Oregon City, Oregon 97045

PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that METRO, a municipal corporation and political subdivision of the state of Oregon (hereinafter referred to as "Grantor"), for the consideration hereinafter stated, does forever grant unto the CITY OF OREGON CITY, a municipal corporation, its successors and assigns (hereinafter referred to as "Grantee"), a permanent public utility easement ("Public Utility Easement") over the Premises described as follows, to-wit:

1. Legal description is set forth in EXHIBIT "C" attached hereto, and incorporated by reference herein.
2. A map of the above legal description is set forth in EXHIBIT "A" and incorporated by reference herein.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0. However, the actual consideration consists of or includes other property or value given or promised which is the whole of the consideration.

TO HAVE AND TO HOLD the above described perpetual public utility easement unto said Grantee, subject to liens and encumbrances of record as of the date of execution set forth below, in accordance with the conditions and covenants as follows:

1. The Grantee, through its officers, employees and agents, shall have the right to enter upon said lands in such a manner and at such times from this date as may be reasonably necessary for the purpose of installing, constructing and maintaining thereon an auxiliary electrical power generator, including such renewals, repairs, replacements and removals thereof as may be from time to time required. Said right shall be perpetual for so long as Grantee shall operate or cause to be operated the auxiliary electrical power generator (hereafter, the "Public Utilities") for said purposes as herein provided, subject to the terms of Section 6 set forth herein below.
2. Immediately after any construction, maintenance, repair or replacement of said Public Utilities, any disturbed ground surface shall be restored and revegetated with native vegetation according to Grantor's specifications.

3. Grantee's use of the Premises shall be exclusive, but subject to Metro's inspection for compliance hereunder, at any time, without notice.

4. Grantor(s) and his/her/their heirs, successors and/or assigns will not be responsible for damage by others to said Public Utilities.

5. To the maximum extent permitted by law and subject to the Oregon Tort Claims Act, ORS Chapter 30, Grantee shall defend, indemnify, and save harmless Grantor, its officers, employees, and agents from and against any and all actual or alleged claims, demands, judgments, losses, damages, expenses, costs, expenses, fees (including, but not limited to, attorney, accountant, paralegal, expert, and escrow fees), fines, and/or penalties, which may be imposed upon or claimed against Grantor and which, in whole or in part, directly or indirectly, arise from or are in any way connected with: (i) the act, omission or negligence of Grantee, its officers, directors, agents, employees, invitees, contractors or subcontractors; (ii) the construction, maintenance or operation of the easement set forth herein, whether or not due to the Grantee's own act or omission and whether or not occurring on this easement; and (iii) any breach, violation or failure to perform any of the Grantee's obligations under this Public Utility Easement.

6. This Public Utility Easement is granted on the express condition that the Grantee use the Premises solely for the purposes of installing, constructing and maintaining thereon an auxiliary electrical power generator serving a wastewater pump station located on adjacent City of Oregon City property, including such renewals, repairs, replacements and removals thereof as may be from time to time required. If the Premises is ever used for another purpose by the Grantee without the express written permission of Grantor, or if the Premises ever ceases to be used for said purposes, the Grantor may re-enter and terminate the Public Utility Easement hereby granted.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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IN WITNESS WHEREOF, the undersigned Grantor and Grantee have executed this Public Utility Easement, this _____ day of _____, 2002.

GRANTOR: Metro

Mike Burton
Executive Officer

GRANTEE: City of Oregon City

By: _____
Its: _____

APPROVED AS TO FORM

this _____ day of _____, 2002

Edward J. Sullivan, City Attorney
City of Oregon City, Oregon

APPROVED AS TO LEGAL DESCRIPTION

this _____ day of _____, 2002

_____, P.E., City Engineer
City of Oregon City, Oregon

ACCEPTED on behalf of the City of Oregon City,
OR, this _____ day of _____, 2002.

State of Oregon)
)
 ss.
County of _____)

On this _____ day of _____, 2002, before me _____, the undersigned Notary Public, personally appeared MIKE BURTON, as Executive Officer of Metro, a municipal corporation, personally known to me (or proved to be on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

State of Oregon)
)
 ss.
County of _____)

On this _____ day of _____, 2002, before me, a notary public in and for said County and State, personally appeared _____, known to me to be the person whose name _____ subscribed to the within instrument and acknowledged that _____ executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

Laurie Wulf - Newell Crest Drive Property

From: "Chuck Carter" <ccarter@ci.oregon-city.or.us>
To: <Wulf@metro.dst.or.us>
Date: 05/07/2002 2:35 PM
Subject: Newell Crest Drive Property

Laurie,

I am requesting that any fee's regarding the request for easement be waived due to the benefits that will occur to Metro.

Thank you,
Chuck Carter
Operations Supervisor
Storm and Wastewater Division

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 02-3194, FOR THE PURPOSE OF GRANTING AN EASEMENT TO THE CITY OF OREGON CITY FOR NON-PARK USE THROUGH METRO PROPERTY ON NEWELL CREST DRIVE

Date: May 13, 2002

Prepared by: Laurie Wulf

BACKGROUND

Metro Regional Parks and Greenspaces Department occasionally receives requests for easements, leases and right-of-ways through property that has been acquired through Regional Parks and Greenspaces properties. These requests are reviewed and analyzed per the guidance and policy established via Resolution 97-2539B, "For The Purpose Of Approving General Policies Related To The Review Of Easements, Right-Of-Ways, and Leases For Non-Park Uses Through Properties Managed By Regional Parks And Greenspaces Department" adopted by Council on November 6th, 1997.

Metro has received and reviewed an easement application from the City of Oregon City. The request meets all criteria set forth in the Metro Policy regarding easements, right-of-ways and leases for non-park uses. The City of Oregon City is requesting an easement next to their existing easement for the purpose of building a generator enclosure for an auxiliary power source for the wastewater pump station. The easement will be 20 feet by 30 feet and located next to the wastewater pump station. The requested easement is found to have no negative impact on Metro-owned property and will only benefit the property by preventing potential overflows on Metro property. Metro staff costs accrued to date are approximately \$ 350.50 and the value of the easement is \$ 1,951.29. The City Of Oregon City requested waiving of all fees due to the positive impact that this will have for Metro's property

ANALYSIS/INFORMATION

1. **Known Opposition** No known opposition.
2. **Legal Antecedents** None known.
3. **Anticipated Effects** The effect will be an auxiliary power source installed and utilized during power outages, preventing raw wastewater from entering Newell Creek Canyon.
4. **Budget Impacts** The Parks and Greenspaces Advisory Committee recommends waiving all fees to the City of Oregon City for the favorable affect this will have on the Newell Creek Canyon area.

RECOMMENDED ACTION

The Executive Officer recommends that the Council grant the easement as requested and waive all fees on the grounds that the value of service to Metro will exceed potential fees.

MINUTES OF THE METRO COUNCIL MEETING

Thursday, June 6, 2002
Metro Council Chamber

Councilors Present: Carl Hosticka (Presiding Officer), Susan McLain, Rod Park, Rod Monroe, Rex Burkholder

Councilors Absent: David Bragdon (excused), Bill Atherton (excused)

Presiding Officer Hosticka convened the Regular Council Meeting at 2:07 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were no citizen communications. Presiding Officer Hosticka proclaimed the 16th annual Great Blue Heron Week. Metro had been a long time supporter and underwriter of the event, organized by the Audubon Society of Portland. Events and classes celebrating the region's connection to nature would be occurring throughout the week.

3. EXECUTIVE OFFICER COMMUNICATIONS

There were none.

4. AUDITOR COMMUNICATIONS

There were none.

5. CONSENT AGENDA

5.1 Consideration of minutes of the May 23, 2002 Regular Council Meeting.

Motion	Councilor Burkholder moved to adopt the meeting minutes of the May 23, 2002, Regular Council meeting
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Vote:	Councilors Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed with Councilors Bragdon and Atherton absent.
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6. ORDINANCES – FIRST READING

6.1 Ordinance No 02-946, For the Purpose of Adopting the Post-Acknowledgment Amendments to the 2000 Regional Transportation Plan (RTP).

Presiding Officer Hosticka assigned Ordinance No. 02-946 to the Community Planning Committee.

6.2 Ordinance No. 02-947, For the Purpose of Amending Metro Code Section 2.19.00

Concerning Metro's Committee on Citizen Involvement (MCCI).

Presiding Officer Hosticka assigned Ordinance No. 02-947 to the Governmental Affairs Committee.

6.3 Ordinance No. 02-948, For the Purpose of Amending the FY 2001-02 Budget and Appropriations Schedule by Transferring Appropriations from Capital Outlay and Contingency in the MERC Operating Fund to Interfund Transfers and Transferring Those Resources to the MERC Pooled Capital Fund, and Declaring an Emergency.

Presiding Officer Hosticka assigned Ordinance No. 02-948 to the Budget and Finance Committee.

6.4 Ordinance No. 02-949, For the Purpose of Amending Metro Code Section 4.01.050, and Revising Admissions Fees at the Oregon Zoo effective January 1, 2003.

Presiding Officer Hosticka assigned Ordinance No. 02-949 to the Budget and Finance Committee.

7. ORDINANCES - SECOND READING

7.1 Ordinance No. 02-943, For the Purpose of Amending the FY 2001-02 Budget and Appropriations Schedule Transferring \$200,000 from Capital Outlay to Operating Expenses and \$554,077 from Contingency to Operating Expenses in the Zoo Operating Fund, and Adding 1.0 FTE for a Budget and Finance Position, and Declaring an Emergency.

Motion	Councilor McLain moved to adopt Ordinance No. 02-943.
Seconded:	Councilor Monroe seconded the motion

Councilor McLain explained the changes in the FY 2001-02 Budget and Appropriations Schedule for the Oregon Zoo and the reasons for these changes. She supported the amendment.

Presiding Officer Hosticka opened a public hearing on Ordinance No. 02-943.

Phil Prewett, taxpayer and Oregon Zookeeper, 6116 NE Willow Street, Portland OR 97213 expressed concerns over the Zoo's financial future. He said in May 2000, the Zoo was granted an emergency increase of \$419,270.00. He also noted other budgetary issues at the Zoo concerning marketing.

Councilor McLain clarified Mr. Prewett's testimony, was he concerned about this particular budget amendment or the overall state of the Zoo's budget?

Mr. Prewett pointed out that drawing down the contingency funds greatly concerned him.

Councilor Burkholder said the issues that Mr. Prewett brought forward were important but may not relate to this specific ordinance. He said they would begin looking at next year's budget soon and encouraged Mr. Prewett's involvement in these discussions.

Councilor McLain said she believed that they had tried hard over the years to work with the Zoo so that there were now fewer budget amendments than ever before. She felt that the new FTE that was included in this ordinance would help financial stability of the Oregon Zoo.

Councilor Monroe said the tendency of most bureaucracies' budgets was to fatten them. The Oregon Zoo came in with a very lean budget this year. He felt this was a more conservative approach and showed fiduciary responsibility. He applauded the Zoo's recommendations to add the new FTE.

Councilor Burkholder said the Zoo's operation was very complex. He felt that the addition of the Budget and Finance position would provide better monitoring and future budget planning for the Zoo.

Presiding Officer Hosticka closed the public hearing.

Vote:	Councilors Park, Burkholder, McLain, Monroe and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
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8. RESOLUTIONS

8.1 Resolution No. 02-3169, For the Purpose of Amending Council Policy Regarding the Management of the Regional Parks Fund.

Motion	Councilor Burkholder moved to adopt Resolution No. 02-3169.
Seconded:	Councilor McLain seconded the motion

Councilor Burkholder said this resolution was a companion piece to the proposal which was brought forward during the budget process by the Executive Officer to establish a new funding source for our Parks operations. The proposal adopted an additional dollar-per-ton equivalent excise tax levy on solid waste disposed of in the region. The increase in excise tax established a more stable funding source to cover operations for the Parks Department. This was in accordance with a 1994 resolution, which was set up to search for more stable sources of funding. This was a levy with a sunset date in two years when they would have to come up with some other resolution to that issue. During this next two years, this resolution rescinded or repealed the previous resolution, which set up an exception for the Parks Department so that excise taxes that were levied on all operations at Metro would be levied on the Parks Department but then returned to the Department. That amount was \$164,000 per year. The one-dollar increase in excise tax would generate about \$1.2 million in additional revenue, which was dedicated to the Parks operations. This resolution would reduce that revenue by about \$164,000. It was a net increase of over \$1 million to the Park's Department operations. The importance of passing the resolution was that the budget was based on transferring the money. They would have to change the budget if they didn't pass the resolution. It now treated all departments of Metro equally. The passage of this resolution would be consistent with the budget ordinance, which they had adopted. He urged adoption.

Councilor Monroe added that when Metro took over the Multnomah County Parks system in 1995 Metro was given some reserve money. Metro had been eating into that reserve at up to \$1 million a year and it was down to about \$2 million and depleting rapidly. The one million dollars in new revenue would stop the depletion of that reserve. It would not allow for new programs or capital investments but would hold even the level of reserve. This was a stop gap measure which did not solve the capital investment need but allowed a bit of breathing time to find a better solution.

Councilor Park expressed concern about raising the dollar on excise tax and then taking money that we had dedicated to the Parks Department to fund other needs of the agency. He found this troubling. He said we had sold the proposal on one basis but were now taking it out on the other end.

Councilor Burkholder said the Budget and Finance Committee had a long discussion about this issue. This was not a surprise to anyone. It was part of the budget message from the Executive Officer and it was acknowledged publicly in the body of the budget that this was the process that was going to happen. The goal was to have a net increase to the Parks Department budget so that we could maintain its current level of service. He rebutted Councilor Parks concerns; it was not a bait and switch but was made very clear up front. The Committee knew that this exchange was going to take place and the real interest was in the net increase in dollars to the Parks department.

Presiding Officer Hosticka commented on the timing of the resolution. He agreed with Councilor Burkholder that this was part of the overall package and the timing was done because they had to be sure that the one-dollar a ton would take effect before this resolution was brought forward. They had to complete the budget process first and then complete the steps that were agreed upon.

Councilor McLain added that there a timing issue but they also reached all three goals. One goal was to make a net increase to the Parks Department, another goal was to better organize the budget, and the third goal was to treat all departments the same and have all departments pay for some of our functions that didn't have an ability to raise money themselves. She appreciated the fact the Councilor Park was being thorough in his review but they had met three very important goals for public. She would be voting in support of the resolution.

Vote:	Councilors Burkholder, McLain, Monroe, and Presiding Officer Hosticka voted aye. The vote was 4 aye/1 nay/0 abstain, the motion passed with Councilor Park voting no.
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8.2 Resolution No. 02-3196, For the Purpose of Granting a Time Extension to Functional Plan Compliance Deadlines for the City of Oregon City.

Motion	Councilor Park moved to adopt Resolution No. 02-3196.
Seconded:	Councilor McLain seconded the motion

Councilor Park said this was a resolution to allow a time extension to Oregon City's Functional Plan compliance until December 2002.

Brenda Bernards, Planning Department, said that in December 2001, the Council heard from all jurisdictions concerning Functional Plan compliance. Oregon City couldn't make their deadlines due to staff turnover and staff shortages. She said they had hired a consultant to help them and had demonstrated progress towards compliance. The resolution laid out the specifics of the extension.

Doug Neely, Oregon City Commissioner, PO Box 3040, Oregon City, Oregon said they had had turnover at the city. He acknowledged Ms. Bernards' presentation and participation. The entire planning staff was new. They were well behind the curve. He talked about the benefits of the update. He introduced the City Manager, Brian Nakamura and City Engineer, Nancy Kraushaar.

Councilor Monroe acknowledged Ms. Bernards' assistance to City of Oregon City.

Councilor McLain thanked Oregon City staff for all of their involvement at Metro. As was pointed out, Oregon City was the second jurisdiction that finished Title III. They were a good role model.

Councilor Park said Oregon City has had some challenges over the year. Metro did try and work with their partners. He acknowledged Commissioner Neely's involvement in MPAC.

Councilor Burkholder said Oregon City was meeting their performance standards and following the spirit of the law.

Vote:	Councilors McLain, Monroe, Park, Burkholder and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
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8.3 Resolution No. 02-3189, For the Purpose of Establishing a Transportation Investment Task Force to recommend priority transportation improvements in the Metro region and an associated financing strategy.

Motion	Councilor Burkholder moved to adopt Resolution No. 02-3189.
Seconded:	Councilor Monroe seconded the motion

Councilor Burkholder said Pete Sandrock was available to answer any questions concerning this resolution. He spoke to the issue of transportation funding. He said this proposal would set up a task force to look at the needs and funding sources for the region's transportation.

Pete Sandrock, Chief Operating Officer, said the response to this task force had been exciting. He talked about the membership of the task force. The staff had already started interviewing the consultants who had submitted proposals to work with the task force. The task force would be reporting back to the Council no later than December 2003.

Councilor Monroe said this had been a long time coming. This concept had been discussed since Mike Burton was a new Executive Officer. He talked about the history of the idea and of funding problems. He said the most pressing transportation needs were within this region due to the growth in the region. He applauded Mr. Burton for this proposal. He felt that the task force, which included private industry and business, would be more acceptable to the public. He was looking forward to the success of the task force.

Councilor McLain said one of the elements about the task force that she liked most was the good mix of the membership. The issue of how to sell funding to the public was important. She felt this task force had a good chance of talking to the general public.

Councilor Park hoped what would come out of this was why our user-based system was not working properly.

Presiding Officer Hosticka said he supported this resolution as well. In the last ten years it had become clear to him that the State wasn't able to get this done. It was too deeply divided between rural and urban interests and along party lines. The region was the place this was going to happen, the kinds of projects that would be built here and the kinds of transportation initiatives were not replicated throughout the rest of the State. There was a local need that was unique and a local ability to address the need. He spoke to transit projects specific to the region.

Vote:	Councilors Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 5 aye, the motion passed.
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9. COUNCILOR COMMUNICATION

Councilor Burkholder announced that on June 14th at 9:00 a.m. in the Metro plaza area, there would be a Flag Day celebration. He also said that Myron Orfield, from the Minneapolis area, who had done a lot of work on regional governance including fiscal inequality, would be visiting Metro and holding a brown bag presentation at noon on June 20th. He would also be presenting at the Governor Hotel sponsored by 1000 Friends of Oregon and at Portland State University. Northwest Environmental Watch would be presenting at MPAC and JPACT next week.

Councilor Park said, on Tuesday, they had had a presentation by 1000 Friends on the Damascus site. The group was working on a concept plan of approximately 14,000 acres. He recognized it was just a concept of an area, which developed an environmentally sensitive area in a way that met the goals of the protection of farm and forest as well as fish and wildlife, yet still provided a high quality place for people to live and for the economy. He encouraged people to go on 1000 Friends web site to take a look at the work they had done. This plan allowed some ideas and perhaps a dream of how this area might develop in the future.

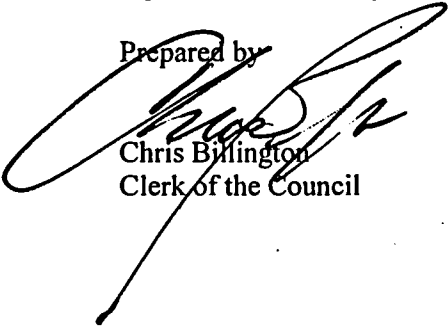
Councilor McLain said the quarterly meeting of the Regional Water Provider Consortium was last night at Metro. She spoke to their dialogue on the regional supply plan update and the breakout sessions of the meeting where they talked about conservation and how it can be used as part of the water supply. They had some of the same concerns as Metro in that they had the business of trying to sell less water when water was their business.

Presiding Officer Hosticka talked about the Economic Technical Advisory Committee (ETAC) which was a group of people who were business people, economists and people involved in economic development that were examining the economic impacts of protection or conflicting uses of the natural resources. They had had their first meeting last night. The attempt was to give economic consideration as thorough an examination as they did the natural resource considerations when it came time to doing the fish and wildlife habitat protection program.

10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 3:04 p.m.

Prepared by



Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JUNE 6, 2002

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
6.1	CURRENT COPY OF ORDINANCE	NONE LISTED	ORDINANCE NO. 02-946, FOR THE PURPOSE OF ADOPTING THE POST-ACKNOWLEDGEMENT TO THE 2000 REGIONAL TRANSPORTATION PLAN (RTP)	060602C-01
7.1	SUPPORTING EVIDENCE TO PHILLIP PREWETT'S TESTIMONY	5/11/00	EXHIBIT A, AMENDMENT NO. 1 TO CONTRACT NO. 920194	060602C-02

061302c-02

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

DATE: June 12, 2002
TO: Metro Council
FROM: Casey Short, *CS* Financial Planning Manager
RE: Amendments to Approved Budget

Attached for your consideration are the Technical and Substantive amendments proposed for the Approved Budget.

The first two pages are recaps of those amendments. T-1 is a listing of the Technical Amendments and S-1 is a listing of the Substantive Amendments. Immediately following are the full amendments, pages 1-10 are the Technical amendments and pages 11-14 are the Substantive Amendments. The page number for each amendment is in the last column of the recap sheets for your ease in locating the detail.

**FY 2002-03 APPROVED BUDGET
Fiscal Impact Summary of Requested Budget Amendments**

TECHNICAL ADJUSTMENTS								
Amendment #	Date of Action	Presenter	Analyst	Amendment	Fund/Department	Funding Source	Total Cost	Detail Page
Support Services								
Information Technology 1	6/13/2002	Biedermann	Billington	Carry forward funding for Integrated Regional Network Enterprise (IRNE) project completion.	Support Services	Allocated	\$3,400	1
Information Technology 2	6/13/2002	Biedermann	Billington	Carry forward funding for completing existing consulting contract for work related to database migration from Informix to Oracle.	Support Services	Allocated	\$65,000	2
Human Resources 1	6/13/2002	Aguilar	Billington	Carry forward Professional Services funds for compensation assessment and reclassification reviews.	Support Services	Allocated	\$33,000	3
Auditor 1	6/13/2002	Dow	Houser	Carry forward of auditing services funding for projects to be completed in FY 2003	Support Services	Allocated	\$53,000	4
Enterprise & Related								
ZOO 1	6/13/2002	Vecchlo	Houser	To reflect added staff position for budget and finance capabilities.	Zoo Operating Fund	Ending Fund Balance	\$96,000	5
MERC 1	6/13/2002	Enge	Houser	Increase debt service for existing contract.	MERC Operating Fund - PCPA	Ending Fund Balance	\$1,200	6
MERC 2	6/13/2002	Enge	Houser	Move staff responsible for capital from MERC Operating Fund to MERC Pooled Capital Fund	MERC Operating Fund - MERC Pooled Capital Fund	Fund Transfer/Capital Outlay reduction	\$62,877	7
MERC 3	6/13/2002	Enge	Houser	Carryover estimated unspent appropriation for the Oregon Convention Center Expansion Project	Convention Center Project Capital Fund	Beginning Fund Balance	\$5,000,000	8
MERC 4	6/13/2002	Enge	Houser	Adjustments to MERC Pooled Capital Fund to reflect expected activity.	MERC Pooled Capital Fund	Various	(\$974,000)	9 & 10
General Fund and Related								
Planning 1	6/13/2002	Sandrock	Morrissey	Carry forward of public opinion survey funding.	Planning Fund	Beginning Fund Balance	\$15,000	15
TOTAL TECHNICAL AMENDMENTS							\$4,355,477	

**FY 2002-03 APPROVED BUDGET
Fiscal Impact Summary of Requested Budget Amendments**

SUBSTANTIVE AMENDMENTS								
Amendment #	Date of Action	Presenter	Analyst	Amendment	Fund/Department	Funding Source	Total Cost	Detail Page
Enterprise & Related								
MERC 5	6/13/2002	Enge	Houser	Add one FTE for technical support of the Concentrics Event Management system.	MERC Operating Fund	Ending Fund Balance	\$84,000	11
MERC 6	6/13/2002	Enge	Houser	Provide funding for LID assessments at OCC and PCPA	MERC Operating Fund	Ending Fund Balance	\$299,494	12
MERC 7	6/13/2002	Enge	Houser	Carry forward of unspent appropriation to be used for Contracted Professional Services to meet unmet business service needs.	MERC Operating Fund	Beginning Fund Balance	\$70,000	13
MERC 8	6/13/2002	Enge	Houser	More accurately reflect expected beginning fund balance at EXPO and appropriate an additional \$25,000 for Operating Supplies to support increased business.	MERC Operating Fund	Beginning Fund Balance	\$500,000	14
TOTAL SUBSTANTIVE AMENDMENTS							\$953,494	

Department	#
Information Technology	1

FY 2002-03 BUDGET AMENDMENT

PRESENTER David Biedermann

DRAFTER: David Biedermann/Sarah Follett

DATE FILED June 3, 2002

PROPOSED AMENDMENT

Carry over Contracted Professional Services funds for an existing contract in the Information Technology Department to complete work associated with work on "Integrated Regional Network Enterprise (IRNE)", a project headed by the City of Portland for connecting multi-governmental agencies on the network. The original contract was for \$5,000.

<u>AFFECTED DEPARTMENT(S)</u>	<u>AFFECTED FUND(S)</u>	<u>AFFECTED LINE ITEMS</u>		
<i>RESOURCES</i>				
Information Technology	Support Services	3500	Beginning Fund Balance	\$3,400
<i>REQUIREMENTS</i>				
Information Technology	Support Services	5240	Professional Services	\$3,400

PROGRAM/STAFFING IMPACTS

This contract does not require any additional staff.

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT NA

Department	#
Information Technology	2

FY 2002-03 BUDGET AMENDMENT

PRESENTER David Biedermann

DRAFTER: David Biedermann/Sarah Follett

DATE FILED June 4, 2002

PROPOSED AMENDMENT

Carry over Professional Services funds for an existing contract in the Information Technology Department to complete consulting work related to the migration from Informix to Oracle. This is continued work on the database conversion project, which began in February 2002.

<u>AFFECTED DEPARTMENT(S)</u>	<u>AFFECTED FUND(S)</u>	<u>AFFECTED LINE ITEMS</u>		
<i>RESOURCES</i>				
Information Technology	Support Services	3500	Beginning Fund Balance	\$65,000
 <i>REQUIRMENTS</i>				
Information Technology	Support Services	5240	Professional Services	\$65,000

PROGRAM/STAFFING IMPACTS

This contract does not require any additional staff.

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT NA

Department	#
Human Resources	1

FY 2002-03 BUDGET AMENDMENT

PRESENTER Lilly Aguilar

DRAFTER: Lilly Aguilar/Sarah Follett

DATE FILED May 21, 2002

PROPOSED AMENDMENT

Carry over Professional Services funds for two existing contracts in the Human Resources Department to complete work associated with both the strategic assessment of Metro's overall compensation approach and work on pending or new reclassification job reviews.

<u>AFFECTED DEPARTMENT(S)</u>	<u>AFFECTED FUND(S)</u>	<u>AFFECTED LINE ITEMS</u>		
<i>RESOURCES</i>				
Human Resources	Support Services	3500	Beginning Fund Balance	\$33,000
 <i>REQUIREMENTS</i>				
Human Resources	Support Services	5240	Professional Services	\$33,000

PROGRAM/STAFFING IMPACTS

These two contracts do not require any additional staff.

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT NA

Department	#
Auditor's Office	1

FY 2002-03 BUDGET AMENDMENT

PRESENTER Alexis Dow, CPA, Metro Auditor

DRAFTER: Alexis Dow, CPA, Metro Auditor

DATE FILED June 3, 2002

PROPOSED AMENDMENT

Carry forward \$53,000 from FY 2002 budget for auditing services to be conducted and/or completed in FY 2003.

AFFECTED DEPARTMENT(S)	AFFECTED FUND(S)	AFFECTED LINE ITEMS		
<i>RESOURCES</i>				
Auditor's Office	Support Services	3500	Beginning Fund Balance	\$53,000
 <i>REQUIREMENTS</i>				
Auditor's Office	Support Services	5240	Contracted Professional Services	\$48,000
Auditor's Office	Support Services	5030	Temporary Employees	\$5,000

PROGRAM/STAFFING IMPACTS

These funds are for interim fieldwork related to the examination of Metro's financial statements for the year ended June 30, 2002, for information technology auditing services and for completion of projects in process at June 30, 2002. Interim fieldwork for the financial statement audit usually occurs in June but was delayed for 2002. There is the expectation that the June timing will be reinstated for 2003.

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT

Not applicable for technical adjustment.

Department	#
Zoo	1

PROPOSED FY 2002-03 BUDGET AMENDMENT

PRESENTER Kathy Kiaunis/Tony Vecchio

DRAFTER: Cherie Yasami

DATE FILED May 28, 2002

PROPOSED AMENDMENT

Add an additional staff position to Zoo Administration to provide increased budget and finance capabilities at the Oregon Zoo. This follows the action taken by the Council to add this position in FY 01-02.

<u>AFFECTED DEPARTMENT(S)</u>	<u>AFFECTED FUND(S)</u>	<u>AFFECTED LINE ITEMS</u>		
Oregon Zoo	Zoo Operating	5010	Reg. Employees-Full-time-Exempt	\$72,000
		5100	Fringe Benefits	<u>\$24,000</u>
			Total	<u>\$96,000</u>
		5990	Unappropriated Fund Balance	(\$96,000)

PROGRAM/STAFFING IMPACTS

Increases Zoo Administration FTE by 1.0.

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT NA

Department	#
MERC	1

PROPOSED FY 2002-03 BUDGET AMENDMENT

PRESENTER: Bryant Enge

DRAFTER: Bryant Enge

DATE FILED: June 3, 2002

PROPOSED AMMENDMENT:

To allow Debt Service lease payments on the existing copy machine contract. The amount currently in PCPA budget is \$10,000 and the full contract payment is actually \$11,200.

<u>AFFECTED DEPARTMENT</u>	<u>AFFECTED FUND</u>	<u>AFFECTED LINE ITEMS</u>		
MERC - PCPA	MERC Operating Fund - PCPA	5600	Capital Lease Pymts-Capital	\$1,200
MERC - PCPA	MERC Operating Fund - PCPA	5990	Unappropriated Fund Bal.	(\$1,200)

PROGRAM/STAFFING IMPACTS: NA

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT: NA

OPTIONS FOR FUNDING THIS AMMENDMENT: NA

Department	#
MERC	2

PROPOSED FY 2002-03 BUDGET AMENDMENT

PRESENTER: Bryant Enge

DRAFTER: Bryant Enge

DATE FILED: June 3, 2002

PROPOSED AMENDMENT:

To move funding and FTE for staff that manages capital projects to the MERC Pooled Capital Fund.

<u>AFFECTED DEPARTMENT(S)</u>	<u>AFFECTED FUND(S)</u>	<u>AFFECTED LINE ITEMS</u>			
RESOURCES					
MERC	MERC Pooled Capital Fund	4970	Trans of Res. from MERC Op	\$	16,578
REQUIREMENTS					
MERC	MERC Operating Fund - Expo	5010	Salary	\$	(10,685)
		5089	Merit	\$	(748)
		5100	Fringe	\$	(5,145)
		5810	Transfer to MERC Pooled Cap	\$	16,578
MERC	MERC Operating Fund - OCC	5010	Salary	\$	(30,907)
		5089	Merit	\$	(2,163)
		5100	Fringe	\$	(13,228)
		5990	Unappropriated Fund Bal	\$	46,298
MERC	MERC Pooled Capital Fund	5010	Salary	\$	41,592
		5089	Merit	\$	2,911
		5100	Fringe	\$	18,373
		5725	Buildings & Related	\$	(46,298)

PROGRAM/STAFFING IMPACTS: Moves .80 FTE from MERC Operating Fund to MERC Pooled Capital Fund (.45 Capital Projects Assistant and .35 Construction/Capital Projects Manager).

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT: NA

OPTIONS FOR FUNDING THIS AMMENDMENT: NA

Department	#
MERC	3

PROPOSED FY 2002-03 BUDGET AMENDMENT

PRESENTER Bryant Enge

DRAFTER: Bryant Enge

DATE FILED June 3, 2002

PROPOSED AMENDMENT

The Convention Center expansion project is on schedule and on budget. There is some uncertainty of when the cash will be needed so it was deemed prudent to make this amendment.

<u>AFFECTED DEPARTMENT(S)</u>	<u>AFFECTED FUND(S)</u>	<u>AFFECTED LINE ITEMS</u>		
<i>RESOURCES</i>				
MERC	559 – Convention Center Project Capital Fund	3500	Beginning Fund Balance	\$5,000,000
<i>REQUIREMENTS</i>				
MERC	559 – Convention Center Project Capital Fund	5725-576	Capital Outlay – CIP	\$5,000,000

PROGRAM/STAFFING IMPACTS NA

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT NA

OPTIONS FOR FUNDING THIS AMENDMENT NA

Department	#
MERC	4

PROPOSED FY 2002-03 BUDGET AMENDMENT

PRESENTER Bryant Enge

DRAFTER: Bryant Enge

DATE FILED June 3, 2002

PROPOSED AMENDMENT

After careful evaluation of MERC Pooled Capital Fund projects and funding sources, some adjustments are deemed necessary to more accurately represent the current situation. The attached listing shows the detailed changes from the adopted CIP (that includes changes made with previous technical amendments). Project detail sheets will be provided. The net change to CIP projects for Fiscal Year 2002-03 is an \$85,000 decrease. (See next page for details.)

<u>AFFECTED DEPARTMENT(S)</u>	<u>AFFECTED FUND(S)</u>	<u>AFFECTED LINE ITEMS</u>		
RESOURCES				
MERC	551-MERC Pooled Capital Fund	3500	Beginning Fund Balance	(\$1,503,405)
		4145	Government Contributions	500,000
		4750	Donations and Bequests	29,405
			TOTAL RESOURCES	(\$974,000)
REQUIREMENTS				
		5215	Maintenance and Repairs Supplies	(\$519,000)
		5260	Maintenance and Repairs Services	(170,000)
		5710	Improve-Other than Building	59,000
		5715	Improve-Other than Building CIP	500,000
		5720	Buildings and Related	105,000
		5725	Buildings and Related CIP	(860,000)
		5740	Equipment and Vehicles	5,000
		5745	Equipment and Vehicles CIP	(100,000)
		5990	Unappropriated Fund Balance	6,000
			TOTAL REQUIREMENTS	(\$974,000)

PROGRAM/STAFFING IMPACTS NA

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT NA

OPTIONS FOR FUNDING THIS AMENDMENT NA

AMENDMENT TO FY 2002-03 CIP PROJECTS

	Adopted CIP	Amended	Difference	Explanation
PCPA				
Main Street Tents		\$500,000	\$500,000	New Project
ASCH - Elevator Code Compliance	\$90,000		(\$90,000)	Eliminated
ASCH - Carpet	\$100,000	\$0	(\$100,000)	Project moved to 03-04
ASCH - Stage Lighting Fixtures		\$55,000	\$55,000	New Project
ASCH West Entry Remodel	\$200,000	\$0	(\$200,000)	Project moved to 03-04
Keller ASCH Fire Alarm	\$150,000	\$0	(\$150,000)	Project moved to 03-04
Keller Auditorium - Rehearsal Hall Modernization	\$55,000		(\$55,000)	Eliminated
Keller Auditorium - Elevator Code Compliance	\$90,000	\$50,000	(\$40,000)	Reduced
Keller Auditorium - Ceiling and Wall Painting	\$300,000		(\$300,000)	Project moved to 03-04
Keller - Chiller Replacement	\$200,000	\$0	(\$200,000)	Project moved to 03-04
Keller Auditorium - Lighting Dimmer System	\$100,000	\$100,000	\$0	No change
Keller Auditorium - HVAC		\$80,000	\$80,000	New Project
Keller Auditorium - Restroom Expansion	\$300,000	\$300,000	\$0	No change
Keller Exterior Signage	\$110,000	\$110,000	\$0	No change
Keller Pit Lifting System		\$100,000	\$100,000	New Project
Keller Lobbies Upgrade and Carpet Replacement	\$200,000	\$600,000	\$400,000	Moved up from 04-05
NTB - Stage Floor Replacement (Newmark Theatre)	\$100,000		(\$100,000)	Project moved to 03-04
NTB - Sound System Replacement (Newmark and	\$75,000	\$75,000	\$0	No change
NTB - Elevator Code Compliance	\$90,000	\$45,000	(\$45,000)	Reduced
NTB - Replace Seats (Winningstad Theatre)	\$85,000		(\$85,000)	Project moved to 03-04
NTB Carpet Replacement	\$500,000	\$500,000	\$0	No change
NTB Stage Lighting Fixtures	\$55,000	\$55,000	\$0	No change
ARAMARK Donation Costs	\$100,000	\$100,000	\$0	No change
OCC				
OCC-Concession Stand B	\$100,000	\$245,000	\$145,000	Project increased
OCC - Primary Power Feed	\$175,000	\$175,000	\$0	No change
OCC - Hall "D" and "E" Electrical System	\$150,000	\$150,000	\$0	No change
OCC - Fire/Evacuation Enunciation	\$375,000	\$375,000	\$0	No change
OCC - Operations Office Remodel	\$600,000	\$600,000	\$0	No change
OCC - Cooling Water System	\$70,000	\$70,000	\$0	No change
OCC - Audio/Visual Systems Upgrade	\$600,000	\$600,000	\$0	No change
OCC - Interior/Exterior Signage Program	\$660,000	\$660,000	\$0	No change
OCC - Existing Carpet Replacement	\$991,000	\$991,000	\$0	No change
OCC - Telecom Upgrade	\$92,000	\$92,000	\$0	No change
OCC - Dishwasher	\$50,000	\$50,000	\$0	No change
Overall Change In CIP Total	\$6,763,000	\$6,678,000	\$85,000	

Department	#
MERC	5

PROPOSED FY 2002-03 BUDGET AMENDMENT

PRESENTER Bryant Enge

DRAFTER: Bryant Enge

DATE FILED June 3, 2002

PROPOSED AMENDMENT

To account for additional staff needed for IT position.

<u>AFFECTED DEPARTMENT(S)</u>	<u>AFFECTED FUND(S)</u>	<u>AFFECTED LINE ITEMS</u>		
MERC	MERC Operating	5010	Salary	\$60,000
		5100	Fringe Benefits	\$24,000
		5990	Unappropriated Fund Balance	(\$84,000)

PROGRAM/STAFFING IMPACTS: Adds one FTE.

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT: Metro's Internal Auditor supports an electronic management system. An additional employee is needed to fully implement and support MERC's event management system, Concentrics. This individual would manage the implementation process and maintain the system at all three of MERC's facilities.

OPTIONS FOR FUNDING THIS AMENDMENT: Intra-fund transfers from each of MERC's facilities to the Administration Division fund this position.

Department	#
MERC	6

PROPOSED FY 2002-03 BUDGET AMENDMENT

PRESENTER: Bryant Enge

DRAFTER: Bryant Enge

DATE FILED: June 3, 2002

PROPOSED AMMENDMENT:

To allow Debt Service payments or payoff on 6 PCPA LID assessments for the Streetcar Phase I project and Debt Service payments or payoff for OCC LID assessment for the Steel Bridge Pedestrian Walkway.

<u>AFFECTED DEPARTMENT(S)</u>	<u>AFFECTED FUND(S)</u>	<u>AFFECTED LINE ITEMS</u>			
MERC - PCPA	MERC Operating	5610	Loan Payments - Principal	\$	83,512
	Fund - PCPA	5615	Loan Payments - Interest	\$	2,939
		5990	Unappropriated Balance	\$	(86,451)
MERC - OCC	MERC Operating	5610	Loan Payments - Principal	\$	205,588
	Fund - OCC	5615	Loan Payments - Interest	\$	7,455
		5990	Unappropriated Balance	\$	(213,043)

PROGRAM/STAFFING IMPACTS:

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT: This was an unanticipated amount, as we could not estimate costs until LID documents were received.

OPTIONS FOR FUNDING THIS AMENDMENT: The only option is to reduce unappropriated fund balance.

Department	#
MERC	7

PROPOSED FY 2002-03 BUDGET AMENDMENT

PRESENTER: Bryant Enge

DRAFTER: Bryant Enge

DATE FILED: June 3, 2002

PROPOSED AMENDMENT:

This amendment carries forward unused appropriation to provide for needed consulting services.

<u>AFFECTED</u> <u>DEPARTMENT (S)</u>	<u>AFFECTED</u> <u>FUND (S)</u>	<u>AFFECTED LINE ITEMS</u>			
<i>RESOURCES</i>					
MERC	MERC Operating Fund - Admin.	3500	Beginning Fund Bal.	\$	70,000
<i>REQUIREMENTS</i>					
MERC	MERC Operating Fund - Admin.	5240	Contracted Professional Services	\$	70,000

PROGRAM/STAFFING IMPACTS:

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT: An increase to Contracted Professional Services will allow MERC to develop special projects to address unmet business services needs and in response to audit recommendation including enhancing the following MERC policies and procedures:

- Cash Handling related activities;
- Food & Beverage related activities;
- Event Settlement related activities; and
- Parking related activities.

OPTIONS FOR FUNDING THIS AMENDMENT: Increase in Beginning Fund balance includes carryover of unused appropriation. This is the only option to accommodate special projects, as a decrease in Contingency would deplete those funds.

Department	#
MERC	8

PROPOSED FY 2002-03 BUDGET AMENDMENT

PRESENTER: Bryant Enge

DRAFTER: Bryant Enge

DATE FILED: June 3, 2002

PROPOSED AMENDMENT:

Increase Beginning Fund Balance to reflect better than anticipated revenues and to partially increase the appropriation in Operating Supplies.

<u>AFFECTED DEPARTMENT</u>	<u>AFFECTED FUND</u>	<u>AFFECTED LINE ITEMS</u>			
<i>RESOURCES</i>					
MERC	MERC Operating Fund - Expo	3500	Beginning Fund Balance	\$	500,000
<i>REQUIREMENTS</i>					
MERC	MERC Operating Fund - Expo	5205	Operating Supplies	\$	25,000
		5990	Unappropriated Fund Bal.	\$	475,000

PROGRAM/STAFFING IMPACTS: NA

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT: In FY 2001-02, EXPO had better than expected revenues and this amendment increases the Beginning Fund Balance. Hall D had a significant impact on operations. Therefore, an increase in Operating Supplies is required to support EXPO additional marketing and operational support.

OPTIONS FOR FUNDING THIS AMENDMENT: The option presented is to offset the increase in Beginning Fund Balance by partially increasing Operating Supplies.

Department	#
Planning	1

FY 2002-03 BUDGET AMENDMENT

PRESENTER Peter Sandrock

DRAFTER: Casey Short

DATE FILED June 12, 2002

PROPOSED AMENDMENT

As part of Metro's three year communications plan and the 2040 re-engagement effort, the Planning and Regional Environmental Management departments have contracted for an opinion survey on waste reduction and urban growth issues. The survey was budgeted to be done in FY 2001-02, but will not be completed until after the start of the new fiscal year. Funding for the \$30,000 project is being split between Planning and REM. This amendment provides for the Planning Fund to carry over its share of the funding for this project to FY 2002-03. REM has sufficient appropriation to pay its share in 2002-03, and an adjustment to its budget is not needed.

<u>AFFECTED DEPARTMENT(S)</u>	<u>AFFECTED FUND(S)</u>	<u>AFFECTED LINE ITEMS</u>		
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RESOURCES

Planning	Planning – 140	BEGBAL	Beginning Fund Balance	\$15,000
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REQUIREMENTS

Planning	Planning – 140	5240	Contracted Professional Services	\$15,000
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PROGRAM/STAFFING IMPACTS

None.

ARGUMENTS IN FAVOR OF PROPOSED AMENDMENT (not necessary for technical adjustments)

BUDGET AND FINANCE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 02-940A, ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2002-03, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES AND DECLARING AN EMERGENCY

Date: June 10, 2002

Presented by: Councilor Burkholder

Committee Recommendation: At its May 22 meeting, the committee considered Ordinance No. 02-940 and voted unanimously to send the ordinance, as amended, to the Council for adoption. Voting in favor: Councilors Atherton, Bragdon, Hosticka, and Chair Burkholder. Councilor McLain was absent.

Background: The Metro budget adoption process begins in the late summer of each year and extends to the following June. The process has seven distinct phases or steps. These include:

- 1) Development and Submittal of Draft Departmental Budgets to the Executive Officer (November)
- 2) Budget Review by the Executive Officer (November-February)
- 3) Submittal of a Proposed Budget For Council Review (March)
- 4) Council Budget Review (March-April)
- 5) Council Approval of a Resolution to Submit an Approved Budget to the Tax Supervising and Conservation Commission (TSCC) for commission review (late April)
- 6) Commission hearing on the approved budget (early June)
- 7) Council final adoption of the budget (mid June)

The FY 02-03-budget process has included a much greater level of involvement by the Council staff in the early phases of the process prior to submittal of the budget for Council review. A "budget buddies" workgroup was established at the time that the departmental draft budgets were submitted in November. The workgroup included the Chief Operating Officer, Chief Financial Officer, Council Administrative Officer, the Financial Planning staff and the Council analysts.

A team, consisting of one financial planning analyst and one council analyst, conducted an in-depth review of each department's proposed budget. These reviews resulted in the identification of policy issues and questions that were submitted to the departments for a response. The team then met with departmental staff to review these issues and questions. The workgroup then received presentations by departmental staff concerning their proposed budgets.

The budget buddy process resulted in the identification and elimination of technical errors, the rewriting of narrative documentation to clarify the intent of certain proposed expenditures and the identification of significant and global budget issues that would require review and action by the Council.

In April, the Council adopted Resolution 02-3181 that provided for the transmittal of the committee-approved budget for review by the Tax Supervising and Conservation Commission. This approved

budget included 17 technical and four substantive amendments. The commission's review did not result in any recommended changes. Consideration of the proposed amended ordinance represents to final step in the annual budget, the approval of the adopted budget.

Committee Discussion: The committee budget review process included five meetings that were devoted to departmental budget presentations, the identification and discussion of significant budget policy issues and consideration and action on amendments. A public hearing was held at the April 9 committee meeting. Committee actions added \$32.32 million to the proposed budget. However, most of these additional funds (\$27.13 million) represent the carry over of unspent funds from the current fiscal year for projects or programs that will not be completed until FY 02-03. For example, the Convention Center expansion project will carry over \$22 million, various other MERC capital projects will carry over \$1.9 million and various REM projects will carry over \$2.3 million. An additional \$180,000 was included to cover the cost of steel drums for REM's HHW program. The amount had been inadvertently omitted from the budget.

Substantive amendments adopted by the Council will add \$104,500 to the proposed budget. These include:

- 1) Enhanced Grant Writing Capability For the Planning and Parks and Greenspaces Departments (\$15,000 each). Funding provided by an increase in the excise tax allocation to each of the departments
- 2) Special Appropriation to fund Metro's share of the update of the Regional Water Supply Plan (\$3,000). Funding provided from the General Fund.
- 3) Assessment and inventory of Metro employee training programs and training needs (\$35,000). Funding provided from the cost allocation plan.
- 4) Addition of a full-time receptionist at the Security desk (\$36,500). Funding provided from the cost allocation plan.

The total budget approved by the committee is \$359.66 million, a decrease of \$55.68 million from the current fiscal year. Personal Services expenditures will increase 5.3%, Materials and Services by 1.46%, and Interfund Transfers by 4.4%. Capital Outlay will decline by 23.9%, Contingency by 26.65% and Ending Fund Balance by 35.5%. These declines will result largely from the completion of the Convention Center expansion, expenditure of the remaining open spaces acquisition bond proceeds and continued work on the Great Northwest exhibit at the zoo.

The Budget Committee Recommendations Report provides greater detail concerning the effect of the amendments adopted by the committee on individual budget funds.

Historically, there are a number of last-minute technical and substantive amendments that arise after the approved budget has been sent to the TSCC for review, and this year will be no exception. At the June 13 Council meeting at which final action is scheduled on the proposed ordinance, staff will be presenting a total of 14 technical and substantive amendments for consideration by the Council. Summaries of these amendments were provided to the Councilors on June 6.

**Exhibit A
Ordinance No.02-948**

ACCT DESCRIPTION	Current Budget		Revision		Amended Budget	
	FTE	Amount	FTE	Amount	FTE	Amount
MERC Pooled Capital Fund						
Pooled Capital						
<u>Resources</u>						
<i>BEGBAI Beginning Fund Balance</i>						
* Prior year ending balance		5,384,174		0		5,384,174
<i>GVCNT Contributions from Governments</i>						
4145 Government Contributions		300,000		0		300,000
<i>INTRST Interest Earnings</i>						
4700 Interest on Investments		225,000		0		225,000
<i>EQTRE Fund Equity Transfers</i>						
4970 Transfer of Resources						
* from OCC		0		224,500		224,500
* from Civic Stadium		800,000		0		800,000
* from PCPA		0		200,000		200,000
* from Expo Center		0		119,500		119,500
TOTAL RESOURCES		\$6,709,174		\$544,000		\$7,253,174
<u>Personal Services</u>						
<i>SALWG Salaries & Wages</i>						
5010 Reg Employees-Full Time-Exempt						
Capital Projects Assistant	0.35	12,500	0.00	0	0.35	12,500
Construction/Capital Projects M	0.20	12,500	0.00	0	0.20	12,500
5089 Merit/Bonus Pay		1,750		0		1,750
<i>FRINGE Fringe Benefits</i>						
5100 Fringe Benefits		6,821		0		6,821
Total Personal Services	0.55	\$33,571	0.00	\$0	0.55	\$33,571
<u>Materials and Services</u>						
<i>GOODS Goods</i>						
5205 Operating Supplies		25,000		0		25,000
<i>SVCS Services</i>						
5260 Maintenance & Repair Services		620,000		0		620,000
Total Materials and Services		\$645,000		\$0		\$645,000
<u>Capital Outlay</u>						
<i>CAPCIP Capital Outlay (CIP Projects)</i>						
5725 Buildings & Related (CIP)		2,410,000		0		2,410,000
Total Capital Outlay		\$2,410,000		\$0		\$2,410,000
<u>Contingency and Ending Balance</u>						
<i>CONT Contingency</i>						
5999 Contingency		928,400		0		928,400
<i>UNAPP Unappropriated Fund Balance</i>						
5990 Unappropriated Fund Balance		2,692,203		544,000		3,236,203
Total Contingency and Ending Balance		\$3,620,603		\$544,000		\$4,164,603
TOTAL REQUIREMENTS	0.55	\$6,709,174	0.00	\$544,000	0.55	\$7,253,174

BUDGET AND FINANCE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 02-948, FOR THE PURPOSE OF AMENDING THE FY 01-02 BUDGET AND APPROPRIATIONS SCHEDULE BY TRANSFERRING APPROPRIATIONS FROM CAPITAL OUTLAY AND CONTINGENCY IN THE MERC OPERATING FUND TO INTERFUND TRANSFERS AND TRANSFERRING THOSE RESOURCES TO THE MERC POOLIED CAPITAL FUND, AND DECLARING AN EMERGENCY

Date: June 12, 2002

Presented by: Councilor Bragdon

Committee Recommendation: At its June 12 meeting, the committee considered Ordinance 02-949 and voted unanimously to send the resolution to the Council for adoption. Voting in favor: Councilors Atherton, Bragdon, McLain and Chair Burkholder. Councilor Monroe was absent.

Background: State law permits the transfer of appropriations from one budgetary fund to another, provided that the transfer is authorized by a resolution or ordinance adopted by the governing body of the jurisdiction.

Committee Discussion: Bryant Enge, MERC Director of Administration presented the staff report. He noted that earlier in FY 01-02, MERC established a budget and accounting policy under which all expenditures, including personnel, related to capital projects would be funded from the MERC Pooled Capital Fund. Previously, some of these expenditures, particularly those related to MERC personnel had been funded from the MERC Operating Fund. Though this policy change occurred after the adoption of the FY 01-02 budget, throughout the current fiscal year MERC has been charging capital project-related expenditures solely to the Pooled Capital Fund. As a result, there is a need to transfer funds from the MERC Operating Fund to the Pooled Capital Fund to cover these expenditures. The proposed ordinance would authorize this transfer of funds. Council action on the proposed ordinance must be completed prior to the end of the fiscal year.

The ordinance also would transfer an additional \$200,000 from the MERC Operating Fund contingency to the MERC Pooled Capital Fund to fund the cost of an unexpected repair of the lift hydraulics system at the Keller Auditorium.

Councilors McLain and Atherton engaged in a dialogue with Mr. Enge concerning how MERC budgets for its future renewal and replacement needs and how it intends to comply with the new capital asset management policies recently adopted by the Council. Councilor McLain urged that compliance with the policies occur in the near future, while Councilor Atherton noted the need to clearly identify how funds were being set aside to meet future needs.

Enge noted that it is clearly MERC's intent to comply with the asset management policies and offered to work with Council and Financial Planning staff to insure that they are in compliance. Karen Feher, Metro CIP Coordinator, explained that during the Council discussion related to the adoption of the policies, staff noted that compliance with the policies would be sought through the development of the next capital improvement plan and the FY 03-04 budget process.

BUDGET AND FINANCE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 02-949, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 4.01.050, AND REVISING ADMISSIONS FEES AT THE OREGON ZOO EFFECTIVE JANUARY 1, 2003

Date: June 12, 2002

Presented by: Councilor McLain

Committee Recommendation: At its June 12 meeting, the committee considered Ordinance 02-949 and voted unanimously to send the resolution to the Council for adoption. Voting in favor: Councilors Atherton, Bragdon, McLain, Monroe and Chair Burkholder.

Background: Metro Code Section 4.01.050 establishes the admission fee structure for the Oregon Zoo. The section also requires the zoo to obtain Council approval of any fee increases. Since 1994, zoo admission fees have been increased twice, in 1999 and again on January 1, 2002. No increases were adopted during the construction of the light rail station and new entry facilities. Projected revenue of \$108,000 from the admission fee increase included in the proposed ordinance is already recognized in the proposed budget for FY 02-03.

Committee Discussion: Kathy Kiaunis, Zoo Deputy Director, presented the staff report. Her presentation focused on three main issues. First, she noted that the proposed increase is only the third increase in admission fees during the past nine years. The proposed adult admission fee will still be well below other similar West Coast zoo and aquariums. For example, the fee at the Oregon Coast Aquarium is \$10.25 and at Wildlife Safari the fee is \$14.50. Second, Ms. Kiaunis explained that in recent years the cost of many types of expenses at the zoo has risen faster than the growth in revenue. She cited utilities and employee benefits as examples. The admission fee increase will help balance expenditures and revenues. Third, Ms. Kiaunis reviewed the zoo's plans concerning potential future increases in admission fees. She indicated that the zoo currently intends to request an additional \$.50 increase in 2005, followed by a request for a \$1 increase in 2007. If such changes were approved, the adult admission fee in 2007 would be \$9.50. This would represent an annual increase of about 4% in the admission fee.

Councilor Atherton asked about the need for the increase in the senior citizen admission fee. Ms. Kiaunis responded that the increase would keep this fee in line with the rest of the fee structure. She also noted the zoo is continually attempting to keep the zoo affordable through the use of fee or reduced fee days or events.

Councilor Burkholder asked about the advisability of having smaller annual fee increases versus larger biennial increases. Ms. Kiaunis responded that the proposed increase is based on current needs and that in the past the larger, less frequent increases had not generated any complaints from the public. Councilor Burkholder then asked if the proposed increase would result in an increase in the purchase of zoo foundation memberships that include free admissions. Ms. Kiaunis indicated that this particular issue had not been examined.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING AN)	RESOLUTION NO. 02- 3194A
EASEMENT TO THE CITY OF OREGON CITY)	
FOR NON-PARK USE THROUGH METRO)	Introduced by Mike Burton,
PROPERTY ON NEWELL CREST DRIVE)	Executive Officer

WHEREAS, Metro owns and manages property in Oregon City near Newell Creek on Newell Crest Drive (the "Newell Crest Property"), and the City of Oregon City ("Oregon City") is requesting a permanent utility easement measuring 20 feet by 30 feet, over a portion of the Newell Crest Property; and

WHEREAS, the proposed permanent utility easement is next to their existing wastewater pump station and easement as set forth in Exhibit A, and would provide for the installation of an auxiliary power generator to supply power to the pump station during power outages, lifting sewage and preventing overflows into Newell Creek Canyon; and

WHEREAS, in accordance with Metro Council Resolution No. 97-2539B "For the Purpose of Approving General Policies Related To The Review Of Easements, Right-Of-Ways, And Leases For Non-Park Uses Through Properties Managed By The Regional Parks And Greenspaces Department," the Metro Parks and Greenspaces Department has evaluated this easement request, and has determined that it meets the criteria established by Resolution 97-2539B, and can be accommodated without any impact to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management; and

WHEREAS, Resolution No. 97-2539B requires formal review of all easement requests by the Regional Parks and Greenspaces Advisory Committee, the Metro Natural Resources Committee and the full Metro Council; and

WHEREAS, Oregon City requested that the fair market value consideration for the easement (\$1,951.29) and staff costs associated with processing the easement request be waived by Metro (Exhibit D), and

WHEREAS, the Regional Parks and Greenspaces Advisory Committee has reviewed the proposed easement and recommended approval and also recommended that fair market value consideration for the easement and staff costs associated with processing the easement request be waived; now therefore,

BE IT RESOLVED that the Metro Council authorizes the Executive Officer to grant to the City of Oregon City a permanent utility easement over Metro's Newell Crest Property, for the sum of one dollar (\$1.00) and other valuable consideration as identified in Exhibits A and C attached hereto, upon payment by the City of Oregon City of Metro staff costs associated with processing the easement request.

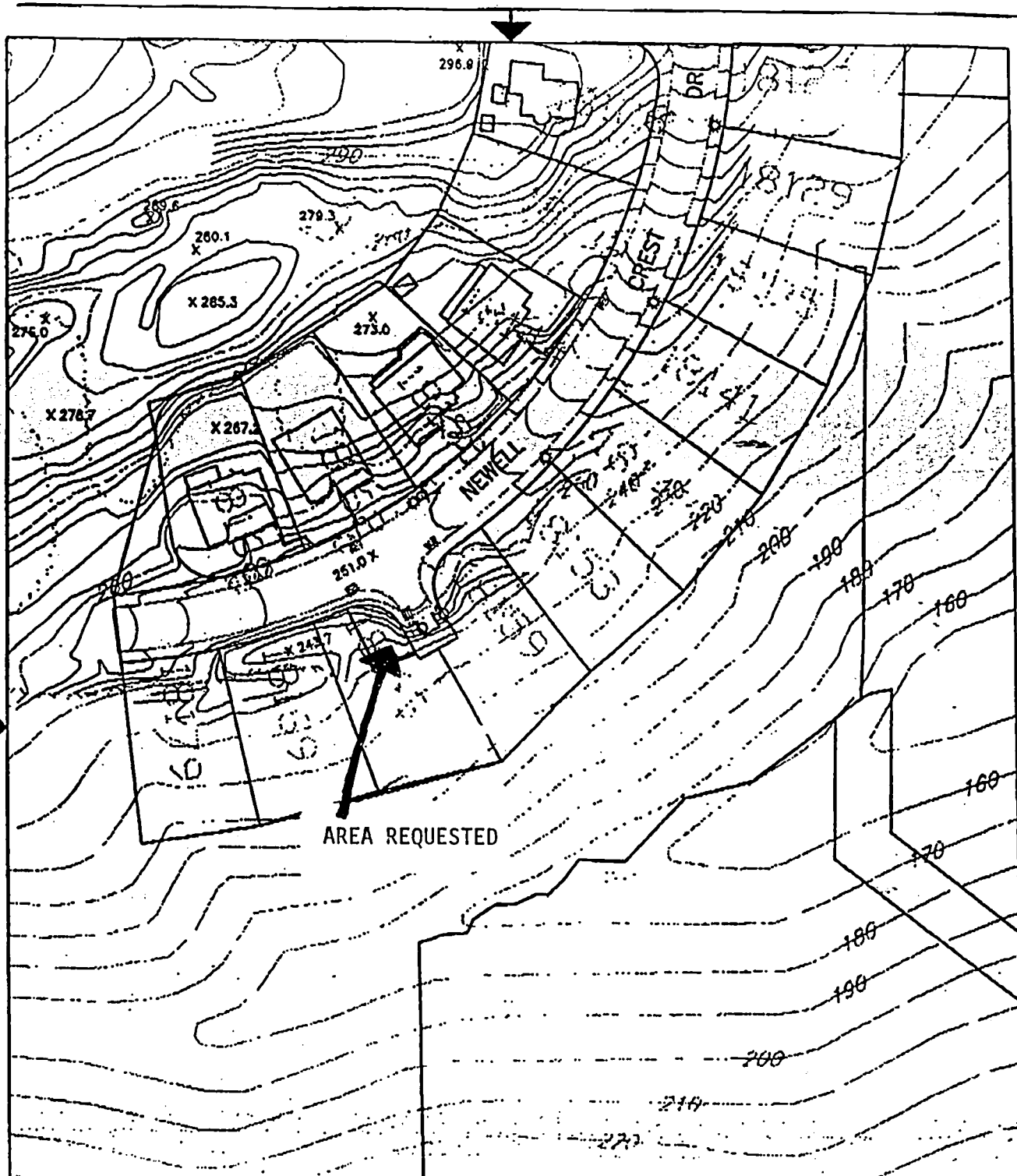
ADOPTED by the Metro Council this _____ day of _____ 2002.

Carl Hosticka, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

EXHIBIT A



AREA REQUESTED



CITY OF OREGON CITY
380 WARNER MILNE ROAD
OREGON CITY, OREGON
97046

NEWELL CREST PUMP STATION

SIZE	PROJECT NO.	DWG NO.	REV
A			

SHEET 1 OF 1

Exhibit B
Resolution No. 02-3194A

Metro Easement Policy Criteria and Staff Findings

- 1) **Provide for formal review of all proposed easements, rights of ways, and leases for non-park uses by the Regional Parks and Greenspaces Advisory Committee, the Regional Facilities Committee and the full Council. Notwithstanding satisfaction of the criteria set forth herein, the final determination of whether to approve a proposed easement, right of way, or lease is still subject to the review and approval by the full Metro Council.**

Staff Finding: Criterion has been satisfied through a review and approval process that includes formal easement application and approval from the Regional Parks and Greenspaces Advisory Committee. The Metro Natural Resources Committee and full Council body will review the easement prior to approval.

- 2) **Prohibit the development of utilities, transportation projects and other non-park uses within corridors or on sites which are located inside of Metro owned or managed regional parks, natural areas, and recreational facilities except as provided herein.**

Staff Finding: The applicant proposes to build a generator enclosure for an auxiliary power source adjacent to the current wastewater pumping station to lift sewage during power outages to prevent overflows into Newell Creek Canyon. This will have a positive impact on this area to prevent overflow and does not impact any natural resource or park value.

- 3) **Reject proposals for utility easements, transportation right of ways and leases for non-park uses which would result in significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management.**

Staff Finding: The very small increase to the current easement (600 sq. feet) will have negligible impact on park or natural resource values while preventing overflow into Newell Creek Canyon.

- 4) **Accommodate utility easements, transportation right of ways or other non-park uses when the Regional Parks and Greenspaces Department (the Department) determines that a proposed easement, right of way, or non-park use can be accommodated without significant impact to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management; and that the impacts can be minimized and mitigated.**

Staff Finding: Meets criteria.

- 5) **Require full mitigation and related maintenance, as determined by the Department, of all unavoidable impacts to natural resources, recreational facilities, recreational opportunities or their operation and management associated with the granting of easements, right of ways, or leases to use Metro owned or managed regional parks, natural areas or recreational facilities for non-park uses.**

Staff Finding: No mitigation is required given the minimal impact and benefit due to decreasing the likelihood of a sewage spill into the canyon area.

- 6) **Limit rights conveyed by easements, right of ways, and leases for non-park uses to the minimum necessary to accomplish the objectives of any proposal.**

Staff Finding: The dimensions and terms of the easement are limited to accommodate installation of a auxiliary power enclosure, and are not transferable or assignable to adjacent properties.

- 7) **Limit the term of easements, right of ways and leases to the minimum necessary to accomplish the objectives of any proposal.**

Staff Finding: The permanent easement space limitations are the minimum needed to accomplish the project while minimizing impact on Metro property.

- 8) **Require reversion, non-transferable, and removal and restoration clauses in all easements, rights of ways, and leases.**

Staff Finding: The easement will include these terms.

- 9) **Fully recover all direct costs (including staff time) associated with processing, reviewing, analyzing, negotiating, approving, conveying, or assuring compliance with the terms of any easement, right of way, or lease for non-park use.**

Staff Finding: Metro staff assigned to this application has documented time and costs of \$350.50 associated with review of this application and informed the applicant of the policy requiring reimbursement. Execution of the easement is subject to satisfaction of all expenses, unless fee is waived by Council, per request of the applicant.

- 10) **Receive no less than fair market value compensation for all easements, right of ways, or leases for non-park uses. Compensation may include, at the discretion of the Department, periodic fees or considerations other than money.**

Staff Finding: The value of the easement is \$1,951.29, based on the total purchase price and the square footage requested.

The City Of Oregon City has formally requested that Metro waive all fees due to the gains that Metro will attain through protection from sewage overflows to the canyon area below the pump station during power outages.

- 11) **Require full indemnification from the easement, right of way or leaseholder for all costs, damages, expenses, fines, or losses related to the use of the easement, right of way, or lease. Metro may also require insurance coverage and/or environmental assurances if deemed necessary by the Office of General Counsel.**

Staff Finding: The easement will include indemnification and insurance provisions.

- 12) **Limit the exceptions to this policy to: grave sales, utilities or transportation projects which are included in approved master/management plans for Metro regional parks, natural areas and recreational facilities; projects designed specifically for the benefit of a Metro regional park, natural area, or recreational facility; or interim use leases as noted in the Open Spaces Implementation Work Plan.**

Staff Finding: No exception requested.

13) Provide for the timely review and analysis of proposals for non-park uses by adhering to the following process:

- A. The applicant shall submit a detailed proposal to the Department which includes all relevant information including but not limited to: purpose, size, components, location, existing conditions, proposed project schedule and phasing, and an analysis of other alternatives which avoid the Metro owned or managed regional park, natural area or recreational facility which are considered infeasible by the applicant. Cost alone shall not constitute unfeasibility.**

Staff Finding: Applicant has submitted a detailed proposal including all required information.

- B. Upon receipt of the detailed proposal, the Department shall determine if additional information or a Master Plan is required prior to further review and analysis of the proposal. For those facilities, which have master plans, require that all proposed uses are consistent with the master plan. Where no master plan exist all proposed uses shall be consistent with the Greenspaces Master Plan. Deficiencies shall be conveyed to the applicant for correction.**

Staff Finding: No additional information is needed.

- C. Upon determination that the necessary information is complete, the Department shall review and analyze all available and relevant material and determine if alternative alignments or sites located outside of the Metro owned or managed regional park, natural area, or recreational facility are feasible.**

Staff Finding: No reasonable alternative as the pump station already exists at this location.

- D. If outside alternatives are not feasible, the Department shall determine if the proposal can be accommodated without significant impact to park resources, facilities or their operation and management. Proposals which cannot be accommodated without significant impacts shall be rejected. If the Department determines that a proposal could be accommodated without significant impacts, staff shall initiate negotiations with the applicant to resolve all issues related to exact location, legal requirements, terms of the agreement, mitigation requirements, fair market value, site restoration, cultural resources, and any other issue relevant to a specific proposal or park, natural area or recreational facility. The Department shall endeavor to complete negotiations in a timely and business-like fashion.**

Staff Finding: No significant negative impact on Metro property will occur.

- E. Upon completion of negotiations, the proposed agreement, in the appropriate format, shall be forwarded for review and approval. In no event shall construction of a project commence prior to formal approval of a proposal.**

Staff Finding: Construction is contingent upon approval.

- F. Upon completion of all Metro tasks and responsibilities or at intervals determined by the Department, and regardless of Metro Council action related to a proposed easement, right of way, or lease for a non-park use, the applicant shall be invoiced for all expenses or the outstanding balance on expenses incurred by Metro.**

Staff Finding: Metro costs have been documented and applicant will be billed for reimbursement.

- G. Permission from Metro for an easement or right-of-way shall not preclude review under applicable federal, state, or local jurisdiction requirements.**

Staff Finding: Criterion satisfied.

Exhibit C
Resolution No. 02-3194A

After recording return to:
CITY ENGINEER
CITY OF OREGON CITY
P.O. Box 351, Oregon City, Oregon 97045

PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that METRO, a municipal corporation and political subdivision of the state of Oregon (hereinafter referred to as "Grantor"), for the consideration hereinafter stated, does forever grant unto the CITY OF OREGON CITY, a municipal corporation, its successors and assigns (hereinafter referred to as "Grantee"), a permanent public utility easement ("Public Utility Easement") over the Premises described as follows, to-wit:

1. Legal description is set forth in EXHIBIT "C" attached hereto, and incorporated by reference herein.
2. A map of the above legal description is set forth in EXHIBIT "A" and incorporated by reference herein.

The consideration paid for this transfer, stated in terms of dollars, is \$1. However, the actual consideration includes other property or value given or promised which is the whole of the consideration.

TO HAVE AND TO HOLD the above described perpetual public utility easement unto said Grantee, subject to liens and encumbrances of record as of the date of execution set forth below, in accordance with the conditions and covenants as follows:

1. The Grantee, through its officers, employees and agents, shall have the right to enter upon said lands in such a manner and at such times from this date as may be reasonably necessary for the purpose of installing, constructing and maintaining thereon an auxiliary electrical power generator, including such renewals, repairs, replacements and removals thereof as may be from time to time required. Said right shall be perpetual for so long as Grantee shall operate or cause to be operated the auxiliary electrical power generator (hereafter, the "Public Utilities") for said purposes as herein provided, subject to the terms of Section 6 set forth herein below.
2. Immediately after any construction, maintenance, repair or replacement of said Public Utilities, any disturbed ground surface shall be restored and revegetated with native vegetation according to Grantor's specifications.

3. Grantee's use of the Premises shall be exclusive, but subject to Metro's inspection for compliance hereunder, at any time, without notice.

4. Grantor(s) and his/her/their heirs, successors and/or assigns will not be responsible for damage by others to said Public Utilities.

5. To the maximum extent permitted by law and subject to the Oregon Tort Claims Act, ORS Chapter 30, Grantee shall defend, indemnify, and save harmless Grantor, its officers, employees, and agents from and against any and all actual or alleged claims, demands, judgments, losses, damages, expenses, costs, expenses, fees (including, but not limited to, attorney, accountant, paralegal, expert, and escrow fees), fines, and/or penalties, which may be imposed upon or claimed against Grantor and which, in whole or in part, directly or indirectly, arise from or are in any way connected with: (i) the act, omission or negligence of Grantee, its officers, directors, agents, employees, invitees, contractors or subcontractors; (ii) the construction, maintenance or operation of the easement set forth herein, whether or not due to the Grantee's own act or omission and whether or not occurring on this easement; and (iii) any breach, violation or failure to perform any of the Grantee's obligations under this Public Utility Easement.

6. This Public Utility Easement is granted on the express condition that the Grantee use the Premises solely for the purposes of installing, constructing and maintaining thereon an auxiliary electrical power generator serving a wastewater pump station located on adjacent City of Oregon City property, including such renewals, repairs, replacements and removals thereof as may be from time to time required. If the Premises is ever used for another purpose by the Grantee without the express written permission of Grantor, or if the Premises ever ceases to be used for said purposes, the Grantor may re-enter and terminate the Public Utility Easement hereby granted.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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IN WITNESS WHEREOF, the undersigned Grantor and Grantee have executed this Public Utility Easement, this _____ day of _____, 2002.

GRANTOR: Metro

Mike Burton
Executive Officer

GRANTEE: City of Oregon City

By: _____
Its: _____

APPROVED AS TO FORM

this _____ day of _____, 2002

Edward J. Sullivan, City Attorney
City of Oregon City, Oregon

APPROVED AS TO LEGAL DESCRIPTION

this _____ day of _____, 2002

_____, P.E., City Engineer
City of Oregon City, Oregon

ACCEPTED on behalf of the City of Oregon City,
OR, this _____ day of _____, 2002.

State of Oregon)
 ss.
County of _____)

On this _____ day of _____, 2002, before me _____, the undersigned Notary Public, personally appeared MIKE BURTON, as Executive Officer of Metro, a municipal corporation, personally known to me (or proved to be on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

State of Oregon)
 ss.
County of _____)

On this _____ day of _____, 2002, before me, a notary public in and for said County and State, personally appeared _____, known to me to be the person whose name _____ subscribed to the within instrument and acknowledged that _____ executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

Laurie Wulf - Newell Crest Drive Property

From: "Chuck Carter" <ccarter@ci.oregon-city.or.us>
To: <Wulf@metro.dst.or.us>
Date: 05/07/2002 2:35 PM
Subject: Newell Crest Drive Property

Laurie,

I am requesting that any fee's regarding the request for easement be waived due to the benefits that will occur to Metro.

Thank you,
Chuck Carter
Operations Supervisor
Storm and Wastewater Division

METRO NATURAL RESOURCES COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 02-3194A, FOR THE PURPOSE OF GRANTING AN EASEMENT TO THE CITY OF OREGON CITY FOR NON PARK USE THROUGH METRO PROPERTY ON NEWELL CREST DRIVE

Date: June 7, 2002

Presented by: Councilor Atherton

Committee Action: At its June 5, 2002 meeting, the Metro Natural Resources Committee voted 4-0 to amend and recommend Council adoption of Resolution 02-3187A. Voting in favor: Councilors Atherton, Hosticka, Park and McLain

Background: Oregon City is requesting expansion of an easement on Metro owned land in the Newell Creek Canyon area. The 20 by 30 foot site will be used to build a generator to pump sewage at an existing wastewater pump station during emergency power outages. Staff determined that the request met Council approved easement and right of way criteria. The city also requested waiver of fees associated with this easement request, which apply to \$350.50 in staff time to process the application, and \$1,951.29, the value of the easement itself.

- Existing Law: Resolution 97-2539B declares Council policy relative to granting easements and rights of way on parks properties.
- Budget Impact: There is no budget impact.

Committee Issues/Discussion: The committee spent some time discussing the fee waiver request. In the end, the committee felt that since the easement was for a non-park purpose, they would not waive the \$350.50 fee for Metro staff time to process the request. The Committee did agree to waive the \$1,951.29 value of the easement, however. This will be reflected in the "resolved" section of the amended resolution. Exhibit C is also amended to reflect that the actual consideration paid for the transfer (easement) is "\$1, and other considerations", not "\$0", as currently written.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 02-3194A, FOR THE PURPOSE OF GRANTING AN EASEMENT TO THE CITY OF OREGON CITY FOR NON-PARK USE THROUGH METRO PROPERTY ON NEWELL CREST DRIVE

Date: June 7, 2002

Prepared by: Laurie Wulf

BACKGROUND

Metro Regional Parks and Greenspaces Department occasionally receives requests for easements, leases and right-of-ways through property that has been acquired through Regional Parks and Greenspaces properties. These requests are reviewed and analyzed per the guidance and policy established via Resolution 97-2539B, "For The Purpose Of Approving General Policies Related To The Review Of Easements, Right-Of-Ways, and Leases For Non-Park Uses Through Properties Managed By Regional Parks And Greenspaces Department" adopted by Council on November 6th, 1997.

Metro has received and reviewed an easement application from the City of Oregon City. The request meets all criteria set forth in the Metro Policy regarding easements, right-of-ways and leases for non-park uses. The City of Oregon City is requesting an easement next to their existing easement for the purpose of building a generator enclosure for an auxiliary power source for the wastewater pump station. The easement will be 20 feet by 30 feet and located next to the wastewater pump station. The requested easement is found to have no negative impact on Metro-owned property and will only benefit the property by preventing potential overflows on Metro property. Metro staff costs accrued to date are approximately \$ 350.50 and the value of the easement is \$ 1,951.29. The City Of Oregon City requested waiving of all fees due to the positive impact that this will have for Metro's property

ANALYSIS/INFORMATION

1. **Known Opposition** No known opposition.
2. **Legal Antecedents** None known.
3. **Anticipated Effects** The effect will be an auxiliary power source installed and utilized during power outages, preventing raw wastewater from entering Newell Creek Canyon.
4. **Budget Impacts** The Parks and Greenspaces Advisory Committee recommends waiving all fees to the City of Oregon City for the favorable affect this will have on the Newell Creek Canyon area.

RECOMMENDED ACTION

The Executive Officer recommends that the Council grant the easement as requested and waive all fees on the grounds that the value of service to Metro will exceed potential fees.

METRO NATURAL RESOURCES COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. O2-3194A, FOR THE PURPOSE OF GRANTING AN EASEMENT TO THE CITY OF OREGON CITY FOR NON PARK USE THROUGH METRO PROPERTY ON NEWELL CREST DRIVE

Date: June 7, 2002

Presented by: Councilor Atherton

Committee Action: At its June 5, 2002 meeting, the Metro Natural Resources Committee voted 4-0 to amend and recommend Council adoption of Resolution 02-3187A. Voting in favor: Councilors Atherton, Hosticka, Park and McLain

Background: Oregon City is requesting expansion of an easement on Metro owned land in the Newell Creek Canyon area. The 20 by 30 foot site will be used to build a generator to pump sewage at an existing wastewater pump station during emergency power outages. Staff determined that the request met Council approved easement and right of way criteria. The city also requested waiver of fees associated with this easement request, which apply to \$350.50 in staff time to process the application, and \$1,951.29, the value of the easement itself.

- Existing Law: Resolution 97-2539B declares Council policy relative to granting easements and rights of way on parks properties.
- Budget Impact: There is no budget impact.

Committee Issues/Discussion: The committee spent some time discussing the fee waiver request. In the end, the committee felt that since the easement was for a non-park purpose, they would not waive the \$350.50 fee for Metro staff time to process the request. The Committee did agree to waive the \$1,951.29 value of the easement, however. This will be reflected in the "resolved" section of the amended resolution. Exhibit C is also amended to reflect that the actual consideration paid for the transfer (easement) is "\$1, and other considerations", not "\$0", as currently written.

061302c-09



METRO

June 13, 2002

Chair Steven Corey and Members of the
Oregon Transportation Commission
355 Capitol St. NE, Room 101
Salem, OR 97301-3871

Dear Chair Corey:

We are writing this on behalf of and with the support of the Metro Council and Joint Policy Advisory Committee on Transportation (JPACT). Thank you for the opportunity to comment on funding priorities through the second phase of the Oregon Transportation Investment Act (OTIA – II). Although policy direction has been discussed at the last two Oregon Transportation Commission (OTC) meetings, we understand the OTC is seeking feedback on the Oregon Department of Transportation (ODOT) staff recommendation at your June and July meetings.

To reiterate our comments submitted to the OTC in April, it would be our preference to complete the funding using OTIA-II funds for the Sunnyside Road: 122nd to 142nd and Boeckman Road: Boones Ferry Road to Tooze Road projects rather than leave these projects partially funded. It is our assertion that the funding agreement reached on these projects that lead to the final OTIA-I funding decision included two key parts:

1. Clackamas County, Wilsonville, Metro (through a future MTIP) and ODOT (through a future STIP) each committed \$1.956 million which together with OTIA I funds and previously committed local funds would fully fund these projects; and
2. We agreed to seek other funds to avoid or reduce these additional funding commitments. Further, we agreed that if any funding amount were obtained by any party, all four parties would equally share in the savings. At the time, we anticipated seeking a federal discretionary appropriation earmark and there was also an early indication that favorable interest rates may allow for a higher level of bonding against the OTIA – I revenue sources.

Based upon the discussion of the OTC at your April and May meetings, it is our understanding that there is a preference not to “backfill” these two projects from OTIA-II. In addition, through further conversations with ODOT staff, it has come to our attention that the option to “backfill” may be moot since the Attorney General’s office has interpreted HB 4010 as only allowing the OTC to fund projects that were considered but not funded through OTIA-I. This interpretation

of HB 4010 has been made despite specific legislative intent on the House floor indicating that the language should not preclude projects that were partially funded through OTIA-I.

Be that as it may, we are interested in gaining ODOT's support to do what it can to allow these projects to be implemented on time. In the absence of funding from OTIA-II, we seek your support of the following:

1. Acknowledge that the funding agreement adopted by Metro and JPACT and accepted by ODOT calls for us to pursue other funds to avoid or reduce the \$1.956 million funding commitment from each of the four parties – ODOT STIP, Metro MTIP, Clackamas County and the City of Wilsonville.
2. Assist us in pursuing other funding sources to fulfill this intent including:
 - a) Support for a federal discretionary appropriations earmark in FY 03.
 - b) Support for an earmark in the FY 04-09 reauthorization of TEA-21.
 - c) Support for funding from any funding package that may be considered by the 2003 Oregon legislature; in particular, ensure language such as that reflected in HB 4010 doesn't preclude this funding.
- 3) Assist Clackamas County and the City of Wilsonville with accelerating the timing of future MTIP and STIP commitments through:
 - a) Borrowing funds from the State Infrastructure Bank;
 - b) Early obligation of federal funds consistent with the project schedule; and
 - c) Use of federal authorization for "Advanced Construction" to accelerate project implementation.

In conclusion, both the Sunnyside Road and Boeckman Road projects are significant to policy direction established by the State of Oregon. The Boeckman project will leverage a high-density, mixed-use development at the Dammasch Hospital site currently owned by the state. This critical road segment allows for an immediate and more efficient use of that land and will also compliment the Wilsonville to Beaverton Commuter Rail project. Sunnyside Road provides access to an area where, following state statute and state Goal 14, Metro has and likely will extend urban growth. Sunnyside Road is critical to serving that growth and for fostering a complete community in both Pleasant Valley and Damascus that balances both housing and jobs.

We look forward to your future support and assistance in the matter.

Sincerely,

Rod Monroe
JPACT Chair

Carl Hosticka
Metro Presiding Officer