

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: June 27, 2002  
DAY: Thursday  
TIME: 3:00 PM  
PLACE: Lake Oswego Council Chamber  
380 A Avenue, Lake Oswego

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. MAYOR'S WELCOME**

Hammerstad

**3. UPDATE ON URBAN GROWTH BOUNDARY PERIODIC REVIEW PROCESS**

Cotugno

**4. CITIZEN COMMUNICATIONS**

**5. MPAC COMMUNICATIONS**

**6. CONSENT AGENDA**

6.1 Consideration of Minutes for the June 20, 2002 Metro Council Regular Meeting.

**7. ORDINANCES - SECOND READING**

7.1 **Ordinance No 02-946A**, For the Purpose of Adopting the Post-Acknowledgement Amendments to the 2000 Regional Transportation Plan (RTP).

Monroe

7.2 **Ordinance No. 02-942A**, For the Purpose of Adding a New Chapter 2.20 to the Metro Code Creating the Office of Chief Operating Officer.

Bragdon

7.3 **Ordinance No. 02-953A**, For the purpose of Amending Chapter 2.08 of the Metro Code to Create the Office of Metro Attorney.

Monroe

7.4 **Ordinance No. 02-954A**, For the Purpose of Amending Chapter 2.01 of the Metro Code to Reflect the Creation of the Office of Metro Council President.

Bragdon

7.5 **Ordinance No. 02-955A**, For the Purpose of Amending Chapter 2.19 of the Metro Code to Conform to the Charter Amendments Adopted on November 7, 2000. Monroe

**8. RESOLUTIONS**

8.1 **Resolution 02-3205**, For the Purpose of Authorizing the Issuance of a Request for Proposals 02-1025-COU for a Personal Services Contract for the Recruitment of a Chief Operating Officer as Set Forth in Metro Code Chapter 2.20. Bragdon

**9. CONTRACT REVIEW BOARD**

9.1 **Resolution No. 02-3202**, For the Purpose of Awarding the Contract (924134) for Soft Drink and Bottled Beverages at the Oregon Zoo to Coca-Cola Bottling Company of Oregon. Burkholder

**10. COUNCILOR COMMUNICATION**

**ADJOURN**

**Cable Schedule for Week of June 27, 2002 (PCA)**

	<b>Sunday (6/30)</b>	<b>Monday (7/1)</b>	<b>Tuesday (7/2)</b>	<b>Wednesday (7/3)</b>	<b>Thursday (6/27)</b>	<b>Friday (6/28)</b>	<b>Saturday (6/29)</b>
<b>CHANNEL 11 (Community Access Network) (most of Portland area)</b>		4:00 PM				2:00 PM (previous meeting)	
<b>CHANNEL 21 (TVTV) (Washington Co., Lake Oswego, Wilsonville)</b>						7:00 PM 11:00 PM	3:30 PM
<b>CHANNEL 30 (TVTV) (NE Washington Co. - people in Wash. Co. who get Portland TCI)</b>						7:00 PM 11:00 PM	3:30 PM
<b>CHANNEL 30 (CityNet 30) (most of City of Portland)</b>	8:30 PM	8:30 PM					
<b>CHANNEL 30 (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)</b>	4:30 PM			5:30 AM	1:00 PM 5:30 PM	3:00 PM	
<b>CHANNEL 32 (ATT Consumer Svcs.) (Milwaukie)</b>		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 SHOWING TIMES.**

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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).

Consideration of the June 20, 2002 Regular Metro Council Meeting minutes.

Metro Council Meeting  
Thursday, June 27, 2002  
Lake Oswego Council Chamber

Agenda Item Number 7.1

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

***Second Reading***

**Metro Council Meeting  
Thursday, June 27, 2002  
Lake Oswego Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE ) ORDINANCE NO. 02-946A  
POST-ACKNOWLEDGEMENT )  
AMENDMENTS TO THE 2000 REGIONAL ) Introduced by Councilor Rex Burkholder  
TRANSPORTATION PLAN (RTP).

WHEREAS, the 2000 Regional Transportation Plan (RTP) was adopted on August 10, 2000, with the intent to adopt subsequent amendments from specific outstanding studies and changes required as part of the Land Conservation and Development Commission (LCDC) adoption process in a timely manner; and

WHEREAS, the specific outstanding studies, including the Tri-County Elderly and Disabled Plan, Corridor Initiatives Project and Green Streets Project, were completed in 2001; and

WHEREAS, the LCDC acknowledged the RTP in June 2001, ordering specific changes to the plan; and

WHEREAS, these amendments are reflected in the plan text and map changes shown in Exhibits to this ordinance; and

WHEREAS, these amendments affect portions of Chapter 1 of the RTP, which also serves as the transportation element contained in Chapter 2 of the Regional Framework Plan; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Adopts the technical amendments ordered by LCDC, as shown in Exhibit 'A';
2. Adopts the Elderly and Disabled policies shown in Exhibit 'B';
3. Adopts the Corridor Initiatives priorities shown in Exhibit 'C'; and
4. Adopts the Green Streets policies and implementation measures shown in Exhibit 'D'.
5. Adopts changes to Chapter 1 shown in Exhibits 'B' and 'D' as corresponding amendments to Chapter 2 of the Regional Framework Plan.

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

RTP POST-ACKNOWLEDGEMENT AMENDMENTS

# Exhibit 'A'

## RTP Technical Text Amendments - Part 1

### Chapter 6 – Implementation

#### 6.2.4 Compliance with State Requirements

##### Compliance with Statewide Planning Goals

Together, the RTP and city and county TSPs that implement the RTP will constitute the land use decision about need, mode, and function and general location of planned transportation facilities and improvements shown in the RTP. As the regional transportation system plan, the RTP constitutes the land use decision about need, mode and function of planned transportation facilities and improvements. The RTP also identifies the general location of planned transportation facilities and improvements.

The land use decision specifying the general location of planned regional transportation facilities and improvements will be made by cities and counties as they develop and adopt local TSPs that implement the RTP. While the specific alignment of a project may be incorporated into a TSP, such decisions are subject to the project development requirements in Section 6.7, and must include findings of consistency with applicable statewide planning goals, as described below.

In preparing and adopting local TSPs, cities and counties will prepare findings showing how specific alignment of planned regional facilities or general location or specific alignment of local facilities is consistent with provisions of the RTP, acknowledged comprehensive plans and applicable statewide planning goals, if any. If the actual alignment or configuration of a planned facility proposed by a city or county is inconsistent with the general location of a facility in the RTP, the process described in Section 6.4 to resolve such issues shall be used prior to a final land use decision by a city or county.

This section describes how cities and counties will address consistency with applicable local comprehensive plans and statewide planning goals.

##### General Location of Planned Transportation Facilities

Maps included in the RTP illustrate the general location of planned transportation facilities and improvements. For the purposes of this plan, the general location of transportation facilities and improvements is the location shown on maps adopted as part of this plan and as described in this section. Where more than one map in the RTP shows the location of a planned facility, the most detailed map

included in the plan shall be the identified general location of that facility.

Except as otherwise described in the plan, the general location of planned transportation and facilities is as follows:

For new facilities, the general location includes a corridor within 200 feet of the location depicted on the maps included within the RTP. For interchanges, the general location corresponds to the general location of the crossing roadways. The general location of connecting ramps is not specified. For existing facilities that are planned for improvement the general location includes a corridor within fifty feet of the existing right-of-way. For realignments of existing facilities the general location includes a corridor within 200 feet of the segment to be realigned, measured from the existing right-of-way or as depicted on the plan map.

Local transportation system plans and project development are consistent with the RTP if a planned facility or improvement is sited within the general location shown on the RTP maps and described above in this section. Cities and counties may refine or revise the general location of planned facilities as they prepare local transportation system plans to implement the RTP. Such revisions may be appropriate to lessen project impacts, or to comply with applicable requirements in local plans or statewide planning goals. A decision to authorize a planned facility or improvement outside of the general location shown and described in the RTP requires an amendment to the RTP to revise the proposed general location of the improvement.

#### Transportation Facilities and Improvements authorized by existing acknowledged comprehensive plans

New decisions are required to authorize transportation facilities and improvements included in the RTP that are not authorized by the relevant jurisdiction's acknowledged comprehensive plan on August 10, 2000. Many of the facilities and improvements included in the RTP are currently authorized by the existing, acknowledged comprehensive plans. Additional findings demonstrating consistency with an acknowledged plan or the statewide planning goals are required only if the facility or improvement is not currently allowed by the jurisdiction's existing acknowledged comprehensive plan. Additional findings would be required if a local government changes the function, mode or general location of a facility from what is currently provided for in the acknowledged comprehensive plan.

#### Applicability of Statewide Planning Goals to decisions about General Location

Several statewide planning goals include "site specific" requirements that can affect decisions about the general location of planned transportation facilities. These include:

Goal 5 Open Spaces, Scenic, Historic and Natural Resources

Goal 7. Natural Hazards and Disasters

Goal 9 Economic Development , as it relates to protection of sites for specific uses (i.e. such as sites for large industrial uses)

Goal 10 Housing, as it relates to maintaining a sufficient inventory of buildable lands to meet specific housing needs (such as the need for multi-family housing)

Goal 15 Willamette River Greenway

Generally, compliance with the goals is achieved by demonstrating compliance with an acknowledged comprehensive plan. If City and county plans have been acknowledged to comply with the Goals and related rules, a planned improvement consistent with that plan is presumed to comply with the related goal requirement. Cities and counties may adopt the general location for needed transportation improvements, and defer findings of consistency with statewide planning goals to the project development phase. However, specific alignment decisions included in a local TSP must also include findings of consistency with applicable statewide planning goals.

In some situations, the Statewide Planning Goals and related rules may apply in addition to the acknowledged plan. This would occur, for example, if the jurisdiction is in periodic review, or an adopted statewide rule requirement otherwise requires direct application of the goal. Cities and counties will assess whether there are applicable goal requirements, and adopt findings to comply with applicable goals, as they prepare local transportation system plans to implement the regional transportation plan.

If in preparing a local TSP, a city or county determines that the identified general location of a transportation facility or improvement is inconsistent with an applicable provision of its comprehensive plan or an applicable statewide planning goal requirement, it shall:

- propose a revision to the general location of the planned facility or improvement to accomplish compliance with the applicable plan or goal requirement. If the revised general location is outside the general location specified in the RTP, this would require an amendment to the RTP; or
- propose a revision to the comprehensive plan to authorize the planned improvement within the general location specified in the RTP. This may require additional goal findings, for example, if a goal-protected site is affected.

Effect of an Approved Local TSP on Subsequent Land Use Decisions

Once a local TSP is adopted and determined to comply with the RTP and applicable local plans and statewide planning goals, the actual alignment of the planned transportation facility or improvement is



determined through the project development process. Subsequent actions to provide or construct a facility or improvement that are consistent with the local TSP may rely upon and need not reconsider the general location of the planned facility.

Additional land use approvals may be needed to authorize construction of a planned transportation improvement within the general location specified in an adopted local transportation system plan. This would occur if the local comprehensive plan and land use regulations require some additional review to authorize the improvement, such as a conditional use permits. Generally, the scope of review of such approvals should be limited to address siting, design or alignment of the planned improvement within the general location specified in the local TSP.

### **6.3 Demonstration of Compliance with Regional Requirements**

In November 1992, the voters approved Metro's Charter. The Charter established regional planning as Metro's primary mission and required the agency to adopt a Regional Framework Plan (RFP). The plan was subsequently adopted in 1997, and now serves as the document that merges all of Metro's adopted land-use planning policies and requirements. Chapter 2 of the Regional Framework Plan describes the different 2040 Growth Concept land-use components, called "2040 Design Types," and their associated transportation policies. The Regional Framework Plan directs Metro to implement these 2040 Design Types through the RTP and Metropolitan Transportation Improvement Program (MTIP). These requirements are addressed as follows:

- Chapter 1 of the updated RTP has been revised to be completely consistent with applicable framework plan policies, and the policies contained in Chapter 1 of this plan incorporate all of the policies and system maps included in Chapter 2 of the framework plan. These policies served as a starting point for evaluating all of the system improvements proposed in this plan, and the findings in Chapter 3 and 5 of the RTP demonstrate how the blend of proposed transportation projects and programs is consistent with the Regional Framework Plan and 2040 Growth Concept.
- The MTIP process has also been amended for consistency with the Regional Framework Plan. During the Priorities 2000 MTIP allocation process, project selection criteria were based on 2040 Growth Concept principles, and funding categories and criteria were revised to ensure that improvements critical to implementing the 2040 Growth Concept were adequately funded.

Prior to completion of this updated RTP, several transportation planning requirements were included in the *Urban Growth Management Functional Plan (UGMFP)*, which was enacted to address rapid growth issues in the region while the Regional Framework Plan and other long-range plans were under development. This 2000 RTP now replaces and expands the performance standards required for all city and county comprehensive plans in the region contained in Title 6 of the UGMFP. See Sections 6.4.4 through 6.4.7, 6.6, 6.6.3 and 6.7.3. In addition, parking policies contained in this plan were developed to complement Title 2 of the UGMFP, which regulates off-street parking in the region. See Section 1.3.6, Policy 19.1. Therefore, this RTP serves as a discrete functional plan that is both consistent with, and fully complementary of the UGMFP.

To ensure consistency between the 2000 RTP and local transportation system plans (TSPs), Metro shall develop a process for tracking local TSP project and functional classification refinements that are consistent with the RTP, and require a future amendment to be incorporated into the RTP. Such changes should be categorized according to degrees of significance and impact, with major changes subject to policy-level review and minor changes tracked administratively. This process should build on the established process of formal comment on local plan amendments relevant to the RTP.

## 6.4 Local Implementation of the RTP

### 6.4.1 Local Consistency with the RTP

The comprehensive plans adopted by the cities and counties within the Metro region are the mechanisms by which local jurisdictions plan for transportation facilities. These local plans identify future development patterns that must be served by the transportation system. Local comprehensive plans also define the shape of the future transportation system and identify needed investments. All local plans must demonstrate consistency with the RTP as part of their normal process of completing their plan or during the next periodic review. Metro will continue to work in partnership with local jurisdictions to ensure plan consistency.

The 2000 RTP is Metro's regional functional plan for transportation. Functional plans by state law include "recommendations" and "requirements." The listed RTP elements below are all functional plan requirements. Where "consistency" is required with RTP elements, those elements must be included in local plans in a manner that substantially complies with that RTP element. Where "compliance" is required with

RTP elements, the requirements in those elements must be included in local plans as they appear in the RTP.

For inconsistencies, ~~local governments~~ cities and counties, special districts or Metro may initiate the dispute resolution process detailed in this chapter prior to action by Metro to require an amendment to a local comprehensive plan, transit service plan or other facilities plan. Specific elements in the 2000 RTP that require city, county and special district compliance or consistency are as follows:

Chapter 1 *Consistency with policies, objectives, motor vehicle level-of-service measure and modal targets, system maps and functional classifications including the following elements of Section 1.3:*

- *regional transportation policies 1 through 20 and objectives under those policies*
- *all system maps (Figures 1.1 through 1.19, including the street design, motor vehicle, public transportation, bicycle, pedestrian and freight systems)*
- *motor vehicle performance measures (Table 1.2), or alternative performance measures as provided for in Section 6.4.7(1)*
- *regional non-SOV modal targets (Table 1.3)*

Chapter 2 *Consistency with the 2020 population and employment forecast contained in Section 2.1 and 2.3, or alternative forecast as provided for in Section 6.4.9 of this chapter, but only for the purpose of TSP development and analysis.*

Chapter 6 *Compliance with the following elements of the RTP implementation strategy:*

- *Local implementation requirements contained in Section 6.4*
- *Project development and refinement planning requirements and guidelines contained in Section 6.7*

For the purpose of local planning, all remaining provisions in the RTP are recommendations unless clearly designated in this section as a requirement of local government comprehensive plans. All local comprehensive plans and future amendments to local plans are required by state law to be consistent with the adopted RTP. For the purpose of

transit service planning, or improvements to regional transportation facilities by any special district, all of the provisions in the RTP are recommendations unless clearly designated as a requirement. Transit system plans are required by federal law to be consistent with adopted RTP policies and guidelines. Special district facility plans that affect regional facilities, such as port or passenger rail improvements, are also required to be consistent with the RTP.

The state Transportation Planning Rule (TPR) requires most cities and counties in the Metro region to adopt local Transportation System Plans (TSPs) in their comprehensive plans. These local TSPs are required by the TPR to be consistent with the RTP policies, projects and performance measures identified in this section.

~~Upon adoption by ordinance, local TSPs shall be reviewed for consistency with these elements of the RTP. A finding of consistency and compliance for local TSPs that are found to be consistent with applicable elements of the RTP will be forwarded to the state Department of Land Conservation and Development (DLCD) for consideration as part of state review of local plan amendments. A finding of non compliance for local TSPs that are found to be inconsistent with the RTP will be forwarded to DLCD if conflicting elements in local plans or the RTP cannot be resolved between Metro and the local jurisdiction. Tentative findings of consistency and compliance shall be provided to local jurisdictions as part of the public record during the local adoption process to allow local officials to consider these findings prior to adoption of a local TSP.~~

#### 6.4.2 Local TSP Development

Local TSPs must identify transportation needs for a 20-year planning period, including needs for regional travel within the local jurisdiction, as identified in the RTP. Needs are generally identified either through a periodic review of a local TSP or a specific comprehensive plan amendment. Local TSPs that include planning for potential urban areas located outside the urban growth boundary shall also include project staging that links the development of urban infrastructure in these areas to future expansion of the urban growth boundary. In these areas, local plans shall also prohibit the construction of urban transportation improvements until the urban growth boundary has been expanded and urban land use designations have been adopted in local comprehensive plans.

Once a transportation need has been established, an appropriate transportation strategy or solution is identified through a two-phased process. The first phase is system-level planning, where a number of transportation alternatives are considered over a large geographic area

such as a corridor or local planning area, or through a local or regional Transportation System Plan (TSP). The purpose of the system-level planning step is to:

- consider alternative modes, corridors, and strategies to address identified needs
- determine a recommended set of transportation projects, actions, or strategies and the appropriate modes and corridors to address identified needs in the system-level study area

The second phase is project-level planning (also referred to as project development), and is described separately in this chapter in Section 6.7.

Local TSP development is multi-modal in nature, resulting in blended transportation strategies that combine the best transportation improvements that address a need, and are consistent with overall local comprehensive plan objectives.

#### 6.4.3 Process for Metro Review of Local Plan Amendments, Facility and Service Plans

Metro will review local plans and plan amendments, and facility plans that affect regional facilities for consistency with the RTP. Prior to adoption by ordinance, local TSPs shall be reviewed for consistency with these elements of the RTP. Metro will submit formal comment as part off the adoption process for local TSPs to identify areas where inconsistencies with the RTP exist, and suggest remedies.

Upon adoption of a local TSP, Metro will complete a final consistency review, and a finding of consistency with applicable elements of the RTP will be forwarded to the state Department of Land Conservation and Development (DLCD) for consideration as part of state review of local plan amendments or local periodic review. A finding of non-compliance for local TSPs that are found to be inconsistent with the RTP will be forwarded to DLCD if conflicting elements in local plans or the RTP cannot be resolved between Metro and the local jurisdiction.

The following procedures are required for local plan amendments:

1. When a local jurisdiction or special district is considering plan amendments or facility plans which are subject to RTP local plan compliance requirements, the jurisdiction shall forward the proposed amendments or plans to Metro prior to public hearings on the amendment.

2. Within four weeks of receipt of notice, the Transportation Director shall notify the local jurisdiction through formal written comment whether the proposed amendment is consistent with RTP requirements, and what, if any, modifications would be required to achieve consistency. The Director's finding may be appealed by both the local jurisdiction or the owner of an affected facility, first to JPACT and then to the Metro Council.
3. A jurisdiction shall notify Metro of its final action on a proposed plan amendment.
4. Following adoption of a local plan, Metro shall forward a finding of consistency to DLCD, or identify inconsistencies that were not remedied as part of the local adoption process.

#### 6.4.4 Transportation Systems Analysis Required for Local Plan Amendments

This section applies to city and county comprehensive plan amendments or to any local studies that would recommend or require an amendment to the Regional Transportation Plan to add significant single occupancy vehicle (SOV) capacity to the regional motor vehicle system, as defined by Figure 1.12. This section does not apply to projects in local TSPs that are included in the 2000 RTP. For the purpose of this section, significant SOV capacity is defined as any increase in general vehicle capacity designed to serve 700 or more additional vehicle trips in one direction in one hour over a length of more than one mile. This section does not apply to plans that incorporate the policies and projects contained in the RTP.

Consistent with Federal Congestion Management System requirements (23 CFR Part 500) and TPR system planning requirements (660-12), the following actions shall be considered when local transportation system plans (TSPs), multi-modal corridor and sub-area studies, mode specific plans or special studies (including land-use actions) are developed:

1. Transportation demand strategies that further refine or implement a regional strategy identified in the RTP
2. Transportation system management strategies, including intelligent Transportation Systems (ITS), that refine or implement a regional strategy identified in the RTP
3. Sub-area or local transit, bicycle and pedestrian system improvements to improve mode split

4. The effect of a comprehensive plan change on mode split targets and actions to ensure the overall mode split target for the local TSP is being achieved
5. Improvements to parallel arterials, collectors, or local streets, consistent with connectivity standards contained in Section 6.4.5, as appropriate, to address the transportation need and to keep through trips on arterial streets and provide local trips with alternative routes
6. Traffic calming techniques or changes to the motor vehicle functional classification, to maintain appropriate motor vehicle functional classification
7. If upon a demonstration that the above considerations do not adequately and cost-effectively address the problem, a significant capacity improvement may be included in the comprehensive plan

Upon a demonstration that the above considerations do not adequately and cost-effectively address the problem and where accessibility is significantly hindered, Metro and the affected city or county shall consider:

1. Amendments to the boundaries of a 2040 Growth Concept design type
2. Amendments or exceptions to land-use functional plan requirements
3. Amendments to the 2040 Growth Concept
4. Designation of an Area of Special Concern, consistent with Section 6.7.7.

Demonstration of compliance will be included in the required congestion management system compliance report submitted to Metro by cities and counties as part of system-level planning and through findings consistent with the TPR in the case of amendments to applicable plans.

#### **6.4.6 Alternative Mode Analysis**

Improvement in non-SOV mode share will be used as the key regional measure for assessing transportation system improvements in the central city, regional centers, town centers and station communities. For other 2040 Growth Concept design types, non-SOV mode share will be used as an important factor in assessing transportation system improvements. These modal targets will also be used to demonstrate compliance with per

capita travel reductions required by the state TPR. This section requires that cities and counties establish non-SOV regional modal targets for all 2040 design types that will be used to guide transportation system improvements, in accordance with Table 1.3 in Chapter 1 of this plan:

1. Each jurisdiction shall establish an alternative mode share target (defined as non-single occupancy vehicle person-trips as a percentage of all person-trips for all modes of transportation) in local TSPs for trips into, out of and within all 2040 Growth Concept land-use design types within its boundaries. The alternative mode share target shall be no less than the regional modal targets for these 2040 Growth Concept land-use design types to be established in Table 1.3 in Chapter 1 of this plan.
2. Cities and counties, working with Tri-Met and other regional agencies, shall identify actions in local TSPs that will result in progress toward achieving the non-SOV modal targets. These actions should initially be based on RTP modeling assumptions, analysis and conclusions, and include consideration of the maximum parking ratios adopted as part of Title 2, section 3.07.220 of the *Urban Growth Management Functional Plan*; regional street design considerations in Section 6.7.3, Title 6, transportation demand management strategies and transit's role in serving the area. Local benchmarks for evaluating progress toward achieving modal targets may be based on future RTP updates and analysis, if local jurisdictions are unable to generate this information as part of TSP development.
3. Metro shall evaluate local progress toward achieving the non-SOV modal targets during the 20-year plan period of a local TSP using the Appendix 1.8 "TAZ Assumptions for Parking Transit and Connectivity Factors" chart as minimum performance requirements for local actions proposed to meet the non-SOV requirements.

#### 6.4.8 Future RTP Refinements Identified through Local TSPs

The 2000 RTP represents the most extensive update to the plan since it was first adopted in 1982. It is the first RTP to reflect the 2040 Growth Concept, Regional Framework Plan and state Transportation Planning Rule. In the process of addressing these various planning mandates, the plan's policies and projects are dramatically different than the previous RTP. This update also represents the first time that the plan has considered growth in urban reserves located outside the urban growth boundary but expected to urbanize during the 20-year plan



period. As a result, many of the proposed transportation solutions are conceptual in nature, and must be further refined.

In many cases, these proposed transportation solutions were initiated by local jurisdictions and special agencies through the collaborative process that Metro used to develop the updated RTP. However, the scope of the changes to the RTP will require most ~~local governments~~ cities and counties and special agencies to make substantial changes to comprehensive, facility and service plans, as they bring local plans into compliance with the regional plan. In the process of making such changes, local jurisdictions and special agencies will further refine many of the solutions included in this plan.

Such refinements will be reviewed by Metro and, based on a finding of consistency with RTP policies, specifically proposed for inclusion in future updates to the RTP. Section 6.3 requires Metro to develop a process for to ensure consistency between the 2000 RTP and local TSPs by developing a process for tracking local project and functional classification refinements that are consistent with the RTP, but require a future amendment to be incorporated into the RTP. This process will occur concurrently with overall review of local plan amendments, facility plans and service plans, and is subject to the same appeal and dispute resolution process. While such proposed amendments to the RTP ~~are~~ may not be effective until a formal amendment has been adopted, the purpose of endorsing such proposed changes is to allow ~~local governments~~ cities and counties to retain the proposed transportation solutions in local plans, with a finding of consistency with the RTP, and to provide a mechanism for timely refinements to local and regional transportation plans.

## 6.7 Project Development and Refinement Planning

### 6.7.1 Role of RTP and the Decision to Proceed with Project Development

After a project has been incorporated in the RTP, it is the responsibility of the local sponsoring jurisdiction to determine the details of the project (design, operations, etc.) and reach a decision on whether to build the improvement based upon detailed environmental impact analysis and findings demonstrating consistency with applicable comprehensive plans and the RTP. If this process results in a decision not to build the project, the RTP will be amended to delete the recommended improvement and an alternative must be identified to address the original transportation need.

### 6.7.2 New Solutions Re-submitted to RTP if No-Build Option is Selected

When a "no-build" alternative is selected at the conclusion of a project development process, a new transportation solution must be developed to meet the original need identified in the RTP, or a finding that the need has changed or been addressed by other system improvements. In these cases, the new solution or findings will be submitted as an amendment to the RTP, and would also be evaluated at the project development level.

### 6.7.3 Project Development Requirements

Transportation improvements where need, mode, ~~corridor~~ and function and general location have already been identified in the RTP and local plans for a specific alignment must be evaluated on a detailed, project development level. This evaluation is generally completed at the local jurisdiction level, or jointly by affected or sponsoring agencies, in coordination with Metro. The purpose of project development planning is to consider project design details and select a project alignment, as necessary, after evaluating engineering and design alternatives ~~and~~, potential environmental impacts and consistency with applicable comprehensive plans and the RTP. The project need, mode, ~~corridor~~, and function and general location do not need to be addressed at the project level, since these findings have been previously established by the RTP.

The TPR and Metro's Interim 1996 Congestion Management System (CMS) document require that measures to improve operational efficiency be addressed at the project level, though system-wide considerations are addressed by the RTP. Therefore, demonstration of compliance for projects not included in the RTP shall be documented in a required Congestion Management System report that is part of the project-level planning and development (Appendix D of the Interim CMS document). In addition, ~~this section~~ CMS requires that street design guidelines be considered as part of the project-level planning process. ~~This section~~ CMS requirement does not apply to locally funded projects on local facilities. Unless otherwise stipulated in the MTIP process, these provisions are simply guidelines for locally funded projects.

Therefore, in addition to system-level congestion management requirements described in Section 6.6.3 in this chapter, cities, counties, Tri-Met, ODOT, and the Port of Portland shall consider the following project-level operational and design considerations during transportation project analysis as part of completing the CMS report:

1. Transportation system management (e.g., access management, signal inter-ties, lane channelization, etc.) to address or preserve existing street capacity.

2. Street design policies, classifications and design principles are contained in Chapter 1 of this plan. See Section 1.3.5, Policy 11.0, Figure 1.4. Implementing guidelines are contained in *Creating Livable Streets: Street Design Guidelines for 2040* (1997) or other similar resources consistent with regional street design policies.

RTP POST-ACKNOWLEDGEMENT AMENDMENTS

# Exhibit 'A'

## RTP Glossary Additions and Amendments - Part 2

### Glossary of Transportation Definitions

Access management - Measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.

~~The principles, laws and techniques used to control access off and onto streets, roads and highways from roads and driveways. One of the primary purposes of controlling access is to reduce conflicts between motor vehicles, pedestrians and bicyclists. Examples of access management include limiting or consolidating driveways, selectively prohibiting left turn movements at and between intersections and using physical controls such as signals and raised medians.~~

Accessway - A walkway that provides pedestrian and or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses.

Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees and lighting. Where accessways cross driveways, they are generally raised, paved or marked in a manner which provides convenient access for pedestrians.

Affected local government - A city, county or metropolitan service district that is directly impacted by a proposed transportation facility or improvement.

At or near a major transit stop - "At" means a parcel or ownership which is adjacent to or includes a major transit stop generally including portions of such parcels or ownerships that are within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300 feet of a major transit stop. The term "generally" is intended to allow local governments through their plans and ordinances to adopt more specific definitions of these terms considering local needs and circumstances consistent with the overall objective and requirement to provide convenient pedestrian access to transit.

Local street standards - Include but are not limited to standards for right-of-way, pavement width, travel lanes, parking lanes, curb turning radius, and accessways.

Local transportation needs - Needs for movement of people and goods within communities and portions of counties and the need to provide access to local destinations.

Major - In general, those facilities or developments which, considering the size of the urban or rural area and the range of size, capacity or service level of similar facilities or developments in the area, are either larger than average, serve more than neighborhood needs or have significant land use or traffic impacts on more than the immediate neighborhood:

- (a) "Major" as it modifies transit corridors, stops, transfer stations and new transportation facilities means those facilities which are most important to the functioning of the system or which provide a high level, volume or frequency of service;
- (b) "Major" as it modifies industrial, institutional and retail development means such developments, which are larger than average, serve more than neighborhood needs or which have traffic impacts on more than the immediate neighborhood;
- (c) Application of the term "major" will vary from area to area depending upon the scale of transportation improvements, transit facilities and development which occur in the area. A facility considered to be major in a smaller or less densely developed area may, because of the relative significance and impact of the facility or development, not be considered a major facility in a larger or more densely developed area with larger or more intense development or facilities.

Major transit stop - Major bus stops, transit centers and light-rail stations on the regional transit network as defined in Figure 1.16:, including:

- (a) Existing and planned light rail stations and transit transfer stations, except for temporary facilities;
- (b) Other planned stops designated as major transit stops in a transportation system plan and existing stops which:
  - (A) Have or are planned for an above average frequency of scheduled, fixed-route service when compared to region wide service. In urban areas of 1,000,000 or more population major transit stops are generally located along routes that have or are planned for 20 minute service during the peak hour; and
  - (B) Are located in a transit oriented development or within 1/4 mile of an area planned and zoned for:
    - (i) Medium or high density residential development; or
    - (ii) Intensive commercial or institutional uses within 1/4 mile of subsection (i); or
    - (iii) Uses likely to generate a relatively high level of transit ridership-

Metropolitan Planning Organization (MPO) -- An organization located within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state including such designations made subsequent to the adoption of this rule. The Longview-Kelso-Rainier MPO is not considered an MPO for the purposes of this rule. An individual agency designated by the state governor in each federally recognized urbanized area to coordinate transportation planning for that metropolitan region. Metro is that agency for Clackamas, Washington and Multnomah Counties; for Clark County, Wash., that agency is the Southwest Washington Regional Transportation Council (SWRTC, formally the Intergovernmental Resource Center).

Metropolitan area - The local governments that are responsible for adopting local or regional transportation system plans within a metropolitan planning organization (MPO) boundary. This includes cities, counties, and, in the Portland Metropolitan area, Metro.

ODOT - Oregon Department of Transportation.

Parking spaces - On and off street spaces designated for automobile parking in areas planned for industrial, commercial, institutional or public uses. The following are not considered parking spaces for the purposes of OAR 660-012-0045(5) (c): park and ride lots, handicapped parking, and parking spaces for carpools and vanpools.

Pedestrian connection - A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian connections may also include rights of way or easements for future pedestrian improvements.

Pedestrian district - A comprehensive plan designation or implementing land use regulations, such as an overlay zone, that establish requirements to provide a safe and convenient pedestrian environment in an area planned for a mix of uses likely to support a relatively high level of pedestrian activity. Such areas include but are not limited to:

- (a) Lands planned for a mix of commercial or institutional uses near lands planned for medium to high density housing; or
- (b) Areas with a concentration of employment and retail activity; and
- (c) Which have or could develop a network of streets and accessways which provide convenient pedestrian circulations.

Pedestrian districts are areas of high or potentially high pedestrian activity where the region places priority on creating a walkable environment. Specifically, the central city, regional and town centers, and light-rail station communities are areas planned for the levels of

compact, mixed-use development served by transit that will generate substantial walking and these areas are defined as pedestrian districts. Pedestrian districts should be designed to reflect an urban development and design pattern where walking is a safe, convenient and interesting travel mode. These areas will be characterized by buildings oriented to the street and by boulevard type street design features, such as wide sidewalks with buffering from traffic, marked street crossings at all intersections with special crossing amenities at some locations, pedestrian-scale lighting, benches, bus shelters, awnings and street trees. All streets in pedestrian districts are important pedestrian connections.

Pedestrian plaza - A small semi-enclosed area usually adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete, pavers, bricks or similar material and include seating, pedestrian scale lighting and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance or an intersection and connect directly to adjacent sidewalks, walkways, transit stops and buildings entrance or an intersection and connect directly to adjacent sidewalks, walkways, transit stops and building. A plaza including 150-250 square feet would be considered "small." "Pedestrian scale" means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering. Examples include ornamental lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.

Planning period - The twenty-year period beginning with the date of adoption of a TSP to meet the requirements of the Transportation Planning Rule.

Preliminary design - An engineering design which specifies in detail the location and alignment of a planned transportation facility or improvement.

Reasonably direct - Either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

Refinement plan - An amendment to the transportation system plan, which resolves, at a systems level, determinations on function, mode or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.

Regional transportation needs - Needs for movement of people and goods between and through communities and accessibility to regional destinations within a metropolitan area, county or associated group of counties.

Roads - Streets, roads and highways.

Rural community - Areas defined as resort communities and rural communities in accordance with OAR 660-022-0010(6) and (7). For the purposes of the TPR, the area need only meet the definitions contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

State transportation needs - Needs for movement of people and goods between and through regions of the state and between the state and other states.

Transit-oriented development - A mix of residential, retail and office uses and a supporting network of roads, bicycle and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features include: a mixed use center and high residential density.

- (a) A mixed use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area;
- (b) High density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD;
- (c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.

Transportation Control Measures (TCMs) - A measure that is for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions.

Transportation demand management (TDM) --Actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include but are not limited to the use of alternative modes, ride-sharing and vanpool programs, and trip-reduction ordinances. Actions, such as ridesharing and vanpool programs, the use of alternative modes, and trip-reduction ordinances, which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity.

Transportation facilities - Any physical facility that moves or assist in the movement of people or goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage and water systems.

Transportation needs - Estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this rule. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by



policy objectives, including those expressed in Goal 12 and the TPR, especially those for avoiding principal reliance on any one mode of transportation. See separate definitions for local transportation needs, regional transportation needs and state transportation needs.

Transportation project development - Implementing the transportation system plan (TSP) by determining the precise location, alignment, and preliminary design of improvements included in the TSP based on site-specific engineering and environmental studies.

Transportation service - A service for moving people and goods, such as intercity bus service and passenger rail service.

Transportation system management (TSM) - Strategies and techniques for increasing the efficiency, safety, capacity or level of service of a transportation facility without ~~major new capital~~ improvements increasing its size. Examples include, but are not limited to, ~~this may include~~ traffic signal improvements, traffic control devices including installing medians and parking removal, intersection channelization, access management, re-striping of HOV lanes, ramp metering, incident response, targeted traffic enforcement and programs that smooth transit operations.

Urban area - Lands within an urban growth boundary, two or more contiguous urban growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9). In the case of the Portland metropolitan region, those areas located within the Metro urban growth boundary (UGB).

Urban fringe - Areas outside the urban growth boundary that are:

- (a) within 5 miles of the urban growth boundary of an MPO area;  
and
- (b) within 2 miles of the urban growth boundary of an urban area containing a population greater than 25,000.

Vehicle miles of travel (VMT) - Automobile vehicle miles of travel. Automobiles, for purposes of this definition, include automobiles, light trucks, and other similar vehicles used for movement of people. The definition does not include buses, heavy trucks and trips that involve commercial movement of goods. VMT includes trips with an origin and a destination within the MPO boundary and excludes pass through trips (i.e., trips with a beginning and end point outside of the MPO) and external trips (i.e., trips with a beginning or end point outside of the MPO boundary). VMT is estimated prospectively through the use of metropolitan area transportation models.

Walkway - A hard-surfaced transportation facility ~~built~~ intended and suitable for use by pedestrians, including persons using wheelchairs. Walkways include sidewalks, surfaced portions of accessways, paths and paved shoulders.

RTP POST-ACKNOWLEDGEMENT AMENDMENTS

# Exhibit 'B'

## Special Needs Transportation Policy

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### Chapter 1

*Replace Policy 5.1 Interim Special Needs Transportation Policy with the following:*

#### **14.4 Special Needs Public Transportation**

Provide an appropriate level, quality and range of public transportation options to serve the variety of special needs individuals in this region and support the implementation of the 2040 Growth Concept.

- a. Objective: Continue to work with Tri-Met, SMART, special needs providers, and local jurisdictions to meet the adopted minimum standards for service levels established for the Metro area.
- b. Objective: Ensure public transportation that serves the special needs population is sensitive to and balances the cultural, functional or age related needs of the elderly and disabled individuals with the need to utilize resources in a cost-effective manner.
- c. Objective: Improve the accountability of the special needs transportation network by enhancing customer input and feedback opportunities
- d. Objective: Support informal (family, neighbors, self) and formal (paid and volunteer special needs transportation options by establishing training and information services

#### **14.4 Special Needs Public Transportation**

Provide a seamless and coordinated public transportation system for the special needs population.

- a. Objective: Continue to work with Tri-Met, SMART special needs providers, and local jurisdictions to provide a customer information system that improves community familiarity with, access to and understanding of the elderly and disabled transportation network.
- b. Objective: Employ technology to create a seamless, coordinated and single point of entry system for the user's ease that maximizes efficiency of operation, planning and administrative functions.

## 14.7 Special Needs Public Transportation

Encourage the location of elderly and disabled facilities in areas with existing transportation services and pedestrian amenities.

- a. Objective: Encourage new and existing development to create and enhance pedestrian facilities near elderly and disabled developments, including sidewalks, crosswalks, audible signals, etc. and provide incentives for the future pedestrian orientation in areas serving elderly and disabled individuals.
  
- b. Objective: Incorporate elderly and disabled housing into mixed use developments that includes public facilities such as senior centers, libraries and other public services as well as commercial and retail services such as stores, medical offices and other retail services.
  
- c. Objective: Provide for audible signals, curb cut tactile strips and appropriately timed signalized crosswalks at major retail centers or near bus stops for arterial street, high volume neighborhood circulators or other major roadways near elderly or disabled facilities or in neighborhoods with significant elderly or disabled populations.

## Chapter 6 - Implementation

### ~~6.8.12 — Special Needs Transportation Study~~

~~A collaborative effort is underway for special transportation planning in the tri-county area. As sponsors of this plan, the Areas Agencies on Aging and Disabilities of Washington, Multnomah and Clackamas counties, Tri-Met and the Special Transportation Fund Advisory Committee are coordinating a broad-based effort to create an elderly and disabled transportation services plan. The plan will develop special-needs transportation options for both the urban and rural portions of the tri-county area and will be included in the Regional Transportation Plan.~~

~~The special-needs transportation plan requires a unique, broad-based and inclusive planning process. The plan's sponsors created an Elderly and Disabled Transportation Plan Steering Committee made up of over 20 representative from the tri-county area. Representatives include senior and disabled advocates, agencies and advisory committees, county commissioners, service providers, system users, Metro staff, city staff and other regional transit districts.~~

~~In 2000-01, the Steering Committee will meet monthly to:~~

- ~~1. Produce a vision statement for elderly and disabled transportation and assure this vision is included in the RTP;~~
- ~~2. Define the need for transportation services over the next five to ten years;~~
- ~~3. Adopt a service, capital and information plan to meet those needs;~~
- ~~4. Identify financing mechanisms and phasing to implement the plan;~~
- ~~5. Assess organizational and institutional arrangements to best meeting the plan's goals; and~~
- ~~6. Present the plan and advocate for the plans implementation at the local, regional and state levels.~~

~~In anticipation of completing this program, interim policies and objectives have been included in the RTP. These policies will be updated during the next RTP update, reflecting the recommendations from the special needs transit plan.~~

RTP POST-ACKNOWLEDGEMENT AMENDMENTS  
**Exhibit 'C'**  
Corridor Initiatives Amendments - Part 1

## Chapter 6 - Implementation

### Section 6.7 - Project Development and Refinement Planning

#### 6.7.4 Refinement Planning Scope and Responsibilities

In some areas defined in this section, the need for refinement planning is warranted before specific projects or actions that meet and identified need can be adopted into the RTP. Refinement plans generally involve a combination of transportation and land use analysis, multiple local jurisdictions and facilities operated by multiple transportation providers. Therefore, unless otherwise specified in this section, Metro or ODOT will initiate and lead necessary refinement planning in coordination with other affected local, regional and state agencies. Refinement planning efforts will be multi-modal evaluations of possible transportation solutions in response to needs identified in the RTP. The evaluation may also include land use alternatives to fully address transportation needs in these corridors. Appendix 3.1 describes the 2000 RTP prioritization for corridor refinement plans studies and specific corridor studies. Refinement plan and corridor study prioritization, and specific scope for each corridor, is subject to annual updates as part of the Unified Work Plan (UWP).

#### 6.7.5 Specific Corridor Refinements

The system analysis in Chapter 3 identifies a number of corridor refinement studies that must be completed before specific transportation solutions can be adopted into the RTP. In these corridors, both the need for transportation improvements, and a recommended action have been determined. At this stage, these proposed transportation projects must be developed to a more detailed level before construction can occur. This process is described in Section 6.7.3 of this chapter.

The project development stage determines design details, and a project location or alignment, if necessary, after evaluating engineering and design details, and environmental impacts. While all projects in this plan must follow this process before construction can occur, the following projects must also consider the design elements described in this section:

*Banfield (Interstate 84) Corridor*

Despite the relatively heavy investments made in transit and highway capacity in this corridor in the 1980s, further improvements are needed to ensure an acceptable level of access to the central city from Eastside Portland neighborhoods and East Multnomah County. However, physical, environmental and social impacts make highway capacity improvements in this corridor unfeasible. Instead, local and special district plans should consider the following transportation solutions for this corridor:

- mitigate infiltration on adjacent corridors due to congestion along I-84 through a coordinated system of traffic management techniques (ITS)
- improve light rail headways substantially to keep pace with travel demand in the corridor
- improve bus service along adjacent corridors to keep pace with travel demand, including express and non-peak service
- consider additional feeder bus service and park-and-ride capacity along the eastern portion of the light rail corridor to address demand originating from East Multnomah and North Clackamas Counties
- develop TSM strategies for the Gateway regional center to mitigate expected spillover effects on the development of the regional center

*Northeast Portland Highway*

As radial urban highways such as the Banfield and Interstate-5 are increasingly burdened by peak period congestion, freight mobility will rely more heavily on circumferential routes, including I-205 and Northeast Portland Highway, for access to industrial areas and intermodal facilities. Northeast Portland Highway plays a particularly important role, as it links the Rivergate marine terminals and PDX air terminals to industry across the region (this route includes Killingsworth and Lombard streets from I-205 to MLK Jr. Boulevard, and Columbia Boulevard from MLK Jr. Boulevard to North Burgard). Though Northeast Portland Highway appears to have adequate capacity to serve expected 2020 demand, a number of refinements in the corridor are needed. Local and special district plans should consider the following transportation solutions as improvements are made in this corridor:

- improve Northeast Portland Highway as a strategy for addressing Banfield corridor and east Marine Drive congestion

- develop a long-term strategy to serve freight movement between Highway 30 and Rivergate
  - implement aggressive access management along Northeast Portland Highway
  - implement and refine Columbia Corridor improvements to address full corridor needs of Northeast Portland Highway, from Rivergate to I-205
  - consider future grade separation at major intersections
  - streamline the Northeast Portland Highway connection from the Lombard/Killingsworth section to Columbia Boulevard with an improved transition point at MLK Jr. Boulevard
  - improve the Columbia Boulevard interchange at I-5 to provide full access to Northeast Portland Highway
  - construct capacity and intersection improvements between 82nd Avenue and I-205
- ~~□ develop a long-term strategy to deal with the existing conflicts between truck traffic and residential traffic on Lombard Street.~~
- ~~establish a plan to redirect truck traffic off of Lombard Street to Columbia Boulevard/ Columbia Way/Fessenden Street between Penninsular Street and Philadelphia Avenue (St. Johns Bridge) to protect neighborhoods in the St. Johns area.~~
  - Implement the St. Johns Truck Strategy recommendations in order to direct truck traffic onto the designated freight system, as shown in Figure 1.17, and protect the Lombard main street and St. Johns town center from traffic impacts.

#### Interstate-84 to US 26 Connector

The long-term need to develop a highway link between I-84 and Highway 26 exists, but a series of interim improvements to Hogan Road are adequate to meet projected demand through 2020. The RTP calls for a series of interim improvements that will better connect Hogan Road to both I-84 on the north, and Highway 26 to the south.

These improvements are needed to ensure continued development of the Gresham regional center and expected freight mobility demands of through traffic. They also benefit transit-oriented development along

the MAX light rail corridor, as they would move freight traffic from its current route along Burnside, where it conflicts with development of the Rockwood town center and adjacent station communities. In addition to planned improvements to the Hogan Road corridor, local plans or ~~should consider~~ a corridor study should address:

- more aggressive access management between Stark Street and Powell Boulevard on 181st, 207th and 257th avenues
- redesigned intersections improvements on Hogan at Stark, Burnside, Division and Powell to streamline through-flow.
- the need for a long-term primary freight route in the corridor
- the potential for a new alignment south of Powell Boulevard to US 26

#### *Sunrise Corridor*

The full Sunrise Corridor improvement from I-205 to Highway 26 is needed during the 20-year plan period, but should be implemented with a design and phasing that reinforces development of the Damascus town center, and protect rural reserves from urban traffic impacts. Though a draft environmental impact statement has been prepared for this corridor, the final environmental impact statement should be refined to consider the following design elements:

- Construct the segment from I-205/Highway 224 interchange to existing Highway 212 at Rock Creek as funds become available
- preserve right-of-way (ROW) from Rock Creek to Highway 26 as funds become available
- consider phasing Sunrise construction as follows: (a) complete I-205 to Rock Creek segment first, followed by (b) ROW acquisition of remaining segments, then (c) construction of 222nd Avenue to Highway 26 segment and (d) lastly, construction of middle segment from Rock Creek to 222nd Avenue as Damascus town center develops
- consider express, peak period pricing and HOV lanes as phases of the Sunrise Corridor are constructed
- reflect planned network of streets in Damascus/Pleasant Valley area in refined interchange locations along the Sunrise Route, including a connection at 172nd Avenue, the proposed major north/south route in the area



- implement bus service in parallel corridor from Damascus to Clackamas regional center via Sunnyside Road
- avoid premature construction that could unintentionally increase urban pressures in rural reserves east of Damascus
- examine the potential for the highway to serve as a "hard edge" in the ultimate urban form of the Damascus area
- develop a concurrent plan to transition the function of the existing Highway 212 facility into a major arterial function, with appropriate access management and intersection treatments identified

#### *I-5 to 99W Connector*

An improved regional connection between Highway 99W and I-5 is needed in the Tualatin area to accommodate regional traffic, and to move it away from the Tualatin, Sherwood and Tigard town centers. This connection will have significant effects on urban form in this rapidly growing area, and the following design considerations should be addressed in a corridor plan:

- balance improvement plans with impacts on Tualatin and Sherwood town centers and adjacent rural reserves
- in addition to the northern alignment considered in the Western Bypass Study, examine the benefits of a southern alignment, located along the southern edge of Tualatin and Sherwood, including the accompanying improvements to 99W that would be required with either alignment
- identify parallel capacity improvements to Tualatin-Sherwood Road and 99W in Tigard from I-5 to Highway 217 that could be used to phase in, and eventually complement future highway improvements
- link urban growth boundary expansion in this area to the corridor plan and examine potential the proposed highway to serve as a "hard edge" in the ultimate urban form of the Sherwood area
- develop an access management and connectivity plan for 99W in the Tigard area that balances accessibility needs with physical and economic constraints that limit the ability to expand capacity in this area
- consider express, peak-period pricing and HOV lanes

#### *Sunset Highway*

Improvements are needed in this corridor to preserve access to and from the central city and the Sunset Corridor employment area, and provide access to Hillsboro regional center. The following design elements should be considered as improvements are implemented in this corridor:

- maintain off-peak freight mobility
- phase in capacity improvements from the Sylvan interchange to 185th Avenue, expanding to a total of three general purpose lanes in each direction
- improve light rail service, with substantially increased headways
- construct major interchange improvements at Sylvan, Cedar Hills Boulevard and Cornelius Pass Road
- identify and construction additional over crossings in the vicinity of interchanges to improve connectivity and travel options for local traffic, thus improving interchange function
- consider express, peak period pricing or HOV lanes when adding highway capacity, especially west of Highway 217

#### Highway 213

Improvements to this highway link between I-205 and the Willamette Valley should be built in phases, and consider the following:

- continued development of the Oregon City regional center
- interim improvements identified in the 1999 Highway 213 Urban Corridor Study (and included in this plan)
- freight mobility demands
- access needs of Beavercreek urban reserves area, including a re-evaluation of the suitability of Oregon City ~~urban reserves~~ Urban Growth Boundary expansion in light of transportation constraints
- transit service to areas south of Oregon City

### **Macadam/Highway 43**

Though heavy travel demand existing along Macadam/Highway 43, between Lake Oswego and the central city, physical and environmental constraints preclude major roadway expansion. Instead, a long-term strategy for high-capacity transit that links the central city to southwest neighborhoods and Lake Oswego town center is needed. As this service is implemented, the following design options should be considered in local and special district plans:

- interim repairs to maintain Willamette Shores Trolley excursion service
- implement frequent bus service from Lake Oswego town center to Portland central city in the Macadam corridor
- phasing of future streetcar commuter service or commuter rail in this corridor to provide a high-capacity travel option during congested commute periods, using either the Willamette Shore Line right-of-way, the Macadam Corridor Design Guidelines (1985) rail alignment or other right-of-way as appropriate.
- implement bicycle safety improvements where appropriate south of the Sellwood Bridge

### **6.7.6 Specific Corridor Studies**

Major corridor studies will be conducted by state or regional agencies working in partnership with local governments in the following areas. In each case, a transportation need has been established by the RTP. A transportation need is identified when regional standards for safety, mobility, or congestion are exceeded. In many of these corridors, RTP analysis indicates several standards are exceeded.

The purpose of the corridor studies is to develop an appropriate transportation strategy or solution through the corridor planning process. For each corridor, a number of transportation alternatives will be examined over a broad geographic area or through a local TSP to determine a recommended set of projects, actions or strategies that meet the identified need. The recommendations from corridor studies are then incorporated into the RTP, as appropriate. This section contains the following specific considerations that must be incorporated into corridor studies as they occur:

*Interstate-5 North (I-84 to Clark County)*

This heavily traveled route is the main connection between Portland and Vancouver. In addition to a number of planned and proposed highway refinements capacity improvements, light rail is proposed along Interstate Avenue to the Expo Center, and may eventually extend to Vancouver. As improvements are implemented in this corridor, the following design considerations should be addressed:

- consider HOV lanes and peak period pricing
- transit alternatives from Vancouver to the Portland Central City (including Light Rail Transit and express bus)
- maintain an acceptable level of access to the central city from Portland neighborhoods and Clark County
- maintain off-peak freight mobility, especially to numerous marine, rail and truck terminals in the area
- consider adding reversible express lanes to I-5
- consider new arterial connections for freight access between Highway 30, port terminals in Portland, and port facilities in Vancouver, Washington
- maintain an acceptable level of access to freight intermodal facilities and to the Northeast Portland Highway
- construct interchange improvements at Columbia Boulevard to provide freight access to Northeast Portland Highway
- address freight rail network needs
- ~~construct~~ consider additional Interstate Bridge capacity sufficient to handle projected needs
- develop actions to reduce through-traffic on MLK and Interstate to allow main street redevelopment

*Interstate-5 South (Highway 217 to Wilsonville)*

This facility serves as the major southern access to and from the central city. The route also serves as an important freight corridor, and provides access to Washington County via Highway 217. Projections for this facility indicate that growth in traffic between the Metro region and the Willamette Valley will account for as much as 80 percent of the traffic volume along the southern portion of I-5, in the Tualatin and Wilsonville area. For this reason, the appropriate

improvements in this corridor are unclear at this time. However, I-5 serves as a critical gateway for regional travel and commerce, and an acceptable transportation strategy in this corridor has statewide significance. A major corridor study is proposed to address the following issues:

- the effects of peak period congestion in this area on regional freight mobility and travel patterns
- the ability of inter-city transit service, to/from neighboring cities in the Willamette Valley, including commuter rail, to slow traffic growth in the I-5 corridor
- the ability to maintain off-peak freight mobility with capacity improvements
- the potential for better coordination between the Metro region and valley jurisdictions on land-use policies
- the effects of a planned long-term strategy for managing increased travel along I-5 in the Willamette Valley

In addition, the following design elements should be considered as part of the corridor study:

- peak period pricing and HOV lanes for expanded capacity
- provide rapid bus service on parallel Barbur route, connecting Wilsonville to the central city
- provide additional over crossings in West Portland town center to improve local circulation and interchange access
- add capacity to parallel arterial routes, including 72nd Avenue, Boones Ferry, Lower Boones Ferry and Carmen Drive
- add over crossings in vicinity of Tigard Triangle to improve local circulation
- extend commuter rail service from Salem to the central city, Tualatin transit center and Milwaukie, primarily along existing heavy rail tracks

#### *Interstate 205*

Improvements are needed in this corridor to address existing deficiencies and expected growth in travel demand in Clark, Multnomah

and Clackamas counties. Transportation solutions in this corridor should address the following needs and opportunities:

- provide for some peak period mobility for longer trips
- preserve freight mobility from I-5 to Clark County, with an emphasis on connections to Highway 213, Highway 224 and Sunrise Corridor
- maintain an acceptable level of access to the Oregon City, Clackamas and Gateway regional centers and Sunrise industrial area
- maintain acceptable levels of access to PDX, including air cargo access
- ~~shape urban form in the Stafford urban reserve area with physical configuration of highway improvements~~

Potential transportation solutions in this corridor should evaluate the potential of the following design concepts:

- auxiliary lanes added from Airport Way to I-84 East
- consider express, peak period pricing or HOV lanes as a strategy for expanding capacity
- relative value of specific ramp, over crossing and parallel route improvements
- eastbound HOV lane from I-5 to the Oregon City Bridge
- truck climbing lane south of Oregon City
- potential for rapid bus service or light rail from Oregon City to Gateway
- potential for extension of rapid bus service or light rail north from Gateway into Clark County
- potential for refinements to 2040 land-use assumptions in this area to expand potential employment in the subarea and improve jobs/housing imbalance
- potential for re-evaluating the suitability of the Beavercreek urban reserve area for Urban Growth Boundary expansion, based on ability to serve the area with adequate regional transportation infrastructure

McLoughlin-Highway 224

Long-term improvements are needed in this corridor to preserve access to and from the Central City from the Clackamas County area, to provide access to the developing Clackamas regional center and to support downtown development in the Milwaukie town center. The recently completed South/North light rail study demonstrated ~~both a long-term need for high-capacity transit service in this corridor. and a short-term opposition to construction of light rail.~~ However, The long-term transit need is still critical, as demonstrated in the RTP analysis, where both highway and high-capacity transit service were needed over the 20-year plan period to keep pace with expected growth in this part of the region. The 2040 Growth Concept also calls for the regional centers and central city to be served with light rail. ~~Therefore, the recommendations for this corridor study assume a short-term rapid bus, or equivalent, transit service in the corridor, and light rail service is retained in the long-term as a placeholder.~~ Transportation solutions in this corridor should address the following design considerations

- institute aggressive access management throughout corridor, including intersection grade separation along Highway 224 between Harrison Street and I-205
- design access points to McLoughlin and Highway 224 to discourage traffic spillover onto Lake Road, 34th Avenue, Johnson Creek boulevard, 17th Avenue and Tacoma Street
- monitor other local collector routes and mitigate spillover effect from congestion on McLoughlin and Highway 224
- consider an added reversible HOV or peak-period priced lane between Ross Island Bridge and Harold Street intersection
- expand highway capacity to a total of three general purpose lanes in each direction from Harold Street to I-205, with consideration of express, HOV lanes or peak period pricing for new capacity
- provide a more direct transition from McLoughlin to Highway 224 at Milwaukie to orient long trips and through traffic onto Highway 224 and northbound McLoughlin
- provide improved transit access to Milwaukie and Clackamas regional centers, including rapid bus in the short term, and light rail service from Clackamas regional center to Central City in the long term

Powell Boulevard/Foster Road

The concentration of ~~urban-reserves~~ potential Urban Growth Boundary expansions in Clackamas County and southeast Multnomah County will place heavy demands on connecting routes that link these areas with employment centers in Portland and Multnomah County. Of these routes, the Foster/Powell corridor is most heavily affected, yet is also physically constrained by slopes and the Johnson Creek floodplain, making capacity improvements difficult. More urban parts of Foster and Powell Boulevard are equally constrained by existing development, and the capacity of the Ross Island Bridge.

As a result, a corridor study is needed to explore the potential for high capacity transit strategies that provide access from the developing Pleasant Valley and Damascus ~~urban-reserves~~ areas to employment areas along the Foster/Powell corridor, Gresham regional center, Columbia South Shore industrial area and central city. Such a study should consider the following transportation solutions:

- aggressive transit improvements, including rapid bus service from Central City to Damascus town center via Powell and Foster roads, and primary bus on 172nd Avenue and to the Gresham regional center, Eastside MAX and Columbia South Shore
- capacity improvements that would expand Foster Road from two to three lanes from 122nd to 172nd avenues, and from two to five lanes from 172nd Avenue to Highway 212, phased in coordination with planned capacity improvements to Powell Boulevard between I-205 and Eastman Parkway
- extensive street network connection improvements in the Mount Scott and Pleasant Valley areas to reduce local travel demand on Foster Road and Powell Boulevard, and to improve access between these areas and adjacent East Multnomah and northeast Clackamas Counties
- ITS or other system management approaches to better accommodate expected traffic growth on the larger southeast Portland network, East Multnomah and northeast Clackamas County network



### Highway 217

Improvements in this corridor are needed to accommodate expected travel demand, and maintain acceptable levels of access to the Beaverton and Washington Square regional centers. The following design and functional considerations should be included in the development of transportation solutions for this corridor:

- expand highway to include a new lane in each direction from I-5 to US 26
- address the competing needs of serving localized trips to the Washington Square and Beaverton regional centers and longer trips on Highway 217
- consider express, HOV lanes and peak period pricing when adding new capacity
- design capacity improvements to maintain some mobility for regional trips during peak travel periods
- design capacity improvements to preserve freight mobility during off-peak hours
- retain auxiliary lanes where they currently exist
- improve parallel routes to accommodate a greater share of local trips in this corridor
- consider improved light rail service or rapid bus service with substantially improved headways
- coordinate with planned commuter rail service from Wilsonville to Beaverton regional center

### Tualatin Valley Highway

A number of improvements are needed in this corridor to address existing deficiencies and serve increased travel demand. One primary function of this route is to provide access to and between the Beaverton and Hillsboro regional centers. Tualatin Valley Highway also serves as an access route to Highway 217 from points west along the Tualatin Valley Highway corridor. As such, the corridor is defined as extending from Highway 217 on the east to First Avenue in Hillsboro to the west, and from Farmington Road on the south to Baseline Road to the north. The following design considerations should be addressed as part of a corridor study:

- develop an manage access management plan as part of a congestion management strategy
- implement TSM and other interim intersection improvements at various locations between Cedar Hills Boulevard and Brookwood Avenue
- the relative trade-offs of a variety of capacity and transit improvements, including:
  - a. improvements on parallel routes such as Farmington, Alexander, Baseline and Walker roads as an alternative to expanding Tualatin Valley Highway
  - b. seven-lane arterial improvements from Cedar Hills Boulevard or Murray Boulevard to Brookwood Avenue or Baseline Road in Hillsboro
  - c. a limited access, divided facility from Cedar Hills Boulevard or Murray Boulevard to Brookwood Avenue, with three lanes in each direction and some grade separation at major intersections
  - d. transit service that complements both the function of Tualatin Valley Highway and the existing light rail service in the corridor
- evaluate impacts of the principal arterial designation, and subsequent operation effects on travel within the Beaverton regional center
- evaluate motor vehicle and street design designations as part of the study to determine the most appropriate classifications for this route

#### *North Willamette Crossing*

The RTP analysis shows a strong demand for travel between Northeast Portland Highway and the adjacent Rivergate industrial area and Highway 30 on the opposite side of the Willamette River. The St. Johns Bridge currently serves this demand. However, the St. Johns crossing has a number of limitations that must be considered in the long term in order to maintain adequate freight and general access to the Rivergate industrial area and intermodal facilities. Currently, the St. Johns truck strategy is being developed (and should be completed in 2000) to balance freight mobility needs with the long-term health of the St. Johns town center. The truck strategy is an interim solution to demand in this corridor, and does not attempt to address long-term access to

Rivergate and Northeast Portland Highway from Highway 30. Specifically, the following issues should be considered in a corridor plan:

- build on the St. Johns Truck Strategy recommendations to adequate freight and general access to Rivergate, while considering potentially negative impacts on the development of the St. Johns town center
- incorporate the planned development of a streamlined Northeast Portland Highway connection from I-205 to Rivergate to the crossing study
- include a long-term management plan for the St. John's Bridge, in the event that a new crossing is identified in the corridor plan recommendations

Barbur Boulevard/ I-5

This corridor provides access to the Central City and to neighborhoods and commercial areas in the inner southwest quadrant of the region. Barbur Boulevard is identified as a multi-modal facility with potential light rail or Rapid Bus as well as serving a regional role for motor vehicle, bicycle and pedestrian systems. I-5 in this corridor is a Main Roadway route for freight and a Principle Arterial for motor vehicles extending southward beyond the region.

Segments of both Barbur Boulevard and I-5 in this corridor experience significant congestion and poor service levels even with Priority System improvements, especially from the Terwilliger interchange northward. However, Rapid Bus service along Barbur and other expanded bus services are expected to experience promising ridership levels.. Significant localized congestion occurs along the intersecting street segments of Bertha, Terwilliger and Capitol Highway/Taylor's Ferry. Broad street cross-sections, angled intersections and limited signalized crossing opportunities along Barbur creates traffic safety hazards and inhibits walking to local destinations and access to transit services.

Transportation solutions in the corridor should include the following considerations:

- Regional and local transit services and facilities needed to serve the Barbur corridor within the RTP planning horizon.
- Possible new locations or relocations for I-5 on-ramps and off-ramps and street connections across the freeway right-of-way.

- Opportunities for new or improved local street connections to Barbur Boulevard.
- Facilities to improve bicycle and pedestrian safety along Barbur and access to transit services and local destinations.
- Traffic management and intelligent transportation system improvements along the corridor.
- Potential mainline freeway improvements including possible southbound truck climbing lanes.

Exhibit C to Ordinance No. 02-946A  
RTP Post-Acknowledgement Amendments  
Part 2 – Corridor Initiative Amendments

## Proposed Revisions to Appendix 1.1 - RTP Project List

Corridor #	Study Name (Facility)	RTP Project number	RTP Post-Acknowledgement Amendments	RTP Program Years
1	North Willamette Crossing Study	4016	\$1,000,000	2011-20
2	I-5 Trade Corridor Study and Tier 1 DEIS	4009	\$8,000,000	2000-05
3	<del>US-30 Bypass Study – Phase 2</del>	4014		2000-05
3	<del>US-30 Bypass improvements study (make this a project to improve both intersections.)</del>	4015		2000-05
3	<u>NE Portland Highway Corridor Study</u>	<u>assign #</u>	\$500,000	<u>2011-20</u>
4	<u>definition to Highway 224 to Vancouver Washington</u>	4008	\$1,000,000	2006-10
5	<u>Barfield (I-84) Corridor Study (transit/TSM)</u>	<u>assign #</u>	\$1,000,000	<u>2006-10</u>
6	<u>I-84 to US 26 Corridor Study (ROW and arterials)</u>	<u>assign #</u>	\$1,000,000	<u>2006-10</u>
7	Powell Boulevard/Foster Road HCT Corridor Study	1228	\$1,500,000	2000-05
8	<u>Sunrise Corridor Study/EA (revise DEIS) (unit 2)</u>	<u>assign #</u>	\$1,500,000	<u>2000-05</u>
9	<u>Study</u>	5064		
9	<u>Highway 99E/224 Transit Corridor Study</u>	5029		2000-05
9	<u>South Corridor Transit Study (Mcloughlin/Highway 224) and EIS</u>	<u>assign #</u>	\$8,000,000	<u>2000-05</u>
9a	<u>Highway 224 and Mcloughlin Blvd. Highway Corridor Study</u>	<u>assign #</u>	\$1,000,000	<u>2011-20</u>
10	<u>Highway 213 Corridor Study</u>	<u>assign #</u>	\$500,000	<u>2011-20</u>
11	<u>I-205 South Corridor Study (change definition to Highway 224 to I-5)</u>	5027	\$1,500,000	2006-10
12	<u>Macadam/Highway 43 Transit/TDM Study</u>	<u>assign #</u>	\$1,000,000	<u>2000-05</u>
13	<u>I-5 South Corridor Study</u>	<u>assign #</u>	\$1,500,000	<u>2011-20</u>
14	<u>Tualatin-Sherwood Highway MIS?</u>	6004		2000-05
14	<u>I-5 to Highway 99W Corridor Study</u>	<u>assign #</u>	\$1,500,000	<u>2011-20</u>
15	<u>Barbur/I-5 Corridor Study</u>	1096	\$1,500,000	2006-10
16	<u>Highway 217 Corridor Study</u>	<u>assign #</u>	\$1,500,000	<u>2000-05</u>
17	<u>TV Highway Corridor Study</u>	3121	\$1,500,000	2000-05
18	<u>Study</u>	<u>assign #</u>	\$500,000	2000-05
Total			\$35,500,000	

Underline denotes a new study name, a change in corridor definition or cost, the need to assign a RTP project number, or a change in program year from the current RTP.

*Note: All Corridor Studies will need to be assigned RTP project numbers.*



METRO

**RTP POST-ACKNOWLEDGEMENT AMENDMENTS**

**Exhibit 'C'**

**Corridor Initiatives Amendments – Part 3**

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**Appendix 3.1**

**Regional Transportation Plan**

**Corridor Planning Priorities**

This appendix prioritizes completion of Corridor Plans and Corridor Refinements called for in Chapter 6 of the 2000 RTP. Section 6.7.4 of the 2000 RTP describes the planning scope and responsibilities for refinement planning. Sections 6.7.5 and 6.7.6, respectively, specifically list Corridor Refinements and Corridor Planning studies.

Due to the number of corridor planning needs and the lack of available resources, Metro initiated the Corridor Initiatives Process in December 2000 to establish regional corridor planning priorities. This effort resulted in the attached work program for completion of these studies. The work program is monitored and updated annually as part of the Unified Work Program process.

**The Corridor Initiatives Process**

Representatives from the Multnomah, Clackamas, Washington and Clark counties, ODOT, cities in the metropolitan area, the Port of Portland and Tri-Met participated in technical and project management committees. These committees guided the process and formulated recommendations with respect to corridor refinement planning. A technical evaluation was completed, with each corridor evaluated on several criteria and a number of measures related to mobility, 2040 land use relationships, expected 2040 travel modes, reliability and safety. A scoring system was established and points allocated for each technical measure.

In addition to the technical evaluation, the advisory committees considered non-technical factors such as relation to other planning

efforts, community interest and available resources for each corridor. Meetings were held with groups of elected officials from around the region to gather further input on the rankings. A public meeting was also held where information was provided and public input solicited.

A resolution describing this process and resulting recommendations for completing the corridor studies was presented to TPAC, JPACT and the Metro Council in the summer of 2001. A final report documenting the entire process was prepared in the Spring of 2002, along with amendments to the RTP necessary to incorporate the recommendations in RTP procedural and project-level plan provisions.

### **Work Program Description**

Based on this process, those corridors that demonstrated the more urgent planning needs and a level of jurisdictional interest considered sufficient to support a successful project were reviewed in more detail. Many of these corridors already had planning activities taking place or planned. Proposed actions were developed for the remaining corridors.

The attached work program summarizes the planning activities for each of the 18 corridors by RTP planning time period (e.g. 2001-2005, 2006-2010 and 2011-2020). The corridors are organized into three groups depending on the status of planning efforts. The first group includes six corridors where work was ongoing in 2001. The second group highlights two corridors (Powell/Foster and Highway 217 Corridors) where major new corridor refinements are recommended in the first planning period. The third group lists the

ten other corridors where no major planning work was ongoing in 2001. The "Other Corridor" group includes some corridors where significant planning work had already been completed or was planned. It also includes corridors for which no major work was anticipated in the near term.





RTP POST-ACKNOWLEDGEMENT AMENDMENTS  
**Exhibit 'D'**  
**Green Streets Amendments – Part 1**

CHAPTER 1

**Regional Transportation Policy**

**1.3.4 Protecting the Environment**

**Policy 7.0. The Natural Environment**

Protect the region's natural environment.

- a. Objective: Place a priority on protecting the natural environment in all aspects of the transportation planning process.
- b. Objective: Reduce the environmental impacts associated with transportation system planning, project development, construction and maintenance activities.
- c. Objective: Reduce negative impacts on parks, public open space, natural areas, wetlands and rural reserves arising from noise, visual impacts and physical segmentation.
- d. Objective: New transportation and related utility projects shall seek to avoid fragmentation and degradation of components of the Regional System (regionally significant parks, natural areas, open spaces, trails and greenways). If avoidance is infeasible, impacts shall be minimized and mitigated.

**Policy 8.0. Water Quality**

Protect the region's water quality.

- a. Objective: Meet applicable state and federal water quality standards in the planning process.
- b. Objective: Support the implementation of Green Streets practices through pilot projects and regional funding incentives.
- ~~b.c.~~ Objective: Support local jurisdiction efforts to reduce impervious surface coverage in the development review and street design process ~~through implementation of the Green Streets guidelines.~~
- ~~c.d.~~ Objective: ~~Comply with the Governor's fish initiative and federal requirements related to endangered species listings~~ Continue to coordinate updates to the Green Streets guidelines with state and federal regulatory agencies to ensure ongoing compliance with fish protection regulations.
- e. Objective: Implement a coordinated strategy to remove or retrofit culverts on the regional transportation system that block or restrict fish passage.

Ecosystems do not conform to political boundaries. Streams and watersheds cross both city and county boundaries, and transportation projects often impact watersheds. In recent years, it has become increasingly important to acknowledge the effect of developing the public right-of-way on the health of our environment, particularly urban waterways. Streets and driveways combine to form the largest source of impervious surfaces in our urban landscape. A particular challenge is how to address conflicts between planned

transportation improvements and identified stream corridors, and how transportation improvements can be constructed in concert with stream corridor protection plans.

Impervious surfaces are hard surfaces that do not allow water to ~~soak-filter~~ into the ground, and instead, increase the amount of rely on piped stormwater running off into the stormwater drainage systems that convey runoff directly to streams. The majority of total impervious surfaces are from roads, sidewalks, parking lots and driveways. ~~Stormwater runoff from these impervious surfaces reduces the amount of recharge of water to ground water and increases the capacity requirements of the storm water drainage system.~~

Higher impervious surface coverage has been linked to dramatic changes in the shape of streams, water quality, water temperature and the biological health of the flora and fauna that live in the natural waterways. The regional Green Streets Program seeks to mitigate this effect on streams over time through a combination of retrofits to existing streets, and design guidelines for new streets that allow stormwater to infiltrate directly into the ground. Examples of ~~impervious surface reduction~~ Green Streets techniques that could be used by local jurisdictions in the development review and street design process include:

- extensive use of street trees to intercept, absorb and evaporate stormwater.
- use of pervious paving materials on sidewalks and local streets
- ~~consider use of open channels~~ stormwater detention basins and swales on smaller streets and roads, as long as runoff velocities are low enough to prevent erosion to capture and infiltrate stormwater
- ~~grade sidewalks~~ design impervious surfaces on streets and sidewalks so that stormwater runs off drains into adjacent unpaved pervious areas such as planting strips or landscaped private property
- ~~encourage the use of shared parking to reduce the size and number of parking lots~~
- ~~consider reducing commercial, industrial and multi-family use parking requirements to reduce impervious surface coverage~~
- ~~encourage shared driveways between adjacent development projects~~
- ~~follow guidelines for~~ use erosion control techniques during construction of regional streets and adjacent development projects.

### 1.3.5 Designing the Transportation System

The design and function of individual transportation facilities and entire systems have a significant impact on adjacent land uses and the character of the communities they serve. As a result, transportation systems planning must consider larger regional and community goals and values, such as protection of the environment, the regional economy and the quality of life that area residents presently enjoy.

The Regional Transportation Plan measures economic and quality-of-life impacts of the proposed system by evaluating key indicators, such as access to jobs and retail services, mode share, vehicle miles traveled, travel times, travel speeds, level of congestion and air quality impacts. Other key indicators include economic benefits to the community, access to transportation by the traditionally underserved, including low-income and minority households and the disabled, energy costs and protection of natural resources. The Regional Transportation Plan defines a transportation system that balances all of the policies in this plan. Sometimes these policies are in conflict - so each transportation project or program must be evaluated in terms of financial constraints, associated social, economic and environmental impacts, and how it best achieves an overall balance between those conflicting goals.

The following policy guides planning and implementation of the region's transportation system.

#### **Policy 11.0. Regional Street Design**

Design regional streets with a modal orientation that reflects the function and character of surrounding land uses, consistent with regional street design concepts.

- a. Objective: Support local implementation of regional street design concepts and Green Streets design guidelines-alternatives in local transportation system plans and development codes.

Regional street design policies address federal, state and regional transportation planning mandates with street design concepts intended to support local implementation of the 2040 Growth Concept. The design concepts reflect the fact that streets perform many, often conflicting functions, and the need to reconcile conflicts among travel modes to make the transportation system safer for all modes of travel. Implementation of the design concepts is intended to promote community livability by balancing all modes of travel and address the function and character of surrounding land uses when designing streets of regional significance. The Green Streets design guidelines are tailored to support the regional street design guidelines, and provide a series of complementary Green Street guidelines for each of the street design classifications contained in this section.

RTP POST-ACKNOWLEDGEMENT AMENDMENTS  
**Exhibit 'D'**  
**Green Streets Amendments – Part 2**

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**CHAPTER 6**

**Implementation**

**6.4 Local Implementation of the RTP**

**6.4.5 Design Standards for Street Connectivity**

The design of local street systems, including "local" and "collector" functional classifications, is generally beyond the scope of the 2000 RTP. However, the aggregate effect of local street design impacts the effectiveness of the regional system when local travel is restricted by a lack of connecting routes, and local trips are forced onto the regional network. Therefore, streets should be designed to keep through trips on arterial streets and provide local trips with alternative routes. The following mapping requirements and design standards are intended to improve local circulation in a manner that protects the integrity of the regional transportation system.

Cities and counties within the Metro region are required to amend their comprehensive plans, implementing ordinances and administrative codes, if necessary, to comply with or exceed the following mapping requirements and design standards:

1. Cities and counties must identify all contiguous areas of vacant and redevelopable parcels of five or more acres planned or zoned for residential or mixed-use development and prepare a conceptual new streets plan map. The map shall be adopted as a part of the Transportation System Plan element of the local Comprehensive Plan. The purpose of this map is to provide guidance to land-owners and developers on desired street connections that will improve local access and preserve the integrity of the regional street system.

The conceptual street plan map should identify street connections to adjacent areas in a manner that promotes a logical, direct and connected street system. Specifically, the map should conceptually demonstrate opportunities to extend and connect to existing

streets, provide direct public right-of-way routes, and limit the potential of cul-de-sac and other closed-end street designs.

2. In addition to preparing the above conceptual street plan map, cities and counties shall require new residential or mixed-use development ~~that will require~~involving construction of new street(s) to provide a ~~street map~~site plan that reflects the following:

a. Street connections:

- ~~a.~~ Responds to and expands on the conceptual street plan map as described in Section 6.4.5(1) for areas where a map has been completed.
- ~~b.~~ Provides full street connections with spacing of no more than 530 feet between connections except where prevented by barriers such as topography, railroads, freeways, pre-existing development, or where lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections.
- Where streets must cross ~~or~~ water features ~~where regulations implementing identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP) do not allow construction of~~ or prescribe different standards for street facilities, provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.

b. Accessways:

- ~~e.~~ When full street connections are not possible provides bike and pedestrian accessways on public easements or rights-of-way in lieu of streets. Spacing of accessways between full street connections shall be no more than 330 feet except where prevented by barriers such as topography, railroads, freeways, pre-existing development, or where lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude accessway connections.
- Bike and pedestrian accessways that cross water features identified in Title 3 of the UGMFP should have an average spacing no more than 530 feet, unless habitat quality or length of crossing prevents a connection.

c. Centers, main streets and station communities:

Where full street connections or over water features where regulations implementing identified in Title 3 of the Urban Growth Management Functional Plan UGMFP do not allow construction of or prescribe different standards for construction of accessway facilities cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection..

d. Other considerations:

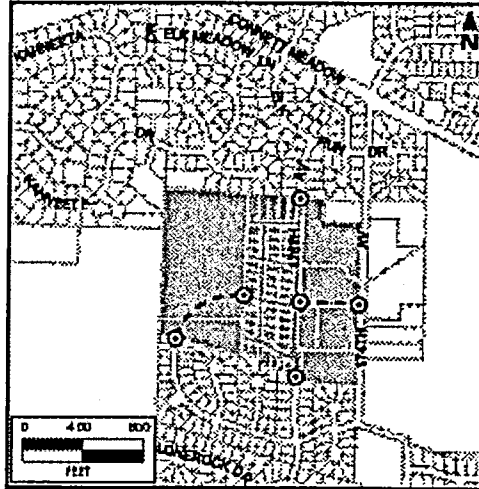
- d. Limits the use of cul-de-sac designs and other closed-end street systems to situations where barriers prevent full street extensions.
- e. Includes no closed-end street longer than 200 feet or with more than 25 dwelling units.
- f. Includes street cross-sections demonstrating dimensions of right-of-way improvements, with streets designed for posted or expected speed limits.

Cities and counties, Tri-Met, ODOT, and the Port of Portland shall consider stream crossing design guidelines contained in the Green Streets Handbook for replacement or new construction of local street crossings on streams identified in Title 3 of the Urban Growth Management Functional Plan. For replacement or new construction of local street crossings on streams identified in Title 3 of the Urban Growth Management Functional Plan, Cities and Counties, Tri-Met, ODOT and the Port of Portland shall amend design codes, standards and plans to allow consideration of the stream crossing design guidelines contained in the Green Streets handbook.

Figure 6.1 demonstrates a street map that a developer would provide to meet code regulations for the subdivision of a single parcel. Figure 6.2 shows a street cross-section that could be submitted by a developer for approval during the permitting process.

Figure 6.1  
Street Connectivity Map

Figure 2 Future Street Plan For A Single Parcel

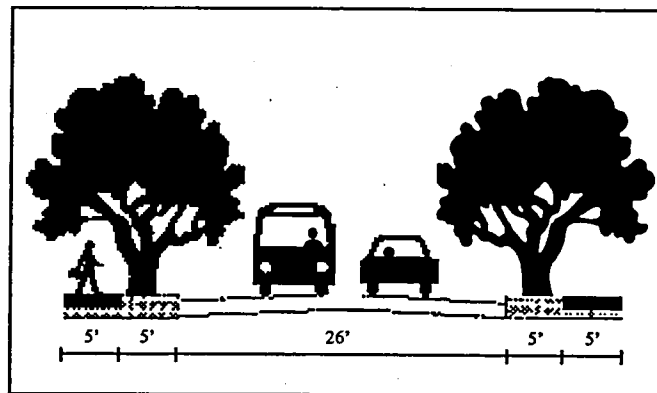


 Vacant or redevelopable area

 -- Street connection required

Source: Metro

Figure 6.2  
Street Cross Section – Local Street, mid-block  
~~Figure 6.2~~  
Street Cross Section – Local Street, mid-block



Source: Metro

3. Street design code language and guidelines must allow for:
  - a. Consideration of narrow street design alternatives. For local streets, no more than 46 feet of total right-of-way, including pavement widths of no more than 28 feet, curb-face to curb-face, sidewalk widths of at least 5 feet and landscaped pedestrian buffer strips that include street trees. Special traffic calming designs that use a narrow right-of-way, such as woonerfs and chicanes, may also be considered as narrow street designs.
  - b. Short and direct public right-of-way routes to connect residential uses with nearby commercial services, schools, parks and other neighborhood facilities.
  - c. Consideration of opportunities to incrementally extend streets from nearby areas.
  - d. Consideration of traffic calming devices to discourage traffic infiltration and excessive speeds on local streets.
4. For redevelopment of existing land-uses that require construction of new streets, cities and counties shall develop local approaches to encourage adequate street connectivity.

## **6.7 Project Development and Refinement Planning**

### **6.7.3 Project Development Requirements**

Transportation improvements where need, mode, corridor and function have already been identified in the RTP and local plans must be evaluated on a detailed, project development level. This evaluation is generally completed at the local jurisdiction level, or jointly by affected or sponsoring agencies. The purpose of project development planning is to consider project design details and select a project alignment, as necessary, after evaluating engineering and design alternatives and potential environmental impacts. The project need, mode, corridor, and function do not need to be addressed at the project level, since these findings have been previously established by the RTP.

The TPR and Metro's Interim 1996 Congestion Management System (CMS) document require that measures to improve operational efficiency be addressed at the project level, though system-wide considerations are addressed by the RTP. Therefore, demonstration of compliance for projects not included in the RTP shall be documented in a required Congestion Management System report that is part of the project-level



planning and development (Appendix D of the Interim CMS document). In addition, this section requires that street design guidelines be considered as part of the project-level planning process. This section does not apply to locally funded projects on local facilities. Unless otherwise stipulated in the MTIP process, these provisions are simply guidelines for locally funded projects.

Therefore, in addition to system-level congestion management requirements described in Section 6.6.3 in this chapter, cities, counties, Tri-Met, ODOT, and the Port of Portland shall consider the following project-level operational and design considerations during transportation project analysis:

1. Transportation system management (e.g., access management, signal inter-ties, lane channelization, etc.) to address or preserve existing street capacity.
2. Street design policies, classifications and design principles are contained in Chapter 1 of this plan. See Section 1.3.5, Policy 11.0, Figure 1.4. Implementing guidelines are contained in *Creating Livable Streets: Street Design Guidelines for 2040* (1997<sup>2</sup>nd edition, 2002) or other similar resources consistent with regional street design policies.
3. Environmental design guidelines, as contained in *Green Streets: Innovative Solutions for Stormwater and Street Crossings* (2002), and *Trees for Green Streets: an Illustrated Guide* (2002), or other similar resources consistent with federal regulations for stream protection.

Transportation providers in the Metro region, including the cities and counties, Tri-Met, ODOT, and the Port of Portland are required to amend their comprehensive plans, implementing ordinances and administrative codes, if necessary, to consider the *Creating Livable Streets* design guidelines as part of project development. ~~Transportation providers should also consider amending local plans and design codes to include the guidelines contained in *Green Streets: Innovative Solutions for Stormwater and Street Crossings*.~~ Transportation providers shall amend design codes, standards and plans to allow consideration of the guidelines contained in *Green Streets: Innovative Solutions for Stormwater and Street Crossings*.

## 6.8 Outstanding Issues

The section describes a number of outstanding issues that could not be addressed at the time of adoption of this plan, but should be addressed in future updates to the RTP.

~~6.8.1 Green Streets Initiative and the ESA~~

~~Metro has been awarded a TCM grant to conduct a Green Streets project to address the growing relationship between transportation planning and stream protection. The Green Streets project will address potential conflicts between good transportation design and the need to protect streams and wildlife corridors. The Oregon Salmon and Watershed Plan and recent federal listing of steelhead trout further bolster the need to develop strategies to improve water quality in our region's streams and address declining fish populations in water bodies determined to support salmon and steelhead populations.~~

~~Impervious surfaces are hard surfaces that do not allow water to soak into the ground and increase the amount of storm water running into the storm water drainage system. Streets and driveways combine to form the largest source of impervious surfaces in our urban landscape, followed by buildings and parking lots. The public right of way covers some 20 percent of our urban landscape. As this region continues to grow, so will the amount of land dedicated for use as public right of way. It has become increasingly important to acknowledge the effect of this right of way on the health of our environment and identify strategies that minimize conflicts between uses within the right of way and our region's lakes, streams and wildlife corridors.~~

~~Elements of the Green Streets project include:~~

- ~~□ A regional culvert inventory and database that will provide jurisdictions with the latest information on transportation impacts on stream corridors.~~
- ~~□ New street connectivity provisions that consider tradeoffs between improved connectivity and potential stream crossing impacts.~~
- ~~□ A demonstration project that tests connectivity and environmental design proposals as part of the Pleasant Valley Damascus urban reserve plan.~~
- ~~□ A best practices Green Streets guidebook that defines acceptable design solutions where major streets and streams meet.~~

~~Final recommendations from the Green Streets project will be incorporated, as appropriate, into the RTP. The project is scheduled for completion in July 2001.~~

RTP POST-ACKNOWLEDGEMENT AMENDMENTS

# Exhibit 'D'

## Green Streets Amendments - Part 3

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### Glossary of Transportation Definitions

Exceptional Habitat Quality - "For the purpose of transportation planning, exceptional habitat quality may be defined as (1) riparian-associated wetlands identified under Title 3, locally or regionally significant wetlands, (2) locally or regionally rare or sensitive plant communities such as oak woodlands, (3) important forest stands contributing multiple functions and values to the adjacent water feature habitats of sensitive, threatened or endangered wildlife species, or (4) habitats that provide unusually important wildlife functions, such as (but not limited to) a major wildlife crossing/runway or a key migratory pathway.

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 02-946A, FOR THE PURPOSE OF ADOPTING THE POST-ACKNOWLEDGEMENT AMENDMENTS TO THE 2000 REGIONAL TRANSPORTATION PLAN (RTP).

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Date: May 8, 2002

Prepared by: Tom Kloster

## BACKGROUND

On June 15, 2001, the Oregon Land Conservation and Development Commission (LCDC) acknowledged most of the 2000 Regional Transportation Plan (RTP), with the condition that Metro adopt a series of technical amendments necessary for full compliance with the State Transportation Planning Rule (TPR). These technical amendments are the first component of the proposed post-acknowledgement RTP amendments included in **Exhibit 'A'** to the ordinance. The Joint Policy Advisory Committee on Transportation (JPACT) and the Council were briefed on the technical amendments in Spring 2001 as part of an update on the acknowledgement process that included a detailed discussion of the proposed changes. This exhibit is divided into three parts, with respective amendments to Chapter 6 of the RTP, the Glossary and the Appendix.

The LCDC also moved to continue final action on select items that will be addressed through separate planning studies and other follow-up activities, including goal exceptions for the Sunrise Corridor and I-5 to 99W Connector improvements in the RTP, and performance measures that are being completed as part of the 2040 Indicators project. These items are still in development at this time, but may require future RTP amendments following LCDC review and action.

The RTP adoption on August 10, 2000, also identified active planning efforts that should be incorporated into the RTP as soon as possible, upon completion of the planning studies. These included the *Tri-County Elderly and Disabled Transportation Plan*, the *Corridor Initiatives Project* and the *Green Streets Project*. All three studies were completed in 2001, and included recommendations for amendments to the RTP. The following is an overview of the changes proposed from these projects as part of the post-acknowledgement amendments to the RTP and included as exhibits to the ordinance:

### **Exhibit 'B' - Elderly and Disabled Transportation Amendments**

Mobility is an important quality-of-life issue for seniors and individuals with disabilities. Transportation increases independence, provides connection with the community, and ensures access to life sustaining activities. Since April 2000, a 25-member steering committee has been coordinating the development of the *Tri-County Elderly and Disabled Transportation Plan* (EDTP). The EDTP is the region's first coordinated effort to address service delivery, service coordination, customer satisfaction, resource allocation, and land use policy issues in a comprehensive way. The EDTP recommends that the RTP be amended to implement portions of the EDTP within the Metro region (amendments proposed in Exhibit 'B'), though the EDTP covers the larger, three-county area served by Tri-Met. The EDTP will continue to evolve over time through periodic updates, and serve to guide regional elderly and disabled transportation funding decisions and will inform local transportation system plans.

The elderly and persons with disabilities in the tri-county area currently represent about 17% of the total population. By the year 2010, this number is expected to increase to 20%. Of the approximately 228,000 elderly and disabled individuals living within the tri-county area today, about 42% currently use transit services for some or all of their transportation needs. In 1999, the four public and 30 community-based transportation operators provided over 9,100,000 rides to the elderly and disabled population for all trips including basic medical, nutritional and social interaction needs.

Despite the significant number of elderly and disabled in the tri-county area who are currently accessing transportation services, it is estimated that approximately 16,500 elderly and disabled people do not have access to transportation for some or all of their trips. These elderly and disabled individuals may be unaware of the services available to them, may not be able to effectively utilize available services, or may live outside a transit or transportation district.

Current service levels would not decrease as a result of the EDTP recommendations, although existing funding constraints would make it difficult to expand the quality of existing service, and instead would simply provide current service options to a growing population. Approximately \$43 million of operating funds will be spent to maintain the existing transportation network for seniors and the disabled in 2002. The current system provides approximately 10 million rides per year. Without any significant increase in services, the operating cost of the existing elderly and disabled transportation system is expected to increase to \$68 million by the year 2010.

The EDTP clearly recognizes that the provision of transportation is only one tool to meet the larger objectives of providing mobility to the elderly and disabled. Increased transit services alone will not address the needs of the growing elderly and disabled community. To be successful, the EDTP must be integrated with the land use and transportation plans. To this end, the policies and service delivery strategies outlined in the EDTP are proposed as amendments to the RTP and the local counties and jurisdictions within the tri-county area are also asked to include them in local transportation system plans (TSPs), comprehensive plans, and their strategic plans for social service providers. The following EDTP elements are emphasized for adoption into local and regional plans:

- Identification of and support for pedestrian facilities near elderly and disabled developments that support access to transit, retail, and other community needs, and the siting of such facilities near existing transit, retail and other community needs;
- Integration of elderly and disabled housing into mixed use developments that include public facilities or services which support trip mitigation or avoidance;
- Local support and mandates for the inclusion of pedestrian friendly support activities;
- State, regional, and local support for the coordination and financing of transportation services and facilities that encourage transit use; and
- Expanded support for elderly and disabled transportation within the local communities to provide for increased mobility options and access.

These elements will be essential in complementing expanded elderly and disabled transportation services needed to meet the expected mobility needs of the growing target population. Exhibit 'B' includes amendments to the Chapter 1 policies and Chapter 6 implementation requirements of the RTP, as recommended in the EDTP.

## **Exhibit 'C' - Amendments from the Corridor Initiatives Project**

During the technical analysis phase of the 2000 RTP, it became evident that forecasted growth in the region would ultimately push most highways in the region to capacity during peak periods. Most of these state-owned facilities were constructed between 1960 and 1985 and during that time had excess capacity compared to the relative size of the region. However, dramatic growth during the 1980s and 1990s was both fueled by this highway capacity, and eventually consumed the capacity during peak periods. Several major commute routes, like the Sunset Highway, Interstate-5 and the Banfield Freeway, have become especially congested during peak periods.

In some cases, major investments in transit already provide an alternative to driving these routes during the rush hour, and in other cases, a dense network of parallel routes provide local driving options. But even with existing and planned transit and supporting street network improvements factored in, more work was needed to identify a long-term plan for managing or improving travel in these corridors. Because the RTP process is too broad to consider such improvements in detail, the state Transportation Planning Rule (TPR) allows Metro to defer such studies into corridor refinement plans, to be completed at a future date. As a result, the 2000 RTP contains a number of refinement corridors, where a more detailed study is called for to identify the mix of transportation projects or programs needed to manage these urban corridors. When the RTP was adopted in August 2000, the *Corridor Initiatives Project* was kicked off to evaluate and prioritize the refinement corridors called out in the plan.

The *Corridor Initiatives Project* included participation by city, county, the Oregon Department of Transportation (ODOT), Port of Portland and Tri-Met staff in technical and project management committees. These committees guided the process and formulated recommendations for ranking the corridor refinement plans. Each corridor was evaluated on several criteria and a number of measures related to relative travel needs and connection to implementing the 2040 Growth Concept. In addition to the technical analysis, the committees considered non-technical factors such as relation to other planning efforts, community interest and potential resources for completing each refinement plan. Consultation meetings were held with groups of elected officials from around the region to review these findings, and gather additional input from policymakers.

In July 2001, the results of the Corridor Initiatives Project were presented to JPACT and the Council, with recommendations for staging the refinement studies over the next 20 years. The proposed timing of these studies was based on extensive technical analysis and a comprehensive set of evaluation criteria. *The Corridor Initiatives Project* recommended breaking some refinement corridors into smaller increments, which resulted in a total of 18 refinement studies. The work program for completing these studies is included in Exhibit "C", and spans the 20-year RTP planning period. This work will also be monitored and updated periodically as part of Metro's annual Unified Work Program process. Exhibit 'C' is divided into three parts, with respective amendments to Chapter 6 of the RTP and two amendments to the Appendix.

## **Exhibit 'D' - Amendments from the Green Streets Project**

The *Green Streets Project* was well under way when the RTP was adopted in August 2000, and several potential plan amendments were already anticipated at that time. The *Green Streets Project* has a number of elements that address the growing conflict between good transportation design, planned urbanization in emerging areas and the need to protect streams and wildlife corridors from urban impacts. Key elements of the project include:

- Expanding the regional database to include an inventory of culverts that channel stormwater from streets to the stream system;
- The “Green Streets: Environmental Designs for Transportation” handbook that establishes acceptable design solutions for conflicts between major street or connectivity needs and stream protection; and
- New regional street connectivity provisions that address the tradeoffs between stream protection and an efficient, connected street system;
- Testing the proposed designs and connectivity guidelines as part of the Pleasant Valley community planning.

An 18-member Technical Advisory Committee (TAC) that included a diverse mix of planners, engineers, architects, biologists and environmental advocates guided the project. The technical phase of the project culminated with the *Green Streets Summit*, held at Metro in May 2001, and highlighted with a keynote speech from Dr. Patrick Condon, a noted expert on the subject of urban stormwater management. Nearly 150 practitioners and advocates attended the summit, and Dr. Condon later met with JPACT, the Metro Policy Advisory Committee (MPAC) and Council members at a lunch presentation on the results of the *Green Streets Project*.

The TAC as the final stage of the project reviewed feedback from the summit and policymakers’ lunch. Most of the technical work on the Green Streets project was concluded in June 2001, and staff has since worked to package the resulting recommendations from the project in a series of two handbooks:

- *Green Streets: Innovative Solutions for Stormwater and Street Crossings* establishes a set of “best practices” for reducing the amount of stormwater runoff from the public right-of-way. The handbook builds on the designs originally developed for the *Creating Livable Streets* handbook, published in 1997, but modifies them to incorporate the “best practices” details. Guidelines for achieving local street connectivity while protecting streams are also included in the handbook. In November 2001, the National Marine Fisheries Service (NMFS) completed their review of the final draft of the *Green Streets* handbook, and have endorsed it as a series of “safe harbor” practices that are consistent with NMFS goals for fish habitat protection. This represents a major step for NMFS, and greatly elevates the importance and utility of the *Green Streets* handbook.
- *Trees for Green Streets: an Illustrated Guide* provides a detailed overview of the best trees for use along Metro-region streets, with specifics on site requirements, size and compatibility with various environmental constraints. It was developed in tandem with the *Green Streets Project* through a special grant from the University of Oregon, and in consultation with a group of area arborists, scientists, and horticulturists.

Following the model established by the *Creating Livable Streets* handbook (first published by Metro in 1997), the *Green Streets* publications will be distributed at no charge within the Metro region, but sold outside the region for a modest price that is expected to cover printing costs. The *Green Streets* guidelines have already generated a high level of interest, and were fully incorporated into the *Pleasant Valley Community Plan*. The City of Sandy is also in the process of adopting some of the guidelines for local streets, and many other jurisdictions have contacted Metro to learn about the Green Streets project.

The *Green Streets* design guidelines will serve as the implementation focus of Metro's Green Streets program, and are part of the proposed amendments to the project development requirements of the RTP contained in Exhibit 'D'. The proposed *Green Streets* amendments also include guidelines for design and frequency of stream crossings. Exhibit 'D' is divided into three parts, and includes amendments to the Chapter 1 policies, Chapter 6 implementation requirements and the Glossary of the RTP.

## ANALYSIS/INFORMATION

1. **Known Opposition** Metro has received comments from the Transportation Policy Alternatives Committee (TPAC) members regarding the application of green street guidelines. Those comments will be the focus of MPAC, JPACT and Metro Council discussion on this item. Otherwise, there is no known opposition to the other components of this ordinance.
2. **Legal Antecedents** The 2000 Regional Transportation Plan (RTP) was adopted on August 10, 2000, with the intent to adopt subsequent amendments from specific outstanding studies and changes required as part of the Land Conservation and Development Commission (LCDC) acknowledgement process. This ordinance completes those intentions by amending the RTP with changes recommended from the Tri-County Elderly and Disabled Transportation Plan, the Corridor Initiatives project, the Green Streets project and changes from the LCDC acknowledgement process. These plan amendments are necessary for Metro to comply with federal planning regulations (as described in the Transportation Efficiency Act for the 21st Century) and state planning regulations (as described by the Oregon Transportation Planning Rule). Cities and counties within the Metro boundary will use and demonstrate consistency with the RTP in completing their local transportation systems plans. The Green Street amendments provide regional transportation policy response to managing the public right of way in a manner that responds to the listing of salmon and steelhead as endangered species through the federal Endangered Species Act.
3. **Anticipated Effects** Adoption of this ordinance provides policy direction to the region on the provision of transportation services to the elderly and disabled population, the intent to complete detailed transportation corridor studies in the region, and regional guidance on implementation of "green" streets as one means of addressing the listing of salmon and steelhead as endangered species. These policies will guide the development of city and county transportation plans in the region and the subsequent development of transportation projects. The adoption of the amendments from the LCDC acknowledgement process will bring the Regional Transportation Plan into compliance with state laws and regulations.
4. **Budget Impacts** There are no direct costs associated with implementing this ordinance. The ordinance does recognize a need to complete corridor studies throughout the region. Metro staff will need to lead or participate in these studies. The definition of budget impacts of this work will be defined and adopted by Metro Council in the Unified Work Program.

## RECOMMENDED ACTION

Council adoption of the proposed ordinance and RTP amendments contained in Exhibits 'A' through 'D'.



Agenda Item Number 7.2

**Ordinance No. 02-942A, For the purpose of Adding a New Chapter 2.20 to the Metro Code Creating the Office of Chief Operating Officer.**

*Second Reading*

Metro Council Meeting  
Thursday, June 27, 2002  
Lake Oswego Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING A NEW	)	Ordinance No. 02-942A
CHAPTER 2.20 TO THE METRO CODE	)	
CREATING THE OFFICE OF CHIEF	)	Introduced by Executive Officer Mike
OPERATING OFFICER	)	Burton and Presiding Officer Carl Hosticka
	)	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 offices of Chief Operating Officer and to define the duties and responsibilities of the Chief Operating 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 create the Office of the Chief Operating Officer and describe the duties and responsibilities of the Chief Operating Officer as set forth in a recommended Metro Code Chapter and 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 Chief Operating Officer is created and the duties and responsibilities of the Chief Operating Officer shall be as described as set forth in Metro Code Chapter 2.20, 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 CHIEF OPERATING OFFICER**

**CHAPTER 2.20**

**CHIEF OPERATING OFFICER**

**[BECOMES EFFECTIVE JANUARY 6, 2003]**

SECTIONS	TITLE
2.20.010	Creation of Office
2.20.020	Appointment and Removal
2.20.030	Power and Duties of the Chief Operating Officer
2.20.040	Council Not to Interfere with Appointments or Removals
2.20.050	Emergencies
<del>2.20.060</del>	<del>Bond</del>
2.20.0670	Compensation
2.20.0780	Vacancy

**2.20.010 Creation of Office.**

The office of Chief Operating Officer is hereby created pursuant to Metro Charter, Section 26.

**2.20.020 Appointment and Removal.**

(a) The Chief Operating Officer shall be appointed by the Council President subject to confirmation by the Council by resolution. The Council President shall involve the Council in all aspects of the hiring process. The Chief Operating Officer shall be chosen solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office set forth in this Chapter. At the time of appointment, the appointee need not be a resident of Metro or the state, but during the Chief Operating Officer's tenure of office, shall reside within Metro's corporate boundaries. No Council member shall receive such appointment during the term for which the Council member shall have been elected nor within one year after the expiration of the Council member's term.

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

**2.20.030 Power and Duties of the Chief Operating Officer.**

The Chief Operating Officer shall be the chief administrative officer of Metro, may head one or more departments, and shall be responsible to the Metro Council for the proper administration of

all affairs of Metro. To that end, except as otherwise provided by Charter or ordinance, the Chief Operating Officer shall have the power and shall be required to:

(a) Appoint, supervise, discipline, or remove all officers and employees of Metro. The Chief Operating Officer may authorize the head of a department or office to appoint, supervise, discipline, or remove subordinates in such department or office.

(b) ~~On behalf of the Council President, p~~Prepare the budget annually under the direction of the Council and submit it to the Metro Council together with a message describing the important features and be responsible for its administration after adoption.

(c) Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of ~~Council~~ Metro for the preceding year.

(d) Keep the Metro Council advised of the financial condition and future needs of Metro, and make such recommendations as may be deemed desirable.

~~(e) Recommend to the Metro Council a standard schedule of pay for each appointed office and position in Metro service, including minimum, intermediate, and maximum rates.~~

~~(f) Recommend to the Metro Council adoption of such measures as may be deemed necessary or expedient for the health, safety, or welfare of the region or for the improvement of administrative services.~~

~~(g) Direct and supervise the administration of all departments, offices, and agencies of Metro.~~

(he) Consolidate or combine offices, positions, departments, or units under the Chief Operating Officer's jurisdiction, with the approval of the Metro Council. The Chief Operating Officer may be the head of one or more departments.

~~(i) Attend all meetings of the Metro Council unless excused by the Council President, and may take part in the discussion of matters coming before the Council. The Chief Operating Officer shall be entitled to notice of all regular and special meetings of the Council.~~

~~(j) Supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget and let contracts necessary for operation or maintenance of Metro services pursuant to Metro Code Title II Chapter 2.04 (Metro Contract Policies).~~

~~(k) Shall, after authorization from the Council, conduct all aspects of real property transactions on behalf of the Metro Council.~~

~~(l) Work with the Metro Attorney to ensure that all laws and ordinances are duly enforced.~~

~~\_\_\_\_\_ (m) \_\_\_\_\_ Investigate the affairs of Metro or any Metro department or division. Investigate all complaints in relation to matters concerning the administration of the government of Metro and in regard to Metro services, and see that all franchises, permits, and privileges granted by Metro are faithfully observed.~~

(nf) Devote full time to the discharge of all official duties.

(og) Perform such other duties as may be required by the Council, not inconsistent with Metro Charter, law, or Ordinances.

#### **2.20.040 Council Not to Interfere with Appointments or Removals.**

(a) ~~\_\_\_\_\_ Neither the Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the Chief Operating Officer or any of the Chief Operating Officer's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of Metro.~~

(b) ~~\_\_\_\_\_ -Nothing in this section shall prevent the Council President or individual councilors from participating with the Chief Operating Officer in the assignment and performance review of Council staff.~~

(c) ~~\_\_\_\_\_ -The Metro Council shall direct staff resources through the Chief Operating Officer.~~

#### **2.20.050 Emergencies.**

In case of accident, disaster, or other circumstance creating a public emergency, the Chief Operating Officer may award contracts and make purchases for the purpose of meeting the emergency; but the Chief Operating Officer shall file promptly with the Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

#### **2.20.060 Bond.**

~~The Chief Operating Officer shall furnish a surety bond to be approved by the Council, said bond to be conditioned on the faithful performance of all the Chief Operating Officer's duties. The premium of the bond shall be paid by Metro.~~

#### **2.20.0670 Compensation.**

The Chief Operating Officer shall receive such compensation as the Council shall fix from time to time by contract.

#### **2.20.0780 Vacancy.**

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

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## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 02-942, FOR THE PURPOSE OF ADDING A NEW CHAPTER TO THE METRO CODE CREATING THE OFFICE OF CHIEF OPERATING OFFICER

Date: June 19, 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 Chief Operating Officer (COO) 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 Chief Operating Officer. This draft was reviewed by the Council Governmental Affairs Committee, which made several amendments to the draft.

#### Analysis/Information

**Legal Background.** The proposed ordinance would create a new Metro Code Chapter (2.20) in which the Office of Chief Operating Officer is created. The ordinance specifically addresses the appointment and removal process for the position, the powers and duties of the COO, the relationship between the Council and the COO related to the appointment and removal of staff, the role of the COO related to emergencies, compensation for the COO and the filling of a vacancy in the position.

**Anticipated Effect.** The following specific provisions are included in the proposed ordinance.

**Chapter 2.20.010.** Establishes the office of Chief Operating Officer pursuant to Section 26 of the Metro Charter.

**Chapter 2.20.020.** Establishes procedures related to the appointment and removal of the Chief Operating Officer. The appointment of the COO would be made by the Council President subject to confirmation by the Council. The Council President would be required to "involve" the Council in the hiring process, though the level and type of involvement is not specified. The COO would be required to live within the Metro boundary during their tenure in office. The COO would serve at the pleasure of the Council and could be removed by the Council President with the concurrence of the Council.

**Chapter 2.20.030.** Sets forth the general powers and duties of the Chief Operating Officer. These would include:

- 1) Appoint, supervise, discipline or remove all officers and employees of Metro
- 2) Prepare the annual budget of behalf of the Council President and under the direction of the Council
- 3) Prepare and submit an annual report on the finances and administrative activities of Metro and the end of each fiscal year
- 4) Advise the Council on the financial condition and future needs of Metro
- 5) Make organizational and staffing adjustments with the approval of the Council
- 6) Devote full time to the discharge of all official duties
- 7) Perform such other duties as required by the Council

It is anticipated that the powers and duties related to areas such as contracting and personnel will be outlined in additional ordinances that specifically address the relevant chapters of the Metro Code.

**Chapter 2.20.040** Sets forth the relationship between the COO and the Council related to the appointment, removal and management of staff. The section provides that the Council or its members may not direct or request the hiring or firing of a specific person. It also permits Councilor involvement in the assignment and performance review of Council staff.

**Chapter 2.20.050** Gives the COO the authority to enter into contracts or make purchases in the event of a public emergency and requires a prompt accounting of such actions to the Council.

**Chapter 2.20.060** Provides that the Council shall contractually fix the compensation for the COO.

**Chapter 2.20.070** Provides that any vacancy in the Office of the Chief Operating Officer must be filled with all due speed and that the Council President may appoint an acting COO subject to confirmation by the Council.

**Known Opposition.** None.

**Budget Impact.** It is anticipated that the Council will adopt a budget amendment prior January 2003 that will establish funding for the Office of Chief Operating Officer

**Recommended Action.** Council adoption of the proposed ordinance.



Agenda Item Number 7.3

**Ordinance No. 02-953A, For the purpose of Amending Chapter 2.08 of the Metro Code to Create the Office  
of Metro Attorney**

***Second Reading***

**Metro Council Meeting  
Thursday, June 27, 2002  
Lake Oswego Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) Ordinance No. 02-953A  
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> <del>General Counsel Office Created</del>
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 involve the Council 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 ~~Ceouncil~~, the ~~executive-officer~~Chief Operating Officer, or the ~~A~~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 ~~Ceouncil~~, 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 ~~Ceouncil~~, the ~~executive-officer~~Chief Operating Officer, the ~~A~~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 ~~A~~Auditor, and all members of the ~~C~~Council. Upon completion, copies of all formal opinions shall be furnished to the executive officer~~C~~Chief Operating Officer, the ~~A~~Auditor, and all members of the ~~C~~Council.

(b) Neither the executive officer~~C~~Chief Operating Officer nor any member of the ~~C~~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~~C~~Chief Operating Officer or the ~~C~~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.

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## 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. 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.

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.

**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 7.4

**Ordinance No. 02-954A, For the Purpose of Amending Chapter 2.01 of the Metro Code to Reflect the Creation of the Office of the Metro Council President.**

***Second Reading***

**Metro Council Meeting  
Thursday, June 27, 2002  
Lake Oswego Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) Ordinance No. 02-954A  
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.

(c)(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.

(d)(e) 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. The Acting Council President shall not receive the salary of the Council President. ~~An acting Acting Council President ~~presiding officer~~ shall not receive the salary of the Council President ~~presiding officer~~.~~~~

~~(e)(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.

~~(f)~~ 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**

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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 7.5

**Ordinance No. 02-955A, For the Purpose of Amending Chapter 2.19 of the Metro Code to Conform to the Charter Amendments Adopted on November 7, 2000.**

***Second Reading***

**Metro Council Meeting  
Thursday, June 27, 2002  
Lake Oswego Council Chamber**



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) Ordinance No. 02-955A  
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]**

<b>SECTIONS</b>	<b>TITLE</b>
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) "MCCI" means Metro Committee for Citizen Involvement.

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

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

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

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

(k)(j) "RPGAC" means Regional Parks and Greenspaces Advisory Committee.

(l)(k) "RRC" means Rate Review Committee.

(m)(l) "SWAC" means Solid Waste Advisory Committee.

(n)(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.

(o)(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.

(p)(o) "TPAC" means Transportation Policy Alternatives Committee.

(q)(p) "WRPAC" means Water Resources Policy Advisory Committee.

(r)(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. 61<sup>st</sup> 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) Regular Voting Members

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	
<b>Total</b>			<b>23</b>

(2) Non-Voting Members:

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
<u>Citizens</u>	<u>6</u>
<b>TOTAL</b>	<b>21</b>

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):

	<b>Tualatin Watershed</b>	<b>Clackamas Watershed</b>	<b>Lower Willamette Watershed</b>
<b>Water Supply</b>	TVWD	Clackamas River Water District	Portland Water Bureau
<b>Wastewater</b>	<u>CleanUSA*</u> <u>Water Services</u>	Oak Lodge	Gresham



Developer

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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

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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

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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 8.1**

**Resolution No. 02-3205, For the Purpose of Authorizing the Issuance of a Request for Proposals for a Personal Services Contract for the Recruitment of a Chief Operating Officer as Set Forth in Metro Code Chapter 2.20.**

**Metro Council Meeting  
Thursday, June 27, 2002  
Lake Oswego Council Chamber**



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE	)	RESOLUTION NO. 02-3205
ISSUANCE OF REQUEST FOR PROPOSAL 02-	)	
1025-COU, FOR A PERSONAL SERVICES	)	Introduced by the Council Governmental
CONTRACT FOR THE RECRUITMENT OF A	)	Affairs Committee
CHIEF OPERATING OFFICER AS SET FORTH IN	)	
METRO CODE CHAPTER 2.20	)	

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 offices of Chief Operating Officer and to define the duties and responsibilities of the Chief Operating 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, Ordinance No. 02-942 creating the Office of Chief Operating Officer is currently under consideration and the Council desires to contract for services to recruit candidates for the Chief Operating Officer position; and

WHEREAS, the Presiding Officer has assigned to the Governmental Affairs Committee the lead responsibility for making recommendations regarding the transition to the new form of government, including but not limited to taking preliminary measures to find a pool of candidates qualified to fill the Chief Operating Officer position;

BE IT RESOLVED, that the Metro Council hereby authorizes the issuance of the Request for Proposal (RFP 02-1025-COU) attached as to form as Exhibit A for a personal services agreement for the recruitment of a Chief Operating Officer. The Metro Council further authorizes the Presiding Officer to execute a contract with the most responsive Proposer as recommended by the Chair of the Governmental Affairs Committee in consultation with the Committee 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. 02-3205**

**REQUEST FOR PROPOSAL**  
**RFP 02-1025-COU**  
**METRO Selection of a Chief Operating Officer**

Metro Human Resource Department, located at 600 NE Grand Avenue, Portland, Oregon 97232 is seeking a response to request for bids to enter into a contract with an Executive Search Firm to assist the Metro Council in the recruitment and selection of a Chief Operating Officer.

**BACKGROUND/HISTORY OF PROJECT:**

Metro is the only regional government in the United States with a home-rule charter and directly elected officials. Metro's directly elected regional government serves more than 1.3 million residents in Clackamas, Multnomah, and Washington counties and the cities in the Portland, Oregon, metropolitan area. Metro provides land-use and transportation planning services, oversees a regional solid waste disposal system and recycling waste reduction programs, operates regional parks and greenspaces and the Oregon Zoo. Metro also oversees the Metropolitan Recreation/Exposition Commission (MERC) which manages the Oregon Convention Center (OCC), the Expo Center, and the Portland Center for the Performing Arts (PCPA).

Metro employs over 500 full-time and part-time regular employees. Metro also employs a significant number of seasonal and/or temporary employees. MERC also employs over 500 full-time and part-time regular employees. Bargaining unit employees comprise approximately 50% of the workforce of Metro and MERC. Metro and MERC currently have 7 bargaining unions.

In 2000, voters approved revisions to Metro's Charter that will lead to the abolition of the Office of the Executive Officer and the selection of a regionally elected Council President and creation of a Chief Operating Officer position. These revisions will result in organizational changes for the Office of the Executive Officer and the Office of the Council. Consistent with the approved revisions to the Metro Charter the Chief Operating Officer will be a newly created position effective January 6, 2003. The Council President, (to be elected in November 2002) shall appoint the Chief Operating Officer subject to confirmation by the Council.

The Office of the Executive Officer and the Office of the Council have been working jointly with an advisory task force and two human resource planning consultants to define the goals and objectives of any organizational changes, a general organizational structure, and a general transition plan. The information and recommendations developed and provided to Metro Council by the task force and consultants will be available to the firm selected as a result of this RFP.

**SCOPE OF WORK:**

The Executive Search Firm ("Proposer" and/or "Consultant") selected to assist Metro Council in filling the Chief Operating Officer position will be expected to perform the following tasks and activities as part of this contract:

- Facilitate discussions with Metro Council and others to articulate the desired qualifications and credentials for the Chief Operating Officer and reach consensus on the timing, scope of the recruitment, and compensation package.
- Prepare, coordinate and conduct an effective and formal recruitment plan, including budget and timeline.
- Prepare and post position announcements and advertisements in various local, state, regional, and national publications.
- Review résumés, conduct initial screening and background checks of candidates.
- Refer an agreed upon number of qualified candidates for further consideration.
- Develop and propose an interview and selection process for Metro Council to apply.
- Manage any and all administrative tasks.
- Coordinate the services with the designated Councilor responsible for the search.
- Perform other related activities or tasks as assigned.

### **IMPLEMENTATION:**

The Consultant shall have primary responsibility for developing, coordinating and implementing all aspects of a recruitment and selection process. The Consultant will work in collaboration with the Councilor appointed to lead this effort and individuals, committees, and/or task forces appointed to assist with this effort.

All written materials prepared by the Consultant for approval by Council appointed designees for the recruitment and selection of a Chief Operating Officer shall be pre-approved by the Councilor who has been designated to lead this process.

### **BUDGET AND TIME LINE:**

The Consultant shall be responsible for ensuring that expenses remain within the agreed upon budget, all amendments to the budget will be pre-approved consistent with Metro Council contracting practice.

### **PROPOSAL CONTENT:**

- The proposal shall be submitted on recyclable, double-sided recycled paper (post consumer content). No waxed page dividers or non-recyclable materials should be included in the proposal.
- Prospective Consultants shall submit a letter of interest and documentation which includes the following:

A proposed work plan, including scheduled and proposed methods, based on the Scope of Work. The work plan must be detailed and specific. The work plan may exceed the Scope of Work provided an explanation is included.

#### **A. Statement of Qualifications:**

- Statement of corporate capabilities and experience in working with public sector employers, including unionized workforces;

- Description of similar work conducted for clients and a list of references for whom the Consultant has performed such services. Reference must include the service conducted and the name(s) of personnel responsible for performing the work;
- Identify specific personnel you intend to assign to major project tasks, their roles in relation to the work required, percent of their time on the project, and specific qualifications they may bring to the project. Include resumes of individuals proposed for this contract. Metro intends to award this contract to a single firm to provide the services required. Proposals must identify a single person as a project manager to work with Metro. The Consultant must assure responsibility for any subconsultant work and shall be responsible for the day-to-day direction and internal management of the Consultant effort.
- Qualifications of any other staff who will be assigned to the project.

**B. Proposed Budget providing the following detail:**

- A delineation of personnel by level (principal, professional, administrative, etc.), the hourly rate for each person-days assessed to the project;
- A breakdown of costs for each task enumerated under the "Scope of Work" section of this proposal;
- A delineation of material and other direct and indirect costs;
- A breakdown of cost of subconsultant fees (if any);
- Administrative support, overhead, fees and profit, and
- Reimbursable expenses associated with this project.

**GENERAL PROPOSAL/CONTRACT CONDITIONS:**

- A. **Limitation and Award:** This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to waive minor irregularities, accept or reject any or all proposals received as a result of this request, negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. **Billing Procedure:** Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of the Metro Human Resource Director before reimbursement of services can occur. Consultant'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 Consultant within thirty (30) days of receipt of an approved invoice.
- C. **Validity Period and Authority:** The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address, and telephone number of an individual or individuals with authority to bind any company contracted during the period in which Metro is evaluating the proposal.
- D. **Conflict of Interest:** A Proposer filing a proposal thereby certifies that no officer, agent, or employee of 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.

- E. **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.

**SELECTION PROCESS & CRITERIA:**

Proposals should be submitted in a sealed envelope and will not be accepted after 5 p.m. (PDT) on Monday, August 1, 2002. A selection committee headed by a designated Councilor will review all proposals.

The selection criteria will include:

1. **Experience:** The background, history, experience and record of success of the Consultant including the qualifications of the Consultant's project staff providing this level of executive search for other public sector organizations. (50%)
2. **Specificity:** The degree of specificity in the Consultant's proposed work plan and the degree of responsiveness to the scope of work. (25%)
3. **Cost:** The proposed costs for performing the services requested. (25%)

**PROPOSAL SUBMISSION DEADLINE**

Five (5) copies of the proposal must be received at the Metro Human Resource Department at 600 N. E. Grand, Portland, Oregon 97232, Attention: Lilly Aguilar, Human Resource Director, by 5:00 p.m. on August 1, 2002.

**NOTICE TO ALL PROPOSERS - STANDARD AGREEMENT**

The attached personal service 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. Failure to respond will be interpreted as acceptance of the standard terms and conditions for a contract and subsequent changes will not be considered.

\*\*\*\*\*

Contract No. \_\_\_\_\_

**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 \_\_\_\_\_ 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 _____

Exhibit A  
Scope of Work  
To Personal Services Agreement

Executive Search Firm

The Executive Search Firm (“Contractor” and/or “Consultant”) will assist Metro Council in filling the Chief Operating Officer position and will be expected to perform the following tasks and activities as part of this Agreement:

- Facilitate discussions with Metro Council and others to articulate the desired qualifications and credentials for the Chief Operating Officer and reach consensus on the timing, scope of the recruitment, and compensation package.
- Prepare, coordinate and conduct an effective and formal recruitment plan, including budget and timeline.
- Prepare and post position announcements and advertisements in various local, state, regional, and national publications.
- Review résumés, conduct initial screening and background checks of candidates.
- Refer an agreed upon number of qualified candidates for further consideration.
- Develop and propose an interview and selection process for Metro Council to apply.
- Manage any and all administrative tasks.
- Coordinate the services with the designated Councilor responsible for the search.
- Perform other related activities or tasks as assigned.

**IMPLEMENTATION:**

The Consultant shall have primary responsibility for developing, coordinating and implementing all aspects of a recruitment and selection process. The Consultant will work in collaboration with the Councilor appointed to lead this effort and individuals, committees, and/or task forces appointed to assist with this effort.

All written materials prepared by the Consultant for approval by Council appointed designees for the recruitment and selection of a Chief Operating Officer shall be pre-approved by the Councilor who has been designated to lead this process.

**BUDGET AND TIME LINE:**

The Consultant shall be responsible for ensuring that expenses remain within the agreed upon budget, all amendments to the budget will be pre-approved consistent with Metro Council contracting practice.

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## **STAFF REPORT**

CONSIDERATION OF RESOLUTION NO. 02-3205, FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A PERSONAL SERVICES CONTRACT FOR THE RECRUITMENT OF A CHIEF OPERATING OFFICER AS SET FORTH IN METRO CODE CHAPTER 2.20

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Date: June 17, 2002

Presented by: Council Governmental Affairs Committee

### **Background**

The Metro Charter amendments adopted by the voters in November 2000 require that the Council establish the office of Chief Operating Officer and outline the duties and responsibilities of that office. The Council is currently considered Ordinance 02-942 for that purpose.

### **Analysis/Information**

**Legal Background.** The Metro Charter amendments adopted in 2000 and proposed Ordinance 02-942 will establish the Chief Operating Officer as a key managerial position within the administration of Metro.

**Anticipated Effect.** Due to the importance of the position, the Council has determined that it will be useful to contract with an outside firm to assist in the recruitment process to provide the highest quality applicant pool for the selection of the initial Chief Operating Officer. The proposed resolution would authorize the release of a Request for Proposals to solicit and executive search firm to provide recruitment assistance.

The scope of work for the contract envisions that the vendor would assist the Council in identifying desired qualifications, the timing and scope of the recruitment and the compensation package. The vendor also would prepare a recruitment plan and arrange for the placement of recruitment ads in various publications. The selected firm also would review resumes, conduct initial screening and perform background checks on prospective candidates.

**Known Opposition.** None

**Budget Impact.** The FY 02-03 Council budget includes \$70,000 for various transition and recruitment-related activities.

**Recommended Action.** Council adoption of the proposed ordinance.

Agenda Item Number 9.1

**Resolution No. 02-3202, For the Purpose of Awarding the Contract (924134) for Soft Drink and Bottle Beverages at the Oregon Zoo to Coca-Cola Bottling Company of Oregon.**

***Contract Review Board***

**Metro Council Meeting  
Thursday, June 27, 2002  
Lake Oswego Council Chamber**

BEFORE THE METRO CONTRACT REVIEW BOARD

IN CONSIDERATION OF RESOLUTION	)	RESOLUTION NO. 02-3202
NO. 02-3202, FOR THE PURPOSE OF	)	Introduced by Mike Burton
AWARDING A CONTRACT FOR SOFT	)	Executive Officer
DRINK AND BOTTLED BEVERAGES	)	
AT THE OREGON ZOO TO COCA-	)	
COLA BOTTLING COMPANY OF	)	
OREGON	)	

WHEREAS, Metro Council approved Resolution No. 02-3154 exempting from competitive bidding requirements and authorizing release of an RFP for soft drink and bottled beverages at the Oregon Zoo, and

WHEREAS, Council requested the finalized contract be returned to Council for review after the contract was awarded to a vendor, and

WHEREAS, Coca-Cola Bottling Company of Oregon has been selected as the most responsive and responsible proposer; now therefore,

BE IT RESOLVED that the Metro Council, acting as the Contract Review Board, authorizes the Executive Officer to execute Contract No. 924145, attached as Exhibit A, for procurement of soft drinks and bottled beverages at the Oregon Zoo.

ADOPTED by the Metro Council this 27<sup>th</sup> day of June, 2002.

---

Carl Hosticka, Presiding Officer

Approved as to Form:

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Daniel B. Cooper, General Counsel

PUBLIC CONTRACT

THIS Contract is entered into between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, whose address is 600 N.E. Grand Avenue, Portland, Oregon 97232-2736, and COCA-COLA BOTTLING COMPANY OF OREGON, 10800 S.W. Avery, Tualatin, Oregon 97062, hereinafter referred to as the "CONTRACTOR."

THE PARTIES AGREE AS FOLLOWS:

ARTICLE I  
SCOPE OF WORK

CONTRACTOR shall perform the work and/or deliver to METRO the goods described in the Scope of Work attached hereto as Attachment A. All services and goods shall be of good quality and, otherwise, in accordance with the Scope of Work.

ARTICLE II  
TERM OF CONTRACT

The term of this Contract shall be for the period commencing July 1, 2002 through and including June 30, 2007.

ARTICLE III  
CONTRACT SUM AND TERMS OF PAYMENT

METRO shall compensate the CONTRACTOR for work performed and/or goods supplied as described in the Scope of Work. METRO shall not be responsible for payment of any materials, expenses or costs other than those that are specifically included in the Scope of Work.

ARTICLE IV  
LIABILITY AND INDEMNITY

CONTRACTOR is an independent contractor and assumes full responsibility for the content of its work and performance of CONTRACTOR's labor, and assumes full responsibility for all liability for bodily injury or physical damage to person or property arising out of or related to this Contract, and shall indemnify, defend and hold harmless METRO, its agents and employees, from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Contract. CONTRACTOR is solely responsible for paying CONTRACTOR's subcontractors and nothing contained herein shall create or be construed to create any contractual relationship between any subcontractor(s) and METRO.

ARTICLE V  
TERMINATION

METRO may terminate this Contract upon giving CONTRACTOR seven (7) days written notice. In the event of termination, CONTRACTOR shall be entitled to payment for work performed to the date of termination. METRO shall not be liable for indirect or consequential damages. Termination by METRO will not waive any claim or remedies it may have against CONTRACTOR.

ARTICLE VI  
INSURANCE

CONTRACTOR shall purchase and maintain at CONTRACTOR'S expense, the following types of insurance covering the CONTRACTOR, its employees and agents.

A. Broad form comprehensive general liability insurance covering personal injury, property damage, and bodily injury with automatic coverage for premises and operation and product liability shall be a minimum of \$1,000,000 per occurrence.. The policy must be endorsed with contractual liability coverage. **Metro, its elected officials, departments, employees and agents shall be named as an ADDITIONAL INSURED.**

B. Automobile bodily injury and property damage liability insurance. Insurance coverage shall be a minimum of \$1,000,000 per occurrence. **METRO, its elected officials, departments, employees, and agents shall be named as an ADDITIONAL INSURED.** Notice of any material change or policy cancellation shall be provided to METRO thirty (30) days prior to the change.

This insurance as well as all workers' compensation coverage for compliance with ORS 656.017 must cover CONTRACTOR'S operations under this Contract, whether such operations be by CONTRACTOR or by any subcontractor or anyone directly or indirectly employed by either of them.

CONTRACTOR shall 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.

CONTRACTOR shall not be required to provide the liability insurance described in this Article only if an express exclusion relieving CONTRACTOR of this requirement is contained in the Scope of Work.

ARTICLE VII  
PUBLIC CONTRACTS

All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement, including, but not limited to, ORS 279.310 to 279.320. Specifically, it is a condition of this contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by 1989 Oregon Laws, Chapter 684.

For public work subject to ORS 279.348 to 279.365, the Contractor shall pay prevailing wages and shall pay an administrative fee to the Bureau of Labor and Industries pursuant to the administrative rules established by the Commissioner of Labor and Industries. Contractors must promptly pay, as due, all persons supplying to such contractor labor or material used in this contract. If the contractor or first-tier subcontractor fails, neglects, or refuses to make payment to a person furnishing labor or materials in connection with the public contract for a public improvement within 30 days after receipt of payment from the public contracting agency or a contractor, the contractor or first-tier subcontractor shall owe the person the amount due plus shall pay interest in accordance with ORS 279.314. If the contractor or first-tier subcontractor fails, neglects, or refuses to make payment the person may file a complaint with the Construction Contractors Board unless to a good faith dispute as defined by ORS 297.445. Contractor must pay any and all contributions and amounts due to the Industrial Accident Fund from contractor or

subcontractor and incurred in the performance of the contract. No liens or claims are permitted to be filed against Metro on account of any labor or material furnished. Contractors are required to pay the Department of Revenue all sums withheld from employees pursuant to OR 316.167.

For public improvement work, all contractors must demonstrate that an employee drug-testing program is in place.

#### ARTICLE VIII ATTORNEY'S FEES

In the event of any litigation concerning this Contract, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to any appellate courts.

#### ARTICLE IX QUALITY OF GOODS AND SERVICES

Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of the highest quality. All workers and subcontractors shall be skilled in their trades. CONTRACTOR guarantees all work against defects in material or workmanship for a period of one (1) year from the date of acceptance or final payment by METRO, whichever is later. All guarantees and warranties of goods furnished to CONTRACTOR or subcontractors by any manufacturer or supplier shall be deemed to run to the benefit of METRO.

#### ARTICLE X OWNERSHIP OF DOCUMENTS

All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by CONTRACTOR pursuant to this agreement are the property of METRO and it is agreed by the parties hereto that such documents are works made for hire. CONTRACTOR does hereby convey, transfer and grant to METRO all rights of reproduction and the copyright to all such documents.

#### ARTICLE XI SUBCONTRACTORS

CONTRACTOR shall contact METRO prior to negotiating any subcontracts and CONTRACTOR shall obtain approval from METRO before entering into any subcontracts for the performance of any of the services and/or supply of any of the goods covered by this Contract.

METRO reserves the right to reasonably reject any subcontractor or supplier and no increase in the CONTRACTOR's compensation shall result thereby. All subcontracts related to this Contract shall include the terms and conditions of this agreement. CONTRACTOR shall be fully responsible for all of its subcontractors as provided in Article IV.

#### ARTICLE XII RIGHT TO WITHHOLD PAYMENTS

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



If a liquidated damages provision is contained in the Scope of Work and if CONTRACTOR has, in METRO's opinion, violated that provision, METRO shall have the right to withhold from payments due CONTRACTOR such sums as shall satisfy that provision. All sums withheld by METRO under this Article shall become the property of METRO and CONTRACTOR shall have no right to such sums to the extent that CONTRACTOR has breached this Contract.

ARTICLE XIII  
SAFETY

If services of any nature are to be performed pursuant to this agreement, CONTRACTOR shall take all necessary precautions for the safety of employees and others in the vicinity of the services being performed and shall comply with all applicable provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits.

ARTICLE XIV  
INTEGRATION OF CONTRACT DOCUMENTS

All of the provisions of any bidding documents including, but not limited to, the Advertisement for Bids, General and Special Instructions to Bidders, Proposal, Scope of Work, and Specifications which were utilized in conjunction with the bidding of this Contract are hereby expressly incorporated by reference. Otherwise, this Contract represents the entire and integrated agreement between METRO and CONTRACTOR and supersedes all prior negotiations, representations or agreements, either written or oral. This Contract may be amended only by written instrument signed by both METRO and CONTRACTOR. The law of the state of Oregon shall govern the construction and interpretation of this Contract.

ARTICLE XV  
COMPLIANCE

CONTRACTOR shall comply with federal, state, and local laws, statutes, and ordinances relative to the execution of the work. This requirement includes, but is not limited to, non-discrimination, safety and health, environmental protection, waste reduction and recycling, fire protection, permits, fees and similar subjects.

ARTICLE XVI  
ASSIGNMENT

CONTRACTOR shall not assign any rights or obligations under or arising from this Contract without prior written consent from METRO.

COCA-COLA BOTTLING COMPANY  
OF OREGON

METRO

By: \_\_\_\_\_

By: \_\_\_\_\_

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

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

**ATTACHMENT "A"**  
**OREGON ZOO BEVERAGE REQUIREMENTS**  
**SCOPE OF WORK & TERMS OF PAYMENT**

Contractor to supply all product, materials, equipment, and maintenance for carbonated and other beverages required by the Oregon Zoo, as specified herein, and in accordance with specifications in Request for Proposal #02-1005-ZOO and vendor proposal dated 4/12/02.

**A. EQUIPMENT**

Contractor shall furnish, install and maintain in good operating condition and appearance, the following machines to be located at the Oregon Zoo, 4001 S. W. Canyon Road, Portland, Oregon 97221. Installation and service of the machines listed shall include all necessary pressure tanks and lines and shall be delivered/installed within 14 days of the contract execution.

1. Six (6) four-head (minimum) dispenser ice-cooled drop-in units.
2. Five (5) portable BIB carts with four-head (minimum) dispensing units and ice bins. Carts capable of holding five BIBs and one CO<sup>2</sup>. Carts shall contain an equal number of heads to BIBs. Cart design to be agreed upon by both Oregon Zoo and Contractor.
3. Nine (9) eight-head (minimum) self-serve fountain dispensing units with ice cubers.
4. All post-mix units must have the capability of dispensing soda water.
5. No more than six (6) vending machines which will dispense fruit juices, sport drinks, bottled water and 20 ounce plastic bottled sodas. Both Oregon Zoo and Contractor shall mutually agree upon the location of vending machines on Zoo grounds. Price of product in vending machines shall not exceed \$2.00. Contractor shall submit a 25% commission check to the Oregon Zoo by the 25th of the preceding month for each month's sales. Contractor shall provide a monthly statement of:
  - (a) Gross sales and commissions showing calculations used.
  - (b) Beginning and ending meter readings, and explanation of any discrepancies
  - (c) Total unit sales
6. To accommodate non-carbonated beverages, four (4) floor-model upright display coolers, Bev-Air Model MT-27 or equal; one (1) counter-top cooler, Superior Model 2-R-469 or equal, and push cart/ice bins as needed.
7. Any additional equipment reasonably called for by the addition of new facilities and/or the upgrading of existing facilities.
8. Vendor will purchase and install the maximum number of ice machines to sit atop the self-serve dispensing units, up to the value of \$7,000.
9. Equipment listed shall be no more than five years old and acceptable to the Zoo's Food and Beverage Manager. Bidder shall supply pictures and/or brochures of the equipment.

**INITIAL DELIVERY OF SYSTEMS**

Time is of the essence with the implementation of this agreement. Equipment specified must be delivered and installed within 14 days after execution of the contract. Failure to deliver the proper dispensers and/or service system and/or failure to deliver them within the time specified herein will cause Metro to lose business. Liquidated damages in the amount of \$500 per day will be required from the Contractor if the Contractor fails to meet any of the stated specifications, conditions, or deadlines.

**REPAIR/MAINTENANCE**

Contractor shall provide 24-hour, 7-day a week repair service at no charge to Metro for all soft drink dispensing and vending equipment provided by the Contractor, as well as equipment currently owned by the Zoo or purchased by the Zoo during the period of this contract.

The Oregon Zoo will maintain ice machines throughout the term of the contract.

Failure to repair soft drink dispensing equipment within 24 hours of the initial request for service will cause the Zoo to lose sales. Liquidated damages in the amount of \$500 per day per location will be required from the Contractor if the Contractor fails to repair equipment within said 24-hour time frame.

**B. PRODUCT SPECIFICATIONS**

Items listed are major items used by the Oregon Zoo; quantities listed are for estimated annual usage. Additional items will be purchased as needed. Purchases shall be made based on appropriateness, pricing, and taste.

Annual Qty	Carbonated Beverages	Unit Price
2,100 gal	per gallon of cola soft drink post-mix syrup	\$7.81
1,500 gal	per gallon of diet cola soft drink post-mix syrup	\$7.81
1,500 gal	per gallon of lemon-lime and/or citrus soft drink post-mix syrup	\$7.81
800 gal	per gallon of orange soft drink post-mix syrup	\$8.06
1,250 gal	per gallon of root beer soft drink post-mix syrup	\$7.81
200 gal	per gallon of lemonade post-mix syrup	\$8.06
200 gal	per gallon of ice tea post-mix syrup	\$8.06
300	20# containers of CO2	\$13.00

**1. CARBONATED - FOUNTAIN**

All post-mix syrup is to be provided in the 5-gallon bag-in-box system as opposed to the five gallon canister system. Bag-in-box system must be available beginning with the initial delivery which must be within 14 days of the contract approval by Metro.

**2. CARBONATED - BOTTLES and CANS**

1000 cases various flavors vending canned soda in 12 oz. cans, packed 24 cans/case @ \$7.25/case + deposit

1000 cases plastic soda bottles (vending) 20 oz bottles, packed 24 bottles/case @ \$17.25/case + deposit

**3. OTHER BEVERAGES, not including milk or coffee**

600 cases (24 cans/case) Non-carbonated fruit beverage, individually bottled or canned in 8 oz. – 12 oz. servings, in assorted flavors. 100% pure fruit juice to include apple, orange and grape, and other mixed varieties @ 10.50 per case.

400 cases (24cans/case) Non-carbonated sports drink, individually bottled or canned in 20 oz. servings @ \$16.95 per case.

2,500 cases (24 bottles/case) Water, individually bottled in 20 oz. servings @ \$10.00 per case.

Juice drinks and other beverages may be ordered as required.

**4. CUPS**

Vendor to provide 16 oz paper cups as needed, at no charge to the Zoo, throughout the term of the contract.

**QUANTITIES**

Stated quantities are based on last year's usage and are for estimating purposes only. The Oregon Zoo does not guarantee any level of minimum sales. Payment will be made for actual product ordered and received, based on the Oregon Zoo's current need.

**DELIVERY**

The Contractor shall deliver seven days a week between the hours of 8:00 a.m. and 5:00 p.m. Unloading must be completed by 5:00 p.m. unless approved in advance by Oregon Zoo. Contractor shall make deliveries of above-listed product at least once weekly and as required for emergencies. Contractor must provide deliveries as required by the Zoo, 24 hours per day, year around, including weekends and holidays.

**C. MARKETING AND PROMOTION**

The Oregon Zoo and Coca-Cola are entering into a long-term partnership with this agreement. Listed below are the agreed upon marketing and promotion opportunities at the execution of this contract.

- Two marketing promotions annually to include (1) Bottle/can promotion and (1) fountain promotion
- Two vending promotions annually
- One custom can promotion over the life of the contract
- Radio advertising tie-in opportunities as available
- Signage/menu boards annually
- Picnic umbrellas annually

We recognize that there are many mutually advantageous promotion and marketing opportunities that may arise during the life of this contract. The Oregon Zoo looks forward to exploring all marketing and promotional opportunities that may be available.

**D. DONATION**

The Oregon Zoo will receive cash contributions at the beginning of each contract year from Coca-Cola. These donations will be used to aid in the completion of The Great Northwest Exhibit.

- Coca-Cola Enterprises - \$19,500 annually
- Coca-Cola Fountain - \$19,000 annually

**E. PARTNER RECOGNITION**

In appreciation for our new partnership with Coca-Cola, the Oregon Zoo will extend the following benefits:

1. Name recognition on the Zoo's annual donor board each year of the contract, beginning in July of 2003.
2. Name recognition on the Zoo's cumulative donor board beginning July 2004 (recognition begins at the cash contribution level \$50,000).
3. Name recognition on the donor recognition plaque for The Great Northwest. Plaque lists all donors to the exhibit, exact dimensions and design at the discretion of the Zoo and based on the precedent set in other zoo exhibits.
4. Annual Corporate Partner benefits at the top "Andean Condor" level (\$10,000 value) for each year of the contract:
  - Four (4) annual Zoo membership at the Patron level
  - \$10 discount on new zoo memberships / \$5 discount on renewed zoo memberships for employees
  - Eight (8) invitations to attend special Zoo events (Zoofari, ZooLights Festival and other special member events)
  - Invitation to Corporate Partner events (Spring luncheon, ZooBiz breakfast and others)
  - Complimentary subscription to *Oregon ZooTracks* quarterly newsletter.
  - Recognition in *Oregon ZooTracks* (mailed to 34,000 households)
  - Private tour of Zoo for 20
  - Opportunity to hold a corporate party, picnic or meeting at the Zoo with the *total site fee waived* twice each year of the contract.\*

\*(excluding July, August & December)
5. Mutually agreeable arrangements will be made for one annual "Coca-Cola Promotional Day" at the Zoo. This will include a 10' x 10' canopied area for Coca-Cola to sample products, hand out coupons and otherwise interact with our visitors.
6. One hundred (100) complimentary admission coupons to the Zoo each year of the contract.
7. Name recognition on a media release during the summer of 2002 to announce the partnership.

During the term of this contract, Contractor will have exclusive pouring rights at the Oregon Zoo for carbonated and other beverages as specified under this contract. Contractor is authorized to reference this exclusive soft drink contract with the Oregon Zoo for promotional purposes.

For all catered events held at the Oregon Zoo, the Zoo will promote the Contractor's product. However, if a catering client requests something other than the Contractor's product, the requested product will be served.

#### **TERMS OF PAYMENT**

1. The maximum amount payable under this contract is \$750,000.00.
2. Metro shall compensate the vendor for goods supplied as described above. Metro shall not be responsible for payment of any materials, expenses or costs other than those which are specifically included in Scope of Work above. Payment shall be on a unit price only for those goods received in an acceptable condition to Metro. Vendors billing statements shall include an itemized statement of items purchased, and shall be sent to Metro, Attention: Accounts Payable, 600 N. E. Grand Avenue, Portland, OR 97232-2736, with a duplicate copy of the invoice sent to Guest Services Division, Oregon Zoo, 4001 S. W. Canyon Road, Portland, OR 97221-2799.
3. Vendor shall receive payment for the approved invoice within 30 days after receipt of same from Vendor.

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 02-3202, FOR THE PURPOSE OF AWARDING A CONTRACT FOR SOFT DRINK AND BOTTLED BEVERAGES AT THE OREGON ZOO TO COCA-COLA BOTTLING COMPANY OF OREGON

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Date: June 13, 2002

Prepared by: Kathy Kiaunis

#### BACKGROUND

At the Metro Council meeting held February 14, 2002, Council approved Resolution No. 02-3154, exempting from competitive bidding requirements and authorizing release of an RFP for soft drink and bottled beverages at the Oregon Zoo. This Resolution authorized the Executive Officer to negotiate the highest possible contributions from responsive proposers, and to execute a contract with the most responsive and responsible proposer.

After passage of Resolution No. 02-3154, Council requested the finalized contract be returned to Council for review prior to signature by the vendor.

The Oregon Zoo received proposals from Coca-Cola, Pepsi, and Portland Bottling. The Zoo met with all three groups to review proposals. None of the proposers had the level of cash contribution that was requested in the RFP. Therefore, major gift recognition is not a prominent element in the overall contract.

The financial contribution, product costs, cup donation, and marketing opportunities provided by The Coca-Cola Bottling Company of Oregon resulted in the most favorable proposal for the Oregon Zoo. The cash contribution by Coca-Cola is \$38,500 annually to the Oregon Zoo.

As a donor to the Zoo, Coca-Cola will receive:

1. Recognition on the Zoo's annual donor board (the board is adjacent to the lorikeet exhibit).
2. After \$50,000 in cumulative contributions, recognition on the Zoo's cumulative donor board (the board is in the lobby of the Cascade Crest Restaurant Building.)
3. Name recognition on the donor recognition plaque for The Great Northwest. Plaque lists all donors to the exhibit, exact dimensions and design at the discretion of the Zoo and based on the precedent set in other Zoo exhibits.
4. Oregon Zoo Foundation Corporate Partner benefits at the \$10,000 level.
5. One promotion day annually during the course of the contract, where vendor may sample products and hand out coupons.
6. One hundred complimentary admission coupons for the Zoo each year of the contract.
7. Name recognition in a media release to announce the partnership.

The vendor has agreed to provide cups and menu boards as needed for the Zoo. Coca-Cola will feature the Oregon Zoo in a variety of marketing promotions over the course of the contract.

#### **ANALYSIS/INFORMATION**

1. **Known Opposition** None
2. **Legal Antecedents**
3. **Anticipated Effects** Oregon Zoo will award a five year contract to Coca-Cola Bottling Company of Oregon for procurement of soft drink and bottled beverages.
4. **Budget Impacts** The annual cost of the contract is expected to be approximately \$125,000.

#### **RECOMMENDED ACTION**

Executive Officer recommends approval of Resolution No. 02-3202.



**MINUTES OF THE METRO COUNCIL MEETING**

Thursday, June 20, 2002  
Metro Council Chamber

Councilors Present: Carl Hosticka (Presiding Officer), Rod Park, Bill Atherton, David Bragdon, Rod Monroe, Rex Burkholder

Councilors Absent: Councilor McLain (excused)

Presiding Officer Hosticka convened the Regular Council Meeting at 2:03 p.m.

**1. INTRODUCTIONS**

Presiding Officer Hosticka introduced Mayor Charlotte Lehan, City of Wilsonville.

**2. CITIZEN COMMUNICATIONS**

There were none.

**3. METROPOLITICS**

Councilor Burkholder introduced Senator Myron Orfield from Minnesota. He had also been a State Representative for Minnesota and was currently Executive Director of the Metropolitan Area Research Corporation and an adjunct professor at University of Minnesota. The research organization examined American cities and looked at indicators of their health and dis-health or disease. They looked at trends, diagnoses and prescriptions for solving some of the ills. Eight years ago Senator Orfield was in Portland and made a presentation, which led to the creation of a group, called the Coalition for a Livable Future. That organization is comprised of over 60 non-profit organizations, which work together to see how their various areas that they work in can be coordinated to create a more livable, economically healthful and just community.

He believed they were here on the Metro Council to do similar work. Some of Senator Orfield's work had been done specifically on this region (a copy of the excerpts/maps from his latest book was included in the meeting record). He said there was additional information on their web site. He was here to give a presentation on how we deal with fiscal inequities within the region, the effects of those inequities on land use planning and whether they were achieving their goals.

Senator Myron Orfield talked about the book he wrote, American Metropolitics, The New Suburban Reality, it was an effort to understand how American regions were growing, creating a typology of urban and suburban areas, the consequences of communities competing with each other, and the benefits of regional cooperation. The book was based on thirty or more studies of the county. He talked about his findings concerning this region. There were a variety of types of U.S. suburban communities. There were three suburban typology; stressed suburbs, bedroom-developing suburbs, and affluent job centers. He gave specifics in the Portland area. Stressed suburbs included stressed diverse, older and low-density populations and comprised 40% of the urban setting. Bedroom developing suburbs, 26% of the population, were growing very fast; a majority of middle class kids were going to school in these areas. This group dealt with an overwhelming number of school age kids, new infrastructure, high ratio of kids to households. Affluent job center suburbs were about 7% of the population but in Portland only about 2% lived in affluent job centers. They didn't have fiscal or social stress but did have high levels of

congestion. He said in Portland about 52% of the population lived in the stressed older communities. The stressed suburbs in Portland were not as stressed as they were in other parts of the country. He noted Portland's standing in these typologies and compared Portland to some of the national central cities. He said Portland central city had about 40% of its kids on the free lunch program. The national average was 66%. In the Portland area 3.4% lived in concentrated poverty where the average nationally was about three times higher. He talked about school poverty as a predictor of health in the area. He also talked about tax inequality. He suggested that in most cities the trends got worse as time went on and gave specifics of those trends.

He said tax inequality between jurisdictions were growing and suggested some ideas for tax structure revisions. A rational compromise was to share the growth of the commercial/industrial resources. It didn't take anything away from existing places. It made sure that everyone was held harmless in terms of the resources they had but prevented communities from growing in terms of their disparity. It prevented communities from becoming dramatically unequal in the future, it froze the good ratio the region had right now and didn't allow it to become any worse. Gradually, through sharing growth, it would reduce the disparity over time. The places that had adopted substantial revenue sharing programs had significantly expanding refined systems that reduced the disparity and reduced the competition between jurisdictions. He encouraged individuals to go to their web site for more detailed information. He concluded by saying that one of the things people would see was the substantial difference that Portland had in terms of quality, the strength of the central city, and the vitality of the region. You could clearly see the effects that planning had had on the region. You could also see trends of disparity that were beginning to grow and will have to be coped with in the future if the region wanted to avoid the fate of many of the older larger and less successful regions of the county.

Presiding Officer Hosticka thanked Senator Orfield for coming. He said many jurisdictions thought land use would solve fiscal problems. He appreciated Senator Orfield's presentation which, indicated that there were other ways to look at the financial disparities and financial problems.

#### **4. METRO COMMITTEE FOR CITIZEN INVOLVEMENT (MCCI) CHAIR REPORT**

Ted Kyle, past MCCI Chair, said MCCI had an election last night and Dennis Ganoë was elected as the new chair of MCCI. He reviewed what had happened at MCCI over the past two years. He had met with all of the councilors at the beginning of the two years and learned that there was no common vision for MCCI. He said about a year ago MCCI was transferred from the Executive Office to the Council Office. He felt this had been a good move and MCCI had found a good home within the Council Office. MCCI had created a new structure for citizen involvement. They were bringing forward an ordinance dealing with those changes. They had also completed a review of the Public Involvement Planning Guide. They had adopted a new document. He felt that that document would help MCCI interface with Metro in a more effective way.

He also reviewed other projects that MCCI had worked on over the past two years. He talked about the Let's Talk Conference and that MCCI felt that the conference had been an excellent, successful forum. The results were that Metro was better prepared to interface with citizens. We were listening and reaching out the citizens. We were building a foundation for citizen involvement that will be different as we move through the transition. The Let's Talk conference reached many people that were normally not involved or engaged, it allowed citizens to talk to other citizens.

He cautioned that as Council move forward, respect what the citizens say, act on what you can and explain what you can't so everyone knows that you really listened to them. He knew that the Council couldn't do everything that citizens wanted but suggested taking the messages for what they were worth and incorporating them into the Council's thought processes and then explain how you came to the decision the best you can. He was impressed with the student projects at the conference. He thanked Councilor Burkholder as MCCI liaison; he had been there for MCCI. He also thanked Council staff for their work with MCCI. He thanked MCCI members for their energy and efforts and all of the citizens who had participated in the process. His final thanks were to the Council for their continued efforts to encourage citizen involvement.

Councilor Atherton thanked Mr. Kyle for his service, he had been an excellent chair of MCCI. Councilor Monroe talked about the conversation he had two years ago. He felt MCCI had really grown under Mr. Kyle's leadership. Councilor Burkholder said it had been a pleasure to serve with Mr. Kyle and MCCI members. Councilor Park thanked Mr. Kyle and Bob Pung for the time they had put in. Presiding Officer Hosticka presented Ted Kyle with a certificate of recognition.

Councilor Burkholder asked for a copy of Mr. Kyle's written report.

**5. EXECUTIVE OFFICER COMMUNICATIONS**

There were none.

**6. AUDITOR COMMUNICATIONS**

Alexis Dow, Metro Auditor, presented a report on the MERC Portland Center for the Performing Arts, Event Settlement Activities (a copy of the report is included the meeting record). The system works but there were some enhancements that were needed. She and Doug U'Ren, Senior Auditor, gave a power point presentation on the report (a copy of which is found in the meeting record) and the three recommendations for improvements.

Councilor Bragdon asked about ConCentRICs and training to use the system. Mr. U'Ren responded that there was no one to back up the one person who knew how to run the system. He suggested cross training.

Councilor Park said they had received the report yesterday. He thought these reports were to be to Council a week prior so they could formulate questions. He summarized the findings. Ms. Dow made clarifying remarks. Councilor Park suggested having staff look at the report and if they had further questions they would follow up.

**7. CONSENT AGENDA**

**7.1 Consideration of minutes of the June 13, 2002 Regular Council Meeting.**

Motion	Councilor Bragdon moved to adopt the meeting minutes of the June 13, 2002, Regular Council meeting. Councilor Atherton seconded the motion.
Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.

**8. ORDINANCES - FIRST READING**

**8.1 Ordinance No. 02-956, Amending the FY 2001-02 Budget and Appropriations Schedule for the Purpose of Transferring \$28,039 from the General Revenue Bond Fund Contingency to Capital Outlay to Complete the Council Chambers Camera Project; and Declaring an Emergency.**

Presiding Officer Hosticka indicated that this item had been removed from the agenda.

**8. ORDINANCES – SECOND READING**

Motion to Suspend the Rules	Councilor Monroe moved to suspend the rules to allow consideration of Ordinance No. 02-957 relating to appropriations authority for the Zoo for the remainder of this fiscal year.
Seconded:	Councilor Atherton seconded the motion

Vote to Suspend the rules:	Councilors Park, Burkholder, Bragdon, Atherton, Monroe and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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**8.2 Ordinance No. 02-957, Amending the FY 2001-02 Budget and Appropriations Schedule by Transferring \$296,435 from Contingency to Operating Expenses in the Zoo Operating Fund, and Declaring an Emergency.**

Motion	Councilor Monroe moved to adopt Ordinance No. 02-957.
Seconded:	Councilor Atherton seconded the motion

Councilor Monroe said this ordinance was necessary to be approved today in order to increase the appropriation authority of the Zoo to allow the Zoo to continue to keep the food service facilities and the train open through the end of the fiscal year. We needed to do this because attendance and food sales had been higher than expected. We needed to be able to keep spending on staff and supplies so we can continue to make more money than we spent. The ordinance contained the appropriate findings so the Council could take this action today.

Presiding Officer Hosticka opened a public hearing.

Phil Prewett, Zookeeper and taxpayer, 6116 NE Willow, Portland, OR 97213, thanked the Council for supporting the ordinance.

Presiding Officer Hosticka closed the public hearing.

Councilor Burkholder said they had to raise the issue that this was not a situation that they liked to have happen. He said he would like to see the Council take actions so that this did not occur in the future. He knew that they were doing some long-range planning such as hiring a new Financial Manager for the Zoo so that this did not happen in the future. He wanted to be on record, even though he was going to support this because there was no damage to Metro, there needed to be recognition that there had been a failure at the Zoo in the Zoo management that Council was rectifying here today. They needed to be asked for action on behalf of Executive Officer to make sure this situation doesn't come up again in the future and that the budget financing operations at the Zoo were carried out in a way that they didn't have to face these kind of issues.

Councilor Monroe said their primary responsibilities were to their patrons, this emergency action was important so that they can continue to serve the patrons.

Presiding Officer Hosticka pointed out that the action that they were taking today was to authorize the Zoo to spend additional funds between now and the end of the fiscal year. The funds were available. This ordinance was not raising any revenue or causing any increase in expenditures from the taxpayers. The authority to spend those funds was not available and that in order to provide the services at the Zoo they had to grant this authority so the Zoo could continue to provide those services until the end of the year. The money was there; it was not raising new funds but granting authority.

Vote:	Councilors Burkholder, Bragdon, Atherton, Monroe, Park and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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## 9. RESOLUTIONS

**9.1 Resolution No. 02-3186A, For the Purpose of Amending the Metropolitan Transportation Improvement Program (MTIP) to include State Bond Funds, Programming Preliminary Engineering Funds for US 26 Widening, and Approving a Conformity Determination for These Actions and Those of Ordinance No. 02-945 that Amends the Regional Transportation Plan.**

Motion	Councilor Monroe moved to adopt Resolution No. 02-3186A.
Seconded:	Councilor Burkholder seconded the motion

Motion to amend:	Councilor Monroe moved to amend Resolution No. 02-3186A.
Seconded:	Councilor Bragdon seconded the motion

Councilor Monroe explained the amendment. Council's action must conform to Joint Policy Advisory Committee on Transportation's (JPACT's) action or it must be sent back to JPACT. Presiding Officer Hosticka said the amended resolution was primarily clarifying language.

Vote to Amend:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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Councilor Monroe gave an overview of the amended resolution. He reviewed some of the projects that were funded under Oregon Transportation Improvement Act (OTIA) which were included in our Regional Transportation Plan (RTP) and that we would continue to be in conformity with state and federal air quality. All of these projects would improve air quality and explained the requirements of the projects. He urged support.

Presiding Officer Hosticka opened a public hearing. No one came forward to testify. Presiding Officer Hosticka closed the public hearing.

Vote on the Main Motion as amended:	Councilors Atherton, Monroe, Park, Burkholder, Bragdon and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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**9.2 Resolution No. 02-3191, For the Purpose of Appointing Judy Rice to the MERC Commission.**

Motion	Councilor Bragdon moved to adopt Resolution No. 02-3191.
Seconded:	Councilor Burkholder seconded the motion

Councilor Bragdon said this resolution would reappoint Judy Rice to the MERC Commission. She had been chairing the Commission and had performed admirably. She had agreed to continue to serve and we would be lucky to have that continued service. She had been active in the arts community as well and was a good nominee for this position. He urged an aye vote.

Vote:	Councilors Monroe, Park, Burkholder, Bragdon, Atherton and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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**9.3 Resolution No. 02-3197, For the Purpose of Requesting Informal Advice from the Metropolitan Policy Advisory Committee Regarding Taxi Regulation on a Regional Basis.**

Motion	Councilor Burkholder moved to adopt Resolution No. 02-3197.
Seconded:	Councilor Bragdon seconded the motion

Councilor Burkholder said the Council had been approached, by a number of elected officials as well as individual business people, to take a look at taxi regulation within the region. He explained why this might be a good idea. They were asking Metropolitan Policy Advisory Committee (MPAC) whether Metro should take on another service. MPAC would research the issue and make a recommendation to the Council. He urged support.

Presiding Officer Hosticka noted letters for the record, which had been signed by Senators Hartung and Deckert, Representatives Ringo, Witt and Haas, state legislators, urging the Council to take this action. He said Mayor Drake of Beaverton had also sent a letter recommending they take this action.

Councilor Bragdon said he thought moving into this area made sense to conform to reality. He said what was interesting was that we had a case where local governments were asking Metro to take on a responsibility. He noted that to have local governments approaching Metro and saying that this was something Metro could do more efficiently and leave the industry and the customers better off and make more efficient use of resources was a plus. It was a pleasure to have local officials indicating Metro could do this much better. MPAC was the place that this discussion needed to happen because some of the jurisdictions had not had opportunity to weigh in on the issue. The regulator of this industry in the region right now was the City of Portland, was this fair? MPAC needed to have this discussion.

Councilor Park said there was a similar issue in landscape licensing. They currently had to go to each individual jurisdiction to get their landscaping license when people were operating in multiple jurisdictions. This resolution made sense. Presiding Officer Hosticka said it was appropriate to send this to MPAC because this would give other parts of the regional opportunity to make their views known on the subject.

Vote:	Councilors Park, Burkholder, Bragdon, Atherton, Monroe and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion
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	passed.
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**10. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660 (1) (d) FOR THE PURPOSE OF DELIBERATING WITH PERSONS DESIGNATED TO CONDUCT LABOR NEGOTIATIONS.**

Session Began: 3:24

Members Present: Mike Burton, Lilly Aguilar, Ruth Scott, Ed Ruttledge, Jennifer Sims, Casey Short, Alexis Down, Dan Cooper, Scott Moss and council staff.

Session Ended: 4:03 p.m.

**10.1 Resolution No. 02-3204, For the Purpose of Ratifying the Tentative Labor Agreement Between AFSCME Local 3580 and Metro and Revising the Non-Represented Employee Pay Plan.**

Motion	Councilor Burkholder moved to adopt Resolution No. 02-3204.
Seconded:	Councilor Monroe seconded the motion

Councilor Burkholder said this resolution was to ratify a labor agreement with AFSCME Local 3580 and Metro as well as revise the non-represented employee pay plan. This was an agreement to continue the existing contract for the next two years. He explained the details of the resolution and urged support.

Vote:	Councilors Burkholder, Bragdon, Atherton, Monroe, Park and Presiding Officer Hosticka voted aye. The vote was 6 aye, the motion passed.
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**11. COUNCILOR COMMUNICATION**

Councilor Park talked about MPAC sub-regional subcommittee meeting which discussed how you would write a sub-regional rule. They would be continuing their discussion at the next meeting, which would be on July 1<sup>st</sup> at 5:00 p.m. He thought they would have an August 22<sup>nd</sup> public hearing in the chamber.

Councilor Bragdon said it was time to think about the next legislative session, the Governmental Affairs Committee would be developing a legislative agenda over the next several months. He had distributed a memo requesting councilors and Mr. Burton, suggest what needed to be on the agenda. Presiding Officer Hosticka said the Governmental Affairs Committee would take a first look at those suggestions and make recommendations to the full council. Councilor Burkholder reported on Transportation Committee progress.

Councilor Park wished Councilor Bragdon a happy birthday.

Presiding Officer Hosticka said Council would be meeting in Lake Oswego next week at 3:00 p.m. Councilor Atherton said they would also be taking a tour of Clackamas County and Lake Oswego, looking at problems in those areas in terms of expanding the Urban Growth Boundary.

Metro Council Meeting

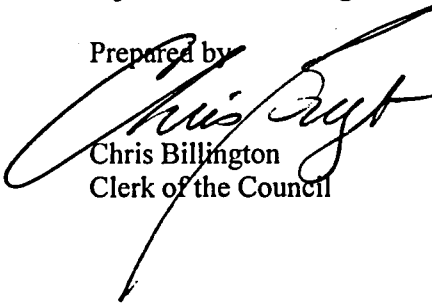
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**12. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 4:13 p.m.

Prepared by

A large, stylized handwritten signature in black ink, appearing to read "Chris Billington". The signature is written over the printed name and title.

Chris Billington  
Clerk of the Council



**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JUNE 20, 2002**

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
7.1	MINUTES	6/13/02	METRO COUNCIL MINUTES OF JUNE 13, 2002 SUBMITTED FOR APPROVAL	062002c-01
3	BROCHURES	UNDATED	AMERICAN METRO POLITICS, PORTLAND REGION, A REGIONAL POLICY SUPPLEMENT TO A NEW BOOK PUBLISHED BY BROOKINGS INSTITUTE	062002c-02
4	MCCI CHAIR REPORT	6/20/02	TED KYLE, PAST CHAIR OF MCCI SUMMARY OF WHAT HAD HAPPENED AT MCCI FROM JULY 2000-JUNE 2002	062002c-03
6	POWER POINT PRESENTATION	JUNE 2002	AUDITOR'S POWER POINT PRESENTATION ON MERC PCPA EVENT SETTLEMENT ACTIVITIES	062002c-04
6	AUDITOR'S REPORT	JUNE 2002	MERC PCPA EVENT SETTLEMENT ACTIVITIES REPORT	062002c-05
8.2	ORDINANCE	JUNE 20, 2002	ORDINANCE NO. 02-957, AMENDING THE FY 2002-03 BUDGET AND APPROPRIATIONS SCHEDULE BY TRANSFERRING \$296,435 FROM CONTINGENCY TO OPERATING EXPENSES IN THE ZOO OPERATING FUND, AND DECLARING AN EMERGENCY	062002c-06
9.1	JPACT AMENDMENTS	JUNE 20, 2002	RESOLUTION NO. 02-3186A AMENDMENTS RECOMMENDED BY JPACT AND ATTACHED MEMO WITH MOTION TO AMEND	062002c-07
9.2	COMMITTEE REPORT	JUNE 17, 2002	RESOLUTION NO. 02-3191 COMMITTEE REPORT FROM JOHN HOUSER, COUNCIL ANALYST	062002c-08
9.3	COMMITTEE REPORT	JUNE 17, 2002	RESOLUTION NO. 02-3197 COMMITTEE REPORT FROM JOHN HOUSER, COUNCIL ANALYST	062002c-09

**June 27, 2002 Metro Council Offsite Meeting  
Lake Oswego  
All-Day Event Schedule**

**10 a.m.-12:00 p.m.** Meet at Metro, 600 NE Grand Ave.  
Tour leaves from Metro at 10 a.m.

**12:00 p.m. –1:00 p.m.** Millennium Park Plaza, 200 1<sup>st</sup> Street, Lake Oswego  
Lunch provided by Metro (Gourmet Productions box lunches)

**1:00 p.m.-3:00 p.m.** Tour of local partnerships, new open space, and downtown Lake Oswego, ending at the Lake Oswego Council Chamber

**3:00 p.m.** Council Meeting, Lake Oswego City Hall, 380 A Ave

Van to take people back to Metro after the Council Meeting.

**Directions to  
(Millennium Plaza Park, Lake Oswego)**

- Traveling south on I-5 take exit number 299A – towards OR-43/Lake Oswego.
- Stay straight to go onto SW Hood Ave.
- Take SW Hood Ave towards OR-43 S/Macadam Ave/Lake Oswego.
- Turn slight right onto SW Macadam Ave/OR-43.
- SW Macadam Ave/Or-43 becomes SW Riverside Dr./OR-43, which then becomes N State St./OR-43.
- Turn right on A Ave.
- Turn left onto 1<sup>st</sup> Street.

**Directions to Lake Oswego City Hall (Council Meeting Site)  
(380 A Ave, Lake Oswego)**

- Traveling south on I-5 take exit number 299A – towards OR-43/Lake Oswego.
- Stay straight to go onto SW Hood Ave.
- Take SW Hood Ave towards OR-43 S/Macadam Ave/Lake Oswego.
- Turn slight right onto SW Macadam Ave/OR-43.
- SW Macadam Ave/Or-43 becomes SW Riverside Dr./OR-43, which then becomes N State St./OR-43.
- Turn right on A Ave.

**COMMUNITY PLANNING COMMITTEE REPORT****CONSIDERATION OF ORDINANCE NO. 02-946, FOR THE PURPOSE OF  
ADOPTING THE POST-ACKNOWLEDGEMENT AMENDMENTS TO THE 2000  
REGIONAL TRANSPORTATION PLAN**

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Date: June 20, 2002

Presented by: Councilor Monroe

**Committee Action:** At its June 18, 2002 meeting, the Community Planning Committee voted 5-0 to recommend Council adoption of Ordinance No. 02-946. Voting in favor: Councilors Atherton, Bragdon, Burkholder, Hosticka, Monroe and Park.

**Background:** Ordinance 02-946 packages four post-acknowledgement amendments to the Regional Transportation Plan. These amendments were anticipated during the adoption of the RTP in August of 2000.

Part 1. Technical amendments required by LCDC when they acknowledged the RTP in June 2001. The amendments are necessary for full compliance with the state Transportation Planning Rule, and are included in exhibit A.

Part 2. Elderly and Disabled Transportation Amendments. Tri-Met is taking the lead on this section. Amendments can be found in exhibit B.

Part 3. Corridor Initiatives Project. Exhibit C. Recommends a total of 18 refinement studies to be completed over the next 20 years.

Part 4. Green Streets Project. Exhibit D. Project was completed in November 2001. Includes a handbook and the results of two studies; stream crossings and regional culvert study. Design guidelines will serve as the implementation focus of the Green Streets Project.

**Committee Issues/Discussion:** The committee expressed positive comments with the Green Streets portion particularly, and hoped to see progress through a positive, encouraging approach. Councilor Monroe moved the resolution with JPACT and MPAC recommended revisions to Exhibit C (corridors), revising references to the Stafford area and the St. John's truck strategy.

- Existing Law: the 2000 Regional Transportation Plan, conditionally acknowledged by LCDC in 2001.
- Budget Impact: No budget impact at this time.

**GOVERNMENTAL AFFAIRS COMMITTEE REPORT**

CONSIDERATION OF ORDINANCE NO. 02-942A, FOR THE PURPOSE OF ADDING A NEW CHAPTER TO THE METRO CODE CREATING THE OFFICE OF CHIEF OPERATING OFFICER

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

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

CONSIDERATION OF ORDINANCE NO. 01-955A, FOR THE PURPOSE OF AMENDING CHAPTER 2.19 OF THE METRO CODE TO CONFORM TO THE CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2002

CONSIDERATION OF RESOLUTION NO. 02-3205A, FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A PERSONAL SERVICES CONTRACT FOR THE RECRUITMENT OF A CHIEF OPERATING OFFICER AS SET FORTH IN METRO CODE CHAPTER 2.20

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Date: June 26, 2002

Presented by: Governmental Affairs Committee

**Committee Recommendation:** At its June 26 meeting, the committee considered Ordinances 02-942A, 02-953A, 02-954A, 02-955A and Resolution 02-3205A and voted unanimously to send the ordinances and resolution, as amended, to the Council for adoption. Voting in favor: Councilors Burkholder and Monroe and Chair Bragdon.

**Background:**

The Metro Charter amendments approved by the voters at the 2000 general election created the offices of Council President and Metro Attorney and abolished the office of Executive Officer. The amendments further require that the Council establish the Office of Chief Operating Officer (COO) and describe 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 a transition advisory task force (TATF) to make recommendations concerning the implementation of the charter amendments. Four ordinances were drafted to address the requirements of the charter amendments and the recommendations of the TATF. In addition, a separate resolution was drafted to authorize the release of an RFP to obtain the assistance of an executive search firm related to the initial hiring of a COO.

The four ordinances and one resolution are being brought forward from the Governmental Affairs Committee as the initial package of Metro Code and other changes that will need to be addressed as part of the transition process. It is anticipated that additional ordinances will be drafted that address how the transition will effect Metro Code provisions related to contracting and purchasing, elections, the role of COO related to growth management and functional planning and an omnibus ordinance that make technical and grammatical changes related to the creation and abolition of certain offices.

This committee report outlines the committee's review of this initial package of proposed transition-related legislation.

### Committee Discussion:

The Governmental Affairs Committee considered various drafts of the proposed ordinances and resolution over a period of five meetings from April 25 through June 26. The committee's review resulted in numerous amendments to the original drafts. The following committee discussion summarizes these amendments and the current language of the ordinances and resolution as they were passed out of committee.

### ORDINANCE 02-942A

The following specific provisions are included in the proposed ordinance.

**Chapter 2.20.010.** Establishes the office of Chief Operating Officer pursuant to Section 26 of the Metro Charter.

**Chapter 2.20.020.** Establishes procedures related to the appointment and removal of the Chief Operating Officer. As per the charter, the appointment of the COO would be made by the Council President subject to confirmation by the Council. The Council President would be "involve" the Council in the hiring process. The COO would be required to live within the Metro boundary during his or her tenure in office. The COO would serve at the pleasure of the Council and could be removed by the Council President with the concurrence of the Council.

**Chapter 2.20.030.** Sets forth the general powers and duties of the Chief Operating Officer. These would include:

- 1) Appoint, supervise, discipline or remove all officers and employees of Metro
- 2) Prepare the annual budget of behalf of the Council President and under the direction of the Council
- 3) Prepare and submit an annual report on the finances and administrative activities of Metro and the end of each fiscal year
- 4) Advise the Council on the financial condition and future needs of Metro
- 5) Make organizational and staffing adjustments with the approval of the Council
- 6) Devote full time to the discharge of all official duties
- 7) Perform such other duties as required by the Council

It is anticipated that the powers and duties related to areas such as contracting and personnel will be outlined in additional ordinances that specifically address the relevant chapters of the Metro Code.

**Chapter 2.20.040** Sets forth the relationship between the COO and the Council related to the appointment, removal and management of staff. The section provides that the Council or its members may not direct or request the hiring or firing of a specific person. It also permits Councilor involvement in the assignment and performance review of Council staff.

**Chapter 2.20.050** Gives the COO the authority to enter into contracts or make purchases in the event of a public emergency and requires a prompt accounting of such actions to the Council.

**Chapter 2.20.060** Provides that the Council shall contractually fix the compensation for the COO.

**Chapter 2.20.070** Provides that any vacancy in the Office of the Chief Operating Officer must be filled with all due speed and that the Council President may appoint an acting COO subject to confirmation by the Council.

**Committee Amendments.** Committee amendments to the original proposed ordinance addressed the following areas:

\*Clarification that the Council confirmation of the COO and Council concurrence in the removal of the COO would be by resolution.

\*Providing that the Council President will “involve” the Council in the COO hiring process, while leaving it to the Council President, the full Council, and individual councilors to define the level of involvement that would occur. The Council’s power of confirmation is its ultimate involvement.

\*Deleting several of the proposed duties of the COO that were derived from a model ordinance related to the establishment of a city manager’s position. The deleted provisions included:

--Recommendations related to employee pay scales. The committee assumed that the role of the COO related to Metro’s personnel system will be outlined in greater detail in a soon to be drafted ordinance dealing with transition-related changes in Metro’s personnel code.

--Recommendations related to health, safety and welfare and improvements in administrative services.

--Direct and supervise the administration of all departments, offices and agencies of Metro

--Attend all meetings of the Metro Council

--Supervision of the purchasing system.. The committee assumed that the role of the COO related to Metro’s purchasing system will be outlined in greater detail in a soon to be drafted ordinance dealing with transition-related changes in Metro’s purchasing and contracting code.

--Authorization to conduct real property transactions.

--Work with the Metro Attorney to ensure enforcement of all laws and ordinances.

--Investigate the affairs of Metro or any Metro department or division.

- Eliminated the bonding requirement for the COO, based on advice from legal counsel that Metro’s existing insurance policies address the same concerns that would be addressed by bonding the COO

The committee concluded that deleted provisions were either unnecessary, potential subjects to be addressed in the employment contract of the COO, or will be addressed in future legislation.

## ORDINANCE 02-953A

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. 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.

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.

**Committee Amendments.** The committee made few changes to the original proposed draft. The changes approved by the committee included: 1) making the language related the Council President's involvement of the Council in the hiring of the Metro Attorney identical to that for the hiring of the COO, 2) requiring that Council confirmation or concurrence in the hiring or removal of the Metro Attorney be by resolution, and 3) streamlining the process for the preparation of written opinions by the Office of Metro Attorney to reflect actual current practice.

## ORDINANCE 02-954A

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 code 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 committees 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.

**Committee Amendments.** Committee discussion of this ordinance focused on three main areas: 1) vacancies, absences, and incapacitation affecting the office of the Council President, 2) whether the deputy, when serving as the Acting Council President due to a vacancy in the Office of Council President

would receive the Council President's salary, and 3) the role of the Council President in submitting the annual agency budget.

The committee addressed the issue of a temporary absence or incapacity of the Council President by providing that the Deputy would temporarily serve as the Council President. In the event of a vacancy in the Office of Council President, the Deputy would serve as the Acting Council President until a new Council President is elected or appointed under the provisions of Metro Code Chapter 9.01. In the event of the absence or incapacity of both the Council President and the Deputy, the Council President could designate a Councilor to act as the Temporary Council President. The committee amended the ordinance to clarify that the Deputy, when serving as the Acting Council President, would not receive the Council President's salary. The Council President also would be designated as the district budget officer and be required to submit the annual budget to the full Council.

#### **ORDINANCE 02-955A**

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 most committee appointment authority from the abolished position of Executive Officer to the newly created Council President position. Other 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.

**Committee Amendments.** The committee amendments were technical in nature, correcting grammatical and spelling errors and inadvertent omissions, such as adding the Metro Committee for Citizen Involvement to the list of committees in the definitions section of the ordinance.

#### **RESOLUTION 02-3205A**

Due to the importance of the newly created COO position, the Council has determined that it will be useful to contract with an outside firm to assist in the recruitment process to provide the highest quality applicant pool for the selection of the initial COO. Funds were authorized in the FY 02-03 budget for this purpose. The proposed resolution would authorize the release of a Request for Proposals to solicit and executive search firm to provide recruitment assistance.

The scope of work for the contract envisions that the vendor would assist in identifying desired qualifications, the timing and scope of the recruitment and the compensation package. The vendor also would prepare a recruitment plan and arrange for the placement of recruitment ads in various publications. The selected firm also would review resumes, conduct initial screening and perform background checks on prospective candidates.

**Committee Amendments.** The process for hiring the initial COO will be administered by the Council Office. Therefore, the committee concluded that it is more appropriate for the Council Presiding Officer to execute the contract with the successful vendor as recommended by the Chair of the Governmental Affairs Committee, in consultation with the committee. Language to reflect this process was added to the "Be it Resolved" provisions of the proposed resolution.



**GOVERNMENTAL AFFAIRS COMMITTEE REPORT****CONSIDERATION OF RESOLUTION NO. 02-3202, FOR THE PURPOSE OF AWARDING A CONTRACT (924134) FOR SOFT DRINK AND BOTTLED BEVERAGES AT THE OREGON ZOO TO COCA-COLA BOTTLING COMPANY OF OREGON**

Date: June 26, 2002

Presented by: Councilor Burkholder

**Committee Recommendation:** At its June 26 meeting, the committee considered Resolution No. 02-3202 and voted unanimously to send the resolution to the Council for adoption. Voting in favor: Councilor Burkholder and Chair Bragdon. Councilor Monroe was absent.

**Background:** Earlier this year, the Oregon Zoo initiated a competitive bidding process to select a vendor for soft drink and bottled beverage products at the zoo. As a part of the request for proposal (RFP) document, the Zoo requested that those submitting proposals include a level of cash contributions to the zoo as a part of their response.

Resolution No. 02-3154 was introduced to seek Council approval for the release of the RFP documents. During consideration of this resolution, several councilors expressed concern regarding this cash contribution element of the bidding process. They were concerned that the concessions that the zoo would have to offer to obtain the cash contribution could result in excess commercialization of the zoo grounds. Therefore, the Council requested that the final contract with the successful vendor be submitted to the Council for its review and approval.

**Committee Discussion:** Terri Dresler and Carmen Hannold, Oregon Zoo Staff, presented the staff report. Ms. Dresler indicated that the successful vendor for the proposed five-year contract was Coca-Cola. She explained that the vendor had been selected based on the level of financial contribution it was willing to make and the product cost and free cup donation offered by the company. The proposed annual cash contribution of \$38,500 will be used to help fund the completion of the Great Northwest project.

Dresler noted that, because the proposed cash contribution was less than had been anticipated and requested in the RFP, only a limited number of concessions were made to the vendor. These included the normal recognition of cash donations of this size on various boards and plaques at the zoo, one annual promotion day for Coca-Cola products including distribution of sample products and coupons, and 100 annual complimentary admission coupons.

Councilor Burkholder and Chair Bragdon expressed their comfort with the proposal, noting that a greater level of cash contribution might have resulted in a more significant level of concessions from the zoo to the vendor.

The committee had no questions concerning the proposed resolution.

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 2001-02	)	ORDINANCE NO. 02-959
BUDGET AND APPROPRIATIONS SCHEDULE BY	)	
TRANSFERRING \$350,000 FROM CONTINGENCY	)	
TO TRANSFERS IN THE GENERAL FUND AND	)	Introduced by Mike Burton,
INCREASING OPERATING EXPENSES IN THE ZOO	)	Executive Officer
OPERATING FUND, AND DECLARING AN	)	
EMERGENCY	)	
	)	

WHEREAS, the Zoo Operating Fund requires additional appropriation in order to meet the demands of near record attendance and to stay within its appropriation limit; and

WHEREAS, Oregon Local Budget Law, in ORS 294.450(3) provides that a transfer of appropriations may be made from the General Fund to any other fund when authorized by an official resolution or ordinance of the governing body, which states the need for the transfer, the purpose for the authorized expenditures embodied in the appropriation and the amount of appropriation transferred; and

WHEREAS, the transfer is needed to provide additional appropriation in the Zoo Operating Fund, to avoid overspending the budget of the Zoo Operating Fund and thereby violating Local Budget Law; and

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 Exhibits A and B to this Ordinance for the purpose of transferring funds from contingency to transfers in the General Fund and increasing operating expenses in the Zoo Operating Fund to support the operations at the Oregon Zoo

2. That because this Ordinance is 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.

3. Pursuant to Section 37(2) of the Metro Charter the Council gives its unanimous consent to the immediate adoption of this ordinance because Metro elected officials were informed of the need for additional appropriations on June 27, 2002 and without the transfer of appropriation authority to meet an unforeseen occurrence it will be necessary to close revenue generating portions of the Oregon Zoo immediately.

ADOPTED by the Metro Council this 27<sup>th</sup> day of June, 2002.

\_\_\_\_\_  
Carl Hosticka, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

**Exhibit A**  
**Ordinance No. 02-959**  
**FY 2001-02 SCHEDULE OF APPROPRIATIONS**

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Amended</u> <u>Appropriation</u>
<b>GENERAL FUND</b>			
Council Office			
Operating Expenses (PS & M&S)	\$1,446,355	\$0	\$1,446,355
Capital Outlay	0	0	0
Subtotal	1,446,355	0	1,446,355
Office of the Executive Officer			
Operating Expenses (PS & M&S)	1,664,028	0	1,664,028
Capital Outlay	0	0	0
Subtotal	1,664,028	0	1,664,028
Special Appropriations			
Materials & Services	542,500	0	542,500
Subtotal	542,500	0	542,500
General Expenses			
Interfund Transfers	6,537,365	350,000	6,887,365
Contingency	500,000	(350,000)	150,000
Subtotal	7,037,365	0	7,037,365
Unappropriated Balance	164,064	0	164,064
<b>Total Fund Requirements</b>	<b>\$10,854,312</b>	<b>\$0</b>	<b>\$10,854,312</b>
<b>ZOO OPERATING FUND</b>			
Operating Expenses (PS & M&S)	\$19,975,452	\$350,000	\$20,325,452
Capital Outlay	234,000	0	234,000
Interfund Transfers	2,565,813	0	2,565,813
Contingency	0	0	0
Unappropriated Balance	4,064,007	0	4,064,007
<b>Total Fund Requirements</b>	<b>\$26,839,272</b>	<b>\$350,000</b>	<b>\$27,189,272</b>

*All other Appropriations Remain as Previously Adopted*

**Exhibit B**  
**Ordinance No. 02-959**  
**FY 2001-02 Line Item Detail**

**General Fund**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Expenses</b>							
<b>Total Personal Services</b>		<b>35.60</b>	<b>\$2,541,988</b>	<b>0.00</b>	<b>0</b>	<b>35.60</b>	<b>\$2,541,988</b>
<b>Total Materials &amp; Services</b>			<b>\$1,110,895</b>		<b>0</b>		<b>\$1,110,895</b>
<i>Interfund Transfers</i>							
<i>INTCHG</i>	<i>Internal Service Transfers</i>						
5800	Transfer for Indirect Costs						
	* to Building Management Fund		320,297		0		320,297
	* to Support Services Fund		614,452		0		614,452
	* to Risk Mgmt Fund-Liability		4,561		0		4,561
	* to Risk Mgmt Fund-Worker Comp		3,079		0		3,079
5820	Transfer for Direct Costs						
	* to Planning Fund		0		0		0
<i>EQTCHG</i>	<i>Fund Equity Transfers</i>						
5810	Transfer of Resources						
	* to Planning Fund		3,966,110		0		3,966,110
	* to General Revenue Bond Fund		7,000		0		7,000
	* to Zoo Operating		0		350,000		350,000
	* to Reg. Parks Fund (general allocation)		478,872		0		478,872
	* to Reg. Parks Fund (earned on SW revenues)		691,852		0		691,852
	* to Reg. Parks Fund (landbanking)		217,748		0		217,748
	* to Reg. Parks Fund (earned on facilities)		158,394		0		158,394
	* to MERC Operating Fund		75,000		0		75,000
<b>Total Interfund Transfers</b>			<b>\$6,537,365</b>		<b>350,000</b>		<b>\$6,887,365</b>
<i>Contingency and Ending Balance</i>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* General Contingency		500,000		(350,000)		150,000
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Undesignated ending balance		164,064		0		164,064
	* Rate stabilization reserve		0		0		0
<b>Total Contingency and Ending Balance</b>			<b>\$664,064</b>		<b>(350,000)</b>		<b>\$314,064</b>
<b>TOTAL REQUIREMENTS</b>		<b>35.60</b>	<b>\$10,854,312</b>	<b>0.00</b>	<b>0</b>	<b>35.60</b>	<b>\$10,854,312</b>

**Exhibit B**  
**Ordinance No. 02-**  
**FY 2001-02 Line Item Detail**

## Zoo Operating Fund

ACCT	DESCRIPTION	Current Budget		Revision		Revised Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Resources</b>							
<i>Resources</i>							
<i>BEGBAL</i>	<i>Beginning Fund Balance</i>						
	* Prior year ending balance		6,658,925		0		6,658,925
	* Prior year adjustment		0		0		0
<i>RPTAX</i>	<i>Real Property Taxes</i>						
4010	Real Property Taxes-Current Yr		7,687,040		0		7,687,040
4015	Real Property Taxes-Prior Yrs		230,600		0		230,600
4018	Payment in Lieu of R Prop Tax		0		0		0
4019	Interest & Penalty-R Prop Tax		0		0		0
<i>GRANTS</i>	<i>Grants</i>						
4100	Federal Grants - Direct		0		0		0
4125	Local Grants - Indirect		0		0		0
<i>CHGSVC</i>	<i>Charges for Service</i>						
4500	Admission Fees		4,231,963		0		4,231,963
4510	Rentals		296,744		0		296,744
4550	Food Service Revenue		4,148,837		0		4,148,837
4560	Retail Sales		1,207,442		0		1,207,442
4630	Tuition and Lectures		592,707		0		592,707
4635	Exhibit Shows		13,953		0		13,953
4640	Railroad Rides		450,233		0		450,233
4645	Reimbursed Labor		94,919		0		94,919
4650	Miscellaneous Charges for Svc		1,000		0		1,000
<i>INTRST</i>	<i>Interest Earnings</i>						
4700	Interest on Investments		355,554		0		355,554
<i>DONAT</i>	<i>Contributions from Private Sources</i>						
4750	Donations and Bequests		865,855		0		865,855
<i>MISCRV</i>	<i>Miscellaneous Revenue</i>						
4170	Fines and Forfeits		2,000		0		2,000
4810	Sale of Fixed Assets		1,500		0		1,500
4890	Miscellaneous Revenue		0		0		0
<i>EQTREV</i>	<i>Fund Equity Transfers</i>						
4970	Transfer of Resources						
	* from General Fund		0		350,000		350,000
<b>TOTAL RESOURCES</b>			<b>\$26,839,272</b>		<b>\$350,000</b>		<b>\$27,189,272</b>

**Exhibit B**  
**Ordinance No. 02-**  
**FY 2001-02 Line Item Detail**

## Zoo Operating Fund

ACCT	DESCRIPTION	Current Budget		Revision		Current Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Expenditures</b>							
<b>Total Personal Services</b>		<b>167.03</b>	<b>\$12,181,321</b>	<b>0.00</b>	<b>\$0</b>	<b>167.03</b>	<b>\$12,181,321</b>
<i>Materials &amp; Services</i>							
<i>GOODS</i>	<i>Goods</i>						
5201	Office Supplies		128,057		0		128,057
5205	Operating Supplies		1,018,245		0		1,018,245
5210	Subscriptions and Dues		35,293		0		35,293
5214	Fuels and Lubricants		34,200		0		34,200
5215	Maintenance & Repairs Supplies		227,960		0		227,960
5219	Purchasing Card Expenditures		0		0		0
5220	Food		970,400		175,000		1,145,400
5225	Retail		600,920		175,000		775,920
<i>SVCS</i>	<i>Services</i>						
5240	Contracted Professional Svcs		1,173,428		0		1,173,428
5251	Utility Services		1,736,165		0		1,736,165
5255	Cleaning Services		31,000		0		31,000
5260	Maintenance & Repair Services		685,995		0		685,995
5265	Rentals		160,712		0		160,712
5280	Other Purchased Services		510,565		0		510,565
5290	Operations Contracts		0		0		0
<i>IGEXP</i>	<i>Intergov't Expenditures</i>						
5300	Payments to Other Agencies		24,858		0		24,858
<i>OTHEXP</i>	<i>Other Expenditures</i>						
5450	Travel		83,010		0		83,010
5455	Training and Conference Fees		25,960		0		25,960
5490	Miscellaneous Expenditures		50,928		0		50,928
<b>Total Materials &amp; Services</b>			<b>\$7,497,696</b>		<b>\$350,000</b>		<b>\$7,847,696</b>
<b>Total Capital Outlay</b>			<b>\$234,000</b>		<b>\$0</b>		<b>\$234,000</b>
<b>Total Interfund Transfers</b>			<b>\$2,565,813</b>		<b>\$0</b>		<b>\$2,565,813</b>
<i>Contingency and Ending Balance</i>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency		296,435		0		296,435
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance		4,064,007		0		4,064,007
<b>Total Contingency and Ending Balance</b>			<b>\$4,360,442</b>		<b>\$0</b>		<b>\$4,360,442</b>
<b>TOTAL REQUIREMENTS</b>		<b>167.03</b>	<b>\$26,839,272</b>	<b>0.00</b>	<b>\$350,000</b>	<b>167.03</b>	<b>\$27,189,272</b>

## STAFF REPORT

### CONSIDERATION OF ORDINANCE 02-959 AMENDING THE FY 2001-02 BUDGET AND APPROPRIATIONS SCHEDULE BY TRANSFERRING \$350,000 FROM CONTINGENCY TO TRANSFERS IN THE GENERAL FUND AND INCREASING OPERATING EXPENDITURES IN THE ZOO OPERATING FUND, AND DECLARING AN EMERGENCY

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Date: June 27, 2002

Prepared by: Casey Short and Pete Sandrock

#### BACKGROUND

At a time when a number of Oregon's signature visitor attractions are suffering significant downturns in attendance, The Oregon Zoo is experiencing close to all-time record attendance. As a direct consequence, the Zoo's expenses and revenues are exceeding budgeted projections. Regardless of its increased revenues, the Zoo may not spend more than its budgeted appropriation. The Zoo needs more spending authority to serve the unexpectedly high number of guests.

On June 20, 2002, the Council adopted an ordinance transferring the Zoo Operating Fund contingency to operating expenses in order to continue a full suite of services. With attendance expected to remain at close to record levels through the end of the fiscal year, it would be fiscally prudent to provide the Zoo with additional appropriation (spending) authority to insure that it does not exceed the appropriation limit.

This proposed ordinance would transfer \$350,000 in appropriation authority from Metro's General Fund to the Zoo Operating Fund providing an adequate reserve to meet all contingencies. Oregon Local Budget Law provides that a governing body may transfer appropriation authority from the General Fund to other funds within the local government. Oregon Revised Statutes 294.450(3) states:

*"Transfers of appropriations or appropriations and a like amount of budget resources may be made from the general fund of the municipal corporation to any other fund when authorized by an official resolution or ordinance of the governing body. The resolution or ordinance shall state the need for the transfer, the purpose for the authorized expenditures embodied in the appropriation and the amount of appropriation transferred."*

#### PROPOSED ACTION

The proposal before the Council declares an emergency pursuant to Section 37(2) of the Metro Charter and adopts an ordinance transferring \$350,000 in appropriation authority from the General Fund contingency via General Fund transfers to the Zoo Operating Fund. The Zoo Operating Fund will reflect an increase in resources with a corresponding increase in appropriations for operating expenses.

#### BUDGET IMPACT

This ordinance transfers \$350,000 from the General Fund Contingency to the Transfers category, allowing the transfer of this appropriation to the Zoo Operating Fund. This leaves \$150,000 in the General Fund contingency and produces no net change in total General Fund requirements. The Zoo Operating Fund resources are increased by \$350,000 with a corresponding increase of \$350,000 in Operating Expenditures.



In transferring the appropriation from the General Fund to the Zoo, it will not be necessary to transfer the General Fund dollars as well. There are sufficient funds in the Zoo Operating Fund to cover expenses through the remaining few days of the fiscal year; what is needed is the authority to spend the money if it is necessary. As authorized in the statute, only the appropriation authority is being transferred, allowing Zoo funds to be spent for Zoo purposes. This action will not affect General Fund resources nor reduce the fund balance of the General Fund.

#### **RECOMMENDED ACTION**

The Executive Officer recommends unanimous adoption of Ordinance No. 02-959 for the purpose of adopting a budget amendment for FY 2001-02.