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

METRO

Agenda

MEETING:	METRO COUNCIL – revised December 15, 2008
DATE:	December 18, 2008
DAY:	Thursday
TIME:	2:00 PM
PLACE:	Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of Minutes for the December11, 2008 Metro Council Regular Meeting.

3.2 **Resolution No. 08-3966,** For the Purpose of Approving a Settlement Agreement With Arrow Sanitary Services, Inc. Regarding Metro Notice of Violation No. NOV-196-08.

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 08-1204A,** For the Purpose of Determining that Implementing Transit-Oriented Development is a matter of Metropolitan Concern.

5. ORDINANCES - SECOND READING

5.1 **Ordinance No. 08-1206,** Amending the FY 2008-09 Budget and Appropriations Schedule Creating the Strategy Center, Recognizing Intergovernmental Revenue, and Providing Appropriation for the Council Office, and Declaring an Emergency. — Park

5.2 **Ordinance No. 08-1207,** For the Purpose of Annexing Lands on the North Edge of Wilsonville Road at its Intersection with Willamette Way West to the Metro Jurisdictional Boundary. — Hosticka

5.3 **Ordinance No. 08-1208,** Amending the FY 2008-09 Budget and Appropriations Schedule by Transferring Appropriations from Contingency to the Office Of the Metro Attorney, adding 0.5 FTE Legal Secretary and Declaring an Emergency. — Park

6. RESOLUTIONS

6.1	**Resolution No. 08-4003,** For the Purpose of Endorsing Final Regional Priorities for 2009 State Transportation Funding Legislation.	Burkholder
6.2	**Resolution No. 08-4006**, For the Purpose of Terminating the Designated Facility Agreement Entered Into Between Metro and Roosevelt Regional Landfill Facility.	Park
6.3	**Resolution No. 08-4007**, For the Purpose of Terminating the Designated Facility Agreement Entered Into Between Metro and Columbia Ridge Landfill.	Park
6.4	**Resolution No. 08-4008**, For the Purpose of Terminating the Designated Facility Agreement Entered Into Between Metro and Hillsboro Landfill.	Harrington
6.5	**Resolution No. 08-4009**, For the Purpose of Terminating the Designated Facility Agreement Entered Into Between Metro and Lakeside Reclamation.	Hosticka
6.6	**Resolution No. 08-4012,** Authorizing Sale of $5 million of General Obligation Bonds to Protect Animal Health and Safety, Conserve and Recycle Water.	Liberty
6.7	**Removed from agenda.**	
6.8	**Resolution No. 08-4011**, For the Purpose of Entering Metro Council's Proclamation of the Results of the November 4, 2008 General Election Into the Council Records.	Liberty
6.9	**Removed from agenda.**	

7. CHIEF OPERATING OFFICER COMMUNICATION

8. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for December 18, 2008 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 – Community Access Network www.tvctv.org – (503) 629-8534 2 p.m. Thursday, December 18 (Live)	**Portland** Channel 30 (CityNet 30) – Portland Community Media www.pcmtv.org – (503) 288-1515 8:30 p.m. Sunday, December 21 2 p.m. Monday, December 22
Gresham Channel 30 – MCTV www.mctv.org – (503) 491-7636 2 p.m. Monday, December 22	**Washington County** Channel 30 – TVC-TV www.tvctv.org – (503) 629-8534 11 p.m. Saturday, December 20 11 p.m. Sunday, December 21 6 a.m. Tuesday, December 23 4 p.m. Wednesday, December 24
Oregon City, Gladstone Channel 28 – Willamette Falls Television www.wftvaccess.com – (503) 650-0275 Call or visit website for program times.	**West Linn** Channel 30 – Willamette Falls Television www.wftvaccess.com – (503) 650-0275 Call or visit website for program times.

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, (503) 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 e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

The Metro Council will be on recess from December 19, 2008 through January 7, 2009, reconvening on January 8, 2009 at 4:00 p.m.

Agenda Item Number 3.1

Consideration of Minutes of the December 11, 2008 Metro Council Regular Meeting

Consent Agenda

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

Thursday, December 11, 2008
Metro Council Chamber

Councilors Present: Robert Liberty (Deputy Council President), Kathryn Harrington, Rex Burkholder, Rod Park, Carl Hosticka, Carlotta Collette

Councilors Absent: David Bragdon (excused)

Deputy Council President Liberty convened the Regular Council Meeting at 2:02 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the December 4, 2008 Regular Council Meeting.

3.2 **Resolution No. 08-3972**, For the Purpose of Confirming the Appointment Of Nancy Neuman to the Metro Committee for Citizen Involvement (MCCI).

3.3 **Resolution No. 08-4004**, For the Purpose of Extending the Term and Confirming Appointments of the Brownfields Task Force

Motion:	Councilor Collette moved to adopt the meeting minutes of the December 4, 2008 Regular Metro Council and Resolution No. 08-3972 and 08-4004.
Vote:	Councilors Burkholder, Harrington, Liberty, Park, Collette, Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

Councilor Harrington noted the members on Brownfields Task Force and acknowledged their service.

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 08-1206,** Amending the FY 2008-09 Budget and Appropriations Schedule Creating the Strategy Center, Recognizing Intergovernmental Revenue, and Providing Appropriation for the Council Office, and Declaring An Emergency.

Deputy Council President Liberty assigned Ordinance No. 08-1206 to Council.

4.2 **Ordinance No. 08-1207,** For the Purpose of Annexing Lands on the North Edge of Wilsonville Road at its Intersection with Willamette Way West to the Metro Jurisdictional Boundary.

Deputy Council President Liberty assigned Ordinance No. 08-1207 to Council

4.3 **Ordinance No. 08-1208,** Amending the FY 2008-09 Budget and Appropriations Schedule by Transferring Appropriations from Contingency to the Office Of the Metro Attorney, adding 0.5 FTE Legal Secretary and Declaring an Emergency.

Deputy Council President Liberty assigned Ordinance No. 08-1208 to Council.

5. ORDINANCES – SECOND READING

5.1 **Ordinance No. 08-1203**, Amending the FY 2008-09 Budget and Appropriations Schedule Recognizing a Grant from the Oregon Community Foundation for the Connecting Green Blue Ribbon Committee for Trails, and Declaring an Emergency.

Motion:	Councilor Burkholder moved to adopt Ordinance No. 08-1203.
Seconded:	Councilor Collette seconded the motion.

Councilor Burkholder said this was a budget amendment to recognize a grant from the Oregon Community Foundation. He summarized the background of the grant and some of the work of the Connecting Green Blue Ribbon Committee for Trails.

Deputy Council President Liberty opened a public hearing on Ordinance No. 08-1203. No one came forward. Deputy Council President Liberty closed the public hearing.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

5.2 **Ordinance No. 08-1205**, Amending the FY 2008-09 Budget and Appropriations Schedule Transferring Appropriation from Contingency to Debt Service, Authorizing Defeasance of Certain Solid Waste Revenue Bonds, and Declaring an Emergency.

Motion:	Councilor Park moved to adopt Ordinance No. 08-1205.
Seconded:	Councilor Harrington seconded the motion.

Councilor Park said this action allowed Metro to defease the outstanding solid waste 2003 revenue bonds and approves the budget action necessary to implement the action. A defeasance satisfied the financial and legal obligations of the bonds and ensured that all bondholders were fully protected without raising rates or cutting programs. The rate covenant of the solid waste bonds required that Metro set rates high enough to meet a 110 percent coverage ratio over the debt service on the bonds each year. Simply put, Metro must raise enough revenue to pay all the operating expenditures and have enough left over to pay 110 percent of the annual debt service. The rapid and significant decline in tonnage since the beginning of the fiscal year has reduced the solid waste operating revenue to the point where Metro will struggle to meet the coverage requirement this year. There were only two debt service payments remaining on the 2003 solid waste bonds – January 1, 2009 and July 1, 2009. Metro has already pre-funded the January 1st payment and had planned on pre-funding July 1st payment at the beginning of January. However, these pre-funding steps will not satisfy the bond covenant ratio requirement. At a time when 100% of the funding to pay the bonds was on deposit with the trustee and the Solid Waste system has sufficient cash reserves to fully pay off the bonds, we find ourselves in the unlikely situation of violating our bond covenants. Approval of this action will satisfy all legal and financial obligations of the bonds while fully protecting the bond holders and avoid a violation of bond covenants. Issuance costs for the defeasance were estimated at around $1,500 to $2,000 primarily for bond counsel, financial advisor and escrow verification agent.

Deputy Council President Liberty opened a public hearing on Ordinance No. 08-1205. No one came forward. Deputy Council President Liberty closed the public hearing.

Council President Bragdon noted that Ray Phelps, currently in the audience, was Chief Financial Officer when bonds were issued. Councilor Park urged support.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

6. RESOLUTIONS

Scott Robinson, Deputy Chief Operating Officer, noted that Council had four NSLs before Council today. The resolutions would allow wet waste to be delivered to disposal sites not owned by Metro's contractor, Waste Management.

Under its disposal contract, Metro was obligated to deliver 90% of the region's wet waste to Waste Management (WM) landfills. Leaving 10% of the waste available for disposal at non-WM landfills.

Since 1999, because of continually rising waste generation, Metro has generally allocated the full amount requested by companies seeking to use non-WM landfills (up to the 10%).

In 2009, however, based on the latest tonnage and revenue projections, waste generation was declining significantly such that it was impossible to honor all requests for tonnage disposal at non-WM landfills. (The declining waste tonnage reflected the state of the economy and the general slow down in construction and consumption.)

Staff was proposing the Council take some additional steps in granting these Non-System Licenses (NSLs) in 2009 to mitigate any risk of Metro violating its disposal contract. Specifically: Grant 1-year NSLs, and allocate tonnage in 6 month and quarterly increments for the year (as tonnage projections allow). Tonnage cutoff procedures in the NSLs were being strengthened (e.g. more frequent reporting; ability for Metro to redirect flow on 24 hour notice; and cutoff waste flow altogether). Metro intended to grant away up to 9.5% of the available tonnage in 2009 i.e. retain .5% as a "reserve" for a buffer. Council will consider future allocation options for disposal of this waste at non-WM landfills in 2009. The staff reports for each of the resolutions provide a detailed discussion of the issues and staff was available today to answer any questions of Council.

Councilor Harrington asked Mr. Robinson about additional license conditions and redirecting waste from non-Waste Management land fills. Does it already exist in NSLs? Mr. Robinson said yes. Councilor Harrington talked about section 2 and trying this system out for six months. She summarized the process. Mr. Robinson said her summary was correct. Councilor Hosticka asked about the 10% calculation. Dan Cooper, Metro Attorney, said it was normally on a calendar year basis. The contract did not specific what happened if they didn't meet the target. Councilor Harrington said Metro currently got monthly reports so we were tracking every month. She said there was a control mechanism to meet the requirement by the end of the year. Mr. Cooper added to her summary. Councilor Burkholder asked about the price we pay per ton and the cost of disposal to the public. Mr. Robinson responded to his question. Councilor Burkholder talked about system goals and maintaining an appropriate price for the public. He suggested they might want to look at the 10% issue again because of our economic downturn. Deputy Council President Liberty talked about the 90% minimum flow guarantee.

Deputy Council President Liberty opened a public hearing.

Ray Phelps, Allied Waste Services, 10295 SW Ridder Road, Wilsonville Oregon 97035 read his letter into the record.

Councilor Park asked clarifying questions. Mr. Phelps provided more details as to what they would have to do if they were notified by the Chief Operating Officer that waste had to go to a Metro facility and explained the additional costs. Councilor Hosticka asked if they added …"or a Waste Management facility." Would that solve the problem? Mr. Phelps said it was the "g" paragraph that would increase the costs. Councilor Hosticka asked staff if they could do an amendment to achieve their goal. Mr. Robinson said the NSL dealt with the Chief Operating Office and Metro's authority to redirect the waste to a public facility. There was nothing that would prevent WRI from taking waste to their own facility and then to Riverbend. Mr. Phelps said they would be redirecting waste before the 24 hour notice. Mr. Robinson said the arrangement they were discussing was where the waste goes from the WRI facility. Allied could redirect the waste to Riverbend, which was a Waste Management facility. Councilor Harrington said she was getting a conflicting message of Section 7, item G. Does the language exist in the current contract? Mr. Phelps said to him this language was new. Councilor Hosticka said he was trying to understand the 44,000 tons. Mr. Phelps said it was part of the total. Warren Johnson, Regulatory Affairs, said the provision does exist in current NSLs. The issue was in the current license it was not clear, so they were clarifying the NSL. Mr. Robinson said he felt Deputy Council President Liberty's summary of the proposed NSLs was correct. Michael Jordan, COO, said if there were real issues regarding the way "G" was written, the legal department could work with the NSLs. He explained his authority. Mr. Phelps explained the use of the word "authorize" and that they were fine with that language. Mr. Robinson said one thing that was important to understand was that three of the four NSLs being proposed had no direct landfill to take waste. Mr. Cooper explained the authority. Mr. Phelps suggested that they restore the language that was in the current NSLs. WRI was the only NSL authorized to operating inside the district. The other three NSLs were not inside the district. Councilor Burkholder asked if there was a solution for all of the NSLs or was this a unique circumstance? Deputy Council President Liberty suggested the Office of the Metro Attorney talk with Mr. Phelps to see if they could come up with agreeable amendment language.

Mike Dewey, Waste Management, said they wanted to thank the staff for being collaborative in this effort. They had done a good job in the detailed analysis. They approved of the staff report. He noted he was speaking to the process. They thought it made sense to have the 6 month review.

They wanted to make sure that the 90% flow was working. He also talked about having a conversation about the 10%.

Councilor Harrington said it was her understanding that they get monthly report to track the 90%. Was it his understanding that we have that information? Mr. Dewey said it was his understanding that Metro got that data monthly. Mr. Dewey said in past years they had been concerned about the 10%, but in the past year they were comfortable with how waste was managed. Councilor Harrington said she appreciated that they felt Metro was on track.

Mr. Robinson said they had come to an agreement to amend the language for Resolution No. 08-3987. He provided the new suggested language, G second line, strike words “Metro Central and South Stations” and suggest language “to any Metro system facilities”.

Deputy Council President Liberty closed the public hearing.

6.1 **Resolution No. 08-3985**, Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to American Sanitary Services, Inc. for Delivery of Putrescible Waste to the West Van Materials Recovery Center and the Central Transfer and Recycling Center.

Motion:	Councilor Burkholder moved to adopt Resolution No. 08-3985.
Seconded:	Councilor Harrington seconded the motion

American Sanitary Services was a hauling company owned by Waste Connection of Fresno, California. American was franchised by city of Portland to provide solid waste collection services in the southeast portion of the city. American had requested authority to deliver up to 9,401 tons in 2009 to Clark County transfer stations. (They have authority to deliver 6,613 tons in 2008.) However, based on a proportion of actual deliveries during the last 12-month period, Metro was proposing that American be granted up to 4,842 tons in 2009. American consolidated its Metro-area waste at the West Vancouver Transfer Station with waste collected in Clark County where it was barged to Finley Buttes Landfill located in Morrow County. American has had an NSL with Metro since 2002. There have been no compliance issues during the previous term of the license. Councilor Burkholder urged adoption of Resolution 08-3985.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

6.2 **Resolution No. 08-3986,** Authorizing the Chief Operating Office to Issue a Renewed Non-System License to Arrow Sanitary Services, Inc. for Delivery of Putrescible Waste to the West Van Materials Recovery Center and the Central Transfer and Recycling Center.

Motion:	Councilor Burkholder moved to adopt Resolution No. 08-3986.
Seconded:	Councilor Collette seconded the motion

Councilor Burkholder said Arrow Sanitary Services was a hauling company owned by Waste Connection of Fresno, California (who also owned the American Sanitary franchise discussed earlier). Arrow was franchised by city of Portland to provide solid waste collection services in the several parts of the city. Arrow has requested authority to deliver up to 37,673 tons in 2009 to Clark County transfer stations. (They have authority to deliver 35,367 tons this year.) However, based on a proportion of actual deliveries during the last 12-month period, Metro was proposing that Arrow be granted 33,020 tons in 2009. Arrow consolidated its Metro-area waste at the West Vancouver Transfer Station with waste collected in Clark County where it was shipped to Finley Buttes Landfill located in Morrow County. Arrow has had an NSL with Metro since 1999. In 2007, Arrow violated its tonnage cap by over 3,000 tons. Metro issued an enforcement action and $3,756 penalty. The matter was contested and the hearings officer found in Metro's favor. Metro and Arrow tentatively agreed to settle the penalty for $3,200 ($556 less) to minimize further legal costs. This settlement matter will be considered by the Council on December 18. Other than the tonnage cap violation, there have been no compliance issues. He urged adoption. Councilor Park asked about a conflict of interest. Mr. Cooper said he did not see a reason to do so.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

6.3 **Resolution No. 08-3987**, Authorizing the Chief Operating Office to Issue a Renewed Non-System License to Willamette Resources, Inc. for Delivery of Putrescible Waste to Coffin Butte Landfill.

Motion:	Councilor Hosticka moved to adopt Resolution No. 08-3987.
Seconded:	Councilor Harrington seconded the motion

Motion:	Councilor Hosticka moved to amend Resolution No. 08-3987 with language addressed previously.
Seconded:	Councilor Harrington seconded the motion

Vote to amend:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

Councilor Hosticka introduced Resolution No. 08-3987 and said Willamette Resources (WRI) was a Metro-franchised local transfer station and material recovery facility located in Wilsonville and owned by Allied Waste Industries of Phoenix, Arizona.

WRI had requested authority to deliver up to 45,000 tons in 2009 to the Coffin Butte Landfill in Benton County. (WRI has authority to deliver 45,000 tons in 2008.) However, based on a proportion of actual deliveries during the last 12 month period, Metro was proposing that WRI be granted a maximum of 44,018 tons in 2009. WRI consolidated its waste and hauled it directly to Coffin Butte Landfill. WRI has had an NSL with Metro since 2000. There have been no major compliance issues with WRI. Councilor Hosticka urged adoption of Resolution 08-3987.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

6.4 **Resolution No. 08-3988**, Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Crown Point Refuse, Inc. for Delivery of Putrescible Waste to the Wasco County Landfill.

Motion:	Councilor Park moved to adopt Resolution No. 08-3988.
Seconded:	Councilor Harrington seconded the motion

Councilor Park said Crown Point Refuse was a hauling company locally owned and based out of Troutdale. Crown Point provided solid waste collection services in east unincorporated Multnomah County primarily located outside the Metro Region. Some of Crown Point's routes, however, extend inside the Metro region. Crown Point had requested that they be allowed to collect and consolidate a small volume of tonnage collected within the Metro region so that it can be delivered directly to the Wasco County Landfill located in The Dalles. Crown Point had requested authority to deliver 500 tons in 2009; however, based on a proportion of deliveries during the last 12-month period, Metro was proposing that Crown Point be granted 321 tons in 2009. Wasco County Landfill was owned by Waste Connections. As a non-Waste Management landfill, the tonnage was tracked closely to assure that no violation of Metro's disposal contract occurs. Crown Point has had a non-system license to deliver wet waste to the Wasco County Landfill since 2004. There have been no compliance issues during the previous term of the license. Councilor Park urged adoption of Resolution 08-3988.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

Mr. Phelps thanked the Council for working with him on the language for WRI's NSL.

7. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, talked about the holiday party attendance last year and this year. He thanked the Oregon Zoo staff for their efforts. Councilor Collette said the Oregon Zoo's attendance this year had already surpassed the 1.5 million record as of November 2008. Councilor Harrington said this year's Zoo lights had additional features including more lights. The Zoo lights seemed to be as popular this year as it has been in past years. She encouraged citizens to come this year. Councilor Collette talked about the supporters of the Zoo dinner on Monday night and the long term supporters of the Zoo.

8. COUNCILOR COMMUNICATION

Councilor Burkholder talked about the Tri-County Haulers meeting and that they had shared that the markets for recycles have plummeted. He talked about other discussions that were going on about the short-term financial downturn. Councilor Park clarified local rate setting and impacts on the citizens as well as Metro. He wondered if they needed to be having a conversation with local governments about impacts. Councilor Harrington said rate setting was done on an annual basis. She talked about reducing consumption such as the use of water bottles. The next round of rate setting would be more interesting for all governments.

Councilor Burkholder talked about the joint meeting with Joint Policy Advisory Committee on Transportation (JPACT), Metro Policy Advisory Committee (MPAC) and Council last Wednesday. This was an opportunity to talk about how they dealt with growth in the region. The meeting would help devise our region's urban forum. It had been very useful to help them understand the challenges that the region faces. Councilor Liberty added his comments about the meeting. He felt there was a lot of collaboration and consensus. Councilor Park talked about fiscal reality in terms of transportation dollars. He saw a decrease in the appetite for funding increases. Councilor Harrington complemented staff for putting together rich information. In prior Council discussions related to this series of events over a period of time. She said several persons have noted how useful this information was. She thanked staff for putting information on the web site as well as making the DVDs available. As the polling was done, the general consensus was they were expecting an array of diverse opinions but they found there was more consensus than they expected. The exercises were helping Council hone future policy directions. Councilor Liberty added that they would show the polling of electeds only. Attendance was up for this meeting. When asked if the federal government should initiate the green house gas strategy, the consensus was that we needed to take charge of our own strategy. Councilor Collette talked about the feedback that she had been receiving about the meetings. She felt the new electeds were looking forward to attending as an opportunity to learn from fellow elected.

Councilor Harrington talked about the MPAC meeting next Wednesday, December 17th. Every agenda noted the next meetings. She also noted the TV broadcast schedule on the back of the Council agenda. She said our meetings will now be available on the web. She talked about the many qualities of Metro and the Metro Council and that we do our business in a very transparent fashion.

Councilor Liberty said last night was a public hearing on the Sellwood Bridge. No matter which option was chosen, it would impact neighborhoods and businesses. He felt it was going to be a struggle to finance the bridge.

Councilor Liberty said he would be in a polar bear costume tomorrow night. He urged attendance at Zoo lights.

9. ADJOURN

There being no further business to come before the Metro Council, Deputy Council President Liberty adjourned the meeting at 3:34 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DECEMBER 11, 2008

Item	Topic	Doc. Date	Document Description	Doc. Number
3.1	Minutes	12/4/08	Metro Council Meeting Minutes for December 4, 2008	121108c-01
6.3	Letter	12/11/08	To: Metro Council From: Ray Phelps, Allied Waste Services Re: Resolution No. 08-3987	121108c-02
6.3	Amended Exhibit A	12/11/08	**Resolution No. 08-3987**, Authorizing the Chief Operating Office to Issue a Renewed Non-System License to Willamette Resources, Inc. for Delivery of Putrescible Waste to Coffin Butte Landfill.	121108c-03

Agenda Item Number 3.2

Resolution No. 08-3966, For the Purpose of Approving a Settlement Agreement with Arrow Sanitary Services, Inc. Regarding Metro Notice of Violation No. NOV-196-08.

Consent Agenda

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING A SETTLEMENT AGREEMENT WITH ARROW SANITARY SERVICE, INC. REGARDING METRO NOTICE OF VIOLATION NO. NOV-196-08	))))))	RESOLUTION NO. 08-3966 Introduced by Chief Operating Officer Michael J. Jordan, with the concurrence of Council President David Bragdon

WHEREAS, in calendar year 2007, Arrow Sanitary Service, Inc. ("Arrow") violated Non-System License No. N-029-05 by exceeding the tonnage limitation by 3,756 tons; and

WHEREAS, on March 18, 2008, Metro issued Notice of Violation No. NOV-196-08 to Arrow for these violations; and

WHEREAS, Arrow submitted to Metro a timely request for a contested case hearing regarding NOV-196-08 in a letter dated April 7, 2008; and

WHEREAS, Arrow disputed the imposition of a $3,756.00 penalty against Arrow; and

WHEREAS, the Director of Finance and Administrative Services and Arrow ("Director") agreed to the terms of a settlement under which Arrow will pay $3,200.00 to Metro; and

WHEREAS, Metro Code Section 2.03.090 requires the Council to approve any settlement of unpaid civil penalties executed by the Director; and

WHEREAS, the Chief Operating Officer ("COO") recommends that Metro fully settle NOV-196-08 with respect to the civil penalties imposed in NOV-196-08; now therefore

BE IT RESOLVED that the Metro Council approves settlement with Arrow regarding NOV-196-08 and authorizes the COO to enter into a settlement agreement substantially similar to the document attached as Exhibit A.

ADOPTED by the Metro Council this _________ day of _____________ 2008.

____
David Bragdon, Council President

Approved as to Form:

____
Daniel B. Cooper, Metro Attorney

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into as of the last date of signature indicated below, by and between Metro, a metropolitan service district and municipal corporation of the State of Oregon, organized under Oregon Revised Statutes Chapter 268 and the Metro Charter, located at 600 NE Grand Avenue, Portland, Oregon 97232 ("Metro") and Arrow Sanitary Service, Inc. ("Arrow"), an Oregon corporation located at 12820 NE Marx, Portland, Oregon 97230 (collectively the "Parties").

RECITALS

A. On March 18, 2008, Michael G. Hoglund, Metro Solid Waste and Recycling Department Director ("Director"), issued Notice of Violation No. 196-08 ("NOV-196-08") to Arrow. Based on an investigation conducted by Metro, the Director found that Arrow violated its Non-System License No. N-029-05 and issued a penalty of $3,756.00.

B. Arrow admitted that in calendar year 2007 it violated Non-System License No. N-029-05 by exceeding the tonnage limitation by 3,756. Arrow disputed the Director's imposition of a penalty of $3,756.00 to Arrow.

C. The Parties enter into this Agreement to fully settle and compromise this dispute.

NOW, THEREFORE, in reliance on the above recitals and in consideration of the mutual promises described below, the adequacy of which the Parties hereby acknowledge, the Parties agree as follows:

1. <u>Metro's Release of Further Enforcement Action</u>. Metro hereby releases, acquits, and forever discharges its authority to pursue further enforcement action against Arrow for the violations alleged in NOV-196-08. The Parties do not intend that the release, acquittal, and discharge provided for in this paragraph shall release, acquit, or discharge any other claim, right, or cause of action or any claim, right, or cause of action for violation of the terms of this Agreement.

2. <u>Statement Not to Contest NOV-196-08</u>. Arrow enters into this Agreement to resolve NOV-196-08 and agrees not to contest the allegations or findings made therein. Metro may use NOV-196-08 in any formal or informal evaluation or proceeding conducted by Metro and related to Arrow.

3. <u>Payment to Metro</u>. In return for the releases described herein and for other valuable consideration that the Parties hereby acknowledge, Arrow shall pay to Metro the sum of $3,200.00. This amount is a debt owed to Metro and shall be made in full by January 5, 2009. If Arrow fails to make the payment, Metro may initiate suit for the collection of this debt and shall be entitled to simple interest at the rate of nine percent (9%) per year calculated from January 5, 2009, until the debt is paid in full. If Metro must initiate suit for the collection of this debt, the prevailing party in such suit shall be entitled to reasonable attorney fees incurred in such an action, through and including attorney fees incurred on appeal.

4. Modification and Waiver. This Agreement shall not be modified unless such modification is in writing and signed by all of the Parties. No provision of this Agreement shall be considered waived by any Party unless such a waiver is made in writing signed by the Party making the waiver. Waiver of any provision of this Agreement shall not affect the enforceability of any other provision of this Agreement.

5. Attorney Fees. If any suit or action is brought to enforce or interpret this Agreement, the prevailing Party shall be entitled to recover from the other Party reasonable attorney fees and other costs incurred by the prevailing Party at trial or on appeal.

6. Choice of Law. This Agreement shall be construed, applied, and enforced in accordance with the laws of the State of Oregon.

7. Severability. If any provision of this Agreement is held to be invalid, illegal, or unenforceable in any respect, the validity of the remaining provisions contained in this Agreement shall not be affected.

8. Entire Agreement. This Agreement is the entire agreement between the Parties.

9. Voluntary Agreement. Each Party hereby declares and represents that it fully understands the terms of this Agreement, that is has had ample opportunity to review this Agreement and solicit and receive the advice of its own legal counsel, and that it voluntarily enters into this Agreement.

10. Authority to Enter Into This Agreement and Signatory Authority. Each Party hereby declares and represents that it has the legal power, right, and authority to enter into this Agreement. The individuals signing below warrant that they have full authority to execute this Agreement on behalf of the Party for which they sign.

11. Execution in Counterparts. This Agreement may be executed in counterparts, each of which constitutes an original and all of which together are deemed a single document.

Arrow Sanitary Services, Inc.

By: ________________________________
Dean Large
Sales Manager, Waste Connections, Inc.

Date:________________________________

Metro

By: ________________________________
Michael J. Jordan
Chief Operating Officer

Date:________________________________

M:\attorney\confidential\09 Solid Waste\16ENFORC\52ArrowSanitary\nov 196-08\Settlement\finals\settlement agreement.120408.Final.docx

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-3966 APPROVING A SETTLEMENT AGREEMENT WITH ARROW SANITARY SERVICE, INC. REGARDING METRO NOTICE OF VIOLATION NO. NOV-196-08

November 17, 2008 Prepared by: Steve Kraten

BACKGROUND

Arrow Sanitary Service ("Arrow") is a Waste Connections - owned hauling company with a Metro Non-System License authorizing it to deliver to its affiliated Clark County transfer stations up to 35,367 tons calendar year 2007 of solid waste, generated within the boundaries of Metro and collected by Arrow. In a letter dated July 25, 2007, Metro warned Arrow that it was on track to exceed its NSL cap by the end of 2007 and should take measures to prevent that from happening. Arrow applied for an increase in its NSL tonnage authorization but was denied due to a moratorium in effect at the time. The denial letter, dated September 7, 2007, again warned Arrow that it must adhere to its NSL cap. Despite these warnings, by the end of calendar 2007, Arrow reported delivering a total of 39,123 tons of the waste described above to Arrow's affiliated Clark County transfer stations, thus exceeding its cap by 3,756 tons.

Metro issued a Notice of Violation to Arrow for the tonnage cap violation, imposing a penalty of $3,756 - one dollar for each ton in excess of the cap. In a hearing held on October 1, 2008, Arrow contested the penalty based on its assertion that Metro should have reconsidered Arrow's application or given Arrow special notice when the language of the moratorium was changed so as to allow such NSL tonnage increases. Arrow also asserted that the excess tonnage constituted a single violation for which the Code prescribes a maximum penalty of $500. In a proposed Final Order issued October 21, 2008, the Hearings Officer found in favor of Metro. Arrow then sought to negotiate a settlement with Metro and expressed its intent to file a Writ of Review if a mutually agreeable settlement could not be reached. Metro agreed to settle the matter for the sum of $3,200. to avoid further legal proceedings and accrual of additional costs in defending the matter.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the proposed settlement.

2. Legal Antecedents

Metro Code Section 2.03.090 provides that, after the Chief Operating Officer (or his designee) issues an NOV assessing a civil penalty, any settlement that compromises or settles the assessed civil penalty must be approved by the Metro Council.

3. Anticipated Effects

The effects of Resolution No. 08-3966 will be to approve a settlement that requires Arrow to pay METRO the sum of $3,200 – a penalty reduction of $556. The proposed settlement will bring finality to the issue and avoid the further expenditure of staff time.

4. Budget Impacts

Regional system fees and excise taxes were paid on the waste at issue. This settlement will add the amount of the penalty to the Solid Waste Fund.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution No. 08-3966, approving a Settlement Agreement with Arrow substantially similar to the Settlement Agreement attached to the resolution as Exhibit A.

SK:bjl
S:\REM\kraten\Facilities\NSL-only\Arrow Sanitary Service\Staff Report\stfrpt-sttlmnt1108.docx

Agenda Item Number 4.1

Ordinance No. 08-1204A, For the Purpose of Determining that Implementing Transit-Oriented Development is a matter of Metropolitan Concern.

First Reading

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DETERMINING THAT IMPLEMENTING TRANSIT-ORIENTED DEVELOPMENT IS A MATTER OF METROPOLITAN CONCERN	))))	ORDINANCE NO. 08-1204A Introduced by Councilor Robert Liberty

WHEREAS, on May 16, 1996, the Metro Council adopted Resolution No. 96-2279 (For the Purpose of Authorizing an Intergovernmental Agreement with TriMet to assist in establishing a Transit-Oriented Development and Implementation Program at Metro) to authorize entry into an Intergovernmental Agreement with TriMet transferring TriMet authority to establish and implement a Transit-Oriented Development Program at Metro; and

WHEREAS, on November 18, 1999, the Metro Council adopted Resolution No. 99-2858 (For the Purpose of Authorizing a Revenue Neutral Intergovernmental Agreement with TriMet Concerning Transit-Oriented Development and Increasing the Level of Transit Service), which determined that implementing Transit-Oriented Development is a cost-effective means of increasing ridership for transit, reducing congestion and improving air quality, and thus is an important component in realizing the Region 2040 Growth Concept and authorized entry into an Intergovernmental Agreement with TriMet exchanging Federal STP Flexible Funds allocated to the Transit Oriented Development Program for TriMet general funds; and

WHEREAS, the TOD Work Plan was amended: (1) to include a site improvements project category by Resolution 00-2906 (For the Purpose of Amending the TOD Program Procedures to Facilitate TOD Projects Including the Round at Beaverton Central,) adopted March 9, 2000; (2) to include additional light rail corridors, streetcar, frequent bus, urban centers and green buildings by Resolution No. 04-3479 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Expand the TOD Program Area and Initiate An Urban Centers Program,) adopted July 15, 2004; (3) to add selection criteria for frequent bus line projects by Resolution No. 05-3563 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Apply Additional Selection Criteria to TOD Program Frequent Bus Line Projects), adopted May 19,2005; and (4) to allow a process for unsolicited proposals by Resolution No. 05-3617 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Allow a Process for Consideration of Unsolicited Development Proposals for Metro TOD & Centers Program Owned Land), adopted September 13, 2005 to designate focus centers, establish an urban living infrastructure program, and make technical changes as set forth in Exhibit A; and

WHEREAS, Section 4 of the Metro Charter, entitled "Jurisdiction of Metro," provides that, "Metro has jurisdiction over matters of metropolitan concern. Matters of metropolitan concern include . . . those matters the Council by ordinance determines to be of metropolitan concern."; and

WHEREAS, Section 7 (1) of the Metro Charter, entitled "Assumption Ordinance," provides that "The Council shall approve by ordinance the undertaking by Metro of any function not authorized by Sections 5 and 6 of this charter. The ordinance shall contain a finding that the function is of metropolitan concern and the reasons it is appropriate for Metro to undertake it."; and

WHEREAS, implementing Transit-Oriented Development is a cost-effective means of encouraging higher density and mixed-use development, increasing ridership for transit, reducing congestion and improving air quality, and thus is an important component in realizing the vision, policies and fundamental goals in Metro's Region 2040 Growth Concept, Regional Framework Plan and the Metro Code set forth herein below; and

WHEREAS, Fundamental 2 of the Regional Framework Plan charges Metro to "Encourage the efficient use of land within the UGB including buildable industrial and commercial land and focus development in 2040 mixed use centers and corridors."; and

WHEREAS, Fundamental 7 of the Regional Framework Plan charges Metro to "Enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable housing in every jurisdiction."; and

WHEREAS, the Regional Framework Plan provides that it is the Policy of the Metro Council to: "Balance the region's growth by . . . targeting public investments to reinforce compact urban form." (*Urban Form Policy 1.1.1 (d)*); "Manage the urban land supply in a manner consistent with state law by encouraging the evolution of an efficient urban growth form." (*Growth Management Policy 1.6.1 (a)*); "Support the identity and functioning of communities in the region through . . . ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern that . . . includes concentrated, high-density mixed-use urban centers developed in relation to the region's transit system." (*Urban Design Policy 1.10.1 (c)(v)*); "Encourage pedestrian and transit supportive building patterns in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction." (*Urban Design Policy 1.10.2*); "Develop a regional strategy for enhancement of Centers, Station Communities and Main Streets in the region . . .placing a high priority on investments in Centers by Metro and efforts by Metro to secure complementary investments by others." (*Centers Policy 1.15.2. (b)*); "Increase walking for short trips and improve pedestrian access to the region's public transportation system through pedestrian improvements and changes in land use patterns, designs and densities." (*Regional Pedestrian Mode Share Policy 2.25.1*); and

WHEREAS, Metro Code Chapter 3.07, Title 6, entitled "Central City, Regional Centers, Town Centers and Station Communities," Section 3.07.610 - " Purpose and Intent," addresses the maintenance and enhancement of Centers by encouraging development in Centers that will improve the critical roles they play in the region, in aid of the accomplishment of the 2040 growth concept; and

WHEREAS, Metro Code Chapter 3.07, Title 9, entitled "Performance Measures," Section 3.07.910 - "Purpose and Intent," establishes a summary of fundamental goals of the region, one of which is to "Encourage efficient use of land within the UGB by focusing on development of 2040 mixed use centers and corridors."; and

WHEREAS, in determining that providing for the implementation of Transit-Oriented Development is a matter of metropolitan concern, the Metro Council does not wish to exercise any authority to direct or regulate local government efforts to provide for the implementation of transit-oriented development, and therefore concludes that Metro is not providing or regulating any existing service provided by local governments; and

WHEREAS, pursuant to Section 7 (3) of the Metro Charter, "Assumption of Other Service Functions, the Council shall seek the advice of the MPAC before adopting an ordinance authorizing provision or regulation by Metro of a service, which is not a local government service."; and

WHEREAS, this ordinance has been submitted to MPAC in its advisory capacity prior to being considered by the Metro Council; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The continued implementation of Transit-Oriented Development throughout the Metro Region is a metropolitan concern and the Metro Council finds, pursuant to Section 4 of the Metro Charter, that the Council shall exercise jurisdiction over the matter by providing for the implementation of Transit-Oriented Development through the Metro Transit-Oriented Development and Urban Centers Implementation Program, using federal, state, and regional, financial resources, as said resources become available and as the Metro Council shall further identify and direct.

2. In determining that providing for the implementation of Transit-Oriented Development is a matter of metropolitan concern, the Metro Council finds that ~~Metro shall not exercise any authority to~~the implementation of Transit-Oriented Development by Metro through the Metro Transit-Oriented Development and Urban Centers Implementation Program does not preempt, direct or regulate local government efforts to provide for the implementation of Transit-Oriented Development, and therefore concludes that Metro is not providing or regulating any existing service provided by local governments. Therefore this ordinance is not subject to approval by either the Metro Policy Advisory Committee or the voters of the Metro Area.

ADOPTED by the Metro Council this _______ day of _______________ 2008.

David Bragdon, Council President

Attest:

Christina Billington, Recording Secretary

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1204, FOR THE PURPOSE OF DETERMINING THAT IMPLEMENTING TRANSIT-ORIENTED DEVELOPMENT IS A MATTER OF METROPOLITAN CONCERN

Date: December 18, 2008 Prepared by: Robin McArthur and Megan Gibb

BACKGROUND

The Metro Transit-Oriented Development and Urban Centers Implementation Program ("TOD Program") originated in 1996, as a result of Metro Council adoption of Resolution No. 96-2279, on May 16, 1996, "For the Purpose of Authorizing an Intergovernmental Agreement with TriMet to Assist in Establishing a Transit-Oriented Development and Implementation Program at Metro." Subsequent Council Resolutions detailed below authorized the execution of an Intergovernmental Agreement that established the delegation to Metro of TriMet's authority to implement Transit-Oriented Development, and provided for a coordinated Metro – TriMet approach to Transit-Oriented Development, including a funding exchange between Metro and TriMet to improve the efficiency of the new Metro TOD Program. The Intergovernmental Agreement has been extended on four occasions, most recently in 2005, and is now nearing expiration. During that time, as set forth in the Metro TOD Program Workplan, (established via Metro Council Resolution No. 98-2619 "For the Purpose of Authorizing Start-up activities for the Transit-Oriented Development Program at Metro") Metro Council has exercised primary oversight on the implementation of Transit-Oriented Development. Metro and TriMet propose to enter into a new long-term IGA to coordinate Transit-Oriented Development and Urban Centers Implementation that requires no recurring extensions of term by Metro Council and no delegation of authority from TriMet. This IGA would maintain the current level of Metro – TriMet coordination and funding exchange, but eliminates any need for TriMet to duplicate Metro Council's oversight of the TOD Program by eliminating the delegation of authority. This proposed arrangement requires that the Council exercise independent jurisdiction over Transit-Oriented Development and Urban Centers Implementation by declaring it to be a matter of "metropolitan concern."

This ordinance provides a Metro Council determination that Transit-Oriented Development and Urban Centers Implementation is a matter of metropolitan concern and is thus within Metro's jurisdiction. Metro Council's determination is supported by its prior recognition of the fact that Transit-Oriented Development is a cost-effective means of encouraging higher density and mixed-use development, increasing ridership for transit, reducing congestion and improving air quality, and is an important component in realizing the following policies and fundamental goals of the Metro Region 2040 Growth Concept, Regional Framework Plan and the Metro Code:

Fundamental 2 of the Regional Framework Plan charges Metro to: "Encourage the efficient use of land within the UGB including buildable industrial and commercial land and focus development in 2040 mixed use centers and corridors."

Fundamental 7 of the Regional Framework Plan charges Metro to: "Enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable housing in every jurisdiction."

The Regional Framework Plan provides that it is the policy of the Metro Council to: "Balance the Region's growth by . . . targeting public investments to reinforce compact urban form." (*Urban Form Policy 1.1.1 (d)*); "Manage the urban land supply in a manner consistent with state law by encouraging the evolution of an efficient urban growth form." (*Growth Management Policy 1.6.1 (a)*); "Support the identity and functioning of communities in the region through . . . ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern that . . . includes concentrated, high density mixed use urban centers developed in relation to the region's transit system." (*Urban Design Policy 1.10.1 (c)(v)*); "Encourage pedestrian and transit supportive building patterns in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction." (*Urban Design Policy 1.10.2*); "Develop a regional strategy for enhancement of Centers, Station Communities and Main Streets in the region . . . placing a high priority on investments in Centers by Metro and efforts by Metro to secure complementary investments by others." (*Centers Policy 1.15.2 (b)*); "Increase walking for short trips and improve pedestrian access to the region's public transportation system through pedestrian improvements and changes in land use patterns designs and densities." (*Regional Pedestrian Mode Share Policy 2.25.1*)."

Metro Code Chapter 3.07, Title 6, entitled "Central City, Regional Centers, Town Centers and Station Communities," Section 3.07.610 - "Purpose and Intent," addresses the maintenance and enhancement of Centers by encouraging development in Centers that will improve the critical roles they play in the region, in aid of the accomplishment of the 2040 growth concept.

Metro Code Chapter 3.07, Title 9, entitled "Performance Measures," Section 3.07.920 - "Purpose and Intent," establishes a summary of fundamental goals of the region, one of which is to "Encourage efficient use of land within the UGB by focusing on development of 2040 mixed use centers and corridors."

ANALYSIS/INFORMATION

1. **Known Opposition.** None known.

2. **Legal Antecedents.** Sections 4 and 7 of the Metro Charter provide that Metro has jurisdiction over "matters of metropolitan concern," including those matters the Council determines to be of metropolitan concern by ordinance. Such an ordinance shall contain a finding that a function is of metropolitan concern and the reasons for which it is appropriate to be undertaken by Metro. Metro's authority to implement Transit-Oriented Development and operate the Transit-Oriented Development and Urban Centers Implementation Program has heretofore been by delegation of authority from TriMet to Metro contained in an intergovernmental agreement (the "IGA") approved by the Metro Council via Resolution No. 99-2858, "For the Purpose of Authorizing a Revenue Neutral Intergovernmental Agreement with TriMet Concerning Transit-Oriented Development and Increasing the Level of Transit Service," adopted November 18, 1999, and four successive extension amendments approved by the Metro Council via Resolutions No. 99-2858, adopted November 18, 1999; No. 01-3114A, adopted November 8, 2001; No. 03-3314, adopted May 15, 2003; No. 04-3478, adopted July 15, 2004; and No. 05-3627, adopted October 27, 2005.

3. **Anticipated Effects.** Metro Council will obtain jurisdiction over the implementation of Transit-Oriented Development as a matter of metropolitan concern. The delegation of TriMet's authority to implement Transit-Oriented Development will no longer be necessary, and thus repetitive Metro Council authorization of amendments extending the delegation IGA will no longer be required. Concurrently with this ordinance, Metro Council will be asked to authorize the entry by Metro into a long-term IGA with TriMet, providing for periodic exchanges of TriMet general funds for TOD

Program federal transportation flexible funds in order to improve the efficiency of government. The ordinance is specifically not intended to exercise any authority to direct, regulate or preempt local government efforts to provide for the implementation of Transit-Oriented Development, and thus this ordinance will not result in Metro providing or regulating any existing service provided by local governments.

4. **Budget Impacts.** Future revenues and expenditures associated with the implementation of Transit-Oriented Development as a matter of metropolitan concern will be determined as part of the budget process.

RECOMMENDED ACTION

Metro staff recommends the adoption of Ordinance No. 08-1204.

Agenda Item Number 5.1

Ordinance No. 08-1206, Amending the FY 2008-09 Budget and Appropriations Schedule Creating the Strategy Center, Recognizing Intergovernmental Revenue, and Providing Appropriations for the Council Office, and Declaring an Emergency.

Second Reading

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2008-09 BUDGET AND APPROPRIATIONS SCHEDULE CREATING THE STRATEGY CENTER, RECOGNIZING INTERGOVERNMENTAL REVENUE, AND PROVIDING APPROPRIATION FOR THE COUCIL OFFICE, AND DECLARING AN EMERGENCY	)))))))	ORDINANCE NO. 08-1206 Introduced by Michael Jordan, Chief Operating Officer, with the concurrence of Council President David Bragdon

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2008-09 Budget; and

WHEREAS, Oregon Budget Law ORS 294.326 allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose; and

WHEREAS, the need for the increase 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 2008-09 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 creating the Strategy Center, recognizing intergovernmental revenue and providing appropriation in the Council Office for implementation of the non-represented salary study.

2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _______ day of _________ 2008.

David Bragdon, Council President

Attest:

Christina Billington, Recording Secretary

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Exhibit A
Ordinance No. 08-1206

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	General Fund								

Resources

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	Resources								
BEGBAL	*Beginning Fund Balance*								
3500	Beginning Fund Balance								
	* Undesignated		4,094,902		0		0		4,094,902
	* Prior period audit adjustment: TOD		5,865,983		0		0		5,865,983
	* Reserved for Underspending		334,000		0		0		334,000
	* Project Carryover		1,481,337		0		0		1,481,337
	* Tourism Opportunity & Comp. Account		96,655		0		0		96,655
	* Recovery Rate Stabilization Reserve		1,012,884		0		0		1,012,884
	* Reserved for Local Gov't Grants (CET)		602,046		0		0		602,046
	* Reserve for Future Debt Service		2,397,852		0		0		2,397,852
	* Tibbets Flower Account		352		0		0		352
	* Reserved for Future Planning Needs		1,604,140		0		0		1,604,140
	* Reserved for Future Election Costs		290,000		0		0		290,000
	* Reserved for Nature in Neighborhood Grants		1,050,000		0		0		1,050,000
	* Reserved for Reg. Afford. Housing Revolving F		1,000,000		0		0		1,000,000
	* Reserved for Metro Regional Center Remodel		413,000		0		0		413,000
	* Reserve for Future Natural Areas Operations		764,453		0		0		764,453
	* Prior year PERS Reserve		2,782,174		0		0		2,782,174
EXCISE	*Excise Tax*								
4050	Excise Taxes		15,106,909		0		0		15,106,909
4055	Construction Excise Tax		1,497,954		0		0		1,497,954
RPTAX	*Real Property Taxes*								
4010	Real Property Taxes-Current Yr		10,618,031		0		0		10,618,031
4015	Real Property Taxes-Prior Yrs		318,541		0		0		318,541
GRANTS	*Grants*								
4100	Federal Grants - Direct		3,999,452		0		0		3,999,452
4105	Federal Grants - Indirect		5,578,045		0		0		5,578,045
4110	State Grants - Direct		1,351,000		0		0		1,351,000
4120	Local Grants - Direct		5,475,093		0		0		5,475,093
LGSHRE	*Local Gov't Share Revenues*								
4135	Marine Board Fuel Tax		114,000		0		0		114,000
4139	Other Local Govt Shared Rev.		447,967		0		0		447,967
GVCNTB	*Contributions from Governments*								
4145	Government Contributions		250,314		160,319		0		410,633
LICPER	*Licenses and Permits*								
4150	Contractor's Business License		412,000		0		0		412,000
CHGSVC	*Charges for Service*								
4160	Boat Ramp Use Permits		508		0		0		508
4165	Boat Launch Fees		150,000		0		0		150,000
4180	Contract & Professional Service		563,178		0		0		563,178
4200	UGB Fees		50,000		0		0		50,000
4230	Product Sales		387,519		0		0		387,519
4280	Grave Openings		179,325		0		0		179,325
4285	Grave Sales		144,675		0		0		144,675
4500	Admission Fees		7,759,908		0		0		7,759,908
4501	Conservation Surcharge		150,000		0		0		150,000
4510	Rentals		807,341		0		0		807,341
4550	Food Service Revenue		5,155,669		0		0		5,155,669
4560	Retail Sales		2,216,110		0		0		2,216,110
4580	Utility Services		2,000		0		0		2,000

Exhibit A
Ordinance No. 08-1206

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
General Fund									

Resources

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
4610	Contract Revenue		883,315		0		0		883,315
4620	Parking Fees		930,000		0		0		930,000
4630	Tuition and Lectures		1,239,645		0		0		1,239,645
4635	Exhibit Shows		1,049,986		0		0		1,049,986
4640	Railroad Rides		805,462		0		0		805,462
4645	Reimbursed Services		270,000		0		0		270,000
4650	Miscellaneous Charges for Service		13,831		0		0		13,831
4760	Sponsorships		57,000		0		0		57,000
INTRST	*Interest Earnings*								
4700	Interest on Investments		994,972		0		0		994,972
DONAT	*Contributions from Private Sources*								
4750	Donations and Bequests		1,310,895		0		0		1,310,895
INCGRV	*Internal Charges for Service*								
4670	Charges for Service		48,124		0		0		48,124
MISCRV	*Miscellaneous Revenue*								
4170	Fines and Forfeits		20,000		0		0		20,000
4890	Miscellaneous Revenue		151,000		0		0		151,000
4891	Reimbursements		1,411,973		0		0		1,411,973
EQTREV	*Fund Equity Transfers*								
4970	Transfer of Resources								
	* from MERC Pooled Capital Fund		97,174		0		0		97,174
INDTRV	*Interfund Reimbursements*								
4975	Transfer for Indirect Costs								
	* from MERC Operating Fund		1,842,802		0		0		1,842,802
	* from Natural Areas Fund		1,028,311		0		0		1,028,311
	* from Solid Waste Revenue Fund		3,681,110		0		0		3,681,110
INTSRV	*Internal Service Transfers*								
4980	Transfer for Direct Costs								
	* from Natural Areas Fund		128,513		0		0		128,513
	* from Smith & Bybee Lakes Fund		119,980		0		0		119,980
	* from Solid Waste Revenue Fund		738,056		0		0		738,056
TOTAL RESOURCES			**$103,347,466**		**$160,319**		**$0**		**$103,507,785**

Exhibit A
Ordinance No. 08-1206

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	General Fund								

Council Office

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	Personal Services								
SALWGE	*Salaries & Wages*								
5000	Elected Official Salaries								
	Council President	1.00	111,132	-	0	-	0	1.00	111,132
	Councilor	6.00	222,264	-	0	-	0	6.00	222,264
5010	Reg Employees-Full Time-Exempt								
	Assistant to the Council President	1.00	81,504	-	0	-	0	1.00	81,504
	Chief Operating Officer	1.00	174,239	-	0	-	0	1.00	174,239
	Confidential Secretary	1.00	48,111	-	0	(1.00)	(48,111)	-	0
	Council Clerk	-	0	-	0	-	0	-	0
	Council Operations Officer	-	0	-	0	1.00	76,860	1.00	76,860
	Council President Policy Coordinator	1.00	48,747	-	0	-	0	1.00	48,747
	Council Policy Coordinators	-	0	-	0	3.00	153,667	3.00	153,667
	CRC Project Director	-	0	0.75	146,250	-	0	0.75	146,250
	Deputy Chief Operating Officer	1.00	148,240	-	0	-	5,559	1.00	153,799
	Manager II	1.00	78,251	-	0	(1.00)	(78,251)	-	0
	Policy Advisor II	-	0	1.50	198,202	-	0	1.50	198,202
	Program Analyst I	-	0	0.75	36,350	-	0	0.75	36,350
	Program Analyst II	4.00	200,615	-	0	(3.00)	(148,457)	1.00	52,158
	Program Analyst III	2.41	141,220	-	0	(1.00)	(55,483)	1.41	85,737
	Program Analyst IV	-	0	-	0	1.00	64,462	1.00	64,462
	Program Director I	-	0	-	0	1.00	97,436	1.00	97,436
	Program Supervisor II	1.00	76,494	-	0	-	(11,997)	1.00	64,497
5015	Reg Empl-Full Time-Non-Exempt								
	Administrative Assistant II	1.00	41,424	-	0	-	(1,646)	1.00	39,778
	Administrative Assistant III	1.00	42,829	-	0	-	1,903	1.00	44,732
5030	Temporary Employees		62,000		0		0		62,000
5080	Overtime		1,750		0		0		1,750
5089	Salary Adjustments								
	Elected Officials Adjustment		10,002		0		0		10,002
	Merit Adjustment Pool (non-represented)		15,578		5,712		839		22,129
	Other Adjustments (non-represented)		14,939		0		(14,939)		0
	Other Adjustments (Class & Comp Study)		14,939		0		(14,939)		0
FRINGE	*Fringe Benefits*								
5100	Fringe Benefits								
	Base Fringe (variable & fixed)		545,278		133,347		11,867		690,492
5190	PERS Bond Recovery		47,120		12,369		1,817		61,306
	Total Personal Services	**22.41**	**$2,126,676**	**3.00**	**$532,230**	**0.00**	**$40,587**	**25.41**	**$2,699,493**
	Total Materials & Services		**$381,553**		**$0**		**$0**		**$381,553**
TOTAL REQUIREMENTS		**22.41**	**$2,508,229**	**3.00**	**$532,230**	**0.00**	**$40,587**	**25.41**	**$3,081,046**

Exhibit A
Ordinance No. 08-1206

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	General Fund								

Planning

ACCT	DESCRIPTION	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
	Personal Services								
SALWGE	*Salaries & Wages*								
5010	Reg Employees-Full Time-Exempt								
	Administrative Specialist IV	2.00	86,841	(0.75)	(31,475)	-	0	1.25	55,366
	Assistant Regional Planner	1.00	54,465	-	0	-	0	1.00	54,465
	Assistant Transportation Planner	1.00	48,991	-	0	-	0	1.00	48,991
	Associate GIS Specialist	4.00	258,009	-	0	-	0	4.00	258,009
	Associate Transportation Modeler	5.00	274,708	-	0	-	0	5.00	274,708
	Associate Trans. Planner	3.00	170,219	-	0	-	0	3.00	170,219
	Director II	1.00	141,310	(0.75)	(106,185)	-	0	0.25	35,125
	Manager I	4.00	369,024	-	0	-	0	4.00	369,024
	Manager II	6.00	567,920	-	0	-	0	6.00	567,920
	Principal GIS Specialist	3.00	250,858	-	0	-	0	3.00	250,858
	Principal Regional Planner	6.00	486,422	-	0	-	0	6.00	486,422
	Principal Transportation Engineer	1.00	83,619	-	0	-	0	1.00	83,619
	Principal Transportation Modeler	3.00	250,858	-	0	-	0	3.00	250,858
	Principal Transportation Planner	5.00	388,030	-	0	-	0	5.00	388,030
	Program Director II	2.00	227,168	-	0	-	0	2.00	227,168
	Program Supervisor I	2.00	120,707	-	0	-	0	2.00	120,707
	Program Supervisor II	3.00	220,148	-	0	-	0	3.00	220,148
	Senior GIS Specialist	2.00	125,532	-	0	-	0	2.00	125,532
	Senior Management Analyst	4.00	245,121	-	0	-	0	4.00	245,121
	Senior Public Affairs Specialist	3.25	202,683	-	0	-	0	3.25	202,683
	Senior Regional Planner	2.00	125,367	-	0	-	0	2.00	125,367
	Senior Transportation Modeler	2.00	155,521	-	0	-	0	2.00	155,521
	Senior Transportation Planner	8.00	550,073	-	0	-	0	8.00	550,073
	Transit Program Director I	1.00	115,595	-	0	-	0	1.00	115,595
	Transit Program Director II	1.00	152,241	(0.75)	(113,634)	-	0	0.25	38,607
	Transit Project Manager I	1.00	99,129	-	0	-	0	1.00	99,129
	Transit Project Manager II	1.00	98,585	-	0	-	0	1.00	98,585
5015	Reg Empl-Full Time-Non-Exempt								
	Administrative Specialist I	1.00	33,249	-	0	-	0	1.00	33,249
	Administrative Specialist II	3.00	105,487	-	0	-	0	3.00	105,487
	Administrative Specialist III	1.00	36,603	-	0	-	0	1.00	36,603
	GIS Technician	1.00	38,419	-	0	-	0	1.00	38,419
	Program Assistant 3	2.00	88,970	-	0	-	0	2.00	88,970
5020	Reg Emp-Part Time-Exempt								
	Associate GIS Specialist	0.50	31,236	-	0	-	0	0.50	31,236
	Associate Regional Planner	0.60	35,014	-	0	-	0	0.60	35,014
	Principal Regional Planner	0.80	60,694	-	0	-	0	0.80	60,694
5030	Temporary Employees		198,981		0		0		198,981
5080	Overtime		5,000		0		0		5,000
5089	Salary Adjustments								
	Merit Adjustment Pool (non-represented)		31,677		(5,040)		0		26,637
	Step Increases (AFSCME)		76,292		0		0		76,292
	COLA (represented employees)		132,388		0		0		132,388
	Other Adjustments (non-represented)		31,677		0		0		31,677
	Other Adjustments (AFSCME)		3,081		0		0		3,081
	Other Adjustments (Class & Comp Study)		31,677		0		0		31,677

Exhibit A
Ordinance No. 08-1206

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	General Fund								

Planning

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
FRINGE	*Fringe Benefits*								
5100	Fringe Benefits								
	Base Fringe (variable & fixed)		2,417,310		(98,409)		0		2,318,901
5190	PERS Bond Recovery		223,348		(4,493)		0		218,855
	Total Personal Services	**90.15**	**$9,618,600**	**(2.25)**	**($359,236)**	**0.00**	**$0**	**87.90**	**$9,259,364**
	Total Materials & Services		**$15,149,435**		**$0**		**$0**		**$15,149,435**
	Total Debt Service		**$38,513**		**$0**		**$0**		**$38,513**
TOTAL REQUIREMENTS		**90.15**	**$24,806,548**	**(2.25)**	**($359,236)**	**0.00**	**$0**	**87.90**	**$24,447,312**

Exhibit A
Ordinance No. 08-1206

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	General Fund								

Public Affairs & Government Relations

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	Personal Services								
SALWGE	*Salaries & Wages*								
5010	Reg Employees-Full Time-Exempt								
	Administrative Specialist IV	1.00	53,967	-	0	-	0	1.00	53,967
	Associate Public Affairs Specialist	2.00	106,493	-	0	-	0	2.00	106,493
	Associate Visual Communications Design	1.00	56,684	-	0	-	0	1.00	56,684
	Policy Advisor I	-	0	-	0	1.00	96,813	1.00	96,813
	Manager I	1.00	79,002	-	0	-	0	1.00	79,002
	Manager II	2.00	181,204	-	0	(1.00)	(92,816)	1.00	88,388
	Program Director II	1.00	117,694	-	0	-	0	1.00	117,694
	Senior Public Affairs Specialist	8.00	512,286	-	0	-	0	8.00	512,286
	Senior Visual Communications Designer	1.00	62,471	-	0	-	0	1.00	62,471
	Program Assistant 2	1.00	36,310	-	0	-	0	1.00	36,310
5030	Temporary Employees		15,000		0		0		15,000
5089	Salary Adjustments								
	Merit Adjustment Pool (non-represented)		5,669		0		60		5,729
	Step Increases (AFSCME)		14,079		0		0		14,079
	COLA (represented employees)		24,432		0		0		24,432
	Other Adjustments (non-represented)		5,669		0		0		5,669
	Other Adjustments (AFSCME)		4,141		0		0		4,141
	Other Adjustments (Class & Comp Study)		5,669		0		0		5,669
FRINGE	*Fringe Benefits*								
5100	Fringe Benefits								
	Base Fringe (variable & fixed)		453,728		0		848		454,576
5190	PERS Bond Recovery		40,505		0		130		40,635
	Total Personal Services	**18.00**	**$1,775,003**	**0.00**	**$0**	**0.00**	**$5,035**	**18.00**	**$1,780,038**
	Total Materials & Services		**$213,579**		**$0**		**$0**		**$213,579**
TOTAL REQUIREMENTS		**18.00**	**$1,988,582**	**0.00**	**$0**	**0.00**	**$5,035**	**18.00**	**$1,993,617**

Exhibit A
Ordinance No. 08-1206

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	General Fund								

Regional Parks

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	Personal Services								
SALWGE	*Salaries & Wages*								
5010	Reg Employees-Full Time-Exempt								
	Assistant Management Analyst	2.20	89,439	-	0	-	0	2.20	89,439
	Associate Regional Planner	1.50	77,198	-	0	-	0	1.50	77,198
	Director II	0.70	98,678	-	0	-	0	0.70	98,678
	Education Coordinator II	1.00	53,997	-	0	-	0	1.00	53,997
	Manager I	3.00	282,053	(0.75)	(67,839)	-	0	2.25	214,214
	Manager II	1.70	155,417	-	0	-	0	1.70	155,417
	Principal Regional Planner	1.20	96,377	-	0	-	0	1.20	96,377
	Program Director I	1.00	112,308	-	0	-	0	1.00	112,308
	Program Supervisor I	0.67	46,144	-	0	-	0	0.67	46,144
	Program Supervisor II	1.00	64,263	-	0	-	0	1.00	64,263
	Property Management Specialist	0.80	52,474	-	0	-	0	0.80	52,474
	Senior Natural Resource Scientist	4.00	283,564	-	0	-	0	4.00	283,564
	Senior Public Affairs Specialist	0.20	18,034	-	0	-	0	0.20	18,034
	Senior Regional Planner	2.00	131,319	-	0	-	0	2.00	131,319
	Service Supervisor II	1.50	74,235	-	0	-	0	1.50	74,235
	Service Supervisor III	1.00	64,261	-	0	-	0	1.00	64,261
	Volunteer Coordinator II	1.00	53,997	-	0	-	0	1.00	53,997
5015	Reg Empl-Full Time-Non-Exempt								
	Administrative Specialist II	2.00	73,029	-	0	-	0	2.00	73,029
	Arborist	1.00	52,208	-	0	-	0	1.00	52,208
	Maintenance Worker 2	1.00	46,228	-	0	-	0	1.00	46,228
	Natural Resource Scientist	4.00	183,280	-	0	-	0	4.00	183,280
	Park Ranger	8.00	366,567	-	0	-	0	8.00	366,567
	Park Ranger Lead	1.00	45,820	-	0	-	0	1.00	45,820
	Program Assistant 2	1.00	36,462	-	0	-	0	1.00	36,462
	Program Assistant 3	1.00	40,227	-	0	-	0	1.00	40,227
	Volunteer Coordinator I	0.80	35,460	-	0	-	0	0.80	35,460
5020	Reg Emp-Part Time-Exempt								
	Education Coordinator II	0.50	26,998	-	0	-	0	0.50	26,998
	Principal Regional Planner	0.80	55,078	-	0	-	0	0.80	55,078
	Senior Regional Planner	1.80	125,647	-	0	-	0	1.80	125,647
5025	Reg Employees-Part Time-Non-Exempt								
	Program Assistant 3	0.50	21,160	-	0	-	0	0.50	21,160
	Volunteer Coordintor I	1.00	46,550	-	0	-	0	1.00	46,550
5030	Temporary Employees		357,647		0		0		357,647
5080	Overtime		19,649		0		0		19,649
5089	Salary Adjustments								
	Merit Adjustment Pool (non-represented)		14,159		(1,350)		0		12,809
	Step Increases (AFSCME)		26,748		0		0		26,748
	COLA (represented employees)		60,717		0		0		60,717
	Other Adjustments (non-represented)		14,161		0		0		14,161
	Other Adjustments (AFSCME)		6,236		0		0		6,236
	Other Adjustments (Class & Comp Study)		14,160		0		0		14,160
FRINGE	*Fringe Benefits*								
5100	Fringe Benefits								
	Base Fringe (variable & fixed)		1,139,776		(24,057)		0		1,115,719
5190	PERS Bond Recovery		99,053		(2,214)		0		96,839
	Total Personal Services	**49.87**	**$4,707,430**	**(0.75)**	**($95,460)**	**0.00**	**$0**	**49.12**	**$4,611,970**

Exhibit A
Ordinance No. 08-1206

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	General Fund								
	Regional Parks								
	Total Materials & Services		$3,752,932		$0		$0		$3,752,932
	Total Capital Outlay		$61,000		$0		$0		$61,000
	TOTAL REQUIREMENTS	49.87	$8,521,362	(0.75)	($95,460)	0.00	$0	49.12	$8,425,902

Exhibit A
Ordinance No. 08-1206

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Strategy Center Revision FTE	Strategy Center Revision Amount	Non-Rep Study Revision FTE	Non-Rep Study Revision Amount	Amended Budget FTE	Amended Budget Amount
	General Fund								
	General Expenditures								
	Total Interfund Transfers		**$5,165,928**		**$0**		**$0**		**$5,165,928**
	Contingency & Unappropriated Balance								
CONT	*Contingency*								
5999	Contingency								
	* Contingency		2,783,134		82,785		(45,622)		2,820,297
	* Opportunity Account		100,000		0		0		100,000
	* Reserved for Future Planning Needs		351,000		0		0		351,000
	* Reserved for Future Election Costs		290,000		0		0		290,000
	* Reserved for Nature in Neighorbhood Grants		250,000		0		0		250,000
	* Reserved for Reg. Afford. Housing Revolving Func		1,000,000		0		0		1,000,000
	* Reserved for Metro Regional Center Remodel		378,000		0		0		378,000
	* Reserved for Diesel Retrofit matching grants		400,000		0		0		400,000
	* Recovery Rate Stabilization reserve		1,771,867		0		0		1,771,867
UNAPP	*Unappropriated Fund Balance*								
5990	Unappropriated Fund Balance								
	* Stabilization Reserve		2,320,000		0		0		2,320,000
	* Reserve for Future Natural Areas Operations		1,023,070		0		0		1,023,070
	* PERS Reserve		2,782,174		0		0		2,782,174
	* Computer Replacement Reserve (Planning)		90,000		0		0		90,000
	* Tibbets Flower Account		201		0		0		201
	* Reserve for Future Debt Service		2,521,852		0		0		2,521,852
	Total Contingency & Unappropriated Balance		**$16,061,298**		**$82,785**		**($45,622)**		**$16,098,461**
TOTAL REQUIREMENTS		**433.81**	**$103,347,466**	**0.00**	**$160,319**	**0.00**	**$0**	**433.81**	**$103,507,785**

Exhibit B
Ordinance 08-1206
Schedule of Appropriations

	Current Appropriation	Strategy Center Revision	Non-Rep Study Revision	Revised Appropriation
GENERAL FUND				
Council Office	2,508,229	532,230	40,587	3,081,046
Finance & Administrative Services	5,489,506	0	0	5,489,506
Human Resources	1,737,211	0	0	1,737,211
Information Technology	2,808,244	0	0	2,808,244
Metro Auditor	651,286	0	0	651,286
Office of Metro Attorney	1,981,157	0	0	1,981,157
Oregon Zoo	26,677,562	0	0	26,677,562
Planning	24,768,035	(359,236)	0	24,408,799
Public Affairs & Government Relations	1,988,582	0	5,035	1,993,617
Regional Parks & Greenspaces	8,521,362	(95,460)	0	8,425,902
Special Appropriations	3,538,480	0	0	3,538,480
Former ORS 197.352 Claims & Judgments	100	0	0	100
Non-Departmental				
Debt Service	1,450,486	0	0	1,450,486
Interfund Transfers	5,165,928	0	0	5,165,928
Contingency	7,324,001	82,785	(45,622)	7,361,164
Unappropriated Balance	8,737,297	0	0	8,737,297
Total Fund Requirements	**$103,347,466**	**$160,319**	**$0**	**$103,507,785**

All other appropriations remain as previously adopted

NOTE: Current appropriation column assumes adoption of ordinance 08-1202 scheduled for Council consideration on 11/20/08

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1206 AMENDING THE FY 2008-09 BUDGET AND APPROPRIATIONS SCHEDULE CREATING THE STRATEGY CENTER, RECOGNIZING INTERGOVERNMENTAL REVENUE, AND PROVIDING APPROPRIATION FOR THE COUCIL OFFICE, AND DECLARING AN EMERGENCY

Date: November 25, 2008 Prepared by: Margo Norton
Kathy Rutkowski

BACKGROUND

This budget amendment proposes three distinct actions:

1. It recognizes shifts in appropriations related to the creation of the Strategy Center under the recent reorganization.
2. It adjusts appropriations where needed to implement the classification/compensation study for non-represented employees.
3. It recognizes new funding from the Oregon Department of Transportation to implement the intergovernmental agreement for staffing assistance to the Columbia River Crossing project.

Strategy Center

On October 1, 2008, Metro launched a major reorganization, the outcome of intensive planning occurring within the Sustainable Metro Initiative project. In the past Metro has introduced reporting changes during one budget year without changing appropriations units until a subsequent budget year. We will be following this for most of the SMI changes, particularly in the Sustainability Center and Parks and Environmental Services units where sufficient appropriations exist within the affected funds without making budgetary changes.

However, there is a need to recognize some elements of the Strategy Center creation at an appropriations level to accommodate changes in positions and funding mix. The proposed amendment moves staffing authorization and personal services appropriations from Planning (2.25 FTE) and Regional Parks (.75 FTE) to the Council Office, creates new positions and establishes appropriations. Elements of the strategy center which did not change funding mix or classifications will remain as presently appropriated until July 1.

Classification and Compensation Study

On October 1, 2008 Metro also implemented changes arising from the classification and compensation study of its non-represented employees. Metro employed a “least cost implementation” strategy, meaning that employees whose classification changed but whose salary remained within the range of the new classification did not receive an increase from the study. Employees whose current salary fell below the beginning salary of a newly assigned classification did receive an increase to the beginning of the range, referred to a “bringing to minimum.” The FY 2008-09 budget allocated 1.5 percent across all departments and funds to implement this study. At the Metro-wide level this “average” provides sufficient resource and appropriations to implement the study. However, in smaller departments which have a predominance of non-represented employees, notably the Council Office, the “average” 1.5% is insufficient. Exhibits A (detail) and B (summary) include a “Non-Rep Study Revision” column identifying changes for which an adjustment is needed. For example the general classification of Program Analyst II has been replaced by a unique Council Policy Coordinator classification, based on the comparative study, and employees have been brought to the new minimum. A small adjustment ($5,000) is needed in Public Affairs. Other larger departments have a mix of represented and non-represented employees and have been able to implement the study within the average 1.5 percent.

<u>New Columbia River Crossing Funding</u>

Metro has entered into an intergovernmental agreement with the Oregon Department of Transportation (ODOT) to lend expert staff assistance to the Columbia River Crossing. ODOT will reimburse Metro for staff expense (salary and benefits) and directly fund other project-related expense. Oregon Budget law allows Metro to recognize this additional revenue during the year in which it is received.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known.

2. **Legal Antecedents:** ORS 294.326(3) provides an exemption to Oregon Budget Law allowing for the expenditure in the year of receipt of grants, gifts and bequests received by a municipal corporation in trust for a specific purpose.

3. **Anticipated Effects:** The proposed budget amendment authorizes no additional positions (FTE neutral) and, at a summary level, increases the General Fund only by the recognition of grant revenue. The portion of contingency required by the implementation of the classification and compensation study ($46,000) is mitigated by the addition to contingency from the SMI changes ($83,000). This fulfills the agreement that the SMI changes would be cost neutral in the General Fund. We have implemented only those elements of the reorganization necessary for the operational requirements of FY 2008-09, using the existing organizational structure (departments). The full SMI reorganization (centers and services) will roll out in the FY 2009-10 budget.

4. **Budget Impacts:** This action recognizes approximately $160,000 in intergovernmental revenue from ODOT related to the Columbia River Crossing project, transfers appropriation from the Planning and Regional Parks Departments to create the Strategy Center implemented during the Sustainable Metro Initiative reorganization, and provides appropriation for the Council Office for implementation of the non-represented salary study.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 5.2

Ordinance No. 08-1207, For the Purpose of Annexing Lands on the North Edge of Wilsonville Road at its intersection with Willamette Way West to the Metro Jurisdictional Boundary.

Second Reading

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING LANDS ON THE NORTH EDGE OF WILSONVILLE RD. AT ITS INTER-SECTION WITH WILLAMETTE WAY WEST TO THE METRO JURISDICTIONAL BOUNDARY	)))))))))	ORDINANCE NO. 08-1207 Introduced by Michael Jordan, Chief Operating Officer with the Concurrence of Council President David Bragdon

WHEREAS, the duty and authority to review and approve annexations to the Metro jurisdictional boundary is granted to Metro pursuant to Oregon Revised Statute 268.354 (3) (c); and

WHEREAS, Metro received a complete petition from the property owners and registered voters of a certain tract of land depicted on the attached map and described in Exhibit A to this ordinance, requesting that their property be annexed to Metro; and

WHEREAS, Metro received written consent from a majority of the electors in the territory to be annexed and owners of more than half the land in the territory proposed to be annexed, as required by ORS 198.855 (3); and

WHEREAS, a report was prepared as required by law and Metro having considered the report and the testimony at the public hearing, does hereby favor annexation of the subject property based on the findings and reasons for decision attached hereto as Exhibit B; now therefore

THE METRO COUNCIL ORDAINS;

The territory described in Exhibit A and depicted on the attached map is hereby annexed to the Metro jurisdictional boundary.

ADOPTED by the Metro Council this _____ day of _______________ 2008.

____
David Bragdon, Council President

ATTEST: Approved as to Form

_________________________________ _______________________________________
Christina Billington, Recording Secretary Daniel Cooper, Metro Attorney

EXHIBIT 'A'

Legal Description

~~Urban Growth Boundary Expansion~~
Graham Oaks Nature Park

A tract of land situate in the northwest quarter of Section 22, Township 3 South, range 1 West, Willamette Meridian, being a portion of that certain tract of land described in Bargain and Sale Deed to Metropolitan Service District (Metro), recorded May 8, 2001 as Fee No. 2001-033484, Clackamas County Deed Records, more particularly described as follows:

Beginning at a point on the easterly line of said Metro property bearing South 33°05'31" East 706.64 feet from the northwest corner of that certain tract of land described in Statutory Warranty Deed to West Linn-Wilsonville School District, recorded November 29, 1999 as Fee No. 99-110481, Clackamas County Deed Records, thence continuing along said easterly line South 33°05'31" East 523.99 feet to a point on the centerline of re-aligned Wilsonville Road (County No. 1244) as shown on Survey No. SN2006-435, Clackamas County Survey Records; thence along said re-aligned centerline South 64°19'31" West 969.33 feet; thence leaving said centerline North 25°48'14" West 520.56 feet; thence North 64°23'08" East 902.86 feet to the **Point of Beginning**.

Containing 486,826 square feet (11.176 acres), more or less.

All as shown on Exhibit "B", attached hereto and by this reference made a part hereof.

Subject to covenants, conditions, reservations, restrictions, rights of way and easements of record, if any.

Prepared by me or under my direction on October 24, 2008.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

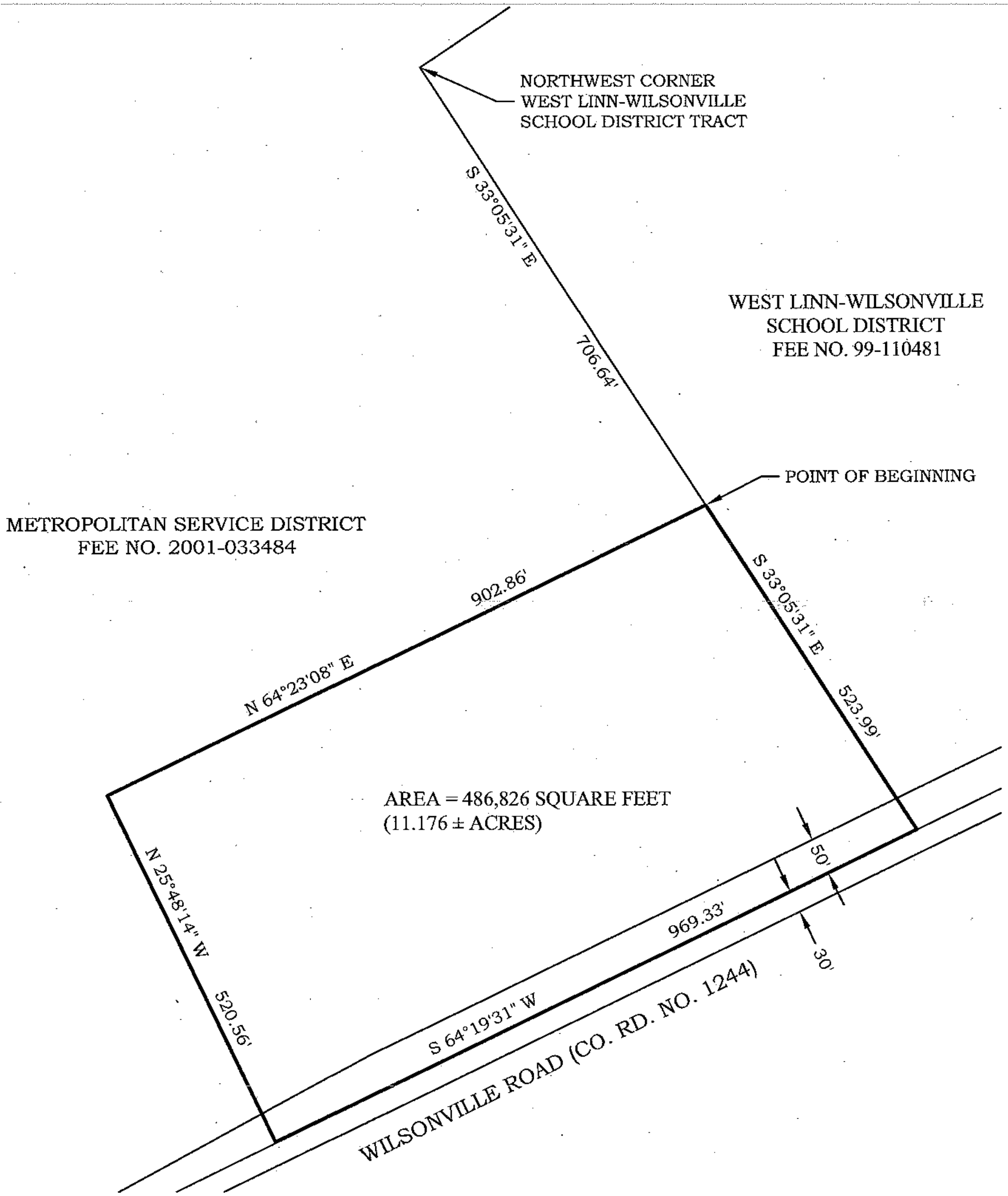
Danny M Denning

OREGON
JAN. 15, 2002
DANNY M. DENNING
#56640

EXPIRES: 12/31/09

Exhibit A
Ordinance No. 08-1207

EXHIBIT 'B'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



307272-UGB

kpff Consulting Engineers 111 S.W. Fifth Avenue Suite 2500 Portland, Oregon 97204 503-227-3251	URBAN GROWTH BOUNDARY EXPANSION METROPOLITAN SERVICE DISTRICT	DATE: 10/24/08 SCALE: 1"= 200' CONTOUR INTERVAL: NA
	NW QTR SECTION 22, T. 3S., R. 1W., W.M. CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON	PROJECT NO. 307272 SHEET: 1 OF 1

Ordinance No. 08-1207
Exhibit B

FINDINGS

1. The territory is located on the south edge of the District on the north edge Wilsonville Rd. at its intersection with Willamette Way West. The territory contains 11.117 acres and is vacant.

2. The applicant (Metro) proposes annexation in keeping with the District's earlier decision to include this area in the Urban Growth Boundary. The property is to be developed as part of a nature park with trails, a picnic shelter and restrooms. The balance of the proposed park's 250 acres is adjacent and outside the UGB. The subject site (the 11 acres) is also being annexed to the City of Wilsonville, making services available for the restrooms.

3. Oregon Revised Statute 198.850 (2) directs the Council to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

   A second set of criteria can be found in Chapter 3.09 of the Metro Code. That Code states:

   > (e) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions that demonstrate:
   >
   > 1. The affected territory lies within the UGB;
   > 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and
   > 3. The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS chapter 195.

   Additionally Metro Code 3.09.050 (b) requires issuance of a report that addresses:

   (1) The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
   (2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
   (3) The proposed effective date of the boundary change.

4. The area is currently being restored as a natural area with open savannah, scrub/shrub, wetland and forest area.

5. This territory abuts the Metro jurisdictional boundary on the south and east.

6. The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall " . . . *ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS 195."* ORS 197.015 says "Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components." The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

   There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan.

   The Urban Growth Management Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, <u>Interim Protection of Areas Brought into the Urban Growth Boundary</u>, concerns "annexations" of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include "provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services". By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB. This is to be accomplished through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development. The land is being annexed to a City which can provide adequate urban services.

   The Regional Transportation Plan was examined and found not to contain any directly applicable standards and criteria for boundary changes.

7. This area was added to the UGB by the Metro Council in October 2008.

8. The territory is in the process of being annexed to the City of Wilsonville. Because this area was only recently added to the Regional Urban Growth Boundary it was not included Urban Service Agreement adopted pursuant to ORS 195.

9. The territory is currently zoned EFU, Exclusive Farm Use by Clackamas County. This effectively prevents premature development prior to annexation to a city which can provide urban services in keeping with the requirements of Title 11, Section 307.1110.A of the Metro Code. The County Plan does not contain specific criteria for consideration of boundary changes.

10. The City of Wilsonville has an 8 inch water line in Wilsonville Road which can serve the site subsequent to City annexation. Following City annexation sewer service will be available through the School District property to the east. Storm drainage will be retained on site. Police, planning and other services will be available from the City upon annexation.

11. Metro provides a number of services on the regional level. Primary among these is regional land

use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site. Annexation to Metro does not effect withdrawal from any governmental entities.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Council concluded:

1. Oregon Revised Statutes 198 requires the Council to consider the local comprehensive plan when deciding a boundary change. The Council has reviewed the applicable comprehensive plan which is the Clackamas County Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.

2. Oregon Revised Statutes 198 also requires consideration of "any service agreement executed between a local government and the affected district." As noted in Finding No. 8 there is no Urban Service Agreement in effect for this area.

3. Metro Code 3.09.070 (e) (1) establishes inclusion of the territory within the Urban Growth Boundary as one criterion for any annexation subject to the Metro rules. The Council has made such a determination as noted in Finding No. 7. Therefore the Council finds this proposed annexation to be consistent with that criterion.

4. The final criterion to be considered under the Metro Code 3.09.120 (e) (2) is “The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services.” As noted in Finding 9 the territory is zoned EFU in the County which effectively prevents premature development. Additionally the property is in the process of being annexed to Wilsonville and as stated in Finding 10 the City has necessary urban services available. The Council concludes this criterion is met.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1207 FOR THE PURPOSE OF ANNEXING LANDS ON THE NORTH EDGE OF WILSONVILLE RD. AT ITS INTERSECTION WITH WILLAMETTE WAY WEST TO THE METRO JURISDICTIONAL BOUNDARY

Date: November 28, 2008 Prepared by: Ken Martin, Annexation Staff

SECTION I: APPLICATION SUMMARY

CASE:	AN-0308, Annexation To Metro Jurisdictional Boundary
APPLICANT:	Owners of 100% Land Area of One Property
PROPOSAL:	Annexation to the Metro boundary is being sought following the Metro Council's addition of the property to the Urban Growth Boundary in October, 2008.
LOCATION:	The territory is located on the south edge of the District on the north edge Wilsonville Rd. at its intersection with Willamette Way West (See Figure 1).
PLAN/ZONING	Clackamas County EFU – Exclusive Farm Use.
APPLICABLE REVIEW CRITERIA:	ORS Chapter 198, Metro Code 3.09

SECTION II: STAFF RECOMMENDATION

Staff recommends adoption of Ordinance No. 08-1207 approving Boundary Change Proposal No. AN-0308, annexation to Metro.

SECTION III: BACKGROUND INFORMATION

Initiation: Proposal No. AN-0308 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition).

Site Information: The territory is located on the south edge of the District on the north edge Wilsonville Rd. at its intersection with Willamette Way West. The territory contains 11.176 acres and is vacant.

REASON FOR ANNEXATION

The applicant (Metro) proposes annexation in keeping with the District's earlier decision to include this area in the Urban Growth Boundary. The property is to be developed as part of a nature park with trails, a picnic shelter and restrooms. The balance of the proposed park's 250 acres is adjacent and outside the UGB. The subject site (the 11 acres) is also being annexed to the City of Wilsonville, making services available for the restrooms.

CRITERIA

Oregon Revised Statute 198.850 (2) directs the Council to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

A second set of criteria can be found in Chapter 3.09 of the Metro Code. That Code states:

> (e) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions that demonstrate:
>
> 1. The affected territory lies within the UGB;
> 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and
> 3. The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS chapter 195.

Additionally Metro Code 3.09.050 (b) requires issuance of a report that addresses:

> (1) The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
> (2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
> (3) The proposed effective date of the boundary change."

LAND USE PLANNING

SITE CHARACTERISTICS

The area is currently being restored as a natural area with open savannah, scrub/shrub, wetland and forest area.

REGIONAL PLANNING

This territory abuts the Metro jurisdictional boundary on the south and east.

<u>Regional Framework Plan</u>

The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall " . . . *ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and* *cooperative agreements and urban service agreements adopted pursuant to ORS 195."* ORS 197.015 says "Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components." The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, <u>Interim Protection of Areas Brought into the Urban Growth Boundary</u>, concerns "annexations" of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include "provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services". By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB. This is to be accomplished through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development. The land is being annexed to a City which can provide adequate urban services.

The Regional Transportation Plan was examined and found not to contain any directly applicable standards and criteria for boundary changes.

<u>Urban Growth Boundary Change</u>

This area was added to the UGB by the Metro Council in October 2008.

CITY PLANNING

The territory is in the process of being annexed to the City of Wilsonville. Because this area was only recently added to the Regional Urban Growth Boundary it was not included Urban Service Agreement adopted pursuant to ORS 195.

COUNTY PLANNING

The territory is currently zoned EFU, Exclusive Farm Use by Clackamas County. This effectively prevents premature development prior to annexation to a city which can provide urban services in keeping with the requirements of Title 11, Section 307.1110.A of the Metro Code. The County Plan does not contain any specific criteria for consideration of boundary changes.

FACILITIES AND SERVICES

<u>Public Services</u>. The City of Wilsonville has an 8 inch water line in Wilsonville Road which can serve the site subsequent to City annexation. Following City annexation sewer service will be available through the School District property to the east. Storm drainage will be retained on site. Police, planning and other services will be available from the City upon annexation.

<u>Metro Services</u>. Metro provides a number of services on the regional level. Primary among these is regional land

use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site. Annexation to Metro does not effect withdrawal from any governmental entities.

SECTION IV: ANALYSIS/INFORMATION

1. **Known Opposition -** There is no known opposition to this annexation. No one has contacted staff on this matter despite extensive notification which included posting and publishing of notices and notices to surrounding property owners.
2. **Legal Antecedents -** This annexation is a follow-up to the UGB change passed by the Council in October of this year. The annexation is being processed under provisions of ORS 198 and Metro Code 3.09.
3. **Anticipated Effects -** No significant effect is anticipated. The property will be developed as a nature park in conjunction with adjacent property outside the Urban Growth Boundary.
4. **Budget Impacts -** None

SECTION V: SUMMARY AND RECOMMENDATION

This petition seeks to annex approximately 11.176 acres of land into the Metro Jurisdictional boundary as part of the development of a large nature park. Based on the study above and the proposed Findings and Reasons For Decision found in Attachment 1, the staff recommends that Proposed Annexation No. AN-0308 be ***approved***. This approval should be implemented by adoption of Ordinance No. 08-1207 (attached).

AN-03-08

Ordinance No. 08-1207
Figure 1
Dec.9,2008

3S1W22 | Annexation to Metro Boundary | Clackamas Co.

METRO

Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.metro-region.org/drc

Area to be Annexed
Metro boundary

Figure 1
1:8,000

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

KMC

FINDINGS

Based on the study and the public hearing, the Council found:

1. The territory is located on the south edge of the District on the north edge Wilsonville Rd. at its intersection with Willamette Way West. The territory contains 11.176 acres and is vacant.

2. The applicant (Metro) proposes annexation in keeping with the District's earlier decision to include this area in the Urban Growth Boundary. The property is to be developed as part of a nature park with trails, a picnic shelter and restrooms. The balance of the proposed park's 250 acres is adjacent and outside the UGB. The subject site (the 11 acres) is also being annexed to the City of Wilsonville, making services available for the restrooms.

3. Oregon Revised Statute 198.850 (2) directs the Council to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

   A second set of criteria can be found in Chapter 3.09 of the Metro Code. That Code states:

   > (e) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions that demonstrate:

   1. The affected territory lies within the UGB;
   2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and
   3. The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS chapter 195.

   Additionally Metro Code 3.09.050 (b) requires issuance of a report that addresses:

   (1) The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
   (2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
   (3) The proposed effective date of the boundary change.

4. The area is currently being restored as a natural area with open savannah, scrub/shrub, wetland and forest area.

5. This territory abuts the Metro jurisdictional boundary on the south and east.

6. The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall " . . . *ensure that a boundary change is in compliance with the Metro regional framework*

plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS 195." ORS 197.015 says "Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components." The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns "annexations" of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include "provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services". By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB. This is to be accomplished through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development. The land is being annexed to a City which can provide adequate urban services.

The Regional Transportation Plan was examined and found not to contain any directly applicable standards and criteria for boundary changes.

7. This area was added to the UGB by the Metro Council in October 2008.

8. The territory is in the process of being annexed to the City of Wilsonville. Because this area was only recently added to the Regional Urban Growth Boundary it was not included Urban Service Agreement adopted pursuant to ORS 195.

9. The territory is currently zoned EFU, Exclusive Farm Use by Clackamas County. This effectively prevents premature development prior to annexation to a city which can provide urban services in keeping with the requirements of Title 11, Section 307.1110.A of the Metro Code. The County Plan does not contain specific criteria for consideration of boundary changes.

10. The City of Wilsonville has an 8 inch water line in Wilsonville Road which can serve the site subsequent to City annexation. Following City annexation sewer service will be available through the School District property to the east. Storm drainage will be retained on site. Police, planning and other services will be available from the City upon annexation.

11. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site. Annexation to Metro does not effect withdrawal from any governmental entities.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Council concluded:

1. Oregon Revised Statutes 198 requires the Council to consider the local comprehensive plan when deciding a boundary change. The Council has reviewed the applicable comprehensive plan which is the Clackamas County Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.

2. Oregon Revised Statutes 198 also requires consideration of "any service agreement executed between a local government and the affected district." As noted in Finding No. 8 there is no Urban Service Agreement in effect for this area.

3. Metro Code 3.09.070 (e) (1) establishes inclusion of the territory within the Urban Growth Boundary as one criterion for any annexation subject to the Metro rules. The Council has made such a determination as noted in Finding No. 7. Therefore the Council finds this proposed annexation to be consistent with that criterion.

4. The final criterion to be considered under the Metro Code 3.09.120 (e) (2) is “The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services.” As noted in Finding 9 the territory is zoned EFU in the County which effectively prevents premature development. Additionally the property is in the process of being annexed to Wilsonville and as stated in Finding 10 the City has necessary urban services available. The Council concludes this criterion is met.

Agenda Item Number 5.3

Ordinance No. 08-1208, Amending the FY 2008-09 Budget and Appropriations Schedule by Transferring Appropriations from Contingency to the Office of the Metro Attorney, adding 0.5 FTE Legal Secretary and Declaring an Emergency.

Second Reading

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2008-09 BUDGET AND APPROPRIATIONS SCHEDULE BY TRANSFERRING APPROPRIATIONS FROM CONTINGENCY TO THE OFFICE OF METRO ATTORNEY, ADDING 0.5 FTE LEGAL SECRETARY AND DECLARING AN EMERGENCY	))))))	ORDINANCE NO. 08-1208 Introduced by Michael Jordan, Chief Operating Officer, with the concurrence of Council President David Bragdon

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2008-09 Budget; and

WHEREAS, the need for the increase 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 2008-09 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 amending the General Fund.

2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _______ day of _________ 2008.

____
David Bragdon, Council President

Attest:

____
Christina Billington, Recording Secretary

Approved as to Form:

____
Daniel B. Cooper, Metro Attorney

Exhibit A
Ordinance No. 08-1208

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Revision FTE	Revision Amount	Amended Budget FTE	Amended Budget Amount
	General Fund						
	Office of Metro Attorney						
	Personal Services						
SALWGE	*Salaries & Wages*						
5010	Reg Employees-Full Time-Exempt						
	Deputy Metro Attorney	1.00	116,846	-	0	1.00	116,846
	Legal Counsel II	7.00	740,004	-	0	7.00	740,004
	Metro Attorney	1.00	155,396	-	0	1.00	155,396
5015	Reg Empl-Full Time-Non-Exempt						
	Administrative Assistant III	1.00	40,997	-	0	1.00	40,997
	Legal Secretary	2.00	104,250	1.00	34,882	3.00	139,132
	Paralegal II	2.00	115,960	-	0	2.00	115,960
5020	Reg Emp-Part Time-Exempt						
	Legal Counsel II	0.50	56,703	-	0	0.50	56,703
5025	Reg Employees-Part Time-Non-Exempt						
	Legal Secretary	0.50	23,722	(0.50)	(23,722)	-	0
5080	Overtime		7,500		0		7,500
5089	Salary Adjustments						
	Merit Adjustment Pool (non-represented)		20,308		0		20,308
	Other Adjustments (non-represented)		20,308		0		20,308
	Other Adjustments (Class & Comp Study)		20,308		0		20,308
FRINGE	*Fringe Benefits*						
5100	Fringe Benefits						
	Base Fringe (variable & fixed)		453,877		4,942		458,819
5190	PERS Bond Recovery		45,514		357		45,871
	Total Personal Services	**15.00**	**$1,921,693**	**0.50**	**$16,459**	**15.50**	**$1,938,152**
	Total Materials & Services		**$59,464**		**$0**		**$59,464**
TOTAL REQUIREMENTS		**15.00**	**$1,981,157**	**0.50**	**$16,459**	**15.50**	**$1,997,616**

The current budget column is the FY 2008-09 adopted budget and does not include amendments made after 7/1/08

Exhibit A
Ordinance No. 08-1208

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Revision FTE	Revision Amount	Amended Budget FTE	Amended Budget Amount
	General Fund						

General Expenditures

ACCT	DESCRIPTION	Current Budget FTE	Current Budget Amount	Revision FTE	Revision Amount	Amended Budget FTE	Amended Budget Amount
	Total Interfund Transfers		**$5,050,928**		**$0**		**$5,050,928**
	Contingency & Unappropriated Balance						
CONT	*Contingency*						
5999	Contingency						
	* Contingency		3,152,085		(16,459)		3,135,626
	* Opportunity Account		100,000		0		100,000
	* Reserved for Future Planning Needs		351,000		0		351,000
	* Reserved for Future Election Costs		290,000		0		290,000
	* Reserved for Nature in Neighorbhood Grants		250,000		0		250,000
	* Reserved for Reg. Afford. Housing Revolving Fun		1,000,000		0		1,000,000
	* Reserved for Metro Regional Center Remodel		378,000		0		378,000
	* Reserved for Diesel Retrofit matching grants		400,000		0		400,000
	* Recovery Rate Stabilization reserve		1,771,867		0		1,771,867
UNAPP	*Unappropriated Fund Balance*						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,320,000		0		2,320,000
	* Reserve for Future Natural Areas Operations		1,023,070		0		1,023,070
	* PERS Reserve		2,782,174		0		2,782,174
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		201		0		201
	* Reserve for Future Debt Service		2,521,852		0		2,521,852
	Total Contingency & Unappropriated Balance		**$16,430,249**		**($16,459)**		**$16,413,790**
TOTAL REQUIREMENTS		**433.15**	**$103,347,466**	**0.50**	**$0**	**433.65**	**$103,347,466**

The current budget column is the FY 2008-09 adopted budget and does not include amendments made after 7/1/08

Exhibit B
Ordinance 08-1208
Schedule of Appropriations

	Current Appropriation	Revision	Revised Appropriation
GENERAL FUND			
Council Office	2,254,278	0	2,254,278
Finance & Administrative Services	5,489,506	0	5,489,506
Human Resources	1,737,211	0	1,737,211
Information Technology	2,808,244	0	2,808,244
Metro Auditor	651,286	0	651,286
Office of Metro Attorney	1,981,157	16,459	1,997,616
Oregon Zoo	26,677,562	0	26,677,562
Planning	24,768,035	0	24,768,035
Public Affairs & Government Relations	1,988,582	0	1,988,582
Regional Parks & Greenspaces	8,521,362	0	8,521,362
Special Appropriations	3,538,480	0	3,538,480
Former ORS 197.352 Claims & Judgments	100	0	100
Non-Departmental			
Debt Service	1,450,486	0	1,450,486
Interfund Transfers	5,050,928	0	5,050,928
Contingency	7,692,952	(16,459)	7,676,493
Unappropriated Balance	8,737,297	0	8,737,297
Total Fund Requirements	**$103,347,466**	**$0**	**$103,347,466**

The current appropriation column reflects the FY 2008-09 adopted budget and does not include amendments made after 7/1/08

All other appropriations remain as previously adopted.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1208, AMENDING THE FY 2008-09 BUDGET AND APPROPRIATIONS SCHEDULE BY TRANSFERRING APPROPRIATIONS FROM CONTINGENCY TO THE OFFICE OF METRO ATTORNEY, ADDING 0.5 FTE LEGAL SECRETARY AND DECLARING AN EMERGENCY

Date: November 24, 2008

Prepared by: Ann Wawrukiewicz,
Alison Kean Campbell

BACKGROUND

This action requests amended appropriation authority in the Office of Metro Attorney (OMA) for the addition of a 0.5 FTE Legal Secretary.

Over the last several years, the legal work requested by Metro staff and Metro Council of the Office of Metro Attorney has increased in response to various bond measures, increased solid waste enforcement and new planning staff. Several attorneys have been added, but OMA has not similarly increased administrative FTE in response to this increased workload. In 2006 a 0.5 FTE Legal Secretary left Metro and the position was never filled, and in fall 2008 another 0.5 FTE Legal Secretary left Metro, which position has not yet been refilled in hopes that the position could be filled at a full 1.0 FTE. Currently attorneys without support of a legal secretary are performing this work themselves, at a much higher cost per hour to Metro. An outside consultant has recommended that this position be filled as a full-time legal secretary rather than at a half-time position.

A three year fiscal impact analysis is included below.

Request **General Fund Contingency** **$16,459**

Three Year Fiscal Impact				
Budget Category	2008/09	2009/10	2010/11	Total
Wages	11,160	23,436	24,608	59,204
Variable Fringe	2,332	4,898	5,143	12,373
Fixed Fringe	2,610	5,741	5,741	14,091
PERS Bond	357	750	787	1,894
Total	16,459	34,825	36,279	87,563

ANALYSIS/INFORMATION

1. **Known Opposition:** None known.

2. **Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.

3. **Anticipated Effects:** This action provides the necessary resources to provide legal secretary support reflecting the increased attorney staffing and workload in OMA.

4. **Budget Impacts**: This action increases the personal services appropriations in OMA and decreases contingency in the General Fund by $16,459. Total additional expenditures in years two and three of this project, are anticipated to be $71,104.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 6.1

Resolution No. 08-4003, For the Purpose of Endorsing Final Regional Priorities for 2009 State Transportation Funding Legislation.

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING FINAL REGIONAL PRIORITIES FOR 2009 STATE TRANSPORTATION FUNDING LEGISLATION	))))	RESOLUTION NO. 08-4003 Introduced by Councilor Rex Burkholder

WHEREAS, an efficient and adequately funded transportation system is critical to ensuring a healthy economy and livable communities throughout the state of Oregon; and

WHEREAS, the Portland metropolitan region has become a national model for how strategic transportation investments combined with regional land use planning can improve community livability and environmental quality while supporting a strong economy; and

WHEREAS, despite the important investments that have been made possible since 2001 by three Oregon Transportation Improvement Acts and two “ConnectOregon” multimodal packages, the state and the Portland region remain several billion dollars short of what is needed to adequately address essential transportation needs over the next 20 years; and

WHEREAS, investments in maintaining and expanding transportation facilities in the Portland region are especially critical in light of the fact that the region’s population is expected to grow by approximately one million people; and

WHEREAS, freight volumes are expected to increase even more quickly than population over that same time period; and

WHEREAS, additional funding to address these transportation needs will create or sustain thousands of jobs and help stimulate the economy of the region and the state; and

WHEREAS, it is critical that we plan and fund the region’s transportation system in such a way as to confront the challenge posed by global climate change; and

WHEREAS, it is in the interest of local governments inside Metro to jointly seek additional transportation funding from the 2009 Oregon Legislature; and

WHEREAS, passage of a transportation funding package will be a top legislative priority in 2009; and

WHEREAS, the report of the Governor’s Transportation Vision Committee recommends significant increases in funding for both roads and multimodal investments, as well as several other short- and long-range reforms to Oregon’s system of transportation funding, investment, and governance; and

WHEREAS, Governor Kulongoski released his proposed transportation package on November 10, 2008; and

WHEREAS, that proposed package calls for $499 million annually in new revenues for roads and highways, a new “ConnectOregon” package calling for $150 million in multimodal projects, the creation of a dedicated account for funding non-highway investments, new tools for addressing transit operating costs, eventual dedication of 15% of lottery funds to multimodal transportation, and several reforms aimed at improving transportation governance and addressing the climate impacts of transportation; and

WHEREAS, by Resolution No. 08-3921, the Metro Council adopted "Metropolitan Region Principles for a Legislative Transportation Funding Package in 2009," on March 13, 2008; and

WHEREAS, the priorities for funding established by this resolution are consistent with those principles; and

WHEREAS, by Resolution No. 08-3956, the Metro Council adopted "Portland Metropolitan Region Transportation Priorities for the 2009 Oregon Legislature," on June 26, 2008; and

WHEREAS, this resolution incorporates modifications and additions to the priorities adopted in Resolution 08-3956; now, therefore,

BE IT RESOLVED:

1. That the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT) endorse transportation funding priorities for the 2009 legislative session as reflected in Exhibit A to this resolution; and

2. That the Metro Council and JPACT support the proposed package proposed by Governor Kulongoski, which reflects a balance between roads and multimodal investments; and

3. That the JPACT chair shall establish a legislative working group to advocate for the region's transportation priorities during the 2009 legislative session.

ADOPTED by the Metro Council this _____ day of December 2008.

____
David Bragdon, Council President

Approved as to Form:

____
Daniel B. Cooper, Metro Attorney

Portland Metropolitan Region Transportation Priorities for the 2009 Oregon Legislature

Policy

Do No Harm: Do not enact preemptions of local government revenue-raising authority. The transportation funding challenge will require new funding commitments at all levels of government.

50-30-20 Funding Distribution: Protect the established state funding formula to ensure distribution of new state-wide transportation resources as follows: 50 percent to the state, 30 percent to counties, and 20 percent to cities ("50-30-20"). Any legislative discussions about changing the state funding formula should ensure that the Portland region and other metropolitan regions receive equitable funding based on their contributions to state revenues and the statewide benefit of investments in the regions.

Protect Existing Assets: Oregon should protect its billions of dollars of existing transportation assets by prioritizing maintenance and preservation. New state modernization projects should be funded from the state's 50% share of new resources.

Least-Cost Decision Making: When addressing system capacity needs, Oregon should first consider transportation demand management, system management and operations strategies.

Expand Local Options: Increase local government revenue-raising options and remove existing restrictions on local transportation revenue authority.

Remove Willamette Bridge Tolling Restrictions: Eliminate existing statutory restrictions on local authority to establish tolls on Willamette River bridges in the region.

Establish More Sustainable Funding: With per-capita gas tax revenues in decline, Oregon should continue efforts to establish use-based transportation revenue from sources such as congestion pricing, tolls, and/or vehicle-miles-traveled fees, while maintaining cost responsibility between light vehicles and trucks.

Jurisdictional Transfers: The state should work in partnership with local jurisdictions by supporting the transfer of state-owned district highways that define arterial or multi-modal corridors, including road rehabilitation and permanent funding for maintenance.

New Revenues

Road Maintenance and Construction: New state investments in our road system are desperately required to address backlogged maintenance, critical safety and freight mobility projects, demand management, and bike/pedestrian projects. The equivalent of a 12-cent gas tax increase merely returns the buying power of the fuel tax to 1993 levels. Oregon should increase annual funding for the state's roads and highways by at least $550 million, using a variety of revenues sources, such as gas taxes, registration and titling fees, and indexing of taxes and fees to stay ahead of inflation.

Invest in Transit: Devote new resources (including new lottery funds) to expanding bus, light rail, commuter rail, streetcar, and other public transit services and facilities that support the state's CO_2 emissions reduction goals and efficient land use.

- **New Commitment to Transit**: Identify new, ongoing state funding to support transit.
- **Flexible Funds**: Instruct ODOT to use more flexible federal funds for public transit.
- **Elderly and disabled transit**: Increase funding for the state's Elderly & Disabled transit program.

- **Transit Oriented Development (TOD)**: Leverage private development and maximize the value of transit investments by supporting local TOD projects.

Invest in Non-Motorized Transportation: Oregon should create a comprehensive state investment program to support the acquisition, construction, and maintenance of urban, suburban and intercity trails and other non-motorized transportation corridors, both within and outside the road right-of-way.

ConnectOregon III: The state's successful multi-modal investment program should be continued with a third round of funding for air, rail, marine and public transit projects.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-4003, FOR THE PURPOSE OF ENDORSING FINAL REGIONAL PRIORITIES FOR 2009 STATE TRANSPORTATION FUNDING LEGISLATION

Date: December 4, 2008 Prepared by: Randy Tucker

BACKGROUND

An efficient and adequately funded transportation system is critical to ensuring a healthy economy and livable communities throughout our state. The capital investments that have been made possible by Oregon Transportation Investment Acts (OTIA) I, II and III (2001, 2002, and 2003) and by the *ConnectOregon I and II* packages (2005 and 2007) will help Oregon respond to important economic opportunities. However, years of stagnation in transportation funding prior to 2001 mean that a significant backlog of important projects remains unfunded; moreover, the recent packages failed to address in a meaningful way the impacts of growth or the urgent need for funds to maintain and repair city, county and state roads.

This is certainly true in the Portland metropolitan region, where rapid growth has outstripped the capacity of the region to respond. Critical investments are needed in order to support both new and existing industrial and residential areas. Moreover, inadequate funding has limited the ability of the state and local governments statewide to maintain existing roads. Failing to repair roads in a timely manner ends up costing more in the long run.

The threat of climate change and volatility in fuel prices pose additional challenges. State greenhouse gas (GHG) emissions reduction goals adopted by the 2007 Legislature will force new thinking on transportation investments, given that the transportation system creates 34 percent of Oregon's GHG emissions. In addition, wildly fluctuating gasoline prices and the likelihood of long-term price increases have caused shifts in commuting patterns, increasing transit ridership and creating renewed demand for light rail and bus transit investments as transit system capacity is increasingly pushed to the limit. The same forces have increased demand for bicycle and pedestrian facilities, both in and outside of the road right of way.

Provisions of Resolution 08-4003: This resolution is an updated version of Resolution 08-3956, which was passed in June. It includes refinements to the priorities for a state transportation package that were adopted at that time as well as acknowledgement of Governor Kulongoski's proposed package (see below). Notable changes from Resolution 08-3956:

- Addition of language declaring that future changes in the state funding formula should reflect the contribution of the Portland region and other metropolitan regions to state revenues and the statewide economic benefits of investments in metropolitan regions
- Addition of language supporting "least-cost decision making" that prioritizes transportation demand management and system management and operations strategies as the first step in addressing capacity needs
- Replacement of language calling for removal of the requirement that counties approve registration fee increases in neighboring counties with language calling for the removal of restrictions on local revenue-raising

- Deletion of specific state revenue proposals in favor of an overall target
- Addition of language calling for investment in non-motorized transportation
- Addition of "be it resolved" language supporting Governor Kulongoski's proposal
- Addition of "be it resolved" language establishing a legislative working group to advocate for the region's priorities

Governor's Proposed Package: In response to the state of affairs described above, Governor Kulongoski appointed several committees to develop a proposal on transportation funding for consideration by the 2009 Oregon Legislature. Many local and regional officials participated in these conversations. The Governor's Transportation Vision Committee issued a wide-ranging report in early November, and on November 10 the Governor released his recommended package, the "2009 Jobs and Transportation Act," or JTA.

The JTA incorporates most of the recommendations of the Vision Committee's report. Briefly, it proposes:

- $499 million/year in revenue increases for Oregon's road system
- the creation of a dedicated fund for non-highway transportation investments, to be funded initially using $44 million/year in flexible federal transportation funds, and in the future by allocating the equivalent of 15% of lottery dollars to this fund
- $150 million in lottery dollars for a third round of the "ConnectOregon" multimodal investment program

See page 4 for a more detailed summary of the JTA.

Discussion: Metro staff, along with staff of local governments in the region, believes the Governor's proposal is largely consistent with a set of regional priorities embodied in Metro Council Resolution No. 08-3956, which was approved in June by JPACT and adopted by the Metro Council to guide the region's advocacy of a 2009 legislative transportation package.

Some concerns remain:

- While the JTA identifies specific and dedicated funding sources to support investments in roads, the same is not true for transit and other non-road investments. The two main non-road funding sources identified in the JTA are lottery dollars and $44 million in flexible federal funds that are currently being used for roads.[1] While the Governor proposes to dedicate 15% of lottery dollars to non-highway transportation, that is a long-range goal that, according to the bill drafting instructions from the Governor's office, "cannot be achieved within the constraints on the 2009-2011 budget." The only "solid" lottery-funded element in the package is ConnectOregon III. Without lottery dollars, the package will not come close to achieving the recommendation of the Vision Committee that multimodal investments in a 2009 package should equal 20% of new road revenues.
- The proposal excludes bicycle and pedestrian facilities from the definition of "non-highway transportation infrastructure" eligible to receive monies from the dedicated non-highway fund. This decision directly conflicts with the recommendations of the Vision Committee. Much effort has gone into developing an integrated mobility strategy for the region that incorporates substantial

[1] Other proposed multimodal funding sources include an unspecified increase in funding for transportation options (probably from the general fund) and an increase in the statutory cap on local payroll taxes to fund public transit.

investments in non-motorized transportation facilities that are not in the road right-of-way (trails, paths, dedicated bikeways, etc.). Failing to make these facilities eligible for “non-highway” state dollars (mainly lottery dollars and flexible federal funds, as noted above) cuts these efforts off from the only sources of substantial state transportation funding.

- The proposal calls for a cigarette tax increase to raise $5 million for elderly and disabled transit. This falls short of the $10-20 million recommended by the Governor’s Vision Committee.

Issues to consider:

- The draft resolution recommends supporting the Governor’s proposal. Other options include (a) simply endorsing the priorities reflected in Exhibit A or (b) supporting the Governor’s proposal with caveats (e.g., related to the concerns listed above).
- Even a very substantial state package is unlikely to address all of the region’s transportation needs. The region will need to supplement any increases in state funding with regional resources, probably through a ballot measure.
- Regional lobby staff have recommended a broad advocacy effort in support of a state package that reflects the region’s priorities.

ANALYSIS/INFORMATION

1. **Known Opposition:** None (to this resolution). Possible opposition to the legislative package could be based on either concern about tax increases (because it involves new revenues, the package would require three-fifths majorities of both houses) or concern that the package is not sufficiently balanced between roads and multimodal investments.

2. **Legal Antecedents:**
    - Article IX, Section 3a of the Oregon Constitution (limits the use of vehicle-related revenues to road-related expenditures)
    - Oregon Transportation Investment Acts I, II, and III (HB 2142, 2001; HB 4010, 2002; HB 2041, 2003)
    - ConnectOregon I and II multimodal investment packages (SB 71, 2005; HB 2278, 2007)
    - Metro Council Resolution No. 04-3498, For the purpose of endorsing regional priorities for a state transportation funding package; Resolution No. 07-3764, For the purpose of endorsing regional priorities for state transportation funding legislation; Resolution No. 08-3921, For the purpose of endorsing regional priorities for state transportation funding legislation; Resolution No. 08-3956, For the purpose of endorsing regional priorities for state transportation funding legislation

3. **Anticipated Effects:** The proposed resolution establishes policy guidelines for the region’s advocacy efforts related to transportation in the 2009 Oregon Legislature.

4. **Budget Impacts:** No direct impacts. Local and regional governments will dedicate existing staff to advocacy and may incur expenses related to communications products supporting this effort.

RECOMMENDED ACTION

Staff recommends adoption of Resolution 08-4003.

Selected highlights of Governor Kulongoski's 2009 "Jobs and Transportation Act"

Roads and highways

- $499 million/year in new funding for roads
  - 2-cent/gallon gas tax increase, from 24 cents to 26 cents (described as "a temporary two-cent gas tax increase to provide the short-term revenue needed to adequately fund Oregon's transportation system as the state identifies long-term solutions for sustainable funding")
  - Registration fee increase from $27/year to $81/year
  - Title fee increase from $55/year to $110/year
  - New $100 first-time title fee – $50 rebate for fuel-efficient vehicles
- $44 million in federal flexible funds shifted from roads to multimodal investments; this amount is backfilled with new road funding
- 50-30-20 distribution of remaining $455 million (state: $227.5 million; counties: $136.5 million; cities: $91 million)
- Selected elements funded with state's share:
  - $50 million bonded to generate $600 million in one-time proceeds to relieve freight bottlenecks
  - $50 million/year for modernization (not bonded)
  - $97 million/year for maintenance, preservation, operations
  - $15 million for Columbia River Crossing

Multimodal investments

- $150 million for ConnectOregon III (funded by bonding against $12.6 million/year in lottery funds)
- $5 million for elderly/disabled transit from 2.5-cent/pack cigarette tax increase
- $44 million in flexible funds dedicated to unspecified multimodal investments (apparently including support for MPO efforts to reduce VMT; see below)
- Support and expand the Transportation Options program
- Create "a fund statutorily dedicated to investments in Oregon's non-highway transportation needs"
- Allocate an amount equal to 15% of lottery revenues to non-highway transportation (a goal, not expected to be achieved in 2009-2011 budget)

Other

- Continue work of Road User Fee Task Force
- Extend tax credits for "pay as you drive" auto insurance
- Seek partner for congestion pricing pilot project
- Create a Transportation Utility Commission (scope initially limited to startup activities)
- Develop a least-cost planning model
- Support the work of MPOs to design VMT reduction plans
- Increase from 1% to 1.5% of road funds for bikes
- Increase in cap on local payroll taxes to fund transit

Not specified

- Funding for bike/ped facilities not in the road right of way (trails, etc.)

Agenda Item Number 6.2

Resolution No. 08-4006, For the Purpose of Terminating the Designated Facility Agreement Entered into Between Metro and Roosevelt Regional Landfill Facility.

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF TERMINATING THE DESIGNATED FACILITY AGREEMENT ENTERED INTO BETWEEN METRO AND ROOSEVELT REGIONAL LANDFILL	)))))	RESOLUTION NO. 08-4006 Introduced by Chief Operating Officer Michael J. Jordan, with the concurrence of Council President David Bragdon

WHEREAS, Roosevelt Regional Landfill ("Roosevelt") is a designated facility of the Metro Solid Waste Flow Control system pursuant to Metro Code 5.05.030;

WHEREAS, in April 1993, Metro entered into a designated facility agreement ("Agreement") with Roosevelt (Metro Contract No. 902861);

WHEREAS, the Metro Council may terminate the Agreement for good cause or a substantial change of circumstances upon passage of a resolution specifying the action taken and the effective date;

WHEREAS, the Metro Code provides that no later than November 1, 2008, the Chief Operating Officer ("COO") and Roosevelt shall establish a modified designated facility agreement ("Modified Agreement") that ensures substantial compliance with the Metro Code;

WHEREAS, the COO and Roosevelt established a Modified Agreement by November 1, 2008;

WHEREAS, the Modified Agreement between Metro and Roosevelt supersedes the Agreement and constitutes good cause for termination of the Agreement; and

WHEREAS, the Metro Council provided Roosevelt with reasonable notice and an opportunity to be heard before taking action; now therefore

BE IT RESOLVED that the Metro Council terminates the Agreement with Roosevelt effective December 31, 2008.

ADOPTED by the Metro Council this _________ day of _____________ 2008.

____
David Bragdon, Council President

Approved as to Form:

____
Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-4006, FOR THE PURPOSE OF TERMINATING THE DESIGNATED FACILITY AGREEMENT ENTERED INTO BETWEEN METRO AND ROOSEVELT REGIONAL LANDFILL

Date: December 2, 2008 Prepared by: Bill Metzler

The proposed Resolution, if approved by Council, will terminate the existing designated facility agreement for the Roosevelt Regional Landfill ("RRL") on December 31, 2008 because the modified designated facility agreement, effective January 1, 2009, supercedes the existing agreement.

BACKGROUND

The Metro Code describes the designated facilities of the system.[1] RRL is located outside the Metro Region in Klickitat County, Washington and is owned by Allied Waste Services ("AWS") and has been a designated facility of the system since 1993.[2] Metro and AWS have entered into a designated facility agreement ("DFA") in which RRL receives certain types of solid waste generated in the Metro Region and agrees to collect and remit Regional System Fee and Excise Tax on that waste.[3]

In 2007, the Metro Council amended the Metro Code to require existing designated facilities, including RRL, to notify Metro of its intent to seek an agreement to recover non-putrescible waste from the Region or to take only processed non-putrescible waste from authorized facilities. The Chief Operating Officer ("COO") must modify existing DFAs to ensure substantial compliance with these requirements by December 31, 2008. If the COO and a designated facility were unable to reach an agreement by November 1, 2008, the COO must terminate the existing DFA no later than December 31, 2008.[4]

In April 2008, AWS certified its intent that RRL would accept only processed non-putrescible waste from the Metro Region in accordance with the Metro Code. By November 1, 2008, the COO and AWS agreed to modify the existing DFA for RRL to ensure substantial compliance with the Enhanced Dry Waste Recovery Program ("EDWRP") code requirements. The new DFA (Metro Contract No. 928986) for RRL will be effective on January 1, 2009. Therefore, the existing DFA (Metro Contract No. 902861) between Metro and RRL must be terminated because it is no longer valid.

Under the terms of the existing RRL DFA (Metro Contract No. 902861), the Metro Council may terminate the agreement by passage of a resolution specifying the action taken and effective date. Accordingly, Resolution No. 08-4006 will terminate the RRL DFA effective December 31, 2008, so that the new DFA (Metro Contract No. 08-928986) can lawfully take effect on January 1, 2009.

ANALYSIS/INFORMATION

1. **Known Opposition**. Staff is not aware of any opposition to the proposed Resolution.

2. **Legal Antecedents**. Chapter 5.01 and Chapter 5.05 of the Metro Code. Ordinance No. 07-1147B. Metro Contract No. 902861.

---

1 Metro Code Section 5.05.030

2 Metro Code Section 5.05.030(a)(5).

3 Metro Code Section 5.05.030(a)(5) & (c); Metro Contract No. 902861

4 Metro Code Section 5.05.030(c). This code change is part of the Enhanced Dry Waste Recovery Program ("EDWRP"). See Ordinance No. 07-1147B.

3. **Anticipated Effects**. Adoption of Resolution No. 08-4006 will terminate the existing designated facility agreement (Metro Contract No. 902861) entered into between Metro and RRL effective December 31, 2008.

4. **Budget Impacts**. There are no budget impacts associated with the adoption of this Resolution. Adoption of this Resolution will help enable implementation of EDWRP, whose budget impacts have already been considered by the Metro Council in its adoption of Ordinance No. 07-1147B and is not expected to alter the budget impact projection contained in the EDWRP Ordinance staff report.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution No. 08-4006.

BM:bjl
S:\REM\metzlerb\DFA Termination 2008\Roosevelt Regional Landfill\staff report.docx
Queue

Agenda Item Number 6.3

Resolution No. 08-4007, For the Purpose of Terminating the Designated Facility Agreement Entered into Between Metro and Columbia Ridge Landfill.

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF TERMINATING THE DESIGNATED FACILITY AGREEMENT ENTERED INTO BETWEEN METRO AND COLUMBIA RIDGE LANDFILL	)))))	RESOLUTION NO. 08-4007 Introduced by Chief Operating Officer Michael J. Jordan, with the concurrence of Council President David Bragdon

WHEREAS, Columbia Ridge Landfill ("Columbia Ridge") is a designated facility of the Metro Solid Waste Flow Control system pursuant to Metro Code 5.05.030;

WHEREAS, in April 1993, Metro entered into a designated facility Agreement ("Agreement") with Columbia Ridge (Metro Contract No. 902859);

WHEREAS, the Metro Council may terminate the Agreement for good cause or a substantial change of circumstances upon passage of a resolution specifying the action taken and the effective date;

WHEREAS, the Metro Code provides that no later than November 1, 2008, the Chief Operating Officer ("COO") and Columbia Ridge shall establish a modified designated facility agreement ("Modified Agreement") that ensures substantial compliance with the Metro Code;

WHEREAS, the COO and Columbia Ridge established a Modified Agreement by November 1, 2008;

WHEREAS, the Modified Agreement between Metro and Columbia Ridge supersedes the Agreement and constitutes good cause for termination of the Agreement; and

WHEREAS, the Metro Council provided Columbia Ridge with reasonable notice and an opportunity to be heard before taking action; now therefore

BE IT RESOLVED that the Metro Council terminates the Agreement with Columbia Ridge effective December 31, 2008.

ADOPTED by the Metro Council this _________ day of _____________ 2008.

____
David Bragdon, Council President

Approved as to Form:

____
Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-4007, FOR THE PURPOSE OF TERMINATING THE DESIGNATED FACILITY AGREEMENT ENTERED INTO BETWEEN METRO AND COLUMBIA RIDGE LANDFILL

Date: December 2, 2008 Prepared by: Bill Metzler

The proposed Resolution, if approved by Council, will terminate the existing designated facility agreement for the Columbia Ridge Landfill ("CRL") on December 31, 2008 because the modified designated facility agreement, effective January 1, 2009, supercedes the existing agreement.

BACKGROUND

The Metro Code describes the designated facilities of the system.[1] CRL is located outside the Metro Region in Arlington, Oregon and is owned by Waste Management of Oregon ("WMO") and has been a designated facility of the system since 1993.[2] Metro and WMO have entered into a designated facility agreement ("DFA") in which CRL receives certain types of solid waste generated in the Metro Region and agrees to collect and remit Regional System Fee and Excise Tax on that waste.[3]

In 2007, the Metro Council amended the Metro Code to require existing designated facilities, including CRL, to notify Metro of its intent to seek an agreement to recover non-putrescible waste from the Region or to take only processed non-putrescible waste from authorized facilities. The Chief Operating Officer ("COO") must modify existing DFAs to ensure substantial compliance with these requirements by December 31, 2008. If the COO and a designated facility were unable to reach an agreement by November 1, 2008, the COO must terminate the existing DFA no later than December 31, 2008.[4]

In June 2008, WMO certified its intent that CRL would accept only processed non-putrescible waste from the Metro Region in accordance with the Metro Code. By November 1, 2008, the COO and WMO agreed to modify the existing DFA for CRL to ensure substantial compliance with the Enhanced Dry Waste Recovery Program ("EDWRP") code requirements. The new DFA (Metro Contract No. 928982) for CRL will be effective on January 1, 2009. Therefore, the existing DFA (Metro Contract No. 902859) between Metro and CRL must be terminated because it is no longer valid.

Under the terms of the existing CRL DFA (Metro Contract No. 902859), the Metro Council may terminate the agreement by passage of a resolution specifying the action taken and effective date. Accordingly, Resolution No. 08-4007 will terminate the existing CRL DFA effective December 31, 2008, so that the new DFA (Metro Contract No. 08-928982) can lawfully take effect on January 1, 2009.

ANALYSIS/INFORMATION

1. **Known Opposition**. Staff is not aware of any opposition to the proposed Resolution.

2. **Legal Antecedents**. Chapter 5.01 and Chapter 5.05 of the Metro Code. Ordinance No. 07-1147B. Metro Contract No. 902859.

---

1 Metro Code Section 5.05.030

2 Metro Code Section 5.05.030(a)(5).

3 Metro Code Section 5.05.030(a)(5) & (c); Metro Contract No. 902859

4 Metro Code Section 5.05.030(c). This code change is part of the Enhanced Dry Waste Recovery Program ("EDWRP"). See Ordinance No. 07-1147B.

3. **Anticipated Effects**. Adoption of Resolution No. 08-4007 will terminate the existing designated facility agreement (Metro Contract No. 902859) entered into between Metro and WMO for CRL effective December 31, 2008.

4. **Budget Impacts**. There are no budget impacts associated with the adoption of this Resolution. Adoption of this Resolution will help enable implementation of EDWRP, whose budget impacts have already been considered by the Metro Council in its adoption of Ordinance No. 07-1147B and is not expected to alter the budget impact projection contained in the EDWRP Ordinance staff report.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution No. 08-4007.

BM:bjl
S:\REM\metzlerb\DFA Termination 2008\Columbia Ridge\staff report.doc
Queue

Agenda Item Number 6.4

Resolution No. 08-4008, For the Purpose of Terminating the Designated Facility Agreement Entered into Between Metro and Hillsboro Landfill.

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF TERMINATING THE DESIGNATED FACILITY AGREEMENT ENTERED INTO BETWEEN METRO AND HILLSBORO LANDFILL	)))))	RESOLUTION NO. 08-4008 Introduced by Chief Operating Officer Michael J. Jordan, with the concurrence of Council President David Bragdon

WHEREAS, Hillsboro Landfill ("Hillsboro") is a designated facility of the Metro Solid Waste Flow Control system pursuant to Metro Code 5.05.030;

WHEREAS, in April 1993, Metro entered into a designated facility agreement ("Agreement") with Hillsboro (Metro Contract No. 902858);

WHEREAS, the Metro Council may terminate the Agreement for good cause or a substantial change of circumstances upon passage of a resolution specifying the action taken and the effective date;

WHEREAS, the Metro Code provides that no later than November 1, 2008, the Chief Operating Officer ("COO") and Hillsboro shall establish a modified designated facility agreement ("Modified Agreement") that ensures substantial compliance with the Metro Code;

WHEREAS, the COO and Hillsboro established a Modified Agreement by November 1, 2008;

WHEREAS, the Modified Agreement between Metro and Hillsboro supersedes the Agreement and constitutes good cause for termination of the Agreement; and

WHEREAS, the Metro Council provided Hillsboro with reasonable notice and an opportunity to be heard before taking action; now therefore

BE IT RESOLVED that the Metro Council terminates the Agreement with Hillsboro effective December 31, 2008.

ADOPTED by the Metro Council this _________ day of _____________ 2008.

____
David Bragdon, Council President

Approved as to Form:

____
Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-4008, FOR THE PURPOSE OF TERMINATING THE DESIGNATED FACILITY AGREEMENT ENTERED INTO BETWEEN METRO AND HILLSBORO LANDFILL

Date: December 2, 2008 Prepared by: Bill Metzler

The proposed Resolution, if approved by Council, will terminate the existing designated facility agreement for the Hillsboro Landfill on December 31, 2008 because the modified designated facility agreement, effective January 1, 2009, supercedes the existing agreement.

BACKGROUND

The Metro Code describes the designated facilities of the system.[1] The Hillsboro Landfill is located outside the Metro Region in Washington County, Oregon and is owned by Waste Management of Oregon ("WMO") and has been a designated facility of the system since 1993.[2] Metro and WMO have entered into a designated facility agreement ("DFA") in which the Hillsboro Landfill receives certain types of solid waste generated in the Metro Region and agrees to collect and remit Regional System Fee and Excise Tax on that waste.[3]

In 2007, the Metro Council amended the Metro Code to require existing designated facilities, including the Hillsboro Landfill, to notify Metro of its intent to seek an agreement to recover non-putrescible waste from the Region or to take only processed non-putrescible waste from authorized facilities. The Chief Operating Officer ("COO") must modify existing DFAs to ensure substantial compliance with these requirements by December 31, 2008. If the COO and a designated facility were unable to reach an agreement by November 1, 2008, the COO must terminate the existing DFA no later than December 31, 2008.[4]

In June 2008, WMO certified its intent to operate Tualatin Valley Waste Recovery ("TVWR"), a new material recovery facility ("MRF") that is currently under construction, at the location of the Hillsboro Landfill. WMO also certified that the Hillsboro Landfill, operating as an entity separate from TVWR, would accept only processed non-putrescible waste from the Metro Region in accordance with the Metro Code. On September 25, 2008, the Metro Council adopted Ordinance No. 08-1195, For the Purpose of Amending Metro Code Chapter 5.05 to Include Tualatin Valley Waste Recovery on the List of Designated Facilities.

On September 3, 2008, Metro received WMO's request for a variance from specific Enhanced Dry Waste Recovery Program ("EDWRP") code provisions at the Hillsboro Landfill until the TVWR MRF is constructed and operational.[5] On October 23, 2008, the Metro Council adopted Resolution No. 08-3989 For the Purpose of Granting a Variance Request Submitted by Waste Management of Oregon for the Hillsboro Landfill. Granting this variance allows WMO to receive unprocessed non-putrescible waste at the Hillsboro Landfill. Under the terms of the approved variance, a condition of approval requires, that effective January 1, 2009 until the TVWR MRF is operational, WMO must conduct some level of

---

1. Metro Code Section 5.05.030
2. Metro Code Section 5.05.030(a)(5).
3. Metro Code Section 5.05.030(a)(5) & (c); Metro Contract No. 902858
4. Metro Code Section 5.05.030(c). This code change is part of the Enhanced Dry Waste Recovery Program ("EDWRP"). See Ordinance No. 07-1147B.
5. The estimated construction completion date for the TVWR MRF is July 1, 2009.

recovery on non-putrescible Metro Region waste loads that contain a significant amount of wood, metal, and cardboard in accordance with an interim material recovery plan submitted by WMO to the COO.[6]

By November 1, 2008, the COO and WMO agreed to modify the existing DFA for the Hillsboro Landfill to ensure substantial compliance with the EDWRP code requirements and the terms and conditions of the approved variance. The modified DFA (Metro Contract No. 928984) for the Hillsboro Landfill will be effective on January 1, 2009. Therefore, the existing DFA (Metro Contract No. 902858) between Metro and Hillsboro Landfill must be terminated because it is no longer valid.

Under the terms of the existing Hillsboro Landfill DFA (Metro Contract No. 902858), the Metro Council may terminate the agreement by passage of a resolution specifying the action taken and effective date. Accordingly, Resolution No. 08-4008 will terminate the Hillsboro Landfill DFA effective December 31, 2008, so that the new DFA (Metro Contract No. 08-928984) can lawfully take effect on January 1, 2009.

ANALYSIS/INFORMATION

1. **Known Opposition**. Staff is not aware of any opposition to the proposed Resolution.

2. **Legal Antecedents**. Chapter 5.01 and Chapter 5.05 of the Metro Code. Ordinance No. 07-1147B. Metro Contract No. 902858. Ordinance No. 08-1195. Resolution No. 08-3989.

3. **Anticipated Effects**. Adoption of Resolution No. 08-4008 will terminate the existing designated facility agreement (Metro Contract No. 902858) entered into between Metro and Hillsboro Landfill, effective December 31, 2008.

4. **Budget Impacts**. There are no budget impacts associated with the adoption of this Resolution. Adoption of this Resolution will help enable implementation of EDWRP, whose budget impacts have already been considered by the Metro Council in its adoption of Ordinance No. 07-1147B and is not expected to alter the budget impact projection contained in the EDWRP Ordinance staff report.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution No. 08-4008.

BM:bjl
S:\REM\metzlerb\DFA Termination 2008\Hillsboro Landfill\staff report.docx
Queue

6 WMO's interim material recovery plan for the Hillsboro Landfill was submitted to the COO on November 14, 2008, as provided by Resolution No. 08-3989 that approved the WMO variance request.

Agenda Item Number 6.5

Resolution No. 08-4009, For the Purpose of Terminating the Designated Facility Agreement Between Metro and Lakeside Reclamation.

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF TERMINATING THE DESIGNATED FACILITY AGREEMENT ENTERED INTO BETWEEN METRO AND LAKESIDE RECLAMATION LANDFILL	)))))	RESOLUTION NO. 08-4009 Introduced by Chief Operating Officer Michael J. Jordan, with the concurrence of Council President David Bragdon

WHEREAS, Lakeside Reclamation Landfill ("Lakeside") is a designated facility of the Metro Solid Waste Flow Control system pursuant to Metro Code 5.05.030;

WHEREAS, in April 1993, Metro entered into a designated facility agreement ("Agreement") with Lakeside (Metro Contract No. 902857);

WHEREAS, the Metro Council may terminate the Agreement for good cause or a substantial change of circumstances upon passage of a resolution specifying the action taken and the effective date;

WHEREAS, the Metro Code provides that no later than November 1, 2008, the Chief Operating Officer ("COO") and Lakeside shall establish a modified designated facility agreement ("Modified Agreement") that ensures substantial compliance with the Metro Code;

WHEREAS, the COO and Lakeside failed to establish a Modified Agreement by November 1, 2008;

WHEREAS, the failure of the COO and Lakeside to establish a Modified Agreement by November 1, 2008 constitutes good cause for termination of the Agreement; and

WHEREAS, the Metro Council provided Lakeside with reasonable notice and an opportunity to be heard before taking action; now therefore

BE IT RESOLVED that the Metro Council terminates the Agreement with Lakeside effective December 31, 2008.

ADOPTED by the Metro Council this _________ day of _____________ 2008.

____
David Bragdon, Council President

Approved as to Form:

____
Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-4009, FOR THE PURPOSE OF TERMINATING THE DESIGNATED FACILITY AGREEMENT ENTERED INTO BETWEEN METRO AND LAKESIDE RECLAMATION LANDFILL

Date: December 2, 2008 Prepared by: Bill Metzler

The proposed Resolution, if approved by Council, will terminate the existing designated facility agreement for the Lakeside Reclamation landfill ("Lakeside") effective December 31, 2008.

BACKGROUND

The Metro Code describes the designated facilities of the system.[1] Lakeside is located outside the Metro Region in Washington County, Oregon and is owned by Grabhorn Inc. and has been a designated facility of the system since 1993.[2] Metro and Grabhorn, Inc. previously entered into a designated facility agreement ("DFA") in which Lakeside receives certain types of solid waste generated in the Metro Region and agrees to collect and remit Regional System Fee and Excise Tax on that waste.[3]

In 2007, the Metro Council amended the Metro Code to require existing designated facilities, including Lakeside, to notify Metro of its intent to seek an agreement to recover non-putrescible waste from the Region or to take only processed non-putrescible waste from authorized facilities. The Chief Operating Officer ("COO") must modify existing DFAs to ensure substantial compliance with these requirements by December 31, 2008. If the COO and a designated facility were unable to reach an agreement by November 1, 2008, the COO must terminate the existing DFA no later than December 31, 2008.[4]

In June 2008, Metro received a certification of intent from Lakeside that it would not accept only processed non-putrescible waste from the Metro Region and that it would not operate a material recovery facility. On August 29, 2008, Metro received a request for a variance from Lakeside from specific Enhanced Dry Waste Recovery Program ("EDWRP") code provisions. On October 23, 2008, the Metro Council adopted Resolution No. 08-3990 For the Purpose of Denying a Variance Request Submitted by Lakeside Reclamation Landfill. On or about October 27, 2008, Lakeside certified its intent to enter into a new DFA.

The COO and Lakeside did not reach an agreement by November 1, 2008 to modify the existing DFA for Lakeside to ensure substantial compliance with the EDWRP Code requirements. Therefore, in accordance with Metro Code Section 5.05.030(c), the COO must terminate the existing DFA (Metro Contract No. 902857) between Metro and Lakeside as provided in the DFA. On November 26, 2008 Metro received notice of Lakeside's intent to contest the Council's decision to deny Lakeside's variance request (Resolution No. 08-3990).

Under the terms of the existing DFA with Lakeside, the Metro Council may terminate the agreement by passage of a resolution specifying the action taken and effective date. Accordingly, Resolution No. 08-4009 will terminate the existing DFA with Lakeside (Metro Contract No. 902857) effective December 31,

---

1 Metro Code Section 5.05.030

2 Metro Code Section 5.05.030(a)(5).

3 Metro Code Section 5.05.030(a)(5) & (c); Metro Contract No. 902857

4 Metro Code Section 5.05.030(c). This code change is part of the Enhanced Dry Waste Recovery Program ("EDWRP"). See Ordinance No. 07-1147B.

2008. In early 2009, the Council will also consider removing Lakeside Reclamation landfill from the list of Designated Facilities of the System in Metro Code Section 5.05.030.

ANALYSIS/INFORMATION

1. **Known Opposition**. In their letter dated November 26, 2008, Lakeside requests that Metro not terminate the existing DFA.

2. **Legal Antecedents**. Chapter 5.01 and Chapter 5.05 of the Metro Code. Ordinance No. 07-1147B. Metro Contract No. 902857. Resolution No. 08-3990.

3. **Anticipated Effects**. Adoption of Resolution No. 08-4009 will terminate the existing designated facility agreement (Metro Contract No. 902857) entered into between Metro and Lakeside effective December 31, 2008.

4. **Budget Impacts**. There are no budget impacts associated with the adoption of this Resolution. Adoption of this Resolution will help enable implementation of EDWRP, whose budget impacts have already been considered by the Metro Council in its adoption of Ordinance No. 07-1147B and is not expected to alter the budget impact projection contained in the EDWRP Ordinance staff report.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution No. 08-4009.

BM:bjl
S:\REM\metzlerb\DFA Termination 2008\Lakeside Reclamation\staff report.docx
Queue

Agenda Item Number 6.6

.

Resolution No. 08-4012, Authorizing Sale of $5 million of General Obligation Bonds to Protect Animal Health and Safety, Conserve and Recycle Water.

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

AUTHORIZING SALE OF $5 MILLION OF GENERAL OBLIGATION BONDS TO PROTECT ANIMAL HEALTH AND SAFETY, CONSERVE AND RECYCLE WATER	)))))	RESOLUTION NO. 08-4012 Introduced by Michael Jordan, Chief Operating Officer with the concurrence of Council President David Bragdon

WHEREAS, voters in the Metro region approved a $125 million bond measure authorizing Metro to issue general obligation bonds to protect animal health and safety, conserve and recycle water; and,

WHEREAS, it is now desirable to authorize the sale of up to $5 million of those bonds; now, therefore,

BE IT RESOLVED by the Metro Council as follows:

Section 1. Bonds authorized; delegation.

Metro is hereby authorized to issue and sell up to $5 million of the general obligation bonds that were authorized by the voters on November 4, 2008 (the "Bonds"). Proceeds of the Bonds shall be used to finance the purposes authorized in the ballot, including costs related to the Bonds (collectively, the "Projects"). The Chief Operating Officer or the person designated by the Chief Operating Officer to act under this resolution (the "Metro Official"), on behalf of Metro and without further action by Metro Council, may:

1.1 Issue the Bonds in one or more series, provided that the outstanding principal amount of the Bonds that are sold under this resolution shall not exceed $5 million.

1.2 Issue Bonds to provide interim or permanent financing for the Projects, enter into lines of credit or similar documents which permit Metro to draw Bond proceeds over time, and issue Bonds to refund the Bonds that provide interim financing for the Projects.

1.3 Participate in the preparation of, authorize the distribution of, and deem final any official statement or other disclosure documents relating to each series of the Bonds.

1.4 Establish the form, final principal amounts, maturity schedules, interest rates, sale prices and discount, prepayment terms, payment terms and dates, and other terms of each series of Bonds.

1.5 Execute and deliver a bond declaration for each series of Bonds, specifying the terms under which each series of Bonds are issued, and making covenants for the benefit of Bondowners. The bond declarations may also contain covenants for the benefit of any insurers of the Bonds.

1.6 Publish a notice of sale, receive bids and award the sale of each series to the bidder complying with the notice and offering the most favorable terms to Metro, or select one or more underwriters, commercial banks or other investors and negotiate the sale of any series with those underwriters, commercial banks or investors.

1.7 Undertake to provide continuing disclosure for each series of Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission.

1.8 Apply for ratings for each series of Bonds, determine whether to purchase municipal bond insurance or obtain other forms of credit enhancements for each series of Bonds, enter into agreements with the providers of credit enhancement, and execute and deliver related documents.

1.9 Appoint paying agents for the Bonds and negotiate the terms of and execute an agreement with such paying agent.

1.10 Determine whether each series of Bonds will bear interest that is excludable from gross income under the Internal Revenue Code of 1986, as amended, or is includable in gross income under that code. If a series bears interest that is excludable from gross income under that code, Metro Official may enter into covenants to maintain the excludability of interest on that series of the Bonds from gross income.

1.11 Execute and deliver each series of Bonds to their purchaser.

1.12 Execute and deliver any agreements or certificates and take any other action in connection with each series of Bonds which Metro Official finds is desirable to permit the sale and issuance of that series of Bonds in accordance with this Resolution.

Section 2. Security For Bonds.

Metro hereby pledges its full faith and credit to pay the Bonds. Metro hereby covenants for the benefit of the Owners to levy a direct ad valorem tax upon all of the taxable property within Metro which is sufficient, after taking into consideration discounts taken and delinquencies that may occur in the payment of such taxes, to pay all Bond principal and interest when due. Metro covenants to levy this tax each year until all the Bonds are paid. This tax shall be in addition to all other taxes of Metro, and this tax shall not be limited in rate, amount or otherwise, by Sections 11 or 11b of Article XI of the Oregon Constitution.

Section 3. Effective Date.

This resolution shall take effect on the date of its passage by the Metro Council.

ADOPTED by the Metro Council this 18th day of December, 2008.

____
David Bragdon, Council President

Approved as to Form:

____
Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-4012 AUTHORIZING SALE OF $5 MILLION OF GENERAL OBLIGATION BONDS TO PROTECT ANIMAL HEALTH AND SAFETY, CONSERVE AND RECYCLE WATER

Date: December 18, 2008

Prepared by: Margo Norton
Director of Finance and Administrative Services

BACKGROUND

In November 2008, voters of the region approved Measure 26-96 authorizing Metro to issue $125 million in general obligation bonds for Oregon Zoo capital improvements. Since then, Metro staff has worked with financial advisors and bond counsel to develop an issuance strategy that best meets Metro's needs while complying with bond regulations. Internal Revenue Service regulations stipulate that Metro commit in binding obligations at least five percent of the issuance amount within six months from the date of issuance and that Metro reasonably expect to spend 85 percent of the issuance amount within three years from the date of issuance.

Based on staff analysis of funds needed in the next year, a short-term issuance of $5 million should be adequate to make substantial progress on overall project planning, including initiating architectural and engineering services. Additionally, an issuance of $5 million or less is exempt from IRS arbitrage rebate regulations. Metro will repay the short-term financing by levying the voter approved property tax.

In addition to performing overall planning during the next year, staff will be working with the City of Portland on building permits for the veterinary hospital and quarantine facilities. While the period to obtain these permits will likely take six months or longer, staff is optimistic about the process. The $5 million issuance should be adequate to begin constructing the facilities if the permitting process finishes sooner.

Resolution No. 08-4012 authorizes the issuance of up to $5 million of the general obligation bonds authorized by the voters on November 4, 2008. The resolution authorizes the Chief Operating Officer, or his designee, to negotiate and sign all documents and conduct the sale and issuance of the bonds.

ANALYSIS/INFORMATION

1. **Known Opposition** – None.

2. **Legal Antecedents** – Metro may issue general obligation bonds pursuant to the authority granted by Metro Charter Section 10 and ORS 268.520 and pursuant to the voters' approval of Measure 26-96 at the general election held on November 4, 2008.

3. **Anticipated Effects** – This action authorizes the issuance of up to $5 million in general obligation bonds. It also authorizes the Chief Operating Officer or his designee to negotiate and sign all documents and conduct the sale and issuance of these bonds.

4. **Budget Impacts** – The issuance of the bonds will provide preliminary financing necessary to begin planning and permitting as well as initiate architectural and engineering services for the projects

intended under the bond measure. Debt service payments will not begin until FY 2009-10 and will be included in the coming fiscal year's budget and property tax levy. No additional budget action is necessary by the Council to recognize the receipt and expenditure of the general obligation bond proceeds in FY 2008-09.

RECOMMENDED ACTION

The Chief Financial Officer recommends Council adoption of Resolution No. 08-4012.

Agenda Item Number 6.7

Resolution No. 08-4013, For the Purpose of Endorsing the Transportation for America Position on Reauthorization of the Safe, Accountable, Flexible, Efficient, Transportation ACT: A Legacy for Users (SAFETEA-LU)
.

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING THE TRANSPORTATION FOR AMERICA POSITION ON REAUTHORIZATION OF THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION ACT:A LEGACY FOR USERS (SAFETEA-LU)	))))))	RESOLUTION NO. 08-4013 Introduced by Councilor Rex Burkholder

WHEREAS, the Safe, Accountable, Flexible, Efficient, Transportation Act: A Legacy for Users (SAFETEA-LU) was adopted by Congress in 2005; and

WHEREAS, SAFETEA-LU is scheduled to expire at the end of federal Fiscal Year 2009 (September 30, 2009); and

WHEREAS, Congress will be considering reauthorization of SAFETEA-LU during 2009; and

WHEREAS, SAFETEA-LU has a significant policy effect on transportation planning and decision-making and funding in the Portland metropolitan region; and

WHEREAS, Transportation for America is a coalition of national organizations that advocate on transportation, land use, environmental, health, energy and social issues of importance to metropolitan areas, and

WHEREAS, Transportation for America has developed a platform for authorization of the new federal transportation bill that addresses the critical need for a balanced, multi-modal transportation system integrated with economic, community, health, social equity, energy and climate change objectives; and

WHEREAS, at its meeting on December 11, 2008, the Joint Policy Advisory Committee on Transportation recommended adoption of the following; now, therefore,

BE IT RESOLVED that the Metro Council:

Endorses the Transportation for America Platform for the Surface Transportation Program Authorization as reflected in Exhibit A.

ADOPTED by the Metro Council this ______________ day of December 2008.

____
David Bragdon, Council President

Approved as to Form:

____
Daniel B. Cooper, Metro Attorney

Exhibit A to Res. No. 08-4013

Transportation For America

Platform for the Surface Transportation Program Authorization

Executive Committee

Transportation for America has formed a broad coalition of housing, environmental, public health, urban planning, transportation, real estate, local businesses, and other organizations. We're all seeking to align our national, state, and local transportation policies with an array of issues like economic opportunity, climate change, energy security, health, housing and community development. Our coalition continues to grow. For a current list of partners and more information, please visit our website: www.t4america.org Listed below are the Executive Committee member organizations; each played a critical role in shaping the platform.

The T4America Executive Committee

Reconnecting America (Co-Chair)
www.reconnectingamerica.org

Smart Growth America (Co-Chair)
www.smartgrowthamerica.org

Action! For Regional Equity (Action!)
www.policylink.org/BostonAction/

America Bikes
www.americabikes.org

American Public Health Association (APHA)
www.apha.org

Apollo Alliance
www.apolloalliance.org

LOCUS – Responsible Real Estate Developers and Investors

National Housing Conference
www.nhc.org

National Association of City Transportation Officials (NACTO)
www.nacto.org

National Association of Realtors
www.realtor.org/smartgrowth

Natural Resources Defense Council
www.nrdc.org

PolicyLink
www.policylink.org

Surface Transportation Policy Partnership (STPP)
www.transact.org

Transit for Livable Communities (TLC)
www.tlcminnesota.org/

US PIRG
www.uspirg.org

Table of Contents

Contents

This page blank

Introduction

A Critically Important Program

In 2009, Congress will be working on legislation authorizing and updating the federal surface transportation program. This program guides the federal expenditure of just over $50 billion annually for public transit, rail, highway, bicycle and pedestrian facilities and services across the country. The money is granted principally to state transportation departments, local and regional transit agencies and metropolitan planning organizations.

However, the importance of federal surface transportation program goes far beyond its size.

Transportation policy is perhaps our most important tool for improving our nation's global economic competitiveness and the health and quality of life for households and individuals, and for increasing personal economic opportunity – the foundation of America's economic vitality and strength. Transportation networks are fundamental to how we grow, develop and prosper.

The federal surface transportation program directly influences how states, regions and cities invest in transportation. To a significant degree it determines what the country's transportation networks – interstate, regional and local – will be and how they will function.

This T4America Platform is intended to guide drafting of the authorization bill, which for many reasons promises to be one of the most important pieces of legislation to be taken up by the next Congress. The Platform reflects the work of a wide range of individuals and organizations with expertise in transportation, housing, environment, energy, real estate and development, public health and local governance.

The Federal Role in Surface Transportation

History of the Federal Program

The first national "fuel taxes" were passed in 1932 to support the federal budget which was in deficit due to the Great Depression. The tax rate was increased periodically over the years, primarily to support the national defense budget. The concept of a "user fee" dedicated to development of roads was inaugurated with the 1956 Highway Revenue Act creating the Highway Trust Fund (HTF).

Most people think of the first phase of the federal transportation program – from the mid-1950s to today – as the "Interstate Highway Era." The Interstate System was conceived as a means of connecting the cities and regions of the country to strengthen the national economy, and as necessary to ensuring the national defense. This idea was first promoted by the "better roads" movement in the 1930s.

However, Congressional approval of the Federal Aid Highway Act of 1956, formally funding the "National System of Interstate and Defense Highways," was not achieved until the Bureau of Public Roads published a map showing how the national grid of Interstate routes would be connected into all of the country's major cities. The potential importance of high-speed roadway connections to facilitate commerce between cities and regions was what it took to secure final Congressional approval and funding of a national Interstate Highway network.

Federal involvement in public transit began with the Urban Mass Transportation Act of 1964. This legislation, originally proposed by President John Kennedy in 1962 and later championed by President Lyndon Johnson, established the Urban Mass Transportation Administration Authority (UMTA) and authorized $375 million in funding over three years for capital grants to local and regional transit providers, using a 50/50 match ratio for federal participation. The agency name was changed to the Federal Transit Administration (FTA) in 1991.

Over recent decades, the federal transit program has been authorized at 20% or less of the size of the federal highway program. SAFETEA-LU, the current authorization legislation, put about $40 billion annually into the highway program and about $9 billion annually into public transit. The program structure has varied over the decades, but today about 80% of the program goes into "Formula and Bus Grants," with about 15% going into "Capital Investment Grants" (New Starts and Small Starts).

By the late 1980s there was growing discontent in the US with the "highway-only" orientation of the federal surface transportation program as well as with the inflexibility of the system of program categories, the inattention to urban needs and the lack of a solid planning foundation for the program. With active support and participation by a national coalition of environmental, urban policy, transit, bicycle, and planning organizations, Congress began to consider taking a new direction.

History of the Federal Program

When the Intermodal Surface Transportation Efficiency Act (ISTEA) passed in 1991, it was heralded as a turning point in the history of surface transportation in the US. ISTEA was seen as inaugurating the beginning of the "post-Interstate era."

Key provisions of the new act included:

- An intermodal approach to highway and transit funding with flexibility to shift certain categories of federal funds between modes based on local priorities;
- A declaration that the Interstate Highway System was effectively "complete" and creation of a new Interstate Maintenance Program for resurfacing, restoring, and rehabilitating the Interstate System;
- Collaborative multimodal planning requirements with significant increases in powers of metropolitan planning organizations;
- A new "enhancements" program that for the first time would open up the Highway Program to new types of project elements, such as pedestrian and bicycle facilities, acquisition of scenic and historic sites, rehabilitation of historic transportation facilities and other purposes;
- A heightened commitment to public involvement in transportation decision making from planning to program development to project design;
- A formal emphasis on "congestion management" including new requirements for MPOs of over 200,000 population to develop congestion management plans; and,
- Direct funding of air quality improvement projects through a new Congestion Mitigation and Air Quality (CMAQ) program.

ISTEA was designed to introduce sweeping reform in the transportation program such that the federal approach to surface transportation would be truly multimodal, urban areas would be empowered to make planning and design choices based on local needs and priorities, walking and bicycling would once again become significant modes of travel, and the linkage between improving air quality improvement and transportation investment would be direct.

The two federal authorization bills passed since ISTEA have elaborated on these themes - the Transportation Equity Act for the 21st Century (TEA-21) passed in 1997, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) passed in 2005. Provisions were written into these acts in an attempt to reinforce the landmark changes that ISTEA had promised. However, these laws were to some extent more focused on issues of distribution of funds between states, with TEA-21 introducing the concept of "guaranteed funding," intended to ensure a certain minimum level of funding in each state.

Has the ISTEA promise of a balanced, multimodal federal program been achieved? Most analysts of ISTEA performance have concluded: yes and no. There have been improvements in the modal balance of funding. Just in the first eight years following ISTEA passage, federal funds spent on transit almost doubled, from

History of the Federal Program

just over $3 billion in 1990 to nearly $6 billion by 1999. Annual transit funding under SAFTETEA-LU has been almost $9 billion. The amount of federal money spent on bicycle and pedestrian projects also grew from $7 million before ISTEA passage to more than $450 million in 2007 under SAFETEA-LU.

However, some of the most important ideas and concepts in ISTEA have yet to fully take hold. Flexible funding provisions have not been exercised by most states, with most of the national total in "flex funds" occurring in just five states: California, Pennsylvania, New York, Oregon and Virginia. Efforts of MPOs to take charge of local transportation program priority setting have met with entrenched resistance from many state DOTs, with the result that in many urban areas (especially smaller areas) the state still controls development of the transportation improvement program. As a result, over three-fourths of the surface transportation program continues to be invested in highway system expansion nationally.

The combination of growth in the size of the program, the setting of minimum guarantees or funding floors, and retention of most decision making within state DOTs has caused the federal transportation program to resemble a blank check or project "ATM." The lack of a clear statement of national objectives and the lack of accountability for use of funds (or for the impacts of decision making) has created a strategic policy vacuum. In this policy vacuum, states have thrown increasingly vast sums of money at highway and freeway expansion projects in a quixotic pursuit of "congestion alleviation" – a pursuit that has served primarily to accelerate a national expansion of suburban and exurban low density development. This has also set the stage for rampant Congressional "earmarking" – specific listing of projects in the authorization legislation (5,000 projects in SAFETEA-LU).

The increasingly errant nature of the federal transportation program has had profound effects on the national economy, the public health and the quality of life in our communities. Our near-total reliance on petroleum for transportation energy and our outsize contribution to worldwide greenhouse gases imperil our national security, our economy and our way of life. We have lost the ability to walk or bike safely and conveniently in an ever-larger portion of the American landscape with tragic consequences for the health of our population and especially our children. The federal subsidization of low density exurban development has helped create extensive low-density, semi-urban landscapes where homeowners in search of low-cost mortgages endure exhausting drive-alone commutes and household budget problems. Although we are the world's wealthiest nation, we have a second-tier urban transit system and no intercity high speed rail network.

Summary of the Federal Role

Beginning in the 1950s, the "federal role" in surface transportation was defined primarily in terms of the Interstate Highway Program and in the concept of a national network of high-capacity, high-speed highways. Beginning with the ISTEA bill passed in 1991, there was an attempt to change direction and redefine the federal role. However, political and bureaucratic resistance to the new multimodal mission proved to be strong and entrenched. As a consequence the surface transportation program rests in an indeterminate, almost direction-less state.

Although there is no longer a clear, official delineation of the federal role in surface transportation, a de facto consensus has been in place during the past two authorization bills. This consensus cannot be found in the published statements of Congress or the USDOT, but rather in the actual pattern of investments, programs and policies that the federal government has pursued.

The primary elements of our de facto federal transportation policy have been:

- The nation's highest surface transportation priority continues to be to provide capital funding for a national network of high-capacity, high-speed highways linking urban areas and regions of the country for purposes of economic development. A second priority has been expansion of surface roads and streets to provide increased capacity for motor vehicle travel, with an emphasis on suburban and rural routes.

- The creation and expansion of this network of highways has been so important that it has been seen as justifying underinvestment in repair, replacement and rehabilitation of existing infrastructure, leading to a nationwide decline in the condition of existing pavements and bridges.

- Among the surface transportation modes, the priority mode for federal support of human mobility has been personal motor vehicles. Public transit has been a much lower national priority. Intercity rail passenger transportation has not been seen as an appropriate arena for significant federal leadership or funding.

- Among the surface transportation modes, the priority mode for federal support of freight movement has been trucks. Rail freight transportation has not been seen as an appropriate arena for federal leadership or funding. The federal interest in water-born freight movement has been implemented primarily through the U.S. Army Corps of Engineers and has not been seen as an important activity for USDOT.

- For at least the past two decades an overriding objective of the surface transportation program has been capacity expansion of highways for purposes of congestion mitigation. Although never explicitly stated, a tacit feature of this emphasis has been federal subsidization of suburban and exurban settlement patterns.

National Issues and Priorities

We believe Congress should set forth a clear statement of the federal role in surface transportation that is tied to specific transportation objectives based on national issues and priorities. We further believe Congress should ensure that funding levels, program categories and project criteria are clearly tied to transportation objectives.

The surface transportation authorization should clearly address issues, opportunities and goals that are appropriate for action by the national government in a federal system. In particular, the program should prioritize those national issues and opportunities that cannot be fully addressed without addressing the role surface transportation plays. In this context, we suggest the following short list of national priorities:

1. Energy Security, Economic Growth and Global Competitiveness
2. Environmental Protection and Climate Change
3. Personal Mobility and Location Efficiency
4. Traffic Safety and Public Health

While there is an acknowledged need for an increased level of federal funding for surface transportation, we cannot support increased funding in the absence a clear statement of the federal role in surface transportation coupled to a system of measurement, reporting and accountability for progress toward clearly defined national objectives.

What the Federal Role Should Be

The federal role in surface transportation, which should guide development of the new surface transportation authorization legislation, should be as follows:

1. *Energy Security, Economic Growth and Global Competitiveness.* National security has always been a major purpose of the surface transportation program. For the next several decades, providing for national security will require strengthening our economy to compete in a global arena and reducing our dependence on petroleum – especially imported oil. We should modernize our freight movement system to make it more efficient and less oil-dependent; we should modernize urban transportation by building high-capacity transit lines; we should connect our major metropolitan regions with high-speed passenger rail lines; and, we should refocus our highway program on repair, rehabilitation and replacement of existing facilities.

2. *Climate Change and the Environment.* The U.S. will be unable to make significant progress on climate change intervention without reducing greenhouse gas emissions from surface transportation. This should be a major priority of the federal program and USDOT and its grantees should be held accountable for progress toward climate change objectives. Congress should also re-confirm our national commitment to environmental protection in the surface transportation program. There should be no weakening of the environmental protections enacted since 1970, including NEPA, the Clean Air Act, Clean Water Act and related legislation.

3. *Mobility and Location Efficiency.* Congress should establish a commitment in the surface transportation program to urban infill and redevelopment. There should be a shift away from support of unsustainable suburban and exurban development patterns. Federal funds should be used to improve the quality of life and economic viability of rural regions, small towns and villages rather than being used to convert them to suburban development. This will require explicit federal support for coordination of land use and transportation decision making at the local, regional and state levels. Congestion alleviation as an objective should be replaced with location efficiency – the integration of land development and transportation such that mobility is enhanced while the intrinsic cost and energy requirements of travel are reduced. Congress should commit to broadening the benefits of federal investments in personal mobility to include all income categories so that transportation becomes a positive element supporting a strong workforce and enabling households to better balance domestic budgets.

4. *Traffic Safety and Public Health.* Congress should acknowledge that traffic accidents and other health impacts of surface transportation represent major forces affecting the health and safety of the US population – with significant long-term impacts on the federal budget and the national economy. Safety of non-motorized travel should receive expanded priority in the federal program. The health benefits of active living in our urban regions, cities, towns and villages should be identified as being in the national interest.

The Need for Change

A New Beginning

Functional, safe, and efficient transportation is one of the cornerstones upon which this country was built. America's economic strength and the health of its people depend on our ability to connect people with opportunity and on our ability to move products to market quickly, safely, and efficiently.

Today our strength as a nation is being limited by:

- a dependency on petroleum that threatens our national security, drains household budgets, exacerbates climate issues, undermines public health, and imperils the U.S. economy;
- a haphazard, inefficient relationship between our transportation systems and our land development patterns;
- a backlog of crumbling, unsafe, and obsolete transportation facilities;
- an auto/truck bias that has placed America far down the list of nations in terms of availability of modern public transit services and gives most Americans no option but to pay rising gas prices;
- a freight transportation system that is outmoded, over-capacity, dependent on imported petroleum, and incapable of efficiently linking the US national economy into the global economy; and,
- a legacy of transportation expenditures that benefit a few while leaving many behind in cities, older suburbs and small towns.

A change in direction is needed to help the nation meet its growing demand for transportation while addressing the oncoming challenges of energy security, global warming, changing demographics, public health care costs, and global economic competition. As Congress works on the new surface transportation program, T4America urges our policy makers to seize this opportunity to make a new beginning. That new beginning should include:

1. A commitment to responsible investing that holds recipients of federal funds accountable for progress toward national objectives.
2. A new strategy for creating a 21st Century transportation system that enhances economic opportunity for all, creates jobs, and elevates our position in a competitive global economy.
3. A program that improves essential connections within and between metropolitan areas while reducing dependence on petroleum and meeting national objectives for managing climate change.
4. A more strategic approach to managing the land use and transportation relationship that improves efficiency, access, health, and safety, while halting the growth of and ideally, reducing per capita vehicular travel.
5. A serious and concerted effort to address the impacts that transportation systems have on the health and safety of our people.

Our Vision for Surface Transportation in the United States

Mobility in the 21st Century

In the future, our nation's surface transportation system should provide the foundation for personal opportunity, robust commerce and a healthy population. It should achieve national goals for economic development and environmental sustainability. It should provide equitable access and support healthy behaviors.

It should be a modern, 21st Century system, balancing new capacity with care and upkeep of existing infrastructure. Public transit systems, intercity rail corridors, roadway facilities, waterways, ports, bridges, bicycle and pedestrian facilities all should be kept in a state of good repair. The trillions of dollars in asset value of the systems and facilities built over the past century should be protected and enhanced.

A new generation of "great streets" and boulevards should replace the overly-large, harsh and utilitarian roads and freeways inherited from the suburban era, benefiting and adding value to neighborhoods and communities across the land.

Our transportation system should reflect recognition of the importance of America's metropolitan regions, cities and towns. It should connect regions to each other and to the world; support healthy communities; provide access to jobs, schools, health care and services; provide efficient goods movement; and stimulate economic opportunity. This system should improve mobility choices within our regions, cities and towns, with modern public transit networks and safe walking and bicycling networks.

It should do so in a manner that serves our national interests, adds value to communities, contributes positively to public health and safety, and reflects the equity and fairness that have always been hallmarks of the American egalitarian tradition.

The transportation program should be designed to invigorate local and regional economies and facilitate efficient inter-regional commerce. It should reduce energy use and greenhouse gas emissions by supporting more sustainable land use and travel patterns. Our national transportation investments should help provide affordable housing opportunities near good public transit service and employment centers and should promote walking and bicycling as economical, eco-friendly, and healthy modes. America's surface transportation system should enable us to compete successfully in a global economy and should be a model for other nations to follow.

Transportation for America's proposal for a rejuvenated, redirected surface transportation program would result in a national mobility network that provides a vital, complete array of mobility choices easily accessible to the vast majority of Americans – whether walking, bicycling, driving or traveling on public transportation– in a unified, interconnected, energy-efficient manner.

This page blank

I. Responsible Investment and Accountability

I. Responsible Investment and Accountability

We believe: The surface transportation program should be invested in programs and projects that address pressing national priorities and agencies receiving funds should be accountable for how they are spent.

Our Objectives

√ Make **economic competitiveness, energy, climate change, air quality, public health and safety, fairness, and state of good repair** the basis for sweeping transportation policy and program reform.

√ Put all transportation modes (transit, highway, walking, bicycling) on **equal footing** with respect to match ratios, project eligibility criteria and project delivery processes, eliminating the highway capacity bias of the current program.

√ Support a substantial increase in the size of the national surface transportation program **contingent** on transportation program reform and on an authorization bill that will lead to achievement of the National Transportation Objectives.

√ Leverage federal transportation investments by encouraging state, local and private sector funding mechanisms to support local funding of projects and to use in matching federal funds.

√ Reaffirm our national commitment to environmental protection in the surface transportation program.

Here's How

1. Establish a set of **National Transportation Objectives** that address:
    - Energy;
    - Climate change;
    - Mode flexibility and travel choice;
    - Safety;
    - Public health;
    - State of good repair;
    - Environmental protection;
    - Equity;
    - System reliability;
    - Economic competitiveness; and
    - Household affordability.

2. **Restructure** program categories, funding allocations, project delivery systems and project eligibility criteria to support achievement of the National Transportation Objectives.

3. Hold federal, state, regional, and metropolitan agencies **accountable** for outcomes of their use of federal funding. Implement funding rewards and penalties for states and regions based on the progress or failure in meeting their share of the transportation energy use and GHG emission reductions.

Here's How

4. Assign authority and implement direct allocation of formula funds to designated **regional transportation planning** entities. Set financial rewards and penalties based on progress toward National Transportation Objectives.

5. Require states, Metropolitan Planning Organizations (MPOs), and designated regional transportation planning entities to prioritize **system management and facility repair** and rehabilitation over creation of new travel capacity and new facilities.

6. Strengthen regional decision making for **integrating** transportation, economic development, housing, environment, and energy use planning.

7. Make the State and Metropolitan Long Range Plans **goal-based** and accountable to benchmarks.

8. Incorporate **corridor-level analysis** of system-wide impacts, including location, mode choice, housing, equal access, and environmental quality in to the long-range transportation planning process.

9. Make **complete streets** mandatory in the planning and programming of transportation corridors, so that investments in roads and streets provide safe and convenient accommodation for all modes of travel, including walking, bicycling, transit, and driving.

10. Put all modes on **equal footing** with respect to the analytic process through which projects are selected.

11. Avoid weakening any of the **major environmental protections** enacted since 1970, including NEPA, clean air or clean water legislation, and related environmental protection laws and regulations as a strategy to speed transportation project delivery.

Basis for These Proposals

Travel Choices
The foundation of our platform is expanding choices for travel. This includes expanding transit service but also building our public facilities for safe and convenient accommodation of walking and bicycling. Roughly 40% of all trips in metropolitan areas are two-miles in length or less, which are trips that can and should be taken on foot or bicycle but are still taken primarily by car due to disjointed land use patterns, poor infrastructure design, and limited connectivity. By investing in our corridors, with a complete streets policy in place, we are making the most efficient use of our transportation funds. Streets that provide flexibility in how they are used, offer the most public benefit by accommodating all users and increasing the efficiency – economically, environmentally, logistically - of our transportation network.

Reinvesting in Existing Cities
A significant part of America's future lies in its metropolitan areas. Our metropolitan areas are home to over 80% of the US population and generate over 85% of the gross domestic product. These percentages will increase in the coming decades.

For the past fifty years, our national surface transportation program has been designed to foster the decentralization of settlement patterns, creating vast areas of suburban and exurban development, and playing an important role in the depopulation of our older core cities, towns and villages. This pattern is not sustainable and does not reflect the needs of a changing population and a changing economy, especially in light of its inherent energy demands. We need to refocus our transportation program on our existing urbanized places – our core cities, our existing suburbs, our towns and our villages - to accommodate our future growth.

Smaller cities have needs too. We must invest in transportation for our small cities, towns and rural areas by supporting improvements in public transit, walking, and bicycling. We must ensure that improved connectivity, safety, and public health are prioritized to prevent sprawl and to provide transportation choices in these important places.

The time has come for an urban renaissance that deploys federal transportation funding as one tool in the redevelopment and revitalization of America's existing places.

II.
Transportation for a 21st Century Economy

II. Transportation for a 21st Century Economy

We believe: The surface transportation program should improve and protect U.S. competitiveness in the global economy.

Our Objectives

√ Ensure all Americans have the mobility and access needed to participate fully in a **robust economy**.

√ Begin addressing our transportation infrastructure crisis by taking better care of what we have already built, bringing our transportation assets into a condition of **good repair**.

√ Make strategic investments in transportation that catalyze creation of **green jobs** that are environmentally and economically sustainable.

√ Embark on a national program to bring modern **urban transit networks** to the nation's 50 largest metropolitan areas by 2030.

√ Support cities, towns, and rural places in the creation of modern, complete **transit, bicycling and walking networks**.

√ Complete a **national intercity passenger rail network** that links all ten of the nation's mega-regions by 2030 with direct, high-speed (> 90 mph) rail services.

√ Connect our cities and regions to the global economy by improving the efficiency of **long distance freight** distribution.

√ Re-establish transportation **research**, **data collection** and reporting as important federal functions.

Here's How

1. Set national minimum **State of Good Repair** criteria for all modes and provide financial rewards and penalties for states and regions based on progress toward State of Good Repair objectives.

2. Establish a **National Infrastructure Commission** with the mission of identifying investments of national priority, focusing on multimodal intercity corridors of national significance, including a national intercity rail network and key freight corridors co-located where possible with electricity infrastructure.

3. Significantly enlarge the funding made available for **public transit systems** and for **walking and bicycling facilities**.

4. Provide direct incentives and support for creation of **transit oriented development districts** around corridor transit stations, with bonuses given for preservation and creation of **mixed-income** housing.

Here's How

5. Develop an expanded, consistently-funded transportation **research program** that improves our ability to address the challenges identified in this Platform and our ability to achieve National Transportation Objectives, specifically data related to use and safety of bicycle and pedestrian facilities.

6. Ensure that any consolidation and reorganization of program funding categories supports the objectives and priorities of this platform and includes creation of a **multimodal metropolitan mobility** program empowering local and regional entities to make investments that strengthen their cities and improves their sustainability and economic competitiveness.

Basis for These Proposals

Economic Competitiveness
Many nations are rapidly developing 21st Century transportation systems that are energy efficient and climate friendly. In today's global economy, America's reliance on a petroleum-based transport system represents a serious competitive disadvantage. To remain competitive, we need more efficient and less polluting ports, high speed passenger rail connections between our cities, improved intercity rail freight capacity, and convenient commuting systems that are not petroleum-dependent and are more resilient to fluctuations in energy costs.

We need intercity passenger rail systems to alleviate capacity and cost issues of air travel and to reduce reliance on auto travel in congested intercity corridors. We need expanded rail freight systems to improve our physical distribution efficiency and to mitigate further growth in truck volumes on rural interstates. We need modern urban transit systems to reduce the amounts that households and businesses spend on gas to get to work and to deliver needed goods and materials.

America's transportation system is still organized to serve a 20th Century industrial economy. Without smart, strategic investments in modern transportation systems, America will be supplanted as the world's most productive economy.

Maintaining and Improving Infrastructure
The nation's transportation assets are deteriorating. The need to bring our existing transportation system to a state of good repair and stabilize the condition our surface transportation system has been well documented and has been dramatized for the public by high-profile facility collapses. This need spans all modes, affecting not only highways, but public transit as well.

However, we are making little progress toward more responsible management of these essential assets. This challenge is compounded by the fact that in many states and regions, aggressive roadway expansion continues, increasing our exposure to future maintenance and repair costs. This has prompted a few states, including New Jersey, Michigan and Massachusetts, to adopt "fix-it-first" laws in an attempt to step into the policy vacuum and address this need in the absence of federal direction. Our nation will not be able to compete in a global economy if our basic transportation infrastructure is not maintained or if we continue to pour our transportation investments into low-yield exurban expansion.

Freight
Interstate and international commerce have always been critical elements in U.S. economic strength. Over the last few decades, the development of globalized, trade-dependent supply chains has led to substantial growth in the demand for efficient, long-distance freight movement. Our investment in the efficiency and capacity of our freight infrastructure has lagged behind this demand. Now, we are faced with the additional challenge that our interstate freight networks are almost entirely dependent on petroleum and face steep increases in the cost of fuel that we are unprepared to address.

Basis for These Proposals

Urgent freight transportation needs include efficient connections from ports to national freight corridors, new intermodal facilities to transfer between rail and truck, and expansion of cross-country rail freight mainlines, which provide an essential alternative to less efficient, oil-dependent motor trucks. (While rail freight movement consumes energy, too, it is far more energy efficient than truck freight for longer distance movement.) In many states, the largest single source of growth in Greenhouse Gas (GHG) emissions will be growing truck traffic, which is expected to double by 2035. We need to manage this demand and reduce emissions while keeping our economy moving.

Strategic design and intelligent transportation technologies have been underutilized in addressing chokepoints in key freight corridors. Freight is given little priority in regional planning and management of transportation corridors. Energy efficient modes of freight, such as rail and barge, have received less attention and funding in the federal transportation program. As energy prices rise these deficiencies are hampering our economic prospects.

Environmental Justice
Historically, low-income and minority communities across the country have been damaged by highway, freight facilities, and other investments in which they had little voice. Transportation projects have disproportionately benefited some and burdened others, often along race and income lines. Many transportation projects and plans are still developed without meaningful involvement of affected communities, leading to projects that detract from quality of life, public health, safety, and personal mobility. This isolates them from economic opportunity.

This is more than an equity issue. The strongest economies are those that open the doors of opportunity wide to all people. To compete effectively in a global economy we must renew our commitment to egalitarian access to the benefits of a national transportation program.

Green Jobs
The construction, maintenance and operation of transportation services and facilities comprise a large and growing component of the American economy. While the federal transportation program has been seen, in part, as a jobs bill, there has been little or no strategic thinking about creating sustainable jobs that reflect modern energy efficiency and climate change realities.

Investments in transit expansion projects can reduce per capita carbon emissions and create jobs. Transit projects generate nine percent more jobs per dollar spent than road and bridge repair and maintenance projects, and nearly 19 percent more jobs than new road or bridge projects. A modern – 21st Century – transportation program would create professional jobs in software engineering; electronic and digital systems design; transit facility and equipment design; and communication systems operation and maintenance; as well as a wide range of jobs in transit facility and equipment maintenance and operations; and road and street maintenance.

This page blank

III.
Transportation, Energy and Climate Change

III. Transportation, Energy and Climate Change

We believe: A core mission of the surface transportation program should be to reduce the amount households and businesses spend on transportation and reduce the nation's dependence on oil.

Our Objectives

√ Reduce the impact of **rising energy costs** on families by reducing the inherent necessity of motor vehicle travel for access to jobs, education, shopping and recreation.

√ Reduce our **reliance on petroleum products** for transportation to no more than 20% by 2050 (from more than 95% today).

√ Make a significant contribution to achievement of the nation's **climate change** objectives through transportation program reform. Assume a world leadership role in addressing climate change by reducing greenhouse gas emissions from the transportation sector to 20% below 1990 levels by 2020 and to 80% below 1990 levels by 2050.

√ Increase access for households of all incomes to decent, affordable **housing near public transit**, job centers and other locations that facilitate reductions in transportation costs.

Here's How

1. Significantly increase the share of federal, state and local **investment in public transit** systems and in **walking and biking** facilities by increasing the funding available for those modes, by erasing the barriers to transit capital projects inherent in current federal rules and procedures, and by placing all modes on an equal footing in terms of federal cost participation ratios.

2. Establish **incentives** to ensure that sufficient state and local **transit operating and maintenance** funds will be available to operate current services and to support proposed service expansions.

3. Set **national transportation energy use and greenhouse gas emission reduction objectives**. Allocate transportation energy use and GHG reduction targets to states and metro regions. Implement funding rewards and penalties for states and regions that fail to make progress toward their share of the transportation energy use and GHG emission reduction objectives.

4. Target transportation investments to support convenient, complete and inclusive communities with a complete mix of housing types and incomes, where necessities and amenities are close by, and people can walk, bike, ride transit and drive.

Here's How

5. Increase **funding incentives** for transportation policy innovations such as mixed-income, transit-oriented development, car/bike sharing, parking cash out, congestion pricing, complete streets retrofits, technological improvements, pay-only-when you drive insurance, transportation-efficient neighborhoods and developments, and other state and local programs that reduce: the burden on the transportation system; oil consumption; and greenhouse gas emissions..

6. Develop strong program funding incentives for jurisdictions to increase the availability of affordable homes to families with a mix of incomes near public transit stops and job centers.

7. Monitor the **cost burdens** of direct transportation user fees – including transit fares, toll road tolls, and congestion pricing systems –on low and moderate income families to ensure such fee systems are affordable and equitable. When appropriate, require use of toll receipts to fund cross-modal investments to improve equity.

Basis for These Proposals

Affordability
Americans spend about 20 percent of household budgets on transportation. For many working families that number is much higher, raising transportation above shelter as a percentage of household income. This situation is caused by limited availability of transportation choices and by sprawl, which make it difficult or impossible to reach school, work and shopping without traveling long distances by car. While the need for "affordable housing" has received well-deserved attention, the fact is that achieving "affordable living" may be the more important objective, reflecting the combined burden of transportation and housing costs as a percentage of household income. For many working households the goal of affordable living is becoming less attainable as fuel prices and trip lengths increase.

Greenhouse Gas Emissions
Nationally the transportation sector is responsible for one third of CO_2 emissions. In fact, transportation is our second largest and fastest growing source of greenhouse gases. Each second, America's transportation system burns 6,300 gallons of oil, producing more CO_2 emissions than any other nation's entire economy except China.

Transportation sector CO_2 emissions are a function of fuel efficiency, fuel carbon content, and vehicle miles of travel (VMT). Federal and state energy and climate policy initiatives have focused almost exclusively on technological advances in vehicles and fuels, the first two factors. However, we must also address VMT growth or we will not succeed at limiting GHGs to levels required to avoid unacceptable climate change.

VMT Growth
Since 1980, the annual miles driven by Americans have grown three times faster than the U.S. population and almost twice as fast as vehicle registrations. If this trend were to continue, VMT would increase by 60 percent from 2005 to 2030, overwhelming the GHG reductions generated by increases in fleet efficiency. Targets set by the scientific community for reducing GHG emissions by 60 to 80 percent relative to 1990 by 2050 will require significant reductions in the rate of VMT growth in the U.S. in order to avoid the most catastrophic impacts of climate change.

However, VMT trends are now being affected by fuel prices and related economic trends. While vehicular travel continues to grow throughout the Sunbelt, in the Southwest, and on the West Coast, it has slowed or halted in many Midwestern and Eastern states. Overall, the nation has seen two consecutive years of annual VMT decline (2006 and 2007) – the first since the end of World War II. For the nation's fastest growing states – California, Arizona, Texas and Florida – managing VMT growth will continue to be an urgent need. Other states will face a policy conundrum as they try to determine whether to view recent VMT declines as an opportunity to pull back from costly highway capacity expansion, or as a temporary "dip" in the long term trend.

Basis for These Proposals

Energy Security
Over 95 percent of U.S. transportation energy is petroleum-based and 60 percent of that is imported. This dependence exposes Americans to economic risks associated with higher fuel prices.

Growth in transportation sector energy demand due to sprawl and the resulting growth in VMT also threatens our energy independence and poses a national security threat. Rising fuel costs are affecting the U.S. economy in ways that go far beyond the pump price of gasoline.

As petroleum costs continue upward, driven to a significant degree by an inefficient, oil-dependent transportation system, the direct economic impacts at the household level include:

- Loss of jobs and increasing unemployment;
- Lower disposable personal income;
- Higher costs for household basics;
- Reduced per capita consumption expenditures, and
- Reduced personal savings.

These effects generate secondary impacts that reverberate throughout the economy, affecting the availability of money for capital investment, the ability of households to buy and make payments on homes and other real estate, and the strength of the U.S. dollar vis-à-vis foreign currencies.

Higher fuel costs are increasing cost of freight transportation, thereby increasing the cost of all retail products. The U.S. independent trucking industry is currently in decline due to the effects of higher fuel costs on small truckers and their inability to charge higher freight costs in a weak economy. Many small trucking companies are simply parking their trucks, unable to stay in business.

These impacts are compounded for public transit providers because their fuel costs are increasing at the same time that demand for transit service is growing rapidly. According to the American Public Transit Association, 85% of transit providers are currently experiencing capacity issues as ridership grows and 91% are unable to meet that demand due to limited budgets. Even more troubling is the fact that more than one-third of transit service providers are being forced to consider service cuts, as a result of increased operating expenses – even as demand is increasing.

This page blank

IV. Transportation Drives Development

IV. Transportation Drives Development

Our Objectives

√ Foster **land use patterns** that can be served efficiently and sustainably by well-planned national, regional and local transportation networks.

√ Establish as national policy the principle that land use and transportation must be planned in a coordinated, integrated manner – at the state, regional and local levels of governance.

√ End the federal subsidization of sprawl and replace it with a commitment to transportation investments that support **compact, mixed use, mixed-income development** patterns.

√ Become an active partner with the nation's cities and counties in the redevelopment of our metropolitan regions by making **urban renaissance** an explicit national objective of the surface transportation program.

√ Invest in transportation choices for rural America that improve economic opportunity, quality-of-life, and help prevent the conversion of rural lands to low-density suburban development.

Here's How

1. Create a transit-oriented development **tax credit** to support and accelerate development of compact, mixed use, mixed income development around rail and other high capacity transit stations.

2. Increase local flexibility and self-determination by removing barriers to use of federal transportation funds for investments in land use and local infrastructure that reduce VMT.

3. Use federal funds to leverage and invest directly in projects that bring destination land uses, (schools, groceries, health care services, etc.) to transit centers and neighborhoods as part of a comprehensive local accessibility strategy.

4. Develop technical assistance and guidelines for the routine forecasting and evaluation of the impacts of transportation investments on development patterns, including infill, redevelopment, compact urban development and sprawl.

5. Establish national minimum guidelines for coordinating state and metropolitan transportation planning with other planning processes to ensure **integration of land use and transportation** activities resulting in more compact, mixed-income communities served by transit.

6. Require the use of **scenario planning** techniques in the development of future Long Range Transportation plans, similar to Envision Utah or the Sacramento Blueprint. This effort must engage the public and analyze growth, demographics, climate impacts, energy and other trends while fulfilling the National Transportation Objectives as they are realized at the local level.

Here's How

7. Encourage the use of federal funds to replace the overly-large, harsh and utilitarian roads and freeways inherited from the suburban era, by investing in the **redesign and retrofitting** of a new generation of "great streets" benefiting and adding value to the neighborhoods and communities they serve.

8. Support locally-appropriate decision-making and development strategies by empowering regional **transportation planning** entities. Increase their capacity, decision-making authority and allow for direct allocation of federal funds to support their programs.

Basis for These Proposals

Sprawl
Much of our growth in VMT is non-productive, characterized by an increase in driving without a corresponding increase in access to destinations. This has been caused by inexorable expansion of disconnected land use patterns that require more driving. Across the U.S., land was consumed for development at three times the rate of population growth between 1982 and 2002. Sprawl has the strongest influence on VMT per person – more than population growth, changing demographics or increases in per capita income.

More than 60 percent of the growth in driving and associated energy consumption is due to land use patterns of single uses served by a disconnected road network. American households are spending more on transportation as part of their household budget due to the necessity in much of the country to own vehicles and drive, rather than walk, ride a bike or take public transit. Sprawl is costly financially, environmentally, and from a public health perspective. Auto-oriented communities that don't provide safe active living opportunities are associated with increased levels of obesity; air pollution resulting from increased VMT in these communities threatens respiratory health, particularly for our seniors and children.

For many years, in the face of steadily rising housing costs, many working Americans adapted by finding homes farther and farther out from developed areas – an effect known as "drive 'till you qualify." That trend now has placed thousands and thousands of households in danger as higher pump prices for gasoline, combined with a weaker economy and higher unemployment rates, threaten their ability to make mortgage payments.

Traffic Congestion
For the past two decades transportation policy making and transportation planning have been narrowly focused on traffic congestion. Previous surface transportation bills have called for "managing," "reducing," or "alleviating" congestion. Despite significant investment, congestion is worse than ever.

Congestion is an issue for many Americans. As a result of sprawl and increased driving, congestion in our nation's metropolitan areas is bad and getting worse, wasting fuel and time, and impairing economic vitality. Further, only a small portion of the U.S. population is able to avoid congestion completely by taking public transit, walking or riding a bike.

Basis for These Proposals

However, the congestion problem has been oversimplified. Land development patterns and transportation interact with each other in complex ways. When new roadway capacity is built to reduce congestion, it has the unintended effect of encouraging low density development of outlying areas, which in turn produces more traffic. Research has shown that much of the capacity of new or expanded roadways is consumed, not by the traffic for which they were planned, but by new traffic produced by sprawling development.

The expenditure of trillions of dollars in the U.S. over the life of the modern highway program has added many thousands of miles of new roadway lanes. But this has not alleviated congestion. The metropolitan regions with the most aggressive freeway construction programs – Los Angeles, Phoenix and Houston, among others – have not been able to reduce per capita annual delay. Today, these same regions are engaged in aggressive plans to build public transit systems to give citizens the choice to opt out of congestion. Our policies have built vast roadway systems with vast amounts of traffic across ever-expanding urban regions. Unfortunately, these policies have also increased congestion.

Population Growth and Demographic Trends
The nation's population is forecast to increase by 40 percent over the first half of the 21st Century to a total of 420 million, leading to significantly heightened demands on an already burdened transportation system. At the same time, related demographic trends – aging and retirement of the Baby Boomers, rise of small and non-traditional households – will significantly increase demand for new housing located in compact mixed use areas in our cities, suburbs and towns – already a large and underserved market.

Our population will be older and demographers anticipate that aging Baby Boomers will drive less than their younger counterparts, though more than the 65 and over population drive today. In studies, many older people say they fear health problems that will make them unable to drive because that would mean they would have to move from their homes and neighborhoods. Many communities have been built without provisions for older people to age in place – getting to the store, healthcare facilities, family, and friends with ease without being required to drive.

Environmental Protection
Roads and streets represent massive infrastructure systems affecting vast areas of the American landscape. These facilities and the traffic they carry put pressure on our natural resources and our human environment.

Transportation impacts on water quality, air quality, wildlife habitat and migration corridors, along with many other effects, are acknowledged and much studied. However, while environmental laws and regulations have grown greatly over the past 50 years, the negative impact of transportation on our environment continues to be an important issue.

While federal legislation has done much to mitigate environmental degradation, the benefits of these efforts – especially in air quality and water quality – are gradually being consumed by fast growth in motor vehicle traffic and in the facilities that carry it.

V.
Public Health and Safety

V. Public Health and Safety

We believe: The surface transportation program should improve public health and safety.

Our Objectives

√ Reduce the rate of **serious injuries and loss of life** on our nation's streets and highways for motorized and non-motorized travel.

√ Ensure that **public health** issues are addressed in transportation investment decision making.

√ Invest in transportation initiatives that improve the health and safety of our **children**.

√ Expand transportation programs that offer options to the **elderly and disabled** so that driving is not the only option available in their communities.

√ Make safe, convenient walking and bicycling the cornerstones of a higher quality of life in communities and neighborhoods and encourage a shift of short trips to these modes.

√ Expand public transit and mixed-income transit-oriented development to improve access to health care and reduce time and environmental pollution associated with high daily per capita VMT.

Here's How

1. Set specific national targets for safety improvement, particularly in walking and bicycling, as part of the **National Transportation Objectives**.
2. Revise the current Safety Program to better reflect the risks to bicyclists and pedestrians; and increase the level of commitment to **Safe Routes to School**.
3. Make **Active Transportation** a mandatory design and project eligibility criterion for all surface transportation programs.
4. Formalize **Context Sensitive Design and Solutions** as required elements of program and project development. Provide updated design guidance for well-connected, sustainable street design.
5. Make **Health Impact Assessments** (HIAs) mandatory evaluation elements of transportation environmental impact statements and environmental assessments; account for direct and indirect economic impacts of health burdens and benefits.

Here's How

6. Increase the funding for **paratransit** and other specialized services for the elderly and disabled that improve their access to services and local destinations.

7. Reduce and mitigate the health impacts associated with the location of highways, diesel rail lines, and freight facilities near residential areas.

8. Rewrite the air quality "**conformity**" provisions and the **Congestion Mitigation and Air Quality** (CMAQ) program to improve simplicity and efficacy in selecting better projects.

Basis for These Proposals

Public Health
Increased reliance on autos as the primary mode of transportation contributes to a host of negative health impacts in addition to the immediate health consequences of traffic accidents. These impacts include increased incidence of obesity, cardiovascular disease, diabetes, asthma and lung disease, among others. Two principal factors are at work here.

First, the trend toward built environments that are dominated by large streets and heavy traffic has discouraged active living in most of our neighborhoods. People (especially children) do not walk or bicycle as much as they did thirty years ago. Research over the past decade has confirmed that the way we have been building our neighborhoods, business districts and schools is reducing our physical activity, and that in turn is adversely affecting our health.

Second, increased traffic is harming public health by exposing people to high levels of air pollution. For example, people who suffer from asthma and live near heavy vehicular traffic are nearly three times more likely to visit the emergency department or be hospitalized for their condition than those with less traffic exposure. Moreover, living in areas exposed to heavy traffic is a burden borne disproportionately by people in low income, under-served communities and by communities of color.

This is a critical economic issue. Annual health care costs in the U.S. total $2 trillion. Health care costs are a leading cause of bankruptcy for individuals and families. Many of the diseases that drive these statistics are directly affected by transportation and land use decisions and could be mitigated by active living, improvements in air quality and improvements in traffic safety.

Safety
Traffic crashes take a significant toll on Americans. Over the last two decades, traffic deaths have hovered around 43,000 per year, about 5,000 of whom are bicyclists or pedestrians. Motor vehicle accidents are the leading cause of death for Americans aged three to 33 and 2.5 million people are injured on our roads each year.

This toll affects our nation’s economy. According to research conducted for the American Automobile Association (AAA), auto accidents cost each American more than $1,000 a year. Traffic accidents in total cost the U.S. economy $164 billion annually.

We have taken major strides nationally to improve traffic safety. Drunk driving laws, driver education programs, increased law enforcement, seat belts, and airbags are just a few of the positive steps taken. However, we have not yet seriously addressed the relationship between traffic volume, traffic speed and motor vehicle accidents, injuries and deaths.

VI.
Funding a 21st Century Transportation System

VI. Funding a 21st Century Transportation System

We believe: New or increased revenue sources for the federal surface transportation program should be equitable, consistent with national goals, and sustainable over the long term.

Our Objectives

√ Develop revenue sources sufficient to fund the levels of investment called for in this Platform.

√ Choose **long term revenue** sources that are not dependent on petroleum consumption and are **consistent** with the nation's energy, climate change and economic goals.

√ Allocate the financial burden of new or increased revenues **equitably** across income groups.

√ Ensure that revenue sources **reward energy efficiency**, are closely linked with actual transportation system use, and **allocate user costs fairly** across modes and vehicle types.

√ Involve the private sector in transportation funding in a responsible manner that ensures long term public benefit and **protects public assets**.

Here's How

1. Require a **direct connection between support for new revenue sources and the priorities** called for in this Platform: development of modern urban transit systems; development of an intercity rail passenger system; and redirection of the roads and streets programs into "state of good repair." **Do not allow a general across-the-board increase** in transportation funding that continues the single mode, highway-only orientation inherent in the surface transportation program over the past 50 years.

2. Use **fuel tax increases as interim stopgap measures** only. Begin setting the stage for a new set of **sustainable and equitable funding sources**. Consider the potential for a national VMT tax as a key long term basis for funding surface transportation by requiring appropriate equipment in new vehicles and service station fueling devices and by funding continuing technical research and development with the intent that a VMT tax potentially could be implemented in the next update of surface transportation authorization legislation.

3. Dedicate that portion of proceeds from a national **cap and trade system or a carbon tax** that are derived from mobile surface transportation sources to funding those components of the surface transportation program that will reduce greenhouse gas emissions.

Here's How, Continued

4. Establish a **National Infrastructure and Transportation Bank** to monetize tax increment financing and private sector value capture benefits for capital improvements.

5. Provide clear guidance for **public-private partnerships (PPP)**, including toll facilities, congestion pricing systems, turnkey projects, and privatization of public infrastructure. Require that PPP business deals conform to the following principles:
   - Ensure complete **transparency** of all business deals and an open public review process;
   - Retain **public control** over decisions about transportation planning and management;
   - Guarantee **fair value** so that facilities and future toll revenues are not sold off at a discount;
   - Protect the public interest in **location efficient development** patterns, in reducing **greenhouse gas emissions**, and in protecting the **environment**; and,
   - Ensure full **political accountability** for outcomes.

Basis for These Proposals

Transportation Revenue Sources
Motor fuel taxes have been the principal source of highway funding for the last 80 years, although other revenue sources are prominent in the funding of local roads and transit.

As fuel prices have rapidly escalated since 2006, the US has begun to see the first sustained decline in national daily vehicle miles of travel (VMT) since before World War II. This has aggravated a problem that was already anticipated: receipts to the Federal Highway Trust Fund have not been enough to support the contract obligations authorized by Congress through SAFETEA-LU and recent appropriations bills.

Now, with VMT below forecast, fuel tax revenues are even lower than expected, with the result that the gap between authorization levels and income has arrived sooner and in greater magnitude than originally forecast. In September 2008, Congress made an emergency appropriation of $8 billion from general funds to keep the Highway Trust Fund solvent through the end of calendar year 2008.

Whether this is a long term trend or not is difficult to predict. There is assuredly some amount of elasticity of motor vehicle travel in relation to gas prices, but in the past Americans have tended to increase their driving again once the initial "sticker shock" has passed. In the present case, however, it is also difficult to predict what will happen with future fuel prices. The underlying forces driving petroleum prices higher – economic growth in China, India and Third World nations, coupled with a leveling off of growth in worldwide petroleum production capacity – are not going to go away. A world recession could slow the trend but will not likely reverse it.

A surface transportation program that is dependent on petroleum consumption is a bad idea for many reasons. The original concept of the fuel tax as a user fee dedicated to road construction will be increasingly out-of-date in the 21st Century as the nation's surface transportation program becomes more multimodal, with a new emphasis on investments in urban rail transit and intercity high speed rail. Over-reliance on fuel taxes also makes the surface transportation program dependent on growth in petroleum consumption with the attendant economic, national security and climate change issues.

Continued reliance on increases in fuel purchases to grow revenue for transportation system investments is no longer good policy. Congress should begin the process of replacing the fuel tax with more sustainable revenue sources.

Transportation for America – Partners

Executive Committee

Reconnecting America
Smart Growth America
Action! For Regional Equity
America Bikes
American Public Health Association
Apollo Alliance
LOCUS – Responsible Real Estate Developer and Investors
National Housing Conference
National Association of City Transportation Officials
National Association of Realtors
National Resources Defense Council
PolicyLink
Surface Transportation Policy Partnership
Transit for Livable Communities
US PIRG

Elected Officials

U.S. Representative Diane Watson (Los Angeles, CA)
King County Executive Ron Sims (Seattle, WA)
City of Missoula Mayor's Office (MT)

National Groups

Smart Growth America (co-chair)
Reconnecting America (co-chair)
The Surface Transportation Policy Partnership
PolicyLink
Amalgamated Transit Union
America 2050
America Bikes
The American Institute of Architects
America Walks
American Public Health Association
Apollo Alliance
BOMA International
CEOs for Cities
Center for Neighborhood Technology
Coalition on Regional Equity (CORE)
Congress for the New Urbanism
Enterprise Community Partners
Environment America
Environmental & Energy Study Institute (EESI)
Environmental Defense Fund
Fresh Energy
Holland & Knight
Housing Preservation Project
Jonathan Rose Companies
League of Conservation Voters
Local Initiative Support Corporation (LISC)
LOCUS: Responsible Real Estate Developers and Investors

State, Regional, and Local Groups

1,000 Friends of Wisconsin (WI)
10,000 Friends of Pennsylvania (PA)
Action Committee for Transit (MD)
All Aboard Ohio (OH)
Action! For Regional Equity (MA)
Bike, Walk Ohio! (OH)
b'more mobile (MD)
Central Maryland Transportation Alliance (MD)
Citizens for Progressive Transit (GA)
CNU New York (NY)
Connecticut Fund for the Environment(CT)
Council of Senior Centers & Services
Elm City Cycling
Dane Alliance for Rational Transportation (DART)
Environmental Law and Policy Center
FRESC: Good Jobs, Strong Communities
Georgia Conservancy (GA)
Georgia PIRG (GA)
Greater Baltimore Committee (MD)
Greenbelt Alliance (CA)
Green Millennium
Green Wheels (CA)
Growsmart Maine (ME)
Growth And Justice (MN)
Houston Tomorrow (TX)
Livable Communities Coalition (GA)
Los Angeles County Bicycle Coalition (CA)
Los Angeles Walks (CA)

Main Street Project
National Association of Local Boards of Health (NALBOH)
National Association of City Transportation Officials
National Association of County and City Health Officials (NACCHO)
National Association of Realtors
National Center for Bicycling & Walking
National Coalition for Promoting Physical Activity
National Housing Conference
National Housing Trust
Natural Resources Defense Council
National Recreation and Park Association
Project for Public Spaces
Sam Schwartz Engineering, PLLC
Stewards of Affordable Housing for the Future
STV Inc
Transportation Equity Network (TEN)
Thunderhead Alliance
Trust for America's Health
U.S. Public Interest Research Group

Madison Area Bus Advocates (WI)
Massachusetts Smart Growth Alliance (MA)
Metropolitan Planning Council (IL)
Michigan Environmental Council (MI)
Michigan Suburbs Alliance (MI)
Missouri Bicycle Federation (MO)
Montana Smart Growth Coalition (MT)
New Jersey Future(NJ)
Northeast-Midwest Institute (NE & MW States)
Parry Transit
PenTrans (Pennsylvanians for Transportation Solutions, Inc.) (PA)
PennEnvironment (PA)
Plan It (NY)
Regional Transportation Authority (Chicago) (IL)
Regional Plan Association (NY-CT-NJ)
San Luis Obispo County Bicycle Coalition
Smart Growth Partnership
Sonoran Institute (Western States)
Southern Envirnonmental Law Center
SPUR
San Francisco Bicycle Coalition (CA)
The Transit Coalition (CA)
Transit for Livable Communities (MN)
TransForm (Formerly TALC)
Tri-State Transportation Campaign (NYC)
Urban Habitat
Utah Transit Authority (UT)
Vision Long Island (NY)
Washington Area Bicyclist Association (DC)
WALKSacramento (CA)

Agenda Item Number 6.8

Resolution No. 08-4011, For the Purpose of Entering Metro Council's Proclamation of the Results of the November 4, 2008 General Election Into the Council Records.

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING METRO COUNCIL'S PROCLAMATION OF THE RESULTS OF THE NOVEMBER 4, 2008 GENERAL ELECTION INTO THE COUNCIL RECORDS	)))))	RESOLUTION NO. 08-4011 Introduced by Council President David Bragdon

WHEREAS, the Metro Council adopted Resolution No. 08-3945 on May 8, 2008, For the Purpose of Submitting to the Metro Area Voters a General Obligation Bond Indebtedness in the Amount of $125 Million to Fund Oregon Zoo Capital Projects to Protect Animal Health And Safety, Conserve and Recycle Water, and Improve Access to Conservation Education; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Said Bonds Upon Issuance, approving, certifying and referred by the Metro Council to the Metro Area voters on the November 4, 2006 General Election as Ballot Measure 26-96 ("Oregon Zoo Bond Measure 26-96");

WHEREAS, a General Election was held in the State of Oregon on November 4, 2008 (General Election);

WHEREAS, ORS 255.295 requires that the Director of Elections of the Multnomah County Elections Division shall notify Metro of an official abstract of votes of the General Election for Multnomah, Clackamas and Washington Counties (Metro Area);

WHEREAS, Metro Code Title IX Elections, Chapter 9.02.080, requires Metro Council to "canvass the vote and enter its proclamation of the results in the Council records" ; and

WHEREAS, the Abstract of Votes and regional results of the General Election for the Metro Area certifying the election results were received by Metro Council, and Metro Council has canvassed the vote; now therefore

BE IT RESOLVED:

1. That the Metro Council hereby accepts the results of the Abstract of Votes for the November 4, 2008 General Election, attached as Exhibit A; and

2. That the voters of the Metro Area have approved of the Oregon Zoo Bond Measure 26-96.

ADOPTED by the Metro Council this _________ day of December 2008.

____

David Bragdon, Council President

Approved as to Form:

____

Daniel B. Cooper, Metro Attorney

Exhibit A
Resolution No. 08-4011

Regional Results and Certified Copies of Abstract of Votes for the Metro Area November 4, 2008 General Election

26-96 METRO
Vote for 1

	VOTES	PERCENT		VOTES	PERCENT
01 = Yes	195,652	59.72	03 = OVER VOTES	116	
02 = No	131,985	40.28	04 = UNDER VOTES	35,433	

	01	02	03	04
0156 156	31	26	0	7
0158 158	53	34	0	7
0543 543	10	5	0	3
0547 547	26	40	0	9
0548 548	12	9	0	1
0601 601	0	0	0	0
1002	437	405	0	51
1013	2657	1556	3	463
1025	2954	1247	0	634
1045	157	98	0	18
1053	2724	1235	1	590
1103	2493	965	2	504
1156	1774	1092	1	287
1170	2193	1483	0	357
1183	1807	925	1	332
1205	2439	1299	0	361
1211	1238	768	2	155
1213	1856	1172	0	284
1222	2390	1538	1	311
1224	1943	1137	0	264
1226	1235	787	1	168
1230	2291	1406	2	387
1238	1327	923	1	201
1240	947	605	1	156
1245	2811	1672	1	438
1315	2633	1110	0	615
1321	1615	1229	1	279
1400	921	667	0	175
1500	278	224	0	44
1504	45	38	0	6
1507	183	130	0	20
1515	615	419	0	86
1546	516	415	0	84
2002	2072	1449	3	350
2026	2453	1514	5	439
2029	2147	1367	2	342
2077	2382	1486	2	418
2086	2283	1433	3	419
2099	2087	1215	1	456
2100	2365	1530	1	389
2114	2180	1273	0	316
2143	1294	1038	0	242
3000	1712	1197	1	329
3002	2114	1415	0	370
3004	1691	1154	2	430
3008	2556	1587	5	436
3058	2479	1419	0	453
3097	2491	1466	1	498
3113	2060	1268	1	322
3128	2167	1341	0	283
3144	1812	989	1	230
3151	2169	1234	3	470
3177	2273	1376	0	353
3185	1176	995	0	315
3193	2483	1315	3	401

26-96 METRO
Vote for 1

	VOTES	PERCENT		VOTES	PERCENT
01 = Yes	195,652	59.72	03 = OVER VOTES	116	
02 = No	131,985	40.28	04 = UNDER VOTES	35,433	

(CONTINUED FROM PREVIOUS PAGE)	01	02	03	04
3240	2523	1510	2	453
3248	1698	941	2	317
3253	2651	1181	2	448
3259	2450	1126	2	335
3274	2286	1009	4	363
3290	1904	1264	1	262
3297	1183	866	0	242
3307	1068	1055	0	258
3311	1224	1039	2	291
3315	984	746	0	234
3322	954	933	0	229
3327	844	672	0	206
3329	1407	1391	1	270
3330	1421	1308	0	331
4022	2384	928	0	420
4027	2320	897	6	406
4041	2505	1334	2	421
4049	2608	1233	0	445
4065	2379	1199	1	347
4106	1942	847	0	285
4111	1887	1251	0	323
4125	1599	1106	0	320
4131	1666	1013	1	254
4155	1864	1293	4	312
4167	2599	1357	0	382
4178	1499	1003	1	302
4185	1462	922	0	257
4202	1686	1163	1	294
4216	607	451	1	113
4242	2031	1135	3	318
4250	1581	1029	0	257
4254	1856	1000	0	308
4282	2079	1181	0	347
4295	2306	1284	2	345
4299	1975	1596	0	324
4309	1093	1178	0	273
4320	995	746	0	259
4333	1595	1204	0	370
4338	1236	1169	1	261
4339	1550	1216	2	240
4340	823	706	0	212
4344	1065	914	0	241
4345	1440	1323	3	307
4350	1468	1436	1	303
4352	908	722	0	184
4359	657	732	0	145
4360	976	888	1	232
4361	1321	1319	2	279
4362	1154	875	1	269
4363	2185	1342	1	302
5029	255	176	0	48
5100	1734	1583	3	341
5200	1875	1701	1	352
5201	1309	1511	0	223
5301	556	410	0	87

26-96 METRO
Vote for 1

	VOTES	PERCENT		VOTES	PERCENT
01 = Yes	195,652	59.72	03 = OVER VOTES	116	
02 = No	131,985	40.28	04 = UNDER VOTES	35,433	

(CONTINUED FROM PREVIOUS PAGE)	01	02	03	04
5401	109	121	0	27
5425	140	156	0	34
5602	108	159	0	26
5604	513	684	0	162
5605	37	64	2	9
5819	1417	1235	0	265
5820	1572	1640	0	316
5828	1837	1386	1	380
5842	1894	1902	4	387
5846	1864	2145	2	357
5850	902	776	0	185
5851	1628	1634	0	327
5853	1340	1408	0	293
5855	1583	1891	0	300
5861	967	1006	1	207
5868	1081	1010	0	282
5870	1211	1083	0	215
5871	765	551	0	156

Certificate

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

Tim Scott

Tim Scott, Director of Elections
Multnomah County, Oregon

11/21/08 03:15 PM

General Election

	26-96 METRO: BONDS TO PROTECT ANIMAL HEALTH AND SAFETY:			
	Yes	No	OVER VOTES	UNDER VOTES
1	616	426	2	119
2	662	491	0	140
3	496	383	0	109
5	568	404	0	110
6	469	439	0	109
7	915	993	1	202
8	839	976	0	196
9	496	619	0	124
11	756	721	0	187
12	993	966	0	274
31	286	129	0	67
32	256	222	0	59
33	577	590	0	143
34	585	581	0	174
38	361	364	0	110
39	539	574	0	110
51	828	359	0	163
53	469	380	0	95
54	468	351	0	97
56	435	331	1	77
57	641	435	0	125
58	358	338	0	98
60	633	399	1	127
62	568	482	0	118
63	529	417	0	137
64	525	413	0	129
90	5	0	0	0
91	84	55	0	13
92	45	29	0	3
93	65	61	0	12
94	31	23	0	11
95	2	6	0	1
96	1629	1735	0	412
97	133	147	0	51
98	800	830	1	204
130	1191	919	0	273
131	1180	971	0	270
132	992	786	0	213

COUNTY OF CLACKAMAS 18 43 STATE OF OREGON

11/21/08 03:15 PM

General Election

134	876	695	0	193
135	603	444	0	131
136	589	426	0	96
138	802	627	0	201
139	792	566	1	169
140	460	283	0	107
151	719	479	0	134
152	536	369	0	124
153	846	459	0	193
154	879	561	0	209
155	951	604	0	237
157	421	338	0	91
158	679	424	1	132
159	613	485	0	140
160	684	534	0	116
162	904	677	0	157
163	879	587	2	172
164	613	364	1	157
165	729	444	1	101
166	765	531	0	153
167	792	430	0	185
169	342	304	0	106
170	11	9	0	3
171	14	10	0	3
201	719	519	0	137
202	859	513	1	199
203	552	475	0	186
204	426	308	0	111
205	509	447	0	115
206	1024	728	1	228
251	0	2	0	0
252	796	699	0	168
300	414	296	0	83
301	418	307	1	76
302	320	208	0	52
303	487	320	0	88
305	43	21	0	4
306	67	41	0	13
313	225	229	0	45
326	410	414	0	101
327	566	706	0	130
328	44	30	0	10
337	2	2	0	2
390	483	639	3	165
394	361	425	0	97
401	507	653	0	136
403	387	526	0	124
405	392	578	0	116
407	81	150	0	21
411	582	532	0	151
412	732	575	0	222
413	295	291	0	92
414	651	608	0	188
422	456	496	0	122
441	225	125	0	47
442	601	520	0	154
443	452	529	1	118

COUNTY OF CLACKAMAS 1843 STATE OF OREGON

11/21/08 03:15 PM

General Election

444	82	120	0	33
445	510	404	0	143
446	398	290	0	96
451	417	204	0	138
452	208	163	0	59
453	615	493	0	148
454	929	681	0	241
475	664	525	2	179
478	171	106	0	34
480	378	335	0	89
481	1104	743	0	261
491	217	130	0	70
503	584	453	1	119
505	521	374	0	133
506	323	269	0	69
507	501	333	0	120
521	577	321	0	126
522	256	88	0	71
523	108	31	0	35
525	592	387	0	141
526	529	441	0	114
530	531	425	0	139
531	556	384	0	128
532	312	273	0	64
533	443	299	0	90
538	345	280	0	94
549	457	316	1	102
550	572	574	0	159
551	484	411	1	96
552	475	434	0	132
553	191	133	0	39
555	724	608	1	175
560	296	262	1	69
561	42	27	0	5
562	3	2	0	0
563	433	328	0	106
565	0	0	0	2
568	82	74	0	21
587	19	16	0	2
TOTALS	66259	53624	26	15515

COUNTY OF CLACKAMAS 18 43 STATE OF OREGON

NUMBERED KEY CANVASS

RUN DATE:11/21/08 12:56 PM

Washington County
General Election
November 4, 2008

REPORT-EL52 PAGE 0151

26-96 Metro Zoo Bond
Vote For 1

	VOTES	PERCENT		VOTES	PERCENT
01 = Yes	109,016	55.19	03 = OVER VOTES	53	
02 = No	88,497	44.81	04 = UNDER VOTES	22,558	

	01	02	03	04
0302 302 KINNAMAN	850	731	1	170
0303 303 WITCH HAZEL	36	53	0	14
0304 304 BUTTERNUT	1093	1032	0	205
0306 306 TANASBOURNE	331	162	0	60
0307 307 WILLOW CREEK	711	763	1	142
0309 309 HAWTHORNE FARMS	1878	1315	1	378
0312 312 HAGG LAKE	15	16	0	2
0313 313 HILLSBORO-UNINCORP	103	115	0	17
0314 314 GLENCOE	1	1	0	0
0318 318 MINTER BRIDGE	1242	1171	0	223
0319 319 QUATAMA STREET	502	352	1	85
0320 320 HAZELDALE	1139	827	0	194
0322 322 JACKTOWN	18	29	0	4
0323 323 INDIAN HILLS	1287	1143	0	317
0325 325 HILLSBORO-ISLANDS	3	0	0	0
0327 327 BROWN MIDDLE SCHOOL	1188	1156	0	240
0328 328 FARMINGTON VIEW	8	7	0	1
0329 329 CENTURY SCHOOL	1300	1396	1	279
0331 331 PORTLAND/BARNES	4	0	0	0
0332 332 ORENCO STATION	1060	976	0	170
0333 333 JOHN OLSEN	2294	932	0	531
0335 335 JACKSON SCHOOL	1290	1406	0	214
0336 336 FAIRGROUNDS	1011	961	1	182
0337 337 WALNUT ST	1338	1271	0	279
0338 338 CORNELIUS	1331	1336	1	301
0339 339 FOREST GROVE-EAST	686	515	0	205
0340 340 FOREST GROVE	1040	999	0	190
0341 341 CORNELIUS-SCHEFFLIN	38	31	0	6
0342 342 DAVID HILL RD	12	28	0	4
0343 343 MOOBERRY	1532	1432	2	270
0344 344 HILLSBORO CENTRAL	1387	1052	3	239
0345 345 W/HILLSBORO UNINCORP	5	19	0	0
0346 346 CORNELIUS/TUAL RIVER	64	72	0	5
0348 348 LAKE OSWEGO	57	37	0	19
0349 349 DIVISION STREET	1069	750	2	208
0350 350 FIR GROVE	1824	1331	3	419
0351 351 ALOHA PARK	869	757	0	177
0352 352 BEAVERTON-CENTER	365	142	0	97
0353 353 WALKER ROAD-SOUTH	821	488	0	151
0354 354 CHEHALEM SCHOOL	1661	1326	0	328
0355 355 MEADOW PARK	1330	1001	0	276
0356 356 ALOHA-WEST	751	631	1	170
0357 357 HERITAGE PARK	607	497	0	162
0358 358 SEMINOLE ESTATES	364	223	0	69
0359 359 WATERHOUSE	1954	1561	0	434
0360 360 PHEASANT LANE	1229	842	0	250
0361 361 MILLIKAN	852	336	0	211
0362 362 CEDAR HILLS	1678	1202	3	292
0363 363 BARNES RD	1446	1007	1	279
0364 364 MCDANIEL RD	1759	1643	1	308
0365 365 LEAHY RD	1737	1273	0	282
0366 366 WEST TUALATIN VIEW	865	465	1	210
0367 367 THOMPSON RD	1288	1402	0	346
0368 368 SOMERSET	1675	1401	3	360
0369 369 COLUMBIA AVE	819	612	0	143

NUMBERED KEY CANVASS

RUN DATE:11/21/08 12:56 PM

Washington County
General Election
November 4, 2008

26-96 Metro Zoo Bond
Vote For 1

	VOTES	PERCENT		VOTES	PERCENT
01 = Yes	109,016	55.19	03 = OVER VOTES	53	
02 = No	88,497	44.81	04 = UNDER VOTES	22,558	

(CONTINUED FROM PREVIOUS PAGE)	01	02	03	04
0370 370 ROCK CREEK	992	794	0	170
0371 371 OAK HILLS	1057	711	0	188
0372 372 RIDGEWOOD SCHOOL	834	630	1	135
0374 374 JACOBSON RD	0	2	0	0
0375 375 PORTLAND CITY	142	85	0	25
0376 376 WESTVIEW	797	764	0	149
0377 377 BETHANY EAST	1154	1129	0	289
0378 378 CANYON LN	558	345	0	101
0379 379 HALL BLVD	1595	1080	2	331
0380 380 HIGHLAND PARK	1044	794	1	213
0381 381 BEAVERTON/CENTER ST	986	573	0	244
0382 382 GREENWAY	1411	885	1	281
0383 383 BEAVERTON-HILLSDALE	666	410	2	142
0384 384 GARDEN HOME	1172	737	0	179
0385 385 PORTLAND GOLF CLUB	1437	882	1	313
0386 386 RALEIGH PARK	1717	1119	1	284
0387 387 SUNSET CORRIDOR	344	169	0	96
0388 388 WHITFORD	98	42	0	30
0389 389 SEXTON MOUNTAIN	1530	1374	0	398
0390 390 SOUTHRIDGE	1577	1289	0	341
0391 391 PORTLAND CITY	178	73	0	37
0392 392 PORTLAND CITY COM 2	124	62	0	13
0393 393 MONTCLAIR	318	190	0	50
0394 394 CORNELIUS EAST	18	26	0	5
0395 395 MURRAY HILL	1061	866	0	270
0396 396 DURHAM	320	277	0	63
0397 397 BULL MOUNTAIN	1090	1036	0	250
0398 398 COOPER MOUNTAIN	263	356	0	47
0399 399 METZGER	928	712	0	210
0400 400 WASHINGTON SQUARE	1228	875	0	228
0401 401 MAYO STREET	850	559	1	138
0402 402 TIGARD/WALNUT ST	452	360	0	90
0403 403 TIGARD/GAARDE ST	1599	1532	0	289
0404 404 FOWLER SCHOOL	1066	931	1	217
0405 405 TWALITY SCHOOL	1761	1395	1	385
0406 406 TIGARD CITY HALL	1428	930	1	266
0407 407 NORTH BARNES	393	269	1	63
0408 408 SUMMERFIELD	1989	1615	2	466
0409 409 SUMMERLAKE-WEST	1086	824	0	245
0410 410 BEEF BEND RD	659	616	0	155
0411 411 SCHOLLS HEIGHTS	1027	643	1	321
0412 412 COOPER MT SCHOOL	805	755	0	174
0413 413 FISCHER/PACIFIC HWY	210	181	0	46
0414 414 BARROWS RD	564	438	0	135
0415 415 BEEF BEND/131ST	162	189	0	41
0416 416 SUMMERLAKE-EAST	736	564	0	176
0417 417 ELDORADO	628	409	0	119
0418 418 HART ROAD	154	165	0	39
0419 419 KING CITY	733	626	0	201
0420 420 TUALATIN CITY	1385	1257	0	226
0421 421 TRI-CITIES	15	9	0	0
0422 422 FG NORTH/UNINCORP	40	51	0	7
0423 423 TUALATIN-NORTH	1231	953	0	260
0424 424 CENTRAL SHERWOOD CITY	1548	1592	1	351
0425 425 SHERWOOD-UNINCORP	27	46	0	7

NUMBERED KEY CANVASS

RUN DATE:11/21/08 12:56 PM

Washington County
General Election
November 4, 2008

26-96 Metro Zoo Bond
Vote For 1

	VOTES	PERCENT		VOTES	PERCENT
01 = Yes	109,016	55.19	03 = OVER VOTES	53	
02 = No	88,497	44.81	04 = UNDER VOTES	22,558	

(CONTINUED FROM PREVIOUS PAGE)	01	02	03	04
0426 426 GRONER	38	35	0	5
0427 427 SCHOLLS	0	3	0	0
0428 428 TUALATIN-WEST	578	397	1	132
0429 429 MILLER HILL	734	712	0	141
0432 432 WILSONVILLE	121	67	0	36
0433 433 ED BYROM SCHOOL	948	851	0	210
0434 434 ERROL HASSELL	1455	1208	1	240
0435 435 SE SHERWOOD CITY	1350	1509	1	278
0436 436 TUALATIN CITY	672	853	0	133
0437 437 HAZELBROOK	23	25	0	2
0438 438 SE COUNTY	165	211	0	57
0439 439 PCC	8	4	0	1
0440 440 HILLSBORO-SOUTH	380	282	0	67
0441 441 PORTLAND CITY SOUTH	28	26	0	7
0442 442 KEMMER RD	368	351	0	73
0443 443 MCEWAN RD	0	2	0	0
0444 444 SPRINGVILLE	956	777	0	216
0445 445 SCHOLLS HTS N	239	238	0	62
0446 446 LOMBARD	548	368	0	112
0447 447 BETHANY WEST	868	921	1	198
0448 448 CEDAR HILLS	211	79	0	57
0449 449 CANYON/217	21	15	0	10
0451 451 GRABHORN	240	272	0	42
0452 452 JOHNSON/185TH	1073	919	0	254
0453 453 BASELINE/185TH	9	15	0	2
0454 454 BULL MT SPLIT	159	165	0	55
0455 455 S TIGARD/PACIFIC HWY	5	6	0	1
0456 456 FOREST GROVE-NORTH	12	29	0	0
0457 457 NW SHERWOOD CITY	742	748	0	170
0458 458 FOREST GROVE-WEST	1010	1013	1	164
0459 459 FOREST GROVE-SOUTH	1051	974	3	216

★ BOARD OF COMMISSIONERS ★ WASHINGTON COUNTY, OREGON

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-4011, FOR THE PURPOSE OF ENTERING METRO COUNCIL'S PROCLAMATION OF THE RESULTS OF THE NOVEMBER 4, 2008 GENERAL ELECTION INTO THE COUNCIL RECORDS

Date: December 4, 2008 Prepared by: Dan Cooper, Metro Attorney

BACKGROUND

On April 13, 2006, the Metro Council adopted Resolution 06-3659, "For the Purpose of Establishing the Oregon Zoo Future Vision Committee," which established the Oregon Zoo Future Vision Committee to recommend updates to the Oregon Zoo's master plan, changes to the Oregon Zoo's conservation and environmental education programs, and operating reforms to address the Oregon Zoo's systemic fiscal challenges.

The Oregon Zoo Future Vision Committee returned its reports to the Metro Council on October 4, 2007, with recommendations including updating the Oregon Zoo's master plan and enhancing the Oregon Zoo's infrastructure, and recommending strengthening the Oregon Zoo's leadership role in wildlife conservation and environmental education.

The Metro Council directed The Oregon Zoo Foundation to perform additional research, narrow down options, and put forth infrastructure improvement recommendations for a potential November 2008 ballot measure for a bond to fund capital improvements at the Oregon Zoo.

The Oregon Zoo Foundation, working with Oregon Zoo staff, researched infrastructure improvements and reported this information to the Metro Council on April 29, 2008, with recommendations to the Metro Council for specific capital projects and a $125 million capital bond.

The Metro Council adopted Resolution No. 08-3945 on May 8, 2008, For the Purpose of Submitting to the Metro Area Voters a General Obligation Bond Indebtedness in the Amount of $125 Million to Fund Oregon Zoo Capital Projects to Protect Animal Health And Safety, Conserve and Recycle Water, and Improve Access to Conservation Education; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Said Bonds Upon Issuance, approving, certifying and referred by the Metro Council to the Metro Area voters on the November 4, 2006 General Election as Ballot Measure 26-96 ("Oregon Zoo Bond Measure 26-96");

On November 4, 2008, a General Election was held in the State of Oregon.

As required by the State of Oregon Law, ORS 268 and ORS 249, ORS 255.295 requires that the Multnomah County Elections Division notify Metro of the official Abstract of Votes. Metro Code Title IX Elections requires Metro to accept the results of the official Abstract of Votes for the Metro Area encompassing the Counties of Multnomah, Clackamas and Washington, State of Oregon, "canvass the vote and enter its proclamation of the results in the Council records."

ANALYSIS/INFORMATION

1. **Known Opposition**: None.

2. **Legal Antecedents**: ORS 268, ORS 249; ORS 255.295; Metro Charter; and Metro Code Title IX.

   Metro is authorized under ORS 268.520 and the Metro Charter, Chapter III, Sections 10 and 12, to issue and sell voter-approved general obligation bonds in accord with ORS Chapter 287 and 288, to finance the implementation of Metro's authorized functions;

   Resolution 06-3659, "For the Purpose of Establishing the Oregon Zoo Future Vision Committee," adopted April 13, 2006; and

   Resolution No. 08-3945, "For the Purpose of Submitting to the Metro Area Voters a General Obligation Bond Indebtedness in the Amount of $125 Million to Fund Oregon Zoo Capital Projects to Protect Animal Health And Safety, Conserve and Recycle Water, and Improve Access to Conservation Education; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Said Bonds Upon Issuance," adopted on May 8, 2008.

3. **Anticipated Effects**: The effect of this resolution with the approval of the Metro Area voters of a general obligation bond measure in the November 4, 2008 General Election.

4. **Budget Impacts**:

   At the recommendation of the Tax Supervising and Conservation Commission (TSCC), the budget for FY 2008-09 does not anticipate program expenditures related to the November 4, 2008 general obligation bond measure. Oregon budget law provides for a full exemption from budget law for the expenditure of voter approved bond proceeds in the year the bonds are approved. The exemption begins the day the bonds are sold. Should the department need interim appropriation authority between voter authorization and sale of the bonds, or should additional staff be needed to implement the bond funded projects, the Council has the legal authority to establish appropriation or authorize new FTE through budget ordinance after passage of the measure. Staff will work with Council on the development of the bond program following the November election. If the bond measure is successful, certain related expenses, such as design and engineering, may be reimbursed from bond proceeds.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 08-4011.

Agenda Item Number 6.9

Resolution No. 08-3888, For the Purpose of Approving the Tualatin Hills Park and Recreation District's Natural Resource Management Plan as it Applies to Certain Natural Area Property Owned by Metro.

Metro Council Meeting
Thursday, December 18, 2008
Metro Council Chamber