



METRO

Agenda

MEETING: METRO COUNCIL
DATE: February 26, 2009
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 February 19, 2009 Metro Council Regular Meeting.

3.2 **Resolution No. 09-4030**, For the Purpose of Confirming the Appointment of Peter Brandom to the Solid Waste Rate Review Committee (RRC).

3.3 **Resolution No. 09-4028**, For the Purpose of Approving a Contract Amendment for the Predators of the Serengeti Exhibit and Red Ape Reserve Exhibits at the Oregon Zoo

4. ORDINANCES - SECOND READING

4.1 **Ordinance No. 09-1210**, For the Purpose of Amending Metro Code Section 4.01.050(a) Admission Fees, Effective June 1, 2009. Collette

4.2 **Ordinance No. 09-1211**, For the Purpose of Amending Metro Code, Chapter 12.02 Regional Park Fees, Section 10.02.020, to Adjust Park Entry Fees and Delegate to the Chief Operating Officer the Authority to Set all Other Regional Park Use Fees and Rental Fees. Park

4.3 **Ordinance No. 09-1212**, Amending the FY 2008-09 Budget and Appropriations Schedule Recognizing Donations to the Oregon Zoo, Amending the Capital Improvement Plan, and Declaring an Emergency. Collette

**5. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e).
DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE
REAL PROPERTY TRANSACTIONS.**

5.1 **Resolution No. 09-4020**, Authorizing the Chief Operating Officer to Purchase Certain Property in the Willamette Narrows and Canemah Bluffs Target Area Under the 2006 Natural Areas Bond Measure and Subject to Unusual Circumstances.

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for February 26, 2009 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 – Community Access Network www.tvctv.org – (503) 629-8534 2 p.m. Thursday, Feb. 26 (Live)</p>	<p>Portland Channel 30 (CityNet 30) – Portland Community Media www.pcmv.org – (503) 288-1515 8:30 p.m. Sunday, Mar. 1 2 p.m. Monday, Mar. 2</p>
<p>Gresham Channel 30 – MCTV www.mctv.org – (503) 491-7636 2 p.m. Monday, Mar. 2</p>	<p>Washington County Channel 30 – TVC-TV www.tvctv.org – (503) 629-8534 11 p.m. Saturday, Feb. 28 11 p.m. Sunday, Mar. 1 6 a.m. Tuesday, Mar. 3 4 p.m. Wednesday, Mar. 4</p>
<p>Oregon City, Gladstone Channel 28 – Willamette Falls Television www.wftvaccess.com – (503) 650-0275 Call or visit website for program times.</p>	<p>West Linn Channel 30 – Willamette Falls Television www.wftvaccess.com – (503) 650-0275 Call or visit website for program times.</p>

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 in which they are listed. If you have questions about the agenda, please call Chris Billington, Clerk of the Council, at (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 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, and for other public comment opportunities, please go to this section of the Metro website www.oregonmetro.gov/participate. For assistance per the American Disabilities Act (ADA), dial Metro’s TDD line (503) 797-1804 or (503) 797-1540 for the (Council Office).

Agenda Item 3.2

Resolution No. 09-4030, For the Purpose of
Confirming the Appointment of Peter Brandom
to the Solid Waste Rate Review Committee (RRC)

Metro Council Work Session
Thursday, February 26, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE) RESOLUTION NO. 09-4030
APPOINTMENT OF PETER BRANDOM TO)
THE SOLID WASTE RATE REVIEW) Introduced by:
COMMITTEE (RRC)) David Bragdon, Council President

WHEREAS, Metro Code Chapter 2.19.170 establishes the Solid Waste Rate Review Committee (RRC) to review and make recommendations to the Metro Council regarding solid waste disposal charges; and

WHEREAS, Metro Code Chapter 2.19.030 states that all members of Metro Advisory Committees shall be appointed by the Council President subject to confirmation by the Council; and

WHEREAS, Metro Code Chapter 2.19.170 authorizes representatives for the RRC; and

WHEREAS, the RRC incumbent who is involved with a local recycling or waste reduction program has resigned his position on the RRC, leaving therefor a vacancy; and

WHEREAS, the Council President has appointed Peter Brandom as a full voting member who is involved with local recycling, waste reduction, and sustainability programs, subject to confirmation by the Metro Council; now, therefore,

BE IT RESOLVED, that the Metro Council confirms the appointment of Mr. Brandom to Metro's Rate Review Committee.

ADOPTED by the Metro Council this _____ day of _____ 2009.

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4030 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF PETER BRANDOM TO THE SOLID WASTE RATE REVIEW COMMITTEE (RRC)

Date: February 12, 2009

Prepared by: Thomas Chaimov
503-797-1681

BACKGROUND

The seven-member Solid Waste Rate Review Committee (RRC), with representation from haulers, a person involved in a local recycling or waste reduction program, a citizen ratepayer, and finance and rate-setting experts, reviews and makes recommendations to the Metro Council regarding proposed solid waste disposal rates and other technical issues related to solid waste disposal rate setting.

Peter Brandom is the Sustainability Project Manager for the City of Hillsboro and has been appointed by the Council President to serve on the RRC as a full voting member performing the functions of the "person involved with a local recycling or waste reduction program." [Metro Code, Chapter 2.19.170 (b) (5)]. Attachment 1 contains a summary of Mr. Brandom's relevant experience, adapted from a November 18, 2008 City of Hillsboro press release.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition.

2. Legal Antecedents

ORS 192.610, "Public Meetings;" Metro Code Chapter 2.19.030, "Membership of the Advisory Committees" and 2.19.170, "Rate Review Committee (RRC)," are the relevant legal documents related to these appointments.

3. Anticipated Effects

This resolution is intended to appoint the following individual for service on the RRC: Peter Brandom.

4. Budget Impacts

None.

RECOMMENDED ACTION

The Council President has reviewed the qualifications of Mr. Brandom and finds him qualified to advise Metro in the matters of solid waste disposal rate setting. Therefore, the Council President recommends adoption of Resolution No. 09-4030 and, hence, confirmation of this appointment.

TC:bjl

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Summary of Relevant Experience

Peter C. Brandom is Sustainability Manager for the City of Hillsboro. Mr. Brandom's primary focus is to plan, coordinate, guide and direct City sustainability initiatives across the organization and in the community. Among his responsibilities are recycling and waste reduction programs. He works with City management and departments to provide an integrated approach for both internal and external sustainability efforts.

Prior Experience

Mr. Brandom has eleven years of professional experience including support of Federal agency environmental programs as well as work in sustainability planning and implementation. His specific areas of expertise include environmental sustainability, natural resource management, land conservation, environmental policy, renewable energy and green procurement.

Mr. Brandom formerly was a sustainability specialist at the consulting firm Booz Allen Hamilton in Arlington, Virginia. At Booz Allen, he helped develop and manage a number of sustainability programs and resources for agencies including the Department of Homeland Security, U.S. Postal Service, Department of the Interior, and Department of Defense. He also has experience in local sustainability research and planning, for the cities of Steamboat Springs, Colorado, and Edinburgh, Scotland.

Mr. Brandom earned his BA in International Studies from the University of Denver and his Master of Science degree from the University of Edinburgh. In 2007, he completed an extension course on Sustainability Implementation at Harvard University.

TC:bjl

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Agenda Item 3.3

Resolution No. 09-4028, For the Purpose of Approving a Contract
Amendment for the Predators of the Serengeti Exhibit and
Red Ape Reserve Exhibits at the Oregon Zoo

Metro Council Work Session
Thursday, February 26, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

RESOLUTION OF METRO COUNCIL, ACTING	)	RESOLUTION NO. 09-4028
AS THE METRO CONTRACT REVIEW BOARD,)	
FOR THE PURPOSE OF APPROVING A	)	Introduced by Michael Jordan, Chief
CONTRACT AMENDMENT FOR THE	)	Operating Officer, with the concurrence of
PREDATORS OF THE SERENGETI EXHIBIT	)	Council President David Bragdon.
AND RED APE RESERVE EXHIBITS AT THE)	
OREGON ZOO)	

WHEREAS, pursuant to Oregon Revised Statute 279A.060 and Metro Code 2.04.058, the Metro Council is designated as the Public Contract Review Board for the agency; and

WHEREAS, Metro Code 2.04.058 requires Council approval for contract amendments that exceed \$25,000; and

WHEREAS, under the direction of the zoo Construction and Maintenance Manager, 2KG Contractors, Inc. is constructing the Predators of the Serengeti and Red Ape Reserve exhibits in accordance with project specifications and schedules; and

WHEREAS, Metro awarded the original contract through an open competitive bid process, with 2KG Contractors, Inc. being deemed the lowest responsive and responsible bidder; and

WHEREAS, the original contract amount was \$5,659,300 and the proposed contract amendment is \$55,855; and

WHEREAS, The zoo Construction and Maintenance Manager and the consulting architect for the projects have reviewed the proposed contract amendment, and deem the work necessary and reasonably priced; and

WHEREAS, the amendment cost can be paid from existing project contingency; and

WHEREAS, the Metro Procurement Officer believes amending the existing contract with 2KG Contractors, Inc. is appropriate and in the best interests of Metro; now therefore

BE IT RESOLVED that the Metro Council, acting as the Public Contract Review Board, authorizes the Procurement Officer to execute a contract amendment in the amount of \$55,855 with 2KG Contractors, Inc. for the Predators of the Serengeti and Red Ape Reserve projects.

ADOPTED by the Metro Council Contract Review Board this ____ day of February, 2009.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4028, RESOLUTION OF METRO COUNCIL, ACTING AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT FOR THE PREDATORS OF THE SERENGETI AND RED APE RESERVE EXHIBITS AT THE OREGON ZOO

Date: February 3, 2009

Prepared by: Darin Matthews, 503 797-1626
Steve Chaney, 503 525-4297

BACKGROUND

An open, competitive Request for Bid (RFB) was issued for the Predators of the Serengeti and Red Ape Reserve projects in 2008. In accordance with Metro Code, the lowest responsive, responsible bidder was selected, which was 2KG Contractors, Inc.

This contract was awarded on July 2, 2008 in the amount of \$5,659,300 and work began on July 25, 2008. The zoo Construction and Maintenance Manager reports that these projects have progressed as planned and that 2KG Contractors, Inc. has provided construction services in accordance with the contract.

During the course of construction, the contractor requested the following additional services to the exhibits:

Over excavation on footings	\$11,564
Red Ape Reserve first floor slab demolition	6,280
Revision of lion yard footings	16,256
Revisions required by city permit review	<u>21,785</u>
Total	\$55,885

The Zoo Construction and Maintenance Manager reviewed the additional services and agrees the work is necessary and can be paid within the existing project budgets. The consulting architect for the projects also reviewed the requests and verified that the work is outside of the existing contract scope and reasonably priced.

Metro Code 2.04.058, Public Contract Amendments, requires Metro Council approval of contract amendment or change orders that exceed \$25,000. The Metro Procurement Officer has deemed this amendment to be appropriate and reasonably related to the original scope of work, and therefore, believes the amendment is in Metro's best interest to approve.

The Zoo will continue to manage and administer this contract to ensure these exhibits are constructed in accordance with the contract, including all plans and specifications. The Predators of the Serengeti and Red Ape Reserve exhibits are scheduled to open in summer 2009 and fall 2009, respectively.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known.
2. **Legal Antecedents:** Metro Code 2.04.058, ORS Chapter 279C.
3. **Anticipated Effects:** Construction will continue on the new exhibits under the direction of zoo Construction and Maintenance Manager and in accordance with schedules.
4. **Budget Impacts:** The Metro Council previously approved an amended Predators of the Serengeti project at \$5.2 million. A companion resolution before Council amends the Red Ape Reserve project to reflect the new cost of \$2,285,125. A companion budget amendment recognizes contributions to allow completion of these projects. This change order falls within budgeted contingency amounts.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the attached contract amendment with 2KG Contractors, Inc.

Agenda Item 4.1

Ordinance No. 09-1210, For the Purpose of Amending
Metro Code Section 4.01.050(a) Admission Fees,
Effective June 1, 2009

Metro Council Work Session
Thursday, February 26, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 09-1210
CODE SECTION 4.01.050(a) ADMISSION FEES,)
EFFECTIVE JUNE 1, 2009) Introduced by Michael Jordan, Chief
) Operating Officer, with the concurrence of
) Council President David Bragdon

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

WHEREAS, Oregon Zoo admission fees have not been increased since January 1, 2005; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That Metro Code Section 4.01.050(a) Admission Fees - Regular Fee Schedule is amended to read as follows:

“4.01.050 Admission Fees and Policies

(a) Regular Fee Schedule

|	Adult (12 years and over)	\$9.50 <u>\$10.25</u>
|	Youth (3 years through 11 years)	\$6.50 <u>\$7.25</u>
	Child (2 years and younger)	Free
|	Senior Citizen (65 years and over)	\$8.00 <u>\$8.75”</u>

2. That all other provisions of Metro Code Section 4.01.050 Admission Fees and Policies remain the same.
3. The amendment to Metro Code Section 4.01.050(a) Admission Fees – Regular Fee Schedule, takes effect June 1, 2009.

ADOPTED by the Metro Council this _____ day of February 2009.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1210, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 4.01.050(a) ADMISSION FEES, EFFECTIVE JUNE 1, 2009

Date: January 13, 2009

Prepared by: Craig M. Stroud
(503) 220-2451

BACKGROUND

The purpose of this ordinance is to amend Metro code section 4.01.050(a) to increase admission fees by \$.75, effective June 1, 2009. The last increase of \$.50 to the zoo admission fee was effective January 1, 2005.

The zoo is also increasing the \$1.00 discount offered to non-members who ride mass transit to the zoo by \$.50. The new transit discount of \$1.50 will be effective June 1, 2009.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** Metro Code Section 4.01.050(a) Admission Fees and Policies identifies policies on Zoo admission fees, and requires the Zoo to request an amendment to increase fees.
- 3. Anticipated Effects:** The \$.75 fee increase proposed for June 1, 2009 would bring the adult admission rate to \$10.25. This rate is still the lowest of comparable facilities on the west coast and considerably lower than the two other Association of Zoos & Aquariums accredited facilities in Oregon. Community Tuesday admissions of \$2.00, offered the second Tuesday of every month, and periodic free zoo admission days are well attended, and offer opportunities to guests that might otherwise not be able to visit the zoo as frequently.

West Coast Zoos, Aquariums & Attractions	Location	Adult Admission
Oregon Museum of Science and Industry	Portland, OR	\$11.00
Oregon Coast Aquarium *	Newport, OR	\$14.25
Wildlife Safari *	Winston, OR	\$17.99
Woodland Park Zoo	Seattle, WA	\$16.50
Point Defiance Zoo	Tacoma, WA	\$13.00
San Francisco Zoo	San Francisco, CA	\$15.00
Los Angeles Zoo	Los Angeles, CA	\$12.00
	Average	\$14.25
	Oregon Zoo Proposed Fee as of June 1, 2009	\$10.25

* The only other Association of Zoos & Aquariums accredited facilities in Oregon.

The admission fee structure is proposed as follows:

<u>Category</u>	<u>Current</u>	<u>Proposed</u>	<u>Increase</u>
Adult	\$9.50	\$10.25	\$.75
Child	\$6.50	\$7.25	\$.75
Senior	\$8.00	\$8.75	\$.75

- 4. Budget Impacts:** The additional revenue generated by the admission fee increases, net transit discount, is estimated at \$76,304 for June 2009, and \$516,993 for fiscal year 2009-10. The fiscal year 2008-09 adopted budget assumes a \$.25 fee increase, and the fiscal year 2009-10 requested budget assumes a \$.50 fee increase. This ordinance implements these increases.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item 4.2

Ordinance No. 09-1211, For the Purpose of Amending Metro Code Chapter 12.02
Regional Park Fees, Section 10.02.020, to Adjust Park Entry Fees and
Delegate to the Chief Operating Officer the Authority to
Set all Other Regional Park Use Fees and Rental Fees

Metro Council Work Session
Thursday, February 26, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 09-1211
CODE CHAPTER 10.02 REGIONAL PARK)	
FEES, SECTION 10.02.020, TO ADJUST PARK	)	Introduced by Chief Operating Officer
ENTRY FEES AND DELEGATE TO THE CHIEF	)	Michael J. Jordan, with the concurrence of
OPERATING OFFICER THE AUTHORITY TO	)	Council President David Bragdon
SET ALL OTHER REGIONAL PARK USE FEES)	
AND RENTAL RATES)	

WHEREAS, Metro’s regional park entry fees are established and adjusted by ordinance, and were last increased in 2003 via Ordinance No. 03-1008 (For the Purpose of Amending Metro Code Title X, Metro Regional Parks and Greenspaces, to Increase Park Fees), adopted on June 5, 2003; and

WHEREAS, regional park attendance has increased steadily in the past two years, resulting in rising costs; and

WHEREAS, an increase in regional park entry fees is needed to offset rising costs and continue to maintain the regional parks at an acceptable level and offer the highest level of community service possible; and

WHEREAS, regional park use fees and rental rates are also established and adjusted by ordinance; and

WHEREAS, a more flexible and immediate means of adjusting Metro regional park use fees and rental rates to account for seasonal attendance and economic conditions is necessary; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Effective June 1, 2009, Metro Code Chapter 10.02 Regional Park Fees, Section 10.020 Park Fees, shall be amended to read as follows:

“10.02.020 Park Fees

The following fees shall be charged and collected by Metro for and prior to the following park uses and activities:

(a) Reservation fees for shelters and reservable picnic areas at Blue Lake Park shall be set ~~and adjusted by the Chief Operating Officer or the Chief Operating Officer’s designee forth in Appendix "A" to Chapter 10.02. However, reservation fees for weekday events (except holidays) shall be reduced by 20 percent. Off season reservation fees (November 1 through May 14) shall be reduced by 50 percent.~~

(b) Fees for alcohol permits at Blue Lake Park shall be ~~set and adjusted by the Chief Operating Officer or the Chief Operating Officer’s designee.\$225.00 for all areas~~

(c) Overnight camping fees at Oxbow Park, ~~including fees for additional vehicles,~~ shall be ~~set and adjusted by the Chief Operating Officer or the Chief Operating Officer’s designee \$15.00 per site per night.~~ Permit must be displayed. ~~The fee for each additional vehicle shall be \$4.00 per night.~~ Each vehicle must pay entry fee on initial day of entry.

(d) Entry fees at Blue Lake Park and Oxbow Park shall be \$~~4~~5.00 per motorized vehicle on all days and \$7.00 per bus on all days.

(e) Boat launching and/or parking fees at the M. James Gleason Boat Ramp shall be \$5.00 and fees at the Chinook Landing Marine Park shall be \$5.00 per motorized vehicle on all days.

(f) Fees for special events shall be set and adjusted by the Chief Operating Officer or the Chief Operating Officer's designee~~by the Director of the Regional Parks and Greenspaces Department.~~

(g) Fees for nightly use of overnight group camps at Oxbow Park by nonprofit and youth organizations shall be set and adjusted by the Chief Operating Officer or the Chief Operating Officer's designee as follows:

~~————— (1) ——— \$25.00 minimum for the first 10 people for Group Camps #2 and then \$2.50 per person up to a \$87.50 maximum (this does not include the vehicle entry fee). 35 people per night maximum per site.~~

~~————— (2) ——— \$50.00 minimum for the first 20 people for Group Camp #1 and then \$2.50 per person up to a \$325.00 maximum (this does not include the vehicle entry fee). 150 people maximum per night.~~

~~————— (3) ——— A reservation fee of \$10.00 will be charged to all groups.~~

(h) Picnic area reservation fees shall be set and adjusted by the Chief Operating Officer or the Chief Operating Officer's designee~~at Oxbow Park shall be as follows (does not include vehicle entry fees):~~

~~————— Area A — \$280.00~~

~~————— Area B — \$170.00~~

~~————— Area C — \$215.00~~

~~————— Area D — \$260.00~~

~~However, reservation fees for weekday events (except holidays) shall be reduced by 20 percent. Off-season reservation fees (November 1 through May 14) shall be reduced by 50 percent.~~

(i) The fee for annual passes in lieu of daily entrance fees, launching and/or parking fees at Blue Lake Park, Oxbow Park, Chinook Landing, and M. James Gleason Boat Ramp shall be as follows:

(1) Regular: \$40.00 per year (January 1 through December 31)

(2) Seniors: \$30.00 per year (January 1 through December 31)

(3) Low-Income/Disabled: \$10.00 per year (January 1 through December 31)

(j) Entrance fees at Blue Lake Park and Oxbow Regional Park shall be waived for any police officer (officers' fees are waived also at Chinook Landing Marine Park and the Gleason Boat Ramp) or Metro employee who presents valid current identification at the park entrance. Fee waivers shall not apply to any special events or other facilities.

(k) Entrance Fees at Blue Lake Park, Oxbow Park, Chinook Landing, and M. James Gleason Boat Ramp, and camping fees at Oxbow Park, shall be waived for any disabled veteran who presents valid current photo identification and an Oregon State Parks Special Access Pass for Veterans with Service Connected Disabilities ID Card and green placard issued by Oregon State Parks in said veteran's vehicle in full view on the dashboard or hanging from the rear-view mirror.

Fee waivers shall not apply to fees for the use of other facilities.

(l) Except for use by Metro, ~~the rental rates fees and security deposit, along with \$300.00 refundable deposit,~~ for "The Lake House" at Blue Lake Park shall be set and adjusted by the Chief Operating Officer or the Chief Operating Officer's designee.

(1)	April 1 to October 31 (Friday after 5:00 p.m. and Sundays):	
10:00 a.m. to 4:00 p.m.	\$1,000.00	
6:00 p.m. to 11:00 p.m.	\$1,000.00	
10:00 a.m. to 10:00 p.m.	\$1,500.00	
(2)	April 1 to October 31 (Saturday):	
10:00 a.m. to 4:00 p.m.	\$1,100.00	
6:00 p.m. to 11:00 p.m.	\$1,100.00	
10:00 a.m. to 10:00 p.m.	\$1,600.00	
(3)	November 1 to March 30 (Friday after 5:00 p.m. and Sundays):	
10:00 a.m. to 4:00 p.m.	\$700.00	
6:00 p.m. to 11:00 p.m.	\$700.00	
10:00 a.m. to 10:00 p.m.	\$1,050.00	
(4)	November 1 to March 30 (Saturday)	
10:00 a.m. to 4:00 p.m.	\$800.00	
6:00 p.m. to 11:00 p.m.	\$800.00	
10:00 a.m. to 10:00 p.m.	\$1,150.00	
(5)	Weekdays (Monday through Thursday and Friday until 5:00 p.m.):	
\$40.00 per hour (10:00 a.m. — 5:00 p.m.) with a three hour minimum charge		
\$60.00 per hour (5:00 p.m. — 11:00 p.m.) with a three hour minimum charge		

APPENDIX "A"
TO CHAPTER 10.02.020(a)
PARK FEES, BLUE LAKE REGIONAL PARK

<u>AREA</u>	<u>GROUP SIZE</u>	<u>FEE</u>	<u>ENTIRE AREA FEE</u>
11A	100	\$65.00	
11B Full Canopy	50	\$100.00	\$165.00
12A Full Canopy	100	\$120.00	
12B	50	\$ 50.00	
12C	50	\$ 50.00	
12D	50	\$ 50.00	\$270.00
13A	50	\$ 50.00	
13B	50	\$ 50.00	
13C	100	\$ 65.00	
13D	50	\$ 50.00	\$215.00

14A	100	\$ 65.00	
14B Full Canopy	50	\$100.00	
14C	50	\$ 50.00	
14D	100	\$ 65.00	
14E	50	\$ 50.00	\$330.00
Celilo Shelter *			
A	60	\$135.00	
B	60	\$135.00	\$265.00
Chinook Shelter *			
A	125	\$215.00	
B	125	\$215.00	\$430.00
17A	100	\$ 65.00	
17B	100	\$ 65.00	
17C	100	\$ 65.00	
17D	100	\$ 65.00	\$265.00
18A *	100	\$ 65.00	
18B *	100	\$ 65.00	\$130.00
19	100	\$ 65.00	\$ 65.00
Multnomah Shelter *			
A	60	\$135.00	
B	60	\$135.00	
C	60	\$135.00	
D	60	\$135.00	\$530.00
Shahala Shelter *			
A	125	\$215.00	
B	125	\$215.00	\$430.00
Clatsop Shelter *			
A	125	\$215.00	
B	125	\$215.00	\$430.00
21 *	200	\$165.00	\$165.00

* Alcohol allowed in these areas only; alcohol permit must be obtained from Reservation Office at the time reservation is booked (additional fee) pursuant to Sections 10.01.200 and 10.02.020(b).

Please Note: The cost of a reservation does not include the entry fee."

ADOPTED by the Metro Council this _____ day of _____ 2009.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1211, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 10.02 REGIONAL PARK FEES, SECTION 10.02.020, TO ADJUST PARK ENTRY FEES AND DELEGATE TO THE CHIEF OPERATING OFFICER THE AUTHORITY TO SET ALL OTHER REGIONAL PARK USE FEES AND RENTAL RATES

Date: February 5, 2009

Prepared by: Mike Brown
Parks and Environmental Services
(503) 797-1509

BACKGROUND

Park entry fees and campground fees have not been increased since 2003. Since that time labor costs increased 29% from 2003 to 2008 in the Columbia District, utilities expenditures have increased (despite numerous conservation efforts), additional staff time has been devoted to an aggressive recycling program, and an overall emphasis on regular maintenance of the landscape and facilities has increased the demand for labor district-wide. Park attendance has increased steadily in the past two years with continued increased attendance anticipated due to the poor economic climate. (An analysis of past economic downturns indicates that families recreate closer to home in tough economic times.) In an effort to continue to maintain the parks at an acceptable level, continue to accomplish maintenance and repair projects, and offer the highest level of customer service possible, an entry fee increase is needed to offset our rising costs.

Currently the Metro Council must amend Metro Code, Section 10.02.020, when Metro wishes to increase Park entry fees, user fees and rental rates at Metro's Regional Park facilities. A more flexible and immediate means of adjusting park use fees and rental rates to account for seasonal attendance and economic conditions is needed. Delegating to the Chief Operating Officer the authority to periodically set and adjust user fees and rates will make it possible to increase or decrease user fees and rates to adjust for seasonal demands and economic market shifts, without amending the Metro Code in each instance.

ANALYSIS/INFORMATION

1. **Known Opposition.** No known opposition.

2. **Legal Antecedents.**

Ordinance No. 96-659A (For the Purpose of Adopting Metro Code Title X, Metro Regional Parks and Greenspaces), adopted on February 20, 1997;

Ordinance No. 98-722 ((For the Purpose of Amending Metro Code Title X, Metro Regional Parks and Greenspaces, to Increase Rental Fees at Blue Lake Regional Park's Lake House) adopted on March 5, 1998;

Ordinance No. 01-894 (For the Purpose of Amending Metro Code Title X, Metro Regional Parks and Greenspaces, to Increase Park Fees), adopted on March 1, 2001;

Ordinance No. 03-1008 (For the Purpose of Amending Metro Code Title X, Metro Regional Parks and Greenspaces, to Increase Park Fees) adopted on June 5, 2003;

Ordinance No. 04-1047 (For the Purpose of Amending Metro Code Chapter 10.02 to Increase the Refundable Deposit at the Lake House at Blue Lake Regional Park), adopted on June 3, 2004;

Ordinance No. 06-1109 (For the Purpose of Amending Metro Code, Title X, Metro Regional Parks and Greenspaces, Metro Code Chapter 10.02 Regional Park Fees, Section 10.02.020, to Adjust Park Use and Rental Fees), adopted on January 26, 2006; and

Ordinance No. 07-1166 (For the Purpose of Amending the Metro Code Chapter 10.02 Regional Park Fees to Provide Free Admission to U.S. Veterans With Service-Connected Disabilities), adopted on November 8, 2007.

3. **Anticipated Effects.** Ordinance No. 09-1211 will amend Metro Code Section 10.02.020 “Entry Fees” to increase entry fees to Oxbow Park and Blue Lake Park. This increase in entry fees at the parks facilities will offset the costs associated with operating the facilities, and ensure the fees are commensurate with the State of Oregon Parks.

The following is a summary of proposed changes:

<u>Vehicle Entry Fees</u>	<u>Current</u>	<u>Proposed</u>
Blue Lake Park	\$4 passenger vehicle/\$7 bus	\$5 passenger vehicle/\$7 bus
Oxbow Park	\$4 passenger vehicle/\$7 bus	\$5 passenger vehicle/\$7 bus

Oxbow Park Campsite Fees

Once authorization has been granted, the Chief Operating Officer will increase fees for overnight camping in group camp sites from \$15.00 per night to \$20.00 per night beginning January 1, 2010, commensurate with current State of Oregon Parks camping fees.

This ordinance will also amend Metro Code Section 10.02.020 to grant the Chief Operating Officer the authority to set and adjust the following non-entry park use fees and rental rates:

- Picnic Shelters and Picnic Areas reservation fees;
- Alcoholic Beverages Permit Fees;
- Camping Fees; and
- Blue Lake House rental rates.

This ordinance will not delegate to the Chief Operating Officer the authority to establish any new Park fees.

4. **Justification.** Park Entry fees and campsite fee increases will bring Metro Park Facility fees in line with comparable parks such as State of Oregon Parks. In addition the fees will help offset costs for the facilities to operate, while addressing on-going needs for maintenance of aging systems and structures.
5. **Budget Impacts.** This Ordinance provides the General Fund an increase in user fees of approximately \$118,130.00, and \$8,860.00 in excise tax. The new Park Entry fees would go into effect June 1, 2009. The increase to overnight camping fees at Oxbow Regional Park will become effective January 1, 2010. The FY 2009-10 Proposed Budget will include these fee increases.

RECOMMENDED ACTION

Michael Jordan, Chief Operating Officer, with the concurrence of David Bragdon, Council President, recommends adoption of Ordinance 09-1211.

Agenda Item 4.3

Ordinance No. 09-1212, Amending the FY 2008-09 Budget
and Appropriations Schedule Recognizing Donations to the Oregon Zoo,
Amending the Capital Improvement Plan, and Declaring an Emergency

Metro Council Work Session
Thursday, February 26, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2008-09 BUDGET AND	)	ORDINANCE NO. 09-1212
APPROPRIATION SCHEDULE RECOGNIZING)	
DONATIONS TO THE OREGON ZOO,	)	Introduced by Michael Jordan, Chief
AMENDING THE CAPITAL IMPROVEMENT	)	Operating Officer, with the concurrence of
PLAN, AND DECLARING AN EMERGENCY	)	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 recognizing donations to the Oregon Zoo.
2. That the FY 2008-09 through FY 2012-13 Capital Improvement Plan is hereby amended to include the projects shown in Exhibit C to this Ordinance.
3. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____ 2009.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A
Ordinance No. 09-1212

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget		
		FTE	Amount	FTE	Amount	FTE	Amount	
Metro Capital Fund								
Resources (this fund formerly included renewal & replacement now budgeted in a separate fund)								
<i>Resources</i>								
<i>BEGBAL</i>	<i>Beginning Fund Balance</i>							
3500	* Prior year ending balance		7,547,235		0		7,547,235	
3500	* Prior year PERS Reserve		6,553		0		6,553	
<i>GRANTS</i>	<i>Grants</i>							
4100	Federal Grants-Direct		104,973		0		104,973	
4105	Federal Grants-Indirect		820,000		0		820,000	
4110	State Grants-Direct		1,340,800		0		1,340,800	
4115	State Grants-Indirect		100,000		0		100,000	
4120	Local Grants-Direct		413,764		0		413,764	
<i>INTRST</i>	<i>Interest Earnings</i>							
4700	Interest on Investments		110,854		0		110,854	
<i>DONAT</i>	<i>Contributions from Private Sources</i>							
4750	Donations and Bequests		3,698,027		0		3,698,027	
<i>CAPGRT</i>	<i>Capital Contributions & Donations</i>							
4755	Capital Contributions & Donations		0		586,625		586,625	
<i>MISCRV</i>	<i>Miscellaneous Revenue</i>							
4890	Miscellaneous Revenue		2,751,919		0		2,751,919	
<i>EQTREV</i>	<i>Fund Equity Transfers</i>							
4970	Transfer of Resources							
	* from General Renewal & Replacement Fund		375,000		0		375,000	
	* from General Fund (per ton on SW)		270,000		0		270,000	
	* from General Fund-FAS projects		65,000		0		65,000	
	* from General Fund-IT Projects		140,000		0		140,000	
TOTAL RESOURCES			\$17,744,125		\$586,625		\$18,330,750	
Total Personal Services		2.00	\$179,631	-	\$0	2.00	\$179,631	
Total Materials & Services			\$540,000		\$0		\$540,000	
<i>Capital Outlay</i>								
<i>CAPNON</i>	<i>Capital Outlay (non-CIP Projects)</i>							
5750	Office Furniture & Equip		25,000		0		25,000	
<i>CAPCIP</i>	<i>Capital Outlay (CIP Projects)</i>							
5710	Improve-Oth thn Bldg		8,453,800		0		8,453,800	
5720	Buildings & Related		100,000		0		100,000	
5730	Exhibits and Related		5,296,000		556,625		5,852,625	
5740	Equipment & Vehicles		135,959		30,000		165,959	
5750	Office Furniture & Equip		265,000		0		265,000	
Total Capital Outlay			\$14,275,759		\$586,625		\$14,862,384	
Total Interfund Transfers			\$97,174		\$0		\$97,174	
Total Contingency & Unappropriated Balance			\$2,651,561		\$0		\$2,651,561	
TOTAL REQUIREMENTS			2.00	\$17,744,125	-	\$586,625	2.00	\$18,330,750

**Exhibit A
Ordinance No. 09-1212**

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Resources							
<i>Resources</i>							
<i>BEGBAL</i>	<i>Beginning Fund Balance</i>						
3500	Beginning Fund Balance						
	* Undesignated		4,094,902		0		4,094,902
	* Prior period audit adjustment: TOD		5,865,983		0		5,865,983
	* Reserved for Underspending		334,000		0		334,000
	* Project Carryover		1,481,337		0		1,481,337
	* Tourism Opportunity & Comp. Account		96,655		0		96,655
	* Recovery Rate Stabilization Reserve		1,012,884		0		1,012,884
	* Reserved for Local Gov't Grants (CET)		602,046		0		602,046
	* Reserve for Future Debt Service		2,397,852		0		2,397,852
	* Tibbets Flower Account		352		0		352
	* Reserved for Future Planning Needs		1,604,140		0		1,604,140
	* Reserved for Future Election Costs		290,000		0		290,000
	* Reserved for Nature in Neighborhood Grants		1,050,000		0		1,050,000
	* Reserved for Reg. Afford. Housing Revolving F		1,000,000		0		1,000,000
	* Reserved for Metro Regional Center Remodel		413,000		0		413,000
	* Reserve for Future Natural Areas Operations		764,453		0		764,453
	* Prior year PERS Reserve		2,782,174		0		2,782,174
<i>EXCISE</i>	<i>Excise Tax</i>						
4050	Excise Taxes		15,106,909		0		15,106,909
4055	Construction Excise Tax		1,497,954		0		1,497,954
<i>RPTAX</i>	<i>Real Property Taxes</i>						
4010	Real Property Taxes-Current Yr		10,618,031		0		10,618,031
4015	Real Property Taxes-Prior Yrs		318,541		0		318,541
<i>GRANTS</i>	<i>Grants</i>						
4100	Federal Grants - Direct		3,999,452		0		3,999,452
4105	Federal Grants - Indirect		5,578,045		0		5,578,045
4110	State Grants - Direct		1,351,000		0		1,351,000
4120	Local Grants - Direct		5,503,093		0		5,503,093
<i>LGSHRE</i>	<i>Local Gov't Share Revenues</i>						
4135	Marine Board Fuel Tax		114,000		0		114,000
4139	Other Local Govt Shared Rev.		447,967		0		447,967
<i>GVCNTB</i>	<i>Contributions from Governments</i>						
4145	Government Contributions		410,633		0		410,633
<i>LICPER</i>	<i>Licenses and Permits</i>						
4150	Contractor's Business License		412,000		0		412,000
<i>CHGSVC</i>	<i>Charges for Service</i>						
4160	Boat Ramp Use Permits		508		0		508
4165	Boat Launch Fees		150,000		0		150,000
4180	Contract & Professional Service		563,178		0		563,178
4200	UGB Fees		50,000		0		50,000
4230	Product Sales		387,519		0		387,519
4280	Grave Openings		179,325		0		179,325
4285	Grave Sales		144,675		0		144,675
4500	Admission Fees		7,759,908		0		7,759,908
4501	Conservation Surcharge		150,000		0		150,000
4510	Rentals		807,341		0		807,341
4550	Food Service Revenue		5,155,669		0		5,155,669
4560	Retail Sales		2,216,110		0		2,216,110
4580	Utility Services		2,000		0		2,000

Exhibit A
Ordinance No. 09-1212

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Resources							
4610	Contract Revenue		883,315		0		883,315
4620	Parking Fees		930,000		0		930,000
4630	Tuition and Lectures		1,239,645		0		1,239,645
4635	Exhibit Shows		1,049,986		0		1,049,986
4640	Railroad Rides		805,462		0		805,462
4645	Reimbursed Services		270,000		0		270,000
4650	Miscellaneous Charges for Service		13,831		0		13,831
4760	Sponsorships		57,000		0		57,000
<i>INTRST</i>	<i>Interest Earnings</i>						
4700	Interest on Investments		994,972		0		994,972
<i>DONAT</i>	<i>Contributions from Private Sources</i>						
4750	Donations and Bequests		1,310,895		35,600		1,346,495
<i>INCGRV</i>	<i>Internal Charges for Service</i>						
4670	Charges for Service		48,124		0		48,124
<i>MISCRV</i>	<i>Miscellaneous Revenue</i>						
4170	Fines and Forfeits		20,000		0		20,000
4890	Miscellaneous Revenue		151,000		0		151,000
4891	Reimbursements		1,411,973		0		1,411,973
<i>EQTREV</i>	<i>Fund Equity Transfers</i>						
4970	Transfer of Resources						
	* from MERC Pooled Capital Fund		97,174		0		97,174
<i>INDTRV</i>	<i>Interfund Reimbursements</i>						
4975	Transfer for Indirect Costs						
	* from MERC Operating Fund		1,842,802		0		1,842,802
	* from Natural Areas Fund		1,028,311		0		1,028,311
	* from Solid Waste Revenue Fund		3,681,110		0		3,681,110
<i>INTSRV</i>	<i>Internal Service Transfers</i>						
4980	Transfer for Direct Costs						
	* from Natural Areas Fund		128,513		0		128,513
	* from Smith & Bybee Lakes Fund		119,980		0		119,980
	* from Solid Waste Revenue Fund		738,056		0		738,056
TOTAL RESOURCES			\$103,535,785		\$35,600		\$103,571,385

**Exhibit A
Ordinance No. 09-1212**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Oregon Zoo							
Total Personal Services		153.98	\$15,761,655	0.00	\$0	153.98	\$15,761,655
<i>Materials & Services</i>							
<i>GOODS Goods</i>							
	5201 Office Supplies		115,715		0		115,715
	5205 Operating Supplies		1,383,558		9,600		1,393,158
	5210 Subscriptions and Dues		58,754		0		58,754
	5214 Fuels and Lubricants		82,000		0		82,000
	5215 Maintenance & Repairs Supplies		367,550		0		367,550
	5220 Food		1,260,000		0		1,260,000
<i>SVCS Services</i>							
	5245 Marketing		6,650		0		6,650
	5240 Contracted Professional Svcs		1,004,772		25,000		1,029,772
	5251 Utility Services		2,228,970		0		2,228,970
	5255 Cleaning Services		37,600		0		37,600
	5260 Maintenance & Repair Services		160,775		0		160,775
	5265 Rentals		179,350		0		179,350
	5280 Other Purchased Services		940,091		0		940,091
	5290 Operations Contracts		1,962,692		0		1,962,692
<i>CAPMNT Capital Maintenance</i>							
	5262 Capital Maintenance - Non-CIP		314,800		0		314,800
<i>IGEXP Intergov't Expenditures</i>							
	5300 Payments to Other Agencies		91,680		0		91,680
	5315 Grants to Other Governments		10,000		0		10,000
<i>OTHEXP Other Expenditures</i>							
	5445 Grants		165,000		0		165,000
	5450 Travel		105,705		0		105,705
	5455 Staff Development		49,980		1,000		50,980
	5490 Miscellaneous Expenditures		135,265		0		135,265
Total Materials & Services			\$10,660,907		\$35,600		\$10,696,507
Total Capital Outlay			\$255,000		\$0		\$255,000
TOTAL REQUIREMENTS		153.98	\$26,677,562	0.00	\$35,600	153.98	\$26,713,162

Exhibit B
Ordinance 09-1212
Schedule of Appropriations

	Current Appropriation	Revision	Revised Appropriation
GENERAL FUND			
Council Office	3,109,046	0	3,109,046
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	1,997,616	0	1,997,616
Oregon Zoo	26,677,562	35,600	26,713,162
Planning	24,467,799	0	24,467,799
Public Affairs & Government Relations	1,993,617	0	1,993,617
Regional Parks & Greenspaces	8,425,902	0	8,425,902
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	5,165,928	0	5,165,928
Contingency	7,285,705	0	7,285,705
Unappropriated Balance	8,737,297	0	8,737,297
Total Fund Requirements	\$103,535,785	\$35,600	\$103,535,785
METRO CAPITAL FUND			
Capital Program	14,995,390	586,625	15,582,015
Non-Departmental			
Interfund Transfers	97,174	0	97,174
Contingency	2,293,857	0	2,293,857
Unappropriated Balance	357,704	0	357,704
Total Fund Requirements	\$17,744,125	\$586,625	\$17,744,125

All other appropriations remain as previously adopted

**EXHIBIT C
Ordinance 09-1212**

Capital Project Request - Project Detail

Project Title:	Red Ape Reserve "Orangutan"			Fund:	Zoo Capital Projects Fund		
Project Status:	Incomplete	Funding Status:	Funded	FY First Authorized:	2007-08	Department:	Oregon Zoo
Project Number	ZPR12	Active:	<input checked="" type="checkbox"/>	Dept. Priority:	3	Facility:	
		Division:	Construction Maintenance				
Source Of Estimat	Preliminary	Source:		Start Date:	7/07	Date:	12/4/2006
		Cost Type:	Facilities				
Type of Project:	New	Request Typ	Initial	Completion Date:	6/09	Prepared By:	Craig Stroud

Project Estimates	Actual	Budget/Est	Prior						
Capital Cost:	Expend	2007-2008	Years	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	Total
Design and Engineering	\$0	\$95,000	\$95,000	\$0	\$0	\$0	\$0	\$0	\$95,000
Construction	\$0	\$130,000	\$130,000	\$1,900,125	\$0	\$0	\$0	\$0	\$2,030,125
Project Contingency	\$0	\$0	\$0	\$144,000	\$0	\$0	\$0	\$0	\$144,000
1% for Art	\$0	\$0	\$0	\$16,000	\$0	\$0	\$0	\$0	\$16,000
Total:	\$0	\$225,000	\$225,000	\$2,060,125	\$0	\$0	\$0	\$0	\$2,285,125

Funding Source:

Fund Balance - Capital Reserve	\$0	\$225,000	\$225,000	\$1,575,000	\$0	\$0	\$0	\$0	\$1,800,000
Donations	\$0	\$0	\$0	\$485,125	\$0	\$0	\$0	\$0	\$485,125
Total:	\$0	\$225,000	\$225,000	\$2,060,125	\$0	\$0	\$0	\$0	\$2,285,125

Annual Operating Budget Impact

Annual Revenues				\$0	\$405,360	\$205,382	\$156,064	\$118,568	\$885,374
Annual Expenditures									
Materials and Services				\$0	\$17,000	\$17,000	\$17,000	\$17,000	\$68,000
Subtotal, Expenditures:				\$0	\$17,000	\$17,000	\$17,000	\$17,000	\$68,000
Net Operating Contribution (Cost):				\$0	\$388,360	\$188,382	\$139,064	\$101,568	\$817,374

Project Description / Justification:	Estimated Useful Life (yrs):	20	First Full Fiscal Year of Operation:	2009-10
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Construction of a new indoor exhibit, the construction of new holding/shift rooms, and the renovation of existing outdoor exhibits. The Oregon Zoo Foundation donated \$438,725 and the American Association of Zoo Keepers is donating \$46,400 designated for use in this exhibits construction.

**EXHIBIT C
Ordinance 09-1212**

Capital Project Request - Project Detail

Project Title:	Family Farm Addition			Fund:	Zoo Capital Projects Fund		
Project Status:	Incomplete	Funding Status:	Funded	FY First Authorized:	2008-09	Department:	Oregon Zoo
Project Number	ZGN03	Active:	<input checked="" type="checkbox"/>	Dept. Priority:	6	Facility:	
Source Of Estimat	Preliminary	Source:		Start Date:	7/08	Date:	12/12/2007
Cost Type:							Facilities
Type of Project:	Replacement	Request Type	Initial	Completion Date:	6/09	Prepared By:	Craig Stroud

Project Estimates	Actual	Budget/Est	Prior						
Capital Cost:	Expend	2007-2008	Years	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	Total
Construction	\$0	\$0	\$0	\$75,000	\$0	\$0	\$0	\$0	\$75,000
Total:	\$0	\$0	\$0	\$75,000	\$0	\$0	\$0	\$0	\$75,000

Funding Source:

	Actual	Budget/Est	Prior						
	Expend	2007-2008	Years	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	Total
Fund Balance - Capital Reserve	\$0	\$0	\$0	\$51,000	\$0	\$0	\$0	\$0	\$51,000
Donations	\$0	\$0	\$0	\$24,000	\$0	\$0	\$0	\$0	\$24,000
Total:	\$0	\$0	\$0	\$75,000	\$0	\$0	\$0	\$0	\$75,000

Annual Operating Budget Impact

Annual Revenues	\$0	\$51,000	\$41,000	\$31,000	\$20,000	\$143,000
Net Operating Contribution (Cost):	\$0	\$51,000	\$41,000	\$31,000	\$20,000	\$143,000

Project Description / Justification:	Estimated Useful Life (yrs):	20	First Full Fiscal Year of Operation:	2009-10
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Expand the zoo's family farm to accommodate one or more additional species that interact with the visitors. Farm pigs and a cow are the current species identified for the addition. Furthermore, the construction would better demarcate the Family Farm portion from the Cascade Canyon portion of the Great Northwest exhibit, increasing visitor awareness that the exhibit was designed to simulate traveling from the peaks of the Cascade mountains to the waves of the Pacific ocean. Since the expansion was originally planned the zoo has added stormwater management elements. The Oregon Zoo Foundation has donated \$24,000 to fund this work.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1212, FOR THE PURPOSE OF AMENDING THE FY 2008-09 BUDGET AND APPROPRIATION SCHEDULE RECOGNIZING DONATIONS TO THE OREGON ZOO, AMENDING THE CAPITAL IMPROVEMENT PLAN, AND DECLARING AN EMERGENCY

Date: January 28, 2009

Prepared by: Craig M. Stroud
503-220-2451

BACKGROUND

The Oregon Zoo received restricted donations totaling \$575,825 from The Oregon Zoo Foundation (Foundation) and \$46,400 from the American Association of Zoo Keepers, Portland Chapter (AAZK) for FY 2008-09 that were not forecast when the budget was presented and adopted. This ordinance recognizes the new revenues and increases expenditure authority for the purposes described below.

Red Ape Reserve Project

The Red Ape Reserve project constructs a new Orangutan exhibit as part of the primates building. The primates building, constructed in 1959, has undergone significant renovations in the past five years. Following the theme "Forests of the World", the zoo has been transforming the building, in phases, from a mid-century relic to a state-of-the-art, naturalistic experience for visitors and animals. The Red Ape Reserve continues the transformation, becoming the cornerstone exhibit for the Asian forest wing of the building and housing the zoo's orangutans and gibbons. The exhibit is scheduled to open to the public during the 2009 summer.

The adopted Capital Improvement Plan (CIP) includes the Red Ape Reserve project with a total cost of \$1.8 million. The Foundation is donating \$438,725 and AAZK is donating \$46,400 designated for use in the exhibits construction and finish elements. These funds will help cover higher than forecast construction costs, and additional project elements, such as storm water capture. This ordinance recognizes the revenue and capital outlay in the Capital Fund, as well as amends the CIP to increase the Red Ape Reserve total project cost to \$2,285,125.

Tiger Viewing Enhancement

The zoo's tiger viewing could be improved. The exhibit was constructed in 1959 and is laid out so that visitors are required to look over a three foot tall metal railing, hedge, and concrete barrier to view the animals, making it difficult for some guests to see the tigers. Staff frequently observes adults lifting children and holding them against the railing to help with tiger viewing.

To improve viewing, the zoo will eliminate portions of the barrier and install three covered structures with floor to ceiling glass partitions. This modification provides visitors weather protection, as well as provides excellent views for all guests. The Foundation is donating \$47,500 for this enhancement. This ordinance recognizes the revenue and capital outlay in the Capital Fund.

Family Farm Expansion

The zoo capital budget and CIP currently includes a \$51,000 expansion of the Family Farm to accommodate one or more new species, and to better demarcate the Family Farm from Cascade Canyon. The Great Northwest portion of the zoo includes both these exhibits, and was designed to simulate traveling from the peaks of the Cascade Mountains to the waves of the Pacific Ocean.

Since the expansion was originally planned, the zoo has added storm water management elements. The Foundation is donating \$24,000 to fund this additional work. This ordinance recognizes the revenue and capital outlay in the Capital Fund, as well as amends the CIP to increase the Family Farm total project cost to \$75,000.

Green Vehicle

The Foundation is donating \$30,000 for the purchase of a signature vehicle that emphasizes sustainability and green environmental practices. This signature vehicle will promote the Oregon Zoo and the vehicle's green environmental aspects. This ordinance recognizes the revenue and capital outlay in the Capital Fund.

Elephant Program Study

The Foundation is donating \$25,000 to study the zoo's elephant program. The study will primarily include elephant husbandry and management techniques, facility improvements, and programmatic considerations for managing an off-site elephant facility. While the work will inform the zoo bond funded elephant facility projects, the study is primarily focused on program considerations that cannot be bond funded. This ordinance recognizes the revenue and expenditures in the General Fund.

Animal Enrichment

Private sources donated \$10,600 restricted to zoo animal enrichment items. This ordinance recognizes the revenue and expenditures in the General Fund.

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:** This action allows the department to recognize the donations dedicated to the purpose described in this report and make expenditures to fulfill the terms of the donations.
4. **Budget Impacts:** This action requests the recognition of \$622,225 in donations and private contributions as reflected in Exhibit A to this ordinance for the purposes described above. It also increases appropriation authority for the Oregon Zoo in the General Fund by \$35,600 and in the Metro Capital Fund by \$586,625, as described in Exhibit B, Schedule of Appropriations.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item 5.1

Resolution No. 09-4020, Authorizing the Chief Operating Officer to Purchase Certain
Property in the Willamette Narrows and Canemah Bluffs Target Area under the 2006
Natural Areas Bond Measure and Subject to Unusual Circumstances

Metro Council Work Session
Thursday, February 26, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING OFFICER
TO PURCHASE PROPERTY IN THE WILLAMETTE
NARROWS AND CANEMAH BLUFF TARGET AREA
UNDER THE 2006 NATURAL AREAS BOND
MEASURE AND SUBJECT TO UNUSUAL
CIRCUMSTANCES

RESOLUTION NO. 09-4020

Introduced by Chief Operating Officer
Michael J. Jordan, with the
concurrence of Council President
David Bragdon

WHEREAS, at the general election held on November 7, 2006, the voters of the Metro region approved Measure 26-80, the 2006 Natural Areas Bond Measure submitted to the voters to preserve natural areas and clean water and protect fish and wildlife (the “Measure”); and

WHEREAS, on March 1, 2007, the Council approved Resolution No. 07-3766A “Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan,” (the “Acquisition Parameters and Due Diligence Guidelines”); and

WHEREAS, on September 6, 2007, the Council approved Resolution No. 07-3858, “Approving the Natural Areas Acquisition Refinement Plan for the Willamette Narrows and Canemah Bluff Target Area,” establishing the protection of “the unique biological, geological and scenic values of this area” and allowing for public use of the area as the goal of the target area; and

WHEREAS, Resolution No. 07-3858 established as a Tier I Objectives the acquisition of “lands to extend public ownership of forested Bluff and protect scenic views of Canemah Bluff from the river and nearby publicly owned lands,” and the acquisition of “property adjacent to existing public holdings that are essential to the establishment and management” of the natural area; and

WHEREAS, the Acquisition Parameters and Due Diligence Guidelines provide that the purchase price for property must be no more than the market value of the property as confirmed by an independent review appraiser in review of an appraisal prepared by an independent certified appraiser, and that such market value must not rely on any extraordinary assumptions in the appraisal; and

WHEREAS, staff have entered into a purchase and sale agreement with the owner of a property located on Canemah Bluff and identified as a Tier I objective in the target area, as more particularly identified and described on Exhibit A to this resolution (hereinafter, the “Property”), but the appraisal of the Property relied upon two extraordinary assumptions regarding issues related to difficult accessibility to the property; and

WHEREAS, the review appraiser has concluded that the market value of the Property is within a range of values, and the owners of the Property have agreed to sell the Property to Metro for a purchase price equal to the value at the high end of such range; and

WHEREAS, the Property meets the goals and Tier I objectives for acquisition within the Willamette Narrows and Canemah Bluff Target Area; now, therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to acquire the Property, as identified in Exhibit A, at the negotiated purchase price, notwithstanding that the appraisal and appraisal review of the Property relied upon extraordinary assumptions, provided that the acquisition is otherwise in accord with all of the Acquisition Parameters and Due Diligence Guidelines of the Natural Areas Implementation Work Plan.

ADOPTED by the Metro Council this _____ day of _____ 2009.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

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Exhibit A to Resolution No. 09-4020

**Target Area: WILLAMETTE NARROWS AND CANEMAH BLUFF
Davis Property**

Description: Staff has identified an opportunity to protect 24.3 acres of property including forested bluffs and rock outcroppings. The property is adjacent and to the east of the Metro Canemah Bluffs Natural Area property, on the west side of the Willamette River at Oregon City (“Davis Property”).

The Davis Property is zoned R-10, however some development challenges make the most likely development of the property in the near term to be use for two home-sites.

The eastern half of the Davis Property is dominated by big-leaf maple and alder, after some previous logging. This portion will benefit from control of invasive plants such as holly and ivy as well as management of the hardwoods to allow regeneration of oak and Douglas-fir. The western portion adjacent to Metro property is in good condition with a mix of Douglas-fir, Oregon white oak, and Madrone as well as big leaf maple and alder. Purchase of the Davis Property would expand and protect white oak habitat in the Canemah Bluff area, provide a buffer for the ongoing restoration on the existing Metro properties, and potentially improve access control in the area.

The acreage goal for Canemah Bluffs in the 1995 Bond Measure was 390 acres, with 134 acres ultimately protected using 1995 Bond Measure funds. The Willamette Narrows and Canemah Bluff Target Area goals are focused on acquiring properties adjacent to Metro’s established natural area properties. The Davis Property is one of a handful of key properties identified as priorities in this target area.

- Bond Criteria Addressed:**
- Ecological benefit of aggregating parcels and creating connections with existing protected areas
 - Identified in refinement plans for the Willamette Narrows and Canemah Bluff Target Area as a regionally significant area of natural and cultural resources due to biological, geologic and scenic values.
 - Protects rare white oak – pacific Madrone habitat
 - There has been strong and active community support of the Canemah Bluff natural area

Property identification:

Sellers: Private Party

Size: 24.3 acres

Conditions: Standard due diligence; subject to unusual circumstance re: extraordinary assumptions in the appraisal

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4020 AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE CERTAIN PROPERTY IN THE WILLAMETTE NARROWS AND CANEMAH BLUFF TARGET AREA UNDER THE 2006 NATURAL AREAS BOND MEASURE AND SUBJECT TO UNUSUAL CIRCUMSTANCES

Date: February 26, 2009

Prepared by: Kathleen Brennan-Hunter
503-797-1948

BACKGROUND

Metro staff has entered into an agreement with a private landowner to purchase 24.3 acres of property in the Willamette Narrows and Canemah Bluff Target Area, which property is more specifically identified on Exhibit A attached to the resolution (the “Property”). The Property is adjacent to 112 acres of Metro owned property acquired with funds from the 1995 bond measure. This 112 acres plus another 22.5 acres one tax lot east of the property comprise the Canemah Bluff area managed by Metro. The addition of the Property to Metro’s currently managed area will compliment ongoing wildlife monitoring in cooperation with the U.S. Forest Service, native plantings in cooperation with Reed College students, and a local Park Watch volunteer stewardship program involving interested neighbors.

The Metro Council adopted the Refinement Plan for the Willamette Narrows and Canemah Bluff Target Area with approval of Resolution No. 07-3858 in September 2007. The identified Tier I objective for the Canemah Bluff portion of the target area is “to acquire property adjacent to existing public holdings that are essential to the establishment and management of a publicly accessible regionally significant natural area.”

The Property is inside the urban growth boundary (“UGB”) in Oregon City and zoned R-10, but development of the property to its zoned potential is impacted by insufficient access to the site due to a steep cliff which prohibits access from adjacent residential areas to the southeast, Metro’s natural area holdings to the northeast, and forestlands outside the UGB to the southwest. Some of these factors also make it difficult to provide utility services to the property that would be required to develop it to its full capacity under the zoning.

The appraisal of the Property included two extraordinary assumptions. The first was regarding the cost to improve a driveway from Highway 99E up the hill to the property within an existing access easement, which cost was based on proposal provided by a construction firm hired by the Seller. The appraiser noted that a portion of those costs, for retaining walls and other road support, could be obviated by purchasing a wider easement from the adjoining property owner, so that the road would run along an existing logging access road. The second extraordinary assumption was regarding whether the value of timber on the property should be considered in reaching a final value conclusion, with the appraiser concluding that 80% of the timber would need to be retained on the property as an amenity to support the premium value homesites, and that the cost to remove the other 20% of the timber, removed to clear the homesites, enhance views, and construct the driveway, would likely be offset of the cost of such removal, and therefore would not add any amount to the appraiser’s value conclusion.

The review appraiser affirmed the appraisal’s conclusion, but concluded that a valuation range was appropriate, with range of \$650,000 to \$690,000.

Metro staff recommend acquisition of the Property because it will meet the goals and Tier I objectives set forth in the Willamette Narrows and Canemah Bluff Target Area Refinement Plan to secure key parcels adjacent to existing publicly protected resource areas to protect scenic views and improve management of the natural area.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

The voters' approved Metro's 2006 Natural Areas Bond Measure at the general election held on November 6, 2006.

Resolution No. 07-3766A "Authorizing the Chief Operating Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan," was adopted by the Metro Council on March 1, 2007, and established the Acquisition Parameters and Due Diligence Guidelines for the purchase of properties as part of the 2006 Natural Areas Bond Program.

Resolution No. 07-3858, "Approving the Natural Areas Acquisition Refinement Plan for the Canemah Bluffs and Willamette Narrows Target Area," was adopted by the Metro Council on September 13, 2007.

3. Anticipated Effects

Metro shall extend its management, including habitat restoration and protection of scenic views, of the adjacent Canemah Bluff natural area to include this 24-acre parcel.

4. Budget Impacts

Metro's contribution to the Property shall be funded utilizing 2006 Regional Bond proceeds.

RECOMMENDED ACTION

The Chief Operating Officer recommends passage of Resolution No. 09-4020.