



METRO

Agenda

MEETING: METRO COUNCIL
DATE: November 12, 2009
DAY: Thursday
TIME: 2:00 p.m.
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 November 5, 2009 Metro Council Regular Meeting.

3.2 **Resolution No. 09-4085**, For the Purpose of Entering an Order Approving Time Extensions for the Cities of Fairview, Lake Oswego, Milwaukie and Portland to Comply with Urban Growth Management Functional Plan Title 13: Nature in Neighborhoods.

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 09-1224**, For the Purpose of Amending the FY 2009-10 Budget and Appropriations Schedule Providing Increased Appropriations in the MERC Fund and Declaring an Emergency.

4.2 **Ordinance No. 09-1225**, For the Purpose of Amending the FY 2009-10 Budget and Appropriations Schedule to Revise the Third Floor Remodel Capital Projects, Move Funding from Contingency, Amend the FY 2009-10 Through FY 2013-14 Capital Improvement Plan and Declaring an Emergency.

4.3 **Ordinance No. 09-1226**, For the Purpose of Amending the FY 2009-10 Budget and Appropriations Schedule to Provide for Approved Capital Projects, Recognizing New Grants, and Declaring an Emergency.

4.4 **Ordinance No. 09-1227**, For the Purpose of Amending the FY 2009-10 Budget and Appropriations Realigning Program Staff, Transferring Budget Authority and Declaring an Emergency.

4.5 **Ordinance No. 09-1228**, For the Purpose of Amending the FY 2009-10 Budget and Appropriations Schedule to Create a Limited Duration Principal Planner Position with the Research Center for the Purpose of Managing the Regional Indicators Project and Declaring an Emergency.

5. ORDINANCES - SECOND READING

- 5.1 **Ordinance No. 09-1222**, For the Purpose of Amending Metro Code Title II, Administration and Procedures, to Revise the Purpose and Membership of the Solid Waste Advisory Committee. Bragdon

PUBLIC HEARING

- 5.2 **Ordinance No. 09-1223**, For the Purpose of Amending Metro Code Chapter 5.02 to Adopt Solid Waste Rate Setting Procedures, and Amending Metro Code Chapter 2.19 to Repeal the Solid Waste Rate Review Committee. Bragdon

PUBLIC HEARING

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for November 12, 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, November 12 (Live)</p>	<p>Portland Channel 30 (CityNet 30) – Portland Community Media www.pcmtv.org – (503) 288-1515 8:30 p.m. Sunday, November 15 2 p.m. Monday, November 16</p>
<p>Gresham Channel 30 – MCTV www.mctv.org – (503) 491-7636 2 p.m. Monday, November 16</p>	<p>Washington County Channel 30 – TVC-TV www.tvctv.org – (503) 629-8534 11 p.m. Saturday, November 14 11 p.m. Sunday, November 15 6 a.m. Tuesday, November 17 4 p.m. Wednesday, November 18</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 the Council Office at (503) 797-1540. 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 Council Office to be included in the decision record. Documents may be submitted by e-mail, fax, mail or in person at the Council Office. 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 Number 3.1

Consideration of Minutes for the November 5, 2009 Metro Council Regular Meeting.

Consent Agenda

Metro Council Meeting
Thursday, November 12, 2009
Metro Council Chamber

Agenda Item Number 3.2

Resolution No. 09-4085, For the Purpose of Entering an Order Approving Time Extensions for the Cities of Fairview, Lake Oswego, Milwaukie and Portland to Comply with Urban Growth Management Functional Plan Title 13: Nature in Neighborhoods.

Consent Agenda

Metro Council Meeting
Thursday, November 12, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN ORDER	)	RESOLUTION NO. 09-4085
APPROVING TIME EXTENSIONS FOR THE CITIES OF)	
FAIRVIEW, LAKE OSWEGO, MILWAUKIE AND	)	Introduced by Chief Operating
PORTLAND TO COMPLY WITH TITLE 13 OF THE	)	Officer Michael Jordan with the
URBAN GROWTH MANAGEMENT FUNCTIONAL	)	concurrence of Council President
PLAN: NATURE IN NEIGHBORHOODS	)	David Bragdon

WHEREAS, the Metro Council adopted Ordinance No. 05-1077C on September 29, 2005 which amended the Urban Growth Management Functional Plan to adopt Title 13: Nature in Neighborhoods; and

WHEREAS, the Land Conservation and Development Commission acknowledged Title 13 Nature in Neighborhoods on January 5, 2007, thereby requiring local jurisdictions to amend their comprehensive plans and implementing ordinances to comply with the requirements of Title 13 by January 5, 2009; and

WHEREAS, Metro Code Section 3.07.850A of the Urban Growth Management Functional Plan provides that the Metro Council may grant extensions of time for compliance with Functional Plan deadlines if the city or county demonstrates progress toward compliance or good cause for failure to comply by the deadline; and

WHEREAS, the Cities of Fairview, Lake Oswego, Milwaukie and Portland have requested a time extension to complete planning work to comply with Title 13; now therefore

BE IT RESOLVED that the Metro Council

1. Enters Order 09-051, attached to this resolution as Exhibit A, which approves the extension of time for the Cities of Fairview, Lake Oswego, Milwaukie and Portland to comply with Functional Plan Title 13: Nature in Neighborhoods.
2. Directs the Chief Operating Officer to send a copy of Resolution No. 09-4085, with Exhibit A attached, to the Cities of Fairview, Lake Oswego, Milwaukie, and Portland, the Metropolitan Policy Advisory Committee, the Oregon Department of Land Conservation and Development and any other person who participated in the public hearing on the extension.

ADOPTED by the Metro Council this _____th day of November, 2009

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

**Exhibit A to Resolution No. 09-4085
Order No. 09-051**

**RELATING TO THE REQUEST FOR AN EXTENSION OF TIME FOR
THE CITIES OF FAIRVIEW, LAKE OSWEGO, MILWAUKIE AND
PORTLAND TO COMPLY WITH TITLE 13 OF THE URBAN GROWTH
MANAGEMENT FUNCTIONAL PLAN**

Applicable Law

The cities of Fairview, Lake Oswego, Milwaukie and Portland have requested an extension of time to comply with the requirements of Title 13 of the Urban Growth Management Functional Plan (“UGMFP”). Metro Code section 3.07.850 sets for the process and criteria for an extension of time for compliance with a functional plan requirement:

“The Council may grant an extension only if it finds that:

- (1) the city or county is making progress toward accomplishment of its compliance work; or
- (2) there is good cause for failure to meet the deadline for compliance.”

Findings Of Fact And Conclusions Of Law

The Metro Council adopted Ordinance No. 05-1077C on September 29, 2005, which amended the UGMFP to adopt Title 13: Nature in Neighborhoods. The Land Conservation and Development Commission acknowledged Title 13 on January 5, 2007, thereby requiring local jurisdictions to amend their comprehensive plans and implementing ordinances to comply with its requirements by January 5, 2009.

The City of Fairview has met with Metro staff and provided a work program and schedule for completing Title 13 requirements. The city process has been delayed due to budgetary and staffing issues.

The City of Lake Oswego has worked with Metro staff over the last year and has convened a task force, in response to citizen input, to review the requirements of Title 13 as they relate to the city’s existing Sensitive Lands Ordinance.

The City of Milwaukie has met with Metro staff and provided a work program and schedule for completing Title 13 requirements. The process has been delayed due to budgetary and staffing issues.

The City of Portland is undertaking a phased environmental program update process that relies on its strong existing regulatory programs, active non-regulatory programs, the adoption of a new resource inventory and baseline standards and the development of area specific projects (district plans) for the Willamette Corridor, Portland International Airport and Hayden Island. The North Reach of the Willamette River Plan will be considered for adoption by the Portland City Council in December, 2009. Work has begun on the Central Reach of the Willamette River Plan component. The Portland City Council adopted interim protection measures to directly apply Title 13 to major land use decisions.

The extension will also support the city's efforts to meet state periodic review requirements and to complete a more extensive update of the Comprehensive Plan through the Portland Plan project.

Criterion 1: The cities of Fairview, Lake Oswego, Milwaukie and Portland are now making progress toward to complying with the requirements of Title 13 of the UGMFP.

Criterion 2: The City of Fairview and the City of Milwaukie's delay in completing Functional Plan compliance requirements for Title 13 are due to budgetary and staffing issues. The City of Lake Oswego's delay in completing Functional Plan compliance is due to additional work in response to citizen concerns related to their existing Sensitive Lands Ordinance. The City of Portland's delay in completing Functional Plan compliance requirements is due to the size of the city, the necessity to develop district plans for large urban areas and the necessity to coordinate with other state and federal requirements. There is good cause for the cities of Fairview, Lake Oswego, Milwaukie and Portland's failure to complete the Title 13 compliance requirements by January 5, 2009.

IT IS HEREBY ORDERED THAT:

The requests of the cities of Fairview, Lake Oswego, Milwaukie and Portland for extensions of time under Metro Code 3.07.850 to complete requirements pursuant to Title 13 of the UGMFP is approved, as a one-year time extension from the date indicated below.

ENTERED this __th day of November, 2009.

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4085, FOR THE PURPOSE OF ENTERING AN ORDER APPROVING TIME EXTENSIONS FOR THE CITIES OF FAIRVIEW, LAKE OSWEGO, MILWAUKIE AND PORTLAND TO COMPLY WITH URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLE 13: NATURE IN NEIGHBORHOODS

Date: October 20, 2009

Prepared by: Tim O'Brien, 503-797-1840

BACKGROUND

On November 18, 2008 staff provided an update to the Metro Council on local jurisdiction compliance status with Urban Growth Management Functional Plan Title 13: Nature in Neighborhoods. At that time, staff noted that the Tualatin Basin Natural Resources Coordinating Committee jurisdictions were in compliance with Title 13 and that Gresham and Clackamas County had final hearings scheduled prior to the January 5, 2009 compliance deadline. Staff also noted that a number of jurisdictions had a first half of 2009 target date for submittal of compliance materials. The Council directed staff to continue assisting local jurisdictions with compliance issues and to provide a second update to the Council in mid 2009. On August 11, 2009, staff presented a second compliance update to the Council. As a result of the discussion, Council directed staff to proceed with compliance extension requests for four cities: the City of Fairview, the City of Lake Oswego, the City of Milwaukie and the City of Portland.

Compliance Status for Fairview, Lake Oswego, Milwaukie and Portland

The following represents the current status of compliance activities for Title 13:

- The City of Fairview has submitted an extension request. The City recently completed Title 4 requirements and is now focused on Title 13 compliance. The City is expected to complete the compliance process in early 2010.
- The City of Lake Oswego has submitted an extension request. The City has convened a task force that is reviewing the requirements of Title 13 as they relate to the City's existing Sensitive Lands Ordinance. The City is expected to complete this review in spring 2010.
- The City of Milwaukie has submitted an extension request. The City has set in place a process to directly apply Title 13 to major land use decisions as required by the Functional Plan. The City expects to complete the compliance process in early 2010.
- The City of Portland has submitted an extension request based on their proposal to address Title 13 via a District Planning process. The City requests an extension until June 30, 2011. On June 24, 2009, the Portland City Council adopted interim protection measures to directly apply Title 13 to major land use decisions. The North Reach of the Willamette River Plan will be considered for adoption by the Portland City Council in December 2009, which would bring this portion of the Willamette River into compliance with Title 13 regulatory requirements.

ANALYSIS/INFORMATION

1. **Known Opposition** There is no known opposition to the proposed legislation.
2. **Legal Antecedents** Metro Code Chapter 3.07.850 provides a process for the Metro Council to consider Functional Plan compliance extension requests. Metro Code limits extensions to one year.
3. **Anticipated Effects** Adoption of Resolution No. 09-4085 provides the cities of Fairview, Lake Oswego, Milwaukie and Portland additional time to complete development code and map amendments to meet the requirements of Title 13. Since the cities have designated plans in place to directly implement Title 13 in the absence of adopted programs, the resource protection intent of Title 13 will be met.
4. **Budget Impacts** There is no additional budget impact to implement the proposed legislation as staff time is budgeted for Functional Plan compliance.

RECOMMENDED ACTION

Staff recommends adoption of Resolution No. 09-4085, granting one-year time extensions for complying with Functional Plan Title 13: Nature in Neighborhoods to the Cities of Fairview, Lake Oswego, Milwaukie and Portland.

Agenda Item Number 4.1

Ordinance No. 09-1224, For the Purpose of Amending the FY 2009-10 Budget and Appropriations Schedule Providing Increased Appropriations in the MERC Fund and Declaring an Emergency.

ORDINANCES – FIRST READING

Metro Council Meeting
Thursday, November 12, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2009-10 BUDGET AND) ORDINANCE NO. 09-1224
APPROPRIATIONS SCHEDULE PROVIDING)
INCREASED APPROPRIATIONS IN THE MERC) Introduced by Michael Jordan, Chief
FUND AND DECLARING AN EMERGENCY) 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 2009-10 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 2009-10 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 providing increased appropriations in the MERC 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 _____ 2009.

David Bragdon, Council President

Attest:

Approved as to Form:

Anthony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

**Exhibit A
Ordinance No. 09-1224**

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
Metro Exposition Recreation Commission Fund							
MERC Fund							
<u>Resources</u>							
BGBAL	<i>Beginning Fund Balance</i>						
	* Prior year ending balance		25,702,261		0		25,702,261
	* Oregon Convention Center		325,000		0		325,000
	* Portland Center for the Performing Arts		47,500		0		47,500
GRANTS	<i>Grants</i>						
4125	Local Grants - Indirect		0		216,925		216,925
LGSHRE	<i>Local Gov't Share Revenues</i>						
4130	Hotel/Motel Tax		10,930,634		0		10,930,634
4142	Intergovernment Misc. Revenue		43,955		0		43,955
4145	Government Contributions		760,926		0		760,926
CHGSVC	<i>Charges for Service</i>						
4500	Admission Fees		1,439,332		0		1,439,332
4510	Rentals		7,201,549		0		7,201,549
4550	Food Service Revenue		12,123,799		0		12,123,799
4560	Retail Sales		22,000		0		22,000
4575	Advertising		25,500		0		25,500
4580	Utility Services		1,516,818		0		1,516,818
4590	Commissions		682,300		0		682,300
4620	Parking Fees		2,603,350		0		2,603,350
4645	Reimbursed Services		3,152,282		0		3,152,282
4647	Reimbursed Services - Contract		460,747		0		460,747
4650	Miscellaneous Charges for Svc		289,880		0		289,880
INTRST	<i>Interest Earnings</i>						
4700	Interest on Investments		586,518		0		586,518
DONAT	<i>Contributions from Private Sources</i>						
4750	Donations and Bequests		307,000		0		307,000
4755	Capital Donations and Bequests		1,250,000		0		1,250,000
4760	Sponsorship Revenue		365,500		0		365,500
MISCRV	<i>Miscellaneous Revenue</i>						
4805	Financing Transaction		81,126		0		81,126
4890	Miscellaneous Revenue		36,100		25,000		61,100
4891	Refunds and Reimbursements		5,000		0		5,000
EQTREV	<i>Fund Equity Transfers</i>						
4970	Transfer of Resources						
	* from General Fund		692,490		0		692,490
TOTAL RESOURCES			\$70,651,567		\$241,925		\$70,893,492
Total Personal Services			194.00	\$18,534,604	0.00	\$0	194.00 \$18,534,604
<u>Materials & Services</u>							
GOODS	<i>Goods</i>						
5201	Office Supplies		223,555		0		223,555
5205	Operating Supplies		297,086		0		297,086
5210	Subscriptions and Dues		90,896		0		90,896
5214	Fuels and Lubricants		17,970		0		17,970
5215	Maintenance & Repairs Supplies		584,175		0		584,175
5225	Retail		9,000		0		9,000
SVCS	<i>Services</i>						
5240	Contracted Professional Svcs		1,273,843		260,000		1,533,843
5245	Marketing Expense		2,619,362		0		2,619,362
5247	POVA Pass-Through		412,681		0		412,681
5251	Utility Services		2,584,520		0		2,584,520

**Exhibit A
Ordinance No. 09-1224**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
Metro Exposition Recreation Commission Fund							
MERC Fund							
5255	Cleaning Services		33,260		0		33,260
5260	Maintenance & Repair Services		836,943		0		836,943
5265	Rentals		591,388		0		591,388
5270	Insurance		28,060		0		28,060
5280	Other Purchased Services		420,448		0		420,448
5281	Other Purchased Services - Reimb		390,913		0		390,913
5291	Food and Beverage Services		9,431,528		0		9,431,528
5292	Parking Services		292,357		0		292,357
IGEXP	<i>Intergov't Expenditures</i>						
5300	Payments to Other Agencies		235,379		306,564		541,943
5310	Taxes (Non-Payroll)		11,500		0		11,500
5320	Government Assessments		0		0		0
OTHEXP	<i>Other Expenditures</i>						
5450	Travel		164,625		0		164,625
5455	Staff Development		221,665		0		221,665
5490	Miscellaneous Expenditures		5,500		0		5,500
Total Materials & Services			\$20,776,654		\$566,564		\$21,343,218
Capital Outlay							
CAPCIP	<i>Capital Outlay (CIP Projects)</i>						
5710	Improve-Oth thn Bldg		75,000		0		75,000
5720	Buildings & Related		3,123,490		(18,075)		3,105,415
5740	Equipment & Vehicles		56,000		0		56,000
5750	Office Furniture & Equip		170,000		0		170,000
Total Capital Outlay			\$3,424,490		(\$18,075)		\$3,406,415
Debt Service							
LOAN	<i>Loan Payments</i>						
5610	Loan Payments-Principal		10,280		135,000		145,280
5615	Loan Payments-Interest		6,978		0		6,978
Total Debt Service			\$17,258		\$135,000		\$152,258
Total Interfund Transfers			\$3,704,857	0.00	\$0		\$3,704,857
Contingency and Ending Balance							
CONT	<i>Contingency</i>						
5999	Contingency						
	* General Contingency		2,009,197		(683,489)		1,325,708
	* Renewal and Replacement		970,000		0		970,000
	* Prior Year PERS Reserve		1,486,398		0		1,486,398
	* Reimbursable HQH Contingency		3,700,000		0		3,700,000
	* Contingency for Capital (TL TAX)		640,310		0		640,310
UNAPP	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Restricted Fund Balance (User Fees)		1,339,841		0		1,339,841
	* Ending Balance		12,148,391		241,925		12,390,316
	* Renewal & Replacement		815,000		0		815,000
	* Current Year PERS Reserve		375,187		0		375,187
	* Prior Year PERS Reserve		709,380		0		709,380
Total Contingency and Ending Balance			\$24,193,704		(\$441,564)		\$23,752,140
TOTAL REQUIREMENTS		194.00	\$70,651,567	0.00	\$241,925	194.00	\$70,893,492

Exhibit B
Ordinance 09-1224
Schedule of Appropriations

	<u>Current Appropriation</u>	<u>Revision</u>	<u>Revised Appropriation</u>
MERC FUND			
MERC	42,735,748	548,489	43,284,237
Non-Departmental			
Debt Service	17,258	135,000	152,258
Interfund Transfers	3,704,857	0	3,704,857
Contingency	8,805,905	(683,489)	8,122,416
Unappropriated Balance	15,387,799	241,925	15,629,724
Total Fund Requirements	\$70,651,567	\$241,925	\$70,893,492

All other appropriations remain as previously adopted

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO 09-1224 AMENDING THE FY 2009-10 BUDGET AND APPROPRIATIONS SCHEDULE PROVIDING INCREASED APPROPRIATIONS IN THE MERC FUND AND DECLARING AN EMERGENCY

Date: October 16, 2009

Presented by: Cynthia Hill
503-731-7829

BACKGROUND

This ordinance requests a modification to the FY 2009-10 MERC budget for four items as described below.

1. In FY 2008-09 MERC received a \$225,000 contribution from the City of Portland for Architectural and Urban Design for the Arlene Schnitzer Concert Hall (ASCH) Renovation and Main Street Project. About \$216,925 will carry forward to FY 2009-10 for this project. An additional \$43,075 will be reallocated from unspent capital projects funded with a donation from the Friends of the PCPA. This action request requests an increase of \$260,000 in professional services to provide for continuation of the project. The primary contract for this project, awarded in September 2009, provides adequate authority for the work and does not need to be amended.
2. MERC is required to pay a Local Improvement District assessment made by the City of Portland on the PCPA for the Portland Mall Revitalization project. The total assessment is \$310,025. MERC is responsible for \$306,564 and the First Congregational Church is responsible for \$3,461. Although financing options are available through the City of Portland, the most cost effective alternative is to make payment in full when due. This action requests the transfer of \$306,564 from the MERC contingency to pay the assessment.
3. In 2002, the Oregon Convention Center was required to pay a Local Improvement District assessment to the City of Portland for the Steel Bridge improvements. MERC chose to finance this payment over a 20 year period. The loan carries an interest rate of 5.32 percent. Under the current market conditions it is most cost effective to pay off this loan in full. Retiring this debt now will save approximately \$50,000 in future interest payments over the remaining life of the loan. This action requests the transfer of \$135,000 from the MERC contingency to retire this debt.
4. During the Oregon Convention Center Expansion project an insurance reserve account was funded for potential outstanding workers' compensation claims. This account will be closed and the final balance of \$25,000 will be released to the Oregon Convention Center. MERC is reinvesting this revenue in the renovation of a portion of the Oregon Convention Center food service facility known as the Stir Lounge. Additional funds are being requested for the project for operation needs not recognized in the original design costs related to equipment purchases, furniture purchases, kitchen layout and equipment needs, and additional electrical requirements. The request, although initially funded from contingency, will be offset by a declaration of \$25,000 in miscellaneous revenue.

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 will allow the continuation of an important study on the design of a portion of the PCPA; allow the payment of two Local Improvement District assessments to the City of Portland, and provide the completion of the Stir Lounge at the Oregon Convention Center.
- 4. Budget Impacts:** This ordinance authorizes a net reduction in contingency of \$683,489 to make payment to the City of Portland, retire an outstanding loan and continue projects at PCPA and the Oregon Convention Center. Additional revenue of \$241,925 will be recognized or received to offset the contingency reduction.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 4.2

Ordinance No. 09-1225, For the Purpose of Amending the FY 2009-10 Budget and Appropriations Schedule to Revise the Third Floor Remodel Capital Projects, Move Funding from Contingency, Amend the FY 2009-10 Through FY 2013-14 Capital Improvement Plan and Declaring an Emergency.

ORDINANCES – FIRST READING

Metro Council Meeting
Thursday, November 12, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2009-10 BUDGET AND	)	ORDINANCE NO. 09-1225
APPROPRIATIONS SCHEDULE TO REVISE THE)	
THIRD FLOOR REMODEL CAPITAL PROJECTS,	)	Introduced by Michael Jordan, Chief
MOVE FUNDING FROM CONTINGENCY,	)	Operating Officer, with the concurrence of
AMEND THE FY 2009-10 THROUGH FY 2013-14	)	Council President David Bragdon
CAPITAL IMPROVEMENT PLAN, AND)	
DECLARING AN EMERGENCY)	

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2009-10 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 2009-10 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 revising the third floor remodel capital projects and moving funding from contingency.
2. That the FY 2009-10 through FY 2013-14 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:

Anthony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A
Ordinance No. 09-1225

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
<i>Interfund Transfers</i>							
INDTEX	<i>Interfund Reimbursements</i>						
5800	Transfer for Indirect Costs						
	* to Risk Mgmt Fund-Liability		191,681		0		191,681
	* to Risk Mgmt Fund-Worker Comp		275,463		0		275,463
EQTCHG	<i>Fund Equity Transfers</i>						
5810	Transfer of Resources						
	* to General Revenue Bond Fund-Zoo		403,820		0		403,820
	* to Metro Capital Fund-IT Projects		50,000		0		50,000
	* to Gen'l Revenue Bond Fund-Debt Serv Acct		1,485,849		0		1,485,849
	* to MERC Fund (Tourism Opp. & Compt. Account)		692,490		0		692,490
	* to Renewal & Replacement Fund-General R&R		537,233		0		537,233
	* to Renewal & Replacement Fund-IT Renewal & Rep		253,329		0		253,329
	* to Metro Capital Fund-Parks Capital		49,000		0		49,000
	* to Renewal & Replacement Fund-Regional Center		277,000		128,000		405,000
	* to Metro Capital Fund-Parks Cap		40,000		0		40,000
	* to Renewal & Replacement Fund-Parks R&R		200,000		0		200,000
	* to Solid Waste Revenue Fund		122,375		0		122,375
LOANEX	<i>Interfund Loan - Expenditures</i>						
5865	Interfund Loan - Interest		0				0
	* to Solid Waste Revenue Fund		266,250		0		266,250
Total Interfund Transfers			\$4,844,490		\$128,000		\$4,972,490
<i>Contingency & Unappropriated Balance</i>							
CONT	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,121,383		0		3,121,383
	* Reserved for Future Election Costs		183,411		0		183,411
	* Reserved for Nature in Neigh Grants		342,500		0		342,500
	* Reserved for Metro Regional Center Remodel		128,000		(128,000)		0
	* Reserved for Active Transportation Partnerships		176,100		0		176,100
	* Reserved for Climate Change		47,500		0		47,500
UNAPP	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,352,000		0		2,352,000
	* PERS Reserve		3,759,384		0		3,759,384
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		50		0		50
	* Reserved for Future Natural Areas Operations		804,460		0		804,460
	* Reserved for Local Gov't Grants (CET)		5,851		0		5,851
	* Reserved for Future Planning Needs		27,575		0		27,575
	* Debt Reserve for Full Faith & Credit Bonds		2,000,000		0		2,000,000
	* Reserve for Future Debt Service		2,676,806		0		2,676,806
Total Contingency & Unappropriated Balance			\$15,715,020		(\$128,000)		\$15,587,020
TOTAL REQUIREMENTS		451.73	\$104,755,967	0.00	\$0	451.73	\$104,755,967

Exhibit A
Ordinance No. 09-1225

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
General Renewal & Replacement Fund							
Renewal & Replacement							
<i>Resources</i>							
BEGBAL	Beginning Fund Balance						
3500	* Prior year ending balance		6,379,524		0		6,379,524
GRANTS	Grants						
4100	Federal Grants-Direct		500,000		0		500,000
4110	State Grants-Direct		712,500		0		712,500
INTRST	Interest Earnings						
4700	Interest on Investments		216,559		0		216,559
EQTREV	Fund Equity Transfers						
4970	Transfer of Resources						
	* from Solid Waste Revenue Fund		15,503		0		15,503
	* from General Fund (Regional Parks)		200,000		0		200,000
	* from General Fund-IT R&R		253,329		0		253,329
	* from General Fund-MRC R&R		277,000		128,000		405,000
	* from General Fund-Gen'l R&R		537,233		0		537,233
	* from Metro Capital Fund		799,410		0		799,410
	* from General Revenue Bond Fund-MRC R&R		0		0		0
TOTAL RESOURCES			\$9,891,058		\$128,000		\$10,019,058
<i>Materials & Services</i>							
GOODS	Goods						
5201	Office Supplies		108,615		0		108,615
5205	Operating Supplies		17,371		0		17,371
SVCS	Services						
5260	Maintenance & Repairs Services		76,500		0		76,500
CAPMNT	Capital Maintenance						
5261	Capital Maintenance - CIP		392,040		0		392,040
5262	Capital Maintenance - Non-CIP		283,972		0		283,972
OTHEXP	Other Expenditures						
Total Materials & Services			\$878,498		\$0		\$878,498
<i>Capital Outlay</i>							
CAPNON	Capital Outlay (non-CIP Projects)						
5740	Equipment & Vehicles		10,612		0		10,612
CAPCIP	Capital Outlay (CIP Projects)						
5710	Improve-Other than Bldg		1,749,940		0		1,749,940
5720	Buildings & Related		362,887		128,000		490,887
5730	Exhibits and Related		8,856		0		8,856
5740	Equipment & Vehicles		911,422		0		911,422
5750	Office Furniture & Equip		190,840		0		190,840
5760	Railroad Equip & Facil		22,851		0		22,851
Total Capital Outlay			\$3,257,408		\$128,000		\$3,385,408

**Exhibit A
Ordinance No. 09-1225**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Renewal & Replacement Fund							
Renewal & Replacement							
<i>Contingency & Unappropriated Balance</i>							
CONT	<i>Contingency</i>						
5999	Contingency						
	* General contingency		2,753,015		0		2,753,015
UNAPP	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Renewal & Replacement - Gen'l		3,002,137		0		3,002,137
Total Contingency & Unappropriated Balance			\$5,755,152		\$0		\$5,755,152
TOTAL REQUIREMENTS		0.00	\$9,891,058	0.00	\$128,000	0.00	\$10,019,058

Exhibit B
Ordinance 09-1225
Schedule of Appropriations

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Revised</u> <u>Appropriation</u>
GENERAL FUND			
Communications	2,178,971	0	2,178,971
Council Office (includes COO & Strategy Center)	3,408,277	0	3,408,277
Finance & Regulatory Services	3,334,056	0	3,334,056
Human Resources	1,904,090	0	1,904,090
Information Services	3,170,764	0	3,170,764
Metro Auditor	669,433	0	669,433
Office of Metro Attorney	1,995,694	0	1,995,694
Oregon Zoo	27,636,683	0	27,636,683
Parks & Environmental Services	6,831,562	0	6,831,562
Planning and Development	18,182,224	0	18,182,224
Research Center	4,200,843	0	4,200,843
Sustainability Center	4,490,128	0	4,490,128
Former ORS 197.352 Claims & Judgments	100	0	100
Special Appropriations	4,721,292	0	4,721,292
Non-Departmental			
Debt Service	1,472,340	0	1,472,340
Interfund Transfers	4,844,490	128,000	4,972,490
Contingency	3,998,894	(128,000)	3,870,894
Unappropriated Balance	11,716,126	0	11,716,126
Total Fund Requirements	\$104,755,967	\$0	\$104,755,967
GENERAL RENEWAL AND REPLACEMENT FUND			
Renewal & Replacement Program	4,135,906	128,000	4,263,906
Non-Departmental			
Contingency	2,753,015	0	2,753,015
Unappropriated Balance	3,002,137	0	3,002,137
Total Fund Requirements	\$9,891,058	\$128,000	\$10,019,058

All other appropriations remain as previously adopted

EXHIBIT C - Ordinance 09-1225

Capital Project Request - Project Detail

Project Title: Council/COO Building Space Remodel **Fund:** General Fund

Project Status: Incomplete **Funding Status:** Funded **FY First Authorized:** 2007-08 **Department:** Parks and Environmental Services

Project Number: 01510 **Active:** **Dept. Priority:** 1 **Facility:** Property Services **Division:** Property Services

Source Of Estimate: Preliminary **Source:** **Start Date:** 7/07 **Date:** 12/5/2006 **Cost Type:** Facilities

Type of Project: New **Request Type:** Initial **Completion Date:** 6/10 **Prepared By:** Mike Brown

Project Estimates	Actual	Budget/Est	Prior						
Capital Cost:	Expend	2009-2010	Years	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	Total
Construction	\$14,983	\$228,000	\$242,983	\$0	\$0	\$0	\$0	\$0	\$242,983
Equipment/Furnishings	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total:	\$14,983	\$228,000	\$242,983	\$0	\$0	\$0	\$0	\$0	\$242,983

Funding Source:	Actual	Budget/Est	Prior						
	Expend	2009-2010	Years	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	Total
Fund Balance - Capital Reserve	\$0	\$228,000	\$228,000	\$0	\$0	\$0	\$0	\$0	\$228,000
Fund Balance	\$14,983	\$0	\$14,983	\$0	\$0	\$0	\$0	\$0	\$14,983
Total:	\$14,983	\$228,000	\$242,983	\$0	\$0	\$0	\$0	\$0	\$242,983

Annual Operating Budget Impact

Project Description / Justification: **Estimated Useful Life (yrs):** 15 **First Full Fiscal Year of Operation:** 2010-11

This project was to remodel the 3rd floor of the Metro Regional Center. Originally a much broader scope of changes was anticipated with the project expected to cost in the range of \$450,000. The scope of work has been reduced to include only the reconfiguration of offices on the 3rd floor and the creation of a new conference room for the use of Metro Council.

Initially the budget was set at \$150,000 with \$50,000 in contingency. About \$15,000 has been spent on various plans to determine the overall scope of the project. \$100,000 was carried forward into Fiscal Year 2009-10 CIP and Budget. This project has now been tentatively scoped. \$66,000 of the \$100,000 has been spent to date.

Further aspects of this project provide planning, development, construction document development for the third floor conference room and COO/Council offices. The completed project will include sustainable options like centralized lighting controls in each office and conference room, HVAC conference room controls, conference room automated window blinds, interactive touch screens and the ability to in the future enter into a IGA with PCC for video teleconferencing with secure digital video recording as well as many more capabilities depending on direction and budget once the conference room is complete.

Additional funding for expanded video capabilities will be an additional project with expected funding from a grant.

Operating costs should be a wash due to the sustainable features added to offset the additional offices and equipment. There is a potential for savings on future training from the use of new video conferencing capabilities.

EXHIBIT C - Ordinance 09-1225

Strategic Analysis

01510

Council/COO Building Space Remodel

1. Purpose.

This project was to remodel the 3rd floor of the Metro Regional Center. Originally a much broader scope of changes was anticipated with the project expected to cost in the range of \$450,000. The scope of work has been reduced to include only the reconfiguration of offices on the 3rd floor and the creation of a new conference room for the use of Metro Council.

Initially the budget was set at \$150,000 with \$50,000 in contingency. About \$15,000 has been spent on various plans to determine the overall scope of the project. \$100,000 was carried forward into Fiscal Year 2009-10 CIP and Budget. This project has now been tentatively scoped. \$66,000 of the \$100,000 has been spent to date.

Further aspects of this project provide planning, development, construction document development for the third floor conference room and COO/Council offices. The completed project will include sustainable options like centralized lighting controls in each office and conference room, HVAC conference room controls, conference room automated window blinds, interactive touch screens and the ability to in the future enter into a IGA with PCC for video teleconferencing with secure digital video recording as well as many more capabilities depending on direction and budget once the conference room is complete.

Additional funding for expanded video capabilities will be an additional project with expected funding from a grant.

Operating costs should be a wash due to the sustainable features added to offset the additional offices and equipment. There is a potential for savings on future training from the use of new video conferencing capabilities.

2. Scope and Schedule.

Adds a conference room with up to date technology for the Council use. Adds common area and hallway and some office improvements. See separate list of project components with expected individual costs and completion dates

3. Managment.

Richard Thompson

4. Stakeholders.

Metro Center users and visitors to Metro Council and Metro Council

5. Risks.

Normal safety issues with construction.

6. Cost.

Original Cost Estimate	\$450,000
Operating Budget	

7. Environmental Sustainability.

All currently available sustainability options are incorporated in this project including interactive blinds that automatically adjust to outside temperatures to control internal temperatures. Sophisticated HVAC and electrical systems incorporated for maximum energy management. This project is considered a pilot for potential sustainability improvements to the rest of the Metro Regional Center. Recycled building materials were used when possible.

8. Regulatory Requirments.

City of Portland Permitting, building codes, over \$50,000 Boli job requirements, compliance with the City of Portland's building recycling requirements for projects over \$50,000.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1225 AMENDING THE FY 2009-10 BUDGET AND APPROPRIATIONS SCHEDULE TO REVISE THE THIRD FLOOR REMODEL CAPITAL PROJECTS, MOVE FUNDING FROM CONTINGENCY, AMEND THE FY 2009-10 THROUGH 2013-14 CAPITAL IMPROVEMENT PLAN, AND DECLARING AN EMERGENCY

Date: October 19, 2009

Prepared by: Richard Thompson, Facilities Manager
Karen Feher, CIP Coordinator
503-797-1868

BACKGROUND

This budget request is to complete a scaled back remodel of the 3rd floor of the Metro Regional Center. Originally a broader scope of changes anticipated the project expenditures in the range of \$450,000. The scope of work has been reduced to include only the reconfiguration of offices on the 3rd floor and the creation of a new conference room for the use of Metro Council.

The project budget in FY 2008-09 was \$200,000 with \$50,000 of that funding in contingency. About \$15,000 was spent on various plans to determine the overall scope of the project and \$100,000 was carried forward into Fiscal Year 2009-10 CIP and Budget. The project costs are now more fully developed. Of the current year \$100,000 budget, \$66,000 is spent.

The remaining aspects of this project provide planning, development, construction document development for the third floor conference room and additional aspects of the management offices. The completed project will include sustainable options like centralized lighting controls in each office and conference room, HVAC conference room controls, conference room automated window blinds, interactive touch screens and the future capability for video teleconferencing and secure digital video recording as well as other technological capabilities depending on direction and availability of grant funding once the conference room is complete.

This action moves \$128,000 from General Fund contingency to the renewal and replacement fund to complete this project as well as amending the Capital Improvement Plan.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, and from the General Fund to any other fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction. In addition, 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. The Capital Improvement Plan is adopted by Resolution; therefore amendments must be adopted by Resolution or included in another Council action.

3. **Anticipated Effects:** This action implements the funding actions needed for the capital projects approved by the Council through Resolution 09-4078, adopted October 15, 2009. It approves a change to the FY 2009-10 through FY 2013-14 Capital Improvement Plan increasing the project by \$128,000.
4. **Budget Impacts:** This ordinance will recognize a transfer of \$128,000 from the General Fund contingency to the Renewal & Replacement Fund to provide appropriations for the project described in the staff report above.

RECOMMENDED ACTION

Chief Operating Officer Michael Jordan recommends approval of this Ordinance.

Agenda Item Number 4.3

Ordinance No. 09-1226, For the Purpose of Amending the FY 2009-10 Budget and Appropriations Schedule to Provide for Approved Capital Projects, Recognizing New Grants, and Declaring an Emergency.

ORDINANCES – FIRST READING

Metro Council Meeting
Thursday, November 12, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2009-10 BUDGET AND) ORDINANCE NO. 09-1226
APPROPRIATIONS SCHEDULE TO PROVIDE)
FOR APPROVED CAPITAL PROJECTS,) Introduced by Michael Jordan, Chief
RECOGNIZING NEW CAPITAL GRANTS AND) Operating Officer, with the concurrence of
DECLARING AN EMERGENCY) Council President David Bragdon

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2009-10 Budget; and

WHEREAS, the Metro Council through Resolution 09-4078 adopted on October 15, 2009 has approved several new capital projects and amended the FY 2009-10 through FY 2013-14 Capital Improvement Plan; 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 2009-10 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 new capital grants and providing appropriation for several new capital projects.
- 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 _____ 2009.

David Bragdon, Council President

Attest:

Approved as to Form:

Anthony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A
Ordinance No. 09-1226

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
General Renewal & Replacement Fund							
Renewal & Replacement							
<i>Resources</i>							
BEGBAL	Beginning Fund Balance						
3500	* Prior year ending balance		6,379,524		0		6,379,524
GRANTS	Grants						
4100	Federal Grants-Direct		0		500,000		500,000
4110	State Grants-Direct		0		712,500		712,500
INTRST	Interest Earnings						
4700	Interest on Investments		216,559		0		216,559
EQTREV	Fund Equity Transfers						
4970	Transfer of Resources						
	* from Solid Waste Revenue Fund		15,503		0		15,503
	* from General Fund (Regional Parks)		200,000		0		200,000
	* from General Fund-IT R&R		253,329		0		253,329
	* from General Fund-MRC R&R		277,000		0		277,000
	* from General Fund-Gen'l R&R		537,233		0		537,233
	* from Metro Capital Fund		799,410		0		799,410
	* from General Revenue Bond Fund-MRC R&R		0		0		0
TOTAL RESOURCES			\$8,678,558		\$1,212,500		\$9,891,058
<i>Materials & Services</i>							
GOODS	Goods						
5201	Office Supplies		59,615		49,000		108,615
5205	Operating Supplies		17,371		0		17,371
SVCS	Services						
5260	Maintenance & Repairs Services		76,500		0		76,500
CAPMNT	Capital Maintenance						
5261	Capital Maintenance - CIP		392,040		0		392,040
5262	Capital Maintenance - Non-CIP		283,972		0		283,972
OTHEXP	Other Expenditures						
Total Materials & Services			\$829,498		\$49,000		\$878,498
<i>Capital Outlay</i>							
CAPNON	Capital Outlay (non-CIP Projects)						
5740	Equipment & Vehicles		10,612		0		10,612
CAPCIP	Capital Outlay (CIP Projects)						
5710	Improve-Oth thn Bldg		149,940		1,600,000		1,749,940
5720	Buildings & Related		362,887		0		362,887
5730	Exhibits and Related		8,856		0		8,856
5740	Equipment & Vehicles		880,422		31,000		911,422
5750	Office Furniture & Equip		190,840		0		190,840
5760	Railroad Equip & Facil		22,851		0		22,851
Total Capital Outlay			\$1,626,408		\$1,631,000		\$3,257,408

Exhibit A
Ordinance No. 09-1226

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Renewal & Replacement Fund							
Renewal & Replacement							
<i>Contingency & Unappropriated Balance</i>							
CONT	<i>Contingency</i>						
5999	Contingency						
	* General contingency		3,220,515		(467,500)		2,753,015
UNAPP	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Renewal & Replacement - Gen'l		3,002,137		0		3,002,137
Total Contingency & Unappropriated Balance			\$6,222,652		(\$467,500)		\$5,755,152
TOTAL REQUIREMENTS		0.00	\$8,678,558	0.00	\$1,212,500	0.00	\$9,891,058

**Exhibit A
Ordinance No. 09-1226**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Parks & Environmental Services							
Total Personal Services		45.60	\$4,070,264	0.00	\$0	45.60	\$4,070,264
<i>Materials & Services</i>							
<i>GOODS Goods</i>							
	5201 Office Supplies		70,687		0		70,687
	5205 Operating Supplies		114,875		0		114,875
	5210 Subscriptions and Dues		4,701		0		4,701
	5214 Fuels and Lubricants		2,135		0		2,135
	5215 Maintenance & Repairs Supplies		203,983		0		203,983
	5225 Retail		9,316		0		9,316
<i>SVCS Services</i>							
	5240 Contracted Professional Svcs		346,191		91,600		437,791
	5250 Contracted Property Services		196,213		0		196,213
	5251 Utility Services		398,194		0		398,194
	5255 Cleaning Services		197,281		0		197,281
	5260 Maintenance & Repair Services		455,930		0		455,930
	5265 Rentals		51,238		0		51,238
	5280 Other Purchased Services		24,052		0		24,052
	5290 Operations Contracts		2,994		0		2,994
<i>IGEXP Intergov't Expenditures</i>							
	5300 Payments to Other Agencies		401,119		0		401,119
	5310 Taxes (Non-Payroll)		249,478		0		249,478
<i>OTHEXP Other Expenditures</i>							
	5450 Travel		5,839		0		5,839
	5455 Staff Development		26,994		0		26,994
	5490 Miscellaneous Expenditures		78		0		78
Total Materials & Services			\$2,761,298		\$91,600		\$2,852,898
TOTAL REQUIREMENTS		45.60	\$6,831,562	0.00	\$91,600	45.60	\$6,923,162

Exhibit A
Ordinance No. 09-1226

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
Total Interfund Transfers			\$4,844,490		\$0		\$4,844,490
<u>Contingency & Unappropriated Balance</u>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,121,383		(91,600)		3,029,783
	* Reserved for Future Election Costs		183,411		0		183,411
	* Reserved for Nature in Neigh Grants		342,500		0		342,500
	* Reserved for Metro Regional Center Remodel		128,000		0		128,000
	* Reserved for Active Transportation Partnerships		176,100		0		176,100
	* Reserved for Climate Change		47,500		0		47,500
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,352,000		0		2,352,000
	* PERS Reserve		3,759,384		0		3,759,384
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		50		0		50
	* Reserved for Future Natural Areas Operations		804,460		0		804,460
	* Reserved for Local Gov't Grants (CET)		5,851		0		5,851
	* Reserved for Future Planning Needs		27,575		0		27,575
	* Debt Reserve for Full Faith & Credit Bonds		2,000,000		0		2,000,000
	* Reserve for Future Debt Service		2,676,806		0		2,676,806
Total Contingency & Unappropriated Balance			\$15,715,020		(\$91,600)		\$15,623,420
TOTAL REQUIREMENTS		451.73	\$104,755,967	0.00	\$0	451.73	\$104,755,967

Exhibit B
Ordinance 09-1226
Schedule of Appropriations

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Revised</u> <u>Appropriation</u>
GENERAL FUND			
Communications	2,178,971	0	2,178,971
Council Office (includes COO & Strategy Center)	3,408,277	0	3,408,277
Finance & Regulatory Services	3,334,056	0	3,334,056
Human Resources	1,904,090	0	1,904,090
Information Services	3,170,764	0	3,170,764
Metro Auditor	669,433	0	669,433
Office of Metro Attorney	1,995,694	0	1,995,694
Oregon Zoo	27,636,683	0	27,636,683
Parks & Environmental Services	6,831,562	91,600	6,923,162
Planning and Development	18,182,224	0	18,182,224
Research Center	4,200,843	0	4,200,843
Sustainability Center	4,490,128	0	4,490,128
Former ORS 197.352 Claims & Judgments	100	0	100
Special Appropriations	4,721,292	0	4,721,292
Non-Departmental			
Debt Service	1,472,340	0	1,472,340
Interfund Transfers	4,844,490	0	4,844,490
Contingency	3,998,894	(91,600)	3,907,294
Unappropriated Balance	11,716,126	0	11,716,126
Total Fund Requirements	\$104,755,967	\$0	\$104,755,967
GENERAL RENEWAL AND REPLACEMENT FUND			
Renewal & Replacement Program	2,455,906	1,680,000	4,135,906
Non-Departmental			
Contingency	3,220,515	(467,500)	2,753,015
Unappropriated Balance	3,002,137	0	3,002,137
Total Fund Requirements	\$8,678,558	\$1,212,500	\$9,891,058

All other appropriations remain as previously adopted

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1226 TO PROVIDE FOR APPROVED CAPITAL PROJECTS, RECOGNIZING NEW CAPITAL GRANTS AND DECLARING AN EMERGENCY

Date: October 16, 2009

Prepared by: Karen Feher, CIP Coordinator
503-797-1868

BACKGROUND

On October 15, 2009 the Council adopted Resolution 09-4078 approving or amending several capital projects and amending the FY 2009-10 through FY 2013-14 Capital Improvement Plan. This ordinance implements the fiscal aspects of that action by recognizing several new capital grants and transferring appropriations from contingency, as needed. Budget actions are explained below.

1. **M James Gleason Boat Ramp, Phase III**: Metro Parks and Environmental Services applied for and received a \$512,500 Oregon State Marine Board Facility Grant and a \$500,000 Oregon Department of Fish and Wildlife Federal Sportfish Restoration Grant for water related facility improvements at the M. James Gleason Boat Ramp. The grants are contingent on Metro providing a \$337,500 Metro match for the estimated \$1,350,000 project. The project is listed in Metro's Capital Improvement Plan in Fiscal Year 2011 in the amount of \$1,300,000 and is Phase III of a multi-phase improvement plan for the facility. Metro's match would come from the Renewal and Replacement Fund. The grant funding relieves the Renewal and Replacement Fund of funding the entire project. All Corps of Engineers and Department of State Land regulatory and City of Portland land use permits are in place with bids for the project already in hand. The project consists of the following:
 - a. Demolition and removal of existing debris deflection system (trash rack and debris boom,) boarding floats, gangway and corresponding pile system.
 - b. Demolition and removal of existing concrete and asphalt boat ramp.
 - c. Construction and installation of a new concrete replacement boat ramp.
 - d. Construction and installation of a new boarding floats and corresponding support piles replacement.
 - e. Construction and installation of the last six (6) sections of the wave attenuator wall and corresponding support piles as part of the new debris deflection replacement system.

Bids are in hand and the actual expect cost of all of the above is \$250,000 higher than originally expected, increasing the project to \$1,600,000. The Oregon State Marine Board has agreed to fund an additional \$200,000; the additional \$50,000 match will come from the Renewal and Replacement Fund.

This action recognizes the \$1,212,500 in grants and moves \$387,500 from contingency in Renewal and Replacement to fund this project to match the \$1,600,000 amended project listed in the CIP

2. **Lone Fir Cemetery**: Multnomah County demolished the Morrison Building, adjacent to Lone Fir Cemetery, in 2006 and transferred the property to Metro in 2007. The acquisition of this property required us to develop a Master Plan for Lone Fir, including this new property. At the same time as part of the planning process, Metro began conceptual work to design a memorial to honor the Chinese immigrants buried on this property. Metro's contribution is the master planning and design

development of the site, with private fundraising intended to pay for the building of the memorial and surrounding landscaping. Multnomah County provided \$150,000 for this effort, of which \$11,600 remains. Metro appropriated \$80,000 as its contribution to the project in FY 2007-08. The final stages of the project including consulting assistance to support the fundraising effort was placed on hold and inadvertently dropped rather than carried forward.

This action requests that \$91,600 be transferred from General Fund contingency to rectify the carry over oversight. An additional \$40,000 is provided in the FY 2009-10 budget specifically to provide for Lone Fir maintenance/improvements. Projects include:

- a. \$10,000 to remove asphalt in driveway off Morrison St.;
- b. \$20,000 to stabilize mausoleum;
- c. \$10,000 to install safety lighting.

Because this activity relates to improvements at Lone Fir, Metro needs to designate a capital project in the CIP. The \$91,600 will be in the Parks and Environmental Services operating budget and the \$40,000 resides in the Capital Fund.

3. **Other Smaller Renewal and Replacement Projects:**

- a. Regional Parks and Metro Regional Center's point of sale system consists of some old cash registers and need replacement. This project will replace six registers, two at Blue Lake Park, one at Oxbow Park, one at Chinook Landing boat ramp and one in the Metro Store. The cost of this project is \$31,000. This action moves the funds from Renewal and Replacement contingency to the appropriate expenditure accounts. The contract to purchase the machines, competitively bid, is with MICROS. An additional register will be purchased on this contract for the Latex Paint Store funded by existing renewal and replacement money in the Solid Waste Renewal and Replacement Fund.
- b. Last fiscal year Metro began replacing the telephone handsets at Metro Regional Center; \$19,000 was expended on a project originally scoped at \$30,000. The balance of the funding was inadvertently not carried forward into this fiscal year's spending authority. In addition it is estimated that an additional \$38,000 is needed to replace all of the telephone handsets. This action requests a move of \$49,000 from Renewal and Replacement contingency to finish this project.

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. In addition, 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 implements the funding actions needed for the capital projects approved by the Council through Resolution 09-4078, adopted October 15, 2009. It recognizes changes approved to the FY 2009-10 through FY 2013-14 Capital Improvement Plan.

4. **Budget Impacts:** This ordinance will recognize an additional \$1,212,500 in new capital grants in the Renewal & Replacement Fund, transfers \$467,500 from contingency in the Renewal & Replacement Fund, and transfer \$91,600 in the General Fund to provide appropriations for the various projects as described in the staff report above.

RECOMMENDED ACTION

Chief Operating Officer Michael Jordan recommends approval of this Ordinance.

Agenda Item Number 4.4

Ordinance No. 09-1227, For the Purpose of Amending the FY 2009-10 Budget and Appropriations Realigning Program Staff, Transferring Budget Authority and Declaring an Emergency.

ORDINANCES – FIRST READING

Metro Council Meeting
Thursday, November 12, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2009-10 BUDGET AND) ORDINANCE NO. 09-1227
APPROPRIATIONS SCHEDULE REALIGNING)
PROGRAM STAFF, TRANSFERRING BUDGET) Introduced by Michael Jordan, Chief
AUTHORITY AND DECLARING AN) Operating Officer, with the concurrence of
EMERGENCY) Council President David Bragdon

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2009-10 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 2009-10 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 realigning certain program staff and budget authority to better implement program goals.
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 _____ 2009.

David Bragdon, Council President

Attest:

Approved as to Form:

Anthony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

**Exhibit A
Ordinance No. 09-1227**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Communications							
<i>Personal Services</i>							
SALWGE	Salaries & Wages						
5010	Reg Employees-Full Time-Exempt						
	Administrative Specialist IV	1.00	55,590	-	0	1.00	55,590
	Associate Public Affairs Specialist	5.00	270,568	-	0	5.00	270,568
	Associate Visual Communications Designe	1.00	58,356	-	0	1.00	58,356
	Manager I	1.00	77,801	-	0	1.00	77,801
	Manager II	1.00	93,886	1.00	105,805	2.00	199,691
	Program Director	1.00	120,000	-	0	1.00	120,000
	Program Supervisor II	1.00	79,247	-	0	1.00	79,247
	Senior Public Affairs Specialist	8.00	547,915	-	0	8.00	547,915
	Senior Visual Communications Designer	1.00	64,314	-	0	1.00	64,314
5089	Salary Adjustments						
	Merit Adjustment Pool (non-represented)		6,194		0		6,194
	Step Increases (AFSCME)		14,951		0		14,951
	COLA (represented employees)		29,404		0		29,404
	Other Adjustments (non-represented)		4,638		0		4,638
	Other Adjustments (AFSCME)		9,968		0		9,968
FRINGE	Fringe Benefits						
5100	Fringe Benefits						
	Base Fringe (variable & fixed)		477,278		33,055		510,333
5190	PERS Bond Recovery		45,851		3,385		49,236
Total Personal Services		20.00	\$1,955,961	1.00	\$142,245	21.00	\$2,098,206
Total Materials & Services			\$223,010		\$0		\$223,010
TOTAL REQUIREMENTS		20.00	\$2,178,971	1.00	\$142,245	21.00	\$2,321,216

**Exhibit A
Ordinance No. 09-1227**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Planning & Development							
<u>Personal Services</u>							
<i>SALWGE</i>	<i>Salaries & Wages</i>						
5010	Reg Employees-Full Time-Exempt						
	Administrative Specialist IV	1.00	48,028	-	0	1.00	48,028
	Assistant Public Affairs Specialist	1.00	43,592	-	0	1.00	43,592
	Assistant Regional Planner	2.00	103,420	-	0	2.00	103,420
	Associate Management Analyst	1.00	48,028	-	0	1.00	48,028
	Associate Regional Planner	3.00	179,258	-	0	3.00	179,258
	Associate Trans. Planner	4.00	239,553	-	0	4.00	239,553
	Deputy Director	2.00	258,697	-	0	2.00	258,697
	Manager I	2.00	190,022	-	0	2.00	190,022
	Manager II	4.00	398,590	(1.00)	(105,805)	3.00	292,785
	Principal Regional Planner	5.00	422,450	-	0	5.00	422,450
	Principal Transportation Planner	5.00	403,892	-	0	5.00	403,892
	Program Director II	1.00	140,969	-	0	1.00	140,969
	Program Supervisor I	1.00	64,792	-	0	1.00	64,792
	Senior Management Analyst	5.00	323,231	-	0	5.00	323,231
	Senior Regional Planner	2.00	135,193	-	0	2.00	135,193
	Senior Transportation Planner	9.00	647,960	-	0	9.00	647,960
	Transit Project Manager I	1.00	99,603	-	0	1.00	99,603
	Transit Project Manager II	1.00	100,472	-	0	1.00	100,472
	Transportation Engineer	1.00	86,086	-	0	1.00	86,086
5015	Reg Empl-Full Time-Non-Exempt						
	Administrative Specialist II	4.00	152,695	-	0	4.00	152,695
	Program Assistant 3	2.00	96,040	-	0	2.00	96,040
5020	Reg Emp-Part Time-Exempt						
	Principal Regional Planner	0.80	65,602	-	0	0.80	65,602
	Senior Regional Planner	1.00	74,492	(1.00)	(74,492)	-	0
5025	Reg Employees-Part Time-Non-Exempt						
	Program Assistant 2	0.80	30,160	-	0	0.80	30,160
5030	Temporary Employees	-	91,634		0	-	91,634
5080	Overtime		5,000		0		5,000
5089	Salary Adjustments						
	Merit Adjustment Pool (non-represented)		20,928		0		20,928
	Step Increases (AFSCME)		47,870		(1,117)		46,753
	COLA (represented employees)		92,858		(2,198)		90,660
	Other Adjustments (non-represented)		15,664		0		15,664
	Other Adjustments (AFSCME)		31,912		(294)		31,618
<i>FRINGE</i>	<i>Fringe Benefits</i>						
5100	Fringe Benefits						
	Base Fringe (variable & fixed)		1,454,664		(57,261)		1,397,403
5190	PERS Bond Recovery		149,078		(5,884)		143,194
Total Personal Services		59.60	\$6,262,433	(2.00)	(\$247,051)	57.60	\$6,015,382
<u>Materials & Services</u>							
<i>GOODS</i>	<i>Goods</i>						
	5201 Office Supplies		327,711		(2,421)		325,290
	5205 Operating Supplies		84,100		0		84,100
	5210 Subscriptions and Dues		28,486		(2,561)		25,925
<i>SVCS</i>	<i>Services</i>						
	5240 Contracted Professional Svcs		3,974,359		(14,500)		3,959,859
	5246 Sponsorships		4,500		(4,500)		0
	5251 Utility Services		8,765		0		8,765
	5260 Maintenance & Repair Services		29,514		0		29,514
	5265 Rentals		8,100		(600)		7,500
	5280 Other Purchased Services		297,205		(24,940)		272,265

Exhibit A
Ordinance No. 09-1227

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Planning & Development							
<i>IGEXP</i>	<i>Intergov't Expenditures</i>						
5300	Payments to Other Agencies		304,494		(21,494)		283,000
<i>INCGEX</i>	<i>Internal Charges for Service</i>						
5400	Charges for Service		1,500		0		1,500
<i>OTHEXP</i>	<i>Other Expenditures</i>						
5440	Program Purchases		4,990,000		0		4,990,000
5445	Grants and Loans		1,756,500		0		1,756,500
5450	Travel		90,637		(777)		89,860
5455	Staff Development		13,400		0		13,400
5490	Miscellaneous Expenditures		520		(520)		0
Total Materials & Services			\$11,919,791		(\$72,313)		\$11,847,478
TOTAL REQUIREMENTS		59.60	\$18,182,224	(2.00)	(\$319,364)	57.60	\$17,862,860

Exhibit A
Ordinance No. 09-1227

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Sustainability Center							
<i>Personal Services</i>							
<i>SALWGE Salaries & Wages</i>							
5010	Reg Employees-Full Time-Exempt						
	Director	1.00	140,970	-	0	1.00	140,970
	Education Coordinator II	1.00	58,369	-	0	1.00	58,369
	Manager II	1.80	171,990	-	0	1.80	171,990
	Principal Regional Planner	1.80	154,955	-	0	1.80	154,955
	Program Analyst III	2.00	114,797	-	0	2.00	114,797
	Program Supervisor II	2.50	190,573	-	0	2.50	190,573
	Senior Natural Resource Scientist	4.00	306,481	-	0	4.00	306,481
	Senior Public Affairs Specialist	0.20	18,034	-	0	0.20	18,034
	Senior Regional Planner	4.00	283,144	-	0	4.00	283,144
5015	Reg Empl-Full Time-Non-Exempt						
	Administrative Specialist II	1.00	39,455	-	0	1.00	39,455
	Program Assistant 2	2.00	85,034	-	0	2.00	85,034
	Program Assistant 3	3.00	113,005	-	0	3.00	113,005
	Volunteer Coordinator I	1.80	86,189	-	0	1.80	86,189
5020	Reg Emp-Part Time-Exempt						
	Education Coordinator II	0.80	36,617	-	0	0.80	36,617
	Senior Regional Planner	-	0	1.00	74,492	1.00	74,492
5025	Reg Employees-Part Time-Non-Exempt						
5030	Temporary Employees		22,904		0		22,904
5080	Overtime		3,353		0		3,353
5089	Salary Adjustments						
	Merit Adjustment Pool (non-represented)		7,722		0		7,722
	Step Increases (AFSCME)		18,308		1,117		19,425
	COLA (represented employees)		37,961		2,198		40,159
	Other Adjustments (non-represented)		8,065		0		8,065
	Other Adjustments (AFSCME)		10,460		294		10,754
<i>FRINGE Fringe Benefits</i>							
5100	Fringe Benefits						
	Base Fringe (variable & fixed)		636,989		24,206		661,195
5190	PERS Bond Recovery		60,228		2,499		62,727
Total Personal Services		26.90	\$2,605,603	1.00	\$104,806	27.90	\$2,710,409
<i>Materials & Services</i>							
<i>GOODS Goods</i>							
	5201 Office Supplies		48,647		2,421		51,068
	5205 Operating Supplies		27,898		0		27,898
	5210 Subscriptions and Dues		3,390		2,561		5,951
	5215 Maintenance & Repairs Supplies		10,782		0		10,782
<i>SVCS Services</i>							
	5240 Contracted Professional Svcs		901,612		14,500		916,112
	5246 Sponsorships		0		4,500		4,500
	5250 Contracted Property Services		729,705		0		729,705
	5251 Utility Services		6,519		0		6,519
	5260 Maintenance & Repair Services		1,108		0		1,108
	5265 Rentals		970		600		1,570
	5280 Other Purchased Services		82,200		24,940		107,140
	5290 Operations Contracts		3,372		0		3,372

Exhibit A
Ordinance No. 09-1227

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Sustainability Center							
<i>IGEXP</i>	<i>Intergov't Expenditures</i>						
	5300 Payments to Other Agencies		39,929		21,494		61,423
<i>OTHEXP</i>	<i>Other Expenditures</i>						
	5450 Travel		6,316		777		7,093
	5455 Staff Development		17,066		0		17,066
	5490 Miscellaneous Expenditures		5,011		520		5,531
Total Materials & Services			\$1,884,525		\$72,313		\$1,956,838
TOTAL REQUIREMENTS		26.90	\$4,490,128	1.00	\$177,119	27.90	\$4,667,247

Exhibit B
Ordinance 09-1227
Schedule of Appropriations

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Revised</u> <u>Appropriation</u>
GENERAL FUND			
Communications	2,178,971	142,245	2,321,216
Council Office (includes COO & Strategy Center)	3,408,277	0	3,408,277
Finance & Regulatory Services	3,334,056	0	3,334,056
Human Resources	1,904,090	0	1,904,090
Information Services	3,170,764	0	3,170,764
Metro Auditor	669,433	0	669,433
Office of Metro Attorney	1,995,694	0	1,995,694
Oregon Zoo	27,636,683	0	27,636,683
Parks & Environmental Services	6,831,562	0	6,831,562
Planning and Development	18,182,224	(319,364)	17,862,860
Research Center	4,200,843	0	4,200,843
Sustainability Center	4,490,128	177,119	4,667,247
Former ORS 197.352 Claims & Judgments	100	0	100
Special Appropriations	4,721,292	0	4,721,292
Non-Departmental			
Debt Service	1,472,340	0	1,472,340
Interfund Transfers	4,844,490	0	4,844,490
Contingency	3,998,894	0	3,998,894
Unappropriated Balance	11,716,126	0	11,716,126
Total Fund Requirements	\$104,755,967	\$0	\$104,755,967

All other appropriations remain as previously adopted

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1227 AMENDING THE FY 2009-10 BUDGET AND APPROPRIATIONS SCHEDULE REALIGNING PROGRAM STAFF, TRANSFERRING BUDGET AUTHORITY AND DECLARING AN EMERGENCY

Date: October 16, 2009

Presented by: Jim Middaugh, 503-797-1505
Heather Nelson-Kent, 503-797-1739

BACKGROUND

Since the adoption of the budget several staff have been realigned to better implement program goals. This ordinance requests the technical adjustments that are necessary in the budget to recognize the realignment.

Regional Travel Options

This amendment transfers the Regional Travel Options (RTO) manager position (1.0 FTE) from Planning and Development to Communications for the purpose of creating a Programs and Facilities Communications Manager position. The position will be responsible for the management of efforts that promote the use of Metro parks, facilities, services and products, and advance sustainable business practices and consumer behaviors. The position will continue to provide oversight for the marketing and outreach elements of the RTO program. In addition, the position will be responsible for coordinating activities with the Communications management team, and for developing communications and marketing strategies that support new and emerging business needs related to Metro programs and facilities.

Nature in Neighborhoods

Metro senior leadership continues to develop and improve Metro's approach to multidisciplinary, collaborative efforts to increase the support for effective habitat protection through the implementation of the Metro Council's 2005 Nature in Neighborhoods legislation. In the adopted FY 2009-10 budget, the Nature in Neighborhood program was divided into two separate areas – a portion of the work and staff under the Natural Areas Program and a portion of the work and staff under the Development Center. As the changes from the Sustainable Metro Initiative continue to be implemented, it has become clear that separating these two program areas is not in the best interest of continued internal collaboration and partnership development outside of the agency. This budget amendment restores the program budget for the Nature in Neighborhoods initiative into a single program with a dedicated supervisor. The entire budget will be administered through the Sustainability Center, Natural Areas Program.

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 ordinance will provide the technical adjustments necessary to implement the realignment of staff as described above. The realignment will provide increased internal Metro collaboration, program accountability and effectiveness.

The realignment of staff in the Regional Travel Options program to the Communications Office creates one position with oversight for agency marketing and communications efforts related to Metro programs and facilities. This position will work as part of the Communications management team to ensure coordination of agency communications activities. It shifts management of RTO planning and grant making functions, including the RTO subcommittee of TPAC, the Transportation Management Association program, the RTO grant program, the RTO evaluation program and two RTO staff dedicated to planning, policy development and evaluation, to the Regional Transportation Plan Manager. RTO staff and programs will become part of a Transportation System Management and Operations work group within the Regional Transportation Plan division. RTO staff dedicated to marketing and communications will report to the new Programs and Facilities Communications manager.

- 4. Budget Impacts:** All staff and program costs are currently fully budgeted. It transfers \$142,245 and 1.0 FTE from Planning and Development to Communications and \$177,119 and 1.0 FTE from Planning and Development to Sustainability Center.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 4.5

Ordinance No. 09-1228, For the Purpose of Amending the FY 2009-10 Budget and Appropriations Schedule to Create a Limited Duration Principal Planner Position with the Research Center for the Purpose of Managing the Regional Indicators Project and Declaring an Emergency.

ORDINANCES – FIRST READING

Metro Council Meeting
Thursday, November 12, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2009-10 BUDGET AND	)	ORDINANCE NO. 09-1228
APPROPRIATIONS SCHEDULE TO CREATE A)	
LIMITED DURATION PRINCIPAL PLANNER	)	Introduced by Michael Jordan, Chief
POSITION WITHIN THE RESEARCH CENTER	)	Operating Officer, with the concurrence of
FOR THE PURPOSE OF MANAGING THE	)	Council President David Bragdon
REGIONAL INDICATORS PROJECT AND)	
DECLARING AN EMERGENCY)	

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2009-10 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 2009-10 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 a limited duration Principal Planner position within the Research Center for the purpose of managing the Regional Indicators project.
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 _____ 2009.

David Bragdon, Council President

Attest:

Approved as to Form:

Anthony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

**Exhibit A
Ordinance No. 09-1228**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Research Center							
<i>Personal Services</i>							
SALWGE	Salaries & Wages						
5010	Reg Employees-Full Time-Exempt						
	Administrative Specialist IV	1.00	43,592	-	0	1.00	43,592
	Assistant Transportation Modeler	1.00	50,437	-	0	1.00	50,437
	Associate GIS Specialist	3.00	197,347	-	0	3.00	197,347
	Associate Transportation Modeler	5.00	288,025	-	0	5.00	288,025
	Manager I	1.00	90,593	-	0	1.00	90,593
	Manager II	2.00	180,333	-	0	2.00	180,333
	Principal GIS Specialist	2.00	172,172	-	0	2.00	172,172
	Principal Regional Planner	1.00	86,086	0.53	47,157	1.53	133,243
	Principal Transportation Modeler	3.00	258,258	-	0	3.00	258,258
	Program Director II	1.00	131,785	-	0	1.00	131,785
	Program Supervisor II	2.00	180,511	-	0	2.00	180,511
	Senior GIS Specialist	4.00	275,117	-	0	4.00	275,117
	Senior Transportation Modeler	2.00	164,006	-	0	2.00	164,006
5015	Reg Empl-Full Time-Non-Exempt						
	GIS Technician	1.55	63,164	-	0	1.55	63,164
5020	Reg Emp-Part Time-Exempt						
	Assistant GIS Specialist	0.60	30,261	-	0	0.60	30,261
	Associate GIS Specialist	0.50	33,764	-	0	0.50	33,764
5030	Temporary Employees		30,224		0		30,224
5089	Salary Adjustments						
	Merit Adjustment Pool (non-represented)		9,740		0		9,740
	Merit Adjustment Pool (LIUNA)				0		
	Step Increases (AFSCME)		25,387		0		25,387
	COLA (represented employees)		49,928		0		49,928
	Other Adjustments (non-represented)		7,290		0		7,290
	Other Adjustments (AFSCME)		16,925		0		16,925
FRINGE	Fringe Benefits						
5100	Fringe Benefits						
	Base Fringe (variable & fixed)		738,956		14,854		753,810
5190	PERS Bond Recovery		76,318		1,509		77,827
Total Personal Services		30.65	\$3,200,219	0.53	\$63,520	31.18	\$3,263,739
<i>Materials & Services</i>							
GOODS	Goods						
5201	Office Supplies		206,703		5,000		211,703
5205	Operating Supplies		14,400		5,000		19,400
5210	Subscriptions and Dues		3,960		0		3,960
SVCS	Services						
5240	Contracted Professional Svcs		648,774		0		648,774
5251	Utility Services		551		0		551
5260	Maintenance & Repair Services		82,593		0		82,593
5280	Other Purchased Services		21,916		5,000		26,916
OTHEXP	Other Expenditures						
5450	Travel		16,727		0		16,727
5455	Staff Development		5,000		0		5,000
Total Materials & Services			\$1,000,624		\$15,000		\$1,015,624
TOTAL REQUIREMENTS		30.65	\$4,200,843	0.53	\$78,520	31.18	\$4,279,363

Exhibit A
Ordinance No. 09-1228

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
Total Interfund Transfers			\$4,844,490		\$0		\$4,844,490
<u>Contingency & Unappropriated Balance</u>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,121,383		(134,100)		2,987,283
	* Reserved for Future Planning Needs		0		55,580		55,580
	* Reserved for Future Election Costs		183,411		0		183,411
	* Reserved for Nature in Neigh Grants		342,500		0		342,500
	* Reserved for Metro Regional Center Remodel		128,000		0		128,000
	* Reserved for Active Transportation Partnerships		176,100		0		176,100
	* Reserved for Climate Change		47,500		0		47,500
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,352,000		0		2,352,000
	* PERS Reserve		3,759,384		0		3,759,384
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		50		0		50
	* Reserved for Future Natural Areas Operations		804,460		0		804,460
	* Reserved for Local Gov't Grants (CET)		5,851		0		5,851
	* Reserved for Future Planning Needs		27,575		0		27,575
	* Debt Reserve for Full Faith & Credit Bonds		2,000,000		0		2,000,000
	* Reserve for Future Debt Service		2,676,806		0		2,676,806
Total Contingency & Unappropriated Balance			\$15,715,020		(\$78,520)		\$15,636,500
TOTAL REQUIREMENTS		451.73	\$104,755,967	0.53	\$0	452.26	\$104,755,967

Exhibit B
Ordinance 09-1228
Schedule of Appropriations

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Revised</u> <u>Appropriation</u>
GENERAL FUND			
Communications	2,178,971	0	2,178,971
Council Office (includes COO & Strategy Center)	3,408,277	0	3,408,277
Finance & Regulatory Services	3,334,056	0	3,334,056
Human Resources	1,904,090	0	1,904,090
Information Services	3,170,764	0	3,170,764
Metro Auditor	669,433	0	669,433
Office of Metro Attorney	1,995,694	0	1,995,694
Oregon Zoo	27,636,683	0	27,636,683
Parks & Environmental Services	6,831,562	0	6,831,562
Planning and Development	18,182,224	0	18,182,224
Research Center	4,200,843	78,520	4,279,363
Sustainability Center	4,490,128	0	4,490,128
Former ORS 197.352 Claims & Judgments	100	0	100
Special Appropriations	4,721,292	0	4,721,292
Non-Departmental			
Debt Service	1,472,340	0	1,472,340
Interfund Transfers	4,844,490	0	4,844,490
Contingency	3,998,894	(134,100)	3,864,794
Unappropriated Balance	11,716,126	55,580	11,716,126
Total Fund Requirements	\$104,755,967	\$0	\$104,700,387

All other appropriations remain as previously adopted

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1228, AMENDING THE FY 2009-10 BUDGET AND APPROPRIATIONS SCHEDULE TO CREATE A LIMITED DURATION PRINCIPAL PLANNER POSITION WITHIN THE RESEARCH CENTER FOR THE PURPOSE OF MANAGING THE REGIONAL INDICATORS PROJECT AND DECLARING AN EMERGENCY

Date: October 16, 2009

Presented by: Mike Hoglund
503-797-1743

BACKGROUND

The Research Center has begun collaboration with the PSU Institute of Metropolitan Studies (IMS), local governments, and other agencies and organizations interested in triple bottom-line regional indicators. Project scoping underway will define a project governance and oversight structure, identify collaborative technical work teams, identify key project milestones, resource needs, and products. An inter-agency project kick-off event is scheduled for November.

It is anticipated that each technical work team will have a team leader, but the need for an overall project manager has been identified by the project organizing team. A limited duration project manager, housed at Metro, will work to ensure project elements are delivered through a collaborative, open process. The project manager would be solely assigned to the indicator's project and would fill a newly created 0.8 FTE position from approximately November 2009 through January 2011. The need for continuation of the position will be further reviewed through the FY 10-11 budget process.

The approximate cost (salary and fringe) of the 0.8 FTE Principal Planner position for the 15 month period would be \$119,100. An additional \$15,000 is requested for materials & services expenses related to the addition of a position (i.e. computer, software, etc) as well as potential costs associated with convening local partners. Metro has previously committed to a \$20,000 match to PSU to support a Miller grant for social sustainability indicators that would be folded into the larger regional indicator effort. Metro's total combined investment of just over \$150,000 leverages an additional \$300,000 (committed to date) of work outside Metro toward indicator research and development.

This position will oversee a collaborative, comprehensive process to develop, populate, analyze and systematically report on a longitudinal set of indicators for the Metro region. This limited duration Principal Planner will provide project management to the indicators effort, oversee project work teams, staff policy and steering committees, produce key reports and communications, ensure product delivery and maintain the project budget. The Principal Planner will report directly to the Metro Research Director and coordinate with PSU's Director of the Institute of Metropolitan Studies.

A final set of indicators will cover the triple bottom-line of sustainability with the following objectives:

- Track the state of the region's people, economy, and environment.
- Provide a connecting framework for evaluating Metro Council goals in conjunction with Making the Greatest Place and other regional initiatives.
- Align regional and community level objectives with triple bottom-line sustainability indicators.
- Stimulate discussion of how public and private sector activities can change the state of the region for the better.
- Sharpen the collective vision of a better future for the region and coordinate the efforts to attain a preferred future.
- Promote understanding of the relationship between policy and outcomes.
- Guide public sector resource allocation and investment based on performance.

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 would authorize the creation of a .80 FTE limited duration principal planner position for the period November 2009 through January 2011 to serve as project manager for the Regional Indicators project.
- 4. Budget Impacts:** The total estimated new cost of this action is \$134,100 over the 15 month period of the project and includes the authorization of a .80 FTE limited duration principal planner position. The new cost will be funded through a reduction in the General Fund contingency. The estimated expenses to be incurred during FY 2009-10, approximately \$78,520, will be appropriated in the Research Center. The balance of the request will be held in reserve for the remaining 7 months authorization of the position.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 5.1

Ordinance No. 09-1222, For the Purpose of Amending Metro Code Title II, Administration and Procedures, to Revise the Purpose and Membership of the Solid Waste Advisory Committee.

PUBLIC HEARING
ORDINANCES – 2nd READING

PRESIDENT BRAGDON

Metro Council Meeting
Thursday, November 12, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 09-1222
CODE SECTION 2.19.130 TO REVISE THE)
PURPOSE AND MEMBERSHIP OF THE SOLID) Introduced by Council President David
WASTE ADVISORY COMMITTEE) Bragdon

WHEREAS, Metro Code Chapter 2.19 provides the authority for the Metro Council to establish advisory committees, including the purpose, authority and membership of those committees; and

WHEREAS, the Metro Council established the Solid Waste Advisory Committee to provide advice regarding regional solid waste management and planning; and

WHEREAS, the Metro Council wishes to improve the consistency and impact of policy-making advice it receives on recycling and solid waste matters; and

WHEREAS, the Metro Council may determine it necessary to revise the purpose, authority and membership of an advisory committee in order for that committee to more effectively fulfill its function; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Amendment. Metro Code Section 2.19.130, "Metro Solid Waste Advisory Committee" ("SWAC") is repealed and replaced with language in the form attached hereto as Exhibit "A."

ADOPTED by the Metro Council this 12th day of November, 2009.

David Bragdon, Council President

Attest:

Approved as to Form:

Anthony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 09-1222
Metro Code Title II, Chapter 2.19.130

2.19.130 Metro Solid Waste Advisory Committee (SWAC)

(a) Purpose. The purpose of the Metro Solid Waste Advisory Committee (SWAC) is to develop policy options that, if implemented, would serve the public interest by reducing the amount and toxicity of waste generated and disposed, or enhancing the effectiveness and sustainability of the system through which the region's solid waste is managed. For the purpose of this Section, the term sustainability is as defined in Metro Council Resolution No. 08-3931.

(b) Membership. Members are categorized as follows:

(1) Regular Voting Members:

Jurisdictions with a population under 50,000	3
Jurisdictions with a population between 50,000 and 500,000	3
Jurisdiction with a population over 500,000	1
Total Local Government Members:	7

(2) Non-Voting Members:

Oregon Department of Environmental Quality	1
Non Governmental	1
Solid Waste Industry	3
Chair, Metro	1
Total Non-Voting Members:	6

TOTAL MEMBERS 13

(c) Appointment of Members.

- (1) Local government members shall be nominated by a jurisdiction's presiding executive, appointed by the Metro Council President, and subject to confirmation by the Metro Council. In making the local government

appointments, the Metro Council President will seek members directly involved in solid waste regulation or oversight and those involved in resource conservation.

- (2) The Oregon Department of Environmental Quality (DEQ) member shall be nominated by DEQ's presiding executive, appointed by the Metro Council President, and subject to confirmation by the Metro Council.
- (3) The Metro member shall be nominated by the Chief Operating Officer, appointed by the Metro Council President, and subject to confirmation by the Metro Council. The Chief Operating Officer also shall nominate an alternate Metro member who can serve when the confirmed member is unavailable.
- (4) The remaining non-voting members shall be nominated through a public application process, appointed by the Metro Council President, and subject to confirmation by the Metro Council.

(f) Membership.

(1) Terms of Office.

- (a) The local government members shall serve for a term of two (2) years. A member may be reappointed for additional terms through the process set forth above.
- (b) The DEQ member shall serve until a replacement is nominated by the DEQ executive.
- (c) The Metro member shall serve until a replacement is nominated by the Chief Operating Officer.
- (d) The remaining non-voting members shall serve for a term of two (2) years. A non-voting member in this category may serve for a second consecutive two (2) year term.

(2) Meetings. SWAC shall meet on a schedule determined by the Chairperson, with no fewer than two meetings per calendar year. The Chairperson shall schedule additional meetings as needed to respond to requests from the Metro Council for analysis of particular issues.

(3) Attendance. Members should be present at and participate in all regular meetings. Members who are absent for more than one regular meeting in a calendar year may be asked by the Council President to resign.

- (4) Local government. For the members from jurisdictions with a population under 50,000, the Metro Council shall confirm at least one member each from a community west and east of the Willamette River. A County's population includes only those residents of the County's unincorporated areas.
- (5) Solid Waste Industry. Solid Waste Industry members shall include companies involved in the collection, transfer, processing, disposal, or recycling of Solid Waste generated in the Metro Region.
- (6) Non Governmental. The Non Governmental member shall be from a non-profit organization whose mission related to advancing sustainability in the Metro Region.

(g) Chair. The Chairperson of SWAC shall be the Metro member or, in the Metro's member's absence, the Metro alternate member.

(h) Reports to Council. SWAC shall include a summary of the minority opinions of voting and non-voting members when describing the policy options that it recommends to the Metro Council for consideration.

(i) Subcommittees. SWAC may establish subcommittees of a limited and defined duration. Membership composition shall be determined by SWAC and may include individuals who are not members of the Committee. All such subcommittees shall report to SWAC.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1222, FOR THE PURPOSE OF AMENDING METRO CODE TITLE II, ADMINISTRATION AND PROCEDURES, TO REVISE THE PURPOSE AND MEMBERSHIP OF THE SOLID WASTE ADVISORY COMMITTEE

Date: November 5, 2009

Prepared by: Matt Korot
503-797-1760

BACKGROUND

The Solid Waste Advisory Committee (SWAC) has historically provided the Metro Council and Metro staff with advice on solid waste policy, plans and programs. In late 2008, following an intense multi-year period of policy-making, Council President Bragdon asked SWAC members and Metro staff to reconsider the function and membership of SWAC in order to help improve the quality and consistency of policy options that come before Councilors. Council President Bragdon expressed concern that SWAC's composition and practices diluted its credibility and impact with the Council because the assortment of private companies casting votes made it difficult for the Council to discern the public interest in SWAC's recommendations. Council President Bragdon observed that, in his opinion, SWAC inhabited an unworkable "gray area" between being an industry lobby group and a neutral policy-advisory group, and that structural change was needed to make it one or the other. Achieving this clarity ultimately would benefit both public and private sector participants by strengthening their collective voice with Council.

After soliciting input from SWAC members, Council President Bragdon directed staff to develop and vet recommendations for a new approach for providing input on policy matters to Council. The proposed code revisions reflect these recommendations. Council President Bragdon also directed staff to meet needs identified by SWAC members for a forum for ongoing dialogue between Metro staff, industry, local governments and other stakeholders, and means through which Metro and its stakeholders can continue to collaborate on the implementation of regional programs. These needs will be met through quarterly discussion roundtables and ad hoc work groups that were described to Council at its work session on June 30, 2008. The first roundtable met in October 2009.

As delineated in the proposed code amendments, the revised SWAC would become more explicitly a policy-oriented group, but no longer give direct policy recommendations to Council. Instead, it would develop multiple options for Council consideration. The committee's membership would shrink from 27 to 13 members, allowing it to serve more effectively as a working group. While its membership would continue to include both public sector and private sector representatives, voting would be limited to local government members. This structure would allow for a variety of perspectives to be integrated into the development of policy alternatives, while ensuring that the options forwarded to Council reflect the opinion of members who represent organizations charged with serving the public interest. The code revisions include a provision to ensure that Council continues to be informed of minority opinions from both voting and non-voting members.

There are three other key elements of the proposed revisions to SWAC's membership. First, industry views on solid waste and recycling matters would be solicited through regular outreach efforts and working groups on specific topics. Although private companies would no longer have official voting power on SWAC, the opinions of private companies and trade associations would be gathered through

more appropriate means than having them vote on public policy issues. Second, responsibility for chairing the committee is transferred from a Metro Councilor to a Metro staff person. While timely consultation with the Council will be a key factor in SWAC’s effectiveness as an advisory group, staff has not identified a compelling reason for the committee to continue to be chaired by a Councilor. Third, recognizing that sustainability provides the underpinning for much of the policy work in the region, the membership provisions of the proposed code specifically call for resource conservation expertise among the local government members and reserve a spot for a non-governmental sustainability expert.

The local government representatives will be drawn from three membership categories based on population. The Metro region’s jurisdictions are listed by these categories in the table below.

<i>Jurisdiction</i>	<i>2008 Population¹</i>	<i>Membership Category</i>
Rivergrove	350	Under 50,000
Johnson City	675	
Maywood Park	750	
Durham	1,395	
King City	2,775	
Wood Village	3,100	
Fairview	9,735	
Damascus	9,975	
Cornelius	10,955	
Happy Valley	11,455	
Gladstone	12,215	
Multnomah County Uninc.	12,268	
Troutdale	15,465	
Sherwood	16,420	
Wilsonville	17,940	
Milwaukie	20,915	
Forest Grove	21,465	
West Linn	24,400	
Tualatin	26,040	
Oregon City	30,405	
Lake Oswego	36,590	
Tigard	47,150	
Beaverton	86,205	50,000 to 500,000
Hillsboro	89,285	
Gresham	100,655	
Clackamas County Uninc.	178,176	
Washington County Uninc.	214,055	
Portland	575,931	Over 500,000
¹ Derived from 2008 Oregon Population Report, Population Research Center, PSU.		

ANALYSIS/INFORMATION

1. Known Opposition

Most of the solid waste industry representatives currently on SWAC oppose the membership and voting provisions of the proposed revisions, because they perceive it as a diminution of their role in the development of Metro policies.

2. Legal Antecedents

Metro Code, as referenced above.

3. Anticipated Effects

Revisions to the purpose and membership of SWAC in the manner provided by the Metro Code.

4. Budget Impacts

Staff time to manage and provide administrative support to SWAC. The combined commitment to SWAC, the quarterly roundtables and periodic work groups should be roughly equivalent to that expended for SWAC support in the past.

RECOMMENDED ACTION

Metro Council adoption of Ordinance No. 09-1222.

Agenda Item Number 5.2

Ordinance No. 09-1223, For the Purpose of Amending Metro Code Chapter 5.02 to Adopt Solid Waste Rate Setting Procedures, and Amending Metro Code Chapter 2.19 to Repeal the Solid Waste Rate Review Committee.

PUBLIC HEARING
ORDINANCES – 2nd READING

PRESIDENT BRAGDON

Metro Council Meeting
Thursday, November 12, 2009
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 09-1223
CODE CHAPTER 5.02 TO ADOPT SOLID)	
WASTE RATE SETTING PROCEDURES, AND)	
AMENDING METRO CODE CHAPTER 2.19 TO)	
REPEAL THE SOLID WASTE RATE REVIEW	)	Introduced by Council President David
COMMITTEE	)	Bragdon

WHEREAS, The public interest is served by setting forth in specific form the processes by which Metro develops, reviews and adopts solid waste fees and charges; and

WHEREAS, The authority, responsibilities and membership of the Rate Review Committee as adopted by Metro Ordinance No. 91-436A no longer meet Metro’s needs; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Amendment. Metro Code Chapter 5.02 shall be amended in the form attached hereto as Exhibit “A.”

Section 2. Metro Code Amendment. Metro Code Section 2.19.170, “Rate Review Committee (RRC),” is repealed.

ADOPTED by the Metro Council this 12th day of November, 2009.

David Bragdon, Council President

Attest:

Approved as to Form:

Anthony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit "A" to Ordinance No. 09-1223

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.020 Establishment of Disposal Fees and Charges; Procedures

(a) Purpose. The purpose of this section is to establish a consistent, predictable, open and transparent framework for the adoption of solid waste disposal fees and charges by Metro.

(b) Definitions. As used in this subsection, "rates" means any of Metro's solid waste fees or charges as set forth in Metro Code section 5.02.025 or 5.02.045. "Rate year" means a period of 365 consecutive days (366 leap year days) commencing from the date on which a rate becomes effective.

(c) Frequency. The Council shall consider rates annually and adopt changes as needed.

(d) Rate-Making Requirements; Independent Review. Each year the Chief Operating Officer shall prepare rates for consideration by the Council. Rates shall be regarded as provisional until transmitted to the Council pursuant to paragraph (e) of this section. In preparing provisional rates the Chief Operating Officer shall:

- (1) Consider all sources and uses of funds that affect the Solid Waste Revenue Fund budget during the next rate year.
- (2) Follow generally accepted practices for selection of methodologies, assumptions, requirements, and other technical factors that determine the rates.
- (3) Incorporate rate criteria and policies adopted by resolution of the Council pursuant to paragraph (g) of this section.
- (4) Submit the provisional rates to review by at least one independent expert. The reviewer shall test the provisional rates for accuracy, adequacy, the reasonableness of underlying assumptions, compliance with applicable law and requirements, consistency with adopted criteria of the Council, and any other criteria specified by the Chief Operating Officer or recommended by the reviewer under generally accepted professional or best practices for rate review. The Chief Operating Officer shall provide the reviewer with access to the rate model, data, assumptions, criteria, and any other information that the Chief

Operating Officer used to calculate the provisional rates. At the conclusion of his work, the reviewer shall deliver a written report to the Council and the Chief Operating Officer documenting the reviewer's findings, exceptions and recommendations.

- (5) Perform any other forms of due diligence that the Chief Operating Officer finds necessary to meet the purpose of this section.

(e) Transmittal of Proposed Rates to the Council. Each year the Chief Operating Officer shall transmit to the Metro Council in ordinance form a set of proposed rates for consideration. Transmittal of the rates shall coincide with transmittal of the proposed budget by the Budget Officer. At the same time that he transmits the rates, the Chief Operating Officer shall transmit to the Metro Council:

- (1) A report that documents the methodologies, data, assumptions, adopted criteria and the other factors that the Chief Operating Officer used to calculate the proposed rates including his response to the recommendations of the independent review; and
- (2) The report of the independent review prepared pursuant to paragraph (d)(3) of this section.

(f) Public Review and Comment. The Council shall open public hearings on the proposed rates on a time line designed to coincide with public hearings on the proposed annual budget.

(g) Periodic Review of Rate Criteria and Policies. From time to time the Council shall undertake a review of its adopted rate criteria and policies. The purpose of these reviews shall be to assure that adopted criteria and policies reflect the purpose of this section, meet Metro's needs, support Metro's management of the regional solid waste system, and address any findings of the Council that result from the periodic review. The Chief Operating Officer shall initiate the first such periodic review on a time line designed to facilitate consideration by the Council before December 31, 2010. The Chief Operating Officer shall initiate subsequent periodic reviews no less frequently than every three years thereafter. The Council may initiate, or the Chief Operating Officer may propose to initiate, a review of rate criteria or policies at any time.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1223 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 TO ADOPT SOLID WASTE RATE-SETTING PROCEDURES, AND AMENDING METRO CODE CHAPTER 2.19 TO REPEAL THE SOLID WASTE RATE REVIEW COMMITTEE

Date: November 5, 2009

Prepared by: Douglas Anderson (x1788)

BACKGROUND

It has become increasingly apparent over the last few years that Metro's approach to setting solid waste rates no longer fully meets the needs of Metro, local governments, and solid waste stakeholders. It is also no longer fully aligned with best practices for setting municipal utility rates. Historically the process has focused on technical and fiscal issues almost to the exclusion of the policy environment in which the rates operate. A considerable amount of time is currently spent on technical analysis and committee review at the beginning of the process. As a result, at the end of the process the public has limited opportunities for input, and Metro Council has little time to consider options.

The changes within Ordinance No. 09-1223 are intended to get the best and most complete information before the Metro Council each year, to improve the efficiency of the process, and to implement contemporary best practices for setting solid waste rates. Adoption of the ordinance would establish for the first time a rate setting framework in Metro code (see Exhibit "A" of the ordinance). This alone will improve the transparency and consistency of the process from year to year.

There are three main changes within this framework:

1. Creating a formal process to review and develop policy objectives for the rates. This "periodic review" would provide a forum for the full range of rate-related interests to be heard and discussed. It would be managed by the Chief Operating Officer, who would bring its findings and recommendations to the Metro Council for consideration. Ideally, it would be held off the annual rate setting cycle to allow focus on the issues. A periodic review would address questions such as: the appropriate tradeoff between high rates as recycling incentives and low rates that minimize ratepayer costs; the role of Metro's rates in the economics of the public-private-disposal system; the design of rates that support long-run environmental sustainability; appropriate self haul charges; and so forth.

At the end of the review, the council would adopt by resolution the rate criteria and policies that it found to be in the public interest. These resolutions would become explicit design factors in subsequent rate setting cycles. Staff has recommended that the first review take place in late 2010, in time for development of the 2011-2012 rates; and every three years thereafter (or more frequently as needed).

2. Improving the effectiveness of the public review and comment period during each annual rate cycle. The framework requires the Chief Operating Officer to develop proposed rates in conjunction with the budget. The idea would be to streamline the technical work so the rates can be released at the same time as the proposed budget, and to hold public hearings on the same time line. This would free up at least a month for the Metro Council, interested parties and the general public to review and comment on the proposed rates. It would provide the Council with enough time to consider the

impact of rate changes on the budget, the impact of budget changes on the rates, and the time to act on either.

3. **Dissolving the Rate Review Committee.** The independent technical review function, currently assigned to the committee, would be performed by an independent expert under contract to the Chief Operating Officer. The consultant's report would be released at the same time as the proposed rates and would be available for review during the public review and comment period described above.

The Metro Council and stakeholders received a white paper on these topics, *Setting Metro's Solid Waste Rates: An Assessment* (also available on the Metro web site), that included recommendations and three specific options for the Rate Review Committee. Stakeholders were invited to comment on the recommendations, and staff offered to meet directly with any person or group. This initiative was also presented with discussion at the Quarterly Solid Waste Stakeholder Roundtable on October 19, 2009.

ANALYSIS/INFORMATION

1. **Known Opposition** Reactions to this initiative by Rate Review Committee members, local governments, and affected members of the solid waste industry have been mixed but generally positive. The mixed reaction comes from leaving the certainty of a known system for a new one. Stakeholders generally support the new process, in particular the move toward a periodic review of rate policies. The alignment of rate hearings with budget hearings, and providing more time for public review and comment each year is well-received. Some stakeholders expressed concerns whether Metro would commit to the new process and follow through, so these stakeholders saw formal adoption of the rate setting framework as a key to institutionalizing these practices.

A number of commenters suggested that, rather than do away with the committee immediately, its current members be invited back to one more session with the express purpose of extracting its collective wisdom, in advance of the first periodic review cycle that would be held in late 2010.

2. **Legal Antecedents** Metro is not required by law to adopt its rate setting framework. However, this is a best practice to support transparency, consistency and continuity of the process over time. Because the authority, responsibilities and membership of the Rate Review Committee is currently set forth in Metro Code, repeal requires an ordinance of the council.
3. **Anticipated Effects** are described in Background above.
4. **Budget Impacts** Staff estimates the net budget impact to be \$5,000 per year or less. The amount of staff time spent on the technical work will remain at about the same level. Staff time formerly spent managing the Rate Review Committee will be converted to procuring the independent consultant and managing the annual and the periodic reviews. There will be savings on materials and services from eliminating the Rate Review Committee, but this will be partly offset by the cost of running the periodic reviews. The main new expense will be the contract for independent review, which will depend on the scope of work. However, this work should not exceed \$10,000 per year, and most likely considerably less than that.

RECOMMENDED ACTION

The Council President recommends adoption of Ordinance No. 09-1223.