

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: March 13, 2003
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. METRO HELPING SCHOOLS

- St. Mary's Academy Project

4. METRO'S CENTRAL ENHANCEMENT GRANT AWARDS

5. CONSENT AGENDA

5.1 Consideration of Minutes for the February 27, 2003 Metro Council Regular Meeting.

6. ORDINANCES – FIRST READING

6.1 **Ordinance No. 03-996**, For the Purpose of Increasing Grave Prices, Procuring A Niche Wall and Establishing a Cemetery Surcharge.

6.2 **Ordinance No. 03-997**, For the Purpose of Amending the FY 2002-03 Budget and Appropriations Schedule by Transferring \$10,786 from the General Revenue Bond Fund Contingency to Capital Outlay and Interfund Transfers To Provide Appropriation Authority for the Carryover and Completion of the Council Chamber Camera Project; and Declaring an Emergency.

7. RESOLUTIONS

7.1 **Resolution No. 03-3267**, For the Purpose of Confirming the Reappointment of Jim Stahly, Dale MacHaffie, and Scott Rosenlund to The Metro Central Station Community Enhancement Committee.

Burkholder

Consideration of Minutes of the February 27, 2003 Regular Council meeting.

Metro Council Meeting
Thursday, March 13, 2003
Metro Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

Thursday, February 27, 2003

Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Brian Newman, Carl Hosticka, Rod Monroe, Rex Burkholder, Rod Park

Councilors Absent:

Deputy Council President Park convened the Regular Council Meeting at 2:04 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. BEST GOVERNMENT RECYCLING PROGRAM AWARD COMMUNITY RECYCLING LEADERSHIP AWARD AND SPECIAL WASTE EXCELLENCE GOLD AWARD

Gretchen Dunn, Co-chair on Oregon Zoo's Green Team, applied for an Association of Recycling award. She spoke to the non-profit's recycling goals. Oregon Zoo had received an award for their recycling efforts. She explained further their recycling goals. She said the Zoo's Green Team was national recognized. She thanked Metro Council for the invitation to be recognized at a Council meeting. They received the Best Government Recycling Program Award of the year.

Councilor McLain thanked the Team. The award was all made of recycle material. The Zoo was working hard to meet our overall goal. Deputy Council President Park spoke to the award. Councilor Monroe included his accolades.

Jim Quinn, Solid Waste and Recycling, shared that they had received two awards, Community Recycling Leadership Award and the Special Waste Excellence Gold Award from Solid Waste Association of North America. He explained further why they had received these awards. He talked about the specifics of recycling batteries and paint.

Councilor Burkholder asked what he should do with the batteries? Mr. Quinn suggested that they collect all of the hazardous waste from their home and bring in all of this waste at one time or bring their hazardous waste to one of the many neighborhood events that Solid Waste and Recycling would be holding this Spring. Council President Bragdon congratulated both Ms. Dunn and Mr. Quinn for their good work.

4. SECOND QUARTER FINANCIAL REPORT

Casey Short, Chief Financial Officer, briefed the Council on the second quarter financial report (a copy is included in the record). He gave an overview of the format of the report including the executive summary. He said grant funds in planning were down but this would not affect staffing levels. He said that grants were also down in the Parks Fund. He talked about Metropolitan

Exposition Recreation Commission (MERC) Operating funds and that business was sluggish. He said Portland Center for the Performing Arts (PCPA) was doing well and should meet their spending goals. He talked more specifically about Oregon Convention Center (OCC) and Expo expenditures. The Solid Waste fund total revenue was down a bit and expenditures were within budget. Total revenue for Oregon Zoo was down. Expenditures continued to track close to appropriations. He spoke to the Support Services Fund and specifically the Information Technology department budget. Capital funds were tracking. He said projection for the excise tax was at 2.8% above budget and provided specifics. The net result for the excise tax was within 1%, but was down. They expected that they would end the year a bit higher than they projected and gave specifics on the tax. The General Fund hadn't change. The beginning fund balance was well over what was projected. He noted that they were projecting full expenditure of the Council and Executive Office budgets. Lastly, he talked about appropriations versus expenditures.

Councilor McLain asked about the excise tax and if Mr. Short had looked at last year versus this year and where we were. Mr. Short said that they had looked at previous years and compared them with this year. He said they didn't expect that OCC would meet its revenue projections. Councilor McLain asked about specifics of the OCC projections and construction. She also talked about the trending of tonnage in solid waste. Mr. Short responded to her comments and questions. Councilor Newman asked about General Fund beginning fund balance. How much was from the rate stabilization fund? Mr. Short responded to his question. Councilor Newman said he needed further orientation on the rate stabilization fund. Mr. Short reminded the Council that this fund was restricted. Councilor McLain explained the stabilization fund money. They had made a commitment to put that money into the fund to hold the rate. Councilor Newman said the excise tax from solid waste was up but our facility revenue was down. Mr. Short responded that they were projecting .8% less at the second quarter.

5. FINANCIAL STATUS AND TRENDS

Mark Williams, Chief Operating Officer, gave a power point presentation on the trends from 1998-99 through the current year (a copy of the power point presentation is included in the meeting record) and projections out to 2007-08. He talked about the major operating fund revenue and expenditure trends. Metro had been over expending for several years. He detailed some of the issues in the Regional Parks Fund, Zoo Operating Fund, MERC Operating Fund, Solid Waste Revenue Fund, General Fund, Planning Fund and cumulative percentage change in central service expenditures as well as the total of all of the major operating funds.

Councilor Newman asked about the Parks Fund, what happened when we run out of fund balance? Mr. Williams responded, presumably you would not allow this to happen. If you saw it trending this way, you would take action by adding another tax or directing staff to take significant expenditure reductions. If you didn't take corrective action, your functions would cease. Councilor Newman asked why was this happening? Mr. Williams said the answer was different for each fund and explained the specifics of the solid waste planned spend down versus the unplanned spend downs such as at the Oregon Zoo. The concern overall was that at the same time you were doing a planned spend down you had spending in excess in your other funds. Councilor Newman asked what were the assumptions? Mr. Williams gave an example of assumptions at the Oregon Zoo such as increases in attendance. Councilor Newman asked about the MERC scenario. Mr. Williams said MERC was developing some plans to increase and enhance some of those revenues.

Councilor Hosticka asked about the overall fund balance, which was 30% of revenues. How did this compare with other local governments? He thought it was high compared to other

governments. Mr. Williams responded that funding at Metro was different than for local jurisdictions. He suggested that it might not be comparable. Councilor Hosticka asked if there was a target that we were considering of what we would consider a healthy fund balance. Mr. Williams said there was not an overall Metro fund balance targeted goal and gave specific on each fund. Councilor Hosticka asked about the central services fund and if they were funds that were transferred from other departments. Mr. Williams said yes, and explained the exceptions. Councilor Hosticka asked if we budgeted first and then allocated out or did we transfer and then budget. Mr. Williams responded that first the central overhead budget was prepared. The gross amount was decided on and through the allocation system each operating arm was told what their share would be. Councilor Hosticka summarized that we could control those costs through the budget process. Mr. Williams said yes they could control those costs. Councilor Hosticka summarized why the central service costs have gone up.

Councilor Burkholder commented that we have a long-term process. If we continue the practices that we have had in the past we wouldn't maintain that fund balance. He asked Council President Bragdon what his plan was to have sufficient fund balance. Council President Bragdon said they would all be answering those questions over the next month. He spoke to his guidance to Mr. Williams in working through the fund balance. He shared Councilor Burkholder's concerns.

Councilor McLain asked about revenue sources, did the assumptions include the \$1 for parks continuing and the hotel-motel tax continuing? Mr. Williams said they did not make those assumptions in the projections. Councilor McLain asked about the assumptions concerning the fundraising at the Oregon Zoo. Mr. Williams said he would get that information to Councilor McLain. She then made some suggestions on fund balance and ratings. What economic conditions had they used in their assumptions? Mr. Williams explained their assumptions were not overly rosy. He then spoke to renewal and replacement. There were two arms that were in compliance with this policy, MERC and Solid Waste. He explained that the Parks and Oregon Zoo did not have money for renewal and replacement. He cautioned that in those two funds the need was greater than what they were showing. Councilor McLain said they had asked the departments last year what it would take to do the inventory? Her assumption was that in this proposed budget, there would be at least a plan for an inventory. Mr. Williams said, with respect to the inventories, they had been done or were in the process of being completed. He noted that the Zoo's inventory was not in the same type of format as other inventories. The funding part was not all there. Councilor McLain asked about central services expenditures. She asked Council President Bragdon and Mr. Williams about their thinking on these expenditures. Councilor President Bragdon said they had scheduled a three-hour Informal meeting to discuss this topic.

Councilor Park talked about revenue and expenditures in the past. He noted expenditures in central services were continuing to increase. He asked why? Mr. Williams responded that there were some areas that had increased significantly higher than others which include risk increases, health insurance costs, Information Technology, legal, and Council itself. There had been added FTEs overtime that had accounted for these increases. He noted Councilor Hosticka question on how you approach this expenditure. It was a philosophical question. Councilor Park asked for suggestions on how to trim down or slow the rate of expenditures. Can we hit sustainability? Mr. Williams said he thought they could hit stability by adjusting spending to make sure you don't exceed existing revenues. You may not be able to address capital needs. Council President Bragdon said this provided a foundation for what would happen over the next four weeks. He spoke to the Council's commitments and mission. We have an expenditure issues in certain areas but he thought they could make sure we were working towards fulfilling our goals. He felt that with some adjustments we could achieve sustainability. He thanked Mr. Short and Ms. Rutkowski for their efforts on this presentation.

6. CONSENT AGENDA

6.1 Consideration of minutes of the February 20, 2003 Regular Council Meetings.

Motion:

Councilor Park moved to adopt the meeting minutes of the February 20, 2003, Regular Metro Council meeting.
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Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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7. ORDINANCES - SECOND READING

7.1 Ordinance No. 03-995, For the Purpose of Amending the FY 2003-03 Budget and Appropriations Schedule by Transferring \$3,500,000 from Contingency to the Debt Service Account, Authorizing Defeasance of Certain Solid Waste Revenue Bonds, and Declaring an Emergency.

Motion:	Councilor Park moved to adopt Ordinance No. 03-995.
Seconded:	Councilor McLain seconded the motion

Councilor Park provided the history as to why they were bringing this ordinance forward and explained why the ordinance was necessary. We must maintain at least a 10% margin over what we plan to spend. We were now looking at taking some other measures to maintain that margin by defeasance on these bonds. The point was by paying this down we would be allowed to stay within our covenant. There will also be measures in next year's budget to maintain our bond covenant rate. Councilor McLain added that both the Rate Review Committee and Solid Waste Advisory Committee supported the ordinance.

Council President Bragdon opened a public hearing. No one came forward. Council President Bragdon closed the public hearing. Councilor Park urged approval.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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8. RESOLUTIONS

8.1 Resolution No. 03-3282, For the Purpose of Approving Portland Regional Federal Transportation Priorities for Federal Fiscal Year 2004 Appropriations.

Motion:	Councilor Park moved to adopt Resolution No. 03-3282.
Seconded:	Councilor Hosticka seconded the motion

Councilor Park said the first resolution was an authorization request from the federal government in the FY 2004 appropriations. The second resolution was ensuring that other jurisdictions had local authorization for Metro Transportation Improvement Projects. The third resolution had to do with a reauthorization of a transportation equity act of the 21st century. This was a six-year program.

He said in Exhibit A of Resolution No. 03-3282, there was a list of projects that Metro was requesting appropriation of funds from the federal government. He gave an overview of those projects found in Exhibit A. This would allow for release of funds.

Councilor Newman asked about item 9, was there prioritization among those projects? Andy Cotugno, Planning Director, responded that there was no prioritization implied by this. In part these were options for the individual congressional members to select from. The distinction was that the authorization resolution, which covered the six-year period, included the list below. Since it was a six year period those numbers tended to be bigger. The first year of the authorization period was 2004. The list above was smaller numbers because it was only one year worth of funds. That was one distinction. Part of the issue was they didn't know if there was going to be this program in the new bill. This list was a menu for the delegation to pick from depending upon what happened with the program.

Councilor Newman asked about item #4, was it truly discretionary on the part of the TriMet Board or was there a list of projects that had been identified for that money? Mr. Cotugno said the TriMet transit investment program would dictate the use of that money. That was actually still something that was under development. Councilor Newman asked for a copy of the draft. He asked about item #6, did this achieve what Congresswoman Hooley identified as her priority?

Mr. Cotugno responded this was what Congresswoman Hooley identified as her priority. This was one of two steps. This was the engineering step in anticipation of doing a construction step in 2007. Councilor Burkholder said Council had reviewed and approved a very similar list already. Mr. Cotugno corrected Councilor Burkholder and said this resolution was entirely new, but there were three distinct changes to the other resolution and the Council had already adopted the initial list.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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8.2 Resolution No. 03-3284, For the Purpose of Approving Metro's Application for Federal Transportation Funds through the Regional Priorities 2004-07 Solicitation.

Motion:	Councilor Park moved to adopt Resolution No. 03-3284.
Seconded:	Councilor Burkholder seconded the motion

Councilor Park reviewed that this resolution was the approval by Council of our selection of what should go into the Metro Transportation Improvement Projects. This list was in Exhibit A.

Councilor Burkholder said the Council did had a chance to go over these projects in an Informal. The Transportation Committee had reviewed these projects in 2002 before they were put into the hopper. They wanted to make sure that the full Council had a chance to take a look at these projects as well.

Councilor McLain talked about the Rx for big street. She supported the spirit behind the street projects. She thought there should be some language changes. This one needed further discussion before we spend money. Councilor Park urged an aye vote.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and

Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

8.3 Resolution No. 03-3287, For the Purpose of Endorsement of a Regional Position on Reauthorization of the Transportation Equity Act For the 21st Century (TEA-21).

Motion:	Councilor Park moved to adopt Resolution No. 03-3287.
Seconded:	Councilor Monroe seconded the motion

Councilor Park reviewed the resolution. This act was about to expire in September. This was where the funding was established for the next six years of federal programs, earmarked for more specific projects in all areas of the county and established the upper limits on federal amounts. He explained further how you got those particular dollars. He noted that the projects requested were in the exhibits. He suggested Mr. Cotugno review the changes to the list.

Mr. Cotugno explained that this resolution, which Council had adopted last month, included most of the projects. This was a substitute authorization resolution adding three items to it. There had been several issues raised by Councilors, environmental streamlines, and two projects, one in Wilsonville and one by Oregon Department Of Transportation. Joint Policy Advisory Committee on Transportation (JPACT) had recommended everything that was in the resolution.

Councilor Monroe said it was appropriate that they were dealing with this package of resolutions today because three councilors will be going with the delegation to Washington D.C. He talked about the history of the delegation. Government officials had been chastised for not coming up with enough state and local match money. This year the Oregon Transportation Investment Act (OTIA) provided state match, the task force had recommended some local sources of money, and they were working with the state legislature on another package of funding. Second, they were successful because they got together, through the JPACT process, and work out our priorities so we speak with one voice. Third, some of the projects were across the river in Vancouver. This was important because if we were going to be successful in getting federal funding for our transportation projects, we need to have the full support of the Oregon and Washington delegations. They were trying to work together as a bi-state region to support each other's important transportation needs.

Councilor Newman asked about the issue of environmental streamline. Mr. Cotugno said it was on page 10 and 11 of Exhibit B. He spoke to the added language and the standards issue. Councilor Park said they were looking forward to bringing back the funding.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

8.4 Resolution No. 03-3291, For the Purpose of Completing Metro Council Office Transition by the Elimination of Some Current Classifications and Positions, and the Creation of some new Classifications and Positions.

Motion:	Council President Bragdon moved to adopt Resolution No. 03-3291.
Seconded:	Councilor Newman seconded the motion

Council President Bragdon said this was another step in the transition. He explained further the specific job proposals. He urged approval. Councilor McLain asked about the Council Operations Manager. She expressed her concern with this position and the specific responsibilities. She felt this person looked to be super human.

Council President Bragdon explained the Council Operations Manager would not be doing analytical work but would keep the legislative business of the council moving along. He explained further the duties of the position. He noted Councilor Newman had brought forward a similar position from City of Milwaukie, called a City Recorder, which combined supervisory as well as documentation functions. Mr. Williams explained that there were similar positions in other governments. He thought what was being proposed seemed reasonable. Councilor McLain responded that Milwaukie was a small government and Metro had different functions. The point was that the more this person had to do, the more they will put on the Council Support Specialists. She said they would be hiring Council Support Specialists who they had been assured would not be given a lot of other tasks. She thought that those who voted in support of this position needed to recognize they would be getting less time from the assistants. She supported the team approach and efficiency approach but one person could only do so much. She felt that if they had to vote on these positions as a package, she would have to vote no because the Council Operations Manager was not a position she could support as written.

Councilor Burkholder said he hoped that other agency personnel would be taking on many of the functions that our staff had done in the past. He noted the financial trends at Metro. We needed to look at our overall costs. He shared Councilor McLain concern about quality of time of the assistants. Councilor McLain said she agreed with Councilor Burkholder that we have to do our part. We had already cut 5 positions. She was concerned about cutting to the quick. The other element was the skill set for all three roles. She also expressed concern about the Public Relations positions. She suggested Ms. Carlin Ames talk about her team approach.

Sarah Carlin Ames, Public Affairs Director, said she inherited staff that came from Council and Executive Office. The challenge had been to propose a structure that merged them into a public affairs department. She talked about the main mission of the department. She explained the process she had gone through. She then detailed the Creative Services proposal and the Public Affairs section of the department. Council President Bragdon underlined some of the options for decision points concerning governmental affairs and lobbying. There will be some future decisions that will have to be made and explained further.

Councilor McLain said she felt Ms. Ames had done a good job demonstrating how you covered all of the responsibilities. She talked about updating the communication plan. She felt that Ms. Ames was looking at essential functions as well as savings. She said this was a test of faith on what they were asking this department to do. She noted that there was one less position proposed.

Councilor Newman said he was generally supportive of this resolution. He understood that this was a leap of faith. With the transition we were trading council staff for agency staff. He was willing to revisit this if he found it was not working. He had seen this model work well in Milwaukie. He wanted to be assured that no additional functions would be expected of Council support staff. Ms. Ames added that if there were open houses and mailings that these would not be dumped on Council staff. She saw it as their responsibilities. They would work in tandem with Council and Council support staff. Councilor Newman spoke to the archivist duties. These were very important responsibilities. He would like to see the TRIM system continue. He wanted assurances that there was plan to continue the archivist functions. Council President Bragdon said that was correct. Further discussion about this position would be during the budget process.

Councilor Hosticka expressed his concern about not addressing the issue of government relations. A very large majority of what Metro did had to do with relationships with other levels of government. Our practice up until now had been to do this in an informal way. He anticipated that the Director of Public and Governmental Affairs would be doing or directing that work. We needed to be sure that the work gets done in a coordinated way. Council President Bragdon said he shared this concern and explained the history of this work. He talked about the outside contract resources. Councilor Hosticka said they had discussed many times the role of the Council and the administration. He hoped they discussed the nature of the person they would like to see in that job. He felt there were implications if the director was not focused on governmental affairs.

Councilor Monroe said Metro was a unique government. It had two distinct constituencies, the public and local jurisdictions. In the past they hadn't done a good job with either of those constituencies. Intergovernmental relations was critical. He hoped that the new structure would meet both needs. He was troubled by this structure. He felt it was too lean. He felt there would be intensive pressure to steal time from the Council Support Specialists. Once again they won't be given the time they needed. He agreed with Councilor McLain. He felt they had loaded too much responsibility on one person. He would more be comfortable with adding a council clerk position.

Motion:	Councilor Hosticka moved to separate the Council Operations Manager position from the rest of the resolution.
Seconded:	Councilor Monroe seconded the motion.

Councilor Hosticka said he felt they were discussing to separate things. He felt that some of the Councilors would be more comfortable voting on these positions as separate issues.

Lilly Aguilar clarified that the motion should included a part of 'be it resolved' #2 and all of #5.

Vote:

Councilors Park, Burkholder, Newman and Council President Bragdon voted against the motion, Councilors Monroe, McLain, Hosticka voted in support of the motion. The vote was 3 aye/ 4 nay/ 0 abstain, the motion failed.
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Councilor McLain said she supported Councilor Hosticka statement that we weren't done. She explained why she was voting no on the main motion. Council President Bragdon closed by saying this was a change and a leap of faith. If the department had to be configured, the Council reserved the right to come back and make adjustments.

Vote:

Councilors Park, Hosticka, Burkholder, Newman and Council President Bragdon voted in support of the motion, Councilors Monroe and McLain voted no. The vote was 5 aye/ 2 nay/ 0 abstain, the motion passed.

**9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660 (1) (d)
FOR THE PURPOSE OF DELIBERATING WITH PERSONS DESIGNATED TO
CONDUCT LABOR NEGOTIATIONS.**

Executive Session began: 4:36 p.m.

Members Present: Lilly Aguilar, Ed Ruttledge, Roy Soards, Mark Williams, Alexis Dow, Casey Short, Marv Fjordbeck, and council staff

Executive Session ended: 5:02 p.m.

10. COUNCILOR COMMUNICATION

Councilor McLain noted the ENACT resolution. She thought Mr. Fjordbeck had done a good job on the resolution. There were some debatable issues. She said this was limited in scope and there were also budget implications. She suggested discussing it further at a Council Informal. She also talked about the farm neighbors land use farm conversion package as well as an economic interrelationship with small farming in the area. She had put a copy of this information in the Councilors mailboxes. She suggested talking about the Ag Task Force at one of the upcoming Informals. They were anxious to get started on the work.

Councilor Park said the National Association of Counties Organization information talked about projects that were done under TEA-21. He had provided this information in the Councilors' mailboxes.

Alexis Dow, Auditor, said she was not on the agenda but wanted to update the Council on an anonymous notice that she had received with three allegations of improprieties at Metro. She said they were in the process of looking into the allegations. As an overview, the first one dealt with improper use of the purchasing card by an employee, the second one dealt with one of the departments having a second set of books and the third one had to do with improper charges between one department and another. The purchase card was used inappropriately but the charges were reimbursed, unbeknownst to the department supervisor. She noted that they were looking a purchasing card practices and she would be bringing some recommendations to Council in conjunction with that report. They were tightening up controls on purchasing cards. The second set of books allegation was just a management tool that the department used to project expenditures. There didn't seem to be any substance to that allegation. With respect to the third one about the inappropriate cost transfers between departments, they were still looking at this.

Councilor Burkholder said these sounded like management issues. Had she shared this with Chief Operating Officer? Ms. Dow responded that a copy of the allegations had gone to Council President Bragdon and he had shared that with the COO. Councilor Burkholder asked Mr. Williams if he had an opportunity to look into these allegations. Mr. Williams responded that they had assigned Dan Cooper, Metro Attorney and Casey Short, Chief Financial Officer, to investigate and report back on these allegations. They had not yet finished their investigation. Councilor Burkholder asked that Council be informed once the investigation was complete.

Council President Bragdon talked about trucking vendor between here and Arlington. Metro had not received their holding company's guarantee, which was expiring at the end of the month. It had been received yesterday. He said the Grande Ronde tribe had visited Metro. They were making their rounds with regards to the stadium proposal. They also expressed interest in the headquarters hotel. He then reminded Council that the next Council meeting would be 3/13/03.

11. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:10 p.m.

Prepared by,



Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 27, 2003

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
6.1	MINUTES	2/20/03	METRO COUNCIL MINUTES OF FEBRUARY 20, 2003 SUBMITTED FOR APPROVAL	022703C-01
4.0	METRO QUARTERLY REPORT	DEC 31, 2002	TO: METRO COUNCIL FROM: CASEY SHORT, CFO, RE: QUARTERLY REPORT SECOND QUARTER, FY 2002-03	022703C-02
5.0	POWER POINT PRESENTATION	2/27/03	TO: METRO COUNCIL FROM: MARK WILLIAMS, COO, RE: FINANCIAL PICTURE AND TRENDS COMMENT SHEET	022703C-03
5.0	POWER POINT PRESENTATION	2/27/03	TO: METRO COUNCIL FROM: MARK WILLIAMS, COO RE: FINANCIAL PICTURE AND TRENDS	022703C-04
5.0	NEWS RELEASE	FEBRUARY 2003	TO: METRO COUNCIL FROM: SARAH CARLIN AMES, PR RE: METRO FINANCIAL TRENDS REPORT SUMMARY	022703C-05
7.1	ORD No. 03-995	2/27/03	TO: METRO COUNCIL FROM: FINANCIAL PLANNING DEPT. RE: AMENDED EXHIBIT B TO ORDINANCE NO. 03-995	022703C-06

Agenda Item Number 6.1

Ordinance No. 03-996, For the Purpose of Increasing Grave Prices, Procuring a Niche Wall and Establishing a Cemetery Surcharge.

First Reading

**Metro Council Meeting
Thursday, March 13, 2003
Metro Council Chamber**

10.02.050 Fees for Memorials and Cemeteries

(a) For the services of Regional Parks and Greenspaces in connection with memorials, cemeteries, and related matters, the grave and niche fees shall be as follows:

Grave Price Range	\$800.00	<u>1,000.00</u>
Cremain Graves	\$425.00	<u>500.00</u>
Child Graves	\$275.00	<u>325.00</u>
<u>Niche Price Range</u>	<u>\$450.00</u>	

All service fees will be set by the director of Regional Parks and Greenspaces to reflect the average cost of services as charged by the industry in the Portland metropolitan region.

(b) A surcharge of 15% of grave sale fees shall be charged and deposited in the Cemetery Perpetual Care Fund. A surcharge of 5% of niche sale fees shall be charged and deposited in the Cemetery Perpetual Care Fund.

(c) The director may waive fees for grave sales and burial services in situations of extreme financial hardship. All waivers or exemptions shall be written by order setting forth the facts to justify the waiver or exemption.

ADOPTED by the Metro Council this _____ day of _____, 2003.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 03-996, FOR THE PURPOSE OF INCREASING GRAVE PRICES, PROCURING A NICHE WALL, AND ESTABLISHING A CEMETERY SURCHARGE.

Date: February 10, 2003

Prepared by: Jim Desmond
Jeff Tucker

BACKGROUND

When the Multnomah County Parks Department merged with Metro, Metro assumed responsibility for the perpetual care and operation of 14 pioneer cemeteries. Metro, through the Parks and Greenspaces Department, has actively operated these facilities, and the revenues generated from grave sales and burial services at these facilities has been sufficient to cover just over half of the costs of maintaining the grounds of all of the 14 cemeteries.

Cemetery Perpetual Care

Given current estimates of available lands at the active cemeteries, and current trends of grave sales, staff estimates that there will be sufficient gravesites to meet demand until approximately 2058. At that time, Metro will still be responsible to maintain these facilities, but will not have a revenue source available to pay for them.

In the private sector, cemeteries advertising themselves as endowment care cemeteries are required by Oregon Law (ORS 97.810 to 97.865) to fund an endowment with 15% of the gross sale price per grave. For "niche walls", the amount is 5%. This 15% is directed to a "Cemetery Perpetual Care Account" and is restricted for the care and maintenance of cemetery lands into perpetuity, as defined and regulated by ORS. Cities and counties are exempt from these laws, unless they voluntarily elect to have these laws apply to them.

This ordinance does not constitute an election to adopt ORS Chapter 97.810 to 97.865.

Surcharge Exempt from Excise Tax

Accounting staff has concluded that the surcharge would be a "non-exchange transaction based on an underlying exchange transaction." In other words, it is technically a "derived tax", a general revenue, not an enterprise revenue. It has been Metro's practice to charge excise tax on enterprise revenues but not on general revenues such as taxes. Following this practice, the surcharge would be exempt from Metro's excise tax. The amount of tax in question is estimated at about \$1,350 per year.

Increase Cemetery Fees

On a regular basis, the Department does a comparative fee survey for its cemetery sales and services. It has been the practice of the Department that cemetery fees "neither lead nor lag" the market. Currently, fees for adult graves and cremation graves lag the market, as does the combination of "grave sale, opening & closing services, and grave liner". The Department is proposing increasing fees to bring these fees more in line with the market.

Additional Revenue Option – Niche Wall/Columbarium

An additional way to increase revenues at the cemeteries is to purchase and install a “columbarium.” A columbarium is a structure containing niches for permanent inurnment of cremated remains in a place used and dedicated for cemetery purposes. A “niche” is the recess in a columbarium, and can be used for the interment on the cremated remains of one or more persons. This type of structure is commonly referred to as a “niche wall.”

In the state of Oregon, there were 15,947 cremations in 1999. This represents 54.2% of all deaths in the state. In 2000, that percentage rose to 56.1%. The trend toward cremation is increasing, with cremations as a percentage of all deaths increasing to an estimated 65% in the year 2010, according to industry estimates.

To capture on the increased demand for cremations and provide for additional burial services at our cemeteries, a “niche wall” could be procured and installed at either Lone Fir Cemetery or Douglas Cemetery in an area that is not platted for graves, for approximately \$23,000 (including shipping and installation). The wall would provide for approximately 96 niches, each holding 2 standard sized urns. At a sale price of \$450 each and opening & closing services at \$350, the wall could produce gross revenues of \$76,800 (net revenues of \$52,800) for one urn per niche, and up to an additional \$33,600 for two urns per niche. Additional revenue is possible by “marking up” the memorialization services.

It is anticipated that the “niche wall” will operate for approximately five years. At that time, an addition to the wall can be procured and installed at a cost similar to the estimates for the first wall. This ordinance includes the establishment of fees for niche wall graves.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

ORS 97.810 to 97.865 requires that private endowment care cemetery companies deposit 15% of grave sales and 5% of niche sales in accounts restricted for the perpetual care of the cemetery facilities. Cities and counties are exempted from this requirement.

3. Anticipated Effects

Niche Wall Procurement and Installation

It is anticipated that the Niche Wall will be purchased and installed during Fiscal Year 2003-04, pending Council approval of this expenditure in the FY 2003-04 budget. Sales of niches and inurnment services will not begin until the wall has been built and properly inspected.

Perpetual Care Fund

A Cemetery Perpetual Care Fund shall be created and managed as a Metro fund when the FY 2003-04 budget is adopted by Council. The surcharges established by this ordinance shall be deposited directly into this fund.

It is anticipated that a 15% surcharge on grave sales and a 5% surcharge on “niche wall” sales and services will generate approximately \$18,090 in FY 2003-04, and will increase thereafter as demand for

services and fees increase. A schedule of anticipated revenues is attached as "Attachment 1". The surcharge proceeds will be deposited in a permanent fund and will be invested as allowed and regulated by Metro Code 2.06. The interest earnings will be reinvested until such time that the Parks and Greenspaces Department is no longer actively selling graves and grave services at the pioneer cemeteries.

There is a special account, called the "Willamina Farmer Account" (Fund 765, Program 15050) currently managed by the Parks and Greenspaces Department in the Parks Special Accounts Fund that can be included in the new Cemetery Perpetual Care Fund. This account was set up by Willamina Farmer for the perpetual care of her gravesite and other grave sites at the pioneer cemeteries. It is anticipated that the balance of this account will be transferred to the new fund in Budget Year 2003-04 (approximately \$94,000).

The amount of revenue generated from this surcharge will not completely meet the needs of maintenance at the Pioneer Cemetery facilities. However, the interest earned in the trust fund will be equivalent to the amount that cemetery sales and services currently contribute.

4. Budget Impacts

This Ordinance provides for a surcharge for grave and niche sales and services at Metro's Pioneer Cemeteries. There are no expenditures related to the adoption of this surcharge. The surcharge will be effective on July 1, 2003.

This Ordinance provides the authority to the Parks and Greenspaces Department to procure and install a niche wall at Lone Fir Cemetery or Douglas Cemetery, pending approval of this expenditure in the FY2003-04 budget.

This Ordinance establishes a fee for niche sales and inurnment services. These fees will be effective July 1, 2003.

RECOMMENDED ACTION

Mark B. Williams, Chief Operating Officer, with the concurrence of the Council President, recommends adoption of Ordinance 03-996.

Staff Report - "Attachment 1"

Cemetery Perpetual Care Fund Projections

Fiscal Year	Cemetery Grave Sales	Surcharge (15% graves/ 5% niche)	Interest Earnings on Fund	Perpetual Care Fund NPV Balance	(in 2004 dollars)
Beginning Balance				0	
Transfer from Parks Special Accounts Fund				94,000	
2004	115,000	17,250	3,760	115,010	115,010
2005	118,450	17,768	4,600	137,378	132,732
2006	122,004	18,301	5,495	161,174	150,457
2007	125,664	18,850	6,447	186,470	168,185
2008	129,434	19,415	7,459	213,344	185,917
2009	133,317	19,997	8,534	241,875	203,652
2010	137,316	20,597	9,675	272,147	221,392
2011	141,435	21,215	10,886	304,249	239,137
2012	145,679	21,852	12,170	338,270	256,886
2013	150,049	22,507	13,531	374,309	274,642
2014	154,550	23,183	14,972	412,464	292,403
2015	159,187	23,878	16,499	452,840	310,171
2016	163,963	24,594	18,114	495,548	327,945
2017	168,881	25,332	19,822	540,702	345,727
2018	173,948	26,092	21,628	588,422	363,517
2019	179,166	26,875	23,537	638,834	381,314
2020	184,541	27,681	25,553	692,069	399,120
2021	190,077	28,512	27,683	748,263	416,935
2022	195,780	29,367	29,931	807,561	434,759
2023	201,653	30,248	32,302	870,111	452,593
2024	207,703	31,155	34,804	936,071	470,437
2025	213,934	32,090	37,443	1,005,604	488,292
2026	220,352	33,053	40,224	1,078,881	506,158
2027	226,962	34,044	43,155	1,156,080	524,035
2028	233,771	35,066	46,243	1,237,389	541,923
2029	240,784	36,118	49,496	1,323,003	559,825
2030	248,008	37,201	52,920	1,413,124	577,738
2031	255,448	38,317	56,525	1,507,966	595,665
2032	263,112	39,467	60,319	1,607,751	613,605
2033	271,005	40,651	64,310	1,712,712	631,560
2034	279,135	41,870	68,508	1,823,091	649,528
2035	287,509	43,126	72,924	1,939,141	667,511
2036	296,135	44,420	77,566	2,061,127	685,510
2037	305,019	45,753	82,445	2,189,325	703,524
2038	314,169	47,125	87,573	2,324,023	721,554
2039	323,594	48,539	92,961	2,465,523	739,600
2040	333,302	49,995	98,621	2,614,139	757,663
2041	343,301	51,495	104,566	2,770,200	775,744
2042	353,600	53,040	110,808	2,934,048	793,842
2043	364,208	54,631	117,362	3,106,041	811,958
2044	375,134	56,270	124,242	3,286,553	830,093
2045	386,388	57,958	131,462	3,475,974	848,247

Staff Report - "Attachment 1"

Fiscal Year	Cemetery Grave Sales	Surcharge (15% graves/ 5% niche)	Interest Earnings on Fund	Perpetual Care Fund NPV Balance	Balance (in 2004 dollars)
2046	397,980	59,697	139,039	3,674,709	866,420
2047	409,919	61,488	146,988	3,883,186	884,613
2048	422,217	63,333	155,327	4,101,846	902,826
2049	434,884	65,233	164,074	4,331,152	921,060
2050	447,930	67,190	173,246	4,571,588	939,314
2051	461,368	69,205	182,864	4,823,656	957,591
2052	475,209	71,281	192,946	5,087,884	975,889
2053	489,465	73,420	203,515	5,364,819	994,210
2054	504,149	75,622	214,593	5,655,034	1,012,553
2055	519,274	77,891	226,201	5,959,127	1,030,920
2056	534,852	80,228	238,365	6,277,720	1,049,310
2057	550,897	82,635	251,109	6,611,463	1,067,724
2058	567,424	85,114	264,459	6,961,035	1,086,163

Staff Report – “Attachment 2”
Business Case for Columbarium

Proposal:

To build a columbarium at either Douglas Cemetery or Lone Fir Cemetery.

Definitions:

Columbarium - A columbarium is a structure containing niches for permanent inurnment of cremated remains in a place used and dedicated for cemetery purposes. Also called a “niche wall”.

Niche - A “niche” is the recess in a columbarium, and can be used for the interment on the cremated remains of one or two persons.

Need:

Nationally, 26% of deaths result in cremations. This is up from 21.2% in 1996, with a current estimate of almost 39% in 2010. In the state of Oregon, the numbers are even higher. In 1996, 48.0% of deaths resulted in cremation. In 1999, this number rose to 54.2%, and in 2000 rose further to 56.1% (16,580 cremations). Industry experts expect this trend in Oregon to continue, with 65% of deaths cremated by the year 2010.

In a study conducted in 1997 by the Cremation Association of North America, the disposition of cremated remains nationally was as follows:

Taken home	35.8%
Buried	23.1%
Scattered water/land	17.8%
Placed in columbarium	10.4%
Scattered on dedicated property	6.2%
Not picked up	5.7%
Placed in common grave	1.0%

About half as many cremated remains are placed in a columbarium than are buried.

At Metro’s Pioneer Cemeteries, we sell graves for cremated remains. The fee is currently \$425 per gravesite. The current fee proposal would increase this amount to \$500 per gravesite for cremated remains.

	<u>Number of Cremation Graves</u>	<u>Percentage of Total Graves</u>
2001	38	19.8%
2002	35	17.7%

Currently, Metro Pioneer Cemeteries does not provide the opportunity for cremated remains to be placed into a columbarium. Based on the premise that the number of cremated remains placed in a columbarium would be half of those buried in graves, it is projected that a columbarium at a Pioneer Cemetery would result in approximately 17-20 niche sales per year.

**Staff Report – “Attachment 2”
Business Case for Columbarium**

Business Case:

Under Metro’s contracting rules, we would be required to go out to bid for the fabrication and installation of a columbarium. However, preliminary research indicates that the most cost effective proposal will be to buy a pre-fabricated columbarium. For the sake of making this business case, we have assumed that we will purchase a pre-fabricated wall, with 96 niches each able to hold 2 urns.

Assumptions:

Estimated cost of wall, including installation: \$23,000

Per Niche Cost: approx. \$240

Recommended sale price for niche: \$450

Opening/Closing Services costs: \$0

Opening/Closing Services fee: \$360

Memorialization costs: \$125

Memorialization fee: \$200

Revenue (Cash Flow) Projections (assumes 3% price increase every other year):

	Number <u>Sold</u>	<u>Sales</u>	Open/ <u>Close</u>	Memorial- <u>ization</u>	Total <u>Revenue</u>	<u>Expenses</u>	<u>Net</u>
2004	17	\$7,650	\$6,120	\$3,400	\$17,170	\$26,400	(\$9,230)
2005	18	\$8,100	\$6,480	\$3,600	\$18,180	\$2,250	\$15,930
2006	19	\$8,806	\$7,045	\$3,914	\$19,765	\$2,446	\$17,319
2007	20	\$9,270	\$7,416	\$4,120	\$20,806	\$2,575	\$18,231
2008	22	\$10,503	\$8,402	\$4,668	\$23,573	\$2,917	\$20,656
Total	96	\$44,329	\$35,463	\$19,702	\$99,494	\$36,588	\$62,906

The figures above assume that the niches have been opened and closed only once for the placement of one urn. As the niche is capable of holding two urns, it is possible to make up to an additional \$34,560 (plus inflation) on the columbarium. However, it is not possible to determine how many will be used for a second urn, nor when that service would take place. Therefore, this additional income has not been included in the table above.

Minimum Estimated Profit: \$62,906

Maximum Estimated Profit: \$97,466

Future Growth:

Based on current demand for cremation graves, it is estimated that the columbarium will have niches available for sale for approximately 5 years. At that time, if demand is anticipated to continue, another columbarium could be installed. There is currently space available at Douglas Cemetery and Lone Fir Cemetery for several columbaria.

Ordinance No. 03-997, For the Purpose of Amending the FY 2002-03 Budget and Appropriations Schedule by Transferring \$10,786 from the General Revenue Bond Fund Contingency to Capital Outlay and Interfund Transfers To Provide Appropriation Authority for the Carryover and Completion of the Council Chamber Camera Project; and Declaring an Emergency.

First Reading

Metro Council Meeting
Thursday, March 13, 2003
Metro Council Chamber

Exhibit A
Ordinance 03-997
FY 2002-03 SCHEDULE OF APPROPRIATIONS

	<u>Current</u> <u>Budget</u>	<u>Revision</u>	<u>Amended</u> <u>Budget</u>
BUILDING MANAGEMENT FUND			
Operating Expenses (PS & M&S)	\$894,702	0	\$894,702
Capital Outlay	138,150	0	138,150
Interfund Transfers	1,715,506	0	1,715,506
Contingency	40,000	0	40,000
Unappropriated Balance	1,553,457	2,296	1,555,753
Total Fund Requirements	\$4,341,815	\$2,296	\$4,344,111
GENERAL FUND			
Council Office			
Operating Expenses (PS & M&S)	\$1,540,583	0	\$1,540,583
Capital Outlay	0	0	0
<u>Subtotal</u>	<u>1,540,583</u>	<u>0</u>	<u>1,540,583</u>
Office of the Executive Officer			
Operating Expenses (PS & M&S)	915,789	0	915,789
Capital Outlay	0	0	0
<u>Subtotal</u>	<u>915,789</u>	<u>0</u>	<u>915,789</u>
Special Appropriations			
Materials & Services	413,000	0	413,000
<u>Subtotal</u>	<u>413,000</u>	<u>0</u>	<u>413,000</u>
General Expenses			
Interfund Transfers	7,954,020	0	7,954,020
Contingency	500,000	0	500,000
<u>Subtotal</u>	<u>8,454,020</u>	<u>0</u>	<u>8,454,020</u>
Unappropriated Balance	228,929	3,526	232,455
Total Fund Requirements	\$11,552,321	\$3,526	\$11,555,847

Exhibit A
Ordinance 03-997
FY 2002-03 SCHEDULE OF APPROPRIATIONS

	<u>Current Budget</u>	<u>Revision</u>	<u>Amended Budget</u>
GENERAL REVENUE BOND FUND			
Construction Account			
Capital Outlay - Metro Regional Center	28,039	4,964	33,003
Subtotal	28,039	4,964	33,003
Project Account			
Capital Outlay - Washington Park Parking Lot	188,138	0	188,138
Capital Outlay - Expo Center Hall D	0	0	0
Subtotal	188,138	0	188,138
Debt Service Account			
Debt Service - Metro Regional Center	1,785,506	0	1,785,506
Debt Service - Expo Center Hall D	1,078,865	0	1,078,865
Debt Service - Washington Park Parking Lot	428,959	0	428,959
Subtotal	3,293,330	0	3,293,330
General Expenses			
Interfund Transfers	110,000	5,822	115,822
Contingency	300,000	(10,786)	289,214
Subtotal	410,000	(4,964)	405,036
Unappropriated Balance	1,926,000	0	1,926,000
Total Fund Requirements	\$5,845,507	\$0	\$5,845,507

All other appropriations remain as previously adopted

**Exhibit B
Ordinance 03-997
FY 2002-03 Line Item Detail**

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
General Revenue Bond Fund							
Construction Account							
<i>Capital Outlay</i>							
METRO REGIONAL CENTER							
<i>CAPCIF Capital Outlay (CIP Projects)</i>							
	5755 Office Furn & Equip (CIP)		28,039		4,964		33,003
	Total Capital Outlay		\$28,039		\$4,964		\$33,003
TOTAL CONSTRUCTION ACCOUNT			\$28,039		\$4,964		\$33,003
Project Account							
TOTAL PROJECT ACCOUNT			\$188,138		\$0		\$188,138
Debt Service Account							
TOTAL DEBT SERVICE ACCOUNT			\$3,293,330		\$0		\$3,293,330
General Expenses							
<i>Interfund Transfers</i>							
<i>EQTCH Fund Equity Transfer</i>							
	5810 Transfer of Resources						
	* to General Fund		0		3,526		3,526
	* to Building Management Fund		110,000		2,296		112,296
	Total Interfund Transfers		\$110,000		\$5,822		\$115,822
<i>Contingency and Ending Balance</i>							
<i>CONT Contingency</i>							
	5999 Contingency						
	* Renewal & Replacement Account		300,000		(10,786)		289,214
<i>UNAPP Unappropriated Fund Balance</i>							
	5990 Unappropriated Fund Balance						
	* Construction Account		0		0		0
	* Debt Service Account		0		0		0
	* Debt Reserve Account		1,823,000		0		1,823,000
	* Renewal & Replacement Account		103,000		0		103,000
	* Washington Park Parking Lot Account		0		0		0
	Total Contingency and Ending Balance		\$2,226,000		(\$10,786)		\$2,215,214
TOTAL FUND REQUIREMENTS			\$5,845,507		\$0		\$5,845,507

**Exhibit B
Ordinance 03-997
FY 2002-03 Line Item Detail**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Resources							
<i>Resources</i>							
<i>BEGBAL Beginning Fund Balance</i>							
	* Undesignated Carryover		669,000		0		669,000
	* Estimated Prior Year Underspending		70,000		0		70,000
	* Project Carryover		240,000		0		240,000
	* Prior year adjustment		0		0		0
<i>EXCISE Excise Tax</i>							
4050	Excise Taxes		9,577,258		0		9,577,258
<i>GVCNTI Contributions from Governments</i>							
4145	Government Contributions		0		0		0
<i>CHGSV Charges for Services Revenue</i>							
4220	Conferences and Workshops		0		0		0
4650	Miscellaneous Charges for Service		0		0		0
<i>INTRST Interest Earnings</i>							
4700	Interest on Investments		15,000		0		15,000
<i>DONAT Contributions from Private Sources</i>							
4750	Donations and Bequests		0		0		0
<i>MISCRV Miscellaneous Revenue</i>							
4890	Miscellaneous Revenue		0		0		0
<i>INDTRY Interfund Reimbursements</i>							
4975	Transfer for Indirect Costs						
	* from Zoo Operating Fund		113,749		0		113,749
	* from Planning Fund		279,114		0		279,114
	* from Open Spaces Fund		62,450		0		62,450
	* from Regional Parks Fund		110,946		0		110,946
	* from Smith & Bybee Lakes Fund		4,084		0		4,084
	* from SW Revenue Fund		295,870		0		295,870
	* from MERC Operating Fund		107,074		0		107,074
	* Convention Center Project Capital Fund		7,776		0		7,776
<i>EQTREI Fund Equity Transfers</i>							
4970	Transfer of Resources						
	* from General Revenue Bond Fund		0		3,526		3,526
	* from Support Services Fund		0		0		0
TOTAL RESOURCES			\$11,552,321		\$3,526		\$11,555,847

**Exhibit B
Ordinance 03-997
FY 2002-03 Line Item Detail**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
Total Interfund Transfers			\$7,954,020		\$0		\$7,954,020
<i>Contingency and Ending Balance</i>							
<i>CONT Contingency</i>							
5999	Contingency						
	* General Contingency		500,000		0		500,000
	* TOD Fund Contingency		0		0		0
<i>UNAPP Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance						
	* Undesignated ending balance		228,929		3,526		232,455
	* Rate stabilization reserve		0		0		0
Total Contingency and Ending Balance			\$728,929		\$3,526		\$732,455
TOTAL REQUIREMENTS		29.10	\$11,552,321	0.00	\$3,526	29.10	\$11,555,847

Exhibit B
Ordinance 03-997
FY 2002-03 Line Item Detail

ACCT DESCRIPTION	Current Budget		Revision		Amended Budget	
	FTE	Amount	FTE	Amount	FTE	Amount
Building Management Fund						
Resources						
<u>Resources</u>						
<u>Metro Regional Center</u>						
<i>BEGBA Beginning Fund Balance</i>						
* Operations		0		0		0
* Debt Reserves		144,702		0		144,702
* Reserve for Future Debt Service		1,104,473		0		1,104,473
* Prior year adjustment		0		0		0
<i>CHGSV Charges for Service</i>						
4510 Rentals		65,851		0		65,851
4620 Parking Fees		102,675		0		102,675
<i>INTRSI Interest Earnings</i>						
4700 Interest on Investments		22,762		0		22,762
<i>MISCR Miscellaneous Revenue</i>						
4890 Miscellaneous Revenue		0		0		0
<i>INDTR Interfund Reimbursements</i>						
4975 Transfer for Indirect Costs				0		
* General Fund		350,250		0		350,250
* Planning Fund		608,775		0		608,775
* Open Spaces Fund		66,934		0		66,934
* Regional Parks Fund		127,338		0		127,338
* Smith & Bybee Lakes Fund		7,326		0		7,326
* SW Revenue Fund		369,685		0		369,685
* Support Services Fund		584,014		0		584,014
<i>EQTRE Fund Equity Transfers</i>						
4970 Transfer of Resources						
* General Revenue Bond Fund		110,000		2,286		112,286
<u>Parking Facility</u>						
<i>BEGBA Beginning Fund Balance</i>		267,030		0		267,030
<i>CHGSV Charges for Service</i>						
4510 Rentals		0		0		0
4620 Parking Fees		360,000		0		360,000
<i>EQTRE Fund Equity Transfers</i>						
4970 Transfer of Resources						
* Support Services Fund		50,000		0		50,000
TOTAL RESOURCES		\$4,341,815		\$2,286		\$4,344,101

**Exhibit B
Ordinance 03-997
FY 2002-03 Line Item Detail**

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
Building Management Fund							
Expenditures							
<i><u>Contingency and Ending Balance</u></i>							
<i>CONT Contingency</i>							
	5999 Contingency						
	* Regional Center Operations		40,000		0		40,000
<i>UNAPF Unappropriated Fund Balance</i>							
	5990 Unappropriated Fund Balance						
	* Metro Center Operations		0		2,286		2,286
	* Regional Center Debt Reserves		144,465		0		144,465
	* Reserve for Future Debt Service		1,139,040		0		1,139,040
	* Parking Structure Debt Reserves		269,952		0		269,952
	Total Contingency and Ending Balance		\$1,593,457		\$2,286		\$1,595,743
<hr/>							
	TOTAL REQUIREMENTS	5.32	\$4,341,815	0.00	\$2,286	5.32	\$4,344,101

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 03-997, FOR THE PUPOSE OF AMENDING THE FY 2002-03 BUDGET AND APPROPRIATIONS SCHEDULE BY TRANSFERRING \$10,786 FROM THE GENERAL REVENUE BOND FUND CONTINGENCY TO CAPITAL OUTLAY AND INTERFUND TRANSFERS TO PROVIDE APPROPRIATION AUTHORITY FOR THE CARRYOVER AND COMPLETION OF THE COUNCIL CHAMBER CAMERA PROJECT; AND DECLARING AN EMERGENCY

February 25, 2003

Presented by: Kathy Rutkowski
John Donovan

BACKGROUND

In FY 2001-02, the Council authorized a project to purchase and install video equipment in the Council Chamber. The equipment would provide for in-house video production as well as live broadcast of Council and other meetings that occur in the Chamber. The initial budget authorized and received in FY 2001-02 was \$136,000 from three sources - \$21,000 in fund balance remaining from the original Metro Regional Center renovation project; a \$108,000 grant from the Mt. Hood Cable Commission; and a \$7,000 contribution from the Council Office of Public Outreach. During FY 2002-03, Metro received an additional grant from the Commission in the amount of \$28,039.

The current year adopted budget assumed that the entire amount received during the previous year would be spent. However, only \$125,214 of the project budget was spent leaving a balance of \$10,786 that has been carried forward to this fiscal year. This request is to provide the appropriation authority for this carryover to allow completion of the Council Chamber Camera project during FY 2002-03.

The additional appropriation will be used toward the project as follows:

- Increased capital outlay for the remaining purchase and installation of equipment related to the project \$4,964
- Transfer to the General Fund to reimburse the Council Public Outreach budget for costs associated with the public information and outreach needed to notify stakeholders of the new video system and for limited reimbursement of salary of the Council Public Outreach Officer associated with managing the grant \$3,526
- Transfer to the Building Management Fund to reimburse the fund for some of the costs associated with the management of the project \$2,296

ANALYSIS/INFORMATION

1. **Known Opposition** None
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** To provide for the carryover and completion of the Council Chamber Camera project.
4. **Budget Impacts** The Construction Account in the General Revenue Bond Fund has an unanticipated beginning fund balance of \$10,786. This action requests the transfer of this amount from Contingency to provide the appropriation authority for the carry forward and completion of the project. The contingency transfer is being funded by the additional beginning fund balance carryover.

RECOMMENDED ACTION

The Chief Operating Officer recommends the approval of ordinance No. 03-997.

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Agenda Item Number 7.1

Resolution No. 03-3267, For the Purpose of Confirming the Reappointment of Jim Stahly, Dale MacHaffie, and Scott Rosenlund to the Metro Central Station Enhancement Committee.

**Metro Council Meeting
Thursday, March 13, 2003
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE) Resolution No. 03-3267
REAPPOINTMENT OF JIM STAHLY, DALE)
MAC HAFFIE, AND SCOTT ROSENLUND TO) Introduced by: Mark Williams,
THE METRO CENTRAL STATION) Interim Chief Operating Officer, with the
COMMUNITY ENHANCEMENT COMMITTEE) concurrence of the Council President

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

WHEREAS, Metro Code Chapter 2.19.030 states that advisory committee members and alternate members are limited to two consecutive two-year terms; and,

WHEREAS, Metro Code Chapter 2.19.120 established the Metro Central Station Community Enhancement Committee (MCSCEC); and,

WHEREAS, these MCSCEC members have been nominated for a second term, are members in good standing, are supported by both the committee and the committee Chair, and have agreed to serve one additional term; now therefore,

BE IT RESOLVED, that the three reappointed members Jim Stahly, Dale MacHaffie, and Scott Rosenlund are confirmed to serve on the Metro Central Station Community Enhancement Committee until their successors are appointed and confirmed in 2005.

ADOPTED by the Metro Council this ____ day of _____, 2003.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3267, FOR THE PURPOSE OF CONFIRMING THE REAPPOINTMENT OF JIM STAHLY, DALE MACHAFFIE, AND SCOTT ROSENLUND TO THE METRO CENTRAL STATION ENHANCEMENT COMMITTEE

Date: January 2003

Prepared by: Katie Dowdall

BACKGROUND

Three committee members' terms of service on the Metro Central Station Community Enhancement Committee have expired. All three members have done an excellent job on the committee and acted in the best interest of the enhancement program and the community at large. Therefore, Rex Burkholder, Chair of the Metro Central Station Community Enhancement Committee, was pleased to recommend the reappointments of Jim Stahly, representing Linnton Neighborhood Association, Dale MacHaffie, representing the Northwest Industrial Neighborhood Association, and Scott Rosenlund, representing the environmental community.

ANALYSIS/INFORMATION

- 1. Known Opposition**
None.
- 2. Legal Antecedents**
Metro Code Chapter 2.19.030, "Membership of the Advisory Committees", and Metro Code Chapter 2.19.120, "Metro Central Station Community Enhancement Committee."
- 3. Anticipated Effects**
Adoption of this resolution would reappoint Jim Stahly, Dale MacHaffie and Scott Rosenlund to the Metro Central Station Community Enhancement Committee.
- 4. Budget Impacts**
None.

RECOMMENDED ACTION

The Chief Operating Officer recommends Council adoption of Resolution No. 03-3267 confirming the nomination of Jim Stahly, Dale MacHaffie and Scott Rosenlund for a second consecutive two-year appointment on the Metro Central Station Community Enhancement Committee.

**Attachment 1
Resolution No. 03-3267**

METRO CENTRAL ENHANCEMENT COMMITTEE

COMMITTEE CHAIR

Councilor Rex Burkholder
Metro Council Office, Metro Councilor District #5
600 NE Grand Avenue
Portland, OR 97232
503-797-1546 (Metro Office)\
503-282-7472 (Home)
burkholderr@metro.dst.or.us

COMMITTEE MEMBERS

Ms. Jennifer H. Allen Nov. 2001
464 NW Skyline Crest Rd. reappt Nov.2003
Portland, OR 97229
297-8698 (same for FAX; call first)
1 503-986-0158 (work)
jallen0515@aol.com
Forest Park Neighborhood Association

Mr. Leland Stapleton Nov. 2003
2445 NW Westover Road Unit #204
Portland, OR 97210
503 224-1902
leeswestover@attbi.com
Northwest District Association

Mr. Ron Hernandez Nov.2001
6812 N Catlin reappt.to Nov. 2003
Portland, OR 97203
289-2458 (home); 248-9100 (work)
793-8213 (cell phone)
Emanronh@msn.com
Friends of Cathedral Park Neighborhood Assoc.

Mr. Scott Rosenlund Nov. 2002
5900 N. W. Cornell Road
Portland, OR 97210
503-203-1444 503-297-4345 fax
Environmental Community

Mr. Jim Stahly Nov. 2002
10549 NW St. Helens Road
Portland, OR 97231
503-286-8776 (home) 503-286-6489 fax
503-286-3672
Linnton Neighborhood Assoc.
Linply@teleport.com

Mr. Dale MacHaffie Nov. 2002
P. O. Box 10123
Portland, OR 97296-0123
283-0918 (home)
*503-778-6246 (work) fax 503-778-6510
Northwest Industrial Neighborhood Assoc.
Dsmachaffie@escocorp.com

Katie Dowdall, Metro community enhancement coordinator
600 NE Grand Ave
Portland, OR 97232
503-797-1506
503-797-1795 fax
dowdalk@metro.dst.or.us

*All terms are for 2-years
No reappointments
* = Preferred*

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Agenda Item Number 7.2

Resolution No. 03-3279, For the Purpose of directing the Chief Operating Officer to submit an Amendment to the Periodic Review Work Order to the Department of Land Conservation and Development to add Task 3 to meet the remaining need for industrial land.

**Metro Council Meeting
Thursday, March 13, 2003
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DIRECTING THE) RESOLUTION NO. 03-3279
CHIEF OPERATING OFFICER TO SUBMIT AN)
AMENDMENT TO THE PERIODIC REVIEW) Introduced by Metro Council President
WORK ORDER TO THE DEPARTMENT OF) David Bragdon
LAND CONSERVATION AND DEVELOPMENT)
TO ADD TASK 3 TO MEET THE REMAINING)
NEED FOR INDUSTRIAL LAND)

WHEREAS, The Metro Council adopted Resolution 00- 2934 on April 13, 2000 approving Metro's Periodic Review Work program (Order Number 001243); and

WHEREAS, The Department of Land Conservation and Development approved Metro's Periodic Review Work program (Order Number 001243) on September 20, 2000; and

WHEREAS, The Metro Council passed Resolution 02- 3236C which instructed staff to seek a change to the Periodic Review Work program (Order Number 001243) to add Task 3; and

WHEREAS, after further consideration and as a result of actions taken by the Metro Council in December 2002 this resolution supercedes Resolution 03-3236C; and

WHEREAS, The Metro Council passed Ordinance No. 02-969B, in which in Exhibit P, Findings of Fact and Conclusions of Law identified an industrial land deficit of 4,285 net acres and an employment land deficit of 140 net acres for a total job land deficit of 4,425 net acres.

WHEREAS, Ordinances No. 02-969B, 02-983B, and 02-990A collectively brought into the Urban Growth Boundary (UGB) approximately 533 net acres of employment land and 2,317 net acres of industrial land; and

WHEREAS, the Metro Council has directed staff to create a Task 3 work program element to fulfill the remaining shortfall of 1,968 net acres of industrial land consistent with the region's economic development policies; and

WHEREAS, in the process of studying land for industrial purposes, Metro shall consider the near term as well as the 20-year land supply needs of industrial users that have been identified as important components in the 2000-2030 Employment Forecast adopted in December 2002; and

WHEREAS, Metro shall establish criteria which addresses specific industry location needs including those located within an identified cluster; and

WHEREAS, the needs of the region's agricultural industry shall be considered and the impacts on agricultural lands shall be assessed in the study; and

WHEREAS, the study of lands shall include higher tiers of lands (Tiers 4-5) in order to adequately consider the needs of established industrial centers that are located throughout the region, subject to and approved by the Metro Council; and

WHEREAS, this work program will complete the study of lands for industrial purposes to allow the Metro Council to consider the addition of industrial lands no later than July 2004; now therefore

BE IT RESOLVED

1. The Metro Council directs the Chief Operating Officer to submit the Task 3 work program reflected in Exhibit "A", Attachment A, to the Department of Land Conservation and Development for approval.
2. This study shall be completed in order for the Metro Council to consider the addition of industrial lands to the urban growth boundary, under Task 3, by no later than July 1, 2004.

ADOPTED by the Metro Council this [insert date] day of [insert month], 2003

David Bragdon, Metro Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Exhibit A: Metro Periodic Review of the Urban Growth Boundary, Proposed Task 3

**Metro Periodic Review of the Urban Growth Boundary
Proposed Task 3
March 2003**

#	Work Program Reference	Task Summaries and Product(s)	Submittal Date(s)
3	Subtask 1 Industrial Siting Criteria	<p>Purpose: To develop siting criteria for industrial land in the warehouse/distribution, general industrial and tech flex sectors.</p> <ul style="list-style-type: none"> • Review census data, building permits to indicate activity • Review recent studies to determine location needs of sectors • Develop aggregation criteria and apply to lands <p>Product: Memorandum and maps demonstrating relevant siting criteria</p>	
	Subtask 2 Conflicts with Agriculture	<p>Purpose: Address conflicts with agriculture and evaluate the needs of the agricultural industry.</p> <ul style="list-style-type: none"> • Host a symposium to discuss key issues • Meet with Department of Agriculture and County staff to discuss conflicts, key lands, critical mass, industry changes <p>Product: Memorandum detailing results of the symposium and possible policy recommendations</p>	
	Subtask 3 Regional Economic Development Strategy	<p>Purpose: Develop supporting policies to implement a regional economic development strategy.</p> <ul style="list-style-type: none"> • Synthesize strategies and policies developed by the Regional Economic Development Partners and the Metropolitan Economic Policy Task Force <p>Product: Memorandum outlining policy recommendations, Regional Framework Plan amendments</p>	
	Subtask 4 Alternatives Analysis	<p>Purpose: Identify exception land and/or lower priority lands suitable for meeting the regional industrial needs consistent with OAR 660-021-0030(2)(3)(4) and siting criteria</p> <ul style="list-style-type: none"> • Develop methodology • Map proposed study areas • Calculate buildable lands • Determine serviceability • Conduct ESEE analysis <p>Product: A memorandum outlining the analysis of exception lands and resource lands in hierarchy order to meet the identified industrial need</p>	
	Subtask 5 Implementation of Title 4	<p>Purpose: Implement Title 4 which established regionally significant industrial areas.</p> <ul style="list-style-type: none"> • Establish criteria to select and refine areas • Create specific maps of significant areas • Review commercial encroachment in industrial areas and conversion of industrial areas to mixed use development • Adjust the unmet need for industrial land if necessary <p>Product: Map Title 4 areas, possible policy changes and possible change to the UGB expansion need</p>	

	<p>Subtask 6 Public Involvement</p>	<p>Purpose: To inform the public and provide opportunities for meaningful input into the planning process and to meet the requirements of State Goal 1 and Urban Growth Management Functional Plan Section 1.13 Participation of citizens.</p> <p>A. Work Program for Public Involvement</p> <ol style="list-style-type: none"> 1. Coordination with local governments 2. Citizen and stakeholder input <p>B. Develop and initiate process to respond to citizen and local government comments</p> <p>Product: Refine and carry out a citizen involvement program for Tasks 3</p>	
	<p>Subtask 7 Selection of Lands for Addition to the Urban Growth Boundary</p>	<p>Purpose: To undertake the necessary hearings and coordination steps for amending the urban growth boundary consistent with State Land Use Goals 1, 2 and 14 and the Metro Regional Framework Plan and Metro Code.</p> <p>A. Selection of land for urban growth boundary amendments</p> <p>B. Notice property owners</p> <p>C. Coordinate with local governments</p> <p>D. Prepare summary staff report</p> <p>E. Conduct hearings before Metro Council</p> <p>Product: Adoption of ordinances and amendments to the UGB to comply with ORS 197.299</p>	<p>July 2004</p>

STAFF REPORT

FOR THE PURPOSE OF DIRECTING THE CHIEF OPERATING OFFICER
TO SUBMIT AN AMENDMENT TO THE PERIODIC REVIEW WORK
ORDER TO THE DEPARTMENT OF LAND CONSERVATION AND
DEVELOPMENT TO ADD TASK 3 TO MEET THE REMAINING NEED FOR
INDUSTRIAL LAND

Date: February 27, 2003

Prepared and Presented by: Lydia M. Neill
Principal Regional Planner

PROPOSED ACTION

Adoption of Resolution No. 03-3279 authorizing the Chief Operating Officer to request an amendment to Metro's Periodic Review Work Program (Order # 001243) to add a Task 3 to address the shortfall in industrial lands.

BACKGROUND AND ANALYSIS

The Metro Council completed most of Task 2 of the Periodic Review Work Program by accommodating all of the residential land needs. This UGB expansion also satisfied over 2,300 acres of the need for industrial lands. There is a remaining deficit of industrial lands of 1,968 net acres. Metro is requesting that LCDC allow Metro to add a Task 3 to the work program to address the employment land shortfall.

Basis for Modification of Metro's Work Program

ORS 197.644(1) authorizes LCDC to modify a periodic review work program under one of the following circumstances:

- “(a) Issues of regional or statewide significance arising out of another local government's periodic review require an enhanced level of coordination;
- (b) Issues of goal compliance are raised as a result of completion of a work program task resulting in a need to undertake further review or revisions;
- (c) Issues relating to the organization of the work program, coordination with affected agencies or person, or orderly implementation of work tasks result in a need for further review or revisions; or
- (d) Issues relating to needed housing, employment, transportation or public facilities and services were omitted from the work program but must be addressed in order to ensure compliance with the statewide planning goals.”

Metro will have to demonstrate one or more of these circumstances are met for each work task added to periodic review. Metro's circumstances pertain to those described in paragraphs (a), (b), (c) and thus require review under a Task 3 work element.

Subregional analysis is a method for allocating the need for housing and employment that could be used if warranted but has not been included as a specific work plan element. Metro intends to retain the opportunity to use this tool during Task 3, if necessary.

Meeting the industrial land shortfall affects other industries such as local agriculture and nursery operations. Discussion on a regional level is needed to develop a clear strategy to guide the selection of additional employment lands for inclusion into the UGB. When the Council directed staff in 2002 to study approximately 80,000 acres of mostly exception land in the Alternatives Analysis it was assumed that this acreage was sufficient to meet the 2022 need particularly since

most of the need for land was for housing. However, Metro has not studied enough resource land in Tiers 4 and 5 to allow consideration of all the unique site and locational requirements of the industrial sectors that have land needs.

Task 3 – Accommodation of Industrial Land Needs: Based on the need to provide the remaining amount of land to fulfill the shortfall in industrial land Task 3 will include the following subtasks:

- **Subtask 1:** Develop locational siting criteria for the following industrial sectors: warehouse and distribution, general industrial and tech flex;
- **Subtask 2:** Address conflicts and land needs of the agricultural industry, identify lands that are key lands this industry. Include the value of the agricultural industry into discussions regarding the regional economic strategy and the trade-off with urban industrial siting;
- **Subtask 3:** Develop supporting polices to implement a regional economic development strategy;
- **Subtask 4:** Complete an Alternatives Analysis of designated Tier 4 Tier 5 lands suitable for industrial development;
- **Subtask 5:** Implement Title 4 by adopting a site-specific map of the regionally significant industrial areas, make adjustments to the industrial shortfall if needed.
- **Subtask 6:** Develop a public involvement program to involve local governments, citizens and interest groups in the decision making process.
- **Subtask 7:** Undertake the necessary hearings to complete UGB amendments and/or policy changes.

Work Program Timeline 2003-2007

Metro will complete Task 3 no later than July 2004. State law encourages LCDC and local governments to complete periodic review within three years (ORS 197.633(4)). Metro began this periodic review in September 2000. Wrap up of Task 1 concluded in November 2001; Task 2 in December 2002 and proposed Task 3 will conclude in July 2004. The additional 18 months for Task 3 will extend this periodic review to almost four-years.

Parallel Work Tasks Not Proposed to be Included in Periodic Review

Several other tasks will be completed parallel to the proposed Task 3 work. These tasks outside of Periodic Review include: completion and adoption of a Goal 5 program and various data collection and research tasks that will inform Performance Measures, the Housing Capacity Analysis and future UGB decisions. These tasks will proceed independently and may inform the work included in Task 3 to meet the employment land shortfall.

BUDGET IMPACT

Adoption of this resolution has a budget impact. Approximately 4.24 FTE are needed to complete this work. The 4.24 FTE will come from staff from the Community Development section of the Planning Department and will be supplemented by staff from the Data Resource Center and Transportation section for data collection and modeling.

I:\gm\community_development\staff\neill\Task 3 and subreg\Task3PerReview staff report.doc

Agenda Item Number 8.1

Resolution No. 03-3281, For the Purpose of Authorizing Metro to enter into a Contract with the Regional Arts and Cultural Council (RACC) for the Purpose of Awarding Metro Funds through RACC's Neighborhood Grants Program.

Contract Review Board

**Metro Council Meeting
Thursday, March 13, 2003
Metro Council Chamber**

BEFORE THE METRO CONTRACT REVIEW BOARD

IN CONSIDERATION OF RESOLUTION NO. 03-3281, FOR THE PURPOSE OF FINDING RACC A SOLE SOURCE PROVIDER, EXEMPTING COMPETITIVE BIDDING, AND AUTHORIZING EXECUTION OF A CONTRACT)

RESOLUTION NO. 03-3281

Introduced by: David Bragdon, Council President

WHEREAS, the Regional Arts and Culture Council (RACC), through its Neighborhood Arts Program, seeks opportunities for cultural and arts programs and services that impact a variety of citizens by helping to provide a greater sense of community and place; and,

WHEREAS, Metro has historically supported the work of the RACC which serves and enriches the Metro region; and,

WHEREAS, Metro has used theater and art successfully in the past to further its waste reduction and environmental goals; and,

WHEREAS, RACC agrees to award these grant funds to projects which support Metro's solid waste, recycling and environmental goals; and,

WHEREAS, past Metro and MERC projects which have included successful Percent for Art Programs are the original Oregon Convention Center, Metro Headquarters and the Expo Hall E, all of which utilized the services of RACC to assist with the selection and implementation of the program; now therefore,

BE IT RESOLVED that the Metro Contract Review Board

- 1. Adopts the findings in Exhibit A, and
2. Exempts the contract with Regional Arts and Cultural Council (RACC) from competitive bidding, and
3. Authorizes the Chief Operating Officer to enter in a contract with Regional Arts and Culture Council as set forth in Exhibit B.

ADOPTED by the Metro Council this _____ day of _____, 2003.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

EXHIBIT A
Resolution No. 03-3281

**FINDINGS OF FACT SUPPORTING A SOLE SOURCE
PROCUREMENT IN THE CONTRACT WITH
THE REGIONAL ARTS AND CULTURE COUNCIL (RACC)**

Metro Contract Review Board

ORS 279.015(1) requires, with certain exceptions, that all public contracts be based on competitive bidding and, under ORS 279.029, awarded to the lowest responsive and responsible bidder. ORS 279.017(2) permits the Metro Contract Review Board, Metro's public contract review authority, to grant, under certain conditions, specific exemptions from the requirement for competitive bidding for contract with only one manufacturer or seller of the product required.

After review and discussion with interested parties, Metro staff has determined that the sole source contract is the best-suited procurement method for the contract with the Regional Arts and Culture Council. ORS allows use of the sole sourcing if appropriate findings of fact are addressed and supported by the Contract Review Board.

BACKGROUND

The Regional Arts and Culture Council seeks financial support from Metro for its Neighborhood Arts Program. This program seeks opportunities for cultural and arts programs and services that impact a variety of citizens by helping to provide a greater sense of community and place. Metro funds would be used to support grants for not-for-profit organizations within Multnomah County. Grant awards will range from \$500 to \$4,000 per organization.

FINDINGS REGARDING SOLE SOURCE

ORS 279.017(2)(c) requires an agency to find there is only one manufacturer or seller of the product required.

Metro Contract Review Board finds that RACC is the only provider of cultural and arts programs and services that impact a variety of citizens by helping to provide a greater sense of community and place. The Contract Review Board exempts this contract from public bidding and other alternative procurement methods.

EXHIBIT B
Resolution No. 03-3281

SCOPE OF WORK
REGIONAL ARTS AND CULTURE COUNCIL

THIS AGREEMENT, dated as of XXXX, 2003, is by and between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, and the Regional Arts and Culture Council, (RACC), a nonprofit entity legally chartered under applicable federal law and state statute, whose address is 620 SW Main #420, Portland, Oregon 97205.

WITNESSETH:

WHEREAS, the Regional Arts and Culture Council (RACC), through its Neighborhood Arts Program, seeks opportunities for cultural and arts programs and services that impact a variety of citizens by helping to provide a greater sense of community and place; and,

WHEREAS, Metro has historically supported the work of the RACC which serves and enriches the Metro region; and,

WHEREAS, Metro has used theater and art successfully in the past to further its waste reduction and environmental goals; and,

WHEREAS, RACC agrees to award these grant funds to projects which support Metro's solid waste, recycling and environmental goals; and,

NOW, THEREFORE, in recognition of their mutual interests, the parties agree to the following terms and conditions.

SCOPE OF WORK

PROJECT: Support of Regional Arts and Culture Council Neighborhood Arts Program
Community Outreach grants in FY 2002-03

CONTRACTOR: Regional Arts and Culture Council (RACC)
620 SW Main St.
Portland, Ore 97205

David Hudson, Executive Director

PROJECT TERM: January 1, 2003 through June 30, 2003

PROJECT TOTAL: \$50,000

CONTRACTOR'S RESPONSIBILITIES:

Contractor shall be responsible for coordinating a grants program for arts projects that support Metro's solid waste, recycling and environmental goals. This includes:

1. Publicizing grant opportunities and screening applicants:

RACC will publicize the Metro-funded community outreach grants. RACC also will screen applications to ensure grant funds are awarded only to projects that support Metro's stated goals in the area of waste management and recycling. Specifically, Metro is working to:

- a. Manage the region's solid waste system in an effective, economical and environmentally sound manner;
- b. provide education to children and adults about recycling, waste prevention, and chemical-free gardening;
- c. safely collect and either dispose of or recycle hazardous waste;
- d. investigate and clean-up illegal dump sites in the region;
- e. administer community enhancement grants in communities hosting regional solid waste facilities;
- f. process and package for resale recycled latex paint;
- g. plan and implement programs to help citizens and businesses reduce the amount of waste needing to be landfilled.

2. Awarding funds:

RACC is responsible for all procedures related to awarding grant funds. This includes notifying grants applicants of the status of their applications, issuing checks, and ensuring that grant-funded projects are completed according to RACC's grant criteria.

3. Reporting:

The Contractor's Project Manager will provide Metro with summary information on or before September 30, 2003, including a report containing detail about each grant awarded using Metro funds. The report should include:

- a. How each project supports Metro's solid waste and recycling goals;
- b. numbers of people attending special events related to grant projects, or how many people are projected to view or participate in the grant-funded project;
- c. geographic distribution of grant projects receiving Metro funds;
- d. comments from project participants.

METRO'S RESPONSIBILITIES:

Metro will provide funding for up to \$50,000 for applicable grants approved by RACC.

PAYMENT:

Metro will make payments to RACC as invoiced. Any expenses which exceed Metro's total cash contribution of \$50,000.00 shall be borne by the Contractor.

INDEMNIFICATION:

The parties hereby agree that RACC is an independent organization, and that the activities of RACC, their officers, agents and employees shall not constitute actions of Metro for any purpose. Therefore, RACC hereby agrees to indemnify, hold harmless and defend Metro, and their respective officers, commissioners, agents and employees, from and against all liabilities, damages, actions, costs, losses, claims and expenses (including attorneys' fees) arising out of activities of RACC, its officers, agents, employees, contractors and invitees.

TERMINATION:

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

SITUS:

The situs of this Agreement is Portland, Oregon, and any litigation related hereto shall be governed by the laws of the state of Oregon and conducted in the state circuit court for Multnomah County.

NONTRANSFERABILITY:

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

ENTIRE AGREEMENT:

Notwithstanding and succeeding any and all prior agreements or practices, this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates hereinafter indicated and as follows:

Regional Arts and Culture Council

By _____
Print Name _____
Title _____
Date _____

Metro

By _____
Print Name _____
Title _____
Date _____

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3281, FOR THE PURPOSE OF FINDING RACC A SOLE SOURCE PROVIDER, EXEMPTING COMPETITIVE BIDDING, AND AUTHORIZING EXECUTION OF A CONTRACT

Date: January 6, 2003

Prepared by: Jan O'Dell

BACKGROUND

The Regional Arts and Culture Council seeks financial support from Metro for its Neighborhood Arts Program. This program seeks opportunities for cultural and arts programs and services that impact a variety of citizens by helping to provide a greater sense of community and place. Metro funds would be used to support grants for not-for-profit organizations within Multnomah County. Grant awards will range from \$500 to \$4,000 per organization.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Metro Code section 2.04.062 requires Metro Contract Review Board to exempt sole source contracts from public bidding.

ORS Chapter 279.015 requires public bidding and allows certain exemptions.

ORS Chapter 279.017(2)(c) allows the Metro Contract Review Board to exempt from public contracting when there is only one manufacturer or seller of the product required.

3. Anticipated Effects

Metro funds will allow community-based organizations to support cultural and arts programs in their neighborhoods that help support Metro's solid waste, recycling and environmental program goals.

4. Budget Impacts

\$50,000.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution No. 03-3281.

Agenda Item Number 8.2

Resolution No. 02-3285, For the Purpose of Approving Amendment No. 2 to the Latex Paint Lease, Contract No. 922707.

Contract Review Board

**Metro Council Meeting
Thursday, March 13, 2003
Metro Council Chamber**

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING) RESOLUTION NO. 03-3285
AMENDMENT NO. 2 TO THE LATEX PAINT)
WAREHOUSE LEASE, CONTRACT NO. 922707) Introduced by Mark Williams,
) Interim Chief Operating Officer with the
) concurrence of David Bragdon, Council
) President

WHEREAS, Metro's latex paint recycling facility has limited storage capacity and most of the capacity is needed to stage incoming paint and for paint processing operations; and,

WHEREAS, Metro plans to move the latex paint recycling facility and retail sale operations to a new facility that is more centrally located, is large enough to meet the growing demand for Metro's recycled paint, and provides space to store excess inventory of paint; and,

WHEREAS, Metro currently leases warehouse space for excess inventory of paint and the warehouse space is needed until a new facility is available; and,

WHEREAS, the warehouse lease needs to be amended to extend the termination date of the lease; and,

WHEREAS, the resolution was submitted to the Chief Operating Officer for consideration and was forwarded to the Metro Council for their approval; now therefore,

BE IT RESOLVED that the Metro Council authorizes the Chief Operating Officer to execute Amendment No. 2 to the Latex Paint Warehouse Lease, Metro Contract No. 922707, in a form substantially similar to the attached Exhibit A.

ADOPTED by the Metro Council this ____ day of ____, 2003

David Bragdon, Council President

APPROVED AS TO FORM:

Daniel B. Cooper, Metro Attorney

AMENDMENT NO. 2

This amendment dated as of the last signature date below, hereby amends the Lease Agreement between METRO and Emmert Development Company, "Contractor" dated January 23, 2001 (the "original agreement"). In exchange for the promises and other valuable consideration described in the original agreement, subsequent amendments, and this amendment, the parties agree as follows:

1. The termination date of the original lease agreement is extended to February 29, 2004. The lease shall be on a month-to-month basis during the period of September 1, 2003, to February 29, 2004, and either party may terminate the agreement with thirty (30) days written notice.
2. Contractor shall continue to lease to Metro the warehouse facilities located at 11839 SE Highway 212, Clackamas, Oregon 97015, as described in the original agreement.
3. Metro agrees to pay Contractor additional consideration for such services in an amount not to exceed TWENTY-SIX THOUSAND FOUR HUNDRED and NO/100 Dollars (\$26,400.00) beyond the agreed payment for service under the original agreement. No payment beyond this additional sum shall be authorized by Metro without specific written amendment to the original agreement. This amendment increases the maximum contract price to EIGHTY-ONE THOUSAND EIGHT HUNDRED THIRTY-FOUR and NO/100 Dollars (\$81,834).

All other terms and conditions of the original contract remain in full force and effect, except as modified herein.

EMMERT DEVELOPMENT COMPANY

METRO

Signature

Signature

Print name and title

Print name and title

Date

Date

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3285 FOR THE PURPOSE OF APPROVING AMENDMENT NO. 2 TO THE LATEX PAINT WAREHOUSE LEASE, CONTRACT NO. 922707

January 31, 2003

Prepared by: Ray Barker

BACKGROUND

Metro currently leases warehouse space for storage of recycled latex paint that has been received at Metro's Household Hazardous Waste facilities and processed at Metro's latex paint facility for sale to the general public, non-profit organizations and governmental agencies. The latex paint facility has limited storage capacity and most of the capacity is needed to stage incoming paint and for paint processing operations. Warehouse space is needed to store the excess inventory of paint.

Metro's Engineering & Environmental Services Division plans to move the latex paint recycling facility and retail sale operations to a new facility that is more centrally located, is large enough to meet the growing demand for Metro's recycled paint, and allows recycled paint to be sold without requiring customers to wait in long lines. In addition, paint could be stored at the new facility. The existing warehouse storage space, however, will be needed until a new facility is available. It is estimated that a new facility will be available within 12 months.

The existing warehouse is leased from Emmert Development Company. It is located on Highway 212 in Clackamas. Metro leases 6,000 square feet of space for \$2,200 per month. The Lessor pays for water and sewer; Metro pays for gas, garbage and electricity.

The Division proposes an amendment to extend the lease to February 29, 2004, with the last six months of the lease to be on a month-to-month basis. The lease amount of \$2,200 per month would remain the same.

ANALYSIS/INFORMATION

1. **Known Opposition**

None

2. **Legal Antecedents**

Metro Code, Chapter 2.04, Metro Contract Policies, Section 2.04.058, Public Contract Amendments, provides for amendments to public contracts by the "executive officer" when certain conditions are met. The proposed contract amendment does not meet those conditions, therefore, it cannot be amended without the express approval of the Metro Council.

3. **Anticipated Effects**

Adoption of Resolution No. 03-3285 would extend the termination date and increase the contract amount of Metro Contract No. 922707 for leasing warehouse space for Metro's recycled latex paint. It would allow time for Metro to obtain new latex paint recycling facilities.

4. Budget Impacts

The annual cost of Amendment No. 2 is estimated to be \$26,400. It is provided for in the FY 2002-2003 Budget.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution No. 03-3285.

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Metro Central Enhancement Committee
2003 Grant Funding Cycle

ASSOCIATION	PROJECT	FINAL DOLLAR AWARD
Audubon Society of Portland 5151 NW Cornell Road Portland, OR 97210 Steven Robertson, Ed.Dir.	Audubon is requesting funds to design and develop new educational exhibits for the Exhibit Hall Enhancement Project.	\$2,000
Boys & Girls Clubs P. O. Box 820127 Portland, OR 97282-1127 Marlene Montooth 503 232-0077	Boys & Girls Club is seeking grant funds to support their Summer Sensation program at the North Portland Boys & Girls Club. The program will be conducted for 10 weeks from June 16 through August 22, 2003 with activities scheduled form 10:00 AM to 6:00 PM, Monday through Fridays	\$3,750
Caring Community of Portland 2209 N. Schofield St. Portland, OR 97217 Pam Arden/Joslyn Baker 503 708-4697	Caring Community of Portland is requesting grant support for their August 2003 North Portland Back to School Readiness Fair. The goal of the fair is to help children get ready to return to school and ready to learn by assisting with health screenings and immunizations, safety, community information and some school supplies.	\$3,000
Cathedral Park Jazz Festival 7325 N. Alta Ave. Portland, OR 97203 Joe Beeler (503) 286-1312	The board of the Jazz Festival would like to use funds to purchase permanent equipment (a 20'x20' canopy) for the Festival. By increasing the property owned and operated by the Festival, annual savings will be realized immediately for the 10,000 youth, seniors and low-income residents in the Cathedral Park program area who attend the musical event.	\$1,768
Chapman Educational Foundation P.O. Box 10271 Portland, OR 97210 Catherine Rudinsky/ Beverly Pruitt, Principal 503 224-9594	Chapman School is requesting funds to continue providing scholarships to low-income students to attend full day kindergarten program.	\$7,000
Frente Comun Latino del Norte de Portland P. O. Box 83063 Portland, OR 97283 Juan Mayoral 503 289-0155	Frente Comun is requesting grant funds to support operating expenses of the Latino Resource Center in order to continue to leverage funding for their four primary focus areas: education, health, social services, and arts and cultural enrichment for the Latino community.	\$35,000
Friendly House 2617 NW Savier Portland, OR 97210 Peter Freedman, Ex. Dir. Vaune Albanese, prj. Chr. 503 228-4391	Friendly House is requesting grant funds to support services and upgrade their facilities to (1) improve access to recreation for youth and low income persons (2) improve access to recreation for seniors, and (3) safety improvements of CC and YAP facilities.	\$5,844

ASSOCIATION	PROJECT	FINAL DOLLAR AWARD
<p>Friends of Forest Park P. O. Box 10934 Portland, OR 97296 Gail Snyder 503 223-5449</p>	<p>Friends of Forest Park is requesting grant funds to design and produce 5,000 sets of user-friendly, waterproof maps of Forest Park trails.</p>	<p>\$4,200</p>
<p>Linnton Community Center 10614 NW St. Helens Rd. Portland, OR 97231 Pat Wagner (503) 323-0213, Katherine Fritz (503) 286-7477</p>	<p>The Linnton Community Center is requesting funds to repair damages to its historic building. When fully operational, the Center will serve the recreational and social needs of seniors, provide childcare for low-income residents and after-school programming for children in the Linnton and surrounding communities.</p>	<p>\$58,200</p>
<p>Linnton Neighborhood Association/ Forest Park Neighborhood Association 1819 NW Everett #205 Portland, OR 97209 Darise Weller/ Pat Wagner/ Arnold Rochlin 503 289-9285</p>	<p>Linnton and Forest Park Neighborhood Associations are requesting grant funds for five 22" speed bump placements on the residential area of NW Germantown Road and three 18" speed bumps on NW Harbor Blvd.</p>	<p>\$7,000</p>
<p>Loaves & Fishes 6125 SE 52nd Ave Portland, OR 97206 Marilyn Shrum/ Joan Smith 503 736-6325 ext232</p>	<p>Loaves & Fishes is requesting grant funds to support further outreach efforts to minority populations specifically Native Americans and Hispanics as well as enhancing the Easy Moves Fitness Program. Funds will be directed to the St. Johns population.</p>	<p>\$4,500</p>
<p>Northwest District Association 1819 NW Everett St. #205 Portland, OR 97209 Frank Dixon 503 242-3585</p>	<p>NWDA is requesting a grant to partially fund the NWDA Communication & Outreach needs: implementation of technology platform, deployment and maintenance of two Internet Centers and support for a membership drive campaign to build the NWDA member base.</p>	<p>\$7,500</p>
<p>Northwest District Association/Pearl District Neighborhood Assoc. 1819 NW Everett #205 Chris Smith 503 223-3688</p>	<p>NWDA & PDNA request grant funds to enhance the area under the I-405 freeway to make the area safer and more accessible for pedestrians and bicyclist to move through both neighborhoods.</p>	<p>\$15,000</p>
<p>West Sylvan Middle School PTSA 8111 SW West Slope Dr. Portland, OR 9 Mike Roach 503 224-309</p>	<p>West Sylvan Middle School PTSA is requesting funds to support a Full Esteem Ahead course specifically designed to provide parents with tools for raising sons and daughters. The funds will provide the notebooks necessary to facilitate the classes modeled after the NW Earth Institute model.</p>	<p>\$4,900</p>

ASSOCIATION	PROJECT	FINAL DOLLAR AWARD
Willamette Riverkeeper 380 SE Spokane St., Suite 305 Portland, OR 97202 Travis Williams (503) 223-6418	Willamette Riverkeeper is seeking support for its Youth River Discovery Program that provides opportunities for high-school aged youth to explore first-hand (in canoes and kayaks) the Willamette River's ecology and history.	\$3,000
TOTAL 15 GRANTS		\$162,662.00

Total funded for years:

1993	\$162,953	13 projects	1999	\$217,500	21 projects
1994	\$226,915	15 projects	2000	\$205,500	14 projects
1995	\$223,789	10 projects	2001	\$218,288	21 projects
1996	\$202,434	17 projects	2002	\$181,000	18 projects
1997	\$208,000	18 projects	2003	162,662	15 projects
1998	\$202,770	17 projects	Total.....	\$2,181,811	179 project:

For information contact Karen Blauer, Metro's Community Enhancement Coordinator, (503) 797-1506

2001-2002

Waste Reduction Education Program

*Solid Waste & Recycling
Waste Reduction and Outreach*
600 NE Grand Ave.
Portland OR 97232
www.metro-region.org

Annual Report

December 2002

Metro Waste Reduction Education Program Annual Report, FY 2001-2002

Goal 3 of REM's Strategic Plan for 2001-02 is to raise awareness of waste prevention and recycling opportunities in the region. The waste reduction program increased awareness of waste prevention and recycling to over 30,000 staff and students in metro area schools by providing direct classroom instruction, assemblies, technical assistance and curriculum resources. Students that received these programs will not only be better prepared to care for the region's resources in the future, but will also share their lessons with their families today.

Program background

Metro has a long history of providing information and outreach about recycling to schools. In response to the Opportunity to Recycle act of 1983, Metro became the chief agent in distributing DEQ curriculum to metro area schools and worked cooperatively with local governments to promote curbside recycling through school presentations. A second educator was added in 1991 to develop outreach programs for high schools. Along with Metro staff, the program used volunteers and interns to conduct puppet shows and presentations until 1998 when Metro began contracting with Northwest Service Academy to provide AmeriCorps members to assist with outreach in schools. The education program expanded to offer technical assistance to schools in 1998, and in spring of 1999, a permanent staff person was hired to take on this responsibility.

Today, the program continues to teach about recycling, but has grown to include composting, household hazardous waste, waste prevention and resource conservation topics. In addition to classroom presentations, the program offers age-appropriate puppet shows and educational theater, lesson plans that blend academics with waste reduction themes, technical assistance to schools, teacher workshops and grants for school projects. Since its initiation, the Metro waste reduction education program has reached more than 305,000 youth and teachers through presentations and workshops.

Metro coordinates with local government waste reduction and recycling educators to prevent duplication of services and to leverage resources. Educators representing Clackamas County Recycling Partnership, Washington County Cooperative Recycling Program, City of Gresham (Wood Village, Fairview), Oregon Department of Environmental Quality and Portland Public Schools meet regularly with Metro educators to share resources and plan projects. Local governments have typically offered schools in their jurisdictions technical assistance, presentations, and grants. Metro's educational resources have been designed to complement and support local waste reduction and recycling education efforts.

Current staffing of the waste reduction education program includes two full-time public affairs specialists, a full-time school resources coordinator and an AmeriCorps intern. Master Recyclers often volunteer to staff activities for outreach events.

Activities in review, FY 2001-2002

Summary of numbers

605 presentations were given to 30,090 participants
5 workshops or presentations were given to 168 teachers or other adult audiences
92 contacts made for technical assistance in schools
2,075 students submitted entries for the annual Earth Day billboard art contest
2,871 youth and adults were contacted through community events
200 schools and subscribers received monthly newsletters (9 issues)
309 requests for information/loan of materials resulted in 5,248 contacts
28 grants were given to schools for waste reduction projects having an impact on 5,336 students, staff and community members

Result: More than 46,000 people received a waste reduction message either directly from or because of Metro's waste reduction education program this fiscal year!

Presentations and assemblies

Metro waste reduction education provided 605 presentations to 30,090 participants this fiscal year. This is a 9 percent increase from 2000-01 participation numbers. Programs included age-appropriate, interactive classroom presentations for grades K-12, puppet shows for grades K-3, field trips to Metro home composting demonstration sites, musical theater assemblies for grades 6-12, and interactive presentations for summer day camp programs.

The topics covered in these programs included: composting, waste prevention, recycling and resources, paper-making, household hazardous products and alternatives, natural gardening, and consumption habits. Programs were designed to help meet Regional Solid Waste Management goals for waste reduction and to help teachers meet Oregon Common Curriculum goals.

Classroom presentations and puppet shows continue to be the strength of the elementary program. During the 2001-02 school year we provided 206 hands-on presentations and puppet shows for a total audience of 10,745 students and teachers. Elementary staff also updated the follow-up curriculum materials for these presentations to bring materials more in line with science curriculum and Oregon Dept. of Education benchmarks.

REM waste reduction staff represented Metro at two national conferences this year. At the National Recycling Coalition staff presented: *From the Curb to the Classroom, Connecting Waste Reduction Goals with Elementary School Curriculum*. At the North American Association of Environmental Educators, we participated in Interact sessions with *Reduce, Reuse Recycle, Start with Lunch*; a display and materials showcasing curriculum materials, grant projects and presentations that Metro provides and *Put it together Piece by Piece*, a game developed by Metro staff to help students learn more about the resources that are used in school lunches.

The secondary program continued to promote Metro's *Planning for a Livable Future* curriculum. A teacher workshop was held for 40 area teachers to disseminate the curriculum

and demonstrate the importance of integrating waste reduction education within the larger picture of community planning issues.

In an attempt to better assist teachers and provide greater resources for the implementation of the curriculum, secondary staff contracted with an educational specialist to work directly with teachers. The contractor taught selected lesson plans and coordinated hands-on, real-world projects related to the curriculum in four participating schools with 8 teachers. There were 31 presentations involving 340 students. All four schools developed public presentations of their projects that they presented at Metro's 2002 Regional Planning Conference that attracted over 600 professionals from across the country. Each school also went on to present to other groups such as Neighborhood Associations, Local Government meetings and Parent/teacher associations.

Secondary staff also contracted with Creative Information Transformation Education (CITE) for a third season's performance of the play *In the Sweet Buy and Buy* for middle and high school audiences. Actors from the troupe then went into participating classrooms afterwards to conduct follow-up Talk Back sessions that reinforced messages from the play and engaged student opinion. A total of 35 performances reached approximately 8,886 students and received enthusiastic reviews from teachers and students.

Teacher/adult workshops

In addition to the Planning for a Livable Future curriculum workshops mentioned above, waste reduction staff provided the following workshops for adult audiences:

Oregon Art Education Assn – Papermaking workshop for K-12 grade teachers

Portland Office of Sustainable Development Fix-it Fairs – Home composing workshops

Technical assistance to Schools

This year, the School Resource Specialist position (formerly Green School Coordinator) shifted to encompass a broader platform of school technical assistance. Presentations and meetings with administrators, teachers and students focused on tackling logistic issues of establishing and maintaining school or district-wide programs. Topics included the following: reducing waste, advertising, increasing participation, staff and student education, increasing paper recycling levels, purchasing recycled content paper becoming an Oregon Green School and caring for worm bins. Conducted 42 presentations for 1096 participants. Metro's staff works cooperatively with local government and school district personnel to leverage resources and to avoid duplication of services.

Field Trip Incentive Program: This year, a new program was offered to Oregon Green Schools who had achieved the second level of recognition: Merit Green School. The purpose of the trips was two-fold: to reward students and staff who had worked to reduce waste in their school; and to allow participants to see the waste reduction industry in action. Three schools took trips chosen from Metro's *Field Trip Guide to Recycling Facilities* for a total of 83 participants.

Metro staff also assisted schools with the following projects: began preliminary research into working with schools to develop Integrated Pest Management plans; conducted research into school-district paper purchasing procedures; developed a plan of action around encouraging schools to buy paper with post-consumer content to "close the loop" of recycling; and surveyed

school district facilities managers and learned that most districts have processes for cleaning out old toxic lab chemicals and do not need additional support from Metro.

Metro continues to have an active role in the statewide Oregon Green Schools program. OGSA provides resources, certification and recognition to schools that have integrated waste reduction principles and practices into their school functions. The OGSA offers an annual Summit for students and school staff to provide opportunities for learning and sharing. Metro education staff members participate in the program in several ways: one member is President of the Board of Directors, another is a Green School Coordinator and all have worked on committees. As of June 2002, the School Resource Specialist had six schools maintain their current Oregon Green School status with eight other schools in the process of applying or renewing their applications.

Grants

Metro has administered a grant program for waste reduction education projects in schools since fall of 1997. Thirty \$500 grants are available for metro area schools each year and are awarded first-come, first-served.

The grant summaries completed by schools demonstrate the value this grant program provides schools in helping them increase their waste prevention, recycling and composting activities. Following are brief summaries that demonstrate the variety of projects and the impact on staff, students and the amount of waste generated and disposed.

Kelly Creek Elementary initiated a "No Waste Lunch" program by purchasing 100 reusable plastic lunch bags (100% recycled content) and 100 reusable sandwich containers. These kits were given to first 100 students who returned a signed contract (parent and child) agreeing to pack a waste free lunch and take any leftover waste home. Results: garbage from sack lunches decreased by 1/3! Kelly Creek plans to expand this project with 100 more kits during the 2002-03 school year.

Knight Elementary first grade students completed a comprehensive study of recycling, then educated the rest of the school with interpretive posters to encourage paper recycling. As a service learning project, they partnered with the City of Canby to design and create a sign about recycling for the neighborhood park and picked up litter monthly in the park.

West Hills Christian fifth graders created a compost demonstration area on a barren strip of land at the school. Four types of systems were built: worm bin, two-bin w/bricks, pit system and wire mesh system. The compost from the bins will be used to improve soil for flower gardens. Teachers commented that it was exciting watching 5th graders move from skeptics to teachers and that even though they had no cost savings to show as of yet, "it is the life-long learning experience that will see the most money savings in the long run."

Hazeldale Elementary students designed and implemented a huge "Paper People" project. Grant money was used to buy bins for scrap paper storage in each classroom. The 4th and 5th grade team "graded" recycling efforts of other classes while collecting one-sided paper for making notepads. The notepads were sold at the student store and funds raised were used to buy prizes for the recycling contest winners and note pad making supplies for the future.

Richmond Elementary used their grant funds to purchase materials to improve the school's basic recycling system. The school made substantial increases in milk carton and plastic recycling in the cafeteria during breakfast and lunch and in the teacher's lunchroom. Recycling-related books were also purchased for the school library. A parent is restoring the garden area and starting a compost bin.

St. Mary's Academy already had an excellent recycling program for paper, but students realized that more could be done to stress the concepts of reduction and reuse. Students came up with the concept of creating notebooks out of paper that had been printed on only one side and covered with reused poster board from student projects. They used the grant money to purchase a binding machine and combs, as well as toner for the school's copy machines to print lines with. In the first 3 months, the students successfully reused over 10,000 sheets of paper and approximately 25 poster boards. Their collection centers have many thousands more in storage waiting to be bound, with a backlog of orders for the following year.

Sam Barlow High School was struggling to motivate students to recycle their empty beverage containers. Students and staff used the grant money to purchase eight 55 gallon blue recycling containers in the shape of bottles, placed them in key locations and monitored their use. Their dramatic increase in diversion resulted in a combination of savings and proceeds totaling close to \$800.

Gresham High School was experiencing a high level of littering and contamination in their outdoor recycling collection area. Open access to this area allowed for indiscriminate dumping of recycled materials into inappropriate containers as well as general trash that custodians would need to sort. Grant funds were used to construct a fence that could be secured around the collection area and saved \$100 a month in disposal costs. Bottle recycling deposits increased to \$200 a week.

Earth Day Billboard Art Project

The theme for the 7th annual billboard art project was: "How can we make less garbage?" Over 2000 K-12th grade students submitted entries for the contest – a substantial increase from previous years. Winning artwork was transformed into 48' x 14' billboards, which were posted for the month of April to celebrate Earth Day. Metro purchased a total of eight months of billboard space this year and Clear Channel Outdoor (formerly AK Media/NW) donated additional posting on a space available basis – nearly every month. These billboards are estimated to be viewed up to 35,000 times a day.

This year's winners were: Patrick Petrie, grade 2, Harold Oliver Primary; Melissa Elsasser, grade 4, Bilquist Elementary; Ashlee Commeree, grade 8, Archbishop Howard School; Krisin Dittmar, grade 12, Gladstone High School. Teachers of the four winning artists received an artist in residence program for their class.

Artists, their families and teachers were invited to an open house art show where artwork of the finalists was displayed in the Metro lobby. Winning artists, their families and teachers were also invited to attend an unveiling ceremony that included Mike Burton and David Bragdon as speakers.

Community Events

Metro waste reduction education staff members participated in a variety of community events this year including:

- Salmon Festival
- Natural Techniques Garden Reception
- Oregon Zoo Teacher Resource Fair
- Portland Office of Sustainable Development Fix-it-Fairs
- Gordon Russell Middle School Invention Convention
- Buckman School Health Fair
- Metro Billboard Art Contest Art Show
- Children's Clean Water Festival
- NW Earth Institute Earth Club Challenge
- Environmental Education Assn of Oregon Conference
- Kids to Work day
- SCRAP Action Day
- Regional planning coffee talk-backs
- Association of Oregon Recyclers spring conference
- Earth Day Fairs/events: David Douglas HS, Kellogg Middle, Marshal HS

Through these events, we contacted approximately 2,800 youth and adults.

Materials loan/curriculum distribution

Metro Waste Reduction Education Program maintains a small library of videos and curriculum, paper making kits and waste audit kits that are loaned to teachers and youth groups. We also distribute a variety of materials to teachers and youth group leaders on request, including Metro-produced curriculum, field trip guides, posters, activity pages and brochures.

This year we responded to 309 requests resulting in 5,248 contacts with these materials. This reflects a 19 percent increase in requests.

Conclusion

The Metro waste reduction education program continues to be a leader in providing quality programs and resources for metro area schools. We are continually assessing our programs and making changes that help us improve the quality of our programs, increase our outreach numbers, help teachers meet Oregon benchmarks as well as help REM meet solid waste management goals. As we develop new curriculum and presentations, we are also striving to relate solid waste management issues to other aspects of resource conservation such as water quality and energy conservation.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROVIDING DIRECTION) RESOLUTION NO 03-3297
 TO PAC/WEST COMMUNICATIONS CONCERNING)
 BILLS BEFORE THE 2003 OREGON LEGISLATURE) Introduced by
) Council President David Bragdon
)

WHEREAS, Metro has an interest in bills before the 2001 Oregon Legislature; and

WHEREAS, Metro has hired Pac/West Communications to represent the region's interest during the current legislative session; and

WHEREAS, the Metro Council wishes to provide direction to its lobbyist in order to represent the will of the agency; and

WHEREAS, Exhibit "A" of the resolution lists specific bills that are of regional concern and gives guidance to Pac/West Communications on Metro's position on these bills; and

WHEREAS, Exhibit "B" is a statement of principles regarding categories of legislation that give guidance to Pac/West Communications in representing Metro; and

BE IT RESOLVED:

The Metro Council hereby directs Pac/West Communications to make the agency's position on a variety of bills clear with the 2001 Oregon Legislature consistent with Exhibit A.

ADOPTED by the Metro Council this _____ day of March 2003.

David Bragdon, Council President

APPROVED AS TO FORM:

Daniel B. Cooper, Metro Attorney

Exhibit A to Resolution No. 03-3297

**2003 – 72nd Oregon Legislative Assembly—Regular Session
HOUSE / SENATE BILLS -- SORTED BY METRO & OTHER CATEGORIES**

#	Bill #	Category	Subject / Topic / Relating To	Sponsor of Bill	Title / Description	Position
1.	HB 2100	2-LU	Land Use Planning For High Technology Industry	House Special Task Force on Jobs and the Economy	Requires local governments to adopt 20-year forecast of land and public facility needs for high technology industry. Requires corresponding amendments to local comprehensive plans, functional plans and land use regulations to accommodate needs identified in forecast.	Oppose
2.	HB 2137	2-LU	Compensation For Loss Of Property Value Resulting From Land Use Regulation	Joint Interim Committee on Natural Resources	Allows owner of private real property to claim compensation for land use restriction or reinterpretation that limits or prohibits use of property and decreases fair market value of property by more than 10 percent. Creates exception to right to compensation for certain land use restrictions. Authorizes owner of lawfully created lot or parcel to build single-family dwelling or divide lot or parcel if owner could have built dwelling or divided lot or parcel when owner acquired lot or parcel but is prevented by land use restriction or reinterpretation enacted, adopted or applied before November 7, 2000.	Principle #6
3.	HB 2350	2-LU	Dwellings in forest zones; added to and made a part of ORS chapter 215	Rep. P. Smith	Authorizes county to approve application for single-family dwelling on land zoned for forest use.	Principle #6
4.	HB 2610	2-LU	Appeal of Local Land Use Decision; creating new provisions; and amending ORS 197.829	Rep. Kruse	Places burden on local government on appeal of local land use decision to demonstrate that its decision is in compliance with applicable legal requirements.	Oppose
5.	HB 2614	2-LU	Buildable land supply; creating new provisions; and amending ORS 197.296 and 197.299	Rep. Kruse	Changes planning period for buildable land supply inside urban growth boundary.	Monitor
6.	HB 2617	2-LU	Buildable land supply with urban growth boundary; and declaring an emergency	Committee on General Government (at the request of Oregon Association of Realtors)	Requires local governments to adopt regionally coordinated five-year and 20-year forecasts of retail services, office employment and major sectors of industrial employment. Requires necessary adjustments to comprehensive or functional plan or land use regulations. Declares emergency, effective on passage.	Oppose

7.	HB 2790	2-LU	Compensation for loss of property value resulting from land use regulation; and providing that this Act shall be referred to the people for their approval or rejection	Rep. Close	Allows owner of private real property to claim compensation for land use restriction or reinterpretation that limits or prohibits use of property and decreases fair market value of property by more than 10 percent. Creates exception to right to compensation for certain land use restrictions. Authorizes owner of lawfully created lot or parcel to build single-family dwelling or divide lot or parcel if owner could have built dwelling or divided lot or parcel when owner acquired lot or parcel but is prevented by land use restriction or reinterpretation enacted, adopted or applied before November 7, 2000. Refers Act to people for their approval or rejection at next regular general election.	Principle #6
8.	HB 2849	2-LU	Rural land use planning, added to and made a part of ORS chapter 215	Rep. Zauner	Directs counties to establish one or more rural zones for rural lands that do not qualify for zoning as exclusive farm use, forest use or mixed farm and forest use. Directs counties to plan for land use and land divisions in rural zones established. Allows development without adopting exception to specified land use planning goals.	Principle #6
9.	HB 2886	2-LU	Adoption of land use requirements; and declaring an emergency, added to and made a part of ORS chapter 197	Rep. Garrard, P. Smith	voids administrative rule of Land Conservation and Development Commission or land use ordinance of local government if rule or ordinance is subject to one or more specified notice provisions and commission or local government fails to comply with applicable provisions. Authorizes person aggrieved by rule or ordinance to petition for writ of review to have rule or ordinance declared void. Declares emergency, effective on passage.	Oppose
10.	HB 2905	2-LU	Management of urban area of critical concern that includes Forest Park, creating new provisions and amending ORS 197.298	Committee on Environment and Land Use	Designates Forest Park and area of influence around Forest Park, including wildlife corridors connecting Forest Park to other areas of wildlife habitat, as area of critical state concern. Directs Land Conservation and Development Commission to develop management plan for area. Excludes certain land from inclusion in urban growth boundary.	Oppose
11.	HB 2906	2-LU	System development charges, creating new provisions and amending ORS 223.304	Rep. Williams (at request of Oregonians in Action)	Requires that methodology for establishing improvement fees promote objective of future system users contributing no more than equitable share to cost of existing facilities. Extends time to file legal action challenging methodology for calculating system development charge from 60 days to ___ days.	Principle #1
12.	HB 2909	2-LU	Periodic Review, amending ORS 197.626 and 197.633	Rep. Garrard	Changes population thresholds for cities and counties that are required to conduct periodic review. Directs Land Conservation and Development Commission and local governments to attempt to complete periodic review within two years after approval of work program.	Monitor
13.	HB 2911	2-LU	Urban growth boundary amendments, creating new provisions; amending ORS 197.314 and repealing ORS 197.298	Rep. Garrard (at the request of Oregon Building Industry Assoc.)	Establishes factors to be addressed by local government that changes location of urban growth boundary.	Monitor

14.	HB 2912	2-LU	Oregon Commission on Land Use Reform; and declaring an emergency	Rep. Garrard (at the request of Oregon Building Industry Assoc.)	Establishes Oregon Commission on Land Use Reform. Specifies membership. Directs commission to study strengths and weaknesses of Oregon land use system and develop list of recommended changes. Requires commission to submit report to Legislative Assembly, Governor and Land Conservation and Development Commission not later than November 1, 2004. Sunsets December 31, 2004. Declares emergency, effective on passage.	Seek to add Metro member
15.	HB 2934	2-LU	System development charges, added to and made a part of ORS 223.297 to 223.314	Rep. Close, Schaufler (at the request of Oregon Building Industry Assoc.)	Prohibits governmental unit from establishing system development charge for parks and recreation that exceeds current level of service. Provides exception. Establishes criteria for governmental units that establish improvement fees and system development charges for parks and recreation.	Principle #1
16.	HB 2983	2-LU	System development charges, creating new provisions; and amending ORS 223.299, 223.302, 223.304, 223.207 and 223.209	Rep. Close, Kropf, Schaufler, Sen. Metsger, Morse, C. Starr (at the request of Oregon Building Industry Assoc.)	Requires governmental unit to calculate improvement fee to obtain cost for lowest capacity capital improvements required to meet projected need for system capacity. Modifies methodology for calculating system development charge and costs for which system development charges may be expended. Prevents use of system development charge for open space or natural areas.	Principle #1
17.	HB 3084	2-LU	Metropolitan Portland urban growth boundary, added to and made a part of ORS chapter 197	Rep. Krummel	Directs Metro to amend its urban growth boundary to include certain property.	Oppose
18.	HB 3164	2-LU	Land priority to be included within certain urban growth boundary	Rep. Kitts, Barker, Gallegos, Garrard, Greenlick, Krummel, Mabrey, Nelson	Authorizes cities in Washington County and north of Highway 26 to exclude certain farm land from inclusion in city's urban growth boundary.	Monitor
19.	SB 239	2-LU	System development charges [SDCs]; creating new provisions; and amending ORS 223.299	Sen. Schrader	Adds schools and classrooms providing primary and secondary education to definition of capital improvement for which system development charges may be imposed. Allows system development charges collected as school improvement fee to be used to acquire land and construct school buildings and classrooms for development from which fee is collected. Allows exemption for affordable housing.	Principle #1
20.	SB 254	2-LU	School facility planning; amending ORS 195.110	Sen. Schrader	Removes provision providing that school capacity cannot be sole basis for approval or denial of residential development application.	Monitor
21.	SB 668	2-LU	Buildable Land Supply; creating new provisions; and amending ORS 197.296 and 197.299	Sen. Schrader (at the request of Elizabeth Graser-Lindsey)	Changes planning period for buildable land supply inside urban growth boundary.	Monitor

22.	SB 682	2-LU	System development charges	Sen. Atkinson (at the request of Kathy Dewoina)	Limits assessment and collection of system development charge for infill development or redevelopment in existing subdivision or land partition in which capital improvements are available. Provides exception.	Principle #1
23.	SB 763	2-LU	Urban growth boundary expansion by metropolitan service district; amending ORS 197.296	Sen. B. Starr	Requires metropolitan service district to conduct analysis of subregional housing needs. Allows district to expand urban growth boundary based on subregional need.	Oppose
24.	HB 2041	3-T	Transportation; amending ORS 803.420; and Providing For Revenue Raising That Requires Approval By A Three-Fifths Majority	House Interim Committee on Transportation	Increases registration fees for certain vehicles.	Principle #7
25.	HB 2139	3-T	Studded Tire Permits; and Prescribing An Effective Date	Road User Fee Task Force	Requires permit for use of studded tires. Establishes fees for permit based on county in which vehicle is registered. Punishes use of studded tires without permit by maximum fine of \$75. Dedicates revenue from permit fees to highway preservation. Takes effect on 91st day following adjournment sine die.	Monitor
26.	SB 469	3-T	Transportation finance; creating new provisions; amending ORS 267.260 and 267.385; and prescribing an effective date [January 1, 2004]	Transportation and Economic Committee	Increases maximum payroll tax rate that mass transit district may impose in payroll tax reporting periods beginning on or after January 1, 2004. Requires district to phase in increases over 10 years. Limits amount of each incremental rate increase. Takes effect on 91st day following adjournment sine die. See SB 549.	Support
27.	SB 549	3-T	Mass transit district payroll taxes; creating new provisions; amending ORS 267.260 & 267.385; and prescribing an effective date	Revenue Committee	Increases maximum payroll tax rate that mass transit district may impose in payroll tax reporting periods beginning on or after January 1, 2004. Requires district to phase in increases over 10 years. Limits amount of each incremental rate increase. Takes effect on 91st day following adjournment sine die. See SB 469 on master Review Log.	Support
28.	SB 585	3-T	Local fees for transportation facilities; and declaring an emergency	Transportation and Economic Development Committee	Authorizes city or county to adopt transportation facilities fee for repairing and maintaining transportation facilities. Requires fee to be based on actual use of affected facility. Requires city or county to adopt and periodically update schedule of repair and maintenance projects. Prohibits city or county from generating revenue in excess of scheduled expenditures. Prohibits assessing fee to owner of property as incident of ownership. Declares emergency, effective on passage.	Support

29.	SB 772	3-T	Transportation, creating new provisions; repealing ORS 383.330; and appropriating money.	Rep. B. Starr	Authorizes Department of Transportation to enter into public-private partnership for transportation projects. Establishes Oregon Innovative Partnerships Program and State Transportation Enterprise Fund. Appropriates moneys in fund to Department of Transportation.	Support
30.	SB 775	3-T	Task force on transportation demand reduction; and declaring an emergency	Sen. B. Starr	Creates Task Force on Transportation Demand Reduction to advise Department of Transportation. Sunsets December 31, 2004. Declares emergency, effective on passage.	Monitor
31.	SB 776	3-T	Traffic mobility in the Portland metropolitan area	Sen. B. Starr	Establishes Portland Mobility Task Force to study loop formed by Interstate 5 and Interstate 405 and make recommendations for improvements. Specifies membership. Sunsets January 1, 2006.	Monitor
32.	HB 2971	5-SW	Cathode ray tube disposal, creating new provisions; amending ORS 459.247 and 459.995; and appropriating money		Directions Environmental Quality Commission to develop program that encourages recycling of cathode ray tubes. Requires registration of object that contains cathode ray tube and payment of fee at time of purchase of object. Authorizes civil penalty for violation of certain provisions. Creates Cathode Ray Tube Recycling Account. Dedicates fees paid at time of purchase to account. Allows person to apply for refund of part of fee when person recycles object that contains cathode ray tube.	Principle #2
33.	HB 2172	7-G	Self-Insurance Programs Managed By Public Employees' Benefit Board; amending ORS 243.105, 243.145, 243.167, 243.285 and 292.051	Governor Kulongoski for Oregon Dept. of Administrative Services	Grants Public Employees' Benefit Board explicit authority to provide self-insurance programs. Permits deductions from state employees' wages to pay for self-insurance benefits under rules, procedures and directions of board. (See SB 803. Other historical references: SB 906 from 2001 71 st Oregon Leg. Assembly & SB 140 from 1999 70 th Oregon Leg. Assembly Regular Sessions)	Monitor
34.	HB 2595	7-G	Taxation; repealing ORS 306.815; and prescribing an effective date	Rep. Kafoury (at the request of Oregon HOME)	Repeals prohibition on real estate transfer taxes. Takes effect on 91 st day following adjournment sine die.	Monitor
35.	HB 3065	7-G	Modifies permit requirements for possession of exotic animal. Creating new provisions; amending ORS 609.305, 609.309, 609.329 and 609.992; repealing ORS 609.312, 690.315, 609.319, 609.325 and 609.335; appropriating money and declaring an emergency	Rep. Hass, Farr, Garrard, Scott	Prohibits breeding exotic animals. Prohibits future acquisition of exotic animals. Punishes violation by maximum 6 months imprisonment, \$2000 fine, or both. Provides exception for zoos, wildlife sanctuaries and other institutions. Expands definition of exotic animal. Requires person in possession of exotic animal to maintain certain liability insurance.	Support

36.	HJR 32	7-G	Amends constitution regarding charter law authority, amends Section 2, Article XI of Constitution of the State of Oregon	Rep. Verger, Tomei, Anderson, Mabrey, Morrisette (at the request of League of Oregon Cities)	Proposes amendment to Oregon Constitution to prohibit state law from preempting charter authority of municipality, city or town unless state law explicitly states intent to preempt and state law is enacted with affirmative vote of two-thirds of members of each house of Legislative Assembly. Refers proposed amendment to people for their approval or rejection at next regular general election.	Monitor
37.	SB 061	7-G	Taxation By Units Of Local Government; and Prescribing An Effective Date	Sen. Beyer for Oregon Restaurant Assoc.	Prohibits unit of local government from imposing industry-specific sales tax. Permits collection of otherwise prohibited tax if ordinance or other law imposing tax took effect or became operative before January 1, 2003. Takes effect on 91st day following adjournment sine die.	Monitor
38.	SB 062	7-G	Taxation By Units Of Local Government; and Prescribing An Effective Date	Sen. Beyer for Oregon Restaurant Assoc.	Prohibits unit of local government from imposing sales tax on meals prepared and sold inside boundaries of unit of local government. Permits collection of otherwise prohibited tax if ordinance or other law imposing tax took effect or became operative before January 1, 2003. Takes effect on 91st day following adjournment sine die.	Monitor
39.	SB 161	7-G	Vending Facilities On Public Property; Creating New Provisions; and amending ORS 346.520	Gov. Kulongoski for the Commission for the Blind	Prohibits state agencies from charging Commission for the Blind for costs of rent or utilities for vending facilities operated by commission.	Monitor

Summary of Bills for Discussion on 3/13/03 Council:

Sort In Order by Metro & Other Categories	Definition	#s
1-M	Metro	0
2-LU	Land Use	23
3-T	Transportation	8
4-Inf	Infrastructure	0
5-SW	Solid Waste	1
6-P	PERS	0
7-G	General Government	7
Total		39

Exhibit "B"
Resolution No. 03-3297
Metro Principles

1. System Development Charges – Metro opposes further limitations on local government and supports authorization for greater local government flexibility.
2. Hazardous waste – Metro supports efforts to reduce the quantity of products that contain hazardous chemicals being introduced into the solid waste system and supports efforts to reuse or recycle these products.
3. Public Employee Retirement System (PERS) - Monitor for cost related impacts on the agency.
4. Self Insurance – Support efforts to reduce Metro, local government, and state agency costs for providing health and welfare coverage.
5. Local control – Oppose legislation that limits local government authority.
6. Land use and regulatory fairness issues should be addressed as follows:
 - A) If legislation is adopted to require compensation or regulatory activities that diminish property values that it is should provide for a uniform process statewide for a locally determined system to provide a means to address regulatory fairness issues through:
 - ✓ Limited waivers of regulatory requirements
 - ✓ Alternative and incentive-based means of achieving regulatory objectives
 - ✓ Payments of cash compensation
 - ✓ Compensation for meeting state mandated requirements should be funded by the Legislature.
 - ✓ In urban areas any requirement for compensation should be prospective only.
 - ✓ Claims for compensation should be reduced to reflect regulatory activities that increase property values.
 - B) Private persons who take actions that reduce the value of public resources, including but not limited to, the air and the waters of the state should compensate the public or refrain from taking such action.
 - C) Legislation to allow statewide waiver of existing prohibitions on rural dwellings should be limited and address adverse impacts on urban areas.
7. Transportation Funding – Seek to increase overall funding available for the state and support local government authority and flexibility for local solutions.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3297, FOR THE PURPOSE OF PROVIDING
DIRECTION TO PAC/WEST COMMUNICATIONS CONCERNING BILLS BEFORE THE 2003
OREGON LEGISLATURE

Date: March 7, 2003

Prepared by: Jeff Stone

This is a revised staff report: Revised March 12, 2003

BACKGROUND

The Metro Council has taken formal positions on legislation since its inception. The first action taken by the Council was in Resolution No. 79-23 in which it took a position on SB 66, which dealt with economic development. Since that time, Metro has taken formal and informal positions on legislation (state and federal) that it feels impacts the region.

The current list was developed by Dan Cooper (Metro Attorney) and Jeff Stone (Senior Policy Advisor to the President) in consultation with Metro Council President Bragdon. In coordination with Pac/West Communications, the legislative team evaluated and analyzed legislation that may concern the region and Metro. The list, as outlined in Exhibit "A", provides the Metro Council with specific bills and a recommendation and solely for the purpose of starting a discussion by the policy making body.

On March 11, 2003, Metro Attorney Dan Cooper briefed the Metro Council at its informal meeting on the bills to be discussed on March 13th. The Council gave staff general direction on general principles and asked that it be incorporated in Resolution 03-3297.

Throughout the Oregon Legislative Session, the Council will be able to vote on any number of bills as it sees fit.

ANALYSIS/INFORMATION

1. **Known Opposition:** none
2. **Legal Antecedents:** none applicable
3. **Anticipated Effects:** Provide clarity to our lobbyist on official Metro positions on various bills before the Oregon Legislature.
4. **Budget Impacts:** None

RECOMMENDED ACTION

Staff recommends that Resolution No. 03-3297 be discussed and direction given.