

 **Metro** | *Agenda*

MEETING: METRO COUNCIL
DATE: February 18, 2010
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of Minutes for the February 11, 2010 Metro Council Regular Meeting.

4. ORDINANCES - SECOND READING

4.1 **Ordinance No. 10-1234**, For the Purpose of Amending the Harrington
FY 2009-10 Budget and Appropriations Schedule to Add 1.0 FTE
Natural Resources Technician to Support Stabilization Activities on
Newly Acquired Chehelam Ridge Natural Area and Declaring an Emergency.

5. CHIEF OPERATING OFFICER COMMUNICATION

6. COUNCILOR COMMUNICATION

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

ADJOURN

Television schedule for February 18, 2010 Metro Council meeting

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

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

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office @ (503) 797-1540. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 3.1

**Consideration of Minutes of the February 11, 2010 Metro Council
Regular Meeting**

Consent Agenda

Metro Council Meeting
Thursday, February 18, 2010
Metro Council Chamber

Agenda Item Number 4.1

Ordinance No. 10-1234, For the Purpose of Amending the
FY 2009-10 Budget and Appropriations Schedule to Add 1.0 FTE
Natural Resources Technician to Support Stabilization Activities on
Newly Acquired Chehelam Ridge Natural Area and Declaring an Emergency.

ORDINANCES – SECOND READING
COUNCILOR HARRINGTON

Metro Council Meeting
Thursday, February 18, 2010
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY)	ORDINANCE NO. 10-1234
2009-10 BUDGET AND APPROPRIATIONS)	
SCHEDULE TO ADD 1.0 FTE NATURAL)	Introduced by Michael Jordan, Chief
RESOURCES TECHNICIAN TO SUPPORT)	Operating Officer, with the concurrence of
STABILIZATION ACTIVITIES ON NEWLY)	Council President David Bragdon
ACQUIRED CHEHALEM RIDGE NATURAL)	
AREA AND DECLARING AN EMERGENCY)	

WHEREAS, on December 10, 2009, the Metro Council adopted Resolution No. 09-4095, “Authorizing the Chief Operating Officer to Purchase Certain Property in the Chehalem Ridgetop to Refuge Target Area Under the 2006 Natural Areas Bond Measure and Subject to Unusual Circumstances”; and

WHEREAS, on January 7, 2010 Metro acquired the Chehalem Ridge Natural Area; and

WHEREAS, as property owners Metro wishes to steward the property by taking actions to stabilize the wildlife habitat and water quality it wishes to protect and enhance with this acquisition; and

WHEREAS, the Trust for Public Land has offered a \$90,000 stewardship contribution for the first three years of Metro’s ownership; and

WHEREAS, the Metro Council has reviewed and considered the need to hire an additional Natural Resource Technician and change appropriations within the FY 2009-10 Budget; and

WHEREAS, the need for the change of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The FY 2009-10 Budget and Schedule of Appropriations are hereby amended as reflected in Exhibit A attached hereto to authorize the addition of a full-time Natural Resource Technician, transfer \$24,212 from contingency to personal services within the Natural Areas Fund, and accept \$90,000 of revenue from the Trust for Public Land to be used to help defray the costs of the salary and benefits for the additional Natural Resource Technician.
2. This Ordinance being necessary for the health, safety, and welfare of the Metro area because Metro now owns the site and must care for it, an emergency is declared to exist, and this Ordinance shall take effect immediately upon adoption, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this _____ day of _____, 2010.

David Bragdon, Council President

Attest:

Approved as to Form:

Anthony Andersen, Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A
Ordinance No. 10-1234

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
Natural Areas Fund							
Natural Areas Fund							
Resources							
BEGBAL	Beginning Fund Balance						
	* Prior year ending balance		75,000,000		0		75,000,000
GRANTS	Grants						
4105	Federal Grants-Indirect		835,710		0		835,710
INTRST	Interest Earnings						
4700	Interest on Investments		1,875,000		0		1,875,000
DONAT	Contributions from Private Sources						
4750	Donations and Bequests		0		90,000		90,000
TOTAL RESOURCES			\$77,710,710		\$90,000		\$77,800,710
Personal Services							
SALWGE	Salaries & Wages						
5010	Reg Employees-Full Time-Exempt						
	Associate Natural Resource Scientist	1.00	61,294	-	0	1.00	61,294
	Associate Regional Planner	1.00	55,590	-	0	1.00	55,590
	Manager II	0.20	18,914	-	0	0.20	18,914
	Principal Regional Planner	0.20	17,217	-	0	0.20	17,217
	Program Director	1.00	108,630	-	0	1.00	108,630
	Property Management Technician	1.20	53,597	-	0	1.20	53,597
	Real Estate Negotiator	4.00	298,243	-	0	4.00	298,243
	Program Supervisor II	0.50	41,001	-	0	0.50	41,001
	Senior Management Analyst	1.00	64,314	-	0	1.00	64,314
	Senior Public Affairs Specialist	0.80	72,134	-	0	0.80	72,134
	Senior Regional Planner	0.80	56,703	-	0	0.80	56,703
5015	Reg Empl-Full Time-Non-Exempt						
	Park Ranger	1.00	40,637	-	0	1.00	40,637
	Natural Areas Technician	-	0	0.33	16,426	0.33	16,426
5089	Salary Adjustment						
	Merit Adjustment Pool (non-represented)		2,130		0		2,130
	Step Increases (AFSCME)		11,972		0		11,972
	COLA (represented employees)		24,870		0		24,870
	Other Adjustments (non-represented)		1,594		0		1,594
	Other Adjustments (AFSCME)		7,982		0		7,982
	Other Adjustments (class & comp study)		935		0		935
FRINGE	Fringe Benefits						
5100	Fringe Benefits				0		
	Base Fringe (variable & fixed)		305,860		6,767		312,627
5100	PERS Bond Recovery		30,008		526		30,534
Total Personal Services		12.70	\$1,273,625	0.33	\$23,719	13.03	\$1,297,344
Materials & Services							
IGEXP	Intergov't Expenditures						
5300	Payments to Other Agencies		10,000,000		0		10,000,000
OTHEXP	Other Expenditures						
5445	Grants & Loans		2,150,000		0		2,150,000
Total Materials & Services			\$12,150,000		\$0		\$12,150,000
Capital Outlay							
CAPCIP	Capital Outlay (CIP Projects)						
5700	Land		40,937,532		0		40,937,532
5715	Improve-Oth thn Bldg		4,182,080		0		4,182,080
Total Capital Outlay			\$45,119,612		\$0		\$45,119,612

Exhibit A
Ordinance No. 10-1234

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
Natural Areas Fund							
Natural Areas Fund							
<i>Interfund Transfers</i>							
<i>INDTEX</i>	<i>Interfund Reimbursements</i>						
5800	Transfer for Indirect Costs						
	* to General Fund-Bldg		43,036		0		43,036
	* to General Fund-Support Services		799,330		0		799,330
	* to General Fund		26,282		0		26,282
	* to Risk Mgmt-Liability		2,108		0		2,108
<i>INTCHG</i>	<i>Internal Service Transfers</i>						
5820	Transfer for Direct Costs						
	* to General Fund-Planning		216,213		0		216,213
	* to General Fund-Regional Parks		359,110		0		359,110
	* to General Fund-General Gov't		7,097		0		7,097
	* to General Fund-Support Services		19,116		0		19,116
Total Interfund Transfers			\$1,472,292		\$0		\$1,472,292
<i>Contingency and Ending Balance</i>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* General contingency		17,667,050		(24,212)		17,642,838
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Unappropriated Balance		0		90,000		90,000
	* PERS Reserve		28,131		493		28,624
Total Contingency and Ending Balance			\$17,695,181		\$66,281		\$17,761,462
TOTAL REQUIREMENTS		12.70	\$77,710,710	0.33	\$90,000	13.03	\$77,800,710

Exhibit B
Ordinance 10-1234
Schedule of Appropriations

	<u>Current</u>	<u>Revision</u>	<u>Revised</u>
	<u>Appropriation</u>		<u>Appropriation</u>
NATURAL AREAS FUND			
Sustainability Center	58,543,237	24,212	58,567,449
Non-Departmental			
Interfund Transfers	1,472,292	0	1,472,292
Contingency	17,667,050	(24,212)	17,642,838
Unappropriated Balance	28,131	90,000	118,131
Total Fund Requirements	\$77,710,710	\$90,000	\$77,800,710

All Other Appropriations Remain As Previously Adopted

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE FY 2009-10 BUDGET AND APPROPRIATIONS SCHEDULE TO ADD 1.0 FTE NATURAL RESOURCES TECHNICIAN TO SUPPORT STABILIZATION ACTIVITIES ON NEWLY ACQUIRED CHEHALEM RIDGE NATURAL AREA AND DECLARING AN EMERGENCY

Date: January 12, 2010

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

BACKGROUND

The 1143-acre Chehalem Ridge Natural Area is a landmark for the Natural Areas Bond Program, rich in opportunity and challenge and by far the program's largest acquisition. It will anchor wildlife and water quality conservation, complement the conservation efforts of the United States Fish and Wildlife Service in the Wapato unit of the Tualatin National Wildlife Refuge, and provide tremendous future recreation opportunities for an underserved area in the Chehalem Ridgetop to Refuge Target Area.

Currently dominated with young Douglas fir plantations, the site is rich in ecological and recreation potential. It includes the mapped headwaters of 28 drainages, 3 perennial creeks, wetlands, remnants of oak-madrone woodlands, and stunning views of the surrounding area. A well maintained gravel and dirt road system offers the basis for a future trail system. Realizing such potential will however, require resources. Fortunately our partner in this acquisition, The Trust for Public Land, has pledged \$90,000 during the first three years to help support sound stewardship of this site.

Because of the site's history and especially because of the large size, there are substantial challenges and need for staff time in regulating human use, effectively and safely managing the site's natural resources and evaluating recreation opportunities. Despite an official no access policy by the current owner, there is historic and current use of the property for hunting, ATV use, shooting, dumping, "partying" and horseback riding. Modifying such behavior will take substantial staff time in community outreach and education, as well as direct actions such as initial clean-up, fence repair, patrols (including evenings and weekends), setting up gates, decommissioning roads and erecting signage.

The property is primarily commercial forest plantations less than 25 years old, and many of the ecological benefits of the site will be realized only through decades of active forest management. Necessary early stabilization activities such as weed control, forest thinning, oak release and developing a fire response and natural resources management plan will directly affect nearly every acre. Such activities are routine and easily accomplished within the normal stabilization period on smaller sites, but become significant on nearly two square miles of land.

In order to conduct necessary stabilization activities in a safe and timely fashion, and begin realizing the site's potential, without compromising our ability to continue effective and efficient work elsewhere, and while managing fire risk, site control and aesthetics on what is likely to be a high visibility site; we need to increase our current staff, as well as extend our now customary two year timeline for stabilization to three years. We believe the addition of an additional Natural Resource Technician for at least the three years of site stabilization would best allow us to:

- Immediately establish a significant management presence on the site and in the community in order to start on the "right foot."
- Efficiently put the forests and streams on a path towards long-term health.

- Have capacity to offer a series of regular staff led tours to provide early managed access for the public while staff develops a management plan
- Adequately analyze different management alternatives for the site
- Develop and begin implementing a management plan and fire response plan to maximize future contributions to wildlife habitat, water quality and access to nature.

Specifically, there will be a substantial need for resources to protect young trees, thin overcrowded forests, manage invasive species, initiate riparian and oak-madrone habitat restoration, patrol, maintain, and decommission roads, control unauthorized use; and last, but certainly not least, invest time in building relationships with neighbors and the local / regional community. All of these site-based activities will occur concurrently with the development of a long-term management plan that identifies the desired future conditions and public use options and charts a path towards achieving them.

ANALYSIS/INFORMATION

1. **Known Opposition** – None known.
2. **Legal Antecedents** – The voters’ approved Metro’s 2006 Natural Areas Bond Measure at the general election held on November 7, 2006.

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

Resolution No. 07-3857, “Approving the Natural Areas Acquisition Refinement Plan for the Chehalem Ridgetop to Refuge Target Area,” was adopted by the Metro Council on September 20, 2007.

Resolution No. 09-4095, “Authorizing the Chief Operating Officer to Purchase Certain Property in the Chehalem Ridgetop to Refuge Target Area Under the 2006 Natural Areas Bond Measure and Subject to Unusual Circumstances,” was adopted by the Metro Council on December 10, 2009.

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** – Successful active management of the property for high quality wildlife habitat, water quality protection and access to nature, including fire protection, human use management, habitat restoration and protection of scenic views will require human and financial resources beyond those currently available.
4. **Budget Impacts** – This ordinance provides for three actions:
 - a. It authorizes the addition of a limited duration Natural Resources Technician to provide stabilization activities in the Natural Areas Fund for at least the first three full fiscal years; through FY 2012-13. The status and function of the position will be evaluated as part of the FY 2013-14 annual budget development. It is anticipated that at that time the need for the position will continue but will transfer to ongoing operations. The additional impact on the General Fund in FY 2013-14 is estimated to be approximately \$81,000 annually.

- b. It accepts \$90,000 from the Trust for Public Lands to help support the stewardship activities of the Chehelam Ridge Natural Areas. Funding from the Trust for Public Lands will be placed in the Natural Areas Fund reserves to assist in offsetting the costs of the additional Natural Resource Technical over a period of three years. Metro's contribution to management of the Property shall be funded utilizing 2006 Regional Bond proceeds.
- c. It transfers \$24,212 from the Natural Areas contingency to personal services to provide budget authority for the new position.

RECOMMENDED ACTION

The Chief Operating Officer recommends passage of Ordinance No. 10-1234.

Agenda Item Number 7.0

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

Metro Council Meeting
Thursday, February 18, 2010
Metro Council Chamber