

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF ) Resolution No. 03-3332  
OPERATING OFFICER TO SIGN THE FIRST )  
ADDENDUM TO METRO'S 2002 ) Introduced by Councilor Carl Hosticka  
INTERGOVERNMENTAL AGREEMENT WITH THE )  
TUALATIN BASIN NATURAL RESOURCES )  
COORDINATING COMMITTEE )

WHEREAS, The Regional Framework Plan and Urban Growth Management Functional Plan ("Functional Plan") state that Metro will undertake a program for protection of fish and wildlife habitat; and

WHEREAS, The Title 3, Section 5 of the Functional Plan sets forth actions that the Metro Council anticipated that Metro would take in identifying, considering and protecting regionally significant fish and wildlife habitat conservation areas; and

WHEREAS, Metro is applying State Goal 5 administrative rule as the framework for identifying regionally significant fish and wildlife habitat areas; and

WHEREAS, On May 16, 2002, the Metro Council adopted Resolution No. 02-3195 authorizing the former Executive Officer to enter into an intergovernmental agreement with the newly formed entity the Tualatin Basin Natural Resource Coordinating Committee. The intergovernmental agreement was signed and became effective on May 22, 2002; and

WHEREAS, One of the purposes of the intergovernmental agreement between Metro and the Tualatin Basin Natural Resource Coordinating Committee is to coordinate on the economic, social, environmental and energy analysis and program for fish and wildlife habitat conservation called for in the Functional Plan and as described in the "Tualatin Basin Approach" which is Exhibit A to Resolution No. 02-3195; and

WHEREAS, The intergovernmental agreement set forth a schedule based on the estimated time required for Metro to conclude the Goal 5 regional resource program; and

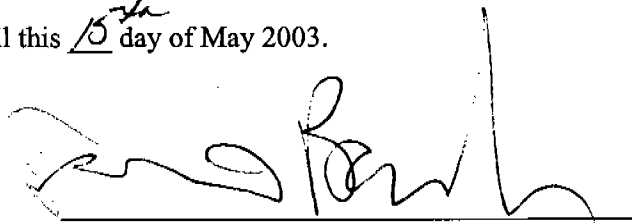
WHEREAS, The schedule for concluding Metro's program is now estimated to be by December 2004; and

WHEREAS, Metro and the Tualatin Basin Natural Resource Coordinating Committee desire to amend the intergovernmental agreement to reflect that revised schedule; now, therefore,

BE IT RESOLVED:

The Metro Council authorizes the Chief Operating Officer to sign the "First Addendum to intergovernmental Agreement Tualatin Basin Natural Resource Coordinating Committee/Metro Regional Resource Planning Project" in Exhibit A.

ADOPTED by the Metro Council this 15<sup>th</sup> day of May 2003.

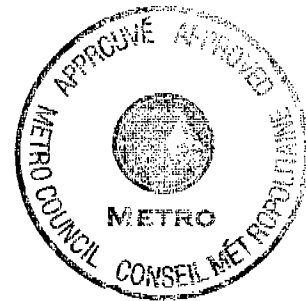


David Bragdon, Council President

Approved as to Form:



Daniel B. Cooper, Metro Attorney



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**Exhibit A to Resolution No. 03-3332**

**FIRST ADDENDUM TO INTERGOVERNMENTAL AGREEMENT  
TUALATIN BASIN NATURAL RESOURCES COORDINATING COMMITTEE/METRO  
REGIONAL RESOURCE PLANNING PROJECT**

This Addendum Agreement is entered into between the Tualatin Basin Natural Resources Coordinating Committee, an ORS Chapter 190 intergovernmental association, and Metro, a metropolitan service district.

**WHEREAS:**

1. Metro and Tualatin Basin Natural Resources Coordinating Committee have entered into an intergovernmental agreement, approved by the Metro Council by Resolution No. 02-3195 on May 16, 2002, and by Tualatin Basin Natural Resources Coordinating Committee on June 10, 2002 ("Metro-Tualatin Basin Natural Resources Coordinating Committee").
2. The Metro-Tualatin Basin Natural Resources Coordinating Committee intergovernmental agreement established a schedule based on Metro's expectation to conclude the Metro Goal 5 regional resource program work by June 2003.
3. Metro's schedule to complete the Goal 5 regional resource program has changed.
4. Metro has established a new schedule that contemplates completion of the Metro Goal 5 regional resource program work by December 2004.
5. Metro and Tualatin Basin Natural Resources Coordinating Committee now desire to amend the Metro-Tualatin Basin Natural Resources Coordinating Committee intergovernmental agreement pursuant to its Paragraph 10 to reflect these new dates for action by Tualatin Basin Natural Resources Coordinating Committee, and otherwise to affirm the principles and processes set forth in that Agreement.

**NOW, THEREFORE, IT IS AGREED:**

1. Paragraph 4 of the Metro-Tualatin Basin Natural Resources Coordinating Committee intergovernmental agreement is amended to delete the phrase "June 15, 2003" and substitute the phrase "August 16, 2004" as follows:

"Tualatin Basin Natural Resources Coordinating Committee will adopt recommended programs for the regional resource sites identified by the Metro Council in its draft inventory of Goal 5 regional resources and submit them, together with supporting the economic, social, environmental and energy analysis analyses, to Metro by August 16, 2004."

2. Paragraph 15 of the Metro-Tualatin Basin Natural Resources Coordinating Committee intergovernmental is amended to delete the phrase "June 1, 2004" and substitute the phrase "December 31, 2005" as follows:

“This Agreement shall terminate December 31, 2005, unless first extended by the parties.”

3. To the extent the schedules contemplated by “The Basin Approach” document that is attached as Exhibit A to the Metro-Tualatin Basin Natural Resources Coordinating Committee intergovernmental agreement are at variance with the schedules of this Addendum, this Addendum shall control.

**TUALATIN BASIN NATURAL  
RESOURCES COORDINATING  
COMMITTEE**

**METRO**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3332  
AUTHORIZING THE CHIEF OPERATING OFFICER TO SIGN THE  
FIRST ADDENDUM TO METRO'S 2002 INTERGOVERNMENTAL  
AGREEMENT WITH THE TUALATIN BASIN NATURAL  
RESOURCES COORDINATING COMMITTEE

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Date: May 1, 2003

Prepared by: Chris Deffebach

### BACKGROUND

The Regional Framework Plan and Urban Growth Management Functional Plan ("Functional Plan") state that Metro will undertake a program for protection of fish and wildlife habitat. Title 3, Section 5 of the Functional Plan sets forth actions that the Metro Council anticipated that Metro would take in identifying, considering and protecting regionally significant fish and wildlife habitat conservation areas. Metro is applying State Goal 5 administrative rule as the framework for identifying regionally significant fish and wildlife habitat areas.

The jurisdictions in the Tualatin Basin, under their responsibilities and authority under State law and/or local charters, are also responsible for developing a program for protection of fish and wildlife habitat. These jurisdictions have formed Tualatin Basin Natural Resource Coordinating Committee and are coordinating their efforts to develop a protection program for the Basin. To coordinate their program with Metro's program, Metro and Tualatin Basin Natural Resource Coordinating Committee have entered into an intergovernmental agreement, approved by the Metro Council by Resolution No. 02-3195 on May 16, 2002, and by Tualatin Basin Natural Resource Coordinating Committee on June 10, 2002.

### ANALYSIS/INFORMATION

Resolution No. 03-3332 revises the date in the intergovernmental agreement for the Tualatin Basin Natural Resource Coordinating Committee to adopt programs for regional resource sites identified by the Metro Council in its draft inventory of Goal 5 regional resources and submit them, together with supporting the economic, social, environmental and energy analysis, to Metro. The existing intergovernmental agreement calls for this submission from the Tualatin Basin Natural Resource Coordinating Committee to Metro by June 15, 2003. This amendment to the existing intergovernmental agreement will change the date for submission to August 16, 2004.

This Resolution also extends the termination date for the Metro-Tualatin Basin Natural Resource Coordinating Committee agreement from June 1, 2004 to December 31, 2005.

1. **Known Opposition:** None.
2. **Legal Antecedents:** This resolution amends the existing intergovernmental agreement between Metro and Tualatin Basin Natural Resource Coordinating Committee.

3. **Anticipated Effects:** Resolution No. 03-3332 will promote coordination between the Tualatin Basin jurisdictions and Metro in the development and adoption of fish and wildlife habitat protection plans.
4. **Budget Impacts:** None.

**RECOMMENDED ACTION**

Approval of Resolution No. 03-3332.

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