

# Metro | *Agenda*

Meeting: Metro Council  
Date: Thursday, April 5, 2012  
Time: 2 p.m.  
Place: Metro, Council Chamber

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## **CALL TO ORDER AND ROLL CALL**

1. **INTRODUCTIONS**
2. **CITIZEN COMMUNICATIONS**
3. **PACKY'S 50<sup>TH</sup> BIRTHDAY CELEBRATIONS** **Swan**
4. **2012 OREGON ZOO BOND CITIZENS' OVERSIGHT COMMITTEE REPORT**
5. **CONSIDERATION OF THE MINUTES FOR MARCH 22, 2012**
6. **ORDINANCES - FIRST READING**
- 6.1 **Ordinance No. 12-1276**, For the Purpose of Amending Metro Code Chapter 3.09, Local Government Boundary Changes, to Conform to New Legislation and to Improve the Boundary Change Process.
7. **CHIEF OPERATING OFFICER COMMUNICATION**
8. **COUNCILOR COMMUNICATION**

## **ADJOURN**

**Television schedule for April 5, 2012 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b>  Channel 30 – Community Access Network  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> Thursday, April 5</p>	<p><b>Portland</b>  Channel 30 – Portland Community Media  <i>Web site:</i> <a href="http://www.pcmtv.org">www.pcmtv.org</a>  <i>Ph:</i> 503-288-1515  <i>Date:</i> Sunday, April 8, 7:30 p.m.  <i>Date:</i> Monday, April 9, 9 a.m.</p>
<p><b>Gresham</b>  Channel 30 - MCTV  <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a>  <i>Ph:</i> 503-491-7636  <i>Date:</i> Monday, April 9, 2 p.m.</p>	<p><b>Washington County</b>  Channel 30– TVC TV  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> Saturday, April 7, 11 p.m.  <i>Date:</i> Sunday, April 8, 11 p.m.  <i>Date:</i> Tuesday, April 10, 6 a.m.  <i>Date:</i> Wednesday, April 12, 4 p.m.</p>
<p><b>Oregon City, Gladstone</b>  Channel 28 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>	<p><b>West Linn</b>  Channel 30 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site 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 at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement Coordinator to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site [www.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).

Agenda Item No. 3.0

**Packy's 50<sup>th</sup> Birthday Celebrations**

Metro Council Meeting  
Thursday, April 5, 2012  
Metro, Council Chamber

Agenda Item No. 4.0

**2012 Oregon Zoo Bond Citizens'  
Oversight Committee Report**

Metro Council Meeting  
Thursday, April 5, 2012  
Metro, Council Chamber



# Oregon Zoo Bond Citizens' Oversight Committee Report

FEBRUARY 2012

## Who we are

We are the Oregon Zoo Bond Citizens' Oversight Committee ("the committee") appointed by the Metro Council in January 2010. We met four times in 2011: February, June, August and November. We currently have 17 members. Members bring to the committee skill sets from a diverse set of backgrounds (see Appendix A).

Our meetings typically involve interactive presentations involving the zoo bond staff ("A Better Zoo program") team and Oregon Zoo staff. There is considerable discussion and question/answer time devoted to each meeting.

The committee operates under a charter it developed that essentially incorporates the governance and reporting requirements of Metro Council Ordinance 10-1232, but also provided for a vice chair position in addition to the chair position called for by the ordinance.

The committee operates at a relatively high oversight level. Our charge is to determine if the Better Zoo program is on the right path in terms of structure, expenditures and achievement of defined goals. We do not make specific project decisions. We look at how decision making occurs and how business is conducted. We seek to help ensure that the right processes and controls are in place so that the best possible value can be realized from the voter-approved zoo bond funds. As you can see from the attached organizational chart of the Better Zoo program (Appendix B), there are many different levels of interaction and oversight.

## Why we exist

The 2008 zoo bond measure titled, "Bonds to Protect Animal Health and Safety: Conserve, Recycle Water," (the "zoo bond") called for a citizen oversight committee to do the following:

1. Assess progress in implementing the Oregon Zoo bond measure project improvements.
2. Report on project spending trends and current cost projections, and review and report on the Annual Independent Financial Audit of spending.
3. Consider and recommend project modifications intended to account for increases in construction costs in excess of budget estimates, to ensure that the purpose and promise of the Oregon Zoo bond measure is fully realized.

## The committee's reporting requirement

We are required to report annually to the Metro Council regarding the progress of the Better Zoo program. This document satisfies that requirement.

### REQUIRED REPORTING ITEM 1

#### Assessment of progress

- The Better Zoo program has a clear organizational and governance structure, and processes appear to be in place to ensure that Metro will be a good steward of the bond money.
- This structure has been enhanced by the completion of a Comprehensive Capital Master Plan. The Comprehensive Capital Master Plan is used to address project sequencing, scope, programming and budgeting for the remaining bond projects. The Comprehensive Capital Master Plan will provide a clear blueprint for the process to realize bond goals. The plan was approved by the Metro Council in September 2011.
- The Veterinary Medical Center was completed during this reporting year, replacing the substandard veterinary and quarantine buildings with a new facility that meets standards set by the Association of Zoos and Aquariums. The Veterinary Medical Center was completed in December, within acceptable variances in the schedule, due to change orders, and under budget. Staff moved in and the grand opening was celebrated in January 2012.
- The Penguin Life Support System Upgrade was designed to conserve water and improve water quality. The program completed the work outside the expected timeframe, but the budget impact was negligible due to the contractor's responsibility to reimburse project expenses associated with the delay. The life support system project is complete; however, the penguins have not been moved back into the exhibit because the heating ventilation and air conditioning (HVAC) system is not properly managing exhibit humidity. Modifications to the HVAC system were not part of the life support system upgrade and the moisture level of the exhibit air was not modified by the project. The Zoo Facilities Maintenance department is managing repairs and the zoo is funding the HVAC system repair, not the bond program or zoo bond funds. The penguins remain housed at the polar bear exhibit with no negative impact to animal health or welfare.
- In recognition that elephants are the Oregon Zoo's signature species, Metro prioritized the On-site Elephant Habitat project in terms of timing and the financial resources dedicated to it. The project will significantly expand the habitat, allowing for an evolution in the way the elephants use their space, which supports the zoo's vision for elephants to live in family herds. The project will provide the elephants a new barn and indoor habitat. The elephant habitat expansion has implications for other parts of the zoo. Related sub-projects include: 1) relocation of the train loop, 2) a new perimeter service road, 3) relocating the Wild Life Live program and 4) water and energy sustainability measures, including LEED Silver Certification for the elephant buildings, and a new campus geothermal loop to reduce the use of fossil fuels for heating and cooling.

Metro has contracts in place for design and Construction Manager/General Contractor for this project. The project is expected to be completed in 2015.

- Metro Council Resolution No. 11-4230 authorized Metro to enter into options to purchase real property for the purpose of providing a remote elephant center. Metro has an option for property near Sandy, Oregon and is still looking at other properties as they become available and/or identified. Work continues on planning and design; development of funding strategies to meet additional capital and operating needs; clarification of the process to secure land use approvals; and needed communications to many stakeholders. The Metro Council also authorized staff to continue financial feasibility planning and to work with the Oregon Zoo Foundation on a fundraising campaign. The zoo is currently funding these efforts from its operating budget.
- Land use planning has been proceeding on two tracks: (1) an amendment to the existing Conditional Use Master Plan (CU MS) to allow work for the Onsite Elephant Habitat and Related Infrastructure project and the Condor Habitat project to proceed, and (2) an application for a new CU MS for the remainder of the specific bond projects and overall master plan improvements. As the committee noted in its 2011 report, given the requirements to obtain a new CU MS, this appears to be a good strategy in that it is expected that it will allow construction to begin on the Onsite Elephant and Condor projects while work continues on the new CU MS.

In September 2011, three months behind the original schedule, the CU MS amendment was filed with the City of Portland. On March 2, 2012, Metro received approval.

The preparation of the new CU MS was originally expected to be completed in the fourth quarter of 2011, but it is still under development. Judging by the presentations and materials provided to the committee, this is a time-consuming and expensive effort. Obtaining land use approvals, particularly of this scale, and with the involvement of other Washington Park Alliance members and the adjacent neighborhood associations, can be complex and difficult. We continue to recommend that Metro ensure that this process receives adequate oversight and appropriate resources. We recommend that this process continue to be monitored closely, with a keen focus on making sure the risk-appropriate level of resources are dedicated to achieving the necessary approvals.

- The program appears to be adequately staffed in its current phase. There appears to be a continued need for communication and outreach assistance, particularly given the land use efforts underway and the number of constituent groups involved with or affected by the zoo bond-funded projects.

**REQUIRED REPORTING ITEM 2****Report on spending trends and current cost projections and independent auditors' report**

- The Better Zoo program is divided into four main areas: construction, project planning, land use approvals and administration covering nine total projects. As of December 31, 2011, the total amount budgeted for all program activities is \$133 million, including \$125 million from general obligation bond measure proceeds, \$5.2 million from the Oregon Zoo Foundation and approximately \$2.6 million in anticipated investment earnings.
- As reported by the Better Zoo program staff, Metro asked the Oregon Zoo Foundation to raise \$5.2 million to support the remaining bond projects. The Foundation agreed to provide the funds and pledged their existing reserves to meet the commitment. The Foundation committed to providing the funds no later than the start of the last scheduled project. These funds are intended to support all the remaining program projects and are not restricted by project.
- The Comprehensive Capital Master Plan (CCMP) was completed and adopted by the Metro Council on September 22, 2011. The CCMP development expenses totaled \$1.7 million, approximately \$124,000 under the established budget. The CCMP identifies budgets for the remaining bond-funded projects. These budgets include inflation and cost escalation assumptions. The budgets were reviewed by two professional cost estimators and appear to have appropriate cost escalation and inflation assumptions and factors included.
- We recommend that the program continue to review and validate budgets and the inflation and cost escalation assumptions on an ongoing basis. Of principal concern to this committee is Metro's ability to complete all bond projects without sacrificing bond program and animal welfare objectives with the remaining funding. The CCMP process has been and will continue to be a crucial element to ensure efficient and effective use of bond proceeds. It is critical that the bond program staff continue to use the CCMP and resulting budgets and schedules to manage the remaining project scopes. This will help ensure that funding and resources are available to complete all bond commitments.

Construction is complete on the Veterinary Medical Center, the Penguin Life Support System Upgrade project and some of the water and energy projects. The Veterinary Medical Center finished on schedule and approximately \$300,000 under budget. The Penguin Life Support System Upgrade project finished approximately six months behind schedule and \$50,000 under budget. The general contractor paid for all additional consultant fees associated with the late completion. The savings on these two completed projects have been reallocated to future projects.

- The planned construction projects for 2012-2013 include the Onsite Elephant Habitat and Related Infrastructure project and the Condor Habitat. In addition, the program is planning campus/program level interpretive design and the one-percent-for-art requirement. These four projects represent \$58 million (44 percent) of the total forecast program expenditures.

- We understand that the program has received Metro Council approval to use an alternative general contractor procurement method called the Construction Management /General Contractor approach for the Onsite Elephant Habitat and Related Infrastructure project. Given the complexity of the zoo bond-funded projects and the possibility of simultaneous construction projects, we support the continued consideration of alternative contracting methods such as this in order to reduce risk and achieve the most cost effective and efficient use of the zoo bond funds.
- Administration costs total \$1.3 million (8.6 percent) of the Better Zoo program's total expenditures through December 31, 2011. As expected with the completion of the CCMP, overhead has declined as a percentage of total bond project costs. These costs should continue to be monitored as the bond program moves forward, but do not appear unreasonable. The overhead expense allocation by Metro for support services is consistent with other Metro programs.
- The Oregon Zoo staff anticipates that the ongoing operating costs of the zoo will be neutral upon completion of the bond-funded projects, given the enhancements and efficiencies gained through new technologies and the modernization of zoo infrastructure. We believe it is important that staff continue to monitor this assumption as project planning matures to allow reasonable financial planning by Oregon Zoo staff.
- Financing costs for the Better Zoo Program have been minimal to date. No new financing costs were incurred in 2011. The Metro finance team is currently working with outside counsel on the timing and amount of the third financing tranche. The first tranches were private placement issues in December 2008 and August 2010 for \$5 million and \$15 million, respectively. It is anticipated that the new financing will total approximately \$65 million.
- Within the adopted CCMP, \$7.2 million has been budgeted for the Remote Elephant Center. We recommend that prior to moving forward, the funding source of ongoing operating costs is identified.
- The annual audit report was issued on December 2, 2011 by Moss Adams. The auditors reported that nothing came to their attention that caused them to believe that Metro failed to comply with the provisions of the bond measure. No specific management letter comments were made and the audit report was published on January 19, 2012 in *The Oregonian*.

**REQUIRED REPORTING ITEM 3****Consider and recommend project modifications intended to account for increases in construction costs in excess of budget estimates**

We are not recommending any project modifications at this early stage in the Better Zoo program. Once the master plan is completed, we will review cost estimates and phasing of the bond-funded projects and we will continue to monitor these items over the life of the projects.

**The November 2011 Metro Auditor's Report**

Metro Auditor Suzanne Flynn issued an audit report in October 2011 titled, "Oregon Zoo Capital Construction Program Audit Follow-Up – Bond Projects Are Well Managed." This was a follow up to a 2009 Metro Auditor's audit titled, "Oregon Zoo Capital Construction: Metro's Readiness to Construct 2009 Bond Projects." Ms. Flynn presented the follow-up audit report to our committee in November 2011, and gave us the opportunity to ask questions. The follow-up report concluded that the Better Zoo program had implemented six of the seven recommendations contained in the 2009 Metro Auditor's report.

The one recommendation not yet implemented relates to the reporting of bond program information at both the project level and for the bond program as a whole. As was stated in the management's response to the October 2011 audit report, with the completion of the master plan and adoption by the Metro Council of the Bond Implementation Plan in September 2011, the scopes, schedules and budgets for all remaining bond projects are now known and can be used to provide information for the program as a whole. With this new and more complete information, bond program staff is actively engaged with the Citizen's Oversight Committee to enhance project reporting to our committee in the prepared written materials we receive.

## Appendix A – Committee Membership

### **Deidra Krys-Rusoff – Committee Chair**

Deidra Krys-Rusoff is a portfolio manager and a member of the fixed income team at Ferguson Wellman Capital Management. Krys-Rusoff is a native of Idaho, and earned her B.A. in zoology from the College of Idaho. She is on the board of directors of the Northwest Taxable Bond Club, past board member of the Junior League of Portland, and serves on several committees at Glencoe Elementary School.

### **Marcela Alcantar**

As president of Alcantar & Associates, Marcela Alcantar provides engineering support services in the community, producing quality construction documents and maps. She focuses on providing services for under-represented groups and students interested in the engineering field. Alcantar & Associates LLC was created to fulfill a personal and professional mission to provide exceptional engineering support services that result in effective, livable communities that are truly dynamic. The firm is certified in Oregon as a WBE/MBE/DBE/ESB (2395) design consulting and surveying support services firm. Its mission is to provide technical excellence in finding efficient and cost-effective solutions to meet its clients' needs.

### **Jacqueline Bishop**

Jacqueline Bishop is an attorney and previously worked at Roberts Kaplan, LLP, where she participated in the real estate, business and sustainability practice groups. She is a board member of We Love Clean Rivers, Inc., a representative on the Oregon State Bar's Sustainability Task Force, and a LEED Accredited Professional. Before graduating from Lewis and Clark Law School, Bishop worked as a wetlands and fisheries biologist.

### **David Evans**

Senior Vice President and Chief Financial Officer for The ODS Companies, Dave Evans is responsible for overseeing financial, treasury, regulatory, information services, underwriting and actuarial functions. Evans brings a broad knowledge of financial planning and budget management to his role. Previously, he served as Controller of The ODS Companies for nearly a decade, during which time he was responsible for day-to-day accounting and finance activities. Prior to joining ODS, Evans was an audit manager at PricewaterhouseCoopers, where he focused on financial services, including insurance and real estate.

Evans earned his bachelor's degree at Oregon State University. An active certified public accountant, he participates in the Oregon Society of Certified Public Accountants' mentoring program and is involved with the American Institute of CPAs. He is also active in the community, serving on the board of the Assistance League and Metro's bond oversight committee for Natural Areas.

### **Greg Gahan**

Greg Gahan, owner of Northwest Construction Management, is a nearly lifelong resident of the Portland metro area. He has engineering and business degrees from Oregon State University and Portland State University in addition to 25 years of commercial construction experience in the region.

## Appendix A – continued

### **Anne English Gravatt**

Ann Gravatt is the Oregon Director at Climate Solutions, an organization working to accelerate practical and profitable solutions to global warming through leadership, investment and bridging divides. Gravatt has more than a decade of energy experience, working as a consultant, policy advocate and attorney. From 2002-2010, Gravatt was the Policy Director for the Renewable Northwest Project, where she was involved with key victories throughout the Northwest, including passage of renewable energy standards in Montana, Washington and Oregon. Gravatt also directed RNP's state regulatory work, regularly appearing before the region's utility commissions to advance strong clean energy policy. She practiced natural resources and energy law for several years in Portland and Washington, D.C., and also has a background in candidate and ballot initiative campaigns and public affairs. Gravatt has a law degree from the George Washington University Law School and a bachelor's from the University of Richmond.

### **Sharon Harmon**

Sharon Harmon is the executive director of the Oregon Humane Society and has been a professional in the field of animal care and welfare for almost 30 years. She has helped lead the Oregon Humane Society, the state's largest and oldest animal protection organization, for 22 years and has served as its Executive Director since 1998. She holds a Bachelor of Science, Zoology (Pre-Vet Med), from Oregon State University and a Certificate in Nonprofit Business Administration and Leadership from Johns Hopkins University, and is a Certified Animal Welfare Administrator. She has served on the Banfield Shelter Advisory Committee, and chaired the American Humane Association Shelter Advisory Committee. Recipient of the American Veterinary Medical Association's Humane Award for 2008, she is currently the president of the National Federation of Humane Societies.

### **Jim Irvine**

Jim Irvine is chairman and CEO of The Conifer Group, a 65-year-old family-owned firm specializing in home building, land development and property management. The company is also a licensed real estate brokerage in Oregon and Washington, with practice in design development and construction. The Conifer Group has received national recognition for innovation and sustainable design and is a founding member of the U.S. Green Building Council.

### **Benjamin Jackson**

Benjamin Jackson, a senior at Jefferson High School, has been active on many committees during his school years. He has served as a student leader for REAP Inc., Metropolitan Family Services' children and family enrichment program (CAFÉ), and the Wattles Boys & Girls Club. At Rowe Middle School he serves as a peer mediator. He has been a member of the Clackamas High School Diversity and Key clubs and the Clackamas Orchestra Solo and Ensemble Festival. He is also a children's education instructor at Cathedral of Praise Ministries and has been a crew leader for Senator Margaret Carter's Annual Block Party.

## Appendix A – continued

### **Tony Jones**

Tony Jones is the executive director of Metropolitan Contractor Improvement Partnership, a nonprofit that provides business training and capacity building for minority contractors, and is responsible for overall operation of the organization. He has 21 years experience in economic development, construction and affordable housing. In his roles, Jones has worked with many of the public agencies, nonprofits and prime contractors in the region and has garnered an excellent reputation by being accountable and providing quality and reliable services.

### **Bill Kabeiseman**

Bill Kabeiseman is an attorney at Garvey Schubert Barer specializing in land use and municipal law. He graduated from the University of Oregon School of Law and later served as an adjunct professor teaching land use law at the school. Bill chaired the Oregon State Bar Task Force on Sustainability and is on the Multnomah County Planning Commission.

### **Carter MacNichol**

Carter MacNichol is a managing partner for local urban developer Shiels Obletz Johnsen, Inc. and a managing member for Sockeye Development LLC. He has experience in real estate management and development for the Port of Portland, has worked as a project manager for the Portland Development Commission, and taught for the Oregon City School District. MacNichol is active on several local boards, including The Oregon Zoo Foundation, The Nature Conservancy of Oregon, and the Oregon "I Have a Dream" Foundation. His past board experience includes Portland Children's Museum and Portland Community Land Trust.

### **Sheryl Manning**

Sheryl Manning has a history of active leadership roles on corporate, nonprofit and community boards. She is a member of the board of directors of Legacy Health, has served on a variety of other corporate and nonprofit boards, and is a former commissioner, chair and interim general manager of MERC. She previously worked as a certified public accountant for PricewaterhouseCoopers and Arthur Andersen.

### **Ray Phelps**

Ray Phelps is manager of Regulatory Affairs for Allied Waste Services, Inc. He has served as assistant to the secretary of state, where he was responsible for Oregon elections, administrative rules, uniform commercial code, and budgeting for the secretary of state's office. He has also served as Metro's Chief Financial Officer and director of administration.

### **Penny Serrurier**

Pendleton ("Penny") Serrurier is a member of Stoel Rives LLP, practicing in the areas of tax-exempt organizations, charitable giving, estate planning and administration, business succession planning, and personal tax planning. Serrurier represents tax-exempt organizations and advises them on all aspects of governance, compliance, and tax-related matters. She has served on several local boards and is a past chair for The Oregon Zoo Foundation board of trustees.

## Appendix A – continued

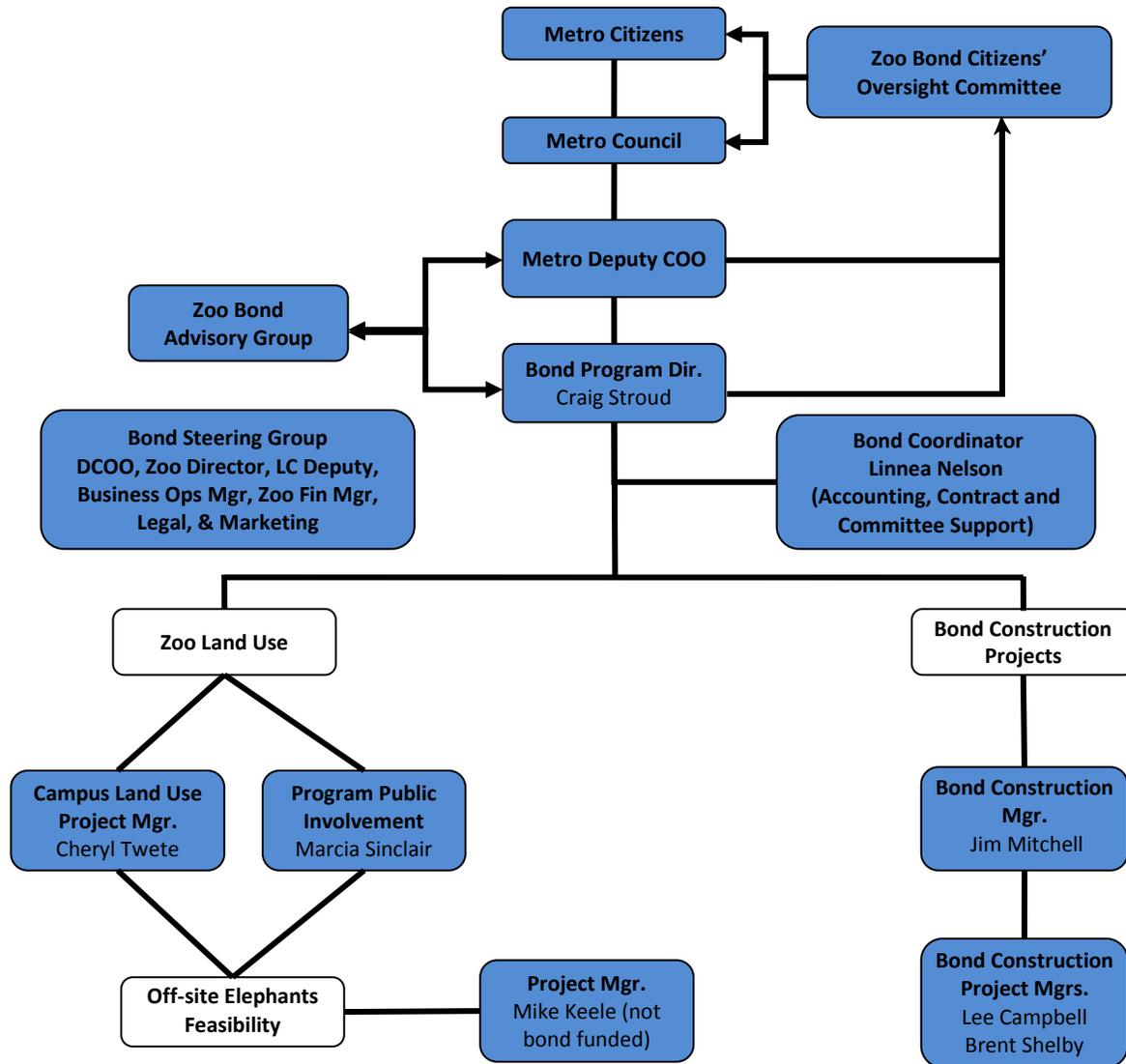
### **Michael Sestric**

Michael Sestric is a self-employed architect, providing independent space programming, budgeting and project management services for educational, health care and nonprofit organizations.

### **Bob Tackett**

Bob Tackett serves as Executive Secretary Treasurer for the Northwest Oregon Labor Council, AFL-CIO. He has been active in the labor movement for more than 36 years, 26 of those working at Reynolds Metals Company in Troutdale until the plant closed. Tackett worked for the Oregon AFL-CIO as the Labor Liaison, helping workers displaced from their jobs, until elected as the Executive Secretary Treasurer for the Labor Council in 2009.

## Appendix B A Better Zoo Program Organization Structure



**External Consultant Contributions**

Zoo Land-Use: Multi-disciplinary consulting team primarily supporting effort that is led by Cheryl Twete.  
 Bond Construction Projects: Design consultants and construction contractors managed by bond project managers. Jim Mitchell, Group Manager: Lee Campbell and Brent Shelby, project managers.

**Zoo Staff Contributions**

Animal Welfare, Guest Experience, Conservation Education, Public Relations

**Metro Contributions**

Public Involvement: Led by Marcia Sinclair, support from Zoo Marketing and Metro Communications staff.  
 Governance, Civil Engineering, Planning/Permitting, Historical Investigations, Legal, Finance, Human Relations



Agenda Item No. 5.0

**Consideration of the Minutes for March 22, 2012**

Metro Council Meeting  
Thursday, April 5, 2012  
Metro, Council Chamber

Agenda Item No. 6.1

**Ordinance No. 12-1276**, For the Purpose of Amending Metro Code Chapter 3.09, Local Government Boundary Changes, to Conform to New Legislation and to Improve the Boundary Change Process.

*Ordinances – First Reading*

Metro Council Meeting  
Thursday, April 5, 2012  
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO ) Ordinance No. 12-1276  
CODE CHAPTER 3.09, LOCAL GOVERNMENT )  
BOUNDARY CHANGES, TO CONFORM TO NEW ) Introduced by Councilor Barbara Roberts  
LEGISLATION AND TO IMPROVE THE )  
BOUNDARY CHANGE PROCESS )

WHEREAS, ORS 268.347 to 268.354 charges Metro with responsibilities for the process of changing local government boundaries in the region; and

WHEREAS, the 2011 Oregon Legislature revised the responsibilities assigned to Metro, reducing the types of local government service districts whose boundary changes Metro must regulate; and

WHEREAS, clarification of Metro’s administrative role in the processing of final changes to local government boundaries would simplify and improve the boundary change process; and

WHEREAS, the Council held a public hearing on the proposed amendments on April 12, 2012; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 3.09, Local Government Boundary Changes, is hereby amended as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The Findings of Fact and Conclusions of Law, set forth in Exhibit B, attached and incorporated into this ordinance, explain how the amendments comply with state and regional laws.

ADOPTED by the Metro Council this 12th day of April 2012.

\_\_\_\_\_  
Tom Hughes, Council President

Attest:

Approved as to Form:

\_\_\_\_\_  
Kelsey Newell, Regional Engagement Coordinator

\_\_\_\_\_  
Alison Kean Campbell, Metro Attorney

**AMENDMENTS TO METRO CODE CHAPTER 3.09  
LOCAL GOVERNMENT BOUNDARY CHANGES**

3.09.010 Purpose and Applicability

The purpose of this chapter is to carry out the provisions of ORS ~~268.347 to~~ 268.354. This chapter applies to ~~all~~ boundary changes within the boundaries of Metro or of urban reserves designated by Metro and any annexation of territory to the Metro boundary. Nothing in this chapter affects the jurisdiction of the Metro Council to amend the region's Urban Growth Boundary (UGB).

3.09.020 Definitions

As used in this chapter, unless the context requires otherwise:

- A. "Adequate level of urban services" means a level of urban services adequate to support the higher number of dwelling units and jobs specified for the appropriate design type in section 3.07.640A of Title 6 of the Urban Growth Management Functional Plan, or in the ordinance adopted by the Metro Council that added the area to be incorporated, or any portion of it, to the UGB.
- B. "Affected entity" means a county, city or district for which a boundary change is proposed or is ordered.
- C. "Affected territory" means territory described in a petition.
- D. "Boundary change" means a major or minor boundary change involving affected territory lying within the jurisdictional boundaries of Metro or the boundaries of urban reserves designated.
- E. "Deliberations" means discussion among members of a reviewing entity leading to a decision on a proposed boundary change at a public meeting for which notice was given under this chapter.

F. ~~"District" means a: district defined by ORS 199.420 or any district subject to Metro boundary procedure act under state law.~~

- 1. Domestic water supply district organized under ORS chapter 264;

Exhibit A to Ordinance No. 12-1276

2. Park and recreation district organized under ORS chapter 266;
3. Metropolitan service district organized under ORS chapter 268;
4. Sanitary district organized under ORS 450.005 to 450.245;
5. Sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989; or
- 4.6. District formed under ORS 451.410 to 451.610 to provide water or sanitary service.

F.G. "Final decision" means the action by a reviewing entity, ~~whether~~ adopted by ordinance, resolution or other means, ~~which is the determination of that determines~~ compliance of the proposed boundary change with applicable criteria and ~~which~~ requires no further discretionary ~~decision or~~ action by the reviewing entity other than any required referral to electors. "Final decision" does not include resolutions, ordinances or other actions whose sole purpose is to refer the boundary change to electors, ~~or~~ to declare the results of an election, or ~~any action~~ to defer or continue deliberations on a proposed boundary change.

G.H. "Major boundary change" means the formation, merger, consolidation or dissolution of a city or district.

H.I. "Minor boundary change" means an annexation or withdrawal of territory to or from a city or district or from a ~~city-~~ county to a city. "Minor boundary change" also means an extra-territorial extension of water or sewer service by a city or district. "Minor boundary change" does not mean withdrawal of territory from a district under ORS 222.520.

I.J. "Necessary party" means any county; city; district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory; Metro; or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory.

**Exhibit A to Ordinance No. 12-1276**

~~J.K.~~ "Petition" means any form of action that initiates a boundary change.

~~K.L.~~ "Reviewing entity" means the governing body of a city, county or Metro, or its designee.

~~L.M.~~ "Urban reserve" means land designated by Metro pursuant to ORS 195.137 et seq. for possible addition to the UGB.

~~M.N.~~ "Urban services" means sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

3.09.030 Notice Requirements

- A. The notice requirements in this section apply to all boundary change decisions by a reviewing entity except expedited decisions made pursuant to section 3.09.045. These requirements apply in addition to, and do not supersede, applicable requirements of ORS Chapters 197, 198, 221 and 222 and any city or county charter provision on boundary changes.
- B. Within 45 days after a reviewing entity determines that a petition is complete, the entity shall set a time for deliberations on a boundary change. The reviewing entity shall give notice of its proposed deliberations by mailing notice to all necessary parties, by weatherproof posting of the notice in the general vicinity of the affected territory, and by publishing notice in a newspaper of general circulation in the affected territory. Notice shall be mailed and posted at least 20 days prior to the date of deliberations. Notice shall be published as required by state law.
- C. The notice required by subsection (b) shall:
  - 1. Describe the affected territory in a manner that allows certainty;
  - 2. State the date, time and place where the reviewing entity will consider the boundary change; and
  - 3. State the means by which any person may obtain a copy of the reviewing entity's report on the proposal.

## Exhibit A to Ordinance No. 12-1276

- D. A reviewing entity may adjourn or continue its final deliberations on a proposed boundary change to another time. For a continuance later than 28 days after the time stated in the original notice, notice shall be reissued in the form required by subsection (b) of this section at least five days prior to the continued date of decision.
- E. A reviewing entity's final decision shall be written and authenticated as its official act within 30 days following the decision and mailed or delivered to Metro and to all necessary parties. The mailing or delivery to Metro shall include payment to Metro of the filing fee required pursuant to section 3.09.060.

### 3.09.040 Requirements for Petitions

- A. A petition for a boundary change must contain the following information:
  - 1. The jurisdiction of the reviewing entity to act on the petition;
  - 2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
  - 3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
  - 4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.
- B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

### 3.09.045 Expedited Decisions

- A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

**Exhibit A to Ordinance No. 12-1276**

- B. The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.
  
- C. At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:
  - 1. The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;
  - 2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
  - 3. The proposed effective date of the boundary change.
  
- D. To approve a boundary change through an expedited process, the city shall:
  - 1. Find that the change is consistent with expressly applicable provisions in:
    - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;
    - b. Any applicable annexation plan adopted pursuant to ORS 195.205;
    - c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;
    - d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
    - e. Any applicable comprehensive plan; and
    - f. Any applicable concept plan; and
  - 2. Consider whether the boundary change would:
    - a. Promote the timely, orderly and economic provision of public facilities and services;
    - b. Affect the quality and quantity of urban services; and

**Exhibit A to Ordinance No. 12-1276**

- c. Eliminate or avoid unnecessary duplication of facilities or services.
- E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

- A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.
- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria in subsection (d) and includes the following information:
  - 1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;
  - 2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
  - 3. The proposed effective date of the boundary change.
- C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.
- D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of section 3.09.045.

~~3.09.060 Ministerial Functions of Metro Process to Make Boundary Change Effective~~

- A. ~~Metro shall create and keep current maps of all service provider service areas and the jurisdictional boundaries of all cities, counties and special districts within Metro. The maps shall be made available to the public at a price that reimburses Metro for its costs. Additional~~

**Exhibit A to Ordinance No. 12-1276**

~~information requested of Metro related to boundary changes shall be provided subject to applicable fees.~~ After a reviewing entity makes a final decision on a boundary change, the entity and Metro shall follow the process set forth below:

1. The reviewing entity shall send its final decision, with the map, legal description and other supporting materials required by law, to the Oregon Department of Revenue (DOR);
2. The DOR will review the materials to determine whether they are in final approval form and notify the reviewing entity of its determination;
3. The reviewing entity shall send its final decision, with supporting materials and the DOR approval, to Metro;
4. Metro shall record and map the final decision, with supporting materials and DOR determination, and send it to the Secretary of State (SOS), the reviewing entity, the appropriate county assessor's and elections offices, making the final decision effective on the date of Metro's submittal;
5. The SOS will send its filing letter to Metro;
6. Metro shall post the final decision, supporting materials, the DOR determination and the SOS filing letter at the Metro website.

~~The Metro Chief Operating Officer (COO) shall cause notice of all final boundary change decisions to be sent to the appropriate county assessor and elections officer, the Oregon Secretary of State and the Oregon Department of Revenue. Notification of public utilities shall be accomplished as provided in ORS 222.005(1)-B.~~ If a reviewing entity notifies Metro that the entity needs expedited treatment of its final decision at the time the entity sends its decision to the DOR, Metro will ensure it completes Step 4 in subsection A within 24 hours of its receipt of the final decision and DOR determination from the entity.

~~2.~~

C. The COO shall establish a fee structure establishing the amounts to be paid upon filing notice of city or county adoption of boundary changes, and for related services by the reviewing entity with submittal of its final decision in Step 3 of subsection A to cover Metro's costs for the

~~services set forth in this section. The fee schedule shall be filed~~COO shall file the fee schedule with the Clerk of the Council Clerk and ~~distributed~~send it to all cities, counties and special districts ~~within~~in the Metro region.

3. ~~D. Metro shall create and keep current maps of all service provider service areas~~district boundaries and the ~~jurisdictional boundaries of all cities~~ and ~~counties and special districts~~ within Metro. ~~The maps and any additional information requested that relates to boundary changes~~ shall be made available to the public at a price that reimburses Metro for its costs. ~~Additional information requested of Metro related to boundary changes shall be provided subject to applicable fees.~~

### 3.09.070 Changes to Metro's Boundary

- A. Changes to Metro's boundary may be initiated by Metro or the county responsible for land use planning for the affected territory, property owners and electors in the territory to be annexed, or other public agencies if allowed by ORS 198.850(3). Petitions shall meet the requirements of section 3.09.040 above. The COO shall establish a filing fee schedule for petitions that shall reimburse Metro for the expense of processing and considering petitions. The fee schedule shall be filed with the Council.
- B. Notice of proposed changes to the Metro boundary shall be given as required pursuant to section 3.09.030.
- C. Hearings shall be conducted consistent with the requirements of section 3.09.050.
- D. Changes to the Metro boundary may be made pursuant to the expedited process set forth in section 3.09.045.
- E. The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:
1. The affected territory lies within the UGB;
  2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and

**Exhibit A to Ordinance No. 12-1276**

3. The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.
- F. Changes to the Metro boundary that occur by operation of law pursuant to ORS 268.390(3)(b) are not subject to the procedures or criteria set forth in this section.

3.09.080 Incorporation of a City that Includes Territory within Metro's Boundary

- A. A petition to incorporate a city that includes territory within Metro's boundary shall comply with the minimum notice requirements in section 3.09.030, the minimum requirements for a petition in section 3.09.040, and the hearing and decision requirements in subsections (a), (c), and (e) of section 3.09.050, except that the legal description of the affected territory required by section 3.09.040(a)(1) need not be provided until after the Board of County Commissioners establishes the final boundary for the proposed city.
- B. A petition to incorporate a city that includes territory within Metro's jurisdictional boundary may include territory that lies outside Metro's UGB. However, incorporation of a city with such territory shall not authorize urbanization of that territory until the Metro Council includes the territory in the UGB pursuant to Metro Code Chapter 3.07.
- C. The following criteria shall apply in lieu of the criteria set forth in section 3.09.050(d). An approving entity shall demonstrate that:
  1. Incorporation of the new city complies with applicable requirements of ORS 221.020, 221.031, 221.034 and 221.035;
  2. The petitioner's economic feasibility statement must demonstrate that the city's proposed permanent rate limit would generate sufficient operating tax revenues to support an adequate level of urban services, as defined in this chapter and required by ORS 221.031; and
  3. Any city whose approval of the incorporation is required by ORS 221.031(4) has given its approval or has failed to act within the time specified in that statute.

3.09.090 Extension of Services Outside UGB

Neither a city nor a district may extend water or sewer service from inside a UGB to territory that lies outside the UGB.

**Exhibit B to Ordinance No. 12-1276**

**Findings of Fact and Conclusions of Law**

[PLACEHOLDER]

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 12-1276, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 3.09, LOCAL GOVERNMENT BOUNDARY CHANGES, TO CONFORM TO NEW LEGISLATION AND TO IMPROVE THE BOUNDARY CHANGE PROCESS

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Date: March 20, 2012

Prepared by: Dick Benner (1532)

### BACKGROUND

The 2011 Oregon Legislature passed (and the Governor signed) a bill introduced for Metro to reduce the types of local government service districts whose boundary changes Metro must regulate and track. The Legislature removed types of districts – such as vector control and highway lighting districts – whose activities do not relate to Metro’s missions. Metro must now conform its code to the new law.

DRC and OMA took the opportunity to draft improvements to the boundary change process and vetted the changes with local governments in the region and the Oregon Department of Revenue (ODOR) and the Secretary of State’s office (SOS) to ensure practicality and acceptance. After thorough discussion with these practitioners, we reached consensus on the changes. The process changes clarify the steps cities, counties, districts, Metro and ODOR/SOS take to finalize a boundary change.

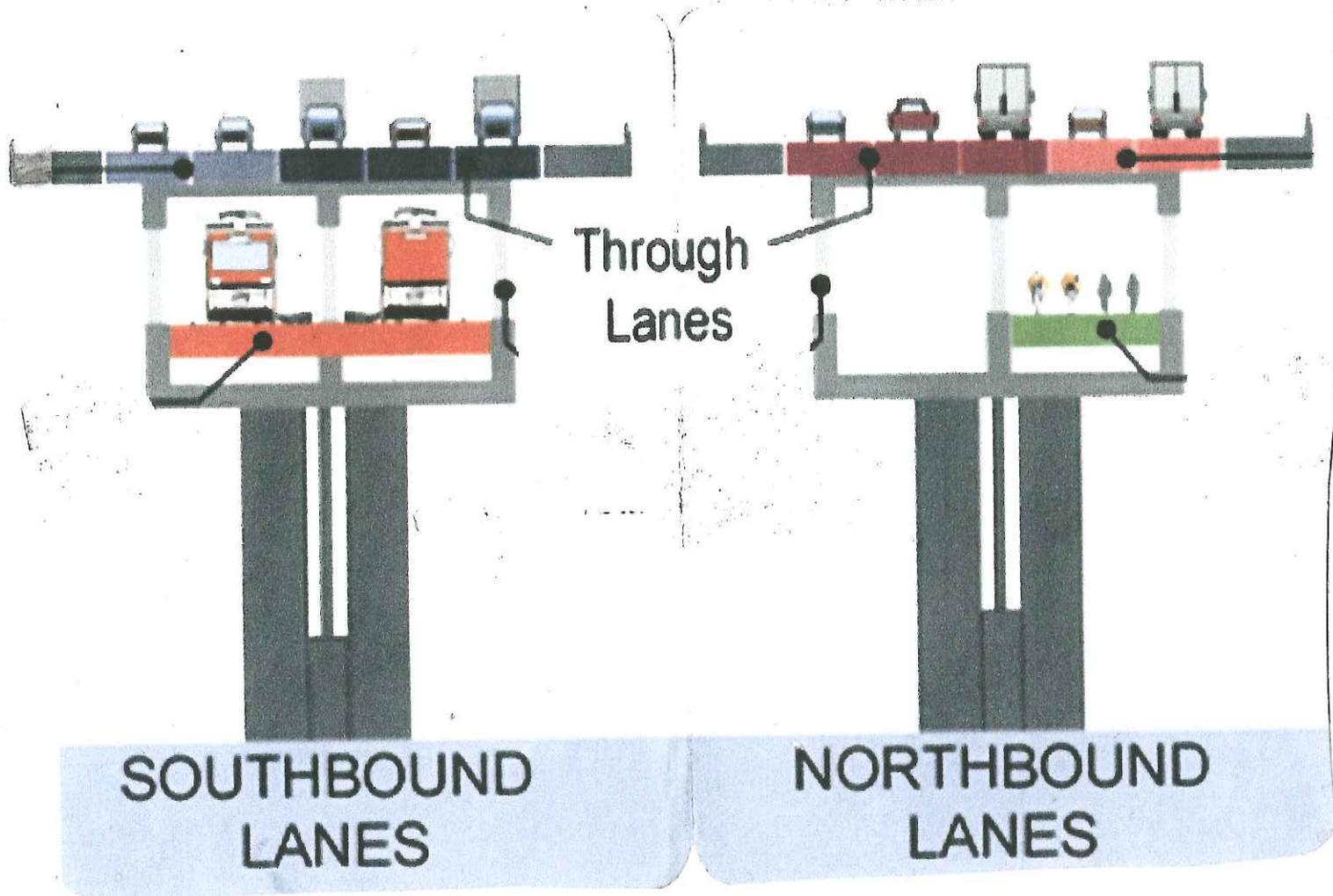
### ANALYSIS/INFORMATION

1. **Known Opposition:** There is no known opposition. A group of local government boundary change practitioners reached consensus on the changes to the process.
2. **Legal Antecedents:** ORS 268.347 to 268.354 charge Metro with responsibility to regulate and track city and service district boundary changes in the region. The Oregon Legislature enacted Senate Bill 48 in the 2011 session to reduce the types of service districts Metro must track to those whose services relate to Metro missions.
3. **Anticipated Effects:** Adoption of the amendments will clarify and simplify the boundary change process for Metro and other local governments.
4. **Budget Impacts:** Adoption of the amendments is expected to have a small, positive effect on Metro’s costs to carry out its duties under the statute.

### RECOMMENDED ACTION

DRC and OMA recommend that the Council adopt the amendments to Metro Code Chapter 3.09.

Materials following this page were distributed at the meeting.



**SOUTHBOUND  
LANES**

**NORTHBOUND  
LANES**

**Through  
Lanes**

**CONCEPT 'D'**

**"Preferred"  
Alternative**

**Bulldozes everything**

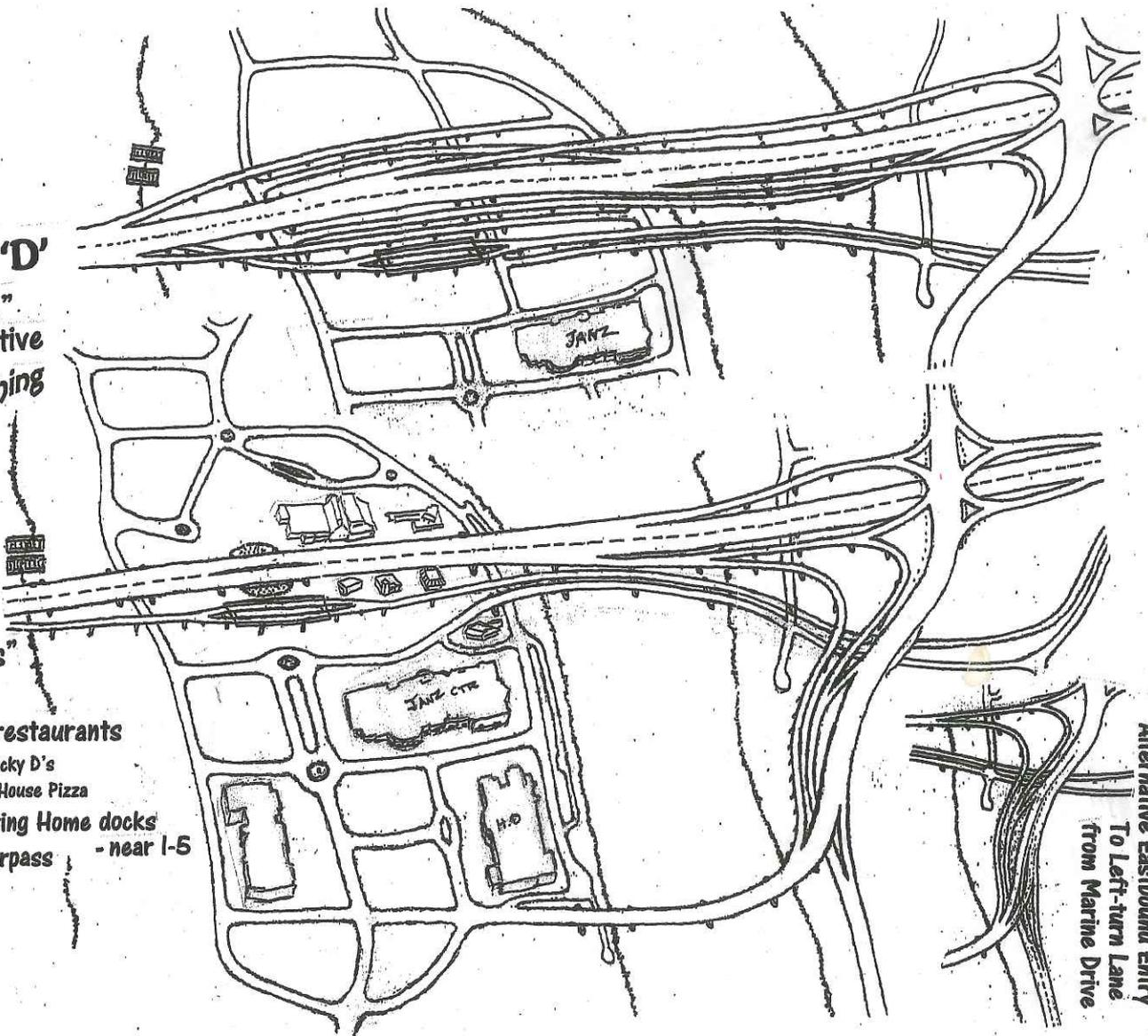
**CONCEPT #1**

**"Off-island Access"**

**Saves Safeway & restaurants**

- Waddle's -- Denny's -- Micky D's
- Newport Bay -- Engine House Pizza

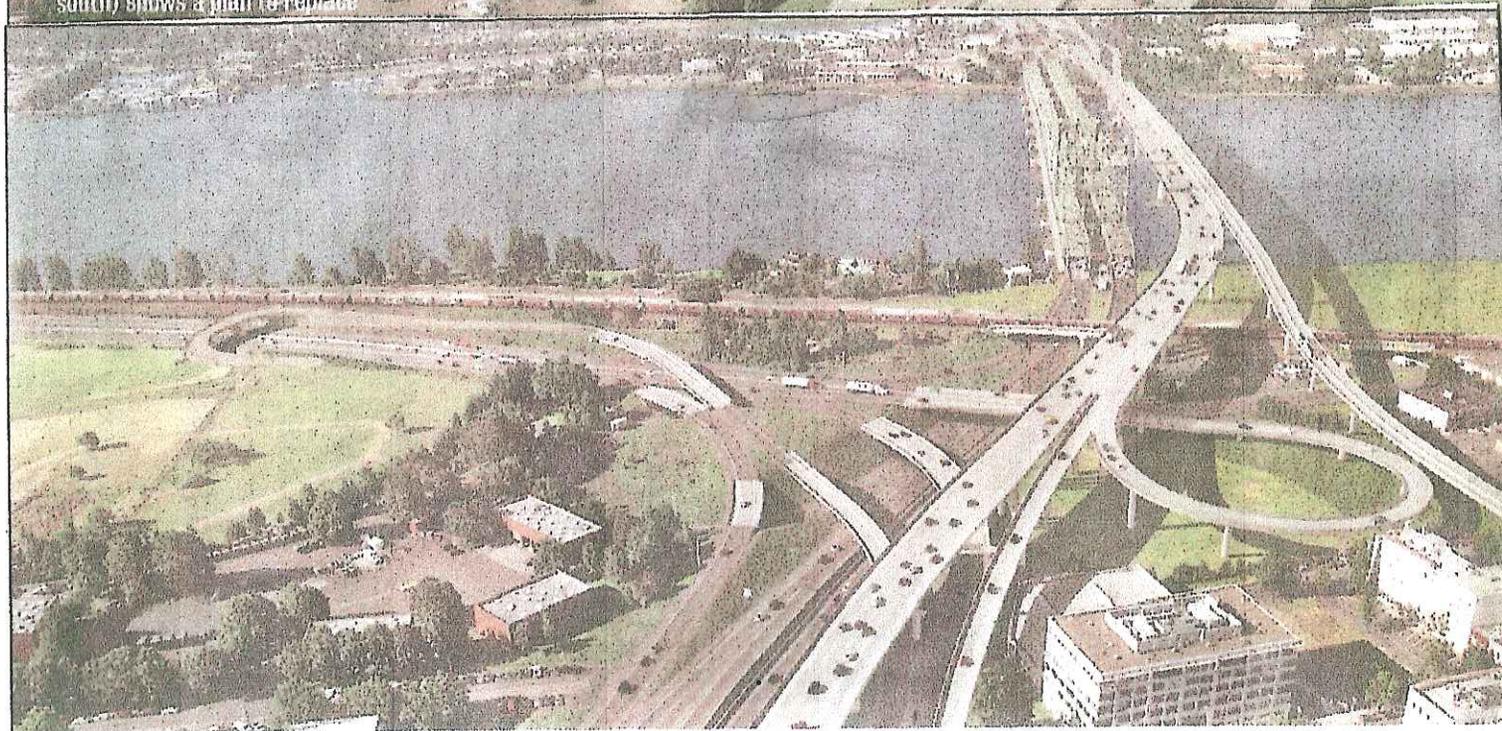
**Removes 'least' Floating Home docks**  
**Pedestrian-only underpass - near I-5**



**"Alternative Eastbound Entry  
To Left-turn Lane  
from Marine Drive"**

# BRIDGE FACES A WIDE GULF

An artist's rendering (looking south) shows a plan to replace



## river crossing plan

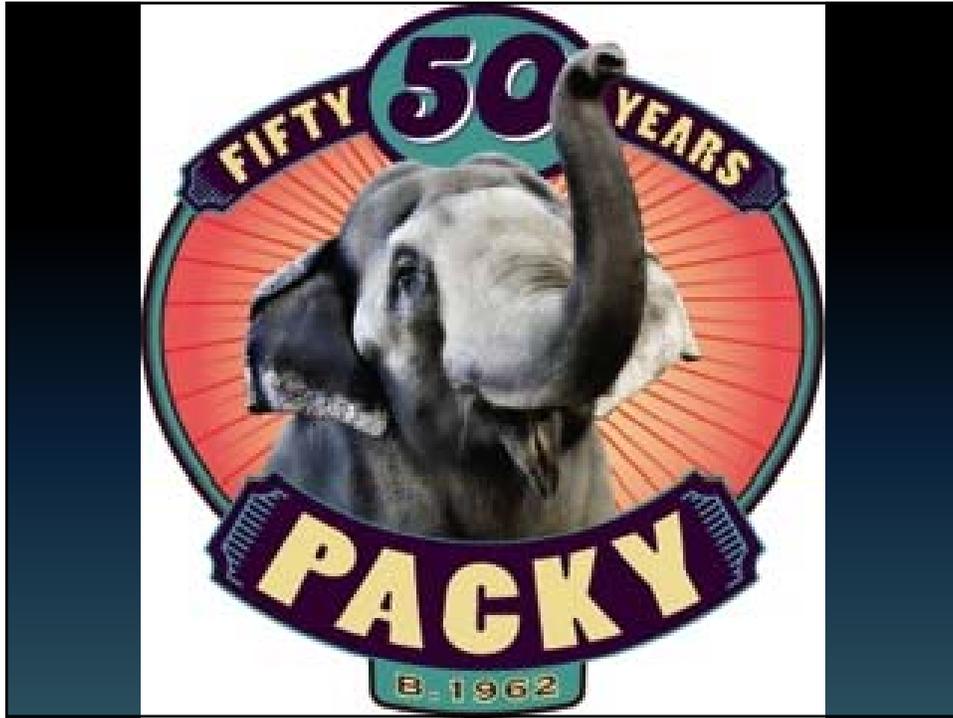


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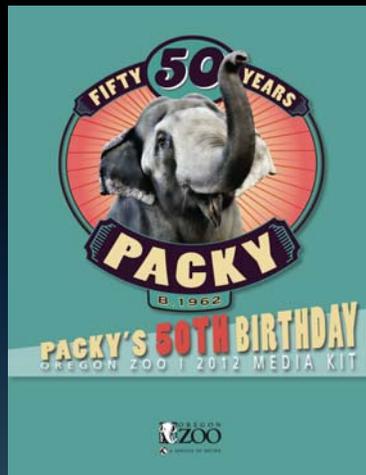
to re-  
nate

Even the Portland City Council has taken a stand, saying it will only support an option that includes a new light-rail line to Vancouver.

Rex Burkholder, a Metro Council member serving on the 39-member Columbia River Crossing Task Force that developed the five options, isn't surprised people didn't wait for the release of the study before making up their minds.



## Media Kit



50 WAYS TO CELEBRATE PACKY'S 50TH

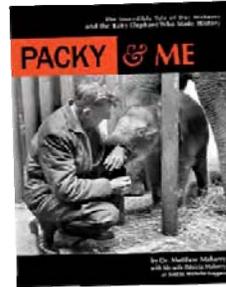
1. Eat a piece of birthday cake at Packy's party, courtesy of Lamb's Wilsonville Market.
2. Attend the Oregon Historical Society's Packy-themed Family Day March 17.
3. Be nice to someone who is 50.
4. Help make the zoo's new home for pachyderms extra-elephantastic with a donation to OZ's [Presenta for Packy](#) program.
5. Party at the zoo on Packy's big day — Saturday, April 14!
6. Attend the zoo's April 13 Dine & Discover event, "Celebrating 50 Years With Packy." Visit the zoo website for more information.
7. Enjoy a Packy Parfait at the zoo's Cascade Grill or Ah!Café.
8. Eat an apple, carrot or yam (some of Packy's favorites).
9. Wear Packy ears on the big guy's birthday.
10. Throw hay at your best friend (just like elephants do).
11. Taste the sweet side of conservation! Choose treats made with no palm oil or sustainable palm oil to protect forests for Asian elephants.
12. Do the Packy Shuffle.
13. Visit Packy's Bar & Grill April 1-15 (known as [Packy's Bar & Grill](#)) the other 50 weeks of the year).
14. Hug something big and gray.
15. Tweet, "Happy 50th Birthday Packy! Elephant-sized celebration April 14 @OregonZoo #Packy50"
16. Appreciate wrinkles.
17. Concoct a "Pink Packy" cocktail to share with your friends, and post the recipe on the zoo's Facebook page.
18. Purchase a special "Pac-KEY" for use at all zoo talk boxes.



19. Read up on elephants, and share your new knowledge with a friend.
20. Attend an elephant story time at Multnomah County libraries. Visit the zoo website for a complete schedule.
21. Help deliver Packy's birthday cake! Enter to win at the zoo on the morning of Packy's party.
22. Submit an original "Poem for Packy" on the zoo's Facebook page. You'll be entered to win a zoo membership and the chance to help deliver Packy's cake to him.
23. Hold an elephant parade in your neighborhood.
24. Become an elephant Zoo Parent to support the Oregon Zoo's Future for Wildlife Fund at [www.oregonzoo.org/support](#)
25. Wear a commemorative Packy shirt.
26. Download and print a "Flat Packy" image and submit your most creative pictures with it at [KQWA.com](#). You'll be entered to win a zoo membership and the chance to help deliver Packy's cake to him.
27. Tell an elephant joke.
28. Drink a Packy's Porter from Bridgeport Brewing Company (available at Bridgeport, Packy's Bar & Grill, and the zoo's June 1 Zoo Brew event).

50 WAYS TO CELEBRATE PACKY'S 50TH

29. Listen to 94.7 A River in Portland, 102.1 The Buzz, or 99.5 The Wolf for chances to win free tickets to Packy's party.
30. Wear some '82 jeans.
31. Watch a video about Packy's life story on the zoo's [YouTube channel](#) (also available March 31).
32. Go snorkeling — elephants use their trunks like snorkels to breathe underwater.
33. Watch KGW NewsChannel 8 for chances to win free tickets to Packy's party.
34. Watch Packy get knighted by the [Royal Gwentians](#) at 2 p.m. during his birthday party.
35. Packy will get knighted under a Super Star sign, so alert one of his monitor.
36. Use cards and paper made from elephant poop the next time you're at the Elsie Pool paper is available in the Zoo Store.
37. Mail your letter with a "Save Vanishing Species" stamp to support elephant, tiger, great ape, rhino and marine turtle conservation.
38. Share Packy's party with your Facebook friends: [http://ow.ly/m/PackysParty](#)
39. Become an Oregon Zoo member so you can visit Packy all year long!
40. Practice nasal dexterity.
41. Part a Jee in Packy's honor.
42. Eat an elephant ear at the zoo.



43. Read a copy of "Packy & Me: The Incredible Tale of Dr. Mabery and the Baby Elephant Who Made a Story" available in the Zoo Store.
44. Buy a plush Packy at the Zoo Store.
45. Create some Packy artwork and share pictures on the zoo's Facebook page.
46. Sing the Packy song, written in 1962 by Lucie Frazier.
47. Write your own Packy song, and share a video of it on the zoo's Facebook page.
48. Visit the zoo's [Liam Callen](#) in order to honor Mabery and the Baby Elephant Who Made a Story.
49. Hydrated elephants drink 30-50 gallons of water a day.
50. Sing to Packy on his birthday when he receives his cake at 2 p.m.

GETTING TO KNOW PACKY

Packy is the tallest Asian elephant in the United States at 10 feet, 5 inches, and his 12,500-pound weight isn't anything to sneeze at either. While Packy has quite the sweet tooth — he's particularly fond of juicy fruits — keepers help him maintain a healthy weight through exercise, diet and regular weigh-ins. Packy has sired seven calves, including Oregon Zoo elephants Sunguwin (Shine) and Rama.



By the 19th month of Belle's pregnancy, Mabery could feel and hear a fetal heartbeat, and thought it was "just a matter of time." No one then knew the duration of an elephant's gestation period, as it was Oregon Zoo elephant births — starting with Packy — that established gestation lasts 20 to 22 months.

**His birth**  
When the zoo announced in 1961 that Belle was pregnant, the sky went wild. No Asian elephants had been born in the Western Hemisphere in almost 44 years. Since the first elephant arrived in the U.S. aboard a ship in 1796, in fact, only nine elephants had been born on the continent, and most had died suddenly in infancy.

Portland radio stations launched hourly "Belle Bulletins," and the zoo was deluged with elephantine baby-shower gifts. Local department stores stocked up on, and immediately sold out of, stuffed toy elephants. News reporters from around the country camped out in the elephant barn to wait for the birth.

Belle finally dropped her baby at 5:58 a.m. on Saturday, April 14, 1962. Within 40 minutes the baby was nursing (Packy was the first North American elephant to be raised exclusively on mother's milk.) At birth, Packy weighed 235 pounds and stood 25 inches tall.

During Packy's first days on view, the baby elephant attracted the largest crowds then seen at the zoo. Attendance that year topped one million for the first time, a record not broken until the zoo's Africa exhibit opened in 1989.

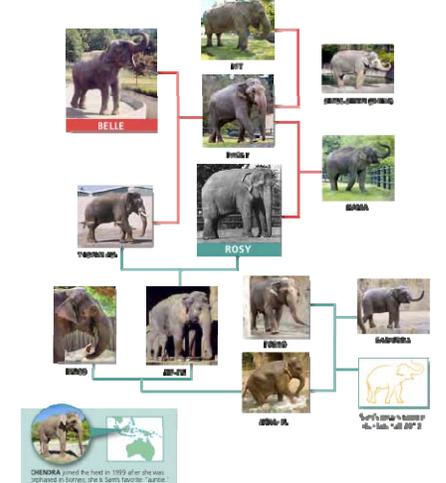
**His name**  
Belle's fuzzy little elephant baby became known as Packy on April 24, 1962. The name was chosen from among more than 3,000 entries in a contest held by radio station KPO. Wayne W. French of Gresham suggested the winning name, earning himself a portable stereo set.

From then on, zoo veterinarian Dr. Matthew Mabery kept a meticulous chart of Belle's pregnancy. Always a quiet, calm animal, Belle behaved normally during her pregnancy, but by her 18th month, she began to show signs of discomfort.

For Mabery and senior elephant keeper Al Tucker, it was the beginning of a hectic time. Like zoo staff everywhere, they knew little about elephant births, and there were few books of any use on the subject. A pragmatist with broad wildlife obstetrical experience, Mabery had delivered lions, tigers and buffaloes at the zoo — but no elephants. Mabery always said in those days, "I learned from Belle and she learned from me."

PACKY'S ZOO FAMILY

Packy's mom is the Oregon Zoo's oldest Asian elephant and his only. She was born in the wild, but was brought to the Oregon Zoo by the Oregon Zoo's founder, Dr. Matthew Mabery, in 1936. She was the first elephant born in the zoo's enclosure at the Oregon Zoo. Her name is Belle and she is the mother of Packy.



REMEMBERING DOC MABERRY

Dr. Matthew Maberry, the veterinarian who successfully attended Packy's birth, came to the zoo in 1928, one year before it moved to its current location. Maberry was part of a team working to design new facilities that would provide elephants with much more freedom than was common in zoos at the time. These facilities, built in 1966, allowed for more social interactions and natural breeding among the elephants.

"Dr. Maberry's work helped to do the foundation on which we've built the elephant care programs," said Mike Keefe, Oregon Zoo director of elephant habitats.

The zoo's new facilities led to a string of successful pregnancies and births — beginning, of course, with Packy on April 14, 1962. Not half a year later, Roy, the zoo's first elephant, gave birth to Mito. In 1971, the year that Keefe joined the zoo and met Dr. Maberry, 10 Asian elephants had been born. No other elephants, Asian or African, had been born anywhere else in the U.S. during this time.

"During these first pregnancies, I'd be down about five o'clock, and I'd see one maternal behavior and a host of other details associated with successful elephant pregnancies and births," Keefe noted. "Dr. Maberry assembled a team to monitor a pregnant elephant's health and to monitor standardizing approaches that had not been attempted before. He and I would see each other daily or twice a week, equipment to monitor the heartbeat of the fetus, to see if anything was going on that was a great sign. This was a great time because most elephants don't show overt signs of pregnancy."

Keefe, who went on to become a chief architect of the Association of Zoos and Aquariums' Species Survival Plan for elephants, remembers Maberry as a patient teacher, one who with his time and expertise...

"During my last few years, I served under a superintendent as a keeper and doing care for animals held in the hospital and quarantine areas," Keefe said. "I was 18 when I started and had very little experience. Dr. Maberry was one of the best teachers I ever had."

Maberry's most recent visit to the zoo was June 19, the year evening of a new veterinary medical center. He died the following week at the age of 84.

"Dr. Maberry dedicated his life to the elephants and the zoo," Keefe said. "We are so lucky that he would be here to help celebrate Packy's 50th birthday with us. We will certainly be thinking of him."

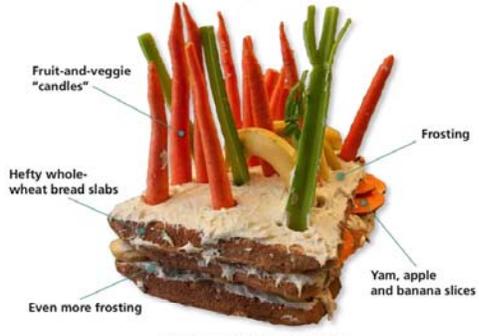


Dr. Matthew Maberry, left, the Oregon Zoo's veterinarian, attended the opening of the new Veterinary Medical Center Jan. 15, along with (left to right) his wife, Patricia Maberry, Mike Keefe (the zoo's director of elephant habitats) and Dr. Mitch Pinegar, current zoo veterinarian.

PACKY'S CAKE

On his birthday, Packy always enjoys an enormous cake made by the zoo's chef. While the cake's design changes from year to year, the way Packy eats his baked good remains the same: quickly. At his 50th birthday party, Packy will dig into his one-of-a-kind cake at 2 p.m., when competition winners deliver it to the elephant exhibit.

Anatomy of a cake



Weight: 40 pounds • Height: 2 feet

Elephants shouldn't have all the fun...

Humans can enjoy cake at Packy's party, too, courtesy of Lamb's Wilsonville Market. Lamb's cakes are always spectacular, so be sure to grab a piece at noon — human and elephant cakes alike go fast on Packy's birthday.

NEW ELEPHANT HABITAT

In the 50 years since Packy's birth, we have learned more about elephants than was known in the previous 5,000 years. Zoo now have a much better understanding of what it takes to protect the physical well-being of these gentle giants and to satisfy their social and behavioral needs.

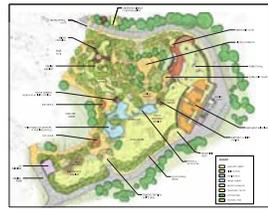
Thanks to funding from a 2008 bond, the Oregon Zoo is designing a new Asian elephant habitat that will put this understanding to work and exemplify the community's commitment to animal welfare and sustainability. The habitat will not only exceed standards set by the Association of Zoos and Aquariums but also serve as a pioneering example of exhibit design.

As work progresses, the Oregon Zoo Foundation will be seeking donor support to augment the new habitat and ensure the zoo remains a world leader in elephant management and care.

**Timeline**  
 2010-2012: Research and design, with final designs completed by December 2012.  
 2013-2015: Construction will be conducted in stages so elephants can remain at the zoo.

**Animal welfare**  
 The habitat's design prioritizes elephant comfort, health and enjoyment by meeting the animals' physical and behavioral needs. Elephants will be able to participate in a variety of enriching social interactions and make more choices about how and where they spend their time. In the wild, females live in matriarchal herds where multiple generations typically remain together for life. The habitat will provide the space needed to support such family groups while giving bull elephants more opportunities to interact with female herds.

**Protecting wildlife**  
 Healthy elephants aren't the new habitat's only goal — its sustainable operations and visitor experience will also help keep ecosystems healthy. The new buildings will meet or exceed LEED silver certification standards and include eco-friendly features like native plantings and a geothermal loop, the loop draws on the earth's relatively consistent underground temperature to provide heating and cooling. It will also inspire visitors to care about and protect Asian elephants through improved viewing opportunities, engaging informational displays and educational experiences.



The southern portion of the habitat includes the Elephant Meadow outdoor habitat, Forest Hall and Elephant Building (barn).



Forest Hall, the habitat's indoor viewing area.

NEW ELEPHANT HABITAT

**Elephant meadow**  
 Elephant Meadow: A broad, grassy square of land, the northern habitat will be accessible to elephants from the Elephant Meadow area.

**Forest hall**  
 For visitors, the main indoor viewing area will offer panoramic and up-close views of the animals as well as a variety of educational displays. For elephants, it will offer shade, enrichment stations and access to the outdoors; elephants will often be able to come and go as they please.

**Elephant Building**  
 This barn-like structure will be used for elephant care. The building's design features a variety of social and enrichment opportunities for elephants, including a large indoor area with a variety of enrichment displays. For elephants, it will offer shade, enrichment stations and access to the outdoors; elephants will often be able to come and go as they please.

**Elephant Meadow**  
 The habitat's southern portion will have a large outdoor area with mud flats, grassy fields, sandy beaches, water activity, roads and shaded resting spots.



**Oregon Zoo team**  
 Kin Smith, zoo director  
 Mike Keefe, director of elephant habitats  
 Rob Lane, elephant curator  
 Ben Whitwell, project manager

**Design team**  
 SDCPartnership, architects  
 CLF Design, zoo exhibit architect  
 Abel or Dinkoff, landscape architect

ASIAN ELEPHANT FACT SHEET

Scientific name  
*Elephas maximus*

Range and habitat  
Asian elephants live in Southeast Asia in a wide range of habitats, from thick jungle to grassy plains.

Average size  
Weight: 6,000-13,000 pounds  
Height: 7-10 feet at the shoulder  
Packy is large for an Asian elephant at about 12,500 pounds and a towering 10 feet, 6 inches.

Description  
Asian elephants are stouter than their African counterparts, with a shorter stature but heavier weight. Asian elephants are also distinguished by rounded backs, small ears and relatively smooth skin. African elephants have dipped backs, large ears (shaped like the African continent) and very wrinkly skin.

Trunks: Elephants use their trunks to communicate, touch, eat, drink and smell. This versatile body part has hundreds of muscles and is amazingly strong and flexible — it can lift heavy logs or pluck a single leaf from a tree. Elephants can even use their trunks like snorkels to breathe underwater.

Tusks and tushes: Some male Asian elephants have tusks, long incisors that grow up to 5 feet. Most females and many males have tushes, which are much smaller and lack a central nerve (unlike tusks).

Life expectancy  
45 years

Diet  
In the wild, these herbivores eat bamboo, fruit, leaves, shoots and grasses. The Oregon Zoo's elephants eat fresh produce, hay, oats and enrichment treats like seasonal veggies and plant clippings.

Behavior  
Asian elephants are highly social animals that form strong bonds with other herd members. Females and calves live in multigenerational, matriarchal herds, while adult males spend some time away from herds and some in "bachelor" herds.



Reproduction  
Males reach sexual maturity at 8-12 years and females at 6-10 years. Females usually give birth to a single calf after a gestation of 20-22 months. During birth, the mother is attended by other adult females ("aunties").

Status in the wild  
Asian elephants are listed as endangered under the U.S. Endangered Species Act ([CFR's Appendix](#)) and the IUCN's [Red List](#). The Association of Zoos and Aquariums coordinates an Asian elephant Species Survival Plan, of which the Oregon Zoo is a participant. The species is threatened by habitat loss, poaching and fatalities stemming from conflicts with human activities like agriculture.

PHOTOS AND VIDEO

These and other images are available in high resolution format for press in a SmugMug gallery at <http://bit.ly/Packy50Gallery>.

Contact zoo media relations officer Hova Najarian at 503-220-5714 or [hova.najarian@oregonzoo.org](mailto:hova.najarian@oregonzoo.org) to request additional photos and videos or to schedule an interview with zoo staff.

A web video with footage from Packy's birth is available on the zoo's YouTube channel at <http://bit.ly/Packy1962>.



Packy enjoys his 40th birthday cake. Photo by Kristine L. Jones.



Packy in 1962. Photo by Pete Luskoff.



Packy on exhibit, 2002. Photo by Michael Durham.



Packy on exhibit, 2008. Photo by Michael Durham.



Photo by Michael Durham.



Christina Christensen.



Photo by Michael Durham.



Gil Strouts bring Packy a first birthday cake. Donated by Oregon Zoo.



Packy on exhibit, 2012. Photo by Michael Durham.



Kerry Berry weighs newborn Packy. Photo by Greg Wright.

OREGON ZOO PACKY'S 50TH BIRTHDAY 2012 MEDIA KIT 14

OREGON ZOO PACKY'S 50TH BIRTHDAY 2012 MEDIA KIT 15

TV commercial

# Photo Contest

## We Share a Birthday



Let's Celebrate Together

by rsmurnen

Recommend

Posted on March 31, 2012 at 9:45 AM

On my 10th birthday we were on the way to Cannon beach for my party when on the radio (which we were singing to) came the news that the first baby elephant had been born. I still remember singing the commercial "Soaky soaks you clean and every girl and boy gets a toy when it's empty, when its empty it's a toy" and being so excited that the new baby was born on my birthday. For years my parents called me "Packy" when I would be stomping around the house or running into something. I have never been to his birthday party and would love to take my grandchildren this year.

Happy 50th Packy and Happy 60th to me. Becky Murnen

## Entercom Radio: Poems for Packy

- Campaign on 4 stations for maximum exposure  
(94.7 KNRK, 105.1 KRSK, 97.4 KYCH, 99.9 KWJJ)
- Online & heavy social media presence

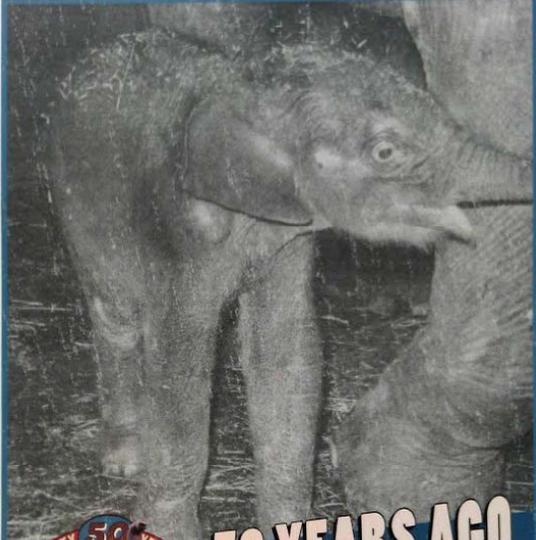
**FIFTY 50 YEARS**

**Poems for Packy**

**WISH PACKY A HAPPY 50TH BIRTHDAY!**

Enter to Win a Packy Prize Pack and share your favorite poem, story or photo of our favorite pachyderm!

Print ads



**FIFTY 50 YEARS**

**50 YEARS AGO**  
225 pounds of history was made.

HELP PACKY CELEBRATE HIS 50<sup>TH</sup>  
SATURDAY, APRIL 14

**OREGON ZOO**  
A SERVICE OF METRO

Follow the conversation on Twitter #Packy50 | [www.oregonzoo.org](http://www.oregonzoo.org)

*There were millions of births in 1962,  
but only one was featured*

**IN LIFE MAGAZINE.**



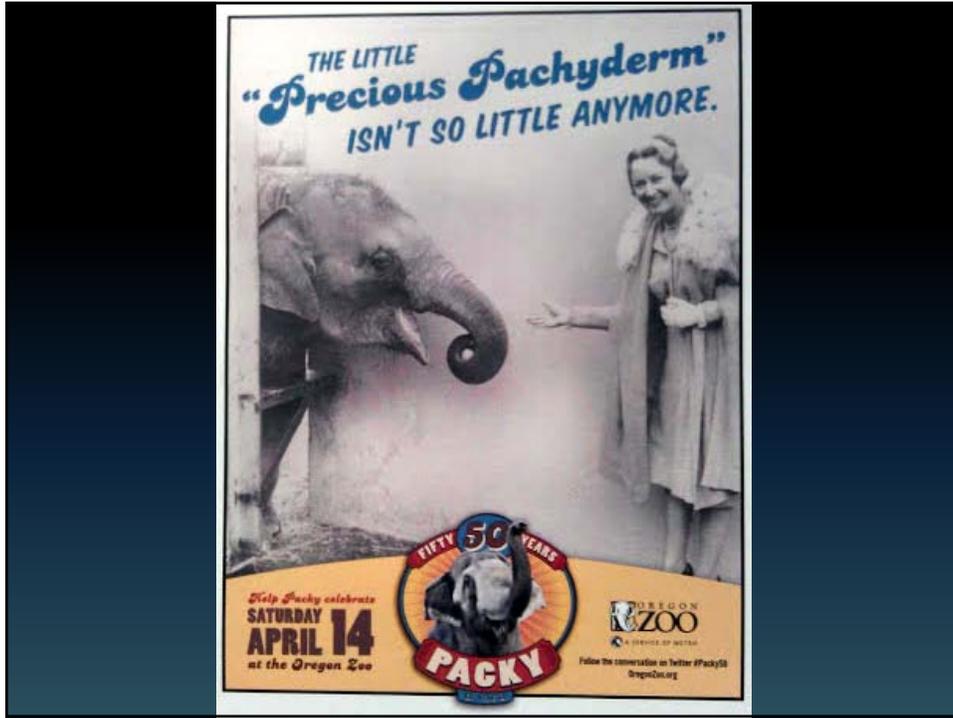
**FIFTY 50 YEARS**

**PACKY**

HELP PACKY CELEBRATE HIS 50<sup>TH</sup>  
SATURDAY, APRIL 14

**OREGON ZOO**  
A SERVICE OF METRO

Follow the conversation on Twitter #Packy50 | [www.oregonzoo.org](http://www.oregonzoo.org)

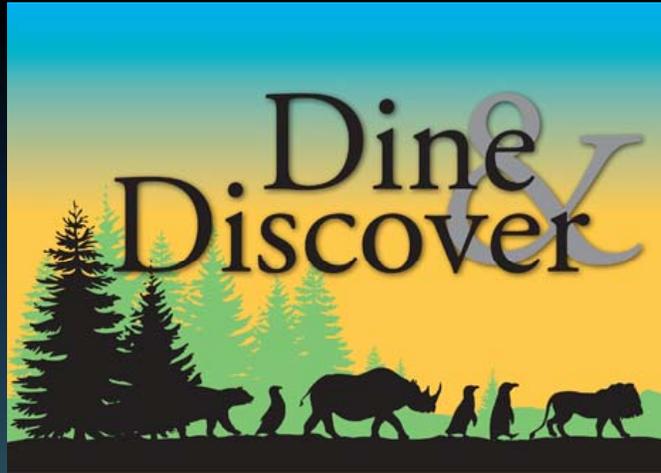


## Related Events



# Dine & Discover

April 13  
6 – 9 p.m.



@Packy\_PAC #Packy50 #Stomptown #Vote4Jody



# Packy's Party

April 14, 2012 • 10 a.m. – 4 p.m.

10 a.m. • Party opening hour

Elephant ears to color and wear, games, crafts, kids activities,  
photo opportunities, new exhibit display

12 p.m. • Cake is served to humans

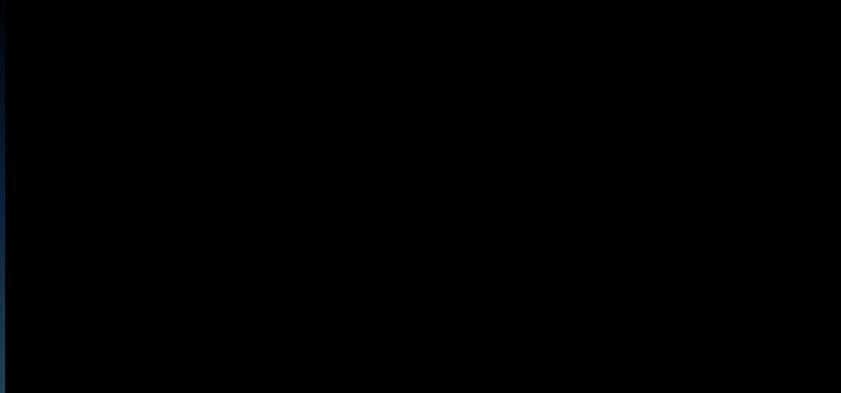
1:45 p.m. • Packy's Cake Parade

2:00 p.m. • Ceremony

4 p.m. • Event ends



# Packy's Story





# Oregon Zoo Bond Citizens' Oversight Committee Report

FEBRUARY 2012

## Who we are

We are the Oregon Zoo Bond Citizens' Oversight Committee ("the committee") first appointed by the Metro Council in January 2010. We met four times in 2011: February, June, August and November. We currently have 17 members. Members bring to the committee skill sets from a diverse set of backgrounds (see Appendix A).

Our meetings typically involve interactive presentations involving the zoo bond staff ("A Better Zoo program") team and Oregon Zoo staff. There is considerable discussion and question/answer time devoted to each meeting.

The committee operates under a charter it developed that essentially incorporates the governance and reporting requirements of Metro Council Ordinance 10-1232, but also provided for a vice chair position in addition to the chair position called for by the ordinance.

The committee operates at a relatively high oversight level. Our charge is to determine if the Better Zoo program is on the right path in terms of structure, expenditures and achievement of defined goals. We do not make specific project decisions. We look at how decision making occurs and how business is conducted. We seek to help ensure that the right processes and controls are in place so that the best possible value can be realized from the voter-approved zoo bond funds. As you can see from the attached organizational chart of the Better Zoo program (Appendix B), there are many different levels of interaction and oversight.

## Why we exist

The 2008 zoo bond measure titled, "Bonds to Protect Animal Health and Safety: Conserve, Recycle Water," (the "zoo bond") called for a citizen oversight committee to do the following:

1. Assess progress in implementing the Oregon Zoo bond measure project improvements.
2. Report on project spending trends and current cost projections, and review and report on the Annual Independent Financial Audit of spending.
3. Consider and recommend project modifications intended to account for increases in construction costs in excess of budget estimates, to ensure that the purpose and promise of the Oregon Zoo bond measure is fully realized.

## The committee's reporting requirement

We are required to report annually to the Metro Council regarding the progress of the Better Zoo program. This document satisfies that requirement.

### REQUIRED REPORTING ITEM 1

#### Assessment of progress

- The Better Zoo program has a clear organizational and governance structure, and processes appear to be in place to ensure that Metro will be a good steward of the bond money.
- This structure has been enhanced by the completion of a Comprehensive Capital Master Plan. The Comprehensive Capital Master Plan is used to address project sequencing, scope, programming and budgeting for the remaining bond projects. The Comprehensive Capital Master Plan will provide a clear blueprint for the process to realize bond goals. The plan was approved by the Metro Council in September 2011.
- The Veterinary Medical Center was completed during this reporting year, replacing the substandard veterinary and quarantine buildings with a new facility that meets standards set by the Association of Zoos and Aquariums. The Veterinary Medical Center was completed in December, within acceptable variances in the schedule, due to change orders, and under budget. Staff moved in and the grand opening was celebrated in January 2012.
- The Penguin Life Support System Upgrade was designed to conserve water and improve water quality. The program completed the work outside the expected timeframe, but the budget impact was negligible due to the contractor's responsibility to reimburse project expenses associated with the delay. The life support system project is complete; however, the penguins have not been moved back into the exhibit because the heating ventilation and air conditioning (HVAC) system is not properly managing exhibit humidity. Modifications to the HVAC system were not part of the life support system upgrade and the moisture level of the exhibit air was not modified by the project. The Zoo Facilities Maintenance department is managing repairs and the zoo is funding the HVAC system repair, not the bond program or zoo bond funds. The penguins remain housed at the polar bear exhibit with no negative impact to animal health or welfare.
- In recognition that elephants are the Oregon Zoo's signature species, Metro prioritized the On-site Elephant Habitat project in terms of timing and the financial resources dedicated to it. The project will significantly expand the habitat, allowing for an evolution in the way the elephants use their space, which supports the zoo's vision for elephants to live in family herds. The project will provide the elephants a new barn and indoor habitat. The elephant habitat expansion has implications for other parts of the zoo. Related sub-projects include: 1) relocation of the train loop, 2) a new perimeter service road, 3) relocating the Wild Life Live program and 4) water and energy sustainability measures, including LEED Silver Certification for the elephant buildings, and a new campus geothermal loop to reduce the use of fossil fuels for heating and cooling.

Metro has contracts in place for design and Construction Manager/General Contractor for this project. The project is expected to be completed in 2015.

- Metro Council Resolution No. 11-4230 authorized Metro to enter into options to purchase real property for the purpose of providing a remote elephant center. Metro has an option for property near Sandy, Oregon and is still looking at other properties as they become available and/or identified. Work continues on planning and design; development of funding strategies to meet additional capital and operating needs; clarification of the process to secure land use approvals; and needed communications to many stakeholders. The Metro Council also authorized staff to continue financial feasibility planning and to work with the Oregon Zoo Foundation on a fundraising campaign. The zoo is currently funding these efforts from its operating budget.
- Land use planning has been proceeding on two tracks: (1) an amendment to the existing Conditional Use Master Plan (CU MS) to allow work for the Onsite Elephant Habitat and Related Infrastructure project and the Condor Habitat project to proceed, and (2) an application for a new CU MS for the remainder of the specific bond projects and overall master plan improvements. As the committee noted in its 2011 report, given the requirements to obtain a new CU MS, this appears to be a good strategy in that it is expected that it will allow construction to begin on the Onsite Elephant and Condor projects while work continues on the new CU MS.

In September 2011, three months behind the original schedule, the CU MS amendment was filed with the City of Portland. On March 2, 2012, Metro received approval.

The preparation of the new CU MS was originally expected to be completed in the fourth quarter of 2011, but it is still under development. Judging by the presentations and materials provided to the committee, this is a time-consuming and expensive effort. Obtaining land use approvals, particularly of this scale, and with the involvement of other Washington Park Alliance members and the adjacent neighborhood associations, can be complex and difficult. We continue to recommend that Metro ensure that this process receives adequate oversight and appropriate resources. We recommend that this process continue to be monitored closely, with a keen focus on making sure the risk-appropriate level of resources are dedicated to achieving the necessary approvals.

- The program appears to be adequately staffed in its current phase. There appears to be a continued need for communication and outreach assistance, particularly given the land use efforts underway and the number of constituent groups involved with or affected by the zoo bond-funded projects.

**REQUIRED REPORTING ITEM 2****Report on spending trends and current cost projections and independent auditors' report**

- The Better Zoo program is divided into four main areas: construction, project planning, land use approvals and administration covering nine total projects. As of December 31, 2011, the total amount budgeted for all program activities is \$133 million, including \$125 million from general obligation bond measure proceeds, \$5.2 million from the Oregon Zoo Foundation and approximately \$2.6 million in anticipated investment earnings.
- As reported by the Better Zoo program staff, Metro asked the Oregon Zoo Foundation to raise \$5.2 million to support the remaining bond projects. The Foundation agreed to provide the funds and pledged their existing reserves to meet the commitment. The Foundation committed to providing the funds no later than the start of the last scheduled project. These funds are intended to support all the remaining program projects and are not restricted by project.
- The Comprehensive Capital Master Plan (CCMP) was completed and adopted by the Metro Council on September 22, 2011. The CCMP development expenses totaled \$1.7 million, approximately \$124,000 under the established budget. The CCMP identifies budgets for the remaining bond-funded projects. These budgets include inflation and cost escalation assumptions. The budgets were reviewed by two professional cost estimators and appear to have appropriate cost escalation and inflation assumptions and factors included.
- We recommend that the program continue to review and validate budgets and the inflation and cost escalation assumptions on an ongoing basis. Of principal concern to this committee is Metro's ability to complete all bond projects without sacrificing bond program and animal welfare objectives with the remaining funding. The CCMP process has been and will continue to be a crucial element to ensure efficient and effective use of bond proceeds. It is critical that the bond program staff continue to use the CCMP and resulting budgets and schedules to manage the remaining project scopes. This will help ensure that funding and resources are available to complete all bond commitments.

Construction is complete on the Veterinary Medical Center, the Penguin Life Support System Upgrade project and some of the water and energy projects. The Veterinary Medical Center finished on schedule and approximately \$300,000 under budget. The Penguin Life Support System Upgrade project finished approximately six months behind schedule and \$50,000 under budget. The general contractor paid for all additional consultant fees associated with the late completion. The savings on these two completed projects have been reallocated to future projects.

- The planned construction projects for 2012-2013 include the Onsite Elephant Habitat and Related Infrastructure project and the Condor Habitat. In addition, the program is planning campus/program level interpretive design and the one-percent-for-art requirement. These four projects represent \$58 million (44 percent) of the total forecast program expenditures.

- We understand that the program has received Metro Council approval to use an alternative general contractor procurement method called the Construction Management /General Contractor approach for the Onsite Elephant Habitat and Related Infrastructure project. Given the complexity of the zoo bond-funded projects and the possibility of simultaneous construction projects, we support the continued consideration of alternative contracting methods such as this in order to reduce risk and achieve the most cost effective and efficient use of the zoo bond funds.
- Administration costs total \$1.3 million (8.6 percent) of the Better Zoo program's total expenditures through December 31, 2011. As expected with the completion of the CCMP, overhead has declined as a percentage of total bond project costs. These costs should continue to be monitored as the bond program moves forward, but do not appear unreasonable. The overhead expense allocation by Metro for support services is consistent with other Metro programs.
- The Oregon Zoo staff anticipates that the ongoing operating costs of the zoo will be neutral upon completion of the bond-funded projects, given the enhancements and efficiencies gained through new technologies and the modernization of zoo infrastructure. We believe it is important that staff continue to monitor this assumption as project planning matures to allow reasonable financial planning by Oregon Zoo staff.
- Financing costs for the Better Zoo Program have been minimal to date. No new financing costs were incurred in 2011. The Metro finance team is currently working with outside counsel on the timing and amount of the third financing tranche. The first tranches were private placement issues in December 2008 and August 2010 for \$5 million and \$15 million, respectively. It is anticipated that the new financing will total approximately \$65 million.
- Within the adopted CCMP, \$7.2 million has been budgeted for the Remote Elephant Center. We recommend that prior to moving forward, the funding source of ongoing operating costs is identified.
- The annual audit report was issued on December 2, 2011 by Moss Adams. The auditors reported that nothing came to their attention that caused them to believe that Metro failed to comply with the provisions of the bond measure. No specific management letter comments were made and the audit report was published on January 19, 2012 in *The Oregonian*.

**REQUIRED REPORTING ITEM 3****Consider and recommend project modifications intended to account for increases in construction costs in excess of budget estimates**

We are not recommending any project modifications at this early stage in the Better Zoo program.

**The November 2011 Metro Auditor's Report**

Metro Auditor Suzanne Flynn issued an audit report in October 2011 titled, "Oregon Zoo Capital Construction Program Audit Follow-Up – Bond Projects Are Well Managed." This was a follow up to a 2009 Metro Auditor's audit titled, "Oregon Zoo Capital Construction: Metro's Readiness to Construct 2009 Bond Projects." Ms. Flynn presented the follow-up audit report to our committee in November 2011, and gave us the opportunity to ask questions. The follow-up report concluded that the Better Zoo program had implemented six of the seven recommendations contained in the 2009 Metro Auditor's report.

The one recommendation not yet implemented relates to the reporting of bond program information at both the project level and for the bond program as a whole. As was stated in the management's response to the October 2011 audit report, with the completion of the master plan and adoption by the Metro Council of the Bond Implementation Plan in September 2011, the scopes, schedules and budgets for all remaining bond projects are now known and can be used to provide information for the program as a whole. With this new and more complete information, bond program staff is actively engaged with the Citizen's Oversight Committee to enhance project reporting to our committee in the prepared written materials we receive.

## Appendix A – Committee Membership

### **Deidra Krys-Rusoff – Committee Chair**

Deidra Krys-Rusoff is a portfolio manager and a member of the fixed income team at Ferguson Wellman Capital Management. Krys-Rusoff is a native of Idaho, and earned her B.A. in zoology from the College of Idaho. She is on the board of directors of the Northwest Taxable Bond Club, past board member of the Junior League of Portland, and serves on several committees at Glencoe Elementary School.

### **Marcela Alcantar**

As president of Alcantar & Associates, Marcela Alcantar provides engineering support services in the community, producing quality construction documents and maps. She focuses on providing services for under-represented groups and students interested in the engineering field. Alcantar & Associates LLC was created to fulfill a personal and professional mission to provide exceptional engineering support services that result in effective, livable communities that are truly dynamic. The firm is certified in Oregon as a WBE/MBE/DBE/ESB (2395) design consulting and surveying support services firm. Its mission is to provide technical excellence in finding efficient and cost-effective solutions to meet its clients' needs.

### **Jacqueline Bishop**

Jacqueline Bishop is an attorney and previously worked at Roberts Kaplan, LLP, where she participated in the real estate, business and sustainability practice groups. She is a board member of We Love Clean Rivers, Inc., a representative on the Oregon State Bar's Sustainability Task Force, and a LEED Accredited Professional. Before graduating from Lewis and Clark Law School, Bishop worked as a wetlands and fisheries biologist.

### **David Evans**

Senior Vice President and Chief Financial Officer for The ODS Companies, Dave Evans is responsible for overseeing financial, treasury, regulatory, information services, underwriting and actuarial functions. Evans brings a broad knowledge of financial planning and budget management to his role. Previously, he served as Controller of The ODS Companies for nearly a decade, during which time he was responsible for day-to-day accounting and finance activities. Prior to joining ODS, Evans was an audit manager at PricewaterhouseCoopers, where he focused on financial services, including insurance and real estate.

Evans earned his bachelor's degree at Oregon State University. An active certified public accountant, he participates in the Oregon Society of Certified Public Accountants' mentoring program and is involved with the American Institute of CPAs. He is also active in the community, serving on the board of the Assistance League and Metro's bond oversight committee for Natural Areas.

### **Greg Gahan**

Greg Gahan, owner of Northwest Construction Management, is a nearly lifelong resident of the Portland metro area. He has engineering and business degrees from Oregon State University and Portland State University in addition to 25 years of commercial construction experience in the region.

## Appendix A – continued

### **Anne English Gravatt**

Ann Gravatt is the Oregon Director at Climate Solutions, an organization working to accelerate practical and profitable solutions to global warming through leadership, investment and bridging divides. Gravatt has more than a decade of energy experience, working as a consultant, policy advocate and attorney. From 2002-2010, Gravatt was the Policy Director for the Renewable Northwest Project, where she was involved with key victories throughout the Northwest, including passage of renewable energy standards in Montana, Washington and Oregon. Gravatt also directed RNP's state regulatory work, regularly appearing before the region's utility commissions to advance strong clean energy policy. She practiced natural resources and energy law for several years in Portland and Washington, D.C., and also has a background in candidate and ballot initiative campaigns and public affairs. Gravatt has a law degree from the George Washington University Law School and a bachelor's from the University of Richmond.

### **Sharon Harmon**

Sharon Harmon is the executive director of the Oregon Humane Society and has been a professional in the field of animal care and welfare for almost 30 years. She has helped lead the Oregon Humane Society, the state's largest and oldest animal protection organization, for 22 years and has served as its Executive Director since 1998. She holds a Bachelor of Science, Zoology (Pre-Vet Med), from Oregon State University and a Certificate in Nonprofit Business Administration and Leadership from Johns Hopkins University, and is a Certified Animal Welfare Administrator. She has served on the Banfield Shelter Advisory Committee, and chaired the American Humane Association Shelter Advisory Committee. Recipient of the American Veterinary Medical Association's Humane Award for 2008, she is currently the president of the National Federation of Humane Societies.

### **Jim Irvine**

Jim Irvine is chairman and CEO of The Conifer Group, a 65-year-old family-owned firm specializing in home building, land development and property management. The company is also a licensed real estate brokerage in Oregon and Washington, with practice in design development and construction. The Conifer Group has received national recognition for innovation and sustainable design and is a founding member of the U.S. Green Building Council.

### **Benjamin Jackson**

Benjamin Jackson, a senior at Jefferson High School, has been active on many committees during his school years. He has served as a student leader for REAP Inc., Metropolitan Family Services' children and family enrichment program (CAFÉ), and the Wattles Boys & Girls Club. At Rowe Middle School he serves as a peer mediator. He has been a member of the Clackamas High School Diversity and Key clubs and the Clackamas Orchestra Solo and Ensemble Festival. He is also a children's education instructor at Cathedral of Praise Ministries and has been a crew leader for Senator Margaret Carter's Annual Block Party.

## Appendix A – continued

### **Tony Jones**

Tony Jones is the executive director of Metropolitan Contractor Improvement Partnership, a nonprofit that provides business training and capacity building for minority contractors, and is responsible for overall operation of the organization. He has 21 years experience in economic development, construction and affordable housing. In his roles, Jones has worked with many of the public agencies, nonprofits and prime contractors in the region and has garnered an excellent reputation by being accountable and providing quality and reliable services.

### **Bill Kabeiseman**

Bill Kabeiseman is an attorney at Garvey Schubert Barer specializing in land use and municipal law. He graduated from the University of Oregon School of Law and later served as an adjunct professor teaching land use law at the school. Bill chaired the Oregon State Bar Task Force on Sustainability and is on the Multnomah County Planning Commission.

### **Carter MacNichol**

Carter MacNichol is a managing partner for local urban developer Shiels Obletz Johnsen, Inc. and a managing member for Sockeye Development LLC. He has experience in real estate management and development for the Port of Portland, has worked as a project manager for the Portland Development Commission, and taught for the Oregon City School District. MacNichol is active on several local boards, including The Oregon Zoo Foundation, The Nature Conservancy of Oregon, and the Oregon "I Have a Dream" Foundation. His past board experience includes Portland Children's Museum and Portland Community Land Trust.

### **Sheryl Manning**

Sheryl Manning has a history of active leadership roles on corporate, nonprofit and community boards. She is a member of the board of directors of Legacy Health, has served on a variety of other corporate and nonprofit boards, and is a former commissioner, chair and interim general manager of MERC. She previously worked as a certified public accountant for PricewaterhouseCoopers and Arthur Andersen.

### **Ray Phelps**

Ray Phelps is manager of Regulatory Affairs for Allied Waste Services, Inc. He has served as assistant to the secretary of state, where he was responsible for Oregon elections, administrative rules, uniform commercial code, and budgeting for the secretary of state's office. He has also served as Metro's Chief Financial Officer and director of administration.

### **Penny Serrurier**

Pendleton ("Penny") Serrurier is a member of Stoel Rives LLP, practicing in the areas of tax-exempt organizations, charitable giving, estate planning and administration, business succession planning, and personal tax planning. Serrurier represents tax-exempt organizations and advises them on all aspects of governance, compliance, and tax-related matters. She has served on several local boards and is a past chair for The Oregon Zoo Foundation board of trustees.

## Appendix A – continued

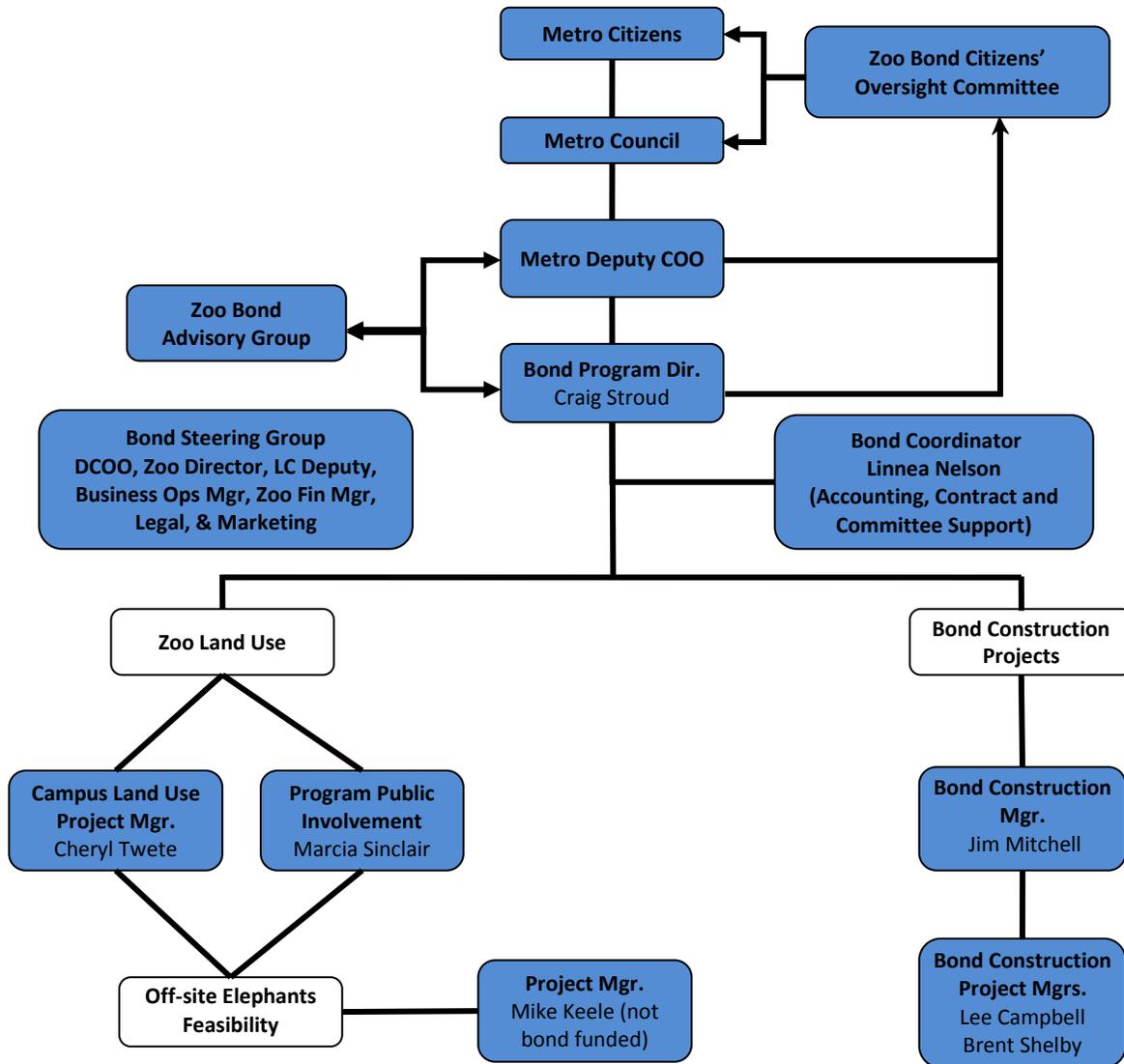
### **Michael Sestric**

Michael Sestric is a self-employed architect, providing independent space programming, budgeting and project management services for educational, health care and nonprofit organizations.

### **Bob Tackett**

Bob Tackett serves as Executive Secretary Treasurer for the Northwest Oregon Labor Council, AFL-CIO. He has been active in the labor movement for more than 36 years, 26 of those working at Reynolds Metals Company in Troutdale until the plant closed. Tackett worked for the Oregon AFL-CIO as the Labor Liaison, helping workers displaced from their jobs, until elected as the Executive Secretary Treasurer for the Labor Council in 2009.

## Appendix B A Better Zoo Program Organization Structure



**External Consultant Contributions**

Zoo Land-Use: Multi-disciplinary consulting team primarily supporting effort that is led by Cheryl Twete.  
 Bond Construction Projects: Design consultants and construction contractors managed by bond project managers. Jim Mitchell, Group Manager; Lee Campbell and Brent Shelby, project managers.

**Zoo Staff Contributions**

Animal Welfare, Guest Experience, Conservation Education, Public Relations

**Metro Contributions**

Public Involvement: Led by Marcia Sinclair, support from Zoo Marketing and Metro Communications staff.  
 Governance, Civil Engineering, Planning/Permitting, Historical Investigations, Legal, Finance, Human Relations





## **METRO COUNCIL MEETING**

Meeting Summary

March 22, 2012

Metro, Council Chamber

**Councilors Present:** Council President Tom Hughes and Councilors Rex Burkholder, Barbara Roberts, Carl Hosticka, Kathryn Harrington, Shirley Craddick, and Carlotta Collette

**Councilors Excused:** None

Council President Tom Hughes convened the regular council meeting at 2 p.m. Council President Hughes, with support from the full Council, reorganized the agenda to consider Resolution No. 12-4337 after *Citizen Communications*.

### **1. INTRODUCTIONS**

Council President Hughes welcomed Deputy Chief Operating Officer Scott Robinson and Senior Metro Attorney Marvin Fjordbeck. Mr. Robinson served as COO staff in Ms. Martha Bennett's absence, and Mr. Fjordbeck served as legal counsel in Ms. Alison Kean Campbell's absence.

### **2. CITIZEN COMMUNICATIONS**

There were none.

### **3. PRESENTATION ON "THE NATIVE AMERICAN COMMUNITY IN MULTNOMAH COUNTY: AN UNSETTLING PROFILE" REPORT**

Ms. Nichole Maher of the Native American Youth & Family Center provided a presentation on a report titled, "The Native American Community in Multnomah County: An Unsettling Profile." The report, a product of a collaborative research project between Coalition of Communities of Color, Portland State University's School of Social Work, and the Native community, is the most widespread study of the local urban Indian community. Ms. Maher noted that while the report is focused on Multnomah County, the trends facing the Native American community are found across the four-county area NAYA supports including Clackamas and Washington counties. She emphasized that the Portland area has the 9<sup>th</sup> largest Native American population in the United States and that the community represents approximately 4 percent of the total Portland area's population.

Ms. Maher highlighted some of the research's findings and emphasized the large disparities across all systems and institutions between Native Americans and whites. The research compared the two communities across 28 different indicators. Examples of disparities presented included differences in poverty levels, yearly incomes and graduation rates. (Full report included as part of the meeting record.) She stated that there are several things Metro can do to partner with the Native community and to help improve overall outcomes for the population.

Highlighted actions included:

- Make hiring people of color and Native Americans a priority and ensure the agency is a place where Native Americans would like to work.
- Enter a conversation with NAYA and the Native community around the recent Metro natural areas bond measure. The Native community was an active partner and advocate for the measure, but does not feel the benefits have equality impacted their community.
- Have Metro leadership partner with the Native community to identify 2 to 3 areas to improve overall indicators for Native Americans. (e.g. racial equity as a regional area of concern)
- Partner with NAYA and other Native American organizations. Ms. Maher emphasized the shared beliefs and alignment of Metro and the Native community's values; she welcomed and encouraged councilors to partner and help champion the causes the community is passionate about.

Council discussion included the recent bond measure and opportunities to partner with the Native community to tell the indigenous story through developed natural areas. Members emphasized the importance of telling the local tribes' history and storytelling's ability to add to the richness of the region's overall culture and livability. Ms. Maher recommended Metro connect with the Portland Indian Leaders Round Table for recommendations on significant Native American natural areas. Additional discussion included adoption and the foster care system and impacts to the Native community. This report is part of a larger six part series; for details visit the Coalition of Communities of Color web site.

**4. CONSIDERATION OF THE MINUTES FOR MARCH 15, 2012**

Motion:	Councilor Shirley Craddick moved to adopt the council minutes for March 15, 2012.
Second:	Councilor Barbara Roberts seconded the motion.

Vote:	Council President Hughes, and Councilors Burkholder, Roberts, Hosticka, Collette, Craddick and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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**5. ORDINANCES – SECOND READING**

**5.1 Ordinance No. 12-1272, For the Purpose of Amending Metro Code Chapter 5.01 to Repeal Provisions Related to Transfer Station Areas.**

Motion:	Councilor Kathryn Harrington moved to adopt Ordinance No. 12-1272.
Second:	Councilor Carlotta Collette seconded the motion.

Councilor Harrington introduced Ordinance No. 12-1272. Metro's solid waste disposal system consists of two classes of transfer facilities: regional and local transfer stations. Regional stations, such as Metro Central and Metro South, have no restrictions on the volume of tonnage they can accept. Local stations, all privately owned, are limited by the volume of waste the facility can accept. All private transfer stations are authorized by the Metro Council through franchises,

regulatory instruments used to establish terms and conditions for each station, including setting tonnage caps. Councilor Harrington highlighted a few benefits of tonnage caps including maintaining reasonable and consistent prices throughout the region, ensuring adequate waste flow to the public transfer stations, and encouraging travel time reductions for haulers.

The ordinance, if approved, would repeal revisions in Metro's Code related to one method of tonnage caps at transfer stations that has never been fully implemented. In its place, Council will continue to establish uniform tonnage caps for all local transfer stations when approving franchise applications for 2013.

Council President Hughes opened a public hearing. Seeing no citizens who wished to testify, the public hearing was closed.

Vote:

Council President Hughes, and Councilors Burkholder, Roberts, Hosticka, Collette, Craddick and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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5.2 **Ordinance No. 12-1273**, For the Purpose of Amending the FY 2011-12 Budget and Appropriations Schedule, Recognizing New Grants, Donations and Other Contributions and Amending the FY 2011-12 through FY 2015-16 Capital Improvement Plan.

Council President Hughes passed the gavel to Deputy Council President Burkholder while he carried the legislation.

Motion:	Council President Hughes moved to adopt Ordinance No. 12-1273.
Second:	Councilor Carl Hosticka seconded the motion.

Council President Hughes introduced Ordinance No. 12-1273. At the conclusion of the fiscal year's second quarter, Metro staff prepares a more thorough review of the agency's financial projections. This work, paired with the completion of the previous year's financial audit (FY 11-12), has identified areas where changing circumstances require adjustments to the agency's financial plan. The ordinance, if adopted, would approve a series of administrative and/or substantive amendments. The amendments are as follows:

- Implementation of Government Accounting Standards Board (GASB) Statement 54
  - Ruling requires that community enhancement fees be received and reported directly in Rehabilitation and Enhancement Fund (REF), rather than Solid Waste Revenue Fund, with subsequent transfer to the REF.
- Consolidation of PERS reserve in the General Fund;
  - During the FY 2011-12 budget, the Council approved a proposal to use the PERS Reserve to pay all or a portion of the pension debt service obligation for a period of five years. All PERS reserves were consolidated in the General Fund. Actual reserve balances were slightly different than estimates. The amendment seeks to "true up" the balances transferred.

- Information Services Capital Improvement Projects
  - The amendment consolidates several existing smaller renewal and replacement projects resulting in a more efficient solution to the need.
- Metro's new Diversity Coordinator position
  - Amendment would move all appropriations for the program from Human Resources to the Office of the COO.
- Policy Advisor position
  - Former Metro Attorney will remain as a Policy Advisor until his retirement in November 2012. This action moves appropriations from the Office of the Metro Attorney to the Office of the COO.
- Program Supervisor Position
  - FY 11-12 budget reduced the position from 1 FTE to .75 FTE. However, due to internal reorganization, staff request to increase the position by .05 FTE. The increase is in the Natural Areas bond fund and no additional monies are requested.
- OMSI Payment
  - Amendment recognizes funding received during FY 11-12 and provides additional appropriation for staff work with OMSI on a National Science Foundation grant project.
- Residential Organics Program
  - Metro's transfer stations are handling 64,000 tons of organic materials due to the City of Portland's new residential food waste collection program. Handling this material was not anticipated in the current budget. Amendment transfers funds from Solid Waste Fund contingency account to operating account to cover the estimated \$3.6 million additional cost.
- Oxbow Park Remediation
  - Amendment would allocate General Fund contingency funds to help cover emergency facility removals and reopen the park campground. Oxbow suffered severe erosion during the winter of 2011-12.

Deputy Council President Burkholder opened a public hearing. Seeing no citizens who wished to testify, the public hearing was closed.

Council asked clarifying questions regarding the residential organics program and budget law requirements.

Vote:

Council President Hughes, and Councilors Burkholder, Roberts, Hosticka, Collette, Craddick and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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The gavel was passed back to Council President Hughes.

**6. RESOLUTIONS**

6.1 **Resolution No. 12-4337**, For the Purpose of Naming the Metro Regional Center's North Plaza after Former Metro Employee Steve Apotheker.

Motion:	Councilor Rex Burkholder moved to adopt Resolution No. 12-4337.
Second:	Councilor Collette seconded the motion.

Councilor Burkholder introduced Resolution No. 12-4337. If adopted the resolution would rename the Metro Regional Center's North Plaza after former Metro employee Steve Apotheker, one of Oregon's and the county's top recycling experts and activists who passed away in June 2011.

Mr. Jim Desmond and Ms. Meg Lynch of Metro shared a few words about Mr. Apotheker's leadership, dedication, passion, and professional accomplishments. Staff emphasized that naming the Plaza after Mr. Apotheker would honor his dedication to Metro's mission, lifelong commitment to the environment, his service, and the impact he had locally, regionally and nationally.

Councilors expressed their support for the resolution and noted that Mr. Apotheker was an example of the employee many strive to become. Members encouraged staff to continue their hard work.

Vote:	Council President Hughes, and Councilors Burkholder, Roberts, Hosticka, Collette, Craddick and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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Ms. Diane Meisenhelter, Mr. Apotheker's widow, thanked the Council for their support.

6.2 **Resolution No. 12-4339**, For the Purpose of Appointing the Following Members to the Metro Policy Advisory Committee (MPAC); Maxine Fitzpatrick as Multnomah County Citizen Member, Bob Grover as Washington County Citizen Member, and Wilda Parks as Clackamas County Citizen Member.

Council President Hughes passed the gavel to Deputy Council President Burkholder while he carried the legislation.

Motion:	Council President Hughes moved to adopt Resolution No. 12-4339.
Second:	Councilor Harrington seconded the motion.

Council President Hughes introduced Resolution No. 12-4339 which, if approved, would confirm the Council President's nominations for new Metro Policy Advisory Committee (MPAC) community representatives. MPAC, established by the Metro Charter in 1992, advises the Metro Council on land use issues in the Portland metropolitan area. Council President Hughes emphasized the importance of deliberate and periodic examination of positions in order to ensure new perspectives at the committee table. After seeking recommendations from Council members and Metro's elected partners, President Hughes selected to:

- Reappoint Ms. Wilda Parks as the Clackamas County Citizen representative;
- Appoint Ms. Maxine Fitzpatrick as the Multnomah County Citizen representative; and
- Appoint Mr. Bob Grover as the Washington County Citizen representative;

Ms. Fitzpatrick will replace Mr. Matt Berkow and Mr. Grover will replace Ms. Nathalie Darcy on MPAC. Council President Hughes stated his intention to revisit the alternate positions for each of the three citizen representatives later this year in preparation for 2013.

Council President Hughes thanked Mr. Berkow, Ms. Darcy and Ms. Parks for their service on the committee. He presented Ms. Parks, who was in attendance, a certificate of appreciation for her service. Councilors expressed their thanks to her and the other outgoing members and emphasized the value that the citizen representatives bring to the committee.

Vote:

Council President Hughes, and Councilors Burkholder, Roberts, Hosticka, Collette, Craddick and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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The gavel was passed back to Council President Hughes.

**7. CONTRACT REVIEW BOARD**

7.1 **Resolution No. 12-4336**, Resolution of Metro Council, Acting as the Metro Contract Review Board, For the Purpose of Approving a Sole Source Contract for the Procurement of an Independent Cemetery Operations Consultant.

Council President Hughes declared that the Metro Council was now acting as the Metro Contract Review Board.

Motion:	Councilor Roberts moved to adopt Resolution No. 12-4336.
Second:	Councilor Burkholder seconded the motion.

Councilor Roberts introduced Resolution No. 12-4336. Metro staff has worked diligently since January 2011 to improve Metro's pioneer cemetery operations. Staff has refined and established operational procedures, created a cemetery advisory committee comprised of local community representatives, and increased oversight of the grave opening and closing company, cemetery staff and reached out to partners in the cemetery industry. The resolution, if adopted, would award a sole source contract to Mr. Paul Elvig of Everett, Washington to examine and consult Metro on the agency's interment verification and soil management practices. Additionally, Mr. Elvig will be contracted to advise if these practices meet or exceed industry best practices and make recommendations for improvements that are compatible with sustainable operations. Staff and Metro's COO have determined that Mr. Elvig is uniquely qualified to perform the service.

Vote:

Council President Hughes, and Councilors Burkholder, Roberts, Hosticka, Collette, Craddick and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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**7.2 Deliberation on Appeal by Integrated Resource Management of Chief Operating Officer's Rejection of Initial Appeal Regarding Award of Contract for the Chehalem Ridge Forest Stand Management Under Metro Request for Proposal No. 12-1989.**

The Metro Council, acting as the Metro Contract Review Board, considered an appeal by Integrated Resource Management (IRM) regarding the award of a Metro contract for the provision of forest stand management services in the Chehalem Ridge Natural Area. IRM challenged the rejection of its initial appeal to Metro's COO.

Legal counsel overview of the meeting procedure

Mr. Fjordbeck stated that the appellant, IRM, has chosen to appeal the initial level of decision, the Office of the COO. As such, the appeal has come before the Council for its deliberation. He stated that following the hearing and Council's deliberation, the Council may proceed with three alternatives: (1) reject the appeal and uphold the COO's award of the contract; (2) uphold the appeal and award the contract to the appellant; or (3) direct staff to reject all bids and perform a new procurement.

In November 2011 Metro released a request for proposal (RFP) for a personal services contract for the provision of forest stand management services in the Chehalem Ridge Natural Area. Mr. Fjordbeck stated that a panel reviewed and evaluated the proposals. The process resulted in extremely close evaluation scores. As such, Metro staff conducted interviews with the top scorers – Trout Mountain Forestry (TMF) and IRM. Based on the ranking and the interviews, TMF was awarded the contract.

Appellant presents its appeal

Mr. Marc Barnes, President of IRM, presented the company's appeal. He distributed a set of materials to Council including:

- *Exhibit A – Initial IRM appeal letter to Metro's Procurement Officer*  
Mr. Barnes stated he appealed the contract award because Metro incorrectly and arbitrarily downgraded IRM's proposal related to commitment of budget and schedule parameters, and project staffing and experience. He provided brief information about his company and contracted logger.
- *Exhibit B1 – Excerpt of IRM's proposal regarding project costs*  
Mr. Barnes emphasized that IRM, unlike TMF, provided firm pricing.
- *Exhibit B2 – Excerpt of TMF's proposal regarding project cost and contractors*  
Mr. Barnes emphasized that IRM, unlike TMF, already selected and received commitment from a well known and respected logging contractor. He stressed that the TMF's proposal stated that pricing was subject to change.
- *Exhibit C – Excerpt of IRM's proposal regarding project schedule*  
Mr. Barnes stated that the schedule in IRM's proposal and that outlined in the RFP were the same and therefore his company should have received a higher score.

- *Exhibit D – Letter of response from Metro to IRM*  
Mr. Barnes highlighted that the letter stated that TMF was awarded a higher point value for their proposed schedule due to its level of description. He stated that the RFP did not require a descriptive schedule.
- *Exhibit E – IRM letter of appeal to Council*  
Mr. Barnes reiterated that the RFP did not require a detailed project calendar nor did the RFP state that a descriptive schedule was required to receive full points.

Additional comments made by Mr. Barnes addressed the difference in the proposals estimated net revenue for Metro, and TMF's decision not to indicate which logging contractor would be used or his/her professional experience. (Testimony included as part of the meeting record.)

Staff response to appeal

Mr. Tim Collier, with assistance from Ms. Kate Holleran, of Metro provided the staff response to the appeal. Mr. Collier stated that Metro received four proposals in response to the RFP. He stated that IRM received a 14 out of a total 15 possible points for budget and schedule. IRM received the full 10 points for project budget and 4 (out of 5) points for project schedule. TMF received the full 5 points for project schedule due to their detailed schedule. After staff conducted interviews with the two companies, staff confirmed that the scores awarded during the RFP process were correct and TMF was issued the notice of intent to award the contract.

Council asked clarifying questions of legal counsel and staff regarding the point difference between the two proposals and acceptable grounds for appeals. Council requested staff share some of the discussion by the interview panel. Ms. Holleran addressed TMF's depth of professional experience. She stated that the revenue generated by the project was not the focus of the Metro RFP, but rather the RFP was intended to address water and natural resources protection and that its primary objective was to increase diversity of the property.

Testimony or other comments by all other interested parties

Mr. Scott Ferguson of TMF briefly described the company and the team assigned to the project, and emphasized that the team has extensive experience and resources to complete the project. Mr. Ferguson stated that TMF has worked with a variety of city governments and municipalities specifically on transitioning plantations into more biologically diverse habitat. He stated, per the RFP, that the team would review and develop the final prescriptions and project schedule over the first three months of the project. He indicated that the budget estimates provided were made in good faith, but a final number would not be available until after the project scoping had been completed. He stated that he did not recommend completing the project within a one-year timeframe. He also noted that TMF does have a logger committed to the project, but not yet under contract.

Council asked clarifying questions of staff regarding the schedule and desired timeframe.

Closing statement by appellant

Mr. Barnes provided closing comments. He emphasized his company's extensive experience with tree thinning projects and managing forests similar to that of Chehalem Ridge. He reiterated that he appealed the contract award decision because his firm should have

received more points for the fixed project budget and schedule. He also addressed the Council's question regarding the differences in anticipated revenue generated by the project. He outlined the research his firm completed for the proposal and stated that his team wanted to complete the project within one year in order to take advantage of the good logging prices.

Council asked clarifying questions about stem inclusion and discussion topics at the interviews. Mr. Barnes indicated that the majority of the interview focused on prescriptions and not budget or schedule.

Council deliberation

Motion:	Councilor Harrington moved to reject the appeal and uphold the staff recommendation.
Second:	Councilor Collette seconded the motion.

Council thanked Mr. Barnes for his testimony, but expressed their support for the staff recommendation stating that the process and decision were fair. Members thanked IRM for responding to the RFP and emphasized that it was clear that the company had the experience to complete the project, but that staff – through the RFP and interviews – were looking for more than a fixed budget (e.g. more about values and management of the environment.)

Vote: 

Council President Hughes, and Councilors Burkholder, Roberts, Hosticka, Collette, Craddick and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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Council President Hughes closed the Metro Contract Review Board meeting.

**8. CHIEF OPERATING OFFICER COMMUNICATION**

Mr. Robinson provided updates on upcoming construction and road closures due to the Highway 213 Jughandle project, Oregon Zoo's events for Packy's 50<sup>th</sup> birthday, and status update on a procurement process for transportation of residential organic waste.

**9. COUNCILOR COMMUNICATION**

There were none.

**10. ADJOURN**

There being no further business, Council President Hughes adjourned the regular meeting at 4:45 p.m. The Council will reconvene the next regular council meeting on Thursday, April 5 at 2 p.m. at the Metro Council Chamber.



Kelsey Newell, Regional Engagement Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 22, 2012**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
	Agenda	N/A	Revised 32212 Council Agenda	32212c-01
3.	PowerPoint	3/22/12	Native Americans in Multnomah County: An Unsettlingly Profile	32212c-02
4.	Minutes	3/15/12	Council minutes for March 15, 2012	32212c-03
6.2	Legislation	N/A	Resolution No. 12-4339 and staff report	32212c-04
7.2	Testimony	N/A	Testimony from Marc Barnes with Integrated Resource Management	32212c-05