

Metro | Agenda

Meeting: Metro Council
Date: Thursday, April 26, 2012
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. CONSIDERATION OF THE MINUTES FOR APRIL 19, 2012

4. PUBLIC HEARING

4.1 **Ordinance No. 12-1274**, For the Purpose of Adopting the Annual Budget for Fiscal Year FY 2012-13, Making Appropriations, Levying Ad Valorem Taxes, and Authorizing an Interfund Loan.

5. ORDINANCES - SECOND READING

5.1 **Ordinance No. 12-1277**, For the Purpose of Amending Metro Code Chapter 5.02 to Establish Solid Waste Disposal Charges, Recoverable Solid Waste Charges, and System fees for FY 2012-13; To Modify the Structure and to Standardize the Administration of the Recoverable Solid Waste Charge; and to Establish the Effective Date for the FY 2012-13 Solid Waste Excise Tax Rate.

Hughes

Public Hearing

6. RESOLUTIONS

6.1 **Resolution No. 12-4346**, For the Purpose of Authorizing the Issuance of a Request for Proposal for the Development of an Oregon Convention Center Hotel.

Burkholder

7. CHIEF OPERATING OFFICER COMMUNICATION

8. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for April 26, 2012 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, April 26</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, April 29, 7:30 p.m. <i>Date:</i> Monday, April 30, 9 a.m.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, April 30, 2 p.m.</p>	<p>Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, April 28, 11 p.m. <i>Date:</i> Sunday, April 29, 11 p.m. <i>Date:</i> Tuesday, May 1, 6 a.m. <i>Date:</i> Wednesday, May 2, 4 p.m.</p>
<p>Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>	<p>West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <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 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

Consideration of the Minutes for April 19, 2012

Metro Council Meeting
Thursday, April 26, 2012
Metro, Council Chamber

Agenda Item No. 4.1

Ordinance No. 12-1274, For the Purpose of Adopting the
Annual Budget for Fiscal Year FY 2012-13, Making
Appropriations, Levying Ad Valorem Taxes, and Authorizing an
Interfund Loan.

Public Hearing

Metro Council Meeting
Thursday, April 26, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

ADOPTING THE ANNUAL BUDGET FOR) ORDINANCE NO. 12-1274
FISCAL YEAR FY 2012-13, MAKING)
APPROPRIATIONS, LEVYING AD VALOREM) Introduced by Martha Bennett, Chief
TAXES, AND AUTHORIZING AN INTERFUND) Operating Officer, with the concurrence of
LOAN) Council President Tom Hughes

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 2012, and ending June 30, 2013; and

WHEREAS, recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by Metro (attached as Exhibit A and made a part of the Ordinance) and considered; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The "Fiscal Year 2012-13 Metro Budget," in the total amount of FIVE HUNDRED TWENTY MILLION SIXTY FIVE THOUSAND SEVEN HUNDRED NINETY ONE (\$520,065,791), attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, at the rate of \$0.0966 per ONE THOUSAND DOLLARS (\$1,000) of assessed value for operations and in the amount of FIFTY FOUR MILLION ONE HUNDRED SEVENTY ONE THOUSAND EIGHT HUNDRED FORTY FOUR (\$54,171,844) for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2011-12. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

Table with 3 columns: Description, Subject to the General Government Limitation, Excluded from the Limitation. Rows include Operating Tax Rate Levy and General Obligation Bond Levy.

3. In accordance with Section 2.02.040 of the Metro Code, the Metro Council hereby authorizes positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 2012, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

4. An interfund loan from the General Fund to the MERC Fund in an amount not to exceed \$2.2 million is hereby authorized. The loan will be made to provide financing of the Eastside Streetcar Local Improvement District assessment on the Oregon Convention Center. The loan, including interest at a rate equal to the average yield on Metro's pooled investments, will be repaid from Oregon Convention Center revenues and/or reserves. Repayment will be over a ten year period beginning FY 2012-13 and provide for a minimum of \$220,000 annual principal payments due no later than June 30th of each fiscal year.

5. The Chief Operating Officer shall make the filings as required by ORS 294.458 and ORS 310.060, or as requested by the Assessor's Office of Clackamas, Multnomah, and Washington Counties.

6. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins July 1, 2012, and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council on this 21st day of June 2012.

Tom Hughes, Council President

ATTEST:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison Kean Campbell, Metro Attorney

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 12-1274 ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2012-13, MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND AUTHORIZING AN INTERFUND LOAN

Date: March 30, 2012

Presented by: Martha Bennett
Chief Operating Officer

BACKGROUND

I am forwarding to the Metro Council for consideration and approval my proposed budget for fiscal year 2012-13.

Metro Council action, through Ordinance No. 12-1274 is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Metro Council to adopt this plan must be completed by June 30, 2012.

Once the budget plan for fiscal year 2012-13 is approved by the Metro Council on April 26, 2012, the number of funds and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Metro Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's expenditures in the period between Metro Council approval at the end of April 2012 and adoption in June 2012.

Exhibit A to this Ordinance will be available subsequent to the Tax Supervising and Conservation Commission hearing June 7, 2012. Exhibits B and C of the Ordinance will be available at the public hearing on April 19, 2012.

ANALYSIS/INFORMATION

1. **Known Opposition** – Metro Council hearings will be held on the Proposed Budget on April 19, 2012 and April 26, 2012. Opportunities for public comments will be provided. Opposition to any portion of the budget will be identified during that time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Tax Supervising and Conservation Commission by May 15, 201. The Commission will conduct a hearing on June 7, 2012 for the purpose of receiving information from the public regarding the Metro Council's approved budget. Following the hearing, the Commission will certify the budget to the Metro Council for adoption and may provide recommendations to the Metro Council regarding any aspect of the budget.
3. **Anticipated Effects** – Adoption of this ordinance will put into effect the annual FY 2012-13 budget, effective July 1, 2012.
4. **Budget Impacts** – The total amount of the proposed FY 2012-13 annual budget is \$520,065,791 and 740.00 FTE.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 12-1274.

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Ordinance No. 12-1277, For the Purpose of Amending Metro Code Chapter 5.02 to Establish Solid Waste Disposal Charges, Recoverable Solid Waste Charges, and System fees for FY 2012-13; To Modify the Structure and to Standardize the Administration of the Recoverable Solid Waste Charge; and to Establish the Effective Date for the FY 2012-13 Solid Waste Excise Tax Rate.

Ordinances – Second Reading

Metro Council Meeting
Thursday, April 26, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE) ORDINANCE NO. 12-1277
CHAPTER 5.02 TO ESTABLISH SOLID WASTE DISPOSAL)
CHARGES, RECOVERABLE SOLID WASTE CHARGES,) Introduced by Chief Operating
AND SYSTEM FEES FOR FY 2012-13; TO MODIFY THE) Officer Martha Bennett with
STRUCTURE AND TO STANDARDIZE THE ADMIN-) the concurrence of Council
ISTRATION OF THE RECOVERABLE SOLID WASTE) President Tom Hughes
CHARGE; AND TO ESTABLISH THE EFFECTIVE DATE)
FOR THE FY 2012-13 SOLID WASTE EXCISE TAX RATE.)

WHEREAS, Metro Code Chapter 5.02 establishes charges for disposal of solid waste at Metro South and Metro Central transfer stations; and,

WHEREAS, Metro Code Chapter 5.02 establishes charges for acceptance of recoverable solid waste at Metro South and Metro Central transfer stations; and,

WHEREAS, Metro Code Chapter 5.02 establishes fees charged on solid waste generated within the District and delivered to solid waste facilities regulated by or contracting with Metro; and,

WHEREAS, The Metro Code sections that govern the structure and administration of charges for recoverable solid waste and compostable organic waste are in need of revision and updating; and,

WHEREAS, Metro's costs for solid waste services and programs have changed; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- Section 1. Metro Code Amendment. Metro Code Section 5.02.025 is amended in the form attached hereto as Exhibit "A."
- Section 2. Metro Code Amendment. Metro Code Section 5.02.045 is amended in the form attached hereto as Exhibit "B."
- Section 3. Metro Code Amendment. Metro Code Section 5.02.047 is amended in the form attached hereto as Exhibit "C."
- Section 4. Metro Code Amendment. Metro Code subsection 5.02.015(y) is amended in the form attached hereto as Exhibit "D" and all other subsections of Metro Code Section 5.02.015 shall remain unchanged.
- Section 5. Metro Code Amendment. Metro Code Section 5.02.029 is repealed and the language attached hereto as Exhibit "E" is adopted in its place.
- Section 6. Metro Code Amendment. Metro Code Section 5.02.037, "Disposal Charge for Compostable Organic Waste," is repealed.
- Section 7. Metro Code Amendment. The language attached hereto as Exhibit "F" is added to and made a part of Metro Code Section 7.01.010 and all subsequent subsections of Metro Code Section 7.01.010 shall be renumbered accordingly.
- Section 8. Metro Code Amendment. The term "recoverable solid waste" shall replace the term "compostable organic waste" in Metro Code subsection 7.01.020(c) and in

Metro Code subsection 7.01.020(e)(1), and all other subsections of Metro Code Section 7.01.020 shall remain unchanged.

- Section 9. Effective Date for Metro Code Amendments. Sections 1 through 8, inclusive, of this ordinance shall become effective on August 1, 2012, or the first day of the first full month following 90 days after adoption by the Metro Council, whichever is later.
- Section 10. Effective Date for the Excise Tax Rate. Pursuant to Metro Code subsection 7.01.020(e)(1), the solid waste excise tax rate authorized by Metro Code subsection 7.01.020(c) shall become effective on August 1, 2012, or the first day of the first full month following 90 days after adoption by the Metro Council, whichever is later.
- Section 11. Effective Date for Recoverable Solid Waste Tonnage Charges. The schedule of Recoverable Solid Waste tonnage charges attached hereto as Exhibit "G" shall become effective at Metro Central Station and Metro South Station on August 1, 2012, or the first day of the first full month following 90 days after adoption by the Metro Council, whichever is later.

ADOPTED by the Metro Council this 26th day of April, 2012.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison Kean Campbell, Metro Attorney

Exhibit "A" to Ordinance No. 12-1277

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

5.02.025 Disposal Charges at Metro South & Metro Central Station

(a) The fee for disposal of solid waste at the Metro South Station and at the Metro Central Station shall consist of:

- (1) The following charges for each ton of solid waste delivered for disposal:
 - (A) A tonnage charge of ~~\$58.35~~61.35 per ton,
 - (B) The Regional System Fee as provided in Section 5.02.045,
 - (C) An enhancement fee of \$.50 per ton, and
 - (D) DEQ fees totaling \$1.24 per ton;
- (2) All applicable solid waste taxes as established in Metro Code Chapter 7.01, which excise taxes shall be stated separately; and
- (3) The following Transaction Charge for each Solid Waste Disposal Transaction:
 - (A) For each Solid Waste Disposal Transaction completed at staffed scales, the Transaction Charge shall be \$12.00.
 - (B) For each Solid Waste Disposal Transaction that is completed at the automated scales, the Transaction Charge shall be \$3.00.
 - (C) Notwithstanding the provisions of subsection (A), the Solid Waste Disposal Transaction Charge shall be \$3.00 in the event that a transaction that is otherwise capable of being completed at the automated scales must be completed at the staffed scales due to a physical site limitation, a limit or restriction of the computer operating system for the automated scales, or due to a malfunction of the automated scales.

(b) Notwithstanding subsection (a) of this section,

- (1) There shall be a minimum solid waste disposal charge at the Metro South Station and at the Metro Central Station for loads of solid waste weighing ~~360~~340 pounds or less of \$28, which shall consist of a minimum Tonnage Charge of \$16.00 plus a Transaction Charge of \$12.00 per Transaction.
- (2) The Chief Operating Officer may waive collection of the Regional System Fee on solid waste that is generated outside the District, and collected by a hauler that is regulated by a local government unit, and accepted at Metro South Station or Metro Central Station.

(c) Total fees assessed in cash at the Metro South Station and at the Metro Central Station shall be rounded to the nearest whole dollar amount, with any \$0.50 charge rounded down.

(d) The Director of Parks and Environmental Services may waive disposal fees created in this section for Non-commercial Customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances.

Exhibit "B" to Ordinance No. 12-1277

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

5.02.045 Regional System Fees

(a) The Regional System Fee shall be \$~~17.64~~18.56 per ton of solid waste, prorated based on the actual weight of solid waste at issue rounded to the nearest one-hundredth of a ton.

(b) Any waste hauler or other person transporting solid waste generated, originating, or collected from inside the Metro region shall pay Regional System Fees to Metro for the disposal of such solid waste. Payment of applicable system fees to the operator of a Designated Facility shall satisfy the obligation to pay system fees, provided that, if such solid waste is transported to a Designated Facility outside of the Metro region, then such waste hauler or other person must have informed the operator of the Designated Facility that the solid waste was generated, originated or collected inside the Metro region. In any dispute regarding whether such waste hauler or other person informed such operator that the solid waste was generated, originated, or collected inside the Metro region, such waste hauler or other person shall have the burden of proving that such information was communicated.

(c) Designated Facility operators shall collect and pay to Metro the Regional System Fee for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, in accordance with Metro Code Section 5.01.150.

(d) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated from outside the Metro boundary, the load in its entirety shall be reported at the disposal site by the generator or hauler as having been generated within the Metro boundary, and the Regional System Fee shall be paid on the entire load unless the generator or hauler provides the disposal site operator with documentation regarding the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary and the disposal site operator forwards such documentation to Metro, or unless Metro has agreed in writing to another method of reporting.

(e) System fees described in this Section 5.02.045 shall not apply to exemptions listed in Section 5.01.150(b) of this Code.

Exhibit "C" to Ordinance No. 12-1277

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

5.02.047 Regional System Fee Credits

Any person delivering Cleanup Material Contaminated by Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances shall be allowed a credit in the amount of \$~~15.1~~16.06 against the Regional System Fee otherwise due under Section 5.02.045(a) of this Chapter.

Exhibit "D" to Ordinance No. 12-1277

METRO CODE - TITLE V SOLID WASTE
CHAPTER 5.02. DISPOSAL CHARGES AND USER FEES
Section 5.02.015. Definitions

(y) "Recoverable Solid Waste" means source-separated or homogeneous material accepted wood waste, yard debris, or tires, whether Source Separated or commingled, and delivered in a single transaction at Metro Central Station or at Metro South Station in a form that is usable by existing technologies, suitable for mechanical extraction of useful materials, notwithstanding the presence of incidental amounts or types of other contaminants, for reuse, recycling, controlled biological decomposition of organic material including composting and digestion, and the preparation of fuels that meet an engineering, industrial, or market specification; but excludes mass burning, incineration in refuse derived fuel facilities, and similar methods of extracting energy from mixed solid wastes.

Exhibit "E" to Ordinance No. 12-1277

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

5.02.029 Charges for Recoverable Solid Waste

(a) There are hereby established Recoverable Solid Waste Charges that shall be collected on different classes of Recoverable Solid Wastes accepted at Metro Central Station or Metro South Station.

(b) The amount of each Recoverable Solid Waste Charge shall consist of a Transaction Charge as set forth in Section 5.02.025 and a tonnage charge as adopted by the Metro Council or as specified in this section.

(c) For purposes of this section 5.02.029, "managing" and "management of" Recoverable Solid Waste shall mean any of the following activities: acceptance, onsite handling and logistics, quality assurance, mixing of wastes to meet an engineering or market specification, processing such as grinding and shredding that may alter the form but does not substantially alter the content of the waste, residuals management, reloading, transport and delivery to a recycling site, and similar activities directly related to the handling and disposition of Recoverable Solid Waste.

(d) For purposes of this section 5.02.029, a "class" of Recoverable Solid Waste is distinguished from other classes of wastes by a material difference in the cost of management or by physical characteristics that require different practices to manage the waste.

(e) The Chief Operating Officer is authorized to specify new classes of Recoverable Solid Wastes, to set tonnage charges for new classes of Recoverable Solid Wastes, and to change tonnage charges for existing classes of Recoverable Solid Wastes. The Chief Operating Officer shall set the tonnage charge for each class of Recoverable Solid Waste equal to the sum of:

(1) Metro's contractual costs, if any, paid by Metro to any contract operator of Metro Central or Metro South Station for managing said class of Recoverable Solid Waste, expressed on a per-ton basis;

(2) Metro's direct costs, if any, for personnel, materials, services and capital incurred directly by Metro for managing said class of Recoverable Solid Waste, expressed on a per-ton basis;

(3) An allocation of Metro's administrative, overhead, capital, and fixed contractual costs that is reasonably related to managing said class of Recoverable Solid Waste, expressed on a per-ton basis; and

(4) The enhancement fee set forth in Metro Code section 5.06.010(a).

Nothing in this subsection modifies or is intended to modify the Metro Council's authority to set Recoverable Solid Waste Charges by ordinance at any time.

(f) The Chief Operating Office shall provide 10 days notice to the Metro Council prior to implementing any proposed change to a Recoverable Solid Waste tonnage charge, and when proposing a tonnage charge for a new class of Recoverable Solid Waste. An accounting of the components of each Recoverable Solid Waste tonnage charge shall be kept on file with the Finance and Regulatory Services department or its successor at Metro.

(g) All Recoverable Solid Waste Charges shall be clearly posted by material class on Metro's website and at Metro Central and Metro South stations.

(h) Notwithstanding subsections (b) and (e) of this section:

(1) The Chief Operating Officer shall establish charges for Recoverable Solid Wastes that are typically accepted and managed on a unit or count basis rather than by scale weight. These charges shall be based on Metro's actual costs for managing said wastes.

(2) The Chief Operating Officer shall establish minimum charges for loads of Recoverable Solid Waste.

(3) The charge for accepting up to three Christmas trees in one transaction shall be the Transaction Charge as set forth in Metro Code Section 5.02.025.

(i) The provisions of this section shall not apply to any source-separated recyclable material that the Chief Operating Officer has designated as exempt from charges pursuant to Metro Code Section 5.02.026.

Exhibit "F" to Ordinance No. 12-1277

METRO CODE - TITLE VII FINANCE
CHAPTER 7.01 EXCISE TAXES
Section 7.01.010. Definitions

"Recoverable solid waste" shall have the meaning assigned thereto in Metro Code Section 5.02.015.

Exhibit "G" to Ordinance No. 12-1277

RECOVERABLE SOLID WASTE

 SCHEDULE OF TONNAGE CHARGES
 AT METRO CENTRAL STATION AND METRO SOUTH STATION

<u>Recoverable Waste Class</u>	<u>Either Station</u>
Wood waste/yard debris*	\$45.78
Mixed yard debris & food scraps	54.83

<u>Recoverable Waste Class</u>	<u>Metro Central Only</u>
Commercially generated organic waste	\$52.30
Asphaltic roofing	91.57
Clean drywall	67.80
Rubble	27.47

* The stated rate applies to wood waste and yard debris whether delivered in separate loads or commingled in a single load.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 12-1277 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 TO ESTABLISH SOLID WASTE DISPOSAL CHARGES, RECOVERABLE SOLID WASTE CHARGES, AND SYSTEM FEES FOR FY 2012-13; TO MODIFY THE STRUCTURE AND TO STANDARDIZE THE ADMINISTRATION OF RECOVERABLE SOLID WASTE CHARGES; AND TO ESTABLISH THE EFFECTIVE DATE FOR THE FY 2012-13 SOLID WASTE EXCISE TAX RATE.

Date: April 19, 2012

Presented by: Douglas Anderson, FRS
Paul Ehinger, PES

Executive Summary

Each year, the Chief Operating Officer proposes new solid waste rates as part of the budget process. The changes are needed to keep current with costs and tonnage flows.

The council considers at least four rates each year:

1. **Transaction Fee**, a fixed fee for each load of waste at Metro transfer stations. It recovers the cost of operating the scalehouses and billing of solid waste accounts.
2. **Tonnage Charge**, the fee for each ton in the load. It recovers the cost of station operations, transport, disposal, and related costs.
3. **Minimum Load Charge** for loads below a scale weight threshold at Metro transfer stations.
4. **Regional System Fee**, a surcharge on all disposal at landfills, the burner, and Forest Grove and Metro transfer stations. It recovers the cost of solid waste programs such as waste reduction.

The *tip fee* is the sum of five components: the Tonnage Charge and Regional System Fee above, as well as the excise tax, rehabilitation and enhancement (“host”) fee, and a suite of DEQ fees. The council does not typically review the excise tax rate or the host fee each year. DEQ fees are set by the state.

Adoption of this year’s rate ordinance would implement the following charges for mixed solid waste at Metro transfer stations:

Table 1. Proposed Solid Waste Charges at Metro Transfer Stations

Rates Effective August 1, 2012

<u>Rates</u>	<u>Current</u>	<u>Proposed</u>	<u>Change</u>
Fees per transaction			
Users of staffed scales	\$12.00	\$12.00	– 0 –
Users of automated scales	3.00	3.00	– 0 –
Fee per ton (Tip Fee)	\$89.53	\$93.84	\$4.31
Minimum load charge	\$28	\$28	– 0 –
<i>Minimum pounds per load</i>	360	340	(20)

The tip fee has risen by an average of \$4.60 per year during the last four years, so this year’s increase is a bit under the average – although higher than last year’s increase of \$3.68. In addition, the staffed transaction fee has risen by \$3.50 during the same four years, so the fact that Metro is able to hold the line for FY 2012-13 means, for some ratepayers, that the total increase is less than in recent years.

The effect of these changes on the typical residential ratepayer using Metro stations is less than a penny per day. For ratepayers using private facilities, the increase is about 8 cents per month.

Recoverable Solid Waste. In addition to the rates for mixed solid waste, this year the Chief Operating Officer is proposing changes to the tip fees for “recoverable solid waste” accepted at Metro transfer stations. These changes are driven mainly by the need to begin recovering the full cost of managing recoverable solid waste.

Recoverable wastes are high-grade or homogeneous materials suitable for recycling as-delivered. Examples include wood, yard debris, and source-separated food waste. Metro’s tip fees for recoverable waste have been set below cost since their inception. The policy purpose was to create an incentive to deliver high-grade materials to the transfer stations where they would be recovered.

However, the rates have had limited success as incentives. But these rates are so low that private facilities can’t compete with them, which has discouraged private investment in recycling infrastructure – a matter of current concern in the case of regional food waste processing capacity. The proposed changes are also needed because Metro has seen major increases in the cost and amount of compostable waste it receives. If recoverable wastes do not begin to cover their own costs, these costs would have to be covered by significantly higher increases in the rates for mixed solid waste.

As a result, the Chief Operating Officer is proposing the new tip fees for recoverable waste shown in Table 2. The proposed rates are designed to recover Metro’s costs of managing recoverable wastes.

Table 2. Proposed Tip Fees for Recoverable Solid Waste			
Rates Effective August 1, 2012			
Recoverable Waste Type	Current	Proposed	Change
Yard debris/clean wood	\$48.83	\$45.78	(\$3.05)
Residential food waste	51.14	54.83	3.69
Commercial food waste	51.14	52.30	1.16

Tip fees for roofing, drywall and rubble are also proposed for the first time in FY 2012-13. These rates are described in the main staff report. The reduction in the yard debris/clean wood rate reflects a change in the quantity of yard debris delivered to Metro since the last time the rate was set.

Residential ratepayers in the City of Portland are most affected by tip fees for residential food waste. However, the city had assumed a higher rate than shown in Table 2 in its preliminary collection cost formula for FY 2012-13. So the proposed residential food waste rate – even with the increase – actually reduces some of the upward pressure on collection costs for residential service in Portland.

Readers interested in more detail are invited to read the balance of this staff report.

DETAILED ANALYSIS

This staff report is organized into four sections:

- I. The Annual Rate Process – a brief overview.
- II. Recoverable Solid Wastes – background, proposed changes, reasons for the change.
- III. Rates for Mixed Solid Waste – background, detail, and analysis.
- IV. Information/Analysis – a summary of impacts in standard staff report form.

SECTION I. THE ANNUAL RATE PROCESS

Under Metro code, the Chief Operating Officer must transmit her proposed solid waste rates to the council at the same time that she transmits her proposed budget. Afterward, the council holds public hearings and deliberates on the budget and the rates on the same schedule. The council usually adopts the rates about the same time that it approves the budget for transmittal to the Tax Supervising and Conservation Commission. This allows for the mandatory 90 day referral period between the adoption of an ordinance and the date it becomes effective. (Emergency clauses are not allowed on rate ordinances.) Administratively it is best – for Metro, local governments and ratepayers – to implement rates on the first day of the month. If the council adopts the rates on April 26 as scheduled, the rates can take effect on the target date of August 1. If adoption slips into May, the rates would take effect on September 1, with some loss of revenue (or additional rate adjustments) resulting from the additional month at the old rates.

SECTION II. RECOVERABLE SOLID WASTE RATES AND CODE AMENDMENT

The Chief Operating Officer is proposing changes to the rates for “recoverable solid waste” at the transfer stations, and to the Metro code that governs these rates. Background and the reasons for the changes are summarized in this section.

Recoverable solid waste is homogeneous or high-graded material that can be used by recycling markets as-delivered. The recoverable wastes currently recognized at Metro transfer stations (by code or contract) are wood, yard debris, source-separated food waste, roofing, clean drywall, rubble, and tires.

Historically, Metro has set its recoverable waste rates below the cost of providing the service. The policy purpose was to create a price incentive to deliver high-grade wastes to the transfer stations where they can be recovered, rather than disposed in a landfill. Recoverable waste tip fees currently exclude general, administrative and capital costs, and most direct outlays.¹ In addition, food waste is exempt from the transaction fee, meaning it pays nothing toward the cost of the scalehouses. The costs foregone on recoverable wastes are borne by the tip and transaction fees on mixed solid waste.

Proposed Rates. The COO’s proposed recoverable waste rates (Table 3) include an allocation of administrative, fixed, and capital costs, as well as the 50 cent-per-ton Rehabilitation and Enhancement (“Host”) Fee. The latter follows the example set by the council when it included a host fee among its franchise requirements for the Columbia Biogas facility. The COO also proposes to eliminate the exemption from the transaction fee so food waste generators will pay their fair share of scalehouse costs.

Table 3. Proposed Tip Fees for Recoverable Solid Waste
Rates Effective August 1, 2012

Recoverable Waste Type	Current	Proposed	Change
Yard debris/clean wood	\$48.83	\$45.78	(\$3.05)
Residential food waste	51.14	54.83	3.69
Commercial food waste	51.14	52.30	1.16
Roofing*	89.53*	91.57	2.04 *
Clean drywall*	89.53*	67.80	(21.73)*
Rubble*	89.53*	27.47	(62.06)*

** These wastes are not currently distinguished from mixed solid waste, so would be charged the mixed waste tip fee of \$89.53. However, all three rates are below the proposed FY 2012-13 mixed waste tip fee of \$93.84.*

¹ The rates also exclude the Metro excise tax and (with one exception) the Regional System Fee. These exclusions are consistent with Metro’s policy to support recycling and recovery by levying the system fee and excise on disposal only. The exception is the yard debris rate, which currently includes about 20 percent of the Regional System Fee.

The reasons for these changes are both policy-driven and practical:

- As a matter of policy, Metro's below-cost rates have shown limited success as incentives, diverting only about 20,000 tons per year over their 20-year history. But these rates are so low that private facilities can't compete with them, which has discouraged private sector investment in recycling infrastructure – a matter of current concern in the case of regional food waste processing capacity.
- As a matter of practicality, the new residential organics program at the City of Portland has increased Metro's share of recoverable waste six-fold. If recoverable wastes do not cover more of their costs, the FY 2012-12 tip and transaction fees for mixed solid waste would have to increase by significantly more than the rates proposed by the COO and shown in Table 1.

Roofing, drywall and rubble are specified as recoverable wastes in Metro's operating contract for Metro Central Station. Tip fees for these materials are being established for the first time for FY 2012-13. The reduction in the yard debris/clean wood rate reflects a change in the quantity of yard debris delivered to Metro since the last time the rate was set.

Residential generators in the City of Portland are the ratepayers most affected by the change in the residential food waste rate. However, the city had assumed a \$58 tip fee in its preliminary collection rates for FY 2012-13. The fact that Metro's rate comes in below the city's number reduces some of the upward pressure on collection costs for residential service in Portland.

Code Amendments. This ordinance also amends Metro Code sections 5.02.027 and 5.02.039 governing recoverable solid waste rates. The main purpose of the amendments is to establish that recoverable solid waste charges will reflect the full cost of service in the future. Specifically, the amendments (1) repeal the exemption on the transaction fee, (2) revise the formula for the recoverable solid waste tip fee to include all relevant costs, (3) update definitions and terminology to reflect current policy and practices, and (4) clarify the wording of other subsections that have been prone to misinterpretation in the past.

SECTION III. THE RATES FOR MIXED SOLID WASTE

Metro's own customers face a two-part charge at the transfer stations: (1) a flat fee per transaction, which covers the fixed costs of the scalehouses, billing costs, and a portion of station management; and (2) a variable charge – the tip fee – based on the number of tons in the transaction.

The tip fee is actually the sum of several fees and taxes. The basic fee is the tonnage charge, which is the amount needed to recover the costs of Metro's disposal activities – transfer station management and operations, transport, and disposal.

Four separate charges are added to the basic fee:

- **Regional System Fee.** A surcharge that Metro levies on all waste that is generated inside the district and ultimately disposed, regardless of the location of the disposal site. The system fee pays for regional solid waste programs and services – hazardous waste collection, waste reduction, latex paint recovery, illegal dumpsite cleanup, private facility regulation, and landfill closure and monitoring. None of the direct costs of operating the transfer stations are paid from Regional System Fee revenue.
- **Metro Excise Tax.** The solid waste excise tax is Metro's main source of discretionary revenue for general fund expenditures. No excise tax money is used for solid waste programs and services.
- **DEQ fees.** A number of disposal fees totaling \$1.24 per ton that Metro collects and remits to DEQ.

- **Host fee**, currently 50 cents per ton that is used for rehabilitation and enhancement projects by the community in which the transfer stations are located.

The sum of these charges is the “tip fee.” Table 4 provides detail.

Component	Current	Proposed	Change
Tonnage Charge <i>Recovers the costs of Metro’s disposal operations.</i>	\$58.35	\$61.35	\$3.00
Pass-Throughs <i>Government fees and taxes levied at disposal sites including Metro transfer stations.</i>			
Regional System Fee	\$17.64	\$18.56	\$0.92
Excise tax	11.80	12.19	0.39
DEQ fees	1.24	1.24	– 0 –
Host fee	0.50	0.50	– 0 –
Metro Tip Fee	\$89.53	\$93.84	\$4.31

This ordinance would amend the tonnage charge and the system fee by the indicated amounts. The other charges are set (or limited) by the state or in Metro code.

Readers wishing to review the derivation of these rates are referred to *Rate Report: A Methodological Statement*, issued under separate cover (and available on Metro’s website by April 19).

All disposal sites that serve the Metro region² have price structures similar to the one shown in Table 4. Each disposal site will have a tonnage charge that is specific to its own operation. The same system fee, excise tax and DEQ rates are levied at all sites. The host fee is a local option, but other local fees and taxes may also apply. The “tip fee” at any given site is the sum of these charges.

Effects on Ratepayers

Whenever Metro changes its solid waste rates, most ratepayers do not feel those effects directly, but through the collection rates set by local governments. Put another way, Metro’s fees are but one of many “wholesale” prices that make up the “retail” collection rates billed to the customer. (Other factors include drivers’ salaries, the customer’s choice of service level, and other factors considered in local government rate making for collection services.) Customers who make use of the Metro stations (“self haulers”) see the changes directly, but self-haulers account for a small fraction of the total waste disposed in the region.

The effect of Metro’s changes on ratepayers is further determined by their hauler’s choice of disposal site. The reason is simple: a hauler using a private transfer station pays that facility’s own tonnage charge. But the only *Metro* charges are the system fee and excise tax. The \$1.31 increase in these two charges (\$0.92 plus \$0.39, Table 4) translates to about 8 cents per month for a typical residential ratepayer. The private transfer station will very likely have other costs that increase the impact on the ratepayer – such as profit, payrolls, and operational choices. But Metro does not control these other costs. The tip fees at private transfer stations may change by more or less than at Metro, but the only portion that is a direct result of Metro’s rate actions are the changes to the system fee and excise tax.³

² These are the eight landfills, one burner, and one private regional transfer station that serve the Metro area.

³ Private facility owners will argue that Metro *affects* some of their costs. For example, a tonnage cap reduces the amount of tonnage over which fixed costs can be spread. Or, Metro’s material recovery standards might require processing costs above the amount they would otherwise incur. But these are impacts of regulatory requirements, separate from Metro’s actions on the system fee and excise tax.

Ratepayers whose haulers use the Metro stations will pay Metro’s tonnage charge, plus the system fee and excise tax – a total of \$4.31 per ton this year (Tables 1 and 4). The increase in Metro’s tip fee translates to about 27 cents per month for the typical residential ratepayer.

Table 5 displays the effect of *Metro’s rate changes only*. The effects are shown for several types of ratepayers. The table also shows the effects on these ratepayers when their haulers use privately-owned facilities where Metro’s rate actions affect *only* the system fee and excise tax.

Table 5. Effect of Metro’s Rate Changes

Generator Type	Ratepayers whose Hauler Uses			
	Metro Transfer Stations		Privately-Owned Stations*	
	Cost Change per Month	% Change in Total Collection Bill	Cost Change per Month	% Change in Total Collection Bill
Residential	27¢	~ 1%	8¢	0.3%
Mid-sized office	\$1.60	1.2%	50¢	0.4%
Food (low-mid size)	\$18.00	2.6%	\$5.50	0.8%
Food (mid-sized)	\$21.60	2.9%	\$6.60	0.9%

**The figures for privately-owned stations show the effect of Regional System Fee and excise tax changes only, as these are the only Metro components of private tip fees. Privately-owned transfer stations will have other costs that Metro does not control (e.g., salaries, profit, operational decisions) which will be included in the private tip fees, and therefore in ratepayers’ bills.*

All calculations in this table are Metro’s estimates for representative residential, office, and two sizes of food-rich generators disposing of 0.75, 4.5, 50, and 60 tons per year, respectively; and collection arrangements in which disposal comprises 22½%, 25%, 55%, and 60% of their total collection cost, respectively.

Drivers of the FY 2012-13 Changes

Tonnage. Tonnage is a mild driver of solid waste fees in this cycle. While Metro’s econometric models point to a small increase over the *actual* tonnage received this year, the actual tonnage is trending more than 5 percent below the tonnage on which the current rates were based. The tonnage assumption for FY 2012-13 is down 20,000 tons at Metro stations (4.3 percent) and 8,800 tons region wide (0.8 percent) from the FY 2011-12 rate assumptions. Although this means that rates must rise to compensate⁴, the tonnage drop at the regional level is small enough that the effect on the Regional System Fee is quite minor.

Costs. The proposed changes are driven mainly by costs:

- **Inflation.** With 58 percent of the solid waste revenue requirements determined by the four major operating contracts and their inflation clauses, even relatively modest inflation will have important effects on costs. During the last two years, the inflation rate affecting the contracts averaged only 0.4 percent per year. This year, the inflation index was up 2.8%, translating into a \$1.30 increase in the tonnage charge.
- **Reduction of underspend allowance.** The proposed FY 2012-13 rates are designed to recover a larger proportion of next year’s budget than in recent years. This change in practice accounts for \$0.78 of the increase in the Regional System Fee. *Explanation.* In conventional metropolitan utility rate making, the dollars to be raised by rates (“revenue requirement”) is typically equal to the net cash flow needed for the budget. However, in recent years, Metro’s solid waste rates have been set to *expected expenditures* rather than the budget. The reason? Actual expenditures by some centers and services have historically been materially less than their adopted budgets. Therefore, rates would have been higher – and unplanned over collection greater – if the rates had been set to recover the budget. The difference between budget costs and the revenue requirement is termed an “underspend allowance.” This year, the underspend allowances were reduced, consistent with this year’s tighter budgeting practices. However, even though the FY 2012-13 budget requests from some solid waste

⁴ This is because each rate is *net cost* divided by *tonnage* (or transactions). So the math dictates that rates rise when tonnage drops, even when costs remain the same.

centers and services are down from their adopted FY 2011-12 budgets, the actual revenue requirement is up from the underspend-adjusted requirement of previous years.⁵

- **Transport cost.** Under last year’s amendment to the trucking contract, Metro receives a rebate if tonnage to Columbia Ridge Landfill exceeds 500,000 tons during the year, and pays a bonus to the contractor if tonnage falls below 475,000 tons. Because staff expects to ship about 409,000 tons next year, Metro will pay a bonus of \$263,000, which accounts for \$0.64 of the tip fee increase.
- **Fuel.** Under Metro’s waste transport arrangements, every 25 cent per gallon increase in the price of fuel bumps the tip fee by 50 cents per ton. The FY 2012-13 fuel price assumption is \$3.50 per gallon, up 25 cents from FY 2011-12⁶, so fuel accounts for \$0.50 of the increase in the tip fee. If fuel prices turn out higher than the budget assumption, the solid waste operating contingency is positioned to cover fuel prices as high as \$5.50 per gallon.
- **General & Administrative.** Overall, interfund service transfers would be down from FY 2011-12 but for a new \$332,500 charge for the Metro website (“Web Conversion Project”). As a result, transfers are up by a net \$238,000 from FY 2011-12, translating to a \$0.24 increase in the Regional System Fee. (These figures exclude a \$1.376 million transfer to the General Fund for centralized education functions. This cost remains allocated directly to Resource Conservation & Recycling where the education functions were formerly budgeted directly.)
- **Metro excise tax.** The excise tax component of the tip fee will rise from \$11.80 per ton to \$12.19, accounting for \$0.39 of the increase in the tip fee. The excise tax rate is established automatically through a mechanism set forth in Metro code chapter 7.01 unrelated to solid waste costs or this ordinance.
- **Mitigating effects.** As explained earlier in this staff report, the COO proposes to begin recovering a portion of fixed costs from recoverable solid wastes, and to begin charging transaction fees on compostable waste. Without these measures, the Tonnage Charge component of the tip fee would be 56 cents higher (\$3.56 vs. the proposed \$3.00), the staffed-scale Transaction Fee would be \$1.50 to \$2.00 higher (\$13.50 to \$14.00 vs. the proposed \$12), and the automated-scale Transaction Fee would be \$1 higher (\$4 vs. the proposed \$3).

Tonnage effects and a variety of other, smaller cost changes combine to round out the net increase to the tip fee. These factors are summarized in Table 6.

Table 6. Factors Contributing to the Tip Fee Increase	
Factor	Effect
Inflation in the major contracts*	\$1.30
Reduction of the underspend allowance	0.78
Effect of the transport contract amendment	0.64
Fuel price (transport to the landfill)	0.50
General & administrative costs (mainly website)	0.24
Metro excise tax	0.39
Tonnage reduction and misc. cost changes	0.46
Net increase	\$4.31

* For transfer station operation, transport and disposal.

⁵ Underspend allowances have ranged from zero to 15 percent, depending on the program. Last year the allowances totaled \$1.24 million – meaning the FY 2011-12 rates were designed to recover \$1.24 million less than net budget expenditures. This year a 5 percent allowance is set against only one center, amounting to \$369,000.

⁶ The FY 2011-12 budget assumption was \$3.25 per gallon. The year-to-date average is \$3.23. Metro pays wholesale prices for diesel fuel, and is exempt from paying the Federal excise tax (the latter saving about 24½ cents per gallon).

SECTION IV. INFORMATION/ANALYSIS

- 1. Known Opposition.** There is no known opposition. Rather, the solid waste stakeholders contacted by staff are supportive of Metro's move away from subsidized recoverable solid waste rates, and agree that the rates should reflect the cost of service as a matter of policy.

However, changes to Metro's solid waste rates trigger reviews of collection rates in most local governments. In recent years, and last year in particular, questions over Metro's excise tax arose at some of these review hearings, and with no one present to represent the facts, the discussions often took uncontrolled turns. The rate hearing before the City of Tualatin, as reported in the Portland Tribune, is illustrative: www.portlandtribune.com/news/story.php?story_id=130516081419936400. If this ordinance is approved, Metro should use the next three months to work actively with local jurisdictions to ensure they understand the reasons and effects of Metro's rates on the solid waste system, and on their local collection costs in particular. This effort is especially useful for local jurisdictions that have no solid waste experts on staff to advise elected officials and other decision makers.

- 2. Legal Antecedents.** Metro's solid waste rates are set forth in Metro Code Chapter 5.02. Any change in these rates, or the provision governing those rates, requires an ordinance amending Chapter 5.02. Metro reviews solid waste rates annually, and has amended Chapter 5.02 when changes are warranted. The proposed FY 2012-13 rates comply with the restriction set forth in Chapter III, Section 15 of the Metro Charter limiting user charges to the amount needed to recover the costs of providing goods and services.

The excise tax rate is established automatically by a passive mechanism set forth in Metro Code sections 7.01.020 and 7.01.022 and does not require annual council action. Metro Code subsection 7.01.020(e)(1) requires council action to set an effective date for the tax rate if different from September 1.

- 3. Anticipated Effects:** If adopted, this ordinance would raise the tip fee and reduce the size of load subject to the minimum charge at Metro transfer stations. The ordinance would also raise the Regional System Fee, which is levied on all disposal including waste delivered to Metro transfer stations, mass burners and privately-owned landfills, regardless of where these disposal sites are located. Ratepayer effects were addressed in a previous section of this report.

If adopted, this ordinance would also establish tip fees for recoverable solid waste that recover the cost of service, after several years of subsidized rates with a mixed record of policy successes. This change will reduce upward cost pressure on Metro's rates for mixed solid waste, and should improve the economic environment for private investment in recycling infrastructure including organics processing capacity.

- 4. Budget Impacts.** The rates established by this ordinance are designed to raise \$50.8 million in enterprise revenue from solid waste as required by the proposed FY 2012-13 budget. The expected FY 2012-13 revenue from these rates is reflected in the proposed budget.

RECOMMENDATION

The Chief Operating Officer recommends adoption of Ordinance No. 12-1277.

Agenda Item No. 6.1

Resolution No. 12-4346, For the Purpose of Authorizing the Issuance of a Request for Proposal for the Development of an Oregon Convention Center Hotel.

Resolutions

Metro Council Meeting
Thursday, April 26, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

RESOLUTION FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 12-4346
THE ISSUANCE OF A REQUEST FOR PROPOSAL FOR)
THE DEVELOPMENT OF AN OREGON CONVENTION) Introduced by Councilor Rex
CENTER HOTEL) Burkholder, with the concurrence of
Council President Tom Hughes

WHEREAS, the Metro Council is responsible for the ownership and operation of the Oregon Convention Center (OCC) and does so through the expertise and oversight of the Metropolitan Exposition and Recreation Commission (MERC);

WHEREAS, the mission of the OCC is to maximize economic benefits for the metropolitan region and the state of Oregon, while protecting the public investment in the facility;

WHEREAS, the cumulative economic effects of the OCC from 2001 to 2011 amount to over \$4 billion in regional spending, support of 51,530 full and part-time jobs in the Tri-County metropolitan region, and the generation of \$150 million in state and local tax revenues, according to independent consulting firms KPMG and Crossroads Consulting;

WHEREAS, Metro and MERC are responsible for ensuring the OCC operates in a fiscally-responsible manner;

WHEREAS, Metro and MERC have considered multiple new initiatives to operate the OCC in a fiscally responsible manner, while continuing to support the OCC mission of maximizing the regional economic impact of the OCC;

WHEREAS, the development of an appropriate block of hotel rooms immediately adjacent to the OCC remains the most significant beneficial action to enhance the ability to attract additional national convention business to OCC;

WHEREAS, in October 2011, MERC requested that Metro reconsider a convention center hotel project to enable OCC to remain competitive with its peer convention centers;

WHEREAS, on January 26, 2012, the Metro Council designated the Oregon Convention Center Enhanced Marketing Initiative as a Metro Council Project and directed staff to complete the Phase I Assessment Scope of Work and then return to Council to present findings and recommendations regarding next steps for the project; and

WHEREAS, on April 13, 2012, representatives of the four jurisdictional partners signed a Statement of Principles evidencing their collective support of Metro's continued work on the implementation of the hotel project, specifically including the issuance of a Request for Proposals for the development of a privately-owned Oregon Convention Center hotel; now therefore

BE IT RESOLVED THAT:

The Metro Council hereby authorizes commencement of the Phase II Implementation Scope of Work, as generally described in the attached staff report, and directs the Chief Operating Officer to issue a Request for Proposals for the development of a privately-owned Oregon Convention Center hotel.

ADOPTED by the Metro Council this 26th day of April, 2012.

Tom Hughes, Council President

Approved as to Form:

Alison Kean Campbell, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO.12-4346, FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSAL FOR THE DEVELOPMENT OF AN OREGON CONVENTION CENTER HOTEL.

Date: April 26, 2012
Prepared by: Cheryl Twete

BACKGROUND

On January 26, 2012, the Council approved Resolution 12-4327, which directed staff to proceed with an Oregon Convention Center Enhanced Marketing Initiative work program and to report back to the Council by April 30, 2012. MERC requested that Council initiate the project in October 2011 and has actively participated in the process during the subsequent months.

The purpose of this report and accompanying resolution is to describe the actions accomplished during the Phase I Assessment work program and seek Council authorization to proceed with Phase II Implementation.

The Phase I Assessment work program consisted of:

- A. Defining project scope and approach for creation of a minimum 500-room block hotel to support the Oregon Convention Center
- B. Coordinating with key public partners to develop a jointly-sponsored approach for achieving the room block hotel project
- C. Negotiating and executing a Memorandum of Understanding (now referred to as the Statement of Principles) to describe the process and project, including commitments by the jurisdictions
- D. Reporting back to Council with the outcomes of these tasks.

Project Rationale. The primary reason for renewing efforts to create a substantial hotel room block is that despite OCC's attractiveness and the city's desirability by national convention meeting planners, OCC continues to lose national convention business due to the insufficient and inconvenient hotel room package currently offered. Meeting planners consistently describe the main reason for not choosing OCC as the lack of a sufficiently-sized convention hotel immediately adjacent to the OCC, as compared to the hotel package offered by OCC's competitive set (meaning comparable-sized cities and convention facilities).

Between 2003 and 2009, Metro and the Portland Development Commission conducted several market and economic studies to determine how to maximize the economic development benefits of OCC and the fundamental conclusion was that a convention-quality hotel immediately adjacent to the center was needed to drive more national convention and trade show business to our community. According to Travel Portland, in calendar year 2011 alone, 30 convention and meeting planners cited the lack of nearby hotel room blocks as the primary reason for choosing other cities over Portland.

In an effort to compensate for this deficiency, Travel Portland works diligently on behalf of the OCC and with the local hotel community to create room-block packages from multiple properties in the central city, tailored to the needs of individual conventions. Despite the willingness of certain hotels to commit room blocks, the challenge remains that hotel rooms are not immediately adjacent to, or sometimes in the neighborhood of the OCC, and scattered geographically among several hotels across the city. A further complication for meeting planners is the requirement to contract separately with each hotel for the room block commitments. Unfortunately, during certain times of the year, market circumstances make it difficult for hotels to commit the room blocks necessary to meet the needs of national convention planners.

The recently completed Metro Visitor Venues Economic and Fiscal Impact Analysis report for FY 2011 again documents the economic significance of the OCC, citing a regional economic impact of \$450 million, generation of \$261 million of direct convention spending, creation of 4,260 jobs and production of \$15.5 million in state and local tax revenue.

Phase I Assessment Results. Since January, Metro, serving as the lead partner, has engaged our jurisdictional partners to gauge interest in supporting the principles, goals and outcomes of a convention center hotel. Several meetings have been held with elected officials and staff to hone in on the most feasible, realistic approach to developing a substantial hotel room block. Metro President Hughes and Councilor Burkholder have been actively engaged in these dialogues as well as MERC Chair Judie Hammerstad and Vice-Chair Elisa Dozono. The MERC Board also has been briefed on the status of the jurisdictional partner work at its monthly meetings. The culmination of the past three months of efforts is the attached Statement of Principles which was executed on April 13, 2012, by Multnomah County Chair Jeff Cogen, City of Portland Mayor Sam Adams, Portland Development Commission Executive Director Patrick Quinton and Metro Council President Tom Hughes.

The Statement of Principles reflects a common understanding of 1) the OCC's fundamental competitive disadvantage with other comparable-sized facilities and 2) the regional and statewide economic benefits of OCC. The Statement of Principles supports the issuance of a Request for Proposals for the development of a privately-owned hotel immediately adjacent to the OCC. The Statement of Principles also recognizes that public investment will be necessary to achieve a convention-quality hotel of the type and scale necessary to "move the needle" in terms of driving additional national convention business to the OCC. The collective interest is to increase the size and frequency of national convention business at the OCC, which, in turns grows the hospitality market in Portland so that all hotels benefit long-term from additional convention-related room nights. The specific role and responsibility of each jurisdiction will be defined during the Phase II Implementation stage.

Phase II Implementation. The Statement of Principles also describes the competitive process for pursuing hotel development teams and the requirements of the submitted proposals. This work, known as Phase II Implementation, will proceed upon approval of Resolution 12-4346 by the Metro Council. Phase II begins with the RFP issuance and culminates with the selection of the best-qualified development team and authorization to staff and the selected development team to proceed with Phase III. Phase III is defined as the pre-development, construction and opening of the new hotel in approximately summer 2015. Metro will continue to serve as the lead partner during Phase II and III stages, working closely with the City, County and PDC.

Key stages and timeframes for Phase II Implementation are described below. Staff anticipates providing regular briefings to both MERC and the Metro Council throughout the course of this

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work and bringing forward development and financing agreements for approval. Each jurisdictional partner will have continued involvement in the decision-making process as well as a specific contribution to the project, taking appropriate actions to provide necessary project approvals.

The general schedule for Phase II Implementation and Phase III is anticipated to be:

<u>Action</u>	<u>Date</u>
<i>PHASE II</i>	
Metro Council/PDC Authorization to Proceed	April 30, 2012
Request for Proposal Issuance	May 7, 2012
Development Team Selection	July 2012
<i>PHASE III (if authorized by Council)</i>	
Project MOU/Term Sheet	September 2012
Approval of Project Development and Financing Agreements by Public Partners	December 2012
Pre-Development (design, permitting, private financing)	November 2013
Construction Start	November 2013
Construction Completion/Hotel Opening	Summer 2015

KNOWN OPPOSITION

At this early stage of the potential project, there is little known opposition to this approach. However, given previous opposition to the publicly-owned headquarters hotel project in 2007-09, there could be concerns from lodging-industry stakeholders and from some members of the public who may question whether public investment in private development projects is appropriate. During Phases II and III, Metro as the lead partner will ensure that issues raised by stakeholders are cataloged and addressed. Creating an open and transparent public communication and outreach strategy will be essential to the success of the project.

LEGAL ANTECEDENTS

Marketing of the OCC is a necessary part of the Metro's charter authority to operate public cultural, trade, conventional and exhibition facilities, Metro Charter Section 6.

BUDGET IMPACTS

The budget impacts of this resolution are staff and Councilor time, plus professional services in the form of potential updated market and financial studies, legal services and communication strategy services, paid for by FY 2011-12 designated funds. Approval for FY 2012-13 funds will be included in the current budget process. This resolution seeks authority to issue the convention hotel Request for Proposals, but does not seek authorization of any specific project agreements, nor does it obligate Metro to commit any hard costs to the project.

ANTICIPATED EFFECTS

Adopting Resolution No. 12-4346 would authorize Metro to proceed with Phase II Implementation of the Enhanced Marketing Initiative effort for the Oregon Convention Center, in

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partnership with Multnomah County, City of Portland, Portland Development Commission and MERC. The resolution would authorize Metro staff to prepare and issue a Request for Proposals and bring forward the best qualified development team to the Council for approval. Council would also be requested to authorize Phase III to proceed with project pre-development activities, leading to the ultimate construction and opening of a convention-quality hotel adjacent to the OCC. Staff would provide progress reports to MERC throughout the course of this phase. Key project decisions by Council include, but are not limited to: selection of the preferred development team, approval of necessary development and financing agreements and potential budget amendments.

RECOMMENDED ACTION

Councilor Rex Burkholder recommends adoption of this resolution.

Attachment A
Statement of Principles

**OREGON CONVENTION CENTER HOTEL PROJECT
STATEMENT OF PRINCIPLES**

Project background

The Oregon Convention Center was a significant public investment in the region and state's economic future. Today, we know that OCC has produced billions of dollars in regional economic impact, generating millions in state and local tax revenues and creating and supporting thousands of jobs. Yet the absence of a privately owned and operated convention center hotel has prevented OCC from reaching its full economic potential to attract more, lucrative national conventions to Portland.

Since OCC opened in 1990 and was expanded in 2003, meeting planners have consistently rated the facility as one of the best convention centers in the country. OCC is widely recognized as a national leader in sustainable operations and excellent customer service. Combined with the region's amenities, which range from fine dining, ski slopes, ocean beaches and wine vineyards, Portland is considered a top destination among our competition for national conventions.

However, meeting planners also say OCC's and Portland's desirability cannot overcome the lack of an immediately adjacent block of at least 500 hotel rooms reserved specifically for larger conventions. As a result, OCC, the community and the men and women who work in the region's hospitality industry lose lucrative national convention opportunities. In 2011 alone, Portland lost 30 conventions to other similarly sized cities and convention centers.¹

National meetings and conventions deliver the greatest return on investment for OCC and the region when compared to local trade shows and events. Studies reveal visitors attending national conventions spend an average of \$330 per day, while individuals attending local events spend \$31 per day.² Large conventions attract attendees who help fill up beds in many Portland hotels of all sizes.

The Portland Development Commission, along with its metropolitan partners, has pursued a headquarters hotel near OCC for a number of years. Economic conditions, the local hotel market and opposition to public hotel ownership thwarted previous attempts.

Since 2011, indicators suggest local and national hotel markets have rebounded from the 2008 economic recession. So have financial markets, even as interest rates remain at historic lows. Slow job growth has kept construction costs relatively low. This is an ideal time to take a fresh look at a convention center hotel that is privately owned and operated and capable of reserving a room block of at least 500 rooms, with associated amenities.

Because Metro owns and operates OCC and is responsible for achieving the facility's fullest economic potential, and as stewards of the public dollars invested to date, it should act as the lead for this fresh look, with support and involvement by the City of Portland, Multnomah County and PDC.

¹ 2011 Travel Portland Lost Business Report

² 2011 Fiscal & Economic Impact Analysis, Crossroads Consulting

Project goals and process

Metro, the City of Portland, PDC and Multnomah County are interested in pursuing private sector development of a hotel that will assist in marketing the OCC for national conventions to ensure that the facility's long-term financial success and regional economic impact are achieved. The hotel will be large enough to commit at a minimum, a 500 room block and shall also have amenities to support national conventions attending OCC (such as meeting rooms, ballrooms, restaurants, etc.). The hotel will be "flagged" with a quality brand with a national reputation familiar to meeting planners. Metro shall act as the lead for this project, with support and involvement by the other jurisdictions.

Additional goals include:

1. Revitalization and activation of the area surrounding the OCC. The hotel will provide active ground floor uses, urban design features that create an interesting and people-oriented place, entrances that relate to the existing OCC facilities, and other key neighborhood connections (such as streetcar stops, light rail stations, etc.);
2. Commitment to a level of a) Minority/Women/Emerging Small Business (M/W/ESB) goals, b) and First Opportunity Target Area (FOTA) employment goals and c) green building standards (LEED or Energy Star certification); and
3. Utilization of union building trades for construction (and potentially represented hotel employees).

The project must be across the street from the OCC and development could occur on any of four potential sites that are known to be available for development or similarly situated privately-owned parcels (See Exhibit A).

The process will include issuance of a competitive development procurement managed by Metro, with the full participation and support of the jurisdictional partners. The competitive development procurement will call for interested development teams to identify their team members and propose a hotel development program, conceptual design, and financial structure.

Metro will accept proposals that meet the project goals with minimal level of required public investment. A joint evaluation process will mutually determine which proposal, if any, should be selected. The competitive development procurement will clearly define and require proposers to commit to a room block agreement and other desirable features, as described below.

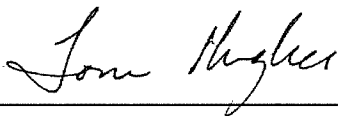
Proposals shall be of sufficient detail to determine that:

1. The development team is capable of a project of this type and scale—and has had past relevant experience with similar projects;
2. The project is financially feasible, based on the respondent's estimated project budget, financing structure, and operating pro forma, and includes amount of public support requested;
3. The proposed hotel is of sufficient size and quality, with an appropriate associated amenity package, and commits to a minimum 500 room block agreement;
4. The proposed location is directly across the street from the OCC; and

5. The development team is able to complete the project on a reasonable schedule, with an anticipated hotel project opening by summer 2015.

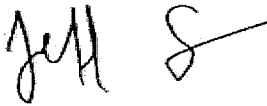
We the undersigned agree to this statement of principles as of April 13, 2012 and pledge our support during the next year to proceed with a developer selection process and to determine if a privately-owned hotel is feasible.

Metro



Tom Hughes, Council President

Multnomah County



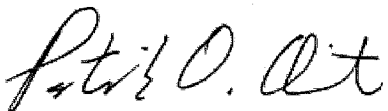
Jeff Cogen, County Chair

City of Portland, Oregon



Sam Adams, Mayor

Portland Development Commission



Patrick Quinton, Executive Director

Materials following this page were distributed at the meeting.



METRO COUNCIL MEETING

Meeting Summary

April 19, 2012

Metro, Council Chamber

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

Councilors Excused: Council President Tom Hughes

Deputy Council President Rex Burkholder convened the regular council meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

Motion:	Councilor Shirley Craddick moved to approve the April 19, 2012 consent agenda which included: <ul style="list-style-type: none">• Consideration of the Minutes for April 12, 2012;• Resolution No. 12-4335, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with the Federal Transportation Planning Requirements and Adopting the Fiscal Year 2012-13 Unified Planning Work Program; and• Resolution No. 12-4342, For the Purpose of Confirming the Appointment of Steve Joiner, Shawn Decarlo and Anisha Scanlon and the Reappointment of Jeff Bissonette to the North Portland Rehabilitation and Enhancement Committee (NPREC).
Second:	Councilor Barbara Roberts seconded the motion.

Vote: Deputy Council President Burkholder and Councilors Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 6 ayes, the motion passed.

4. ORDINANCES – FIRST READING

- 4.1 Metro Chief Operating Officer, Acting as a Budget Officer, Presents the Proposed Fiscal Year 2012-2013 Budget and Budget Message to the Metro Council Acting as the Budget Committee.

Ms. Martha Bennett of Metro provided an overview of the proposed Fiscal Year 2012-13 Metro budget. Her presentation included information on the budget message, key decision-making tools, and budget deliverables. Ms. Bennett stated that the budget is an opportunity to ensure that the agency is aligning its spending with its strategic plan and priorities.

Ms. Margo Norton of Metro provided a presentation on the budget specifics including the percentage change between the FY 11-12 and 12-13 budgets, changes in projected and current five-year general fund forecasts, current revenues and sources (e.g. enterprise revenue, excise tax, property tax), total current expenditures, the 10-year expenditure and total agency FTE histories, charter limitations on spending, debit service obligations, and property tax levies.

Ms. Suzanne Flynn, Metro Auditor, provided a brief overview of the proposed FY 12-13 budget for the Office of the Metro Auditor. Her presentation included information on the office mission, FY 11-12 accomplishments to date, upcoming Metro audits, and proposed FY 12-13 budget and its comparison to previous years.

Mr. Chris Erickson, budget chair for the Metropolitan Exposition and Recreation Commission (MERC) and Ms. Teri Dressler of Metro, provided a presentation on the MERC venues including the Oregon Convention Center, Portland Center for Performing Arts and Expo Center. Their presentation included information on Oregon lodging statistics for Sept. 2009 through Dec. 2011, weekly leading indicators, the economic and business climate, significant budget impacts, total projected revenue and expenditures for FY 12-13, upcoming major capital projects, and use of funding reserves.

Mr. Doug Anderson of Metro provided a presentation on the annual solid waste rate cycle and proposed rate increases for FY 12-13. His presentation include information on funding sources (i.e. regional system fee, tip and transaction fees and recoverable waste tip fees), amount raised from fee rates, how rates are set, market drivers, current and proposed tip and transaction fees, and impacts to residential and commercial rate payers. More information can be found in *FY 2012-13 Solid Waste Rate: A Methodological Statement and Review of Solid Waste Disposal Charges* reports. Both reports are available on Metro's web site at www.oregonmetro.gov.

Ms. Bennett provided staff's final comments including issues for further Council deliberation, and process and schedule for Council's consideration and vote on the FY 12-13 budget. (Full budget presentation is included as part of the meeting record.)

Council discussion included funding for the Metro Export Initiative, PER reserves and rates for 2013, the decline in the general fund, estimated fuel prices FY 12-13, status update on the community planning grants funded by construction excise tax monies, and general discussion on the proposed solid waste rates and those fees competitively driven by the market. Council flagged the difference in proposed solid waste rates for debris generally disposed of by residents versus commercial haulers for future discussion. Some councilors expressed concern that the fee rates for types of goods generally disposed of by residents (e.g. clean wood or yard debris) were higher than the fee rates for goods generally disposed of by commercial haulers (e.g. clean drywall or rubble).

Council also recommended that the difference in the current and proposed tip fees be written as a percentage; staff will distribute this information to Council.

- 4.1.1 **Ordinance No. 12-1274**, For the Purpose of Adopting the Annual Budget for Fiscal Year FY 2012-13, Making Appropriations, Levying Ad Valorem Taxes, and Authorizing an Interfund Loan.

Deputy Council President Burkholder opened a public hearing on Ordinance No. 12-1274:

- Shirley Stageberg, Milwaukie Presbyterian Church, Milwaukie: Ms. Stageberg addressed the Council on Nature in Neighborhoods grant program. Ms. Stageberg's church, the Milwaukie Presbyterian Church, was a recipient of a 2009 NIN grant. She emphasized the importance of the grant program and specifically the benefits it provides to smaller organizations such as grant writing assistance and staff support. Ms. Stageberg emphasized the partnerships created and collaboration with local jurisdictions and community groups during and after the conclusion of the church's project. She encouraged the Council to continue the NIN program.

Council applauded Ms. Stageberg and the Church for their work. Councilors emphasized that the Church's project went above and beyond the grant requirements and really tapped into the local community.

- Roberta Schwarz, 2206 Tannler, West Linn: Ms. Schwarz addressed the Council on the NIN restoration and enhancement grant program. She emphasized that restoration work provides an opportunity for community volunteers to connect with their surroundings and develop friendships. She stated that investing in restoration projects is a good use of the public's resources and money. She spoke to a past NIN grant used at the White Oak Savannah and shared a photo collage of volunteers' experience doing restoration work at the Savannah. She encouraged the Council to continue the NIN program.

Councilors thanked Ms. Schwarz for her passion, persistence and advocacy for restoration projects.

Seeing no additional citizens who wished to testify, the public hearing was closed. Additional public hearings on Ordinance No. 12-1274 are scheduled for April 26 and May 3. Second read, public hearing and Council consideration and vote are scheduled for May 3.

- 4.2 **Ordinance No. 12- 1277**, For the Purpose of Amending Metro Code Chapter 5.02 to Establish Solid Waste Disposal Charges, Recoverable Solid Waste Charges, and System Fees for FY 2012-13; To Modify the Structure and to Standardize the Administration of the Recoverable Solid Waste Charge; and to Establish the Effective Date for the FY 2012-13 Solid Waste Excise Tax Rate.

Second read, public hearing, and Council consideration and vote are scheduled for April 26, 2012. Council President Hughes was assigned to carry the legislation on April 26.

5. **CHIEF OPERATING OFFICER COMMUNICATION**

Ms. Bennett provided an update on:

- Thanked councilors for their participation in the monthly service awards luncheon;

- Announced that she will be participating in the *Best Practices* trip to Cleveland, Ohio April 24 – 27, 2012; and
- Announced that the Department of Land Conversation and Development staff has recommended the Land Conservation and Development Commission remand the Urban Growth Boundary decision on four technical points. Staff will provide an update to Council at the May 1 work session.

6. COUNCILOR COMMUNICATION

Councilor updates on recent meetings or events included the East Metro Connections Steering Committee, Intel STEMposium, and Oregon Active Transportation Summit. Upcoming meetings or events highlighted included the April 19 Michael Freedman presentation on *Remaking strip commercial corridors and transforming business parks: Community design and urban innovation for a knowledge economy* and April 25 *Regional Trails Fair: Exploring The Intertwine*.

7. ADJOURN

There being no further business, Deputy Council President Burkholder adjourned the regular meeting at 4:30 p.m. The Council will reconvene the next regular council meeting on Thursday, April 26 at 2 p.m. at the Metro Council Chamber.



Kelsey Newell, Regional Engagement Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 19, 2012

Item	Topic	Doc. Date	Document Description	Doc. Number
3.1	Minutes	4/12/12	Council minutes for April 12, 2012	41912c-01
4.1	PowerPoint	4/19/12	FY 2012 - 13 Proposed Budget	41912c-02
4.1	Report	N/A	2012-13 Budget in Brief	41912c-03
4.1	Handout	4/17/12	FY 2012-13 Budget by the Numbers	41912c-04
4.1.2	Testimony	4/19/12	Written testimony from Shirley Stageberg	41912c-05
4.2	Memo	4/19/12	Transmittal of FY 2012-13 Solid Waste Rate Documents	41912c-06
4.2	Report	N/A	FY 2012-13 Solid Waste Rates: A Methodological Statement	41912c-07
4.2	Report	4/19/12	Review of Solid Waste Disposal Charges	41912c-08
4.2	Legislation	N/A	Revised Ordinance No. 12-1277	41912c-09

BEFORE THE METRO COUNCIL

ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR FY 2012-13, MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND AUTHORIZING AN INTERFUND LOAN)))))	ORDINANCE NO. 12-1274 Introduced by Martha Bennett, Chief Operating Officer, with the concurrence of Council President Tom Hughes
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WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 2012, and ending June 30, 2013; and

WHEREAS, recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by Metro (attached as Exhibit A and made a part of the Ordinance) and considered; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The "Fiscal Year 2012-13 Metro Budget," in the total amount of FIVE HUNDRED TWENTY MILLION SIXTY FIVE THOUSAND SEVEN HUNDRED NINETY ONE (\$520,065,791), attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, at the rate of \$0.0966 per ONE THOUSAND DOLLARS (\$1,000) of assessed value for operations and in the amount of FIFTY FOUR MILLION ONE HUNDRED SEVENTY ONE THOUSAND EIGHT HUNDRED FORTY FOUR (\$54,171,844) for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2011-12. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from <u>the Limitation</u>
Operating Tax Rate Levy	\$0.0966/\$1,000	
General Obligation Bond Levy		\$54,171,844

3. In accordance with Section 2.02.040 of the Metro Code, the Metro Council hereby authorizes positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 2012, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

4. An interfund loan from the General Fund to the MERC Fund in an amount not to exceed \$2.2 million is hereby authorized. The loan will be made to provide financing of the Eastside Streetcar Local Improvement District assessment on the Oregon Convention Center. The loan, including interest at a rate equal to the average yield on Metro's pooled investments, will be repaid from Oregon Convention Center revenues and/or reserves. Repayment will be over a ten year period beginning FY 2012-13 and provide for a minimum of \$220,000 annual principal payments due no later than June 30th of each fiscal year.

5. The Chief Operating Officer shall make the filings as required by ORS 294.458 and ORS 310.060, or as requested by the Assessor's Office of Clackamas, Multnomah, and Washington Counties.

6. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins July 1, 2012, and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council on this 21st day of June 2012.

Tom Hughes, Council President

ATTEST:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison Kean Campbell, Metro Attorney

PLACEHOLDER

Exhibit A to Ordinance No. 12-1274

Tax Supervising and Conservation Commission
Certification Letter

Anticipated June 2012

PLACEHOLDER

Exhibit B to Ordinance No. 12-1274

Proposed FY 2012-2013 Metro Budget

Available online at

<http://www.oregonmetro.gov/index.cfm/go/by.web/id=36700>

EXHIBIT C
Ordinance 12-1274
FY 2012-13 SCHEDULE OF APPROPRIATIONS

	Proposed Budget
GENERAL FUND	
Communications	2,586,585
Council Office	3,924,829
Finance & Regulatory Services	4,218,275
Human Resources	2,167,032
Information Services	3,640,353
Metro Auditor	708,748
Office of Metro Attorney	1,927,172
Oregon Zoo	30,862,025
Parks & Environmental Services	6,681,825
Planning and Development	14,477,196
Research Center	3,834,691
Sustainability Center	4,036,112
Special Appropriations	4,896,187
Non-Departmental	
Debt Service	1,654,290
Interfund Transfers	7,521,525
Contingency	3,831,000
<i>Total Appropriations</i>	96,967,845
Unappropriated Balance	12,647,089
Total Fund Requirements	\$109,614,934
GENERAL ASSET MANAGEMENT FUND	
Asset Management Program	5,475,007
Non-Departmental	
Interfund Transfers	19,681
Contingency	4,379,897
Total Fund Requirements	\$9,874,585
GENERAL OBLIGATION BOND DEBT SERVICE FUND	
Debt Service	51,991,413
Unappropriated Balance	10,092,981
Total Fund Requirements	\$62,084,394
GENERAL REVENUE BOND FUND	
Debt Service	3,090,037
Unappropriated Balance	5,361
Total Fund Requirements	\$3,095,398
MERC FUND	
MERC	44,281,504
Non-Departmental	
Interfund Transfers	4,806,913
Contingency	7,613,240
<i>Total Appropriations</i>	56,701,657
Unappropriated Balance	13,097,572
Total Fund Requirements	\$69,799,229

EXHIBIT C
Ordinance 12-1274
FY 2012-13 SCHEDULE OF APPROPRIATIONS

	Proposed Budget
NATURAL AREAS FUND	
Sustainability Center	45,179,080
Non-Departmental	
Interfund Transfers	1,783,226
Contingency	25,000,000
<i>Total Appropriations</i>	71,962,306
Unappropriated Balance	12,838,139
Total Fund Requirements	\$84,800,445
 OPEN SPACES FUND	
Sustainability Center	738,934
Total Fund Requirements	\$738,934
 OREGON ZOO INFRASTRUCTURE AND ANIMAL WELFARE FUND	
Oregon Zoo	19,526,002
Non-Departmental	
Interfund Transfers	292,677
Contingency	3,963,195
<i>Total Appropriations</i>	23,781,874
Unappropriated Balance	44,397,992
Total Fund Requirements	\$44,397,992
 PIONEER CEMETERY PERPETUAL CARE FUND	
Unappropriated Balance	470,187
Total Fund Requirements	\$470,187
 REHABILITATION & ENHANCEMENT FUND	
Sustainability Center	358,641
Non-Departmental	
Interfund Transfers	33,465
Contingency	280,000
<i>Total Appropriations</i>	672,106
Unappropriated Balance	1,653,293
Total Fund Requirements	\$2,325,399
 RISK MANAGEMENT FUND	
Finance & Regulatory Services	2,641,276
Non-Departmental	
Interfund Transfers	295,207
Contingency	500,000
<i>Total Appropriations</i>	3,436,483
Unappropriated Balance	1,094,652
Total Fund Requirements	\$4,531,135

EXHIBIT C
Ordinance 12-1274
FY 2012-13 SCHEDULE OF APPROPRIATIONS

	Proposed Budget
SMITH AND BYBEE LAKES FUND	
Parks & Environmental Services	65,000
Non-Departmental	
Interfund Transfers	104,841
Contingency	200,000
<i>Total Appropriations</i>	369,841
Unappropriated Balance	3,391,886
Total Fund Requirements	\$3,761,727
 SOLID WASTE REVENUE FUND	
Finance & Regulatory Services	2,145,570
Sustainability Center	6,002,794
Parks & Environmental Services	49,502,045
Non-Departmental	
Interfund Transfers	8,157,903
Contingency	15,105,279
<i>Total Appropriations</i>	80,913,591
Unappropriated Balance	19,875,967
Total Fund Requirements	\$100,789,558
Total Appropriations	\$400,500,672
Total Unappropriated Balance	\$119,565,119
 TOTAL BUDGET	 \$520,065,791

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 12-1274 ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2012-13, MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND AUTHORIZING AN INTERFUND LOAN

Date: March 30, 2012

Presented by: Martha Bennett
Chief Operating Officer

BACKGROUND

I am forwarding to the Metro Council for consideration and approval my proposed budget for fiscal year 2012-13.

Metro Council action, through Ordinance No. 12-1274 is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Metro Council to adopt this plan must be completed by June 30, 2012.

Once the budget plan for fiscal year 2012-13 is approved by the Metro Council on April 26, 2012, the number of funds and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Metro Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's expenditures in the period between Metro Council approval at the end of April 2012 and adoption in June 2012.

Exhibit A to this Ordinance will be available subsequent to the Tax Supervising and Conservation Commission hearing June 7, 2012. Exhibits B and C of the Ordinance will be available at the public hearing on April 19, 2012.

ANALYSIS/INFORMATION

1. **Known Opposition** – Metro Council hearings will be held on the Proposed Budget on April 19, 2012 and April 26, 2012. Opportunities for public comments will be provided. Opposition to any portion of the budget will be identified during that time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Tax Supervising and Conservation Commission by May 15, 201. The Commission will conduct a hearing on June 7, 2012 for the purpose of receiving information from the public regarding the Metro Council's approved budget. Following the hearing, the Commission will certify the budget to the Metro Council for adoption and may provide recommendations to the Metro Council regarding any aspect of the budget.
3. **Anticipated Effects** – Adoption of this ordinance will put into effect the annual FY 2012-13 budget, effective July 1, 2012.
4. **Budget Impacts** – The total amount of the proposed FY 2012-13 annual budget is \$520,065,791 and 740.00 FTE.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Ordinance No. 12-1274.

M:\Asd\Finance\Confidential\BUDGET\FY12-13\Budord\Ord 12-1274 Adopting Ordinance\Staff Report For Adoption Ord 12-1274.Doc

Dear Metro Councillors I really want you to continue the Nature in Neighborhoods grant program. I want to be in a greener world, what clean water and native plants. I help what the wild side a PV. I also help what the track at PV I put bark-chips on the track. Metro Councillors you should continue the Nature in Neighborhoods grant program.

Sincerely 6th grade
Student.

Dear Metro councillors,

I highly recommend you to not stop this wonderful program your funding. Because the environment is in our hands you helped us now its our try to help you. Here in the wilderness its very green thanks to you so dont stop your program. Your program is a lifesaver so dont shut it down trust me you will regret it, its not worth. I hope I motivated you.

By. Dennis
Sabana

Dear members of The Metro (We will
know how much you've supported
of Wild Side and the idea of
you stop the funding to schools
Race my mind I know times
are difficult but the Wild Side
made a a better person on the
outside and inside and our three
goals are like you to improve
water quality to provide habitat
and to inform the public all these
letters are about you not to stop
funding. all the work we did would
be lost and our fifth graders
will have to begin were we didn't
finish we thank you for your
support all the other time. But
we ask you to not stop funding
money to school for the provide,
inform, and improve. Thank you for your
time. (from: Arthur Kiyuta: Pleasant Valley School
to: Metro

THANK YOU



Dear Metro Council-

I am writing to persuade you to keep your grant program "Nature in Neighborhoods." This program has helped lots of people restore the ecosystem to make a more healthy habitat for wildlife and plants.

Since this Earth has over a billion people using cars, planes, trains, and just about anything that pollutes the air and water, we, as people, need to take a stand for what is right. We need to help provide clean water, native plant and animal habitat, and educate the public on how to save the environment. At my school, we have a nice size piece of land that my teacher and his students restore every year. About 4 or 5 years ago, it was covered in blackberry. Now, we have planted over one thousand trees, and provided a new habitat for hundreds of animals. Without a grant from you, we would not have been able to do all of the work that my class and I have done.

Without your grants, we would not have the wildlife that we now have. Do you want the costs of just about everything to go up? When we don't have an ecosystem, we don't have as much food as we did before. Please, keep your grants to support wildlife.

It will not be a waste because we will all eventually die if there is too much pollution. If you keep this program, it will offer a brighter future for students, adults, and

our planet.

yours truly,

Emily Stout Emily Stout

6th grader at Pleasant Valley School, Wildside
crew member. ☺

April 26, 12

Dear Metro Council,

I'm a student, a citizen, and a proud caretaker of the Earth and the Wildside, when I heard that you guys will debate on the Nature in Neighborhoods grant program. I thought at first the council would know how it would affect the neighborhoods that are trying to make this place greener, but they don't have enough money... To do it, but you all have the power to help us.

We should continue the program because we have to do this. We all can do this, but without the money we'll be powerless to help the Earth, our home, our community, our neighborhood, our Earth. We all want clean water, we all want to provide native plant and animal habitat. We all should know more about our environment, we all need you and the grant program. Please continue the Nature in Neighborhood program!!!

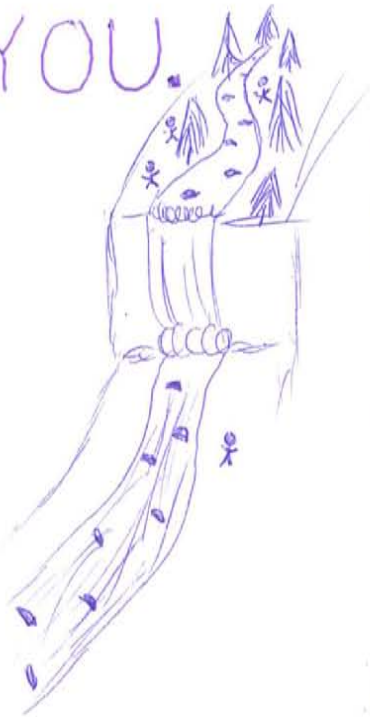
Sincerely,

A child, a student,
a citizen, and a
member of the
wildside crew.

Theresa Mai
Theresa Mai

WE ALL
NEED...

YOU.



Dear Metro Council Members,

Us 6th Grade Students have heard about the Nature in Neighborhoods grant, we also heard that you were going to end it. We students from P.V (Pleasant Valley Elementary) would like to ask for you to keep the grant going on, we have a project called the Wildside which we have made a huge impact on the environment, we have planted over 5,000 trees which we have planted with the help of other grants we have gotten from others. See with grants we can contribute more to the environment we have provided habitat for plants and animals also. I also got a chance to go out on to the Wildside knowing I am helping the environment.

Sincerely,

Megan Nguyen
a member of the
Wildside Crew

April 26, 2012

Dear Metro Council Members,

I encourage you to keep doing what you guys are doing. You guys keep water clean, help the animal habitat, you make better nature in neighborhoods and give grants to schools like to my school. You guys have gave grants to our school and we thank you for that. I really wish you that you guys (the Metro Members) could keep running this program. I thank you guys for helping our school and the environment. Thank You!

Sincerely,

~~Stephani Jeronimo~~

Stephani Jeronimo

Metro Council,

use of your Grants we have benefited
over the wildside so much more.
I have seen cleaner water, native plant
habitats. Being involved in the
has shown me many important
things. I have to take the time to
enjoy roses, fresh air. With your Nature in
the wildside has had an impact on the public
and I have spent out on the wildside
and know how lucky I am to
live in a 6th grader at Pleasant Valley, to
have the opportunity to go on the wildside,
valued in the wildside by the help of your
grants. I ask you are community asks
and please do not end Nature for
the wildside.

Sincerely,

Grace Pardue

METRO



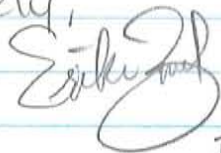
Dear Metro Council,
I would really be happy if you continued your program. The money you've provided has gone along ways with helping me and my learning at the wildside. We learning alot about native animal and plant habitat. And were focusing on how to keep water clean. All they things we have needed we bought with the money you provided us. It would help alot if you continued to help the soon coming 6th graders and 6th graders who have long way untill wildside and even native animals and plants on the wildside. I really hope you bring it to thought of keeping it going.

6th grade student @ P.V
wildside ☺

Dear Metro Council Members,

The grant that you are considering to end, would stop benefitting people and the environment. We not only use those grants you provide to make projects like the Wildside but also to improve what people have messed with before. We have done things with these grants that have improved plant and animal habitat, and that have improved the water quality in our area. Stopping this grant would mean that schools, businesses, communities, and neighborhoods, wouldn't be able to do great things in the environment. On the Wildside we have had grants that had contributed to what it is today. You shouldn't end this program. We have similar goals to what Nature in Neighborhoods has so we can see why you had made it. I'm sure people have done great things with your grants that have contributed to the environment so why end it?

Sincerely,



Erika Zuel

A member of The Wildside Crew

Dear Metro Council,

This is about the grant called: Nature in the Neighborhood. I was hoping that you may keep the program running. I know that this program grants money for clean water, offering habitat for native animals, and educate about the environment. We have got many grants from you but other schools have not had the chance to get grants. My knowledge about the wild has majorly improved thanks to the grants that you gave us. The School thanks you and we thank you.

Hope you consider,

Crystal Tat

~~Crystal Tat~~

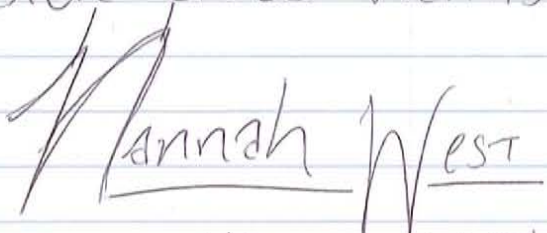
6th grade student
at Pleasant Valley
elementary,

Dear members of the Metro Council,
I am a Pleasant Valley student
that has learned a lot from the Wildside.
But the problem is, I probably wouldn't
have learned half of it without the
projects your grant money has
made possible. Though I don't jump
for joy for going out on the Wildside
to learn in rainy weather, but I have
learned that it's worth it. Even if it
means going out while it's raining
buckets to learn about the environment.
My hope, and others hope, is that you
will decide to continue to give grants.
So that future students, and the students
now can continue to do projects on the
Wildside, to help and to learn, about the
environment. Thank you.

A member of the Wildside Crew,
Liana Kobylinsky.

Dear Metro council members,
I being very involved in the wildside
would highly reccomend that you continue
the Nature in Neighborhoods program. For
one without your program projects like
the wildside and many others wouldn't
be able to happen. Personally I have loved
working on the wildside. I have learned
many things about: improving water
quality, creating plant and animal habitat,
and I can defintley say I have been
educated about the environment. I hope
you continue Nature in Neighborhoods or
else the wildside might not be here in
future years.

Wildside Crew Member,


Hannah West

Alexis
mattson
↓

Pere Council I like plans
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They are good you like Plants.
for us.

- Alexis Mattson

Dear Metro councillors,

please keep your Nature in Neighborhoods program. It would help out our school and other schools a lot! If we didn't have this grant program we might not have the Wildside! On the Wildside, we have planted a lot of trees and we even made 2 rain gardens. I know this doesn't sound like much, but please keep your grant program.

- Sincerely,

Yusuf Beyoglu,

Member of the
Wildside crew at
Pleasant Valley Elementary

Dear Metro Council,

I'm writing this to you because I am passionate about helping the planet. In the pass you have given use great money to benefit the wildside. Please don't take the Nature in Neighborhoods from us. We have like goals. The goals of PV's Wildside is to improve water quality, provide plants and animal habitat, and educate the public about the wildside. We previously used your grant money for the boardwalk in our school, we thank you for that. We would love it if you kept the grant program

6th grader at PV
member of
Wildside Crew
Kenny Chuy

Dear Metro Council,

I think you should continue the Nature in Neighborhoods program because we need a healthier environment. We need clean water to drink. We need to stop the pollution. If you stop Oregon might lose all of its trees! If the public doesn't know about having a clean environment they could keep polluting it and soon all the trees will die! Together we can save our forest! And thank you for supporting us with the Wildside!

Sincerely,
Brandyn Dinh

A sixth grader part of
the pleasant valley
wildside crew!

Dear Metro Councillors,

Thanks for the awesome grants! We all appreciate what you have done. Thanks to your grants, we've been able to plant over 4,500 plants in our wildside, buy supplies for us to learn more about plants, water, and animals! If it wasn't for your grants, we probably couldn't have done that if it weren't for you guys! Thanks for supporting us. I hope that this letter will get you guys to still do what you guys are doing right now, so that other people feel the same way we do for you guys!

Sincerely, Aaron Wong

Dear Metro Council,

I'm asking you to continue this grant program. Your program has helped many people, and I think that you should not stop. Your grants have helped make dirty water clean so that animals, people, and aquatic life can live. It has helped make animals habitats, and help native plants grow. You have donated money to schools so that they can go on field trips about the environment. But why do you think these grants help? Because they donate money. Without these grants this place would not have been so great!, So please dont stop your grant program because it has done so many good things for this place. Children at school would not have learned so much about the environment if you didn't give grants. Thanks so much for giving grants, they have done wonderful things, so dont stop giving grants. Keep giving them. Thank you so much!!!

Yours Truly,

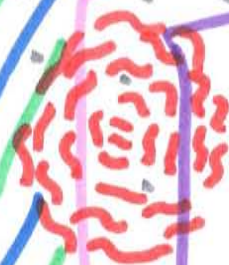
Rachel Nita,

Pleasant Valley 6th grade

"Student, Part of "Wildside
Crew"

Dear metro Council,
• You should keep the grant program so
plants and animals have clean water
to drink. We also need to make sure
that we keep our native plants and
animals so they can continue with
their life where they live and so they
don't have to change their lifestyle
by moving somewhere else and
learning a new way to survive.
People also are very interested in
nature and other things like that,
so they need you to teach them
nature's ways. School could also
use your grants to go to outdoor
school and see and learn all
kinds of cool stuff!

Sincerely,
Wildsid
Crew
member
Felicity



President Hughes and Metro Council
600 NE Grand
Portland, OR 97232

April 26, 2012

Dear President Hughes and Metro Council,

We, the undersigned individuals representing roughly 43 organizations or projects from across the Portland-Metro region, urge the Metro Council to renew and establish permanent funding for the Nature in Neighborhood Restoration and Enhancement (NIN R&E) Grant Program. The grant program was established in 2006 as part of Metro's commitment to achieve the vision and goals of Title 13, Nature in Neighborhoods. Between 2006 and 2011 the grant program funded over \$1.7 million in urban natural resource projects implemented by non-profits, community groups, or local governments across the region.

By any measure the NIN R&E grant program has produced a remarkable return on investment. Projects have enhanced wetlands and riparian areas across the region, helped restore scarce oak woodlands; improved fish passage; created learning and work experience opportunities for youth, people of color, and low-income residents; planted trees in nature-deficient neighborhoods; and provided environmental education opportunities for elementary and high school children. The grant program has leveraged over \$4.3 million in cash match and another \$4 million of in-kind match. In the process the grant program has catalyzed community capacity to implement on-the-ground restoration projects, make other green infrastructure improvements, and extend environmental education and work-force training to new constituencies.

Over the 5 years of the program, grant proposals regularly exceeded available funds. The NIN R&E grant program began with \$600K in 2006-2007 FY and declined to \$150K in 2011-12 FY. Last year, Metro's budget included no funding for the program. We urge the Metro Council to restore funding, update the grant program's criteria, and make NIN R&E grants a permanent program.

In the future, we believe the renewed grant program should more explicitly integrate goals for ecological sustainability and social equity. We recommend the grant program prioritize funding to projects most likely to succeed in:

1. Improving, enhancing or restoring ecological health of all the region's urban and urbanizing watersheds.

2. Expanding and diversifying the constituency for conservation through education and hands-on opportunities to improve ecological health of urban and urbanizing watersheds.
3. Improving access to nature for low-income people and people of color.
4. Including workforce development opportunities for low-income people and people of color and thereby diversify the individuals and communities that benefit from the process of making environmental improvements.

In addition, we believe the grant program should continue to include a category of community planning grants that support development of Nature in Neighborhood Capital Grant proposals in park- and nature-deficient neighborhoods.

Finally, we recommend that Metro review the accessibility of the grant program to small volunteer-based groups. Even organizations with paid staff have found the grant application and reporting process to be complex and time-consuming enough to create a significant barrier in the past. While it is important that funded projects best meet the ecological and equity criteria of the grant program, it is also important that the application process not be a barrier to reaching diverse communities and expanding the constituency for conservation in our region.

Thank you for your leadership in sustaining the region's commitment to ecological stewardship and conservation education.

Sincerely,

Jim Labbe,
Bob Sallinger,
& Tom Costello
Audubon Society of Portland

Alan Hipolito
Verde

Mike Houck
Urban Greenspaces Institute

Mike Faha
GreenWorks, PC

Monica Smiley
Tualatin Riverkeepers

Matt Clark
Executive Director
Johnson Creek Watershed
Council

Jane Van Dyke
Executive Director
Columbia Slough Watershed
Council

Linda Robinson
Friends of Gateway Green

Lee Dayfield
Friends of Nadaka

Ed Kerns
Lents Springwater Habitat
Restoration Project

Scott Fogarty
Executive Director
Friends of Trees

Russ Hall
Executive Director
Wilderness International Inc.

Tina Skiles

Roberta Schwarz,

Shirley Stageberg

Administrator Swallowtail
School
Hillsboro

Co-founder of Neighbors for a
Livable West Linn
West Linn

Milwaukie Presbyterian
Milwaukie

Chips Janger
Clackamas County Urban
Green,

Eric Lindstrom, EdD
Watershed Events
Fans of Fanno Creek

Cynthia Ellison, Green Team
Lake Oswego United Church
of Christ, Lake Oswego

Lisa Jo Frech,
Executive Director
Raindrops to Refuge

Erik Mace
Washington County Urban
Forestry Advocate

Ron Carley
Executive Director
Coalition for a Livable Future

Emma Pletz
Blue Heron Wetlands
Restoration Project

Doug Menke
General Manager
Tualatin Hills Park and
Recreation District

Ramsay Weit,
Washington County Resident

Bethany Shetterly Thomas
Ecology in Classrooms and
Outdoors

Jill Kuehler
Executive Director
Zenger Farms

Eric Shawn, Chair
North Clackamas Urban
Watershed Council

Sara Vickerman
Director
Defenders of Wildlife

Kim Leval, Executive
Director, Northwest Center for
Alternatives to Pesticides.

Glenn Lamb
Executive Director
Columbia Land Trust

April Ann Fong,
Habitat Restoration Team
Coordinator
Portland Community College

Dolores Wood
Powellhurst-Gilbert
Neighborhood Association

Alesia Reese
Chair,
East Portland Parks Coalition

Tom Lewis
Friends of Parklane Park

David Scharfenberg
Teacher & Wildside Project

Terry Milner
Interim Executive Director
and Director of Development
The Forest Park Conservancy

Joyce Ley
Wilkes Community Group

Tom Wolf, Chair
Oregon Council Trout
Unlimited
Hillsboro

Corrina Chase,
Watershed Coordinator, Tryon
Creek Watershed Council.

Mark White
President
Powellhurst-Gilbert
Neighborhood Association

Dick Springer
District Manager
West Multnomah Soil &
Water Conservation District

Maia Nativ
Depave
Portland

Melisa J. McDonald,
Executive Director
SOLV

Byron McKinlay
St. Aidan's Episcopal Church
Gresham

Sue Marshall
Trillium Consulting
Lake Oswego

Traci Price, Board Co-Chair,
The Environmental Education
Association of Oregon

June Mohler
Troutdale resident

