 **Metro** | *Agenda*

Meeting: Metro Council Work Session
Date: Tuesday, Sept. 11, 2012
Time: 9:30 a.m.
Place: Council Chamber

CALL TO ORDER AND ROLL CALL

- 9:30 AM** **1. ADMINISTRATIVE/ AGENDA FOR SEPT. 13, 2012/ CHIEF OPERATING OFFICER COMMUNICATIONS**
- 9:45 AM** **2. METRO CODE TITLE X CHANGES TO CHAPTER 10.04 PIONEER CEMETERIES - INFORMATION / DISCUSSION** **Slyman
Fox
Morton**
- 10:10 AM** **3. GROWTH MANAGEMENT DECISION DEBRIEF - INFORMATION / DISCUSSION** **Williams
Benner**
- 11:25 AM** **4. UPDATE ON THE 2015-18 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM - INFORMATION** **Naramore**
- 11:40 AM** **5. COUNCIL BRIEFINGS/COMMUNICATION**

ADJOURN

Agenda Item No. 2.0

**METRO CODE TITLE X CHANGES TO
CHAPTER 10.04 PIONEER CEMETERIES**

Metro Council Work Session
Tuesday, Sept. 11, 2012
Metro, Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: September 11, 2012 Time: 9:45 am Length: 20 Minutes
Presentation Title: Metro Code Title X Changes to Chapter 10.04 Pioneer Cemeteries

Service, Office, or Center: Parks and Environmental Services

Presenters (include phone number/extension and alternative contact information):

Paul Slyman, Director Parks and Environmental Services	Ext 1510
Rachel Fox, Cemetery Program Manager	Ext 1856
Joel Morton, Senior Metro Attorney	Ext 1534

ISSUE & BACKGROUND

Cemetery staff and the Office of Metro Attorney have worked for several years to update the policies and procedures that govern the business and operations of Metro's cemeteries. The independent consultants who created the cemetery business and operations plan and the assessment of Metro's interment verification and soil management protocols recommended that Metro consider the review of and an update to Metro Code Title X, Chapter 10.04. Title X provides rules governing the use and operation of Metro's Parks, Cemeteries and Natural Areas. The Code is being amended to update language and terminology, and update provisions relating to pioneer cemeteries administration that better align with similar cemetery operations in Oregon and the United States.

Metro's recent efforts in improving cemetery operations, which include records management, maintenance and provisions for interment right verification and soil management has laid a framework for revising Chapter 10.04. Through the resources provided by the independent consultants and research of similar operations staff and the Office of Metro Attorney are proposing that the Council consider adopting the updates to Chapter 10.04. These revisions are a supplement to the existing policy, which specifically address the administration of cemeteries and improve Metro's Code for the long term stability of the program. This update to Chapter 10.04 conforms to the Oregon Revised Statutes and cemetery industry standards while also providing a comprehensive and clear set of policies for Metro staff and customers.

OPTIONS AVAILABLE

1. Approve the Ordinance. Approval of the ordinance would update Metro Code 10.04 to operate Metro's cemeteries in a way that would maximize financial benefit, provide for long term stability, and to maintain the properties as a community asset while providing for their continued care and protection.
2. Approve the Ordinance with changes. Additional revisions could be added to clarify the level of governance.
3. Do not approve the Ordinance. Metro cemeteries would be operated as they currently are without aligning them with other similar operations in the region and without clarifying the language of the organizational structure within Metro or updating terminology.

IMPLICATIONS AND SUGGESTIONS

Parks and Environmental Services staff suggests that the Metro Council approve Ordinance No. 12-1286. The Ordinance will give guidance for the operation and management of Metro's Pioneer Cemeteries while establishing a level of consistency with other providers of the same services.

QUESTION(S) PRESENTED FOR CONSIDERATION

Staff recommends the Metro Council vote in favor for the code revisions in Ordinance 12-1286.

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION
DRAFT IS ATTACHED

X Yes
X Yes

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REPEALING AND) ORDINANCE NO. 12-1286
REPLACING METRO CODE TITLE X,)
CHAPTER 10.04 PIONEER CEMETERIES) Introduced by Martha Bennett, Chief
) Operating Officer, with the concurrence of
) Council President Tom Hughes

WHEREAS, in 1994, Multnomah County transferred to Metro certain parks, boat ramps, a golf course, natural areas and the perpetual care of 14 pioneer cemeteries; and

WHEREAS, Metro Code Chapter 10.01, establishing Metro Regional Parks and Greenspaces Regulations, and 10.02 establishing Regional Park Fees, were adopted in 1996 to govern the new Metro Regional Parks Department created to administer said facilities; and

WHEREAS, Metro Code Chapter 10.04 was adopted in 2004, to provide for the management and operation of the Metro Pioneer Cemeteries; and

WHEREAS, Metro’s regional role in the provision of cemetery services has progressed and improved since that time; and

WHEREAS, Metro Code Title X requires updating to account for this progression, and to appropriately govern the Metro Pioneer Cemeteries; and

WHEREAS, the revisions proposed for Metro Code Chapter 10.04 “Pioneer Cemetery Properties” will more effectively ensure that Metro’s Pioneer Cemeteries are managed in compliance with state law, are operated to maximize financial benefit and long term stability, are maintained as a community asset, and are appropriately protected and preserved in keeping with their historically significant nature; and

WHEREAS, Ordinance No. 12-1286 will amend Metro Code Chapter 10.04, now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. Metro Code Chapter 10.04 is repealed and replaced as set forth in Exhibit A to this Ordinance.

ADOPTED by the Metro Council this _____ day of September, 2012.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Regional Engagement
Coordinator

Alison Kean Campbell, Metro Attorney

CHAPTER 10.04

PIONEER CEMETERY PROPERTIES

SECTIONS	TITLE
10.04.010	Purpose
10.04.020	Policy
10.04.030	Definitions
10.04.040	Description of Pioneer Cemeteries
10.04.050	Operation and Administration
10.04.055	Enforcement Authority
10.04.060	Cemetery Hours of Operation
10.04.065	Other Uses
10.04.070	Sale of Interment/Inurnment Rights and Burial Services
10.04.080	Multi-Interment/Inurnment Right Sales Restricted
10.04.090	Transfer of Certificate of Interment and Inurnment Rights
10.04.100	Full Body Grave Dimensions - Burial Limits
10.04.110	Outer Burial Containers Required
10.04.120	Disinterment
10.04.130	Flowers Funerary Decorations Restricted
10.04.135	Personal Effects and Mementos Prohibited
10.03.140	Planting On or Around Graves Prohibited
10.04.145	Grave Improvements Prohibited
10.04.150	Memorials--Materials and Location Restricted
10.04.160	Monuments Restricted
10.04.170	Memorial Repair Restricted

10.04.180 Removal of Memorials Prohibited

10.04.185 Cemetery Errors and Irregularities

10.04.190 Rates and Fees for Interment and Inurnment Rights,
Burial Services and Perpetual Care Fund

10.04.220 Historical Research Requests

10.04.230 Other Laws Applicable

10.04.010 Purpose

The purpose of this chapter is to provide regulations controlling the operation of Metro owned and operated Pioneer Cemeteries and governing the use of these Cemeteries by members of the public in order to protect and preserve the Pioneer Cemeteries, the Graves and the Remains of those interred therein.

10.04.020 Policy

The Metro Council has determined that it is necessary to adopt these code provisions in order to ensure the long-term stability of Metro's cemetery operations, which shall be achieved by Cemeteries being operated as follows:

- (a) In compliance with applicable state laws;
- (b) As community assets;
- (c) In a manner that will maximize public financial benefit and long-term stability; and
- (d) To protect and preserve their historically significant nature.

All four above objectives are to be considered equally important in the management of Metro's Pioneer Cemeteries.

10.04.030 Definitions

For the purposes of this chapter unless the context requires otherwise, the following terms shall have the meanings indicated:

(a) "Advance Sale" means the sale and purchase of an Interment Right to a predetermined Grave in advance of use for any person to whom the owner designates for Burial in the predetermined Grave.

(b) "At-Need" means at the time of death sale of Graves/plots, services, Memorials and materials which are to be delivered immediately or upon delivery to the Cemetery for immediate Interment. Graves/plots are At-Need items due to their purchase being an immediate addition of an asset to one's estate.

(c) "Burial" means the placement of Human Remains in a Grave, in accord with state law and regulations.

(d) "Burial Services" means the opening and closing of the Grave in accord with state law and regulations, including excavation and fill, the provision and placement of a concrete liner or vault and any overtime charges that apply.

(e) "Cemetery," "Pioneer Cemeteries," and "Cemeteries" means those certain parcel(s) of real property set forth in section 10.04.030, designated, owned and operated by Metro for the disposition of Human Remains by any one or the combination of more than one of the following:

- A Burial place for ground or earth Interments, either casket or cremation.
- A mausoleum or crypt Interments.
- A columbarium or Interment of Cremated Remains.

(f) "Certificate of Interment/Inurnment Rights" or "Certificate" is a perpetual right to use property for burial purposes. The fee title of the property is without possession of any estate or interest in the land and all rights of ownership therein remain with Metro.

(g) "Cremated Remains" means the remains of a cremated human body after the completion of the cremation process.

(h) "Contract of Purchase" or "Contract" is an agreement between Metro and the purchaser of Burial Services or an Interment/Inurnment Right to a Grave space or Niche.

(i) "Disinterment" is the removal of Human Remains from a Grave space as defined in ORS 97.220.

(j) "Family Plot" means a group of contiguous Graves sold to an individual for the purpose of the Interment of individuals related by blood or by law.

(k) "Grave" and "Companion Grave" means a space of ground in a Cemetery used or intended to be used for Interment or Inurnment. A companion grave is two graves side-by-side for two individuals related by blood or law.

(l) "Human Remains" or "Remains" are the body of a deceased person in any stage of decomposition.

(m) "Interment" is the disposition of Human Remains by entombment or Burial in a place used or intended to be used and dedicated for Cemetery purposes.

(n) "Inurnment" is the placement of cremated Human Remains by entombment or Burial in a place used or intended to be used and dedicated for Cemetery purposes.

(o) "Marker" means a flat Grave tablet or headstone placed flush to the ground, identifying a Grave or Graves.

(p) "Memorial" means Marker, Monument, a nameplate or inscription identifying a crypt or Niche, or any other improvement or permanent structure intended to identify the location of a Grave or Graves.

(q) "Monument" means an upright or vertical headstone or tombstone identifying a Grave or Graves.

(r) "Niche" means a space in a structure to place cremated Human Remains of one or more persons.

(s) "Outer Burial Container" is a concrete or composite material container which is buried in the ground to provide outer protection and into which Human Remains or Cremated Remains are placed for Burial purposes.

(t) "Perpetual Care Fund" is a special account set aside for holding of funds used for the required perpetual maintenance of the Cemetery grounds.

10.04.040 Description of Pioneer Cemeteries

The areas dedicated for Interment purposes by Metro shall consist of the following Cemeteries:

(a) Brainard Cemetery located at NE 90th Ave. and NE Glisan St., Portland

(b) Columbia Pioneer Cemetery located at NE Sandy Blvd. and NE 99th Ave., Portland

(c) Douglass Pioneer Cemetery located at Hensley Road and SE 262nd Avenue, Troutdale

(d) Escobar Cemetery located at SW Walters Road and Littlepage Road, Gresham

(e) Gresham Pioneer Cemetery located at SW Walters Road, Gresham

(f) Grand Army of the Republic Cemetery located at SW Boones Ferry Road and Palatine Road, Portland

(g) Jones Cemetery located at SW Hewitt Blvd. and SW Humphrey Blvd., Portland

(h) Lone Fir Cemetery located at SE 26st Ave. and SE Stark St., Portland

(i) Mt. View-Corbett Cemetery located at Smith Road and Evans Road, Corbett

(j) Mt. View-Stark Cemetery located at SE Stark Street and SE 257th Street, Gresham

(k) Multnomah Park Cemetery located at SE 82nd Ave. and SE Holgate Blvd., Portland

(l) Pleasant Home Cemetery located at Bluff Road and Pleasant Home Road, Gresham

(m) Powell Grove Cemetery located at NE Sandy Blvd. and NE 122nd Ave., Portland

(n) White Birch Cemetery located at SW Walters Road, Gresham

10.04.050 Operation and Administration

Metro Cemeteries shall be operated and maintained in accordance with Metro Code Title 10.01 and this chapter.

10.04.055 Enforcement Authority

(a) The Chief Operating Officer or designee shall have the authority to enforce all of the provisions of this chapter, including but not limited to the authority to enforce any rules and regulations established pursuant to this chapter.

(b) The Chief Operating Officer or designee shall have the authority to establish rules and regulations governing the Pioneer Cemeteries consistent with the provisions of this chapter, including but not limited to rules governing Interment, Inurnment, and fees. Said rules shall be in writing, shall be posted on Metro's website and shall be filed with the Metro Council.

(c) No person shall violate any rule or regulation which has been established by the Chief Operating Officer pursuant to this chapter. Said violation shall be subject to enforcement and penalties as set forth in Chapters 10.01.400 and 10.01.600.

(d) The acts of Metro elected officials, employees, volunteers, interns, contractors and other agents constituting official duties, and other acts officially authorized by Metro by agreement, special use permit, or otherwise in writing shall not be deemed to violate this chapter or rules established pursuant hereto.

10.04.060 Cemetery Hours of Operation

(a) Metro's Cemeteries are open from 7:00am to legal sunset. Hours of operation will be posted at each Cemetery.

(b) Entering or remaining in a Cemetery outside of normal operating hours without obtaining prior authorization from Metro is a violation subject to Ejection and Exclusion from the Cemetery as set forth in Chapter 10.01.400 and/or the Penalties set forth in Chapter 10.01.600.

(c) Interments and Inurnments shall take place between the hours of 8:00 am and 3:30 pm daily, with the exception of Saturdays, Sundays and legal holidays. Interments and Inurnments may be made outside of these hours at the discretion of the Chief Operating Officer, for an additional fee.

10.04.065 Other Uses

Uses other than Interment/Inurnment, Grave visitation, passive recreation, and historical research are prohibited unless specifically provided by Special Use Permit issued pursuant to Metro Chapter 10.01.360.

10.04.070 Sale of Interment/Inurnment Rights and Burial Services

(a) Interment/Inurnment Rights to a Grave may be sold by Metro both in advance (Advance-Sale) or At-Need, by Contract of Purchase. Purchasers shall pay the full fee for Interment/Inurnment Rights on the date of sale. Upon payment, Metro shall issue the purchaser a Certificate of Interment/Inurnment Rights.

(b) Burial Services and goods shall be sold At-Need through a Contract of Purchase.

(c) Fees and charges for Burial Services and goods must be fully paid before Interment/Inurnment will be permitted.

(d) Metro shall retain ownership and control of all Graves or Niches sold, subject to the terms of the Certificate of Interment/Inurnment Rights.

10.04.080 Multi-Interment/Inurnment Right Sales Restricted

(a) Except as set forth in this chapter 10.04.080(b and c), the sale by Metro of a group of Interment/Inurnment Right Certificates is prohibited.

(b) A group of contiguous Interment/Inurnment Right Certificates for contiguous Graves may be sold to one family or individual for the purposes of creating a Family Plot.

(c) A group of Interment/Inurnment Right Certificates other than a Family Plot may be sold upon the adoption of a resolution by the Metro Council approving an agreement establishing terms, including the rates and terms of resale. A one-time administrative fee set at the discretion of the Chief Operating Officer or designee shall be charged in addition to regular fees and rates.

10.04.090 Transfer of Certificate of Interment and Inurnment Rights

(a) Interment/Inurnment Rights, whether conveyed by the Pioneer Cemeteries to the recipient by Deed, Certificate or other means, cannot be sold, transferred, bartered, exchanged or assigned (hereafter "Transfer(red)") to any other person or entity without the prior written consent of the Chief Operating Officer or designee, in accordance with Oregon Revised Statutes Chapter 97 and as set forth in section 10.04.070.

(b) In the event an owner of an Interment/Inurnment Right seeks permission from Metro to Transfer an Interment/Inurnment Right, Metro shall have the first right to buy back said Interment/Inurnment Right from the owner for the price paid when the Interment/Inurnment Right was originally sold.

(c) No attempted Transfer of an Interment/Inurnment Right shall be complete or effective unless it has been approved by Metro and recorded in the Metro Cemetery records.

(d) A one-time administrative fee set at the discretion of the Chief Operating Officer or designee shall be charged for all Transfers.

(e) The above set forth notwithstanding, the Transfer Interment/Inurnment Rights within Family Plots to family members in accord with Oregon Revised Statute Chapter 97 is permitted without fee or other charge.

(f) Except as set forth in written agreements entered into by Metro prior to the effective date of this ordinance, the sale of Interment/Inurnment Rights by purchasers to third parties for more than the current rate charged by Metro is prohibited.

10.04.100 Full Body Grave Dimensions - Burial Limits

A single Grave shall measure 40 inches by 9 feet and may contain up to one (1) casket and six (6) urns, unless otherwise authorized at the sole discretion of the Chief Operating Officer or designee and/or the rules adopted pursuant to this chapter.

10.04.110 Outer Burial Containers Required

Metro approved Outer Burial Containers are required for all Interments/Inurnments in Metro Cemeteries.

10.04.120 Disinterment

(a) Unless ordered by the State Medical Examiner or a court having jurisdiction over Metro Cemeteries, Remains interred in a Grave at any Metro Cemetery shall only be disinterred upon the written consent of the Chief Operating Officer or designee and the person having the right to control the disposition of said Remains and in accordance with applicable state law.

(b) If Disinterment is needed by Metro and consent of the person having the right to control the disposition of said Remains cannot be obtained or such person cannot be located, the Chief Operating Officer or designee may apply to the Multnomah County Circuit Court for permission to disinter. Said application shall be submitted only after notice of application to the Metro Council.

10.04.130 Flowers Funerary Decorations Restricted

All flowers, funerary decorations and plants on Graves in violation of this section, and/or that conflict with normal grounds maintenance, will be forfeited, removed and disposed without notice.

(a) All flowers, funerary easels and decorations placed on a Grave at the time of a funeral and not removed within three weeks after the Interment are subject to removal and disposal by Metro.

(b) All flags, flowers and plants placed on Graves on Memorial Day and not removed within three weeks after the Interment are subject to removal and disposal by Metro.

(c) Artificial flowers and plants are prohibited between March 1st and November 15th of each year, except for a period of three weeks after Memorial Day observance.

(d) All flowers, funerary easels and decorations will be subject to removal and disposal by Metro when they become withered, faded or otherwise unsightly, in Metro's sole discretion.

10.04.135 Personal Effects and Mementos Prohibited

(a) Personal property, including but not limited to, sacred objects, photographs, toys, clothing, glassware, banners, pin-wheels, chimes, balloons or staked items, left in the Cemetery or placed on or near a Grave is prohibited, except as otherwise permitted in writing by Metro at the discretion of the Chief Operating Officer or designee. Said personal property will be forfeited, removed by the Cemeteries staff and disposed without notice or other process.

10.03.140 Planting On or Around Graves Prohibited

Planting of trees, shrubs or any other plant material, except turf grass, on Graves or their borders is prohibited, unless approved in writing.

10.04.145 Grave Improvements Prohibited

Grave improvements other than Metro approved Memorials are prohibited. The placement or installation by any person of temporary or permanent Memorials or other improvements covering, bordering or indicating the boundaries of Graves, including but not limited to posts and fences of any kind, walls, coping or curbs of concrete brick, stone or marble, is a violation of this chapter subject to the penalties set forth in Chapter 10.01.600. Memorials and improvements so placed or installed shall be deemed forfeited and shall be removed by the Cemeteries staff and disposed without notice.

10.04.150 Memorials--Materials and Location Restricted

(a) The installation of Memorials other than Markers is prohibited unless otherwise approved as set forth in section 10.04.160 or under rules established pursuant to this chapter. Markers must reviewed and approved by Metro for conformance with the dimensional requirements set forth in said rules. Memorials shall be limited to no more than one per Grave, installed at the head of the Grave.

(b) Persons installing a Grave Memorial must submit a Memorial Installation Authorization Form to Metro providing proof that said person is authorized to do so by the owner(s) of the Interment/Inurnment Right described on the Certificate of

Interment and the person with legal right of disposition of the Remains.

(c) No person shall place within Metro Cemeteries any permanent Memorial made of any material other than natural stone or bronze metal.

(d) No person shall place within Metro Cemeteries any Memorial unless properly supported with a foundation/collar made of concrete three (3) inches in width, flush with the ground, having no beveled edges. Each foundation/collar must be marked with the Grave, lot and block number of the Cemetery in which it is placed.

Memorial bases shall not be larger than the width of the Grave by following dimensions:

- | | | |
|-----|-----------------|-----------|
| i. | Single Grave | 18" x 30" |
| ii. | Companion Grave | 18" x 60" |

10.04.160 Monuments Restricted

The installation of any Memorial, including but not limited to a Monument, that is not in accordance with the provisions of 10.04.150 above, may be allowed at the discretion of the Chief Operating Officer or designee, upon payment of an additional fee and entry by the owner(s) of the Interment/Inurnment Right and/or the person with legal right of disposition into an Agreement with Metro releasing Metro from liability for any and all damage or destruction of the Memorial that may occur.

10.04.170 Memorial Repair Restricted

No repairs, restoration or improvements to any Memorial is permitted unless performed strictly under the written terms of approval issued by the Chief Operating Officer or designee. Violations of this section are also violations of section 10.04.180.

10.04.180 Removal of Memorials Prohibited

The removal of any Memorial or improvement is prohibited unless approved in writing by the Chief Operating Officer or designee. It shall be a violation of this chapter for anyone to intentionally damage, alter, or deface any such property.

10.04.185 Cemetery Errors and Irregularities

(a) The Chief Operating Officer or designee may preclude an Interment/Inurnment in a Cemetery based on a determination that the ownership of the right of Interment/Inurnment, the location of the Grave, or the ability to open said Grave without intruding upon nearby occupied Graves is in doubt.

(b) When an Interment/Inurnment is precluded by the Chief Operating Officer under subsection (a), or if for any other reason an Interment/Inurnment space cannot be opened, Metro may elect to direct Interment/Inurnment of Remains in an available Grave in such location in the Cemetery as is deemed reasonably appropriate and reasonably equivalent in value at the sole discretion of the Chief Operating Officer or designee.

(c) The Chief Operating Officer or designee may correct any errors made by Metro in the description or transfer of Interment/Inurnment Rights, or by its agents in performing Interments/Inurnments, Disinterment or removals, when determined to be necessary in his/her sole discretion. The Chief Operating Officer or designee may void the erroneous grant of any Interment/Inurnment Certificate and provide a refund of the purchase price, or substitute in lieu thereof an Interment/Inurnment Certificate for a Grave selected by Metro within the same Cemetery of equal value and reasonably similar location if possible. In the event such error involves the Interment/Inurnment of the remains of any person, The Chief Operating Officer or designee may, at his/her sole discretion, elect to disinter said remains in accord with state law and reinter them in another available Grave within the same Cemetery, of equal value and reasonably similar location as may be substituted and conveyed as set forth the above.

10.04.190 Rates and Fees for Interment and Inurnment Rights, Burial Services and Perpetual Care Fund

(a) The Chief Operating Officer or designee shall establish rates for the Perpetual Care Fund, sale of Interment/Inurnment Rights for Graves and Niches and shall set fees and charges for Pioneer Cemetery goods and services, including Burial and other required or optional services. Said rates, fees and charges shall be designed to recover all costs of operating the Cemeteries and may be adjusted from time to time without notice, to reflect market rates and to ensure the solvency and financial stability of the Cemeteries.

(b) Interment/Inurnment Right purchasers shall pay the rate, fees and charges on the date of purchase. Except as otherwise set forth in this chapter, no option to purchase rights or other prospective rights to Interment in the Pioneer Cemeteries shall be granted unless approved by resolution of the Metro Council setting forth the terms and conditions of said option or prospective right. Prices, fees and charges for services may vary among Cemeteries, as determined by the Chief Operating Officer.

(c) The Chief Operating Officer or designee may reduce rates, fees and charges for Grave sales and Burial Services in situations of extreme financial hardship or in cases of Wards of the State. All reductions or waivers shall be applied by written order setting forth the facts justifying the waiver or exemption.

10.04.220 Historical Research Requests

Due to the confidentiality and sensitive nature of Cemetery records, Metro will not distribute personal or contact information regarding any Interment/Inurnment Rights performed within the last 50 years from date of inquiry without proof of lineage, except as required by Oregon public records laws.

10.04.230 Other Laws Applicable

This chapter shall in no way be a substitute for or eliminate the necessity of conforming with any and all state laws and rules and other ordinances which are now or may be in the future in effect which relate to the activities regulated in this chapter.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 12-1286, FOR THE PURPOSE OF AMENDING METRO CODE TITLE X, CHAPTER 10.04 PIONEER CEMETERIES

Date: September 4, 2012

Prepared by: Rachel Fox

BACKGROUND

When the Multnomah County Parks Department merged with Metro in 1994, Metro assumed responsibility for the operation of parks, boat ramps, a golf course, natural areas and the perpetual care of 14 pioneer cemeteries. Metro then established code provisions, (Chapter 10), for the consistent management of these properties. Metro Code Chapter 10 provides rules governing the use and operation of Metro's Cemeteries. The Code is being amended to update provisions relating to pioneer cemeteries administration.

The proposed revisions include language in how the cemeteries are organized within Metro and who has authority to govern the operations of these properties.

Presently, Metro Code 10.04, governing Pioneer Cemetery operations requires updating to align with industry standards and cemetery management protocols. The regulations proposed in this ordinance will ensure that the Pioneer Cemeteries are managed in compliance with state law, are operated to maximize financial benefit and long term stability, are maintained as a community asset, and are appropriately protected and preserved in keeping with their historically significant nature. The ordinance vests authority to manage and operate these cemeteries in the Chief Operating Officer, who may adjust fees and surcharges and who must establish rules consistent with the cemetery industry. The update to Chapter 10.04 addresses administration and maintenance policies that clarify Metro's Code for topics such as: transferring Certificates of Interment Rights between parties; multi-interment right purchases; the placement of different types and shapes of monuments, markers and memorials; installation of fences, blocks and bricks to enclose graves; and the placement of flowers, funerary decorations, trees and shrubs on graves within Metro's cemeteries.

Working with the Office of the Metro Attorney, and independent cemetery consultants, staff has researched and reviewed ordinances and policies of other cemetery operators in the metropolitan region and in some cases in the nation. This research was conducted in order to provide for a clear, comprehensive and forward thinking policy for the consistent management of these properties into the future.

ANALYSIS/INFORMATION

1. Known Opposition

No known opposition.

2. Legal Antecedents

The Metro Council passed Metro Code Title X, Chapter 10.01, establishing Metro Regional Parks and Greenspaces Regulations, in 1996. Subsequent Metro Code Chapter 10 regulations include Chapter 10.02 "Regional Park Fees" and Chapter 10.03 "Conservation Easements." Oregon Revised Statutes 97.010 – 97.992 provide basic guidelines on the establishment and operation of cemeteries in the State of Oregon. Resolution 04-1038 establishing Chapter 10.04 "Pioneer Cemetery Properties" that provides for the

operation, management and maintenance of Metro's Pioneer Cemeteries in a fashion equivalent to other cemeteries in the region and state, while recognizing and preserving their unique and valuable heritage. The ordinance also repealed Metro Code Section 10.02.050 "Fees for Memorials and Cemeteries" and grants the Chief Operating Officer the authority to establish and enforce cemetery rules and set rates for graves and memorials.

3. Anticipated Effects

These changes will organize the Metro Code's provisions for the cemeteries in a more clear and direct manner consistent with other cemetery operators that also relate to best practices within the industry.

4. Budget Impacts

No budgetary impacts are anticipated from this ordinance.

RECOMMENDED ACTION

Metro Council vote in favor for the code revisions and recommends adoption of Ordinance No. 12-1286.

Agenda Item No. 3.0

**GROWTH MANAGEMENT
DECISION DEBRIEF**

Metro Council Work Session
Tuesday, Sept. 11, 2012
Metro, Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: 9/11/12 Time: 10:10 AM Length: 75 minutes

Presentation Title: Growth Management Decision Debrief

Service, Office, or Center: Planning and Development

Presenters (include phone number/extension and alternative contact information):
John Williams, x1635; Dick Benner – no forwarding address

ISSUE

The Council has requested work session time to discuss the last growth management decision process and provide feedback on what worked and what could be improved or done more efficiently. Key points for Council discussion include:

- How we framed and conducted the growth management decision differently last time, using an outcomes-based approach, and whether Council wishes to do so again in the next cycle;
- Council review and direction on a generalized timeframe for the next cycle; and
- Council direction on how to approach concept planning in the next cycle.

To facilitate the discussion, staff has summarized key steps and timelines on the attached page.

BACKGROUND

As the 2009 Urban Growth Report (UGR) stated, “planning for the future is not just an exercise in providing numbers and forecasts.” To that end, in 2008 the Metro Council adopted six desired outcomes that provide guidance for growth management decisions, and made significant changes to the decision-making process. Certainly much technical analysis was still done. But instead of numbers, discussion focused on outcomes at both the regional and local level. Instead of soil hierarchy, the urban and rural reserves provided a long-term context, allowing discussion of community building and taking much of the region’s prime farm and forest lands out of the discussion. The region discussed ranges, uncertainty, risk and possible scenarios, resulting in a decision that met the requirement of state law while moving implementation of the 2040 Growth Concept and local plans forward in a positive and productive manner.

OPTIONS AVAILABLE

Considering that we have not received a written order closing out the previous growth management cycle, staff has not yet assembled detailed timelines or resource allocation estimates for the next one. However, early Council direction on what worked and what didn’t in the recent process would be helpful as we work on implementation and performance monitoring over the next couple of years. The growth management process clearly utilizes extensive staff, Council and partner resources and we should continue to strive to make it as effective and efficient as possible.

A key question at this stage is the timing of concept planning. Title 11 of Metro's Urban Growth Management Functional Plan now requires concept planning to be completed before areas are added to the Urban Growth Boundary. This change was made in part to match UGB additions to specific needs and to help ensure that areas brought into the UGB are able to develop as planned. The question is how to best incorporate master planning into the growth management decision process. Concept planning takes significant time and resources to do right, but if conducted before the next UGR – assessing the region's ability to accommodate forecasted growth – is completed, the planning may not be on target to meet identified regional needs.

Two general options can be considered. First, initiate concept planning now and target planning for areas that can support vibrant mixed-use areas or large industrial sites, based on the presumption that regional needs will be similar in 2014. We know that several local jurisdictions are interested in beginning this work now, and we have funding available in the upcoming cycle of Community Planning and Development grants to assist. For these reasons staff recommends this approach. The alternative is to wait until the 2014 UGR is completed, then initiate concept planning specifically targeted at identified needs. This has the advantage of ensuring a better match, but pushes out the timeframe significantly.

IMPLICATIONS AND SUGGESTIONS

Council has directed staff to shift our focus to implementation. Over the next several years we will continue to partner with public and private sector interests to build the 2040 vision and local aspirations on the ground. The next growth management cycle can be thought of as a performance review of the region's efforts and an opportunity to ensure that our policy and investment framework is responsive to identified trends.

QUESTION(S) PRESENTED FOR CONSIDERATION

- Does Council wish to use an outcomes-based approach in the next growth management cycle again and if so, do you have direction as to what worked and what didn't this time around?
- Does Council have comments/direction on the generalized timeframe described in the attached table?
- Does Council support beginning concept planning for selected urban reserves prior to completion of the next UGR?

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION __Yes **X**No
DRAFT IS ATTACHED __Yes __No

Overview of Metro's growth management decision process
September 2011

Product	Key Elements	Date – recent cycle	Date –next cycle	Notes/discussion topics
20-year population and employment forecast	<ul style="list-style-type: none"> Range forecast used to facilitate outcomes-based decision, acknowledge uncertainty 	<ul style="list-style-type: none"> Draft released 2008 Accepted by Council 2009 with UGR 	2014	<ul style="list-style-type: none"> Did new range approach facilitate policy discussions and improve decision-making?
Urban Growth Report	<ul style="list-style-type: none"> Use of scenarios to facilitate outcomes-based discussion and decisions Range estimates of capacity to acknowledge uncertainty Use of market subareas and analysis by 2040 design types Industrial, employment, large lot analysis Housing Needs Analysis 	<ul style="list-style-type: none"> Draft released spring 2009 Accepted by Council Dec. 2009 	2014	<ul style="list-style-type: none"> Key conclusion: region has zoned capacity to accommodate forecasts, but forecasts suggest not all capacity will be utilized. Planning & Development work program targeted at outcomes-based implementation in coming years. Next analysis will address areas of concern identified by DLCD in recent decision.
Report on additional capacity measures	<ul style="list-style-type: none"> Zone changes New financial tools Improved transportation/ access tools (RTP) 	<ul style="list-style-type: none"> Draft released August 2010 Adopted by Council Dec. 2010 	2014	<ul style="list-style-type: none"> This “extra step” was necessitated by reserves delay. Can be incorporated into 2014 UGR.
Evaluation of potential UGB expansion areas	<ul style="list-style-type: none"> Outcomes-based analysis focused on what places are best prepared to achieve regional and local goals Areas assessed were nominated by local governments and supplemented by Metro staff Pre-planning work completed by local governments to indicate commitment, governance plans 	<ul style="list-style-type: none"> Staff recommendations released August 2010 	2014 or 2015	<ul style="list-style-type: none"> Concept planning required in advance of next UGB decision. If that work proceeds now – before identification of needs in UGR – staff proposes it should again be outcomes-based and focused on vibrant mixed-use areas (and large site industrial?). Concept planning to be partially funded by next round of Planning & Development Grants
Growth management decision	<ul style="list-style-type: none"> Choice of point in range Choice of UGB additions 	<ul style="list-style-type: none"> October 2011 	2014 or 2015	<ul style="list-style-type: none"> Outcomes-based decision
Distribution of forecast to TAZ level	<ul style="list-style-type: none"> Implements policy decisions 	<ul style="list-style-type: none"> To be adopted by Council Dec. 2012 	2015 or 2016	

Agenda Item No. 4.0

**UPDATE ON THE 2015-18
METROPOLITAN TRANSPORTATION
IMPROVEMENT PROGRAM**

Metro Council Work Session
Tuesday, Sept. 11, 2012
Metro, Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: Sept 11, 2012 Time: 11:25 a.m. Length: 15 min.

Presentation Title: Update on the 2015-18 Metropolitan Transportation Improvement Program

Service, Office, or Center:
Planning and Development

Presenters (include phone number/extension and alternative contact information):
Josh Naramore (x1825)

ISSUE & BACKGROUND

The Portland metropolitan region is preparing to prioritize transportation projects and program activities in developing the 2015-18 Metropolitan Transportation Improvement Program (MTIP). The Regional Flexible Funds Allocation (RFFA) process is the Metro Council and JPACT administered allocation conducted as part of the development of the MTIP. Recent changes to the ODOT Statewide Transportation Improvement Program (STIP) have accelerated the Metro process for developing the next MTIP and RFFA. Metro staff is seeking policy direction from the Joint Policy Advisory Committee on Transportation (JPACT) at their September meeting on the development of the MTIP, allocation of the regional flexible funds and direction on coordinating with the STIP process. At the September 13 meeting JPACT will be asked to provide:

1. Input on a proposed schedule to align the 2015-18 MTIP and STIP.
2. Direction on a preferred option on allocating 2016-18 regional flexible funds.

Metro staff and TPAC will refine the policy direction for JPACT and Metro Council discussion in October and action in November. At prep-JPACT on Tuesday, September 4, Councilors Collette and Burkholder requested that Metro staff bring forward the attached memo to JPACT as an informational item for the September 11 Council Worksession. Based on the JPACT direction at their September 13 meeting, staff will work with the Council to refine a proposed policy direction for the 2015-18 MTIP process.

OPTIONS AVAILABLE

Provide direction and input to Council JPACT members on the 2016-18 regional flexible funds options presented in the attached September 5 memo to JPACT.

QUESTION(S) PRESENTED FOR CONSIDERATION

Does Council have suggestions or direction to JPACT members as part of the September 13 JPACT discussion of the 2015-18 MTIP process?

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION __ Yes **X** No
DRAFT IS ATTACHED __ Yes **X** No

ATTACHMENTS:

- September 5 memo to JPACT

 **Metro** | *Memo*

Date: September 5, 2012
To: JPACT members and alternates
From: Josh Naramore, Senior Transportation Planner
Subject: Direction on the 2015-18 Metropolitan Transportation Improvement Program (MTIP)

The Portland metropolitan region is preparing to prioritize transportation projects and program activities in developing the 2015-18 Metropolitan Transportation Improvement Program (MTIP). The Regional Flexible Funds Allocation (RFFA) process is the Metro and JPACT administered allocation conducted as part of the development of the MTIP. Recent changes to the ODOT Statewide Transportation Improvement Program (STIP) have accelerated the Metro process for developing the next MTIP and RFFA. Metro staff is seeking policy direction from the Joint Policy Advisory Committee on Transportation (JPACT) at their September meeting on the development of the MTIP, allocation of the regional flexible funds and direction on coordinating with the STIP process. At the September 13 meeting JPACT will be asked to provide:

1. Input on a proposed schedule to align the 2015-18 MTIP and STIP.
2. Direction on a preferred option on allocating 2016-18 regional flexible funds. Metro staff and TPAC will refine the policy direction for JPACT and Metro Council discussion in October and action in November.

Background

The allocation process for 2014-15 funds represented a significant change to the regional process. The project proposals for new focus areas were developed through a collaborative process involving impacted stakeholders. A joint task force was created to advise JPACT and TPAC on project focus area needs, priorities and project prioritization factors during the stakeholder engagement process. The development of projects within the project focus areas began with stakeholder outreach to the populations, agencies, organizations, and businesses that made up the communities affected by and involved with each project focus area. In order to further the consideration of Environmental Justice (EJ) and underserved populations, a working group was convened to provide input on the needs of minority, low income, elderly and disabled populations and help evaluate projects from an equity perspective and how projects may or may not meet the needs of these populations.

The Oregon Transportation Commission's (OTC) and ODOT have made recent changes to the STIP process with the expectation to identify the best multimodal transportation project to address a problem while maintaining and preserving existing transportation assets. The STIP is being streamlined from a collection of programs tied to specific pools of funding dedicated to specific modes or specialty programs and divided into two broad categories, Fix-It and Enhance and a single application process. The changes are intended to identify the most effective projects based on community and state values. With revenue for maintenance and improvement of the transportation system limited, the STIP changes favor investments that effectively address a wide range of issues such as safety, mobility, accessibility, economic development, sustainability,

energy, health, and community livability. The ODOT allocation process is part of both the development of the 2015-18 MTIP and STIP.

STIP Coordination Process

With the recent changes to the STIP process, Metro and ODOT staff have been working to coordinate the MTIP and STIP calendars. Additionally, there has been recent OTC direction on creation of an entity much like an Area Commission on Transportation (ACT) for the Portland metropolitan region for this STIP cycle. This new entity will be referred to as the Region 1 STIP Committee. JPACT, as the federal metropolitan planning organization (MPO) for the region has an opportunity to provide policy direction in the coordinated development of the STIP projects. At their August 31 meeting, TPAC recommended that Metro staff propose a joint MTIP/STIP calendar. The joint TIP calendar highlights the potential opportunities for JPACT to influence both the development of the STIP and MTIP. Metro staff is seeking JPACT input on the following:

- 1) Is the draft Metro 2015-18 TIP schedule in **Attachment 1** the right approach to align the STIP and MTIP processes?
 - In December 2012, ODOT Region 1 would distribute STIP projects to JPACT.
 - In February 2013, JPACT would provide input on the 150 percent STIP projects to the Region 1 STIP Committee.
 - In June 2013, Metro would conduct a 30-day public comment period on proposed RFFA projects and the STIP 150 percent projects
 - In August 2013, JPACT would input on the STIP projects to the Region 1 STIP Committee.

2016-18 RFFA Policy Direction

Past RFFA processes allocated two years of funding. However, both the STIP and MTIP will be allocating three years of funding for fiscal years 2015-16, 2016-17, and 2017-18. As a result of an additional year of funding and with changes from the recently adopted MAP-21 federal legislation more funds will be available for the 2016-18 RFFA. At their August 31 meeting, TPAC discussed options for JPACT direction on how to allocate the 2016-18 regional funds. Based on the RFFA funding summary from **Attachment 3**, JPACT will have \$98.56 million to allocate as part of the 2016-18 RFFA and using the 2014-15 RFFA process as a baseline the 2016-18 RFFA process will have an additional \$37.78 million to allocate¹. TPAC recommended using the policy direction from the 2014-15 RFFA as a starting place and developed the following options for JPACT to allocate the additional \$37.78 million of 2016-18 regional flexible funds.

Option 1 – Maintain the existing policies and funding levels from the 2014-15 RFFA

- For the additional \$37.78 million, maintain the 25% - 75% split between Green Economy/Freight Initiatives and Active Transportation/Complete Streets categories.
 - Green Economy/Freight Initiatives – Increase from \$5.5 million to \$14.945 million
 - Active Transportation/Complete Streets – Increase from \$16.5 million to \$44.835 million

¹ This assumes maintaining the funding levels for both the Step 1 region wide programs and Step 2 categories of Active Transportation/Complete Streets and Green Economy/Freight Initiatives, accounting for the third year of funding in the 2016-18 allocation and uses a 3 percent inflationary rate.

Option 2 – Redistribute the funding levels under new policy direction

- For the additional \$37.78 million, revisit the funding split between Green Economy/Freight Initiatives and Active Transportation/Complete Streets categories and redistribute to both categories based on a newly devised percentage.

Option 3 – Add new project policy categories

- For the additional \$37.78 million, allocate funds to a combination of Green Economy/Freight Initiatives and Active Transportation/Complete Streets as well as newly identified project categories. TPAC identified the following potential new project categories:
 - Corridor plan implementation
 - Safety
 - Industrial land access
 - Jurisdictional transfers
 - TIGER IV projects

2) Of these three options, which would JPACT select as a preferred option for Metro staff and TPAC to refine for further discussion at the October and November JPACT meetings?

- TPAC provided input on an overview and lessons learned from the 2014-15 RFFA in **Attachment 2**.

At the September 13 JPACT meeting Metro staff will be presenting background information on the 2015-18 MTIP and STIP. To guide the discussion Metro staff has included the following information materials:

- Attachment 1 – Proposed 2015-18 TIP Schedule – MTIP and STIP
- Attachment 2 – Overview of the 2014-15 RFFA and Lessons Learned
- Attachment 3 – Available Funding for the 2015-18 MTIP and STIP

To submit questions, comments, or request any additional information, contact Josh Naramore at 503-797-1825 or joshua.naramore@oregonmetro.gov.



PROPOSED 2015-18 TIP Schedule

2015-18 MTIP and STIP Development

2012

Fall

- September 13 – JPACT direction on joint MTIP/STIP calendar and preferred option for 2016-18 RFFA
 - September 20 – STIP Enhance application process begins
 - October 11 – JPACT refine preferred option for allocating 2016-18 regional flexible funds
 - October 16 – OTC meeting with ACT chairs to discuss STIP process
 - November 8 – JPACT and Metro Council action on policy direction for 2016-18 RFFA
 - November 27 – STIP enhance applications due to Region 1
-

Winter

- Review of existing performance measurement data (part of federal Congestion Management Process)

December - Release 2016-18 RFFA solicitation packet

December 6 – STIP project applications distributed to JPACT and Region 1 STIP Committee*

2013

Winter/Spring

- Review region-wide programs (TOD, RTO, TSMO, Corridor Development, TriMet & SMART 5307)
- Review TriMet 5-year Transit Investment Plan

February 14 – JPACT provides input on the 150 percent STIP projects to the Region 1 STIP Committee*

February 15 – RFFA applications due and begin evaluation of projects

March 15 – Region 1 STIP Committee submit 150 percent recommendations to ODOT Region 1
(March – July – ODOT Region 1 scopes the 150 percent list of STIP projects)

March 21 – ODOT Region 1 provide the 150 percent STIP projects to TDD for distribution to OTC, OFAC and Joint TE-OBPAC Committee

Summer/Fall

June 1 – June 30 – Metro conduct joint public comment period on RFFA projects and ODOT Region 1 STIP 150 percent list*

June 19 – OTC, OFAC and Joint TE-OBPAC Committee provide input on 150 percent list

July 22 – ODOT Region 1 provides STIP project scoping information to Area Managers and Region 1 STIP Committee chair. STIP Committee and Region 1 begin developing project recommendation lists.

July and August – Narrow RFFA projects.

August 8 – JPACT provides input to the Region 1 STIP Committee on the STIP projects.*

August 23 – TPAC recommendation to JPACT for adoption of 2016-18 RFFA projects and 2015-18 MTIP.

September 12 – JPACT and Metro Council adopt 2016-18 RFFA projects and 2015-18 MTIP.

Fall/Winter

Submit proposed MTIP to ODOT for inclusion in Draft STIP by Oct 1
Region STIP Coordinators upload project list into PCSX by Oct 31

October 4 – ODOT regions provide STIP project recommendations to TDD for compilation and OTC consideration.

October 7 – November 13 – OTC review of STIP project recommendations and allocation of discretionary 20 percent.

November/December – Draft STIP prepared for public review process

2014

Jan

OTC & JPACT release STIP & MTIP for public review

March 1

Public review of Draft TIPs complete

March - June

JPACT/Council act on any adjustments based on public comments (March TPAC, April JPACT)
Air quality conformity analysis and determination process

June – July

Final STIP prepared and reviewed with ACTs, MPOs, other stakeholders

August

OTC review and approve Final 2015-18 STIP

September

FHWA/FTA approval of STIP and air quality conformity of MTIP

****Bold and italicized items are the proposed points for coordinating the STIP and MTIP process***

2014-15 RFFA Process: Overview and Lessons Learned

The following reflects the policy direction that was adopted by JPACT and Metro Council for 2014-15 regional flexible funds allocation (RFFA) process and summarizes the two-step process:

Step 1: Region wide Programs

Support of an initial funding target for existing region wide programs, but with direction to develop a process for JPACT review of these programs prior to the final allocation of funding in the spring of 2011.

- a) *High capacity transit (HCT) bond - \$26 million*
- b) *Region wide Programs: \$20.733 million*
 - Transit Oriented Development – \$5.95 million
 - HCT development - \$4 million (One-time set aside for Southwest Corridor)
 - TSMO/ITS - \$3 million
 - Regional Travel Options - \$4.539 million
 - Regional Planning - \$2.244 million
 - Corridor & Systems Planning - \$1 million
- c) *Established funding for Metropolitan Mobility Preparedness: \$1 million*
 - This allocation was to develop projects in preparation for the 2010 proposed changes to the federal transportation authorization bill. The recently adopted MAP-21 did not

include the 2010 proposed creation of a federal Metropolitan Mobility Program for which this set aside was intended to develop projects.

Step 2 – Community Investment Funds

- d) *Vehicle electrification: \$500,000*
 - One time set aside of \$500,000 for electric vehicle acquisition and infrastructure development. This project focus area supports the use of electric vehicles in the region.
- e) *Green Economy/Freight Initiatives target: 25 % (\$5.5 million)*
 - This project focus area supports the development of the region's economy through investment in green infrastructure and key freight projects or programs.
- f) *Active Transportation/Complete Streets target: 75% (\$16.5 million)*
 - This project focus area prioritizes infrastructure support for non-auto trips and ensuring safe streets that are designed for all users. Examples of project types include, but are not limited to:

2014-15 RFFA Lessons Learned

The following are some lessons learned and recommendations based on feedback received by Metro staff from stakeholders about the 2014-15 RFFA process, as well as the August 31, 2012 TPAC meeting.

RFFA Findings:

- a. The local project nomination and narrowing process requirements were too minimal to ensure that all processes conducted at the local level met expectations.
- b. Some of the RFF task force criteria were difficult to meet through project design.
- c. Local processes for public engagement did not yield a lot of participation.

- d.** While the joint RFF task force enabled discussion between two groups that have few opportunities to reach understanding, it diluted the specific expertise in developing criteria for each focus area.
- e.** Insufficient funding to execute comprehensive projects.
- f.** Not able to implement corridor study priorities.
- g.** Projects eligible for funds from different policies were disadvantaged. Need to ensure that joint projects can apply to meet multiple project categories.
- h.** The Regional Freight Committee and Active Transportation Advisory Committee should be able to comment on projects, but not nominate projects.

RFFA recommendations:

- a.** Further develop guidelines for local process for nominating and narrowing projects. (An example is to ensure that all processes include technical presentations to decision makers prior to the narrowing process.)
- b.** Allow staff refinement of criteria while it is being developed or existing criteria if used again next cycle.
- c.** Establish additional guidelines to be met during local engagement processes. Perhaps the addition of local open houses and web tools in addition to public meetings would improve performance.
- d.** If a task force is to be convened in the next cycle, it is recommended that the original conception of two task forces (or a task force/working group per focus area) be explored to improve the development of criteria and project priorities.
- e.** Update project criteria based on new work and changing priorities.
- f.** Process needs to allow all stakeholders to be aware of all nominated projects to allow better coordination.
- g.** Need to build on past regional conversations and planning efforts.
- h.** Consider CMAQ eligibility for projects and the new performance based requirements from MAP-21.
- i.** Allow coordination with large private investments.

Funding Decisions and Available Funds 2015-18 MTIP and STIP

Table 1 – Overview of 2015-18 MTIP and STIP Funds

Fund Type	Current JPACT/Council Role *	2016-18 Funding Amount	Administering agency
Programmatic Funding			
Regional Flexible Funds	Final decision on allocation	\$98.5 million	Metro/JPACT
Tri Met 5307 and 5307 Enhancements	Consulted on TriMet Transit Improvement Program. Approve spending in TIP	\$105 million + \$1 million	TriMet
SMART 5307 and 5307 Enhancements	Approve spending in TIP	\$1.4 million + \$20,000	SMART
Special Needs Transportation	Approve awards for inclusion in TIP	Changes from MAP-21	TriMet (STFAC)
ODOT Region 1 Enhance	Identify priorities from applications to inform Area Committee	\$65.6 million	ODOT
ODOT Additional Statewide Enhance	Identify priorities from applications to inform Area Committee	\$46.1 million	ODOT
ODOT Statewide Fix-It (need Region 1 break-out)	Briefed on project list. Approve allocations for inclusion in TIP	\$729.3 million	ODOT
Discretionary Funding			
New Starts	Approve HCT System Plan prioritizing project development in the planned HCT corridors, any RFFA funding for project development or construction, UPWP (work plan & budget for priority corridor).	\$300.0 million	FTA award (TriMet is local lead agency)
FHWA TIGER	Identified JPACT priorities from applications	\$0 to \$50 million	FHWA award
FHWA TCSP	Approve awards for inclusion in TIP	\$0 to \$3 million	FHWA award


* In addition to developing and approving the Regional Transportation Plan which provides overall policy direction and the eligible list of projects to receive funding.

Funding Decisions and Available Funds 2015-18 MTIP and STIP

Table 2 – Breakdown of Available 2016-18 Regional Flexible Funds

1. CMAQ and STP-U for the Portland Metropolitan region for 2016-18	TOTAL
	\$146.56 million
2. Continuing Funding for 2014-15 policies for 2016-18	\$108.78 million
a) HCT System Construction Commitment for 2016-18	\$48 million
b) Region wide programs for 2016-18	\$26.01 million
c) Active Transportation/Complete Streets for 2016-18	\$26.07 million
d) Green Economy/Freight Initiatives for 2016-18	\$8.7 million
3. Remaining funding for 2016-18 RFFA allocation	\$37.78 million

Materials following this page were distributed at the meeting.

 **Metro** | *Agenda*

Meeting: Metro Council
Date: Thursday, Sept. 13, 2012
Time: 2 p.m.
Place: Metro, Council Chamber

REVISED, 9/7/12

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. GLEAN, ENVIRONMENTAL ART EXHIBIT (SEPT. 14-30)

**Paul Slyman, Metro
Dave Dutra, Recology
Amy Wilson, Cracked Pots**

4. CONSENT AGENDA

4.1 Consideration of the Minutes for August 16, 2012

4.2 **Resolution No. 12-4366**, For the Purpose of Amending the FY 2012-13 Unified Planning Work Program (UPWP) to Add Funding for the OR 8/47 Intersection Improvement Project.

5. ORDINANCES – FIRST READ

5.1 **Ordinance No. 12-1285**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule to Provide Funding for Natural Areas Funding Public Involvement.

6. RESOLUTIONS

6.1 **Resolution No. 12-4365**, For the Purpose of Selecting a Development Team for the Development of the Oregon Convention Center Hotel and Directing Staff to Commence Project Negotiations with Development Team.

**Barbara Roberts,
Metro Council**

7. CHIEF OPERATING OFFICER COMMUNICATION

8. COUNCILOR COMMUNICATION

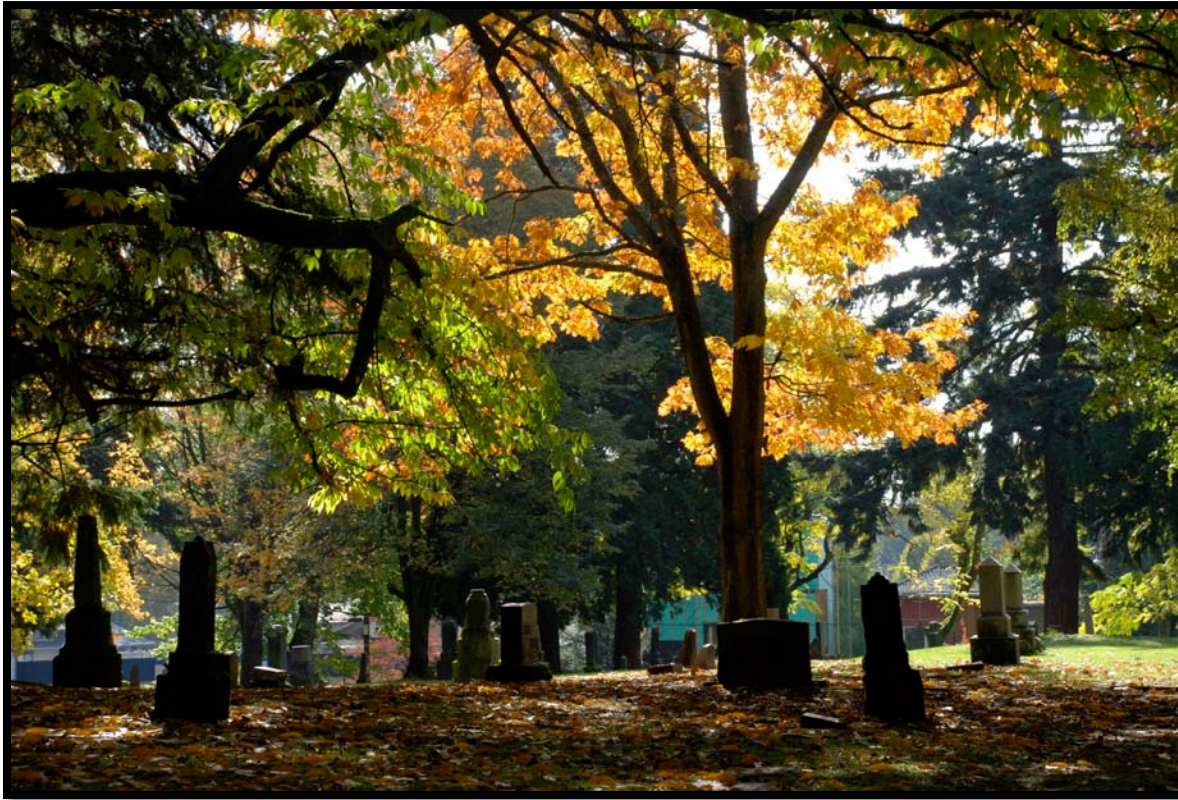
ADJOURN

Television schedule for Sept. 13, 2012 Metro Council meeting

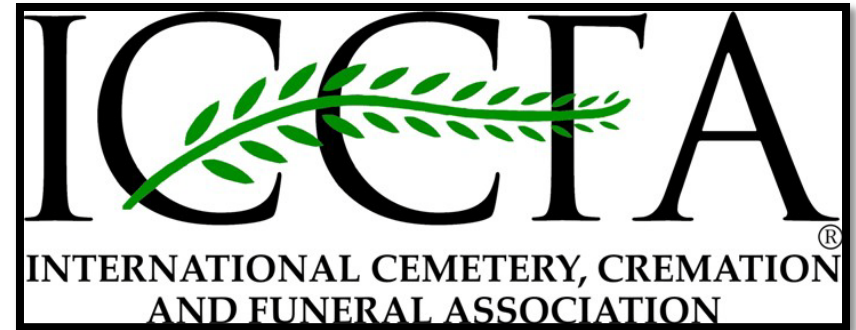
<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, Sept. 13</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, Sept. 16, 7:30 p.m. <i>Date:</i> Monday, Sept. 17, 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, Sept. 17, 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, Sept. 15, 11 p.m. <i>Date:</i> Sunday, Sept. 16, 11 p.m. <i>Date:</i> Tuesday, Sept. 18, 6 a.m. <i>Date:</i> Wednesday, Sept. 19, 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).



Metro | *Making a great place*



Metro | *Making a great place*

Can I get married at Lone Fir Cemetery?



Metro | *Making a great place*

What are the hours of the cemeteries?



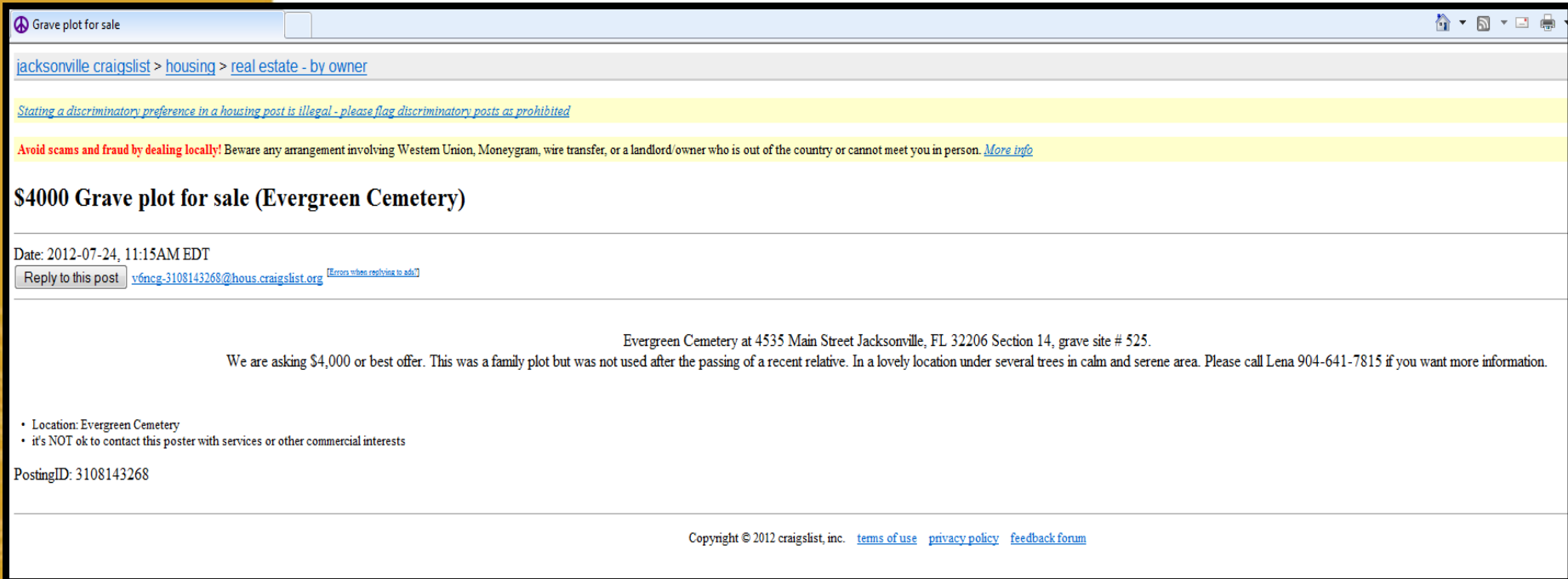
Hi, I looked on your website and I don't see anything about cemeteries and permits but you do permits at your parks. I'm a physical therapist who does dance therapy with Parkinson's patients. They have been dancing to Michael Jackson's "Thriller" and want to make a music video of themselves dancing at the cemetery, how can I do this?



Metro | *Making a great place*



Hi, I'm moving to Costa Rica and want to sell my grave on Craigslist, what do I need to do?



The image is a screenshot of a web browser displaying a Craigslist listing. The browser's address bar shows the URL 'jacksonville.craigslist > housing > real estate - by owner'. Below the address bar, there is a yellow banner with the text 'Stating a discriminatory preference in a housing post is illegal - please flag discriminatory posts as prohibited'. Below this banner, there is another yellow banner with the text 'Avoid scams and fraud by dealing locally! Beware any arrangement involving Western Union, Moneygram, wire transfer, or a landlord/owner who is out of the country or cannot meet you in person. More info'. The main content of the listing is titled '\$4000 Grave plot for sale (Evergreen Cemetery)'. Below the title, the date is listed as 'Date: 2012-07-24, 11:15AM EDT'. There is a 'Reply to this post' button and a link to 'vfncg-3108143268@hous.craigslist.org'. The main text of the listing reads: 'Evergreen Cemetery at 4535 Main Street Jacksonville, FL 32206 Section 14, grave site # 525. We are asking \$4,000 or best offer. This was a family plot but was not used after the passing of a recent relative. In a lovely location under several trees in calm and serene area. Please call Lena 904-641-7815 if you want more information.' Below the main text, there is a list of bullet points: '• Location: Evergreen Cemetery' and '• it's NOT ok to contact this poster with services or other commercial interests'. At the bottom left, the 'PostingID: 3108143268' is displayed. At the bottom right, there is a copyright notice: 'Copyright © 2012 craigslist, inc. terms of use privacy policy feedback forum'.

Grave plot for sale

jacksonville.craigslist > housing > real estate - by owner

Stating a discriminatory preference in a housing post is illegal - please flag discriminatory posts as prohibited

Avoid scams and fraud by dealing locally! Beware any arrangement involving Western Union, Moneygram, wire transfer, or a landlord/owner who is out of the country or cannot meet you in person. [More info](#)

\$4000 Grave plot for sale (Evergreen Cemetery)

Date: 2012-07-24, 11:15AM EDT

Reply to this post vfncg-3108143268@hous.craigslist.org [\[errors when replying to ads\]](#)

Evergreen Cemetery at 4535 Main Street Jacksonville, FL 32206 Section 14, grave site # 525.

We are asking \$4,000 or best offer. This was a family plot but was not used after the passing of a recent relative. In a lovely location under several trees in calm and serene area. Please call Lena 904-641-7815 if you want more information.

- Location: Evergreen Cemetery
- it's NOT ok to contact this poster with services or other commercial interests

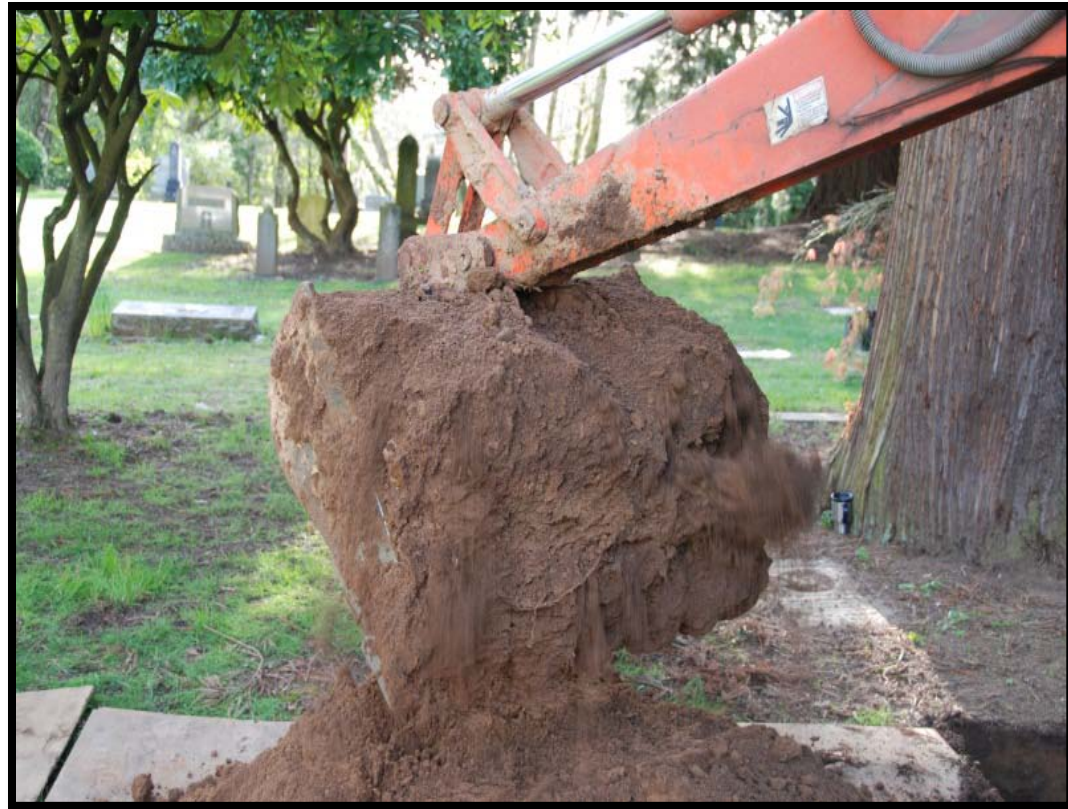
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**“How many urns do you place
in a grave?”**



Mom and Dad didn't get along.
I don't want Mom buried next to
Dad, can we move him?



What's allowed and not allowed on a grave?



Do I need approval to set a headstone?



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