

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING AN)	
INTERGOVERNMENTAL AGREEMENT BETWEEN)	RESOLUTION NO. 88-993
THE METROPOLITAN EXPOSITION-RECREATION)	
COMMISSION AND THE CITY OF PORTLAND)	Introduced by the
EXPOSITION-RECREATION COMMISSION)	Council Convention Center
RELATING TO EVENTS SPACING)	Committee

WHEREAS, On October 22, 1987 by Ordinance No. 87-225, the Metropolitan Service District established the Metropolitan Exposition-Recreation Commission to operate Regional Convention, Trade and Spectator Facilities, including the Oregon Convention Center; and

WHEREAS, The above Commission has authorized by their Resolution No. 10 the Commission Chairman and Secretary/Treasurer to execute an Intergovernmental Agreement with the City of Portland Exposition-Recreation Commission, wherein the Commissions adopt an event spacing booking policy between the Memorial Coliseum and the Oregon Convention Center; and

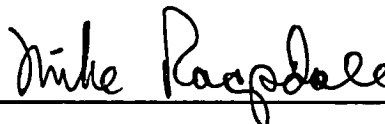
WHEREAS, The Council of the Metropolitan Service District has reviewed the above Intergovernmental Agreement and agrees that it is necessary and desirable to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the City Exposition-Recreation Commission; and

WHEREAS, The Council finds that this Intergovernmental Agreement is consistent with and advances the approved concept of consolidating the operations of the Metropolitan Exposition-Recreation Commission and the City Exposition-Recreation Commission to promote more efficient operation of the respective facilities; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District supports and approves the Intergovernmental Agreement (Exhibit A hereto) between the Metropolitan Exposition-Recreation Commission and the City of Portland Exposition-Recreation Commission to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the City Exposition-Recreation Commission.

ADOPTED by the Council of the Metropolitan Service District this 13th day of October, 1988.



Mike Ragsdale, Presiding Officer

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METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Agenda Item No.: 5.3

Meeting Date: October 13, 1988

Date: October 5, 1988
To: Metro Council
From: Councilor David Knowles, Chair ^{DK}
Council Convention Center Committee

Regarding: CONVENTION CENTER COMMITTEE REPORT ON OCTOBER 13, 1988
COUNCIL MEETING AGENDA ITEM NO. 5.3 CONSIDERATION OF
RESOLUTION NO. 88-993 APPROVING AN INTERGOVERNMENTAL
AGREEMENT BETWEEN THE METRO ER COMMISSION AND THE CITY
OF PORTLAND ER COMMISSION RELATING TO EVENTS SPACING

Committee Recommendation: Committee members present -- Kelley, Knowles, Van Bergen, Waker -- unanimously recommended Council adoption of Resolution No. 88-993. Councilor Cooper was absent due to illness.

Committee Discussion & Issues: Metro General Counsel Dan Cooper reviewed Resolution No. 88-993 (Attachment A hereto). The resolution approves the Metro ER Commission and Portland ER Commission intergovernmental agreement to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the Portland ERC. The Portland City Council will also adopt a resolution approving this intergovernmental agreement. These Council approvals ensure that the coordination of the events spacing policies cannot be misconstrued as any activity prohibited by state and federal antitrust laws. The intergovernmental agreement is consistent with the City's and Metro's stated approval of the concept of consolidation.

Responding to Committee discussion of Metro's liability for ERC facilities, Mr. Cooper said that this agreement does not increase Metro's liability for incidents that occur at ERC facilities. Mr. Cooper further noted that the intergovernmental agreement does not require the Commissions to coordinate event spacing, but leaves discretion to the General Managers. This element of discretion guards against legal claims regarding the spacing of events.

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INTERGOVERNMENTAL AGREEMENT

This Agreement, dated this 13th day of September, 1988, is between the Metropolitan Exposition-Recreation Commission (Metro ERC) of the Metropolitan Service District and the Exposition-Recreation Commission (ERC) of the City of Portland.

RECITALS

1. The Metropolitan Service District has established the Metro Exposition-Recreation Commission to operate the Oregon Convention Center.
2. The Charter of the City of Portland establishes the Exposition-Recreation Commission for the purpose of operating the Memorial Coliseum and other facilities.
3. Both Metro and the City have approved the concept of consolidating the operations of the Metro ERC and the City ERC in order to promote more efficient operation of the respective facilities. Such consolidation is expressly authorized and contemplated by Oregon Law.
4. Prior to the completion of agreements to formally consolidate these facilities it is necessary and desirable to coordinate scheduling policies for events to be held at the Oregon Convention Center and the facilities managed by the ERC.
5. Both ERC and Metro ERC have adopted policies relating to the spacing of events in their respective facilities. The purposes of these policies are (1) to assure that events of a similar character are not scheduled so closely together that the reasonable business expectations of exhibitors are frustrated, and (2) to encourage as diverse a range of entertainment and recreational opportunities to the public as possible.
6. The ERC and Metro ERC event spacing policies will achieve their purpose more effectively if ERC and Metro ERC facilities are considered together and the policies are applied to prevent scheduling of similar events in both organizations' facilities during the same time period.
7. ERC and Metro ERC have previously entered into an agreement to consolidate the management of the facility scheduling activities.

AGREEMENT

NOW, THEREFORE, Metro ERC and ERC hereby agree that :

1. The ERC and Metro ERC event spacing policies shall be applied to scheduling of events of both ERC and Metro ERC facilities, considered as a single group of facilities; and

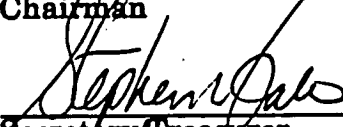
2. That the event spacing policies shall read as follows:

It is the responsibility of the Oregon Convention Center and Memorial Coliseum management to operate the facilities in a sound business manner in an effort to maximize both economic benefit and financial stability of the facilities. Consequently, facility management reserves the right to promote, solicit, develop and make reservations for any activity deemed appropriate to the facility's objectives, and to qualify all activities requesting utilization of the facility. For activities which are considered to be competing for specialized and specific local markets, i.e., public boat shows, automobile shows, home product shows, etc. the Commission General Manager may, at his discretion, maintain a clearance period of sixty (60) days prior to and following an existing event and any similar event competing for essentially the same special market. This policy shall be in effect within and between the facilities of the ERC and Metro ERC.

**METROPOLITAN EXPOSITION-
RECREATION COMMISSION**



Chairman



Secretary/Treasurer

**EXPOSITION-RECREATION
COMMISSION**



Chairman



Secretary/Treasurer

APPROVED AS TO FORM:



Metro General Counsel

APPROVED AS TO FORM:



Deputy City Attorney