

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF) RESOLUTION NO. 94-1919
ESTABLISHING A PROCESS)
FOR CONSIDERING AND EXECUTING) Introduced by Rena Cusma
OPTIONS TO PURCHASE LAND) Executive Officer
FOR THE REGIONAL PARKS AND)
GREENSPACES SYSTEM)

WHEREAS, Metro is the elected regional government for urban Multnomah, Washington, and Clackamas counties responsible for planning issues of region-wide concern; and

WHEREAS, In 1991, Metro adopted "Regional Urban Growth Goals and Objectives" for the region that included the objective of planning development of interconnected recreational and wildlife corridors as part of assuring sufficient open space; and

WHEREAS, Voters approved regional Greenspaces planning as a specific duty of Metro in the November 1992 Metro Charter; and

WHEREAS, In July 1992, Metro completed the Metropolitan Greenspaces Master Plan which surveyed existing undeveloped land to identify a desired system of large natural areas interconnected with greenways and regional trails; and

WHEREAS, Acquisition of natural areas from willing sellers is a primary strategy for preservation of a regional system of significant Greenspaces; and

WHEREAS, The Option to Purchase Real Property Agreement is part of Metro's 1993-94 Options Demonstration Project approved by Council Resolution 93-1832; and

WHEREAS, Funds to obtain options from willing sellers to purchase land that can become part of the interconnected Greenspaces system are allocated via Council Ordinance 93-511; and

WHEREAS, The intent of the Option Agreement is for Metro to secure the right to purchase seller's certain real property for recreational, open spaces, wildlife habitat, and park purposes as part of regional Greenspaces; and

WHEREAS, Metro intends to seek alternative means, such as grants, intergovernmental agreements, and a regional bond levy, to fund the purchase price of seller's real property established in this Agreement to preserve the Property in public ownership for the above-stated purposes; and

WHEREAS, Options from willing sellers for Greenspaces lands that are included in the desired regional system in the Greenspaces Master Plan demonstrates how protection of these areas by acquisition can work and will be a practical demonstration to funding sources that a willing seller approach is viable; now, therefore

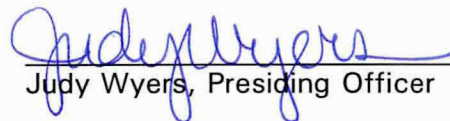
BE IT RESOLVED,

1. That the process outlined in Exhibit A will be pursued for Council consideration and Executive Officer Execution of Options Agreement considered under the Greenspaces Options Demonstration Program.

2. That a resolution accepting a standard greenspaces option agreement contract will be forwarded to Council for consideration at a future date.

3. That resolution(s) accepting the actual purchase of the real property will be forwarded to Council for consideration as acquisition funds are identified.

ADOPTED by the Metro Council this 10th day of March, 1994.


Judy Wyers, Presiding Officer

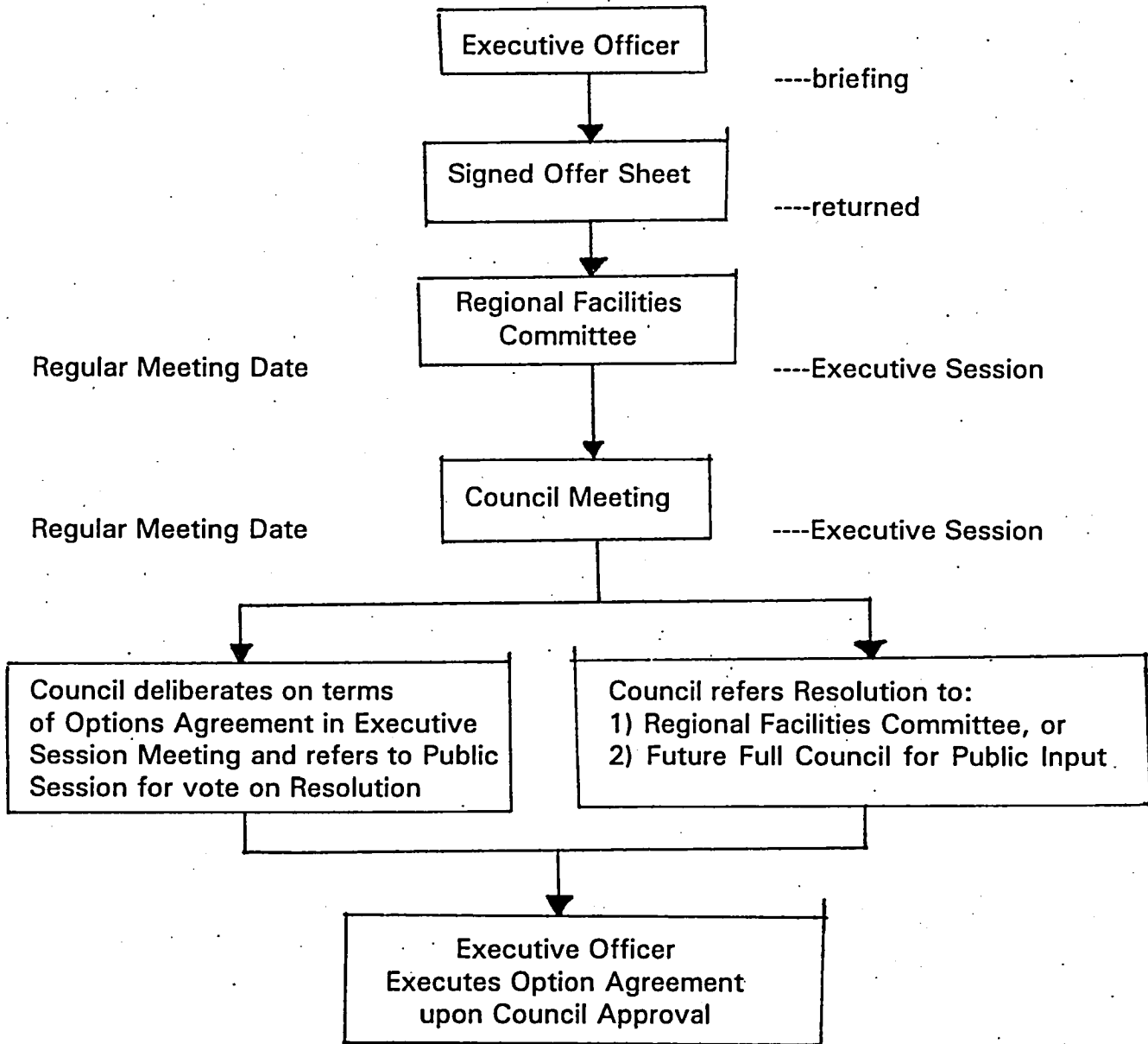
PROPOSED APPROACH FOR APPROVAL PROCESS ON OPTION PROPERTY:

A streamlined process for approving options to purchase real property shall be adopted by Metro Council resolution. The process described below and shown in Attachment 1 would ensure a timely approval for Metro to enter into an option with a willing seller:

- A. The Regional Facilities Committee Chair shall place under Executive Session, consideration of a resolution for a site-specific Greenspaces option agreement. Exhibit A of the resolution will be prepared pursuant to ORS 192.660(1)(e) and will include the Greenspaces option agreement signed by the property owner. The resolution shall be placed on the Committee agenda up to one day before the scheduled Regional Facilities Committee meeting. The eight day agenda filing deadline is waived.
- B. After Executive Session consideration, the Regional Facilities Committee may return to public session to recommend to the full Metro Council approval of the resolution that approves of, but remains silent on, the terms of the Greenspaces option agreement outlined in Exhibit "A". Exhibit "A" of that resolution would be omitted from the public document until after full Council consideration in Executive Session.
- C. The Metro Council shall consider the resolution at the next Council agenda in Executive Session and discuss the specific terms of the agreement outlined in Exhibit "A" prior to returning to the regular session to act on the resolution.
- D. If Council returns to public session for a vote on the resolution, the terms of the agreement (Exhibit "A") would be made available for public input prior to Council vote. The Council may also refer the resolution to the next regular Regional Facilities and/or Council meeting for public input. This would then require that the resolution and Exhibit "A" be included in the appropriate Council packet(s) eight days prior to the scheduled meeting.
- E. The resolution authorizes the Executive Officer to execute the options agreement.

Note: The process described above concerns only the option agreement to purchase real property, not the decision to actually purchase the real property. The actual purchase agreement would be forwarded to Council in a future resolution for public input.

Flow Chart of the Proposed Approval Process to Purchase Property Options



Staff Report

Consideration of Resolution No. 94-1919 for the purpose of establishing a process for considering and executing options to purchase land for inclusion in the Regional Parks and Greenspaces system.

March 2, 1994

Presented by: Nancy Chase

BACKGROUND:

The Regional Parks and Greenspaces Department and Office of General Counsel have worked cooperatively to a) prepare a draft agreement document for the option to purchase real property and b) to design a process that the Metro Council could adopt to expedite the options agreement approval process (described below). A resolution accepting the draft option agreement document will be forwarded to Council at a future date. Speedy action on real estate agreements is more business-like and will allow Metro to participate successfully in an extremely competitive market.

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- B. After Executive Session consideration, the Regional Facilities Committee may return to public session to recommend to the full Metro Council approval of the resolution that approves of, but remains silent on, the terms of the Greenspaces option agreement outlined in Exhibit "A". Exhibit "A" of that resolution would be omitted from the public document until after full Council consideration in Executive Session.
- C. The Metro Council shall consider the resolution at the next Council agenda in Executive Session and discuss the specific terms of the agreement outlined in Exhibit "A" prior to returning to the regular session to act on the resolution.

- D. If Council returns to public session for a vote on the resolution, the terms of the agreement (Exhibit "A") would be made available for public input prior to Council vote. The Council may also refer the resolution to the next regular Regional Facilities and/or Council meeting for public input. This would then require that the resolution and Exhibit "A" be included in the appropriate Council packet(s) eight days prior to the scheduled meeting.
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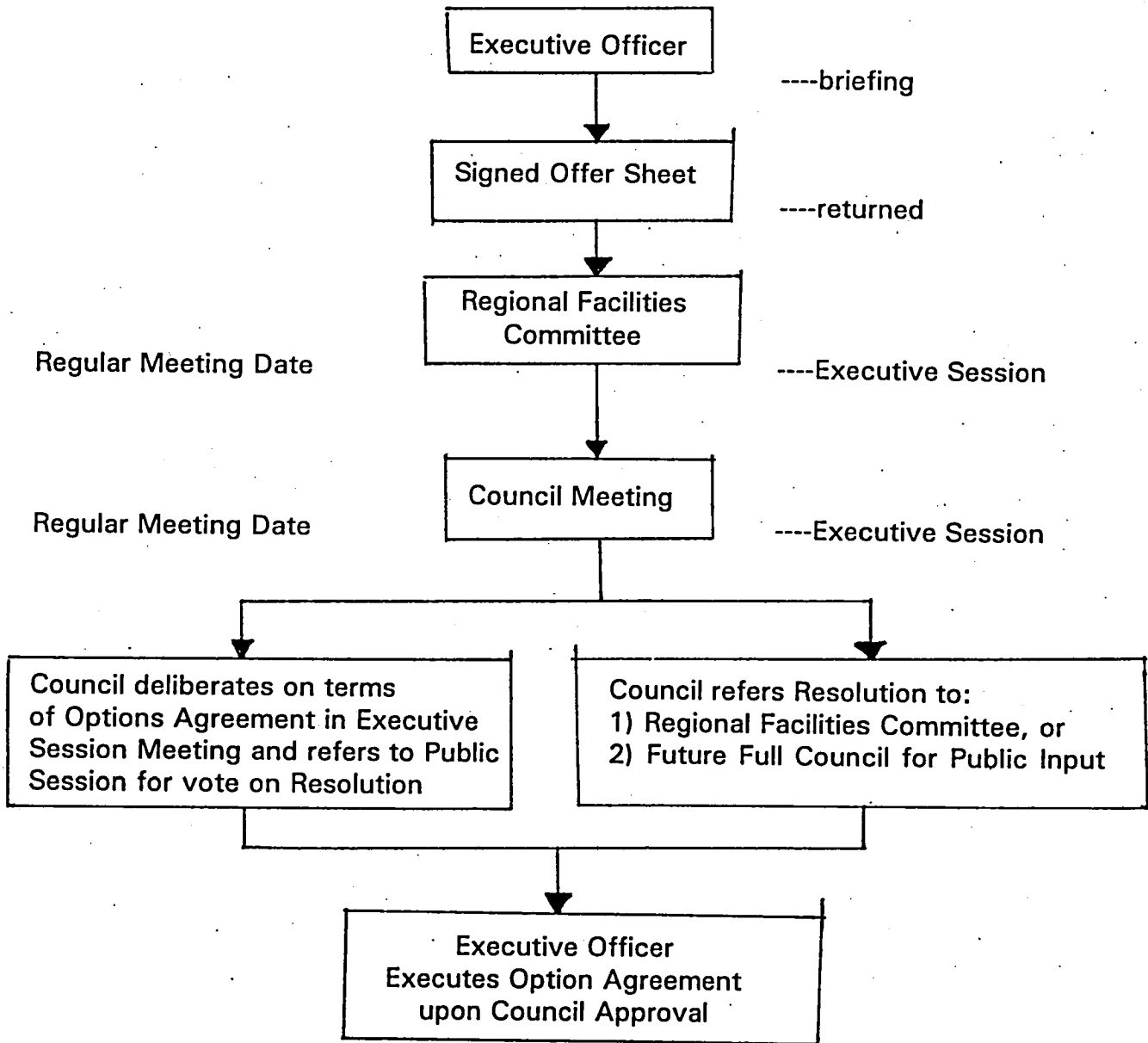
STAFF RECOMMENDATION:

This approach to fast track the Metro Council approval process regarding Greenspaces Option Agreements uses existing Council rules, except that an exemption from the Council Committee packet deadline for an initial Executive Session is explicit, rather than case-by-case. The resolution (not including Exhibit "A") is placed on the Council agenda as notice that one is coming to the Regional Facilities Committee for consideration. No suspension of Council rules are needed to act on the resolution because it has had Committee consideration. Proposed "agreement terms" (i.e. "Exhibit A") are kept as confidential property negotiations, under ORS 192.660(1)(e), until the full Council decides to vote to approve, deny or refer the resolution for further public input.

EXECUTIVE OFFICER'S RECOMMENDATION:

The Executive Officer recommends approval of Resolution No. 94-1919.

Flow Chart of the Proposed Approval Process to Purchase Property Options



REGIONAL FACILITIES COMMITTEE REPORT

RESOLUTION NO. 94-1919, ESTABLISHING A PROCESS FOR CONSIDERING AND EXECUTING OPTIONS TO PURCHASE LAND FOR THE REGIONAL PARKS AND GREENSPACES SYSTEM

Date: March 8, 1994

Presented by: Councilor Moore

COMMITTEE RECOMMENDATION: At its March 2, 1994 meeting the Regional Facilities Committee voted 4-0 to recommend Council adoption of Resolution No. 94-1919. Voting in favor were Councilors Hansen, McFarland, Moore, and Washington. Councilor Gates was absent.

COMMITTEE DISCUSSION/ISSUES: Senior Regional Planner Nancy Chase presented the staff report. She said the purpose of the resolution is to establish a process for Metro to respond in a speedy and businesslike manner to property owners in considering whether to purchase options for regional greenspaces. The proposed process would allow waiver of the eight-day filing period preceding Regional Facilities Committee meetings, and allow the Committee, and subsequently the Council, to consider offers in executive session.

Councilor Moore asked whether Council had to announce the results of its executive session deliberations immediately following the executive session. Pat Lee, Planning & Capital Development Manager, said the relevant documents would become public information following executive session, and the Council could choose to accept or reject the offer or refer it to receive public comment. Councilor Moore wanted to be sure this process would not violate the terms of the public meetings law, including provisions for proper notice, public record of votes, and opportunity for public testimony.

Councilor McFarland reiterated Councilor Moore's concerns, saying the public process must be observed. Councilor Washington suggested counsel should be available to address these issues when Council considers this item.