

Metro | Agenda

Meeting: Metro Council
Date: Thursday, January 15, 2015
Time: 2 p.m.
Place: Metro Regional Center, Council Chamber

CALL TO ORDER AND ROLL CALL

1. CITIZEN COMMUNICATION

2. NATURAL AREAS PROGRAM PERFORMANCE OVERSIGHT COMMITTEE ANNUAL REPORT

**Drake Butsch, Chair,
Natural Areas Program
Performance Oversight
Committee**

3. CONSENT AGENDA

3.1 **Resolution No. 14-4524**, For the Purpose of
Confirming the Appointment of B. Jonas Biery to the
Investment Advisory Board

3.2 **Resolution No. 15-4600**, For the Purpose of
Delegating to the Chief Operating Officer to Execute
Employment Agreement with the Interim Zoo Director

3.3 Consideration of Council Meeting Minutes for
December 18, 2014

4. RESOLUTIONS

4.1 **Resolution 15-4599**, For the Purpose of Renewing the
Historic Cemeteries Advisory Committee

**Paul Slyman, Metro
Verne Duncan, Chair,
Historic Cemeteries Advisory
Committee**

4.2 **Resolution 14-4541**, For the Purpose of Authorizing
the Chief Operating Officer to Sell Certain Real
Property as Part of the Natural Areas Program

**Kathleen Brennan-Hunter,
Metro**

5. CHIEF OPERATING OFFICER COMMUNICATION

Martha Bennett, Metro

6. COUNCILOR COMMUNICATION

ADJOURN

**AN EXECUTIVE SESSION WILL BE HELD IMMEDIATELY FOLLOWING THE PUBLIC MEETING
PURSUANT TO ORS 192.660(2)(h), TO CONSULT WITH LEGAL COUNSEL CONCERNING
CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED.**

Television schedule for January 15, 2015 Metro Council meeting

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 Call or visit web site for program times.	Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 Call or visit web site for program times.
Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 Call or visit web site for program times.	Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.
Oregon City and 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.	

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro
ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលពាក្យបណ្តឹងរើសអើងសូមចូលទស្សនាកេហ្វឺរ www.oregonmetro.gov/civilrights។
បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1890 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإبداء شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني www.oregonmetro.gov/civilrights. إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1890 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

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Agenda Item No. 2.0

**NATURAL AREAS PROGRAM PERFORMANCE OVERSIGHT
COMMITTEE ANNUAL REPORT**

Presentations

Metro Council Meeting
Thursday, January 15, 2014
Metro, Council Chambers

Closing in

A report to the community from the Natural Areas Program Performance Oversight Committee

The Natural Areas Program continued to make steady progress during the last year, building on the strong work accomplished since the program began.

In 2006, Portland area voters approved a \$227.4 million bond measure to acquire and preserve natural areas throughout the region to safeguard water quality, protect fish and wildlife habitat, and ensure access to nature. The bond measure seeks to achieve these goals through the funding of Metro's Natural Areas Program.

The bond measure also mandates an independent citizen review of the program. Each quarter beginning in June 2007, this citizen review, called the Natural Areas Program Performance Oversight Committee, has met with Metro staff for updates on the progress and accomplishments of the program. Each year, the committee evaluates and reports on the program's structure, management, expenditures, personnel and progress of the program toward the defined goals. This report considers the progress of the program during FY 2014 from July 1, 2013 through June 30, 2014.

The committee has found that each of the three primary components of the program continues to achieve material gains towards realizing the goals of the bond measure. The following represents a summary of expenditures for each of the three components during FY 2014:

Regional acquisition

\$168.4 million to acquire 3,500-4,500 acres from willing sellers in 27 target areas

Acquisition expenditures were \$9.8 million, the lowest level since inception of the bond. Cumulatively, expenditures for acquisitions stand at \$130.4 million, or 77.4 percent of the total \$168.4 million allocation.

Local share

\$44 million allocated to local governments for park improvement projects and locally important acquisitions

Local share expenditures were \$3.6 million. Cumulatively, local share expenditures stand at \$40 million, or 91 percent of the total \$44 million allocation.

Nature in Neighborhoods capital grants

\$15 million for grants to community groups, nonprofits and local governments for projects that "re-green" or "re-nature" neighborhoods

\$4.5 million in capital grants were under consideration for 12 projects. Cumulatively, \$11.5 million has been awarded to 40 projects. Of the total \$15 million allocation, 77 percent has been committed.



REGIONAL ACQUISITION

Regional acquisitions are made in target areas - natural areas and trail/greenway corridors - identified in the 2006 bond measure. Since 2007, when acquisitions began, 4,833 acres have been acquired and protected.

In FY 2014, natural area acquisitions totaled nearly 293 acres. Highlights include the Abernethy and Newell Creeks target area, in which 16 acres were acquired, and 55 acres in the Rock Creek Headwaters and Greenway target area. One hundred seven acres were acquired on Sauvie Island adjacent to Metro-owned Howell Territorial Park, protecting more lands along the Multnomah Channel. Adjacent to the Gresham-Fairview Trail, 33 acres were acquired at Grant Butte Wetlands, part of the headwaters of Fairview Creek.

In FY 2014, trail and greenway corridor acquisitions totaled 23 acres. Some acquisitions were small but vital: one closed a trail gap on the Marine Drive Trail, the culmination of three years of negotiations. Another closed a gap in the Oregon City Loop Trail.

Quarterly topics and discussion

The committee assessed the strategy for “opportunity acquisitions” – properties either outside a target area or not specified in the refinement plan. These properties

may present opportunities to meet the bond measure’s goals for water quality, habitat or access to nature, and often have strong partner support. In response to the Metro Council’s request for guidelines and criteria specific to these opportunities, the committee worked with staff to formalize the decision-making approach.

At its April 2014 meeting, the committee noted a few target areas that have not seen much progress in acquisitions: Cooper Mountain, Deep Creek, Tryon Creek and Wapato Lake. Some areas, such as Cooper Mountain, were targeted during an earlier 1995 bond. Significant acreage was acquired, but additional available parcels in the target area are limited. In response, the Natural Areas Implementation Work Plan was reviewed to ensure staff had enough flexibility to attract sellers in target areas while maintaining prudent negotiating tactics. The committee reviewed Metro’s acquisition strategies and offered advice on potential adjustments to how it approaches sellers.

Conclusion and recommendations

The committee is satisfied with the progress of regional acquisition but encourages Metro staff to keep looking for new strategies, especially in target areas where acquisitions have been lagging.

This is a real case of government success. By clearly outlining the specific goals of the program from its inception, the Natural Areas Program has invested taxpayer dollars extremely efficiently year after year. –Drake Butsch, committee chair

DASHBOARD REPORT HIGHLIGHTS June 30, 2014

Natural area acquisition

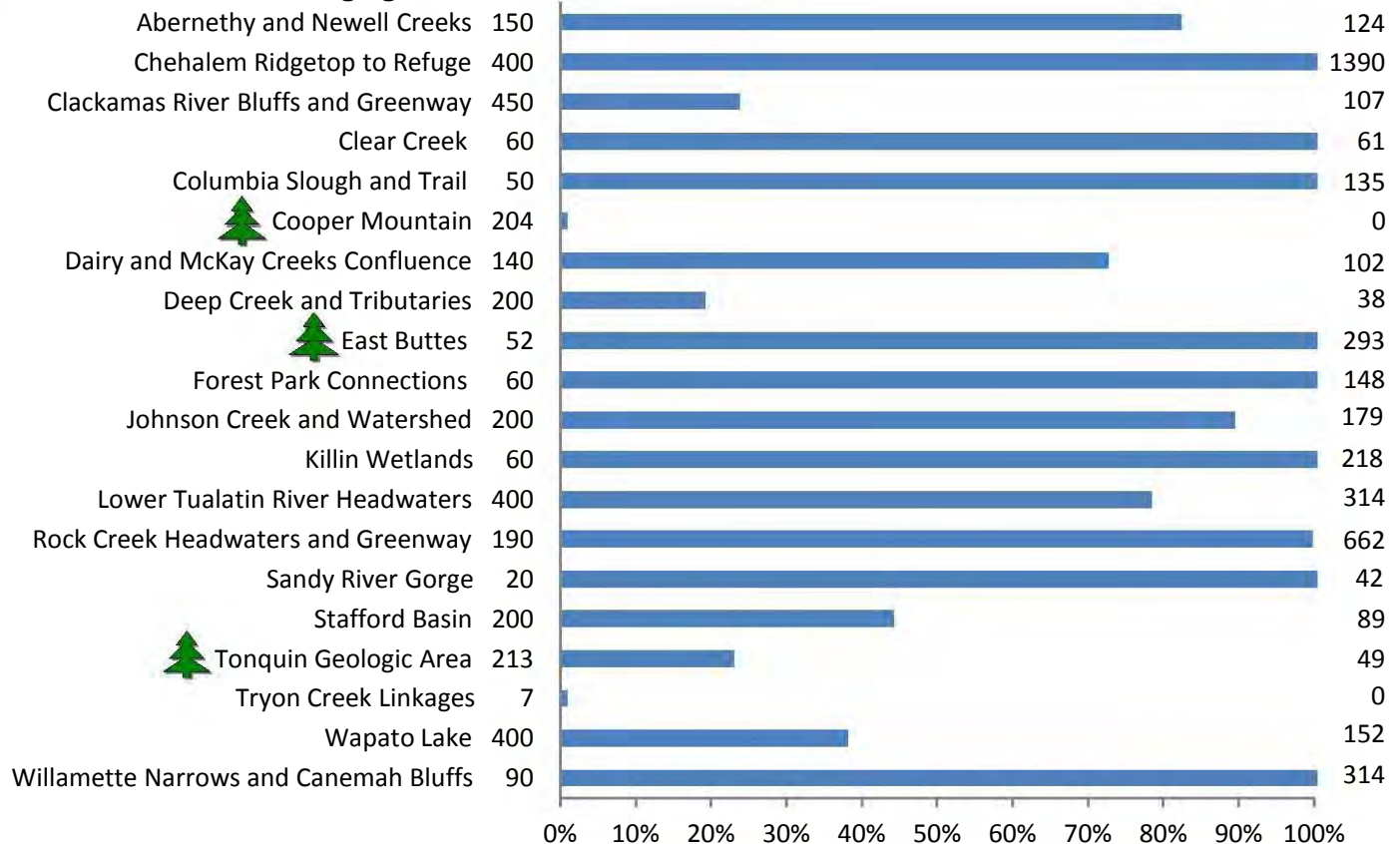


park built

■ percent of 2006 refinement plan acreage goals met or exceeded

Acreage goal: 3,546

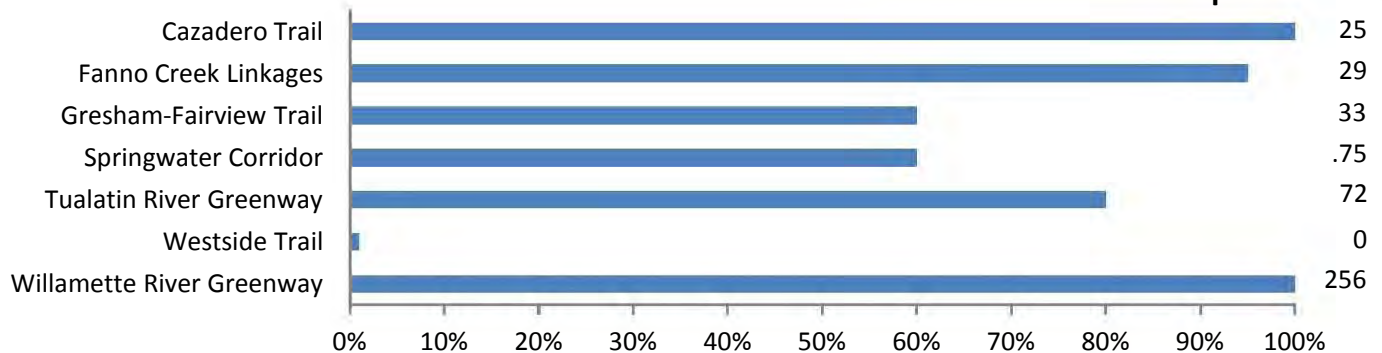
Acres acquired: 4,417



Trail/greenway corridors

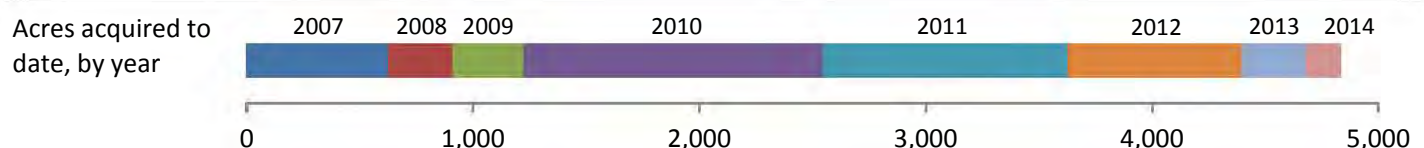
■ percent of 2006 refinement plan goals met

Acres acquired: 416



Regional acquisition

Acres acquired: 4,833



LOCAL SHARE

In FY 2014, jurisdictions expended \$3.6 million for local share projects. At the June 2014 meeting, staff reported to the committee that local share funds were 91 percent expended.

Quarterly topics and discussion

Local government intergovernmental agreements expired March 31, 2014, but some jurisdictions requested an extension, as they are targeting and actively working to acquire specific properties. Local share funds are on track to be fully expended by the end of 2015.

Natural area acquisitions represent nearly half of the local share funds allocated and spent. Other project types are seen in the chart below.

Staff provided a summary report of the year's local share expenditures at the June meeting. Highlights include:

- The City of Gresham contributed \$200,000 in local share funds to leverage a \$1 million grant from East Multnomah Soil and Water

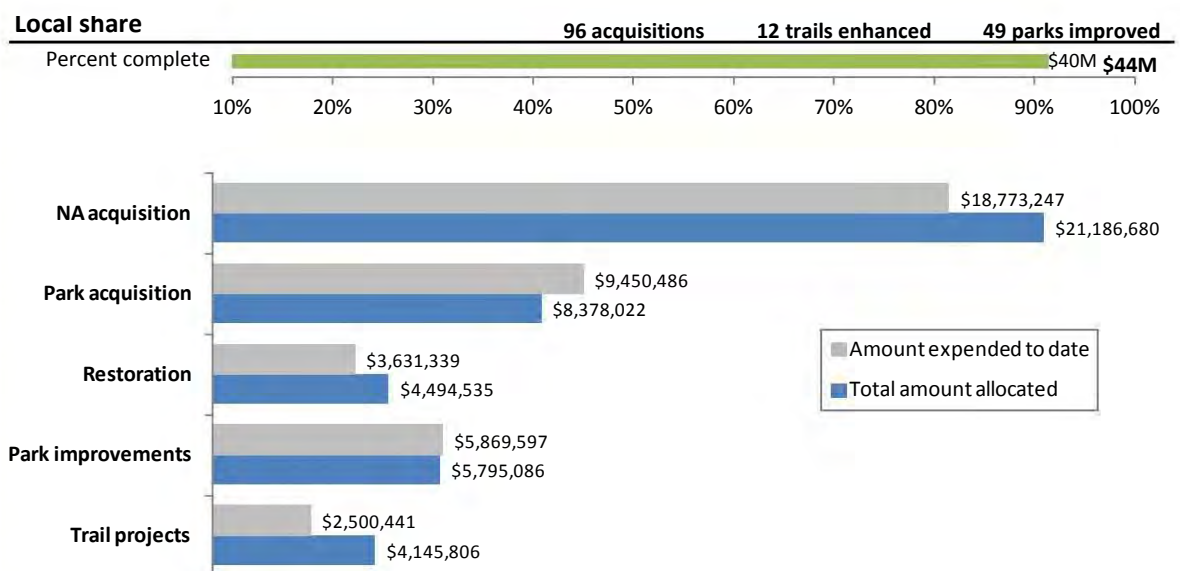
Conservation District to acquire, with Metro, 33 acres at Grant Butte Wetlands.

- Over the life of the bond, 17 sites across the region have been acquired for parks. Improvement projects for existing parks included adding lighting to Veterans Park in Cornelius, and North Clackamas Parks & Recreation District and the City of Happy Valley worked with Metro to repurpose part of an historic building to construct a picnic shelter at the new Scouters Mountain Nature Park.
- Local jurisdictions have leveraged their local share funds to gain \$37.5 million in funding from other sources over the life of the bond.

Conclusion and recommendations

The local share program is on track. As expenditures of local share funds near their conclusion, the committee should continue to monitor expenditures using staff-provided summary reports that provide both anecdotal (qualitative) and quantitative information.

DASHBOARD REPORT HIGHLIGHTS June 30, 2014



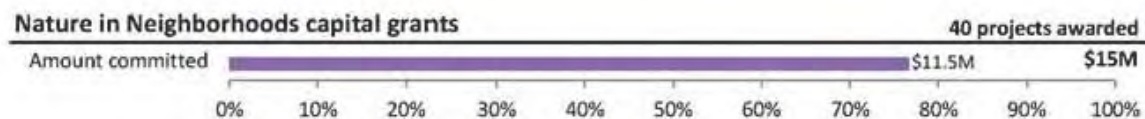
NATURE IN NEIGHBORHOODS CAPITAL GRANTS

Nature in Neighborhoods capital grants are made to community groups, schools, nonprofits and local governments and agencies. Projects may be for acquiring land for neighborhood livability via improvements to public lands, habitat

restoration, or urban transformation, i.e., integrating nature with redevelopment projects.

In seven funding cycles, \$11.5 million has been awarded to date. Approximately \$3.5 million remains for future awards.

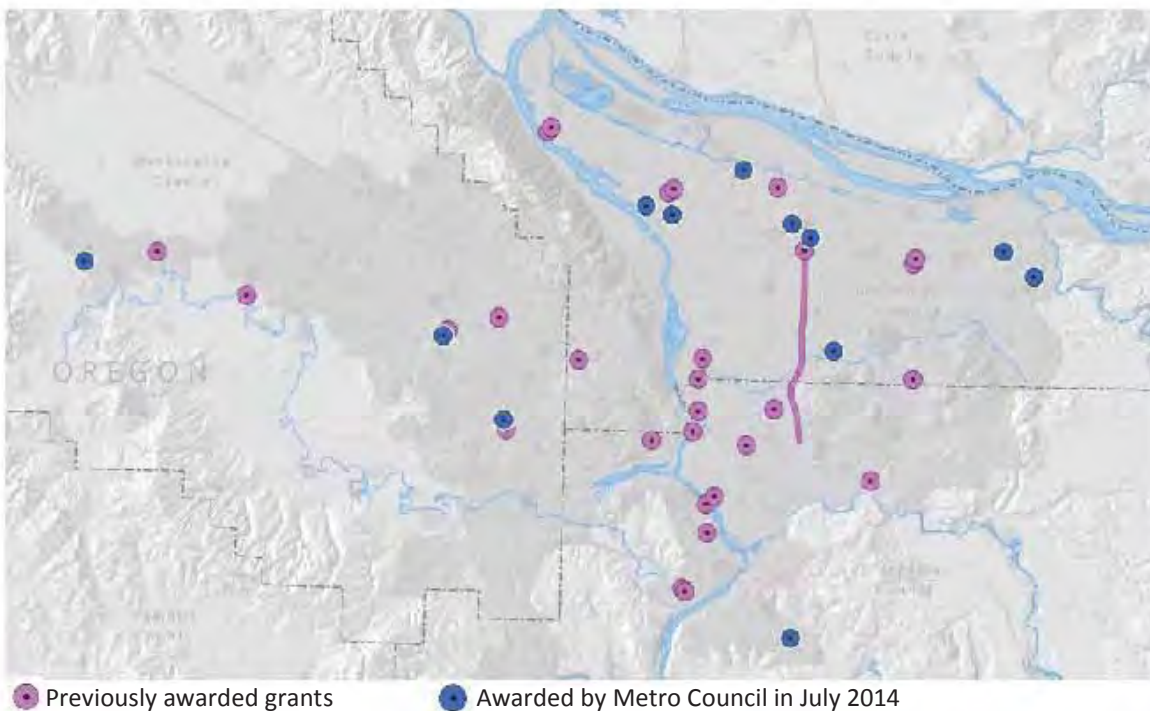
DASHBOARD REPORT HIGHLIGHTS June 30, 2014



Quarterly topics and discussion

At the June 2014 meeting, the committee reviewed this year's projects as well as the regional distribution of projects.

CAPITAL GRANTS BY TYPE OF PROJECT AWARDED



Staff also apprised the committee of the progress of ongoing projects. The grants review committee recommended 12 new projects for funding, which the Metro Council approved in July 2014. The committee suggested that networking opportunities might be beneficial to grant recipients.

Conclusion and recommendations

Nature in Neighborhood capital grants are on track. The committee should continue to review projects for geographic parity and for adherence to goals and performance measures.

OTHER OVERSIGHT COMMITTEE REVIEW

TERRAMET: NATURAL AREAS INFORMATION SYSTEM

Metro's Terramet database for the Natural Areas Program has been in place since July 2012. It provides up-to-date information on acquired properties, tracks restoration and land management at these properties, and facilitates data access and reporting.

The Natural Areas Program is continuing to use the public's dollars efficiently and effectively to acquire and preserve open space for our region. –Dean Alterman, committee member

Last year the committee recommended that Metro continue to pursue the licensing of Terramet to other regional users. Such use could result in regionwide savings and coordination. Staff is exploring sharing the Terramet database license, free, with partner jurisdictions. In return partners would share any customizations to or investments in the database.

The Terramet team is looking at system management costs and is working with The Intertwine Alliance to help manage potential Terramet licensees.

COST ALLOCATION POLICIES

As is done each year, the committee evaluated Metro's cost allocation methods. Increases in indirect costs were consistent with other cost increases across Metro.

STAFF CAPACITY

Due to a relatively slow pace in acquisitions, in January 2014 the committee asked staff to review its capacity to acquire properties. Staff noted that for some acquisitions, Metro's policy of working only with willing sellers comes into play: as negotiators sometimes work with several generations of a family, sales take time, patience and multiple conversations and meetings. In June staff reported to the committee a request for a new supervisory position on the acquisition team. A new hire in August 2014 will enable more progress in acquisitions.

STABILIZATION AT ACQUIRED SITES

Site stabilization at newly acquired properties involves, depending on the property, removal of invasive or undesired plant species, removal of structures and hazardous materials or contaminants, and enhancements to improve water quality, habitat or access to nature. At the committee's request, in 2011 staff revised site stabilization guidelines to maximize impacts while taking into account each site's ecological characteristics and needs. The committee reviewed stabilization costs for FY 2013; higher than average costs reflected the higher number of acquisitions from previous years. The committee, on reviewing year-to-date FY 2014 stabilization costs in April, found stabilization costs to be in line with previous years.

UNUSUAL CIRCUMSTANCES

Metro staff informs the committee of unusual circumstances in property transactions that are outside due diligence guidelines and hence require the authorization of the Metro Council. At the June 2014 meeting, the committee reviewed one such transaction in which a seller received a competing offer; staff asked the Metro Council for the authority to match the offer and waive an appraisal. Council approved the request. The committee found that the incidence of these unusual circumstances (one in FY 2014) is in line with expectations.

NATURAL AREAS IMPLEMENTATION WORK PLAN

The Implementation Work Plan is a formal policy document that sets out due diligence guidelines for property acquisitions and authorizes staff to make those acquisitions. The plan was created for the 1995 Open Spaces bond program, with updates to the due diligence section prior to the 2006 Natural Areas bond measure.

Conclusion and recommendations

- The committee found that Metro is making good use of Terramet and encourages staff to continue to work with external partners to make the license available to local jurisdictions.
- The committee concluded that while costs require ongoing monitoring, Metro is allocating costs to the Natural Areas Program fairly and in the same way that Metro allocates costs to other programs, as required by federal funding regulations. The committee agreed it should continue to review Metro's cost allocation policies annually to ensure that the Natural Areas Program does not bear more than its fair share of Metro cost allocations, and that the allocation methods are equitable.
- As in previous years, the committee should continue to monitor staff capacity to ensure it is adequate for implementing all aspects of the Natural Areas Program, and in 2015 should assess the impacts on acquisitions of the new hire.
- As in the past, the committee should continue to monitor the effectiveness of Metro's site stabilization guidelines. A retrospective review of a random

selection of stabilized sites and discussions with field staff in 2015 would help the committee to determine the efficacy of the implemented changes. Of particular interest is whether or not sites are on a better ecological trajectory when turned over to maintenance, and if it is lessening the maintenance burden encountered with sites that previously had little ecological stabilization.

- The committee should continue to monitor the application of unusual circumstances.
- Throughout the year, the committee collaborated with staff to review the Natural Areas Implementation Work Plan. The committee recommended more flexibility for negotiators when initial and review appraisals are not in agreement, additional criteria for opportunity acquisitions, and a revised threshold for negotiators to acquire property at a price up to 10 percent above its appraised value or \$100,000, whichever is greater. In August 2014 the Metro Council approved the updated Implementation Work Plan that incorporated the committee's recommendations.

THE YEAR AHEAD

In the next year, the Oversight Committee will follow up on the recommendations made in this report and will continue to review and evaluate program operations.

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Kendra Smith	Director, Willamette Model Watershed, Bonneville Environmental Foundation
Cam Turner	Principal, United Fund Investors

HOW TO LEARN MORE

We encourage you to learn more about Metro's Natural Areas Program and how you can be involved by visiting the Metro website.

We also welcome your feedback about what you would like to hear from us next year. Are there specific areas of concern or processes you think we should focus on? Please contact us with any ideas, suggestions or questions.

Website

www.oregonmetro.gov/nature

Email

naturalareas@oregonmetro.gov

Phone

503-797-1545

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Agenda Item No. 3.1

Resolution No. 14-4524, For the Purpose of Confirming the
Appointment of B. Jonas Biery to the Investment Advisory
Board

Consent Agenda

Metro Council Meeting
Thursday, January 15, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 14-4524
APPOINTMENT OF B. JONAS BIERY TO THE)	
INVESTMENT ADVISORY BOARD	)	Introduced by Martha Bennett, Chief
	)	Operating Officer, in concurrence with Tom
	)	Hughes, Council President

WHEREAS, Metro Code, Section 7.03.030(c) provides for the creation of the Investment Advisory Board and requires the Chief Operating Officer acting in the capacity of the Investment Officer to recommend to the Council for confirmation those persons who shall serve on the Board to discuss and advise on investment strategies, banking relationships, the legality and probity of investment activities, and the establishment of written procedures of the investment operation; and

WHEREAS, the Metro Charter requires appointments to be made by the Council President subject to Council confirmation; and

WHEREAS, the Chief Operating Officer has recommended B. Jonas Biery, Debt Manager for the City of Portland to the Council President and the Council President has appointed Mr. Biery for a new term beginning upon confirmation of the appointment and ending July 31, 2017; and

WHEREAS, the Metro Council desires to confirm the appointment; now, therefore,

BE IT RESOLVED, that the Metro Council confirms the appointment of B. Jonas Biery to the Metro Investment Advisory Board for the position and term set forth.

ADOPTED by the Metro Council this 15th day of January 2015.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4524, FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF B. JONAS BIERY TO THE INVESTMENT ADVISORY BOARD

Date: July 22, 2014

Prepared by: Calvin J. Smith
503-797-1612

BACKGROUND

Metro Code, Section 7.03.030, includes the creation of the Investment Advisory Board. One provision of this Code requires the Chief Operating Officer acting in the capacity of the Investment Officer to recommend to the Council for confirmation those persons who shall serve on the Board to discuss and advise on investment strategies, banking relationships, the legality and probity of investment activities, and the establishment of written procedures of the investment operation. The Metro Charter requires appointments to be made by the Council President subject to Council Confirmation. Metro Council President Tom Hughes, upon the recommendation of the Investment Officer, has appointed B. Jonas Biery to the board subject to Council confirmation. This appointment will be for a full term beginning upon appointment and ending July 31, 2017.

B. Jonas Biery has served as the Debt Manager for the City of Portland since 2011. Mr Biery manages planning, issuance and administration of debt issuance for all City bureaus and capital programs, including investor communications and management of credit rating agency relationships.

Mr. Biery began his municipal career in 2001 as an independent municipal advisor serving local governments in Oregon and Washington, and also has prior experience as a public financial investment banker. He currently serves on the GFOA Committee on Governmental Debt Management.

Mr. Biery has an undergraduate degree and a Masters of Business Administration from Portland State University.

We are fortunate he is willing to devote his time and energy serving on the Metro Investment Advisory Board. His experience and knowledge will be a valuable resource.

ANALYSIS/INFORMATION

1. **Known Opposition** None.
2. **Legal Antecedents** Metro code sections 2.19.150 and 7.03.030.
3. **Anticipated Effects** Confirmation of the appointment of B. Jonas Biery will provide directly related experience in investments to the Investment Advisory Board.
4. **Budget Impacts** There is no out-of-pocket expense created by the appointment of Mr. Biery to the volunteer position.

RECOMMENDED ACTION

Martha Bennett, Chief Operating Officer, in concurrence with Council President Tom Hughes, recommends the confirmation of Mr. B. Jonas Biery for the term expiring July 31, 2017.

Agenda Item No. 3.2

Resolution No. 15-4600, For the Purpose of Delegating to the
Chief Operating Officer to Execute Employment Agreement with
the Interim Zoo Director

Consent Agenda

Metro Council Meeting
Thursday, January 15, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DELEGATING TO THE	)	RESOLUTION NO. 15-4600
CHIEF OPERATING OFFICER TO EXECUTE)	
EMPLOYMENT AGREEMENT WITH THE	)	Introduced by Chief Operating Officer Martha
INTERIM ZOO DIRECTOR	)	Bennett in concurrence with Council
	)	President Tom Hughes
)	

WHEREAS, Personnel Code, Section 2.02.010, as amended, provides that the Metro Council may delegate the authority to the Chief Operating Officer (“COO”) by resolution to enter into written employment agreements on a case by case basis; and

WHEREAS, the Metro Council believes it is in the best interest of Metro and the Oregon Zoo for the COO to directly negotiate and execute a written employment agreement with the Interim Director of the Oregon Zoo; now therefore

BE IT RESOLVED that the Metro Council hereby delegates authority to the Chief Operating Officer to execute a written Employment Agreement with the Interim Director of the Oregon Zoo.

ADOPTED by the Metro Council this 15th day of January, 2015.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 15-4600, FOR THE PURPOSE OF
DELEGATING TO THE CHIEF OPERATING OFFICER THE AUTHORITY TO EXECUTE
AN EMPLOYMENT AGREEMENT WITH THE INTERIM DIRECTOR OF THE OREGON
ZOO

Date: January 08, 2015

Prepared by: Martha Bennett
Chief Operating Officer, 503-797-1541

BACKGROUND

The Metro Council adopted Ordinance No. 14-1350 on December 18, 2014 that amended Metro Code Section 2.02.010 by allowing the Metro Council to delegate authority to the Chief Operating Officer (“COO”) by resolution to execute written employment agreements on a case by case basis, or as a group for Director level employment agreements. The COO believes it is in the best interest of Metro and the Oregon Zoo to delegate the authority to enter into an employment agreement with the Interim Director of the Oregon Zoo.

ANALYSIS/INFORMATION

1. **Known Opposition:** None.
2. **Legal Antecedents:** Metro Code Section 2.02.010; Metro Council Ordinance No. 14-1350.
3. **Anticipated Effects:** The COO will negotiate and enter into an employment agreement with the Interim Director of the Oregon Zoo.
4. **Budget Impacts:** Increased compensation to the Interim Director of the Oregon Zoo.

RECOMMENDED ACTION

Approve the resolution delegating to the COO the authority to execute an employment agreement with the Interim Director of the Oregon Zoo.

Agenda Item No. 3.3

**Consideration of Council Meeting Minutes for December 18,
2014**

Consent Agenda

Metro Council Meeting
Thursday, January 15, 2015
Metro, Council Chambers

Agenda Item No. 4.1

Resolution 15-4599, For the Purpose of Renewing the Historic
Cemeteries Advisory Committee

Resolutions

Metro Council Meeting
Thursday, January 15, 2014
Metro, Council Chambers

Agenda Item No. 4.2

Resolution 14-4541, For the Purpose of Authorizing the Chief
Operating Officer to Sell Certain Real Property as Part of the
Natural Areas Program

Resolutions

Metro Council Meeting
Thursday, January 15, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE	)	RESOLUTION NO. 14-4541
CHIEF OPERATING OFFICER TO SELL	)	Introduced by Chief Operating Officer
CERTAIN REAL PROPERTY AS PART OF THE	)	Martha Bennett, in concurrence with
NATURAL AREAS PROGRAM	)	Council President Tom Hughes

WHEREAS, on July 23, 1992, via Resolution No. 92-1637 (“For the Purpose of Considering Adoption of the Metropolitan Greenspaces Master Plan”), the Metro Council adopted the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails;

WHEREAS, in May 1995, the voters of the Metro region approved ballot measure 26-26, authorizing Metro to issue \$135.6 million for bonds for Open Spaces, Parks and Streams (the “1995 Metro Open Spaces Bond Measure”);

WHEREAS, using funds from the 1995 Open Spaces Bond Measure, Metro acquired over 8,000 acres of property in over 270 transactions;

WHEREAS, in November 2006, the voters of the Metro region approved ballot measure 26-80, authorizing Metro to issue \$227.4 million for bonds for Natural Area Acquisition and Water Quality Protection (the 2006 Metro Natural Areas Bond Measure, and together with the 1995 Open Spaces Bond Measure, the “Bond Measures ”);

WHEREAS, since the passage of the 2006 Metro Natural Areas Bond Measure, Metro has acquired an additional 4,900 acres of property in over 140 transactions;

WHEREAS, as a result of the necessity to acquire entire parcels from willing sellers, Metro now manages and leases a number of rental homes, some of which are not needed to protect the natural resources on the properties and could be divided from the original parcel Metro acquired;

WHEREAS, staff has analyzed the bond acquisition portfolio of properties and identified properties or portions thereof (the “Metro Parcels”), set forth on Exhibit A to this Resolution No. 14-4541, where the goals and objectives of the Bond Measures are not furthered by continued ownership of the Metro Parcels;

WHEREAS, in October 2009, via Resolution No. 09-4079 (“For the Purpose of Authorizing the Chief Operating Officer to Sell Certain Real Property in the Cooper Mountain Target Area”), the Metro Council adopted Disposition Guidelines that applied to a single parcel in that target area;

WHEREAS, the Metro Council finds that the Disposition Guidelines, as revised and attached to this Resolution No. 14-4541 as Exhibit B, establish a fair and open process and procedure that will allow the Natural Areas program to dispose of the Metro Parcels to better achieve the goals and objectives of the Bond Measures;

WHEREAS, sale of the Metro Parcels using the process set forth in the revised Disposition Guidelines, will allow Metro to use the sale proceeds from these surplus properties to acquire additional natural areas properties and interests, and is considered the best resolution for the future of the Metro Parcels and the Natural Areas Program;

WHEREAS, there may be more land included in Exhibit A (whole tax lots to be declared as surplus) than will be actually disposed of after necessary land use processes to separate parts of the parcels for sale; now therefore

BE IT RESOLVED that the Metro Council concludes that the Metro Parcels, as described in Exhibit A, are not needed for public use and that the public interest will be furthered by the sale of the Metro Parcels, and hereby authorizes the Chief Operating Officer to sell the Metro Parcels using an equitable, commercially reasonable, and appropriate process, as determined by the Chief Operating Officer in her sole discretion, in accordance with the Disposition Guidelines set forth in Exhibit B.

Adopted by the Metro Council this 15th day of January 2015.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

PROPERTIES TO BE DECLARED SURPLUS

Target Area	Address	Tax Lot ID¹	Comment
Forest Park	Burlington lots- above Rte. 30	Several	Several unbuildable subdivision lots were acquired in a 300 acre acquisition. A land use action is needed to separate them from the larger property.
Dairy and McKay Creeks	3270 NW Susbauer Rd.	1N3 27 01000	Small, isolated property with minimal creek frontage.
Lower Tualatin Headwaters	20050 SW Kruger Rd.	2S236 00700	This parcel is isolated from other holdings. Metro will preserve the natural resource with a 25-acre Conservation Easement.
Willamette Narrows	27850 SW Petes Mountain Rd.	31E10 02004	The house is not needed for resource protection. The strategy is to partition it.
Willamette Narrows	30636 SW Peach Cove Rd.	3S1E 22 00306	The house is not needed for resource protection. The strategy is to divide the lot by a property line adjustment.
East Buttes	25673 SW McNutt Rd.	1S3E23D 02200	The house is not needed for resource protection. The strategy is to divide the lot by a property line adjustment.

¹ The portions of properties identified as surplus in this Exhibit A are subject to minor modification during the land division or property line adjustment process.

METRO SURPLUS PROPERTY DISPOSITION GUIDELINES

The following procedures are the elements of analysis, outreach and sale that will be followed by Metro staff in the disposition of real property owned by Metro that is determined to be surplus (“Surplus Property”). These properties were acquired with funding from either the 1995 Open Spaces Bond Measure or 2006 Natural Areas Bond Measure. These guidelines apply where Metro staff determines that a property (and/or in some cases, residence(s) associated with it) is no longer needed to meet Metro’s natural areas program objectives and there are compelling reasons to dispose of the property. These guidelines assure fair and honest dealings with potential purchasers, as well as the protection of public investment in these natural area properties.

Pursuant to Metro Code 2.04.026(a)(2), staff will not proceed to Outreach and Sale of Surplus Property, as outlined below, until the Metro Council has authorized the disposition. Where Metro Council has determined a property is surplus, it will so declare by resolution and authorize staff to dispose of the property in accordance with these guidelines, or as amended by the Metro Council.

PROCEDURE FOR DISPOSING OF SURPLUS PROPERTY

Analysis

1. **Original Acquisition** The first step in the disposition process is a thorough review of the original acquisition file and stabilization efforts since Metro’s acquisition of the property. Staff will ensure that sale of the Surplus Property would not conflict with the restrictions imposed by the original acquisition funding (1995 Open Spaces bond funds or 2006 Natural Areas bond funds).
2. **Title Review** Staff will review a current title report to make sure the Surplus Property is free and clear of liens that could interfere with a transfer of title.
3. **Physical Inspection** Staff will physically inspect the Surplus Property to identify possible hazards, unrecorded easements or other conditions that could impede the disposition, and will make a preliminary evaluation of the condition of any structures and improvements. Staff will inspect the property boundaries to identify any encroachments and take measures to correct them, if possible.
4. **Tenant-Occupied Property** If the Surplus Property has a leased residence or agricultural field, staff will review the current lease to ensure compliance with the terms. Surplus Properties will be sold subject to existing leases.
5. **Preparation for Disposition** The Surplus Property may require a land use action at the county level in order to separate residences or other property to be disposed from the portion of the property that Metro will keep. In these cases, staff will meet with county planners to determine the process that will result in Metro’s ability to transfer the title to the legally created parcels.

Outreach

1. Stakeholder and Public Notice The Natural Areas Public Affairs Specialist will develop recommendations for stakeholder and public notice for the sale of the Surplus Property. The Natural Areas Program Director will review these recommendations. Notice may include, but is not limited to, outreach to adjacent landowners to notify of Metro's intention to dispose of the property. Staff will assess the community impact of disposing of the Surplus Property, if any.

Sale Process

1. Market Value and Negotiated Sale Price The market value of the Surplus Property will be established by an appraisal completed by an independent certified appraiser that states a conclusion of the market value of the property or, if appropriate, a range of value. The appraisal will be completed in accordance with the Uniform Standards of Professional Appraisal Practice and may be a summary format report.
2. Sale Price The negotiated sale price of the Surplus Property, or the total value of money and real property received, shall be: Not greater than that which will ensure that Metro does not violate the terms of its bond covenants, including any applicable bond arbitrage limitations, as determined by the Metro Attorney in consultation with the Metro Chief Financial Officer; and
 - a. Except when limited by the foregoing provision, not less than:
 - i. The market value as established by the appraisal process described below; or
 - ii. 90% of such market value, with the authorization of the Chief Operating Officer upon review of a recommendation from the Natural Areas Program Director finding that:
 1. The property has been on the market for a reasonable exposure period and a disposition transaction has not been completed; and
 2. It is in the public interest to sell the property at the reduced value.
3. Marketing and Sale of Property Metro or its authorized agents will advertise the Surplus Property for sale by commercially reasonable means which may include signage, direct marketing, newspaper advertising, or listing on public real estate listing services. Contracting agents for the sale of the Surplus Property will be at the discretion of the Natural Areas Program Director and in compliance with the Metro Code.

Marketing specifications include, but are not limited to, the following:

- a. The Surplus Property may be offered for sale 'as is' directly by Metro or by a real estate broker.
- b. A detailed information package, including a title report, the form of purchase and sale agreement, and any other information deemed relevant to the transaction will be provided

to interested parties electronically.

- c. If there is more than one offer for a Surplus Property, the winning bid shall be determined by customary real estate practices in Oregon and may include the following factors: the date the bid was received by Metro, offer price, and other terms deemed to be relevant to a successful transaction as determined by the Metro Chief Operating Officer, in her sole discretion.

Exemption to Outreach and Sale Requirements

Surplus Property may be exempted from the Outreach and Sale process set forth in sections 2 and 3 above if sold at fair market value and where the Natural Area Program Director has made a determination that it is in the best interest of Metro and the public interest. Examples where this exemption might apply include:

- Where a tenant(s) currently occupies the Surplus Property, Metro may offer to sell the property directly to the tenant(s), with significant notice and opportunity for the tenant(s) to respond to the offer.
- Metro may offer to sell the property directly to the adjacent landowners, with significant notice and opportunity for the landowners to respond to the offer.
- Metro may offer the Surplus Property to other local government agencies that have jurisdiction or interest in the area, as well as to not-for-profit or other stakeholder groups.

Post-Closing

1. Distribution of Proceeds From Sale The Metro Chief Financial Officer shall determine the distribution of the proceeds from the disposition transaction, in consultation with the Metro Attorney, in order to ensure that such distribution is consistent with bond covenants and the intent of the bond measures approved by the voters.
2. Notice to Metro Council The Natural Areas Bond Program Director or his/her designees shall notify the Council promptly following the closing of any disposition transaction.
3. Document Retention Documents related to disposition transactions shall be retained as determined appropriate by the Metro Attorney, consistent with Metro's records retention policies.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4541, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO SELL CERTAIN REAL PROPERTY AS PART OF THE NATURAL AREAS PROGRAM

Date: December 29, 2014

Prepared by: Kathleen Brennan-Hunter, 503-797-1948

BACKGROUND

Resolution No. 14-4541 requests authorization for the Chief Operating Officer to declare surplus and sell certain real property, described in Exhibit A to the Resolution (the “Metro Parcels”). These properties were purchased by Metro with 1995 Open Spaces Bond Measure (the “1995 Bond Measure”) or 2006 Natural Areas Bond Measure (the “2006 Bond Measure”) funds (collectively, the “Bond Measures”). Proceeds from such sales shall be restricted to natural area acquisition consistent with the requirements of the Bond Measures.

In 1995 and again in 2006 voters in the Metro Area approved the Bond Measures authorizing Metro to acquire property, including the Metro Parcels, in designated regional target areas. The acquisition areas within the target areas were identified for their natural resources and habitat value. The goals for the target areas vary according to the nature of the intrinsic resources and public feedback received during the refinement planning process. Results of this process are documented in a Refinement Plan for each target area. Acquired properties are stabilized and held until such time as the properties can be part of a site conservation and master planning process, which will set forth a desired future condition for each significant holding.

Metro acquired some residences as part of larger natural resource areas when it was not possible to separate the houses. In some cases, the houses were occupied by tenants at the time of closing, requiring Metro’s continued leasing and providing “eyes and ears” on some more remote properties. Metro’s natural areas property management operations consists of these rented houses and leased agricultural fields, providing better security and additional revenues.

Staff has analyzed Metro’s portfolio of over 400 properties acquired as part of the Bond Measures and identified six candidates for disposition at this time for reasons including, but not limited to, the following:

- The property was acquired to be part of a larger complex that would fulfill one or more of the target area objectives, but subsequent acquisitions did not occur. Development patterns or lack of willing sellers in the immediate area of the acquired properties make it improbable that more progress is feasible. In some cases, a conservation easement may be attached to the resource area, providing continued protection if the entire property is transferred to a purchaser.
- Continued or deferred maintenance or significant repairs are needed to safely maintain the homes, and these do not make sense for Metro from an economic perspective. It would not be in the public interest to expend funds for this purpose if the house is not needed to protect the property.
- Metro staff have determined that the residence can be separated from the habitat/resource portion of a property and sold, thereby freeing up financial and personnel resources for more effective land management.
- In one case, an approximate 2 acre section of a 332 acre acquisition is separated by a rail line from the resource property, adds no resource value, and is very problematic from a management perspective.

The Metro Parcels referenced above and associated residences are no longer viable as part of the Natural Areas Program, and are described further in Exhibit A to Resolution No. 14-4541. In some cases, a portion of the property containing the structures must be split off from a larger Metro property through a land use process before disposition.

State law [ORS 271.310(1)] authorizes the governing body of any political subdivision within Oregon to sell real property owned by the political subdivision that is “not needed for public use, or whenever the public interest may be furthered.” Metro Code section 2.04.026(a)(2) requires that the Chief Operating Office obtain the authorization of the Metro Council prior to executing any contract for the sale of real property owned by Metro. Metro’s procedures for the disposition of surplus property are outlined in the “Metro Surplus Property Disposition Guidelines” included as Exhibit B to the attached resolution, and summarized below:

The Natural Areas Program intends to conduct the disposition process in a fair and transparent manner. A public agency planning to sell real property may sometimes first offer such property to other agencies that have jurisdiction or interest in the area, and some agencies are required to make such an offer (but Metro is not so required). Notwithstanding, notice of the sale of the Metro Parcels will be provided to Metro departments and the relevant counties and park districts before the property is marketed to the general public. Additionally, staff may first offer the properties for sale directly to occupying tenants. Staff may also hire real estate brokers through an RFP process to enhance the marketing effort on some or all of the Metro Parcels.

Staff requests Council authorization to declare the Metro Parcels surplus and authorize staff to dispose of them as outlined in the disposition guidelines.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

ORS 271.310(1) authorizes the governing body of any political subdivision within Oregon to sell real property owned by the political subdivision that is “not needed for public use, or whenever the public interest may be furthered.”

Metro Code section 2.04.026(a)(2) requires that the Chief Operating Office obtain the authorization of the Metro Council prior to executing any contract for the sale of real property owned by Metro.

The tax-exempt status of the bonds sold to finance the purchase of the Metro Parcels imposes some limitations and requirements on whether and how the property may be sold, and on the use of the proceeds of such sale. Staff has consulted with the Office of Metro Attorney, which has consulted with Metro’s bond counsel regarding this issue. The sale of property will be in compliance with the advice of the Metro Attorney and bond counsel to ensure that the tax-exempt status of the bonds is maintained.

Metro Resolution No. 09-4079, “For the Purpose of Authorizing the Chief Operating Officer to Sell Certain Real Property in the Cooper Mountain Target Area.”

3. Anticipated Effects

The Metro Parcels will be declared surplus and not needed for public use, and will be offered for sale. Disposition of the Metro Parcels are consistent with the covenants of the Bond Measure, whose funds were used to acquire and stabilize the property, provided that the anticipated proceeds will be administered within the guidelines of the Bond Measure rules. The sale of property will relieve Metro of maintenance obligations and property taxes for the residences.

4. Budget Impacts

Net revenues from sale of the properties, after payment of any appraisal, brokerage, closing, land use applications for partitioning properties, or other out-of-pocket costs associated with the sale, will be returned to the appropriate 1995 or 2006 Bond Measure account, for use to acquire other real property consistent with the goals and requirements of such measure.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 14-4541.

Materials following this page were distributed at the meeting.

SHOR

St. Helens Organics Recycling
Anaerobic Digestion Project

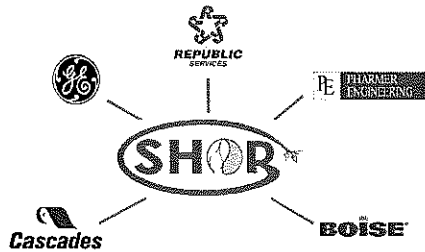


Project Overview

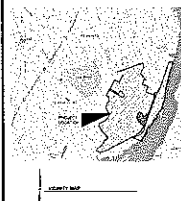
- Built on an operational paper mill (old Boise Cascade Mill)
- Synergies - Onsite water treatment, storm water, potential for gas supply
- Within 26 miles of Metro Central
- State-of-the-art GE technology
- Engineered for post-consumer food scraps
- Initial processing capacity of 50k tons per year, expandable to 200k tons

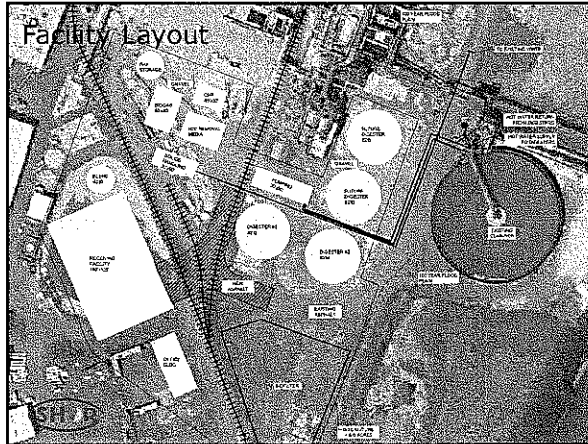


Stakeholders



Vicinity Map





Next Steps

- Finalize design
- Work with Metro Staff
- Obtain final DEQ permits
- Material supply agreements

Construction start: Q3 or Q4 2015

Operational: Q3 or Q4 2016



PETITION FOR WITHDRAWAL FROM THE METROPOLITAN SERVICE DISTRICT (METRO)

Stephen L. Bates

Chief Petitioner

P O Box 339

Boring, Oregon 97009

(503) 663-6271

To: Metro Council
Oregon State Legislature

cc: Clackamas County Board of County Commissioners

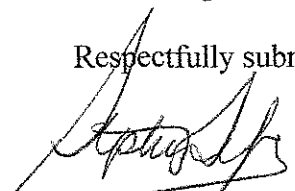
Date: January 8, 2015

Honorable Councilors, Legislators and Commissioners:

On behalf of the Community of Boring, I hereby submit this 75 Page Petition Document, which includes 64 two sided signature pages, for the following reasons:

- a) Half of Boring is within the jurisdictional boundaries of Metro and half of Boring is outside of those boundaries. This fact creates a divided community and fractured neighborhoods. All of the people of Boring are **not treated equally** as a result.
- b) In the event of incorporation, half of Boring will be subject to a comprehensive plan different than the other half of Boring, **solidifying the referenced inequality**. This will perpetuate division and conceivably, two separate majorities will emerge under a common jurisdiction.
- c) Over the past two years, there have been meetings, consultations and discussion which resulted in the passage of a Position Statement on January 7, 2014 to petition to withdraw from Metro.
- d) Over twenty volunteers circulated the petition and collected almost 700 signatures, **697** to be exact, which equates to about 30% of the registered voters in the withdrawal area.
- e) The petition was signed by Democrats, Republicans, Independents and Non-Affiliated Voters, making it a bi-partisan measure that is not a motion of a few, but the cause of many.
- f) This petition is submitted to right a wrong and create a sense of unity in the Boring Community and **establish equal treatment of all** within the Boring area for now, and for the future.
- g) House Bill 2640 has been filed with the Oregon State Legislature and it calls for the change of the Metro boundaries, removing Boring from the jurisdictional reach of Metro.
- h) Therefore, as the people of Boring have spoken with resounding unity, we hereby request your complete support for the passage of House Bill 2640 in the 2015 Oregon State Legislative Session.

Respectfully submitted,



Stephen L. Bates
Chief Petitioner

**CHIEF PETITIONER'S STATEMENT
PETITION FOR WITHDRAWAL FROM THE
METROPOLITAN SERVICE DISTRICT (METRO)**

ORS 268.354 (4) (b) gives instruction for annexation to metropolitan service districts. In all of ORS Chapter 268, there is no reference or instruction for Withdrawal from a metropolitan service district. Furthermore, Metro President Tom Hughes advised in a letter dated September 23, 2013 that "most of our existing codes contemplate the process of including land in Metro, rather than withdrawal". Therefore, this Petition for Withdrawal of the Boring area from the Metropolitan Service District (METRO) is presented in good faith:

To the Metro Council – Metropolitan Service District

The signatories of this petition hereby request Withdrawal of the Boring area, as outlined in Exhibit "1", from Metro in accordance with ORS 268.347 to ORS 268.355. The Withdrawal of the Boring area is warranted due to indifference and lack of equal service. Furthermore, half of the Boring community is within the Metro boundaries and half of the Boring community is outside of the Metro boundaries. Therefore, this petition requests that the eastern Metro Boundary within Clackamas County be changed to the eastern boundary of the *City of Damascus*.

To the Oregon State Legislature

As half of the Boring community is within the Metro boundaries and half of the Boring community is outside of the Metro boundaries, the signatories of this petition hereby request Withdrawal of the Boring area from Metro. This petition requests a change to the definition of "Metropolitan Area" in ORS 268.020 (3) to:

"Metropolitan area" means that area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties with the exception of the Boring area within Clackamas County.

The eastern boundary of the "Metropolitan Area" within Clackamas County is the eastern boundary of the *City of Damascus*.

Chief Petitioner

**Stephen L. Bates
28050 SE Sylvian Way
Boring, Oregon 97009
(503) 663-6271**

**Boring Oregon
& Dull Scotland
A Pair for the Ages**

BORING COMMUNITY PLANNING ORGANIZATION

"A Forum for Communication and Discussion of Information for a Vibrant Community"

Stephen Bates, Chair

DAYTIME TELEPHONE: 503-663-6271

EMAIL: Sbates53@aol.com

www.boringcpo.org

POSITION STATEMENT dated January 7, 2014

The Boring Community Planning Organization hereby requests the efforts of:

The Clackamas County Board of County Commissioners
State Representatives Bill Kennemer, Mark Johnson and Shemia Fagan
State Senators Alan Olson and Chuck Thomsen

to support the introduction and passage of a Bill as follows:

A Bill For The Change Of The Boundaries Of The Metropolitan Service District

Whereas, in 1977, the Oregon State Legislature referred to the voters statewide Measure 6 to form the Metropolitan Service District; and

Whereas the boundaries established by Representatives Glenn Otto and Mike Ragsdale for that measure were arbitrary and without reason; and

Whereas, the Oregon State Legislature further identified the boundaries of the "Metropolitan area" as of October 4, 1997; and

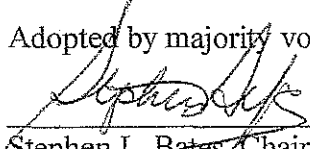
Whereas half of the community of Boring is within these boundaries and half of the community of Boring is outside these boundaries; and

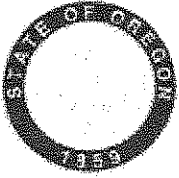
Whereas the community of Boring has identified a desire to be completely outside of these boundaries:

Be it resolved that the definition of "Metropolitan Area" in ORS 268.030(3) is hereby amended to read:

"Metropolitan area" means that area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties with the exception of the Boring area within Clackamas County. The eastern boundary of the "Metropolitan Area" within Clackamas County is the eastern boundary of the City of Damascus.

Adopted by majority vote at its regular scheduled meeting, January 7, 2014;


Stephen L. Bates, Chair



HOUSE

RECEIPT FORM

Legislative Counsel

Signatures at the bottom signify receipt of listed measures from the Chief Clerk.

DATE	MEASURE #	LC NUMBER	FILER
12-19-14	<u>HB 2640</u>	1845	REP KENNEMER

Clerk

DRAFT

SUMMARY

Withdraws territory within mapped boundary of Boring Community Planning Organization from within incorporated boundaries of Metro.

A BILL FOR AN ACT

Relating to the Boring Community Planning Organization; creating new provisions; and amending ORS 268.020.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The territory within the mapped boundary of the Boring Community Planning Organization established by Clackamas County is withdrawn from within the incorporated boundaries of Metro.

SECTION 2. ORS 268.020 is amended to read:

268.020. As used in this chapter:

(1) "District" means a metropolitan service district established under this chapter.

(2) "District charter" means a home rule charter enacted by the electors of a district under section 14, Article XI, Oregon Constitution.

(3) "Metropolitan area" means that area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties, **except for the territory encompassed within the mapped boundary of the Boring Community Planning Organization established by Clackamas County.**

(4) "Improvement" means the facilities and other property constructed, erected or acquired by and to be used in the performance of services au-

1 thorized to be performed by a district.

2 (5) "Metropolitan significance" means having major or significant
3 district-wide impact.

4 (6) "Person" means a public body as defined in ORS 174.109, individual,
5 corporation, partnership, association, firm, trust, estate or any other legal
6 entity.

7 (7) "Regional framework plan" means the Metro regional framework plan
8 defined in ORS 197.015 and any district ordinances that implement the plan.

9

House Bill 2640

Sponsored by Representative KENNEMER (at the request of Boring Community Planning Organization) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

Closing in

A report to the community from the Natural Areas Program Performance Oversight Committee

The Natural Areas Program continued to make steady progress during the last year, building on the strong work accomplished since the program began.

In 2006, Portland area voters approved a \$227.4 million bond measure to acquire and preserve natural areas throughout the region to safeguard water quality, protect fish and wildlife habitat, and ensure access to nature. The bond measure seeks to achieve these goals through the funding of Metro's Natural Areas Program.

The bond measure also mandates an independent citizen review of the program. Each quarter beginning in June 2007, this citizen review, called the Natural Areas Program Performance Oversight Committee, has met with Metro staff for updates on the progress and accomplishments of the program. Each year, the committee evaluates and reports on the program's structure, management, expenditures, personnel and progress of the program toward the defined goals. This report considers the progress of the program during FY 2014 from July 1, 2013 through June 30, 2014.

The committee has found that each of the three primary components of the program continues to achieve material gains towards realizing the goals of the bond measure. The following represents a summary of expenditures for each of the three components during FY 2014:

Regional acquisition

\$168.4 million to acquire 3,500-4,500 acres from willing sellers in 27 target areas

Acquisition expenditures were \$9.8 million, the lowest level since inception of the bond. Cumulatively, expenditures for acquisitions stand at \$130.4 million, or 77.4 percent of the total \$168.4 million allocation.

Local share

\$44 million allocated to local governments for park improvement projects and locally important acquisitions

Local share expenditures were \$3.6 million. Cumulatively, local share expenditures stand at \$40 million, or 91 percent of the total \$44 million allocation.

Nature in Neighborhoods capital grants

\$15 million for grants to community groups, nonprofits and local governments for projects that "re-green" or "re-nature" neighborhoods

\$4.5 million in capital grants were under consideration for 12 projects. Cumulatively, \$11.5 million has been awarded to 40 projects. Of the total \$15 million allocation, 77 percent has been committed.



REGIONAL ACQUISITION

Regional acquisitions are made in target areas - natural areas and trail/greenway corridors - identified in the 2006 bond measure. Since 2007, when acquisitions began, 4,833 acres have been acquired and protected.

In FY 2014, natural area acquisitions totaled nearly 293 acres. Highlights include the Abernethy and Newell Creeks target area, in which 16 acres were acquired, and 55 acres in the Rock Creek Headwaters and Greenway target area. One hundred seven acres were acquired on Sauvie Island adjacent to Metro-owned Howell Territorial Park, protecting more lands along the Multnomah Channel. Adjacent to the Gresham-Fairview Trail, 33 acres were acquired at Grant Butte Wetlands, part of the headwaters of Fairview Creek.

In FY 2014, trail and greenway corridor acquisitions totaled 23 acres. Some acquisitions were small but vital: one closed a trail gap on the Marine Drive Trail, the culmination of three years of negotiations. Another closed a gap in the Oregon City Loop Trail.

Quarterly topics and discussion

The committee assessed the strategy for “opportunity acquisitions” – properties either outside a target area or not specified in the refinement plan. These properties

may present opportunities to meet the bond measure’s goals for water quality, habitat or access to nature, and often have strong partner support. In response to the Metro Council’s request for guidelines and criteria specific to these opportunities, the committee worked with staff to formalize the decision-making approach.

At its April 2014 meeting, the committee noted a few target areas that have not seen much progress in acquisitions: Cooper Mountain, Deep Creek, Tryon Creek and Wapato Lake. Some areas, such as Cooper Mountain, were targeted during an earlier 1995 bond. Significant acreage was acquired, but additional available parcels in the target area are limited. In response, the Natural Areas Implementation Work Plan was reviewed to ensure staff had enough flexibility to attract sellers in target areas while maintaining prudent negotiating tactics. The committee reviewed Metro’s acquisition strategies and offered advice on potential adjustments to how it approaches sellers.

Conclusion and recommendations

The committee is satisfied with the progress of regional acquisition but encourages Metro staff to keep looking for new strategies, especially in target areas where acquisitions have been lagging.

This is a real case of government success. By clearly outlining the specific goals of the program from its inception, the Natural Areas Program has invested taxpayer dollars extremely efficiently year after year. –Drake Butsch, committee chair

DASHBOARD REPORT HIGHLIGHTS June 30, 2014

Natural area acquisition

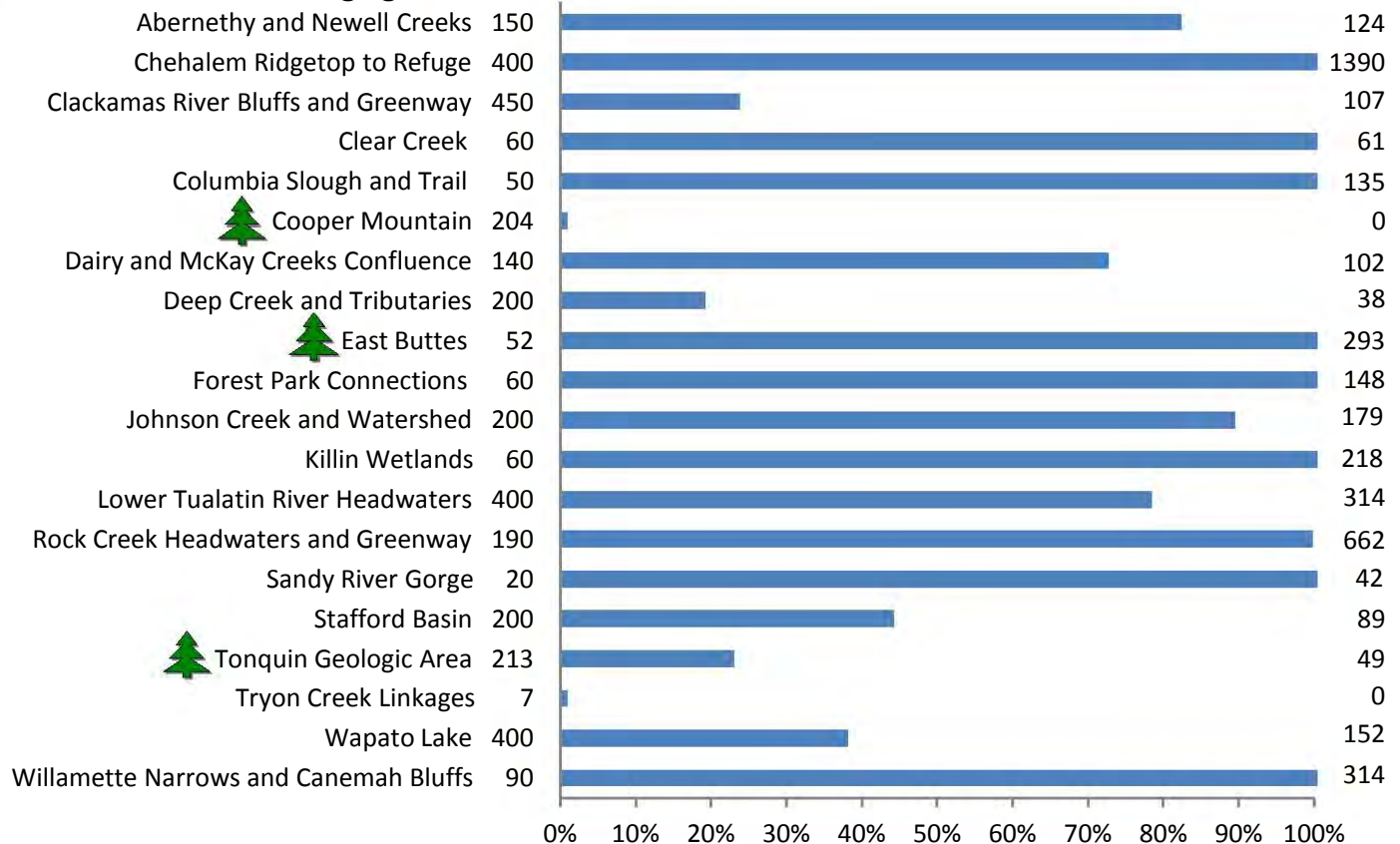


park built

■ percent of 2006 refinement plan acreage goals met or exceeded

Acreage goal: 3,546

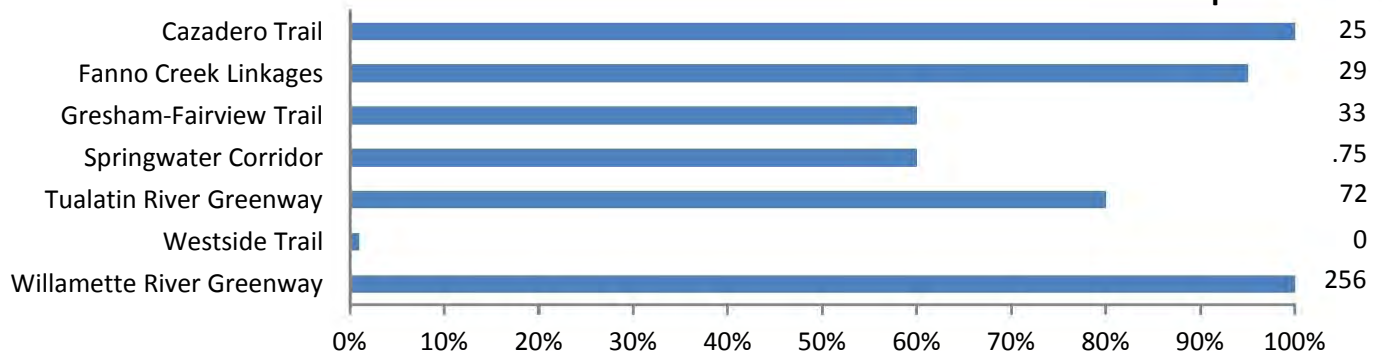
Acres acquired: 4,417



Trail/greenway corridors

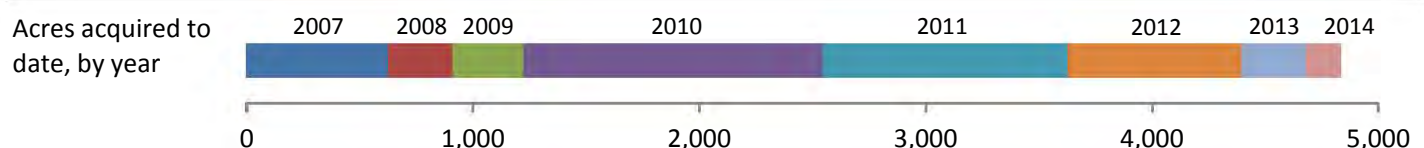
■ percent of 2006 refinement plan goals met

Acres acquired: 416



Regional acquisition

Acres acquired: 4,833



LOCAL SHARE

In FY 2014, jurisdictions expended \$3.6 million for local share projects. At the June 2014 meeting, staff reported to the committee that local share funds were 91 percent expended.

Quarterly topics and discussion

Local government intergovernmental agreements expired March 31, 2014, but some jurisdictions requested an extension, as they are targeting and actively working to acquire specific properties. Local share funds are on track to be fully expended by the end of 2015.

Natural area acquisitions represent nearly half of the local share funds allocated and spent. Other project types are seen in the chart below.

Staff provided a summary report of the year's local share expenditures at the June meeting. Highlights include:

- The City of Gresham contributed \$200,000 in local share funds to leverage a \$1 million grant from East Multnomah Soil and Water

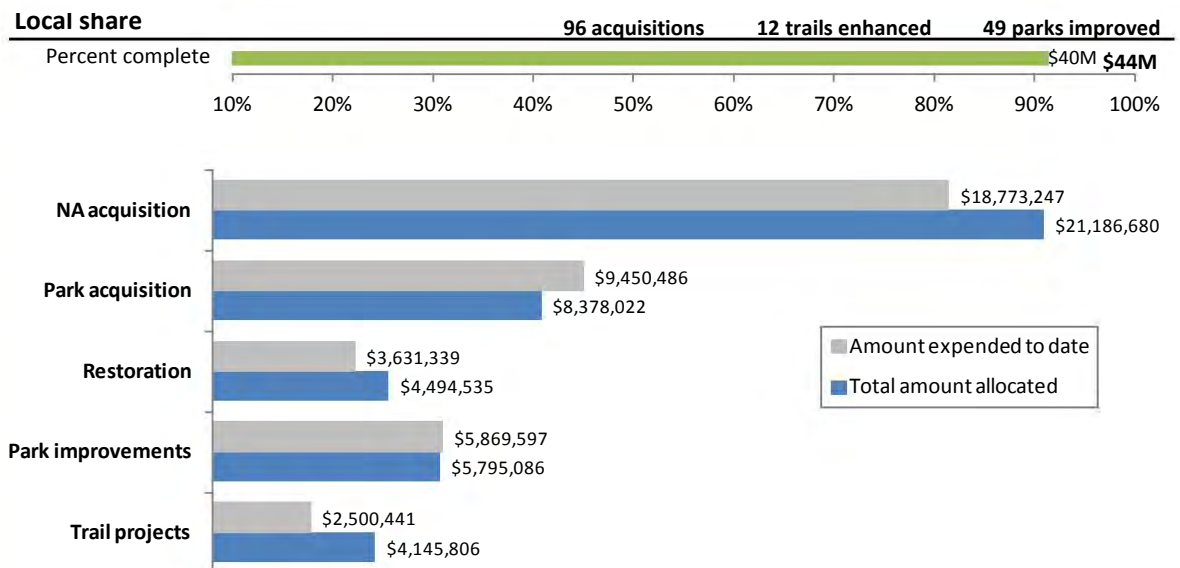
Conservation District to acquire, with Metro, 33 acres at Grant Butte Wetlands.

- Over the life of the bond, 17 sites across the region have been acquired for parks. Improvement projects for existing parks included adding lighting to Veterans Park in Cornelius, and North Clackamas Parks & Recreation District and the City of Happy Valley worked with Metro to repurpose part of an historic building to construct a picnic shelter at the new Scouters Mountain Nature Park.
- Local jurisdictions have leveraged their local share funds to gain \$37.5 million in funding from other sources over the life of the bond.

Conclusion and recommendations

The local share program is on track. As expenditures of local share funds near their conclusion, the committee should continue to monitor expenditures using staff-provided summary reports that provide both anecdotal (qualitative) and quantitative information.

DASHBOARD REPORT HIGHLIGHTS June 30, 2014



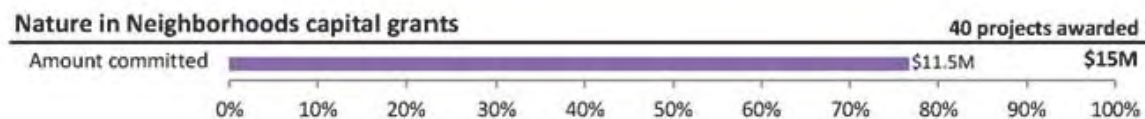
NATURE IN NEIGHBORHOODS CAPITAL GRANTS

Nature in Neighborhoods capital grants are made to community groups, schools, nonprofits and local governments and agencies. Projects may be for acquiring land for neighborhood livability via improvements to public lands, habitat

restoration, or urban transformation, i.e., integrating nature with redevelopment projects.

In seven funding cycles, \$11.5 million has been awarded to date. Approximately \$3.5 million remains for future awards.

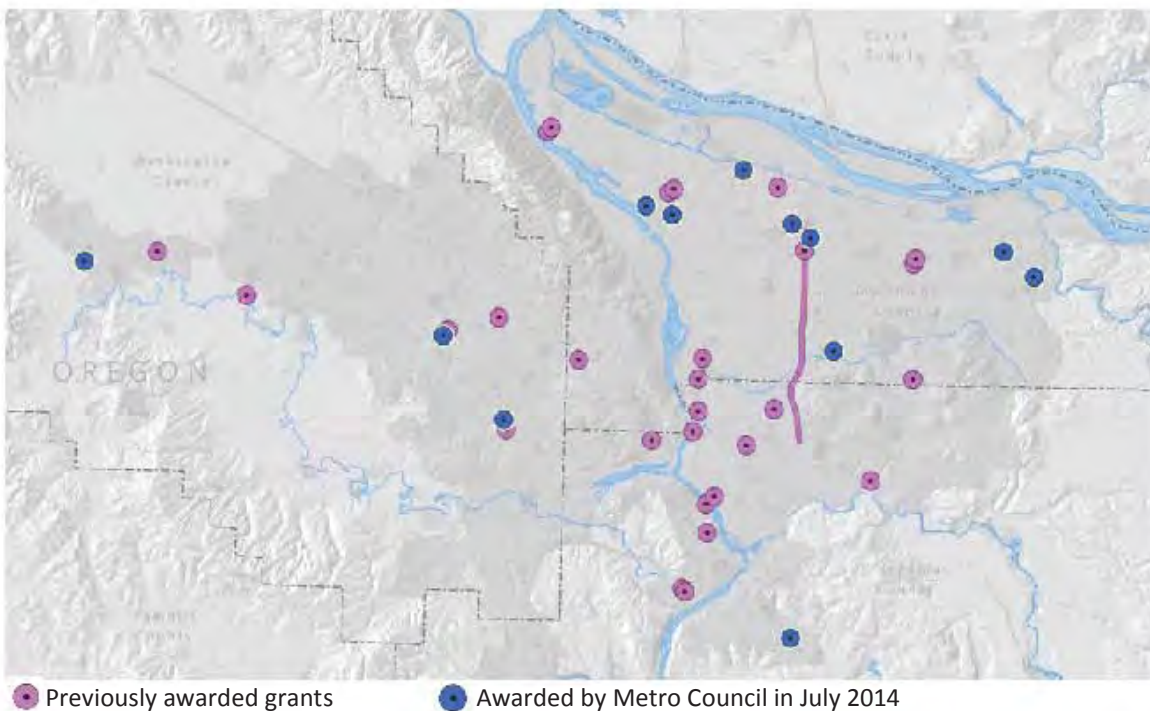
DASHBOARD REPORT HIGHLIGHTS June 30, 2014



Quarterly topics and discussion

At the June 2014 meeting, the committee reviewed this year's projects as well as the regional distribution of projects.

CAPITAL GRANTS BY TYPE OF PROJECT AWARDED



Staff also apprised the committee of the progress of ongoing projects. The grants review committee recommended 12 new projects for funding, which the Metro Council approved in July 2014. The committee suggested that networking opportunities might be beneficial to grant recipients.

Conclusion and recommendations

Nature in Neighborhood capital grants are on track. The committee should continue to review projects for geographic parity and for adherence to goals and performance measures.

OTHER OVERSIGHT COMMITTEE REVIEW

TERRAMET: NATURAL AREAS INFORMATION SYSTEM

Metro's Terramet database for the Natural Areas Program has been in place since July 2012. It provides up-to-date information on acquired properties, tracks restoration and land management at these properties, and facilitates data access and reporting.

The Natural Areas Program is continuing to use the public's dollars efficiently and effectively to acquire and preserve open space for our region. –Dean Alterman, committee member

Last year the committee recommended that Metro continue to pursue the licensing of Terramet to other regional users. Such use could result in regionwide savings and coordination. Staff is exploring sharing the Terramet database license, free, with partner jurisdictions. In return partners would share any customizations to or investments in the database.

The Terramet team is looking at system management costs and is working with The Intertwine Alliance to help manage potential Terramet licensees.

COST ALLOCATION POLICIES

As is done each year, the committee evaluated Metro's cost allocation methods. Increases in indirect costs were consistent with other cost increases across Metro.

STAFF CAPACITY

Due to a relatively slow pace in acquisitions, in January 2014 the committee asked staff to review its capacity to acquire properties. Staff noted that for some acquisitions, Metro's policy of working only with willing sellers comes into play: as negotiators sometimes work with several generations of a family, sales take time, patience and multiple conversations and meetings. In June staff reported to the committee a request for a new supervisory position on the acquisition team. A new hire in August 2014 will enable more progress in acquisitions.

STABILIZATION AT ACQUIRED SITES

Site stabilization at newly acquired properties involves, depending on the property, removal of invasive or undesired plant species, removal of structures and hazardous materials or contaminants, and enhancements to improve water quality, habitat or access to nature. At the committee's request, in 2011 staff revised site stabilization guidelines to maximize impacts while taking into account each site's ecological characteristics and needs. The committee reviewed stabilization costs for FY 2013; higher than average costs reflected the higher number of acquisitions from previous years. The committee, on reviewing year-to-date FY 2014 stabilization costs in April, found stabilization costs to be in line with previous years.

UNUSUAL CIRCUMSTANCES

Metro staff informs the committee of unusual circumstances in property transactions that are outside due diligence guidelines and hence require the authorization of the Metro Council. At the June 2014 meeting, the committee reviewed one such transaction in which a seller received a competing offer; staff asked the Metro Council for the authority to match the offer and waive an appraisal. Council approved the request. The committee found that the incidence of these unusual circumstances (one in FY 2014) is in line with expectations.

NATURAL AREAS IMPLEMENTATION WORK PLAN

The Implementation Work Plan is a formal policy document that sets out due diligence guidelines for property acquisitions and authorizes staff to make those acquisitions. The plan was created for the 1995 Open Spaces bond program, with updates to the due diligence section prior to the 2006 Natural Areas bond measure.

Conclusion and recommendations

- The committee found that Metro is making good use of Terramet and encourages staff to continue to work with external partners to make the license available to local jurisdictions.
- The committee concluded that while costs require ongoing monitoring, Metro is allocating costs to the Natural Areas Program fairly and in the same way that Metro allocates costs to other programs, as required by federal funding regulations. The committee agreed it should continue to review Metro's cost allocation policies annually to ensure that the Natural Areas Program does not bear more than its fair share of Metro cost allocations, and that the allocation methods are equitable.
- As in previous years, the committee should continue to monitor staff capacity to ensure it is adequate for implementing all aspects of the Natural Areas Program, and in 2015 should assess the impacts on acquisitions of the new hire.
- As in the past, the committee should continue to monitor the effectiveness of Metro's site stabilization guidelines. A retrospective review of a random

selection of stabilized sites and discussions with field staff in 2015 would help the committee to determine the efficacy of the implemented changes. Of particular interest is whether or not sites are on a better ecological trajectory when turned over to maintenance, and if it is lessening the maintenance burden encountered with sites that previously had little ecological stabilization.

- The committee should continue to monitor the application of unusual circumstances.
- Throughout the year, the committee collaborated with staff to review the Natural Areas Implementation Work Plan. The committee recommended more flexibility for negotiators when initial and review appraisals are not in agreement, additional criteria for opportunity acquisitions, and a revised threshold for negotiators to acquire property at a price up to 10 percent above its appraised value or \$100,000, whichever is greater. In August 2014 the Metro Council approved the updated Implementation Work Plan that incorporated the committee's recommendations.

THE YEAR AHEAD

In the next year, the Oversight Committee will follow up on the recommendations made in this report and will continue to review and evaluate program operations.

About Metro

Whether your roots in the region run generations deep or you moved to Oregon last week, you have your own reasons for loving this place- and Metro wants to keep it that way. Help shape the future of the greater Portland region and discover tools, services and places that make life better today.

www.oregonmetro.gov

Metro Council President

Tom Hughes

Metro Councilors

Shirley Craddick, District 1
Carlotta Collette, District 2
Craig Dirksen, District 3
Kathryn Harrington, District 4
Sam Chase, District 5
Bob Stacey, District 6

Auditor

Suzanne Flynn

OVERSIGHT COMMITTEE MEMBERS

Drake Butsch	Builder's Services Manager/Vice President, First American Title Insurance
Dean Alterman	Attorney, Folawn Alterman & Richardson LLP
Bill Drew	Attorney, Elliott, Ostrander & Preston, PC
Christine Dupres	Faculty, American Leadership Forum of Oregon
Autumn Hickman	Senior Vice President, Commercial Real Estate, Northwest Bank
Walt McMonies	Attorney, Lane Powell, Attorneys & Counselors
Rick Mishaga	Wildlife Ecologist, Environmental Consultant (Retired)
Peter D. Mohr	Attorney, Jordan Ramis, PC
Shawn Naranch	Executive Vice President of Research, Ferguson Wellman Capital Management
Andrew Nordby	Realtor, Knipe Realty NW
Norman Penner	Board and Nature Committee Chair, Washington County Visitors Association/ Member, Tualatin River Watershed Council
Kendra Smith	Director, Willamette Model Watershed, Bonneville Environmental Foundation
Cam Turner	Principal, United Fund Investors

HOW TO LEARN MORE

We encourage you to learn more about Metro's Natural Areas Program and how you can be involved by visiting the Metro website.

We also welcome your feedback about what you would like to hear from us next year. Are there specific areas of concern or processes you think we should focus on? Please contact us with any ideas, suggestions or questions.

Website

www.oregonmetro.gov/nature

Email

naturalareas@oregonmetro.gov

Phone

503-797-1545

Turn to Metro's quarterly magazine, Our Big Backyard, for all your nature news and other regional highlights, including feature stories, field guides, Q&As, upcoming events, a photography contest and much more.

oregonmetro.gov/ourbigbackyard



Metro | *Making a great place*

METRO COUNCIL MEETING

Meeting Minutes

Dec. 18, 2014

Metro Regional Center, Council Chamber

Councilors Present: Council President Tom Hughes, and Councilors Sam Chase, Kathryn Harrington, Shirley Craddick, Carlotta Collette, Craig Dirksen and Bob Stacey

Councilors Excused: None

Council President Tom Hughes called the regular council meeting to order at 2:06 p.m.

1. CITIZEN COMMUNICATIONS

Ellen Ino, LIUNA 483: Ms. Ino addressed the Metro Council on the hiring processes of temporary employees at the Oregon Zoo, the workers' annual hour cap and sick leave usage policies. She discussed the challenges that the temporary workers face with the current policies in place and requested a new look at how the Oregon Zoo staffs events throughout the year, including considering the forthcoming Zoo budget and adding in employees where necessary (seasonal, year-round and as needed based on operational needs).

Dana Carstensen, LIUNA 483: Mr. Carstensen addressed the Metro Council on sick leave usage policies for LIUNA workers at the Oregon Zoo, specifically regarding discipline and termination of employees based on sick leave usage.

2. METRO BUDGET PROCESS AUDIT

Council President Hughes introduced Metro Auditor Suzanne Flynn to provide a presentation on the Auditor's report of the Metro budget process. Ms. Flynn provided an explanation of the audit process, including audit criteria from the Government Finance Officers Association and the high level of review of the budget process. She explained that there were a couple of practices that they felt had weaknesses, including the process of establishing goals and approaches to achieve those goals and the system that defined who stakeholders were which was unclear. She also noted another area for improvement was in regards to evaluating performance and making adjustments in budgeting. Ms. Flynn provided recommendations relating to these areas and thanked Metro Finance and Regulatory Services (FRS) Director, Tim Collier, as well as other Metro staff who helped with the audit.

Management response was provided by FRS Director, Tim Collier, thanked the Auditor's Office for the audit. Mr. Collier provided information on changes already in place or changes starting to be implemented due to the information and recommendations from the audit. He noted several specific areas in the budget process that would be changing including additional reviewing of processes and procedures at upcoming Council work sessions, reviewing budget process notification procedures, as well as now providing a shortened

snap shot version of the budget report in addition to the longer, more detailed annual report.

Council Discussion

Councilors thanked FRS Director, Tim Collier and his staff, and Metro Auditor Suzanne Flynn and her staff for their hard work. Comments from councilors included agreement that more information and clarity is needed on the budget process, more help from FRS staff in understanding the budget documents and another look at internal and external engagement in the process.

3. METRO BUDGET PERFORMANCE MEASURES AUDIT

Council President Hughes introduced Metro Auditor Suzanne Flynn to provide a report and presentation on the budget performance audit. Ms. Flynn explained that the second audit is related to the budget and the budget process, but is primarily about one small piece of the budget, specifically looking at the budget report as a public document. She stated that the program is well managed, so the purpose of the audit is to look at areas where it might be more efficient and effective. Ms. Flynn described the criteria and recommendations about how to design performance measures, how current performance measures could be improved to relate to broader agency goals, be made clearer and more measurable.

Council President Hughes called for the management response from Metro FRS Director, Tim Collier. Mr. Collier thanked Auditor Flynn for the audit and addressed changes being incorporated including working with the Council and department directors to develop more measurable goals, developing performance measures based on those new goals, and better reporting to the Council and the public on how Metro is meeting those goals.

Council Discussion

Councilors thanked FRS Director, Tim Collier and his staff, and Metro Auditor Suzanne Flynn and her staff for their work on this audit, as well as thanking Metro staff for their hard work based on direction they're receiving. Comments received focused on continuing to improve through performance measures, providing the highest and best use of public resources, and appreciating Metro Auditor's Office and FRS Director and staff for helping the agency and Metro Council work through such complex work.

Ms. Martha Bennett added to the Management Response through a presentation thanking Auditor Suzanne Flynn for her dedication and hard work over her eight years at Metro and wishing her well in her retirement.

4. CONSENT AGENDA

- 4.1 **Resolution No. 14-4594**, For the Purpose of Metro Council's Acceptance of the Results of the Independent Audit for Financial Activity During Fiscal Year Ending June 30, 2014
- 4.2 Consideration of Council Meeting Minutes for December 4, 2014
- 4.3 Consideration of Council Meeting Minutes for December 11, 2014

Motion:	Councilor Sam Chase moved to adopt the consent agenda items.
Second:	Councilor Shirley Craddick seconded the motion.

Vote:	Council President Hughes, and Councilors Harrington, Dirksen, Chase, Collette, Craddick and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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5. ORDINANCES (SECOND READ)

5.1 Ordinance No. 14-1350, For the Purpose of Amending Metro Code 2.02.010 Personnel Code

Motion:	Councilor Carlotta Collette moved to approve Ordinance No. 14-1350.
Second:	Councilor Kathryn Harrington seconded the motion.

Council President Hughes introduced Metro Chief Operating Officer (COO), Martha Bennett, to provide a brief staff report. Ms. Bennett stated that this code amendment would allow the COO to have more flexibility in executing employment agreements with Metro employees, where currently the Metro Council must approve all written employment agreements. She also explained that the Council would still need to delegate the authority to the COO to approve individual employment contracts or approval of a group of employment contracts for Director-level employees by resolution. In response to Councilor inquiry, Ms. Bennett stated that the change would not affect union negotiations or contracts.

Council President Hughes opened up a public hearing on Ordinance No. 14-1350. There were no public comments on the ordinance.

Council discussion

There was none.

Vote:	Council President Hughes, and Councilors Craddick, Dirksen, Harrington, Collette, Chase and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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5.2 Ordinance No. 14-1346B, For the Purpose of Adopting a Climate Smart Strategy and Amending the Regional Framework Plan to Comply with State Law

Motion:	Councilor Bob Stacey moved to approve Ordinance No. 14-1346B.
Second:	Councilor Kathryn Harrington seconded the motion.

Council President Hughes called on Councilor Craig Dirksen, who proposed an amendment based on recommendations from the Metro Policy Advisory Committee (MPAC) and the Joint Policy Advisory Committee on Transportation (JPACT). The substituted amendment would add the following bullet point to Action 3 of Exhibit E, under the Short List of Climate Smart Actions of

2015-2017: “Optimize built road capacity through improved geometric design and other operational improvements to address bottlenecks and improve traffic flow on existing multi-modal arterials”.

Motion:	Councilor Craig Dirksen moved to substitute the amendment and approve Ordinance No. 14-1346B.
Second:	Councilor Carlotta Collette seconded the motion.

Council President Hughes introduced Metro staff, John Williams and Kim Ellis, to provide a brief staff report. Mr. Williams provided background on the program, explaining that the State of Oregon directed the region to reduce greenhouse gas emissions from cars and small trucks and that the strategy being brought to Council would help the region meet the State’s goals adopted to reduce these emissions from all sources to 75% below 1990 levels by the Year 2050. He explained that further direction came from the State and the Land Conservation and Development Commission (LCDC) relating to the process requirements and a deadline of December 31, 2014 for this work to be completed. Mr. Williams briefly described how the project was conducted over the last four years, the coordination with jurisdictions around the region as well as with a variety of public and private stakeholders throughout the process, and that what was learned was that a combination of strategies would be required. He stated that strategy options were grounded in and from adopted local and regional plans, as a one size fits all approach was not going to work for this region. Mr. Williams and Ms. Ellis described the next phase of the strategy, the engagement strategies used throughout the region in the process, and the type of investments needed to meet and exceed the targets. Mr. Williams thanked Ms. Ellis for leading the project and for her hard work over the past four years. Ms. Ellis provided highlights of the adoption package, discussed the MPAC and JPACT recommendations on adopting the ordinance and amendments to Exhibit E, and described further the amount of coordination with and hard work from all of the local partners. She stated that LCDC is expecting to finish up their review of the work by late spring or early summer of 2015 and that the next steps include going to the 2015 State Legislature, continuing work through JPACT and the Metro Council, and work on implementation. Ms. Ellis finished her portion of the staff report by thanking all of the local partners, the Metro Council and especially the project’s Council Liaisons: Councilors Dirksen, Collette and Stacey.

Council discussion

In response to councilor inquiries, Ms. Ellis clarified that the amendment language that would be added to Exhibit E would be in Action 3, adding in a bullet point, but not removing any of the current bullet points; she also clarified that the package presented today would not replace existing policy that is in the Regional Transportation Plan or other documents. Ms. Ellis also explained that the approach is open to further assessment and decision making, acts as a starting point and will continue to be refined as part of the next Regional Transportation Plan Update. In response to Councilor Stacey, Councilor Dirksen clarified that the amendment proposed would only be adding another option to the list of many other options; that the package with the proposed amendment does not actually require anyone to do anything beyond remaining committed to following through on their existing adopted plans. He also clarified for Councilor Stacey that the new language would not require spending money on intersection improvements instead of better performing transit or active transportation projects that would effectively reduce greenhouse gas emissions.

Council President Hughes gaveled and opened up a public hearing on Ordinance No. 14-1346B, as proposed to be amended:

- Mayor Denny Doyle, City of Beaverton: Councilor Kathryn Harrington read into the record a letter from Beaverton Mayor Denny Doyle, who expressed his whole hearted support for the ordinance and emphasized that it had been a well thought out and collaborative process. He noted that the long process used extensive public outreach, research and conversation with community leaders to explore the choices before the region.
- Commissioner Jules Bailey, Multnomah County: Commissioner Bailey stated that he is the alternate for Multnomah County on JPACT and was at the recent meeting when this strategy was voted on; in addition, he stated that he was in the legislature and helped craft House Bill 2001. Commissioner Bailey expressed support for the ordinance and appreciation for all of the staff work from around the region that went into it, as well as thanking Councilor Dirksen for his role in it at JPACT. He stated that this plan helps people get from point A to point B with as much choice as possible, most efficiently, and urged adoption today by Council.
- Angus Duncan, Oregon Global Warming Commission: Mr. Duncan expressed his support for the ordinance and provided a few comments regarding the importance of local level work and coordinating at all levels in order to meet the reduction goals. He noted a couple of concerns including the strategy being heavy on marketing and incentives and less on the carbon signal side, the need to speak at the State level on a potential carbon tax or carbon cap, and the importance of using available tools such as Green Step and MOSAIC.
- Deborah Lockwood, 1000 Friends of Oregon - Land Use Leadership Initiative: Ms. Lockwood expressed her support for the ordinance and provided perspective as a resident of Helvetia, where pressures of agritourism, increasing population and seasonal tourism need to be better managed and there is a strong need for creating safer areas for biking and walking.
- Jordan Davis, 1000 Friends of Oregon – Land Use Leadership Initiative: Ms. Davis stated that she works in affordable housing, advocating for low-income families and communities of color, and wanted to express her support for the ordinance. She stated that as the region is growing quickly, it's important to look at how we house people in terms of growth and density, explaining the importance of locating services like transit near neighborhoods that need and rely on them to get to work and schools.
- Mary Kyle McCurdy, 1000 Friends of Oregon: Ms. McCurdy stated that she had been involved in the project for over four years, expressing support for the ordinance and thanking all who were involved. She touched on a few points including: 1) the strategy implements existing land use and transportation plans in local jurisdictions to achieve our greenhouse gas emissions target, as well as the multiple benefits that result in that achievement including health and economic benefits, 2) in 2015, the Metro Council's challenge will be leading the region by weaving five efforts together into a cohesive plan about where and how the region accommodates growth, 3) by adopting this strategy, the Metro Council will demonstrate leadership on climate change and 4) 1000 Friends of Oregon supports Metro's commitment to establishing a public engagement and oversight process that is diverse and inclusive to oversee the implementation of the strategy.

Metro Council President Hughes closed the public hearing and moved to Council consideration of the motion on the amendment. No further discussion was needed on the amendment.

Vote:

Council President Hughes, and Councilors Craddick, Dirksen, Harrington, Collette, Chase and Stacey voted in support of the motion. The vote was 7 ayes, the motion on the amendment passed.

Council discussion

Councilors expressed appreciation for Kim Ellis and the full team of Metro staff who have worked for years on getting to this point, as well as the jurisdictions and local community partners involved, and acknowledged the elected officials and citizens who had come to testify and thanked them. Councilors agreed that this was a great achievement for the region and the next major steps would be funding and implementation.

Vote:

Council President Hughes, and Councilors Craddick, Dirksen, Harrington, Collette, Chase and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

6. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett, COO, provided an update on the following events or items: holiday closures at all venues with the exception of Oxbow Park and a reminder that ZooLights would be closed on Christmas Day.

7. COUNCILOR COMMUNICATION

There were none.

8. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 4:30 p.m. The Metro Council will convene the next regular council meeting on Thursday, January 15, 2015 at 2 p.m. at the Metro Regional Center, Council Chamber.

Respectfully submitted,



Alexandra Eldridge, Regional Engagement & Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF DEC. 18, 2014

Item	Topic	Doc. Date	Document Description	Doc. Number
4.2	Minutes	12/04/2014	Council Meeting Minutes from December 4, 2014	121814c-01
4.3	Minutes	12/11/2014	Council Meeting Minutes from December 11, 2014	121814c-02
5.2	Testimony, Handout	12/18/2014	Letter from Coalition for a Livable Future	121814c-03
5.2	Testimony, Handout	12/18/2014	Letter from Colin Cortes, citizen	121814c-04
5.2	Testimony, Handout	12/10/2014	Letter from Common Ground Oregon/Washington	121814c-05
5.2	Testimony, Handout	12/18/2014	Letter from Lainie Smith, ODOT	121814c-06
5.2	Testimony, Handout	12/15/2014	Letter from Mayor Denny Doyle, City of Beaverton	121814c-07
5.2	Testimony, Handout	12/18/2014	Letter from Stuart Campbell, citizen	121814c-08
5.2	Testimony, Handout	12/18/2014	Letter from Therese Livella, citizen	121814c-09
5.2	Memo	12/15/2014	Memo from Kim Ellis to Metro Council	121814c-10

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RENEWING THE
HISTORIC CEMETERIES ADVISORY
COMMITTEE

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RESOLUTION NO. 15-4599
Introduced by Chief Operating Officer Martha
Bennett in concurrence with Council
President Tom Hughes

WHEREAS, Metro operates 14 historic cemeteries in the Portland metropolitan region, established from as early as 1837 through the early homesteading period (circa 1850-1870) (the "Historic Cemeteries"); and

WHEREAS, in 1994, Multnomah County transferred responsibility to operate the Historic Cemeteries to Metro, and later, in 1996, conveyed ownership of the Historic Cemeteries to Metro, together with a covenant to care for them in perpetuity; and

WHEREAS, Metro, under the governance of the Metro Council, manages the Historic Cemeteries to provide burial and remembrance options to the citizens of the region; and

WHEREAS, the Historic Cemeteries are strongly supported by the community through various community groups, the Lone Fir Cemetery Foundation, and historic societies; and

WHEREAS, Metro retained a contractor for the Historic Cemeteries who advised Metro to create a cemetery advisory committee; and

WHEREAS, Metro Code Section 2.19.060 provides for the creation of limited duration advisory committees lasting no more than one (1) year after creation, unless renewed annually for no more than three (3) years by subsequent Council resolution or permanently codified by an ordinance of the Metro Council; and

WHEREAS, on August 9, 2012, the Metro Council adopted Resolution No. 12-4354, For the Purpose of Establishing the Historic Cemeteries Advisory Committee; and

WHEREAS, the Metro Council acknowledges the important work completed by the Advisory Committee and supports the staff recommendation to extend the term of the committee for one year; now therefore

BE IT RESOLVED BY THE METRO COUNCIL THAT:

1. The Metro Council hereby renews the Historic Cemeteries Advisory Committee for one year;
2. The Metro Council hereby confirms Council President's appointment of the committee Chair and committee members, as set forth in Exhibit A attached hereto and incorporated herein. The Chair shall appoint a member of the Committee to serve as Vice-Chair; members shall be appointed to serve a one-year term; and
3. The Cemetery Advisory Committee shall comply with the requirements established in Resolution No. 12-4354.

ADOPTED by the Metro Council this ____ day of _____, 2015

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

EXHIBIT A
RESOLUTION 15-4599

The Cemetery Advisory Committee first met in December 2012 and meets quarterly to advise Metro on strategies to protect, preserve, and promote Metro's Historic Cemeteries Program. Verne Duncan, Former State of Oregon Superintendent Public Instruction shall continue to serve as Chair and appoint a member of the committee as Vice Chair.

Cemetery Advisory Committee Members:

Hannah Allan, Oregon Historical Society
Marie Henry, General Manager, Lincoln Memorial Park and Funeral Home
Terry McCall, former Chief Financial Officer, City of Gresham
Meg McCauley, Resource Development Director, Oregon Hospice Association
Bo Nevue, Principal of Nevue-Ngan Landscape Architects
David Noble, Executive Director, River View Cemetery
Laurel Smith, President, Genealogical Forum of Oregon

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 15-4599, FOR THE PURPOSE OF RENEWING THE HISTORIC CEMETERIES ADVISORY COMMITTEE

Date: January 15, 2015

Prepared by: Melisa J. McDonald
(503) 797-1856

BACKGROUND

In 2012, Metro Council established the Cemetery Advisory Committee under resolution 12-4354 for the purpose of promoting the Program's future, as well as addressing outreach, planning, programming, and operational challenges. The committee's formation was a direct outcome of recommendations from a cemetery business consultant plan presented to Metro Council on September 13, 2011.

Metro's Historic Cemetery Program has benefitted directly over the past year in having an Advisory Committee that has offered direct suggestions for continued improvements. By meeting periodically with committee members, each of whom holds a unique perspective, the program has been able to improve operations and engage in conversations about innovative and unique improvements to better serve our community.

ANALYSIS/INFORMATION

1. **Known Opposition**

There is no known opposition.

2. **Legal Antecedents**

Metro Code Chapter 2.19.060, governing advisory committees, limits the duration of advisory committees created by resolution to one year, subject to extension for a maximum three year term. Metro Code Chapter 2.19.030(b) requires that, except for MPAC and JPACT, members of advisory committees created by the Council must be appointed by the Council President subject to confirmation by the Council.

3. **Anticipated Effects**

It is anticipated the Committee will continue their role in providing outside perspective, industry knowledge, and governance oversight to the program. This expertise will guide the program on key issues as well as increase services to the public and adherence to excellence in industry standards. They will make recommendations for best options to enhance the properties for modern burials as well as a community gathering place for appreciation of art, culture, history, and wildlife.

4. **Budget Impacts**

Budget impact will continue to include the time for staff on research, technical support, and meeting time spent with the advisory committee.

RECOMMENDED ACTION

Staff recommends approval of Resolution No 15-4599.

Metro Historic Cemetery Program
Cemetery Advisory Committee
Annual Report – 2014

Who we are

The Metro Cemetery Advisory Committee was established in August 2012 to advise the Metro Chief Operating Officer and program staff on strategies to protect, preserve, and promote Metro's Pioneer Cemeteries. The committee consists of community professionals who represent the many aspects of cemetery management, such as landscaping, finances, funeral services, genealogy, etc. (List of Members below will be added when the draft is finalized.)

Why we were created

The Portland metropolitan area houses fourteen historic pioneer cemeteries, some established as early as 1837. In 1994, Multnomah County transferred responsibility to maintain these cemeteries to Metro, and in 1996, they conveyed ownership. Under the governance of the Metro Council, Metro not only maintains the cemeteries, but also provides burial and remembrance options to regional citizens. Each cemetery presents its own logistical challenges, requiring special, individualized attention and maintenance. The Metro Cemetery Program also strongly supports and is aided by community groups such as the Lone Fir Cemetery Foundation and historical societies.

After the creation of a cemetery business operations plan in 2010, the cemetery program staff started working with consultants on cemetery operations to improve management of the cemetery program and determine investments that would generate future revenue and support. As a result of the Council and staff efforts to seek out partnerships and network opportunities, the Cemetery Advisory Committee was created.

Our overall goal as an advisory committee is to help improve and enhance the Metro Cemetery Program through strong communication between metro, the public, specifically cemetery patrons, funeral homes, arts organizations, historical resource, etc.

What We Do

The Cemetery Advisory Committee meets quarterly with Metro Staff to review the Cemeteries Program's actions and provide advice, endorsement, and recommendations and endorsement when needed.

What We Have Done

Reclamation Project.

In 2013, the Office of Metro Attorney gave an overview of the history of resold interment rights in Metro Cemeteries. Past misunderstandings and mismanagement led to Metro selling unused gravesites that had been thought abandoned.

Metro developed a timeline to remedy the results of this action. The committee advised Metro on publicizing the timeline and plan to the public, and on locating descendants. The enacting of legislation, which allowed Metro to reclaim abandoned graves was also implemented. In 2014, the project continued. Approximately 350 letters were sent out to modern purchases whose spaces had been contested, letting them know that the reclamation process has been completed and that their burial rights are intact.

Lone Fir Re-Opening

In September 2014, Lone Fir Cemetery opened again to casket sales with approximately 2000 spaces coming back into inventory through the reclamation project. Cemetery Program staff held an open house with the Cemetery Advisory Committee members, Friends of Lone Fir representatives, and Lone Fir Foundation representatives in attendance to welcome professionals from the funeral and cemetery industry back to the site. The event was well attended and was much appreciated by the community as an opportunity to gather and celebrate the work of bringing the treasure back to availability for the area residents.

223rd Street Soil Stabilization Project.

In 2014, the Cemetery Program completed their work on the 223rd Soil Stabilization Project, reported to all the appropriate agencies, and fulfilled the consent agreement requirements with the Oregon Mortuary and Cemetery Board. The final work of installing native plants, shrubs, and trees will be completed by the Parks staff in February 2015. A final update will be given to the Oregon Mortuary and Cemetery Board at their quarterly board meeting on January 27th, 2015.

For several decades, Metro programs, including the cemeteries, have espoused extra soil at the 223rd Street site. As part of the settlement agreement with the Oregon Mortuary and Cemetery Board, it was agreed that a full stabilization project would allow Metro to check the area and soil for misplaced burial fragments, handle them appropriately, and level out the area. Several reports to the committee took place throughout the year, which allowed the Advisory Committee to stay up to date on the project and provide direction as needed.

In August and September 2014, many objects were found in the soil. Some of these objects appeared to be funerary, including possible bone fragments. All such objects were repatriated to Multnomah Park Cemetery, and a granite post memorial was

installed at the 223rd site (per agreement with the Oregon Mortuary and Cemetery Board).

To handle the vegetation, goats were used in a vegetation removal process. The goats were one of the most popular aspects of the project for the many neighbors who often stopped by to note progress at the site. The 223rd Soil Project has improved the relationship between the Interlachen community and Metro, specifically Blue Lake Park.

The Advisory Board also discussed plans for 2015, when 1300 bare root native plants, shrubs, and trees will be planted, with larger vegetation clustered in the middle of the site. The City of Fairview's grading permit also requires a natural drainage based on the grading that will carry water away from the road and levee toward the center of the property (a natural wetland). A map of the site will be presented to the Advisory Committee who will continue to help with the project.

Memorialization Task Force

The Cemetery Program in the past has had to deal with issues regarding memorialization and preservation of historic headstones. The Advisory Committee discussed the wide range of related issues and factors. The Committee then advised Metro to research how other operating pioneer cemeteries handle these issues. The Committee also discussed how involving the public through a focus group would benefit the cemetery program.

Public Input Into Policy. Metro staff, Ken Ray, provided a presentation to the Committee about the value of public engagement regarding Metro's activities and the most effective ways of engaging with the public. The Advisory Committee discussed and agreed that such engagement would be worthwhile and profitable for the Cemetery program. The Committee supported the recommendation for budget funding of no more than \$30,000 to fund public engagement.

Budget Amendment. In 2014, the Metro Council approved a \$105,000 budget amendment for FY14-15. The Funds will be used for the work of platting additional burial spaces in Multnomah Park Cemetery, as well as to continue work on resolving burial rights held in conflict with two owners that did not meet the criteria for resolution through the SB1537 process.

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Metro | Memo

Date: Monday, January 5, 2015

To: Martha Bennett, Chief Operating Officer

From: Tim O'Brien, Principal Regional Planner

Re: **End of Calendar Year Urban Growth Boundary Minor Adjustment Report**

Background

Metro Code Section 3.07.1450(G): Minor Adjustments - Criteria requires the Chief Operating Officer to submit a report to the Metro Council with an analysis of all minor adjustments made during the year. The report shall demonstrate how adjustments, when considered cumulatively, are consistent with and help achieve the 2040 Growth Concept. This memo constitutes the report for 2014.

Urban Growth Boundary Minor Adjustments

There were no Urban Growth Boundary Minor Adjustment petitions in 2014.

