

 **Metro** | *Agenda*

Meeting: Metro Council
Date: Thursday, January 28, 2016
Time: 2 p.m.
Place: Metro Regional Center, Council Chamber

CALL TO ORDER AND ROLL CALL

1. CITIZEN COMMUNICATION

2. CONSENT AGENDA

2.1 **Resolution No. 16-4681**, For the Purpose of Adopting an Agenda for the 2016 Oregon Legislative Session

2.2 Consideration of Council Meeting Minutes for January 21, 2016

3. RESOLUTIONS

3.1 **Resolution No. 15-4672**, For the Purpose of Authorizing General Obligation Bonds Under the 2008 Oregon Zoo Bond Measure

Tim Collier, Metro
Kathy Rutkowski, Metro

4. ORDINANCES (SECOND READ)

4.1 **Ordinance No. 15-1364**, For the Purpose of Amending Metro Code Chapter 2.03 to Approve a Schedule of Civil Penalties for Metro's Parks, Cemeteries, and Natural Areas

Dan Moeller, Metro
Hope Whitney, Metro

4.2 **Ordinance No. 15-1366**, For the Purpose of Amending Metro Code Chapters 10.01 and 10.02 to Clarify Rule Enforcement Procedures Within Metro's Parks, Cemeteries, and Natural Areas

Dan Moeller, Metro
Hope Whitney, Metro

5. CHIEF OPERATING OFFICER COMMUNICATION

6. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for January 28, 2016 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.	

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times. Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities.

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Metro 的不歧视公告

尊重民權。欲瞭解Metro民權計畫的詳情，或獲取歧視投訴表，請瀏覽網站 www.oregonmetro.gov/civilrights。如果您需要口譯方可參加公共會議，請在會議召開前5個營業日撥打503-797-1890（工作日上午8點至下午5點），以便我們滿足您的要求。

Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo www.oregonmetro.gov/civilrights. Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullanka dadweyne, wac 503-797-1890 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmo shaqa ka hor kullanka si loo tixgaliyo codsashadaada.

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានក្បួនលក្ខណ៍រើសអើងសូមចូលទស្សនាការប្រកាស 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، يرجى 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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Iginagalang ng Metro ang mga karapatang sibil. Para sa impormasyon tungkol sa programa ng Metro sa mga karapatang sibil, o upang makakuha ng porma ng reklamo sa diskriminasyon, bisitahin ang www.oregonmetro.gov/civilrights. Kung kailangan ninyo ng interpreter ng wika sa isang pampublikong pulong, tumawag sa 503-797-1890 (8 a.m. hanggang 5 p.m. Lunes hanggang Biyernes) lima araw ng trabaho bago ang pulong upang mapagbigyan ang inyong kahilingan. Notificación de no discriminación de Metro.

Notificación de no discriminación de Metro

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Avizul Metro privind nediscriminarea

Metro respectă drepturile civile. Pentru informații cu privire la programul Metro pentru drepturi civile sau pentru a obține un formular de reclamație împotriva discriminării, vizitați www.oregonmetro.gov/civilrights. Dacă aveți nevoie de un interpret de limbă la o ședință publică, sunați la 503-797-1890 (între orele 8 și 5, în timpul zilelor lucrătoare) cu cinci zile lucrătoare înainte de ședință, pentru a putea să vă răspunde în mod favorabil la cerere.

Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib www.oregonmetro.gov/civilrights. Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1890 (8 teev sawv ntxov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lw m ua ntej ntawm lub rooj sib tham.

Agenda Item No. 2.1

Resolution No. 16-4681, For the Purpose of Adopting an
Agenda for the 2016 Oregon Legislative Session

Consent Agenda

Metro Council Meeting
Thursday, January 28, 2016
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING AN) RESOLUTION NO. 16-4681
AGENDA FOR THE 2016 OREGON)
LEGISLATIVE SESSION) Introduced by Council President Tom Hughes
)
)

WHEREAS, Metro has an interest in bills before the 2016 Oregon Legislature; and

WHEREAS, the Metro Council and Metro staff will represent Metro’s interest during the upcoming legislative session; and

WHEREAS, the Metro Council wishes to establish a united position on important legislative proposals and provide direction to its staff in order to represent the will of the agency; and

WHEREAS, the attached Exhibit “A” of this resolution lists specific expected and potential 2016 issues that are of concern to Metro and the metropolitan region and gives guidance to staff on the Metro Council’s position on these issues; and

WHEREAS, the attached Exhibit “B” states the Metro Council’s principles regarding categories of potential legislation in order to provide guidance to staff in representing Metro; now therefore

BE IT RESOLVED that the Metro Council hereby directs the Metro Chief Operating Officer, the Metro Attorney, and Metro staff to communicate the agency’s position on a variety of legislative proposals to the 2016 Oregon Legislature consistent with Exhibits “A” and “B” attached hereto.

ADOPTED by the Metro Council this _____ day of January, 2016.

Tom Hughes, Council President

Approved as to Form:

Alison Kean, Metro Attorney

**METRO COUNCIL LEGISLATIVE PRIORITIES
2016 Legislative Session**



- **Urban growth management:** Ensure that the Legislature establishes the policy framework and process for local land use decisions and supports the authority of local governments, including Metro, to make specific decisions on local land use matters.
- **Transient lodging tax:** Support increase in state transient lodging tax needed to host 2021 World Track and Field Championships in Eugene if it is structured in a way that supports long-term success of tourism and convention business in Portland metropolitan region.
- **Brownfield cleanup and redevelopment:** Support creation of policy and funding tools to facilitate brownfield redevelopment, including (a) local authority to provide property tax incentives and (b) establishment of a state brownfield cleanup tax credit.
- **Climate:** Support legislation to achieve statewide greenhouse gas emissions reduction targets established by 2007 legislation.
- **Affordable housing:** Support funding and policy changes to protect tenants from displacement, enable short-term responses to homelessness, and facilitate affordable housing development and preservation.

The following issues represent additional Metro Council priorities that are likely to be addressed in the 2017 session rather than in 2016:

- **Transportation funding and policy:** Support continued development of a comprehensive transportation funding and policy package to improve economic competitiveness, community livability, and environmental quality by addressing the needs of all modes of passenger and freight transportation.
- **Industrial site readiness:** Support allocation of funds to implement 2013 legislation which created state financial tools to help make land inside the urban growth boundary available for industrial development and job creation through infrastructure investment, brownfield cleanup, land aggregation, and other means. Support statutory changes to make 2013 legislation clearer and easier to implement.
- **Household hazardous waste:** Support continued development of legislation establishing a program based on producer responsibility and product stewardship principles to manage household hazardous waste.
- **Disaster preparedness:** Support legislation aimed at improving preparedness for a major seismic event, including the creation of a Task Force on Mass Care and Sheltering in Support of Cascadia Planning Efforts.

METRO COUNCIL 2016 LEGISLATIVE PRINCIPLES¹

LOCAL AUTHORITY

1. **Pre-emption:** With respect to issues related to solid waste management, land use, transportation planning and other matters of regional concern, Metro's authority should not be pre-empted or eroded.
2. **Funding:** To ensure a prosperous economy, a clean and healthy environment, and a high quality of life for all of their citizens, Metro and the region's counties, cities, and other service providers must have the financial resources to provide sustainable, quality public services. Accordingly, the Legislature should remove existing restrictions on local and regional revenue-raising authority and avoid enacting new limitations or pre-emptions, and all state mandates should be accompanied by funding.

LAND USE AND URBAN GROWTH MANAGEMENT:

3. **Local Authority:** The Legislature should take no actions that reduce or compromise Metro's land use and urban growth management authority.
4. **Oregon's Land Use System:** Oregon's land use planning system provides an important foundation for the prosperity, sustainability and livability of our region; this system reflects the values of Oregonians and enjoys strong public support.² The Legislature should exercise restraint and care when considering changes to Oregon's land use system.
5. **Successful Communities:** Metro supports legislation that facilitates the achievement of the six desired outcomes for successful communities that have been agreed upon by the region: vibrant, walkable communities; economic competitiveness and prosperity; safe and reliable transportation choices; leadership in minimizing contributions to global warming; clean air, clean water and healthy ecosystems; and equitable distribution of the burdens and benefits of growth and change.³
6. **Local Land Use Decisions:** Management of the urban growth boundary is a complex undertaking that involves extensive analysis, public input, and a balancing of many factors. Urban growth management decisions have profound impacts not just on land at the boundary, but on communities within the boundary and on farms and other rural lands outside the boundary. For these reasons, the Legislature should establish the process and policy framework for local land use decisions and should affirm the authority of local governments, including Metro, to make specific decisions on local land use matters.
7. **Efficiency:** Land within the urban growth boundary should be used efficiently before the boundary is expanded.⁴
8. **Need:** The UGB should not be expanded in the absence of demonstrated need.⁵
9. **Affordable Housing:** Metro supports efforts to ensure that housing choices are available to people of all incomes in every community in our region, and to reduce the number of households that must spend more than 50 percent of their income on housing plus transportation.⁶
10. **Transportation:** Land use and transportation planning should be coordinated so land uses do not undermine the efficiency and reliability of the transportation system and transportation investments do not lead to unintended or inefficient land uses.⁷
11. **Annexation:** Cities are the preferred governing structure for providing public services to urban areas, and the inability to annex land brought into the urban growth boundary to

accommodate urbanization prevents efficient development of livable communities. For these reasons, Metro supports reforms that will facilitate, or reduce barriers to, orderly annexation and incorporation.

12. **Rules/Statutes:** Administrative rules should not be adopted into statute.
13. **Non-Regulatory Tools:** State efforts at regulatory streamlining should include funding to support development of non-regulatory tools for achieving desired land use outcomes.⁸
14. **Fiscal Responsibility:** Funding to support urban development should be generated at least in part by fees on those who directly benefit from that development.

SOLID WASTE:

15. **Product stewardship:** Metro supports efforts to minimize the health, safety, environmental, economic and social risks throughout all lifecycle stages of a product and its packaging, and believes that the producer of the product has the greatest ability, and therefore the greatest responsibility, to minimize those adverse impacts.

TRANSPORTATION:

15. **Transportation Governance:** The Legislature should take no actions that reduce or compromise Metro's or JPACT's authority in the areas of transportation policy and funding.
16. **Transportation Funding:** Providing adequate funding for all transportation modes that move passengers and freight supports economic prosperity, community livability, public health and environmental quality. For these reasons, Metro supports an increase in overall transportation funding, investments in a balanced multimodal transportation system that addresses the needs of all users, and flexibility in the system to provide for local solutions to transportation problems.

PARKS AND NATURAL AREAS:

17. **Parks and Natural Areas:** Our region believes in protecting water quality and wildlife habitat and providing residents with access to nature and outdoor activity. Parks and natural areas are regional assets that support public health, environmental quality, strong property values and economic prosperity. For these reasons, Metro supports measures to increase local and regional authority to raise revenues to support parks and natural areas and to increase the level of state funding distributed to local governments for acquisition, capital improvements, and park operations.

SUSTAINABILITY:

18. **Climate Change:** Metro supports efforts to combat and adapt to climate change and to meet the state's goals for reducing greenhouse gas emissions.
19. **Conservation Education:** Metro supports efforts to provide stable and reliable funding to conservation education.

ECONOMIC PROSPERITY:

20. **Infrastructure Finance:** Metro supports measures, including funding or revenue measures, which facilitate state, regional or local investments in the public structures needed to accommodate population and economic growth in a way that helps the region achieve its six desired outcomes for successful communities.

21. Metro Venues: Because the Oregon Convention Center, Expo Center, Portland's Centers for the Arts and Oregon Zoo are assets that contribute millions of dollars to the state and regional economies, Metro supports legislative measures that facilitate the success of these venues in attracting visitors and enhancing the quality of their experiences.

AGENCY OPERATIONS:

22. Firearms and public facilities: Metro supports legislation that increases Metro's authority to regulate the carrying of firearms on Metro properties and public venues, and opposes legislation that limits or reduces that authority.

¹ Unless otherwise noted, endnotes refer to applicable policy statements in Metro's Regional Framework Plan (RFP).

² See <http://oregonvaluesproject.org/findings/top-findings/> (specifically item 5, Natural Resource Protections for Future Generations)

³ RFP Chapter 1 (Land Use).

⁴ RFP Policy 1.1 (Compact Urban Form).

⁵ RFP Policy 1.9 (Urban Growth Boundary).

⁶ RFP Policy 1.3 (Housing Choices and Opportunities).

⁷ RFP Policy 1.3.13 (Housing Choices and Opportunities); Transportation Goal 1 (Foster Vibrant Communities and Efficient Urban Form).

⁸ RFP Policy 1.1 (Compact Urban Form); Policy 1.2 (Centers, Corridors, Station Communities and Main Streets).

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 16-4681, FOR THE PURPOSE OF ADOPTING AN AGENDA FOR THE 2016 OREGON LEGISLATIVE SESSION

Date: January 11, 2016

Prepared by: Randy Tucker

BACKGROUND

The Metro Council has taken formal positions on legislation since its inception. The first such action taken by the Council was in Resolution No. 79-23 in which it took a position on SB 66, which dealt with economic development. Since that time, the Metro Council has taken formal and informal positions on legislation (state and federal) that it feels impacts the agency and the region.

The agenda and principles described in Exhibits A and B were developed by Randy Tucker (Legislative Affairs Manager) in consultation with the Metro Council. Most of the specific legislative issues described in Exhibit A resulted from consultation with legislative liaisons and other staff in Metro departments. These issues were discussed with the Metro Council in a work session that occurred on January 7.

The legislative principles in Exhibit B were also discussed on January 7 and are unchanged from the principles that were adopted prior to the 2015 legislative session after having been updated several times in recent years from principles adopted prior to previous sessions. Where applicable, these principles also reflect previously adopted Metro policy as embodied in the Regional Framework Plan.

As issues arise and develop during the 2016 legislative session, the Council will have the opportunity to take positions on specific pieces of legislation and to modify its agenda as it sees fit.

ANALYSIS/INFORMATION

1. **Known Opposition:** none
2. **Legal Antecedents:** none applicable
3. **Anticipated Effects:** Provide direction to Metro staff with respect to issues before the 2016 Oregon Legislature
4. **Budget Impacts:** None

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 16-4681.

Agenda Item No. 2.2

Consideration of Council Meeting Minutes on January 21, 2016

Consent Agenda

Metro Council Meeting
Thursday, January 28, 2016
Metro Regional Center, Council Chamber

Agenda Item No. 3.1

**Resolution No. 15-4672, For the Purpose of Authorizing
General Obligation Bonds Under the 2008 Oregon Zoo Bond
Measure**

Resolutions

Metro Council Meeting
Thursday, January 28, 2016
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF	)	RESOLUTION NO. 15-4672
AUTHORIZING GENERAL)	
OBLIGATION BONDS UNDER THE	)	Introduced by Martha Bennett, Chief
2008 OREGON ZOO BOND MEASURE	)	Operating Officer with the concurrence
	)	of Council President Tom Hughes

WHEREAS, voters in the Metro region approved a \$125 million bond measure (the “Zoo Bond Measure”) to protect animal health and safety, conserve and recycle water; and,

WHEREAS, Metro has issued \$85 million of bonds under the authority of the Zoo Bond Measure; and,

WHEREAS, it is now desirable to authorize the sale of up to \$30 million of bonds under the authority of the Zoo Bond Measure; and,

BE IT RESOLVED by the Metro Council as follows:

Section 1. Bonds Authorized.

The Metro Council hereby authorizes the issuance of up to \$30 million of the general obligation bonds that were authorized by the Zoo Bond Measure. The bonds authorized by this Section 1 (the “Bonds”) shall be sold and issued as provided in this resolution pursuant to ORS Section 268.520 and the applicable provisions of ORS Chapter 287A. Proceeds of the Bonds shall be used for the purposes authorized in the Zoo Bond Measure and costs related to the Bonds.

Section 2. Delegation.

The Chief Operating Officer or the person designated by the Chief Operating Officer to act under this resolution (the “Metro Official”), on behalf of Metro and without further action by Metro Council, may:

- 2.1 Issue the Bonds in one or more series that may be sold at different times.
- 2.2 Participate in the preparation of, authorize the distribution of, and deem final the preliminary and final official statements and any other disclosure documents for each series of the Bonds.
- 2.3 Establish the final principal amounts, maturity schedules, interest rates, sale prices, redemption terms, payment terms and dates, record date and other terms of each series of the Bonds.
- 2.4 Publish a notice of sale, receive bids and award the sale of each series of Bonds to the bidder complying with the notice and offering the most favorable terms to Metro, or

- select one or more underwriters, commercial banks or other investors and negotiate the sale of any series of the Bonds with those underwriters, commercial banks or investors.
- 2.5 Undertake to provide continuing disclosure for each series of the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission.
 - 2.6 Appoint and enter into agreements with a paying agent, registrar and any other professionals and service providers that the Metro Official determines are desirable in connection with the Bonds.
 - 2.7 Apply for ratings for each series of Bonds, determine whether to purchase municipal bond insurance or obtain other forms of credit enhancements for each series of Bonds, enter into agreements with the providers of credit enhancement, and execute and deliver related documents.
 - 2.8 Prepare, execute and deliver a bond declaration for each series of Bonds specifying the terms under which each series of Bonds is issued, and making covenants for the benefit of Bondowners. The bond declarations may also contain covenants for the benefit of any credit providers.
 - 2.9 Issue any qualifying series of Bonds as “tax-exempt bonds” bearing interest that is excludable from gross income under the Internal Revenue Code of 1986, as amended, (the “Code”) and enter into covenants for the benefit of the owners of those series to maintain the excludability of interest on those series from gross income under the Code.
 - 2.10 Issue any series of Bonds as “taxable bonds” bearing interest that is includable in gross income under the Code.
 - 2.11 Issue, sell and deliver the Bonds and execute any documents and take any other action in connection with the Bonds which the Metro Official finds will be advantageous to Metro.

Section 3. Security For Bonds.

Metro hereby pledges its full faith and credit to pay the Bonds. Metro hereby covenants for the benefit of the Owners to levy a direct ad valorem tax upon all of the taxable property within Metro which is sufficient, after taking into consideration discounts taken and delinquencies that may occur in the payment of such taxes, to pay all Bond principal and interest when due. Metro covenants to levy this tax each year until all the Bonds are paid. This tax shall be in addition to all other taxes of Metro, and this tax shall not be limited in rate, amount or otherwise, by Sections 11 or 11b of Article XI of the Oregon Constitution.

Section 4. Effective Date.

This resolution shall take effect on the date of its passage by the Metro Council.

ADOPTED by the Metro Council this 28th day of January 2016.

Tom Hughes, Council President

Approved as to Form:

Alison Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 15-4672 AUTHORIZING GENERAL OBLIGATION BONDS UNDER THE OREGON ZOO BOND MEASURE

Date: January 28, 2016

Presented by:
Tim Collier, Director of Finance and Regulatory Services
Kathy Rutkowski, Budget Coordinator

BACKGROUND

The purpose of this resolution is to authorize the sale of general obligation bonds in March 2016. The resolution was prepared with the assistance of Metro's bond counsel Hawkins, Delafield & Wood, LLP and Metro's financial advisor, Piper Jaffray – Seattle Northwest Division.

In November 2008 Metro's voters authorized \$125 million in general obligation bonds for new construction, renovation and innovation at the Oregon Zoo to improve animal welfare, increase sustainability and expand opportunities for conservation education. Metro sold two small issues totaling \$20 million to complete the initial projects: construction of a Veterinary Medical Center, penguin life support system upgrade, related storm water projects and completion of a 20 -year Comprehensive Capital Master Plan, including the zoo bond implementation plan, which was approved by the Metro Council in November 2011. The approved bond implementation plan allowed Metro to proceed to the next significant bond projects which included the on-site Elephant Habitat and related infrastructure, the Condor Habitat, and the Education Center. In the spring of 2012 Metro issued \$65 million in general obligation bonds with the intention of issuing the balance in 2016.

As a condition of tax exempt bond status, Metro must reasonably expect to spend 85 percent of the proceeds within the next three years. Using the latest bond program projections, the maximum amount Metro could issue at this time and remain within this condition is \$30 million. The remaining \$10 million under the \$125 authorization will be issued in the spring 2018 or winter 2019 along with the remaining balance of the Natural Areas authorization (\$28.105 million).

The bonds will be issued to maximize the annual debt service payment but still remain within the pledge not to exceed \$0.09 per thousand of assessed value. This approach, when compared to the standard level debt service approach, shortens the life of the bonds and maximizes the savings to the tax payer. It also allows for better management of the agency's general obligation property tax levy preventing significant spikes in the overall rate per thousand dollars assessed value.

Debt Service Structure	Estimated Total Interest	Life of Bonds	Interest as a % of Principal
Level	\$6,268,000	12 years	21%
Maximum Rate	\$1,249,000	4 years	4%

This action authorizes the sale of up to \$30 million in general obligation bonds for the Oregon Zoo under the November 2008 authorization. It also authorizes the Chief Operating Officer or her designee to negotiate and sign all documents and conduct the sale and issuance of the bonds.

ANALYSIS/INFORMATION

1. **Known Opposition** – None.
2. **Legal Antecedents** – Metro may issue general obligation bonds pursuant to the authority granted by Metro Charter Section 10 and ORS 268.520 and pursuant to the voters' approval of Measure 26-96 at the general election held on November 4, 2008.
3. **Anticipated Effects** – This action authorizes the issuance of up to \$30 million in general obligation bonds for the Oregon Zoo Infrastructure and Animal Welfare bonds under the November 2008 authorization. It also authorizes the Chief Operating Officer or her designee to negotiate and sign all documents and conduct the sale and issuance of the bonds.
4. **Budget Impacts** – The issuance of the bonds will generate additional funding for the Oregon Zoo Infrastructure and Animal Welfare bond program. No additional budget appropriation or action is necessary in the current fiscal year. The FY 2016-17 budget to be proposed in April will include the bond proceeds generated by this action and the associated related expenditures estimated for that fiscal year. Debt service payments on the new issues will begin in FY 2016-17. The debt payments will be structured not to exceed the \$0.09 per thousand of assessed value projected in the Oregon Zoo Infrastructure measure. The general obligation bond debt service property tax levy will be sized to include the additional debt payments from the new issue.

RECOMMENDED ACTION

The Chief Operating Officer recommends Council adoption of Resolution No. 15-4672

Agenda Item No. 4.1

Ordinance No. 15-1364, For the Purpose of Amending Metro Code Chapter 2.03 to Approve a Schedule of Civil Penalties for Metro's Parks, Cemeteries, and Natural Areas

Ordinances (Second Read)

Metro Council Meeting
Thursday, January 28, 2016
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 15-1364
CODE CHAPTER 2.03 TO APPROVE A)	
SCHEDULE OF CIVIL PENALTIES FOR	)	Introduced by Metro Attorney Alison R. Kean
METRO’S PARKS, CEMETERIES AND		in concurrence with Council President Tom
NATURAL AREAS		Hughes

WHEREAS, Metro’s Department of Parks and Nature desires to enforce its rules and regulations in Metro’s parks, cemeteries, and natural areas; and

WHEREAS, in order to give notice to the public of potential civil penalties, and to clarify enforcement procedures, revisions to Metro Code Chapter 2.03 are required; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 2.03 (Civil Penalties) is amended as set forth in Exhibit A attached to this Ordinance.

ADOPTED by the Metro Council this ____ day of January, 2016.

Tom Hughes, Council President

Attest:

Approved as to Form:

Alexandra Eldridge, Recording Secretary

Alison R. Kean, Metro Attorney

EXHIBIT A TO ORDINANCE 15-1364

CHAPTER 2.03

CIVIL PENALTIES

SECTIONS	TITLE
2.03.010	Purposes
2.03.020	Definitions
2.03.030	Consolidation of Proceedings
2.03.040	Notice of Violation and Intent to Assess Civil Penalty
2.03.050	Mitigating and Aggravating Factors
2.03.060	Zoo Schedule of Civil Penalties
2.03.070	Solid Waste Schedule of Civil Penalties
<u>2.03.075</u>	<u>Parks and Nature Schedule of Civil Penalties</u>
2.03.080	Written Notice of Assessment of Civil Penalty; When Penalty Payable
2.03.090	Compromise or Settlement of Civil Penalty by Director

2.03.010 Purposes

The purpose of these rules and regulations is to prescribe the procedures and requirements for the notice, assessment, collection and enforcement of civil penalties.

(Ordinance No. 50, Sec. 1.)

2.03.020 Definitions

Unless otherwise required by context, as used in this subdivision:

(a) "Director" means the "Department Director" as defined in Section 2.17.020(d).

(b) "License" as used in this Code has the meaning given that word by ORS Chapter 183.

(c) "Order" means (i) any action satisfying the definition given in ORS Chapter 183, or (ii) any other action so designated in ORS Chapter 268.

(d) "Respondent" means the person against whom a civil penalty is assessed.

(e) "Violation" means a transgression of any provision or condition of any license and includes both acts and omissions.

(Ordinance No. 50, Sec. 2. Amended by Ordinance No. 02-967, Sec. 1.)

2.03.030 Consolidation of Proceedings

Notwithstanding that each and every violation is a separate and distinct offense, and in cases of continuing violation, each day's continuance is a separate and distinct violation, proceedings for the assessment of multiple civil penalties for multiple violations may be consolidated into a single proceeding.

(Ordinance No. 50, Sec. 3.)

2.03.040 Notice of Violation and Intent to Assess Civil Penalty

(a) Except as provided in subsection (d) of this section, prior to the assessment of any civil penalty the Director shall serve a written notice of violation and intent to assess civil penalties upon the respondent.

(b) The notice shall be personally delivered or sent by registered or certified mail by an employee of Metro or any other competent person over the age of 18 years to:

- (1) The respondent; or
- (2) Any person designated by law as competent to receive service of a summons or notice for the respondent; or
- (3) Following appearance of counsel for the party, the party's counsel.

(c) A notice of violation shall specify the violation and state that Metro will assess a civil penalty if the violation continues or occurs after five (5) days following service of the notice.

(d) Written notice of violation and intent to assess a civil penalty shall not be required where:

- (1) The respondent has otherwise received actual notice of violation not less than five (5) days

prior to the violation for which a penalty is assessed.

- (2) The violation is of a type that would normally not be in existence for five (5) days or the jurisdiction of Metro to prosecute the violation is liable to be interrupted within that time.

(Ordinance No. 50, Sec. 4.)

2.03.050 Mitigating and Aggravating Factors

(a) In establishing the amount of a civil penalty to be assessed, the Director or the Council shall consider the following factors:

- (1) Whether the respondent has committed any prior violation, regardless of whether or not any administrative, civil, or criminal proceeding was commenced therefor;
- (2) The history of the respondent in taking all feasible steps or procedures necessary or appropriate to correct any violation;
- (3) The economic and financial conditions of the respondent.

(b) In establishing whether a civil penalty should be remitted or mitigated, the Director or the Council may consider the following factors:

- (1) The gravity and magnitude of the violation;
- (2) Whether the violation was repeated or continuous;
- (3) Whether a cause of the violation was an unavoidable accident, or negligence, or an intentional act of the respondent;
- (4) The opportunity and degree of difficulty to correct the violation;
- (5) The respondent's cooperativeness and efforts to correct the violation for which the penalty is to be assessed;

- (6) The cost to Metro of investigation and correction of the cited violation prior to the time Metro receives respondent's answer to the written notice of assessment of civil penalty; or
- (7) Any other relevant factor.

(c) Unless the issue is raised in respondent's answer to the written notice of assessment of civil penalty, the Council may presume that the economic and financial conditions of respondent would allow imposition of the penalty assessed by the Director. At the hearing, the burden of proof and the burden of coming forward with evidence regarding the respondent's economic and financial condition or regarding any factor urged in mitigation shall be upon the respondent.

(Ordinance No. 50, Sec. 5.)

2.03.060 Zoo Schedule of Civil Penalties

In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to the Zoo by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(a) Not less than \$100 nor more than \$500 for violation of an order of Metro or its Council.

(b) Not less than \$25 nor more than \$500 for any violation which causes, contributes to, or threatens the injury of any Zoo animals.

(c) Not less than \$25 nor more than \$500 for any other violation.

(Ordinance No. 50, Sec. 6.)

2.03.070 Solid Waste Schedule of Civil Penalties

In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to the transferring, processing or disposal of solid waste by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(a) Not less than \$100 nor more than \$500 for violation of an order of Metro or its Council.

(b) Not less than \$25 nor more than \$500 for any other violation.

(Ordinance No. 50, Sec. 7.)

2.03.075 Parks and Nature Schedule of Civil Penalties

In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to its parks, cemeteries, and natural areas by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(a) Not less than \$100 nor more than \$500 for violation of an order of Metro or its Council.

(b) Not less than \$25 nor more than \$500 for any other violation.

2.03.080 Written Notice of Assessment of Civil Penalty; When Penalty Payable

(a) A civil penalty shall be due and payable when the respondent is served a written notice of assessment of civil penalty signed by the Director. Service of the written notice of assessment of civil penalty shall be in accordance with the service provisions of Section 2.03.040.

(b) The written notice of assessment of civil penalty shall include:

- (1) A reference to the particular sections of the statute, rule, regulation, standard, order, certificate or permit involved;
- (2) A short and plain statement of the matters asserted or charged;
- (3) A statement of the amount of the penalty or penalties imposed; and

(4) A statement of the respondent's right to request a hearing.

(c) The respondent shall have 20 days from the date of mailingservice of the notice in which to make written application for a hearing before the Metro Council.

(d) All hearings shall be conducted pursuant to the contested case hearing procedures in the Metro Code.

(e) Unless the amount of the penalty is paid within 10 days after the order becomes final, the order shall constitute a judgment and may be filed in accordance with the provisions of Oregon Law. Execution may be issued upon the order in the same manner as execution upon a judgment of a court of record.

(Ordinance No. 50, Sec. 8. Amended by Ordinance No. 02-967, Sec. 1.)

2.03.090 Compromise or Settlement of Civil Penalty by Director

At any time subsequent to service of the written notice of assessment of civil penalty, the Director is authorized ~~to seek~~ to compromise or settle any unpaid civil penalty which ~~he~~ the Director deems appropriate. ~~Any compromise or settlement executed by the Director shall not be final until approved by the Council.~~

(Ordinance No. 50, Sec. 9.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 15-1364, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.03 TO APPROVE A SCHEDULE OF CIVIL PENALTIES FOR METRO'S PARKS, CEMETERIES AND NATURAL AREAS

Date: January 21, 2016

Prepared by: Dan Moeller, 503-797-1819
Suzanne Piluso, 503-797-1845

BACKGROUND

Metro Code 2.03 establishes the procedures and requirements for notice, assessment, collection and enforcement of civil penalties for violations of the Metro Code. Metro's Department of Parks and Nature desires to more actively enforce its rules and regulations in Metro's parks, cemeteries, and natural areas. Section 2.03 does not include provisions specific to enforcement of Parks and Nature rules and regulations. Accordingly, amending the code is needed to set forth a schedule of civil penalties for enforcement of parks rules. The proposed changes will also enable the Director of Parks and Nature to settle civil penalties without Metro Council approval.

These changes to the Metro Code clarify provisions in advance of the adoption of a new rule enforcement manual for Metro parks, natural areas and cemeteries.

ANALYSIS/INFORMATION

1. **Known Opposition:** None
2. **Legal Antecedents:** Metro Code Chapter 2.03 (Civil Penalties)
3. **Anticipated Effects:** Metro Code 2.03 will include a provision that sets forth a schedule of civil penalties for the Parks and Nature department, and enables the Director of Parks and Nature to settle civil penalties.
4. **Budget Impacts:** None.

RECOMMENDED ACTION

The Office of Metro Attorney recommends adoption by the Metro Council of Ordinance 15-1364.

Agenda Item No. 4.2

Ordinance No. 15-1366, For the Purpose of Amending Metro
Code Chapters 10.01 and 10.02 to Clarify Rule Enforcement
Procedures Within for Metro's Parks, Cemeteries, and Natural
Areas

Ordinances (Second Read)

Metro Council Meeting
Thursday, January 28, 2016
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 15-1366
CODE CHAPTERS 10.01 AND 10.02 TO)	
CLARIFY RULE ENFORCEMENT	)	Introduced by Metro Attorney Alison R. Kean
PROCEDURES WITHIN METRO'S PARKS,	)	in concurrence with Council President Tom
CEMETERIES AND NATURAL AREAS	)	Hughes

WHEREAS, Metro Code Chapter 10 sets forth the rules governing use of Metro's parks, cemeteries, and natural areas, and gives the Parks and Nature Department Director the authority to enforce these rules and to adopt additional regulations consistent with the Metro Code;

WHEREAS, with the authority delegated by the Metro Code and the Metro Council, the Director has developed a plan and program for Metro Parks and Nature staff to enforce Metro's rules on Metro property in a manner that will, on balance, protect the public and Metro property and staff;

WHEREAS, revisions to Metro Code Chapter 10.01 and 10.02 are now required in order to clarify that Parks and Nature staff will enforce the Department's rules and regulations through civil procedures; and

WHEREAS, additional changes are necessary to refer to the new name of Metro's Parks and Nature Department, and to update and eliminate obsolete code provisions; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 10.01 (Metro Parks and Nature Regulations) and 10.02 (Park Fees) are amended as set forth in Exhibit A and Exhibit B attached to this Ordinance.

ADOPTED by the Metro Council this ____ day of January, 2016.

Tom Hughes, Council President

Attest:

Approved as to Form:

Alexandra Eldridge, Recording Secretary

Alison R. Kean, Metro Attorney

EXHIBIT A TO ORDINANCE 15-1366

TITLE X

METRO ~~REGIONAL~~-PARKS, CEMETERIES AND ~~GREENSPACES~~NATURAL AREAS

CHAPTERS

TITLE

- 10.01 Metro ~~Regional~~-Parks and ~~Greenspaces~~Nature Regulations
- 10.02 ~~Regional~~-Park Fees
- 10.03 Conservation Easements
- 10.04 Pioneer Cemetery Properties

CHAPTER 10.01

METRO ~~REGIONAL~~-PARKS AND ~~GREENSPACES~~NATURE REGULATIONS

SECTIONS	TITLE
10.01.010	Purpose
10.01.020	Definitions
10.01.030	Policy
10.01.040	Enforcement Authority/Park Rules
10.01.050	Park Property Destruction and Other Property Prohibitions
10.01.060	Trees, Shrubbery and Lawns Prohibitions
10.01.070	Animals, Birds and Fish Prohibitions
10.01.080	Pollution of Waters and Soils Prohibited
10.01.090	Refuse and Trash Prohibitions
10.01.100	Traffic Prohibitions
10.01.110	Parking Prohibitions
10.01.120	Bicycle Prohibitions
10.01.130	Bathing and Swimming Prohibitions
10.01.140	Blue Lake Boating Prohibitions
10.01.150	Fishing Prohibited in Swimming Areas
10.01.160	Hunting Prohibited
10.01.170	Camping Prohibitions
10.01.180	Prohibited Games
10.01.190	Horseback Riding Restricted
10.01.200	Consumption of Alcoholic Beverages Limited
10.01.210	Fireworks and Explosives Prohibited
10.01.220	Domestic Animals Restricted
10.01.230	Soliciting Prohibited
10.01.240	Fires Limited
10.01.250	Games of Chance Prohibited
10.01.260	Violent and Excessively Loud Conduct Prohibited
10.01.270	Exhibiting Permits Required
10.01.280	Interference with Permittees Prohibited
10.01.290	Vending and Peddling Restricted
10.01.300	Signs Restricted
10.01.310	Park Hours
10.01.320	Posting of Park Rules
10.01.330	Closed Areas
10.01.340	Lost and Found Articles
10.01.350	Permits for Camping, Group Picnics and Vending
10.01.360	Special Use Permit
10.01.370	Permit Revocation
10.01.380	Boats and Moorages
10.01.390	Enforcement Personnel
10.01.400	Ejectment and Exclusion

- 10.01.410 Seizure of Property
- 10.01.420 Hearing Regarding Seized Property
- 10.01.430 Other Laws Applicable
- 10.01.440 Severability
- ~~10.01.600 Penalties~~
- ~~10.01.610 Bail and Fine Collection~~

10.01.010 Purpose

The purpose of this chapter is to provide for regulations governing the use of Metro owned or operated ~~Regional~~ Parks and ~~Greenspaces~~Nature facilities by members of the public in order to provide protection for wildlife, plants and property, and to protect the safety and enjoyment of any person visiting these facilities. ~~This chapter is intended to supersede and replace any Multnomah County Code provisions previously applicable to any properties formerly owned or operated by Multnomah County.~~

(Ordinance No. 96-659A, Sec. 1.)

10.01.020 Definitions

As used in this chapter, unless the context requires otherwise:

(a) "Council" shall have the meaning assigned thereto in Metro Code Section 1.01.040(a).

(b) "Director" means the person designated by the Chief Operating Officer to serve as the Director of Metro's ~~Regional~~ Parks and ~~Greenspaces~~Nature Department or the Director's designee.

(c) "Metro Code" means the Code of Metro.

(d) "Park" means a forest, reservation, playground, beach, natural area, recreation center, cemetery, or any other similar area owned, operated or managed by Metro, through its ~~Regional~~ Parks and ~~Greenspaces~~Nature Department, and devoted to active or passive recreation.

(e) "Park rules" means rules adopted by the Director pursuant to Section 10.01.040 of this chapter.

(f) "Person" shall have the meaning assigned thereto in Metro Code Section 1.01.040(f).

(g) "Public" means any person other than a ~~Regional~~ Parks and ~~Greenspaces~~Nature Department employee.

(h) "Vehicle" means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled, including a bicycle, and includes any trailer in tow of any size, kind or description, but does not include baby carriages or vehicles in the service of Metro ~~Regional~~-Parks and ~~Greenspaces~~Nature.

(i) "~~Regional~~-Parks and ~~Greenspaces~~Nature Department employee" means any paid employees of the ~~Regional~~-Parks and ~~Greenspaces~~Nature Department, any other paid employees of Metro performing tasks or functions at any park at the request or direction of either the Director or the Metro Council, volunteers performing functions and duties assigned or authorized by the Director, and any contractors or agents of the ~~Regional~~-Parks and ~~Greenspaces~~Nature Department carrying out their duties or obligations to the ~~Regional~~-Parks and ~~Greenspaces~~Nature Department.

(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 02-978, Sec. 1.)

10.01.030 Policy

The Council has determined that it is necessary to adopt these Code provisions in order to insure the efficient operation, protection and maintenance of ~~Regional Parks and~~ ~~Greenspaces~~Metro's parks and to protect the health, safety and welfare of the public; therefore, this chapter shall be liberally construed to effectuate this purpose.

(Ordinance No. 96-659A, Sec. 1.)

10.01.040 Enforcement Authority/Park Rules

(a) The Director shall have the authority to enforce all of the provisions of this chapter, including but not limited to the authority to enforce any park rules adopted pursuant to this chapter.

(b) The Director shall have the authority to adopt park rules which are not inconsistent with the provisions of this chapter, including but not limited to park rules governing fees. Park rules shall be in writing, shall be posted as otherwise required by this chapter, and shall be filed with the Metro Council.

(c) No person shall violate any park rule which has been adopted by the Director pursuant to this chapter.

(Ordinance No. 96-659A, Sec. 1.)

10.01.050 Park Property Destruction and Other Property Prohibitions

No person shall, within the boundaries of any park:

(a) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, rest rooms, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, other structures or equipment, recreation facilities or park property or appurtenances whatsoever, either real or personal.

(b) Dig, or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(c) Damage or destroy any park tree, shrub, plant, structure or appurtenance through the use of a motor vehicle, whether intentional or not.

(d) Use any metal or mineral locating devices of any kind.

(Ordinance No. 96-659A, Sec. 1.)

10.01.060 Trees, Shrubbery and Lawns Prohibitions

No person shall, within the boundaries of any park:

(a) Damage, cut, carve, transplant or remove any tree or plant or any part of any tree or plant, regardless of whether the tree or plant is dead or alive. Use of chain saws is prohibited.

(b) Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or upon any other property not designated or customarily used for those purposes.

(c) Plant any tree or shrub in a park or cemetery area without the written permission of the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.070 Animals, Birds and Fish Prohibitions

No person shall, within the boundaries of any park:

(a) Hunt, molest, harm, frighten, kill, trap, chase, shoot or throw missiles at any bird, fish or other living creature or remove or have in possession any wild animal, bird, fish, or reptile or the eggs or nest of any reptile or bird. However, angling is permitted in designated areas in accordance with applicable rules and regulations as promulgated by the Oregon Department of Fish & Wildlife.

(b) Give or offer to give food items to any animal or bird, except for those items intended for that purpose approved by the Director.

(c) Give or offer to give to any animal or bird any tobacco, alcohol or other noxious substances.

(Ordinance No. 96-659A, Sec. 1.)

10.01.080 Pollution of Waters and Soils Prohibited

No person shall throw, discharge or otherwise place or cause to be placed in the soils of any Metro park or waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park, any matter or thing, liquid or solid, which will or may result in the pollution of those waters or soils.

(Ordinance No. 96-659A, Sec. 1.)

10.01.090 Refuse and Trash Prohibitions

No person shall deposit, dump, place or leave any rubbish, bottles, cans, garbage or refuse of any type regardless of its source in a park area, except refuse, garbage or litter occasioned through use of those areas which shall be deposited in refuse receptacles provided for that purpose.

(Ordinance No. 96-659A, Sec. 1.)

10.01.100 Traffic Prohibitions

No person shall, within the boundaries of any park:

(a) Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter and other ordinances.

(b) Fail to obey all authorized enforcement personnel and park employees, which persons hereby are authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent to the parks in accordance with the provisions of this chapter and such supplementary rules as may be issued by the Director.

(c) Fail to observe and obey all traffic signs indicating speed, direction, caution, stopping or parking, and all other signs posted for proper control and to safeguard life and property.

(d) Drive any vehicle on any area except the park roads or parking areas or such other areas as may be specifically designated by the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.110 Parking Prohibitions

No person shall, within the boundaries of any park:

(a) Park a vehicle in other than an established or designated parking area or not comply with the posted directions and with instructions of any attendant who may be present at an established or designated parking area.

(b) Double park any vehicle on a road or parkway unless directed by a park attendant.

(c) Leave any vehicle parked in any park area after normal park operation hours without first obtaining permission from authorized enforcement personnel.

(d) Leave any vehicle parked on a boat ramp except while loading or unloading a boat.

(Ordinance No. 96-659A, Sec. 1.)

10.01.120 Bicycle Prohibitions

No person shall, within the boundaries of any park:

(a) Ride a bicycle on other than a vehicular road or path designed for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(b) Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit. Bicycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists shall at all times operate their bicycles with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking and pass to the right of any vehicles they may be meeting.

(c) Ride a bicycle on any road between 30 minutes after sunset and 30 minutes before sunrise without an attached headlight plainly visible at least 200 feet in front of, and without a red taillight or reflector plainly visible from at least 200 feet from the rear of the bicycle.

(d) Use bikes on trails or other areas not specifically designated for such use.

(Ordinance No. 96-659A, Sec. 1.)

10.01.130 Bathing and Swimming Prohibitions

No person shall, within the boundaries of any park:

(a) Swim, bathe or wade in any waters or waterways in or adjacent to Blue Lake Park, except in such waters and at such times and places as are designated and in compliance with this chapter or rules adopted under this chapter.

(b) Allow a child under the age of five (5) to swim, bathe or wade in Blue Lake.

(c) Construct or install rope swings adjacent to waterways in any park area.

(Ordinance No. 96-659A, Sec. 1.)

10.01.140 Blue Lake Boating Prohibitions

Except as provided in subsections (a) through (d), no person shall bring into or launch any watercraft of any type from Blue Lake Park. Boating activities shall be in accordance with applicable rules of the State of Oregon.

(a) Watercraft belonging to residents whose property adjoins Blue Lake. Such watercraft shall be identified by the current decal and number of the Interlachen Homeowners Association.

(b) Watercraft for rent at the park.

(c) Privately owned watercraft between October 1st and April 30th of each year provided that they shall not exceed 14 feet in length (17 feet for canoes), and 3.0 horsepower in motor capability for the purpose of angling in accordance with rules promulgated by the Oregon Department of Fish and Wildlife.

(d) As allowed by the Director for special events or other special purposes.

(Ordinance No. 96-659A, Sec. 1.)

10.01.150 Fishing Prohibited in Swimming Areas

No person shall fish, within the boundaries of any park, in any designated swimming area.

(Ordinance No. 96-659A, Sec. 1.)

10.01.160 Hunting Prohibited

Hunting is prohibited.

(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 10-1230, Sec. 3)

10.01.170 Camping Prohibitions

No person shall, within the boundaries of any park:

(a) Camp overnight or longer without first obtaining a camping permit.

(b) Camp longer than five (5) consecutive days in any specific park.

(c) Camp for more than 10 days in any 30-day period in any specific park.

(d) Camp at any time or in any place except as specifically provided for in a camping permit.

(e) Camp if he/she is under the age of 18, unless he/she is accompanied by an adult.

(f) Camp in nondesignated areas.

(g) Allow more than eight (8) people to occupy a site.

(h) Ignore the 10:00 p.m. to 6:00 a.m. quiet time period.

(i) Check out after 2:00 p.m. without paying the fee for an additional day.

(Ordinance No. 96-659A, Sec. 1.)

10.01.180 Prohibited Games

No person shall, within the boundaries of any park, take a part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, sharp objects, vehicles, javelins or power-projected model airplanes or boats except in areas set apart for those forms of recreation.

(Ordinance No. 96-659A, Sec. 1.)

10.01.190 Horseback Riding Restricted

No person shall, within the boundaries of any park, ride a horse except on designated bridle trails. Horses shall be unloaded at designated areas only, shall be thoroughly broken and properly restrained, shall be ridden with due care, and shall not be allowed to graze or go unattended. Horse waste shall be removed by the owner when such waste occurs in an area designated for horse trailer parking.

(Ordinance No. 96-659A, Sec. 1.)

10.01.200 Consumption of Alcoholic Beverages Limited

(a) Except as provided in subsections (b) and (c) of this section, no person shall bring into or consume alcoholic beverages in any park, provided, however, that the Council may, from time to time, designate certain parks or park areas where alcohol may be brought for use in meal preparation or consumption with meals.

(b) The Director may, by issuance of a permit, allow the sale of alcoholic beverages on the premises of designated

facilities when duly licensed by the Oregon Liquor Control Commission.

(c) After the proper permit(s) are secured from the Director, alcohol may be consumed in designated areas at Blue Lake Park, Oxbow Park and Howell Territorial Park.

(Ordinance No. 96-659A, Sec. 1.)

10.01.210 Fireworks and Explosives Prohibited

No person shall, within the boundaries of any park, bring, or have in possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedoes, rockets or other fireworks or explosives or inflammable material, or discharge them or throw them into any park from any adjacent land or highway. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. The Director, however, may issue a special fireworks permit in accordance with state law.

(Ordinance No. 96-659A, Sec. 1.)

10.01.220 Domestic Animals Restricted

Except for "dog guides," "dog guide trainees," "hearing aid dogs," "hearing aid dog trainees," "assistance animals," and "assistance animal trainees," all as defined by ORS Chapter ~~346.610~~659A.103 et seq., and except as required by any other law, no person shall bring a dog or other domestic animal into any park, on or off leash or within a motor vehicle, except as may be specifically allowed by the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.230 Soliciting Prohibited

No person shall, within the boundaries of any park, solicit for any public or private purpose.

(Ordinance No. 96-659A, Sec. 1.)

10.01.240 Fires Limited

No person shall, within the boundaries of any park:

(a) Build or attempt to build a fire except in such areas and under such rules as may be designated by the Director. All fires shall be completely extinguished after use.

(b) Drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park or on any highway, road or street abutting and contiguous to any park.

(Ordinance No. 96-659A, Sec. 1.)

10.01.250 Games of Chance Prohibited

No person shall, within the boundaries of any park, gamble or participate in or abet any game of chance except as approved by the Director in writing and in compliance with the statutes of the State of Oregon.

(Ordinance No. 96-659A, Sec. 1.)

10.01.260 Violent and Excessively Loud Conduct Prohibited

No person shall, within the boundaries of any park, engage in, promote, instigate, encourage, aid or abet fighting or similar violent conduct which would threaten the physical well-being of the public or a park employee, or cause excessive amplified or nonverbal noise.

(Ordinance No. 96-659A, Sec. 1.)

10.01.270 Exhibiting Permits Required

No person shall:

(a) Fail to produce and exhibit any permit from the Director the person claims to have, upon request of any authorized enforcement personnel or park employee who shall desire to inspect the permit for the purpose of enforcing compliance with any ordinance or rule.

(b) Fail to clearly display at all times, while within the boundaries of any park, any required proof of entrance and/or parking fee payment on the dashboard of the person's vehicle so that such proof is plainly visible from the exterior of the vehicle.

(Ordinance No. 96-659A, Sec. 1.)

10.01.280 Interference with Permittees Prohibited

No person shall disturb or interfere unreasonably with any person or party occupying any park area or participating in any activity in a park under the authority of a permit.

(Ordinance No. 96-659A, Sec. 1.)

10.01.290 Vending and Peddling Restricted

Except as expressly provided in this chapter, no person shall, within the boundaries of any park, expose, advertise or offer for sale or rent any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing, unless the person is a regularly licensed concessionaire acting by and under the written authority of the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.300 Signs Restricted

No person shall, within the boundaries of any park:

(a) Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever, or cause to be erected any sign whatsoever, except upon permission of the Director, unless the person is a regularly licensed concessionaire acting by and under the written authority of the Director.

(b) Distribute or otherwise place any non-authorized printed material on any vehicle parked in a park facility.

(Ordinance No. 96-659A, Sec. 1.)

10.01.310 Park Hours

~~Except Park hours of operation shall be as posted, except for unusual or unforeseen circumstances and emergencies, and except as otherwise provided by any park rules, park hours. The hours of operation for Parks not posted are as follows:~~

~~(a) Blue Lake Park~~

~~Summer and Winter Hours: 8:00 a.m. to legal sunset.~~

~~(b) Oxbow Park~~

~~Summer and Winter Hours: 6:30 a.m. sunrise to legal sunset.~~

~~(c) Chinook Landing Marine Park~~

~~Summer and Winter Hours: 6:00 a.m. to legal sunset.~~

~~(d) All other parks~~

~~Summer and Winter Hours: 7:00 a.m. to legal sunset.~~

(Ordinance No. 96-659A, Sec. 1.)

10.01.320 Posting of Park Rules

The rules and provisions for use and administration of parks, notice of those rules or summaries of those rules shall be kept posted within the main entrance of each park or at suitable other locations.

(Ordinance No. 96-659A, Sec. 1.)

10.01.330 Closed Areas

All or any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(Ordinance No. 96-659A, Sec. 1.)

10.01.340 Lost and Found Articles

The finding of lost articles by park employees shall be reported to the Director or his/her designee, who shall make every reasonable effort to find and return lost articles and dispose of unclaimed articles as prescribed by law.

(Ordinance No. 96-659A, Sec. 1.)

10.01.350 Permits for Camping, Group Picnics and Vending

A permit shall be obtained as indicated before participating in the following park activities:

(a) In those parks where overnight camping is allowed, a permit shall be obtained from the park attendant at the park.

(b) A permit must be secured from the ~~Regional~~ Parks and GreenspacesNature main office for any organized event consisting of more than 25 persons.

(c) Before a person may act as a concessionaire at a park, the person shall secure an executed contract in compliance with Metro's standard contracting procedures.

(d) A permit for concessions at special events which are intended to raise funds for Metro parks purposes may be issued by the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.360 Special Use Permit

A special use permit shall be obtained prior to pursuing the following activities in any park:

(a) Movie, commercial or television filming, photography and production.

(b) Fishing, water-skiing, track or any other organized sporting event.

(c) Special educational events or festivals, except those specifically hosted by Metro.

(d) Amplified sound, pony rides, dunk tanks, use of alcohol with a reservation permit or any other type of special use.

(e) Any other organized event or activity involving 25 persons or more except for picnics where a reservation has been secured.

(Ordinance No. 96-659A, Sec. 1.)

10.01.370 Permit Revocation

The Director or his/her designee shall have the authority to revoke a permit upon a finding of violation of any rule, ordinance, statute, or any special use or reservation permit provision.

(Ordinance No. 96-659A, Sec. 1.)

10.01.380 Boats and Moorages

No person shall:

(a) Disobey any applicable signage posted in boat launching, moorage and beach areas.

(b) Moor a boat longer than 30 minutes on boarding docks or 12 hours on transient docks.

(c) Improperly secure a boat in such a manner as to cause personal injury or damage to park property or resources.

(d) Swim, fish or water ski in the immediate area of or from boat moorage docks.

(Ordinance No. 96-659A, Sec. 1.)

10.01.390 Enforcement Personnel

(a) The Director and the Director's authorized representatives shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(b) No person shall harass, obstruct, interfere with or disobey the direction of any authorized enforcement personnel or park employee carrying out the enforcement of this chapter or rules adopted under this chapter.

(Ordinance No. 96-659A, Sec. 1.)

10.01.400 Ejectment and Exclusion

The Director and authorized enforcement personnel shall:

(a) Have the authority to arrest, cite in lieu of arrest, cite for civil penalties or eject from the park any person acting in violation of this chapter or the laws of the State of Oregon.

(b) Exclude from the park any person acting in violation of this chapter or the laws of the State of Oregon.

(c) Exclusions exceeding one (1) year shall be approved by the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.410 Seizure of Property

The Director and any authorized enforcement personnel shall have the authority to seize and confiscate any property, thing or device, including but not limited to motor vehicles and chain saws, used in violation of this chapter.

(Ordinance No. 96-659A, Sec. 1.)

10.01.420 Hearing Regarding Seized Property

(a) Persons who have had any personal property, thing or device confiscated under Section 10.01.410 may request an immediate hearing to appeal the confiscation by filingsending a written request for hearing withto the Director by registered or certified mail.

~~(b) The Director shall, upon receipt of request for immediate hearing, set a time and place for hearing at the earliest possible time and promptly notify the person requesting hearing as to the time and place for the hearing.~~

~~(c) The person requesting the hearing and park staff may make argument, submit testimony and written briefs, cross-examine witnesses and submit rebuttal evidence on matters pertinent to the issue to be determined.~~

~~(d) All hearings shall be recorded in a manner which will allow for a written transcription to be made and all materials submitted at the hearing shall be retained by the Director for a period of at least two (2) years.~~

~~(e) Failure of the person requesting hearing to appear at the hearing shall constitute a waiver of the right to a hearing.~~

~~(f) If the Director determines there was a wrongful confiscation of property, the property shall be returned to the person requesting the hearing or, if the property has been destroyed, restitution shall be made.~~

~~(g) The Director shall issue an order within two (2) weeks after the hearing and shall mail a copy of the order to the person requesting the hearing.~~

~~(h)~~

(b) The hearing shall be conducted in accord with the applicable contested case procedures set forth in the Metro Code.

(c) Any property, thing or device which was not wrongfully confiscated shall become the property of Metro and shall be disposed of in a manner to be determined by the Director.

(Ordinance No. 96-659A, Sec. 1.)

10.01.430 Other Laws Applicable

This chapter shall in no way be a substitute for or eliminate the necessity of conforming with any and all state laws and rules and other ordinances which are now or may be in the future in effect which relate to the activities regulated in this chapter, including but not limited to City or County ordinances containing regulations and prohibitions pertaining to firearms and dangerous or deadly weapons.

(Ordinance No. 96-659A, Sec. 1.; Ordinance No. 10-1230, Sec. 4)

10.01.440 Severability

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be considered a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portion of this chapter.

(Ordinance No. 96-659A, Sec. 1.)

~~10.01.600 Penalties~~

~~Any person convicted of a violation of this chapter shall be punished by a term of not more than one (1) year in jail or by a fine of not more than \$500, or both. Each day of a continuous violation of this chapter shall be considered a new, separate and distinct violation. Restitution shall be made in cases involving damage or destruction to park property or improvements.~~

~~(Ordinance No. 96-659A, Sec. 1.)~~

~~10.01.610 Bail and Fine Collection~~

~~The Circuit Court of the metropolitan region judicial districts of all three (3) Circuit Courts (District 4 Multnomah County; District No. 5 Clackamas County; or District 20 Washington County) shall be responsible for the collection of any bails and/or fines set for penalties described in this chapter. Any bail or fine remaining after disbursement through the Circuit Court shall be returned to Metro for training of authorized enforcement personnel.~~

~~(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 02-978, Sec. 1.)~~

EXHIBIT B TO ORDINANCE 15-1366

CHAPTER 10.02

~~REGIONAL~~ PARK FEES

SECTIONS	TITLE
10.02.010	Purpose and Authority
10.02.020	Park Fees
10.02.030	Suspension of Fees
10.02.040	Park Use Without Required Fee Prohibited
10.02.050	Fees for Memorials and Cemeteries (Repealed Ord. 04-1038A §2)
10.02.100	Penalties
10.02.110	Bail and Fine Collection

10.02.010 Purpose and Authority

It is the purpose of this chapter to establish park fees pursuant to Metro Code Section 10.01.010.

(Ordinance No. 96-659A, Sec. 1.)

10.02.020 Park Fees

Except as otherwise set forth herein, Park Fees shall be set and adjusted by the Metro Council.

The following fees shall be charged and collected by Metro for and prior to the following park uses and activities:

(a) ~~Entry-Parking~~ fees at Blue Lake Park and Oxbow Park shall be \$5.00 per motorized vehicle on all days and \$7.00 per bus on all days.

(b) Boat launching and/or parking fees at the M. James Gleason Boat Ramp shall be \$5.00 and fees at the Chinook Landing Marine Park shall be \$5.00 per motorized vehicle on all days.

(c) The fee for annual parking passes in lieu of daily ~~entrance-parking~~ fees, launching and/or parking fees at Blue Lake Park, Oxbow Park, Chinook Landing, and M. James Gleason Boat Ramp shall be as follows:

(1) Regular: \$40.00 per year (January 1 through December 31)

(2) Seniors: \$30.00 per year (January 1 through December 31)

(3) Low-Income/Disabled: \$10.00 per year (January 1 through December 31)

(d) Reservation fees for shelters and reservable picnic areas at Blue Lake and Oxbow Parks shall be set and adjusted by the Chief Operating Officer.

(e) Fees for alcohol permits at Blue Lake and Oxbow Parks shall be set and adjusted by the Chief Operating Officer.

(f) Overnight camping fees at Oxbow Park, including fees for nightly use of overnight group camps at Oxbow Park by nonprofit and youth organizations and fees for additional vehicles, shall be set and adjusted by the Chief Operating Officer. Permit must be displayed. Each vehicle must pay entry parking fee on initial day of entry.

(g) Fees for special events shall be set and adjusted by the Chief Operating Officer.

(h) Except for use by Metro, the rental rates and security deposit for "The Lake House" at Blue Lake Park shall be set and adjusted by the Chief Operating Officer.

(i) Entrance-Parking fees at Blue Lake Park and Oxbow Park shall be waived for any police officer (officers' fees are waived also at Chinook Landing Marine Park and the Gleason Boat Ramp) or Metro employee who presents valid current identification at the park entrance. Fee waivers shall not apply to any special events or other facilities.

(j) Entrance-Parking Fees at Blue Lake Park, Oxbow Park, Chinook Landing, and M. James Gleason Boat Ramp, and camping fees at Oxbow Park, shall be waived for any disabled veteran who presents valid current photo identification and an Oregon State Parks Special Access Pass for Veterans with Service Connected Disabilities ID Card and green placard issued by Oregon State Parks in said veteran's vehicle in full view on the dashboard or hanging from the rear-view mirror.

Fee waivers shall not apply to fees for the use of other facilities.

(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 98-722, Sec. 1; Ordinance No. 01-894, Sec. 1; Ordinance No. 02-978, Sec. 1; Ordinance No. 03-1008; Ordinance No. 04-1047, Sec. 1; Ordinance No. 06-1109; Ordinance No. 07-1166; Ordinance No. 09-1211A.)

10.02.030 Suspension of Fees

Collection of any fee under Section 10.02.020 may be waived or suspended by order of the Director of ~~Regional Parks and Greenspaces~~Parks and Nature or his/her designee for such period of time as the order may provide. The Director shall develop and implement a written policy to guide decisions related to the waiver or suspension of fees.

(Ordinance No. 96-659A, Sec. 1.)

10.02.040 Park Use Without Required Fee Prohibited

No person shall engage in a park activity for which there is a fee without first paying the required fee. Any person engaged in a park activity for which there is a fee shall be required to produce and exhibit the receipt from the Director showing fee payment, which the person claims to have, upon request of any authorized person who shall desire to inspect the receipt for the purpose of enforcing compliance with this chapter or rules promulgated pursuant thereto.

(Ordinance No. 96-659A, Sec. 1.)

~~10.02.100 Penalties~~

~~Any person convicted of a violation of this chapter shall be punished by a fine of not more than \$500.00.~~

~~(Ordinance No. 96-659A, Sec. 1.)~~

~~10.02.110 Bail and Fine Collection~~

~~The Circuit Court of the metropolitan region judicial districts of all three (3) Circuit Courts (District 4 Multnomah County; District No. 5 Clackamas County; or District 20 Washington County) shall be responsible for the collection of any bails and/or fines set for penalties described in Chapter 10.02. Any bail or fine amounts remaining after disbursement through~~

~~Circuit Court shall be returned to Metro for training of authorized enforcement personnel.~~

~~(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 02-078, Sec. 1.)~~

~~(Ordinance No. 96-659A, Sec. 1. Amended by Ordinance No. 01-894, Sec. 1; Ordinance No. 03-1008; Ordinance No. 09-1211A.)~~

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 15-1366, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTERS 10.01 AND 10.02 TO CLARIFY RULE ENFORCEMENT PROCEDURES WITHIN METRO'S PARKS, CEMETERIES AND NATURAL AREAS

Date: January 21, 2016

Prepared by: Dan Moeller, 503-797-1819
Suzanne Piluso, 503-797-1845

BACKGROUND

Metro's Department of Parks and Nature desires to more actively enforce its rules and regulations in Metro parks, cemeteries, and natural areas. These changes to the Metro Code clarify provisions in advance of the adoption of a new rule enforcement manual for Metro parks, natural areas and cemeteries.

Revisions to Metro Code Chapter 10.01 (Metro Parks and Nature Regulations) and 10.02 (Park Fees) are required in order to update and eliminate obsolete code provisions. For example, Code Chapters 10.1 and 10.2 include provisions derived from the Multnomah County Code, which applied to Metro properties formerly owned by Multnomah County. These provisions will be deleted in order to clarify that Parks and Nature staff will enforce the department's rules and regulations through Metro's civil procedures.

In addition, Metro Code Chapter 10.01.420, which allows persons who have had personal property confiscated by Metro staff to appeal the confiscation, will be brought into alignment with the procedures for contested cases set forth in Metro Code Chapter 2.05.

The proposed changes will refer to the new name of Metro's Parks and Nature Department.

ANALYSIS/INFORMATION

1. **Known Opposition:** None
2. **Legal Antecedents:** Metro Code Chapters 10.01 (Metro Parks and Nature Regulations) and 10.02 (Park Fees).
3. **Anticipated Effects:** Metro Code Chapters 10.01 and 10.02 will refer to the new department title and will no longer include obsolete or conflicting provisions.
4. **Budget Impacts.** None.

RECOMMENDED ACTION

The Office of Metro Attorney recommends adoption by the Metro Council of Ordinance 15-1366.

Materials following this page were distributed at the meeting.



METRO COUNCIL MEETING
Meeting Minutes
January 21, 2016
Metro Regional Center, Council Chamber

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

Councilors Excused: Councilor Craig Dirksen

Council President Tom Hughes called the regular council meeting to order at 2:00pm.

1. CITIZEN COMMUNICATIONS

Mr. R.A. Fontes, Lake Oswego: Mr. Fontes provided an update on autonomous vehicles, noting the potential benefits and issues associated with them.

2. COO RECOMMENDATION ON REMOTE ELEPHANT CENTER

Council President Hughes called on COO Martha Bennett, interim Zoo Director Teri Dresler, and Ms. Karen Weylandt, and Mr. Bill Kabeiseman for a presentation. Ms. Bennett explained that she would be presenting her recommendation to the Metro Council on the next steps related to the Remote Elephant Center project, draft Resolution No. 16-4683 for future consideration, as well as background materials for the action associated with the resolution. She noted that the Council was scheduled to deliberate and consider the resolution on February 18th, adding that today was an opportunity to answer any Council questions or hear about any additional research that the Council might request of staff between now and February 18th.

Ms. Bennett provided a brief background of the project, reminding the Council that after voters approved the 2008 Zoo Bond Measure, Council directed staff to investigate the feasibility of a remote elephant center which staff have been now been working on since 2009. She explained that staff looked at potential sites, financial feasibility, mission, potential partners, as well as a variety of legal, technical, and operational factors that would determine whether or not a remote elephant center was realistic for the Oregon Zoo. Ms. Bennett discussed the Council direction to staff in 2012 to undertake due diligence on a specific site (Roslyn Lake), until Council requested that staff end that work in the summer of 2015, when it looked like conditions were not sufficient to support elephants on that property. She added that in March 2015, the Oregon Zoo Bond Citizens Oversight Committee requested in their Annual Report that Council should give clear direction on whether or not to proceed on the remote elephant center, since the Zoo Bond projects were about halfway through construction and there needed to be a decision about whether or not the remote elephant center project could happen during the life cycle of that bond measure. Ms. Bennett also noted that following this request, Council gave the COO direction in June 2015 that she should seek an independent, third-party review of all materials and feasibility studies that had been conducted, at which time Ms. Bennett appointed a task force to review all material and provided a list of task

force members. Ms. Bennett then introduced Ms. Karen Weylandt, a member of the Task Force Committee for the Remote Elephant Center to discuss the task force's recommendation.

Ms. Weylandt provided a brief background on herself, noting that she was also served on the Oregon Zoo Bond Citizens Oversight Committee and was a past member of the Board of Trustees for the Oregon Humane Society. She explained that the task force was charged with reviewing the staff analysis collected to-date and making a recommendation to Metro's COO, noting the work that was done to complete this, which included: touring Elephant Lands, evaluating due diligence conducted by staff, interviewing zoo staff and experts, exploring the plight of elephants and the role zoos play to protect the species, and weighing whether a remote elephant center was required for the Oregon Zoo to achieve its vision for elephants. Ms. Weylandt provided the final recommendations from the taskforce, specifically the unanimous conclusion that a remote elephant center is not necessary to achieve the Oregon Zoo's vision for elephants. She noted that the task force believes that the Zoo's mission of providing exceptional animal care and welfare and contributing to research that improves the lives of elephants is being accomplished on site with the newly opened Elephant Lands. She added that the task force also concluded that the Oregon Zoo may achieve a more direct contribution towards the conservation of the species through other initiatives and efforts and that the lack of suitable location and the financial burden of constructing/operating such a facility make a remote center a greater risk than benefit for the Zoo.

Council President Hughes called on Ms. Teri Dresler, interim Zoo Director, to provide any comments. Ms. Dresler explained that she wanted to share a few comments from the perspective of the Oregon Zoo staff, volunteers, and herself about the recommendation. She briefly discussed the potential options that staff and volunteers had thought the 2008 bond measure might include, such as the possibility of creating an offsite elephant facility, and noted what has happened since this time, primarily a whole new zoo campus master planning and design process (completed in 2011). She added that in that planning and design process, the Zoo looked at everything that they've learned in the 50 years that they've cared for Asian elephants, the best of what's been happening across the world in zoos and their care for elephants, and took all of the best practices and great learnings to include in the design for Elephant Lands. Ms. Dresler noted that when she and Ms. Bennett shared the recommendations on the remote elephant center with Zoo staff and volunteers, they made sure to include the Elephant Care Team, Elephant Manager, Manager of Research and Conservation, the Animal Talker Team from the volunteer core, and partners from the Oregon Zoo Foundation, and heard support for not proceeding with the project mostly because everyone understands that doing so would put the rest of the Zoo programming and care at Elephants Lands in jeopardy. She added that the process of sharing the recommendation with the Zoo team was a very open and honest conversation, which staff and volunteers really appreciated. She concluded that as interim Zoo Director, she joined her Zoo colleagues in supporting the recommendation not to proceed with a remote elephant center.

Ms. Bennett concluded the presentation by stating her recommendation that the Metro Council not proceed with a remote elephant center for the reasons presented today and emphasizing that the financial risks of proceeding are far too great for the Oregon Zoo, Metro, and the region to undertake. She added that an endowment of roughly \$50 million would be required to fund construction costs estimated at \$20 million to \$30 million and ongoing annual operating costs of \$1.5 to \$2 million, which she stated that Metro and the Zoo do not have resources to fulfill. Ms. Bennett highlighted that this is an opportunity to increase contributions towards science and research, which support welfare and conservation, and explore new and enhanced opportunities to fund and partner with other efforts to conserve elephants.

Council Questions

In response to councilor inquiry, Ms. Dresler discussed at a high level some of the challenges of the Roslyn Lake site (and that would be replicated at other sites), including the presence of streams and laws around having large animals on properties around streams (and the Clean Water Act), having the right climate conditions and the right environment around the property within a reasonable proximate distance to the Zoo, location that was close enough to the Zoo to staff the facility, and the issue of neighbors around the property.

Council President Hughes called on Mr. Bill Kabeiseman, Chair of the Oregon Zoo Bond Citizens' Oversight Committee and an attorney specializing in land use and municipal law at Garvey Schubert Barer, provide comments on the recommendation. Mr. Kabeiseman explained the role and responsibility of the Citizens' Oversight Committee as being charged with providing independent oversight of the 2008 Oregon Zoo bond, which includes reviewing decision-making processes, budget, expenditures, personnel, and management of the bond program. He noted the wide range of professionals who make up of the committee and zoo bond projects currently completed, including a new veterinary medical center, new water filtration system for the penguin habitat, new Condors of the Columbia exhibit, and Elephant Lands. He stated that throughout the staff due diligence phase, the Oversight Committee made it clear that their recommendation that no bond funds be set aside for a remote elephant center be expended until a long-term, sustainable funding source was identified. Mr. Kabeiseman added that the Metro Council accepted this recommendation and put that into place. He also added that the committee appreciated the time that staff and volunteers (including the task force) put into exploring this project, but that the Oregon Zoo Bond Citizens' Oversight Committee is charged with reviewing expenditures and ensuring that they are a wise use of resources and taxpayer funds. He concluded that the committee supported the COO's recommendation not to proceed with a remote elephant center.

Council President Hughes opened the floor for any public testimony on the resolution.

Dr. Laurie Christensen, Portland: Dr. Christensen provided testimony in support of the resolution to not move forward at this time with a remote elephant center. She provided a brief background on her professional experience as a biologist, her lifelong connection to the Zoo as a Portlander, and noted that she currently serves on the Oregon Zoo Foundation Board of Trustees.

Ms. Nancy Hinnen, Portland: Ms. Hinnen noted that she is a member of the Oregon Zoo Foundation Board of Trustees (for the past seven years) and supported the recommendation of the task force and of COO Martha Bennett to step away from the remote elephant center project. She noted that the bond measure provided funds to explore the possibility of a remote elephant center, but that the seven years of exploration have shown that there are some pretty insurmountable obstacles to achieving this dream, including some of her concerns about logistics of the project.

Ms. Courtney Scott, Portland: Ms. Scott provided testimony in opposition to the recommendation, challenging the Metro Council to overcome logistical issues and noting her disappointment with Elephant Lands. She stated that the Council should send the elephants to a sanctuary, start closing the elephant exhibit, and create the preserve promised to the voters.

Council Discussion

Council President Hughes thanked those who provided comments and testimony. He added that what was promised in the bond and what has been fulfilled is a state-of-the-art facility, combined with the additional medical facilities, allowing for the best possible care of the elephants. Councilors thanked staff for their great work on the project, and especially volunteers on the Task Force

Committee for the Remote Elephant Center, the Oregon Zoo Foundation, and the Oregon Zoo Bond Citizens' Oversight Committee for their work to review the remote center project.

3. CONSENT AGENDA

Motion:	Councilor Bob Stacey moved to adopt items on the consent agenda.
Second:	Councilor Sam Chase seconded the motion.

Vote:

Council President Hughes, and Councilors Chase, Collette, Craddick, Harrington, and Stacey voted in support of the motion. The vote was 6 ayes, the motion <u>passed</u> .
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4. ORDINANCES (FIRST READ)

4.1 **Ordinance No. 15-1364**, For the Purpose of Amending Metro Code Chapter 2.03 to Approve a Schedule of Civil Penalties for Metro's Parks, Cemeteries, and Natural Areas

4.2 **Ordinance No. 15-1366**, For the Purpose of Amending Metro Code Chapters 10.01 and 10.02 to Clarify Rule Enforcement Procedures Within Metro's Parks, Cemeteries, and Natural Areas

Council President Hughes called on Metro staff, Mr. Dan Moeller, and Ms. Hope Whitney, to provide a brief presentation on both ordinances. Mr. Moeller explained that Metro manages 17,000 acres of parks and natural areas spread throughout the region and welcomes over 1.3 million visitors each year to these public parks and natural areas. He added that managing these areas is a big portfolio, opportunity, and responsibility, adding that voters have trusted Metro to protect and care for these special places. Mr. Moeller noted that to achieve this goal, it is important that Metro Code related to enforcing Metro rules for these places is up to date and clearly reflects our current organizational structure as well as how any violations in these places are processed. Mr. Moeller discussed the changes to Metro Code being brought to Council include clarifying recent changes or updates such as the change in name of the Parks and Nature Department in the Metro Code (from Parks and Greenspaces), add a Parks and Nature civil penalties provision, delete obsolete provisions, and correcting any old references. He noted that essentially this would bring the code in line with what is already being done at the staff level.

Council discussion

There were no questions for staff or Council discussion.

Council President Hughes opened up a public hearing on Ordinance Nos. 15-1364 and 15-1366 and requested that those wishing to testify would come forward to speak. Seeing no one come forward, Council President Hughes gavelled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance Nos. 15-1364 and 15-1366 would take place on Thursday, January 28th.

5. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett provided an update on the following events or items: announcement on hiring of new Oregon Zoo Director, Dr. Donald Moore, a thank you to Deputy COO Scott Robinson and

Interim Oregon Zoo Director Teri Dresler for filling in as well as other Metro staff who took on additional work during the interim period, and a new edition of Big Backyard is out with a photo contest listed on the back page.

6. COUNCILOR COMMUNICATION

Councilors provided updates on the following meetings or events: JPACT meeting update as well as information on potential changes to the JPACT trip this year. Council President Hughes also requested a Council thumbs up for a FAM tour authorization occurring March 30 and 31, which councilors unanimously voted yes on.

7. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 3:11 p.m. The Metro Council will convene the next regular council meeting on Thursday, January 28, 2015 at 2 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,



Alexandra Eldridge, Regional Engagement & Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JAN. 21, 2016

Item	Topic	Doc. Date	Document Description	Doc. Number
1.0	Written Testimony	10/28/2015	Letter to JPACT and Metro Council from the For Every Kid Coalition Re: Safe Routes to School program	012116c-01
1.0	Handout, testimony	01/21/2016	Testimony from R.A. Fontes Re: Autonomous Vehicle Update	012116c-02
3.0	Minutes	01/14/2016	Council Meeting Minutes from January 14, 2016	012116c-03
4.1, 4.2	Written testimony	01/21/2016	Letter to Metro Council from Natural Areas Land Management Team	012116c-04

1/28/16

To Members of the Council,

For the record, my name is Ariel Whitacre, I have a B.S. in Environmental Science with a minor in geology, I work for Metro's Natural Areas Land Management team as a Natural Resource Technician and I am here today to ask that you to delay your vote on ordinances 15-1364 and 15-1366.

As it states in the Ordinance 15-1364 Staff Report "amending the code is needed to set forth a schedule of civil penalties for enforcement of park rules." Ordinance 15-1366 additionally states in its Staff Report that "these changes to the Metro Code clarify provisions in advance of the adoption of a new rule enforcement manual for Metro parks, natural areas and cemeteries." It is of our strong opinion that the change to the code is not just for clarification purposes but that its true intent is to provide for the authorization of the proposed Rule Enforcement Manual which is yet to be approved.

The proposed Rule Enforcement Manual puts our working group into potentially dangerous situations by requiring natural resource technicians and specialists to implement rules where we have had no such experience before.

It should be noted that as Natural Resource Technicians and Specialists, we have never had to issue written warnings, issue citations, write enforcement incident reports, issue exclusions, confiscate items, process citations, appear in contested case proceedings, or attempt to remove agitated people for their groups or remove hazards such as objects and bats as the rule enforcement manual explicitly states are soon to be duties of ours.

Furthermore, these aforementioned duties exemplify the elevated risk the Rule Enforcement Manual is imposing on Natural Resource staff. These kinds of dangerous law enforcement tactics should only be performed by trained, seasoned law enforcement officers who perform these duties on a full-time basis. Instead, Metro is putting its staff and the public at risk.

As Metro Councilors, it is your responsibility to decide what's right here. As previously stated in last week's written testimony, under different circumstances we would support the approval of these ordinances. However, we are asking that their approval be delayed by Council Members until Management and the Natural Areas Land Management staff are able to come to a fair and mutual agreement regarding their anticipated affects and added job responsibilities.

Thank you for your time and consideration of our request.

1/28/16

Good Afternoon Council Members,

For the record, my name is Kristina Prosser. I have a Bachelors of Science in Environmental Science and a minor in Botany. I work for Metro's Natural Areas Land Management team as a Natural Resource Specialist. I am here today to ask that you to delay your vote on ordinances 15-1364 and 15-1366.

I would like to take this time to bring to Council's attention the serious safety inadequacies that the Rule Enforcement Manual presents. The Rule Enforcement Manual is asking natural resource staff to conduct risky enforcement duties that are traditionally carried out by professionally trained law officers. All of the natural resource technicians and specialists have expressed how they do not in any way feel safe implementing these new enforcement duties.

We've identified the following short comings within the manual and I would like to highlight the following four examples but please know we have additional safety concerns:

1. The Enforcement Manual fails to address the safety issue of working alone in remote natural areas.
2. Many of our natural areas are vast in size, with limited access, and often lack a physical address. We should not be working alone while implementing enforcement tactics especially when we cannot be located by backup in a reasonable amount of time.
3. Cell phone reception is not always available or reliable to call for help, nor does the manual address communication standards with local law enforcement. It should be noted that law enforcement staff have direct contact with a formal dispatch center.
4. The manual provides little to no training for the number of specialized skills required to perform these duties. For example the manual doesn't include trainings on how to address issues surrounding citizens with mental illness and drug abuse issues.

Additionally, two specific examples in our area that highlight the seriousness of these concerns resulted in a Portland Park Ranger being attacked and suffering a collapsed lung and broken ribs in Forest Park and two Oregon State Park Rangers being shot, of which one suffered shot wounds to the face and regrettably the other died. We are asking you to evaluate these examples and take serious examination of the ordinances being set forward so our agency does not have to face tragedies in the future.

I care about our team and their safety and hope that Metro Council may also recognize the serious implications of the ordinance changes. Once again it is our recommendation that metro hire professional law enforcement officers. Thank you for your time and consideration.

1/28/16

To Members of the Council,

For the record, my name is Justin Cooley, I have a B.S. in Geography, a graduate certificate in hydrology and I work for Metro's Natural Areas Land Management team as a Natural Resource Technician. I am here today to ask that you delay your vote on ordinances 15-1364 and 15-1366.

In addition to supporting the previous two testimonies, I would like to further emphasize another concern with regard to the approval of the ordinances. My concern is that at least half of the current natural resource staff were hired as a direct result of the 2013 levy.

The public has previously indicated preference of supporting natural area restoration in regard to the Levy. For example, in a 2012 Metro Opt In survey, 70 percent of the panelists placed a high importance on controlling weeds and invasive species and maintaining habitat areas; 76 percent prioritized ensuring water quality in streams. By comparison, only 29 percent of participants stressed the importance of making it easier for people to access natural areas by adding parking, restrooms and basic visitor information.

To hire staff with voter dollars for one thing and to then assign them completely different work is not only creating work inefficiencies, but it is interfering with the important Levy work we were hired to perform as explicitly expressed by the region's voters. I am therefore urging Metro Council to consider the detrimental impact on our team's core mission that may result from the approval of these ordinances. I am hoping that you will wisely delay today's vote until all potentially adverse effects have been identified and resolved.

Thank you for your time to hear our concerns.