

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 17-1399
CODE CHAPTER 2.19 AND ESTABLISHING	)	
THE NATURAL AREAS AND CAPITAL	)	Introduced by Chief Operating Officer Martha
PROGRAM PERFORMANCE OVERSIGHT	)	Bennett in concurrence with Council
COMMITTEE	)	President Tom Hughes

WHEREAS, the 2006 Natural Areas Bond Measure established an oversight committee to review and suggest improvements to the implementation and administration of the Natural Areas Program; and

WHEREAS, the 2016 local option levy requires similar oversight of capital projects funded by the levy renewal; and

WHEREAS, Metro Code Chapter 2.19 provides the authority for the Metro Council to establish advisory committees, including the purpose, authority and membership of those committees; and

WHEREAS, the Metro Council wishes to change the name of the existing Natural Areas Program Performance Oversight Committee, and reconstitute the committee as the “Natural Areas and Capital Program Performance Oversight Committee,” and

WHEREAS, the Metro Council wishes to expand the duties of the committee, and update membership terms and requirements; and

WHEREAS, the Nature in Neighborhoods Capital Grants Review Committee, established as part of the 2006 Natural Areas Bond Measure to make grant award recommendations, is no longer necessary because all grant funds have been distributed; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Natural Areas Program Performance Oversight Committee is dissolved, renamed and reconstituted as the Natural Areas and Capital Program Performance Oversight Committee; and
2. Metro Code Section 2.19.220, “Natural Areas Program Performance Oversight Committee,” is amended as set forth in the attached Exhibit A; and
3. The Nature in Neighborhoods Capital Grants Review Committee is dissolved and terminated, and Metro Code Section 2.19.230, “Nature in Neighborhoods Capital Grants Review

Committee” is repealed. Any grant funds returned to Metro by project recipients may be awarded by the Metro Council to recipients that meet requirements of the Nature in Neighborhoods Capital Grant program set forth in Metro Resolution No. 06-3672B, “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection.”

ADOPTED by the Metro Council this 22 day of June 2017.

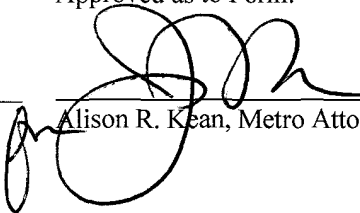
*for*   
Tom Hughes, Council President



Attest:

  
Nellie Papsdorf, Recording Secretary

Approved as to Form:

  
Alison R. Kean, Metro Attorney

**EXHIBIT A TO ORDINANCE 17-1399**

METRO CODE – TITLE II Administration and Procedures  
CHAPTER 2.19 Metro Advisory Committee  
SECTION 2.19.220

2.19.220 Natural Areas and Capital Program Performance Oversight Committee

(a) Purpose and Authority. The purpose and authority of the Natural Areas and Capital Program Performance Oversight Committee is to annually review whether the program is meeting the goals and objectives established for the program by the Metro Council ("program performance"). The Committee shall annually report to the Metro Council regarding ~~such~~ program performance, ~~which.~~ The annual report shall provide the Committee's recommendations to improve ~~such~~ program performance, if any. The Committee's program performance review and report to Council:

- (1) Shall assess the program's progress in implementing the strategies, goals and objectives approved by the Metro Council for the Natural Areas Program including:
  - (A) Property acquisition and protection in each of the 27 target areas, as described in Council-approved refinement plans;
  - (B) Local share projects; and
  - (C) Awards of Nature in Neighborhoods Capital Grants; ~~and.~~
- (2) May include recommendations regarding the Natural Areas Program Work Plan to improve program efficiency, administration, and performance.
- (3) Shall review expenditures of Metro's 2016 local option levy for compliance with program requirements.

(b) Membership. The Committee shall be composed of no fewer than 139 and no more than 17 members, all appointed by the Metro Council President subject to Council confirmation. The Council President shall designate one (1) member to serve as

Chair. Committee members shall ~~primarily be~~include professionals with experience in real estate, finance, auditing, public budgeting, banking, general business, and realty law. ~~Eight (8) of~~Additionally, the initial Committee may include members ~~shall be appointed to serve a one (1) year term with~~ backgrounds and ~~may be reappointed for up to two (2) additional terms as provided~~experience in natural area land management, habitat restoration, park planning, design and construction, philanthropy, or community engagement. Notwithstanding Metro Code Section 2.19.020030, Committee members may serve up to three (3) two-year terms.

(c) Meetings. The Committee shall meet no fewer than two times per year.

(d) Dissolution. The ~~committee~~Committee shall be dissolved on July 1, ~~2017~~2023, or upon the issuance of a final report by the ~~committee~~Committee after all funds authorized by the 2006 bond measure and all 2016 local option levy capital project funds have been spent, whichever is earlier.

(Ordinance No. 07-1155A, Sec. 1.)

## **STAFF REPORT**

### **IN CONSIDERATION OF ORDINANCE NO. 17-1399 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.19 AND ESTABLISHING THE NATURAL AREAS AND CAPITAL PROGRAM PERFORMANCE OVERSIGHT COMMITTEE**

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Date: May 18, 2017

Prepared by: Heather Nelson Kent

## **BACKGROUND**

The 2006 Natural Areas Bond Measure established an oversight committee to review and suggest improvements to the implementation and administration of the Natural Areas Program.

The purpose of the committee is to provide additional accountability to Metro area residents and the Metro Council in order to help the region achieve the best results for clean water, fish and wildlife, and future generations. The committee was charged with reviewing program performance and reporting annually to the Metro Council regarding Metro's Natural Areas program's progress in implementing the strategies, goals and objectives approved by the Metro Council for property acquisition and protection in 27 target areas, as described in Council-approved refinement plans. In addition, the committee is required to review and report to the Metro Council on local share projects and the Nature in Neighborhoods Capital Grants Program. The committee may also make recommendations regarding the Natural Areas Implementation Work Plan to improve program efficiency, administration and performance.

Members of the committee are drawn from all areas of the region and from a variety of technical and professional disciplines, including finance, auditing, accounting, real estate, banking and law. Committee members share their technical and professional expertise to ensure that expenditure of bond measure funds satisfies the requirements of the program.

In accordance with Metro Code 2.19.220, the Natural Areas Program Performance Oversight Committee has met consistently since created in 2007 and has produced and presented to the Metro Council annual reports starting in 2008. The committee has led staff in development of a new regional acquisition performance measurement system, advised on the implementation of the Nature in Neighborhoods Capital Grants Program and property stabilization practices, and has reviewed program administrative costs and definitions.

Metro local option levy approved by voters in 2016 requires similar oversight of capital projects funded by the levy renewal. This ordinance would expand the duties of the existing Natural Areas Program Performance Oversight Committee, update membership terms and requirements, and change the name of the committee to the "Natural Areas and Capital Program Performance Oversight Committee."

Metro staff will continue to assist the committee as necessary throughout the life of the Natural Areas Program and the 2016 local option levy. Staff performs such duties as making technical presentations and preparing reports to the committee, as well as coordinating and staffing meetings. Staff also supports the committee's work to draft the report presented to the Metro Council annually.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

None.

## **2. Legal Antecedents**

Metro Resolution No. 16-4690, For the Purpose of Referring to the Voters of the Metro Area Renewal of Metro's Local Option Levy for Protecting Water Quality, Restoring Fish and Wildlife Habitat; and Connecting People to Nature.

Metro Resolution No. 06-3672B, For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection, approved March 9, 2006.

Metro Resolution No. 16-4690, For the Purpose of Referring to the Voters of the Metro Area Renewal of Metro's Local Option Levy for Protecting Water Quality, Restoring Fish and Wildlife Habitat; and Connecting People to Nature, approved June 30, 2016.

Metro Code Chapter 2.19, "Metro Advisory Committees," providing generally applicable rules for the creation of committees providing advice to the Metro Council and appointment of members to such committees.

## **3. Anticipated Effects**

By approving Ordinance No. 17-1399, the Metro Council will expand the charge of the existing Natural Areas Program Performance Oversight Committee to include oversight of capital projects funded by Metro's local option levy. The committee will be renamed the Natural Areas and Capital Program Performance Oversight Committee. Existing eligible members will continue to serve on the new committee effective July 1, 2017, including the committee chair. Committee members will participate in conducting the annual review of these capital programs for the public and help ensure that the funds voters have authorized provide the greatest possible benefit to the region.

## **4. Budget Impacts**

Staff time to provide information to the committee and prepare reports and notification to the public.

## **RECOMMENDED ACTION**

The Council President recommends adoption of Ordinance No. 17-1399.