



METRO

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

Agenda

DATE: June 11, 1992
MEETING: METRO COUNCIL
DAY: Thursday
TIME: 5:30 p.m.
PLACE: Metro Council Chamber

Approx.
Time*

Presented
By

5:30
(5 min.)

ROLL CALL/CALL TO ORDER

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS
3. EXECUTIVE OFFICER COMMUNICATIONS

5:35
(1 hr.)

- 3.1 Region 2040 Work Session (No Action Requested: Information Only)
4. CONSENT AGENDA (Action Requested: Motion to Adopt the Consent Agenda)
- 4.1 Minutes of May 7, 1992

5. ORDINANCES, FIRST READINGS

6:35
(5 min.)

- 5.1 Ordinance No. 92-464, For the Purpose of Amending Metro Code Chapter 7.01 to Modify the Reporting of Excise Tax and the Application of the Receipts (Action Requested: Referral to the Finance Committee)

6. ORDINANCES, SECOND READINGS

URBAN GROWTH BOUNDARY ORDINANCE

6:40
(10 min.)

- 6.1 Ordinance No. 92-461A, An Ordinance Amending Metro Ordinance No. 92-444A, For Contested Case No. 91-2: Forest Park (Action Requested: Motion to Adopt the Ordinance)

REFERRED FROM THE FINANCE COMMITTEE

6:50
(10 min.)

- 6.2 Ordinance No. 92-457, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations Within the Insurance Fund Public Hearing (Action Requested: Motion to Adopt the Ordinance)

Devlin

7:00
(10 min.)

- 6.3 Ordinance No. 92-458, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations Within the Oregon Convention Center Operating Fund and Spectator Facilities Operating Fund for Increased Metro ERC Operations Public Hearing (Action Requested: Motion to Adopt the Ordinance)

Hansen

(Continued)

* All times listed on this agenda are approximate; items may not be considered in the exact order listed.

6. ORDINANCES, SECOND READINGS (Continued)

- 7:10 (10 min.) **6.4 Ordinance No. 92-459, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Upgrades and Enhancements to the Financial System and the Purchase of a High Capacity Tape Drive Public Hearing (Action Requested: Motion to Adopt the Ordinance)** **Wyers**
- 7:20 (10 min.) **6.5 Ordinance No. 92-460, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Unanticipated Costs for the Use of the Lexis System for Legal Research Public Hearing (Action Requested: Motion to Adopt the Ordinance)** **Van Bergen**
- 7:30 (10 min.) **6.6 Ordinance No. 92-462, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Increases in the Solid Waste Revenue Fund Operating Account and Enhancement Fund Public Hearing (Action Requested: Motion to Adopt the Ordinance)** **Wyers**
- 7:40 (10 min.) **6.7 Ordinance No. 92-463, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations Within the Council Department Public Hearing (Action Requested: Motion to Adopt the Ordinance)** **Devlin**

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

- 7:50 (10 min.) **7.1 Discussion of Scheduling a Councilor Retreat For the Purpose of Discussing Councilor Working Relationships and Procedures. The Executive Officer could participate for a portion of the retreat to discuss major, upcoming Metro issues such as the draft Charter (No Action Requested: Discussion Only)** **Gardner**
- 8:00 **ADJOURN**

Meeting Date: June 11, 1992
Agenda Item No. 3.1

REGION 2040 WORK SESSION

Executive Management
2000 S.W. First Avenue
Portland, OR 97201-5398
(503) 221-1646 Fax 273-5585

DATE: May 19, 1992

TO: Jim Gardner, Presiding Officer
Metro Council

FROM: Rena Cusma, Executive Officer

SUB: Region 2040 - Work Session

As you know, Metro has begun the Region 2040 project. This effort will ultimately conclude with a preferred regional development pattern to accommodate the expected growth of the region to the year 2040.

However, there are many steps that must be taken before this decision is made. One of the first tasks is to better understand the region's likes and dislikes about how growth could be accommodated. A telephone survey has been completed, stakeholder interviews are being prepared, public meetings will be held and many elected and appointed officials throughout the region are being contacted about their concerns and hopes for the future.

Accordingly, we would like to schedule a Metro Council work session on June 11. This session will take about one hour. It will give the Council an opportunity to discuss its likes and dislikes, concerns about growth and the opportunities that it believes are worth pursuing.

Attached are some work session materials which explain the regional growth themes and which will be discussed at the session. I think you will find this session thought-provoking as well as providing my staff and the consultant team with important insights about which alternatives may be most important to pursue.

Please contact Ethan Seltzer or Mark Turpel should you have questions prior to the work session.

Thank you.

RC/AC/ES/MT/srs
cowkses

Attachments

cc: Andy Cotugno

REGIONAL GROWTH THEMES

Themes about the location or form of growth. The map and policies should emphasize accommodating growth:

- #1. In the central city
- #2. In cities or activity centers outside the central city
- #3. In suburban areas at current densities of development
- #4. Inside the current UGB (no growth outside the UGB)
- #5. In high-density corridors radiating from the central city, or around suburban cities or activity centers
- #6. In new towns or neotraditional neighborhoods inside the UGB
- #7. In satellite cities outside the UGB
- #8. In any urban form that is different from those listed above

Themes about the purposes of planning urban form. The map and policies should emphasize the importance of the following functions (but not to the exclusion of others):

- #9. Mobility by automobile
- #10. Mobility by non-auto modes
- #11. Environmental quality, open space, natural resource protection
- #12. Economic development
- #13. Affordable housing
- #14. Balancing jobs and housing

GLOSSARY

PLANNING CONCEPTS

Mixed-Use Urban Center. A concentration of development which contains both residences and non-residential land uses, at densities which are higher than average in a region. The concentration likely will include more than one type of employment (e.g., retail, manufacturing, services, etc.). The concentration likely will be found at a location well served by at least one mode of transportation (e.g., highways), and preferably by additional modes (e.g., bus, light rail, air, freight rail, etc.), as well as by pedestrian and bicycle improvements. There will be several concentrations in the region in the future, as there already are today. The concentrations will likely vary in size, density and mix of land uses.

Neotraditional Neighborhoods. Neighborhoods designed according to the design ideas of Peter Calthorpe and Andres Duany. The designs emphasize a central place of mixed use and higher density on a transportation corridor, direct auto and non-auto connections to the central place, a mixture of uses and housing types, and higher average densities than those found in typical suburban subdivisions.

Region. The area within and contiguous to the metropolitan urban growth boundary.

Satellite City. As described by the Clackamas County Economic Development Commission, satellite cities are "places within the natural orbit of a major city" that avoid prime agricultural and forest lands; are relatively self-sufficient, with a full range of urban services, as compared to a bedroom community; have a population of at least 50,000 to enable full use of transportation enhancements, e.g., light rail; are surrounded by greenbelts, i.e., non-urbanized land; and have direct, easy access to the "parent city."

Urban Form. The extent and shape of the urban area and the organization of land use types, densities, and complementary public facilities, within that urban area.

Glossary - continued

THEMES

Themes about the location or form of growth. Emphasize accommodating growth:

- #1. In the central city.** Emphasize accommodating expected population growth within Portland, the central city of the region. Even under this theme, however, it is likely that a majority of the expected population growth will locate inside the central city. For example, Portland's Livable City Project establishes a target of capturing 20% of the region's projected growth, an increase from today's 3%.
- #2. In cities or activity centers outside the central city.** This theme emphasizes expanding large suburban cities like Gresham or Beaverton, new hubs at smaller cities, or existing activity centers, like Clackamas Town Center and Washington Square. Portland's growth would be closer to the current regional projection of 3% of total growth.
- #3. In suburban areas at current densities of development.** In recent years most population and employment growth in the region has occurred outside the central city. Most of that population growth has been accommodated by housing construction in unbuilt areas. Single-family development has occurred at an average of about 5 dwelling units/ net acre (about 3.5 d.u./gross acre). Multi-family development has occurred at an average of over 16 d.u./net acre, though in Multnomah County the average is over 28 d.u./na (about 17 d.u./ga). Over half of all building permits issued between 1985 and 1989 were for multiple-family units.
- #4. Inside the current UGB (no growth outside the UGB).** Increase densities throughout the region as necessary to ensure that the expected population growth is accommodated without expanding the current UGB. This theme is the only theme which assumes no movement of the current UGB. Other themes *suggest* maintaining the UGB (for example theme numbers 1, 5, 6, 10), but it could be expanded. Other themes *suggest* expanding the UGB (for example theme numbers 3, 7, 9).
- #5. In high-density corridors radiating from the central city, or around suburban cities or activity centers.** Corridors are those areas within one-fourth to one mile on either side of major transportation facilities. Consideration of which existing or new corridors should be stressed and whether to favor growth throughout the corridor or growth at the connections between the corridors should be made.

Glossary - continued

- #6. In new towns or neotraditional neighborhoods inside the UGB. These towns/neighborhoods should be as self-sufficient as possible, offering employment, housing, recreation, and shopping opportunities. The ideas presented by Duany and Calthorpe at last year's conference apply here (see definition of neotraditional neighborhood above).
- #7. In satellite cities outside the UGB. This growth could occur close to or farther from the current UGB and may take place in areas which might be designated as future urban reserves. These communities should be as self-sufficient as possible, offering employment, housing, recreation and shopping opportunities.
- #8. In any urban form that is different from those listed above. You will have to use your imagination to come up with a different form (if not completely different than those above, then at least a different combination of the elements).

Themes about the purposes of planning urban form. Emphasize the importance of the following functions (but not to the exclusion of others):

- #9. **Mobility by automobile.** Locate land uses and population in a way that allows the automobile the best possibilities for continuing as the dominant transportation mode. This theme would plan to expand or add new roads throughout the region, considering how well your proposed transportation system addresses expected congestion problems and the policies that must accompany the development of the system (e.g., parking, transportation system or demand management, pricing).
- #10. **Mobility by non-auto modes.** Locate land uses and population in a way that allows transit, walking, and biking the best possibilities for accommodating travel demand. This theme would plan how to expand or add new facilities throughout the region. Consideration of how the transportation system addresses expected congestion problems and the policies that must accompany the development of the system (e.g., parking, transportation system or demand management, pricing) should be included.

Glossary (continued)

- #11. **Environmental quality, open space, and natural resource protection.** Locate land uses and population in a way that allows the best possibilities for preserving environmental quality. However, this theme should still be developed to accommodate all the growth. A key consideration is how much environmental protection the region can have without unacceptable losses of other components of quality of life, like the employment choices and wages brought by economic development.
- #12. **Economic development.** Locate land uses and population in a way that allows the best possibilities for economic growth. Identification of existing employment centers and the critical transportation links that serve them is critical.
- #13. **Affordable housing.** Land uses and population are located in a way that allows the best possibilities for developing affordable housing. Considerations may include whether housing *affordability* adequately covers the range of housing issues that public policy should address, the factors that contribute to housing affordability, and the urban form most compatible with development densities, types, and designs offering the greatest range of housing opportunities for citizens of all income groups.
- #14. **Balance of jobs and housing.** Locate land uses and population in a way that allows the best possibilities for people to live near where they work. Emphasize locating jobs and housing with different levels of affordability as close together as possible to reduce commuting trips and distance. One consequence of this theme is the reliance on more local transportation modes.

Meeting Date: June 11, 1992
Agenda Item No. 4.1

MINUTES

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

May 7, 1992

Council Chamber

Councilors Present: Presiding Officer Jim Gardner, Deputy
Presiding Officer Judy Wyers, Larry
Bauer, Roger Buchanan, Tanya Collier,
Richard Devlin, Ed Gronke, Sandi Hansen,
Ruth McFarland, Susan McLain, George Van
Bergen and Ed Washington

Councilors Absent: None

Also Present: Executive Officer Rena Cusma

Presiding Officer Gardner called the special meeting to order at
5:35 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Minutes of February 27, March 12, and March 26, 1992

Motion: Councilor Devlin moved, seconded by Councilor
Wyers, for adoption of the Consent Agenda.

Vote: Councilors Bauer, Buchanan, Collier, Devlin,
Gronke, Hansen, McFarland, McLain, Van Bergen,
Washington, Wyers and Gardner voted aye. The vote
was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 92-455, For the Purpose of Amending Metro
Chapter Code 5.02, Disposal Charges and User Fees at Metro
Facilities

The Clerk read the ordinance for a first time by title only.

Presiding Officer Gardner announced Ordinance No. 92-455 had been referred to the Solid Waste Committee for consideration at a special meeting on Wednesday, May 13, 1992, at 5:30 p.m.

6. NON-REFERRED RESOLUTIONS

6.1 Resolution No. 92-1586, For the Purpose of Approving the FY 1992-93 Budget and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission

Motion to Suspend the Rules: Councilor Collier moved, seconded by Councilor Devlin, to suspend the Council's rules requiring resolutions be referred by Committee so that the Council as a whole could consider Resolution No. 92-1586.

Vote on Motion to Suspend: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and the motion passed.

Main Motion: Councilor Van Bergen moved, seconded by Councilor Hansen, to adopt Resolution No. 92-1586.

Councilor Van Bergen gave the Budget Committee's report and recommendations ("Budget Committee Report and Recommendations on the FY 1992-93 Proposed Budget" memorandum, dated May 1, 1992). He said the FY 1992-93 Budget would decrease overall by \$2.165 million. He said that was the first time he had seen such a budget reduction since his tenure on the Budget Committee. He said that decrease was coupled with an increase of 7.5 Full Time Employees (FTE). He said 8 of the 18 budget funds would be reduced, 8 would be increased, and 2 would remain at the same allocations. He said the Budget Committee met 12 times during the Budget process. He said substantive committee participation in the budget process was much improved compared to participation in previous years. He said the Committee's recommendations focussed and tightened the budget and that meant Metro would be more prudent about expenditures.

Councilor Hansen gave the Budget Committee's recommendations on the Zoo and Metropolitan Exposition-Recreation Commission (MERC) budgets. She said the Zoo's budget had not substantially changed and that Zoo fees would not increase. She said the Budget Committee continued merging MERC's and Metro's accounting systems and FTEs as recommended in the Centralization/Decentralization Study by Benson & McLaughlin dated December 1990 and discussed other decreases in MERC operations. She discussed reductions in transfers to support funds for the Oregon Convention Center and

said those reductions would be put into the Unappropriated Balance fund. She discussed conflict between Portland/Oregon Visitors Association (P/OVA) and MERC based on P/OVA's requested budget increases and discussed other regional recreational facility funding details.

Councilor Wyers gave the Budget Committee's recommendations on the Solid Waste Department budget. She said Solid Waste Revenue Fund revenues and expenditures had declined from \$115 million to approximately \$90 million which led to Metro's overall budget reduction. She said the Budget Committee eliminated a \$12.25 million loan from the Building Management Fund to the Sears Building and noted some account balances such as St. Johns Landfill had dropped because those funds were being spent for closure costs. She said there were 89.7 FTEs in the Solid Waste Department. She said 4 Planning positions were added after the Planning & Development Department dissolved and noted 4 Education FTEs were transferred from the Public Affairs Department for accounting purposes only. She said the Budget Committee recommended reducing the Solid Waste budget by \$550,000. She said \$250,000 of that was a cut from funds for a de-watering station at Metro Central Station; a reduced contribution by \$75,000 to the environmental impairment liability insurance fund; and discussed various Solid Waste Department program allocations related to the 1% for Recycling and SOLV-IT programs. She said the Committee decided not to fund a mobile household hazardous waste vehicle this fiscal year and explained cuts to various contracts.

Councilor Devlin explained the Planning Fund, Smith & Bybee Lakes Trust Fund and the Greenspaces Fund. He discussed the fiscal impacts of merging the Planning & Development Departments into the Transportation and Solid Waste Departments.

Councilor Van Bergen explained the Central Service and General Service Budgets.

Councilor Van Bergen said Metro would not place a ballot measure on the November ballot for the End of the Oregon Trail project. He said that was not because the Council considered the project unimportant, but because such a project was not feasible this year in light of Metro's other fiscal responsibilities.

Councilor Van Bergen said the Budget Committee's and Metro staff's work was excellent throughout the entire process.

Presiding Officer Gardner thanked Councilors Van Bergen, Hansen, Wyers and Devlin. He believed this year's budget process was the best ever.

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The Council as a whole discussed the Budget Committee's recommendations.

Executive Officer Cusma referred to her May 6, 1992 memorandum "FY 1992-93 Proposed Budget -- Budget Committee Recommendations." She asked the Council to restore \$7,500 of the \$9,500 recommended reduction for Citispeak surveys to the Office of Government Relations Budget and the staff position cut from the Regional Facilities Department in the amount of \$63,041. She supported the Budget Committee's work and was prepared to accept changes made during the process, but said her requests represented needed program work.

Presiding Officer Gardner opened a public hearing.

Burton Weast, Western Advocates, explained the Citispeak Program was performed throughout the State of Oregon to get the public's opinions and ideas about issues that would affect the future of Metro. He said the surveys would assist in future Legislative sessions and other important issues. He said the program was different from a standard poll and designed to solicit varied opinions from the public.

The Council discussed the Citispeak surveys with Mr. Weast. Councilor Collier asked if the polls would assist the Council with research on Greenspaces, regional recreational facility funding issues and whether Metro should merge with Tri-Met. Mr. Weast said questions on those issues could be added if they were not already there. Councilor Devlin noted \$9,500 was originally requested for four surveys and asked how much each survey would cost. Mr. Weast said SDAO could perform three surveys for \$7,500 including follow-ups. Councilor Hansen asked if the same group would be surveyed or if different groups would be used. Mr. Weast said calls would be made at random, but the same people would be used for follow-ups. Councilor McLain asked how survey questions on Greenspaces would interface with questions on the Region 2040 Program. Mr. Weast said questions asked would be broad in nature but that answers would be correlated to related programs.

Motion No. 1: Councilor Collier moved, seconded by Councilor Wyers, to restore \$7,500 of the recommended \$9,500 cut to the Office of Governmental Relations budget for the Citispeak surveys.

Councilor McFarland asked what fund would be reduced. Presiding Officer Gardner said the amendment meant a \$7,500 reduction to the General Fund. Don Carlson, Council Administrator said the

restored funds should come from the Unappropriated Fund Balance or the Contingency Fund.

Councilor Collier amended her motion to state the restored funds should come from the Unappropriated Fund Balance. Presiding Officer Gardner said the Governmental Affairs Committee should have input on how the surveys would be conducted.

Vote No. 1: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Washington, Wyers and Gardner voted aye. Councilor Van Bergen voted nay. The vote was 11 to 1 in favor and Motion No. 1 passed.

Executive Officer Cusma said her recommendation to restore Regional Facilities Department cuts came in two parts and the first part involved restoring 1 FTE at a cost of \$63,041 (salary, materials and fringe) to continue work on the End of the Oregon Trail project.

Commissioner Darlene Hooley, Clackamas County Commission, said regardless of whether the End of the Oregon Trail Project (Project) was on the November ballot or not, that the 1 FTE performed important program work and hoped the Council would restore the position.

Councilor McLain asked Commissioner Hooley for justification on why the position should be restored because she said she was present at the Budget Committee when the cut was made and discussed. She noted the Regional Facilities Department would continue work on the Project regardless of whether the 1 FTE was restored or not. Commissioner Hooley said she knew the 1 FTE would perform other program work for Metro in addition to Project work. She noted plans for a Preview Theatre for the 1993 celebration which would attract approximately \$3 million people. She said that event would generate a great deal of publicity through the fall of 1993 and said she did not want to see publicity and public awareness wasted. She said such enthusiasm could support a ballot measure on the May ballot in 1993. She said work on the ballot measure would require work by Metro and Clackamas County staff via a joint effort.

Councilor Devlin said he voted nay on the Budget Committee's recommendation to eliminate the 1 FTE because later the Council could decide to make the Project a priority and the position could be added back. He said each Councilor had to decide whether the Project should be a regional project, but agreed with Commissioner Hooley that the timing was right to inform the public about the Project and said it was a regional priority.

Councilor Collier expressed support for the Project also but noted that Clackamas County had been critical of Metro and its work in the past and asked that the Clackamas County Commission be more supportive of Metro's efforts in return for support of the End of the Oregon Trail Project. Presiding Officer Gardner concurred with Councilor Collier and noted the Clackamas County Commission had been critical of Metro and its spending, but that Clackamas County was now asking Metro to spend \$63,000 that could be spent on planning and other program efforts.

Executive Officer Cusma noted previous Council discussion that the work involved did not justify the 1 FTE request. She said the Regional Facilities Department was responsible for a variety of high-risk, politically sensitive programs and projects and said 1.3 FTEs were not enough to cover the work involved.

Motion No. 2: Councilor Devlin moved, seconded by Councilor Gronke, to restore the 1 FTE to the Regional Facilities Department via \$32,000 drawn from the Contingency Fund and \$31,041 drawn from Unappropriated Balance.

Councilor Van Bergen said the argument for the 1 FTE at this meeting was not made during Budget Committee deliberation on the issue. He said the decision to cut the 1 FTE was made because there was not adequate justification for the position with regard to the Project and other programs. He said he had not heard similar arguments for the Project from the other two counties and referred to the Laventhol & Horwath study dated April 1989 which made detailed recommendations on these issues. He said he would vote nay on Motion No. 2.

Councilor Gronke said he had met with Clackamas County representatives on this and other issues and believed the position was justified based on those discussions. He hoped to see the Project on the ballot in the spring. He agreed with Councilor Devlin and said the position was needed.

Councilor Buchanan agreed with Councilors Devlin and Gronke and recalled discussions during his tenure on the Convention Center Committee. He said the 1 FTE would also work on funding issues for the regional recreational facilities.

Councilor Wyers asked Mr. Carlson to explain what the 1 FTE would do. Mr. Carlson explained the 1 FTE was a project manager for the Facilities Funding Task Force and would coordinate with Clackamas County on the Project.

Councilor McFarland said the 1 FTE had been viewed in too narrow a manner and said the position should be funded now. She said

the Project would have statewide rather than regional or county impact and supported the motion.

Councilor McLain said all arguments made were good, but believed the Executive Officer would not recommend a superfluous position. She said discussion of the 1 FTE position had turned into a debate on policy.

Vote No. 2: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, McFarland and Washington voted aye. Councilors McLain, Van Bergen, Wyers and Gardner voted nay. Councilor Hansen was absent. The vote was 7 to 4 in favor and Motion No. 2 passed.

Executive Officer Cusma asked the Council to restore facilities management and building management, placed in the Finance & Management Information (FMI) Department budget via Budget Committee action, back in the Regional Facilities Department budget. She said FMI should focus on its primary charge and said the changes proposed were not logical in relation to program work and goals.

The Council discussed the proposed restoration.

Mr. Carlson said the Budget Committee's recommendations created a \$47,000 reduction in expenditure.

Jennifer Sims, Director of Finance & Management Information, said if services were kept in the appropriate departments, savings could still be achieved. She said the services provided by FMI were reviewed during the FY 1991-92 budget process and removed from the Regional Facilities Department at that time.

Motion No. 3. Councilor Bauer moved, seconded by Councilor Buchanan, to restore the functions to the Regional Facilities Department removed from the Finance and Management Information Department by the Budget Committee and that the \$47,000 cost savings effected by the Budget Committee would be provided elsewhere.

Ms. Sims committed to effecting the \$47,000 in savings. She said staff could go back to their original work papers and could identify the specific line items and effect those savings.

Vote on Motion No. 3: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McLain and Washington voted aye. Councilors McFarland, Van Bergen, Wyers and Gardner voted nay. The vote was 7 to 4 and Motion No. 3 passed.

Executive Officer Cusma discussed cuts made to the budget allocation for Western Advocates. Mr. Carlson said Metro provided for \$5,500 per month during the legislative session and \$5,000 during non-legislative months for a total of \$68,000 per year for lobbying services. He said the Budget Committee recommended the SDAO budget remain the same because \$100,000 allocated for miscellaneous personal services could be utilized. Councilor Devlin asked Western Advocates to comment on the budget recommendation. He noted Office of Government Relations staff did not do direct legislative work or lobbying.

Mr. Weast said Western Advocates did cooperate on work with Office of Government Relations staff to ensure there was no confusion on who spoke for the agency or who to contact on legislative matters.

Councilor Devlin asked about the contract allocation for this fiscal year. He asked the difference between this and last years' budget. Mr. Weast said the \$5,000 in question covered office rent, use of a computer and a Willamette University student intern. Mr. Carlson said those expenditures were already in the budget for Western Advocates and not covered by the \$5,000 in question. Councilor Devlin said the \$5,000 could be clarified after the Tax Supervising & Conservation Commission reviewed the budget.

Councilor Wyers said she would direct staff to draft a budget note to clarify that waste reduction programs provide reports to the Department of Environmental Quality as soon as goals and specifics for those reports were defined.

The Council as a whole discussed the budget process and decisions made to-date. Councilor Bauer said the Council should meet as a whole to give the Budget Committee direction on policy before the budget process started for FY 1993-94. Councilor Van Bergen noted solid waste rates and revenues for FY 1992-93 had not been addressed.

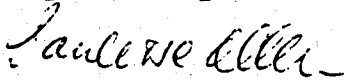
Vote on the Main Motion: Councilors Bauer, Buchanan, Collier, Devlin, Gronke, Hansen, McFarland, McLain, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 92-1586 was adopted.

Councilor McLain noted the Student Congress had been postponed from its original May 9, 1992, date to October 10, 1992, and would be held at the Memorial Coliseum. She said the October date would receive more media support for the Congress.

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All business having been attended to, Presiding Officer Gardner adjourned the special meeting at 7:45 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council

Meeting Date: June 11, 1992
Agenda Item No. 5.1

ORDINANCE NO. 92-464

STAFF REPORT

CONSIDERATION OF ORDINANCE NO.92-464 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 7.01 TO MODIFY THE REPORTING OF EXCISE TAX AND THE APPLICATION OF THE RECEIPTS.

Date: June 2, 1992

Presented by: Bob Ricks

FACTUAL BACKGROUND AND ANALYSIS

Metro excise taxes were established by Ordinance No. 90-333A on March 8, 1990. Taxes are imposed on revenue derived from product or service from a District facility or use of District facilities on or after July 1, 1990. We now have nearly two years of experience in administering this tax. Changes are proposed to clarify the intent in regard to the application of the tax, and to reduce administrative and reconciliation costs. Five procedures are explicitly stated, and several clarifications are made in definitions, wording and references to tie sections together.

1. There is a problem in keeping the reporting of solid waste tonnage, user fees due, and excise tax due in synchronization at solid waste facilities. This makes reconciliation of the reports difficult and time consuming. Section 7.01.030(b) eliminates multiple reporting methods and requires that an operator of a solid waste facility report accrued revenue and excise tax based upon loads or tons deposited at the site at the time of receipt of waste.
2. The operator of a solid waste facility has collected less than all charges due from a user of the facility. The operator of the facility proposed that the uncollected charges all be considered excise tax, and that the collected charges all be operator's charges. Section 7.01.030(c) makes it clear that the tax shall be presumed to be included in the amount imposed by the operator.
3. To reduce the cost of reconciliation, Section 7.01.030(d) requires that the reporting form provided by Metro be used to report the excise tax owed to the District and that the payment be made when the return is filed.
4. Any uncollectibles at solid waste facilities reduce the excise tax and user fees due to Metro. Section 7.01.030(e) specifies that the adjustment for uncollectibles can be made only when the operator recognized the uncollectible and documents a good faith collection effort.

5. The existing ordinance provides for penalties when the excise tax is not paid when due. The order of priority of application of payments to taxes due and overdue effects the amount of penalty. Section 7.01.030(f) specifies that payments received will be applied to the oldest merged tax, interest and penalty due.
6. There are several clarifications of definitions
 - a. "Accrual basis accounting" 7.01.010(a)
 - b. "Cash basis accounting" 7.01.010(b)
 - c. "District facility" 7.01.010(c)
 - d. "Installment payments" 7.01.010(d)
 - e. "Operator" 7.01.010(f)
 - f. "Payment" 7.01.010(h)
 - g. "Tax" 7.01.010(i)
7. There are some clarifications of wording or references to tie sections together. 7.01.030(a), 7.01.040(a), 7.01.040(b), 7.01.070(a), 7.01.070(b)

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 91-473, modifying the excise tax code.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING) Ordinance No. 92-464
METRO CODE CHAPTER 7.01 TO)
MODIFY THE REPORTING OF EXCISE) Introduced by Rena Cusma
TAX AND THE APPLICATION OF THE) Executive Officer
RECEIPTS)

WHEREAS, The Council adopted Ordinance No. 90-333A,
establishing an Excise Tax for the Metropolitan Service District;
and

WHEREAS, Metro has gained nearly two years of experience in
administration of the Ordinance; and

WHEREAS, Metro has identified areas for improvement in the
reduction of paperwork, administrative and reconciliation costs;
and

WHEREAS, Metro has recognized the need to clarify its intent
in regard to the application of the tax; and

WHEREAS, It is desired to make reporting by an operator of a
Solid Waste Facility consistent with the User Fee reporting
requirements; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS;

1. Metro Code Section 7.01 is amended to read as follows:

CHAPTER 7.01

EXCISE TAXES

SECTIONS:

7.01.010 Definitions
7.01.020 Tax Imposed
7.01.025 Collection of Tax by District
7.01.030 Collection of Tax by Operator; Rules for
Collection
7.01.040 Operator's Duties
7.01.050 Exemptions
7.01.060 Registration of Operator; Form and Contents;
Execution; Certification of Authority.
7.01.070 Due Date; Returns and Payments
7.01.080 Penalties and Interest
7.01.090 Deficiency Determination; Fraud, Evasion, Operator
Delay
7.01.100 Hearings, Contested Cases

7.01.110 Security for Collection of Tax
7.01.120 Refunds
7.01.130 Administration
7.01.150 Violations

7.01.010 Definitions: Except where the context otherwise requires, the definitions given in this Section govern the construction of this Chapter:

(a) "Accrual basis accounting" means ~~[as this term relates to revenue recognition the operator records the revenue from a user on his/her records when the revenue is earned, whether or not it is paid.]~~ revenues are recorded in the accounting period in which they are earned and become measurable whether received or not.

(b) "Cash basis accounting" means ~~[the operator records the revenue from a user on his/her records]~~ revenues are recorded when cash is received.

(c) "District facility" means any facility, equipment, system, function, service or improvement owned, operated, franchised or provided by the District. District facility includes but is not limited to all services provided for compensation by employees, officers or agents of Metro, the Metro Washington Park Zoo, Metropolitan Exposition-Recreation Facilities including but not limited to the Oregon Convention Center, the Metro South Station, the St. Johns Landfill, the Metro East Station, ~~[the Riedel Oregon Compost Company, Inc. Solid Waste Compost Facility]~~ MSW Compost Facility, any other solid waste transfer, processing, disposal or recycling center owned, operated or financed by or for the District, all solid waste facilities subject to the issuance of a franchise pursuant to Metro Code Chapter 5.01, and any other facility, equipment, system, function, service or improvement owned, operated, franchised or provided by the District.

(d) "Installment payments" means the payment of any amount that is less than the full payment owed either by any user to the District or to an operator or by an operator to the District.

(~~d~~)e) "Metro ERC Facility" means any facility operated or managed by the Metropolitan Exposition-Recreation Commission.

(~~e~~)f) "Operator" means a person other than the District who receives compensation from any source arising out of the use of a District facility. Where the operator performs his/her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his/her principal. Compliance with the

provisions of this Chapter by either the principal or managing agent shall be considered to be compliance by both.

([f]g) "Person" means any individual, firm, partnership, joint venture, association, governmental body, joint stock company, corporation, estate, trust, syndicate, or any other group or combination acting as a unit.

([g]h) "Payment" means the consideration charged, whether or not received by the District or an operator, for the use of a District facility, valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction.

([h]i) "Tax" means the tax imposed in the amount established in subsection 7.01.020(b), and includes both [either] the tax payable by [the] a user [or] and the aggregate amount of taxes due from an operator during the period for which he/she is required to report [his/her collections] and pay the tax.

([i]j) "User" means any person who pays compensation for the use of a District facility or receives a product or service from a District facility subject to the payment of compensation.

(Ordinance No. 90-333A, Sec. 2)

7.01.020 Tax Imposed:

(a) For the privilege of use of the facilities, equipment, systems, functions, services, or improvements owned, operated, franchised, or provided by the District, each user shall pay a tax in the amount established in subsection 7.01.020(b) but not to exceed six percent (6%) of the payment charged by the operator or the District for such use. The tax constitutes a debt owed by the user to the District which is extinguished only by payment of the tax directly to the District or by the operator to the District. The user shall pay the tax to the District or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. [If payment is paid in installments to] If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(b) The Council may for any annual period commencing July 1 of any year and ending on June 30 of the following year establish a tax rate lower than the rate of tax provided for in subsection 7.01.020(a) by so providing in the annual budget ordinance adopted by the District. If the Council so establishes a lower rate of tax, the Executive Officer shall immediately notify all

operators of the new tax rate. Upon the end of the fiscal year the rate of tax shall revert to the maximum rate established in subsection 7.01.020(a) unless further action to establish a lower rate is adopted by the Council as provided for herein.

(Ordinance No. 90-333A, Sec. 2)

7.01.025 Collection of Tax by District:

(a) The District shall allocate from all payments made directly to the District by any user the amount of the tax provided for in Section 7.01.020.

(b) Unless stated separately on any request for payment or charge imposed or established by the District the excise tax shall be presumed to be included in the amount imposed or established by the District so that the excise tax shall be computed in such amount that the total charged shall equal the amount of compensation owed to the District plus the excise tax at the rate established herein. To the extent necessary to give effect to this provision all rates and charges established by the District and in effect on the effective date of this Chapter shall be deemed decreased by such percentage amount so that after such date the amount of the rate or charge together with the amount of the excise tax provided for in Section 7.01.020 shall be equal to the previously established rate or charge. Thereafter rates and charges shall be subject to amendment as provided by law.

(c) In the case of installment payments paid by the user to the District a proportionate share of the tax shall be deemed paid by the user with each installment.

(Ordinance No. 90-333A, Sec. 2)

7.01.030 Collection of Tax by Operator; Rules for Collection:

(a) Every operator unless specifically exempted under the terms of this Chapter, shall collect a tax from users. ~~[The tax collected or accrued by the operator constitutes a debt owing by the operator to the District.]~~ as provided for in Section 7.01.020.

(b) ~~[In all cases of credit or deferred payments, the payment of tax to the operator may be deferred until the payment is paid, and the operator shall not be liable for the tax until credits are paid or deferred payments are made. Adjustments may be made for uncollectibles.]~~ The operator shall report the tax to the District consistent with the operators basis of accounting, cash or accrual, except in the case of an operator of a solid waste facility. Solid Waste Facility operators shall

report accrued revenue and excise tax calculated based upon loads or tons deposited at the site at the time of receipt of waste.

(c) For the purpose of reporting the tax owed to the District and notwithstanding the provisions of Section 7.01.040, the tax shall be presumed to be included in the amount imposed by the operator so that the excise tax shall be computed in such amount that the total charged shall equal the amount of compensation owed to the operator plus the excise tax owed to the District at the rate established herein.

(d) The District shall provide the operator with a blank return and instructions that shall be used by the operator to report the excise tax owing to the District. The amount of excise tax due shall be paid when the return is filed as provided for in Section 7.01.070.

(e) Adjustments may be made for uncollectibles when they are recognized by the operator as uncollectible, and can be sufficiently documented to show a good faith collection effort.

(f) Installment payments of tax paid by the operator to the District shall be applied to the oldest tax, and interest and penalties that have been merged with the tax as set forth in Section 7.01.080.

([e]g) The Executive Officer shall enforce provisions of this Chapter and shall have the power to adopt rules and regulations not inconsistent with this Chapter as may be necessary to aid in the enforcement. Prior to the adoption of rules and regulations, the Executive Officer shall give public notice of intent to adopt rules and regulations, provide copies of the proposed rules and regulations to interested parties, and conduct a public hearing on the proposed rules and regulations. Public notice shall be given when rules and regulations have been finally adopted. Copies of current rules and regulations shall be made available to the public upon request. It is a violation of this Code to violate rules and regulations duly adopted by the Executive Officer.

(Ordinance No. 90-333A, Sec. 2)

7.01.040 Operator's Duties:

(a) Each operator shall collect the tax imposed by this Chapter at the same time as payment is collected from every user. The amount of tax shall be separately stated upon the operator's records, and any receipt or invoice rendered by the operator.

(b) Each operator shall file a return in accordance with the terms provided for in Section 7.01.070.

(Ordinance No. 90-333A, Sec. 2)

7.01.050 Exemptions:

(a) The following persons, users and operators are exempt from the requirements of this Chapter:

- (1) Persons, users and operators whom the District is prohibited from imposing an excise tax upon under the Constitution or Laws of the United States or the Constitution or Laws of the State of Oregon.
- (2) Persons who are users and operators of the Memorial Coliseum, Portland Civic Stadium or the Portland Center for the Performing Arts.
- (3) Persons whose payments to the District or to an operator constitute a donation, gift or bequest for the receipt of which neither the District nor any operator is under any contractual obligation related thereto.
- (4) Any persons making payment to the District for a business license pursuant to ORS 701.015.
- (5) Any person which is a state, a state agency or a municipal corporation to the extent of any payment made directly to the District for any purpose other than solid waste disposal, use of a Metro ERC Facility, or use of the Metro Washington Park Zoo.
- (6) Users who are sublessees, subtenants, sublicensees, or other persons paying compensation for the use of Metro ERC Facilities including payments by users for concessions or catering services made to the Commission or its agents but not users who purchase admission tickets for events at Metro ERC Facilities that are available to members of the general public.
- (7) An operator of a franchised processing center that accomplishes material recovery and recycling as a primary operation.
- (8) Persons making payments to the District on behalf of the Metro Washington Park Zoo for the following purposes:
 - (A) Contributions, bequests, and grants received from charitable trusts, estates, nonprofit corporations, or individuals regardless of whether the District agrees to utilize the

payment for a specific purpose including all payments to the Zoo Parents program;

- (B) Corporate sponsorships or co-promotional efforts for events that are open to the general public, or for specific capital improvements, educational programs, publications, or research projects conducted at the Zoo;.
- (C) Payments that entitle a person to admission to a fund-raising event benefiting the Zoo that is not held on the grounds of the Zoo;
- (D) Payments that entitle a person to admission to a special fund-raising event held at the Zoo where the event is sponsored and conducted by a nonprofit organization approved by the Council and the primary purpose of which is to support the Zoo and the proceeds of the event are contributed to the Zoo;
- (E) Notwithstanding the provisions of subsection (A) through (D) above, all payments received by the District for admission to the Zoo, or which entitle individuals to receipt of food, beverages, goods, or rides on the Zoo train shall be subject to tax regardless of whether payment is received from an individual or otherwise on behalf of special groups including but not limited to employee and family member picnics, corporate or family parties, or similar events.

(b) Any person, user or operator that is exempt for the payment of an excise tax pursuant to this section shall nonetheless be liable for compliance with this Chapter and the payment of all taxes due pursuant to any activity engaged in by such person which is subject to this Chapter and not specifically exempted from the requirements hereof. Any operator whose entire compensation from others for use of a District facility is exempt from the provisions of this Chapter shall be deemed to be a user and not an operator.

(Ordinance No. 90-333A; amended by Ordinance No. 90-355, Sec. 2)

7.01.060 Registration of Operator; Form and Contents; Execution; Certification of Authority:

(a) Every person engaging or about to engage in business as an operator in the District shall register with the Executive

Officer on a form provided by the Executive Officer. Operators starting business must register within fifteen (15) calendar days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration. Registration shall set forth the name under which an operator transacts or intends to transact business, the location of his/her place of business and such other information to facilitate the collection of the tax as the Executive Officer may require. The registration shall be signed by the operator.

(b) The Executive Officer shall, within ten (10) days after registration, issue without charge a certificate of authority to each registrant to collect the tax from users, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the Executive Officer upon the cessation of business at the location named or upon the business sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed thereon so as to be seen and come to notice readily of all users.

(c) Said certificate shall, among other things, state the following:

- (1) The name of the operator;
- (2) The address of the facility;
- (3) The date upon which the certificate was issued;
- (4) "This Excise Tax Registration Certificate signifies that the person named has fulfilled the requirements of the Excise Tax Chapter of the Code of the Metropolitan Service District for the purpose of collecting and remitting the excise tax. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a facility without strictly complying with all local applicable laws. This certificate does not constitute a permit or a franchise."

(Ordinance No. 90-333A, Sec. 2)

7.01.070 Due Date; Returns and Payments:

(a) ~~[The tax imposed by this Chapter shall be paid by the user to the operator at the time that payment is made.]~~ The tax shall be collected from the operator by the District as provided for in Section 7.01.030. All amounts of such taxes [collected]

reported by any operator are due and payable to the District on the 15th day of each month for the preceding month; and are delinquent on the last day of the month in which they are due. If the last day of the month falls on a holiday or weekend, amounts are delinquent on the first business day that follows. The initial return under this Chapter may be for less than a full month preceding the due date; thereafter returns shall be made for the applicable monthly period.

(b) On or before the 15th day of the month following each month of ~~collection~~ operation of a District facility, a return for the preceding month's tax ~~collections~~ shall be filed with the Executive Officer. The return shall be filed in such form as the Executive Officer may prescribe by every operator liable for payment of tax.

(c) Returns shall show the amount of tax ~~collected or otherwise~~ due for the related period. The Executive Officer may require returns to show the total receipts upon which tax was collected or otherwise due, gross receipts of the operator for such period and an explanation in detail of any discrepancy between such amounts, and the amount of receipts exempt, if any.

(d) The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the Executive Officer, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

(e) For good cause, the Executive Officer may extend for not to exceed one (1) month the time for making any return or payment of tax. No further extension shall be granted, except by the Executive Officer. Any operator to whom an extension is granted shall pay interest at the rate of 1.25 percent (1.25%) per month on the amount of tax due without proration for a portion of a month. If a return is not filed, and the tax and interest due is not paid by the end of the extension granted, then the interest shall be added to the tax due for computation of penalties described elsewhere in this Chapter.

(f) The Executive Officer, if deemed necessary in order to ensure payment or facilitate collection by the District of the amount of taxes in any individual case, may require returns and payment of the amount of taxes more frequently than monthly periods. (Ordinance No. 90-333A, Sec. 2)

7.01.080 Penalties and Interest:

(a) Original delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this Chapter prior to

delinquency shall pay a penalty of ten percent (10%) of the amount of the tax due in addition to the amount of the tax.

(b) Continued delinquency. Any operator who has not been granted an extension of time for remittance of tax due, and who failed to pay any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent (15%) of the amount of the tax due plus the amount of the ten percent (10%) penalty first imposed.

(c) Fraud. If the Executive Officer determines that the nonpayment of any remittance due under this Chapter is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in paragraphs (a) and (b) of this Section.

(d) Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this Chapter shall pay interest at the rate of 1.25 percent (1.25%) per month or fraction thereof without proration for portions of a month, on the amount of the tax due from the date on which the remittance first became delinquent until paid. Interest shall be compounded monthly.

(e) Penalties and Interest merged with tax. Every penalty imposed and such interest as accrues under the provisions of this Section shall be merged with and become a part of the tax herein required to be paid. If delinquency continues, requiring additional penalty and interest calculations, previously assessed penalty and interest are added to the tax due. This amount becomes the new base for calculating new penalty and interest amounts.

(f) Petition for waiver. Any operator who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated, provided, however, the operator may petition the Executive Officer for waiver and refund of the penalty or any portion thereof and the Executive Officer may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof.

(Ordinance No. 90-333A, Sec. 2)

7.01.090 Deficiency Determination; Fraud, Evasion, Operator Delay.

(a) Deficiency determinations. If the Executive Officer determines that the results are incorrect, it may compute and determine the amount required to be paid on the basis of the facts contained in the return or returns, or upon the basis of any information within its possession or that may come into its

possession. One or more deficiency determinations may be made of the amount due for one, or more than one, period, and the amount so determined shall be due and payable immediately upon service of notice as herein provided after which the amount determined is delinquent. Penalties or deficiencies shall be applied as set forth in Section 7.01.080.

- (1) In making a determination the Executive Officer may offset overpayments, if any, which may have been previously made for a period or periods against any underpayment for a subsequent period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in Section 7.01.080.
- (2) The Executive Officer shall give to the operator a written notice of its determination. The notice may be served personally or by mail. If by mail, the notice shall be addressed to the operator at his/her address as it appears on the records of the Executive Officer. In case of service by mail or any notice required by this Chapter, the service is complete at the time of deposit in the United States Post Office.
- (3) Except in the case of fraud or intent to evade this Chapter or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three (3) years after the last day of the month following the close of the period for which the amount is proposed to be determined or within three (3) years after the return is filed, whichever period expires the later.
- (4) Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten (10) days after the Executive Officer has given notice thereof, provided, however, the operator may petition for redemption and refund if the petition is filed before the determination becomes final as herein provided.

(b) Fraud, refusal to collect, evasion. If any operator shall fail or refuse to collect said tax or to make within the time provided in this Chapter any report and remittance of said tax or any portion thereof required by this Chapter, or makes a fraudulent return or otherwise willfully attempts to evade this Chapter, the Executive Officer shall proceed in such manner as deemed best to obtain facts and information on which to base an estimate of the tax due. As soon as the Executive Officer has

determined the tax due that is imposed by this Chapter from any operator who has failed or refused to collect the same and to report and remit said tax, it shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this Chapter. In case such determination is made, the Executive Officer shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three (3) years after discovery by the Executive Officer of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return. Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten (10) days after the Executive Officer has given notice thereof, provided, however, the operator may petition for redemption and refund if the petition is filed before the determination becomes final as herein provided.

(c) Operator delay. If the Executive Officer believes that the collection of any tax or any amount of tax required to be collected and paid to the District will be jeopardized by delay, or if any determination will be jeopardized by delay, the Executive Officer shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined as herein provided shall be immediately due and payable, and the operator shall immediately pay such determination to the Executive Officer after service of notice thereof; provided, however, the operator may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within ten (10) days from the date of service of notice by the Executive Officer.

(Ordinance No. 90-333A, Sec. 2)

7.01.100 Hearings, Contested Cases:

(a) Any person against whom a determination is made under Section 7.01.090 or any person directly interested may request a hearing on the matter in contest and request redemption and refund within the time required in Section 7.01.090. The determination becomes final at the expiration of the allowable time and no hearing may be requested thereafter. Hearings shall be conducted as provided for in Chapter 2.05 except that the deadline for requesting a hearing shall be as provided for herein.

(b) No request for a hearing and refund or appeal therefrom shall be effective for any purpose unless the operator has first complied with the payment provisions hereof.

(Ordinance No. 90-333A, Sec. 2)

7.01.110 Security for Collection of Tax: The Executive Officer, whenever deemed necessary to ensure compliance with this Chapter, may require any operator subject thereto to deposit with it such security in the form of cash, bond, or other security as the Executive Officer may determine. The amount of the security shall be fixed by the Executive Officer but shall not be greater than twice the operator's estimated average liability for the period for which he/she files returns, determined in such manner as the Executive Officer deems proper. The amount of the security may be increased or decreased by the Executive Officer subject to the limitation herein provided.

(Ordinance No. 90-333A, Sec. 2)

7.01.120 Refunds:

(a) Refunds by District to operator. Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously collected or received by the Executive Officer under this Chapter, it may be refunded, provided a verified claim in writing therefore, stating the specific reason upon which the claim is founded, is filed with the Executive Officer within three (3) years from the date of payment. The claim shall be made on forms provided by the Executive Officer. If the claim is approved by the Executive Officer, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the operator from whom it was collected or by whom paid and the balance may be refunded to such operator, his/her administrators, executors, or assignees.

(b) Refunds by District to users. Whenever the tax required by this Chapter has been collected by the District or by an operator, and deposited by the operator with the Executive Officer, and it is later determined that the tax was erroneously collected or received by the Executive Officer, it may be refunded by the Executive Officer to the user, provided a verified claim in writing therefore, stating the specific reason on which the claim is founded, is filed with the Executive Officer within three (3) years from the date of payment.

(Ordinance No. 90-333A, Sec. 2)

7.01.130 Administration:

(a) Records required from operator, et cetera; form. Every operator shall keep records of all sales and transactions. All records shall be retained by the operator for a period of three (3) years and six (6) months after they come into being.

(b) Examination of records; investigations. The Executive Officer, or any person authorized in writing by the Executive Officer, may examine during normal business hours the books,

papers and accounting records relating to any operator, after notification to the operator liable for the collection and payment of the tax, and may investigate the business of the operator in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

(c) At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three (3) years after any determination becomes final, the Executive Officer may cause the General Counsel to bring an action in the courts of this state, or any other state, or of the United States in the name of the District to collect the amount delinquent together with penalties and interest.

(d) Confidential financial information. Except as otherwise required by law, it shall be unlawful for the Executive Officer, or any officer, employee, or agent, to divulge, release, or make known in any manner any financial information submitted or disclosed to the Executive Officer under the terms of this Chapter. Nothing in this subsection shall be construed to prohibit:

- (1) The disclosure to, or the examination of, financial records by District officials, employees or agents for the purpose of administering or enforcing the terms of this Chapter, or collecting taxes imposed under the terms of this Chapter; or
- (2) The disclosure to the taxpayer or his/her authorized representative of financial information, including amounts of excise taxes, penalties, or interest, after filing of a written request by the taxpayer or his/her authorized representative and approval of the request by the Executive Officer; or
- (3) The disclosure of the names and addresses of any persons to whom Excise Tax Registration Certificates have been issued; or
- (4) The disclosure of general statistics in a form which would prevent the identification of financial information regarding any particular taxpayer's return or application; or
- (5) The disclosure of financial information to the Office of General Counsel, to the extent the Executive Officer deems disclosure or access necessary for the performance of the duties of advising or representing the Executive Officer.

(Ordinance No. 90-333A, Sec. 2)

7.01.150 Violations. It is unlawful for any operator or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the Executive Officer or to render a false or fraudulent return. No person required to make, render, sign, or verify any report shall make any false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this Chapter. The Executive Officer may impose a civil penalty of up to \$500 for each violation of this Chapter. A violation includes, but is not limited to:

(a) Failure to file any required Tax payment and report, including any penalties and interest, within sixty (60) days of the due date;

(b) Filing a false or fraudulent report;

(c) Failure to register a facility with the Executive Officer as described in Section 7.01.060;

(d) Failure to maintain a separate account for the excise tax collected.

(Ordinance No. 90-333A, Sec. 2).

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

Meeting Date: June 11, 1992
Agenda Item No. 6.1

ORDINANCE NO. 92-461A

STAFF REPORT

CONSIDERATION OF AN ORDINANCE AMENDING METRO ORDINANCE NO. 92-444A, FOR CONTESTED CASE NO. 91-2:FOREST PARK

May 15, 1992

Staff: Ethan Seltzer

BACKGROUND AND ANALYSIS:

On February 27, 1992, the Metro Council adopted Ordinance No. 92-444A, amending the Metro Urban Growth Boundary (UGB) for Contested Case No. 91-2:Forest Park. Contested Case No. 91-2 was a petition from the City of Portland and HGW, Inc. for a trade of lands into and out of the urban growth boundary (UGB). Trades are considered by Metro under MC 3.01 as a locational adjustment to the UGB. The property proposed for inclusion in the UGB (labelled parcel A) totaled approximately 120 acres and is located southeast of NW Skyline Boulevard and north of NW Laidlaw and NW North Roads in Multnomah County. The property proposed for removal from the UGB (labelled parcel D) is located at the northern end of Forest Park, southeast of Newberry Road, in Multnomah County. The City of Portland has taken a position in support of the petition and Multnomah County has decided to not take a position either in favor of or opposition to the petition.

This is a complex matter involving a third property (referred to as the "Ramsey property" below) in addition to the lands proposed for addition to and removal from the UGB. This petition is part of a larger "3-way" transaction involving the City of Portland, HGW, Inc., and the Ramsey family. In brief, the Ramsey family owns about 120 acres of land within Forest Park that, if developed, could cause significant disruption to wildlife corridors and existing and planned park trail networks. HGW, Inc., owns 120 acres outside and south of the park that could be developed with up to 12 dwellings under the current rural zoning. If the HGW, Inc., property could be brought within the UGB, it could be developed with up to 60 dwellings, although about 40 would be more likely given steep slopes on the site. However, there is currently not a need within the existing UGB for additional residential land.

By trading land owned by the City of Portland out of the UGB, there would be no net change in the land area within the UGB. In fact, Metro's locational adjustment process includes a trade procedure in recognition of the fact that land now designated for urban use may be less well suited for urban development than land currently outside and adjacent to the UGB. In exchange for the City's willingness to remove some of its property from the UGB, and recognizing the increase in development potential that would result if parcel A was brought inside the UGB, HGW, Inc., has agreed to purchase the Ramsey property and convey it to the City. Therefore, although the trade before the Council technically only concerned parcels A and D, it is really part of this larger transaction involving the Ramsey property as well. If the Ramsey property was not involved in the transaction, the City of Portland would not be an applicant and there would have been no trade proposal before the Metro Council.

Metro Hearings Officer Chris Thomas concluded that the petition complied with the applicable standards in MC Chapter 3.01, but recommended that the approval not take effect unless, within 90 days of passage of the Ordinance, the Council received written notification that the portion of the transaction involving the Ramsey property has been or will be completed to the City's satisfaction. One exception to the decision was filed, which subsequently became the basis for Council's amendment to the Hearings Officer's recommendation, making the basis for determining "satisfaction" on the part of the City more explicit.

Following adoption of Ordinance No. 92-444A on February 27, 1992, the City and HGW, Inc., had until May 27, 1992, to complete the transaction consistent with the conditions of the UGB amendment. In the ensuing months, both the City and HGW, Inc., have been unable to complete the transaction with the Ramsey family. Nonetheless, the City has reason to believe that it can now pursue the completion of the transaction in a manner that will meet the requirements of the condition if it can have an extension beyond the 90-day time limit imposed by Ordinance No. 92-444A. In addition to an extension for the time limit, the City would also like Section 3 of Ordinance No. 92-444A amended to reflect that the Ramsey property will be acquired by the City in a manner that may not include simple donation.

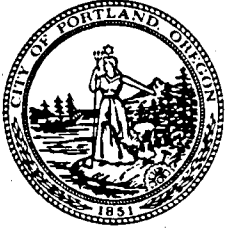
On or about May 8, 1992, the City of Portland requested that Metro amend Ordinance No. 92-444A to allow more time for completing the transaction as specified in Section 3 of that Ordinance. The City requested that the Metro Council act on May 14, 1992, at its regularly scheduled meeting, in order to amend the Ordinance before the expiration of the 90-day period on May 27. However, in addition to having missed the agenda deadline for the May 14 Council meeting, the amendment of an Ordinance requires an ordinance, which would entail a second reading no sooner than May 28, 1992, one day after the end of the 90-day period.

The request from the City raises both procedural and substantive issues for Metro. In the past, the Council has avoided attaching conditions to its UGB decisions. The request of the City represents a request for an amendment to a condition, something that our code is silent on. Therefore, in order to adequately prepare the way for Council consideration of the request in a manner that would not prejudice future Council actions, Metro staff advised the City to submit a second letter, received on May 18, 1992, requesting that the 90-day "clock" be stopped in order to allow the Council sufficient time to consider the request.

Executive Officer's Recommendation

The request from the City of Portland for an amendment to Section 3 of Ordinance No. 92-444A will not change the final specifications for the overall transaction or the participation of the City of Portland as an applicant in Metro's UGB proceeding. The Metro Council should adopt Ordinance No. 92-461, granting the request of the City of Portland for amendments to Section 3 of Metro Ordinance No. 92-444A allowing more time and enabling other forms of acquisition besides donation to be used to complete the transaction.

ES/es



CITY OF PORTLAND
BUREAU OF PARKS AND RECREATION

1120 S.W. 5TH, ROOM 1302
PORTLAND, OREGON 97204-1933
(503) 796-5193



MIKE LINDBERG, Commissioner

CHARLES JORDAN, Director

May 8, 1992

Ethan Seltzer
Land Use Supervisor
Metropolitan Service District
2000 S.W. 1st Avenue
Portland, OR 97201

RE: Amendment of Metro Urban Growth Boundary (UGB), Contested Case
91-2, Authorized by Metro Ordinance No. 92-444.

Dear Mr. Seltzer:

The City of Portland and HGW, Inc., co-applicants for the above referenced Amendment of Metro UGB, request that the period allowed for filing the written notification of satisfaction by the City be extended by an additional 90 days.

Metro Ordinance No. 92-444 provided a 90 day period from the date of passage by the Metro Council. This period will terminate on May 24, 1992. The City and HGW are presently working on a final agreement which will require further City Council authorization. But due to the need for additional actions and negotiations by the City, and due to City Council's schedule, it is necessary to request an extension now. After the City and HGW execute the final agreement, there will be a clear and certain path for the City to obtain satisfaction as anticipated by the Metro Ordinance.

The City and HGW, Inc. request that Metro Council grant this needed 90 day extension at its regular meeting of May 14, 1992. Richard Whitman (representing HGW) and I will be available to attend the Council meeting and will be prepared to respond to any questions or concerns from Metro Council.

Please contact Harry Auerbach at 823-4047 or me at 796-5122 if you have any questions about this matter.

Sincerely,


Jim Sjulín
Natural Resources Supervisor

c: Richard Whitman



CITY OF PORTLAND
BUREAU OF PARKS AND RECREATION

1120 S.W. 5TH, ROOM 1302
PORTLAND, OREGON 97204-1933
(503) 796-5193



MIKE LINDBERG, Commissioner

CHARLES JORDAN, Director

May 18, 1992

TO: Ethan Seltzer
Metropolitan Service District
Land Use Supervisor

FROM: Jim Sjulín
Bureau of Parks and Recreation
Natural Resources Supervisor

RE: Amendment of Metro Urban Growth Boundary (UGB), Contested
Case 91-2, Authorized by Metro Ordinance No. 92-444A.

The City of Portland, co-applicant with HGW, Inc. in the above land use action, requests that an immediate stop be placed on the 90 day period established as a special condition for the UGB amendment. The suspension of the clock will allow Metro Council the opportunity to consider an amendment to the condition which extends the period by another 180 days and makes a minor language change. The suspension of the clock also will allow Portland City Council the opportunity to authorize needed action in connection with the condition and the opportunity to execute the action.

The City also requests that Metro staff prepare an amendment to the aforementioned condition which extends the period by an additional 180 days and which changes the word "donation" to "acquisition" within the condition (Section 3 of Metro Ordinance No. 92-444A).

ugbmem.001

Certified True Copy of the Original Thereof
Paula DeAlto
Clerk of the Council

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL) ORDINANCE NO. 92-444A
ORDER AND AMENDING THE METRO)
URBAN GROWTH BOUNDARY FOR)
CONTESTED CASE NO. 91-2:FOREST)
PARK)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. On Wednesday, October 2, 1991, Metro Hearings Officer Chris Thomas held a public hearing for Contested Case No. 91-2:Forest Park. Based on testimony received at that hearing and on written materials submitted in conjunction with the petition, the Hearings Officer has recommended that Metro approve the petition for amendment of the Urban Growth Boundary provided that within 90 days of the passage of this ordinance, the Metro Council receive written notification that the Ramsey portion of the overall transaction has been completed or provided for in a manner satisfactory to the City of Portland.


Section 2. The Council of the Metropolitan Service District hereby accepts and adopts as the Final Order in Contested Case No. 91-2 the Hearings Officer's Report and Recommendations in Exhibit B of this Ordinance, which is incorporated by this reference.

Section 3. The District Urban Growth Boundary, as adopted by Ordinance No. 79-77, will be amended as shown in Exhibit A of this Ordinance, which is incorporated by this reference, upon receipt by the Metro Council of written notification from the City of Portland that the Ramsey portion of the overall transaction has been or will be completed in a manner that

assures the donation to the City of 73 acres referred to as Parcel A; and, at a minimum, the donation to the City of a 20.7 acre portion of Parcel B which is deepest into Forest Park and furthest away from NW Skyline Blvd., or that portion of Parcel B which was designated as "EP" zone as of December 2, 1991. If no such written notification is received within 90 days of the passage of this ordinance, then no amendment of the urban growth boundary shall occur and the petition will be rejected.

Section 4. Parties to Contested Case No. 91-2 may appeal this Ordinance under Metro Code Section 205.05.050 and ORS Ch. 197.

ADOPTED by the Council of the Metropolitan Service District this 27th day of February, 1992.


Jim Gardner, Presiding Officer

ATTEST:


Clerk of the Council

ES/es
2/27/92

STAFF REPORT

CONSIDERATION OF AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE 91-2:FOREST PARK

Date: January 24, 1992

Presented By: Ethan Seltzer

BACKGROUND

Contested Case No. 91-2 is a petition from the City of Portland and HGW, Inc. for a trade of lands into and out of the urban growth boundary (UGB). Trades are considered by Metro under MC 3.01 as a locational adjustment to the UGB. The property proposed for inclusion in the UGB (labelled parcel A) totals approximately 120 acres and is located southeast of NW Skyline Boulevard and north of NW Laidlaw and NW North Roads in Multnomah County. The property proposed for removal from the UGB (labelled parcel D) is located at the northern end of Forest Park, southeast of Newberry Road, in Multnomah County. The City of Portland has taken a position in support of the petition and Multnomah County has decided to not take a position either in favor of or opposition to the petition.

As will be described below, this is a complex matter involving a third property (referred to as the "Ramsey property" below) in addition to the lands proposed for addition to and removal from the UGB. Metro Hearings Officer Chris Thomas held a hearing on this matter on October 2, 1991, in the Metro Council Chambers. Testimony was received from both the petitioner and from concerned citizens. The Hearings Officer's Report and Recommendation, attached as Exhibit B to the Ordinance, concludes that the petition complies with the applicable standards in MC Chapter 3.01, but recommends that the approval not take affect unless, within 90 days of passage of the Ordinance, the Council receives written notification that the portion of the transaction involving the Ramsey property has been or will be completed to the City's satisfaction. One exception to the decision has been filed and is attached to this staff report for your review.

Following presentation of the case by the Hearings Officer, and comments by the petitioner, the parties to the case will be allowed to present their exceptions to the Council. The petitioner will be given the opportunity to respond to the exceptions posed by parties. The Hearings Officer will be available to clarify issues as they arise.

At its meeting on the 13th of February, 1992, Council can, following the public hearing, pass the Ordinance on to second reading or remand the findings to staff or the Hearings Officer for modification. Since all properties affected by this petition are presently within the Metro District boundary, no action by the Boundary Commission is required prior to final Council action.

ANALYSIS

This petition is part of a larger "3-way" transaction involving the City of Portland, HGW, Inc., and the Ramsey family. In brief, the Ramsey family owns about 120 acres of land within Forest Park that, if developed, could cause significant disruption to wildlife corridors and existing and planned park trail networks. HGW, Inc., owns 120 acres outside and south of the park that could be developed with up to 12 dwellings under the current rural zoning. If the HGW, Inc., property could be brought within the UGB, it could be developed with up to 60 dwellings, although about 40 would be more likely given steep slopes on the site. However, there is currently not a need within the existing UGB for additional residential land.

By trading land owned by the City of Portland out of the UGB, there would be no net change in the land area within the UGB. In fact, Metro's locational adjustment process includes a trade procedure in recognition of the fact that land now designated for urban use may be less well suited for urban development than land currently outside and adjacent to the UGB. In exchange for the City's willingness to remove some of its property from the UGB, and recognizing the increase in development potential that would result if parcel A was brought inside the UGB, HGW, Inc., has agreed to purchase the Ramsey property and convey it to the City.

Therefore, although the trade before the Council technically only concerns parcels A and D, it is really part of this larger transaction involving the Ramsey property as well. If the Ramsey property was not involved in the transaction, the City of Portland would not be an applicant and there would be no trade proposal before the Metro Council. Currently, Metro considers petitions for trades according to the criteria outlined in MC Chapter 3.01. The standards for considering a trade are:

- 1) The trade results in a net of no more than 10 vacant acres being added or 50 acres being removed. In this case, a net of 19 acres would be removed, satisfying this requirement.
- 2) Each City or County with jurisdiction has taken a position in favor, in opposition, or declining to express an opinion. The City of Portland has taken a position in support of the proposed trade, and Multnomah County, for reasons discussed below, has taken a position of "no comment. Therefore, the petition satisfies this requirement.
- 3) The petition must be filed by a city whose planning area is contiguous with the sites, or by a group of not less than 50 percent of the property owners who own more than 50 percent of the land area in each site involved in the trade. With the City of Portland as an applicant and HGW, Inc. the sole owner of the proposed addition to the UGB, this petition meets this requirement. However, as noted by the Hearings

Officer, the City of Portland would not be an applicant if the Ramsey property were not a part of the overall transaction. Therefore, if the Ramsey property is not conveyed to the City by HGW, Inc., the transaction cannot be completed, the City would no longer be an applicant, and this petition would not meet this requirement.

4) The petition must meet the strict requirements of MC Chapter 3.01.040(a)(4) and (c)(1) for the preservation of agricultural land. The property proposed for addition is currently zoned MUF-19 which, under Multnomah County zoning, is intended to be protected for forest use. Multnomah County has taken a position of "no comment" largely because of its concern regarding the preservation of forest land and its conclusion that parcel A is capable of supporting and suitable for forest use. However, Multnomah County, in a previous action to which Metro was a party, determined that the property was not suitable for agricultural use. For reasons stated in his report, the Hearings Officer has determined that the petition meets this requirement because agricultural land, as envisioned in the Metro Code and Statewide Land Use Planning Goals, is not affected by the proposed action.

5) The land proposed for inclusion in the UGB must be more suitable for urbanization than the land proposed for removal. The Hearings Officer, based on factual testimony in the record, has concluded that the land proposed for addition to the UGB is better suited for urbanization than the lands to be removed.

6) Nearby agricultural land either won't be affected or can be protected from the affects of urbanizing the lands proposed for addition to the UGB. The Hearings Officer has concluded that the petition meets this requirement.

Hence, the Hearings Officer has concluded that the petition meets the requirements for trades, as long as the transaction involving the Ramsey property is successfully completed. His recommendation, therefore, is conditioned on the completion of the overall transaction.

The exception filed by Mr. Rochlin agrees with the Hearings Officer's conclusion but proposes stricter conditions pertaining to the exact nature of the property to be conveyed by HGW, Inc., to the City of Portland.

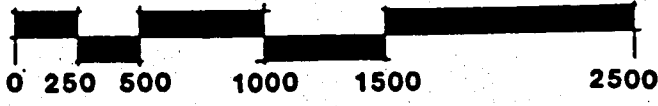
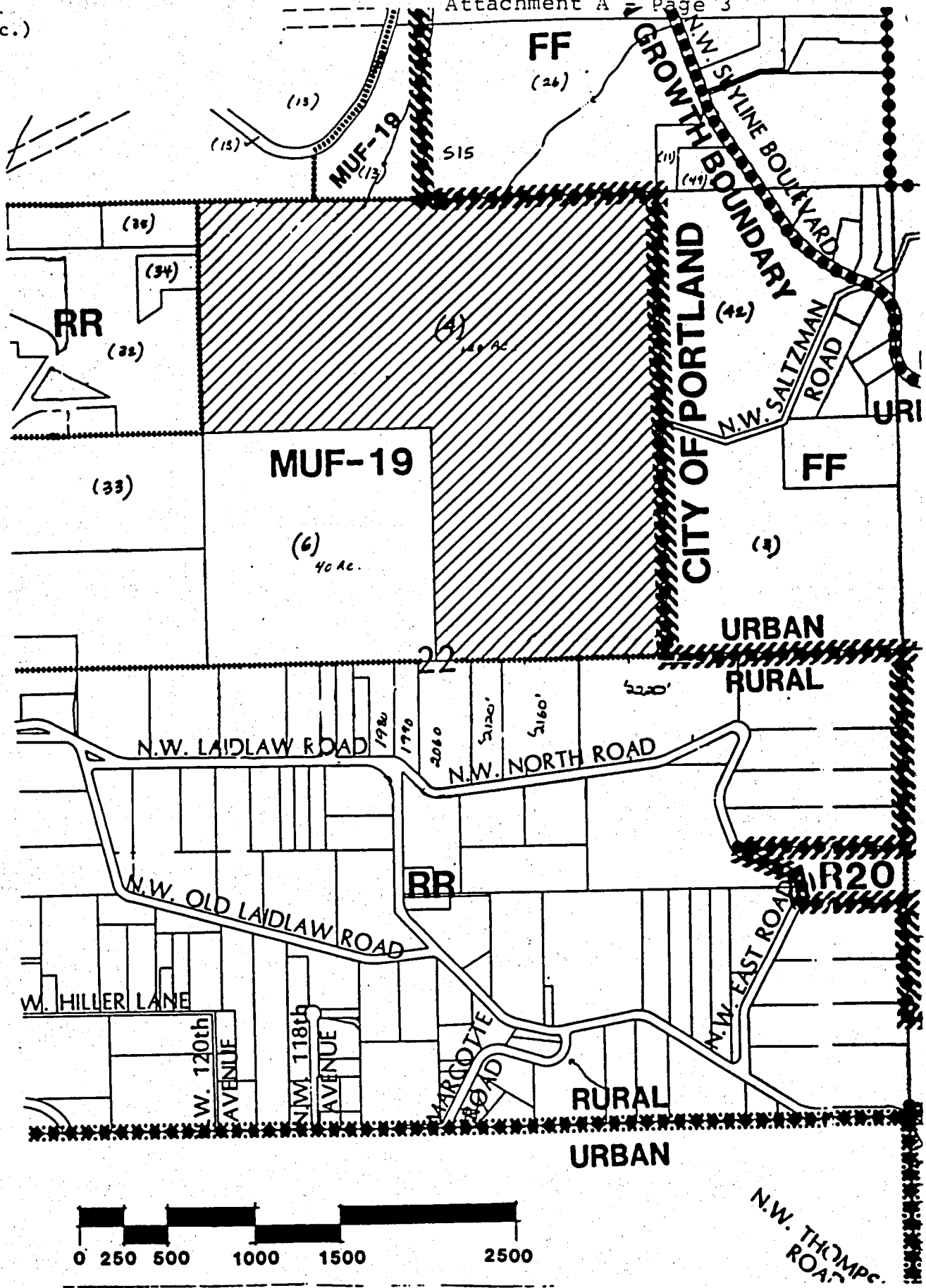
Executive Officer's Recommendation

The Metro Council should accept the recommendation of the Hearings Officer, including the condition as proposed. The appropriate place to raise the issue of the satisfaction of the City of Portland with the final transaction is with the City, not Metro.

ES/es
1/28/92

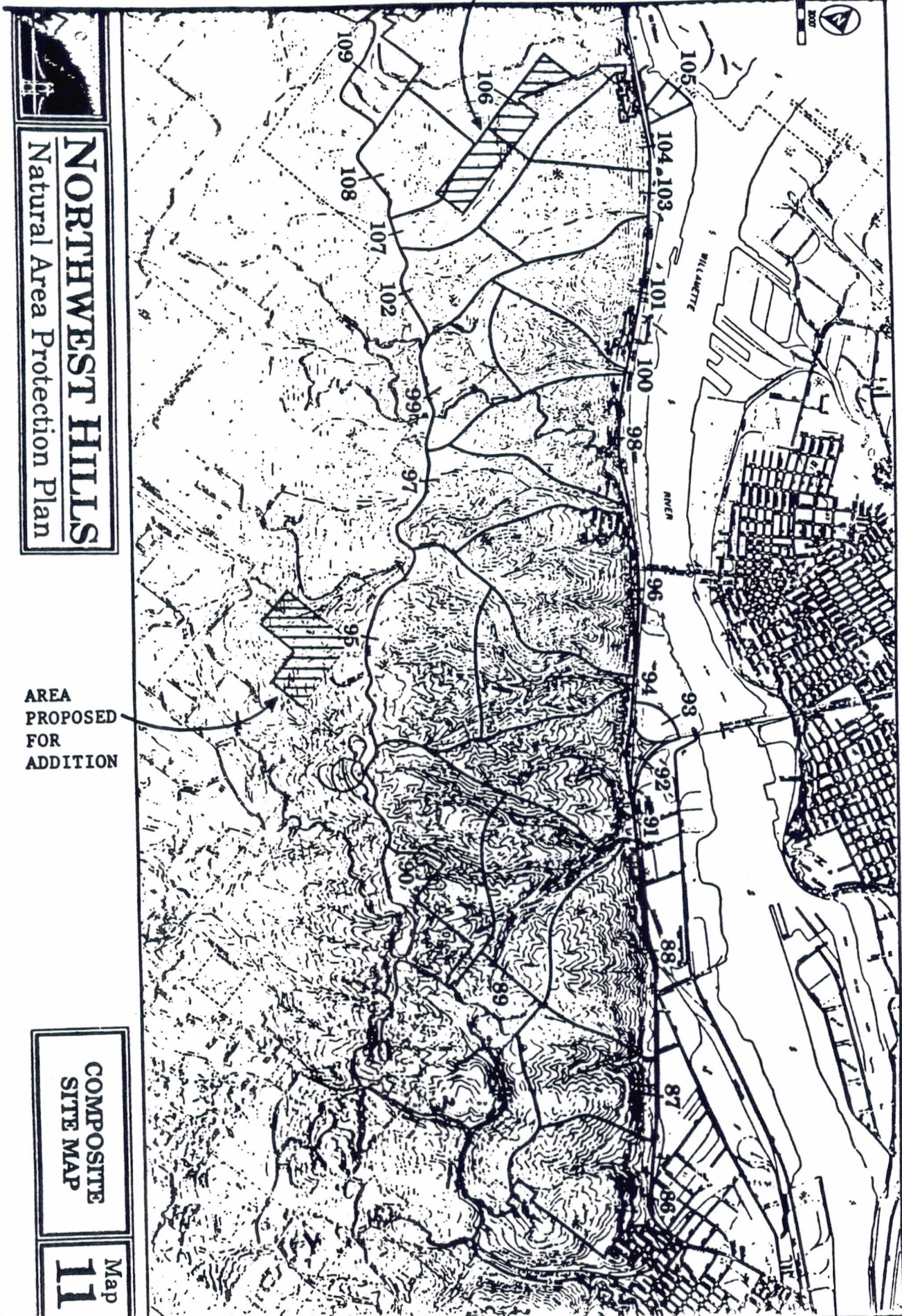
ATTACHMENT A

(120.0 ac.)



AREA PROPOSED FOR REMOVAL

EXHIBIT A



NORTHWEST HILLS
 Natural Area Protection Plan

AREA
 PROPOSED
 FOR
 ADDITION

COMPOSITE
 SITE MAP

Map
11

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING METRO)
ORDINANCE NO. 92-444A, FOR)
CONTESTED CASE NO. 91-2:FOREST)
PARK)

ORDINANCE NO. 92-461A

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

Section 1. On Thursday, February 27, 1992, the Metro Council held a second reading for and adopted Ordinance No. 92-444A, amending the Metro Urban Growth Boundary for Contested Case No. 91-2: Forest Park. The order was adopted upon the condition that the Ramsey portion of the overall transaction has been or will be completed in a manner that assures the donation to the City of 73 acres referred to as Parcel A; and, at a minimum, the donation to the City of a 20.7 acre portion of Parcel B which is deepest into Forest Park and furthest away from NW Skyline Blvd., or that portion of Parcel B which was designated as "EP" zone as of December 2, 1991. If the Metro Council received no written notification that this condition was met within 90 days of the passage of this ordinance, then no amendment of the urban growth boundary would occur and the petition would be rejected. The 90th day for purposes of this condition falls on May 27, 1992.

Section 2. On or about May 8, 1992, the City of Portland notified Metro and all parties to the case that it needed an extension of the 90-day time limit to complete the Ramsey portion of the transaction. The City stated its belief that additional time would result in the completion of the transaction as envisioned by Ordinance No. 92-444A.

Section 3. On May 18, 1992, the City of Portland formally requested that Metro extend the period for completing the transaction by 180 days, change the word "donation" in Section

3 of Ordinance No. 92-444A to "acquisition" to acknowledge that the City would be more actively involved, and stop the 90-day "clock" in order to allow the Metro Council time to take the actions requested.

Section 4. Metro Ordinance No. 92-444A, Section 3, is hereby amended to read:

"Section 3. The District Urban Growth Boundary, as adopted by Ordinance No. 79-77, will be amended as shown in Exhibit A of this Ordinance, which is incorporated by this reference, upon receipt by the Metro Council of written notification from the City of Portland that the Ramsey portion of the overall transaction has been or will be completed in a manner that assures the ~~donation to acquisition~~ by the City of 73 acres referred to as Parcel A; and, at a minimum, the ~~donation to acquisition~~ by the City of a 20.7 acre portion of Parcel B which is deepest into Forest Park and furthest away from NW Skyline Blvd., or that portion of Parcel B which was designated as "EP" zone as of December 2, 1991. If no such written notification is received ~~within 90 days of the passage of this ordinance~~ by June 1, 1993, then Metro shall notify the parties to the case and hold a hearing at the next regularly scheduled meeting of the Metro Council to hear why such assurance has not been received, and whether an additional extension of time is justified. ~~, then no amendment of the urban growth boundary shall occur and the petition will be rejected.~~ "

Section 5. Parties to Contested Case No. 91-2 may appeal this Ordinance under Metro Code Section 205.05.050 and ORS Ch. 197.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

ES/es
3/27/92

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING METRO)
ORDINANCE NO. 92-444A, FOR)
CONTESTED CASE NO. 91-2:FOREST)
PARK)

ORDINANCE NO. 92-461

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

Section 1. On Thursday, February 27, 1992, the Metro Council held a second reading for and adopted Ordinance No. 92-444A, amending the Metro Urban Growth Boundary for Contested Case No. 91-2: Forest Park. The order was adopted upon the condition that the Ramsey portion of the overall transaction has been or will be completed in a manner that assures the donation to the City of 73 acres referred to as Parcel A; and, at a minimum, the donation to the City of a 20.7 acre portion of Parcel B which is deepest into Forest Park and furthest away from NW Skyline Blvd., or that portion of Parcel B which was designated as "EP" zone as of December 2, 1991. If the Metro Council received no written notification that this condition was met within 90 days of the passage of this ordinance, then no amendment of the urban growth boundary would occur and the petition would be rejected. The 90th day for purposes of this condition falls on May 27, 1992.

Section 2. On or about May 8, 1992, the City of Portland notified Metro and all parties to the case that it needed an extension of the 90-day time limit to complete the Ramsey portion of the transaction. The City stated its belief that additional time would result in the completion of the transaction as envisioned by Ordinance No. 92-444A.

Section 3. On May 18, 1992, the City of Portland formally requested that Metro extend the period for completing the transaction by 180 days, change the word "donation" in Section

3 of Ordinance No. 92-444A to "acquisition" to acknowledge that the City would be more actively involved, and stop the 90-day "clock" in order to allow the Metro Council time to take the actions requested.

Section 4. Metro Ordinance No. 92-444A, Section 3, is hereby amended to read:

"Section 3. The District Urban Growth Boundary, as adopted by Ordinance No. 79-77, will be amended as shown in Exhibit A of this Ordinance, which is incorporated by this reference, upon receipt by the Metro Council of written notification from the City of Portland that the Ramsey portion of the overall transaction has been or will be completed in a manner that assures the ~~donation to acquisition~~ by the City of 73 acres referred to as Parcel A; and, at a minimum, the ~~donation to acquisition~~ by the City of a 20.7 acre portion of Parcel B which is deepest into Forest Park and furthest away from NW Skyline Blvd., or that portion of Parcel B which was designated as "EP" zone as of December 2, 1991. If no such written notification is received ~~within 90 days of the passage of this ordinance~~ by December 11, 1992, then no amendment of the urban growth boundary shall occur and the petition will be rejected. "

Section 5. Parties to Contested Case No. 91-2 may appeal this Ordinance under Metro Code Section 205.05.050 and ORS Ch. 197.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

ES/es3/15/92

Meeting Date: June 11, 1992
Agenda Item No. 6.2

ORDINANCE NO. 92-457



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503.221-1646

DATE: June 5, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 6.2; ORDINANCE NO. 92-457

The Finance Committee report for the ordinance referenced above will be distributed in advance to Councilors and available at the Council meeting June 11, 1992.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE)
NO. 91-390A REVISING THE FY 1991-92)
BUDGET AND APPROPRIATIONS)
SCHEDULE FOR THE PURPOSE OF)
TRANSFERRING APPROPRIATIONS)
WITHIN THE INSURANCE FUND)

ORDINANCE NO. 92-457

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1991-92 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That Ordinance No. 91-390A, Exhibit B, FY 1991-92 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$23,093 from the Insurance Fund Materials & Services appropriation to Capital Outlay to fund equipment purchases for the Workers' Compensation program.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

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May 14, 1992

**EXHIBIT A
ORDINANCE NO. 92-457**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
INSURANCE FUND							
Personal Services							
511121	SALARIES-REGULAR EMPLOYEES (full-time)						
	Risk Manager	1.00	46,463	0.00	0	1.00	46,463
	Assoc. Management Analyst	1.00	32,756	0.00	0	1.00	32,756
511221	WAGES-REGULAR EMPLOYEES (full-time)						
	Administrative Secretary	1.00	20,031	0.00	0	1.00	20,031
512000	FRINGE	0.00	32,384	0.00	0	0.00	32,384
Total Personal Services		3.00	131,634	0.00	0	3.00	131,634
Materials & Services							
521100	Office Supplies		9,390		0		9,390
521110	Computer Software		5,400		0		5,400
524190	Misc. Professional Services		80,000		0		80,000
526100	Insurance		372,500		0		372,500
529810	Claims Paid		480,000		(23,093)		456,907
Total Materials & Services			947,290		(23,093)		924,197
Capital Outlay							
571500	Office Furniture & Equipment		16,220		23,093		39,313
Total Capital Outlay			16,220		23,093		39,313
Contingency & Unapp. Balance							
599999	Contingency		477,573		0		477,573
599990	Unappropriated Balance		4,026,941		0		4,026,941
Total Contingency & Unapp. Balance			4,504,514		0		4,504,514
TOTAL EXPENDITURES		3.00	5,599,658	0.00	0	3.00	5,599,658

**EXHIBIT A
ORDINANCE NO. 92-457**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
INSURANCE FUND:Liability Program							
Personal Services							
511121	SALARIES-REGULAR EMPLOYEES (full-time)						
	Risk Manager	0.75	34,847	0	0	0.75	34,847
	Assoc. Management Analyst		0		0		0
511221	WAGES-REGULAR EMPLOYEES (full-time)						
	Administrative Secretary	0.75	15,023	0	0	0.75	15,023
512000	FRINGE		16,270		0		16,270
Total Personal Services		1.50	66,140	0.00	0	1.50	66,140
Materials & Services							
521100	Office Supplies		6,405		0		6,405
521110	Computer Software		3,600		0		3,600
524190	Misc. Professional Services		50,000		0		50,000
526100	Insurance		372,500		0		372,500
529810	Claims Paid		130,000		0		130,000
Total Materials & Services			562,505		0		562,505
Capital Outlay							
571500	Office Furniture & Equipment		11,610		0		11,610
Total Capital Outlay			11,610		0		11,610
TOTAL EXPENDITURES		1.50	640,255	0.00	0	1.50	640,255

**EXHIBIT A
ORDINANCE NO. 92-457**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
INSURANCE FUND:Workers' Compensation Program							
Personal Services							
511121	SALARIES-REGULAR EMPLOYEES (full-time)						
	Risk Manager	0.25	11,616		0	0.25	11,616
	Assoc. Management Analyst	1.00	32,756		0	1.00	32,756
511221	WAGES-REGULAR EMPLOYEES (full-time)						
	Administrative Secretary	0.25	5,008		0	0.25	5,008
512000	FRINGE		16,114		0		16,114
Total Personal Services		1.50	65,494	0.00	0	1.50	65,494
Materials & Services							
521100	Office Supplies		2,985		0		2,985
521110	Computer Software		1,800		0		1,800
524190	Misc. Professional Services		30,000		0		30,000
526100	Insurance		0		0		0
529810	Claims Paid		350,000		(23,093)		326,907
Total Materials & Services			384,785		(23,093)		361,692
Capital Outlay							
571500	Office Furniture & Equipment		4,610		23,093		27,703
Total Capital Outlay			4,610		23,093		27,703
TOTAL EXPENDITURES		1.50	454,889	0.00	0	1.50	454,889

**EXHIBIT B
ORDINANCE NO. 92-457
SCHEDULE OF APPROPRIATIONS**

	Current Appropriation	Revision	Proposed Appropriation
INSURANCE FUND			
Personal Services	131,634	0	131,634
Materials & Services	947,290	(23,093)	924,197
Capital Outlay	16,220	23,093	39,313
Contingency	477,573	0	477,573
Unappropriated Balance	4,026,941	0	4,026,941
Total Insurance Fund Requirements	5,599,658	0	5,599,658

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 92-457 AMENDING ORDINANCE NO. 91-390A REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF TRANSFERRING APPROPRIATIONS WITHIN THE INSURANCE FUND

Date: May 14, 1992

Presented by: Scott Moss

FACTUAL BACKGROUND AND ANALYSIS

Under an Oregon Workers' Compensation program, Metro is able to apply for reimbursement for equipment purchases that permits employees previously injured to perform duties their injuries would otherwise preclude. Three times during FY 1991-92, Metro has successfully applied for reimbursement under this program. These items are purchased through the Insurance Fund with revenue received from the State of Oregon Department of Insurance and Finance.

Proper budgetary and accounting procedures require that these items be reflected as an expenditure to the Insurance Fund. The dollar amount of the purchases requires them to be classified as capital outlay. The Insurance Fund does not have sufficient capital outlay appropriation to fund these purchases. This action requests the transfer of \$23,093 from the Insurance Fund materials & services category to capital outlay.

The Insurance Fund has received a corresponding amount of revenue from the State of Oregon, however, Oregon Budget Law precludes the recognition of this revenue without a Supplemental Budget action. This revenue will become part of the Insurance Fund's unappropriated balance and carried forward to FY 1992-93.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 92-457, for the purpose of transferring \$23,093 from the Insurance Fund Materials & Services appropriation to Capital Outlay for equipment purchases for the workers' compensation program.

Meeting Date: June 11, 1992
Agenda Item No. 6.3

ORDINANCE NO. 92-458



METRO

Memorandum

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

DATE: June 5, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 6.3; ORDINANCE NO. 92-458

The Finance Committee report for the ordinance referenced above will be distributed in advance to Councilors and available at the Council meeting June 11, 1992.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE)	ORDINANCE NO. 92-458
NO. 91-390A REVISING THE FY 1991-92)	
BUDGET AND APPROPRIATIONS)	Introduced by Rena Cusma,
SCHEDULE FOR THE PURPOSE OF)	Executive Officer
TRANSFERRING APPROPRIATIONS)	
WITHIN THE OREGON CONVENTION)	
CENTER OPERATING FUND AND)	
SPECTATOR FACILITIES OPERATING)	
FUND FOR INCREASED METRO ERC)	
OPERATIONS)	

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1991-92 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That Ordinance No. 91-390A, Exhibit B, FY 1991-92 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring appropriations within the Oregon Convention Center and Spectator Facilities Operating funds for increased Metro ERC operations.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this _____ day of

_____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

**EXHIBIT A
ORDINANCE NO. 92-458**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND							
Personal Services							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Manager Sales/Marketing	1.00	38,528	0	0	1.00	38,528
	Sales Associate	1.00	30,380	0	0	1.00	30,380
	Convention Center Manager	1.00	65,000	0	0	1.00	65,000
	Event Coordinator	3.00	75,083	(10,400)	0	3.00	64,683
	Event Manager	1.00	34,932	0	0	1.00	34,932
	Maintenance Section Superintendent	1.00	38,670	0	0	1.00	38,670
	Electrician	1.00	33,345	0	0	1.00	33,345
	Operating Engineer	3.00	95,274	(8,000)	0	3.00	87,274
	Utility Technician	2.00	57,626	0	0	2.00	57,626
	Lead Engineer	1.00	33,345	0	0	1.00	33,345
	Sound/Audio Visual Technician	1.00	26,246	0	0	1.00	26,246
	Operations Supervisor	2.00	52,492	0	0	2.00	52,492
	Telephone System Coordinator	1.00	30,380	0	0	1.00	30,380
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	1.00	22,761	0	0	1.00	22,761
	Operations Secretary	1.00	19,807	0	0	1.00	19,807
	Sales/Marketing Secretary	1.00	20,066	0	0	1.00	20,066
	Event Services Secretary	1.00	22,008	0	0	1.00	22,008
	Bookkeeper	1.00	20,765	0	0	1.00	20,765
	Clerical/Receptionist	3.00	56,828	(12,700)	0	3.00	44,128
	Maintenance/Utility Lead	21.00	392,422	(48,100)	0	21.00	344,322
	Security Watch staff	8.00	141,436	(13,200)	0	8.00	128,236
	Security Supervisor	1.00	22,843	(7,600)	0	1.00	15,243
	Utility Maintenance	2.00	40,987	0	0	2.00	40,987
	Utility-Grounds	3.00	60,447	(20,000)	0	3.00	40,447
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Secretary/Receptionist	1.06	18,326	0	0	1.06	18,326
	Operations Workers	5.07	77,512	(10,000)	0	5.07	67,512
	Facility Security	8.11	155,524	(55,000)	0	8.11	100,524
	Ticket Sellers	1.06	18,759	0	0	1.06	18,759
	Gate Attendant	4.09	66,685	(15,000)	0	4.09	51,685
	Message Center Operators	1.22	17,591	0	0	1.22	17,591
511400	OVERTIME		48,462				48,462
512000	FRINGE		704,862	(200,000)			504,862
Total Personal Services		82.61	2,539,392	0.00	(400,000)	82.61	2,139,392

Materials & Services

521100	Office Supplies		15,800	0	0		15,800
521290	Other Supplies		65,100	0	0		65,100
521292	Small Tools		8,086	0	0		8,086
521310	Subscriptions		215	0	0		215
521320	Dues		5,360	0	0		5,360
521400	Fuels & Lubricants		3,500	0	0		3,500
524120	Legal Fees		3,000	0	0		3,000
524130	Promotion/Public Relations		87,987	0	0		87,987
524190	Misc. Professional Services		1,113,415	0	0		1,113,415
525110	Utilities-Electricity		384,000	0	0		384,000

**EXHIBIT A
ORDINANCE NO. 92-458**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND (continued)							
525120	Utilities-Water and Sewer		51,000		0		51,000
525130	Utilities-Natural Gas		33,000		0		33,000
525190	Utilities-Other		40,500		0		40,500
525610	Maintenance & Repair Services-Building		63,500		0		63,500
525640	Maintenance & Repair Services-Equipment		47,500		0		47,500
525710	Equipment Rental		10,000		0		10,000
526310	Printing Services		60,700		0		60,700
526320	Typesetting and Reprographics		11,300		0		11,300
526410	Telephone		102,000		0		102,000
526420	Postage		22,220		0		22,220
526500	Travel		31,091		0		31,091
526690	Concession/Catering Contract		1,211,067		700,000		1,911,067
526691	Parking Contract		44,925		0		44,925
526700	Temporary Help Services		5,500		0		5,500
526800	Training, Tuition, Conferences		10,734		0		10,734
526910	Uniforms and Cleaning		12,500		0		12,500
529800	Miscellaneous		9,500		0		9,500
529835	External Promotion Expenses		20,200		0		20,200
Total Materials & Services			3,473,700		700,000		4,173,700
Total Capital Outlay			102,000		0		102,000
Total Interfund Transfers			753,052		0		753,052
Contingency and Unappropriated Balance							
599999	Contingency		300,000		(300,000)		0
599990	Unappropriated Balance		1,577,353		0		1,577,353
Total Contingency and Unapp. Balance			1,877,353		(300,000)		1,577,353
TOTAL EXPENDITURES		82.61	8,745,497	0.00	0	82.61	8,745,497

EXHIBIT A
ORDINANCE NO. 92-468

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SPECTATOR FACILITIES: Memorial Coliseum							
Personal Services							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Coliseum/Stadium Manager	0.75	42,750	0	0	0.75	42,750
	Accountant	1.00	34,932	0	0	1.00	34,932
	Assistant Accountant	1.00	27,461	0	0	1.00	27,461
	Assistant Manager Security/Medical	1.00	33,220	0	0	1.00	33,220
	Assistant Manager Admissions	1.00	30,260	0	0	1.00	30,260
	Assistant Manager Ticket Services	1.00	30,535	0	0	1.00	30,535
	Ticket Service Supervisor	2.00	49,862	0	0	2.00	49,862
	Manager Event Services	1.00	38,528	0	0	1.00	38,528
	Senior Event Coordinator	1.00	29,058	0	0	1.00	29,058
	Event Coordinator	1.00	25,168	0	0	1.00	25,168
	Sales Manager	1.00	42,465	0	0	1.00	42,465
	Public Information Specialist	1.00	30,137	0	0	1.00	30,137
	Group Sales Coordinator	1.00	21,717	0	0	1.00	21,717
	Lead Engineer	1.00	33,137	0	0	1.00	33,137
	Operations Engineer	4.00	122,272	0	0	4.00	122,272
	Maintenance Section Superintendent	1.00	40,413	0	0	1.00	40,413
	Set-Up Supervisor	2.00	58,157	0	0	2.00	58,157
	Administrative Staff Assistant	1.00	22,761	0	0	1.00	22,761
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Bookkeeper I	2.00	40,572	0	0	2.00	40,572
	Accounting Clerk	1.00	18,951	0	0	1.00	18,951
	Office Assistant	1.00	21,717	0	0	1.00	21,717
	Switchboard/Receptionist	2.00	40,668	0	0	2.00	40,668
	General Office Clerk	1.00	18,070	0	0	1.00	18,070
	Sales Associate	1.00	28,100	0	0	1.00	28,100
	Customer Service Representative	1.00	20,765	0	0	1.00	20,765
	Security Watch Staff	2.00	39,978	0	0	2.00	39,978
	Security Secretary	1.00	21,717	0	0	1.00	21,717
	Administrative Secretary	1.00	19,807	0	0	1.00	19,807
	Utility/Grounds	1.00	20,488	0	0	1.00	20,488
	Utility Lead	15.00	347,383	0	0	15.00	347,383
	Utility Maintenance	3.00	60,966	0	0	3.00	60,966
	Operations Staff Assistant	1.00	23,802	0	0	1.00	23,802
511225	WAGES-REGULAR EMPLOYEES (part time)						
	Stagehand/Utility Workers	12.93	319,933	0	0	12.93	319,933
	Security/Medical Workers	16.27	319,355	0	0	16.27	319,355
	Ushers/Sellers/Gate Attendants	23.56	360,787	0	0	23.56	360,787
	Receptionist/Secretarial	3.58	27,486	0	0	3.58	27,486
	Merchandising Vendors	2.54	98,589	0	0	2.54	98,589
511400	OVERTIME		55,990		0		55,990
512000	FRINGE		923,044		(100,000)		823,044
Total Personal Services		114.63	3,541,001	0.00	(100,000)	114.63	3,441,001
Materials & Services							
521100	Office Supplies		25,000		0		25,000
521290	Other Supplies		88,909		0		88,909
521292	Small Tools		7,387		0		7,387

**EXHIBIT A
ORDINANCE NO. 92-468**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SPECTATOR FACILITIES: Memorial Coliseum (continued)							
521310	Subscriptions		2,040		0		2,040
521320	Dues		3,650		0		3,650
521400	Fuels & Lubricants		3,685		0		3,685
524120	Legal Fees		25,000		0		25,000
524130	Promotion/Public Relation Services		77,200		0		77,200
524190	Misc Professional Services		21,000		0		21,000
525110	Utilities-Electricity		275,993		0		275,993
525120	Utilities-Water and Sewer		98,284		0		98,284
525130	Utilities-Natural Gas		2,297		0		2,297
525140	Utilities-Heating Oil		67,000		0		67,000
525190	Utilities-Other		45,097		0		45,097
525610	Maintenance & Repair Services-Building		88,920		0		88,920
525640	Maintenance & Repair Services-Equipment		71,841		0		71,841
525710	Equipment Rental		34,520		0		34,520
526310	Printing Services		19,140		0		19,140
526320	Typesetting & Reprographics		7,000		0		7,000
526410	Telephone		52,903		0		52,903
526420	Postage		27,910		0		27,910
526500	Travel		37,050		0		37,050
526690	Concessions/Catering Contract		3,529,175		765,000		4,294,175
526691	Parking Contract		421,002		0		421,002
526700	Temporary Help Services		462,631		0		462,631
526800	Training, Tuition, Conferences		17,330		0		17,330
526910	Uniforms and Cleaning		36,000		0		36,000
528100	Payments to Other Agencies		2,500		0		2,500
529800	Miscellaneous		12,928		0		12,928
Total Materials & Services			5,563,392		765,000		6,328,392
Total Capital Outlay			132,400		0		132,400
TOTAL EXPENDITURES		114.63	9,236,793	0.00	665,000	114.63	9,901,793

**EXHIBIT A
ORDINANCE NO. 92-458**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SPECTATOR FACILITIES:Civic Stadium							
	Total Personal Services	22.03	607,148	0.00	0	22.03	607,148
	Total Materials & Services		1,164,464		0		1,164,464
	Total Capital Outlay		11,200		0		11,200
	TOTAL EXPENDITURES	22.03	1,782,812	0.00	0	22.03	1,782,812

SPECTATOR FACILITIES:Performing Arts Center

	Total Personal Services	115.24	3,207,808	0.00	0	115.24	3,207,808
	Total Materials & Services		941,400		0		941,400
	Total Capital Outlay		136,150		0		136,150
	TOTAL EXPENDITURES	115.24	4,285,358	0.00	0	115.24	4,285,358

SPECTATOR FACILITIES FUND:General Expense

Interfund Transfers							
581610	Trans. Indirect Costs to Support Svs. Fund		405,037		0		405,037
581615	Trans. Indirect Cost to Insur. Fund-Gen'l		174,704		0		174,704
581615	Trans. Indirect Cost to Insur. Fund-Workers' Comp		108,949		0		108,949
582751	Transfer Resources to Metro ERC Management Pool		566,785		0		566,785
583610	Transfer Direct Costs to Support Svs. Fund		58,604		0		58,604
583615	Transfer Direct Cost to Insur. Fund-EIL		30,820		0		30,820
	Total Interfund Transfers		1,344,899		0		1,344,899
Contingency and Unappropriated Balance							
599999	Contingency		665,000		(665,000)		0
599990	Unappropriated Balance		1,137,591		0		1,137,591
	Total Contingency and Unapp. Balance		1,802,591		(665,000)		1,137,591
	TOTAL EXPENDITURES	251.90	18,452,453	0.00	0	251.90	18,452,453

EXHIBIT B
ORDINANCE NO. 92-458
SCHEDULE OF APPROPRIATIONS

	Current Appropriation	Revision	Proposed Appropriation
OREGON CONVENTION CENTER OPERATING FUND			
Personal Services	2,539,392	(400,000)	2,139,392
Materials & Services	3,473,700	700,000	4,173,700
Capital Outlay	102,000	0	102,000
Interfund Transfers	753,052	0	753,052
Contingency	300,000	(300,000)	0
Unappropriated Balance	1,577,353	0	1,577,353
Total Oregon Conv. Ctr. Operating Fund Requirements	8,745,497	0	8,745,497
SPECTATOR FACILITIES OPERATING FUND			
Memorial Coliseum			
Personal Services	3,541,001	(100,000)	3,441,001
Materials & Services	5,563,392	765,000	6,328,392
Capital Outlay	132,400	0	132,400
Subtotal	9,236,793	665,000	9,901,793
Civic Stadium			
Personal Services	607,148	0	607,148
Materials & Services	1,164,464	0	1,164,464
Capital Outlay	11,200	0	11,200
Subtotal	1,782,812	0	1,782,812
Performing Arts Center			
Personal Services	3,207,808	0	3,207,808
Materials & Services	941,400	0	941,400
Capital Outlay	136,150	0	136,150
Subtotal	4,285,358	0	4,285,358
General Expenses			
Interfund Transfers	1,344,899	0	1,344,899
Contingency	665,000	(665,000)	0
Subtotal	2,009,899	(665,000)	1,344,899
Unappropriated Balance	1,137,591	0	1,137,591
Total Spectator Facilities Operating Fund Requirements	18,452,453	0	18,452,453

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 92-458 AMENDING ORDINANCE NO. 91-390A REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF TRANSFERRING APPROPRIATIONS WITHIN THE OREGON CONVENTION CENTER OPERATING FUND AND SPECTATOR FACILITIES OPERATING FUND FOR INCREASED METRO ERC OPERATIONS

Date: May 14, 1992

Presented by: Dominic Buffetta

FACTUAL BACKGROUND AND ANALYSIS

This action requests adjustments to the Oregon Convention Center Operating Fund and the Spectator Facilities Operating Fund due to increased operations at the Convention Center and the Coliseum. The adjustment for each facility will be discussed separately below.

Oregon Convention Center Operating Fund

The Convention Center activities are running well over what was budgeted. The first nine months of this fiscal year has produced 357 events with 659 event days, and an attendance of over 470,000. This increase in events has generated approximately \$2.0 million more in operating revenue than was budgeted. One of the major areas of increase is in Concessions/Catering revenues, budgeted at \$1.5 million. The revenue for this line item will be closer to \$3.0 million. The additional revenue also generates additional expenditures related to concessions.

In order to cover the increase in concessions expenses due to the doubling of revenue, this action requests the reallocation of \$700,000 to the Concessions/Catering line item in the materials & services category of the Oregon Convention Center Operating Fund. This funding will be transferred from the following areas:

Personal Services	
Full-time salaries	\$120,000
Part-time salaries	80,000
Fringe (Budgeted at 38%, actual closer to 30%)	200,000
Contingency	<u>300,000</u>
TOTAL TRANSFER	\$700,000

Spectator Facilities Operating Fund (Coliseum)

The Coliseum is also experiencing increased events and attendance. Based on the many food functions that have been hosted this year, plus the projected NBA playoff games and the hosting of the Basketball of the America's tournament the last week in June and the first week in July, the Coliseum should easily gross \$1.0 million over the budgeted \$4.6 million in Concessions/Catering revenue for FY 1991-92. The increased concessions revenue, again, results in increased concessions expenditures.

In order to cover the increase in concessions expenses due to the increase of revenue, this action requests the reallocation of \$765,000 to the Concessions/Catering line item in the materials & services category of the Memorial Coliseum division of the Spectator Facilities Operating Fund. This funding will be transferred from the following areas:

Personal Services	
Fringe (Budgeted at 35%, actual closer to 26%)	\$100,000
Contingency	<u>665,000</u>
TOTAL TRANSFER	\$765,000

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 92-458, for the purpose of transferring appropriations within the Oregon Convention Center and Spectator Facilities Funds for increased Metro ERC Operations.

Meeting Date: June 11, 1992
Agenda Item No. 6.4

ORDINANCE NO. 92-459



METRO

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

Memorandum

DATE: June 5, 1992

TO: Metro Council
Executive Officer
Interested Persons

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 6.4; ORDINANCE NO. 92-459

The Finance Committee report for the ordinance referenced above will be distributed in advance to Councilors and available at the Council meeting June 11, 1992.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE)
NO. 91-390A REVISING THE FY 1991-92)
BUDGET AND APPROPRIATIONS)
SCHEDULE FOR THE PURPOSE OF)
FUNDING UPGRADES AND)
ENHANCEMENTS TO THE FINANCIAL)
SYSTEM AND THE PURCHASE OF A HIGH)
CAPACITY TAPE DRIVE)

ORDINANCE NO. 92-459

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1991-92 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That Ordinance No. 91-390A, Exhibit B, FY 1991-92 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$57,230 from the Support Service Fund Contingency and \$18,300 from the Finance and Management Information's materials & services appropriation to capital outlay in the Finance and Management Information Department to fund upgrades and enhancements to Metro's financial system and the purchase of a high capacity tape drive.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this _____ day of

_____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

**EXHIBIT A
ORDINANCE NO. 92-459**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND: Finance & Management Information Department							
Total Personal Services		38.50	1,668,149	0.00	0	38.50	1,668,149
Materials & Services							
521100	Office Supplies		65,615		0		65,615
521110	Computer Software		18,690		0		18,690
521260	Printing Supplies		50,000		0		50,000
521291	Small Tools		840		0		840
521310	Subscriptions		3,558		0		3,558
521320	Dues		2,645		0		2,645
521540	Maintenance & Repairs Supplies-Equipment		500		0		500
524110	Accounting & Auditing Services		110,000		0		110,000
524190	Misc. Professional Services		139,400		0		139,400
524210	Data Processing Services		18,000		0		18,000
524310	Management Consulting Services		8,000		0		8,000
525640	Maintenance & Repairs Services-Equipment		135,620		4,875		140,495
525710	Equipment Rental		500		0		500
526200	Ads & Legal Notices		750		0		750
526310	Printing Services		3,735		0		3,735
526410	Telephone		1,500		0		1,500
526420	Postage		80,000		0		80,000
526440	Delivery Services		850		0		850
526500	Travel		18,360		0		18,360
526700	Temporary Help Services		4,700		0		4,700
526800	Training, Tuition, Conferences		16,720		0		16,720
526900	Misc Other Purchased Services		15,150		0		15,150
529500	Meetings		450		0		450
529800	Miscellaneous		900		0		900
525740	Capital Lease Payments-Furniture & Equipment		265,033		(62,105)		202,928
Total Materials & Services			961,516		(57,230)		904,286
Capital Outlay							
571500	Purchases-Office Furniture & Equipment		82,227		75,530		157,757
Total Capital Outlay			82,227		75,530		157,757
TOTAL FINANCE & MGMT INFOR.		38.50	2,711,892	0.00	18,300	38.50	2,730,192

**EXHIBIT A
ORDINANCE NO. 92-459**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND							
FINANCE & MANAGEMENT INFORMATION:Information Systems							
Total Personal Services		10.30	527,250	0.00	0	10.30	527,250
Materials & Services							
521100	Office Supplies		24,896		0		24,896
521110	Computer Software		10,000		0		10,000
521291	Small Tools		840		0		840
521310	Subscriptions		2,500		0		2,500
521320	Dues		400		0		400
521540	Maintenance & Repairs Supplies-Equipment		500		0		500
524190	Misc. Professional Services		800		0		800
524210	Data Processing Services		18,000		0		18,000
524310	Management Consulting Services		8,000		0		8,000
525640	Maintenance & Repairs Services-Equipment		60,000		4,875		64,875
525710	Equipment Rental		500		0		500
526200	Ads & Legal Notices		300		0		300
526310	Printing Services		150		0		150
526410	Telephone		1,500		0		1,500
526440	Delivery Services		400		0		400
526500	Travel		11,624		0		11,624
526700	Temporary Help Services		500		0		500
526800	Training, Tuition, Conferences		8,000		0		8,000
526900	Misc Other Purchased Services		150		0		150
529500	Meetings		150		0		150
529800	Miscellaneous		500		0		500
525740	Capital Lease Payments-Furniture & Equipment		246,464		(62,105)		184,359
Total Materials & Services			396,174		(57,230)		338,944
Capital Outlay							
571500	Purchases-Office Furniture & Equipment		15,700		75,530		91,230
Total Capital Outlay			15,700		75,530		91,230
TOTAL INFORMATION SYSTEMS		10.30	939,124	0.00	18,300	10.30	957,424

**EXHIBIT A
ORDINANCE NO. 92-459**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND:General Expenses							
Interfund Transfers							
581513	Trans. Indirect Costs to Bldg. Fund		314,646		0		314,646
581615	Trans. Indirect Costs to Insur. Fund-Gen'l		47,177		0		47,177
581615	Trans. Indirect Costs to Insur. Fund-Workers' Comp		54,245		0		54,245
Total Interfund Transfers			416,068		0		416,068
Contingency and Unappropriated Balance							
599999	Contingency						
	* General		156,395		(18,300)		138,095
	* Builders License		7,848		0		7,848
Total Contingency and Unapp. Balance			164,243		(18,300)		145,943
TOTAL SUPPORT SERVICES FUND		78.60	5,825,205	0.00	0	78.60	5,825,205

EXHIBIT B
ORDINANCE NO. 92-459
SCHEDULE OF APPROPRIATIONS

	Current Appropriation	Revision	Proposed Appropriation
SUPPORT SERVICES FUND			
Finance and Management Information			
Personal Services	1,668,149	0	1,668,149
Materials & Services	961,516	(57,230)	904,286
Capital Outlay	82,227	75,530	157,757
Subtotal	2,711,892	18,300	2,730,192
Regional Facilities			
Personal Services	450,252	0	450,252
Materials & Services	317,966	0	317,966
Capital Outlay	40,500	0	40,500
Subtotal	808,718	0	808,718
Personnel			
Personal Services	439,618	0	439,618
Materials & Services	62,310	0	62,310
Capital Outlay	1,227	0	1,227
Subtotal	503,155	0	503,155
Office of General Counsel			
Personal Services	372,714	0	372,714
Materials & Services	19,544	0	19,544
Capital Outlay	2,955	0	2,955
Subtotal	395,213	0	395,213
Public Affairs			
Personal Services	682,391	0	682,391
Materials & Services	136,040	0	136,040
Capital Outlay	7,485	0	7,485
Subtotal	825,916	0	825,916
General Expenses			
Interfund Transfers	416,068	0	416,068
Contingency	164,243	(18,300)	145,943
Subtotal	580,311	(18,300)	562,011
Total Support Services Fund Requirements	5,825,205	0	5,825,205

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 92-459 AMENDING ORDINANCE NO. 91-390A REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING UPGRADES AND ENHANCEMENTS TO METRO'S FINANCIAL MANAGEMENT SYSTEM AND THE PURCHASE OF A HIGH CAPACITY TAPE DRIVE.

Date: May 15, 1992

Presented by: Jeff Booth

BACKGROUND AND ANALYSIS

Resolution 92-1605 approved the expeditious solicitation of bids to equip Metro's mainframe computer with a local area network (LAN) connection and a report writer. The staff report in support of that resolution identified these items as part of a larger strategy to maintain mainframe performance, reduce its operational requirements and improve access to financial information. Identified for purchase in FY 1991-92 are:

	<u>Purchase Price</u>	<u>Installation</u>	<u>Maintenance</u>
Disk	\$3,000	\$480	\$500
Memory	\$12,500	\$150	\$500
LAN Connection	\$23,500	\$0	\$3,275
Report Writer	<u>\$17,600</u>	<u>\$0</u>	<u>\$0</u>
TOTAL	\$56,600	\$630	\$4,275

The purchase price and installation costs are budgeted in capital outlay. Maintenance is budget in materials & services.

Resolution 92-1605 identified the need for a high capacity tape drive. The high capacity tape drive would:

1. **Have a positive impact on system performance.** Enhanced data buffering features of the drive reduce the load on the central processing unit, making more processor time available for user programs. This is an element in forestalling the expensive processor upgrade.
2. **Reduce the load on the computer room environment.** Existing tape drives place a considerable load on the uninterrupted power supply (UPS) and HVAC units which are near capacity. Replacement of an existing tape drive by the high capacity tape drive (which has minimal power and cooling requirements) will allow the UPS and HVAC units to operate below capacity.

3. **Reduce the operational burden.** Current tape operations require up to ten hours per week. The high capacity tape drive holds twelve tapes each with 400 times the capacity of existing tapes. This will enable tape operations with minimal attendance, freeing seven to eight hours per week of the computer operator's time for other tasks.

Cost of the high capacity tape drive and associated interface card is:

	<u>Purchase Price</u>	<u>Installation</u>	<u>Maintenance</u>
Tape Drive	\$13,050	\$150	\$433
SCSI DLP	<u>\$ 5,000</u>	<u>\$100</u>	<u>\$167</u>
TOTAL	\$18,050	\$250	\$600

The purchase price and installation costs are budgeted in capital outlay. Maintenance is budget in materials & services.

This action requests the transfer of \$57,230 from existing materials and services appropriation in the Finance and Management Information department to capital outlay. An additional transfer of \$18,300 from the Support Service Fund contingency to capital outlay in the Finance and Management Information department is also requested. Maintenance costs will be funded through a line item transfer in materials & services, from Capital Lease Payments to Maintenance & Repairs Equipment.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive officer recommends adoption of Ordinance No. 92-459, for the purpose of funding upgrades and enhancements to the financial system and the purchase of a high capacity tape drive.

Meeting Date: June 11, 1992
Agenda Item No. 6.5

ORDINANCE NO. 92-460



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503.221-1646

Memorandum

DATE: June 5, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 6.5; ORDINANCE NO. 92-460

The Finance Committee report for the ordinance referenced above will be distributed in advance to Councilors and available at the Council meeting June 11, 1992.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE)
NO. 91-390A REVISING THE FY 1991-92)
BUDGET AND APPROPRIATIONS)
SCHEDULE FOR THE PURPOSE OF)
FUNDING UNANTICIPATED COSTS FOR)
THE USE OF THE LEXIS SYSTEM FOR)
LEGAL RESEARCH)

ORDINANCE NO. 92-460

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1991-92 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That Ordinance No. 91-390A, Exhibit B, FY 1991-92 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$5,000 from the Support Service Fund Contingency appropriation to Materials and Services to fund unanticipated costs for use of the LEXIS system by the Office of General Counsel.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this _____ day of

_____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

kr:ord91-92:92-460:ord.doc
May 18, 1992

**EXHIBIT A
ORDINANCE NO. 92-460**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND:Office of General Counsel							
Total Personal Services		6.00	372,714	0.00	0	6.00	372,714
Materials & Services							
521100	Office Supplies		2,600		0		2,600
521110	Computer Software		700		0		700
521290	Other Supplies		2,330		0		2,330
521310	Subscriptions		4,620		5,000		9,620
521320	Dues		1,681		0		1,681
525640	Maintenance & Repairs Services-Equipment		735		0		735
526310	Printing Services		210		0		210
526410	Telephone		210		0		210
526420	Postage		158		0		158
526440	Delivery Services		315		0		315
526500	Travel		1,155		0		1,155
526800	Training, Tuition, Conferences		4,200		0		4,200
529500	Meetings		420		0		420
529800	Miscellaneous		210		0		210
Total Materials & Services			19,544		5,000		24,544
Total Capital Outlay			2,955		0		2,955
TOTAL EXPENDITURES		6.00	395,213	0.00	5,000	6.00	400,213

**EXHIBIT A
ORDINANCE NO. 92-460**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND:General Expenses							
Interfund Transfers							
581513	Trans. Indirect Costs to Bldg. Fund		314,646	0			314,646
581615	Trans. Indirect Costs to Insur. Fund-Gen'l		47,177	0			47,177
581615	Trans. Indirect Costs to Insur. Fund-Workers' Comp		54,245	0			54,245
Total Interfund Transfers			416,068	0			416,068
Contingency and Unappropriated Balance							
599999	Contingency						
	* General		138,095		(5,000)		133,095
	* Builders License		7,848		0		7,848
Total Contingency and Unapp. Balance			145,943		(5,000)		140,943
TOTAL SUPPORT SERVICES FUND		78.60	5,825,205	0.00	0	78.60	5,825,205

NOTE: This amendment assumes adoption of Ordinance No. 92-459, funding upgrades and enhancements to the financial management system and the purchase of a high capacity tape drive.

EXHIBIT B
ORDINANCE NO. 92-460
SCHEDULE OF APPROPRIATIONS

	Current Appropriation	Revision	Proposed Appropriation
SUPPORT SERVICES FUND			
Finance and Management Information			
Personal Services	1,668,149	0	1,668,149
Materials & Services	904,286	0	904,286
Capital Outlay	157,757	0	157,757
Subtotal	2,730,192	0	2,730,192
Regional Facilities			
Personal Services	450,252	0	450,252
Materials & Services	317,966	0	317,966
Capital Outlay	40,500	0	40,500
Subtotal	808,718	0	808,718
Personnel			
Personal Services	439,618	0	439,618
Materials & Services	62,310	0	62,310
Capital Outlay	1,227	0	1,227
Subtotal	503,155	0	503,155
Office of General Counsel			
Personal Services	372,714	0	372,714
Materials & Services	19,544	5,000	24,544
Capital Outlay	2,955	0	2,955
Subtotal	395,213	5,000	400,213
Public Affairs			
Personal Services	682,391	0	682,391
Materials & Services	136,040	0	136,040
Capital Outlay	7,485	0	7,485
Subtotal	825,916	0	825,916
General Expenses			
Interfund Transfers	416,068	0	416,068
Contingency	145,943	(5,000)	140,943
Subtotal	562,011	(5,000)	557,011
Total Support Services Fund Requirements	5,825,205	0	5,825,205

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

NOTE: This amendment assumes adoption of Ordinance No. 92-459, funding upgrades and enhancements to the financial management system and the purchase of a high capacity tape drive.

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 92-460 AMENDING ORDINANCE NO. 91-390A REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING UNANTICIPATED COSTS FOR USE OF THE LEXIS SYSTEM FOR LEGAL RESEARCH

Date: May 18, 1992

Presented by: Dan Cooper

This Ordinance would authorize the transfer of \$5,000 in appropriations for the Office of General Counsel from Contingency within the Support Services Fund. The request is to cover unanticipated costs for using the LEXIS system for legal research during Fiscal Year 1991-92.

BACKGROUND AND ANALYSIS

Acquisition of computer modems and software in order to allow the use of national computerized data base as a legal research tool for the Office of General Counsel was approved by Council in the FY 1990-91 budget. The Data Processing Division accomplished the conversion of the Office of General Counsel's computers to make them compatible with a national data base system in the last quarter of FY 1990-91. During the time period that the FY 1991-92 budget was being prepared, the Office of General Counsel had not had any experience in using the data bases in order to determine what an appropriate level of expected usage would be and costs associated therewith in order to accurately project financial needs for FY 1991-92.

The LEXIS system is one of two national computerized legal research tools available. As a relatively small user in relation to law firms utilizing this service, it was determined by the Office of General Counsel that the LEXIS system, purchased on a time share basis through the Multnomah Bar Association, was the most cost-effective means of acquiring access to a national data base for legal research. The alternative was to either purchase LEXIS directly from the system, or to purchase the West Law service, its chief competitor. A direct purchase of either LEXIS or West Law would have required the payment of a minimum guaranteed amount for access to the system and then making payments for actual usage on a service and time basis. By purchasing LEXIS through Multnomah Bar Association, as a subuser, the Office of General Counsel was able to avoid monthly minimum charge and make the most cost-effective access to the system, much as other smaller law firms in Multnomah County.

The advantages of using the LEXIS system are two-fold. First, material not available in the Office of General Counsel library on Oregon case law is readily available on the LEXIS system. The subscription for Oregon cases in the Office of General Counsel was initiated during the tenure of the first General Counsel. The library collection contains all Oregon cases decided after that point in time, but does not contain any previous Oregon decisions.

To fully research any issue of Oregon law without LEXIS would require a trip to the Multnomah County Law Library. Further, the Office of General Counsel has never developed a law library containing any other court cases other than the recent Oregon cases. Thus, any legal research done requiring review of federal court decisions or decisions of other states would also require a trip to the Law Library.

The use of the LEXIS system avoids these time-consuming trips and provides instant access. In addition, the computerized research methods are much faster than the manual methods previously utilized by attorneys. (Note: Live comparison testing by a small law firm in Sacramento resulted in search by computer taking 15 minutes, traditional search manually took 1.4 hours.) An additional advantage of avoiding a trip out of the Office to the Law Library to conduct research is that the attorneys are available in the Office while they are researching matters. This cuts down on delays in communication in returning telephone calls and scheduling future matters, and makes the attorneys much more efficient overall.

Usage levels during FY 1991-92 have been higher than those on which budget estimates were made in projecting for the FY 1991-92 budget. In FY 1991-92 the Office projected only a modest increase in the Subscription line item (\$1,300 over prior fiscal year) to cover the cost of LEXIS. Based on the data of usage so far, and projected needs for the remainder of the fiscal year, this sum has proved to be insufficient to cover the cost of utilizing this service and an additional appropriation of \$5,000 is requested to cover this cost.

Attached to the Staff Report are internal memoranda from the Office of General Counsel staff members detailing usage of the LEXIS system during the past year, and anticipated usage during the remainder of the fiscal year.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 92-460 transferring \$5,000 from the Support Service Fund Contingency to Materials and Services in the Office of the General Counsel.



METRO

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

Memorandum

Date: May 8, 1992
To: Daniel B. Cooper, General Counsel
From: Todd Sadlo, Senior Assistant Counsel *TS*
Regarding: USE OF LEXIS
Our file: 6. §17

The following is a summary of the LEXIS research I have conducted within the last fiscal year. This is a partial list:

1. With Larry Shaw: Research regarding compatibility obligation imposed by ORS 197.180(1). (State agency consistency with acknowledged comprehensive plans.)
2. With Larry Shaw: Research regarding rights of adjacent owners or neighborhood groups in condemnation action, transportation corridor.
3. Prevailing wages on public works projects: Midway decision, and impact on Oregon prevailing wage law; access to Federal Regulatory Code (CFR) for definition of "site of work;" etc.
4. Research on Highway Division authority related to issuing access permits. (Division insisted that we must purchase surplus land as condition for receiving access permit.)
5. Research of prevailing wage law as it applies to salvage workers, removing materials from a public building.
6. Research on authority of Metro Council to adopt ordinance for issuing subpoenas and compelling testimony.
7. Research to establish legal definition of hazardous waste generator, for purpose of determining whether Metro or WMO must sign manifests for shipments of hazardous waste inadvertently accepted at Metro South. Accessed federal regulatory codes, Federal Register, cases.

Daniel B. Cooper

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May 8, 1992

8. Research of federal rules related to transport of household hazardous waste, to answer liability questions for household hazardous waste chapter of RSWMP; accessed federal regulatory codes.
9. NEXIS research--of firms submitting proposals for landfill gas development contract. This search provided useful background for review of an alternative technology proposal (landfill gas into diesel fuel) and viability of proposer. (Proposal ultimately rejected.)
10. Public bidding requirements, alternative procurement for Sears building. Researched case law and Attorney General opinions.
11. Research on Historic Landmark/Statewide Planning Goal 5 cases in context of review of proposals for transfer station in Forest Grove. Questions included whether historic landmark review is a discretionary land use decision, likelihood and nature of appeals.
12. Research on retainage statute, and question of whether Metro could claim interest on payments made to fraudulent companies; how calculated; etc, in context of \$1.5 million retainage/withholding account under BFI contract.
13. Development of landfill gas contract: research of federal tax credits available for landfill gas extraction, non-conventional fuel development--cases, publications, access to Internal Revenue Code.
14. SCS Engineers claim for \$150,000 in additional compensation: research of quantum meruit cases to formulate response.
15. Research of question related to Riedel payments: If no "offset" clause in contract, could we offset from payments due, amounts owed to us by Riedel? Reviewed cases.
16. Change in law research--OWS and JGT, Inc. to determine if any cases related to contractual change in law provisions.
17. Research of RFP and other alternatives to public bidding, related to RFF's for Washington County.
18. For solid waste land use project, research on Statewide Planning Goal 14, development outside of UGB.

Daniel B. Cooper
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May 8, 1992

Predicted Use for Remainder of Fiscal Year

I have averaged \$240 in user fees over an eight-month period between August, 1991, and March, 1992. My use of the system has generally been to answer questions that arise day-to-day, not in relation to planned projects. Some research that I may need to use LEXIS for between now and the end of the fiscal year includes:

1. Franchise Code revisions: May need to supplement existing research by reviewing and Shepardizing cases cited in texts.
2. Related to petroleum contaminated soils, ability to regulate or prevent flow of waste to landfill in Washington state.
3. Subtitle D, federal regulations related to landfill closure. We are missing the preamble, which may contain important explanatory information.
4. Research related to DEQ authority to regulate landfill closure and to impose different monitoring requirements on different landfills.

Please let me know if you have further questions regarding this matter.

dr
1127




METRO

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

Memorandum

Date: May 8, 1992

To: Daniel B. Cooper, General Counsel

From: Mark B. Williams, Senior Assistant Counsel 

Regarding: USE OF LEXIS
Our file: 6. §17

You asked for a summary of recent projects on LEXIS.

1. Trademark issues for convention center.

The question involved whether a public body can hold and enforce a trademark. Interestingly enough, the cases that came up involved mostly cigar companies whose property (including trademarks) were expropriated as a result of the Cuban revolution. I never would have found these cases with conventional research.

2. "Zoolympics."

Can the Zoo lawfully use the term "Zoolympics" without getting in trouble with the U.S. Olympic Organizing Committee. The answer, which is "no," was obtained almost instantly via LEXIS, since the word search almost immediately produced the definitive U.S. Supreme Court case on the precise issue.

3. Wage and Hour Issues at PCPA.

By using the wage and hour library on LEXIS, I was able to combine various word combinations in order to figure out whether a public employer is subject to the "joint employer" doctrine of the FLSA (Fair Labor Standards Act).

4. Use of Dedicated Tax Proceeds for Other Purposes.

This search involved searching through Oregon cases and Oregon Attorney General opinions for any type of precedent regarding the use of dedicated tax funds for other purposes, i.e., the use of convention center funds for the

Daniel B. Cooper
Page 2
May 8, 1992

PCPA. Although the case law could have been found manually, the Attorney General opinions are not available in our office, and would have necessitated a trip to the library. The only precedent of any value turned out to be an AG opinion. This project was accomplished on a tight time frame due to LEXIS.

5. Future Plans.

I am clearly a beginner at LEXIS, but I am starting to use it more and more. The more you become accustomed to computer word searches, the easier it becomes. As an "old lawyer" who learned only manual research, long before the days of the computer or the word processor, LEXIS was a little terrifying at first. But the more you get used to using word combinations instead of time-consuming manual research, the quicker you become. I have an issue at civic stadium, involving leaking oil from an adjacent property, which will eventually have to be researched. I realize already that I will feel more comfortable researching this topic on LEXIS than I would the old fashioned way. It is definitely the wave of the future.



METRO

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

Memorandum

Date: May 8, 1992

To: Daniel B. Cooper, General Counsel

From: *LSS*
Larry Shaw, Senior Assistant Counsel

Regarding: USE OF LEXIS
Our file: 6.§17

Past Use of LEXIS

Since a good part of my legal research is done on slip opinions from LUBA and Oregon Administrative Rules which may not be on the State computer research system, as well as not on LEXIS, the limited use of LEXIS has been for (1) Shepardizing cases, (2) reading Oregon cases older than the books in our law library, (3) statutory research in another state, and (4) one instance of Oregon Administrative Rules research that was on the system.

The most helpful part of the service has clearly been the ability to Shepardize both cases and statutes from the desktop.

Future Use of LEXIS

Clearly the highest priorities for future use of LEXIS by me will be continued, regular use of Shepards for preparation and litigation, statutes from other states, and Oregon and other states' administrative rules as they are added to the system. Specific situations for predicted use of LEXIS:

1. Public Records Advisory Council - Review of proposed legislation affecting RLIS public records exemptions.
2. State Agency Coordination - The series of Oregon Administrative Rules relating to major state agencies' State Agency Coordination programs certified by LCDC.
3. Greenspaces Bond Measure - Assist in research for litigation on ballot title.
4. Model Illegal Dumping Ordinance - Assist in research.
5. Acknowledgment of Urban Growth Boundary - Assist in research.

dr
1413



METRO

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

Memorandum

Date: May 8, 1992
To: File
From: Daniel B. Cooper, General Counsel *DC*
Regarding: USE OF LEXIS
Our file: 6.§17

Following is a partial list of legal research conducted by General Counsel Daniel Cooper during the past fiscal year and anticipated needs for the future:

1. Reapportionment. Extensive use of the LEXIS system was made to research the legal criteria for reapportioning the Council into districts of approximately equal size. Research conducted examined (a) Oregon case law regarding the statutory provisions for redistricting of the Metropolitan Service District, (b) Oregon case law on Oregon constitutional issues involved in redistricting, and (c) federal case law on federal constitutional issues as well as federal statutory issues related to the civil rights act protection of minority representation during reapportionment.
2. Hazardous Waste. Ongoing research and identification of latest trends in hazardous waste liability, particularly for municipalities owning, operating or sending material into landfills.
3. Research was conducted on the authority of Metro to exercise its "police power" functions in relation to a proposal to create a Metro sports authority.
4. Extensive research was conducted on issues related to Minority Business Enterprises, Disadvantaged Business Enterprises, and Women Business Enterprises in locally funded contracts.
5. The LEXIS system was utilized extensively to research issues related to the change in owner of the Riedel compost facility in regards to reviewing applicable law regarding "lender liability" and possible legal theories that could have made Metro vulnerable to payment of the outstanding \$26,000,000 in bonds.

Anticipated use during the end of the fiscal year includes continuing review of new case law being developed in the DBE/MBE area; review of Oregon home rule issues related to the

Memo to File
Page 2
May 8, 1992

preparation of the Metro Charter, and other related matters, including financing; as well as possible legal issues to be examined in developing responses to questions anticipated from both the Council and the Executive Officer related to the Tri-Met merger possibility.

gl
1562

Meeting Date: June 11, 1992
Agenda Item No. 6.6

ORDINANCE NO. 92-462



METRO

Memorandum

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

DATE: June 11, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 6.6; ORDINANCE NO. 92-462

The Finance Committee report for the ordinance referenced above will be distributed in advance to Councilors and available at the Council meeting June 11, 1992.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE)	ORDINANCE NO. 92-462
NO. 91-390A REVISING THE FY 1991-92)	
BUDGET AND APPROPRIATIONS)	Introduced by Rena Cusma,
SCHEDULE FOR THE PURPOSE OF)	Executive Officer
FUNDING INCREASES IN THE SOLID)	
WASTE REVENUE FUND OPERATING)	
ACCOUNT AND MODIFICATIONS TO THE)	
REHABILITATION AND ENHANCEMENT)	
FUND)	

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1991-92 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That Ordinance No. 91-390A, Exhibit B, FY 1991-92 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of funding increases in the Solid Waste Revenue Fund Operating Account and modifications to the Rehabilitation and Enhancement Fund.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

**EXHIBIT A
ORDINANCE NO. 92-462**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OPERATING ACCOUNT: Administration							
Personal Services							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Dir. of Solid Waste Planning	1.00	74,406		700	1.00	75,106
	Administrative Manager	1.00	41,425		12,466	1.00	53,891
	Assoc. Management Analyst	1.00	29,427		4,628	1.00	34,055
	Administrative Assistant	2.00	49,636		2,836	2.00	52,472
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	1.00	20,996		2,056	1.00	23,052
	Secretary	1.00	18,997			1.00	18,997
	Office Assistant	1.00	15,617			1.00	15,617
511225	WAGES-REGULAR EMPLOYEES (part time)						
	Office Assistant	1.00	18,523		2,000	1.00	20,523
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
511400	OVERTIME		2,837		2,080		4,917
512000	FRINGE		88,587		8,234		96,821
Total Personal Services		9.00	360,451	0.00	35,000	9.00	395,451
Total Materials & Services			75,673		0		75,673
TOTAL EXPENDITURES		9.00	436,124	0.00	35,000	9.00	471,124

**EXHIBIT A
ORDINANCE NO. 92-462**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OPERATING ACCOUNT: Budget & Finance							
Total Personal Services		8.00	402,017	0.00	0	8.00	402,017
Materials & Services							
521100	Office Supplies		5,080				5,080
521110	Computer Software		8,000		18,500		26,500
524110	Accounting & Auditing Services		0		11,500		11,500
524190	Misc. Professional Services		59,000				59,000
525640	Maintenance & Repairs Services-Equipment		13,000				13,000
526200	Ads & Legal Notices		1,640				1,640
526310	Printing Services		20,000				20,000
526320	Typesetting & Reprographics Services		1,000				1,000
526420	Postage		57,000				57,000
526500	Travel		6,000				6,000
526610	Temporary Help Services		0		10,000		10,000
526800	Training, Tuition, Conferences		9,000				9,000
Total Materials & Services			179,720		40,000		219,720
TOTAL EXPENDITURES		8.00	581,737	0.00	40,000	8.00	621,737

**EXHIBIT A
ORDINANCE NO. 92-462**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OPERATING ACCOUNT:Operations							
	Total Personal Services	41.65	1,222,149	0.00	0	41.65	1,222,149
	Total Materials & Services		43,878,534		0		43,878,534
	TOTAL EXPENDITURES	41.65	45,100,683	0.00	0	41.65	45,100,683

OPERATING ACCOUNT:Engineering & Analysis

	Total Personal Services	10.00	548,593	0.00	0	10.00	548,593
	Total Materials & Services		257,125		0		257,125
	TOTAL EXPENDITURES	10.00	805,718	0.00	0	10.00	805,718

OPERATING ACCOUNT:Waste Reduction

	Total Personal Services	18.15	739,635	0.00	0	18.15	739,635
	Total Materials & Services		3,080,796		0		3,080,796
	TOTAL EXPENDITURES	18.15	3,820,431	0.00	0	18.15	3,820,431

DEBT SERVICE ACCOUNT

	Total Requirements		2,191,328		0		2,191,328
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LANDFILL CLOSURE ACCOUNT

	Total Requirements		10,016,200		0		10,016,200
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CONSTRUCTION ACCOUNT

	Total Requirements		3,525,000		0		3,525,000
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RENEWAL & REPLACEMENT ACCOUNT

	Total Requirements		732,000		0		732,000
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**EXHIBIT A
ORDINANCE NO. 92-462**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL ACCOUNT							
	Total Materials & Services		193,550		0		193,550
	Total Capital Outlay		3,151,330		0		3,151,330
	Total Requirements		3,344,880		0		3,344,880
MASTER PROJECT ACCOUNT							
	Total Requirements		3,033,085		0		3,033,085
SOLID WASTE REVENUE GENERAL EXPENSES							
	Total Interfund Transfers		17,742,748		0		17,742,748
	Contingency and Unappropriated Balance						
	OPERATING ACCOUNT-unrestricted		706,663		(75,000)		631,663
	OPERATING ACCOUNT-restricted		1,320,000				1,320,000
	GENERAL ACCOUNT		363,240				363,240
599999	Contingency		2,389,903		(75,000)		2,314,903
599990	Unappropriated Fund Balance		21,460,391		0		21,460,391
	Total Contingency and Unapp. Balance		23,850,294		(75,000)		23,775,294
	TOTAL REVENUE FUND EXPENDITURES	86.80	115,180,228	0.00	0	86.80	115,180,228

**EXHIBIT A
ORDINANCE NO. 92-462**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
REHABILITATION & ENHANCEMENT FUND							
Materials & Services							
NORTH PORTLAND ENHANCEMENT ACCOUNT							
524190	Misc. Professional Services		100,000				100,000
526200	Ads & Legal Notices		644				644
526310	Printing Services		500				500
526420	Postage		1,000				1,000
COMPOSTER ENHANCEMENT ACCOUNT							
524190	Misc. Professional Services		98,858		(15,000)		83,858
526200	Ads & Legal Notices		300				300
526310	Printing Services		680				680
526420	Postage		1,084				1,084
METRO CENTRAL ENHANCEMENT ACCOUNT							
526200	Ads & Legal Notices		300				300
526310	Printing Services		680				680
526420	Postage		1,070				1,070
FOREST GROVE ACCOUNT							
528100	License, Permits, Payments to Other Agencies		32,237				32,237
OREGON CITY ACCOUNT							
528100	License, Permits, Payments to Other Agencies		150,008		15,000		165,008
Total Materials & Services			387,361		0		387,361
Interfund Transfers							
583531	Trans. Direct Costs to S.W. Rev. Fund						
	* North Portland Enhancement Account		14,340				14,340
	* Composter Enhancement Account		15,206				15,206
	* Metro Central Enhancement Account		15,206				15,206
Total Interfund Transfers			44,752		0		44,752
Contingency and Unappropriated Balance							
599999	Contingency		55,000		0		55,000
599990	Unappropriated Balance		2,241,707		0		2,241,707
Total Contingency and Unapp. Balance			2,296,707		0		2,296,707
TOTAL EXPENDITURES			2,728,820		0		2,728,820

EXHIBIT B
ORDINANCE NO. 92-462
SCHEDULE OF APPROPRIATIONS

	Current Appropriation	Revision	Proposed Appropriation
SOLID WASTE REVENUE FUND			
Administration			
Personal Services	360,451	35,000	395,451
Materials & Services	75,673	0	75,673
Subtotal	436,124	35,000	471,124
Budget and Finance			
Personal Services	402,017	0	402,017
Materials & Services	179,720	40,000	219,720
Subtotal	581,737	40,000	621,737
Operations			
Personal Services	1,222,149	0	1,222,149
Materials & Services	43,878,534	0	43,878,534
Subtotal	45,100,683	0	45,100,683
Engineering & Analysis			
Personal Services	548,593	0	548,593
Materials & Services	257,125	0	257,125
Subtotal	805,718	0	805,718
Waste Reduction			
Personal Services	739,635	0	739,635
Materials & Services	3,080,796	0	3,080,796
Subtotal	3,820,431	0	3,820,431
Debt Service Account			
Debt Service	2,191,328	0	2,191,328
Subtotal	2,191,328	0	2,191,328
Landfill Closure Account			
Materials & Services	10,016,200	0	10,016,200
Subtotal	10,016,200	0	10,016,200
Construction Account			
Capital Outlay	3,525,000	0	3,525,000
Subtotal	3,525,000	0	3,525,000
Renewal and Replacement Account			
Capital Outlay	732,000	0	732,000
Subtotal	732,000	0	732,000

**EXHIBIT B
ORDINANCE NO. 92-462
SCHEDULE OF APPROPRIATIONS**

	Current Appropriation	Revision	Proposed Appropriation
SOLID WASTE REVENUE FUND (continued)			
General Account			
Materials & Services	193,550	0	193,550
Capital Outlay	3,151,330	0	3,151,330
Subtotal	3,344,880	0	3,344,880
Master Project Account			
Debt Service	3,033,085	0	3,033,085
Subtotal	3,033,085	0	3,033,085
General Expenses			
Interfund Transfers	17,742,748	0	17,742,748
Contingency	2,389,903	(75,000)	2,314,903
Subtotal	20,132,651	(75,000)	20,057,651
Unappropriated Balance	21,460,391	0	21,460,391
Total Solid Waste Revenue Fund Requirements	115,180,228	0	115,180,228
REHABILITATION & ENHANCEMENT FUND			
North Portland Enhancement Account			
Materials & Services	102,144	0	102,144
Subtotal	102,144	0	102,144
Composter Enhancement Account			
Materials & Services	100,922	(15,000)	85,922
Subtotal	100,922	(15,000)	85,922
Metro Central Enhancement Account			
Materials & Services	2,050	0	2,050
Subtotal	2,050	0	2,050
Forest Grove Account			
Materials & Services	32,237	0	32,237
Subtotal	32,237	0	32,237
Oregon City Account			
Materials & Services	150,008	15,000	165,008
Subtotal	150,008	15,000	165,008

**EXHIBIT B
ORDINANCE NO. 92-462
SCHEDULE OF APPROPRIATIONS**

	Current Appropriation	Revision	Proposed Appropriation
REHABILITATION & ENHANCEMENT FUND (continued)			
General Expenses			
Interfund Transfers	44,752	0	44,752
Contingency	55,000	0	55,000
Subtotal	99,752	0	99,752
Unappropriated Balance	2,241,707	0	2,241,707
Total Rehab. & Enhancement Fund Requirements	2,728,820	0	2,728,820

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 92-462 AMENDING ORDINANCE NO. 91-390A REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING INCREASES IN THE SOLID WASTE REVENUE FUND OPERATING ACCOUNT AND MODIFICATIONS TO THE REHABILITATION AND ENHANCEMENT FUND

Date: May 15, 1992

Presented by: Roosevelt Carter

BACKGROUND AND ANALYSIS

The Solid Waste Department has analyzed nine months of actual expenditures (through March 1992) to project ending fund balances for the Solid Waste Revenue and Rehabilitation and Enhancement Funds. This exercise has revealed where in the budget expenditures are likely to exceed appropriations. Subsequently, the following amendments to the Solid Waste Department's annual budget for fiscal year 1991-92 are requested. Each request is followed by a brief justification.

SOLID WASTE REVENUE FUND: (Operating Account - 531)

1. The bond rating fees associated with bonds sold to finance the Composter and Metro Central Transfer Station facilities; and annual trustee payments to First Interstate Bank were inadvertently omitted when the FY 1991-92 budget was developed. This actions requests the transfer of \$11,500 from the Solid Waste Revenue Fund Contingency to materials & services, Accounting and Auditing Services line item, in the Budget and Finance Division.
2. Mid-year, the department installed a new computer network and converted to a Microsoft windows environment as part of the STRAP project to reduce the substantial amount of down time experienced with the old network and to enhance overall computer capabilities with more applications that are more "user friendly".

As part of the STRAP computer project, it was also necessary to purchase computer hardware that was not anticipated in the budget. Those items under \$500 were charged to this object code. Additional funds were required to purchase the requisite number of licensed copies of spreadsheet, word processing, electronic mail, and database software for use by the entire Solid Waste staff.

This action requests the transfer of \$18,500 from the Solid Waste Revenue Fund Contingency to materials & services, Computer Software line item in the Budget and Finance Division. This transfer from Contingency does not mean the Solid Waste Department exceeded the budget for this project. It is being made in lieu of transferring from a number of existing line item appropriations. For ease in understanding and

identification, it is simpler to transfer the required funds from a single source. All transfers from contingency requested in this action will be offset by savings in other appropriation areas.

3. The department executed a contract for temporary help to provide computer system maintenance and support. This function was previously performed by Senior Management Analyst, Jeff Stone, who was assigned other duties related to forecasting tonnage (for rates development and budgeting) and staffing the Rate Review Committee. Also, Metro's Information Systems division indicated it could not provide these services within current staffing levels. This request represents an interim solution to the problems addressed in next year's budget. A full-time permanent position is requested to perform this work (in the Information Systems division) for fiscal year 1992-93. This action requests the transfer of \$10,000 from the Solid Waste Revenue Fund Contingency to materials & services, Temporary Help Services line item, in the Budget and Finance Division.

4. Actual salaries in the Administration Division during FY 1991-92 are expected to exceed budgeted appropriations due to a combination of several factors. Merit increases for the Solid Waste Director and the Administrative Manager exceeded the budget assumptions. The latter position including retro pay for two prior fiscal years. During the FY 1991-92 budget process, the Council approved reclassifications of an existing Secretary to Administrative Secretary and an Administrative Secretary to Administrative Assistant. The actual reclassification process brought these employees to a higher step than was originally budgeted. In addition, two new positions (Administrative Assistant and Associate Management Analyst) were filled in-house by existing Metro employees. The salaries of these employees were higher than those assumed in the budget. Finally, the COLA adjustment recently adopted by Council did not include these higher base salaries. This action requests the transfer of \$35,000 from the Solid Waste Revenue Fund Contingency to personal services in the Administration Division.

Summary of requested actions to the Solid Waste Revenue Fund:

Budget and Finance Division, materials & Services	\$40,000
Administration Division, personal Services	\$35,000
Contingency	(\$75,000)

REHABILITATION AND ENHANCEMENT FUND: (768)

With the closure of the compost facility, more tons (about 20,000) have gone to the Metro South Transfer Station in Oregon City than the budget assumed. This action requests the transfer of \$15,000 in appropriation from the Composter Enhancement Account to the Oregon City Enhancement Account in order to pay Oregon City the required \$.50 per ton on these additional tons for rehabilitation and enhancement activities.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive officer recommends adoption of Ordinance No. 92-462, for the purpose of funding increases in the Solid Waste Revenue Fund and modifications to the Rehabilitation and Enhancement Fund.

Meeting Date: June 11, 1992
Agenda Item No. 6.7

ORDINANCE NO. 92-463



METRO

Memorandum

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

DATE: June 11, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 6.7; ORDINANCE NO. 92-463

The Finance Committee report for the ordinance referenced above will be distributed in advance to Councilors and available at the Council meeting June 11, 1992.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE)
NO. 91-390A REVISING THE FY 1991-92)
BUDGET AND APPROPRIATIONS)
SCHEDULE FOR THE PURPOSE OF)
TRANSFERRING APPROPRIATION WITHIN)
THE COUNCIL DEPARTMENT)

ORDINANCE NO. 92-463

Introduced by Jim Gardner,
Presiding Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1991-92 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That Ordinance No. 91-390A, Exhibit B, FY 1991-92 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$640 from the Council Department's materials & services appropriation to capital outlay to fund costs associated with the STRAP network project.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Jim Gardner, Presiding Officer

ATTEST:

Clerk of the Council

kr:ord91-92:92-463:ord.doc
May 20, 1992

**EXHIBIT A
ORDINANCE NO. 92-463**

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND: Council							
Total Personal Services		9.05	418,470	0.00	0	9.05	418,470
Materials & Services							
521100	Office Supplies		6,860		0		6,860
521320	Dues		500		0		500
524110	Accounting & Auditing Services		62,000		0		62,000
524190	Misc. Professional Services		43,000		(640)		42,360
525640	Maintenance & Repairs Services-Equipment		1,000		0		1,000
525710	Equipment Rental		500		0		500
526200	Ads & Legal Notices		600		0		600
526310	Printing Services		1,200		0		1,200
526410	Telephone		400		0		400
526440	Delivery Services		200		0		200
526500	Travel		11,000		0		11,000
526800	Training, Tuition, Conferences		4,500		0		4,500
528100	License, Permits, Payments to Other Agencies		7,500		0		7,500
528200	Election Expense		100,000		0		100,000
529110	Council Per Diem		96,768		0		96,768
529120	Councilor Expenses		27,800		0		27,800
529500	Meetings		9,000		0		9,000
Total Materials & Services			372,828		(640)		372,188
Capital Outlay							
571500	Purchases-Office Furniture & Equipment		8,000		640		8,640
Total Capital Outlay			8,000		640		8,640
TOTAL EXPENDITURES		9.05	799,298	0.00	0	9.05	799,298

EXHIBIT B
ORDINANCE NO. 92-463
SCHEDULE OF APPROPRIATIONS

	Current Appropriation	Revision	Proposed Appropriation
GENERAL FUND			
Council			
Personal Services	418,470	0	418,470
Materials & Services	372,828	(640)	372,188
Capital Outlay	8,000	640	8,640
Subtotal	799,298	0	799,298
Executive Management			
Personal Services	358,020	0	358,020
Materials & Services	60,963	0	60,963
Capital Outlay	6,000	0	6,000
Subtotal	424,983	0	424,983
Office of Government Relations			
Personal Services	84,035	0	84,035
Materials & Services	165,920	0	165,920
Capital Outlay	4,000	0	4,000
Subtotal	253,955	0	253,955
Regional Facilities			
Personal Services	159,871	0	159,871
Materials & Services	23,120	0	23,120
Capital Outlay	0	0	0
Subtotal	182,991	0	182,991
General Expenses			
Interfund Transfers	2,989,170	0	2,989,170
Contingency	366,321	0	366,321
Subtotal	3,355,491	0	3,355,491
Total General Fund Requirements	5,016,718	0	5,016,718

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED



METRO

Memorandum

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

Date: May 20, 1992
To: Metro Council
From: Jim Gardner, *JG* Presiding Officer
Re: Ordinance No. 92-463

Please find attached a copy of Ordinance No. 92-463 which I have introduced at the request of Don Carlson, Council Administrator. The proposed ordinance transfers \$640 from the Miscellaneous Professional Services line item in the Materials and Services Category to the Capital Outlay Category to cover the Council Department share of the costs to establish the Metro Computer Network. As indicated in the attached memo from the Council Administrator to the Finance Office (Attachment 1) this expenditure resulted from the Council's decisions on the current year budget to create the STRAP Computer Network which has been renamed the MetNet. At the time the original budget was adopted the exact figures on the network costs and each participating departments share was not known. This amendment is necessary to avoid the Council Department from over expending its appropriation for Capital Outlay.

Ord.92-463 Staff.rpt



METRO

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

Memorandum

ATTACHMENT 1
(Proposed Ord. 92-463)

Date: May 20, 1992
To: Kathy Rutkowski, Senior Management Analyst
From: Donald E. Carlson, Council Administrator
Re: Council Share of STRAP Costs for FY 1991-92

I do recall that the Council Department is supposed to pay a certain amount of the costs for connecting to the STRAP Network. Please find attached a copy of the Council Department expenditure report for the month ending April 30, 1992. There is \$5,360 remaining in our Capital Outlay category which I recall is the place where the Council portion is to be expensed. Two questions to the person who I recall worked out the financial arrangements: 1) do I have sufficient funds in the Capital Outlay category to meet the Council portion of the cost for FY 1991-92; and 2) who is supposed to trigger the expenditure?

Your earliest response would be greatly appreciated since I may need a Budget amendment if the cost exceeds the amount remaining in the Capital Outlay category. Thanks for your help.

cc: George Van Bergen
Dick Engstrom
Jennifer Sims

Council Network.exp

A. Anderson

MAY 15, 1992

METROPOLITAN SERVICE DISTRICT

REPORT 460-300

FUND ACCOUNTING INFORMATION SYSTEM

GENERAL FUND LINE-TIME SUMMARY BY MAJOR COST CTR -04/30/92

FUND 010 GENERAL FUND
DEPARTMENT 01XXXX COUNCIL

OBJECT	TITLE	PRIOR YEAR EXPENDITURE	CURR Y-T-D BUDGET	CURR M-T-D EXPENDITURE YTD	ENCUM	CURR Y-T-D EXPENDITURE	BUDG	REMAIN	%	REMAIN
MAJOR OBJECT 51XXXX PERSONAL SERVICES										
511121	REGULAR EMPLOYEES - FULL TIME	179,401	225,007	15,856	0	153,423	71,583	31.81		
511135	SALARIES - TEMPORARY EMPLOYEES-PART-TIME	0	0	0	0	680	680-	<<<<<<		
511221	WAGES - REGULAR EMPLOYEES - FULL-TIME	47,426	88,769	4,401	0	43,366	45,402	51.15		
511225	WAGES - REGULAR EMPLOYEE - PART-TIME	29,815	0	5,341	0	51,536	51,536-	<<<<<<		
511231	WAGES - TEMPORARY EMPLOYEES - FULL-TIME	12,555	0	0	0	0	0	0.00		
511235	WAGES - TEMPORARY EMPLOYEES - PART-TIME	10,965	4,176	0	0	1,724	2,451	58.71		
511400	OVERTIME	3,281	0	704	0	3,423	3,423-	<<<<<<		
512000	EMPLOYEE ASSISTANCE PROGRAM	76,551	100,518	8,318	0	82,013	18,504	18.41		
	TOTAL: MAJOR OBJECT 51XXXX	359,996	418,470	34,623	0	336,168	82,301	19.67		

MAJOR OBJECT 52XXXX MATERIALS AND SERVICES

521100	OFFICE SUPPLIES	5,422	6,860	275	74	4,624	2,161	31.50		
521110	OFFICE SUPPLIES - COMPUTER SOFTWARE	3,145	0	104-	0	95	95-	<<<<<<		
521310	SUBSCRIPTIONS	0	0	0	0	133	133-	<<<<<<		
521320	DUES	1,490	500	0	0	435	65	13.00		
524110	ACCOUNTING AND AUDITING SERVICES	42,575	62,000	0	0	37,931	24,069	38.82		
524190	MISC PURCHASED PROFESSIONAL SERVICES	51,816	43,000	0	0	4,999	38,000	88.37		
525640	MAINTENANCE & REPAIR SERVICE - EQUIPMENT	438	1,000	0	90	307	602	60.22		
525710	RENTALS - EQUIPMENT	443	500	0	0	0	500	100.00		
526200	ADVERTISING AND LEGAL NOTICES	221	600	76	121	856	377-	62.95-		
526310	PRINTING SERVICES	1,360	1,200	0	0	19	1,180	98.38		
526410	COMMUNICATIONS - TELEPHONE	571	400	0	0	663	263-	65.79-		
526420	COMMUNICATIONS - POSTAGE	1	0	0	0	0	0	0.00		
526440	COMMUNICATIONS - DELIVERY SERVICES	170	200	0	0	361	161-	80.75-		
526500	TRAVEL	8,151	11,000	0	0	3,678	7,321	66.56		
526700	TEMPORARY HELP SERVICES	477	0	0	0	342	342-	<<<<<<		
526800	TRAINING, TUITION & CONFERENCE FEES	4,384	4,500	206	0	3,278	1,221	27.14		
528100	LICENSES, PERMITS & PYMTS TO AGENCIES	7,500	7,500	0	0	8,270	770-	10.27-		
528200	ELECTION EXPENDITURES	17,976	100,000	0	0	0	100,000	100.00		
529110	COUNCIL PER DIEM	68,004	95,118	5,320	0	53,760	41,358	43.48		
529120	COUNCILOR EXPENSE	20,109	29,450	634	0	11,492	17,957	60.98		
529500	MEETING EXPENDITURES	11,765	9,000	2,130	102	10,327	1,430-	15.89-		
	TOTAL: MAJOR OBJECT 52XXXX	246,027	372,828	8,539	388	141,576	230,862	61.92		

MAJOR OBJECT 57XXXX CAPITAL OUTLAY

571500	PURCHASED OFFICE FURNITURE & EQUIPMENT	14,655	8,000	0	0	2,640	5,360	67.00		
	TOTAL: MAJOR OBJECT 57XXXX	14,655	8,000	0	0	2,640	5,360	67.00		
	TOTAL: DEPARTMENT 01XXXX	620,680	799,298	43,162	388	480,384	318,524	39.85		



METRO

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

Memorandum

DATE: June 12, 1992

TO: Metro Council
Executive Officer
Interested Staff

FROM: Paulette Allen, Clerk of the Council

RE: COUNCIL ACTIONS OF JUNE ¹¹12, 1992 (REGULAR MEETING)

COUNCILORS PRESENT: Presiding Officer Jim Gardner, Deputy Presiding Officer Judy Wyers, Roger Buchanan, Richard Devlin, Ed Gronke, Sandi Hansen, Ruth McFarland, Susan McLain, George Van Bergen and Ed Washington.

COUNCILORS ABSENT: Larry Bauer and Tanya Collier

AGENDA ITEM

ACTION TAKEN

1. INTRODUCTIONS None.
2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS None.
3. EXECUTIVE OFFICER COMMUNICATIONS
 - 3.1 Region 2040 Work Session The Council and Planning staff held a work session on Region 2040.
4. CONSENT AGENDA Adopted (Devlin/Hansen; 10-0 vote).
 - 4.1 Consideration of May 7, 1992 Minutes
5. ORDINANCES, FIRST READINGS
 - 5.1 Ordinance No. 92-464, For the Purpose of Amending Metro Code Chapter 7.01 to Modify the Reporting of Excise Tax and the Application of the Receipts Referred to the Finance Committee for consideration.
6. ORDINANCES, SECOND READINGS
 - 6.1 Ordinance No. 92-461A, An Ordinance Amending Metro Ordinance No. 92-444A, For Contested Case No. 91-2: Forest Park Adopted (Devlin/Hansen; 10-0 vote).
 - 6.2 Ordinance No. 92-457, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations Within the Insurance Fund Adopted (Devlin/Wyers; 10-0 vote).

(Continued)

6. ORDINANCES, SECOND READINGS (Continued)

- 6.3 Ordinance No. 92-458, An Ordinance** Adopted (Hansen/Wyers;
Amending Ordinance No. 91-390A Revising 10-0 vote).
the FY 1991-92 Budget and Appropriations
Schedule for the Purpose of Transferring
Appropriations Within the Oregon
Convention Center Operating Fund and
Spectator Facilities Operating Fund for
Increased Metro ERC Operations
- 6.4 Ordinance No. 92-459, An Ordinance** Adopted (Wyers/Hansen;
Amending Ordinance No. 91-390A Revising 10-0 vote).
the FY 1991-92 Budget and Appropriations
Schedule for the Purpose of Funding
Upgrades and Enhancements to the Financial
System and the Purchase of a High Capacity
Tape Drive
- 6.5 Ordinance No. 92-460, An Ordinance** Adopted (Van Bergen/
Amending Ordinance No. 91-390A Revising Devlin; 10-0 vote).
the FY 1991-92 Budget and Appropriations
Schedule for the Purpose of Funding
Unanticipated Costs for the Use of the
Lexis System for Legal Research
- 6.6 Ordinance No. 92-462, An Ordinance** Adopted (Wyers/Hansen;
Amending Ordinance No. 91-390A Revising 10-0 vote).
the FY 1991-92 Budget and Appropriations
Schedule for the Purpose of Funding
Increases in the Solid Waste Revenue Fund
Operating Account and Enhancement Fund
- 6.7 Ordinance No. 92-463, An Ordinance** The motion to refer the
Amending Ordinance No. 91-390A Revising ordinance back to the
the FY 1991-92 Budget and Appropriations Finance Committee for
Schedule for the Purpose of Transferring consideration because of
Appropriations Within the Council additional election
Department expenses passed (Devlin/
McFarland; 10-0 vote).

7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

- 1) Teace Adams, League of Women Voters, discussed future League activities; 2) Councilor Van Bergen discussed pending MERC resolutions related to financing activities; and 3) The Council discussed a Council retreat to be held in August or September 1992

Metro Council
6/11/92
3.1

LOCAL GOVERNMENT QUESTIONNAIRE

Jurisdiction/Agency _____

(Check One)

Appointed Official _____

Elected Official _____

Identification of important values, i.e. things that we value and that should be maintained or enhanced for the future are critical to the development of alternative scenarios and the selection of an alternative. This first part of the questionnaire includes questions about some selected values and asks you for your opinion on some of the choices that we will face as a region in the future.

1. What do you like most about the part of the metropolitan area where you live?
2. What do you like least about the part of the metropolitan area where you live?
3. What are the three primary reasons why you think other people like to live, work and shop in the Portland region?
4. Name the three things that you think other people dislike most about the region as a place to live, work and shop?

Questionnaire - continued

5. In the next 20 years, what do you see in the Portland region as getting better, staying about the same, or getting worse? Why?

BETTER _____	WHY? _____
_____	_____
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_____	_____

SAME _____	WHY? _____
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WORSE _____	WHY? _____
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Questionnaire - continued

The population of the metropolitan area is expected to increase by as much as 500,000 more people in 20 years. This growth will bring more jobs and opportunities for shopping and entertainment, more need for public services, and more pressure on natural areas and environmental quality.

The following questions deal with some of the issues and tradeoffs that will be addressed in the Region 2040 effort. These same questions are being posed in all the public involvement efforts.

6. Some people believe that to provide public services and transit effectively, maintain environmental quality, and protect farm and forest land, new growth and development should occur within existing neighborhoods and business districts. Others believe that focusing growth in existing areas will be expensive, even disruptive, and that new growth should occur on vacant land, moving out from the fringes of the existing developed area. Using a 7-point scale, where 1 is **growth primarily in developed areas** and 7 is **growth in undeveloped areas**, which number comes closest to the way you personally feel?

1	2	3	4	5	6	7	8
Growth Primarily in Developed Areas						Growth in Undeveloped Areas	Don't Know

COMMENTS:

7. Traffic congestion has increased as the Portland metropolitan area has grown. Some people believe that public funds should be used to widen existing roads and build new ones to preserve the convenience and freedom of driving a car. Others believe future transportation problems are best resolved by greater investment in mass transit. Again, using the same 7-point scale where 1 is **investment in roads for cars** and 7 is **investment in mass transit**, which number comes closest to the way you personally feel? You can choose any number from 1 to 7.

1	2	3	4	5	6	7	8
Roads for Cars						Mass Transit	Don't Know

COMMENTS:

Questionnaire - continued

8. Though Portland will almost certainly remain the central city of the region, as growth occurs other urban centers will get larger. Some people feel that market forces will cause such growth to retain its suburban character, with mostly moderate concentrations of low-rise shopping centers and offices. Other people believe that public policy and investment should encourage the growth of new, large-scale, high-rise office and commercial development in a few centers outside downtown Portland. Again, using the same 7-point scale where 1 is **suburban-like growth** and 7 is **downtown-like growth**, which number comes closest to the way you personally feel? You can choose any number from 1 to 7.

1	2	3	4	5	6	7	8
Suburban like-Growth						Downtown- like Growth	Don't Know

COMMENTS:

9. Some people want to live close to where they work to reduce commuting time, perhaps close enough to walk or ride a bicycle to work. Other people prefer to live in an area with residences only for reasons of space, privacy, or design, and to rely on the car and mass transit to get to work. Using the 7-point scale where 1 is **live and work in the same area** and 7 is **live separate from work area**, which number comes closest to the way you personally feel? You can choose any number from 1 to 7.

1	2	3	4	5	6	7	8
Live and Work in Same Area						Live Separate from Work Area	Don't Know

COMMENTS:

Questionnaire - continued

10. Some people feel that in the future, areas should be planned so that residential and commercial areas are mixed together and designed so that it is easy to walk or bicycle to shopping for everyday needs like groceries and the cleaners. Others feel that there should be a separation between residential and shopping areas to avoid any negative impacts on housing like noise and traffic and that people will always use their cars for shopping trips. Again, using a 7-point scale, where 1 is **mixed use centers** and 7 is **residential-shopping separation**, which number comes closest to the way you personally feel? You can choose any number from 1 to 7.

1	2	3	4	5	6	7	8
						Residential- Shopping	Don't Know
Mixed Use Centers Only							

COMMENTS:

11. Finally, some people believe that to ensure affordability of future housing, we should initiate public policies that encourage some smaller homes, smaller land parcels, more attached housing units, and other designs that reduce costs. Others believe such policies are not only unnecessary but perhaps wasteful, and that the marketplace will produce more affordable housing in response to demand from consumers. Again, using the same 7-point scale where 1 is **public policy for housing affordability** and 7 is **no need for public policy for housing affordability**, which number comes closest to the way you personally feel? You can choose any number from 1 to 7.

1	2	3	4	5	6	7	8
						No need for Public Policy for Housing Affordability	Don't Know
Policy for Housing Affordability							

COMMENTS:

Questionnaire - continued

12. Of the themes on the list and those discussed today, which theme did you like best and why? (Refer to list of themes.)

13. If you were to define a theme that best characterizes how you think the region should look in 2040, how would you describe it?

14. What are the greatest strengths of your theme?

15. What are the greatest weaknesses of your theme?

Questionnaire - continued

16. Do you have any comments on this presentation/workshop format?

17. Do you have any suggestions about how to encourage **public involvement** as part of this Region 2040 effort?

18. Are there any other major policy choices, concerns or issues you think should be considered as part of the Region 2040 effort?

THANK YOU FOR YOUR TIME AND INTEREST. WHEN COMPLETED, PLEASE RETURN AS SOON AS POSSIBLE TO YOUR FACILITATOR.



METRO

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

Memorandum

METRO COUNCIL
June 11, 1992
Agenda Item No. 6.1

Date: June 10, 1992

To: Metro Councilors

From: *lss*
Larry Shaw, Senior Assistant Counsel

Regarding: AUTHORITY FOR URBAN GROWTH BOUNDARY (UGB) CONDITIONS
Our file: 7.§2.L

Introduction

Applicants for the approved Forest Park UGB amendment have requested amendment of the condition recommended by the Hearings Officer and approved by the Metro Council. In the Dammasch UGB amendment, applicant and 1000 Friends agreed to a condition approved by the Council. It prohibited any additional connections outside the UGB to new sewer lines serving Dammasch and the Callaghan Center. This memo summarizes our conclusion during those cases that Metro has authority to condition UGB amendment approvals.

Legal Status of Metro UGB Amendment Decisions

The unique situation of Metro managing the urban growth boundary for 24 cities and portions of three counties has usually faced the courts in the context of acknowledgment of the UGB. In 1979, ORS 268.390(3) was adopted. It required the Metro Council to adopt a UGB for the District in compliance with statewide goals. LCDC acknowledged the UGB and the courts upheld that acknowledgment in a complex case. In League of Women Voters (LWV) v. Metro (1989), LUBA and the Court of Appeals interpreted Metro's UGB and LCDC's acknowledgment of it. There, the court upheld LUBA's interpretation that Metro's UGB is a "comprehensive plan provision" of local governments' comprehensive plans.

Only comprehensive plans may be acknowledged under ORS 197.015(1), according to LUBA in LWV v. Metro. So, the legal status of a UGB amendment is different from a functional plan amendment. Clearly, a UGB amendment is a quasi-judicial land use decision that requires findings of compliance with the applicable statewide land use Goals.

Conditions of Approval

Other quasi-judicial land use decisions by the local government have approved land use actions with conditions. The usual issue in land use decisions where conditions of approval are part of the local government's action is not whether the local government has authority to

Metro Councilors
Page 2
June 10, 1992

approve, subject to any condition. The appeals are based on whether the condition impermissible postpones review of an "approval standard."

Approval based on feasibility of a proposed action conditioned on more detailed review has been upheld. In Norvell v. Portland Area LGBC, 43 Or. App. 849, 604 P.2d 201 (1979), the Boundary Commission's approval of an annexation conditioned upon the city's later evaluation of the safety of development was upheld. In Bartels v. Portland (LUBA No. 91-178, April 24, 1992), LUBA upheld the city's approval of a planned unit development based on a geotechnical study conclusion that the project was feasible, subject to a condition requiring more detailed site design. In Citizens v. Seaside (LUBA No. 91-194, April 6, 1992), a conditional use permit approval for a factory outlet store based on a general traffic circulation plan was conditioned on later detailed design of access to Highway 101. LUBA remanded that decision only for lack of an adopted procedure to review the later access design decision.

Metro's UGB amendment land use decisions are no different from those of other local governments on this issue. ORS 197.015(13) includes Metro in the definition of "local government" for land use purposes. LWV v. Metro confirmed that UGB amendment approvals are quasi-judicial land use decisions by Metro that amend a comprehensive plan provision for all cities and counties in the District. Therefore, just as other local governments which amend or apply their comprehensive plan provisions with conditions of approval, Metro may amend the regional UGB with proper conditions.

Conclusion

Metro has the same authority as other local governments making quasi-judicial land use decisions to make UGB amendment decisions with conditions of approval. Based on recent case law, we are preparing procedures to provide an opportunity for public involvement for later review of conditions that defer part of a decision to a later time.

dr
1430

cc: Daniel B. Cooper
Ethan Seltzer

FINANCE COMMITTEE REPORT

ORDINANCE NO. 92-457 REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF TRANSFERRING APPROPRIATIONS WITHIN THE INSURANCE FUND

Date: June 8, 1992

Presented By: Councilor Devlin

COMMITTEE RECOMMENDATION: At it's June 4, 1992 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No. 92-457. Present and voting were Councilors Gardner, Devlin, Hansen and Van Bergen. Councilor Wyers was excused.

COMMITTEE DISCUSSION/ISSUES: Scott Moss, Risk Manager presented the Staff Report. He indicated that during the fiscal year the District applied for and received funds from the State of Oregon to acquire capital items which will permit employees previously injured to perform duties their injuries would otherwise preclude. The \$23,093 expenditure for Capital Outlay items were unanticipated during the adoption of the FY 91-92 Budget so additional appropriation authority is needed in the Capital Outlay category to provide for these expenditures. In response to a question from Council Staff, Mr. Moss indicated items purchased include a forklift, a hay baler and a chair.

FINANCE COMMITTEE REPORT

ORDINANCE NO. 92-458 REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF TRANSFERRING APPROPRIATIONS WITHIN THE OREGON CONVENTION CENTER OPERATING FUND AND THE SPECTATOR FACILITIES OPERATING FUND

Date: June 8, 1992

Presented By: Councilor Hansen

COMMITTEE RECOMMENDATION: At it's June 4, 1992 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No. 92-458. All Committee members were present and voting.

COMMITTEE DISCUSSION/ISSUES: Dominic Buffeta, MERC Finance Director, presented the Staff Report. He indicated the need for the budget and appropriation changes in the Convention Center Operating Fund and the Spectator Facilities Fund are based on higher than anticipated use of the facility. The increase in events has provided an increase in revenue and an associated increase in expenditures particularly in concession related expenses. To meet the \$700,000 increase in the Convention Center Operating Fund Materials and Services category, the request is to transfer \$400,000 from the Personal Services category and \$300,000 from the Contingency. The request for the Spectator Facility Fund is to transfer \$100,000 from the Personal Services category and \$665,000 from the Contingency to the Materials and Services category.

Council Staff pointed out that the transfer from the Personal Services category in the Oregon Convention Center Fund is approximately 16% of the entire Personal Services appropriation. It appears that the adopted budget and appropriation for Personal Services was very generous given the size of the transfer of available funds. Mr. Buffeta pointed out that this fiscal year is the first full year of operation of the Convention Center and that the current year budget was not developed with a great deal of precision as to the actual needs for operating the new facility.

FINANCE COMMITTEE REPORT

ORDINANCE NO. 92-459 REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE TO FUND THE UPGRADES AND ENHANCEMENTS TO THE FINANCIAL MANAGEMENT SYSTEM AND THE PURCHASE OF A HIGH CAPACITY TAPE DRIVE

Date: June 8, 1992

Presented By: Councilor Wyers

COMMITTEE RECOMMENDATION: The Finance Committee at its June 4, 1992 meeting voted unanimously to recommend Council adoption of Ordinance No. 92-459. All Committee members were present and voting.

COMMITTEE DISCUSSION/ISSUES: Jeff Booth, Acting Data Processing Manager, presented the Staff Report. He indicated that this ordinance is a follow up to action taken by the Council to approve an expedited procurement process for data processing equipment. Resolution No. 1605 approved the solicitation of bids to purchase disk and memory upgrades for the mainframe computer and a report writer and a local area network connection. The ordinance requests the transfer of \$57,230 from various existing Materials and Services appropriation in the Finance Department budget to the Capital Outlay category to pay for the above listed equipment.

Mr. Booth also pointed out that the Resolution No. 1605 identified the need for a high capacity tape drive but it was not included in the list of items specified in that resolution. This ordinance requests the transfer of \$18,300 from the Support Service Fund Contingency to the Finance Department Capital Outlay category to purchase the high capacity tape drive. Council Staff indicated that the need for the tape drive had been discussed earlier and recommended that it be dealt with during the current fiscal year in this ordinance rather than amend the FY 1992-93 Approved Budget to authorize in next fiscal year.

FINANCE COMMITTEE REPORT

ORDINANCE NO. 92-460 AMENDING ORDINANCE NO. 91-390A REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING UNANTICIPATED COSTS FOR THE USE OF THE LEXIS SYSTEM FOR LEGAL RESEARCH

Date: June 11, 1992 Presented by: Councilor Van Bergen

COMMITTEE RECOMMENDATION: At it's June 4, 1992 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No. 92-460. All Committee members were present and voting.

COMMITTEE DISCUSSION / ISSUES: Dan Cooper, General Counsel, presented the staff report. He indicated when the current year budget was put together and adopted by the Council, his office did not have a good understanding as to the amount of use of the Lexis System for Legal Research. Experience to date shows that his office has used this system more than they had anticipated. He pointed out the benefits his office has obtained from using this system in providing faster and more comprehensive research on matters with which they have dealt. The request is to transfer \$5,000 from the Support Service Contingency to the Materials and Services category in the Office of General Counsel budget.

FINANCE COMMITTEE REPORT

ORDINANCE NO. 92-462 AMENDING ORDINANCE NO. 91-390A REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING INCREASES IN THE SOLID WASTE REVENUE FUND OPERATING ACCOUNT AND MODIFICATIONS TO THE REHABILITATION AND ENHANCEMENT FUND

Date: June 11, 1992

Presented by: Councilor Wyers

COMMITTEE RECOMMENDATION: At it's June 4, 1992 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No. 92-462. All Committee members were present and voting.

COMMITTEE DISCUSSION / ISSUES: Roosevelt Carter, Solid Waste Budget and Finance Manager, presented the staff report. He indicated that request was to adjust the Budget Appropriation Schedule for the Operating Account within the Solid Waste Revenue Fund. There are four specific actions requested: 1) to transfer \$11,500 from the Solid Waste Revenue Fund Contingency to the Materials and Services, Accounting and Auditing Services line item in the Budget and Finance to pay for costs associated with bonds sold by the district for the composter in the Metro Central transfer station facilities; 2) to transfer \$18,500 from the Solid Waste Revenue Fund Contingency to the Computer Software line item in the Materials and Services category to pay for costs associated with the connection of the Solid Waste Department to the Metro computer network; 3) to transfer \$10,000 from the Solid Waste Revenue Contingency to the Materials and Services category in the Budget and Finance Division (This request is to pay for the cost for a temporary help to provide computer system maintenance and support in the department); 4) to transfer \$35,000 from the Solid Waste Revenue Contingency to the Personal Services category in the Administration Division to pay for higher than anticipated Personal Services costs in that division. In response to questions from Councilor Wyers and Council staff, Mr. Carter indicated that the Personal Services costs for the Administrative Manager position were in part due to merit increases which were retroactive for several fiscal years.

Mr. Carter then presented the staff report concerning budget adjustments for the Rehabilitation and Enhancement Fund, and he indicated with the closure of the compost facility more tonnage has gone to the Metro South transfer station in Oregon City. He said this makes it necessary to pay additional monies to the Oregon City Enhancement Account. The request is to transfer \$15,000 in Budget and Appropriation from the Composter Enhancement Account to the Oregon City Enhancement Account.



METRO

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

Memorandum

METRO COUNCIL

June 11, 1992

Agenda Item No. 6.7

DATE: June 11, 1992
TO: Councilor Devlin
FROM: Donald E. Carlson, Council Administrator,
RE: Referral of Ordinance No. 92-463 back to the Finance Committee

This is a request that you move to refer the Ordinance No. 92-463 back to the Finance Committee for additional consideration. During the deliberations on the FY 1992-93 Budget information was presented that the election costs for the District would be higher than is budgeted during the fiscal year.

The Finance Department had estimated that the total of the May 8th primary election to be approximately \$187,000. The Council budget has \$100,000 in it for the May election. This additional time will enable us to get more complete information from the District's election officer as to the actual costs. With that information if we need to amend the Council budget, the Committee can do so and send the ordinance to the Council for action at its June 25th meeting.