



**METRO**

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

# Agenda

DATE: March 25, 1993  
MEETING: METRO COUNCIL  
DAY: Thursday  
TIME: 4:00 p.m.  
PLACE: Metro Council Chamber

Approx.  
Time\*

Presented  
BY

4:00  
(5 min.)

**ROLL CALL/CALL TO ORDER**

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

4:05  
(5 min.)

4. CONSENT AGENDA (Action Requested: Motion to Adopt the Consent Agenda)

4.1 Minutes of February 25, 1993

REFERRED FROM THE PLANNING COMMITTEE

- 4.2 Resolution No. 93-1744, For the Purpose of Approving a Request for Proposals Document for Hearings Officer Services

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE

- 4.3 Resolution No. 93-1768, For the Purpose of Amending the Regional Strategies Compact Forming the Oregon Tourism Alliance

- 4.4 Resolution No. 93-1780, For the Purpose of Confirming the Appointment of Metro Representatives to the Oregon Tourism Alliance Board

4:10  
(5 min.)

5. ORDINANCES, FIRST READINGS

- 5.1 Ordinance No. 93-489, For the Purpose of Amending the Classification and Compensation Plans for Non-Represented Employees, and Awarding a 4% General Market Adjustment for Non-Represented Employees, in Lieu of a Cost of Living Adjustment (Action Requested: Refer to the Governmental Affairs Committee)

- 5.2 Ordinance No. 93-490, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Project Increases in the Zoo Capital Fund and Declaring an Emergency (Action Requested: Refer to the Finance Committee)

- 5.3 Ordinance No. 93-491, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Personal Services Increases in the Public Affairs Department and Declaring an Emergency (Action Requested: Refer to the Finance Committee)

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

**5. ORDINANCES, FIRST READINGS (Continued)**

- 5.4 Ordinance No. 93-492, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Increases in the Contractors License Program and Declaring an Emergency (Action Requested: Refer to the Finance Committee)
- 5.5 Ordinance No. 93-493, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Recognizing New Grants and Funding Related Expenditures in the Planning Fund, Authorizing 1.25 New FTE in the Growth Management Division, and Declaring an Emergency (Action Requested: Refer to the Finance Committee)

**6. ORDINANCES, SECOND READINGS**

REFERRED FROM THE FINANCE COMMITTEE

4:15  
(10 min.)

- 6.1 Ordinance No. 93-484, An Ordinance Amending Metro Code Section 7.01.020 to Modify the Excise Tax Rate Public Hearing (Action Requested: Motion to Adopt the Ordinance)

**7. RESOLUTIONS**

REFERRED FROM THE FINANCE COMMITTEE

4:25  
(10 min.)

- 7.1 Resolution No. 93-1777, A Resolution Authorizing the Preparation and Submission of Refunding Plans Relating to the Advance Refunding of a Portion of Metro's Outstanding General Revenue Bonds (Metro Headquarters Building Project), 1991 Series A, and Waste Disposal System Revenue Bonds (Metro East Transfer Station Project), 1990 Series A (Action Requested: Motion to adopt the Resolution)

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

4:35  
(10 min.)

- 7.2 Resolution No. 93-1778A, For the Purpose of Withdrawing Metro's Participation in the Forum on Cooperative Urban Services (FOCUS) (Action Requested: Motion to Adopt the Resolution) Gates

4:45  
(10 min.)

- 7.3 Resolution No. 93-1782, For the Purpose of Adding Items to Metro's Legislative Agenda (Action Requested: Motion to Adopt the Resolution) Hansen

REFERRED FROM THE PLANNING COMMITTEE

4:55  
(10 min.)

- 7.4 Resolution No. 93-1769, For the Purpose of Approving the FY 1994 UWP Program (UWP) (Action Requested: Motion to Adopt the Resolution)

5:05  
(10 min.)

- 7.5 Resolution No. 93-1770, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements (Action Requested: Motion to Adopt the Resolution)



**7. RESOLUTIONS (Continued)**

REFERRED FROM THE PLANNING COMMITTEE

5:15  
(10 min.)      **7.6 Resolution No. 93-1771, For the Purpose of Endorsing the Region's Proposed National Highway System as Required Under the Intermodal Surface Transportation Efficiency Action of 1991 (Action Requested: Motion to Adopt the Resolution)**

5:25  
(10 min.)      **7.7 Resolution No. 93-1781, For the Purpose of Providing Commentary and Response to the Tri-Met Strategic Plan (Action Requested: Motion to Adopt the Resolution)**

REFERRED FROM THE SOLID WASTE COMMITTEE

5:35  
(20 min.)      **7.8 Resolution No. 93-1764, For the Purpose of Authorizing the Executive Officer to Execute a Contract with the Matrix Management Group to Complete Study Elements I and II of the Comprehensive Waste Stream Characterization Study (Action Requested: Motion to Adopt the Resolution)**      McLain

5:55  
(10 min.)      **7.9 Resolution No. 93-1765, For the Purpose of Authorizing the Executive Officer to Execute a Contract with the Environmental Careers Organization to Complete Study Element III of the Comprehensive Waste Stream Characterization Study (Action Requested: Motion to Adopt the Resolution)**      McLain

6:05  
(10 min.)      **7.10 Resolution No. 93-1776, For the Purpose of Authorizing the Executive Officer to Enter into a Contract with Tri-State Construction, Inc. for Work Associated with the Closure of Sub-Areas 2 & 3 of the St. Johns Landfill (Action Requested: Motion to Adopt the Resolution)**      Washington

6:15  
(10 min.)      **8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

6:25      **ADJOURN**

Meeting Date: March 25, 1993  
Agenda Item No. 4.1

**MINUTES**

MINUTES OF THE METRO COUNCIL

February 25, 1993

Council Chamber

Councilors Present: Presiding Officer Judy Wyers, Deputy Presiding Officer Roger Buchanan, Richard Devlin, Jim Gardner, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Rod Monroe, Terry Moore, George Van Bergen and Ed Washington

Councilors Absent: None

Also Present: Executive Officer Rena Cusma

Presiding Officer Wyers called the regular meeting to order at 4:00 p.m.

Presiding Officer Wyers announced Agenda Item No. 6.8, Resolution No. 93-1773, had been added to the agenda. She noted the Planning Committee introduced the resolution for Council consideration at this meeting at its Tuesday, February 23, meeting.

1. INTRODUCTIONS

None.

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

Lee Frease, 14025 McMinnville, McMinnville, said she was a resident of Yamhill County and had been told Metro and the Riverbend Landfill were about to sign a contract to take excess garbage. She said Yamhill County residents unanimously passed a referendum last spring not to accept any more solid waste at that facility above the stated limit. She asked that Riverbend Landfill be exempted from accepting more solid waste.

Presiding Officer Wyers said the Council had not reviewed a contract amendment to that effect and encouraged Ms. Frease and other interested citizens to testify at the Solid Waste Committee on the issues.

Councilor Monroe said Ms. Frease contacted him last week and that he had encouraged her to come and testify before the Council. He asked Ms. Frease to give Metro staff her address and number to contact her if the issue came before the Solid Waste Committee. Councilor Gates encouraged Ms. Frease to submit written testimony also. Councilor Devlin asked Ms. Frease if she objected to the current levels, 35-50,000 tons per year disposed of at Riverbend Landfill from the Forest Grove Transfer Station (FGTS), or

increased levels. Ms. Frease said citizens objected to the current amount being disposed of. She said 60-80,000 tons were being disposed of at this time.

To Councilor McFarland's question, General Counsel Dan Cooper explained staff did research on the referendum when it was adopted and that Legal Counsel's conclusion was that enforceability based on Supreme Court cases was problematic. He said a contract amendment on tonnage was not pending at this time.

Gil DePuy, 1101 N. Adams, McMinnville, said Yamhill County residents believed the contract amendment would be executed soon. Mr. DePuy explained Riverbend Landfill was sited on a river floodplain and that residents were nervous about environmental impacts on aquifers. He said the Columbia Ridge Landfill was a much more suitable facility for the additional solid waste. He said contaminated test wells were being tested by the Department of Environmental Quality (DEQ). He said parties who contaminated the landfill could be held legally responsible and noted highway transit difficulties in Newberg also.

Cleo Westphal, Citizens Against Pollution (CAP), 915 Cedar St., McMinnville, said DEQ was in the process of renewing the Riverbend Landfill's permit which had expired January 31, 1992. She said when Riverbend applied for a license renewal, they asked to dispose of 75,000 tons per year from FGTS. She said the site was too fragile to receive that much waste and asked what recourse citizens would have if aquifers used for domestic use, irrigation and animals became contaminated.

Councilor McFarland asked if the Riverbend Landfill should be closed completely. Ms. Westphal said citizens were not asking for closure and that they used the landfill also, but said the landfill was originally meant to fill the floodplain only up to the upper terrace, and said the landfill was 130 feet above that level now.

Councilor Moore asked Council Department staff for analysis of the issues. Councilor Monroe suggested the Solid Waste Committee tour Riverbend Landfill. Councilor Buchanan concurred with Councilor Monroe and said he would notify the Council when the field trip was scheduled. Presiding Officer Wyers asked Council Analyst John Houser if he knew what the status of the particular agreement was. Mr. Houser said staff was examining the issues and said any agreement or arrangement was long-term in nature and not immediately pending per Legal Counsel.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

#### 3.1 Presentation of Certificate of Appreciation to Jack Gray Transport, Inc.

Executive Officer Cusma introduced Bob Martin, Director of Solid Waste, who presented a certificate of appreciation to Jack Gray Transport, Inc. (JGT) representatives. He said JGT had exceeded performance expectations for their contract with Metro and noted JGT's clean driving record.

#### 3.2 Report on Arts Plan 2000+

Executive Officer Cusma introduced Bing Sheldon and Clark Worth to give the presentation on Arts Plan 2000+'s activities to-date. Mr. Worth said he was the chair of the Metropolitan Arts Commission and a member of Metro's Regional Arts Funding Task Force. Mr. Worth introduced Michael Grice, board member, World Arts Foundation and Oregon Shakespeare Festival; Mary Simeone, president, Arts Commission of Tigard, Tualatin and Sherwood; and Bing Sheldon, former chair, Arts Plan 2000+. Mr. Worth, Mr. Grice, Ms. Simeone and Mr. Sheldon briefed the Council on the status of arts funding and activities in the region.

Executive Officer Cusma briefed the Council on the status of the Metro/Riedel composter facility. She said when the plant closed approximately 14 months ago, Metro told the new owner Credit Suisse that staff would work with them to try to reopen the facility. She said Metro stressed in its discussions with Credit Suisse that any restart involving changes in the service agreement had to be approved by the Metro Council. She said Metro told Credit Suisse that three criteria had to be satisfied before Metro would consider a service agreement: 1) That the odor problem which had plagued surrounding neighborhoods had to be resolved and an effective monitoring and enforcement plan had to be adopted to ensure the odor problem did not reoccur; 2) That Metro would not assume any financial risk for payment of the outstanding bonds beyond the risk it had already incurred in the existing service agreement; and 3) That while Metro would consider increasing financial support to the facility, the project itself could not result in a rate increase, or, that the project must be self-supporting through disposal savings and revenue from the sale of compost products.

Executive Officer Cusma said despite diligent efforts by Credit Suisse and the proposed new operator, OTVD/Ryan, Metro did not believe the three criteria had been fully addressed in the proposal developed and said there was not sufficient time before

expiration of the April 9 extension period in the current agreement to expect those problems to be resolved.

Executive Officer Cusma said specifically, while the proposed facility design and controls would likely not cause the odor problems that had previously existed, that Metro staff did not believe the monitoring and enforcement program as proposed was adequate. She said the plan did not appear to provide clear assurance that continued odor problems would not result in permanent closure. She said also that the proposal presented an additional risk to Metro because current compost standards could not be guaranteed. She said that risk might be low, but that the financial consequences of assuming that risk also could be very large.

Executive Officer Cusma said the proposal appeared not to result in a rate increase as was required, but said because projected costs were so much higher for proposed operation of the reconfigured facility and financing had been so tightly calculated, that unforeseen costs, revised tonnage estimates, or waste stream composition changes could expose Metro to future rate impacts.

In addition, Executive Officer Cusma said that details of the proposal had not been defined to the satisfaction of all the parties. She said Metro had consistently stressed the need to allow sufficient time for Council deliberation of any proposal. She said the proposal's status was such that it could not be presented to the Solid Waste Committee at its March 2 meeting which meant there was no longer sufficient time, before the April 9 deadline for review within the Metro Council's procedures.

Executive Officer Cusma said because of these considerations, she had directed staff to notify Credit Suisse that Metro was suspending negotiations with them on the proposal currently developed by OTVD/Ryan. She said, assuming that this action resulted in the termination of the current service agreement once the April 9, 1993, extension period had expired, she would ask the Council to adopt a resolution declaring the present facility and site to no longer be a part of Metro's regional solid waste management plans. She said that would give residents a clear indication they could breathe easily about Metro's future intentions with regard to the composter facility.

Councilor Buchanan said the composter facility had failed miserably although it was started with the best intentions. He was not happy the negotiations had failed, but expressed relief that surrounding neighborhoods would no longer suffer from odor



problems. He thanked Executive Officer Cusma and Legal Counsel for their assistance on the issues.

Councilor Gardner said the Council was supportive of the project in the beginning and said the news that the negotiations had resulted in failure was disappointing. He said Metro was leading the nation in dealing with solid waste disposal in innovative ways. He said closure of the facility was a setback on the national level for this technology and asked Mr. Cooper if Metro had incurred possible liability for suspending negotiations prior to the April 9 deadline.

Mr. Cooper said Metro had not incurred possible liability. He said Metro had been in constant communication with Credit Suisse. He said Credit Suisse planned to discuss the closure with its insurer, Lloyd's of London, to determine a joint course of action. He said Credit Suisse and Lloyd's would probably be able to resolve their problems and the bonds would be paid without Metro being exposed financially.

Councilor Devlin asked that the Council be kept informed on all future developments. Councilor Washington said closure of the facility was the right decision for Metro to make.

#### 4. CONSENT AGENDA

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE

##### 4.1 Resolution No. 93-1762, For the Purpose of Authorizing the Execution of a Lease for Work and Storage Space for Zoolights, ZooBoo, and ZooBloom Volunteer Activities

Motion: Councilor McFarland moved, seconded by Councilor Gates, for adoption of the Consent Agenda.

Vote: Councilors Buchanan, Devlin Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and the Consent Agenda was adopted.

#### 5. ORDINANCES, FIRST READINGS

##### 5.1 Ordinance No. 93-484, An Ordinance Amending Metro Code Section 7.01.020 to Modify the Excise Tax Rate

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

Presiding Officer Wyers announced Ordinance No. 93-484 had been referred to the Finance Committee for consideration.

5.2 Ordinance No. 93-485, For the Purpose of Amending Metro Code Section 5.01.150 and Chapter 5.02, to Establish Solid Waste Disposal Fees, Including a System Management Fee

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

Presiding Officer Wyers announced Ordinance No. 93-485 had been referred to the Solid Waste Committee for consideration.

6. RESOLUTIONS

6.1 Resolution No. 93-1760, For the Purpose of Confirming a Third Citizen Member to the Metro Policy Advisor

Motion: Councilor Hansen moved, seconded by Councilor McFarland, for adoption of Resolution No. 93-1760.

Councilor Hansen gave the Governmental Affairs Committee's report and recommendations. She explained the Committee voted unanimously to recommend Sandra Suran be the Council's third nominee to the Metropolitan Policy Advisory Committee (MPAC) and gave details on her professional background and qualifications.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen and Wyers voted aye. Councilor Washington was absent. The vote was unanimous and Resolution No. 93-1760 was adopted.

6.2 Resolution No. 93-1763A, For the Purpose of Accepting a Third Group of Nominees to the Metro Committee for Citizen Involvement (Metro CCI)

Motion: Councilor Moore moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1763A.

Councilor Moore gave the Governmental Affairs Committee's report and recommendations. She noted what counties the nominees represented and said after meetings with the candidates, Councilors believed they would make a positive contribution to the Metro Committee for Citizen Involvement (CCI). Councilor Hansen noted the composition of the committee still did not reflect the diversity of the region and urged Councilors to solicit likely candidates in the future.

Vote: Councilors Buchanan, Devlin Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1763A was adopted.

6.3 Resolution No. 93-1758, For the Purpose of Providing the Assessment of Dues to Local Governments for FY 1993-94

Motion: Councilor Gates moved, seconded by Councilor Gardner, for adoption of Resolution No. 93-1758.

Councilor Gates noted the Governmental Affairs Committee forwarded Resolution No. 93-1758 to the full Council with no recommendation. He said the resolution would assess mandatory local government dues, which also involved seeking enabling legislation to authorize continuation of mandatory dues. He said Metro had consulted with four advisory committees including the Joint Policy Advisory Committee on Transportation (JPACT), the Regional Policy Advisory Committee (RPAC), the Transportation Policy Alternatives Committee (TPAC), and the Regional Technical Advisory Committee (RTAC). He said recommendations from those committees were not consistent, with some favoring continued mandatory dues and some supporting voluntary dues. He noted Executive Officer Cusma supported voluntary dues and did not support adoption of the resolution.

Councilor Gates noted a memorandum from Council Analyst Casey Short to himself on recent Forum on Cooperative Urban Services (FOCUS) deliberations on the issues. He said FOCUS unanimously voted to oppose SB 388, the enabling legislation for mandatory governmental dues.

Councilor McFarland noted dues would cover a shortfall for two years prior to the reorganization of the Council as a seven member Council. Councilor Gates agreed and said without the mandatory funding, Metro had to ask for voluntary contributions. He said Metro was asking for assistance to cover expenses.

Councilor Gardner said if there were going to be mandatory dues in the coming year, Metro had to notify governments by March 1. He said local governments most opposed to mandatory dues now could change their position later. He said some governments were uncomfortable with the voluntary approach because of the uncertainty that others would contribute.

Councilor Monroe said it was not in Metro's best interests to pursue the issue with the State Legislature because it would do

harm to any attempts to collect dues and would harm Metro's improving relationship with local governments.

Councilor Devlin concurred with Councilors Gardner and Monroe. He asked Executive Officer Cusma how Metro could calculate the FY 1993-94 Budget without knowing what dues revenues would be received. Executive Officer Cusma said she was prepared to send a letter to local governments asking them to pay dues on a voluntary basis so that Metro could anticipate FY 1993-94 budget needs.

Councilor Gardner said the Governmental Affairs Committee suggested sending a sample or model resolution with the Executive Officer's letter for possible adoption by local governments.

The Council discussed the issues further, including services offered and whether services would be provided to governments that did not pay. Executive Officer Cusma said Metro could terminate services to non-payers but said it was unlikely in the case of small communities.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted nay. The motion to adopt failed and Resolution No. 93-1758 was not adopted.

6.4 Resolution No. 93-1761, For the Purpose of Identifying Legislative Issues for Support, Opposition, and Monitoring in the 1993 Legislative Session

Main Motion: Councilor Gardner moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1761.

Councilor Gardner gave the Governmental Affairs Committee's report and recommendations and explained the categories of support for the various pieces of legislation.

First Motion to Amend: Councilor Gates moved, seconded by Councilor Devlin, to incorporate the Planning Committee's recommendations per Council Analyst Gail Ryder's memorandum dated February 24 as follows: 1) To move SJR 2 to "monitor with possible support;" 2) To move HB 2533 to "monitor only;" 3) To move HB 2217 to "monitor only;" and 4) To move SB 122, companion bill to HB 2217 to "monitor only."

Councilor Van Bergen stated he did not approve of process developed to make recommendations on state legislation and would therefore vote nay on all motions related to this resolution.

Vote on First Motion to Amend: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen voted nay. The vote was 12 to 1 in favor and the motion to amend passed.

Second Motion to Amend: Councilor Kvistad moved, seconded by Councilor Gardner, to move SJR 2 to "support."

The Council discussed the motion to amend. Councilor Gardner said SJR 2 would not raise taxes but would use transit funding more efficiently. Councilor Devlin stated for the record that SJR 2 would not raise taxes, but said the State could not meet its current transit needs without raising or enhancing some form of revenue. Councilor Moore concurred with Councilors Gardner and Devlin. Councilor Monroe said the only hope for funding lay with SJR 2, but did not believe SJR 2 or SJR 7 would survive the legislative process. Councilor Kvistad said the Council should protect all of the region's transit needs and said to "support" the bill rather than "monitor with possible support" made a statement. He said it was not the Council's job to anticipate what the State Legislature might or might not do.

Vote on Second Motion to Amend: Councilors Buchanan, Gardner, Kvistad, McFarland, McLain, Washington and Wyers voted aye. Councilors Devlin, Gates, Hansen, Monroe, Moore and Van Bergen voted nay. The vote was 7 to 6 in favor and the motion to amend passed.

Third Motion to Amend: Councilor Kvistad moved to remove HB 2419 and HJR 7 from the "support" category and refer them back to the Governmental Affairs Committee for further review.

Councilor Kvistad explained HB 2419 would allow DEQ to charge emission fees in the Portland region and HJR 7 would allow for the use of those fees for alternative modes of transportation.

The Council discussed the motion to amend. Councilor McLain stated for the record that the Council should vote for the best option and not base its vote on anticipating what would happen at the State Legislature. Councilor Kvistad said the legislation as written placed too heavy a burden on lower-income citizens.

The third motion to amend failed for lack of a second.



Fourth Motion to Amend: Councilor Gates moved, seconded by Councilor Moore, to move SJR 10 and SB 357 to "support" per the memorandum dated February 25 to the Council from Noel Klein, Western Advocates.

Mr. Klein explained the action as requested in his memo. The Council discussed the motion to amend.

Vote on the Fourth Motion to Amend: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, and Wyers voted aye. Councilor Van Bergen was absent. The vote was unanimous and the motion to amend passed.

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilors Kvistad and Van Bergen voted nay. The vote was 11 to 2 in favor and Resolution No. 93-1761 was adopted as amended.

6.5 Resolution No. 93-1755B, For the Purpose of Implementing Creation of the Future Vision Commission as Required by the 1992 Metro Charter

Main Motion: Councilor Kvistad moved, seconded by Councilor Van Bergen, for adoption of Resolution No. 93-1755B.

Councilor Kvistad gave the Planning Committee's report and recommendations. He said per the Metro Charter, Metro had to set up and develop a Future Vision Commission and said the Council Future Vision Task Force had set the parameters for the selection of applicants.

Motion to Amend: Councilor Moore moved, seconded by Councilor Devlin, to amend Resolution No. 93-1755B on page 4, Be It Resolved Section 6 (additional language underlined): "The term of office shall begin upon appointment and shall continue until completion of the project. The Metro Council reserves the right to remove any member of the Commission for non-performance of duty or other cause found sufficient by the Council."

Vote on Motion to Amend: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gardner was absent. The vote was unanimous and the motion to amend passed.

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Gardner was absent. The vote was unanimous and Resolution No. 93-1755B was adopted as amended.

Presiding Officer Wyers recessed the Council at 6:16 p.m.

The Council reconvened at 6:29 p.m.

Presiding Officer Wyers recessed the Metro Council and convened the Metro Contract Review Board to consider Agenda Item No. 6.6.

6.6 Resolution No. 93-1753, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.041 (C) Competitive Bidding Procedures and Authorizing Issuance of a Request for Proposals for Relocating to Metro Regional Center

Motion: Councilor Hansen moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1753.

Councilor Hansen gave the Regional Facilities Committee's report and recommendations.

Councilor Gates noted moving firms were not required to use union labor. He asked if alternative firms or vendors could be contacted at a lower cost. Councilor Hansen said a firm with expertise in moving office equipment and computers was preferable. Presiding Officer Wyers said a proposer might not submit the lowest bid possible and asked if there was opportunity for Council input on the process. Councilor Hansen said the moving industry in Oregon was regulated by the Public Utilities Commission (PUC) and Metro could not ask for, or require, a low bid. She said the firm chosen could be asked how they would structure the move and what experience they had had with computer networks.

Flor Matias, Support Services Supervisor, explained that Metro staff would evaluate the proposals with that kind of criteria in mind and invited a Councilor or Council Department staff person to participate in the process. The Council and Mr. Matias discussed move criteria further.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor McLain was absent. The vote was unanimous and Resolution No. 93-1753 was adopted.

Presiding Officer Wyers adjourned the Metro Contract Review Board and reconvened the Metro Council.

6.7 Resolution No. 93-1751, For the Purpose of Approving the Execution of an Intergovernmental Agreement with Multnomah County in Order to Comply with OR-OSHA's Bloodborne Pathogen Rules

Motion: Councilor Kvistad moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1751.

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained that the Oregon Safety and Health Administration (OSHA) had adopted federal requirements for bloodborne pathogens, that Metro had to abide by those regulations as they related to Hepatitis B, and said the rule would affect approximately 160 Metropolitan Exposition-Recreation Commission (MERC) and at-risk employees.

Councilor Van Bergen noted employees could waive the vaccination if they chose.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1751 was adopted.

ADDITIONAL AGENDA ITEM

6.8 Resolution No. 93-1773, A Resolution Urging Adoption of Interim Light Rail Station Overlay Zone

Main Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1773.

Councilor Devlin gave the Planning Committee's report and recommendations. He explained the resolution urged Washington County to adopt an interim overlay zone ordinance during its consideration of code amendments and thereby lead the area in development of appropriate interim rules protecting the one-half mile radius around the Westside Light Rail stations. He noted a memorandum dated February 25 from Larry Shaw, Senior Assistant Counsel, "Proposed Amendments to Resolution No. 93-1773" with recommended amendment language.

First Motion to Amend: Councilor Devlin moved, seconded by Councilor Moore, to amend Resolution No. 93-1773, Whereas Section 9 as follows (additions underlined and deletions bracketed): "Whereas, One development application for an auto-dependent use that would [be] have been prohibited [by] if the draft Interim Ordinance were in effect has already been filed adjacent to [~~the 185th Street~~] a LRT station; and"

Vote on First Motion to Amend: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor McLain was absent. The vote was unanimous and the motion to amend passed.

Second Motion to Amend: Councilor Devlin moved to amend Resolution No. 93-1773, last Whereas (additions underlined and deletions bracketed): "Whereas, It is anticipated that Metro [w]ould be asked to address interim regulation in the absence of local adoption of interim ordinances when Metro may not have sufficient resources or developed expertise for an adequate response; now, therefore"

Councilor Moore supported the motion to amend and asked if Metro staff would testify before the Washington County Board of Commissioners. Andy Cotugno, Director of Planning, said he planned to testify on the issues before Washington County.

Councilor Gardner supported the motion to amend also. He said it was essential that some type of interim regulation be adopted to prevent development of inappropriate land use around light rail transit station sites.

Councilor Van Bergen said the Planning Committee introduced the resolution not to comply with federal requirements, but to urge Washington County to do its job.

Councilor Kvistad said he believed the resolution was advisory only to Washington County and stated local jurisdictions should make their own land use decisions. He said the Planning Committee's intent was to prevent conflicting uses for the site.

Councilor Hansen said when local jurisdictions took action contrary to recognized land use standards and procedures, they put Metro's federal funding in jeopardy. She said Metro had to inform local jurisdictions of its position on the issues, especially in these cases.

Councilor McFarland said she did not agree with the assumption that Metro might not have sufficient resources or developed expertise for an adequate response.

The second motion to amend failed for lack of a second.

Councilor Devlin said the Council should support Resolution No. 93-1773. He noted the land use application, which was the subject of discussion, might or might not be approved based on its own merits. He said it would be judged under the land use requirements in effect at the time the application was made, and therefore, Resolution No. 93-1773 had no impact on the application itself and was meant to recommend interim standards. He said the intent was to avoid park-and-ride facilities, to ensure light rail was successful, and was not intended as a threat to local jurisdictions.

Vote on the Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, Monroe, Moore, Van Bergen and Wyers voted aye. Councilors McLain and Washington were absent. The vote was unanimous and Resolution No. 93-1773 was adopted as amended.

#### 7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Monroe announced the Council Task Force on Expenses would meet Tuesday, March 2 at Metro Center at 1:00 p.m. The Council as a whole discussed the same.

Councilor Devlin expressed concern about the Future Vision Task Force meeting held Monday, February 22 because it had not been noticed and some Councilors were not notified of the meeting.

The Council as a whole discussed a computerized scheduling system which would enable them to track all meetings held regardless of who served on what committee.

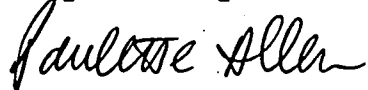
The Council as a whole discussed Multnomah County's request to endorse three Multnomah County resolutions on proposed funding cuts to the Multnomah County Library system, jails and other entities/systems. The Council as a whole determined it would not be appropriate for Metro to endorse or not endorse such resolutions unless they impacted areas on a regional basis.



METRO COUNCIL  
February 25, 1993  
Page 15

All business having been attended to, Presiding Officer Wyers  
adjourned the meeting at 7:38 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Paulette Allen".

Paulette Allen  
Clerk of the Council

Meeting Date: March 25, 1993  
Agenda Item No. 4.2

RESOLUTION NO. 93-1744

**PLANNING COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 93-1744, FOR THE PURPOSE OF APPROVING A REQUEST FOR PROPOSALS DOCUMENT FOR HEARINGS OFFICER SERVICES

-----  
Date: March 11, 1993

Presented by: Councilor Van Bergen

**Committee Recommendation:** At the March 9 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 93-1744. Voting in favor: Councilors Van Bergen, Kvistad, Devlin, Gates, Monroe, and Moore.

**Committee Issues/Discussion:** Gail Ryder, Council Analyst presented the staff report. She explained that Metro Code requires contested case hearings on UGB amendments that must be before a Hearings Officer. Hearings Officers are also utilized in other cases involving land use decisions and relocation benefits.

It is the responsibility of the Council to, from time to time, approve and provide to the Executive a list of prospective Hearings Officers. The last list was prepared in 1988 when Chris Thomas and Larry Epstein were offered one year contracts, with the possibility of two extensions. From the original list only Mr. Epstein remains at this time and the last extension has expired. His contract was extended once beyond the 2nd extension's due date of 10/1/91 to complete the PCC-Rock Creek application.

The process set forth in the code prevents the Executive from selecting an attorney not on the list and with the potential of conflict of interest disqualification of our one Hearings Officer, we could be in a bind.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING )  
A REQUEST FOR PROPOSALS )  
DOCUMENT FOR HEARINGS OFFICER )  
SERVICES )

RESOLUTION NO. 93-1744

Introduced by  
Councilor Van Bergen

WHEREAS, Section 2.05.025(a) of the Metro Code requires that contested case hearings on amendments to the regional Urban Growth Boundary (UGB) shall be before a Hearings Officer; and

WHEREAS, Metro also utilizes the services of Hearings Officers in other cases involving land use decisions and relocation benefits; and

WHEREAS, the Council may from time to time approve and provide to the Executive Officer a list of prospective Hearings Officers from which Hearings Officers may be appointed by the Executive Officer; and

WHEREAS, the last list of prospective Hearings Officers was prepared in 1988 and there now remains only one available Hearings Officer from that list; and

WHEREAS, until the Council establishes a new list of acceptable Hearings Officers, Section 2.05.025 of the Metro Code requires the Executive Officer to continue to refer hearings to those attorneys who were so designated by the Council, now, therefore,

BE IT RESOLVED,

1. That the Metro Council approves the Request for Proposals for Hearings Officer Services attached as Exhibit A and authorizes

immediate release for response by qualified attorneys.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_,  
1993.

---

Judy Wyers, Presiding Officer

GVB:GR  
93-1744.res  
3/2/93



**METRO**  
**REQUEST FOR PROPOSALS**  
**HEARINGS OFFICER SERVICES**

**INTRODUCTION**

Metro is a regional government responsible for regional planning functions, the management of the Metro Washington Park Zoo, Oregon Convention Center, Portland Center for the Performing Arts, and Civic Stadium; facilities for solid waste disposal, including the Metro South Station, Metro Central Station, Metro Composter Facility, and solid waste disposal and waste reduction regulation and planning; Greenspaces, including the Smith and Bybee Lakes area; and metropolitan aspects of natural disaster planning and response coordination, as well as other functions.

Metro is soliciting written proposals for Hearings Officer Services to be utilized on an as needed basis for future contested case hearings.

**PROPOSAL INFORMATION**

Proposals will be received at the business office of Metro, Office of General Counsel, 2000 S.W. First Avenue, Portland, OR 97201-5398, to the attention of Daniel B. Cooper, General Counsel, until 5:00 p.m., April 8, 1993. Proposals submitted prior to that date should be delivered to the Office of General Counsel marked "Proposal - Hearings Officer Services."

Each proposal must be submitted in a form as described in this proposal document.

**BACKGROUND/HISTORY OF PROJECT**

Metro has the need for Hearings Officers on an occasional as needed basis. In the past, Hearings Officers have been primarily used for contested case proceedings involving requests to alter the Metro Urban Growth Boundary. Other cases have involved other land use decisions and relocation benefits. Cases could be related to personnel matters or other issues. All contested cases are conducted pursuant to Chapter 2.05 of the Metro Code (a copy of which is attached).

**PURPOSE OF REQUEST FOR PROPOSALS (RFP)**

The purpose of this RFP is to identify interested qualified Hearings Officers who are willing and able to conduct contested case hearings on an as needed basis for Metro. Hearings Officers must be active members of the Oregon State Bar. Selected attorneys with land use law and hearings experience may be assigned to conduct contested case hearings on

land use matters. Attorneys who have experience conducting or who have significant experience participating in other contested case proceedings may be assigned to conduct hearings on other matters.

### **QUALIFICATIONS/EXPERIENCE**

The successful proposer(s) must possess the following qualifications and experience:

1. Experience in conducting hearings, as a Hearings Officer, or as chair of a board or commission involved in contested case proceedings, or by demonstrated ability to conduct hearings through other equivalent experience. Experience and ability in presenting complex materials to a lay board of decision-makers.

And either:

2. Experience with land use law, as a Hearings Officer or as an attorney representing a client in land use cases, at least one of which was argued before the Land Use Board of Appeals (LUBA); and familiarity with the standards and procedures for urban growth boundary amendments and goal exceptions;

or

3. Experience with contested case hearings procedures in at least one other area of the law (broader subject matter experience preferred).

### **PROJECT ADMINISTRATION**

Metro staff contact will be General Counsel Daniel B. Cooper. Council staff and Planning Department staff will be available to provide information as needed. The Hearings Officer will meet with Metro staff to discuss Metro's experience and expectations regarding cases, but operates independently of any specific supervision.

### **PROPOSAL INSTRUCTIONS**

1. Submission Proposals:

Five (5) copies of the proposal shall be furnished to Metro addressed to:

Daniel B. Cooper, General Counsel  
Metro  
2000 S.W. First Avenue, Suite 410  
Portland, OR 97201-5398

2. Deadline:

Proposals will not be considered if received after 5:00 p.m. on April 8, 1993. Proposals received after this time regardless of postmark will be returned and not be considered.

3. RFP as Basis for Proposals:

This RFP represents the most definitive statement Metro will make concerning information upon which proposals are to be based. Any oral information which is not contained in this RFP will not be considered by Metro in evaluating the proposals. All questions relating to the RFP or the project must be submitted in writing to Mr. Cooper. Any questions which in the opinion of Metro warrant a written reply or RFP amendment will be furnished to all parties receiving a copy of this RFP. Metro will not respond to questions received after April 1, 1993.

### PROPOSAL CONTENTS

The proposal should contain not more than ten (10) pages of written material (excluding biographies and brochures, which may be included in an appendix), describing the ability of the proposer to perform the work requested. Contents of the proposal should be as follows:

1. Transmittal Letter:

Indicate attorney's name and name(s) of any legal assistants and that the proposal will be valid for ninety (90) days.

2. Approach/Philosophy:

Provide a statement of general philosophy on the role of the Hearings Officer in Metro's contested case proceedings and, if applicant is interested in conducting land use hearings for Metro, a statement regarding the interpretation and application of LCDC Goals for major amendments to the UGB.

3. Availability/Timing:

Identify any local jurisdictions, development companies, or other parties for whom you regularly perform work which might create an apparent conflict of interest on a case, and discuss whether you would anticipate any problems in this area. Also discuss whether your current schedule and existing commitments might interfere with your ability to accept between one and 12

cases a year from Metro and to produce reports requiring up to 40 hours work within a month of the hearings.

4. Experience:

List experience over the past five years similar to the work required here. For each project, include the name of the contact person, his/her title, role on the project, and telephone number. Include either a sample decision or brief you have written on a land use case, preferably one involving the exercise of judgment in the application of broad discretionary standards, ideally on a topic relating to LCDC Goal 14 compliance or any other statewide goal, or a sample decision or brief in a contested case regarding a subject other than a land use matter.

5. Cost/Budget:

List hourly rate for the proposed Hearings Officer. If a legal assistant will be assigned to administer routine case elements, list the hourly rate for that assistant, and identify the types of tasks to be assigned to that assistant. Also identify any expenses to be reimbursed. Please note that Metro expects most contested cases to be completed for \$2,500 or less.

6. Exceptions and Comments:

To facilitate evaluation of proposals, Metro wishes that all proposers adhere to the format outlined within this RFP.

Proposers wishing to take exception to, or comment on, any specified criteria within this RFP are encouraged to document their concerns in this part of their proposal. Exceptions or comments should be succinct, thorough, and organized.

## GENERAL PROPOSAL/CONTRACT CONDITIONS

1. Limitation and Award:

This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to accept or reject any or all proposals received as the result of this request, to negotiate with all qualified sources, or to cancel all or part of this RFP. Metro may select more than one proposal and allocate the Hearings Officer's workload between contractors.

2. Contract Type:

Metro intends to award a personal services contract with options for renewal for three (3) years with the selected firm for this project. A copy of the standard form contract which Hearings Officers will be expected to execute is attached.

3. Billing Procedures:

Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. A monthly billing will be prepared for review and approval.

4. Validity Period and Authority:

The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address, and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposals.

## EVALUATION OF PROPOSALS

1. Evaluation Procedure:

Proposals received that conform to the proposal instructions will be evaluated. The evaluation will take place using the evaluation criteria identified in the following section. The evaluation process will result in Metro developing a short list of the attorneys who, in its opinion, are most qualified. Interviews with these attorneys will be requested prior to final selection of Hearings Officers.

2. Evaluation Criteria:

This section provides a description of the criteria which will be used in the evaluation of the proposals submitted to accomplish the work defined in the RFP.

General--Compliance with the RFP.



**Approach/Philosophy:**

- a. Demonstration of understanding of program objectives and legal requirements.
- b. Performance/process objectives.

**Timing/Availability:**

- a. Potential conflicts of interest.
- b. Scheduling commitment to project.

**Experience Record:**

- a. Experience in conduct of hearings.
- b. Experience in LCDC goals and rules.
- c. Experience with Metro's UGB process.
- d. Experience in making presentations to a lay body of decision-makers.

**Budget Proposal/Cost:**

- a. Stated ability to hear cases within Metro's expectations and within schedule.
- b. Clarity, understandability, and conformity to instructions.

**SCOPE OF WORK**

1. The Hearings Officer shall be assigned on a case-by-case basis to conduct contested case proceedings. The number of cases assigned in a year may vary from none to 10 or more. A Hearings Officer will be expected to accept all cases assigned to a maximum of six.
2. Hearings Officer shall meet with Metro staff to discuss the applications, case procedures, and to establish hearing dates. Upon assignment of cases to the Hearings Officer, the Hearings Officer shall within three (3) days of assignment determine whether he/she has any conflict of interest, bias, or prehearing contacts, with respect to the case or the parties thereof. If such condition exists, whether apparent or real, the Hearings Officer shall notify

Metro within the three-day period, whereupon the Hearings Officer may decline the assignment or Metro may withdraw the assignment. Metro will not be charged for the Hearings Officer's time in determining whether these conditions exist, nor will Metro be charged for any time devoted to a case in which one of these conditions is later found to exist.

3. Hearings Officer may visit the site of each land use case prior to preparation of his/her report, but shall not devote more than one (1) hour for each view, exclusive of travel time to and from the site, unless otherwise approved by Metro.
4. After the initial hearing date has been scheduled, Metro will provide notice as required.
5. Hearings shall be held at Metro offices or in facilities obtained or approved by Metro at Metro expense.
6. The Hearings Officer shall conduct the hearing(s). Hearings Officer shall conduct hearings in a fair yet efficient manner and may establish time limits for hearing participants. Hearings may be continued if necessary, but completion of hearings in a timely manner is of the essence. The Hearings Officer is responsible for ensuring that all applicable rules and guidelines are met. It is anticipated that the Metro staff, in a given case, may certify to the Hearings Officer specific questions related to the case. In that event, Hearings Officer shall specifically respond to each such question in the Findings, Conclusions, and Recommendations.

Decisions and recommendations of Hearings Officer shall be in accordance with and based upon Oregon law related to the subject of the hearing. Metro's General Counsel shall identify the applicable standards for approval. It shall be Hearings Officer's responsibility to interpret these standards as they apply to the subject of the hearing. In addition, the Hearings Officer shall comply with all contested case procedures adopted by Metro and with any other applicable laws affecting hearing procedures. The Hearings Officer shall be familiar with past Metro cases and consistent with them whenever possible.

7. The Hearings Officer shall prepare and submit to Metro the original and one copy of each Proposed Order including Findings, Conclusions, and Recommendations. The Proposed Order shall include a list of parties, rulings on motions, and on the admissibility of evidence, Findings of Fact, Conclusions of Law, a recommended decision, and a statement of reasons for decision. The Proposed Order shall be due and filed with Metro on or before the thirtieth (30) day following conclusion of the hearing of each case.

The Proposed Order, Findings, Conclusions, and Recommendations shall be prepared consistent with the standards of good practice of the legal profession.

8. The Hearings Officer shall make an oral presentation to the Metro Council of the Findings, Conclusions, and Recommendations.
9. In certain cases, the Metro Council may require rehearing or modification of parts of all of a Proposed Order. In that event, Hearings Officer shall carry out the direction of the Council in a timely manner. Hearings Officer shall provide a modified report within ten (10) days of such Council direction to modify, or within ten (10) days of the rehearing, whichever is applicable.
10. The Hearings Officer shall keep accurate and detailed records for the purpose of computing compensable time and shall submit said records to Metro no later than the end of the next succeeding month in which the services were completed. Such records shall include the following information: description of service performed, to whom service should be charged, date of service, time spent for each charge and each direct expense. The level of detail of this information shall be such that each charge is clearly understandable to Metro staff and the applicant.
11. Payment through the first consideration by the Council shall be made in lump sum within forty-five (45) days of the Hearings Officer's oral presentation of his/her Proposed Order to the Council. If additional work is required after that time, payment shall be made monthly within thirty (30) days of receipt of a record of compensable time for such work. If the Hearings Officer is not required to make an oral presentation to the Council, payment shall be made in lump sum within forty-five (45) days of receipt of the Proposed Order.
12. Except as provided below, the Hearings Officer agrees to perform all services and deliver to Metro all materials outlined in the Scope of Work at a rate of \$\_\_\_\_\_ per hour for a total not to exceed \$2,500 per case without written permission from the Metro General Counsel.

gl  
1138

Attachment - Personal Services Agreement

Project \_\_\_\_\_  
Contract No. \_\_\_\_\_

## PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 2000 S.W. First Avenue, Portland, OR 97201-5398, and \_\_\_\_\_, referred to herein as "Contractor," located at \_\_\_\_\_.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. **Duration.** This personal services agreement shall be effective \_\_\_\_\_ and shall remain in effect until and including \_\_\_\_\_, unless terminated or extended as provided in this Agreement.
2. **Scope of Work.** Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. **Payment.** Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for maximum a sum not to exceed \_\_\_\_\_ AND \_\_\_\_\_/100THS DOLLARS (\$\_\_\_\_\_).
4. **Insurance.**
  - a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:
    - (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
    - (2) Automobile bodily injury and property damage liability insurance.
  - b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
  - c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the

Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the state of Oregon and shall be conducted in the circuit court of the state of Oregon, for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor \_\_\_ days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

_____	METRO
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

## STAFF REPORT

### CONSIDERATION OF RESOLUTION 93-1744 FOR THE PURPOSE OF APPROVING A REQUEST FOR PROPOSALS DOCUMENT FOR HEARINGS OFFICER SERVICES

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Date: March 2, 1993

Presented by: Councilor George Van Bergen

#### PROPOSED ACTION

This resolution releases a Request for Proposal (RFP) to identify interested qualified Hearings Officers who, if selected, will through contract with Metro conduct our contested case hearings on amendments to the regional Urban Growth Boundary and other land use decisions and relocation benefits. Selected attorneys must be active members of the Oregon State Bar with land use law and hearings experience in conducting contested case proceedings.

#### FACTUAL BACKGROUND AND ANALYSIS

In 1982, the Metro Council approved Ordinance No. 82-137, which created Metro Code Section 2.05.025(a), setting up a procedure for contested cases. The section, which remains unamended, requires that contested case hearings be conducted by or under the control of the Presiding Officer or a Hearings Officer and that contested case hearings on Urban Growth Boundary amendments must be before a Hearings Officer. The section also maintains that the Council, from time to time, is to provide and approve a list of prospective Hearings Officers, which may be appointed by the Executive Officer. Hearings Officers must be members of the Oregon State Bar, except in the case of contested case hearings held before the Council.

The last time the Metro Council issued an RFP to solicit qualified hearings officers was in 1988. This process resulted in the selection of two qualified applicants, Christopher Thomas and Larry Epstein, who were placed under contract. Each contract was for one year with the possibility of two annual extensions that expired 10/1/91. Mr. Epstein's contract was briefly extended beyond the above date to complete the PCC-Rock Creek application. At present both contracts have expired and a new list of qualified Hearings Officers is needed.



Meeting Date: March 25, 1993  
Agenda Item No. 4.3

RESOLUTION NO. 93-1768

## REGIONAL FACILITIES COMMITTEE REPORT

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RESOLUTION NO. 93-1768, AMENDING THE REGIONAL STRATEGIES COMPACT FORMING THE OREGON TOURISM ALLIANCE

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Date: March 17, 1993

Presented by: Councilor Hansen

**COMMITTEE RECOMMENDATION:** At its March 17, 1993 meeting the Regional Facilities Committee voted 4-0 to recommend Council adoption of Resolution No. 93-1768. Voting were Councilors McFarland, Gardner, Hansen, and Washington. Councilor McLain was excused.

**COMMITTEE DISCUSSION/ISSUES:** Executive Assistant Don Rocks presented the staff report. He discussed the creation of the regional strategies program under Governor Goldschmidt and cited Metro's ongoing participation in the program. He said amendments have been drafted to account for changes in membership and to reflect a revised membership and dues structure.

In response to a question from Councilor McFarland, Mr. Rocks said Lincoln and Columbia Counties had withdrawn to pursue strategies other than tourism, and that Hood River County has been added. Councilor Hansen asked what benefits accrue to full members and associate members. Mr. Rocks said full members have voting participation on the board, and receive 5,000 copies of the Northwest Oregon tour guides. (He distributed copies to the committee.) Associate members may participate in board discussions, but are not voting members. They receive mention of their attractions in the tour guide. He cited the U.S. Forest Service as an example.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE ) Resolution No. 93- 1768  
REGIONAL STRATEGIES COMPACT FORMING ) Introduced by Executive  
THE OREGON TOURISM ALLIANCE ) Officer, Rena Cusma

WHEREAS, in November, 1986, Oregon voters elected governor Neil Goldschmidt, who pledged to lead the Oregon comeback; and

WHEREAS, this economic development plan focuses on improvement of Oregon's business environment, and on using Oregon's unique resources to full advantage; and

WHEREAS, one particularly promising resource, currently underdeveloped is Oregon's tourism potential; and

WHEREAS, the tourism industry is Oregon's third largest industry, supporting many small businesses; and

WHEREAS, recent statistics show that 40 percent of Oregon visitors come to the state via the northwest region; and

WHEREAS, in November, 1986 voters of the Metropolitan Service District in the Portland area approved general obligation bonds to help build the Oregon Convention Center; and

WHEREAS, the Oregon Convention Center is a magnet drawing 125,000 new visitors each year into the state via the northwest region; and

WHEREAS, it is in the economic interest of Oregon's northwest region to develop the tourism potential of the Oregon Convention Center; and

WHEREAS, the cooperation of public and private interest is essential in efforts to increase the contribution made by tourism to Oregon's economic comeback; and

WHEREAS, governmental agencies and organizations in Oregon's northwest region have a mutual set of interests in developing their special resources to encourage tourism, especially: Clackamas County, Clatsop County, Columbia County, Hood River County, Multnomah County, Tillamook County, Washington County, and Yamhill County; the City of Portland, Metro and the Port of Portland; and

WHEREAS, ORS 190 encourages cooperation among local units of government and the state of Oregon through intergovernmental agreements, such as this compact; and

WHEREAS, opportunities exist among the governmental agencies and organizations in Oregon's northwest region for improved cooperation in promotion and development of tourism; and

WHEREAS, a Regional Compact to form the Oregon Tourism Alliance was adopted in 1987; and

WHEREAS, Oregon Tourism Alliance membership composition set forth in Resolution 89-1154 has changed as original signatories opted for regional strategies other than tourism and new partners have petitioned for inclusion; and

WHEREAS, the Oregon Tourism Alliance has determined that it is in the best interest of the region to amend such Compact, now, therefore,

**BE IT RESOLVED THAT:**

1. There is hereby created the Oregon Tourism Alliance, pursuant to ORS 190.010 - 110, by all units of government adopting this regional compact.

2. Under their individual adoption of this compact, jurisdictions and organizations participating in the Oregon Tourism Alliance are the following counties and other agencies: Clackamas County, Clatsop County, Columbia County, Hood River County, Multnomah County, Tillamook County, Washington County, Yamhill County, the City of Portland, Metro, and the Port of Portland.

3. The Oregon Tourism Alliance shall be governed by a board whose members shall be nominated and appointed in the following manner:

a. Each participating jurisdiction / organization shall appoint one member and one alternate.

b. Full members of the Alliance are entitled to vote on all matters at all meetings of the Alliance. Associate and support members, legal counsel and Alliance staff and alternates not exercising powers of a member are entitled to participate in discussion, but do not have the right to vote.

c. Oregon Tourism Alliance board shall select from its voting members a chair, a vice-chair and a secretary/treasurer.

4. Upon approval by a majority of members to the Oregon Tourism Alliance board, compliance with state law and adoption of this Compact, other jurisdiction / organizations may join the Alliance.

5. The Oregon Tourism Alliance is charged with recommending and, in cooperation with affected governments and other organizations, with developing an economic strategy, based on tourism and aimed at having a significant impact throughout the northwest region of the state.

6. Oregon Tourism Alliance jurisdictions expressly delegate to and give the Alliance authority to contract for fiscal, professional and other services, adopt a budget, enter into contracts and receive, distribute and expend funds as

provided by Oregon law, for the purpose of implementing the Alliance's regional strategies program pursuant to ORS 284.010 - 284.055 and 284.060 (1987).

7. All Alliance members shall agree to a two year dues commitment beginning July 1, 1992, payment of which is required regardless of early termination of participation in this compact. Full member annual dues are \$8250, associate member annual dues are \$4000.

8. Any member jurisdiction may terminate participation in this compact upon providing 30 days notice to all other participants.

9. The Oregon Tourism Alliance may contract with private individual or companies for staff assistance.

10. The Alliance shall establish bylaws governing its procedures and the conduct of business, and may amend the same, by a majority of the voting board members. Such bylaws may provide for the creation of an executive committee, consisting of fewer than all board members, which may act as an interim board and take actions with full authority of the board where matters of urgency so require; provided, however, such executive committee may not reverse prior decisions of the full board and must report its actions at the next meeting of the board.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 1993

\_\_\_\_\_  
Judy Wyers, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION 93-1768 ADOPTING  
AMENDED REGIONAL STRATEGIES COMPACT FORMING THE  
OREGON TOURISM ALLIANCE

---

Date: February 25, 1993

Presented by: Don Rocks

BACKGROUND AND ANALYSIS

Amendment to the compact is required by the fact that the membership of the OTA has changed due to withdrawals occasioned by members opting for regional strategies other than tourism, (2) changes approved by the OTA Board which provide for several classes of membership, and (3) a two-level dues structure of \$8250 annually for full members and \$4000 for associate members.

Present membership now includes Clackamas, Clatsop, Columbia, Hood River, Multnomah, Tillamook, Washington and Yamhill Counties, the City of Portland, Port of Portland and Metro. Hood River is a new member. Lincoln County changed its regional strategy to "fishing industries" and is no longer a member.

Metro dues have in the past been billed through Metro and paid by the Metropolitan E-R Commission in view of the OTA's adopted marketing strategy which is to attract convention delegates to arrive early, stay longer and to tour throughout the northwest Oregon region.

Each full member jurisdiction is entitled to appoint a Board Member and an Alternate. The Executive Officer last named Pamela Stebbes Knowles to serve as Board Member. (Don Rocks serves as Alternate and is the current Chair of the OTA Marketing Committee.) Pamela Knowles has resigned (verbally) creating an opening for a Metro Board member. The Executive Officer has indicated to the Presiding Officer that a Councillor would be an appropriate Metro representative and a name is anticipated for forwarding to the OTA.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1768

Meeting Date: March 25, 1993  
Agenda Item No. 4.4

RESOLUTION NO. 93-1780

## REGIONAL FACILITIES COMMITTEE REPORT

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RESOLUTION NO. 93-1780, CONFIRMING THE APPOINTMENT OF METRO REPRESENTATIVES TO THE OREGON TOURISM ALLIANCE BOARD.

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Date: March 17, 1993

Presented by: Councilor Hansen

**COMMITTEE RECOMMENDATION:** At its March 17, 1993 meeting the Regional Facilities Committee voted 4-0 to recommend Council adoption of Resolution No. 93-1780. Voting were Councilors McFarland, Gardner, Hansen, and Washington. Councilor McLain was excused.

**COMMITTEE DISCUSSION/ISSUES:** Executive Assistant Don Rocks presented the staff report. He said this resolution is a companion to Resolution No. 93-1768. He explained that Metro's prior representative to the Oregon Tourism Alliance board, Pamela Stebbeds Knowles, has resigned, creating a vacancy. The Executive Officer wishes to appoint Councilor Ruth McFarland, with Mr. Rocks continuing to serve as alternate.

Councilor McFarland said that Councilor Ed Washington had expressed an interest in serving on this board as well, but the recommendation from the Executive Officer was to retain Mr. Rocks as the alternate because he has been active in the tourism alliance, serving as chair of the marketing committee.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING )  
THE APPOINTMENT OF METRO )  
REPRESENTATIVES TO THE OREGON )  
TOURISM ALLIANCE BOARD )

RESOLUTION NO. 93-1780

Introduced by Rena Cusma  
Executive Officer

WHEREAS, Metro is a member of the Oregon Tourism Alliance, a consortium of counties in Northwest Oregon, the City of Portland and the Port of Portland; and

WHEREAS, The Alliance has successfully implemented a regional tourism strategy based on the elements of Transportation, Attractions Development, Visitor Services and Marketing; and

WHEREAS, The strategy emphasizes and complements the marketing of the Oregon Convention Center; and

WHEREAS, Metro appointed Pamela Stebbeds Knowles, private citizen, representative to the Oregon Tourism Alliance Board; and

WHEREAS, appointee Pamela Stebbeds Knowles resigned creating a vacancy; and

WHEREAS, Metro continues to endorse the concept and work of the Oregon Tourism Alliance and desires to remain a partner to the regional strategies process; and

WHEREAS, Continuity of Metro representation requires the appointment of a board member and alternate to serve two year terms ending June 31, 1994; now therefore,

BE IT RESOLVED,

That Councillor Ruth McFarland be confirmed as Metro's

appointee to represent Metro as a member of the Oregon Tourism Alliance Board; and that Don Rocks, Executive Assistant to the Executive Officer, be confirmed as alternate through June of 1994.

ADOPTED by the Council of Metro this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

-----  
Judy Wyers, Presiding Officer



**METRO**

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

# Memorandum

March 10, 1993

TO: Don Carlson  
FROM: Don Rocks *[Signature]*  
SUBJECT: OTA Metro Representative

I too earlier spoke with the Presiding Officer and Councillors McFarland and Washington on this subjectd. Since that time I have prepared a resolution for the Council that would confirm Councillor McFarland as Metro's representative to the OTA Board

Appointment authority has been excercised by the Executive Officer. The OTA compact is silent on the appointment process except to say that each participating jurisdiction shall appoint a board member and an alternate. The Executive Officer also appoints Metro staff, or citizens, to serve on OTA committees; Marketing (Don Rocks), Attractions (Sherry Sheng), Transportation (Andy Cotugno) and Visitor Services (Open).

My response to the question of Councillor Washington as Alternate is (as it was during the earlier noted discussion) that I am now the designated alternate, and that Councillor Washington's appointment would replace me in that position. I could continue as member (now Chair) of the OTA Marketing Committee. Under any circumstances, Councillor Washington could elect to attend Board Meetings as he saw fit whether Councillor McFarland was in attendance or not. There is usually a gallery of committee reps and other interested persons at monthly Board meetings.

Metro's OTA dues are paid by MERC. I forward the billing. It has ever been so. The justification is that the marketing thrust of OTA, via its Northwest Oregon tour guide and other complementary advertising pieces, is one of encouraging OCC convention delegates to arrive earlier, stay longer and tour NW Oregon. The OCC is the principal beneficiary of the OTA marketing strategy.

When the Council asked Mike Ragsdale where dues were to be charged when the OTA regional strategies compact was initially presented, he noted "the convention center marketing budget had funds available for tourism efforts". It has remained ever so.

Member dues pay staff costs (Mary McArthur) and direct administrative expenses. Dues have increased as a result of state imposed matching fund requirements. Lottery funds to support regional strategies over time are dependent on the governor's commitment to the program and the legislature's response. OTA has resolved to stay intact even if state funding were to be withdrawn substantially or entirely. That circumstance would require a greater member contribution and is a bridge that may lie ahead.

cc: Judy Wyers  
Ruth McFarland  
Casey Short



**METRO**

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

# Memorandum

Date: March 1, 1993  
To: Don Rocks  
From: Don Carlson *DC*  
Re: OTA Metro Representative

In response to your request to the Presiding Officer regarding an appointment to the Oregon Tourism Alliance Board, Judy has asked me to let you know that she has designated Councilor Ruth McFarland as the person to represent the Council. She also asked me to inquire about designating Councilor Ed Washington as the alternate. Is this possible and who makes the appointment?

In reading the draft Staff Report for Resolution No. 93-1768 regarding the OTA agreement, it is unclear how we will pay the \$8,250 dues to the OTA. Will MERC continue to pay the dues and what do the dues pay for?

cc: Judy Wyers  
Ruth McFarland  
Casey Short

Metro OTA Member.memo

Meeting Date: March 25, 1993  
Agenda Item No. 5.1

ORDINANCE NO. 93-489



**METRO**

# Memorandum

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

**DATE:** March 19, 1993

**TO:** Metro Council  
Executive Officer  
Interested Parties

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

**RE:** AGENDA ITEM NO. 5.1; ORDINANCE NO. 93-489

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Exhibit A, Salary Administration Plan for Non-Represented Positions of Metro, February 1993, and Exhibit B, Classification Categories, have been printed separately from this agenda packet due to their volume. Copies will be distributed to Councilors in advance and will be available at the Council meeting March 25.

## **STAFF REPORT**

### **CONSIDERATION OF ORDINANCE NO. 93-489 ADOPTING THE CLASSIFICATION/COMPENSATION STUDY RECOMMENDATIONS FOR NON-REPRESENTED EMPLOYEES, AND AWARDING A 4% GENERAL MARKET ADJUSTMENT FOR NON-REPRESENTED EMPLOYEES, IN LIEU OF A COST OF LIVING ADJUSTMENT.**

---

Date: March 12, 1993

Presented by: Paula Paris

#### **BACKGROUND**

The last classification/compensation study was conducted in 1988. During the budget process for FY 92-93, the Council approved a classification/compensation study for non-represented employees to be conducted. Kenny Consulting Group, Inc. was awarded the contract as a result of the RFP process. There were three major objectives in the study:

1. To create a more generic non-represented classification plan. Currently most individual non-rep employees have their own classification. A classification plan should more appropriately provide an overall structure of grouping jobs with like or similar levels of duties, responsibilities, criticality, and requirements.
2. To establish a management service classification structure that differentiates the classification titles for non-represented employees from the classification titles for employees represented by unions. A non-represented employee classification plan should more clearly distinguish between reps and non-reps for collective bargaining purposes. Non-represented employees can still maintain their working titles allowed by their Department Head within their departmental structure.
3. To bring the non-represented classification and compensation plan back into alignment with internal equity and the job market.

A Non-Rep Class/Comp Committee was established by Personnel to select the consultant and to review the recommendations of the consultant on an ongoing basis during the study process. The members of the Committee were: Jennifer Sims, John Houser, Kay Rich, Dick Engstrom, Paula Paris, and Michelle Cline. The Committee discussed and agreed with the Kenny Consulting Group recommendations and forwarded them to the Executive Officer for approval and for implementation recommendations.

#### **FISCAL IMPACT**

As with all class/comp studies, some employees are assigned to newly established classifications at a higher salary range, some are assigned to newly established classifications at a lower salary



range, and most are assigned to newly established classifications with no change to the salary range. This is also true with the results of this study: of the 110 positions reviewed; 44 positions are higher, 12 positions are lower, and 54 remain unchanged. These changes in classifications of positions are consistent with the level of duties, responsibility, criticality, requirements, internal equity, and the external salary comparisons of the job market.

If the Kenny Consulting Group recommendations were implemented in accordance with the existing Metro Code (particularly 2.02.160 (11)), the cost to Metro would be \$220,203.

However, the proposed implementation for FY 93-94:

- 1) increases the non-rep pay plan by 4% in lieu of COLA (CPI is 4.2% for FY 93-94);
- 2) does not grant increases as provided in the Code to positions assigned to higher salary ranges;
- 3) makes no changes in the rates of pay for some positions established at a lower salary range until the annual adjustments to the pay plan bring the rates within the new range (red-circling); and

thereby realizes a cost savings of \$15,154 compared to the cost of implementing a 4% across-the-board cost of living adjustment for all non-represented employees.

### RECOMMENDATION

The Metro Code requires that the Council adopt and maintain a classification and compensation plan for non-represented employees which shall provide an equitable and logical arrangement of job classifications, which shall equitably reflect the difference in duties and responsibilities, and which shall be related to compensation for comparable positions within the same job market. The Council approved a non-rep class/comp study to be conducted this fiscal year 92-93. We believe the classification and compensation recommendations from the Kenny Consulting Group, Inc., and the Executive Officer's proposed implementation, provide an equitable and reasonable plan for our non-represented employees. It is, therefore, recommended by the Executive Officer that Ordinance No. 93-489 be adopted.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE )  
CLASSIFICATION AND COMPENSATION )  
PLANS FOR NON-REPRESENTED )  
EMPLOYEES, AND AWARDING A 4% )  
GENERAL MARKET ADJUSTMENT FOR )  
NON-REPRESENTED EMPLOYEES, IN )  
LIEU OF A COST OF LIVING )  
ADJUSTMENT. )

ORDINANCE NO. 93-489  
Introduced by Rena Cusma,  
Executive Officer

WHEREAS, Metro Code 2.02.115 governs the establishment and maintenance of a position classification plan to be adopted and amended to provide an equitable and logical arrangement of job classifications to facilitate the identification, compensation and filling of positions; and

WHEREAS, Metro Code 2.02.145 governs the establishment of a pay plan which provides a range of pay for each classification which shall equitably reflect the difference in duties and responsibilities, and shall be related to compensation for comparable positions within the same job market; and

WHEREAS, Metro Code 2.02.150 governs that the pay plan be studied to cover such items as changes in the Consumer Price Index and salaries and benefits received by employees in the labor market; and

WHEREAS, the Metro Council approved such a study for non-represented employees in the FY 92-93 budget, and the Kenny Consulting Group, Inc. provided the study; and

WHEREAS, Metro Code 2.02.130 provides that new classifications are authorized by the Council; and

WHEREAS, Metro Code 2.02.160 (11) provides that upon reclassification to a higher maximum salary rate, an employee shall be placed on the beginning step of the new classification or receive a 5% adjustment, whichever is greater; and

WHEREAS, the Council wishes to waive application of Metro Code 2.02.160 (11) solely for the implementation of this specific Classification and Salary Administration Plan, so that automatic salary increases will not occur; now therefore,

**THE METRO COUNCIL HEREBY ORDAINS:**

The recommended Classification And Salary Administration Plan For Non-Represented Positions of Metro, dated February 1993 and proposed by the Kenny Consulting Group, Inc. (Exhibit A), the recommended classification specifications (Exhibit B), the final recommended classification allocations (Exhibit C), and the requisite pay plan reflecting the recommendations (Exhibit D) are adopted and subject to the following implementation:

1. A general market adjustment of four percent (4%), in lieu of a cost of living adjustment, will be applied to non-represented salary ranges effective July 1, 1993.

2. The salary ranges for classifications in salary grades 23 and above will be advanced by one salary grade (5%) to reflect survey market findings for positions at that level, as reflected in the pay plan (Exhibit C).

3. Notwithstanding Metro Code 2.02.160 (11), for the implementation of this specific Classification and Salary Administration Plan, salary increases that would otherwise occur under 2.02.160 (11) are deferred and can only be effectuated as merit based increases as provided under Metro Code 2.02.160 (a), (d) (5) (6) (9) (10). Thereafter, Metro Code 2.020.160 (11) shall remain in effect.

4. The rates of pay for incumbents in positions reclassified downward as a part of the non-represented class study, shall be continued and no change in salary shall occur until the annual adjustments to the pay plan bring the employees' rates within the new range as provided under Metro Code 2.02.140.

5. This ordinance being necessary for the public health, safety or welfare, for the reason of orderly administration of the Classification and Salary Plan at the beginning of the fiscal year, an emergency is declared to exist, and this Ordinance takes effect on July 1, 1993.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

Meeting Date: March 25, 1993  
Agenda Item No. 5.2

ORDINANCE NO. 93-490

## **STAFF REPORT**

### **CONSIDERATION OF ORDINANCE NO. 93-490 AMENDING ORDINANCE NO. 92-449B REVISING THE FY 1992-93 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING PROJECT INCREASES IN THE ZOO CAPITAL FUND AND DECLARING AN EMERGENCY**

---

Date: March 17, 1993

Presented by: McKay Rich

## **FACTUAL BACKGROUND AND ANALYSIS**

When the FY 1992-93 budget was prepared, it was assumed that the African Rain Forest Exhibit would be completed by the end of FY 1991-92. While the exhibit opened in June of 1992, some behind the scenes work remained to be done. Those costs, totaling \$85,000, were invoiced in FY 1992-93. This action requests the transfer of \$85,000 from contingency to fund these unanticipated expenditures to the current fiscal year.

In addition, bids for several projects included in the FY 1992-93 budget have come in over the amount estimated in the budget. These include the replacement of the dilapidated snowshed used for railroad operations (\$28,300), the remodel of the elephant barn to add one additional holding room for the animals plus keeper and storage space (\$30,000), and the Africa Savannah Shade/Rain structures which will allow the Zoo to keep animals on outdoor exhibit during inclement weather (\$6,700).

The Zoo Capital Fund realized an additional fund balance carryover into FY 1992-93 of \$910,562 over the amount budgeted. This additional fund balance will more than adequately fund the transfer from contingency requested in this ordinance. This action requests a total of \$150,000 to be transferred from the Zoo Capital Fund's contingency to capital outlay to fund the projects mentioned above.

## **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive officer recommends adoption of Ordinance No. 93-490, transferring \$150,000 from the Zoo Capital Fund contingency to capital outlay to fund project cost increases.

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE NO. )  
92-449B REVISING THE FY 1992-93 BUDGET )  
AND APPROPRIATIONS SCHEDULE FOR )  
THE PURPOSE OF FUNDING PROJECT )  
INCREASES IN THE ZOO CAPITAL FUND )  
AND DECLARING AN EMERGENCY )

ORDINANCE NO. 93-490

Introduced by Rena Cusma,  
Executive Officer

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations within the FY 1992-93 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 METRO COUNCIL ORDAINS:

1. That Ordinance No. 92-449B, Exhibit B, FY 1992-93 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 transferring \$150,000 from the Zoo Capital Fund Contingency to capital outlay in the Zoo Capital Fund to fund various project cost increases.
2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, in order to meet project costs and to comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

**Exhibit A  
Ordinance No. 93-490**

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>Zoo Capital Fund</b>							
<b>Total Personal Services</b>		<b>1.50</b>	<b>75,485</b>	<b>0.00</b>	<b>0</b>	<b>1.50</b>	<b>75,485</b>
<b>Total Materials &amp; Services</b>			<b>1,787</b>		<b>0</b>		<b>1,787</b>
<u>Capital Projects</u>							
571500	Purchases-Office Furniture & Equipment ALASKA EXHIBIT		800		0		800
574520	Const. Work/Materials-Bldgs, Exhibits & Rel. MISC. EXHIBIT IMPROVEMENTS		500		0		500
574120	Architectural Services UPDATE MASTER PLAN		10,000		0		10,000
574120	Architectural Services AFRICA RAIN FOREST		6,612		0		6,612
574520	Const. Work/Materials-Bldgs, Exhibits & Rel. ELK MEADOW		0		85,000		85,000
574120	Architectural Services		25,000		0		25,000
574520	Const. Work/Materials-Bldgs, Exhibits & Rel. RAILROAD SNOW SHED		265,888		0		265,888
574520	Const. Work/Materials-Bldgs, Exhibits & Rel. MINI TRAIN/TROLLEY		114,700		28,300		143,000
574520	Const. Work/Materials-Bldgs, Exhibit & Rel. ELEPHANT BARN REMODEL		35,000		0		35,000
574520	Const. Work/Materials-Bldgs, Exhibit & Rel. ELEPHANT YARD IMPROVEMENTS		200,000		30,000		230,000
574120	Architectural Services SAVANAH SHADE STRUCTURE		40,000		0		40,000
574190	Other Construction Services		77,800		6,700		84,500
<b>Total Capital Projects</b>			<b>776,300</b>		<b>150,000</b>		<b>926,300</b>
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		150,000		(150,000)		0
599990	Unappropriated Balance		2,367,900		0		2,367,900
<b>Total Contingency and Unappropriated Balance</b>			<b>2,517,900</b>		<b>(150,000)</b>		<b>2,367,900</b>
<b>TOTAL REQUIREMENTS</b>		<b>1.50</b>	<b>3,371,472</b>	<b>0.00</b>	<b>0</b>	<b>1.50</b>	<b>3,371,472</b>

**Exhibit B  
Schedule of Appropriations  
Ordinance No. 93-490**

	Current Appropriation	Revision	Proposed Appropriation
<b>ZOO CAPITAL FUND</b>			
Personal Services	\$75,485	\$0	\$75,485
Materials & Services	\$1,787	\$0	\$1,787
Capital Outlay	\$776,300	\$150,000	\$926,300
Contingency	\$150,000	(\$150,000)	\$0
Unappropriated Balance	\$2,367,900	\$0	\$2,367,900
<b>Total Zoo Capital Fund Requirements</b>	<b>\$3,371,472</b>	<b>\$0</b>	<b>\$3,371,472</b>

**ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED**



Meeting Date: March 25, 1993  
Agenda Item No. 5.3

ORDINANCE NO. 93-491

## **STAFF REPORT**

### **CONSIDERATION OF ORDINANCE NO. 93-491 AMENDING ORDINANCE NO. 92-449B REVISING THE FY 1992-93 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING PERSONAL SERVICES INCREASES IN THE PUBLIC AFFAIRS DEPARTMENT AND DECLARING AN EMERGENCY**

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Date: March 17, 1993

Presented by: Vickie Rocker

#### **FACTUAL BACKGROUND AND ANALYSIS**

The Public Affairs Department is requesting that \$5,274 be transferred from the Support Services Fund Contingency to the department's Personal Services category. This transfer would cover personnel expenses incurred as a result of employee maternity leave.

The Graphics Supervisor took a paid, two-month maternity leave last fall using available sick and vacation leave time. During the supervisor's leave, another graphics employee assumed lead duties and was paid five percent more in compensation for additional duties. A temporary employee was also hired so that the division could keep apace with production demands. These additional expenses totaled \$5,274.

It is forecasted that existing appropriations within the department's current budget will not be adequate to cover these additional expenses.

The department's original FY 1992-93 proposed budget request included extra funds in anticipation of maternity leave. The Council deleted the item and advised the department to return with a mid-year budget amendment if additional expenses were actually incurred. The department is now acting on the Council's recommendation.

#### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive officer recommends adoption of Ordinance No. 93-491 transferring \$5,274 from the Support Services Fund Contingency to the Public Affairs department personal services to fund salary and fringe benefit increases related to maternity leave.

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE NO. )  
92-449B REVISING THE FY 1992-93 BUDGET )  
AND APPROPRIATIONS SCHEDULE FOR )  
THE PURPOSE OF FUNDING PERSONAL )  
SERVICES INCREASES IN THE PUBLIC )  
AFFAIRS DEPARTMENT AND DECLARING AN )  
EMERGENCY )

ORDINANCE NO. 93-491

Introduced by Rena Cusma,  
Executive Officer

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations within the FY 1992-93 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 METRO COUNCIL ORDAINS:

1. That Ordinance No. 92-449B, Exhibit B, FY 1992-93 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 transferring \$5,274 from the Support Service Fund Contingency to personal services in the Public Affairs department to fund personal services increases related to maternity leave.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, in order to meet personal services costs and to comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

**Exhibit A  
Ordinance No. 93-491**

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SUPPORT SERVICES FUND:Public Affairs</b>							
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Directors	1.00	69,500		0	1.00	69,500
	Public Information Supervisor	1.60	69,356		0	1.60	69,356
	Sr. Public Info. Specialist	2.00	75,750		0	2.00	75,750
	Assoc. Public Info. Specialist	3.00	115,050		0	3.00	115,050
	Graphics/Exhibit Designer	3.00	85,530		282	3.00	85,812
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	1.00	24,945		0	1.00	24,945
	Secretary	1.00	22,360		0	1.00	22,360
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Temporary Administrative Support		0	0.15	4,411	0.15	4,411
512000	FRINGE		157,247		581		157,828
<b>Total Personal Services</b>		<b>12.60</b>	<b>619,738</b>	<b>0.15</b>	<b>5,274</b>	<b>12.75</b>	<b>625,012</b>
<b>Total Materials &amp; Services</b>			<b>75,015</b>		<b>0</b>		<b>75,015</b>
<b>Total Capital Outlay</b>			<b>5,220</b>		<b>0</b>		<b>5,220</b>
<b>TOTAL EXPENDITURES</b>		<b>12.60</b>	<b>699,973</b>	<b>0.15</b>	<b>5,274</b>	<b>12.75</b>	<b>705,247</b>

**SUPPORT SERVICES FUND:General Expenses**

<b>Total Interfund Transfers</b>			<b>437,492</b>		<b>0</b>		<b>437,492</b>
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency						
	* General		229,183		(5,274)		223,909
	* Builders License		8,790		0		8,790
599990	Unappropriated Fund Balance-Contractors License		121,250		0		121,250
<b>Total Contingency and Unappropriated Balance</b>			<b>359,223</b>		<b>(5,274)</b>		<b>353,949</b>
<b>TOTAL EXPENDITURES</b>		<b>83.35</b>	<b>6,484,836</b>	<b>0.15</b>	<b>0</b>	<b>83.50</b>	<b>6,484,836</b>

**Exhibit B**  
**Schedule of Appropriations**  
**Ordinance No. 93-491**

	Current Appropriation	Revision	Proposed Appropriation
<b>SUPPORT SERVICES FUND</b>			
Finance and Management Information			
Personal Services	\$1,973,222	\$0	\$1,973,222
Materials & Services	\$976,477	\$0	\$976,477
Capital Outlay	\$125,615	\$0	\$125,615
Subtotal	\$3,075,314	\$0	\$3,075,314
Regional Facilities			
Personal Services	\$559,185	\$0	\$559,185
Materials & Services	\$295,036	\$0	\$295,036
Capital Outlay	\$40,400	\$0	\$40,400
Subtotal	\$894,621	\$0	\$894,621
Personnel			
Personal Services	\$473,133	\$0	\$473,133
Materials & Services	\$98,111	\$0	\$98,111
Capital Outlay	\$13,250	\$0	\$13,250
Subtotal	\$584,494	\$0	\$584,494
Office of General Counsel			
Personal Services	\$414,900	\$0	\$414,900
Materials & Services	\$18,819	\$0	\$18,819
Capital Outlay	\$0	\$0	\$0
Subtotal	\$433,719	\$0	\$433,719
Public Affairs			
Personal Services	\$619,738	\$5,274	\$625,012
Materials & Services	\$75,015	\$0	\$75,015
Capital Outlay	\$5,220	\$0	\$5,220
Subtotal	\$699,973	\$5,274	\$705,247
General Expenses			
Interfund Transfers	\$437,492	\$0	\$437,492
Contingency	\$237,973	(\$5,274)	\$232,699
Subtotal	\$675,465	(\$5,274)	\$670,191
Unappropriated Balance	\$121,250	\$0	\$121,250
<b>Total Support Services Fund Requirements</b>	<b>\$6,484,836</b>	<b>\$0</b>	<b>\$6,484,836</b>

**ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED**

Meeting Date: March 25, 1993  
Agenda Item No. 5.4

ORDINANCE NO. 93-492

## **STAFF REPORT**

### **CONSIDERATION OF ORDINANCE NO. 93-492 AMENDING ORDINANCE NO. 92-449B REVISING THE FY 1992-93 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING INCREASES IN THE CONTRACTORS LICENSE PROGRAM AND DECLARING AN EMERGENCY**

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Date: March 16, 1993

Presented by: Neil Saling

## **FACTUAL BACKGROUND AND ANALYSIS**

The Contractors' License Program provides that 75.5% of every license sold must be distributed to the local jurisdictions within Metro's boundaries. This distribution is made during the first quarter of each fiscal year for the proceeds accumulated in the previous fiscal year. The FY 1992-93 budget was prepared assuming the sale of 1,050 licenses during FY 1991-92. The actual amount sold during FY 1991-92 was 1,151. This increase in licenses sold resulted in an additional \$11,110 in revenues and an additional \$8,388 in expenditures to the local jurisdictions.

This action requests the transfer of \$8,388 from Contingency to the Contractors' License Program of the Regional Facilities Department to fund the additional expenditures to the local jurisdictions.

## **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive officer recommends adoption of Ordinance No. 93-492 transferring \$8,388 from the Support Services Fund Contingency to the Contractors' License Program of the Regional Facilities Department.

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE NO. )  
92-449B REVISING THE FY 1992-93 BUDGET )  
AND APPROPRIATIONS SCHEDULE FOR )  
THE PURPOSE OF FUNDING INCREASES IN )  
THE CONTRACTORS LICENSE PROGRAM )  
AND DECLARING AN EMERGENCY )

ORDINANCE NO. 93-492

Introduced by Rena Cusma,  
Executive Officer

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations within the FY 1992-93 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 METRO COUNCIL ORDAINS:

1. That Ordinance No. 92-449B, Exhibit B, FY 1992-93 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 transferring \$8,388 from the Support Services Fund contingency to materials & services in the Contractors License Program of the Regional Facilities Department.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, in order to meet obligations to the local jurisdictions and to comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council



**Exhibit A  
Ordinance No. 93-492**

FISCAL YEAR 1992-93		PROPOSED BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b><u>FOR INFORMATION ONLY</u></b>							
<b>SUPPORT SERVICES FUND:Regional Facilities (Contractor's License Program)</b>							
<b>Total Personal Services</b>		<b>0.75</b>	<b>23,757</b>	<b>0.00</b>	<b>0</b>	<b>0.75</b>	<b>23,757</b>
<u>Materials &amp; Services</u>							
521100	Office Supplies		1,560		0		1,560
521110	Computer Software		1,500		0		1,500
521260	Printing Supplies		2,500		0		2,500
521290	Other Supplies		200		0		200
521310	Subscriptions		100		0		100
526410	Telephone		500		0		500
526420	Postage		2,000		0		2,000
526500	Travel		100		0		100
526800	Training, Tuition, Conferences		500		0		500
528100	License, Permits, Payments to Other Agencies		87,203		8,388		95,591
529500	Meetings		500		0		500
<b>Total Materials &amp; Services</b>			<b>96,663</b>		<b>8,388</b>		<b>105,051</b>
<b>Total Capital Outlay</b>			<b>2,000</b>		<b>0</b>		<b>2,000</b>
<b>TOTAL EXPENDITURES</b>		<b>0.75</b>	<b>122,420</b>	<b>0.00</b>	<b>8,388</b>	<b>0.75</b>	<b>130,808</b>

**Exhibit A  
Ordinance No. 93-492**

FISCAL YEAR 1992-93		PROPOSED BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SUPPORT SERVICES FUND:Regional Facilities Department</b>							
<b>Total Personal Services</b>		<b>10.70</b>	<b>559,185</b>	<b>0.00</b>	<b>0</b>	<b>10.70</b>	<b>559,185</b>
<u>Materials &amp; Services</u>							
521100	Office Supplies		13,128		0		13,128
521110	Computer Software		6,980		0		6,980
521260	Printing Supplies		2,500		0		2,500
521290	Other Supplies		200		0		200
521310	Subscriptions		1,100		0		1,100
521320	Dues		1,675		0		1,675
521400	Fuels & Lubricants		6,333		0		6,333
524190	Misc. Professional Services		23,600		0		23,600
525630	Maintenance & Repairs Services-Vehicles		2,773		0		2,773
525640	Maintenance & Repairs Services-Equipment		15,620		0		15,620
525732	Operating Lease Payments-Vehicles		23,340		0		23,340
526200	Ads & Legal Notices		19,250		0		19,250
526410	Telephone		69,766		0		69,766
526420	Postage		2,000		0		2,000
526440	Delivery Services		850		0		850
526500	Travel		5,660		0		5,660
526700	Temporary Help Services		1,008		0		1,008
526800	Training; Tuition, Conferences		7,470		0		7,470
528100	License, Permits, Payments to Other Agencies		87,203		8,388		95,591
529500	Meetings		4,580		0		4,580
<b>Total Materials &amp; Services</b>			<b>295,036</b>		<b>8,388</b>		<b>303,424</b>
<b>Total Capital Outlay</b>			<b>40,400</b>		<b>0</b>		<b>40,400</b>
<b>TOTAL EXPENDITURES</b>		<b>10.70</b>	<b>894,621</b>	<b>0.00</b>	<b>8,388</b>	<b>10.70</b>	<b>903,009</b>

**Exhibit A  
Ordinance No. 93-492**

FISCAL YEAR 1992-93		PROPOSED BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SUPPORT SERVICES FUND:General Expenses</b>							
<b>Total Interfund Transfers</b>			<b>437,492</b>		<b>0</b>		<b>437,492</b>
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		223,909		0		223,909
	* General		8,790		(8,388)		402
	* Builders License				0		
599990	Unappropriated Fund Balance-Contractors License		121,250		0		121,250
<b>Total Contingency and Unappropriated Balance</b>			<b>353,949</b>		<b>(8,388)</b>		<b>345,561</b>
<b>TOTAL EXPENDITURES</b>		<b>83.50</b>	<b>6,484,836</b>	<b>0.00</b>	<b>0</b>	<b>83.50</b>	<b>6,484,836</b>

**Exhibit B**  
**Schedule of Appropriations**  
**Ordinance No. 93-492**

	Current Appropriation	Revision	Proposed Appropriation
<b>SUPPORT SERVICES FUND</b>			
Finance and Management Information			
Personal Services	\$1,973,222	\$0	\$1,973,222
Materials & Services	\$976,477	\$0	\$976,477
Capital Outlay	\$125,615	\$0	\$125,615
Subtotal	\$3,075,314	\$0	\$3,075,314
Regional Facilities			
Personal Services	\$559,185	\$0	\$559,185
Materials & Services	\$295,036	\$8,388	\$303,424
Capital Outlay	\$40,400	\$0	\$40,400
Subtotal	\$894,621	\$8,388	\$903,009
Personnel			
Personal Services	\$473,133	\$0	\$473,133
Materials & Services	\$98,111	\$0	\$98,111
Capital Outlay	\$13,250	\$0	\$13,250
Subtotal	\$584,494	\$0	\$584,494
Office of General Counsel			
Personal Services	\$414,900	\$0	\$414,900
Materials & Services	\$18,819	\$0	\$18,819
Capital Outlay	\$0	\$0	\$0
Subtotal	\$433,719	\$0	\$433,719
Public Affairs			
Personal Services	\$625,012	\$0	\$625,012
Materials & Services	\$75,015	\$0	\$75,015
Capital Outlay	\$5,220	\$0	\$5,220
Subtotal	\$705,247	\$0	\$705,247
General Expenses			
Interfund Transfers	\$437,492	\$0	\$437,492
Contingency	\$232,699	(\$8,388)	\$224,311
Subtotal	\$670,191	(\$8,388)	\$661,803
Unappropriated Balance	\$121,250	\$0	\$121,250
<b>Total Support Services Fund Requirements</b>	<b>\$6,484,836</b>	<b>\$0</b>	<b>\$6,484,836</b>

**ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED**

**NOTE: This Ordinance assumes adoption of Ordinance No. 93-491**

Meeting Date: March 25, 1993  
Agenda Item No. 5.5

ORDINANCE NO. 93-493

## **STAFF REPORT**

**CONSIDERATION OF ORDINANCE NO. 93-493 AMENDING ORDINANCE NO. 92-449B REVISING THE FY 1992-93 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF RECOGNIZING NEW GRANTS AND FUNDING RELATED TO EXPENDITURES IN THE PLANNING FUND, AUTHORIZING 1.25 NEW FTE IN THE GROWTH MANAGEMENT DIVISION, AND DECLARING AN EMERGENCY**

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Date: March 17, 1993

Presented by: Andy Cotugno

This request is divided into three sections. Sections A and B include the recognition of new grant funds to the Planning Fund and corresponding increases in appropriations. Oregon Budget Law, ORS 294.326(2), allows for the recognition of grants in the year of receipt without a supplemental budget. Section C of this action requests the transfer of existing appropriation authority from materials & services to capital outlay.

### **FACTUAL BACKGROUND AND ANALYSIS**

#### **A. SURFACE TRANSPORTATION PROGRAM FUNDS**

Resolution No. 93-1756, as approved by Metro Council, amended the FY 1993 Unified Work Program and endorsed the use of Surface Transportation Program (STP) funds for regional transportation planning and Region 2040. This is the formal action to amend the budget to comply with this Resolution and allow partial expenditure of the funds in FY 1992-93. Additional portions of the work program are included in the proposed FY 1993-94 budget.

#### **New Elements of the Growth Management Division:**

The objectives of Phase II of the Region 2040 Program are to better understand the relationship of the transportation system to the urban form of the region and to present the public and decision-makers with accessible information from which to make informed growth management decisions. The additional funding will provide for public outreach and technical analysis associated with Phase II. Components of the public involvement portion include publication of a tabloid and newsletter, outreach through local television stations and media events, development of a documentary style video as well as participation in the Regional Visual Preference Survey and related public outreach sponsored jointly by local governments and Tri-Met. Community presentations and workshops similar to the outreach sessions in Phase I of Region 2040 will be held to present the base case modeling and variations to be modeled.

New funding will also be used to analyze and evaluate the causes of growth or decline in a region, what policies or programs can impact the growth of a region, and the costs and consequences of applying the policies. A consultant will be engaged to do an economic analysis of land use and transportation systems and this information will be used to refine

the models to realistically take into account market effects.

An urban design element to show greater detail of the types of development envisioned in each of the three concepts will also be added. The project will describe a hypothetical square mile in the region including development aspects, greenspace implications and various transportation components. This example will then be used to illustrate various growth scenarios. Factors gathered in the public outreach area will help guide the development of the concepts.

A Senior Public Involvement Specialist position will be created and staffed this fiscal year in order to coordinate and expedite the increased public involvement efforts that are part of the 2040 Phase II program. In addition, one staff person will fill a vacant position (Senior Management Analyst) at the lower level of Assistant Regional Planner. The duties will include learning the operation of the modeling activities and assisting decision-makers from Metro committees and the local jurisdictions in accessing information from which they can make informed management decisions.

Additional capital funding will be used to purchase two computers (\$1,697 each) for staff use as well as to run the model for demonstrations for these decision-makers and for purchase of display panels (\$1,770) to be used in public presentations and workshops. A computer purchased at the end of FY 1991-92 was coded as a FY 1992-93 purchase due to late arrival of an invoice. This left the division with only \$792 in capital for the current fiscal year. The department requests the addition of \$2,208 in capital to bring the appropriated amount up to the level approved by Council.

Personal Services	\$24,813
Materials & Services	119,487
Capital	<u>7,372</u>
Total	\$151,672

The new elements related to Transportation Planning include:

1. Public Transit Management Plan The Public Transit Management System will be developed by Tri-Met through an intergovernmental agreement. The process and products will be incorporated into the Regional Transportation Plan, Tri-Met Strategic Plan along with supporting documents, and the Oregon Transportation Plan and the Transportation Improvement Program.

Materials & Services	\$1,500
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2. Intermodal Management System A completed Intermodal Management System will include: 1) an inventory of intermodal facilities and systems; 2) incorporation of IMS strategies and actions into the Oregon Transportation Plan, the Regional

Transportation Plan and the Transportation Improvement Program; and 3) a fully integrated implementation plan. All work activities will be coordinated with and through Oregon Department of Transportation as specified in an intergovernmental agreement. The Port of Portland will be the lead agency. Tri-Met, Metro, ODOT and local jurisdictions will participate in the development of the IMS. Metro will oversee survey and data collection activities.

Materials & Services \$139,000

3. Congestion Management Systems The Congestion Management Systems will be designed to monitor and analyze the magnitude of congestion on the multimodal transportation system and to plan and implement actions that reduce congestion, improve air quality and enhance the performance of the transportation system to the desired level. All work activities will be coordinated with and through Oregon Department of Transportation as specified in an intergovernmental agreement. Local jurisdictions and Tri-Met will also participate in development of the Congestion Management Systems.

Materials & Services \$45,400

4. RTP Financial Analysis Plan This program will use consultant resources to develop a flexible computerized system of analysis of RTP financial demands and resources. The need for this development is new and is a result of Intermodal Surface Transportation Efficiency Act (ISTEA) mandates. Additionally, the increased flexibility of ISTEA adds to the need for more sophisticated and flexible financial analysis techniques than those currently used in the Regional Transportation Plan. The system would also benefit analysis of the annual Transportation Improvement Program.

Materials & Services \$15,750

5. Travel Forecasting Surveys and Research This new program is closely related to the Travel Model Refinement program and will be for the purpose of developing new models for transportation policy and investment analysis, mainly in response to the needs of ISTEA, EPA and various environmental interests. This is a multi-year project dealing with issues such as secondary (land use) impacts of transportation investments, behavioral responses to increases in road pricing, fuel pricing, congestion pricing and pollution pricing. Existing models are inadequate for proper analysis.

The initial phase of the program will be involved with the design and fielding of the first household activity and travel behavior survey, transit on-board surveys and a highway speed and delay survey, all of which are specifically designed to provide the data needed for this model building program.



Materials & Services \$375,000

6. Capital Additions It will be necessary to add a concentrator (\$2,175) and a network interface card (\$800) to the Novell network in order to operate department computers efficiently and with increased employee connectivity. There were two computer purchases at the end of FY 1991-92 which were charged as expenditures in this fiscal year. The department would like to add back the \$3,946 to the Transportation area of the budget to allow for a capital purchases as requested and approved for FY 1992-93. This amount is reflected in the total expenditures listed below.

Capital Outlay \$6,921

The total amount of all new revenues will be received over a two fiscal year period. This action recognizes only that portion of the grants to be received during the current fiscal year. The remaining grant funds and expenditures are included in the Executive Officer's FY 1993-94 Proposed Budget. The following table summarizes the total new revenues over the two year period and identifies proposed expenditures for each year.

**Two Year Summary of Programs**

<u>New Revenue:</u>		<u>New Expenditures</u>	
STP funds	\$1,174,166	FY 1992-93	\$766,823
ODOT funds	672,916	FY 1993-94	<u>1,146,927</u>
Tri-Met funds	<u>66,668</u>		
<b>Total New Revenues</b>	<b>\$1,913,750</b>	<b>Total New Expenditures</b>	<b>\$1,913,750</b>

A new contracts list for FY 1992-93 has been attached for review and designation by the Council.

**B. EARTHQUAKE PREPAREDNESS**

Council, via Resolution no. 92-1696, agreed to the transfer of one position of State of Oregon Earthquake Preparedness Program Coordinator from the State of Oregon Emergency Management (OEM) to Metro's Planning Department. This is the formal action to add one additional FTE, an Assistant Management Analyst position, to the FY 1992-93 budget in the Growth Management Division.

<u>Revenue:</u>		<u>Expenditure:</u>	
Fed. Ind. Grant	\$40,000	Asst. Mgt. Analyst	
		Salary	\$30,075
		Fringe	<u>9,925</u>
		Total	\$40,000

### **C. TRANSFER WITHIN CURRENT FY BUDGET**

During the course of the present fiscal year the situation arose whereby items for the Sun computer system, which were budgeted as capital lease items, could be obtained at a substantial savings if they were purchased outright. The department requests a decrease in materials & services of \$4,550 for capital lease and a corresponding increase in Capital Outlay of \$4,550 in the Transportation portion of the department budget.

### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive officer recommends adoption of Ordinance No. 93-493, recognizing \$766,823 in new grant funds and related appropriations, authorizing 1.25 new FTE in the Growth Management Division, and declaring an emergency.

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE NO. )  
92-449B REVISING THE FY 1992-93 BUDGET )  
AND APPROPRIATIONS SCHEDULE FOR )  
THE PURPOSE OF RECOGNIZING NEW )  
GRANTS AND FUNDING RELATED )  
EXPENDITURES IN THE PLANNING FUND, )  
AUTHORIZING 1.25 NEW FTE IN THE )  
GROWTH MANAGEMENT DIVISION, AND )  
DECLARING AN EMERGENCY )

ORDINANCE NO. 93-493  
Introduced by Rena Cusma,  
Executive Officer

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations within the FY 1992-93 Budget; and

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

WHEREAS, ORS 294.326(2) allows the expenditure in the year of receipt of grants received in trust for specific purpose without a supplemental budget; and

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

THE METRO COUNCIL ORDAINS:

1. That Ordinance No. 92-449B, Exhibit B, FY 1992-93 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 recognizing \$766,826 in new grants, authorizing new appropriations in the Planning Fund for the same amount, and adding 1.25 FTE in the Growth Management Division.
2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, in order to meet program costs and to comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

**Exhibit A  
Ordinance No. 93-493**

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>PLANNING FUND:Resources</b>							
<b>Resources</b>							
<b>Transportation Planning</b>							
305000	Fund Balance						
	• Transportation		681,886		0		681,886
	• Growth Management		20,000		0		20,000
331110	Federal Grants-Operating-Categorical-Direct						
	FY 92 UMTA Sec. 8		34,990		0		34,990
	FY 91 UMTA Sec 8(OR-08-0063)		20,000		0		20,000
	FY 88 UMTA Sec 8 (OR-08-0051)		5,000		0		5,000
	FY 92 UMTA I-205/Milwaukie		718,250		0		718,250
331120	FEDERAL GRANTS-OPERATING-CATEGORICAL-INDIRECT						
	FY 93 STP		0		279,329		279,329
	FY 93 PL/ODOT		641,059		0		641,059
	FY 93 Sec 8 - ODOT		219,925		0		219,925
	FY 93 STP - ODOT\FHWA		234,800		0		234,800
	FY 93 HPR - FHWA		95,275		0		95,275
	FY 93 Hillsboro PE/FEIS(Tri-Met)		300,000		0		300,000
	FY 91 Hillsboro AA (Tri-Met)		408,000		0		408,000
334110	State Grants-Operating-Categorical-Direct						
	FY 93 ODOT STP		0		270,908		270,908
	FY 93 ODOT Supplemental		225,000		0		225,000
	DEQ (Demand Management)		124,900		0		124,900
	ODOT - Western Bypass		15,750		0		15,750
334120	State Grants-Operating-Catagorical-Indirect						
	C-TRAN I/5-Vancouver (WSDOT)		1,052,000		0		1,052,000
337110	Local Grants-Operating-Categorical-Direct						
	Tri-Met		0		33,334		33,334
	FY93 Tri-Met General Planning		225,000		0		225,000
	C-TRAN - HCT Study		80,000		0		80,000
	FY 90 Westside from Tri-Met		93,500		0		93,500
339100	Local Government Dues Assessment		473,035		0		473,035
339200	Contract Services		171,450		0		171,450
341500	Documents & Publications		30,000		0		30,000
361100	Interest on Investments		20,000		0		20,000
379000	Other Miscellaneous Revenue		715,000		0		715,000
391010	Trans. Resources from Gen'l Fund		681,235		0		681,235
391530	Trans. Resources from S.W. Revenue Fund		668,000		0		668,000
<b>Growth Management</b>							
331110	Federal Grants-Operating-Categorical-Direct						
	National Parks Service		50,000		0		50,000
	U.S. Fish & Wildlife Service		827,553		0		827,553
	FEMA		550,000		0		550,000
	Water Quality		75,000		0		75,000
	US Geological Services		20,000		0		20,000
331120	Federal Grants-Operating-Categorical-Indirect						
	STP		0		123,252		123,252
	FEMA		0		40,000		40,000
334110	State Grants-Operating-Categorical-Direct						
	ODOT		0		20,000		20,000
	DEQ		15,047		0		15,047

**Exhibit A  
Ordinance No. 93-493**

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>PLANNING FUND:Resources</b>							
334210	State Grants-Operating-Non-Categorical-Direct						
	DEQ		50,000		0		50,000
	DLCD		25,000		0		25,000
	Oregon Emergency Management		16,000		0		16,000
337210	Local Grants-Operating-Non-Categorical-Direct						
	Water Program		82,500		0		82,500
	City of Portland - IPA/EPA		22,500		0		22,500
339100	Local Government Assessment Dues		108,122		0		108,122
341310	UGB Fees		2,500		0		2,500
341600	Conferences & Workshops		21,000		0		21,000
365100	Donations and Bequests		345,000		0		345,000
391010	Trans. Resources from Gen'l Fund		1,236,365		0		1,236,365
393761	Trans. Direct Costs from Lakes Trust Fund		20,000		0		20,000
<b>Total Resources</b>			<b>11,420,642</b>		<b>766,823</b>		<b>12,187,465</b>

**Exhibit A  
Ordinance No. 93-493**

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>PLANNING FUND:Transportation Planning</b>							
<b>Total Personal Services</b>		<b>52.35</b>	<b>2,654,646</b>	<b>0.00</b>	<b>0</b>	<b>52.35</b>	<b>2,654,646</b>
<u>Materials &amp; Services</u>							
521100	Office Supplies		51,579		0		51,579
521110	Computer Software		63,775		0		63,775
521111	Computer Supplies		8,000		0		8,000
521240	Graphics/Reprographic Supplies		13,594		0		13,594
521310	Subscriptions		1,815		0		1,815
521320	Dues		3,102		0		3,102
524110	Accounting & Auditing Services		5,000		0		5,000
524190	Misc. Professional Services		2,590,300		436,150		3,026,450
525640	Maint. & Repairs Services-Equipment		46,101		0		46,101
525710	Equipment Rental		6,300		0		6,300
526200	Ads & Legal Notices		6,750		0		6,750
526310	Printing Services		60,000		0		60,000
526320	Typesetting & Reprographics Services		12,500		0		12,500
526410	Telephone		8,000		0		8,000
526420	Postage		12,250		0		12,250
526440	Delivery Services		1,800		0		1,800
526500	Travel		32,000		0		32,000
526700	Temporary Help Services		2,000		0		2,000
526800	Training, Tuition, Conferences		23,000		0		23,000
528100	License, Permits, Payments to Other Agencies		1,121,164		140,500		1,261,664
529500	Meetings		3,500		0		3,500
529800	Miscellaneous		2,815		0		2,815
525740	Capital Lease-Furniture & Equipment		212,300		(4,550)		207,750
<b>Total Materials &amp; Services</b>			<b>4,287,645</b>		<b>572,100</b>		<b>4,859,745</b>
<u>Capital Outlay</u>							
571500	Purchases-Office Furniture & Equipment		32,000		11,471		43,471
<b>Total Capital Outlay</b>			<b>32,000</b>		<b>11,471</b>		<b>43,471</b>
<b>TOTAL EXPENDITURES</b>		<b>52.35</b>	<b>6,974,291</b>	<b>0.00</b>	<b>583,571</b>	<b>52.35</b>	<b>7,557,862</b>

**Exhibit A  
Ordinance No. 93-493**

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>PLANNING FUND:Growth Management</b>							
<u>Personal Services</u>							
51121	SALARIES-REGULAR EMPLOYEES (full time)						
	Transportation Director	0.25	18,176			0.25	18,176
	Regional Planning Supervisor	2.00	107,658			2.00	107,658
	Assoc. Management Analyst	2.00	67,581			2.00	67,581
	Senior Public Information Specialist		0	0.25	10,236	0.25	10,236
	Senior Regional Planner	5.00	221,820			5.00	221,820
	Senior Management Analyst	3.00	120,484	(0.25)	(8,420)	2.75	112,064
	Assoc. Regional Planner	1.00	39,081			1.00	39,081
	Management Technician	1.00	35,394			1.00	35,394
	Asst. Regional Planner		0	0.25	8,420	0.25	8,420
	Asst. Management Analyst		0	1.00	30,075	1.00	30,075
51122	WAGES-REGULAR EMPLOYEES (full time)						
	Secretary	1.00	24,081			1.00	24,081
	Program Assistant 1	1.00	19,804			1.00	19,804
51123	WAGES-TEMPORARY EMPLOYEES (part time)						
	Temporary Assistance	0.25	11,314			0.25	11,314
51200	FRINGE						
	Unemployment		219,579		16,082		235,661
			30,000				30,000
<b>Total Personal Services</b>		<b>16.50</b>	<b>914,972</b>	<b>1.25</b>	<b>56,393</b>	<b>17.75</b>	<b>971,365</b>
<u>Materials &amp; Services</u>							
521100	Office Supplies		4,091		1,487		5,578
521110	Computer Software		5,144		1,500		6,644
521240	Graphics/Reprographic Supplies		3,600		0		3,600
521260	Printing Supplies		4,435		0		4,435
521290	Promotion Supplies		100		0		100
521310	Subscriptions		2,996		0		2,996
521320	Dues		2,632		0		2,632
524130	Promotion/PR Services		25,000		0		25,000
524190	Misc. Professional Services		1,698,577		60,000		1,758,577
525640	Maint. & Repairs Services-Equipment		3,750		0		3,750
525710	Equipment Rental		500		0		500
526200	Ads & Legal Notices		11,300		15,500		26,800
526310	Printing Services		114,700		35,000		149,700
526320	Typesetting & Reprographics Services		7,750		1,000		8,750
526410	Telephone		4,370		0		4,370
526420	Postage		84,200		5,000		89,200
526440	Delivery Services		350		0		350
526500	Travel		12,000		0		12,000
526700	Temporary Help Services		500		0		500
526800	Training, Tuition, Conferences		7,500		0		7,500
528100	License, Permits, Payments to Other Agencies		0		0		0
529500	Meetings		11,700		0		11,700
529800	Miscellaneous		189		0		189
525740	Capital Lease-Furniture & Equipment		16,060		0		16,060
<b>Total Materials &amp; Services</b>			<b>2,021,444</b>		<b>119,487</b>		<b>2,140,931</b>
<u>Capital Outlay</u>							
571500	Purchases-Office Furniture & Equipment		3,000		7,372		10,372
<b>Total Capital Outlay</b>			<b>3,000</b>		<b>7,372</b>		<b>10,372</b>
<b>TOTAL EXPENDITURES</b>		<b>16.50</b>	<b>2,939,416</b>	<b>1.25</b>	<b>183,252</b>	<b>17.75</b>	<b>3,122,668</b>

**Exhibit A  
Ordinance No. 93-493**

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>PLANNING FUND:General Expenses</b>							
<b>Total Interfund Transfers</b>			<b>1,170,503</b>		<b>0</b>		<b>1,170,503</b>
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency						
	• Transportation		191,670		0		191,670
	• Growth Management		100,056		0		100,056
599990	Unappropriated Fund Balance						
	• Transportation		10,000		0		10,000
	• Growth Management		34,706		0		34,706
<b>Total Contingency and Unappropriated Balance</b>			<b>336,432</b>		<b>0</b>		<b>336,432</b>
<b>TOTAL EXPENDITURES</b>		<b>68.85</b>	<b>11,420,642</b>	<b>1.25</b>	<b>766,823</b>	<b>70.10</b>	<b>12,187,465</b>



**Exhibit B**  
**Schedule of Appropriations**  
**Ordinance No. 93-493**

	Current Appropriation	Revision	Proposed Appropriation
<b>PLANNING FUND</b>			
Transportation			
Personal Services	\$2,654,646	\$0	\$2,654,646
Materials & Services	\$4,287,645	\$572,100	\$4,859,745
Capital Outlay	\$32,000	\$11,471	\$43,471
Subtotal	\$6,974,291	\$583,571	\$7,557,862
Growth Management			
Personal Services	\$914,972	\$56,393	\$971,365
Materials & Services	\$2,021,444	\$119,487	\$2,140,931
Capital Outlay	\$3,000	\$7,372	\$10,372
Subtotal	\$2,939,416	\$183,252	\$3,122,668
General Expenses			
Interfund Transfers	\$1,170,503	\$0	\$1,170,503
Contingency	\$291,726	\$0	\$291,726
Subtotal	\$1,462,229	\$0	\$1,462,229
Unappropriated Balance	\$44,706	\$0	\$44,706
<b>Total Planning Fund Requirements</b>	<b>\$11,420,642</b>	<b>\$766,823</b>	<b>\$12,187,465</b>

**ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED**

**Contracts List**

**Fiscal Year 1992-93**

<b>Contract #:</b>	New	<b>Total Amount of Contract:</b>	\$174,031
<b>Vendor Name:</b>	New	<b>Amount Expended Through FY 1992-93:</b>	20,000
<b>Type of Contract:</b>	PS	<b>Amount to be spent in FY 1993-94:</b>	154,031
<b>Term of Contract:</b>		<b>Estimated Balance Remaining:</b>	0
<b>Beginning Date:</b>	May 1993		
<b>Ending Date:</b>	April 1994		
		<b>Is Contract Federally Funded:</b>	Yes

**Description and Scope of Work:** Define evaluation criteria for measuring the costs and consequences of regional growth concepts. The criteria will also be used to assess potential impacts and market consequences of the growth concepts.

<b>Contract #:</b>	New	<b>Total Amount of Contract:</b>	\$ 19,332
<b>Vendor Name:</b>	New	<b>Amount Expended Through FY 1992-93:</b>	5,000
<b>Type of Contract:</b>	PS	<b>Amount to be spent in FY 1993-94:</b>	14,332
<b>Term of Contract:</b>		<b>Estimated Balance Remaining:</b>	0
<b>Beginning Date:</b>	May 1993		
<b>Ending Date:</b>	October 1993		
		<b>Is Contract Federally Funded:</b>	Yes

**Description and Scope of Work:** Research the land development growth dynamics and the costs and consequences of changing growth rates.

**Contracts List**

**Fiscal Year 1992-93**

<b>Contract #:</b>	New	<b>Total Amount of Contract:</b>	\$ 55,000
<b>Vendor Name:</b>	New	<b>Amount Expended Through FY 1992-93:</b>	10,000
<b>Type of Contract:</b>	PS	<b>Amount to be spent in FY 1993-94:</b>	45,000
<b>Term of Contract:</b>		<b>Estimated Balance Remaining:</b>	0
<b>Beginning Date:</b>	May 1993		
<b>Ending Date:</b>	April 1994		
		<b>Is Contract Federally Funded:</b>	Yes
<b>Description and Scope of Work:</b>	Develop an urban design element that will show in detail the types of development and development patterns that could be the result of pursuing each of the three regional growth concepts.		

<b>Contract #:</b>	New	<b>Total Amount of Contract:</b>	\$ 84,240
<b>Vendor Name:</b>	New	<b>Amount Expended Through FY 1992-93:</b>	25,000
<b>Type of Contract:</b>	PS	<b>Amount to be spent in FY 1993-94:</b>	59,240
<b>Term of Contract:</b>		<b>Estimated Balance Remaining:</b>	0
<b>Beginning Date:</b>	May 1993		
<b>Ending Date:</b>	April 1994		
		<b>Is Contract Federally Funded:</b>	Yes
<b>Description and Scope of Work:</b>	Development and implementation of the public involvement program for the Growth Management Division programs and tasks including Region 2040, the Future Vision Commission work and other associated projects.		

**Contracts List**

**Fiscal Year 1992-93**

<b>Contract #:</b>	New	<b>Total Amount of Contract:</b>	\$ 500,000
<b>Vendor Name:</b>	New	<b>Amount Expended Through FY 1992-93:</b>	250,000
<b>Type of Contract:</b>	PS	<b>Amount to be spent in FY 1993-94:</b>	250,000
<b>Term of Contract:</b>		<b>Estimated Balance Remaining:</b>	0
<b>Beginning Date:</b>	May 1993		
<b>Ending Date:</b>	June 1994		
		<b>Is Contract Federally Funded:</b>	Yes
<b>Description and Scope of Work:</b>	Household Daily Activity Survey - List activities of all family members (4,000-5,000 households) together with their travel behavior.		

<b>Contract #:</b>	New	<b>Total Amount of Contract:</b>	\$200,000
<b>Vendor Name:</b>	New	<b>Amount Expended Through FY 1992-93:</b>	100,000
<b>Type of Contract:</b>	PS	<b>Amount to be spent in FY 1993-94:</b>	100,000
<b>Term of Contract:</b>		<b>Estimated Balance Remaining:</b>	0
<b>Beginning Date:</b>	May 1993		
<b>Ending Date:</b>	March 1994		
		<b>Is Contract Federally Funded:</b>	Yes
<b>Description and Scope of Work:</b>	On-Board Transit Survey - Used to profile trip purpose, transfer, mode of arrival and origin-destination patterns as well as household daily activity survey for development of transit use models. Also used in conjunction with transit agencies' figures for the calibration step of model development.		

**Contracts List**

**Fiscal Year 1992-93**

<i>Contract #:</i>	New	<i>Total Amount of Contract:</i>	\$ 50,000
<i>Vendor Name:</i>	New	<i>Amount Expended Through FY 1992-93:</i>	25,000
<i>Type of Contract:</i>	PS	<i>Amount to be spent in FY 1993-94:</i>	25,000
<i>Term of Contract:</i>		<i>Estimated Balance Remaining:</i>	0
<i>Beginning Date:</i>	May 1993		
<i>Ending Date:</i>	June 1994		
		<i>Is Contract Federally Funded:</i>	Yes
<i>Description and Scope of Work:</i>	Highway Speed and Delay Survey - Used to calibrate the volume-delay functions in the modeling process.		

**Contracts List**

**Fiscal Year 1992-93**

<b>Contract #:</b>	New	<b>Total Amount of Contract:</b>	\$100,000
<b>Vendor Name:</b>	New	<b>Amount Expended Through FY 1992-93:</b>	45,500
<b>Type of Contract:</b>	PS	<b>Amount to be spent in FY 1993-94:</b>	54,600
<b>Term of Contract:</b>		<b>Estimated Balance Remaining:</b>	0
<b>Beginning Date:</b>	May 1993		
<b>Ending Date:</b>	June 1994	<b>Is Contract Federally Funded:</b>	Yes
<b>Description and Scope of Work:</b>	Congestion Management System - monitor and analyze the magnitude of congestion on the multi-modal transportation system.		

<b>Contract #:</b>	New	<b>Total Amount of Contract:</b>	\$ 25,000
<b>Vendor Name:</b>	New	<b>Amount Expended Through FY 1992-93:</b>	15,750
<b>Type of Contract:</b>	PS	<b>Amount to be spent in FY 1993-94:</b>	9,250
<b>Term of Contract:</b>		<b>Estimated Balance Remaining:</b>	0
<b>Beginning Date:</b>	May 1993		
<b>Ending Date:</b>	June 1994	<b>Is Contract Federally Funded:-</b>	Yes
<b>Description and Scope of Work:</b>	RTP Financial Analysis - Develop a flexible, computerized system of analysis of RTP financial demands and resources. (Needed for new federal requirements.)		

Meeting Date: March 25, 1993  
Agenda Item No. 6.1

ORDINANCE NO. 93-484



# METRO

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

## Memorandum

**DATE:** March 18, 1993

**TO:** Metro Council  
Executive Officer  
Interested Parties

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

**RE:** AGENDA ITEM NO. 6.1; ORDINANCE NO. 93-484

-----  
The Finance Committee will consider Ordinance No. 93-484 at its March 24 meeting and the Finance Committee report will be distributed at the March 25 Council meeting.



BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING METRO CODE	)	ORDINANCE NO. 93-484
SECTION 7.01.020 TO MODIFY THE	)	
EXCISE TAX RATE	)	Introduced by Rena Cusma,
	)	Executive Officer

WHEREAS, Metro Code Section 7.01.020 placed a limitation on excise tax; and

WHEREAS, Voters of the Metropolitan Service District approved a Metro Charter on November 3, 1992; and

WHEREAS, The Metro Charter Section 14 now provides a controlling limitation on expenditure on a cash basis from taxes imposed and received by Metro and interest and other earnings on those taxes; now therefore,

THE METRO COUNCIL HEREBY ORDAINS:

Section 1:

Metro Code Section 7.01.020 is amended to read as follows:

"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%)~~            percent (  ?) 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 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) unchanged for the next year unless further action to establish a lower rate is adopted by the Council as provided for herein.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

CONSIDERATION OF ORDINANCE NO.93-484 FOR THE PURPOSE OF AMENDING  
METRO CODE CHAPTER 7.01 TO MODIFY THE EXCISE TAX RATE.

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Date: February 17, 1993

Presented by: Jennifer Sims

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. The Ordinance limited the tax rate to six percent (6%) of the payment charged by the operator or the District or a lower rate if so provided for in the annual budget ordinance adopted by the District. This ordinance will amend the six percent rate limitation in the code. The new rate is currently under study by the Finance and Management Information department and will be determined before final passage of this ordinance based in part on requirements identified in the Fiscal Year 1993-94 budget process.

This Ordinance is introduced at this time in order to comply with the Charter Section 39 which requires that Ordinances imposing or changing a tax be adopted at least 90 days prior to their effective date. This Ordinance must be adopted at the Council's March 25, 1993, meeting to be effective at the beginning of the new fiscal year on July 1.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 92-484, modifying the excise tax code.

Meeting Date: March 25, 1993  
Agenda Item No. 7.1

RESOLUTION NO. 93-1777



# METRO

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

## Memorandum

DATE: March 18, 1993

TO: Metro Council  
Executive Officer  
Interested Parties

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

RE: AGENDA ITEM NO. 7.1; RESOLUTION NO. 93-1777

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Resolution No. 93-1777 was introduced at the Finance Committee March 10 and duly filed with the Clerk of the Council. Committee reports on the resolution will be distributed in advance to Councilors and available at the Council meeting March 25, 1993.

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# METRO

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**RESOLUTION NO. 93-1777  
OF THE METRO COUNCIL**

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**A Resolution authorizing the preparation and submission of refunding plans relating to the advance refunding of a portion of Metro's outstanding General Revenue Bonds (Metro Headquarters Building Project), 1991 Series A, and Waste Disposal System Revenue Bonds (Metro East Transfer Station Project), 1990 Series A.**

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**Adopted by Metro Council on \_\_\_\_\_, 1993  
Effective on \_\_\_\_\_, 1993**

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# RESOLUTION NO. 93-1777

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**A Resolution authorizing the preparation and submission of refunding plans relating to the advance refunding of a portion of Metro's outstanding General Revenue Bonds (Metro Headquarters Building Project), 1991 Series A, and Waste Disposal System Revenue Bonds (Metro East Transfer Station Project), 1990 Series A.**

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## Recitals:

As the preamble to this Resolution, the Council of Metro hereby recites the matters set forth below in this Section A.

(1) **Political Subdivision.** Metro is a metropolitan service district and political subdivision organized and existing under and pursuant to the laws of the State of Oregon and the Charter of Metro (the "Charter").

(2) **The 1991 Bonds.** Pursuant to the Metro Ordinances Nos. 91-439 and 91-440, each enacted on December 12, 1991, Metro issued its General Revenue Bonds (Metro Headquarters Building Project), 1991 Series A in an original aggregate principal amount of \$22,990,000 (the "1991 Bonds"), such bonds having been issued for the purpose of financing the acquisition, construction and installation of the Metro Headquarters Building in the Lloyd District in the City of Portland. There remain outstanding 1991 Bonds in the aggregate principal amount of \$22,990,000 maturing or being subject or mandatory sinking fund redemption on July 1 of each year, 1994 through 2022 (inclusive), with the 1991 Bonds maturing on or after July 1, 2000 being subject to redemption at the option of Metro on March 1, 1999 at a redemption price equal to the principal amount of the 1991 Bonds to be redeemed plus accrued and unpaid interest thereon to the date of redemption plus a premium equal to 2% of the principal amount to be redeemed.

(3) **The 1990 Bonds.** In addition, pursuant to the Metro Ordinance No. 89-319, enacted on November 21, 1989, and Metro Ordinance No. 90-321, enacted on February 22, 1990, Metro issued its Waste Disposal System Revenue Bonds (Metro East Transfer Station Project), 1990 Series A in an original aggregate principal amount of \$28,500,000 (the "1990 Bonds"), such bonds having been issued for the purpose of financing the acquisition, construction and installation of the facility now known as the Metro Central Transfer Station. There remain outstanding 1990 Bonds in the aggregate principal amount of \$26,765,000 maturing or being subject or mandatory

sinking fund redemption on January 1 and July 1 of each year, 1992 through 2011 (inclusive), with the 1990 Bonds (other than the 1990 Bonds which are tax-exempt capital accumulator bonds) being subject to redemption at the option of Metro on January 1, 2000 at a redemption price equal to the principal amount of the 1990 Bonds to be redeemed plus accrued and unpaid interest thereon to the date of redemption plus a premium equal to 2% of the principal amount to be redeemed.

**(4) Current Market Interest Rates.** The current rates of interest available in the municipal bond markets for tax-exempt bonds having maturities and credit quality substantially the same as the maturities and credit quality of the outstanding 1990 Bonds and the 1991 Bonds are significantly lower than the rates of interest borne by such outstanding bonds.

**(5) Savings by Issuing Refunding Bonds.** In light of the rates of interest currently available, the issuance and sale by Metro of separate series of advance refunding bonds (one such series relating to the 1990 Bonds and the other such series relating to the 1991 Bonds) for the purpose of refunding, replacing, defeasing and (subject to the applicable limitations on redemption) redeeming at the earliest practicable date certain of the outstanding 1990 Bonds and 1991 Bonds is in the best interests of Metro and the citizens residing, working and doing business within the jurisdictional boundaries of Metro. The issuance and sale of such separate series of advance refunding bonds will enable Metro to realize aggregate debt service payments on such advance refunding bonds which are significantly lower than the aggregate debt service payments now required to be made with respect to the 1990 Bonds and the 1991 Bonds to be so refunded.

**(6) Authority to Issue Advance Refunding Bonds.** Pursuant and subject to the requirements of the Metro Charter, ORS 288.605 to 288.695 (inclusive), as amended, and related provisions of the laws of the State of Oregon (the "Act"), Metro is authorized and empowered, without a vote of the electors, to issue and sell advance refunding bonds for the purpose of refunding, replacing, defeasing and redeeming the outstanding 1990 Bonds and the 1991 Bonds as described above.

**(7) Need for Refunding Plans.** Prior to issuing such advance refunding bonds, the Act requires that Metro prepare and submit to the State Treasurer for review and approval refunding plans describing the proposed advance refunding and the benefits to be derived therefrom (the "Refunding Plan"). Therefore, in order to issue such advance refunding bonds in a timely fashion so as to take advantage of the rates of interest available under current market conditions, it is appropriate that the Council authorize the preparation and submission of a Refunding Plan with respect to the 1990 Bonds to be refunded and a Refunding Plan with respect to the 1991 Bonds to be refunded.

## **NOW, THEREFORE, THE METRO COUNCIL RESOLVES AS FOLLOWS:**

**Section 1. Authorization of and Direction to Prepare and Submit Refunding Plans.** The Metro Executive Officer is hereby authorized, empowered and directed, for and on behalf of Metro, to cause to be prepared and submitted to the State Treasurer, in accordance with the requirements of the Act, Refunding Plans with respect to the defeasance of the 1990 Bonds and the 1991 Bonds (which may consist of a single Refunding Plan relating to both the 1990 Bonds and the 1991 Bonds or separate Refunding Plans for each such bond issue to be advance refunded), and to pay or cause to be paid from lawfully available funds of Metro any fees necessary or appropriate in connection therewith.

**Section 2. Additional Authorizations.** The Metro Executive Officer, Metro Director of Finance and Management Information and Metro General Counsel, and each of them acting individually, are hereby authorized,



empowered and directed, for and on behalf of Metro, to do and perform all acts and things necessary or appropriate to prepare and submit the Refunding Plan and otherwise implement the provisions of this Resolution, including but not limited to the execution and delivery of such documents, instruments, certificates and agreements as may be necessary or appropriate.

**Section 3. Effectiveness of Resolution.** This Resolution shall take effect immediately upon its adoption by Metro Council.

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**Certification of Resolution**

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*The undersigned does hereby certify that I am the duly appointed, qualified and acting Clerk of the Metro Council; that the foregoing is a true and complete copy of Resolution No. 93-1777 as adopted by the Metro Council at a meeting duly called and held in accordance with law on \_\_\_\_\_, 1993; and that the following members of the Council voted in favor of said Resolution:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*the following members of the Council voted against said Resolution:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*and the following member of the Council abstained from voting on said Resolution:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*In witness whereof, the undersigned has hereunto set his hand as of this \_\_\_\_\_ day of \_\_\_\_\_, 1993.*

*Attest:*

\_\_\_\_\_  
*Judy Wyers, Metro Presiding Officer*  
Date: \_\_\_\_\_

\_\_\_\_\_  
*Paulette Allen, Clerk of the Metro Council*  
Date: \_\_\_\_\_

\_\_\_\_\_  
*Rena Cusma, Executive Officer*  
Date: \_\_\_\_\_

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 93-1777 AUTHORIZING THE PREPARATION AND SUBMISSION OF REFUNDING PLANS RELATING TO THE ADVANCE REFUNDING OF METRO'S GENERAL REVENUE BONDS (METRO HEADQUARTERS BUILDING PROJECT), 1991 SERIES A, AND WASTE DISPOSAL SYSTEM REVENUE BONDS (METRO EAST TRANSFER STATION PROJECT), 1990 SERIES A.

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Date: March 17, 1993

Presented by: Jennifer Sims  
Craig Prosser

#### Background

In December 1991 Metro issued \$22,990,000 1991 Series A Metro Headquarters Building Project Bonds as the first issue under Metro's General Revenue Bond Master Ordinance. Currently, all of the 1991 Series A Bonds remain outstanding. As a result of declining interest rates, Metro and its financial advisor have performed analysis indicating that these 1991 Bonds may now be refundable with total projected present value savings of about 4.0% of the refunding bond principal.

In March 1990 Metro issued \$28,500,000 1990 Series A Metro East Transfer Station Bonds as the first issue under Metro's Solid Waste System Master Bond Ordinance. Currently \$26,765,000 of the 1990 Series A Bonds remain outstanding. As a result of declining interest rates, Metro and its financial advisor have performed analysis indicating that these 1990 Bonds may now be refundable with total projected present value savings of about 3.75% of the refunding bond principal.

#### Current Market Interest Rates

The analyses of these refundings were based on market rates the first week of March. Rates change on a daily basis, and if they increase, these refundings may not be possible. On the other hand, if rates drop, savings will be greater than indicated by the March 5 analyses.

Interest rates in the municipal bond market for bonds with similar terms and credit quality as the 1990 and 1991 Bonds the first week of March were significantly lower than when those bonds were issued.

#### Savings Available Through Advance Refunding

The 1990 and 1991 Bonds have optional redemption features which allow Metro to call certain of the maturities of each issue prior to stated maturities. Through the process of advance refunding, Metro can issue bonds at current market rates that will pay off portions of the 1990 and 1991 Bonds at their respective call dates. As a result of paying interest on

**STAFF REPORT**  
**CONSIDERATION OF RESOLUTION NO. 93-1777**  
March 17, 1993  
Page 2

the refunding bonds that is lower than on the original issues, Metro will realize annual savings from refunding the 1990 and 1991 Bonds. Based on current market conditions, annual savings resulting from the advance refunding of the 1990 Series A Bonds are estimated at approximately \$50,000, while annual savings from the advance refunding of the 1991 Series A Bonds are estimated at approximately \$45,000.

**Need for Refunding Plans**

Prior to issuing the advance refunding bonds, Metro must prepare and submit to the State Treasurer advance refunding plans that describe the proposed advance refundings and the benefits to be derived. Upon approval by the State Treasurer, Metro may proceed with the sale of the refunding issues.

Approval of this resolution will allow Metro to begin the first step in the refunding process (submittal of a plan to the State Treasurer). Once the plan is submitted, work in preparing the refunding issues will proceed. Council will be asked to approve subsequent resolutions actually authorizing the issuance of the bonds. Final issuance of the refunding bonds will be contingent upon market conditions which allow the attainment of a minimum of 3% savings, as required by State law.

**Budget Impact**

The fees associated with the preparation, marketing, and sale of the advance refunding bonds (including the preparation of the advance refunding plans) will be paid from the proceeds of the advance refunding bond issues.

**Recommendation of the Executive Officer**

The Executive Officer recommends adoption of Resolution No. 93-1777.

Meeting Date: March 25, 1993  
Agenda Item No. 7.2

RESOLUTION NO. 93-1778A



**METRO**

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

# Memorandum

**DATE:** March 18, 1993

**TO:** Metro Council  
Executive Officer  
Interested Parties

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

**RE:** AGENDA ITEM NO. 7.2; RESOLUTION NO. 93-1778

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The Governmental Affairs Committee report on Resolution No. 93-1778 will be distributed in advance to Councilors and available at the Council meeting March 25.



**METRO**

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

# Memorandum

DATE: March 11, 1993  
TO: Governmental Affairs Committee  
FROM: Councillor Mike Gates, <sup>MG/CS</sup>Chair  
RE: Resolution No. 93-1778

At our March 18 Governmental Affairs Committee meeting we will be considering Resolution No. 93-1778, which is for the purpose of withdrawing Metro's membership in the Forum On Cooperative Urban Services (FOCUS). For purposes of committee discussion, I have drafted a second version of this resolution (93-1778 Revised), which calls for Metro to remain in FOCUS through the end of this fiscal year without paying for FOCUS special projects. The revised version also calls for Metro to monitor FOCUS agendas and activities in this period, and reconsider our membership in June. Finally, the revised version calls for Metro to encourage FOCUS to provide a mechanism for a Metro representative to sit on the steering committee.

Please give some thought to the issue of Metro's membership in FOCUS before we meet to consider the issue. I look forward to our discussion on the 18th.

Thank you.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF WITHDRAWING ) RESOLUTION NO. 93-1778A  
METRO'S PARTICIPATION IN THE )  
FORUM ON COOPERATIVE URBAN ) INTRODUCED BY COUNCILOR  
SERVICES (FOCUS) ) MIKE GATES

WHEREAS, The Metro Council adopted Resolution No. 91-1536 on December 12, 1991, for the purpose of approving Metro's participation in the Forum on Cooperative Urban Services (FOCUS); and

WHEREAS, Metro's participation in FOCUS was based on the understanding that its principal purpose was to create a long term neutral forum in the region for the discussion and sharing of information on the [regional issues and] development of more efficient methods of delivering local services [cooperative efforts]; and

WHEREAS, The actions and activities of FOCUS in the past year and the proposed work plan for FOCUS in 1993 are not consistent with its original purposes, in that the past and proposed activities of FOCUS concentrate on advocacy for the positions of some cities and counties in issues of regional government rather than on cooperation and information-sharing; and

WHEREAS, The structure and operations of FOCUS vest most of its decision-making and policy-setting authority in a four-person Steering Committee, which offers little opportunity for participation by member jurisdictions in establishing the FOCUS agenda; and

WHEREAS, The Metro Council is very supportive of efforts to coordinate local government services and find new and innovative ways to provide those services more efficiently, but is not supportive of the policies and processes that now drive FOCUS; now, therefore

BE IT RESOLVED,

That the Metro Council,

1. Withdraws Metro's membership in the Forum On Cooperative Urban Services.

2. Encourages other FOCUS member jurisdictions to withdraw and seek another forum to promote the original FOCUS mission of serving as a neutral forum for the sharing of information and promotion of more efficient methods of delivering urban services.



ADOPTED by the Metro Council this \_\_\_\_\_ day of  
\_\_\_\_\_, 1993.

Judy Wyers, Presiding Officer



WASHINGTON  
COUNTY,  
OREGON

March 10, 1993

Councilor Mike Gates  
Metropolitan Service District  
2000 SW First Avenue  
Portland, OR 97201-5398

Dear Mike:

Thanks for your letter of March 4. I appreciate your interest in FOCUS, and, especially your desire for Metro to stay involved in FOCUS. I will try to respond to all of the concerns and questions which you raise.

Your summary of the purpose and three levels of service for FOCUS is accurate. However, you seem to prefer that FOCUS pursue activities related to information sharing rather than cooperative action. The neutral forum for honest exchange of ideas is a critical function for FOCUS, but so is the ability to pursue cooperative action. Several of our members have expressed a strong desire to move beyond the "idea sharing" mode to more action-oriented endeavors geared to better service delivery.

I understand your concerns relative to the current involvement of FOCUS with Metro issues. It is unfortunate that as FOCUS is in this evolutionary phase that there are outstanding Charter issues which must be addressed. While I believe FOCUS will always have an interest in Metro issues, I do not expect, over the long-term, that Metro issues will be nearly as large a portion of the FOCUS agenda as they are currently. All local governments have a fundamental interest in how MPAC is established, the fate of local government dues, providing adequate revenues for Metro to execute its planning functions, and passing legislation to ensure that state statutes are consistent with the Charter. We will pursue these issues openly and constructively and, hopefully, in concert with Metro.

FOCUS is following the progress of the Goldschmidt Task Force's bills in the legislature. A briefing on the status of those bills will be an important part of our March 18 General Membership meeting. As you know, we are also conducting an extensive inventory of ideas for increased local government cooperation. Our staff has secured access to the entire 10-box library developed by the Goldschmidt Task Force. The current draft of the inventory is 70 pages long. We expect to reach consensus on which of these concepts to prioritize and pursue in next year's work program within the next month or two.

March 10, 1993

Page 2

Your concerns about FOCUS procedures and representational issues on the Steering Committee are on point. I am trying to schedule Steering Committee meetings on a regular basis so that it will be easier to notify all interested parties of the meetings. It is appropriate that all FOCUS members receive notice of the meetings and have an opportunity to attend. You will see in the March 18 general membership meeting notice that we are including a ballot to expand the Steering Committee from four to seven members. The language in the existing by-laws related to representation from the three counties is retained; however, I think your point that this approach restricts Metro's ability to serve on the Steering Committee is a good one. Should Metro wish to continue its participation in FOCUS, I would be happy to discuss the possibility of another by-laws change which would open up a potential Metro position on the Steering Committee.

Finally, in regards to the testimony of the FOCUS Steering Committee on the MPAC by-laws: As a rule we will always try to make sure that testimony is approved by the full membership. Time constraints did not make this possible in this particular case. We carefully noted that the testimony had not been approved by the general membership when we delivered it. Since that time, the general membership has discussed the testimony and supports it without amendment.

Mike, I am troubled by the level of concern about local governments coming together to work cooperatively on issues of common interest. To me, this is an expression of our support for regional and sub-regional action. Given the actions of the voters through Measure 5, I do not believe we can possibly behave responsibly without some medium such as FOCUS. I sincerely hope that Metro will decide to continue to participate, if not during this six-month interim planning process, then after this evolutionary phase is completed. I believe we will meet everyone's standards for constructive action designed solely to advance the goals of providing the public with the most effective and efficient services possible.

Unfortunately, I have a conflict (LCDC meeting) and will not be able to attend your March 18 Government Affairs Committee meeting. I appreciate the invitation, but believe that our existing written information, together with the lengthy discussion with three of our Steering Committee members at your February 18 meeting, should provide the Committee with all of the information it needs to decide how it wishes to proceed.

Sincerely,



Bonnie L. Hays  
Chairman

P.S. We have an established relationship with Portland State's Institute of Portland Metropolitan Studies, and rely upon their ability to perform research and supply empirical data base. It appears as though our coordination of efforts is in the best interest of both organizations at this time.



# METRO

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

## Memorandum

DATE: March 4, 1993  
TO: Elected Officials in Metro Region  
FROM: Councilor Mike Gates  
RE: Forum on Cooperative Urban Services

Over the last two months I have had a chance to meet one-on-one with many elected officials in the region. I've also attended several gatherings and meetings of City Councils and County Commissions. From these conversations I have developed concerns about the direction of the Forum on Cooperative Urban Services (FOCUS). This letter is an effort to solicit your views on FOCUS.

FOCUS held its first meeting two years ago, in February of 1991, and has met periodically since then. Bylaws have been proposed and adopted, and public funds spent to support FOCUS activities. Many FOCUS members became involved in the Regional Governance Committee last year, and FOCUS met infrequently in 1992. Following the adoption of the Metro Charter in November, the Regional Governance Committee - an outgrowth of FOCUS - has disbanded and its members have renewed their interest in FOCUS activities.

The organization's bylaws set forth its purposes. Those include the creation of "a neutral forum to facilitate cooperation, mutual collaboration, and common coordinated action on a wide variety of issues impacting the general purpose governments in the Portland metropolitan area." The bylaws further establish three "levels of service" for FOCUS. The first merely provides for staff support. The second is "developing, collecting and sharing information of mutual interest . . . [and] . . . analyzing and assessing external proposals and initiatives that may be of potential interest to FOCUS members." The third service level calls for "common action on issues that will promote the interests of FOCUS members" and establishment of "a communication and information linkage to various external state, federal and local agencies whose actions impact the interest of FOCUS members."

As a West Linn City Council member and now as a Metro Councilor, I have interpreted FOCUS' principal purpose to be as a forum for the exchange of information on common concerns among local government executives and elected officials. This implies working to resolve those concerns, as well as implementing

solutions to problems we all share in providing services to the public. I had hoped FOCUS would continue to serve as a place for sharing ideas and innovation in addressing ways to provide urban services more efficiently.

The direction of FOCUS in recent months, however, has led me to the conclusion that its original intent is being lost. Recent actions of the FOCUS steering committee have centered on issues specific to Metro rather than on public service provision, which raises serious concerns regarding Metro's continued FOCUS membership.

The concerns I have about this direction begin with issues of empowerment. It seems that FOCUS is overly dependent on direction provided by its steering committee and contract staff, with little opportunity for comment from its many members. The result - for good or ill - is that FOCUS is changing from a forum to an advocacy group. This creates two problems:

#### 1. Duplication

Recent actions by, and work plans for, FOCUS have identified issues of Metro's financial structure and implementation of the Metro Charter as paramount in FOCUS' agenda. My concern is that the Charter's creation of the Metropolitan Policy Advisory Committee (MPAC), with representation from local governments through the Metro area, is charged with advising Metro on certain matters identified in the Charter. MPAC is the logical forum for Metro to use in discussing these issues with local government; indeed, it will become such a forum. FOCUS does not need to duplicate this process, nor to spend public dollars to do so, as is being considered. Until MPAC is fully operational, the Regional Policy Advisory Committee (RPAC) serves a similar function for communication.

#### 2. Absence of action on local government service issues

FOCUS' concentration on Metro issues significantly detracts from energies that could be spent on local government issues. The principal illustration of this is the lack of a coordinated response from FOCUS to the recommendations of the Goldschmidt task force on local government. Those recommendations have been known for months, and yet we have seen nothing concrete from FOCUS in the way of commentary, discussion, analysis, or implementation of any of those recommendations. The focus of the Goldschmidt group was on local governments in the tri-county metropolitan area, which would logically play directly into the activities of FOCUS. The Goldschmidt report, and a package of related bills before the legislature, have not received an airing from FOCUS, much less a coordinated plan of action in response. I must conclude that the FOCUS steering committee's preoccupation with Metro has led it to ignore the single most significant study

Local Government Officials - FOCUS  
March 4, 1993  
Page 3

of the potential for local government cooperation in recent history; those issues should be of paramount importance to a group whose purpose is to cooperate in the provision of urban services.

In addition to the primary issues discussed above, I also have concerns about issues of process. These begin with the process for selecting steering committee members. The FOCUS by-laws call for the steering committee to consist of representatives of member governments "from within each of Multnomah, Washington, and Clackamas Counties," and for steering committee members to be nominated by member governments from each of the three counties. These requirements call into question the possibility of a Metro elected official ever being nominated, much less elected, to the steering committee because Metro is not "within" any of the counties. It is not likely that member governments from any of the counties will nominate a Metro official to represent their county, as we are all elected in part to maintain a broader, regional view.

There is also an issue with notice of meetings of the steering committee and subcommittees not being adequately distributed. It is critical that notice of these meetings be widely disseminated, in order to improve intergovernmental communication and provide the broadest opportunity for people to attend. I understand the current practice is to notify city managers and county administrators, but there is no consistency in notices going any farther than that. A process for providing better notice of these meetings needs to be developed and implemented. Because public funds are being spent, and decisions made, I believe public meeting laws would apply - in spirit, if not by the letter of the law.

The final process issue I would like to raise concerns the propriety of steering committee members making presentations to other joint bodies, such as RPAC and MPAC, without consideration or direction from the full FOCUS membership. This has occurred, and should not recur.

I plan to place on the agenda of the March 18 meeting of Metro's Governmental Affairs Committee a resolution calling either for Metro to remain a FOCUS member or to drop our membership. In determining what direction to recommend to the rest of the Metro Council, I hope to hear from many of you before the meeting and I encourage you to come to the meeting to testify. One of the points I would like to discuss is the idea of placing the work program of Portland State's Institute of Portland Metropolitan Studies higher on FOCUS' agenda than the current projects it is considering. The non-partisan, regional agenda of the Institute

Local Government Officials - FOCUS  
March 4, 1993  
Page 4

seems very well-suited to earn the support and cooperation of FOCUS.

Please give me a call to discuss the issues I have raised here, or to talk about other issues related to FOCUS. Also, I hope to

see you on March 18 for the Governmental Affairs meeting, beginning at 4:00 in Metro's Council Chamber. Phone numbers are:

Office: 656-0399  
Metro: 221-1646  
Fax: 656-5667

Thank you very much.



February 11, 1993

**METRO**

Hon. Bonnie Hays, Chair  
Washington County Board of Commissioners  
155 North First Avenue  
Suite 300  
Hillsboro, OR 97124

Dear Commissioner Hays: *Bonnie*

I am writing in my capacity as Chair of the Metro Council Governmental Affairs Committee to request you to come to our next meeting to discuss with us the proposed work plan of the Forum on Cooperative Urban Services (FOCUS).

The Governmental Affairs Committee discussed at our last meeting, on February 4, the proposal discussed in your January 20 memo to FOCUS members. There was considerable discussion at that meeting of the effectiveness of FOCUS in the last year in serving as a forum for the exchange of ideas and information that would lead to the more efficient provision of urban services in the region. There was also concern expressed that significant parts of the work plan attached to your memo dealt with matters related to the implementation of the Metro Charter, which are being addressed through MPAC and other means.

The committee asked that you, or another representative of the FOCUS Steering Committee if you are not available, meet with us next week to discuss with us FOCUS' work plan for 1993 and the basic philosophy behind the establishment and continuation of FOCUS. I think I can speak for most, if not all, Metro Councilors in expressing very strong support for FOCUS as a vehicle for furthering our mutual goal of providing services most efficiently. Support for FOCUS will, however, be difficult to maintain if it is seen as a continuation of the Regional Governance Committee rather than a forum on cooperation in the provision of urban services.

Our meeting begins at 4:00 next Thursday, February 18. I will be happy to set the agenda to allow you to come whenever it will fit in your schedule between 4:00 and 6:00. Please give me a call at 656-0399, or at Metro.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mike Gates'.

Mike Gates  
Councilor, District 5



February 8, 1993

Memo to: Rena Cusma, Judy Wyers, Mike Gates

From: FOCUS Steering Committee - Bonnie Hays, Gussie McRobert, Walt Hitchcock, Bob Liddell

Subject: Recap of February 4 meeting

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We want to thank you for making the time to meet with us yesterday. We think the meeting was extremely productive, another sign of what local governments and METRO can accomplish together through open communication and cooperation.

A summary of our notes of the key points discussed in the meeting follows:

1. All participants want FOCUS to work cooperatively with METRO on issues of common interest and do not want FOCUS to duplicate functions METRO is assigned to perform, or indirectly become some form of "shadow government".
2. The Regional Governance Committee no longer exists. One of FOCUS's short-term special projects includes follow-up activities related to Charter implementation. The goal of these activities is to work cooperatively with METRO to develop a consensus on Charter implementation issues. The activities will be completed this spring, and will be funded by any jurisdictions who wish to participate in this particular special project.
3. The Executive Officer will recommend to the Council that METRO continue to participate in FOCUS, including paying the dues for the current six month work program.
4. Dan Cooper will meet with staff and attorneys from local governments as soon as possible to review METRO's current proposal for legislation to conform state statutes with the Charter and to discuss related issues.
5. METRO prefers that discussions between local governments and METRO related to MPAC and RPAC issues (i.e. composition, duties, staffing) should be channeled through MPAC and RPAC.
6. Local governments will have a regular opportunity at the beginning of each METRO Council Government Affairs Committee meeting to address the Committee on issues of interest and concern.
7. The group should meet on a regular basis to discuss issues of common interest, including but not necessarily limited to local government voluntary dues and long-term funding sources for METRO's planning responsibilities (the next meeting will be scheduled following the February 10 joint RPAC/MPAC meeting).

Again, thank you for the time to discuss these important issues of mutual concern directly with you. We look forward to the next meeting.

cc: Ken Gervais  
Andy Cotugno  
Mike McKeever

**Forum on Cooperative Urban Services (FOCUS)**  
**Recommendations of the**  
**METRO CHARTER SPECIAL PROJECT SUBCOMMITTEE**  
**to the**  
**FOCUS Steering Committee**

**DRAFT**

The following is a summary of the recommendations made by the Metro Charter Special Project Subcommittee to the Steering Committee of FOCUS.

**MPAC**

The following are the principles that the subcommittee used in developing recommendations for MPAC:

1. Independence and objectivity of MPAC;
2. Cooperation and coordination between MPAC, Metro and local governments; and
3. Practicality over time (i.e., flexibility).

The charter states that MPAC will "perform the duties assigned by it in the charter and any other duties the council prescribes". The subcommittee recommends that RPAC should be dissolved and the MPAC should be assigned the duties of RPAC. The subcommittee believes that the MPAC's charter charge to give "consultation and advice" on planning issues is similar in intent to the RPAC's council given charge to "assist with the development" of planning and policy. Retaining two committees will create inefficiency and confusion.

The Metro Charter states that "MPAC shall adopt bylaws governing the conduct and record of its meetings and the terms of its members". The subcommittee recommends that the MPAC bylaws should establish a three person executive committee, with one representative from each of the three metropolitan counties. The three executive committee members will be Chair, Vice-Chair and Secretary. The governments which the three executive committee members represent should be responsible for the minimal housekeeping staffing needs of MPAC, such as sending out meeting notices, finding meeting locations and taking meeting minutes.

MPAC staff for analytic support should be flexible. The bylaws should state that MPAC will invite Metro staff to provide information and analysis on relevant issues. However, the bylaws should also state that MPAC may seek independent information and analysis from other entities including, but not necessarily limited to, FOCUS, the League of Oregon Cities, the Institute for Metropolitan Studies, and the Association of Oregon Counties. The bylaws should also make it clear that MPAC may also request the input of the charter-created Citizens' Committee in the Office of Citizen Involvement.

**Local Government Dues**

Local government dues to Metro should be discontinued. The dues are inconsistent with the letter and the intent of the Charter. If the dues are to be continued they should be rededicated to MPAC's need for an independent staff.

Jan. 28, 1993 Staff Draft

**Taxes**

The tax study committee called for in the charter should be appointed as soon as possible if Metro believes that additional revenues are needed to implement the planning duties called forth in the Metro Charter. FOCUS should work with this committee and with local governments to determine the most appropriate types and amounts of taxes to impose (assuming any need is demonstrated).

**Apportionment**

The subcommittee takes no position or action, but will report on the status of apportionment at the general meeting of FOCUS in February.

**Conforming State Legislation**

Conforming State Legislation should be drafted and introduced as soon as possible. The approach should be to delete any and all duplicative or inconsistent provisions in current statutes to avoid confusion and minimize the risk of lawsuits. FOCUS should attempt to work with Metro to draft the legislation but, if necessary, draft and file the legislation on its own.



WASHINGTON  
COUNTY,  
OREGON

MEMORANDUM

Date: January 20, 1993  
To: FOCUS Members and Interested Parties  
From: Bonnie Hays, Chair  
Subject: FOCUS Membership Commitment

---

At the Forum on Cooperative Urban Services meeting on January 7, the general membership adopted the proposed FOCUS Work Plan, with one minor change. The Work Plan has a basic package and three special projects. Members will contribute their share for the basic package and have an option to help fund any or all the three special projects.

This means that it is time for each jurisdiction to appropriate the necessary funds to pay its membership dues. Please take a leadership role with your jurisdiction to help carry this issue to your governing board as soon as possible. We would like to hear from all of you no later than the first week in February.

Also at that meeting, the general membership decided that in order to elect FOCUS officers, the jurisdictions for each of the three counties should appoint their representatives to the Steering Committee. They should also nominate people for the position of Chair. The deadline for nominations is February 1. The general membership will vote by mail ballot.

In addition, the general membership also decided that the current Steering Committee should examine expanding membership to special districts and make a recommendation to the full membership. A task force, comprised of Forrest Soth (chair), Don Allen and Lynda Jenkins, is examining the by-laws and making recommendations for any other changes or amendments.

Again, it is important that we have as many jurisdictions financially committed to joining FOCUS as possible. Please help by promoting this organization and expediting the process of joining. Our newly adopted Work Plan requires that we work immediately on several pressing issues. Joining FOCUS will help unify the jurisdictions in the metropolitan region.

If you have any questions, please give me a call at 648-8681 or Mike McKeever of McKeever/Morris, Inc. at 228-7352.

**FOCUS BASIC SERVICES PACKAGE  
TO DEVELOP AND ORGANIZE TO ADVANCE A REGIONAL AGENDA  
Adopted January 7, 1993**

**SUMMARY:** This proposal outlines a short-term planning process for FOCUS to develop a consensus on:

- A regional agenda (i.e. the most critical issues and challenges in delivering local government services in the region today); and
- A management plan, including a process for FOCUS to pursue that agenda.

The initiation of this planning process marks the beginning of FOCUS's advancement to encompass Level Two and potentially Level Three activities as described in the by-laws. At the completion of this planning process FOCUS will be ready for full-scale implementation of any activities which are agreed upon to serve the regional agenda.

**STEP ONE: GENERAL MEMBERSHIP ACTION ON THIS PROPOSAL**

The FOCUS general membership will meet to review, amend and act on this proposal. At this meeting the general membership should also act on:

- How to fund these start-up planning activities;
- How to staff the start-up process; and
- Who to involve in the start-up process.

Options for all of these issues can be found in Exhibit 1 at the end of this document. The FOCUS Planning Working Group will include substantial representation from elected officials and city/county managers/administrators.

**TIMEFRAME:** January 7, 1993  
**BUDGET ESTIMATE:** \$1000

**STEP TWO: ANALYZE EXISTING INFORMATION**

Existing information from FOCUS, the Regional Governance Committee and the Goldschmidt Task Force (in particular, the interviews and data gathering conducted at the outset of that process to identify key issues and opportunity areas) will be analyzed to identify priority areas for the regional agenda. Roles of all key parties in each topic area will be identified. This analysis will be done by FOCUS staff with the active oversight and involvement of FOCUS members familiar with the three existing information bases. Some additional analytical work may be needed to assimilate and get maximum value out of the existing information base. The information will be presented in a simple format which identifies broad themes and issues common to all three sets of information.

**TIMEFRAME:** Completed by early-February, 1993  
**BUDGET ESTIMATE:** \$3500

### **STEP THREE: DEVELOP GENERAL CONCEPT OF THE REGIONAL AGENDA**

A survey of all local governments in the tri-county area will be conducted to identify regional needs and opportunities on a systematic and comprehensive basis. FRAM will meet to review the work product from Step Two, and the survey results, and develop a general statement regarding the regional agenda it wishes to pursue. The statement will include an overall sense of mission, principles and direction, key themes, and objectives which are specific and clear enough that they can be used to evaluate the merits of competing project proposals and policy perspectives.

**TIMEFRAME:** January to late February, 1993  
**BUDGET ESTIMATE:** \$6000

### **STEP FOUR: DEVELOP MANAGEMENT PLAN**

The FOCUS Planning Working Group develop a proposed management plan to enable the organization to deliver such services. The management plan will address:

- Services to implement in first year;
- Budget for July 1, 1993 through June 30, 1994;
- Funding (e.g., general dues, project specific dues, grant applications, etc.);
- Organization decision-making processes;
- Procedures for securing permanent staffing; and
- Office space.

**TIMEFRAME:** Completed by late March, 1993  
**BUDGET ESTIMATE:** \$4000

### **STEP FIVE: REVIEW AND ADOPT MANAGEMENT PLAN**

The FOCUS general membership will meet to review, amend as needed and adopt the recommended management plan.

**TIMEFRAME:** Completed by late March, 1993  
**BUDGET ESTIMATE:** \$500

### **STEP SIX: RAISE FUNDS TO IMPLEMENT MANAGEMENT PLAN**

The timeframe for completing these start-up planning activities should allow jurisdictions to budget for their FOCUS contributions prior to adopting their FY 94 budgets. Funding for any proposals which do not rely in whole or in part on member dues will also be actively pursued during this time period.

**TIMEFRAME:** Completed by June, 1993  
**BUDGET ESTIMATE:** \$0 (It is not assumed that FOCUS staff would have a role in this activity).

**FOCUS SPECIAL PROJECT #1**  
**For Services Related to Metro Charter Transition**

**SUMMARY:** This special project provides services related to Metro Charter transition and start-up activities. It is anticipated that the special districts would be invited to participate and help fund this effort (similar to the Regional Governance Committee).

**STEP ONE: COORDINATE LOCAL GOVERNMENT INPUT ON PREPARATION OF STATE CONFORMING LEGISLATION TO IMPLEMENT THE CHARTER**

The Charter Committee intended that several changes be made to State statutes in order to conform them to the Charter. At this point it is not clear whether Metro or the Charter Committee will take responsibility for preparing the needed conforming legislation. Local governments have a direct interest in ensuring that the conforming legislation is consistent with the spirit and intent of the Charter Committee's work. This task would provide staff work to local governments to provide input to the drafting and amending of the legislation, assuming that Metro will take the lead role in drafting the proposed legislation. No funds are budgeted to participate directly in the legislative process as it is assumed that AOC, LOC and existing local government lobbying staff would conduct these activities.

**TIMEFRAME:** January 1993 - June, 1993  
**BUDGET ESTIMATE:** \$5,000

**STEP TWO: CHARTER IMPLEMENTATION ACTIVITIES**

A number of tasks need to occur in order to successfully implement the changes required by the new Charter. The most immediate include a process to reapportion Metro's 13 Councilor districts to 7 districts and establishing the Metro Policy Advisory Committee (MPAC). MPAC issues include:

- What should be the relationship between MPAC and existing committees such as J-PACT, RPAC, Solid Waste, etc?;
- Getting local government appointments made to MPAC;
- Determining how to provide staff assistance to MPAC; and possibly
- Providing Start-up staff assistance for coordination and communication between FOCUS and MPAC.

The services recommended here include \$2500 for three months to resolve the first three issues listed above and 3 months and \$2500 per month to provide start-up staff assistance to MPAC.

**TIMEFRAME:** January 1 - June 30, 1993  
**BUDGET ESTIMATE:** \$10,000

**FOCUS SPECIAL PROJECT #2**  
**Develop Specific Proposals for Services for FOCUS to Provide**

The work products from Steps Two and Three of the Basic FOCUS Services Package and the preliminary services priorities identified at the October 12, 1992 FRAM meeting will be used to provide direction for establishing topic-based working committees to develop proposals for services FOCUS could deliver. The FOCUS Planning Working Group will work with FOCUS staff to develop the list of committees. Between four and eight committees are estimated to be needed. (For example, the October 12 planning exercise yielded four top candidate topics for short-term action: water, revenue, transportation and annexation.)

These committees will work with FOCUS staff to develop brief proposals for each service area, using a standardized format, which:

- Identify existing problem/opportunity areas;
- Identify the added value potential from direct FOCUS involvement;
- Identify specific types of proposed FOCUS services (i.e. Level Two analysis and cooperative action, Level Three advocacy with external agencies);
- Identify who should be involved in the services (i.e. cities, counties, special districts, etc.); and
- The estimated costs and timeframe for conducting the services.

The proposals will be submitted to the FOCUS Planning Working Group for review. The proposals will be completed in time for consideration as part of the FOCUS Management Plan.

**TIMEFRAME:** Completed by mid-March, 1993  
**BUDGET ESTIMATE:** \$15,000



**FOCUS SPECIAL PROJECT #3**  
**Legislative Activities Related to the Tri-Counties Area**

This special project will provide services to develop a consensus and advocate a common position on legislative issues which have a unique relevance and impact on the tri-county area. The treatment of the recommendations from the Governor's Task Force on Local Government Services is the only major legislative issue identified at this time. These activities would be fully coordinated with the League of Oregon Cities and Association of Oregon Counties so as to avoid duplication and ensure a cooperative approach to dealing with the issues. The budget level assumes that FOCUS's role is to help coordinate the work of the various local government staff who will be working on these issues to help ensure a coordinated approach.

**TIMEFRAME:** January, 1993 through June, 1993  
**BUDGET ESTIMATE:** \$2,500

**Forum on Cooperative Urban Services  
ESTIMATED COST ALLOCATION**

A cost worksheet has been prepared to illustrate the potential costs per government to fund the Basic Services package and the three special projects. To prepare this example, only current FOCUS dues paying governments were included. For Special Project #2 related to the Metro Home Rule Charter all Regional Governance Committee members (including special districts) were involved. Obviously if more governments participate the costs per government decline and vice versa.

**SAMPLE COSTS FOR FOCUS SERVICES**

**FOCUS- MEMBERSHIP DUES \***

Paid 1992 members and cost for 1993 Work Plan and Special Projects

	<u>Fee</u>	<u>Amount</u>	<u>1993</u>	<u>Specific</u>	<u>Legislative</u>
	<u>Cat.</u>	<u>Paid In</u>	<u>BASIC PKG</u>	<u>Proposals</u>	<u>Activities</u>
		<u>1992</u>	<u>est. \$15,000</u>	<u>PROJ #2</u>	<u>PROJ #3</u>
				<u>est. \$15,000</u>	<u>est. \$2500</u>
Beaverton	6	\$1,050.00	\$900.00	\$900.00	\$150.00
Canby	3	\$525.00	\$450.00	\$450.00	\$75.00
Clackamas County	8	\$1,400.00	\$1,200.00	\$1,200.00	\$200.00
Cornelius	3	\$525.00	\$450.00	\$450.00	\$75.00
Fairview	2	\$350.00	\$300.00	\$300.00	\$50.00
Forest Grove	3	\$525.00	\$450.00	\$450.00	\$75.00
Gladstone	3	\$525.00	\$450.00	\$450.00	\$75.00
Gresham	6	\$1,050.00	\$900.00	\$900.00	\$150.00
Happy Valley	2	\$350.00	\$300.00	\$300.00	\$50.00
Hillsboro	5	\$875.00	\$750.00	\$750.00	\$125.00
King City	2	\$350.00	\$300.00	\$300.00	\$50.00
Lake Oswego	5	\$875.00	\$750.00	\$750.00	\$125.00
Metro	8	\$1,400.00	\$1,200.00	\$1,200.00	\$200.00
Milwaukie	4	\$700.00	\$600.00	\$600.00	\$100.00
Portland	8	\$1,400.00	\$1,200.00	\$1,200.00	\$200.00
Sandy	2	\$350.00	\$300.00	\$300.00	\$50.00
Sherwood	2	\$350.00	\$300.00	\$300.00	\$50.00
Tigard	5	\$875.00	\$750.00	\$750.00	\$125.00
Troutdale	3	\$525.00	\$450.00	\$450.00	\$75.00
Tualatin	4	\$700.00	\$600.00	\$600.00	\$100.00
West Linn	4	\$700.00	\$600.00	\$600.00	\$100.00
Washington County	8	\$1,400.00	\$1,200.00	\$1,200.00	\$200.00
Wilsonville	3	\$525.00	\$450.00	\$450.00	\$75.00
Wood Village	2	\$350.00	\$300.00	\$300.00	\$50.00
<b>Totals</b>	<b>101</b>	<b>\$17,675.00</b>	<b>\$15,150.00</b>	<b>\$15,150.00</b>	<b>\$2,525.00</b>

**Jurisdictions Not Members in FOCUS**

	<u>Fee</u>	<u>1992 Fee</u>		
	<u>Cat.</u>	<u>Amt Unpaid</u>		
Banks	1	\$175.00		
Barlow	1	\$175.00		
Durham	1	\$175.00		
Estacada	2	\$350.00		
Gaston	1	\$175.00		
Johnson City	1	\$175.00		
Maywood Park	1	\$175.00	1 to 1,000	Base
Molalla	2	\$350.00	1,001 to 5,000	2 times base
North Plains	2	\$350.00	5,001 to 15,000	3 times base
Oregon City	4	\$700.00	15,001 to 30,000	4 times base
Rivergrove	1	\$175.00	30,001 to 50,000	5 times base
Multnomah County	8	\$1,400.00	50,001 to 100,000	6 times base
			100,001 to 150,000	7 times base
			150,000 and over	8 times base
<b>Totals</b>	<b>25</b>	<b>\$4,375.00</b>		

\* Note: All member jurisdictions shall be assessed a fee that apportions the annual costs of operation on the basis of each jurisdiction's population as follows:

**Fees for Project 1: Metro Home Rule Charter Transition**

**Fees for FOCUS members which were members of the Regional Governance Committee (RGC):**

**Also includes those special districts in the RGC**

**(projected special district fees based 50% fee for similar population of municipal government)**

	Charter Transition	
Fee	PROJ #1	
<u>Cat.</u>	<u>est.</u>	<u>\$15,000</u>
<b>FOCUS/RGC paid members</b>		
Beaverton	6	\$720.00
Clackamas County	8	\$960.00
Cornelius	3	\$360.00
Fairview	2	\$240.00
Forest Grove	3	\$360.00
Gladstone	3	\$360.00
Gresham	6	\$720.00
Happy Valley	2	\$240.00
Hillsboro	5	\$600.00
King City	2	\$240.00
Lake Oswego	5	\$600.00
Milwaukie	4	\$480.00
Portland	8	\$960.00
Sandy	2	\$240.00
Sherwood	2	\$240.00
Tigard	5	\$600.00
Troutdale	3	\$360.00
Tualatin	4	\$480.00
West Linn	4	\$480.00
Washington County	8	\$960.00
Wilsonville	3	\$360.00
Wood Village	2	\$240.00
<b>RGC Municipal Jurisdictions not in FOCUS</b>		
Durham	1	\$120.00
Maywood Park	1	\$120.00
North Plains	2	\$240.00
Oregon City	4	\$480.00
<b>RGC Special District Members (fees 50% of fee cat. for cities and counties govt.)</b>		
Tualatin Valley Fire District	4	\$240.00
Tigard Water District	5	\$300.00
Tualatin Hills Parks and Rec.	8	\$480.00
Tualatin Valley Water Dist.	7	\$420.00
Unified Sewerage Agency	8	\$480.00
Oak Lodge Rural Fire District	4	\$240.00
Clackamas Fire Dist	6	\$360.00
Oak Lodge Sanitary	4	\$240.00
Clackamas Water	6	\$360.00
Clairmont Water Dist	2	\$120.00
Mt. Scott Water Dist	3	\$180.00
Rockwood Water Dist	5	\$300.00
Interlachen Water	1	\$60.00
<b>All Totals</b>	<b>129.5</b>	<b>\$15,540.00</b>

**FOCUS**  
**Forum on Cooperative Urban Services**

**MEETING NOTES OF THE  
JANUARY 7, 1993 MEETING**

**Participants Present**

Chair Bonnie Hays, Washington County  
Don Allen, City of Sandy  
Dan Bartlett, City of Milwaukie  
Steve Bauer, City of Portland  
Don Carlson, Metro  
Eric Carlson  
Greg Chew, McKeever/Morris, Inc.  
Tim Erwert, City of Hillsboro  
Gordon Faber, City of Hillsboro  
Mike Gates, Metro  
Caren Haas, City of West Linn  
Dana Haynes, The Oregonian  
Walt Hitchcock, City of Sherwood  
Marilyn Holstrom, City of Fairview  
Darlene Hooley, Clackamas County  
Lynda Jenkins, City of King City  
Walt Johnson, City of West Linn  
Scott Lazenby, City of Sandy  
Bob Liddell, City of West Linn  
Mike McKeever, McKeever/Morris, Inc.  
Gussie McRobert, City of Gresham  
Mark Mullins, City of Sandy  
Jeannine Murrell, City of Cornelius  
Dennis Ray, City of Fairview  
Sheila Ritz, City of Wood Village  
Don Robertson, City of Wood Village  
Ethan Seltzer, Portland State University  
Forrest Soth, City of Beaverton  
Steve Stolze, City of Tualatin  
Jerry Taylor, City of Cornelius  
Merrie Waylett, Metro

**1.0 Call to Order and Introductions of Participants**

Chair Bonnie Hays opened the meeting. Participants introduced themselves.

**2.0 Report on the Implementation of the Metro Charter**

Metro Councilor Mike Gates and Metro staffperson Don Carlson gave a report on the implementation of the Metro Charter:

- appointments were being made by local governments for the MPAC positions;
- the Metro Council approved accepting the Councilor salaries;

- Metro is now seeking a full-time staff person for the Citizens' Committee of Citizen Involvement;
- a task force for Metro's Future Vision will be selecting its members soon;
- criteria will also be developed for the Future Vision;
- other issues will need to be resolved when the state legislature convenes; and
- the Metro Council will be adopting an ordinance to implement the mechanics and procedures for the newly formed MPAC.

Ms. Hays asked the meeting participants where the local jurisdictions were in determining their MPAC representatives. The participants answered that most of the seats on MPAC were determined and all of them should be designated by February.

### 3.0 Report on Legislation Derived from Goldschmidt Committee

Ms. Hays stated that the state legislature will be considering some of the recommendations in the report derived from the Governor's Task Force on Local Government Efficiency. She highlighted several bills which had been drafted and noted that FOCUS members would need to be ready to address the legislature regarding specific issues as they come up.

### 4.0 Report on the Activities of the Institute for Metropolitan Studies at Portland State University

Ethan Seltzer of the Institute for Metropolitan Studies talked about the Institute's activities. He emphasized that the Institute will not be trying to restructure local governments, but to analyze their needs and provide assistance. The Institute will:

- examine strategic planning in the Portland metropolitan region, including Clark and Yamhill Counties;
- act as a clearinghouse for reports and studies from throughout the region;
- provide leadership training and information sharing for populations trends, finance issues and other characteristics of the metropolitan area;
- pilot-test an electronic network bulletin board of The Oregonian articles; and
- act as a communication channel between the community and the university.

He indicated the Institute would be coming to local governments with a request for dues at some time in the future.

### 5.0 Discussion and Action on Work Plan Proposal for FOCUS

Ms. Hays briefly reviewed the draft Work Plan Proposal package that was distributed in the meeting packet. The proposal was composed of a basic FOCUS services package and three special projects. A cost estimate was included from the contractor, McKeever/Morris, Inc. The participants were asked to approve, reject or amend the Work Plan Proposal. The proposal assumes that all FOCUS participants buy into the basic package, and each jurisdiction has the option to participate in any or all of the three special projects. It was agreed to make a change related to the description of FOCUS's staff relationship with MPAC. Participants all agreed to adopt the proposed Work Plan.

The next step was to ensure that all of the eligible jurisdictions not in attendance were notified of the group's decision.

#### 6.0 Membership Commitment to FOCUS

Jurisdictions were asked to indicate if their governing boards were ready to financially commit to FOCUS; in a show of hands most participants indicated their governing boards were ready.

#### 7.0 Election of Officers for 1993 and Other By-Law Issues

Two issues were raised regarding the FOCUS By-Laws. First, the issue of whether the process of determining officers was appropriate. Secondly, the issue of whether or not to include special districts in FOCUS was raised.

Three options were the result of discussions regarding the membership of special districts and for the nominations of FOCUS officers:

- Option #1: Status quo--leave the by-laws as they exist and nominate and vote for officers by mail.
- Option #2: Have the cities and counties in Multnomah, Clackamas and Washington counties determine their own list of nominees and vote by mail.
- Option #3: Revise the election rules and have the Steering Committee act as officers for 1993.

After much discussion, the participants agreed that each county along with the cities therein should come up with their own nominees for the FOCUS Steering Committee. Members will vote for the Chair by mail. They also agreed that recommendations on by-law changes regarding term limitations, nominating procedures, election procedures and special district membership should be developed. A subcommittee, to be chaired by Forest Soth, will examine the FOCUS by-laws and recommend changes and amendments.

#### 8.0 Adjourned

The meeting was adjourned at approximately 8:15 p.m.

Meeting Date: March 25, 1993  
Agenda Item No. 7.3

RESOLUTION NO. 93-1782





**METRO**

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

# Memorandum

**DATE:** March 19, 1993

**TO:** Metro Council  
Executive Officer  
Interested Parties

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

**RE:** AGENDA ITEM NO. 7.3; RESOLUTION NO. 93-1782

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The Governmental Affairs Committee directed that Resolution No. 93-1782 be drafted for inclusion on the March 25 Council agenda. The resolution will be distributed in advance to Councilors and available at the Council meeting March 25, 1993.

Meeting Date: March 25, 1993  
Agenda Item No. 7.4

RESOLUTION NO. 93-1769



**METRO**

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

# Memorandum

**DATE:** March 18, 1993

**TO:** Metro Council  
Executive Officer  
Interested Parties

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

**RE:** AGENDA ITEM NO. 7.3; RESOLUTION NO. 93-1769

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Exhibit A to Resolution No. 93-1769, the FY '94 Unified Work Program, has not been included in this agenda packet due to its volume. Copies will be available at the Council meeting March 25 and any persons wishing to review the document in advance may contact the Clerk of the Council at ext. 206.

The Planning Committee will consider Resolution No. 93-1769 on March 23 and committee reports will be distributed at the Council meeting.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE )  
FY 1994 UNIFIED WORK PROGRAM )  
(UWP) )

RESOLUTION NO. 93-1769  
Introduced by  
Councilor Van Bergen

WHEREAS, The Unified Work Program describes all federally-funded transportation planning activities for the Portland-Vancouver metropolitan area to be conducted in FY 1994; and

WHEREAS, The FY 1994 Unified Work Program indicates federal funding sources for transportation planning activities carried out by the Metropolitan Service District, Regional Transportation Council, Oregon Department of Transportation, Tri-Met and the local jurisdictions; and

WHEREAS, Approval of the FY 1994 Unified Work Program is required to receive federal transportation planning funds; and

WHEREAS, The FY 1994 Unified Work Program is consistent with the proposed Metro budget submitted to the Tax Supervisory and Conservation Commission; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby declares:

1. That the FY 1994 Unified Work Program is approved.
2. That Regional FAU funds toward Technical Assistance to jurisdictions outside the City of Portland are authorized in the amount of \$50,000.
3. That it is recognized that full funding for this work program has not been secured which could result in amendment, reduction or elimination of some work elements or funding through

alternate sources. These changes will be reviewed by TPAC, JPACT and the Metro Council.

4. That the FY 1993 Unified Work Program is consistent with the continuing, cooperative and comprehensive planning process and is given positive Intergovernmental Project Review action.

5. That Metro's Executive Officer is authorized to apply for, accept and execute grants and agreements specified in the Unified Work Program.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_,  
1993.

Judy Wyers, Presiding Officer

KT:lmk  
2-18-93  
93-1769.RES

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 93-1769 FOR THE PURPOSE OF APPROVING THE FY 1994 UNIFIED WORK PROGRAM (UWP) AND RESOLUTION NO. 93-1770 CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH FEDERAL TRANSPORTATION PLANNING REQUIREMENTS

Date: February 18, 1993

Presented by: Andrew Cotugno

## PROPOSED ACTION

This resolution would: 1) approve the Unified Work Program (UWP) containing the transportation planning work program for FY 1994; 2) authorize the submittal of grant applications to the appropriate funding agencies; and 3) certify that the Portland metropolitan area is in compliance with federal transportation planning requirements.

TPAC has reviewed the FY 94 Unified Work Program and recommends approval of Resolutions 93-1769 and 93-1770.

## FACTUAL BACKGROUND AND ANALYSIS

The FY 1994 UWP describes the transportation planning activities to be carried out in the Portland-Vancouver metropolitan region during the fiscal year beginning July 1, 1993. Included in the document are federally-funded studies to be conducted by Metro, Regional Transportation Council (RTC), Tri-Met, the Oregon Department of Transportation (ODOT), the City of Portland, and local jurisdictions. Major commitments continue to the Clean Air Act, Demand Management, Urban Growth Management, the Westside Corridor project and Hillsboro FEIS, the I-205/Milwaukie Pre-Alternatives Analysis, the I-5/Vancouver Pre-Alternatives Analysis, and High Capacity Transit studies. Also of major priority are the Southeast Corridor Study, the response to Rule 12, and the Intermodal Surface Transportation Efficiency Act (ISTEA) and the Travel-Forecasting Surveys and Research.

In the past, regional Interstate Transfer or FAU funds have been allocated towards work elements in the UWP. This practice is continued with an allocation from the region's Surface Transportation Program, the replacement for FAU.

Federal transportation agencies (FTA/FHWA) require a self-certification that our planning process is in compliance with certain federal requirements as a prerequisite to receiving federal funds. The self-certification documents that we have met those requirements and is considered yearly at the time of UWP approval.

The UWP matches the projects and studies reflected in the proposed

Metro budget to be submitted to the Tax Supervisory and Conservation Commission.

Approval will mean that grants can be submitted and contracts executed so work can commence on July 1, 1993 in accordance with established Metro priorities.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolutions 93-1769 and 93-1770.

ACC:KT:lmk  
3-1-93  
93-1769/70.RES

Meeting Date: March 25, 1993  
Agenda Item No. 7.5

RESOLUTION NO. 93-1770





**METRO**

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

# Memorandum

**DATE:** March 18, 1993

**TO:** Metro Council  
Executive Officer  
Interested Parties

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

**RE:** AGENDA ITEM NO. 7.5; RESOLUTION NO. 93-1770

-----  
The Planning Committee will consider Resolution No. 93-1770 on March 23 and committee reports will be distributed at the Council meeting March 25.

JOINT RESOLUTION OF THE  
METRO COUNCIL  
AND OREGON STATE HIGHWAY ENGINEER

FOR THE PURPOSE OF CERTIFYING THAT ) RESOLUTION NO. 93-1770  
THE PORTLAND METROPOLITAN AREA IS )  
IN COMPLIANCE WITH FEDERAL TRANS- ) Introduced by  
PORTATION PLANNING REQUIREMENTS ) Councilor Van Bergen

WHEREAS, Substantial federal funding from the Federal Transit Administration and Federal Highway Administration is available to the Portland metropolitan area; and

WHEREAS, The Federal Transit Administration and Federal Highway Administration require that the planning process for the use of these funds comply with certain requirements as a prerequisite for receipt of such funds; and

WHEREAS, Satisfaction of the various requirements is documented in Exhibit A; now, therefore,

BE IT RESOLVED,

That the transportation planning process for the Portland metropolitan area (Oregon portion) is in compliance with federal requirements as defined in Title 23 Code of Federal Regulations, Part 450, and Title 49 Code of Federal Regulations, Part 613.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

APPROVED by the Oregon Department of Transportation State Highway Engineer this \_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
State Highway Engineer

## EXHIBIT A

### Metro Self-Certification

#### 1. Metropolitan Planning Organization Designation

Metro is the MPO designated by the Governor for the urbanized areas of Clackamas, Multnomah and Washington Counties, Oregon.

Metro is a regional government with 13 directly elected Councilors and an elected Executive Officer. In the November 1992 general election, the Metro Charter was passed, reducing the elected Councilors to seven effective January 1995. Local elected officials are directly involved in the transportation planning/decision process through the Joint Policy Advisory Committee on Transportation (JPACT) (see attached membership). JPACT provides the "forum for cooperative decision-making by principal elected officials of general purpose local governments" as required by USDOT. The Charter created a new local government committee, the Metropolitan Policy Advisory Committee, for nontransportation-related matters with the exception of adoption and amendment to the Regional Transportation Plan. JPACT remained unchanged under the Charter with the exception of a requirement to consult JPACT regarding Metro take-over of Tri-Met.

#### 2. Agreements

Though cooperative working agreements between jurisdictions are no longer required, several are still in effect:

- a. A basic memorandum of agreement between Metro and the Regional Transportation Council (Southwest Washington RTC) which delineates areas of responsibility and necessary coordination and defines the terms of allocating Section 8 funds.
- b. An agreement between Tri-Met, Public Transit Division of the Oregon Department of Transportation (ODOT) and Metro setting policies regarding special needs transportation.
- c. An intergovernmental agreement between Metro, Tri-Met and ODOT which describes the roles and responsibilities of each agency in the 3C planning process.

- d. Yearly agreements are executed between Metro and ODOT defining the terms and use of Federal Highway Administration (FHWA) planning funds and Metro and Tri-Met for use of Federal Transit Administration (FTA) funds.
- e. Bi-State Resolution -- Metro and RTC jointly adopted a resolution establishing a Bi-State Policy Advisory Committee.
- f. Bi-State Transportation Planning -- Metro and RTC have jointly adopted a work program description which is reflected in this UWP and a decision-making process for high-capacity transit corridor planning and priority setting.

3. Geographic Scope

Transportation planning in the Metro region includes the entire area within the Federal-Aid Urban boundary.

4. Transportation Plan

The Regional Transportation Plan (RTP) was adopted on July 1, 1982. The document had one housekeeping update in 1984, a major update in 1989, and was revised in 1991. An update to incorporate new elements of the Intermodal Surface Transportation Efficiency Act of 1991 is scheduled for 1993. A rigorous review process is followed during updates which allows for extensive citizen and technical comment. The short-range Transit Development Plan (TDP), the detailed transit operations plan for the region, was completely revised and adopted by the Tri-Met Board in January 1988 and is being updated in 1992.

5. Transportation Improvement Program

The FY 1993 Transportation Improvement Program (TIP), adopted in September 1992, is amended continuously throughout the year. Future amendments will include authorization of FY 1993 Interstate Transfer funds, updates of the Federal-Aid Urban Program, the Section 3 Letter-of-Intent Program, the Section 9 Capital Program, incorporation of the state Six-Year Transportation Improvement Program, and programs established by the Intermodal Surface Transportation Act (ISTEA) of 1991. These include the Regional Surface Transportation Program and the Transportation Enhancement and Congestion/Mitigation/Air Quality (CMAQ) Programs.

6. Issues of Interstate Significance

The Bi-State Study was completed in FY 93. The study

generated recommendations which will be further analyzed as part of the update to the Regional Transportation Plan. Unresolved issues may require additional separate analysis or study. Metro continues to participate on Bi-State transportation and air quality issues. The I-5/I-205 North Pre-AA analysis is being conducted with the close cooperation of Clark County jurisdictions.

## 7. Public Involvement

Metro maintains a continuous public involvement process through citizen members on technical advisory committees, newsletters and press releases. Major transportation projects have citizen involvement focused specifically on the special needs of the project.

The North/South Pre-AA Corridor Study involves not only its own citizens committee but neighborhood associations, business groups and community groups.

The Willamette River Bridge Crossing (Southeast Corridor - Phase II) includes a Citizen Advisory Committee comprised of neighborhoods, community, and business groups. Additional public comment is and will be provided through general public meetings and through the approval process of study recommendations (Metro Council and local jurisdictions).

The Northwest Subarea Transportation Study includes a Citizen Advisory Committee comprised of neighborhoods, community, and business groups. Additional public comment is and will be provided through general public meetings and through the approval process of study recommendations (Metro Council and local jurisdictions). This study will be complete in July.

## 8. Air Quality

The Federal Clean Air Act of 1990 (CAAA 1990) and the new Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) require major efforts from all metropolitan area jurisdictions to improve air quality and reduce reliance on the single-occupant vehicle for travel demand. For the purposes of complying with the Clean Air Act Amendments, the Portland metropolitan region is classified as a non-attainment area: marginal for ozone and moderate for Carbon Monoxide (CO).

Metro's TDM/Air Quality Program responds to the Clean Air Act and ISTEA by amending the Unified Work Plan to include TDM strategies to reduce vehicle emissions. In addition, Metro staff continues to provide staff support with DEQ to

the Portland Area Governor's Task Force on Vehicle Emissions Reduction created by the '91 Legislature.

At its September 22, 1992 meeting, the Governor's Task Force completed its final recommendations and selected eight vehicle emission reduction strategies as its "Base Plan." These strategies are the foundation for the Air Quality Maintenance Plan required by the Clean Air Act of 1990.

A verbal report of the Task Force findings and recommendations was provided to the Senate Committee on Agriculture and Natural Resources on September 29, 1992 in Salem. Metro staff is working with DEQ to further examine issues; develop necessary legislative package for implementing Task Force recommendations; and coordinating JPACT action on legislative and strategy implementation on proposals.

9. Civil Rights

Metro's Title VI tri-annual report was submitted in September 1992 and is still in review. The ODOT/FHWA on-site review is scheduled for March 1993. DBE, EEO and citizen participation all have programs in place which have been FTA-certified.

10. Elderly and Handicapped

The ADA Joint Complementary Transit Plan was adopted by the Tri-Met Board in December 1991 and was certified as compatible with the Regional Transportation Plan by Metro Council in January 1992. The 1993 Plan Update was reviewed and continues to be in conformance with the RTP.

11. Disadvantaged Business Enterprise Program (DBE)

A revised DBE program was adopted by the Metro Council in September 1989. Overall agency goals were set for DBEs and WBEs as well as contract goals by type. The annual goal for all Department of Transportation-assisted DBEs is 12 percent combined DBE/WBE. The DBE program is very specific about the request for proposals, bidding and contract process.

12. Public/Private Transit Operators

Tri-Met and C-TRAN are the major providers of transit service in the region. Other public and private services are coordinated by these operators.

Tri-Met also contracts for demand-responsive service with private entities such as ATC, Dave Systems, Inc., School Bus Services, taxis, Buck Medical Services and Special Mobility Services, Inc. Tri-Met also coordinates with those agencies

using federal programs (FTA's 16(b)(2)) to acquire vehicles. Service providers in this category are coordinated by Volunteer Transportation, Inc. Special airport transit services are also provided in the region (Raz Transportation and Beaverton Airporter Services). Involvement with these services is limited to special issues.

Two areas, Molalla and Wilsonville, were allowed to withdraw from the Tri-Met District on January 1, 1989. A condition of withdrawal was that they provide service at least equal to the service previously provided by Tri-Met. Dave Systems, Inc. is providing alternative service to Molalla at approximately two-thirds the cost of Tri-Met service. In addition, Dave Systems, Inc. supplies fixed-route service between Clackamas Town Center and the Milwaukie Transit Center.

C-TRAN contracts with Dave Systems, Inc. for elderly and handicapped service.

ACC:imk  
CERT0304.REG  
2-18-92

JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION

Metro Council . . . . . Councilor George Van Bergen  
Councilor Roger Buchanan  
Councilor Jon Kvistad  
Councilor Rod Monroe (alternate)

Multnomah County . . . . . Commissioner Gary Hansen  
Commissioner Dan Saltzman (alternate)

Cities in Multnomah County . . . . . Councilor Bernie Giusto (Gresham)  
Councilor Marge Schmunk (Troutdale) (alt.)

Washington County . . . . . Commissioner Roy Rogers (Washington Co.)  
Commissioner Bonnie Hays (alternate)

Cities in Washington County . . . . . Mayor Rob Drake (Beaverton)

Clackamas County . . . . . Commissioner Ed Lindquist

Cities in Clackamas County . . . . . Mayor Craig Lomnicki (Milwaukie)  
Commissioner Jim Ebert (Oreg. City) (alt.)

City of Vancouver . . . . . Mayor Bruce Hagensen  
Les White, C-TRAN (alternate)

Clark County . . . . . Commissioner David Sturdevant  
Les White, C-TRAN (alternate)

City of Portland . . . . . Commissioner Earl Blumenauer  
Commissioner Mike Lindberg (alternate)

Oregon Department of  
Transportation . . . . . Don Forbes, Director  
Don Adams, Region I Engineer (alternate)

Port of Portland . . . . . Mike Thorne, Executive Director  
Dave Lohman, Director of Policy  
and Planning (alternate)

Washington State Department  
of Transportation . . . . . Gerry Smith, District Administrator  
Keith Ahola, Project Development Engineer

Tri-Met . . . . . Tom Walsh, General Manager  
Bob Post, Asst. General Manager (alternate)

Department of Environmental  
Quality . . . . . Fred Hansen, Director  
Steve Greenwood, Administrator  
Air Quality Division (alternate)



TRANSPORTATION POLICY ALTERNATIVES COMMITTEE

City of Portland	Steve Dotterer Vic Rhodes (alternate)
Multnomah County	Kathy Busse Larry Nicholas (alternate)
Cities of Multnomah County	Richard Ross James Galloway (alternate)
Washington County	Brent Curtis Mark Brown (alternate)
Cities of Washington County	Rick Root Roy Gibson (alternate)
Clackamas County	Rod Sandoz Ron Weinman (alternate)
Cities of Clackamas County	Maggie Collins Jerry Baker (alternate)
Tri-Met	G.B. Arrington Joe Walsh (alternate)
Clark County	Dean Lookingbill Bob Hart (alternate) Lynda David (alternate)
Oregon Department of Transportation	Michal Wert Dave Williams (alternate)
Washington State Department of Transportation	Steve Jacobson Keith Ahola (alternate)
Federal Highway Administration	Fred Patron Caleb Frobige (alternate)
Port of Portland	Susie Lahsene Brian Campbell
Department of Environmental Quality	Howard Harris
Citizenry:	Ronald Correnti Gordon Hunter/Steve Anderson Molly O'Reilly/Ellen Vanderslice Michael Robinson Sterling Williams/Ray Polani
Associate Members: City of Vancouver C-TRAN	Kim Chin Jack Lattemann (alternate)

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1769 FOR THE PURPOSE OF APPROVING THE FY 1994 UNIFIED WORK PROGRAM (UWP) AND RESOLUTION NO. 93-1770 CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH FEDERAL TRANSPORTATION PLANNING REQUIREMENTS

Date: February 18, 1993

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution would: 1) approve the Unified Work Program (UWP) containing the transportation planning work program for FY 1994; 2) authorize the submittal of grant applications to the appropriate funding agencies; and 3) certify that the Portland metropolitan area is in compliance with federal transportation planning requirements.

TPAC has reviewed the FY 94 Unified Work Program and recommends approval of Resolutions 93-1769 and 93-1770.

FACTUAL BACKGROUND AND ANALYSIS

The FY 1994 UWP describes the transportation planning activities to be carried out in the Portland-Vancouver metropolitan region during the fiscal year beginning July 1, 1993. Included in the document are federally-funded studies to be conducted by Metro, Regional Transportation Council (RTC), Tri-Met, the Oregon Department of Transportation (ODOT), the City of Portland, and local jurisdictions. Major commitments continue to the Clean Air Act, Demand Management, Urban Growth Management, the Westside Corridor project and Hillsboro FEIS, the I-205/Milwaukie Pre-Alternatives Analysis, the I-5/Vancouver Pre-Alternatives Analysis, and High Capacity Transit studies. Also of major priority are the Southeast Corridor Study, the response to Rule 12, and the Intermodal Surface Transportation Efficiency Act (ISTEA) and the Travel-Forecasting Surveys and Research.

In the past, regional Interstate Transfer or FAU funds have been allocated towards work elements in the UWP. This practice is continued with an allocation from the region's Surface Transportation Program, the replacement for FAU.

Federal transportation agencies (FTA/FHWA) require a self-certification that our planning process is in compliance with certain federal requirements as a prerequisite to receiving federal funds. The self-certification documents that we have met those requirements and is considered yearly at the time of UWP approval.

The UWP matches the projects and studies reflected in the proposed

Metro budget to be submitted to the Tax Supervisory and Conservation Commission.

Approval will mean that grants can be submitted and contracts executed so work can commence on July 1, 1993 in accordance with established Metro priorities.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolutions 93-1769 and 93-1770.

ACC:KT:lmk  
3-1-93  
93-1769/70.RES

Meeting Date: March 25, 1993  
Agenda Item No. 7.6

RESOLUTION NO. 93-1771



**METRO**

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

# Memorandum

**DATE:** March 18, 1993

**TO:** Metro Council  
Executive Officer  
Interested Parties

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

**RE:** AGENDA ITEM NO. 7.6; RESOLUTION NO. 93-1771

---

The Planning Committee will consider Resolution No. 93-1771 on March 23 and committee reports will be distributed at the Council meeting March 25.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING ) RESOLUTION NO. 93-1771  
THE REGION'S PROPOSED NATIONAL )  
HIGHWAY SYSTEM AS REQUIRED UNDER) Introduced by  
THE INTERMODAL SURFACE TRANSPOR-) Councilor Van Bergen  
TATION EFFICIENCY ACT OF 1991 )

WHEREAS, The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 includes the creation of a National Highway System (NHS); and

WHEREAS, ISTEA requires the NHS to be designated by the Secretary of Transportation no later than September 30, 1995; and

WHEREAS, States are required by the Federal Highway Administration to work with local jurisdictions and Metropolitan Planning Organizations (MPO) and submit a proposed NHS by April 30, 1993; and

WHEREAS, Metro, through the Joint Policy Advisory Committee on Transportation, is the designated MPO for the Portland metropolitan area and has worked with local jurisdictions and the Oregon Department of Transportation (ODOT) to develop the region's proposed NHS; and

WHEREAS, The region's proposed NHS is based on ISTEA NHS requirements and FHWA guidelines, and considers urban area travel movements of national significance; now, therefore,

BE IT RESOLVED,

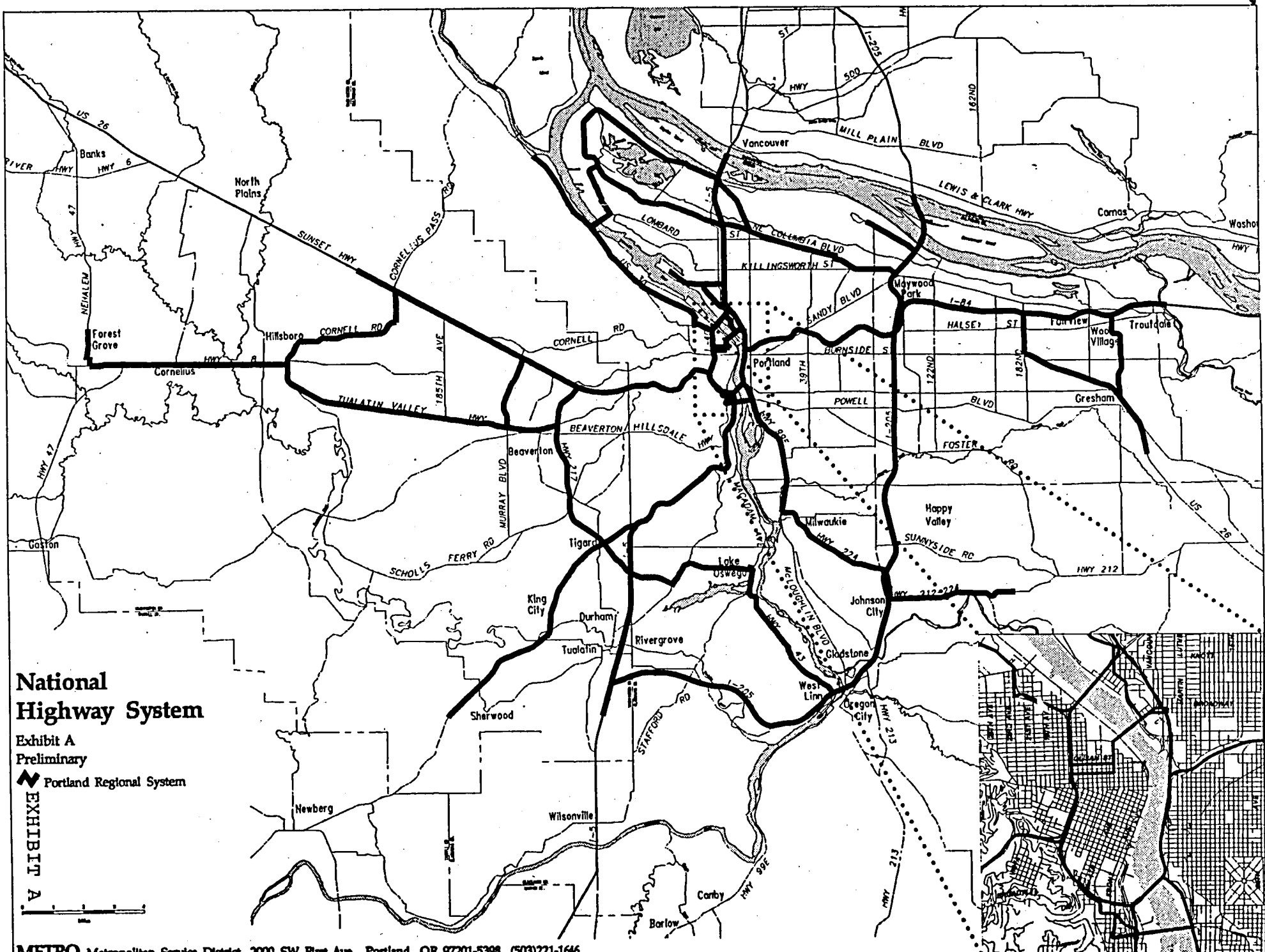
1. That the Metro Council adopts as the region's proposed NHS those facilities as mapped on Exhibit A and listed on Exhibit B.

2. That the Metro Council directs staff to forward the proposed NHS to the Oregon Transportation Commission and appropriate ODOT staff.

ADOPTED by the Metro Council this \_\_\_\_\_ day of March, 1993.

Judy Wyers, Presiding Officer

MH:lmk  
2-18-93  
93-1771.RES

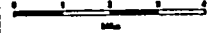


**National Highway System**

Exhibit A  
Preliminary

Portland Regional System

EXHIBIT A



MEIRO Metropolitan Service District, 2000 SW First Ave., Portland, OR 97201-5398, (503)221-1646



Exhibit B

National Highway System (Preliminary)			3/1/93
FACILITY NAME	SEGMENT DESCRIPTION	LENGTH IN MILES	
<b>Portland's System</b>			
99W	I-5 to Urban Growth Boundary	9.26	
Highway 217	Sunset HWY to I-5	7.20	
I-205	Washington state line to I-5	26.05	
I-405	All	3.46	
I-5	Throughout Region	20.90	
I-84	I-5 to Urban Growth Boundary	15.23	
Mt Hood Parkway Corridor	I-84 to Urban Growth Boundary	4.96	
82nd	HWY 224 to HWY 224/212	0.90	
Sunrise 224/212	McLoughlin (99E) to Urban Growth Boundary	8.36	
US 26/Sunset	I-405 to Urban Growth Boundary	12.88	
US 30	I-405 to Urban Growth Boundary	8.60	
181st	I-84 to Burnside	1.33	
Airport Way	I-205 to Portland International Airport	1.88	
Burnside	181st to Mt. Hood Parkway Corridor	3.42	
Cornelius Pass	Cornell to Sunset Highway	1.02	
Cornell	Cornelius Pass to HWY 8	4.25	
Boones Ferry	Kruse Way to Country Club	0.74	
Kruse Way	I-5 to Boones Ferry	1.44	
Country Club/A Street	Boones Ferry to HWY 43	2.36	
Highway 43	A Street to I-205	5.27	
Going St/Channel	I-5 to Dolphin	1.01	
Greeley Ave	I-5 to Going	1.18	
Highway 47	HWY 8 to Urban Growth Boundary	1.29	
Highway 8	HWY 47 to HWY 217	16.08	
N Columbia	N Lombard to I-5	4.66	
N Lombard	N Columbia to St Johns Bridge	2.69	
NE Portland HWY (NE Columbia, 60th, N Lombard, Killingsworth)	I-5 to I-205	6.03	
MLK Jr Blvd	NE Columbia to I-5	2.03	
N Marine	I-5 to N Columbia	6.92	
Murray	Sunset HWY to Tualatin Valley HWY	2.41	

Exhibit B

<b>Central City</b>				
McLoughlin Blvd, Ross Island Bridge, I- 405 Corridor Connection		McLoughlin (99E) to I-405		6.86
NW Everett/NW Glisan Broadway		I-405 to NW Broadway Everett to I-5		0.95 1.28
N Interstate Ave		Broadway Bridge to UP Intermodal Yard		1.30
			<b>TOTAL</b>	<b>194.20</b>

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 93-1771 FOR THE PURPOSE OF ENDORSING THE REGION'S PROPOSED NATIONAL HIGHWAY SYSTEM AS REQUIRED UNDER THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

Date: February 17, 1993

Presented by: Andrew Cotugno

## PROPOSED ACTION

This resolution would establish the region's proposal for a National Highway System (NHS) within the Metro boundary. As required by the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the Oregon Department of Transportation (ODOT) is required to submit to the Federal Highway Administration the state's proposed NHS by April 30, 1993.

Also required by ISTEA, the state is to take the lead role in ensuring a cooperative federal/state/local process for developing NHS recommendations. The state is required to work with Metropolitan Planning Organizations (i.e., Metro in the Portland region) and other local officials to identify proposed routes, coordinate the system, and submit all required products to FHWA. Metro has assisted the state in the Portland area process by convening a Transportation Policy Alternatives Committee (TPAC) NHS Work Group to assist in the formulation of the proposed system.

Included in the Staff Report is additional information on the NHS. Also included is information on the process used by the TPAC NHS Work Group to develop the proposed Portland Area NHS.

TPAC reviewed and generally approved regional criteria used to supplement federal NHS guidelines for designation of the proposed system on January 29. On February 26, TPAC reviewed the proposed NHS and recommended approval of Resolution No. 93-1771.

## FACTUAL BACKGROUND AND ANALYSIS

### The National Highway System

The NHS was authorized under Section 1006 of ISTEA. The NHS is the only Federal-Aid Highway system under ISTEA and is intended to consist of routes with national or international significance. The system is limited to 155,000 miles nationwide, although the Secretary of Transportation may increase or decrease the size by up to 15 percent.

From the federal perspective, the NHS is intended to provide an interconnected system of principal arterials and other highways that will serve major population centers, international border

crossings, ports, airports, nationally oriented public and intermodal transportation facilities, and other nationally significant travel destinations. The system is intended to meet national defense needs and serve interstate and inter-regional travel. Required to be on the system are Interstate highways, highways on the Strategic Highway Network (STRAHNET), major STRAHNET connectors, and Congressional high priority routes. The only Congressional high priority route in Oregon is US 395 in eastern Oregon.

For Oregon, ODOT has recommended that all Access Oregon Highways (AOH) and other key facilities be included in the NHS. AOH facilities within the Portland area include the Sunrise Corridor, Mt. Hood Parkway Corridor, US 30 to Astoria, and 99W southwest from I-5 at Tigard. As other key facilities, ODOT has recommended that the Sunset Highway and Highway 217 be included in the NHS.

The NHS is intended to consist primarily of principal arterials, including freeways and major highways. However, routes which serve major ports, airports, international border crossings, nationally oriented public transit and international transportation facilities, and STRAHNET routes can be minor arterials or collectors.

Routes on the NHS are eligible for a dedicated federal funding source. However, these routes must be constructed to principal arterial standards. Also, FHWA must approve all deviations from these standards. These standards apply to the route regardless of the source of project funds. The result could be higher cost projects and federal EIS requirements on certain facilities. One caveat in ISTEA allows that any route that provides parallel service to a limited access NHS route may receive NHS funding even if the parallel route is not on the NHS. Improving the parallel route must act to improve the NHS route. Attachment A is an ODOT overview providing more information on the NHS from both the state and federal perspective.

#### Immediate Schedule

ODOT must submit a proposed NHS to FHWA by April 30, 1993. In order for ODOT to prepare the submittal and to provide for OTC adoption of the proposed system, Metro must submit the region's proposed NHS by mid-March. Consequently, JPACT is scheduled to act on a regional NHS at its March 11 meeting following TPAC's February 26 action.

#### TPAC NHS Workgroup Activities

The TPAC NHS Work Group was initially formed in October 1992 to address ISTEA-related requirements to update the region's Functional Classification map and to begin a proposed regional NHS. The Work Group was comprised of TPAC representatives or their designees. A list of the members is provided in Attachment

B. The group submitted a proposed Functional Classification System to ODOT in December that identifies a system of streets eligible for Surface Transportation Program (STP) funds.

Also in late 1992, Work Group participants submitted proposals for the NHS in their areas for additional facilities which were not required through ISTEA or requested by the state. To guide their recommendations, Work Group participants referred to federal NHS guidelines (page 3 of Attachment A) and to the proposed "Highways of National Significance" system developed by the region for illustrative purposes prior to adoption of ISTEA in 1990. From this exercise, a proposed system was developed and reviewed by the Work Group on January 19.

As expected, there were differences throughout the region on interpretation of the FHWA guidelines. Consequently, the Work Group initially focused on developing a consistent interpretation of the guidelines. Following that, the proposed network was adjusted accordingly at a second meeting on January 26.

Exhibits A and B to the resolution are a map and listing of the proposed system. Attachment C to this Staff Report list facilities that were proposed for the NHS, but are not recommended.

#### Criteria/Approach

As noted, the FHWA guidelines are open to some interpretation. While it is required that certain routes (Interstates, STRAHNET, etc.) must be included, and while it seems reasonable that key state highways (AOH, Sunset, and Highway 217) should be included, it is less clear as to the precise definition of certain ISTEA and FHWA guidelines. For example, those guidelines suggest inclusion of "major ports, airports, public transportation facilities or intermodal transportation facilities" and "principal arterial routes that provide service to major travel generators." A liberal interpretation of these guidelines would suggest including all major arterials in the region. However, by doing so, the region's urban mileage target would be exceeded.

The Work Group identified two broad approaches to interpret the FHWA guidelines: 1) a liberal interpretation which would include essentially all principal arterials and most connections to public transit (including park-and-rides, etc.). Such a network overtly recognizes urban arterials and mobility as being of national significance; or 2) a conservative interpretation which focuses on a system which meets national objectives of promoting interstate and inter-regional movements and provides adequate connections to a higher order national system.

The Work Group recommended the latter approach (with some adjustment) as best for developing the region's NHS. The Work Group concluded that "urban mobility" is not a key NHS consideration, although it is certainly of national significance.

However, the group noted that ISTEA addresses the significance of urban mobility through flexible funding programs such as the Surface Transportation, Congestion Mitigation/Air Quality, and the Transportation Enhancements. The Work Group therefore recommends that the NHS should be for promoting the development and maintenance of interstate and inter-regional traffic movement.

Given this approach, the Work Group used the following subjective criteria to supplement the ISTEA, FHWA, and state requirements or guidelines. The criteria generally follow the "conservative" approach. Exceptions include a desire to provide a direct connection to cities within the region and accommodating certain freight/commerce movements of national significance.

1. NHS routes will provide direct connections to the primary interstate and inter-regional routes (Interstates, AOH, and other key state facilities).
2. Direct NHS access should be provided to international, interstate, and inter-regional port, airport, and passenger facilities.
3. Cities within the urban area shall have direct access to at least one NHS route (again, to better accommodate access to Interstates, AOH, etc.).
4. Direct NHS routes should be provided to key employment areas within the region that have international and national significance (this resulted in Murray Boulevard access to the Sunset Corridor; and NE 182nd and SE Burnside in east Multnomah County and Gresham).
5. With the exception of port/airport access, the system should be connected ("spurs" eliminated). Parallel designations should also be eliminated.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1771.

## Development of Oregon's National Highway System

### INTRODUCTION

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 calls for the establishment of a new National Highway System (NHS). Oregon has until April 30, 1993 to submit its proposed NHS to the Federal Highway Administration (FHWA). Local governments and others must be involved in the process of developing this proposal.

Oregon submitted a preliminary NHS to FHWA in September, 1990. The backbone of the proposal was formed by the Access Oregon Highway system (not including OR82), the Interstate system, and US101. FHWA imposed other criteria on the states: The Strategic Highway Network (STRAHNET) and logical connections to each adjoining state. After some review, FHWA proposed what is known as the "Illustrative" system to Congress. To that system, Congress added a northern and southern portion of US395.

In the meantime, considerable interest has been expressed to add US20 from Sisters to Ontario to the NHS. For the purpose of beginning discussions, this segment will be added to the National Illustrative system to form Oregon's Illustrative system. This closely matches the mileage allocation for Oregon and leaves some room for adding urban mileage if desired.

Congress has authorized a 155,000 mile NHS, but has given the Secretary of Transportation the ability to alter that system by plus or minus fifteen percent. FHWA has provided each state with an allocation of mileage based on the Illustrative system. It should be noted that the Illustrative system totals 149,888 miles, somewhat short of the 155,000 authorized. Further, FHWA has divided those miles into urban and rural. Some flexibility is provided in that fifteen percent of the urban mileage can be transferred to the rural mileage and vis versa. In addition, the state can add fifteen percent to the mileage allocated provided that the additions are justified and placed in priority order.

The National Illustrative system approved by Congress contains 2,603.37 rural miles and 267.36 urban miles, for a total of 2,870.73 miles in Oregon. This includes 135.89 rural and 4.65 urban totaling 140.54 miles on US395 beyond the Oregon's original request.

Including US20 will add 327.15 rural miles and 2.54 urban miles, totalling 329.69 miles to the system. This makes the Oregon Illustrative system total 2,930.52 rural miles and 269.90 urban miles for a total of 3,200.42 miles.

FHWA allocated 2,450.00 rural miles and 522.00 urban miles for a total of 2,972.00 miles to Oregon. This is to be used as a base. Assuming Oregon wishes to add fifteen percent, the mileages are 2,817.50 rural and 600.30 for a total of 3,417.80 miles. Table 1 summarizes the match between the Oregon Illustrative system and our allocation.

Table I Illustrative Oregon Highway System (NHS) Mileage Summary			
Description	Rural	Urban	Total
Oregon Illustrative system	2,930.52	269.90	3,200.42
Oregon's Allocated Target Base Mileage	2,450.00	522.00	2,972.00
Oregon's Allocated Mileage + 15%	2,817.50	600.30	3,417.80
Mileage Difference between request and allocation	(113.02)	+330.40	+217.38
15 % Mileage transfer (Urban to Rural)	+90.05	(90.05)	
Available Miles	(22.97)	240.35	217.38

A quick comparison shows that the Oregon Illustrative system falls within the total mileage available (after adding the fifteen percent). However, the rural mileage surpasses our allocation by 113.02 miles. Up to 90.05 miles (15%) can be transferred from the urban allocation to the rural allocation. If this were done, Oregon will exceed the allowable rural mileage by 22.97 miles.

Changes can be made to Oregon's Illustrative system. However, if additions are proposed, they will need to be justified and to stay within the mileage allocations, sections will need to be deleted. It is important to develop justification for these additions. It is equally important to point out which routes should be deleted and why.

Other points to consider are:

Section 1006 of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 defines that the purpose or objective of the NHS is to "provide an interconnected system of principal arterial routes which will serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel".

The NHS is the centerpiece of the ISTEA, and the system is expected to be the major focus for the Federal-aid highway program into the 21st century. FHWA will play a strong leadership role in the development of the proposed NHS to ensure that national objectives are achieved. The instructions for developing the proposed NHS emphasize a cooperative Federal/State/local process. The State is to take the lead role in working with the MPOs and other local officials to 1) identify routes for the proposed NHS, 2) coordinate with adjacent States to achieve an integrated system consistent with the objectives of the NHS, and 3) submit all required products to FHWA.



Federal emphasis on the components of the NHS consist of:

- All highways designated as part of the Interstate System.
- Strategic highway network (STRAHNET)
- Major STRAHNET connectors.
- Congressional High Priority Routes (US395 from the Canadian border to Reno, Nevada).
- Routes providing access between the NHS and major ports, airports, public transportation facilities or intermodal transportation facilities.
- Remaining routes must be comprised of routes functionally classified as rural and urban principal arterials.
- Consideration should also be given to principal arterial routes on the National network for trucks and those that provide service to major travel generators such as National Parks, commercial recreation facilities, resorts, etc.

#### FUNDING IMPLICATIONS

The formula for distribution of NHS funds is the same as for the Surface Transportation Program (STP) and is based on each State's FY 1987-1991 share of total national funding with appropriate adjustment for Interstate Maintenance and Bridge apportionments. The General Accounting Office, in conjunction with the Bureau of Transportation Statistics, is to study and recommend to Congress a fair and equitable highway allocation formula by January 1, 1994.

After 2% Highway Planning and Research "Takedowns" (a requirement of ISTEA), Oregon's received the following FY 1992 apportionments:

NHS	\$33,857,773
STP	\$33,438,070
Bridge	\$24,664,492
Interstate Construction	\$22,842,602
Interstate Maintenance	\$34,446,722

## PROGRAM TRANSFERABILITY

- Fifty percent of a State's NHS funds may be transferred to the STP; an additional 50 percent may be transferred to the STP with State request and DOT approval.
- Any portion of STP funds may be used on the NHS.
- A total of 40 percent of a State's Bridge funds may be transferred to the STP and NHS.
- Twenty percent of a State's Interstate Maintenance funds may be transferred to the STP and NHS. Up to 100 percent of Interstate Maintenance funds may be transferred to STP and NHS, if State certifies funds are not needed for Interstate Maintenance and DOT approves.
- A State may transfer Interstate Construction funds for open-to-traffic segments included in the latest cost estimate to the NHS and Interstate Maintenance Program.

NHS funds can be used on, a Federal-aid highway not on the NHS system if:

1. such highway or transit project is in the same corridor as, and in proximity to, a fully access controlled highway designated to the National Highway System;
2. the construction or improvement will improve the level of service on the fully access controlled highway and improve regional travel; and
3. the construction or improvements are more cost effective than an improvement to the fully access controlled highway.

Federal projects on the STP carried out within the boundaries of a transportation management areas (TMA) (urbanized areas over 200,000 population), are selected by the metropolitan planning organization (MPO) in consultation with the State. Projects on the NHS and projects funded under the Bridge and Interstate Maintenance programs are selected by the State in cooperation with the MPO. In non-TMAs, projects are selected by the State in cooperation with the MPO.

## STANDARDS AND ADMINISTRATION

All NHS standards follow FHWA approved AASHTO design and construction standards except for NHS non-freeway 3R projects where individual State developed standards approved by FHWA field offices may be used. Non-NHS projects follow individual State approved standards. In addition, FHWA has much tighter project review involvement on NHS projects.

## **FEDERAL FUNDING NOT TIED TO NHS SIZE**

Presently more miles on the NHS does not mean more dollars for Oregon. Current apportionment does not include mileage as a factor. If NHS fund allocation were tied to mileage in the future, minimizing the system would result in fewer NHS dollars, but there is little indication that this will occur.

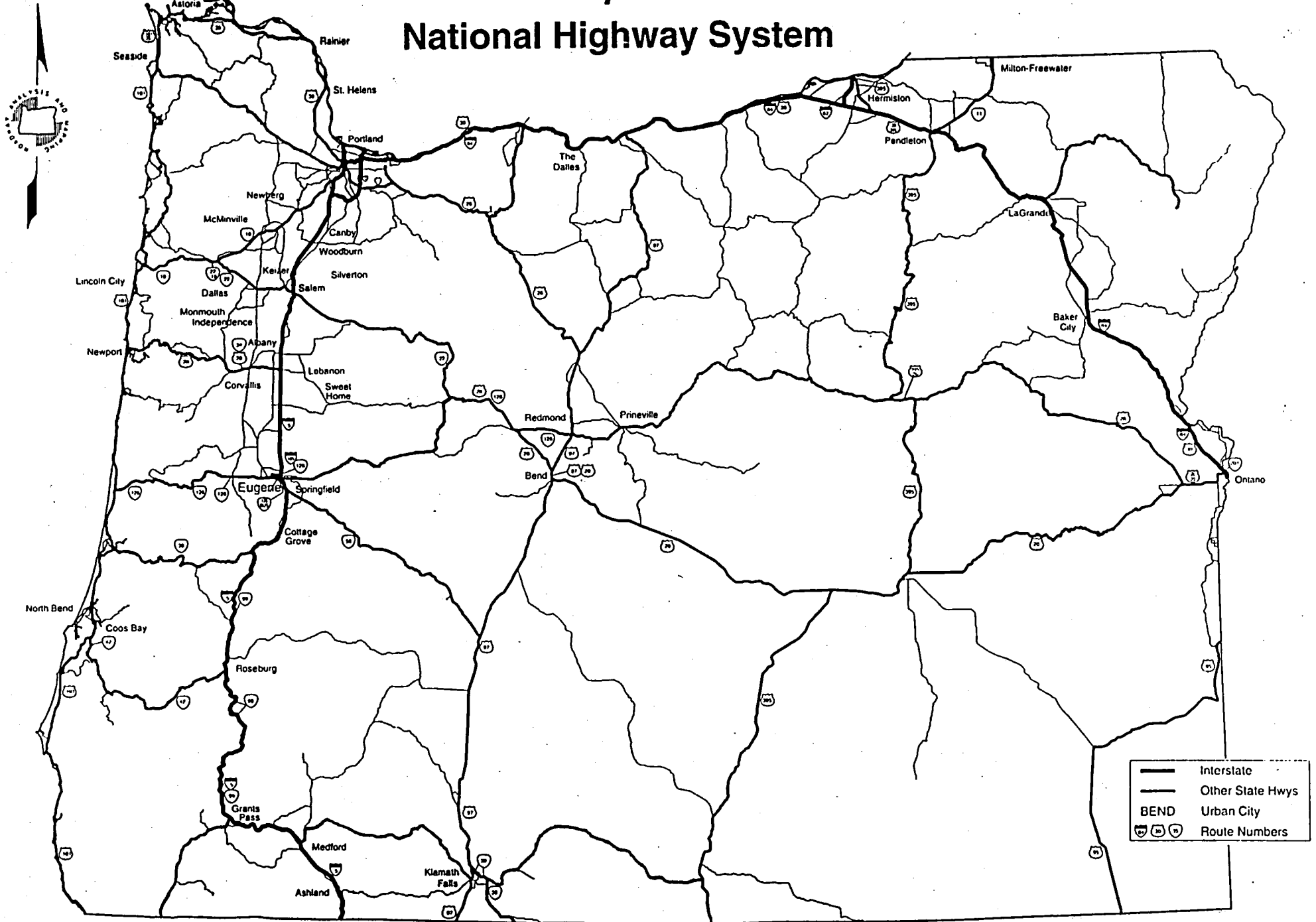
## **THE CHALLENGE AHEAD**

The Oregon Department of Transportation Region Managers will be working with local governments and others to formulate a recommended NHS for Oregon. Public meetings will be held in January or February on Oregon's proposal. Transportation Commission approval will be obtained prior to submittal to FHWA in April.

9/1/92  
RER:kaj

# STATE OF OREGON

## *Proposed* National Highway System



National Highway System  
TPAC Workgroup

Mike Hoglund, Metro  
Bill Barber, Metro  
Victoria Bernreuter, Metro  
Mark Wills, ODOT  
Mark Landers, C-TRAN  
Lynda David, RTC  
Ron Weinman, Clackamas County  
Robin McArthur-Phillips, ODOT  
Clark Berry, Washington County  
Scott King, Washington County  
Greg Jones, City of Portland  
Ed Pickering, Multnomah County  
Bob Royer, ODOT  
Steve Dotterrer, City of Portland  
Susie Lahsene, Port of Portland  
Dave Williams, ODOT  
Sterling Williams, Citizen  
Kathy Busse, Multnomah County  
Richard Ross, City of Gresham  
Fred Patron, FHWA

<b>National Highway System</b>			2/18/93
<b>Facilities Proposed, Not Recommended</b>			
<b>FACILITY NAME</b>	<b>SEGMENT DESCRIPTION</b>	<b>LENGTH IN MILES</b>	
Front	Ross Island Bridge to Steel Bridge	1.56	
Morrison Bridge	Front to I-5	0.26	
Steel Bridge	Interstate Ave to Front	0.85	
Oregon City Bypass	I-205 to Urban Growth Boundary	3.09	
185th	Sunset HWY to Tualatin Valley HWY	3.30	
Beaverton/Hillsdale	Tualatin Valley HWY to Barbur	3.34	
Cornelius Pass	Sunset HWY to Urban Growth Boundary	1.01	
Cornell	Cornelius Pass to Sunset HWY	3.25	
Highway 43	A Street to I-5	1.09	
Highway 8	Sunset HWY to Highway 217	2.73	
McLoughlin Blvd	HWY 224 to Urban Growth Boundary	9.46	
Murray	Tualatin Valley HWY to Scholls Ferry	3.54	
Scholls Ferry	Highway 217 to Murray	2.26	
Sunnyside	I-205 to Urban Growth Boundary	2.63	
	<b>TOTAL</b>	<b>38.37</b>	

Meeting Date: March 25, 1993  
Agenda Item No. 7.7

RESOLUTION NO. 93-1781



**METRO**

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

# Memorandum

**DATE:** March 19, 1993

**TO:** Metro Council  
Executive Officer  
Interested Parties

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

**RE:** AGENDA ITEM NO. 7.7; RESOLUTION NO. 93-1781

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The Planning Committee will consider Resolution No. 93-1781 on March 23 and committee reports will be distributed at the Council meeting March 25.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROVIDING )  
COMMENTARY AND RESPONSE TO )  
THE TRI-MET STRATEGIC PLAN )

RESOLUTION NO. 93-1781  
Introduced by Councilors  
Devlin and Gates

WHEREAS, Metro has responsibility for development of the Regional Transportation Plan (RTP) which contains adopted policies and projects for both highway and transit improvements for the region; changes to the RTP are anticipated in the near future to meet the requirements of LCDC Rule 12; and

WHEREAS, Metro provides a forum to determine the region's transportation priorities, through the process utilizing the Joint Policy Advisory Committee on Transportation (JPACT) of which Tri-Met is a member; and

WHEREAS, Metro is beginning Phase II of its Region 2040 Project, which is examining alternative future directions the region could take regarding urban form, land use, and transportation over the next 50 years; Tri-Met is one of several governments participating in the Region 2040 process; and

WHEREAS, the Region 2040 process is the most extensive project of its type undertaken in the region and is expected to give citizens, community leaders, elected officials, and the Future Vision Commission distinct choices regarding the future vision of the region; this will be done through the adoption of policies, and eventually, new comprehensive plans and projects; and

WHEREAS, the Tri-Met Board of Directors have prepared an April, 1992 version discussion draft of their Strategic Plan, attached as Exhibit A; and,

WHEREAS, the Tri-Met Strategic Plan is intended to: 1) assist in determining a vision for the Tri-Met community twenty years in the future that accommodates expected growth; and 2) describe Tri-Met's new mission and strategic goals aimed at improving mobility; and

WHEREAS, these new goals call for: 1) improving customer service; 2) increasing ridership; 3) obtaining additional funding and increased efficiency; 4) diversifying service; 5) expanding the transit system; and 6) advocating land use that supports greater mobility; and

WHEREAS, Metro has a strong interest in the Tri-Met Strategic Plan and has been asked by Tri-Met to provide "thoughtful review and comment" on their discussion draft; and

WHEREAS, scheduling difficulties make it impossible for the full Metro Council to officially respond before the March public hearing being held by Tri-Met but such comment is possible for the Council Planning Committee prior to adoption by Tri-Met in April, now, therefore,

BE IT RESOLVED,

1. That the Metro Council Planning Committee applauds Tri-Met for its efforts in developing a strategic plan and appreciates the opportunity to respond.

2. That the Metro Council Planning Committee believes the Tri-Met Strategic Plan will serve as a useful role in defining options through the Region 2040 process.

3. That the Metro Council Planning Committee, understanding

the relationship between increased levels of transit service and shared livability and economic objectives, believes it is appropriate for Tri-Met to advocate increased levels of transit. The committee supports Tri-Met's advocacy, through the Region 2040 process, for increased densities and, to the maximum amount feasible, specifically around transit corridors, the promotion of increased percentages of accommodation for new growth. Such advocacy will ensure that at a minimum, a clear choice will be presented to the community regarding alternative futures.

4. That the Metro Planning Committee supports the overall direction of the Tri-Met Strategic Plan, but is unable to endorse its specific goals until completion of the Region 2040 process and adoption of a new RTP. Through these two processes, the governments of the region will cooperatively define a land use and transportation vision.

5. That the Metro Council Planning Committee makes the following specific comments regarding the Tri-Met Strategic Plan discussion draft:

A. At this time, the committee cannot endorse the ridership goal. The goal is very aggressive and is more policy driven than technically derived. The committee believes the goal is unachievable unless land use plans and policies change. The Region 2040 process and revision of the RTP will allow governments of the region to agree on what ridership goal should be achieved on the transit system, what land use pattern accompanies it, and what benefits such ridership will produce. The committee recognizes

that the new ridership goal will likely be higher than the existing goal.

B. The long-range financial goal, whereby Tri-Met will seek in phase one, FY 1995, to secure \$45 million of new revenues, is equally aggressive. The committee supports this action, as it relates to providing resources for operating and capital expense increases required to implement the level of transit service called for in the current RTP by 1998, but has no position on securing resources that go beyond. The committee recommends, that through the adoption process, Tri-Met clarify that no action will be taken to secure additional resources beyond the \$45 million until the Region 2040 process is completed and there is a clear direction established through the RTP. It is further recommended that Tri-Met clarify the longer range goal of \$145 million is also subject to change, dependent on the same. The committee asks Tri-Met to work closely with Metro and local jurisdictions in determining where the new service, from increased revenues, would be provided, to help ensure its success from both a ridership and equity perspective.

C. It is important for citizens and governments of this region to better understand the relationship between land use and transit if there is hope of achieving the vehicle-miles-travelled (VMT) and livability goals established through Rule 12, the Oregon Transportation Plan and Metro's Regional Urban Growth Goals and Objectives (RUGGO). These goals are only possible with significant increases in the percentage of new growth in transit corridors and

around light rail stations. The committee believes it is premature to adopt a goal that 75% of new housing and jobs occur within a five minute walk to a transit corridor.

ADOPTED BY THE METRO COUNCIL, this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

Judy Wyers, Presiding Officer

GR: c:\wpdata\ord-res\93-1781.res  
3/17/93

# TRI-MET

## Strategic Plan

### *Pursuing a Shared Vision*

**DISCUSSION  
DRAFT**

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##### **Quality of Life: A Matter of Choice**

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##### **Tri-Met's Mission and Goals**

A foldout of Tri-Met's draft  
Strategic Plan

##### **Business Plan**

### **Tri-Met Board of Directors**

Loren Wyss, President	Robert Bocci
Phil Bogue	Nita Brueggeman
Shirley Huffman	Bill Robertson
Ron Tonkin	

### **Strategic Plan Working Group**

Tom Walsh	Bob Post
Bill Robertson	Nita Brueggeman
Bruce Harder	Dick Feeney
Doug Capps	Bill Allen
Dan Hoyt	
G. B. Arrington, Project Manager	
Karl Marlantes, Consultant	
Paula Coppel, Consultant	

### **5-Year Plan Working Group**

Rick Gerhart	Ken Zatarain
Claire Cushman	Ross Roberts

### **Production and Design**

Warren Schlegel	Jeff Frane
Fran Hart	

Dear Friend,

Over the next 20 years, some 500,000 people are expected to move to the Portland metropolitan area. That unprecedented level of regional growth raises a key question: "How can this region accommodate half a million more people without losing its livability?"

One of the key components of livability is *mobility*. The ease with which citizens can get from one place to another makes a tremendous difference in the vitality and character of a community. Easy movement can contribute to a bustling, thriving region; traffic jams can choke and destroy it. We have only to look at Seattle and Los Angeles to see how congestion and gridlock can ruin an area's quality of life.

Tri-Met and its regional partners have already laid the ground-work for keeping the Portland area mobile as it grows. Together we have achieved some major successes: a model light rail system, soon to be expanded; an exemplary, smooth-functioning transit mall; a thriving, compact downtown; a regional urban growth boundary; and a transit system that has been named best in the country.


But much more remains to be done. As the region's growth increases, so will its challenges.


This draft strategic plan is intended to do two things: First, to raise the question: "What do we want this community to look like 20 years from now?" The vision offered here for discussion calls for compact, well-planned urban development rather than today's suburban sprawl; increased reliance on transit; and full integration of land use and transportation planning to create attractive, lively and livable neighborhoods.

Second, this document describes Tri-Met's new mission statement and six strategic goals aimed at improving mobility. The goals are ambitious but achievable. They call for: 1) Improving customer service; 2) Increasing ridership; 3) Obtaining additional funding and increasing efficiency; 4) Diversifying service; 5) Expanding the transit system; and 6) Advocating land use that supports greater mobility.

While we call this draft Tri-Met's strategic plan, it is in fact a plan that must be shared by the entire region if it is to succeed. None of the goals outlined here can be achieved without the support and involvement of others. At the same time, many of the ideas presented here have been discussed previously in other arenas or are reflected in the future plans of other agencies. We will need to work together for coordinated, effective action.

We welcome your thoughtful review and comment on this draft. It will be the first, not the only, communication piece we provide to share ideas as we strive to serve this growing community even better.

  
Loren Wyss  
President of the Board

  
Tom Walsh  
General Manager



# Quality of Life

A matter of choice

The Portland area today offers a quality of life that is the envy of much of the nation. Vibrant cities, beautiful parks, stable neighborhoods, cultural opportunities, innovative development, model transportation and trend-setting environmental initiatives all contribute to a community that is widely considered to be one of the best.

**Yet, as the population swells, this area's livability is at risk. There is a real danger that an onslaught of growth could wipe out all the progress and good deeds that have shaped this community into the special place it is today.**

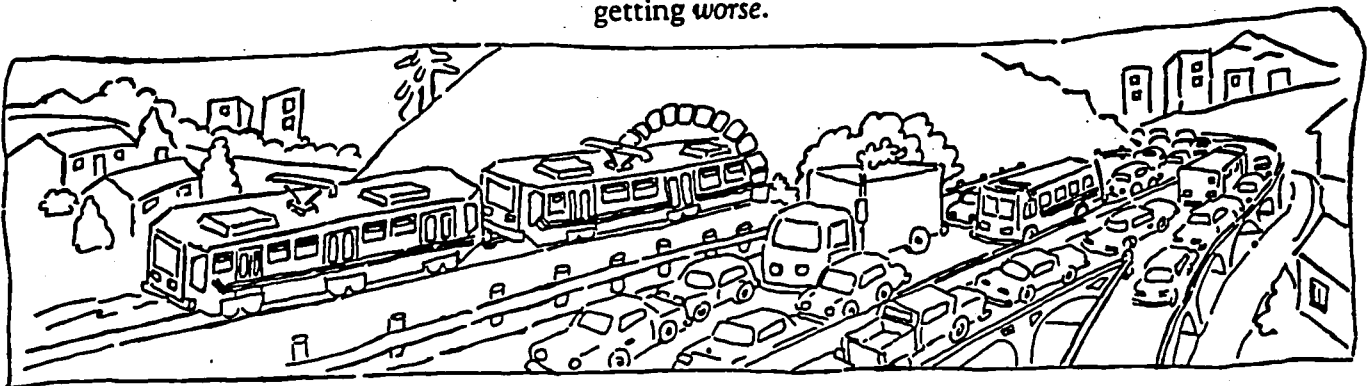
Over the next 20 years, the Portland area is expected to grow faster than the entire state of Oregon did during the 1980s. The population will grow by 500,000 — the equivalent of another city the size of Portland.

The challenge presented by that growth is immense. How can this region accommodate those additional people and still maintain its high quality of life? Other major metropolitan areas have fallen prey to urban sprawl, traffic jams, dirty air and decaying downtowns. It will take a concerted effort for the Portland area to resist those forces and find ways to grow without sacrificing its livability.

## Current Trends Are Troubling

Even with the region's past achievements, some of the current trends are troubling.

Traffic congestion is growing. Residents in Washington and Clackamas counties who were recently surveyed listed traffic as their number one concern. Light rail on the west side will alleviate some of the traffic in Washington County, but it will mainly just keep congestion from getting worse.



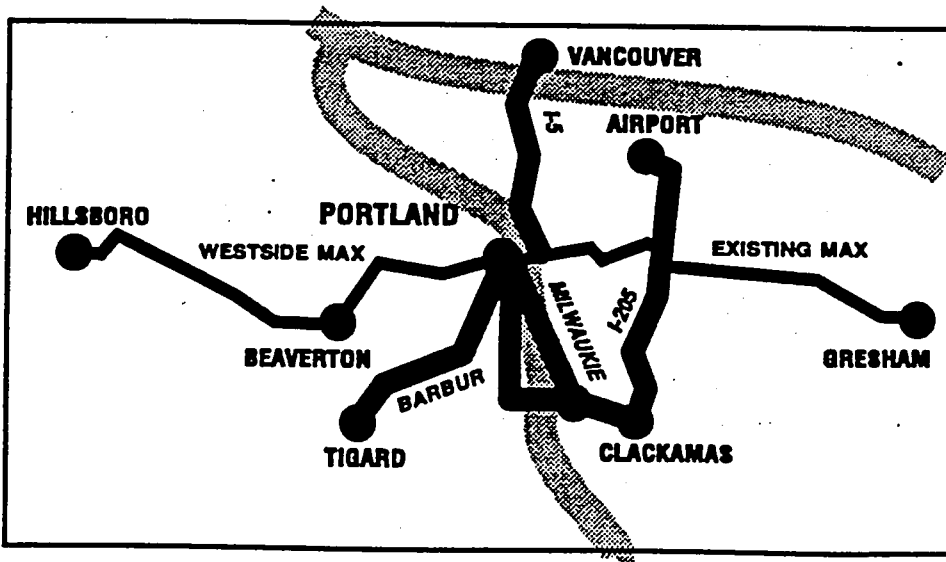
Most disturbing is the projection that, even if the region succeeds in implementing its current land use and transportation plans, 85 percent of all growth will occur *outside* the Portland city limits and traffic congestion in the region will more than double.

A second concern is lagging investment in infrastructure — including transportation, wastewater, storm sewers and other utilities. In transportation alone, according to the Oregon Department of Transportation, the state as a whole is \$19 billion short of the funding needed to restore and maintain its deteriorating roads. About half of that unmet need is in the Portland area.

The question now is not *whether* the region will fall short on infrastructure, but by how much. The more compactly the Portland area grows, the easier it will be to provide for its infrastructure needs.

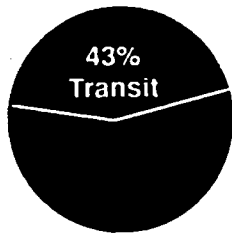
Air quality is another source of concern. The number of vehicle miles traveled in the Portland region has been growing by about 6 percent a year. To keep our air clean and safe to breathe, as well as meet federal clean air guidelines, the area will need to reduce that to only 2 to 4 percent a year — or face tough federal mandates to force compliance.

## Regional Rail System

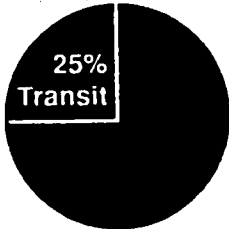


Opening the Westside Project in 1998 is the next link in the development of the proposed regional light rail system.

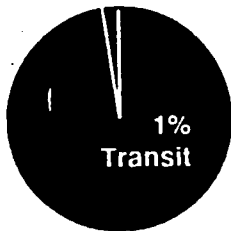
## Transit Share of Market



All Work Trips to Downtown Portland



Washington County Work Trips to Downtown Portland



All Trips in Washington County

While Tri-Met has a substantial share of the market for all work trips to downtown Portland, it serves only one-fourth of downtown commuters from Washington County. Transit's market share within the suburbs is even lower: only one percent.

Yet, while there is mounting pressure to reduce vehicular travel, the region's current pattern of growth encourages more trips and more travel by automobile.

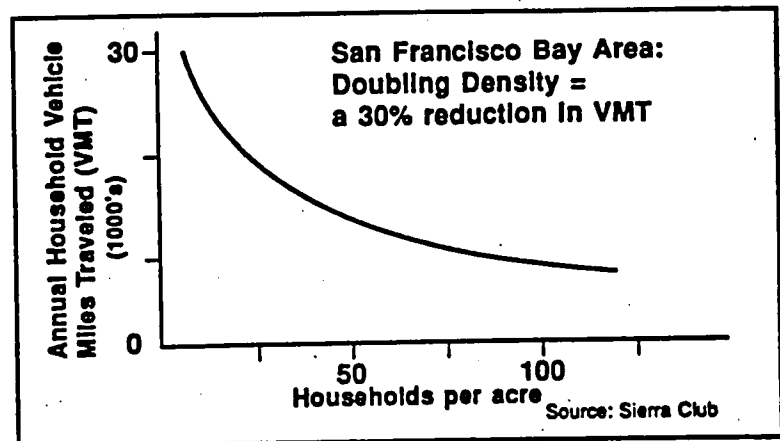
## Outward Growth Means More Travel, Less Transit

The metropolitan area is growing outward — through low-density, spread-apart suburban development — rather than upward, through compact urban development. The pattern is one of sprawl within the region's urban growth boundary (UGB). The fact that growth is occurring at only 70 percent of planned densities is intensifying the pressure to expand the UGB. If current patterns continue, future growth will mainly occur on the fringes of the UGB — or, if the boundary is expanded, beyond it.

This pattern of sprawl presents two problems: First, it increases the number of daily trips at a rate even faster than the population. In the 1980s in Oregon, the number of vehicle miles traveled increased eight times faster than the population.

Second, outward growth cannot be served cost-effectively by transit.

Current projections show the number of trips internal to the west side of Portland will increase by 81 percent over the next 20 years — while, even with a large increase in service, the percentage of those trips served by transit will remain at today's level of 1 percent. Without a change in development patterns, transit's share of the suburban transportation market is not expected to change, because transit is not well-suited to serving today's pattern of dispersed development.



Compact growth can cause a reduction in total trips and an increase in transit use.

By contrast, compact growth is well-suited to transit. Compact growth can cause a reduction in total trips and an increase in transit use.

A study of different neighborhoods in the San Francisco area found that the number of vehicle miles traveled for residents of denser communities was considerably less than those from spread-out, lower-density neighborhoods. In actual terms, doubling the density yielded up to a 30 percent drop in vehicle miles traveled.

Contained growth — expanding “up” rather than “out” — can allow a community to fully use transit as a way to maintain mobility in the face of growth.

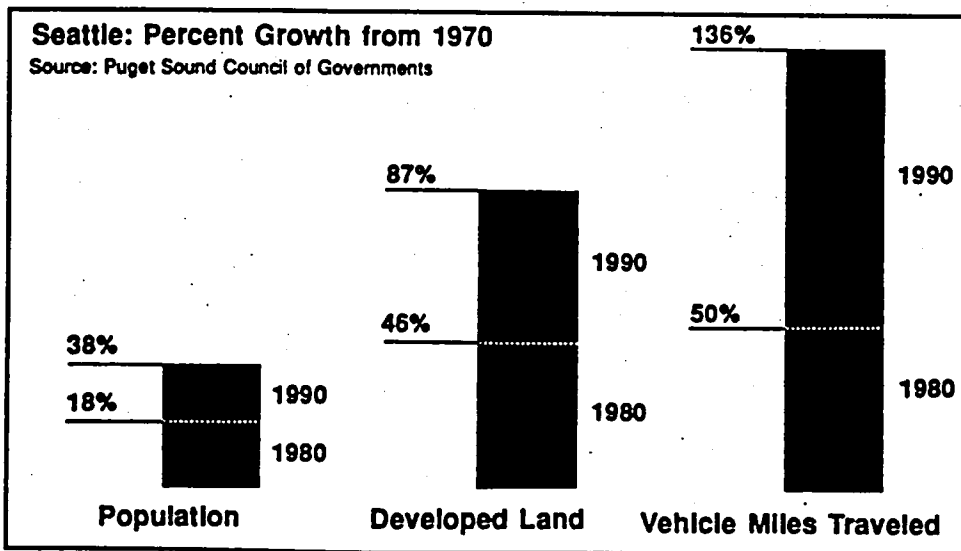
Two North American cities — Seattle and Toronto — provide striking examples of the different effects on mobility and livability when a community grows out or up.

### Seattle: “Paradise Lost”

In the early 1980s, Seattle was considered one of the most livable cities in the country. Now, just a decade later, it is listed as the sixth most congested urban area in the United States. In recent times, the Puget Sound area has been referred to as “paradise lost.”

What happened to cause such a dramatic decline in one decade? Primarily, rapid growth. The Seattle region grew by 500,000 people in the 1980s. However, it had no overall vision or strong planning to guide its growth. As a result, the region slid into a pattern of outward growth. From 1970 to 1990, the population grew by 38 percent —

### Rx for Gridlock



Portland is currently following the same trends that overtook Seattle: land consumed at a faster rate than population growth, increased dependence on the automobile, and an explosion in vehicle miles traveled.

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while the amount of land consumed by urban development increased by 87 percent. The outward growth led to greater reliance on the automobile; consequently, vehicle miles traveled went up 136 percent from 1970 to 1990 — almost four times as much as the population. At the same time, the level of funding for transportation dropped in terms of real dollars.

Seattle is now trying to play “catch-up,” but the costs are enormous. Once a community has spread out, it is nearly impossible to reverse the trend. The Seattle region has identified the need for more than \$20 billion in capital investments and \$10 billion in operations and maintenance for transportation improvements over the next 30 years. That total of \$30 billion would not reduce today’s level of congestion, but would only keep it from getting significantly worse.

Seattle grew “out” not “up” — and has paid dearly for it in terms of traffic jams, gridlock and lost livability.

### **Toronto: A Better Way to Grow**

Toronto has managed its growth differently, with more positive results. It has grown in a non-traditional way: up, not out; through density, not sprawl. The city has 2.2 million people, and 25 percent of all trips are taken on transit.

**C**ompared to the Portland region, metropolitan Toronto has twice the population, four times the density and 10 times the transit ridership. Its transit network consists of diesel buses, subways, light rail, streetcars, trolley buses and commuter trains. The provincial government does not prohibit growth outside the metropolitan area; it just doesn’t provide roads or transit to serve it.

Most importantly, Toronto is a beautiful, thriving, livable city. While L.A. invested in freeways, Toronto

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invested in transit and land use planning.

## **A Matter of Choice**

The Portland area is at a critical crossroads. One route leads to "Seattle," the other to "Toronto." This region has a choice — but, judging by the experience of other cities, it has only three or four years to make that choice. Then, unless the people of the region take action, the decision will irrevocably be made for them.

Los Angeles is the way it is today not because people want it that way, but because its people missed the chance to make their choice. Seattle had its opportunity in the mid-1970s to plan for growth.

If the Portland area does not get ahead of change, it will be pushed into a pattern of sprawl. The trends are already pointing in that direction — but if the region is willing to take bold action, those trends can be reversed.

Traffic congestion and air pollution are not an inevitable part of growth — they are the result of growing the wrong way.

**D**owntown Portland, like Toronto, provides an example of growing the right way. The key elements in Portland's success were the downtown plan and an investment in transit. The downtown area has grown from 56,000 jobs in 1975 to 86,000+ jobs today — an increase of more than 50 percent. At the same time, air quality has improved and traffic congestion has not increased.

Now the entire Portland area has a chance to apply the lessons learned from the city's downtown experience, and from Seattle, Toronto and other cities. There is a way to grow and still preserve livability, and this region has the chance to achieve it — if its citizens have the collective will to do so.

# A Vision for Growth and Livability

To decide how to grow, the region must first determine what it wants to look like in the future. What follows is one vision, prepared by Tri-Met staff, of how the Portland metropolitan area might look 20 years from now:

The region is a compact, though not crowded, thriving urban area with some 2 million people, set off from surrounding farm and forest lands by a distinct, unchanging urban growth boundary.

Most buildings are low- to mid-rise, and single-family homes in traditional neighborhoods still predominate. The region includes ample parks and open space, but very little neglected land. Redevelopment is common, as obsolete structures are replaced by new higher-density development that fits with the neighborhoods.

Development is concentrated along major transit corridors and the region's four light rail lines. Two more lines are getting underway. Land use and transportation have been carefully planned and integrated to make it easy to get around.

Compact mixed-use "villages" have been developed around major transit stops. These consist of everything from a regional shopping center, to a major industrial site, to a mixed-use center offering affordable housing as well as employment, retail and cultural activities.

Nearly a million trips a day are taken on transit. The percentage of total trips taken on transit (including buses, light rail, shuttles and van pools as well as taxis) is as high in the Portland region as anywhere else in the country. The average commute to work takes 20 minutes.

The lifestyle in the region is more urban than suburban. Despite considerable growth, the metro area has retained a "neighborly" feel to it. The city is bustling, but also provides for citizens' quiet time. In Portland, unlike most American cities, people spend their interludes of quiet in parks, in open



spaces, along the rivers and in museums — rather than entombed in lonely autos stuck in traffic jams.

As for Tri-Met, we envision:

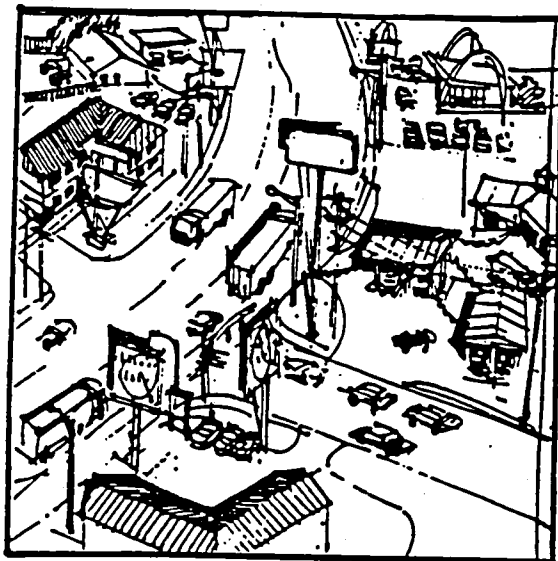
An agency that leads the nation in the quality, integrity and success of its transit system. It operates a model regional rail system, complemented by a network of major bus corridors that provide the bus equivalent of an above-ground subway: fast, frequent, convenient service to key destinations. The agency also provides more personalized service with its neighborhood mini-buses that link residents to the bus corridors and regional rail.

**T**ri-Met works closely with local jurisdictions, decision-makers and developers to achieve land use and transportation patterns that enhance the region's mobility and livability.

The agency's public approval rating is extremely high. It is well-funded and well-supported at the state and local levels, and at the federal level, where Tri-Met is considered "the Bell Labs" of the transit industry, providing a model for others.

Internally, Tri-Met is high-spirited. Its employees are among the best and brightest in the Northwest. They are actively involved in problem-solving within the agency, and find their ideas for improvement are frequently used. Two-way communication is integral to the agency's method of operation. Managers freely and openly share information with each other and with employees, and employees express their thoughts and concerns.

Each employee has a clear idea of the agency's mission and goals, the obstacles it must overcome, and what he or she can do to contribute to Tri-Met's success. Outstanding customer service is a shared passion, and employees routinely ask themselves, "What will this do to help us attract or keep more customers?" The operative philosophy at Tri-Met is: "Customers, one at a time." The agency sees and treats customers as individuals and strives to satisfy them just that way: one at a time.





# Pursuing the Vision: Moving Forward Together

The vision implies significant challenges for the region. Overall, it suggests the need for strong partnerships between citizens, neighborhoods, government, public agencies, private businesses and other organizations to steer the region in the desired direction.

The vision also has significant implications for Tri-Met. First of all, it suggests a broader orientation for Tri-Met — beyond “bus and rail service” to “overall mobility in the region.”

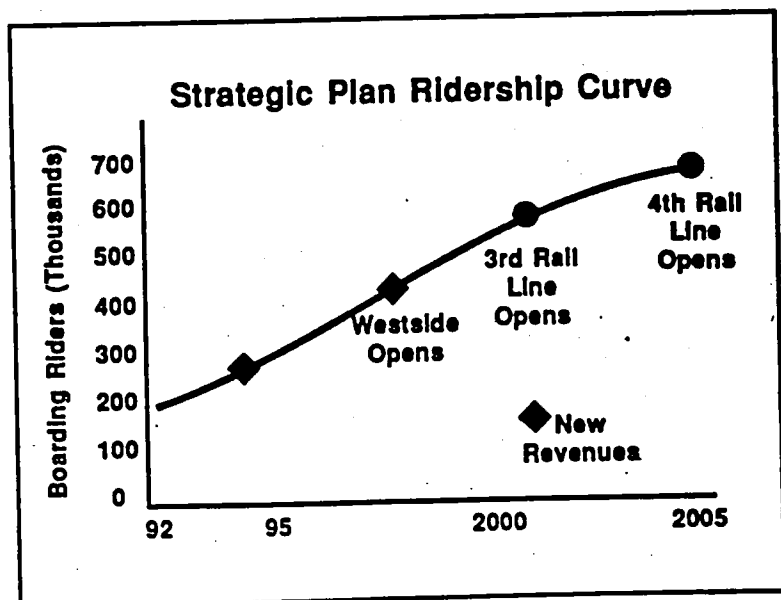
Second, the vision suggests a need for Tri-Met to markedly increase its level of service to achieve that mobility. If the agency’s service continues to grow at the current rate of 1 to 1½ percent a year, the level of mobility described in the vision will not be achieved.

## Tri-Met’s Mission: Mobility

Using the vision as its foundation, Tri-Met has developed a new strategic plan. The plan includes a mission statement and six strategic goals the agency must achieve to enhance people’s mobility in the region.

Tri-Met’s mission is to assure that mobility improves as the region grows. The agency will help the region avoid a

Dramatically increased ridership is critical for Tri-Met to achieve its mission of enhanced regional mobility.



pattern of sprawl, and meet the transit needs associated with compact growth.

Achieving that mission will require a dramatic increase in transit ridership. The ridership goal calls for 690,000 daily boarding riders by 2005, up significantly from the current level of 200,000 per day. It is an aggressive but achievable goal, and will be the primary focus of every Tri-Met employee.

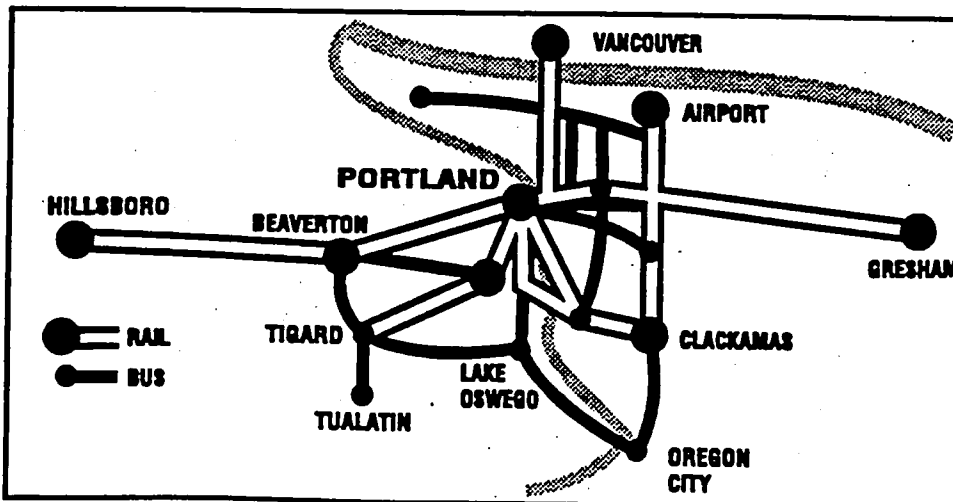
To achieve the ridership goal, the agency will be oriented to attracting more customers to use transit. This will involve an all-out campaign to make transit so convenient, so easy-to-use, so economical and so appealing that customers simply can't resist it.

Tri-Met will simplify the transit system and how it is communicated to customers, and will also introduce a new concept: "10-Minute Corridors." The corridors will provide the backbone for Tri-Met's bus service, creating the bus equivalent of an above-ground subway. Through service and capital improvements on about two dozen major transit corridors, Tri-Met will increase bus frequency and speed so that a bus arrives every 10 minutes.

The customer service goal will reinforce a dedication to giving customers outstanding service. It calls for improving the reliability of the system and decreasing the number of customer complaints. Each Tri-Met employee will be encouraged to do what he or she can to help more customers take advantage of a system that is highly reliable, convenient and "user-friendly."

A massive increase in ridership will mean a massive increase in buses, light rail cars and other Tri-Met vehicles. The system expansion goal supports the ridership

### 10-Minute Corridors



A new concept, "10 minute" corridors will provide the backbone of Tri-Met service, creating the bus and rail equivalent of an above ground subway.

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goal. It indicates what must be physically in place for Tri-Met to accomplish its mission, and also dictates the level of funding needed.

### **Additional Funding Key to Achieving Vision**

Additional funding *will* be needed, and spending that money and putting additional vehicles in service will require taking risks. The fiscal stability goal is designed to keep Tri-Met focused on funding needs and on spending its money wisely and carefully.

According to Tri-Met's projections outlined in the attached business plan, the agency will need \$45 million in new revenues starting in fiscal year 1995 and another \$30 million in new revenues beginning in FY '98, in order to provide the level of service required to achieve the vision. The obvious question is: Where will that money come from?

A number of efforts are already underway which will lead to the development of a transit financing package. These include the Oregon Transportation Plan by the Oregon Department of Transportation; the Governor's task force on Portland Area Motor Vehicle Emission Reduction; the Joint Policy Advisory Committee on Transportation (JPACT) for the Portland region; Future Focus, the City of Portland's strategic planning project; and the Transportation '93 Committee, initiated by the Oregon Transit Association and the State Legislative Revenue Committee to consider statewide transit financing.

These groups are considering transportation-related funding mechanisms such as:

- A tailpipe fee in the Metro area starting at \$25 per car per year with future Oregon Department of Environmental Quality authority for adjustment. The fee would be authorized by the State Legislature and DEQ;
- A systems development charge imposed on developers at a rate of up to \$1,000 per new parking space to support transit; and
- A commercial parking fee on businesses aimed at limiting parking availability in order to encourage greater transit use and boost transit revenues.

The fact that more funding will be needed makes it critically important that the region agree on its vision of the future and a land use/transportation strategy to achieve it. It is Tri-Met's belief that if the people of this region are committed to seeing the region grow in a certain way, they will provide the money to make that vision a reality.

Tri-Met will work to help citizens and policymakers

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understand that the region has a choice in how it grows—essentially, “up” vs. “out”—and that each alternative carries with it certain costs and implications.

The agency will also carefully target its own spending toward achieving the vision, and will emphasize operational efficiencies to assure that the region is getting top value for its transit dollar. Tri-Met is well aware of the need to spend wisely: If the agency doesn't spend wisely, it could lose its public support.

### **Land Use and Service Diversity Emphasized**

Increased transit ridership is essential to achieve the vision to be achieved, but it is not the only major change needed.

**The *land use* goal reflects an awareness that, if current land-use patterns continue, even dramatic service expansion will not solve the transportation problems associated with 500,000 new residents in the region over the next two decades.**

In pursuing the land use goal, Tri-Met will encourage the region to concentrate growth along major transit corridors, so the region can grow without losing mobility. Since Tri-Met is not a land use agency, it will need to achieve this goal through complete cooperation with those jurisdictions and agencies that do have land use responsibilities. Some shifting of regional priorities and reallocation of funds may be needed. The region expects and has indicated a desire for Tri-Met to advocate land use patterns that contribute to effective regional transportation. Tri-Met will provide information and encourage an urban form that enhances people's mobility.

Finally, Tri-Met recognizes that demographics, technology and customer needs are changing. To maintain flexibility for the future and avoid getting locked into only bus and rail service, the agency will explore new possibilities in service diversity. The diversity goal is intended to stimulate innovative, fresh, workable ideas that can help Tri-Met better meet customer needs and, at the same time, improve mobility. It will require the agency to devote time and money to creative transportation solutions, including projects and programs to increase carpooling and walking, and new neighborhood mini-bus service.

# Tri-Met Strategic Plan: Business Plan

Year of Expenditure Dollars

	FY92 FORECAST	FY93 FORECAST	FY94 FORECAST	FY95 FORECAST	FY96 FORECAST	FY97 FORECAST	FY98 FORECAST	FY99 FORECAST	FY2000 FORECAST	FY2001 FORECAST	FY2002 FORECAST	FY2003 FORECAST	FY2004 FORECAST	FY2005 FORECAST
1. Weekday Boardings	200,000	216,000	233,280	256,608	282,269	310,496	347,755	382,531	420,784	462,862	518,406	570,246	627,271	689,998
2. Weekly Bus and Rail Hours	31,259	32,163	33,095	36,960	41,286	46,127	52,302	56,126	60,233	64,644	70,382	75,472	80,940	86,814
3. Annual Revenues (000s)														
a. Passenger Revenues	26,864	30,464	34,546	39,900	46,085	53,228	62,597	72,298	83,505	96,449	113,424	131,004	151,310	174,763
b. Payroll Tax Revenues	77,384	84,214	90,430	96,863	103,157	109,861	117,002	124,608	132,708	141,336	150,528	160,316	171,512	172,713
c. Other Existing Revenues	39,327	35,413	57,579	45,684	57,413	33,305	36,606	57,172	44,721	50,643	76,646	62,503	69,776	99,105
d. New Revenues				45,000	48,150	51,521	85,127	91,086	97,462	104,284	111,584	119,395	127,753	136,695
4. Total Revenues (CR and OTO)	143,575	150,091	182,555	227,447	254,805	247,915	301,332	345,164	358,396	392,712	452,182	473,218	520,351	583,276
5. Operating Expenditures (CE)	103,385	114,415	124,825	144,176	161,141	180,967	209,646	230,430	251,447	274,601	314,635	343,295	374,869	409,664
6. Capital Expenditures (CE and OTO)	32,772	32,100	67,541	53,370	109,779	62,450	70,545	101,253	90,237	101,198	138,115	125,913	139,855	184,837
7. Total Expenditures (CE and OTO)	136,157	146,515	192,366	197,546	270,920	243,417	280,191	331,683	341,684	375,799	452,750	469,208	514,724	594,501
8. Operating Result	7,418	3,576	(9,811)	29,901	(16,115)	4,498	21,141	13,481	16,712	16,913	(568)	4,010	5,627	(11,225)
9. Estimated Beginning Working Capital	49,616	57,034	54,610	44,799	74,700	58,585	63,083	84,223	97,704	114,416	131,329	130,761	134,771	140,398
a. Operating Fund	25,846	28,604	31,206	36,044	40,285	45,242	52,412	57,608	62,862	68,650	78,659	85,824	93,717	102,416
b. Capital Reserve Fund	23,770	28,430	23,404	8,755	34,415	13,343	10,671	26,616	34,843	45,766	52,670	44,938	41,054	37,982
10. Months of Operating Expense	3.0	3.0	3.0	3.0	3.0	3.0	3.0	1.0	3.0	3.0	3.0	3.0	3.0	3.0
11. Fare Recovery Ratio	26.0%	26.6%	27.7%	27.7%	28.6%	29.4%	29.9%	31.4%	33.2%	35.1%	36.0%	38.2%	40.4%	42.7%

CR=Continuing Revenue  
OTO=One Time Only  
CE=Continuing Expenditures

## Key Points:

### Ridership Growth

- The focus of much of Tri-Met's activities will be achieving the weekly boarding ridership increases shown in line one—from 200,000 daily boarding rides today to about 690,000 in FY 2005. This growth in ridership is considered critical for Tri-met to achieve its mission of improving mobility as the region grows.

### Service Expansion

- Line two, weekly bus and rail hours, shows the level of service needed to serve significantly more customers.

### New Revenues

- As indicated in line 3d, Tri-Met will need new revenues to pay for expanded service. The agency will need \$45 million in new revenues starting in FY '95, growing at 7 percent per year. An additional new revenue source of \$30 million is anticipated starting in FY '98, also increasing at 7 percent per year. The total revenues in line 4 will cover Tri-Met's operating and capital expenses except for the money needed to match federal funding for additional light rail lines.

### Fiscal Stability

- The agency's commitment to maintaining three months' of operating working capital as part of its fiscal stability goal is reflected in line 10, which shows steady maintenance of three months of operating expense. Tri-Met will maintain this cushion to assure wise and prudent spending.

### Operating Efficiencies

- The agency will be improving its operating efficiencies, so that its fare recovery ratio (line 11) increases from 26 percent today to almost 43 percent in FY 2005. This means that by 2005, about 43 percent of Tri-Met's costs will be covered by passenger fares.

## Tri-Met's mission: To assure people increased mobility in our growing, compact urban region.

### Goal 1 Customer Service:

Steadily increase system reliability and decrease the number of customer complaints.

#### Overall Approach:

Tri-Met will be driven by an ethic of superlative customer service. The operative principle will be satisfying customers "one at a time." The system for organizing and responding to customer complaints will be improved, and customer and community input will be used to improve service. Tri-Met will also improve the transit system itself to make it more convenient, reliable, easy-to-understand and appealing to customers.

Capital improvements will include creation of 10-minute corridors (where faster, more frequent service is provided on primary routes), and improvements in and around transit stops, including park-and-ride lots.

#### Key Five-Year Objectives:

- Increase customer satisfaction and reduce customer complaints regarding regular and special service.
- Meet or exceed all fixed-route bus service on-time performance criteria in Tri-Met's Service Standards.
- Assure reliability by maintaining adequate service and vehicle maintenance levels.
- Work with jurisdictions to achieve road treatments that give preference to transit.
- Strengthen customer- and service-orientation throughout Tri-Met.
- Improve ways of listening and responding to customers; use complaints and other customer and community input to improve service.
- Expand efforts to help more people learn how to use transit.

### Goal 2 Ridership:

Increase transit ridership to 690,000 riders per day by 2005.

#### Overall Approach:

The goal represents a dramatic increase from the 200,000 daily boarding riders that now use transit. The increase will be accomplished in incremental stages. Bus service will continue to be the mainstay of Tri-Met's transit service, and will be bolstered by two new concepts:

- 1) Ten-minute corridors on two dozen major transit corridors, where Tri-Met will increase bus frequency and speed so that a bus comes by every 10 minutes (creating the bus equivalent of an above-ground subway system); and
- 2) Neighborhood mini-bus service, which will provide service to customers close-to-home, offering almost door-to-door pickup and delivery to link customers with light rail and the 10-minute corridors.

Marketing, advertising, promotions and pricing strategies will be used to boost transit ridership. Attracting and retaining more customers will be the primary focus of every Tri-Met employee.

#### Key Five-Year Objectives:

- Achieve an average of 310,000 daily boarding riders per day by the end of fiscal year 1997.
- Increase the number of hours of bus and light rail service to 50,000 per week from the current level of 30,000 per week by the end of FY97. This will constitute a 67 percent increase in weekly vehicle hours in five years.
- Begin implementation of 10-minute corridors by FY95.
- Substantially increase system reliability, operating speeds, capacity, frequency, security and convenience
- Increase transit ridership by elderly and disabled citizens

### Goal 3 Fiscal Stability:

Steadily decrease the cost of each originating ride provided, maintain the equivalent of three months' working capital, and increase the continuing revenue base by \$145 million per year by 2005.

#### Overall Approach:

To achieve this goal, Tri-Met will focus on:

- 1) Obtaining additional funding; and
- 2) Getting the best return for each dollar spent.

To obtain additional funding, Tri-Met will need the region's support for a shared vision of compact urban growth and a regional rail system. Tri-Met will increase efficiency and get the best return for each dollar spent by increasing ridership and increasing transit speeds. Maintaining three months' capital provides a control mechanism for keeping Tri-Met on track financially.

#### Key Five-Year Objectives:

- Achieve regional consensus on finance packaging, mobility goals, expansion of transit system and adoption of land use plans that foster mobility.
- Secure legislative authority on one or more taxing measures.
- Secure major new funding source for operations and routine capital by July 4, 1994.
- Assure finances to complete Westside light rail and provide funds to construct a third rail corridor in 1999.
- Secure voter approval of a funding mechanism to provide the local share of support for the 20-year rail development plan.
- Improve efficiency by increasing transit vehicle speeds and ridership.

### Goal 4 Diversity:

Achieve a steadily increasing share of walking, biking, carpooling and paratransit as a percentage of total trips.

#### Overall Approach:

Tri-Met will explore new service possibilities to better meet customer needs, maintain flexibility for the future and stimulate innovative ideas for improving mobility. Tri-Met will work with its regional partners to obtain more funding and staffing for carpooling programs, to create new incentives (e.g., energy tax credits) for non-automobile alternatives, to advocate high-occupancy vehicle lanes, to encourage parking incentives for carpools and to increase employer vanpooling. The agency will advocate improvements to make more public areas safe and oriented to walking, and will encourage more bicycle use. "Sector teams" made up of Tri-Met employees will help assure that the transportation needs of specific neighborhoods are met, either through transit or other means.

#### Key Five-Year Objectives:

- Assure an array of paratransit service options to meet customer needs.
- Expand Special Needs Transportation to meet or exceed Americans with Disabilities Act requirements.
- Achieve attractive, transit-supportive pedestrian and biking environments.
- Develop a simple, integrated fare structure for bus, rail and paratransit.
- Provide good trip planning information for multi-modal trips and good linkage between various modes of transportation.
- Expand the carpooling program to mitigate the disruption of Westside traffic during light rail construction and road improvements.

### Goal 5 System Expansion:

By 2005, expand the system to 1650 buses and paratransit vehicles and three rail operating corridors, with one additional rail corridor in construction and one in final design.

#### Overall Approach:

Tri-Met will expand its bus service to support the 10-minute corridors and existing and future rail lines. It will seek to accelerate development of a six-line regional rail system, with the completion of Westside light rail by September 1997, the start of final design on a third rail corridor by 1996, and a fourth ready for final design in 2000. The capital cost of system expansion will be \$3.54 billion.

#### Key Five-Year Objectives:

- Open Westside light rail in September, 1997, within budget and with more than 20,000 daily boarding riders.
- Add Hillsboro to project in 1994; complete in 1998.
- Assure that a third rail corridor is ready for construction in 1999, with completion scheduled for 2003.
- Increase fixed-route bus fleet by 208 coaches (118 to meet service standards; 90 to operate 10-minute lines) to 734 fixed-route buses by the end of FY 97; and maintain average bus age at under 6.5 years.
- Successfully adopt one or more alternative fuel technologies to meet Clean Air Act requirements.
- Expand existing operating and maintenance centers, or add a new one.
- Develop 1900 Park and Ride parking spaces (approximately 400 lots).

### Goal 6 Land Use:

In partnership with other jurisdictions, help assure that 85 percent of all new growth inside the Urban Growth Boundary occurs within a 5-minute walk of a designated major transit corridor.

#### Overall Approach:

Tri-Met is not a land use agency. Tri-Met will work with others to achieve land use plans that can be cost-effectively served by transit as a way to improve mobility in the region. The agency will advocate three major initiatives:

1. Containing growth within the region's urban growth boundary (UGB);
2. Substantially increasing densities in transit corridors; and
3. Helping to assure that new development is designed to be served by transit.

Tri-Met will consider these three factors in deciding where to provide service.

#### Key Five-Year Objectives:

- Change Tri-Met's service standards and Five-Year Plan to incorporate land use considerations into service expansion decisions.
- By 1997, assure that 65 percent of all new development is located within one-fourth mile of current and future transit corridors, and built to density, design and development standards that support transit.
- See that the region's land use and transportation plan (Region 2040 Plan and revised Regional Transportation Plan) and local comprehensive plans include Tri-Met's land use initiatives.
- Achieve recognition from development community that transit-oriented development is both achievable and profitable.
- Pursue joint development opportunities at key transit stations along the Westside corridor.

## Please Let Us Know What You Think

While we call this draft Tri-Met's Strategic Plan, the plan must be supported by the entire region if it is to succeed. We need your input and support. If you have questions, want more details or your group needs a speaker on the Strategic Plan, please call 238-4831.

We would appreciate your taking a few minutes to fill out this questionnaire and let us know what you think.

- The Strategic Plan raises the question, "What do we want this community look like in 20 years?" Have we clearly explained the challenge this community is facing?

Yes  No

Comments:

Do you think the vision Tri-Met has suggested is appropriate?

Yes  No

Do you support it?

Yes  No

How would you change or improve the vision statement?

- The Strategic Plan describes a new Tri-Met Mission Statement and six strategic goals aimed at helping the agency improve mobility.

Do you think Tri-Met should be focused on mobility?

Yes  No

If not, what should be Tri-Met's focus?

Do you think its strategic goals are appropriate?

Yes  No

Comments:

- Additional funding will be necessary to achieve this plan.  
Would you support additional funding to carry out this plan?

Yes  No

What funding sources should the region consider for expanding transit?

- What advice do you have for Tri-Met?

Thank you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Group or Affiliation: \_\_\_\_\_

STAFF REPORT

CONSIDERATION OF RESOLUTION 93-1781 FOR THE PURPOSE OF PROVIDING COMMENTARY AND RESPONSE TO THE TRI-MET STRATEGIC PLAN

Date: March 17, 1993 Presented by: Andy Cotugno and Gail Ryder

PROPOSED ACTION

This resolution allows the Metro Council Planning Committee to provide timely comment and response to the Tri-Met Strategic Plan, as has been requested from Tri-Met. Scheduling difficulties have made it impossible for the full Metro Council to officially respond before the March public hearing being held by Tri-Met. It is possible, however, for the Planning Committee to comment before final adoption of the plan by Tri-Met in April.

FACTUAL BACKGROUND AND ANALYSIS

The discussion draft, dated April, 1992, is the second draft submitted by Tri-Met to the region for discussion and comment. A third version will be prepared in the near future. In this resolution the Metro Planning Committee applauds and encourages Tri-Met's efforts in developing a strategic plan but also urges their full participation in Metro's Region 2040 project. They urge Tri-Met's continued advocacy, through the Region 2040 process, for increased levels of transit and increased densities in the areas around transit corridors, as feasible.

Through the resolution, the committee supports, in general, the overall direction of the Strategic Plan but is unable to endorse its specific goals until completion of the Region 2040 process and adoption of a new RTP. They specifically cannot, at this time, endorse the ridership goal or phase two of the long-range financial goal. They suggest Tri-Met take no further action to secure resources beyond the initial \$45 million until a clear direction is established through the RTP and further suggest that Tri-Met remain open to future clarifications of this goal. They also believe that the goal calling for 75% of new housing and jobs to occur within a five minute walk to a transit corridor is premature.



Meeting Date: March 25, 1993  
Agenda Item No. 7.8

RESOLUTION NO. 93-1764

## SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1764, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE A CONTRACT WITH THE MATRIX MANAGEMENT GROUP TO COMPLETE STUDY ELEMENTS I AND II OF THE COMPREHENSIVE WASTE STREAM CHARACTERIZATION STUDY

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Date: March 18, 1993

Presented by: Councilor McLain

**Committee Recommendation:** At the March 16 meeting, the Committee voted unanimously to recommend Council adoption of Resolution No. 93-1764. Voting in favor: Councilors Buchanan, McFarland, McLain, Washington and Wyers.

**Committee Issues/Discussion:** Terry Petersen and Bill Metzler, Solid Waste Staff, presented the staff report. Metzler noted that the data collected from the waste characterization study is very useful to department planning, modeling, recycling and waste reduction efforts. He explained that the department issued an RFB for the work and received three responses. Staff determined that the work would be divided between two contractors. One contractor had a superior proposal for two of the study elements and a second contractor submitted a better proposal for the third study element.

This resolution proposes to award the work for study elements I and II to Matrix Management Group. These elements include disposal site sampling and generator specific sampling. The total amount budgetted for the waste characterization study is \$250,000. Metzler indicated that the contract with Matrix would be for a maximum of \$193,000. Metzler noted that the contract would be for one year which would allow Matrix to conduct sampling over a four-season cycle.

Councilor Wyers asked how the cost of the contracts for the study would be broken down. Metzler explained that the Matrix contract would be for \$193,000, the proposed contract for study element III with Environmental Careers Organization (see Resolution No. 93-1765) would be for \$42,000, and a yet to be awarded contract for a special analysis of construction demolition debris would be for \$15,000.

Councilor McFarland asked who had performed the work during the 1989 waste characterization study. Petersen noted that the study was done by SCS Engineering and Wiltse-Ham Engineering. Petersen explained that one the participants in the study from Wiltse-Ham also was a participant in the unsuccessful bid for the new study.

Councilor McFarland asked about the extent to which Metro employees would supervise the study. Metzler indicated that Matrix has experience in the field organization and supervision of similar types of garbage sorts because they are the contractor for the ongoing statewide waste characterization study funded through DEQ. Metzler noted the Metro hopes to develop some in-house expertise as

a result of the new study.

Councilor McFarland asked if the contract award was based solely on the lowest bid. Metzler responded that the award was based on use of the evaluation criteria in the bid documents. Councilor McFarland expressed concern about rejecting the contractor that had satisfactorily performed the earlier study. She asked how WBE/MBE issues were addressed in the evaluation. Metzler explained that while WBE/MBE considerations were a part of the evaluation, the Matrix proposal was much superior on most of the evaluation criteria. He noted that the Matrix proposal had 16% MBE/WBE participation.

Councilor Washington indicated that he had some concerns and asked for an explanation of the evaluation process. Staff explained that the initial evaluation team found that the experience and management time commitment included in the Matrix proposal to be clearly superior to the Cascade Pacific proposal. He noted that the role of the sort team, which included significant minority participation in the Cascade Pacific proposal, was too small to be a determining factor, particularly when Matrix was rated higher on all other evaluation criteria. For example, he noted that the Matrix proposal better addressed the level of detail of the proposed sort.

Councilor McLain noted that the participation in the earlier study by those involved in the Cascade Pacific proposal appeared to be limited. She asked staff to address the experience issue. Metzler indicated that Matrix appeared to better understand the detailed nature of the garbage sorting proposed for the study. He noted that this sort would be much more extensive than the sort in the 1989 study. He noted the experience of the field leaders and management team in the Matrix proposal was superior. He also indicated that the evaluation team was uncertain about the amount of time that the Cascade Pacific project manager would actually be devoting to the project.

Councilor Washington noted that the bulk of the work simply involved sorting garbage and asked how much experience was needed to perform this work. Staff responded that Metro also would be relying on the contractor for sampling technique advice, site coordination and the ability to prepare and check reports.

Councilor McFarland indicated that she had a basic concern that the contractor that had, in part, performed the earlier study was being rejected on the basis of experience.

Bob Martin expressed concern about the committee's questioning of the evaluation process. He noted that after concerns had been expressed about the initial evaluation, he set up a second evaluation committee that included several minority members. He noted that the second committee also unanimously recommended that the contract be awarded to Matrix.

Councilor McLain indicated that she felt that MBE/WBE issues had been fairly addressed. Councilors McFarland and Wyers also indicated that they were not implying that there were any improprieties in the evaluation process.

Bob Martin expressed concern that denial of awarding the contract to Matrix without any concrete justification would raise the risk of a lawsuit from Matrix.

Bruce Broussard, a minority participant in the Cascade Pacific proposal, offered testimony. He indicated that, in his opinion, many of the individuals involved in the Matrix proposal also would require training prior to conducting the required garbage sort. He felt the concerns relating to the experience and involvement of the Cascade Pacific management team had been adequately addressed in the evaluation interview process. He noted that when Matrix won the state contract from DEQ, they contacted him in an attempt to arrange for sorters. But he noted that they were offering minimum wages. He indicated that the Cascade Pacific proposal to Metro would have offered "living" wages of \$9-10/hour.

Councilor McLain asked staff if the evaluation had included an examination of labor costs. Metzler indicated that Matrix intends to pay about \$7/8/hour with bonuses for those who remain for the entire length of the project.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE ) RESOLUTION NO. 93-1764  
EXECUTIVE OFFICER TO EXECUTE A )  
CONTRACT WITH THE MATRIX MANAGEMENT ) Introduced by Rena Cusma,  
GROUP TO COMPLETE STUDY ELEMENTS I ) Executive Officer  
AND II OF THE COMPREHENSIVE WASTE )  
STREAM CHARACTERIZATION STUDY )

WHEREAS, Resolution NO. 92-1686, adopted on November 12, 1992, authorized issuance of a Request for Proposals for a "Comprehensive Waste Stream Characterization Study" for the purpose of entering into a multi-year contract with the most qualified proposer ; and

WHEREAS, A public Request for Proposal procedure was used pursuant to Metro Code, to obtain proposals for the "Comprehensive Waste Stream Characterization Study"; and

WHEREAS, Three proposals were submitted for providing the requested services; and

WHEREAS, An evaluation committee responsible for review of the submitted proposals evaluated and scored the written proposals and conducted interviews pursuant to Metro Code; and

WHEREAS, In order to most effectively utilize the available budget and achieve the goals and objectives of the Study, the selection committee has recommended to award the Study under two separate contracts, one contract to complete Study Elements I and II, and a separate contract for Study Element III; and

WHEREAS, After careful consideration by the selection committee, it was concluded that the Matrix Management Group has submitted the most cost effective, responsive, responsible proposal for the "Comprehensive Waste Stream Characterization Study - Study Elements I and II"; and

WHEREAS, The Executive Officer has reviewed the contract with the Matrix Management Group for the "Comprehensive Waste Stream Characterization Study - Study Elements I and II" and hereby forwards the Agreement to the Council for approval; now, therefore,

BE IT RESOLVED, That the Metro Council authorizes the Executive Officer to execute the attached contract (Exhibit "A" hereto) with the Matrix Management Group for the "Comprehensive Waste Stream Characterization Study - Study Elements I and II".

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

WWM:acy  
S SHARE/METZ/RFP/SW931764.RES  
March 1, 1993

Project: Comprehensive Waste Characterization Study  
Study Elements I and II  
Contract No: 902936

## PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 2000 S.W. First Avenue, Portland, OR 97201-5398, and The Matrix Management Group, referred to herein as "Contractor," located at 466 Coleman Bldg., 811-1st Avenue, Seattle, Washington 98104-9983.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. Duration. This personal services agreement shall be effective March 29, 1993, and shall remain in effect until and including April 15, 1994, unless terminated or extended as provided in this Agreement.
2. Scope of Work. Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. Payment. Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed ONE HUNDRED AND NINETY-THREE THOUSAND and NO/100THS DOLLARS (\$193,000.00).
4. Insurance.
  - a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:
    - (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
    - (2) Automobile bodily injury and property damage liability insurance.
  - b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
  - c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status



and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the state of Oregon and shall be conducted in the circuit court of the state of Oregon, for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor five days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

THE MATRIX MANAGEMENT GROUP

METRO

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Print name and title

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# ATTACHMENT A SCOPE OF WORK

## Study Elements I and II Comprehensive Waste Stream Characterization Study PERSONAL SERVICES CONTRACT

Contractor: The Matrix Management Group

Contract # 902936

### I. STATEMENT OF WORK

Contractor agrees to carry out the following tasks:

#### STUDY ELEMENT I: DISPOSAL SITE SAMPLING

##### 1. Finalize Sampling Plan

Contractor shall complete study methodology and final sampling survey designs. Contractor and Metro staff (design and review team) will meet in a half-day working session to: 1) clarify mutual expectations and objectives; 2) identify unresolved issues; and 3) discuss potential modifications to the approach. After the initial meeting, the contractor shall revise their technical proposal as needed, complete the agreed upon methodology, prepare detailed sampling and survey plans, prepare all required forms for waste sampling (field sort form, driver survey forms, etc.) and training and safety plans. These products will be reviewed in a second meeting with Metro staff. Methodologies and sampling/survey designs will be documented and submitted to Metro for final approval before beginning work. The final sampling plan ("completed survey design") will include and be resolved concurrently with Study Element II - Tasks 5, 6, 7, and 8.

The "completed survey design", as used here, includes completion of (for both Study Elements I and II) the total number of samples to be gathered, selection of generators to be sampled, detailed sampling and survey plans, detailed work plans for the study, arrangements with disposal site operators and haulers for gathering and processing the samples, selection and training of the crews that will perform the sampling and sorting operation, preparation of approved data collection forms, and all other items, exclusive of equipment and supplies, included in the statement of work above that must be accomplished before samples can be gathered and sorted in the field.

## 2. Prepare work plans and project schedule

When sampling and survey designs are in final form, detailed work plans for proceeding with the study will be developed. These plans will identify all tasks, primary responsibilities and a schedule for each task. This document will also be submitted for Metro review and approval.

## 3. Select and Train Crew

- a. Contractor shall provide a sampling crew that will accurately and consistently sort samples in the most efficient and cost effective manner.
- b. Contractor shall draw from established crews currently being used for the ODEQ study. The crews shall be experienced and available to meet the schedule. To the greatest extent possible the same crew members shall be used throughout the project, to provide consistent sorting and productivity.
- c. Contractor shall conduct a 4-hour training session in the field at the beginning of the project. In addition, new crew members shall receive similar training before starting work. This training will cover:
  - Safety procedures and site conduct;
  - Demonstration of each step of the sample process;
  - Sorting techniques;
  - Waste component categories;
  - Quality control procedures;
  - Any unique features of the loads to be sampled.
  - Waste component categories shall be defined in detail using actual field examples. At least 2 hours shall be spent actually sorting waste samples.
- d. Contractor shall assure that all applicable OSHA standards are met including but not limited to all crew members being fitted with protective equipment such as: hard hats, safety vests, coveralls, heavy rubber gloves, ear plugs (or other protection), particle masks and safety glasses. All sampling personnel must wear hard hats, safety vests, coveralls, gloves and glasses at all times. The field supervisors shall carry a first aid kit and spare safety equipment (see Section 12, Health and Safety Protection).

## 4a. Conduct Commercial Load Sampling at Disposal Sites

### Disposal Site Sampling

As determined in Task 1 and Task 2, the contractor shall characterize accurately the composition of both commercially hauled and self-hauled waste being delivered to three Metro-area disposal facilities (Metro Central, Metro South, and Hillsboro Landfill). The total number of commercial and self haul samples will be no less than 720. The allocation of these 720 samples to self-haul and commercial loads shall be determined by Metro as part of the Sampling Plan.

Self-haul vehicles will be systematically selected based upon anticipated vehicle counts and relative quantities delivered by each type of self-haul vehicle (passenger cars, pickups, large trucks, etc.). Sampling will occur during the same periods as commercially hauled loads. Within each monthly sort period, self-haul sampling will occur on randomly selected days and will begin at a randomly selected start time each day.

All three sites shall be sampled each month, according to the finalized Sampling Plan. Monthly sampling will be used to reduce error rates and more accurately portray seasonal variations. Metro will review and approve the final sample design. As determined in Task 1 and Task 2, and with prior Metro approval, the contractor will employ the following method to determine which trucks are to be sampled:

- Determine quotas for the number of trucks to be sampled by type (i.e., front loader, rear loaders, side loaders, and compactor boxes) at each of the three sampling sites.
- Select proposed sampling dates for each of the facilities. Sampling days will be determined by randomly selecting a start date for each monthly sort and then by randomly sequencing sorting sites during the sampling timeframe (5-6 days).
- Calculate sampling intervals (k) by truck type based upon the number expected to arrive at each site on the selected sampling days. Sampling intervals shall be determined by dividing the total number of truckloads (N) arriving at a given site by the number of samples (n) needed each day. The resulting "n" determines which vehicle arriving at a site will be selected for sampling.
- Each truckload shall be checked before sampling to avoid potential errors in truckload selection.

#### 4a.1 Interview the driver

The driver of each vehicle selected for sampling shall be interviewed using Metro approved forms and protocol. Information regarding the origin of the wastes, generator type, vehicle classification, and other required information will be collected. All driver interviews shall be conducted only by the Director of Field Operations, the Field Supervisor, or other Metro approved personnel.

#### 4a.2 Identify samples

Samples will be photographed prior to sorting. Each sample and/or load of waste material will be uniquely identified in order to match the photo to the sample data collected.

#### 4a.3 Sort samples

On the day of the sort, the Director of Field Operations identifies the preselected truckloads (every kth load by truck type) and directs the vehicles to the sampling area.

Commercial loads shall be dumped at the sorting site in an elongated pile. Samples are to be selected randomly using an imaginary 16 cell grid (eight sections w/ two-layers) superimposed over the dumped material. The supervisor shall identify the pre-selected cell to be sorted. Approximately 200-250 pounds of waste is extracted by machine or hand from the designated cell and placed on a clean tarp for sorting.

The sample shall then be sorted by hand into the prescribed categories as specified in Exhibit A to this document, and placed in plastic laundry baskets to be weighed and recorded.

Each sample is to be sorted to the greatest reasonable level of detail by hand, until no more than a small amount of homogenous material remains ("supermix"). The goal is to sort each sample directly into component categories, leaving no supermix at all. If supermix remains, the total weight of it is recorded. The composition of the supermix is to be either estimated by the field supervisor visually (if its contents are distinguishable), or approximately 20 percent of the supermix is sorted down to the component level. The percentage of each material within the supermix is applied to the total quantity of supermix; the resultant component quantities shall then be added to the appropriate categories of the total sample. This reduces the amount of indistinguishable fines or miscellaneous categories.

The field supervisor will monitor the homogeneity of the component baskets as they accumulate, rejecting materials which may be improperly classified. The field supervisor will also verify the purity of each component as it is weighed, before recording the weight on the sampling form. Container and other item counts shall be made at the time of weighing.

A Metro approved data form shall be completed for each sample sorted. This form shall include information on the source of the sample, the type of truck delivering the sample, the type of generators that produced the load from which the sample was taken, the weight of each component of the sample, and other sample details. The contractor will produce the data forms, which will be expected to be comparable to the forms used by the DEQ in their state-wide waste characterization study.

#### 4b. Select self-haul vehicles

As determined in Task 1 and Task 2, and with Metro approval:

- The systematic sampling approach will be based on selecting every  $k$ th vehicle for sorting based on the vehicle counts expected for the day and the required number of samples. Self-haul loads will also be sampled on randomly selected days during each monthly sampling period. These selected days will include weekends.
- To ensure a representative portrayal, the goal of the self-haul waste sampling is to sample by weight, not by number of vehicle loads. In order to avoid smaller loads from contributing disproportionately to final composition calculations, smaller vehicles will be undersampled. While they represent a large portion of self-haul vehicle loads, they typically weigh less.

- Sample quotas ( $n$ ) by vehicle type will be determined by the relative tonnage of self-haul waste arriving in private automobiles, commercial pickups, and larger trucks. Vehicle types contributing the greatest proportion of self-haul wastes by weight will be allocated a larger number of the 128 self-haul samples. The total number of loads expected to arrive divided by the quota will determine the  $K$  value or sampling frequency for selecting self-haul loads among each population of vehicle types.

The field supervisor will implement the protocol identified in the contractor proposal and to check that each load and sample is correctly identified and extracted.

#### 4b.1 Sort Samples

As above the field coordinator shall identify the correct load and directs the vehicle to the sorting area. The entire load is then dumped for sampling and sorting. Samples of self-haul wastes will be selected at random in the same manner as commercial loads, using an imaginary 16 cell grid. Sorting procedures used for commercial loads also apply to self-haul loads.

If the load is large enough, a random 200-250 pound sample will be selected from the dumped material. If the load weighs less than 250 pounds or if the contents are too bulky to be separated, the entire load will be sorted and weighed. In order to include bulky items, the entire sample shall be weighed and the proportion of the bulky item which should have been included in the sample is calculated. In the field, this process shall consist of recording and describing the sample and its bulky items accurately; visual estimation is sometimes required. This shall only be done by experienced field supervisors to ensure accurate and consistent treatment of bulky items in the sampling program.

The drivers of the self-haul vehicles shall be interviewed and a Metro approved data form will be completed for each sample. Information to be collected will include type of vehicle, type of generator, net vehicle weight, composition data, and other required sorting information. Any unusual factors which may affect the weight or composition of the materials sampled also will be noted. These notes will include information such as "entire load of irreparable furniture from Goodwill" or "construction and demolition debris from downtown commercial remodel".

## STUDY ELEMENT II:      COLLECTION AND CHARACTERIZATION OF GENERATOR SPECIFIC LOADS

### 5. Finalize Sampling Plan

Contractor shall coordinate and perform Study Element II concurrently with Study Element I. Contractor shall complete study methodology and final sampling survey designs. Contractor and Metro staff (design and review team) will meet in a half-day working session to: 1) clarify mutual expectations and objectives; 2) review the proposal and identify unresolved issues; and 3) discuss potential modifications to the approach. After the initial meeting, the contractor shall revise their technical proposal as needed, complete the agreed upon methodology, prepare detailed sampling and survey plans, prepare all required forms for waste sampling (field sort form, driver survey forms etc.) and training and safety plans. These products will be reviewed in a second meeting with Metro staff.

Methodologies and sampling/survey designs will be documented and submitted to Metro for final approval prior to beginning work.

Contractor shall collect generator specific loads at the point of generation and sort these loads at a remote facility. Composition and amount of disposed waste will be characterized for single-family, multi-family, and non-residential generators.

A minimum of 480 samples shall be sorted as part of this study element. Final allocation depends on the Sample Plan. These are expected to be allocated as follows:

- For single-family residences, waste from 160 households, 40 per season, will be collected from the curb and sorted.
- For multi-family residential, 40 complexes will be sampled each season for a total of 160 samples over the year.
- Waste from approximately 40 nonresidential generators will also be sorted each season. Overall, 160 nonresidential generators will be sampled.

#### 6. Prepare work plans

When sampling and survey designs are in final form, detailed work plans for proceeding with the study will be developed. These plans will identify all tasks, primary responsibilities and a schedule for each task. This document will also be submitted for Metro review and approval. Contractor shall coordinate and perform in conjunction with Study Element I, Tasks 1 and 2.

#### 7. Obtain Hauler Coordination

As determined in Study Element Tasks 1 and 2, and with final Metro approval, contractor shall solicit cooperation of the participating haulers and ensure deliveries of waste consistent with the sorting schedules and sampling methodology. This shall be closely coordinated with Metro.

The contractor shall expand on the discussions that Metro initiates with haulers for participation in this study. Contractor shall develop baseline information where necessary, to design and implement the waste sorts. The contractor will coordinate hauler participation to conform with the design of the sampling program. After coordination and approval with Metro staff, the contractor shall:

- a. Meet with participating local haulers to explain the nature of the project, goals to be achieved, overall project approach, and level of hauler participation.
- b. Coordinate hauler participation with field operations.
- c. Provide ongoing, Metro approved, coordination assistance with the participating haulers throughout the project.
- d. Determine reimbursement requirements for separate collection of generator specific loads.

## 8. Select and Train Crew

Contractor shall coordinate and perform in conjunction with Study Element I:

- a. Contractor shall provide a sampling crew that will accurately and consistently sort samples in the most efficient and cost effective manner.
- b. Contractor shall draw from established crews currently being used for the ODEQ study. The crews shall be experienced and available to meet the schedule. To the greatest extent possible the same crew members shall be used throughout the project, to provide consistent sorting and productivity.
- c. Contractor shall conduct a 4-hour training session in the field at the beginning of the project. In addition, new crew members shall receive similar training before starting work. This training will cover:
  - Safety procedures and site conduct;
  - Demonstration of each step of the sample process;
  - Sorting techniques;
  - Waste component categories;
  - Quality control procedures;
  - Any unique features of the loads to be sampled.
  - Waste component categories shall be defined in detail using actual field examples. At least 2 hours shall be spent actually sorting waste samples.
- d. Contractor shall assure that all applicable OSHA standards are met including but not limited to all crew members being fitted with protective equipment such as: hard hats, safety vests, coveralls, heavy rubber gloves, ear plugs, particle masks and safety glasses. All sampling personnel must wear hard hats, safety vests, coveralls, gloves and glasses at all times. The field supervisors shall carry a first aid kit and spare safety equipment (see Section 13, Health and Safety Protection).

### 9a. Sample Single-Family Residential Waste

As determined in Study Element I - Tasks 1 and 2, and in Study Element II - Tasks 5, 6, and 7, contractor shall characterize single-family residential waste by collecting waste from the point of generation before it is picked up in a compactor. Based on the pre-approved sampling plan, contractor shall collect garbage and where available, curbside recyclables, from randomly selected single-family residences each season. Single-family residences will be identified from routes or areas chosen by Metro staff. This task may be performed in conjunction and coordination with the Metro / PSU Residential Can Weight Study. After collecting waste and recyclables from these residences, materials will be individually sorted and identified by address.



### 9a.1 Select single-family households

As determined in Study Element I Tasks 1 and 2, and in Study Element II Tasks 5, 6, and 7, and with Metro staff determining the methodology (the stratified, cluster protocol developed by Portland State University in its Residential Can-Weight Analysis will be used), the contractor will randomly select single family residences for sampling. Collection methodology will be based on pickup from every *k*th house on a given collection route (systematic sampling).

### 9a.2 Collect samples

Materials from these households will be collected ahead of the garbage truck/recycling truck on the day of the normal pick-up by a Matrix vehicle. The sampling days will occur during the days selected for Element I sampling each month within the season. Each sample will be placed in a bag and tagged with the household address. Specific steps in this process are as follows:

- 1) Identify routes for collection of samples
- 2) Randomly select households to be sampled (using addresses or *k*th stop on a collection route)
- 3) Secure permission from haulers
- 4) Collect waste and recyclables from the curb
- 5) Identify each sample with the address of origin
- 6) Deliver waste and recyclables to a sorting area
- 7) Sort the waste and recyclables; record contents and weights.

### 9a.3 Sort samples

All of the waste within each single-family residential sample shall be sorted, using the approach described in Element I. However, unlike commercial loads, all sorting activity will be performed on sorting tables, with bins below and behind the sorters.

### 9b. Sample Multi-Family Residential Waste

As determined in Study Element I Tasks 1 and 2, and in Study Element II Tasks 5, 6, and 7, a minimum of forty multifamily complexes shall be sampled each quarter by the Consultant. A total of 160 different complexes will be sampled. Complexes shall be randomly selected within areas designated by Metro staff. To assure representative samples, the population of multifamily complexes will be stratified by location and by rent level. Collection will occur on normal pick-up days during the time monthly sampling is occurring at Metro area disposal sites.

#### 9b.1 Select multifamily units to be sampled

The protocol for selecting multifamily samples will be developed in close coordination with Metro staff. Metro staff will select the areas for sampling. Within the selected areas, multifamily complexes will be identified by address and assigned to groups defined by either or both rent and geographic location within the designated sampling areas. Samples will be allocated to these groups in proportion to population. The process will consist of three steps:

- 1) Randomly select from populations stratified by geographic location and by rent level.
- 2) Identify day of collection during Element I sampling timeframe.
- 3) Arrange for special collection and delivery to a site where sorting is occurring.

#### 9b.2 Collect samples

Contractor will coordinate and ensure that commercial haulers will collect dumpsters from preselected multifamily residences and to deliver these materials to one of the three sorting sites. Special trips will be required. Haulers will be reimbursed, as needed, for the cost associated with collecting these special loads.

#### 9b.3 Sort samples

Contractor will select and sort samples using procedures outlined in Element I for commercial loads.

#### 9c. Sample Nonresidential Waste

As determined in Study Element I - Tasks 1 and 2, and in Study Element II - Tasks 5, 6, and 7, contractor will select up to 10 types of Metro area nonresidential generators, as determined in coordination with Metro staff. Generators will be randomly selected from published data. Selection will be stratified based on estimates of waste generation. The generator types which produce more waste will be represented by a proportionally larger number of samples. The objective is to concentrate 80 percent of the sorts among those generator types producing 80 percent of the waste. The remaining 20 percent of the sorts will be equally distributed among other generator types. The top 20 percent of businesses in terms of size within each generator type also will be oversampled.

Waste from individual generators will be picked up by Metro area haulers making special trips, or by other methods developed by the Contractor.

#### 9c.1 Select nonresidential waste generators

As determined in Study Element I Tasks 1 and 2, and in Study Element II Tasks 5, 6, and 7, with Metro approval, generators within each of the designated SIC categories will be chosen randomly, based on published business data. This process involves collecting data on the number and types of businesses in the selected area and then randomly selecting the business in each SIC category. Quotas will be by SIC and by size of business to assure a representative sample. Collection will normally occur on same day as regular collection while Element I sorting is occurring each season.

#### 9c.2 Collect samples

Contractor will ensure that waste from individual generators will be collected by the waste haulers on special trips and delivered to Metro sorting sites. Contractor will make arrangements to sample each participant's waste on or just prior to the day their garbage would normally be picked up. Roll-off containers, if used by selected generators, will be diverted to one of the three sorting sites.

### 9c.3 Sort samples

Contractor will sort entire loads using a new sampling technique developed by Claudia Kauffman of Gartner Lee, and used in British Columbia. Waste will be surveyed by dumping the entire container, pulling out and weighing all the "large" items and then randomly extracting 200-250 pound sample for sorting from the remaining material in each load. This sorting procedure produces lower error rates for a given number of samples, since many of the large items which account for the greatest variation within loads are fully accounted for. Sorting the 200-250 pound samples will follow the same sequence as for commercial loads, described under Element I.

### 10. Data Processing and Delivery for Study Elements I and II

Contractor will ensure that field data forms are complete, accurate, and legible in preparation for data entry and analysis.

Field supervisors will be responsible for filling in and organizing the forms for each day's sampling or surveying activity. Field supervisors will compile and check each day's forms. Forms will then be reviewed by the Director of Field Operations and by the site survey coordinator prior to transmittal to Metro. Data forms will be reviewed for completeness and accuracy. All survey forms, driver interviews, and composition data sheets will be checked daily for missing fields and unusual values. Finally copies will be made prior to transmittal of the original forms to Metro.

Data forms shall be submitted to Metro each week, throughout each of the four sampling seasons. Weekly written reports that summarize the work completed at each study site will also be submitted. These shall include descriptions of any factors that might have a bearing on the subsequent data analysis and interpretation (e.g. weather, change in work crew, etc.).

Metro shall be responsible for all data entry and analysis, and for writing the final report of the study. Contractor shall, on request, provide advice and consultation to Metro on the proper method to analyze data from the waste sorts. On request, Contractor shall also review and comment on the results of the analysis and reports prepared by Metro for accuracy and quality control.

### 11. Disposal of Samples for Study Elements I and II

All samples must be recycled or properly disposed after sorting and measuring is complete. If items prohibited from disposal at a given facility are encountered, the disposal site operator shall be notified and the material set aside for the disposal site operator to handle in the manner that type of waste would normally be handled if discovered by the disposal site operators.

## 12. Health and Safety Protection

Contractor shall develop and implement a Health and Safety Protection Plan. Contractor shall conduct a training session at the beginning of sampling, as well as provide training to any new crew members not at initial session. This training will cover:

- Safety procedures and site conduct;
- Personal protective equipment;
- Bloodborne pathogens requirements;
- Demonstration of each step of the sample process;
- Waste component categories;
- Any unique features of the loads to be sampled.

Contractor shall assure that all applicable OSHA standards are met including but not limited to all crew members being fitted with protective equipment such as: hard hats, safety vests, coveralls, heavy rubber gloves, ear plugs, particle masks and safety glasses. All sampling personnel must wear hard hats, safety vests, coveralls, gloves and glasses at all times, except that safety vests shall not be required for working in areas where there is no heavy equipment used or other danger of head injury. Coverall requirements can be adjusted as necessary to accommodate conditions of high temperatures. The field supervisors shall carry a first aid kit and spare safety equipment.

## 13. Financial Incentives to Sorters

Contractor shall pay a financial bonus to personnel hired as sorters that continue to sort through the end of the study. This shall be done in order to provide for continuity and maintain consistency of the sorts throughout the study.

## 14. Equipment

The contractor shall provide all equipment necessary for effectively conducting the study, including safety equipment, sort containers, tents or other protective cover, trailer for storing and moving equipment, portable toilets if needed, crew lunches and transportation for sorting crews to the site.

## II. DELIVERY SCHEDULE

- A. Contractor agrees to collect data on waste composition in the field as specified above under "Statement of Work", and further agrees to deliver data forms to Metro within ten days of the date that each data form is completed in the field.
- B. Contractor will supply a quarterly status report, showing the number, and type of samples taken at each site and highlighting any special circumstances of which Metro should be made aware, within one week of completion of gathering data in the field. As an alternative to the quarterly status report, contractor may substitute weekly status reports that accompany the delivery of data forms for that week.

- C. If Metro determines that work products (data forms or status reports) submitted by Contractor do not comply with the requirements of this contract, Metro shall return the work products by mailing them or delivering them to the Contractor with a written statement of why they fail to meet the requirements. Upon receipt of the returned work products, the Contractor shall cure all defects, and deliver the completed work product to Metro as soon as possible.

### III. COMPENSATION / CONSIDERATION

A. Contractor agrees to perform services as described in Section I and Section II. Payments shall be made monthly on the basis of the percent of work completed in accord with a project schedule reviewed and approved by Metro. Total payments for the project shall not exceed \$193,000. For services provided under this contract by Elway Research and Thomas/Wright (subcontractors), services shall be billed on a time and materials basis not to exceed the stated amounts below. Metro will review and approve their final Work Plan and Scope of Services as provided for in Section I. Funds not used for these services will be held in a project contingency fund. The following individual tasks within the Scope of Work shall not exceed the following amounts:

- 1 a. For services provided by Matrix to conduct Study Element I: \$38,040.
- b. For services provided by Elway Research to conduct Study Element I: \$6,400.
- c. For services provided by ELC to conduct Study Element I: \$45,598.  
This includes ELC sorting labor, field administration, and other services provided. This does not include food and travel expenses for John Inskeep Environmental Learning Center staff or sorting members.
- 2 a. For services provided by Matrix to conduct Study Element II: \$20,560.
- b. For services provided by Elway Research Inc. to conduct Study Element II: \$1,920.
- c. For services provided by Thomas/Wright to conduct Study Element II: \$10,000.
- d. For services provided by ELC to conduct Study Element II: \$25,412.  
This includes ELC sorting labor, field administration, and other services provided. This does not include food and travel expenses for John Inskeep Environmental Learning Center staff or sorting members.
3. For services provided by Contractor to perform Task 10: \$4,400.  
Data Processing and Delivery for Study Elements I and II.
4. For Contractor payment to haulers \$16,000.  
A minimum contingency of \$16,000 shall be set aside by Contractor to reimburse haulers, as needed, for assistance with Study Element II of this contract. Hauler payments shall be clearly and explicitly itemized in the monthly billings. Hauler payments shall not exceed \$16,000. Any remaining funds not used for hauler payments shall be set aside as a contingency fund for this project.
5. For Contractor reimbursement, travel, meals, truck rental, and other expenses: \$24,670.  
With Metro approval, other expenses directly identifiable to performance of services under this contract shall be reimbursed to contractor, and are included in the total amount. All reimbursements shall be clearly itemized in the billings. Any remaining funds not used for reimbursement expenses shall be set aside as a contingency fund for this project. These other expenses may include the following:

- Equipment rental and supplies necessary to carrying out waste sorting and other required activities (*all equipment purchased shall become property of Metro*).
  - Reproduction and printing costs; and
  - Communications expenses such as long distance telephone, facsimile, and postage other than used for general correspondence.
- B. Contractor shall not exceed and Metro will not pay, any amount in excess of the maximum compensation amount set forth above. If this maximum compensation amount is increased by amendment of this contract, the amendment must be fully effective before Contractor performs work subject to the amendment. Contractor shall notify Metro's supervising representative in writing thirty (30) days before this contract expires of the upcoming expiration of the contract. No payment will be made for any services performed before the beginning date or after the expiration date of this contract. This contract will not be amended after the expiration date.
- C. Contractor shall submit monthly billings for work performed. The billing shall clearly and precisely describe with particularity all work performed, by whom it was performed, and shall itemize and explain all expenses for which reimbursement is claimed. The billings shall include the total amount billed to date by Contractor prior to the current invoice. Contractor shall specifically note in the billing when one-third and two-thirds of the maximum contract amount, including expense reimbursement, has been billed. Billings shall be sent to Metro's supervising representative.
- D. The billing rate on an hourly basis for individuals shall be:
- Charles Scott, Matrix Management Group: \$85/hour (including overhead).
  - Brad Anderson, Matrix Management Group: \$65/hour (including overhead).
  - Gene Patterson, Elway Research: \$70/hour (including overhead).
  - Suzie Haberland, Matrix Management: \$55/hour (including overhead).
  - Kathleen Robertson, Thomas/Wright: \$75/hour (including overhead).
  - Nan Hage, Environmental Learning Center: \$40/hour (including overhead).
  - Crew Labor, Environmental Learning Center: \$22/hour (including overhead).

Expenses normally considered as overhead are included in the billing rates for professional staff under this contract, and are not to be separately reimbursed. These overhead expenses include expenses such as insurance, office rent, base phone bill, staff benefits, and supplies used in normal office routine and not used in the field.

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 93-1764 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE A CONTRACT WITH THE MATRIX MANAGEMENT GROUP TO COMPLETE STUDY ELEMENT I AND STUDY ELEMENT II OF THE COMPREHENSIVE WASTE STREAM CHARACTERIZATION STUDY.

Date: March 1, 1993

Presented by:

Terry Petersen  
Bill Metzler

#### PROPOSED ACTION

Adoption of Resolution No. 93-1764, authorizing the Executive Officer to execute a contract with The Matrix Management Group to complete Study Elements I and II of the Comprehensive Waste Stream Characterization Study.

#### FACTUAL BACKGROUND AND ANALYSIS

On November 12, 1992, the Metro Council approved Resolution No. 92-1686 for the purpose of entering into a multi-year contract with the most qualified respondent by authorizing issuance of a Request for Proposals for a Comprehensive Waste Stream Characterization Study. Metro is responsible for the characterization of waste in the tri-county region.

Metro uses the study to obtain basic data that are critical to regional solid waste management and planning activities. Waste characterization studies require waste sorting to occur over a number of seasons. The study is being coordinated and integrated with other Metro programs, local governments, and haulers.

The Comprehensive Waste Stream Characterization Study is composed of three Study Elements. These are summarized as follows:

- **Study Element I - Disposal Site Sampling:** Vehicles delivering waste to disposal sites will be selected for sampling. A sample will be chosen from the waste delivered, sorted into various components, and each component weighed.
- **Study Element II - Generator Specific Sampling:** Targeted waste includes single-family residential, multi-family residential, and non-residential waste. Waste from these generators will be collected separately and brought to the disposal site for characterization.
- **Study Element III - User Survey and Visual Characterization at Disposal Sites:** Key data will be collected on users of six or more disposal sites. The survey will include visual inspection and general classification of waste loads as they are unloaded.

In response to the Comprehensive Waste Stream Characterization Study RFP (RFP #92R-33-SW), three proposals were submitted on December 14, 1992. These proposals were reviewed,

evaluated, and scored by a selection committee. Evaluations were based on the criteria set forth in the RFP. Interviews were also conducted in order to assist in the evaluation process.

In order to most effectively utilize the available budget and achieve the goals and objectives of the study, the selection committee made a recommendation to conditionally award the study under two separate contracts, one contract for both Study Elements I and II, and a separate contract for Study Element III. Metro intends to award Study Element III of this study under a separate contract and resolution (see Contract No. 902937, Resolution No. 93-1765).

The selection committee made a recommendation to conditionally award the contracts on January 15, 1993. Respondents to the RFP were notified of the conditional award of the contracts. The lowest responsible, responsive proposal for Study Elements I and Study Element II of the Comprehensive Waste Stream Characterization Study is The Matrix Management Group.

In addition, a subcontractor (for the prime consultant that did not receive the conditional award for Study Elements I and II), requested another opportunity to present their portion of the proposal. In response, the Solid Waste Director granted them the opportunity to have a supplemental interview with an expanded interview team. The supplemental interviews were held on February 1, 1993 and on February 2, 1993, for Study Elements I and II of the Comprehensive Waste Stream Characterization Study.

The supplemental interview team reviewed the proposals and conducted the supplemental interviews. After careful consideration, the supplemental interview team found no reason to modify the decision of the original selection committee. The RFP respondents were then notified of Metro's decision to conditionally award the contracts in accordance with the original notification. The subcontractor (not receiving the contract award), was then invited to meet with the supplemental interview team to discuss the outcome of the interview, and clarify any unresolved issues.

The apparent lowest responsible, responsive proposal for Study Elements I and Study Element II of the Comprehensive Waste Stream Characterization Study is The Matrix Management Group.

#### BUDGET IMPACT

It is expected that this work will begin March 29, 1993 and last for approximately one calendar year. This is a Council Designated "B", multi-year contract. In the FY 1992-93 budget, \$50,000 is allocated for work to be performed through June 1993. The remaining pre-approved funds (\$143,000), will come from the FY 1993-94 budget.

#### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1764.





# METRO

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From

Date 2/26/93

Matrix Management Group

Department Solid Waste

466 Coleman Bldg.  
811 - 1st Ave

Division Planning & Technical

Subject

Seattle WA 98104-9983

Name Bill Metzler

Bid

Contract

Vendor no.

Title Associate SW Planner

RFP

Other

Contract no. 902936

Extension 290

Purpose Comprehensive Wastestream Study - Elements I & II

### Expense

Procurement  Personal/professional services  Services (LM)  Construction  IGA

### Revenue

Budget code(s)

Price basis

Term

Contract

531-310830-524190-76830

Unit

Completion

Grant

Total

Annual

Other

Other

Multi-year\*\*

This project is listed in the  
1992 -1993 budget.

Payment required

3/29/93

Yes

Type A

Lump sum

Beginning date

No

Type B

Progress payments

4/15/94

Ending date

Total commitment

Original amount

\$ 193,000.00

Previous amendments

\$

This transaction

\$

Total

\$ 193,000.00

A. Amount of contract to be spent fiscal year 92 - 93

\$ 50,000.00

B. Amount budgeted for contract Misc. Prof. Services

\$ 442,000.00

C. Uncommitted/discretionary funds remaining as of 2/19/93

\$ 324,818.50

Approvals

Division manager

scal

gal

3/1/93

Department director

Budget

Labor

Risk

3-4-93

Competitive quotes, bids or proposals:

Submitted by <b>Matrix Management</b>	\$191,818		Foreign-WA
Submitted by <b>Cascade Pacific</b>	\$Amount \$198,995	M/W/DBE	Foreign or Oregon Contractor OR
Submitted by	\$Amount	M/W/DBE	Foreign or Oregon Contractor
Submitted by	\$Amount	M/W/DBE	Foreign or Oregon Contractor

Comments:

- Attachments:
- Ad for bid
  - Plans and specifications
  - Bidders list (M/W/DBEs included)

Instructions:

1. Obtain contract number from procurement division.  
Contract number should appear on the summary form and all copies of the contract.
2. Complete summary form.
3. If contract is:
  - A. Sole source, attach memo detailing justification.
  - B. Less than \$2,500, attach memo detailing need for contract and contractor's capabilities, bids, etc.
  - C. More than \$2,500, attach quotes, evaluation form, notification of rejection, etc.
  - D. More than \$10,000 or \$15,000 attach RFP or RFB respectively.
  - E. More than \$50,000, attach agenda management summary from council packet, bids, RFP, etc.
4. Provide packet to procurement for processing.

Special program requirements:

- General liability: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_
- Liquidated damages \$ \_\_\_\_\_ day
- Workers comp
  - Auto
  - Professional liability
  - Prevailing wages
  - Non-standard contract
  - Davis/Bacon

Dates:

- Ads \_\_\_\_\_ (Publication) \_\_\_\_\_
- Pre-bid meeting \_\_\_\_\_ Bid opening\*\* \_\_\_\_\_
- Filed with council \_\_\_\_\_ For action \_\_\_\_\_
- Filed with council committee \_\_\_\_\_ For hearing \_\_\_\_\_

Project estimate: \_\_\_\_\_

Funding:

- Local/state
- Federal
- Other

ond requirements:

\_\_\_\_\_ % Bid \$ \_\_\_\_\_

\_\_\_\_\_ % Performance \$ \_\_\_\_\_

\_\_\_\_\_ % Performance/payment\* \$ \_\_\_\_\_

\_\_\_\_\_ % L/M \$ \_\_\_\_\_



Separate bonds required if more than \$50,000.

\*\* Minimum period: two weeks from last day advertised.


**METRO**

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

# Memorandum

**DATE:** March 1, 1993  
**TO:** Neil Saling, Director of Regional Facilities  
**FROM:**  Terry Petersen, Planning and Technical Services Manager  
**THROUGH:** Bob Martin, Solid Waste Director   
**RE:** **Contract Status / Background for Metro's Waste Characterization Study and Request for Contract Expedite Processing**

Per your request, the following is a summary of the status of the contracts for the Comprehensive Waste Stream Characterization Study. We respectfully request a special processing of these contracts. They must be filed with Metro Council on March 9, 1993. This project has been significantly delayed due to the extra efforts and steps we initiated to ensure a careful consideration for conditional award of the contracts. Your assistance in this matter is appreciated.

The contracts are Council Designated "B" and are multi-year contracts. They have been conditionally awarded as follows:

1. The Matrix Management Group - Study Elements I and II, Contract No. 902936.
2. The Environmental Careers Organization - Study Element III, Contract No. 902937.

We are proceeding with the contract review process and will have them ready for review by March 1, 1993.

## Background

In response to the Comprehensive Waste Stream Characterization Study RFP (RFP# 92R-33-SW), three proposals were submitted on December 14, 1992. Proposals were submitted by Cascade Pacific Engineering, The Matrix Management Group, and The Environmental Careers Organization.

The proposals were reviewed, evaluated, and scored by the selection committee members (Bill Metzler Scott Klag, and Jim Goddard). An evaluation form was used, based on the evaluation criteria set forth in the RFP. The proposals were evaluated by both Tasks and Study Elements as detailed in the RFP. A summary of the scored evaluations is available for your review. In addition, interviews were conducted with Cascade Pacific Engineering and The Matrix Management Group.

The selection committee recommended that the study be awarded under two separate contracts - a single contract for completion of both Study Elements I and II, and a second contract for completion of Study Element III. This was recommended in order to most effectively utilize the available budget, and achieve the goals and objectives of the study.

The selection committee made a recommendation to conditionally award the contracts on January 15, 1993. Respondents to the RFP were notified of the conditional award of the contracts (see letter dated January 15, 1993). A subcontractor with the Cascade Pacific Engineering team felt that they did not have ample opportunity to present their part of the proposal at the original interview. In response, the Solid Waste Director granted them the opportunity to have a supplemental interview with an expanded interview team. This supplemental interview team was formed to determine if the supplemental interview should have any bearing on the decision of the original selection committee.

The supplemental interview evaluation team was composed of the following members:

- Debbie Gorham, Waste Reduction Manager
- Terry Petersen, Planning & Technical Services Manager
- Amha Hazen, Contracts Administrator
- Craig Lewis, Solid Waste Contracts Compliance
- Scott Klag, Senior Solid Waste Planner
- Jim Goddard, Senior Solid Waste Planner
- Bill Metzler, Project Manager

The supplemental interview team reviewed the proposals. Supplemental interviews were held on February 1, 1993 with the Matrix Management Group team, and on February 2, 1993 with the Cascade Pacific Engineering team. After careful consideration, the supplemental interview team found no reason to modify the decision of the original selection committee. Mr. Martin was then notified of the decision of the selection committee. The proposers were then notified of the supplemental interview team decision (see conditional award of contract letter dated February 10, 1993).

In addition, we invited the subcontractor to meet with the supplemental interview team to clarify and discuss the outcome of the interview, the RFP process, Metro Code requirements, and any other unresolved issues related to the waste characterization study. This meeting was held for informational purposes on behalf of the subconsultant on February, 24, 1993.

Thank you for your assistance in this important matter. Please let me know if you have any questions or comments.

cc: Rich Wiley, Procurement Officer  
Amha Hazen, Contracts Administrator  
Craig Lewis, Senior Management Analyst  
Bill Metzler, Project Manager

TP:bm:ek

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

February 10, 1993

Mr. Charles R. Scott  
Senior Associate  
Matrix Management Group  
466 Colman Bldg., 811-1st Avenue  
Seattle, Washington 98104-9983

RE: Supplemental Interview Results & Notice of Conditional Award of a  
Contract for Study Elements I and II of the Metro Comprehensive Waste  
Stream Characterization Study.

Executive Officer  
Rena Cusma

Metro Council

Jim Gardner  
Presiding Officer  
District 3

Judy Wyers  
Deputy Presiding  
Officer  
District 8

Susan McLain  
District 1

Terry Moore  
District 2

Richard Devlin  
District 4

Edward P. Gronke  
District 5

George Van Bergen  
District 6

Ruth McFarland  
District 7

Tanya Collier  
District 9

Roger Buchanan  
District 10

Ed Washington  
District 11

Sandi Hansen  
District 12

Dear Mr. Scott:

After careful consideration, the supplemental interview team found no reason to modify the decision of the original selection committee. The supplemental interview team recommends that the Matrix Management Group be conditionally awarded the contract for Study Elements I and II of the Metro Comprehensive Waste Stream Characterization Study.

Actual execution of the contract with The Matrix Management Group is subject to scope of work, project schedule, and reimbursement negotiations. In addition, approval from Metro's Procurement Management Division and the Metro Council is required.

As a starting point for negotiations, I will send you a copy of our standard contract form and a draft of the scope of work to be included in the contract. The scope of work will be consistent with what The Matrix Management Group submitted to Metro in its proposal dated December 14, 1992. We would like to refine and adjust some of the tasks identified in your proposal in order to better meet our needs.

We look forward to working with you on this important project. Please feel free to contact me with any questions or suggestions you may have.

Sincerely



William W. Metzler  
Project Manager

WWM:aeY

cc: Bob Martin, Solid Waste Director  
Terry Petersen, Planning and Technical Services Manager  
Craig Lewis, Contracts Compliance  
Rich Wiley, Procurement Officer

# METRO

2440 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

February 8, 1993

Mr. David K. Luneke, P.E.  
President  
Cascade Pacific Engineering, Inc.  
12300 SE Mallard Way, Suite 205  
Milwaukie, Oregon 97222

RE: Supplemental Interview Results & Status of Conditional Contract Award for  
the Metro Comprehensive Waste Stream Characterization Study

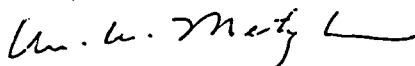
Dear Mr. Luneke:

After careful consideration, the supplemental interview team found no reason to  
modify the decision of the original selection committee.

The supplemental interview team recommends that The Matrix Management Group  
be conditionally awarded the contract for Study Elements I and II of the Metro  
Comprehensive Waste Stream Characterization Study. The contract for Study  
Element III has been conditionally awarded to the Environmental Career  
Organization.

We appreciate your interest in this project and the time you took to prepare the  
proposal. The competitive Request for Proposal is an important part of Metro's effort  
to conduct its operations efficiently and effectively. We hope that you would  
continue to consider responding to future Metro RFPs

Sincerely



William W. Metzler  
Project Manager

WWM:aeY

cc: Bob Martin, Solid Waste Director  
Terry Petersen, Planning and Technical Services Manager  
Craig Lewis, Contracts Compliance  
Rich Wiley, Procurement Officer




**METRO**

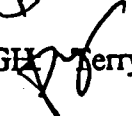
# Memorandum

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

**DATE:** February 4, 1993

**TO:** Bob Martin, Solid Waste Director

**FROM:**  Bill Metzler, Project Manager

**THROUGH:**  Terry Petersen, Planning and Technical Services Manager

**RE:** Recommendation of Supplemental Interview Team  
- Waste Characterization Study RFP

The supplemental interview team has reviewed the proposals submitted by both Cascade Pacific Engineering and The Matrix Management Group. Supplemental interviews were held on February 1, 1993 with the Matrix Management Group Team and on February 2, 1993 with the Cascade Pacific Engineering Team.

The supplemental interview evaluation team was composed of the following members:

- Debbie Gorham, Waste Reduction Manager
- Terry Petersen, Planning & Technical Services Manager
- Amha Hazen, Contracts Administrator
- Craig Lewis, Solid Waste Contracts Compliance
- Scott Klag, Senior Solid Waste Planner
- Jim Goddard, Senior Solid Waste Planner
- Bill Metzler, Project Manager

After careful consideration, the supplemental interview team found no reason to modify the decision of the original selection committee. Therefore, I recommend we notify the proposers of the outcome and proceed with the project.

# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

January 27, 1993

Mr. Charles R. Scott  
Matrix Management Group  
466 Colman Building  
811 1st Avenue  
Seattle, WA 98104-9983

Dear Charlie:

Thank you for agreeing to participate in the upcoming supplemental interview for Metro's Comprehensive Waste Stream Characterization Study RFP. As you know, Bob Martin, the Solid Waste Director has requested that we more thoroughly review the recommendation of the selection committee. Accordingly, I have assembled a supplemental review team which will include the following individuals:

Bill Metzler	Project Manager
Debbie Gorham	Waste Reduction Manager
Terry Petersen	Solid Waste Planning & Technical Services Manager
Amha Hazen	Contracts Administrator
Craig Lewis	Solid Waste Contracts Compliance
Jim Goddard	Sr. Solid Waste Planner
Scott Klag,	Sr. Solid Waste Planner

Supplemental interviews will be held the first week in February.

- Matrix Management Group will be interviewed Monday, February 1, 1993 from 1:00 to 2:30 p.m., Room 335.
- Cascade Pacific Engineering will be interviewed Tuesday, February 2, 1993 from 1:00 to (time not finalized), Room 335.

As we discussed, the interview will focus on the roles of the waste sort field crew, field coordinator, field supervisor / auditor, and project manager. We expect a brief overview and presentation of your proposal as in the first interview. Please let me know if you have any questions or concerns. I look forward to seeing you again.

Sincerely,

  
Bill Metzler  
Project Manager

WM:gbc

cc: Bob Martin, Solid Waste Director  
Terry Petersen, Planning & Technical Services Manager

s share metz rfp interv2.ltr



# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

January 27, 1993

Mr. David K. Luneke, P.E.  
Cascade Pacific Engineering, Inc.  
12300 SE Mallard Way, Suite 205  
Milwaukie, OR 97222

Dear David:

Thank you for agreeing to participate in the upcoming supplemental interview for Metro's Comprehensive Waste Stream Characterization Study RFP. As you know, Bob Martin, the Solid Waste Director has requested that we more thoroughly review the recommendation of the selection committee. Accordingly, I have assembled a supplemental review team which will include the following individuals:

Bill Metzler	Project Manager
Debbie Gorham	Waste Reduction Manager
Terry Petersen	Solid Waste Planning & Technical Services Manager
Amha Hazen	Contracts Administrator
Craig Lewis	Solid Waste Contracts Compliance
Jim Goddard	Sr. Solid Waste Planner
Scott Klag,	Sr. Solid Waste Planner

Supplemental interviews will be held the first week in February.

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As we discussed, the interview will focus on the roles of the waste sort field crew, field coordinator, field supervisor / auditor, and project manager. We expect a brief overview and presentation of your proposal as in the first interview. Please let me know if you have any questions or concerns. I look forward to seeing you again.

Sincerely,

  
Bill Metzler  
Project Manager

WM:gbc

cc: Bob Martin, Solid Waste Director  
Terry Petersen, Planning & Technical Services Manager

# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

January 15, 1993

Mr. Charles R. Scott  
Senior Associate  
Matrix Management Group  
466 Colman Bldg., 811 - 1st Ave.  
Seattle, Washington 98104-9983

RE: Notice of Conditional Award of a Contract for Study Elements I and II of the Metro Comprehensive Waste Stream Characterization Study (Study Element III is excluded)

Executive Officer  
Rena Cusma

Metro Council

Jim Gardner  
Presiding Officer  
District 3

Judy Wyers  
Deputy Presiding  
Officer  
District 8

Susan McLain  
District 1

Lawrence Bauer  
District 2

Richard Devlin  
District 4

Edward P. Gronke  
District 5

George Van Bergen  
District 6

Ruth McFarland  
District 7

Tanya Collier  
District 9

Roger Buchanan  
District 10

Ed Washington  
District 11

Sandi Hansen  
District 12

Dear Mr. Scott:

The Matrix Management Group has been conditionally awarded the contract for Study Elements I and II of the Metro Comprehensive Waste Stream Characterization Study.

Actual execution of a contract with The Matrix Management Group is subject to scope of work, project schedule, and reimbursement negotiations. In addition, approval from Metro's Procurement Management Division is required.

As a starting point for negotiations, I will send to you later next week, a copy of our standard contract form and a draft of the scope of work to be included with the contract. The scope of work will be consistent with what The Matrix Management Group submitted to Metro in its proposal dated December 14, 1992. We would like to refine and adjust some of the tasks identified in your proposal in order to better meet our needs.

We look forward to working with you on this project. Please feel free to contact me with any questions or suggestions you may have.

Sincerely,

  
William W. Metzley  
Project Manager

WM:clk

cc: Bob Martin, Solid Waste Director  
Terry Petersen, Planning and Technical Services Manager  
Craig Lewis, Contract Compliance  
Rich Wiley, Procurement Officer

# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

January 15, 1993

Mr. Kerrick Britz  
Acting Regional Director  
The Environmental Careers Organization  
1218 Third Avenue, Suite 1515  
Seattle, Washington 98101-3021

RE: Notice of Conditional Award of a Contract for Study Element III of the Metro  
Comprehensive Waste Stream Characterization Study

Dear Mr. Britz:

The Environmental Careers Organization has been conditionally awarded the contract for  
Study Element III of the Metro Comprehensive Waste Stream Characterization Study.

Actual execution of a contract with The Environmental Careers Organization is subject  
to scope of work, project schedule, and reimbursement negotiations. In addition,  
approval from Metro's Procurement Management Division is required.

As a starting point for negotiations, I will send to you later next week, a copy of our  
standard contract form, a draft of the scope of work to be included with the contract,  
and one of your completed project description forms. We would like to refine and adjust  
some of the tasks identified in the RFP, in order to better meet our needs.

We look forward to working with you on this project. Please feel free to contact me  
with any questions or suggestions you may have.

Sincerely,

  
William W. Metzler  
Project Manager

WM:clk

cc: Bob Martin, Solid Waste Director  
Terry Petersen, Planning and Technical Services Manager  
Craig Lewis, Contract Compliance  
Rich Wiley, Procurement Officer

S:\Share\Metz\Letter\Britz0115Jr

# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

January 15, 1993

Mr. David K. Luneke, P.E.  
President  
Cascade Pacific Engineering, Inc.  
12300 SE Mallard Way, Suite 205  
Milwaukie, Oregon 97222

Re: Status of Conditional Contract Award for the Metro Comprehensive Waste Stream Characterization Study

Executive Officer  
Rena Cusma

Metro Council

Jim Gardner  
Presiding Officer  
District 3

Judy Wyers  
Deputy Presiding  
Officer  
District 8

Susan McLain  
District 1

Lawrence Bauer  
District 2

Richard Devlin  
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Edward P. Gronke  
District 5

George Van Bergen  
District 6

Ruth McFarland  
District 7

Tanya Collier  
District 9

Roger Buchanan  
District 10

Ed Washington  
District 11

Sandi Hansen  
District 12

Dear Mr. Luneke:

Thank you for submitting a proposal for the Comprehensive Waste Stream Characterization Study.

We received three proposals for the project. The contract for Study Elements I and II have been conditionally awarded to the Matrix Management Group. The contract for Study Element III has been conditionally awarded to The Environmental Career Organization.

We appreciate your interest in this project and the time you took to prepare the proposal. The competitive Request for Proposal is an important part of Metro's effort to conduct its operations efficiently and effectively. We hope that you would continue to consider responding to future Metro RFPs.

Sincerely yours,

  
William W. Metzler  
Project Manager

WM:clk

cc: Bob Martin, Solid Waste Director  
Terry Petersen, Planning and Technical Services Manager  
Craig Lewis, Contract Compliance  
Rich Wiley, Procurement Officer

c:\Metz\Letter\Lune0114.br

## PROPOSAL EVALUATION

### Comprehensive Waste Stream Characterization Study

#### Background

Three proposals were submitted on December 14, 1992, in response to the Comprehensive Waste Stream Characterization Study proposal (RFP# 92R-33-SW). Proposals were submitted by Cascade Pacific Engineering, Matrix Management Group, and The Environmental Careers Organization.

The evaluation committee members were Bill Metzler (project manager), Scott Klag, and Jim Goddard.

#### Evaluation Process

Proposals were reviewed, evaluated and scored by the selection committee members. An evaluation form was used, based on the evaluation criteria set forth in the RFP. In addition, interviews with Matrix and Cascade were conducted by the selection committee.

The proposals were evaluated by Study Elements I, II and III, based on the following categories:

Compliance with RFP - 15 points  
 Project organization - 15 points  
 Work plan/Methodology - 20 points

Project staffing/Experience - 20 points  
 Budget/Cost proposal - 30 points

#### Proposal Evaluations

##### **Cascade Pacific :**

- **General** - Proposal was organized but generally lacked detail and clarity.
- **Project Organization** - The Work Plan did not provide sufficient detail. Methodology was not described with sufficient clarity, referenced "previous projects" without any elaboration. Project management experience area of concern.
- **Work Plan/Methodology** - The Work Plan did not provide sufficient detail. Methodology was not described with sufficient clarity, referenced "previous projects" without any elaboration. Little discussion of methodology for sampling design or reliability. Concern for ability to perform number of sorts based on level of detail required. Study Element III not fully responsive (visual characterization not discussed).
- **Project Staffing Experience** - Experience of project manager with waste sorts seems very limited. Experience in solid waste field also appears minimal (field supervisor). There was limited demonstrated experience (with the exception of Mr. Luneke) with waste sorts by project manager and the field supervisor. Principle indicated he would ensure training, however only limited hours were reflected in the budget. Previous sorting crews (experienced) would be available.

- Budget/Cost Proposal - Good. Element III budget does not appear to include "visual characterization of waste"

**Total score for Cascade Pacific by Study Element (maximum 100 each):**

Element I	67	Element II	62.3	Element III	67.3
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**Total General Score (100 maximum): 65.5**

**The Matrix Management Group :**

- General - Proposal was well-organized and clear. Responses were very complete and understandable.
- Project Organization - Very good. Project management excellent, very experienced from project manager to crew leader including sort crews.
- Work Plan/Methodology -The Work Plan provided good detail. Methodology clearly described. Methodology for sampling design and reliability discussed in detail, very experienced. Emphasis on upfront planning for the study prior to starting work. Provides consistency with DEQ state-wide waste sort. Study Element III not fully responsive (visual characterization not included).
- Project Staffing Experience -Team demonstrates excellent experience levels. Strong local presence among team members. Concern about coordinating 5 subconsultants.
- Budget/Cost Proposal - Generally, fair, but states that they are not able to stay within budget while providing for all Tasks within the Elements. States clear concerns about budget. Provides options for budget adjustments. Appears flexible to make changes. Element III budget does not include "visual characterization of waste" Budget provided clear allocation of costs per tasks by team members.

**Total score for Matrix by Study Element (Maximum 100 each):**

Element I	88	Element II	82.66	Element III	76.6
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**Total General Score (100 maximum): 82.4**

**The Environmental Careers Organization :**

General - Proposal was unique and required special evaluation due to non-traditional nature of firm and proposal. It was determined that this firm should only be considered for Study Element III. Potential services they could provide include use of an employee on a full time basis to provide services for surveys and visual characterization. Cost and labor comparisons were very favorable when compared to proposals by both Matrix and Cascade. It was determined that this firm could provide required scope of work at budget. Metro staff would provide training for the specific tasks required.

## Summary of Interviews

Interviews with the selection committee were conducted on January 7, 1993 with Cascade Pacific Team and on January 8, 1993 with the Matrix Management Group Team. The following is a summary of the selection committee interview results.

**Cascade Pacific Team:** Limited expertise and proposed project hours from people actually assigned to do the work (project manager, field supervisor). Sorting crew will have some experience, as they will use same people as previous sorts. Were not able to provide a higher degree of confidence than what they provided in their written proposal. Need to rely on project manager, however hours appear limited.

**Matrix Team:** Strong team. Appear more able to adjust and assist Metro with the various levels of complexity required in this waste sort (Study Elements I, II). Very good at addressing all issues. Approach is professional and flexible. Can provide high degree of confidence in team and results. Willing to explain issues. Willing to assist us in making budget reallocations where necessary. Are able to provide us with a range of statistical accuracy if we need to adjust Study Element areas. Team appears very well informed. Project Manager extremely competent as field coordinator. Field supervisor very capable and sort crew very experienced with level of detail required in RFP. Matrix has excellent local presence, even though they are based in Seattle. In general, more confident of teams expertise, approach and ability to manage the project, while providing an accurate, reliable product.

## Conclusion

The evaluation committee scored Matrix Management Group highest in all categories. However, study element III was not appropriately addressed by either Matrix or Cascade. It was determined that the ECO could provide the full scope of required services, within budget.

## Recommendation

The evaluation committee recommends that the Study Elements I and II of the Comprehensive Waste Stream Characterization Study be awarded to The Matrix Management Group and Study Element III be awarded to The Environmental Careers Organization.

# Waste Sort Proposal Evaluation

Evaluation Committee: Bill Metzler, Scott Klag, Jim Goddard.

		Cascade Pacific			Matrix			ECO					
Evaluation Criteria	Max. Score per Element	B.M. Study Element			S.K. Study Element			J.G. Study Element					
		I	II	III	I	II	III	I	II	III			
General	15	13	12	12	10	8	10	10	10	10	10	10	10
Organization	15	13	10	12	10	8	10	10	10	10	14	10	12
Methodology	20	15	15	12	10	10	15	5	8	10	20	17	16
Experience	20	18	15	13	12	8	15	15	15	15	20	18	17
Budget	30	30	28	28	20	15	15	10	15	15	25	25	15
<i>Subtotal</i>		89	80	77	62	49	65	50	58	60	94	87	74
Study Element Totals		I	II	III				I	II	III			
		67	62.3	67.3				88	82.6	76.6			
Total	100	82	58.66	56				85	70.6	91.6			
Averaged Totals	100	65.5						82.4					



Supplemental Interviews  
Comparison Table

CASCADE PACIFIC TEAM	MATRIX MANAGEMENT TEAM
<b>Project Manager</b>	<b>Project Manager / Quality Control</b>
Brian Balfour P.E.- Cascade Pacific	Charlie Scott Matrix Senior Associate
<i>Experience:</i> None for waste sorts, not been with Cascade very long see Resume. Not at 2nd interview. Not ranked well at 1st interview. No references.	<i>Experience:</i> Very experienced in both waste sorts and solid waste field. See Resume. Very good references-DEQ Peter Spendelow. At both interviews
<b>Field Supervisor</b>	<b>Field Supervisor / Coordinator</b>
Mart Huges - Cascade Pacific	Brad Andersen - Matrix
<i>Experience:</i> <u>None in waste sorts or solid waste field.</u> Not present at interviews. No references. May do driver interviews. Budgeted to be primary on-site supervisor/coordinator.	<i>Experience:</i> <u>Very experienced</u> with waste sorts DEQ and many others. Present at both interviews. Very capable. Will do driver interviews. Has demonstrated abilities. Very good references from DEQ. Budgeted to be primary on-site supervisor/coordinator
<b>Sort Crew Supervisor</b>	<b>Sort Crew Supervisor</b>
Emma - American Contractor Center	Nan Hage - Environmental Learning Center
<i>Experience:</i> No resume submitted, but has worked on previous waste sorts (Reidel/Metro). Not present at interviews.	<i>Experience:</i> Short resume submitted. Currently working on DEQ statewide sort. Present at 2nd interview. Very good presentation. Capable, knowledgeable and enthusiastic. Good reference from Peter Spendelow at DEQ.
<b>Sort Crew</b>	<b>Sort Crew</b>
American Contractor Center	Environmental Learning Center
<i>Experience:</i> Previous sorts (Metro / Reidel). Not experienced with high level of detail required for this study. Will require additional training.	<i>Experience:</i> Curently doing DEQ Statewide sorts. Experienced with high level of detail required in this study. Little additional training needed.
<b>Sort Crew Selection and Training</b>	<b>Sort Crew Selection and Training</b>
Bruce Brouard - American Contractors	Nan Hage - Environmental Learning Center
<i>Experience:</i> Previous Reidel/Metro sorts. Present at both interviews	<i>Experience:</i> Current DEQ State Wide sort. Present at 2nd interview.

Meeting Date: March 25, 1993  
Agenda Item No. 7.9

RESOLUTION NO. 93-1765

**SOLID WASTE COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 93-1765, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE A CONTRACT WITH THE ENVIRONMENTAL CAREERS ORGANIZATION TO COMPLETE STUDY ELEMENT III OF THE COMPREHENSIVE WASTE STREAM CHARACTERIZATION STUDY

-----

Date: March 19, 1993

Presented by: Councilor McLain

**Committee Recommendation:** At the March 16 meeting, the Committee voted unanimously to recommend Council adoption of Resolution No. 93-1765. Voting in favor: Councilors Buchanan, McFarland, McLain, Washington and Wyers.

**Committee Issues/Discussion:** This resolution is a companion to Resolution No. 93-1764. It would award a \$42,000 contract to Environmental Careers Organization to conduct Element III of the waste characterization study. Element III involves conducting a user survey and visual examination of loads delivered to six or more non-transfer station disposal sites. This portion of the study would be directed toward facilities at which hand sorting of garbage would not be appropriate or possible.

Councilor Van Bergen asked if the information gathered in the study would have some use in enforcement. Bob Martin responded that it might assist in the targetting of enforcement activities.

**BEFORE THE METRO COUNCIL**

<b>FOR THE PURPOSE OF AUTHORIZING THE</b>	)	<b>RESOLUTION NO. 93-1765</b>
<b>EXECUTIVE OFFICER TO EXECUTE A</b>	)	
<b>CONTRACT WITH THE ENVIRONMENTAL</b>	)	<b>Introduced by Rena Cusma,</b>
<b>CAREERS ORGANIZATION TO COMPLETE STUDY</b>	)	<b>Executive Officer</b>
<b>ELEMENT III OF THE COMPREHENSIVE WASTE</b>	)	
<b>STREAM CHARACTERIZATION STUDY</b>	)	

WHEREAS, Resolution NO. 92-1686, adopted on November 12, 1992, authorized issuance of a Request for Proposals for a "Comprehensive Waste Stream Characterization Study" for the purpose of entering into a multi-year contract with the most qualified proposer ; and

WHEREAS, A public Request for Proposal procedure was used pursuant to Metro Code, to obtain proposals for the "Comprehensive Waste Stream Characterization Study"; and

WHEREAS, Three proposals were submitted for providing the requested services; and

WHEREAS, An evaluation committee responsible for review of the submitted proposals evaluated and scored the written proposals and conducted interviews pursuant to Metro Code; and

WHEREAS, In order to most effectively utilize the available budget and achieve the goals and objectives of the Study, the selection committee has recommended to award the Study under two separate contracts, one contract to complete Study Elements I and II, and a separate contract for Study Element III; and

WHEREAS, After careful consideration by the evaluation and selection committee, it was concluded that The Environmental Careers Organization has submitted the most cost effective, responsive, responsible proposal for the "Comprehensive Waste Stream Characterization Study - Study Element III"; and

WHEREAS, The Executive Officer has reviewed the contract with The Environmental Careers Organization for the "Comprehensive Waste Stream Characterization Study - Study Element III" and hereby forwards the Agreement to the Council for approval; now, therefore,

BE IT RESOLVED, That the Metro Council authorizes the Executive Officer to execute the attached contract (Exhibit "A" hereto) with The Environmental Careers Organization for the "Comprehensive Waste Stream Characterization Study - Study Element III".

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

---

Judy Wyers, Presiding Officer

WWM:acy  
S SHARE/METZ/RFP/SW931765.RES  
March 1, 1993

Project: Comprehensive Waste Characterization Study  
Study Elements III  
Contract No: 902937

## PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 2000 S.W. First Avenue, Portland, OR 97201-5398, and The Environmental Careers Organization, referred to herein as "Contractor," located at 1218 Third Avenue, Suite 1515 Seattle, Washington 98101-3021.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. Duration. This personal services agreement shall be effective April 15, 1993, and shall remain in effect until and including April 22, 1994, unless terminated or extended as provided in this Agreement.
2. Scope of Work. Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. Payment. Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed FORTY TWO THOUSAND and NO/100THS DOLLARS (\$42,000.00).
4. Insurance.
  - a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:
    - (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
    - (2) Automobile bodily injury and property damage liability insurance.
  - b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
  - c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status

and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the state of Oregon and shall be conducted in the circuit court of the state of Oregon, for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor five days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

THE ENVIRONMENTAL  
CAREERS ORGANIZATION

METRO

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Print name and title

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**ATTACHMENT A  
SCOPE OF WORK**

**Comprehensive Waste Stream Characterization Study  
Study Element III**

**Contractor:** The Environmental Careers Organization

**Contract #** 902937

**I. STATEMENT OF WORK**

Contractor agrees to perform all work and/or services as set forth below:

Contractor shall:

- a. Consult with Metro project manager to ascertain project staffing needs (see Exhibit A - Project Description Form for Placement Services).
- b. Recruit, screen and refer qualified candidates for the project position.
- c. Facilitate Metro interviews with the Environmental Career Organization candidates.
- d. Hire a candidate of Metro choice and place candidate (Associate) under Metro supervision.
- e. Conduct an on-site visit to determine if the Environmental Careers Organization Associate is performing adequately and that Metro project managers are satisfied with selection.
- f. Providing all workers compensation and unemployment insurance benefits.
- g. Providing a \$1,000,000 general liability insurance policy.

**II. CONTRACT AND TERMS OF PAYMENT**

**Payment / Billing Schedule:**

- a) The Environmental Careers Organization (ECO) agrees to perform all work set forth in the Scope of Work Section of this agreement for an amount not to exceed FORTY TWO THOUSAND and NO/100 DOLLARS (\$42,000). Such payment shall be full

compensation for work performed and/or services rendered and for Management Fee, and for all other expenses and incidentals necessary to complete all the work.

- b) The billing rate for services provided by The Environmental Careers Organization shall be calculated as hereinafter set forth:
- 1) Salary. Metro will reimburse the ECO for base salary costs ( a stipend not to exceed \$15.00 an hour) for the time the ECO Associate is directly utilized on work necessary to fulfill the terms of this Agreement.
  - 2) Payroll Costs. Metro will reimburse The ECO for payroll costs not to exceed 17 percent of the Salary. This amount shall not exceed \$5,304.00.
  - 3) Management Fee. The ECO shall be paid a prorated Management Fee of, not to exceed \$5,450.00. The Management Fee shall be paid on a Lump Sum basis on the first invoice.
- c) Contractor shall not exceed and Metro shall not pay, any amount in excess of the maximum compensation amount set forth above. If this maximum compensation amount is increased by amendment of this contract, the amendment must be fully effective before Contractor performs work subject to the amendment. Contractor shall notify Metro supervising representative in writing thirty (30) days before this contract expires of the upcoming expiration of the contract. No payment will be made for any services performed before the beginning date or after the expiration date of this contract. This contract will not be amended after the expiration date.
- d) Contractor shall submit "monthly" (every four weeks) billings for completed work and/or services rendered under this Agreement up to the Contract Amount. Payments of any amounts due under this Agreement shall not relieve The ECO of obligations set forth in the Scope of Work Section in a satisfactory manner.
- e) The billing shall clearly and precisely describe with particularity all work performed, by whom it was performed, and shall itemize and explain all expenses for which reimbursement is claimed. The billings shall include the total amount billed to date by Contractor prior to the current invoice. Contractor shall specifically note in the billing when one-third and two-thirds of the maximum contract amount has been billed. Billings shall be sent to Metro's supervising representative.

S SHARE METZ RFP SCOPEWORK ECOSCOPE.DOC 03/01/93

**EXHIBIT A**  
**PROJECT DESCRIPTION**  
**FOR ENVIRONMENTAL PLACEMENT SERVICES**

**Sponsoring Organization**  
Metro Solid Waste Department  
Planning and Technical Services Division  
Project Manager - Bill Metzler  
Comprehensive Waste Stream Characterization Study  
STUDY ELEMENT III

**I. BACKGROUND**

Metro is the government agency responsible for coordinating regional solid waste management in the Portland metropolitan region. The metro region consists of a three county area (Clackamas, Multnomah, and Washington counties), including 24 cities, with a combined 1991 population of 1.2 million people.

Metro conducts periodic waste characterization studies to determine changes in waste composition. Previous studies occurred in 1986-87 and in 1989-90.

Metro's current 1993-94 Comprehensive Waste Stream Characterization Study consists of three distinct study elements:

- 1) **Study Element I** - Sample and classify waste as it is delivered to regional transfer stations and landfills;
- 2) **Study Element II** - Sample and classify waste directly from points of generation and;
- 3) **Study Element III** - Conduct survey of users and perform visual characterization of waste at various disposal sites to collect data on vehicle type and load content.

Metro requests the services of an ECO Associate to provide assistance only with **Study Element III** of the Comprehensive Waste Stream Characterization Study.

Associate will work in Metro's Solid Waste Department under the Planning and Technical Services Division. There are currently five people in this division including the division manager. The Planning and Technical Services Division is responsible for solid waste planning, policy analysis and evaluation, solid waste forecasting, computer modeling of

solid waste policies and options, mapping for solid waste applications, analysis of data and other functions related to regional solid waste management.

Associate will be working in the field performing driver surveys and visual characterizations of delivered and disposed waste at various solid waste transfer stations and disposal sites. Associate will also work in an office environment performing survey data entry, analysis, and writing reports as required. Associate will have the opportunity to work and interact with other solid waste professionals.

## II. OBJECTIVES

### Study Element III Objectives:

- Conduct an in-field survey of various users of Metro area solid waste disposal facilities. The survey involves the collection of key data on users of six or more solid waste disposal facilities: Hillsboro Landfill, Forest Grove Transfer Station, Lakeside Landfill, East County Recycling, Metro South Transfer Station, and Metro Central Transfer Station. Other facilities may be included or substituted.
- Perform a visual "characterization" (visual inspection and classification) of the waste as the truck loads (from surveyed drivers) are unloaded.
- Perform statistical analysis of survey data and prepare written and oral reports.

## III. SPECIFIC TASKS

### 1. Training

- a. Work with Metro staff to learn about the solid waste system in general. Learn truck types and general load content, differences in the various facilities included in the study, and the types of waste typically delivered to these facilities.
- b. Assist Metro staff in development/refinement of survey form.
- c. Work with Metro staff in the field, to learn and refine visual characterization techniques
- d. Associate will also be responsible for other tasks associated with this Study Element including: Perform data entry, data analysis, quality control, and write reports summarizing completed work and results of study. Associate will report to project manager as required.

## **2. Solid Waste Disposal Site User Survey**

- a. Associate will perform in-field interviews of waste hauler truck drivers asking specific questions about the waste contained in their vehicles. General information to be collected will include:
  - Type of vehicle
  - Type of generator
  - Net weight of vehicle
  - Place of origin
  - General content of load
  - Additional information as required
- b. Survey data will be tied to cashier transaction records to obtain the net weight per vehicle type after the survey has been completed.
- c. Associate will be responsible for ensuring quality control and that all forms are accurate and legible. Completed survey forms will be submitted to Metro's project manager at the end of each week.
- d. Associate will provide a memorandum with the data documenting any problems or assumptions related to the data collected.

## **3. Visual Characterization of Disposed Waste**

- a. After the driver of the vehicle is surveyed, the associate will perform a visual characterization of the waste as it is being unloaded. The visual characterization will entail a visual inspection and general classification/verification of the waste loads.
- b. Data from the visual characterization will be recorded on the same form as the survey data for that specific load. Associate will be responsible for quality control, accuracy and legibility of data forms.

## **4. Data Processing/Reports**

- a. Associate will be responsible for data entry (Metro computer). Associate will be responsible for ensuring that all data is entered in an accurate and timely manner. Associate should have basic knowledge of statistical software programs and some statistical analysis skills are preferred.

- b. Associate will also be responsible for data analysis and report writing. Associate will provide Metro's project manager with summaries of work completed on a quarterly basis, including the completion of a final report.
- c. Perform literature search on waste composition, as needed, for preparation of professional reports.

#### IV. QUALIFICATIONS DESIRED

- Ability to successfully interview solid waste truck drivers under potentially adverse field conditions.
- Ability to enter survey data using electronic spreadsheets and/or data base management software.
- Ability to perform statistical analyses using common software such as the Statistical Analysis System (SAS).
- Ability to prepare written and oral reports to Metro staff.
- Knowledge of solid waste industry and management practices.
- Skills in organizing and conducting research studies.
- Bachelor's or master's degree.
- Current drivers license, and ability to drive a Metro vehicle to various sites in the Portland metropolitan region.
- Prefer person familiar with Portland area and knowledge of local solid waste industry.

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 93-1765 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE A CONTRACT WITH THE ENVIRONMENTAL CAREERS ORGANIZATION TO COMPLETE STUDY ELEMENT III OF THE COMPREHENSIVE WASTE STREAM CHARACTERIZATION STUDY.

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Date: March 1, 1993

Presented by:

Terry Petersen  
Bill Metzler

### PROPOSED ACTION

Adoption of Resolution No. 93-1765, authorizing the Executive Officer to execute a contract with The Environmental Careers Organization to complete Study Element III of the Comprehensive Waste Stream Characterization Study.

### FACTUAL BACKGROUND AND ANALYSIS

On November 12, 1992, the Metro Council approved Resolution No. 92-1686 for the purpose of entering into a multi-year contract with the most qualified respondent by authorizing issuance of a Request for Proposals for a Comprehensive Waste Stream Characterization Study. Metro is responsible for the characterization of waste in the tri-county region.

Metro uses the study to obtain basic data that are critical to regional solid waste management and planning activities. Waste characterization studies require waste sorting to occur over a number of seasons. The study is being coordinated and integrated with other Metro programs, local governments, and haulers.

The Comprehensive Waste Stream Characterization Study is composed of three Study Elements. These are summarized as follows:

- **Study Element I - Disposal Site Sampling:** Vehicles delivering waste to disposal sites will be selected for sampling. A sample will be chosen from the waste delivered, sorted into various components, and each component weighed.
- **Study Element II - Generator Specific Sampling:** Targeted waste includes single-family residential, multi-family residential, and non-residential waste. Waste from these generators will be collected separately and brought to the disposal site for characterization.
- **Study Element III - User Survey and Visual Characterization at Disposal Sites:** Key data will be collected on users of six or more disposal sites. The survey will include visual inspection and general classification of waste loads as they are unloaded.

In response to the Comprehensive Waste Stream Characterization Study RFP (RFP #92R-33-SW), three proposals were submitted on December 14, 1992. These proposals were reviewed,

evaluated, and scored by a selection committee. Evaluations were based on the criteria set forth in the RFP.

In order to most effectively utilize the available budget and achieve the goals and objectives of the study, the selection committee made a recommendation to conditionally award the study under two separate contracts, one contract for both Study Elements I and II, and a separate contract for Study Element III. Metro intends to award Study Elements I and II of the study under a separate contract and resolution (see Contract No. 902936, Resolution No. 93-1764).

The selection committee made a recommendation to conditionally award the contracts on January 15, 1993. Respondents to the RFP were notified of the conditional award of the contracts. The lowest responsible, responsive proposal for Study Element III of the Comprehensive Waste Stream Characterization Study is The Environmental Careers Organization.

### BUDGET IMPACT

It is expected that this work will begin April 15, 1993 and last for approximately one calendar year. This is a Council Designated "B", multi-year contract. In the FY 1992-93 budget, \$10,000 is allocated for work to be performed through June 1993. The remaining pre-approved funds (\$32,000), will come from the FY 1993-94 budget.

### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1765.





# METRO

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From

Date 2/26/93

Environmental Careers Organization

Department Solid Waste Dept.

1218 Third Ave. Suite 1515

Division Planning & Technical

Subject

Seattle WA 98101-3021

Name Bill Metzler

Bid

Contract

Vendor no.

Title Associate SW Planner

RFP

Other

Contract no. 902937

Extension 290

Purpose Comprehensive Wastestream Study - Element III

### Expense

Procurement  Personal/professional services  Services (LM)  Construction  IGA

### Revenue

Budget code(s)

Price basis

Term

Contract

531-310830-524190-76830

Unit

Completion

Grant

Total

Annual

Other

Other

Multi-year\*\*

This project is listed in the  
1992 -1993 budget.

Payment required

4/15/93  
Beginning date

Yes

Type A

Lump sum

4/22/93

No

Type B

Progress payments

Ending date

Total commitment

Original amount

\$ 42,000.00

Previous amendments

\$

This transaction

\$

Total

\$ 42,000.00

A. Amount of contract to be spent fiscal year 92 - 93

\$ 10,000.00

B. Amount budgeted for contract Misc. Prof. Services

\$ 442,000.00

C. Uncommitted/discretionary funds remaining as of 2/19/93

\$ 324,818.50

Approvals 3/1/93  
Division manager

Bill Metzler  
Department director

Labor

Fiscal

3-4-93  
Budget

Risk

Legal

Competitive quotes, bids or proposals:

<b>Matrix Management</b>	\$43,181		WA
Submitted by <b>Cascade Pacific</b>	\$35,120	M/W/DBE	Foreign or Oregon Contractor
Submitted by <b>Environmental Careers</b>	\$42,000	M/W/DBE	Foreign or Oregon Contractor
Submitted by	\$Amount	M/W/DBE	WA Foreign or Oregon Contractor

Comments:

Attachments:

- Ad for bid
- Plans and specifications
- Bidders list (M/W/DBEs included)

Instructions:

1. Obtain contract number from procurement division.  
Contract number should appear on the summary form and all copies of the contract.
2. Complete summary form.
3. If contract is:
  - A. Sole source, attach memo detailing justification.
  - B. Less than \$2,500, attach memo detailing need for contract and contractor's capabilities, bids, etc.
  - C. More than \$2,500, attach quotes, evaluation form, notification of rejection, etc.
  - D. More than \$10,000 or \$15,000 attach RFP or RFB respectively.
  - E. More than \$50,000, attach agenda management summary from council packet, bids, RFP, etc.
4. Provide packet to procurement for processing.

Special program requirements:

General liability: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Liquidated damages \$ \_\_\_\_\_ day

<input type="checkbox"/> Workers comp	<input type="checkbox"/> Prevailing wages
<input type="checkbox"/> Auto	<input type="checkbox"/> Non-standard contract
<input type="checkbox"/> Professional liability	<input type="checkbox"/> Davis/Bacon

Dates:

Ads \_\_\_\_\_ (Publication) \_\_\_\_\_

Pre-bid meeting \_\_\_\_\_ Bid opening\*\* \_\_\_\_\_

Filed with council \_\_\_\_\_ For action \_\_\_\_\_

Filed with council committee \_\_\_\_\_ For hearing \_\_\_\_\_

Project estimate: \_\_\_\_\_

Funding:

- Local/state
- Federal
- Other

ond requirements:

\_\_\_\_\_ % Bid \$ \_\_\_\_\_

\_\_\_\_\_ % Performance \$ \_\_\_\_\_

\_\_\_\_\_ % Performance/payment\* \$ \_\_\_\_\_

\_\_\_\_\_ % L/M \$ \_\_\_\_\_

Separate bonds required if more than \$50,000.

\*\* Minimum period: two weeks from last day advertised.

Meeting Date: March 25, 1993  
Agenda Item No. 7.10

RESOLUTION NO. 93-1776



**METRO**

2000 SW First Ave.  
Portland, OR 97201-5398  
(503) 221-1646

# Memorandum

**DATE:** March 18, 1993

**TO:** Metro Council  
Executive Officer  
Interested Parties

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

**RE:** AGENDA ITEM NO. 7.10; RESOLUTION NO. 93-1776

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Resolution No. 93-1776 and the Solid Waste Committee report only have been printed in this agenda packet due to the volume of supplemental materials. Persons wishing to view those materials in advance of the Council meeting March 25 may contact the Clerk of the Council at ext. 206.

**SOLID WASTE COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 93-1776, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO A CONTRACT WITH TRI-STATE CONSTRUCTION, INC. FOR WORK ASSOCIATED WITH THE CLOSURE OF SUBAREAS 2 & 3 OF THE ST. JOHNS LANDFILL

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Date: March 19, 1993

Presented by: Councilor Washington

**Committee Recommendation:** At the March 16 meeting, the Committee voted unanimously to recommend Council adoption of Resolution 93-1776. Voting in favor: Councilors Buchanan, McFarland, McLain, Washington and Wyers.

**Committee Issues/Discussion:** Jim Watkins and Dennis O'Neil, Solid Waste Staff, provided background information on the resolution. The contract awarded through the resolution represents the next major step in the closure of the landfill. The contractor will be responsible for providing the cover system in Subareas 2 and 3, about 120 acres. In addition, the contractor will build the motor blower flare facility for the flaring of methane gas produced by the landfill.

Metro originally estimated that this work would cost about \$11.5 million. The low bid submitted by Tri-State is for \$8.44 million. The work will span two construction seasons and be completed in the fall of 1994.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE ) RESOLUTION NO. 93-1776  
EXECUTIVE OFFICER TO ENTER INTO A )  
CONTRACT WITH TRI-STATE CONSTRUCTION, )  
INC. FOR WORK ASSOCIATED WITH THE )  
CLOSURE OF SUB-AREAS 2 & 3 OF THE )  
ST. JOHNS LANDFILL ) Introduced by Rena Cusma,  
Executive Officer

WHEREAS, It is in the public interest that the St. Johns Landfill closure process move forward in an expeditious manner; and

WHEREAS, Work associated with and including the construction of an improved multi-layered cover system, gas collection system and storm water collection system on Subareas 2 & 3 and a motor blower/flare facility will advance the closure process; and

WHEREAS, On January 14, 1993 the Metro Council authorized issuance of a Request for Bids for the above listed work; and

WHEREAS, Tri-State Construction, Inc. has been determined to be the lowest responsive, responsible bidder after an open competitive bid process; and

WHEREAS, the award is conditioned upon the receipt of a Performance Bond and all other bid document submittal requirements; and

WHEREAS, This resolution, authorizing the Executive Officer to enter into a contract with Tri-State Construction, Inc. was submitted to the Executive Officer for consideration and was forwarded to the Metro Council for approval; now therefore,

BE IT RESOLVED, That the Metro Council authorizes the Executive Officer to enter into a contract with Tri-State Construction, Inc. in the amount of \$8,440,921 for work associated with the Closure of Subareas 2 & 3 of the St. Johns Landfill.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

RRS:clk

s:\share\smoo\stjoh2&3\ew931776.res

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 93-1776 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO A CONTRACT WITH TRI-STATE CONSTRUCTION, INC. FOR WORK ASSOCIATED WITH THE ST. JOHNS LANDFILL CLOSURE OF SUBAREAS 2 & 3.

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Date: March 16, 1993

Presented by: Dennis O'Neil  
Jim Watkins

### PROPOSED ACTION

Adopt Resolution No. 93-1776 to authorize the Executive Officer to execute a contract with Tri-State Construction, Inc., the lowest responsive, responsible bidder for work associated with the St. Johns Landfill Closure of Subareas 2 & 3. The Contract is recommended for award conditioned upon receipt of Performance Bond, Insurance Certificates, and other bid document submittal requirements, which are required after Council approval.

### FACTUAL BACKGROUND AND ANALYSIS

The primary method to control ground water and surface water contamination from St. Johns Landfill is to construct an impervious cap over the existing solid waste. Metro has solicited bids to construct an improved, multi-layered cover system and associated landfill gas and stormwater systems in a 120 acre portion of the landfill during 1993 and 1994 this work will also include the construction of the motor blower/flare facility for the landfill gas collection system. Construction of this cover is the second phase of construction of the final cover for the entire landfill.

Following Council approval, a Request for Bids was issued on January 15, 1993. Advertisements were published in Portland newspapers and sent to a list of potentially interested parties. A prebid conference was held on February 1, 1993. The purpose of this conference was to present highlights of the project, review Metro requirements and to receive questions from interested parties. Representatives from approximately 41 businesses attended the prebid conference.

Only one addendum to the Request for Bids document was issued. The items in this addendum were found by General Counsel not to materially change the Bidding Documents.

Six bid submittals were received and opened during a public bid opening on February 22, 1993. The Bidders are listed below. (The numbers below include the correction of a mathematical error in the Delhur Industries, Inc. bid.)

Organization	Cost
Tri-State Construction	\$ 8,440,921.00
Scarsella Bros.	9,393,922.50
Kiewit Pacific	9,456,230.00
Slayden Construction	9,638,115.00
L & H Grading	9,910,150.00
Delhur Industries, Inc.	10,290,786.00

Staff has reviewed the references of Tri-State Construction, Inc. and has determined that they meet the requirements for experience and have the ability to perform the work as described in the Instructions to Bidders. They have sufficient equipment and personnel to perform the work. They have prepared more than 50 acres of subgrade for landfill liners and/or covers. They will be performing more than 30 percent of the work with their own work force. They have received favorable responses from references and previous contracting agencies.

Tri-State Construction, Inc. has met the requirements of the Metro Minority and Women Owned Business Program for good faith efforts. They will subcontract 3.6 percent of the work to MBE and 4.8 percent of the work to WBE firms.

Tri-State has also included recycled products in their bid, however, it was not necessary to apply a bid preference because they were the low bidder by more than \$900,000. Other bidders also proposed to use recycled products, but applying a bid preference would not have changed the outcome of the bid ranking.

#### BUDGET IMPACT

It is expected that this work will begin in April 1993 and continue through November of 1994. In the FY1992-93 budget, \$2,000,000 is allocated for work to be performed during May and June 1993, \$8,833,000 is budgeted for FY1993-94. The FY1994-95 budget will be determined following the 93-94 construction season.

#### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends that a contract be awarded to Tri-State Construction, Inc.

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