



METRO

Agenda

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

DATE: April 22, 1993
MEETING: METRO COUNCIL
DAY: Thursday
TIME: 4:00 p.m.
PLACE: Metro Council Chamber

Approx.
Time*

Presented
By

- | | | |
|-------------------|---|------------|
| 4:00 | <u>1. INTRODUCTIONS</u> | |
| | <u>2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS</u> | |
| | <u>3. EXECUTIVE OFFICER COMMUNICATIONS</u> | |
| 4:05
(5 min.) | <u>4. CONSENT AGENDA</u> | |
| | 4.1 Minutes of March 25, April 8, and April 12, 1993 | |
| 4:10
(5 min.) | <u>5. ORDINANCES FIRST READINGS</u> | |
| | 5.1 Ordinance No. 93-497, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Increases in the Zoo Operating Fund and Adding 0.05 FTE Assistant Catering Coordinator (Action Requested: Refer to Finance Committee) | |
| | 5.2 Ordinance No. 93-498, For the Purpose of Amending the Metro Code to Impose Metro User Fees on Facilities that Clean Petroleum Contaminated Soil (Action Requested: Refer to Solid Waste Committee) | |
| | <u>6. ORDINANCES, SECOND READINGS</u> | |
| | REFERRED FROM THE FINANCE COMMITTEE | |
| 4:15
(10 min.) | 6.1 Ordinance No. 93-486A, An Ordinance Amending the Metro Code, Section 2, and Establishing Procedures to Create a Tax Study Committee, and Declaring an Emergency <u>Public Hearing</u> (Action Requested: Motion to Adopt the Ordinance) | Monroe |
| 4:25
(10 min.) | 6.2 Ordinance No. 93-490, An Ordinance Amending Ordinance No. 93-449B 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 <u>Public Hearing</u> (Action Requested: Motion to Adopt the Ordinance) | Van Bergen |
| 4:35
(10 min.) | 6.3 Ordinance No. 93-491, An Ordinance Amending Ordinance NO. 93-449B 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 <u>Public Hearing</u> (Action Requested: Motion to Adopt the Ordinance) | Van Bergen |
| 4:45
(10 min.) | 6.4 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 <u>Public Hearing</u> (Action Requested: Motion to Adopt the Ordinance) | Van Bergen |

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

6. ORDINANCES, SECOND READINGS (Continued)

4:55
(10 min.) 6.5 Ordinance No. 93-493, An Ordinance Amending Ordinance No. Buchanan
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 FTE in the Growth Management Division,
and Declaring an Emergency Public Hearing (Action
Requested: Motion to Adopt the Ordinance)

5:05
(10 min.) 6.6 Ordinance No. 93-495, An Ordinance Adding a New Title to Monroe
the Metro Code to Implement and Make Provision for the
Exercise of Metro's Charter Authority to Issue Revenue
Bonds, General and Special Obligation Bonds, Certificates
of Participation and Other Obligations; Amending Certain
Prior Metro Ordinances in Order to Conform to the New
Metro Code Provisions Added by This Ordinance; and
Declaring an Emergency Public Hearing (Action Requested:
Motion to Adopt the Ordinance)

7. NON-REFERRED RESOLUTIONS

5:15
(10 min.) 7.1 Resolution No. 93-1880, In Memory of Gladys S. McCoy and
In Appreciation for Her Contributions to the Greater
Portland Metropolitan Area (Action Requested: Motion to
Adopt the Resolution)

8. RESOLUTIONS

REFERRED FROM THE FINANCE COMMITTEE

5:25
(10 min.) 8.1 Resolution No. 93-1788A, For the Purpose of Approving a Kvistad
Fiscal Year 1992-93 Supplemental Budget and Transmitting
the Approved Budget to the Tax Supervising and
Conservation Commission (Action Requested: Motion to
Adopt the Resolution)

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

5:35
(20 min.) 8.2 Resolution No. 93-1746A, For the Purpose of Revising Moore
Guidelines for Council Per Diem, Councilor Expense and
General Council Materials and Services Accounts (Action
Requested: Motion to Adopt the Resolution)

5:55 RECESS

6:00 Greetings and Coffee with the CCI Committee

6:30 RECONVENE

REFERRED FROM THE PLANNING COMMITTEE

6:35
(1 hr.) 8.3 Resolution No. 93-1784, Recommending Priority High Gates
Capacity Transit Corridors to the North and South and an
Action Plan for Phase 2 of the North/South Preliminary
Alternatives Analysis (Action Requested: Motion to Adopt
the Resolution)

- 7:35
(10 min.)
- 7:45
(10 min.)
- 7:55
(10 min.)
- 8:05
(10 min.)
- 8:15
- 8. RESOLUTIONS (Continued)**
- 8.4 Resolution No. 93-1785, Endorsing the Region's Surface Transportation Program Projects and Amending the FY 93 TIP for Inclusion of These Projects (Action Requested: Motion to Adopt the Resolution)** **Moore**
- 8.5 Resolution No. 93-1786, Approval of an MOU on STP Funds and STP Replacement Funds (Action Requested: Motion to Adopt the Resolution)** **Monroe**
- 9. EXECUTIVE SESSION Held Pursuant to ORS 192.660(1)(h) to Consult with Legal Counsel On Pending Litigation (Tri-Met Condemnation of Zoo Parking Lot)**
- 10. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**
- ADJOURN**

Meeting Date: April 22, 1993
Agenda Item No. 4.1

MINUTES

MINUTES OF THE METRO COUNCIL

March 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.

1. INTRODUCTIONS

None.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Cusma discussed the status of joint mediation between the Cities of Portland and Beaverton over their urban service boundary(s).

Executive Officer Cusma announced that Metro Regional Center had received its certificate of occupancy on the date projected by staff and that the project was on-time and under-budget.

4. CONSENT AGENDA

4.1 Minutes of February 25, 1993

REFERRED FROM THE PLANNING COMMITTEE

4.2 Resolution No. 93-1784, 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

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

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

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

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

Presiding Officer Wyers announced that Ordinance No. 93-489 had been referred to the Governmental Affairs Committee for consideration.

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

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

Presiding Officer Wyers announced that Ordinance No. 93-490 had been referred to the Finance Committee for consideration.

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

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

Presiding Officer Wyers announced that Ordinance No. 93-491 had been referred to the Finance Committee for consideration.

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

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

Presiding Officer Wyers announced that Ordinance No. 93-492 had been referred to the Finance Committee for consideration.

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

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

Presiding Officer Wyers announced that Ordinance No. 93-493 had been referred to the Finance Committee for consideration.

6. ORDINANCES, SECOND READINGS

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

Presiding Officer Wyers announced that Ordinance No. 93-484 was first read on March 11, 1993, and referred to the Finance Committee for consideration. She announced the Finance Committee considered the ordinance at its March 24 meeting and had continued consideration of same to its next scheduled meeting.

7. RESOLUTIONS

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

Motion: Councilor Monroe moved, seconded by Councilor Devlin, for adoption of Resolution No. 93-1777.

Councilor Monroe gave the Finance Committee's report and recommendations. He explained the resolution would begin the process to refund Metro's general revenue bonds for Metro Regional Center and Metro's solid waste system revenue bonds for

Metro Central Station. He said current interest rates were low enough to make it cost-effective to refinance both bond issues. He explained the resolution would authorize the Executive Officer and staff to prepare a refunding plan and submit it to the State Treasurer for approval. He said if market conditions were such that 3 percent in savings could be realized, subsequent resolutions authorizing the issuance of new bonds would be submitted to the Council for adoption.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 93-1777 was adopted.

7.2 Resolution No. 93-1778A, For the Purpose of Withdrawing Metro's Participation in the Forum on Cooperative Urban Services (FOCUS)

Councilor Gates reported on Governmental Affairs Committee consideration of the resolution. He said he would like the resolution to be referred back to committee for further work and referred to letters on the resolution received from Darlene Hooley, Clackamas County Board of Commissioners Chairperson, and Mayor Rob Drake, City of Beaverton.

Councilor Gardner said he supported the resolution as it was presented at committee. He said its original purpose was to express displeasure with the recent direction and activities taken by FOCUS, and to withdraw from the organization because of those reasons. He said it now appeared that FOCUS was rethinking its direction and activities, and said if that were the case, he would support sending the resolution back to committee for further work.

Councilor Gates said Washington County leaders also wanted to see FOCUS re-prioritize and have Metro representatives participating more fully in FOCUS activities.

Motion to Refer Back: Councilor Gates moved, seconded by Councilor McFarland, to refer Resolution No. 93-1778A back to the Governmental Affairs Committee for further consideration.

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

7.3 Resolution No. 93-1782, For the Purpose of Adding Items to Metro's Legislative Agenda

Main Motion: Councilor Hansen moved, seconded by Councilor McFarland, for adoption of Resolution No. 93-1782.

Councilor Hansen gave the Governmental Affairs Committee's report and recommendations. She gave the Committee's recommendations and explained the resolution. Councilor Hansen noted Council Analyst Casey Short's March 24, 1993, memorandum, "HB 3385" addressed to herself with Legal Counsel's opinion attached. She explained the bill if adopted did not appear to affect Metro's authority to continue to operate the Memorial Coliseum through the end of the fiscal year.

First Motion to Amend: Councilor Hansen moved, seconded by Councilor McFarland, to amend Resolution No. 93-1782 to move HB 3385 from "oppose unless amended" to "monitor."

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 was absent. The vote was unanimous and the motion passed.

Councilor Kvistad asked for an explanation of SB 425.

Burton Weast, Western Advocates, said SB 425 would establish a vehicle emission fee in the Portland metropolitan area, direct the Environmental Quality Commission (EQC) to establish a fee schedule, and provide for funds to finance projects to reduce air pollution. He said the bill had been sent to a special committee and needed three votes to pass out of committee.

Councilor Gardner said the bill would put concepts on the table and then specific details could be added. He said the Council could endorse the bill in concept and testify on the issues when it was being worked on during hearings and work sessions.

Councilor Monroe said SB 425 was an important piece of legislation and applauded State Senator Ron Cease for sponsoring it. He said it was not likely to survive in the Senate or the House, but said it was important to demonstrate intent to comply with federal clean air standards and said the issues should at least be discussed by the Legislature.

Mr. Weast said language did provide guidance on what the fees potentially could be and said fees would be based on actual emission rates and miles driven and phased in over six years. He

said fees would be at least \$5 and not more than \$100 in 1994 and were designed to achieve at least a 20 percent reduction in volatile organic compounds (VOC).

Councilor Kvistad stated his opposition to SB 425 for the record because of its regressive aspect and negative impacts on citizens.

Councilor McFarland noted her March 25, 1993 memorandum, "Metro Opposition to SB 1004. She said that SB 1004, introduced at the Legislature earlier this week, could have a significant negative impact on Metro's solid waste disposal revenue. She said the bill would "prohibit a metropolitan service district from charging a tax or fee on petroleum contaminated soil (PCS) received at a facility not owned or operated by the district. Metro now charges the Tier One User Fee of \$19/ton on PCS taken to the Hillsboro Landfill and the various newly designated facilities. Staff conservatively estimates that \$1.3 million in fee revenue could be lost on about 70,000 tons of soil if this bill passes. Interestingly, the requestor of the bill is Regional Disposal Company which operates the newly designated Roosevelt Landfill. I would urge that Metro actively oppose this legislation."

Second Motion to Amend: Councilor McFarland moved, seconded by Councilor Kvistad, to put SB 1004 in the "oppose" category."

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

Vote on Main Motion as Amended: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Washington and Wyers voted aye. Councilor Van Bergen was absent. The vote was unanimous and Resolution No. 93-1782 was adopted as amended.

7.4 Resolution No. 93-1769, For the Purpose of Approving the FY 1994 Unified Work Program (UWP)

Motion: Councilor Moore moved, seconded by Councilor McFarland, for adoption of Resolution No. 93-1769.

Councilor Moore gave the Planning Committee's report and recommendations. She explained all projects called for were road

improvement projects and explained the resolution had to be adopted before adoption of Metro's FY 1993-94 Budget because of federal deadlines for funding applications. She said if the Unified Work Program could be amended later if necessary and said the resolution met Intermodal Surface Transportation Efficiency Act (ISTEA) requirements.

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. 93-1769 was adopted.

7.5 Resolution No. 93-1770, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements

Motion: Councilor Monroe moved, seconded by Councilor Buchanan, for adoption of Resolution No. 93-1770.

Councilor Monroe gave the Planning Committee's report and recommendations. He explained Resolution No. 93-1770 was companion legislation to Resolution No. 93-1769 and would officially certify the region's compliance with federal transportation planning requirements and was an integral piece to seek federal funding. He said it was Metro's responsibility to self-certify its own compliance and the federal government's responsibility to accept or reject that certification.

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. 93-1770 was adopted.

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

Motion: Councilor Kvistad moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1771.

Councilor Kvistad gave the Planning Committee's report and recommendations. He explained the National Highway System (NHS), authorized under ISTEA, was the only Federal-Aid Highway System and was intended to consist of routes with national or international systems. He said those routes were eligible for

dedicated federal funding for modernization as long as they were constructed to principal arterial standards.

Councilor Moore stated for the record her concern about the inclusion of Murray Boulevard between Murray and Tualatin Highway because she did not believe it should be designated as part of the national highway system.

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. 93-1771 was adopted.

7.7 Resolution No. 93-1781B, For the Purpose of Providing Commentary and Response to the Tri-Met Strategic Plan

Main Motion: Councilor Devlin moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1781B.

Councilor Devlin gave the Planning Committee's report and recommendations. He explained amendments made at committee resulting in the "B" resolution. He said the resolution as amended would allow Metro to more fully respond to the Tri-Met Strategic Plan and allow for consistency with the Regional Transportation Plan (RTP). He said the Tri-Met Strategic Plan would also allow the decision-making process for the Region 2040 Project to set the tone for future decisions regarding ridership and addressed the initial financial steps needed for the next five-year period. He said the "A" version of the resolution removed most critical comments to the second discussion draft and were successfully resolved in the new discussion draft before the Council. He said the "A" version was amended further leading to a "B" draft and noted Councilor Moore had amendments she wished to make to the "B" draft at this meeting also.

Motion to Amend: Councilor Moore moved, seconded by Councilor Devlin, to amend Resolution No. 93-1781B as follows (additional language underlined): To add a sentence at the end of Be It Resolved Section No. 3; Tri-Met is encouraged to advocate, through the Region 2040 process, a future urban form for which affordable transit can be provided. and to add a sentence at the end of Be It Resolved Section No. 5(C); The Metro Council strongly endorses the service expansion goal of Tri-Met's Strategic Plan which calls for the agency to "work to achieve attractive, transit-supportive pedestrian and biking environments" as an important means to increase the percentage of bike walking, and transit trips in the region.

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

Vote on Main Motion as Amended: 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. 93-1781C was adopted.

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

Motion: Councilor McLain moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1764.

Councilor McLain gave the Solid Waste Committee's report and recommendations.

Councilor Buchanan noted the Solid Waste Committee had recommended Resolution No. 93-1764 to the full Council for adoption on March 16, but noted since that time Councilors, citizens and administrative staff had expressed some confusion about the resolution. He said questions had been raised about the contract's length, cost and minority participation.

Motion to Refer Back: Councilor Buchanan moved, seconded by Councilor McFarland, to refer Resolution No. 93-1764 back to the Solid Waste Committee for further consideration.

Councilors McFarland, Washington, Gardner and Devlin supported the motion to refer the resolution back to committee. Councilor Devlin said if the resolution was not processed by the Committee within a short period of time, that a status report on the issues should be provided because many parties had participated in the contracting process.

Councilor Moore asked the Solid Waste Committee to state for the record the reasons for referring the resolution back to committee for further consideration.

Councilor McLain said the Solid Waste Committee had reviewed the resolution during two different meetings. She said bidders should be told what the Council's concerns were so that they could prepare presentations for consideration at the next Solid Waste Committee meeting.

Councilor Washington said he supported the resolution, but had expressed concerns about WBE and DBE participation. He said other Councilors had expressed concerns about the cost of implementing the contract. He said the \$75 per ton tipping fee would not increase this fiscal year, that tonnage levels were down and expressed concern about the status of the FY 1993-94 Solid Waste Department budget.

Councilor Van Bergen said he supported referral of the resolution back to committee because additional materials had been provided the Committee should review. He said the Committee should also check Department of Environmental Quality (DEQ) stipulations to ascertain if they still applied to such projects.

Presiding Officer Wyers supported the referral also and questioned whether a waste sort study should or would cost \$250,000. She said when the project was first discussed, project costs were estimated at \$150,000.

Councilor Gardner asked Legal Counsel Todd Sadlo about his opinion on contract "A" and "B" designations. He noted Mr. Sadlo said that contracts originally designated "B" contracts should stay in that category even they were expanded. He said if a contract spanned more than the period of one year, it should automatically become an "A" contract. Councilor Devlin noted the Council could designate whether contracts were "A" or "B" contracts. He said this contract was originally designated a "B" contract because it was considered a relatively minor project at the time of contract designation.

Vote on Motion to Refer Back: 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. 93-1764 was referred back to the Solid Waste Committee for further consideration.

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

Councilor McLain said since Resolution No. 93-1765 was companion legislation to Resolution No. 93-1764, it should be referred back to the Solid Waste Committee also.

Motion to Refer Back: Councilor McLain moved, seconded by Councilor Buchanan, to refer Resolution No. 93-1765 back to the Solid Waste Committee for further consideration.

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

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

Motion: Councilor Washington moved, seconded by Councilor McFarland, for adoption of Resolution No. 93-1776.

Councilor Washington gave the Solid Waste Committee's report and recommendations. He explained the contract called for represented the next major step in the closure of the St. Johns Landfill. He said the contractor would be responsible for providing the cover system in Subareas 2 and 3 over approximately 120 acres. He said additionally, the contractor would build the motor blower flare facility for the flaring of methane gas produced by the landfill.

Councilor Van Bergen asked what advantages Metro would gain from gas recovery. Councilor McFarland said staff expected to gain an estimated \$85,000 in revenue from the sale of methane gas. She did not know whether Metro would be expected to pay federal tax on gas revenues or not. Presiding Officer Wyers asked Council Analyst John Houser to research that issue. Councilor McLain

asked how much Metro paid for dirt to cover the landfill subareas. Councilor Washington explained Metro's contract with John L. Jersey Company provided dirt for landfill coverage. Councilor McLain asked why Metro paid for dirt and asked if it could be gotten for free.

Bob Martin, Director of Solid Waste, explained the dirt for fill materials had to meet certain specifications. He said Metro did accept free fill dirt if it met coverage specifications. He said dirt disposers did not charge Metro and Metro did not charge them which reduced some costs. He noted Metro could also get fill dirt from Tri-Met when excavation work on the Westside Lightrail tunnel began.

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. 93-1776.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor McFarland discussed when the Regional Facilities Funding Task Force would submit its final report to the Council.

Councilor McFarland discussed a Metropolitan Exposition-Recreation Commission (MERC) special meeting held to acquire an interim director and the Council discussed the same, including the application of MERC and Metro personnel rules on hiring.

Councilor Gardner noted the Metropolitan Policy Advisory Committee (MPAC) held its first meeting on March 24 and discussed Council representation, three seats, on same. He noted MPAC passed a motion asking Metro to abolish the Regional Policy Advisory Committee (RPAC) and assign its duties to MPAC. He noted MPAC would meet in conjunction with RPAC on April 14. The Council as a whole discussed MPAC's and RPAC's duties and functions.

Councilor McLain discussed the Council committee structure and the role of Councilors attending committees upon which they did not serve. The Council as a whole discussed the same.

Councilor Gates noted the Governmental Affairs Committee would review whether or not to support Multnomah County ballot measures based on Commissioner Tanya Collier's request to do so.

Councilor Van Bergen asked what the status of the Apportionment Commission was. Council Administrator Don Carlson reported on the status of staff and material support for the Commission.

The Council as a whole discussed how the Council should interact with the Apportionment Commission and unanimously passed the following two motions:

Motion No. 1: Councilor Hansen moved, seconded by Councilor Moore, that Metro Councilors make no communication, written or oral, with the Apportionment Commission or their staff outside of open, public meetings, and that Metro maps with individual addresses of Councilors marked in their districts not be provided to the Apportionment Commission except upon the Apportionment Commission's request.

The Council as a whole discussed Motion No. 1.

Vote on Motion No. 1: Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Buchanan was absent. The vote was unanimous and Motion No. 1 passed.

Motion No. 2: Councilor Hansen moved, seconded by Councilor Moore, that Councilors be available for interviews at the Apportionment Commission's request during open, public meetings.

The Council as a whole discussed Motion No. 2.

Vote on Motion No. 2: Councilors Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Buchanan was absent. The vote was unanimous and Motion No. 2 passed.

Councilor Moore noted she and Councilor McLain would participate in Region 2040 community presentations and asked if other Councilors planned to participate also.

Councilor Gardner noted Lake Oswego Mayor Alice Schlenker and Barbara Wiggin, former Gresham City Councilor, had been appointed to the Future Vision Commission by MPAC and discussed Washington State's appointment to the Commission.

Councilor Washington noted he and Councilor Gates would conduct tours for citizens at Metro Regional Center when it opened and invited other Councilors to participate in conducting tours.

METRO COUNCIL
March 25, 1993
Page 14

Councilor Monroe announced Phase I of the Budget process for FY 1993-94 had been completed and the Budget Committee would begin Phase II.

All business having been attended to, Presiding Officer Wyers adjourned the meeting at 7:00 p.m.

Respectfully submitted,

Paulette Allen

Paulette Allen
Clerk of the Council

MINUTES OF THE METRO COUNCIL

April 8, 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 3:58 p.m.

1. INTRODUCTIONS

None.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Cusma introduced Merrie Waylett, Senior Management Analyst, briefed the Council on Metro's participation in the "Take Your Daughter to Work Day" event on April 28 sponsored by the Ms. Foundation.

Dan Cooper, General Counsel, briefed the Council on negotiations with the City of Portland related to the Westside light rail Zoo station. Executive Officer Cusma said she would provide the Council with a copy of her response letter to the City of Portland on the issues. The Council and Executive Officer Cusma discussed the issues further and she said she would report to the Council at the next regular Council meeting on the status of those negotiations.

4. OTHER BUSINESS

4.1 Educational Grants Briefing

Councilor Hansen gave a briefing on the Greenspaces Educational Grants and distributed a memorandum from Ellen Lanier-Phelps, Senior Regional Planner, dated April 6, 1993, "Environmental Educational Grants."

5. CONSENT AGENDA

5.1 Minutes of March 11, 1993

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

5.2 Resolution No. 93-1787, For the Purpose of Adopting Amendments to the Metro Committee for Citizen Involvement (Metro CCI) By-Laws

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

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

6. ORDINANCES, FIRST READINGS

6.1 Ordinance No. 93-494, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Adopting a Supplemental Budget, Rerecognizing the PCPA Capital and Declaring an Emergency

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

Presiding Officer Wyers announced Ordinance No. 93-494 had been referred to the Finance Committee for consideration.

6.2 Ordinance No. 93-495, An Ordinance Adding a New Title to the Metro Code to Implement and Make Provision for the Exercise of Metro's Charter Authority to Issue Revenue Bonds, General and Special Obligation Bonds, Certificates of Participation and Other Obligations; Amending Certain Prior Metro Ordinances in Order to Conform to the New Metro Code Provisions Added by This Ordinance; and Declaring an Emergency

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

Presiding Officer Wyers announced Ordinance No. 93-495 had been referred to the Finance Committee for consideration.

7. RESOLUTIONS

7.1 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

Presiding Officer Wyers announced that the Solid Waste Committee considered Resolution No. 93-1764 for a second time on April 6, that the resolution remained in committee, and had been removed from this agenda for consideration at this meeting.

METRO COUNCIL AGENDA NOTES

April 8, 1993

Page 3

7.2 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

Presiding Officer Wyers announced that the Solid Waste Committee considered Resolution No. 93-1765 for a second time on April 6, that the resolution remained in committee, and had been removed from this agenda for consideration at this meeting.

7.3 Resolution No. 93-1783, For the Purpose of Establishing Metro Council Support for the Executive Officer to Execute Change Order No. 11 that Allows Trans Industries to Install a Fiber Based Fuel Processing Line

Presiding Officer Wyers announced that the Solid Waste Committee considered Resolution No. 93-1783 on April 6, that the resolution remained in committee, and had been removed from this agenda for consideration at this meeting.

7.4 Resolution No. 93-1791, For the Purpose of Authorizing an Exemption to the Metro Code, Chapter 2.04.060, Personal Services Contracts Selection Process, and Authorizing a Sole Source Contract with P/OVA for Sponsorship of an Event to Emphasize Reduce, Reuse, Recycle and Support of Recycled Product Purchases May 3-5, 1993

Motion: Councilor Washington moved, seconded by Councilor Kvistad, for adoption of Resolution No. 93-1791.

Councilor Washington gave the Solid Waste Committee's report and recommendations. He explained the resolution would authorize a sole source contract with the Portland/Oregon Visitors Association (P/OVA) which would sponsor a one-day Eco Tourism seminar for businesses involved in the tourism industry. He said the focus of the seminar would be recycling, waste reduction and recycled product purchases by tourism-related businesses. He said the principal speakers would spend two days performing environmental assessments of tourism businesses in the Portland area and hold a seminar on the third day. He said Metro had been asked to provide \$5,000 to help support the seminar and related activities.

The Council as a whole discussed the issues and noted that the event had been advertised before the Council had adopted the resolution. The Council reached consensus that no Metro-sponsored event should be advertised before the Council took action to support the event, and that if Metro contributed funds to an event, it should be cited as a sponsor to the event. Council Analyst John Houser explained specific details of the contract.

METRO COUNCIL AGENDA NOTES

April 8, 1993

Page 4

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. 93-1791 was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Gates discussed the budget process to-date, requested a suggestion box be installed for employees, and recommended a reward system be instituted for employees who thought of methods for Metro to cut costs.

Councilor Devlin noted the twenty-fifth Greenspaces Forum and the Greenspaces Summit were both held March 25 at the Audubon House and discussed both events.

Presiding Officer Wyers discussed compiling lists of Greenspaces items for acquisition and asking cities and counties to submit their wish lists also. She said the Planning Department was developing a flier for distribution to keep the public aware of the Greenspaces Program.

Councilor McFarland announced she and Councilor Buchanan had called a special meeting of the Rate Review Committee to be held on Monday, April 12, at 5:30 p.m. in Room 335.

Councilor McLain discussed a meeting on Councilor outreach on the 2040 Program to be held April 9.

Councilor McLain supported Councilor Gates' request for informal budget discussion meetings because of the volume of the work load.

Councilor Moore discussed The Oregonian editorial published April 8, 1993, on the urban services boundary dispute mediation between the Cities of Beaverton and Portland. Legal Counsel Larry Shaw briefed the Council on the history and issues behind the urban services boundary dispute. He said Metro obtained a grant to facilitate the process as an independent, third party. The Council discussed whether a letter should be written in response to The Oregonian editorial.

Councilor Devlin asked Council staff to submit their budget recommendations as early as possible.

Councilor Monroe asked Council staff to provide minutes on a meeting-to-meeting basis.

Councilor Monroe discussed the Budget process to-date.

Presiding Officer Wyers noted the "Oregon Values and Beliefs Summary Report" distributed to the Council and said a leadership forum on same would be held April 24 at Portland State University.

METRO COUNCIL AGENDA NOTES

April 8, 1993

Page 5

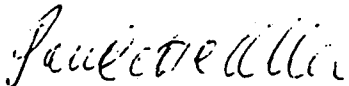
The Council discussed Future Vision applications received and pending. Presiding Officer Wyers appointed a task force comprised of Councilors Gates, McLain, Devlin, Moore, Wyers, Buchanan and Washington to review the applications received.

Councilor Van Bergen announced that JPACT had unanimously adopted the priority high capacity transit corridors to the south and north and that the Council would review that recommendation soon.

Presiding Officer Wyers said staff was working on having Councilors record announcements for the upcoming "SOLV-IT" event for advertisement on the radio.

All business having been attended to, Presiding Officer Wyers adjourned the meeting at 6:15 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council

MINUTES OF THE METRO COUNCIL

April 12, 1993

Council Chamber

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

Councilors Excused: Jim Gardner, Sandi Hansen and Ruth McFarland

Also Present: Executive Officer Cusma

Presiding Officer Wyers called the special meeting to order at 7:02 p.m.

1. EXECUTIVE SESSION Held Pursuant to ORS 192.660(1)(h) to Consult with Legal Counsel Regarding Litigation Likely to Be Filed

Presiding Officer Wyers announced the Council was holding an Executive Session pursuant to ORS 192.660(1)(h) to consult with Legal Counsel regarding litigation likely to be filed.

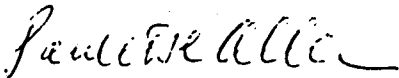
The Executive Session began at 7:02

Present: Councilors Gates, Monroe, Kvistad, Washington, Devlin, Buchanan, Wyers, Moore, McLain and Van Bergen and Executive Officer Cusma. Staff present: Dan Cooper, Mark Williams, Dick Engstrom and Paula Paris. Also present: Gordon Oliver, The Oregonian.

The Executive Session ended at 7:21 p.m.

Presiding Officer Wyers adjourned the meeting at 7:21 p.m.

Respectfully submitted,



Paulette Allen
Clerk of the Council

Meeting Date: April 22, 1993
Agenda Item No. 5.1

ORDINANCE NO. 93-497

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 93-497 AMENDING ORDINANCE NO. 92-449B REVISING THE FY 1992-93 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING INCREASES IN THE ZOO OPERATING FUND AND ADDING 0.05 FTE ASSISTANT CATERING COORDINATOR

Date: April 9, 1993

Presented by: McKay Rich

FACTUAL BACKGROUND AND ANALYSIS

Two divisions within the Zoo Operating Fund are requesting adjustments to their FY 1992-93 budget. Each division's requests will be discussed separately.

Marketing Division

1. The Zoo will be providing two additional concerts in June 1993, to further promote attendance. The addition of these concerts will require increases in supplies, license fees and professional services.
2. Each year the Zoo advertises on billboards to promote attendance. The FY 1991-92 expenditures for billboard advertising were not invoiced until FY 1992-93. In FY 1992-93, the division will realize expenditures for this item for two fiscal years. The Zoo is requesting a transfer from contingency to fund the unanticipated FY 1991-92 expense.
3. The Zoo has leased storage space for ZooBoo and ZooLights supplies and sets. The amount of the lease costs is greater than anticipated. In FY 1992-93, the Zoo had originally proposed to purchase storage containers for these supplies which it will now no longer do. The cost of leasing the new warehouse space is offset by this reduction of cost. This request transfers \$15,000 from capital outlay to materials & services to offset the cost of leasing warehouse space.

Visitor Services Division

In an effort to increase attendance and revenues to the Zoo, the Visitor Services Division is promoting its catering services. To accomplish this increase in service, the FY 1993-94 Proposed Budget includes a request for the addition of 1.0 FTE new catering assistant. Contingent upon Council approval of this position in the FY 1993-94 budget on May 6, 1993, the division is requesting the approval to hire this position during the last month of this fiscal year. The catering seasons busiest time is June through September. By allowing the division to fill this position one month earlier than the beginning of the new fiscal year, will allow the new employee to train during a slower period and to assist with some major catered events already scheduled for June. This action requests the transfer of \$1,984 from Contingency to personal services in the Visitor Services division and the addition of 0.05 FTE catering assistant for the remainder of FY 1992-93.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive officer recommends adoption of Ordinance No. 93-497, transferring \$15,000 from the Marketing Division's capital outlay appropriation to their materials & services appropriation, transferring \$26,977 from Contingency to the Marketing Division and Visitor Services Division, and adding 0.05 FTE Catering Assistant in the Visitor Services Division.

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 ZOO OPERATING FUND AND ADDING)
0.05 FTE ASSISTANT CATERING)
COORDINATOR)

ORDINANCE NO. 93-497

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 for the purpose of transferring \$26,977 from the Zoo Operating Fund Contingency to the Marketing and Visitor Services Divisions to fund increases in operations and to add 0.05 FTE Assistant Catering Coordinator.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, in order to meet operation 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. 93-497**

FISCAL YEAR 1992-93		ADOPTED BUDGET		REVISION		ADOPTED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATING FUND:Marketing							
Total Personal Services		5.48	254,910	0.00	0	5.48	254,910
<u>Materials & Services</u>							
521100	Office Supplies		1,300		0		1,300
521110	Computer Software		2,449		0		2,449
521290	Other Supplies		7,210		0		7,210
521293	Promotion Supplies		71,872		2,770		74,642
521310	Subscriptions		2,040		0		2,040
521320	Dues		1,227		0		1,227
524130	Promotional Services		53,130		13,125		66,255
524190	Misc. Professional Services		226,244		15,303		241,547
525640	M&R-Equipment(Contract/Agreement)		1,250		0		1,250
525710	Equipment Rental		8,348		0		8,348
525731	Operating Lease Payments-Building		3,600		8,450		12,050
526200	Ads & Legal Notices		55,884		0		55,884
526310	Printing Services		107,426		0		107,426
526320	Typesetting & Reprographics Services		1,768		0		1,768
526440	Delivery Service		624		0		624
526500	Travel		4,400		0		4,400
526700	Temporary Help Services		1,380		0		1,380
526800	Training, Tuition, Conferences		1,316		0		1,316
526910	Uniform Supply & Cleaning		500		0		500
528100	License, Permits, Payments to Other Agencies		1,482		345		1,827
529500	Meetings		822		0		822
529800	Miscellaneous		364		0		364
Total Materials & Services			554,636		39,993		594,629
<u>Capital Outlay</u>							
571350	Purchases-Exhibits & Related		17,500		(15,000)		2,500
571500	Purchases-Office Furniture & Equipment		6,518		0		6,518
Total Capital Outlay			24,018		(15,000)		9,018
TOTAL EXPENDITURES		5.48	833,564	0.00	24,993	5.48	858,557

**Exhibit A
Ordinance No. 93-497**

FISCAL YEAR 1992-93		ADOPTED BUDGET		REVISION		ADOPTED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATING FUND:Visitor Services							
<i>Personal Services</i>							
51121	SALARIES-REGULAR EMPLOYEES (full time)						
	Managers (B&G, Const, VS, Ed, PR)	1.00	49,817		0	1.00	49,817
	Food Service Supervisor	1.00	46,905		0	1.00	46,905
	Retail Supervisor	1.00	36,799		0	1.00	36,799
	Food Service Coordinator	4.00	112,842		0	4.00	112,842
	Retail Coordinator	1.00	26,648		0	1.00	26,648
	Assistant Catering Coordinator		0	0.05	1,364	0.05	1,364
51122	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	1.00	24,034		0	1.00	24,034
	Storekeeper	1.00	26,525		0	1.00	26,525
51125	WAGES-REGULAR EMPLOYEES (part time)						
	Secretary	0.75	17,169		0	0.75	17,169
	Food Specialist	0.90	19,616		0	0.90	19,616
	Retail Specialist	0.90	19,616		0	0.90	19,616
	Visitor Service Worker 3-reg	3.00	42,755		0	3.00	42,755
	Visitor Service Worker 1-reg	0.75	12,441		0	0.75	12,441
51124	WAGES-SEASONAL EMPLOYEES						
	Visitor Service Worker 3-temp	3.25	46,318		0	3.25	46,318
	Visitor Service Worker 2-temp	8.75	117,360		0	8.75	117,360
	Visitor Service Worker 1-temp	23.00	255,495		0	23.00	255,495
51132	REPRESENTED 483-REGULAR EMPLOYEES (full time)						
	Typist/Receptionist-reg	1.00	19,815		0	1.00	19,815
51135	REPRESENTED 483-REGULAR EMPLOYEES (part time)						
	Typist/Receptionist Reg. (part time)	2.25	44,583		0	2.25	44,583
51135	REPRESENTED 483-TEMPORARY EMPLOYEES (part time)						
	Typist/Receptionist-temp	1.60	28,216		0	1.60	28,216
	Stationmaster-temp	2.20	50,594		0	2.20	50,594
51140	OVERTIME		17,991		0		17,991
51200	FRINGE		253,885		620		254,505
Total Personal Services		58.35	1,269,424	0.05	1,984	58.40	1,271,408
Total Materials & Services			1,302,485		0		1,302,485
Total Capital Outlay			43,000		0		43,000
TOTAL EXPENDITURES		58.35	2,614,909	0.05	1,984	58.40	2,616,893

**Exhibit A
Ordinance No. 93-497**

FISCAL YEAR 1992-93		ADOPTED BUDGET		REVISION		ADOPTED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATING FUND:General Expenses							
Total Interfund Transfers			1,143,910		0		1,143,910
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		547,582		(26,977)		520,605
599990	Unappropriated Balance						
	* Unrestricted		3,197,884		0		3,197,884
	* Restricted		1,000,000		0		1,000,000
Total Contingency and Unappropriated Balance			4,745,466		(26,977)		4,718,489
TOTAL EXPENDITURES		187.06	17,443,523	0.05	0	187.11	17,443,523

EXHIBIT B
SCHEDULE OF APPROPRIATIONS
Ordinance No. 93-497

	Current Appropriations	Revision	Proposed Appropriations
ZOO OPERATING FUND			
Administration			
Personal Services	\$707,725	\$0	\$707,725
Materials & Services	\$190,650	\$0	\$190,650
Capital Outlay	\$7,500	\$0	\$7,500
Subtotal	\$905,875	\$0	\$905,875
Animal Management			
Personal Services	\$1,974,353	\$0	\$1,974,353
Materials & Services	\$408,103	\$0	\$408,103
Capital Outlay	\$22,900	\$0	\$22,900
Subtotal	\$2,405,356	\$0	\$2,405,356
Facilities Management			
Personal Services	\$1,631,894	\$0	\$1,631,894
Materials & Services	\$1,415,343	\$0	\$1,415,343
Capital Outlay	\$98,178	\$0	\$98,178
Subtotal	\$3,145,415	\$0	\$3,145,415
Education Services			
Personal Services	\$575,935	\$0	\$575,935
Materials & Services	\$242,511	\$0	\$242,511
Capital Outlay	\$14,560	\$0	\$14,560
Subtotal	\$833,006	\$0	\$833,006
Marketing			
Personal Services	\$254,910	\$0	\$254,910
Materials & Services	\$554,636	\$39,993	\$594,629
Capital Outlay	\$24,018	(\$15,000)	\$9,018
Subtotal	\$833,564	\$24,993	\$858,557
Visitor Services			
Personal Services	\$1,269,424	\$1,984	\$1,271,408
Materials & Services	\$1,302,485	\$0	\$1,302,485
Capital Outlay	\$43,000	\$0	\$43,000
Subtotal	\$2,614,909	\$1,984	\$2,616,893
Design Services			
Personal Services	\$248,081	\$0	\$248,081
Materials & Services	\$103,952	\$0	\$103,952
Capital Outlay	\$463,989	\$0	\$463,989
Subtotal	\$816,022	\$0	\$816,022
General Expenses			
Interfund Transfers	\$1,143,910	\$0	\$1,143,910
Contingency	\$547,582	(\$26,977)	\$520,605
Subtotal	\$1,691,492	(\$26,977)	\$1,664,515
Unappropriated Balance	\$4,197,884	\$0	\$4,197,884
Total Zoo Operating Fund Requirements	\$17,443,523	\$0	\$17,443,523

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

Meeting Date: April 22, 1993
Agenda Item No. 5.2

ORDINANCE NO. 93-498



METRO

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

Memorandum

Date: April 8, 1993

To: John Houser, Council Analyst

From: Todd Sadlo, Senior Assistant Counsel

Regarding: ORDINANCE TO IMPOSE USER FEES ON PROCESSORS OF
PETROLEUM CONTAMINATED SOIL
Our file: 9.§13.B

Attached is a draft ordinance that you requested on behalf of Councilor Monroe, imposing solid waste user fees on processors of Petroleum Contaminated Soil (PCS). I have also attached a memorandum refuting a claim made by Diana Godwin on behalf of Rabanco, that exempting PCS processors from user fees is unconstitutional.

The ordinance cannot include an emergency clause, because it imposes a charge. (Metro Charter, Section 39(1)). The earliest it could take effect is 90 days after passage.

It appears that Metro's franchisee, Oregon Hydrocarbons, Inc. (OHI), is the only operating PCS processor. If this ordinance goes forward, please provide OHI with adequate notice. Additional legal research may be necessary if it appears that adoption of the ordinance will put OHI out of business, as they have indicated it will.

ds
1246

Attachments

cc: Bob Martin, Jim Goddard

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)
THE METRO CODE TO IMPOSE)
METRO USER FEES ON FACILITIES)
THAT CLEAN PETROLEUM)
CONTAMINATED SOIL)

ORDINANCE NO. 93-498
Introduced by
Councilor Rod Monroe

Whereas, Metro does not currently collect per ton user fees on soils that are processed to remove petroleum contamination; and

Whereas, The Council has determined that it is appropriate to collect per ton user fees on such soils; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Metro Code Section 5.01.150 is amended to read:

5.01.150 User Fees:

(a) Notwithstanding Section 5.01.040(a)(2) of this chapter, the Council will set User Fees annually, and more frequently if necessary, which fees shall apply to processing facilities, transfer stations, resource recovery facilities or disposal sites which are owned, operated, or franchised by the District or which are liable for payment of User Fees pursuant to a special agreement with the District. User Fees shall not apply to wastes received at franchised facilities that accomplish materials recovery and recycling as a primary operation. ~~User fees shall not apply to wastes received at franchised facilities that treat petroleum contaminated soil to applicable DEQ standards.~~ Notwithstanding any other provision of this Code, user fees shall apply to petroleum contaminated soils processed at franchised facilities or disposed of by landfilling.

(b) User Fees shall be in addition to any other fee, tax or charge imposed upon a processing facility, transfer station, resource recovery facility or disposal site.

(c) User Fees shall be separately stated upon records of the processing facility, transfer station, resource recovery facility or disposal site.

(d) User Fees shall be paid to the District on or before the 20th day of each month following each preceding month of operation.

(e) There is no liability for User Fees on charge accounts that are worthless and charged off as uncollectible provided that an affidavit is filed with the District stating the name and amount of each uncollectible charge account. If the fees have previously been paid, a deduction may be taken from the next payment due to the District for the amount

found worthless and charged off. If any such account is thereafter collected, in whole or in part, the amount so collected shall be included in the first return filed after such collection, and the fees shall be paid with the return.

(f) All User Fees shall be paid in the form of a remittance payable to the District. All User Fees received by the District shall be deposited in the Solid Waste Operating Fund and used only for the administration, implementation, operation and enforcement of the Solid Waste Management Plan.

ADOPTED by the Metro Council this ____ day of _____, 1993.

Judy Wyers, Presiding Officer

ATTEST:

Clerk of the Council

ds
1122



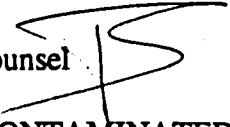
METRO

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

Memorandum

Date: April 8, 1993

To: Councilor Rod Monroe

From: Todd Sadlo, Senior Assistant Counsel 

Regarding: EXEMPTING PETROLEUM CONTAMINATED SOIL FACILITIES FROM USER FEES
Our file: 9.§13.B

On behalf of Roosevelt Regional Landfill, Diana Godwin has requested that you initiate reconsideration of the exemption from payment of solid waste user fees for facilities that process petroleum contaminated soil (PCS). As a justification for imposing user fees on PCS processors, she has claimed that by exempting such facilities from payment of the fees, Metro violates the commerce clause of the U.S. Constitution. For the reasons given in this memorandum, I disagree with Ms. Godwin's conclusion.

Metro PCS Policy

In 1991 Metro became aware that large quantities of PCS were being generated due to the Oregon Department of Environmental Quality's program for remediation of leaking underground storage tanks.¹ At that time, DEQ was vigorously pursuing its program to identify leaking underground petroleum tanks and require their removal. DEQ was devoting less time and energy to disposal of contaminated soil removed with the tanks, and DEQ's Portland office was concerned that large quantities of soil were being improperly stockpiled or "aerated" (simply spread out so the petroleum will evaporate) in a manner negatively impacting surface water quality.²

Metro adopted Ordinance No. 91-422B in an effort to fill a regulatory gap and promote proper disposal of PCS. The Ordinance made clear what may not have been clear at the time: PCS is solid waste, and must be properly treated or disposed of. The Ordinance also

¹In the metro region, the number of reported leaking tank sites increased from 131 in 1988 to 429 in 1990. During the first half of 1991, 284 new sites were reported to DEQ. Jim Goddard, staff report for Ordinance No. 91-422, August 27, 1991.

²Meeting with Laurie McCulloch, Michael Fernandez, and Ernie Schmidt of DEQ, August 14, 1991.

Councilor Rod Monroe

Page 2

April 8, 1993

banned off-site aeration of PCS, requiring greater amounts of PCS to be delivered to landfills and processors, because many remediation sites for leaking underground storage tanks are too small or are otherwise inappropriate for on-site aeration.

In developing its approach, Metro followed the principles of the Regional Solid Waste Management Plan and the state solid waste hierarchy, both of which promote reduction, recycling and reuse, with landfilling as a last resort.³ Metro's longstanding policy has been to exempt "resource recovery" facilities from payment of user fees, to promote recycling and reuse and discourage land disposal.⁴ Because PCS processing facilities turn solid waste into a useful product, they are "resource recovery facilities," and were logical beneficiaries of the exemption from user fees.⁵ To my understanding, there will be no processing of PCS if soil processors are required to pay the user fee, because cleaning the soil is much more expensive than landfilling it.⁶ This, in essence, is the public policy rationale for Metro's decision to exempt PCS processors from payment of user fees.

Commerce Clause Analysis

The "commerce clause" of the U.S. Constitution gives Congress (as opposed to state or local governments) the power "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."⁷ Ms. Godwin cites a recent U.S. Supreme Court case in support of her position that it is unconstitutional for Metro to exempt PCS

³Solid Waste Management Policy 1.0 states: "The Solid Waste Management System shall achieve, in an environmentally safe manner, the maximum feasible reduction of solid waste being landfilled, in accord with the state hierarchy under ORS 459.015, and through the cooperative efforts of Metro, the cities and counties, and the community." (Emphasis added.) Landfilling is the least desirable method of disposal under the state hierarchy.

⁴Metro Code section 5.01.150.

⁵Metro Code Section 5.01.010(r). At a landfill, although PCS may often be used as "cover" material, it is in fact being disposed of as solid waste. At a processor, the contamination is removed from the soil and destroyed. The soil can then be put to numerous beneficial uses.

⁶In the same manner, a facility like East County Recycling, which is also exempt from user fees on waste received, could not compete with a landfill if required to pay full user fees.

⁷Art. I, Section 8.

processors from a fee that must be paid by landfills.⁸ She states that in deciding the case, "the Court cited a long line of Interstate Commerce Clause decisions protecting commodities moving in interstate commerce from discriminatory state (or local government) taxing policies."⁹

Chemical Waste was brought by Waste Management against the state of Alabama, which had imposed an "additional fee" of \$72.00 per ton on hazardous waste generated in other states that was disposed of at a Waste Management hazardous waste facility in Alabama.¹⁰ The facility had been accepting 788,000 tons of hazardous waste per year, 90 percent of it generated in other states.¹¹

The court found that, on its face, as well as in practical effect, the statute imposing the additional fee discriminated against out-of-state commerce.¹² Because the statute was facially discriminatory, the state had the burden of justifying the additional fee "both in terms of the local benefits flowing from the statute and the unavailability of nondiscriminatory alternatives adequate to preserve the local interests at stake."¹³

The initial question, therefore, is whether Metro's exemption for PCS processors discriminates on its face against interstate commerce, requiring heightened scrutiny of Metro's justification. Clearly, it does not. All processors are treated the same, and all landfills are treated the same, regardless of location. If Rabanco's landfill was located within the district, Metro would still collect its user fees for disposal of PCS. Likewise, if Oregon Hydrocarbons had located its PCS processing facility outside of the district or in another state, Metro would still exempt it from payment of user fees on soil decontamination. The Ordinance treats similar facilities in an identical manner, without regard to their location, and

⁸Chemical Waste Management, Inc. v. Hunt, 1992 U.S. LEXIS 3253.

⁹Godwin memo, p. 3.

¹⁰1992 U.S. LEXIS 3253, 8. The base fee collected at the facility by the state of Alabama was \$25.60 per ton.

¹¹Id., at 6.

¹²Id., at 14.

¹³Id. at 14, quoting Hunt v. Washington Apple Advertising Comm'n, 432 U.S. 333, 353 (1977).

Councilor Rod Monroe
Page 4
April 8, 1993

does not therefore facially discriminate against interstate commerce. The Chemical Waste case is inapplicable.¹⁴

Any effect of the Ordinance on interstate commerce is, at most, incidental. Metro's intent, and the function of the Ordinance, is to promote processing of PCS into a reusable resource, without regard to the location of a processor. Rabanco is impacted only because its Klickitat County, Washington facility is not a resource recovery facility--it is a landfill. Under the Ordinance, it would be treated the same way regardless of its location.

The appropriate constitutional test to apply in this circumstance was enunciated by the U.S. Supreme Court in Pike v. Bruce Church, Inc., as follows:

"Where the statute regulates even-handedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits. If a legitimate local purpose is found, then the question becomes one of degree. And the extent of the burden that will be tolerated will of course depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities."¹⁵

¹⁴I have also reviewed the "long line" of cases cited in the Chemical Waste case and referenced by Ms. Godwin in her memorandum. The cases cited uniformly deal with taxes that facially discriminated against out of state business, because they were out of state, and for the purpose of promoting local businesses or interests. See, for example, Brown-Forman Distillers Corp. v. New York State Liquor Authority, 476 U.S. 573, 106 S.Ct. 2080, 1986 LEXIS 85, 90 L.Ed.2d 552 (1986), Armaco Inc. v. Hardesty, 467 U.S. 638, 104 S.Ct. 2620, 1984 U.S. LEXIS 110, 81 L.Ed.2d 540 (1984).

¹⁵397 U.S. 137, 142, 90 S.Ct. 844, 1970 U.S. LEXIS 63, 25 L.Ed.2d 174 (1970). See, also, Brown-Forman Distillers Corp. v. New York State Liquor Authority, 476 U.S. 573, 106 S.Ct. 2080, 1986 LEXIS 85, 90 L.Ed.2d 552 (1986): "This Court has adopted what amounts to a two-tiered approach to analyzing state economic regulation under the Commerce Clause. When a state statute directly regulates or discriminates against interstate commerce, or when its effect is to favor in-state economic interests over out-of-state interests, we have generally struck down the statute without further inquiry. (citations omitted) When, however, a statute has only indirect effects on interstate commerce and regulates evenhandedly, we have examined whether the State's interest is legitimate and

Councilor Rod Monroe
Page 5
April 8, 1993

Metro's purpose, to promote recycling and reuse over landfilling, is clearly legitimate. The Ordinance is evenhanded in requiring payment of user fees for land disposal of PCS, and exempting resource recovery facilities. The "impact" on interstate commerce is indirect and incidental. If Rabanco is impacted at all, the impact stems from the fact that Rabanco is operating a landfill, not from its location in a neighboring state. The impact would be identical if its landfill were located within the district. For these reasons, a court is unlikely to scrutinize or second guess Metro's user fee exemption for processors of PCS. The Ordinance does not violate the commerce clause.

Please contact me if you have further questions or concerns.

ds
1245

whether the burden on interstate commerce clearly exceeds the local benefits."

Meeting Date: April 22, 1993
Agenda Item No. 6.1

ORDINANCE NO. 93-486A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

DATE: April 16, 1993

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 6.1; ORDINANCE NO. 93-486

 The Finance Committee report on Ordinance No. 93-486 will be distributed in advance to Councilors and available at the Council meeting April 22.



METRO

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

Memorandum

Date: April 14, 1993
To: Rod Monroe, Finance Committee Chair
From: Donald E. Carlson, Council Administrator
Re: Revised Proposed Amendments to Ordinance No. 93-486
Relating to Tax Study Committees

This memo is in response to your request for revisions to the proposed amendments to Ordinance No. 93-486 which were outlined in my memo dated March 24, 1993 and presented to the Finance Committee on that date. It is my understanding that these revisions are in conformance with the discussions held by the Presiding Officer and you with the Executive Officer. The amendments do several things as follows:

1. They eliminate references to "the" tax study committee and refer to "a" study committee. This makes it clear that several ad hoc committees maybe used from time to time for various kinds of financial needs.
2. They clarify that the creating resolution set forth the purpose and scope of work for each specific committee as well as state the staffing arrangements and termination date for each committee.
3. They provide for the Executive Officer to appoint members of a committee and designate the chair and vice-chair subject to Council confirmation. Also, if a vacancy occurs, the position shall be filled in the same manner as the original appointment and confirmation.
4. They require a committee to submit a final report to the Council on the activities and recommendations of the committee; authorize a committee to have up to 6 months additional time to complete it's work; and provide a mechanism for the committee to conclude its work even if it can't reach agreement on a recommendation. This latter point might be useful to create a record that the Council had "sought the advice" of a committee even if the committee is unable to give the advice.

I hope these proposed amendments meet your objectives for the ordinance. Please let me know if you need additional information.

cc: Finance Committee
Judy Wyers
Rena Cusma
Jennifer Sims

93-486 Second Amendment.memo

Recycled paper

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE METRO)
CODE, SECTION 2, AND)
ESTABLISHING PROCEDURES TO)
CREATE A TAX STUDY COMMITTEE,)
AND DECLARING AN EMERGENCY)

ORDINANCE NO. 93-486A
Introduced by Rena Cusma,
Executive Officer

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amending the Metro Code. Section 2 of this Ordinance amends the Metro Code.

Section 2. Adding Chapter 2.13. The following chapter is added to the Metro Code.

CHAPTER 2.13

TAX STUDY COMMITTEE

2.13.010 Creation and Purpose: Before considering the imposition of any new tax or taxes which do not require prior voter approval under the Charter, the Council shall create a tax study committee by adoption of a resolution. The purpose of ~~[the]~~ a tax study committee shall be to consult with and advise the ~~[Executive Officer and]~~ Council regarding adoption of these taxes. The resolution shall state the purpose for the creation of the committee, shall include a scope of work, the members of the committee, the staffing arrangement for the committee, and the length of time for the committee to complete its work.

2.13.020 Committee Composition and Size: A committee shall consist of no more than eleven appointed members, plus the Executive Officer and the Presiding Officer as ex officio non-voting members. The membership of the committee shall be

representative of the general population, and from any businesses and the governments of cities and counties, special districts and school districts within the District.

2.13.030 Appointments~~[7-Terms]~~: The Executive Officer shall appoint members [~~for specific terms~~], of the committee subject to confirmation by the Council in the creating resolution. [~~If the Executive Officer finds a need, the Executive Officer may extend the term of any committee member for a period not to exceed one year. Any such extensions shall be promptly reported to the Council.~~] The Executive Officer shall designate the chair and vice-chair of the committee at the time of appointment. If a vacancy occurs during the time a study committee is functioning, the position shall be filled in the same manner as the original appointment and confirmation.

Section 2.13.040 Final Report: [~~Upon completion of the committee's review of any tax proposal, the Executive Officer and the chair of the committee shall prepare a report to the Council on the activities and recommendations of the committee.~~] Upon completion of the scope of work, a committee shall submit a final report to the Council on the activities and recommendations of the committee. The Council may, upon request of the committee, extend the time of that committee to submit its final report. In no event shall the time be extended longer than six months from the original termination date of the committee. If a committee is unable to agree on a final report, then the chair of the committee shall inform the Council in writing of that conclusion.

Section 3. Effective Date. This ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the Metro Charter took effect January 1, 1993, and it is necessary that procedures for the creation of [a] tax study committees be established immediately to begin work to develop funding sources for new Charter-mandated responsibilities, 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

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE METRO) ORDINANCE NO. 93-486
CODE, SECTION 2, AND ESTABLISHING) INTRODUCED BY RENA CUSMA,
PROCEDURES TO CREATE A TAX STUDY) EXECUTIVE OFFICER
COMMITTEE, AND DECLARING AN)
EMERGENCY)

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amending the Metro Code. Section 2 of this Ordinance amends the Metro Code.

Section 2. Adding Chapter 2.13. The following chapter is added to the Metro Code.

CHAPTER 2.13

TAX STUDY COMMITTEE

2.13.010 Creation and Purpose: Before considering the imposition of any new tax or taxes which do not require prior voter approval under the Charter, the Council shall create a tax study committee by adoption of a resolution. The purpose of the tax study committee shall be to consult with and advise the Executive Officer and Council regarding adoption of these taxes.

2.13.020 Committee Composition and Size: A committee shall consist of eleven appointed members, plus the Executive Officer and the Presiding Officer as ex officio non-voting members. The membership of the committee shall be representative of the general population, and from any businesses and the governments of cities and counties, special districts and school districts within the District.

2.13.030 Appointments, Terms: The Executive Officer shall appoint members for specific terms, subject to confirmation by

the Council in the creating resolution. If the Executive Officer finds a need, the Executive Officer may extend the term of any committee member for a period not to exceed one year. Any such extensions shall be promptly reported to the Council. The Executive Officer shall designate the chair and vice-chair of the committee.

Section 2.13.040 Final Report: Upon completion of the committee's review of any tax proposal, the Executive Officer and the chair of the committee shall prepare a report to the Council on the activities and recommendations of the committee.

Section 3. Effective Date. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the Metro Charter took effect January 1, 1993, and it is necessary that procedures for the creation of a tax study committee be established immediately to begin work to develop funding sources for new Charter-mandated responsibilities, 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

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 93-486 FOR THE PURPOSE OF CREATING METRO CODE CHAPTER 2.13, TAX STUDY COMMITTEE.

DATE: March 3, 1993

Presented by: Craig Prosser

PROPOSED ACTION

Amend Metro Code to create Chapter 2.13, Tax Study Committee.

FACTUAL BACKGROUND AND ANALYSIS

The 1992 Metro Charter requires consultation with a tax study committee prior to the imposition of any new tax by Metro, which does not require prior voter approval. The Finance and Management Information Department is beginning a project to examine and identify possible new funding sources for Metro, and it is necessary to establish a procedure to create a tax study committee to help in this process. The Charter does not specify the make-up of the committee (beyond certain broad categories of interests) nor does it specify how appointments will be made nor for what term. This ordinance creates procedures for the appointment of the committee.

Under the terms of this proposed code section, a tax study committee will consist of eleven members, broadly representative of the population, public bodies, and other interests within Metro, plus the Executive Officer and the Presiding Officer as ex officio non-voting members. Members of the committee will be appointed by the Executive Officer for specified terms and confirmed by the Council. The proposed Code language allows the Executive Officer to extend terms for a period not to exceed one year, which will allow the committee to remain in existence for a short period of time if its work is not complete at the time terms expire. Any such extension must be promptly reported to the Council. The Code language also requires the Executive Officer and the chair of the committee to make a final report to the Council on the activities and recommendations of the committee.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 93-486.

CP:rs

Meeting Date: April 22, 1993
Agenda Item No. 6.2

ORDINANCE NO. 93-490

FINANCE COMMITTEE REPORT

ORDINANCE NO. 93-490 AMENDING THE FY 1992-93 BUDGET AND APPROPRIATIONS SCHEDULE TO FUND PROJECT INCREASES IN THE ZOO CAPITAL FUND AND DECLARING AN EMERGENCY

Date: April 15, 1993

Presented By: Councilor Van Bergen

COMMITTEE RECOMMENDATION: At its April 14, 1993 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No. 93-490. Present and voting were Councilors Buchanan, Monroe and Van Bergen. Councilor Devlin was excused and Councilor Kvistad was absent.

COMMITTEE DISCUSSION/ISSUES: Mr. Kay Rich, Assistant Zoo Director, presented the Staff Report. He stated that the request is to transfer \$150,000 from the Capital Fund Contingency to various project line items in the Capital Fund Budget. These items include:

- 1) the African Rain Forest project (the exhibit opened in a prior fiscal year but \$85,000 of completion costs were incurred in the current fiscal year so they must be budgeted);
- 2) replacement of a dilapidated snow shed used for railroad operations (\$28,300 additional is needed to complete the project);
- 3) remodel of the elephant barn to add one additional room for animals plus a room for the keepers and storage space (\$30,000 additional is requested to complete the remodel); and
- 4) installation of an outdoor structure for the Africa Savannah exhibit to allow animals to be kept out of doors during inclement weather (an additional \$6,700 is needed).

There were no Committee or Council Staff questions on this ordinance.

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
Zoo Capital Fund							
Total Personal Services		1.50	75,485	0.00	0	1.50	75,485
Total Materials & Services			1,787		0		1,787
<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
Total Capital Projects			776,300		150,000		926,300
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		150,000		(150,000)		0
599990	Unappropriated Balance		2,367,900		0		2,367,900
Total Contingency and Unappropriated Balance			2,517,900		(150,000)		2,367,900
TOTAL REQUIREMENTS		1.50	3,371,472	0.00	0	1.50	3,371,472

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

	Current Appropriation	Revision	Proposed Appropriation
ZOO CAPITAL FUND			
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
Total Zoo Capital Fund Requirements	\$3,371,472	\$0	\$3,371,472

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

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.

Meeting Date: April 22, 1993
Agenda Item No. 6.3

ORDINANCE NO. 93-491

FINANCE COMMITTEE REPORT

ORDINANCE NO. 93-491 AMENDING THE FY 1992-93 BUDGET AND APPROPRIATION SCHEDULE TO FUND PERSONAL SERVICES INCREASES IN THE PUBLIC DEPARTMENT AND DECLARING AN EMERGENCY

Date: April 15, 1993

Presented By: Councilor Van Bergen

COMMITTEE RECOMMENDATION: At its April 14, 1993 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No. 93-491. Present and voting were Councilors Buchanan, Monroe and Van Bergen. Councilor Devlin was excused and Councilor Kvistad was absent.

COMMITTEE DISCUSSION/ISSUES: Ms. Vickie Rocker, Public Affairs Director, presented the Staff Report. Ms. Rocker explained that the request is to transfer \$5,274 from the Support Service Fund Contingency to the Public Affairs Personal Services category. The purpose of the transfer is to cover personnel expenses incurred as a result of an employee maternity leave.

Ms. Rocker pointed out that such funds were requested during the FY 92-93 Budget process but deleted by the Council at that time with an instruction to return for a budget amendment should additional expenses be incurred.

There were no Committee or Council Staff questions on this ordinance.

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
SUPPORT SERVICES FUND:Public Affairs							
<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
Total Personal Services		12.60	619,738	0.15	5,274	12.75	625,012
Total Materials & Services			75,015		0		75,015
Total Capital Outlay			5,220		0		5,220
TOTAL EXPENDITURES		12.60	699,973	0.15	5,274	12.75	705,247

SUPPORT SERVICES FUND:General Expenses

Total Interfund Transfers			437,492		0		437,492
<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
Total Contingency and Unappropriated Balance			359,223		(5,274)		353,949
TOTAL EXPENDITURES		83.35	6,484,836	0.15	0	83.50	6,484,836

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

	Current Appropriation	Revision	Proposed Appropriation
SUPPORT SERVICES FUND			
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
Total Support Services Fund Requirements	\$6,484,836	\$0	\$6,484,836

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

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

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 pace 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.

Meeting Date: April 22, 1993
Agenda Item No. 6.4

ORDINANCE NO. 93-492

FINANCE COMMITTEE REPORT

ORDINANCE NO. 93-492 AMENDING THE FY 1992-93 BUDGET AND APPROPRIATION SCHEDULE TO FUND INCREASES IN THE CONTRACTORS LICENSE PROGRAM AND DECLARING AN EMERGENCY

Date: April 15, 1993

Presented By: Councilor Van Bergen

COMMITTEE RECOMMENDATION: At its April 14, 1993 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No. 93-492. Present and voting were Councilors Buchanan, Monroe and Van Bergen. Councilor Devlin was excused and Councilor Kvistad was absent.

COMMITTEE DISCUSSION/ISSUES: Mr. Larry Shapiro, Project Manager, presented the Staff Report. He stated that the purpose of the ordinance is to request the transfer of \$8,388 from the Support Service Fund Contingency to the Payments to Other Agencies line item in the Contractors License program budget. The amendment is needed because more licenses were sold than originally budgeted.

In response to a question from Council Staff regarding the depletion of the Contingency for this program, Mr. Shapiro stated no additional transfers from Contingency will be needed for the rest of this fiscal year.

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
<u>FOR INFORMATION ONLY</u>							
SUPPORT SERVICES FUND:Regional Facilities (Contractor's License Program)							
Total Personal Services		0.75	23,757	0.00	0	0.75	23,757
<u>Materials & 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
Total Materials & Services			96,663		8,388		105,051
Total Capital Outlay			2,000		0		2,000
TOTAL EXPENDITURES		0.75	122,420	0.00	8,388	0.75	130,808

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

FISCAL YEAR 1992-93		PROPOSED BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICES FUND:Regional Facilities Department							
Total Personal Services		10.70	559,185	0.00	0	10.70	559,185
<u>Materials & 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
Total Materials & Services			295,036		8,388		303,424
Total Capital Outlay			40,400		0		40,400
TOTAL EXPENDITURES		10.70	894,621	0.00	8,388	10.70	903,009

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

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

Exhibit B
Schedule of Appropriations
Ordinance No. 93-492

	Current Appropriation	Revision	Proposed Appropriation
SUPPORT SERVICES FUND			
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
Total Support Services Fund Requirements	\$6,484,836	\$0	\$6,484,836

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

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

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

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.

Meeting Date: April 22, 1993
Agenda Item No. 6.5

ORDINANCE NO. 93-493

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

DATE: April 16, 1993

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 6.5; ORDINANCE NO. 93-493

The Finance Committee report on Ordinance No. 93-493 will be distributed in advance to Councilors and available at the Council meeting April 22.

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
PLANNING FUND:Resources							
Resources							
Transportation Planning							
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
Growth Management							
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
PLANNING FUND:Resources							
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
Total Resources			11,420,642		766,823		12,187,465

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

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING FUND:Transportation Planning							
Total Personal Services		52.35	2,654,646	0.00	0	52.35	2,654,646
<u>Materials & 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
Total Materials & Services			4,287,645		572,100		4,859,745
<u>Capital Outlay</u>							
571500	Purchases-Office Furniture & Equipment		32,000		11,471		43,471
Total Capital Outlay			32,000		11,471		43,471
TOTAL EXPENDITURES		52.35	6,974,291	0.00	583,571	52.35	7,557,862

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

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING FUND:Growth Management							
<u>Personal Services</u>							
511121	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
511221	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
511231	WAGES-TEMPORARY EMPLOYEES (part time)						
	Temporary Assistance	0.25	11,314			0.25	11,314
512000	FRINGE		219,579		16,082		235,661
	Unemployment		30,000				30,000
Total Personal Services		16.50	914,972	1.25	56,393	17.75	971,365
<u>Materials & 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
Total Materials & Services			2,021,444		119,487		2,140,931
<u>Capital Outlay</u>							
571500	Purchases-Office Furniture & Equipment		3,000		7,372		10,372
Total Capital Outlay			3,000		7,372		10,372
TOTAL EXPENDITURES		16.50	2,939,416	1.25	183,252	17.75	3,122,668

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

FISCAL YEAR 1992-93		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING FUND:General Expenses							
Total Interfund Transfers			1,170,503		0		1,170,503
<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
Total Contingency and Unappropriated Balance			336,432		0		336,432
TOTAL EXPENDITURES		68.85	11,420,642	1.25	766,823	70.10	12,187,465

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

	Current Appropriation	Revision	Proposed Appropriation
PLANNING FUND			
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
Total Planning Fund Requirements	\$11,420,642	\$766,823	\$12,187,465

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

Contracts List

Fiscal Year 1992-93

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

Is Contract Federally Funded: 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.

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

Is Contract Federally Funded: 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

Contract #:	New	Total Amount of Contract:	\$ 55,000
Vendor Name:	New	Amount Expended Through FY 1992-93:	10,000
Type of Contract:	PS	Amount to be spent in FY 1993-94:	45,000
Term of Contract:		Estimated Balance Remaining:	0
Beginning Date:	May 1993		
Ending Date:	April 1994		
		Is Contract Federally Funded:	Yes

Description and Scope of Work: 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.

Contract #:	New	Total Amount of Contract:	\$ 84,240
Vendor Name:	New	Amount Expended Through FY 1992-93:	25,000
Type of Contract:	PS	Amount to be spent in FY 1993-94:	59,240
Term of Contract:		Estimated Balance Remaining:	0
Beginning Date:	May 1993		
Ending Date:	April 1994		
		Is Contract Federally Funded:	Yes

Description and Scope of Work: 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

Contract #:	New	Total Amount of Contract:	\$100,000
Vendor Name:	New	Amount Expended Through FY 1992-93:	45,500
Type of Contract:	PS	Amount to be spent in FY 1993-94:	54,600
Term of Contract:		Estimated Balance Remaining:	0
Beginning Date:	May 1993		
Ending Date:	June 1994		

Is Contract Federally Funded: Yes

Description and Scope of Work: Congestion Management System - monitor and analyze the magnitude of congestion on the multi-modal transportation system.

Contract #:	New	Total Amount of Contract:	\$ 25,000
Vendor Name:	New	Amount Expended Through FY 1992-93:	15,750
Type of Contract:	PS	Amount to be spent in FY 1993-94:	9,250
Term of Contract:		Estimated Balance Remaining:	0
Beginning Date:	May 1993		
Ending Date:	June 1994		

Is Contract Federally Funded: Yes

Description and Scope of Work: RTP Financial Analysis - Develop a flexible, computerized system of analysis of RTP financial demands and resources. (Needed for new federal requirements.)

Contracts List

Fiscal Year 1992-93

<i>Contract #:</i>	New	<i>Total Amount of Contract:</i>	\$ 500,000
<i>Vendor Name:</i>	New	<i>Amount Expended Through FY 1992-93:</i>	250,000
<i>Type of Contract:</i>	PS	<i>Amount to be spent in FY 1993-94:</i>	250,000
<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>	Household Daily Activity Survey - List activities of all family members (4,000-5,000 households) together with their travel behavior.		

<i>Contract #:</i>	New	<i>Total Amount of Contract:</i>	\$200,000
<i>Vendor Name:</i>	New	<i>Amount Expended Through FY 1992-93:</i>	100,000
<i>Type of Contract:</i>	PS	<i>Amount to be spent in FY 1993-94:</i>	100,000
<i>Term of Contract:</i>		<i>Estimated Balance Remaining:</i>	0
<i>Beginning Date:</i>	May 1993		
<i>Ending Date:</i>	March 1994		
		<i>Is Contract Federally Funded:</i>	Yes
<i>Description and Scope of Work:</i>	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

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

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

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
----------------------	---------

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

- 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

- 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

- 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>		
Total New Revenues	\$1,913,750	Total New Expenditures	\$1,913,750

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.

Meeting Date: April 22, 1993
Agenda Item No. 6.6

ORDINANCE NO. 93-495

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

DATE: April 16, 1993
TO: Metro Council
Executive Officer
Interested Parties
FROM: Paulette Allen, Clerk of the Council
RE: AGENDA ITEM NO. 6.6; ORDINANCE NO. 93-495

The Finance Committee report on Ordinance No. 93-495 will be distributed in advance to Councilors and available at the Council meeting April 22.

Ordinance No. 93- 495

The Metro Council

An ordinance adding a new title to the Metro Code to implement and make provision for the exercise of Metro's Charter authority to issue revenue bonds, general and special obligation bonds, certificates of participation and other obligations; amending certain prior Metro ordinances in order to conform to the new Metro Code provisions added by this Ordinance; and declaring an emergency.

Adopted on April 22, 1993

Prepared by:

*Stoel Rives Boley Jones & Grey,
Bond Counsel*

Table of Contents

[Note: This Table of Contents is provided solely for the convenience of the reader and does not constitute a part of this Ordinance.]

Section 1. Findings.	1
Section 2. Addition of Financing Provisions to Metro Code.	2
Section 8.01.010. Definitions.	2
Section 8.01.020. General Obligation Bonds	4
(a) Submission of Bond Measure to Electors	4
(b) Issuance of General Obligation Bonds	4
(c) Levy of Taxes; Payment from Other Funds	4
(d) Pledge of Other Revenues and Property	5
Section 8.01.030. Limited Tax General Obligation Bonds	5
(a) Issuance of Limited Tax General Obligation Bonds	5
(b) Payment from Other Funds	5
(c) Pledge of Other Revenues and Property	5
Section 8.01.040. Revenue Bonds	6
(a) Issuance of Revenue Bonds	6
(b) Payment from Revenues	6
(c) Pledge of Other Revenues and Property	6
Section 8.01.050. Lease Purchase Agreements and Credit Agreements	6
(a) Entering into Lease Purchase Agreements and Credit Agreements	6
(b) Payment from Other Funds	7
(c) Pledge of Other Revenues and Property	7
Section 8.01.060. Notes, Warrants and Commercial Paper	7
(a) Issuance of Notes, Warrants and Commercial Paper	7
(b) Payment from Revenues	7
(c) Pledge of Other Revenues and Property	7
Section 8.01.070. Refunding Bonds	8
(a) Issuance of Refunding Bonds	8
(c) Pledge of Other Revenues and Property	8
Section 8.01.080. Credit Facilities	8
(a) Authority to Obtain Credit Facility	8
(b) Payment from Revenues	9
(c) Pledge of Other Revenues and Property	9
(a) Authority to Obtain Financial Enhancement Product	9
(b) Payment from Revenues	9
(c) Pledge of Other Revenues and Property	10
Section 8.01.010. Terms and Effect of Pledge, Mortgage or Grant of Security Interest as Security for Metro Obligations	10
(a) Terms of Pledge, Mortgage or Grant of Security Interest	10
(b) Effect of Pledge, Mortgage or Grant of Security Interest	10

Section 8.01.011. Authorizing Actions	10
(a) Adoption of Authorizing Action	10
(b) Contents of Authorizing Action	11
(c) Delegation of Authority	12
Section 8.01.012. Terms of Obligations	12
(a) In General	12
(b) Maximum and Minimum Interest Rates; Sale Price	13
(c) Use of Seal	13
(d) Authorized signatures	13
Section 8.01.013. Investment of Funds	13
Section 8.01.014. Manner of Sale.	14
(a) Types of Sale Authorized; Procedures	14
(b) Public Competitive Sale	14
 Section 3. Amendment of Solid Waste System Master Bond Ordinance	 15
Section 4. Amendment of General Revenue Bond Master Ordinance	16
Section 5. Amendments to Code Financing Provisions	16
Section 6. Governing Law	16
Section 7. Headings Not Binding	16
Section 8. Emergency Clause and Immediate Effectiveness of This Ordinance.	17

Metro

Ordinance No. 93-495

An ordinance adding a new title to the Metro Code to implement and make provision for the exercise of Metro's Charter authority to issue revenue bonds, general and special obligation bonds, certificates of participation and other obligations; amending certain prior Metro ordinances in order to conform to the new Metro Code provisions added by this Ordinance; and declaring an emergency.

The Metro Council ordains as follows:

Section 1. Findings. The Council (the "Council") of Metro, a political subdivision organized and existing under the laws of the State of Oregon and the 1992 Metro Charter, hereby finds and determines the matters set forth below in this Section A:

(a) At the general election held on November 2, 1992, the electors of Metro approved the 1992 Metro Charter (as the same may be amended or revised from time to time, the "Charter"), which Charter became effective on January 1, 1993. The Charter authorizes and empowers Metro to issue revenue bonds, general and special obligation bonds, certificates of participation and other obligations. In accordance with the express terms of the Charter, the aforementioned authority and power supplements any authority otherwise granted by law and may be exercised by Metro except as prohibited by law or restricted by the Charter.

(b) In order to meet the present and continuing needs of Metro to carry out the functions, duties and operations which are now or which may hereafter become its responsibility or within its powers, it has been and will continue to be necessary for Metro to borrow money from time to time by issuing revenue bonds, general and special obligation bonds, certificates of participation and other obligations for the purposes of financing the operations of Metro and the acquisition, construction, renovation, furnishing and equipping of the facilities necessary or appropriate in connection with such operations.

(c) In light of the Charter grant of authority and powers to issue revenue bonds, general and special obligation bonds, certificates of participation and other obligations and in order to exercise such authority and powers in accordance with the meaning and intent of the Charter so as to better carry out and accomplish the functions, duties and objectives of Metro, it is appropriate for the Metro Council to adopt this Ordinance as legislation implementing such authority and powers by adding a new title to the Metro Code making provision for and regulating the issuance by Metro of revenue bonds, general and special obligation bonds, certificates of participation and other obligations.

(d) Metro has heretofore enacted Ordinance No. 89-319 (the "Solid Waste System Master Bond Ordinance") in order to establish a plan for financing from time to time the solid and liquid waste disposal operations of Metro and the acquisition, construction, renovation, furnishing and equipping of the facilities necessary or appropriate in connection with such solid and liquid waste disposal operations. Under and pursuant to the Solid Waste System Master Bond Ordinance and Metro Ordinance 90-321, Metro has heretofore issued its \$28,500,000 original aggregate principal amount Waste Disposal System Revenue Bonds (Metro East Transfer Station Project), 1990 Series A (the "1990 Bonds").

(e) In addition, Metro has heretofore enacted Ordinance No. 91-439 (the "General Revenue Bond Master Ordinance") in order to establish a plan for financing from time to time the operations of Metro and the acquisition, construction, renovation, furnishing and equipping of the facilities necessary or appropriate in connection with such operations, as well as for any other lawful purpose for which Metro is now or may hereafter be authorized to issue bonds of the character provided for in the General Revenue Bond Master Ordinance. Under and pursuant to the General Revenue Bond Master Ordinance and Metro Ordinance 91-440, Metro has heretofore issued its \$22,990,000 original aggregate principal amount General Revenue Bonds (Metro Headquarters Building Project), 1991 Series A (the "1991 Bonds").

(f) The Solid Waste System Master Bond Ordinance and the General Revenue Bond Master Ordinance were each enacted prior to the approval of the Charter by the electors and therefore could not and did not take into account the Charter provisions authorizing and empowering Metro to issue revenue bonds, general and special obligation bonds, certificates of participation and other obligations or the provisions relating thereto that are added to the Metro Code by this Ordinance. It is therefore necessary and appropriate to amend the Solid Waste System Master Bond Ordinance and the General Revenue Bond Master Ordinance in accordance with their terms in order to reflect in such ordinances the Charter provisions authorizing and empowering Metro to issue revenue bonds, general and special obligation bonds, certificates of participation and other obligations and the provisions relating thereto that are added to the Metro Code by this Ordinance.

Section 2. Addition of Financing Provisions to Metro Code. The following provisions are hereby added to the Metro Code as a new title to be designated "Title VIII - Financing Powers":

[Provisions to be added to Metro Code begin here.]

Section 8.01.010. Definitions. Notwithstanding anything expressed or implied in the Metro Code to the contrary, as used in this Title VIII of the Metro Code, the following terms shall have the respective meanings set forth in this Section 8.01.010:

"Authorizing Action" means a resolution (or, if so determined by Council as provided in Section 8.01.011), an ordinance) duly adopted by the Council for the purpose of: (i) authorizing the issuance and sale of a series of Bonds; (ii) authorizing any Credit Facility or Financial Enhancement Product and any related agreements deemed necessary, appropriate or beneficial in connection with any Bonds; or (iii) establishing a comprehensive plan for the Bond financing of various systems, facilities and operations of Metro.

"Bond Measure" shall mean a ballot measure submitted by the Council to the electors of Metro as provided in Section 8.01.020 of the Metro Code for the purpose of requesting elector authorization to issue General Obligation Bonds for any lawful purpose.

"Bonds" means any obligations issued or incurred by Metro in the exercise of its Charter borrowing and financing powers as evidences of indebtedness for money borrowed or for the forbearance of money regardless of how such obligations may be designated, including but not limited to Revenue Bonds, General Obligation Bonds, Limited Tax General Obligation Bonds, Lease Purchase Agreements, Credit Agreements, notes, warrants, commercial paper, any other evidences of indebtedness authorized to be issued by the Metro Council in accordance with the terms of the Charter and the Metro Code, and Refunding Bonds.

"Charter" means the 1992 Metro Charter approved by the electors of Metro on November 2, 1992 and effective on January 1, 1993, as the same may be amended from time to time in accordance with its terms.

"Council" means the Metro Council.

"Credit Agreement" means any loan agreement, line of credit or other similar lending arrangement (howsoever designate) in which one or more financial institutions or any other persons or entities agrees to loan funds to Metro.

"Credit Facility" means any letter of credit, line of credit, surety bond, municipal bond insurance policy or other facility or device provided by a person or entity other than Metro for the purpose of enhancing the creditworthiness or marketability of any Bonds.

"Financial Enhancement Product" means any instrument, arrangement or agreement relating to any Bonds that Council determines is in the interest of Metro to acquire or enter into in order to provide a reasonable hedge against, or eliminate or reduce Metro's exposure to, perceived risks, generate additional cash or savings, or otherwise provide Metro with potential or assured benefits in connection with or relating to any Bonds, including but not limited to: interest rate or currency exchange agreements; insurance agreements; forward purchase contracts; conversion agreements; futures contracts; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates or other indices; interest rate floors, caps or collars; and agreements to exercise at a future date, or to refrain from exercising, specified rights of Metro with respect to its Bonds (including but not limited to redemption rights or the right to refund outstanding Bonds), including the exercise or non-exercise of any such right at the direction or option of a third party.

"General Obligation Bond" means any Bond constituting a full faith and credit obligation of Metro payable from *ad valorem* property taxes that may be levied and collected in an amount sufficient to pay when due all amounts owing on such Bond without limitation as to the rate or amount of such taxes by virtue of any constitutional or statutory tax limitation provision (including but not limited to Section 11, Article XI and Section 11b, Article XI of the Oregon Constitution).

"Lease Purchase Agreements" means any lease purchase agreement, installment purchase agreement or other similar financing arrangement or instrument entered into for the purpose of financing the acquisition by Metro of the property subject to such agreement, arrangement or instrument, but not including any true lease or similar arrangement wherein Metro does not obtain an equity interest in the property subject to such lease or arrangement.

"Limited Tax General Obligation Bond" means any Bond constituting a full faith and credit obligation of Metro payable from *ad valorem* property taxes that may be levied and collected subject to the limitations on the rate or amount of such taxes imposed by virtue of any applicable constitutional or statutory tax limitation provision (including but not limited to Section 11, Article XI or Section 11b, Article XI of the Oregon Constitution).

"Obligations" means: (i) Bonds; and (ii) Metro's obligations under or with respect to any Credit Facility or Financial Enhancement Product.

"Property" means any tangible or intangible real or personal property of every type and description, and any and all interests in such property.

"Refunding Bonds" means any Bonds issued for the purpose of refunding, whether at or in advance of maturity, any Bond or other obligations of Metro.

"Revenue Bond" means any Bond (including any special obligation bond as such term is used in the Charter) payable from or secured by a pledge of and a lien on any Revenues but which does not constitute a General Obligation Bond.

"Revenues" means all taxes (including but not limited to any excise taxes, *ad valorem* property taxes and other taxes), fees, tolls, user charges, rates, tariffs, royalties, assessments, rents, gifts, grants and all other receipts, payments and income (including but not limited to investment income) of whatever kind or nature levied, imposed, received or generated by Metro.

Section 8.01.020. General Obligation Bonds.

(a) **Submission of Bond Measure to Electors.** The Council may from time to time submit to the electors of Metro a Bond Measure to be voted upon at any general or special election. A Bond Measure shall be submitted to the electors pursuant to a resolution duly adopted by Council and shall be in such form as may be required under applicable law. More than one Bond Measure may be submitted to the electors for consideration at a single election.

(b) **Issuance of General Obligation Bonds.** At any time after a Bond Measure has been approved by the affirmative vote of a majority of the electors voting thereon, Metro may proceed to issue the General Obligation Bonds authorized in such Bond Measure, which General Obligation Bonds may be issued from time to time in one or more series provided that the aggregate amount of all series originally issued under a particular Bond Measure (exclusive of Refunding Bonds issued to refund and replace outstanding General Obligation Bonds in order to realize a debt service savings) does not exceed the amount authorized by the Bond Measure. All General Obligation Bonds shall be issued pursuant to an Authorizing Action as provided in Section 8.01.011 of the Metro Code.

(c) **Levy of Taxes; Payment from Other Funds.** All General Obligation Bonds issued by Metro shall be secured by the full faith and credit and *ad valorem* taxing powers of Metro. Metro shall annually levy a direct *ad valorem* tax upon all of the taxable property within Metro's jurisdictional boundaries in an amount which, after taking into consideration discounts taken and delinquencies that may occur in the payment of such taxes and all other moneys reasonably expected to be available and used for the payment of debt service on outstanding General Obligation Bonds, shall be sufficient to pay when due the principal of and interest on all issued and outstanding General Obligation Bonds. The *ad valorem* taxes to be levied by Metro for the purpose of paying when due the principal of and interest on all issued and outstanding General Obligation Bonds shall be levied and collected outside

of, and in addition to, any *ad valorem* taxes levied and collected by Metro within any voter approved tax base, shall not be subject to the limitations imposed by Article XI, Section 11b of the Oregon Constitution, and shall be levied in an amount sufficient to pay when due such General Obligation Bonds without regard or limit as to the rate or amount of such *ad valorem* taxes.

In the Authorizing Action under which a particular series of General Obligation Bonds is issued, Metro may provide that such General Obligation Bonds shall also be payable from all or any portion of Metro's Revenues (but subject to such prior claims on such Revenues or portions thereof as may have theretofore been created). In addition to the payment of any General Obligation Bonds from the *ad valorem* property taxes levied and collected for such purpose as provided in the preceding paragraph, Metro may pay any amounts owing under any General Obligation Bonds from any other funds lawfully available for such purpose regardless of whether or not provision for payment thereof from such other funds has been made in the Authorizing Action as provided in the preceding sentence.

(d) Pledge of Other Revenues and Property. In the Authorizing Action under which a particular series of General Obligation Bonds is issued, Metro may:

(i) Pledge as additional security for such General Obligation Bonds all or any portion of its Revenues; and

(ii) Grant mortgages, trust deeds or security interests in any Property of Metro as additional security for the payment of such General Obligation Bonds.

Section 8.01.030. Limited Tax General Obligation Bonds.

(a) Issuance of Limited Tax General Obligation Bonds. Metro may issue from time to time Limited Tax General Obligation Bonds for such purposes as are determined by Council to be necessary or appropriate to carry out the functions, duties and operations of Metro. All Limited Tax General Obligation Bonds shall be issued pursuant to an Authorizing Action as provided in Section 8.01.011 of the Metro Code.

(b) Payment from Other Funds. In the Authorizing Action under which a particular series of Limited Tax General Obligation Bonds is issued, Metro may provide that such Limited Tax General Obligation Bonds shall be payable from all or any portion of Metro's Revenues (but subject to such prior claims on such Revenues or portions thereof as may have theretofore been created). In addition to the payment of any Limited Tax General Obligation Bonds from the *ad valorem* property taxes levied and collected or otherwise pledged or available to be used for such purpose, Metro may pay any amounts owing under any Limited Tax General Obligation Bonds from any other funds lawfully available for such purpose regardless of whether or not provision for payment thereof from such other funds has been made in the Authorizing Action as provided in the preceding sentence; *provided that* the foregoing is not intended, nor shall it be construed, to create a legal obligation on Metro's part to pay any amounts owing under any Limited Tax General Obligation Bonds from any Revenues not specifically pledged thereto or from which such Limited Tax General Obligation Bonds have not specifically been made payable in accordance with their terms.

(c) Pledge of Other Revenues and Property. In the Authorizing Action under which a particular series of Limited Tax General Obligation Bonds is issued, Metro may:

(i) Pledge as additional security for such Limited Tax General Obligation Bonds all or any portion of its Revenues; and

(ii) Grant mortgages, trust deeds or security interests in any Property of Metro as additional security for the payment of such Limited Tax General Obligation Bonds.

Section 8.01.040. Revenue Bonds.

(a) **Issuance of Revenue Bonds.** Metro may issue from time to time Revenue Bonds for such purposes as are determined by Council to be necessary or appropriate to carry out the functions, duties and operations of Metro. Metro may issue Revenue Bonds for the purpose of financing such Property as Council shall determine is necessary or desirable in order to carry out or assist or advance the carrying out of Metro's function, duties and operations regardless of whether such Property is to be owned by Metro or any other public or private agency or person and regardless of whether such Property is to be located within or without the jurisdictional boundaries of Metro. In connection with the issuance of Revenue Bonds to finance any Property which is to be owned by any other public or private agency or person, Metro shall enter into a lease purchase, installment sale or loan agreement with such public or private agency or person providing for lease purchase, installment sale or loan payments which, together with other amounts pledged for such purpose, shall be sufficient to pay when due the principal of, premium (if any) and interest on such Revenue Bonds. All Revenue Bonds shall be issued pursuant to an Authorizing Action as provided in Section 8.01.011 of the Metro Code. Prior approval of the electors of Metro shall not be required as a condition precedent to the issuance of any Revenue Bonds under the Metro Code.

(b) **Payment from Revenues.** In the Authorizing Action under which a particular series of Revenue Bonds is issued, Metro may provide that such Revenue Bonds shall be payable from all or any portion of Metro's Revenues (but subject to such prior claims on such Revenues or portions thereof as may have theretofore been created). Metro may pay any amounts owing under any Revenue Bonds from any other funds lawfully available for such purpose regardless of whether or not provision for payment thereof from such other funds has been made in the Authorizing Action as provided in the preceding sentence; *provided that* the foregoing is not intended, nor shall it be construed, to create a legal obligation on Metro's part to pay any amounts owing under any Revenue Bonds from any Revenues not specifically pledged thereto or from which such Revenue Bonds have not specifically been made payable in accordance with their terms.

(c) **Pledge of Other Revenues and Property.** In the Authorizing Action under which a particular series of Revenue Bonds is issued, Metro may:

(i) Pledge as additional security for such Revenue Bonds all or any portion of its Revenues; and

(ii) Grant mortgages, trust deeds or security interests in any Property of Metro as additional security for the payment of such Revenue Bonds.

Section 8.01.050. Lease Purchase Agreements and Credit Agreements.

(a) **Entering into Lease Purchase Agreements and Credit Agreements.** Metro may from time to time enter into Lease Purchase Agreements and Credit Agreements for such purposes and term of years as determined by Council to be necessary or appropriate in order to carry out the functions, duties and operations of Metro. All Lease Purchase Agreements and Credit Agreements shall be entered into pursuant to an Authorizing Action as provided in Section 8.01.011 of the Metro Code. In connection with any Lease Purchase Agreement or Credit Agreement, Metro may authorize the issuance and sale of certificates of participation in the lease purchase payments or other payment obligations of Metro under such Lease Purchase Agreement or Credit Agreement.

(b) Payment from Other Funds. In the Authorizing Action under which a particular Lease Purchase Agreement or Credit Agreement is authorized, Metro may provide that such Lease Purchase Agreements shall be payable from all or any portion of Metro's Revenues (but subject to such prior claims on such Revenues or portions thereof as may have theretofore been created). Metro may pay any amounts owing under any Lease Purchase Agreement or Credit Agreement from any other funds lawfully available for such purpose regardless of whether or not provision for payment thereof from such other funds has been made in the Authorizing Action as provided in the preceding sentence; *provided that* the foregoing is not intended, nor shall it be construed, to create a legal obligation on Metro's part to pay any amounts owing under any Lease Purchase Agreement or Credit Agreement from any Revenues not specifically pledged thereto or from which the amounts owing under such Lease Purchase Agreement or Credit Agreement have not been specifically made payable.

(c) Pledge of Other Revenues and Property. In the Authorizing Action under which a particular Lease Purchase Agreement or Credit Agreement is entered into, Metro may:

(i) Pledge as additional security for any amounts owing under such Lease Purchase Agreement or Credit Agreement all or any portion of its Revenues; and

(ii) Grant mortgages, trust deeds or security interests in any Property of Metro as additional security for the payment of the amounts owing under such Lease Purchase Agreement or Credit Agreement.

Section 8.01.060. Notes, Warrants and Commercial Paper.

(a) Issuance of Notes, Warrants and Commercial Paper. Metro may from time to time issue notes, warrants, commercial paper or other similar obligations for such purposes as are determined by Council to be necessary or appropriate in order to carry out the functions, duties and operations of Metro, including but not limited to the following purposes: (i) to avoid cash flow deficits while awaiting receipt of any Revenues; (ii) to provide interim financing for Property to be acquired or constructed by Metro; (iii) to provide needed working capital; or (iv) to refund obligations authorized under this section or any other Bonds. All notes, warrants, commercial paper or other similar obligations shall be issued pursuant to an Authorizing Action as provided in Section 8.01.011 of the Metro Code.

(b) Payment from Revenues. In the Authorizing Action under which a particular series of notes, warrants, commercial paper or other similar obligations are issued, Metro may provide that such Obligations shall be payable from all or any portion of Metro's Revenues (but subject to such prior claims on such Revenues or portions thereof as may have theretofore been created). Metro may pay any amounts owing under any notes, warrants, commercial paper or other similar obligations from any other funds lawfully available for such purpose regardless of whether or not provision for payment thereof from such other funds has been made in the Authorizing Action as provided in the preceding sentence; *provided that* the foregoing is not intended, nor shall it be construed, to create a legal obligation on Metro's part to pay any amounts owing under any notes, warrants, commercial paper or other similar obligations from any Revenues not specifically pledged thereto or from which such notes, warrants, commercial paper or other similar obligations have not specifically been made payable in accordance with their terms.

(c) Pledge of Other Revenues and Property. In the Authorizing Action under which a particular series of notes, warrants, commercial paper or other similar obligations is issued, Metro may:

(i) Pledge as additional security for such notes, warrants, commercial paper or other similar obligations all or any portion of its Revenues; and

(ii) Grant mortgages, trust deeds or security interests in any Property of Metro as additional security for the payment of such notes, warrants, commercial paper or other similar obligations.

Section 8.01.070. Refunding Bonds.

(a) **Issuance of Refunding Bonds.** Metro may issue from time to time Refunding Bonds for the purpose of refunding, either at or in advance of maturity, any Bonds previously issued by Metro or any bonds or other obligations issued by Metro prior to the effective date of the Charter. Metro may issue Refunding Bonds for the purpose of refunding and replacing outstanding General Obligation Bonds in advance of their maturity even if the aggregate principal amount of such Refunding Bonds exceeds the aggregate principal amount of such General Obligation Bonds authorized to be issued under the related Bond Measure so long as the debt service payable on such Refunding Bonds is less than the debt service payments on the General Obligation Bonds refunded and replaced thereby. All Refunding Bonds shall be issued pursuant to an Authorizing Action as provided in Section 8.01.011 of the Metro Code.

(b) **Payment from Revenues.** In the Authorizing Action under which a particular series of Refunding Bonds is issued, Metro may provide that such Refunding Bonds shall be payable from all or any portion of Metro's Revenues (but subject to such prior claims on such Revenues or portions thereof as may have theretofore been created), including specifically any Revenues from which the Bonds to be refunded thereby are payable. Metro may pay any amounts owing under any Refunding Bonds from any other funds lawfully available for such purpose regardless of whether or not provision for payment thereof from such other funds has been made in the Authorizing Action as provided in the preceding sentence; *provided that* the foregoing is not intended, nor shall it be construed, to create a legal obligation on Metro's part to pay any amounts owing under any Refunding Bonds from any Revenues not specifically pledged thereto or from which such Refunding Bonds have not specifically been made payable in accordance with their terms.

(c) **Pledge of Other Revenues and Property.** In the Authorizing Action under which a particular series of Refunding Bonds is issued, Metro may:

(i) Pledge as additional security for such Refunding Bonds all or any portion of its Revenues; and

(ii) Grant mortgages, trust deeds or security interests in any Property of Metro as additional security for the payment of such Refunding Bonds.

Section 8.01.080. Credit Facilities.

(a) **Authority to Obtain Credit Facility.** Metro may obtain a Credit Facility for the purpose of:

(i) providing additional security for the payment of all or any portion of the amounts owing under or with respect to any Bonds;

(ii) providing liquidity support for Bonds which are subject to purchase, redemption or other tender at the option of the owner thereof;

(iii) funding, in lieu of cash, all or any portion of any debt service reserve established with respect to any Bonds; or

(iv) any other purpose that Council determines to be beneficial to Metro in connection with any Bond financing, including specifically the provision of security for Metro's obligations under or with respect to any Financial Enhancement Product.

The authorization to obtain a Credit Facility and to enter into any related agreements shall be set forth in an Authorizing Action as provided in Section 8.01.011 of the Metro Code. Metro may enter into agreements with the provider(s) of such Credit Facility containing such covenants, terms and conditions as shall be approved or authorized by Council in the related Authorizing Action.

(b) Payment from Revenues. In the Authorizing Action relating to a particular Credit Facility, Metro may provide that its obligations under or with respect to any Credit Facility shall be payable from all or any portion of Metro's Revenues (but subject to such prior claims on such Revenues or portions thereof as may have theretofore been created), including (but not limited to) the Revenues from which the Bonds or Financial Enhancement Product to which such Credit Facility relates are payable. Metro may pay any amounts owing under or with respect to any Credit Facility from any other funds lawfully available for such purpose regardless of whether or not provision for payment thereof from such other funds has been made in the Authorizing Action as provided in the preceding sentence; *provided that* the foregoing is not intended, nor shall it be construed, to create a legal obligation on Metro's part to pay any amounts owing under or with respect to any Credit Facility from any Revenues not specifically pledged thereto or from which such Credit Facility obligations have not specifically been made payable in accordance with its terms.

(c) Pledge of Other Revenues and Property. In the Authorizing Action under which a particular Credit Facility is authorized, Metro may:

(i) Pledge as additional security for its obligations under or with respect to such Credit Facility all or any portion of its Revenues; and

(ii) Grant mortgages, trust deeds or security interests in any Property of Metro as additional security for the payment of its obligations under or with respect to such Credit Facility.

Section 8.01.090. Financial Enhancement Products.

(a) Authority to Obtain Financial Enhancement Product. Metro may obtain or enter into Financial Enhancement Products prior to, simultaneous with or subsequent to the issuance of any Bonds. The authorization to obtain or enter into a Financial Enhancement Product and to enter into any related agreements shall be set forth in an Authorizing Action as provided in Section 8.01.011 of the Metro Code. A Financial Enhancement Product may contain such terms and conditions (including but not limited to payment terms, security, agreement term, defaults and remedies) as the Council may approve or authorize in the related Authorizing Action.

(b) Payment from Revenues. In the Authorizing Action relating to a particular Financial Enhancement Product, Metro may provide that its obligations under or with respect to the Financial Enhancement Product shall be payable from all or any portion of Metro's Revenues (but subject to such prior claims on such Revenues or portions thereof as may have theretofore been created), including (but not limited to) the Revenues from which the Bonds to which such Financial Enhancement Product relates are payable. Metro may pay any amounts owing under or with respect to any Financial Enhancement Product from any other funds lawfully available for such purpose regardless of whether or not provision for payment thereof from such other funds has been made in the Authorizing Action as provided in the preceding sentence; *provided that* the foregoing is not intended, nor shall it be construed, to create a legal obligation on Metro's part to pay any amounts owing under or with respect to any

Financial Enhancement Product from any Revenues not specifically pledged thereto or from which such Financial Enhancement Product obligations have not specifically been made payable in accordance with its terms.

(c) Pledge of Other Revenues and Property. In the Authorizing Action under which a particular Financial Enhancement Product is authorized, Metro may:

(i) Pledge as additional security for its obligations under or with respect to such Financial Enhancement Products all or any portion of its Revenues; and

(ii) Grant mortgages, trust deeds or security interests in any Property of Metro as additional security for the payment of its obligations under or with respect to such Financial Enhancement Product.

Section 8.01.010. Terms and Effect of Pledge, Mortgage or Grant of Security Interest as Security for Metro Obligations.

(a) Terms of Pledge, Mortgage or Grant of Security Interest. Any pledge, mortgage or grant of security interest of or in any Revenues or Property given or made by Metro as security for the payment or performance of any Obligation may be made on such terms and conditions, grant or confer such rights and remedies to or on Metro and the persons for whose benefit the security represented thereby is given, and reserve to Metro such rights and privileges (including but not limited reservation of the right to pledge, mortgage or grant security interests in the subject Revenues or Property on a parity, subordinate or superior lien basis as security for other Obligations) as Council shall approve or authorize in the related Authorizing Action.

(b) Effect of Pledge, Mortgage or Grant of Security Interest. Any pledge, mortgage or grant of security interest of or in any Revenues or Property given or made by Metro as security for the payment of any amounts owing under or with respect to any Bonds, Credit Facility or Financial Enhancement Product shall be valid, binding and fully perfected:

(i) from the time the pledge, mortgage or grant of security interest is made; and

(ii) against all persons having claims of any kind against Metro whether in tort, contract or otherwise irrespective of whether such persons have notice thereof.

The Revenues and other Property so pledged, mortgaged or subjected to a security interest by Metro shall be immediately subject to the lien of the pledge, mortgage or security interest without physical delivery, filing, notice or any other act. Except as otherwise expressly provided in the related Authorizing Action, the lien of any such pledge, mortgage or security interest shall be superior to all other claims and liens of any kind whatsoever.

Section 8.01.011. Authorizing Actions.

(a) Adoption of Authorizing Action. The Council shall authorize all Obligations by means of an Authorizing Action adopted at any regular or special meeting. All Authorizing Actions shall be in the form of resolutions of the Council; *provided that* Council may in its discretion, but shall not be required to, adopt an Authorizing Action which is in the form of an ordinance.

(b) Contents of Authorizing Action. An Authorizing Action may contain such authorizations and provisions relating to the issuance and sale of the subject Obligations, the terms thereof and security therefor, the establishment of various funds and accounts in connection therewith, and covenants and agreements pertaining to the payment and performance of Metro's obligations with respect to the subject Obligations, all as the Council determines to be necessary or appropriate, including but not limited to the following:

(i) the pledge of any Revenues as security for the payment of the amounts owing under and with respect to the subject Obligations and the performance by Metro of its covenants and agreements with respect thereto and the segregation of any Revenues pledged to the payment of the subject Obligations in any funds or accounts designated for such purpose, all on such terms and conditions, with such remedies afforded the owners of the subject Obligations (or a trustee or other fiduciary for such owners) and subject to the reservation by Metro of such rights and privileges as shall be set forth in the Authorizing Action or authorized in the Authorizing Action to be set forth in another document, instrument or agreement relating to the subject Obligations;

(ii) the mortgage of or grant of a security interest in any Property as security for the payment of the amounts owing under and with respect to the subject Obligations and the performance by Metro of its covenants and agreements with respect thereto, all on such terms and conditions, with such remedies afforded the owners of the subject Obligations (or a trustee or other fiduciary for such owners) and subject to the reservation by Metro of such rights and privileges as shall be set forth in the Authorizing Action or authorized in the Authorizing Action to be set forth in another document, instrument or agreement relating to the subject Obligations;

(iii) the establishment, imposition, levy and collection of rates, charges, fees and taxes, at such levels or in such amounts as shall be deemed by Council to be necessary or appropriate in order to produce Revenues in the amounts and at the times required to pay the subject Obligations as and when due and to provide any additional margin of net Revenues in excess of debt service as the Council determines to be necessary or appropriate in order to better secure the payment of all amounts owing under and with respect to the subject Obligation;

(iv) the appointment of underwriters, financial consultants, feasibility consultants, consulting engineers, other professional consultants and advisors, trustees, paying agents, registrar, transfer agents, remarketing agents, indexing agents, depositories, and other agents deemed by Council to be necessary or appropriate in connection with the transactions contemplated by the Authorizing Action; *provided that* it shall not be necessary for a single person or entity to serve as trustee, paying agent, registrar and transfer agent for a single series of Obligations or for all outstanding Obligations, but Metro shall have the right to appoint different persons or entities to serve in one or more of such capacities for a single series of Obligations and for different series of Obligations; *and provided further that* Metro may act as its own paying agent, registrar or transfer agent with respect to any one or more series of Obligations;

(v) the establishment of debt service reserve funds, renewal and replacement funds, major maintenance funds, depreciation funds, environmental clean-up or liability funds, escrow funds and other such funds and accounts of every kind and description as Council determines to be necessary or appropriate, together with any covenants regarding the maintenance, use or other treatment of such funds and accounts and the investment of the moneys on deposit therein;

(vi) authorization of the execution, delivery and performance by Metro of any contracts, agreements, certificates or instruments with third parties determined by Council to be necessary or appropriate in connection with the subject Obligations, including but not limited to trust indentures,

mortgages, deeds of trust, security agreements, bond purchase agreements and other agreements, including any and all agreements relating to a Credit Facility or Financial Enhancement Product;

(vii) the manner in which the subject Bonds shall be sold, which may include a public competitive sale, a private negotiated sale, a competitive negotiated sale, or any other method of sale that Council determines to be in the interests of Metro; and

(viii) make such other covenants, agreements and provisions for protection and security of the owners of the subject Obligations as are determined by Council to be necessary or appropriate, including but not limited to covenants, agreements and provisions regarding the issuance of additional Obligations, the use and disposition of any Property financed or mortgaged as security for the payment of the subject Obligations, the maintenance of the federal, state or local tax-exempt status of the Obligations or the interest thereon, and the priority of payment of the subject Obligations in relationship to the payment of other Obligations and pecuniary liability or undertakings of Metro.

Each Authorizing Action shall constitute a contract with and for the benefit of the owners of the Bonds to which such Authorizing Action relates.

(c) Delegation of Authority. Notwithstanding anything expressed or implied in the Metro Code to the contrary, the Council, in an Authorizing Action, may delegate to any elected or appointed official or employee of Metro the authority to negotiate, determine and establish such terms, conditions and other matters with respect to the subject Obligations and related transactions, instruments and agreements as Council shall specify in the Authorizing Action, including but not limited to the maturity dates, principal amounts, redemption provisions, interest rates or the method of determining any variable or adjustable interest rate, denominations, the price at which the Obligations will be sold and other terms and conditions of the subject Obligations and related instruments and agreements that are not appropriately determined at the time of adoption of the Authorizing Action or that Council deems it necessary or appropriate to so delegate. Any such delegated authority shall be exercised subject to the applicable requirements of law and such limitations and criteria as may be set forth in the Authorizing Action, and when so exercised shall be valid and binding on, and enforceable against, Metro to the same extent and with the same force and effect as would be the case if such authority had by directly exercised by Council in the Authorizing Action.

Section 8.01.012. Terms of Obligations.

(a) In General. Obligations authorized to be issued by the Metro Charter and Code may be in any form and contain any terms specified in or authorized under the related Authorizing Action, including but not limited to the following:

(i) Interest rates that are fixed through maturity or that vary in accordance with an index or that are determined from time to time by an agent appointed for such purpose and in accordance with such criteria or standards as shall be set forth in or authorized under the related Authorizing Action;

(ii) Interest rates that are subject to adjustment or revision at such times or upon the occurrence of such events as shall be set forth in or authorized under the related Authorizing Action;

(iii) The payment of accrued interest on such dates as shall be specified in or authorized under the related Authorizing Action, or the deferral of payment of interest on a periodic basis prior to maturity, or for a period of time prior to maturity, through the use of financing vehicles such as deep discount obligations, zero coupon obligations, capital appreciation obligations and obligations which convert at a specified time

or upon the occurrence of a specified event from capital appreciation obligations to current interest obligations which pay accrued interest on a periodic basis;

(iv) The redemption or prepayment provisions to be applicable to the subject Obligations, which may include mandatory and optional redemptions or prepayments on such terms and conditions, at such times, and at such redemption or prepayment prices as shall be set forth in or authorized under the related Authorizing Action, with notice of any such redemption or prepayment to be given at such times, to such persons, in such form and through such media as shall be set forth in or authorized under the related Authorizing Action;

(v) The terms upon which the subject Obligation may be tendered by the owners for purchase for remarketing or retirement of the Obligations;

(vi) The denominations in which the subject Obligations will be issued and the form of such Obligations, which may include bearer form with coupons attached, registered form and Obligations subject to a book-entry system of ownership, registration and transfer that does not involve the physical delivery of certificates to the ultimate owners of such obligations; and

(vii) Principal payment schedules that specify the dates upon which installments of principal shall become due and payable either by virtue of the stated maturity thereof or the mandatory redemption or prepayment of such principal, including but not limited to principal payment schedules that provide for: (A) substantially equal annual payments of principal and interest of either the subject Obligations alone or the subject Obligations in combination with other Obligations; (B) the deferral of the payment of principal for a period of years as Council shall determine is necessary or appropriate; (C) no amortization of principal until final maturity; and (D) amortization of principal in unequal annual installments.

(b) Maximum and Minimum Interest Rates; Sale Price. Obligations may bear interest at such maximum or minimum rates as shall be set forth in or authorized under the related Authorizing Action, which maximum or minimum rates may be expressed in terms of a percentage, the net interest cost, the true interest cost, the yield or any other method of expressing the time value of money or the cost of borrowing as Council may authorize. Obligations may be sold at such price as shall be set forth in or authorized under the related Authorizing Action.

(c) Use of Seal. If Metro has an official seal at the time any Bonds are issued, it may cause such or a facsimile thereof to be impressed or imprinted on the Bonds. However, the failure to imprint, impress or otherwise evidence any such seal on any Bond shall not affect the validity thereof.

(d) Authorized signatures. Bonds (other than certificates of participation) shall be executed on behalf of Metro by the signature or signatures of one or more elected or appointed officials or officers of Metro as specified in or authorized under the related Authorizing Action. Signatures of the designated officials or officers may be either manual signatures or facsimile signatures.

Section 8.01.013. Investment of Funds. The proceeds derived from the issuance and sale of any Obligations and any moneys held in any funds or accounts established under any Authorizing Action in connection with any Obligations may be invested in such investments as shall be specified in the related Authorizing Action without regard to any restrictions, limitations or regulations applicable to the investment of any other Metro funds pursuant to any other Metro ordinance, resolution, code provision or policy.

Section 8.01.014. Manner of Sale.

(a) Types of Sale Authorized; Procedures. Subject only to the applicable requirements and limitations of the Metro Code, Bonds may be sold pursuant to such type of sale, in such manner and following such procedures as shall be set forth in or authorized under the related Authorizing Action. The type of Bond sale may include a public competitive sale, a private negotiated sale, a competitive negotiated sale, or any other type or method of sale that Council determines to be in the interests of Metro.

(b) Public Competitive Sale. For bonds which are sold at public competitive sale, Metro shall prepare a notice of Bond sale which shall include the following information to the extent that, in light of the nature of the subject Bonds, such information is appropriate for inclusion in such notice of Bond sale:

(i) The time, date and place where bids will be received, and considered and acted upon, the total amount of Bonds (which may be stated as an approximate amount subject to finalization upon the award of the Bonds), and the denominations of the subject Bonds;

(ii) The anticipated issue date, maturity dates and amounts, interest payment dates, and place of payment of the subject Bonds;

(iii) The anticipated redemption provisions;

(iv) The maximum effective rate of interest and the minimum purchase price (which may be expressed as a percentage of par value of the Bonds) which may be bid;

(v) The required good faith deposit and the form such deposit must take, which may include certified check, cashier's check, fed funds check, surety bond, or other security arrangement satisfactory to Metro;

(vi) Such constraints on the interest rates as the issuer may impose;

(vii) The basis on which bond bids are to be evaluated for purpose of the award of the subject Bonds, which may include a true interest cost method, a net interest cost method or any other appropriate method of evaluating and comparing the merits of the bids received; and

(viii) The name of Metro's bond counsel who will furnish the legal opinion with respect to the subject Bonds and the name of Metro's financial advisor in connection with the issuance and sale of the subject Bonds.

The notice of Bond sale shall be published in such places and through such media as may be provided for or authorized in the related Authorizing Action, including but not limited posting in public places, publication in financial newspapers or other newspapers published and circulated within or without the State of Oregon, publication and distribution by means of electronic media such as television, radio, computer communication networks, telecopy, telefax, wire services or other such media, and publication and distribution by means of notices sent by United States mail or private carrier or delivery service. The notice of Bond sale shall be published not less than five days prior to the date upon which bids are to be received and the Bonds awarded; *provided that* Metro may publish amendments or corrections to, or modifications of, any notice of Bond sale (including any amendments, corrections or modifications which may be deemed to be material) at any time which is not less than four hours prior to the time at which bids are to be received and the Bonds awarded, which amendments, corrections or modifications may be

published through any media which Metro determines is best calculated to reach in a timely manner the persons or firms likely to submit bids.

In all public competitive sales, Metro reserves the rights to:

(A) reject any and all bids received for such reasons as Metro, in its sole and absolute discretion, determines to be sufficient;

(B) waive any and all requirements or irregularities;

(C) extend the period of time by which bids must be received or otherwise postpone the time for the opening of bids and award of the Bonds; and

(D) following the opening of the bids, negotiate the sale of the subject Bonds with any person or firm regardless of whether such person or firm submitted a bid pursuant to and in accordance with the notice of bond sale.

[End of provisions to be added to Metro Code.]

Section 3. Amendment of Solid Waste System Master Bond Ordinance. The Solid Waste System Master Bond Ordinance was originally enacted prior to the approval of the Charter by the electors of Metro and therefore does not take account of the Charter powers with respect to Bond financing which are implemented pursuant to the Metro Code. Section 1001(12) of the Solid Waste System Master Bond Ordinance permits the modification of any provisions of such ordinance in order to supply any omission. Metro hereby determines it is necessary and appropriate to amend the Solid Waste System Master Bond Ordinance in order to supply omitted references which are now appropriate in light of the elector approval of the Charter and the adoption of the Metro Code implementing the Charter provisions with respect to Bonds and financing.

The Solid Waste System Master Bond Ordinance is hereby amended, modified and supplemented as follows:

The definition of the term "Act" which appears in Section 101 of the Solid Waste System Master Bond Ordinance is hereby amended to read as follows:

"Act" shall mean: (i) the Issuer's Charter; (ii) Title VIII of the Issuer's Code, as the same may be amended, modified and supplemented from time to time; and (iii) the applicable provisions of the laws of the State of Oregon, including but not limited to Chapter 268 of the Oregon Revised Statutes.

The definition of the term "Supplemental Ordinance" which appears in Section 101 of the Solid Waste System Master Bond Ordinance is hereby amended to read as follows:

"Supplemental Ordinance" shall mean any ordinance supplemental to or amendatory of this Ordinance, entered into by the Issuer in accordance with this Ordinance; *provided that* for purposes of authorizing the issuance of Bonds under this Ordinance as contemplated and permitted under Article II of this Ordinance, the term "Supplemental Ordinance" shall mean and include, and may take the form of, an Authorizing Action adopted by the Issuer pursuant to and in accordance with Title VIII of the Issuer's Code, as the same may be amended, modified and supplemented from time to time.

Section 4. Amendment of General Revenue Bond Master Ordinance. The General Revenue Bond Master Ordinance was originally enacted prior to the approval of the Charter by the electors of Metro and therefore does not take account of the Charter powers with respect to Bond financing which are implemented pursuant to the Metro Code. Section 1001(12) of the General Revenue Bond Master Ordinance permits the modification of any provisions of such ordinance in order to supply any omission. Metro hereby determines it is necessary and appropriate to amend the General Revenue Bond Master Ordinance in order to supply omitted references which are now appropriate in light of the elector approval of the Charter and the adoption of the Metro Code implementing the Charter provisions with respect to Bonds and financing.

The General Revenue Bond Master Ordinance is hereby amended, modified and supplemented as follows:

The definition of the term "Act" which appears in Section 101 of the General Revenue Bond Master Ordinance is hereby amended to read as follows:

"Act" shall mean: (i) the Issuer's Charter; (ii) Title VIII of the Issuer's Code, as the same may be amended, modified and supplemented from time to time; and (iii) the applicable provisions of the laws of the State of Oregon, including but not limited to Chapter 268 of the Oregon Revised Statutes.

The definition of the term "Supplemental Ordinance" which appears in Section 101 of the General Revenue Bond Master Ordinance is hereby amended to read as follows:

"Supplemental Ordinance" shall mean any ordinance supplemental to or amendatory of this Ordinance, entered into by the Issuer in accordance with this Ordinance; *provided that* for purposes of authorizing the issuance of Bonds under this Ordinance as contemplated and permitted under Article II of this Ordinance, the term "Supplemental Ordinance" shall mean and include, and may take the form of, an Authorizing Action adopted by the Issuer pursuant to and in accordance with Title VIII of the Issuer's Code, as the same may be amended, modified and supplemented from time to time.

Section 5. Amendments to Code Financing Provisions. The provisions to the Metro Code which are added by this Ordinance may be amended, modified or supplemented from time to time in any respect and for any purpose deemed necessary or appropriate by Council; *provided that* no such amendment, modification or supplement shall impair the contractual rights of the owners of any outstanding obligations issued or incurred under such Code provisions.

Section 6. Governing Law. This Ordinance shall be interpreted governed by and construed under the laws of the State of Oregon, including the Act, as if executed and to be performed wholly within the State of Oregon.

Section 7. Headings Not Binding. The headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Bond Financing Ordinance.

Section 8. Emergency Clause and Immediate Effectiveness of This Ordinance. The Council hereby finds that:

(i) recent favorable developments in the municipal bond markets have resulted in lower interest rates than have generally been available in the last two decades;

(ii) in light of such low interest rates, Metro can realize significant savings by issuing Refunding Bonds in order to refund all or a portion of the outstanding 1990 Bonds and 1991 Bonds;

(iii) in light of the potential for this favorable interest rate environment to change rapidly, it is essential that Metro proceed with all possible speed in issuing such Refunding Bonds in order to ensure that Metro is in the best position to be able to reap the benefits of such savings; and

(iv) in order to issue such Refunding Bonds pursuant to the authority granted by the electors pursuant to the Charter, it is necessary, appropriate and desirable for this Bond Financing Ordinance to be adopted and in full force and effect.

In light of the foregoing, the Council hereby finds and declares that it is necessary for this Ordinance to be effective immediately. Therefore, this Ordinance shall become effective immediately upon adoption by the Council in accordance with the requirements of the Charter.

Certification of Ordinance

The undersigned do hereby certify that we are the duly elected or appointed, qualified and acting Presiding Officer of the Council, Clerk of the Council and Executive Officer of Metro, Counties of Multnomah, Clackamas and Washington, State of Oregon; that the foregoing is a true and complete copy of Ordinance No. 93-495 as enacted by the Council of said district at a regular meeting duly called and held in accordance with law on April 22, 1993 and that the following Councilors voted in favor of said Ordinance:

the following Councilors voted against said Ordinance:

and the following Councilors abstained from voting on said Ordinance:

In witness whereof, the undersigned have hereunto set their hands as of this _____ day of _____, 1993.

Presiding Officer of the Council
Date: _____, 1993

Clerk of the Council
Date: _____, 1993

Rena Cusma, Executive Officer
Date: _____, 1993

STAFF REPORT

AN ORDINANCE ADDING A NEW TITLE TO THE METRO CODE TO IMPLEMENT AND MAKE PROVISION FOR THE EXERCISE OF METRO'S CHARTER AUTHORITY TO ISSUE REVENUE BONDS, GENERAL AND SPECIAL OBLIGATION BONDS, CERTIFICATES OF PARTICIPATION AND OTHER OBLIGATIONS; AMENDING CERTAIN PRIOR METRO ORDINANCES IN ORDER TO CONFORM TO THE NEW METRO CODE PROVISIONS ADDED BY THIS ORDINANCE; AND DECLARING AN EMERGENCY.

Date: April 5, 1993

Presented by: Craig Prosser

Factual Background and Analysis.

This ordinance establishes Code authority to exercise Metro's Charter financing powers to govern the issuance of all Metro bonds. This ordinance exercises Metro's home rule powers under the 1992 Charter to establish bond issuance authority.

Prior to the adoption of Metro's Charter in November 1992, Metro issued bonds under authority granted by State law ORS Chapter 268 and the Oregon Constitution. State law determined the types of bonds that could be issued, forms of the bonds, terms, and other conditions. Any changes in these rules and procedures could be made only by the State legislature, which established this law to govern all Metro debt issuance during the period that Metro authority flowed from State legislative action.

With the passage of the Charter in 1992, Metro was given the authority to develop and implement its own debt management rules and procedures. This ordinance creates a new Title VIII in Metro Code which (together with the Oregon Constitution) will govern the issuance of debt by Metro. The proposed Code sections establish authority for issuance of the various types of bonds issued by Metro (General Obligation; Limited Tax General Obligation; Revenue; Lease Purchase and Credit Agreements; Notes, Warrants, and Commercial Paper; Credit Facilities; and Financial Enhancements). The new Code Title also creates procedures for the issuance of bonds: it provides for authorization for specific bond issues by Council resolution which establishes bond terms and conditions, provides for manner of sale, and provides for investment of funds. Finally, the ordinance amends existing Master Bond Ordinances (Solid Waste and General Revenue) to bring them into conformity with the new Code language.

This ordinance carries an emergency clause to allow it to take effect immediately. The emergency clause is necessary to allow refundings of the Metro East Solid Waste Revenue Bonds and the General Revenue Bonds to proceed in a timely manner under this ordinance.

Executive Officer's Recommendation

The Executive Officer recommends adoption of Ordinance No. 93-495, establishing Code authority to exercise Metro's Charter financing powers to govern the issuance of all Metro bonds, and exercising Metro's home rule powers under the 1992 Charter to establish bond issuance authority.

CP:rs

c:\cprosser\93-495.SR

Meeting Date: April 22, 1993
Agenda Item No. 7.1

RESOLUTION NO. 93-1880

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

IN MEMORY OF GLADYS S. McCOY.)	Resolution No. 93-1880
AND IN APPRECIATION FOR HER)	
CONTRIBUTIONS TO THE GREATER)	Introduced by Presiding
PORTLAND METROPOLITAN AREA)	Officer Wyers, Councilor
)	Hansen and Councilor
)	Washington

WHEREAS, Gladys McCoy, Chair of the Multnomah County Board of Commissioners served the greater Portland Metropolitan area and Multnomah County with distinction and dedication; and

WHEREAS, A cornerstone to Gladys McCoy's work for the region was her skilled efforts in bringing groups and individuals from diverse backgrounds and communities to work together to develop solutions for the common good; and

WHEREAS, Gladys McCoy was a leader in the region advocating for policies and actions which embraced and supported the inclusion of many individuals drawn from the diverse range of peoples in the region.

WHEREAS, In Gladys McCoy's capacity as Chair of the Multnomah County Board of Commissioners, she served on the Bi-State Policy Advisory Committee, a cooperative, consultive body which provides policy advice to affected jurisdictions on issues outside the purview of other standing committees; and

WHEREAS, Gladys McCoy was an advocate for the efficient and effective provision of urban services in Multnomah County and as such, demonstrated leadership in exploring the reorganization of functions between Multnomah County and cities in the County and between Multnomah County and Metro; and

WHEREAS, In all of her endeavors, Gladys McCoy demonstrated outstanding qualities of human spirit and compassion, professional commitment and a dedication to helping people; now therefore,

BE IT RESOLVED,

1. That Metro hereby expresses its profound sorrow at the loss of Gladys McCoy and its great appreciation for the many contributions she made to the region during her long period of service to the region as a community leader and public servant.

2. That a copy of this resolution be sent to Senator William McCoy and family, and the Multnomah County Board of Commissioners.

ADOPTED by the Metro Council this 22nd day of April, 1993.

Judy Wyers, Presiding Officer

Meeting Date: April 22, 1993
Agenda Item No. 8.1

RESOLUTION NO. 93-1788A



METRO

DATE: April 16, 1993

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 8.1; RESOLUTION NO. 93-1788A

The Finance Committee report on Resolution No. 93-1788A will be distributed in advance to Councilors and available at the Council meeting April 22.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING A)
FISCAL YEAR 1992-93 SUPPLEMENTAL)
BUDGET AND TRANSMITTING THE)
APPROVED BUDGET TO THE TAX)
SUPERVISING AND CONSERVATION)
COMMISSION)

RESOLUTION NO. 93-1788A

Introduced by Rena Cusma,
Executive Officer

WHEREAS, A Supplemental Budget is necessary as provided in ORS 294.480 (1)(a) due to "an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year which requires a change in financial planning;" and

WHEREAS, The Metro Council convened as Budget committee has reviewed the Proposed Supplemental Budget and held a public hearing on the Proposed Budget and considered overall issues affecting the FY 1992-93 Supplemental Budget; and

WHEREAS, Pursuant to Oregon budget law, the Council convened as Budget Committee must approve the FY 1992-93 Supplemental Budget and said Approved Budget must be transmitted to the Tax Supervising and Conservation Commission (TSCC) for public hearing and review; now, therefore,

BE IT RESOLVED,

1. That the Proposed FY 1992-93 Supplemental Budget as amended by the Metro Council convened as Budget Committee, which is on file at the Metro offices, is hereby approved.
2. That the Executive Officer is hereby directed to submit the Approved FY 1992-93 Supplemental Budget to the Tax Supervising and Conservation Commission for public hearing and review.

ADOPTED by the Metro Council this ____ day of _____, 1993.

Judy Wyers, Presiding Officer

March 26, 1993

**Fiscal Year 1992-93
Supplemental Budget**

FY 1992-93 Supplemental Budget

FISCAL YEAR 1992-93		Current Adopted Budget		Requested Revision		Proposed Budget		Council Committee Revision		Recommended Approved Budget		Adopted Budget	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SOLID WASTE REVENUE FUND:Resources													
<u>Resources</u>													
	Fund Balance												
	* St. Johns Landfill Closure Account		\$20,883,183		\$0		\$20,883,183		\$0		\$20,883,183		
	* Renewal and Replacement		1,322,100		0		1,322,100		0		\$1,322,100		
	* Construction Account		1,050,000		0		1,050,000		0		\$1,050,000		
	* Reserve Account		2,765,963		0		2,765,963		0		\$2,765,963		
	* Metro Central Debt		1,378,574		0		1,378,574		0		\$1,378,574		
	* General Account (unrestricted)		149,359		0		149,359		0		\$149,359		
331120	Federal Grants-Operating		30,000		0		30,000		0		\$30,000		
341500	Documents & Publications		3,491		0		3,491		0		\$3,491		
343111	Disposal Fees-Credit		26,193,862		0		26,193,862		0		\$26,193,862		
343121	User Fees-Credit		23,573,846		0		23,573,846		0		\$23,573,846		
343131	Regional Transfer Charge-Credit		6,146,499		0		6,146,499		0		\$6,146,499		
343151	Rehabilitation & Enhancement Fee-Credit		198,085		0		198,085		0		\$198,085		
343171	Host Fees-Credit		243,150		0		243,150		0		\$243,150		
343211	DEQ - Orphan Site Account - Credit		108,588		0		108,588		0		\$108,588		
343221	DEQ - Promotional Program - Credit		796,313		0		796,313		0		\$796,313		
343200	Franchise Fees		2,500		0		2,500		0		\$2,500		
343300	Salvage Revenue		92,856		0		92,856		0		\$92,856		
343900	Tarp Sales		944		0		944		0		\$944		
343800	Sublease Income		48,679		0		48,679		0		\$48,679		
347900	Misc. Other Revenue		568,026		0		568,026		0		\$568,026		
351000	Fines and Forfeits Revenue		75,000		0		75,000		0		\$75,000		
361100	Interest on Investments		2,200,000		0		2,200,000		0		\$2,200,000		
363000	Finance Charge		100,000		0		100,000		0		\$100,000		
375000	Pass Through Debt Service Receipts		2,834,217		23,995,783		26,830,000		0		\$26,830,000		
393768	Trans. Direct Cost from Rehab. & Enhance.		47,615		0		47,615		0		\$47,615		
TOTAL RESOURCES			\$90,812,850		\$23,995,783		\$114,808,633		\$0		\$114,808,633		\$0

FY 1992-93 Supplemental Budget

FISCAL YEAR 1992-93		Current Adopted Budget		Requested Revision		Proposed Budget		Council Committee Revision		Recommended Approved Budget		Adopted Budget	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SOLID WASTE REVENUE FUND:All Other Accounts													
Total Requirements			\$69,685,420		\$0		\$69,685,420		\$0		\$69,685,420		\$0
SOLID WASTE REVENUE FUND:Master Project Account													
<u>Requirements</u>													
Reidel Compost Facility-Series A													
528100	Payments to Other Agencies (Arbitrage)	0		615,000		\$615,000		0		\$615,000			
533210	Revenue bond-Principal		\$600,000		\$24,505,000		\$25,105,000		\$0		\$25,105,000		
533220	Revenue Bond-Interest		1,849,217		(1,124,217)		725,000		0		\$725,000		
Reidel Compost Facility-Series One													
533220	Revenue Bond-Interest		385,000		0		385,000		0		\$385,000		
Total Requirements			\$2,834,217		\$23,995,783		\$26,830,000		\$0		\$26,830,000		\$0
SOLID WASTE REVENUE FUND:General Expenses													
Total Interfund Transfers			\$4,792,924		\$0		\$4,792,924		\$0		\$4,792,924		\$0
<u>Contingency and Unappropriated Balance</u>													
599999	Contingency		\$5,615,623		\$0		\$5,615,623		\$0		\$5,615,623		
599990	Unappropriated Fund Balance		\$7,884,666		\$0		\$7,884,666		\$0		\$7,884,666		
Total Contingency and Unapp. Balance			\$13,500,289		\$0		\$13,500,289		\$0		\$13,500,289		\$0
TOTAL REVENUE FUND EXPENDITURES		100.70	\$90,812,850	0.00	\$23,995,783	100.70	\$114,808,633	0.00	\$0	100.70	\$114,808,633	0.00	\$0

FY 1992-93 Supplemental Budget

FISCAL YEAR 1992-93		Current Adopted Budget		Requested Revision		Proposed Budget		Council Committee Revision		Recommended Approved Budget		Adopted Budget	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND													
<u>Resources</u>													
299000	Fund Balance		\$4,005,889		\$2,463,774		\$6,469,663			\$0	\$6,469,663		
338100	Hotel/Motel Tax		3,300,000		260,000		3,560,000		0		3,560,000		
347220	Rentals-Building		1,134,150		0		1,134,150		0		1,134,150		
347311	Food Service-Concessions/Food		2,500,000		1,150,000		3,650,000		0		3,650,000		
347500	Merchandising		5,000		10,000		15,000		0		15,000		
347600	Utility Services		433,500		211,500		645,000		0		645,000		
347700	Commissions		25,000		5,000		30,000		0		30,000		
379000	Miscellaneous Revenue		0		35,000		35,000		0		35,000		
361100	Interest on Investments		220,000		69,400		289,400		0		289,400		
372100	Reimbursements - Labor		181,112		28,888		210,000		0		210,000		
374000	Parking		483,890		41,110		525,000		0		525,000		
TOTAL RESOURCES			\$12,288,541		\$4,274,672		\$16,563,213		\$0		\$16,563,213		\$0

<u>Personal Services</u>													
511121 SALARIES-REGULAR EMPLOYEES (full time)													
	Manager Sales/Marketing	1.00	\$41,976		\$1,679	1.00	\$43,655		\$0	1.00	\$43,655		
	Sales Associate	1.00	34,464		1,379	1.00	35,843		0	1.00	35,843		
	Convention Center Director	1.00	69,500		13,475	1.00	82,975		0	1.00	82,975		
	Event Coordinator	1.00	23,256		930	1.00	24,186		0	1.00	24,186		
	Event Coordinator II	3.00	82,272		3,291	3.00	85,563		0	3.00	85,563		
	Manager Event Services	1.00	38,064		1,523	1.00	39,587		0	1.00	39,587		
	Manager Operations	1.00	40,980		1,639	1.00	42,619		0	1.00	42,619		
	Booking Coordinator	1.00	25,668		1,027	1.00	26,695		0	1.00	26,695		
	Sound/Audio Visual Technician	2.00	61,080		2,436	2.00	63,516		0	2.00	63,516		
	Set-up Supervisor	3.00	83,615		1	3.00	83,616		0	3.00	83,616		
	Telephone System Coordinator	1.00	35,304		1,412	1.00	36,716		0	1.00	36,716		
	Security Supervisor	1.00	25,001		1,656	1.00	26,657		0	1.00	26,657		
	Accountant	0.30	11,513		(1,760)	0.30	9,753		0	0.30	9,753		
	Public Relations & Promotion Coordinator	0.10	2,977		119	0.10	3,096		0	0.10	3,096		
	Assistant Manager/Admissions	0.10	3,282		131	0.10	3,413		0	0.10	3,413		
	Assistant Manager/Security Medical	0.10	3,653		146	0.10	3,799		0	0.10	3,799		
	Volunteer Coordinator	0.20	4,769		191	0.20	4,960		0	0.20	4,960		
511221 WAGES-REGULAR EMPLOYEES (full time)													
	Administrative Secretary	1.00	23,844		954	1.00	24,798		0	1.00	24,798		
	Office Clerical	5.60	118,546		4,450	5.60	122,996		0	5.60	122,996		
	Reception	1.45	32,942		1,268	1.45	34,210		0	1.45	34,210		
	Data Entry	1.00	17,724		709	1.00	18,433		0	1.00	18,433		
	Utility Worker I	11.00	192,920		0	11.00	192,920		0	11.00	192,920		

FY 1992-93 Supplemental Budget

FISCAL YEAR 1992-93		Current Adopted Budget		Requested Revision		Proposed Budget		Council Committee Revision		Recommended Approved Budget		Adopted Budget	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND													
	Utility Worker II	4.00	79,581		0	4.00	79,581		0	4.00	79,581		
	Utility Lead	6.00	129,730		0	6.00	129,730		0	6.00	129,730		
	Security Watch Agent	8.00	156,480		6,259	8.00	162,739		0	8.00	162,739		
	Utility Maintenance	2.00	41,829		0	2.00	41,829		0	2.00	41,829		
	Utility-Grounds	3.00	62,463		0	3.00	62,463		0	3.00	62,463		
	Electrician	1.00	37,960		0	1.00	37,960		0	1.00	37,960		
	Operating Engineer	3.00	101,818		0	3.00	101,818		0	3.00	101,818		
	Utility Technician	3.00	88,441		0	3.00	88,441		0	3.00	88,441		
	Lead Engineer	1.00	36,109		0	1.00	36,109		0	1.00	36,109		
511235	WAGES-TEMPORARY EMPLOYEES (part time)												
	Event Receptionist/Secretarial	0.46	8,000		0	0.46	8,000		0	0.46	8,000		
	Stagehand/Utility Workers	7.05	107,735		0	7.05	107,735		0	7.05	107,735		
	Security/Medical	6.61	126,760		0	6.61	126,760		0	6.61	126,760		
	Box Office Supervisor/Sellers	1.78	31,509		0	1.78	31,509		0	1.78	31,509		
	Ushers/Sellers/Gate Attendants	3.33	54,352		0	3.33	54,352		0	3.33	54,352		
	Message Center Operators	1.25	18,000		0	1.25	18,000		0	1.25	18,000		
511400	OVERTIME		49,203		5,797		55,000		0		55,000		
512000	FRINGE		701,527		16,248		717,775		0		717,775		
Total Personal Services		89.33	\$2,804,847	0.00	\$64,960	89.33	\$2,869,807	0.00	\$0	89.33	\$2,869,807	0.00	\$0
Materials & Services													
521100	Office Supplies		\$29,800		\$0		\$29,800		\$0		\$29,800		
521290	Other Supplies		101,300		0		101,300		0		101,300		
521292	Small Tools		7,940		(2,000)		5,940		0		5,940		
521310	Subscriptions		450		500		950		0		950		
521320	Dues		6,910		(1,410)		5,500		0		5,500		
521400	Fuels & Lubricants		3,500		0		3,500		0		3,500		
521540	Maintenance and Repair Supplies -Equipment		20,000		0		20,000		0		20,000		
524120	Legal Fees		3,000		2,000		5,000		0		5,000		
524130	Promotion/Public Relations		97,902		0		97,902		0		97,902		
524190	Misc. Professional Services		1,359,000		(7,000)		1,352,000		0		1,352,000		
525110	Utilities-Electricity		375,000		20,000		395,000		0		395,000		
525120	Utilities-Water and Sewer		47,500		0		47,500		0		47,500		
525130	Utilities-Natural Gas		50,000		(12,000)		38,000		0		38,000		
525150	Utilities-Sanitation Services		25,000		0		25,000		0		25,000		
525610	Maintenance & Repair Services-Building		78,000		(20,000)		58,000		0		58,000		
525640	Maintenance & Repair Services-Equipment		50,555		99,445		150,000		0		150,000		
525710	Equipment Rental		11,600		9,000		20,600		0		20,600		
525720	Building Rental		0		41,200		41,200		0		41,200		
526200	Ads & Legal Notices		22,400		(7,400)		15,000		0		15,000		

FY 1992-93 Supplemental Budget

FISCAL YEAR 1992-93		Current Adopted Budget		Requested Revision		Proposed Budget		Council Committee Revision		Recommended Approved Budget		Adopted Budget	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND													
526310	Printing Services		74,400		0		74,400		0		74,400		74,400
526320	Typesetting and Reprographics		10,200		0		10,200		0		10,200		10,200
526410	Telephone		120,000		0		120,000		0		120,000		120,000
526420	Postage		14,006		(3,506)		10,500		0		10,500		10,500
526500	Travel		41,590		(12,965)		28,625		0		28,625		28,625
526690	Concession/Catering Contract		1,961,350		593,650		2,555,000		0		2,555,000		2,555,000
526691	Parking Contract		49,160		(14,160)		35,000		0		35,000		35,000
526700	Temporary Help Services		5,750		1,750		7,500		0		7,500		7,500
526800	Training, Tuition, Conferences		10,000		5,000		15,000		0		15,000		15,000
526910	Uniforms and Cleaning		11,700		0		11,700		0		11,700		11,700
529500	Meetings		2,000		2,000		4,000		0		4,000		4,000
529800	Miscellaneous		7,050		25,950		33,000		0		33,000		33,000
525740	Capital Lease Payments-Office Equipment		6,500		0		6,500		0		6,500		6,500
Total Materials & Services			\$4,603,563		\$720,054		\$5,323,617		\$0		\$5,323,617		\$0
Total Capital Outlay			\$303,487		\$0		\$303,487		\$0		\$303,487		\$0
Total Interfund Transfers			\$793,971		\$0		\$793,971		\$0		\$793,971		\$0
<u>Contingency and Unappropriated Balance</u>													
599999	Contingency		\$476,915		\$0		\$476,915		\$0		\$476,915		\$476,915
599990	Unappropriated Balance						0				0		0
	* Restricted		400,000		0		400,000		0		400,000		400,000
	* Unrestricted		2,905,758		3,489,658		6,395,416		0		6,395,416		6,395,416
Total Contingency and Unappropriated Balance			\$3,782,673		\$3,489,658		\$7,272,331		\$0		\$7,272,331		\$0
TOTAL EXPENDITURES		89.33	\$12,288,541	0.00	\$4,274,672	89.33	\$16,563,213	0.00	\$0	89.33	\$16,563,213	0.00	\$0

FY 1992-93 Supplemental Budget

FISCAL YEAR 1992-93		Current Adopted Budget		Requested Revision		Proposed Budget		Council Committee Revision		Recommended Approved Budget		Adopted Budget	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SPECTATOR FACILITIES FUND:Resources													
	<u>Resources</u>												
	Beginning Fund Balance		3,539,635		0		3,539,635		0		3,539,635		
	CIVIC STADIUM												
347110	Users' Fee		170,000		0		170,000		0		170,000		
347220	Rentals-Building		195,000		0		195,000		0		195,000		
347311	Food Service-Concessions/Food		1,125,000		0		1,125,000		0		1,125,000		
347500	Merchandising		40,000		0		40,000		0		40,000		
347700	Commissions		35,000		0		35,000		0		35,000		
347900	Miscellaneous Revenue		20,000		0		20,000		0		20,000		
361100	Interest		45,000		0		45,000		0		45,000		
372100	Reimbursements - Labor		95,000		0		95,000		0		95,000		
	PERFORMING ARTS CENTER												
347110	Users' Fee		845,687		0		845,687		0		845,687		
347220	Rentals-Building		882,700		0		882,700		0		882,700		
347311	Food Service-Concessions/Food		140,000		0		140,000		0		140,000		
347500	Merchandising		62,500		0		62,500		0		62,500		
347700	Commissions		325,000		0		325,000		0		325,000		
347900	Miscellaneous Revenue		260,000		0		260,000		70,000		330,000		
361100	Interest		100,000		0		100,000		0		100,000		
372100	Reimbursements - Labor		1,470,353		0		1,470,353		0		1,470,353		
391010	Trans. Resources from General Fund		200,000		0		200,000		0		200,000		
Total Resources			\$9,550,875		\$0		\$9,550,875		\$70,000		\$9,620,875		\$0

FY 1992-93 Supplemental Budget

FISCAL YEAR 1992-93		Current Adopted Budget		Requested Revision		Proposed Budget		Council Committee Revision		Recommended Approved Budget		Adopted Budget	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SPECTATOR FACILITIES FUND:Performing Arts Center													
Total Personal Services		118.21	\$3,434,395	0.00	\$0	118.21	\$3,434,395	0.00	\$0	118.21	\$3,434,395	0.00	\$0
Total Materials & Services			\$966,511		\$0		\$966,511		\$0		\$966,511		\$0
<u>Capital Outlay</u>													
571300	Purchased Buildings, Exhibits & Related		\$109,500		\$0		\$109,500		\$0		\$109,500		
571400	Purchases - Equipment and Vehicles		140,500		0		140,500		0		140,500		
574520	Construction Work/Materials - Buildings, Exhibits		0		0		0		70,000		70,000		
Total Capital Outlay			\$250,000		\$0		\$250,000		\$70,000		\$320,000		\$0
Total Performing Arts Center		118.21	\$4,650,906	0.00	\$0	118.21	\$4,650,906	0.00	\$70,000	118.21	\$4,720,906	0.00	\$0
All Other Expenditures		21.16	\$4,899,969	0.00	\$0	21.16	\$4,899,969	0.00	\$0	21.16	\$4,899,969	0.00	\$0
TOTAL EXPENDITURES		139.37	\$9,550,875		\$0	139.37	\$9,550,875		\$70,000	139.37	\$9,620,875	0.00	\$0

FY 1992-93 Supplemental Budget

FISCAL YEAR 1992-93		Current Adopted Budget		Requested Revision		Proposed Budget		Council Committee Revision		Recommended Approved Budget		Adopted Budget	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
COLISEUM OPERATING FUND													
<u>Resources</u>													
347110	Users' Fee		\$1,200,000		\$100,000		\$1,300,000		\$0		\$1,300,000		
347220	Rentals-Building		900,000		200,000		1,100,000		0		\$1,100,000		
347311	Food Service-Concessions/Food		4,575,000		1,625,000		6,200,000		0		\$6,200,000		
347500	Merchandising		425,000		(75,000)		350,000		0		\$350,000		
347600	Electrical Contract		30,000		10,000		40,000		0		\$40,000		
347700	Commissions		90,000		60,000		150,000		0		\$150,000		
347900	Miscellaneous Revenue		70,000		80,000		150,000		0		\$150,000		
361100	Interest		85,000		40,000		125,000		0		\$125,000		
372100	Reimbursements - Labor		600,000		100,000		700,000		0		\$700,000		
374000	Parking		700,000		650,000		1,350,000		0		\$1,350,000		
379000	From Blazers Per Contract		875,000		(875,000)		0		0		\$0		
TOTAL RESOURCES			\$9,550,000		\$1,915,000		\$11,465,000		\$0		\$11,465,000		\$0

<u>Personal Services</u>													
511121 SALARIES-REGULAR EMPLOYEES (full time)													
	Coliseum/Stadium Director	0.75	\$46,500		\$2,325	0.75	\$48,825		\$0	0.75	\$48,825		
	Accountant	0.50	19,187		767	0.50	19,954		0	0.50	\$19,954		
	Assistant Manager Security/Medical	0.40	14,610		584	0.40	15,194		0	0.40	\$15,194		
	Assistant Manager Admissions	0.40	13,128		525	0.40	13,653		0	0.40	\$13,653		
	Box Office Manager	1.00	33,090		1,324	1.00	34,414		0	1.00	\$34,414		
	Ticket Service Supervisor	2.00	54,362		2,175	2.00	56,537		0	2.00	\$56,537		
	Manager Event Services	1.00	44,471		1,779	1.00	46,250		0	1.00	\$46,250		
	Event Coordinator II	1.00	26,976		1,079	1.00	28,055		0	1.00	\$28,055		
	Senior Event Coordinator	1.00	31,510		1,260	1.00	32,770		0	1.00	\$32,770		
	Event Coordinator	1.00	28,549		1,142	1.00	29,691		0	1.00	\$29,691		
	Manager Sales/Marketing	0.80	37,374		1,495	0.80	38,869		0	0.80	\$38,869		
	Public Relations & Promotions Coordinator	0.80	23,818	(0.80)	(23,818)	0.00	0		0	0.00	\$0		
	Sales Representative	0.70	21,001		840	0.70	21,841		0	0.70	\$21,841		
	Operations Manager	0.50	21,714		869	0.50	22,583		0	0.50	\$22,583		
	Set-Up Supervisor	2.00	66,223		2,648	2.00	68,871		0	2.00	\$68,871		
	Set-up Maintenance Coordinator	1.00	27,169		1,087	1.00	28,256		0	1.00	\$28,256		
511221 WAGES-REGULAR EMPLOYEES (full time)													
	Office Clerical	1.20	25,655	(0.20)	(4,162)	1.00	21,493		0	1.00	\$21,493		
	Receptionist	1.45	32,942		1,318	1.45	34,260		0	1.45	\$34,260		
	Security Agent	2.00	44,582		1,784	2.00	46,366		0	2.00	\$46,366		
	Administrative Secretary	0.90	21,460		858	0.90	22,318		0	0.90	\$22,318		
	Utility/Grounds	1.00	21,237		849	1.00	22,086		0	1.00	\$22,086		
	Utility Lead	12.00	291,245		11,650	12.00	302,895		0	12.00	\$302,895		

FY 1992-93 Supplemental Budget

FISCAL YEAR 1992-93		Current Adopted Budget		Requested Revision		Proposed Budget		Council Committee Revision		Recommended Approved Budget		Adopted Budget	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
COLISEUM OPERATING FUND													
	Utility Maintenance	2.80	61,316		2,453	2.80	63,769		0	2.80	\$63,769		
	Set up Supervisor	1.00	26,976		1,079	1.00	28,055		0	1.00	\$28,055		
	Group Sales Coordinator	0.70	18,105		724	0.70	18,829		0	0.70	\$18,829		
	Lead Operating Engineer	1.00	36,109		0	1.00	36,109		0	1.00	\$36,109		
	Operating Engineer	3.00	100,174		0	3.00	100,174		0	3.00	\$100,174		
511225	WAGES-REGULAR EMPLOYEES (part time)												
	Stagehand/Utility Workers	12.86	335,163		8,379	12.86	343,542		0	12.86	\$343,542		
	Security/Medical Workers	16.49	323,670		12,947	16.49	336,617		0	16.49	\$336,617		
	Ushers/Ticket Takers/Sellers/etc.	14.81	226,811		0	14.81	226,811		0	14.81	\$226,811		
	Ticket Sellers	6.22	95,281		0	6.22	95,281		0	6.22	\$95,281		
	Event Services	0.25	6,500		260	0.25	6,760		0	0.25	\$6,760		
	Clerical/Receptionist/Secretarial	3.34	25,608		1,024	3.34	26,632		0	3.34	\$26,632		
	Merchandising Vendors	2.39	92,737		0	2.39	92,737		0	2.39	\$92,737		
511400	OVERTIME		24,575		0		24,575		0		\$24,575		
512000	FRINGE		701,363		31,737		733,100		0		\$733,100		
	EXPOSURE RE OAC TRANSITION (vacation cashout)		0		130,000		130,000		0		\$130,000		
Total Personal Services		98.26	\$3,021,191	(1.00)	\$196,981	97.26	\$3,218,172	0.00	\$0	97.26	\$3,218,172	0.00	\$0

Materials & Services

521100	Office Supplies		\$25,000		\$10,000		\$35,000		\$0		\$35,000		
521290	Other Supplies		116,425		3,575		120,000		0		\$120,000		
521292	Small Tools		7,090		0		7,090		0		\$7,090		
521310	Subscriptions		2,602		0		2,602		0		\$2,602		
521320	Dues		4,185		0		4,185		0		\$4,185		
524120	Legal Fees		25,000		0		25,000		0		\$25,000		
524130	Promotion/Public Relation Services		190,525		(60,000)		130,525		0		\$130,525		
524190	Misc Professional Services		23,762		0		23,762		0		\$23,762		
525110	Utilities-Electricity		248,000		4,000		252,000		0		\$252,000		
525120	Utilities-Water and Sewer		115,000		0		115,000		0		\$115,000		
525130	Utilities-Natural Gas		63,000		0		63,000		0		\$63,000		
525150	Utilities-Sanitation Services		45,000		0		45,000		0		\$45,000		
525610	Maintenance & Repair Services-Building		97,050		0		97,050		0		\$97,050		
525640	Maintenance & Repair Services-Equipment		37,880		0		37,880		0		\$37,880		
525710	Equipment Rental		39,400		0		39,400		0		\$39,400		
526200	Advertising and Legal Notices		750		0		750		0		\$750		
526310	Printing Services		27,300		0		27,300		0		\$27,300		
526320	Typesetting & Reprographics		6,000		0		6,000		0		\$6,000		
526410	Telephone		45,500		9,500		55,000		0		\$55,000		
526420	Postage		35,000		2,000		37,000		0		\$37,000		

FY 1992-93 Supplemental Budget

FISCAL YEAR 1992-93		Current Adopted Budget		Requested Revision		Proposed Budget		Council Committee Revision		Recommended Approved Budget		Adopted Budget		
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	
COLISEUM OPERATING FUND														
526500	Travel		26,500		(10,000)		16,500			0	\$16,500			
526690	Concessions/Catering Contract		3,506,000		1,147,871		4,653,871			0	\$4,653,871			
526691	Parking Contract		190,316		184,119		374,435			0	\$374,435			
526700	Temporary Help Services		428,606		61,394		490,000			0	\$490,000			
526800	Training, Tuition, Conferences		18,900		0		18,900			0	\$18,900			
526910	Uniforms and Cleaning		41,750		0		41,750			0	\$41,750			
528100	Payments to Other Agencies		2,500		0		2,500			0	\$2,500			
529500	Meeting Expenditures		10,774		0		10,774			0	\$10,774			
Total Materials & Services			\$5,379,815		\$1,352,459		\$6,732,274			\$0	\$6,732,274		\$0	
Total Capital Outlay			\$60,700		\$0		\$60,700			\$0	\$60,700		\$0	
Total Interfund Transfers			\$730,413		\$0		\$730,413			\$0	\$730,413		\$0	
<u>Contingency and Unappropriated Balance</u>														
599999	Contingency		\$357,881		\$0		\$357,881			\$0	\$357,881			
599990	Unappropriated Balance		\$0		365,560		365,560			0	\$365,560			
Total Contingency and Unappropriated Balance			\$357,881		\$365,560		\$723,441			\$0	\$723,441		\$0	
TOTAL EXPENDITURES		98.26	\$9,550,000	(1.00)	\$1,915,000	97.26	\$11,465,000	0.00		\$0	97.26	\$11,465,000	0.00	\$0

FY 1992-93 Supplemental Budget

FISCAL YEAR 1992-93		Current Adopted Budget		Requested Revision		Proposed Budget		Council Committee Revision		Recommended Approved Budget		Adopted Budget	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PCPA CAPITAL FUND													
<u>Resources</u>													
305000	Beginning Balance		\$0		\$17,785		\$17,785				\$0		\$17,785
365100	Donations and Bequests		0		0		0				0		0
339200	Intergovernmental Revenue		0		0		0				0		0
361100	Interest		0		1,215		1,215				0		1,215
TOTAL RESOURCES			\$0		\$19,000		\$19,000				\$0		\$19,000
<u>Capital Outlay</u>													
574110	Construction Management		\$0		\$0		\$0				\$0		\$0
574100	Architectural Fees		0		0		0				0		0
574130	Engineering Fees		0		0		0				0		0
574510	Construction Work/Materials-Improvements		0		0		0				0		0
574520	Construction Work/Materials-Buildings		0		19,000		19,000				0		19,000
TOTAL EXPENDITURES			\$0		\$19,000		\$19,000				\$0		\$19,000

**SCHEDULE OF APPROPRIATIONS
FY 1992-93 SUPPLEMENTAL BUDGET**

	Current Adopted Budget	Requested Revision	Proposed Budget	Council Committee Revision	Recommended Approved Budget	Adopted Budget
SOLID WASTE REVENUE FUND						
Administration						
Personal Services	\$460,937	\$0	\$460,937	\$0	\$460,937	
Materials & Services	\$98,709	\$0	\$98,709	\$0	\$98,709	
Subtotal	\$559,646	\$0	\$559,646	\$0	\$559,646	\$0
Budget and Finance						
Personal Services	\$412,392	\$0	\$412,392	\$0	\$412,392	
Materials & Services	\$1,079,368	\$0	\$1,079,368	\$0	\$1,079,368	
Subtotal	\$1,491,760	\$0	\$1,491,760	\$0	\$1,491,760	\$0
Operations						
Personal Services	\$1,754,396	\$0	\$1,754,396	\$0	\$1,754,396	
Materials & Services	\$39,902,935	\$0	\$39,902,935	\$0	\$39,902,935	
Subtotal	\$41,657,331	\$0	\$41,657,331	\$0	\$41,657,331	\$0
Engineering & Analysis						
Personal Services	\$654,317	\$0	\$654,317	\$0	\$654,317	
Materials & Services	\$163,075	\$0	\$163,075	\$0	\$163,075	
Subtotal	\$817,392	\$0	\$817,392	\$0	\$817,392	\$0
Waste Reduction						
Personal Services	\$526,503	\$0	\$526,503	\$0	\$526,503	
Materials & Services	\$1,615,848	\$0	\$1,615,848	\$0	\$1,615,848	
Subtotal	\$2,142,351	\$0	\$2,142,351	\$0	\$2,142,351	\$0
Planning						
Personal Services	\$328,312	\$0	\$328,312	\$0	\$328,312	
Materials & Services	\$497,563	\$0	\$497,563	\$0	\$497,563	
Subtotal	\$825,875	\$0	\$825,875	\$0	\$825,875	\$0
Recycling Information and Education						
Personal Services	\$311,823	\$0	\$311,823	\$0	\$311,823	
Materials & Services	\$232,700	\$0	\$232,700	\$0	\$232,700	
Subtotal	\$544,523	\$0	\$544,523	\$0	\$544,523	\$0

**SCHEDULE OF APPROPRIATIONS
FY 1992-93 SUPPLEMENTAL BUDGET**

	Current Adopted Budget	Requested Revision	Proposed Budget	Council Committee Revision	Recommended Approved Budget	Adopted Budget
SOLID WASTE REVENUE FUND (continued)						
Debt Service Account						
Debt Service	\$2,754,458	\$0	\$2,754,458	\$0	\$2,754,458	
Subtotal	\$2,754,458	\$0	\$2,754,458	\$0	\$2,754,458	\$0
Landfill Closure Account						
Materials & Services	\$16,210,481	\$0	\$16,210,481	\$0	\$16,210,481	
Subtotal	\$16,210,481	\$0	\$16,210,481	\$0	\$16,210,481	\$0
Construction Account						
Capital Outlay	\$1,090,000	\$0	\$1,090,000	\$0	\$1,090,000	
Subtotal	\$1,090,000	\$0	\$1,090,000	\$0	\$1,090,000	\$0
Renewal and Replacement Account						
Capital Outlay	\$540,000	\$0	\$540,000	\$0	\$540,000	
Subtotal	\$540,000	\$0	\$540,000	\$0	\$540,000	\$0
General Account						
Capital Outlay	\$1,051,603	\$0	\$1,051,603	\$0	\$1,051,603	
Subtotal	\$1,051,603	\$0	\$1,051,603	\$0	\$1,051,603	\$0
Master Project Account						
Materials & Services	\$0	\$615,000	\$615,000	\$0	\$615,000	
Debt Service	\$2,834,217	\$23,380,783	\$26,215,000	\$0	\$26,215,000	
Subtotal	\$2,834,217	\$23,995,783	\$26,830,000	\$0	\$26,830,000	\$0
General Expenses						
Interfund Transfers	\$4,792,924	\$0	\$4,792,924	\$0	\$4,792,924	
Contingency	\$5,615,623	\$0	\$5,615,623	\$0	\$5,615,623	
Subtotal	\$10,408,547	\$0	\$10,408,547	\$0	\$10,408,547	\$0
Unappropriated Balance	\$7,884,666	\$0	\$7,884,666	\$0	\$7,884,666	
Total Solid Waste Revenue Fund Requirements	\$90,812,850	\$23,995,783	\$114,808,633	\$0	\$114,808,633	\$0

**SCHEDULE OF APPROPRIATIONS
FY 1992-93 SUPPLEMENTAL BUDGET**

	Current Adopted Budget	Requested Revision	Proposed Budget	Council Committee Revision	Recommended Approved Budget	Adopted Budget
OREGON CONVENTION CENTER OPERATING FUND						
Personal Services	\$2,804,847	\$64,960	\$2,869,807	\$0	\$2,869,807	
Materials & Services	\$4,603,563	\$720,054	\$5,323,617	\$0	\$5,323,617	
Capital Outlay	\$303,487	\$0	\$303,487	\$0	\$303,487	
Interfund Transfers	\$793,971	\$0	\$793,971	\$0	\$793,971	
Contingency	\$476,915	\$0	\$476,915	\$0	\$476,915	
Unappropriated Balance	\$3,305,758	\$3,489,658	\$6,795,416	\$0	\$6,795,416	
Total Oregon Convention Center Operating Fund Requirements	\$12,288,541	\$4,274,672	\$16,563,213	\$0	\$16,563,213	\$0
SPECTATOR FACILITIES OPERATING FUND						
Civic Stadium						
Personal Services	\$624,060	\$0	\$624,060	\$0	\$624,060	
Materials & Services	\$1,159,280	\$0	\$1,159,280	\$0	\$1,159,280	
Capital Outlay	\$158,800	\$0	\$158,800	\$0	\$158,800	
Subtotal	\$1,942,140	\$0	\$1,942,140	\$0	\$1,942,140	\$0
Performing Arts Center						
Personal Services	\$3,434,395	\$0	\$3,434,395	\$0	\$3,434,395	
Materials & Services	\$966,511	\$0	\$966,511	\$0	\$966,511	
Capital Outlay	\$250,000	\$0	\$250,000	\$70,000	\$320,000	
Subtotal	\$4,650,906	\$0	\$4,650,906	\$70,000	\$4,720,906	\$0
General Expenses						
Interfund Transfers	\$643,092	\$0	\$643,092	\$0	\$643,092	
Contingency	\$280,000	\$0	\$280,000	\$0	\$280,000	
Subtotal	\$923,092	\$0	\$923,092	\$0	\$923,092	\$0
Unappropriated Balance	\$2,034,737	\$0	\$2,034,737	\$0	\$2,034,737	
Total Spectator Facilities Operating Fund Requirements	\$9,550,875	\$0	\$9,550,875	\$70,000	\$9,620,875	\$0

**SCHEDULE OF APPROPRIATIONS
FY 1992-93 SUPPLEMENTAL BUDGET**

	Current Adopted Budget	Requested Revision	Proposed Budget	Council Committee Revision	Recommended Approved Budget	Adopted Budget
COLISEUM OPERATING FUND						
Personal Services	\$3,021,191	\$196,981	\$3,218,172	\$0	\$3,218,172	
Materials & Services	\$5,379,815	\$1,352,459	\$6,732,274	\$0	\$6,732,274	
Capital Outlay	\$60,700	\$0	\$60,700	\$0	\$60,700	
Interfund Transfers	\$730,413	\$0	\$730,413	\$0	\$730,413	
Contingency	\$357,881	\$0	\$357,881	\$0	\$357,881	
Unappropriated Balance	\$0	\$365,560	\$365,560	\$0	\$365,560	
Total Coliseum Operating Fund Requirements	\$9,550,000	\$1,915,000	\$11,465,000	\$0	\$11,465,000	\$0
PCPA CAPITAL FUND						
Capital Outlay	\$0	\$19,000	\$19,000	\$0	\$19,000	
Total PCPA Capital Fund Requirements	\$0	\$19,000	\$19,000	\$0	\$19,000	\$0

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1788 APPROVING A SUPPLEMENTAL BUDGET AND TRANSMITTING THE APPROVED BUDGET TO THE TAX SUPERVISING AND CONSERVATION COMMISSION, AND ORDINANCE NO. 93-494 AMENDING ORDINANCE NO. 92-449-B REVISING THE FY 1992-93 BUDGET AND APPROPRIATIONS FOR THE PURPOSE OF ADOPTING A SUPPLEMENTAL BUDGET, REINSTATING THE PCPA CAPITAL FUND AND ALLOWING THE PAYOFF OF THE SERIES A RIEDEL COMPOST FACILITY REVENUE BOND ISSUE BY CREDIT SUISSE.

Date: March 29, 1993

Presented by: Jennifer Sims
Jeff Blosser

FACTUAL BACKGROUND AND ANALYSIS

A Supplemental Budget is necessary due to unforeseen circumstances that require changes in our financial planning. Three actions are presented toward adopting a Supplemental Budget for FY 1992-93. Ordinance No. 93-494 revises the FY 1992-93 Budget Appropriations Schedule, reinstates the PCPA Capital Fund and allows the payoff of the Series A Riedel Compost Facility Revenue Bond Issue by the guarantor of those bonds, Credit Suisse. This action is presented for consideration at this time but is not intended to be adopted until after the Tax Supervising and Conservation Commission (TSCC) conducts a public hearing. TSCC review is required under Oregon Budget Law because a fund is being reinstated, total appropriations are increased and bonds issued for the Composter Facility are being paid off. Resolution No 93-1788 approves the Supplemental Budget and transmits the approved budget to the TSCC. Specific actions requested under this proposal are explained below.

Riedel Compost Facility Revenue Bond Series A Issue payoff by Credit Suisse - In FY 1989-90 Metro issued industrial development revenue bonds for the Riedel Compost Facility construction project. During FY 1991-92, Riedel assigned all rights and obligations associated with the project to Credit Suisse. The service agreement required Credit Suisse to complete construction and pass performance test standards established for the facility by April 9, 1993. If the facility is not accepted by this date, Credit Suisse will be in default. This will result in a defeasance of the bonds. Discussions with the Tax Supervising and Conservation Commission has determined that should this event occur, Metro would be required to reflect in its budget the full amount of the bond payoff as well as any accrued interest and arbitrage payments even though Metro has no financial liability for the 1989 Series A Riedel Compost Facility Revenue Bonds. The full amount necessary to pay off all financial liabilities resulting from these bonds will be received from Credit Suisse. This action anticipates the payoff of the bonds, accrued interest and arbitrage rebate prior to the end of the current fiscal year. The defeasance of the 1989 Series A Bonds will have no impact on the 1990 Series One Riedel Revenue Bonds. The Series One Bonds will continue to be reflected in Metro's budget for the remaining life of the bonds. Revenues to pay the debt service on the Series One Bonds will be received from Riedel or the guarantor of the bonds.

Oregon Convention Center Operating Fund - The Oregon Convention Center has been very difficult to budget due to the newness of the facility. The increases in appropriations in this supplemental budget are due to much better than anticipated operating results for both this fiscal year and last fiscal year.

The fund balance carry over from last fiscal year's operations is \$6,469,663. This figure is \$2,463,774 higher than anticipated. In addition, bookings, event days and attendance are doing much better in this fiscal year than originally projected. Total operating revenues for the year, based on the actual first six month's results, are now projected to be \$1,810,898 over the original budgeted amount. Revenues are proposed to increase in the following areas:

- Commissions - increase of \$5,000
- Merchandising - increase of \$10,000
- Concessions/catering - increase of \$1,150,000
- Parking - increase of \$41,110
- Electrical/Utilities - increase of \$211,500
- Hotel/Motel Taxes - increasing \$260,000
- Interest earnings - increase of \$69,400
- Miscellaneous Revenue - increase of \$35,000
- Reimbursed Labor - increase of \$28,888

Total resource increases are expected to be \$4,274,672.

Requirements to support the resources are also projected to be higher. Personal Services are increasing \$64,960. This increase is a result of a 4% COLA increase that was not included in the original FY 92-93 budget.

Materials and Services are proposed to change in a variety of line items. A summary of the major proposed changes is provided below. Increases in Electricity, Equipment Repair and Maintenance, Land and Building Rental, and Concession/Catering are a direct result of increased usage of the facility. Decreases in Natural Gas and Building Maintenance and Repair are a result of more historical data allowing better projections.

- Electricity - increase by \$20,000
- Natural Gas - decrease by \$12,000
- Repair and Maintenance Services Building - decrease by \$20,000
- Repair and Maintenance Services Equipment - increase by \$99,445
- Land and Building Rental - increase of \$41,200
- Concession/ Catering - increase by \$593,650 (offset by an increase in revenue)

Total Materials and Services are proposed to increase by \$720,054.

This action results in an increase of the FY 1992-93 unappropriated balance of \$3,489,658. The revised ending balance has been reflected in the Proposed FY 1993-94 Budget.

Coliseum Operating Fund - At the time the FY 1992-93 Memorial Coliseum Budget was developed it was assumed the construction of the new Blazer Complex would begin in July 1992. That construction has been delayed and is not expected to begin until May 1993. This delay in construction has positively impacted the Coliseum operating revenues, making the following changes to appropriations necessary.

Resources - Total Resources have been increased by \$1,915,000. The increases are due to the construction delays and have resulted in higher usage of facilities, increases in rental and parking rates, as well as a concession price increase. Due to this positive increase in operating revenues, the anticipated \$875,000 loan from the Blazers is unnecessary and has been eliminated.

Expenditures - Personal Services are increasing by \$196,981. A portion of this increase, \$66,981, is required due to the unbudgeted 4% COLA awards, effective July 1, 1993. The remaining \$130,000 is for potential liabilities in vacation and personal leave pay out for employees laid off as a result of the transfer of the Coliseum's operations to the Oregon Arena Corporation July 1, 1993. Materials and Services increases are directly related to the delay in construction. The additional expenditures are funded from increased resources. Proposed changes to Materials and Services are as follows:

Travel - decrease by \$10,000

Concession/Catering - increase by \$1,147,871 (offset by an increase in revenue)

Parking - increase of \$184,119 (offset by an increase in parking revenue)

Advertising/Promotions - decrease \$60,000 (This amount was budgeted to keep the public informed of construction changes)

Purchased Labor - increase by \$61,394

Utilities, etc. - increase by \$29,075.

This action results in an increase to the FY 1992-93 unappropriated balance of \$365,560. If the remaining contingency balance to the fund is not needed during the year, the anticipated ending balance of the fund will be approximately \$723,000. This action will also require an amendment to the FY 1993-94 Proposed Budget.

PCPA Capital Fund - The PCPA Capital Fund was proposed to be eliminated as part of the FY 1992-93 budget. However, unexpected delays in capital projects resulted in a positive fund balance to the fund of \$17,785. This action requests the re-establishment of this fund for FY 1992-93. The fund balance plus the accrued interest will be completely expended this fiscal year and the fund eliminated at that time. The expenditures are capital in nature representing a purchase of \$8,000 in chairs and approximately \$11,000 in ADA compliance construction. The consolidation agreement between the City of Portland and Metro requires these funds to remain and be expended from the PCPA Capital Fund.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1788, approving the Supplemental Budget and transmitting the Approved Budget to the Tax Supervising and Conservation Commission. In addition, following TSCC review and certification, the Executive Officer recommends adoption of Ordinance No. 93-494, adopting the FY 1992-93 Supplemental Budget, reinstating the PCPA Capital Fund and allowing the payoff of the Series A Riedel Compost Facility Revenue Bond Issue by Credit Suisse.

KF:rs\Bud92-93\93-494SF.Doc
March 29, 1993

Meeting Date: April 22, 1993
Agenda Item No. 8.2

RESOLUTION NO. 93-1746

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

DATE: April 16, 1993
TO: Metro Council
Executive Officer
Interested Parties
FROM: Paulette Allen, Clerk of the Council
RE: AGENDA ITEM NO. 8.2; RESOLUTION NO. 93-1746

The Governmental Affairs Committee report on Resolution No. 93-1746 will be distributed in advance to Councilors and available at the Council meeting April 22.



METRO

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

Memorandum

DATE: March 25, 1993

TO: The Governmental Affairs Committee

FROM: Councilor Rod Monroe
Councilor Ruth McFarland
Councilor Terry Moore

RE: PROPOSED REVISED COUNCILOR EXPENSE GUIDELINES

The purpose of this memo is to transmit the report and recommendations of the Task Force on Councilor Expense Guidelines. The task force met on two separate occasions to discuss revisions to Metro Councilor expense guidelines. Also participating in the discussions were Councilors Jon Kvistad and Mike Gates.

With the passage of the Charter, and the subsequent payment of salaries to Councilors, it was felt certain current Councilor expense provisions were no longer appropriate. The recommended changes will result in a reduction of 60% to the "Individual Councilor Expense" line item. With the exception of recommendation No. 7 regarding a Councilor newsletter, the following recommendations were unanimously agreed upon by those in attendance.

1. The "Individual Councilor Expense" line item per Councilor will drop from its current level of \$2,500 per fiscal year to \$1,000. Councilors serving less than one half of a fiscal year will receive up to \$500 that fiscal year, down from \$1,250.

Justification: The current level of Councilor expense was established because Councilors served in a voluntary capacity, and needed to have funds available to cover all Metro-related expenses. The advent of Councilor salaries eliminates the need for much of this expense reimbursement.

Further justification of this reduction is explained in greater detail in the paragraphs that follow.

2. The additional level of reimbursement for the Presiding Officer will drop from \$2,000 to \$1,000 per fiscal year.

Justification: It was agreed the office of Presiding Officer required additional funds in order to carry out the official duties associated with that office, however, the amount available was reduced for the reasons stated in paragraph No. 1, above.

3. Councilors may no longer claim mileage reimbursement for use of a personal auto from their homes to Metro headquarters and back.

Councilor Expense Guidelines

page 2

They may, however, claim mileage reimbursement for use of their personal auto to meetings other than those held at Metro headquarters.

Justification: The IRS has concluded that mileage reimbursement from one's residence to his or her primary place of business is considered income. The Charter places a specific limit on Councilor income. It follows that mileage reimbursement of this nature would cause Councilors to receive more income than that legally provided for by the charter.

4. Meals will not be served at any regularly scheduled Council, Council committee, or Council task force meeting. However, coffee, tea, juice, and soda will continue to be provided at these meetings. If a meeting extends past the dinner hour, a break will be scheduled (or called) in order to permit Councilors and staff to obtain a meal. Councilors may bring their own meals (a large refrigerator, microwave oven, and dishwasher are available in the Council kitchen for this purpose) or may choose to patronize any of the various eating establishments located near Metro headquarters. This change will take effect upon moving to the new building.

Meals will continue to be provided at special all-day sessions, such as Council workshops and other special events as in the past.

Justification: It would be prudent for Metro to establish guidelines similar to other agencies in the region. It was noted that no other government agency provided meals for paid elected officials or staff at its meetings. It was also noted that the "Meetings" line item (meals) has increased greatly in recent years, and better use could be made of Metro money.

5. Provisions for reimbursement from the general account for honorials, promotional materials, and remembrances from Council, Council committee or Council task force were eliminated.

Justification: These allowances were deemed to be inappropriate for a government agency.

6. Reimbursements relating to out-of-town travel, including air fare, lodging, conference registration, ground transportation to and from the event, meals consumed while at the event, and other travel related expenses will be paid for out of the Council general account rather than individual Councilor expense accounts. Councilors must obtain written approval from the Presiding Officer to expend Council general account funds prior to doing so. (This change does not preclude Councilors from using their individual expense accounts to fund attendance at conferences.)

Justification: This change will permit individual Councilor expense accounts to be held to lower levels. It will allow greater flexibility in attending pertinent conferences; yet at the same time provide for greater oversight of this expenditure, and allow the amount in this fund to be established at budget time.

Councilor Expense Guidelines
page 3

7. Approximately \$78,000 will be budgeted in the appropriate line items (\$6,000 per Councilor) to publish and distribute a Council-related newsletter to be distributed to each household in each Council district throughout the region. The newsletter will provide space for individual Councilors to address their constituents. This item will be part of the 93-94 budget discussion.

Justification: Councilors need to communicate with the electors in their districts, however, the cost of a district-wide publication is not within the reach of individual Councilor expense accounts. This newsletter will address these needs and problems.

8. Various housekeeping changes were made to the attached exhibit that were not engrossed in previous versions.

Attached for committee consideration is a copy of draft Resolution 93-1746 which implements the above recommendations except those requiring budget action.

If you have any questions regarding these changes, please feel free to contact any of the Councilors involved.

attachments

cc: Donald E. Carlson
Lindsey Ray

H:\LRAY\1483

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REVISING
GUIDELINES FOR COUNCIL PER DIEM,
COUNCILOR EXPENSE AND GENERAL
COUNCIL MATERIALS & SERVICES
ACCOUNTS

)
)
)
)
)

RESOLUTION NO. 93-1746

Introduced by the Governmental
Affairs Committee

WHEREAS, the Council of the Metropolitan Service District adopted guidelines for the expenditure of Councilor per diem and expense accounts and Council-related expenses through Resolution No. 83-431; and

WHEREAS, the Council revised the guidelines for Councilor per diem, expense and general expenses through adoption of Resolution Nos. 85-541, 88-922, 89-1065A, 90-1281, 91-1468, and 92-1643;

WHEREAS, Voters of the Metro area approved a Metro Charter on November 3, 1992; and

WHEREAS, The Metro Charter removes the authority to pay Metro Councilors a per diem payment and authorizes the payment of a salary to Councilors for services rendered; now, therefore,

BE IT RESOLVED,

That the Metro Council adopts the expenditure guidelines attached as Exhibit A which will supersede any previously adopted guidelines. These guidelines shall become effective on the day following Council adoption.

ADOPTED by the Metro Council this _____ day of _____,
1993.

Judy Wyers, Presiding Officer

EXHIBIT A

GUIDELINES FOR THE EXPENDITURES OF COUNCIL EXPENSE AND GENERAL MATERIALS & SERVICES ACCOUNTS

GENERAL PROVISIONS

1. A Councilor may receive mileage to authorized meetings, and/or reimbursement for actual authorized expenses incurred as provided in these guidelines.
2. Reimbursement for travel and subsistence on official business shall only be for the amount of actual and reasonable expenses incurred during the performance of official duty as a Metro Councilor or Council employee.

COUNCILOR EXPENSE ACCOUNTS

1. Each Councilor is authorized to receive up to \$1,800 each fiscal year as reimbursement for authorized expenses incurred for Council-related activities. A Councilor who leaves the Council at the end of a calendar year or joins the Council at the start of a calendar year is authorized to receive up to \$900 for authorized expenses for that fiscal year.
2. The Presiding Officer shall be authorized an additional \$600 for each six months of service in his or her individual Councilor expense account for authorized expenses in carrying out official duties associated with that office.
3. Each request for reimbursement must be accompanied by supporting documentation which shall include the nature and purpose of the activity, the names and titles of all persons for whom the expense was incurred and receipts justifying the expense as required by the Internal Revenue Service. No reimbursement shall be authorized for any expense submitted without the above-named documentation.
4. Expenses for out-of-town travel on behalf of the Council, Council committee or Council task force shall be charged against a Councilor's expense account. Authorized expenses shall be limited to the cost of travel, meals, lodging, and meeting or conference registration fees; the cost of travel may include mileage reimbursement for the use of a personal auto while on Metro business outside the Metro boundary at a rate of \$.28 per mile.
5. In addition to necessary Council-related travel, meals and lodging expenses, expenses may include:

- a. Advance reimbursement for specific expenses, provided that any advance reimbursement in excess of actual expenses incurred shall be returned or shall be deducted from subsequent expense reimbursement request;
 - b. Mileage reimbursement for use of a personal auto while on Metro business at a rate of \$.28 per mile;
 - c. Expenses to publish and distribute a Council-related District newsletter which may not be mailed within 120 days of an election in which the Councilor is a candidate;
 - d. Meeting or conference registration fees;
 - e. Child care costs incurred while conducting Metro business with documentation as outlined in No. 3 of this section, including duration of the activity; and
 - f. Reimbursement for telephone and facsimile transmission expenses incurred while doing Metro business.
6. Only authorized expenses as identified herein shall qualify for reimbursement.
 7. Payments within these limits shall be authorized by the Council Administrator.

COUNCIL GENERAL ACCOUNT

1. The purpose of the Council General account is to provide support for the Council and the Council staff.
2. Authorized expenses which may be charged to appropriate Materials & Services categories in the Council General account include:
 - a. Meals for Council-related business other than regular Council and Council committee meetings;
 - b. Facilities rentals for public meetings;
 - c. Meeting equipment such as audio-visual aids, public address systems, tape recorders, etc., for public meetings;
 - d. Receptions for guests of the Council, Council committees or Council task forces;
 - e. Expenses for official visitors;
 - f. General Council, Council committees or Council task force information, publications, or supplies;
 - g. Professional services for the Council, Council committee or Council task force;
 - h. Outside consultants to the Council, Council committee or Council task force; and
 - i. Authorized out-of-town travel on behalf of the Council, Council committee or Council task force. Mileage reimbursement for the use of a personal auto while on District business shall be at a rate of \$.28 per mile.
3. Only authorized expenses as identified herein shall qualify for reimbursement.

4. An individual Councilor may request reimbursement from the Council General account for expenses incurred for general Council business. All requests by Councilors for reimbursement or expenditure from the Council General account shall be approved in advance in writing by the Presiding Officer, and a report detailing such reimbursement or expenditure shall be provided to the full Council.
5. All other requests for reimbursement or expenditure shall be approved by the Council Administrator. Each request shall be accompanied by supporting documentation which shall include the nature and purpose of the expense, the names of all persons for whom the expense was incurred and the receipts justifying the expense. The Department of Finance and Management Information shall provide timely expenditure reports to Councilors and the Council Department.

L:\93-1746.res

DRAFT

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REVISING)
GUIDELINES FOR COUNCIL PER DIEM,)
COUNCILOR EXPENSE AND GENERAL)
COUNCIL MATERIALS & SERVICES)
ACCOUNTS)

RESOLUTION NO. 93-1746

Introduced by the Governmental
Affairs Committee

WHEREAS, the Council of the Metropolitan Service District adopted guidelines for the expenditure of Councilor per diem and expense accounts and Council-related expenses through Resolution No. 83-431; and

WHEREAS, the Council revised the guidelines for Councilor per diem, expense and general expenses through adoption of Resolution Nos. 85-541, 88-922, 89-1065A, 90-1281, 91-1468, and 92-1643;

WHEREAS, Voters of the Metro area approved a Metro Charter on November 3, 1992; and

WHEREAS, The Metro Charter removes the authority to pay Metro Councilors a per diem payment and authorizes the payment of a salary to Councilors for services rendered; now, therefore,

BE IT RESOLVED,

That the Metro Council adopts the expenditure guidelines attached as Exhibit A which will supersede any previously adopted guidelines. These guidelines shall become effective on the day following Council adoption.

ADOPTED by the Metro Council this _____ day of _____,
1993.

Judy Wyers, Presiding Officer

EXHIBIT A

GUIDELINES FOR THE EXPENDITURES OF COUNCIL [~~PER DIEM,~~]
EXPENSE AND GENERAL MATERIALS & SERVICES ACCOUNTS

GENERAL PROVISIONS

1. A Councilor may receive [~~per diem, plus~~] mileage to [~~the~~] authorized meetings, and/or reimbursement for actual authorized expenses incurred [~~, for attendance at Council, Council committee, Council task force meetings or other meetings~~] as provided in these guidelines.
2. Reimbursement for travel and subsistence on official business shall only be for the amount of actual and reasonable expenses incurred during the performance of official duty as a Metro Councilor or Council employee.

[COUNCILOR PER DIEM ACCOUNTS

- ~~1. Each Councilor is authorized to receive up to [\$8,064] \$8,352 each fiscal year in per diem from the Council Per Diem account. A Councilor who leaves the Council at the end of a calendar year or joins the Council at the start of a calendar year is authorized to receive up to [\$4,032] \$4,176 in per diem in that fiscal year.~~
- ~~2. Per diem shall be paid at a rate of [\$56] \$58 per day for attendance at an authorized meeting or meetings. The per diem rate shall be revised at the beginning of each fiscal year based on the change in the Portland All Urban Consumer CPI for the prior calendar year. The new per diem rate shall be rounded to the nearest dollar, and the amounts of per diem authorized in subsection 1 of this section shall be revised based on the new per diem rate times 144 meetings per year or 72 meetings for each half year.~~
- ~~3. Per diem shall be authorized as follows:
 - a. for attendance at any council meeting;
 - b. for attendance at any Council standing committee meeting; Council task force or standing committee task force meeting;
 - c. for attendance at a meeting of any other committee created by Council action or any meeting of a committee to which the councilor requesting per diem has been appointed by the Presiding Officer; or
 - d. for attendance at any other meeting at which District business is discussed.~~

~~Per diem shall be paid only if the councilor attends a substantial portion of the meeting for which the per diem is authorized.~~

4. ~~Payments within these limits shall be authorized by the Council Administrator.]~~

COUNCILOR EXPENSE ACCOUNTS

1. Each Councilor is authorized to receive up to [~~\$2,500~~] [~~\$1,000~~] \$1,800 each fiscal year as reimbursement for authorized expenses incurred for Council-related activities. A Councilor who leaves the Council at the end of a calendar year or joins the Council at the start of a calendar year is authorized to receive up to [~~\$1,250~~] [~~\$500~~] \$900 for authorized expenses for that fiscal year.
 2. The Presiding Officer shall be authorized an additional [~~\$1,000~~] [~~\$500~~] \$600 for each six months of service in his or her individual Councilor expense account for authorized expenses in carrying out official duties associated with that office.
 3. Each request for reimbursement must be accompanied by supporting documentation which shall include the nature and purpose of the activity, the names and titles of all persons for whom the expense was incurred and receipts justifying the expense as required by the Internal Revenue Service. No reimbursement shall be authorized for any expense submitted without the above-named documentation.
 4. Expenses for out-of-town travel on behalf of the Council, Council committee or Council task force shall be charged against a Councilor's expense account. Authorized expenses shall be limited to the cost of travel, meals, lodging, and meeting or conference registration fees; the cost of travel may include mileage reimbursement for the use of a personal auto while on Metro business outside the Metro area at a rate of \$.28 per mile.
- [4]5. In addition to necessary Council-related travel, meals and lodging expenses, expenses may include:
- a. Advance reimbursement for specific expenses, provided that any advance reimbursement in excess of actual expenses incurred shall be returned or shall be deducted from subsequent expense reimbursement request;
 - ~~b. Up to \$200 per year for memberships in non-partisan community organizations;]~~
 - b[e]. Mileage reimbursement for use of a personal auto while on [~~district~~] Metro business other than from home to Metro headquarters and back at a rate of [~~\$.26~~] \$.28 per mile;
 - c[d]. Expenses to publish and distribute a Council-related District newsletter which may not be mailed within 120 days of an election in which the Councilor is a candidate;
 - ~~e. Council business-related books, publications and subscriptions;]~~
 - d[f]. Meeting or conference registration fees;
 - e[g]. Child care costs for necessary incurred while conducting Metro business with documentation as outlined in [No. 2] No. 3 of this section, including duration of the activity; and

- f[h]. Reimbursement for telephone and facsimile transmission expenses incurred while doing Metro business. [~~of the District.~~]
- [5]6. Only authorized expenses as identified herein shall qualify for reimbursement.
- [6]7. Payments within these limits shall be authorized by the Council Administrator.

[TRANSFERS

~~Notwithstanding the limits on per diem and expenses indicated above, the Presiding Officer may, upon advance request of a Councilor, authorize the transfer of funds between a Councilor's per diem and expense accounts. Such transfers may be made only to the extent that the combined total of each Councilor's authorized per diem and expense accounts is not exceeded. Transfers between one Councilor's per diem and/or expenses accounts and another Councilor's per diem and/or expense accounts are not authorized.]~~

COUNCIL GENERAL ACCOUNT

1. The purpose of the Council General account is to provide support for the Council and the Council staff.
2. Authorized expenses which may be charged to appropriate Materials & Services categories in the Council General account include:
 - a. Meals for [~~regular and special Council, Council committee and Council task force meetings and other~~] Council-related business other than regular Council and Council committee meetings;
 - b. Facilities rentals for public meetings;
 - c. Meeting equipment such as audio-visual aids, public address systems, tape recorders, etc., for public meetings;
 - d. Receptions for guests of the Council, Council committees or Council task forces;
 - [e-] [~~Honorials~~]
 - [f-] e. Expenses for official visitors;
 - [g-] f. General Council, Council committees or Council task force information, publications, [~~promotional materials~~] or supplies;
 - [h-] [~~Remembrances from Council, Council committee or Council task force~~]
 - [i-] g. Professional services for the Council, Council committee or Council task force;
 - [j-] h. Outside consultants to the Council, Council committee or Council task force; and
 - [k-] [~~i-~~] Authorized out-of-town travel on behalf of the Council, Council committee or Council task force. [~~Mileage reimbursement for the use of a personal auto while on District business shall be at a rate of \$.26 per mile.~~]

DRAFT

~~i. Mileage reimbursement for the use of a personal auto while on Metro business outside the Metro area other than from home to Metro headquarters and back shall be at a rate of \$.28 per mile.~~

3. Only authorized expenses as identified herein shall qualify for reimbursement.
4. An individual Councilor may request reimbursement from the Council General account for expenses incurred for general Council business.
5. All requests by Councilors for reimbursement or expenditure from the Council General account shall be approved in advance in writing by the Presiding Officer. All other requests for reimbursement or expenditure shall be approved by the Council Administrator. Each request shall be accompanied by supporting documentation which shall include the nature and purpose of the expense, the names of all persons for whom the expense was incurred and the receipts justifying the expense. The Department of Finance and Management Information shall provide timely expenditure reports to Councilors and the Council Department.

L:\93-1746.res

Meeting Date: April 22, 1993
Agenda Item No. 8.3

RESOLUTION NO. 93-1784



METRO

DATE: April 16, 1993
TO: Metro Council
Executive Officer
Interested Parties
FROM: Paulette Allen, Clerk of the Council
RE: AGENDA ITEM NO. 8.3; RESOLUTION NO. 93-1784

The Planning Committee report on Resolution No. 93-1784 will be distributed in advance to Councilors and available at the Council meeting April 22.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RECOMMENDING)	RESOLUTION NO. 93-1784
PRIORITY HIGH CAPACITY TRANSIT)	
CORRIDORS TO THE SOUTH AND NORTH))	Introduced by Councilor
AND AN ACTION PLAN FOR PHASE 2)	Van Bergen
OF THE SOUTH/NORTH PRELIMINARY)	
ALTERNATIVES ANALYSIS)	

WHEREAS, The FY 1992 regional work program for transportation included South/North Preliminary Alternatives Analyses, conducted in accordance with Federal Transit Administration guidelines; and

WHEREAS, The Preliminary Alternatives Analyses were conducted through a cooperative Metro/Southwest Washington Regional Transportation Council (RTC) process and were coordinated through JPACT and JRPC; and

WHEREAS, The primary purpose of the Preliminary Alternatives Analyses is to evaluate and recommend the priority corridor in the South Study Area (Portland to Clackamas County) and the priority corridor in the North Study Area (Portland to Clark County) wherein the priority corridor designation means that: 1) it has been locally determined that further and more detailed analyses of high-capacity transit (HCT) options in the corridor area will occur next, and 2) the corridor is locally determined to be the priority corridor for Federal Transit Administration (FTA) HCT funds (Section 3 New Start funds) in the study area it serves; and

WHEREAS, Metro Resolution No. 90-1300 reaffirmed the commitment to an East Portland/Clackamas County project as the region's next priority following the Westside/Hillsboro Corridor project; and

WHEREAS, Metro Resolution- No. 91-1456 adopted as regional policy a commitment to perform the Preliminary Alternatives Analysis Study to determine if it is feasible to proceed with a larger corridor from Clackamas County to Clark County; and

WHEREAS, An Expert Review Panel, composed of national experts in HCT analyses, has reviewed the technical data produced during the Preliminary Alternatives Analyses and found the data to be valid and appropriate for the decisions at hand; and

WHEREAS, A Citizens Advisory Committee, composed of residents and business people from the affected corridors, and the Project Management Group, composed of transportation officials from the affected governments, have reviewed and adopted the attached findings and recommendations (Exhibit A); now, therefore,

BE IT RESOLVED,

That the Metro Council adopts as regional policy:

1. The single South/North corridor from Clackamas County, Oregon through the Portland CBD to Vancouver, Washington as the region's next priority for high capacity transit improvements following the Westside/Hillsboro project; and

- a. The Milwaukie segment is the priority for further analysis of High-Capacity Transit options between Portland and Clackamas County.

- b. The I-5 North segment is the priority for further analysis of High-Capacity Transit options between Portland and Clark County.

2. Metro staff, in cooperation with other affected agency and jurisdictional staff, is directed to refine and analyze alignment, station and terminus options in the Milwaukie segment and I-5 North

segment as part of Phase 2 of the Preliminary Alternatives Analysis and recommend a small set of the most promising alternatives for Alternatives Analyses and preparation of a Draft Environmental Impact Statement.

3. Metro staff, in cooperation with other affected agency and jurisdictional staff, is directed to prepare intermediate-term improvement strategies for the I-205 South and North corridors (Oregon City to Clark County) which do not include HCT improvements.

4. Metro staff, in cooperation with other affected agency and jurisdictional staff, is directed to analyze the design and possible funding sources for constructing and operating an HCT corridor to the Portland International Airport as a non-priority corridor and recommend, if appropriate, how to proceed with an Airport Corridor HCT project.

5. Metro staff, in cooperation with other affected agency and jurisdictional staff, is directed to pursue the attached Action Plan to prepare for Alternatives Analysis and a Funding Plan for the South/North Corridor (Exhibit B)

ADOPTED by the Metro Council this 22nd day of April, 1993.

Judy Wyers, Presiding Officer

TL:lmk:bc
93-1784.RE2
3-31-93

The North/South Transit Corridor Study

Priority Corridor Analysis: Findings And Recommendations

DRAFT FOR PUBLIC REVIEW

Task Manager:
Consultant:

Metro
Steven M. Siegel & Associates

Contributing Agencies:

Metro
In cooperation with:
City of Milwaukie
City of Portland
City of Vancouver
Clackamas County
Clark County
C-TRAN
Multnomah County
Oregon Dept. of Transportation
Port of Portland
Regional Transportation Council
Tri-Met
Washington State Dept. of Transportation

"The preparation of this report was financed in part by the U.S. Department of Transportation, Federal Transit Administration and by the Washington State Department of Transportation. The opinions, findings and conclusions expressed in this report are not necessarily those of the Federal Transit Administration or the Washington State Department of Transportation."

**PRIORITY CORRIDOR ANALYSIS:
FINDINGS AND RECOMMENDATIONS**

I. PURPOSE OF THE ANALYSIS

- [a] The primary purpose of this report is to evaluate and recommend a priority segment for further study, in the South Study Area and in the North Study Area. The priority segment designation has two implications:
 - [i] It has been locally determined that further and more detailed analyses of High Capacity Transit [HCT] options in the corridor segments are warranted, and
 - [ii] The corridor segment is locally determined to be part of the priority corridor for Federal Transit Administration [FTA] High Capacity Transit funds [Section 3 New Start funds] in the Study Area it serves.
- [b] Improvement strategies will also be prepared for those corridor segments which are not selected as part of the priority corridor. These "non-priority corridor" improvement strategies may include further consideration of HCT options. However, such analyses would be prepared without FTA involvement and, therefore, any resulting project would not be eligible for FTA funds [unless Alternatives Analysis/Draft Environmental Impact Statement [AA/DEIS] activities were later undertaken by a subsequent action to this determination of priority corridors].
- [c] A second purpose of this report is to define the relationship between the priority corridor segments for the North and South Study Areas. Specifically, the report evaluates and recommends whether the South priority corridor segment should proceed into the AA/DEIS and funding stages ahead of the North priority corridor segment, as currently prescribed by adopted regional policy, or if the two priority corridors should proceed concurrently.
- [d] While data is shown for shorter alignment options, the issue at hand is not the selection of a terminus. The data for the terminus options is shown to demonstrate that the conclusions being drawn are independent of the ultimate selection of a terminus.

II. SOUTH STUDY AREA RECOMMENDATION

- [a] Based on the findings summarized in Table ES-1, the Milwaukie corridor segment is recommended to be the priority corridor segment in the South Study Area for further study.

- [b] Staff is directed to refine and analyze alignment, station and terminus options in the Milwaukie corridor segment as part of Phase II of the Preliminary Alternatives Analysis and return to JPACT with a recommendation on a small set of promising options for Alternatives Analysis and preparation of a Draft Environmental Impact Statement.
- [c] It is recommended that the Airport segment, which runs along I-205 between the Gateway Transit Center and Portland International Airport, be uncoupled from the I-205 South segment and further analyzed as set forth in Section IV, below.

III. NORTH STUDY AREA RECOMMENDATION

- [a] Based on the findings summarized in Table ES-2, the I-5 North corridor segment is recommended to be the priority corridor segment in the North Study Area for further study.
- [b] Staff is directed to refine and analyze alignment, station and terminus options in the I-5 North corridor segment as part of Phase II of the Preliminary Alternatives Analysis and return to JPACT with a recommendation on a small set of promising options for Alternatives Analysis and preparation of a Draft Environmental Impact Statement.

IV. AIRPORT STUDY AREA RECOMMENDATION

- [a] Based on the findings summarized in Table ES-3, it is recommended that staff analyze the design and possible funding sources for constructing and operating an HCT corridor to the Portland International Airport, as a non-priority corridor.
- [b] Staff is directed to return to JPACT, at the conclusion of Phase II of the Preliminary Alternatives Analysis, with a recommendation on whether and, if applicable, how to proceed with an Airport Corridor HCT project.

V. RECOMMENDATION ON NON-PRIORITY CORRIDORS

- [a] Staff is directed to prepare an intermediate-term improvement strategy for the I-205 South corridor segment and I-205 North [into Clark County] corridor segment which do not include HCT improvements.

VI. RECOMMENDED ACTION PLAN

Based on the findings summarized in Table ES-4, the following Action Plan is recommended:

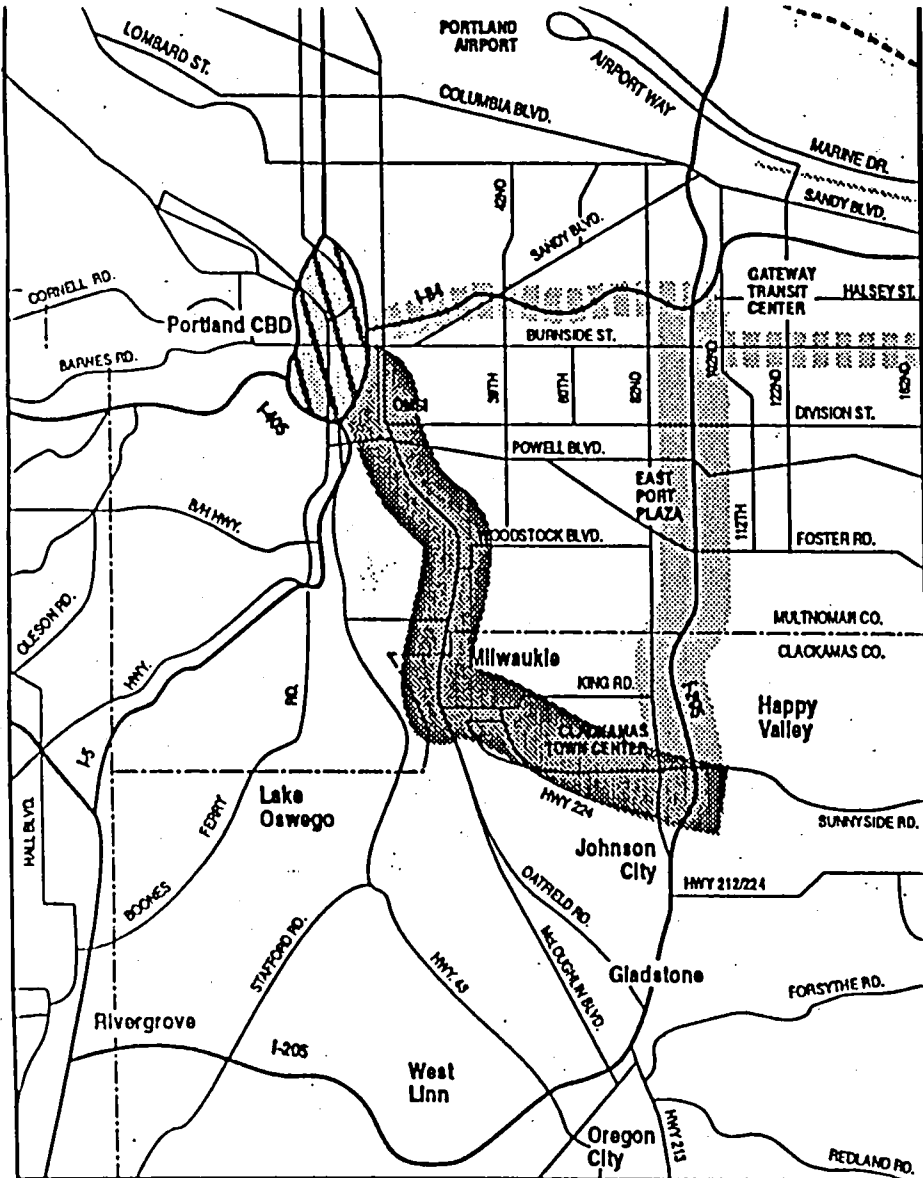
- [a] Seek to prepare Alternatives Analysis and a Draft Environmental Impact Statement on alternatives in the Milwaukie/I-5 North HCT corridor.
 1. Request assistance from the Oregon and Washington congressional delegations to

include a provision in the FY 1994 federal Appropriations Bill to permit the preparation of AA/DEIS work in a single corridors.




[b] Seek to secure financing for an HCT alternative in a single Milwaukie/I-5 North corridor.

1. Take all steps necessary to seek the maximum practical authorization of Section 3 New Start funds for a South/North corridor in the upcoming federal transportation authorization bill. The actual amount of federal funds, matching ratio and distribution of federal funds between corridors is to be determined on the basis of further technical, financial and political analyses.
2. The acquisition of federal authorization for a South/North corridor must be done in the context of first/concurrently completing the funding for the Westside LRT and the Hillsboro Extension.
3. Since the possibility exists that a federal transportation authorization bill could occur as early as federal FY 1995, regional funding activities, including the approval of state and local funding sources in both Washington and Oregon, should be completed prior to this date.
4. The development and implementation of a funding package for the South/North corridor should be done in the context of funding the long-term HCT system.

[c] In addition to seeking the capital funds for a South/North HCT project, the region should take all steps necessary to secure sufficient funds to operate a North/South HCT project and related bus feeder system.

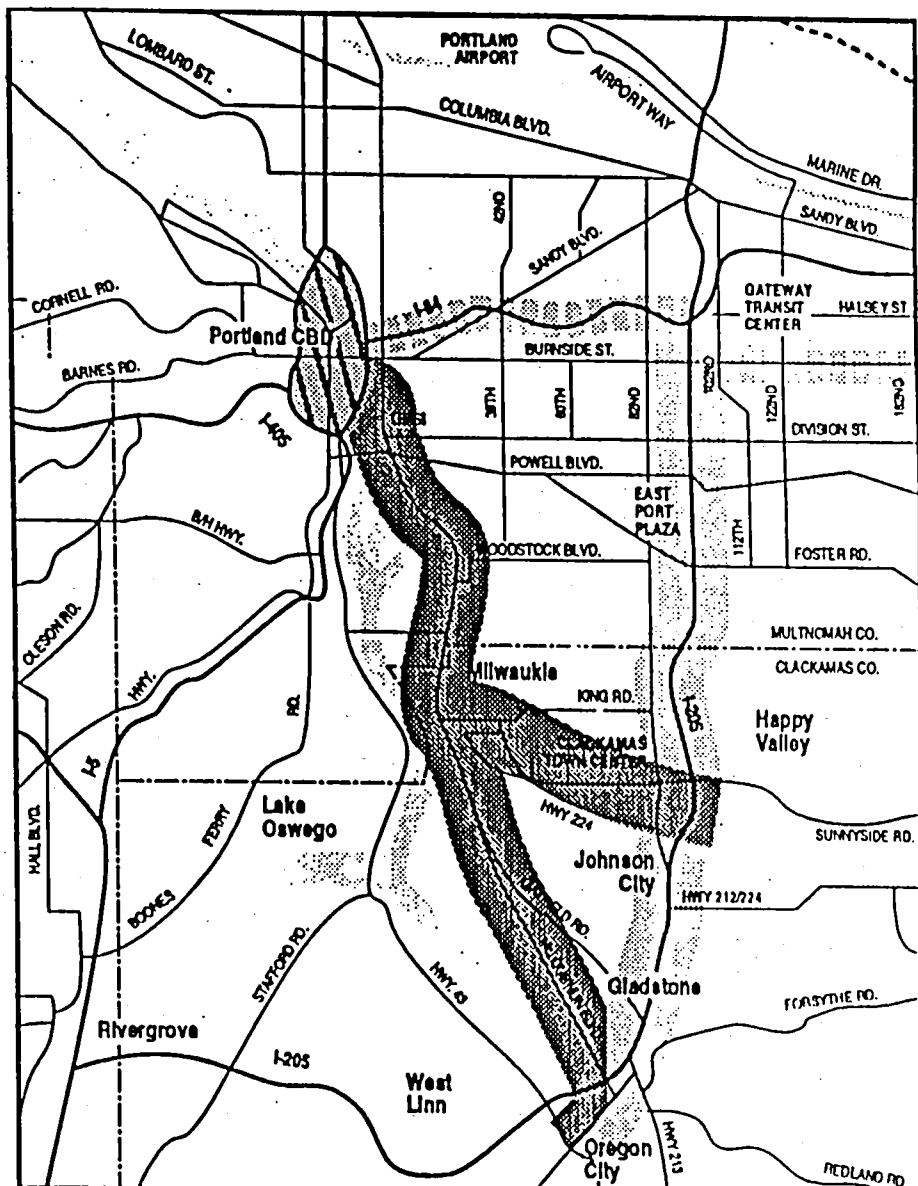


North/South Transit Corridor Study: South Study Area




-  = Milwaukie corridor to Clackamas Town Center
-  = I-205 South corridor to Clackamas Town Center
-  = Existing light rail



Printed on recycled paper

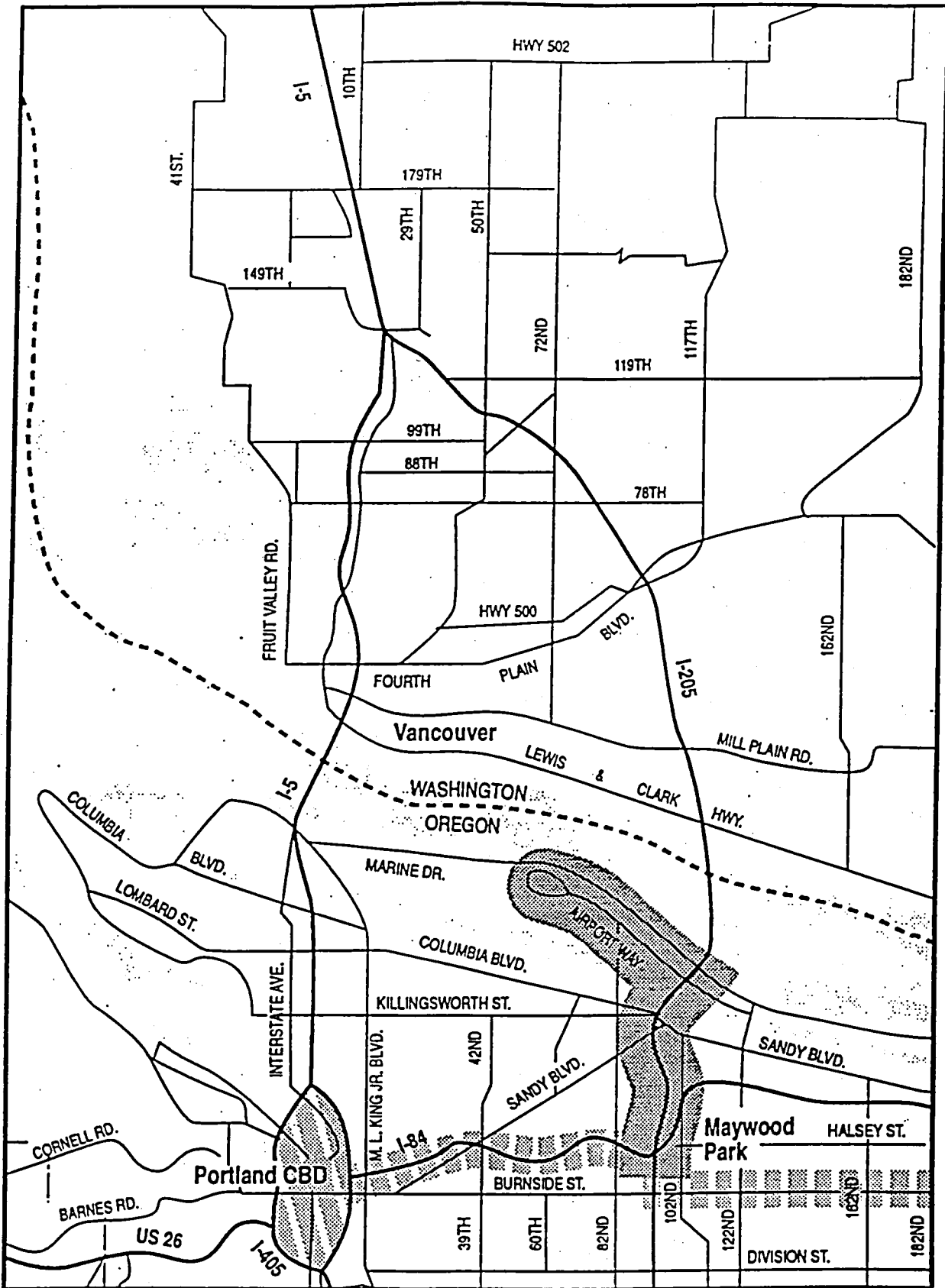


North/South Transit Corridor Study: South Study Area



-  = Milwaukie corridor to Oregon City
-  = I-205 South corridor to Oregon City
-  = Existing light rail



03091 SQ



North/South Transit Corridor Study: North Study Area

-  = Airport High Capacity Transit study area
-  = existing light rail



METRO

**TABLE ES-1
SOUTH STUDY AREA FINDINGS**

Population and Employment

1. The Milwaukie Corridor contains more existing and year 2010 population and employment than the I-205 South Corridor.
2. The Milwaukie Corridor, due to its longer length, contains more developable and redevelopable land than the I-205 South Corridor.

Traffic and Transit Ridership

3. McLoughlin Boulevard is currently and will continue to be more congested than I-205. All of the representative highway segments analyzed on McLoughlin Boulevard are at Level of Service E, or worse, while all of the representative segments on I-205 are well below capacity.
4. The Milwaukie Corridor is projected to attract over twice as many HCT daily riders, in the year 2010, as the I-205 South Corridor.
5. P.M. peak-hour, peak direction riders in the Milwaukie Corridor are projected to be 2.3 - 5.0 (depending on the location) times greater, in the year 2010, than in the I-205 South Corridor.

Environmental Sensitivity

6. In overall terms, the Milwaukie Corridor has a greater potential for environmental risks than does the I-205 South Corridor.

Equity

7. The Milwaukie Corridor serves a larger population of minority, poor, youth and elderly than does the I-205 South Corridor.

Operating Costs and Efficiencies

8. The Milwaukie Corridor is projected to exhibit almost twice the Farebox Recovery Rate of that in the I-205 South Corridor.
9. The Milwaukie Corridor provides greater long-term HCT capacity than does the I-205 South Corridor.

Capital Costs

10. The capital cost of the full-length [Clackamas Town Center and Oregon City] system is 22 percent higher in the Milwaukie Corridor than in the I-205 South Corridor. For the \$157 million premium, the Milwaukie Corridor serves Milwaukie directly while the I-205 South Corridor does not.

Cost Effectiveness

11. The total annualized cost-per-HCT rider in the Milwaukie Corridor is almost 60 percent better than in the I-205 South Corridor.

Public Opinion

12. Correspondence received during and following an extensive public review process supported the selection of the Milwaukie Corridor as the priority HCT corridor to Clackamas County.

**TABLE ES-1 (b)
SUMMARY STATISTICS FOR THE SOUTH CORRIDOR**

FACTOR/TERMINUS OPTION	MILWAUKIE CORRIDOR	I-205 SOUTH CORRIDOR
NUMBER OF HOUSEHOLDS [2010]		
Full ¹	31,300	21,200
Short ²	23,600	14,100
CORRIDOR EMPLOYMENT [2010]		
Full	65,800	50,900
Short	58,200	30,600
CORRIDOR CONGESTION: 2010-NO BUILD PEAK HOUR V/C RATIOS IN CORRIDOR	0.91 - 1.40	0.54 - 0.88
CORRIDOR HCT RIDERSHIP [2010]		
Full	19,100	9,500
Short	16,800	6,700
CAPITAL COST: WITH DOWNTOWN IMPVTS. \$1993, Millions		
Full	\$ 864	\$ 707
Short	\$ 599	\$ 467
NET ANNUAL OPERATING COST [2010]		
Full	\$ 6.51	\$ 7.33
Short	\$ 3.95	\$ 3.63
FAREBOX RECOVERY RATIO [2010]		
Full	29.4%	15.5%
Short	39.1%	20.7%
COST-EFFECTIVENESS³		
Full	\$13.21	\$30.41
Short	\$10.35	\$25.73

¹ HCT line between Downtown Portland, Clackamas Town Center and Oregon City

² HCT line between Downtown Portland and Clackamas Town Center

³ A local cost effectiveness measure was used in this analysis

**TABLE ES-2
NORTH STUDY AREA FINDINGS**

Population and Employment

1. The I-5 North Corridor contains more existing and year 2010 population and employment than the I-205 North Corridor.
2. The I-205 North Corridor contains more developable and redevelopable land than the I-5 North Corridor.

Traffic and Transit Ridership

3. I-5 is currently and will continue to be more congested than I-205. By the year 2010, almost all of the representative highway segments analyzed on I-5 are approaching or exceeding Level of Service (LOS) E, while almost all of the representative segments on I-205 are at LOS D or better.
4. The I-5 North Corridor is projected to attract twice as many HCT daily riders, in the year 2010, as the I-205 North Corridor.
5. Year 2010 p.m. peak-hour, peak direction riders in the I-5 North Corridor are projected to be 85 percent more than in the I-205 North Corridor.

Environmental Sensitivity

6. In overall terms, the I-5 North Corridor has a greater number of environmentally sensitive sites than the I-205 North Corridor, although the I-205 North Corridor has greater ecosystem risks.

Equity

7. The I-5 North Corridor serves a larger population of minority, poor and elderly than does the I-205 North Corridor. The amount of "youth" in both full-length corridors is roughly the same.

Operating Costs and Efficiencies

8. LRT in the I-5 North Corridor is projected to exhibit a 10 percent better Farebox Recovery Rate than a Busway in the I-205 North Corridor.
9. The I-5 North Corridor provides greater long-term HCT capacity than does the I-205 North Corridor.

Capital Costs

10. The capital cost of the full-length I-5 North LRT is substantially higher than the I-205 North Busway. This difference is due to the different mode assumed for the I-205 North Corridor, not the location, configuration or characteristics of the corridor itself.

Cost Effectiveness

11. In spite of its higher capital cost, the total annualized cost-per-HCT rider in the full-length I-5 North Corridor is almost 20 percent less than in the I-205 North Corridor. The difference is even greater with a North Vancouver terminus option.

Public Opinion

12. Correspondence received during and following an extensive public review process supported the selection of the I-5 North Corridor as the priority HCT corridor to Clark County.

TABLE ES-2 (b)
SUMMARY STATISTICS FOR THE NORTH CORRIDOR

FACTOR/TERMINUS OPTION	I-5 NORTH CORRIDOR	I-205 NORTH CORRIDOR
NUMBER OF HOUSEHOLDS [2010]		
Full ¹	35,700	33,000
Short ²	24,900	19,200
CORRIDOR EMPLOYMENT [2010]		
Full	74,400	30,700
Short	67,700	23,000
CORRIDOR CONGESTION: 2010 NO-BUILD PEAK HOUR V/C RATIOS IN CORRIDOR	0.77 - 1.21	0.69 - 0.85
CORRIDOR HCT RIDERSHIP [2010]		
Full	21,800	10,900
Short	19,300	9,300
CAPITAL COST: WITH DOWNTOWN IMPVTS. \$1993, Millions	LRT	BUSWAY
Full	\$ 914	\$ 383
Short	\$ 709	\$ 288
NET ANNUAL OPERATING COST [2010]	LRT	BUSWAY
Full	\$ 7.00	\$ 4.13
Short	\$ 4.33	\$ 3.64
FAREBOX RECOVERY RATIO [2010]		
Full	31 %	27 %
Short	39 %	27 %
COST-EFFECTIVENESS		
Full	\$10.82	\$13.28
Short	\$ 8.02	\$11.35

¹ HCT line between Downtown Portland and 179th Street in Clark County

² HCT line between Downtown Portland and North Vancouver (78th Street/Vancouver Mall)

**TABLE ES-3
AIRPORT STUDY AREA FINDINGS**

Population and Employment

1. Under the Metro forecasts, year 2010 employment in the Airport Study Area is projected to be 22,600. PDX and PIC combined represent about 9,500 employees. The forecasted employment is lower than the other Study Areas, this Area is smaller and much more concentrated.
2. The Port of Portland, based on the Master Plans for the Portland International Center and the Airport, forecasts that year 2012 employment at PDX and PIC will be about 18,400, almost twice the amount in the Metro forecasts.
3. PDX is a unique trip attractor in that the major reason for considering an HCT connection to PDX is to serve passenger trips, not work trips. The PDX Master Plan projected the number of annual passengers to grow from about 8 million today to about 16 million in the year 2012 (35,500/day).

Traffic and Transit Ridership

4. The level of service on I-205 in the Airport Study Area is currently at acceptable levels, and expected to generally remain below capacity.
5. Using the Metro model, year 2010 daily HCT ridership in the Airport Study Area is forecasted to be about 4,600, lower than in the other Study Areas. A 1988 study by Peat Marwick found that transit mode splits to airports in the U.S. with a rail connection ranged between 4 and 15 percent. Using the high end of the range found by Peat Marwick and the Port of Portland employment and passenger projections, the number of transit riders in the Airport Study Area would be almost twice that projected by the Metro model.

Environmental Sensitivity/Equity

6. The environmental risks are low.
7. Because the Airport Study Area does not have a large population base, there are relatively small amounts of "disadvantaged" and "transit dependent" sub-groups in the Study Area.

Operating Costs and Efficiency/Capital Cost

8. The Net Annual HCT Operating Cost of the Airport Corridor is \$2.15 million, significantly less than the other corridors examined. The projected Farebox Recovery Rate is about 23 percent. This rate could double if the Port of Portland and/or Peat Marwick assumptions prove out.
9. The capital cost of an Airport LRT to be \$214.5 million, much lower than the other corridors examined. Tri-Met engineers have indicated that this estimate includes costs which may not be needed with a "starter" line or can be deferred. This lower cost option will be estimated in Phase II.

Cost Effectiveness

10. The cost-effectiveness index is \$19.83, better than the I-205 South Corridor, but not as good as the others. This cost-per-rider would be substantially less if the Port of Portland, Peat Marwick and/or Engineering Staff assumptions prove out.

**TABLE ES-4
FUNDING OPTION FINDINGS**

1. Given the estimated capital costs of a North/South HCT project, it is likely that federal funds will be necessary if funding for both projects is concurrently pursued in the next few years.
2. To have a reasonable chance of securing Section 3 New Start funds, it is necessary to secure an earmarked authorization for the project(s) in the next federal authorization bill. Whether these funds should be for a South Corridor Project or a combination North/South Corridor depends on technical, financial and political analyses that must be undertaken.
3. While the ISTEA is authorized through federal FY 1997, a mini-authorization bill or an extension of the ISTEA is anticipated for federal FY 1995 at the time Congress designates the National Highway System.
4. The acquisition of federal authorization for a North/South corridor must be done in the context of first/concurrently completing the funding of the Westside LRT project and the Hillsboro extension.
5. To maximize the likelihood of securing federal authorization, two principles should be followed:
 - [a] The further a project proceeds through the FTA AA/DEIS process, the more likely it is that a substantial federal authorization can be achieved. Accordingly, the region should take steps to complete AA/DEIS work as expeditiously as possible. It may not be realistic to have this work complete in time for a FY 1995 mini-authorization bill [if one happens], but this work is certainly able to be completed in time for FY 1998 authorization bill [if this one happens].
 - [b] The closer the region is to having secured commitments for all of its state and local funding, the more likely it is that a substantial federal authorization can be achieved. Accordingly, the region should take all steps to secure these commitments prior to federal FY 1995.
6. The HCT funding requirements and procedures in the State of Washington are in a state of flux. It is likely critical that C-TRAN secure approval of a substantial amount of state HCT funding no later than the 1994 legislative session.
7. Local [C-TRAN] funding will likely also be necessary. To obtain local funding, C-TRAN will have to seek voter approval of the project and, under existing law, the funding source. Possible local funding sources include a local option Sales and Use Tax and/or Motor Vehicle Excise Tax and/or Employer Tax in Clark County.
8. Assuming a FY 1995 mini-authorization bill, it may be desirable to have the local vote in 1994.
9. The funding possibilities in the State of Oregon are also in flux. It would be extremely helpful to gain approval of the state transit funding options in the current legislative session. This includes a constitutional amendment, emissions fee [or an equivalent] and the STP fund transfer to transit. If any one of these options fail in the 1993 session, it will be essential that they, or an equivalent, be approved in the 1995 session.
10. Local [Tri-Met] funding will also likely be necessary. Assuming that voter approval of one or more sources may be necessary, it may be desirable to have the local vote in 1994.

EXHIBIT B

Action Plan
Preparation of Alternatives Analyses and Funding Plans
South/North High-Capacity Transit Corridor

- (1) Seek to prepare Alternatives Analysis and the Draft Environmental Impact Statement on both the Milwaukie Corridor and I-5 North Corridor HCT segments. To accomplish this, request assistance from the Oregon and Washington Congressional delegations to include a provision in the FY 1994 federal Appropriations Bill to permit the preparation of AA/DEIS work in the entire South/North Corridor.
- (2) Seek to secure financing for an HCT alternative in the South/North Corridor. To accomplish this:
 - a. Take all steps necessary to seek the maximum practical authorization of Section 3 New Start funds for a South/North Corridor in the upcoming federal transportation authorization bill. The actual amount of federal funds, matching ration and distribution of federal funds between corridors should be determined on the basis of further technical, financial and political analyses.
 - b. The acquisition of federal authorization for a South/North Corridor must be done in the context of first completing the funding for the Westside LRT and the Hillsboro extension.
 - c. Since the possibility exists that a federal transportation authorization bill could occur as early as federal FY 1995, regional funding activities, including the approval of state and local funding sources in both Washington and Oregon, should be completed prior to this date.
 - d. The development and implementation of a funding package for the South/North Corridor should be done in the context of funding the long-term HCT system.
- (3) In addition to seeking the capital funds for a South/North HCT project, the region should take all steps necessary to secure sufficient funds to operate a South/North project and related bus feeder system.

THE NORTH/SOUTH TRANSIT CORRIDOR STUDY
Phase 1: Selection of Priority Corridor(s)
Compilation of resolutions and correspondence

MILWAUKIE AND I-5 NORTH CORRIDORS

Resolutions: The City of Milwaukie
The City of Lake Oswego

Letters of recommendation:

The City of Gladstone
The North Clackamas County Chamber of Commerce's Board of Directors
The Milwaukie Downtown Development Association
The Milwaukie Center Community Advisory Board
Ardenwald-Johnson Creek Neighborhood Association
Brooklyn Neighborhood Association
The Sellwood Moreland Improvement League
Red Lion Hotels and Inns, David J. Johnson - President and CEO
Saint Paul Lutheran Church, Pastor John Rosenberg
The Parish of St John the Evangelist, Reverend Richard K. Toll
Bill Griesar: citizen
Clair Kuppenbender: citizen
Barbara McGinnes & family

Informal declarations of support:

Buckman Neighborhood
Central Eastside Industrial Council
Eastmoreland Neighborhood
Hosford-Abernethy Neighborhood
Kerns Neighborhood
Reed Neighborhood
Sunnyside Neighborhood
Woodstock Neighborhood

I-205 NORTH AND I-205 SOUTH CORRIDORS

Letters of recommendation:

The Eighty-Second Avenue Business Association
The Montavilla Business Association
The Citizen's Steering Committee representing the Lents area in the SE
Portland District Planning Process
Joyce Beedle: citizen

Informal declarations of support:

Foster-Powell Neighborhood
Montavilla Neighborhood
Outer SE Coalition of Neighborhoods

* The Richmond Neighborhood supports both south corridor options

CITY OF MILWAUKIE

RESOLUTION NO. 6-1993

A RESOLUTION RECOMMENDING PREFERRED HIGH CAPACITY TRANSIT CORRIDORS FOR FURTHER ANALYSIS.

WHEREAS, on May 19, 1992, the City of Milwaukie entered into an intergovernmental agreement with Metro to examine several high capacity transit corridor options in a Preliminary Alternatives Analysis Study; and

WHEREAS, the Preliminary Alternatives Analysis Phase I evaluates broad corridor options and selects Priority Corridor(s) for further evaluation of a smaller set of modal and alignment options to incorporate into a more detailed Alternatives Analysis and Draft Environmental Impact Statement stage; and

WHEREAS, the City of Milwaukie has participated in the development of methodology, data-gathering, selection of evaluation criteria, conceptual alternatives, and corridor evaluation throughout this Study; and

WHEREAS, the City of Milwaukie has participated in assessing public opinion about the feasibility of several corridor segments under consideration; and

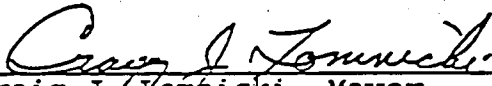
WHEREAS, the technical data and public opinion have indicated that the Milwaukie Corridor and the I-5 North Corridor appear to be the most cost-effective corridors, considering projected transit ridership and cost-effectiveness; and

WHEREAS, on March 9, 1993, the Milwaukie Planning Commission, having reviewed technical data and considered nine decision-making criteria, recommended selection of the Milwaukie/I-5 North Corridors as the preferred corridors to take into the Alternative Analysis phase; and

WHEREAS, the Milwaukie/I-5 North Corridors comply with all policy elements in the Milwaukie Comprehensive Plan;

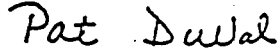
NOW, THEREFORE, BE IT RESOLVED by the City of Milwaukie, a municipality of the State of Oregon, that Milwaukie hereby endorses and recommends to the Metro Council that the Milwaukie/I-5 North Corridors be selected as the priority and preferred corridors for the Alternatives Analysis stage of the Regional High Capacity Transit Study.

PASSED this 16th day of March, 1993, by the City Council of the City of Milwaukie.



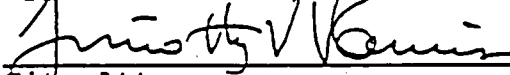
Craig J. Lomnicki, Mayor

Attest:



Pat DuVal, City Recorder

Approved as to form:



City Attorney



RESOLUTION 93-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO RECOMMENDING PREFERRED HIGH CAPACITY TRANSIT CORRIDORS FOR FURTHER ANALYSIS.

380 "A" AVENUE
OST OFFICE BOX 369
LAKE OSWEGO,
OREGON 97034
(503) 635-0213
FAX (503) 635-0269

WHEREAS, on May 19, 1992, the City of Milwaukie entered into an intergovernmental agreement with METRO to examine several high capacity transit corridor options in a Preliminary Alternatives Analysis Study; and

WHEREAS, the Preliminary Alternatives Analysis Phase I evaluates broad corridor options and selects Priority Corridor(s) for further evaluation of a smaller set of modal and alignment options to incorporate into a more detailed Alternatives Analysis and Draft Environmental Impact Statement stage; and

ALICE L. SCHLENKER,
MAYOR

WHEREAS, the City of Milwaukie has participated in the development of methodology, data-gathering, selection of evaluation criteria, conceptual alternatives, and corridor evaluation throughout this study; and

S. C. (MIKE) ANDERSON,
COUNCILOR

WHEREAS, the City of Milwaukie has participated in assessing public opinion about the feasibility of several corridor segments under consideration; and

HEATHER CHRISMAN,
COUNCILOR

WHEREAS, the technical data and public opinion have indicated that the Milwaukie Corridor and the I-5 North Corridor appear to be the most cost-effective corridors, considering projected transit ridership and cost-effectiveness; and

WILLIAM HOLSTEIN,
COUNCILOR

WHEREAS, on March 9, 1993, the Milwaukie Planning Commission, having reviewed technical data and considered nine decision-making criteria, recommended selection of the Milwaukie/I-5 North Corridors as the preferred corridors to take into the Alternative Analysis phase; and

BILL KLAMMER,
COUNCILOR

ED MARCOTTE,
COUNCILOR

WHEREAS, the Milwaukie/I-5 North Corridors comply with all policy elements in the Milwaukie Comprehensive Plan;

MARY PUSKAS,
COUNCILOR

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Oswego, a municipality of the State of Oregon, that the City of Lake Oswego hereby endorses and recommends to the METRO Council that the Milwaukie/I-5 North Corridors be selected as the priority and preferred corridors for the Alternative Analysis stage of the Regional High Capacity Transit Study.


Considered and enacted by the City Council of the City of Lake Oswego at a regular meeting held on the 16th day of March, 1993.

AYES: ANDERSON, HOLSTEIN, CHRISMAN, SCHLENKER, MARCOTTE, KLAMMER


NOES: NONE

EXCUSED: PUSKAS

ABSTAIN: NONE



Alice L. Schlenker
Mayor

ATTEST:



Kristi Hitchcock
City Recorder

APPROVED AS TO FORM:



Jeffrey G. Condit
City Attorney

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1784 FOR THE PURPOSE
OF RECOMMENDING PRIORITY HIGH-CAPACITY TRANSIT
CORRIDORS TO THE SOUTH AND NORTH AND AN ACTION PLAN FOR
PHASE 2 OF THE SOUTH/NORTH PRELIMINARY ALTERNATIVES
ANALYSES

Date: March 23, 1993

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution designates certain High-Capacity Transit (HCT) corridor segments as priorities for future study and provides policy direction to project staff regarding preparation for Alternatives Analyses and funding plan.

FACTUAL BACKGROUND AND ANALYSIS

The FY 1993 Unified Work Program identified Preliminary Alternatives Analyses for HCT corridors terminating in Clackamas County and in Clark County, Washington. This work was planned in accordance with Metro Resolution 90-1300 which designated Clackamas County as the next regional priority to receive HCT improvements and Metro/RTC joint resolutions 91-1456 and 92-1549 which established a strategy for integrating the study process for the South and North corridors and provided an oversight structure for the studies.

A Project Management Group (PMG), composed of senior transportation staff from the participating governments and agencies, was formed to oversee the study process. The PMG approved a Work Plan, appointed a Citizen Advisory Committee and Expert Review Panel and reviewed and approved data developed by technical staff.

Four potential corridor segments were identified in the Regional Transportation Plan that serve Clackamas and Clark Counties: the Milwaukie and I-205 segments to the south and the I-5 and I-205 segments to the north. Technical staff developed data on nine subject areas related to the performance and impact of high-capacity transit in each of the corridors (Exhibit A).

The data developed by technical staff was first reviewed by an Expert Review Panel, a group of technical experts from both within the region and throughout the country. The panel recommended modifications and found the data was accurate and adequate for the purposes of local decision-making.

This data was then reviewed by the Project Management Group, the Citizen Advisory Committee and by the general public in several public forums. A summary of correspondence received from the public is attached as Exhibit C. The Citizen Advisory Committee and the Project Management Group made several recommendations regarding further study of High-Capacity Transit in each of the corridors. These recommendations include:

- (1) Select Milwaukie as the priority corridor segment for further analysis of High-Capacity Transit options between Portland and Clackamas County.
- (2) Select I-5 North as the priority corridor segment for further analysis of High-Capacity Transit options between Portland and Clark County.
- (3) Seek to prepare an Alternatives Analysis/Draft Environmental Impact Statement and secure financing on a single South/North HCT corridor incorporating both the Milwaukie and I-5 segments.
- (4) Continue to analyze the design and possible funding sources for constructing and operating an HCT corridor to the Portland International Airport as a non-priority corridor.
- (5) Prepare intermediate-term improvement strategies for the I-205 South and North corridors which do not include HCT improvements.

The Citizen Advisory Committee further clarified that if both the South and North HCT priority corridor segments are not able to be developed as a single corridor, the South Corridor segment HCT improvement terminating in Clackamas County should advance first as the next regional HCT priority corridor in accordance with Metro Resolution No. 90-1300 and the Metro/RTC joint Resolution No. 91-1456.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1784.

TL:lmk:bc
93-1784.RE2
3-31-93

Meeting Date: April 22, 1993
Agenda Item No. 8.4

RESOLUTION NO. 93-1785

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797-1700 | FAX 503 797 1797



DATE: April 16, 1993

METRO

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 8.4; RESOLUTION NO. 93-1785

The Planning Committee report on Resolution No. 93-1785 will be distributed in advance to Councilors and available at the Council meeting April 22.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING)	RESOLUTION NO. 93-1785
THE REGION'S PRIORITY SURFACE)	
TRANSPORTATION PROGRAM)	Introduced by
PROJECTS AND AMENDING THE)	Councilor Van Bergen
FY 93 TIP FOR INCLUSION OF)	
THESE PROJECTS)	

WHEREAS, The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 included a new Surface Transportation Program for flexible funding of a broad range of transportation-related activities, including highway construction and repair, transit capital improvements, bicycle and pedestrian facilities and other activities specified in Section 1007(a) of ISTEA; and

WHEREAS, ISTEA requires the state to allocate proportionate sums of its annual STP appropriation to urban areas of the state with population greater than 200,000; and

WHEREAS, ISTEA also stipulates that in areas of the state with population greater than 200,000, the designated Metropolitan Planning Organizations (MPO) shall allocate STP funds in consultation with the state transportation planning agency, which in Oregon is the Oregon Department of Transportation (ODOT); and

WHEREAS, Metro is the designated MPO for the Portland metropolitan area; and

WHEREAS, The state is currently amending the 1993-1998 Six-Year Transportation Improvement Program; and

WHEREAS, the Joint Policy Advisory Committee on Transportation has directed TPAC and the TIP Subcommittee to complete programming of available FY 92 and 93 STP funds for inclusion in the 1993 Transportation Improvement Program for forwarding to the

Oregon Transportation Commission for inclusion in the 1993-1998 Six-Year Program by amendment; and

WHEREAS, the Transportation Improvement Program Subcommittee of TPAC has recommended that all residual sums of the region's FY 92 and 93 STP appropriation be programmed to achieve a balance between transportation development and construction projects; and

WHEREAS, the resulting selection of Regional STP program projects is based on regional transportation priorities identified by Metro and is balanced by equitable treatment of each jurisdiction's identified transportation priorities; and

WHEREAS, all recommended construction projects are identified in the 1992 RTP; and

WHEREAS, approval of construction projects contained in Exhibit A by the Oregon Transportation Commission is contingent upon demonstration of appropriate air quality modeling results per the interim guidelines adopted by FHWA, FTA and EPA pursuant to the Clean Air Act Amendment of 1990; now, therefore,

BE IT RESOLVED,

1. That the Metro Council amends the FY 93 TIP to include STP program elements as contained in Exhibit A.

2. That staff be directed to forward the STP project priorities for the 1993-1998 Six-Year Program amendment by the Oregon Transportation Commission.

3. That prior to OTC approval, Metro will provide ODOT with necessary documentation ensuring consistency of projects with interim guidelines adopted pursuant to the Clean Air Act Amendments of 1990.

4. That all projects, including construction of pedestrian or bicycle facilities, shall conform to the standards established in the federal ADA Access Guidelines and with the intent of the performance guidelines found in the State of Oregon's "Best Management Practices" for the Goal 12 Transportation Planning Rule.

5. That any changes to program priorities as a result of funding changes of 10 percent or greater or as a result of project delays will require reconsideration through JPACT/Metro resolution. Priority changes below 10 percent will be developed by the TIP Subcommittee.

ADOPTED by the Metro Council this _____ day of _____,
1993.

Judy Wyers, Presiding Officer

TW:lmk
93-1785.RES
3-24-93

EXHIBIT A
PROPOSED ALLOCATION OF FY 92 AND 93 REGIONAL STP FUNDS

AGENCY & PROJECT	93	94	95	96	TOTAL
PORTLAND					
1. FY93-94 ROAD REHBABILITATION					
CONSTR	2,200,000	94,452			2,294,452
2. BURGARD INTERSECTION IMPROVEMENT					
PE	100,000				100,000
3. COLUMBIA BLVD FEASIBILITY STUDY					
PLANNING	150,000				150,000
4. TRANSIT PREFERENTIAL CORRIDORS					
PE	80,000				80,000
5. SO. PORTLAND CIRCULATION					
PLANNING	120,000				120,000
6. SOUTHERN TRIANGLE					
PE	32,000				32,000
7. FY 93-94 SIGNAL SAFETY REMODELS					
PE CONSTR	30,000	215,000			245,000
8. FY93-94 SIGNAL RETIMING					
PE	125,000				125,000
SUBTOTAL PORTLAND					
PE/PLANNING CONST	637,000 2,200,000	309,452			3,146,452

CLACKAMAS COUNTY	93	94	95	96	TOTAL
9. 92ND AVE. - IDLEMAN TO CO. LINE					
PE	150,000				150,000
10. SUNNYSIDE ROAD- I-205 TO 152ND					
PE/EIS	600,000				600,000
11. LOWER BOONES FERRY/JEAN-MADRONA					
CONSTR	300,000				300,000
12. JOHNSON CREEK BLVD - LINWOOD AVE. TO 82ND AVE.					
CONSTR		335,212			335,212
<hr/>					
SUBTOTAL CLACKAMAS COUNTY					
PE/EIS	750,000				
CONSTR	300,000	335,212			1,405,212

WASHINGTON COUNTY	93	94	95	96	TOTAL
13. CORNELL RD. - CORNELIUS PASS TO JOHN OLSEN AVE.					
PE	200,000				
CONSTR	915,455				1,115,455
14. FARMINGTON RD - MURRAY BLVD TO 167TH AVE					
PE	1,000,000				1,000,000
SUBTOTAL WASHINGTON COUNTY					
PE	1,200,000				
CONSTR	915,455				2,115,455

MULTNOMAH COUNTY	93	94	95	96	TOTAL
15. I-84 - NE SANDY TO NE GLISAN- 223RD CONNECTOR (207TH)					
CONSTR	969,902				969,902

PROGRAM TOTAL	93	94	95	96	TOTAL
PE	2,587,000				
CONSTR	4,385,357	664,670			7,637,021

PLANNED OBLIGATION FY 93 = 6,972,357

ALLOCATED = 7,637,021

BALANCE REMAINING = \$0

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1785 FOR THE PURPOSE OF ENDORING THE REGION'S SURFACE TRANSPORTATION PROGRAM PROJECTS AND AMENDING THE FY 93 TIP FOR INCLUSION OF THESE PROJECTS

Date: March 23, 1993

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution would establish the region's priority Regional Surface Transportation Program (STP) projects for funding in the 1993-1998 Oregon Department of Transportation (ODOT) Six-Year Transportation Improvement Program (Six-Year Program). The region's priorities are consistent with the STP eligibility standards as listed in Section 1007(a) of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

The resolution also acts to amend the FY 93 Transportation Improvement Program (TIP) to include the priority STP projects adopted through this resolution. The region's selected STP projects are listed in Exhibit A.

Prior to commencing construction, local governments and Metro must demonstrate that these projects are included in the Regional Transportation Plan (RTP) and Metro's Transportation Improvement Program (TIP) and are consistent with or conform to local comprehensive plans (transportation element public facility plans and/or transportation system plans), the statewide planning goals and the interim conformity guidance Clean Air Act Amendments (CAAA) 1990. Also, prior to construction, the projects must meet eligibility requirements as specified in ISTEA and subsequent USDOT and/or EPA guidelines.

FACTUAL BACKGROUND AND ANALYSIS

Program

ISTEA eliminated the Federal-Aid Interstate, Primary, Urban and Secondary programs. Previously, these programs were the primary source of federal assistance to local jurisdictions for highway-related construction and maintenance. The Metro region relied most directly on the Federal-Aid Urban (FAU) program. As partial replacement of the Federal-Aid programs, ISTEA created the Surface Transportation Program.

STP funds are analogous to block grant funds and may be spent on a broad variety of projects including road and bridge construction and maintenance, transit facilities (other than operation) and bicycle and pedestrian facilities (in or out of vehicular rights-of-way). STP funds may not be spent on roadways defined as local or rural minor collectors.

The state is appropriated STP funds each year up to the program limits authorized in ISTEA. From the total state STP appropriation, 10 percent is taken to fund safety projects and another 10 percent is taken to fund the Transportation Enhancement program. Fifty percent of the original total (i.e., 62.5 percent of the remaining 80 percent) is distributed, on the basis of population, to areas of the state with population greater than 200,000 and to all other areas of the state. ISTEA also stipulates that, in urbanized areas with population exceeding 200,000, the MPO (i.e., Metro) will program STP funds in consultation with the state transportation agency (i.e., ODOT). This formula has created a six-year "Regional STP program" of approximately \$60 million.

Prior Programming

STP appropriations in FY 92 and 93 account for approximately \$17 million of the total anticipated Regional STP program. Prior action approved programming of \$7.33 million of this \$17 million for the Hillsboro Extension of the Westside light rail system. Another \$2.5 million has been approved in prior resolutions to support planning activities stipulated in the FY 93 and 94 Unified Work Programs, as well as ISTEA-mandated planning programs. Approval of this resolution will conclude programming of all remaining FY 92 and 93 Regional STP funds (\$7,637,021). (The program balance of approximately \$43 million will be allocated in future years.)

Selection of Projects Now Seeking Approval

The current list of STP projects represents a transitional allocation process. The TPAC Transportation Improvement Program (TIP) Subcommittee was primarily responsible for assembling the list from nominations which were prioritized and submitted by the local jurisdictions. Further selection criteria considered by the TIP Subcommittee included the ability of projects to obligate funds in the current fiscal year and inclusion of a mix of construction and development projects. The Subcommittee believes that an emphasis on development projects will assure that future year STP appropriations will have available a backlog of suitable projects ready for allocation of construction dollars. This will assure the region's future ability to obligate short-lived federal funds in a timely manner. Additionally, it should be noted that all proposed "roadway" projects will be required to provide suitable bicycle and pedestrian facilities in compliance with VMT reduction objectives of the state Goal 12 Transportation Planning Rule.

Conclusions and Comments

Adoption of Resolution No. 93-1785 amends the TIP to include the region's priority STP activities. Those priorities are identified in Exhibit A to the resolution and are based upon actual appropriation of STP funds to the region.

Actual programming and authorization for the use of the funds is dependent upon OTC action. Consequently, the actual number of "fundable" projects may vary. Project development delays may also alter the ability to fund certain projects. Additionally, it appears that one project, Cornell Road widening from John Olsen Avenue to Cornelius Pass Road in Washington County, will require additional air quality analysis before it can be approved by the OTC and made eligible for receipt of federal assistance. Recognizing these possibilities, the resolution notes that any changes to program priorities that are greater than 10 percent of the anticipated funding level will require reconsideration through Metro/JPACT resolution. Priority changes below that amount will be addressed by the TIP Subcommittee.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1785.

Meeting Date: April 22, 1993
Agenda Item No. 8.5

RESOLUTION NO. 93-1786

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

DATE: April 16, 1993

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 8.5; RESOLUTION NO. 93-1786

The Planning Committee report on Resolution No. 93-1786 will be distributed in advance to Councilors and available at the Council meeting April 22.

BEFORE THE COUNCIL OF METRO

FOR THE PURPOSE OF ENDORSING) Resolution no. 93-1786
THE MEMORANDUM OF UNDERSTANDING)
ON STP FUNDS AND STP REPLACEMENT)
FUNDS) Introduced by
) Councilor George Van Bergen

WHEREAS, Metro adopted the Regional Transportation Plan by Ordinance No. 92-433 identifying a comprehensive system of transportation improvements; and

WHEREAS, Metro adopted Resolution No. 89-1035 establishing a comprehensive financing strategy; and

WHEREAS, one element of the financing strategy envisions using federal Surface Transportation Program (STP) funds and new state revenues to flexibly contribute in the most efficient way possible to the multi-modal transportation program delineated in the current and subsequent Statewide Transportation Improvement Programs; and

WHEREAS, a Memorandum of Understanding (MOU) has been agreed to by ODOT, AOC, LOC and OTA (included as attachment A), that:
(a) expresses their intent to implement a program making STP Funds available to alternate transportation projects, chiefly transit, (b) expresses their intent regarding how increased State Highway Trust Fund revenues will be allocated to the state, cities, counties and regions, and (c) agrees to cooperate to prepare and execute the Intergovernmental Agreements and administrative procedures needed to implement such programs; and

WHEREAS, Alternate Transportation Projects include all projects which provide for alternative transportation modes and

facilities to the automobile, chiefly transit, and are eligible for STP Funds and also include but are not limited to bicycle facilities, pedestrian facilities, rideshare activities and demand management projects; and

WHEREAS, this definition of Alternate Transportation Projects does not exclude such inter-modal facilities as may be desired by the Port of Portland and that would otherwise be eligible for STP funding; and

WHEREAS, this MOU is dependent on legislative approval of the proposed increase in revenues to the state highway trust fund and only applies to newly enacted revenues; and

WHEREAS, If the legislature does not enact the proposed increases, this MOU will require amendment by all parties; now, therefore,

BE IT RESOLVED,

That the Metro Council:

1. Endorses the Memorandum of Understanding on STP Funds and STP Replacement Funds.

**MEMORANDUM OF UNDERSTANDING
ON STP FUNDS AND STP REPLACEMENT FUNDS**

I. PARTIES

This Memorandum of Understanding (MOU) is between the Oregon Department of Transportation ("ODOT" or "State"), the Association of Oregon Counties (AOC), the League of Oregon Cities (LOC), the Metropolitan Service District (Metro) and the Oregon Transit Association (OTA).

II. BACKGROUND AND PURPOSE

1. This MOU records the understanding of the parties with respect to the funding package developed by the Oregon Roads Finance Study (ORFS) in support of the Oregon Transportation Plan (OTP).
2. The MOU comes from the desire of the parties to use federal Surface Transportation Program (STP) funds and new state revenues to flexibly contribute in the most efficient way possible to the multi-modal transportation program delineated in the current and subsequent Statewide Transportation Improvement Programs.
3. By their execution of this MOU, ODOT, AOC, LOC, Metro and OTA are: (a) expressing their intent to implement a program making STP Funds available to alternate transportation projects, chiefly transit, (b) expressing their intent regarding how increased State Highway Trust Fund revenues will be allocated to the state, cities, counties and regions, and (c) agreeing to cooperate to prepare and execute the Intergovernmental Agreements and administrative procedures needed to implement such programs.
4. It is understood that this MOU is dependent on legislative approval of the proposed increase in revenues to the state highway trust fund and only applies to newly enacted revenues.
5. If the legislature does not enact the proposed increases, the parties agree to cooperate to amend this MOU in a way that is consistent with any newly enacted legislation. The basic policy to be used in amending this MOU is that the benefits to all parties from this MOU shall be equitably adjusted.

III. DEFINITIONS

1. Alternate Transportation Projects include all projects which provide for alternative transportation modes and facilities to the automobile, chiefly transit, and are eligible for STP Funds. Alternate Transportation Projects also include but are not limited to bicycle facilities, pedestrian facilities, rideshare activities and demand management projects.

2. STP Replacement Funding is a supplemental amount of new Highway Trust Fund revenues paid to local jurisdictions by ODOT to replace: (i) STP Funds which would have been allocated to cities and counties pursuant to the Historical STP Formula Allocation, and (ii) Metropolitan STP Funds allocated to Alternate Transportation Projects. STP Replacement Funding will be on a dollar-for-dollar basis. The money to be used by ODOT for STP Replacement Funding is incorporated in its share of the proposed increased Highway Trust fund revenues.
3. Historical STP Formula Allocation is the formula employed by ODOT in FY 1992 and FY 1993 to allocate STP Funds to counties and to cities outside of the Portland Region. Under this formula allocation, counties received 147.6% of their FY 1991 Federal Aid Secondary (FAS) allocation and cities greater than 5,000 population and MPOs outside of the Portland Region received 147.6% of their FY 1991 Federal Aid Urban (FAU) allocation. The Historical STP Formula Allocation provides the basis for the STP Replacement Funding provided in this MOU.

IV. ALLOCATION OF STP FUNDS

1. This MOU does not affect the allocation of STP Funds to Transportation Enhancement Projects, Safety Construction Projects, or Planning and Research Funds.
2. To the extent that replacement funding and STP Replacement Funding is available through increased Highway Trust Funds allocated to the State for this purpose, or through a bonding program or another mutually agreed-upon solution, the balance of all STP Funds will be used to fund Alternate Transportation Projects as provided in IV. 5 below. These funds may only be used for road projects to the extent that such funds are not needed to meet Alternate Transportation needs or that such funds cannot be obligated to Alternate Transportation Projects within agreed-upon deadlines.
3. As provided by ISTEA, about \$10.9 million per year will be allocated to areas with a population of 5,000 or less. These funds are among those made available to Alternate Transportation Projects on a first priority basis.
4. The allocation of STP Funds to Alternate Transportation Projects will start with the federal FY 1994 program.
5. By April 15, 1993, OTA will propose a detailed process for allocating STP Funds to Alternate Transportation Projects for Oregon Transportation Commission (OTC) action by May 31, 1993. The OTA proposal shall be based on the following concepts:
 - (a) STP Funds will be used to fund specific Alternate Transportation Projects based on OTC approved criteria and procedures and in accordance with the requirements of the State Transportation Improvement Program (STIP).

- (b) A four-year program of Alternate Transportation Projects, covering federal FY 1994 through FY 1997, will be considered for adoption by the OTC by October 1993 for inclusion in the appropriate STIP.
- (c) The proposal will include priorities and a project ranking scheme for allocating STP Funds.
- (d) Once a priority is established for allocating STP Funds to projects required to comply with the Americans with Disabilities Act, the OTC will use the Special Transportation Fund (STF) [established in ORS 391.800] for capital projects and purchases only to the extent that STP Funds are insufficient or impractical to meet special transportation capital needs.
- (e) This proposal will include a statewide committee to advise the OTC on allocating STP Funds.

6. STP Funds which are formula allocated to Metro will be used to fund specific Alternate Transportation Projects and, if necessary, road projects based on MPO-approved criteria and procedures. A four-year program of Alternate Transportation Projects, covering federal FY 1994 through FY 1997 will be adopted by the MPO.

V. REPLACEMENT FUNDS FROM NEW HIGHWAY TRUST FUND REVENUES

- 1. New Highway Trust Fund revenues shall be allocated 60.05 percent to the state, 24.38 percent to counties and 15.57 percent to cities as currently set forth in ORS 366.524. The 60.05 percent of new Highway Trust Fund Revenues allocated to the state includes a 9.3 percent allowance for funding local bridge needs and STP Replacement funding (which ODOT provides to cities, counties and Metro).
- 2. ODOT will allocate a share of its annual proceeds from the increased Highway Trust Fund revenues to counties and to cities outside the Portland Region, which equals the annual amount of STP Funds which would have gone to counties and cities outside of the Portland Region under the Historical STP Allocation Formula to the extent that sufficient funds are available through the 9.3 percent allowance or through a bonding program or another mutually agreed-upon solution.
- 3. ODOT will allocate a share of its annual proceeds from the increased Highway Trust Fund revenues to the Portland Region, which equals the amount of formula STP Funds allocated by Metro to Alternate Transportation Projects to the extent that sufficient funds are available through the 9.3 percent allowance or through a bonding program or another mutually agreed-upon solution.
- 4. AOC, LOC and ODOT will define a process in their Intergovernmental Agreement for equitably sharing any STP or new Highway Trust Fund revenues made available because STP Funds were not used for Alternate Transportation Projects.

5. A city or county may request STP Funds in lieu of all or a portion of its State Highway Trust Fund revenues (on a dollar-for-dollar basis) to the extent that STP Funds are available to ODOT.
6. Methods for adjusting the allocation of STP Funds and increased Highway Trust Fund revenues to ensure that all parties are equitably benefitted/impacted by Obligational Cellings, appropriation levels or other such factors will be addressed in the Intergovernmental Agreements and administrative procedures.

VI. OBLIGATIONAL RESPONSIBILITIES

1. It is the intention of the parties that the programs and procedures which implement this MOU ensure that STP Funds do not lapse and annual Obligational Authority is maximized.
2. To facilitate the transition period during federal FY 1994, any federal FY 1994 STP Funds which can not be obligated to Alternate Transportation Projects by March 31, 1994 may be reallocated by ODOT to any eligible projects in any jurisdiction which can obligate such funds during FY 1994. Commencing in April 1994, ODOT and OTA will jointly review the deadline for obligating STP Funds to Alternate Transportation Projects and seek to agree upon a deadline for subsequent fiscal years.

VII. SUBSEQUENT ACTIVITIES

1. Intergovernmental Agreements between ODOT and AOC and LOC and ODOT and METRO will be prepared based on the concepts in this MOU and will address:
 - [a] financial adjustments to ensure that funds are being distributed equitably; and
 - [b] renegotiation and amendment at the conclusion of the ISTEA to ensure that the terms and provisions of the intergovernmental Agreements and administrative procedures are consistent with the subsequent federal transportation authorization act.
2. This MOU and all final agreements will be subject to applicable laws and will be adjusted to reflect any changes in those laws.
3. The parties to this MOU agree to the formation of a transportation finance policy committee to address issues relating to the MOU and applicable Intergovernmental Agreements. The policy committee will facilitate the maintenance and enhancement of relationships among the parties involved in transportation.

This MOU was approved by the Oregon Transportation Commission on _____ at which time the Director of ODOT was authorized and directed to sign said MOU for and on behalf of the Commission. Said authority is set forth in Volume _____, Page _____, Minute Book of the Oregon Transportation Commission. Signed this _____ day of _____, 199__.

APPROVED FOR LEGAL SUFFICIENCY

FOR THE DEPARTMENT OF
TRANSPORTATION

Deputy Attorney General

Director

Date: _____

Date: _____

FOR THE METROPOLITAN SERVICE
DISTRICT

FOR THE ASSOCIATION OF OREGON
COUNTIES

Executive Officer

President

Date: _____

Date: _____

FOR THE LEAGUE OF OREGON CITIES

FOR THE OREGON TRANSIT
ASSOCIATION

President

President

Date: _____

Date: _____



METRO

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

Memorandum

Date: March 24, 1993
To: TPAC
From: *AC* Andrew C. Cotugno, Planning Director
Re: Memorandum of Understanding

Attached is the Memorandum of Understanding (MOU) between ODOT, Metro, AOC, LOC and OTA on transfer of STP funds to alternative modes and replacement with Trust Fund revenues. It was approved by the Oregon Transportation Commission on March 31, 1993 and is recommended for approval and execution by Metro. This MOU would allow the majority of STP funds in the state to be transferred to alternative transportation projects, chiefly transit. This agreement would be in force only if the proposed increase in revenues to the Highway Trust Fund is enacted by the Legislature. A resolution and staff report authorizing execution of the MOU will be available at the TPAC meeting.

ACC:lmk

Attachment

**MEMORANDUM OF UNDERSTANDING
ON STP FUNDS AND STP REPLACEMENT FUNDS**

I. PARTIES

This Memorandum of Understanding (MOU) is between the Oregon Department of Transportation ("ODOT" or "State"), the Association of Oregon Counties (AOC), the League of Oregon Cities (LOC), the Metropolitan Service District (Metro) and the Oregon Transit Association (OTA).

II. BACKGROUND AND PURPOSE

1. This MOU records the understanding of the parties with respect to the funding package developed by the Oregon Roads Finance Study (ORFS) in support of the Oregon Transportation Plan (OTP).
2. The MOU comes from the desire of the parties to use federal Surface Transportation Program (STP) funds and new state revenues to flexibly contribute in the most efficient way possible to the multi-modal transportation program delineated in the current and subsequent Statewide Transportation Improvement Programs.
3. By their execution of this MOU, ODOT, AOC, LOC, Metro and OTA are: (a) expressing their intent to implement a program making STP Funds available to alternate transportation projects, chiefly transit, (b) expressing their intent regarding how increased State Highway Trust Fund revenues will be allocated to the state, cities, counties and regions, and (c) agreeing to cooperate to prepare and execute the Intergovernmental Agreements and administrative procedures needed to implement such programs.
4. It is understood that this MOU is dependent on legislative approval of the proposed increase in revenues to the state highway trust fund and only applies to newly enacted revenues.
5. If the legislature does not enact the proposed increases, the parties agree to cooperate to amend this MOU in a way that is consistent with any newly enacted legislation. The basic policy to be used in amending this MOU is that the benefits to all parties from this MOU shall be equitably adjusted.

III. DEFINITIONS

1. Alternate Transportation Projects include all projects which provide for alternative transportation modes and facilities to the automobile, chiefly transit, and are eligible for STP Funds. Alternate Transportation Projects also include but are not limited to bicycle facilities, pedestrian facilities, rideshare activities and demand management projects.

2. STP Replacement Funding is a supplemental amount of new Highway Trust Fund revenues paid to local jurisdictions by ODOT to replace: (i) STP Funds which would have been allocated to cities and counties pursuant to the Historical STP Formula Allocation, and (ii) Metropolitan STP Funds allocated to Alternate Transportation Projects. STP Replacement Funding will be on a dollar-for-dollar basis. The money to be used by ODOT for STP Replacement Funding is incorporated in its share of the proposed increased Highway Trust fund revenues.
3. Historical STP Formula Allocation is the formula employed by ODOT in FY 1992 and FY 1993 to allocate STP Funds to counties and to cities outside of the Portland Region. Under this formula allocation, counties received 147.6% of their FY 1991 Federal Aid Secondary (FAS) allocation and cities greater than 5,000 population and MPOs outside of the Portland Region received 147.6% of their FY 1991 Federal Aid Urban (FAU) allocation. The Historical STP Formula Allocation provides the basis for the STP Replacement Funding provided in this MOU.

IV. ALLOCATION OF STP FUNDS

1. This MOU does not affect the allocation of STP Funds to Transportation Enhancement Projects, Safety Construction Projects, or Planning and Research Funds.
2. To the extent that replacement funding and STP Replacement Funding is available through increased Highway Trust Funds allocated to the State for this purpose, or through a bonding program or another mutually agreed-upon solution, the balance of all STP Funds will be used to fund Alternate Transportation Projects as provided in IV. 5 below. These funds may only be used for road projects to the extent that such funds are not needed to meet Alternate Transportation needs or that such funds cannot be obligated to Alternate Transportation Projects within agreed-upon deadlines.
3. As provided by ISTEA, about \$10.9 million per year will be allocated to areas with a population of 5,000 or less. These funds are among those made available to Alternate Transportation Projects on a first priority basis.
4. The allocation of STP Funds to Alternate Transportation Projects will start with the federal FY 1994 program.
5. By April 15, 1993, OTA will propose a detailed process for allocating STP Funds to Alternate Transportation Projects for Oregon Transportation Commission (OTC) action by May 31, 1993. The OTA proposal shall be based on the following concepts:
 - (a) STP Funds will be used to fund specific Alternate Transportation Projects based on OTC approved criteria and procedures and in accordance with the requirements of the State Transportation Improvement Program (STIP).

- (b) A four-year program of Alternate Transportation Projects, covering federal FY 1994 through FY 1997, will be considered for adoption by the OTC by October 1993 for inclusion in the appropriate STIP.
 - (c) The proposal will include priorities and a project ranking scheme for allocating STP Funds.
 - (d) Once a priority is established for allocating STP Funds to projects required to comply with the Americans with Disabilities Act, the OTC will use the Special Transportation Fund (STF) [established in ORS 391.800] for capital projects and purchases only to the extent that STP Funds are insufficient or impractical to meet special transportation capital needs.
 - (e) This proposal will include a statewide committee to advise the OTC on allocating STP Funds.
6. STP Funds which are formula allocated to Metro will be used to fund specific Alternate Transportation Projects and, if necessary, road projects based on MPO-approved criteria and procedures. A four-year program of Alternate Transportation Projects, covering federal FY 1994 through FY 1997 will be adopted by the MPO.
- V. REPLACEMENT FUNDS FROM NEW HIGHWAY TRUST FUND REVENUES**
- 1. New Highway Trust Fund revenues shall be allocated 60.05 percent to the state, 24.38 percent to counties and 15.57 percent to cities as currently set forth in ORS 366.524. The 60.05 percent of new Highway Trust Fund Revenues allocated to the state includes a 9.3 percent allowance for funding local bridge needs and STP Replacement funding (which ODOT provides to cities, counties and Metro).
 - 2. ODOT will allocate a share of its annual proceeds from the increased Highway Trust Fund revenues to counties and to cities outside the Portland Region, which equals the annual amount of STP Funds which would have gone to counties and cities outside of the Portland Region under the Historical STP Allocation Formula to the extent that sufficient funds are available through the 9.3 percent allowance or through a bonding program or another mutually agreed-upon solution.
 - 3. ODOT will allocate a share of its annual proceeds from the increased Highway Trust Fund revenues to the Portland Region, which equals the amount of formula STP Funds allocated by Metro to Alternate Transportation Projects to the extent that sufficient funds are available through the 9.3 percent allowance or through a bonding program or another mutually agreed-upon solution.
 - 4. AOC, LOC and ODOT will define a process in their Intergovernmental Agreement for equitably sharing any STP or new Highway Trust Fund revenues made available because STP Funds were not used for Alternate Transportation Projects.

5. A city or county may request STP Funds in lieu of all or a portion of its State Highway Trust Fund revenues (on a dollar-for-dollar basis) to the extent that STP Funds are available to ODOT.
6. Methods for adjusting the allocation of STP Funds and increased Highway Trust Fund revenues to ensure that all parties are equitably benefitted/impacted by Obligational Cellings, appropriation levels or other such factors will be addressed in the Intergovernmental Agreements and administrative procedures.

VI. OBLIGATIONAL RESPONSIBILITIES

1. It is the intention of the parties that the programs and procedures which implement this MOU ensure that STP Funds do not lapse and annual Obligational Authority is maximized.
2. To facilitate the transition period during federal FY 1994, any federal FY 1994 STP Funds which can not be obligated to Alternate Transportation Projects by March 31, 1994 may be reallocated by ODOT to any eligible projects in any jurisdiction which can obligate such funds during FY 1994. Commencing in April 1994, ODOT and OTA will jointly review the deadline for obligating STP Funds to Alternate Transportation Projects and seek to agree upon a deadline for subsequent fiscal years.

VII. SUBSEQUENT ACTIVITIES

1. Intergovernmental Agreements between ODOT and AOC and LOC and ODOT and METRO will be prepared based on the concepts in this MOU and will address:
 - [a] financial adjustments to ensure that funds are being distributed equitably; and
 - [b] renegotiation and amendment at the conclusion of the ISTEA to ensure that the terms and provisions of the intergovernmental Agreements and administrative procedures are consistent with the subsequent federal transportation authorization act.
2. This MOU and all final agreements will be subject to applicable laws and will be adjusted to reflect any changes in those laws.
3. The parties to this MOU agree to the formation of a transportation finance policy committee to address issues relating to the MOU and applicable Intergovernmental Agreements. The policy committee will facilitate the maintenance and enhancement of relationships among the parties involved in transportation.

This MOU was approved by the Oregon Transportation Commission on _____ at which time the Director of ODOT was authorized and directed to sign said MOU for and on behalf of the Commission. Said authority is set forth in Volume _____, Page _____, Minute Book of the Oregon Transportation Commission. Signed this _____ day of _____, 199_____.

APPROVED FOR LEGAL SUFFICIENCY

FOR THE DEPARTMENT OF TRANSPORTATION

Deputy Attorney General

Director

Date: _____

Date: _____

FOR THE METROPOLITAN SERVICE DISTRICT

FOR THE ASSOCIATION OF OREGON COUNTIES

Executive Officer

President

Date: _____

Date: _____

FOR THE LEAGUE OF OREGON CITIES

FOR THE OREGON TRANSIT ASSOCIATION

President

President

Date: _____

Date: _____

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1786 FOR THE PURPOSE OF ENDORISING THE MEMORANDUM OF UNDERSTANDING FOR STP FUNDS AND STP REPLACEMENT FUNDS

Date: April 8, 1993

Presented by: Andrew Cotugno

PROPOSED ACTION

Endorsement of a Memorandum of Understanding which would maximize dedication of federal STP funds to Alternate Transportation Projects, allocate new state gas tax revenues amongst ODOT and the cities and counties to support programmed, constitutionally permitted transportation improvement projects and define the administrative procedures to ratify these mandates.

FACTUAL BACKGROUND AND ANALYSIS

Three statewide planning efforts: the Oregon Roads Finance Study, the Oregon Rail Passenger Plan and the Oregon Transportation Plan, yielded the Oregon Transportation Finance Plan approved by JPACT and the Metro Council in December of 1992. The financing plan is comprehensive in nature, with funding proposals to meet urban, rural and intercity needs statewide by all of the responsible service providers. ODOT, cities, counties, transit districts, ports, airports and metropolitan planning organizations are all affected. The financing plan is consistent with Metro Resolution No. 89-1035 which addressed the strategies for a comprehensive multi-modal approach in the Portland region. Two of the finance plan recommendations are the subject of the MOU being considered for approval at this time: dedication of STP funds to "non-traditional" projects, and an increase in gas taxes.

The MOU provides for dedication of flexible federal highway funds (i.e., federal Surface Transportation Program (STP) funds) to support Alternative Transportation Projects. As stated in the MOU,

"Alternate Transportation Projects include all projects which provide for alternative transportation modes and facilities to the automobile, chiefly transit, and are eligible for STP Funds. Alternate Transportation Projects also include but are not limited to bicycle facilities, pedestrian facilities, rideshare activities and demand management projects."

Dedication of STP funds for this class of projects will leave other, "traditional" road-type projects unfunded. Therefore, in a dollar-for-dollar exchange, STP funding that ODOT and local jurisdictions "give up," will be "back filled" by ODOT with revenue generated by a proposed increase of 4¢ on the gas tax, plus associated truck weight-mile taxes, for the next four years. Under terms of the MOU, the new Highway Trust Fund revenues would be allocated 60.05 percent to the state, 24.38 percent to counties, and 15.57 percent to cities as currently set forth in ORS 366.524. The 60.05 percent of new Highway Trust Fund Revenues allocated to the state includes a 9.3 percent allowance for funding the STP Replacement

funding program (and additionally, a local bridge needs program derived from analysis of "unmet needs" contained in ODOT's current six-year program).

Metro STP Replacement Program.

Metro anticipates appropriation of \$27 million to the region from FY 1994 through FY 1997 that will be eligible for the "back fill" proposal. Accordingly, in the future, the STP Funds which are formula allocated to Metro will be used to fund specific Alternate Transportation Projects, and, if necessary, road projects based on Metro-approved criteria and procedures. A four-year program of Alternate Transportation Projects, covering federal FY 1994 through FY 1997 will be adopted by Metro. Correspondingly, Metro will also administer a State Highway Trust Fund program. Projects in the Trust Fund program will be limited to constitutionally restricted purposes.

The Port of Portland has expressed concern that some of their contemplated inter-modal, freight movement-type projects are not explicitly included in the definition of Alternate Transportation Projects, i.e., Port projects have been relegated to the "not limited to" list. Language is included in the Resolution which, without amending the MOU, addresses the Port's concerns.

Program Administration

The MOU has been approved by the Oregon Department of Transportation, the Association of Oregon Counties (AOC), the League of Oregon Cities (LOC), and the Oregon Transit Association (OTA). Intergovernmental agreements between these parties and Metro will be needed to fully define administrative procedures for the programs contemplated in the MOU. Finally, the splits are based upon an assumption that the full financing package submitted to the legislature will be approved. Should the full package not be adopted, the MOU provides that mutually agreed upon revisions will have to be negotiated. The MOU also mandates formation of a transportation finance policy committee to address issues relating to the MOU and applicable Intergovernmental Agreements.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 93-1786.