



METRO

DATE: October 14, 1993
MEETING: Metro Council
DAY: Thursday
TIME: 4:00 p.m.
PLACE: Metro Council Chamber

Approx.
Time*

Presented
By

4:00 **CALL TO ORDER/ROLL CALL**

1. INTRODUCTIONS

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

3. EXECUTIVE OFFICER COMMUNICATIONS

(5 min.) **3.1 Presentation of Government Finance Officers' Association of the United States and Canada Award to Metro for Exemplary Financial Reporting**

(5 min.) **3.2 Briefing on Greenspaces Program Activities To-Date**

4. OTHER BUSINESS

(40 min.)
TIME CERTAIN **4.1 Metro Committee for Citizen Involvement (Metro CCI) Status Report on Activities To-Date**

4:10
(5 min.) **5. CONSENT AGENDA** (Action Requested: Motion to Adopt the Consent Agenda)

5.1 Minutes of September 23, 1993

REFERRED FROM THE SOLID WASTE COMMITTEE

5.2 Resolution No. 93-1853, For the Purpose of Hosting a Recycled Products Trade Show at Metro Regional Center in Support of Metro's Recycled Product Procurement Program

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

5.3 Resolution No. 93-1859, For the Purpose of Accepting a Fourth Group of Nominees to the Metro Committee for Citizen Involvement (Metro CCI) (Action Requested: Motion to Adopt the Resolution)

4:15
(5 min.) **6. ORDINANCES, FIRST READINGS**

6.1 Ordinance No. 93-517, An Ordinance For the Purpose of Adopting a New Chapter to the Metro Code Pertaining to Elections (Action Requested: Refer to the Governmental Affairs Committee)

For assistance/services per the Americans with Disabilities Act (ADA), dial TDD 797-1804 or 797-1534.

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

METRO COUNCIL AGENDA

October 14, 1993

Page 2

6. ORDINANCES, FIRST READINGS (Continued)

- 6.2 Ordinance No. 93-516**, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Appropriating Funds to Consult with Business and Civic Leaders and Develop Recommendations Regarding Greenspaces Acquisition Capital Improvement and Operations Funding Options (Action Requested: Refer to the Finance Committee)

7. ORDINANCES, SECOND READINGS

REFERRED FROM THE SOLID WASTE COMMITTEE

- 4:20 (10 min.) **7.1 Ordinance No. 93-513**, For the Purpose of Amending Metro Code Chapter 2.04, Adopting a Recycled Product Procurement Program for Metro PUBLIC HEARING (Action Requested: Motion to Adopt the Ordinance) McLain

REFERRED FROM THE FINANCE COMMITTEE

- 4:30 (10 min.) **7.2 Ordinance No. 93-511**, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Transferring \$62,500 from the General Fund to the Greenspaces Planning Division of the Regional Parks and Expo Fund for a Greenspaces Options Demonstration Project PUBLIC HEARING (Action Requested: Motion to Adopt the Ordinance) Devlin

- 4:40 (10 min.) **7.3 Ordinance No. 93-512**, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Funding the Lloyd District Local Street Improvement Assessment from the City of Portland on the Oregon Convention Center and Metro Regional Center PUBLIC HEARING (Action Requested: Motion to Adopt the Ordinance) Van Bergen

8. NON-REFERRED RESOLUTIONS

- 5:00 (10 min.) **8.1 Resolution No. 93-1865**, For the Purpose of Establishing a Funding Pool for \$896,000 to Washington County for Completion of the Cedar Hills/Hall Boulevard "Alternate to Highway 217 Bike Lane System" for Submission to the Oregon Transportation Commission for Inclusion in the 1995-1998 Transportation Improvement Program as a Priority CMAQ Project (Action Requested: Motion to Adopt the Resolution) Van Bergen

9. RESOLUTIONS

REFERRED FROM THE PLANNING COMMITTEE

- 5:10 (5 min.) **9.1 Resolution No. 93-1842**, For the Purpose of Authorizing an Intergovernmental Agreement with Jurisdictions in Clark County, Washington on Roles and Responsibilities for Travel Forecasting (Action Requested: Motion to Adopt the Resolution) Kvistad

METRO COUNCIL AGENDA

October 14, 1993

Page 3

9. RESOLUTIONS (Continued)

5:15
(5 min.) **9.2 Resolution No. 93-1856**, For the Purpose of Approving the Regional Emergency Management Work Program and Adopting the Intergovernmental Agreement for Formation of the Regional Emergency Management Group that Will Make Policy and Strategic Decisions on Emergency Management in the Region (Action Requested: Motion to Adopt the Resolution) Gates

REFERRED FROM THE SOLID WASTE COMMITTEE
BEFORE THE CONTRACT REVIEW BOARD

5:20
(5 min.) **9.3 Resolution No. 93-1850**, For the Purpose of Authorizing the Executive Officer to Enter Into a Contract with Amtest, Inc., for Laboratory Services at the St. Johns Landfill (Action Requested: Motion to Adopt the Resolution) Washington

5:25
(5 min.) **9.4 Resolution No. 93-1852**, For the Purpose of Approving Four Contracts with Successful Proposers to Perform Hazardous Waste Disposal Services at Metro Facilities (Action Requested: Motion to Adopt the Resolution) McLain

6:10 **RECESS** (20 minutes)

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

6:30
(30 min.)
TIME
CERTAIN **9.5 Resolution No. 93-1849**, For the Purpose of Approving a Memorandum of Understanding Between Multnomah County and Metro Regarding the Transfer of Regional Parks, Natural Areas, Golf Courses, Cemeteries and Trade/Spectator Facilities (Action Requested: Motion to Adopt the Resolution) McLain

7:00
(10 min.) **9.6 Resolution No. 93-1837A**, For the Purpose of Amending Policies Regarding Harrassment and Discrimination and Adopting Relating Procedures (Action Requested: Motion to Adopt the Resolution) Hansen

10. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

7:10
(10 min.) **10.1 Consideration of Council and Council Committee Meeting Holiday Schedule** Wyers

(20 min.) **10.2 Advisory Committee Reports**
(a) Joint Policy Advisory Committee on Transportation Van Bergen
(b) Southwest Washington Regional Transportation Council Monroe
(c) Tri-Met Committee on Accessible Transportation Moore
(d) Westside Corridor Project Steering Group Moore

7:40 **ADJOURN**

Meeting Date: October 14, 1993
Agenda Item No. 5.1

MINUTES



M E T R O
M E T R O

DATE: October 8, 1993
TO: Metro Council
Executive Officer
Interested Parties
FROM: Paulette Allen, Clerk of the Council *PA*
RE: AGENDA ITEM NO. 5.1; MINUTES OF SEPTEMBER 23, 1993

The Metro Council minutes of September 23, 1993, will be provided under separate cover to Councilors on or before Wednesday, October 13, and will be available to the public at the Council meeting October 14, 1993. Citizens who wish to obtain a draft copy before that date may contact the Clerk at 797-1534.

Meeting Date: October 14, 1993
Agenda Item No. 5.2

RESOLUTION NO. 93-1853

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1853, FOR THE PURPOSE OF HOSTING A RECYCLED PRODUCTS TRADE SHOW AT METRO REGIONAL CENTER IN SUPPORT OF METRO'S RECYCLED PRODUCT PROCUREMENT PROGRAM

Date: October 6, 1993

Presented by: Councilor Washington

Committee Recommendation: At the October 5 meeting, the Committee voted unanimously to recommend Council adoption of Resolution No. 93-1853. Voting in favor: Councilors McFarland, McLain, Washington and Wyers.

Committee Issues/Discussion: Leigh Zimmerman, Solid Waste Staff, explained that Metro's in-house employee recycling committee developed a proposal for a recycled product trade show to be held on October 27 at Metro Regional Center. The purpose of this resolution is to have the Metro Council formally indicate its support for the show.

Councilor McLain expressed support for the show and asked how it would be advertised and promoted. She was particularly interested in promotion with the business community. Zimmerman indicated that invitations were being sent to a mailing list of over 1600 interested parties. In addition, she indicated that posters would be placed in prominent downtown buildings. She indicated that additional efforts within the business community would be made in response to Councilor McLain's concern.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF HOSTING A)	RESOLUTION NO. 93-1853
RECYCLED PRODUCTS TRADE SHOW)	
AT METRO REGIONAL CENTER IN)	Introduced by the Executive Officer
SUPPORT OF METRO'S RECYCLED)	at the Request of the In-House Waste
PRODUCT PROCUREMENT PROGRAM)	Reduction Committee

WHEREAS, Metro Ordinance No. 93-513 adopting a recycled product procurement program for Metro is before the Council for adoption; and

WHEREAS, Ordinance No. 93-513 establishes the Recycled Product Procurement Program; and

WHEREAS, The Metro In-House Waste Reduction Committee is planning a Recycled Products Trade Show to be hosted October 27, 1993 at Metro Regional Center; and

WHEREAS, The Recycled Products Trade Show supports the goals and objectives of the Recycled Product Procurement Program; and

WHEREAS, The Recycled Products Trade Show promotes intergovernmental cooperation and communication in the joint purchase of recycled products; and

WHEREAS, The Recycled Products Trade Show encourages the development of recycling markets; and

WHEREAS, The Recycled Products Trade Show provides an opportunity for Metro to serve as an example for other institutions; and

WHEREAS, The Recycled Products Trade Show is in direct support of Section 2.04.580(b) (5) of Ordinance No. 93-513, offering workshops and seminars; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED, That Metro supports the Recycling Trade Show and the efforts of the In-House Waste Reduction Committee in the promotion of the use of recycled products.

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

Judy Wyers, Presiding Officer

GA:gbc
amo93-1853.res

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 93-1853 FOR THE PURPOSE OF HOSTING A RECYCLED PRODUCTS TRADE SHOW AT METRO REGIONAL CENTER IN SUPPORT OF METRO'S RECYCLED PRODUCT PROCUREMENT PROGRAM

Date: September 15, 1993

Presented by: Genya Arnold

PROPOSED ACTION

Adoption of Resolution No. 93-1853 supporting The Recycled Products Trade Show at Metro Regional Center on October 27, 1993. The Resolution establishes Metro support and approval of the efforts of the In-House Waste Reduction Committee in hosting the trade show.

FACTUAL BACKGROUND AND ANALYSIS

The purpose of the trade show is to bring together vendors of recycled products, including office supplies, construction and building supplies, oils and lubricants, compost, paper products, plastic products, tires, etc., with the procurement staff of state, regional and local governments, including Bonneville Power Administration, Port of Portland, and Tri-Met. The goal in bringing together the producers and the consumers of recycled products is to foster paths of communication which will encourage the greater use of existing recycled products and development of new products. Vendors will be able to showcase their products to the consumers by promoting new products and demonstrating what is currently available. Consumers will be able to talk to the vendors and discuss consumer needs, offering suggestions for new areas of development.

The Recycled Products Trade Show is also in direct support of Metro Ordinance no. 93-513, adopting a Recycled Product Procurement Program, in that it supports the goals and objectives of the program, encourages development of recycling markets, and provides an opportunity for Metro to set an example for other institutions.

The part-day event on October 27 is scheduled for 10:00 a.m. to 4:00 p.m. at Metro Regional Center, and will utilize the conference rooms and central corridor of the second (entrance) floor. Tables will be provided for vendors to set up displays for their products. Over 65 vendors of recycled products are being invited, and it is expected that 20 to 30 vendors will participate. Invitations and flyers will be sent to government procurement offices and will include all staff involved in purchasing, as well as anyone else interested in attending. To lend a somewhat festive air to the event (and to encourage attendance by Metro staff and the governmental offices in the immediate area), a coffee and dessert vendor will be invited to set up a cart in the north plaza, and the Garbage Gurus will schedule a musical performance during the mid-day lunch hour.

BUDGET IMPACT

Impact of The Recycled Products Trade Show is expected to be minimal. Tables for vendors will be from those available at Metro regional Center and Convention Center. Design and printing of promotional materials will be done in-house. Those dessert and coffee vendors selected will attend at no charge to Metro, receiving their income from any sales generated by the attendees. A small stipend may be used for the Garbage Gurus' musical performance; however, this is not expected to be significant. Any costs incurred for the trade show will come from the Solid Waste Department Waste Reduction Division's budget, and are expected to be under \$200 for the event.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1853.

GA:gbc
amo/staf

Meeting Date: October 14, 1993
Agenda Item No. 5.3

RESOLUTION NO. 93-1859

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 93-1859, ACCEPTING A FOURTH GROUP OF NOMINEES TO
THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI)

Date: October 7, 1993

Presented by: Councilor Gates

COMMITTEE RECOMMENDATION: At its October 7, 1993 meeting the Governmental Affairs Committee voted 4-0 to recommend Council adoption of Resolution No. 93-1859. Voting were Councilors Gates, Hansen, Moore, and Wyers. Councilor Gardner was excused.

COMMITTEE DISCUSSION/ISSUES: Associate Council Analyst Judy Shioishi presented the staff report. She said there were more applications for this round of appointments than there had been in the previous round. She pointed out that one position would remain vacant, which is the alternate from District 10. There had been applications on file for that position, but none of those applicants remained both interested and residents of that district. In response to a question from Councilor Moore, Ms. Shioishi said Councilors had been invited to participate in the selection process, but had not been able to because of conflicts with Metro Council and committee meetings.

The Committee requested this item be placed on the Council's Consent Agenda.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ACCEPTING)	RESOLUTION NO. 93-1859
A FOURTH GROUP OF NOMINEES TO)	
THE METRO COMMITTEE FOR CITIZEN)	Introduced by The Governmental
INVOLVEMENT (METRO CCI))	Affairs Committee

WHEREAS, The Metro Council adopted the Regional Urban Growth Goals and Objectives (RUGGOs) on September 26, 1991 by Ordinance 91-418B; and

WHEREAS, A partnership is described therein between Metro, citizens, cities, counties, special districts, school districts, and state and regional agencies to work together in this planning process; and

WHEREAS, Citizen Participation is included in the RUGGOs as the first objective under Goal 1, the Regional Planning Process; and

WHEREAS, Objective 1.1 states that Metro shall establish a Regional Citizen Involvement Coordinating Committee (RCICC) to assist with the development, implementation and evaluation of its citizen involvement program and to advise the Regional Policy Advisory Committee regarding ways to best involve citizens in regional planning activities; and

WHEREAS, a committee was formed to draft, develop, solicit comments upon, and revise, a set of bylaws to establish the RCICC; and

WHEREAS, These bylaws identify the committee as the Metro Committee for Citizen Involvement (Metro CCI); and

WHEREAS, These bylaws have been adopted by the Metro Council by Resolution No. 92-1580A on May 28, 1992; and

WHEREAS, The Metro Charter called for the creation of an Office of Citizen Involvement, and the establishment of a citizens committee therein; and

WHEREAS, The Metro Council created said Office and established the Metro CCI as the citizen committee within that Office, by adopting Ordinance No. 93-479A,

WHEREAS, The Metro Council accepted the initial membership of the Metro CCI by Resolution No. 92-1666 on August 27, 1992; and

WHEREAS, The Metro Council approved the second round of applicants nominated to the Metro CCI by Resolution No. 92-1702 on October 20, 1992; and

WHEREAS, A third round of the selection process was approved by Resolution No. 92-1763 which was required to fill remaining vacancies and to fill a vacancy resulting from a change in residence; and

WHEREAS, This fourth round of the selection process is required to fill subsequent vacancies; and

WHEREAS, This fourth round of the selection process for nomination to the Metro CCI has been initiated, resulting in the nominations of individuals selected from each county's pool of applicants to act as their representative and alternate in the activities of the Metro CCI; now, therefore,

BE IT RESOLVED,

That the Metro Council accepts the persons nominated for membership on the Metro Committee for Citizen Involvement (Metro CCI) identified in Exhibit A attached to this resolution.

ADOPTED BY THE METRO COUNCIL this ____ day of _____, 1993.

Judy Wyers, Presiding Officer

EXHIBIT A
METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI)
POSITION DESCRIPTIONS & NOMINEES FOR VACANT ALTERNATE POSITIONS
 PHASE IV - October 7, 1993

Representing Areas Within Metro Council Districts:

Position #3 alternate: Represents area within Metro Council district #3 in Multnomah County for a three year term; beginning immediately and ending on December 31, 1995.

Janet Wright
 7421 SW Miles Place
 Portland, OR 97219

Position #4 alternate: Represents area within Metro Council district #4 primarily in Washington County but with portions of Clackamas and Multnomah Counties for a one year term; beginning immediately and ending on December 31, 1993.

Victor Adonri
 8823 SW Brightfield Circle
 Tigard, OR 97223

Position #6 alternate: Represents area within Metro Council district #6 in Clackamas County for a three year term; beginning immediately and ending on December 31, 1995.

Alice Neeley
 5925 SE Kent
 Milwaukie, OR 97222

Position #8 alternate: Represents area within Metro Council district #8 in Multnomah County for a one year term; beginning immediately and ending on December 31, 1993.

Kristin K. Heiberg
 7214 SE 13th Ave
 Portland, OR 97202

Position #11 alternate: Represents area within Metro Council district #11 in Multnomah County for a one year term; beginning immediately and ending on December 31, 1993.

Diane R Rebagliati
 5908 NE Simpson
 Portland, OR 97218

Position #12 alternate: Represents area within Metro Council district #12 in Multnomah County for a three year term; beginning immediately and ending on December 31, 1995.

Sharon Nickleberry
 6920 N. Vancouver
 Portland, OR 97217

Representing Area Outside Metro Boundary:

Position #15 alternate: Represents area within Multnomah County not a part of a Metro District boundary for a two year term; beginning immediately and ending on December 31, 1994.

Gerald L Penk
 22530 NW Gillihan Road
 Portland, OR 97231

Representing County CCI or CIC's:

Position #19 alternate: Represents the Washington County Committee for Citizen Involvement (CCI) for a three year term; beginning immediately and ending on December 31, 1995.

Irma J. Trommlitz
 515 NW 112th
 Portland, OR 97229

Staff Report

CONSIDERATION OF RESOLUTION 93-1859, FOR THE PURPOSE OF ACCEPTING A FOURTH ROUND OF NOMINEES TO THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI) TO FILL VACANCIES IN THE MEMBERSHIP OF THE COMMITTEE.

Date: September 28, 1993

Presented by:

Judy Shioishi

Background. Metro Council adoption of the Regional Urban Growth Goals and Objectives (RUGGO) on September 26, 1991 included citizen participation as the first objective under Goal 1, the Regional Planning Process. Metro established the Metro Committee for Citizens Involvement (renamed from the Regional Citizen Involvement Coordinating Committee) to assist with the development, implementation and evaluation of its citizen involvement program and to advise in ways to best involve citizens in regional planning activities.

The Charter outlined an Office of Citizen Involvement, as well as a citizen committee within that office. The Council created the Office of Citizen Involvement and established the Metro CCI as the citizen's committee to assist in the same fashion as outlined above.

The first meeting of the committee took place in December of 1992. During the past months, the committee membership has developed a number of vacancies, due to moves and other commitments for those involved.

This current round of nominees was selected from a much larger pool than in previous rounds, providing the County groups with even more of a challenge to select only one nominee than in preceding rounds. Councilors were invited to participate in the selection process, but all three meetings fell on Council and Standing Committee meeting nights and none of the Councilors invited was able to attend.

One vacancy remains, that of the alternate for District 10. Although a general solicitation was sent to the neighborhood groups in the district, no new applications were received. Due to moves and other circumstances, those formerly on file as applicants for this district were considered for positions in their current districts.

Finally, the bylaws require that in order to start staggered terms for these positions, one-third of the committee membership's terms will end in December of this year. Consequently at least one more resolution of this nature will be required within the next three months.

Meeting Date: October 14, 1993
Agenda Item No. 6.1

ORDINANCE NO. 93-517



METRO

DATE: October 7, 1993
TO: Metro Council
FROM: Casey Short, ^{CS} Council Analyst
RE: Ordinance No. 93-517

Ordinance No. 93-517 has been introduced by the Governmental Affairs Committee for first reading at the Council's October 14 meeting. This ordinance would add a new chapter to the Metro Code, pertaining to elections.

The ordinance does not include a staff report at this time. General Counsel Dan Cooper drafted the ordinance, at the request of Councilor Gates, but did not draft a staff report prior to going on vacation. He will draft a staff report before the Council meeting, and it will be distributed to the Governmental Affairs Committee in the committee's next agenda packet.

I apologize for any inconvenience.

BEFORE THE METRO COUNCIL

AN ORDINANCE FOR THE PURPOSE)
OF ADOPTING A NEW CHAPTER TO THE)
METRO CODE PERTAINING TO)
ELECTIONS)

ORDINANCE NO. 93-517
Introduced by Governmental
Affairs Committee

THE METRO COUNCIL HEREBY ORDAINS:

Section 1. The following title is added to the Metro Code:

TITLE IX

ELECTIONS

CHAPTERS:

9.01	Voters' Pamphlet
9.02	Vacancies in Office
9.03	Ballot Measures
9.04	Initiative and Referendum

CHAPTER 9.01

VOTERS' PAMPHLET

SECTIONS:

9.01.010	State Voters' Pamphlet
9.01.020	Definitions
9.01.030	District Measures Included in the Voters' Pamphlet
9.01.040	Preparation and Judicial Review of Ballot Titles
9.01.050	Preparation and Judicial Review of Explanatory Statements
9.01.060	Arguments Support and Opposing Measures
9.01.070	Filing of Material with the Secretary of State
9.01.080	Inclusion of Material in County Voters' Pamphlet

9.01.010 State Voters' Pamphlet: Metro believes it to be in the interest of the Electors of the District that ballot titles, explanatory statements and arguments relating to District measures be included in the Voters' Pamphlet, as authorized by ORS 251.285 and provided for in this Chapter.

9.01.020 Definitions: As used in this Chapter:

- (a) "Committee Director" has the meaning given that term in ORS 260.005.
- (b) "Court" means the Circuit Court of the State of Oregon for the County of Multnomah.
- (c) "Filing Officer" means the director of the Multnomah County Division of Elections.
- (d) "Measure" has the meaning given that term in ORS 251.005.
- (e) "Political Committee" has the meaning given that term in ORS 260.005.
- (f) "Voters' Pamphlet" means the State Voters' Pamphlet published pursuant to ORS chapter 251.

9.01.030 District Measures Included in the Voters' Pamphlet: A District Measure shall qualify for inclusion in the Voters' Pamphlet under the provisions of ORS 251.285 and this Chapter if:

- (a) The Measure is submitted to the Electors at an election for which a Voters' Pamphlet is printed;

(b) All procedures set forth in this Chapter relating to the preparation of the ballot title and explanatory statement for the measure have been completed on or before the 75th day prior to the date of the election at which the Measure is to be submitted to the Electors; and

(c) In the case of a Measure proposed by Initiative or Referendum petition:

- (1) The Filing Officer certifies that the petition has sufficient qualified signatures to require submission of the Measure to the Electors; and
- (2) Such certification is filed with the Executive Officer on or before the 90th day preceding the election at which the Measure is to be submitted to the Electors.

9.01.040 Preparation and Judicial Review of Ballot Titles:

(a) A ballot title for a Measure proposed by Metro Initiative or Referendum petition shall be prepared as provided in ORS 255.145. A ballot title for a Measure referred to the Electors by the District shall be prepared by the District.

(b) Judicial review of any ballot title for a District Measure shall be as provided in ORS 255.155.

9.01.050 Preparation and Judicial Review of Explanatory Statements:

(a) Explanatory statements for all District Measures shall be prepared by the General Counsel and shall be filed with the Executive Officer. An explanatory statement shall be an impartial, simple and understandable statement of 500 words or less, explaining the measure and its effect. The explanatory statement for a Measure referred by the District shall be filed with the Executive Officer and the Council no later than five days after a resolution referring a Measure is acted upon by the Council. The explanatory statement for a Measure proposed by Initiative or Referendum petition shall be filed with the Executive Officer not later than the seventh business day after the petition is submitted to the Filing Officer for signature verification.

(b) Upon receipt of an explanatory statement, the Executive Officer shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the statement including notice that an Elector may file a petition for review of the statement not later than the date referred to in subsection (c) of this section. The Executive Officer and the Filing Officer may jointly publish notice of the explanatory statement and ballot title for a Measure in the same publication.

(c) Any Elector dissatisfied with an explanatory statement for a District Measure may petition the Court stating the reasons why the statement does not meet the requirements of

subsection (a) of this section. The petition shall be filed not later than the seventh business day after the statement is filed with the Executive Officer. An Elector filing a petition with the Court shall also file a copy of the petition with the Executive Officer not later than the end of the next business day following the date the petition is filed with the Court. The Court shall review the statement and Measure, hear arguments, if any, and certify to the Executive Officer a statement for the Measure which meets the requirement of subsection (a) of this section. Review by the Court shall be first and final.

9.01.060 Arguments Supporting and Opposing Measures:

(a) Arguments in support of or opposition to a Measure which is subject to this Chapter may be filed with the Executive Officer not later than the 75th day prior to the date of the election at which the Measure is to be submitted to the Electors by:

- (1) Any person who tenders a filing fee in the amount of \$300 and submits a statement on such form as the Executive Officer may prescribe or provide, which:
 - (A) Identifies the name of the person who submitted the argument;
 - (B) Identifies the name of the organization the person represents, if any;
 - (C) Indicates whether the argument supports or opposes the Measure; and
 - (D) Indicates who authorized publication of the argument.

- (2) A person who files a petition for the inclusion of the argument in the Voters' Pamphlet which contains the signatures of not less than 1,000 Electors of the District. Before the argument is filed with the Executive Officer, the signatures on the petition shall be verified by the Filing Officer. Prior to the circulation of a petition under this paragraph, a prospective petition shall be filed with the Executive Officer, on such form as the Executive Officer may prescribe or provide, which:
 - (A) Sets forth the text of the proposed argument;
 - (B) Identifies the name of the person who submitted the argument;
 - (C) Indicates the name of the organization the person represents, if any;

- (D) Indicates whether the argument supports or opposes the Measure; and
- (E) Indicates who authorized publication of the argument.

(b) Arguments shall be typewritten and shall be prepared for printing on 29.7 square inches of the Voters' Pamphlet.

9.01.070 Filing of Material with the Secretary of State: The Executive Officer shall file all Measures, ballot titles, explanatory statements and arguments that meet the requirements of this Chapter with the Secretary of State and the Clerk of the Council not later than the 70th day prior to the date of the election for which a Voters' Pamphlet will be printed.

9.01.080 Inclusion of Material in County Voters' Pamphlet: During the period that section _____, chapter _____, Oregon Laws 1993 (SB 1072) shall be in effect instead of filing all material with the Secretary of State, the Executive Officer shall cause all Measures, ballot titles, explanatory statements, and arguments filed with the Executive Officer pursuant to this Chapter to be filed in a timely fashion with the appropriate officials of Multnomah, Washington and Clackamas counties for inclusion in any Voters' Pamphlet published by a county. Otherwise, all other provisions of this Chapter shall remain in full force and effect except that "Voters' Pamphlet" shall include any voter pamphlet published by Multnomah, Washington or Clackamas counties.

CHAPTER 9.02

VACANCIES IN OFFICE

SECTIONS:

9.02.010	Definitions
9.02.020	Vacancy in Office
9.02.030	Filling of Vacancy
9.02.040	Term of Appointment

9.02.010 Definitions: For the purposes of this Chapter, unless the context requires otherwise:

(a) "Director" means the Director of the Division of Elections of Multnomah County, or the authorized representative.

(b) "Elective Office" means the:

- (1) Executive Officer;
- (2) Metro Auditor; or
- (3) Metro Councilor.

9.02.020 Vacancy in Office: An Elective Office of Metro shall become vacant:

(a) Upon the incumbent's:

- (1) Death;
- (2) Adjudicated incompetence;
- (3) Recall from the office;
- (4) Upon the failure of the person elected or appointed to the office to qualify for it within 10 days after the time for the term of office to commence;
- (5) In the case of a member of the Metro Council, upon absence from all meetings of the Council within a 60-day period without the Council's consent;

- (6) Ceasing to reside in the District from which elected or appointed, except when District boundaries are reapportioned and a Councilor is assigned to a District where the Councilor does not reside and the Councilor becomes a resident of the reapportioned District within 60 days after the reapportionment is effective;
- (7) Ceasing to be a qualified elector under State law;
- (8) Conviction of a felony, or conviction of a federal or state offense punishable by a loss of liberty and pertaining to his or her office;
- (9) Resignation from office;
- (10) Becoming an elected officer of the state or a city, county or special district;
- (11) In case of the Executive Officer or Auditor, upon his or her ceasing to reside within the District; or
- (12) In the case of the Auditor, if the incumbent ceases to hold the designation of Certified Public Accountant or Certified Internal Auditor.

9.02.030 Filling of Vacancy: The Metro Council, upon becoming aware of a vacancy in an Elective Office, shall promptly determine and declare the date of vacancy.

(a) Whenever a vacancy occurs on the Council, the Council shall commence a process to fill the vacancy by appointment by a majority vote of the remaining members of the Metro Council.

- (1) The appointment process shall include the following:
 - (A) Notification of the appointment process in a newspaper of general circulation in the District, in local newspapers which serve the Council subdistrict, and other journals, publications and circulars deemed appropriate at least three weeks prior to the appointment.
 - (B) Notification of the appointment process to official neighborhood organizations, cities, civic groups, and other recognized groups with territory within the vacant Council subdistrict at least three weeks prior to the appointment.

- (C) Distribution of a Council appointment application to interested citizens at least two weeks prior to the appointment.
- (D) Conduct of a public hearing in the vacant District before a subcommittee of the Council appointed by the Presiding Officer. The subcommittee shall report all testimony received to the full Council.
- (E) Conduct of interviews with applicants for the vacant position before the Council.

(2) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two applicants who receive the most votes until an applicant receives a majority vote of the Council.

(b) If a vacancy occurs in office of Executive Officer or Auditor, the Metro Council shall appoint a person to fill the vacancy in the manner described in (a)(2) above.

9.02.040 Term of Appointment: If the vacancy occurs more than 20 days prior to the next general election day and there are more than two years remaining to the term of office, the appointment shall be for the period until the first Monday in January following the next general election day. If the vacancy occurs during a time period other than that provided for in subsection (a) above, the appointment shall be for the remainder of the term of the office in which the vacancy exists.

CHAPTER 9.03

BALLOT MEASURES, INITIATIVE AND REFERENDUM

SECTIONS:

9.03.010	Definitions
9.03.020	Referrals by Metro Council
9.03.030	Prospective Petition
9.03.035	One Subject Determination
9.03.040	Ballot Title; Appeal
9.03.050	Petition and Circulation Requirements
9.03.060	Filing and Percentage Requirements; Verification
9.03.070	Election Dates
9.03.080	Election Notice and Procedure
9.03.090	Applicability of State Law

9.03.010 Definitions: As used in this Chapter, unless the context requires otherwise:

- (a) "Director" means the Director of the County's Division of Elections, or the Director's designees, or any officer subsequently performing the present duties of the Director, or the designees of that officer.
- (b) "Elector" means any legal voter of the District.
- (c) "Initiative" means a duly authorized command from the Electors of the District to allow the Electors of the District to determine whether a matter that constitutes Metro legislation should be adopted.
- (d) "Measure" means any Metro Legislation, Proposition or Question.
- (e) "Metro Legislation" means any legislation which has been or lawfully may be enacted by Metro, and includes any amendment, revision or repeal of the 1992 Metro Charter, but does not include any Proposition or Question.
- (f) "Proposition" means any request for voter approval of a property tax levy, tax base, general obligation bond Measure, or any tax requiring voter approval pursuant to Section 11 of the 1992 Metro Charter, or other similar matter submitted to the Electors of the District for the purpose of authorizing the imposition of any ad valorem real property tax.

(g) "Question" means any matter other than Metro Legislation or a Proposition including but not limited to an advisory matter submitted by the Council to the Electors of the District for approval or rejection.

(h) "Referendum" means a duly authorized command from the Electors of the District to require that Metro Legislation adopted by the Metro Council be subject to approval of the Electors of the District before it shall become effective.

(i) "Referral" means an action taken by the Metro Council to submit any Measure directly to the Electors of the District.

(j) "Regular Election" means any election held on the same date as a regular biennial statewide primary or general election.

(k) "Special Election" means any election held on a date other than a Regular Election date.

9.03.020 Referrals by Metro Council:

(a) The Metro Council may directly refer any Measure to the Electors for their approval or rejection including Metro Legislation, any Proposition or any Question, and may directly refer to the Electors proposed amendments, or revisions of the 1992 Metro Charter or parts thereof. Prior to submitting any revision of the 1992 Metro Charter to the voters, the Council shall conduct at least two public hearings with the second hearing to be held at least 28 days after the first hearing.

(b) The Council shall act to refer a Measure by the adoption of a resolution. The resolution shall contain either directly or as an exhibit the Measure referred to the Electors, the ballot title, and any other material required by law.

(c) In the case of Measures the Metro Council refers under subsection (a) of this section, the Metro Council shall prepare a ballot title complying with the requirements of Oregon Laws, and shall certify such ballot title to the Director.

(d) The Director, upon receiving a ballot title for a District Measure referred by the Metro Council, shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the ballot title including notice that an Elector may file a petition for review of the ballot title not later than the date referred to in subsection (e) of this section.

(e) Any Elector may petition the Court to challenge the ballot title prepared by the Metro Council. Such petition must be filed with the Court within seven business days of the Metro Council's certification. Any person filing a petition of review with the Court must file a copy of the challenge with the Director and the Executive Officer not later than the end of

the business day next following the date the petition is filed with the Court. Nothing in this section is intended to invalidate a petition that is timely filed with the Court.

(f) A Measure shall be considered referred under this section as of the date the Metro Council certifies its ballot tile to the Director.

9.03.030 Prospective Petition:

(a) Prior to circulating a petition proposing an Initiative or Referendum on Metro Legislation among the Electors, the chief petitioners shall file a prospective petition with the Director, in such form as the Director shall prescribe or provide, showing:

- (1) The signatures, printed names and mailing addresses of at least one but not more than three chief petitioners, all of whom must be Electors of the District;
- (2) In the case of Initiative Measure, the text of Metro Legislation proposed for adoption, amendment, revision or repeal, and, where applicable, the title, ordinance number, and charter or ordinance section numbers proposed for amendment, revision or repeal; and
- (3) In the case of Referendum Measures, the text of Metro Legislation proposed for Referral, and where applicable, the title, ordinance number or ordinance section numbers of Metro Legislation proposed for Referral.

(b) The Director shall inscribe the date of filing upon any prospective petition filed in the Director's office.

(c) After a prospective petition for a Referendum Measure has been filed with the Director, and the Director has determined that the prospective petition complies with the requirements of this Chapter, and other applicable law, the Director shall forthwith certify to one of the chief petitioners that petitions for the Referendum Measure proposed by the prospective petition may be circulated among the Electors, in accordance with the procedures set forth in Section 9.03.050.

9.03.035 One Section Determination:

(a) Not later than the fifth business day after receiving a prospective petition for an Initiative Measure, the Director shall determine in writing whether the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution.

(b) If the Director determines that the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, the election officer shall proceed as

required in 9.03.040. The Director shall include in the publication required under 9.03.040(b) a statement that the Initiative Measure has been determined to meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution.

(c) If the Director determines that the Initiative Measure does not meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, the Director shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(d) Any Elector dissatisfied with a determination of the Director under subsection (a) of this section may petition the Court of the judicial district in which the administrative office of the district is located seeking to overturn the determination of the Director. If the Elector is dissatisfied with a determination that the Initiative Measure meets the requirements of section 1(2)(d), Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the ballot title is filed with the Director. If the Elector is dissatisfied with a determination that the Initiative Measure does not meet the requirements of section 1(2)(d), Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the written determination is made by the Director.

(e) The review by the Court shall be the first and final review, and shall be conducted expeditiously to insure the orderly and timely circulation of the petition.

9.03.040 Ballot Title; Appeal:

(a) Prior to the conclusion of the business day next following the filing of a prospective petition which proposes an Initiative Measure and which complies with the requirements of this Chapter, and other applicable law, the Director shall transmit two copies to the General Counsel of Metro, who shall, within five business days after receiving the prospective petition, prepare a ballot title for the Measure proposed. The ballot title shall consist of:

- (1) A caption of not more than 10 words which reasonably identifies the subject of the Measure;
- (2) A question of not more than 20 words which plainly phrases the chief purpose of the Measure so that an affirmative response to the question corresponds to an affirmative vote on the Measure; and
- (3) A concise and impartial statement of not more than 85 words summarizing the Measure and its major effect.

After preparing the ballot title, the General Counsel shall immediately return one copy of the prospective petition and title to the Director and shall immediately transmit one copy of the prospective petition and title to one of the chief petitioners.

(b) The Director, upon receiving a ballot title for a Metro Measure, shall publish in the next available edition of a newspaper of general circulation in the District a notice of receipt of the ballot title including notice that an Elector may file a petition for review of the ballot title not later than the date referred to in subsection (c) of this section.

(c) Upon receiving the prospective petition and title from the General Counsel, the Director shall inscribe the date of receipt on it. Within seven business days after that date, any Elector may petition the Court for the county to challenge the ballot title prepared by the General Counsel. At the end of the seven-day period, or following the final adjudication of any challenge, the Director shall certify the ballot title as prepared by the General Counsel or as prescribed by the court, as the case may be, to one of the chief petitioners.

(d) Any person filing a petition of review with the Court must file a copy of the challenge with the Director and the Executive Officer not later than the end of the business day next following the date the petition is filed with the Court. Nothing in this section is intended to invalidate a petition that is timely filed with the Court.

(e) The procedures set forth in subsections (a) through (d) of this section for preparation of, and challenges to, ballot titles for Initiative Measures shall also apply to Referendum Measures. However, the completion of such procedures shall not be a prerequisite to the circulation of petitions for Referendum Measures under 9.03.050, and ballot titles need not be stated on petitions circulated to propose Referendum Measures.

9.03.050 Petition and Circulation Requirements:

(a) After the requirements of subsection (c) of 9.03.030 have been met in the case of Referendum Measures, and after the requirements of 9.03.040 have been met in the case of Initiative Measures, the chief petitioners and any other persons eligible to circulate Initiative and Referendum petitions under state law may circulate a petition for the Measure among the Electors. Each copy of the petition so circulated shall consist of a cover page and signature sheet or sheets.

(b) The cover page shall state the names and mailing addresses of the chief petitioners, shall contain the information required by paragraph 2 of subsection (a) of section 9.03.030 or paragraph 3 of subsection (a) of section 9.03.030 and, shall state the ballot title certified by the Director under subsection (c) of section 9.03.040.

(c) Each signature sheet shall contain space for signatures of 20 Electors. Each Elector signing the petition shall do so by affixing the Elector's signature, the date of the signature, and by printing the Elector's name, residence address and, if known, the Elector's precinct number.

(d) Each signature sheet of an Initiative petition shall contain the caption of the ballot title.

(e) Each signature sheet of a Referendum petition shall contain the title, ordinance number or ordinance section numbers of Metro Legislation proposed by Referral.

(f) No signature sheet shall be circulated by more than one person. Each signature sheet shall contain a statement signed by the circulator that each Elector who signed the sheet did so in the circulator's presence, and, to the best of the circulator's knowledge, each such Elector is a legal voter of the District and that the information placed on the sheet by each such Elector is correct.

9.03.060 Filing and Percentage Requirements: Verification:

(a) The Director shall accept for signature verification in accordance with this Chapter only petitions which comply with the requirements of this Chapter and other applicable law.

(b) No petition shall be accepted for filing unless it contains at least the required number of verified signatures to submit the Measure to the Electors, as prescribed by subsections (g), (h) or (i) of this section.

(c) No Initiative petition shall be accepted for signature verification more than six months after the date of the Director's certification under subsection (c) of section 9.03.040.

(d) Any petition to refer legislation adopted by the Metro Council must be submitted for verification not more than 90 days after Metro's adoption of such legislation, and no later than the effective date of the ordinance if the ordinance contains an emergency clause. Legislation adopted by the Metro Council is not subject to the Referendum after the date it becomes effective or 90 days whichever is sooner.

(e) An Initiative or Referendum petition shall not be accepted for signature verification if it contains less than 100 percent of the required number of signatures.

(f) Upon the acceptance of a petition, the Director shall verify the signatures thereon. Such verification may be performed by random sampling in a manner approved by the Secretary of the State of Oregon.

Within 15 days after the Director's acceptance of a petition, the Director shall certify to Metro whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed Measure to the Electors, and shall also state in the certificate the number of qualified signatures prescribed by subsections (g), (h) or (i) of this section to require the proposed Measure to be submitted to the Electors. The petition shall be considered filed as of the date of the Director's certification.

(g) An Initiative Measure proposing the amendment, revision or repeal of the 1992 Metro Charter, or parts thereof, shall be submitted to the Electors if the number of qualified

signatures on the petition therefor equals or exceeds 8 percent of the total number of votes cast in the District for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

(h) An Initiative Measure proposing the adoption, amendment or repeal of any other Metro legislation, or parts thereof, shall be submitted to the Electors in the number of qualified signatures on the petition therefor equals or exceeds 6 percent of the total number of votes cast in the District for all candidates for Governor at the most recent previous general election at which the office of Governor was filled for a four-year term.

(i) A Referendum Measure shall be submitted to the Electors if the number of qualified signatures on the petition therefor equals or exceeds 4 percent of the total number of votes cast in the District for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

9.03.070 Election Dates:

(a) Upon receiving the Director's certificate that a petition has been filed with sufficient qualified signatures to require an Initiative or Referendum to be submitted to the Electors under Section 9.03.060, [or upon referring the Measure on its own motion under Section 9.03.020,] the Metro Council shall call an election for submission of the Measure to the Electors. The Metro Council shall call the election no later than the next available general or primary election date that is not sooner than the 90th day after the date of the Director's certificate certifying sufficient signatures, but may call the election in its discretion at an earlier election date available under state law for which the filing deadlines may be met.

(b) In the event of a Metro Council Referral of a Measure under section 9.03.020, the election shall be held on election date specified by the Metro Council in the resolution referring the Measure to the voters.

9.03.080 Election Notice and Procedure:

(a) In the case of Special Elections, the Metro Council shall cause notice thereof by publication in two newspapers of general circulation within the District one each week for three consecutive weeks prior to the election. The notice shall contain the date of the election, the hours the polls will be open and the ballot title of the Measure. In addition, on the day preceding or the day of the election, the Director shall cause the polling places at which Electors may register their votes to be published in at least two newspapers of general circulation within the District. The Director shall appoint clerks for any Special Election and may combine precincts in accordance with state law.

(b) Notice of elections on Measures to be submitted to the Electors on Regular Election dates shall be given in accordance with state law and such elections shall be

conducted in conjunction with the elections of offices and other Measures to be submitted to the Electors on said election dates.

(c) The requirements of subsections (a) and (b) of this section do not apply when the election is to be conducted by mail in accordance with state law.

(d) Measures referred by the Metro Council shall be designated on the ballot "Referred to the People by the Metro Council."

(e) Measures proposed by referendum petition shall be designated on the ballot "Referred by Petition of the People."

(f) Measure proposed by Initiative petition shall be designated on the ballot "Proposed by Initiative Petition."

(g) Within 20 days following any election, the Director shall certify the election results to the Metro Council. The Metro Council shall thereupon canvass the vote and enter its proclamation of the results in the Council records.

(h) Metro Legislation adopted by the Electors shall take effect upon the certification of the results of the election at which it is adopted after the election, unless such Measure expressly provides a later effective date. The results of elections on Propositions or Questions shall be effective upon the proclamation of the results.

9.03.090 Applicability of State Law: Applicable provisions of state law, dealing with any Initiative and Referendum procedures or other election matters regulated by this Chapter, shall be controlling where there is a direct conflict with the provisions of this Chapter. However, the provisions of this Chapter shall be given full force and effect and shall be construed liberally in order that they shall be found not to conflict with provisions of state

////
////

elections law and shall be considered paramount relating to matters subject to regulation and legislation by the Metro Council.

Section 2. The provisions of Chapter 2.10 and Section 2.01.180 of the Metro Code are hereby repealed.

ADOPTED by the Metro Council this ____ day of _____, 199__.

Judy Wyers, Presiding Officer

ATTEST:

Clerk of the Council

gl

1136

Meeting Date: October 14, 1993
Agenda Item No. 6.2

ORDINANCE NO. 93-516

STAFF REPORT

CONSIDERATION OF ORDINANCE NO 93-516 AMENDING ORDINANCE 93-487A REVISING THE FY 1993-94 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF APPROPRIATING FUNDS TO CONSULT WITH BUSINESS AND CIVIC LEADERS AND DEVELOP RECOMMENDATIONS REGARDING GREENSPACES ACQUISITION CAPITAL IMPROVEMENT AND OPERATIONS FUNDING OPTIONS

Date: October 4, 1993

Presented By: Andy Cotugno

PROPOSED ACTION

This Ordinance would amend the FY 1993-94 Budget to appropriate \$35,000 from General Fund Contingency to the Regional Parks and Greenspaces Fund, Miscellaneous Professional Services line item, to assist in funding a personal services agreement with a private firm to consult with business and civic leaders in the region and develop recommendations for funding a Greenspaces acquisition and capital improvement program and operations assuming an acquisition revenue stream is available.

FACTUAL BACKGROUND AND ANALYSIS

Resolution 93-1844A, adopted September 23, 1993, stated the Metro Council's intent to refer a Greenspaces acquisition and capital improvement bond measure to the voters in 1994 and directed staff "... to establish a process to consult with business and civic leaders for recommendations on the particular election date and bond measure amount, and return to the Metro Council by October 15, 1993 with a specific recommendation on the consultation process."

Staff recommend that the consultation process include one on one interviews with business and civic leaders and establishment of a "Blue Ribbon Committee" of recognized public policy shapers to specifically investigate and recommend bond details and/or other funding options for the Greenspaces Program to the Executive Officer and Metro Council. The consultant is expected to conduct the interviews, recommend potential members of the Blue Ribbon Committee, facilitate the Blue Ribbon Committee, including meeting organization and logistics, agenda development and minute taking, conduct a public opinion survey, and prepare a final report including analysis of the results of interviews and opinion survey, and articulating final recommendations of the Blue Ribbon Committee.

The specific scope of work is included in the "Request For Proposals" (RFP) which is scheduled for review by the Council Government Affairs Committee on October 7, 1993. Total cost for consultant services as presented in the RFP is \$80,000. Of this amount, \$45,000 is proposed to be reallocated within the materials and services category of the adopted FY 1993-94 Regional Parks and Greenspaces Fund. This does not require a budget action by the Council. The remaining \$35,000 is proposed to be drawn from the General Fund contingency line item. The General Fund Transfer is the subject of this budget amendment ordinance.

Staff strongly recommend that the RFP and budget amendment ordinance be considered jointly. In order to accomplish this, the following process is being pursued. Should the Government Affairs Committee authorize at the October 7 meeting, staff will release the RFP for an eighteen day period. Filing of this ordinance proposing a budget amendment allows first reading at the Metro Council on October 14. If referred by the Council, the budget amendment ordinance would be before the Council Finance Committee on October 27 and return to the full Council for final

action on November 11 (or the alternate date established by the Council since the 11th is Veterans Day). A selection committee will evaluate the proposals for consultant services and recommend award of the contract by the agenda filing deadline for the November 11/alternate Council meeting. This timing allows actions concerning the scope of work, funding level, consultant selection and budget amendment to all occur at the same Council meeting.

The Metropolitan Greenspaces Policy Advisory Committee was informed of the pending RFP at the September 29, 1993 meeting. Although no formal Greenspaces Technical and Policy Advisory Committee review and recommendation is required, it is staff's intent to review the RFP and budget amendment ordinance in more detail at the scheduled October 15 (TAC) and October 27 (PAC) meetings for comment.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 93-516.

PL/arb
e:\pd\res&ord\93-516

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE)
NO. 93-487A REVISING THE FY 1993-94)
BUDGET AND APPROPRIATIONS)
SCHEDULE FOR THE PURPOSE OF)
APPROPRIATING FUNDS TO CONSULT)
WITH BUSINESS AND CIVIC LEADERS AND)
DEVELOP RECOMMENDATIONS)
REGARDING GREENSPACES ACQUISITION)
CAPITAL IMPROVEMENT AND)
OPERATIONS FUNDING OPTIONS)

ORDINANCE NO. 93-516

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations within the FY 1993-94 Budget; and

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

WHEREAS, Oregon Budget Law, ORS 294.450(3), allows for the transfer of appropriation from the General Fund to any other fund during the fiscal year; and

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

THE METRO COUNCIL HEREBY ORDAINS:

1. That Ordinance No. 93-487A, Exhibit B, FY 1993-94 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 \$35,000 from the General Fund to the Greenspaces Planning division of the Regional Parks and Expo Fund to fund a personal services agreement with a private firm to consult with business and civic leaders in the region and development recommendations for funding a Greenspaces acquisition and capital improvement program.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, in order to meet obligations and 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

kr:ord93-94:greenrp:ORD.DOC
October 4, 1993

**Exhibit A
Ordinance No. 93-516**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
General Fund:All Other Expenditures							
Total Other Expenditures			1,955,479		0		1,955,479
General Fund:General Expenses							
<u>Interfund Transfers</u>							
581513	Trans. Indirect Costs to Bldg. Fund-Regional Center		163,504		0		163,504
581610	Trans. Indirect Costs to Support Svcs. Fund		488,647		0		488,647
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Gen'l		2,173		0		2,173
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Workers' Comp		8,238		0		8,238
582550	Trans. Resources to Oregon Conv. Ctr. Oper. Fund		0		0		0
583610	Trans.Direct Costs to Support Svcs. Fund		40,000		0		40,000
583615	Trans.Direct Costs to Risk Management Fund		14,429		0		14,429
<u>Excise Tax Transfers</u>							
582140	Trans. Resources to Planning Fund		1,780,738		0		1,780,738
582513	Trans. Resources to Building Mgmt. Fund		58,869		0		58,869
582610	Trans. Resources to Support Svcs. Fund		70,000		0		70,000
582160	Trans. Resources to Reg. Parks/Expo Fund-Greenspaces		558,172		35,000		593,172
582160	Trans. Resources to Reg. Parks/Expo Fund-Parks		80,000		0		80,000
Total Interfund Transfers			3,264,770		35,000		3,299,770
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		427,500		(35,000)		392,500
599990	Unappropriated Fund Balance		267,665		0		267,665
Total Contingency and Unapp. Balance			695,165		(35,000)		660,165
TOTAL EXPENDITURES		16.00	5,915,414	0.00	0	16.00	5,915,414

Note: This action assumes adoption of Ordinance No. 93-511, Greenspaces Options Demonstration Project, as approved by the Council Finance Committee on September 22, 1993.

**Exhibit A
Ordinance No. 93-516**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Expo Fund:Resources							
<u>Resources</u>							
REGIONAL PARKS AND EXPO							
322000	Boat Ramp Use Permit		2,000		0		2,000
338000	Local Gov't Shared Revenues-R.V. Registration Fees		28,330		0		28,330
338200	Local Gov't Shared Revenues-Marine Fuel Tax		140,929		0		140,929
339200	Intergovernmental Revenue		187,372		0		187,372
341700	Grave Openings		105,698		0		105,698
341710	Cemetery Sales		40,214		0		40,214
347100	Admissions		349,215		0		349,215
347110	User Fees		23,594		0		23,594
347120	Reservation Fees		137,866		0		137,866
347220	Rental-Buildings		472,000		0		472,000
347300	Food Service		432,686		0		432,686
347830	Contract Revenue		708,000		0		708,000
347900	Other Miscellaneous Revenue		210,084		0		210,084
347960	Boat Launch Fees		111,025		0		111,025
361100	Interest Earned		41,151		0		41,151
373500	Sale of Proprietary Assets		15,264		0		15,264
374000	Parking Fees		520,000		0		520,000
391010	Trans. of Resources from General Fund		80,000		0		80,000
GREENSPACES PLANNING							
331110	Federal Grants				0		
	National Parks Service		25,000		0		25,000
	U.S. Fish & Wildlife Service		870,100		0		870,100
	U.S. Fish & Wildlife Service (Year 4)		125,000		0		125,000
337210	Local Grants				0		
	City of Portland, IPA/EPA		27,500		0		27,500
	Local governments		10,000		0		10,000
365100	Donations & Bequests		5,500		0		5,500
391010	Trans. of Resources from General Fund-Excise Tax		558,172		35,000		593,172
391140	Trans. Resources from Planning Fund		114,500		0		114,500
393761	Trans. Direct Costs from Smith & Bybee Lakes Fund		18,700		0		18,700
TOTAL RESOURCES			5,359,900		35,000		5,394,900

**Exhibit A
Ordinance No. 93-516**

FISCAL YEAR 1993-94	ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
			FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks Division								
		Total Personal Services	36.84	1,246,756	0.00	0	36.84	1,246,756
		Total Materials & Services		704,713		0		704,713
		Total Capital Outlay		11,945		0		11,945
		TOTAL EXPENDITURES	36.84	1,963,414	0.00	0	36.84	1,963,414

Expo Center Division

		Total Personal Services	8.50	378,807	0.00	0	8.50	378,807
		Total Materials & Services		568,048		0		568,048
		Total Capital Outlay		168,970		0		168,970
		TOTAL EXPENDITURES	8.50	1,115,825	0.00	0	8.50	1,115,825

Greenspaces Planning Division

		Total Personal Services	6.31	352,921	0.00	0	6.31	352,921
		Materials & Services						
521100		Office Supplies		2,976		0		2,976
521110		Computer Software		2,295		0		2,295
521111		Computer Supplies		2,015		0		2,015
521240		Graphics/Reprographic Supplies		750		0		750
521260		Printing Supplies		1,000		0		1,000
521310		Subscriptions		1,750		0		1,750
521320		Dues		575		0		575
524130		Promotion/Public Relation Services		10,000		0		10,000
524190		Miscellaneous Professional Services		971,600		60,000		1,031,600
525710		Equipment Rental		500		0		500
526200		Ads & Legal Notices		30,000		0		30,000
526310		Printing Services		97,500		(12,500)		85,000
526320		Typesetting & Reprographics Services		17,000		0		17,000
526410		Telephone		4,000		0		4,000
526420		Postage		60,000		(12,500)		47,500
526440		Delivery Services		800		0		800
526500		Travel		4,300		0		4,300
526700		Temporary Help Services		800		0		800
526800		Training, Tuition, Conferences		2,725		0		2,725
529500		Meetings		4,100		0		4,100
		Total Materials & Services		1,214,686		35,000		1,249,686
		Total Capital Outlay		62,500		0		62,500
		TOTAL EXPENDITURES	6.31	1,620,107	0.00	35,000	6.31	1,656,107

**Exhibit A
Ordinance No. 93-516**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Expo Fund:General Expenses							
<u>Interfund Transfers</u>							
581610	Trans. Indirect Costs to Supp. Svcs. Fun		370,554		0		370,554
581615	Trans. Indirect Costs to Risk Mgmt Fund-Liability		43,000		0		43,000
581615	Trans. Indirect Costs to Risk Mgmt Fund-Worker Comp		35,000		0		35,000
581513	Trans. Indirect Costs to Bldg Mmgt Fund		30,000		0		30,000
583751	Transfer Direct Costs to MERC Admin. Fund		70,000		0		70,000
Total Interfund Transfers			548,554		0		548,554
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		112,000		0		112,000
Total Contingency and Unappropriated Balance			112,000		0		112,000
TOTAL EXPENDITURES		51.65	5,359,900	0.00	35,000	51.65	5,394,900

Note: This action assumes adoption of Ordinance No. 93-511, Greenspaces Options Demonstration Project, as approved by the Council Finance Committee on September 22, 1993.

Exhibit B
Schedule of Appropriations
Ordinance No. 93-516

	Current Appropriation	Revision	Proposed Appropriation
GENERAL FUND			
Council			
Personal Services	987,165	0	987,165
Materials & Services	149,546	0	149,546
Capital Outlay	4,000	0	4,000
Subtotal	1,140,711	0	1,140,711
Executive Management			
Personal Services	343,248	0	343,248
Materials & Services	79,532	0	79,532
Capital Outlay	0	0	0
Subtotal	422,780	0	422,780
Office of Government Relations			
Personal Services	67,538	0	67,538
Materials & Services	74,450	0	74,450
Capital Outlay	0	0	0
Subtotal	141,988	0	141,988
Special Appropriations			
Materials & Services	250,000	0	250,000
Subtotal	250,000	0	250,000
General Expenses			
Interfund Transfers	3,264,770	35,000	3,299,770
Contingency	427,500	(35,000)	392,500
Subtotal	3,692,270	0	3,692,270
Unappropriated Balance	267,665	0	267,665
Total Fund Requirements	5,915,414	0	5,915,414
REGIONAL PARKS AND EXPO FUND			
Regional Parks			
Personal Services	1,246,756	0	1,246,756
Materials & Services	704,713	0	704,713
Capital Outlay	11,945	0	11,945
Subtotal	1,963,414	0	1,963,414
Expo Center			
Personal Services	378,807	0	378,807
Materials & Services	568,048	0	568,048
Capital Outlay	168,970	0	168,970
Subtotal	1,115,825	0	1,115,825
Greenspaces Planning			
Personal Services	352,921	0	352,921
Materials & Services	1,214,686	35,000	1,249,686
Capital Outlay	52,500	0	52,500
Subtotal	1,620,107	35,000	1,655,107

**Exhibit B
Schedule of Appropriations
Ordinance No. 93-516**

	Current Appropriation	Revision	Proposed Appropriation
REGIONAL PARKS AND EXPO FUND (continued)			
General Expenses			
Interfund Transfers	548,554	0	548,554
Contingency	112,000	0	112,000
Subtotal	660,554	0	660,554
Total Fund Requirements	5,359,900	35,000	5,394,900

All Other Appropriations Remain As Previously Adopted

Note: This action assumes adoption of Ordinance No. 93-511, Greenspaces Options Demonstration Project, as approved by the Council Finance Committee on September 22, 1993.

Meeting Date: October 14, 1993
Agenda Item No. 7.1

ORDINANCE NO. 93-513

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 93-513, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.04, ADOPTING A RECYCLED PRODUCT PROCUREMENT PROGRAM FOR METRO

Date: October 6, 1993

Presented by: Councilor McLain

Committee Recommendation: At the October 5 meeting, the committee voted unanimously to recommend Council adoption of Ordinance No. 93-513. Voting in favor: Councilors McFarland, McLain, Washington and Wyers.

Committee Issues/Discussion: Leigh Zimmerman, Solid Waste Staff, explained that the purpose of the ordinance was to provide a comprehensive Metro policy for the procurement of recycled products. She indicated that the ordinance also could serve as a model for other local governments.

Zimmerman noted that the ordinance combined several existing resolutions and ordinances related to procuring recycled products and also incorporated provisions of related state law, particularly those set forth in SB 66. The most significant policy change included in the ordinance is a provision that increases the price preference for recycled products from 5 to 10 percent. The ordinance also includes updated definitions and provides definitions of major types of recycled products such as paper, tires, and oil. Zimmerman said that the ordinance will encourage purchase of recycled plastic products. In addition, the ordinance is intended to ensure that provisions related to the purchase of recycled products are included in all bid and request for proposal documents issued by Metro.

Councilor Washington asked for a clarification that the highest price preference under the ordinance would be 10 percent. Zimmerman responded that 10 percent would be the highest preference.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)
METRO CODE CHAPTER 2.04, ADOPTING)
A RECYCLED PRODUCT PROCUREMENT)
PROGRAM FOR METRO)
ORDINANCE NO. 93-513
Introduced by Rena Cusma
Executive Officer

WHEREAS, recycling cannot occur without processing of recycled materials and the manufacturing and sale of products with recycled content; and

WHEREAS, government procurement of recycled content products stimulates demand for products with recycled content; and

WHEREAS, ORS Chapter 279 establishes recycled product procurement requirements for public agencies in Oregon, Metro's Regional Waste Reduction Plan identifies procurement as an element of the Waste Reduction Program, and Executive Order 47A provides guidelines for purchasing recycled products; and

WHEREAS, Metro Ordinances No. 89-280 and No. 89-303 establish policies giving preference to recycled paper and yard debris compost/sewage sludge compost over non-recycled products, and Resolution No. 89-1099 gives preference to purchase of retread tires; and

WHEREAS, administration of all recycled product procurement requirements will be improved through consolidation and clarifications made by this ordinance; and

WHEREAS, establishment of a ten percent price preference for recycled products is consistent with Metro's leadership role in regional waste reduction and recycling; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Section 2.04.075 and ordinances number 89-280 and 89-303 are repealed. In addition, Resolution number 89-1099 is rescinded.

Section 2. The following sections 2.04.500, 2.04.510, 2.04.520, 2.04.530, 2.04.540, 2.04.550, 2.04.560, 2.04.570, and 2.04.580 are made part of Metro Code Chapter 2.04, under a separate heading to read, "Metro Recycled Product Procurement Program":

2.04.500 Policy Statement

It is the purpose of this ordinance to establish a Recycled Content Product Procurement Program that will achieve the following:

(a) Increase the procurement of recycled content products and recyclable materials by all Metro departments and facilities and increase the use of recycled content products and recyclable materials by contractors to Metro in the performance of their contract work.

(b) Comply with Oregon Revised Statutes, Chapter 279 regarding procurement of recycled content materials and products by public agencies.

(c) Encourage procurement of products with the greatest post-consumer content, and those that contribute to the use of locally generated and recovered materials for which there are the most significant recycling market development needs.

(d) Serve as an example for other institutional purchasers, both public and private.

2.04.510 Definitions

As used in sections 2.04.500 through the end of this chapter:

(a) "Compost" means the controlled biological decomposition of organic material or the product resulting from such a process.

(b) "Glass Aggregate" means any blend of material at least 15 percent of which is post-consumer container glass, window (or plate) glass, and/or plumbing ceramics, that functions as a construction aggregate substitute. The total mix shall meet the gradation for the designated application.

(c) "Industrial Oil" means any compressor, turbine or bearing oil, hydraulic oil, metal-working oil or refrigeration oil.

(d) "Lubricating Oil" means any oil intended for use in an internal combustion crankcase, transmission, gearbox or differential or an automobile, bus, truck, vessel, plane, train, heavy equipment or machinery powered by an internal combustion engine.

(e) "Organic Soil Amendments" means compost products made from organic waste materials, including yard debris, leaves, sewage sludge, food waste or municipal solid waste. Organic Soil Amendments may be used in the following applications: soil mix component, propagation, container mixes, field crop amendments, mulch, soil top dressing, substitute for gravel, soil structure improvement, mud control, erosion control, stormwater runoff, landfill cover and weed control.

(f) "Post-consumer Waste" means a finished material which would normally be disposed of as solid waste, having completed its life cycle as a consumer item. "Post-consumer waste" does not include manufacturing waste.

(g) "Recycled Material" means any material that would otherwise be useless, unwanted or discarded material except for the fact that the material still has useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled.

(h) "Recycled Oil" means used oil that has been prepared for reuse as a petroleum product by refining, rerefining, reclaiming, reprocessing or other means provided that the preparation or use is operationally safe, environmentally sound and complies with all laws and regulations.

(i) "Recycled Paint" means water-based latex paint, with a minimum of 50 percent post-consumer recycled content, that has been processed for reuse as an interior or exterior primer or surface coating on walls and ceilings.

(j) "Recycled Paper" means a paper product with not less than: (1) Fifty percent of its total weight consisting of secondary waste materials; or (2) Twenty-five percent of its total weight consisting of post-consumer waste.

(k) "Recycled Product" means all materials, goods and supplies, not less than 50 percent of the total weight of which consists of secondary and post-consumer waste with not less than 10 percent of its total weight consisting of post-consumer waste. "Recycled product" also includes any product that could have been disposed of as solid waste, having completed its life cycle as a consumer item, but otherwise refurbished for reuse without substantial alteration of the product's form.

(l) "Retread Tire" means any tire that uses an existing casing for the purpose of vulcanizing new tread to such casing that meets all performance and quality standards specified in the Federal Motor Vehicle Safety Standards determined by the United States Department of Transportation.

(m) "Secondary Waste Materials" means fragments of products or finished products of a manufacturing process which has converted a virgin resource into a commodity of real economic value, and includes post-consumer waste, but does not include excess virgin resources of the manufacturing process. For paper, "secondary waste materials" does not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls, mill broke, wood slabs, chips, sawdust or other wood residue from a manufacturing process.

(n) "US EPA Purchasing Guidelines" means the product standards of the United States Environmental Protection Agency published in the Code of Federal Regulations, Title 40, Chapters 248 through 253.

2.04.520 Recycled Products (Generally)

(a) Metro facilities and contractors to use Recycled Materials and Products.

- (1) The Procurement Officer shall review procurement standards and specifications currently utilized in order to eliminate, where economically feasible, discrimination against the procurement of Recycled Materials and Products, and to develop purchasing practices which encourage purchase of materials that are recycled or may be recycled or reused when discarded.

- (2) To the extent practicable, Metro's standards and specifications for Recycled Products shall be consistent with US EPA Purchasing Guidelines.
- (3) Notices to solicit bids from contractors shall state that Metro gives the price preference described in subsection (b)(1) of this section to Recycled Products and Materials. All invitations to bid or requests for proposals shall include the following language: "Vendors shall use recycled and recyclable materials and products to the maximum extent economically feasible in the performance of contract work set forth in this document."
- (4) At their discretion, Metro and its agents, including contractors, may specify acceptance of only Recycled Products or Materials in bids and solicitations so long as quality and availability of Recycled Products and Materials are equal to nonrecycled products and materials. When a Recycled Product or Material is specified in a bid or solicitation, no price preference shall be given.
- (5) If the price of a Recycled Product is equal to or less than an otherwise identical non-recycled product, then Metro, and its agent, including contractors, shall specify only the Recycled Product in bids and specifications.
- (6) The Procurement Officer and Waste Reduction Division shall provide information on US EPA Purchasing Guidelines and on Recycled Products available in the region to contractors and bidders and shall provide notice of the availability of such information in procurement solicitations. Metro staff shall contact the Procurement Officer or the Waste Reduction Division to determine the availability of Recycled Products prior to the solicitation of quotes, bids or proposals for any contract in an amount greater than \$5,000. This requirement shall not apply to contracts for services only.
- (7) The Procurement Officer shall investigate and implement, as appropriate, purchasing jointly with other public agencies to potentially reduce the price paid for Recycled Products.

(b) Price preference to be given for the purchase of Recycled Products or Materials.

- (1) When purchasing products or procuring services, Metro shall give preference to materials and supplies manufactured from recycled materials if the Recycled Product or Material:
 - (A) is available;**
 - (B) meets applicable standards;**
 - (C) can be substituted for a comparable nonrecycled product; and**
 - (D) costs do not exceed the costs of nonrecycled products by more than ten percent.****
- (2) At their discretion, Metro departments and facilities may give a greater than ten percent price preference to the purchase of Recycled Products, materials and supplies manufactured from Recycled Materials or that reduce the amount of waste generated.**
- (3) When considering bids/proposals submitted by contractors, Metro shall evaluate the extent to which recycled materials and products have been incorporated.**
- (4) Vendors and contractors who incorporate recycled materials and products in their bids/proposals shall provide written certification of the minimum recycled content of these materials and products, including the percent of Post-consumer and Secondary Waste as defined in Section 2.04.510.**
- (5) Unless otherwise specified in a bid or proposal request, bidders and proposers shall submit the actual proposed cost of a Recycled Product or Material bid item. It shall be Metro's responsibility to calculate any preferences required. If Metro, in its sole discretion, determines that a product or material offered by a vendor or contractor is a Recy . Product or Material meeting the requirements of this section, Metro shall subtract ten percent or the preference otherwise**

2.04.530 Recycled Content Paper Products

(a) Metro shall give up to a ten percent price preference for the purchase of Recycled Paper (which includes all paper products), as compared to nonrecycled paper or paper products, if its performance meets applicable specifications, it is available at the specified price preference and within a reasonable period of time. If the price of one Recycled Paper is equal to or less than another Recycled Paper which contains a higher percentage of post-consumer waste, Metro shall also give preference to the Recycled Paper with the highest percentage of post-consumer waste. To the extent feasible, unbleached Recycled Paper or Recycled Paper produced without chlorine bleach shall be selected over chlorine-bleached paper.

(b) Metro may purchase jointly with other agencies to reduce the cost of Recycled Paper. All Recycled Paper purchases shall require the manufacturer's certification of recycled content, including the percentage of post-consumer waste.

(c) Except where prohibited by existing warranties, service agreements or contracts, the Solid Waste Department shall only specify Recycled Paper in its solicitations and bids.

(d) All bids for new equipment and services shall include language to ensure that they can use Recycled Paper.

(e) All contract printing shall include the ten percent price preference for Recycled Paper.

(f) Metro shall make every effort to eliminate purchases of paper products that would be a contaminant to the in-house collection program, and to purchase products that may be recycled or reused when discarded.

(g) The use of non-recyclable goldenrod and other very bright, hard-to-bleach colored papers is prohibited.

(h) All Metro documents and correspondence shall be printed on Recycled Paper, if the Recycled Paper meets specifications, is available at the ten percent price preference, and is available within a reasonable period of time. To the extent feasible, the official Recycled Paper symbol or the words "printed on recycled content paper," followed by the percentage of post-consumer content shall be printed on documents printed at Metro or on contract printing.

2.04.540 Recycled Oil

(a) As specified in ORS 279.580 to 279.595, Metro specifications for the purchase of Lubricating Oil and Industrial Oil shall not exclude Recycled Oils. Specifications for the procurement of Recycled Oil shall be consistent with the re-refined lubricating oil purchasing guideline of the US Environmental Protection Agency. In addition, Metro shall purchase Lubricating and Industrial Oil from the seller whose product contains the greater percentage of Recycled Oil as long as the Recycled Oil:

- (1) Is available within a reasonable period of time in quantities necessary for Metro's needs;
- (2) Meets performance standards recommended by the equipment or vehicle manufacturer, including any warranty requirements; and
- (3) Is offered at a price that does not exceed the ten percent price preference for Recycled Products over comparable nonrecycled products.

(b) As stipulated in ORS Chapter 279, Metro's affirmative program for procuring Recycled Oil shall include, but not be limited to the following:

- (1) Notice of Metro's preference for Recycled Oil shall be provided in publications used to solicit bids from suppliers;
- (2) Metro shall provide a description of its Recycled Oil procurement program at bidders' conferences and in procurement solicitations or invitations to bid;
- (3) Metro shall make a good faith effort to inform industry trade associations about its Recycled Oil preference program.

(c) Metro shall specify Recycled Oils in its bids and solicitations for fleet vehicles and transport services and to the extent feasible not enter into agreements for these services with companies that restrict the use of Recycled Oils.

2.04.550 Compost Products

(a) Metro shall specify and give preference to purchase of Organic Soil Amendments made from yard debris, sewage sludge or other Organic Waste Composts rather than Compost made from nonrecycled organic materials if the Organic Soil Amendments:

- (1) are available;
- (2) meet the functional requirements of the specific application;
- (3) meet human health and plant safety standards; and
- (4) do not exceed the ten percent price preference for Recycled Products over nonrecycled products.

2.04.560 Retread Tires

(a) The Procurement Officer shall eliminate any specifications that discriminate against procurement of retread tires and shall give preference to the purchase of Retread Tires over new tires, if the Retread Tires:

- (1) are available;
- (2) meet the performance standards recommended by the equipment or vehicle manufacturer, including warranty requirements;
- (3) meet the EPA Purchasing Guideline for Retread Tires; and
- (4) do not exceed the ten percent price preference for Recycled Products over nonrecycled products.

(b) Metro shall procure retreading services for used tire cores to the extent that the retreaded tires can meet the requirements of subsection (a) of this section.

(c) Metro shall specify Retread Tires in its bids and solicitations for fleet and transport services and to the extent feasible shall not enter into agreements for these services with companies that restrict the use of Retread Tires.

204.570 Recycled Paint and Building Materials

Metro shall utilize Recycled Paint and other recycled content building materials in construction and remodeling projects if such paint or materials:

- (a) are available;
- (b) meet the functional requirements of the particular application;
- (c) meet building code regulations and design review standards; and
- (d) do not exceed the cost of nonrecycled paint or building materials by more than ten percent.

2.04.580 Promotion and Evaluation of Recycled Content Product Procurement Plan

(a) Consistent with Executive Order 47A, Metro Recycling Coordinating Committees shall include Recycled Product procurement strategies as part of their annual recycling plans. These plans shall incorporate the provisions of this ordinance as they apply to purchasing transactions and bid solicitations.

(b) To implement the provisions identified in this ordinance, Metro's Waste Reduction Division and the Procurement Officer shall provide purchasing assistance to Metro staff. This assistance may include, but not be limited to:

- (1) providing information about Recycled Products available in the Metro region;
- (2) writing procurement specifications and standards for Recycled Products in bids, solicitations, and contracts;
- (3) obtaining manufacturers' certification of recycled content;
- (4) notifying potential bidders about preferences for recycled content products in notices, bidder's conferences or elsewhere, as appropriate, and
- (5) offering workshops and seminars on Recycled Products and procurement for Metro departments and facilities.

(c) Notwithstanding the provisions of this ordinance, Metro may identify and purchase new or untested Recycled Products or Materials to help develop markets for materials with low recovery rates and to improve markets for locally-generated materials. These materials and

products may include, but are not limited to, plastic products, building and construction materials, and glass aggregate with recycled content.

(d) The Waste Reduction Division shall prepare a report annually to measure the progress of the Recycled Content Product Procurement Program, and shall present the report to the Executive Officer and the Metro Council. At a minimum, this report shall include:

- (1) the amount of recycled products purchased compared to non-recycled products;
- (2) the percentage of total dollar value of Metro purchases of recycled products compared to non-recycled products;
- (3) a summary of the year's activities; and
- (4) recommendations on program modifications to increase Recycled Product procurement levels.

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

Judy Wyers, Presiding Officer

ATTEST:

Clerk of the Council

LZ:ay
SHARE:ZIMM MARKETS SW93513.ORD
September 8, 1993

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 93-513 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.04, ADOPTING A RECYCLED PRODUCT PROCUREMENT PROGRAM FOR METRO

Date: September 15, 1993

Presented by: Leigh Zimmerman

PROPOSED ACTION

Adoption of Ordinance No. 93-513 establishes a comprehensive recycled product procurement ordinance for Metro. The ordinance consolidates state law with existing Metro ordinances on purchasing recycled paper and organic soil amendments; and with a resolution on use of retread tires. It increases the price preference Metro will give to recycled products from five to ten percent. The comprehensive ordinance will be incorporated into the Metro Code, Chapter 204. Ordinance numbers 89-280, and 89-303; and resolution number 89-1099 are repealed.

FACTUAL BACKGROUND AND ANALYSIS

The extensive purchasing power of the public sector helps drive demand for goods and services. This purchasing power is an important tool to develop markets for recycled products and therefore close the recycling loop. The federal government alone spends billions of dollars annually on products. A recent survey of federal agencies determined they use 300,000 tons of paper each year. The state of Oregon spent approximately \$160 million on products in 1992-93. In addition to increasing demand for recycled materials, government procurement can be the catalyst for entrepreneurship, business expansion and new products. It also provides a model for private sector purchasing.

In 1991, the Oregon Legislative Assembly passed the Oregon Recycling Act. It includes provisions requiring public agencies in Oregon to eliminate discrimination against procurement of recycled products, and to develop practices which encourage purchase of these items. It stipulates that all public agencies adopt a procurement program for recycled paper, oil and tires; and directs them to pay a minimum five percent price preference for recycled products that meet the same performance standards as non-recycled products.

Promoting "buy recycled" is an important part of Metro's waste reduction program. Metro's in-house program and policies are a model for other public agencies and the business community. Metro purchases recycled paper products and used some recycled content building materials in the "Resourceful Renovation" of the headquarters building. However, procurement of other recycled products has not been significant.

This ordinance will strengthen existing policies and allow Metro to pay a ten percent price preference to vendors and contractors who have included recycled products in their bids. This price preference is five percent greater than required by state law and existing ordinances. However it is comparable to preferences instituted in Seattle and King County, Washington; and Oregon's Department of General Services. It is consistent with Metro's leadership position in waste reduction.

The comprehensive ordinance includes specific language on recycled paper, oil, compost products, retread tires, paint and building materials and strengthens provisions to solicit recycled products and materials in bid documents. It establishes an in-house promotion program through which the Procurement Officer and Waste Reduction Division will assist in-house purchasers and outside contractors to select available products, determine recycled content and obtain cost comparisons.

BUDGET IMPACT

The ten percent price preference may result in higher costs for certain expenditures where recycled products are available but not cost competitive with non-recycled products.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 93-513.

LZ:ay
MARKETS\STAF0915.RPT

Meeting Date: October 14, 1993
Agenda Item No. 7.2

ORDINANCE NO. 93-511

FINANCE COMMITTEE REPORT

ORDINANCE NO. 93-511 AMENDING THE FY 1993-94 BUDGET AND APPROPRIATION SCHEDULE TO FUND A GREENSPACES OPTIONS DEMONSTRATION PROJECT

Date: October 1, 1993

Presented By: Councilor Devlin

COMMITTEE RECOMMENDATION: At its September 22, 1993 meeting the Committee vote 3 to 1 to recommend Council adoption of Ordinance No. 93-511. Voting in favor were Councilors Buchanan, Devlin and Kvistad. Voting against was Councilor Van Bergen and Councilor Monroe was excused.

COMMITTEE DISCUSSION/ISSUES: Mel Huie, Senior Regional Planner gave the Staff Report. He stated this ordinance will provide the necessary funds to implement the Greenspaces Options demonstration program outlined in Resolution No. 93-1832 which previously has been recommended to the Council by the Planning Committee (Please Note: Resolution No. 93-1832 was adopted by the Council on September 23, 1993). He noted the program is supported by the Greenspaces PAC and several local jurisdictions. He indicated that there is good potential for obtaining federal funds to assist in acquiring several of the properties.

The Committee asked that Mr. Huie or where appropriate Councilor Devlin respond to the questions presented by Council Staff (See Attachment 1 to this report). In response to the first question, Mr. Huie stated that the availability of some federal funds for trail acquisition makes it an opportune time to initiate this program. Staff was not aware of these possibilities last December when the FY 93-94 budget request was prepared.

Councilor Devlin responded to the second question by stating that it is up to each Councilor's judgement to answer the question. He pointed out that the adopted Greenspaces Master Plan visualized a program such as this and that the Greenspaces TAC and PAC strongly supported implementation of the options program at this time.

In response to the third question, Mr. Huie stated this is a one time demonstration project which is a precursor to the program contemplated after passage of the second general obligation bond measure. He went on to state that the department would attempt to obtain options on properties which could be purchased regardless of the out come of the bond measure. He indicated several local jurisdictions such as Gresham and Lake Oswego have local funds available as potential sources and federal funds are potentially available for acquisition.

In response to question No. 4, Mr. Huie stated the staff has communicated with local jurisdictions to identify their top priorities from the Master Plan which lists approximately 60 sites. The staff will pare this list down to six or eight for potential options. Approximately \$50,000 will be used for consideration or

earnest money, title searches etc. and \$12,500 for the services of a licensed real estate agent to represent Metro in the acquisitions. Councilor Devlin clarified the answer by stating that the intention is for Metro to acquire options on three to four properties and the Trust for Public Lands (TPL) to obtain three or four.

In response to the fifth question, Mr. Huie stated that no additional staff would be necessary to implement this program.

In response to the sixth question, Mr. Huie stated that the staff would work with the legal office to ensure that the options would go through or be exercised. Councilor Van Bergen pointed out that the money would be lost if the options expired or were not exercised.

Two persons appeared in support of the ordinance. Chris Beck from the Trust for Public Lands stated he welcomed a partnership with Metro in the implementation of this program. He stated potential sources of revenue to acquire these optioned properties include federal ISTEPA funds, the Bonneville Power Administration, U.S. Department of Fish and Wildlife, State Parks Division, Oregon State Lottery. Jim Sjulian, Portland Bureau of Parks and Recreation, stated this program is important because it will show Metro has the ability to negotiate with willing land owners and provide some tangible successes for the overall Greenspaces program.



METRO

ATTACHMENT 1
(Fin. Comm. Rpt/Ord. No. 93-511)

Date: September 20, 1993
To: Finance Committee
From: Donald E. Carlson, Council Administrator
Re: Questions on Ordinance No. 93-511, Funding the Greenspaces Options Demonstration Project

The purpose of this memo is to raise several questions regarding the funding request for this program. A companion matter, Resolution No. 93-1832, has been forwarded to the Council from the Planning Committee with a due pass recommendation. That resolution is on the September 23, 1993 Council Agenda.

While the following questions are addressed to the Committee some of them may be answered by the Greenspaces Program Staff and some might more appropriately be answered by the sponsor of the ordinance.

1. Why is this program being requested at this time?

In my review of the deliberations on the FY 93-94 Budget this program was not included in the Executive Officers Proposed Budget nor was it brought up in the deliberations by the Budget Committee or the Council in approving or adopting the FY 93-94 Budget. While the Council needs to respond to changing conditions the annual budget process is the appropriate time to consider the establishment of new programs where they can be measured or compared against existing or other proposed new programs, particularly when there is competition for the allocation of scarce resources.

2. Is it prudent to commit the use of the potential Fund Balance for FY 94-95 at this time?

The current General Fund Budget has \$490,000 in Contingency and \$267,665 in Unappropriated Balance both of which will make up the Fund Balance for FY 94-95 assuming revenues are received and expenditures proceed as budgeted. There has already been one request for the use of Contingency (\$10,000 for the PSU Metropolitan Institute) and an additional request of approximately \$42,500 is needed to meet the mandated increase in Councilor salaries. We already know that our costs for growth management planning will increase in the future. We do not know at this point in time if the work of

the Tax Study Committee and any subsequent ordinance imposing a new tax for planning purposes will be successful. Given these uncertainties is it not prudent to preserve the General Fund balance to help meet future General Fund and Planning Fund program costs and be able to keep the excise tax rate at a reasonable level.

3. Is this to be considered a "one-time" demonstration project or will it be an on-going program for the use of General Fund resources?

It is obvious that the Greenspaces Bond issue is still contemplated to be the major source of capital for the implementation of the Master Plan. If the bond issue does not become a reality, will the Department still pursue these or similar funds for such a program.

4. Exhibit A to Resolution No. 93-1832 states the \$62,500 will be used "to obtain six to eight (or more) regionally diverse options to purchase Greenspaces land as soon as possible". What is the basis for this statement and how will the funds be used to secure the options?

5. Will the funding of this demonstration project require the addition of any new staff now or in the future?

6. What will happen to the funds used to acquire an option if the option is not exercised or expires? What are the potential sources of revenue (other than bond proceeds) which are contemplated to be used to purchase optioned property?

cc: Councilor Richard Devlin
Dick Engstrom
Andy Cotugno
Pat Lee
Jennifer Sims

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE)	ORDINANCE NO. 93-511
NO. 93-487A REVISING THE FY 1993-94)	
BUDGET AND APPROPRIATIONS)	Introduced by Richard Devlin,
SCHEDULE FOR THE PURPOSE OF)	Councilor
TRANSFERRING \$62,500 FROM THE)	
GENERAL FUND TO THE GREENSPACES)	
PLANNING DIVISION OF THE REGIONAL)	
PARKS AND EXPO FUND FOR A)	
GREENSPACES OPTIONS)	
DEMONSTRATION PROJECT)	

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations within the FY 1993-94 Budget; and

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

WHEREAS, Oregon Budget Law; ORS 294.450(3), allows for the transfer of appropriation from the General Fund to any other fund during the fiscal year; and

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

THE METRO COUNCIL HEREBY ORDAINS:

1. That Ordinance No. 93-487A, Exhibit B, FY 1993-94 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 \$62,500 from the General Fund to the Greenspaces Planning division of the Regional Parks and Expo Fund for a greenspaces options demonstration project.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, in order to meet obligations and 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. 93-511**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND General Expenses							
<u>Interfund Transfers</u>							
581513	Trans. Indirect Costs to Bldg. Fund-Regional Center		163,504		0		163,504
581610	Trans. Indirect Costs to Support Svcs. Fund		488,647		0		488,647
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Gen1		2,173		0		2,173
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Workers' Comp		8,238		0		8,238
583610	Trans. Direct Costs to Support Svcs. Fund		40,000		0		40,000
583615	Trans. Direct Costs to Risk Management Fund		14,429		0		14,429
<u>Excise Tax Transfers</u>							
582140	Trans. Resources to Planning Fund		1,780,738		0		1,780,738
582513	Trans. Resources to Building Mgmt. Fund		58,869		0		58,869
582610	Trans. Resources to Support Svcs. Fund		70,000		0		70,000
582160	Trans. Resources to Reg. Parks/Expo Fund-Greenspaces		495,672		62,500		558,172
582160	Trans. Resources to Reg. Parks/Expo Fund-Parks		80,000		0		80,000
Total Interfund Transfers			3,202,270		62,500		3,264,770
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		490,000		(62,500)		427,500
599990	Unappropriated Fund Balance		267,665		0		267,665
Total Contingency and Unappropriated Balance			757,665		(62,500)		695,165
TOTAL EXPENDITURES		16.00	5,915,414	0.00	0	16.00	5,915,414

**Exhibit A
Ordinance No. 93-511**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Expo Fund Resources							
<u>Resources</u>							
REGIONAL PARKS AND EXPO							
322000	Boat Ramp Use Permit		2,000		0		2,000
338000	Local Gov't Shared Revenues-R.V. Registration Fees		28,330		0		28,330
338200	Local Gov't Shared Revenues-Marine Fuel Tax		140,929		0		140,929
339200	Intergovernmental Revenue		187,372		0		187,372
341700	Grave Openings		105,698		0		105,698
341710	Cemetery Sales		40,214		0		40,214
347100	Admissions		349,215		0		349,215
347110	User Fees		23,594		0		23,594
347120	Reservation Fees		137,866		0		137,866
347220	Rental-Buildings		472,000		0		472,000
347300	Food Service		432,686		0		432,686
347830	Contract Revenue		708,000		0		708,000
347900	Other Miscellaneous Revenue		210,084		0		210,084
347960	Boat Launch Fees		111,025		0		111,025
361100	Interest Earned		41,151		0		41,151
373500	Sale of Proprietary Assets		15,264		0		15,264
374000	Parking Fees		520,000		0		520,000
391010	Trans. of Resources from General Fund		80,000		0		80,000
GREENSPACES PLANNING							
331110	Federal Grants						
	National Parks Service		25,000		0		25,000
	U.S. Fish & Wildlife Service		870,100		0		870,100
	U.S. Fish & Wildlife Service (Year 4)		125,000		0		125,000
337210	Local Grants						
	City of Portland, IPA/EPA		27,500		0		27,500
	Local governments		10,000		0		10,000
365100	Donations & Bequests		5,500		0		5,500
391010	Trans. of Resources from General Fund-Excise Tax		495,672		62,500		558,172
391140	Trans. Resources from Planning Fund		114,500		0		114,500
393761	Trans. Direct Costs from Smith & Bybee Lakes Fund		18,700		0		18,700
Total Resources			5,297,400		62,500		5,359,900

**Exhibit A
Ordinance No. 93-511**

FISCAL YEAR 1993-94 ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks Division							
	Total Personal Services	36.84	1,246,756	0.00	0	36.84	1,246,756
	Total Materials & Services		704,713		0		704,713
	Total Capital Outlay		11,945		0		11,945
	TOTAL EXPENDITURES	36.84	1,963,414	0.00	0	36.84	1,963,414

Expo Center Division

	Total Personal Services	8.50	378,807	0.00	0	8.50	378,807
	Total Materials & Services		568,048		0		568,048
	Total Capital Outlay		168,970		0		168,970
	TOTAL EXPENDITURES	8.50	1,115,825	0.00	0	8.50	1,115,825

Greenspaces Planning Division

	Total Personal Services	6.31	352,921	0.00	0	6.31	352,921
	Materials & Services						
521100	Office Supplies		2,976		0		2,976
521110	Computer Software		2,295		0		2,295
521111	Computer Supplies		2,015		0		2,015
521240	Graphics/Reprographic Supplies		750		0		750
521260	Printing Supplies		1,000		0		1,000
521310	Subscriptions		1,750		0		1,750
521320	Dues		575		0		575
524130	Promotion/Public Relation Services		10,000		0		10,000
524190	Miscellaneous Professional Services		959,100		12,500		971,600
525710	Equipment Rental		500		0		500
526200	Ads & Legal Notices		30,000		0		30,000
526310	Printing Services		97,500		0		97,500
526320	Typesetting & Reprographics Services		17,000		0		17,000
526410	Telephone		4,000		0		4,000
526420	Postage		60,000		0		60,000
526440	Delivery Services		800		0		800
526500	Travel		4,300		0		4,300
526700	Temporary Help Services		800		0		800
526800	Training, Tuition, Conferences		2,725		0		2,725
529500	Meetings		4,100		0		4,100
	Total Materials & Services		1,202,186		12,500		1,214,686
	Capital Outlay						
571100	Land		0		50,000		50,000
571500	Purchases-Office Furniture & Equipment		2,500		0		2,500
	Total Capital Outlay		2,500		50,000		52,500
	TOTAL EXPENDITURES	6.31	1,557,607	0.00	62,500	6.31	1,620,107

**Exhibit A
Ordinance No. 93-511**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Regional Parks and Expo Fund General Expenses							
<u>Interfund Transfers</u>							
581610	Trans. Indirect Costs to Supp. Svcs. Fun		370,554		0		370,554
581615	Trans. Indirect Costs to Risk Mgmt Fund-Liability		43,000		0		43,000
581615	Trans. Indirect Costs to Risk Mgmt Fund-Worker Comp		35,000		0		35,000
581513	Trans. Indirect Costs to Bldg Mgmt Fund		30,000		0		30,000
583751	Transfer Direct Costs to MERC Admin. Fund.		70,000		0		70,000
Total Interfund Transfers			548,554		0		548,554
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		112,000		0		112,000
Total Contingency and Unappropriated Balance			112,000		0		112,000
TOTAL EXPENDITURES		51.65	5,297,400	0.00	62,500	51.65	5,359,900

Exhibit B
Schedule of Appropriations
Ordinance No. 93-511

	Current Appropriation	Revision	Proposed Appropriation
GENERAL FUND			
Council			
Personal Services	987,165	0	987,165
Materials & Services	149,546	0	149,546
Capital Outlay	4,000	0	4,000
Subtotal	1,140,711	0	1,140,711
Executive Management			
Personal Services	343,248	0	343,248
Materials & Services	79,532	0	79,532
Capital Outlay	0	0	0
Subtotal	422,780	0	422,780
Office of Government Relations			
Personal Services	67,538	0	67,538
Materials & Services	74,450	0	74,450
Capital Outlay	0	0	0
Subtotal	141,988	0	141,988
Special Appropriations			
Materials & Services	250,000	0	250,000
Subtotal	250,000	0	250,000
General Expenses			
Interfund Transfers	3,202,270	62,500	3,264,770
Contingency	490,000	(62,500)	427,500
Subtotal	3,692,270	0	3,692,270
Unappropriated Balance	267,665	0	267,665
Total Fund Requirements	5,915,414	0	5,915,414
REGIONAL PARKS AND EXPO FUND			
Regional Parks			
Personal Services	1,246,756	0	1,246,756
Materials & Services	704,713	0	704,713
Capital Outlay	11,945	0	11,945
Subtotal	1,963,414	0	1,963,414
Expo Center			
Personal Services	378,807	0	378,807
Materials & Services	568,048	0	568,048
Capital Outlay	168,970	0	168,970
Subtotal	1,115,825	0	1,115,825
Greenspaces Planning			
Personal Services	352,921	0	352,921
Materials & Services	1,202,186	12,500	1,214,686
Capital Outlay	2,500	50,000	52,500
Subtotal	1,557,607	62,500	1,620,107

**Exhibit B
Schedule of Appropriations
Ordinance No. 93-511**

	Current Appropriation	Revision	Proposed Appropriation
REGIONAL PARKS AND EXPO FUND (continued)			
General Expenses			
Interfund Transfers	548,554	0	548,554
Contingency	112,000	0	112,000
Subtotal	660,554	0	660,554
Total Fund Requirements	5,297,400	62,500	5,359,900

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED. CURRENT GENERAL FUND APPROPRIATIONS ASSUME ADOPTION OF ORDINANCE NO. 93-507, CONTRIBUTION TO THE INSTITUTE OF PORTLAND METROPOLITAN STUDIES.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO 93-1832 FOR THE PURPOSE OF
ESTABLISHING A GREENSPACES OPTIONS DEMONSTRATION PROJECT

Date: September 1, 1993

Presented By: Pat Lee

PROPOSED ACTION

This Resolution would direct Metro staff to begin implementation of a "Greenspaces Options/ Acquisition Demonstration Project." Options would be sought from willing sellers to purchase their land (fee simple or conservation easement) for immediate protection as part of the Metro Parks and Greenspaces system. Conservation easements and right-of-way purchases for the Regional Trails System in the Greenspaces Master Plan may also be sought from willing sellers.

The demonstration project is described in Exhibit A of the Resolution.

While this resolution does not request funds for obtaining the options, Metro will need to provide funds to cover the costs of negotiating and purchasing the options. Funds will be needed for consideration (e.g., cost of buying the option), appraisals, title search, environmental and hazardous wastes inspections, and real estate research and advice. To the extent possible, 18-month options will be sought for which consideration (i.e., money) can be credited to the final purchase price.

If this Resolution is approved, a funding request would be forwarded to the Council. Funds, currently estimated at \$62,500, are proposed to come from the General Fund contingency budget. This would require a budget amendment adopted by an ordinance.

FACTUAL BACKGROUND AND ANALYSIS

The Greenspaces Master Plan details 57 sites of regional significance and 34 trails/greenway corridors of regional significance as priorities to be protected, preserved and/or acquired as public open space. Acquisition funds could come from revenues derived from regional or local bond measures; municipal tax revenues, capital funds and trust funds; state and federal grants; private foundations, land trusts and nonprofit conservation organizations; and private donations.

Implementation of these goals in the Master Plan will require acquisitions of specific sites, easements and/or right-of-ways. This proposed demonstration project would begin this process. Attachment B to the Resolution is a Memorandum of Understanding with the Trust for Public Land to coordinate parallel option efforts, and demonstrating Metro's ability to effectively use existing resources to pursue acquisitions.

The rationale for a demonstration project, project goals, project description, guidelines for pursuing options, initial list of sites to explore, option potential, staff and contract needs of this demonstration project are detailed in Exhibit A.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer has no recommendation on Resolution No. 93-1832 at this time.

PL/erb
e:\pd\res&ord\93-1832

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING A) RESOLUTION NO. 93-1832
GREENSPACES OPTIONS DEMONSTRATION)
PROJECT) Introduced by Richard Devlin
) Metro Council, District 4

WHEREAS, Metro adopted the Metropolitan Greenspaces Master Plan by Resolution No. 92-1637 on July 23, 1992; and

WHEREAS, The Master Plan "articulates a desired system of large natural areas recommended for protection and interconnected with greenways and trails" for the Metro region (page 1); and

WHEREAS, The Greenspaces Master Plan outlines evaluation factors and policies that led to mapping 57 regionally-significant large natural areas and a regional trail system (Part Two, Section One); and

WHEREAS, Acquisition is one essential strategy in developing a regional system of Greenspaces (page 67); and

WHEREAS, Greenspaces Master Plan Policy 1.18 states that acquisition by purchase or gift will be pursued through any appropriate local, regional, state, federal, foundation and private funding; and

WHEREAS, Greenspaces Master Plan Policy 2.23 states that Metro will support development of new funding resources for the Greenspaces Program and encourage, facilitate, and coordinate donations of land and easements; and

WHEREAS, A large source of local revenue is not currently available to fund land assembly and acquisition of Greenspaces land; and

WHEREAS, There are indications that numerous and diverse privately-owned portions of the 57 regionally-significant natural areas and the regional trail system may be currently available from willing sellers; and

WHEREAS, Greenspaces Master Plan Policy 1.20 states that Metro will negotiate acquisition of natural areas with willing sellers to the extent possible; and

WHEREAS, The Metro Council desires to move forward currently with the implementation of the Greenspaces Master Plan to the extent that is feasible without a large source of local revenue; and

WHEREAS, All appropriate acquisition strategies need to continue to be explored as part of Greenspaces implementation; and

WHEREAS, An acquisition demonstration project which identifies a regionally diverse set of current willing sellers may attract public or private funding for acquisition of Greenspaces; and

WHEREAS, Review of the experience of Trust for Public Lands, the city of Gresham, Multnomah County, North Clackamas Park and Recreation District, and Lake Oswego indicates that commitments prior to actual purchase to sales terms, possibly including actual price or a binding appraisal, are often obtained from willing sellers by negotiating option agreements; and

WHEREAS, Trust for Public Land has indicated a willingness to coordinate its activities in the Metro region with Metro; now, therefore,

BE IT RESOLVED,

- 1. That the demonstration project to seek options to purchase properties consistent with the Greenspaces Master Plan's 57 large regional sites and regional trails system described in Exhibit "A" shall proceed to the extent possible with current staff.**
- 2. That upon approval of an appropriate budget ordinance, negotiations to obtain a set of regionally diverse options to purchase Greenspaces lands shall be completed for Council approval.**

3. That the cooperative agreement with Trust for Public Land attached as Exhibit "B" is supported by this Council for immediate identification and commitment of willing sellers consistent with the demonstration project in Exhibit "A."

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

Judy Wyers, Presiding Officer

PL/wrb
e:\pd\res&ord\93-1832

Exhibit A

GREENSPACES ACQUISITION DEMONSTRATION PROJECT

A. Goals

1. Demonstrate Application of Master Plan "Willing Seller" Policy
2. Demonstrate that a Regionally Diverse Supply of Private Lands Are Available for Purchase Immediately
3. Demonstrate Metro's Ability to Use a Business Approach Toward Acquisition
 - a. Demonstrate ability to use existing non-profit resources (Trust for Public Land (TPL))
 - b. Demonstrate Metro ability to use the Option Technique
4. Demonstrate that Acquisition is a Priority Even in the Absence of General Obligation Bond Proceeds
5. Demonstrate that Metro is Still Committed to Implementation of the Master Plan
6. Demonstrate Examples of Operation and Maintenance Solutions
7. Demonstrate an Approach to Purchase at Fair Market Value

B. Project Description

1. Greenspaces Master Plan Policies Base

Existing Greenspaces Master Plan Policies 1.18 and 2.23 state that Metro will support development of new funding resources and seek acquisition by appropriate local, state, federal or private funding. Grant funds from foundations such as the Meyer Memorial Trust, and coordination with other public agencies such as Oregon State Parks, Portland Bureau of Environmental Services, are examples of applying these policies.

2. Trust for Public Land "Cooperation" Memorandum of Understanding

A brief cooperative agreement will be negotiated to describe understandings of each agency's tasks, that TPL is assisting and is not Metro's agent, and that TPL will not promise that Metro will buy the option to properties in the future. Further, the agreement will identify the project manager at Metro for TPL coordination, identify each party's purpose in the cooperation, and clarify that each party will be responsible for their own costs. The same set of guidelines for this short-term demonstration project should be used by both parties and attached to the cooperative agreement.

3. Metro Staff Component

Greenspaces staff and contract expertise will be needed to followup "leads" to determine the number of willing sellers and the interest in land involved. In-house legal counsel will be used to create option forms and other documentation to implement this project.

4. Demonstration Project Elements

- a. Use up to \$62,500 of Metro funds to negotiate, review and evaluate willing seller prospects and to obtain six to eight (or more) regionally diverse options to purchase Greenspaces land as soon as possible.

- b. Use adopted guidelines to assure regional diversity, develop option terms and prioritize willing seller proposals.
- c. TPL cooperative efforts used to supplement Metro-funded efforts to obtain willing seller options.
- d. This is a short-term demonstration project to assemble easily-obtained Greenspaces lands for which it may be possible to pursue grant applications, or purchase by other public agencies, or purchase with bond funds, if approved by the voters, or other Metro acquisition funds should a revenue stream be established.
- e. Seek Operation and Maintenance Commitments for Selected Demonstration Sites

DEMONSTRATION PROJECT RESOLUTION

The suggested vehicle for Council consideration of this new project is a resolution that directs staff to pursue the options program and prepare the appropriate ordinances amending the budget. Also, the resolution would approve the signing of the cooperation MOU with Trust for Public Land.

The elements of the resolution are (1) demonstration project description containing site priority guidelines, staff memorandum describing the program, and the initial list of willing seller "leads" - Exhibit "A," and (2) Trust for Public Land MOU - Exhibit "B."

GREENSPACES ACQUISITION DEMONSTRATION PROJECT SITE PRIORITY GUIDELINES

1. Willing Seller Option to Purchase
 - a. Willing to enter into option
 - b. 18-month option commitment preferred
 - c. Set purchase price or binding appraisal process in option
2. Geographic Diversity
3. Regional Significance on Master Plan
 - a. Large site
 - b. Regional trail
 - c. Identified restoration site
 - d. Connectivity value
4. Public Support
 - a. Area citizen groups/friends groups
 - b. Affected local governments, park districts
 - c. Not subject of historical controversy
5. Identified Commitment of Operations and Maintenance at Time Option is Exercised
6. Possibility of "Leveraging" Other Sources of Funding (private, state and federal, foundations, donations, etc.)

OPTIONS PROCESS

Step 1: List of Willing Sellers Prospects

- Contains unconfirmed "leads" in regionally-significant areas
- Contains added "leads" from Trust for Public Land
- Contains results of contact with local governments

Step 2: Background Information (Metro staff or contractor)

- Contact source of "lead"
- Assessor valuation data
- Any record of past development
- Alleged seriousness of seller
- Motives of seller

Step 3: Initial Property Owner Contact

- Explain Greenspaces Program (Master Plan Summary)
- Explain option demonstration program
- Explain Metro preferred terms (18 months, fee simple, appraisal at purchase)
- Listen to property owner needs, proposals
- Request agreement to further negotiations

Step 4: Initial Evaluation of Prospects - Guidelines, Terms

- Trust for Public Land separate evaluation seeking four options
- Greenspaces staff review background and initial contact files seeking 10-12 prospects
- Contact local government for input
- Determine probable need for appraisals
- Determine probable need for Level I environmental review

Step 5: Followup Property Owner Contacts to Sign Option

- Metro Legal helps tailor option to property owner
- Property owner signs with knowledge of remaining Metro approval process
- Written explanation of Metro approval process developed

Step 6: Metro and Trust for Public Land Signed Option Evaluation

- Review of guidelines and option terms analyzed by Options Review Committee (Metro Council, real estate expert, GPAC representatives)
- Select six to eight (or more) signed options that best meet guidelines and have best terms

Step 7: Recommendation to Metro Council

- Joint GTAC/GPAC review of recommendation
- Council Planning Committee hearing
- Council approve selected options

LIST OF POTENTIAL SITES FOR OBTAINING OPTIONS
(not in priority order)

West of the Willamette River

1. ***Haag Lake Additions*** - Western Washington County
2. ***Ridgeline over a water storage tank in the Gales Creek area*** - South of Forest Grove and Cornelius
3. ***Fern Hill Wetlands Additions*** - Forest Grove, Cornelius, Western Washington County
4. ***Jackson Bottom Addition*** - Hillsboro, Western Washington County
5. ***Rock Creek Wetlands Additions*** - Bethany, Northeast Washington County north of Sunset Highway
6. ***Forest Park Inholdings/Additions*** - Northwest Portland, Cedar Mill, Cedar Hills, Eastern Washington County, Northwest Multnomah County
7. ***Tualatin River Access Point*** - Tualatin, Tigard, Durham, Rivergrove
8. ***Cooper Mountain*** - Aloha, Eastern Washington County, Beaverton
9. ***Tualatin River Valley Wildlife Refuge*** - Sherwood, King City, Tualatin
10. ***Tonquin Scablands*** - Tualatin, Sherwood
11. ***Tryon Creek Park Additions*** - Lake Oswego, Southwest Portland
12. ***North Slope of Petes Mountain/Turner Creek*** - West Linn, Lake Oswego, Stafford Basin
13. ***Willamette Narrows/Canemah Bluffs*** - West Linn, Wilsonville, Oregon City
14. ***Portland Arboretum Additions*** - Portland
15. ***Burlington Bottom Additions*** - Multnomah County, Sauvie Island
16. ***Bybee-Howell Territorial Park Additions*** - Multnomah County, Sauvie Island
17. ***Potential Burlington Northern Railroad Abandonment*** - Area north of Forest Park west to Washington County and Beaverton
18. ***Restoration Opportunity Sites in Southwest Portland***
19. ***Noble Property*** - Hillsboro
20. ***Hart Lake*** - Tigard

21. *Wilwood Golf Course* - West Multnomah County

22. *Terwilliger Additions* - Southwest Portland

East of the Willamette River

1. *Newell Creek Canyon* - Oregon City, Redland
2. *Mt. Talbert* - North Urban Clackamas County
3. *Mt. Scott* - North Urban Clackamas County, Happy Valley, Southeast Portland
4. *Kelly Butte* - Southeast Portland
5. *Rocky Butte* - Maywood Park, North Portland
6. *Jenne Butte* - Gresham
7. *Boring Lava Domes* - Boring, Damascus, South Gresham, Happy Valley
8. *Sites Along Johnson Creek* - Southeast Portland, Milwaukie, Gresham
9. *Oxbow Park Addition/Beaver Creek Headwaters/Farm in Beaver Creek Canyon* - East Multnomah County, Troutdale, East Gresham
10. *Fairview Lake* - East Multnomah County, Fairview, North Gresham
11. *Sites Along Columbia Slough* - East Multnomah County, Gresham, North Portland
12. *Cathedral Park Additions/Willamette Greenway south to railroad bridge/Overlook* - North Portland
13. *Restoration Opportunity Sites in North, Northeast, Southeast Portland*
14. *Milwaukie Waterfront*
15. *Beaver Lake* - Clackamas County
16. *Access Points to the Clackamas River*
17. *Top of Scott Golf Course* - North Clackamas area
18. *Eastern Segments of the Springwater Corridor* - Clackamas County
19. *Finley Nature Reserve* - Clackamas County
20. *Portland Traction Right of Way* - North Clackamas area
21. *Leach Botanical Garden Additions* - Portland (outer southeast)

**22. Easements for Mt. Scott Trail connecting Happy Valley to Sunnyside and Southeast Portland
(via cemeteries)**

23. Powell Butte Additions - City of Portland (outer southeast)

24. Heron Lake Additions - City of Portland (north and northeast)

PL/urb
c:\pdfres&ord\93-1832

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 93-511 AMENDING ORDINANCE NO. 93-487A REVISING THE FY 1993-94 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF APPROPRIATING FUNDS FOR A GREENSPACES OPTIONS DEMONSTRATION PROJECT

Date: August 31, 1993

Presented by: Pat Lee

PROPOSED ACTION

This Ordinance would amend the FY 1993-94 Budget to appropriate \$62,500 from General Fund Contingency to begin a "Greenspaces Options/Acquisition Demonstration Project." Options would be sought from willing sellers to purchase their land (fee simple or conservation easement) for immediate protection as part of the Metro Parks and Greenspaces system. Conservation easements and right-of-way purchases for the Regional Trails System in the Greenspaces Master Plan may also be sought from willing sellers. Funds will be needed for consideration (e.g., cost of buying the option), appraisals, title search, environmental and hazardous wastes inspections, and real estate research and advice. To the extent possible, 18-month options will be sought for which consideration (i.e., money) can be credited to the final purchase price.

Attached is companion Resolution No. 93-1832 exploring the options demonstration projects. It is scheduled for hearing before the Council Planning Committee on September 14, 1993, and the full Council on September 23, 1993.

FACTUAL BACKGROUND AND ANALYSIS

The Greenspaces Master Plan details 57 sites of regional significance and 34 trails/greenway corridors of regional significance as priorities to be protected, preserved and/or acquired as public open space. Acquisition funds could come from revenues derived from regional or local bond measures; municipal tax revenues, capital funds and trust funds; state and federal grants; private foundations, land trusts and nonprofit conservation organizations; and private donations.

Implementation of the Master Plan will require acquisitions of specific sites, easements and/or right-of-ways. This proposed demonstration project would begin this process.

The rationale for a demonstration project, project goals, project description, guidelines for pursuing options, initial list of sites to explore, option potential, staff and contract needs of this demonstration project are detailed in Resolution No. 93-1832.

The Metropolitan Greenspaces Technical Advisory Committee unanimously recommended adoption of Resolution No. 93-1832 and initiation of the options project at their August 20, 1993, meeting. The Greenspaces Policy Advisory Committee unanimously recommended adoption of the resolution and initiation of the program at their August 25, 1993, meeting.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer has no recommendation on this Ordinance at this time.

kr:ord93-94:metstud:SR.DOC
August 31, 1993

Meeting Date: October 14, 1993
Agenda Item No. 7.3

ORDINANCE NO. 93-512

FINANCE COMMITTEE REPORT

ORDINANCE NO. 93-512 AMENDING THE FY 93-94 BUDGET AND
APPROPRIATIONS SCHEDULE TO FUND THE LLOYD DISTRICT LOCAL
IMPROVEMENT ASSESSMENT ON THE OREGON CONVENTION CENTER AND METRO
REGIONAL CENTER

Date: October 1, 1993 Presented By: Councilor Van Bergen

COMMITTEE RECOMMENDATION: At its September 22, 1993 meeting the Committee voted unanimously to forward Ordinance No. 93-512 to the Council with no recommendation. Present and voting were Councilors Buchanan, Devlin, Kvistad and Van Bergen. Councilor Monroe was excused.

COMMITTEE DISCUSSION/ISSUES: Ms. Jennifer Sims, Finance Director gave the Staff Report. She explained the purpose of the ordinance is to amend the budget and appropriations schedule to reflect the payment of the LID assessments on affected Metro property. She pointed out that the Executive Officer authorized the payment of the assessments prior to the August 27, 1993 deadline to avoid interest charges and penalty charges that would accrue after that date. She stated that the Finance Department had discussed this matter with the Finance Committee at its August 25, 1993 meeting with inconclusive results as how to proceed.

Councilor Van Bergen asked several questions which Ms. Sims could not answer at the moment (See Attachment 1 to this Report). The Committee asked that answers be put in writing prior to Council consideration of the ordinance on October 14, 1993.

Councilor Wyers (who was in attendance as a non-committee member) expressed concern about the Executive Officers action to pay the assessment prior to the Council making the necessary budget and appropriation schedule changes. She asked Ms. Sims when the Finance Department knew that the assessment must be paid and why wasn't an ordinance introduced immediately to seek Council approval of the budget and appropriation schedule changes (See Attachment 1 to this Report).

Prior the action to forward the ordinance to the Council with no recommendation, the Committee rejected a motion to recommend Council adoption of the ordinance on a two to two vote. Voting in favor of the motion were Councilors Devlin and Van Bergen and voting against were Councilors Buchanan and Kvistad.

NOTE: The responses to questions raised in Attachment 1 are included with this committee report.



METRO

ATTACHMENT 1
(Fin.Comm.Rpt/Ord. 93-512)

Date: September 24, 1993
To: Jennifer Sims, Director of Finance and Management Info
From: Donald E. Carlson, Council Administrator
Re: Questions from the Finance Committee on Ordinance
No. 93-512

As you recall there were several questions asked of you at the Finance Committee regarding the procedures Metro followed in participating in the Lloyd District Local Street Improvement LID.

Councilor Van Bergen asked the following questions:

1. Who in Metro was supposed to respond to the September 1990 notice regarding the Convention Center property?
2. What did the \$5 million dollar project buy and what is the basis of Metro's share of the cost?
3. The Staff Report said the \$5 million dollars was an estimated cost and the Convention Center share was approximately \$800,000. How were these estimates derived?

Councilor Wyers asked the following question:

1. On what date was the Finance Department aware that the assessment must be paid? Why wasn't an ordinance drafted and introduced immediately to seek Council approval of the necessary changes to the Budget and Appropriation Schedule?

The Finance Committee requests that the answers to these questions be answered in writing prior to Council consideration of Ordinance No. 93-512 at the October 14, 1993 meeting. If you have a copy of the September 1990 notice, please include it with your response.

If you have any questions or need additional information, please do not hesitate to contact me.

cc: Finance Committee
Dick Engstrom
Dan Cooper

93-512.memo



METRO

Date: October 6, 1993

To: Judy Wyers, Presiding Officer, Metro Council

From: Jennifer Sims, Director of Finance & Management Information

Re: QUESTIONS FROM THE FINANCE COMMITTEE ON ORDINANCE NO. 93-512.

1. *Who in Metro was supposed to respond to the September 1990, notice regarding the Convention Center property?*

The original notice was dated October 2, 1990, and addressed to Dan Cooper, General Counsel, in care of the Portland Development Commission's offices. Discussions in 1990 between the Executive Officer, General Counsel and capital construction project staff determined the assessment would be an operating cost of the Convention Center at the time of payment and the Executive Officer referred the issue to the MERC Commission for decision. After further discussion, the MERC Commission and staff chose not to object to the project nor to seek exemption from the local improvement district.

The Council Finance Committee has also requested a copy of the original 1990 notice. We have requested a copy of this notice from the City of Portland, however, they are not legally required to keep a copy of each individual notice. The City is required to keep only an example of the notice sent and a certified copy of the mailing list. The City of Portland has provided the example of the notice and the pages of the mailing list that pertain to Metro properties. These pages are attached to this memo.

2. *What did the \$5 million dollar project buy and what is the basis of Metro's share of the cost?*

The \$5.1 million dollar local improvement district was part of a \$34.0 million Convention Center/Lloyd District transportation improvement plan approved in June, 1990. Metro entered into an intergovernmental agreement with the City of Portland regarding the transportation improvement plan. The entire plan included participation by Metro, the City of Portland, ODOT, and Tri-Met. One aspect of the funding package for the improvement plan was the creation of the local improvement district for approximately \$5.1 million. Projects involved in the

improvement plan included improvements to Holladay and King streets at the Convention Center; Holladay and King streets to 13th avenue; Multnomah/Hassalo roadway, Williams/Hassalo intersection, 15th/16th street right of way, district lighting, etc. A copy of the intergovernmental agreement signed in June of 1990 is attached.

The costs of the local improvement district were allocated among the property owners of the district based on the square footage of each property within the district. The Convention Center assessment was based on 723,234 square feet of property area, and the Metro Regional Center assessment was based on 133,000 square feet of property area. Each property was assessed \$0.9978649286 per square foot.

- 3. The staff report said the \$5 million dollars was an estimated cost and the Convention Center share was approximately \$800,000. How were these estimates derived?*

The initial estimates for the local improvement district and the Convention Center's share were derived by the City of Portland. As explained above the cost of the local improvement district was part of a funding package included in the full Convention Center/Lloyd District transportation improvement plan. The Convention Center's share was based on square footage of the properties within the district.

- 4. On what date was the Finance Department aware that the assessment must be paid? Why wasn't an ordinance drafted and introduced immediately to seek Council approval of the necessary changes to the budget and appropriations schedule?*

On Wednesday, June 30, 1993, the Finance & Management Information Department received notice of the proposed assessments. The notices received at that time still included estimates of costs only and did not provide a date on which the assessments would be due and payable. On July 28, 1993, the Department received final notices from the City of Portland with actual assessment costs and a due date of August 27, 1993.

During the month of July, 1993, the Finance and Management Information Department researched possible alternatives to funding the LID assessment on the Convention Center. The research included numerous phone calls with the City of Portland, the Tax Supervising and Conservation Commission, General Counsel and Metro staff, as well as analysis of Oregon Budget Law and impact on the current and future year's budget. A funding options paper was prepared and sent to MERC staff on August 2, 1993. The MERC Commission approved a funding plan at its meeting of August 11, 1993. The approved funding plan, however, required further research and an additional legal opinion from Mr. Cooper as to its legality. A written

October 6, 1993

Page 3

request for legal opinion, dated August 13, 1993, was prepared and delivered to Mr. Cooper. His response, dated August 19, 1993, was received by the Finance and Management Information Department on August 20, 1993.

The local street improvement assessments, the proposed funding plans, and the anticipated budget actions were discussed with the Council Regional Facilities Committee at its meeting on Wednesday, August 18, 1993. No objections to the assessments or the proposed funding plans and budget actions were voiced by the Committee members at that meeting. The proposed actions were also brought before the Council Finance Committee at its meeting of Wednesday, August 25, 1993.

A budget amendment ordinance requires a specific course of action to amend the budget. The ordinance must specifically state the need for the amendment, the dollar amount of the change, and which line items and appropriation categories are to be amended. As indicated above, the details necessary to prepare the budget ordinance were not known until the third week of August.

JS:KTR

kr:ord93-94.lid:QUESMMO.DOC
10/6/93 10:37 AM

Attachment

Vol 252 Pg 10



CITY OF
PORTLAND, OREGON

OFFICE OF CITY AUDITOR

Assessments/Liens Division
1220 S.W. 5th. Rm. 202
Portland, Oregon 97204
Telephone: 248-4090

Example

TO: PACIFIC DEVELOPMENT
(LLOYD GENERAL I) INC
920 SW 6TH AV
PORTLAND, OR 97204

DATE: 10/02/1990
ACCOUNT NO. 00058329
PROJECT NO. C9747
TAX ACCT. NO. R396203330

HEARING NOTICE AND COST ESTIMATE

PROJECT: CONVENTION CENTER-LLOYD DISTRICT
LOCAL STREET IMPROVEMENT PROJECT

The City Council of the City of Portland has authorized the design and possible construction of the local improvement project described above. All benefitted property will be assessed a portion of the cost of construction. The estimated assessment on your property is:

PROPERTY ADDRESS: 422 NE MULTNOMAH ST

ADDITION: HOLLADAYS ADD
BLK: 72 LOT:

EXC PT IN STS-N 1/2 OF

ESTIMATED ASSESSMENT: \$ 16,073.79

A public hearing will be held in the Council Chambers of City Hall, 1220 SW 5th Avenue, Portland, Oregon, at the regular meeting beginning at 9:30 AM on October 24, 1990.

At this hearing, any views from property owners will be heard. Written objections if any, must contain a specific reason for not wanting construction of the project and must be submitted to the Office of the City Auditor by 5:00 PM on October 17, 1990.

This estimate includes the costs of constructing this local improvement plus engineering administration and interim financing. The total cost of this project is estimated to be \$ 5,106,000.00 .

Council approval of this project will make it possible to begin construction in the near future.

If you have questions about the design of the project, please call (503) 248-4092 . Please direct questions regarding your share of the cost to the City Auditor's Office, 248-4092.

pg 1

PAGE: 113
RUN DATE: 09/27/90

VOLUME: 142
CITY OF PORTLAND
OFFICE OF THE CITY AUDITOR
LTEN5405
ASSESSMENT NOTICE REGISTER

TIME & MANNER: ORDINANCE #:
ASSESSING: ORDINANCE #:

DATE: 09/25/1990
DATE: 09/27/1990

DATE OF NOTICE: 09/27/1990
OBJECTION DATE:
HEARING DATE:

AUDITOR'S FILE NO. C9747 CONVENTION CENTER-LLOYD DISTRICT
LOCAL STREET IMPROVEMENT PROJECT

ASSESSMENT
AMOUNT

PROPERTY ADDRESS
MAILING NAME
MAILING ADDRESS

\$ 822,489.01

PORTLAND OR ST

TAX NMBR: R000000000 CNTY CODE: M ACCT #: 00058392

ADDITION: CONVENTION CENTER
BLOCK: LOT:

INV #:
SQ FT: 0.00
BRANCH: 0.00

ADDL LEGAL DESC:

PHONE NUMBER:

\$ 4,229.94

525 NE GRAND OR AV
PORTLAND

TAX NMBR: R373600010 CNTY CODE: M ACCT #: 00050372

ADDITION: HEIPLE ADD
BLOCK: 6 LOT: 1
DESC: EXC W 10' TKN FOR UNION AVE

INV #:
SQ FT: 4,500.00
BRANCH: 0.00

ADDL LEGAL DESC:

PHONE NUMBER:

\$ 4,229.94

510 NE UNION OR AV
PORTLAND

TAX NMBR: R373600020 CNTY CODE: M ACCT #: 00058298

ADDITION: HEIPLE ADD
BLOCK: 6 LOT: 2
DESC: EXC W 10' TKN FOR UNION AVE

INV #:
SQ FT: 4,500.00
BRANCH: 0.00

ADDL LEGAL DESC:

PHONE NUMBER:

500 NE UNION AV OR 97232
PORTLAND

pg 4

PAGE: 154
RUN DATE: 09/27/90

VOLUME: 142
CITY OF PORTLAND
OFFICE OF THE CITY AUDITOR
LIENS405
ASSESSMENT NOTICE REGISTER

TIME & MANNER: ORDINANCE #:
ASSESSING: ORDINANCE #:

DATE: 09/25/1990
DATE: 09/27/1990
DATE OF NOTICE: 09/27/1990
OBJECTION DATE:
HEARING DATE:

AUDITOR'S FILE NO. C9747 CONVENTION CENTER-LLOYD DISTRICT
LOCAL STREET IMPROVEMENT PROJECT

ASSESSMENT
AMOUNT

PROPERTY ADDRESS
MAILING NAME
MAILING ADDRESS

TAX NMBR: R903700010	CNTY CODE: M	ACCT #: 00058352	524 NE GRAND PORTLAND	OR	AV	\$ 73,548.38
ADDITION: WHEELERS ADD BLOCK: 788	LOT: 1	DESC: TL# 1 OF	PACIFIC DEVELOPMENT (LLOYD GENERAL I)INC 920 SW 6TH AV			INV #: SQ FT: 78,244.00 # BRANCH: 0.00
ADDL LEGAL DESC:			PORTLAND		OR 97204	
			PHONE NUMBER:			

TAX NMBR: R903700210	CNTY CODE: M	ACCT #: 00058278	631 NE GRAND PORTLAND	OR	AV	\$ 5,639.93
ADDITION: WHEELERS ADD BLOCK: 9	LOT: 9	DESC: E 30' OF NW 1/4 OF NE 1/4 OF	DOWSETT, MYRNA-RAE 3045 SW 66TH CRT			INV #: SQ FT: 6,000.00 # BRANCH: 0.00
ADDL LEGAL DESC:			PORTLAND		OR 97225	
			PHONE NUMBER:			

TAX NMBR: R903700240	CNTY CODE: M	ACCT #: 00058270	630 NE UNION PORTLAND	OR	AV	\$ 5,639.93
ADDITION: WHEELERS ADD BLOCK: 9	LOT: 9	DESC: EXC W 10' 1KN FOR UNION AVE W 70' OF NW 1/4 OF	ARNSBERG, HELEN V 630 NE UNION AV			INV #: SQ FT: 6,000.00 # BRANCH: 0.00
ADDL LEGAL DESC:			PORTLAND		OR	
			PHONE NUMBER:			

PAGE: 154

DESCRIPTIONS FOR ALL TAX LOTS ARE LISTED AT THE END OF THIS REPORT.

VOLUME: 142

pg 5

INTERGOVERNMENTAL AGREEMENT

This agreement is made between the Metropolitan Service District, hereinafter "Metro", and the City of Portland, hereinafter "City", this 1st day of June, 1990.

W I T N E S S E T H :

RECITALS:

Whereas, the Oregon Convention Center (OCC) is envisioned to generate \$137 million annually in new business sales to the region and the state; and

Whereas, the Oregon Convention Center is under construction in the Lloyd Business District of northeast Portland; and

Whereas, increased pedestrian safety and comfort, attractive urban environment, enhanced exhibitor access, and a multi-modal transportation system are important elements in making the district more attractive to convention delegates; and

Whereas, an improved area setting for the OCC will make the destination more competitive with other cities in attracting conventions to Portland; and

Whereas, a \$34 million urban design, transportation improvement program, and public safety improvement program has been adopted by a unique public/private partnership as summarized in Exhibit "A", and

Whereas, construction of a truck marshalling area for the OCC is an enhancement included in the overall improvement program summarized in Exhibit "A", and

Whereas, the improvement of Martin Luther King, Jr. Blvd. adjacent to the Oregon Convention Center is included in this program, and was included in the original scope of the convention center project, and

Whereas, the Martin Luther King, Jr. project has been designed by the City, and is ready for bidding, and

Whereas, the Metro Council has taken budget action to allocate \$300,000.00 for convention center area improvements as part of the FY 1989-90 Budget.

A G R E E M E N T :

The parties hereto agree as follows:

Metro will pay, upon request of the City, the sum of \$300,000.00 (three hundred thousand dollars) to the City of Portland for the reconstruction of Martin Luther King, Jr. Blvd. adjacent to the Oregon Convention Center (Holladay/King at OCC on Exhibit A).

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates hereinafter indicated.

Metropolitan Service
District

City of Portland

Raymond A. Phelps Jr.
Title: Director of F. H.
Date: 3-12-90

John Clark
Title: _____
Date: 6/1/90

Barbara Clark
Barbara Clark, City Auditor

Approved as to form:

Linda N. Hardness, Dep. City Atty
Approved as to form

Daniel B. Cooper
Daniel B. Cooper
General Counsel

Exhibit A
 Convention Center Improvement Program Summary
 February, 1990

Element	Budget Estimate (Millions)
1. Holladay/King at OCC	\$2.327*
2. Holladay/King to 13th	\$5.106
3. Multnomah/Hassalo Roadway	\$.787
4. OCC Truck Marshalling area	\$0.300
5. Hotel Site Acquisition	\$4.5**
6. 16th Two-way, 15th-16th Right of way	\$5.026 \$0.100
7. Williams/Hassalo Intersection	\$0.205
8. District Lighting	\$2.377
9. Overlook & Holladay Park	\$0.847
10. District Maintenance Projects	ODOT
11. Public Safety Improvement program	\$0.300***
12. General Contingency (3.5%)	\$0.747
'Baseline' Transportation Improvements	\$11.381****
Program Total	\$34.003

* Includes improvement of Martin Luther King, Jr. Blvd. adjacent to the Oregon Convention Center, to which Metro project funds are dedicated.

** Metro Council approval of this project provided by separate Transportation Improvement Program action rather than this agreement.

*** Remodeling of space donated by William Simon, Inc. for police support facilities. Funding provided by City General Funds.

**** Funded projects of Metro Convention Center Project (\$2.7 million), Tri-Met (\$3.481 million), ODOT (\$4.700 million), and City of Portland (\$.500).

Exhibit B
 Convention Center Improvement Resources Summary
 February, 1990

RESOURCES

Source	Amount
Federal Aid Urban (FAU)	\$1.960
City-provided match	.130
Regional Reserve	
Interstate Transfer Funds	\$2.000*
City-provided match	.300
Street Lighting (City Fund)	\$3.000
PDC/Urban Renewal Fund (15th/16th)	\$5.126
Metro Convention Center Pedestrian Funds (Previously approved in City/Metro Street Vacation agreement)	\$.200**
Private Sector Participation	\$5.106
Tri-Met Project Breakeven	\$4.500***
Portland General Funds (Public Safety Facility)	\$.300
Baseline Funding (previously Committed)	\$11.381**
TOTAL	\$34.003

* Approved by separate Metro Council action,
 Resolution No. 90-1200.

** Funded projects: (1) Metro Convention Center Project
 contribtes \$2.7 million via the street vacation
 agreement with City of Portland, Tri-Met \$3.481 million,
 ODOT (\$4.700 million), and City of Portland (\$.500).

*** Metro Council approval of this project provided by
 separate Transportation Improvement Program action
 rather than this agreement.

ORDINANCE No. 163104

- * Authorize the City to enter into an agreement with Metropolitan Service District (Metro) whereby Metro will provide \$300,000 to the City of Portland for reconstruction of Martin Luther King Jr. Boulevard adjacent to the Oregon Convention Center. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On April 13, 1988, City Council passed Ordinance No. 160640 approving an agreement with the Metropolitan Service District (Metro) to define project management and funding responsibilities for transportation improvement projects facilitating the development of the Oregon Convention Center (OCC).
2. On March 22, 1989, City Council adopted Resolution No. 34531 endorsing a public/private partnership in support of the Convention Center Transportation Capital Improvement Program.
3. Entering into this agreement with Metro will further enhance the OCC area and support the mutual goals of the area development strategy.

NOW, THEREFORE, the Council directs:

- a. The Mayor and City Auditor are authorized to execute on behalf of the City, an agreement in form substantially similar to that attached to the original of this Ordinance, and by this reference made a part hereof.

Section 2. The Council declares that an emergency exists because a delay in executing this agreement will allow Metro funds available for this project to lapse; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, MAY 30 1990

Commissioner Earl Blumenauer
Ron J. Kleinschmit
May 23, 1990
[CC]Agree-Ord

BARBARA CLARK
Auditor of the City of Portland
By *Macy Hanagan* Deputy

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE)
NO. 93-487A REVISING THE FY 1993-94)
BUDGET AND APPROPRIATIONS)
SCHEDULE FOR THE PURPOSE OF)
FUNDING THE LLOYD DISTRICT LOCAL)
STREET IMPROVEMENT ASSESSMENT)
FROM THE CITY OF PORTLAND ON THE)
OREGON CONVENTION CENTER AND)
METRO REGIONAL CENTER.)

ORDINANCE NO. 93-512

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations within the FY 1993-94 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 HEREBY ORDAINS:

1. That Ordinance No. 93-487A, Exhibit B, FY 1993-94 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of funding the Lloyd District local street improvement assessments from the City of Portland on the Oregon Convention Center and Metro Regional Center..

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, in order to meet obligations and 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. 93-512**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL REVENUE BOND FUND:Construction Account							
Total Personal Services		1.05	68,704	0.00	0	1.05	68,704
<u>Materials & Services</u>							
Metro Regional Center							
521100	Office Supplies		100		0		100
521240	Graphic/reprographic Supplies		2,000		0		2,000
521260	Printing Supplies		500		0		500
521310	Subscriptions		144		0		144
521320	Dues		290		0		290
524190	Miscellaneous Professional Services		4,500		0		4,500
526200	Ads and Legal Notices		1,500		0		1,500
526310	Printing Services		2,000		0		2,000
526410	Telephone		250		0		250
526440	Delivery Services		100		0		100
526500	Travel		500		0		500
526800	Training, Tuition and Conferences		1,140		0		1,140
528100	Licenses, Permits & Payments to Other Agencies		75,000		(75,000)		0
528500	Government Assessments (LID)		0		132,716		132,716
Total Materials & Services			88,024		57,716		145,740
<u>Capital Outlay</u>							
Metro Regional Center							
571300	Purchases-Buildings, Exhibits & Related		45,000		0		45,000
571500	Purchases-Office Furniture & Equipment		327,173		0		327,173
574520	Const. Work/Materials-Bldgs, Exhibits & Rel.		495,000		(57,716)		437,284
Total Capital Outlay			867,173		(57,716)		809,457
TOTAL CONSTRUCTION ACCOUNT		1.05	1,023,901	0.00	0	1.05	1,023,901

**Exhibit A
Ordinance No. 93-512**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND							
Total Personal Services		90.20	3,126,813	0.00	0	90.20	3,126,813
Materials & Services							
521100	Office Supplies		31,300		0		31,300
521290	Other Supplies		151,150		0		151,150
521292	Small Tools		4,250		0		4,250
521310	Subscriptions		1,100		0		1,100
521320	Dues		6,410		0		6,410
521510	Maintenance and Repair Supplies - Building		20,000		0		20,000
521540	Maintenance and Repair Supplies -Equipment		56,000		0		56,000
523200	Merchandise for Resale-Retail Goods		3,350		0		3,350
524110	Audit Fees		10,000		0		10,000
524120	Legal Fees		7,000		0		7,000
524130	Promotion/Public Relations		89,015		0		89,015
524190	Misc. Professional Services		1,432,450		0		1,432,450
525110	Utilities-Electricity		385,000		0		385,000
525120	Utilities-Water and Sewer		65,580		0		65,580
525130	Utilities-Natural Gas		48,000		0		48,000
525150	Utilities-Sanitation Services		27,500		0		27,500
525190	Utilities-Other		3,700		0		3,700
525610	Maintenance & Repair Services-Building		91,750		0		91,750
525640	Maintenance & Repair Services-Equipment		63,790		0		63,790
525710	Equipment Rental		22,700		0		22,700
525720	Building Rental		36,500		0		36,500
525740	Capital Lease Payments-Office Equipment		6,500		0		6,500
526200	Ads & Legal Notices		5,375		0		5,375
526310	Printing Services		80,900		0		80,900
526320	Typesetting and Reprographics		10,200		0		10,200
526410	Telephone		92,326		0		92,326
526420	Postage		13,770		0		13,770
526440	Delivery Service		500		0		500
526500	Travel		30,425		0		30,425
526690	Concession/Catering Contract		2,492,000		0		2,492,000
526691	Parking Contract		36,400		0		36,400
526700	Temporary Help Services		6,500		0		6,500
526800	Training, Tuition, Conferences		30,406		0		30,406
526910	Uniforms and Cleaning		13,950		0		13,950
528100	License, Permits, Payments to Other Agencies		3,200		0		3,200
528500	Government Assessments (LID)		0		722,000		722,000
529500	Meetings		3,100		0		3,100
529800	Miscellaneous		19,550		0		19,550
529835	External Promotion Expenses		17,000		0		17,000
529930	Bad Debt Expense		2,000		0		2,000
Total Materials & Services			5,420,647		722,000		6,142,647
Total Capital Outlay			248,000		0		248,000
Interfund Transfers							
581610	Trans. Indirect Costs to Support Svcs. Fund		299,249		0		299,249
581615	Trans. Indirect Cost to Risk Mgmt. Fund-Gen1		118,959		0		118,959
581615	Trans. Indirect Cost to Risk Mgmt Fund-Workers' Comp		66,527		0		66,527
582751	Trans. Resources to MERC Admin. Fund		313,351		0		313,351
583513	Trans. Resources to Building Management Fund		40,500		0		40,500
583xxx	Trans. Resources to OCC Renewal & Replace. Fund		900,000		(722,000)		178,000
583610	Trans. Direct Costs to Support Svcs. Fund		153,556		0		153,556
Total Interfund Transfers			1,892,142		(722,000)		1,170,142

**Exhibit A
Ordinance No. 93-512**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
OREGON CONVENTION CENTER OPERATING FUND							
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		500,000		0		500,000
599990	Unappropriated Balance		5,872,450		0		5,872,450
Total Contingency and Unapp. Balance			6,372,450		0		6,372,450
TOTAL EXPENDITURES		90.20	17,060,052	0.00	0	90.20	17,060,052

**Exhibit A
Ordinance No. 93-512**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
CONVENTION CENTER PROJECT CAPITAL FUND							
Total Personal Services		0.50	33,240	0.00	0	0.50	33,240
Total Materials & Services			39,500		0		39,500
Capital Outlay							
571400	Purchases-Equipment & Vehicles		500,000		0		500,000
574120	Architectural Services		150,000		0		150,000
574130	Engineering Services		15,000		0		15,000
574510	Construction Work Other than Bldg		350,000		0		350,000
574520	Const. Work/Materials-Bldgs, Exhibits & Rel.		968,340		(500,000)		468,340
Total Capital Outlay			1,983,340		(500,000)		1,483,340
Interfund Transfers							
581610	Trans. Indirect Costs to Support Svs. Fund		66,580		0		66,580
581615	Trans. Indirect Cost to Risk Mgmt. Fund-Liability		1,909		0		1,909
581615	Trans. Indirect Cost to Risk Mgmt. Fund-Workers Comp		299		0		299
583610	Trans. Direct Costs to Support Svs. Fund		37,132		0		37,132
582551	Trans. Resources to OCC Renewal & Replace.		0		500,000		500,000
Total Interfund Transfers			105,920		500,000		605,920
Contingency and Unappropriated Balance							
599990	Unappropriated Balance		538,000		0		538,000
Total Contingency and Unapp Balance			538,000		0		538,000
TOTAL EXPENDITURES		0.50	2,700,000	0.00	0	0.50	2,700,000

Oregon Convention Center Renewal & Replacement Fund

Resources							
361100	Interest on Investments		27,000		0		27,000
391550	Trans. Resources from Oregon Conv. Ctr. Fund		900,000		(722,000)		178,000
391559	Trans. Resources from Conv. Ctr. Capital Fund		0		500,000		500,000
Total Resources			927,000		(222,000)		705,000
Requirements							
599990	Unappropriated Balance		927,000		(222,000)		705,000
Total Requirements			927,000		(222,000)		705,000

Exhibit B
Schedule of Appropriations
Ordinance No. 93-512

	Current Appropriation	Revision	Proposed Appropriation
GENERAL REVENUE BOND FUND			
Construction Account			
Personal Services	68,704	0	68,704
Materials & Services	88,024	57,716	145,740
Capital Outlay	867,173	(57,716)	809,457
Subtotal	1,023,901	0	1,023,901
Debt Service Account			
Debt Service	1,494,332	0	1,494,332
Subtotal	1,494,332	0	1,494,332
General Expenses			
Contingency	503,891	0	503,891
Subtotal	503,891	0	503,891
Unappropriated Balance	2,158,801	0	2,158,801
Total Fund Requirements	5,180,925	0	5,180,925
CONVENTION CENTER PROJECT CAPITAL FUND			
Personal Services	33,240	0	33,240
Materials & Services	39,500	0	39,500
Capital Outlay	1,983,340	(500,000)	1,483,340
Interfund Transfers	105,920	500,000	605,920
Unappropriated Balance	538,000	0	538,000
Total Fund Requirements	2,700,000	0	2,700,000
OREGON CONVENTION CENTER OPERATING FUND			
Personal Services	3,126,813	0	3,126,813
Materials & Services	5,420,647	722,000	6,142,647
Capital Outlay	248,000	0	248,000
Interfund Transfers	1,892,142	(722,000)	1,170,142
Contingency	500,000	0	500,000
Unappropriated Balance	5,872,450	0	5,872,450
Total Fund Requirements	17,060,052	0	17,060,052
OREGON CONVENTION CENTER RENEWAL & REPLACEMENT FUND			
Unappropriated Balance	927,000	(222,000)	705,000
Total Fund Requirements	927,000	(222,000)	705,000

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 93-512 AMENDING ORDINANCE NO. 93-487A REVISING THE FY 1993-94 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING THE LLOYD DISTRICT LOCAL STREET IMPROVEMENT ASSESSMENTS FROM THE CITY OF PORTLAND ON THE OREGON CONVENTION CENTER AND METRO REGIONAL CENTER.

Date: August 31, 1993

Presented by: Jennifer Sims

BACKGROUND AND ANALYSIS

This action provides for payment of two assessments from the City of Portland for a local improvement district for the Convention Center - Lloyd District local street improvement project. The assessments were made on the Oregon Convention Center and Metro Regional Center. The background and proposed budget action for each assessment are discussed separately.

Oregon Convention Center

In September, 1990, Metro received notice from the City of Portland on its intent to create a local improvement district for the Convention Center - Lloyd District local street improvement project; and to assess all benefited properties within the district, including the Oregon Convention Center, a portion of the cost of construction. The total estimated cost of the local improvement district was estimated to be \$5,106,000. The Oregon Convention Center's estimated assessment was \$822,489. The initial notice included notice of a public hearing and an explanation of the process by which objections would be heard. Metro's opportunity to remonstrate from the district was during this time. Metro chose not to file an objection and thus became part of the district.

Subsequent to the adoption of the FY 1993-94 budget, Metro received final notices from the City of Portland on the local street improvements. The final assessment on the Oregon Convention Center is \$721,690. This assessment was unanticipated in the FY 1993-94 budget.

The Financial Planning division prepared various funding alternatives to cover this unbudgeted expense in the Oregon Convention Center Operating Fund. The options were discussed by MERC staff and reviewed by the MERC Commission at its meeting on August 11, 1993. The MERC Commission authorized the use of \$500,000 of uncommitted capital outlay appropriation in the Convention Center Project Capital Fund to partially offset the cost of the assessment. This proposal required a legal opinion from Metro's General Counsel on the authorized use of the remaining proceeds in the Project Capital fund. An opinion from Mr. Cooper, dated August 19, 1993, was received by the Financial Planning division on August 20, 1993, and stated the proposed use of the funds was allowable providing the Council deemed this expense a related cost of the Convention Center. A copy of the opinion is attached.

The funding of the Oregon Convention Center assessment will be done in two steps. The FY 1993-94 budget provides for a \$900,000 transfer from the Oregon Convention Center Operating Fund to the Oregon Convention Center Renewal and Replacement Fund to create a reserve for future capital replacement and improvements. This transfer has not yet been made. The proposed funding plan reclassifies \$722,000 of the "interfund transfer" appropriation and moves it to materials & services to pay the local street improvement assessment. The contribution from the Operating Fund to the Renewal & Replacement Fund is reduced to \$178,000 (see page A-2, of Exhibit A to the Ordinance).

The second step of the proposed funding plan is to reclassify \$500,000 of existing, uncommitted capital outlay appropriation in the Convention Center Project Capital Fund and move it to the Renewal & Replacement Fund to partially offset the loss of contribution from the Operating fund. The total amount of contribution to the Renewal and Replacement Fund in FY 1993-94 will be \$678,000 and come from two funds -- the Oregon Convention Center Operating Fund and the Convention Center Project Capital Fund (see page A-4, of Exhibit A to the Ordinance). The \$222,000 reduction in total contributions to the Renewal and Replacement Fund will be deferred until FY 1994-95.

Metro Regional Center

In September, 1990, when the local improvement district was originally created, Pacific Development was assessed an amount on the former Sears Building for the local street improvements. When Metro agreed to the purchase of the property from Pacific Development, the assessment was included and became a part of the sale. The initial estimated assessment on the former Sears building was \$73,548.

The FY 1993-94 adopted budget included \$75,000 in the General Revenue Bond Fund to pay the Metro Regional Center assessment. Subsequent to the adoption of the FY 1993-94 budget, Metro received final notice from the City of Portland on the local street improvements. The final assessment for Metro Regional Center is \$132,716. This action proposes the transfer of \$57,716 of existing appropriation from capital outlay to materials & services in the General Revenue Bond Fund to fund the additional assessment expense. The additional expense does not impact the initial renovation and construction project, however, it will reduce the remaining balance available for further build out of Metro Regional Center to accommodate the consolidation of the regional parks functions. Current projections for the Parks build out indicate there are still sufficient funds to complete the project providing unanticipated needs do not exceed \$60,000.

The local street improvement assessments, the proposed funding plans, and the anticipated budget actions were discussed with the Council Regional Facilities Committee at its meeting on Wednesday, August 18, 1993. No objections to the assessments or the proposed funding plans and budget actions were voiced by the Committee members at that meeting. The proposed actions were also brought before the Council Finance Committee at its meeting of Wednesday, August 25, 1993. The assessments were due and payable to the City of Portland on August 27, 1993. Payment of the assessments on the date due saved Metro an estimated \$21,400 in interest and penalties.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 93-512, funding the Lloyd District local street improvement assessments as outlined above.

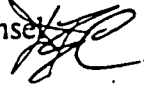
kr:ord93-94:ld:SR.DOC
August 31, 1993



METRO

Date: August 19, 1993

To: Kathy Rutkowski, F&MI

From: Daniel B. Cooper, General Counsel 

Regarding: USE OF CONVENTION CENTER PROJECT CAPITAL FUNDS
Our file:

I have reviewed your memorandum of August 13, 1993, in which you asked several questions related to the proposed use of an existing appropriation within the Convention Center Capital Fund to pay the Lloyd District LID assessment on the Convention Center.

After reviewing your questions and the documents related thereto, I believe the fundamental question you asked is whether the expenditure of Convention Center Project Capital Funds for the purpose of paying either the Lloyd District LID or for expenditure on "renewal and replacement" items for the Convention Center would be an appropriate use of this fund based on the purpose for which the fund was initially created in 1986. If the use of the funds is appropriate for both of these purposes, then any issues related to the distribution of the remaining balance in this fund, if any when the fund is eliminated, would be moot, along with the questions raised by you regarding the advice letter provided by Ed Einowski in March 1992 related to the disposition of unexpended bond proceeds to avoid excess proceeds problems at the time of the refunding.

Resolution No. 86-680, which created the Convention Center Project Capital Funds, specifically states that the fund is created "for the construction of the convention center including construction management, architectural/engineering expenditures, land acquisition, transfers to a debt service fund for debt payments, and related studies and costs deemed appropriate by the Council." (Emphasis supplied.) If the Council finds that the payment of the LID and that expenditures for "renewal or replacement" of costs for the Convention Center are "related costs" which the Council deems it appropriate to pay out of this fund, then the issues raised in your questions are resolved and the expenditure via a transfer of funds from one fund to another for payment is of no significance and there will also be no excess proceeds issues that need to be resolved that could possible have an adverse impact of the tax exempt status of the refunding bonds that have been previously issued.

Kathy Rutkowski
Page 2
August 19, 1993

The adoption of a budget adjustment ordinance by the Council making the transfers you have discussed would be an appropriate vehicle for the Council to find that these expenditures and transfers are appropriate.

Please let me know if you have any further questions in this regard.

gl
1739

Meeting Date: October 14, 1993
Agenda Item No. 8.1

RESOLUTION NO. 93-1865



M E T R O

To: Metro Council
From: Gail Ryder, Senior Council Analyst
Date: October 6, 1993
Re: Process for Completion of CMAQ Project Approval

At the September 9 Council meeting, the Council approved Resolution 93-1829A, accepting the CMAQ project list with the exception of Project 032 (Cedar Hills Boulevard: Parkway Avenue to Butner Road). At the September 23 Council meeting, the Council approved the wording of a letter to JPACT making the Planning Committee's recommendation about the deletion of the project.

The initial decision to sever a portion of a decision recommended by JPACT for further review is relatively unique. Further complicating the process was the Planning Committee's decision that their recommendation to JPACT be reviewed by the Council and approved before being sent to JPACT.

The normal process would have been for the Planning Committee to introduce a second resolution that contained their recommendation and send the resolution directly back to JPACT for recommendation and then on to the Metro Council for final approval. Since this was not the case, it is now necessary for a resolution to be introduced by Councilor Van Bergen, as Planning Committee Chair.

If JPACT recommends approval of the resolution as written on October 14, the measure will come before the Council that evening as a non-referred resolution for final approval (assuming that a motion to suspend the rules is approved). If JPACT disagrees with the resolution or makes significant changes, then the agenda item will be pulled from the October 14 Council agenda and referred directly to the Planning Committee.

c: Andy Cotugno
Don Carlson
Paulette Allen

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING) RESOLUTION NO. 93-1865
A FUNDING POOL IN THE AMOUNT OF)
\$896,000 TO WASHINGTON COUNTY) Introduced by
FOR COMPLETION OF THE CEDAR) Councilor Van Bergen
HILLS/HALL BOULEVARD "ALTERNATE)
TO HIGHWAY 217 BIKE LANE SYSTEM")
FOR SUBMISSION TO THE OREGON)
TRANSPORTATION COMMISSION FOR)
INCLUSION IN THE 1995-1998 TRANS-)
PORTATION IMPROVEMENT PROGRAM AS)
A PRIORITY CMAQ PROJECT)

WHEREAS, The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 included the Congestion Mitigation/Air Quality (CMAQ) Program for funding clean air and congestion-related projects in carbon monoxide and ozone non-attainment areas; and

WHEREAS, The Portland Metropolitan Area is designated as marginal non-attainment for ozone and moderate for carbon monoxide; and

WHEREAS, ISTEA stipulates that states shall allocate CMAQ funds in consultation with the designated Metropolitan Planning Organization (MPO); and

WHEREAS, Metro is the designated MPO for the Portland Metropolitan Area; and

WHEREAS, the state is currently programming CMAQ funds for FY 95-97 through the update of the Oregon Department of Transportation's 1995-1998 Transportation Improvement Program (TIP); and

WHEREAS, Resolution No. 93-1829A was approved as amended endorsing the region's priority FY 1995-97 Congestion Mitigation/

Air Quality Program with the exception of Project No. 032 -- the Cedar Hills Boulevard: Parkway Avenue to Butner Road bike lanes and sidewalks; and

WHEREAS, a need does exist in the Highway 217 corridor to identify a priority project in order to move towards completion of the regional bike network; now therefore

BE IT RESOLVED:

1. That the Metro Council amends the 1992 RTP to include a new project No. 032 -- the Cedar Hills/Hall Boulevard "alternate to Highway 217 bike lane system."

2. That by inclusion of this new project, the Metro Council establishes a funding pool for Washington County in the amount of \$896,000 to construct priority bike projects in the Highway 217 corridor following an extensive analysis.

3. That the funds are to be allocated following a public review process to determine and prioritize the most critical links needed to complete the Highway 217 bike system.

4. That a report of the results of the public review process be provided to JPACT and Metro Council prior to allocation of the funds.

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

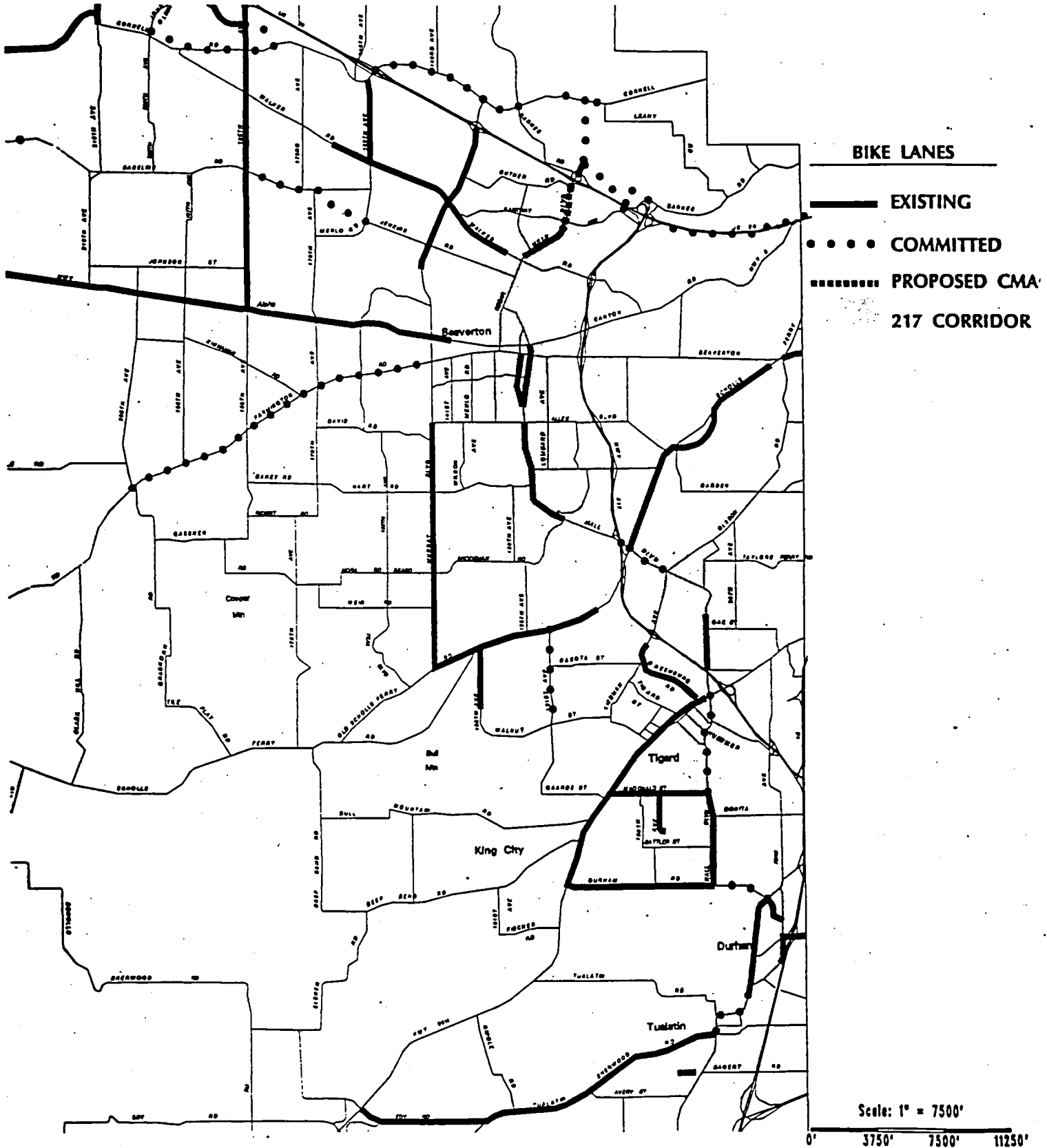
Judy Wyers, Presiding Officer

RL:mk
93-1863.RES
10-6-93

HIGHWAY 217 CORRIDOR BIKE LANES

THIS MAP IS COMPILED FROM ORIGINAL MATERIALS AT DIFFERENT SCALES. FOR MORE DETAIL PLEASE REFER TO THE SOURCE MATERIALS OR THE WASHINGTON COUNTY DEPARTMENT OF LAND USE AND TRANSPORTATION.

PREPARED BY THE WASHINGTON COUNTY PLANNING DIVISION



STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1865 FOR THE PURPOSE OF ESTABLISHING A FUNDING POOL IN THE AMOUNT OF \$896,000 TO WASHINGTON COUNTY FOR COMPLETION OF THE CEDAR HILLS/HALL BOULEVARD "ALTERNATE TO HIGHWAY 217 BIKE LANE SYSTEM" FOR SUBMISSION TO THE OREGON TRANSPORTATION COMMISSION FOR INCLUSION IN THE 1995-1998 TRANSPORTATION IMPROVEMENT PROGRAM AS A PRIORITY CMAQ PROJECT

Date: October 6, 1993

Presented By: Andrew Cotugno

PROPOSED ACTION

This resolution would establish a funding pool in the amount of \$896,000 to Washington County for completion of the Cedar Hills/Hall Boulevard "alternate to Highway 217 bike lane system" to be allocated following a public review process to determine and prioritize the most critical links needed to complete the bike lane system.

The resolution also acts to amend the 1992 Regional Transportation Plan (RTP) to include the priority CMAQ project adopted through this resolution. The priority CMAQ project will be forwarded, along with the priority CMAQ projects listed in Resolution No. 1829A, for consideration by the Oregon Transportation Commission (OTC). Upon OTC approval of the second round CMAQ program, the Metro Transportation Improvement Program (TIP) will be amended. Exhibit A identifies the Highway 217 corridor along with the existing, committed, and originally proposed Cedar Hills Boulevard bike project.

Metro Council action is scheduled for October 14, 1993.

FACTUAL BACKGROUND AND ANALYSIS

Planning Committee Recommendation

At the August 24 meeting of the Planning Committee, Resolution No. 93-1829A was approved as amended. The resolution endorsed the region's priority FY 1995-97 Congestion Mitigation/Air Quality (CMAQ) Program projects for submission to the Oregon Transportation Commission for inclusion of these projects in their 1995-1998 TIP. The resolution was approved as submitted with the exception of the Cedar Hills Boulevard Bike Project (Project No. 032).

Project No. 032 (Cedar Hills Boulevard: Parkway Avenue to Butner Road - bike lanes and sidewalks) was deleted following extensive testimony in opposition to its selection. The reasons given were that the project may not be necessary at this time relative to other potential projects in the Highway 217 corridor.

It was recommended by the Planning Committee that a funding pool be established to conduct a study of the Highway 217 corridor, including the Cedar Hills segment. The pool would identify, through a public process, alternative bike projects for CMAQ funding. This resolution would endorse that action.

TPAC Action

At their October 1 meeting, TPAC endorsed the Planning Committee recommendation to establish the \$896,000 funding pool for the Highway 217 bike study.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1865.

Meeting Date: October 14, 1993
Agenda Item No. 9.1

RESOLUTION NO. 93-1842

PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1842 FOR THE PURPOSE OF AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH JURISDICTIONS IN CLARK COUNTY, WASHINGTON ON ROLES AND RESPONSIBILITIES FOR TRAVEL FORECASTING

Date: September 30, 1993

Presented By: Councilor Kvistad

Committee Recommendation: At the September 28 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 93-1842. Voting in favor: Councilors Van Bergen, Devlin, Gates, Kvistad, and Moore. Absent: Councilor Monroe.

Committee Issues/Discussion: Andy Cotugno, Planning Director presented the staff report. He explained that the intergovernmental agreement (IGA) was initiated by Clark County. Metro would become the lead agency for provision of travel forecasting within the bi-state area of Multnomah, Clackamas, Washington and Clark Counties. With this IGA there is the recognition that there are two travel forecasting systems; Metro's system includes the entire four county area while Clark County's does not. Other parties to the IGA are: Southwest Washington Regional Transportation Council (RTC), Camas, Washougal, Battleground, Ridgefield, La Center, Yacolt, C-TRAN, Port of Vancouver, WSDOT and ODOT.

The IGA revises roles and responsibilities to correct some past deficiencies caused by dealing with several jurisdictions rather than one. It also makes the impacted Washington jurisdictions dependant on Metro's ability to meet their needs without allowing them any say in Metro's internal budgetary matters. This latter subject will be clarified in letter form and should be considered as a caveat to approval of the resolution.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 93-1842
AN INTERGOVERNMENTAL AGREEMENT)
WITH JURISDICTIONS IN CLARK) Introduced by
COUNTY, WASHINGTON ON ROLES AND) Councilor Van Bergen
RESPONSIBILITIES FOR TRAVEL)
FORECASTING)

WHEREAS, Metro is the metropolitan planning organization (MPO) for the Oregon portion of the Portland-Vancouver metropolitan area; and

WHEREAS, The Southwest Washington Regional Transportation Council (RTC) is the metropolitan planning organization for the Washington portion of the Portland-Vancouver metropolitan area; and

WHEREAS, Both agencies and other units of government in the area have a need for travel forecasts to evaluate travel movements and recommend improvements; and

WHEREAS, Metro will provide forecasts for the full Portland-Vancouver metropolitan area at a level of detail sufficient to evaluate bi-state travel movements; and

WHEREAS, RTC will coordinate with Metro and provide input on Clark County, Washington aspects; and

WHEREAS, RTC will refine Metro's bi-state forecast and provide Clark County forecasts to Washington jurisdictions; now, therefore,

BE IT RESOLVED

That the Metro Council:

1. Authorizes execution of an Intergovernmental Agreement

with the Southwest Washington Regional Transportation Council (RTC) and other Clark County, Washington jurisdictions defining roles and responsibilities for travel forecasts.

2. Commits Metro to coordinate with RTC on Clark County input and needs.

3. Retains the authority to budget for travel forecasts and travel model refinement.

Judy Wyers, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1842 FOR THE PURPOSE OF AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH JURISDICTIONS IN CLARK COUNTY, WASHINGTON ON ROLES AND RESPONSIBILITIES FOR TRAVEL FORECASTING

Date: August 23, 1993

Presented by: Andrew Cotugno

PROPOSED ACTION

Authorize execution of an Intergovernmental Agreement (IGA) between Metro, Southwest Washington Regional Transportation Council (RTC), Clark County, Vancouver, Camas, Washougal, Battleground, Ridgefield, La Center, Yacolt, C-TRAN, Port of Vancouver, WSDOT and ODOT to define roles and responsibilities for travel forecasting (see Attachment A).

The Agreement recognizes Metro as the lead party responsible for travel forecasting in the bi-state metropolitan area in sufficient detail to address bi-state issues. It recognizes RTC as the lead party responsible for more detailed travel forecasting within Clark County with the involvement and coordination of the other Clark County jurisdictions.

TPAC has reviewed this Intergovernmental Agreement and recommends approval of Resolution No. 93-1842.

FACTUAL BACKGROUND AND ANALYSIS

This action revises roles and responsibilities to correct past deficiencies. In particular, the following changes are being instituted:

1. Metro has always carried out its travel forecasts for the full four-county area in order to as accurately as possible account for travel movements throughout the region. This Agreement recognizes these forecasts as the ones to be used for bi-state travel movements.
2. Southwest Washington RTC (formerly IRC) will not conduct independent Clark County or bi-state travel forecasting. Rather, they will coordinate with Metro to assist in ensuring that the Clark County elements of Metro's forecast are more accurate and reliable and will serve as the lead agency within Clark County to carry out more detailed travel forecasts to serve the needs of the various jurisdictions of Clark County.
3. The other jurisdictions within Clark County will not conduct independent travel forecasts but will work through RTC to meet their travel-forecasting needs.

This Agreement obligates Metro to coordinate with RTC on such matters as the adequacy of Clark County zone and network structure, calibration year and forecast years, and model refinement and update needs. Metro will accommodate RTC's needs to the maximum extent practical, within budget constraints. Approval of this Agreement does not enable RTC to approve or disapprove Metro's budget. If the arrangement does not prove satisfactory to either party, there is a clause providing for any party to withdraw.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1842 with the understanding described above. (See also letter to RTC included as Attachment B to this Staff Report.)

ATTACHMENT A

INTERLOCAL AGREEMENT FOR ESTABLISHING THE ROLES AND RESPONSIBILITIES OF THE LEAD AGENCIES AND USER AGENCIES FOR THE TRAVEL FORECASTING PROCESS AND MODEL

1. Effective Date. February 2, 1993.

2. Parties. This agreement is entered into by and between the undersigned county, cities, political subdivisions, and municipal corporations of the State of Washington.

3. Recitals.
 - A. The regional travel forecasting process and model form the analytical base for estimating traffic volumes, transit ridership, and for estimating the impacts of a wide range of transportation alternatives.

 - B. The travel analysis produced by the travel model is a critical component of the following plans and programs: Regional Transportation Plan (RTP), Transportation Improvement Program (TIP), Congestion Management System, Air Quality Conformity Analysis, Transportation Control Measures, Transit Development Program (TDP), High Capacity Transit Analysis, Transportation Demand Management Analysis, Subarea/Corridor Analysis, Site Impact Analysis, Transportation Element of Growth Management Act (GMA) Plans, Concurrency Determination, and Transportation Impact Fee Assessment.

 - C. In order to ensure consistency and continuity among jurisdictions and between plans/programs, the travel forecasting process needs to be rooted in a single travel model.

 - D. The varying needs and responsibilities of the multiple agencies requires the development of a travel forecasting process that provides flexibility in the level, scale, and type of travel analysis.

 - E. The establishment of travel analysis needs, roles, and responsibilities across all agencies will provide for the continued development of an effective, efficient, and consistent travel forecasting process and model.

F. The parties to the Agreement desire to jointly and cooperatively enter into this Agreement to establish the role of the lead agencies and user agencies.

NOW, THEREFORE, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

4. Purpose. The purpose of this Agreement is to define the roles and responsibilities of the lead coordination agencies and user agencies in regard to the travel forecasting process in order to establish ongoing cooperation and coordination among the agencies. This Agreement establishes a mechanism to ensure consistent travel forecast information for the mutual benefit and satisfaction of the parties involved. The Agreement also identifies the agencies' varied transportation planning needs, how information is shared, and how resources are combined/enhanced to improve the transportation travel forecasting process.

5. Lead Agencies. As the Metropolitan Planning Organizations (MPO) for the Portland and Vancouver urban regions, the Metropolitan Service District (Metro) and the Southwest Washington Regional Transportation Council (RTC) will serve as the lead coordinating agencies.

Metro is the lead agency for the overall development of the Portland-Vancouver metropolitan area travel forecasting process. Metro's responsibilities include coordination of data, model procedures, and model development/refinement. Metro will maintain an adequate zone and network structure within Clark County to conduct bi-state multi-modal analysis and to allow RTC to conduct intra-Clark County regional analysis.

RTC is the lead agency within Clark County for coordination with Metro to ensure bi-state consistency and consistency within Clark County among model input data elements, model assumptions, and output multi-modal travel forecasts.

As the lead agency in Clark County, RTC has the following responsibilities:

- 1) Provide staff support to the Transportation Model Users Group. This would include RTC member agencies.

- 2) Provide training for the Transportation Model Users Group in coordination with Metro in regard to the travel model/forecasting process.

- 3) Provide technical assistance in regard to model related projects/analysis.

- 4) Provide access to computer facilities and model related parameters (i.e. input data, networks, trip matrices, and assignments).

- 5) Ensure consistency between the regional transportation system travel forecasts and local arterial system travel forecasts.
 - 6) Ensure regional consistency in regard to travel forecasting information such as housing data, employment data, traffic counts, transit ridership, arterial/transit networks, system performance measures, and transportation related GIS information.
 - 7) Provide any other coordination necessary to ensure bi-state and intra-Clark County consistency in the travel forecasting process.
 - 8) Utilize the travel forecasting process and model as the analytical tool for the Regional Transportation Plan, the Congestion Management System Program, the Transportation Improvement Program, air quality analysis, conformity determination, TDM evaluation, high capacity transit analysis, and other regional level analysis.
6. User Agencies User agencies include any of the undersigned who utilize or desire to utilize the travel forecasting process, model, or information on an ongoing or project-by-project basis. Such agencies are encouraged to participate in the Transportation Model Users Group and to become familiar with the travel forecasting process and model. User agencies will collaborate with the lead agencies to review and comment on the travel forecasting process and model in order to ensure accuracy of the travel forecasts and consistency between the bi-state, regional, and local arterial levels of analysis. RTC will serve as the liaison between the Clark County jurisdictions and Metro to ensure consistent answers to questions.

User agencies will be the consensus-forming group to guide the travel forecasting process for the following model issues:

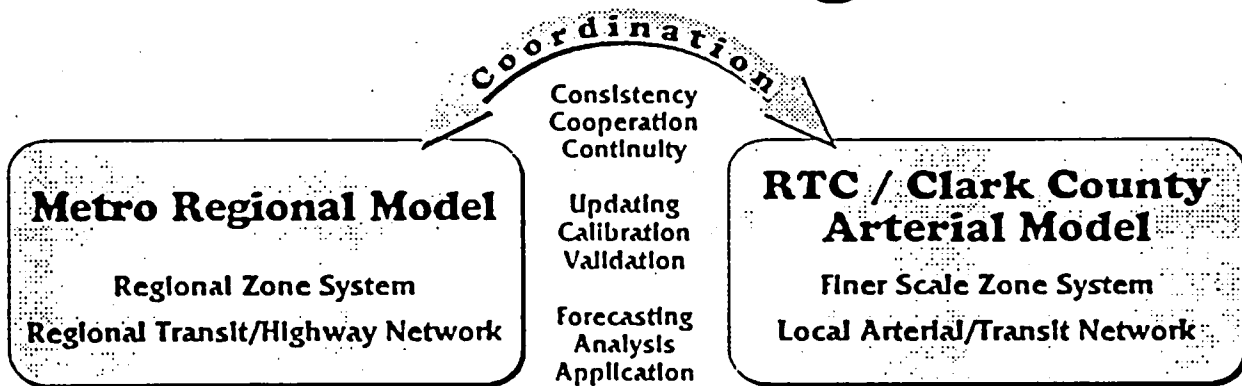
- 1) Calibration year and future forecast years (e.g. six, ten, twenty year forecasts).
- 2) Travel model input data such as housing, employment, highway/transit networks, network capacities, network system performance measures, traffic counts, transit ridership, and other related socioeconomic information.
- 3) Model refinement and updating procedures to include the conduct of regional travel surveys and application of data to meet subarea needs.

7. Agency Applications. It is recognized that the varying needs and responsibilities of the multiple agencies requires the development and utilization of a travel forecasting process that provides flexibility in the level, scale, and types of travel analysis. One of the key components of this Agreement is that through multi-agency coordination, shared responsibilities and expertise, and commitment to travel model consistency that all reasonable individual agency needs will be met through the collaboration established in this Agreement. Listed below are the identified travel analysis needs of individual agencies which require varying levels of access to the travel forecasting process and model. This access ranges from full in-house travel forecasting abilities to in-house matrix and network analysis, to utilization of hard copy model forecast data, to project-by-project technical assistance. The travel model agency applications listed below are not all inclusive but meant to indicate the types of analysis currently needed.

- 1) Clark County - In-house capabilities to conduct land use related travel forecasting analysis for GMA planning, subarea analysis, concurrency findings, transportation impact fees, urban/rural arterial analysis, and development site traffic impact analysis.
- 2) Vancouver - In-house capabilities to conduct land use related travel forecasting analysis for GMA planning, concurrency findings, transportation impact fees, urban arterial analysis, and development site traffic impact analysis.
- 3) WSDOT - In-house matrix and network analysis to conduct transportation corridor studies, WSDOT facility analysis, and project level planning analysis.
- 4) C-TRAN - Access to travel forecasting information to evaluate high capacity transit alternatives, identify transit service improvements/needs, and to prioritize capital improvements.
- 5) Camas - Access to travel forecasting information for GMA planning, concurrency findings, transportation impact fees, urban arterial analysis, and development site traffic impact analysis.
- 6) Washougal - Access to travel forecasting information for GMA planning, concurrency findings, transportation impact fees, urban arterial analysis, and development site traffic impact analysis.
- 7) Ridgefield, Battle Ground, La Center, Yacolt - Technical assistance from lead agency to access travel forecasting information for GMA planning, concurrency findings, transportation impact fees, arterial analysis, and development site impact analysis.

8. Travel Forecasting Process and Model Format. While the Portland/Vancouver metropolitan area travel forecasting process and model is led by Metro and the Clark County regional travel forecasting process and model is led by RTC, it is necessary to have two levels of travel networks and travel analysis zone systems to meet the analysis needs of both the regional and local arterial systems. The solution to meeting the analysis needs for both the regional and local arterial systems is to develop two zone/network formats. These two formats are described as the Metro Regional Model and the RTC/Clark County Local Arterial Model. The RTC/Clark County model format is a finer zone and network derivative of the Metro regional model. Consistency between model input parameters, methodological assumptions, and output data are ensured through close collaboration between Metro, RTC, and the Model Users Group. The general structure of this format is illustrated below.

Portland - Vancouver Travel Forecasting Process



9. Duration. This Agreement shall become effective upon the approval by resolution of the governing bodies of all the parties to this Agreement. This Agreement shall remain in full force and effect perpetually or until terminated by seventy-five percent (75%) of the agencies which are parties to this Agreement.

- 10. Funding The agencies that are a party to this Agreement are not required to pay dues or a special assessment for the travel forecasting process. The RTC travel forecasting process is funded as an element of the Unified Planning Work Program and through the RTC Budget. RTC members may elect through a separate agreement to purchase particular travel model related services.
- 11. Amendments Amendments to this Agreement may be proposed by any party to the Agreement and shall be considered by all parties upon recommendations by the Board of the Southwest Washington Regional Transportation Council. This Agreement shall be amended by adoption of affirmative resolutions by a majority of the parties to this Agreement.
- 12. Withdrawals Any party shall have the right to withdraw from this Agreement by giving written notice to the Board of Directors of the Southwest Washington Regional Transportation Council. In the event a party withdraws, this Agreement shall be amended accordingly.
- 13. Severability If any of the provisions of this Agreement are held illegal, invalid, or unenforceable, the remaining provisions shall remain in full force and effect.
- 14. Authorization By fixing their signature hereto, the parties are being represented by their governing boards to enter into this Agreement

CLARK COUNTY
 By: [Signature]
 Title: Chair
 3-3-93

CITY OF CAMAS
 By: [Signature]
 Title: Mayor

CITY OF VANCOUVER
 By: _____
 Title: SEE PAGE 9 ATTACHED

CITY OF WASHOUGAL
 By: [Signature]
 Title: Mayor

CITY OF BATTLE GROUND

By: _____

Title: _____

PORT OF VANCOUVER

By: _____

Title: _____

CITY OF RIDGEFIELD

By: _____

Title: _____

PORT OF RIDGEFIELD

By: _____

Title: _____

TOWN OF LA CENTER

By: *Jack Wells*

Title: *MAYOR*

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

By: _____

Title: _____

TOWN OF YACOLT

By: _____

Title: _____

OREGON DEPARTMENT OF TRANSPORTATION

By: *[Signature]*

Title: *MANAGER REGION 1*

CLARK COUNTY PUBLIC TRANSPORTATION BENEFIT AUTHORITY

By: *[Signature]*

Title: *Leslie R. White
Executive Director*

METROPOLITAN SERVICE DISTRICT

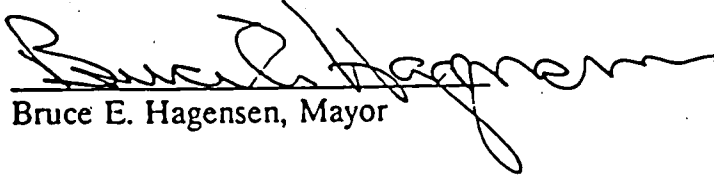
By: _____

Title: _____

GLOSSARY

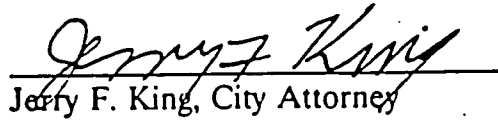
GIS	Geographic Information System
GMA	Growth Management Act
Metro	Metropolitan Service District
MPO	Metropolitan Planning Organization
RTC	Southwest Washington Regional Transportation Council
RTP	Regional Transportation Plan
TDM	Travel Demand Management
TDP	Transit Development Plan
TIP	Transportation Improvement Program
TMS	Transportation Management Systems
TMUG	Transportation Model Users' Group
WSDOT	Washington State Department of Transportation

CITY OF VANCOUVER


Bruce E. Hagensen, Mayor

Approved as to form:

Attest:


Jerry F. King, City Attorney

H.K. Shorthill, City Clerk



METRO

September 23, 1993

DRAFT

Mr. Dean Lookingbill, Director
Southwest Washington RTC
1351 Officers Row
Vancouver, WA 98661

Dear Dean:

Attached is the Interlocal Agreement to establish roles and responsibilities for travel forecasting. This Agreement takes an important step in improving the coordination of our activities. This Agreement has been executed by Metro subject to the following understanding and interpretation.

The Agreement includes the following provisions:

- Page 2; Section 5, Paragraph 2, "Metro will maintain an adequate zone and network structure within Clark County..."; and
- Page 3, Section 6, Subsections 1 and 3, "User agencies will... guide the travel-forecasting process for the following model issues:
 - 1) Calibration year and future forecast years; and
 - 3) Model refinement and updating procedures."

We understand Metro's obligation to coordinate with RTC on these matters and to accommodate RTC's needs to the extent Metro's budget permits. However, this Agreement does not give RTC the authority to approve or reject Metro's work program and budget. We understand that linking RTC's travel forecasting to Metro's travel forecasting creates a concern by RTC on the adequacy of Metro's models to address Clark County issues. We will accommodate Clark County's concerns to the extent permitted by our budget.

Mr. Dean Lookingbill
September 23, 1993
Page 2

If you share Metro's interpretation of these sections, please indicate by countersigning this document and returning it to Metro.

Sincerely,

Andrew C. Cotugno
Planning Director

Approved:

Dean Lookingbill, Director
Southwesty Washington RTC

Date: _____

Meeting Date: October 14, 1993
Agenda Item No. 9.2

RESOLUTION NO. 93-1586



METRO

DATE: October 8, 1993

TO: Metro Council
Executive Officer
Interested Parties

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

RE: AGENDA ITEM NO. 9.2; RESOLUTION NO. 93-1586

Exhibit A to Resolution No. 93-1586, "Regional Emergency Management Workplan" has already been published in the Planning Committee agenda and distributed to Councilors. Copies of same will be provided at the Council meeting October 14, 1993. Citizens who wish to obtain a copy in advance may contact the Clerk at 797-1534.

PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1856 FOR THE PURPOSE OF APPROVING THE REGIONAL EMERGENCY MANAGEMENT WORKPLAN AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT FOR FORMATION OF THE REGIONAL EMERGENCY MANAGEMENT GROUP THAT WILL MAKE POLICY AND STRATEGIC DECISIONS ON EMERGENCY MANAGEMENT IN THIS REGION

Date: September 30, 1993

Presented By: Councilor Gates

Committee Recommendation: At the September 28 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 93-1856. Voting in favor: Councilors Van Bergen, Devlin, Gates, Kvistad, and Moore. Absent: Councilor Monroe.

Committee Issues/Discussion: Gerry Uba, Senior Management Analyst, presented the staff report. This resolution establishes a more formal process for emergency management through adoption of the Regional Emergency Management Workplan. The resolution also adopts the intergovernmental agreement (IGA) calling for formation of the Regional Emergency Management Group (REMG) responsible for the strategic and policy decisions regarding emergency management in the region (including Columbia County). He stressed five key points:

- 1) The IGA leads to formation of the REMG which is made up of the policy and technical advisory committees (REMPAC and REMTAC).
- 2) Member jurisdictions designate the representatives of REMPAC and REMTAC.
- 3) The first joint meeting of the REMG will be in January 1994.
- 4) An annual strategic workplan will be developed by REMTAC and be reviewed and approved by REMPAC.
- 5) Each member jurisdiction will approval the annual workplan by resolution.

Councilor Devlin referred to the discussion at the Metro Policy Advisory Committee (MPAC) regarding representation of Clark County. MPAC chose to include Clark County as liaison members. Mr. Uba said that there had been no discussion yet but IGA's of this type were being reviewed by staff and the idea will be presented to the REMG at the next meeting.

Councilor Moore asked whether "man-made disasters" were covered under "natural disasters". Mr. Uba said it was possible, depending on the definition of the term and how much funding was devoted to it. Andy Cotugno added that it was important to

distinguish between the roles and responsibilities for which Metro is responsible (i.e. earthquakes) and those to be undertaken by the REMG, which is more extensive. This workplan is for the REMG.

Councilor Van Bergen asked about the amount of Metro staff actively involved in seismic safety. Mr. Cotugno answered that 1.5 FTE was devoted to the task. It is funded by a FEMA grant.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE REGIONAL) RESOLUTION NO. 93-1856
EMERGENCY MANAGEMENT WORKPLAN AND)
ADOPTING THE INTERGOVERNMENTAL) Introduced by Rena Cusma
AGREEMENT FOR FORMATION OF THE) Executive Officer
REGIONAL EMERGENCY MANAGEMENT GROUP)
THAT WILL MAKE POLICY AND STRATEGIC)
DECISIONS ON EMERGENCY MANAGEMENT IN)
THE REGION)

WHEREAS, Metro recognizes the need for regional coordination, cooperation and planning for emergencies; and

WHEREAS, No formally recognized organization currently exists to facilitate regional emergency mitigation, preparedness, response and recovery functions; and

WHEREAS, The proposed Regional Emergency Workplan and corresponding Intergovernmental Agreement formally establishes the Regional Emergency Management Group make up of a policy advisory committee (REMPAC) and a technical committee (REMTAC); and

WHEREAS, Metro recognizes the need to develop a regional emergency management system encompassing those elements appropriate to a regional emergency management system as defined in the Workplan; and

WHEREAS, A Regional Emergency Management Annual Workplan addressing regional disaster response issues will be developed by the REMTAC with review by REMPAC that focuses on the cooperation, coordination and decisionmaking structures needed for regional response to a regionwide disaster; and

WHEREAS, Pursuant to ORS Chapter 190, Metro may enter into an agreement with other public jurisdictions to form the Regional Emergency Management Group; and

WHEREAS, The Regional Emergency Management Workplan and corresponding Intergovernmental Agreement were developed with full participation by Metro staff; now, therefore,

BE IT RESOLVED,

1. That Metro approves the Regional Emergency Management Workplan dated July 1993, which is attached hereto (Exhibit "A") and incorporated.
2. That Metro approves the Intergovernmental Agreement for Regional Emergency Management which is attached hereto (Exhibit "B") and incorporated.
3. That other jurisdictions within Washington, Multnomah, Clackamas and Columbia Counties are encouraged to formally commit to regional emergency management coordination and cooperation by approving the Regional Emergency Management Workplan dated July 1993, and the Intergovernmental Agreement for Regional Emergency Management.

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

Judy Wyers, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1856 FOR THE PURPOSE OF APPROVING THE REGIONAL EMERGENCY MANAGEMENT WORKPLAN AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT FOR FORMATION OF THE REGIONAL EMERGENCY MANAGEMENT GROUP THAT WILL MAKE POLICY AND STRATEGIC DECISIONS ON EMERGENCY MANAGEMENT IN THIS REGION

Date: September 20, 1993

Presented By: Andrew Cotugno

PROPOSED ACTION

The resolution provides that the Metro Council approve the Regional Emergency Management Workplan and adopt the Intergovernmental Agreement (for formation of a Regional Emergency Management Group) which were put together by the Emergency Management Regional Planning Group (RPG).

FACTUAL BACKGROUND

The Regional Emergency Management Workplan (Exhibit "A") and an Intergovernmental Agreement for formation of a Regional Emergency Management Group (Exhibit "B") developed by the RPG were presented to you earlier, as draft, on June 8, 1993. Attorneys of RPG member jurisdictions participated in the development of the Intergovernmental Agreement. On June 24, 1993, the Metro Council passed a resolution recognizing the need for the regional workplan, requesting Metro's representation on the proposed Regional Emergency Management Policy Advisory Group, and recommended the administrative support for coordination of regional emergency management should be housed in one jurisdiction.

The RPG has revised the Intergovernmental Agreement adding a Metro representative to the proposed Regional Emergency Management Policy Advisory Committee. The RPG proposed that the activities of the proposed Regional Emergency Management Group shall be supported administratively by staffs of member jurisdictions.

The revised key projects proposed by the RPG are:

1. RPG member jurisdictions adopt the Intergovernmental Agreement that will lead to the formation of the Regional Emergency Management Group made up of the Regional Emergency Policy Advisory Committee (REMPAC) and Regional Emergency Management Technical Advisory Committee (REMTAC);
2. RPG member jurisdictions designate the representatives to the REMPAC and REMTAC;
3. Schedule the first joint meeting of the Regional Emergency Management Group in January 1994;

4. REMTAC develop an annual strategic workplan to be reviewed and approved by REMPAC; and
5. Member jurisdictions of the Regional Emergency Management Group approve the annual workplan by resolution.

The implications of the proposed organizational structure for Metro are: a) staff participation in the REMG meetings; b) staff participation in developing regional emergency management policies pertaining to Metro's current functions such as debris collection and removal following major emergencies or earthquake, seismic safety elements in land use regulations, emergency transportation routes (and effective utilization of mass transit during major emergencies), computerization of regional emergency resources, and regional public education on hazards faced by this region; and c) consideration of REMG recommendations for implementation. However, there will be no binding obligation to implement the recommendations.

The proposed organizational structure will provide opportunities for the various public and private agencies that have disaster management responsibilities to compare their functions; resolve differences in experience, and work together effectively so as to improve regional emergency preparedness and minimize the loss of property and life in the event of a major disaster. Adoption of the Intergovernmental Agreement will assure that Metro is a participant in these activities.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1856.

Meeting Date: October 14, 1993
Agenda Item No. 9.3

RESOLUTION NO. 93-1850



METRO

DATE: October 8, 1993

TO: Metro Council
Executive Officer
Interested Parties

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

RE: AGENDA ITEM NO. 9.3; RESOLUTION NO. 93-1850

The technical supporting data to Resolution No. 93-1850 has already been printed in the Solid Waste Committee agenda. To reduce the volume of this packet, that data has been removed and narrative documents only are included here. The technical data will be available for Councilors' review at the October 14 Council meeting, or can be reviewed before that date by contacting the Clerk at 797-1534.

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1850, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO A CONTRACT WITH AMTEST INC. FOR LABORATORY SERVICES FOR ST. JOHNS LANDFILL

Date: October 6, 1993

Presented by: Councilor Washington

Committee Recommendation: At the October 5 meeting, the Committee voted unanimously to recommend Council adoption of Resolution No. 93-1850. Voting in favor: Councilors McFarland, McLain, Washington and Wyers.

Committee Issues/Discussion: Jim Watkins, Solid Waste Engineering and Analysis Manager, noted that Metro must provide provide a variety of water monitoring and testing programs at the St. Johns Landfill to comply with the provisions of a DEQ-approved water monitoring plan. Under this plan, Metro employees gather the water samples, which then must be analyzed by a laboratory.

The purpose of this resolution is to contract with Amtest for the laboratory analysis work that must be performed under the plan. Metro issued an RFP for this work and 17 proposals were received. Using a laboratory evaluation system developed by the federal EPA, the number of proposals was narrowed to four, and Amtest was selected from this group. The contract will run for 3 1/2 years, until the completion of the major closure work at the landfill.

The cost of the work will be significantly less than had been projected. The department had originally estimated the total cost of the work at about \$700,000 and \$200,000 was budgeted for the current fiscal year. Watkins now estimates that the cost for this year to be about \$120,000 and about \$140,000 in subsequent years.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 93-1850
THE EXECUTIVE OFFICER TO ENTER)
INTO A CONTRACT WITH AMTEST INC.)
FOR LABORATORY SERVICES FOR) Introduced by Rena Cusma
ST. JOHNS LANDFILL) Executive Officer

WHEREAS, It is in the public interest for the St. Johns Landfill closure process to move forward in an expeditious manner; and

WHEREAS, Water quality monitoring is required by the Oregon Department of Environmental Quality (DEQ), the Revised Closure and Financial Assurance Plan for St. Johns Landfill, and the Smith and Bybee Lakes Management Plan; and,

WHEREAS, On July 22, 1993 the Metro Council authorized issuance of a Request for Proposals (RFP) for laboratory services as required to implement the Water Quality Monitoring Plan for St. Johns Landfill; and

WHEREAS, Amtest Inc. has been determined to be the most qualified and responsible proposer responding to the competitive proposal process; and,

WHEREAS, This resolution, authorizing the Executive Officer to enter into a contract with Amtest Inc. was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now, therefore,

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to enter into a contract with Amtest Inc. in an amount not-to-exceed \$534,411.00 for laboratory services for St. Johns Landfill.

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

Judy Wyers, Presiding Officer

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232, and Amtest Inc., referred to herein as "Contractor," located at 14603 NE 87th St., Redmond, WA 98052.

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

1. Duration. This personal services agreement shall be effective October 14, 1993, and shall remain in effect until and including December 31, 1996, unless terminated or extended as provided in this Agreement.
2. Scope of Work. Contractor shall provide all services and materials specified in Attachment 3 -- "Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. Payment. Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed ~~FIVE THIRTY FOUR THOUSAND AND FOUR HUNDRED ELEVEN, AND NO/100THS~~ ^{HUNDRED} DOLLARS (\$534,411.00).
4. Insurance.
 - a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:
 - (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
 - (2) Automobile bodily injury and property damage liability insurance.
 - b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
 - c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

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

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

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

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

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

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

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

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

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

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

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

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

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

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

AMTEST INC.

METRO

By: _____

By: _____

Print name and title

Print name and title

Date: _____

Date: _____

**ATTACHMENT 3. SCOPE OF WORK
LABORATORY SERVICES FOR ST. JOHNS LANDFILL (1993-1996)**

Contractor shall perform services and deliver the products described in the Request for Proposals (RFP) dated July 1993 attached below relating to the testing of samples collected in connection with St. Johns Landfill. The landfill is located in North Portland at 9363 N. Columbia Boulevard.

The Contractor shall identify a single person as project manager to work with Metro. The Contractor shall be responsible for any subcontractor work and shall be responsible for the day-to-day direction and internal management of the Contractor and subcontractor effort. Contractor shall use subcontractors for laboratory testing only after prior written approval by Metro.

The Contractor shall provide professional liability insurance, as discussed in Section 4e of the Personal Services Agreement.

Contractor shall begin the work in the early fall of 1993, and continue through the end of 1996. Metro will collect all samples to be analyzed.

TASK 1: Contractor shall adhere to Metro's Sampling and Analysis Plan (Appendix B) unless a plan modification has been approved in writing by Metro, which specifies the following: cleaning of sampling containers, use of a laboratory logbook, and laboratory quality assurance/quality control (QA/QC).

All records of testing must be available for inspection if required by Metro. Lab shall provide Metro a copy of its QA/QC plan and shall provide any amendments thereof within 30 days of adoption.

The quality control (QC) tests shall be performed at a minimum frequency of 10% each. The tests will include blanks, matrix spikes, a duplicate (metals and nutrients), matrix spike duplicates (MSDs) for organics, and standard reference materials (SRM's) where available (conventionals, nutrients, and metals) as presented in Amtest's 8/13/93 transmittal letter.

TASK 2: Contractor shall test parameters, as shown in Appendices A1 (Sampling Parameters) and A2 (TTO's). The unshaded portions of the Sampling Parameters table (Appendix A1) are pertinent to the Contractor; other portions will be Metro's responsibility. Metro shall include field duplicates (one per ten samples) which will be billable samples, as well as transport blanks (non-billable samples) as shown in the Sampling Parameters table (Appendix A1). Note that the number of stormwater monitoring locations decreases from 5 to 4 in 1996.

Sampling parameters or frequency may change, due to sampling results or regulatory requirements. The Contractor shall be notified by Metro at least twenty four hours before each sampling event, of what tests and how many will be required.

Actual dates of sample collection may vary within 30 days of the month listed in the Sampling Parameters table (Appendix A1). The fall 1993 sampling will take place as soon as possible following contract award.

When doing any scan using gas chromatography/mass spectroscopy (GC/MS), Contractor shall report the quantitative results for listed parameters. Also, Contractor shall

tentatively identify (but not quantify) other observed significant peaks. (Significant peak is defined as 20% of the Internal Standard (IS).)

Contractor shall submit all EPA Water Supply (WS) and Water Pollution (WP) Performance Evaluations and state certifications to Metro within 30 days of receipt. For all parameters Contractor is certified for at the beginning of this contract, Contractor shall test only at the laboratory site which is certified for that parameter, unless Metro has given prior written approval.

The Phase II parameters (Appendix A3) will be tested, only if required by regulators. A regulatory contingency shall be established for the cost of this testing. This contingency money, if not required in full for Phase II testing, shall be available for other testing, if requested by Metro. During the term of this contract costs for all services and products provided by Contractor - including but not limited to transportation, testing, administration, and reporting - shall be at the unit costs listed in Appendix C. Except for Phase II, listed unit costs shall apply to sample quantities which may vary up to $\pm 20\%$.

- TASK 3:** Lab shall provide properly prepared sample containers. These containers shall be delivered to St. Johns Landfill within 24 hours of a request. Contractor shall pick up and transport samples from the landfill.
- TASK 4:** Lab report shall specify each test method and minimum detection limits or practical quantitation limits achieved. The lab report shall contain an explanation of any deviation from the minimum detection limits or practical quantitation limits set forth in the proposal. The lab report shall include results of matrix spiked samples and either duplicate samples or duplicate matrix spike samples, when appropriate.
- TASK 5:** All sampling results, including QA/QC, shall be reported to Metro within thirty (30) days of the date samples are submitted by Metro. An ASCII file (or file compatible with Metro's software) of the sampling results, as well as hard copy, shall also be provided to Metro.

Payment Provisions

Contractor shall invoice Metro for services in the amounts indicated by Contractor in the Cost Schedule Proposal Form (Appendix C) included in Metro's RFP and in Contractor's proposal, all of which are incorporated into this Agreement by this reference.

Metro shall ~~pay~~ ^{HUNDRED} Contractor for services performed and materials delivered in the maximum sum of FIVE THIRTY FOUR THOUSAND AND FOUR HUNDRED ELEVEN AND NO/100THS DOLLARS (\$ 534,411). This maximum sum includes all fees, costs, and expenses of whatever nature. Contractor's billing statements shall include an itemized statement of the work done during the billing period, and will not be submitted more frequently than once per month. Metro shall pay Contractor within 30 days of receipt of a Metro approved invoice/billing statement.

Invoices shall be sent to: Joanna Karl, Metro, 600 NE Grand Ave., Portland, OR 97232-2736.

EVALUATION OF RFPs for LAB SERVICES FOR ST. JOHNS LANDFILL

Seventeen proposals were received. A list of the labs who proposed is on the following page.

After shortlisting, the following ranking was used to compare the remaining four proposers. The four members of the selection committee (Joanna Karl, Senior Engineer, Metro; Dennis O'Neil, Senior Solid Waste Planner, Metro; Jim Quinn, Associate Program Supervisor, Metro; and Ron McCartney, DEQ's Inorganic Lab Manager), each individually ranked the first two categories (Project Work Plan and Project Staffing Experience). These four scores were then averaged. The budget/cost proposal ranking was a cost efficiency, and its computation is shown below.

	CENTURY	AMTEST	COFFEY	NORTH CREEK
PROJECT WORK PLAN* (35%)	$(30+31+30+30)/4$ =30	$(35+34+30+35)/4$ =34	$(25+22+24+20)/4$ =23	$(25+27+27+25)/4$ =26
PROJECT STAFFING EXPERIENCE** (35%)	$(15+33+29+25)/4$ =25	$(33+34+31+35)/4$ =33	$(16+32+25+25)/4$ =25	$(25+34+29+30)/4$ =30
BUDGET/COST PROPOSAL*** (30%)	29	30	28	27
TOTAL	84	97	76	83

*This category includes: Clarity, understandability, and completeness of proposal; Demonstration of understanding of the project objectives; Responsiveness of proposal to project objectives; Understanding of work schedule deadlines; and Quality assurance/quality control.

**This category includes: Project organization: project management and assignment of personnel, project manager clearly designated, and use of subconsultants clearly described; Qualifications and favorable references indicating the directly relevant experience of the project manager, project team, and subconsultants; certified drinking water sample test lab; current or past membership in EPA Contract Laboratory Program (CLP); Demonstrated knowledge of similar services; and Work schedule deadlines adequately met in previous jobs.

***Budget/cost proposal was determined as follows: The total points for the first two categories (Project Work Plan and Project Staffing Experience) were added together and divided by a normalized cost (i.e., the lowest cost was 1.0, and the highest cost was 1.29). A multiplier was then found such that the highest score equaled 30.

<p>CENTURY:</p> $\frac{55}{\left(\frac{\$450,168}{\$417,117}\right)} = \frac{55}{1.08} = 50.9$	<p>AMTEST:</p> $\frac{67}{\left(\frac{\$535,811}{\$417,117}\right)} = \frac{67}{1.29} = 51.9$	<p>COFFEY:</p> $\frac{48}{\left(\frac{\$417,117}{\$417,117}\right)} = \frac{48}{1.0} = 48.0$	<p>NORTH CREEK ANALYTICAL:</p> $\frac{56}{\left(\frac{\$496,569}{\$417,117}\right)} = \frac{56}{1.19} = 47.0$
--	---	--	---

The final calculation involves finding a multiplier ($30/51.9 = .578$), such that the highest score is 30.

SHORTLISTING

The following table indicates whether the proposers met the cut-offs established for shortlisting (see below) for proficiency, cost, and responsiveness.

LAB	PROFICIENCY	COST (< \$550,000)	RESPONSIVE	COMMENTS
1. Chester Labnet-Portland	NO	NO	YES	
2. Century Testing Laboratories	YES	YES	YES	They were ranked.
3. Columbia Inspection Inc.	NO	YES	YES	
4. Analytical Technologies, Inc.	YES	NO	YES	Barely met proficiency, and cost was high.
5. Pacific Environmental Lab	?	NO	?	Two performance evaluations referenced, but not included. Provided upon request. The WP met our requirements, but the other (from Analytical Product Group) didn't test relevant analytes.
6. Water Food and Resources	NO	YES	YES	
7. Arntest Inc.	YES	YES	YES	
8. Columbia Analytical	?	NO	?	Performance evaluations summarized. Upon request for PE's, they provided latest two (one WS and one WP). Only one met our requirements.
9. Coffey Laboratories Inc.	YES	YES	YES	
10. Sound Analytical Services, Inc.	?	YES	NO	Have been certified by the WA DOE for past 3 years, and WA Dept. of Health for the past 2 years. Considered non-responsive because they did not include performance evaluations with their proposals.
11. Oregon Analytical Lab	YES	NO	YES	
12. National Environmental Testing	NO	YES	YES	
13. North Creek Analytical	YES	YES	YES	
14. Anatek Labs	NO	YES	YES	
15. Pacific Northern Analytical, Inc.	?	NO	?	Certified WA DOE and WA Dept. of Health in May 1993. No performance evaluations to provide.
16. Analytical Resources	?	YES	NO	Certified by WA Dept. of Health in August 1992, and WA DOE from April 1990. Considered non-responsive because they did not include performance evaluations with their proposals.
17. Professional Services Industries	NO	NO	YES	

Proficiency. The criteria for proficiency was generally based on EPA'S Water Supply (WS) and Water Pollution (WP) tests, if provided. In a few cases, other tests were provided and they were evaluated in the same manner. The cutoff was:

- (1) having tested at least 75% of the analytes in a given test, and
- (2) having achieved at least 80% proficiency (i.e., # "ACCEPT"s + 1/2(# "CHECK"s)/# ANALYTES TESTED) of those analytes, and
- (3) to meet this criteria on at least two tests.

Cost. For the purpose of shortlisting, the cost cutoff was set at \$550,000. Ten of the seventeen proposals were under this amount.

Responsive. Firms which were certified (for any period over the past three years such that performance evaluations would have been required) were considered non-responsive if they had not provided the performance evaluations with their proposals. A few proposers had referenced the performance evaluations or provided only summaries. In each of these cases, the proposers were shortlisted based on cost.

C:\WP51\LAB-EVAL.MTX or S:\SHARE\KARL\LAB-EVAL.MTX

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 93-1850 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO A CONTRACT WITH AMTEST INC. FOR LABORATORY SERVICES FOR ST. JOHNS LANDFILL

Date: September 21, 1993

Presented by: Jim Watkins

PROPOSED ACTION

Adopt Resolution No. 93-1850 which authorizes the Executive Officer to execute a contract with Amtest Inc., the most qualified and responsible proposer of laboratory services for St. Johns Landfill.

FACTUAL BACKGROUND AND ANALYSIS

Water quality monitoring is required at St. Johns Landfill by the Oregon Department of Environmental Quality's (DEQ's) Solid Waste Disposal Site Closure Permit (#116, issued July 19, 1988). As part of the closure of St. Johns Landfill, a draft water quality monitoring plan was submitted to DEQ. After reviewing DEQ comments, Metro developed a final water quality monitoring plan for the next several years. This contract will provide laboratory services, required to implement the Water Quality Monitoring Plan. The contract will provide for routine testing, as well as a contingency to provide for additional testing if required by regulators.

Following Council approval on July 22, 1993, a Request for Proposals was issued. Advertisements were published in Portland-area newspapers, including The Skanner, a minority-owned newspaper. One addendum to the Request for Proposals document was issued. The addendum clarified how to fill out the cost/budget form, required technical information in regard to certification, and changed some of the required method numbers for sampling.

Seventeen proposals were received. The proposals were reviewed by a selection committee consisting of Joanna Karl (Senior Engineer), Jim Quinn (Associate Program Supervisor) and Dennis O'Neil (Senior Solid Waste Planner) of Metro's Solid Waste Department, as well as Ron McCartney, DEQ's Inorganic Lab Manager. The selection committee determined that Amtest Inc. was the most qualified ^{and} responsible proposer.

BUDGET IMPACT

\$200,000 is budgeted within the Operations Division for groundwater monitoring at St. Johns Landfill, \$27,007 for surface water and sediment monitoring at the landfill, and \$16,500 for stormwater monitoring at the landfill in the 1993-94 fiscal year.

The contract is for 3-1/2 years, from the fall of 1993 through the end of 1996. The contract is for approximately \$120,000 in 1993, and approximately \$140,000 per calendar year in 1994, 1995, and 1996. The total contract cost is not-to-exceed \$534,411.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends Council approval of Resolution No. 93-1850.

JK:clk
s:\mad\sta\0913.rpt

Meeting Date: October 14, 1993
Agenda Item No. 9.4

RESOLUTION NO. 93-1852



METRO

DATE: October 8, 1993

TO: Metro Council
Executive Officer
Interested Parties

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

RE: AGENDA ITEM NO; 9.4; RESOLUTION NO. 93-1852

The four contracts which comprise Exhibit A of Resolution No. 93-1852 have already been published in the Solid Waste Committee agenda packet. Copies will be provided at the October 14 Council meeting. Persons who wish to obtain copies before that date may contact the Clerk at 797-1534.

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1852, FOR THE PURPOSE OF APPROVING FOUR CONTRACTS WITH SUCCESSFUL PROPOSERS TO PERFORM HAZARDOUS WASTE DISPOSAL SERVICES AT METRO FACILITIES

Date: October 6, 1993

Presented by: Councilor McLain

Committee Recommendation: At the October 5 meeting, the committee voted unanimously to recommend Council adoption of Resolution No. 93-1850. Voting in favor: Councilors McFarland, McLain, Washington and Wyers.

Committee Issues/Discussion: Metro currently contracts with a single vendor for the disposal of all of the 30+ types of household hazardous wastes (HHW) that we receive. Solid waste staff determined that a competitive bidding process for each separate type of waste might result in lower disposal costs. An RFP was released requesting bids for 35 different types of wastes. A total of seven proposals were received, with four proposers bidding on all 35 different waste types.

This resolution would approve the contracts with the four proposers that were successful bidders for one or more of the wastestreams. The current contractor, Chemical Waste Management was the successful bidder for 22 of the wastestreams. Philip Environmental for eight wastestreams, Burlington Environmental for four wastestreams and Spencer for one wastestream. Disposal prices under the new contracts will average about 50 percent of the current prices.

Councilor McLain noted that it may be possible that disposal cost savings could be directed toward purchasing a van that could provide improved HHW collection services in the outlying portions of the region.

Councilor Wyers asked about the status of the Metro Central HHW facility. Sam Chandler, Solid Waste Operations Manager, noted that some minor construction issues still need to be resolved prior to the opening of the facility.

HOUSEHOLD HAZARDOUS WASTE DISPOSAL PRICES

	CATEGORY	COST		PER	CONTRACTOR	
		as of 4/93	as of 10/93		4/93	10/93
AF1	A-Fuel Liquids	\$200.00*	\$79.00	drum	WC	CWM
AF2	A-Fuel Solids	550.00	297.00	drum	WC	CWM
AFL	Flammables, loosepack	325.00	131.00	drum	WC	CWM
AFP	Flammables, PCB's	364.00/ 50-500 ppm 618.00 >500 ppm		drum		CWM
B	Paint-only solids	325.00	325.00	drum	P	P
E	Isocyanates	500.00	165.00	drum	WC	P
F	Asbestos-containing	12.50	12.50	yard	HL	HL
G	Latex/water based waste	300.00	133.00	drum	WC	CWM
GA	Latex waste - ash recycle	190.00	190.00	drum	P	P
	Latex - baskets	600.00**	600.00**	basket	BE	BE
	Latex - baskets	600.00	600.00	basket	P	P
H	Antifreeze	0.50	1.25	gallon	FP	S
I1	Batteries		0.75	pound		P
I2	Batteries - nickel/cadmium	0.90	0.49	pound	WC	CWM
I3	Batteries - dry cell	120.00	54.60	drum	WC	CWM
J	Cleaners and disinfectants	350.00	180.00	drum	WC	P
J2	Cleaners - alkaline		175.00	drum		P
K1	Acids- treatable	180.00	116.00	drum	WC	CWM
K2	Acids - organic	250.00	140.00	drum	WC	P
K3	Acids - inorganic	250.00	101.40	drum	WC	CWM
L1	Alkalis - treatable	180.00	123.00	drum	WC	CWM
L2	Alkalis - non-treatable	250.00	101.40	drum	WC	CWM
M1	Oxidizers - treatable	300.00	116.00	drum	WC	CWM
M2	Oxidizers - non-treatable	250.00	101.40	drum	WC	CWM
N1	Pesticides - flammable	250.00	101.40	drum	WC	CWM
N2	Pesticides	250.00	101.40	drum	WC	CWM
N3	Pesticides		101.40	drum		CWM
P1	PCB's-non-TSCA regulated	160.00	54.60	drum	WC	CWM
Q1	Aerosols - flammable	340.00	260.00	drum	WC	BE
Q2	Aerosols - corrosive	340.00	260.00	drum	WC	BE
Q3	Aerosols - poisons	340.00	290.00	drum	WC	CWM
Q4	Aerosols - paint only	300.00		drum	P	
R2	Water Reactives		3.50	pound		CWM
R7	Organic peroxides		3.50	pound		CWM
S3	Compressed gases, misc.	750.00		cyl	WC	CWM
V	PPE	130.00	54.60	drum	WC	CWM
Z2	Oil-water mixes	0.50	1.25	gallon	FP	S
	Oil Filters		65.00	drum		S

* = average, actual cost is \$110 plus \$10 per gallon on non-pumpable materials

** = plus transportation and unloading

Contractors: WC = Western Compliance
CWM = Chemical Waste Management
HL = Hillsboro Landfill

P = Philip Environmental
BE = Burlington Environmental
S = Spencer

FP = Fuel Processors

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING FOUR) Resolution No. 93-1852
CONTRACTS WITH SUCCESSFUL PROPOSERS)
TO PERFORM HAZARDOUS WASTE) Introduced by Rena Cusma,
DISPOSAL SERVICES AT METRO FACILITIES) Executive Officer

WHEREAS, On May 13, 1993, the Metro Contract Review Board authorized issuance of a Request for Proposals for hazardous waste management firms to transport, recycle, treat and dispose of wastes collected at Metro permanent household hazardous waste collection facilities; and

WHEREAS, Seven firms responded to the Request for Proposals; and

WHEREAS, Based on low pricing, satisfactory qualifications, and environmentally sound disposal methods, four proposers have been selected for specific categories of hazardous waste; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore

BE IT RESOLVED,

That the Metro Council hereby approves the award of contracts to Chemical Waste Management, Burlington Environmental, Spencer Inc., and Philip Environmental to transport, recycle, treat and dispose of wastes collected at Metro's permanent household hazardous waste collection facilities, and authorizes the Executive Officer to execute contracts substantially in the form attached as Exhibits "A" through "D", and made part of this resolution by reference.

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

Judy Wyers, Presiding Officer

JQ:ay

QUIN\HHW\RES&REPT\SW931852.RES

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 93-1852, FOR THE PURPOSE OF APPROVING FOUR CONTRACTS WITH SUCCESSFUL PROPOSERS TO PERFORM HAZARDOUS WASTE DISPOSAL SERVICES AT METRO FACILITIES

Date: October 5, 1993

**Presented by: Sam Chandler
Jim Quinn**

PROPOSED ACTION

Adopt Resolution 93-1852 to approve contracts with Chemical Waste Management, Burlington Environmental, Spencer Inc., and Philip Environmental, to transport, recycle, treat and dispose of wastes collected at Metro's permanent household hazardous waste collection facilities (Exhibits A-D).

FACTUAL BACKGROUND AND ANALYSIS

Because of the complex nature of hazardous waste transportation and disposal, and the potential cost savings and environmental benefits, a Request for Proposals process was used to select transportation and disposal contractors, as authorized by the Metro Contract Review Board in Resolution 93-1793.

The RFP was released May 14, 1993 to a large list of firms involved in hazardous waste management. Seven firms submitted proposals. These proposals were evaluated by a four person committee consisting of three members of the Solid Waste Department Operations staff and Council analyst John Houser. The proposals were evaluated using the criteria laid out in the RFP.

The RFP defined 34 categories of hazardous waste, and proposers were instructed to provide pricing and disposal information separately for each category. The evaluation team had a minimum of four and as many as ten alternatives to evaluate for each category, including in some cases more than one disposal method proposed by an individual proposer. The use of the category-by-category evaluation provided an incentive to proposers to submit their lowest pricing figures for each category, and allowed for selection of a number of environmentally sound disposal methods that would not have been available from any single proposer.

The consensus of the evaluation team was to award 20 categories to Chemical Waste Management, 6 categories to Philip Environmental, 4 categories to Burlington Environmental, and 3 categories to Spencer, Inc.

The contracts negotiated with the four contractors are attached as Exhibits A through D to the resolution.

BUDGET IMPACT

The 1993-1994 budget has \$1.5 million budgeted for hazardous waste disposal at the Metro South and Metro Central household hazardous waste facilities. The 1994-1995 budget is anticipated to have \$2,000,000 budgeted for hazardous waste disposal.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive officer recommends adoption of Resolution No. 93-1853.

JQ:ay
QUIN\HHW\RESREPT\STAF0916.RPT

Meeting Date: October 14, 1993
Agenda Item No. 9.5

RESOLUTION NO. 93-1849



METRO

DATE: October 8, 1993

TO: Metro Council
Executive Officer
Interested Parties

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

RE: AGENDA ITEM NO. 9.5; RESOLUTION NO. 93-1849

Please note that other supporting documentation, data, and correspondence between MPAC members and Metro Councilors have not been printed in this agenda packet due to their volume. Anyone who wishes to review that documentation before the October 14 Council meeting may contact Casey Short, Council Analyst, at 797-1543.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 93-1849, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN MULTNOMAH COUNTY AND METRO REGARDING THE TRANSFER OF REGIONAL PARKS, NATURAL AREAS, GOLF COURSES, CEMETERIES AND TRADE/SPECTATOR FACILITIES.

Date: October 5, 1993

Presented by: Councilor McLain

COMMITTEE RECOMMENDATION: At its September 16, 1993 meeting the Governmental Affairs Committee voted 3-0 to recommend Council adoption of Resolution No. 93-1849. Voting were Councilors Gates, Hansen, and Wyers. Councilors Gardner and Moore were excused.

COMMITTEE DISCUSSION/ISSUES: Deputy Executive Officer Dick Engstrom presented the staff report. He referred to presentations made at the two previous Governmental Affairs Committee meetings, when financial and policy information was provided. At those meetings, the committee reviewed the principles in the draft Memorandum of Understanding (MOU). Key points in the MOU include a listing of the facilities proposed for transfer, an expectation that an Intergovernmental Agreement will be negotiated between Multnomah County and Metro to actually effect the transfer of operational authority, and a further expectation that transfer of title should take place in 1996.

Senior Assistant Counsel Mark Williams summarized the changes made to the MOU since the previous meeting. First of those was the deletion of the "neighborhood parks" from the ownership phase of the agreement. This change followed a commitment at the September 2 meeting from Portland Commissioner Charlie Hales, that Portland would be willing to take over operation and ownership of the neighborhood parks from the County. Both the County and Metro officials are supportive of City ownership of the neighborhood parks. The revised MOU now says that Metro will operate the neighborhood parks until an agreement between the City and County is concluded, transferring their operation to the City. Even if that transfer is not made, the MOU indicates that Metro will not take over ownership of those neighborhood parks. Mr. Williams summarized that there are housekeeping changes, including a change in the effective date of transfer from September 1993 to January 1, 1994. Other such changes dealt with the indemnification section (which was still not resolved as of the meeting date), and revisions to the section dealing with the County Fair. The changes dealing with the Fair clarify that the Fair is Multnomah County's responsibility; Metro will make dates available for the Fair to run at the Expo Center, but its operation and other issues will continue to be Multnomah County's responsibility.

In response to a question from Councilor Gates, Mr. Williams summarized the indemnification issues. They included the extent of Metro's financial liability to indemnify and defend the County

in appropriate circumstances, and the County's responsibility for dangerous or latent conditions prior to Metro's taking over operation. The County wanted their obligation to end when Metro takes ownership, but Mr. Williams wants to preserve Multnomah County responsibility for any such conditions that were created under County ownership and management. He said it may take an amendment to the MOU to reflect final agreement on this question. (Note: Such an agreement has been reached, and proposed language to amend the indemnification section has been forwarded for Council to consider when it considers the resolution.)

Mr. Williams said the changes to language concerning the Fair did not change the original intent, which is to make clear that the Fair is the County's responsibility, and that any claims which may be brought concerning the Fair and its relation to Expo would be the responsibility of the County.

Councilor McLain referred to Commissioner Hales' testimony at the September 2 meeting, pointing out that he had discussed issues concerning the Pioneer Cemeteries and Glendoveer Golf Course. Commissioner Hales said at that time that the City continues to be interested in operating Glendoveer, but would wait until after the transfer to continue discussion of that, in order not to interfere with the process between Metro and Multnomah County. She also said he agreed that the cemeteries were a difficult issue that didn't fit well in any government's portfolio, but the question of what jurisdiction manages them shouldn't hold up the transfer process.

Councilor Wyers asked Mr. Engstrom if the Executive Officer has requested the County to loosen the restrictions on its 3% hotel/motel tax, to allow for its broader use in support of the regional facilities system. Mr. Engstrom said he didn't think that request had been formally made, but the Executive does plan to make it.

Chair Gates opened a public hearing. The first person to testify was Michael Carlson of the Portland Audubon Society. He spoke in support of the resolution, saying it supports the goals and policies of the Greenspaces Master Plan. He said the County Parks were of regional significance, and that this move would save money.

Multnomah County Chair Beverly Stein testified in support of the resolution. She said this is a good move for the County, and is an important building block for a regional greenspaces program, which she supports. Councilor McLain encouraged Commissioner Stein to speak with representatives of the other counties in support of this measure. In response to a question from Councilor Gates, Commissioner Stein said she supports continuing the Multnomah County Fair and will work with its supporters to ensure its continued success. Councilor Devlin asked if Multnomah County would continue to be a strong supporter of the greenspaces program. Commissioner Stein said she would continue

to support the program.

Gregory Flakus spoke to the resolution, saying he supports the concept of consolidating the functions of government. He distributed a summary of the history of the Multnomah County Fair, and stated he wants to be sure the Fair continues as a viable event in the community.

Tom O'Laughlin testified as a renter of the Expo Center. He said he worked with other interested parties on a master plan for Expo some years ago, whose recommendations were not implemented. He expressed his concern that Expo rents would go up, and he didn't know where that money would go. He cited past practice in which Expo made money, but that profit had not been dedicated to improvement and maintenance at Expo. He would be willing to pay higher rent if he knew the money was going back into the building, but the rents were starting to get too high. He urged the Council to remember the users when setting policy and rental rates. Councilor Gates said Mr. O'Laughlin's points were well taken, and consistent with the way Metro tries to run its operations. Councilor Devlin said it is important to maintain the Expo Center, but bear in mind that it should not be upgraded to become another Convention Center; Expo should continue to serve a segment of the market not served by the Convention Center. Councilor Wyers encouraged Mr. O'Laughlin to work with MERC staff.

Councilor Gates read written remarks from Washington County Commissioner Bonnie Hays, in which she encouraged the Council to delay adoption of the MOU. Councilor Wyers said she disagrees with that recommendation. She said she has requested an opinion from counsel which would clarify the roles and responsibilities of Metro and MPAC in this matter. Councilor Devlin said this item would be held until the October 14 meeting of Council in order to give MPAC an opportunity to discuss it again, and he did not support further delay beyond that. He said MPAC's role in this issue is merely to comment, not to approve or disapprove. General Counsel Dan Cooper clarified that the MOU is not a binding document. When an intergovernmental agreement comes to Council, he recommends that an ordinance also be considered which addresses the issue of "metropolitan concern."

Christine Palmer said she is the second largest Expo Center tenant, and supports Mr. O'Laughlin's comments.

Greg Edwards spoke to the resolution. He runs the Portland Swap Meet, and said his organization has spent its funds to upgrade the Expo facility and environs. He said the staff runs the facility well, and he wants to continue that relationship.

Councilor Hansen moved the resolution. Councilor Devlin asked for clarification of the motion, to show that staff was directed to resolve any outstanding issues and report to Council and its designated negotiators. That was confirmed.



METRO

Date: September 28, 1993

To: Dick Engstrom, Deputy Executive Officer
 Don Carlson, Council Administrator
 Casey Short, Council Analyst ✓

From: Mark B. Williams, Senior Assistant Counsel *[Signature]*

Regarding: County/Metro Parks and Expo MOU
 Our File: 7.1.G

Enclosed is a copy of my letter to John DuBay of County Counsel regarding what is hopefully the last changes that will be necessary to the MOU. Please note that someone will have to formally move that the MOU be so revised when it comes to the full Council. This redline version ought to enable that to occur. Note that this version does not specifically deal with any possible environmental issues. I would recommend dealing with that in the IGA.

Please feel free to contact me if you have any questions or concerns.

gl
 1601

Enclosures



METRO

Mark B. Williams
Tele: (503) 797-1531
FAX (503) 797-1792

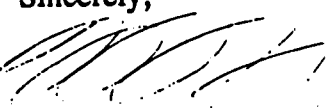
September 28, 1993

John L. DuBay, Chief Assistant
Multnomah County Counsel's Office
1120 S.W. Fifth Avenue, Rm. 1530
Portland, OR 97207

Re: County/Metro Parks and Expo MOU
Our File: 7.1.G

Enclosed please find revised versions of the indemnification language that we discussed. I believe that this incorporates your requested changes. Let me know if there is a problem.

Sincerely,


Mark B. Williams,
Senior Assistant Counsel

gl
1600

Enclosure

cc: Dick Engstrom
Don Carlson
Casey Short ✓

K. Excise Tax

METRO shall have the sole responsibility and authority to exact an excise tax on all programs and activities comprising, or taking place at, the COUNTY FACILITIES, except that METRO shall not increase or impose such an excise tax prior to July 1, 1994, without the joint agreement of the COUNTY and METRO. Any excise tax receipts shall not be restricted to the benefit of the COUNTY FACILITIES, but shall be used for any public purpose deemed appropriate by METRO.

L. Indemnification

1. COUNTY, to the maximum extent permitted by law and subject to and within the limits of the Oregon Tort Claims Act, ORS 30.260 to 30.300, shall defend, indemnify and save harmless METRO, the Metropolitan Exposition-Recreation Commission, and their officers, employees, and agents from and against any and all liabilities, damages, claims, demands, judgments, losses, costs, expenses, suits, and actions, whether arising in tort, contract, or by operation of any statute, including the Workers' Compensation laws, including but not limited to attorneys' fees and expenses at trial and on appeal, relating to or resulting from any claim based on any act or occurrence that takes place prior to September 1, 1993, ~~January 1, 1994, arising from the operations of the County Facilities or based on any latent, negligent, or dangerous condition which arose or existed in connection with the physical condition or operation of the COUNTY FACILITIES prior to January 1, 1994.~~

2. METRO, to the maximum extent permitted by law, subject to and within the limits of the Oregon Tort Claims Act, ORS 30.260 to 30.300, shall defend, indemnify and save harmless COUNTY, and its officers, employees, and agents from and

against any and all liabilities, damages, claims, demands, judgments, losses, costs, expenses, suits and actions, whether arising in tort, contract, or by operation of any statute, including the Workers' Compensation laws, including but not limited to attorneys' fees and expenses at trial and on appeal, relating to or resulting from any claim based on any act or occurrence that takes place on or after September 1, 1993, January 1, 1994, arising from the operations of the COUNTY FACILITIES by METRO or Metro ERC, or claims made after transfer of legal title to METRO or based on any latent, negligent, or dangerous condition which arises after January 1, 1994, in connection with the physical condition or operation of the COUNTY FACILITIES. Provided, however, that during PHASE I of this Agreement, METRO'S duties of indemnification and defense shall be limited to the total amount of funds contained within the Metro Regional Parks/Expo Fund transferred by COUNTY to METRO as provided in subsection I(F)(1).

3. The foregoing indemnification, defense, and hold harmless provisions are for the sole and exclusive benefit and protection of METRO, Metropolitan Exposition-Recreation Commission, and COUNTY, and their respective officers, employees, and agents, and are not intended, nor shall they be construed, to confer any rights on or liabilities to any person or person other than METRO, COUNTY, and their respective officers, employees, and agents.

M. County Ordinances/Services

1. All COUNTY resolutions, executive orders, procedures, or rules governing, restricting, or regulating the use of the COUNTY FACILITIES in force and effect on September 1, 1993, shall remain in force and effect with regard to the COUNTY

PORTLAND PARKS AND RECREATION



1120 SW FIFTH AVE, SUITE 1302, PORTLAND, OREGON 97204-1933

TELEPHONE (503) 823-2223

FACSIMILE (503) 823-5297



CHARLIE HALES, COMMISSIONER

CHARLES JORDAN, DIRECTOR

September 21, 1993

Charlie Ciecko, Director
Department of Environmental Services
Parks Services Division
1620 S.E. 190th Ave.
Portland, Oregon 97233

Dear Charlie:

Charlie Hales and Sharron Kelley have held frequent talks about the transfer of Multnomah County's parks program to Metro. Of particular concern to Commissioner Hales is Metro's assumption of responsibility for municipal park functions. His response, rather than seeking to delay the transition, is to negotiate the City's management of Glendoveer after its assumption by Metro. He and Commissioner Kelley also agreed that Multnomah County's neighborhood parks, either within Portland's city limits or ultimate service boundary, should be transferred to the City on January 1, 1994.

The parks to be transferred are:

1. Dickinson, SW 55th and Alfred
2. Gilbert Heights, SE 130th and Holgate
3. Gilbert Primary, SE 134th and Foster
4. Holladay East, NE 128th and Hollday
5. Lincoln, SE 135th and Mill
6. Lynchview, SE 164th and Mill
7. Lynchwood, SE 170th and Haig

Letter to Charlie Ciecko
10 Multnomah County Parks
September 21, 1993
Page 2

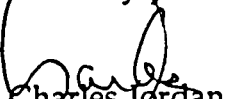
8. North Powellhurst, SE 135th and Salmon
9. Parklane, SE 152nd and Main
10. Raymond, SE 115th and Raymond

If Portland is to take these parks by January 1, we should receive Board of Commissioners approved agreements and deeds by early November. This will give the City time to: (1) file ordinances asking City Council to accept the ten parks; (2) approve the agreements, and (3) file deeds with the County Assessor before the deadline.

I have enclosed the deed and agreement for Orchid Street Park. We would prefer that the remaining sites be transferred to the City using the language in the Orchid Street Bargain and Sale Deed. It says, as you may recall, that under certain circumstances and insuring the money is used for other park acquisition that the City can trade or sell sites. It is unlikely that we would do so, but this latitude would be very helpful in managing and developing our parks inventory. As you and John Sewell discussed, the City will prepare one omnibus agreement accepting all ten parks, and the County will prepare ten Bargain and Sale Deeds and property descriptions.

If you have questions about the request or need help in facilitating the transfer, please call John at 823-5116. He has worked on the transfer of the other 22 sites from the County to the City and is very familiar with the procedure.

Sincerely yours,


Charles Jordan
Director

c: Charlie Hales
Sharron Kelley
Richard Devlin
Merrie Waylett
Rena Cusma
Judy Wyers
John Sewell

Attachment



CLACKAMAS COUNTY

Board of Commissioners

August 31, 1993

SUBJECT: RECOMMENDATIONS REGARDING MULTNOMAH COUNTY
PARKS TRANSFER

DARLENE HOOLEY
CHAIR

ED LINDQUIST
COMMISSIONER

JUDIE HAMMERSTAD
COMMISSIONER

MICHAEL F SWANSON
COUNTY ADMINISTRATOR

TO ALL METRO INTERGOVERNMENTAL AFFAIRS COMMITTEE MEMBERS:

We would like to recommend that consideration of the transfer of Multnomah County Parks to Metro be postponed until there has been an opportunity to review the answers to the attached questions which have been submitted regarding the transfer.

As a regional government, deriving its support from throughout the region, we feel that it is inappropriate for Metro to be engaged in assuming local government service functions that are not regional in nature. This is a fundamental issue as local governments which rely on property taxes may be tempted to transfer any number of their local service obligations with the assumption that adequate funding may follow the service in the short run. However, a long term funding strategy may become a regional responsibility.

We, therefore, recommend that the Metro Council undertake a process to identify matters of metropolitan concern.

The city of Portland needs to be given the time and opportunity to acquire those facilities within its boundaries, since they are local service providers and have personnel and equipment to operate those sites.

Since this transfer includes the funding from Multnomah County through their dedicated recreational fund, it appears that these facilities are not in jeopardy and that further study of this transfer is justified and warranted.

We strongly urge Metro to pursue functions in planning and policy development over matters of metropolitan concern and to withstand the temptation of taking over local services that will divert you from your regional mission.

We appreciate the opportunity to share the information provided to MPAC members at their August 25th meeting. Thank you for your consideration of our suggestions.

Sincerely yours,

Darlene Hooley
Darlene Hooley, Chair

Ed Lindquist
Ed Lindquist

Judie Hammerstad
Judie Hammerstad

/DP



CLACKAMAS COUNTY

Board of Commissioners

August 20, 1993

Metropolitan Policy Advisory Committee and Staff
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

DARLENE HOOLEY
CHAIR

ED LINDQUIST
COMMISSIONER

JUDE HAMMERSTAD
COMMISSIONER

MICHAEL F SWANSON
COUNTY ADMINISTRATOR

ATT: MERRIE WAYLETT

SUBJECT: PROPOSED MULTNOMAH COUNTY PARKS TRANSFER

TO ALL COMMITTEE MEMBERS AND STAFF:

On behalf of Clackamas County, I am submitting the following issues and questions regarding the proposed Multnomah County Parks transfer to Metro.

There are policy issues for Council consideration that are addressed in Metro documents - Metro Charter, RUGGOS, and the Greenspaces Master Plan:

First, Chapter 2 of the Metro Charter states that the Council shall specify by ordinance the extent to which Metro exercises jurisdiction over matters of metropolitan concern. In addition, prior to any future transfer of properties, Metro should prepare findings of fact determining that these facilities are "of metropolitan concern".

Secondly, the RUGGOS also identify areas of "metropolitan significance". We are, however, unaware of what criteria addressing metropolitan concerns with regional significance, if any, has been developed and applied to the transfer of the Multnomah County parks, especially the neighborhood parks, Glendoveer Golf Course, and the cemeteries. Objective 13 on Natural Areas, Parks, and Wildlife Habitat addresses open space, corridor systems, wildlife inventory, and land bank. The RUGGOS do not address any developed parks, golf courses, or cemeteries.

Thirdly, how does the assumption of Multnomah County Parks fit in with the Greenspaces Master Plan?

We strongly urge Metro to pursue functions in planning and policy development over matters of metropolitan concern and to withstand the temptation of taking over local services that will divert them from their regional mission.

In addition, we would appreciate having the following information provided to the members of MPAC for their consideration regarding this transfer:

1) Exhibit 1 which was to accompany the Memorandum of Understanding and includes the inventory of the sites under consideration. Please provide us with the income and annual budget impact on each item in the inventory. We would appreciate it if you would include the current and projected figures as well as the allocated costs and rent.

2) The Expo Master Plan.

In addition, we have the following questions:

3) How does Metro plan to provide for capital improvement needs at these facilities?

4) How would the financial agreement between Multnomah County and Metro be altered if Glendoveer Golf Course and the neighborhood parks are transferred to the City of Portland?

5) What are the sewer assessments and property taxes to be paid on behalf of Glendoveer?

6) Since Parks Administration and Cemeteries are combined in the Multnomah County Parks budget, it is impossible to assign a budget figure to each activity. What are these figures?

7) Since the cemeteries are apparently active and are still marketed and operated for current burials, is it possible to privatize this operation? This suggestion is made noting how profitable the cemetery business appears to be in the private sector.

8) How does Metro justify providing local services such as the marketing of burial grounds and the conducting of recreational programs as described in the Multnomah County Parks Services mission statement?

9) According to the Multnomah County budget there are a total of 31 FTE in Parks and Expo. However, the Metro budget lists 51 FTE. Please clarify the discrepancy.

10) According to the 5 year budget projections from Metro (3/5/93), the beginning fund balance is zero from 1992-1997. However, the beginning fund balance as of August 11th was projected as \$450,000 in '93-'94 and amounts between \$128,000 and \$207,000 per year are listed through 1997. Please break down the figures and sources of this fund balance. The Multnomah County budget lists (and projects) beginning fund balances at zero.

Page 3. Clackamas County re Parks Transfer

11) If a Greenspaces bond measure is not passed by the voters, how does Metro justify the acquisition of a Parks program?

Finally, I would like also to have the answers to Councilor George Van Bergen's memo to Councilor Mike Gates (3/30/93), particularly the items I have circled.

I appreciate your willingness to research and respond to our questions. If anything is unclear, please do not hesitate to contact me.

Sincerely yours,



Judie Hammerstad, Commissioner
Clackamas County



METRO

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

Memorandum

DATE: March 30, 1993
TO: Councilor Mike Gates, Chair, Governmental Affairs Committee
Casey Short, Council Analyst
FROM: Councilor George Van Bergen
RE: INVESTIGATION OF MULTNOMAH COUNTY PROPERTY TRANSFER

I am concerned about the progress of the investigation of possible transfer of Multnomah County parks and other properties to Metro. I request information on the following:

1. Copy of the written request of Multnomah County.
2. Copy of writings of the Council and the Governmental Affairs Committee directing investigation of the transfer.
3. Inventory of specific items by name, location, and other pertinent information.
4. Income and annual budget impact of each item.
5. Obligations to Multnomah County employees in any transfer.
6. Contractual obligations involved with each item, i.e., entrepreneurial golf course, restaurant, etc.
7. Review of Oregon cemetery law concerning pioneer cemeteries and opinion on whether we have authority to manage such cemeteries?
8. Draft of any existing Memorandums of Understanding.
9. What review has been made of this proposal with our patrons at the county and city level within the Metropolitan Service District?
10. A memo from Mr. Short as specific analyst, to this function or to this investigation, as to his review of the budget impact on Metro.
11. A list of personal property to be transferred, a survey of the condition of the property, and where it will be housed in the future.
12. If income properties are transferred, has MERC agreed to supervise and manage without new capitalization?

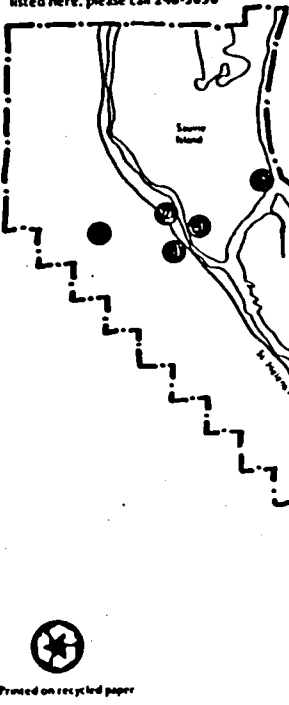
c: Presiding Officer Judy Wyers
Don Carlson, Council Administrator

L: \GVBMEM93.330

Visit...

explore, enjoy, relax and play in one of the many recreation management areas operated by your Multnomah County Parks Services Division. Regional parks, boat ramps, marine facilities and natural areas offer diverse recreation opportunities for you and your family.

For more information on any of the areas listed here, please call 248-5050.



Printed on recycled paper

1 Mason Hill

of the historic Mason Hill School, the park offers a rustic picnic shelter in a pastoral setting.

2 Sauvie Island Boat Ramp

Ferry Road and the Multnomah Channel. Facilities include picnic tables, a one-lane launch ramp with boarding docks, toilets and parking.

3 Multnomah Channel

This 11-acre natural area is managed for scenic and wildlife values.

4 Bybee House & Howell Park

Located on Sauvie Island, this historic 73-acre park is cooperatively managed with the Oregon Historical Society. Attractions include a fully restored pioneer home—circa 1858—children's agricultural museum, pioneer orchard and small picnic area. For more information on group tours and special events, call the Oregon Historical Society at 237-4741.

This quiet one-acre park sits south of Skyline Blvd. at the intersection of Johnson and Munson Roads. On the site

Enjoy this popular boat launch site for spring chinook angling or as a rest stop during a bicycle tour of the island. Located at the junction of the Burlington

This 11-acre natural area is managed for scenic and wildlife values.

Located on Sauvie Island, this historic 73-acre park is cooperatively managed with the Oregon Historical Society. Attractions include a fully restored pioneer

R

recreation Management Areas

5 Bell View Point

Near the southeastern tip of Sauvie Island this ten-acre natural area is accessible only by boat.

6 M. James Gleason Memorial Boat Ramp

Launch your boat onto the Columbia River from this popular six-acre site at 43rd Avenue and Maine Drive. Facilities include a four-lane launch ramp, boarding

7 Broughton Beach

Enjoy a riverside picnic or sun bathing at this popular nine-acre beach located immediately east of the M. James Gleason Boat Ramp.

8 Beggars Tick Marsh

This area is Multnomah County's first wildlife refuge, dedicated by Commissioner Gladys McCury as part of the 1990 Earth Day celebration.

9 Glendoveer Golf Course and Fitness Trail

These two eighteen-hole public golf courses offer scenic and challenging play for golfers of all skill levels. Walkers and joggers will enjoy the two-mile chip-based fitness trail.

10 Blue Lake Park

This 185-acre regional park offers a diverse selection of recreational activities for the entire family. Included are swimming, picnicking, softball, basketball, archery, playground, bicycling, wetland area, boat rentals and fishing docks. For group reservations and more information call 248-5151.

11 Gary and Flag Islands

scenic and wildlife values. The islands are located just east of the confluence of the Sandy and Columbia Rivers at the west end of the Columbia River National Scenic Area.

This 185-acre regional park offers a diverse selection of recreational activities for the entire family. Included are swimming, picnicking,

softball, basketball, archery, playground, bicycling, wetland area, boat rentals and fishing docks. For group reservations and more information call 248-5151.

Totalling 132 acres, these two islands are used by boaters and water skiers during the summer season. They are also managed for

12 Oxbow Park

include camping, fishing, picnicking, hiking, naturalists programs, wildlife viewing and rafting. Call 248-5151 for group picnic reservations. The Sandy River is included in the National Wild and Scenic River Program and the State Scenic Waterway System.

13 Indian John Island

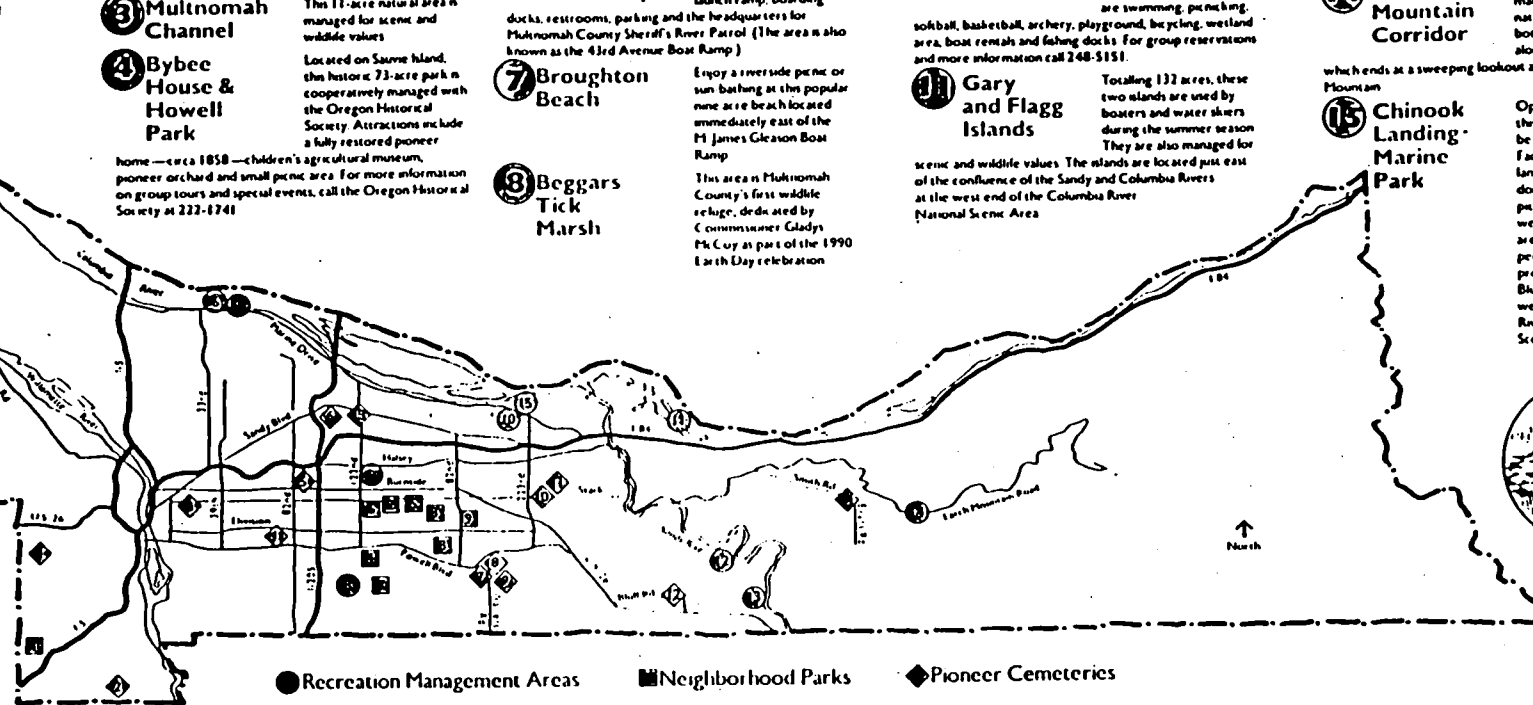
A 64-acre natural area between Oxbow and Dodge Parks in the Sandy River Gorge. It is managed for scenic, wildlife and botanical values.

14 Larch Mountain Corridor

which ends at a sweeping lookout at the top of Larch Mountain.

15 Chinook Landing Marine Park

Opening in the fall of 1991, this 67-acre marine park will be a major boating facility. Facilities will include a six-lane launch ramp, boarding docks, River Patrol Office, picnic and viewing area, wetland and wildlife habitat area, restrooms, and bicycle pedestrian paths. The project site is adjacent to Blue Lake Park and at the west end of the Columbia River Gorge National Scenic Area.



● Recreation Management Areas

■ Neighborhood Parks

◆ Pioneer Cemeteries

N_{eighborhood} Parks

A secondary function of the Parks Services Division is the minimal maintenance of nine neighborhood parks. Each of these areas will eventually be transferred to the municipal jurisdictions of Portland or Gresham. During the late 1970s, Multnomah County owned and operated 38 neighborhood parks. Since the early 1980s the Parks Services Division has been transitioning out of this service and refocusing on regionally significant parks, marine facilities and natural areas.



1	Dickenson	SW 55 & Alfred Ct	6.7 acres
2	North Powellhurst	SE 137 & Main St	5.2 acres
3	Lynchview	SE 165 & Market St	7.6 acres
4	Gilbert Heights	SE 130 & Boise St	3.9 acres
5	Parklane	SE 155 & Main St	5 acres
6	Lincoln	SE 135 & Hill St	6.9 acres
7	Gilbert Primary	SE 134 & Foster Rd	4.5 acres
8	East Lynchwood	SE 174 & Hag St	8.5 acres
9	Vance	SE 182 & Hill St	20 acres

*Cooperatively managed with the City of Gresham
For information call 649-2531 or 649-2408

Pioneer Cemeteries

The Parks Services Division operates and maintains fourteen Pioneer Cemeteries throughout Multnomah County

1	Jones	Estb. 1854	SW Hewitt Blvd 2.5 acres	8	Esrobar	Estb. 1914	SW Walkers Road 5 acre
2	Grand Army of the Republic	Estb. 1809	9002 SW Boones Ferry Road 1 acre	9	Gresham Pioneer	Estb. 1851	SW Walkers Road 2 acres
3	Lone Fir	Estb. 1855	SE 26th & Morrison .8 acre	10	Mt. View Stark	Estb. 1886	SE 257th & Stark .8 acre
4	Multnomah Park	Estb. 1888	SE 82nd & Holgate Blvd 9.3 acres	11	Douglass	Estb. 1846	SE 262nd & Hemlock Rd. 9.1 acres
5	Brainard	Estb. 1867	NE 90th & Ghlan 1.1 acre	12	Pleasant Home	Estb. 1850s	Bluff Rd. & Pleasant Home Rd. 2 acres
6	Columbia Pioneer	Estb. 1877	NE 99th & Sandy Blvd 2.4 acres	13	Powell Grove	Estb. 1848	NE 122nd & Sandy Blvd. 1 acre
7	White Birch	Estb. 1888	SW Walkers Road 5 acre	14	Mt. View Corbett	Estb. 1880	Smith & Evans Road 2 acres

The Oregon State Legislature gave Multnomah County the responsibility to maintain these cemeteries.

Visit one of our cemeteries and discover your local cultural heritage. A brochure describing services and current prices is available upon request. For information call 248-3622 or 248-5000



Multnomah County

Parks

Services Division

620 S. E. 190th
Portland, Oregon 97233
503-248-5050

SAMPLE FORMAT

**Metro authority to operate/own current Multnomah County
Programs/Facilities**

TO: Metro Council & MPAC Members
FROM: MPAC Chair, Gussie McRobert &
MPAC 2nd Vice Chair, Judie Hammerstad
DATE: September 9, 1993

Based on May 7, 1993 Memo:
TO: Councilor George Van Bergen
FROM: Daniel B. Cooper, General Counsel
RE: Metro authority to operate/own current Multnomah
County Programs/Facilities

=====

ANALYSIS BASED ON METRO CHARTER

=====

PURPOSE STATEMENT

Metro's purpose in accepting the transfer of Multnomah County
Programs/Facilities is _____

CRITERIA FOR ACCEPTING TRANSFER:

1. Satisfies criteria for "metropolitan concern" or goes through MPAC approval process or authorized under Charter as an "assigned function".
2. Revenue neutral or positive.

1. GLENDOVEER GOLF COURSE page 5 & 6

- 1) CHARTER AUTHORITY Section 6(1)(b) authorizes Metro "[a]cquisition, development, maintenance and operation of...public sports facilities." This subsection contains no requirement that a "sports facility" be "of metropolitan concern," or restricting Metro involvement to the "metropolitan aspects" of the facility.
- 2) ACTION Approval by MPAC not required
- 3) POINTS OF CONSIDERATION
 1. City of Portland expertise & interest in including Glendoveer in its system of golf courses.
 2. Revenue Consequences.

2. EXPOSITION CENTER page 7

- 1) CHARTER AUTHORITY Metro has independent authority to acquire, develop, operate, and maintain Expo pursuant to Chapter II, Section 6(1)(b) of the 1992 Metro Charter, either by intergovernmental agreement or fee title, without restriction. Because the exercise by Metro of Section 6 powers is directly authorized by the Charter, no further voter approval, or approval by MPAC is required. Finally, there is no requirement that transfer of Expo be of "metropolitan concern."
- 2) ACTION Approval by MPAC not required.
- 3) POINTS OF CONSIDERATION
 1. Funding for Operations & Maintenance.
 2. Immediate capital requirements.
 3. Future capital requirements.
 4. Other committee review and recommendations:
 - a. Metro Facilities Finance Committee.
 5. Revenue Consequences:

3. PARKS, OPEN SPACES, AND BOAT RAMPS page 7

Parks - Blue Lake (recreational facility)
Open Spaces - Oxbow
Boat ramps - Chinook Landing Marine Park

- 1) CHARTER AUTHORITY Section 6(1)(d) authorizes Metro "[a]cquisition, development, maintenance and operation of...a system of parks, open spaces and recreational facilities of metropolitan concern." Second, this provision imposes a requirement of "metropolitan concern" in order to justify direct Metro involvement under Chapter II, Section 6.
- 2) ACTION
 1. Determination of criteria for "metropolitan concern" by Metro Council.
 - a. If criteria indicates that facilities are of metropolitan concern, no action by MPAC required.
 - b. If criteria indicates that facilities are not of metropolitan concern, MPAC or vote approval required.
- 3) POINTS OF CONSIDERATION
 1. Relationship to Greenspaces program
 2. Other committee review and recommendations:
 - a. Greenspaces - Oxbow
 - b. Facilities Finance Committee - Blue Lake & Marina
 3. Revenue Consequences.

4. PIONEER CEMETERIES page 13 & 14

- 1) CHARTER AUTHORITY Chapter II, Section 6(1)(b) authorizes Metro acquisition, development, maintenance and operation of "public Cultural...facilities." The question is whether the Pioneer Cemeteries can rationally be considered to be, "public cultural facilities." There is no requirement that the Pioneer Cemeteries be, "of metropolitan concern."
- 2) ACTION The question of whether Chapter II, Section 6 of the Metro Charter would authorize Metro to accept transfer of these cemeteries must still be addressed. page 14
- 3) POINTS OF CONSIDERATION
 1. Most pioneer cemeteries are operated by private and/or nonprofit groups, (families, community groups). Since these cemeteries are still being marketed privatization should be considered.
 2. "A threshold question is whether the County may lawfully delegate or assign to Metro any of the functions imposed upon it by the Legislature with respect to these cemeteries." page 13
 3. Revenue Consequences.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
2115 S.E. MORRISON
PORTLAND, OREGON 97214
(503) 248-6000

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: JENNIFER SIMS
FROM: BETSY WILLIAMS *BHW*
SUBJECT: PIONEER CEMETERIES BUDGET
DATE: SEPTEMBER 7, 1993

Pursuant to Councilor Moore's question at the Government Affairs committee meeting last week, following is a brief summary of the County's 1993/94 budget for Pioneer Cemeteries:

Personnel Services (includes 2.0 FTE & approx. \$53,000 for temporary help)	\$ 147,809
Materials & Services - Direct	75,050
Internal Service Costs (includes approx. \$42,000 for Motor Pool costs)	<u>59,853</u>
TOTAL BUDGET	\$ 282,712
OPERATING REVENUES	<u>(134,156)</u>
RECREATION FUND SUBSIDY	\$ 148,556

SUMMARY OF THE HISTORY OF THE MULTNOMAH COUNTY FAIR, FAIRGROUNDS, FAIRFUNDS & ASSETS

This summary was compiled by the "Friends of the Multnomah County Fair" and is supported by a 25 page compendium with bold face editorial comments. This compendium is in turn supported by a collection of newspaper articles, board orders various letters, etc.. All items are dated for chronological reference and copies of the original documents are in a binder.

Copies of the compendium are available and the document binder is available on loan. Contact The Friends of the Multnomah County Fair, Mary Trupp, Secretary, 503-621-3969, 16430 Powell Blvd. Portland, OR 97236..

Fairs in general have a history that goes back thousands of years. It can be only imagined how they started, but what is known is that they have always been celebrations of their community.

In the Western United States, this manifested itself in the late spring and early summer meetings of the fur trappers, hunters, explorers and native Americans. Contests, trading and celebration were the format and the functions.

The purpose of fairs in the 1860's was described by the Oregon Agriculture Society on April 10, 1865 as "...To examine and study the improvements over the previous year; new gains for the increase of commerce; fruit and garden products for the table and luxury; floral introductions to beautify our homes; stock to increase the value of our herds; arts to decorate our dwellings, cultivate the eye for the beautiful, and introduce numberless articles of utility; machinery to lessen the toils of farming and household..." This could have been said 1,000 years ago and it still applies today but often combined with themes that fit a more urban need.

In fairs centered around areas of higher population density such as cities, the commerce side played a larger role, although agriculture has always been there. Fairs in the Twentieth Century, have established formats that included racing, games, excellence in craft, food, homemaking skills and so on. All of our "blue ribbon" and "first place" "gold medal" references used by manufacturers emanated from fairs. All of the best is represented at fairs.

The Multnomah County Fair had its beginnings as a grange fair in the late 1880s. The Grange ran the fair until 1912 when the name was changed to the Multnomah County Fair and the County Fair

Association was formed. In 1929, after the fair had financial problems it was assisted by the county, although the fair association continued to run the fair. Stock certificates were actually sold to county residents to support the fair, although they received no actual ownership.

In the 1950s, the fair association and the county government clashed over how the funds were managed. There was court action and then both parties got together to form an interim group to run the fair.

Purportedly in 1960 the county took over management of the fair. In fairs throughout the West, the counties typically own the county fairground, although the management of the fair, in all cases except Multnomah County, is by a fair board that reports to county government. Fair managers usually report to the county fair boards.

In Oregon in the early part of the Twentieth Century state statutes began to formulate to tell county governments how to administer these fairs. When they did this they took into consideration previous relationships that agricultural societies had with fairs in their communities. In 1911, the Oregon state legislature authorized each county to appropriate \$2,000 a year for an agricultural fair. At that time the act gave full control of fair management to the county governing body. That management authority changed in 1913 when the legislature directed the county fair boards to manage the fairs and fair property. However, according to ORS Chapter 565, all fairs must have a fair board, with the exception of Multnomah County, which was able to insert into the state language in 1961 that counties over 400,000 in population could use the Board of County Commissioners in lieu of a fair board.

The State statutes also require all counties with less than 400,000 population to have fair funds. Although this language seems to exclude Multnomah County from being required to have a fair fund, the language is ambiguous and other parts of State statute seem to require that it does have a fair fund. In addition, other parts of the State statute give fairs and fair boards special powers and restricts the use of the monies raised by fairs.

In the early 1950s the Commissioners in Multnomah County and in counties throughout the United States began to see the rise in trade shows or "interim events," events happening at times other than the actual fair. These events typically happened at fairs because of their large amount of exhibit space undercover, kitchens, restrooms, and other facilities that are necessary for trade show-like events.

Multnomah County commissioned a number of reports and investigations into the trade show business culminating in a

report that cost \$45,000 and was completed February 26, 1965. This report lays out in pictures and text, the "Multnomah County Fair and Exposition." This would be in conjunction with the Portland Meadows racetrack (the fair had always had its own racetrack). The study also dealt in depth with the subject of the Pacific International Livestock building and considered incorporating that in the exposition center. There were difficulties because of the size of the PI show, a massive show of livestock of over 3,000 head.

Ironically, the Pacific International Livestock Exposition was in such financial trouble then that it appealed to the State Legislature for assistance. The State Legislature in mid 1965 gave the PI \$250,000 which it had to pay back over ten years. They required the PI to turn its facilities over to Multnomah County and pay rent to Multnomah County for the use of the facilities. They were given a ten-year contract. Multnomah County then was responsible for the maintenance of the facility.

At this point the commissioners who were pushing for a fair and exposition complex decided that it did not make economic sense to own both the PI and an exposition site. Consequently, they made the decision to move the fair to the PI buildings. The move actually did not take place until the first fair and expo in 1970.

The fair staff, funds and assets were co-mingled starting in 1965. All of the fair assets, including a \$900,000 fair fund and \$400,000 from the sale of the fair property, what buildings could be moved and all accouterments, staff and equipment were moved from the Gresham County Fairgrounds to the new Multnomah County Fair and Exposition.

Early on the commissioners were still very excited about pursuing their plan. In these days of early interest, the commissioners were involved in actively developing the facility. As time went on, however, and commissioners changed, the management of the facility changed. The old fair director was no longer in place and the new fair director reported to a department head who reported to the county commission. For various reasons public support in the form of a fair association had fallen away. The fair now became something that the county did once a year. It continued as a 12-day event, then 10-day, 6-day, and eventually a 5-day event.

The fair had always been profitable when its racing revenues were added in. The racing revenues are from two sources, one from the State Fairs Commission which until recently has been about \$56,000, and another through the Racing Commission which allows all county fairs to run ten days of non-profit racing at any racetrack within their county. This has in recent years been about \$175,000 or \$225,000 total of the two. Recently, because of the negative effects of video poker and Measure 5, the contributions from these two sources will total somewhere between

\$35,000 and \$70,000. The fair industry across the United States has seen this coming and has done many things to replace or protect these racing revenues.

The Multnomah County Fair has also had a series of setbacks based on not maintaining a fair like atmosphere. Starting in the mid-seventies, the rodeo arena and livestock barns were eliminated. Although new buildings were erected, the floor surfaces are extremely slippery cement. consequently, all livestock shows, with the exception of the fair, have left the facility. Livestock are at the county fair but no less than 20 animals each fair fall on these surfaces, some are injured. The 4H horse show will no longer perform at expo because of the dangers to horses and rider.

No fair-like buildings have been built. All the fair's profits and assets were put into the County General Fund which in turn has invested about \$2,000,000 in the maintenance and additions to the Expo facility over the years. Not much considering that this facility grosses about \$1,800,000, nets between \$600,000 and \$800,000 per year. The managers have been required to be primarily exposition managers, and the fair has taken second place.

In early 199³, because of the loss of racing revenues, there was talk of no longer having a Multnomah County Fair because funds were not available. This talk immediately brought fair supporters out of the woodwork. People who were not involved in the stewardship or success or perpetuation of the fair. There was no role for people outside of county government in the fair. All staff was hired. Although the fair budget was slashed by over \$200,000, this citizen involvement helped the fair show a profit in 1993.

These people that came forward were recognized by the County Commissioners as the people that would be more likely than others to perpetuate the fair if it was to have any future at all. They were asked to propose a plan for the 1993 fair and make a recommendation on the future of the Multnomah County Fair and a potential fair board.

The greatest problem facing the task force was one of how to recommend financing the fair. Immediately a number of interested parties stated that there had been agreements between the county and the grange and other documents that indicated that the Exposition Center was really as it was originally called, the Multnomah County Fair and Exposition Center, i.e., a fairgrounds, and that the profits of the fairgrounds should be available to the fair. However, the county also has a 1985 state attorney general opinion that Expo is not a fairgrounds.

Officials of county government indicated that the facility most likely was going to be turned over to Metro along with a golf

course and county parks. The Expo profits would support the total package. Metro most likely would like this package and the county commissioners would probably like to be out of the parks and exposition business and into the health and social services business.

This, of course, alarmed the supporters of the fair because they saw this as the one tangible asset that the fair has for its survival.

These individuals point to the various facts in the compendium of information that show

1. The fair was "consolidated and merged" with the Expo facility
2. That land was condemned specifically "for county fair purposes"
3. That \$1,300,000 of initial assets and all fair profits have gone to the county's general fund which in turn has reinvested in Expo.

The facility became an exposition facility in 1980, according to a later county audit. In about 1983 or 1984, the profits from the exposition side started to outreach the profits of the county fair. Up until that time, however, the facility would not have been viable without the fair and its cash flow assets and profits. In essence, it appears that beyond the assets and profits of the county fair there are very few (if any) other funds that have gone into the Exposition Center for its acquisition or improvements. Indeed, it does not appear that the county paid any monies for the acquisition of the facility.

In a business merger, when it comes time to separate the assets, a great deal of consideration is given to the assets that the each entity separately brought to the venture. Another analogy is that of a young married couple, one of whom goes off to college and must be supported by the other for years while it gets its education and gets established in business. Then the established and educated party decides that it no longer wants to be part of the union. They find to their surprise that the party who supported them expects a reasonable return on their investment in the educated and established partner.

Written testimony of Dennis L. Hayes

Sept. 15, 1993

Re: Resolution 93-1849

I apologize for not being available to speak to the committee; I had to return to Beaverton to chair tonight's FOCUS (Forum on Cooperative Urban Services) meeting. [Yes, we are still working on the scheduling conflict with this meeting.]

My concerns about your proposed action, passing out of committee with recommendation for Council adoption, lie primarily in the scope of timing. Members of MPAC have expressed interest in this issue, both as a singular issue and as an issue of precedence. Additional information has been requested, and it was perceived that MPAC would have time to digest the information and then respond in your forum. If that is not possible, I would ask that you pass this item forward without recommendation.

As an issue of precedence, it is my understanding that the full Metro Council will

be reviewing and acting upon definition and criteria for "regional concern/significance." It would appear to me that this activity should precede any action on the MOU, as certain elements may be more appropriately viewed in this context as opposed to being the subject of an IGA. Most specifically, the potential financial consequences of this action may be of regional concern.

I again apologize for my absence and for not being able to elaborate on my request nor to stand for questions.

Bonnie L. Hays

Request.

- 1) Continue this item until after October Council action on criteria for regional concern/significance.
- 2) If not, then pass this forward without recommendation, noting request for MPAC input

MULTNOMAH COUNTY PARKS/EXPO TRANSFER
Outstanding Issues

Overriding question: Do any of these issues warrant inclusion in the MOU?

1. Expo facility not to standard, funds not available to meet needs. Neil Saling has identified \$431,000 in immediate needs at Expo to meet life/safety, ADA and other standards. Only \$168,000 is budgeted in FY 1993-94.

Options:

- a. Require the County to provide funds or complete this work prior to transfer.
- b. Do what we can with available funds and structure MOU to put liability for any impact on the County.

2. The MOU calls for Metro to implement the County's Expo Master Plan subject to funding availability. There is no provision for MERC or Metro to amend the plan.

Options:

- a. Leave as is and ask County to amend the plan if needed.
- b. Get agreement that MERC/Metro may amend the plan.

3. Expo has underground storage tanks and a rumored dump site. MERC/Metro could incur major costs in clean-up for these potential pollution liabilities.

Options:

- a. Conduct a Level I pollution assessment to establish exposure and a benchmark for future liability. Could be at County's expense or shared.
- b. Establish that the County is responsible for any prior liability incurred and will cover clean-up, mitigation and any legal costs.

4. The financial analysis requires either the imposition of excise tax or steep fee increases to make the operations break even.

Does this meet the Council's resolution requirement that the transfer be revenue neutral?

Options:

- a. Assume the excise tax is applied or fees increased.
- b. Count on the Tax Study Committee to find a new source and/or assume development of new Expo enterprise activities.
- c. Assume a shortfall and plan to cover with excise tax or General Fund...
- d. Reject the transfer as economically unfeasible.

MULTNOMAH COUNTY PARKS/EXPO TRANSFER
Proposed Action Schedule

<u>Date</u>	<u>Action</u>	<u>Key Staff</u>
August 11	MPAC presentation	Carlson/Engstrom/Sims/ Waylett
August 12	Metro in-house meeting Decision to proceed?	Carlson/Engstrom/Sims
August 19	Council Government Affairs presentation Direction to staff	Carlson/Engstrom/Sims
August 25	MPAC discussion	Carlson/Engstrom/Sims/ Waylett
September 2	Council Government Affairs - Resolution & MOU Public hearing	Carlson/Engstrom
September 16	Council Government Affairs - Resolution & MOU Public hearing	Carlson/Engstrom
October 7	Council Government Affairs - Resolution & MOU Public hearing	Carlson/Engstrom
October 14	Council public hearing and action on MOU and resolution	Carlson/Engstrom
October ?	Metro in-house meeting on IGA	Carlson/Engstrom/ M. Williams
October 21	Council Government Affairs - Resolution and IGA Public hearing	
October 28	Council public hearing and action IGA	Carlson/Engstrom
January 1, 1994	Effective date of transfer	

PARKS AND EXPO CENTER FINANCIAL PROJECTIONS KEY ASSUMPTIONS

1. Excess resources generated at the Expo Center and Glendoveer Golf Course would be available to support county parks and cemetery activities.
2. County parks, Glendoveer Golf Course and cemetery functions would be managed jointly with the Metro Greenspaces program.
3. MERC would manage the Expo Center in conjunction with other MERC facilities.
4. The fund balance is transferred with the functions.
5. The Fair is treated as any other Expo Center user. A revenue neutral pass through of fair-related racing revenues is budgeted.
6. Expo fee increases go into effect July 1, 1994.
7. There would be selective implementation of the Expo Center capital improvement plan, including only life-safety projects and other projects necessary to keep the facility functional.
8. Excise tax would be imposed as an add-on charge to all eligible revenue sources beginning July 1, 1994. The amount generated would be transferred back as needed to cover costs.
9. Revenue producing capital projects would be constructed using revenue bonds and/or private contractors. Operations and debt service would be covered by project revenues.

**Multnomah County Parks and Expo Transfer
Updated Summary Financial Projections
August 11, 1993**

Metro Adopted Budget	Revised			
	FY 1993-94	FY 1994-95	FY 1995-96	FY 1996-97

Resources

Fund Balance	\$187,372	\$450,000	\$207,868	\$177,027	\$128,625
Parks Revenues	1,788,524	1,788,524	1,867,229	1,968,290	2,071,386
Expo Revenues	1,549,532	1,549,532	1,659,981	1,702,608	1,821,229
Excise Tax Earned on Parks and Expo	0	0	191,829	199,514	211,833
General Fund Support	80,000	0	0	0	24,445
Total Resources	\$3,605,428	\$3,788,056	\$3,926,907	\$4,047,439	\$4,257,518

Requirements

Regional Parks	\$2,214,264	\$2,275,201	\$2,363,337	\$2,469,302	\$2,643,646
Expo	1,301,164	1,304,987	1,386,543	1,449,511	1,513,872
Contingency	90,000	100,000	100,000	100,000	100,000
Unappropriated Balance	0	107,868	77,027	28,625	0
Total Requirements	\$3,605,428	\$3,788,056	\$3,926,907	\$4,047,439	\$4,257,518

MEMORANDUM OF UNDERSTANDING

DRAFT

Memorandum of Understanding

Regarding Consolidation of Regional Parks,

Natural Areas, Golf Courses, Cemeteries,

and Trade/Spectator Facilities

Presently Owned and Operated by Multnomah County and Metro.

OGC # 7.5. G.30

The purpose of this Memorandum of Understanding is to provide for a two-phase consolidation of operation, management, and ownership of all park facilities, natural areas, and trade/spectator facilities presently owned and operated by Multnomah County, including but not limited to Glendoveer Golf Course, Pioneer Cemeteries, and the Portland Exposition Center (EXPO), into the mix of natural spaces and trade/spectator facilities currently owned or operated by Metro. The first phase of consolidation is expected to be of limited duration pending full consolidation, including transfer of ownership of the County facilities to Metro. It is understood between County and Metro that the second phase of consolidation, including transfer of ownership, is of critical importance, and that phase one consolidation of operation and management is merely intended to promote a smooth and harmonious transfer of the County facilities to Metro.

This Memorandum of Understanding sets forth the principles on which a two-phased consolidation agreement will be forwarded to the governing bodies of Multnomah County and Metro. The intent of this Agreement to express the understanding of the terms and conditions that will be formalized as soon as possible and presented to the Metro Council and

the County Commission for ratification. By ratifying this Memorandum of Understanding the Metro Council and Executive Officer and the Multnomah County Commission express their intent to approve a consolidation agreement. It is expressly agreed, however, that this Memorandum of Understanding does not constitute a binding intergovernmental agreement in and of itself, but is intended to form the basis for an eventual intergovernmental agreement between Metro and the County. This agreement is not intended to benefit any individual, employee, group of employees, corporation, or other legal entity other than METRO and COUNTY. This agreement shall not be deemed to vest any rights in, nor shall it be deemed to be enforceable by, any third party in any proceeding whatsoever.

I. PHASE I CONSOLIDATION

A. Transfer of Operation and Management

On or before September 1, 1993, COUNTY shall transfer all operational and management rights and responsibilities for the following programs, activities, properties and/or facilities currently budgeted in the Multnomah County Recreation Fund, along with all funds and revenues related to these programs, to METRO:

1. All park facilities and natural areas currently owned or operated by COUNTY, with the exception of Vance Park;
2. Glendoveer Golf Course;
3. Pioneer Cemeteries, and;
4. EXPO.

5. Any new acquisitions of natural areas by COUNTY, to be transferred to METRO under this Agreement, shall be made with the joint concurrence of the COUNTY and METRO.

A complete list of all properties contemplated for transfer is attached and incorporated herein as Exhibit 1.

These programs, activities, and facilities shall henceforth be referred to in this agreement as the COUNTY FACILITIES, but, said facilities will be identified exclusively as Metro Facilities to the public and to users of those facilities, effective September 1, 1993. METRO shall have full power and authority to organize, manage, and operate the COUNTY FACILITIES as METRO deems appropriate.

B. Maintenance of Effort

METRO agrees to exert its best efforts to operate and maintain the Expo Center, cemeteries, parks, recreation facilities, natural areas, established cultural and educational programs, natural and cultural resources, and all related appurtenances being transferred as part of this agreement in a manner which assures sustainable and continuous public use, safety and enjoyment at a level at least equal to that maintained by the COUNTY prior to the transfer. Provided, however, that METRO may suspend swimming or other water-related activities in Blue Lake Park whenever METRO determines that such a suspension would be prudent for health or safety reasons.

C. Real and Personal Property

1. Effective September 1, 1993, COUNTY shall transfer to METRO the right to beneficial use of all real and personal property comprising the COUNTY

FACILITIES, including any personal property associated with the management or operation of the COUNTY FACILITIES. COUNTY shall not take any action with regard to the real property comprising the COUNTY FACILITIES that would interfere with management and operation of the COUNTY FACILITIES by METRO.

2. During PHASE I of this agreement, COUNTY shall provide Multnomah County Fleet and Electronics service to provide maintenance and upkeep on all equipment associated with the COUNTY FACILITIES. COUNTY shall provide a standard of maintenance and upkeep at least equal to the standard previously kept by COUNTY for said equipment. COUNTY shall bill METRO for the cost of such services, in the same manner and at the same rate as charged to other County areas for comparable services. At METRO'S option, such services and billing shall continue during PHASE II consolidation.

D. Contracts and Licenses

1. Effective September 1, 1993, COUNTY shall assign to METRO all contracts, permits, rental agreements, and licenses to which COUNTY is a party and which are assignable without the consent of other parties. After September 1, 1993, these contracts, permits, rental agreements, and licenses shall be subject to management and control by METRO.

2. Effective September 1, 1993, COUNTY shall assign to METRO all contracts, permits, rental agreements, and licenses to which COUNTY is a party, the assignment to be effective September 1, 1993, or upon obtaining the consent of the other parties thereto, whichever occurs later. Upon assignment, these contracts, permits, rental agreements, and licenses shall be subject to the management and control of METRO.

E. Multnomah County Recreation Fund

All funds less current obligations contained within the Multnomah County Recreation Funds generated by, or attributed to the COUNTY FACILITIES shall be transferred to METRO. COUNTY represents, and warrants, that all funds currently contained within the Multnomah County Recreation Fund are properly contained within that fund in full compliance with all applicable laws and regulations. By way of example and not as a limitation, transfer of funds under this agreement shall include the current balances of special trust funds held by the Parks Division, including the Blue Lake Outdoor Performing Arts Stage fund, the Oxbow Park Nature Center fund, the Willamina Farmer Trust Fund, and the Tibbetts Flower fund, provided, however, that those funds shall be used exclusively for their dedicated purposes, and in accordance with the terms of any applicable trust documents. The Natural Areas Acquisition and Protection fund shall remain the sole responsibility of Multnomah County.

F. Metro Regional Parks/Expo Fund

1. METRO shall establish a new recreation fund as part of the Metro budget, known as the Metro Regional Parks/Expo Fund. All funds formerly in the Multnomah County Recreation Fund shall be transferred to the Metro Regional Parks/Expo Fund. All revenues generated by the COUNTY FACILITIES shall be placed within the Metro Regional Parks/Expo Fund, and shall be spent only on the operation, management, marketing, maintenance, and improvement of the COUNTY FACILITIES, including any overhead or central services charges which METRO attributes to the COUNTY FACILITIES for provision of services by METRO.

2. In no event shall METRO be required to fund and/or subsidize the COUNTY FACILITIES or the Metro Regional Parks/Expo Fund with funds from any other METRO program, activity, or fund, provided, however, that METRO may, in its sole discretion, transfer METRO funds to the COUNTY FACILITIES or the Metro Regional Parks/Expo Fund, whenever it determines that it is in the regional interest to do so. In the event that METRO does transfer METRO funds to the COUNTY FACILITIES on the Metro Regional Parks/Expo Fund, METRO may transfer such funds back to METRO whenever and in such a manner as it sees fit. METRO may charge a reasonable rate of interest for METRO funds transferred to the COUNTY FACILITIES or the Metro Regional Parks/Expo Fund. METRO may transfer funds from one COUNTY facility to another as it sees fit.

G. EXPO/Multnomah County Fair

1. EXPO shall be managed and operated by METRO by and through its Metropolitan Exposition-Recreation Commission, subject to whatever changes the Metro Council may from time to time make in the management, operation, or existence of its Metropolitan Exposition-Recreation Commission.

2. METRO shall implement the EXPO master plan, dependent upon METRO's determination of the availability of resources to implement the plan.

3. Multnomah County represents and warrants to METRO that its current arrangements with the Multnomah County Fair Board, which require the Fair to pay a fee for the use of EXPO, are lawful, proper, and in full compliance with the provisions of any agreements, deeds, duties, or contracts, express or implied, which exist between Multnomah County and the Multnomah County Fair Board. The provisions of Section L(1) shall include

any claims made by the Multnomah County Fair Board. The Multnomah County Fair shall continue to be the sole and exclusive responsibility of COUNTY. METRO shall continue to make EXPO space and expertise available for the Multnomah County Fair, through a contract(s) with the Multnomah County Fair Board. COUNTY may specify the dates for the fair.

4. Both the COUNTY and METRO recognize the value of the County Fair to the community and are committed to the future success of the County Fair. Based on its historical relationship to the Expo Center, special considerations may be granted to the Multnomah County Fair, upon the joint concurrence of both the COUNTY and METRO. Continuation of such special considerations shall be jointly reviewed by the COUNTY and METRO within three years of the transfer of COUNTY FACILITIES.

H. Park Facilities, Cemeteries, Natural Areas, and Glendoveer Golf Course

All park facilities, natural areas, cemeteries, and golf courses transferred pursuant to this agreement shall be incorporated into a new Metropolitan Parks and Greenspaces Department, to be established, operated, and managed by METRO; provided, however, that these facilities may be combined for operations purposes with other programs, projects, or operations, as determined to be appropriate by METRO, provided that METRO shall notify COUNTY prior to any major realignments or reorganizations.

I. Personnel

All staff presently budgeted in the County Recreation Fund shall be transferred to METRO pursuant to ORS 236.610 et seq. METRO agrees that all COUNTY employees transferred to METRO by this agreement shall be held harmless from any layoffs or

reductions in force directly related to the City of Portland/METRO/OAC agreement. All COUNTY employees transferred to METRO by this agreement shall be permitted to transfer any accrued vacation time and any accrued sick time with them to METRO. COUNTY shall be responsible for any obligations which might exist with respect to accrued compensation time. COUNTY shall pay to METRO an amount determined to be the cash equivalent of the amount of vacation leave transferred by each employee. METRO shall provide space in its new Metro Regional Center for the Parks administrative staff transferred as part of this agreement. This agreement is not intended to benefit any individual, employee, group of employees, corporation, or other legal entity other than METRO and COUNTY. This agreement shall not be deemed to vest any rights in, nor shall it be deemed to be enforceable by, any third party in any proceeding whatsoever. It is the specific intention of the COUNTY and METRO that the rights of any employees transferred under this agreement shall be governed exclusively by ORS 236.610 to 236.650 and adjudicated via the procedures provided by those statutes and no other.

J. User Fees

METRO shall have the sole responsibility and authority to set user fees for any or all of the COUNTY FACILITIES except that METRO shall not increase user fees for COUNTY FACILITIES prior to July 1, 1994, without the joint agreement of the COUNTY and METRO.

////

////

K. Excise Tax

METRO shall have the sole responsibility and authority to exact an excise tax on all programs and activities comprising, or taking place at, the COUNTY FACILITIES, except that METRO shall not increase or impose such an excise tax prior to July 1, 1994, without the joint agreement of the COUNTY and METRO. Any excise tax receipts shall not be restricted to the benefit of the COUNTY FACILITIES, but shall be used for any public purpose deemed appropriate by METRO.

L. Indemnification

1. COUNTY, to the maximum extent permitted by law, shall indemnify METRO, Metropolitan Exposition-Recreation Commission, and their officers, employees, and agents against and defend and hold them harmless from any and all liabilities, actions, damages, claims, demands, judgments, losses, costs, expenses, suits, and actions, whether arising in tort, contract, or by operation of any statute, including the Workers' Compensation laws, including but not limited to attorneys' fees and expenses at trial and on appeal, relating to or resulting from any claim based on any act or occurrence that takes place prior to September 1, 1993, or based on any latent, negligent, or dangerous condition which arose or existed in connection with the physical condition or operation of the COUNTY FACILITIES.

2. METRO, to the maximum extent permitted by law, shall indemnify COUNTY, and its officers, employees, and agents against and defend and hold them harmless from any and all liabilities, actions, damages, claims, demands, judgments, losses, costs, expenses, suits, and actions, whether arising in tort, contract, or by operation of any statute, including the Workers' Compensation laws, including but not limited to attorneys'

fees and expenses at trial and on appeal, relating to or resulting from any claim based on any act or occurrence that takes place after September 1, 1993, or based on any latent, negligent, or dangerous condition which arises after September 1, 1993, in connection with the physical condition or operation of the COUNTY FACILITIES. Provided, however, that METRO'S duties of indemnification and defense shall be limited to the total amount of funds contained within the Metro Regional Parks/Expo Fund.

3. The foregoing indemnification, defense, and hold harmless provisions are for the sole and exclusive benefit and protection of METRO, Metropolitan Exposition-Recreation Commission, and COUNTY, and their respective officers, employees, and agents, and are not intended, nor shall they be construed, to confer any rights on or liabilities to any person or person other than METRO, COUNTY, and their respective officers, employees, and agents.

M. County Ordinances/Services

1. All COUNTY ordinances, resolutions, executive orders, procedures, or rules governing, restricting, or regulating the use of the COUNTY FACILITIES in force and effect on September 1, 1993, shall remain in force and effect with regard to the COUNTY FACILITIES until superseded or repealed by any ordinance, resolution, executive order, procedure or rule duly adopted or promulgated by METRO, subject, however, to any restrictions contained in paragraphs J and K. In the case of EXPO, METRO may delegate its authority to supersede or repeal previous COUNTY directives to the Metropolitan Exposition-Recreation Commission.

2. METRO shall have full power and authority to enforce any COUNTY ordinances, resolutions, executive orders, procedures, or rules governing, restricting, or regulating the use of the COUNTY FACILITIES, to the full extent that COUNTY possesses such authority. In the case of EXPO, METRO may delegate its enforcement authority to the Metropolitan Exposition-Recreation Commission.

3. Notwithstanding any other provisions herein, COUNTY shall continue to provide any health-related or law enforcement services that it has previously provided to the COUNTY FACILITIES, including but not limited to the provision of inmate labor services, in at least the same manner and to the same extent that such services were provided prior to transfer. COUNTY may bill METRO for the cost of such services only to the extent that COUNTY bills other COUNTY programs for the cost of such services. In addition, the COUNTY shall continue to pay property assessments on COUNTY FACILITIES and shall continue its annual contribution to the Oregon Historical Society, for the operation of the Bybee-Howell House, until implementation of PHASE II (transfer of ownership). Provided, however, that METRO shall pay the impending sewer assessment and property taxes for Glendoveer Golf Course out of the County Recreation Funds transferred to METRO.

N. Transition Team

To ensure a smooth transition of services, a transition team will be established consisting of the Director of Environmental Services from Multnomah County, the Deputy Executive Officer of METRO, and the Manager of the Metro ERC facilities. This team will be responsible for information sharing among the agencies, resolution of minor contract

disputes, and coordination of services. This transition team will meet as needed until PHASE II of this Agreement.

O. Reporting Requirements.

METRO shall provide the Director of Environmental Services with a written report on activities within the COUNTY FACILITIES on a quarterly basis. This report shall include a financial status on the COUNTY programs, a summary of activity level at each facility, and a brief narrative of unusual or important issues or situations that have occurred during the reporting period. This report is due to the COUNTY no later than October 25, January 25, April 25 and July 25.

In addition, METRO shall advise the Director of Environmental Services in writing immediately in the event of fee changes, ordinance revisions, significant organizational changes within COUNTY programs, and/or major changes in policy which affect COUNTY FACILITIES or programs.

P. Termination.

The parties shall negotiate a mutually agreeable termination procedure in the intergovernmental agreement which the parties' intend to enter into, based on this Memorandum of Understanding.

gl
1148G

II. PHASE II CONSOLIDATION

Effective no later than July 1, 1996, COUNTY shall transfer full ownership of the above facilities to METRO provided that, at METRO'S option, transfer may be delayed pending acquisition by METRO of an appropriate regional funding base. Effective no later than July 1, 1996, the provisions of PHASE I CONSOLIDATION shall no longer apply, except for those provisions which by their specific terms go beyond PHASE I.

gl
1148G

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING) RESOLUTION NO. 93-1849
A MEMORANDUM OF UNDERSTANDING)
BETWEEN MULTNOMAH COUNTY AND) Introduced by Rena Cusma,
METRO REGARDING THE TRANSFER OF) Executive Officer
REGIONAL PARKS, NATURAL AREAS,)
GOLF COURSES, CEMETERIES AND)
TRADE/SPECTATOR FACILITIES)

WHEREAS, Multnomah County and Metro agreed to develop a Memorandum of Understanding that would transfer County Park facilities, natural areas, and trade/spectator facilities to Metro; and

WHEREAS, Metro has the authority under the 1992 Metro Charter to operate public exhibition, cultural, recreational facilities, and a system of parks and open spaces of metropolitan concern; and

WHEREAS, The Memorandum of Understanding sets forth the principles on which a two-phase consolidation agreement will be forwarded to the governing bodies of Multnomah County; and

WHEREAS, It is understood that this Memorandum of Understanding does not constitute a binding intergovernmental agreement, but it intended as an expression of intent, and to form the basis for an eventual intergovernmental agreement between Multnomah County and Metro; and

WHEREAS, Adequate financial revenues are available from the Multnomah County Recreation fund to support the transferred programs; now, therefore,

BE IT RESOLVED,

That the Metro Council approves the attached Memorandum of Understanding,

and authorizes staff to draft an intergovernmental agreement for the purpose of implementing the principles set forth in the Memorandum of Understanding.

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

Judy Wyers, Presiding Officer

gl
1137

MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding

Regarding Transfer of Regional Parks,

Natural Areas, Golf Courses, Cemeteries,

and Trade/Spectator Facilities

Presently Owned and Operated by Multnomah County and Metro.

The purpose of this Memorandum of Understanding is to provide for a two-phase consolidation of operation, management, and ownership of all park facilities, natural areas, and trade/spectator facilities presently owned and operated by Multnomah County, including but not limited to Glendoveer Golf Course, Pioneer Cemeteries, and the Portland Exposition Center (EXPO), into the mix of natural spaces and trade/spectator facilities currently owned or operated by Metro. The first phase of consolidation is expected to be of limited duration pending full consolidation, including transfer of ownership of the County facilities to Metro, with the exception of any neighborhood parks. The first phase of consolidation is a management and operation agreement for all County facilities managed and operated within the current Multnomah County Recreation Fund. It is understood between County and Metro that the second phase of consolidation, including transfer of ownership, is of critical importance, and that phase one consolidation of operation and management is merely intended to promote a smooth and harmonious transfer of those County facilities to Metro that are of "metropolitan concern."

This Memorandum of Understanding sets forth the principles on which a two-phased consolidation agreement will be forwarded to the governing bodies of Multnomah County and Metro. The intent of this Memorandum of Understanding is to express the understanding of the terms and conditions that will be formalized as soon as possible and presented to the Metro Council and the County Commission for ratification. By ratifying this Memorandum of Understanding the Metro Council and Executive Officer and the Multnomah County Commission express their intent to approve a consolidation agreement. It is expressly agreed, however, that this Memorandum of Understanding does not constitute a binding intergovernmental agreement in and of itself, but is intended to form the basis for an eventual intergovernmental agreement between Metro and the County. This Memorandum of Understanding is not intended to benefit any individual, employee, group of employees, corporation, or other legal entity other than METRO and COUNTY. This Memorandum of Understanding shall not be deemed to vest any rights in, nor shall it be deemed to be enforceable by, any third party in any proceeding whatsoever.

I. PHASE I CONSOLIDATION

A. Transfer of Operation and Management

On January 1, 1994, COUNTY shall transfer all operational and management rights and responsibilities for the following programs, activities, properties and/or facilities currently budgeted in the Multnomah County Recreation Fund, along with all funds and revenues related to these programs, to METRO:

1. All park facilities and natural areas currently owned or operated by COUNTY, with the exception of Vance Park;

2. Glendoveer Golf Course;
3. Pioneer Cemeteries, and;
4. EXPO.
5. Any new acquisitions of natural areas by COUNTY, to be transferred

to METRO under this Agreement, shall be made with the joint concurrence of the COUNTY and METRO.

A complete list of all properties contemplated for transfer is attached and incorporated herein as Exhibit 1.

These programs, activities, and facilities shall henceforth be referred to in this agreement as the COUNTY FACILITIES, but, all said facilities other than any neighborhood parks identified in Exhibit 1 will be identified exclusively as Metro-operated Facilities to the public and to users of those facilities, effective January 1, 1994. METRO shall have full power and authority to organize, manage, and operate the COUNTY FACILITIES as METRO deems appropriate.

B. Maintenance of Effort

METRO agrees to exert its best efforts to operate and maintain the Expo Center, cemeteries, parks, recreation facilities, natural areas, established cultural and educational programs, natural and cultural resources, and all related appurtenances being transferred as part of this Memorandum of Understanding in a manner which assures sustainable and continuous public use, safety and enjoyment at a level at least equal to that maintained by the COUNTY prior to the transfer. Provided, however, that METRO may

suspend swimming or other water-related activities in Blue Lake Park whenever METRO determines that such a suspension would be prudent for health or safety reasons.

C. Real and Personal Property

1. Effective January 1, 1994, COUNTY shall transfer to METRO the right to beneficial use of all real and personal property comprising the COUNTY FACILITIES, including any personal property associated with the management or operation of the COUNTY FACILITIES. COUNTY shall not take any action with regard to the real property comprising the COUNTY FACILITIES that would interfere with management and operation of the COUNTY FACILITIES by METRO.

2. During PHASE I of this agreement, COUNTY shall provide Multnomah County Fleet and Electronics service to provide maintenance and upkeep on all equipment associated with the COUNTY FACILITIES. COUNTY shall provide a standard of maintenance and upkeep at least equal to the standard previously kept by COUNTY for said equipment. COUNTY shall bill METRO for the cost of such services, in the same manner and at the same rate as charged to other County areas for comparable services. At METRO'S option, such services and billing shall continue during PHASE II consolidation.

D. Contracts and Licenses

1. Effective January 1, 1994, COUNTY shall assign to METRO all contracts, permits, rental agreements, and licenses to which COUNTY is a party and which are assignable without the consent of other parties. After January 1, 1994, these contracts, permits, rental agreements, and licenses shall be subject to management and control by METRO.

2. Effective January 1, 1994, COUNTY shall assign to METRO all contracts, permits, rental agreements, and licenses to which COUNTY is a party, the assignment to be effective January 1, 1994, or upon obtaining the consent of the other parties thereto, whichever occurs later. Upon assignment, these contracts, permits, rental agreements, and licenses shall be subject to the management and control of METRO.

E. Multnomah County Recreation Fund

All funds less current obligations contained within the Multnomah County Recreation Funds generated by, or attributed to the COUNTY FACILITIES shall be transferred to METRO. COUNTY represents, and warrants, that all funds currently contained within the Multnomah County Recreation Fund are properly contained within that fund in full compliance with all applicable laws and regulations. By way of example and not as a limitation, transfer of funds under this agreement shall include the current balances of special trust funds held by the Parks Division, including the Blue Lake Outdoor Performing Arts Stage fund, the Oxbow Park Nature Center fund, the Willamina Farmer Trust Fund, and the Tibbetts Flower fund, provided, however, that those funds shall be used exclusively for their dedicated purposes, and in accordance with the terms of any applicable trust documents. The Natural Areas Acquisition and Protection fund shall remain the sole responsibility of Multnomah County.

F. Metro Regional Parks/Expo Fund

1. METRO shall establish a new recreation fund as part of the Metro budget, known as the Metro Regional Parks/Expo Fund. All funds formerly in the Multnomah County Recreation Fund shall be transferred to the Metro Regional Parks/Expo

Fund. All revenues generated by the COUNTY FACILITIES shall be placed within the Metro Regional Parks/Expo Fund, and shall be spent only on the operation, management, marketing, maintenance, and improvement of the COUNTY FACILITIES, including any overhead or central services charges which METRO attributes to the COUNTY FACILITIES for provision of services by METRO.

2. In no event shall METRO be required to fund and/or subsidize the COUNTY FACILITIES or the Metro Regional Parks/Expo Fund with funds from any other METRO program, activity, or fund, provided, however, that METRO may, in its sole discretion, transfer METRO funds to the COUNTY FACILITIES or the Metro Regional Parks/Expo Fund, whenever it determines that it is in the regional interest to do so. In the event that METRO does transfer METRO funds to the COUNTY FACILITIES on the Metro Regional Parks/Expo Fund, METRO may transfer such funds back to METRO whenever and in such a manner as it sees fit. METRO may charge a reasonable rate of interest for METRO funds transferred to the COUNTY FACILITIES or the Metro Regional Parks/Expo Fund. METRO may transfer funds from one COUNTY facility to another as it sees fit. However, no funds from any other Metro program, activity or fund shall be used for maintenance and operation of any neighborhood parks identified in Exhibit 1.

G. EXPO/Multnomah County Fair

1. EXPO shall be managed and operated by METRO by and through its Metropolitan Exposition-Recreation Commission, subject to whatever changes the Metro Council may from time to time make in the management, operation, or existence of its Metropolitan Exposition-Recreation Commission.

2. METRO shall implement the EXPO master plan, dependent upon METRO's determination of the availability of resources to implement the plan.

3. Multnomah County represents and warrants to METRO (a) that the current arrangements surrounding the Multnomah County Fair, the Multnomah County Fair Board, and Multnomah County, which, inter alia, require the Fair to pay a fee for the use of EXPO, are lawful, proper, and in full compliance with the provisions of any agreements, deeds, duties, or contracts, express or implied, which exist regarding the Fair or EXPO, and (b) that Multnomah County has full authority to enter into this Memorandum of Understanding and any subsequent intergovernmental agreements insofar as EXPO and the Multnomah County Fair are concerned. The provisions of Section L(1) shall include any claims made by or on behalf of the Multnomah County Fair, the Multnomah County Fair Board, any users of the Fair, or any parties claiming contractual rights, including claims of any third party beneficiaries, with respect to EXPO, the Fair or the COUNTY'S actions with respect to EXPO or the Fair. The Multnomah County Fair shall continue to be the sole and exclusive responsibility of COUNTY. METRO shall continue to make EXPO space and expertise available for the Multnomah County Fair, through a contract(s) with the Multnomah County Fair Board. COUNTY may specify the dates for the fair.

4. Both the COUNTY and METRO recognize the value of the County Fair to the community and are committed to the future success of the County Fair. Based on its historical relationship to the Expo Center, special considerations may be granted to the Multnomah County Fair, upon the joint concurrence of both the COUNTY and METRO.

Continuation of such special considerations shall be jointly reviewed by the COUNTY and METRO within three years of the transfer of COUNTY FACILITIES.

H. Park Facilities, Cemeteries, Natural Areas, and Glendoveer Golf Course

All park facilities, natural areas, cemeteries, and golf courses transferred pursuant to this Memorandum of Understanding shall be incorporated into a new Metropolitan Parks and Greenspaces Department, to be established, operated, and managed by METRO; provided, however, that these facilities may be combined for operations purposes with other programs, projects, or operations, as determined to be appropriate by METRO, provided that METRO shall notify COUNTY prior to any major realignments or reorganizations.

I. Personnel

All staff presently budgeted in the County Recreation Fund shall be transferred to METRO pursuant to ORS 236.610 et seq. METRO agrees that all COUNTY employees transferred to METRO by this agreement shall be held harmless from any layoffs or reductions in force directly related to the City of Portland/METRO/OAC agreement. All COUNTY employees transferred to METRO by this Memorandum of Understanding shall be permitted to transfer any accrued vacation time and any accrued sick time with them to METRO. COUNTY shall be responsible for any obligations which might exist with respect to accrued compensation time. COUNTY shall pay to METRO an amount determined to be the cash equivalent of the amount of vacation leave transferred by each employee. METRO shall provide space in its new Metro Regional Center for the Parks administrative staff transferred as part of this Memorandum of Understanding. This Memorandum of

Understanding is not intended to benefit any individual, employee, group of employees, corporation, or other legal entity other than METRO and COUNTY. This Memorandum of Understanding shall not be deemed to vest any rights in, nor shall it be deemed to be enforceable by, any third party in any proceeding whatsoever. It is the specific intention of the COUNTY and METRO that the rights of any employees transferred under this Memorandum of Understanding shall be governed exclusively by ORS 236.610 to 236.650 and adjudicated via the procedures provided by those statutes and no other.

J. User Fees

METRO shall have the sole responsibility and authority to set user fees for any or all of the COUNTY FACILITIES except that METRO shall not increase user fees for COUNTY FACILITIES prior to July 1, 1994, without the joint agreement of the COUNTY and METRO.

K. Excise Tax

METRO shall have the sole responsibility and authority to exact an excise tax on all programs and activities comprising, or taking place at, the COUNTY FACILITIES, except that METRO shall not increase or impose such an excise tax prior to July 1, 1994, without the joint agreement of the COUNTY and METRO. Any excise tax receipts shall not be restricted to the benefit of the COUNTY FACILITIES, but shall be used for any public purpose deemed appropriate by METRO.

L. Indemnification

1. COUNTY, to the maximum extent permitted by law and subject to and within the limits of the Oregon Tort Claims Act, ORS 30.260 to 30.300, shall defend,

indemnify and save harmless METRO, the Metropolitan Exposition-Recreation Commission, and their officers, employees, and agents from and against any and all liabilities, damages, claims, demands, judgments, losses, costs, expenses, suits, and actions, whether arising in tort, contract, or by operation of any statute, including the Workers' Compensation laws, including but not limited to attorneys' fees and expenses at trial and on appeal, relating to or resulting from any claim based on any act or occurrence that takes place prior to January 1, 1994, or based on any latent, negligent, or dangerous condition which arose or existed in connection with the physical condition or operation of the COUNTY FACILITIES prior to January 1, 1994.

2. METRO, to the maximum extent permitted by law, subject to and within the limits of the Oregon Tort Claims Act, ORS 30.260 to 30.300, shall defend, indemnify and save harmless COUNTY, and its officers, employees, and agents from and against any and all liabilities, damages, claims, demands, judgments, losses, costs, expenses, suits and actions, whether arising in tort, contract, or by operation of any statute, including the Workers' Compensation laws, including but not limited to attorneys' fees and expenses at trial and on appeal, relating to or resulting from any claim based on any act or occurrence that takes place on or after January 1, 1994, arising from the operations of the COUNTY FACILITIES, or claims made after transfer of legal title to METRO or based on any latent, negligent, or dangerous condition which arises after January 1, 1994, in connection with the physical condition or operation of the COUNTY FACILITIES. Provided, however, that METRO'S duties of indemnification and defense shall be limited to the total amount of funds contained within the Metro Regional Parks/Expo Fund.

3. The foregoing indemnification, defense, and hold harmless provisions are for the sole and exclusive benefit and protection of METRO, Metropolitan Exposition-Recreation Commission, and COUNTY, and their respective officers, employees, and agents, and are not intended, nor shall they be construed, to confer any rights on or liabilities to any person or person other than METRO, COUNTY, and their respective officers, employees, and agents.

M. County Ordinances/Services

1. All COUNTY resolutions, executive orders, procedures, or rules governing, restricting, or regulating the use of the COUNTY FACILITIES in force and effect on September 1, 1993, shall remain in force and effect with regard to the COUNTY FACILITIES until superseded or repealed by any ordinance, resolution, executive order, procedure or rule duly adopted or promulgated by METRO, subject, however, to any restrictions contained in paragraphs J and K. In the case of EXPO, METRO may delegate its authority to supersede or repeal previous COUNTY directives to the Metropolitan Exposition-Recreation Commission. COUNTY shall cooperate and assist METRO in the implementation of any METRO action to supersede or repeal previous COUNTY directives that may require COUNTY action to amend COUNTY ordinances.

2. METRO shall have full power and authority to enforce any COUNTY ordinances, resolutions, executive orders, procedures, or rules governing, restricting, or regulating the use of the COUNTY FACILITIES, to the full extent that COUNTY possesses such authority. In the case of EXPO, METRO may delegate its enforcement authority to the Metropolitan Exposition-Recreation Commission.

3. Notwithstanding any other provisions herein, COUNTY shall continue to provide any health-related or law enforcement services that it has previously provided to the COUNTY FACILITIES, including but not limited to the provision of inmate labor services, in at least the same manner and to the same extent that such services were provided prior to transfer. COUNTY may bill METRO for the cost of such services only to the extent that COUNTY bills other COUNTY programs for the cost of such services. In addition, the COUNTY shall continue to pay property assessments on COUNTY FACILITIES and shall continue its annual contribution to the Oregon Historical Society, for the operation of the Bybee-Howell House, until implementation of PHASE II (transfer of ownership). Provided, however, that METRO shall pay the impending sewer assessment and property taxes for Glendoveer Golf Course out of the County Recreation Funds transferred to METRO.

N. Transition Team

To ensure a smooth transition of services, a transition team will be established consisting of the Director of Environmental Services from Multnomah County, the Deputy Executive Officer of METRO, and the Manager of the Metro ERC facilities. This team will be responsible for information sharing among the agencies, resolution of minor contract disputes, and coordination of services. This transition team will meet as needed until PHASE II of this Agreement.

O. Reporting Requirements.

METRO shall provide the Director of Environmental Services with a written report on activities within the COUNTY FACILITIES on a quarterly basis. This report shall

include a financial status on the COUNTY programs, a summary of activity level at each facility, and a brief narrative of unusual or important issues or situations that have occurred during the reporting period. This report is due to the COUNTY no later than October 25, January 25, April 25 and July 25.

In addition, METRO shall advise the Director of Environmental Services in writing immediately in the event of fee changes, ordinance revisions, significant organizational changes within COUNTY programs, and/or major changes in policy which affect COUNTY FACILITIES or programs.

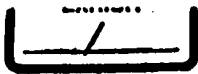
P. Termination.

The parties shall negotiate a mutually agreeable termination procedure in the intergovernmental agreement which the parties' intend to enter into, based on this Memorandum of Understanding.

II. PHASE II CONSOLIDATION

Effective no later than July 1, 1996, COUNTY shall transfer to METRO full ownership of those of the above facilities which METRO has determined are public cultural, trade, convention, exhibition, sports, entertainment, or spectator facilities, or parks, open spaces, or recreational facilities of "metropolitan concern," provided that, at METRO'S option, transfer may be delayed pending acquisition by METRO of an appropriate regional funding base. Neighborhood parks identified in Exhibit 1 are intended to be transferred to the City of Portland during Phase I. Any such parks not transferred shall remain in COUNTY ownership. Effective no later than July 1, 1996, the provisions of PHASE I CONSOLIDATION shall no longer apply, except for those provisions which by their specific terms go beyond PHASE I.

gl
11480



MULTNOMAH COUNTY PARK SERVICES DIVISION

Natural Areas and Regional Facilities

- ① Mason Hill - 3 Acres
- ② Sawie Island Boat Ramp - 1 Acre
- ③ Multnomah Channel - 11 Acres
- ④ Bybee House & Howell Park - 73 Acres
- ⑤ Bell View Point - 10 Acres
- ⑥ M. James Gleason Memorial Boat Ramp - 6 Acres
- ⑦ Broughton Beach - 9 Acres
- ⑧ Beggors Tick Marsh - 20 Acres
- ⑨ Glendoveer Golf Course & Fitness Trail - 232 Acres
- ⑩ Blue Lake Park - 185 Acres

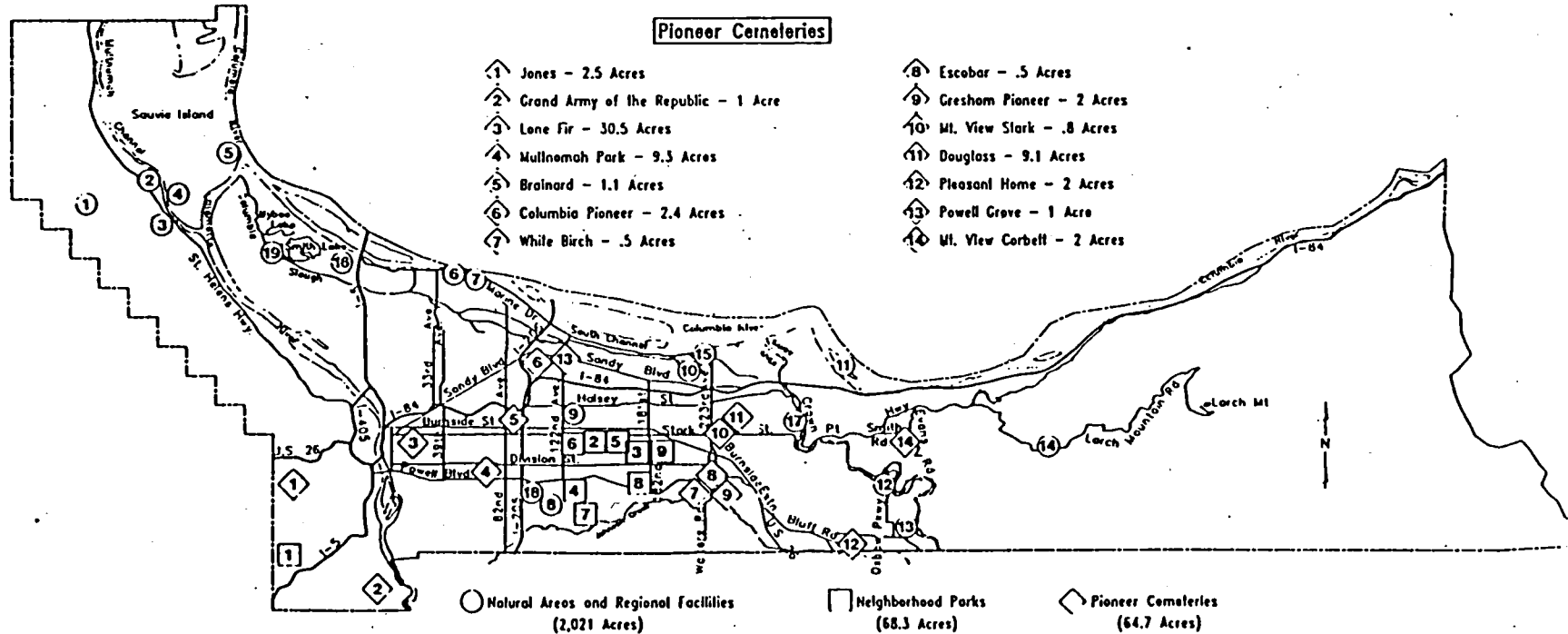
- ⑪ Gary & Flogg Islands - 132 Acres
- ⑫ Oxbow Park - 1000 Acres
- ⑬ Indian John Island - 64 Acres
- ⑭ Larch Mountain Corridor - 185 Acres
- ⑮ Chlnook Landing Marine Park - 67 Acres
- ⑯ Expo Park (Future Overnight Facility) - 12 Acres
- ⑰ Sandy River Access Points (4) - 5.6 Acres
- ⑱ Beggors Tick Addition - .25 Acres
- ⑲ Smith & Bybee Lakes Addition - 5.17 Acres

Neighborhood Parks

- ① Dickenson - 6.7 Acres
- ② North Powellhurst - 5.2 Acres
- ③ Lynchview - 7.6 Acres
- ④ Gilbert Heights - 3.9 Acres
- ⑤ Parklone - 5 Acres
- ⑥ Lincoln - 6.9 Acres
- ⑦ Gilbert Primary - 4.5 Acres
- ⑧ East Lynchwood - 8.5 Acres
- ⑨ Vance - 20 Acres

Pioneer Cemeteries

- ① Jones - 2.5 Acres
- ② Grand Army of the Republic - 1 Acre
- ③ Lone Fir - 30.5 Acres
- ④ Multnomah Park - 9.3 Acres
- ⑤ Brainard - 1.1 Acres
- ⑥ Columbia Pioneer - 2.4 Acres
- ⑦ White Birch - .5 Acres
- ⑧ Escobar - .5 Acres
- ⑨ Greshom Pioneer - 2 Acres
- ⑩ Mt. View Stark - .8 Acres
- ⑪ Douglass - 9.1 Acres
- ⑫ Pleasant Home - 2 Acres
- ⑬ Powell Grove - 1 Acre
- ⑭ Mt. View Corbell - 2 Acres



STAFF REPORT

For the purpose of approving a Memorandum of Understanding between Multnomah County and Metro regarding the transfer of operations of regional parks, natural areas, golf courses, cemeteries and trade/spectator facilities.

September 8, 1993

Presented by: Richard Engstrom
Don Carlson

PROPOSED ACTION

This Memorandum of Understanding (MOU) sets forth the principles on which a two-phased transfer agreement will be developed and forwarded to the governing bodies for their action.

The first phase of the transfer will be of limited duration and will consist of a management and operation agreement for all County facilities managed and operated within the current Multnomah County Recreation Fund.

The second phase would provide for the transfer of ownership of all County facilities managed and operated within the County Recreation Fund.

The approval of this MOU would provide the authority for staff to develop the transfer agreement for subsequent approval by Multnomah County and Metro.

FACTUAL BACKGROUND AND ANALYSIS

The Multnomah County Board of Commissioners adopted a resolution in October of 1991 supporting the regionalization of certain county service and requested that Metro enter into discussions regarding the feasibility of such an action.

The Metro Council through action by the Governmental Affairs Committee authorized the creation of five task forces to consider the five areas of potential regionalization. After numerous meetings with these task forces, it was determined that the most appropriate area for regionalization of services was in the operation of regional parks and the Expo Center.

Staff presented to the Metro Governmental Affairs Committee a set of assumptions upon which further discussion would be held. This Memorandum of Understanding is consistent with those assumptions, both programmatic and fiscal.

On June 10, 1993, the Metro Council authorized the creation of a task force to negotiate a Memorandum of Understanding with Multnomah County. The task force consisted of Councilors Richard Devlin and Ed Washington and Executive Officer Rena Cusma.

Multnomah County Commissioners Gary Hansen and Sharron Kelley were the County representatives on this task force.

The Resolution of June 10th also directed that the draft MOU be provided to the Metropolitan Policy Advisory Committee for its review and comment prior to council action. MPAC has reviewed this item on August 11, 1993 and August 25, 1993. In addition, the MOU was provided to Clackamas and Washington Counties for their review and comment prior to Council action.

It should be noted that this draft of the MOU does reflect a recent change in modifying language regarding the transfer of neighborhood parks.

SUMMARY OF MEMORANDUM OF UNDERSTANDING

The MOU sets forth principles upon which a two-phased transfer agreement will be forwarded to the governing bodies of Multnomah County and Metro.

Upon approval of the MOU, an intergovernmental agreement will be developed to be approved by both governing bodies.

It is contemplated that phase 2 will encompass the transfer of ownership of park facilities and the Expo Center to be concluded no later than July 1, 1996.

The agreement would transfer all:

Park facilities and natural areas currently owned and operated by Multnomah County which includes:

- Glendoveer Golf Course
- Pioneer Cemeteries

In addition, the Expo Center would be transferred and operated by the Metropolitan Exposition Recreation Commission (MERC).

The only exceptions would be Vance Park and neighborhood parks.

The Multnomah County Fair would continue to remain under the purview of Multnomah County with an assurance that dates would be available at the Expo Center.

LEGAL AUTHORITY OF TRANSFER

The 1992 Metro Charter authorizes Metro to operate public exhibition facilities and a system of parks, open spaces and recreation facilities of metropolitan concern. (See memorandum from Dan Cooper, General Counsel regarding Metro authority to operate / own current Multnomah County programs / facilities dated May 7, 1993, included as part of notebook materials presented to Governmental Affairs Committee on September 2,

1993.) Neighborhood parks owned and maintained by Multnomah County are now excluded from this agreement.

In addition, Metro's approved budget contains expenditure authority for the proposed transfer.

FINANCIAL ANALYSIS

A set of assumptions was developed to guide the financial feasibility of the proposed transfer. The key assumptions were:

1. Excess resources generated at the Expo Center and Glendoveer Golf Course would be available to support county parks and cemetery activities.
2. County parks, Glendoveer Golf course and cemetery functions would be managed jointly with the Metro Greenspaces program.
3. MERC would manage the Expo Center in conjunction with other MERC facilities.
4. The fund balance is transferred with the functions.
5. The Fair is treated as any other Expo Center user.
6. Expo fee increases go into effect July 1, 1994.
7. There would be selective implementation of the Expo Center capital improvement plan, including life-safety projects and other projects necessary to keep the facility functional.
8. Imposition of the Metro excise tax would be authorized as an add-on charge to all eligible revenue sources beginning July 1, 1994. The amount generated would be transferred to the recreation fund as needed to cover costs.
9. Revenue producing capital projects would be constructed using revenue bonds and/or private contractors. Operations and debt service would be covered by project revenues.

Financial projections based on these assumptions make it revenue neutral for Metro through FY 1995-96. These projections are conservative and do not take into account any revenue enhancements or efficiencies that might occur from Metro operation. (See Updated Financial Projections dated August 11, 1993 which are included as part of your notebook materials.)

RECOMMENDATION

The Executive Officer recommends approval of Resolution 93-1849

Meeting Date: October 14, 1993
Agenda Item No. 9.6

RESOLUTION NO. 93-1837A

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 93-1837A, AMENDING POLICIES REGARDING HARASSMENT AND DISCRIMINATION AND ADOPTING RELATED PROCEDURES

Date: October 7, 1993

Presented by: Councilor Hansen

COMMITTEE RECOMMENDATION: At its October 7, 1993 meeting the Governmental Affairs Committee voted 4-0 to recommend Council adoption of Resolution No. 93-1837A. Voting were Councilors Gates, Hansen, Moore, and Wyers. Councilor Gardner was excused.

COMMITTEE DISCUSSION/ISSUES: Personnel Director Paula Paris presented the staff report. She said the resolution contained amendments to policies previously adopted by the Council (Exhibits A-C), and a new policy establishing procedures for dealing with complaints regarding wrongful conduct of Councilors (Exhibit D). The amendments to existing procedures primarily serve to include elected officials in the policy statements governing conduct of Metro employees, and also add a process for informal complaints.

Councilor Wyers said she had sent out some 100 drafts of the resolution to interested parties in the Metro region, and had incorporated into the resolution the suggestions she received in response. She also said AFSCME Local 3580 had suggested some modifications, and those had been taken into account as well, to the Union's satisfaction.

Council Analyst Casey Short said an amendment to the procedures for informal complaints had been suggested by legal counsel. That amendment was an addition to item "D," for the purpose of clarifying the extent to which informal complaints would be treated confidentially. (The amendment is in Exhibit C of the resolution, and is underlined.) The committee voted unanimously to include that amendment in the resolution.

COMPLAINT PROCEDURES

1. If a complaint, whether informal or formal, is in regard to a Councilor, the complaint shall be forwarded to the Presiding Officer of the Council. If the complaint, whether informal or formal, is in regard to the Presiding Officer, the complaint shall be forwarded to the Deputy Presiding Officer.
2. If a complaint, whether informal or formal, is in regard to the Executive Officer, the complaint shall be forwarded to the Auditor.
3. If a complaint, whether informal or formal, is in regard to the Auditor, the complaint shall be forwarded to the Executive Officer.
4. If a complaint, whether informal or formal, is in regard to the Affirmative Action Officer, the complaint shall be forwarded to the Executive Officer.

INFORMAL PROCEDURE:

Some people who allege that an act of unlawful discrimination or harassment has occurred simply want it to end, and do not wish to go through a protracted formal or legal procedure. The following informal procedure is established to address that need, however, a person making a complaint is not required to use this procedure either in lieu of or prior to proceeding with a formal complaint:

- (A) Any employee who alleges that an act of unlawful discrimination or harassment by another employee or an elected official has occurred may verbally request an informal investigation of the allegation by either his/her Manager/Director or the Affirmative Action Officer.
- (B) The Manager/Director or Affirmative Action Officer shall, after appropriate investigation and within ten (10) days of the date of the complaint, determine what informal remedial action, if any, shall be taken. The complainant shall be informed by the Manager/Director or Personnel Director of the determination and any action to be taken.
- (C) If the complainant does not feel that the informal procedure satisfactorily resolves his/her complaint, or if the complainant does not want to initiate the informal procedure, he/she made proceed with the formal complaint procedure below.
- (D) The informal procedure shall be confidential and information related to a complaint shall not be disclosed by any person involved in this procedure except for the purpose of investigation and resolution.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) RESOLUTION NO. 93-1837A
POLICIES REGARDING HARASSMENT)
AND DISCRIMINATION AND ADOPTING) Introduced by Judy Wyers,
RELATED PROCEDURES) Presiding Officer

WHEREAS, The Metro Council has previously adopted on the recommendation of the Executive Officer policies that prohibit discrimination and harassment including sexual harassment; and

WHEREAS, It is appropriate to clarify that these adopted policies apply to elected officials of Metro as well as to appointed employees; and

WHEREAS, It is appropriate to provide informal procedures to resolve certain complaints and clarify the procedures for the making of formal complaints against elected officials; and

WHEREAS, The Council, pursuant to Section 20 of the 1992 Metro Charter, is the judge of the election and qualifications of its members, and it is appropriate that the Council adopt procedures by which complaints regarding Councilors can be investigated and resolved; now, therefore,

BE IT RESOLVED,

- 1. That the Council adopts the revisions to the existing Policy Statements regarding the Metro Affirmative Action Program attached as Exhibit "A."**
- 2. That the Council adopts the revisions to the existing Policy Statement regarding sexual harassment attached as Exhibit "B."**

3. That the Council adopts revisions to the Complaint Procedures attached as Exhibit "C."

4. That the Council adopts the Council Procedures for Investigation, Hearings and Resolution of Complaints Regarding Wrongful Conduct of Councilors attached as Exhibit "D."

ADOPTED by the Metro Council this ____ day of _____, 199__.

Judy Wyers, Presiding Officer

gl
1134

POLICY STATEMENT

Section 1. Purpose and Authority

(a) It is the purpose of this program to establish policies to encourage, enhance and provide equal employment opportunities and to prevent discrimination in employment and personnel practices.

(b) This program is adopted pursuant to 28 CFR, Part 42, Department of Justice and 49 CFR, Part 21, Circular C1155.1, U>S> Department of Transportation, Urban Mass Transportation Administration (UMTA), and, is intended to comply with all relevant federal and state laws.

(c) This program shall be known and may be cited as the "Affirmative Action Program", hereinafter referred to as the "program".

Section 2. Policy Statement

(a) Through the affirmative action program Metro:

(1) expresses its strong commitment to provide equal employment opportunities and to take affirmative action to ensure nondiscrimination in employment practices;

(2) informs all Metro elected officials and employees, governmental agencies and the general public of its intent to implement this policy statement; and

(3) assures conformity with applicable federal regulations as they exist or may be amended.

(b) It shall be the policy of Metro to ensure that Equal Employment Opportunities and practices exist for all applicants and employees without regard to their race, color, religion, national origin, sex, age, marital status, Vietnam era veteran or disabled veteran status, disability for which reasonable accommodation can be made, sexual orientation or familial status. Equal opportunities and considerations will be afforded in recruiting, selecting, hiring, transferring, promoting, compensating and terminating employees.

(c) It shall be the policy of Metro to implement and maintain a plan of affirmative action to overcome the effects of discrimination in all areas and activities of employment. Plan goals will be developed, updated each fiscal year, monitored and assessed to obtain and place qualified women and minorities in positions which reflect a realistic parity with the comparable existing

regional labor force and, to provide a uniform and equal application of established employment procedures and practices for all employees.

(d) The policies, practices and procedures established by this program shall apply to all Metro departments and project areas.

(e) The objective of the program shall be:

(1) to assure that provisions of this program are adhered to by all Metro elected officials, departments, employees, employment agencies, subrecipients, contractors and subcontractors of Metro; and

(2) to initiate and maintain efforts to ensure equal employment opportunities to all applicants and employees.

(f) Metro accepts and agrees to the statements of the Department of Transportation, Urban Mass Transportation Administration, Circular UMTA C 1155.1, December 30, 1977, "UMTA Interim Equal Employment Opportunity Policy and Requirements for Grant Recipient".

Section 3. Definitions

For the purposes of this program, the following definitions shall apply:

(a) "Affirmative Action" - a positive program to eliminate discrimination and noncompliance and to ensure nondiscriminatory practices and compliance in the future.

(b) "Equal Employment Opportunity" - employment activities conducted on an equal opportunity basis without discrimination as to race, color, religion, national origin, sex, age, marital status, Vietnam era or Disabled Veteran status, disability for which a reasonable accommodation can be made, sexual orientation or familial status.

(c) "Minority" or "Minority-Groups" means:

(1) "Black Americans" (not of Hispanic origin), which includes persons having origins in any of the black racial groups of Africa;

(2) "Hispanic", which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

(3) "Asian or Pacific Islanders", which includes persons of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa;

(4) "American Indian or Alaskan Native", which includes persons having origins

in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

(d) "Protected groups" or "class status" means women, disabled persons, and those persons cited in "(c)" above.

(e) "Discrimination" means that act or failure to act, intentional or unintentional, the effect of which is that a person, because of their race, color, religion, national origin, sex, age, marital status, disability for which reasonable accommodation can be made, sexual orientation or familial status, has been excluded from participation in, denied the benefits of, or has been otherwise subjected to unequal treatment.

Section 4. Notice to Subrecipients, Contractors and Subcontractors

Subrecipients, contractors and subcontractors of Metro accepting contracts or grants under the program shall be advised that failure to carry out the requirements set forth in this program shall constitute a breach of contract and, after notification by Metro, may result in termination of the agreement or contract by Metro or such remedy as the Metro deems appropriate.

Section 5. Affirmative Action Officer

The Personnel [Manager] Director or his/her designee shall be the Affirmative Action Officer, and shall report to the Executive Officer on matters pertaining to the program. Other staff shall be designated by the Affirmative Action Officer as necessary to administer the program appropriately and adequately.

Section 6. Affirmative Action Goals

(a) Metro shall establish affirmative action goals to ensure equal employment opportunities for each fiscal year. Such annual goals shall be established separately by job category for minorities and women.

(b) Annual goals will be established taking into consideration a work force study and analysis.

Section 7. Responsibilities

(a) The Affirmative Action Officer shall be responsible for developing, managing, and implementing the program, and for disseminating information to Metro elected officials, employees, the general public and employment agencies, including minority and culturally related organizations having employment functions as a primary service.

(b) All managers and supervisors, including elected officials who are also managers and

supervisors, shall be responsible to act in accordance with the affirmative action plan in the recruitment, selection, processing and treatment of employees.

(c) All other elected officials shall be responsible to act in accordance with the program policy statements.

SEXUAL HARASSMENT

POLICY STATEMENT

It is the policy of Metro to provide a work environment for all employees and elected officials that is free from unsolicited and unwelcome sexual overtures or other harassment.

Additionally, Metro shall not condone or tolerate prejudicial remarks, actions, slurs, and jokes in the workplace that are offensive to people relative to their race, color, religion, national origin, sex, age, marital status, veteran status, disability, or sexual orientation.

Sexual harassment is unacceptable and illegal behavior which decreases morale, affects productivity, and creates a hostile work environment. All employees and elected officials are expected to use a reasonable person's standard of good judgment in their working relationships. No employee or elected official shall be subjected to deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature, or that is offensive, hostile, or intimidating.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;**
- 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or**
- 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.**

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. These examples provided are not intended to be all inclusive:

- 1. Propositions in exchange for a job promotion, favorable performance appraisal, work assignments, etc.;**
- 2. Sexual innuendos or insinuations;**
- 3. Jokes and pranks about sex or gender-specific traits;**

4. Whistling and obscene gestures; and

5. Touching, pinching, etc.

Any Metro employee or elected official who uses implicit or explicit coercive sexual behavior to threaten, influence, or affect the career, salary, or work environment of another Metro employee or elected official is engaging in sexual harassment. This is misconduct and will not be tolerated. Sexual harassment is prohibited between supervisors and employees, between co-workers, between elected officials, between elected officials and employees, and for acts of non-employees against employees in the course of their [job] employment relationship.

Supervisors and elected officials must demonstrate by their own conduct that they support and enforce Metro's policy, must take prompt action if a problem is reported, and are expected to communicate this policy to [their subordinates] all Metro staff and elected officials and provide leadership in carrying out its intent.

Any employee or elected official subjected to sexual harassment is encouraged to [file] proceed [a complaint] under the Complaint Procedure in this program.

Employees who observe or who are aware of situations involving sexual harassment should immediately notify their supervisor or the Personnel [Manager] Director.

Any employee found to have engaged in sexual harassment will be subject to strong disciplinary action, up to and including termination.

COMPLAINT PROCEDURES

1. If a complaint, whether informal or formal, is in regard to a Councilor, the complaint shall be forwarded to the Presiding Officer of the Council. If the complaint, whether informal or formal, is in regard to the Presiding Officer, the complaint shall be forwarded to the Deputy Presiding Officer.
2. If a complaint, whether informal or formal, is in regard to the Executive Officer, the complaint shall be forwarded to the Auditor.
3. If a complaint, whether informal or formal, is in regard to the Auditor, the complaint shall be forwarded to the Executive Officer.
4. If a complaint, whether informal or formal, is in regard to the Affirmative Action Officer, the complaint shall be forwarded to the Executive Officer.

INFORMAL PROCEDURE:

Some people who allege that an act of unlawful discrimination or harassment has occurred simply want it to end, and do not wish to go through a protracted formal or legal procedure. The following informal procedure is established to address that need, however, a person making a complaint is not required to use this procedure either in lieu of or prior to proceeding with a formal complaint:

- (A) Any employee who alleges that an act of unlawful discrimination or harassment by another employee or an elected official has occurred may verbally request an informal investigation of the allegation by either his/her Manager/Director or the Affirmative Action Officer.
- (B) The Manager/Director or Affirmative Action Officer shall, after appropriate investigation and within ten (10) days of the date of the complaint, determine what informal remedial action, if any, shall be taken. The complainant shall be informed by the Manager/Director or Personnel Director of the determination and any action to be taken.
- (C) If the complainant does not feel that the informal procedure satisfactorily resolves his/her complaint, or if the complainant does not want to initiate the informal procedure, he/she made proceed with the formal complaint procedure below.
- (D) The informal procedure shall be confidential and information related to a complaint shall not be disclosed.

FORMAL PROCEDURE:

[3] 1. An employee who alleges that an act of unlawful discrimination or harassment by another employee has occurred may file a grievance under the procedure set forth in [the Metro Code, Personnel Rules, Chapter 2.02] the applicable collective bargaining agreement; or may file a complaint in writing to the Affirmative Action Officer [as set forth in #1 and #2 above]. An employee who alleges that an act of unlawful discrimination or harassment by an elected official has occurred may file a complaint in writing to the Affirmative Action Officer.

[The] A complaint filing must include the following information:

(A) complainant's name and class status (minority, female, disability, age, veteran status, sexual orientation, etc.) if applicable;

(B) nature of the complaint, [and] date the alleged violation occurred, and the name of the person who is the subject of the complaint; and

(C) if the complaint is in regard to a subrecipient, contractor or subcontractor, the name of that organization.

2. The Affirmative Action Officer shall, within ten (10) working days:

(A) thoroughly investigate the complaint and establish a file of findings;

(B) submit the findings with a recommendation to the Executive Officer;

(C) the complainant shall be informed by the Affirmative Action Officer of the determination and any action to be taken; and

(D) notify complainant of relevant avenues of appeal, if appropriate.

APPLICANT COMPLAINTS: [4] Any individual who has made application for employment and alleges that an act of unlawful discrimination has occurred may file a complaint in writing to the Affirmative Action Officer [~~The complaint filing must include the following information:~~] as set forth in [#1] #1 and #2 of the formal procedure above.

FEDERAL HIGHWAY ADMINISTRATION NOTIFICATION: [4] In all cases the Affirmative Action Officer will notify the Federal Highway Administration division office within sixty (60) calendar days, if a complaint is made against an employee, department, subrecipient, contractor or subcontractor funded by the U.S. Department of Transportation.

Exhibit "D"

Council Procedures for Investigation, Hearings and Resolution of Complaints Regarding Wrongful Conduct of Councilors

Section 1. Purpose

The Council adopts these procedures to allow the Council to carry out its responsibilities under the Metro Charter to be the judge of the election and qualifications of Council members and to also provide a public, fair process by which the Council may investigate and resolve with either appropriate sanctions or exoneration any allegations made against individual Councilors regarding violations of Council or Metro rules, or policies including, but not limited to, policies and rules prohibiting discrimination and harassment.

Section 2. Complaints, Initiation of Investigation

(1) Upon receipt of any formal written complaint that alleges either that grounds for declaring a vacancy in the office of Council exists or that a Councilor has violated an adopted rule or policy of the Council or Metro regarding the conduct of a Councilor, the Presiding Officer shall cause the person who is the subject of the complaint to be notified of the complaint and the name of the person filing the complaint. If the respondent is the Presiding Officer, the Deputy Presiding Officer shall receive the complaint and shall fulfill the duties of the Presiding Officer under these procedures.

(2) Within five days after the filing of a formal written complaint with the Presiding Officer, the Presiding Officer shall appoint an investigator who is not an employee of the Council and who is experienced in investigating complaints.

(3) The investigator shall conduct an investigation and present findings of fact and recommendations, within 30 days after being appointed, to the Presiding Officer, the person filing the complaint, the person who is the subject of the complaint and members of the Council. If the investigator was appointed by the Deputy Presiding Officer, the investigator shall report to the Deputy Presiding Officer instead of the Presiding Officer.

Section 3. Hearings

(1) Upon receipt of the formal written complaint and the investigator's report regarding the conduct of a member of the Council, the Council shall schedule a public hearing on the complaint. The Council shall notify the person filing the complaint and the person who is the subject of the complaint of the hearing date, which shall be not sooner than 14 days after receipt of the complaint and report. The Council must complete its hearing and make its recommendations within 60 days of the filing of the formal written complaint.

(2) At the hearing, only the members of the Council shall ask questions of witnesses. The person who filed the complaint and the person who is the subject of the complaint, or a representative of either of them, shall be allowed to present evidence to the Council by requesting witnesses and documents to be presented to the Council and by requesting questions that the Council may address to the witnesses.

Section 4. Sanctions

(1)(a) If, at the conclusion of the hearing, the Council determines a sanction is appropriate, the sanction shall be reasonable and proportionate to the seriousness of the offense.

(b) Any recommended sanction against a Council member shall be approved by a majority vote of the Council before final action is taken against a Council member.

(2) If the Council takes no action, the formal procedure is concluded and the complaint shall be considered dismissed and the Councilor exonerated.

(3) The person who filed the complaint may determine that no further action is necessary, but is not precluded from pursuing other appropriate remedies, including court action.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1837 AMENDING THE POLICIES REGARDING HARASSMENT AND DISCRIMINATION AND ADOPTING RELATED PROCEDURES.

Date: September 28, 1993

Presented by: Dan Cooper and Paula Paris

BACKGROUND

The Metro Council previously adopted policies and complaint procedures, within the Affirmative Action Program and Plan, that prohibit discrimination and harassment including sexual harassment. Those policies and complaint procedures, however, only applied to Metro employees and did not apply to elected officials of Metro.

FISCAL IMPACT - None.

RECOMMENDATION

It is appropriate to clarify and amend these adopted policies and complaint procedures to apply to elected officials of Metro as well as employees. It is also appropriate to modify the complaint procedures to include a more defined informal procedure for employees and elected officials who do not wish to go through a protracted formal or legal procedure.

Additionally, with the inclusion of elected officials which also pertains to Metro Councilors, the Council should adopt its own procedures to provide a public, fair process by which the Council may investigate and resolve any allegations made against individual Councilors regarding violations of Council or Metro rules or policies, including policies and rules prohibiting discrimination and harassment.

It is, therefore, recommended by the Presiding Officer that this Resolution be approved and forwarded to full Council.

Meeting Date: October 14, 1993
Agenda Item No. 10.1

HOLIDAY MEETING SCHEDULE



DATE: October 7, 1993

TO: Metro Council

FROM: Presiding Officer Judy Wyers

RE: HOLIDAY SCHEDULING OF COUNCIL AND COMMITTEE MEETINGS

We are approaching the holiday season and three holidays specifically will affect Council and committee meetings as currently scheduled. Veteran's Day, November 11, impacts the first Council meeting of November; Thanksgiving Day, November 25, impacts the second Council meeting of November; and December 23 is the second Council meeting date for December.

I recommend the following:

- 1) That the November 11 Council meeting be held on Wednesday, November 10, at 4:00 p.m. and the Finance Committee meeting scheduled for November 10 begin at 2:30 p.m.;
- 2) That the November 25 Council meeting be held on Tuesday, November 23 at 4:00 p.m.; that the November 24 Finance Committee meeting be held on Tuesday, November 23, at 2:30 p.m. and the Planning Committee meeting scheduled for that time be moved to Monday, November 22, at 4:00 p.m.; and
- 3) That we explore cancelling the December 23 Council meeting because of its close proximity to Christmas.

Please note the Council and committee meeting schedule listed below is a proposed schedule as revised. Changed dates and deadlines have been listed in bold. After the October 14 Council meeting, an official revised schedule of meetings and deadlines will be issued to all departments as soon as possible.

PROPOSED REVISED SCHEDULE

<u>Committee/ Council Mtg</u>	<u>Meeting Date</u>	<u>Materials Deadline</u>	<u>Earliest Council Consideration</u>
Solid Waste	10/5/93	9/27/93	10/14/93
Reg. Fac.	10/6/93	9/28/93	10/14/93
Govt. Affairs	10/7/93	9/29/93	10/14/93
Planning	10/12/93	10/4/93	10/28/93
Finance	10/13/93	10/5/93	10/28/93
Council	10/14/93	10/6/93	

HOLIDAY SCHEDULING

October 7, 1993

Page 2

<u>Committee/ Council Mtg</u>	<u>Meeting Date</u>	<u>Materials Deadline</u>	<u>Earliest Council Consideration</u>
Solid Waste	10/19/93	10/11/93	10/28/93
Reg. Fac.	10/20/93	10/12/93	10/28/93
Govt. Affairs	10/21/93	10/13/93	10/28/93
Planning	10/26/93	10/18/93	11/10/93
Finance	10/27/93	10/19/93	11/10/93
Council	10/28/93	10/28/93	
Solid Waste	11/2/93	10/25/93	11/10/93
Reg. Fac.	11/3/93	10/26/93	11/10/93
Govt. Affairs	11/4/93	10/27/93	11/10/93
Planning	11/9/93	11/1/93	11/23/93
Finance	11/10/93	11/2/93	11/10/93
Council	11/10/93	11/2/93	
Solid Waste	11/16/93	11/8/93	11/23/93
Reg. Fac.	11/17/93	11/9/93	11/23/93
Govt. Affairs	11/18/93	11/10/93	11/23/93
Planning	11/22/93	11/12/93	12/9/93
Finance	11/23/93	11/15/93	12/9/93
Council	11/23/93	11/17/93	
Reg. Fac.	12/1/93	11/23/93	12/9/93
Govt. Affairs	12/2/93	11/24/93	12/9/93
Solid Waste	12/7/93	11/29/93	1/13/94
Finance	12/8/93	11/30/93	1/13/94
Council	12/9/93	12/1/93	
Planning	12/14/93	12/6/93	1/13/94
Reg. Fac.	12/15/93	12/7/93	1/13/94
Govt. Affairs	12/16/93	12/8/93	1/13/94
Solid Waste	12/21/93	12/13/93	12/23/93
Finance	12/22/93	12/14/93	12/23/93
Council	12/23/93	12/15/93	
Planning	12/28/93	12/20/93	1/13/94