



METRO

NOTE: Agenda Item No. 4.2 has been added to the agenda. An Executive Session held pursuant to ORS 192.660(1)(e) will be held at 3:45 p.m. prior to the beginning of the meeting, to discuss related issues. The next Council meeting will be held Tuesday, January 4, 1993, at 5:30 p.m.

DATE: December 23, 1993  
MEETING: Metro Council  
DAY: Thursday  
TIME: 4:00 p.m.  
PLACE: Metro Council Chamber

Approx.  
Time\*

Presented  
By

4:00  
(see 4.2)

**CALL TO ORDER/ROLL CALL**

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

**REFERRED FROM THE PLANNING COMMITTEE**

4:05  
(10 min.)

- 4.1 Requesting Approval of Revised George Crandall Letter (Architectural Foundation of Oregon) Regarding the Regional Alternatives Planning Process (RAPP) (Action Requested: Review and Approval of Letter)**

McLain

To be  
considered at  
beginning of  
mtg.

- 4.2 Continuation of Presentation of December 17, 1993, Council Discussion on Presentation of Options for Dealing with the Metro Center Building (Action Requested: Discussion and Possible Consideration of a Non-Referred Resolution to Be Provided at the Meeting)**

4:15  
(5 min.)

- 5. CONSENT AGENDA (Action Requested: Motion to Approve the Consent Agenda)**

- 5.1 Minutes of November 23 and December 9, 1993**

**REFERRED FROM THE PLANNING COMMITTEE**

- 5.2 Resolution No. 93-1872, For the Purpose of Amending the Greenspaces Master Plan and Map of Natural Areas, Trails and Greenways of Regional Significance by Adding the Peninsula Crossing Trail in North Portland**
- 5.3 Resolution No. 93-1866, For the Purpose of Entering into an Intergovernmental Agreement with Oregon Parks and Recreation Department to Begin the Burlington Northern Rails to Trails Feasibility Study**

METRO COUNCIL AGENDA

December 23, 1993

Page 2

**6. ORDINANCES, SECOND READINGS**

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

- |                   |  |        |
|-------------------|--|--------|
| 4:20<br>(10 min.) | <b>6.1 Ordinance No. 93-521A</b> , An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Funding an Intergovernmental Agreement with the City of Portland for a Predicate Study; and Declaring an Emergency PUBLIC HEARING (Action Requested: Motion to Adopt the Ordinance) | Hansen |
|-------------------|--|--------|

REFERRED FROM THE FINANCE COMMITTEE

- |                   |   |  |
|-------------------|---|--|
| 4:30<br>(10 min.) | <b>6.2 Ordinance No. 93-525</b> , An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Transferring Contingency to Fund Remaining Metro Regional Center Project Commitments; and Declaring an Emergency PUBLIC HEARING (Action Requested: Motion to adopt Ordinance dependent on Finance Committee action taken December 22, 1993) |  |
| 4:40<br>(10 min.) | <b>6.3 Ordinance No. 93-524A</b> , An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule to Continue Work on the MERC Business Plan; and Declaring an Emergency PUBLIC HEARING (Action Requested: Motion to adopt Ordinance dependent on Finance Committee action taken December 22, 1993)   |  |

**7. RESOLUTIONS**

REFERRED FROM THE PLANNING COMMITTEE

- |                   |  |         |
|-------------------|--|---------|
| 4:50<br>(10 min.) | <b>7.1 Resolution No. 93-1873A</b> , For the Purpose of Adopting and Implementing the FY 1994-99 Water Resources Work Plan (Action Requested: Motion to Adopt the Resolution)  | Kvistad |
| 5:00<br>(10 min.) | <b>7.2 Resolution No. 93-1874</b> , For the Purpose of Amending the Transportation Improvement Program so that Tri-Met Can Apply for Section 3 Funds in the Redirected Project Break-Even Account (Action Requested: Motion to Adopt the Resolution) | Devlin  |

REFERRED FROM THE SOLID WASTE COMMITTEE  
BEFORE THE CONTRACT REVIEW BOARD

- |                   |  |           |
|-------------------|--|-----------|
| 5:10<br>(10 min.) | <b>7.3 Resolution No. 93-1871</b> , For the Purpose of Declaring a Sole-Source Contract with B&B Leasing Company, Inc. for Refuse Hauling from the Metro South Household Hazardous Waste Facility and Authorizing a Competitive Bidding Exemption Pursuant to Chapter 2.04.041(c) (Action Requested: Motion to Adopt the Resolution) | McFarland |
|-------------------|--|-----------|

METRO COUNCIL AGENDA

December 23, 1993

Page 3

**7. RESOLUTIONS** (Continued)

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE  
BEFORE THE CONTRACT REVIEW BOARD

5:20 (10 min.)	<b>7.4 Resolution No. 93-1875</b> , For the Purpose of Exempting the Acquisition of a Visitor Transport Vehicle from the Competitive Bidding Process (Action Requested: Motion to Adopt the Resolution)	Hansen
-------------------	---	--------

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

5:30 (10 min.)	<b>7.5 Resolution No. 93-1882</b> , For the Purpose of Accepting a Fifth Group of Nominees to the Metro Committee for Citizen Involvement (Metro CCI) (Action Requested: Motion to Adopt the Resolution)	Moore
-------------------	--	-------

5:40 (10 min.)	<b>7.6 Resolution No. 93-1860A</b> , For the Purpose of Authorizing the Executive Officer to Execute an IGA with the City of Portland for a Predicate Study (Action Requested: Motion to adopt the Resolution)	Hansen
-------------------	--	--------

5:50 (10 min.)	<b>7.7 Resolution No. 93-1881A</b> , For the Purpose of Creating a Pioneer Cemeteries Study Committee (Action Requested: Motion to Adopt the Resolution)	Hansen
-------------------	--	--------

6:00 (10 min.)	<b><u>8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS</u></b>	
-------------------	---	--

6:10	<b>ADJOURN</b>	
------	----------------	--



**METRO**

DATE: December 23, 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
4. OTHER BUSINESS

FROM THE PLANNING COMMITTEE

4:05 4.1 Requesting Approval of Revised George Crandall Letter (Architectural  
 (10 min.) Foundation of Oregon) Regarding the Regional Alternatives Planning  
 Process (RAPP) (Action Requested: Review and Approval of Letter)

McLain

4:15 5. CONSENT AGENDA (Action Requested: Motion to Approve the Consent  
 (5 min.) Agenda)

5.1 Minutes of November 23 and December 9, 1993

REFERRED FROM THE PLANNING COMMITTEE

- 5.2 Resolution No. 93-1872, For the Purpose of Amending the Greenspaces Master Plan and Map of Natural Areas, Trails and Greenways of Regional Significance by Adding the Peninsula Crossing Trail in North Portland
- 5.3 Resolution No. 93-1866, For the Purpose of Entering into an Intergovernmental Agreement with Oregon Parks and Recreation Department to Begin the Burlington Northern Rails to Trails Feasibility Study

6. ORDINANCES, SECOND READINGS

FROM GOVERNMENTAL AFFAIRS COMMITTEE

4:20 6.1 Ordinance No. 93-521A, An Ordinance Amending Ordinance No. 93-487A  
 (10 min.) Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Funding an Intergovernmental Agreement with the City of Portland for a Predicate Study; and Declaring an Emergency PUBLIC HEARING (Action Requested: Motion to Adopt the Ordinance)

Hansen

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

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



**6. ORDINANCES, SECOND READINGS (Continued)**

**REFERRED FROM THE FINANCE COMMITTEE**

- 4:30  
(10 min.)      **6.2    Ordinance No. 93-525**, An Ordinance Amending Ordinance No. 93-487A  
Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose  
of Transferring Contingency to Fund Remaining Metro Regional Center Project  
Commitments; and Declaring an Emergency PUBLIC HEARING (Action  
Requested: Motion to adopt Ordinance dependent on Finance Committee  
action taken December 22, 1993)
- 4:40  
(10 min.)      **6.3    Ordinance No. 93-524A**, An Ordinance Amending Ordinance No. 93-487A  
Revising the FY 1993-94 Budget and Appropriations Schedule to Continue  
Work on the MERC Business Plan; and Declaring an Emergency PUBLIC  
HEARING (Action Requested: Motion to adopt Ordinance dependent on  
Finance Committee action taken December 22, 1993)

**7. RESOLUTIONS**

**REFERRED FROM THE PLANNING COMMITTEE**

- 4:50  
(10 min.)      **7.1    Resolution No. 93-1873A**, For the Purpose of Adopting and Implementing the  
FY 1994-99 Water Resources Work Plan (Action Requested: Motion to  
Adopt the Resolution)      Kvistad
- 5:00  
(10 min.)      **7.2    Resolution No. 93-1874**, For the Purpose of Amending the Transportation  
Improvement Program so that Tri-Met Can Apply for Section 3 Funds in the  
Redirected Project Break-Even Account (Action Requested: Motion to Adopt  
the Resolution)      Devlin

**REFERRED FROM THE SOLID WASTE COMMITTEE  
BEFORE THE CONTRACT REVIEW BOARD**

- 5:10  
(10 min.)      **7.3    Resolution No. 93-1871**, For the Purpose of Declaring a Sole-Source Contract  
with B&B Leasing Company, Inc. for Refuse Hauling from the Metro South  
Household Hazardous Waste Facility and Authorizing a Competitive Bidding  
Exemption Pursuant to Chapter 2.04.041(c) (Action Requested: Motion to  
Adopt the Resolution)      McFarland

**REFERRED FROM THE REGIONAL FACILITIES COMMITTEE  
BEFORE THE CONTRACT REVIEW BOARD**

- 5:20  
(10 min.)      **7.4    Resolution No. 93-1875**, For the Purpose of Exempting the Acquisition of a  
Visitor Transport Vehicle from the Competitive Bidding Process (Action  
Requested: Motion to Adopt the Resolution)      Hansen

METRO COUNCIL AGENDA

December 23, 1993

Page 3

**7. RESOLUTIONS** (Continued)

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

5:30 (10 min.)	<b>7.5 Resolution No. 93-1882</b> , For the Purpose of Accepting a Fifth Group of Nominees to the Metro Committee for Citizen Involvement (Metro CCI) (Action Requested: Motion to Adopt the Resolution)	Moore
-------------------	---	-------

5:40 (10 min.)	<b>7.6 Resolution No. 93-1860A</b> , For the Purpose of Authorizing the Executive Officer to Execute an IGA with the City of Portland for a Predicate Study (Action Requested: Motion to adopt the Resolution)	Hansen
-------------------	---	--------

5:50 (10 min.)	<b>7.7 Resolution No. 93-1881A</b> , For the Purpose of Creating a Pioneer Cemeteries Study Committee (Action Requested: Motion to Adopt the Resolution)	Hansen
-------------------	--	--------

6:00 (10 min.)	<b><u>8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS</u></b>	
-------------------	---	--

6:10	<b>ADJOURN</b>	
------	----------------	--

Meeting Date: December 23, 1993  
Agenda Item No. 4.1

**GEORGE CRANDALL LETTER**



## **PLANNING COMMITTEE REPORT**

### **REQUESTING APPROVAL OF REVISED LETTER TO GEORGE CRANDALL (ARCHITECTURAL FOUNDATION OF OREGON) REGARDING THE REGIONAL ALTERNATIVES PLANNING PROCESS (RAPP)**

Date: December 16, 1993

Presented By: Councilor McLain

**Committee Recommendation:** At the December 14 meeting, the Planning Committee voted unanimously to recommend Council approval to forward a revised letter to George Crandall (Architectural Foundation of Oregon) regarding the Regional Alternatives Planning Process (RAPP). Voting in favor: Councilors Van Bergen, Devlin, Kvistad, Monroe, and Moore. Voting no: Councilor Gates.

**Committee Issues/Discussion:** Andy Cotugno, Planning Director, presented the staff report on November 9. In his presentation he explained the history of Metro's interaction with RAPP and some of the reasons why the Metro staff has not wholeheartedly embraced the RAPP proposal. This letter is to endorse the portion of the proposal to implement phases 1 and 2, Measurement Standards and Base Case, subject to several conditions. Those conditions are identified in the staff report. The committee asked that the letter be slightly revised and requested a presentation from the RAPP group prior to approving the letter.

On December 14, the committee received a presentation from George Crandall regarding the Regional Alternatives Planning Process (RAPP). Councilor Moore asked about the timing of the project so as not to create additional confusion with the Region 2040 process. Mr. Crandall said that every attempt will be made to meet the timing suggestions, but it is partially dependent on how quickly funding can be obtained from the foundations.

Mr. Cotugno added that the dates suggested tie the use of the product Metro will receive to the work on the Regional Framework Plan (RFP) rather than to the selection of a preferred concept next summer. The information from the evaluation criteria, however, will be helpful during the concept decision to help define standards for what we would expect in implementation of the RFP. The base case defined here would be the base case going into the RFP. Then as the RFP work progressed we would be working with two concepts: 1) a framework plan/base case; and 2) a framework plan/proposed plan. This work has been removed from the critical path for Region 2040 because it is not possible to complete, analyze, and ultimately use, within that short a time frame.

Councilor Kvistad asked about the private funding aspects of the proposal. Mr. Crandall explained that the foundations they will approach will not fund government projects, they will only provide funds to another non-profit organization.

Councilor McLain commented on the importance of coordinating the two efforts. Mr. Crandall said that the RAPP group hopes that their work will be of use to Metro, but that it is entirely Metro's option. Councilor Van Bergen also expressed concern that Metro remain in the position of being allowed to accept or reject. He hoped that if the recommendation presented from RAPP isn't fully accepted by Metro, that we don't end up with an adversary.

Councilor Moore expressed concern about the foundation of the drawing illustrating RAPP. Region 2040 will have a strong public outreach program. If there is a subsequent one for RAPP it may confuse the public. Mr. Crandall explained that RAPP will not have a major public involvement process. It will be done similarly to the method used during the first phase of RAPP. The project is research oriented, done by a limited number of individual researchers. It would be their intent to do the same with the measurement standards and base case work. Councilor Moore suggested that their drawing should be redrawn to reflect this. Crandall explained that the presentation is generic for any local government that would want to include a public involvement component when they used the process.

Following the discussion, Mr. Cotugno suggested that the letter be prepared on behalf of "Metro" and be signed by the Presiding Officer.



December 23, 1993

METRO

Mr. George Crandall  
Architectural Foundation of Oregon  
215 SW First Avenue  
Portland, OR 97204

Dear George:

Thank you for the opportunity to meet with you, Maggie Collins, Brian Campbell, Mike McKeever and John Anderson. We understand from the meeting that the Metro Area Planning Directors, the Oregon Chapter of the American Planning Association and the Architectural Foundation of Oregon propose to begin a phased implementation of the proposed "Regional Alternatives Planning Process (RAPP)." The initial phases that you would like to undertake are 1) development of measurement standards; and 2) development and evaluation of a Base Case for the Portland region for the year 2015. As we understand it, this is in lieu of previous discussions which suggested that Metro implement the RAPP process through its Region 2040 project or through the charter-mandated Future Vision project.

On behalf of Metro, we endorse your proposal and encourage you to pursue funding from foundations to allow the project to proceed. These two phases of RAPP could assist Metro in developing and adapting the newly required Regional Framework Plan (RFP). Work on this charter requirement will be initiated in July, 1994 based upon the outcome of the Region 2040 concept selection and the work of the Future Vision Commission.

In particular, the task involving development of Standards of Measurement is a good follow-on activity to the Region 2040 Descriptive Indicators task. These descriptive indicators are being developed to aid in evaluating the merits and consequences of 2040 Concepts A, B, C and the Base Case. Your task can provide input on which descriptive indicators are appropriate, which could be refined through a more precise and quantitative measure and which measures could be added for topics not covered by the descriptive indicators. This refinement would assist Metro after the Region 2040 concept selection in July, 1994 by defining more precise standards for implementation through the Regional Framework Plan to be developed after the Region 2040 decision.



Mr. George Crandall  
December 23, 1993  
Page 2

The task involving developing and evaluating a Base Case for 2015 can take advantage of the material we develop for the Region 2040 Base Case and refine it for 2015. When Metro develops the Regional Framework Plan for 2015 to implement the selected 2040 concept, it will be important to continue to compare it to a Base Case so that we can clearly understand the changes from current plans and policies and their resulting consequences. As such, we look forward to taking advantage of your work to help us better understand the Base Case condition.

In order for your products to be helpful, they must also be timely. If we have your completed product for the Standards of Measurement task by March 1, 1994, we may be able to use them as part of the Region 2040 selection process to better prescribe those standards that should be attained through the Regional Framework Plan. If we have your completed product for the 2015 Base Case evaluation by July 1, 1994, we will have an opportunity to incorporate the results into our Base Case for the Regional Framework Plan which will be initiated at that time. In addition, the Future Vision Commission will be able to take advantage of your results to "test" their vision, allowing them to more clearly define changes that need to be undertaken.

We look forward to continued coordination between Metro's planning projects and the RAPP project. To us, your approach to a phased implementation of RAPP represents an opportunity to supplement and complement rather than duplicate Metro's work program. Because of the important relationship between your work and other local and Metro planning efforts, it is important that Metro and the Metro Area Planning Directors remain integrally involved in the RAPP project, especially to coordinate public outreach. We would appreciate the opportunity to be involved in developing the detailed workscope and selecting contractors to carry out the work program.

Sincerely,

Judy Wyers, Presiding Officer  
Metro Council

JW:lmk

CC: Metro Council  
MPAC  
Len Freiser, Future Vision Chair



METRO

Date: December 15, 1993

To: Metro Council

From: Andrew C. Cotugno, Planning Director

Re: Regional Alternatives Planning Process (RAPP)

Metro staff met with the following representatives from the RAPP group to discuss implementation of RAPP and its relationship to Metro's planning projects: Maggie Collins (Milwaukie); Brian Campbell (Port of Portland); and Mike McKeever, George Crandall and John Anderson (consultants). At that time, a proposal was introduced (see Attachment A) for the RAPP group to seek funding from foundations to implement Phase 1 (Development of Measurement Standards) and Phase 2 (Development and Evaluation of a Base Case). This approach was recommended in lieu of adapting Metro's Region 2040 or Future Vision projects to implement RAPP. The RAPP group is seeking Metro's endorsement of this approach to support grant applications for funding from foundations.

Commentary

Metro staff has to date not wholeheartedly embraced the RAPP proposal for the following reasons:

1. The timeline exceeds many of the deadlines Metro is operating under.
2. The process requires evaluation of a Base Case to "define the problem" before moving on to evaluate alternative futures. We have concurred with the need for a Base Case and have incorporated it into the Region 2040 process but feel that sequential evaluation of a Base Case followed by alternatives adds to the excessive time problem.
3. We disagree with transferring the responsibility to develop a regional plan to an independent public/private group. Metro and local governments will have responsibility to implement results from this type of regional planning effort and need to be directly involved in the analysis and decision-making. In carrying out this process, the Metro Council, MPAC, JPACT

and the Future Vision Commission have key roles that should not be delegated to another group.

The current proposal for RAPP to implement Phases 1 and 2 could complement and enhance ongoing regional planning activities or could confuse matters worse. If an entirely different Base Case is developed for the Portland region and is evaluated using different measures, Region 2040 decision-making will be severely hampered. Conversely, if RAPP expands and improves upon the Base Case and Descriptive Indicator work already underway, the product and the process would be greatly enhanced.

Recommendation

Endorse the proposal to implement RAPP Phase 1 (Measurement Standards) and Phase 2 (Base Case) subject to the following conditions (see Attachment B):

1. That RAPP use Metro's Base Case for 2040 and, with Metro's involvement, develop a refined Base Case for 2015 for use in developing the Regional Framework Plan. In order to be useful, this would be needed by May or June, 1994.
2. That RAPP use Metro's Region 2040 Descriptive Indicator work as the starting point for development of Measurement Standards. In order to be useful, this would be needed by March 1, 1994.
3. That Metro and the Metropolitan Area Planning Directors (MAPD) remain integrally involved in implementing RAPP Phases 1 and 2.
4. That Metro be involved in development of the detailed work program for Phases 1 and 2 and interviewing and selection of contractors to carry out the project.

ACC:lmk  
Attachments



TO: RAPP Advisory Group

FROM: George Crandall

SUBJECT: Next Step

DATE: September 20, 1993

---

After examining a number of options for utilizing RAPP in the Portland region the Architectural Foundation of Oregon (AFO), the American Planning Association (APA) and the Metro Area Planning Directors (MAPD) propose to continue with Phase 1 and Phase 2 of Information Assembly.

In Phase 1 Measurements Standards would be developed and in Phase 2 the Base Case would be established and evaluated.

The Advisory Group (AFO, APA and MAPD) position is summarized as follows:

**Assumptions**

- Metro will not be in a position (financially or politically) to adopt the RAPP to implement charter requirements.
- Information developed through ongoing RAPP research would be made available to Metro and other regions locally and nationally.
- Metro would provide support in the form of regional inventory information and base maps.
- AFO as a non-profit would obtain funding for RAPP elements from foundations, corporate subscribers and public agencies. (Foundations will not fund government work.)

**Positives**

- Some of the RAPP methodologies and procedures would be tested and refined.
- Metro would be in a position to utilize RAPP materials and findings to inform both the Regional Vision and 2040 planning processes.
- Potential for an expanded and more effective regional planning process.
- Potential for utilizing talents of a broad range of Oregonians and Oregon institutions who would be asked to volunteer their resources or would be retained to complete specific work tasks.

**Negatives**

- Funding burden would be on AFO.
- Heavy work load for AFO.

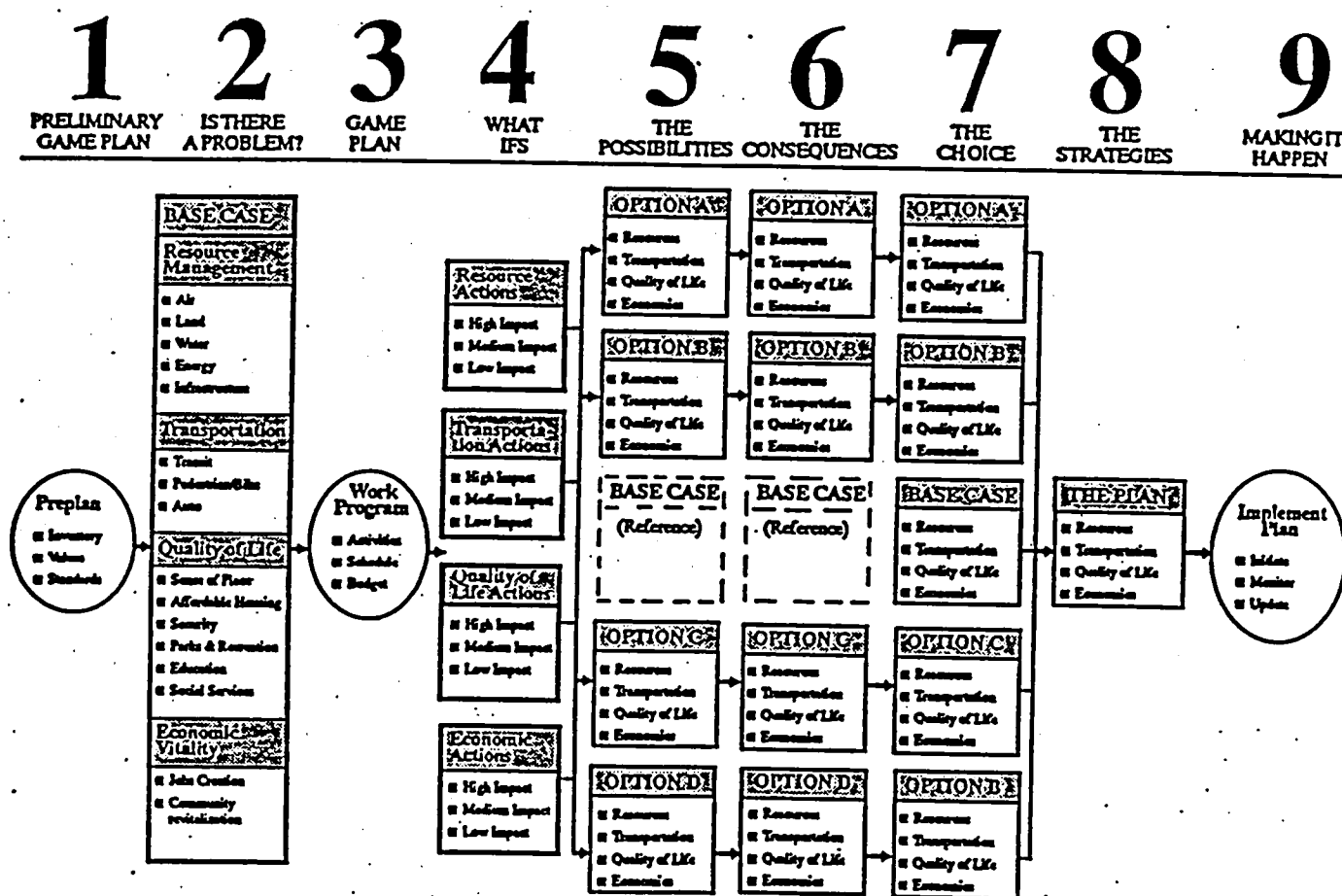
RAPP Advisory Group  
September 20, 1993  
Page 2

For the AFO to be successful in raising funds for Phase 1 and 2 it will be necessary for Metro to provide a letter of support stating:

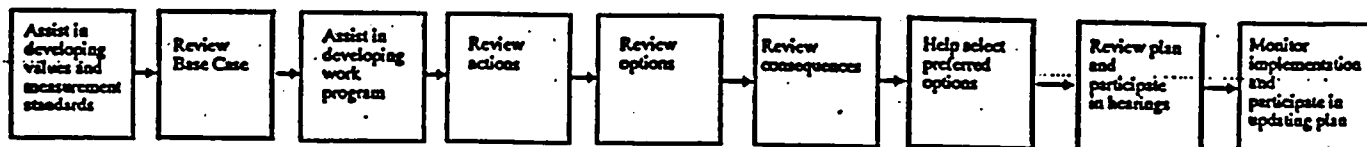
- Metro supports the AFO/MAPD ongoing effort.
- Information developed by AFO and MAPD in Phase 1 and 2 will have the potential to make a valuable contribution to Metro's ongoing regional planning activities.
- RAPP published materials (Volumes 1 and 2) have made an important contribution to regional planning activities in the Portland area.

Copies: M. McKeever  
J. Andersen  
M. Collins  
B. Belcher  
S. Bingham

# Phasing Summary



## PUBLIC INVOLVEMENT





Meeting Date: December 23, 1993  
Agenda Item No. 5.1

**MINUTES**

**METRO**

DATE: December 17, 1993

TO: Metro Council  
Executive Officer  
Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 5.1; MINUTES

The minutes of November 23 and December 9, 1993, will be provided to the Councilors on or before Wednesday, December 22, 1993, and available to the public at the Council meeting. Citizens wishing to obtain copies before that date should contact the Clerk at 797-1534.

Meeting Date: December 23, 1993  
Agenda Item No. 5.2

**RESOLUTION NO. 93-1872**

## **PLANNING COMMITTEE REPORT**

### **CONSIDERATION OF RESOLUTION NO. 93-1872, AMENDING THE GREENSPACES MASTER PLAN AND MAP OF NATURAL AREAS, TRAILS AND GREENWAYS OF REGIONAL SIGNIFICANCE BY ADDING THE PENINSULA CROSSING TRAIL IN NORTH PORTLAND**

Date: December 15, 1993

Presented By: Councilor Devlin

**Committee Recommendation:** At the December 14 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 93-1872 .

Voting in favor: Councilors Van Bergen, Devlin, Gates, Kvistad, Monroe, and Moore.

**Committee Issues/Discussion:** Mel Huie, Senior Regional Planner, presented the staff report. The proposed trail connects Willamette Blvd and eventually the Willamette Greenway to Smith and Bybee Lakes, the Columbia Slough and the Columbia River. Portions of the 40-Mile Loop, the Marine Drive Trail and Kelly Point Park, would also be interconnected. Passage of this resolution ties together three regionally significant natural areas: 1) the Willamette River and Greenway; 2) Smith and Bybee Lakes Regional Park; and 3) the Columbia River and Slough.

Councilor Van Bergen asked whether there were any easement difficulties associated with this trail, similar to those experienced by the Willamette Shore Trolley. Mr. Huie explained that it is unknown at present. If the resolution is approved, staff will begin conducting a feasibility study to make such a determination. Pam Arden, Chair of the Kenton Neighborhood Association and member of the 40-Mile Loop Land Trust, added that in 1974 there are ten homeowners that back up to Carey Blvd. went to the City of Portland to request that part of Carey Blvd. be vacated for their use. This was granted and appears to be the only easement question. All necessary easements appear to be solvable without condemnation proceedings.

Ms. Pam Arden explained that this project resulted from a committee formed to help with the Columbia Blvd. Wastewater Treatment Plan and new head works project. This group identified the problem of access across the Columbia Slough to the 40-Mile Loop. Also needing access was the new interpretive center being built at Smith and Bybee Lakes. The North Portland Road bridge is a hinderance to access because it is dangerous and has a lot of truck traffic. A new pedestrian bike bridge is planned to provide safer access.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE )  
GREENSPACES MASTER PLAN AND MAP )  
OF NATURAL AREAS, TRAILS AND )  
GREENWAYS OF REGIONAL )  
SIGNIFICANCE BY ADDING THE )  
PENINSULA CROSSING TRAIL IN )  
NORTH PORTLAND )

RESOLUTION NO. 93-1872

Introduced by  
Executive Officer  
Rena Cusma

WHEREAS, On February 9, 1989, by Resolution No. 89-1043, the Metro Council established five specific tasks for regional natural areas planning, one of them being to coordinate and assist in the planning, acquisition and development of regional trails, greenways and wildlife corridors; and

WHEREAS, On July 23, 1992, by Resolution No. 92-1637, the Metro Council adopted the Greenspaces Master Plan, which outlines and maps natural areas, trails and greenways of regional significance; and

WHEREAS, The Greenspaces Master Plan proposes the establishment of a regional trails system which interconnects natural areas, open spaces and parks; and that provide means of access including bicycle and pedestrian commuting to commerce and jobs, recreation and natural areas; and

WHEREAS, Restoration opportunities for natural areas and open spaces in North and Northeast Portland are viewed as regionally significant and are recommended as a means to provide greenspaces in this intensely urbanized part of the region; and

WHEREAS, The proposed Peninsula Crossing Trail has been brought to Metro's attention by community based organizations (e.g. Peninsula Crossing Trail Committee, 40-Mile Loop Land Trust, Kenton



Neighborhood, Smith and Bybee Lakes groups) and local agencies (e.g. Portland Bureau of Parks and Recreation, Portland Bureau of Environmental Services, Multnomah County and Port of Portland); and

WHEREAS, The proposal for the Peninsula Crossing Trail as outlined in Exhibit A attached hereto was reviewed by Greenspaces staff and determined to be of regional significance; and

WHEREAS, The Regional Trails and Greenways Working Group, Greenspaces Technical Advisory Committee, and Greenspaces Policy Advisory Committee have unanimously recommended to the Metro Council that the Greenspaces Master Plan and map of regionally significant natural areas, trails and greenways be amended to include the Peninsula Crossing Trail in North Portland; and

WHEREAS, The proposed Peninsula Crossing Trail is of regional significance due to the fact that it interconnects the key natural areas, greenspaces, parks and water bodies in north Portland; and

WHEREAS, The proposed trail is of regional significance in that it directly ties together three regionally significant natural areas: the Willamette River and Greenway; Smith and Bybee Lakes Regional Park; and the Columbia River and Columbia Slough; and

WHEREAS, The proposed trail is of regional significance because it offers connections to other parts of the metropolitan region including: the west side (Forest Park, Sauvie Island, Multnomah Channel, Cornelius Pass, Washington County, Forest Grove, Hillsboro, and Beaverton via the proposed Burlington Northern Rails to Trail and Bikeway on Hwy. 30; downtown Portland via the Willamette Greenway; and Vancouver via the 40-Mile Loop and I-5 Bridge; and

WHEREAS, The proposed trail and potential for it being a linear park is of regional significance because it is a restoration opportunity (nearly 3 miles of contiguous land with a general width of 50 feet) in the North/Northeast densely urbanized area; and

WHEREAS, Nearly all of the need land for the trail is owned by the city of Portland and is in its right of way; and

WHEREAS, The city owned right of way, commonly known as Carey Blvd. is an unimproved area and is covered by grass and blackberry bushes; and

WHEREAS, The Greenspaces Master Plan is a living document which needs to be updated and amended on a regular basis to meet current situations and opportunities; now, therefore,

BE IT RESOLVED,

1. That the Metro Council designates the proposed Peninsula Crossing Trail corridor in North Portland, which runs parallel to (on the east side) and above the Burlington Northern Railroad line which is in its own right of way which is below street level, and which stretches approximately three miles from the Willamette Greenway on the south to the Columbia Slough on the north is of regional significance.

2. That the Metro Council amends the Greenspaces Master Plan and map of natural areas, trails and greenways of regional significance to include the Peninsula Crossing Trail.

3. That Greenspaces staff be directed to work with the community based Peninsula Crossing Trail Committee, City of Portland Parks, Environmental Services and Transportation bureaus, and other government agencies, citizens, neighborhood associations,

civic organizations, businesses, and property owners in developing a feasibility study and master plan for the trail.

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

---

Judy Wyers, Presiding Officer

**EXHIBIT A**

**PENINSULA CROSSING TRAIL**

**Proposed By**

**Peninsula Crossing Trail Committee**

**Prepared by**

**Century West Carollo  
and  
Metro**

**November, 1993**

## I. GENERAL DESCRIPTION

An opportunity to establish a vital link in the regional trail system in the North Portland area has recently emerged. Trails of regional significance in North Portland include:

- \* completed portions of the 40-Mile Loop Trail along Marine Drive, providing access to Kelly Point Park, the Columbia River, eastern Multnomah County, and eventually to proposed crossing to Vancouver, Washington;
- \* portions of the 40-Mile Loop Trail along the Columbia Slough scheduled for completion, including sections north of Columbia Wastewater Treatment Plant and within Smith and Bybee Lakes Management Area; and,
- \* proposed portions of the Willamette Greenway Trail that link St. Johns to central and south Portland, and Forest Park.

A key trail link is needed to connect these regional trails, the local communities, and local greenspaces. A trail crossing the peninsula that includes St. Johns, Kenton, and Portsmouth neighborhoods would serve this need. Such a trail is being proposed that will connect with the 40-Mile Loop Trail where it intersects North Portland Road on the Columbia Slough to the Willamette Greenway Trail along Willamette Boulevard.

UNIVERSITY  
PARK

## II. TRAIL ROUTE

The proposed trail will mostly parallel the Burlington Northern Railroad following the Carey Boulevard right-of-way, which is currently unimproved and not used by motorized vehicles. The proposed route follows the natural geography and land use of the area as closely as possible. At the proposed trail southern terminus at Willamette Boulevard, the route follows Carey Boulevard, an unimproved roadway owned by City of Portland, in its northeasterly direction. Currently, the road right-of-way is heavily vegetated by mostly blackberries.

Where the north end of Carey Boulevard terminates at Columbia Boulevard, it is necessary for the path to follow Columbia Boulevard for several blocks to Portsmouth Avenue. From Portsmouth, the path parallels the west border of the Columbia Boulevard Wastewater Treatment Plant through to the Columbia Slough. While there is no room inside the treatment plant area for a pedestrian/bike path, there is a strip of property immediately west of the plant fence line that is wide enough for the path. One or more points of entrance to the plant could be included so that the path users could access the public facilities being constructed as part of the current headworks replacement project at the plant.

Upon reaching the Columbia Slough, the route must cross the slough to reach access to the 40-Mile Loop Trail, Smith and Bybee Lakes, the Marine Drive Trail, and Kelly Point Park. The existing bridge crossing at this point, the North Portland Road bridge, is inadequate for safe pedestrian/bike crossing. To allow safe crossing of the slough for pedestrians and bicycles, the bridge would have to be modified or a separate bridge crossing the slough dedicated solely to pedestrians and bicycles would have to be constructed.

### III. TECHNICAL ISSUES

#### A. Slough Crossing:

There are no other suitable points for pedestrians and bikes to cross the slough in the vicinity of the proposed trail other than at the North Portland Road bridge. However, the bridge is currently not wide enough to accommodate both truck/car and pedestrian/bike traffic. Oregon Department of Transportation (ODOT) indicates the bridge is not structurally sound enough to allow a pathway to be added. The option of building a pedestrian bridge is being pursued.

#### B. Road Crossings:

**Columbia Blvd.** - A lighted signal and crosswalk is currently in place, allowing pedestrian to cross both North Portland Road and *Columbia Blvd.*

**Portsmouth Avenue** - A lighted signal and crosswalk is currently in place, allowing pedestrians to cross Columbia Boulevard at Portsmouth.

**Fessenden Street** - Provisions are needed to allow the path along Carey Boulevard to cross Fessenden. Crosswalk signs and pavement marking should be sufficient since it is not a major throughway.

**Lombard Street** - A lighted signal and crosswalk may be needed to allow the path across this major street.

**Willamette Boulevard** - Assuming the Willamette Greenway Trail will be on the south side of Willamette Boulevard, a lighted signal and crosswalk may be desirable. An alternative route would have the trail descend into the railroad cut at this point, allowing passage beneath Willamette Boulevard.

#### C. Fencing:

Because of the proximity to residential areas, medium duty roads, and railway lines, fencing may be needed on one side of the path in the section north of Columbia Boulevard, and on both sides for the section along Carey Boulevard. For making cost estimates, construction of a five-foot chain link fence was assumed adequate.

#### D. Sidewalk Improvement:

Improvement of the existing sidewalk along Columbia Boulevard may be necessary to handle both pedestrian and bike traffic. The existing sidewalk ends approximately 150 feet east of the intersection of Carey and Columbia Boulevards, requiring construction of 150 linear feet of new sidewalk.

#### E. Easements/Property Acquisition:

The existing easement along Carey Boulevard is 50 feet in most place, increasing to 60 feet in several areas. This width is adequate for the permanent easement needed for the pathway, although temporary easement may be needed from adjacent landowners for construction.

The boundary of the City's property north of Columbia Boulevard lies 100 feet southeast of Burlington Northern Railroad line, except along the southernmost 950



feet of the boundary, where the property line is 250 feet southeast of the railroad line. It may be necessary to lease land from the railroad for construction along this section of the path. An easement from the railroad may also be necessary for the path section running along the southeast side of North Portland Road.

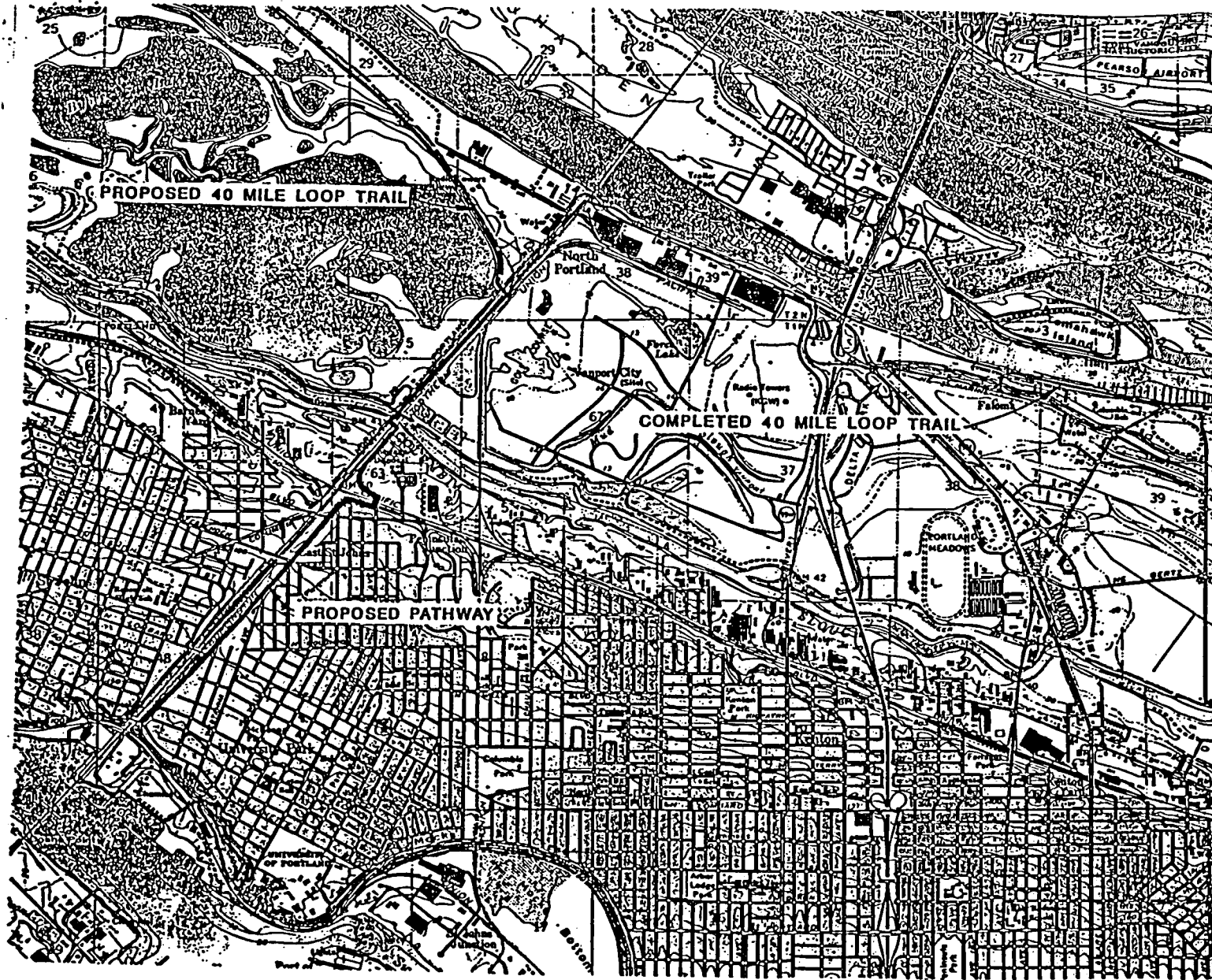
#### IV. COST ESTIMATES

Excluding the Columbia Slough and road crossings, the length of the proposed path is 10,500 lineal feet (LF). The cost of constructing a 12-foot wide asphalt concrete path with a drainage swale, 0.5 foot gravel shoulder on each side and fencing as required is listed below.

Item	Total Cost	Unit Cost
Pathway Construction	\$354,480	\$33.76/LF
Fencing	\$135,358	\$8.34/LF
Non-Signalized Crossing (signs and striping)	\$2,260	\$1,130/Crossing
Signalized Crossing	\$19,500	\$19,500/Crossing
Construct 150 LF of sidewalk along Columbia Boulevard	\$1,568	\$2.09/SF
Construct Pedestrian/ Bicycle Bridge across Columbia Slough	\$405,600	\$100/SF
	<b>SUBTOTAL</b>	<b>\$918,766</b>
Engineering and Administration (20%)		\$183,753
Contingency (30%)		\$275,630
	<b>TOTAL</b>	<b>\$1,378,149</b>

#### V. IMPLEMENTATION

Currently, a Peninsula Crossing Committee composed of neighborhood associations, the 40-Mile Loop Committee, and government agencies, is developing a feasibility study for the proposed trail. Funding sources for the study are being pursued. The committee is forming strategies for funding construction and long-term maintenance responsibilities of the trail.



LEGEND:

- COMPLETED  
40 MILE  
LOOP TRAIL
- PROPOSED  
40 MILE  
LOOP TRAIL
- PROPOSED  
PATHWAY

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 93-1872 TO AMEND THE GREENSPACES MASTER PLAN AND MAP OF NATURAL AREAS, TRAILS AND GREENWAYS OF REGIONAL SIGNIFICANCE BY ADDING THE PENINSULA CROSSING TRAIL IN NORTH PORTLAND

Date: December 14, 1993

Presented by: Mel Huie

#### FACTUAL BACKGROUND AND ANALYSIS

This resolution would amend the Greenspaces Master Plan and map of natural areas, trails and greenways of regional significance by adding the proposed Peninsula Crossing Trail in North Portland. The trail corridor runs parallel to (on the east side) and above the Burlington Northern Railroad line which is in its own right of way which is below street level. The trail would follow the Carey Blvd. right-of-way owned by the city of Portland. Carey Blvd. was never developed into a street. It is unimproved and covered by grass and blackberry bushes. The corridor is approximately three miles long. The right-of-way easement is 50 feet, and in some places is 60 feet wide. In a few segments of the corridor one-half of the right-of-way was abandoned by the city and reverted to adjacent property owners.

The proposed trail would connect Willamette Blvd. and eventually the Willamette Greenway on the south to Smith and Bybee Lakes, the Columbia Slough and Columbia River on the north. The 40-Mile Loop, Marine Drive Trail and Kelly Point Park would be interconnected by the proposed trail as well.

The University of Portland campus, Holly Cross School, Roosevelt High School, George Middle School, Portsmouth School, and Astor School are within walking distance of the proposed trail.

The trail is of regional significance due to the fact that it interconnects the key natural areas, greenspaces, parks, and water bodies in north Portland. It directly ties together three regionally significant natural areas: the Willamette River and Greenway; Smith and Bybee Lakes Regional Park; and the Columbia River and Slough. It would also tie the north Portland area to the west side (Forest Park, Cornelius Pass, Washington County, Forest Grove, Hillsboro and Beaverton) via the St. Johns Bridge and proposed Burlington Northern Rails to Trail. Downtown Portland would be connected by the Willamette Greenway. Vancouver would be connected to north Portland via the 40-Mile Loop and I-5 bridge.

The communities of St. Johns, the north peninsula area, and northeast Portland will be connected by this trail. Industrial and commercial districts will be interconnected to residential areas. Recreational and transportation benefits will be derived from the trail. Commuters on bikes and pedestrians would find this trail user-friendly. Three Tri-Met bus lines cross the trail right of way.

In addition, the trail offers a major restoration opportunity in an area where large open spaces and natural areas are limited. The Greenspaces Master Plan calls for restoration activities to be undertaken in the North / Northeast Portland area. The Peninsula Crossing Trail could also be developed into a linear park. This trail meets that specific recommendation.

#### HOW THE IDEA WAS BROUGHT TO METRO'S ATTENTION

The trail proposal was brought to the Greenspaces Program's attention by community based organizations in north Portland (Peninsula Trail Crossing Committee, 40-Mile Loop Land Trust, Smith and Bybee Lakes group and Kenton Neighborhood). Initial discussions on the proposed trail have involved Metro Smith and Bybee Lakes staff (Jim Morgan), Portland Parks/Environmental Services/Transportation bureaus and city bike program, Multnomah County, Port of Portland, North Portland Enhancement Committee staff and Greenspaces staff.

Councilor Sandi Hansen, and Pam Arden representing Multnomah County Commissioner Gary Hansen, Jim Sjulín of the Portland Parks and Recreation Bureau have requested that Metro add the Peninsula Crossing trail to the Greenspaces Master Plan and map.

The proposal was presented to and reviewed by the Greenspaces Trails and Greenways working group (9/21/93), Greenspaces Technical Advisory Committee (10/15/93), and Greenspaces Policy Advisory Committee (11/3/93). Each committee voted unanimously to recommend to the Metro Council that the Peninsula Crossing Trail is of regional significance and that it be added to the Greenspaces Master Plan and map.

Inclusion in the Greenspaces Master Plan will assist in seeking federal, state, regional, local grants, as well as private contributions from foundations, corporations and individuals.

#### FEASIBILITY STUDY, MASTER PLAN AND IMPLEMENTATION

Following inclusion of the trail to the Greenspaces Master Plan, the Peninsula Crossing Trail Committee will undertake a feasibility study to outline all the planning and community involvement steps necessary to construct the trail. Issues to be addressed include detailed planning and design, title search, easement and property acquisition where necessary, preliminary engineering, road and slough crossings, fencing, sidewalk improvements, determining costs, fund raising plan and strategy, and operations and maintenance/management plan. Extensive citizen involvement activities and planning efforts with cooperating agencies will be required to realize the Peninsula Crossing Trail.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution 93-1872.

Meeting Date: December 23, 1993  
Agenda Item No. 5.3

RESOLUTION NO. 93-1866

## **PLANNING COMMITTEE REPORT**

### **CONSIDERATION OF RESOLUTION NO. 93-1866, ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF OREGON PARKS AND RECREATION DEPARTMENT TO BEGIN THE BURLINGTON NORTHERN RAILS TO TRAILS FEASIBILITY STUDY**

Date: December 15, 1993

Presented By: Councilor Moore

**Committee Recommendation:** At the December 14 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 93-1866. Voting in favor: Councilors Van Bergen, Devlin, Gates, Kvistad, Monroe, and Moore.

**Committee Issues/Discussion:** Mel Huie, Senior Regional Planner, presented the staff report. He introduced Pete Bond, the State of Oregon Parks Trail Coordinator. Mr. Bond explained the history of the Burlington Northern. The Burlington Northern is part of a network of the Oregon Electric Railway. A few years ago a proposal was filed with the Interstate Commerce Commission (ICC) to abandon this section of rail in exchange for trackage rights financing on the Southern Pacific main line. This rail line begins near Sauvies Island, goes along the south shore of the Willamette River and underneath Cornelius Pass to North Plains. There is a spur at Powers Junction leading to Beaverton.

State Parks determined that the rail line had the potential to serve as a belt line around the western and southern portions of Washington County. It would serve to link trails from the rural areas with the interurban areas. The line has tremendous trail and alternative transportation potential but there are questions about the status of the rail line. Questions involve the title, potential hazardous wastes, and the condition of the tunnels and trestles.

This lead to the request that Metro participate with State Parks in a feasibility study. Metro and Oregon State Parks and Recreation Department will furnish \$15,000 plus staff assistance. The City of Portland and Multnomah County will furnish \$5,000 each. Tualatin Hills Park and Recreation District will furnish \$2,500. Washington County and the National Park Service will furnish staff assistance.

In response to Councilor Kvistad's questions, Mr. Bond explained that Burlington Northern had filed for possible abandonment with the ICC. The abandonment might take place within one year of the filing of intent. Mr. Huie added, the Multnomah County Parks portion would be included in the transfer agreement.

Councilor Devlin questioned the number of Councilors assigned to serve on the advisory committee. Four have been assigned to this Trails Study Working Group. Chair Van Bergen asked Mr. Bond to examine liability issues related to rail tunnels.



**BEFORE THE METRO COUNCIL**

<b>FOR THE PURPOSE OF ENTERING INTO AN</b>	<b>) RESOLUTION NO. 93-1866</b>
<b>INTERGOVERNMENTAL AGREEMENT WITH</b>	<b>)</b>
<b>OREGON PARKS AND RECREATION</b>	<b>) Introduced by: Rena Cusma,</b>
<b>DEPARTMENT TO BEGIN THE BURLINGTON</b>	<b>) Executive Officer</b>
<b>NORTHERN RAILS TO TRAILS FEASIBILITY</b>	<b>)</b>
<b>STUDY</b>	<b>)</b>

**WHEREAS, The Greenspaces Program highlights the importance of trails and greenways planning, coordination, right-of-way acquisition and development; and**

**WHEREAS, The Greenspaces Master Plan, adopted in July 1992, includes a chapter on regional trails with specific goals and objectives, including the establishment of a regional system of trails (e.g., land based trails, river trails and rails to trails conversions); and**

**WHEREAS, The Burlington Northern Railroad Company has notified the State of Oregon and federal Interstate Commerce Commission (ICC) of rail lines that it anticipates will be abandoned during the next three years; and**

**WHEREAS, One of the potential rail abandonments stretches from United Junction, which is just north of the Sauvie Island Bridge, via Cornelius Pass to Beaverton; and**

**WHEREAS, Two additional segments slated for potential abandonment stretch from Bowers Junction west to Banks; and from Beaverton west to Forest Grove; and**

**WHEREAS, This rails to trails corridor connects regionally significant natural areas and parks such as Forest Park, Multnomah Channel and Willamette River shoreline, recreational areas on Sauvie Island, Rock Creek, Tualatin Nature Park, and the Banks-Vernonia Trail/Linear Park; and**

**WHEREAS, This rails to trails corridor provides opportunities to link the cities of Portland, Beaverton, Hillsboro, Cornelius, Forest Grove, Banks, Vernonia, Scappoose and St. Helens; and**

**WHEREAS, This potential rails to trails corridor has been identified and mapped in the Greenspaces Master Plan as regionally significant;**

WHEREAS, Metro's Regional Trails and Greenways Working Group, Greenspaces Technical and Policy Advisory Committees have identified the Burlington Northern Rails to Trails project as a priority trail corridor for the region and have recommended that the feasibility study proceed; and

WHEREAS, The Oregon Parks and Recreation Department requested in the summer of 1993 that Metro take the lead role in carrying out a Burlington Northern Rails to Trails Feasibility Study; and

WHEREAS, The Oregon Parks and Recreation Department will provide \$15,000 and staff assistance towards the completion of the feasibility study; and

WHEREAS, Multnomah County Park Services, Washington County, Tualatin Hills Park and Recreation District, Portland Parks and Recreation Bureau, and the National Park Service have offered either financial assistance and/or in-kind services for the feasibility study; now, therefore,

BE IT RESOLVED,

That Metro enter into an Intergovernmental Agreement with the State of Oregon Parks to complete a feasibility study on the Burlington Northern Rails to Trails project between United Junction and Beaverton, and from Bowers Junction west to Banks, and from Beaverton west to Forest Grove. The scope of work of the study is detailed in Exhibit A hereto.

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

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

**INTERGOVERNMENTAL AGREEMENT  
BURLINGTON NORTHERN LINE  
RAILS TO TRAILS FEASIBILITY STUDY**

This Agreement, dated this       day of November, 1993 is by and between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, with a mailing address of 600 N.E. Grand Avenue, Portland, Oregon 97232-2736 and the state of Oregon Parks and Recreation Department, with a mailing address of 525 Trade St. S.E. Salem, Oregon, 97310; hereinafter referred to as the "OPRD."

**WITNESSETH;**

**WHEREAS**, OPRD desires a rails to trails feasibility study (Phase I) for the Burlington Northern Railroad Line between United Junction in Multnomah County to the city of Beaverton in Washington County, and from Bowers Junction west to Banks, and from Beaverton west to Forest Grove, in accordance with "Exhibit A - Scope of Work," which is attached and incorporated into this Agreement by reference; and

**WHEREAS**, a coalition of public agencies, nonprofit organizations and citizens have pledged \$42,500 in funding and staff assistance for a cooperative group effort, and established a Burlington Northern Rails to Trails Study Working Group/Advisory Committee, all of which is detailed in "Exhibit A - Scope of Work," attached; and

**WHEREAS**, Metro's Greenspaces Master Plan and trails work program list the above cited rail corridor as a priority work task, OPRD has requested and Metro is willing to assume the lead role in pursuing the Burlington Northern Rails to Trails Feasibility Study; now, therefore,

**IN CONSIDERATION** of those mutual interests and based upon the terms and conditions contained herein, the parties agree as follows:

1. **DURATION:** This agreement shall be effective from the date of its approval by both parties and shall remain in effect for a period of twelve (12) months or until the completed study is accepted by both parties and finally presented to the Group/Advisory Committee.

2. **SCOPE OF WORK:** Both parties shall provide the funding, pursue the work tasks, and secure the products by and through the project managers identified hereinbelow.
3. **AUTHORITY & RESOURCES:** Both parties certify that they have the authority to execute this agreement and sufficient funds, forces, and other resources available and authorized to finance and accomplish the tasks outlined in "Exhibit A - Scope of Work," attached.
4. **PROJECT MANAGER AUTHORITY:**
  - A. The OPRD Project Manager shall be Pete Bond, Trails Coordinator, or other such person as shall be designated in writing by OPRD. The OPRD Project Manager is authorized to carry out all OPRD actions referred to herein.
  - B. The Metro Project Manager shall be Mel Huie, Greenspaces Program Manager or other such person as shall be designated in writing by Metro. The Metro Project Manager is authorized to carry out all Metro actions referred to herein.
5. **LIABILITY AND INDEMNIFICATION:** Both parties shall indemnify for, and hold the other harmless from, all claims arising out of its negligent or intentional misconduct or that of its officers, employees, or agents. It shall be liable to the other for any damage to the other's property or injury to the other's officers, employees or agents caused by its negligent or intentional misconduct subject to the provisions of the Oregon Tort Claims Act and the Oregon Constitution.

Both parties shall protect, defend and hold the other harmless from and indemnify for any and all liability settlements, losses, costs and expenses in connection with any action, suit or claim resulting from its negligent errors, omissions or acts performed pursuant to this Agreement subject to the provisions of the Oregon Tort Claims Act and the Oregon Constitution.
6. **WORKERS' COMPENSATION:** Both parties and all employers working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires Workers' Compensation coverage for all subject workers.
7. **MAINTENANCE OF RECORDS:** All records relating to the Scope of Work shall be maintained on a generally recognized accounting basis and both parties shall have the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained for at least three years after project completion.
8. **PUBLIC DOCUMENTS:** All records, reports, data, documents, systems and concepts,

whether in the form of writings, figures, graphs or models that are prepared or developed in connection with this project shall become public property.

9. **PROJECT INFORMATION:** Both parties shall share all project information and fully cooperate with one another on all aspects of the project including actual or potential problems or defects. All project news shall be issued jointly or with the other's consent.

10. **TERMINATION FOR DEFAULT:** Either party may be deemed to be in default if it fails to comply with any provisions of this Agreement or if its progress in performance of its obligations is so unsatisfactory that continuation of the project created by this Agreement is seriously impaired. Prior to termination under this provision, the aggrieved party shall provide written notice of the specific act of default and allow thirty (30) days within which to cure the defect. In the event the defect is not cured within that period, the aggrieved party may terminate all or any part of this Agreement.

The party deemed in default shall be liable to the aggrieved party for all reasonable costs and damages incurred as a result of the termination for default.

If, after notice of termination, the parties agree or a court finds that there was no default or that circumstances were beyond the defending party's control, the parties may allow the work to continue or treat the incident as a termination for convenience, in which case the rights of the parties shall be the same as if the termination had been for convenience.

11. **TERMINATION FOR CONVENIENCE:** Either party may terminate all or part of this contract upon determining that termination is in the public interest. Termination under this paragraph shall be effective upon delivery of the written notice of termination.

12. **NONDISCRIMINATION:** During the term of this Agreement, both parties shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age or national origin.

13. **ADHERENCE TO LAW:** Both parties shall comply with all applicable provisions of ORS Chapters 187 and 279, and all other terms and conditions required to be included in public contracts including but not limited to all federal and state civil rights and rehabilitation statutes, rules and regulations are hereby included and incorporated by reference.

14. **LITIGATION:** In the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court.

15. **INTEGRATION:** This Agreement contains the entire, complete and final working

Agreement between the parties and supersedes all prior written or oral discussions or agreements related to the development and pursuit of this project.

16. **AMENDMENT PROVISION:** The terms of this Agreement may only be amended by mutual agreement in writing and signed by the parties.
17. **ASSIGNMENT:** Neither party may assign, delegate, or subcontract for performance of any of its responsibilities under this Agreement, other than already provided for within this Agreement without the prior written consent of both Project Managers.
18. **SEVERABILITY:** Should any provision of this agreement be found illegal or unenforceable by a court of proper jurisdiction, the offending provision shall be stricken, but the balance of this agreement will nevertheless remain in full force and effect.
19. **PUBLIC LAW:** Both parties shall comply with all relevant laws of the state of Oregon and to the extent those laws shall apply to this agreement they are hereby specifically incorporated by reference.
20. **LAW OF OREGON:** This Agreement shall be governed by the laws of the state of Oregon, and the parties agree to submit to the jurisdiction of the courts of the state of Oregon.

STATE OF OREGON  
PARKS & RECREATION DEPT.

METRO

\_\_\_\_\_  
By

\_\_\_\_\_  
By

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

APPROVED AS TO FORM

APPROVED AS TO FORM

\_\_\_\_\_  
Metro General Counsel



## **EXHIBIT A**

### **BURLINGTON NORTHERN RAILROAD LINE RAILS TO TRAILS FEASIBILITY STUDY**

#### **I. AGREEMENT**

It is agreed that Oregon State Parks and Recreation Department (OPRD) will enter into an agreement with Metro for the purpose of conducting a rails to trails feasibility study (Phase I) of the Burlington Northern Railroad Line between United Junction in Multnomah County (just north of the Sauvie Island Bridge) to the city of Beaverton in Washington County. The segment is 15.27 miles long. The Burlington Northern Railroad Company has notified the State of Oregon and the federal Interstate Commerce Commission (ICC) of an anticipated abandonment of this segment. If abandonment is sought an application will be filed by the Burlington Northern Railroad Company with the ICC by June 1, 1996.

Metro will serve as lead agency for the feasibility study (Phase I) and serve as project manager; administer all contracts related to the study; provide staff time on research, planning activities, local government coordination and citizen involvement activities; provide Geographic Information System (GIS) mapping support and data analysis; provide for printing of final reports; and contribute up to \$15,000 toward Phase I tasks of the feasibility study. Metro will also facilitate and serve on a Burlington Northern Rails to Trails Advisory Committee, and Contract Selection Committee to hire consultants.

OPRD will contribute at least \$15,000 toward Phase I and Phase II of the feasibility study. Funds will be advanced to Metro within thirty (30) business days of the signing of this agreement. OPRD will participate on the Advisory Committee and Contract Selection Committee related to Phase I tasks. OPRD staff and/or its representatives will attend planning meetings and public workshops and outreach efforts with Metro representatives. OPRD will provide other research resources, as needed.

The feasibility study (Phase I) will be funded through cash contributions and/or in-kind services by the following jurisdictions:

- Oregon State Parks and Recreation Department
- Multnomah County Park Services
- Washington County Land Use and Transportation and/or Support Services Department
- City of Portland Parks and Recreation Bureau
- Tualatin Hills Park and Recreation District
- Metro
- National Park Service (in-kind assistance)

Each jurisdiction which contributes funds and/or staff time will have the opportunity to serve on the Advisory Committee and Contract Selection Committee to be established. Citizen representation on the Advisory Committee will be required. Appointments to the two committees will be made by the Chair of the Greenspaces Policy Advisory Committee (Metro Councilor Richard Devlin).

Planning recommendations will be made by members of the Advisory Committee and forwarded to Metro. Metro's Greenspaces Regional Trails and Greenways Working Group, Greenspaces Technical and Policy Advisory Committees will then review recommendations and forward their comments to the Metro Planning Committee and full Council.

**Note:** Metro will proceed to meet all obligations related to the Burlington Northern Railroad Line: Rails to Trails Feasibility Study (Phase I). The Burlington Northern Master Plan (Phase II) is listed as a later project which will be undertaken, but only after a final budget is determined, and adequate funding and staff resources secured.

## **II. SCOPE OF WORK: FEASIBILITY STUDY (Phase I)**

### **Background**

There is an increasing demand for recreational and bicycle trails throughout the state. This need is amplified in the high growth, high population areas of the Portland metropolitan region. Extensive trails such as the Willamette Greenway, 40-mile loop, and the Springwater Corridor have and are being developed in the central and eastern portions of the metropolitan area. Regionally significant trail opportunities west of Portland have not been developed to-date except for the 21-mile long Banks-Vernonia Rails to Trail, located 25 miles west of Portland. This trail, developed from an abandoned railroad right-of-way, links the communities of Banks, located in Washington County, and Vernonia in Columbia County.

Metro, OPRD, Washington County, Columbia County, Tualatin Hills Park & Recreation District, and the Greenway to the Pacific Study have developed schematic plans to create an extensive network of trails and greenways west of Portland. These proposed trails would connect Portland to the population centers of Beaverton, Hillsboro and Forest Grove, and ultimately to the Pacific coast.

OPRD has proposed a 120-mile loop west of Portland which would establish a trail from Portland to Banks, north to Rainier and return south along the established bicycle/pedestrian trail along Highway 30 to Portland. Portions of this proposed trail loop are included in the Portland to the Pacific Greenway Study and in Metro's Greenspaces Master Plan and regional trails program.

Recently, Burlington Northern Railroad has initiated the abandonment process to relinquish several railroad corridors. The corridor most likely to be abandoned is the 15.27-mile corridor west of Portland between United Junction which is just north of the Sauvie Island Bridge to Beaverton. Two additional segments slated for potential abandonment include: Bowers Junction west to Banks; and Beaverton west to Forest Grove. These two segments cover approximately 21 miles. The railroad company has until June 1, 1996, to apply to the Interstate Commerce Commission (ICC) for official abandonment. This corridor has been identified in Metro's Greenspaces Master Plan and in the Oregon State Parks Master Plan as regionally significant and should be eventually developed into a trail.

It may be possible to acquire this railroad right-of-way for trail use under the 1983 federal rail banking law. Rail banking is a voluntary agreement reached between the railroad company and a trail-managing agency to dedicate a rail corridor no longer in service for interim trail use. The line could be then be reactivated for rail use sometime in the future. (The Springwater Corridor is a rails to trails project following this rail banking scenario.)

The federal Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement funds could possibly be available for the preservation and development of the rail right-of-ways. Funding for acquiring and developing the Springwater Corridor came from ISTEA funds.

### **Purpose of this Study**

The purpose of this study is to evaluate the trail potential of the railroad right-of-way corridor and the feasibility of acquiring the corridor for recreational uses and alternative transportation uses (possibly commuting purposes in the urban segments of corridor between Beaverton and Hillsboro). Specifically, Phase I of the study is intended to gather sufficient information to determine the feasibility of converting this railroad right-of-way into a recreational and alternative transportation trail. Based upon the conclusions of Phase I, Phase II tasks would be carried out. Phase II of this study is intended to provide a master plan, management plan, and public participation and acquisition strategy necessary to facilitate the development of the trail.

### **PHASE I - TASKS (If current funding does not cover all of these activities, Metro and OPRD will jointly agree upon which tasks should be deferred)**

- A. Provide an inventory of all structures including culverts, trestles, bridges and tunnels within the right-of-way corridor. Provide a report certified by a professional engineer which assesses the condition, expected life and replacement and/or maintenance costs of each structure.
- B. Identify potential hazardous wastes or environmental hazards that may be present in the right-of-way.
- C. Identify natural and cultural resource opportunities and constraints including jurisdictional wetlands and the presence of any plant or animal species listed or proposed for listing under the state or federal endangered species acts which would impair trail development. Identify any anthropological sites and historical buildings and/or structures in the right-of-way.
- D. Provide a clear delineation of existing jurisdictional boundaries which overlay the right-of-way corridor.
- E. Identify all utilities and easements in the corridor.
- F. Provide estimates of demand and potential use for a trail and greenway corridor within this railroad right-of-way.
- G. Provide an assessment of land use compatibilities given the existing zoning and overlay districts and provide recommendations of needed zone changes or permits

needed should the right-of-way be converted into a trail for non-motorized vehicles. Identify any areas of concern.

- H. Identify potential use conflicts including noise, pollution, traffic, aesthetics with land adjacent to the right-of-way. Provide recommendations and estimated costs of resolving the conflicts.
- I. The proposed abandonment is not intended to include the approximate 1.5-mile section between Bowers Junction and Bendemeer. Provide an analysis of the opportunities that may be available to connect that gap and provide an assessment of the feasibility of each opportunity.
- J. Provide a preliminary title report of all lands within the right-of-way corridor. The report is to contain copies of maps and copies of deeds conveying land to the railroad. The report shall also identify any potential ownership gaps in the right-of-way corridor.
- K. Identify the opportunities and analyze the feasibility of linking the right-of-way corridor into Forest Park in Portland, recreational areas on Sauvie Island, and to tie into appropriate facilities in Beaverton and the Tualatin Hills Park & Recreation District.
- L. Establish a mailing list which would include adjacent property owners, interested people, advocacy and user groups, leadership among the various jurisdictional bodies, appropriate neighborhood associations and affected businesses and agencies.
- M. Provide a benefits assessment which describes the opportunities and economic advantages this corridor could contribute to the livability and quality of life for the adjacent communities.
- N. Identify possible trail head locations.
- O. Review possible linkages to other trail systems in the region. Provide preliminary information on the feasibility and value of connections to the trail system. Specifically, address the possibilities for trail development along the Burlington Northern Line between Bower's Junction and Banks and between Beaverton and Hillsboro which may also be abandoned shortly.
- P. Facilitate meetings with the Advisory Committee which addresses the issues and components of Phase I of the contract.
- Q. Assist in citizen outreach and public involvement activities. Coordinate and facilitate public workshops and open house designed to introduce the concept of developing this rail right-of-way into trail use. Develop strategy for additional public participation. Review with input from the Advisory Committee.

**PHASE I - PRODUCTS** (If current funds do not cover all costs, Metro and OPRD will jointly agree upon which products are completed by the end of the contract and which should be deferred.)

- A. Provide a written report which clearly documents and explains the components of Phase I. The report will include maps, aerial photographs and photographs needed to explain and describe material. Metro will determine printing format.
- B. Provide an executive summary appropriate for public distribution which explains the trail opportunity and provides necessary maps and photos needed to explain. Metro will determine printing format.
- C. Provide a final presentation to the Advisory group.

#### **ESTIMATED BUDGET**

Not to exceed \$42,500.

#### **TIMELINES**

Phase I will be completed within 12 months after the signing of the Intergovernmental Agreement.

#### **PROJECT MANAGERS**

Metro: Mel Huie, Greenspaces Program

OPRD: Pete Bond, Trails Coordinator

### **III. SCOPE OF WORK: MASTER PLAN (Phase II)**

**TASKS:** Develop a Master Plan for the Burlington Northern Rails to Trails Corridor

**Please Note:** *The following activities are critical to the development of a rails to trails project. Complete funding has yet to be secured. Metro will proceed only if adequate funds are earmarked for Phase II tasks. We are requesting that the Council approve of the specific tasks listed pending availability of funds.*

Pending availability of financial resources and staff at Metro and cooperating agencies targeted to the Burlington Northern Rails to Trails Master Plan, the following tasks will be carried out following successful completion of Phase I tasks. Excess funds (if any) from Phase I will be allocated to Phase II tasks. Fund raising and grant writing will most likely be needed to generate the funds needed to complete a master plan for this rails to trails corridor.

- A. Develop a trail master plan for the corridor. Plan will include design standards for trail development and cost estimates. Information regarding existing on-site facilities reviewed in Phase I of this contract would be incorporated into this second phase. Master plan to include identification of trail head locations. Trail head sites must provide a detailed site analysis which includes:
  - The interpretation of soils, geology and hydrology,
  - review of topography and flood levels,

- the identification of sensitive plant and animal habitats, significant vegetation, significant scenic qualities,
  - study and analyze access points,
  - identify potential drinking water sources and potential electrical supplies and phone service and the appropriate method of handling sewage,
  - review zoning and planning constraints to development,
  - review surrounding existing uses and document public opinion about site use,
  - investigate historic significance,
  - investigate restrictions or restraints on land use or development, and
  - determine development costs including land acquisition costs, if needed for trail head sites.
- B. Identify possible cultural and natural interpretive opportunities. Develop interpretive themes and strategies. Provide cost estimates of implementation.
- C. Develop management criteria to establish a mechanism to evaluate the best method to manage and acquire a right-of-way which involves multiple jurisdictions. Facilitate a workshop(s) with Advisory Committee members or their representatives to reach consensus on these issues.
- D. Develop strategies for acquisition of the land within the right-of-way.

## **PHASE II - PRODUCTS**

- A. A written master plan of trail development and design standards and cost estimates and management strategies which address the components of Phase II. Master Plan to include maps, drawings and photographs needed to explain concepts. Metro to determine printing formats.
- B. Provide a final presentation to Advisory Committee.

## **ESTIMATED BUDGET**

To be determined. The Springwater Corridor Master Plan will be used as a comparison.

## **TIMELINES**

To be determined. Most likely a 12- to 18-month planning and citizen involvement process following successful completion of Phase I tasks.

## **PROJECT MANAGERS**

Metro: Mel Huie, Greenspaces Program

OPRD: Pete Bond, Trails Coordinator

MH/arb  
s:\pd\huie\exhibit.a

# NOTICE

In accordance with the requirements of the Interstate Commerce Act, Burlington Northern Railroad Company hereby gives notice that it has amended its System Diagram Map, effective June 1, 1993, and publishes the following excerpts from the Amended System Diagram Map showing the affected line(s) of railroad identified by line index numbers in the specified county(ies).

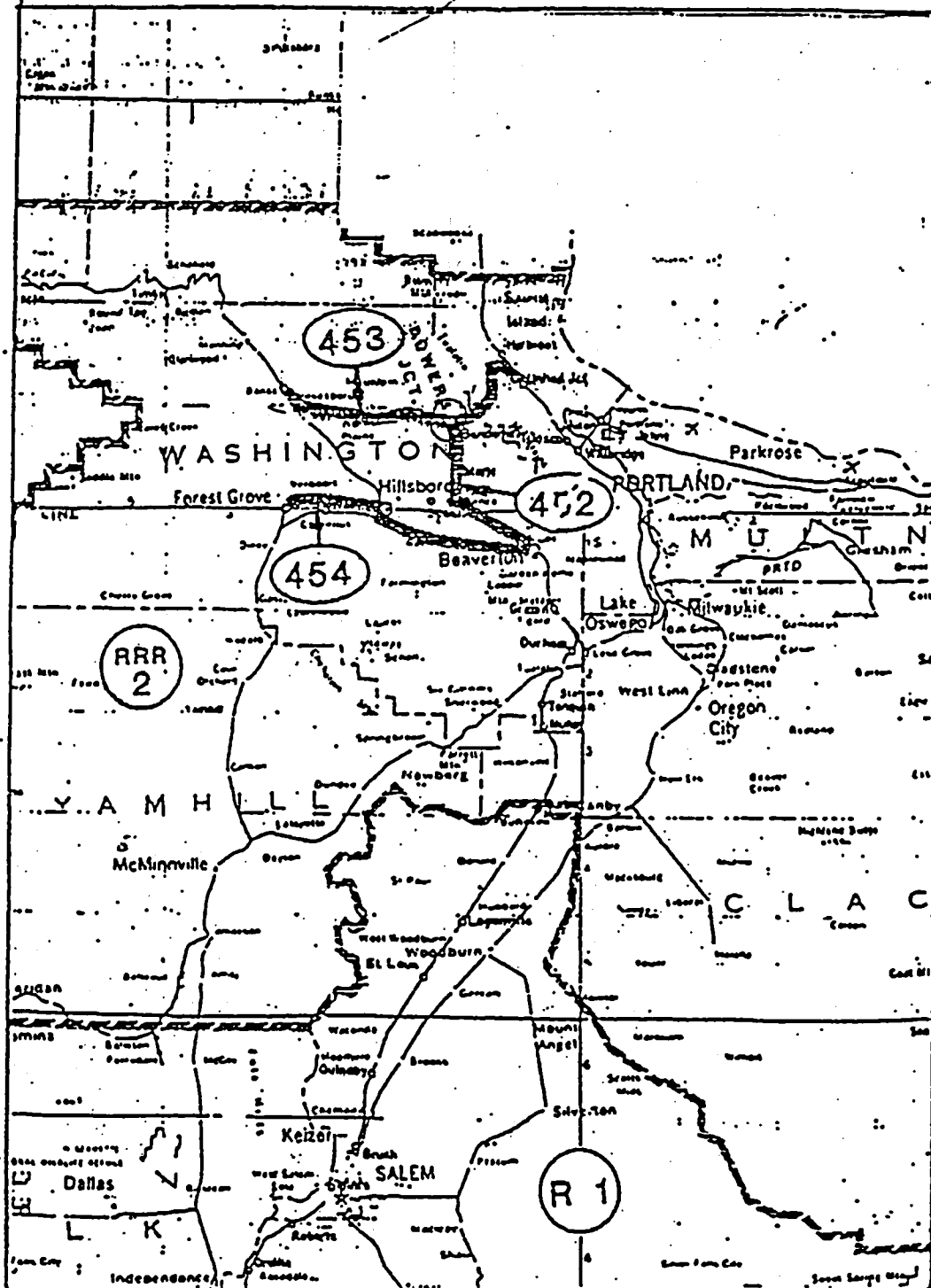
Line or portion of line which BN anticipates will be the subject of an abandonment or discontinuance application within three years of June 1, 1993 (Category 1).

Line Index No. 452: United Junction (MP 10.03) to Beaverton (MP 25.30); Washington and Multnomah Counties, Oregon (15.27 miles); Stations and Milepost Locations: Tunnel Spur—14.6, Bowers Junction—17.1, Deadmeat—18.6, Merle—20.8, Orenco Junction—21.5.

Line Index No. 453: Bowers Junction (MP 17.05) to Banks (MP 28.21); Washington County, Oregon (11.16 miles); Stations and Milepost Locations: North Plains—21.0, Vadis—23.5, Banks—27.5.

Line Index No. 454: Beaverton (SP MP 756.84) to Hillsboro (SP MP 765.71) and (SP MP 765.57 to SP MP 745.54) Trackage Rights and Hillsboro (MP 4.63) to Forest Grove (MP 10.28); Washington County, Oregon (5.65 Total Miles Including 8.80 Miles of Trackage Rights); Stations and Milepost Locations: Hillsboro—4.7, Cornelius—7.8, Forest Grove—10.0.

BN MAP NO. OR-37-2

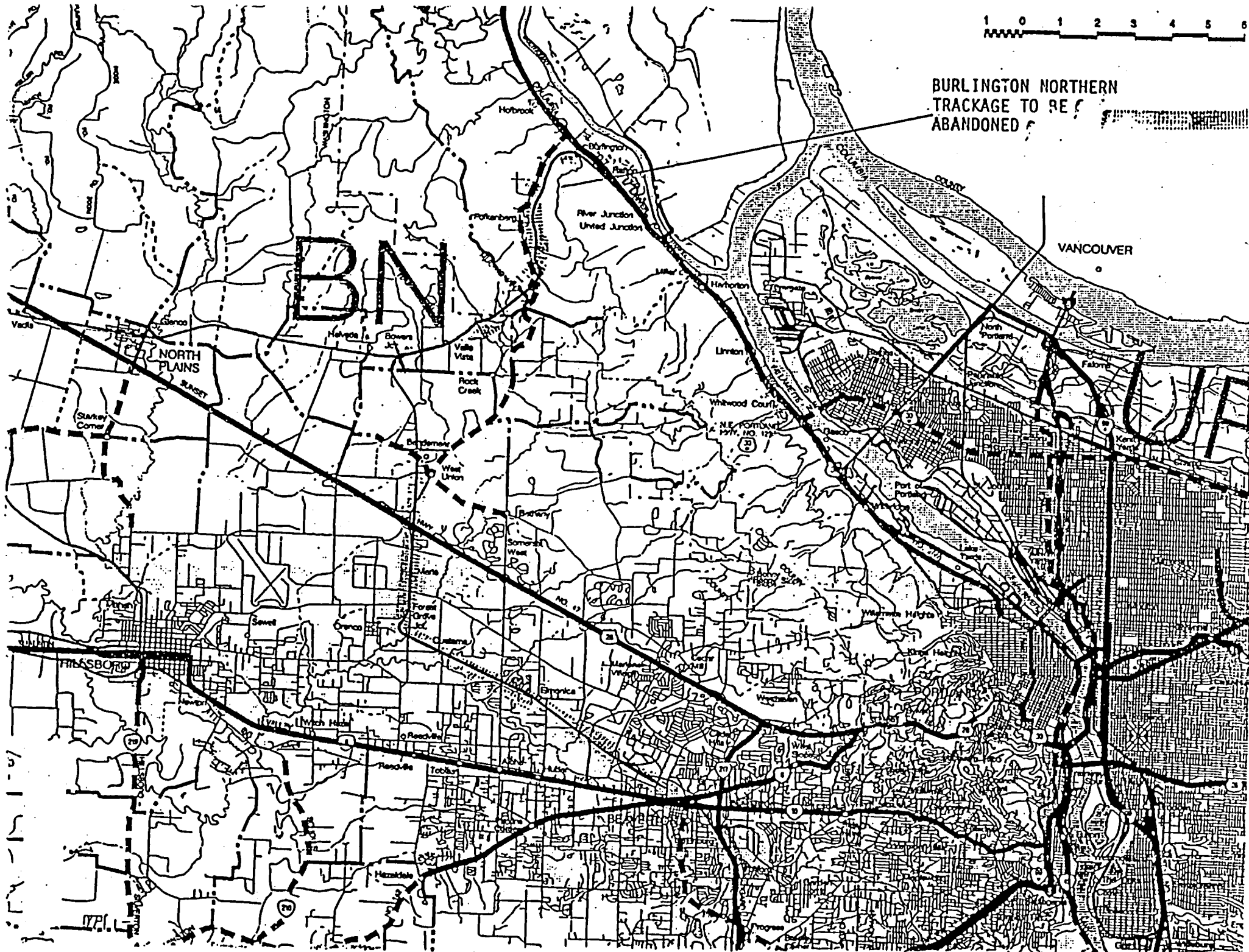


Copies of the above map and other individual line maps in black and white are available upon request. Also, a booklet containing black and white maps of the entire BN system diagram map is available as is a color-coded map of the entire BN system. Maps may be obtained by addressing a request to Mr. Richard A. Batie, Manager, Franchise Development, Burlington Northern Railroad Company, 2000 Continental Plaza, 777 Main Street, Fort Worth, Texas 76102.

BURLINGTON NORTHERN RAILROAD COMPANY

1 0 1 2 3 4 5 6

BURLINGTON NORTHERN  
TRACKAGE TO BE  
ABANDONED





**INTERGOVERNMENTAL AGREEMENT  
BURLINGTON NORTHERN LINE  
RAILS TO TRAILS FEASIBILITY STUDY**

This Agreement, dated this            day of November, 1993 is by and between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, with a mailing address of 600 N.E. Grand Avenue, Portland, Oregon 97232-2736 and the state of Oregon Parks and Recreation Department, with a mailing address of 525 Trade St. S.E. Salem, Oregon, 97310; hereinafter referred to as the "OPRD."

**WITNESSETH;**

WHEREAS, OPRD desires a rails to trails feasibility study (Phase I) for the Burlington Northern Railroad Line between United Junction in Multnomah County to the city of Beaverton in Washington County, and from Bowers Junction west to Banks, and from Beaverton west to Forest Grove, in accordance with "Exhibit A - Scope of Work," which is attached and incorporated into this Agreement by reference; and

WHEREAS, a coalition of public agencies, nonprofit organizations and citizens have pledged \$42,500 in funding and staff assistance for a cooperative group effort, and established a Burlington Northern Rails to Trails Study Working Group/Advisory Committee, all of which is detailed in "Exhibit A - Scope of Work," attached; and

WHEREAS, Metro's Greenspaces Master Plan and trails work program list the above cited rail corridor as a priority work task, OPRD has requested and Metro is willing to assume the lead role in pursuing the Burlington Northern Rails to Trails Feasibility Study; now, therefore,

IN CONSIDERATION of those mutual interests and based upon the terms and conditions contained herein, the parties agree as follows:

1. DURATION: This agreement shall be effective from the date of its approval by both parties and shall remain in effect for a period of twelve (12) months or until the completed study is accepted by both parties and finally presented to the Group/Advisory Committee.

2. **SCOPE OF WORK:** Both parties shall provide the funding, pursue the work tasks, and secure the products by and through the project managers identified hereinbelow.
3. **AUTHORITY & RESOURCES:** Both parties certify that they have the authority to execute this agreement and sufficient funds, forces, and other resources available and authorized to finance and accomplish the tasks outlined in "Exhibit A - Scope of Work," attached.
4. **PROJECT MANAGER AUTHORITY:**
  - A. The OPRD Project Manager shall be Pete Bond, Trails Coordinator, or other such person as shall be designated in writing by OPRD. The OPRD Project Manager is authorized to carry out all OPRD actions referred to herein.
  - B. The Metro Project Manager shall be Mel Huie, Greenspaces Program Manager or other such person as shall be designated in writing by Metro. The Metro Project Manager is authorized to carry out all Metro actions referred to herein.
5. **LIABILITY AND INDEMNIFICATION:** Both parties shall indemnify for, and hold the other harmless from, all claims arising out of its negligent or intentional misconduct or that of its officers, employees, or agents. It shall be liable to the other for any damage to the other's property or injury to the other's officers, employees or agents caused by its negligent or intentional misconduct subject to the provisions of the Oregon Tort Claims Act and the Oregon Constitution.

Both parties shall protect, defend and hold the other harmless from and indemnify for any and all liability settlements, losses, costs and expenses in connection with any action, suit or claim resulting from its negligent errors, omissions or acts performed pursuant to this Agreement subject to the provisions of the Oregon Tort Claims Act and the Oregon Constitution.
6. **WORKERS' COMPENSATION:** Both parties and all employers working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires Workers' Compensation coverage for all subject workers.
7. **MAINTENANCE OF RECORDS:** All records relating to the Scope of Work shall be maintained on a generally recognized accounting basis and both parties shall have the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained for at least three years after project completion.
8. **PUBLIC DOCUMENTS:** All records, reports, data, documents, systems and concepts,

whether in the form of writings, figures, graphs or models that are prepared or developed in connection with this project shall become public property.

9. **PROJECT INFORMATION:** Both parties shall share all project information and fully cooperate with one another on all aspects of the project including actual or potential problems or defects. All project news shall be issued jointly or with the other's consent.

10. **TERMINATION FOR DEFAULT:** Either party may be deemed to be in default if it fails to comply with any provisions of this Agreement or if its progress in performance of its obligations is so unsatisfactory that continuation of the project created by this Agreement is seriously impaired. Prior to termination under this provision, the aggrieved party shall provide written notice of the specific act of default and allow thirty (30) days within which to cure the defect. In the event the defect is not cured within that period, the aggrieved party may terminate all or any part of this Agreement.

The party deemed in default shall be liable to the aggrieved party for all reasonable costs and damages incurred as a result of the termination for default.

If, after notice of termination, the parties agree or a court finds that there was no default or that circumstances were beyond the defending party's control, the parties may allow the work to continue or treat the incident as a termination for convenience, in which case the rights of the parties shall be the same as if the termination had been for convenience.

11. **TERMINATION FOR CONVENIENCE:** Either party may terminate all or part of this contract upon determining that termination is in the public interest. Termination under this paragraph shall be effective upon delivery of the written notice of termination.

12. **NONDISCRIMINATION:** During the term of this Agreement, both parties shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age or national origin.

13. **ADHERENCE TO LAW:** Both parties shall comply with all applicable provisions of ORS Chapters 187 and 279, and all other terms and conditions required to be included in public contracts including but not limited to all federal and state civil rights and rehabilitation statutes, rules and regulations are hereby included and incorporated by reference.

14. **LITIGATION:** In the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court.

15. **INTEGRATION:** This Agreement contains the entire, complete and final working

Agreement between the parties and supersedes all prior written or oral discussions or agreements related to the development and pursuit of this project.

16. **AMENDMENT PROVISION:** The terms of this Agreement may only be amended by mutual agreement in writing and signed by the parties.
17. **ASSIGNMENT:** Neither party may assign, delegate, or subcontract for performance of any of its responsibilities under this Agreement, other than already provided for within this Agreement without the prior written consent of both Project Managers.
18. **SEVERABILITY:** Should any provision of this agreement be found illegal or unenforceable by a court of proper jurisdiction, the offending provision shall be stricken, but the balance of this agreement will nevertheless remain in full force and effect.
19. **PUBLIC LAW:** Both parties shall comply with all relevant laws of the state of Oregon and to the extent those laws shall apply to this agreement they are hereby specifically incorporated by reference.
20. **LAW OF OREGON:** This Agreement shall be governed by the laws of the state of Oregon, and the parties agree to submit to the jurisdiction of the courts of the state of Oregon.

STATE OF OREGON  
PARKS & RECREATION DEPT.

METRO

\_\_\_\_\_  
By

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
By

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

APPROVED AS TO FORM

APPROVED AS TO FORM

\_\_\_\_\_  
Metro General Counsel

## **EXHIBIT A**

### **BURLINGTON NORTHERN RAILROAD LINE RAILS TO TRAILS FEASIBILITY STUDY**

#### **I. AGREEMENT**

It is agreed that Oregon State Parks and Recreation Department (OPRD) will enter into an agreement with Metro for the purpose of conducting a rails to trails feasibility study (Phase I) of the Burlington Northern Railroad Line between United Junction in Multnomah County (just north of the Sauvie Island Bridge) to the city of Beaverton in Washington County. The segment is 15.27 miles long. The Burlington Northern Railroad Company has notified the State of Oregon and the federal Interstate Commerce Commission (ICC) of an anticipated abandonment of this segment. If abandonment is sought an application will be filed by the Burlington Northern Railroad Company with the ICC by June 1, 1996.

Metro will serve as lead agency for the feasibility study (Phase I) and serve as project manager; administer all contracts related to the study; provide staff time on research, planning activities, local government coordination and citizen involvement activities; provide Geographic Information System (GIS) mapping support and data analysis; provide for printing of final reports; and contribute up to \$15,000 toward Phase I tasks of the feasibility study. Metro will also facilitate and serve on a Burlington Northern Rails to Trails Advisory Committee, and Contract Selection Committee to hire consultants.

OPRD will contribute at least \$15,000 toward Phase I and Phase II of the feasibility study. Funds will be advanced to Metro within thirty (30) business days of the signing of this agreement. OPRD will participate on the Advisory Committee and Contract Selection Committee related to Phase I tasks. OPRD staff and/or its representatives will attend planning meetings and public workshops and outreach efforts with Metro representatives. OPRD will provide other research resources, as needed.

The feasibility study (Phase I) will be funded through cash contributions and/or in-kind services by the following jurisdictions:

- Oregon State Parks and Recreation Department
- Multnomah County Park Services
- Washington County Land Use and Transportation and/or Support Services Department
- City of Portland Parks and Recreation Bureau
- Tualatin Hills Park and Recreation District
- Metro
- National Park Service (in-kind assistance)

Each jurisdiction which contributes funds and/or staff time will have the opportunity to serve on the Advisory Committee and Contract Selection Committee to be established. Citizen representation on the Advisory Committee will be required. Appointments to the two committees will be made by the Chair of the Greenspaces Policy Advisory Committee (Metro Councilor Richard Devlin).

Planning recommendations will be made by members of the Advisory Committee and forwarded to Metro. Metro's Greenspaces Regional Trails and Greenways Working Group, Greenspaces Technical and Policy Advisory Committees will then review recommendations and forward their comments to the Metro Planning Committee and full Council.

**Note:** Metro will proceed to meet all obligations related to the Burlington Northern Railroad Line: Rails to Trails Feasibility Study (Phase I). The Burlington Northern Master Plan (Phase II) is listed as a later project which will be undertaken, but only after a final budget is determined, and adequate funding and staff resources secured.

## **II. SCOPE OF WORK: FEASIBILITY STUDY (Phase I)**

### **Background**

There is an increasing demand for recreational and bicycle trails throughout the state. This need is amplified in the high growth, high population areas of the Portland metropolitan region. Extensive trails such as the Willamette Greenway, 40-mile loop, and the Springwater Corridor have and are being developed in the central and eastern portions of the metropolitan area. Regionally significant trail opportunities west of Portland have not been developed to-date except for the 21-mile long Banks-Vernonia Rails to Trail, located 25 miles west of Portland. This trail, developed from an abandoned railroad right-of-way, links the communities of Banks, located in Washington County, and Vernonia in Columbia County.

Metro, OPRD, Washington County, Columbia County, Tualatin Hills Park & Recreation District, and the Greenway to the Pacific Study have developed schematic plans to create an extensive network of trails and greenways west of Portland. These proposed trails would connect Portland to the population centers of Beaverton, Hillsboro and Forest Grove, and ultimately to the Pacific coast.

OPRD has proposed a 120-mile loop west of Portland which would establish a trail from Portland to Banks, north to Rainier and return south along the established bicycle/pedestrian trail along Highway 30 to Portland. Portions of this proposed trail loop are included in the Portland to the Pacific Greenway Study and in Metro's Greenspaces Master Plan and regional trails program.

Recently, Burlington Northern Railroad has initiated the abandonment process to relinquish several railroad corridors. The corridor most likely to be abandoned is the 15.27-mile corridor west of Portland between United Junction which is just north of the Sauvie Island Bridge to Beaverton. Two additional segments slated for potential abandonment include: Bowers Junction west to Banks; and Beaverton west to Forest Grove. These two segments cover approximately 21 miles. The railroad company has until June 1, 1996, to apply to the Interstate Commerce Commission (ICC) for official abandonment. This corridor has been identified in Metro's Greenspaces Master Plan and in the Oregon State Parks Master Plan as regionally significant and should be eventually developed into a trail.

It may be possible to acquire this railroad right-of-way for trail use under the 1983 federal rail banking law. Rail banking is a voluntary agreement reached between the railroad company and a trail-managing agency to dedicate a rail corridor no longer in service for interim trail use. The line could be then be reactivated for rail use sometime in the future. (The Springwater Corridor is a rails to trails project following this rail banking scenario.)

The federal Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement funds could possibly be available for the preservation and development of the rail right-of-ways. Funding for acquiring and developing the Springwater Corridor came from ISTEA funds.

#### **Purpose of this Study**

The purpose of this study is to evaluate the trail potential of the railroad right-of-way corridor and the feasibility of acquiring the corridor for recreational uses and alternative transportation uses (possibly commuting purposes in the urban segments of corridor between Beaverton and Hillsboro). Specifically, Phase I of the study is intended to gather sufficient information to determine the feasibility of converting this railroad right-of-way into a recreational and alternative transportation trail. Based upon the conclusions of Phase I, Phase II tasks would be carried out. Phase II of this study is intended to provide a master plan, management plan, and public participation and acquisition strategy necessary to facilitate the development of the trail.

**PHASE I - TASKS** (If current funding does not cover all of these activities, Metro and OPRD will jointly agree upon which tasks should be deferred)

- A. Provide an inventory of all structures including culverts, trestles, bridges and tunnels within the right-of-way corridor. Provide a report certified by a professional engineer which assesses the condition, expected life and replacement and/or maintenance costs of each structure.
- B. Identify potential hazardous wastes or environmental hazards that may be present in the right-of-way.
- C. Identify natural and cultural resource opportunities and constraints including jurisdictional wetlands and the presence of any plant or animal species listed or proposed for listing under the state or federal endangered species acts which would impair trail development. Identify any anthropological sites and historical buildings and/or structures in the right-of-way.
- D. Provide a clear delineation of existing jurisdictional boundaries which overlay the right-of-way corridor.
- E. Identify all utilities and easements in the corridor.
- F. Provide estimates of demand and potential use for a trail and greenway corridor within this railroad right-of-way.
- G. Provide an assessment of land use compatibilities given the existing zoning and overlay districts and provide recommendations of needed zone changes or permits

needed should the right-of-way be converted into a trail for non-motorized vehicles. Identify any areas of concern.

- H. Identify potential use conflicts including noise, pollution, traffic, aesthetics with land adjacent to the right-of-way. Provide recommendations and estimated costs of resolving the conflicts.
- I. The proposed abandonment is not intended to include the approximate 1.5-mile section between Bowers Junction and Bendemeer. Provide an analysis of the opportunities that may be available to connect that gap and provide an assessment of the feasibility of each opportunity.
- J. Provide a preliminary title report of all lands within the right-of-way corridor. The report is to contain copies of maps and copies of deeds conveying land to the railroad. The report shall also identify any potential ownership gaps in the right-of-way corridor.
- K. Identify the opportunities and analyze the feasibility of linking the right-of-way corridor into Forest Park in Portland, recreational areas on Sauvie Island, and to tie into appropriate facilities in Beaverton and the Tualatin Hills Park & Recreation District.
- L. Establish a mailing list which would include adjacent property owners, interested people, advocacy and user groups, leadership among the various jurisdictional bodies, appropriate neighborhood associations and affected businesses and agencies.
- M. Provide a benefits assessment which describes the opportunities and economic advantages this corridor could contribute to the livability and quality of life for the adjacent communities.
- N. Identify possible trail head locations.
- O. Review possible linkages to other trail systems in the region. Provide preliminary information on the feasibility and value of connections to the trail system. Specifically, address the possibilities for trail development along the Burlington Northern Line between Bower's Junction and Banks and between Beaverton and Hillsboro which may also be abandoned shortly.
- P. Facilitate meetings with the Advisory Committee which addresses the issues and components of Phase I of the contract.
- Q. Assist in citizen outreach and public involvement activities. Coordinate and facilitate public workshops and open house designed to introduce the concept of developing this rail right-of-way into trail use. Develop strategy for additional public participation. Review with input from the Advisory Committee.

**PHASE I - PRODUCTS** (If current funds do not cover all costs, Metro and OPRD will jointly agree upon which products are completed by the end of the contract and which should be deferred.)



- A. Provide a written report which clearly documents and explains the components of Phase I. The report will include maps, aerial photographs and photographs needed to explain and describe material. Metro will determine printing format.
- B. Provide an executive summary appropriate for public distribution which explains the trail opportunity and provides necessary maps and photos needed to explain. Metro will determine printing format.
- C. Provide a final presentation to the Advisory group.

#### **ESTIMATED BUDGET**

Not to exceed \$42,500.

#### **TIMELINES**

Phase I will be completed within 12 months after the signing of the Intergovernmental Agreement.

#### **PROJECT MANAGERS**

Metro: Mel Huie, Greenspaces Program

OPRD: Pete Bond, Trails Coordinator

### **III. SCOPE OF WORK: MASTER PLAN (Phase II)**

**TASKS:** Develop a Master Plan for the Burlington Northern Rails to Trails Corridor

**Please Note:** *The following activities are critical to the development of a rails to trails project. Complete funding has yet to be secured. Metro will proceed only if adequate funds are earmarked for Phase II tasks. We are requesting that the Council approve of the specific tasks listed pending availability of funds.*

Pending availability of financial resources and staff at Metro and cooperating agencies targeted to the Burlington Northern Rails to Trails Master Plan, the following tasks will be carried out following successful completion of Phase I tasks. Excess funds (if any) from Phase I will be allocated to Phase II tasks. Fund raising and grant writing will most likely be needed to generate the funds needed to complete a master plan for this rails to trails corridor.

- A. Develop a trail master plan for the corridor. Plan will include design standards for trail development and cost estimates. Information regarding existing on-site facilities reviewed in Phase I of this contract would be incorporated into this second phase. Master plan to include identification of trail head locations. Trail head sites must provide a detailed site analysis which includes:
  - The interpretation of soils, geology and hydrology,
  - review of topography and flood levels,

- the identification of sensitive plant and animal habitats, significant vegetation, significant scenic qualities,
  - study and analyze access points,
  - identify potential drinking water sources and potential electrical supplies and phone service and the appropriate method of handling sewage,
  - review zoning and planning constraints to development,
  - review surrounding existing uses and document public opinion about site use,
  - investigate historic significance,
  - investigate restrictions or restraints on land use or development, and
  - determine development costs including land acquisition costs, if needed for trail head sites.
- B. Identify possible cultural and natural interpretive opportunities. Develop interpretive themes and strategies. Provide cost estimates of implementation.
- C. Develop management criteria to establish a mechanism to evaluate the best method to manage and acquire a right-of-way which involves multiple jurisdictions. Facilitate a workshop(s) with Advisory Committee members or their representatives to reach consensus on these issues.
- D. Develop strategies for acquisition of the land within the right-of-way.

## **PHASE II - PRODUCTS**

- A. A written master plan of trail development and design standards and cost estimates and management strategies which address the components of Phase II. Master Plan to include maps, drawings and photographs needed to explain concepts. Metro to determine printing formats.
- B. Provide a final presentation to Advisory Committee.

## **ESTIMATED BUDGET**

To be determined. The Springwater Corridor Master Plan will be used as a comparison.

## **TIMELINES**

To be determined. Most likely a 12- to 18-month planning and citizen involvement process following successful completion of Phase I tasks.

## **PROJECT MANAGERS**

Metro: Mel Huie; Greenspaces Program

OPRD: Pete Bond, Trails Coordinator

MH/arb  
s:\pd\huie\exhibit.a

# NOTICE

In accordance with the requirements of the Interstate Commerce Act, Burlington Northern Railroad Company hereby gives notice that it has amended its System Diagram Map, effective June 1, 1993, and publishes the following excerpts from the Amended System Diagram Map showing the affected line(s) of railroad identified by line index numbers in the specified county(ies).

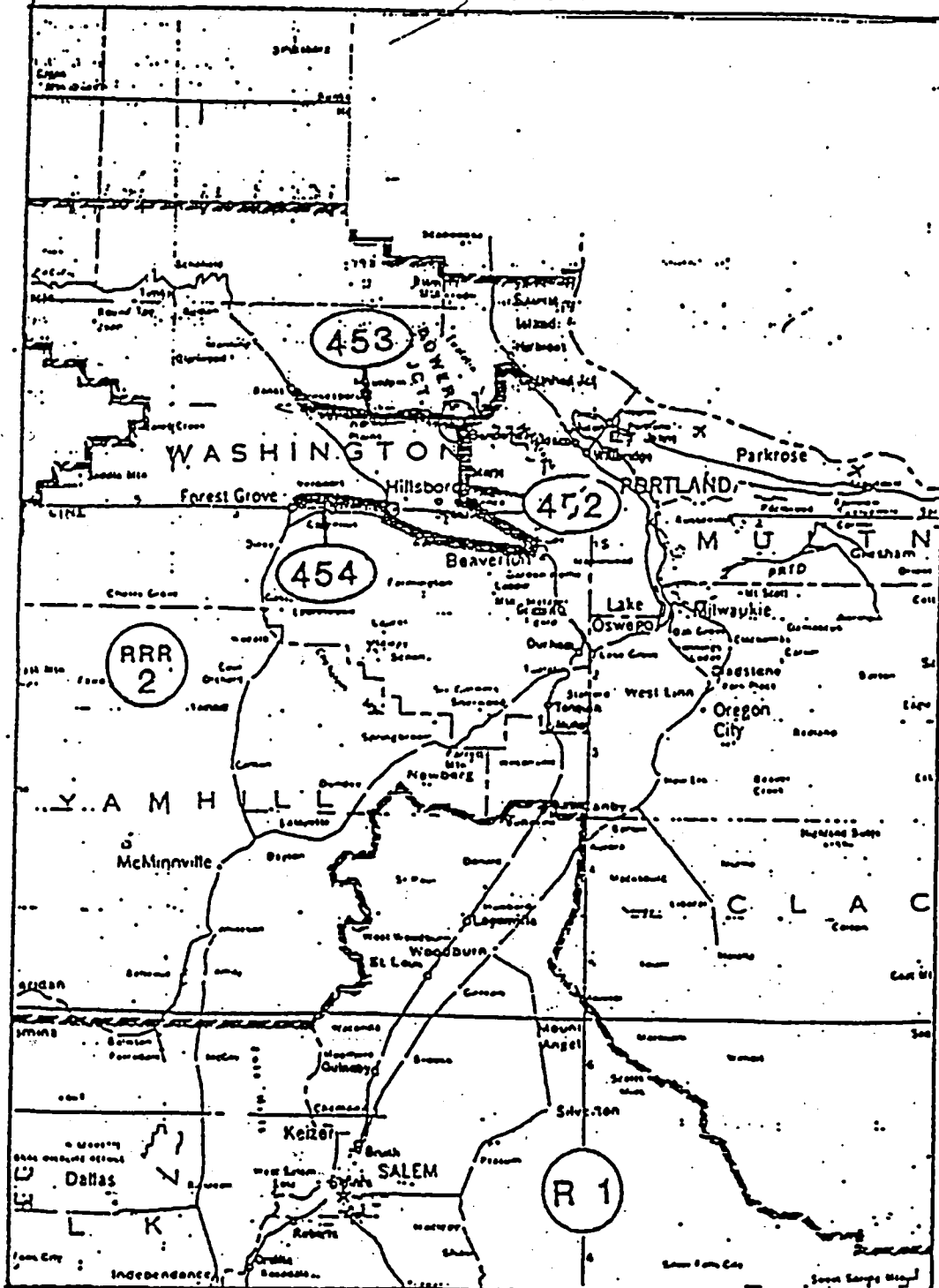
Line or portion of line which BN anticipates will be the subject of an abandonment or discontinuance application within three years of June 1, 1993 (Category 1).

Line Index No. 452: United Junction (MP 10.03) to Beaverton (MP 25.30); Washington and Multnomah Counties, Oregon (15.27 miles); Stations and Milepost Locations: Tunnel Spur—14.6, Bowers Junction—17.1, Bendemeer—18.6, Merle—20.8, Orenco Junction—21.5.

Line Index No. 453: Bowers Junction (MP 17.05) to Banks (MP 28.21); Washington County, Oregon (11.16 miles); Stations and Milepost Locations: North Plains—22.0, Vadis—23.5, Banks—27.5.

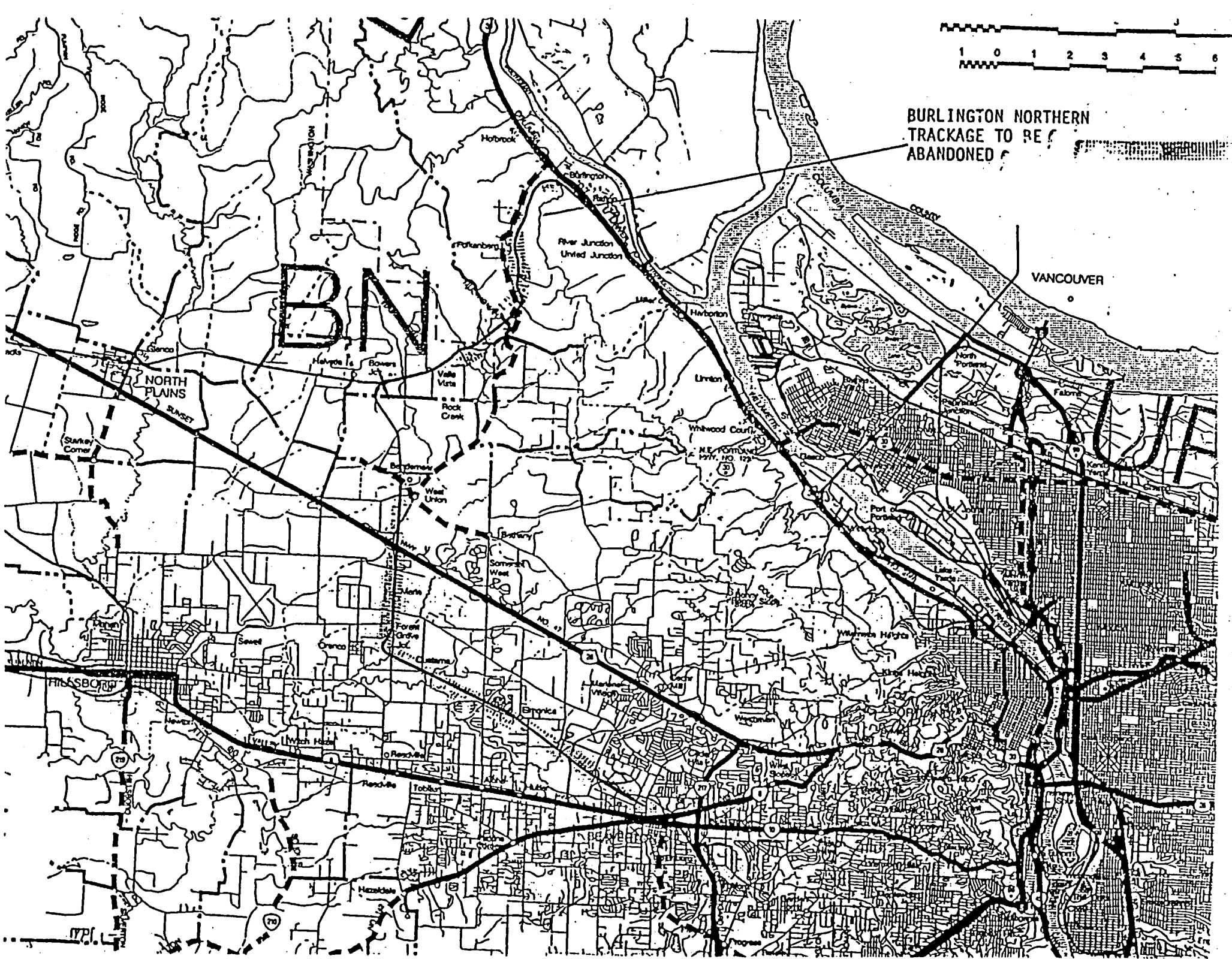
Line Index No. 454: Beaverton (SP MP 756.64) to Hillsboro (SP MP 765.71) and (SP MP 765.57 to SP MP 745.54) Trackage Rights and Hillsboro (MP 4.63) to Forest Grove (MP 10.287); Washington County, Oregon (5.65 miles); Stations and Milepost Locations: Hillsboro—4.7, Cornelius—7.8, Forest Grove—10.0.

BN MAP NO. OR-37-2



Copies of the above map and other individual line maps in black and white are available upon request. Also, a booklet containing black and white maps of the entire BN system diagram map is available as is a color-coded map of the entire BN system. Maps may be obtained by addressing a request to Mr. Richard A. Batie, Manager, Franchise Development, Burlington Northern Railroad Company, 2900 Continental Plaza, 777 Main Street, Fort Worth, Texas 76102.

BURLINGTON NORTHERN RAILROAD COMPANY



BURLINGTON NORTHERN  
TRACKAGE TO BE  
ABANDONED

VANCOUVER

BNL

NORTH  
PLAINS

UJA

## STAFF REPORT

### **CONSIDERATION OF RESOLUTION NO. 93-1866 FOR THE PURPOSE OF ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF OREGON PARKS AND RECREATION DEPARTMENT TO BEGIN THE BURLINGTON NORTHERN RAILS TO TRAILS FEASIBILITY STUDY**

December 14, 1993

Presented by: Mel Huie

## FACTUAL BACKGROUND AND ANALYSIS

This Resolution would allow Metro to enter into an Intergovernmental Agreement with the State of Oregon Parks and Recreation Department (OPRD) to begin the Burlington Northern Rails to Trails Feasibility Study. The Burlington Northern Railroad Company has given notice to the federal Interstate Commerce Commission (ICC) and state of Oregon of a potential abandonment of a 15.27-mile segment from United Junction just north of the Sauvie Island Bridge to Beaverton. Two additional segments slated for potential abandonment are: a segment from Bowers Junction west to the city of Banks; and a segment from Beaverton to Forest Grove. These additional segments cover approximately 21 miles.

The potential rails to trails project would interconnect regionally significant natural areas and parks such as Forest Park, Multnomah Channel and Willamette River shoreline, recreational areas on Sauvie Island, Rock Creek, Tualatin Nature Park and the Banks-Vernonia Trail/Linear Park.

Local jurisdictions which would be connected by the proposed trail or have direct access to it include Portland, Scappoose, St. Helens, Banks, Vernonia, Forest Grove, Cornelius, Hillsboro and Beaverton. The trail would also cross Highway 26 and Highway 30, in addition to linking up to the proposed Greenway to the Pacific.

The Burlington Northern Rail (also referred to as Oregon Electric Railway) Corridor has been identified and mapped in Metro's Greenspaces Master Plan as a regionally significant future trail, and as a priority in the trails and greenways work program. OPRD requested that the Burlington Northern Rail Corridor be included in the Greenspaces Master Plan which was still being developed back in 1991.

During the summer of 1993, OPRD staff requested that Metro and its Greenspaces Program take the lead in carrying out the feasibility study. The study would be a cooperative effort among the affected public agencies, nonprofit organizations and citizens. Funding for the study would also be jointly shared. Metro's Greenspaces Master Plan and trails work program lists the rail corridor as a priority work task. Fifteen thousand dollars (\$15,000) was provided in the Adopted FY 1993-94 Budget for trails studies pending attraction of matching funds.

Funding and staff assistance will come from a coalition of agencies including:

a. Oregon Parks and Recreation Department	\$15,000 (plus staff assistance)
b. Multnomah County Park Services	5,000
c. Washington County Land Use and Transportation	0 (staff assistance only)

d. City of Portland Parks and Recreation	5,000 (plus staff assistance)
e. Tualatin Hills Park and Recreation District	2,500
f. Metro	15,000 (plus staff lead on study)
g. National Park Service	<u>0</u> (staff assistance only)
TOTAL	\$42,500

Burlington Northern Railroad Company currently anticipates an abandonment notice to be filed by June 1, 1996. An application to the ICC for abandonment could be filed sooner though.

The proposed work plan for the feasibility study is detailed in Exhibit A. It is divided into two phases. Phase I tasks would begin following Council approval and should take 12-18 months to complete. A working group/advisory committee would be established this fall to coordinate the feasibility study. Citizen participation activities will be built into the overall work program.

The Burlington Northern Rails to Trails Study Working Group/Advisory Committee would include, but not be limited to:

Terry Moore, Metro Councilor  
Susan McLain, Metro Councilor  
Sandi Hansen, Metro Councilor  
Jon Kvistad, Metro Councilor  
Pete Bond, Oregon State Parks  
Jim McElhinny, Tualatin Hills Park and Recreation District  
Nancy Chase, Multnomah County Park Services  
Hal Bergsma and Pat Vandell, Washington County Land Use and Transportation  
City of Beaverton Representative  
Scott Talbot, City of Hillsboro Parks Department  
Jim Sjulín, Portland Parks and Recreation Bureau  
Ed Immel, Oregon Department of Transportation  
Chris Carlson, National Park Service, Seattle, WA  
Barbara Walker, Citizen Representative and 40-Mile Loop Land Trust  
Bob Bothman, Citizen near corridor and Metro Citizen Involvement Committee  
Citizen and/or property owner adjacent to the rail line  
Neighborhood Organization or CPO member  
Metro Transportation/High Capacity Transit Staff  
Tri-Met Westside LRT Staff

Staff: Mel Huie, Metro

Phase II tasks would proceed when additional funding and/or staff resources are secured. Phase II entails the development of a master plan for the corridor. Please note that if the Burlington Northern Railroad Company officially requests an abandonment for the segment under study, the work program would have to be expedited, because the right-of-way can be returned to adjacent property owners (e.g., reversionary clauses related to railroad abandonments).

Proceeding with the study will allow Metro and its cooperating agencies to plan for a key and significant trail corridor for the region. Rail abandonments and conversions to trails offer unique opportunities for Metro and the cooperative Greenspaces Program. They must be acted upon expeditiously prior to reversionary land clauses taking effect. Once segments of a corridor are lost it is very difficult task to reassemble them for a trail.

The west side of the region lacks significant trail connections. The Burlington Northern Rail Trail would add a very much needed corridor to the west side. The proposed trail would link numerous jurisdictions, natural areas and parks, and interconnect to a potential 120-mile trail system linking the Oregon coast to downtown Portland.

**EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 93-1866.

MH/erb  
e:\pd\huie\brstudy

Meeting Date: December 23, 1993  
Agenda Item No. 6.1

**ORDINANCE NO. 93-521A**



**METRO**

DATE: December 17, 1993

TO: Metro Council  
Executive Officer  
Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 6.1; ORDINANCE NO. 93-521A

The Governmental Affairs Committee report will be distributed in advance to Councilors and available at the Council meeting December 23, 1993.

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 AN INTERGOVERNMENTAL )  
AGREEMENT WITH THE CITY OF )  
PORTLAND FOR A PREDICATE STUDY; )  
AND DECLARING AN EMERGENCY )

ORDINANCE NO. 93-521A

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 ~~[\$25,000 from the General Fund to the Support Service Fund and transferring \$25,000]~~ \$50,000 from the Support Service Fund contingency to the Procurement division of the Regional Facilities Department to fund an intergovernmental agreement with the City of Portland for a predicate study.

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. 93-521A**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SUPPORT SERVICE FUND:Regional Facilities Department</b>							
<b>Total Personal Services</b>		<b>10.40</b>	<b>587,328</b>	<b>0.00</b>	<b>0</b>	<b>10.40</b>	<b>587,328</b>
<b><u>Materials &amp; Services</u></b>							
521100	Office Supplies		11,369		0		11,369
521110	Computer Software		2,030		0		2,030
521260	Printing Supplies		2,900		0		2,900
521310	Subscriptions		1,049		0		1,049
521320	Dues		2,050		0		2,050
521400	Fuels & Lubricants		9,252		0		9,252
524190	Misc. Professional Services		20,100		0		20,100
525630	Maintenance & Repairs Services-Vehicles		2,773		0		2,773
525640	Maintenance & Repairs Services-Equipment		6,750		0		6,750
525732	Operating Lease Payments-Vehicles		28,800		0		28,800
526200	Ads & Legal Notices		15,850		0		15,850
526310	Printing Services		200		0		200
526410	Telephone		61,982		0		61,982
526420	Postage		2,688		0		2,688
526440	Delivery Services		500		0		500
526500	Travel		5,825		0		5,825
526700	Temporary Help Services		2,400		0		2,400
526800	Training, Tuition, Conferences		7,745		0		7,745
528100	License, Permits, Payments to Other Agencies		121,253		50,000		171,253
529500	Meetings		4,920		0		4,920
529800	Miscellaneous		2,000		0		2,000
<b>Total Materials &amp; Services</b>			<b>312,436</b>		<b>50,000</b>		<b>362,436</b>
<b>Total Capital Outlay</b>			<b>5,000</b>		<b>0</b>		<b>5,000</b>
<b>TOTAL EXPENDITURES</b>		<b>10.40</b>	<b>904,764</b>	<b>0.00</b>	<b>50,000</b>	<b>10.40</b>	<b>954,764</b>

**SUPPORT SERVICE FUND:General Expenses**

<b><u>Interfund Transfers</u></b>							
581513	Trans. Indirect Costs to Bldg. Fund-Regional Center		507,283		0		507,283
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Gen'l		30,791		0		30,791
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Workers' Comp		41,597		0		41,597
<b>Total Interfund Transfers</b>			<b>579,671</b>		<b>0</b>		<b>579,671</b>
<b><u>Contingency and Unappropriated Balance</u></b>							
599999	Contingency						
	• General		206,294		(50,000)		156,294
	• Builders License		23,165		0		23,165
599990	Unappropriated Fund Balance-Contractors License		151,566		0		151,566
<b>Total Contingency and Unappropriated Balance</b>			<b>381,025</b>		<b>(50,000)</b>		<b>331,025</b>
<b>TOTAL EXPENDITURES</b>		<b>85.12</b>	<b>6,802,525</b>	<b>0.00</b>	<b>0</b>	<b>85.12</b>	<b>6,802,525</b>

**Exhibit A  
Ordinance No. 93-521A**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b><u>FOR INFORMATION ONLY</u></b>							
<b>Regional Facilities (Procurement)</b>							
<b>Total Personal Services</b>		<b>4.25</b>	<b>241,836</b>	<b>0.00</b>	<b>0</b>	<b>4.25</b>	<b>241,836</b>
<b><u>Materials &amp; Services</u></b>							
521100	Office Supplies		7,552		0		7,552
521110	Computer Software		1,480		0		1,480
521310	Subscriptions		624		0		624
521320	Dues		625		0		625
524190	Misc. Professional Services		10,100		0		10,100
526200	Ads & Legal Notices		14,800		0		14,800
526440	Delivery Services		500		0		500
526500	Travel		2,400		0		2,400
526700	Temporary Help Services		2,400		0		2,400
526800	Training, Tuition, Conferences		2,735		0		2,735
528100	License, Permits, Payments to Other Agencies		0		50,000		50,000
529500	Meetings		3,000		0		3,000
<b>Total Materials &amp; Services</b>			<b>46,216</b>		<b>50,000</b>		<b>96,216</b>
<b>TOTAL EXPENDITURES</b>		<b>4.25</b>	<b>288,052</b>	<b>0.00</b>	<b>50,000</b>	<b>4.25</b>	<b>338,052</b>

**Exhibit B**  
**Schedule of Appropriations**  
**Ordinance No. 93-521A**

	Current Appropriation	Revision	Proposed Appropriation
<b>SUPPORT SERVICES FUND</b>			
Finance and Management Information			
Personal Services	2,238,932	0	2,238,932
Materials & Services	794,941	0	794,941
Capital Outlay	77,891	0	77,891
Subtotal	3,111,764	0	3,111,764
Regional Facilities			
Personal Services	587,328	0	587,328
Materials & Services	312,436	50,000	362,436
Capital Outlay	5,000	0	5,000
Subtotal	904,764	50,000	954,764
Personnel			
Personal Services	534,856	0	534,856
Materials & Services	59,646	0	59,646
Capital Outlay	6,675	0	6,675
Subtotal	601,177	0	601,177
Office of General Counsel			
Personal Services	434,876	0	434,876
Materials & Services	23,715	0	23,715
Capital Outlay	1,500	0	1,500
Subtotal	460,091	0	460,091
Public Affairs			
Personal Services	669,686	0	669,686
Materials & Services	91,247	0	91,247
Capital Outlay	3,100	0	3,100
Subtotal	764,033	0	764,033
General Expenses			
Interfund Transfers	579,671	0	579,671
Contingency	229,459	(50,000)	179,459
Subtotal	809,130	(50,000)	759,130
Unappropriated Balance	151,566	0	151,566
Total Fund Requirements	6,802,525	0	6,802,525

**Note: This action assumes adoption of Ordinance No. 93-514, funding the Construction Manager position; Ordinance No. 93-518, funding personal computer replacements in the Office of General Counsel; and Ordinance No. 93-516 funding a Greenspaces RFP**

**All Other Appropriations Remain As Previously Adopted**

## STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 93-521 AMENDING ORDINANCE NO. 93-487A  
REVISING THE FY 1993-94 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE  
PURPOSE OF FUNDING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF  
PORTLAND FOR A PREDICATE STUDY; AND DECLARING AN EMERGENCY

---

Date: October 26, 1993

Presented by: Neil Saling

## BACKGROUND AND ANALYSIS

Resolution No. 93-1860 for the purpose of authorizing the Executive Officer to execute an intergovernmental agreement with the City of Portland for a predicate study will be presented to the Council for consideration during the month of November. In September, 1992, the Metro Council authorized a Multi-Jurisdictional Statement of Mutual Understanding supporting and permitting a feasibility study to be pursued by Multnomah County as a precursor to a major predicate study. The intergovernmental agreement with the City of Portland for the predicate study is an outgrowth of the feasibility study. Participants in the IGA include the City of Portland, Multnomah County and Metro. A copy of Resolution No. 93-1860 and the accompanying staff report explaining the predicate study are attached.

This action amends the budget to allow for the cost of the intergovernmental agreement. The predicate study will be performed over two fiscal years. The total cost of Metro's contribution to the study is \$100,000, funded equally in each of FY 1993-94 and FY 1994-95. The study is necessary to respond to a Supreme Court decision which applies to government operations in general. It addresses a broad based social benefit for the long term social good and extends far beyond the contracting issues. As such, the study is proposed to be funded equally by the General Fund and the Support Service Fund. This action transfers \$25,000 from the General Fund to the Procurement division of the Regional Facilities Department in the Support Services Fund, and transfers \$25,000 from the Support Service Fund contingency to the Procurement division of the Regional Facilities Department.

## EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 93-521.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 93-1860
THE EXECUTIVE OFFICER TO	)	
EXECUTE AN INTERGOVERNMENTAL	)	
AGREEMENT WITH THE CITY OF	)	Introduced by Rena Cusma,
PORTLAND FOR A PREDICATE STUDY	)	Executive Officer

WHEREAS, a group of procurement professionals from various governmental agencies have met since October, 1991 to discuss and share information on their past and present minority and women-owned business enterprise (MBE/WBE) programs; and

WHEREAS, the group determined that, if MBE/WBEs were to receive preferential procurement treatment to remedy the present effects of past discrimination, a predicate study documenting past discrimination would be necessary; and

WHEREAS, the Metro Council in September, 1992 authorized a Multi-Jurisdictional Statement of Mutual Understanding supporting and permitting a feasibility study to be pursued by Multnomah County as a precursor to a major predicate study; and

WHEREAS, that study by Sara Glasgow Cogan & Associates outlined the requirements for and projected costs of such a multi-jurisdictional predicate study; and

WHEREAS, the City of Portland has endorsed a regional approach to such a predicate study, authorized \$175,000 in funding and directed the Mayor to seek funding partners to complete such a regional study; now, therefore,

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to execute an intergovernmental agreement with the City of Portland in substantial conformance with Exhibit A attached, so as to support and promote a regional predicate study.

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

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

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 AN INTERGOVERNMENTAL )  
AGREEMENT WITH THE CITY OF )  
PORTLAND FOR A PREDICATE STUDY; )  
AND DECLARING AN EMERGENCY )

ORDINANCE NO. 93-521

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 \$25,000 from the General Fund to the Support Service Fund and transferring \$25,000 from the Support Service Fund contingency to the Procurement division of the Regional Facilities Department to fund an intergovernmental agreement with the City of Portland for a predicate study.

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. 93-521**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SUPPORT SERVICE FUND:Resources</b>							
<u>Resources</u>							
305000	Fund Balance		133,936		0		133,936
321100	Contractors' License Fee		200,750		0		200,750
391010	Trans. of Resources from General Fund-Excise Tax		70,000		25,000		95,000
392010	Trans. Indirect Costs from General Fund		488,647		0		488,647
392120	Trans. Indirect Costs from Zoo Oper. Fund		1,048,727		0		1,048,727
392140	Trans. Indirect Costs from Planning Fund		1,005,862		0		1,005,862
392531	Trans. Indirect Costs from S.W. Revenue Fund		2,541,165		0		2,541,165
392550	Trans. Indirect Costs from OCC Operating Fund		299,249		0		299,249
392559	Trans. Indirect Costs from Conv. Ctr. Cap. Fund		66,580		0		66,580
392553	Trans. Indirect Costs from Spec. Fac. Fund		228,414		0		228,414
392160	Trans. Indirect Costs from Reg. Parks/Expo Fund		370,554		0		370,554
393010	Trans. Direct Costs from General Fund		40,000		0		40,000
393531	Trans. Direct Costs from S.W. Revenue Fund		56,181		0		56,181
393550	Trans. Direct Costs from OCC Operating Fund		153,556		0		153,556
393553	Trans. Direct Costs from Spec. Fac. Fund		61,772		0		61,772
393559	Trans. Direct Costs from Conv. Ctr. Cap. Fund		37,132		0		37,132
<b>TOTAL RESOURCES</b>			<b>6,802,525</b>		<b>25,000</b>		<b>6,827,525</b>

**Exhibit A**  
**Ordinance No. 93-521**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SUPPORT SERVICE FUND:Regional Facilities Department</b>							
<b>Total Personal Services</b>		<b>10.40</b>	<b>587,328</b>	<b>0.00</b>	<b>0</b>	<b>10.40</b>	<b>587,328</b>
<b><u>Materials &amp; Services</u></b>							
521100	Office Supplies		11,369		0		11,369
521110	Computer Software		2,030		0		2,030
521260	Printing Supplies		2,900		0		2,900
521310	Subscriptions		1,049		0		1,049
521320	Dues		2,050		0		2,050
521400	Fuels & Lubricants		9,252		0		9,252
524190	Misc. Professional Services		20,100		0		20,100
525630	Maintenance & Repairs Services-Vehicles		2,773		0		2,773
525640	Maintenance & Repairs Services-Equipment		6,750		0		6,750
525732	Operating Lease Payments-Vehicles		28,800		0		28,800
526200	Ads & Legal Notices		15,850		0		15,850
526310	Printing Services		200		0		200
526410	Telephone		61,982		0		61,982
526420	Postage		2,688		0		2,688
526440	Delivery Services		500		0		500
526500	Travel		5,825		0		5,825
526700	Temporary Help Services		2,400		0		2,400
526800	Training, Tuition, Conferences		7,745		0		7,745
528100	License, Permits, Payments to Other Agencies		121,253		50,000		171,253
529500	Meetings		4,920		0		4,920
529800	Miscellaneous		2,000		0		2,000
<b>Total Materials &amp; Services</b>			<b>312,436</b>		<b>50,000</b>		<b>362,436</b>
<b>Total Capital Outlay</b>			<b>5,000</b>		<b>0</b>		<b>5,000</b>
<b>TOTAL EXPENDITURES</b>		<b>10.40</b>	<b>904,764</b>	<b>0.00</b>	<b>50,000</b>	<b>10.40</b>	<b>954,764</b>

**SUPPORT SERVICE FUND:General Expenses**

<b><u>Interfund Transfers</u></b>							
581513	Trans. Indirect Costs to Bldg. Fund-Regional Center		507,283		0		507,283
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Gen1		30,791		0		30,791
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Workers' Comp		41,597		0		41,597
<b>Total Interfund Transfers</b>			<b>579,671</b>		<b>0</b>		<b>579,671</b>
<b><u>Contingency and Unappropriated Balance</u></b>							
599999	Contingency						
	• General		206,294		(25,000)		181,294
	• Builders License		23,165		0		23,165
599990	Unappropriated Fund Balance-Contractors License		151,566		0		151,566
<b>Total Contingency and Unappropriated Balance</b>			<b>381,025</b>		<b>(25,000)</b>		<b>356,025</b>
<b>TOTAL EXPENDITURES</b>		<b>85.12</b>	<b>6,802,525</b>	<b>0.00</b>	<b>25,000</b>	<b>85.12</b>	<b>6,827,525</b>

**Exhibit A  
Ordinance No. 93-521**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b><u>FOR INFORMATION ONLY</u></b>							
<b>Regional Facilities (Procurement)</b>							
<b>Total Personal Services</b>		<b>4.25</b>	<b>241,836</b>	<b>0.00</b>	<b>0</b>	<b>4.25</b>	<b>241,836</b>
<b><u>Materials &amp; Services</u></b>							
521100	Office Supplies		7,552		0		7,552
521110	Computer Software		1,480		0		1,480
521310	Subscriptions		624		0		624
521320	Dues		625		0		625
524190	Misc. Professional Services		10,100		0		10,100
526200	Ads & Legal Notices		14,800		0		14,800
526440	Delivery Services		500		0		500
526500	Travel		2,400		0		2,400
526700	Temporary Help Services		2,400		0		2,400
526800	Training, Tuition, Conferences		2,735		0		2,735
528100	License, Permits, Payments to Other Agencies		0		50,000		50,000
529500	Meetings		3,000		0		3,000
<b>Total Materials &amp; Services</b>			<b>46,216</b>		<b>50,000</b>		<b>96,216</b>
<b>TOTAL EXPENDITURES</b>		<b>4.25</b>	<b>288,052</b>	<b>0.00</b>	<b>50,000</b>	<b>4.25</b>	<b>338,052</b>

**Exhibit A**  
**Ordinance No. 93-521**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>General Fund:All Other Expenditures</b>							
<b>Total Other Expenditures</b>			<b>1,955,479</b>		<b>0</b>		<b>1,955,479</b>
<b>General Fund:General Expenses</b>							
<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
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		25,000		95,000
582160	Trans. Resources to Reg. Parks/Expo Fund-Greenspaces		593,172		0		593,172
582160	Trans. Resources to Reg. Parks/Expo Fund-Parks		80,000		0		80,000
<b>Total Interfund Transfers</b>			<b>3,299,770</b>		<b>25,000</b>		<b>3,324,770</b>
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		392,500		(25,000)		367,500
599990	Unappropriated Fund Balance		267,665		0		267,665
<b>Total Contingency and Unapp. Balance</b>			<b>660,165</b>		<b>(25,000)</b>		<b>635,165</b>
<b>TOTAL EXPENDITURES</b>		<b>16.00</b>	<b>5,915,414</b>	<b>0.00</b>	<b>0</b>	<b>16.00</b>	<b>5,915,414</b>

**Note: This action assumes adoption of Ordinance No. 93-514, funding the Construction Manager position; Ordinance No. 93-518, funding personal computer replacements in the Office of General Counsel; and Ordinance No. 93-516 funding a Greenspaces RFP**

**Exhibit B**  
**Schedule of Appropriations**  
**Ordinance No. 93-521**

	Current Appropriation	Revision	Proposed Appropriation
<b>SUPPORT SERVICES FUND</b>			
Finance and Management Information			
Personal Services	2,238,932	0	2,238,932
Materials & Services	794,941	0	794,941
Capital Outlay	77,891	0	77,891
Subtotal	3,111,764	0	3,111,764
Regional Facilities			
Personal Services	587,328	0	587,328
Materials & Services	312,436	50,000	362,436
Capital Outlay	5,000	0	5,000
Subtotal	904,764	50,000	954,764
Personnel			
Personal Services	534,856	0	534,856
Materials & Services	59,646	0	59,646
Capital Outlay	6,675	0	6,675
Subtotal	601,177	0	601,177
Office of General Counsel			
Personal Services	434,876	0	434,876
Materials & Services	23,715	0	23,715
Capital Outlay	1,500	0	1,500
Subtotal	460,091	0	460,091
Public Affairs			
Personal Services	669,686	0	669,686
Materials & Services	91,247	0	91,247
Capital Outlay	3,100	0	3,100
Subtotal	764,033	0	764,033
General Expenses			
Interfund Transfers	579,671	0	579,671
Contingency	229,459	(25,000)	204,459
Subtotal	809,130	(25,000)	784,130
Unappropriated Balance	151,566	0	151,566
<b>Total Fund Requirements</b>	<b>6,802,525</b>	<b>25,000</b>	<b>6,827,525</b>
<b>GENERAL FUND</b>			
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

**Exhibit B**  
**Schedule of Appropriations**  
**Ordinance No. 93-521**

	Current Appropriation	Revision	Proposed Appropriation
<b>GENERAL FUND (continued)</b>			
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	3,299,770	25,000	3,324,770
Contingency	392,500	(25,000)	367,500
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

**Note:** This action assumes adoption of Ordinance No. 93-514, funding the Construction Manager position; Ordinance No. 93-518, funding personal computer replacements in the Office of General Counsel; and Ordinance No. 93-516 funding a Greenspaces RFP

**All Other Appropriations Remain As Previously Adopted**

HISTORICAL DATA, SUPPORTING DOCUMENTATION FOR LEGISLATION



## METRO

DATE: November 16, 1993

TO: Governmental Affairs Committee  
Finance Committee

FROM: Casey Short<sup>cl</sup> Council Analyst  
Donald E. Carlson, Council Administrator *DE*

RE: Disparity/Predicate Study

Ordinance No. 93-521 and Resolution No. 93-1560 have been referred to the Governmental Affairs and Finance Committees. These two companion pieces of legislation would authorize the Executive Officer to execute an intergovernmental agreement with the City of Portland for a predicate/disparity study to determine the extent of past discrimination in contracting practices, and would make available the funds for Metro's participation in such a study. Multnomah County will also participate, and has committed funds for the study. Relevant background information and justification is included in the materials accompanying the legislation.

In addition to the basic issue of the justification and need for Metro's participation in this study as it relates to remedying any past discrimination, there are some other issues we would like to raise for committee and Council consideration.

1. What will be the benefit to Metro of taking part in the study?

The policy decision of whether to participate in the study should be viewed in the context both of Metro within the broader local government community and of Metro as an independent jurisdiction. Participation through the proposed intergovernmental agreement would clearly establish this agency as a partner with other jurisdictions in the region in taking steps to identify, and remedy to the applicable extent, past discrimination in certain sectors of the community.

In addition, however, the specific benefit for this agency should also be identified. How will Metro's participation in the study directly benefit this agency? To what extent will Metro's participation be reflected in the structure of the study, with results that are directly tied to the interests of this agency?



2. What results can the study be expected to produce, and is the expenditure justified regardless of the outcome?

The purpose of the study is to determine whether there is evidence of past discriminatory practices in which governments actively or passively participated, through the awarding of public contracts. If such evidence is found, "narrowly tailored" remedies may be implemented to correct the effects of such past discrimination. These remedies must address the specific relevant sectors of the business community which the study finds to have practiced discrimination.

The purpose of this study - and the expenditure of hundreds of thousands of dollars of public funds - should be considered to be broader than just to document past discrimination. Croson requires such a study be performed in order to establish a basis for remedy, but the study may not produce results which justify any remedies. It may conclude that there was wholesale racial and gender discrimination in the building trades, or that there is no documentable history of any such discrimination, or that certain segments of the industry practiced some forms of racism or sexism in the past. Participating jurisdictions, including Metro, must be prepared to accept the study's results regardless of its conclusions. This implies that a result which documents no discrimination is to be deemed worthy of the expenditure. Is the expenditure of Metro funds justified on the basis of the project itself, even if the result is one that does not produce data that could justify remedies?

3. What is the basis for the total study cost, Metro's share of the cost, and how will the study be conducted?

The documents in the agenda packet do not contain a scope of work for the study. Has a scope of work been developed, or does that await determination of the amount of funds available? What will the total \$375,000 buy, and what will Metro receive for its \$100,000? How was the split of funds among the participating jurisdictions determined, and should Metro's share be 27% of the total?

4. What is the status of other jurisdictions' participation in the study?

Portland and Multnomah County are cited as pledging funds for this project. Have other jurisdictions in the region, including the Port of Portland, the State of Oregon, and Washington and Clackamas Counties, agreed or declined to participate?

5. What is the justification for splitting the cost of the study between the General and Support Service Funds?

Disparity/Predicate Study

November 16, 1993

Page 3

6. Who should be Metro's liaison to the City on this project?

It is our understanding that this project is being managed by the Portland City Attorney's office, with Multnomah County Counsel serving as the County's liaison. This implies that the project's focus will be on legal issues, to determine whether the standards set in Croson can be achieved through the study.

If so, should Metro's participation correspondingly be handled through the Office of General Counsel rather than the Procurement Office in the Regional Facilities Department, and should the legislation be amended to appropriately reflect the management responsibility?

cc: Metro Councilors  
Neil Saling  
Dan Cooper  
Dick Engstrom

MEMORANDUM

TO: Rena Cusma and METRO Council

FROM: Margaret R. Garza, *MRG*  
IMPACT Business Consultants, Inc.

DATE: November 18, 1993

Subject: DISPARITY STUDY

This memorandum is written in support of Metro's efforts to fund the disparity study of racial discrimination in public contracting.

IMPACT Business Consultants, Inc. is a privately owned management consulting firm providing technical business services to minority/women owned businesses throughout the states of Oregon, Washington, Utah, and Arizona. We are under contract with several local, state and federal agencies to provide such services to these businesses. As such, we strongly support the efforts of Metro council and Metro staff to ensure significant participation of Minority and Women businesses on locally funded projects. Again, we at IMPACT Business Consultants, Inc. applaud the commitment of Metro staff and council in this endeavor.

This disparity study is greatly needed and long overdue. This study would allow the public contracting entities such as Metro to implement contracting goals and return to a more strict contracting program. A vehicle that has worked in the past in assisting the public contracting entities to contract with its local constituents of minority and women businesses.

Thank you for your continued interest in Minority/Women business development. Should you have any inquiries in reference to this memo, please do not hesitate to call or write.

Respectfully submitted.



## METRO

DATE: November 18, 1993  
TO: Metro Councilors  
FROM: *JW* Councilor Judy Wyers  
RE: Predicate Study

I am attaching a copy of a letter from Governor Roberts to Portland Mayor Katz which raises a number of concerns regarding the predicate study the City of Portland proposes to undertake. Metro is being asked to participate in and help fund this study.

I share those concerns raised in the Governor's letter, and want to express some additional ones of my own. These include:

- How much will the study cost Metro and how will Metro be obligated if there are additional costs beyond an original amount? Can we opt to spend fewer dollars?
- Will Metro's financial participation ensure that Metro's interests in this issue will be fully reflected throughout the region, or will it serve merely to broaden the scope of the study?
- If the study is to concentrate on construction contractors (such as plumbers), what will be the benefit to Metro, given our anticipated reduction in construction activity?
- What authority will Metro have to ensure that any remedial measures can be effectively implemented, or would Metro be obligated to other jurisdictions for remedial costs?
- Will Metro be able to participate in the preparation of the study's scope of work and the selection of the contractor to perform the study?
- What legal liabilities might we assume by participating in the study if it finds that discrimination had occurred? Might a study show that public sector contracting in this community is actually high in proportion to the numbers of minority population and minority businesses in the region?
- What has been the experience of jurisdictions that have performed similar studies, in terms of cost and results?

Disparity Study  
November 18, 1993  
Page 2

- Who will participate in the study from the City of Portland?
- Might Metro offer to provide staff support to the study effort, rather than commit dollars?

These questions need to be answered, in addition to those submitted earlier by Council staff, before the Council can consider the substantive question of whether to authorize Metro's participation in this study.

cc: Executive Officer Rena Cusma  
Neil Saling  
Dan Cooper



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310-0370  
TELEPHONE: (503) 378-3111  
TDD (503) 378-4859

October 21, 1993

The Honorable Vera Katz  
Mayor of Portland  
1220 S.W. Fifth Avenue  
Portland, OR 97204

Dear Mayor Katz:

I am committed to making sure disadvantaged businesses receive a fair share of government contracts. The State of Oregon shares City of Portland's concern that the Croson decision will hurt efforts to improve Disadvantaged Business Enterprises' participation in regional construction contracts. As one of the largest users of goods and services, we realize the importance of establishing a policy that includes all Oregonians in a fair and equitable way.

Because of my personal commitment, the state has begun programs to increase participation of disadvantaged businesses through mentorships and training in general business practices. We are also restructuring our policy for procurement and contracting. In addition, the Multi-Jurisdictional Feasibility Study (with the state as a participant) pointed out the need to standardize data collection. We have developed a reporting system that will provide subcontracting information that could be used in a future disparity study.

It is important to move forward in this area, and I appreciate your willingness to tackle this most difficult issue. The State is interested in working with the City on the proposed disparity study, but I have several concerns and cannot commit state funds at this stage in the process.

These are my concerns:

1. That the study will only cover construction contractors, when there are other areas where disadvantaged business are grossly impacted by the Croson decision.
2. That the disparity study may not give us the legal authority to reject bids that do not have DBE subcontractors named.

Page 2  
Mayor Katz  
October 21, 1993

3. That the State have input into the legality of the study, the contractor that conducts the study and the study's geographic scope. As you are aware, in order for a jurisdiction to set numerical goals, the data must be collected from the same geographical area in which the goals apply. The region and types of contractors covered are important issues to the State.

4. That the State can't evaluate the estimated cost of \$700,000 until the City has defined the type of study it will conduct.

I hope we can resolve some of these concerns. Faye Burch, of my staff, and Wendy Robison, of the Justice Department, are available to work with you and your staff on these issues. Faye may be reached at (503) 378-5651, ext. 223, and Wendy Robinson at (503) 378-6986.

We share a commitment to fairness and to improving opportunities for disadvantaged businesses; I hope we can find a way to be partners in meeting that commitment.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Roberts".

Barbara Roberts  
Governor

CC: Tom Bartlett  
Don Forbes  
Cam Birnie  
Faye Burch ✓  
Wendy Robinson



City of Portland  
Vera Katz  
Mayor

November 17, 1993

THE HONORABLE BARBARA ROBERTS  
GOVERNOR, STATE OF OREGON  
STATE CAPITOL  
SALEM OR 97310-0370

Post-It™ brand fax transmittal memo 7671		# of pages >
To Madelyn W.	From Vera Katz	
Co.	Co.	
Dept.	Phone #	
Fax # 797-1796	Fax #	

Re: Regional Disparity Study

Dear Governor Roberts:

Thank you for your letter dated October 21, 1993 regarding my request that the state consider participation in a regional disparity study. As you know, many regional governments and the State of Oregon have been discussing the feasibility of such a study for some time. You have noted a number of concerns regarding the state's participation in such a study.

1) "That the study will only cover construction contractors, when there are other areas where disadvantaged business are grossly impacted by the Croson decision."

Comments: A legal opinion issued to the state's Minority, Women & Emerging Small Business Office by Assistant Attorney General Wendy Robinson a year ago confirms that any disparity study must focus specifically on individual industry sectors, such as construction. The opinion states that: "The jurisdiction must prove particular discrimination suffered by minorities in the particular industry to be benefitted by the remedial program." The Multi-Jurisdictional Disparity/Predicate Feasibility Study (hereinafter "'Predicate" study) in which some fourteen regional governments and the State of Oregon participated, also concluded that: "The jurisdiction must demonstrate a statistical disparity between the participation of minorities and/or women-owned businesses in purchasing and contracting and their availability in a given industry in that jurisdiction." (See page 19).

Over the past several years, minority community advocates as well as administrators and others involved in-house with purchasing and contracting issues, have been overwhelmingly concerned with



The Honorable Barbara Roberts  
November 17, 1993  
Page 2

the impact of the Croson decision on our public works contracting programs. The Oregon Commission on Black Affairs which held hearings concerning the impact of Croson on African American businesses and contractors in May of 1992, also concluded that discrimination against minority contractors continues to adversely affect opportunities for minority businesses and recommended that a disparity study be initiated by the State of Oregon. Because the weight of the concerns and complaints we have heard have centered on this particular industry, we have decided that the construction industry, broadly defined, ought to be the focus of the disparity study we are currently designing. To broaden the study to include other industries or sectors would undoubtedly involve an even greater investment of public funds and does not appear to be warranted based on the evidence before us at this time. If the state believes that there "are other areas where disadvantaged business[sic] are grossly impacted" by Croson as well, the state could design a supplemental study aimed at those areas in order to comply with the Croson decision. I would be happy to review such a proposal at any time and seek funding from our City Council should the facts support the need for such supplemental studies.

2) "That the disparity study may not give us the legal authority to reject bids that do not have DBE subcontractors named."

Comments: It is clear that we cannot prejudge the specific outcome of the proposed study. Since we do not and indeed, cannot know what the study will establish factually, we cannot say for sure what types of remedial measures will be viewed as legally appropriate. I believe that set-asides are one tool among many which can and will assist our government in ensuring that minority and women owned businesses have an equal opportunity to participate in the public contracting opportunities which their tax dollars help to fund. However, we plan on designing the study such that it is capable of establishing the predicate for other types of programs or methodologies, as well. Thus, other types of assistance, such as percentage advantages in bidding, rewarding mentorships of MBE's and WBE's, focussing on employment and training of minorities and women in the construction trades, are some of the other areas in which I believe the disparity study will give us invaluable information and enhanced legal tools.

3) "That the State have input into the legality of the study, the contractor that conducts the study and the study's scope."

Comments: Fourteen governments and state agencies cooperated in the earlier "Predicate" study. It goes without saying that any multi-jurisdictional effort will involve a substantial amount of

The Honorable Barbara Roberts

November 17, 1993

Page 3

coordination on many fronts. At this time, an Intergovernmental Agreement is being prepared for the City, Multnomah County, and Metro to coordinate disposition of some of the key issues. Deputy City Attorney Madelyn Wessel who is staffing the disparity study from the City end is happy to work with your staff and has told Faye Burch and others of her willingness to do so many times. We will, however, soon be at a planning stage where the study and bid specifications have been contoured to fit the needs of those governments which have made a commitment to participate.

4) "That the State can't evaluate the estimated cost of \$700,000 until the City has defined the type of study it will conduct."

Comments: The "Predicate" analysis prepared by Sara Glasgow Cogan & Associates last year provided a "ballpark" estimate of approximately \$700,000 for a study meeting the needs of the fourteen study participants. Her study was submitted almost a year ago after the state and others had an extensive opportunity to comment and react to earlier drafts. We do not believe that any precise figure can be guaranteed of course, as the Cogan "Predicate" study and our own in-house estimates have necessarily been based on comparative figures from other jurisdictions which can only roughly be said to resemble the Portland region, or the state as a whole.

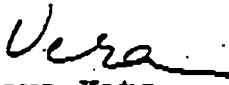
At this time we estimate our study costs to be roughly in the \$400,000 range, because we anticipate a focus on the tri-county "metropolitan" region. Should the state decide to participate, the scope of the study and its costs would undoubtedly increase. In assessing the potential cost of full or partial participation by the state, it seems obvious that you and your staff will need to determine what the state would like to address both geographically and in terms of industry "scope."

The Oregon Commission on Black Affairs made its recommendation for a disparity study in November of 1992. The intergovernmental "Predicate" study was completed in December of 1992. I wrote asking for your support for such a study in May of this year. The Portland City Council unanimously voted to support and fund a disparity study in June of this year. We continue to be interested in working with the state on a disparity study, but we are moving forward. Please let me know if any of my staff can be of assistance at any time. Deputy City Attorney Madelyn Wessel can be reached at (503) 823-4047. My Executive Assistant Sam Adams can be reached at (503) 823-4125.

The Honorable Barbara Roberts  
November 17, 1993  
Page 4

Thank you for your consideration of the proposed study.

With warm regards,

  
Vera Katz  
Mayor

BARBARA ROBERTS  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310-0370  
TELEPHONE: (503) 378-3111

November 22, 1993

Judy Wyers  
President  
METRO  
600 NE Grand  
Portland, Oregon 97232

Dear President Wyers:

I would like to reinforce the State of Oregon's position on the regional disparity study. We are supportive, however, in any major decision involving state agencies we need to carefully evaluate the ramifications of the study with our legal counsel. I expect the City of Portland counsel, Maddelyn Wessel and State of Oregon counsel, Wendy Robinson will be meeting about our concerns this week. I'm sure your counsel would be welcome at this meeting.

As I said during our earlier conversation, I would recommend that METRO also consider being a partner in this regional study. Partnership can be in the form of dollars, staff assistance or legal counsel. I expect our participation to include a combination of all three.

Metro has a very good program thanks to the efforts of Rich Wiley and Amha Hazen, but all of our jurisdictions can and should do more to make contracting opportunities more equitable.

Sincerely

*Faye Burch*

Faye Burch  
Governor's Advocate for Minority, Women & Emerging Small Business

cc: Casey Short  
Ed Washington  
Maddelyn Wessel  
Wendy Robinson  
Rich Wiley  
Amha Hazen

**METRO**

Date: November 30, 1993

To: Judy Wyers, Metro Council Presiding Officer

From: Neil Salinger, Director of Regional Facilities

Re: Questions Regarding Proposed Disparity/Predicate Study

---

The following responds to questions raised by you, Don Carlson and Casey Short in separate memorandums dated November 16 and 17, 1993.

General

The majority of the background for the proposed Disparity/Predicate (D/P) Study is contained in the Staff Report which accompanies proposed Resolution No. 93-1560. As you may recall, the Council-appointed committee which drafted Metro's present MBE/WBE program recommended the D/P study be undertaken. That same group testified before the Government Affairs Committee on November 18, 1993, making a strong argument for a study which would again require Metro to effectively set aside a portion of its contracts for minority enterprises.

There appears to be an implicit assumption on the part of the more vocal proponents for the D/P study that disparity resulting from discrimination will be found. Further, it is assumed that some form of set-asides will be at least one of the remedial measures. This may not be the case. It is also possible that a narrowly tailored remedial response would provide preferential opportunities only to firms who can document economic hardship due to Metro action or inaction. An important phase of the study is the determination of appropriate remedial measures given the extent of the disparity and the nature of its causes. Thus, in many respects, a complete answer to many of the questions posed would require the study be undertaken.

The Council should also be aware that Croson requires that remedial measures be taken in concert with a race and gender neutral program. This suggests that an Emerging Small Business (ESB) program, emphatically rejected by the Council-appointed committee, may need to be crafted and implemented at Metro.

Q1. What will be the benefit to Metro of taking part in the study?

A1. Mr. Short's response which follows succinctly states the qualitative response to this question:

"The policy decision of whether to participate in the study should be viewed in the context of Metro within the broader local government community and of Metro as an independent jurisdiction. Participation through the proposed intergovernmental agreement would clearly establish this agency as a partner with other jurisdictions in the region in taking steps to identify, and remedy to the applicable extent, past discrimination in certain sectors of the community."

Recognition by the minority community that Metro is willing to carefully examine the potential for discriminatory impacts and take appropriate corrective action is the only direct benefit to the agency. The study will cost the agency \$100,000 but, until the study is completed, any added costs for remedial programs are difficult to impossible to forecast. If set-asides and/or quotas are the extent of the remedial measures, our program costs would be only those accruing from a lack of competitive bidding. Other remedial programs, such as training or bond underwriting, could cost more.

Based on Metro's regional nature, it must be an active study participant to gain the broader study coverage. Similarly, the restriction of the study in the construction industry is not in Metro's best interest and Metro must make its desires known to preclude a narrow scope which provides only a portion of Metro's needs.

- Q2. What results can the study be expected to produce, and is the expenditure justified regardless of the outcome?
- A2. The study can be expected to produce statistical and anecdotal evidence of discrimination, probably not on the part of Metro. Here the question of discrimination against a firm or enterprise can be blurred by testimony of discrimination against an individual. The statistical analysis of minority firms may show that the use of those firms by Metro and other public agencies is proportionate to their availability. Such a result is not anticipated by the minority community, but Metro must be prepared to accept such a result. Metro would have no basis for preferential program absent the D/P study.
- Q3. What is the basis for the total study cost, Metro's share of the cost, and how will the study be conducted?
- A3. Metro's participation level of \$100,000 is patterned after Multnomah County. The overall study funds of \$375,000 are somewhat lower than those provided in other similar studies. A final scope of work has not yet been developed. (The Feasibility Study suggested a consultant be hired just to draft the Scope of Work.) The City of Portland is envisioned as the study leader.
- Q4. What is the status of other jurisdictions' participation in the study?
- A4. To date only the City of Portland and Multnomah County have expressed a strong interest in participating in the D/P study.
- Q5. What is the justification for splitting the cost of the study between the General and Support Service Funds?
- A5. The primary beneficiary of the study is the agency in general. A secondary "beneficiary" is the procurement system funded by the Support Service Fund. There is no formal paradigm for the division of the study costs.
- Q6. Who should be Metro's liaison to the City on this project?

- A6. Berit Stevenson will be the lead analyst for Metro. This reflects her familiarity with both procurement and construction practices. General Counsel will play a supporting role providing legal analysis and guidance. This mix will continue Metro's present practice of using legal staff as advisors/litigators, keeping project management in the department/administrative category.
- Q7. How much will the study cost Metro and how will Metro be obligated if there are additional costs beyond an original amount? Can we opt to spend fewer dollars?
- A7. Metro's recommended share in the D/P study cost is \$100,000 over two fiscal years. Metro Council can reserve to itself decisions on any added expenditures or choose to provide a lesser level of initial funding.
- Q8. Will Metro's financial participation ensure that Metro's interests in this issue will be fully reflected throughout the region, or will it serve merely to broaden the scope of the study?
- A8. Metro's participation in the study will require examination of the entire region. Thus, Metro's participation would broaden the scope of the study. Similarly, Metro may see a need to address industry sectors beyond those of interest to the City and the County.
- Q9. If the study is to concentrate on construction contractors (such as plumbers), what will be the benefit to Metro, given our anticipated reduction in construction activity?
- A9. A study addressing only construction firms and related specialty contractors would be of lesser utility to Metro than a study addressing multiple industry sectors.
- Q10. What authority will Metro have to ensure that any remedial measures can be effectively implemented, or would Metro be obligated to other jurisdictions for remedial costs?
- A10. Any remedial measures must be tailored to the agency. Thus, Metro would control its own remedial activities. Metro would not be obligated to another agency for remedial costs without some form of implementing agreement.
- Q11. Will Metro be able to participate in the preparation of the study's scope of work and the selection of the contractor to perform the study?
- A11. Yes. Participation in formulating the Scope of Work and in selection of the study contractor is a basis tenet of the Intergovernmental Agreement with the City.
- Q12. What legal liabilities might we assume by participating in the study if it finds that discrimination has occurred? Might a study show that public sector contracting in this community is actually high in proportion to the numbers of minority population and minority businesses in the region?

A12. The question of legal liability has been referred to the Metro General Counsel and will be addressed under separate cover. There is a distinct possibility that a careful statistical analysis might show that no disparity exists in Metro contracting with minorities when compared to the demographics of the minority population or to the available minority enterprises.

Q13. What has been the experience of jurisdictions that have performed similar studies, in terms of cost and results?

A13. Similar studies in King County and San Francisco have been more expensive, both in terms of consultant cost and staff time. The costs, as estimated in the Feasibility Study, were \$577,750 and \$1,522,000 respectively. The Feasibility Study estimate for a comparable study in the Portland area was \$700,000.

Major studies to date have found discrimination, but not in all industry sectors. The corrective action in most cases involved project goals and/or set-asides. Much of what is being done can be categorized as increased information flow, oversight and outreach. Metro now has many of these measures in place but without specific quotas or set-asides.

Q14. Who will participate in the study aside from the City of Portland?

A14. The study manager from the City is Madeline Wessel, an attorney. It is understood that she is directly responsible to Mayor Katz. No other City staff have been specifically identified.

Q15. Might Metro offer to provide staff support to the study effort, rather than commit dollars?

A15. Significant Metro staff effort is anticipated to support the study in addition to the commitment of funds. The level of staff support required of all participants may be better defined after a Scope of Work is crafted.

A summary of MBE/WBE participation in Metro contracting since the implementation of its present MBE/WBE/DBE program is attached.

Enclosure

cc: Don Carlson  
Dick Engstrom  
Dan Cooper  
Berit Stevenson  
Rich Wiley



METRO

MBE/WBE PARTICIPATION

JANUARY 1, 1993 - NOVEMBER 30, 1993

CATEGORY	TOTAL	MBE	%	WBE	%
PERSONAL SERVICES	2,762,743.00	335,279.00	12.14	154,688.00	5.60
LABOR & MATERIALS	3,874,176.00	31,582.00	0.82	122,284.00	3.16
CONSTRUCTION	9,556,603.00	483,651.00	5.06	285,290.00	2.99
PROCUREMENT	5,635,458.00	132,409.00	2.35	114,126.00	2.03
TOTAL	21,828,980.00	982,921.00		676,388.00	



**METRO**

*Daniel B. Cooper*  
**Tele: (503) 797-1528**  
**FAX (503) 797-1792**

December 9, 1993

The Honorable Judy Wyers  
Metro Council Presiding Officer  
600 N.E. Grand Avenue  
Portland, OR. 97232-2736

Re: Disparity Study

Dear Presiding Officer:

Neil Saling has referred to me a question that has been asked regarding the potential legal liability for Metro if it participates in the disparity study that has been proposed by the City of Portland.

Metro has two possible exposures to claims based on federal and state laws prohibiting discrimination based on race, ethnic status or gender. The first exposure is for claims based on allegations that Metro is an actor or active participant in discriminatory activity. The second area of exposure is to claims that Metro has policies or programs that unlawfully create preferences based on race, ethnic status or gender.

The purpose of the disparity study is to determine if there is a factual basis for Metro to adopt narrowly tailored programs to remedy past practices of discrimination by specific industries against specific racial, ethnic or gender based groups. This requirement for a study is based on federal court decisions City of Richmond v. J.A. Croson Company, 488 U.S. 469 (1989); Coral Construction Company and Columbia Chapter of the Associated General Contractors of American v. King County, 1991 U.S. App. (9th Cir. Aug 8, 1991. This Office has previously advised the Metro Council and Executive Officer that the Metro DBE/WBE program in effect at the time the Coral decision was rendered was in violation of the legal requirements established there. In order to avoid potential legal liability, the Council and Executive Officer took action to discontinue the previous program and adopted the current program which we believe is valid.

The Honorable Judy Wyers

December 9, 1993

Page 2

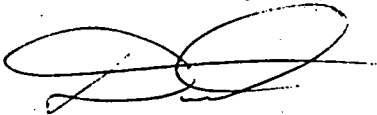
In order to find that past acts of discrimination have occurred that justify legislating further in this area Metro need not conclude or admit that it as an entity has engaged in prohibited conduct. Rather, it must establish that evidence exists that others have engaged in such conduct. However, Croson and Coral do not require that Metro determine which specific individuals have actually engaged in such practices or determine beyond a reasonable doubt that unlawful acts have occurred.

Neither Croson nor Coral require that a municipality "admit liability" before adopting a remedial program. Based on our general knowledge and experience, as well as due inquiry into Metro's affairs, this Office believes that Metro itself as an entity has not engaged in any prohibited acts of discrimination. Metro officials have certified to the federal government on an annual basis the absence of such discrimination, and we believe there is currently no basis for finding that Metro has any legal liability for past acts of discrimination.

The context in which the disparity study will be conducted is based on an assumption that Metro has no duty to remedy past discrimination. Such a finding of a duty could only arise out of a prosecution or investigation by a federal or state authority and would be in the form of a court order or other remedy. That is not the case in the disparity study. Rather, the proposed study and the court opinions in Croson and Coral reflect that such a study is a requirement if a local government decides as a policy matter to initiate a remedial program to correct the affect of discrimination on the part of others.

In this context, the study is not necessarily a sword that will result in potential liability for its sponsors. However, if the study does reveal that Metro has in fact actively engaged in prohibited activity, Metro officials may have a duty to report this matter to the appropriate authorities.

Yours very truly,



Daniel B. Cooper,  
General Counsel

gl

1772/1.87

Meeting Date: December 23, 1993  
Agenda Item No. 6.2

**ORDINANCE NO. 93-525**

**METRO**

DATE: December 17, 1993

TO: Metro Council  
Executive Officer  
Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 6.2; ORDINANCE NO. 93-525

The Finance Committee will meet on December 22 to consider Ordinance No. 93-525. Committee reports will be distributed to Councilors as soon as possible before the Council meeting December 23 and copies will be available for the public at that time.

## REGIONAL FACILITIES COMMITTEE REPORT

---

ORDINANCE NO. 93-525, REVISING THE FY 1993-94 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF TRANSFERRING CONTINGENCY TO FUND REMAINING METRO REGIONAL CENTER PROJECT COMMITMENTS; AND DECLARING AN EMERGENCY.

Date: December 7, 1993

Presented by: Councilor Gardner

**COMMITTEE RECOMMENDATION:** At its December 1, 1993 meeting the Regional Facilities Committee voted 5-0 to recommend Council adoption of Ordinance No. 93-525. All committee members were present and voted in favor.

**COMMITTEE DISCUSSION/ISSUES:** Regional Facilities Director Neil Saling presented the staff report. He discussed the background to the Metro Regional Center project, and summarized the project's funding sources and expenditures. He said the General Revenue Bond Fund contingency contains some \$133,000, and the ordinance would move \$103,000 of that to the Fund's construction account in order for it be available for expenditure. (The remaining \$30,000 is proposed to be transferred in Ordinance No. 93-514 to pay for personnel costs related to the Regional Facilities Construction Manager.)

Council Analyst Casey Short pointed out to the committee that there is less money in contingency than is budgeted, and that difference is due to more money being spent on the project in 1992-93 than was anticipated when the budget was approved. Mr. Short asked Mr. Saling to explain the proposed uses for \$212,000 in contingency in a Renewal & Replacement Account. Mr. Saling said that money became available early in the project, following a correction in project management billings. Those funds are not included in the transfers contained in the ordinance, and are expected to be in the 1994-95 budget for renewal and replacement.

Mr. Short asked what would happen if the ordinance doesn't pass. Mr. Saling said he would have to issue a stop work order for work now being done on the first floor. He said he didn't think he had committed funds beyond those available without using the contingency. Mr. Short asked how the contract for current work was structured, to see whether there was flexibility to stop the work without incurring financial liability. Mr. Saling said the current work is part of a change order, and he could stop work if it were necessary. He added he would not like to do so because it would leave work unfinished, which is needed for office space.

Councilor Gardner asked Mr. Saling to distinguish among items in Attachment 1, to note which had been committed to vs. those which are just anticipated. He went over those items, and said several of them, totaling over \$200,000, would not be done. Most of the remainder had been paid or committed. He added that there have been changes to work anticipated since the attachment was

prepared, so it does not accurately reflect commitments or work still planned.

Councilor Monroe said he wants to ensure that funds haven't been committed prior to approval for the expenditures being given.

Council Administrator Don Carlson asked if the work being done now was based on current appropriation, and whether any unanticipated work would be subject to a change order and subsequent Council approval. Mr. Saling said that of some \$300,000 budgeted for the downstairs office space project, about half of the work had been completed. A reason for requesting the funds from contingency is to make available sufficient funds to complete the project. He said he would provide information to show whether any unappropriated contingency funds had been committed.

Councilors McFarland, Washington, and Gardner agreed that the principal issue was whether any funds had been appropriated prior to Council approval. Councilor Gardner added his opinion that the proposed use of the funds was appropriate. Mr. Saling said he agreed that the issue was timing, and that this ordinance would have been more timely if it had been filed a month earlier.

Date: December 6, 1993

To: Casey Short, Council Analyst

From: Neil Salinger, ~~Director~~ Director of Regional Facilities

Re: Supplemental Information - Ordinance No. 93-525

---

The above Ordinance was presented to the Council Regional Facilities Committee on December 1, 1993. Following that meeting, I indicated that I would provide to you supplemental information on project funds and projected fund uses based upon a reconciliation of project funds being conducted by the Finance and Management Information Department.

Attached is the latest summary of Sources and Uses of Metro Regional Center Project Funds. Setting aside the issue of the division of Mr. Taylor's time which is the subject of Ordinance No. 93-514 now under consideration by the Council, funds available total \$397,062.75.

The original Hoffman Contract plus Change Orders 1 through 18 totals \$12,735,974 for which payments of \$12,519,001 have been made, leaving an amount contractually due of \$216,973.

I anticipate an additional Change Order 19 in the amount approximating \$66,000 for additional work on the Parking Garage and Parks/Greenspaces Department tenant improvements. Of this amount, \$35,000 is work in place while \$31,000 of work remains to be done. After Change Order 19, the fund balance would be \$114,089.

The following are projected uses for the remaining funds:

Taylor Salary	\$30,020
Interior Signage	7,233
Parking Garage Signage	5,000
Parking Garage Entry Devices	10,000
Child Care Center Improvements	5,000
Plaza Retail Finishes	46,836
Community Policing Office	10,000

None of the above projected uses represent contractual commitments.

Enclosure



# METRO REGIONAL CENTER SOURCES AND USES

12/2/93 15:54

## RESOURCES

### BONDS

Par	\$22,990,000.00	
Less Original Issue Discount	(\$93,960.95)	
Plus Accrued Interest	\$78,867.48	
Subtotal		\$22,974,906.53

### OTHER RESOURCES RECEIVED

FinAnswer	\$293,672.00	
Ballast Rebate	\$12,556.00	
Interest (Including Accrual)	\$773,014.22	
Street Light Rebate	\$124,238.00	
Resourceful Renovation	\$33,209.00	
Subtotal		\$1,236,689.22

### OTHER RESOURCES EXPECTED

Refuse Disposal Police		\$35,000.00
------------------------	--	-------------

Total

\$24,246,595.75

## USES

### ALREADY DISBURSED

Underwriter's Discount	\$277,742.00	
Accrued Interest @ Issuance of Bonds	\$78,867.00	
Reserve Account Deposit	\$1,807,548.00	
Requisitions 1 through 28	\$21,053,922.00	
Debt Service Payment	\$604,527.00	
Expenses Not On Requisitions	\$26,387.22	
Furniture Refunds	(\$27,161.00)	
PDI PCB & Asbestose	(\$13,096.00)	
Misc Refunds	(\$248.00)	
		\$23,808,488.22

### ADDITIONAL PAYROLL COMMITMENTS

Per Adopted Budget Less Requisitions	\$41,044.78	
Glen Taylor 1/2 year	\$43,318.00	
		\$84,362.78

### AVAILABLE

For Commitments Beyond Uses Shown Above		\$353,744.75
---	--	--------------

Total

\$24,246,595.75

#### Notes:

Recycling chute rebate not shown as a resource or an expense. It did not appear in the requisitions but was paid directly from the Building Management fund to the Contractor.

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE )  
NO. 93-487A REVISING THE FY 1993-94 )  
BUDGET AND APPROPRIATIONS )  
SCHEDULE FOR THE PURPOSE OF )  
TRANSFERRING CONTINGENCY TO FUND )  
REMAINING METRO REGIONAL CENTER )  
PROJECT COMMITMENTS; AND )  
DECLARING AN EMERGENCY )

ORDINANCE NO. 93-525

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 transferring \$103,552 from the Construction Account Contingency to the Construction Account Capital Outlay to fund remaining Metro Regional Center Project commitments.

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. 93-525**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>GENERAL REVENUE BOND FUND</b>							
<b>Construction Account</b>							
<b>Total Personal Services</b>		<b>1.39</b>	<b>98,724</b>	<b>0.00</b>	<b>0</b>	<b>1.39</b>	<b>98,724</b>
<b>Total Materials &amp; Services</b>			<b>145,740</b>		<b>0</b>		<b>145,740</b>
<u>Capital Outlay</u>							
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.		437,284		103,552		437,284
<b>Total Capital Outlay</b>			<b>809,457</b>		<b>103,552</b>		<b>809,457</b>
<b>TOTAL CONSTRUCTION ACCOUNT</b>		<b>1.39</b>	<b>1,053,921</b>	<b>0.00</b>	<b>103,552</b>	<b>1.39</b>	<b>1,053,921</b>
<b>Debt Service Account</b>							
<b>TOTAL DEBT SERVICE ACCOUNT</b>			<b>1,494,332</b>		<b>0</b>		<b>1,494,332</b>
<b>General Expenses</b>							
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency						
	Construction Account		261,079		(103,552)		157,527
	Renewal & Replacement Account		212,792		0		212,792
599990	Unappropriated Balance						
	Debt Service Account						
	* Metro Regional Center		120,905		0		120,905
	* Parking Structure		230,348		0		230,348
	Debt Reserve		1,807,548		0		1,807,548
<b>Total Contingency and Unapp. Balance</b>			<b>2,632,672</b>		<b>(103,552)</b>		<b>2,529,120</b>
<b>TOTAL FUND EXPENDITURES</b>		<b>1.39</b>	<b>5,180,925</b>	<b>0.00</b>	<b>0</b>	<b>1.39</b>	<b>5,077,373</b>

**Exhibit B**  
**Schedule of Appropriations**  
**Ordinance No. 93-525**

	Current Appropriation	Revision	Proposed Appropriation
<b>GENERAL REVENUE BOND FUND</b>			
Construction Account			
Personal Services	98,724	0	98,724
Materials & Services	145,740	0	145,740
Capital Outlay	809,457	103,552	913,009
Subtotal	1,053,921	103,552	1,157,473
Debt Service Account			
Debt Service	1,494,332	0	1,494,332
Subtotal	1,494,332	0	1,494,332
General Expenses			
Contingency	473,871	(103,552)	370,319
Subtotal	473,871	(103,552)	370,319
Unappropriated Balance	2,158,801	0	2,158,801
Total Fund Requirements	5,180,925	0	5,180,925

**This Ordinance assumes adoption of Ordinance No. 93-514, sharing funding of the Construction Manager position with the Zoo**

**All Other Appropriations Remain As Previously Adopted**

## STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 93-525 AMENDING ORDINANCE NO. 93-487A  
REVISING THE FY 1993-94 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE  
PURPOSE OF TRANSFERRING CONTINGENCY TO FUND REMAINING METRO  
REGIONAL CENTER PROJECT COMMITMENTS AND DECLARING AN EMERGENCY

---

Date: November 17, 1993

Presented by: Neil Saling

## PROPOSED ACTION

This ordinance would release funds for construction of the Metro Regional Center now budgeted as contingency to complete the final elements of that project.

## BACKGROUND AND ANALYSIS

The net amount of funds made available from the sale of Revenue Bonds for the reconstruction of the Sears Building as the Metro Regional Center totaled \$23,627,906 including estimated interest income. To this amount has been added \$487,040 from outside sources, primarily the PP&L FinAnswer loan of \$293,672.

Reports estimate that \$446,444 of project funds remain unexpended. A detailed reconciliation of all project expenditures is being completed and will be available at a later date. These remaining funds are from outside sources as all bond funds and interest on bond funds have been expended.

Estimated commitments and projections for the reconstruction project presently total \$433,790 which will fully exhaust all project resources. A summary of these commitments is attached.

In preparing the FY 1993-94 budget, it was necessary to provide sufficient appropriation authority to cover the actual amount of the beginning fund balance including all bond proceeds and other resources. Financial Planning and Regional Facilities staff prepared a detailed estimate of what the FY 1993-94 beginning fund balance would be if all expenditures were made on time. This estimate was slightly over \$1 million. In addition, the staff recognized the possibility for delay in certain payments at the end of FY 1992-93. The possibility for delay would increase the beginning fund balance over the \$1 million estimate. As a result, the amount budgeted for the beginning fund balance for the Construction Account was set at \$1.3 million -- the estimated beginning balance plus an amount allowing for any delay of expenditures. The amount of the budgeted beginning balance that was in excess of the original estimate was placed in Contingency. The actual audited beginning balance for the General Revenue Bond Fund, Construction Account is \$1,142,473. Because the actual balance is less than the amount budgeted, the actual amount of Contingency in the Construction Account which is funded is \$133,572.

Ordinance 93-514, currently under consideration by the Council, transfers \$30,020 of the funded Contingency to Personal Services to pay for the General Revenue Bond Fund's share of the Construction Manager. The remaining funded Contingency after transfer for the Construction Manager is \$103,552. Thus, to fund remaining commitments and projections for the Metro Regional Center Project as they are known at this time requires release of all remaining Contingency funds for the Construction Account.

This action would transfer \$103,552 from the Construction Account Contingency to the Construction Account Capital Outlay thereby making it possible to draw down the Construction Account to zero.

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

The Executive Officer recommends approval of Ordinance No. 93-525.

kr:ord93-94:genbond:SR.DOC

## ATTACHMENT 1

### Commitments and Projections (Unexpended)

Project Management	\$49,433
Project Management (Mr. Taylor)	30,020 <sup>1</sup>
Brokers Fee	67,000
Tenant Improvement Design	5,263
Parks/Greenspaces/Exhibit	130,341
Interior Signage	7,233
Plaza Retail Finishes	75,000
Child Care Center Improvements	5,000
Community Policing Office	10,000
Parking Garage Improvements	49,500
Parking Garage Signage	<u>5,000</u>
	\$433,790

---

<sup>1</sup> Action pending on Ordinance No. 93-514 which would withdraw this amount from the Construction Account Contingency.

Meeting Date: December 23, 1993  
Agenda Item No. 6.3

**ORDINANCE NO. 93-524A**





**METRO**

DATE: December 17, 1993

TO: Metro Council  
Executive Officer  
Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 6.3; ORDINANCE NO. 93-524A

The Finance Committee will meet on December 22 to consider Ordinance No. 93-524A. Committee reports will be distributed to Councilors as soon as possible before the Council meeting December 23 and copies will be available for the public at that time.



## METRO

Date: December 15, 1993

To: Regional Facilities Committee  
Finance Committee

From: Donald E. Carlson, Council Administrator *DE*  
Casey Short, Council Analyst

Re: Ordinance No. 93-524 Amending the FY 1993-94 Budget and Appropriations Schedule to Continue Work on the MERC Business Plan

This memo is in response to Neil Saling's memo dated December 14, 1993 to Regional Facilities Chair McFarland. Council Staff is supportive of the recommendation to reduce the request to the .25 FTE level which amounts to an additional expenditure authorization of \$19,139. This reduced request is more in line with the proposed work plan for completion of the MERC Business Plan.

There is a more direct way to amend the Budget and Appropriation Schedule to budget and account for this expenditure. The Metro ERC Administration Fund is the appropriate place for budgeting the central administrative costs of the MERC system. Certainly, costs to carry out a Business Plan for the facilities in the system are most appropriate for this Fund. The Metro ERC Administration Fund has \$80,000 in Contingency which appears to be able to handle a transfer of \$19,139 for the requested personal services expenditure. Having the expenditure placed directly in the Metro ERC Fund also makes it clear that the person filling the position will work directly for the General Manager of the MERC on the Business Plan project. The General Manager will not have to negotiate with the Regional Facilities Department for services.

Council Staff has asked the General Manager his reaction to this approach but has not received a response at this time.

The above approach appears to be consistent with prior Council direction that the MERC directly do the planning for the system. The Council approved a Budget Note in the FY 1992-93 Budget regarding the Business Plan which reads as follows:

"MERC shall work to develop business plans for each of its facilities and for the Commission as a whole, as recommended by the Public Policy Advisory Committee on Regional Facilities. These plans shall address all the issues listed in Recommendations #1 of the Advisory Committee's report. MERC shall keep the Council apprised of progress in developing

these plans by reporting on their progress to the Regional Facilities Committee each quarter."

In addition the Council approved a Budget Note in the FY 1993-94 Budget regarding administration of the Convention Center Capital Fund. The Budget Note dealt with the planning issue as follows:

"Administration of the expenditures and programs in this Fund shall be provided by the Metropolitan E-R Commission....The Convention Center Site Master Plan project shall be conducted in a manner which involves members of the Regional Facilities Committee and the Executive Officer during the plan preparation phase. Prior to adoption, the Master Plan shall be presented to the Metro Council by the Metro E-R Commission for review and approval."

The above approach is consistent with how planning for Solid Waste and Zoo facilities and programs is handled. That is, the operating unit is also responsible for long range planning with appropriate review by the Council and Executive Officer.

cc: Dick Engstrom  
Don Rocks  
Pat LaCrosse  
Neil Saling  
Jennifer Sims

93-524.mem



## METRO

Date: December 14, 1993

To: Ruth McFarland, Chair, Regional Facilities Committee

From: Neil Salina, Director of Regional Facilities

Re: Ordinance No. 93-524A

---

Ordinance No. 93-524 requesting a budget amendment to permit retention of exposition/recreation facility planning staff through the end of the fiscal year was submitted for Council consideration on or about October 29, 1993. The Ordinance will be heard before the Regional Facilities Committee on December 15, 1993.

The specific staff addressed by the Ordinance is Pam Erickson who is Metro's only planner dedicated to ER facilities and functions. The FY 1993-94 Adopted Budget provided for this position at 0.50 FTE which permitted ER planning activity to take place through December 1993. The primary elements of this planning included the Arts Funding Task Force, End of the Oregon Trail and the MERC Business Plan.

A workplan for the period January 1994 through June 1994 was attached to the original Staff Report. Although all the listed work items have a potential for significant effort, MERC believes it can only absorb costs of \$20,000 during the January-June time frame. (See Enclosure 1.) This MERC funding is intended to permit completion of the MERC Business Plan. As all other work items are also in support of MERC related functions, Mr. LaCrosse's letter effectively limits the level of support achievable from the ER Planner and forecasts her termination on March 31, 1994.

As you are aware, the ER Planner has been funded in the past from the General Fund as are other planners within the agency. However, the paucity of General Fund resources suggest that continued planning in support of Metro's ER facilities and functions be funded by MERC who is the direct beneficiary of such planning effort. Discussion during the FY 1993-94 Budget approval process indicated that the Council did not wish to continue to support ER planning as a general governance function.

Accordingly, Ordinance No. 93-524A with appropriate exhibits is forwarded to you to replace similar documents originally submitted with Ordinance No. 93-524. These replacement documents provide for an added 0.25 FTE for the ER Planner at a cost of \$19,139 for the purpose of continuing work on the MERC Business Plan.

Enclosures (2)

cc: Dick Engstrom  
Don Carlson  
Don Rocks  
Jennifer Sims  
Pam Erickson



METROPOLITAN EXPOSITION-RECREATION COMMISSION

December 7, 1993

TO: Neil Saling  
FROM: Pat LaCrosse *[Signature]*  
SUBJECT: METRO Ordinance No. 93-524 "MERC Business Plan"

DEC 08 1993

We greatly appreciate your cooperation in making Pam Erickson available to us to help put together the Business Plan, and also to work with us on the Expo center transition. She has been invaluable to us and has become an important part of our business plan team.

As part of the conclusion to the Stadium and PCPA business plans, we have had to dramatically cut costs and design a very austere budget for next year. We are also likely to be laying off staff yet this year, and most certainly for next year. We are also cutting back on the MERC and OCC budgets at the same time.

It is in this context that we have struggled with how to pay for Pam's services after January 1st. I have reached consensus with the MERC Commissioners that we can absorb up to \$20,000 for the 6 months from January thru June of 1994.

Your memo states that it is the intention to charge MERC the total cost for Pam's services to an amount of \$40,237 for January to June. We cannot at this time agree to absorb all of this cost for the reasons stated above. At the same time, it is clear that we need and want Pam's help at least for the first couple of months of the year.

At this point, I would expect to give you notice in January or February that we would need to cease Pam's services as of March 31st, so as not to incur any more financial liability than the \$20,000 total that I had previously agreed to. Should the situation change, we would always have the option to change our plans prior to the end of February.

I thought you should be aware of our financial limitations before the ordinance is considered.

cc: Dick Engstrom  
Jennifer Sims  
Pam Erickson  
Sam Brooks

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE )  
NO. 93-487A REVISING THE FY 1993-94 )  
BUDGET AND APPROPRIATIONS )  
SCHEDULE TO CONTINUE WORK ON THE )  
MERC BUSINESS PLAN; AND DECLARING )  
AN EMERGENCY )

ORDINANCE NO. 93-524A

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 transferring \$19,139 from the Support Service Fund Contingency to personal services in the Program Development division of the Regional Facilities Department to fund 0.25 FTE to continue work on the MERC business plan.

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:erickson:ORD.DOC  
December 14, 1993

**Exhibit A**  
**Ordinance No. 93-524A**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SUPPORT SERVICE FUND:Regional Facilities Department</b>							
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Directors	0.80	57,448		0	0.80	57,448
	Managers	1.90	113,180	0.25	14,543	2.15	127,723
	Associate Program Supervisor	0.45	22,090		0	0.45	22,090
	Principal Administrative Services Analyst	0.50	26,810		0	0.50	26,810
	Sr. Management Analyst	1.00	47,541		0	1.00	47,541
	Assoc. Management Analyst	1.00	37,768		0	1.00	37,768
	Asst. Management Analyst	0.50	16,446		0	0.50	16,446
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	0.50	14,090		0	0.50	14,090
	Accounting Clerk 1	1.00	22,800		0	1.00	22,800
	Building Operations Worker	0.50	13,250		0	0.50	13,250
511225	WAGES-REGULAR EMPLOYEES (part time)						
	Administrative Secretary	1.50	39,166		0	1.50	39,166
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Temporary Professional Support	0.50	9,000		0	0.50	9,000
	Temporary Administrative Support	0.25	4,000		0	0.25	4,000
511400	OVERTIME		3,168		0		3,168
512000	FRINGE		160,571		4,596		165,167
<b>Total Personal Services</b>		<b>10.40</b>	<b>587,328</b>	<b>0.25</b>	<b>19,139</b>	<b>10.65</b>	<b>606,467</b>
<b>Total Materials &amp; Services</b>			<b>362,436</b>		<b>0</b>		<b>362,436</b>
<b>Total Capital Outlay</b>			<b>5,000</b>		<b>0</b>		<b>5,000</b>
<b>TOTAL EXPENDITURES</b>		<b>10.40</b>	<b>954,764</b>	<b>0.25</b>	<b>19,139</b>	<b>10.65</b>	<b>973,903</b>

**SUPPORT SERVICE FUND:General Expenses**

<u>Interfund Transfers</u>							
581513	Trans. Indirect Costs to Bldg. Fund-Regional Center		507,283		0		507,283
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Gen'l		30,791		0		30,791
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Workers' Comp		41,597		0		41,597
<b>Total Interfund Transfers</b>			<b>579,671</b>		<b>0</b>		<b>579,671</b>
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency						
	* General		181,294		(19,139)		162,155
	* Builders License		23,165		0		23,165
599990	Unappropriated Fund Balance-Contractors License		151,566		0		151,566
<b>Total Contingency and Unappropriated Balance</b>			<b>356,025</b>		<b>(19,139)</b>		<b>336,886</b>
<b>TOTAL EXPENDITURES</b>		<b>85.12</b>	<b>6,827,525</b>	<b>0.25</b>	<b>0</b>	<b>85.37</b>	<b>6,827,525</b>

**Exhibit A  
Ordinance No. 93-524A**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b><u>FOR INFORMATION ONLY</u></b>							
<b>Regional Facilities (Program Development)</b>							
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Managers	0.50	31,999	0.25	14,543	0.75	46,542
512000	FRINGE		12,159		4,596		16,755
<b>Total Personal Services</b>		<b>0.50</b>	<b>44,158</b>	<b>0.25</b>	<b>19,139</b>	<b>0.75</b>	<b>63,297</b>
<b>Total Materials &amp; Services</b>			<b>11,842</b>		<b>0</b>		<b>11,842</b>
<b>TOTAL EXPENDITURES</b>		<b>0.50</b>	<b>56,000</b>	<b>0.25</b>	<b>19,139</b>	<b>0.75</b>	<b>75,139</b>



**Exhibit B**  
**Schedule of Appropriations**  
**Ordinance No. 93-524A**

	Current Appropriation	Revision	Proposed Appropriation
<b>SUPPORT SERVICES FUND</b>			
Finance and Management Information			
Personal Services	2,238,932	0	2,238,932
Materials & Services	794,941	0	794,941
Capital Outlay	77,891	0	77,891
Subtotal	3,111,764	0	3,111,764
Regional Facilities			
Personal Services	587,328	19,139	606,467
Materials & Services	362,436	0	362,436
Capital Outlay	5,000	0	5,000
Subtotal	954,764	19,139	973,903
Personnel			
Personal Services	534,856	0	534,856
Materials & Services	59,646	0	59,646
Capital Outlay	6,675	0	6,675
Subtotal	601,177	0	601,177
Office of General Counsel			
Personal Services	434,876	0	434,876
Materials & Services	23,715	0	23,715
Capital Outlay	1,500	0	1,500
Subtotal	460,091	0	460,091
Public Affairs			
Personal Services	669,686	0	669,686
Materials & Services	91,247	0	91,247
Capital Outlay	3,100	0	3,100
Subtotal	764,033	0	764,033
General Expenses			
Interfund Transfers	579,671	0	579,671
Contingency	204,459	(19,139)	185,320
Subtotal	784,130	(19,139)	764,991
Unappropriated Balance	151,566	0	151,566
Total Fund Requirements	6,827,525	0	6,827,525

**All Other Appropriations Remain As Previously Adopted**

## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 93-524 AMENDING ORDINANCE NO. 93-487A REVISING THE FY 1993-94 BUDGET AND APPROPRIATIONS SCHEDULE TO CONTINUE WORK ON THE MERC BUSINESS PLAN; AND DECLARING AN EMERGENCY

---

Date: October 29, 1993

Presented by: Neil Saling

## BACKGROUND AND ANALYSIS

Planning for regional convention, trade, spectator and performing arts facilities has been a function of Metro since the development of the Convention, Trade and Spectator Facilities Masterplan completed in 1986. Subsequent to this Plan, it was agreed among the local governments of the region, that Metro would be the lead agency for convention, trade and spectator facilities. That agreement led to the Consolidation Agreement with the City of Portland and the formation of MERC. The CTS Masterplan also recommended the transfer of Expo to Metro--now anticipated in January 1 of next year. Since the designation of Metro as the lead agency for these regional facilities, planning projects have been housed within Metro itself rather than within MERC. Currently, planning is done by the Regional Facilities Department. However, during the 93-94 budget deliberations, a question was raised as to whether such planning might be more properly done at MERC. This question is presently under consideration in conjunction with the MERC Business Plan development.

Current planning projects underway in the Regional Facilities Department are: completion of the Regional Funding Task Force Report, End of the Oregon Trail and the MERC Business Plan. The status of these projects is as follows:

Regional Funding Task Force--This Task Force was authorized to continue through December to complete its charge. Work is on schedule and a report will be complete in December. There will be some work needed to implement recommendations, but it is not expected to require full-time staff. Most of the recommendations will be carried out by groups outside of Metro until such time as a measure is placed on a future ballot at which time a considerable staff work will be needed.

End of the Oregon Trail--This project is not likely to require significant planning staff work in the next several months. The project will move into a building phase to complete the Preview Center. Questions of long range finance are presently being debated within Clackamas County and no resolution has yet been communicated to Metro despite an earlier request that Metro finance the project via a general obligation bond measure.

MERC Business Plan--Because MERC has no planning staff at the present time, Regional Facilities Staff have been used for the Business Plan. Originally, it was expected that the Plan would be complete in January. However, it is now likely that completion will be delayed until March or April. Staff resources have had to be diverted to work on analysis and

preparation for acquisition of the Expo Center and to do the work to collect sufficient data not previously available. Additionally, a component of the Business Plan for Expo will need to be prepared after the effective date of transfer.

This proposed action would allow planning staff resources to be retained for the remainder of the fiscal year primarily to complete the MERC Business Plan and follow-up work. The attached work plan specifies the staff work required to complete and implement the MERC Business Plan including the incorporation of Expo. It represents the most cost-effective method of accomplishing these tasks by retaining staff with considerable expertise and knowledge of these projects. It also would permit the same staff to handle any follow-up work for the End of the Oregon Trail or the Regional Funding Task Force provided such work is minimal and incidental. Completion of the MERC Business Plan and the tasks to provide immediate follow-up will require virtual full-time work. One of the implementation projects anticipated is the work on Phase II Consolidation with the city of Portland. The Business Plan is crucial to Phase II because the City will need to be assured that an adequate financial plan is in place prior to proceeding with Phase II.

The staff work will require financing for personnel costs only as materials and supplies for the MERC Business Plan will be borne by MERC. The personnel costs for the six month period are estimated at \$40,237. The additional appropriation will be funded with a transfer from the Support Services Fund Contingency, however, at year end the cost for the additional six months of salary and benefits will be direct charged to MERC as part of the final cost allocation plan.

This ordinance recognizes the importance of completing the Business Plan for MERC. The goal of the Business Plan is to achieve financial stability which is crucial to Metro's performance as the lead agency for Convention, Trade, Spectator and Performing Arts Facilities. It is also the critical step to Phase II Consolidation with the City of Portland.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 93-524.

## WORKPLAN--JANUARY THROUGH JUNE

### Merc Business Plan Tasks

#### 1. Complete the Business Plan

- \*Continue staff work as needed to complete plan
- \*Develop MERC Management Pool/Overhead portion of plan (analyze costs, propose alternatives, solicit creative ideas to cut costs)
- \*Write the report including Executive Summary and news release
- \*Design and assemble for publication
- \*Print and distribute
- \*Design Basic Speech/Business Plan Presentation; plan speaking engagements for MERC Chair and General Manager

#### 2. Business Plan Amendment for Expo

- \*Develop and conduct at least one public meeting
- \*Hold a MERC work session
- \*Write Amendment Section

#### 3. Integrate Business Plan into the Budget Process

- \*Develop integration plan
- \*Once Business Plan is complete, identify decisions which require budget amendment/adjustment
- \*Develop staff report to Metro Council for budget amendments
- \*After adoption of the Budget by Metro Council, review for Business Plan implications and prepare report to MERC

#### 4. Business Plan Implementation Projects

- \*Capital plan for PCPA and/or Stadium

Design campaign/strategy--develop goals

Determine fund raising strategies/fund raising mechanisms/ administrative mechanisms

Hire staff/contractor, develop materials

Build potential donor list

Develop strategies for approaching donors

Do follow-up

**\*Phase II Consolidation--City of Portland**

**\*Review documents and determine optimum terms and conditions**

**\*Work with legal staff to draft documents**

**\*Prepare and/or assemble supporting materials such as 5 year financial plans**

**\*Identify issues to be resolved and do staff work needed for resolution**

**\*Participate, as necessary, and track political process**

**Other Tasks as Assigned**

**1. Follow-up or implementation tasks needed pursuant to the Regional Funding Task Force's final report.**

**2. Planning activities for the End of the Oregon Trail project.**

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE )  
NO. 93-487A REVISING THE FY 1993-94 )  
BUDGET AND APPROPRIATIONS )  
SCHEDULE TO CONTINUE WORK ON THE )  
MERC BUSINESS PLAN; AND DECLARING )  
AN EMERGENCY )

ORDINANCE NO. 93-524

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 transferring \$40,237 from the Support Service Fund Contingency to personal services in the Program Development division of the Regional Facilities Department to fund 0.50 FTE to continue work on the MERC business plan.

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:erickson:ORD.DOC  
October 29, 1993

**Exhibit A**  
**Ordinance No. 93-524**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SUPPORT SERVICE FUND:Regional Facilities Department</b>							
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Directors	0.80	57,448		0	0.80	57,448
	Managers	1.90	113,180	0.50	30,056	2.40	143,236
	Associate Program Supervisor	0.45	22,090		0	0.45	22,090
	Principal Administrative Services Analyst	0.50	26,810		0	0.50	26,810
	Sr. Management Analyst	1.00	47,541		0	1.00	47,541
	Assoc. Management Analyst	1.00	37,768		0	1.00	37,768
	Asst. Management Analyst	0.50	16,446		0	0.50	16,446
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	0.50	14,090		0	0.50	14,090
	Accounting Clerk 1	1.00	22,800		0	1.00	22,800
	Building Operations Worker	0.50	13,250		0	0.50	13,250
511225	WAGES-REGULAR EMPLOYEES (part time)						
	Administrative Secretary	1.50	39,166		0	1.50	39,166
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Temporary Professional Support	0.50	9,000		0	0.50	9,000
	Temporary Administrative Support	0.25	4,000		0	0.25	4,000
511400	OVERTIME		3,168		0		3,168
512000	FRINGE		160,571		10,181		170,752
<b>Total Personal Services</b>		<b>10.40</b>	<b>587,328</b>	<b>0.50</b>	<b>40,237</b>	<b>10.90</b>	<b>627,565</b>
<b>Total Materials &amp; Services</b>			<b>362,436</b>		<b>0</b>		<b>362,436</b>
<b>Total Capital Outlay</b>			<b>5,000</b>		<b>0</b>		<b>5,000</b>
<b>TOTAL EXPENDITURES</b>		<b>10.40</b>	<b>954,764</b>	<b>0.50</b>	<b>40,237</b>	<b>10.90</b>	<b>995,001</b>
<b>SUPPORT SERVICE FUND:General Expenses</b>							
<u>Interfund Transfers</u>							
581513	Trans. Indirect Costs to Bldg. Fund-Regional Center		507,283		0		507,283
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Gen1		30,791		0		30,791
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Workers' Comp		41,597		0		41,597
<b>Total Interfund Transfers</b>			<b>579,671</b>		<b>0</b>		<b>579,671</b>
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency						
	* General		181,294		(40,237)		141,057
	* Builders License		23,165		0		23,165
599990	Unappropriated Fund Balance-Contractors License		151,566		0		151,566
<b>Total Contingency and Unappropriated Balance</b>			<b>356,025</b>		<b>(40,237)</b>		<b>315,788</b>
<b>TOTAL EXPENDITURES</b>		<b>85.12</b>	<b>6,827,525</b>	<b>0.50</b>	<b>0</b>	<b>85.62</b>	<b>6,827,525</b>

**Exhibit A  
Ordinance No. 93-524**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b><u>FOR INFORMATION ONLY</u></b>							
<b>Regional Facilities (Program Development)</b>							
	<u>Personal Services</u>						
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Managers	0.50	31,999	0.50	30,056	1.00	62,055
512000	FRINGE		12,159		10,181		22,340
	<b>Total Personal Services</b>	<b>0.50</b>	<b>44,158</b>	<b>0.50</b>	<b>40,237</b>	<b>1.00</b>	<b>84,395</b>
	<b>Total Materials &amp; Services</b>		<b>11,842</b>		<b>0</b>		<b>11,842</b>
	<b>TOTAL EXPENDITURES</b>	<b>0.50</b>	<b>56,000</b>	<b>0.50</b>	<b>40,237</b>	<b>1.00</b>	<b>96,237</b>



**Exhibit B**  
**Schedule of Appropriations**  
**Ordinance No. 93-524**

	Current Appropriation	Revision	Proposed Appropriation
<b>SUPPORT SERVICES FUND</b>			
Finance and Management Information			
Personal Services	2,238,932	0	2,238,932
Materials & Services	794,941	0	794,941
Capital Outlay	77,891	0	77,891
Subtotal	3,111,764	0	3,111,764
Regional Facilities			
Personal Services	587,328	40,237	627,565
Materials & Services	362,436	0	362,436
Capital Outlay	5,000	0	5,000
Subtotal	954,764	40,237	995,001
Personnel			
Personal Services	534,856	0	534,856
Materials & Services	59,646	0	59,646
Capital Outlay	6,675	0	6,675
Subtotal	601,177	0	601,177
Office of General Counsel			
Personal Services	434,876	0	434,876
Materials & Services	23,715	0	23,715
Capital Outlay	1,500	0	1,500
Subtotal	460,091	0	460,091
Public Affairs			
Personal Services	669,686	0	669,686
Materials & Services	91,247	0	91,247
Capital Outlay	3,100	0	3,100
Subtotal	764,033	0	764,033
General Expenses			
Interfund Transfers	579,671	0	579,671
Contingency	204,459	(40,237)	164,222
Subtotal	784,130	(40,237)	743,893
Unappropriated Balance	151,566	0	151,566
<b>Total Fund Requirements</b>	<b>6,827,525</b>	<b>0</b>	<b>6,827,525</b>

**All Other Appropriations Remain As Previously Adopted**

Meeting Date: December 23, 1993  
Agenda Item No. 7.1

RESOLUTION NO. 93-1873A

## **PLANNING COMMITTEE REPORT**

### **CONSIDERATION OF RESOLUTION NO. 93-1873A, FOR THE PURPOSE OF ADOPTING AND IMPLEMENTING THE FY 1994-99 WATER RESOURCES WORK PLAN**

Date: December 16, 1993

Presented By: Councilor Kvistad

**Committee Recommendation:** At the December 14 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 93-1873A. Voting in favor: Councilors Van Bergen, Devlin, Gates, Kvistad, Monroe, and Moore.

**Committee Issues/Discussion:** Rosemary Furfey, Senior Regional Planner, presented the staff report. She explained that the resolution originated from direction from the Planning Committee last September. The revised work plan has been reviewed by the Water Resources Policy Advisory Committee (WRPAC), the Metro Policy Advisory (MPAC), and the Metro Technical Advisory Committee (MTAC). All three groups have approved the plan.

She reviewed a few of the comments regarding the work plan. One letter contained a strong recommendation that there be no duplication of effort between Metro's planning efforts in water supply and other ongoing efforts from local water providers, particularly in regards to water conservation. She assured both the writer and the committee that there is no interest in duplicating efforts and there is recognition that the water providers are to be considered the experts in this area. However, Metro reserves it's right regarding regional land use planning (e.g. growth management, urban reserves, urban growth boundary location) to plan for the region's water supply.

Councilor Moore reiterated her comments made at MPAC regarding the need to work strongly on the water quality aspects of the plan and that this work be tied to the transportation system and land uses that are impacting urban streams. This isn't being done now. She strongly suggested that when the watershed basin studies begin that Fanno Creek basin is the place to start.

Councilor McLain commented on the importance of the water program that needs consideration during the upcoming budget process.

Councilor Kvistad commented on Metro's role in planning and "sourcing" of supply. He asked why it was not referenced in the report. He wants to make sure that Metro reinforce their role in regional "sourcing" and planning, not just in waste water and storm water. He asked that this be clarified on page five of the work plan. Ms. Furfey

reiterated that Metro is the body to adopt the "Regional Wastewater Management Plan" for the region, as is required by the federal government.

Councilor Devlin echoed Councilor Kvistad's comments. He asked whether there had been discussion about Metro's unique qualification in this study - Metro is the only jurisdiction without a financial stake in the program. All other agencies involved have their financial future dependent on the plan that is produced.

The vote of the committee was unanimous to approve the resolution, assuming that new language on page five would be prepared by Ms. Furfey as per Councilor Kvistad's suggestion.

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 93-1873 FOR THE PURPOSE OF ADOPTING AND IMPLEMENTING THE FY 1994-99 WATER RESOURCES WORK PLAN

Date: November 24, 1993

Presented by Rosemary Furfey

## FACTUAL ANALYSIS

On September 28, 1993, the draft FY 1994-99 Water Resources Work Plan was presented to the Planning Committee. Committee members expressed their support for the plan and directed staff to make informational presentations about the plan to the Water Resources Policy Advisory Committee (WRPAC), the Metro Technical Advisory Committee (MPAC) and the Metro Policy Advisory Committee (MPAC).

Informational presentations about the work plan were made to WRPAC on November 19, 1993, to MPAC on November 23, 1993, and to MPAC on December 8, 1993.

Committee members expressed interest and support for the Work Plan and their written and oral comments are summarized below:

Written comments were received from Tim Erwert, Steering Committee Chair for the Regional Water Supply Planning Study. He emphasized the importance that the Regional Water Supply Planning study meet the requirements for inclusion into Metro's Regional Framework Plan (RFP) and adoption of a water sources and storage element in the RFP. He stressed the need to avoid any duplication of data collection and analysis and that the current regional water supply planning effort should meet Metro's needs. In addition, he recommended that Metro not initiate its own water conservation program, but rather join the current effort being sponsored by the region's water providers.

WRPAC and MTAC members recognized the important role Metro can play in providing technical assistance, regional coordination between jurisdictions and state agencies, and water quality modeling for local jurisdictions.

Committee members at MTAC recognized the need for water resources to be planned on a regional basis, similar to the way transportation planning is carried out by Metro, but committee members did not want Metro duplicating services or regulatory functions currently being carried out by local jurisdictions.

Committee members acknowledged the unique role Metro has regarding the connection between land use and growth management which all impact water resources.

Committee members acknowledged the Metro policy foundation for water resource planning, including the new Metro Charter mandate for adoption of a regional water

supply plan as part of the Regional Framework Plan.

The FY 1994-99 Water Resources Work Plan has now been revised and updated based on the comments and suggestions made by committee members. The final version of the FY 1994-99 Water Resources Work Plan is attached as Exhibit A.

## **BACKGROUND**

At the request of the Planning Committee, a new FY 1994-99 Water Resources Work Plan has been written identifying water resource issues of regional concern and describing Metro policies that address both water quantity and water quality issues. The work plan also describes and evaluates the accomplishments of the 1990 Water Resources Work Plan.

The work plan identifies future work elements in the two main subject areas of water supply and water quality. This includes adoption of the water supply and water quality work elements of Metro's Regional Framework Plan (RFP) and coordination with the Phase II Regional Water Supply Planning Study. The water quality elements use the watershed unit as a basis for water quality modeling for the RFP, establishment of a watershed program, technical assistance, policy development of planning tools with local government and public education.

This plan builds on the many accomplishments from the 1990 Water Resources Work Plan. These include adoption of Metro's regional phosphate detergent ban in 1990, adoption of the 1990 and 1991 Annual Wastewater Management Plan updates, production of two well-received publications, completion of two Oregon Department of Environmental Quality (DEQ) water quality grants, coordination of the Water Resources Policy Advisory Committee (WRPAC), development of new Regional Land Information System (RLIS) data layers and coordination of several regional conferences and workshops.

## **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Resolution No. 93-1873.

**BEFORE THE METRO COUNCIL**

**FOR THE PURPOSE OF ADOPTING AND  
IMPLEMENTING THE FY 1994-99  
WATER RESOURCES WORK PLAN**

**) RESOLUTION NO. 93-1873  
)  
) Introduced by Councilor Susan McLain and  
) Councilor Ed Washington**

**WHEREAS, The 1992 Metro Charter requires adoption of a Regional Framework Plan by December 31, 1997, which includes components addressing water source and storage, planning responsibilities mandated by state law, and other growth management and land use planning matters which the Council determines are of metropolitan concern; and**

**WHEREAS, The Regional Wastewater Management Plan is adopted under Section 3.02.002 of the Metro Code which provides for regional coordination and staging for construction of wastewater treatment facilities; and**

**WHEREAS, The Regional Stormwater Management Plan is adopted pursuant to ORS 268.310 (3) and 268.390 (1) which identifies water quality and stormwater management as regionally significant issues and identifies policy objectives to minimize soil erosion, control stormwater run-off to minimize streambank erosion, and protect and enhance the capacity of urban streams to provide habitat for fish and other aquatic organisms; and**

**WHEREAS, The Regional Urban Growth Goals and Objectives (RUGGOs) are adopted under Ordinance No. 91-418B and Objective 7 of the RUGGOs addresses water quality and water quantity issues for planning and management of water resources; and**

**WHEREAS, The Greenspaces Master Plan adopted by the Metro Council in July 1992 identifies the need to protect and enhance waterways and floodplains as one strategy to protect and manage greenspaces. It identifies watershed planning and coordinated stormwater management as important ways to protect valuable fish and wildlife habitat.**

**WHEREAS, The FY 1990-93 Water Resources Work Plan has expired and the Planning Committee requested a new water resources work plan; and**

WHEREAS, The draft FY 1994-99 Water Resources Work Plan was developed and presented to the Planning Committee on September 28, 1993, and the committee discussed the work plan and recommended it be presented to the Water Resources Policy Advisory Committee (WRPAC), the Metro Technical Advisory Committee (MTAC) and the Metro Policy Advisory Committee (MPAC) for comment and review; and

WHEREAS, The draft FY 1994-99 Water Resources Work Plan was presented to WRPAC on November 19, 1993, to MTAC on November 23, 1993, and to MPAC on December 8, 1993; and

WHEREAS, relevant committee comments and suggestions have been incorporated in the final FY 1994-99 Water Resources Work Plan; now, therefore,

BE IT RESOLVED,

1. The FY 1994-99 Water Resources Work Plan, included in this resolution as Exhibit A, is hereby adopted as Metro's FY 1994-99 Water Resources Work Plan.
2. The 1990 Water Resources Work Plan is hereby replaced by the FY 1994-99 Water Resources Work Plan.

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

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



# **WATER RESOURCES PROGRAM WORK PLAN**

**FY 1994-99**



**July 1993**



**Metro  
Planning Department  
600 N.E. Grand Avenue  
Portland, Oregon 97232-2736**

## **Table of Contents**

	<b><u>Page</u></b>
Executive Summary	iii
I. Introduction and Background	1
II. Metro's Role in Regional Water Resource Policy and Planning	5
III. Goals of the Water Resources Program	9
IV. Purpose of the FY 1994-99 Water Resources Work Plan	11
V. Progress Report on 1990 Water Resources Work Plan	13
A. Introduction	13
B. Progress Report on 1990 Work Plan Activities	13
C. Evaluation of 1990 Water Resources Work Plan	16
VI. Five-Year Work Plan: FY 1994-99	19
A. Introduction	19
B. Program Activities	19
C. Timeline	25
D. FY 1994-99 Budget	27
VII. Adoption of FY 1994-99 Work Plan	29
VIII. Conclusion	31
Appendix	
1. Status of 1990 Water Resources Work Plan Components	

***Photo on Front Cover: Creekside Corporate Park on Fanno Creek in Beaverton.***

## Executive Summary

### Introduction and Background

Clean water and adequate water supply are essential to the Metro Region's livability and future growth. Tremendous advances have been made in the last 20 years to improve regional water quality and to ensure future clean drinking water supplies. Future growth and development, however, will place increasing demands on the region's water supplies and impact water quality.

Metro's new regional growth management planning mandate and existing policies enable it to provide leadership in protecting and enhancing water resources. This five-year work plan examines Metro's existing water resource policies, identifies water resource issues of regional concern and describes a range of program options to address Metro's charter mandates regarding water resources.

### Issues

The 1992 Metro Charter identifies water supply and storage as work elements to be included in the Regional Framework Plan (RFP). In addition, the RFP can address state-mandated responsibilities and other issues of regional concern. Metro's 1992 *Areawide Water Quality Report* identified the following water quality issues of regional concern: stormwater management, water quality limited streams, wetlands and water quality and groundwater.

### Metro Policies

There are several existing Metro policy documents that address water resources which provide guidance in developing this work plan. Metro's 1988 *Regional Wastewater Management Plan* and 1982 *Stormwater Management Plan* identify Metro's regional planning role to ensure adequate regional wastewater management capacity and identify regional watersheds and the critical issues to address soil erosion and stream management.

The 1991 *Regional Urban Growth Goals and Objectives* (RUGGOs) identify both water quality and water quantity issues of regional significance in Metro's growth management planning. In addition, the *Greenspaces Master Plan* uses watersheds as its ecological planning unit and discusses the linkage between managing stormwater and protecting riparian resources. Finally, the *Metro Charter* identified water supply and storage as components of the RFP as well as other issues of regional concern. This work plan identifies water quality issues of regional concern and provides work program activities to address these issues.

### Accomplishments of 1990 Water Resources Work Plan

This plan builds on the many accomplishments from the 1990 Water Resources Work Plan. These include adoption of Metro's regional phosphate detergent ban in 1990, adoption of the 1990 and 1991 *Annual Wastewater Management Plan* updates, production of two well-received publications, completion of two Oregon Department of Environmental Quality (DEQ) water quality grants, coordination of the Water Resources Policy Advisory Committee (WRPAC), development of new Regional Land Information System (RLIS) data layers and coordination of several regional conferences and workshops.

### FY 1994-99 Work Plan Components

This work plan proposes work elements in the two main subject areas of water supply and water quality. The water quantity component includes adoption of the water supply work element for the RFP and technical assistance to the Phase II Regional Water Supply Planning effort. A water conservation work element is also proposed to complement on-going water supply planning.

The water quality elements include water quality modeling for the RFP, establishment of a watershed program including water quality modeling, technical assistance grants to test new best management practices and stream restoration techniques, and policy development of planning tools that can be used by local governments to protect water resources as growth occurs. Watershed planning is the overall umbrella which ties together the modeling, technical assistance, grant projects and policy development.

### Timeline and Budget

The work program elements to be implemented in the short-term include water quality modeling and technical assistance for the RFP, initiation of RFP work elements and initiation of the watershed program. Long-term projects include water quality modeling for selected watersheds, testing innovative best management practices and stream restoration techniques, and development of policy and land use planning tools that can be used by local governments and special districts.

Funding will be sought from both federal appropriations and grants from regional federal sources such as the Environmental Protection Agency (EPA). Water quality modeling and establishment of the watershed program are appropriate for federal appropriations, while EPA grant funds are appropriate for testing best management practices or technical assistance grants and policy development. This work plan will be implemented with existing staff in the Planning Department's Growth Management Division and Data Resource Center.

### Adoption of Work Plan

The draft FY 1994-99 Water Resources Work Plan will be presented to the Metro Council Planning Committee in September 1993. It will then be presented to WRPAC and Metro Policy Advisory Committee (MPAC) for technical and policy comments. Following any revisions, the final work plan will be finalized with the Metro Council Planning Committee for recommendation for adoption by the Metro Council.

## **I. Introduction and Background**

Clean water and adequate water supply are essential to the region's livability and future growth. Adequate water resources for drinking, recreation and habitat for fish and wildlife are essential to the commerce, agriculture and economic viability of the region. The interconnected web of rivers and streams which have played such an important role in this region's history and economic success, are also vital to maintain our prosperity and quality of life.

### **Growth Impacts on Water Resources**

#### **Water Quality**

Tremendous advances have been made in the last 50 years to improve water quality in the region's rivers and streams. Most notably, the Willamette River flowing through downtown Portland now supports a thriving spring chinook migration and recreational activities. This is in sharp contrast to earlier in the century, when the Willamette River was a polluted dying river.

In addition, millions of dollars have been spent in the last several years to improve wastewater treatment on the Tualatin River. New EPA mandated technologies have reduced industrial discharges into local rivers and streams regionwide. These clean-up efforts reflect nationwide progress to improve water quality. Many of the national water quality goals, however, have not been achieved. The persistent problems of diffuse nonpoint source pollution still exist and remain a challenge in the Portland metropolitan region.

However, the condition of our local streams - tributaries of the Willamette, Columbia, Clackamas, Sandy and Tualatin Rivers - has suffered from the region's dramatic growth. Increasing urbanization and poor land use practices threaten the water quality of surface and groundwater in the metropolitan area. Water quality is diminished, groundwater is contaminated, water supplies are threatened, water recreation is restricted in certain areas, and fish and wildlife habitat has been degraded.

Construction runoff and agricultural practices have caused large sediment loads to be carried into streams. In urbanized areas rainfall runs off impervious (paved) surfaces without being absorbed into the soil. This urban stormwater runoff carries oil, grease and other pollutants into our waterways. Increases in runoff volume and intensity after development cause erosion problems, flooding and loss of vegetation that anchors soil and slows flood waters. All these impacts reduce the quality of the aquatic environment and its ability to support diverse aquatic plant and animal life.

Two water bodies, the Tualatin River and Columbia Slough, have been designated "water quality limited," meaning the water quality is below mandated standards. Another stream, Johnson Creek, is under consideration for this designation. Each of these water bodies cross multiple jurisdictions and include areas managed by many agencies. A comprehensive watershed management approach is needed to assess, analyze and remediate degradation of the region's surface and groundwater quality.

## Water Supply

The Portland metropolitan region has high quality drinking water from numerous surface water and groundwater sources. Future development and expected population increases, however, will place new demands on these resources. The region's water suppliers forecast mid-range average annual demand forecasts predict regionwide increases of 41 percent between 1990 and 2050. Comprehensive regional water supply planning is necessary to meet these future demands.

The 1992 summer drought caused residents to realize that climatic drought cycles are a reality in this region and water conservation must be integrated into how we use water. Potential water shortages due to droughts, increased demands on water consumption due to population increases, and increasing state emphasis on instream water rights all highlight the crucial need for proactive regional planning to meet future demands.

Inappropriate land use activities also impact water supply. Examples of industrial contamination of groundwater used for drinking water are found in the Portland metropolitan region. Land use planning and growth management, therefore, have a large role to play in ensuring adequate future water supplies.

## New Strategies Needed to Address Water Resource Issues

This new work plan identifies future regional water resource policy and planning activities within the framework of the new Metro Charter. It is a timely response to a number of issues:

### *Population Growth*

Increasing population, development and increasing impervious surfaces in the region make it increasingly important to balance desirable urban growth and protection of the natural environment. Population increases will also place additional demands on existing water supplies.

### *Public Awareness*

Growing public awareness of water resource issues, coupled with an interest in becoming involved in protecting and managing water resources, has motivated citizens to take action on different water resource issues. This is exemplified by vigorous citizen involvement and leadership in protecting and enhancing Johnson, Fairview and Fanno Creeks, Columbia Slough, Tualatin River and other streams in the region.

### *Regulatory Mandates*

Federal and state mandates, and constituent demands for sound resource management, will directly influence the need for siting and performance of future wastewater and stormwater facilities, allocation of new water rights, water conservation plans and identification of drinking water sources.

### *Comprehensive Watershed Planning*

Growing acceptance of the importance of comprehensive watershed planning in balancing the competing uses for water resources and protection of natural resources will result in formation of watershed councils.

Wise use and management of water resources is of paramount concern as our population expands. Water resources do not stay neatly within political or jurisdictional boundaries. Coordinated efforts among a coalition of agencies, organizations, industry and citizen groups will be required to address issues on a watershed-wide basis.

Watershed planning is an essential tool to comprehensively address water resource issues. This process includes the following elements:

- identification of the watershed unit
- involvement all relevant political jurisdictions and interest groups
- identification of significant problems and opportunities
- development of goals and objectives
- identification of an action plan to achieve watershed management objectives
- implementation of the action plan

## II. Metro's Role in Regional Water Resources Policy and Planning

### Introduction

Metro has an important and unique role to play in promoting decision-making and practices that protect the beneficial uses of water resources throughout the region. As the federally-designated "208" areawide water quality planning agency and with its new Charter mandates, Metro will play an important role in ensuring water resources are protected and enhanced as growth occurs.

### Background

Metro's involvement in regional water resource planning dates back to the 1960's and 1970's when Metro's predecessor the Columbia Regional Area Government (CRAG) compiled water and sewer infrastructure needs, and met federal reporting mandates. In 1974, CRAG was designated the region's Areawide Water Quality Planning Agency. These efforts culminated in Metro Council adoption of the 1980 Regional Wastewater Management Plan and the 1982 Regional Stormwater Plan.

In 1989, the Metro Council made a renewed commitment to water resource issues by hiring two staff members to revitalize the program. A *Water Quality Issues Report* was produced in July 1989, which evaluated regional water resource needs and identified a potential role for Metro. The following year, in 1990, the Metro Council Planning Committee approved the *Water Resources Work Plan* which emphasized stormwater management, water quality modeling and participation on other regional water initiatives.

### Metro Policies

There are several Metro policies that define its water quality and water quantity planning responsibilities. These policies are the foundation of this work plan and provide guidance for future policy and program development. Metro's water resource-related policies are:

A. **Metro Charter (1992).** The Metro Charter defines the components of the RFP. The following elements of the RFP relate to water resources:

- "water sources and storage"
- "planning responsibilities mandated by state law"

Metro has water resource planning authority mandated by federal law. Metro is the federally-designated areawide "208" water quality planning agency for the Portland metropolitan region. As part of this federal mandate, Metro completes an annual update of the Metro Regional Wastewater Management Plan for recertification by EPA. The annual update is submitted to the DEQ and the EPA. This federally-mandated planning role is addressed in the RFP component identified above.

- "...other growth management and land use planning matters which the council, with consultation and advice of the MPAC, determines are of metropolitan concern and will benefit from regional planning."



In addition to the two water resource components listed above, there are several other water quality issues of regional concern. The **1992 Areawide Water Quality Report** identified the following water quality issues of regional concern:

- stormwater management
- water quality limited streams
- wetlands and water quality
- groundwater

**B. Regional Urban Growth Goals and Objectives (1991).** Objective 7 of the RUGGOs addresses water resources. It identifies both water quality and water quantity issues for planning and management of water resources. It calls for development of a long-term strategy coordinated by all relevant jurisdictions to comply with state and federal requirements for drinking water, to sustain beneficial water uses and to accommodate growth.

**\*Planning activities:**

Planning programs for water resources management shall be evaluated to determine the ability of current efforts to accomplish the following, and recommendations for changes in these programs will be made if they are found to be inadequate:

-Identify the future resource needs and carrying capacities of the region for municipal and industrial water supply, irrigation, fisheries, recreation, wildlife, environmental standards and aesthetic amenities;

-Monitor water quality and quantity trends vis-a-vis beneficial use standards adopted by federal, state, regional and local governments for specific water resources important to the region;

-Evaluate the cost-effectiveness of alternative water resource management scenarios and the use of conservation for both cost containment and resource management;

-Preserve, create and enhance natural water features for use as elements in nonstructural approaches to managing stormwater and water quality."

**Objective 7: Water Resources  
Metro Regional Urban Growth Goals and  
Objectives**

**C. Greenspaces Master Plan (1992).** The protection and enhancement of open space and natural areas is directly linked with water resources planning and management. The Greenspaces Master Plan identifies the need to protect and enhance waterways and floodplains as one strategy to protect and manage greenspaces. The plan recognizes

the detrimental impact of uncontrolled stormwater run-off on floodplains and associated habitat. It identifies watershed planning and coordinated stormwater management as important ways to promote protection of habitat valuable for fish and wildlife as well as recreation. The master plan uses watersheds as the basis for ecological planning and protection of resources. The policies and programs described in this work plan support and complement the Greenspaces Program.

**D. Regional Stormwater Management Plan (1982).** The Regional Stormwater Management Plan designates water quality and stormwater management as a regionally significant activity. It identifies eight major drainage basins in the Metro region. Its policies objectives are to:

- minimize soil erosion
- minimize streambank and channel erosion by controlling stormwater runoff
- manage the 100-year floodplain and floodway to protect their natural function and minimize water quality degradation
- protect and enhance capacity of urban streams to provide habitat for fish and other aquatic organisms

The policy issues identified over 10 years ago in this plan are still relevant today.

**E. Regional Wastewater Management Plan (1988).** The Regional Wastewater Management Plan provides for regional coordination and staging for construction of wastewater treatment facilities. Wastewater treatment facilities must also service specific geographic areas and district boundaries must be delineated in treatment and distribution maps. The plan must be recertified each year by the EPA.

### **III. Goals of the Water Resources Program**

The goals of the water resources program are:

*A. To ensure sufficient quantity of surface water and groundwater available to the region.*

#### **Actions**

- Adopt and implement charter mandated water resource elements for the RFP. These elements will accommodate growth and sustain the beneficial uses of water resources.

*B. To protect and enhance water quality through coordinated growth management planning emphasizing integrated watershed management, technical assistance and public education.*

#### **Actions**

1. Adopt and implement charter mandated water quality elements for the RFP.
2. Provide technical assistance and information regarding stormwater management, stream restoration, and wetland and groundwater protection to ensure regional livability.
3. Provide regional water resource computer modeling technical assistance and mapping capabilities to growth management programs and watershed planning activities.
4. Provide coordination, technical assistance and training to promote watershed planning activities throughout the region. Facilitate coordination between watershed councils.
5. Promote regional testing, implementation and dissemination of information on best management practices to control and minimize soil erosion, stream degradation and stormwater impacts.

#### **IV. Purpose of the FY 1994-99 Water Resources Work Plan**

##### **Purpose**

On April 27, 1993, the Metro Council Planning Committee requested a revised water resources work plan. The purpose of this work plan is to:

- Review and evaluate the accomplishments of the 1990 Water Resources Work Plan.
- Define the tasks for the new FY 1994-99 Work Plan for Metro Council adoption.
- Guide staff in allocation of resources.
- Identify a strategy for gaining regional endorsement for this work plan.

##### **Approach**

The 1993 Water Resources Work Plan emphasizes:

- Adoption of charter-mandated water resource elements in the RFP.
- Coordinated growth management planning that protects and enhances water resources to ensure livability in the region.
- Integrated watershed planning to protect the full-range of beneficial uses.
- Coordination of federally-mandated regional wastewater planning functions.
- Technical assistance and information to support growth management planning programs.

##### **Implementation**

The following key elements are the basis for defining how the FY 1994-99 Water Resources Work Plan will be implemented:

***Regional Cooperation.*** Local governments, special districts, and state and federal agencies work together to protect and enhance water resources through coordinated pro-active planning, wise management and citizen involvement.

***Proactive Growth Management Planning.*** Minimize impacts to water resources, resulting in improved water quality and waterways that are fishable and swimmable.

***Coordinated Watershed Planning.*** Active watershed councils working in cooperation with local jurisdictions to plan and manage water resources.

***Citizen Involvement.*** Citizens actively involved as stewards of local streams, wetlands and rivers to monitor, protect and enhance the natural aquatic and riparian ecosystem in each watershed in the region.

***Policy, Ordinances, and Standards.*** Development of regionally consistent water resource policy, ordinances and standards.

***Natural Water Features.*** Protect, enhance and create natural water features as elements of nonstructural approaches to managing stormwater, protecting and enhancing streams and riparian areas, protecting water supply and water quality.

#### **Coordination with Other Metro Planning Policies**

The 1993 Water Resources Work Plan builds upon the water resource policies in the RUGGOs, Metro Charter, Greenspaces Master Plan, and Metro's Regional Wastewater and Stormwater Management Plans. These policies identify the water quality and water supply issues of regional concern that Metro should address in its planning functions. In addition, the Charter allows the Metro Council, in consultation with WRPAC and the MPAC, to identify additional issues of regional concern that can be addressed through regional planning.

## **V. Progress Report on 1990 Water Resources Work Plan**

### **A. Introduction**

The 1990 Water Resources Work Plan was approved by the Metro Council Planning Committee on July 12, 1990. The work plan included the following major work elements:

***Regional "208" Wastewater Management Plan:*** Prepare annual amendments to the plan, prepare Metro ordinance approving amendments and seek recertification from EPA.

***Stormwater Management:*** Update Stormwater Management Plan and seek Council approval.

***Water Quality Limited Streams:*** Produce RLIS maps of water quality conditions and participate in water quality monitoring and modeling activities in the Tualatin River watershed and Columbia Slough.

***Water Supply:*** Monitor regional programs and participate in regional and state planning activities.

***Urban Growth Management:*** Integrate water resource policies with urban growth policy development.

### **Program Staff**

The 1990 Work Plan represented a renewed interest and commitment to regional water resource issues by the Metro Council. The ***Water Quality Issues Report*** was produced in July 1989 and two water resource staff members were hired in 1989. One of these staff members, Jim Morgan, then became manager of the Smith and Bybee Lakes Management Program and another staff member, Rosemary Furfey, was hired in 1991 to continue the work. In March 1992, the water resources staff was reduced to one individual due to budget constraints and consolidation of the Planning and Development, and Transportation Planning Departments.

### **B. Progress Report on 1990 Work Plan Activities**

#### **Status of Major 1990 Work Plan Activities**

1. **Regional Phosphate Detergent Ban:** The regional phosphate ban was approved by the Metro Council on June 28, 1990. The Metro phosphate ban then served as a model for the statewide phosphorus ban which was adopted in 1991.
2. **Revised Stormwater Management Plan:** A subcommittee was formed to review the existing Metro Stormwater Management Plan. After several meetings the committee concluded the Plan could not be updated in its present form. As a result of this decision, the ***1992 Areawide Water Quality Report*** was written with a WRPAC Technical Task Group to identify regionally significant water quality issues and strategies to address these issues.

3. **RLIS digitization:** Several new data layers were added to RLIS. The new data layers include wetlands, topography, soils, natural areas and hydrography. Matching funds were acquired to add the topography and soils data layers.
4. **Water Quality Modeling:** Staff provided technical support to several regional water quality modeling efforts in the Tualatin and Willamette Rivers, and the Columbia Slough. In 1991, Metro was awarded a grant for \$24,000 from the DEQ to conduct water quality modeling in the Upper Columbia Slough and Fairview Creek watershed as part of DEQ's effort to establish total maximum daily loads (TMDLs) for selected pollutants in the Columbia Slough. The RLIS and Geographic Information System (GIS) were used in conjunction with calibration of the water quality model. Maps numbered 1, 2, and 3, respectively, were produced for the project. A final report entitled *Fairview Creek Water Quality Modeling Project* was submitted to DEQ in October 1992.

A phase II grant was awarded to Metro for \$26,400 by DEQ in 1992 to continue water quality monitoring and to implement a stream restoration project on Fairview Creek in coordination with local jurisdictions and citizen groups.

5. **Annual Regional Wastewater "208" Plan Update:** The Metro Regional Wastewater Plan was updated each year and necessary amendments to the plan were approved by ordinance by the Metro Council. The Plan was recertified each year by DEQ and EPA.
6. **Coordination with Region 2040 Project:** Staff coordinated a series of WRPAC subcommittee meetings for regional water suppliers and wastewater managers, water quality specialists to provide technical feedback on the proposed Region 2040 growth concepts.
7. **Leaf Compost Stormwater Filtration Project:** In an effort to address stormwater management and promote new best management practices, Metro received a DEQ grant for \$40,000 to implement three leaf compost stormwater filtration facilities in the Tualatin River watershed. W&H Pacific was hired to design and test the facilities. The regional cooperators are the City of Portland's Bureau of Environmental Services, Washington County's Department of Land Use and Transportation, and the Oregon Department of Agriculture. The project will be completed in December 1993.
8. **Water Resources Policy Advisory Committee Coordination:** WRPAC has met quarterly each year and has provided technical input and review on a variety of water resource planning issues including the Region 2040 Project and has recommended approval of the Annual Wastewater Update amendments to the Metro Council.
9. **Technical Assistance and Information:** Staff provided technical assistance and information in response to requests from the public on a variety of water quality issues. Staff were featured speakers at several conferences in the region. Staff also coordinated regional conferences in cooperation with other agencies and jurisdictions on numerous water resource issues. Several maps have been produced utilizing Metro RLIS data. These include Map No. 4 illustrating the major

watersheds and habitat types within the urban growth boundary, and Map No. 5 showing the topography of Newell Creek in Clackamas County. Metro staff provided technical assistance on the recently produced Fairview Creek urban stream brochure in Appendix 2.

10. **Watershed Planning:** Staff participated in regional watershed planning activities on Johnson, Fairview, Butternut and Hedges Creeks, and the Columbia Slough. Staff provided technical assistance on stream restoration techniques, stormwater management best management practices, water quality monitoring, citizen involvement and inter-agency coordination.

Appendix 1 summarizes the status of work accomplishments from the 1990 Water Resources Work Plan.

### Water Quality Issues of Regional Concern

#### *Introduction*

Water resource issues have evolved dramatically in the past three years. Today, new knowledge and approaches to address water resource problems on a watershed basis are challenging water resource managers. In addition, new federal water quality regulations and mandates require all resource managers to re-examine old practices and seek new solutions to the persistent problems of non-point source pollution. Federal and state initiatives are promulgating a watershed planning and analysis approach to water resources management.

The management practices of the past have clearly not solved the problems of water pollution, stormwater impacts, stream degradation, loss of wetlands and threats to municipal water supplies.

The **1992 Areawide Water Quality Report** identified new and emerging water resource issues of regional concern. This report was developed by an inter-agency Task Group made up of WRPAC representatives that analyzed regional water quality issues and proposed strategies to address the issues.

#### *Water Quality Issues of Regional Concern*

The **1992 Areawide Water Quality Report** identified four water quality issues of regional concern:

- Stormwater Management
- Significantly Polluted Streams
- Wetlands and Water Quality
- Groundwater

The report presented the following conclusions:

1. All four water quality issues listed above are interconnected and should be addressed through coordinated management strategies.



2. Management strategies must recognize potential cross-media (i.e., surface water contaminating groundwater) impacts to resources and maximize overall resource protection benefits.
3. A comprehensive watershed management approach must be used to effectively address water quality and quantity problems.
4. Education programs must be implemented to inform the public about water quality problems, how the public affects the resource and how citizens can become involved in solving these problems.

#### 1992 Areawide Water Quality Report Recommendations

The following principal recommendations were made by the Task Group that prepared the report as actions that could be carried out by any jurisdiction to address regional water quality problems:

1. Initiate comprehensive watershed planning and implement basin-wide water resources programs.
2. Identify, control and safely dispose of pollutants.
3. Test best management practices (BMPs) in the metropolitan region.
4. Conduct research on rivers and streams to improve water quality management programs and practices.
5. Educate and involve the public.
6. Properly maintain water quality management facilities.
7. Control land use impacts on water quality.
8. Establish land banking to protect natural resources.

#### **C. Evaluation of 1990 Water Resources Work Plan**

##### Accomplishments

The past three years have produced many successful water resource products and accomplishments. These include:

1. Adoption of Metro's Regional Phosphate Detergent Ban in 1990 and subsequent adoption of the statewide phosphate detergent ban in 1991.
2. Adoption by Metro Council of the 1991 and 1992 *Annual Wastewater Management Plan* updates.
3. Annual recertification and federal EPA approval of the Regional Wastewater Management Plan amendments.

4. Production of two well-received publications:  
*The Role of the State in Water Resource Management (1992)*  
*The Areawide Water Quality Report (1992)*
5. Continued management and coordination of quarterly meetings of WRPAC.
6. Receipt of three grants from DEQ:
  - a. Fairview Creek Water Quality Modeling Project (604(b) funds: \$24,000)
  - b. Leaf Compost Stormwater Filtration Project (EPA 319 funds: \$40,000)
  - c. Phase II: Fairview Creek Project (604(b) funds: \$24,000)
7. Submittal of the *Fairview Creek Water Quality Modeling Project* report to DEQ in 1992.
8. Development of new RLIS data layers:
  - wetlands
  - topography (\$10,000 matching funds)
  - soils (\$9,000 matching funds)
  - natural areas
  - hydrography
9. Coordination of several regional conferences, workshops and presentations to professional meetings and other public information initiatives:
  - Streamwalk Conference - April 1992
  - Presentation to National Rivers Conference - May 1992
  - Adopt-A-Stream Conference - October 1992
  - Presentation to DEQ Non-point Source Conference - April 1993
  - Field Tour for National Park Service on Johnson Creek - April 1993
10. Technical assistance to numerous regional watershed planning initiatives, including:
  - Johnson Creek
  - Fairview Creek
  - Columbia Slough

These activities and accomplishments are important first steps to re-establish Metro's role in regional water resource planning. Staff reductions (from two staff members to one) and budget limitations, however, curtailed activities in such areas as water supply planning, special district agreements, identification of stormwater management facilities and the revised Stormwater Management Plan.

## **VI. Five-Year Work Plan: FY 1994-99**

### **A. Introduction**

The Metro Charter emphasizes Metro's role in regional growth management planning. It specifically identifies water sources and storage as an element in the RFP. The Charter also states that the RFP should address planning responsibilities mandated by state law. In addition, the RFP can address other growth management and land use planning matters which the Council determines are of metropolitan concern and would benefit from regional planning. This work plan addresses each of these work elements.

#### **Work Plan Elements**

This FY 1994-99 Work Plan addresses the Metro Charter mandates, builds upon Metro's programmatic strengths, agency resources and accomplishments of the past three years. It identifies the issues of regional concern and the optimum role for Metro to provide regional leadership on water resource planning issues. The work plan focuses on the following major elements:

- Adoption of Water Resource Elements in the Regional Framework
- Coordination of Growth Management and Water Resources
- Development of a Watershed Program
- Recertification of the Annual Wastewater Management Plan

### **B. Program Activities**

#### **Work Program Outline**

#### **1. *Growth Management and Water Supply Planning* (Metro Charter Mandate)**

##### **a. Coordinate with Phase II Regional Water Supply Study**

- 1) Produce Growth Management Data and RLIS Maps
- 2) Produce Technical Materials and Public Education Information

##### **b. Adopt Charter-Mandated Water Supply Elements for the RFP in Consultation with WRPAC and MPAC**

##### **c. Develop Water Conservation Program and Public Education and Technical Materials in Coordinator with region's water providers.**

#### **2. *Growth Management and Water Quality Planning* (Metro Policy)**

##### **a. Growth Management and Water Resources Coordination**

- 1) Adopt Water Quality Elements of RFP
- 2) Provide Technical Water Resources Information to Region 2040 Project
- 3) Determine Impact on Water Resources of Region 2040 Growth Concepts

- 4) Implement Innovative Demonstration Projects to Test Land Use Planning Techniques to Protect Water Resources
- 5) Coordinate with WRPAC and MPAC
- 6) Develop and Adopt Model Ordinances
- 7) Produce Technical Information and Public Education Materials
- 8) Establish Regional Technical Clearinghouse
- 9) Co-sponsor Workshops and Conferences

**b. Regional Watershed Program (EPA and State Initiatives)**

- 1) Coordinate Watershed Planning Activities
- 2) Use EPA-sanctioned Water Quality Computer Model to Test Watershed Management Options
- 3) Coordinate with WRPAC and MPAC
- 4) Adopt Viable Policies
- 5) Develop and Adopt Model Ordinances
- 6) Produce RLIS Natural Resource Inventory Maps
- 7) Test Innovative Best Management Practices
- 8) Co-sponsor Workshops
- 9) Produce Technical Information and Public Education Materials

**c. Annual Areawide Wastewater Management "208" Plan Recertification (Federal Mandate)**

- 1) Coordinate Annual Update for Recertification
- 2) Coordinate with WRPAC and MPAC

**Description of FY 1994-99 Work Plan Components**

**1. *Growth Management and Water Supply Planning* (Metro Charter Mandate)**

**a. Coordination with Phase II Regional Water Supply Plan**

- 1) Produce RLIS Data and Growth Management Maps

Work with the region's water suppliers to implement the Phase II Regional Water Supply Plan as it relates to Metro's growth management programs. Metro will provide technical assistance, maps and data from its RLIS and Region 2040 project.

- 2) Produce Technical Information and Public Education Materials

Produce selected technical materials and public education information to support Metro's role in regional water supply planning in coordination with region's water suppliers.

**b. Adoption of Charter-Mandated Water Supply Elements for the RFP**

- **Adopt Viable Policies in consultation with MPAC and WRPAC**

Adopt policies and work elements that address the water supply and storage elements required in the RFP in consultation with MPAC and WRPAC by 1996.

**c. Develop Water Conservation Program**

- **Produce Public Education and Technical Materials**

Produce water conservation public education information and technical materials in coordination with the region's water suppliers as part of the water supply element in the RFP.

**2. *Growth Management and Water Quality Planning* (Metro Policy)**

**a. Growth Management and Water Resources Coordination**

**1) Adopt Water Quality Elements of RFP**

Adopt the water quality elements of the RFP by 1996. Conduct the necessary research, data collection and analysis, and policy development needed to adopt this element. Work with WRPAC and MPAC on technical and policy issues prior to adoption of work element.

**2) Provide Technical Water Resources Information to Region 2040 Project**

Provide technical assistance to Region 2040 Project by coordinating WRPAC technical review of Region 2040 growth concepts, collecting infrastructure cost estimates for different growth concepts regarding sewers, stormwater and other parameters, and providing other technical information related to water resources.

**3) Determine Impact on Water Resources of RFP**

Use EPA-sanctioned computer model to model and evaluate the impact of changes in land use on surface water and groundwater in the region with Metro's chosen growth concept. The model will be calibrated to different watersheds in the region and land use and water resource management alternatives will be evaluated. This technical work will be carried out in cooperation with local governments and special districts and watershed council to develop local modeling tools that will enable local governments to effectively choose land use and water management alternatives to protect and enhance water quality. The tools will also allow for the assessment of management strategies directed towards Willamette River and Columbia Slough water quality needs.

**4) Implement Innovative Demonstration Projects to Test Land Use Planning Techniques to Protect Water Resources**

Coordinate and manage an innovative demonstration grant program to test land use planning, growth management and site development design alternatives and techniques to protect water resources. This can include creative site development designs and construction that protect and enhance natural water features, development of riparian buffer protection in newly developing area, creative redevelopment strategies that enhance existing or degraded water features, and testing of innovative land use strategies that protect both greenspaces and water resources as growth occurs. In addition, a review and evaluation will be conducted of existing land use strategies to protect and enhance water resources. Grants will be provided on an annual basis for three years. A publication will be developed in coordination with Metro's Public Affairs Department to document programs and project results.

**5) Coordinate with WRPAC and MPAC**

Seek WRPAC and MPAC technical and policy review and feedback to water resources projects as related to growth management. Coordinate quarterly WRPAC meetings to serve as a forum for review and consultation on water resource planning activities.

**6) Adopt Viable Policies**

Adopt viable watershed planning policies to support growth management policies.

**7) Develop and Adopt Model Ordinances**

Develop and adopt model ordinances that support Metro policy regarding protection and enhancement of water resources. Model ordinances are developed in cooperation with selected jurisdictions and special districts and serve as models for local governments to adapt to their own needs and local conditions.

**8) Produce Technical Information and Public Education Materials**

Produce technical information and public education materials to document selected topics related to growth management and water resource issues. Develop associated public education materials in coordination with Public Affairs Department to address different water issues related to growth management.

**9) Establish Regional Technical Clearinghouse**

Establish and maintain a regional clearinghouse on selected water resource topics including stormwater management, best management practices, watershed planning, water supply planning, land use planning strategies to

protect water resources, wetland protection, stream restoration, GIS applications to water resource management, water quality modeling and maps.

**10) Co-sponsor Workshops and Conferences**

Coordinate and co-sponsor regional workshops and conferences to promote innovative growth management strategies that protect and enhance water resources.

**b. Regional Watershed Program (EPA and State Initiatives)**

**1) Coordinate Watershed Planning Activities**

Develop criteria to select regionally-significant watershed planning activities for Metro to implement in cooperation with local jurisdictions and relevant state and federal agencies. Coordinate selected watershed planning activities.

**2) Use EPA-sanctioned Water Quality Computer Model to Test Watershed Management Options**

Use Metro EPA-sanctioned water quality modeling and RLIS mapping capabilities to test different land use management options developed in the watershed planning process. Work with local jurisdictions and special districts to develop local modeling capabilities and testing of management options.

**3) Coordinate with WRPAC and MPAC**

Consult with and seek advice from WRPAC and MPAC for technical and policy guidance periodically during the watershed planning process.

**4) Develop and Adopt Model Ordinances**

Develop and adopt model ordinances that support the goals and objectives of the watershed planning program. These ordinances will then be adapted to local situations and adopted by local jurisdictions to allow for consistency in ordinances and resource protection throughout the watershed.

**5) Produce RLIS Natural Resource Inventory Maps**

Produce selected watershed resource inventory maps to support data collection and resource identification activities as the watershed plan is developed. Use RLIS data layers and add new data information as needed.

**6) Test Innovative Best Management Practices and Stream Restoration Techniques**

Test innovative best management practices for erosion control and stream restoration techniques to protect riparian habitat and protect water quality to promote the goals of the watershed planning program.

**7) Co-sponsor Workshops**

Coordinate and co-sponsor workshops and conferences to share information from regional watershed planning efforts.

**8) Produce Technical Information and Public Education Materials**

Produce technical information and public education materials to support watershed planning activities and share results of watershed program.

**c. Annual Areawide Wastewater Management "208" Plan Recertification (Federal Mandate)**

**1) Coordinate Annual Update for Recertification**

Conduct survey of jurisdictions and region's wastewater managers to compile changes in the transmission and collection maps for wastewater management districts. Coordinate reporting to DEQ and EPA, and Metro Council ordinance to recommend plan for recertification.

**2) Coordinate with WRPAC and MPAC**

Seek WRPAC and MPAC, technical and policy review of annual update of Metro's Wastewater Management Plan.



## C. Timeline

### FY 1994-99 Water Resources Work Plan Timeline

ID	Name	Duration	Scheduled Start	Scheduled Finish	1994	1995	1996	1997	1998	1999	2000	2001
1	Adopt Water Supply Element of RFP	129w	1/1/94 8:00am	6/21/96 5:00pm	■	■	■					
2	Coordinate with Phase II Reg. Supply Plan	129w	1/1/94 8:00am	6/21/96 5:00pm	■	■	■					
3	Dev. Water Conservation Program	150w	1/1/95 8:00am	12/26/97 5:00pm		■	■	■				
4												
5	Adopt Water Quality Element of RFP	150w	7/1/94 8:00am	6/26/97 5:00pm	■	■	■					
6	Water Quality Modeling for RFP	260w	1/1/95 8:00am	12/24/99 5:00pm		■	■	■	■	■		
7	Implement Demonstration Program	150w	1/1/95 8:00am	12/28/97 5:00pm		■	■	■				
8	Coordinate with WRPAC and MPAC	280w	1/1/94 8:00am	5/14/99 5:00pm	■	■	■	■	■			
9	Develop and Adopt Model Ordinances	104w	1/1/97 8:00am	12/29/98 5:00pm				■	■	■		
10	Produce Technical Info. and Pub. Ed. Materials	150w	1/1/97 8:00am	12/28/99 5:00pm				■	■	■		
11	Establish Technical Clearinghouse	52w	1/1/97 8:00am	12/30/97 5:00pm				■				
12	Co-sponsor Workshops and Conferences	260w	7/1/94 8:00am	6/24/99 5:00pm	■	■	■	■	■			
13												
14	Coordinate Watershed Planning Activities	260w	7/1/94 8:00am	6/24/99 5:00pm	■	■	■	■	■			
15	Watershed Modeling	150w	1/1/95 8:00am	12/26/97 5:00pm		■	■	■				
16	Coordinate with WRPAC and MPAC	260w	7/1/94 8:00am	6/24/99 5:00pm	■	■	■	■	■			
17	Adopt Viable Policies	104w	1/1/97 8:00am	12/29/98 5:00pm				■	■	■		
18	Develop and Adopt Model Ordinances	104w	1/1/97 8:00am	12/29/98 5:00pm				■	■	■		
19	Test Innovative Best Management Practices	200w	1/1/94 8:00am	12/26/97 5:00pm	■	■	■	■				
20	Produce Tech. Info. and Public Education Mat.	260w	7/1/94 8:00am	6/24/99 5:00pm	■	■	■	■	■			
21	Co-sponsor Workshops and Conferences	260w	7/1/94 8:00am	6/24/99 5:00pm	■	■	■	■	■			

#### **D. FY 1994-99 Budget**

The Water Resources Work Plan budget reflects successful acquisition of federal and state funds to implement the water quality modeling and watershed program. The EPA may be a source of grant funds for the demonstration projects for land use planning and best management practices.

The work plan will be implemented using existing staff and resources in the Planning Department's Growth Management Division and Data Resources Center. A specific budget will be developed after the Metro Planning Committee selects the final programs to be included in the work plan before it is submitted to the Metro Council.

## **VII. Adoption of FY 1994-99 Work Plan**

The draft Water Resources Program Work Plan will be presented to the Metro Council Planning Committee on September 28, 1993. The presentation will inform the Councilors about the proposed work plan elements and seek their comments on this initial draft. Following Planning Committee review, the Draft Work Plan will be shared with WRPAC for their information and technical comments at their next quarterly meeting in November 1993. The draft Plan will also be presented to MPAC in November as an informational update on Metro's water resource activities.

After incorporating the relevant and appropriate comments from WRPAC and MPAC, the draft will be finalized. The final work plan will then again be presented to the Metro Council Planning Committee for their recommendation to endorse the plan and forward it to the Metro Council for adoption by resolution.

The plan will be presented to the Metro Council for adoption in December 1993.

## **VIII. Conclusion**

This is an ambitious work plan. It clearly places Metro as a regional leader in water resource planning and technical assistance. The new Metro Charter and growth management planning mandates require Metro to take regional leadership on water resource issues of regional concern. Metro, however, cannot accomplish these tasks alone. Each work plan element must be coordinated with appropriate local jurisdictions, special districts, state and federal agencies, and citizen groups. By providing the vision and leadership on these issues Metro can ensure that water resources will be protected and enhanced as the region grows. This role is essential to the region's future livability and economic viability.

RF/erb  
e:\pdv\193w\kpl

## APPENDIX 1

### METRO PLANNING DEPARTMENT

#### STATUS OF 1990 WATER RESOURCE WORK PLAN COMPONENTS

<u>Project Name</u>	<u>Status</u>	<u>Milestones/Progress</u>	<u>Comments</u>
1. Water Resource Management Reconnaissance	Completed January 1990	<ul style="list-style-type: none"> <li>Stakeholders interviewed</li> <li>Meetings Conducted</li> </ul>	
2. WRPAC Reorganization	Completed April 1990	<ul style="list-style-type: none"> <li>New committee members added</li> <li>Broader range of issues discussed</li> </ul>	
3. Regional Water Supply Formats	Completed April 1990	<ul style="list-style-type: none"> <li>Washington County format prepared</li> </ul>	
4. Phosphate Detergent Ban	Completed June 1990	<ul style="list-style-type: none"> <li>Regional phosphate ban approved by Metro Council on June 28, 1990</li> <li>State ban adopted in 1991</li> </ul>	
5. State Role in Water	Completed	<ul style="list-style-type: none"> <li>Report produced entitled: "Role of State in Water Resources Management" published in September 1991</li> </ul>	
6. Revised Stormwater Management Plan	Eliminated	<ul style="list-style-type: none"> <li>WRPAC Stormwater Committee formed</li> <li>Stormwater Committee advised work plan revision - task postponed</li> </ul>	
7. Regional Surface Water Quality Mapping	Ongoing	<ul style="list-style-type: none"> <li>Completed for Fairview Creek watershed</li> </ul>	
8. Digitization of Soil Surveys	Completed	<ul style="list-style-type: none"> <li>Soil Conservation Service (SCS) maps digitized</li> <li>Data available on Metro RLIS system</li> </ul>	
9. Water Conservation Policy	Eliminated	<ul style="list-style-type: none"> <li>Staff participated in Department of Resource Water Conservation Advisory Committee meeting</li> </ul>	
10. Information Workshop on Anacostia River Restoration Project	Completed	<ul style="list-style-type: none"> <li>Workshop held on June 30, 1993</li> <li>Keynote speaker: Lori Herson-Jones</li> </ul>	
11. Identify Regional Stormwater Management Facilities	Not Initiated		
12. Special Districts Agreement	Eliminated	<ul style="list-style-type: none"> <li>One agreement initiated and developed to draft stage</li> </ul>	

**METRO PLANNING DEPARTMENT**

**STATUS OF 1990 WATER RESOURCE WORK PLAN COMPONENTS**

<u>Project Name</u>	<u>Status</u>	<u>Milestones/Progress</u>	<u>Comments</u>
13. TMDL Study Database a. Tualatin River b. Columbia Slough c. Johnson Creek	Eliminated	<ul style="list-style-type: none"> <li>• Meetings attended</li> <li>• Tested NPSMAP model</li> <li>• Cooperated on data development</li> </ul>	
14. Water Quality Modeling	Completed	<ul style="list-style-type: none"> <li>• DEQ 604(b) grant received October 1991</li> <li>• Fairview Creek Watershed Modeling Project implemented October 1991 - October 1992</li> <li>• Final report to DEQ October 1992</li> </ul>	Grant amount \$24,000
15. Water Supply Assessment	Ongoing	<ul style="list-style-type: none"> <li>• Coordination with City of Portland Water Bureau and regional water suppliers</li> <li>• Regional census data provided</li> </ul>	
16. Stormwater and Wastewater Plan Merger	Eliminated	<ul style="list-style-type: none"> <li>• <u>Areawide Water Quality Report</u> published in April 1992 as analysis of regional water quality issues</li> </ul>	
17. RLIS Data Layers	Completed	<ul style="list-style-type: none"> <li>• Several new data layers added to RLIS system               <ul style="list-style-type: none"> <li>- topography</li> <li>- National Wetlands Inventory (NWI)</li> <li>- Natural Areas</li> <li>- Hydrography</li> </ul> </li> </ul>	
18. Smith and Bybee Lakes	Ongoing	<ul style="list-style-type: none"> <li>• Recreational Plan developed and initiated</li> <li>• Landfill Revegetation Plan started</li> <li>• Biological Study initiated</li> <li>• Water flow structure installed</li> <li>• Fish tissue sampling completed</li> <li>• Trail construction started</li> <li>• Property acquisition in progress</li> </ul>	
19. Annual "208" Plan Update	Completed/ Ongoing	<ul style="list-style-type: none"> <li>• 1991 Plan completed</li> <li>• 1992 Plan completed</li> <li>• 1993 Update underway (approved by WRPAC on July 28, 1993)</li> </ul>	

**METRO PLANNING DEPARTMENT****STATUS OF 1990 WATER RESOURCE WORK PLAN COMPONENTS**

<b><u>Project Name</u></b>	<b><u>Status</u></b>	<b><u>Milestones/Progress</u></b>	<b><u>Comments</u></b>
20. Coordination with Region 2040 Project	Ongoing	<ul style="list-style-type: none"><li>• Meetings with regional wastewater and water supply providers to evaluate growth concepts</li><li>• WRPAC meeting to comment on growth options</li><li>• Survey of regional wastewater managers for information on base case analysis</li><li>• Review of RFP to analyze cost implications of growth concepts</li><li>• Continued meetings with WRPAC members</li></ul>	
21. Fairview Creek Phase II Project	Ongoing	<ul style="list-style-type: none"><li>• Water quality monitoring continued</li><li>• Stream restoration project implemented</li><li>• Final report completed December 1993</li></ul>	• \$26,400 DEQ 604(b) Grant
22. Leaf Compost Stormwater	Ongoing	<ul style="list-style-type: none"><li>• Design of three stormwater filtration projects</li><li>• Construction of three filtration sites</li><li>• Monitoring of facilities</li><li>• Final report December 1993</li></ul>	• \$40,000 DEQ 319 Grant • Cooperative project with City of Portland
23. Regional Water Supply Issues	Ongoing	<ul style="list-style-type: none"><li>• Identify Metro roles to meet new charter mandate</li><li>• Implement policy direction</li><li>• Coordinate with Regional Water Supply Plan</li></ul>	
24. Metro Water Resources Policy Advisory Committee Coordination	Ongoing	<ul style="list-style-type: none"><li>• Conduct quarterly meetings</li><li>• Conduct survey of members (June 1993) to identify meeting topics</li><li>• Provide policy and technical advice to Metro Council on 2040 growth options</li><li>• Approve Annual "208" Update to Metro Regional Wastewater Management Plan</li><li>• Advise Region 2040 Project on water-related issues</li></ul>	
25. Technical Assistance	Ongoing	<ul style="list-style-type: none"><li>• Prepare RLIS maps for selected projects</li><li>• Conduct workshops on selected technical issues</li><li>• Provide technical information to public as requested</li></ul>	

**METRO PLANNING DEPARTMENT**

**STATUS OF 1990 WATER RESOURCE WORK PLAN COMPONENTS**

<b><u>Project Name</u></b>	<b><u>Status</u></b>	<b><u>Milestones/Progress</u></b>	<b><u>Comments</u></b>
<b>26. Public Education and Information</b>	<b>Ongoing</b>	<ul style="list-style-type: none"><li>• Produce Fairview Creek Urban Stream brochure, July 1993</li><li>• Sponsored Anacostia River Watershed Workshop, June 30, 1993</li><li>• Co-sponsored conferences<ul style="list-style-type: none"><li>- Adopt-A-Stream Conference</li><li>- Citizens Monitoring Conference</li></ul></li><li>• Conduct presentations at conferences and workshops</li></ul>	
<b>27. Watershed Planning</b>	<b>Ongoing</b>	<ul style="list-style-type: none"><li>• Participate in regional watershed planning initiatives:<ul style="list-style-type: none"><li>- Johnson Creek</li><li>- Fairview Creek</li><li>- Columbia Slough</li><li>- Hedges Creek</li><li>- Butternut Creek</li><li>- Columbia Slough</li></ul></li></ul>	



Meeting Date: December 23, 1993  
Agenda Item No. 7.2

RESOLUTION NO. 93-1874

## **PLANNING COMMITTEE REPORT**

### **CONSIDERATION OF RESOLUTION NO. 93-1874, AMENDING THE TRANSPORTATION IMPROVEMENT PROGRAM SO THAT TRI-MET CAN APPLY FOR SECTION 3 FUNDS IN THE REDIRECTED PROJECT BREAK-EVEN ACCOUNT**

Date: December 15, 1993

Presented By: Councilor Devlin

**Committee Recommendation:** At the December 14 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 93-1874. Voting in favor: Councilors Van Bergen, Devlin, Gates, Kvistad, Monroe, and Moore.

**Committee Issues/Discussion:** Andy Cotugno, Planning Director, presented the staff report. The resolution requests allowance of the former "Break Even" funds to be used in a grant application by Tri-Met for Eastside Light-Rail Transit related costs. He explained that in 1990, \$13 million were appropriated by Congress for the purpose of acquiring land in Gresham for a joint development project that never came about because of disagreement from the Federal Transit Administration.

Last June, the Metro Council approved reprogramming of the funds to "other transit purposes" so that the region would not lose the funds. This action approved allowing \$4.5 million to be used for a parking structure/park and ride lot in Gresham, with the remaining \$9 million to be used for Eastside related costs. These include double tracking, expansion of the storage track in Ruby Junction, and upgrading of the communication system on the Eastside.

Since that time, Congress has removed the decision from the region by prescribing that the money must be used for Eastside related costs within this fiscal year. The park and ride structure/parking garage was disallowed. This resolution allows the application for the funds to proceed immediately. The \$13 million of funding would only be an increment toward the cost of the listed projects, leaving the parking structure to be funded by some other means. There is a caveat within the resolution requiring the City of Gresham and Tri-Met to determine an alternative approach to funding the park and ride structure. Both Gresham and Tri-Met have agreed to full cooperation.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	RESOLUTION NO. 93-1874
THE TRANSPORTATION IMPROVEMENT	)	
PROGRAM SO THAT TRI-MET CAN	)	Introduced by
APPLY FOR SECTION 3 FUNDS IN	)	Councilor Van Bergen
THE REDIRECTED PROJECT BREAK-	)	
EVEN ACCOUNT	)	

WHEREAS, On May 25, 1990, the President signed into law the FY 1990 Dire Emergency Supplemental Appropriations Bill, H.R. 4404, which directed the Urban Mass Transportation Administration (now known as Federal Transit Administration) to make available within 60 days \$13.5 million for "the acquisition of land in Gresham, Oregon, for the joint development project called "Project Breakeven"; and

WHEREAS, In June 1990, Brian W. Clymer, UMTA Administrator, in compliance with that provision, reserved funds in that amount in agency accounts; and

WHEREAS, On July 24, 1990, Tri-Met submitted a grant application for Section 3 funding for the purpose described above; and

WHEREAS, Due to an erosion of support for the project within the Federal Transit Administration, the grant application has not been approved and the monies have not been allocated to Tri-Met; and

WHEREAS, On May 27, 1993, the Metro Council adopted Resolution No. 93-1805 which acknowledged the agreement between Tri-Met and Gresham on the disposition of Project Breakeven funds and requested the U.S. Congress to amend the Project Breakeven earmark and allow reprogramming of these funds for three specific

transit-related projects in or near the City of Gresham (a park-and-ride project in Gresham, Banfield system double-tracking from Ruby Junction to Cleveland Station, and improvements to the Ruby Junction maintenance facility); and

WHEREAS, Congressional action on the FY 1994 Appropriations Bill required the Federal Transit Administration to redirect the Project Breakeven funds to the Westside Light Rail Program to fund critically needed project elements that were not funded by the Full-Funding Grant Agreement; and

WHEREAS, The Office of Management and Budget is attempting to rescind all unobligated earmarks, which means that any projects included in the redirected Project Breakeven application must be under contract by the end of FY 94; and

WHEREAS, Tri-Met and the City of Gresham agree that the Gresham park-and-ride is not far enough along in planning to meet this deadline; and

WHEREAS, Three Eastside system completion projects shown in Exhibit A (Double-Tracking, Ruby Junction expansion, and Operations Control Retrofit) have been identified which are eligible for this funding and able to be under contract by the end of FY 94; and

WHEREAS, Project Breakeven funds, combined with anticipated, unallocated FY 94-96 Rail Modernization formula program funds would be sufficient to complete all three of these projects; and

WHEREAS, Tri-Met will seek Section 3 funding for the Gresham park-and-ride (and other unfunded Eastside system-related

improvements) through the ISTEA contingent commitment process;  
and

WHEREAS, In order for Tri-Met to apply for Section 3 funding for the three system completion projects shown in Exhibit A, it is necessary for the Metro Council to amend the Transportation Improvement Program; now, therefore,

BE IT RESOLVED,

1. That the Metro Council acknowledges that Congressional action has limited the region's flexibility in the disposition of Project Breakeven funds and recognizes the need for immediate Metro action in order to preserve these funds for the region.

2. That the Metro Council agrees to amend the Transportation Improvement Program to reprogram the reserve Rail Modernization funds for FY 94-96 as shown in Exhibit A, and to redirect Project Breakeven Section 3 discretionary program funds to the Section 3 Westside System Completion Program for the purpose of funding the three system completion projects shown in Exhibit A.

3. That this resolution is contingent upon Tri-Met and the City of Gresham agreeing upon an alternative approach to funding the Gresham park-and-ride.

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

Judy Wyers, Presiding Officer

EXHIBIT A

Eligible Section 3 Projects  
for Redirected Project Breakeven Application

---

FTA Section 3 discretionary (Project Breakeven)

	FY94
6 Banfield Retrofit - Operations Control Total	1.409M
7 Banfield Retrofit - Double Tracking Total	8.025M
8 Banfield Retrofit - Ruby Junction Expansion Total	3.975M
Redirected Project Breakeven Totals	13.409M *

---

---

Section 3 Formula: Rail Modernization

	FY94	FY95	FY96	FY97	Post 97	Total
64 Banfield Retrofit - Operations Control *	1.190	1.190	1.190	0	0	3.570
67 Reserve Rail Mod	0	0	0	1.190	1.190	2.380

---

\* Funding level published in the Federal Register on November 8, 1993.

## STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1874 FOR THE PURPOSE OF AMENDING THE TRANSPORTATION IMPROVEMENT PROGRAM SO THAT TRI-MET CAN APPLY FOR SECTION 3 FUNDS IN THE REDIRECTED PROJECT BREAK-EVEN ACCOUNT

Date: November 30, 1993.

Presented by: Andrew Cotugno

## FACTUAL BACKGROUND AND ANALYSIS

### Proposed Action

Approval of this resolution will authorize transfer of three projects from their current location in the Section 3 Discretionary Program into a new Section 3 Westside System Completion Program account. These projects are:

1. Banfield System Double Tracking (Metro ID #217);
2. Ruby Junction Maintenance Facility Expansion (Metro ID #218);  
and
3. Communications System Retrofit (Metro ID #215).

Approval would also transfer the sum of \$13.401 million from the current Discretionary Program balance to the new program. This sum represents the balance of funds, minus Federal Transit Administration administrative charges, authorized for expenditure under the Project Breakeven earmark.

Approval would acknowledge administrative programming of \$3.57 million of FY 94-96 Section 3 Rail Modernization Reserve funds to fully fund construction of these projects.

Approval of this resolution retains the City of Gresham park-and-ride facility as an unsecured request in the Section 3 Discretionary program, the status created by Congressional budget action declaring that Project Breakeven funds are eligible only for projects critical to Westside system completion.

JPACT has reviewed this TIP amendment and recommends approval of Resolution No. 93-1874.

### Background

On May 25, 1990, H.R. 4404 was signed into law by the President. It directed UMTA, now known as the Federal Transit Administration (FTA), to make available \$13.5 million for "the acquisition of land in Gresham, Oregon" for the joint development project called "Project Breakeven." Funds in this amount were reserved by FTA in June, 1990. In July, 1990, Tri-Met submitted a grant application for Section 3 funding for the project. For a variety of reasons, FTA has never approved the grant and the monies have remained in reserve, earmarked for a joint development project of the nature intended by Project Breakeven.

On May 27, 1993, Metro Resolution No. 93-1805 was adopted which requested Congress to amend the Project Breakeven earmark attached to these funds. It was requested that the amendment should permit expenditure of the Breakeven funds on any of several projects:

1. A Gresham park-and-ride facility;
2. Banfield System Double-Tracking; and
3. Ruby Junction Maintenance Facility Expansion.

A Letter of Agreement signed by Tri-Met and the City of Gresham, that was included as an exhibit to the resolution, further specified that a sum of \$4.5 million would be allocated to the park-and-ride facility, with the balance to be made available to the other two projects.

Recent congressional action amended the earmark and made the Breakeven funds available for any project encompassed within the legislative definition of projects eligible for Westside Full-Funding Grant Agreement funding. Additionally, the Office of Management and Budget has expressed its intent to rescind authority to obligate funds not under contract by the end of federal Fiscal Year 1994 (September 30, 1994).

The Gresham park-and-ride is not currently recognized by FTA as critical to Westside system completion and, therefore, eligible for receipt of Breakeven obligation authority. Three other Section 3 Discretionary projects are recognized by FTA as critical: the Double-Tracking, Ruby Junction Expansion, and the Operations control/communications retrofit projects. Tri-Met has already committed final design funds for these projects and anticipates submission of a December 31, 1993 grant request for FTA approval of construction funding for these projects. This resolution clarifies that the three projects are system completion projects and that previous intentions to commit Breakeven funds to the Gresham park-and-ride facility are now abandoned.

At the same time, the resolution expresses endorsement of Tri-Met's intent to pursue federal funding for the park-and-ride, as well as other unfunded, Eastside system completion projects, through the ISTEA contingent commitment process. In anticipation of these additional project tracking requirements, the new Westside System Completion Program section is being added to the TIP.

#### Executive Officer's Recommendation

The Executive Officer recommends approval of Resolution No. 93-1874.



Meeting Date: December 23, 1993  
Agenda Item No. 7.3

RESOLUTION NO. 93-1871

## SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1871, FOR THE PURPOSE OF DECLARING A SOLE SOURCE CONTRACT WITH B & B LEASING COMPANY, INC. FOR REFUSE HAULING FROM THE METRO SOUTH HOUSEHOLD HAZARDOUS WASTE FACILITY AND AUTHORIZING A COMPETITIVE BIDDING EXEMPTION PURSUANT TO CHAPTER 2.04.041 (C)

-----  
Date: December 10, 1993

Presented by: Councilor McFarland

Committee Recommendation: At the December 7 meeting, the Committee voted 3-0 to recommend Council adoption of Resolution 93-1871. Voting in favor: Councilors Buchanan, McFarland and Wyers. Councilors McLain and Washington were excused.

Committee Issues/Discussion: Since the opening of the HHW facility at Metro South, Metro has permitted the station operator, Waste Management, to dispose of solid waste and certain recycable containers that accumulate at the HHW facility (eg. cardboard containers, plastic bags, paint cans, etc. used by the public to transport HHW materials to the facility).

Sam Chandler, Solid Waste Operations Manager, explained that legally the station falls under the provisions of the hauler franchise for the city of Oregon City which gives exclusive solid waste hauling authority to B&B Leasing. To comply with this requirement, Resolution No. 93-1871 provides for a contract with B&B Leasing for up to \$5,000 to provides for the disposal and recycling of certain materials from the HHW facility. The contract is sole source because B&B has exclusive hauling authority in Oregon City.

Councilor McFarland asked if this contract was in any way related to the recently adopted contracts for HHW disposal at the facility. Chandler indicated that it was not related.

BEFORE THE CONTRACT REVIEW BOARD

FOR THE PURPOSE OF DECLARING	)	
A SOLE-SOURCE CONTRACT WITH	)	RESOLUTION NO. 93-1871
B & B LEASING COMPANY, INC. FOR	)	
REFUSE HAULING FROM THE METRO	)	
SOUTH HOUSEHOLD HAZARDOUS	)	Introduced by Rena Cusma
WASTE FACILITY AND AUTHORIZING	)	Executive Officer
A COMPETITIVE BIDDING EXEMPTION	)	
PURSUANT TO CHAPTER 2.04.41(C)	)	

WHEREAS, the Metro South Household Hazardous Waste facility served 10,894 customers in 1992, and received a total of 822,914 pounds of a variety of products from their households; and

WHEREAS, Metro has need of services to dispose of empty paint cans, cardboard and rubbish from the Metro South Household Hazardous Waste Facility located in Oregon City; and

WHEREAS, B & B Leasing Co., Inc. dba Oregon City Garbage, is the only franchised solid waste hauler for the area where the Metro South Household Hazardous Waste Facility is located; and

WHEREAS, Metro contracting with that hauler is required by the refuse hauling authority; and

WHEREAS, Contracting with B & B Leasing Co. will not encourage favoritism or substantially diminish competition beyond that already envisioned and required by the franchising system; and

WHEREAS, Use of B & B Leasing Co. Inc. will result in substantial long-term cost savings by franchising design;

WHEREAS, The Executive Officer has reviewed the attached contract and hereby

recommends a "Sole Source" status and an exemption to the competitive bidding requirement of Metro Code Chapter 2.04.041; now therefore,

BE IT RESOLVED, That the Metro Contract Review Board hereby declares the attached agreement (Exhibit "A" hereto) with B & B Leasing Co. Inc. to be a "Sole Source" pursuant to Metro Code Chapter 2.04.060 and authorizes an exemption to competitive bidding pursuant to Metro Code Chapter 2.04.041(c).

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

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

RB:ay:clk  
BARKRESOLUTTSW931871.RES  
November 24, 1993

Contract No 903407

**PUBLIC CONTRACT**

THIS Contract is entered into between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, whose address is 600 NE Grand Avenue, Portland, Oregon 97232, and B & B Leasing Co. Inc., dba Oregon City Garbage Co., Inc., whose address is P. O. Box 191, Oregon City, OR 97045, hereinafter referred to as the "CONTRACTOR."

**THE PARTIES AGREE AS FOLLOWS:**

**ARTICLE I**

**SCOPE OF WORK**

CONTRACTOR shall perform the work and/or deliver to METRO the goods described in Attachment A, the Scope of Work, which is incorporated herein by this reference. All services and goods shall be of good quality and, otherwise, in accordance with the Scope of Work.

**ARTICLE II**

**TERM OF CONTRACT**

The term of this Contract shall be for the period commencing December 1, 1993, through and including June 30, 1995.

**ARTICLE III**

**CONTRACT SUM AND TERMS OF PAYMENT**

METRO shall compensate the CONTRACTOR for work performed and/or goods supplied as described in Attachment B, which is incorporated herein by this reference. METRO shall not be responsible for payment of any materials, expenses or costs other than those which are specifically included in Attachment B.

ARTICLE IV  
LIABILITY AND INDEMNITY

CONTRACTOR is an independent contractor and assumes full responsibility for the content of its work and performance of CONTRACTOR's labor, and assumes full responsibility for all liability for bodily injury or physical damage to person or property arising out of or related to this Contract, and shall indemnify, defend and hold harmless METRO, its agents and employees, 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 Contract. CONTRACTOR is solely responsible for paying CONTRACTOR's subcontractors and nothing contained herein shall create or be construed to create any contractual relationship between any subcontractor(s) and METRO.

ARTICLE V  
TERMINATION

METRO may terminate this Contract upon giving CONTRACTOR seven (7) days written notice. In the event of termination, CONTRACTOR shall be entitled to payment for work performed to the date of termination. METRO shall not be liable for indirect or consequential damages. Termination by METRO will not waive any claim or remedies it may have against CONTRACTOR.

ARTICLE VI  
INSURANCE

CONTRACTOR shall purchase and maintain at CONTRACTOR'S expense, the following types of insurance covering the CONTRACTOR, its employees and agents.

A. Broad form comprehensive general liability insurance covering personal injury, property damage, and bodily injury with automatic coverage for premises and operation and product liability. The policy must be endorsed with contractual liability coverage.

B. Automobile bodily injury and property damage liability insurance.

Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an aggregate limit, the aggregate limit shall not be less than \$1,000,000. METRO, its

elected officials, departments, employees, and agents shall be named as an ADDITIONAL INSURED.

Notice of any material change or policy cancellation shall be provided to METRO thirty (30) days prior to the change.

This insurance as well as all workers' compensation coverage for compliance with ORS 656.017 must cover CONTRACTOR'S operations under this Contract, whether such operations be by CONTRACTOR or by any subcontractor or anyone directly or indirectly employed by either of them.

CONTRACTOR shall provide METRO with a certificate of insurance complying with this article and naming METRO as an insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours before services under this Contract commence, whichever date is earlier.

## ARTICLE VII

### PUBLIC CONTRACTS

All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement, including, but not limited to, ORS 279.310 to 279.320. Specifically, it is a condition of this contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by 1989 Oregon Laws, Chapter 684.

## ARTICLE VIII

### ATTORNEY'S FEES

In the event of any litigation concerning this Contract, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to any appellate courts.

## ARTICLE IX

### QUALITY OF GOODS AND SERVICES

Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of the highest quality. All workers and subcontractors shall be skilled in their trades.

CONTRACTOR guarantees all work against defects in material or workmanship for a period of one (1) year from the date of acceptance or final payment by METRO, whichever is later. All guarantees and warranties of goods furnished to CONTRACTOR or subcontractors by any manufacturer or supplier shall be deemed to run to the benefit of METRO.

## ARTICLE X

### 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 hereto that such documents are works made for hire. CONTRACTOR does hereby convey, transfer and grant to METRO all rights of reproduction and the copyright to all such documents.

## ARTICLE XI

### SUBCONTRACTORS

CONTRACTOR shall contact METRO prior to negotiating any subcontracts and CONTRACTOR shall obtain approval from METRO before entering into any subcontracts for the performance of any of the services and/or supply of any of the goods covered by this Contract.

METRO reserves the right to reasonably reject any subcontractor or supplier and no increase in the CONTRACTOR's compensation shall result thereby. All subcontracts related to this Contract shall include the terms and conditions of this agreement. CONTRACTOR shall be fully responsible for all of its subcontractors as provided in Article IV.

## ARTICLE XII

### RIGHT TO WITHHOLD PAYMENTS



METRO shall have the right to withhold from payments due 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.

If a liquidated damages provision is contained in the Scope of Work and if CONTRACTOR has, in METRO's opinion, violated that provision, METRO shall have the right to withhold from payments due CONTRACTOR such sums as shall satisfy that provision. All sums withheld by METRO under this Article shall become the property of METRO and CONTRACTOR shall have no right to such sums to the extent that CONTRACTOR has breached this Contract.

### ARTICLE XIII

#### SAFETY

If services of any nature are to be performed pursuant to this agreement, CONTRACTOR shall take all necessary precautions for the safety of employees and others in the vicinity of the services being performed and shall comply with all applicable provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits.

### ARTICLE XIV

#### INTEGRATION OF CONTRACT DOCUMENTS

All of the provisions of any bidding documents including, but not limited to, the Advertisement for Bids, Request for Bids or Proposals, General and Special Instructions to Bidders, Proposal, Bid, Scope of Work, and Specifications which were utilized in conjunction with the bidding of this Contract are hereby expressly incorporated by reference. Otherwise, this Contract represents the entire and integrated agreement between METRO and CONTRACTOR and supersedes all prior negotiations, representations or agreements, either written or oral. This Contract may be amended only by written instrument signed by both METRO and CONTRACTOR. The law of the state of Oregon shall govern the construction and interpretation of this Contract.

ARTICLE XV  
ASSIGNMENT

CONTRACTOR shall not assign any rights or obligations under or arising from this Contract without prior written consent from METRO.

B & B LEASING CO., INC.

METRO

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

s:\bark\contract\903407.pub  
11/8/93

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 93-1871 FOR THE PURPOSE OF DECLARING A SOLE-SOURCE CONTRACT WITH B & B LEASING COMPANY, INC. FOR REFUSE HAULING FROM THE METRO SOUTH HOUSEHOLD HAZARDOUS WASTE FACILITY AND AUTHORIZING A COMPETITIVE BIDDING EXEMPTION PURSUANT TO CHAPTER 2.04.41(C).

---

Date: November 24, 1993

Presented by: Sam Chandler

## PROPOSED ACTION

Adoption of Resolution 93-1871, authorizing an exemption to competitive bidding procedures and authorizing the execution of a public contract for hauling services for the Metro South Household Hazardous Waste Facility (HHW).

## FACTUAL BACKGROUND AND ANALYSIS

During 1992, the Household Hazardous Waste Facility at Metro South Station served a total of 10,894 customers and received a total of 822,914 pounds of a variety of hazardous products from their households. The operation of the facility generates several tons of cardboard, paint cans and rubbish each year. Many of the customers bring their materials to the facility in cardboard boxes which are left to be recycled. The paint bulking operation generated 48,000 pounds of empty paint cans that were recycled in 1992.

On a temporary basis, the Metro South Station operator (Waste Management of Oregon) has been hauling the cardboard and empty paint cans from the HHW facility to recycling facilities in drop boxes. Rubbish has been hauled in a separate drop box to the Metro South Station and dumped into the pit.

It is proposed that Metro enter into a contract with B & B Leasing Co., Inc. for hauling cardboard, paint cans and rubbish for the period of December 1, 1993, through June 30, 1995. The proposed contract provides that Metro furnish one 16-yard drop box for trash, one 23-yard cardboard compactor and one 20-yard drop box for empty paint cans. These items have already been purchased and are in place at the rear of the HHW facility. The contractor shall haul the paint cans to K. B. Recycling; the cardboard to a recycling facility; and the trash to the Metro South Station pit.

## SOLE-SOURCE JUSTIFICATION

There are several hauling companies capable of hauling paint cans, cardboard and rubbish from the Metro South Household Hazardous Waste Facility; however, B & B Leasing Co., Inc. is the only company that can "legally" do so. They are the franchised hauler for the area where the Household Hazardous Waste Facility is located. Contracting with B & B Leasing Co. will not

encourage favoritism or substantially diminish competition beyond that already envisioned and required by the franchising system. Use of B & B Leasing Co. will result in substantial long-term cost savings by franchising design.

#### **BUDGET IMPACT**

A total of \$10,000 is budgeted in FY 1993-94 for hauling cardboard, paint cans and rubbish from the HHW facility. The estimated cost for the proposed contract in FY 1993-94 is \$ 5,000.00. The total amount of the contract is \$15,000.00 for the period of December 1, 1993 through June 30, 1995.

#### **EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 93-1871.

RB:ay:clk  
BARKSTAFFRPTSTAF1105.RPT  
November 24, 1993

**ATTACHMENT A  
SCOPE OF WORK**

The purpose of this contract is to provide hauling services for garbage, cardboard and paint cans from the Metro South Household Hazardous Waste Facility located at 2001 Washington Street, Oregon City, OR 97045.

1. Metro shall furnish the following equipment to be located at the rear of the Metro South Household Hazardous Waste facility for use by contractor:
  - a. One 16-yard drop box for garbage.
  - b. One 23-yard cardboard compactor for cardboard.
  - c. One 20-yard drop box for paint cans.
2. Contractor shall haul the following from the Metro South Household Hazardous Waste Facility:
  - a. One 16-yard drop box of garbage to be hauled to the Metro South Transfer Station for disposal.
  - b. One 23-yard cardboard compactor with cardboard to be hauled to a recycling facility.
  - c. One 20-yard drop box of paint cans to be hauled to K. B. Recycling or other recycling facility designated by Metro.
3. Metro will call for hauling of garbage, cardboard and paint cans on an as-needed basis. Contractor shall remove and empty drop boxes within twelve (12) hours of notification.
4. Contractor shall weigh drop boxes and cardboard compactor at a Metro South scalehouse before and after each load is disposed of so Metro can record necessary data.
5. Contractor shall handle cardboard compactor and drop boxes in a careful manner in order to keep them in good working order and free of holes and major dents.

**ATTACHMENT B  
CONTRACT SUM AND TERMS OF PAYMENT**

1. Metro shall compensate contractor for hauling of garbage, cardboard and paint cans as follows:

16-yard drop box of garbage	\$35.00 per trip
-----------------------------	------------------

23-yard cardboard compactor/cardboard	\$50.00 per trip
---------------------------------------	------------------

20-yard drop box of paint cans	\$100.00 per trip
--------------------------------	-------------------

2. Metro shall pay contractor for services performed and materials delivered in the maximum sum of Fifteen Thousand and No/100 Dollars (\$15,000.00).
3. Contractor shall retain all Monies from the sale of cardboard.
4. Metro shall pay all disposal charges for garbage and paint cans.
5. Contractor shall submit to Metro an invoice detailing services performed by contractor. Invoices shall be sent to Metro, Solid Waste Department, not more frequently than once per month.
6. Metro shall pay contractor within thirty (30) days following receipt of an approved invoice from contractor.

**METRO**600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700*Procurement Review Summary*

To: Procurement and Contracts Division

Vendor

From

Date November 5, 1993B & B Leasing Co., Inc.Department Solid Wastedba Oregon City GargageDivision OperationsP0 Box 191Name Ray Barker

Subject

Oregon City, OR 97045Title Asst. Operations Manager☐ Bid☒ Contract

Vendor no.

☐ RFP☐ OtherContract no. 903407Extension 1694Purpose Rubbish Disposal, Metro South HHW Facility.**Expense**☐ Procurement☐ Personal/professional services☒ Services (LM)☐ Construction☐ IGA**Revenue**

Budget code(s)

531-310280-524190-75000

Price basis

☐ Contract☒ Unit

Term

☐ Grant☐ Total☒ Completion☐ Other☐ Other☐ AnnualThis project is listed in the  
199 3 -199 4 budget.

Payment required

☒ Yes☐ Type A☐ Lump sum12/1/93  
Beginning date☐ No☒ Type B☒ Progress payments6/30/95  
Ending date**Total commitment**

Original amount

\$ 15,000.00

Previous amendments

\$

This transaction

\$ 15,000.00

Total

\$ 15,000.00A. Amount of contract to be spent fiscal year 1993 - 1994\$ 5,000.00B. Amount budgeted for contract Misc. Professional  
Services\$ 1,602,386.00C. Uncommitted/discretionary funds remaining as of 10/29/93\$ 1,511,525.11 \*\*\*

Approvals

Division manager

Department director

Labor

Fiscal

Budget

Risk

Legal

Competitive quotes, bids or proposals:

Submitted by _____	\$Amount _____	M/W/DBE _____	Foreign or Oregon Contractor _____
Submitted by _____	\$Amount _____	M/W/DBE _____	Foreign or Oregon Contractor _____
Submitted by _____	\$Amount _____	M/W/DBE _____	Foreign or Oregon Contractor _____

Comments: Sole Source: Oregon City Garbage is the franchised hauler  
for the Metro South Station area.

Attachments: ☐ Ad for bid  
☐ Plans and specifications  
☐ Bidders list (M/W/DBEs included)

Instructions:

1. Obtain contract number from procurement division.  
Contract number should appear on the summary form and all copies of the contract.
2. Complete summary form.
3. If contract is:
  - A. Sole source, attach memo detailing justification.
  - B. Less than \$2,500, attach memo detailing need for contract and contractor's capabilities, bids, etc.
  - C. More than \$2,500, attach quotes, evaluation form, notification of rejection, etc.
  - D. More than \$10,000 or \$15,000 attach RFP or RFB respectively.
  - E. More than \$50,000, attach agenda management summary from council packet, bids, RFP, etc.
4. Provide packet to procurement for processing.

Special program requirements:

General liability: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Liquidated damages \$ \_\_\_\_\_ day

☐ Workers comp ☐ Prevailing wages  
☐ Auto ☐ Non-standard contract  
☐ Professional liability ☐ Davis/Bacon

Dates:

Ads \_\_\_\_\_ (Publication) \_\_\_\_\_  
 Pre-bid meeting \_\_\_\_\_ Bid opening\*\* \_\_\_\_\_  
 Filed with council \_\_\_\_\_ For action \_\_\_\_\_  
 Filed with council committee \_\_\_\_\_ For hearing \_\_\_\_\_

Project estimate: \_\_\_\_\_

Funding:

☐ Local/state  
☐ Federal  
☐ Other

Bond requirements:

\_\_\_\_\_ % Bid \$ \_\_\_\_\_  
 \_\_\_\_\_ % Performance \$ \_\_\_\_\_  
 \_\_\_\_\_ % Performance \$ \_\_\_\_\_  
 \_\_\_\_\_ % Performance/payment\* \$ \_\_\_\_\_  
 \_\_\_\_\_ % L/M \$ \_\_\_\_\_

\* Separate bonds required if more than \$50,000.

\*\* Minimum period: two weeks from last day advertised.



Meeting Date: December 23, 1993  
Agenda Item No. 7.4

RESOLUTION NO. 93-1875

## REGIONAL FACILITIES COMMITTEE REPORT

---

### RESOLUTION NO. 93-1875, EXEMPTING THE ACQUISITION OF A VISITOR TRANSPORT VEHICLE FROM THE COMPETITIVE BIDDING PROCESS

Date: December 16, 1993

Presented by: Councilor Hansen

**COMMITTEE RECOMMENDATION:** At its December 15, 1993 meeting the Regional Facilities Committee voted 5-0 to recommend Council adoption of Resolution No. 93-1875. All committee members were present and voted in favor.

**COMMITTEE DISCUSSION/ISSUES:** Zoo Facilities Management Director Judy Munro presented the staff report. She said the funds for the "People Mover" came from a bequest, that the vehicle would be used to transport visitors between the main entrance and the exit to the Africa Exhibit, and that their research had shown only one vendor makes a vehicle that meets the Zoo's specifications.

Councilor Washington asked if there would be a charge for rides in the vehicle, and Ms. Munro said the plan is to charge 75 cents, although the final decision on the fee has not been made. Councilor Washington said he would support a reduced fare for children. Councilor McFarland said she thought the focus was on handicapped and elderly people, rather than on children. Zoo Director Sherry Sheng said the plan being formulated was to charge per seat rather than per person, so children sitting on their parent's lap would not be charged.

In response to questions from Councilor Gardner, Ms. Munro said the cost for the tug and two trailers is \$98,000, and that the Zoo projects a small profit on the People Mover operations. She described the break-even point as 80% occupancy for six trips per day, which is fewer trips than planned.

Councilor Hansen asked what are the plans for the remainder of the money from the bequest (some \$150,000). Ms. Munro said they plan to build a shelter for patrons and a storage/fueling area for the vehicle. Councilor Hansen asked if the vehicle would be named. Ms. Sheng said the vehicle and storage facility would be named after the donor, but they are still working on how to refer to it on maps and directions. Councilor Hansen suggested having a contest for school children to name it.

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF EXEMPTING THE )	RESOLUTION NO. 93-1875
ACQUISITION OF A VISITOR TRANSPORT )	
VEHICLE FROM THE COMPETITIVE )	Introduced by Rena Cusma
BIDDING PROCESS )	the Executive Officer

WHEREAS, Metro has determined that the Metro Washington Park Zoo would benefit from the acquisition of a Visitor Transport Vehicle; and

WHEREAS, a donor has bequeathed a sum sufficient to acquire a Visitor Transport Vehicle, with the stipulation that it be spent for same; and

WHEREAS, extensive research, including all manufacturers of specialty vehicles worldwide, was conducted by Metro Washington Park Zoo staff; and

WHEREAS, only one vendor was deemed to meet the criteria of reliability and also the constraints of the site; and

WHEREAS, the acquisition price falls well within the budget for the vehicle and the cost is offset by donation; now, therefore

BE IT RESOLVED, that the Metro Council, acting as the Contract Review Board, hereby exempts the acquisition of the Visitor Transport vehicle from the competitive bid process; and pursuant to Metro Code section 2.04.041 (c), subsequently directs the Executive Officer to execute a contract with Specialty Vehicle Manufacturing, Inc.

ADOPTED by the Metro Contract Review Board,  
this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

Judy Wyers, Presiding Officer

## **EXHIBIT A**

### **A. TUG SPECIFICATIONS:**

Tug shall be fabricated in accordance with Specialty Vehicle Manufacturing Corp. drawing 2471, and in accordance with Specialty Vehicle Manufacturing Corp. "Series 2000 Mighty-Mite Power Car Technical Specifications" hereto attached as Attachment A and made a part of this purchase order. The purchase order indicates all optional equipment to be furnished with the tug.

### **B. TRAILER SPECIFICATIONS**

Both trailers shall be constructed in accordance with Specialty Vehicle Manufacturing Corp. drawing 2471 and the technical specifications for the Series 2000 "Regular Mighty-Mite Trailer Unit" hereto attached as Attachment B. Where dimensions vary between the specification and drawing, those of the drawing shall prevail. The turning radius of the Tram shall be in accordance with Specialty Vehicle Manufacturing Corp. drawing 2456, a copy of which is hereto attached as Attachment C. The purchase order indicates the optional equipment to be furnished and installed on the trailers.

### **C. WARRANTY:**

Specialty Vehicle Manufacturing Corp. shall furnish written warrantee in accordance with its "200/400 Tram Warranty", a copy of which is hereto attached as Attachment D. Additionally, the warranty documents shall include written warranties of all suppliers of all accessories and/or parts not manufactured by Specialty Vehicle Manufacturing Corp. but incorporated in the construction of equipment furnished under this purchase order.

### **D. APPROVAL DRAWINGS:**

Specialty Vehicle Manufacturing Corp. shall furnish five sets of fabrication drawings clearly indicating all aspects of the design and construction of the Power unit and Trailers. The drawings shall be drawn to scale and accurately represent the finished product in all regards. Manufacturers's data sheets shall be furnished describing all optional equipment and accessories to be furnished and installed. Fabrication shall not proceed without Metro Washington Park Zoo approval of these drawings.

**E. TERMS:**

1. The maximum amount payable under this purchase order is \$98,431.00.
2. Progress payments will be made in accordance with the following schedule:
  - A. 20% upon consummation of order,
  - B. 20% upon completion of trailer framing,
  - C. 20% upon delivery of tow motor and axles,
  - D. 20% upon completion of installation of axles, seats, floors, etc.,
  - E. Balance at acceptance after receipt and test of vehicle.

The contractor may render monthly progress invoices on the form provided in duplicate to:

Metro  
600 N.E. Grand Ave.  
Portland, OR 97232

Forward an additional copy to:

Metro Washington Park Zoo  
4001 S. W. Canyon Rd.  
Portland, OR 97221

Attn: Judy Munro - Director, Facilities Mgmt. Division

Contractor shall receive payment within thirty (30) days of receipt and approval by Metro Washington Park Zoo.

**DELIVERY:**

All equipment covered by this purchase order shall be delivered with 150 consecutive calendar days from receipt of purchase order and down payment.

## STAFF REPORT

CONSIDERATION OF RESOLUTION NUMBER 93-1875 TO REQUEST EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO METRO CODE 2.04.041 TO ACQUIRE A VISITOR'S TRANSPORT VEHICLE.

DATE: NOVEMBER 18, 1993

PRESENTED BY: JUDY MUNRO

PROPOSED ACTION: This vehicle will operate on a fee based schedule during peak visitor times and will provide transportation from the exit of the Rain Forest back through the Zoo to the entry, and conversely from the front entrance of the Zoo down to the lower extremity of the zoo grounds. This vehicle will also provide transportation to people attending catered events during inclement weather.

### FACTUAL BACKGROUND AND ANALYSIS:

1. A Donor (now deceased) bequeathed the Zoo \$250,000 for the specific purpose of providing transportation on the Zoo grounds. The purpose of the transportation was to provide assistance at a nominal cost for those exiting the Zoo, or who wished to be dropped at a certain location on the Zoo grounds. The Visitor Transport Vehicle is handicapped accessible.
2. Preliminary designs were investigated for both a rail car and a rubber wheeled vehicle. Comparisons were made on the timing and scheduling of the rail car in conjunction with regular rail traffic. Also pedestrian circulation paths were measured for widths and grade assessments were made for all hills. Approximately fifteen zoos were contacted and names were obtained of manufacturers, as well as recommendations on types of vehicles and how they were used. Resource books (Multnomah County Library) were used to determine suppliers of specialty vehicles worldwide. All known manufacturers of both rail and rubber wheeled vehicles were contacted for brochures and information.
3. A determination was made to utilize a rubber-wheeled vehicle. More information was then gathered from rubber-wheeled vehicle manufacturers. Approximately six zoos with rubber-wheeled vehicles in use were contacted to reassess manufacturer and type of vehicle. Given the physical restraints of the zoo site, manufacturers were eliminated due to inability to produce a narrow vehicle, or traverse the steep grades in certain sections of the route.

JM:jc\PROJECTS\VTV.1

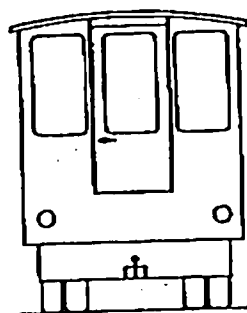
4. The two remaining manufacturers (one in the United States and one in Europe) were further reviewed. The European manufacturer was rejected on the basis of availability of parts, and marginal ability to carry the grades of two of the hills. The proposed manufacturer's vehicle was observed in operation by two staff on two different occasions. In addition, the engineer for the proposed manufacturer visited the site to assess grades and turning radius to confirm the vehicle's ability to traverse the grounds. His findings were reviewed by the Zoo Project Team, which included both mechanical and project design expertise.
5. Given the exhaustive research, it is clear that there is no other single manufacturer of a specialty vehicle that will maneuver the grounds with a narrow car, will pull two passenger trams up the various grades, will be reliable and easy to maintain, and will fulfill the original intent of the vehicle when the donation was made.

BUDGET IMPACT: The projected costs are included in the \$250,000 budgeted in the Capital budget and designated by council as an "A" contract.

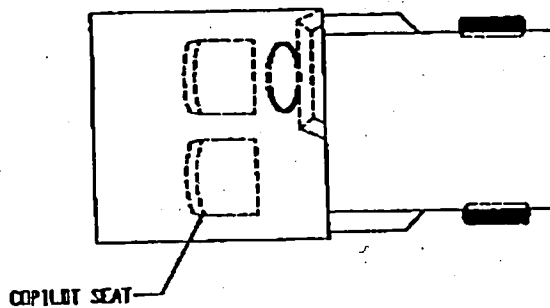
EXECUTIVE OFFICERS RECOMMENDATION:

Recommends approval of Resolution \_\_\_\_\_, to exempt the Visitor Transport Vehicle acquisition from competitive bidding process.

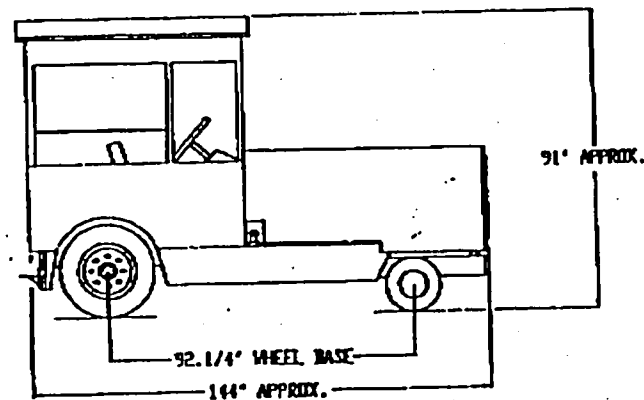
ORIGINAL



REAR VIEW  
POWER CAR



COPILOT SEAT



91' APPROX.

92.1/4' WHEEL BASE

144' APPROX.

### ALL RIGHTS RESERVED

Contents of these documents are the exclusive property of Specialty Vehicle Manufacturing Corporation, and may not be used or reproduced in part or whole without expressed written permission. Specialty Vehicles reserves the right to make changes at any time without prior notification.

### SPECIALTY VEHICLE MFG CORP

UNLESS OTHERWISE SPECIFIED DIMENSIONS AND TOLERANCES ARE IN INCHES

FRACTIONS: 1/8 INCHES: 3/16  
DECIMALS: 0.03125  
TOLERANCES: 0.005  
ALL DIMENSIONS TO BE 1/8"  
BREAK ALL SHARP EDGES AND RADIUS  
PART TO BE FREE OF BURRS AND SHARP CORNERS

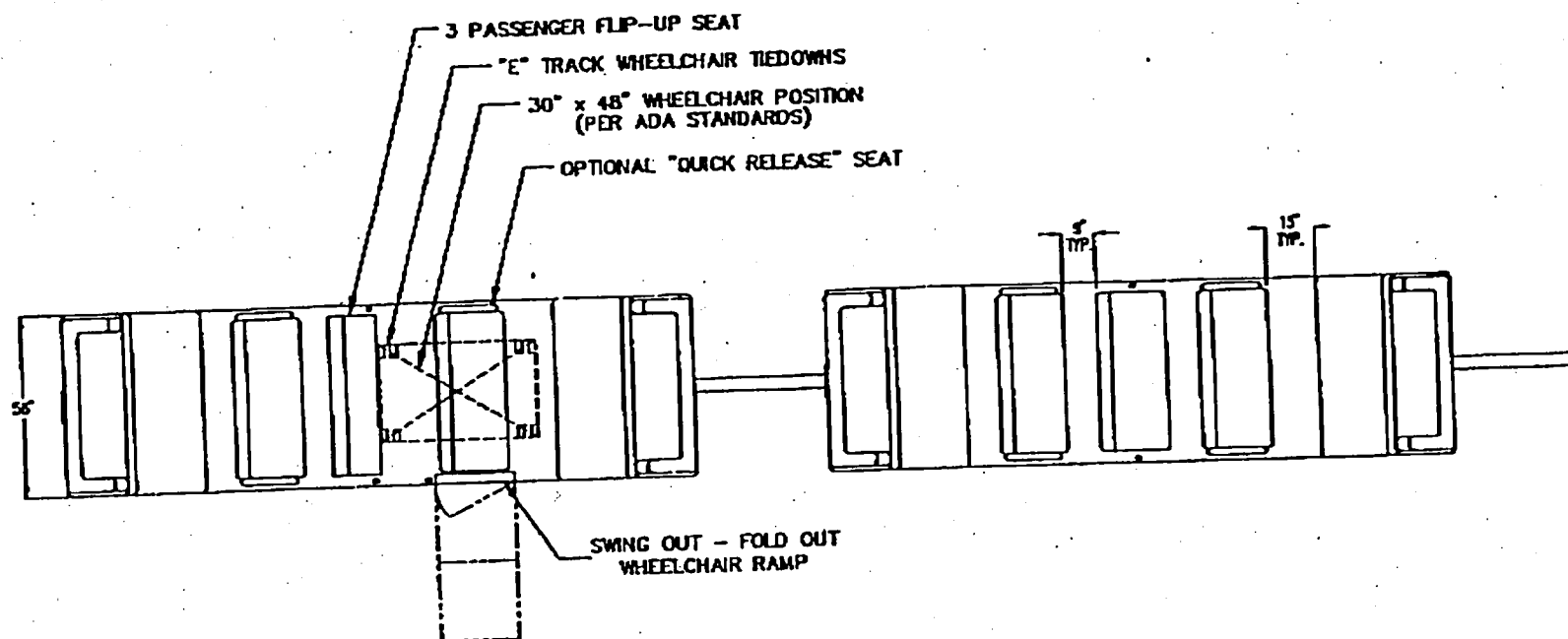
PORTLAND ZOO

2000 SERIES  
NIGHTY NITE TRAM

2471

10





SHORT WHEELBASE MIGHTY MITE TRAILER  
WITH WHEELCHAIR ACCESS

SEATING CAPACITY:  
15 PASSENGERS -OR-  
9 PASSENGERS PLUS 1 WHEELCHAIR

SHORT WHEELBASE MIGHTY MITE TRAILER  
WITH STANDARD SEATING

SEATING CAPACITY:  
15 PASSENGERS

### ALL RIGHTS RESERVED

Contents of these documents are the exclusive property of Specialty Vehicle Manufacturing Corporation, and may not be used or reproduced in part or whole without expressed written permission. Specialty Vehicles reserves the right to make changes at any time without prior notification.

### SPECIALTY VEHICLE MFG CORP

UNLESS OTHERWISE SPECIFIED DIMENSIONS AND TOLERANCES ARE IN INCHES  
FRACTIONS: 1/8" ANGLES: 90° 30°  
DECIMALS: .125 .063 .031 .0156 .0078  
TOLERANCES: .005 .010 .015 .020 .030  
BREAK ALL SHARP EDGES .015 MAX  
PART TO BE FREE OF BURRS AND SHARP EDGES

PORTLAND ZOO  
2000 SERIES  
MIGHTY MITE TRAILER  
2471

2471

2471

2471

2471

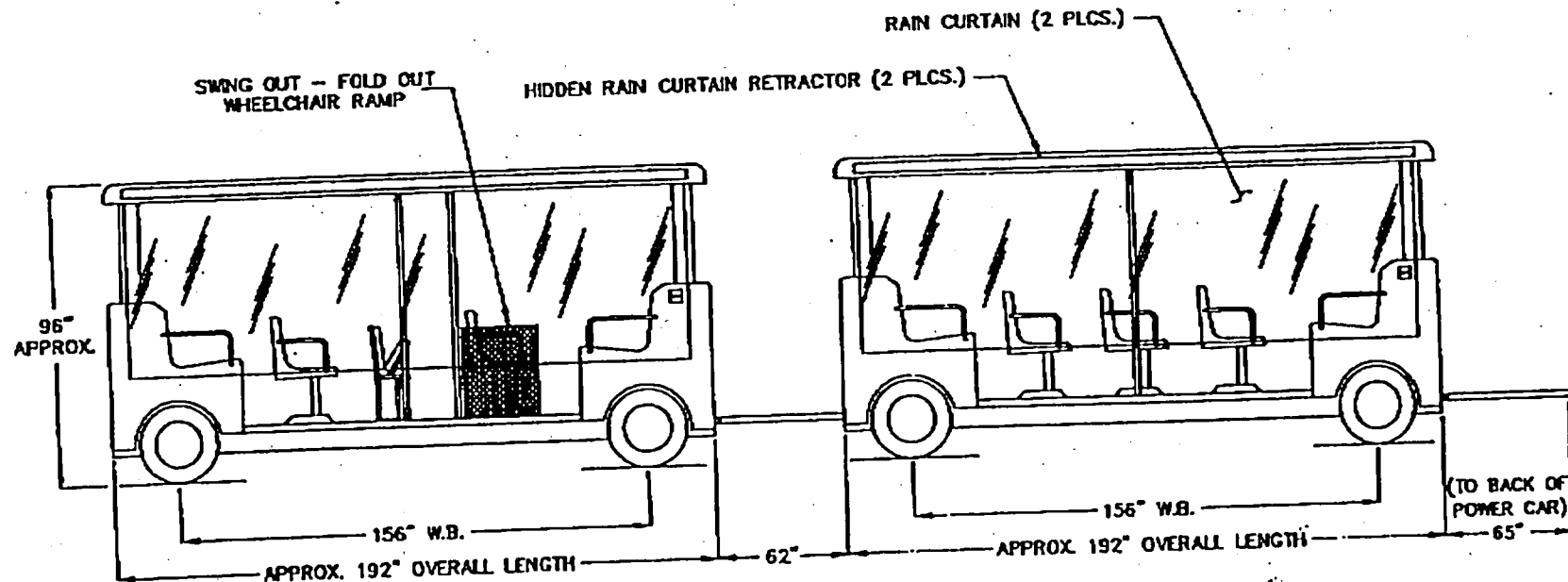
2471

2471

2471

2471

ORIGINAL

**ALL RIGHTS RESERVED**

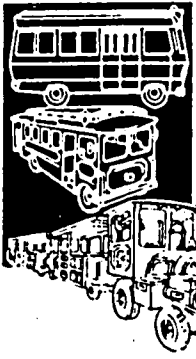
Contents of these documents are the exclusive property of Specialty Vehicle Manufacturing Corporation, and may not be used or reproduced in part or whole without expressed written permission. Specialty Vehicles reserves the right to make changes at any time without prior notification.

**SPECIALTY VEHICLE MFG CORP**

UNLESS OTHERWISE SPECIFIED DIMENSIONS AND TOLERANCES ARE IN INCHES  
 TRACTOR: A1/B  
 WHEELS: 120/80  
 1200-80  
 1200-80  
 BREAK ALL WELD JOINTS JIG MAX  
 FINE TO BE FREE OF BURRS AND SHARP EDGES

DATE  
 DRAWN BY  
 CHECKED BY  
 APPROVED BY

**PORTLAND ZOO****2000 SERIES****NIGHTY NITE TRAM****2471****A**



# SPECIALTY VEHICLE MANUFACTURING CORPORATION

12229 WOODRUFF AVENUE, DOWNEY, CALIFORNIA 90241 (310) 803-3456 FAX (310) 803-5501

## SERIES 2000 - MIGHTY MITE POWER CAR

### TECHNICAL SPECIFICATIONS - ALL DESIGNS

#### STANDARD

Tow Tug Design This power car is built on a standard airport towing tug. This tow tug power car is the most economical of the three versions of Specialty Vehicle Mighty Mite Power Cars. The tow tug will include a roof and windshield in the standard body design.

#### THEMED

Model T Design This power car is built on a stretched wheelbase tow tug chassis. All the components will be the same as the Standard tow tug. This power car will be themed to look like a Model T stake bed truck. The stake bed will be constructed using real hardwood. The body will have a louvre engine cover, brass simulated radiator, brass trimmed headlights, cab running boards and a wooden front bumper.

Choo-Choo This power car is built on a modified tow tug chassis with the radiator and engine recessed back from the front of the chassis. All chassis components on this tug will be basic to the other two tug designs. This power car will be themed to look like a early American Railroad engine. The body will have a simulated smoke stack, brass whistle, clanging bell and cow catcher. Choo-Choo power car will also have a coal tinder box with real coal and simulated train wheel covers.

#### GENERAL DIMENSIONS

	TUG	MODEL T	CHOO-CHOO
Length Overall:	8' 8"	16'	12' 8"
Width Overall	4' 8"	6' 6"	5' 5"
Height Overall:	7' 7"	7' 3"	8' 2"
Seating Capacity:	(1)	(1)	(1)
Wheelbase:	57.75"	126"	92.50"
Tare Weight:	6,700 #	7,400 #	7,650 #

THE FOLLOWING SPECIFICATIONS ARE BASIC FOR ALL STANDARD MIGHTY MITE POWER CAR UNITS REGARDLESS OF BODY DESIGN

ENGINE:

Chrysler 11-225 industrial or Ford 300 in-line 6 cylinder overhead valve industrial engine. The engine incorporates cast iron cylinder block and head with a seven main bearing crank-shaft, chrome plated piston rings, hard faced exhaust valves with induction hardened seats, positive exhaust valve rotators, full pressure lubricating system and a sealed velocity governor. Positive crankcase ventilation. Fuel tank capacity: 17 gallons. Horsepower 107. Diesel power is available as an option.

COOLING SYSTEM:

15 quart coolant capacity: 7 psi operating pressure. Engine radiator insulated from vibration. Dual V-belts drive water pump and alternator.

ELECTRICAL SYSTEM:

12 volt, 350 CCA battery and 90 amp alternator. Oil sealed and enclosed electric starter with positive engagement and anti-re-engagement devices. Ignition key switch disconnects electrical. Neutral start and brake light switches.

INSTRUMENTS & CONTROLS:

Gauges include: ammeter, coolant temperature, engine oil pressure, fuel level, engine hour meter. Knob controls for headlights, and back-up light also operates when transmission is in reverse. Cable operated shift control level has drive, neutral and reverse position. Operator adjustable, Orscheln type parking brake lever. Shift control and parking for convenient right hand operation. Foot pedals for accelerator and service brakes.

**DRIVE AXLE:**

Full floating drive axle with helical gear reduction gear case. Reduction ratio 17:1

**TRANSMISSION:**

Automatic, Ford PGB-AS. Maximum travel speed 15 MPH

**FRAME AND SUSPENSION:**

Heavy precision aligned, one piece fabricated structure. Bumper and coupler plates. Machine formed .25" side panels. Cast iron rear fenders and traction weights bolt to frame members. Multi-leaf semi-elliptical leaf springs on both the front and rear axles.

**BRAKES:**

Two wheel (rear) vacuum assisted disc service brakes. Independent dual-port master cylinder with hydraulic booster and pump. Drum type parking brake is mounted at the rear of the transmission and is operated with an Orschelin adjustable tension lever. Vacuum over hydraulic trailers brakes standard.

**STEERING SYSTEM:**

Power assisted recirculating ball type steering gear with 17" steering wheel. Forged steel steer axle is supported on two semi-elliptical leaf springs. Pressure lubricant fittings on king pins and other steering components.

**PAINT:**

Exposed surfaces have been shot blasted, primed and painted with weather resistant paint. Choice of colors at the customer's option.

**WHEELS AND TIRES:**

Front - 6.90 x 9, 6 ply

Rear - 6.50 x 16, 6 ply

**LIGHTS:**

Headlights, dash panel lights, dome light  
Brake lights and back-up lights.

**CONNECTIONS:**

All electrical and brake lines connectors are ICC approved and mounted at the rear of the tug.

**DRAW BAR PULL:** 6,000 lb. rated

**BODY:** Body of the tug is constructed using solid steel plate, the hood is made of steel sheet, while the roof structure is built with steel tubing.

**ROOF:** The roof is constructed using a molded fiberglass top mounted on a tubular steel frame.

**MIRRORS:** Rear view interior mirror size - 6" x 10"  
Dual side view mirrors size - 6" x 9"

**DRIVER'S SEAT:** Seat will be adjustable foreword and backward. Seat will be covered in transportation grade black vinyl.

**HITCH:** 2-5/16" Ball Hitch or Pintle Eye Type with Slack Adjuster.

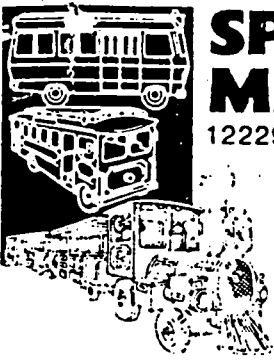
**WIPERS:** Electrically operated driver's side, standard

**AVAILABLE OPTIONAL EQUIPMENT:**

- P.A. Amplifier
- Driver's Fan
- Enclosed Cab w/ Heat & Defroster
- Propane Power
- Roll-up Rain Curtains
- Air/Hyd Trailer Brake Hook-Up
- Deluxe Suspension Driver's Seat
- Co-pilot Seat

**SPECIFICATIONS SUBJECT TO CHANGE  
WITHOUT NOTICE**

**3/23/92**



# **SPECIAL Y VEHICLE MANUFACTURING CORPORATION**

ATTACHMENT B - PG. 1

12229 WOODRUFF AVENUE, DOWNEY, CALIFORNIA 90241 (213) 803-3456 FAX (213) 803-5501

## TECHNICAL SPECIFICATIONS SERIES 2000

### REGULAR MIGHTY MITE TRAILER UNIT

The trailer frame is a heavy duty welded tubular steel construction. Trailers have two axle articulated steering, which provide optimum tracking of trailers. The units can be altered in length and height meet a customer's particular requirements.

#### GENERAL DIMENSIONS:

Body Length:	22 ft. approx.
Tongue Length:	3'-7" approx.
Width Overall:	4'-8"
Height Overall:	8'-6"
Seating Capacity:	21 passengers (3 per seat)
Wheelbase:	228" approx.
Tare Weight:	3,000 lbs. approx.
Turning Radius:	19' 6" inside approx. 24' 3" outside approx.
Ground Clearance:	6.50"

SPECIFICATIONS

FRAME: Rectangular steel tubing size  
2" x 6" x 3/16"

TIRES AND WHEELS: P225/75 R14 radial; white steel  
rims.

COUPLER: 2-5/16" Class IV ball coupler,  
optional lunette eye coupler  
available upon request.

BRAKES: Standard brake system is vacuum  
over hydraulic with drum brakes  
Optional air over hydraulic  
system available

SUSPENSION: Dropped axles with heavy duty  
leaf spring suspension.

LIGHTS: Three (3) 12V interior dome  
lights, standard equipment.  
Optional exterior flood lights  
mounted to trailer roof can be  
supplied.

SEATS: Contoured three passenger  
molded fiberglass seats, 53"  
wide mounted on gray powder  
coated steel pedestals.

FLOORING: Aluminum treadbrite formed  
diamond plate.

END CAPS: Molded fiberglass (3/16" thick)  
with standard three passenger  
seat capacity.

STANCHIONS/GRAB BARS Stainless steel stanchions and  
seat end grab bars will be  
provided for passenger safety



**COLOR:**

Standard power car and trailer includes customer choice of one (1) color. Two (2) colors or more along with emblems or stripping is optional and available at additional cost. Fiberglass body parts are gel-coated in specified colors on trailers.

**OPTIONS:**

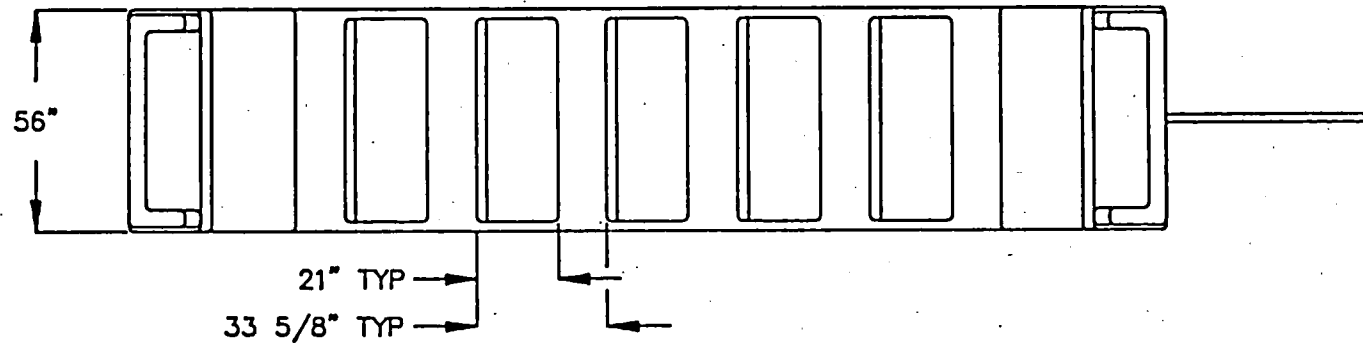
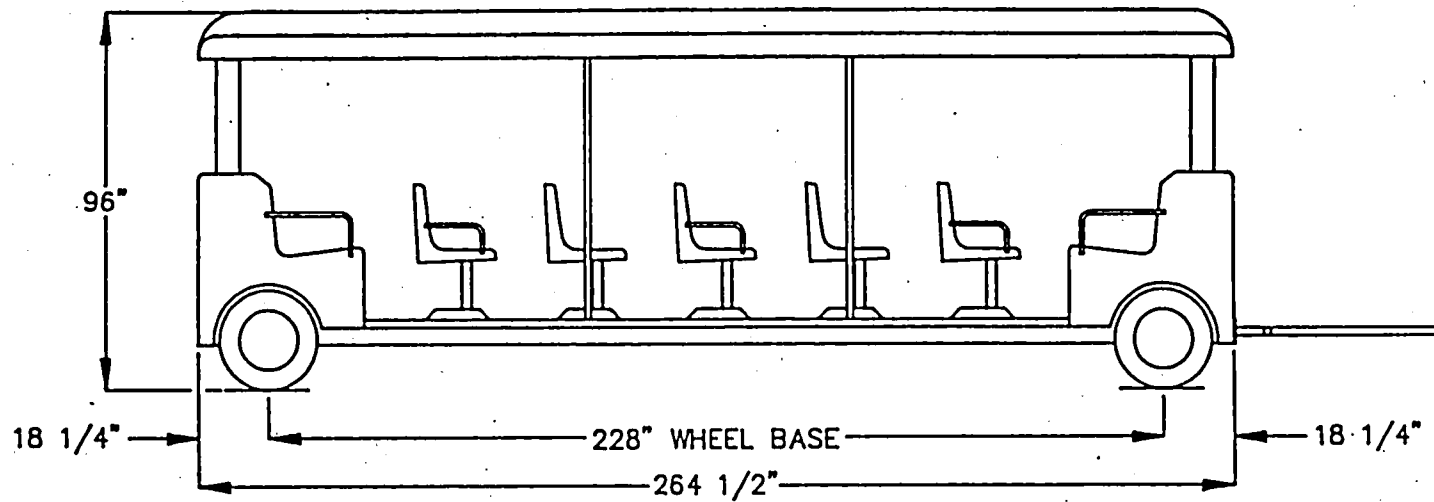
Clear plastic roll-up rain curtains installed on both sides of the trailer. These can be pulled down to seat level.

- Auxiliary P.A. microphone
- P. A. Speakers
- Handicap Accessibility
- Step Lights
- Passenger Signal System
- Safety Chains
- Hostess Seat
- Hostess Microphone
- Pinstripping and Graphics
- Surrey Valance

**NOTE:**

Due to product improvements, specifications may change without notice.

Revised 1/15/91

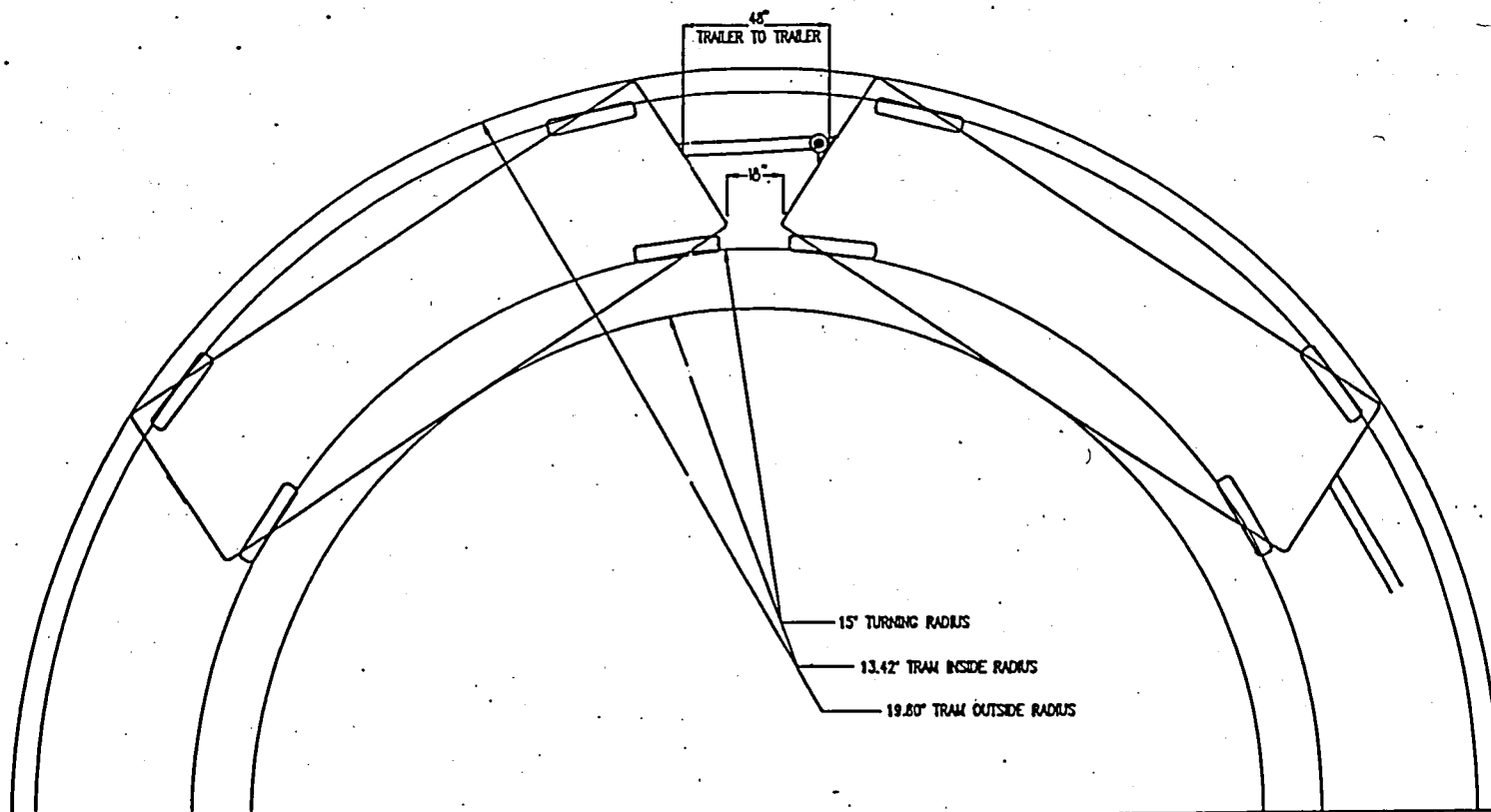


FILE NAME NH

**SPECIALTY VEHICLE  
MANUFACTURING CORPORATION**

1222 WOODRUFF AVE. DOWNEY, CA.

DRAWING TITLE	VEHICLE TYPE OR DESCRIPTION	DRAWN	DATE	SCALE
		N. ELLIS	7/10/1990	1/4"=1'
	STANDARD MIGHTY MITE TRAILER	DWG. NO.		



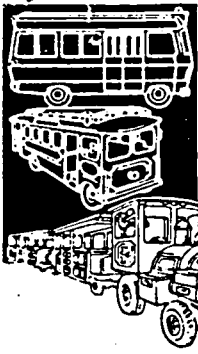
Contents of these documents are the exclusive property of Specialty Vehicle Manufacturing Corporation, and may not be used or reproduced in part or whole without expressed written permission. Specialty Vehicles reserves the right to make changes at any time without prior notification.

UNLESS OTHERWISE SPECIFIED DIMENSIONS AND TOLERANCES ARE IN INCHES.

**BREAK ALL SHARP EDGES 2015 BOX  
PART TO BE FREE OF BURRS AND SHARP EDGES**

2456

81	2456	
NAME		ADDRESS



# SPECIALTY VEHICLE MANUFACTURING CORPORATION

12229 WOODRUFF AVENUE, DOWNEY, CALIFORNIA 90241 (213) 803-3456 FAX (213) 803-5501

MODEL 2000/4000

## TRAM WARRANTY

Specialty Vehicle Manufacturing Corporation, SVMC, a Company engaged in the manufacture of Buses, Trolleys or Trams, states that this Warranty is designed and intended to fully comply with the requirements of the Magnuson-Moss Warranty Act and all regulations issued by Federal Trade Commission in connection therewith. It is not intended to violate any applicable state law or regulation containing more stringent requirements.

### I. DURATION

This Warranty is given to the first registered owner and extends for a period of twelve (12) months or six hundred (600) operating hours from the date of purchase.

Any implied Warranties or merchantability and fitness for intended use are limited in duration to the twelve (12) months or six hundred (600) operating hour period stated above, unless any applicable state law provides otherwise.

### II. COVERAGE

Specialty Vehicle Manufacturing Corporation, SVMC, warrants the covered products to be free from defects in workmanship and material under normal use and service, provided the procedures in Part IV of this Warranty are followed. Specialty Vehicle Manufacturing Corporation, SVMC, will replace or repair or cause to be repaired at its option, any defective part(s), without costs to the owner; and further, provided that every effort is made immediately to prevent further damage.

### III. EXCLUSIONS

This Warranty Does Not Cover:

- A. Accessories or parts not manufactured at Specialty Vehicle Manufacturing Corporation, SVMC, but covered by other manufacturers' warranties, including: Chassis and its component parts, hot water heaters, furnaces, windows, generator, radios, convertors, batteries, etc.

## MODEL 2000/4000

## TRAM WARRANTY

- B. Any warranty, undertaking, or representation made by dealers or other third parties beyond the provisions herein expressed.
- C. Any coach which has been altered or modified outside its factory.
- D. Damage caused by misuse, customer neglect, negligence or accident.
- E. Specialty Vehicle Manufacturing Corporation, SVMC, shall not be liable for any loss of time, labor equipment rental or other expenses while equipment is out of service.
- F. The following consequential damages; inconvenience, expenses for travel, towing, lodging, telephone, cost of shipping, and loss or damage to personal property or loss of revenues.

## Warranty Terminates If:

- A. Unit is sold through an auto or vehicle auction.

## IV. WARRANTY CLAIM PROCEDURE

All warranty work is to be performed at Specialty Vehicle Manufacturing Corporation's factory or at a prior-authorized service center; and written authorization must be obtained from Specialty Vehicle Manufacturing Corporation prior to the work being performed.

Upon discovery of a defect or malfunction, notify Specialty Vehicle Manufacturing Corporation, 12222 Woodruff Avenue, Downey, California 90241, within three (3) days, by Registered Letter. Give name, address, description of problem, model of vehicle, serial number of vehicle, date of purchase, vehicle mileage, location of unit and where you can be contacted during normal business hours. Specialty Vehicle Manufacturing Corporation will contact you within three (3) working days after receipt of your letter. Corrective action will be completed within thirty (30) calendar days from the date of the necessary material being available to us.

MODEL 2000/4000

TRAM WARRANTY

V. LEGAL PROCEDURES

In addition to the provisions of this Warranty, the purchaser has available the legal remedies provided by the Magnuson-Moss Warranty Act, Public Law 93-637, 88 Stat. 2183-2193; U.S. Code, Secs. 2301-2312, and any applicable state statutes.

Specialty Vehicle Manufacturing Corporation, SVMC, is required by law to keep accurate records. Therefore, we ask its customers' cooperation in assisting us in accurately recording your Warranty and enabling us to provide prompt service by filling in and returning the attached registration card.

Meeting Date: December 23, 1993  
Agenda Item No. 7.5

RESOLUTION NO. 93-1882



## METRO

DATE: December 17, 1993  
TO: Metro Council  
FROM: Paulette Allen, Clerk of the Council  
RE: AGENDA ITEM NO. 7.5; RESOLUTION NO. 93-1882

The Governmental Affairs Committee report will be distributed to Councilors prior to the December 23 Council meeting and will be available to the public at that time also.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ACCEPTING	)	RESOLUTION NO. 93-1882
A FIFTH 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

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, A fourth round of the selection process was required and approved by Resolution No. 93-1859 to fill subsequent vacancies; and

WHEREAS, This fifth 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 representatives and alternates 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 TO FILL EXPIRING POSITIONS**  
**AND TO FILL ONE VACANT ALTERNATE POSITION**  
**PHASE V - December 16, 1993**

**REPRESENTING AREAS WITHIN METRO COUNCIL DISTRICTS:**

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

Henri G. Schaffler  
 4460 SW Greenleaf Dr.  
 Portland, OR 97221

**Position #4 member and alternate:** Represents area within Metro Council district #4 primarily in Washington County but with portions of Clackamas and Multnomah Counties for a three year term, beginning January 1, 1994 and ending on December 31, 1996.

Nomination meeting postponed until February/March 1994.

**Position #5 member and alternate:** Represents area within Metro Council district #5 in Clackamas County for a three year term; beginning January 1, 1994 and ending on December 31, 1996.

Nomination Meeting: January 11, 1994

**Position #8 member and alternate:** Represents area within Metro Council district #8 in Multnomah County for a three year term; beginning January 1, 1994 and ending on December 31, 1996.

**Member:** Aaron Ellis  
 2822 SE 19th  
 Portland, OR 97202

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

**Position #11 member and alternate:** Represents area within Metro Council district #11 in Multnomah County for a three year term; beginning January 1, 1994 and ending on December 31, 1996.

**Member:** Donald MacGillivray  
 2339 SE Yamhill  
 Portland, OR 97214

**Alternate:** Diane R Rebagliati  
 5908 NE Simpson  
 Portland, OR 97218

**Position #13 member and alternate:** Represents area within Metro Council district #13 in Washington County for a three year term; beginning January 1, 1994 and ending on December 31, 1996.

**Member:** Geoffrey Hyde  
 10217 NW Alpenglow Way  
 Portland, OR 97229

**Alternate:** Clare Perry  
 3851 NW 163rd Terr  
 Beaverton, OR 97006

**REPRESENTING AREA OUTSIDE METRO BOUNDARY:**

**Position #16 member and alternate:** Represents area within Washington County not a part of a Metro District boundary for a three year term; beginning January 1, 1994 and ending on December 31, 1996.

Nomination meeting postponed until February/March 1994

**REPRESENTING COUNTY CCI OR CIC'S:**

**Position #18 alternate:** Represents the Multnomah County Committee for Citizen Involvement (CCI) for a three year term; beginning January 1, 1994 and ending on December 31, 1996.

**Member:** Jim Regan  
 15120 NW Burlington Court  
 Portland, OR 97231

**Alternate:** Angel Olsen  
 19319 NE Couch  
 Gresham, OR 97231

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

Patricia Miller  
 11165 NW Cornell Road  
 Portland, OR 97229

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, A fourth round of the selection process was required and approved by Resolution No. 93-1859 to fill subsequent vacancies; and

WHEREAS, This fifth 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 representatives and alternates 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

## **Staff Report**

CONSIDERATION OF RESOLUTION 93-1882, FOR THE PURPOSE OF ACCEPTING A FIFTH ROUND OF NOMINEES TO THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI) TO FILL VACANCIES IN THE MEMBERSHIP OF THE COMMITTEE.

---

Date: December 8, 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 year, the committee membership developed a number of vacancies, due to moves and other commitments for those involved. This fifth round of the selection process is attributable to the requirement in the bylaws which start staggered terms for the membership. Seven of the 19 positions have terms set to expire at the end of the calendar year. This resolution was intended to fill those seats, in addition to filling vacancies which had developed.

This current round of the selection process will not fill all of the vacant positions. Although the selection process started immediately upon the completion of the fourth round, the time frames were very tight. In each of the county citizen involvement groups the issue of changing a selection meeting was raised.

In Multnomah County, the selection meeting was set, the Councilors invited, and as the citizen committee did not hear of the Councilors intention of attending, the meeting was rescheduled to a regular committee meeting. Concerns were raised around moving the meeting from a time which was publicly noticed. Also that moving the meeting to 9:30 P.M. the same day as they were providing notice would almost certainly preclude Councilors or other members from the public from attending.

In both Clackamas and Washington County, the citizen organizations expressed concern over having a small number of applications to review (in certain districts there were fewer applications than vacancies). The organizations moved their meetings to either allow for additional applications or give more time to the review committee.

FOR THE PURPOSE OF ACCEPTING	)	RESOLUTION NO. 93-1882
A FIFTH 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

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, A fourth round of the selection process was required and approved by Resolution No. 93-1859 to fill subsequent vacancies; and

WHEREAS, This fifth 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 representatives and alternates 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 TO FILL EXPIRING POSITIONS**  
**AND TO FILL ONE VACANT ALTERNATE POSITION**  
**PHASE V - December 16, 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.

**Henri G. Schauffler**  
**4460 SW Greenleaf Dr.**  
**Portland, OR 97221**

**Position #4 member and 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, 1996.

**Nomination Meeting: December 14, 1993**

**Position #5 member and alternate:** Represents area within Metro Council district #6 in Clackamas County for a three year term; beginning immediately and ending on December 31, 1996.

**Nomination Meeting: January 11, 1994**

**Position #8 member and alternate:** Represents area within Metro Council district #8 in Multnomah County for a one year term; beginning immediately and ending on December 31, 1996.

**Member:**       **Aaron Ellis**  
                   **2822 SE 19th**  
                   **Portland, OR 97202**

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

**Position #11 member and alternate:** Represents area within Metro Council district #11 in Multnomah County for a one year term; beginning immediately and ending on December 31, 1996.

**Member:**       **Donald MacGillivray**  
                   **2339 SE Yamhill**  
                   **Portland, OR 97214**

**Alternate:**     **Diane R Rebagliati**  
                   **5908 NE Simpson**  
                   **Portland, OR 97218**

**Position #13 member and alternate:** Represents area within Metro Council district #13 in Washington County for a three year term; beginning immediately and ending on December 31, 1996.

**Nomination Meeting: December 14, 1994**

**Representing Area Outside Metro Boundary:**

**Position #16 member and alternate:** Represents area within Washington County not a part of a Metro District boundary for a three year term; beginning immediately and ending on December 31, 1996.

**Nomination Meeting: December 14, 1993**

**Representing County CCI or CIC's:**

**Position #18 alternate:** Represents the Multnomah County Committee for Citizen Involvement (CCI) for a three year term; beginning immediately and ending on December 31, 1996.

**Member:**       **Jim Regan**  
                   **15120 NW Burlington Court**  
                   **Portland, OR 97231**

**Alternate:**     **Angel Olsen**  
                   **19319 NE Couch**  
                   **Gresham, OR 97231**



Meeting Date: December 23, 1993  
Agenda Item No. 7.6

RESOLUTION NO. 93-1860



## METRO

DATE: December 17, 1993  
TO: Metro Council  
FROM: Paulette Allen, Clerk of the Council  
RE: AGENDA ITEM NO. 7.6; RESOLUTION NO. 93-1860

The Governmental Affairs Committee report will be distributed to Councilors prior to the December 23 Council meeting and will be available to the public at that time also.

Please note that the Committee amended Ordinance No. 93-521 to take \$50,000 entirely out of Support Services. The Committee directed staff to alter language in the Intergovernmental Agreement, page 2, Section 2, to read: "That Metro intends to contribute up to \$50,000 in both the 1993-94 and 1994-95 fiscal years..." The revised agreement language will be before the Council for their consideration December 23.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING )  
THE EXECUTIVE OFFICER TO )  
EXECUTE AN INTERGOVERNMENTAL )  
AGREEMENT WITH THE CITY OF )  
PORTLAND FOR A PREDICATE STUDY )

RESOLUTION NO. 93-1860

Introduced by Rena Cusma,  
Executive Officer

WHEREAS, a group of procurement professionals from various governmental agencies have met since October, 1991 to discuss and share information on their past and present minority and women-owned business enterprise (MBE/WBE) programs; and

WHEREAS, the group determined that, if MBE/WBEs were to receive preferential procurement treatment to remedy the present effects of past discrimination, a predicate study documenting past discrimination would be necessary; and

WHEREAS, the Metro Council in September, 1992 authorized a Multi-Jurisdictional Statement of Mutual Understanding supporting and permitting a feasibility study to be pursued by Multnomah County as a precursor to a major predicate study; and

WHEREAS, that study by Sara Glasgow Cogan & Associates outlined the requirements for and projected costs of such a multi-jurisdictional predicate study; and

WHEREAS, the City of Portland has endorsed a regional approach to such a predicate study, authorized \$175,000 in funding and directed the Mayor to seek funding partners to complete such a regional study; now, therefore,

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to execute an intergovernmental agreement with the City of Portland in substantial conformance with Exhibit A attached, so as to support and promote a regional predicate study.

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

---

Judy Wyers, Presiding Officer

**INTERGOVERNMENTAL AGREEMENT  
FOR THE PURSUIT OF A  
REGIONAL MBE/WBE DISPARITY STUDY**

THIS Agreement is entered into between METRO, a metropolitan service district organized under the laws of the state of Oregon and the 1992 Metro Charter, located at 600 N.E. Grand Avenue, Portland, Oregon 97232-2736, and the City of Portland, hereinafter referred to as CITY, located at 1120 S.W. Fifth Avenue, Portland, Oregon 97204.

**W I T N E S E T H**

WHEREAS, CITY has generated a "Fair Contracting and Employment Initiative " wherein it proposes to initiate the start-up funding for a Regional Disparity Study which would provide the "statistical underpinnings" for enforceable Minority and Women-Owned Business Enterprise (MBE/WBE) Opportunity Goals as outlined in Section Five of the draft attached hereto as Exhibit A (and hereinafter referred to as the Study); and

WHEREAS, METRO acting by a through its Executive Officer and Council concurs that those negatively impacted by past discrimination deserve immediate, preferential and remedial action, and the findings of a Regional MBE/WBE Disparity Study are essential to the establishment of such programs; and

WHEREAS, METRO supports a cooperative regional approach among governments to accomplish such a Study and seeks to contribute to the initial start-up funding as proposed by City; and

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the parties hereto as follows:

**CITY AGREES:**

1. To act as lead agency in the solicitation of funding partners to complete a regional disparity study including the Metropolitan Exposition Recreation Commission and Multnomah, Clackamas and Washington Counties; and
2. To act as a competent and professional independent contractor for all aspects of the Study and for all Study purposes without specific compensation save the Study contribution referenced herein; and
3. To secure all services, document all work products, and complete all tasks required for completion of a regional disparity study within METRO boundaries and in accordance with METRO Study Requirements attached hereto as Exhibit B; and

4. To ensure that the CITY's Project Manager provides periodic written progress summaries and meets with the METRO Project Manager each month during the course of this Agreement to discuss all developments and outline the progress of all tasks related to the Study; and
5. To provide METRO with all documentation generated by the Study without further solicitation and at no additional cost; and
6. To document and acknowledge on all final documents arising from this Study that partial funding was provided by METRO; and
7. To hold harmless, indemnify, protect and defend upon request METRO and its officers, employees and agents from any and all claims, suits or actions of any nature, including, but not limited to all costs and attorney fees arising out of or related to CITY's study activities or those of its officers, subcontractors, agents or employees.

If CITY fails to defend or indemnify METRO, METRO may, at its option, bring an action to compel same or undertake its own defense.

In either event, CITY shall be responsible for all of METRO's costs, expenses and attorney fees including the reasonable market value of any services provided by METRO employees.

METRO agrees:

1. That it supports CITY's intent to pursue a Regional MBE/WBE Disparity Study as outlined hereinabove and seeks to facilitate the Study's immediate commencement; and
2. That METRO intends to contribute \$50,000 in both the 1993-94 and 1994-95 fiscal years for a total commitment to the Study cost of ONE HUNDRED THOUSAND AND NO/100THS (\$100,000.00) DOLLARS; and
3. That METRO's contribution will be strictly limited to the above amount and there are no further obligations expressed or implied by such action; and
4. That METRO neither intends or seeks any direct involvement, sponsorship privileges or supervisory responsibilities for this project except at the behest of CITY; and
5. That it will, from whatever records currently exist, provide information on its past competitive bidding, contracting and MBE/WBE activities; and
6. That METRO may withhold funding and terminate this Agreement in whole, or in part, at any time prior to Study completion, if METRO, in its sole discretion, determines that CITY has failed to comply with the terms and conditions of this agreement.

In the event of such action, METRO shall promptly notify CITY in writing as to the circumstances and the reasonable means, if any, for resolution.

**BOTH PARTIES AGREE:**

1. That METRO's Project Manager shall be Amha Hazen, MBE/WBE Advocate, acting on behalf of METRO's Liaison Officer, Neil E. Saling, who is specifically authorized to review and approve all activities and work products; and
2. That CITY's Project Manager shall be Madelyn Wessel, Deputy City Attorney or other person designated in writing by the Mayor, and she is specifically authorized to execute all project tasks and render all project services; and
3. That all legal notices provided under this Agreement shall be delivered personally or by certified mail to the individuals and addresses listed herein below and that they may only be changed by written notice delivered in accordance with this provision:

**CITY:**

Madelyn Wessel  
Deputy City Attorney  
City of Portland  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204

**METRO:**

Neil E. Saling  
Director, Regional Facilities  
Metro  
600 N.E. Grand Avenue  
Portland, Oregon 97232

4. That both parties shall hold harmless, indemnify, protect and defend the other and its officers, employees and agents from any and all claims, suits or actions of any nature, including, but not limited to all costs and attorney fees arising out of or related to these Study activities or those of its officers and employees; and
5. That execution of this Agreement does not bind either party to the findings and recommendations of the Study; and
6. That this Agreement may be terminated in whole, or in part, whenever both parties agree that the continuation of the Study will not produce the beneficial results anticipated or results commensurate with the proposed level of funding; and

That if termination is required, the parties shall agree upon the terms, conditions and effective date(s) for such action, or in the case of partial termination, the specific Study aspects or activities to be abandoned; and

7. That this is the entire Agreement between the parties. There are no understandings, agreements or representations, oral or written, not specified herein.

No waiver, consent, modification or change of terms shall bind either party unless committed to writing and signed by both parties, and if such action is taken, it shall be effective only in the specific instance and for the specific purpose given; and

8. That if any portion of this Agreement is found to be illegal or unenforceable, this Agreement shall nevertheless remain in full force and effect and the offending provision shall be stricken; and
9. That this Agreement is binding on each party, its successors, assigns and legal representative and may not, under any circumstances or conditions, be assigned or transferred by either party; and
10. That 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.

CITY, by signature of its duly authorized representative, hereby acknowledges that it has read, understands and agrees to be bound by the terms and conditions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands on the day and year set forth below.

CITY OF PORTLAND

METRO

By: \_\_\_\_\_

Vera Katz, Mayor

By: \_\_\_\_\_

Rena Cusma, Executive Officer

By: \_\_\_\_\_

Barbara Clark, Auditor

APPROVED AS TO FORM

By: \_\_\_\_\_

Madelyn Wessel  
Deputy City Attorney

By: \_\_\_\_\_

Daniel B. Cooper  
General Counsel

EXHIBIT " A "

**FAIR CONTRACTING AND EMPLOYMENT INITIATIVE**

**DISCUSSION DRAFT**

Proposed to  
the City Council  
City of Portland, Oregon  
by Mayor Vera Katz  
June 3, 1993



# **INTRODUCTION**

## **FAIR CONTRACTING AND EMPLOYMENT INITIATIVE**

The Council has recognized a critical need to set in motion a determined effort to help the City's economically distressed groups reclaim ground they lost during more than a decade of neglect of America's inner cities. Toward that end, I am recommending the attached package of reforms to begin to improve the City's minority contracting record and expand minority employment opportunities with the City's contractors. It is a step the Council has identified as one of its highest priorities.

This package of initiatives, taken as a whole, is intended to provide a policy framework for efforts that already are under way and other initiatives proposed for completion in the near future. It constitutes a set of administrative actions and new ordinances aimed at leveling the playing field in the competition for City contract dollars for those who have been economically impacted by the effects of discrimination and economic neglect. It is also intended to promote equal employment opportunities for those who seek work with the City's contractors.

It is our hope that this package, when approved and fully implemented, will provide clear policy direction to City bureaus and contractors regarding minority and female contractor issues. The reforms represent an integral part of a plan to make the City government more effective and more responsive to the needs of all our citizens. It does so by enhancing City government's role as a catalyst for action, by holding bureau managers accountable for achieving explicitly stated results, and by promoting a collaborative effort with community-based organizations and other local government agencies in the region.

The growing gap between the "haves" and "have-nots" in our society is as painfully evident in Portland as it is elsewhere in the country and shows itself in the widening disparity of incomes among many of our neighborhoods. City government can and must do a better job of addressing this problem. There is strong evidence that in recent years minorities and women, as groups, have lost much of what they gained in an earlier period of affirmative action efforts and have suffered disproportionately to their numbers from the policies of neglect.

African Americans, in particular, have complained that they have been shut out of business and employment opportunities in the local construction industry. A recent study by the City Attorney's Office supports their concerns. The study analyzed the employment patterns of all contractors awarded major City of Portland public works contracts in 1992.

The workforce records examined showed that of the 1535 people employed by the 50 companies receiving contracts of \$50,000 or more in value, only 4.8% were minorities and less than 1% African-Americans. That compares to a minority population in Portland in the neighborhood of 15%, and to a qualified minority construction workforce in the region ranging from an estimated 6% to 20%, depending on the craft or trade. Moreover, 54% of the minorities who were employed worked as laborers, which are among the lowest paid construction jobs.

These findings, while far from an indictment of any specific company, constitute serious evidence, says Deputy City Attorney Madelyn Wessel, that a systemic problem may exist. The study demonstrates that discrimination prohibited under federal, state and local laws may be prevalent in the industry and that concerns about equal employment opportunity are legitimate.

On the business contracting side, as you are aware, the opportunities for minority businesses have declined significantly since the 1989 U.S. Supreme Court decision in City of Richmond v. J.A. Croson Co., which held that state and local set-aside programs must meet a "strict scrutiny" test in the courts, must serve compelling government interests, and must be narrowly tailored to serve those interests.

Minority-owned businesses have lost ground since Croson in obtaining valuable sub-contracting work through the prime bidders on regional construction contracts. Most state and local programs aimed at assisting minority and women-owned businesses have been stopped in their tracks or thrown substantially off course because responding to the Croson requirements has been so difficult and expensive.

Ineffectual or inadequate government actions and programs have failed to address the economic pain of the neediest groups among us, despite the best of intentions and an array of "good faith efforts" programs. To ignore for too long the economic plight of these groups puts at risk our long-term survival as a diverse and functioning community.

As a community, we must find a better answer.

It is our hope that you will agree that the "Fair Contracting and Employment Initiative" discussion draft is an important first step in a four-year effort to find better answers. The proposed initiatives are clustered around seven sections targeting major issues which have been identified as the critical needs or barriers to equal participation in contracting and employment.

## Section One

### SET MBE AND WBE CONTRACTING TARGETS

This section establishes broad City-wide contracting goals coupled with quarterly monitoring systems. It is clear that such targets cannot be established as fixed requirements in individual City contracts (i.e. "set-asides") in the absence of a Croson disparity study. (This is one of the reasons I recommend moving forward with such a study in Section Five, below.) Nevertheless, I believe that establishing specific numerical standards will provide a benchmark against which to measure the overall success or failure of the new City programs, as well as measure the performance of individual City bureaus. These particular numerical targets were selected to be somewhat more ambitious than current federal targets as a means of setting a high level of expectations. I also believe it is important to articulate goals separately for minority business enterprises (MBE) and women business enterprises (WBE), unlike the federal government which, during the Reagan/Bush administrations, merged the two through a disadvantaged business enterprise (DBE) standard. This will enable the City to specifically identify the impact of its programs on these different groups of entrepreneurs whose needs and experiences are not always the same. (For the sake of comparison, in 1991, the City's figures translated to 5.6% MBE and 4.8% WBE in construction, 6.8% MBE and 5% WBE for professional services).

These goals must, of course, be reviewed by the Council on a yearly basis in light of actual performance to determine whether they are appropriate. The quarterly reports on the progress being made by the City as a whole and by individual City bureaus in reaching these targets will provide the Council with hard empirical data for measuring success and will provide Council with an indispensable diagnostic tool for determining what further efforts need to be made to improve performance.

#### **A. Council Establishes Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Contracting Targets.**

1. Council approves the following targets for contracting and/or subcontracting with certified MBE and WBE contractors:

<u>MBE</u>	9%
<u>WBE</u>	5%
<u>TOTAL:</u>	14%

2. Only contractors and subcontractors certified by the State of Oregon Office of Minority, Women and Emerging Small Business (OMWESB) or who have applied for state certification may be counted towards meeting the city's MBE and WBE contracting targets established by Council.
3. Council will review appropriateness of established MBE/WBE contracting targets no later than June 30, 1994.

*See attachment A for copy of MBE and WBE contracting targets for Portland Development Commission.*

**B. Council Requests Quarterly Report on MBE/WBE City Contracting Targets**

1. The Auditor's Office, working with the Bureau of Purchases and Stores, will produce a quarterly report on the status of MBE/WBE contracting targets. The reports will include data indicating the number of contracts, the types of contracts and the value of contracts awarded to certified MBE and WBE contractors.
2. In her annual proposed budget, the Mayor will report the status of city-wide and individual bureau efforts to achieve the city's established MBE and WBE contracting targets.

## Section Two

# INCREASE MBE/WBE CONTRACTING OPPORTUNITIES

The initiatives in this section focus on the need to increase MBE and WBE contracting opportunities. As our work on the impediments to full and fair MBE/WBE contracting participation has made clear, there is a lot more the City and other regional governments can do to open our doors to the full community of which we are a part. The steps I am proposing here make it clear that business as usual no longer will be tolerated: The City's resources - which, after all, come from taxes that fall on all citizens regardless of gender, race or ethnic origins — must be dispensed in an evenhanded way for the benefit of all citizens and in a way designed to give all potential contractors a fair opportunity. All City bureaus will be required to address this issue in concrete ways and not simply give lip service to it. Prime contractors will be required to document their outreach efforts to the minority community if they wish to continue doing business with the City.

### A. Council Directs City Bureaus to Expand and Document PTE Contract Solicitation Outreach to Certified MBE and WBE Contractors.

1. At the Mayor's request, the City Attorney's Office developed amendments to the Portland City Code (PCC) Chapter 5.68 that require Professional, Technical and Expert (PTE) contracts to include at least one bid solicitation to MBE and WBE certified firm.

NOTE: City Council approved this ordinance (#166419) on April 7, 1993, effective May 8, 1993.

*See attachment B for copy of revised PTE ordinance and copy of contract cover sheet.*

### B. Council Requires City's Prime Contractors to Expand and Document Outreach to MBE and WBE Contractors and Subcontractors.

1. Working with the City's major contracting bureaus, the City Attorney's Office will revise PCC 3.100.080 - .089 to require the city's large potential prime contractors to take more comprehensive steps and to provide more systematic documentation of their outreach towards MBE and WBE contractors.

The current "Minority/Female Purchasing Program" outlined in PCC 3.100.080 - .089 will be replaced with a "good faith efforts" program modelled after Metro's recently enacted program.

The City Attorney's Office will submit their proposed PCC revisions to Council for consideration no later than August 31, 1993.

*See attachment C for copy of PCC 3.100.080 - .089 and attachment D for copy of METRO's "good faith efforts" program.*

**C. Council Authorizes Study to Create a Contracting Pilot Project in the North/Northeast Enterprise Zone**

1. The Council directs the City Attorney's Office to develop policy guidelines that would create a pilot project in the N/NE Enterprise Zone to provide bidding advantages to eligible contractors based in that area. The purpose of the project will be to provide better opportunities to current businesses who have demonstrated a commitment to Northeast Portland.

Criteria to be examined will include location of the work, the size of the city contract, the location of the contractor's business, the EEO status of the contractor's workforce, and other criteria.

The Oregon Legislature has provided for affirmative action innovations (ORS 279.059) and granted authority to local jurisdictions to limit bidding for selected affirmative action purposes.

The City Attorney's Office will submit a set of proposed policy guidelines and a proposed program description to Council for consideration no later than November 1, 1993.

*See attachment E for copy of ORS 279.059 which grants bidding specifications for affirmative action purposes.*

**D. Council Establishes City Policy to Support Special Outreach to Minority Community on Individual Projects**

1. The City Attorney's Office, working with the appropriate city bureaus, will draft a policy to require an examination of each significant public works project in the inner North/Northeast area to determine whether special community needs are present. Some of these projects may allow for special provisions for mandatory inclusion of MBE and/or WBE contractors when compelling need exists.

The City Attorney's Office will submit their proposed policy guidelines and program description to Council for consideration no later than November 1, 1993.

### Section Three

## PROVIDE BUSINESS AND FINANCIAL ASSISTANCE TO EXISTING AND EMERGING MBE/WBE CONTRACTORS

This section addresses the technical and financial impediments to fuller participation by new and struggling businesses in the City. It is my hope that these initiatives will address key issues MBE/WBE contractors have identified as impediments in competing for City business. The initiatives making up this group also recognize the need for intergovernmental cooperation in funding programs to address the financial and technical needs of MBEs and WBEs, so that government resources are invested coherently, wisely, and economically. It obviously makes no more sense for different governments in the same region to separately fund and administer parallel programs than to expect the local MBE/WBE community to attempt to cope with competing and confusing systems. I envision the start of a functional intergovernmental system of "one stop shopping" for MBEs and WBEs seeking technical and financial assistance. I believe that the sooner we are able to establish streamlined programs delivering such assistance, the sooner MBEs and WBEs will have the ability to enter confidently into the economic mainstream.

#### A. Council Authorizes Creation of a Loan Program to Assist Contractors

1. The Portland Development Commission will create a loan guarantee program to be implemented in conjunction with local commercial banks and Multnomah County. The program will entail commercial bank financing of city and county contracts for materials, services and construction, underwritten by a 75% loan guarantee from the city and the county. The city's guarantee would be supported by existing budgeted contract dollars of the city bureau letting the specific contract. The council further endorses the transfer of approximately \$118,700 in residual funds from the Model Cities Economic Development Trust Fund to the Portland Development Commission, which will act as administrator of the program. The Council further directs all city bureaus to participate in this program.

*See attachment F for draft copy of "Opportunity Loan Fund," and authorizing memo.*



**B. Council Seeks Funding Partners to Establish Program to Enhance the Bonding Capacity of MBE and WBE Contractors**

1. The Mayor is authorized to negotiate with other local governments, including the Port of Portland, Tri-Met, Multnomah County and others, to establish a multi-jurisdictional coordinated program to improve the bonding capacity of existing and emerging MBE and WBE contractors.

The Mayor will submit to Council for consideration a proposed inter-governmental agreement establishing a multi-jurisdictional coordinated bonding assistance program.

*See attachment G for draft copy of "Advocacy Surety Support program for Minority and Women Subcontractors" proposed by the Port of Portland.*

**C. Council Seeks Funding Partners to Establish Program to Provide Technical Assistance to MBE and WBE Contractors, and Potential Contractors.**

1. The Mayor is authorized to negotiate with other local governments, including the Port of Portland, Tri-Met, Multnomah County and others, to establish a multi-jurisdictional program to provide coordinated technical business assistance, including Mentor-Protege programs, to current or potential MBE and WBE contractors.

The Mayor will submit to Council for consideration a proposed inter-governmental agreement establishing a multi-jurisdictional coordinated bonding assistance program.

*See attachment H for draft copy of "Mentor-Protege Program" Proposed By Association of General Contractors.*

2. The Bureau of Purchases and Stores, working with the City Attorney's Office, will develop technical training on the city's bidding, contracting and purchasing procedures and offer such training in settings accessible to the MBE/WBE community on a regular basis.

## Section Four

# EXPAND MINORITY/WOMEN EMPLOYMENT OPPORTUNITIES WITH CITY CONTRACTORS

The initiatives in this section stem from a dual premise: First, we have an obligation to use the market power we have available to us through the disbursement of the community's tax dollars to foster equal employment opportunities ("EEO") in the private sector through careful monitoring of those companies receiving the City's business. Second, the development of the City's internal workforce should be utilized, along with broader community training and apprenticeship programs, to extend the opportunities for jobs to a broader segment of the population.

These dual objectives are embodied in the initiatives aimed at better "EEO" monitoring of the City's contractors and vendors, in the proposed modifications to the existing Public Works First Source Program, and in the proposal that the City participate in proposed regional apprenticeship and training programs.

### A. Council Requires City's Contractors and Vendors to Make Enhanced Commitments to Equal Employment Opportunity

1. The City Attorney's Office will prepare revisions to PCC 3.100.030 - .040 to provide for more effective EEO monitoring of city contractors and vendors.

The City Attorney's Office will submit their proposed code revisions to Council for consideration no later than August 31, 1993.

*See attachment I for a copy of the PCC 3.100.030 - .040.*

2. The Bureau of Purchases and Stores has been provided with 1.5 FTEs for FY 93-94 to provide for additional contract compliance. One FTE staffer will monitor the ongoing EEO status of city contractors and vendors. The second part-time staffer will provide oversight for the city's amended PTE contracting program.
3. Within the next fiscal year, the Bureau of Purchases and Stores will develop a database, accessible to all city bureaus, which tracks an individual contractor's compliance with the city's EEO ordinance requirements.

**B. Council Authorizes Six-month Extension of Modified Public Works First Source Agreement with CH2A, Inc.**

1. Public Works First Source Program contracts and specifications have been revised by the City Attorney's Office. The definition of "existing employee" has been changed from 400 hours to 800 hours or more over a nine-month period, mechanisms for exempting contractors from union hall requirements where appropriate developed, and mechanisms for enhanced monitoring by the Bureau of Purchases and Stores and City Attorney's Office initiated. Council endorses the revisions to the Public Works First Source Program's contracts and specifications.

*See attachment J for a copy of April 15, 1993 memo from Madelyn Wessel, Deputy City Attorney, recommending changes to First Source Construction Hiring Program documents.*

2. Council authorizes a six-month extension of a modified contract with CH2A, Inc. In six months, the Public Works First Source Program agent's contract will be put out for competitive bid. Interns already placed with bureaus will continue their assignments. New interns will be placed only at the request of bureaus specifically desiring such placements.

The Mayor's Office will submit Public Works First Source contract bid specifications for Council consideration no later than November 15, 1993.

*See attachment K for copies of correspondence detailing status and outcomes of Public Works First Source Program.*

**C. Council Authorizes Development of New Intergovernmental Community-Based Pre-Apprenticeship and Apprenticeship Programs.**

1. The city will explore means of linking its Public Works First Source Program to apprenticeship efforts in the community, with the aim of implementing such a linkage by January 1, 1994.
2. The Portland Development Commission, Department of Economic Development, will coordinate the city's involvement in new pre-apprenticeship and apprenticeship training programs and present recommendations to the Council on city involvement with such programs.
3. The City Attorney's Office and the Bureau of Purchases and Stores will work to ensure that city construction contracts support and enforce any programs approved by Council, (i.e. through development of contract terms requiring contractors to register as certified training agents with the State of Oregon Bureau of Labor and Industries and mandating utilization of apprentices on city-funded projects.)

**D. Council Authorizes Development of Internship Program Accessible to all City Bureaus.**

1. The Bureau of Personnel, working with the Mayor's Office and the Portland Development Commission, Department of Economic Development, and city bureaus, will develop a comprehensive internship program targeting minorities residing in the city, using the existing resources of the city's JobNet program.

*See attachment L for a copy of correspondence detailing status and outcomes of Public Works First Source Internship Program.*

**E. Utilize City Inspectors to Monitor City Contracting and Employment Equity Programs.**

1. CH2A and the City Attorney's Office have worked with Bureau of Environmental Services inspectors to encourage broader monitoring of the Public Works First Source Program requirements. Council directs other bureaus employing inspectors who monitor construction projects, such as Transportation and Water, to work with CH2A and the City Attorney's Office to train inspectors to monitor First Source and similar programs.

## Section Five

# INVESTIGATE AND DOCUMENT DISCRIMINATION

The initiatives in this section recognize what we may wish away but cannot ignore -- that racism and sexism are real issues affecting many in our community. Such entrenched attitudes have a devastating impact on individual lives. As has been shown through the City's experience with the costly Public Works First Source Program, resistance to including minorities and women can also negatively affect the very programs we fund to facilitate positive change. I believe we must develop the legal tools to support the many positive actions included in this proposed package of reforms. I therefore propose that the City initiate the start-up funding for a regional Croson disparity study which will provide the statistical underpinning required to establish enforceable goals. As the City Attorney's Office has put it "what we can require without a Croson study are actions; what we can require with a Croson study are results."

I also believe it important to specifically endorse the concept that the City Attorney's Office may occasionally find it appropriate to investigate cases of potential discrimination affecting City programs aimed at minorities and women.

Finally, industry trade associations and labor groups will be encouraged to work cooperatively with the City in responding to questions of potential discrimination or other barriers to full participation of minorities and women in the regional construction industry.

### A. Council Recognizes the Need to Document the Status of Minorities and Women Participating in Public Contracting.

1. The Council endorses a regional approach to completing a Croson study and authorizes the expenditure of \$175,000 from the FY 1993-94 Approved Budget "Special Opportunity Programs" Special Appropriation line item to provide "seed money" to complete such a regional study.
2. The Council authorizes the Mayor to seek funding partners to complete a regional Croson study. Funding partners may include, but are not limited to, Clackamas County, Housing Authority of Portland, Metro, Metro E-R Commission, Multnomah County, Port of Portland, Portland Community College, Portland Public Schools, Oregon Department of Transportation, Oregon Department of General Services, Oregon State System of Higher Education, Tri-Met and Washington County.

The Mayor will report to Council the results of her partnering efforts on an ongoing basis.

*See attachment M for a copy of draft letter from Mayor Katz to potential regional funding partners. See attachment N for copy of final report dated December 4, 1992 "Multi-Jurisdictional Disparity/Predicate Feasibility Study." See attachment O for copy of memo from Wendy Robinson, Oregon Assistant Attorney General, on Croson dated October 27, 1992.*

3. Council authorizes the City Attorney's Office to investigate cases of potential discrimination affecting city programs such as the First Source Public Works Program, or other programs designed to assist minorities and women. In the event that legal proceedings should be initiated in order to protect rights secured under PCC Chapter 23.01.010 et seq., other civil rights laws, or to remedy harms suffered by the city under any of its programs, the City Attorney will propose such litigation to Council for its consideration.

**B. Council Encourages Industry and Labor Representatives to Increase Investigations into Questions of Discrimination in Employment and Contracting**

1. Council authorizes the City Attorney's Office and the Bureau of Purchases and Stores to work cooperatively with the Associated General Contractors, and other industry trade and organized labor groups to facilitate an increase in the number of investigations into questions of potential discrimination in employment and contracting.

## Section Six

# INCREASE THE NUMBER OF ELIGIBLE CERTIFIED MBE/WBE CONTRACTORS

This section addresses the fact that reliable data about MBEs and WBEs in the State is unavailable. I believe that City bureau managers can play an important role in encouraging MBEs and WBEs with whom they have contact to initiate the state certification process. I am asking the Council to endorse the Mayor's Office, the City Attorney's Office and the Bureau of Purchases and Stores to work with the State to improve its MBE/WBE certification process and reduce the turnaround time for processing applications.

- A. **Council Directs Bureau Managers to Encourage Non-Certified MBE and WBE Contractors Doing Business with the City to Be Certified.**
  - 1. Bureau managers are encouraged to provide information to MBE and WBE contractors not certified as MBE or WBE with the State of Oregon to do so. The Bureau of Purchases and Stores will provide bureau managers with the necessary materials to provide contractors.
  
- B. **Council Authorizes the Mayor's Office to Work with State of Oregon to Improve MBE/WBE Certification Process**
  - 1. The Mayor's Office, City Attorney's Office and Bureau of Purchases and Stores are authorized to work with the State of Oregon to improve the MBE/WBE certification process, to reduce turnaround time of processing applications and to minimize paperwork.

*See attachment P for a copy of State of Oregon MBE/WBE certification application and process outline.*

## Section Seven

# INCREASE INTERNAL COORDINATION OF LOCAL MBE/WBE ISSUES

This final section recognizes the obvious -- that coming to grips with the myriad of complex concerns and issues surrounding contracting and employment issues must be an on-going process for the City. A criticism of the City has been the lack of coordination in responding to the issues raised by the minority community. To address this concern, I propose that Council establish a City MBE/WBE Contracting Coordinating Committee to coordinate our efforts in these areas and to push forward the initiatives articulated here.

### A. Council Authorizes Creation of a City MBE/WBE Contract Coordinating Committee

1. Council establishes a staff work group to coordinate efforts and push policy agenda forward. This committee will recommend, review and advise the city on how to improve MBE and WBE contractors' participation on city contracts.

Membership in the MBE/WBE Contract Coordinating Committee will include representatives from the Bureau of Environmental Services, Bureau of Water Works, Bureau of General Services, City Attorney's Office, Bureau of Purchases and Stores, the Portland Development Commission, Department of Economic Development, Office of Transportation and Office of Finance and Administration.

The MBE/WBE Contract Coordinating Committee will be chaired by the Mayor's Office.



## **Exhibit B**

### **Metro Study Requirements**

1. Address potential Metro disparity in contracting and anecdotal evidence of discriminatory practices by industry sectors.
2. Document available MBE firms annually since 1979 by industry sector.
3. Document all available firms annually since 1979 by industry sector.
4. Profile of Metro utilization of MBE firms by industry sector since 1979.
5. Develop a Utilization Percentage Ratio (UPR) for each industry sector based on Metro's contracting/purchasing history.
6. Provide anecdotal evidence of discriminatory practices by industry sector with emphasis on evidence of such practices on the part of Metro.
7. Recommend remedial measures by industry sector should a basis for such measures be justified based on statistical disparity in contracting practices and on discrimination which caused such disparity.

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 93-1860, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE CITY OF PORTLAND FOR A PREDICATE/DISPARITY STUDY

---

Date: September 29, 1993

Presented by: Neil Saling

## BACKGROUND

The ruling of the U.S. Supreme Court on January 23, 1989, in the case of Richmond v. J.A. Croson Co., has negated the use of set-aside programs and numerical goals for participation by minority and woman-owned enterprises (MBE/WBE) in procurement actions by regional political subdivisions. The standards by which the future use of such preferential programs will be judged is a "strict scrutiny" requirement whereby municipalities and state and local governments, when using racial or gender classifications, are required to show "compelling interest" which is a specific historic basis for the need for such programs. Under the "strict scrutiny" test, the court also requires that such programs be "narrowly tailored" to address specific areas of discrimination to ensure that a chosen program is designed to remedy the present effects of past discrimination.

Preferential programs for MBE/WBE must be based upon historical evidence of a trend of discrimination against a specific group of minorities or women before establishing an overt preferential requirement as with set-asides or numerical goals. Studies which are conducted to document trends of past discrimination are called disparity or predicate studies. ("Predicate study" is used herein as descriptive of the establishment of a basis for such narrowly tailored programs.)

In October 1991, a group of procurement professionals from within the region began discussing and sharing information on their MBE/WBE programs, activities, statistics and problems. The group was divided over the issue of whether agency programs should emphasize equal opportunity and outreach or return to the format of pre-Croson programs which incorporated set-asides and numerical goals. The members decided it was appropriate to address the issue of past discrimination as a means of shaping future MBE/WBE programs. Under the "strict scrutiny" required by the Croson decision, a study of past discrimination was deemed necessary in order to determine if programs to remedy the present effects of past discrimination are appropriate.

As a result, the participating jurisdictions including Metro agreed to a feasibility study designed to define the proper scope of a predicate study. The scope of that study included a definition of the essential elements of proof necessary to support a remedial program(s); the geographical area to be studied; the industry/commodity/service areas to be studied; a review of post-Croson programs and results; and an estimate of predicate study cost. Additionally, agency legal staffs were asked for input on Croson-derived legal requirements and a review of pre-Croson agency programs.

The multi-jurisdictional feasibility study performed by Sara Glasgow Cogan and Associates offered the following logic in citing the reasons for a disparity study:

- Governmental agencies must show a "compelling interest" to provide equitable opportunities to minorities and women in order not to perpetuate or reinforce past and present discriminatory practice;
- There has been evidence that higher participation rates for MBEs and WBEs result from mandated projects;
- A documented disparity study is necessary to sustain any race-based preference programs;
- Such studies are not only essential for establishing such programs, but a clear means of demonstrating governmental concern on discrimination issues.

In of June 1993, the City of Portland published a "Fair contracting and Employment Initiative," committed \$175,000 to institute a predicate study, and requested other governmental entities to become "funding partners" in this regional endeavor. Multnomah County has already responded by pledging \$100,000 over the next two years.

### ANALYSIS

The Metro Council first adopted Minority Business Enterprise Utilization Guidelines through passage of Ordinance No. 147629 on May 2, 1979. Even after the Croson decision ten years thereafter, Metro continued its goal based program until September 24, 1992 when it was replaced by the present outreach and good faith efforts program through Ordinance No. 92-466A.

The present program, implemented on January 1, 1993, has impacted a multitude of MBE/WBEs through its outreach provisions and has resulted in documented success stories. However, it was not designed to specifically remedy the impact of historical patterns of exclusion and discrimination or to specifically compensate for the passive barriers within the marketplace of today.

The proposed disparity study would specifically document Metro's "compelling interest," if any, in pursuing specific remedial action to include the use of objective goals, set-asides or other definite and certain preferences as means to ensure restitution and equitable representation.

As an expression of Metro's on-going and justifiable commitment both to the minority community and to overcoming and avoiding even passive discrimination now and in the future, the Executive Officer hereby proposes a \$100,000 Metro commitment to be budgeted and expended over the 1993-94 and 1994-95 fiscal years and pursuant to the terms of the attached intergovernmental agreement.

### **POLICY IMPACT**

1. Council action on this and all IGAs transferring or assuming a function of or to another governmental unit is required by Metro Code Section 2.04.033(a)(2).
2. Metro execution of this IGA should be interpreted as a continuation of Metro's commitment to the fair contracting practices of this community and on-going support for pre-Croson procurement policies including the use of numerical goals and set-asides when necessary to ensure MBE/WBE participation.

### **FINANCIAL IMPACT**

The predicate study will be financed half from the General Fund contingency (\$25,000) and half from the Support Services Fund contingency (\$25,000) in both the 1993-94 and 1994-95 fiscal year budgets for a total cumulative cost of \$100,000. This will require a budget amending Ordinance for the current fiscal year should this Resolution be adopted.

### **RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 93-1860.

Meeting Date: December 23, 1993  
Agenda Item No. 7.7

RESOLUTION NO. 93-1881A

**METRO**

DATE: December 17, 1993  
TO: Metro Council  
FROM: Paulette Allen, Clerk of the Council  
RE: AGENDA ITEM NO. 7.7; RESOLUTION NO. 93-1881A

The Governmental Affairs Committee report will be distributed to Councilors prior to the December 23 Council meeting and will be available to the public at that time also.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CREATING	)	RESOLUTION NO. 93-1881A
A PIONEER CEMETERIES STUDY	)	
COMMITTEE	)	Introduced by Councilor
	)	Sandi Hansen

WHEREAS, Metro will assume management of Pioneer Cemeteries in Multnomah County effective January 1, 1994; and

WHEREAS, Pioneer Cemeteries provide important open space and contribute to the region's cultural resources and heritage; and

WHEREAS, Pioneer Cemeteries require a different level of security and maintenance than either passive open spaces or developed parks; and

WHEREAS, Funds used to maintain Pioneer Cemeteries could be used for other public purposes if not needed for cemetery security and maintenance; and

WHEREAS, The Metro Council wants to determine whether Pioneer Cemeteries could be funded and operated without direct government assistance; now, therefore,

BE IT RESOLVED,

1- That the Metro Council creates a Pioneer Cemeteries Study Committee, with the charge and duration as stated in Exhibit A. Members shall be appointed by the Executive Officer in consultation with Councilor Hansen, and shall be subject to Council approval through adoption of a separate resolution.

~~2. That the membership of the Pioneer Cemeteries Study Committee be as stated in Exhibit B.~~

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

Judy Wyers, Presiding Officer

PIONEER CEMETERIES STUDY COMMITTEE

Charge and Duration

The Pioneer Cemeteries Study Committee shall ~~exist through June 30, begin not later than March 15, 1994, and conclude its work by September 15, 1994.~~ It shall report periodically to the Council Committee with oversight responsibility for regional parks and Pioneer Cemeteries, and shall present a written and oral report to the Council upon completion of its work. The report shall include recommendations for implementing the Committee's findings, in each of the study areas listed below.

The charge of the Pioneer Cemeteries Study Committee shall be as follows:

- Explore alternatives to public management of Pioneer Cemeteries in Multnomah County and throughout the Metro area.
- Determine whether there are Pioneer Cemeteries in the Metro area which are not publicly operated. If so, determine whether these cemeteries would benefit by inclusion in a private or non-profit management structure, and establish criteria for inclusion.
- Explore methods of funding the ongoing operations and maintenance of Pioneer Cemeteries.
- Recommend a method for establishing a management system to operate and maintain Pioneer Cemeteries.



~~PIONEER CEMETERIES STUDY COMMITTEE~~

~~Membership~~

~~The members of the Pioneer Cemeteries Study Committee shall be as follows:~~

~~Metro Councilor~~ \_\_\_\_\_ ~~Sandi Hansen~~

~~Pioneer Cemetery Planner~~ \_\_\_\_\_ ~~David Ausherman~~

~~Pioneer Cemetery Operator~~ \_\_\_\_\_ ~~Charlie Ciecko~~

~~Researcher~~ \_\_\_\_\_ ~~Alta Mitchoff~~

~~Land Donor~~ \_\_\_\_\_ ~~Greg Bettis~~

~~Historian~~ \_\_\_\_\_ ~~Dale Archibald~~

## STAFF REPORT

### RESOLUTION NO. 93-1881, CREATING A PIONEER CEMETERIES STUDY COMMITTEE.

Date: December 9, 1993

Presented by: Casey Short

PROPOSED ACTION: This resolution would create a committee to study the operations of Pioneer Cemeteries in the region, with the aim of developing a proposal for Council consideration which would establish an alternative system of operations and management. The study committee would have six months to do its work.

BACKGROUND AND ANALYSIS: Resolution No. 93-1877 authorizes an intergovernmental agreement with Multnomah County for transfer of operations of certain County facilities to Metro. The Pioneer Cemeteries in the county are included in that transfer.

In a discussion at the Governmental Affairs Committee on the issue of the transfer, Councilor Hansen and Portland Commissioner Charlie Hales agreed that determining a management structure for the Pioneer Cemeteries was the most difficult of all the facilities involved. While there is significant regional value connected with the cemeteries, particularly in their contribution to cultural research and heritage as well as their value as open spaces, management of cemeteries is not generally considered to be a principal function of governments.

Councilor Hansen has followed up on that discussion by sponsoring this resolution which would create a study committee to determine whether there is a feasible alternative to public management of Pioneer Cemeteries. She has included on the committee representatives of different disciplines interested or involved in various aspects of Pioneer Cemetery management, including: herself, representing the Metro Council; a Metro Planning Department staff member who has prepared a management plan for Pioneer Cemeteries in Jackson County; the current Multnomah County Parks Director; a researcher; a member of a family that donated land for a Pioneer Cemetery; and the curator of the Oregon Historical Society. This group will be given six months to fulfill its charge as outlined in Exhibit A to the resolution.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CREATING  
A PIONEER CEMETERIES STUDY  
COMMITTEE

) RESOLUTION NO. 93-1881  
)  
) Introduced by Councilor  
) Sandi Hansen

WHEREAS, Metro will assume management of Pioneer Cemeteries in Multnomah County effective January 1, 1994; and

WHEREAS, Pioneer Cemeteries provide important open space and contribute to the region's cultural resources and heritage; and

WHEREAS, Pioneer Cemeteries require a different level of security and maintenance than either passive open spaces or developed parks; and

WHEREAS, Funds used to maintain Pioneer Cemeteries could be used for other public purposes if not needed for cemetery security and maintenance; and

WHEREAS, The Metro Council wants to determine whether Pioneer Cemeteries could be funded and operated without direct government assistance; now, therefore,

BE IT RESOLVED,

1. That the Metro Council creates a Pioneer Cemeteries Study Committee, with the charge and duration as stated in Exhibit A.

2. That the membership of the Pioneer Cemeteries Study Committee be as stated in Exhibit B.

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

Judy Wyers, Presiding Officer

PIONEER CEMETERIES STUDY COMMITTEE

Charge and Duration

The Pioneer Cemeteries Study Committee shall exist through June 30, 1994. It shall report periodically to the Council Committee with oversight responsibility for regional parks and Pioneer Cemeteries, and shall present a written and oral report to the Council upon completion of its work. The report shall include recommendations for implementing the Committee's findings, in each of the study areas listed below.

The charge of the Pioneer Cemeteries Study Committee shall be as follows:

- Explore alternatives to public management of Pioneer Cemeteries in Multnomah County and throughout the Metro area.
- Determine whether there are Pioneer Cemeteries in the Metro area which are not publicly operated. If so, determine whether these cemeteries would benefit by inclusion in a private or non-profit management structure, and establish criteria for inclusion.
- Explore methods of funding the ongoing operations and maintenance of Pioneer Cemeteries.
- Recommend a method for establishing a management system to operate and maintain Pioneer Cemeteries.

PIONEER CEMETERIES STUDY COMMITTEE

Membership

The members of the Pioneer Cemeteries Study Committee shall be as follows:

Metro Councilor

Sandi Hansen

Pioneer Cemetery Planner

David Ausherman

Pioneer Cemetery Operator

Charlie Ciecko

Researcher

Alta Mitchoff

Land Donor

Greg Bettis

Historian

Dale Archibald