



METRO

**REVISED AGENDA:** Agenda Item Nos. 3.2 and 8.1  
have been added; agenda times have been revised

DATE: May 26, 1994  
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**

4:05 (20 min.) **3.1 Briefing by the Portland Metropolitan Sports Authority on Their Activities To-Date**

4:25 (20 min.) **3.2 Briefing on FOCUS Discussion on Regional Financing Strategies**

4:45 (5 min.) **4. CONSENT AGENDA (Action Requested: Motion to Adopt the Consent Agenda)**

**4.1 Minutes of May 12, 1994**

4:50 (5 min.) **5. ORDINANCES, FIRST READINGS**

**5.1 Ordinance No. 94-553, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Funding Outside Counsel Opinion Regarding Contract Authority; and Declaring an Emergency (Action Requested: Refer to the Finance Committee)**

**5.2 Ordinance No. 94-554, Relating to Contract Procedures Amending Metro Code Chapter 2.04 to Increase to \$25,000 the Maximum Amount of Contracts That May Be Let Without Using a Formal Bid or Request for Proposals Process (Action Requested: Refer to the Finance Committee)**

**6. ORDINANCES, SECOND READINGS**

4:55 (10 min.) **6.1 Ordinance No. 94-551A, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule to Revise the Building Management Fund to Reflect the Change in Operational Requirements and the Agreement with AMCO Portland for the Early Termination of the Lease of Metro Center, and Declaring an Emergency PUBLIC HEARING (Action Requested: Motion to Adopt the Ordinance)**

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

\* Times are approximate; items may not be considered in the exact order listed.

METRO COUNCIL AGENDA

May 26, 1994

Page 2

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

REFERRED FROM THE FINANCE COMMITTEE

- 5:05  
(1 hr.)
- 6.2 Ordinance No. 94-549A**, An Ordinance Relating to the Metro Excise Tax Amending the Code and Increasing the Tax Rate on Users of the Solid Waste System PUBLIC HEARING (Action Requested: Motion to Adopt the Ordinance)

**7. RESOLUTIONS**

REFERRED FROM THE PLANNING COMMITTEE

- 6:05  
(10 min.)
- 7.1 Resolution No. 94-1960**, For the Purpose of Authorizing the Executive Officer to Execute Fourteen (14) Multi-Year Intergovernmental Agreements for South/North AA/DEIS Projects (Action Requested: Motion to Adopt the Resolution)
- 6:15  
(10 min.)
- 7.2 Resolution No. 94-1962**, For the Purpose of Coordinating Technical Assistance Between Metro and the Regional Water Supply Planning Study (Action Requested: Motion to Adopt the Resolution)

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE & BEFORE THE CONTRACT REVIEW BOARD (7.3)

- 6:25  
(10 min.)
- 7.3 Resolution No. 94-1936**, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.041(c) Competitive Bidding Procedures and Authorizing a Sole Source Contract with the 40-Mile Loop Land Trust (Action Requested: Motion to Adopt the Resolution) Gates
- 6:35  
(20 min.)
- 7.4 Resolution No. 94-1961A**, For the Purpose of Preparing a Measure to Refer a General Obligation Bond to the Voters No Later than the First Available Election Date in 1995 For the Amount of Approximately \$140 Million to Finance Acquisition and Development of Greenspaces and Trails (Action Requested: Motion to Adopt the Resolution) Moore

**8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

- 6:55  
(10 min.)
- 8.1 Nominations for 1994 Metro Regional Hazard Mitigation Awards** (Action Requested: Motion to Approve the Nominees; item from canceled Governmental Affairs Committee meeting scheduled for May 24)

7:05 ADJOURN

# A G E N D A

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



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**8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

6:45

**ADJOURN**

Meeting Date: May 26, 1994  
Agenda Item No. 4.1

MINUTES



**METRO**

**DATE:** May 20, 1994

**TO:** Metro Council  
Executive Officer  
Agenda Recipients

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

**RE:** AGENDA ITEM NO. 4.1; MINUTES OF APRIL 14 AND 28, 1994

The minutes will be provided in advance to Councilors and available at the Council meeting on May 6, 1994.

Meeting Date: May 26, 1994  
Agenda Item No. 5.1

**ORDINANCE NO. 94-553**

STAFF REPORT

**CONSIDERATION OF ORDINANCE NO. 94-553 AMENDING THE FY 1993-94 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING OUTSIDE COUNSEL OPINION REGARDING CONTRACT AUTHORITY; AND DECLARING AN EMERGENCY**

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Date: May 17, 1994

Presented by:

Daniel B. Cooper  
Donald Carlson

BACKGROUND AND ANALYSIS

After the Executive Officer executed amendment #4 to the Oregon Waste Systems contract for waste disposal services, the council adopted Resolution No. 94-1939 requesting that the General Counsel hire outside counsel to give the Metro Council an independent legal opinion regarding the contracting authority of the Council and the Executive Officer.

At the direction of the Council, the General Counsel secured the services of the firm of Harrang Long Gary & Rudnick, P.C.

The purpose of the Ordinance is to amend the FY 1993-94 budget for the Office of General Counsel by increasing the Materials and Services appropriation by \$10,000 in order to provide authority for paying the cost of securing the outside legal opinion which was an unanticipated expense.



BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1993- )  
94 BUDGET AND APPROPRIATIONS )  
SCHEDULE FOR THE PURPOSE OF )  
FUNDING OUTSIDE COUNSEL OPINION )  
REGARDING CONTRACT AUTHORITY; AND )  
DECLARING AN EMERGENCY )

ORDINANCE NO. 94-553

Introduced by  
Presiding Officer, Judy Wyers

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 the FY 1993-94 Budget and 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 \$10,000 from the Support Service Fund Contingency to Materials and Services in the Office of General Counsel budget to fund outside counsel opinion regarding contract authority.

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 \_\_\_\_\_, 1994.

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

ATTEST:

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

**Exhibit A**  
**Ordinance No. 94-553**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>Office of General Counsel</b>							
<b>Total Personal Services</b>		<b>6.00</b>	<b>434,876</b>		<b>0</b>		<b>434,876</b>
<u>Materials &amp; Services</u>							
521100	Office Supplies		1,450		0		1,450
521290	Other Supplies		208		0		208
521310	Subscriptions		12,350		0		12,350
521320	Dues		1,751		0		1,751
524120	Legal Fees		2,500		10,000		12,500
525640	Maintenance & Repairs Services-Equipment		795		0		795
526310	Printing Services		228		0		228
526440	Delivery Services		341		0		341
526500	Travel		2,279		0		2,279
526700	Temporary Help Services		1,200		0		1,200
526800	Training, Tuition, Conferences		2,159		0		2,159
529500	Meetings		454		0		454
529800	Miscellaneous		500		0		500
<b>Total Materials &amp; Services</b>			<b>26,215</b>		<b>10,000</b>		<b>36,215</b>
<b>Total Capital Outlay</b>			<b>1,500</b>		<b>0</b>		<b>1,500</b>
<b>TOTAL EXPENDITURES</b>		<b>6.00</b>	<b>462,591</b>		<b>10,000</b>		<b>472,591</b>

**General Expenses**

<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		134,655		(10,000)		124,655
	* 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>309,386</b>		<b>(10,000)</b>		<b>299,386</b>
<b>TOTAL EXPENDITURES</b>		<b>84.72</b>	<b>6,802,525</b>		<b>0</b>		<b>6,802,525</b>

**Exhibit B**  
**FY 1993-94 SCHEDULE OF APPROPRIATIONS**  
**Ordinance No. 94-553**

	CURRENT APPROPRIATIONS	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
<b>Subtotal</b>	<b>3,111,764</b>	<b>0</b>	<b>3,111,764</b>
Regional Facilities			
Personal Services	606,467	0	606,467
Materials & Services	362,436	0	362,436
Capital Outlay	5,000	0	5,000
<b>Subtotal</b>	<b>973,903</b>	<b>0</b>	<b>973,903</b>
Personnel			
Personal Services	534,856	0	534,856
Materials & Services	59,646	0	59,646
Capital Outlay	6,675	0	6,675
<b>Subtotal</b>	<b>601,177</b>	<b>0</b>	<b>601,177</b>
Office of General Counsel			
Personal Services	434,876	0	434,876
Materials & Services	26,215	10,000	36,215
Capital Outlay	1,500	0	1,500
<b>Subtotal</b>	<b>462,591</b>	<b>10,000</b>	<b>472,591</b>
Public Affairs			
Personal Services	669,686	0	669,686
Materials & Services	91,247	0	91,247
Capital Outlay	3,100	0	3,100
<b>Subtotal</b>	<b>764,033</b>	<b>0</b>	<b>764,033</b>
General Expenses			
Interfund Transfers	579,671	0	579,671
Contingency	157,820	(10,000)	147,820
<b>Subtotal</b>	<b>737,491</b>	<b>(10,000)</b>	<b>727,491</b>
Unappropriated Balance	151,566	0	151,566
<b>Total Fund Requirements</b>	<b>6,802,525</b>	<b>0</b>	<b>6,802,525</b>

**All Other Appropriation Levels remain As Previously Adopted**

Meeting Date: May 26, 1994  
Agenda Item No. 5.2

**ORDINANCE NO. 94-554**

BEFORE THE METRO COUNCIL

RELATING TO CONTRACT PROCEDURES )      ORDINANCE NO. 94-554  
AMENDING METRO CODE CHAPTER 2.04 )  
TO INCREASE TO \$25,000 THE MAXIMUM )      Introduced by  
AMOUNT OF CONTRACTS THAT MAY BE )      Councilor Sandi Hansen  
LET WITHOUT USING A FORMAL BID OR )  
REQUEST FOR PROPOSALS PROCESS )

WHEREAS, The Metro Code requires formal bid procedures for Personal Services Contracts over \$10,000 and Public Contracts over \$15,000; and

WHEREAS, Contracts of less than the threshold amounts of \$10,000 and \$15,000 may be let by securing quotes from qualified bidders; and

WHEREAS, Representatives of the minority contracting community have indicated that raising the limit for letting contracts without formal bid procedures will improve the ability of minority- and women-owned businesses to compete for Metro contracts; and

WHEREAS, The State of Oregon has a \$25,000 threshold for contracts to be let without formal bids, and Multnomah County is planning to adopt the State's guidelines; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS:

1. The following Sections of the Metro Code are amended to read as follows:

CHAPTER 2.04

METRO CONTRACT PROCEDURES

SECTIONS:

2.04.030 Rules and Procedures Governing All Personal Services and Public Contracts:

(a) **Applicability:** All Personal Services Contracts and Public Contracts are subject to the applicable selection, review and approval procedures of this Chapter.

(b) **Initiating a Contract:** When a department initiates a contract not in the form of a Purchase Order, it must first notify the Department of Finance & Administration Management Information of its intention and request the issuance of a contract number which shall appear on all copies of the contract. The department must complete a Contract Summary form indicating the specifics of the contract. This form must be forwarded to the Department of Finance & Administration Management Information either with a fully executed contract (one copy) if the amount is estimated to be \$2,500 or under, or with an unexecuted contract (three copies) for review, approval and signature if the amount is over \$2,500.

(c) **Documentation Required for Contract Files:** The Department of Finance & Administration Management Information will maintain central files for all contracts. An original copy should be given to each contractor. All correspondence relating to a contract which alters conditions or amounts must be included in the central files as should all papers which document the process of obtaining competitive bids, quotes, or proposals. In any case where a low bid, quote, or proposal is not accepted, a detailed justification must be included with the contract file. Other documentation, if applicable, that should be included in the file includes:

- Mailing Lists
- Affidavits of Publication
- Insurance Endorsements and Certificates
- Amendments
- Extensions
- Related Correspondence
- Quotes, Proposals, and Bids
- Bonds
- DBE/WBE Information
- Contract Closure Form
- Personal Services Evaluation Form

(d) **Contract Review:** Prior to approval by the appropriate person or body, contracts shall be reviewed as follows:

- (1) Any contract which deviates from a standard contract form, exceeds ~~\$10,000~~ \$25,000 for a Personal Services Contract or \$15,000 for a Public Contract, or is with another public agency must be reviewed by the General Counsel.
- (2) Contracts involving federal or state grant funds must be reviewed by the Deputy Executive Officer.

(e) **Disadvantaged Business Program:** All contracting and purchasing is subject to the Metro Disadvantaged Business Enterprise Program. Metro will take affirmative action to do business with Disadvantaged Business Enterprises. The Director of Finance and Administration & Management Information will maintain a directory of disadvantaged businesses which shall be consulted and used in all contracting and purchasing of goods and services. If a disadvantaged business is included in the directory that appears capable of providing needed goods or services, that business should be contacted and given an opportunity to compete for Metro business. Contracts awarded subject to the program may be exempted from the competitive bidding process by resolution of the Contracting Review Board.

(f) **Monthly Contract Report:** The Executive Officer will provide a monthly report to the Council, pursuant to Section 2.04.032, of all contracts, including extensions and amendments, which have been executed during the preceding month; provided, however, that such monthly report need not include purchase orders under \$500.

(g) **Federal/State Agency Approval:** When required by federal or state law or regulations, review and approval of Metro contracts shall include prior concurrence or approval by appropriate federal or state agencies.

(h) No contract or contract amendment may be approved or executed for any amount in excess of the amount authorized in the budget.

**2.04.031 Notice of Award and Appeals:**

(a) At least five (5) days prior to the execution of any Public Contract ~~over \$15,000~~ or a Personal Services Contract over ~~\$10,000~~ ~~the District~~ ~~\$25,000~~, Metro shall provide a Notice of Award to the contractor selected and to all contractors who submitted unsuccessful bids or proposals. This requirement may be waived by the Executive Officer for any emergency contract entered into pursuant to this Code.

(b) **Bid/Request for Proposals Appeal Procedures:** The following procedure applies to aggrieved bidders and proposers who wish to appeal an award of a Public Contract ~~above \$15,000~~ ~~and/or~~ a Personal Services Contract ~~above \$10,000~~ ~~\$25,000~~. The appeal process for bids is the same as for Requests for Proposals. In the case of Requests for Proposals, disagreement with the judgment exercised in scoring by evaluators is not a basis for appeal.

- (1) All appeals shall be made in writing and shall be delivered to the Contracts Administrator at Metro's main office within five (5) working days of the postmarked date on the Notice of Award. The written appeal must describe the specific citation of law, rule, regulation, or procedure upon which the appeal is based.

- (2) The Contracts Administrator shall forthwith notify the appropriate department head and the Executive Officer of the appeal. Within ten (10) working days of the receipt of notice of appeal, the Executive Officer shall send a notice of rejection of the appeal or a notice of acceptance of the appeal as applicable to the appellant. The appellant may appeal the Executive Officer's decision to reject the appeal in writing to the Contract Review Board within five (5) working days from the postmarked date on the Notice of Rejection.
- (3) The Contract Review Board will review the grounds for appeal, all pertinent information, and the Executive Officer's recommendation, and make a decision. The decision of the Contract Review Board is final.
- (4) No contract which is the subject of a pending appeal may be executed unless the Contract Review Board shall have given its approval at the request of the Executive Officer. The Executive Officer may request the Contract Review Board to determine a matter without waiting for the expiration of the time periods provided for herein.

#### 2.04.032 Contract Information Reports:

(a) The Executive Officer shall provide a monthly report to the Council showing the status of all contracts in effect at Metro as of the date of the report. The report shall be divided into four sections: (a) Contracts Awarded; (b) Contracts Amended; (c) Open Contracts; and (d) Contracts Closed.

- (1) Contracts Awarded: This section shall report all new contracts awarded since the date of the previous report to the Council of all new contracts. Information contained in this report will be the cost center of the department responsible for the contract, contract number, starting and ending dates of the contract, type of contract, amount of the contract, vendor name, and a brief description of the purpose of the contract.
- (2) Contracts Amended: This section shall report all contracts amended by Change Order since the date of the previous report to the Council of contract amendments. Information contained in this report will be the contract number, vendor name, amendment number, type of amendment, the original amount of the contract, the amount of the contract amendment, the new total contract amount, the percent of the amount of increase in excess of the original amount of the contract, and a brief description of the purpose of the contract.



(3) Contracts Open: This section shall report all contracts in effect on the last day of the month for which the report is prepared. Information contained in this report will be the cost center of the department responsible for the contract, contract number, starting and ending dates of the contract, type of contract, amount of the contract, the amount expended to date, vendor name, and a brief description of the purpose of the contract.

(4) Contracts Closed: This section shall report all contracts closed by the last day of the month for which the report is prepared. Information contained in this report will be contract number, vendor name, type of contract, date contract closed, amount of the contract, final amount expended, and a brief description of the purpose of the contract.

(b) Contract Type: Each contract will be identified by a type code to describe the class of contract entered into by Metro. There shall be six types of contracts at Metro:

- (1) Personal Services;
- (2) Pass-Through Agreements;
- (3) Labor and Materials;
- (4) Intergovernmental Agreements;
- (5) Procurement; and
- (6) Construction.

(c) Prior to entering into (1) any public contract or personal services agreement pursuant to the authority granted in Section 2.04.060 authorizing Sole Source Contract, or (2) any Public Contract or Personal Services Agreement in an amount exceeding ~~\$15,000~~\$25,000 for which only one bid or response to a Request for Proposals has been received, the Executive Officer shall file a written report with the Council detailing the reasons why a Sole Source Contract was entered into or giving an explanation of why only one bid or response was received.

(d) The Executive Officer shall provide to the Council during the annual budget process a list of proposed contracts and Intergovernmental Agreements to be entered into during the ensuing fiscal year. The Council shall designate all listed contracts and Intergovernmental Agreements as either "A" or "B". For contracts designated by the Council as "A" contracts and being subject to this requirement by duly adopted ordinance, which may be the annual budget ordinance, copies of bid or proposal documents shall be filed with the Clerk of the Council and referred to the appropriate Council committee for review and comment. Documents must be filed with the Clerk of the Council at least thirty-five (35) days prior to the date of release for response by potential bidders. If the Council or a committee has not within fourteen (14) days of the date of filing scheduled the matter for a hearing the documents may be released to prospective bidders at any time after the fourteenth (14th) day. In any event, bid documents may be released to prospective bidders on the

thirty-fifth (35th) day after filing with the Council. For Intergovernmental Agreements designated by the Council as "A" contracts and being subject to this requirement by duly adopted ordinance, copies of the proposed agreement and scope of work or similar project description shall be filed with the Clerk of the Council and referred to the appropriate Council committee for review and comment. Documents shall be filed with the Clerk of the Council at least fourteen (14) days prior to execution of the agreement.

(e) Between the time of release of competitive bid or Request for Proposal documents for "A" contracts, as defined in subsection (d), and the designated due date for responses, all technical addenda which do not materially alter the bid document, the basis of award for the bid or proposal, or the proposed services or product to be contracted, shall be filed with the Metro General Counsel and the Clerk of the Council at the time of their release. All non-technical addenda to the bid documents shall be filed, with a staff report explaining the purpose and nature of the addendum, with the Metro General Counsel and the Clerk of the Council at least seven (7) days prior to their release. The Metro General Counsel shall determine if the addendum materially adds to or deletes from the original scope of work included in the bid documents or the basis of award for the bid or proposal. If the General Counsel finds that an addendum materially alters a bid document as described herein, for a contract subject to Council approval under Section 2.04.033, the General Counsel shall prepare an appropriate resolution for Council approval of the addendum. Council may act to approve an addendum per the Council's authority to approve the competitive bid or Request for Proposal document under subsection 2.04.033(a)(1). Such resolution shall be filed with the Clerk of the Council and placed on the agenda for the next scheduled Metro Council meeting. Any addendum filed by General Counsel for Council approval shall not be issued by the Metro Executive Officer or designated department until the Council acts on the resolution. Any addendum approved by the Council must be issued by the Metro Executive Officer or designated department not less than fourteen (14) days prior to the bid or proposal opening date unless the original opening date is extended at least fourteen (14) days. In any event, Council approval of the contract will act to cure any claim that any addendum to the contract bid or proposal document was material as described herein and was not approved by Council.

(f) Except as provided in subsection (f), all other contracts designated by the Council as "B" contracts shall be subject to the requirement that copies of bid documents shall be filed with the Clerk of the Council at the time they are released for response by potential bidders. For Intergovernmental Agreements designated as "B" contracts, copies of the contract and scope of work or similar project description shall be filed with the Clerk of the Council at the time they are to be executed. At the time any of the above documents are filed, the Executive Officer shall furnish the Council with information stating the purpose and nature of the proposed contract, the appropriation to be charged with the contract, and a statement of the contract's impact on the District in future fiscal years.

(g) Any Public Contract ~~\$15,000 or more~~ or Personal Services Contract ~~\$10,000 or~~ ~~\$25,000~~ or more or any Intergovernmental Agreement not on the list of proposed contracts

submitted by the Executive Officer as required by subsection (d) shall be subject to the filing and Council or committee review requirements in subsection (d) or if appropriate, the provisions of Section 2.04.033.

**2.04.040 Public Contracts, General Provisions:**

(a) **Competitive Bidding:** Metro may enter into an intergovernmental agreement with the State of Oregon to make purchases from State Price Agreement established by the State of Oregon by competitive bids. Metro may purchase directly from these price agreements that are based on the State's competitive bids. Unless exempt from public bidding, all other public contracts shall be awarded to the lowest, responsive, responsible bidder responding to competitive bids by Metro.

(b) **Oregon Preference:** In all public contracts, the District shall prefer goods or services that have been manufactured or produced in Oregon if price, fitness, availability and quality are otherwise equal. Where a contract in excess of \$10,000 is awarded to a contractor not domiciled or registered to do business in Oregon, the initiating Department shall assure compliance with the provisions of ORS 279.021.

(c) **Rejection of Bids:** The Executive Officer or the Deputy Executive Officer may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may, for good cause, reject any or all bids upon a finding that it is in the public interest to do so, for example, when all bids exceed the budget or estimate for that project.

(d) **Bonds:** Unless the Board shall otherwise provide, bonds and bid security requirements are as follows:

- (1) Bid security not exceeding 10 percent of the amount bid for the contract is required unless the contract is for ~~\$15,000~~ \$25,000 or less.
- (2) For public improvements, a Labor and Materials bond in an amount equal to 100 percent of the contract price is required for contracts over \$15,000.
- (3) For public improvements, a Performance bond in an amount equal to 100 percent of the contract price is required for contracts over \$10,000. If the contract is under \$50,000, the performance bond and labor and material bond may be one bond; if the contract is \$50,000 or more, there shall be two bonds.
- (4) Bid security, labor and material bond and performance bond may be required even though the contract is of a class not identified above, if the Executive Officer determines it is in the public interest.

- (5) Bid security and labor and performance bonds will not be required for food products procured pursuant to Chapter 2.04.090.
- (6) Bid security and bonds may be provided in the form of a surety bond, cash, cashier's check or certified check.

**2.04.041 Requirement of Competitive Bidding. Exemptions:**

(a) **State Law:** The following contracts are exempt from the competitive bidding selection process pursuant to State Statute:

- (1) Contracts with other public agencies or the federal government.
- (2) Contracts made with qualified nonprofit agencies providing employment opportunities for the handicapped.
- (3) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145.
- (4) Contracts for supplies estimated to be less than \$500.

(b) **Board Rule:** The following classes of public contracts are exempt from the competitive bidding process based on the findings by the Contract Review Board that the exemption will not encourage favoritism or substantially diminish competition for public contracts and that such exemptions will result in substantial cost savings:

- (1) Purchase and sale of Zoo animals.
- (2) Purchase and sale of Zoo gift shop retail inventory and resale items.
- (3) All contracts estimated to be less than ~~\$15,000~~\$25,000, provided that the selection process described in the appropriate Code sections is followed.
- (4) Contracts estimated not to exceed \$25,000 for road, highway or parking lot maintenance provided that at least three (3) competitive quotes are obtained, if available, and a record of said quotes and efforts to obtain them are maintained.
- (5) Emergency contracts when the Executive Officer makes written findings that an emergency exists and that the emergency consists of circumstances that could not have been reasonably foreseen and requires prompt execution of a contract to remedy that condition. An

emergency contract must be awarded within sixty (60) days of the declaration of the emergency unless the Board grants an extension.

- (6) Purchase of food items pursuant to Section 2.04.090.
- (7) Contracts for warranties in which the supplier of the goods or services covered by the warranty has designated a sole provider for the warranty service.
- (8) Contracts for computer hardware and software. Selection procedures for these contracts, however, must follow the RFP process outlined in Section 2.04.050, "Personal Services Contracts."
- (9) Contracts under which Metro is to provide a service only and incurs no financial obligation to another party.
- (10) Contracts for the lease or use of the Oregon Convention Center or other facilities operated by the Metropolitan Exposition-Recreation Commission.
- (11) For the purchases by the Metropolitan Exposition-Recreation Commission, all contracts estimated to be less than \$31,000 provided that any rules adopted by the Commission which provide for substitute selection procedures are followed.
- (12) For purchases by the Metropolitan Exposition-Recreation Commission, emergency contracts when the General Manager makes written findings that: 1) immediate procurement is essential to prevent a delay in work or extra expense to the Commission in circumstances which could not have been foreseen and avoided; 2) there is a threat of immediate damage to Commission property; or 3) there is an immediate danger to citizens or employees. The General Manager shall report to the Commission at its next regularly scheduled meeting of any contracts entered into pursuant to this section.
- (13) For purchases by the Metropolitan Exposition-Recreation Commission, contracts for equipment repair or overhaul, but only when the service and/or parts required are unknown before the work begins and the cost cannot be determined without extensive preliminary dismantling or testing.

(c) Board Resolution: Specific contracts, not within the classes exempted in subsection (b) above, may be exempted by the Board by resolution subject to the requirements of ORS 279.015(2) and ORS 279.015(5). The Board shall, where appropriate,

direct the use of alternate contracting and purchasing practices that take account of market realities and modern innovative contracting and purchasing methods, which are consistent with the public policy of encouraging competition.

(d) Limitation: The exemptions in subsections (a)-(c), above, are exemptions to the competitive bid process only; all other procedures, including review and approval, apply to these contracts.

2.04.043 Public Contracts Between ~~\$2,501~~\$2,500 and ~~\$15,000~~\$25,000:

(a) Selection Process: Unless completely exempt from competitive bidding under Section 2.04.041, when the amount of the contract is \$2,500 or more, but less than ~~\$15,000~~\$25,000, the District must obtain a minimum of three (3) competitive quotes. The District shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes.

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the Department of Finance and ~~Administration~~ Management Information.

(c) Approval Process: (1) For contracts of \$2,500 or more, either the Executive Officer or Deputy Executive Officer must sign; however, the Director or Assistant Director of the Zoo may sign purchase orders of \$10,000 or less. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of ~~Regional Facilities~~ General Services may sign contracts. No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.044 Public Contracts of ~~\$15,000~~\$25,000 or More:

(a) Selection Process: Unless exempt from competitive bidding by Code section 2.04.041, the following competitive bidding procedures shall apply to all contracts:

- (1) The initiating department staff will prepare bid specifications and compile a list of potential bidders.
- (2) The bid document will be reviewed by the Department of Finance and ~~Administration~~ Management Information and by the General Counsel before bids are solicited or advertised, and shall include the contract form to be used.

- (3) A request for bids will be advertised in the manner required by law and in a local minority newspaper, and in any appropriate trade magazine. Additional advertisement may be appropriate depending upon the nature of the contract.
- (4) The initiating department will receive and open sealed bids at the time and place designated in the request for bids.
- (5) The opened bids will be reviewed by the requesting department and a recommendation and contract will be submitted to the Department of Finance and Administration & Management Information.
- (6) After selection and prior to approval, the contract must be reviewed by the Department of Finance and Administration & Management Information.
- (7) The initiating department will notify all bidders in writing of the contract award and obtain any necessary bonds and insurance certificates.
- (8) The District shall reserve the right to reject any or all quotes or bids received.

(b) **Approval Process:** All initial contracts with a contract price of ~~\$15,000~~<sup>\$25,000</sup> or more shall be approved and executed by the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director ~~Regional of Facilities of General Services~~ may approve and execute contracts of ~~\$15,000~~<sup>\$25,000</sup> or more. No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) Within thirty (30) days of award of a construction contract, the Department of Finance and Administration & Management Information shall provide the notice required by ORS 279.363.

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(e) Prior to the award of a contract to any bidder other than the apparent low bidder the Executive Officer shall obtain the prior approval of the Contract Review Board.

**2.04.052 Personal Services Contracts Between \$2,500 and ~~\$10,000~~<sup>\$25,000</sup>:**

(a) **Selection Process:** For Personal Services contracts \$2,500 or more but less than ~~\$10,000~~<sup>\$25,000</sup>, the Department Director shall use the following process:

- (1) Proposals shall be solicited from at least three (3) potential contractors who, in the judgment of the Department Director, are capable and qualified to perform the requested work.
- (2) The initiating Department shall document the fact that at least three (3) proposals have been solicited. Preferably, the proposals should be written, but this is not required. The District reserves the right to reject any or all proposals for any reason.
- (3) Evaluation, as determined by the Department Director, may require oral presentations and shall include use of a contractor evaluation form. The objective is the highest quality of work for the most reasonable price. The quality of the proposal may be more important than cost.
- (4) Personal Services Evaluation Form: The Personal Services evaluation form shall document the reasons for the selection. Proposals shall be evaluated according to predetermined criteria. The evaluation process may include the evaluators assigning a quantifiable score on how each aspect of a proposal meets the predetermined criteria. The contract may be awarded to the firm receiving the highest average score.
- (5) Notification of selection or rejection shall be made in writing after final review by the initiating department.

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the Department of Finance and Administration & Management Information.

(c) Approval Process: For contracts of \$2,500 or more, either the Executive Officer or Deputy Executive Officer must sign. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Regional Facilities General Services may sign contracts. No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.053 Personal Services Contracts of \$10,000 \$25,000 or More:

(a) Selection Process: For Personal Services contracts of \$10,000 \$25,000 or more an evaluation of proposals from potential contractors shall be performed as follows:

- (1) A request for proposals shall be prepared by the initiating department and shall be reviewed by the General Counsel and the Department of Finance and Administration & Management Information. Where



appropriate, notice of the request shall be published in a newspaper of general circulation or in trade magazines. In addition, Metro shall notify in writing at least three (3) potential contractors, who, in the judgment of the Department Director, are capable and qualified to perform the requested work. The initiating department will be responsible for maintaining the file and making the appropriate notification.

- (2) All requests for proposals shall at a minimum contain a description of the project and a brief summary of the project history, contain a detailed proposed scope of work or other specifications setting forth expected performance by the contractor, include a description of the criteria that will be utilized to evaluate proposals and the estimated budget for the project.
- (3) Evaluations of proposals shall include use of a contract evaluation form. The use of an oral interview or an evaluation team is recommended.
- (4) Personal Services Evaluation Form: The Personal Services evaluation form shall document the reasons for the selection. Proposals shall be evaluated according to predetermined criteria. The evaluation process may include the evaluators assigning a quantifiable score on how each aspect of a proposal meets the predetermined criteria. The contract may be awarded to the firm receiving the highest average score.
- (5) After evaluation is complete, the Department Director will recommend final selection through the Department of Finance and Administration & Management Information.
- (6) Notifications of selection and rejection shall be made in writing by the initiating department.
- (7) Personal Services contracts with the Scope of Work must be approved by the department head and then forwarded to the Department of Finance and Administration & Management Information for internal review and execution. General Counsel review is required.

(b) Approval Process: All initial contracts with a contract price of greater than \$10,000 \$25,000 shall be approved and executed by the Executive eOfficer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Regional Facilities General Services may approve and execute contracts of \$15,000 \$25,000 or more. No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 199\_\_.

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

ATTEST:

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

gl  
1164

Meeting Date: May 26, 1994  
Agenda Item No. 6.1

ORDINANCE NO. 94-551A



## METRO

Date: May 18, 1994  
To: Metro Council  
From: Judy Wyers, <sup>JW/ee</sup> Presiding Officer  
Re: Removal of Ordinance No. 94-551 From the Finance Committee for Council Consideration at the May 26, 1994 Council Meeting

This is to inform you that pursuant to provisions in the Metro Code I am removing Ordinance No. 94-551 from the Finance Committee and placing it on the May 26, 1994 agenda for Council consideration. Section 2.01.140(h) of the Code states in part:

"...by action of the Presiding Officer any matter referred to a standing committee may be removed from the committee and reassigned to another committee or be considered by the Council at a subsequent meeting."

This action is necessary because of 1) the Council adoption of Resolution No. 94-1958 (see Attachment 1) which approved an agreement with AMCO-Portland Inc. for the termination of the lease on the Metro Center Building and 2) the cancellation of the Finance Committee meeting on May 25, 1994. The agreement requires the payment of the settlement on June 1, 1994 and Ordinance No. 94-551 is an appropriate instrument to make the necessary amendment to the FY 1993-94 Budget and Appropriation Schedule to authorize the payment.

Attached for Council consideration is the Staff Report and "A" version of Ordinance No. 94-551 which contains the necessary amendment to authorize the payment of funds to AMCO-Portland Inc. to satisfy the agreement. At the May 26 Council meeting Ordinance No. 94-551A should be substituted for the original ordinance.

If you have any questions, please contact either Don Carlson or me.

cc: Dick Engstrom, Deputy Executive Officer  
Jennifer Sims, Finance Director  
Doug Butler, General Services Director  
Paulette Allen, Council Clerk

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING ) RESOLUTION NO. 94-1958  
A LEASE TERMINATION AGREEMENT )  
WITH AMCO-PORTLAND, INC. ) Introduced by Rena Cusma,  
 ) Executive Officer

WHEREAS, Metro and AMCO-Portland, Inc. entered into a Lease Agreement dated February 14, 1985, by which Metro leased real property located at 2000 S.W. First Avenue, Portland, for a term which is presently scheduled to end June 30, 1996; and

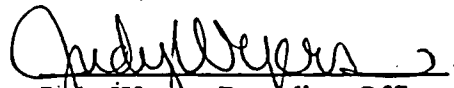
WHEREAS, Metro desires to terminate the Lease effective June 30, 1994 and AMCO-Portland, Inc. is willing to accept the early termination; and

WHEREAS, The Department of General Services has negotiated a Lease Termination Agreement with AMCO-Portland, Inc. that will result in the termination of the Lease upon payment by Metro of \$394,000 all as provided in attached Exhibit "A"; now, therefore,

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to execute a Lease Termination Agreement in a form substantially similar to attached Exhibit "A."

DATED this 5th day of May, 1994.

  
Judy Wyers, Presiding Officer

## STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 94-551A AMENDING THE FY 1993-94 BUDGET AND APPROPRIATIONS SCHEDULE TO REVISE THE BUILDING MANAGEMENT FUND TO REFLECT THE CHANGE IN OPERATIONAL REQUIREMENTS AND THE AGREEMENT WITH AMCO PORTLAND FOR THE EARLY TERMINATION OF THE LEASE OF METRO CENTER, AND DECLARING AN EMERGENCY

---

Date: 5/19/94

Presented by: Jennifer Sims  
Doug Butler

## BACKGROUND AND ANALYSIS

Several actions have occurred during FY 1993-94 which have significantly altered the financial structure of the Building Management Fund. This ordinance identifies each of the actions and explains the operational and fiscal impact on the FY 1993-94 budget.

### **Staff Report for Ordinance 94-551, As Originally Presented**

Summary of Actions -- The refinancing, in November 1993, of the revenue bonds issued to finance the purchase and renovation of Metro Regional Center resulted in a net reduction in debt service payments of \$365,666, and a total reduction to the Building Management Fund of \$505,766. Metro Center has had a revenue shortfall in sublease income during FY 1993-94. The department transfers that are budgeted and would have been used for debt service are now available, due to the refinancing, to pay for the operations and maintenance costs incurred on Metro Center during FY 1993-94. Further explanation on the bond refinancing and the operational needs of the Building Management Fund is provided below.

#### Refinancing of the Metro Regional Center Revenue Bonds

In November, 1993, Metro refinanced the 1991 Series A General Revenue Bonds issued to finance the purchase and renovation of the Metro Regional Center. The refinancing resulted in total net present value savings over the life of the bonds of \$1.4 million or 5.5 percent, and moved semi-annual debt service payments from July 1 and January 1 of each year to August 1 and February 1 of each year.

The Building Management Fund serves as a conduit for the assessment and collection of fees necessary to pay the debt service on the revenue bonds. The Building Management Fund transfers the fees to the General Revenue Bond Fund, which when added to other resources available in that fund, are sufficient to pay the semi-annual debt service payments. As a result of the refinancing in November, 1993, the January 1, 1994 payment was eliminated and replaced with a much lower payment on February 1, 1994. In addition, the budgeting procedure for other debt covenant requirements was modified to allow those resources to remain in the Building Management Fund until required to pay debt service in

the General Revenue Bond Fund. Finally, the General Revenue Bond Fund received a one-time only payment of accrued interest from the refinancing, which was used to offset the February 1, 1994, debt payment. The total reduction in debt service payments for FY 1993-94 as a result of the refinancing is \$365,666. The total savings to the Building Management Fund as a result of the reduction of debt payments, the reduction of the 10 percent debt coverage requirement for FY 1993-94, and the one-time only offset of accrued interest is \$505,766. The savings in the Building Management Fund resulting from the bond refinancing are summarized on a budgetary basis below:

	Current Adopted Budget	Proposed Budget	Total Savings
<b>Transfer to the General Revenue Bond Fund</b>			
<u>Metro Regional Center</u>			
FY 1993-94 department assessments for debt service	\$541,527	\$207,307	(\$334,220)
10% coverage requirement	120,905	0	(120,905)
<u>Parking Structure</u>			
FY 1993-94 revenues for debt service	285,278	190,267	(95,011)
10% coverage requirement	28,528	0	(28,528)
August 1 (July 1) debt payment funded in advance	201,820	0	(201,820)
<b>Total Transfer to the General Revenue Bond Fund</b>	<b>\$1,178,058</b>	<b>\$397,574</b>	<b>(\$780,484)</b>
<b>Unappropriated Balance</b>			
<u>Metro Regional Center</u>			
10% coverage requirement	0	91,320	91,320
<u>Parking Structure</u>			
10% coverage requirement	0	21,547	21,547
August 1 (July 1) debt payment funded in advance	0	161,851	161,851
<b>Total Unappropriated Balance</b>	<b>\$0</b>	<b>\$274,718</b>	<b>\$274,718</b>
<b>Total Expenditures and Savings</b>	<b>\$1,178,058</b>	<b>\$672,292</b>	<b>(\$505,766)</b>

Savings in department assessments attributable to Metro Regional Center will be used to offset funding requirements for Metro Center. Savings to the Parking Structure will reduce the additional resource transfers needed from the General Fund and the Oregon Convention Center Operating Fund.

### Building Management Operational Needs and Funding Requirements

The Building Management Fund includes the operations of Metro Center, Metro Regional Center including the Day Care Facility, and the Parking Structure. As the year has progressed, each of the operations has incurred variations from its planned budget. The impact of these variations will be discussed by facility.

**Metro Center Operations:** The FY 1993-94 Adopted Budget assumed the full occupancy and leasing of Metro Center, with all operations, maintenance and lease payments fully paid from the proceeds of the building. During the year, only limited leasing of the building occurred, resulting in much lower revenue streams than budgeted. Enterprise revenues

for Metro Center (lease payments and parking revenues) are estimated to be approximately \$540,000 less than budgeted.

While Metro has been obligated to pay the full lease payments for the entire year, partial occupancy in the building has resulted in lower utility and maintenance costs. Materials & Services costs for Metro Center are estimated to be about \$57,000 lower than budgeted. At the same time, however, Personal Services expenditures are projected to be about \$30,000 higher than budgeted. The Director of General Services and his support staff have directed considerable efforts to reach a solution regarding the occupancy of Metro Center. These efforts have included negotiations for a long term tenant acceptable to Metro and the building owner; negotiations with existing tenants of the building to relocate; and negotiations for an early termination of the lease agreement with the building owner. Following Council direction that the General Services staff charge their time to the appropriate division as it has been spent, the work performed by the Director and his support staff has been charged to Metro Center.

In summary for Metro Center, revenues are anticipated to be approximately \$540,336 less than anticipated and expenditures will be approximately \$26,788 less than budgeted, leaving a balance unfunded from direct revenues of \$513,548. This amount will be funded through savings in departmental transfers originally anticipated for Metro Regional Center, and from beginning fund balance. The fund balance needed for Metro Center includes \$29,585 saved from Metro Regional Center as a result of the refinancing of the revenue bonds, and \$95,445 in previously unrecognized fund balance accrued to the Building Management Fund.

**Metro Regional Center:** Metro Regional Center, including the Day Care Facility, has also experienced minor modifications to its planned expenditures. The Day Care Facility budget included \$10,000 in professional services for oversight and research into potential issues regarding the operations of the Day Care Facility. The need for these services has been minimal, and the department is recognizing a \$5,000 reduction to materials and services for the Day Care Facility. At the same time, Metro Regional Center is incurring expenditures at a rate higher than anticipated. The primary reason for the additional expenditures is related to an increase in security. The FY 1993-94 budget assumed only eight hours per day of security. However, 24 hour security for the building has been required. A number of factors contribute to the need for a higher level of security including the size and location of the building, need for staff access to the building during evenings and weekends, and the considerable number of public meetings held during non-business hours. The department anticipates an additional \$33,945 in materials and services will be required to cover the increased security demands. Finally, this action eliminates the \$70,000 contingency budgeted for Metro Regional Center. All three actions for Metro Regional Center, including the Day Care Facility, result in a net reduction in expenditures of \$41,055.



## **Staff Report for Amended Ordinance, 94-551A**

This section of the staff report explains the amendment to Ordinance 94-551, as originally presented to Council for first reading on May 12, 1994.

### **Early Termination of Lease Settlement with AMCO Portland**

On May 5, 1994, the Council approved and the Executive Officer signed an early termination of lease agreement with AMCO Portland for Metro Center. Under the terms of the agreement Metro is to pay AMCO Portland the sum of \$394,000 on or before June 1, 1994. The settlement will be funded during FY 1993-94 through a transfer from the General Fund Contingency to the Building Management Fund. Actual payment of the settlement will be charged to the Metro Center Account in the Building Management Fund. In FY 1994-95, the General Fund will be reimbursed for this payment by reductions in approved transfers from the General Fund to the Planning, Regional Parks and Support Services Fund for Metro Center expenses which will no longer be needed, and by a transfer of resources from the Solid Waste Fund to the General Fund in an amount equal to the Solid Waste Department's share of Metro Center expenses based on square footage.

Also under the terms of the agreement, on May 31, 1994, a survey of the building will be done to determine if any maintenance, repair work, or other work must be performed by Metro under the terms of the lease. The extent of the work to be performed as a result of the survey is unknown at this time. It is assumed that any additional work required can be performed within existing appropriation levels, however, further adjustments to the Fund may be necessary prior to the end of the fiscal year.

### **EXECUTIVE OFFICERS RECOMMENDATION**

The Executive Officer recommends adoption of Ordinance No. 94-551A.

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1993- )  
94 BUDGET AND APPROPRIATIONS )  
SCHEDULE TO REVISE THE BUILDING )  
MANAGEMENT FUND TO REFLECT THE )  
CHANGE IN OPERATIONAL )  
REQUIREMENTS AND THE AGREEMENT )  
WITH AMCO PORTLAND FOR THE EARLY )  
TERMINATION OF THE LEASE OF METRO )  
CENTER, AND DECLARING AN )  
EMERGENCY )

ORDINANCE NO. 94-551A

Introduced by Rena Cusma,  
Executive Officer

WHEREAS, The FY 1993-94 Adopted Budget assumed full leasing of Metro Center;  
and

WHEREAS, Only partial leasing of Metro Center has occurred during FY 1993-94; and

WHEREAS, The refinancing of the Metro Regional Center revenue bonds has  
substantially reduced the requirements for Metro Regional Center; and

WHEREAS, Metro has reached agreement with AMCO Portland, Inc. for the early  
termination of the lease agreement for Metro Center; and

WHEREAS, The Metro Council has reviewed and considered the need to revise the  
Building Management Fund to more accurately reflect Metro's financial obligations for FY  
1993-94; 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 the FY 1993-94 Budget and Appropriations Schedule, are hereby amended  
as shown in the columns titled "Revision" of Exhibits A and B to this Ordinance for the  
purpose of revising the Building Management Fund to reflect the change in operational  
requirements for FY 1993-94, and transferring \$394,000 from the General Fund to the  
Building Management Fund to fund the early lease termination agreement between Metro and  
AMCO Portland, Inc.

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 \_\_\_\_\_, 1994.

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

ATTEST:

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

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May 18, 1994

**Exhibit A  
Ordinance No. 94-551A**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<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		394,000		452,869
582610	Trans. Resources to Support Svcs. Fund		70,000		0		70,000
582160	Trans. Resources to Reg. Parks/Expo Fund-Greenspaces		566,672		0		566,672
582160	Trans. Resources to Reg. Parks/Expo Fund-Parks		80,000		0		80,000
<b>Total Interfund Transfers</b>			<b>3,273,270</b>		<b>394,000</b>		<b>3,667,270</b>
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		427,500		(394,000)		33,500
599990	Unappropriated Fund Balance		267,665		0		267,665
<b>Total Contingency and Unappropriated Balance</b>			<b>695,165</b>		<b>(394,000)</b>		<b>301,165</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>

**Exhibit A  
Ordinance No. 94-551A**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>Building Management Fund Resources</b>							
<u>Resources</u>							
<b>METRO CENTER OPERATIONS</b>							
305000	Beginning Balance		0		125,030		125,030
347220	Sublease Income		511,216		(475,216)		36,000
374000	Parking Fees		78,120		(65,120)		13,000
391010	Trans. Resource from General Fund		0		394,000		394,000
392010	Trans. Indirect Costs from Gen1 Fund		0		55,716		55,716
392140	Trans. Indirect Costs from Planning Fund		0		93,762		93,762
392531	Trans. Indirect Costs from S.W. Revenue Fund		0		66,176		66,176
392610	Trans. Indirect Costs from Support Svcs. Fund		0		172,864		172,864
<b>METRO REGIONAL CENTER OPERATIONS</b>							
305000	Beginning Balance		120,905		(29,585)		91,320
347221	Rentals-Office		0		9,950		9,950
361100	Interest		0		20,000		20,000
374000	Parking Fees		85,457		(9,207)		76,250
392010	Trans. Indirect Costs from Gen1 Fund		163,504		(55,716)		107,788
392140	Trans. Indirect Costs from Planning Fund		275,152		(93,762)		181,390
392531	Trans. Indirect Costs from S.W. Revenue Fund		194,199		(66,176)		128,023
392610	Trans. Indirect Costs from Support Svcs. Fund		507,283		(172,864)		334,419
392160	Trans. Indirect Costs from Regional Parks/Expo Fund		30,000		(7,500)		22,500
<b>PARKING STRUCTURE OPERATIONS</b>							
305000	Fund Balance		173,544		0		173,544
374000	Parking Fees		340,225		(55,052)		285,173
391010	Trans. Resources from General Fund		58,869		(52,639)		6,230
391550	Trans. Resources from Oregon Conv. Ctr. Oper. Fund		40,500		(34,270)		6,230
<b>TOTAL RESOURCES</b>			<b>2,578,974</b>		<b>(179,609)</b>		<b>2,399,365</b>

**Exhibit A  
Ordinance No. 94-551A**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>Building Management Fund Expenditures</b>							
<u>Personal Services</u>							
51121	SALARIES-REGULAR EMPLOYEES (full time)						
	Director	0.10	7,180	0.25	17,503	0.35	24,683
	Associate Program Supervisor	0.55	27,882		0	0.55	27,882
	Assistant Management Analyst	0.25	10,375		0	0.25	10,375
51122	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	0.80	21,950		0	0.80	21,950
	Secretary		0	0.15	3,848	0.15	3,848
	Building Service Worker	0.50	13,250		0	0.50	13,250
	Security Officer II	1.00	26,500		0	1.00	26,500
	Security Officer I	1.00	20,671		0	1.00	20,671
51123	WAGES-TEMPORARY EMPLOYEES (part time)						
51140	OVERTIME		1,260		0		1,260
51200	FRINGE		53,178		8,861		62,039
<b>Total Personal Services</b>		<b>4.20</b>	<b>182,246</b>	<b>0.40</b>	<b>30,212</b>	<b>4.60</b>	<b>212,458</b>
<u>Materials &amp; Services</u>							
521100	Office Supplies		778		0		778
521220	Custodial Supplies		7,000		0		7,000
521240	Graphics/Reprographic Supplies		3,500		0		3,500
521292	Small Tools		1,700		0		1,700
521510	Maintenance & Repairs Supplies-Building		1,100		0		1,100
524190	Misc Purchased Professional Services		161,902		13,945		175,847
525110	Utilities-Electricity		195,080		(25,000)		170,080
525120	Utilities-Water & Sewer		26,790		(1,000)		25,790
525130	Utilities-Natural Gas		89,670		(5,000)		84,670
525190	Utilities-Other		11,640		(1,000)		10,640
525200	Cleaning Services		201,100		(10,000)		191,100
525610	Maintenance & Repairs Services-Building		40,400		0		40,400
525620	Maintenance & Repairs Services-Grounds		25,800		0		25,800
525731	Operating Lease Payments-Building		290,760		0		290,760
526310	Printing Services		1,500		0		1,500
526420	Postage		250		0		250
526800	Training, Tuition, Conferences		3,500		0		3,500
526900	Misc. Other Purchased Services		21,600		0		21,600
528100	License, Permits, Payments to Other Agencies		2,600		0		2,600
528310	Real Property Taxes		12,000		0		12,000
529800	Miscellaneous		0		394,000		394,000
<b>Total Materials &amp; Services</b>			<b>1,098,670</b>		<b>365,945</b>		<b>1,464,615</b>
<b>Total Capital Outlay</b>			<b>50,000</b>		<b>0</b>		<b>50,000</b>
<u>Interfund Transfers</u>							
582413	Trans. Resources to Gen'l Revenue Fund						
	Metro Regional Center-Debt Service		662,432		(455,125)		207,307
	Parking Structure-Debt Service		515,626		(325,359)		190,267
<b>Total Interfund Transfers</b>			<b>1,178,058</b>		<b>(780,484)</b>		<b>397,574</b>
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		70,000		(70,000)		0
599990	Unappropriated Balance		0		274,718		274,718
<b>Total Contingency and Unappropriated Balance</b>			<b>70,000</b>		<b>204,718</b>		<b>274,718</b>
<b>TOTAL EXPENDITURES</b>		<b>4.20</b>	<b>2,578,974</b>	<b>0.40</b>	<b>(179,609)</b>	<b>4.60</b>	<b>2,399,365</b>

**Exhibit A  
Ordinance No. 94-551A**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>For Information Only</b>							
<b>Metro Center Operations</b>							
<b>Personal Services</b>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Director		0	0.25	17,503	0.25	17,503
	Associate Program Supervisor	0.10	4,909		0	0.10	4,909
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Secretary		0	0.15	3,848	0.15	3,848
512000	FRINGE		2,037		8,861		10,898
<b>Total Personal Services</b>		<b>0.10</b>	<b>6,946</b>	<b>0.40</b>	<b>30,212</b>	<b>0.50</b>	<b>37,158</b>
<b>Materials &amp; Services</b>							
521100	Office Supplies		278		0		278
521220	Custodial Supplies		3,000		0		3,000
521240	Graphics/Reprographic Supplies		1,500		0		1,500
521292	Small Tools		200		0		200
521510	Maintenance & Repairs Supplies-Building		500		0		500
524190	Misc Purchased Professional Services		53,312		(15,000)		38,312
525110	Utilities-Electricity		77,080		(25,000)		52,080
525120	Utilities-Water & Sewer		6,710		(1,000)		5,710
525130	Utilities-Natural Gas		26,230		(5,000)		21,230
525190	Utilities-Other		5,820		(1,000)		4,820
525200	Cleaning Services		51,700		(10,000)		41,700
525610	Maintenance & Repairs Services-Building		21,450		0		21,450
525620	Maintenance & Repairs Services-Grounds		11,400		0		11,400
525731	Operating Lease Payments-Building		290,760		0		290,760
528100	License, Permits, Payments to Other Agencies		1,450		0		1,450
528310	Real Property Taxes		6,000		0		6,000
529800	Miscellaneous		0		394,000		394,000
<b>Total Materials &amp; Services</b>			<b>557,390</b>		<b>337,000</b>		<b>894,390</b>
<b>Capital Outlay</b>							
574570	Construction-Improvements		25,000		0		25,000
<b>Total Capital Outlay</b>			<b>25,000</b>		<b>0</b>		<b>25,000</b>
<b>TOTAL EXPENDITURES</b>		<b>0.10</b>	<b>589,336</b>	<b>0.40</b>	<b>367,212</b>	<b>0.50</b>	<b>956,548</b>

**Exhibit A  
Ordinance No. 94-551A**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>For Information Only</b>							
<b>Metro Regional Center Operations</b>							
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Director	0.10	7,180		0	0.10	7,180
	Associate Program Supervisor	0.45	22,973		0	0.45	22,973
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	0.80	21,950		0	0.80	21,950
	Building Service Worker	0.50	13,250		0	0.50	13,250
	Security Officer II	1.00	26,500		0	1.00	26,500
	Security Officer I	1.00	20,671		0	1.00	20,671
511400	OVERTIME		1,260		0		1,260
512000	FRINGE		46,836		0		46,836
<b>Total Personal Services</b>		<b>3.85</b>	<b>160,620</b>	<b>0.00</b>	<b>0</b>	<b>3.85</b>	<b>160,620</b>
<u>Materials &amp; Services</u>							
521220	Custodial Supplies		4,000		0		4,000
521240	Graphics/Reprographic Supplies		1,500		0		1,500
521292	Small Tools		1,500		0		1,500
521510	Maintenance & Repairs Supplies-Building		500		0		500
524190	Misc Purchased Professional Services		30,500		33,945		64,445
525110	Utilities-Electricity		100,000		0		100,000
525120	Utilities-Water & Sewer		17,680		0		17,680
525130	Utilities-Natural Gas		63,440		0		63,440
525190	Utilities-Other		5,820		0		5,820
525200	Cleaning Services		149,400		0		149,400
525610	Maintenance & Repairs Services-Building		18,950		0		18,950
525620	Maintenance & Repairs Services-Grounds		11,400		0		11,400
526310	Printing Services		500		0		500
526800	Training, Tuition, Conferences		2,500		0		2,500
526900	Misc. Other Purchased Services		21,600		0		21,600
528100	License, Permits, Payments to Other Agencies		1,000		0		1,000
528310	Real Property Taxes		6,000		0		6,000
<b>Total Materials &amp; Services</b>			<b>436,290</b>		<b>33,945</b>		<b>470,235</b>
<u>Capital Outlay</u>							
574570	Construction-Improvements		25,000		0		25,000
<b>Total Capital Outlay</b>			<b>25,000</b>		<b>0</b>		<b>25,000</b>
<b>TOTAL EXPENDITURES</b>		<b>3.85</b>	<b>621,910</b>	<b>0.00</b>	<b>33,945</b>	<b>3.85</b>	<b>655,855</b>



**Exhibit A  
Ordinance No. 94-551A**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>For Information Only</b>							
<b>Parking Structure Operations</b>							
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time) Assistant Management Analyst	0.10	4,150		0	0.10	4,150
511221	WAGES-REGULAR EMPLOYEES (full time)				0		1,722
512000	FRINGE		1,722		0		1,722
<b>Total Personal Services</b>		<b>0.10</b>	<b>5,872</b>	<b>0.00</b>	<b>0</b>	<b>0.10</b>	<b>5,872</b>
<u>Materials &amp; Services</u>							
524190	Misc Purchased Professional Services		68,090		0		68,090
525110	Utilities-Electricity		18,000		0		18,000
525120	Utilities-Water & Sewer		2,400		0		2,400
525620	Maintenance & Repairs Services-Grounds		3,000		0		3,000
528100	License, Permits, Payments to Other Agencies		150		0		150
<b>Total Materials &amp; Services</b>			<b>91,640</b>		<b>0</b>		<b>91,640</b>
<b>TOTAL EXPENDITURES</b>		<b>0.10</b>	<b>97,512</b>	<b>0.00</b>	<b>0</b>	<b>0.10</b>	<b>97,512</b>

**Day Care Facility**

<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time) Assistant Management Analyst	0.15	6,225		0	0.15	6,225
511221	WAGES-REGULAR EMPLOYEES (full time)				0		2,583
512000	FRINGE		2,583		0		2,583
<b>Total Personal Services</b>		<b>0.15</b>	<b>8,808</b>	<b>0.00</b>	<b>0</b>	<b>0.15</b>	<b>8,808</b>
<u>Materials &amp; Services</u>							
521100	Office Supplies		500		0		500
521240	Graphics/Reprographic Supplies		500		0		500
521510	Maintenance & Repairs Supplies-Building		100		0		100
524190	Misc Purchased Professional Services		10,000		(5,000)		5,000
526310	Printing Services		1,000		0		1,000
526420	Postage		250		0		250
526800	Training, Tuition, Conferences		1,000		0		1,000
<b>Total Materials &amp; Services</b>			<b>13,350</b>		<b>(5,000)</b>		<b>8,350</b>
<b>TOTAL EXPENDITURES</b>		<b>0.15</b>	<b>22,158</b>	<b>0.00</b>	<b>(5,000)</b>	<b>0.15</b>	<b>17,158</b>

**Exhibit A  
Ordinance No. 94-551A**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>GENERAL REVENUE BOND FUND:Resources</b>							
<u>Resources</u>							
Metro Regional Center							
305000	Fund Balance						
	* Construction Account		1,300,000		0		1,300,000
	* Debt Service Account		604,527		0		604,527
	* Debt Service Reserve Account		1,807,548		0		1,807,548
	* Renewal & Replacement Account		204,608		0		204,608
361100	Interest on Investments						
	* Construction Account		15,000		0		15,000
	* Debt Service Account		0		126,564		126,564
	* Debt Service Reserve Account		63,000		0		63,000
	* Renewal & Replacement Account		8,184		0		8,184
391531	Trans. Resources from Building Fund						
	* from Metro Regional Center Account		662,432		(455,125)		207,307
	* from Parking Garage Account		515,626		(325,359)		190,267
<b>TOTAL RESOURCES</b>			<b>5,180,925</b>		<b>(653,920)</b>		<b>4,527,005</b>

**Construction Account**

<b>TOTAL CONSTRUCTION ACCOUNT</b>	<b>1.39</b>	<b>1,157,473</b>	<b>0.00</b>	<b>0</b>	<b>1.39</b>	<b>1,157,473</b>
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**Debt Service Account**

<u>Debt Service</u>							
Metro Regional Center Building							
533220	Revenue Bond-Interest		1,209,055		(295,857)		913,198
Parking Garage							
533220	Revenue Bond-Interest		285,277		(69,810)		215,467
<b>TOTAL DEBT SERVICE ACCOUNT</b>			<b>1,494,332</b>		<b>(365,667)</b>		<b>1,128,665</b>

**General Expenses**

<u>Contingency and Unappropriated Balance</u>							
599999	Contingency						
	Construction Account		157,527		0		157,527
	Renewal & Replacement Account		212,792		0		212,792
599990	Unappropriated Balance						
	Debt Service Account						
	* Metro Regional Center		120,905		(120,905)		0
	* Parking Structure		230,348		(230,348)		0
	Debt Reserve		1,807,548		63,000		1,870,548
<b>Total Contingency and Unapp. Balance</b>			<b>2,529,120</b>		<b>(288,253)</b>		<b>2,240,867</b>
<b>TOTAL FUND EXPENDITURES</b>		<b>1.39</b>	<b>5,180,925</b>	<b>0.00</b>	<b>(653,920)</b>	<b>1.39</b>	<b>4,527,005</b>

**Exhibit B**  
**Schedule of Appropriations**  
**Ordinance No. 94-551A**

	Current Appropriation	Revision	Proposed Appropriation
<b>GENERAL FUND</b>			
Council			
Personal Services	987,165	0	987,165
Materials & Services	141,046	0	141,046
Capital Outlay	4,000	0	4,000
<b>Subtotal</b>	<b>1,132,211</b>	<b>0</b>	<b>1,132,211</b>
Executive Management			
Personal Services	343,248	0	343,248
Materials & Services	79,532	0	79,532
Capital Outlay	0	0	0
<b>Subtotal</b>	<b>422,780</b>	<b>0</b>	<b>422,780</b>
Office of Government Relations			
Personal Services	67,538	0	67,538
Materials & Services	74,450	0	74,450
Capital Outlay	0	0	0
<b>Subtotal</b>	<b>141,988</b>	<b>0</b>	<b>141,988</b>
Special Appropriations			
Materials & Services	250,000	0	250,000
<b>Subtotal</b>	<b>250,000</b>	<b>0</b>	<b>250,000</b>
General Expenses			
Interfund Transfers	3,273,270	394,000	3,667,270
Contingency	427,500	(394,000)	33,500
<b>Subtotal</b>	<b>3,700,770</b>	<b>0</b>	<b>3,700,770</b>
Unappropriated Balance	267,665	0	267,665
<b>Total Fund Requirements</b>	<b>5,915,414</b>	<b>0</b>	<b>5,915,414</b>
<b>BUILDING MANAGEMENT FUND</b>			
Personal Services	182,246	30,212	212,458
Materials & Services	1,098,670	365,945	1,464,615
Capital Outlay	50,000	0	50,000
Interfund Transfers	1,178,058	(780,484)	397,574
Contingency	70,000	(70,000)	0
Unappropriated Balance	0	274,718	274,718
<b>Total Fund Requirements</b>	<b>2,578,974</b>	<b>(179,609)</b>	<b>2,399,365</b>
<b>GENERAL REVENUE BOND FUND</b>			
Construction Account			
Personal Services	98,724	0	98,724
Materials & Services	145,740	0	145,740
Capital Outlay	913,009	0	913,009
<b>Subtotal</b>	<b>1,157,473</b>	<b>0</b>	<b>1,157,473</b>
Debt Service Account			
Debt Service	1,494,332	(365,667)	1,128,665
<b>Subtotal</b>	<b>1,494,332</b>	<b>(365,667)</b>	<b>1,128,665</b>

**Exhibit B  
Schedule of Appropriations  
Ordinance No. 94-551A**

	Current Appropriation	Revision	Proposed Appropriation
<b>GENERAL REVENUE BOND FUND (continued)</b>			
General Expenses Contingency	370,319	0	370,319
Subtotal	370,319	0	370,319
Unappropriated Balance	2,158,801	(288,253)	1,870,548
Total Fund Requirements	5,180,925	(653,920)	4,527,005

**All Other Appropriations Remain As Previously Adopted**

## STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 94-551A AMENDING THE FY 1993-94 BUDGET AND APPROPRIATIONS SCHEDULE TO REVISE THE BUILDING MANAGEMENT FUND TO REFLECT THE CHANGE IN OPERATIONAL REQUIREMENTS AND THE AGREEMENT WITH AMCO PORTLAND FOR THE EARLY TERMINATION OF THE LEASE OF METRO CENTER, AND DECLARING AN EMERGENCY

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Date: 5/19/94

Presented by: Jennifer Sims  
Doug Butler

### BACKGROUND AND ANALYSIS

Several actions have occurred during FY 1993-94 which have significantly altered the financial structure of the Building Management Fund. This ordinance identifies each of the actions and explains the operational and fiscal impact on the FY 1993-94 budget.

### **Staff Report for Ordinance 94-551, As Originally Presented**

Summary of Actions -- The refinancing, in November 1993, of the revenue bonds issued to finance the purchase and renovation of Metro Regional Center resulted in a net reduction in debt service payments of \$365,666, and a total reduction to the Building Management Fund of \$505,766. Metro Center has had a revenue shortfall in sublease income during FY 1993-94. The department transfers that are budgeted and would have been used for debt service are now available, due to the refinancing, to pay for the operations and maintenance costs incurred on Metro Center during FY 1993-94. Further explanation on the bond refinancing and the operational needs of the Building Management Fund is provided below.

#### Refinancing of the Metro Regional Center Revenue Bonds

In November, 1993, Metro refinanced the 1991 Series A General Revenue Bonds issued to finance the purchase and renovation of the Metro Regional Center. The refinancing resulted in total net present value savings over the life of the bonds of \$1.4 million or 5.5 percent, and moved semi-annual debt service payments from July 1 and January 1 of each year to August 1 and February 1 of each year.

The Building Management Fund serves as a conduit for the assessment and collection of fees necessary to pay the debt service on the revenue bonds. The Building Management Fund transfers the fees to the General Revenue Bond Fund, which when added to other resources available in that fund, are sufficient to pay the semi-annual debt service payments. As a result of the refinancing in November, 1993, the January 1, 1994 payment was eliminated and replaced with a much lower payment on February 1, 1994. In addition, the budgeting procedure for other debt covenant requirements was modified to allow those resources to remain in the Building Management Fund until required to pay debt service in

the General Revenue Bond Fund. Finally, the General Revenue Bond Fund received a one-time only payment of accrued interest from the refinancing, which was used to offset the February 1, 1994, debt payment. The total reduction in debt service payments for FY 1993-94 as a result of the refinancing is \$365,666. The total savings to the Building Management Fund as a result of the reduction of debt payments, the reduction of the 10 percent debt coverage requirement for FY 1993-94, and the one-time only offset of accrued interest is \$505,766. The savings in the Building Management Fund resulting from the bond refinancing are summarized on a budgetary basis below:

	Current Adopted Budget	Proposed Budget	Total Savings
<b>Transfer to the General Revenue Bond Fund</b>			
<u>Metro Regional Center</u>			
FY 1993-94 department assessments for debt service	\$541,527	\$207,307	(\$334,220)
10% coverage requirement	120,905	0	(120,905)
<u>Parking Structure</u>			
FY 1993-94 revenues for debt service	285,278	190,267	(95,011)
10% coverage requirement	28,528	0	(28,528)
August 1 (July 1) debt payment funded in advance	201,820	0	(201,820)
<b>Total Transfer to the General Revenue Bond Fund</b>	<b>\$1,178,058</b>	<b>\$397,574</b>	<b>(\$780,484)</b>
<b>Unappropriated Balance</b>			
<u>Metro Regional Center</u>			
10% coverage requirement	0	91,320	91,320
<u>Parking Structure</u>			
10% coverage requirement	0	21,547	21,547
August 1 (July 1) debt payment funded in advance	0	161,851	161,851
<b>Total Unappropriated Balance</b>	<b>\$0</b>	<b>\$274,718</b>	<b>\$274,718</b>
<b>Total Expenditures and Savings</b>	<b>\$1,178,058</b>	<b>\$672,292</b>	<b>(\$505,766)</b>

Savings in department assessments attributable to Metro Regional Center will be used to offset funding requirements for Metro Center. Savings to the Parking Structure will reduce the additional resource transfers needed from the General Fund and the Oregon Convention Center Operating Fund.

### Building Management Operational Needs and Funding Requirements

The Building Management Fund includes the operations of Metro Center, Metro Regional Center including the Day Care Facility, and the Parking Structure. As the year has progressed, each of the operations has incurred variations from its planned budget. The impact of these variations will be discussed by facility.

**Metro Center Operations:** The FY 1993-94 Adopted Budget assumed the full occupancy and leasing of Metro Center, with all operations, maintenance and lease payments fully paid from the proceeds of the building. During the year, only limited leasing of the building occurred, resulting in much lower revenue streams than budgeted. Enterprise revenues

for Metro Center (lease payments and parking revenues) are estimated to be approximately \$540,000 less than budgeted.

While Metro has been obligated to pay the full lease payments for the entire year, partial occupancy in the building has resulted in lower utility and maintenance costs. Materials & Services costs for Metro Center are estimated to be about \$57,000 lower than budgeted. At the same time, however, Personal Services expenditures are projected to be about \$30,000 higher than budgeted. The Director of General Services and his support staff have directed considerable efforts to reach a solution regarding the occupancy of Metro Center. These efforts have included negotiations for a long term tenant acceptable to Metro and the building owner; negotiations with existing tenants of the building to relocate; and negotiations for an early termination of the lease agreement with the building owner. Following Council direction that the General Services staff charge their time to the appropriate division as it has been spent, the work performed by the Director and his support staff has been charged to Metro Center.

In summary for Metro Center, revenues are anticipated to be approximately \$540,336 less than anticipated and expenditures will be approximately \$26,788 less than budgeted, leaving a balance unfunded from direct revenues of \$513,548. This amount will be funded through savings in departmental transfers originally anticipated for Metro Regional Center, and from beginning fund balance. The fund balance needed for Metro Center includes \$29,585 saved from Metro Regional Center as a result of the refinancing of the revenue bonds, and \$95,445 in previously unrecognized fund balance accrued to the Building Management Fund.

**Metro Regional Center:** Metro Regional Center, including the Day Care Facility, has also experienced minor modifications to its planned expenditures. The Day Care Facility budget included \$10,000 in professional services for oversight and research into potential issues regarding the operations of the Day Care Facility. The need for these services has been minimal, and the department is recognizing a \$5,000 reduction to materials and services for the Day Care Facility. At the same time, Metro Regional Center is incurring expenditures at a rate higher than anticipated. The primary reason for the additional expenditures is related to an increase in security. The FY 1993-94 budget assumed only eight hours per day of security. However, 24 hour security for the building has been required. A number of factors contribute to the need for a higher level of security including the size and location of the building, need for staff access to the building during evenings and weekends, and the considerable number of public meetings held during non-business hours. The department anticipates an additional \$33,945 in materials and services will be required to cover the increased security demands. Finally, this action eliminates the \$70,000 contingency budgeted for Metro Regional Center. All three actions for Metro Regional Center, including the Day Care Facility, result in a net reduction in expenditures of \$41,055.

## **Staff Report for Amended Ordinance, 94-551A**

This section of the staff report explains the amendment to Ordinance 94-551, as originally presented to Council for first reading on May 12, 1994.

### **Early Termination of Lease Settlement with AMCO Portland**

On May 5, 1994, the Council approved and the Executive Officer signed an early termination of lease agreement with AMCO Portland for Metro Center. Under the terms of the agreement Metro is to pay AMCO Portland the sum of \$394,000 on or before June 1, 1994. The settlement will be funded during FY 1993-94 through a transfer from the General Fund Contingency to the Building Management Fund. Actual payment of the settlement will be charged to the Metro Center Account in the Building Management Fund. In FY 1994-95, the General Fund will be reimbursed for this payment by reductions in approved transfers from the General Fund to the Planning, Regional Parks and Support Services Fund for Metro Center expenses which will no longer be needed, and by a transfer of resources from the Solid Waste Fund to the General Fund in an amount equal to the Solid Waste Department's share of Metro Center expenses based on square footage.

Also under the terms of the agreement, on May 31, 1994, a survey of the building will be done to determine if any maintenance, repair work, or other work must be performed by Metro under the terms of the lease. The extent of the work to be performed as a result of the survey is unknown at this time. It is assumed that any additional work required can be performed within existing appropriation levels, however, further adjustments to the Fund may be necessary prior to the end of the fiscal year.

### **EXECUTIVE OFFICERS RECOMMENDATION**

The Executive Officer recommends adoption of Ordinance No. 94-551A.



Meeting Date: May 26, 1994  
Agenda Item No. 6.2

ORDINANCE NO. 94-549A

## FINANCE COMMITTEE REPORT

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ORDINANCE NO. 94-549A RELATING TO THE METRO EXCISE TAX AMENDING THE CODE AND INCREASING THE TAX RATE ON USERS OF THE SOLID WASTE SYSTEM

---

Date: May 18, 1994

Presented By: Councilor Monroe

**COMMITTEE RECOMMENDATION:** At its May 11, 1994 meeting the Committee voted 3 to 2 to send Ordinance No. 94-549 as amended to the Council without recommendation. Committee members voting in favor were Councilors Gardner, McLain and Monroe. Committee members voting in opposition were Councilors Devlin and Van Bergen. Councilors Buchanan and Kvistad were absent.

**COMMITTEE DISCUSSION/ISSUES:** Don Carlson, Council Administrator gave the Staff Report. He indicated that Ordinance No. 94-549 was introduced by the Finance Committee at its April 21, 1994 meeting following agreement on the expenditure plan for the FY 1994-95 General Fund Budget. The rates set in the ordinance are such that sufficient revenue will be received to pay for the expenditure plan in the General Fund. Mr. Carlson pointed out that the ordinance contains a split rate excise tax (7.7% on the users of the solid waste system and 6.0% on the users of all other applicable facilities and services) which will take effect on September 1, 1994. The rate on the users of all applicable Metro facilities and services will remain at the current 7% until September 1, 1994.

Councilor Monroe stated that he had requested General Counsel to prepare amendments to the ordinance to provide a sunset provision for the split rate system on September 1, 1995. Dan Cooper, General Counsel explained the provisions of Ordinance No. 94-549A. He stated Sections 2 and 3 provide for the split rate excise tax effective September 1, 1994; and Sections 4 and 5 provide for a uniform excise tax of 7.5 % effective September 1, 1994.

Councilor Gardner moved to substitute Ordinance No. 94-549A for the original ordinance and Councilor Van Bergen moved to amend the motion to delete subsections (g) and (l) of Section 1 from Ordinance No. 94-549A. Councilor Van Bergen stated that the increase did not benefit the user, is not equitable and use of the term "broad base" is not appropriate. Councilor Van Bergens motion was approved by a 3 to 2 vote (Councilors Devlin, McLain and Van Bergen voting yes and Councilors Gardner and Monroe voting no). Councilor Gardners motion to substitute 94-549A for the original ordinance was approved by a 3-2 vote (Councilors Devlin, Gardner and Monroe voted yes and Councilors McLain and Van Bergen voted no).

At the public hearing the Committee heard testimony in opposition to the proposed ordinance from Estle Harlan, Tri-County Council (haulers); Susan Kiel, City of Portland Director of Solid Waste; Bruce Broussard, Citizen member of SWPAC; Tom Miller, Miller Sanitary Services; and Gaylen Kiltow, Kiltow Sanitary Service.

Several other haulers and interested persons expressed opposition to the ordinance by a show of hands. Ms. Harlan's written testimony is included as Attachment 1 to this report.

Councilor Devlin presented a "B" version of Ordinance No. 94-549 which among other things set the excise tax rate at a uniform 7.5%. The motion to substitute the "B" version failed by a 2 to 3 vote (Councilors Devlin and McLain voted yes and Councilors Gardner, Monroe and Van Bergen voted no).

The Committee then approved a motion to send Ordinance 94-549A to the full Council without recommendation.

# Tri-County Council

Reply to: 2202 SE Lake Rd., Milwaukie, OR 97222 654-9533 (FAX 654-8414)

May 11, 1994

TO: METRO FINANCE COMMITTEE  
Re: Excise Tax and Disposal Fee

Excise Tax

A SPLIT EXCISE TAX THAT IS HIGHER ON SOLID WASTE REVENUE THAN ON OTHER REVENUE IS INEQUITABLE. THE DOLLAR AMOUNT REALLY IS NOT THE ISSUE. THE PRECEDENT THIS IS SETTING IS THE ISSUE.

THE SOLID WASTE BUDGET REFLECTS SOME SAVINGS. THERE IS LITTLE INCENTIVE TO TRY TO HOLD DOWN BUDGETS WHEN POLICY CAN BE SET TO RAISE THE EXCISE TAX TO PAY FOR TRANSPORTATION AND LAND USE PLANNING.

THE ZOO IS NOT EXPECTED TO LOWER TICKET PRICES IF THEY GET A LOWER EXCISE TAX, SO IT SEEMS TO MAKE LITTLE SENSE TO SET THIS BAD PUBLIC POLICY OF A SPLIT EXCISE TAX.

EACH TIME THE COUNCIL DUCKS A TOUGH POLITICAL CALL, IT GETS EASIER TO GO THROUGH THE DUCKING EXERCISE THE NEXT TIME A TOUGH ISSUE ARISES. JUST BECAUSE SOLID WASTE REVENUE IS THE "EASY HANDLE," THAT EASY FUNDING SOURCE SHOULD NOT BE USED TO PAY FOR SERVICES THAT ARE TOTALLY UNRELATED TO SOLID WASTE. SOLID WASTE PAYS FOR ALL OF ITS PLANNING FUNCTIONS THROUGH THE TIP FEE, SO MOST OF THE CURRENT 7% EXCISE TAX GOES TO PAY FOR FUNCTIONS UNRELATED TO SOLID WASTE. DO NOT CREATE EVEN MORE OF AN INEQUITY BY APPROVING A SPLIT EXCISE TAX.

THE RATE COMMITTEE IS FORMALLY CHARTERED TO GIVE ADVICE ON RATES. THAT COMMITTEE VOTED UNANIMOUSLY AGAINST THE SPLIT EXCISE TAX ON SOLID WASTE. THE SOLID WASTE ADVISORY COMMITTEE (SWAC) VOTED UNANIMOUSLY ON TWO OCCASIONS AGAINST THE SPLIT EXCISE TAX. IT IS HARD TO BELIEVE THE COUNCIL IS LISTENING TO THEIR ADVISORY COMMITTEES IF THERE IS A FLAGRANT DISREGARD FOR THEIR UNANIMOUS VOTES.

THE NOTION THAT A SPLIT EXCISE TAX IS ACCEPTABLE BECAUSE IT IS ONLY "TEMPORARY," AND THAT A MORE STABLE AND EQUITABLE FUNDING SOURCE FOR PLANNING WILL BE EXPLORED AFTER THE PRIMARY ELECTION IS ONE OF THE WORST REASONS FOR SETTING A BAD PUBLIC POLICY PRECEDENT. PLEASE EXERCISE YOUR POLITICAL INTEGRITY BY REJECTING THIS ARGUMENT.

### \$74 vs \$75 Per Ton Disposal Fee

APPROXIMATELY \$750,000 IN SAVINGS WAS REALIZED BY THE REVISED CONTRACT WITH OREGON WASTE SYSTEMS. AN APPROXIMATELY \$300,000 IN SAVINGS WAS REALIZED IN FUEL SAVINGS. THAT IS OVER \$1 MILLION IN SAVINGS FOR THE NEXT BUDGET YEAR THAT COULD BE PASSED ON TO CUSTOMERS BY LOWERING THE DISPOSAL FEE TO \$74 PER TON. THE ORDINANCE THAT WOULD EFFECT THIS LOWERED TIP FEE HAS BEEN HELD UP IN THE FINANCE COMMITTEE AND NOT BROUGHT FORWARD FOR COUNCIL APPROVAL. THE RESULT IS THAT OVER \$1 MILLION IN SAVINGS WILL BE PIGEON-HOLED IN UNAPPROPRIATED FUND BALANCE. AT THE VERY LEAST, THAT SHOULD BE PUT IN A RATE STABILIZATION ACCOUNT. THE RIGHT THING TO DO WOULD BE TO GIVE IT BACK TO YOUR CUSTOMERS.

Representing:

Clackamas County Refuse Disposal Association  
Multnomah County Refuse Disposal Association  
Oregon Sanitary Service Institute

Portland Association of Sanitary Service Operators  
Teamsters Local 281 305  
Washington County Solid Waste Collectors Association

BEFORE THE METRO COUNCIL

AN ORDINANCE RELATING TO THE	)	ORDINANCE NO. 94-549-A
METRO EXCISE TAX AMENDING THE	)	
CODE AND INCREASING THE TAX RATE	)	Introduced by
ON USERS OF THE SOLID WASTE	)	Council Finance Committee
SYSTEM	)	and Councilor Rod Monroe

THE METRO COUNCIL HEREBY ORDAINS:

Section 1. Findings. The Council finds:

(a) The 1992 Metro Charter mandates that Metro perform regional planning functions as the primary functions of Metro and requires that the Council appropriate funds to assure the timely completion of those functions.

(b) Metro has a need for additional revenue in order to carry out all functions mandated by the 1992 Metro Charter.

(c) Pursuant to the authority granted in Section 10 of the 1992 Metro Charter, and ORS chapter 268, the Council has adopted ordinances establishing an excise tax on users and operators of District facilities.

(d) The Council created a Tax Study Committee pursuant to Section 13 of the 1992 Metro Charter to advise it regarding any new tax that the Metro Council might impose without voter approval in order to provide funding for the mandated regional planning functions.

(e) The Tax Study Committee has reviewed numerous potential new taxes that the Council might impose and has reviewed the existing Metro Excise Tax. The Tax Study Committee has recommended that the Council adopt a Real Estate Transfer Tax and a Construction Excise Tax, and continue the Metro Excise Tax in order to provide funding for functions mandated by the 1992 Metro Charter.

(f) The Tax Study Committee has recommended that any tax source used to fund the Metro regional planning functions should be as broad based as possible in order to have the impact of the tax be a reflection of the broad benefit all residents of the District will receive from the carrying out of Metro's regional planning functions.

~~(g) The Metro Excise Tax on the Metro solid waste system is a broad based tax in that all residents and businesses in the District generate solid waste and, therefore, are subject to the burden of the tax. Many businesses have the ability to pass on to their~~

~~customers in part or in whole the incidence of the tax on users of the solid waste system thereby further broadening the base of the tax.~~

(h)(g) Generators of waste are encouraged by the imposition of the tax to reduce waste production, reuse waste and recycle waste in order to avoid the incidence of the tax thereby promoting compliance with important Metro, state and national policies and goals protecting the environment. This adds further fairness to the imposition of any excise tax on solid waste system users because the incidence of the tax may be reduced by such voluntary action.

(h)(h) By adoption of Ordinance No. 93-484-A the Council increased the excise tax rate established by Section 7.01.020(a) from 6 percent to 7 percent for the period from September 1, 1993 to September 1, 1994. Unless the Council adopts an ordinance providing for a different rate, effective September 1, 1994 the tax rate will revert to 6 percent.

(h)(i) The Council by adoption of this Ordinance desires to allow the tax rate for all District facilities other than solid waste system facilities to revert to 6 percent effective September 1, 1994 for a one year period.

(k)(j) Adoption of an Excise Tax rate of 7.7 percent on users of the Metro solid waste system while retaining a 6 percent tax rate on users of other Metro facilities is consistent with the recommendations of the Tax Study Committee and will provide a source of needed revenue while the Council gives further consideration to the recommendation of the Tax Study Committee that the Metro Council impose new taxes.

(k)(k) The cost of collection of any increase in the Excise Tax on solid waste system users is negligible and any of the new taxes recommended would have considerable costs to implement and collect.

~~(m) — The class of individuals and businesses who use the Metro solid waste system is broad based and distinctly different from the class of individuals who use all other District facilities particularly the Metro Washington Park Zoo and the Oregon Convention Center.~~

(h)(l) The Council intends to actively consider alternative methods to raise needed revenues to provide funds for functions mandated by the 1992 Metro Charter if however if such alternative revenue sources cannot be made available it will be appropriate to increase the excise tax rate on District facilities other than solid waste system facilities to an amount equal to the rate on solid waste system facilities in order to continually ensure that needed revenues are available. In this event a tax rate not to exceed 7.5 percent on all District facilities would be appropriate.

**Section 2. September 1, 1994 Metro Code Amendments. On the effective date provided in Section 3 of this Ordinance, Sections 7.01.010 and 7.01.020 of the Metro Code are amended to read as follows:**

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

(a) "Accrual basis accounting" means revenues are recorded in the accounting period in which they are earned and become measurable whether received or not.

(b) "Cash basis accounting" means revenues are recorded when cash is received.

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

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

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

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

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

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

(i) "Solid Waste System Facility" means all facilities defined as such pursuant to Section 5.05.010(t) including but not limited to all designated facilities set forth in Section 5.05.030 and any Non-System Facility as defined in Section 5.05.010(i) that receives solid waste from within the Metro boundary whether pursuant to an authorized non-system license or otherwise.

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

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

#### 7.01.020 Tax Imposed:

(a) For the privilege of use of the facilities, equipment, systems, functions, services, or improvements owned, operated, franchised, or provided by the District, each user shall pay a tax in the amount established in subsection 7.01.020(b) but not to exceed seven ~~(7)~~ ~~six~~ (6) percent of the payment charged by the operator or the District for such use. The tax constitutes a debt owed by the user to the District which is extinguished only by payment of the tax directly to the District or by the operator to the District. The user shall pay the tax to the District or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(b) The Council may for any annual period commencing July 1 of any year and ending on June 30 of the following year establish a tax rate lower than the rate of tax provided for in subsection 7.01.020(a) by so providing in the annual budget ordinance adopted by the District. If the Council so establishes a lower rate of tax, the Executive Officer shall immediately notify all operators of the new tax rate. Upon the end of the fiscal year the rate of tax shall revert to the maximum rate established in subsection 7.01.020(a) unchanged for the next year unless further action to establish a lower rate is adopted by the Council as provided for herein.

(c) Notwithstanding the provisions of Section 7.01.020(a) and (b) above, the tax rate applicable for users and operators of any solid waste system facility shall be 7.7 percent.



**Section 3. Effective Date.** The amendments to the Metro Code provided for in Section 2 of this Ordinance shall take effect September 1, 1994.

**Section 4. September 1, 1995 Metro Code Amendment.** On the effective date provided in Section 5 of this Ordinance, Metro Code Section 7.01.020 is amended to read as follows:

**7.01.020 Tax Imposed:**

(a) For the privilege of use of the facilities, equipment, systems, functions, services, or improvements owned, operated, franchised, or provided by the District, each user shall pay a tax in the amount established in subsection 7.01.020(b) but not to exceed ~~six (6)~~ **seven and one-half (7.5)** percent of the payment charged by the operator or the District for such use. The tax constitutes a debt owed by the user to the District which is extinguished only by payment of the tax directly to the District or by the operator to the District. The user shall pay the tax to the District or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(b) The Council may for any annual period commencing July 1 of any year and ending on June 30 of the following year establish a tax rate lower than the rate of tax provided for in subsection 7.01.020(a) by so providing in the annual budget ordinance adopted by the District. If the Council so establishes a lower rate of tax, the Executive Officer shall immediately notify all operators of the new tax rate. Upon the end of the fiscal year the rate of tax shall revert to the maximum rate established in subsection 7.01.020(a) unchanged for the next year unless further action to establish a lower rate is adopted by the Council as provided for herein.

~~(c) Notwithstanding the provisions of Section 7.01.020(a) and (b) above, the tax rate applicable for users and operators of any solid waste system facility shall be 7.7 percent.~~

**Section 5. Effective Date.** The amendment to the Metro Code provided for in Section 4 of this Ordinance shall take effect September 1, 1995.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

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

ATTEST:

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

gl  
1160c

Meeting Date: May 26, 1994  
Agenda Item No. 7.1

RESOLUTION NO. 94-1960



**METRO**

DATE: May 20, 1994

TO: Metro Council  
Executive Officer  
Agenda Recipients

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

RE: AGENDA ITEM NO. 7.1; RESOLUTION NO. 94-1960

The Planning Committee report will be distributed in advance to Councilors and available at the Council meeting May 26, 1994.

**BEFORE THE METRO COUNCIL**

FOR THE PURPOSE OF AUTHORIZING ) RESOLUTION NO. 94-1960  
THE EXECUTIVE OFFICER TO EXECUTE )  
FOURTEEN (14) MULTI-YEAR )  
INTERGOVERNMENTAL AGREEMENTS FOR )  
SOUTH/NORTH AA/DEIS PROJECTS ) Introduced by Rena Cusma,  
 ) Executive Officer

WHEREAS, fourteen (14) Intergovernmental Agreements for the South/North Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS) are not included in the 1993-94 fiscal year contracts list as amended on May 12, 1994, and are multi-year, Intergovernmental Agreements; and

WHEREAS, the Planning Department, pursuant to that decision, now intends to pursue those Intergovernmental Agreements with the jurisdictions listed in Attachment A; and

WHEREAS, Section 2.04.033 (1) of the Metro Code requires the Council to approve any Type "A" and multi-year contracts; and

WHEREAS, this proposed action allows the Metro Council to approve fourteen (14) Intergovernmental Agreements in a single action;

Now, Therefore,

**BE IT RESOLVED,**

That the Metro Council, pursuant to Metro Code Section 2.04.033 (1) hereby authorizes the Executive Officer to execute Intergovernmental Agreements with the jurisdictions to complete the South/North Study through Tiers I and II, substantially as reflected in Attachment A (sample contract) consistent with budgets reflected in Attachment B.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

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

**South/North AA/DEIS  
Clackamas County - #6  
Metro Contract #903683**

**INTERGOVERNMENTAL AGREEMENT  
FOR  
SOUTH/NORTH TRANSIT CORRIDOR STUDY  
ALTERNATIVES ANALYSIS/DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**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, hereinafter referred to as METRO; and Clackamas County, located at 902 Abernethy Road, Oregon City, Oregon 97045, hereinafter referred to as CLACKAMAS COUNTY.**

**Recitals:**

**WHEREAS, METRO and CLACKAMAS COUNTY desire to jointly accomplish a special study of high capacity transit improvements in the South/North Corridor connecting Clackamas County Oregon and Clark County Washington, a study hereinafter known as the South/North Transit Corridor Study Alternatives Analysis/Draft Environmental Impact Statement, or South/North AA/DEIS; and**

**WHEREAS, METRO is empowered by ORS 268.330(2) to contract with any public agency to plan for the environmental assessment construction, preservation, improvement, operation or maintenance of any mass transit system having significant impact upon the development of the metropolitan area; and**

**WHEREAS, CLACKAMAS COUNTY has the authority under ORS Chapter 190.101 to enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform; and**

**WHEREAS, The participating jurisdictions include METRO, the Clark County Public Transportation Benefit Area Authority (C-TRAN), the Southwest Washington Regional Transportation Council (RTC), City of Vancouver, Clark County, Washington State Department of Transportation (WSDOT), City of Portland, Tri-County Metropolitan Transportation District of Oregon (Tri-Met), the Oregon Department of Transportation (ODOT), Clackamas County, City of Milwaukie, Multnomah County, City of Oregon City and City of Gladstone; and**

**WHEREAS, Funding for the South/North AA/DEIS is intended to consist of contributions from the State of Washington, the State of Oregon, the Federal Transit Administration and other Oregon participant(s); and**

WHEREAS, The South/North AA/DEIS Project Management Group, which is made up of one member from each participating jurisdiction, has adopted revenue and expenditure budgets of \$10,800,000 for the study; and

WHEREAS, The METRO Council and the C-TRAN Board of Directors have directed the regional participants to begin work on the South/North AA/DEIS; and

WHEREAS, On May 5, 1994 METRO and the participating agencies adopted Tier I and Tier II budget estimates that cumulatively exceed the secured study revenues by approximately \$2.4 million; and

WHEREAS, On April 21, 1994 the South/North Project Management Group adopted an approach to execute the South/North Tier I and Tier II intergovernmental agreements, of which this is one, before new study funds are secured to cover the projected shortfall; and

WHEREAS, The approach adopted by the South/North Project Management Group agreed that METRO and the participating agencies would prepare a funding plan following the conclusion of the Non-Priority Corridor Study by approximately September 1994 to cover the projected shortfall; and

NOW, THEREFORE, BE IT RESOLVED that in consideration of the mutual covenants herein set forth, METRO and CLACKAMAS COUNTY agree as follows:

Agreements:

1. Scope of Work

CLACKAMAS COUNTY shall perform the responsibilities and deliver the products indicated for each Task in both Tier I and Tier II Work Elements assigned to it in the South/North AA/DEIS Work Plan identified as Exhibit "A," which is attached hereto and incorporated by reference as part of this Agreement.

2. Term of Agreement

The term of the Agreement shall commence on January 1, 1994, and terminate on December 31, 1996, unless terminated earlier under the provisions of the Agreement.

3. Obligations of METRO

A. METRO is the lead agency and project manager for the South/North AA/DEIS and will serve as liaison with the Federal Transit Administration (FTA), State of Washington,

State of Oregon, C-TRAN and other participating jurisdictions in all substantive and procedural matters relating to the study.

- B. METRO shall administer funding, including the local match component for the South/North AA/DEIS, including all revenues and expenditures and ensure prompt payment of all invoices upon approval as outlined in the method of payment section of this Agreement.
- C. METRO will promptly respond to requests by CLACKAMAS COUNTY for information and consultation regarding CLACKAMAS COUNTY's Scope of Work for the South/North AA/DEIS.
- D. METRO will reimburse CLACKAMAS COUNTY for expenses incurred in the performance of South/North AA/DEIS consultant and staff activities in accordance with the Scope of Work, budget and payment sections of this Agreement.
- E. Metro will lead an effort by all participating agencies to prepare a funding plan to secure the additional revenue to fund the full Project Budget in Table 1 of the Work Plan. Metro will present that funding plan to the South/North Project Management Group.

#### 4. Obligations of CLACKAMAS COUNTY

- A. CLACKAMAS COUNTY will perform those tasks identified and assigned to CLACKAMAS COUNTY within the South/North AA/DEIS Work Plan (Exhibit A). Responsibilities and products in the Work Plan (Exhibit A) and any changes in the total Tier I, Tier II and non-priority corridor project budget amounts identified in Exhibit A, Table 1 (attached hereto and by this reference made a part hereto), may be changed by direction of the Project Management Group (PMG) in a vote as recorded in the minutes of the PMG. Modifications by the PMG will modify the individual work tasks of the Scope of Work of this Agreement and shall not exceed the total amount of this contract.
- B. CLACKAMAS COUNTY will participate as required in the project's public involvement activities as outlined in the Scope of Work, and provide support for the Citizens Advisory Committee (CAC) and Expert Review Panel (ERP).
- C. CLACKAMAS COUNTY will participate as outlined in the Scope of Work in the study's advisory committees, including the Technical Advisory Committee (TAC), the Project Management Group (PMG) and the Steering Group.
- D. CLACKAMAS COUNTY will maintain detailed and accurate records of all funds expended and all work performed with regard to this Agreement, and shall make such records available to METRO for inspection at any reasonable time, as specified in section 6.A. and 6.B.



- E. CLACKAMAS COUNTY will submit monthly invoices and progress reports describing progress and work completed. Reports will be itemized by agreed upon budget categories.**

**5. Compensation to CLACKAMAS COUNTY**

- A. Total amount of this contract shall not exceed \$116,338, subject to the availability of revenue from funding sources (as described below in section 5.B. and 5.C.) and annual appropriations by METRO.**
- B. As adopted by the South/North Project Management Group on May 5, 1994 and described in Table 1, Exhibit A, the project's expenditure budget for all participating agencies is approximately \$10,800,000, exceeding current revenues by approximately 2.4 million. On April 21, 1994, the South/North PMG agreed to authorize METRO to execute the South/North AA/DEIS intergovernmental agreements of which this is one, with the conditions that the IGAs: 1) allow METRO to ensure 100% compensation for allowable expenses incurred for private consultant services contracts with participating agencies, 2) allow METRO to ensure payment of invoices for all other allowable expenses by participating agencies up to approximately 72% of their agency budgets, until 3) the South/North Project Management Group agrees upon a plan to fund the projected shortfall and METRO and/or other participating agencies secure those new funds, at which time 4) METRO will provide written notice that a greater percentage up to the total contract amount will be reimbursed.**
- C. CLACKAMAS COUNTY shall be compensated for 100% of actual work performed as indicated in the Scope of Work up to \$84,577. This represents 100% of the identified private consultant services contracts and approximately 72% of other allowable expenses for the agency budget as described in section 5.D., below. Further compensation up to the total amount of this contract requires written notice from the Project Manager that a greater percentage of actual work performed will be reimbursed. This notice shall be based on receipt of written confirmation of additional revenues from the revenue sources.**
- D. The Agency Budget attached and incorporated herein as Exhibit B prescribes the amounts that this agency will be reimbursed for its work under the Work Plan. Exhibit B restates the budget for work performed under the existing Pre-AA agreement for the period July 1 through December 31, 1993, and the agency budget for reimbursement under this agreement for the period following January 1, 1994.**

**6. Method of Payment**

- A. For work completed, CLACKAMAS COUNTY shall send METRO monthly invoices accompanied with the description of the work performed totalling one hundred percent**

(100%) of the actual costs CLACKAMAS COUNTY has incurred up to the limits specified in Exhibit B, Budget Summary. CLACKAMAS COUNTY shall submit the invoice in a format specified by METRO. These invoices shall document services provided by CLACKAMAS COUNTY itemized by task and Work Element as specified in the Scope of Work and supported by documentation for reimbursable costs. METRO will review invoices for consistency with the Scope of Work and this Agreement.

- B. All costs charged to the project shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing the nature and relationship to Work Elements in the Scope of Work for any such charges as further detailed herein. For direct salary costs and fringe benefits, invoice documentation must consist of time sheets listing hours worked by Work Element identified in the Scope of Work and a calculation of the applicable hourly payroll rate and fringe benefits earned based on actual time worked. Time sheets and other applicable fringe benefit information must be retained for inspection.

For direct non-salary costs, invoice documentation must consist of copies of invoices of costs, including but not limited to services performed by contractors, reproduction, computer and communication expense, postage, telephone, supplies and transportation. Major items of equipment required for the tasks identified in the Scope of Work may be purchased with METRO's advance written approval and will be included in the Agreement as direct costs. The cost of specialized items of equipment will be limited to the amount of depreciation during the period of use as ascertained at the completion of the Study. Such items of equipment must be used primarily on, and required for, work incident to this Agreement, and must be of reasonable cost.

Direct costs will also include reasonable travel expenses that are directly related to production of a specific product in the Scope of Work, including meals, lodging, transportation, and incidental expenses for personnel while away from their headquarters overnight. Reimbursement for travel expenses shall be made in conformance with the established reimbursement policy of the agency claiming such expenses. Reimbursement of consultant travel expenses shall be in accordance with the contract with the consultant.

If CLACKAMAS COUNTY uses a project allocation system, CLACKAMAS COUNTY may submit project reports in lieu of time sheets and invoices, provided that the project allocation report consists of, at a minimum, the following elements: date, description (vendor name, employee name), reference number and cost.

An overhead rate may be used for portions of direct costs provided that the overhead rate is adjusted to the actual costs at least annually, and provided that no costs billed as part of the overhead rate are also billed directly. The overhead rate adjustment shall be reflected in an invoice at least annually.

CLACKAMAS COUNTY's invoice shall contain a statement signed by CLACKAMAS COUNTY's Project Manager certifying that the costs have been incurred in the performance of the Scope of Work.

- C. METRO will compensate CLACKAMAS COUNTY directly for each invoice after METRO has received reimbursement from funding sources consistent with section 5, above. METRO shall coordinate reimbursement requests and payments.

#### 7. Project Managers

The overall coordination and direction of the Project shall be provided by METRO's Project Manager. METRO's Project Manager is Leon Skiles. CLACKAMAS COUNTY's Project Manager is Rod Sandoz. Any change of Project Manager by METRO or CLACKAMAS COUNTY shall be noticed in writing to the other party.

#### 8. Notices

All notices provided for hereunder shall be in writing and sufficient if deposited in the United States mail, postage prepaid, to the parties addressed as indicated below:

##### METRO

Leon Skiles  
METRO Planning Department  
600 NE Grand Avenue  
Portland, OR 97232-2736

##### CLACKAMAS COUNTY

Rod Sandoz  
Clackamas County  
902 Abernethy Road  
Oregon City, OR 97045

#### 9. Liability and Indemnity

CLACKAMAS COUNTY shall indemnify METRO for and hold METRO harmless from all claims arising out of the negligent acts or omissions caused by CLACKAMAS COUNTY or CLACKAMAS COUNTY's officers, employees, or agents, subject to the provisions of the Oregon Tort Claims Act and the Oregon Constitution. CLACKAMAS COUNTY shall be liable to METRO for any damage to METRO's property or injury to METRO's officers, employees, or agents caused by CLACKAMAS COUNTY, subject to the provisions of the Oregon Tort Claims Act and the Oregon Constitution.

METRO shall indemnify CLACKAMAS COUNTY for, and hold CLACKAMAS COUNTY harmless from, all claims arising out of the negligent acts or omissions caused by METRO or METRO's officers, employees, or agents, subject to the provisions of the Oregon Tort Claims Act and the Oregon Constitution. METRO shall be liable to CLACKAMAS COUNTY for any

damage to CLACKAMAS COUNTY's property or injury to CLACKAMAS COUNTY's officers, employees, or agents caused by METRO subject to the provisions of the Oregon Tort Claims Act and the Oregon Constitution.

#### 10. Termination for Default

CLACKAMAS COUNTY shall be deemed to be in material breach if it fails to comply with any provisions of this Agreement or if its progress in performance of its obligations is so unsatisfactory that contract performance of the Scope of Work of this Agreement is seriously impaired. Prior to termination under this provision, METRO shall provide CLACKAMAS COUNTY with written notice of default and allow CLACKAMAS COUNTY thirty (30) days within which to cure the defect. In the event CLACKAMAS COUNTY does not cure the defect within thirty (30) days, METRO may terminate all or any part of this Agreement for default. CLACKAMAS COUNTY shall be paid the contract price only for services performed in accordance with the manner of performance set forth in this Agreement.

CLACKAMAS COUNTY shall be liable to METRO for all reasonable costs and actual damages incurred by METRO as a result of a termination for default.

If, after notice of termination, the parties agree or a court finds that CLACKAMAS COUNTY was not in default or that the default was excusable, such as a strike, fire, flood, or other event that is not the fault of, or is beyond the control of CLACKAMAS COUNTY, METRO may allow CLACKAMAS COUNTY to continue work, or may treat the termination as a termination for convenience, in which case the rights of the parties shall be the same as if the termination had been for METRO's convenience.

#### 11. Termination for Convenience

METRO or CLACKAMAS COUNTY 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 written notice of termination to METRO or CLACKAMAS COUNTY. Upon termination under this paragraph, CLACKAMAS COUNTY shall be entitled to payment in accordance with the terms of the contract for contract work completed before termination, and to payment for all reasonable contract close-out costs. Within thirty (30) days after termination pursuant to this paragraph, CLACKAMAS COUNTY shall submit itemized invoice for all unreimbursed work within the Scope of Work of this Agreement completed before termination and all close-out costs actually incurred by CLACKAMAS COUNTY. METRO shall not be liable for any costs invoiced later than thirty (30) days after termination unless CLACKAMAS COUNTY can show good cause beyond its control for the delay.

## **12. Applicable Laws**

This Agreement shall be governed by the laws of the State of Oregon; provided, however, that Chapter 81.104 of the Revised Code of Washington shall also apply and in the event of any conflict between Chapter 81.104 RCW and the Oregon laws, Chapter 81.104 RCW shall control.

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 279.015 to 279.320 and 279.555.

Specifically, it is a condition of this Agreement that contractor and all employers working under this Agreement are subject to employers under the Oregon Worker's Compensation Law and shall comply with ORS 656.017 which requires them to provide worker's compensation for all their subject workers.

## **13. Documents are Public Property**

All records, reports, data, documents, systems and concepts, whether in the form of writings, figures, graphs, or models which are prepared or developed in connection with the South/North AA/DEIS shall become public property. All work products provided by METRO pursuant to this Agreement shall be made available to CLACKAMAS COUNTY, and all work products provided by CLACKAMAS COUNTY pursuant to this Agreement shall be made available to METRO.

## **14. Project Records**

Comprehensive records and documentation relating to the Scope of Work in the South/North AA/DEIS project shall be maintained by METRO, CLACKAMAS COUNTY and all of their contractors.

Each party shall establish and maintain books, records, documents, and other evidence of accounting procedures and practices, sufficient to properly reflect all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this Agreement. To facilitate the administration of the project, separate accounts shall be established and maintained within METRO's existing accounting system or set up independently. Such accounts are referred to herein collectively as the "Project Account." CLACKAMAS COUNTY shall charge to a Project Account all eligible costs of the project. Costs in excess of the latest approved budget, not performed in accordance with the Scope of Work or attributable to actions which have not received the required approval of METRO, shall not be considered eligible costs.

15. Consultant Selection

Upon request by the Washington State Department of Transportation (WSDOT), METRO and all other participating jurisdictions shall include a representative appointed by WSDOT on the Selection Committee for all agreements. C-TRAN shall notify METRO of its intent to contract in a timely manner. METRO shall be responsible for notifying WSDOT of those contracting opportunities prior to the initiation of the selection process. Notification of such agreement opportunities shall be made to:

Mr. Leon Skiles  
Planning Department  
METRO  
600 NE Grand Avenue  
Portland, Oregon 97232-2736  
503/797-1725

16. Audits, Inspections, and Retention of Records

METRO, the Washington State Auditor, C-TRAN, the Washington State Department of Transportation, the State of Oregon Secretary of State, the Oregon Department of Transportation the Federal Transit Administration and any of their representatives, shall have full access to and the right to examine, during normal business hours and as often as they deem necessary, all of CLACKAMAS COUNTY's and METRO's records with respect to all matters covered by this Agreement. Such representatives shall be permitted to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records and other materials pertaining to costs incurred in connection with the project shall be retained by CLACKAMAS COUNTY and METRO and all of their contractors for three years from the date of completion of the project, or expiration of the grant agreement, whichever is later, to facilitate any audits or inspection.

A final determination of the allowability of costs charged to the project may be made on the basis of an audit or other review. METRO shall notify CLACKAMAS COUNTY of any disallowed amounts stating the reasons therefor. Any funds paid to CLACKAMAS COUNTY in excess of the amount to which CLACKAMAS COUNTY is finally determined to be entitled under the terms of this Agreement constitute a debt to METRO, and shall be returned by CLACKAMAS COUNTY to METRO.

17. Independent Contractor

CLACKAMAS COUNTY shall be deemed an independent contractor for all purposes, and the employees of CLACKAMAS COUNTY or any of its contractors, subcontractors, and the

employees thereof, shall not in any manner be deemed to be the employees of METRO. As such, the employees of CLACKAMAS COUNTY, its contractors, and subcontractors shall not be subject to any withholding for tax, social security, or other purposes by METRO, nor shall such contractor, subcontractor, or employee be entitled to sick leave, pension benefits, vacation, medical benefits, life insurance, workers or unemployment compensation of the like from METRO.

**18. Compliance With Laws and Regulations**

METRO and CLACKAMAS COUNTY shall adhere to all applicable federal, state, and local laws, regulations and policies including, but not limited to those included in "Exhibit C, Federal Requirements," and those related to Workers' Compensation, those in FTA's regulation called the "common rule" and its attachments, those of the Contract Work Hours and Safety Standards Act, and those relating to equal employment opportunity, nondiscrimination, and affirmative action including, but not limited to, those regulations implementing Executive Order No. 11246 of the President of the United States and Section 402 of the Vietnam Readjustment Act of 1973. METRO and CLACKAMAS COUNTY shall adhere to all safety standards and regulations established by METRO for work performed on its premises or under its auspices.

**19. Subcontract Inclusions**

CLACKAMAS COUNTY shall include language substantially similar to the language contained in exhibit C, Federal Requirements of this Agreement in all subcontracts entered into pursuant to this Agreement.

**20. Copyright, Patent Rights, Trademarks, and Trade Secrets**

CLACKAMAS COUNTY shall hold METRO harmless, indemnify and pay the entire cost of defending any claim or suit brought against METRO for alleged infringement of a copyright, patent, trademark, or trade secret based on work products supplied by CLACKAMAS COUNTY or infringements caused by CLACKAMAS COUNTY subject to the limits of the Oregon Tort Claims Act and the Oregon Constitution.

METRO shall hold CLACKAMAS COUNTY harmless, indemnify and pay the entire cost of defending any claim or suit brought against CLACKAMAS COUNTY for alleged infringement of a copyright, patent, trademark, or trade secret based on work products supplied by METRO or infringements caused by METRO subject to the limits of the Oregon Tort Claims Act and the Oregon Constitution.

## 21. Subcontractors and Assignments

Neither METRO nor CLACKAMAS COUNTY shall assign any of their respective rights acquired hereunder without obtaining prior written approval from the other party. Any attempted assignment of this Agreement without the written consent of both parties shall be void. Neither CLACKAMAS COUNTY nor METRO by this Agreement incurs any liability to third persons for payment of any compensation provided herein to METRO or CLACKAMAS COUNTY except as provided under the terms of this Agreement.

## 22. Quality of Work

CLACKAMAS COUNTY agrees that all work shall be completed in a manner consistent with standards prevailing in the industry for similar work. In this regard, CLACKAMAS COUNTY will make every effort to understand METRO's intent with respect to the quality of work expected for this project, and to undertake its work accordingly. Time of performance will be a critical factor in the success of this effort. CLACKAMAS COUNTY shall make every effort to comply with the Scope of Work during its performance of activities under this Agreement's time lines.

## 23. Reports

Publication of all reports shall give credit to the funding parties (the Federal Transit Administration, the State of Oregon, the State of Washington, Metro, C-TRAN and Tri-Met). The following statement will be included in each report:

"Preparation of report has been funded in part by the Federal Transit Administration, the State of Oregon, the State of Washington, Metro, C-TRAN, and Tri-Met. The opinions, findings and conclusions expressed in this report are those of the authors and are not necessarily those of the Federal Transit Administration, the State of Oregon, the State of Washington, Metro, C-TRAN, or Tri-Met."

## 24. Labor and Material

CLACKAMAS COUNTY shall provide and pay for all labor, materials, equipment, tools, water, heat, utilities, transportation, and other facilities and services necessary for the proper execution and completion of all tasks identified in the Scope of Work, all at no cost to METRO other than the compensation provided in this Agreement.



**25. Agreement Modifications**

Either party may request changes in these provisions. Such changes which are mutually agreed upon shall be incorporated as written amendments to this Agreement. No variation or alteration of the terms of this Agreement shall be valid unless made in writing and signed by authorized representatives of the parties hereto.

**26. Severability**

If any covenant or provision in this Agreement shall be adjudged void, such adjudication shall not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid, if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this contract.

IN WITNESS THEREOF, the parties have executed this Agreement on the day and year first written above.

**METRO**

**CLACKAMAS COUNTY**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBITS:**

- A: South/North AA/DEIS Work Plan
- B: Agency Budgets
- C: Federal Requirements

903-683.IGA/bc

Task	Metro	BRW	SMSA	Environment Consultant Services	Design Images	Financial Analysis	EAD Consultant Services	Tri-Met	City of Portland	ODOT
Non Priority Corridor	\$80,000		\$68					\$1,664		
Management	\$100,000		\$14,188					\$59,822		
Public Involvement	\$160,000								\$30,000	
Description of Alternatives	\$250,000	\$41,669	\$1,138		\$100,000		\$407,000	\$249,271	\$15,000	\$100,000
S/E/E Analysis	\$170,000	\$26,250	\$6,465					\$22,066	\$10,000	\$4,352
Transportation Analysis	\$163,861	\$42,089	\$1,600					\$21,817	\$5,000	\$5,037
Financial Analysis	\$30,000		\$32,000			\$30,000		\$9,941	\$5,000	
Evaluation	\$120,000		\$19,583					\$184,624	\$5,000	\$2,000
Non Priority Total	\$993,861	\$110,008	\$74,972		\$100,000	\$30,000	\$407,000	\$547,541	\$70,000	\$111,389
Management	\$220,000			\$250,000				\$103,149		
Public Involvement	\$316,761			\$100,000				\$4,051	\$50,000	
Description of Alternatives	\$300,000			\$100,000			\$793,000	\$481,320	\$24,000	\$118,975
S/E/E Analysis	\$700,000			\$820,000				\$40,622	\$35,000	\$9,290
Transportation Analysis	\$500,000			\$300,000				\$35,416	\$20,000	\$9,290
Financial Analysis	\$120,000			\$100,000				\$31,081		\$20,047
Evaluation	\$80,000			\$80,000				\$80,024	\$10,000	\$2,000
Priority Total	\$2,238,761			\$1,750,000			\$793,000	\$775,663	\$139,000	\$159,602
Total	\$3,310,622	\$110,008	\$75,040	\$1,750,000	\$100,000	\$30,000	\$1,200,000	\$1,324,868	\$209,000	\$270,991
Funded	\$2,406,788	\$110,008	\$75,040	\$1,750,000	\$100,000	\$30,000	\$1,200,000	\$963,165	\$151,941	\$197,008

**Total \$10,787,994**  
**Total Consultants/Contingency/ERP \$3,922,762**  
**Sub-Total Agency Staff \$6,865,232**

**Secured Revenue \$8,400,000**  
**Total Consultants/ERP \$3,409,048**  
**Sub-Total: Revenue for Agency Expenditures \$4,990,952**

**Percent Consultant and ERP Funded 100%**  
**Percent Agency Expenditures Funded 72.70%**  
**Total New Revenue Needed \$2,387,994**  
**28.43%**

Task	Multnomah Co.	City of Milwaukie	Clackamas Co.	Oregon City	Gladstone	Port of Portland	WSDOT Olympia ERP	C-TRAN	Clark Co.	City of Vancouver
Non-Priority Corridor						\$35,854			\$1,220	\$1,100
Tier I										
Management	\$1,272	\$4,375	\$4,568	\$6,438	\$3,940		\$35,000	\$18,730	\$2,080	\$1,251
Public Involvement		\$14,000	\$16,136	\$5,630	\$1,290			\$27,392	\$8,160	\$7,476
Description of Alternative	\$7,708	\$12,833	\$23,361	\$9,540	\$2,500			\$30,848	\$1,500	\$1,827
S/E Analysis	\$1,500	\$8,720	\$8,032	\$2,595	\$1,375			\$5,598	\$1,860	\$2,751
Transportation Analysis	\$500	\$280	\$3,654	\$710	\$690			\$40,953	\$4,380	\$3,325
Financial Analysis	\$500	\$840	\$1,176	\$650				\$2,951	\$1,860	\$1,100
Evaluation	\$1,920	\$1,400	\$3,911	\$1,340	\$1,000			\$10,440	\$15,880	\$11,676
Tier Total	\$13,400	\$40,448	\$60,838	\$28,903	\$10,795		\$35,000	\$138,912	\$35,720	\$29,408
Tier II										
Management	\$4,277	\$840	\$3,023	\$5,400	\$1,375		\$109,000	\$36,822	\$6,160	\$8,251
Public Involvement	\$3,200	\$10,000	\$21,275	\$8,495	\$2,320			\$122,740	\$12,000	\$20,625
Description of Alternative	\$8,097	\$21,800	\$11,253	\$3,030	\$2,300			\$57,437	\$3,080	\$4,125
S/E Analysis	\$5,254	\$22,200	\$10,208	\$6,580	\$3,690			\$130,350	\$7,000	\$8,251
Transportation Analysis	\$1,949	\$19,560	\$3,278	\$2,690	\$1,720			\$50,985	\$7,000	\$16,500
Financial Analysis	\$968	\$1,960	\$2,953	\$1,000				\$12,274	\$6,160	\$4,125
Evaluation	\$851	\$2,000	\$3,510	\$6,490	\$850			\$35,427	\$10,000	\$20,625
Tier II Total	\$22,598	\$78,360	\$55,500	\$33,685	\$12,255		\$109,000	\$448,035	\$51,400	\$82,502
Total	\$35,998	\$118,808	\$116,338	\$60,588	\$23,050	\$35,854	\$144,000	\$582,947	\$88,340	\$113,008
Funded	\$26,169	\$86,372	\$84,577	\$44,047	\$16,757	\$26,065	\$144,000	\$423,796	\$84,222	\$82,156

Task	WSDOT Clark			Total
	RTC	Co.	Contingency (5%)	
Non-Priority Corridor	\$7,749		\$6,383	\$134,038
<b>Tier I</b>				
Management	\$24,983	\$500	\$13,857	\$291,004
Public Involvement	\$10,800		\$14,044	\$294,928
Description of Alternatives	\$66,257	\$6,116	\$66,328	\$1,392,896
SEI Analysis	\$25,032	\$5,000	\$14,980	\$314,575
Transportation Analysis	\$52,500	\$2,700	\$17,455	\$366,551
Financial Analysis	\$8,000		\$6,201	\$130,219
Evaluation	\$22,925		\$20,085	\$421,783
<b>Tier I Total</b>	<b>\$210,497</b>	<b>\$14,316</b>	<b>\$152,950</b>	<b>\$3,211,956</b>
<b>Tier II</b>				
Management	\$25,800	\$1,050	\$38,757	\$813,904
Public Involvement	\$16,500		\$34,398	\$722,365
Description of Alternatives	\$112,600	\$11,210	\$102,511	\$2,152,738
SEI Analysis	\$24,800	\$7,000	\$91,512	\$1,921,757
Transportation Analysis	\$89,000	\$5,000	\$53,119	\$1,115,507
Financial Analysis	\$8,300		\$15,443	\$324,311
Evaluation	\$41,000		\$18,639	\$391,416
<b>Tier II Total</b>	<b>\$318,000</b>	<b>\$24,260</b>	<b>\$354,381</b>	<b>\$7,442,000</b>
<b>Total</b>	<b>\$536,246</b>	<b>\$38,576</b>	<b>\$513,714</b>	<b>\$10,787,994</b>
<b>Funded</b>	<b>\$389,845</b>	<b>\$28,044</b>		<b>\$8,400,000</b>



# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From

Date 4/27/94

JRI-MET

Department Planning

Subject

710 NE HOLLADAY

Division HCT

Bid

Contract

PORTLAND OR 97232

Name Darlene Badrick  
(for Karen Thackston)

RFP

Other

Vendor no.

Title Asst. Mgt. Analyst

Contract no. 90 3078

Extension 1740 1590

Purpose South/North Transit Corridor Study

Alternatives Analysis/DEIS Statement

### Expense

Procurement  Personal/professional services  Services (L/M)  Construction  IGA

### Revenue

Budget code(s)

140 122200 524190 45.510

### Price basis

### Term

Contract

Unit

Completion

Grant

Total

Annual

Other

Other

Multi-year\*\*

This project is listed in the  
199 3 -199 4 budget.

### Payment required

1-1-94

Beginning date

4/94 budg.  Yes  Type A  
amendment  No  Type B  
Resolution attchd-multi-year

Lump sum

12/31/96

Progress payments

Ending date

Total commitment	Original amount	\$ <u>1,324,868</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>1,324,868</u>
	Total	\$ <u>1,324,868</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager

[Signature]  
Department director

Labor

Fiscal

Budget

Risk

Legal



# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From \_\_\_\_\_ Date 4/27/94

Department Planning Subject CITY OF PORTLAND

Division HCT  Bid  Contract 1120 SW 5TH AVE, RM 702

Name Darlene Badrick  RFP  Other PORTLAND, OR 97204

(for Karen Thackston) Vendor no. \_\_\_\_\_

Title Asst. Mgt. Analyst Contract no. 903679

Extension 17401590 Purpose South/North Transit Corridor Study

Alternatives Analysis/DEIS Statement

### Expense

Procurement  Personal/professional services  Services (LM)  Construction  IGA

Revenue	Budget code(s)	Price basis	Term
<input type="checkbox"/> Contract	<u>140 122200 524190 45580</u>	<input type="checkbox"/> Unit	<input type="checkbox"/> Completion
<input type="checkbox"/> Grant	_____	<input checked="" type="checkbox"/> Total	<input type="checkbox"/> Annual
<input type="checkbox"/> Other	_____	<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Multi-year**
This project is listed in the		Payment required	<u>1-1-94</u>
<u>199_3 -199_4</u> budget.		<input type="checkbox"/> Lump sum	Beginning date
4/94 budg. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Type A		<input type="checkbox"/> Progress payments	<u>12/31/96</u>
amendment <input checked="" type="checkbox"/> No <input type="checkbox"/> Type B			Ending date
Resolution <u>attchd-multi-year</u>			

Total commitment	Original amount	\$ <u>209,000</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>209,000</u>
	Total	\$ <u>209,000</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager \_\_\_\_\_ Department director *[Signature]* Labor \_\_\_\_\_

Fiscal \_\_\_\_\_ Budget \_\_\_\_\_ Risk \_\_\_\_\_

Legal \_\_\_\_\_



# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From \_\_\_\_\_

Date 4/27/94

ODOT (REGION 1)

Department: Planning

Subject \_\_\_\_\_

9002 SE McLOUGHLIN BLVD

Division HCT

Bid  Contract

MILWAUKIE OR 97222

Name Darlene Badrick  
(for Karen Thackston)

RFP  Other

Vendor no. \_\_\_\_\_

Title Asst. Mgt. Analyst

Contract no. 90 3680

Extension -1740 1590

Purpose South/North Transit Corridor Study  
Alternatives Analysis/DEIS Statement

### Expense

Procurement  Personal/professional services  Services (LM)  Construction  IGA

### Revenue

Contract  
 Grant  
 Other

Budget code(s)  
140 122200 524190 45530

### Price basis

Unit  
 Total  
 Other

### Term

Completion  
 Annual  
 Multi-year\*\*

This project is listed in the  
1993-1994 budget.

4/94 budg.  Yes  Type A  
amendment  No  Type B  
Resolution attachd-multi-year

### Payment required

Lump sum  
 Progress payments

1-1-94  
Beginning date  
12/31/96  
Ending date

Total commitment	Original amount	\$ <u>270,991</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>270,991</u>
	Total	\$ <u>270,991</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager \_\_\_\_\_

[Signature]  
Department director

Labor \_\_\_\_\_

Fiscal \_\_\_\_\_

Budget \_\_\_\_\_

Risk \_\_\_\_\_

Legal \_\_\_\_\_



# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From \_\_\_\_\_

Date 4/27/94

MULTNOMAH COUNTY

Department: Planning

Subject \_\_\_\_\_

1620 SE 190th

Division HCT

Bid  Contract

PORTLAND OR 97233

Name Darlene Badrick  
(for Karen Thackston)

RFP  Other

Vendor no. \_\_\_\_\_

Title Asst. Mgt. Analyst

Contract no. 90 3681

Extension 1740 1590

Purpose South/North Transit Corridor Study  
Alternatives Analysis/DEIS Statement

### Expense

Procurement  Personal/professional services  Services (LM)  Construction  IGA

### Revenue

Contract  
 Grant  
 Other

Budget code(s)  
140 122200 524190 45600

Price basis  
 Unit  
 Total  
 Other

Term  
 Completion  
 Annual  
 Multi-year\*\*

This project is listed in the  
1993 -1994 budget.

Payment required  
 Lump sum  
 Progress payments

1-1-94  
Beginning date  
12/31/96  
Ending date

4/94 budg.  Yes  Type A  
amendment  No  Type B  
Resolution attchd-multi-year

Total commitment	Original amount	\$ <u>35,996</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>35,996</u>
	Total	\$ <u>35,996</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager \_\_\_\_\_ Department director Alahen

Labor

Fiscal \_\_\_\_\_ Budget

Risk

Legal \_\_\_\_\_





# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From \_\_\_\_\_

Date 4/27/94

CITY OF MILWAUKIE

Department: Planning

Subject

P.O. Box 22009

Division HCT

Bid

Contract

MILWAUKIE OR 97222

Name Darlene Badrick  
(for Karen Thackston)

RFP

Other

Vendor no. \_\_\_\_\_

Title Asst. Mgt. Analyst

Contract no. 903682

Extension 17401590

Purpose South/North Transit Corridor Study  
Alternatives Analysis/DEIS Statement

### Expense

Procurement  Personal/professional services  Services (L/M)  Construction  IGA

### Revenue

Budget code(s)  
140 122200 524190 45570

### Price basis

### Term

Contract

Unit

Completion

Grant

Total

Annual

Other

Other

Multi-year\*\*

This project is listed in the  
199 3 -199 4 budget.

### Payment required

1-1-94

4/94 budg.  Yes  Type A  
amendment  No  Type B  
Resolution attachd-multi-year

Lump sum

Beginning date

Progress payments

12/31/96

Ending date

Total commitment	Original amount	\$ <u>118,808</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>118,808</u>
	Total	\$ <u>118,808</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager \_\_\_\_\_

Department director *Al Hofman*

Labor \_\_\_\_\_

Fiscal \_\_\_\_\_

Budget \_\_\_\_\_

Risk \_\_\_\_\_

Legal \_\_\_\_\_



# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From \_\_\_\_\_ Date 4/27/94 CLACKAMAS COUNTY

Department: planning Subject 902 ABERNETHY ROAD

Division HCT  Bid  Contract OREGON CITY, OR 97045

Name Darlene Badrick  RFP  Other Vendor no. \_\_\_\_\_

(for Karen Thackston)

Title Asst. Mgt. Analyst Contract no. 903683

Extension -1740 1590 Purpose South/North Transit Corridor Study

Alternatives Analysis/DEIS Statement

### Expense

Procurement  Personal/professional services  Services (LM)  Construction  IGA

Revenue	Budget code(s)	Price basis	Term
<input type="checkbox"/> Contract	<u>140 122200 524190 45590</u>	<input type="checkbox"/> Unit	<input type="checkbox"/> Completion
<input type="checkbox"/> Grant	_____	<input checked="" type="checkbox"/> Total	<input type="checkbox"/> Annual
<input type="checkbox"/> Other	_____	<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Multi-year**
This project is listed in the		Payment required	<u>1-1-94</u>
199 <u>3</u> -199 <u>4</u> budget.		<input type="checkbox"/> Lump sum	Beginning date
4/94 budg. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Type A		<input type="checkbox"/> Progress payments	<u>12/31/96</u>
amendment <input type="checkbox"/> No <input type="checkbox"/> Type B			Ending date
Resolution <u>attchd-multi year</u>			

Total commitment	Original amount	\$ <u>116,338</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>116,338</u>
	Total	\$ <u>116,338</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager \_\_\_\_\_ Department director *[Signature]* Labor \_\_\_\_\_

Fiscal \_\_\_\_\_ Budget \_\_\_\_\_ Risk \_\_\_\_\_

Legal \_\_\_\_\_



# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From \_\_\_\_\_

Date 4/27/94

CITY OF OREGON CITY

Department: Planning

Subject

320 WARNER MILNE ROAD

Division HCT

Bid  Contract

OREGON CITY OR 97045

Name Darlene Badrick  
(for Karen Thackston)

RFP  Other

Vendor no. \_\_\_\_\_

Title Asst. Mgt. Analyst

Contract no. 903684

Extension 1740 1590

Purpose South/North Transit Corridor Study  
Alternatives Analysis/DEIS Statement

### Expense

Procurement  Personal/professional services  Services (L/M)  Construction  IGA

### Revenue

Budget code(s)  
140 122200 524190 45610

### Price basis

### Term

Contract  
 Grant  
 Other

Unit  
 Total  
 Other

Completion  
 Annual  
 Multi-year\*\*

This project is listed in the  
199\_3\_ -199\_4\_ budget.

### Payment required

1-1-94  
Beginning date

4/94 budg.  Yes  Type A  
amendment  No  Type B  
Resolution attchd-multi-year

Lump sum  
 Progress payments

12/31/96  
Ending date

Total commitment	Original amount	\$ <u>60,588</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>60,588</u>
	Total	\$ <u>60,588</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager \_\_\_\_\_

Department director ALG

Labor \_\_\_\_\_

Fiscal \_\_\_\_\_

Budget \_\_\_\_\_

Risk \_\_\_\_\_

Legal \_\_\_\_\_



# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From \_\_\_\_\_

Date 4/27/94

CITY OF GLADSTONE

Department Planning

Subject \_\_\_\_\_

525 PORTLAND AVE.

Division HCT

Name Darlene Badrick  
(for Karen Thackston)

Bid  Contract

GLADSTONE OR 97027

Title Asst. Mgt. Analyst

RFP  Other

Vendor no. \_\_\_\_\_

Extension -1740 1590

Purpose South/North Transit Corridor Study  
Alternatives Analysis/DEIS Statement

Contract no. 903685

### Expense

Procurement  Personal/professional services  Services (L/M)  Construction  IGA

### Revenue

Contract  
 Grant  
 Other

Budget code(s)  
140 122200 524190 45470

Price basis  
 Unit  
 Total  
 Other

Term  
 Completion  
 Annual  
 Multi-year\*\*

This project is listed in the  
199 3 -199 4 budget.

Payment required  
 Lump sum  
 Progress payments

1-1-94  
Beginning date  
12/31/96  
Ending date

4/94 budg.  Yes  Type A  
amendment  No  Type B  
Resolution attachd-multi-year

Total commitment	Original amount	\$ <u>23,050</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>23,050</u>
	Total	\$ <u>23,050</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager \_\_\_\_\_

Alch...  
Department director

Labor \_\_\_\_\_

Fiscal \_\_\_\_\_

Budget \_\_\_\_\_

Risk \_\_\_\_\_

Legal \_\_\_\_\_



# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From

Date 4/27/94

PORT OF PORTLAND

Department Planning

Subject

P.O. BOX 3529

Division HCT

Bid

Contract

PORTLAND OR 97208

Name Darlene Badrick  
(for Karen Thackston)

RFP

Other

Vendor no.

Title Asst. Mgt. Analyst

Contract no. 983686

Extension -1740-1590

Purpose South/North Transit Corridor Study  
Alternatives Analysis/DEIS Statement

### Expense

Procurement  Personal/professional services  Services (LM)  Construction  IGA

### Revenue

Budget code(s)

140 122200 524190 45470

Price basis

Term

Contract

Unit

Completion

Grant

Total

Annual

Other

Other

Multi-year\*\*

This project is listed in the  
199\_3\_ - 199\_4\_ budget.

Payment required

1-1-94

4/94 budg.  Yes  Type A  
amendment  No  Type B  
Resolution attachd-multi year

Lump sum

Beginning date

Progress payments

12/31/96

Ending date

Total commitment	Original amount	\$ <u>35,854</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>35,854</u>
	Total	\$ <u>35,854</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager

Alhjn  
Department director

Labor

Fiscal

Budget

Risk

Legal



# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From

Date 4/27/94

C-TRAN

Department: Planning

Subject

P.O. Box 2529

Division HCT

Bid

Contract

VANCOUVER, WA 98668-2529

Name Darlene Badrick  
(for Karen Thackston)

RFP

Other

Vendor no.

Title Asst. Mgt. Analyst

Contract no. 903687

Extension 1740-1590

Purpose South/North Transit Corridor Study

Alternatives Analysis/DEIS Statement

Expense

Procurement

Personal/professional services

Services (LM)

Construction

IGA

Revenue

Budget code(s)

Price basis

Term

Contract

140 122200 524190 45520

Unit

Completion

Grant

Total

Annual

Other

Other

Multi-year\*\*

This project is listed in the  
199\_3 -199\_4 budget.

Payment required

1-1-94

4/94 budg.  Yes

Type A

Lump sum

Beginning date

amendment  No

Type B

Progress payments

12/31/96

Resolution attachd-multi-year

Ending date

Total commitment

Original amount

\$ 582,947

Previous amendments

\$ 0

This transaction

\$ 582,947

Total

\$ 582,947

A. Amount of contract to be spent fiscal year \_\_\_\_\_

\$

B. Amount budgeted for contract \_\_\_\_\_

\$

C. Uncommitted/discretionary funds remaining as of \_\_\_\_\_

\$

Approvals

Division manager

Department director AB hpr

Labor

Fiscal

Budget

Risk

Legal



# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From \_\_\_\_\_

Date 4/27/94

CLARK COUNTY

Department: Planning

Subject

1408 FRANKLIN STREET

Division HCT

Bid  Contract

VANCOUVER WA 98668

Name Darlene Badrick  
(for Karen Thackston)

RFP  Other

Vendor no. \_\_\_\_\_

Title Asst. Mgt. Analyst

Contract no. 903688

Extension -1740-1590

Purpose South/North Transit Corridor Study  
Alternatives Analysis/DEIS Statement

### Expense

Procurement  Personal/professional services  Services (LM)  Construction  IGA

### Revenue

Budget code(s)  
140 122200 524190 45550

### Price basis

### Term

Contract  
 Grant  
 Other

Unit  
 Total  
 Other

Completion  
 Annual  
 Multi-year\*\*

This project is listed in the  
199\_3\_-199\_4\_ budget.

### Payment required

1-1-94  
Beginning date

4/94 budg.  Yes  Type A  
amendment  No  Type B  
Resolution attachd-multi-year

Lump sum  
 Progress payments

12/31/96  
Ending date

Total commitment	Original amount	\$ <u>88,340</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>88,340</u>
	Total	\$ <u>88,340</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager \_\_\_\_\_

Al Hoffman  
Department director

Labor \_\_\_\_\_

Fiscal \_\_\_\_\_

Budget \_\_\_\_\_

Risk \_\_\_\_\_

Legal \_\_\_\_\_



# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From

Date 4/27/94

CITY OF VANCOUVER

Department Planning

P.O. BOX 1995

Division HCT

Subject

VANCOUVER, WA 98668

Name Darlene Badrick  
(for Karen Thackston)

Bid

Contract

Vendor no.

Title Asst. Mgt. Analyst

RFP

Other

Contract no. 903689

Extension 1740 1590

Purpose South/North Transit Corridor Study  
Alternatives Analysis/DEIS Statement

### Expense

Procurement  Personal/professional services  Services (LM)  Construction  IGA

### Revenue

Budget code(s)  
140 122200 524190 45560

### Price basis

### Term

Contract

Unit

Completion

Grant

Total

Annual

Other

Other

Multi-year\*\*

This project is listed in the  
1993 -1994 budget.

### Payment required

1-1-94

4/94 budg.  Yes  Type A  
amendment  No  Type B  
Resolution attachd-multi-year

Lump sum

Beginning date

Progress payments

12/31/96  
Ending date

Total commitment	Original amount	\$ <u>113,008</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>113,008</u>
	Total	\$ <u>113,008</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager

A. L. Hagen  
Department director

Labor

Fiscal

Budget

Risk

Legal





# METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

## Procurement Review Summary

To: Procurement and Contracts Division

Vendor

From \_\_\_\_\_

Date 4/27/94

SW WASHINGTON RTC

Department Planning

Subject

1351 OFFICERS' ROW

Division HCT

Bid

Contract

VANCOUVER, WA 98661

Name Darlene Badrick  
(for Karen Thackston)

RFP

Other

Vendor no. \_\_\_\_\_

Title Asst. Mgt. Analyst

Contract no. 903690

Extension 1740-1590

Purpose South/North Transit Corridor Study  
Alternatives Analysis/DEIS Statement

### Expense

Procurement  Personal/professional services  Services (LM)  Construction  IGA

### Revenue

Contract

Grant

Other

Budget code(s)  
140 122200 524190 456 90

### Price basis

Unit

Total

Other

### Term

Completion

Annual

Multi-year\*\*

This project is listed in the  
199 3 -199 4 budget.

4/94 budg.  Yes  Type A  
amendment  No  Type B  
Resolution attchd-multi year

### Payment required

Lump sum

Progress payments

1-1-94  
Beginning date

12/31/96  
Ending date

Total commitment	Original amount	\$ <u>536,246</u>
	Previous amendments	\$ <u>0</u>
	This transaction	\$ <u>536,246</u>
	Total	\$ <u>536,246</u>
	A. Amount of contract to be spent fiscal year _____	\$ _____
	B. Amount budgeted for contract _____	\$ _____
	C. Uncommitted/discretionary funds remaining as of _____	\$ _____

### Approvals

Division manager \_\_\_\_\_

AC [Signature]  
Department director

Labor

Fiscal \_\_\_\_\_

Budget

Risk

Legal \_\_\_\_\_

## STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 94-1960 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE FOURTEEN (14) MULTI-YEAR INTERGOVERNMENTAL AGREEMENTS FOR SOUTH/NORTH AA/DEIS PROJECTS.

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May 10, 1994

Presented by: Andrew Cotugno

### PROPOSED ACTION

Authorize the execution of intergovernmental agreements between Metro and the following jurisdictions and agencies for the South/North Transit Corridor Study and the extension of an IGA with the Port of Portland: Tri-Met, City of Portland, Oregon Department of Transportation (ODOT), Multnomah County, City of Milwaukie, Clackamas County, Oregon City, City of Gladstone, C-TRAN, Clark County, City of Vancouver, Southwest Washington Regional Transportation Council (RTC) and the Washington State Department of Transportation.

The agreements recognize Metro as the lead agency for the South/North Transit Corridor Study and the manager of all project funds. The agreements outline responsibilities and products assigned to the participating jurisdictions and the reimbursement that they will receive from the project through Metro.

### FACTUAL BACKGROUND AND ANALYSIS

1. **Priority Corridor Selection.** In April, 1993, Metro Council and RTC adopted joint resolution 93-1784 which established the South/North Transit Corridor as the region's next priority for a high capacity transit (HCT) study. The priority corridor designation was the conclusion of Phase One of the I-205/Milwaukie and the I-5/I-205 Portland/Vancouver Preliminary Alternatives Analyses (Pre-AA).

2. **Initiation of AA/DEIS.** In June 1993, Metro submitted an application to the Federal Transit Administration (FTA) to advance the South/North Corridor into Alternatives Analysis and asked FTA to issue its notice of intent to publish an environmental impact statement for the South/North Corridor. The request separated the South/North Transit Corridor Study into two tiers: Tier I to narrow the range of alternatives to be studied in the Draft Environmental Impact Statement (DEIS) and Tier II to prepare the DEIS and to select a locally preferred alternative. Tier I was described as containing much of the work that had previously been included within Phases Two and Three of the Pre-AAs. FTA approved the *Preliminary Work Plan* in September 1993 and issued its notice of intent to publish a DEIS in the *Federal Register* in October 1993.

**3. Funding the Study.** Committed resources of \$8.4 million include approximately \$2.6 million in Federal E-4 funds, \$2.0 million in State of Oregon Lottery Funds, \$2.5 million in Washington State High Capacity Transit Account funds, \$.63 million in C-TRAN funds, \$.4 million in residual I-205/Milwaukie Pre-AA Federal funds, and over \$112,000 in local match from Oregon jurisdictions remaining from the Pre-AAs.

On May 5, 1994 the South/North Project Management Group (PMG) adopted a revised budget for the study totaling \$10,787,994. This budget includes all Tier I and II tasks as well as completion of an Action Plan for the I-205 Corridor.

**4. Intergovernmental Agreements.** All agencies and jurisdictions participating in the South/North Study, except the City of Gladstone and Oregon City, had Pre-AA IGAs with Metro that were effective through September 1993. Locally, work on the South/North Transit Corridor Study was initiated in July 1993 and was conducted using the Pre-AA IGAs that were extended through December 1993. Revenue IGAs between Metro and C-TRAN and Metro and ODOT were executed effective July 1993 and February 1994, respectively. Another IGA between Metro and WSDOT that provides for sharing the costs of funding the Expert Review Panel was executed in November 1993.

The proposed IGAs provides for the continuation of work on the South/North Study through the conclusion of Tier II and the selection of a locally preferred alternative in mid-1996. The IGAs are in compliance with the *South/North Work Plan* approved by the PMG on May 5, 1994. This *Work Plan* defines all the work elements and tasks needed to complete Tier I and Tier II of the study and defines the responsibilities and products assigned to each agency and jurisdiction for each task in the study. The *Work Plan* is the scope of work for each of the proposed IGAs.

Prior to the adoption of the new budget, Metro worked and with each jurisdiction to identify only the essential tasks and expenditures needed to complete Tier I and II. This budget is broken down by each agency and major consultant contact and includes a five-percent contingency. Over \$500,000 in savings were identified and excluded from the adopted budget.

Further, the IGAs provide a mechanism for acknowledging the study's revenue shortfall of approximately \$2.4 million. Consistent with an approach approved by the South/North PMG on April 15, 1994, the IGAs approve a complete budget for each jurisdiction. For Tri-Met and Metro, the IGAs assure that 100% of all identified consultant contract obligations and Metro's existing IGA with WSDOT to fund support for the Expert Review Panel are funded. For all other expenses within the IGAs (e.g. staff, overhead, materials and unidentified services) Metro can ensure at this time that only 72.7% of those costs are funded.

Under the PMG's approach and described within the IGAs, following the conclusion of the Action Plan for the I-205 Corridor (approximately September 1994) Metro and the jurisdictions will prepare a funding plan to cover the \$2.4 million revenue shortfall and submit it to the PMG for approval. Additional funding sources include the State of Oregon, the State of Washington, Federal E-4 grants and contributions from local jurisdictions.

Table I below identifies the budgets for each jurisdiction's proposed IGA, consistent with Attachment A (the total revised study budget as adopted by the PMG). Attachment B provides an example of the contract language consistent with all new IGAs with slight modifications for ODOT, Tri-Met, Oregon City and Gladstone.

Table I

Agency	Pre-AA IGA 7/1-	This IGA	Total	Funded Portion of
	12/31/93	1/1/93-3/31/96	7/1/93-3/31/96	Total
Tri-Met	\$224,878	\$1,099,990	\$1,324,868	\$963,165
Tri-Met Engineering Consultant		\$1,200,000	\$1,200,000	\$1,200,000
City of Portland	\$10,000	\$199,000	\$209,000	\$151,941
ODOT	\$22,072	\$248,919	\$270,991	\$197,008
Multnomah Co.	\$2,838	\$33,158	\$35,996	\$26,169
City of Milwaukie	\$7,608	\$111,200	\$118,808	\$86,372
Clackamas Co.	\$18,021	\$98,317	\$116,338	\$84,577
Oregon City	\$7,287	\$53,301	\$60,588	\$44,047
Gladstone	\$750	\$22,300	\$23,050	\$16,757
Port of Portland	\$10,854	\$25,000	\$35,854	\$26,065
C-TRAN	\$41,521	\$541,426	\$582,947	\$423,796
Clark Co.	\$15,920	\$72,420	\$88,340	\$64,222
City of Vancouver	\$3,002	\$110,006	\$113,008	\$82,156
RTC	\$16,246	\$520,000	\$536,246	\$389,845
WSDOT Clark Co.	\$2,216	\$36,360	\$38,576	\$28,044

Note: Gladstone and Oregon City IGAs would be effective 7/1/93-3/31/96. Port of Portland IGA would be an extension of the Pre-AA IGA

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 94-1960.

Meeting Date: May 26, 1994  
Agenda Item No. 7.2

RESOLUTION NO. 94-1962



**METRO**

DATE: May 20, 1994

TO: Metro Council  
Executive Officer  
Agenda Recipients

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

RE: AGENDA ITEM NO. 7.2; RESOLUTION NO. 94-1962

The Planning Committee report will be distributed in advance to Councilors and available at the Council meeting May 26, 1994.

**BEFORE THE METRO COUNCIL**

**FOR THE PURPOSE OF )  
COORDINATING TECHNICAL )  
ASSISTANCE BETWEEN METRO )  
AND THE REGIONAL WATER )  
SUPPLY PLANNING STUDY**

**RESOLUTION NO. 94-1962**

**Introduced by  
the Planning Committee**

WHEREAS, The Metro FY 1994-99 Water Resources Program work plan, adopted by the Metro Council by Resolution 93-1873A on December 23, 1993, identifies specific work program activities addressing growth management and water supply planning; this includes a work element requiring coordination with the Regional Water Supply Study whereby Metro provides to the study growth management data and RLIS maps; and

WHEREAS, Metro's Region 2040 project, in developing and analyzing growth concepts and population projections that will lead to adoption of Metro growth management policy, has received the technical expertise of the region's water providers; and

WHEREAS, The Regional Water Supply Planning Study has utilized data from the Region 2040 Base Case II population figures to conduct its regional water demand modeling work elements;

WHEREAS, The Metro Council's decision regarding the Region 2040 preferred alternative must follow an extensive public involvement process that includes local

government and the general public that will not be completed in time to provide final population figures to assist the Regional Water Supply Planning Study in a timely manner; and

WHEREAS, The Metro Planning Department staff is in the process of developing new population numbers in the form of a preliminary staff recommendation that will provide more current data from which to re-generate the Regional Water Supply Planning Study water demand forecasts; and

WHEREAS, The Regional Water Supply Study has requested, in Attachment A, release of these newer numbers with the full understanding that such release should not be construed as evidence of any formal decision by the Metro Council regarding the direction to be taken in the final Region 2040 decision; now, therefore

BE IT RESOLVED,

1. That the Metro Council recognizes the need for the Regional Water Supply Planning Study to continue its work plan on schedule without having to inordinately delay the study until final adoption of a Region 2040 decision next summer.
2. That the Metro Council agrees that the new population numbers being generated by the Region 2040 staff will provide a better basis for water demand modeling than the previously provided Base Case II numbers and that the new numbers should be provided



for the use of the Regional Water Supply Planning Study.

3. That the Metro Council, in allowing release of these preliminary numbers, does not establish any preliminary determination regarding the final direction of the Region 2040 decision until after the local government and public involvement process has been completed, a final Executive Officer recommendation is given to the Council and adequate deliberation has taken place on this critical matter.

4. That the Regional Water Supply Planning Study is requested to consider the affect on its plan after the final Region 2040 decision is adopted and that Metro will consider adoption of this Water Supply Plan as an element of the Metro Regional Framework Plan based upon this consistency.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

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



# REGIONAL WATER SUPPLY PLAN

## Portland Metropolitan Area

May 12, 1994

### PARTICIPATING WATER PROVIDERS

City of Beaverton  
 Canby Utilities  
 Board  
 Clackamas Water  
 District  
 City of Gladstone  
 Clairmont Water  
 District  
 Damascus Water  
 District  
 City of Fairview  
 City of Gresham  
 City of Hillsboro,  
 Utilities Commission  
 City of Forest Grove  
 City of Lake Oswego  
 City of Milwaukie  
 Mt. Scott Water  
 District  
 Oak Lodge Water  
 District  
 City of Portland  
 Raleigh Water  
 District  
 Rockwood Water  
 City of Sandy  
 City of Sherwood  
 South Fork Water  
 Board,  
 (City of Oregon City  
 City of West Linn)  
 Tigard Water Dist.  
 City of Troutdale  
 City of Tualatin  
 Tualatin Valley  
 Water District  
 West Slope Water  
 District  
 City of Wilsonville  
 City of Wood Village

Councilor Susan McLain  
 Metro Council  
 600 Northeast Grand Ave.  
 Portland, Oregon 97232-2736

Dear Councilor McLain:

The participants in the Regional Water Supply Plan project want to thank you and the other members of the Metro Planning Committee for hearing from us at your May 5 meeting. As we made clear during our presentation, and in our written material, we are looking to Metro to assist us in providing guidance on what population projection numbers to use in creating our water demand forecast. As you know we are engaged in a two and a half year planning project which has been underway for the last year. Between October of 1993 and March of 1994 we obtained Base Case II numbers from the Metro staff and have done one water demand forecast based upon those numbers. Although the absolute numbers will not change, the geographic distribution and density of that population does have an impact on where water demands will occur and to some extent the nature and volume of those demands, particularly related to seasonality and per capita consumption.

As a result we now find ourselves in need by June 30 of a set of population projections which are more current and in our estimation more closely approximate the likely outcome of a growth management strategy for the region expected in October of this year. We would ask that Metro formally direct staff to provide the region's water providers with the best available numbers as guidance so that we can continue to move forward with the regional water supply plan on a timely basis. We recognize that these are not sanctioned numbers based on any decision on the Metro Council's part which would prejudge the outcome of the 2040 public process. The numbers would be best available based upon the process to date and will be provided to us as guidance. It is our feeling that these numbers would have to result in a closer approximation of the regional decision than the use of the Base Case II numbers and would be developed based upon the extensive work that has gone into the Metro 2040 process to date. It is our intent to revise our water demand forecast based upon these new numbers. We will also ensure that the preliminary and final

regional water supply plan will contain the flexibility to reflect the decision on the growth concept to be made by the Council later this year as well as any changes which may result in the early part of 1995. Later plan updates can revise the demand forecasts based upon the adopted growth concept as refined by subsequent Metro and local government decision making processes.

We hope that the Metro Council will find this an acceptable course of action and look forward to hearing from you in the near future.

If you have any questions regarding this matter or if we can be of further assistance to you in any way please do not hesitate to call upon us.

Sincerely Yours,

Handwritten signature of Tim Erwert in cursive script, with a small flourish to the right.

Tim Erwert, Chair  
Steering Committee

cc: Participants Committee members  
Rosemary Furfey  
Andy Cotugno

## STAFF REPORT

### CONSIDER OF RESOLUTION NO. 94-1962 FOR THE PURPOSE OF COORDINATING TECHNICAL ASSISTANCE BETWEEN METRO AND THE REGIONAL WATER SUPPLY PLANNING STUDY

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Date: May 12, 1994

Presented By: Rosemary Furfey

#### FACTUAL ANALYSIS

On May 5, 1994, representatives from the Regional Water Supply Planning Study (RWSPS) made a presentation to the Metro Council Planning Committee. They provided an update on the project's schedule of activities, analyses and products. They then sought Planning Committee guidance on what population projection numbers to use in creating demand forecasts. The RWSPS is currently using the Region 2040 project's Base Case II population numbers provided by Metro for its water demand forecasting. They explained that they want to use the most current Region 2040 population distribution numbers which will more closely approximate the likely growth strategy that the Council will adopt. They need these projections by end of June in order to keep the RWSPS progressing on a timely basis.

The Region 2040 staff agree that the current population numbers they are producing will provide a better basis for water demand modeling than the previously provided Base Case numbers. The Planning Department has determined that they can provide the most current population projections by the end of June 1994. This will not delay other Region 2040 work products and is consistent with current Region 2040 work schedules. This will allow the RWSPS to proceed without major delays. The RWSPS will later update its water demand forecasts based upon the final growth concept adopted by the Council. It must be emphasized, however, that the release of these most current population projections does not, however, establish any prior determination regarding the final outcome of the Metro Council's decisions regarding Region 2040 growth management policy.

#### BACKGROUND

In May 1993, 27 of the region's water providers signed an intergovernmental agreement (IGA) to fund and manage the Regional Water Supply Planning Study. This two and one half year planning study will lead toward adoption of a regional water supply plan (RWSP). This plan is intended to direct how to meet the region's future water supply needs to the year 2050. The plan work elements include analysis of demand management and conservation measures, supply development, transmission and systems efficiency, and institutional relationships. The plan will include specific phased implementation strategies for the short-, medium- and long-term. Public involvement is also a key element in this planning process.

The 1992 Metro Charter directs Metro to include water supply and storage in its Regional Framework Plan. Therefore, the Region 2040 project staff are working in close cooperation with the RWSPS staff and consultants to ensure coordination and consistency in the use of population numbers. The region's water providers have also provided valuable technical assistance and data for the water resources component of the Region 2040 growth concepts.

**Meeting Date: May 26, 1994**  
**Agenda Item No. 7.3**

**RESOLUTION NO. 94-1936**

REGIONAL FACILITIES COMMITTEE REPORT

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RESOLUTION NO. 94-1936, AUTHORIZING AN EXEMPTION TO METRO CODE CHAPTER 2.04.041(c) COMPETITIVE BIDDING PROCEDURES AND AUTHORIZING A SOLE SOURCE CONTRACT WITH THE 40-MILE LOOP LAND TRUST

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Date: May 19, 1994

Presented by: Councilor Gates

**COMMITTEE RECOMMENDATION:** At its May 18, 1994 meeting the Regional Facilities Committee voted 4-0 to recommend Contract Review Board adoption of Resolution No. 94-1936. Councilors Hansen, Gates, Moore and Washington voted in favor. Councilor McFarland was absent.

**COMMITTEE DISCUSSION/ISSUES:** Senior Regional Planner Mel Huie presented the staff report and narrated a slide presentation showing the Peninsula Crossing Trail. He described the route of the proposed trail and discussed its individual components. He said Metro's proposed share of the cost for the feasibility study is \$5,000 (of the \$30,000 total study cost), split equally between the Regional Parks & Expo Fund and the Smith & Bybee Lakes Trust Fund.

Councilor Moore asked if \$30,000 was an appropriate amount of money for this project, citing the Burlington Northern study which is of comparable cost (\$45,000) for a much longer trail. Mr. Huie said the costs of the engineering study for crossing the Columbia Slough added to the Peninsula Crossing Trail study total. Councilor Moore said her concern is that the funding for the Burlington Northern study might not be adequate. Mr. Huie said the estimate for the Burlington Northern study was on the conservative side, in part because it is not certain the line will be abandoned. Councilor Moore asked Mr. Huie the likelihood of receiving funding from the City of Portland's Office of Transportation. Mr. Huie said this trail is part of the city's bicycle plan, but added that this funding source was not secured. Staff is working to secure that funding through Commissioner Blumenauer's office.

BEFORE THE CONTRACT REVIEW BOARD  
OF METRO

FOR THE PURPOSE OF AUTHORIZING ) RESOLUTION NO. 94-1936  
AN EXEMPTION TO METRO CODE CHAPTER )  
2.04.041 (c) COMPETITIVE BIDDING ) Introduced by Rena Cusma,  
PROCEDURES AND AUTHORIZING A SOLE ) Executive Officer  
SOURCE CONTRACT WITH THE )  
40-MILE LOOP LAND TRUST )

WHEREAS, the Metropolitan Greenspaces Master Plan states that the planning and development of a regional trails and greenway system is an integral component of a regional system of parks and natural areas; and

WHEREAS, the Metropolitan Greenspaces Program has outlined a four-phase approach for inventorying, mapping, preserving, protecting and acquiring natural areas; and

WHEREAS, the Metropolitan Greenspaces Master Plan calls for an interconnected system of parks, natural areas, and greenspaces connected by a system of trails, greenways and bikeways; and

WHEREAS, by Metro Council Resolution No. 93-1872, the Peninsula Crossing Trail which is located in north Portland, was deemed to be a trail of regional significance and added to the Greenspaces Master Plan and trails system map; and

WHEREAS, Metro's Regional Trails Working Group, the city of Portland Parks Bureau, 40-Mile Loop Land Trust, and various neighborhood organizations are working with staff in Metro's Regional Parks and Greenspaces Department to conduct a feasibility study as to the how a trail could be planned and constructed; and

WHEREAS, Metro will carry out an extensive public involvement effort to inform and involve adjacent property owners and the north

Portland community of trail planning efforts for the Peninsula Crossing Trail; and

WHEREAS, the 40-Mile Loop Land Trust is uniquely qualified to work on trail planning and development projects in an urban environment; and

WHEREAS, the 40-Mile Loop Land Trust's objectives include the planning and development of a regional system of trails, in which inter-regional and regional trails are connected to local and neighborhood trails; and

WHEREAS, the 40-Mile Loop Land Trust has unique experience and a proven track record in the development of the Greenspaces Master Plan and regional trails system; and

WHEREAS, the 40-Mile Loop Land Trust has been a unique private partner and crucial to the successful planning, fundraising and development/construction of the 40-Mile Loop Trail (now closer to 140 miles), Springwater Corridor (16 miles) and other trail links in the regional system; and

WHEREAS, the 40-Mile Loop Land Trust works with Metro, local agencies, other nonprofit organizations, neighborhood organizations, businesses and citizens in the planning and protection of trail corridors, and development and construction of trails; and

WHEREAS, the 40-Mile Loop Land Trust has access to and is eligible to apply for grants and technical assistance from nationally recognized trail/greenway advocacy organizations, foundations and corporations and resource people in the field of trails and greenways planning; and



WHEREAS, the 40-Mile Loop Land Trust is a cooperator in the Metropolitan Greenspaces Program; and

WHEREAS, the 40-Mile Loop Land Trust is the only nonprofit trails organization in Metro's region able to match the requirements needed to carry out the Peninsula Crossing Trail feasibility study, and for organizing public, private, corporate, foundation and governmental support, including fundraising for the feasibility study; and

WHEREAS, Metro Regional Parks and Greenspaces proposes a \$30,000 Peninsula Crossing Trail Feasibility Study with contributions of \$2,500 from the Regional Parks and Expo Fund (Greenspaces Planning) and \$2,500 from the Smith and Bybee Lakes Trust Fund, and with the balance to be solicited from other governmental agencies, nonprofit organizations, and the private sector; and

WHEREAS, an exemption from competitive bidding would allow the execution of a sole source contract with the 40-Mile Loop Land Trust to perform the study; and

WHEREAS, it is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and

WHEREAS, the awarding of public contracts pursuant to the exemption will result in substantial cost savings to the public contract agency, now, therefore,

BE IT RESOLVED,

That based on the findings attached as Exhibit "A" and incorporated herein, the Metro Contract Review Board hereby exempts Contract No. 903647, for a Peninsula Crossing Trail Feasibility Study from the competitive bidding requirements and authorizes the Executive

Officer to execute a sole source, multi-year contract with the 40-Mile Loop Land Trust pursuant to sections 2.04.041(c), 2.04.060(a), and 2.04.033(a)(1), respectively, of the Metro Code.

ADOPTED by the Contract Review Board of Metro, this \_\_\_\_\_ day of

\_\_\_\_\_ 1994.

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

H:\40Mile.Lp

## EXHIBIT "A"

The Contract Review Board has considered the staff presentation in consideration of this Resolution and makes the following findings of fact:

1. Regional Parks and Greenspaces Department has a need for technical services, planning, public and private fundraising, and community outreach for its regional trails and greenways program as detailed in the Greenspaces Master Plan, including carrying out a feasibility study for the Peninsula Crossing Trail in north Portland.
2. Regional Parks and Greenspaces Department has a need for a uniquely qualified partner in the development of a fund raising strategy, including eligibility for and applying for private contributions, corporate and foundation grants to fund the feasibility study.
3. The 40-Mile Loop Land Trust's and its Master Plan's key objectives include: planning for and supporting the creation of a trail and open space system that connects existing parks and greenspaces for the region's citizens; and having the 40-Mile Loop serve as a hub for inter-regional and regional trails, connecting neighborhoods to regionally significant natural areas, including sites owned and operated by Metro.
4. The objectives of The 40-Mile Loop Land Trust in trails and open space planning/development are consistent with those of Metro and its Greenspaces Master Plan and trails system map. Activities of the 40-Mile Loop Land Trust would be complementary to Metro's trails planning efforts, particularly for the 40-Mile Loop Trail and Peninsula Crossing Trail which are crucial segments in the overall regional loop trail system.
5. The 40-Mile Loop Land Trust is uniquely qualified because it and its board members and resource people have carried out trails planning, fundraising, community outreach, feasibility studies and master plans including development of design standards, signage guidelines for more than ten years. The plans and guidelines have been used by the cities of Portland and Gresham. Metro staff has observed the trust's expertise and success in working with localities, property owners, citizens, and community groups during the past six years and at a recent public workshop on the Peninsula Crossing Trail held in the north Portland area.
6. The 40-Mile Loop Land Trust has offered to advise and assist Metro in various community outreach activities related to the feasibility study, including hosting a tour of the 40-Mile Loop and Peninsula Crossing Trail for adjacent property owners and north Portland citizens and attending community meetings

and workshops. The trust has experience in such activities, particularly in its work on the Springwater Corridor with the cities of Gresham, Milwaukie and Portland, and Multnomah and Clackamas counties, and Oregon State Parks.

7. The 40-Mile Loop Land Trust will administer funds received by Metro and other public/private agencies to carry out a feasibility study for the Peninsula Crossing Trail. The land trust will seek proposals from qualified consultants to carry out the study. Metro will have input in this selection process and serve on the consultant review and selection panel.
8. It is unlikely that this exemption will encourage favoritism or diminish competition for public contracts because: 1) the strong public/private partnership necessary required to successfully raise funds and carry out the feasibility study will limit prospective bidders from participating, and application of The 40-Mile Loop Land Trust's expertise to this project will provide expanded opportunities for public contracts in the future, and 2) the various funding sources for this project recognize The 40-Mile Loop Land Trust's expertise as part of their support and approval of funds for the feasibility study.
9. The award of this public contract based on exemption from competitive bidding will result in substantial cost savings to Metro and other public agencies because of the efficiencies created by the 40-Mile Loop Land Trust's access and eligibility to seek funds from private and corporate donors, foundations, and local businesses, including engineering firms willing to donate professional services for the feasibility study. The Land Trust can also access nationally recognized organizations and experts in the field of trails and greenways planning.

**PERSONAL SERVICES AGREEMENT**

**THIS AGREEMENT** is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 N.E. Grand Avenue, Portland, OR 97232-2736, and 40-Mile Loop Land Trust, referred to herein as "Contractor," located at c/o Mel Stout, David Evans & Associates, 2828 SW Corbett, Portland, Oregon, 97201.

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

1. **Duration.** This personal services agreement shall be effective June 1, 1994 and shall remain in effect until and including June 30, 1995, unless terminated or extended as provided in this Agreement.
2. **Scope of Work.** Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. **Payment.** Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed FIVE THOUSAND AND 00/100THS DOLLARS (\$5,000.00).
4. **Insurance.**
  - a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:
    - (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
    - (2) Automobile bodily injury and property damage liability insurance.
  - b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
  - c. Metro, its elected officials, departments, employees, and agents shall be named as **ADDITIONAL INSURED**S. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

METRO

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit A**  
**Scope of Work / Terms of Payment**

Attachment 1 of this agreement specifies the work plan and products to be completed by the contractor.

Project completion date is June 30, 1995.

Contract amount not to exceed \$5,000 (\$2,500 from Smith and Bybee Lakes Trust Fund and \$2,500 from Greenspaces Planning and Capital Development). Contract amount payable upon receipt of products stated in Attachment 1 and upon approval of Metro Greenspaces Division Manager.

Total cost of the feasibility study is estimated at \$30,000. Metro Regional Parks and Greenspaces Department staff will coordinate fundraising efforts with organizations and agencies in order to secure contributions from the following:

Metro Greenspaces	\$2,500
Smith and Bybee Lakes Trust Fund (funding approved)	\$2,500
North Portland Enhancement Committee (NPEC)	\$2,500
Portland General Electric (funding approved)	\$1,000
The Conservation Fund, Arlington, VA (funding approved)	\$1,000
Portland Parks and Recreation	\$2,500
Portland Department of Transportation	\$6,500
Portland Bureau of Environmental Services, Columbia Wastewater Treatment Plant Headworks Project	\$6,500
Donated Engineering Services from Private Vendor (In-kind)	\$5,000
<b>Total</b>	<b>\$30,000</b>

Metro Regional Parks and Greenspaces staff will participate in the selection of a consultant for this project by serving on a panel which will interview, select and oversee the consultant.

The Peninsula Crossing Trail Committee consisting of neighborhood representatives, City of Portland staff, Metro staff, and Councilor Sandi Hansen will communicate with adjacent property owners and renters, and citizens/businesses in the adjoining neighborhoods to involve them in the study. The Peninsula Crossing Trail Committee will serve as liaison between the community and the selected consultant for this project.



**Attachment 1**  
**Penninsula Crossing Trail Feasibility Study**

**Scope of Work**  
**Work Plan and Products**

1. Title search of land within and abutting the right of way, taking into consideration easement issues such as the gas line, Portland's unimproved Carey Blvd., adjacent land owned by the city or private property owners.
2. Mapping of trail corridor and all adjacent properties and properties within one-half mile (land use, zoning, utility and other easements, etc.)
3. Detailed planning, preliminary engineering to develop the trail in the right of way, including meeting all Americans with Disabilities Act (ADA) requirements.
4. Cost estimates for trail development and construction (e.g. grading, paving, plantings/vegetation, fencing, street crossings, lighting, benches, etc.)
5. Coordination with Peninsula Crossing Trail Committee, Metro, Portland Parks/Environmental Services/Transportation/Planning, ODOT, Port of Portland, and other affected government agencies as identified, neighborhood organizations, affected property owners, and citizens and businesses in the north Portland area.
6. Slough crossing plan and cost estimates, including a potential new bridge over the slough.
7. Developing the trail across the Columbia Wastewater Treatment Plant land.
8. Identify and plan the connection of the trail to Smith and Bybee Lakes and the future Interpretive Center as well as the connection of the trail to the Willamette Greenway.
9. Provide schematics and designs of the trail.
10. Develop a Operations and Maintenance Plan, including which agency shall own and maintain the trail.
11. Provide a fundraising plan and strategy for obtaining funds to develop the trail.

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**Smith & Bybee Lakes Natural Area  
Management Committee**

*coordinated by:*

**Metro**

Ed Washington, Chair  
600 N.E. Grand Avenue  
Portland, Oregon 97232-2736  
503/797-1750

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Sandi Hansen, Chair  
Regional Facilities Committee  
Metro Council

April 7, 1994

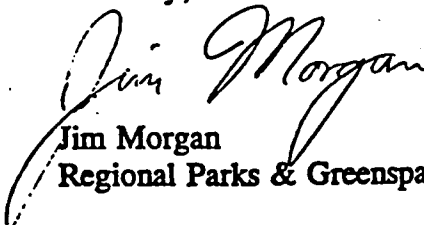
Dear Councilor Hansen:

On March 29, 1994, the Smith and Bybee Lakes Management Committee voted unanimously to commit \$2,500 from the Lakes Trust Fund to the feasibility study of establishing the Peninsula Crossing Trail. This proposed trail was viewed by the committee as an important link between the Smith and Bybee Lakes Natural Area and the surrounding community and region.

This commitment of funds is a contribution to the collective effort of other agencies (i.e. Metro Parks & Greenspaces, PGE, City of Portland) and non-profits (i.e. The Conservation Fund, 40-Mile Loop Trust). The feasibility study will be conducted under the auspices of the 40-Mile Loop Land Trust, the more qualified group for conducting the feasibility of establishing this vital link in the regional trail system.

Please consider releasing a contract to the 40-Mile Loop Land Trust for conducting the feasibility study for establishing the Peninsula Crossing Trail.

Sincerely,

  
Jim Morgan  
Regional Parks & Greenspaces

# PORTLAND PARKS AND RECREATION



1120 SW FIFTH AVE, SUITE 1302, PORTLAND, OREGON 97204-1933

TELEPHONE (503) 823-2223

FACSIMILE (503) 823-5297



CHARLIE HALES, COMMISSIONER

CHARLES JORDAN, DIRECTOR

April 14, 1994

TO: Mel Huie  
Metro Greenspaces

FROM: Jim Sjulín  
Natural Resources Program

RE: Funding Request for Peninsula Crossing Feasibility Study.

The requested contribution of \$2,500 from Portland Parks has been approved (see attached).

Please submit an invoice to Dennis Choquette, Parks Accounting, Bldg. 106, Room 1302.

c: Pam Arden, 40 Mile Loop Land Trust  
Jim Morgan, Metro Greenspaces  
Dennis Choquette, Parks Accounting

# PORTLAND PARKS AND RECREATION



1120 SW FIFTH AVE, SUITE 1302, PORTLAND, OREGON 97204-1933  
TELEPHONE (503) 823-2223

FACSIMILE (503) 823-5297



CHARLIE HALES, COMMISSIONER

CHARLES JORDAN, DIRECTOR

April 7, 1994

TO: David Judd  
Deputy Director

FROM: Jim Sjulín  
Natural Resources Program

RE: \$2,500 request from Portland Parks Trust Fund for Peninsula Crossing  
Trail feasibility study.

Jim,

Your request is approved

Pls cc this memo to Fort

Dennis C. + John S.

Thanks  
DJ

I believe that I've talked to you about the Peninsula Crossing trail project that the 40 Mile Loop Land Trust is pursuing. Essentially, this is a very exciting urban trail project which would connect the 40 Mile Loop trail system from the Smith & Bybee Lakes area to the Willamette Greenway at the PDC/McCormick & Baxter site. The trail is able to do this by following a City of Portland street right-of-way (N. Carey Blvd.) for 2+ miles. I do have a growing file of additional information if you'd like to learn more.

Needed is a feasibility study so that the project can be ready to go for the next round of ISTEAs or CMAQ funding. Even though the trail follows street right-of-way for over 90% of the distance, a bridge across the Columbia Slough is needed, permission will be needed from the railroad to achieve the desired connection to the Greenway, and street crossings and concerns from adjoining neighbors will need to be addressed.

Enclosed is an update of the funding picture for the \$30,000 feasibility study. I have checked funding sources that have committed. I have been active in the development of the funding plan and assisted Pam Arden with the grant request to The Conservation Fund.

It's time for Portland Parks to commit \$2,500 to the cause. I trust that the leverage provided by all the outside funding will make a good case for this amount from the Portland Parks Trust Fund. In fact, I would appreciate knowing if I have been too conservative in my request.

# **THE CONSERVATION FUND**

---

1800 NORTH KENT STREET, SUITE 1120  
ARLINGTON, VIRGINIA 22209  
(703) 525-6300  
FAX (703) 525-4610

April 6, 1994

Bob Akers  
40 Mile Loop Land Trust  
c/o Stoel Rives Boley & Grey  
900 S.W. 5th Ave., Suite 2300  
Portland, OR 97204

Dear Mr. Akers:

It is my pleasure to inform you that the Awards Committee of the American Greenways DuPont Award Program has approved a grant of \$ 1000 to support your greenway project. Your application was selected from the more than 230 proposals that we received from groups and organizations working on local greenway projects around the country.

The funding for your award was made possible through the generous support of DuPont and is administered by The Conservation Fund in partnership with DuPont and the National Geographic Society.

We encourage you to draw attention to this award by contacting the media, local officials and your congressional representatives. A sample press release is enclosed for you to tailor to your circumstances and distribute as soon as possible.

A check in the amount of the grant will be sent to you once we receive an executed copy of this letter. This grant is subject to your agreement to the following terms and conditions:

1. To use the grant funds solely for the project described in your proposal.
2. To provide a minimum of 5 color slides that illustrate the purpose and nature of your project and the character of your greenway, and to give The Conservation Fund a nonexclusive right to use and to reproduce these slides to describe your project.
3. To acknowledge the sponsorship and financial support of The Conservation Fund and DuPont in public appearances, presentations, written materials, interviews, and any other works relating to the project created with grant funds, and to provide The Conservation Fund with copies of all written or audio visual materials that mention or relate to the project.

page 2  
award letter

4. We encourage you to personally thank DuPont for their generosity. To do this you can write to E.S. Woolard, Jr., Chairman, DuPont Corp., 1007 Market Street, Wilmington, Delaware 19898.

Please return a signed copy of this letter to me and keep the other copy for your own records.

On behalf of The Conservation Fund, I wish you every success in this important conservation endeavor.

Sincerely yours,

Edward T. McMahon  
Director, American Greenways

ACCEPTED AND AGREED:

\_\_\_\_\_

Date: \_\_\_\_\_

cc: Mel Huie

**American Greenways DuPont Awards  
Grant Recipients 1994**

**Pima Trails Association, Tucson, AZ**

To facilitate the founding of the Arizona Trail Association.

**Ridgway Santa Rosa Creek Club, Santa Rosa, CA**

To create an audio-visual video/slide show as part of the environmental project for the Santa Rosa Creek Trail.

**Adams County Trails and Open Space Foundation Inc., Henderson, CO**

To produce a map and other graphics for an informational brochure on greenways in Adams County.

**East Haddam Land Trust, Inc., East Haddam, CT**

To hire a contractor to map greenways in the East Haddam area.

**Green-Links, New Canaan, CT**

To plan and construct a Green-Links trail through a wooded area.

**Northern Delaware Greenway Council, Inc., Wilmington, DE**

To print and publish the Northern Delaware Greenway Comprehensive Implementation Plan.

**Nanticoke Watershed Preservation Committee, Seaford, DE**

To create a professional display to educate the public about the values of greenways and natural heritage in Delaware.

**Rails to Trails Conservancy, Tallahassee, FL**

To develop, promote and host an open workshop for citizens to discuss rail-trail design issues in the area.

**Scrub Land Trust Inc., Melbourne, FL**

To support workshop on the comprehensive effort to enhance a natural wildlife corridor that has been impacted by development.

**Corkscrew Regional Ecosystem Watershed Trust, Bonita Springs, FL**

To produce a public awareness display on area greenways which will be exhibited at the Southwest Florida International Airport.

**Georgia Wildlife Federation, Conyers, GA**

To develop, publish and distribute a full color brochure to raise public understanding and appreciation of the Alcovy Greenway.

**Bikeways Maui, Inc., Kihei, HI**

To offer a clearinghouse for greenway activities and enhance awareness of specific projects as part of an island-wide greenway system.

**Openlands Project, Chicago, IL**

To produce a 12-page publication on the economic benefits of protecting greenways.

**Fox Valley Land Foundation, Elgin, IL**

To supply volunteers with equipment and materials for stewardship work which will preserve and upgrade railroad prairies.

**Grand Cal Task Force, Whiting, IN**

To develop interpretive signage on greenways, wetlands, and wildlife along the Grand Calumet River banks.

**Friends of the Lake and Wyandotte County Parks Inc., Kansas City, KS**  
To provide interpretive signs for a multipurpose trail.

**Great Barrington Land Conservancy, Great Barrington, MA**  
To develop a right-of-way trail protection plan for the Housatonic River Walk.

**Organization for the Assabet River, Concord, MA**  
To fund early stages of planning and design of the Assabet Valley Greenway River n' Rail Trail.

**Coalition for the Capital Crescent Trail, Bethesda, MD**  
To develop an attractive, well-designed and landscaped trailhead.

**Baltimore City Dept. of Recreation and Parks, Baltimore, MD**  
To design an informational map/brochure for the Gwynns Falls Greenway.

**Portland Trails, Portland, ME**  
To produce a professional display which will showcase interpretive information about the importance of greenways.

**Northwest Michigan RC&D Council Inc., Traverse City, MI**  
To hold a series of 6 public workshops to discuss the Grand Traverse Bay Watershed greenway initiative.

**Midtown Greenway Coalition, Minneapolis, MN**  
To conduct an Inter-neighborhood Visioning Conference for the Midtown Greenway.

**St. Charles County Greenway Network, St. Charles, MO**  
To establish an environmental area at the confluence of the Mississippi and Missouri Rivers.

**Mount Helena Ridge Planning Group, Helena, MT**  
To assist in the development of a user survey in Mt. Helena Park and materials to be used for the management plan.

**Greenville Greenways Committee, Greenville, NC**  
To develop an illustrative master plan for a key greenway segment along an urban stream corridor.

**Mt. Washington Valley Economic Council, North Conway, NH**  
To develop a brochure and map and purchase signage to promote the use of greenways.

**Greater Newark Conservancy, Newark, NJ**  
To develop and print tri-lingual literature for community outreach associated with the Van Buren Greenway Project.

**Village of Clyde, Clyde, NY**  
To purchase 3.19 acres of abandoned railroad property along the Erie Canal Corridor for a hike/bike path.

**Tompkins County Greenway Coalition, Ithaca, NY**  
To publish and distribute a conceptual plan for a county-wide greenway system.

**New York - New Jersey Trail Conference, New York, NY**  
To plan and develop a 200-mile Highlands Trail System as part of a larger greenway system extending from NY to NJ.

**East Coast Greenway Alliance, New York, NY**  
To map route options in each state and produce a brochure.



**Saratoga County Heritage Trails Committee, Round Lake, NY**

To design appropriate signage for the bicycle/pedestrian section of the Saratoga Springs Recreational Trail System.

**Clintonville Area Commission, Columbus, OH**

To produce a residents handbook and informational display relating to the Ravine Protection Project.

\* **40 Mile Loop Land Trust, Portland, OR**

To produce a feasibility study for the Peninsula Crossing Trail, a 2.3 mile urban bicycle/pedestrian path and bridge.

**Pennsylvania Environmental Council, Wilkes-Barre, PA**

To design an illustrative greenways opportunities map of the Wyoming Valley.

**Friends of the Atglen-Susquehanna Trail, Inc., Quarryville, PA**

To conduct an environmental assessment of a 23 mile abandoned rail corridor.

**Moraine Preservation Fund, Zelienople, PA**

To conduct title search, survey work and cartography.

**Pulaski Middle School, Chester, PA**

To develop and disseminate an activity workbook for a student built environmental/ecological field station.

**Bucks County Audubon Society, New Hope, PA**

To develop public access to a stream corridor and land newly acquired by the Bucks County Audubon Society.

**Metro Greenways Commission, Nashville, TN**

To publish a brochure which will promote the concept of greenways countywide.

**South Chickamauga Creek Greenway Alliance, Chattanooga, TN**

To conduct an environmental survey and provide a conceptual Landscape Master Plan.

**Friends of Village Creek, Kennedale, TX**

To file for 501(c)(3) non-profit status and initiate a greenway plan.

**Austin Parks Foundation, Austin, TX**

To design and produce a map of the Barton Creek Greenbelt.

**Murray City Parks and Rec. Advisory Board, Murray, UT**

To provide maps and educational literature on wildlife and riparian corridors to be placed at trailheads along the Jordan River Parkway.

**Northern Virginia Planning District Commission, Annandale, VA**

To assist in the planning for the alignment of the Potomac Heritage Trail in Northern Virginia.

**Metro Richmond Greenways, Richmond, VA**

To establish a greenway route along an abandoned trolley line in Hanover County.

**Prince William Natural Resources Council, Inc., Woodbridge, VA**

To develop a comprehensive greenways plan for the county.

**National Committee for the New River, Blacksburg, VA**

To assist in the completion of preliminary park designs on four sites along the Giles County Greenway.

**Upper Valley Land Trust Inc., Norwich, VT**

To coordinate the further development of the Connecticut River Primitive Campsites.

**Cross-Vermont Trail Committee, Waterbury, VT**

To produce and install trail markers and create a detailed base map for the Cross-Vermont Trail.

**Logan Neighborhood Association, Spokane, WA**

To produce an educational brochure on the Pearl St. Greenway.

**Hansville Chamber of Commerce, Hansville, WA**

To cover legal expenses involved in acquiring donated easements from adjacent landowners.

**Washington Water Trails Association, Seattle, WA**

To produce a series of Stewardship Workshops in the Puget Sound region to establish a dynamic stewardship program for the new water trail there.

**Kinnickinnic River Land Trust, Inc., River Falls, WI**


To map plant communities in the canyon area of the Kinnickinnic River Valley to identify endangered or threatened plants in the river corridor.

**Mountain Resource Conservation & Development Area Inc., Fayetteville, WV**

To conduct a series of meetings which bring together community leaders, business owners, and residents to discuss the issues related to zoning regulations, sign ordinances and alternative transportation.

**Laramie Chamber of Commerce Greenway Committee, Laramie, WY**

To modify an existing bridge over Spring Creek to allow wheelchair access to adjacent picnic and fishing areas.

03/16/94	CONTRIBUTION	16846	1,000.00	.00	1,000.00
William (Andy) DeWyse LOCAL GOVT AFFAIRS SPECIALIST St. Helens 1771 Columbia Blvd St. Helens, OR 97051 503/397-4421 Fax: 503/464-7306			 Portland General Electric 121 SW Salmon Street 1WTC-9 Portland, Oregon 97204 503/464-7620 Fax: 503/464-2354		
			<i>For Peninsula Crossing Trail</i>		
PLEASE DETACH BEFORE DEPOSITING			TOTALS ->	1,000.00	.00
					1,000.00

FORM0002  
**Portland General Electric Co.**  
 121 SW SALMON STREET  
 PORTLAND, OR 97204

6E-513672  
 Seafirst Bank  
 Disbursement Account  
 First Union National Bank  
 Chapel Hill, North Carolina  
 66-156  
 531

TO THE ORDER OF:  
 40 MILE LOOP LAND TRUST  
 2828 SW CORBETT  
 PORTLAND OR 97201

DATE 03/17/94  
 THIS CHECK MUST BE PRESENTED FOR PAYMENT WITHIN NINETY DAYS FROM DATE

**\$1,000.00**

Portland General Electric Co.  
*Paul M. Heik*

⑈0513672⑈ ⑆053101561⑆ 2079985266435⑈

  
 RC 881  
 Portland General I  
 121 S.W. Salmon  
 Portland, Oregon

PERSONAL

**STAFF REPORT**

CONSIDERATION OF RESOLUTION NO. 94-1936 AUTHORIZING A SOLE SOURCE EXEMPTION FROM COMPETITIVE BIDDING PURSUANT TO METRO CODE CHAPTER 2.04.041 (c) AND AUTHORIZING A SOLE SOURCE, MULTI-YEAR CONTRACT FOR THE PENINSULA CROSSING TRAIL FEASIBILITY STUDY WITH THE 40-MILE LOOP LAND TRUST

Date: May 18, 1994

Presented by: Mel Huie

**FACTUAL BACKGROUND AND ANALYSIS**

If approved, this resolution would allow Metro to enter into a sole source, multi-year contract with the 40-Mile Loop Land Trust (a nonprofit organization with IRS approved 501 (c) (3) status) to carry out a feasibility study for the proposed Peninsula Crossing Trail in north Portland. Metro's financial commitment under this sole source contract for the feasibility study would not exceed \$5,000 (\$2,500 from the Regional Parks and Expo Fund (Greenspaces Planning) and \$2,500 from the Smith and Bybee Lakes Trust Fund). The scope of work for the study is detailed in the attached contract.

The cost of the entire feasibility study is estimated at \$30,000. Contributions from other governmental agencies and private organizations are being sought. Metro Regional Parks and Greenspaces staff are coordinating fundraising efforts to complete the feasibility study.

**Contributions for the feasibility study will be sought from:**

o Metro Greenspaces (staff recommends funding)	\$2,500
o Smith & Bybee Lakes Trust Fund (committee has approved funding)	\$2,500
o North Portland Enhancement Committee (NPEC) (application due May 19, 1994)	\$2,500
o Portland General Electric (funding approved)	\$1,000
o The Conservation Fund Arlington, VA (funding approved)	\$1,000
o Portland Parks and Recreation (funding approved)	\$2,500
o Portland Dept. of Transportation (request to be made)	\$6,500
o Portland Bureau of Environmental Services, Columbia Wastewater Treatment Plant Headworks Project (request to be made)	\$6,500
o Donated Engineering Services from Private Vendor (in-kind services) (request to be made)	\$5,000
	<hr/>
	\$30,000

The proposed Peninsula Crossing Trail is listed as a regionally significant trail in Metro's Greenspaces Master Plan and trails system map. The trail corridor runs parallel to (on the east side) and above the active 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 generally 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 interconnect two major greenspace areas: On the south -- Willamette Blvd. and a proposed greenspace site on the river (undeveloped land owned by PDC), and eventually the entire Willamette Greenway -- 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 connected 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. The Council amended the Master Plan by adding the trail corridor by Resolution No. 93-1872 in December 1993.

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**

With the inclusion of the trail into the Greenspaces Master Plan, the 40 Mile Loop Land Trust and Peninsula Crossing Trail working group 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.

The 40-Mile Loop Land Trust is seeking funds to carry out the study. It will serve as the organization coordinating Requests for Proposals (RFPs), interviewing potential consultants, selecting the consultant, and monitoring the contract. Metro Parks and Greenspaces staff will serve on the consultant review and selection panel, and project management committee.

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

The Executive Officer recommends approval of Resolution 94-1936.



LEGEND:

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

Meeting Date: May 26, 1994  
Agenda Item No. 7.4

**ORDINANCE NO. 94-1961A**





**METRO**

**DATE:** May 20, 1994

**TO:** Metro Council  
Executive Officer  
Agenda Recipients

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

**RE:** AGENDA ITEM NO. 7.4; RESOLUTION NO. 94-1961A

The Regional Facilities Committee report will be distributed in advance to Councilors and available at the Council meeting May 26, 1994.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PREPARING A MEASURE ) RESOLUTION 94-1961A  
TO REFER A GENERAL OBLIGATION BOND )  
TO THE VOTERS IN THE \_\_\_\_\_ ELECTION ) Introduced by Councilor  
NO LATER THAN THE FIRST AVAILABLE ) Sandi Hansen  
ELECTION DATE IN 1995 FOR THE AMOUNT OF )  
\_\_\_\_\_ APPROXIMATELY \$140 MILLION TO )  
FINANCE ACQUISITION AND DEVELOPMENT OF )  
GREENSPACES AND TRAILS )

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

WHEREAS, The Metropolitan Greenspaces Master Plan recommends Metro to place a greenspaces funding mechanism before the voters of the region to establish a regional revenue source for the acquisition and capital improvement of greenspaces; and

WHEREAS, On September 23, 1993, through Resolution No. 93-1844A, the Metro Council stated their intent to submit to voters in 1994, a general obligation bond measure for the acquisition and development of a regional greenspaces system; and

WHEREAS, On December 9, 1993, the Metro Council approved Ordinance No. 93-516A, amending the Fiscal Year 1993-94 budget to augment funding for a consultant to examine issues concerning the referral of a potential greenspaces acquisition funding measure; and

WHEREAS, On March 30, 1994, the Metropolitan Greenspaces Policy Advisory Committee formally recommended a bond referral package to the Metro Council; including bond amount, election date and Phase I list of acquisition areas and trail corridors; and

WHEREAS, On May 12, 1994 the Metropolitan Greenspaces Blue Ribbon Committee formally recommended a bond referral package to the Metro Council, including a bond amount of ~~\_\_\_\_\_ up to approximately \$140 million,~~ and an election date of ~~\_\_\_\_\_ Fall 1995,~~ and ~~Phase I list of target acquisition areas and trail corridors;~~ and

WHEREAS, the Metro Council Regional Facilities Committee held hearings on April 20, 25, 26, 27 and May 18, 1994, to receive public testimony on whether to refer a greenspaces measure to voters, for what amount, in which election, and for which Phase I target areas and trail corridors; now therefore,

BE IT RESOLVED,

1. That the Metro Council hereby determines that a General Obligation bond of ~~\_\_\_\_\_ approximately \$140 million shall be referred to the voters for the election held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ no later than the first available election date in 1995.~~

~~2. That the Metro Council requests the continued involvement and coordination of the Greenspaces Policy Advisory Committee and Greenspaces Blue Ribbon Committee in refining the components of the bond package prior to Council referral of a ballot title and explanatory statement.~~

~~2 3.~~ That Metro staff shall prepare the appropriate Resolution and Ballot Title for approval by the Council at a subsequent Council meeting for submittal to the Elections Officer and the Tax Supervising and Conservation Commission, in a timely manner as required by law.

3. That the General Obligation bond amount shall be applied to acquisition and development of greenspaces and trail corridors ~~in the approximate configuration in Exhibit "A" attached (will be provided prior to May 18 meeting)~~ and incorporated herein.

ADOPTED by the Metro Council this \_\_\_ day of \_\_\_, 1994.

---

Judy Wyers, Presiding Officer

**Possible Agenda Items for May 18, 1994  
Regional Facilities Committee Meeting**

A report will be made to the Regional Facilities Committee by Conkling Fiskum McCormick consultants on the progress of the Greenspaces Blue Ribbon Committee on the matter of referring a greenspaces bond measure to the voters. The Blue Ribbon Committee is meeting on Thursday afternoon, May 12 and may formalize a recommendation to Metro Council on the referral of a bond measure. However, it is possible that they will decide that more time is required before making a recommendation. Depending on the outcome of the May 12 Blue Ribbon Committee meeting, the following agenda items may be part of the May 18, Regional Facilities Committee presentation:

- 1) Informational update on the Greenspaces BRC by Conkling Fiskum and McCormick.
- 2) Presentation of Blue Ribbon Committee Recommendation by Conkling Fiskum & McCormick.
- 3) Presentation by Parks and Greenspaces staff of staff report and draft resolution regarding bond measure referral.

If a recommendation is provided by the Blue Ribbon Committee at their May 12 meeting, a written summary of the recommendation will be provided to Council staff on May 13, 1994.

If a resolution is to be provided for the Regional Facilities Committee meeting, a written staff report and draft resolution will be provided to Council staff on May 18 or before.

# A G E N D A

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



METRO

MEETING: Council Workshop on Long Range Funding Issues  
DATE: May 25, 1994  
DAY: Wednesday  
TIME: 4:00 - 9:00 p.m.  
PLACE: Room 115, Metro Regional Center  
600 N.E. Grand Avenue

Approx. Time*		Presented By
4:00 p.m.	1. CALL TO ORDER & ROLL CALL	Wyers
4:05 p.m.	2. Introduction	Monroe
4:15 p.m.	3. Presentation/Overview of Upcoming Financial Projects <ul style="list-style-type: none"><li>• Review Briefing Book Materials</li><li>• Major Issues</li><li>• Project Timelines</li></ul>	Sims/Prosser
6:30 p.m.	Dinner Break	
7:00 p.m.	4. Discuss Metro Funding Priorities	Monroe
8:00 p.m.	5. Discuss Funding Action Plan/Strategies	Monroe
9:00 p.m.	Adjourn	

mgs\fin\052594fn.wks

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

## THE CREATIVE APPROACH – SELLING PORTLAND TO THE SPORTS WORLD

Already, the PMSA has created something no other local sports commission has—a data base of significant sports facilities within the Portland area. This inventory includes technical specifications for each location—such as seating capacity, set-up configurations, the number of concession stands, electrical outlets, etc. It is the definitive document on Portland's sports event resources.

At the same time, the PMSA has developed a master list of local, regional, national and international sports governing bodies, and the various events they sanction. This information provides the PMSA with the ability to determine which events make sense for Portland, and with the data required for successful bids.

## COMMUNITY INVOLVEMENT – HOW YOU CAN HELP

An active sports scene can be a bonanza for a community, benefiting all its citizens - athletes and fans, business people and youth. We need your enthusiasm, your ideas, your willingness to volunteer, and, yes, your financial support.

Your corporate or private contribution will support the work of the PMSA. Become an investor in the success of your own community, and help Portland achieve its potential as a center for sports excitement and excellence.

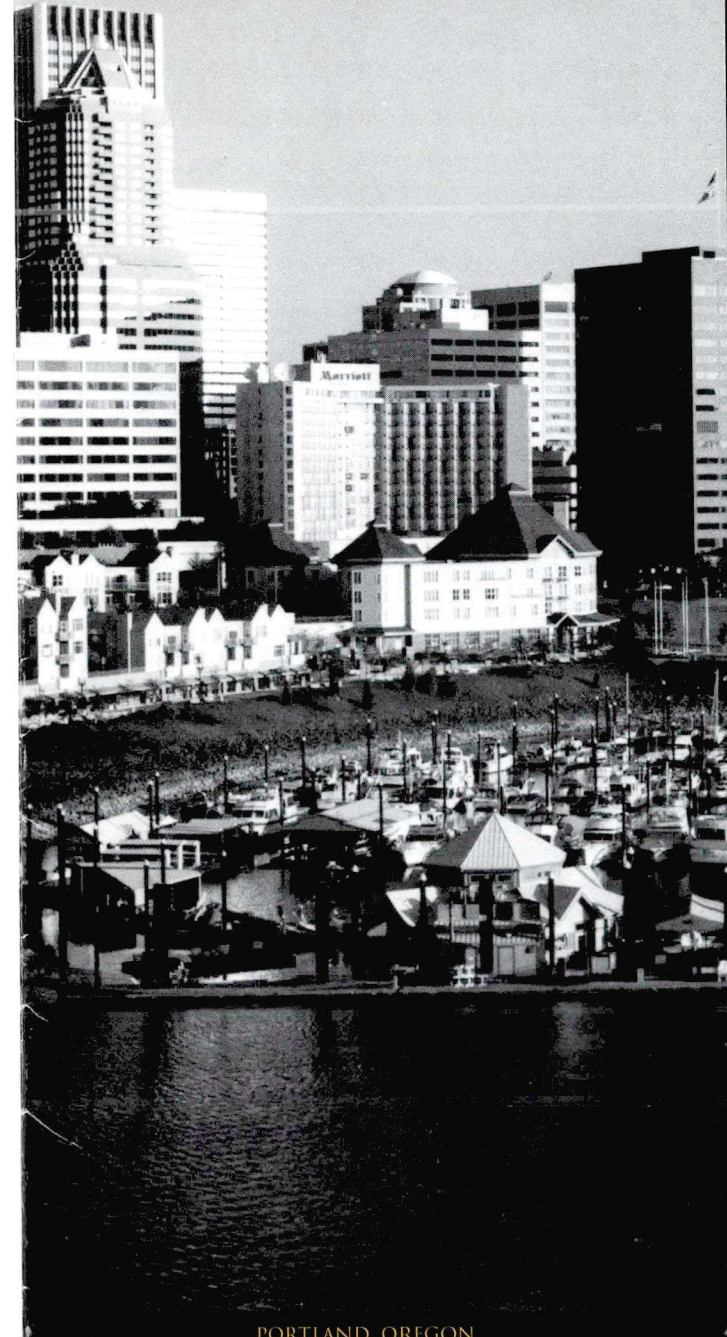
## TO JOIN THE TEAM CALL OR WRITE:

The Portland Metropolitan Sports Authority  
Craig Honeyman, Executive Director  
500 NE Multnomah, Suite 890  
Portland, OR 97232  
(503) 234-4500

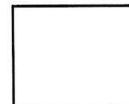
500 NE MULTNOMAH, SUITE 890  
PORTLAND, OREGON 97232

PORTLAND METROPOLITAN  
SPORTS  
AUTHORITY

PORTLAND METROPOLITAN  
SPORTS  
AUTHORITY



PORTLAND, OREGON



## THE ROLE OF SPORTS IN THE COMMUNITY

Each year, Americans spend huge amounts of money to attend sports events, participate in team and individual sports, purchase licensed merchandise, and travel to sports destinations. Fans and participants have turned the business of sports into a \$50 billion a year industry in the United States, creating an economic impact on every major American city. The greater the level of sports activity, the greater that city's piece of the related economic pie. It's time to turn up the volume on sports in Portland so it can get its fair share.

But sports are more than just business. They help define the community in which they occur and dramatically affect its quality of life. What would Green Bay be without the Packers? Indianapolis without the "500"? Kentucky without the Derby?...or Portland without the Blazers.

Major sports events give a city personality, a vitality and a sense of excitement that doesn't exist without a visible, active sports presence. And that's not limited only to major league, professional athletics. It applies to the myriad of amateur and club sports as well.

## THE PORTLAND METROPOLITAN SPORTS AUTHORITY

In November, 1992, after 18 months of study and research, the Portland Metropolitan Sports Authority (PMSA) was created by a broad range of business, government, sports and civic interests, all dedicated to helping Portland achieve its potential as a sports destination. Using seed money donated by a number of local corporations and a contract with the Metropolitan E-R Commission (MERC), PMSA opened its doors for business in April, 1993.

The PMSA is a private non-profit corporation guided by a Board of Directors of leading citizens, and administered by a professional staff. In addition, it receives input from a Sports Advisory Committee made up of promoters, facility managers and other sports industry professionals.

The PMSA has the full cooperation and support of these diverse interests, all with a common goal of making Portland a "player" in the business of sports.

## THE MISSION – SPORTS AS ECONOMIC DEVELOPMENT

The mission of the PMSA is focused and specific. It is to facilitate the attraction of national and international, professional and amateur sports events and activities to the Portland area. By doing that, it will accomplish its secondary goal of increasing the use of spectator facilities and enhancing the economic vitality and livability of the region.

## THE OPPORTUNITY – NEW EVENTS FOR PORTLAND

The basketball Tournament of the Americas in 1992 was Portland's wake-up call. On very short notice, the city was able to pull off a complex international event involving dozens of athletes, including the debut of America's 1992 Olympic "Dream Team"—the best basketball team ever assembled. That experience helped put Portland on the map as an international sports city, and generated an estimated \$10 million for the local economy.

There are numerous other events and franchise opportunities available to Portland—if we are well organized enough to attract them. These include baseball, bowling, hockey, swimming, volleyball, gymnastics, body building, fencing, and the list goes on. These events all attract visitors to the area, fill hotels and restaurants, utilize local athletic facilities, create jobs and economic vitality, and generally provide a positive image for the Portland area.

The opportunities are there, and the PMSA is the organizational entity that will help bring them here.

## THE CHALLENGE – COMPETITION FOR EVENTS

The economic benefits of events like the Tournament of the Americas have not gone unnoticed in other cities. In the last few years, more than 50 sports councils, similar to the PMSA, have sprung up in cities across the country. While Portland has proven it can successfully organize major events, we have a lot of competition. As with any competitive endeavor, and like sport itself, our challenge is to out-organize, out-manuever and out-hustle the opposition.



Portland, Oregon – Home of the Portland Metropolitan Sports Authority



**PORTLAND METROPOLITAN SPORTS AUTHORITY  
FACT SHEET**

**Mission**

The mission of the Portland Metropolitan Sports Authority (PMSA), is to facilitate the attraction of national and international, amateur and professional sports events and activities to the region. Through this work, the Authority will increase the use of existing spectator and athletic facilities and enhance the economic vitality and livability of the Portland area.

**Organization**

The PMSA is a private, non-profit organization composed of a Board of Directors which oversees operations, and a staff consisting of an executive director and two assistants. In addition, the PMSA has a Sports Advisory Committee consisting of promoters, facility managers, and other professionals, providing the Board and staff with necessary technical expertise.

**Board of Directors**

William J. Glasgow, PacifiCorp (President)  
Richard Donahue, NIKE, Inc. (Vice President)  
Kevin Kelly, US Bancorp (Treasurer)  
Jack Elder, Oregon Sports Action (Secretary)  
Len Bergstein, Northwest Strategies  
Owen Blank, Tonkon Torp et al  
Dorian Boyland, Gresham Dodge, Inc.  
Sho Dozono, Azumano Travel Service  
Mark Gardiner, Public Financial Management  
Marshall Glickman, Portland Trail Blazers  
Greg Goodman, City Center Parking  
Peter Jacobsen, Peter Jacobsen Productions  
Stephen T. Janik, Ball, Janik & Novak  
David C. Knowles, Portland Planning Bureau  
Ray Leary, Self Enhancement, Inc.  
Jerry Meyer, Tektronix  
Judith Ramaley, Portland State University  
Dick Reiten, Portland General Electric  
Bob Ridgley, Northwest Natural Gas  
Marty Rudolph, Rudolph & Nelson  
James Taylor, Portland Development Commission  
Ed Tonkin, Ron Tonkin Chevrolet-Geo-Sterling  
Karen Whitman, McDonald Babb & Clarkson

## **Honorary Board Members**

Barbara Roberts, Governor, State of Oregon  
Vera Katz, Mayor, City of Portland  
Rena Cusma, Executive Officer, Metro

## **History**

In September, 1991, a Metropolitan Sports Authority Task Force was created by the Metropolitan Service District (Metro) to consider the feasibility of establishing a local sports commission. This task force consisted of a group of visionary civic and business leaders who surveyed other communities around the country and concluded that a commission was necessary if Portland was to be competitive in attracting major sports events to the region.

In November, 1992, after 18 months of study by the task force, the Portland Metropolitan Sports Authority was established as a private, non-profit corporation. With seed capital provided by a number of local corporations and MERC, an Executive Director was hired and an office established in April, 1993.

## **Purpose**

The PMSA's goal is to promote economic development; increase the usage of existing spectator facilities and sports venues; promote civic pride; improve the city's image as a "big league" sports town; and diversify the kinds of events available to sports enthusiasts in Portland. Accordingly, the PMSA will coordinate efforts to bid for, promote and manage quality sports events that make sense for this community.

Sports marketing is a \$50 billion per year industry, creating diverse economic opportunities in markets similar to Portland. The rapid growth of the sports industry over the past two decades has resulted in the creation of about 60 sports councils in cities across the country. As a result, Portland is entering a highly competitive, but very lucrative industry.

By working cooperatively with local sports organizing groups, facilities managers, promoters and event organizers, the PMSA will showcase Portland as an ideal site for world-class sporting events. Equally important will be the broadening of the national and international business community's awareness of this region's attractiveness as a place to live and do business. By hosting quality events such as the Tournament of the Americas, sports can become a key component of our economic growth strategy, and at the same time make this area an even more exciting place to live.

For more information call or write:  
Craig Honeyman  
Executive Director  
500 N.E. Multnomah, Suite 890  
Portland, OR 97232  
(503)234-4500

## PMSA EVENTS

The following represents activities in which the PMSA has been involved to date:

U.S. Olympic Committee Athletes' Advisory Council (1994)\*

Baseball Exhibition, Team USA v. Korea National Team (1994)\*

Little League Softball World Series (1994) \*

World Rugby League Tournament (1994) \*

N.W. Bodybuilding Championship (1994)

PBA Tour "Oregon Open" (1994)

U.S. Men's Olympic Soccer v. Portland Pride (1994)

Ultimate Frisbee West Regional Championships (1994)

NEC Davis Cup, U.S. v. the Bahamas (1994)

U.S. Master's Long Course Swimming Championships (1995)\*

Pacific Coast Figure Skating Championships (1995)\*

U.S. Windsurfing Association National Championships (1995)

U.S. Outdoor Volleyball Championships (1995)

U.S. Classic Gymnastics Championship (1995)

Hershey's World Champions Cup, Gymnastics (1995) (1996)

U.S. Figure Skating Championships (1996)

Junior USA National Bodybuilding Championships (1996)

NCAA Division I Cross-Country Championships (1996)

NCAA Division I Men's Basketball West Regional Finals (1997)

World Masters Games (1998)

American Bowling Congress Championship Tournament (1999) (2000)

Canadian Football League (ongoing)

AAA / PCL Baseball (ongoing)

*\* events confirmed for Portland*

**PMSA CONTRIBUTORS**

NIKE, INC.  
PACIFICORP  
US BANK  
MERC  
OREGON ECONOMIC DEVELOPMENT DEPT.  
TEKTRONIX  
OREGON SPORTS ACTION  
OREGON SPORTS ACADEMY  
KEY BANK  
PETER JACOBSEN PRODUCTIONS  
DAVIS WRIGHT TREMAINE  
NORTHWEST NATURAL GAS  
PGE  
FIRST INTERSTATE BANK  
BANK OF AMERICA  
PORTLAND TRAIL BLAZERS / OREGON ARENA CORPORATION  
STOEL RIVES BOLEY JONES & GREY  
TONKON TORP GALEN MARMADUKE & BOOTH  
PERKINS COIE  
BALL, JANIK & NOVAK  
BOGLE & GATES  
AMERICA'S BEST / PORTLAND PRIDE  
ATER WYNNE  
SRO PARTNERS  
TICKETMASTER  
FASTIXX  
BANK OF CALIFORNIA  
PORT OF PORTLAND  
FOSTER PEPPER & SHEFELMAN  
PRICE WATERHOUSE  
DELOITTE & TOUCHE  
JEFF SANDERS PROMOTIONS  
GLOBAL EVENTS GROUP  
MACK ROBERTS ET AL  
MALETIS BEVERAGE  
FRED MEYER  
CITY CENTER PARKING  
NORTHWEST STRATEGIES  
AZUMANO TRAVEL  
TONY ROMA RESTAURANTS  
RED LION HOTEL  
PUBLIC FINANCIAL MANAGEMENT, INC.  
LANE, POWELL, SPEARS  
RON TONKIN AUTO DEALERSHIPS  
STANDARD INSURANCE  
MELVIN MARK PROPERTIES  
GARD STRANG EDWARDS & ALDRIDGE  
GEFFEN MESHER  
ADIDAS AMERICA  
THE HEATHMAN HOTEL

# Group tries to put city on sports map

■ The Portland Metropolitan Sports Authority says it wants to reverse an 'inferiority complex' and attract big events

By BOB ROBINSON

of The Oregonian staff

Al McGuire's advice to officials of the Portland Metropolitan Sports Authority was blunt.

"You don't want to be a barracuda group," he said on a recent visit to Portland. "You have to be realistic in your elephant-hunting."

The former Marquette University basketball coach and current television basketball analyst, was speaking at the first forum luncheon of the Authority, which recently was formed to attract more sports activities to Oregon.

While cautioning the Authority to be realistic in what events it pursues, McGuire said he was impressed with what he had seen of the Portland group's activities. He compared its approach to that of a similar sports organization in Milwaukee.

"I've been involved with that group and, since its organization, we have been host to early rounds of the NCAA basketball playoffs and we have had six National Football League teams hold training camps in the state," McGuire said. "It's possible to make things happen."

Making things happen is what the recently formed Portland organization is all about, according to Will Glasgow, president of its 10-member board of directors, and Craig Honeyman, its executive director.

"I think we've had a bit of an inferiority complex in Portland in this area," said Glasgow, senior vice president of PacifiCorp. "I think there is an overriding feeling that we can't get things done. It's our goal to change that attitude."

Glasgow also pointed out that the nonprofit group is not just about sports. The related economic impact from sports events is major in its thinking.

"There are about 50 of these sports councils around the country," Glasgow said. "What some of them have accomplished is eye-opening."

When the Portland organization opened for business in April 1993, the general impression was that its goal was to go after major-league football or baseball franchises and to push for a new stadium.

Not so, said Glasgow and Honeyman. At the moment, they said, those goals simply aren't realistic. The bottom line is that opportunities



TOM TRECK/The Oregonian

Al McGuire told the Sports Authority he is impressed with its efforts.

are out there, and it is long past the time when Portland should have knowledge of them.

"This community has not positioned itself to be in the path of opportunity," Glasgow said.

The Authority, created by a broad range of business, government, sports and civic interests, was established to facilitate that positioning. It came into being as an aftermath of the ill-fated efforts of the so-called Dome Team that had grandiose dreams of a new stadium in the Portland area.

"I was involved with that committee, and what came out of it was not a recommendation for a domed stadium but for a sports group like the one we have established," Glasgow said. "The research of the committee showed the need for it."

The Authority's major financial supporters are Nike, U.S. Bank, Portland General Electric, Tektronix, First Interstate Bank, Northwest Natural Gas, the Portland Trail Blazers and PacifiCorp.

"It's no secret that the Blazers' new arena is going to open the door to a lot more opportunities," Glasgow said. "And it's important to us that Civic Stadium not be lost as a future site for events."

In addition to the 10-member board of business leaders, the Authority has a 13-member Sports Advisory Committee consisting of promoters and facility managers. There are two paid staff members — Honeyman and an assistant.

Initial financing came from local corporations and from a contract with the Metropolitan Exposition-Recreation Commission. The plan is for the Authority to be maintained through corporate and individual memberships.

## DEPARTABLE

■ **WHAT:** Portland Metropolitan Sports Authority.

■ **BACKGROUND:** The Authority, a nonprofit group, was formed to attract more sports activities to Oregon, with emphasis on the Portland area. Opened for business in April 1993, it has two paid staff members, a 10-member board of directors and a 13-member Sports Advisory Committee.

■ **PRESENT:** The group's major accomplishment is publication of an extensive catalog with a list of facilities available in the state. It also includes a list of local, regional, national and international sports governing bodies.

■ **FUTURE:** The group is negotiating with the American Bowling Congress for its tournament in 1999 or 2000. It also is planning a bid for the 1999 U.S. Figure Skating Championships.

"We have about 25 corporations as members, and we are shooting for 200," Glasgow said.

Anyone looking for immediate results — in the form of sports events scheduled in Oregon — probably will be disappointed.

McGuire spoke of the need for patience and planning, and that seems to be the method of the Authority, which has learned that most sports events are scheduled years in advance.

But, Honeyman said, the Authority was involved in a bid for the 1996 U.S. Figure Skating Championships in Portland's new arena, which fell just short.

"We worked with the Blazers, Peter Jacobsen Productions and local skating organizations on our bid," he said. "I think the only reason we didn't get it was because of the outside chance that the arena wouldn't be ready. We'll try again for the 1999 event, the next time it will be held in the West, and I think our chances will be good."

The Authority also has been negotiating with the American Bowling Congress for its national tournament in 1999 or 2000.

An official bid hasn't materialized because the Authority hasn't found anyone ready to come up with two guarantees to the bowling organization — \$300,000 plus a shell to house lanes that the bowling organization would provide. The shell could be in an existing building.

"Even if we don't come up with a bid now, they told us that they wanted us to bid in the future," Honeyman said. "They said that they like the idea of Portland as a site. This is an event that goes on for from four to six months and would bring something like \$50 million to \$60 million into the area."

So what has Authority really accomplished?

"The most significant is our catalog of facilities in the state, and all aspects about each of them," Glasgow said. "In the catalog, we also have compiled a complete list of organizations that put on sports events — internationally, nationally and locally."

The catalog is nearly 200 pages and, according to Glasgow, was designed to provide the Authority with the capacity to determine which events make sense for Portland and to provide the information required for successful bids.

"In effect, we make these tools available to communities or organizations which might want to bid for an event," Honeyman said. "But, depending on the situation, we also will take a leadership role in bidding, either working with someone or making the bid ourselves."

When people act skeptical about the Authority, Glasgow likes to cite the example of Indianapolis.

"They formed their sports council in 1978 at a time when Indianapolis was being called 'the city going no place,'" Glasgow said. "Since, the Hoosier Dome has been built, they have been host to two basketball Final Fours, the Indianapolis Colts have come to the community, and they have been host to the Olympic Sports Festival and Pan American Games."

"They had a study and determined that, in the years 1978-91, sports activity brought \$1.9 billion to the local economy. To accomplish this, they spent about \$150 million."

And that probably is the major stumbling block for the Authority — getting skeptical Oregonians in a mood to invest in the future.

**PORTLAND METROPOLITAN SPORTS  
AUTHORITY**

**1993  
ANNUAL REPORT**

## PORTLAND METROPOLITAN SPORTS AUTHORITY

### 1993 ANNUAL REPORT

Although originally incorporated in November, 1992, the Portland Metropolitan Sports Authority's (PMSA) offices opened in April, 1993. In its first nine months of operation the PMSA established a firm foundation from which to assume a leadership role in positioning the City of Portland and the surrounding area as a world class sports venue.

In this report we summarize the events and accomplishments of the PMSA in 1993. It was a year of organization, networking, research, fundraising and team building. The number one challenge was to introduce the PMSA to the community, begin to establish relationships, and earn the support of business, political and civic leaders so critical to our success.

The following is a listing and description of activities and accomplishments in the PMSA's first year.

#### Organization

- \* Metro's Public Policy Advisory Committee for Regional Convention, Trade, Performing Arts and Spectator Facilities recommended the establishment of a Sports Commission (1991).
- \* A task force of prominent business leaders and sports promoters was created to recommend the form and structure of a new sports authority (1992).
- \* The Portland Metropolitan Sports Authority was established with a Board of Directors (December, 1992).
- \* Private, non-profit corporate status was sought for both the Portland Metropolitan Sports Authority as a 501(c)(6) and for the Portland Metropolitan Sports Authority Foundation as a 501 (c) (3) from the IRS. Non-profit status was granted for both entities via IRS letters of determination issued in August and September of 1993.
- \* Following a regional search an Executive Director was hired and an office established. Office procedures, a corporate logo and other administrative policies were developed (April, 1993).

- \* The Board of Directors was expanded and includes the following:

William J. Glasgow, PacifiCorp (President)  
Richard Donahue, NIKE, Inc. (Vice President)  
Kevin Kelly, US Bancorp (Treasurer)  
Jack Elder, Oregon Sports Action (Secretary)  
Len Bergstein, Northwest Strategies  
Stephen T. Janik, Ball, Janik & Novack  
David C. Knowles, Davis, Wright, Tremaine  
Marty Rudolph, Rudolph & Nelson  
James Taylor, Portland Development Commission  
Richard Waker, Waker Associates, MERC Commissioner

- \* A Sports Promotion Advisory Committee was created to provide the board and staff with technical advice on matters relating to the bidding, promotion and staging of sports events. It consists of the following:

Jack Elder, Oregon Sports Action and PMSA Board member (Chair)  
Susan Bladholm, Oregon Economic Development Department Tourism  
Division  
Owen Blank, Tonken Torp Galen Marmaduke & Booth  
Brent Dahl, Portland Oregon Visitors Association  
Ed Ellis, Peter Jacobsen Productions  
Chuck Galford, Galford Event and Management group  
J Issac, Portland Trail Blazers/Oregon Arena Corporation  
Ray Leary, Self Enhancement Inc.  
Neil Lomax, ProMax  
John McArdle, USOC Athletes Advisory Committee for USA Track &  
Field  
Mike Nealy, Global Events Group  
Randy Nordlof, Portland State University  
Brian Parrott, America's Best  
Craig Honeyman, Portland Metropolitan Sports Authority

### Fundraising

- \* Seed capital for the PMSA was raised in the form of grants from the following organizations:

Metropolitan Exposition and Recreation Commission  
PacifiCorp  
NIKE  
US Bancorp  
Oregon Sports Action  
Tektronix  
Northwest Natural Gas  
Portland General Electric

- \* A contract was executed with the Metro Exposition Recreation Commission for fiscal year 1993-1994, raising additional funds for the PMSA and formalizing the sports and facilities marketing relationships between the two agencies. This contract was later renewed for fiscal year 1994-1995.



- \* A grant was secured from the Oregon Economic Development Department to underwrite the cost of hiring two interns to research, write a report and design a data base for the PMSA (June, 1993).
- \* In order to broaden and diversify the corporate and individual support for the PMSA and to raise funds for 1994, a comprehensive fundraising strategy was developed and implemented. Presentations to key industries, stakeholder firms and other individuals or groups were made. The purpose of these meetings was to introduce the PMSA and to solicit funding from potential donors who stand to benefit either directly or indirectly from an energized sports marketing program in the community. Presentations were made to bankers, attorneys and sports promoters. At year end, plans were being made to meet with accounting firms, auto dealers and the hospitality industry. About 50 percent of the funds needed to operate the PMSA in 1994 were in hand or pledged by year end, 1993.

#### Public Relations/Community Outreach

- \* In light of the fact that the PMSA is a brand new entity on the local sports and business scene, a public relations effort was undertaken throughout 1993 to introduce the organization, its mission and its potential to contribute significantly to the economic vitality and livability of the Portland metropolitan area.
- \* Members of the Board of Directors and staff made 17 speeches to local business groups and service clubs. Highlights of this effort were appearances at the City Club of Portland, the Business Forum of the Portland Chamber of Commerce, the Forum of the Beaverton Chamber of Commerce, and the Portland Oregon Visitors Association.
- \* Several more speaking engagements were booked in 1993 for 1994.
- \* A speaker was secured and planning and promotion completed for the PMSA's first Sports Forum to be held on January 5 1994. The Sports Forum, sponsored by the PMSA, will become a regular event on the local sports calendar.

Designed to be entertaining and informative for the local sports fan, a vehicle for public relations and fundraising for the PMSA and as a service to PMSA members, the Sports Forum will feature athletes, coaches, journalists and other notables from the sports world.

- \* During the 1993 session of the Oregon State Legislature, the PMSA participated in discussions on a bill to establish a state strategy for securing professional sports franchises. Seeking to forestall duplication of effort, the PMSA persuaded state officials to support its efforts in this regard.
- \* The PMSA took advantage of numerous opportunities to be interviewed by local media and made several television and radio appearances in

conjunction with its normal business activities, but particularly with regard to its efforts to secure a AAA baseball team for the city.

PMSA staff and board were featured on local radio stations including Sportsline with Scott Lynn on KEX, KFXJ all sports radio and KBNP's "The Business of Sport". All three local network television affiliates featured interviews with the Executive Director during the period when a replacement for the Portland Beavers Baseball Club was under consideration. The PMSA President's speech to the City Club of Portland was re-broadcast on local cable access. He appeared again as a guest of Mayor Vera Katz on her weekly television program.

- \* A fact sheet and brochure describing the origins, the mission and the value of the PMSA to a community like Portland were produced. These will serve public relations, fundraising, membership solicitation and volunteer recruitment purposes.
- \* Initial planning for a membership program, to be introduced in 1994, was undertaken in 1993. The purpose of this program will be to establish a stable source of funding, to broaden and diversify local support for the PMSA, establish a volunteer base for purposes of event management and to position the PMSA as a community leader in local economic development efforts, specifically in the business of sports promotion.

A variety of corporate and individual membership levels with commensurate dues and benefits are being developed. The goal is to have at least 200 corporate dues paying members by the end of 1994.

### Research

In order to properly assess the region's ability to attract and successfully stage sporting events, a comprehensive analysis of facilities, events and sanctioning bodies was undertaken.

Funding for this project was obtained through a grant from the Oregon Economic Development Department, as described earlier in this report. Two interns were hired and worked all summer and into the fall on this project.

The research provides the PMSA with the following:

- \* An inventory of primary and secondary, man-made and naturally occurring sports venues throughout Oregon, including specific details relative to the physical capabilities of each.
- \* A catalogue of national governing bodies and other sanctioning organizations which control the site selection, promotion and staging of various events. Included is the identification of key contacts and other pertinent information.
- \* A calendar of events available to the PMSA for bidding, including

information on bid deadlines, dates and event specifications.

- \* A data base formatted for easy updating of material and cross referencing of event criteria with facility capabilities. This resource material will be valuable to local sports organizing committees, economic development and tourism promoters and sports promoters throughout Oregon.

### Networking

The PMSA was represented at a number of meetings and participated in a variety of projects which were beneficial in establishing an identity for the organization and linkages with other individuals and groups both locally and around the country.

- \* Attended the annual meeting of the National Association of Sports Commissions (NASC - trade organization for over 50 local sports commissions) in New Orleans (April, 1993).
- \* Attended the U.S. Olympic Committee Congress (trade show and bid seminars for participants in the Olympic movement) and the NASC meeting which accompanied it (October, 1993).
- \* Hosted a conference of the Governor's Council on Physical Fitness and Sports.
- \* Participated in the development of business plans for sports and spectator facilities managed by the Metro Exposition and Recreation Commission. These included Civic Stadium and the Oregon Convention Center.
- \* Positioned the PMSA to have a significant role in The Portland Agenda, the city's new economic development strategy being prepared by the Business Roundtable, appointed by the Mayor.
- \* Networked with officials representing the State Games of Oregon, Oregon Sports Action and Oregon Sports Academy.

### Events

In its first year the PMSA either bid or assisted in the bid process on a number of events, and participated in several projects involving professional sports franchises.

The PMSA was successful in:

- \* Assisting Oregon Masters Swimming, Inc. secure the U.S. Masters Long Course Swimming Championships to be held at Mt. Hood Community College in August, 1995.
- \* Securing the May, 1994, meeting of the U.S. Olympic Committee's Athlete's Advisory Council. The PMSA will help organize and

6.

facilitate the meeting as well.

- \* Helping obtain the 1995 Pacific Coast Figure Skating Championships (pending approval of the arena lease), a qualifier for the U.S. National Figure Skating Championships.

The PMSA participated in the following projects which were not successful, but established relationships which will be valuable in the future:

- \* NEC Davis Cup Consolation Semi-Finals between the US and the Bahamas. The PMSA co-hosted a two member delegation from the Davis Cup Committee of the US Tennis Association for one day.
- \* The 1996 U.S. National Figure Skating Championships.
- \* The 1995 U.S. Classic Gymnastics Championships, a competition for women leading up to the national championships.

The PMSA was actively engaged in the following projects in 1993 and will continue to pursue them in 1994:

- \* Introduced the owner of the Calgary Canons, AAA Pacific Coast League affiliate of the Seattle Mariners, to MERC and other city officials. Facilitated a series of discussions concerning the possible movement of that franchise to Portland.
- \* Coordinated efforts to secure a location and prepare a bid package for the 1999 or 2000 American Bowling Congress National Tournament. Coordinated a visit to Portland by a four member site inspection team from the ABC.
- \* Reviewed the prospects of Canadian Football League expansion into Portland. Worked with MERC and the Portland Trail Blazers in determining logistical and financial feasibility, and discussed Portland with several franchise owner prospects.
- \* Began preliminary discussion with officials of Major League Professional Soccer, Inc., a subsidiary of World Cup USA 1994, Inc., concerning the establishment of a new outdoor professional soccer league and Portland as a potential franchise.

The following events are being reviewed for possible bidding by the PMSA:

- \* 1997, 1998, or 1999 U.S. Olympic Sports Festival
- \* U.S. Outdoor Volleyball Championships
- \* Women's Professional Beach Volleyball Tour
- \* National Physique Committee's Junior USA Bodybuilding Championships

7.

- \* World Police and Fire Games
- \* NCAA Division II National Championship Football Game

MINUTES OF THE METRO COUNCIL

May 12, 1994

Council Chamber

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

Councilors Absent: None

Presiding Officer Wyers called the regular meeting to order at 4:10 p.m.

Presiding Officer Wyers announced the Council would follow the agenda as scheduled until 5:00 p.m. when Agenda Item No. 4.1 was scheduled for a time certain.

1. INTRODUCTIONS

None.

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

5. CONSENT AGENDA

5.1 Minutes of April 14 and 28, 1994

Councilor McFarland noted an error in the minutes of April 28, 1994. She noted she was not in attendance at that meeting, but was listed both as voting "aye" and as being absent for the final vote on Agenda Item No. 7.2.

Motion: Councilor McFarland moved, seconded by Councilors Gates, for approval of the Consent Agenda with the correction as listed above.

Vote: Councilor Buchanan, Gates, McFarland, McLain, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Devlin, Gardner, Hansen, Kvistad and Monroe were absent. The vote was 8/0 in favor and the Consent Agenda was adopted with the April 28, 1994, minutes corrected.

6. ORDINANCES, FIRST READINGS

6.1 Ordinance No. 94-547, An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Reflecting Expenditure Increases Due to Delivered Tonnage in Excess of Budget Expectations, Costs Associated with Household Hazardous Waste Events and Shift Coverage; and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-547 had been referred to the Solid Waste and the Finance Committees for consideration.

6.2 Ordinance No. 94-548, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Funding Salary and Fringe for the Office of Government Relations; and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-548 had been referred to the Finance Committee for consideration.

6.3 Ordinance No. 94-550, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule to Revise the Regional Parks and Expo Fund Budget to Reflect the January 1, 1994, Transfer of Operations, and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-550 had been referred to the Regional Facilities and Finance Committees for consideration.

6.4 Ordinance No. 94-551, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule to Revise the Building Management Fund to Reflect the Change in Operational Requirements, and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-551 had been referred to the Finance Committee for consideration.

6.5 Ordinance No. 94-552, Amending the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Transferring \$31,000 from the Zoo Operating Fund, Facilities Management Division Capital Outlay to the Facilities Management Division Materials and Services to Fund the Purchase of Higher than Expected Utility Costs, and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-552 had been referred to the Regional Facilities and the Finance Committees for consideration.

7. ORDINANCES, SECOND READINGS

7.1 Ordinance No. 94-541, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Reflecting Funding Increases Due to Delivered Solid Waste Tonnage in Excess of Budget Expectations, Restoring Funding for the Neighborhood Annual Cleanup Program, Recognizing New Grant Funds and Related Expenditures, Funding Unanticipated Personal Services Requirements, and Transferring Appropriations Within the Solid Waste Revenue Fund and the Rehabilitation and Enhancement Fund, and Declaring an Emergency (Public Hearing)

METRO COUNCIL

May 12, 1994

Page 3

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

Presiding Officer Wyers announced that Ordinance No. 94-541 was first read on April 14, 1994, and referred to the Solid Waste and Finance Committees for consideration. The Solid Waste Committee considered it on April 19 and the Finance Committee considered it on April 27 and May 11, and that both committees recommended the ordinance to the full Council for adoption.

Motion: Councilor McLain moved, seconded by Councilor McFarland, for adoption of Ordinance No. 94-541.

Councilor McLain gave the Solid Waste Committee's report and recommendations. She said both committees unanimously recommended Council adoption of the ordinance and explained in detail the various amounts to be transferred among the various funds.

Councilor Moore asked about pay and range classifications. Councilor Monroe said when an employee was classified down, their pay was frozen at the same salary until raises in other areas caught up with that rate of pay.

Councilor Moore asked why grant funds were used to prepare generic pamphlets on household hazardous waste (HHW) facilities. Councilors McLain and Moore discussed the issues further.

Bob Martin, Director of Solid Waste, explained the Environmental Protection Agency (EPA) had given Metro funds to prepare a brochure for them based on Metro's expertise with HHW facilities. He said Metro could use the brochures, but said they were primarily intended for use also at HHW facilities in other jurisdictions.

Presiding Officer Wyers opened the public hearing.

No persons present appeared to testify and the public hearing was closed.

Vote: Councilors Gardner, Gates, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Buchanan voted nay. Councilors Devlin, Hansen and Kvistad were absent. The vote was 9/1 in favor and Ordinance No. 94-541 was adopted.

7.2 Ordinance No. 94-539, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Replacing the South Corridor Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS) with the South/North AA/DEIS, Authorizing 1.0 New FTE, Recognizing New Planning Grants and Related Expenditures and Declaring an Emergency (Public Hearing)

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

Presiding Officer Wyers announced that Ordinance No. 94-539 was first read on April 14, 1994 and referred to the Planning and Finance Committees for consideration. The Planning Committee considered it on May 5 and the Finance Committee considered it on May 11 and both committees recommended the ordinance to the full Council for adoption.

Motion: Councilor Moore moved, seconded by Councilor McLain, for adoption of Ordinance No. 94-539.



Councilor Moore gave the Planning Committee's report and recommendations. She explained the ordinance would authorize the transfer of funds, add one new FTE, and recognize new planning grants to facilitate work on the South/North Transit Corridor.

Presiding Officer Wyers opened the public hearing.

No persons present appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Gardner, Gates, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Devlin, Hansen and Kvistad were absent. The vote was 10/0 and Ordinance No. 94-539 was adopted.

7.3 Ordinance No. 94-544A, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule to Reflect Operational Needs at MERC Facilities, Complete Work on the MERC Business Plan, and Declare an Emergency (Public Hearing)

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

Presiding Officer Wyers announced that Ordinance No. 94-544 was first read on April 14, 1994, and referred to the Regional Facilities and the Finance Committees for consideration. The Regional Facilities Committee considered it on April 21 and recommended it to the full Council for adoption and the Finance Committee considered it on April 27 and recommended Ordinance No. 94-544A to the full Council for adoption.

Motion: Councilor Moore moved, seconded by Councilor Gates, for adoption of Ordinance No. 94-544A.

Councilor Moore gave the Regional Facilities Committee's report and recommendations. She said the Committee requested a job description of the employee to be funded.

Councilor Monroe gave the Finance Committee's report and recommendations.

Don Carlson, Council Administrator, noted the FTE in question would be paid for by MERC rather than by Metro's General Services Department.

The Council briefly discussed the issues further.

Presiding Officer Wyers opened the public hearing.

No persons appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Gardner, Gates, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Devlin and Hansen were absent. The vote was 11/0 in favor and Ordinance No. 94-544A was adopted.

7.4 Ordinance No. 94-545, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule to Reflect Operational Needs at the Metro Washington Park Zoo, and Declaring an Emergency (Public Hearing)

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

METRO COUNCIL

May 12, 1994

Page 5

Presiding Officer Wyers announced that Ordinance No. 94-545 was first read on April 14, 1994, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on April 27 and recommended it to the full Council for adoption.

Motion: Councilor Washington moved, seconded by Councilor Gates, for adoption of Ordinance No. 94-545.

Councilor Washington gave the Finance Committee's report and recommendations.

Presiding Officer Wyers opened the public hearing.

No persons present appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Gardner, Gates, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Devlin and Hansen were absent. The vote was 11/0 in favor and Ordinance No. 94-545 was adopted.

7.5 Ordinance No. 94-540, An Ordinance Amending the FY 1993-94 Budget and Appropriations Schedule For the Purpose of Transferring \$28,798 from the Finance & Management Information and Materials to the Finance and Management Information Capital Outlay Account to Fund the Purchase of Canon Copiers and Network Equipment and Declaring an Emergency (Public Hearing)

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

Presiding Officer Wyers announced that Ordinance No. 94-540 was first read on April 14, 1994, and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on April 27 and recommended it to the full Council for adoption.

Motion: Councilor Kvistad moved, seconded by Councilor Washington, for adoption of Ordinance No. 94-540.

Councilor Kvistad gave the Finance Committee's report and recommendations.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Hansen was absent. The vote was 12/0 in favor and Ordinance No. 94-540 was adopted.

8. NON-REFERRED RESOLUTIONS

8.1 Resolution No. 94-1956, In Memory of Glenn E. Otto in Appreciation for His Contributions to the Greater Portland Metropolitan Area

Motion to Suspend the Rules: Councilor Monroe moved, seconded by Councilor Gates, to suspend the Council's rules requiring resolutions be referred by committee so that the Council as a whole could consider Resolution No. 94-1956.

Vote on Motion to Suspend: Councilors Buchanan, Devlin, Gardner, Gates, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor

Hansen was absent. The vote was 12/0 in favor and the motion passed unanimously.

Main Motion: Councilor Monroe moved, seconded by Councilor Washington, for adoption of Resolution No. 94-1956:

Councilor Monroe discussed and praised Senator Otto's service in the State Legislature and discussed some of his experiences working with Senator Otto when he served in the State Legislature also.

Presiding Officer Wyers stated that Senator Otto was an exemplary public servant and extended the Council's sympathy to Senator Otto's family.

Councilor Devlin noted that Senator Otto was instrumental in creating and maintaining Metro via legislation at the State Legislature and said his efforts had added balance to Charter Committee appointments.

Vote on Main Motion: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was 13/0 in favor and Resolution No. 94-1956 was adopted.

## 9. RESOLUTIONS

### 9.1 Resolution No. 94-1953, For the Purpose of Expressing Support for the Pacific Northwest Rail Corridor Passenger Service Objectives

Motion: Councilor Gardner moved, seconded by Councilor Devlin, for adoption of Resolution No. 94-1953.

Councilor Gardner gave the Planning Committee's report and recommendations. He explained the resolution reiterated Washington State's commitment to reestablishing rail passenger service from Seattle, Washington, to Vancouver, B.C. and adding additional rail passenger service between Seattle and Portland, Oregon. He said Oregon had committed \$10 million in lottery funding to high speed rail.

Vote: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was 13/0 in favor and Resolution No. 94-1953 was adopted.

## 4. OTHER BUSINESS

### 4.1 Consideration and Review of MERC Resolution No. 94-20

Presiding Officer Wyers explained that Councilors Gardner, Hansen and Monroe requested Council review of MERC Resolution No. 94-20.

Councilor Hansen explained earlier this year that MERC had filed Resolution No. 94-15 with the Clerk of the Council and that MERC then rescinded that resolution. She said MERC then submitted MERC Resolution No. 94-20, Adopting the Support Costs Analysis Report dated March 1994 and Establishing Guideline Parameters as Contained in the Report, which she said was substantially similar to Resolution No. 94-15. She said the support costs analysis was contained within the MERC business plan. She said MERC wanted to be able to communicate with Metro if support costs rose much higher. She said concerns had been expressed that the

METRO COUNCIL

May 12, 1994

Page 7

resolution set a precedent for departments to question or dispute whatever support costs or allocations they were charged. She said the MERC business plan stated that support costs at this time were reasonable. She said MERC was concerned about potential support costs because MERC costs and overhead had declined while Metro overhead charged to MERC facilities had increased. She said MERC wanted to be able to communicate to Metro about the costs it could not reduce.

Councilor Monroe had said MERC had done a creditable job of reducing costs and making the regional facilities profitable, but said he was concerned about the direction Resolution No. 94-20 took. He said MERC believed that if its profits went down, their share of support costs should be proportionately reduced, but said such action would not be fair to other Metro departments.

Councilor Gardner said he had concerns about policy as stated in the resolution and the Support Cost Analysis. He said such expenses were outside the control of the MERC Commission and administration. He said support costs to Metro had increased and MERC's administrative costs had gone down because Metro now provided services that MERC's administration had previously performed. He said other factors to be considered included Metro's move to a self-insurance system which involved larger start-up costs for each department and the loss of revenues from the Memorial Coliseum. He said MERC was understandably concerned about increased costs, but said Metro could not support two separate policies on the same issues. He said Metro's cost allocation program was carefully calculated on the use by, and benefit to, each department. He said MERC should communicate directly with the Executive Officer and the Council if they questioned whether they were fully receiving the benefits they were paying for. He said Resolution No. 94-20 itself was not particularly controversial, but that it would establish a separate, different MERC policy for evaluating support services and costs and said MERC was part of Metro and should follow Metro policy.

Councilor McFarland said the Council should not send the resolution back because MERC had tried to be responsive to Metro's concerns. She said, however, that MERC should recognize Metro was the final authority on what support costs were appropriate or not. She said MERC was trying to ensure that the \$600,000 received per year for three years from the hotel/motel tax would be used to support the Portland Center for the Performing Arts (PCPA) and not pay support costs.

The Council discussed the issues further. Councilor Gardner asked if numbers from the FY 1994-95 Approved Budget were available to help clarify the issues. Mr. Carlson said those numbers were not yet available.

Presiding Officer Wyers asked MERC representatives to speak.

Pat LaCrosse, MERC General Manager, said per the Approved Budget their costs would likely be higher. He said traditionally MERC costs were slightly lower than what was usually listed in the Adopted Budgets.

Sam Brooks, Chair, MERC Commission, asked the Council to let Resolution 94-20 stand. He said MERC staff had worked very hard to accommodate Metro's and MERC's needs. He said if the Council did send it back, MERC would work on the issues to achieve understanding with Metro.

Mr. LaCrosse said MERC understood, respected and used the allocation system, but said without a revenue stream from two of its facilities, it would be difficult to pay those support costs. He said MERC was possibly using too much of the support services.

The Council and Mr. LaCrosse discussed the issues further. Councilor McLain asked General Counsel Dan Cooper if Resolution No. 94-20 created or conflicted with current Metro policy. Mr. Cooper said the two policies did not represent a legal conflict, but were two different policies. He said the issues represented a

policy decision for the Council to make. Councilor McLain said she wanted to ensure the policies were not in conflict with each other. Mr. Cooper said legal authority lay with the Council which adopted the budget for the agency as a whole.

Councilor Gardner asked Mr. LaCrosse if the resolution itself had been necessary. Mr. LaCrosse said MERC used resolutions as its management tools. He said they also helped to avoid future misunderstandings.

Councilor Hansen asked if facilities should be treated the same or differently based on their profitability.

The Council and MERC representatives discussed the issues further. Mitzi Scott, MERC Commissioner, said the resolution was meant to communicate MERC's needs to Metro. Councilor Moore and Mr. LaCrosse discussed how the \$600,000 would be used.

Councilor Kvistad said with regard to the \$600,000, Metro should not start developing policy on a grant by grant basis. He said support costs were standard business costs and said Metro departments should not determine on their own what was a reasonable cost and what was not. He said departments should communicate difficulties and/or inability to pay to the Council, but said it should ultimately be the Council's decision as to what was reasonable.

Councilor Gardner said Resolution No. 94-1955 only reiterated Council policy and did not reference the MERC resolution. He said it stated the Council would attempt to cap support services costs in all departments and also stated Metro's intent to do a performance audit of Metro's cost allocation plan and its effectiveness.

Motion: Councilor Monroe moved, seconded by Councilor Buchanan, to return Resolution No. 94-20 to MERC.

Councilor Monroe said he understood MERC's concerns and the intent behind the resolution.

Councilor Devlin stated for the record he had always questioned Metro's cost allocation plan and/or how it was defined by department. He said when he started at Metro in 1989 there were no professional personnel functions. He said to make that and other systems, including accounting, investment and risk management functions good, it had involved start-up costs. He said when Metro took over MERC, functions had to be sorted out to see if they should become centralized or stay with MERC. He said if the Stadium closed, MERC's internal support services costs would probably increase unless MERC made cutbacks. He said he understood MERC's position, but said if the resolution was referred back, the issues could probably be resolved amicably on both sides.

Councilor Monroe said if the Council let the resolution stand, it would imply that its content was acceptable. He said the Council would work with MERC on the issues in the future.

The Council discussed the issues further. In response to questions by Councilors, Mr. Cooper explained the resolution would be invalid once the Council voted to return it to MERC.

In response to Councilor Devlin, who asked what the Council's next course of action would be, Councilor Monroe said he would meet with Councilor Hansen, Regional Facilities Committee chair, and with MERC representatives to clarify and resolve the issues. He said if the Council adopted Resolution No. 94-1955 as its next course of action, he said that would clearly state the Council's policy on support services also.

Councilor Van Bergen said he had thought the Council's position on support service costs were clear. He said even if MERC did not use various services every day, it had to pay for the benefit of being able to access them. He said support service costs as they were now were fair to all units of Metro's organization. He said the time to raise concerns was during the budget process, or to request budget adjustments during the fiscal year. He asked why Administration was not present to deal with the issues at this meeting.

The Council discussed the issues further.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen and Washington voted aye. Councilors McFarland and Wyers voted nay. Councilor Gates was absent. The vote was 10/2 in favor and the motion to send MERC Resolution No. 94-20 was sent back to MERC.

Mr. Brooks said he appreciated the Council's comments at this meeting. He said MERC would not bring the resolution back, but would try to communicate with the Council on the issues in a different manner.

4.2 Resolution No. 94-1955, For the Purpose of Reiterating Council Policy Regarding Support Services Cost Allocations

Motion: Councilor Monroe moved, seconded by Councilor McLain, for adoption of Resolution No. 94-1955.

Councilor Monroe gave the Finance Committee's report and recommendations.

Vote: Councilors Buchanan, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Devlin and Gates were absent. The vote was 11/0 in favor and Resolution No. 94-1955.

9. RESOLUTIONS (Continued)

9.2 Resolution No. 94-1952, For the Purpose of Authorizing an Intergovernmental Agreement with Clackamas County to Provide Litter Collection Services

Motion: Councilor McLain moved, seconded by Councilor Buchanan, for adoption of Resolution No. 94-1952.

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

Councilor Van Bergen said such contracts as sponsored by Metro had expanded, and approved the work involved, but said he did not think the contracts were properly monitored by Metro.

The Council briefly discussed the issues.

Vote: Councilors Buchanan, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen and Wyers voted aye. Councilors Devlin, Gates and Washington were absent. The vote was 10/0 in favor and Resolution No. 94-1952 was adopted.

METRO COUNCIL  
May 12, 1994  
Page 10

**10. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

The Council discussed whether or not to cancel and/or reschedule the May 26 Council meeting because several Councilors planned to be out of town. The Council decided not to cancel or reschedule the May 26 Council meeting.

Casey Short, Senior Council Analyst, reported on the Greenspaces Blue Ribbon Committee's activities to-date.

Councilor Kvistad encouraged any interested parties to go to the Planning Department and view the Calthorpe design images.

Presiding Officer Wyers distributed her memo dated May 12, 1994, which announced that Metro would receive a national award stating that the Metro region was one of "America's Most Livable Communities" from Partners for Livable Communities.

All business having been attended to, Presiding Officer Wyers adjourned the regular meeting at 7:05 p.m.

Respectfully submitted,

Paulette Allen  
Clerk of the Council  
MCMIN94.132

Exhibit A  
Ordinance No. 94-551A

Council  
5/26/94  
6.1  
Corrected 5/25/94

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<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-Gen'l		2,173		0		2,173
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Workers' Comp		8,238		0		8,238
582550	Trans. Resources to Oregon Conv. Ctr. Oper. Fund		0		0		0
583610	Trans.Direct Costs to Support Svcs. Fund		40,000		0		40,000
583615	Trans.Direct Costs to Risk Management Fund		14,429		0		14,429
<u>Excise Tax Transfers</u>							
582140	Trans. Resources to Planning Fund		1,780,738		0		1,780,738
582513	Trans. Resources to Building Mgmt. Fund - Parking		58,869		(52,639)		6,230
582513	Trans. Resources to Building Mgmt. Fund - Metro Center		0		394,000		394,000
582610	Trans. Resources to Support Svcs. Fund		70,000		0		70,000
582160	Trans. Resources to Reg. Parks/Expo Fund-Greenspaces		566,672		0		566,672
582160	Trans. Resources to Reg. Parks/Expo Fund-Parks		80,000		0		80,000
<b>Total Interfund Transfers</b>			<b>3,273,270</b>		<b>341,361</b>		<b>3,614,631</b>
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		427,500		(341,361)		86,139
599990	Unappropriated Fund Balance		267,665		0		267,665
<b>Total Contingency and Unappropriated Balance</b>			<b>695,165</b>		<b>(341,361)</b>		<b>353,804</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>



**Exhibit B  
Schedule of Appropriations  
Ordinance No. 94-551A**

	Current Appropriation	Revision	Proposed Appropriation
<b>GENERAL FUND</b>			
Council			
Personal Services	987,165	0	987,165
Materials & Services	141,046	0	141,046
Capital Outlay	4,000	0	4,000
Subtotal	1,132,211	0	1,132,211
Executive Management			
Personal Services	343,248	0	343,248
Materials & Services	79,532	0	79,532
Capital Outlay	0	0	0
Subtotal	422,780	0	422,780
Office of Government Relations			
Personal Services	67,538	0	67,538
Materials & Services	74,450	0	74,450
Capital Outlay	0	0	0
Subtotal	141,988	0	141,988
Special Appropriations			
Materials & Services	250,000	0	250,000
Subtotal	250,000	0	250,000
General Expenses			
Interfund Transfers	3,273,270	341,361	3,614,631
Contingency	427,500	(341,361)	86,139
Subtotal	3,700,770	0	3,700,770
Unappropriated Balance	267,665	0	267,665
<b>Total Fund Requirements</b>	<b>5,915,414</b>	<b>0</b>	<b>5,915,414</b>
<b>BUILDING MANAGEMENT FUND</b>			
Personal Services	182,246	30,212	212,458
Materials & Services	1,098,670	365,945	1,464,615
Capital Outlay	50,000	0	50,000
Interfund Transfers	1,178,058	(780,484)	397,574
Contingency	70,000	(70,000)	0
Unappropriated Balance	0	274,718	274,718
<b>Total Fund Requirements</b>	<b>2,578,974</b>	<b>(179,609)</b>	<b>2,399,365</b>
<b>GENERAL REVENUE BOND FUND</b>			
Construction Account			
Personal Services	98,724	0	98,724
Materials & Services	145,740	0	145,740
Capital Outlay	913,009	0	913,009
Subtotal	1,157,473	0	1,157,473
Debt Service Account			
Debt Service	1,494,332	(365,667)	1,128,665
Subtotal	1,494,332	(365,667)	1,128,665

**Exhibit B**  
**Schedule of Appropriations**  
**Ordinance No. 94-551A**

	Current Appropriation	Revision	Proposed Appropriation
<b>GENERAL REVENUE BOND FUND (continued)</b>			
General Expenses Contingency	370,319	0	370,319
Subtotal	370,319	0	370,319
Unappropriated Balance	2,158,801	(288,253)	1,870,548
Total Fund Requirements	5,180,925	(653,920)	4,527,005

**All Other Appropriations Remain As Previously Adopted**

# Tri-County Council

Council  
5/26/94  
6-2

Reply to: 2202 SE. Lake Rd., Milwaukie, OR 97222 654-9533 (FAX 654-8414)

May 26, 1994

TO: METRO COUNCIL  
RE: EXCISE TAX AND DISPOSAL FEE

## EXCISE TAX

A SPLIT RATE EXCISE TAX THAT IS HIGHER ON SOLID WASTE REVENUE THAN ON OTHER METRO REVENUE IS INEQUITABLE. THE DOLLAR AMOUNT REALLY IS NOT THE ISSUE. THE PRECEDENT THIS IS SETTING IS THE ISSUE. THE FACT THAT THE ORDINANCE WAS AMENDED TO STATE THE INTENT TO SEEK OTHER SOURCES OF REVENUE FOR PLANNING AND TO SUNSET THE SPLIT RATE TAX ON SEPTEMBER 1, 1995, DOES NOT MITIGATE THE REALITY THAT A PRECEDENT WILL BE SET IF YOU ADOPT ORDINANCE 94-549A.

SECTION 13. OF THE METRO CHARTER ON "PRIOR CONSULTATION FOR TAX IMPOSITION" STATES: "BEFORE IMPOSING ANY NEW TAX FOR WHICH VOTER APPROVAL IS NOT REQUIRED, THE COUNCIL SHALL ESTABLISH AND SEEK THE ADVICE OF A TAX STUDY COMMITTEE THAT INCLUDES MEMBERS APPOINTED FROM THE GENERAL POPULATION, AND FROM AMONG BUSINESSES AND THE GOVERNMENTS OF CITIES, COUNTIES, SPECIAL DISTRICTS AND SCHOOL DISTRICTS, OF THE METRO AREA." (Underlining added) HAS SUCH ADVICE BEEN SOUGHT? IF NOT, IT APPEARS THE COUNCIL WOULD BE IN VIOLATION OF THE METRO CHARTER IF THE SPLIT RATE EXCISE TAX IS APPROVED.

WE UNDERSTAND THAT OTHER METRO FACILITIES THAT WOULD ENJOY A 6% EXCISE TAX ARE NOT EXPECTED TO LOWER TICKET PRICES IF THEY GET A LOWER EXCISE TAX, SO IT SEEMS TO MAKE LITTLE SENSE TO SET THIS BAD PUBLIC POLICY BY IMPOSING A SPLIT RATE EXCISE TAX OF 7.7% ON SOLID WASTE.

SECTION 15. OF THE METRO CHARTER ON "USER FEES" STATES: "EXCEPT TO THE EXTENT RECEIPTS IN EXCESS OF COSTS FROM FOOD AND BEVERAGE SALES, PARKING AND OTHER CONCESSIONS ARE DEDICATED TO REDUCING CHARGES FOR THE PROVISION OF GOODS OR SERVICES TO WHICH THE CONCESSION DIRECTLY RELATES, CHARGES FOR THE PROVISION OF GOODS OR SERVICES BY METRO MAY NOT EXCEED THE COSTS OF PROVIDING THE GOODS OR SERVICES." THESE COSTS INCLUDE, BUT ARE NOT LIMITED TO, COSTS OF PERSONAL SERVICES, MATERIALS, CAPITAL OUTLAY, DEBT SERVICE, OPERATING EXPENSES, OVERHEAD EXPENSES, AND CAPITAL AND OPERATIONAL RESERVES ATTRIBUTABLE TO THE GOOD OR SERVICE." (Underlining added)

IF THE EXCISE TAX IS RAISED ON SOLID WASTE TO PAY FOR NON-RELATED PLANNING AT THE SAME TIME THAT THE TOTAL DISPOSAL FEE OF \$75/TON IS LEFT UNCHANGED OR LOWERED, IT APPEARS THAT SOLID WASTE RESERVES WILL BE USED FOR NON-SOLID WASTE PURPOSES. IT IS ONLY A "SHELL GAME" WITH THE NUMBERS TO ALLEGE OTHERWISE.

JUST BECAUSE SOLID WASTE REVENUE IS THE "EASY HANDLE," THAT EASY FUNDING SOURCE SHOULD NOT BE USED TO PAY FOR SERVICES THAT ARE TOTALLY UNRELATED TO SOLID WASTE. SOLID WASTE PAYS FOR ALL OF ITS PLANNING FUNCTIONS THROUGH THE TIP FEE, SO MOST OF THE CURRENT 7% EXCISE TAX GOES TO PAY FOR FUNCTIONS

### Representing:

Clackamas County Refuse Disposal Association  
Multnomah County Refuse Disposal Association  
Oregon Sanitary Service Institute

Portland Association of Sanitary Service Operators  
Teamsters Local 281 305  
Washington County Solid Waste Collectors Association

UNRELATED TO SOLID WASTE. DO NOT CREATE EVEN MORE OF AN INEQUITY BY APPROVING A SPLIT RATE EXCISE TAX.

THE RATE COMMITTEE IS FORMALLY CHARTERED TO GIVE ADVICE ON RATES. THAT COMMITTEE VOTED UNANIMOUSLY AGAINST THE SPLIT RATE EXCISE TAX ON SOLID WASTE. THE SOLID WASTE ADVISORY COMMITTEE (SWAC) VOTED UNANIMOUSLY ON TWO OCCASIONS AGAINST THE SPLIT EXCISE TAX. IT IS HARD TO BELIEVE THE COUNCIL IS LISTENING TO THEIR ADVISORY COMMITTEES IF THERE IS A FLAGRANT DISREGARD FOR THEIR UNANIMOUS VOTES.

THE NOTION THAT A SPLIT EXCISE TAX IS ACCAPTABLE BECAUSE IT IS ONLY "TEMPORARY," AND THAT A MORE STABLE AND EQUITABLE FUNDING SOURCE FOR PLANNING WILL BE EXPLORED LATER IS NOT A GOOD ARGUMENT.

\$74 VS \$75 PER TON DISPOSAL FEE

APPROXIMATELY \$750,000 IN SAVINGS WAS REALIZED BY THE REVISED CONTRACT WITH OREGON WASTE SYSTEMS. AN APPROXIMATELY \$300,000 IN SAVINGS WAS REALIZED IN FUEL SAVINGS. THAT IS OVER \$1 MILLION IN SAVINGS FOR THE NEXT BUDGET YEAR THAT COULD BE PASSED ON TO CUSTOMERS BY LOWERING THE DISPOSAL FEE TO \$74 PER TON. THESE SAVINGS SHOULD NOT BE PIGEON-HOLED IN UNAPPROPRIATED FUND BALANCE. AT THE VERY LEAST, THEY SHOULD BE PUT IN A RATE STABILIZATION ACCOUNT. THE RIGHT THING TO DO WOULD BE TO GIVE THEM BACK TO YOUR CUSTOMERS. THE SAVINGS SHOULD NOT BE SEEN AS A "BARGAINING CHIP" FOR GAINING APPROVAL OF THE SPLIT RATE EXCISE TAX OR ANY OTHER INEQUITABLE SCHEME. IF SOLID WASTE CAN GENERATE SAVINGS, KEEP THE SAVINGS IN SOLID WASTE. IF THAT LEAVES SOME UNRELATED PLANNING FUNCTION WITHOUT FUNDING, THEN THE PARTIES WHO BENEFIT FROM THAT PLANNING WILL NEED TO BEAR THAT FUNDING RESPONSIBILITY --NOW, NOT LATER.

Council  
5/26/94  
6-2

BEFORE THE METRO COUNCIL

AN ORDINANCE RELATING TO THE	)	ORDINANCE NO. 94-549 <del>AB</del>
METRO EXCISE TAX AMENDING THE	)	
CODE AND INCREASING THE TAX RATE	)	Introduced by
ON USERS OF THE SOLID WASTE	)	Council Finance Committee
SYSTEM	)	and Councilor Rod Monroe

THE METRO COUNCIL HEREBY ORDAINS:

Section 1. Findings. The Council finds:

(a) The 1992 Metro Charter mandates that Metro perform regional planning functions as the primary functions of Metro and requires that the Council appropriate funds to assure the timely completion of those functions.

(b) Metro has a need for additional revenue in order to carry out all functions mandated by the 1992 Metro Charter.

(c) Pursuant to the authority granted in Section 10 of the 1992 Metro Charter, and ORS chapter 268, the Council has adopted ordinances establishing an excise tax on users and operators of District facilities.

(d) The Council created a Tax Study Committee pursuant to Section 13 of the 1992 Metro Charter to advise it regarding any new tax that the Metro Council might impose without voter approval in order to provide funding for the mandated regional planning functions.

(e) The Tax Study Committee has reviewed numerous potential new taxes that the Council might impose and has reviewed the existing Metro Excise Tax. The Tax Study Committee has recommended that the Council adopt a Real Estate Transfer Tax and a Construction Excise Tax, and continue the Metro Excise Tax in order to provide funding for functions mandated by the 1992 Metro Charter.

~~(f) The Tax Study Committee has recommended that any tax source used to fund the Metro regional planning functions should be as broad based as possible in order to have the impact of the tax be a reflection of the broad benefit all residents of the District will receive from the carrying out of Metro's regional planning functions.~~

~~(g) The Metro Excise Tax on the Metro solid waste system is a broad based tax in that all residents and businesses in the District generate solid waste and, therefore, are subject to the burden of the tax. Many businesses have the ability to pass-on to their~~

~~customers in part or in whole the incidence of the tax on users of the solid waste system thereby further broadening the base of the tax.~~

~~(h) — Generators of waste are encouraged by the imposition of the tax to reduce waste production, reuse waste and recycle waste in order to avoid the incidence of the tax thereby promoting compliance with important Metro, state and national policies and goals protecting the environment. This adds further fairness to the imposition of any excise tax on solid waste system users because the incidence of the tax may be reduced by such voluntary action.~~

~~(i)(f) — By adoption of Ordinance No. 93-484-A the Council increased the excise tax rate established by Section 7.01.020(a) from 6 percent to 7 percent for the period from September 1, 1993 to September 1, 1994. Unless the Council adopts an ordinance providing for a different rate, effective September 1, 1994 the tax rate will revert to 6 percent.~~

~~(j) — The Council by adoption of this Ordinance desires to allow the tax rate for all District facilities other than solid waste system facilities to revert to 6 percent effective September 1, 1994 for a one year period.~~

~~(k) — Adoption of an Excise Tax rate of 7.7 percent on users of the Metro solid waste system while retaining a 6 percent tax rate on users of other Metro facilities is consistent with the recommendations of the Tax Study Committee and will provide a source of needed revenue while the Council gives further consideration to the recommendation of the Tax Study Committee that the Metro Council impose new taxes.~~

~~(l) — The cost of collection of any increase in the Excise Tax on solid waste system users is negligible and any of the new taxes recommended would have considerable costs to implement and collect.~~

~~(m) — The class of individuals and businesses who use the Metro solid waste system is broad based and distinctly different from the class of individuals who use all other District facilities particularly the Metro Washington Park Zoo and the Oregon Convention Center.~~

~~(n) — The Council intends to actively consider alternative methods to raise needed revenues to provide funds for functions mandated by the 1992 Metro Charter if however if such alternative revenue sources cannot be made available it will be appropriate to increase the excise tax rate on District facilities other than solid waste system facilities to an amount equal to the rate on solid waste system facilities in order to continually ensure that needed revenues are available. In this event a tax rate not to exceed 7.5 percent on all District facilities would be appropriate.~~

**Section 2. ~~September 1, 1994~~ Metro Code Amendments. ~~On the effective date provided in Section 3 of this Ordinance,~~ Sections 7.01.010 and 7.01.020 of the Metro Code are amended to read as follows:**

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

(a) "Accrual basis accounting" means revenues are recorded in the accounting period in which they are earned and become measurable whether received or not.

(b) "Cash basis accounting" means revenues are recorded when cash is received.

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

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

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

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

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

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

(i) "Solid Waste System Facility" means all facilities defined as such pursuant to Section 5.05.010(i) including but not limited to all designated facilities set forth in Section 5.05.030 and any Non-System Facility as defined in Section 5.05.010(i) that receives solid waste from within the Metro boundary whether pursuant to an authorized non-system license or otherwise.

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

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

#### 7.01.020 Tax Imposed:

(a) For the privilege of use of the facilities, equipment, systems, functions, services, or improvements owned, operated, franchised, or provided by the District, each user shall pay a tax in the amount established in subsection 7.01.020(b) but not to exceed ~~seven (7)~~ ~~seven and one-half (7.5)~~ percent of the payment charged by the operator or the District for such use. The tax constitutes a debt owed by the user to the District which is extinguished only by payment of the tax directly to the District or by the operator to the District. The user shall pay the tax to the District or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(b) The Council may for any annual period commencing July 1 of any year and ending on June 30 of the following year establish a tax rate lower than the rate of tax provided for in subsection 7.01.020(a) by so providing in the annual budget ordinance adopted by the District. If the Council so establishes a lower rate of tax, the Executive Officer shall immediately notify all operators of the new tax rate. Upon the end of the fiscal year the rate of tax shall revert to the maximum rate established in subsection 7.01.020(a) unchanged for the next year unless further action to establish a lower rate is adopted by the Council as provided for herein.

~~(c) Notwithstanding the provisions of Section 7.01.020(a) and (b) above, the tax rate applicable for users and operators of any solid waste system facility shall be 7.7 percent.~~



Section 3. Effective Date. The amendments to the Metro Code provided for in Section 2 of this Ordinance shall take effect September 1, 1994.

Section 4. September 1, 1995 Metro Code Amendment. On the effective date provided in Section 5 of this Ordinance, Metro Code Section 7.01.020 is amended to read as follows:

7.01.020 Tax Imposed:

(a) For the privilege of use of the facilities, equipment, systems, functions, services, or improvements owned, operated, franchised, or provided by the District, each user shall pay a tax in the amount established in subsection 7.01.020(b) but not to exceed ~~six (6)~~ seven and one-half (7.5) percent of the payment charged by the operator or the District for such use. The tax constitutes a debt owed by the user to the District which is extinguished only by payment of the tax directly to the District or by the operator to the District. The user shall pay the tax to the District or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(b) The Council may for any annual period commencing July 1 of any year and ending on June 30 of the following year establish a tax rate lower than the rate of tax provided for in subsection 7.01.020(a) by so providing in the annual budget ordinance adopted by the District. If the Council so establishes a lower rate of tax, the Executive Officer shall immediately notify all operators of the new tax rate. Upon the end of the fiscal year the rate of tax shall revert to the maximum rate established in subsection 7.01.020(a) unchanged for the next year unless further action to establish a lower rate is adopted by the Council as provided for herein.

~~(c) Notwithstanding the provisions of Section 7.01.020(a) and (b) above, the tax rate applicable for users and operators of any solid waste system facility shall be 7.7 percent.~~

Council #6-2  
5/26/94

# OREGON METALS INDUSTRY COUNCIL

101 SW Main Street, Suite 245  
Portland, Oregon 97204-3210  
(503) 223-0719 · FAX (503) 223-0816

**PRESIDENT**

Howard Werth  
Gunderson Inc.

**SECRETARY/**

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Oregon Steel Mills, Inc.

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Precision Castparts Corp.

Reynolds Metals Co.

Schnitzer Steel Products

Teledyne Wah Chang Albany

**VARICAST**

**EXECUTIVE DIRECTOR**

Kathleen Curtis Dotten

May 26, 1994

TESTIMONY REGARDING ORDINANCE NO. 94-549

**TO THE PUBLIC RECORD**

**Members of Council:**

The Oregon Metals Industry Council is an association of 17 metals firms in Oregon. We are one of the state's Key Industries and have been selected as a target industry by the Washington/Multnomah County Regional Strategies Board. Our member firms employ over 8,000 people in Washington and Multnomah counties in high-wage skilled and semi-skilled careers. Many of our members utilize Metro solid waste services.

The Oregon Metals Industry Council opposes the increase in the Metro excise tax. We are concerned about the precedent being set of taxing solid waste services at a higher rate than other Metro taxed services. Solid waste services are a necessity and taxing a necessity at a higher rate than leisure services is not a defensible means of funding government.

While we have heard word that steps are being taken to reduce the tipping fee, these plans have yet to emerge and we find it difficult to put our faith in these reduction measures in the face of Ballot Measure 5 on the November 1994 ballot. And despite a reduction in the tipping fee, we remain firmly against any split tax rate. The soundness of the recycling policies put forth by Metro should not become the cause of increased excise taxes. Metro has pursued a policy of recycling that we encourage, but we can also see the day when that same system could penalize recycling.

It has been stated that the increase is to fund general planning functions at Metro, and not for direct solid waste services. This disconnect between funding source and use is disturbing. We feel this rate increase proposal must contain a sunset provision. It is too easy for government to become dependent on a revenue source. Thank you for your consideration.

Sincerely,



Howard Werth  
President

**PLANNING COMMITTEE REPORT**

**CONSIDERATION OF RESOLUTION NO. 94-1960 AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE FOURTEEN (14) MULTI-YEAR INTERGOVERNMENTAL AGREEMENTS FOR THE SOUTH/NORTH AA/DEIS PROJECTS**

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Date: May 23, 1994

Presented By: Councilor Monroe

**Committee Recommendation:** At the May 19, 1994 meeting, the Planning Committee voted 5-0 to recommend Council adoption of Resolution No. 94-1960. Voting in favor: Councilors Kvistad, Gates, Monroe, Moore, and Washington. Absent: Councilors Gardner, Devlin, and McLain.

**Committee Issues/Discussion:** Andy Cotugno, Planning Director, presented the staff report. He explained that this action authorizes the execution of fourteen intergovernmental agreements between Metro and several local jurisdictions for the South/North AA/DEIS Projects. Metro will act as the lead agency for the South/North Transit Corridor Study and as project manager.

There was no committee discussion.

## PLANNING COMMITTEE REPORT

### **CONSIDERATION OF RESOLUTION NO. 94-1962 FOR THE PURPOSE OF COORDINATING TECHNICAL ASSISTANCE BETWEEN METRO AND THE REGIONAL WATER SUPPLY PLANNING STUDY**

Date: May 23, 1994

Presented By: Councilor McLain

**Committee Recommendation:** At the May 19, 1994 meeting, the Planning Committee voted 6-0 to recommend Council adoption of Resolution No. 94-1962. Voting in favor: Councilors Kvistad, Gates, McLain, Monroe, Moore, and Washington. Absent: Gardner and Devlin.

**Committee Issues/Discussion:** At the May 5 meeting of the Planning Committee, Lorna Stickel from the Regional Water Supply Planning Study gave a presentation for the committee. She explained that the study has been making use of the Region 2040 Base Case II numbers to conduct its regional water demand modeling work elements. She asked the committee to consider early release of newer population figures currently being developed by Metro staff. These figures have been represented by Metro staff to provide more current data from which to re-generate the Regional Water Supply Planning Study water demand forecasts.

Resolution 94-1962 was written to allow for the early release of these population figures with several caveats. The committee was concerned that early release of new numbers might be construed by some to be an indicator of the approved direction of the Council in making a final Region 2040 decision. They requested language be drafted to clarify that this is not the case, that no such direction is indicated by this decision. The committee, however, agreed that the Regional Water Supply Study should use newer numbers and should not be expected to delay their work until the Region 2040 decision is made next summer.

Finally, the committee agreed that the work of the Regional Water Supply Study may lay the primary groundwork for the water supply element of the Metro Regional Framework Plan. The best scenario would be for the two plans to be consistent. The fourth resolve was amended to read:

4. That the Regional Water Supply Planning Study is requested to consider the affect on its plan after the final Region 2040 decision is adopted and that Metro will consider adoption of this Water Supply Plan as an element of the Metro Regional Framework Plan based upon [this] its consistency with other elements of the Regional Framework Plan.

**BEFORE THE METRO COUNCIL**

**FOR THE PURPOSE OF )  
COORDINATING TECHNICAL )  
ASSISTANCE BETWEEN METRO )  
AND THE REGIONAL WATER )  
SUPPLY PLANNING STUDY )**

**RESOLUTION NO. 94-1962A**

**Introduced by  
the Planning Committee**

WHEREAS, The Metro FY 1994-99 Water Resources Program work plan, adopted by the Metro Council by Resolution 93-1873A on December 23, 1993, identifies specific work program activities addressing growth management and water supply planning; this includes a work element requiring coordination with the Regional Water Supply Study whereby Metro provides to the study growth management data and RLIS maps; and

WHEREAS, Metro's Region 2040 project, in developing and analyzing growth concepts and population projections that will lead to adoption of Metro growth management policy, has received the technical expertise of the region's water providers; and

WHEREAS, The Regional Water Supply Planning Study has utilized data from the Region 2040 Base Case II population figures to conduct its regional water demand modeling work elements;

WHEREAS, The Metro Council's decision regarding the Region 2040 preferred alternative must follow an extensive public involvement process that includes local

government and the general public that will not be completed in time to provide final population figures to assist the Regional Water Supply Planning Study in a timely manner; and

WHEREAS, The Metro Planning Department staff is in the process of developing new population numbers in the form of a preliminary staff recommendation that will provide more current data from which to re-generate the Regional Water Supply Planning Study water demand forecasts; and

WHEREAS, The Regional Water Supply Study has requested, in Attachment A, release of these newer numbers with the full understanding that such release should not be construed as evidence of any formal decision by the Metro Council regarding the direction to be taken in the final Region 2040 decision; now, therefore

BE IT RESOLVED,

1. That the Metro Council recognizes the need for the Regional Water Supply Planning Study to continue its work plan on schedule without having to inordinately delay the study until final adoption of a Region 2040 decision next summer.
2. That the Metro Council agrees that the new population numbers being generated by the Region 2040 staff will provide a better basis for water demand modeling than the previously provided Base Case II numbers and that the new numbers should be provided

for the use of the Regional Water Supply Planning Study.

3. That the Metro Council, in allowing release of these preliminary numbers, does not establish any preliminary determination regarding the final direction of the Region 2040 decision until after the local government and public involvement process has been completed, a final Executive Officer recommendation is given to the Council and adequate deliberation has taken place on this critical matter.

4. That the Regional Water Supply Planning Study is requested to consider the affect on its plan after the final Region 2040 decision is adopted and that Metro will consider adoption of this Water Supply Plan as an element of the Metro Regional Framework Plan based upon [this] its consistency with other elements of the Regional Framework Plan.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

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

REGIONAL FACILITIES COMMITTEE REPORT

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RESOLUTION NO. 94-1961A, PREPARING A MEASURE TO REFER A GENERAL OBLIGATION BOND TO THE VOTERS NO LATER THAN THE FIRST AVAILABLE ELECTION DATE IN 1995 FOR THE AMOUNT OF APPROXIMATELY \$140 MILLION TO FINANCE ACQUISITION AND DEVELOPMENT OF GREENSPACES AND TRAILS

Date: May 23, 1994

Presented by: Councilor Moore

**COMMITTEE RECOMMENDATION:** At its May 18, 1994 meeting the Regional Facilities Committee voted 4-0 to recommend Council adoption of Resolution No. 94-1961A. Councilors Hansen, Gates, Moore, and Washington voted in favor. Councilor McFarland was absent.

**COMMITTEE DISCUSSION/ISSUES:** Regional Parks & Greenspaces Director Charlie Ciecko discussed the background and status of the effort to place a Greenspaces bond measure on the ballot. He then introduced Pat McCormick of Conkling Fiskum & McCormick, who presented the report of the Greenspaces Blue Ribbon Committee, created by Council through adoption of Resolution No. 94-1942A in April. That committee recommended that a Greenspaces bond measure of approximately \$140 million be placed on the ballot in the fall of 1995 (report is attached). They also requested staff to prepare more information on specific sites, including cost-benefit analyses of each proposed site. Councilors discussed with staff some of the points in the Blue Ribbon Committee recommendation, particularly the recommendation that if the measure is to include a local share it not be a direct pass-through to local governments.

Mr. Ciecko discussed a document (attached) outlining three alternatives for a bond measure: a \$100 million measure with no local share; and two \$138.95 million measures with a \$25 million local share. The differences in the two larger packages represented changes that came from public hearings held in April. Councilor Gates asked whether a ballot title would include specific properties, be more general, or provide some flexibility for acquiring different properties. Planning Director Andy Cotugno said the Council could structure the measure however it wanted, but he recommends that leeway be provided to adjust acreages or acquire different sites in the Greenspaces Master Plan.

Mr. Ciecko outlined three alternatives staff had developed for committee consideration. First was to do nothing and not plan for referral of a measure; he did not recommend that. Second was to proceed with the Greenspaces Policy Advisory Committee's recommendation of a September 1994 measure of \$138.95 million with the local share. Third was to proceed with the Blue Ribbon Committee's recommendation, which would require more specific information from that committee on items they have not yet decided.



Mr. Chris Beck of the Trust for Public Land testified on the proposed resolution. He read from his May 16 memo to Chair Hansen (attached) in which he recommended proceeding with an election in the spring of 1995. He discussed the difficulty in extending real estate options beyond one year, arguing against the Blue Ribbon Committee's recommendation of an election in fall of 1995. He encouraged Council members to make the Greenspaces program the first implementation piece of the Region 2040 plan. Councilor McLain agreed that some action needs to take place, but was not sure what the best action is. She and Mr. Beck agreed that it is important for the Council to decide soon on an election date to provide certainty for all those interested in the program.

Councilor Gates said he does not want the Greenspaces program to conflict with securing a funding source for growth management planning, which he considers to be Metro's primary responsibility. He said the committee should wait two weeks to decide when to put the Greenspaces measure on the ballot; he wanted to give the Council the opportunity to have its May 25 meeting on funding issues first. He added that discussion of a measure in the spring of 1995 should refer to the first available election date, rather than citing March or May, because a ballot measure on the November 1994 statewide ballot would limit elections to two dates a year and those dates would have to be set by the 1995 Legislature.

Councilor Moore asked Mr. Beck if there is momentum that would be lost by further delay. Mr. Beck said there is much potential interest among grass roots supporters, and the civic leaders involved have created considerable momentum for their part. He said delay until November of 1995 would probably stop some activity that's going on now.

Councilor Gates moved to table the resolution to the next committee meeting. Councilor McLain argued against that, saying the Regional Facilities Committee needed to make a recommendation to present to the Council and the Greenspaces Policy Advisory Committee. Councilor Washington said he supports the Blue Ribbon Committee's recommendation. Councilor Moore said the Policy Advisory Committee (PAC) is getting frustrated with the lack of action from the Council. Councilor Gates said he strongly supports the Greenspaces program, but wants to fund the overall planning program before anything else. The motion failed 3-1, with Councilor Gates in favor, and Councilors Hansen, Moore, and Washington opposed.

Mr. Cotugno advised that it might not be timely to adopt a resolution now unless it was for September, 1994. He said it is important to get the support of both the Blue Ribbon and Policy Advisory Committees, and some mutual agreement must be reached to get the support of both groups. Councilor Hansen said she read the committee's will as being in favor of the committee's taking formal action at this meeting. Councilor Washington asked

Council Analyst Casey Short how to structure a formal action that satisfied everyone. Mr. Short said that could not be done because the two advisory groups had submitted conflicting recommendations, and that Mr. Beck had proposed a third. He referred to the resolution before the committee, saying that all parties have agreed on the size of the measure so the first thing to decide is a date. He suggested that a resolution could either pick a date or establish a method for finding agreement among the parties. Mr. Cotugno suggested a resolution recommending a date and directing that the advisory committees be consulted. He added that the issues of sites and local share must also be addressed.

Councilor Moore said she disagreed with Mr. Cotugno, saying it is time for action from the committee and Council. She wanted to preserve the September option recommended by the Greenspaces PAC, and she supported amending the resolution to call for a measure of approximately \$140 million to be put on the ballot no later than the first available election date in 1995. She said that would provide leeway for either this fall or next spring, while providing some certainty. Councilor Washington asked whether the two advisory groups have ever met. Mr. Cieccko said they have not, explaining that the Blue Ribbon Committee's tight time frame did not give them time to meet with PAC members. He added that the Chair of the Blue Ribbon committee did not feel it appropriate for them to negotiate their recommendations, saying it is the Council's job to make these decisions. Mr. Cieccko added that one committee's reconsideration of its recommendation on dates might lead the other to reconsider its recommendations, on the issues of timing and local share. Councilor McLain said that was not enough, that the committee must take some more specific action because this is Metro's program and Metro must be taking the lead rather than any of the advisory committees.

Councilor Moore moved to amend the resolution to call for a measure of approximately \$140 million, an election no later than the first election date in 1995, and addition of a Be It Resolved to state that the Metro Council requests the continued involvement of the advisory committees. Mr. Short suggested the committee direct staff to prepare a resolution which would include Councilor Moore's points, allow for cleaning up some language in the current resolution, and provide time to prepare the Exhibit referred to in the resolution. Committee members discussed some of the points to be included in the exhibit, particularly the local share. There was no consensus on how to construct the local share, and staff reported that the Blue Ribbon Committee was not specific on this issue. That committee agreed only that they did not want the local share to be an entitlement. Councilor Devlin spoke in support of a local share, saying his own opinion is that a local share ought to be dedicated to acquisition and preservation of natural areas and related programs. He added that it would take a lot of coordinating work among local governments to build support if the local share were deleted.

Following further discussion of the local share issue, Councilor Moore moved to amend her motion to delete reference to Exhibit A in the final Be It Resolved. The committee approved that motion, and voted 4-0 to recommend Council adoption of the amended resolution.

PORTLAND GENERAL ELECTRIC COMPANY

121 S. W. SALMON STREET

PORTLAND, OREGON 97204

(503) 464-8913

FRED D. MILLER  
VICE PRESIDENT  
PUBLIC AFFAIRS

Date: May 18, 1994  
To: Metro Council  
From: Fred Miller  
RE: Greenspaces Blue Ribbon Committee recommendations

At your request, the Blue Ribbon Committee has met to develop a recommendation on a bond measure to acquire regional greenspaces. We have decided most of the issues the council asked us to consider; we plan to meet once more to develop a final recommendation. This memo summarizes our decisions to date; a more detailed account of our discussions is attached.

Referral, timing, amount

**Metro should refer a bond measure to voters in fall of 1995, for up to \$140 million. The Council should refer the measure by fall 1994, to allow maximum time to educate the public.**

Capital Improvements

**The measure may include a small amount for capital improvements, if it is a set amount and is restricted to improvements necessary for public use of newly acquired lands.**

Local Share

**The measure should not include an unrestricted entitlement, or "pass-through," to local governments. If a local share is included, the amount and use should be strictly limited.**

Target Areas

**Target areas to be acquired should be identified as part of the measure. The committee has asked staff to conduct a cost-benefit analysis of recommended target areas and rank them according to set criteria. The BRC then will finalize its recommendation.**

Leveraging

**Metro should seek out opportunities to leverage regional acquisition funds. This should include identifying opportunities to combine public acquisition with land that, through development restrictions or landowner intent, will remain undeveloped.**



**Metro Greenspaces Blue Ribbon Committee  
Summary Report  
Discussion of Key Issues**

**Process**

The Blue Ribbon Committee appointed by Metro Council has met twice. The first meeting was spent reviewing the committee's charter, studying Metro's greenspaces program, reviewing the civic/business leader survey and public opinion poll conducted by consultants, hearing from a greenspaces advocate and asking questions of staff and consultants. The only issue discussed in significant detail was local share; a straw vote showed little support for local share on the committee at that time.

Between the first and second meetings, most committee members met individually with representatives from the project consulting firm (Conkling Fiskum & McCormick.) During these meetings, committee members requested additional information, raised questions and discussed concerns. These meetings helped shape the agenda for the second meeting.

At that meeting, the committee heard a presentation from the Gladstone mayor on the value of a local share to local communities. The committee spent the remainder of the meeting deciding key questions surrounding a ballot measure. The committee asked staff to develop further information on target areas, and will meet again in the next few weeks to finalize its recommendation.

The following describes the consensus opinion, rationale for the committee's recommendations, and concerns expressed by committee members.

***Should Metro refer a bond measure for greenspaces?***

Majority supports referral; two express concern.

**Rationale:**

- Greenspaces contribute positively to our quality of life.
- Greenspaces are disappearing.
- Growth management is a top community leader concern.
- Water quality and preservation of wildlife habitat is important to the community.

**Concerns:**

- Other public priorities, including education, remain unresolved.

***What's the best timing for a measure?***

Fall of 1995 received the greatest support. Several members (but not the majority) also supported spring of 1995. One member supported fall 1994.

Rationale:

- Provides time to develop finely-tuned measure.
- Provides time for public education and for campaign organization.
- Avoids conflicts with other measures.
- Allows political leadership to emerge.

Avoid fall 1994 because:

- Confusion is likely between City of Portland Parks measure (November 1994) and Metro greenspaces measure.
- Political leadership is critical, but unavailable for 1994 campaign.
- More time is needed for the public education effort required of Metro.
- Timing is too short for a significant campaign effort.
- The public mood remains anti-tax, anti-government.

Avoid spring 1995 because:

- A contentious legislative session may result in anti-government mood.
- The legislature may refer a finance measure to voters.

Concerns that fall 1995 is too late:

- Greenspaces will continue to disappear.
- Land will get more expensive.
- Environmental/Friends groups are ready to campaign now.  
*Note: John Sherman reported that Friends of Forest Park and the Audubon Society had received campaign commitments of \$20,000. They also had secured a commitment from Bud Clark to head up a campaign effort.*

*What dollar amount should be put on the ballot?*

The committee considered three options: \$50 million, \$88 million and \$139 million. The first straw vote showed more support for \$88 million. After committee discussion, a revote showed majority support for \$139 million, with two members expressing concern.

The committee also agreed that a "retail number" should be used (as opposed to a round figure.)

Rationale:

- Lower amount doesn't buy enough sites, particularly if election is put off until fall of 1995.
- Lower amount doesn't allow adequate geographical distribution of site acquisition.
- With more time for a campaign, voter support of higher amount is more likely.

Concerns:

- A lot of private land will remain "greenspaces," through development restrictions or landowner intent. By combining purchases with these properties, land can be set aside for a lower bond amount.
- Polls demonstrate a lower number is easier to pass.
- Metro should consider a series of smaller, more frequent bond measures.

### *Should capital improvements be allowed?*

Majority supported funds for capital improvements; three expressed concern. After discussion, the committee agreed that any funds for capital improvements should be strictly limited, and be restricted to improvements necessary for public use (as opposed to interpretive centers.)

#### Rationale:

- Public should be able to use greenspaces they purchase.
- Trails help reduce trampling of environmentally sensitive areas.
- The more people are able to use greenspaces, the more they will support future bonds for acquisition.
- A strict limit will maximize dollars available for acquisition.

#### Concern:

- Limited public funds should be used to acquire land now, before prices go higher or more greenspaces disappear. Capital improvements limit funds available for acquisition.

The committee considered recommending a percentage limit for capital improvements (i.e.. 5 percent), but agreed to hold off for now on setting a specific number.

### *Should a local share be included?*

The committee was unanimously opposed to an unrestricted entitlement, or "pass-through," to local governments. After the presentation from the Gladstone mayor, discussions with staff and concerns raised by members, the committee agreed that a local share could be considered, **if the amount and use were strictly limited**. For example, local share might be used for acquiring local greenspaces or making capital improvements for public access. The committee is clearly opposed to acquisitions for park improvements such as tennis courts, swimming pools and play equipment.

Committee members suggested that the local share might be provided through a competitive grant program.

#### Rationale:

- Local government officials will publicly support a greenspaces measure that includes a local share.
- The public may perceive more local benefit from a local share.

#### Concerns:

- A local share confuses the greenspaces issue in the minds of voters.
- Metro should preserve its regional greenspaces mission, and leave local park issues to local governments.

### *What sites should be included?*

While the committee agreed that target areas should be identified in a bond measure, most members said they did not know enough to be able to choose one area over another. The committee has asked staff to develop a cost-benefit analysis on each area, and rank them according to set criteria, including cost.

In both meetings, the committee emphasized the importance of "leveraging" regional acquisition funds. This should include identifying opportunities to combine public acquisition with land that, through development restrictions or landowner intent, will remain undeveloped.

### *What's Next?*

The committee agreed that the Metro Council should refer a specific measure by fall of 1994.

#### Rationale:

- Referral now would provide the time needed for a public information effort and citizen campaign on greenspaces.
- Action should be taken by the current council, which has been involved in this process.

The BRC agreed to meet again within the next few weeks to review staff work on target areas, and finalize a recommendation.



# **METRO Greenspaces**

## **Blue Ribbon Committee**

### **Contact List**

(Rev. May 11, 1994)

#### **Gail Achterman**

Stoel Rives Boley Jones & Grey  
900 SW 5th Avenue, Suite 2300  
Portland, OR 97204  
Phone 294-9123  
Fax 220-2480

#### **Pauline Anderson**

Oregon Yacht Club, #11  
Portland, OR 97202  
Phone 235-4072  
Fax NA

#### **Sam Brooks**

S. Brooks Temporary Services  
3575 NE Broadway  
Portland, OR 97332  
Phone 284-7930  
Fax 284-7977

#### **Jon Chandler**

Executive Director,  
Metropolitan Homebuilders Assoc.  
15555 SW Bangy Road, Suite 301  
Lake Oswego, OR 97035  
Phone 648-1880  
Fax 648-0588

#### **Andy Cotugno (*non voting member*)**

Planning Director  
METRO  
600 NE Grand Ave  
Portland, OR 97232  
Phone 797-1755  
Fax 797-1794

#### **Sheila Holden**

District Manager,  
Pacific Power & Light, Rose City District  
3345 NE 82nd Avenue  
Portland, OR 97220  
Phone 256-6020  
Fax 256-6030

#### **Barbara Hutchison**

10101 SW Riverside Drive  
Portland, OR 97219  
Phone 636-6415  
Fax NA

#### **Gordon Jones**

Clackamas Sand & Gravel  
12000 SE Capps Road  
Clackamas, OR 97030  
Phone 656-2891  
Fax 656-9453\*2

#### **Mary K. Mark**

5341 SW Patton Road  
Portland, OR 97221  
Phone Unlisted  
Fax NA

#### **Jack McGowan**

Executive Director,  
Stop Oregon Litter & Vandalism (SOLV)  
P.O. Box 1235  
Hillsboro, OR 97123  
Phone 647-9855  
Fax 647-0159

**Dr. Mike McKeel**  
108 NE 2nd  
Gresham, OR 97030  
Phone 665-8888  
Fax 666-0529

**Pat McCormick** (*non voting member*)  
Conkling Fiskum & McCormick, Inc.  
900 SW 5th Avenue, Suite 2000  
Portland, OR 97204  
Phone 294-9120  
Fax 294-9152

**Fred Miller** (*BRC chair*)  
Vice President of Public Affairs,  
Portland General Electric  
121 SW Salmon, Suite 1700  
Portland, OR 97204  
Phone 464-8913  
Fax 778-5566

**Bill Naito**  
Norcrest China Company  
55 W Burnside  
Portland, OR 97209  
Phone 228-7404  
Fax 273-8313

**Josephine (Joey) Pope**  
Friends of the Arboretum  
1852 SW Highland Road  
Portland, OR 97221  
Phone 223-8881  
Fax NA

**Roger Qualman**  
Norris Beggs & Simpson  
121 SW Morrison, Suite 200  
Portland, OR 97204  
Phone 223-7181  
Fax 273-0256

**Lindsay Stewart**  
NIKE, Inc.  
One Bowerman Drive  
Beaverton, OR 97005  
Phone 671-5453  
Fax 671-6300

(Alternate:  
**John Coburn**  
NIKE Inc.  
Phone  
Phone: 671-3167)

**John Sherman**  
Friends of Forest Park  
P.O. Box 2413  
Portland, OR 97208  
Phone 241-9348  
Fax NA

**Bill Wessinger**  
Wessinger Foundation  
121 SW Salmon, Suite 1100  
Portland, OR 97204  
Phone 274-4051  
Fax 464-2299

**COST ESTIMATES:  
\$100 Million Scenario  
April 18, 1993**

Greenspace	Acres	Cost (\$)
Willamette River Greenway	1,350	18.9 million
Willamette Narrows		
Canemah Bluffs		
Cathedral Park to railroad bridge		
Oaks Bottom to OMSI		
West side of Multnomah Channel		
East Buttes	1,250	12 million
Kelly Butte		
Mt. Talbert		
Mt. Scott		
Newell Creek Canyon	400	7 million
Boring Lava Domes	1,200	7.2 million
Tualatin River Site/Greenway	850	3 million
Sandy River Gorge	1,000	7 million
Bull Mountain	180	12 million
Cooper Mountain	350	6 million
Buffer and expansion of Forest Park	<u>550</u>	<u>7 million</u>
<b>Subtotal (does not include trails)</b>	<b>7,130</b>	<b>\$80.1 million</b>
<b>Trails</b>		<b>\$8.4 million</b>
Peninsula Crossing Trail		
Fanno Creek Trail		
Sauvie Island to Hillsboro/Beaverton Trail (Burlington Northern)		
<b>TOTAL ACQUISITION</b>		<b>88.5 million</b>
+ options (sites and trails)		4.0 million
+ purchase costs (12%)		11.1 million
+ 1.25% bond issuance costs		<u>1.29 million</u>
<b>GRAND TOTAL</b>		<b>\$104.89 million</b>

OPTIONS

Terwilliger Blvd.	1.5 million
Hoyt Arboretum	0.5 million
Fairview Lake	0.5 million
Finley Nature Reserve	0.5 million
Miscellaneous	1.0 million
<b>TOTAL</b>	<b>4.0 million for optioned properties</b>

**PAC RECOMMENDATION**  
**Updated April 18, 1994**

Greenspace	Acres <sup>1</sup>	Cost (\$) <sup>1</sup>
Willamette River Greenway	1,200	17.9 million
Willamette Narrows		
Canemah Bluffs		
Cathedral Park to railroad bridge		
Oaks Bottom to OMSI		
West side of Multnomah Channel		
East Buttes/Boring Lava Domes	1,250	12 million
Newell Creek Canyon	400	7 million
Sandy River Gorge	1,000	7 million
Bull Mountain	180	12 million
Cooper Mountain	350	6 million
Buffer and expansion of Forest Park	550	7 million
Jackson Bottom and McKay/Dairy	350	1.75 million
Creeks Addition		
Tonquin Geological Area	500	3.5 million
Tualatin River Greenway/Access	<u>300</u>	<u>3 million</u>
Points and Improvements		
<b>Subtotal (does not include trails)</b>	<b>6,080 acres</b>	<b>\$77.15 million</b>
<b>Trails</b>		<b>\$16.3 million</b>
Peninsula Crossing Trail (Improvements only)		
Fanno Creek Trail		
Sauvie Island to Hillsboro/Beaverton Trail (Burlington Northern)		
North Bank Clackamas River Trail and Access		
Beaver Creek Canyon Trail (Troutdale vicinity)		
<b>TOTAL ACQUISITION</b>		<b>93.45 million</b>
+ options (sites and trails)		4.0 million
+ local share		25.0 million
+ purchase costs (12%)		14.69 million
+ 1.25% bond issuance costs		<u>1.71 million</u>
<b>GRAND TOTAL</b>		<b>\$138.85 million</b>

<sup>1</sup>Preliminary estimates based on recent sales; additional research underway.

**REVISED RECOMMENDATION TO  
REFLECT PUBLIC INPUT**

Greenspaces Target Area	Acres	Cost (\$)*
Willamette River Greenway	1,200	17.9 million
Willamette Narrows		
Canemah Bluffs		
Cathedral Park to railroad bridge		
Oaks Bottom to OMSI		
West side of Multnomah Channel		
East Buttes/Boring Lava Domes	1,056	11 million
Newell Creek Canyon	400	7 million
Sandy River Gorge	850	6 million
Bull Mt/Cooper Mountain	450	3 million
Buffer and expansion of Forest Park	470	6 million
Jackson Bottom and McKay/ Dairy Creeks Addition	350	1.75 million
Tonquin Geological Area	500	3.5 million
Tualatin River Greenway/Access Points and Improvements	300	3 million
Farview Creek/Lake	150	3 million **
Rock Creek	<u>332</u>	<u>5 million ***</u>
<b>Subtotal (does not include trails)</b>	<b>6,058 acres</b>	<b>\$77.15 million</b>
<b>Trails</b>		<b>\$16.3 million</b>
Peninsula Crossing Trail (Improvements only)		
Fanno Creek Trail		
Sauvie Island to Hillsboro/Beaverton Trail (Burlington Northern)		
North Bank Clackamas River Trail and Access		
Beaver Creek Canyon Trail (Troutdale vicinity)		
<b>TOTAL ACQUISITION</b>		<b>93.45 million</b>
+ options (sites and trails)		4.0 million
+ local share		25.0 million
+ purchase costs (12%)		14.69 million
+ 1.25% bond issuance costs		<u>1.71 million</u>
<b>GRAND TOTAL</b>		<b>\$138.95 MILLION</b>

- \* Preliminary estimates based on recent sales; additional research underway.
- \*\* This site in Multnomah County was recommended as an addition to the list. The three million was gained by subtracting one million from each of three other sites in Multnomah County (Sandy River, East Buttes/Boring Lava Domes, Forest Park).
- \*\*\* This site in Washington County was recommended as an addition to the list. The five million was gained by grouping Bull Mountain/Cooper Mountain as one target area and by reducing the acreage target for Bull Mountain in response to new available acreage information.

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MAY 16 94 10:43 505 228 4529

May 16, 1994

To: Councillor Sandi Hansen, Chair, Regional Facilities  
Committee

From: Chris Beck, Trust for Public Land

Copies: Fred Miller, Judy Wyers, Richard Devlin, Pat McCormick,  
Andy Cotugno

Re: Greenspaces Blue Ribbon Committee Recommendation and  
Response from the Metro Council

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As you know, the Blue Ribbon Committee (BRC) has completed its initial deliberations and is forwarding recommendations to the Metro Council. We are pleased with the BRC discussions and with the membership that was assembled in such a short period of time. Fred Miller deserves high marks for his handling of this speedy process.

The BRC has recommended that a bond measure be referred for the November 1995 ballot in the amount of \$139 million. I have some concerns about the timing aspect of this recommendation and hope that the BRC might still be receptive to a March 1995 election. Below are some thoughts for the Regional Facilities Committee and the Council to consider.

1. November of '95 creates continued uncertainty about whether Metro will actually refer a bond. The new Council and a potentially unsupportive Exec. would have ample time to shift gears and back off of a bond measure. A referral for the spring is less likely to be tampered with.
2. The Legislature could very possibly refer a tax measure for the September or November '95 ballots, complicating any Greenspaces effort.
3. The Portland School Board could refer a measure for any time in 1995. Near term action by Metro (i.e. within the next six weeks) to refer a bond for the spring '95 ballot would prevent the School Board from trying to preempt Greenspaces.
4. It will be extremely difficult to obtain options on properties if the November '95 date is targeted. Getting options (opportunities to purchase) on specific important properties will greatly enhance the whole Greenspaces effort. It is difficult to persuade landowners to grant options for 17 months (from today) through November 1995. On the other hand, I think we will be more successful in asking landowners for options through early



spring 1995. It is very difficult to ask a landowner to give up the right to sell to anyone else for such a long period.

In short, November 1995 is not a clear enough signal from either the BRC or Metro that this process is moving forward. It is too far off, and too much can happen before then to unravel the bond measure. I fear that we would revisit this whole issue after the upcoming November election and potentially lose our current resolve to move forward. The fall 1995 date also makes it difficult to convince potential campaign funders and landowners (who might be willing to grant limited option periods) that Greenspaces is real.

Finally, I am confident that we can win a March special election as easily as a November special election. We have the time to put it together if we act soon. The key will be getting a commitment from the business community (with BRC's support) to move this process forward now and begin playing an active role.

I suggest that the Metro Council make the following recommendations:

1. Metro should state its desire to place a Greenspaces measure on the March 1995 ballot and ask the BRC to reconsider the timing issue for the above-mentioned reasons. The BRC should be asked whether it can support this date and play an active role in a campaign.
2. Affirm Metro's support for a Bond measure in the \$140 million range.
3. Express a desire to formally refer a Greenspaces measure as early this summer as possible and no later than July 15.



METRO

Council  
5/26/94  
7.4

DATE: May 26, 1994

TO: Metro Council

FROM: Sandi Hansen

RE: Proposed Amendment  
Council Agenda Item No. 7.4 - Resolution No. 94-1961A

At the May 26, 1994 Metro Council meeting, I would like to offer the following amendments to agenda item 7.4, Resolution No. 94-1961A:

replace the phrase "...no later than the first available election date in 1995..." with "...no later than Spring, 1995..." in both the title of the resolution and the first BE IT RESOLVED; and

add a WHEREAS clause to read, "WHEREAS, On May 18, 1994 the Metropolitan Greenspaces Policy Advisory Committee reconsidered its earlier recommendation of a September 1994 date and recommended a Spring 1995 election.

These changes are reflected in the attached engrossed Resolution No. 94-1961B.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PREPARING A MEASURE ) RESOLUTION 94-1961[A]B  
TO REFER A GENERAL OBLIGATION BOND )  
TO THE VOTERS NO LATER THAN ~~THE FIRST~~ ) Introduced by Councilor  
~~FIRST AVAILABLE ELECTION DATE IN~~ SPRING, ) Sandi Hansen  
1995 FOR THE AMOUNT OF APPROXIMATELY )  
\$140 MILLION TO FINANCE ACQUISITION AND )  
DEVELOPMENT OF GREENSPACES AND TRAILS )

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

WHEREAS, The Metropolitan Greenspaces Master Plan recommends Metro to place a greenspaces funding mechanism before the voters of the region to establish a regional revenue source for the acquisition and capital improvement of greenspaces; and

WHEREAS, On September 23, 1993, through Resolution No. 93-1844A, the Metro Council stated their intent to submit to voters in 1994, a general obligation bond measure for the acquisition and development of a regional greenspaces system; and

WHEREAS, On December 9, 1993, the Metro Council approved Ordinance No. 93-516A, amending the Fiscal Year 1993-94 budget to augment funding for a consultant to examine issues concerning the referral of a potential greenspaces acquisition funding measure; and

WHEREAS, On March 30, 1994, the Metropolitan Greenspaces Policy Advisory Committee formally recommended a bond referral package to the Metro Council; including bond amount, election date and Phase I list of acquisition areas and trail corridors; and

WHEREAS, On May 12, 1994 the Metropolitan Greenspaces Blue Ribbon Committee formally recommended a bond referral package to the Metro Council, including a bond amount of up to approximately \$140 million and an election date of Fall 1995; and

WHEREAS, the Metro Council Regional Facilities Committee held hearings on April 20, 25, 26, 27 and May 18, 1994, to receive public testimony on whether to refer a greenspaces measure to voters, for what amount, in which election, and for which Phase I target areas and trail corridors; and

WHEREAS, On May 18, 1994 the Metropolitan Greenspaces Policy Advisory Committee reconsidered its earlier recommendation of a September 1994 date and recommended a Spring 1995 election; now therefore,

BE IT RESOLVED,

1. That the Metro Council hereby determines that a General Obligation bond of approximately \$140 million shall be referred to the voters no later than [~~the first available election date in~~] Spring, 1995.

2. That the Metro Council requests the continued involvement and coordination of the Greenspaces Policy Advisory Committee and Greenspaces Blue Ribbon Committee in refining the components of the bond package prior to Council referral of a ballot title and explanatory statement.

3. That Metro staff shall prepare the appropriate Resolution and Ballot Title for approval by the Council at a subsequent Council meeting for submittal to the Elections Officer and the Tax Supervising and Conservation Commission, in a timely manner as required by law.

4. That the General Obligation bond amount shall be applied to acquisition and development of greenspaces and trail corridors.

ADOPTED by the Metro Council this 26th day of May, 1994.

---

Judy Wyers, Presiding Officer



METRO

**DRAFT**

Council  
5/26/94  
7.4

May 27, 1994

Fred Miller  
Vice President, Public Affairs  
Portland General Electric Company  
121 SW Morrison  
Portland, OR 97204

Dear Mr. Miller:

On behalf of the Metro Council, I want to thank you and the members of the Blue Ribbon Committee for your help and counsel regarding a bond measure for Greenspaces. We are encouraged by your deliberations and welcome your willingness to meet again in the next few weeks to finalize your recommendations to the Council.

Based on your progress report, the Regional Facilities Committee recommended and the Council adopted the enclosed Resolution No. 94-1961B at the May 25, 1994 Metro Council meeting. The resolution recommends the Council refer a measure to a Spring, 1995 special election date rather than a Fall date. The Regional Facilities Committee suggested altering the Blue Ribbon Committee's Fall, 1995 election recommendation for several reasons: the Region 2040 planning process time frame (Greenspaces being one of the first implementation steps in that process); the difficulty for Metro and Trust for Public Land to negotiate and hold land options for a year or more; and the sense of urgency in protecting some important natural areas from development.

At its May 18 meeting, the Greenspaces Policy Advisory Committee reconsidered its earlier recommendation of a September 1994 election date, and recommended a Spring 1995 election. When your committee reconvenes we would appreciate its evaluation of the Spring 1995 date as well.

Again, our thank to you and your committee for the prompt and helpful progress you have made on this important issue. Your advice is sincerely appreciated.

Sincerely,

Judy Wyers  
Metro Presiding Officer

encl.



METRO

*Council*  
*5/26/94*  
*#8*

DATE: May 26, 1994

TO: Metro Councilors

FROM: *JW* Judy Wyers, Presiding Officer  
 Mike Gates, Governmental Affairs Committee Chair *Mike Gates*

RE: Governmental Affairs Committee Membership

The Governmental Affairs Committee now consists of four members: Councilors Buchanan, Gates, Van Bergen and Wyers. Three of us need to be present to constitute a quorum, and we have had difficulty assembling a quorum for some of our recent meetings. This problem would be considerably eased if we had five members instead of just four.

This memo is a recruitment effort, and a call for help, for this committee. There are items of legislation now sitting in committee that need to be acted on that we have been unable to move because we didn't have a quorum, and there will be more in the future. In order to have a greater assurance that the work of the agency that comes through this committee can be considered in a timely manner, addition of a fifth committee member would be most beneficial.

If you would consider joining our committee for the remainder of the year, please contact either of us as soon as possible. If you want a little more information on the work of the committee in the coming months, ask us or talk with Casey Short, the committee analyst.

Thanks for your consideration.

cc: Don Carlson  
 Casey Short  
 Marilyn Geary-Symons



Metro Council  
May-26, 1994  
Agenda Item No. 8.1

**METRO**

DATE: May 24, 1994  
TO: Metro Council  
FROM: Casey Short *CS*  
RE: Additional Agenda Item - Hazard Mitigation Awards

An item is being added to the agenda for the May 26 Council meeting. The item will be for the purpose of approving recipients of Metro Regional Hazard Mitigation Awards. The awards program was authorized by Council adoption of Resolution No. 94-1907 in February, 1994, and the awards presentation will be made at the Disaster Preparedness Conference in June.

The resolution authorizing the program stipulated that selection of the award recipients would be made by the Council Governmental Affairs Committee. The committee was to have made the selection at its May 24 meeting, but that meeting was cancelled due to lack of a quorum. In discussing alternatives with administration staff, it was our recommendation that the Council consider this item at the May 26 Council meeting. Approval of the list of award recipients at this meeting will allow sufficient time for notification and publication of the list of recipients in the printed conference information. The action requested of the Council is a motion to approve the list of proposed recipients, followed by a vote on the motion.

Attached is the relevant information that was included in the Governmental Affairs agenda packet. If you have any questions, please contact me at 797-1543, Gerry Uba in Planning at 797-1737, or Mike McGuire in Risk Management at 797-1823. Thank you.



## STAFF REPORT

### SELECTION OF RECIPIENTS FOR THE 1994 "METRO REGIONAL HAZARD MITIGATION AWARDS PROGRAM." CONSIDER NOMINATIONS SUBMITTED BY THE 1994 DISASTER PREPAREDNESS CONFERENCE PLANNING COMMITTEE

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Date: May 12, 1994

Presented By: Andrew C. Cotugno

#### FACTUAL BACKGROUND

The Metro Regional Hazard Mitigation Awards Program was created by the Council on February 24, 1994, to: 1) recognize excellence in the design and construction of buildings to reduce the risk to public health and safety from seismic hazards; 2) recognize special effort by public or private agencies to reduce risks to the public or to the work force through non-structural mitigation measures; and 3) honor individuals who have demonstrated deep and consistent commitment to improving the community's emergency preparedness capability.

The 1994 Disaster Preparedness Conference Planning Committee served as the award search committee for this year's program. The awards will be presented at the conference, entitled *When the Earth Moves Again: Tools for Public Policy*. The conference will be held June 16 and June 17, 1994 at the Monarch Hotel.

The awards program received media coverage when it was adopted by the Council, and nomination forms were sent to many individuals and associations affiliated with the building design and construction industries, and emergency management officials in the region. A press release offering an opportunity for nominations from the public was widely disseminated to the media.

A total of 24 nominations were received, representing mitigation projects running the gamut from new and remodeled structural projects to non-structural and preparedness work. The Conference Planning Committee considered each nomination carefully, and where questions remained after the initial evaluation, follow-up investigations were completed by committee members.

The committee used several criteria in evaluating proposals. Among the considerations — the project or work must have been completed. There were many very worthy projects that were nominated that were in various stages of construction. As those projects are completed, many are likely to be strong contenders for recommendation to the Council in future years. Another criteria used by the committee was the project or work must have clearly demonstrated regional significance. Some excellent projects and work were submitted that had importance, but did not have regional application or were not so unique as to serve as a regional model.

A brief description of each recommended award recipient follows.

1. *City of Gresham*: An Emergency Operations Center (EOC) is the location from which emergencies are managed. An effective EOC can determine whether policy makers receive

the information they need to make crucial decisions under stressful conditions. An EOC is rarely constructed specifically for that purpose, and the City of Gresham can serve as a model for other jurisdictions hoping to improve their emergency management capability.

2. **Ms. Sherry Grandy:** As the emergency manager for both the City of Beaverton and Tualatin Valley Fire & Rescue, Sherry Grandy has consistently and forcefully championed coordination and cooperation among emergency managers in the region. In part because of her commitment, the Regional Emergency Management Group Intergovernmental Agreement came into operation in 1994.
3. **Holiday Park Plaza:** The Holiday Park Plaza in N.E. Portland is a 15-story retirement community that required seismic reinforcement in a north-south direction. To accomplish the seismic retrofit with the least disruption to the residents, a 15-story wedge has been completed to buttress the building, thereby potentially reducing the risk of ground motion damage to the residences of a population that may have difficulty obtaining replacement housing.
4. **Mr. Ian Madin:** Mr. Madin has overseen development of quantitative ground response mapping which provides the key link between geologic earthquake information and practical mitigation opportunities. Mr. Madin has been instrumental in interpreting the evolving scientific information concerning the earthquake threat in the metropolitan area to the needs of a general, non-technical audience.
5. **Mr. Roger McGarrigle:** Mr. McGarrigle is the volunteer Chair of OSSPAC, the agency responsible for reporting to the Governor and Legislature on seismic issues. A structural engineer, Mr. McGarrigle for many years has been instrumental in advancing the cause of hazard mitigation in both his professional capacity and in his many volunteer activities.
6. **Oregon Trail Chapter of the American Red Cross:** The American Red Cross is charged by Congress with serving as the care and shelter coordinator for disaster victims. The Oregon Trail Chapter has demonstrated consistent excellence in discharging its duty, and demonstrated special commitment to hazard mitigation through its training and neighborhood organization programs. The Chapter's publication *Before Disaster Strikes* has been endorsed by emergency managers in the region as the primary source of information concerning disaster preparedness, thereby ensuring a uniform message throughout the region.
7. **U.S. Bancorp:** U.S. Bancorp voluntarily decided to invest in the seismic upgrade of its downtown Portland Plaza Building. The upgrade consisted of reinforcing the foundation and shear walls and widening the "seismic joint" between the Plaza Building and the Tower. The upgrade brings the building to "Zone 4" earthquake standards rather than the "Zone 3" standards required by Oregon law. U.S. Bancorp also built a new data center/facility in Gresham to higher than required seismic safety standards.

## Conclusion

If the Metro Council Governmental Affairs Committee approves the selection of the above nominees for the 1994 Regional Hazard Mitigation Awards Program, the recipients will be notified and asked to prepare a one-page abstract of their work, along with a photograph. This information will be distributed at the conference when the awards are presented.

Letters will be sent to all those who nominated projects or persons thanking them for their participation and describing some of the criteria used in the selection process. Nominators will be encouraged to participate in next year's award program by having their nominees reconsidered.

It is apparent from the caliber of nominations this year that there is a growing understanding in the region that hazard mitigation is serious business, and that dedicated professionals from many disciplines are committed to improving the region's capability to withstand a major disaster.

The recommended recipients of the 1994 awards represent excellence in the pursuit of their vocations and avocations. The standards they set will set the tone for the program in subsequent years, and make this awards program a truly honorable event.

#### PROPOSED ACTION

The Metro Council Governmental Affairs Committee is asked to approve recipients for the first annual "Metro Regional Hazard Mitigation Awards Program" as called for in Council Resolution No. 94-1907. The nominees were chosen by the 1994 Disaster Preparedness Conference Planning Committee in accordance with the resolution. The nominees are:

<u>Name</u>	<u>Project</u>
City of Gresham	Construction of Dedicated Emergency
Ms. Sherry Grandy	Beaverton/Tualatin Valley Fire &
Holiday Park Plaza	Retirement Community Seismic
Mr. Ian Madin	Department of Geology and Mineral
Mr. Roger McGarrigle	Oregon Seismic Safety Policy Advisory
Oregon Trail Chapter of	Regional Preparedness
U.S. Bancorp	Seismic Upgrade of Plaza Building to

Dependent on the Governmental Affairs Committee action/approval, each nominee will receive the Metro's 1994 Regional Hazard Mitigation Award.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer agrees with the recommendation.