

A G E N D A

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



METRO

Note: The Council meeting normally scheduled for Thursday, November 24, will be held Tuesday, November 22. Please note: No. 8 has been renumbered as No. 9; New No. 8 has been added; and No. 5.2 has been added.

MEETING: METRO COUNCIL
DATE: November 10, 1994
DAY: Thursday
TIME: 4:00 p.m.
PLACE: Council Chamber

**Approx.
Time***

**Presented
By**

4:00 p.m. **CALL TO ORDER / ROLL CALL**

- 1. INTRODUCTIONS**
- 2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS**
- 3. EXECUTIVE OFFICER COMMUNICATIONS**
- 4. CONSENT AGENDA (Action Requested: Motion to Adopt the Consent Agenda)**
 - 4.1 Minutes of October 13, 1994**

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE
 - 4.2 Resolution No. 94-2048, For the Purpose of Accepting a Nominee to the Metro Committee for Citizen Involvement (MCCI)**
- 5. ORDINANCES, FIRST READINGS**
 - 5.1 Ordinance No. 94-577, Relating to the Portland Metropolitan Area Local Government Boundary Commission Amending Metro Code Section 2.01.190 and Declaring an Emergency (Action Requested: Refer to the Governmental Affairs Committee)**
 - 5.2 Ordinance No. 94-578, An Ordinance Amending the Regional Urban Growth Goals and Objectives (RUGGO) Ordinance to Reflect the 1992 Metro Charter and to Include the Region 2040 Urban Growth Form and Growth Concept (Action Requested: Refer to the Planning Committee)**

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

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

6. ORDINANCES, SECOND READINGS

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

- 4:10
(10 min.)
- 6.1 Ordinance No. 94-580A**, For the Purpose of Adding New Title 10 to the Metro Code, Creating an Administration Code, and Declaring an Emergency **PUBLIC HEARING** (Action Requested: Motion to Adopt the Ordinance) Gates

7. RESOLUTIONS

REFERRED FROM THE PLANNING COMMITTEE

- 4:20
(10 min.)
- 7.1 Resolution No. 94-2047**, A Resolution Approving Voting Membership on the Metro Policy Advisory Committee for Clark County and Vancouver, Washington (Action Requested: Motion to Adopt the Resolution) Monroe

REFERRED FROM THE SOLID WASTE COMMITTEE AND BEFORE THE METRO CONTRACT REVIEW BOARD (Agenda Item No. 7.2)

- 4:30
(5 min.)
- 7.2 Resolution No. 94-2042**, For the Purpose of Authorizing a Competitive Bid Exemption Pursuant to Metro Code Chapter 2.04.041(c) and Execution of a Sole-Source Contract with Nancy Owen-Myers for Development of an Integrated Pest Management Program for Metro Solid Waste Facilities (Action Requested: Motion to Adopt the Resolution) Hansen

- 4:35
(5 min.)
- 7.3 Resolution No. 94-1976**, For the Purpose of Authorizing an Amendment to the Intergovernmental Agreement with Portland State University (Contract #903466) (Action Requested: Motion to Adopt the Resolution) McLain

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE

- 4:40
(10 min.)
- 7.4 Resolution No. 94-2049**, For the Purpose of Modifying the Submission to the Voters of a General Obligation Bond Indebtedness to Proceed with the Acquisition of Land for a Regional System of Greenspaces (Action Requested: Motion to Adopt the Resolution) Hansen

- 5:00
(10 min.)
- 7.5 Resolution No. 94-1975**, For the Purpose of Amending the Local Share Allocation Formulas and Guidelines in the Greenspaces Master Plan (Action Requested: Motion to Adopt the Resolution) McFarland

- 5:10
(10 min.)
- EXECUTIVE SESSION Held Pursuant to ORS 192.660(1)(e)**, To Conduct Deliberations with Persons Designated by the Metro Council to Negotiate Real Property Transactions (No Action Requested: Informational only)

- 5:20
(10 min.)
- 7.6 Resolution No. 94-1981**, For the Purpose of Authorizing the Executive Officer to Enter Into an Agreement with Portland General Electric Company to Option Property (Action Requested: Motion to Adopt the Resolution) Moore

- 5:30
(10 min.)
- 7.7 Resolution No. 94-1982**, For the Purpose of Authorizing the Executive Officer to Enter Into an Agreement with Portland Area Campfire Council to Option Property (Action Requested: Motion to Adopt the Resolution) Moore

- 5:40
(10 min.) 7.8 **Resolution No. 94-1987, For the Purpose of Authorizing the Executive Officer to Enter Into an Agreement for Acquisition of Tualatin River Property (Action Requested: Motion to Adopt the Resolution)** Moore
- 5:50 8. **OTHER BUSINESS - STATUS REPORT ON REGION 2040 RECOMMENDED ALTERNATIVE AND ADVISORY COMMITTEE RECOMMENDATIONS**
- 15 min. • **Council Planning Committee Report**
- 15 min. • **Future Vision Commission**
- 15 min. • **Joint Policy Advisory Committee on Transportation**
- 15 min. • **Metro Policy Advisory Committee**
- 15 min. • **Planning Department Staff's Report**
- 7:05 9. **COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**
- 7:15 **ADJOURN**

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6:05
(10 min.) **8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

6:15 **ADJOURN**

Meeting Date: November 10, 1994
Agenda Item No. 4.1

MINUTES



METRO

DATE: November 4, 1994

TO: Metro Council
Executive Officer
Agenda Recipients

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

RE: AGENDA ITEM NO. 4.1; MINUTES OF OCTOBER 13, 1994

The minutes of October 13, 1994 will be provided under separate cover to Councilors on or before Wednesday, November 9 and will be available at the Council meeting November 10. Any persons wishing to obtain a copy are welcome to contact the Clerk at 797-1534.

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Meeting Date: November 10, 1994
Agenda Item No. 4.2

RESOLUTION NO. 94-2048

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GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 94-2048, ACCEPTING A NOMINEE TO THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT (MCCI)

Date: October 27, 1994

Presented by: Councilor Gates

COMMITTEE RECOMMENDATION: At its October 25, 1994 meeting the Governmental Affairs Committee voted 4-0 to recommend Council adoption of Resolution No. 94-2048. Councilors Gates, McFarland, Van Bergen, and Wyers voted in favor. Councilor Buchanan was absent.

COMMITTEE DISCUSSION/ISSUES: Associate Council Analyst Judy Shiochi presented the staff report. She said this resolution would fill a vacancy in the Alternate position representing the Washington County Committee for Citizen Involvement on the Metro CCI. She referred to a letter from Linda Gray, staff to the Washington County CCI, in support of Carol Gearin's candidacy. Ms. Shiochi said the Washington County CCI is aware that the MCCI will be reconfigured in some way as of January, but they wanted to fill the vacancy anyway.

The committee discussed with Council staff the status of proposals to amend the MCCI bylaws, but there was no discussion on Resolution 94-2048. Chair Gates requested this item be on the Council's consent agenda.

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October 10, 1994

Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

Dear Councilors,

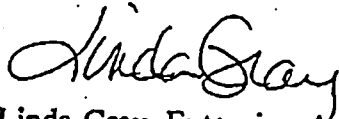
Please accept the recommendation of Washington County Committee for Citizen Involvement (CCI) to place Carol Gearin in the alternate position representing the CCI. Carol would replace Patricia Miller who resigned as alternate earlier this fall. It is understood that Carol would be completing the term for Patricia. Carol has expressed an interest in regional government and would fulfill the term with enthusiasm.

Please consider this recommendation and add Carol to the MCCI mailing list:

Carol Gearin
2420 NW 119 Avenue
Portland, OR 97229

Thank you for your continuing commitment to citizen involvement.

Sincerely,



Linda Gray, Extension Agent

sgs

Mailing Address:
Courthouse
Hillsboro, Oregon
97124

Located at:
Wash County Building
2448 SE Tualatin
Valley Highway

Telephone
503-681-7007

Fax
503-681-7028



Agriculture, Home Economics, 4-H Youth, Forestry, Community Development, Energy, and Extension Sea Grant Programs, Oregon State University, United States Department of Agriculture, and Oregon counties cooperating. The Extension Service offers its programs and materials equally to all people.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ACCEPTING) RESOLUTION NO. 94-2048
A NOMINEE TO THE METRO COMMITTEE)
FOR CITIZEN INVOLVEMENT (MCCI)) Introduced by The Governmental
) Affairs Committee

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

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

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

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

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

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

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

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

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

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

WHEREAS, Subsequent rounds of the selection process have been approved by Resolution Numbers: 92-1702; 92-1763; 93-1859; 93-1882; 94-1899 and 94-1945; and

WHEREAS, This round of the selection process is required to fill a recent vacancy due to a resignation; and

WHEREAS, The Washington County's Committee for Citizen Involvement has forwarded Carol Gearin as the nominee to the MCCI, for the alternate seat in Position 19; now, therefore,

BE IT RESOLVED,

That the Metro Council accepts Carol Gearin of 2420 NW 119th Avenue; Portland, Oregon 97229 as the alternate for Position 19, representing the Washington County Committee for Citizen Involvement on the Metro Committee for Citizen Involvement (MCCI).

ADOPTED BY THE METRO COUNCIL this ____ day of _____, 1994.

Judy Wyers, Presiding Officer

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Staff Report

CONSIDERATION OF RESOLUTION 94-2048, FOR THE PURPOSE OF ACCEPTING A NOMINEE TO THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT (MCCI) TO FILL A VACANCY IN THE MEMBERSHIP OF THE COMMITTEE.

Date: October 25, 1994

Presented by: Judy Shioishi

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

The Charter outlined an Office of Citizen Involvement, as well as a citizen committee within that office. The Council created the Office of Citizen Involvement and established the MCCI as the citizen's committee to assist in communications between the Council, the Executive Officer and the citizens of the region.

Work is being completed to revise the MCCI bylaws in part to reconcile the 13 district positions to the 7 council districts effective as of January 2, 1995. Until this work is completed, the composition of the new membership is not certain. Proposals range from: 34 full member positions, with a provision for certain of those seats to be reserved for members of the county citizen involvement groups, to: 20 members and 20 alternates with the same general seat assignments, although each Council District would have four representatives.

The MCCI will discuss the bylaws changes in the full committee meeting of October 27, 1994. Recommendations will be presented to the Governmental Affairs Committee as soon as possible following the MCCI meeting.

While the membership configuration may be significantly changed effective at the beginning of 1995, it is the desire of the Washington County Committee for Citizen Involvement to fill the vacancy in the alternate position representing their organization at least for the interim. This resolution forwards the nomination of Carol Gearin as the alternate for Position 19, representing the Washington County Committee for Citizen Involvement on the Metro Committee for Citizen Involvement (MCCI).

Meeting Date: November 10, 1994
Agenda Item No. 5.1

ORDINANCE NO. 94-577

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BEFORE THE METRO COUNCIL

RELATING TO THE PORTLAND)	ORDINANCE NO. 94-577
METROPOLITAN AREA LOCAL)	
GOVERNMENT BOUNDARY COMMISSION	)	Introduced by
AMENDING METRO CODE SECTION	)	Councilor Mike Gates
2.01.190 AND DECLARING AN)	
EMERGENCY)	

THE METRO COUNCIL HEREBY ORDAINS:

Section 1. (a) Oregon law provides that the Portland Metropolitan Area Local Government Boundary Commission shall have a number of members that is equal to the number of Metro Councilors.

(b) Pursuant to the adoption of the 1992 Metro Charter, the number of members of the Metro Council will decrease from 13 to seven beginning on January 2, 1995.

(c) Therefore, effective January 2, 1995, the number of members of the Boundary Commission is also decreased from 13 to seven.

(d) It is necessary for the Council to specify which Boundary Commission positions shall continue to hold office, and to assign those positions to the seven new Council districts created pursuant to the adoption of the 1992 Metro Charter.

Section 2. Section 2.01.190 of the Metro Code is amended to read as follows:

2.01.190 Appointment Process, Qualifications and Terms of Office for Boundary

Commission Members:

(1) As provided by Oregon Law;

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(a) The Portland Metropolitan Area Local Government Boundary Commission shall have a number of members that is equal to the number of Councilors of the Metropolitan Service District. .

(b) The members of that Boundary Commission shall be appointed by the Executive Officer of the Metropolitan Service District. The Executive Officer shall appoint members of a Boundary Commission from a list of individuals nominated by the Councilors of the District. Each Councilor shall nominate no fewer than three nor more than five individuals for appointment to the Boundary Commission. When first appointing all the members of Boundary Commission, the Executive Officer shall appoint one individual from among those nominated by each Councilor. Thereafter, as the term of a member of a Boundary Commission expires or as a vacancy occurs, the Executive Officer shall appoint an individual nominated by the Councilor or a successor who nominated the Boundary Commission member whose term has expired or who vacated the office. The Executive Officer shall endeavor to appoint members from various cities, counties and districts so as to provide geographical diversity of representation on the Boundary Commission.

(c) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than one-half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engaged principally in the buying,

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selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

(d) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

- (i) Any service for the unexpired term of a predecessor in office.
- (ii) Any term less than four years served on the commission first appointed.

(2) The terms of office of members of the Boundary Commission appointed prior to 1991 shall be as follows:

(a) Members appointed from nominations made by Councilors representing Council Districts 2, 6 and 8 shall serve from July 1, 1988 to January 1, 1992;

(b) Members appointed from nominations made by Councilors representing Council Districts 1, 5 and 7 shall serve from July 1, 1988 to January 1, 1993;

(c) Members appointed from nominations made by Councilors representing Council Districts 3, 10 and 11 shall serve from January 1, 1990 to January 1, 1994; and

(d) Members appointed from nominations made by Councilors representing Council Districts 4, 9 and 12 shall serve from January 1, 1990 to January 1, 1995.

(3) Notwithstanding the provisions of subsection (2) above, effective January 2, 1995, the Boundary Commission shall consist of seven members and each shall be appointed from nominations made by Councilors. The terms of the Boundary Commission members nominated by Councilors representing districts 2, 3, 6, 7, 8, and 10 terminate effective

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January 2, 1995. Whenever a vacancy exists on the Boundary Commission after January 2, 1995, the Boundary Commission member nominated by the Councilor representing former Council district number one shall be nominated by the Councilor representing new Council district number four; the Boundary Commission member nominated by the Councilor representing former Council district number four shall be nominated by the Councilor representing new Council district number three; the Boundary Commission member nominated by the Councilor representing former Council district number five shall be nominated by the Councilor representing new Council district number two; the Boundary Commission member nominated by the Councilor representing former Council district number nine shall be nominated by the Councilor representing new Council district number six; the Boundary Commission member nominated by the Councilor representing former Council district number eleven shall be nominated by the Councilor representing new Council district number five; the Boundary Commission member nominated by the Councilor representing former Council district number twelve shall be nominated by the Councilor representing new Council district number one; and the Boundary Commission member nominated by the Councilor representing former Council district number thirteen shall be nominated by the Councilor representing new Council district number seven.

Section 3. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the number of Boundary Commission members needs

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to be reduced to seven by January 2, 1995, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council this ____ day of _____, 1994.

Judy Wyers, Presiding Officer

ATTEST:

Clerk of the Council

gl1194

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Meeting Date: November 10, 1994
Agenda Item No. 6.1

ORDINANCE NO. 94-580A

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

ORDINANCE NO. 94-580A, ADDING NEW TITLE 10 TO THE METRO CODE, CREATING AN ADMINISTRATION CODE, AND DECLARING AN EMERGENCY

Date: October 26, 1994

Presented by: Councilor Gates

COMMITTEE RECOMMENDATION: At its October 25, 1994 meeting the Governmental Affairs Committee voted 4-0 to recommend Council adoption of Ordinance No. 94-580A. Councilors Gates, McFarland, Van Bergen, and Wyers voted in favor. Councilor Buchanan was absent.

COMMITTEE DISCUSSION/ISSUES: Council Administrator Don Carlson presented the committee report. He said this ordinance codifies the organizational structure of Metro, and would thereby require any major restructuring to be approved by the Council. He said the adopted budget, with a schedule of appropriations, will control the structure at the appropriation unit level. He noted the distinction between departments and offices, with the latter consisting of the two administrative units that report to both Council and the Executive Officer (General Counsel and Public & Government Relations), and the Charter-mandated Offices of Auditor and Citizen Involvement. Mr. Carlson noted that this ordinance had been before the committee on two previous occasions in draft form, and he had complied with the committee's request that the ordinance be reviewed by General Counsel and the Executive Officer. General Counsel had suggested a few technical changes, which had been made in the draft ordinance, and the Deputy Executive Officer has reported that the administration did not have a problem with the ordinance.

Mr. Carlson referred to an October 25, 1994 memorandum from Finance & Management Information Director Jennifer Sims, which suggested that department's name be changed to either "Finance" or "Financial Services." Mr. Carlson recommended the department become the Finance Department, and the committee concurred.

Councilor Wyers asked for clarification of the word "Title" in the ordinance's title. Mr. Carlson said that word refers to a major section of the Metro Code, of which there are now nine. Councilor Wyers suggested amending the ordinance title, to clarify that the word "title" refers to creation of a major Code section and not be confused with a simple name change. Councilor Wyers asked for clarification of Mr. Carlson's point that the budget is controlling, and asked where in the budget that control lies. Mr. Carlson said the Schedule of Appropriations in the budget controls the organizational structure at the appropriation unit level; he cited the division structure at the Zoo as an example, where each division is a separate appropriation unit.

Councilor Wyers asked how the Office of Auditor is treated, citing the Auditor-elect's statement that she will probably need

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more staff than is currently budgeted. Mr. Carlson said the budget allocates money for the Auditor's Office in the normal categories of Personal Services, Materials & Services, and Capital Outlay. If the Council decides to adjust the budget, it may do so without having to affect the organizational structure.

Councilor Van Bergen asked why the ordinance contains an emergency clause. Mr. Carlson said it is to have the new Code section in place when the new administration comes in at the start of 1995.

Council Analyst Casey Short noted an error in the section governing the Office of General Counsel, and asked for the committee's permission to make the necessary language changes to clarify that section. The committee authorized him to do so.



METRO

DATE: October 27, 1994

TO: Metro Council

FROM: Casey Short, Council Analyst

RE: Technical Changes to Ordinance No. 94-580A,
Establishing an Administration Code

The Governmental Affairs Committee has moved Ordinance No. 94-580A to the full Council for consideration, with a recommendation that the Council adopt it. In reviewing the ordinance to make a technical change authorized by the Committee, I found a few other areas that would benefit from technical or grammatical changes. I have made those changes in the engrossed version of the ordinance that is in your agenda packet, but want to point them out here so the Council has the opportunity to review them.

Changes to the original ordinance authorized by the Committee

- p. 1: Amending the ordinance's title.
- pp. 10-12: Changing the name of the Finance & Management Information Department to the Finance Department
- pp. 16-18: Clarifying language governing the Office of General Counsel regarding the duties of the General Counsel. In making this change, the section is clearer in outlining the duties if subsection (b) under "duties" on page 17 is moved to another section. I have taken the liberty of doing this, moving it to Section 10.30.020 on page 16. Subsequent subsections on pages 18-19 are relettered accordingly.

Other technical changes not expressly authorized

- pages 3, 6, 18, 24: Change references to "the District" to "Metro." Certain sections of this ordinance were grafted directly from existing Code language, and contained outdated references to Metro as "the district."
- p. 13: The ordinance as approved by the Committee contains an erroneous citation that the functions of the Personnel Department "are" divided into divisions, sections, etc. Personnel is not organized in this way, being more like other small departments and offices (such as Council, Executive Management, and General Counsel) which do not have the division structure. I have drafted language to change this section (10.16.030(b)) to say this department "may be" divided into divisions; this language is consistent with language governing other departments similarly structured, and more accurately reflects Personnel's actual organization.

- p. 15: Changes the word "in" to "by" in reference to the activities of the Executive Management Department. This change is consistent with a similar clause in the section on the Council Department. The clause will now read, ". . . delegated to the Executive Officer by state law,"
- p. 16: Adds the word "the" in 10.30.020(b), so the sentence reads, "The General Counsel shall be appointed by the Executive Officer. . . ."
- p. 17: Corrects erroneous references to the "Department" in referring to the Office of General Counsel in Section 10.30.040(a), substituting the word "Office."
- p. 18: Deletes superfluous word, "in" on line 3 of 10.30.040(b).
- p. 24: Makes grammatical change in (B) on line 4, to correct the syntax and make it consistent with the rest of the section.

In considering this ordinance on November 10, the Council will not need to make a formal amendment to incorporate these changes: they will become part of the ordinance unless you choose to alter them. I did, however, want to make sure you were aware of the changes in order to avoid any confusion. If you have any questions or concerns on this matter, please do not hesitate to contact me.



METRO

Date: October 25, 1994

To: Government Affairs Committee

From: Jennifer Sims, ^{JS} Director of Finance and Management Information

Re: Department Name

This memo is for the purpose of commenting on the proposed Administration Code (Ordinance No. 94-580) and the codified name for the Finance Department. Since April, 1991 the official name has been the Department of Finance and Management Information. While lengthy, it is descriptive of the breadth of services provided. Often it is abbreviated to simply FMI. Personally, I find it cumbersome and, when abbreviated, meaningless.

I have discussed this with the department managers and we support a change to either Financial Services Department or Finance Department.

- cc: Don Carlson
- Ann Clem
- Don Cox
- Scott Moss
- Dick Engstrom
- Craig Prosser
- ✓ Casey Short

C:\JENNIFER\MEMOS\COUNCIL\025

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING [A] NEW) ORDINANCE NO. 94-580A
TITLE 10 TO THE METRO CODE)
CREATING AN ADMINISTRATION CODE,) Introduced by Governmental
AND DECLARING AN EMERGENCY) Affairs Committee

METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

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

TITLE 10

ADMINISTRATION CODE

CHAPTER 1

ORGANIZATION AND PURPOSE

Section 10.01.010 Purpose:

The purpose of the Administration Code is to set forth the Metro administrative organizational structure. The Code shall identify all existing Metro departments and offices, their purpose, roles and functions. The roles and functions of each department and office shall include those activities performed by administrative divisions, sections and programs.

Section 10.01.020 Budget Appropriations are Controlling

Notwithstanding the power of a department director, the auditor, general counsel and public and governmental relations officer to reorganize their respective departments or offices, no reorganization of divisions, sections or programs identified as separate appropriation units may occur without the approval of the Council. The adoption of a Schedule of Appropriations by the Council shall control the purpose for which department revenues may

be expended and such appropriations may not be expended for any purpose other than that authorized, except as the Council may from time to time approve transfers of appropriation authority.

Section 10.01.030 Definitions: For purposes of this code, the following definitions shall apply:

a) "Department" means an organizational unit administered by a director and responsible for a principal operational or support service function of the agency. Department directors, except for the Council Department, shall report to the Executive Officer.

(b) "Department Director" means a person responsible for the administration of a department or his/her designee.

(c) "Office" means an organizational unit administered by a designated official and responsible for an agency function for which there is concurrent power to terminate the designated official by the Executive Officer or the Council. The administrative heads of all offices report to both the Executive Officer and the Council. The term shall not apply to the Office of the Auditor whose administrative responsibilities are listed in the Metro Charter.

Chapter 2

Departments

SOLID WASTE

Section 10.10.010 Solid Waste Department Established:

(a) The Metro Solid Waste Department is established for the purpose of providing regional solid waste management including the development of a regional solid waste management system, increasing

regional recycling and waste reduction and the development, operation and franchising of a system of disposal and recycling facilities for the citizens of the region. The department shall carry out all solid waste functions and programs set forth in Section 6 (1)(c) and (2) of the Metro Charter and this Code.

(b) The department shall include the following divisions, sections and activities as well as all other administrative activities of Metro [~~the District~~] directly funded by the Solid Waste Revenue Fund and the Rehabilitation and Enhancement Fund.

- (i) Administration;
- (ii) Budget and Finance;
- (iii) Operations;
- (iv) Engineering and Analysis;
- (v) Waste Reduction;
- (vi) Planning and Technical Services;
- (vii) Recycling Information and Education; and
- (viii) Rehabilitation and Enhancement Programs.

Section 10.10.020 Director Solid Waste Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the Solid Waste Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person

appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.10.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.10.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the Solid Waste Department, with the approval of the Executive Officer, may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

PLANNING

Section 10.11.010 Planning Department Established:

(a) The Metro Planning Department is established for the purpose of providing regional land use, transportation and growth management planning functions for the local governments and citizens of the region. The Planning Department is responsible for carrying out the growth management functions of Metro as set forth in Section 5 of the Metro Charter. The department also shall provide technical assistance services including travel forecasting and data resources. The Planning Department shall carry out all regional land use, transportation and growth management planning functions set forth in the Metro Charter and this Code.

(b) The department shall include the following divisions, sections and programs funded by the Planning Fund:

- (i) Regional Transportation Planning Division;
- (ii) Technical Services Division; and
- (iii) Growth Management Division

Section 10.11.020 Director Planning Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the Planning Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.11.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.11.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the Planning Department, with the approval of the Executive Officer,

may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

ZOO

Section 10.12.010 Zoo Department Established:

(a) The Metro Zoo Department is established for the purpose of managing and operating the Metro Washington Park Zoo which is a regional zoo. The department shall carry out all zoo functions set forth in Section 6 (1) (a) of the Metro Charter and this Code.

(b) The department shall include the following divisions as well as all other administrative activities of ~~Metro~~ [the District] directly funded by the Zoo Operating Fund and Zoo Capital Fund.

- (i) Administration;
- (ii) Animal Management;
- (iii) Design Services;
- (iv) Education;
- (v) Facilities Management;
- (vi) Marketing; and
- (vii) Visitor Services

Section 10.12.020 Director Zoo Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the Zoo Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person

appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.12.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.12.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the Zoo Department, with the approval of the Executive Officer, may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

GENERAL SERVICES

Section 10.13.010 General Services Department Established:

(a) The Metro General Services Department is established for the purpose of managing the Metro Regional Center and parking structure, providing office services and procurement activities including facility design and construction, property acquisition, contract management and facility leasing. The department shall carry out all general services functions and programs set forth in the Metro Charter and this Code.

(b) The department shall include the following divisions funded by the Support Services and Building Management Funds:

(i) Development Services;

- (ii) Contract Services;
- (iii) Construction Services;
- (iv) Facility Services;
- (v) Office Services; and
- (vi) Graphics Services.

Section 10.13.020 Director General Services Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the General Services Department as described in the Metro Charter and in this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.13.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.13.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the General Services Department, with the approval of the Executive Officer,

may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

REGIONAL PARKS AND GREENSPACES

Section 10.14.010 Regional Parks and Greenspaces Department

Established:

(a) The Metro Regional Parks and Greenspaces Department is established for the purpose of managing and operating the regional parks, recreational facilities and pioneer cemeteries transferred by Multnomah County to Metro. The department also shall administer the Metropolitan Greenspaces program. The department shall carry out all regional parks and greenspaces programs set forth in the Metro Charter and this Code.

(b) The department shall include the following divisions funded by the Regional Parks and Expo Fund:

- (i) Administration;
- (ii) Planning and Capital Development; and
- (iii) Operations and Maintenance.

Section 10.14.020 Director Regional Parks and Greenspaces

Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the Regional Parks and Greenspaces Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold

office at the pleasure of the Executive Officer. The person appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.14.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.14.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the Regional Parks and Greenspaces Department, with the approval of the Executive Officer, may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

FINANCE [~~AND MANAGEMENT INFORMATION~~]

Section 10.15.010 Finance [~~And Management Information~~] Department Established:

(a) The Metro Finance [~~and Management Information~~] Department is established for the purpose of providing central support services including accounting and preparation of the annual financial statement, financial planning and budget preparation, information services (data processing), and risk management. The department shall carry out all finance [~~and management information~~] functions set forth in the Metro Charter and this Code.

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(b) The department shall include the following divisions funded by the Support Services and Risk Management Funds:

- (i) Accounting;
- (ii) Financial Planning;
- (iii) Information Services; and
- (iv) Risk Management.

Section 10.15.020 Director Finance [and Management Information] Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the Finance [~~and Management Information~~] Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.15.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.15.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

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(c) Subject to Section 10.01.020, the Director of the Finance [~~and Management Information~~] Department, with the approval of the Executive Officer, may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

PERSONNEL

Section 10.16.010 Personnel Department Established:

(a) The Metro Personnel Department is established for the purpose of administering the Metro and Metropolitan Exposition and Recreation Commission personnel, employee benefits and compensation and labor relations programs. The department shall carry out all personnel functions and programs set forth in the Metro Charter and this Code.

(b) Department functions shall include the following funded by the Support Services Fund.

- (i) Administration;
- (ii) Classification and Compensation Systems;
- (iii) Employee Recruitment and Selection Processes;
- (iv) Employee Benefits Administration;
- (v) Labor Relations; and
- (vi) Enforcement of and Compliance with applicable federal and state employment and personnel law.

Section 10.16.020 Director Personnel Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the

department including all functions and duties of the Personnel Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.16.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department ~~may be~~ [are] divided into administrative divisions, sections and programs as set forth in Section 10.16.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the Personnel Department, with the approval of the Executive Officer, may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

COUNCIL

Section 10.17.010 Council Department Established:

(a) The Metro Council Department is established for the purpose of providing administrative support to the Council for the policy making, legislative oversight and public involvement activities of the Metro Council.

(b) The department shall assist the Council in the performance of the following activities to be funded by the General Fund:

- (i) Policy Making;
- (ii) Legislative Program Oversight;
- (iii) Citizen Outreach and Involvement; and
- (iv) such other duties, functions or powers as may be specifically delegated to the Council by state law, the Metro Charter or the Metro Code.

Section 10.17.020 Council Administrator:

(a) The department shall be under the supervision and control of a Council Administrator who shall be responsible for the functions of the department.

(b) The Metro Council Presiding Officer, in consultation with the Council, shall appoint the Council Administrator. The Council Administrator and staff shall hold office at the pleasure of the Council. The person appointed Council Administrator shall be well qualified by training and experience to perform the functions of the office.

Section 10.17.030 Duties of the Council Administrator:

(a) The duty of the Council Administrator shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by the Metro Charter and this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.17.010(b).

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(c) Subject to Section 10.01.020, the Council Administrator, with the approval of the Council, may organize and reorganize the Department in the manner the Administrator considers necessary to conduct the work of the Department.

EXECUTIVE MANAGEMENT

Section 10.18.010 Executive Management Department Established:

(a) The Metro Executive Management Department is established for the purpose of providing administrative support to the Executive Officer.

(b) The department shall include activities funded by the General Fund:

- (i) Council and Citizen Liaison;
- (ii) Governmental Liaison;
- (iii) Executive administration and enforcement of the Metro Code and adopted Metro rules and policies; and
- (iv) such other duties, functions or powers as may be specifically delegated to the Executive Officer ~~by~~ ~~in~~ state law, the Metro Charter and the Metro Code.

Section 10.18.020 Department Supervision:

The department shall be under the supervision and control of the Executive Officer who shall be responsible for the functions of the department.

Section 10.18.030 Duties of the Executive Officer:

(a) The duty of the Executive Officer shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by the Metro Charter and this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.18.010(b).

(c) Subject to Section 10.01.020, the Executive Officer may organize and reorganize the Department in the manner the Executive Officer considers necessary to conduct the work of the Department.

CHAPTER 3

OFFICES

OFFICE OF GENERAL COUNSEL

Section 10.30.010 General Counsel Office Established:

(a) The Office of General Counsel is established.

(b) The Office shall have those powers and duties as set forth in Section 10.30.030 and Section 10.30.040.

Section 10.30.020 General Counsel:

(a) The Office shall be under the supervision and control of the General Counsel who shall be responsible for the functions of the Office. The functions of the Office may be divided in administrative divisions, sections or staff offices. Each division, section or office shall be under the supervision of a person appointed by the General Counsel.

(b) The General Counsel shall be appointed by the Executive Officer subject to the confirmation of a majority of the members of

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the Council. The General Counsel may be removed by the Executive Officer or by a vote of a majority of the members of the Council. Subordinate attorneys shall serve at the pleasure of the General Counsel. The Office of General Counsel is not a department of Metro.

Section 10.30.030 Powers: The General Counsel shall have:

(a) General control and supervision of all civil actions and legal proceedings in which Metro may be a party or may be interested.

(b) Full charge and control of all the legal business of all Metro departments and commissions, or of any office thereof, which requires the services of an attorney or counsel in order to protect the interests of Metro. No Metro officer, board, Council, commission, or department shall employ or be represented by any other counsel or attorney at law except as may be provided for in this chapter.

Section 10.30.040 Duties of the General Counsel: ~~The General Counsel shall have the following duties:~~

(a) ~~[The General Counsel shall e]~~ Organize and reorganize the ~~Office~~ [Department] in the manner the General Counsel considers necessary to conduct the work of the ~~Office~~ [Department].

~~(b) The functions of the Department may be divided in administrative divisions, sections or staff offices. Each division, section or office shall be under the supervision of a person appointed by the General Counsel.~~

(b[e]) Give legal advice and opinions orally and in writing and prepare documents and ordinances concerning any matter in which Metro [the District] is interested [in] when required by the Council, the Executive Officer, or any Metro commission;

(c[d]) Review and approve as to form all written contracts, ordinances, resolutions, executive orders, bonds, or other legally binding instruments of Metro;

(d[e]) Except as provided by any insurance policy obtained by Metro appear for, represent, and defend Metro, and its departments, officers, commissions and employees and other persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal matters except legal matters involving persons who after investigation by the office of the General Counsel, are found by the General Counsel to have been acting outside the scope of their employment or duties or to have committed malfeasance in office or willful or wanton neglect of duty.

(e[f]) Submit to the Council and Executive Officer, quarterly, a formal report of all suits or actions in which Metro is a party. The report shall state the name of each pending suit or action and a brief description of the suit or action and the status of the suit or action at the date of the report. The report shall also state the name of each suit or action closed during the preceding calendar year and a brief description of the suit or action and the disposition of the suit or action including the amount of any money paid by Metro. At any time the General Counsel

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shall at the request of the Council or the Executive report on the status of any or all matters being handled by the General Counsel.

(f) Appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding in any court or tribunal when mutually requested by the Executive Officer and the Council when, in the discretion of the General Counsel, the same may be necessary or advisable to protect the interests of Metro. The General Counsel shall not appear on behalf of Metro, without the mutual consent of the Executive Officer and Council as appropriate in any action, suit, matter, cause or proceeding in any court or tribunal.

The Executive Officer may authorize Metro's General Counsel to commence litigation or settlement for the collection of a continuously delinquent credit account more than forty-five (45) days past due when litigation or settlement is advisable to protect the interests of Metro. General Counsel shall report all collection litigation or settlement activities to the Executive Officer and Council at the earliest opportunity.

Section 10.30.050 Records:

(a) The General Counsel shall have charge and custody of the Office of General Counsel and of all legal papers pertaining thereto, which shall be arranged and indexed in such convenient and orderly manner as to be at all times readily accessible;

(b) The General Counsel shall keep in the office a complete docket and set of pleadings of all suits, actions, or proceedings in which Metro, the Executive Officer, Council, or any Metro

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commission or employee thereof is a party, pending in any court or tribunal, unless the suits, actions, or proceedings are conducted by private legal counsel retained by Metro in which case the General Counsel shall keep those records as the General Counsel deems advisable;

(c) The General Counsel shall keep and record all significant written opinions furnished to Metro or to any department, the Executive Officer, Council or any Metro commission and shall keep an index thereof; and shall keep a chronological file including all opinions and correspondence of the office.

Section 10.30.060 Attorney - Client Relationship: The relationship between the Office of General Counsel and Metro shall be an attorney - client relationship, with Metro being entitled to all benefits thereof. The General Counsel shall maintain a proper attorney - client relationship with the elected officials of Metro so long as such officials are acting within the scope of their official powers, duties and responsibilities.

Section 10.30.070 Employment of Outside Legal Counsel:

(a) Whenever the General Counsel concludes that it is inappropriate and contrary to the public interest for the Office of General Counsel to concurrently represent more than one Metro public officer in a particular matter or class of matters in circumstances which would create or tend to create a conflict of interest on the part of the General Counsel, the General Counsel may authorize one or both of such officers to employ its own counsel in the particular matter or class of matters and in related

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matters. Such authorization may be terminated by the General Counsel whenever the General Counsel determines that separate representation is no longer appropriate;

(b) The General Counsel may, subject to budget and procedural requirements established by the Council, employ outside legal counsel on behalf of the Council, the Executive Officer, or any Metro commission to handle such matters as the General Counsel deems advisable.

Section 10.30.080 Opinions Regarding Division of Powers:

(a) The General Counsel shall prepare written opinions regarding interpretations of Oregon Law and the Metro Charter, including but not limited to ORS Chapter 268 as provided for herein. Opinions prepared in conformance with this section shall be official guidance to Metro except as superseded by courts of law, legislative action, administrative rules, or actions of other superior tribunals or bodies.

(b) Requests for opinions regarding interpretations of Oregon Law concerning the powers, duties, and authority of the Metro Council or the Metro Executive Officer as they relate to the division of powers, duties, and authorities, or jointly held powers, duties, and authorities, shall be made only by the Executive Officer, the Presiding Officer, chairs of standing Council Committees or the Council acting by resolution.

(c) Prior to commencing preparation of any requested opinion subject to the provisions of paragraph (b) of this section, the General Counsel shall refer the request to both the Executive

Officer and the Council. The issuance of an opinion shall require the concurrence of both the Council and the Executive Officer in the question to be answered. Council concurrence shall be by resolution, except where an opinion request is originally approved by the Council and the Executive Officer concurs in the request. Executive Officer concurrence shall be in writing.

(d) In the event the Council and the Executive Officer fail to concur in a request for an opinion, either the Council or the Executive Officer may direct that the Office of General Counsel refer the question to outside legal counsel approved by the General Counsel and the requestor of the opinion subject to the provisions of Metro Code Chapter 2.04 and available budget appropriations. In the event any requested opinion is rendered by outside counsel, it shall not be official guidance to Metro but shall constitute legal advice to the requestor of the opinion only.

(e) Nothing contained herein shall restrict the Office of General Counsel from effectively advocating the legal interests of Metro in appearing before courts or tribunals. Such advocacy shall be consistent with opinions rendered pursuant to this section but the advocacy efforts of attorneys for the Metro shall not constitute official guidance to Metro.

OFFICE OF PUBLIC AND GOVERNMENT RELATIONS

Section 10.31.010 Office of Public and Government Relations
Established:

(a) The Office of Public and Government Relations is established.

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(b) The Office shall have those powers and duties as set forth in Section 10.31.040.

(c) All contracts authorized for Government Relations Services shall be managed through the Office of Public and Government Relations.

Section 10.31.020 Public and Government Relations Officer: The office shall be under the supervision of the Public and Government Relations Officer appointed by the Executive Officer subject to the confirmation of a majority of the members of the Council. The Officer may be removed by the Executive Officer or by a vote of a majority of the members of the Council. The Office of Government Relations is not a department of Metro.

Section 10.31.020 Duties of the Public and Government Relations Officer:

(a) Subject to Section 10.01.020, the Public and Government Relations Officer shall organize and reorganize the Office in the manner the Officer considers necessary to conduct the work of the Office.

(b) The functions of the Office may be divided in administrative divisions, sections or staff offices. Each division, section or office shall be under the supervision of a person appointed by the Officer.

(c) The Office shall have responsibility for:

(1) Managing Metro's State Legislative Program including:

- (A) Assembling Metro's legislative program for review and approval by the Council following a process established by the Council;
 - (B) Ensuring[e] Metro representation before legislative committees, with individual legislators both during a legislative session and in interim periods and with other interested persons;
 - (C) Development and implementation of a system to monitor and inform the Council and Executive Officer of Metro-related legislation; and
 - (D) Preparation of a final legislative report analyzing Metro-related legislation.
- (2) Communicating Metro programs and policies to local, state and federal governmental officials, and task forces, commissions, and rule making bodies.
 - (3) Monitoring and communicating to the Council and Executive Officer programs and policies of other governments and special interest groups which affect or impact functions or activities of Metro.
 - (4) Providing community, public and media relations for the Executive Officer, the Council and Metro Departments.
 - (5) Coordinating agency public opinion surveys.

Section 10.31.040 Advocate for Metro [District] Policies: In carrying out the duties of the Office, the Officer or subordinate employees shall not represent or advocate the position of any

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single Metro elected official or group of elected officials. The Officer or subordinate employees shall advocate only on matters which have been approved or adopted by the Executive Officer and the Metro Council or any task force or committee authorized by the Council to represent the Council on legislative matters. For any matter in which the Council or any task force or committee authorized to represent the Council on legislative matters and the Executive Officer disagree, the Officer and subordinate employees shall not represent or advocate for either the Metro Council or the Executive Officer.

OFFICE OF CITIZEN INVOLVEMENT

Section 10.32.010 Creation and Purpose: The Office of Citizen Involvement is established. The Office of Citizen Involvement shall report to the Metro Council and is not a department of Metro. The purpose of the Office of Citizen Involvement is to develop and maintain programs and procedures to aid communication between citizens of Metro and the Council and Executive Officer.

Section 10.32.020 Establishment of Metro Committee for Citizen Involvement: There is hereby established the Metro Committee for Citizens Involvement (Metro CCI) within the Office of Citizen Involvement. The Metro CCI will be responsible for assisting with the development, implementation and evaluation of Metro's citizen involvement programs and advising the Council, Executive Officer, and appropriate Metro committees in ways to involve citizens in Metro programs. The Council shall by resolution appoint members to the Metro CCI.

Section 10.32.030 Approval of Bylaws and Appointments: The Council shall approve by resolution the Metro CCI bylaws and any amendment thereto. Bylaws shall include: The committee's name; the geographical area served; the mission and purpose of the committee; membership and terms of office; officers and duties; meetings, conduct of meetings and quorum standards; and methods for amending the bylaws. The Council shall by resolution make reappointments to the Metro CCI from time to time, and revise the organizational structure of the Metro CCI as made necessary by changes to the Metro Code.

OFFICE OF THE AUDITOR

Section 10.33.010 Office of Auditor Established:

- (a) The Metro Office of Auditor is established.
- (b) The Office of Auditor shall include the following activities funded by the General Fund:
 - (i) Administration; and
 - (ii) Financial and performance auditing

Section 10.33.020 Auditor:

- (a) The Office shall be under the supervision and control of the Auditor who shall be responsible for the functions of the office.
- (b) The Auditor shall be elected under the provisions of Section 18 of the Metro Charter.

Section 10.33.030 Duties of the Auditor:

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(a) Subject to Section 10.01.020, the Auditor shall organize and reorganize the Office in the manner the Auditor considers necessary to conduct the work of the Office.

(b) The Auditor shall perform those duties specified in Section 18 of the Metro Charter.

Section 2. Metro Code Chapters 2.08, 2.11 and 2.12 are hereby repealed.

Section 3. This ordinance being necessary for the health, safety or welfare of the Metro area for the reason that the organizational structure of Metro should be established prior to the transition of Executive Officers, an emergency is declared and this ordinance shall be effective on January 1, 1995.

ADOPTED by the Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

ATTEST:

Clerk of the Council

Meeting Date: November 10, 1994
Agenda Item No. 7.1

RESOLUTION NO. 94-2047

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PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 94-2047 APPROVING VOTING MEMBERSHIP ON THE METRO POLICY ADVISORY COMMITTEE (MPAC) FOR CLARK COUNTY AND VANCOUVER, WASHINGTON

Date: November 4, 1994

Presented By: Councilor Monroe

Committee Recommendation: At the November 3 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 94-2047. Voting in favor: Councilors Kvistad, Gardner, Devlin, McLain, Monroe, Moore, and Washington. Absent: Councilor Gates.

Committee Issues/Discussion: Gail Ryder, Senior Council Analyst, presented the staff report at the October 20 meeting. She explained that this resolution codifies the recent action of the Metro Policy Advisory Committee (MPAC) to extend voting membership to the representatives from the City of Vancouver and Clark County Washington. The new members who have been serving as liaison members on MPAC would be allowed full voting rights on all issues except MPAC approval of the extension of new local government services by Metro.

Chair Kvistad suggested an amendment to exclude these members from a vote on taking over the boundary commission and provision of or regulation by Metro of a service which is not a local government service as defined by the Charter (Section 7 (3)).

Councilor McLain asked about what level of decision making is extended to Washington members of JPACT. It was determined that there were no voting limitations on Washington JPACT members.

Councilor Moore asked for clarification on the boundary commission item. Ms. Ryder clarified that the Charter calls for a study of whether Metro should assume the functions of the boundary commission. MPAC would be allowed to comment on the results of the study. It would be unlikely that they would be asked to provide comment on any specific boundary commission action should Metro assume their duties. She further clarified that the only actual *decision* made by MPAC was approval of extension of new local government services by Metro. On all other matters, MPAC is only advisory.

Councilor Washington suggested a full airing of this question when legal council could be present. After discussion it was decided to delay final action on this resolution until the November 3 meeting when questions could be answered by legal counsel.

At the November 3 meeting, John Fregonese, Manager of Growth Management, briefly outlined the resolution. Larry Shaw, Senior Assistant Counsel, explained his memorandum to Chair Kvistad. The memorandum clarified why Washington members should not be allowed a vote on MPAC's approval of extension of a new local government service by Metro.

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BEFORE THE METRO COUNCIL

A RESOLUTION APPROVING VOTING) RESOLUTION NO. 94-2047
MEMBERSHIP ON THE METRO POLICY)
ADVISORY COMMITTEE FOR CLARK) Introduced by
COUNTY AND VANCOUVER,) Rena Cusma
WASHINGTON) Executive Officer

WHEREAS, Metro's regional planning program requires a partnership with cities, counties, and citizens in the region; and

WHEREAS, the region, if defined by economic, social, and physical measures, includes Southwest Washington as an integral part of the region; and;

WHEREAS, the Metro Charter, in references to Metro's Future Vision and Regional Framework Plan, calls for coordination of planning and growth management efforts; and;

WHEREAS, the Metro Charter requires a Metro Policy Advisory Committee (MPAC) for coordination of growth management and planning of the region; and;

WHEREAS, Clark County and Vancouver, Washington, are represented on the Metro Policy Advisory Committee (MPAC); and;

WHEREAS, MPAC voted on September 15, 1994, to give those representatives expanded membership through amendment to the Committee By-Laws in Article III, Section 1(a)(e), allowing them to vote on issues except those approving or disapproving authorization for Metro to provide or regulate a local service; and;

WHEREAS, the 1992 Metro Charter requires approval of a majority of the Metro Council for any change in membership for MPAC; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby concurs with the MPAC recommendation and approves the amendment expanding voting membership of MPAC. The Metro Council welcomes the representatives from Clark County and Vancouver, Washington as voting members of MPAC.

ADOPTED by the Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

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EXHIBIT A

METRO POLICY ADVISORY COMMITTEE (MPAC) BY-LAWS

(As of ~~3/10/94~~ 9/15/94)

Article I

This Committee shall be known as the METRO POLICY ADVISORY COMMITTEE (MPAC) created by Section 27 of the 1992 Metro Charter.

Article II
Mission and Purpose

Section 1. The MPAC shall perform the duties assigned to it by the 1992 Metro Charter and any other duties the Metro Council prescribes.

Section 2. The purposes of MPAC are as follows:

a. MPAC shall perform those duties required by the Charter, including:

1. Providing consultation and advice to the Council on the Regional Framework Plan (Section 5 (2));
2. Providing consultation and advice to the Council on the possible inclusion in the Regional Framework Plan of other growth management and land use planning matters, determined by the Council to be of metropolitan concern, which will benefit from regional planning, other than those specifically identified in Charter Section 5 (2) (b);
3. Providing consultation and advice to the Council on any amendments to the Regional Framework Plan (Section 5 (2) (d));
4. Approve or disapprove the authorization for Metro to provide or regulate a local government service, as defined in Charter Section 7 (2), in those cases in which Metro does not seek or secure such approval directly from the voters;
5. Providing advice to the Council before it adopts an ordinance authorizing provision or regulation by Metro of a service which is not a local government service as defined by the Charter (Section 7 (3)); and
6. Providing advice to the Council on a study of the Portland Metropolitan Area Local Government Boundary Commission (Section 7 (5)).

b. Other duties prescribed by the Council.

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**Article III
Committee Membership**

Section 1. Membership

a. The Committee will be made up of representatives of the following:

Multnomah County Commission	1
Second Largest City in Multnomah County	1
Other Cities in Multnomah County	1
Special District in Multnomah County	1
City of Portland	2
Clackamas County Commission	1
Largest City in Clackamas County	1
Other Cities in Clackamas County	1
Special District in Clackamas County	1
Washington County Commission	1
Largest City in Washington County	1
Other Cities in Washington County	1
Special District in Washington County	1
Tri-Met	1
Citizens of Metro	3
State Agency Growth Council	1
Clark County	1
City of Vancouver	1
Total	1921

- b. Members representing jurisdictions shall be appointed from among members of the governing body. All jurisdictions represented by members, including cities within each county, shall have territory within Metro boundaries.
- c. Alternates qualified to be members shall be appointed to serve in the absence of the regular members.
- d. Metro Councilors will participate with the Committee membership with three non-voting liaison delegates appointed by the Metro Council.
- e. ~~Clark County, Washington, will participate with the Committee membership with two non-voting liaison delegates, one appointed by the Clark County Commissioners and one appointed by the City Council of the City of Vancouver. and City of Vancouver, Washington membership includes all duties of MPAC except approving~~

or disapproving authorization for Metro to provide or regulate a local service, as defined in Charter section 7(2), in those cases in which Metro does not seek or secure such approval directly from the voters.

- f. The composition of the MPAC may be changed at any time by a vote of both a majority of the MPAC members and a majority of all Metro Councilors (Section 27 (2)).

Section 2. Appointment of Members and Alternates

- a. Members and alternates will be initially appointed to serve for two years. Members and alternates from the City of Portland, the counties of Multnomah, Clackamas, and Washington, and the largest cities of Multnomah, Clackamas, and Washington Counties, excluding Portland, shall be appointed by the jurisdiction. Members and alternates may be removed by the appointing jurisdiction at any time.
- b. Members and alternates from the cities of Multnomah, Clackamas, and Washington Counties, excluding Portland and the remaining largest city from each county, will be appointed jointly by the governing bodies of those cities represented. The member and alternate will be from different jurisdictions. The member and alternate will serve two-year terms unless other action is taken by the appointing authority. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.
- c. Members and alternates from the special districts with territory in Multnomah, Clackamas, and Washington Counties will be appointed by special district caucus. The member and alternate will serve two-year terms unless other action is taken by the appointing authority. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.
- d. Metro Council delegates will be appointed by the Presiding Officer of the Metro Council and will represent each county in the region. The delegates may be removed by the Presiding Officer of the Metro Council at any time.
- e. Members and alternates representing citizens will be appointed by the Metro Executive Officer and confirmed by the Metro Council consistent with Section 27 (1) (m) of the 1992 Metro Charter.
- f. Members and alternates from the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) will be appointed by the governing body of that District. The member and alternate will serve until removed by the governing body.
- g. Members and alternates from the State Agency Growth Council will be chosen by the Chairperson of that body. The member and alternate may be removed by the Chairperson at any time.

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Article IV
Meetings, Conduct of Meetings, and Quorum

- a. A regular meeting date, time and place of MPAC shall be established by the MPAC Chair. Special or emergency meetings may be called by the Chair or a third of the members of MPAC.
- b. A majority of the members (or designated alternates) shall constitute a quorum for the conduct of business. The act of a majority of those voting members present at meetings at which a quorum is present shall be the act of MPAC, except in exercising the duty of authorizing Metro to provide or regulate a local government service as described in Section 7 (2) of the 1992 Metro Charter. In these cases a majority vote of all voting MPAC members is required.
- c. Subcommittees or advisory committees to develop recommendations for MPAC may be appointed by the Chair and ratified by MPAC. At a regularly scheduled meeting MPAC shall approve subcommittee membership and MPAC members and/or alternates and outside experts. The Chair of any citizen advisory committee shall neither be the Chair of MPAC nor be an MPAC member, except upon the agreement of a majority of the advisory committee membership. MPAC members of any citizen advisory committee of MPAC shall participate on a nonvoting basis.
- d. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.
- e. MPAC may establish other rules of procedure as deemed necessary for the conduct of business.
- f. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chair to notify the appointing body with a request for remedial action.
- g. MPAC shall make its reports and findings, including minority reports, public and shall forward them to the Metro Council.
- h. MPAC may receive information and analysis on issues before it from a variety of sources.
- i. MPAC shall provide an opportunity for the public and the Metro Committee for Citizen Involvement (Metro CCI) to provide comment on relevant issues at each of its regularly scheduled meetings.
- j. MPAC shall provide a minimum of seven days notice to members of any regular or special meetings.
- k. MPAC shall abide by ORS chapter 192, which provides for public records and meetings.

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Article V
Officers and Duties

- a. A Chair, 1st Vice-Chair, and 2nd Vice-Chair shall be elected by a majority of the voting members for a one year term of office ending in January of the year following appointment. A vacancy in any of these offices shall be filled by a majority vote of MPAC, for the remainder of the unexpired term.
- b. The Chair shall set the agenda of and preside at all meetings, and shall be responsible for the expeditious conduct of MPAC's business. Three members can cause a special meeting to be called with a minimum of seven days notice.
- c. In the absence of the Chair, the 1st Vice-Chair, and then the 2nd Vice-Chair shall assume the duties of the Chair.

Article VI
Amendments

- a. These By-Laws may be amended by a majority vote of the MPAC membership, except that Article III related to the MPAC membership may not be amended without the concurrence of the majority of the Metro Council.
- b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend the By-Laws.

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DRAFT

September 15, 1994

Presiding Officer Judy Wyers
Metro Council
600 NE Grand Ave.
Portland, OR 97232

Dear Presiding Officer Wyers:

A year ago, the Metro Policy Advisory Committee (MPAC) and the Metro Council welcomed Clark County and Vancouver, Washington, representatives to MPAC as liaison members.

As Metro and MPAC have moved forward with the Region 2040 planning process it has become more clear that much of what goes on at Metro impacts our neighbors to the north. Expanded membership on MPAC was discussed and MPAC unanimously agreed to allow Clark County and Vancouver, Washington, representatives to vote except on issues regarding Metro's providing of, or regulating, a local service which does not have to have approval of the region's voters.

The Vancouver and Clark County representatives have been diligent members of MPAC this last year and will, I'm sure, continue to contribute to our process. This is also a step closer to a more formal relationship between Metro and Clark County and Vancouver in the years ahead which could benefit us all.

I hope the Metro Council will concur with MPAC's approval.

Sincerely,

Mayor Gussie McRobert, Chair
Metro Policy Advisory Committee

GM:mw:bd

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STAFF REPORT

RESOLUTION 94-2047, A RESOLUTION APPROVING VOTING POWERS ON THE METRO POLICY ADVISORY COMMITTEE (MPAC) FOR REPRESENTATIVES OF CLARK COUNTY AND VANCOUVER, WASHINGTON

October 10, 1994

By: Merrie Waylett

BACKGROUND

The Metro Charter has created a Metro Policy Advisory Committee (MPAC). Clark County and Vancouver, Washington, were added as liaison members to MPAC in September 1993.

Due to the increase in issues coming before Metro which impact Southwest Washington as part of the larger region, members of MPAC voted on September 14, 1994, to allow Clark County and Vancouver, Washington representatives to vote. The expanded membership does not extend to votes approving or disapproving authorization for Metro to provide or regulate a local service, as defined in Charter section 7(2), in which Metro does not seek or secure such approval directly from the voters.

At their September 14, 1994, meeting, MPAC members voted unanimously to agree to the change by amending their by-laws. However, an action of this type must be acted on both by MPAC and the Metro Council in order to have effect.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution 94-2047, approving expanded membership on the Metro Policy Advisory Committee for Clark County and Vancouver, Washington, representatives.

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Meeting Date: November 10, 1994
Agenda Item No. 7.2

RESOLUTION NO. 94-2042

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SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 94-2042, FOR THE PURPOSE OF AUTHORIZING A COMPETITIVE BID EXEMPTION PURSUANT TO METRO CODE CHAPTER 2.04.041(C) AND EXECUTION OF A SOLE-SOURCE CONTRACT WITH NANCY OWEN-MYERS FOR DEVELOPMENT OF AN INTEGRATED PEST MANAGEMENT PROGRAM FOR METRO SOLID WASTE FACILITIES

Date: November 3, 1994

Presented by: Councilor Hansen

Committee Recommendation: At the November 1 meeting, the Committee voted 5-0 to recommend Council adoption of Resolution No. 94-2042. Voting in favor: Councilors Hansen, McFarland, McLain, Monroe and Wyers. Councilor Buchanan was absent.

Committee Issues/Discussion: Sam Chandler, Solid Waste Operations Manager, and Nancy Owen-Myers, the potential contractor, presented the staff report. Chandler noted that the purpose of the resolution was to authorize a contract with Ms. Owen-Myers to develop an integrated pest management plan for all Metro facilities, except the Glendoveer Golf Course. Chandler commented that Metro has been promoting the use of alternative methods of pest management for several years and that the development of an alternative pest management for Metro facilities would aid these promotional activities.

Chandler noted that the development of the plan would be funded through a \$14,490 grant from the federal EPA. Metro will provide \$11,400 of in-kind services related to the preparation and printing of the plan and the development of signs at the various facilities which would promote the pest management plan. He explained that Ms. Owen-Myers had developed Metro's grant proposal and is generally recognized on a regional and national level as an expert in the development of integrated pest management plans. Because of this extensive background, staff is requesting authority to enter into a sol-source contract with Ms. Owen-Myers.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING A) RESOLUTION NO. 94-2042
COMPETITIVE BID EXEMPTION PURSUANT TO)
METRO CODE CHAPTER 2.04.41(C) AND)
EXECUTION OF A SOLE-SOURCE CONTRACT) Introduced by Rena Cusma
WITH NANCY OWEN-MYERS FOR DEVELOPMENT) Executive Officer
OF AN INTEGRATED PEST MANAGEMENT)
PROGRAM FOR METRO SOLID WASTE FACILITIES.)

WHEREAS, Nancy Owen-Myers is deemed to be an expert in the field of Entomology and specifically in the development of integrated pest management (IPM) systems; and

WHEREAS, Metro is in need of an IPM plan that will provide innovative ways to reduce pesticide use and extend pest management alternatives to staff and subcontractors at Metro managed solid waste facilities, and

WHEREAS, on behalf of Metro she has drafted and submitted a grant application to the Environmental Protection Agency (EPA) for establishment of such an IPM; and

WHEREAS, the EPA has enthusiastically awarded a grant to Metro which will fund an IPM policy and implementation plan complete with an instruction manual explaining:

- › The steps of an IPM;
- › The specific problems and remedies identified at such facilities;
- › The need for personal protective and safety equipment;
- › How to incorporate existing practices and policies into an IPM; and

WHEREAS, Metro, in light of the above action, has a unique opportunity to develop and implement an agency-wide IPM program; and

WHEREAS, the desire to contract with Nancy Owen-Myers is a natural outcome of a successful and productive past relationship which culminated in the grant; and

WHEREAS, such a contract is confined to a single project, unlikely to encourage favoritism in the awarding of or substantially diminish competition for public contracts; and

WHEREAS, the award of a public contract pursuant to this exemption process is expected to enhance the final product and substantially reduce the program's potential cost; and

WHEREAS, the Executive Officer has reviewed the attached personal services agreement with Nancy Owen-Myers, recommends the proposed "Sole Source" designation, and hereby requests an exemption to the competitive bidding requirement of Metro Code Chapter 2.04.041; and

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

BE IT RESOLVED, That the Metro Contract Review Board hereby declares the attached agreement (Exhibit "A" hereto) with Nancy Owen-Myers to be a "Sole Source" contract pursuant to Metro Code Chapter 2.04.060 and authorizes an exemption to competitive bidding pursuant to Metro Code Chapter 2.04.041 (c).

ADOPTED by the Council of Metro this _____ day of _____, 1994

Judy Wyers, Presiding Officer

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EXHIBIT A
to RESOLUTION NO. 94-2042
PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, Oregon 97232, and Nancy Owen-Myers, referred to herein as "Contractor," located at 1740 SE Lexington, Portland, OR 97202.

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 on November 1, 1994, and shall remain in effect until and including October 31, 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 FOURTEEN THOUSAND AND FOUR HUNDRED AND NINETY DOLLARS (\$14,490).
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.

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c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

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

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

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

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

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

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

A large, stylized handwritten signature or set of initials in black ink, located in the bottom right corner of the page.

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

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

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

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

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

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

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

16. Modification. Notwithstanding any and all prior agreements or practices, this Agreement constitutes the entire Agreement between the parties, and may only be modified in a writing signed by both parties.

NANCY OWEN-MYERS

METRO

Signature

Signature

Print name and title

Print name and title

Date

Date

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Exhibit A

SCOPE OF WORK

Development of Integrated Pest Management (IPM) Policies and Implementation Plan at Metro Managed Facilities

The Contractor will write, edit, illustrate and aid in the production coordination of IPM policies and an implementation plan (with manual) for IPM implementation at Metro managed facilities.

This plan will cover IPM of the exterior and interior ornamental landscapes and IPM of structural pests of all Metro managed facilities with two exceptions:

- Enclosures at the Washington Park Zoo: this plan will not address pest management of plant materials used inside exhibits and enclosures at the zoo.
- Glendoveer Golf Course: because of the intensive management practices necessary to maintain playable turf, the golf course will not be included in this program.

The Contractor will prepare a written report of work completed following each phase of the project. This will be submitted to Metro and the EPA.

The Contractor will provide:

- Research
- Writing
- Editing
- Review process
- Production coordination
- Project administration

Time Frame:

The project will be completed in four phases following approval of the grant.

Phase I. Research and Review / Goal Setting (November - December 1994)

Activities outlined in Phase I. include the following: (est. \$3,360)

- Reviewing existing pest management practices
- Research other IPM policies from similar agencies
- Set goals for pest management at Metro facilities

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Phase II. Policy and Manual Development (January - February 1995)

Activities outlined in Phase II. include the following: (est. \$4,530)

- Develop IPM policy for existing and future Metro facilities
- Develop a written synopsis of the research findings and resulting maintenance goals
- Present the policy to the Metro Council
- Develop a manual

Phase III. Policy and Plan Implementation / Training (March - June 1995)

Activities outlined in Phase III. include the following: (est. \$3,600)

- Develop training materials
- Coordinate training in workshops or on-site assistance opportunities

Phase IV. Evaluation / Case Study and [interpretation Development (July - October 1995)

Activities outlined in Phase IV. include the following: (est. \$3,000)

- Evaluation of the IPM policy and program for maintenance personnel
- Develop case study materials for workshops
- Develop interpretive materials for Metro facilities
- Final evaluation

Project Outline for Fiscal Year Calendar

FY 1994 - 1995 (July 1st - June 30th)

- Phase I. Research and Review / Goal Setting
- Phase II. Policy and Manual Development
- Phase III. Policy and Plan Implementation / Training

Total Contribution from Metro for FY 1994 - 95: \$4,700

Total Funding from EPA for 1994 - 95: \$11,490

FY 1995 - 1996 (July 1st - June 30th)

- Phase IV. Evaluation / Case Study and Interpretation Development

Total Contribution from Metro for 1995 - 96: \$6,700

Total Funding from EPA for 1995 - 96: \$3,000

Total Metro IPM project: \$25,890

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Payment:

Upon completion of each phase, and The Contractor's submission of an invoice and a report acceptable to Metro and EPA, Metro will pay Contractor the compensation identified above for the phase of work completed.

Metro shall pay Contractor for services performed and materials delivered in the maximum sum of FOURTEEN THOUSAND AND FOUR HUNDRED AND NINETY DOLLARS (\$14,490). This maximum sum includes all fees, costs and expenses of whatever nature. Contractor's billing statements will include an itemized statement of the work done during the billing period, will not be submitted more frequently than once a month, and will be sent to Metro, Attention Solid Waste Department. Metro will pay Contractor within 30 days of receipt of an approved invoice.

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Budget Description	Budgeted Amount
<u>Metro Contribution to Project</u>	
Metro staff assistant (clerical, administrative) .10 FTE	\$ 4,000
Policy / Plan Manual	
Design and produce (60 hrs @ \$30 / hr)	1,800
Printing	400
Case study	
Edit and Design (40 hrs @ \$30 / hr)	1,200
Printing	1,000
Interpretive Signs	
Design and write copy (20 hrs @ \$30 / hr)	600
Produce (four facilities, six signs @ \$100 each)	2,400
Total Metro Contribution to Project	\$11,400
<u>Contractor's Compensation</u>	
Salary and overhead (mileage, phone, computer rental) @ \$30 / hr	
Review existing policies, practices, contract specs (112 hrs)	\$ 3,360
Write policy and IPM manual (151 hrs)	4,530
Provide training, assist in implementation, workshops (120 hrs)	3,600
Prepare surveys, distribute to Metro staff and contractors (20 hrs)	600
Summarize and evaluate surveys, prepare case study materials and interpretive signs, write final report (80 hrs)	2,400
Contractor's Compensation Total	\$14,490
Program Total	\$25,890

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NCAP

Northwest Coalition for
Alternatives to Pesticides

September 26, 1994

via fax at (503) 797-1795

Ms. Carrie Kraten
Solid Waste Department - Operations
METRO
600 NE Grand
Portland, OR 97232

Dear Ms. Kraten:

I am writing to highly recommend Nancy Owen Myers as a qualified, exceptional integrated pest management specialist. To my knowledge, she is the only person of her caliber and experience who can fulfill the EPA grant to establish integrated pest management (IPM) programs for the Portland area Metro.

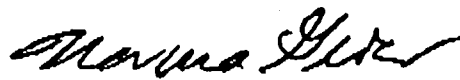
Since I have been a staff member for the last 11 years with a non-profit organization that promotes alternatives to the use of pesticides, I am familiar with what efforts are needed to develop and implement a comprehensive integrated pest management (IPM) program. The job cannot be performed by just anyone.

Nancy Owen Myers first introduced herself to me over a year ago when she had lived only a short time in the Portland area. At that time, I knew that her move to the Pacific Northwest was a tremendous gain for the region. For many years, I had followed the IPM work of the National Park Service in the Washington D.C. area. Many of that agency's successes with IPM are the models promoted by other public agencies and groups. The Park Service IPM programs ranged from controlling yellow jackets to lawn maintenance. Nancy was the resource person providing technical assistance for these successes.

As the Metro IPM program develops, it will have the potential to significantly boost alternative approaches to pest management for Oregon and the Pacific Northwest. A qualified contractor will ensure that this program will be another exceptional contribution by Metro showing others how to reduce the use of toxic substances. I hope you will select Nancy Owen Myers as the person to perform this job. We will all benefit from the results of her work.

Thank you for considering my input.

Sincerely,



Norma Grier
Executive Director

P.O. Box 1393
Eugene, Oregon 97440
(503) 344-5044

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1740 S.E. Lexington

Nancy Owen Myers
Portland, OR 97202

(503)234-3497

Education

Master of Science, Entomology

1991, University of Maryland

Research project: Development of Integrated Pest Management (IPM) program for National Parks of the mid-Atlantic region

Bachelor of Science, Forest Management

1985, University of Washington

Experience

Regional IPM Coordinator

1991 - 1992, Center for Urban Ecology
National Capital Region, National Park Service

Implemented the National Park Service IPM policy guidelines by providing extensive technical assistance in IPM methods and tactics:

- to park resource management and maintenance in 17 National Parks.
- in the development of a rodent management training video

Developed and presented seminars and courses in IPM: general information, tips for implementation, specifics of monitoring, pesticide safety, others

Developed a database management program in dBase IV to monitor and summarize over 500 pesticide requests, and to annually summarize the uses by park, by product, and by active ingredient

Designed and implemented research project to examine the effects of mechanical control for control of white grubs in turf

Assisted all interested park personnel in obtaining public pesticide applicator's licenses

Research Assistant

1987 - 1990, Dept. of Entomology
University of Maryland

Implemented and evaluated IPM program over 400 acres at five National Historic Sites
Wrote integrated pest management manual for use by natural resource managers at National Parks

Developed computerized data management program to document pest management activities

Hired, trained and supervised 4 IPM field scouts and 3 laboratory technicians

Designed, implemented, and evaluated 3 studies to examine:

- the use of nematodes for black vine weevil control
- biological control of nematode pests of boxwood in landscapes
- the effect of tree wrap on the occurrence of borers in dogwood

Prepared biweekly reports of pest activity in park landscapes, recommending treatments as needed

Produced interpretive materials to present IPM to park visitors

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Nancy Owen Myers, page 2

Teaching Assistant

1990, Dept. of Biology
University of Maryland

Prepared and presented lectures and laboratory exercises for two introductory biology laboratories per week
Designed and corrected weekly assignments and quizzes for 45 students
Offered tutorial assistance in introductory biology and scientific writing

Plant Care Diagnostician

1993, Collier Arbor Care
Portland, Oregon

Diagnosed plant diseases and insect pests
Performed control operations on infested plant material

Assistant City Forester

1985, Highland Park, Illinois

Carried out Dutch elm disease management program for a city of 30,000
Administered and supervised contractors providing tree planting and maintenance services to the city
Updated computerized planting program

Licenses, Skills, Memberships

Proficient in WordPerfect, Lotus 123, dBase IV; exposure to Freelance Plus, AutoCAD

Commercial pesticide applicator in Oregon, ornamental insects/fungi

Oregon driver's license

Member:

Entomological Society of America
International Society of Arboriculture
Northwest Coalition for Alternatives to Pesticides
Oregon Tilth

References available upon request

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Nancy Owen Myers, page 3

Presentations

IPM programs for National Historic Sites. *at* The Interstate Ornamental Plant Management Conference, College Park, MD. February, 1989.

Non-chemical management of landscape pests. *at* Issues in Cultural Landscape Management Course, National Park Service, Richmond, VA. March 1989.

The Integrated Pest Management Approach. *at* West Virginia Cooperative Extension Turf and Ornamentals Conference, Charleston, WV. November, 1989.

Insect Pests of Boxwood and their Control. *at* The Interstate Ornamental Plant Management Conference, College Park, MD. February, 1990.

Monitoring. *at* The National Park Service Integrated Pest Management Short Course, Hagerstown, MD. April, 1990.

Monitoring. *at* The National Park Service Integrated Pest Management Short Course, Hagerstown, MD. March, 1991.

Integrated Pest Management in the National Capital Region. *at* Annual Chiefs of Maintenance Meeting, Williamsburg, VA. September, 1991.

Brass Tacks of IPM. Guest lecturer in HORT 432, Landscape Installation and Maintenance, University of Maryland, College Park, MD. October, 1991.

Monitoring. *at* The National Park Service Integrated Pest Management Short Course, Cape Cod, MA. October, 1991.

Safe and Responsible Use of Pesticides. *at* Maryland-National Capital Parks and Planning Commission Safety Management Conference, College Park, MD. November, 1991.

Monitoring. *at* The National Park Service Integrated Pest Management Short Course, Grand Canyon National Park, AZ. June, 1992.

Presented Papers

Owen, N.P., B. Bull, and M.J. Raupp. Black vine weevil abundance influenced by irrigation in urban vine euonymus beds. *at Entomological Society of America National Meeting, San Antonio, TX. December, 1989.*

Owen, N.P., C.S. Sadof, and M.J. Raupp. The effect of plastic treewrap on the incidence of dogwood borers in young dogwood trees. *at Entomological Society of America National Meeting, New Orleans, LA. December, 1990.*

Publications

Owen, N.P., M.J. Raupp, C.S. Sadof, and B.C. Bull. *The influence of entomophagous nematodes and irrigation on black vine weevil in urban vine euonymus beds.* In press, *Journal of Environmental Horticulture*, September 1990.

Owen, N.P., C.S. Sadof, and M.J. Raupp. *The effect of plastic treewrap on borer incidence in dogwood.* In press, *Journal of Arboriculture*, September 1990.

Myers, N.O. *Integrated Pest Management in the National Park Service.* *Regulatory Horticulture*, Spring 1991.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 94 - 2042 FOR THE PURPOSE OF AUTHORIZING A COMPETITIVE BID EXEMPTION PURSUANT TO METRO CODE CHAPTER 2.04.41(C) AND EXECUTION OF A SOLE-SOURCE CONTRACT WITH NANCY OWEN-MYERS FOR DEVELOPMENT OF AN INTEGRATED PEST MANAGEMENT PROGRAM FOR METRO SOLID WASTE FACILITIES.

Date: October 4, 1994

Presented by: Sam Chandler

Proposed Action

Adoption of Resolution No. 94 - 2042 waives competitive bidding procedures and authorizes the execution of a sole-source personal services agreement with Nancy Owen-Myers to implement IPM at Metro facilities. Metro funding, along with a one - time EPA grant, will economically support this program.

Factual Background and Analysis

Metro is responsible for regional services in the urban areas of Clackamas, Multnomah, and Washington counties and serves more than one million residents in 24 cities. Metro services include management of solid waste disposal and recycling, including hazardous waste management; operation of the Metro Washington Park Zoo; management of regional parks and greenspaces; provision of technical services to local governments, and coordination of regional transportation and land-use planning. Through the Metropolitan Exposition - Recreation Commission, Metro also manages the Oregon Convention Center, Expo Center, Civic Stadium and the Portland Center for the Performing Arts.

Since 1987, Metro has conducted innovative education programs about hazardous products and alternatives to their use. In 1993 the agency launched an alternatives to pesticides educational program for consumers and is developing a similar waste reduction educational program for organizations that generate hazardous materials, including pesticides. These programs have highlighted the need for a cohesive IPM policy for all Metro facilities and property. At present, some Metro facilities have IPM policies and practices in place, while others do not.

The EPA has identified IPM as an option for minimizing waste from non agricultural pesticide applicators. However, extension of information about IPM to these pesticide users has been inconsistent, at best. By developing a Metro IPM program, and using it as a model for pesticide use reduction education, Metro would be able to employ an innovative approach for extending information about IPM to commercial pesticide users, and through them, to the general public.

Metro will contribute \$11,400 of in kind service for staff time and production cost. These contributions will be in the form of clerical and administrative assistance, editing, designing, production and printing of the manual, case studies and interpretive signs.

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The EPA grant of \$14,490 will pay the originating consultant's costs. These include salaries and overhead, providing training, assisting in implementation of program, preparing and evaluating surveys, and writing a final report.

Sole - Source Justification

The proposed personal service agreement with Nancy Myers is a sole - source because she is an expert, and is the only person qualified to perform the IPM program implementation and training. Sought by Metro, Nancy has a Master's degree in Entomology, and while pursuing that degree she completed a research project entitled: Development of Integrated Pest Management (IPM) program for National Parks of the Mid - Atlantic region in 1991. Subsequently, Ms. Myers became the National Park Service Regional IPM Coordinator and helped the service implement the program she developed; the National Park Service continues to use Ms. Myers' IPM program. On behalf of Metro, Ms. Myers drafted and submitted to the Environmental Protection Agency (TEPA) a grant proposal for an IPM program. The EPA enthusiastically awarded the grant to Metro, and Metro now seeks to have Ms. Myers utilize her unique approach and methods to successfully implement the program she developed for Metro. The Metro staff believes Nancy Myers is the only person qualified to render these services, and this belief is confirmed by the Northwest Coalition for Alternatives to Pesticides in their correspondence dated September 26, 1994 (a copy of her resume and the correspondence are attached to this staff report).

Budget Impact

FY 1994 - 95

Metro contribution:	\$4,700
EPA contribution:	\$11,700

FY 1995 - 96

Metro contribution:	\$6,700
EPA contribution:	\$3,000

\$25,890 Total cost for researching, development, implementation and review of IPM program.

Executive Officer's Recommendation:

The Executive Officer recommends approval of Resolution No. 94-2042.

Meeting Date: November 10, 1994
Agenda Item No. 7.3

RESOLUTION NO. 94-1976

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SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 94-1976, FOR THE PURPOSE OF AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH PORTLAND STATE UNIVERSITY

Date: November 3, 1994

Presented by: Councilor McLain

Committee Recommendation: At the November 1 meeting, the Committee voted 5-0 to recommend Council adoption of Resolution No. 94-1976. Voting in favor: Councilors Hansen, McFarland, McLain, Monroe and Wyers. Councilor Buchanan was absent.

Committee Issues/Discussion: Jim Watkins, Solid Waste Engineering and Analysis Manager, and Dennis O'Neil and Joanna Karl, Senior Engineers presented the staff report. They noted that Metro had entered into an intergovernmental agreement with Portland State University in February 1994 to provide groundwater and leachate modelling for use in the closure of the St. Johns Landfill. Staff reviewed several slides which showed the results of the modelling work as it relates to estimating the amount and movement of the groundwater and leachate at the landfill.

This resolution results from the need to revise the original scope of work of the project. Staff noted that the initial modelling results indicate that some of the original work tasks will not be needed while other new tasks will need to be performed to maximize the benefits of the data being developed. For example, the modelling data will allow Metro to be an active participant in ongoing environmental studies of the Smith and Bybee Lakes and Columbia Slough. The data also will assist in the development of the groundwater and leachate management systems that Metro will be proposing to the DEQ in mid-1995.

The total net additional cost of the revised scope of work will be \$54,000. These funds will come from the landfill closure account.

Councilor McLain asked how the revised scope of work will contribute to the closure process. Staff noted that it will facilitate the preparation of more cost-effective environmental management programs for the landfill and allow Metro to more effectively argue the merits of such programs before environmental regulatory agencies. McLain asked how the results of the modelling will be given to Metro. Staff noted that the results and the programming related to the modelling will be given to Metro in a form that will be compatible with Metro's computer systems and allow Metro staff to utilize the modelling work on an ongoing basis.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING AN) RESOLUTION NO. 94-1976
AMENDMENT TO THE INTERGOVERNMENTAL)
AGREEMENT WITH PORTLAND STATE) Introduced by Rena Cusma,
UNIVERSITY (CONTRACT #903466)) Executive Officer

WHEREAS, Metro has operated the St. Johns Landfill since 1980; and

WHEREAS, Metro submitted its Revised Closure and Financial Assurance Plan for the landfill to the Oregon Department of Environmental Quality (DEQ) in September 1989; and

WHEREAS, In the spring of 1990, DEQ responded with a letter from its hydrogeologist and a Plan Review Report requesting more information about leachate seepage and its impact on the surrounding surface waters; and

WHEREAS, In June 1990, Metro contracted with Portland State University (PSU) for water monitoring and investigation services at St. Johns Landfill to satisfy DEQ's requirements and provide some of the data necessary to develop a groundwater model; and

WHEREAS, In the spring of 1991, Metro began final closure of the landfill; and

WHEREAS, In March 1992, another letter from DEQ reiterated the need to monitor potentiometric levels and determine groundwater flow paths in the vicinity of the site.; and

WHEREAS, In Fall 1992, Metro installed a number of piezometer clusters in order to continuously measure water levels; and

WHEREAS, In February 1994, Metro contracted with PSU to develop a 3-dimensional groundwater model; and

WHEREAS, DEQ has required Metro to produce a leachate management plan in the Spring of 1995; and

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WHEREAS, DEQ is allocating total maximum daily loads (TMDLs) for the Columbia Slough; and

WHEREAS, In October 1994, Metro staff developed a series of questions the PSU model could answer: to assist in developing a leachate management plan, and assist in DEQ's determination of TMDLs allocated to the landfill; and

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

BE IT RESOLVED,

That the Metro Council authorizes amendment of the intergovernmental agreement with PSU for work associated with developing a groundwater model for the St. Johns Landfill vicinity.

ADOPTED by the Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

JK:ay
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Exhibit A (to Resolution #94-1976)

AMENDMENT 2

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AMENDMENT NO. 2

This amendment, dated as of the last signature date below, hereby amends the Intergovernmental Agreement dated December 16, 1993, between Metro and the State of Oregon acting by and through the State Board of Higher Education on behalf of Portland State University (PSU), hereinafter referred to as "University." In exchange for the promises and other valuable consideration described in the original agreement, subsequent amendments, and this amendment, the parties agree as follows.

- I. The termination date shall be extended from September 15, 1994 to October 15, 1995.
- II. The original Scope of Work shall be changed as follows, at no additional compensation:
 - 1. Model Application Task IV-2, Task IV-3, and Task IV-4 shall be deleted.
 - 2. The following tasks shall be added to the original scope of work, as a result of additional data supplied by Metro, include:
 - A. Metro and University shall determine a format for the geological data provided by Metro, such that the data is compatible with the model.; and
 - B. University shall review historical photographs and topographic maps, and incorporate all new information into the model framework; and
 - C. University shall incorporate the low-permeability road (built up through the entire thickness of refuse in the landfill) into the model; and
 - D. University shall incorporate changed subarea boundaries (based on the underlying geology as defined by the location of the Blind Slough) into the model.

III. Additionally, the following new tasks shall be added to the Scope of Work:

University shall determine the following:

- 1. Volume of leachate seepage over time to the sloughs from the landfill, based on use of a uniform (average) chloride concentration within the landfill (due no later than 1/1/95):
 - A. surface seepage (i.e., >5' MSL in sloughs); and
 - B. subsurface seepage (i.e., < 5' MSL in sloughs)

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2. Volume of leachate seepage (based on chloride tracking) over time leaving the landfill:
 - A. to Columbia Slough (due no later than 1/1/95);
 - B. to North Slough (due no later than 1/1/95);
 - C. to Smith and Bybee Lakes (through silts) (due no later than 6/16/95);
 - i. lateral flux through silts; and
 - ii. vertical flux from gravel aquifer below the silts
 - D. to sand and gravel aquifer (due no later than 6/16/95)
3. Total chloride flux over time from the St. Johns Landfill based on actual chloride concentration from data (due no later than 3/15/95);
4. Impact of perimeter drain (due no later than 3/15/95):
 - A. on mound drawdown rate;
 - B. on leachate seepage rate to sloughs; and
 - C. on seepage into the drain from the sloughs
5. Rates of flow of chemicals-of-concern as specified by Metro from now up to 2025, (due no later than 3/15/95 or 60 days after specification by Metro, whichever is later);
6. Volume/rate of liquid flow in the sand and gravel aquifer (due no later than 6/16/95);
7. Volume/rate of liquid leakage from silt under landfill to sand and gravel aquifer (due no later than 6/16/95);
8. A ratio between the Smith and Bybee Lake levels and the sand and gravel aquifer or river level which will minimize or eliminate seepage from the sand and gravel aquifer to the lakes (due no later than 6/16/95);
9. Flow pattern under Bybee Lake with time showing relative fluxes from various directions (due no later than 6/16/95);
10. Seasonal rates of flow and the sensitivity to seasonal variation, now and in the future (due no later than 6/16/95);
11. Three-dimensional configuration of chloride plume after 100 years (i.e., year 2100)

University shall:

12. Prioritize additional monitoring efforts to improve model calibration and obtain high quality data (due no later than 6/16/95);
13. Assist Metro in calibrating its piezometer data to an absolute elevation with use of appropriate model runs (due as soon as possible, but no later than 3/15/95);
14. Provide written progress reports at the end of each school term (due no later than 1/1/95, 3/15/95, and 6/16/95); and

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15. Provide a final report, with detailed technical documentation of the model and all aspects of the project, including what has been learned (due no later than 9/30/95).
16. Make a reasonable effort to provide any of the above work products at dates earlier than the above listed dates, if requested by Metro staff.
17. By 6/30/95 submit an electronic copy of the entire model to Metro in a reasonably user friendly format and provide training as specified in the agreement.

Metro and University agree that the contract price, \$83,459, shall be increased by FIFTY-FOUR THOUSAND and NO/100 Dollars (\$54,000.00), to a new total of \$137,459. It is acknowledged by Metro and University that the additional services were not provided for in the original agreement. No payment beyond the additional sum shall be authorized by Metro without specific written amendment to the original agreement.

All terms of the original agreement and any previous amendments shall remain in full force and effect, except as modified herein.

PORTLAND STATE UNIVERSITY.

METRO

Signature

Signature

Print Name and Title

Print Name and Title

Date

Date

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STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 94-1976 FOR THE PURPOSE OF
AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL
AGREEMENT WITH PORTLAND STATE UNIVERSITY
(CONTRACT #903466)

Date: November 1, 1994

Presented by: Jim Watkins
Joanna Karl

PROPOSED ACTION

Adoption of Resolution No. 94-1976, which grants exemption from the competitive procurement process and authorizes execution of Amendment No. 2 to the intergovernmental agreement with Portland State University (Contract #903466), for groundwater modeling in the St. Johns Landfill region.

FACTUAL BACKGROUND and ANALYSIS

I. Purpose of Amendment

It is proposed that the intergovernmental agreement with Portland State University (PSU) to construct a groundwater model for the St. Johns Landfill region be amended (see Exhibit A to Resolution #94-1976) to:

- > Extend the termination date;
- > Add/delete tasks in original Scope of Work (no additional compensation); and
- > Refine model calibration as needed to answer environmental questions posed by staff to assist in responding to the Oregon Department of Environmental Quality's (DEQ's) closure requirements.

II. Background

Since 1980, Metro has operated the St. Johns Landfill which is located adjacent to the Columbia and North Sloughs and the Smith and Bybee Lakes. In 1991, Metro began final closure of the landfill.

In September 1989, Metro submitted its Revised Closure and Financial Assurance Plan for St. Johns Landfill to the Oregon Department of Environmental Quality (DEQ). DEQ requested more information about leachate seepage and its impact on the surrounding surface waters. In 1992, DEQ emphasized the need to monitor potentiometric levels and determine groundwater flow paths in the vicinity of the site to assist in determining the rate and extent of groundwater input from the landfill to the adjacent sloughs and to Smith and Bybee Lakes.

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In 1994, DEQ required Metro to submit a seepage control plan for St. Johns Landfill by May 1995.

In June 1990, the Metro Council approved an intergovernmental agreement with Portland State University (PSU) for water monitoring and investigation services at St. Johns Landfill to satisfy DEQ's requirements and provide some of the data necessary to develop the proposed groundwater model. In the fall of 1992, Metro installed a number of piezometer clusters in order to continuously measure water levels, and collect more of the needed data to develop and calibrate a groundwater model at St. Johns Landfill.

In February 1994, Metro entered into an intergovernmental agreement with PSU to select, construct, and calibrate a three-dimensional, numerical groundwater model to simulate groundwater flow patterns and contaminant transport in the St. Johns Landfill area, as required by DEQ for the landfill's closure. To date, the PSU modeling study has provided: an estimate of the quantity of annual leachate seepage and contamination (for a contaminant such as chloride, which travels at the same rate as the groundwater) leaving the landfill over time; and estimated the number of years for the leachate mound to decrease.

As PSU developed the model Metro discovered additional historical data, which then could be used to further improve the model. This led to an extension of the deadlines and termination date (Amendment #1). The model development process generated additional questions as well. Both the modifications to the original Scope of Work to incorporate Metro's new data, and the additional questions are described in Amendment 2.

III. Related Projects

This amendment will result in highly useful information affecting the following projects:

A. Smith and Bybee Lakes Management Plan

The Smith and Bybee Lakes Management Area occupies more than 2,000 acres along the Columbia Slough near the confluence of the Willamette and Columbia Rivers. The Smith and Bybee Lakes wetlands area includes St. Johns Landfill and surrounding surface waters.

The Management Plan indicates that groundwater mounding (of contaminated leachate) and resulting groundwater flow from the landfill may produce major impacts on groundwater recharge and discharge functions, on acceptable habitat for fish, and on the active recreation potential of surrounding sloughs and wetlands. Furthermore, the hydrology of the area is controlled by such human development as landfilling and the creation of water control structures. The future environment of the wetlands complex will depend on such hydrologic management practices as altering lake elevations. Landfill impacts on the surrounding surface waters may be further altered by some of the potential environmental projects discussed in the Plan. The model can simulate how the proposed projects will change the environmental impact from the landfill.

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B. Total Maximum Daily Loads (TMDLs)

The Oregon Department of Environmental Quality (DEQ) is currently in the process of setting and allocating Total Maximum Daily Loads (TMDLs) for the Columbia and North Sloughs, which are adjacent to St. Johns Landfill. Lacking specific accurate data, they may set an arbitrary and conservative estimate of waste load allocation for St. Johns Landfill. Metro must stay within this allocation. By quantifying seepage and pollutant loading as accurately as possible, Metro can help to determine more realistically the landfill's TMDL allocation - and reduce the risk that Metro will be required to spend additional money without technical justification.

C. St. Johns Landfill Closure

The St. Johns Landfill's third year of landfill closure construction has been completed. Although the closure design is intended to decrease the elevation of the contaminated groundwater mound and result in lesser impacts to the surrounding surface waters, Metro must demonstrate that the closure plan fulfills the TMDL requirements. The TMDL allocation process may result in the need for construction of a perimeter leachate collection system. The proposed Scope of Work would provide a tool to model potential design scenarios.

Also, it is anticipated that there will be increased regulatory interest in the deeper groundwater around St. Johns Landfill. For example, Metro is expected by DEQ to propose the location of wells used to monitor groundwater for compliance with the groundwater protection rules. The information from this model will help Metro determine where best to drill more wells.

In summary, the PSU model appears to be a powerful tool to estimate groundwater flow and contaminant movement under and around St. Johns Landfill. This amendment will allow staff's use of the model to answer specific questions of importance to Metro in the months ahead.

BUDGET IMPACT

The cost of the amendment is \$54,000, which will come from delayed projects in the \$5.2 million budget for Miscellaneous Professional Services in the FY 1994-1995 closure fund. Work products completed in FY 1995-1996 will be budgeted in FY 1995-1996.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 94-1976.

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Meeting Date: November 10, 1994
Agenda Item No. 7.4

RESOLUTION NO. 94-2049

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REGIONAL FACILITIES COMMITTEE REPORT

RESOLUTION NO. 94-2049, MODIFYING THE SUBMISSION TO THE VOTERS OF A GENERAL OBLIGATION BOND INDEBTEDNESS TO PROCEED WITH THE ACQUISITION OF LAND FOR A REGIONAL SYSTEM OF GREENSPACES

Date: November 4, 1994

Presented by: Councilor Hansen

COMMITTEE RECOMMENDATION: At its November 4, 1994 meeting the Regional Facilities Committee voted 4-0 to recommend Council adoption of Resolution No. 94-2049. Councilors Hansen, McFarland, Moore, and Washington voted in favor. Councilor Gates abstained, saying that one of the potential local share properties was adjacent to his home, and he abstained to avoid a potential conflict of interest.

COMMITTEE DISCUSSION/ISSUES: Regional Parks and Greenspaces Director Charlie Ciecko presented the staff report. He said this resolution revises the Council's earlier resolution authorizing a bond measure of \$138.8 million (94-2011A). Changes include deletion of the Fairview Creek and Lake properties, at the recommendation of Councilor McFarland following her discussions with representatives of the City of Fairview and those who supported acquisition of those areas. Further changes include delineation of the local share projects submitted by local parks providers, and also a series of technical changes to the resolution and its exhibits. The staff recommends reducing the amount of the measure by the \$2.8 million estimated for the Fairview Lake and Creek area, which with corresponding reductions in bond issuance and other ancillary costs, will make the total for the measure \$135.6 million.

Councilor McFarland reported on her discussions with interested parties regarding the Fairview properties. She said it was difficult to resolve the issue, but that the City of Fairview (represented by Councilor Roger Vonderharr) has planned for only 8 acres less than was proposed for the greenspaces acquisition, and Fairview has committed in writing to recognize this area as a regional resource and include it in their parks and open spaces plan. She said she was assured it will be treated as if it were a regional greenspaces resource. As part of the agreement to delete this area from the acquisition list, Councilor Vonderharr agreed to sponsor a Fairview City Council resolution in support of the Greenspaces bond measure and write letters to the other three East Multnomah County cities advising them that this issue had been resolved to Fairview's satisfaction.

Councilor Moore asked if Fairview would be working with the advocates for including the areas in the regional Greenspaces system. Councilor McFarland said there is considerable fragmentation on this issue in the area, but that she expected the groups would work together although the advocates are not sure what their future actions will be.

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Councilor Moore suggested adding back \$1 million of the \$2.8 million reduction, dedicated to acquisition of the Forest Park properties. Mr. Ciecko said the staff had discussed whether to reallocate the money, and concluded that if money were to be reallocated it should be for a site in the same geographical area. Since there is no site in the Fairview area that has gone through the process, it would be detrimental to the process and to the integrity of the entire measure to add a site that was not previously identified. He added that he supports reducing the size of the measure in order to keep it as "lean" as possible; for all those reasons, he recommends not adding any money back. Councilor Washington said he agreed with Mr. Ciecko, saying this situation is delicate and should be left alone at this point.

Mr. Ciecko and Senior Regional Planner Mel Huie discussed the local projects list. Mr. Huie described the projects, adding that all but one of the 25 local parks providers submitted requests. Councilor Washington asked if Metro would be administering the funds allocated for Multnomah County. Mr. Ciecko said that is the intention.

Mr. Huie referred to a letter from the City Manager of Cornelius, stating the City does not support the bond measure and is therefore not submitting a list of local share projects. The letter further asked whether Cornelius could submit a request for local share funds if the measure passes. Mr. Huie noted that Councilor McLain had discussed this issue with representatives of Cornelius; Mr. Huie asked the committee for direction on Cornelius' request. Mr. Ciecko discussed this matter, saying that the credibility of Metro and of the process would be compromised if Cornelius' request were granted. The committee directed staff to draft a letter to Cornelius saying that if the measure passed, its residents would pay the tax and the City would not receive local share funds.

Mr. Ciecko recommended the measure be reduced by the \$155,000 that would have been allocated to Cornelius, so the new total in the measure would be \$135.5 million. Mr. Ciecko and Senior Assistant Counsel Larry Shaw discussed technical changes to the resolution and its exhibits that still needed to be made and asked the committee for its approval to make those changes prior to the November 10 Council meeting; the committee agreed. One of the issues to resolve is whether to reduce the measure by the \$155,000 or keep it at the \$135.6 million level with a full \$25 million local share allocation. Mr. Shaw said a reason to keep it at the higher amount is that the wording in the ballot title would be affected if the \$25 million amount is reduced to \$24.845 million or \$24.9 million; changing that wording would be detrimental to the ability to explain the measure within the statutory restrictions on words and syllables.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF MODIFYING THE)	
SUBMISSION TO THE VOTERS OF A)	RESOLUTION NO. 94-2049
GENERAL OBLIGATION BOND)	
INDEBTEDNESS TO PROCEED WITH THE	)	Introduced by Rena Cusma,
ACQUISITION OF LAND FOR A	)	Executive Officer
REGIONAL SYSTEM OF GREENSPACES)	

WHEREAS, Metro has taken a leadership role in identifying remaining natural areas in the region and planning for their protection or potential acquisition; and

WHEREAS, Such activities have been and will continue to be coordinated with the affected federal, state and local governments and citizens in the region; and

WHEREAS, Numerous planning efforts, studies and recommendations have been proposed over the past 90 years to develop a system of interconnected greenspaces for the Portland/Vancouver region; and

WHEREAS, On June 28, 1990, by Resolution No. 90-1261, the Metro Council established the Greenspaces Policy Advisory Committee to assist the Council in coordinating its Natural Areas Planning Program and to develop a regional consensus in the development of a Metropolitan Greenspaces Master Plan; and

WHEREAS, On September 26, 1991, the Metro Council adopted Regional Urban Growth Goals and Objectives by Ordinance No. 91-418B, including Objective 9: Natural Areas, Parks, and Wildlife Habitat which calls for a regional open space system linking public and private open spaces, trails, recreational and wildlife corridors; and

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

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WHEREAS, The Metropolitan Greenspaces Master Plan recommends that Metro seek a regional funding mechanism to assemble, through acquisition and other strategies, and develop a regional greenspaces system and also assume operations and management responsibility for components of the system in cooperation with local governments; and

WHEREAS, On July 23, 1992, the Metro Council submitted a \$200 million General Obligation Bond Measure in Resolution No. 92-1939A for the acquisition of greenspaces that did not pass; and

WHEREAS, The voters approved the 1992 Metro Charter which specifically authorizes Metro to acquire, develop, maintain and operate a regional system of parks, open spaces and recreational facilities; and

WHEREAS, The Metro Council approved an intergovernmental agreement with Multnomah County which transferred the Parks Services Division to Metro; and

WHEREAS, The Metro Council formed the Metropolitan Greenspaces Blue Ribbon Committee by Resolution No. 94-1942 to seek advice and evaluation of proposals for a new bond measure for acquisition of greenspaces; and

WHEREAS, Both the Greenspaces Policy Advisory Committee and the Metropolitan Greenspaces Blue Ribbon Committee recommended a General Obligation Bond Measure for acquisition of greenspaces in the range of \$136-\$139 million, including up to \$25 million for local government greenspaces projects; and

WHEREAS, An initiative on the November 1994 ballot, if adopted, could change the first 1995 election date from March 1995 to May 1995, or some other date; and

WHEREAS, The Council on July 28, 1994, adopted Resolution No. 94-2011A submitting to the voters a general bond indebtedness in the amount of \$138.8 million to proceed with the acquisition of land for a regional system of greenspaces; and

WHEREAS, The City of Fairview has acknowledged the regional significance of Fairview Creek and Fairview Lake; and

WHEREAS, The City of Fairview has guaranteed the protection of Fairview Creek and Fairview Lake outside the need for use of Metro funds; and

WHEREAS, Deleting Fairview Creek and Fairview Lake as a target area for acquisition with General Obligation Bond funds will result in a savings; and

WHEREAS, Local governments have submitted a list of proposed greenspace projects to Metro for inclusion in the local program to be funded with the general obligation bonds as provided in Resolution No. 94-2011A; and

WHEREAS, It is appropriate to modify the amount of the bond measure, the ballot title and the description of the bond measure to reflect the deletion of Fairview Creek and Fairview Lake and the list of local government greenspace projects; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby submits to the qualified voters of the District the question of contracting a General Obligation Bond indebtedness of \$135.6 million for greenspaces, including up to \$25 million for local government greenspace projects as described in Exhibit "B." The bonds shall mature over a period of not more than 30 years.

2. That the measure shall be placed on the ballot for the General Election held on the 28th day of March 1995 or the earliest legally available election date in 1995 thereafter.

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3. That the District shall cause this Resolution and the Ballot Title attached as Exhibit "A" to be submitted to the Elections Officer, the Tax Supervising and Conservation Commission, and the Secretary of State in a timely manner as required by law.

4. That the Executive Officer, pursuant to ORS 251.305 and Metro Code Chapter 9.02, shall transmit this Measure, Ballot Title, an Explanatory Statement and arguments for or against, if any, to the County Elections Officers for inclusion in any county voters' pamphlets published for the first election date in 1995.

5. The question, measure description and ballot title authorized by this Resolution shall supersede the question, measure description and ballot title approved by the Council pursuant to Resolution No. 94-2011A.

ADOPTED by the Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

KLA
1170A

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EXHIBIT "A"

Bond Measure for Resolution No. 94-2049

"Caption: Bonds to buy open space for wildlife, parks and trails."

"Question: Shall Metro issue \$135.6 million of general obligation bonds to finance land for open space, parks and trails? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of section 11b, Article XI of the Oregon Constitution."

"Summary: Buys land to preserve an open space network. More public green space will be preserved for our growing population. Will curb loss of natural areas to help protect water quality. Will save wildlife habitat near urban growth. Will add outdoor recreation options and improvements. Trails will link open spaces. Up to \$25 million will go to local governments for open space and trails. Bonds mature in not more than thirty years. Bond cost estimate is up to twenty-three cents per one thousand dollars of assessed value."

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Exhibit B
GREENSPACES ACQUISITION BOND MEASURE

The basis for this land acquisition program is the 1992 Metropolitan Greenspaces Master Plan. The Master Plan details the vision, goals and organizational framework of a regional system of natural areas, open space, trails and greenways for wildlife and people. The primary objective of the Master Plan is protection of natural resource areas in the public interest. The analysis is based on watersheds or stream basins to encourage review of the ecosystem in each part of the region. The Master Plan includes 1989 inventories and maps of 109,000 acres of then existing natural areas in and near the Metro boundaries. In 1989, approximately 9,200 acres were in public ownership. Nearly half of the publicly owned acreage is located in Forest Park.

Metro estimates that the Portland-Vancouver metropolitan area will grow by more than 1.1 million people by the year 2040. More homes and businesses will be built to serve this anticipated growth. As communities continue to develop, the land supply available for open space and parks will be smaller and generally more expensive to purchase. If the region is to have parks and open space areas in the future, planning and funding priorities are needed now to reflect the importance of greenspaces. The protection, acquisition and active stewardship of greenspaces must become just as important as planning transportation, water, sewer and other basic infrastructure.

One goal of the Master Plan is to improve water quality. Water quality in the region is degraded as natural areas are lost. Retaining forested areas on slopes minimizes erosion that pollutes streams. Wetlands and floodplains hold runoff allowing plants and micro-organisms to biologically filter pollutants. Natural areas with riparian corridors will be purchased and preserved. Restoring native vegetation along these waterways will improve water quality.

The Master Plan identifies regional trails and regional wildlife corridors. The trails provide means of human-powered access to commerce, recreation and natural areas. This includes links between parks, local trails and local communities and access to regionally significant parklands and natural areas. Wildlife corridors protect habitat for maintaining biological diversity. Linked habitat is important for species that reside in and pass through the region along regular migratory routes.

From the Master Plan inventory a number of existing large acre sites throughout the region were designated as regionally significant open space protection areas. These areas would be used to provide and protect open space and for passive recreational activities, including but not limited to, picnicking, hiking, bicycling, camping, bird watching, and boating. In 1992, these sites were estimated to be 9,962 acres, based on the 1989 studies. Over 3,000 acres

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were located in each county within Metro's boundaries. The 1992 measure proposed issuing \$200 million in bonds for acquisitions from 57 of these areas and the region-wide trail network identified in the Metro Plan.

This referral to the voters of \$135.6 million in general obligation bonds is based on advisory groups recommendations. It proposes acquisitions from 14 of the regionally significant areas (approximately 5,982 acres) plus regional trail segments from the Master Plan. The inventory in these target areas has been reviewed in 1994. They will be the first priority for acquisitions from the bond proceeds. Other regionally significant open spaces and regional trails identified in the Master Plan may be acquired if target areas become degraded, cost prohibitive or otherwise infeasible as determined by the Metro Council after a public hearing. New target areas shall be selected to retain a regional balance of sites acquired. In addition, some new opportunities may arise to acquire natural resource areas not in the Master Plan if funding permits. These will not be approved unless the Master Plan is first amended by the Metro Council after a public hearing on the amendment.

There are various means intended to be used to secure rights to natural resource land. This will include outright purchase of title to the land with the assistance of outside professional realtors. However, other methods insure preservation of the character of the land as open space and may allow its use by the public. Purchase through a nonprofit land preservation organization may enable the program to secure land at below market rates due to the favorable tax benefits that accrue to sellers. Easements, rather than full title to the land, can be donated or sold by a landowner. Donations, bequests and grants will be sought to enable the program to protect and acquire more natural resource land.

In addition to the regional areas and trails, \$25 million of bond proceeds will be used to buy and make capital improvements on lands for local open spaces and trails. These purchases and improvements will be made by cities, counties and park districts which provide parks services. The local governments shall be permitted to pay administrative costs associated with land acquisition and capital improvements from this local share of bond proceeds or from their own resources. Intergovernmental agreements between Metro and the park providers will be used to assure that the funds are expended for greenspaces related activities. Interests in land acquired from this local share would be for regionally or locally significant natural areas, open space, trails and greenways, including accessible waterways, that function for both wildlife and people. Capital improvements would be for restoration or enhancement of natural areas, trail construction, access facilities, public use facilities and environmental education facilities. Ownership of lands will be consistent with the Greenspaces Master Plan. Provision must be made for lands acquired with the local share to be maintained for its intended recreational, natural area or trail activities.

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It is important to identify local projects to be funded and their estimated costs in time to inform the voters prior to the vote on this ballot measure. Therefore, a list of local projects with estimated costs matching each provider's pro rata share has been delivered to Metro. The list of local projects, the sponsoring local government and the estimated acreage are: _____

Capital improvements of lands acquired with bond proceeds are intended to be a secondary purpose of this entire program. However, for individual purchases or some local projects, greenspaces related capital improvements, may be a primary element. Allowable improvements include, but are not limited to, restoration or enhancement of natural areas, trail construction, nature centers, interpretative displays, facilities for disabled people, access roads and facilities, parking, boat ramps, trail heads, rest rooms, picnic tables, shelters, viewing facilities, water systems, camp sites, fishing piers, signs, fences, and security lighting.

Regionally significant lands acquired by Metro would be "land banked" with the property interest owned by Metro. The Metro Regional Parks and Greenspaces Department may operate and maintain these lands or other cooperative arrangements may be made consistent with the Greenspaces Master Plan. Initially, most of these lands will be held with limited maintenance and development. If the acquisition bond measure is approved by the voters, Metro excise taxes have been committed for this low level of maintenance. No bond funds can be legally used for any operating expenses. Some improvements could be done with bond funds and new grants to start public use. At the same time, user fees and other revenue must be developed to offset increased costs from increased public use. The July, 1992 Metropolitan Greenspaces Program Financial Study identified the following alternatives for such revenue: greenspaces parking permit, day use or camping fees, concessions, volunteer services. Other revenue sources may be investigated depending on the type of improvement.

Other allowable expenditures for this program include acquisition administrative expenses, bond issuance costs and reimbursable bond preparation expenses relating to the design planning and feasibility of the acquisition program. Administrative expenses include, but are not limited to, assistance from professional realtors, real estate appraisals, title companies and environmental evaluation firms.

The preference is to issue bonds which mature in 20 years. However, to maintain the flexibility to respond to the market existing at time bonds are issued, the maturity period may be up to 30 years.

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The following are the 14 regionally significant natural areas and five trail segments targeted for acquisition:

	<u>Acres</u>
Willamette River Greenway	1,103
Willamette Narrows	
Canemah Bluffs	
Cathedral Park to railroad bridge	
Oaks Bottom to OMSI	
West side of Multnomah Channel	
East Buttes/Boring Lava Domes	545
Newell Creek Canyon	370
Sandy River Gorge	808
Cooper Mountain	428
Buffer and expansion of Forest Park	320
Jackson Bottom and McKay Creek/Dairy Creek Addition	333
Tonquin Geological area	277
Tualatin River Greenway, access points	266
Clear Creek Canyon	342
Gales Creek	775
Columbia Shoreline	95
Rock Creek	300
Tyron Creek linkages	20
	<hr/> 5,982

Peninsula Crossing Trail (Improvements only)
 Fanno Creek Greenway
 Sauvie Island to Beaverton/Hillsboro Trail
 Clackamas River Greenway (north bank)
 Beaver Creek Canyon Greenway (Troutdale)

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STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 94-2049 FOR THE PURPOSE OF MODIFYING THE SUBMISSION TO THE VOTERS OF A GENERAL OBLIGATION BOND INDEBTEDNESS TO PROCEED WITH THE ACQUISITION OF LAND FOR A REGIONAL SYSTEM OF GREENSPACES

November 2, 1994

Presented by Charles Ciecko

FACTUAL BACKGROUND AND ANALYSIS

Resolution No. 94-2011A referred a \$138.8 million greenspaces acquisition and capital improvement bond measure to the voters for the March 28, 1995 election. Included in the resolution was direction to staff to accomplish several things which have now been completed including:

1. "... That a resolution with proposed amendments to the Greenspaces Master Plan be prepared for Council action to reflect this recommendation and the recommendations of the advisory bodies..." (Resolution No. 94-1975 is scheduled for consideration by the Regional Facilities Committee at the November 2, 1994 meeting and could be considered by the full Council on November 10, 1994).
2. "... That staff be directed to submit a list of local government greenspace projects to Council by November 10, 1994..." (Resolution No. 94-2049 responds to this direction).
3. "... That a public education program, and a proposed budget, be prepared for Council approval before Metro public education efforts begin..." (Resolution No. 94-2029B was approved by the Council September 22, 1994 endorsing the updating and reprinting of public information materials for the Metropolitan Greenspaces Program and endorsing the development of public information materials for the 1995 Greenspaces acquisition and capital improvement bond measure. Ordinance No. 94-572A appropriated funds to update and reprint public information materials for the Greenspaces Program. Ordinance No. 94-573 appropriated funds for development of public information materials for the 1995 Greenspaces bond measure).

Further, at the July 28, 1994 Council hearing, Presiding Officer Wyers, with the concurrence of the Council, requested that Councilor McFarland convene discussions with the City of Fairview and other stakeholders in the Fairview Creek watershed pertaining to the target acquisition area along Fairview Creek and Lake.

Councilor McFarland will present her recommendation on the issue at the November 2, 1994 Regional Facilities Committee meeting. She will recommend that this target area be removed from the bond measure target acquisition area list because the City of Fairview will protect the regionally significant greenspaces values of Fairview Creek and Lake through other means. She further recommends that the bond amount be reduced proportionately.

The Regional Parks and Greenspaces Department concurs with Councilor McFarland's recommendation.

SUMMARY OF MODIFICATIONS

The substantive modifications to the ballot measure based on completion of directives 1-3 above and the Fairview Creek and Fairview Lake recommendations include:

1. Remove Fairview Creek/Lake from the target acquisition area list contained in Exhibit "B";
2. Add a "Local Greenspaces Projects List" to Exhibit "B". The list will include eligible local greenspaces projects proposed to be funded by the Greenspaces bond measure. Each eligible local park provider was to submit their list to the Regional Parks and Greenspaces Department by November 1, 1994.
3. Reduce the amount of the bond measure referred for the March 28, 1995 election by:
 - a. eliminating Fairview Creek/Lake from the target acquisition area list;
 - b. reducing the allocation for local greenspaces projects that were inconsistent with the Local Greenspaces Project Guidelines, and therefore ineligible, and eliminate allocations for those park providers that either did not respond by the November 1, 1994 deadline and/or indicated they did not wish to receive local greenspaces project funds;
 - c. adjusting bond issuance and acquisition administrative costs (which are computed on a percentage of bond size formula) to reflect reduced bond size resulting from a. and b. above.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 94-2049.

h:r942049.sr
PL/pl

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LOCAL GREENSPACE AND TRAILS PROJECTS

Executive Summary

Projects Submitted by Local Park Providers

November 1, 1994

- o There are 25 local park providers in the region which are eligible to receive funds from the Metro Greenspaces Bond Measure. These agencies will take the lead on "locally significant" Greenspaces and Trails projects.
- o Metro Regional Parks and Greenspaces is the 26th provider of park services and will take the lead on "regionally significant" Greenspaces and Trails projects.
- o Of the 25 local park providers: 20 are cities, 3 are counties, 2 are special districts. (The city of Milwaukie will receive a separate local share allocation, but is part of the North Clackamas Parks and Recreation District.)
- o At Multnomah County's request, Metro Regional Parks and Greenspaces will manage the County's local allocation from the regional bond measure, and its local Greenspaces and Trails Projects. The Multnomah County Board of Commissioners remains as the policy body which must approve all acquisition and capital improvement transactions, and contracts.
- o Intergovernmental Agreements (IGA) between Metro and the local park providers will be required for pass through and expenditure of all bond funds.
- o All Local Park Providers submitted Project Lists to Metro except for Cornelius. The city of Cornelius chooses not to participate in the program.
- o 100 Local Greenspace Projects Have Been Identified
 - o 61 are Targeted for Greenspace Sites (61%)
 - o 39 are Targeted for Trails and Greenways (39%)
- o Of These Same 100 Local Projects:
 - o 50 are for Land Acquisition (50%)
 - o 50 are for Capital Improvements (50%)
- o Identified Opportunities to Leverage Metro Bond Measure Funds (Local Greenspace Projects Component)
 - o Local Funds including Local Bond Revenues
 - o System Development Charges
 - o Exactions from Developers
 - o Local Sewer Funds
 - o Local Improvement Districts (LID)
 - o Donated Land / Bargain Sales
 - o State and Federal Grants
 - o BPA Mitigation Funds
 - o Oregon Department of Fish and Wildlife
 - o The Nature Conservancy and 40-Mile Loop Land Trust

For more information, contact:

Mel Huie at (503) 797-1731

Metro Regional Parks and Greenspaces
600 N.E. Grand Ave., Portland, OR 97232

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1995 Greenspaces Acquisition Bond Measure
\$25 Million for Local Greenspace Projects: Allocation by Jurisdiction

Jurisdiction	Allocation \$	Land Acquisition %	Capital Improvements %
Unincorporated Clackamas County outside North Clackamas Parks and Recreation District	1,953,930.00	62.02	87.88
City of Gladstone	163,352.75	26.02	73.98
City of Happy Valley	36,767.50	0.00	100.00
City of Lake Oswego	725,895.50	41.84	58.16
City of Oregon City	279,433.00	7.17	92.83
City of Milwaukie	363,473.00	95.87	4.13
North Clackamas Parks and Recreation District outside Milwaukie	1,086,217.00	100.00	0.00
City of Rivergrove	5,980.75	0.00	100.00
City of West Linn	347,190.25	100.00	0.00
City of Wilsonville	226,908.00	0.00	100.00
Multnomah County	3,365,550.00	26.70	73.30
City of Fairview	168,622.00	0.00	100.00
City of Gresham	1,151,628.00	8.45	91.55
City of Portland	7,401,377.00	84.80	15.20
City of Troutdale	255,867.00	39.22	60.78
City of Wood Village	168,622.00	0.00	100.00
Unincorporated Washington County outside Tualatin Hills Park and Recreation District	809,814.00	81.39	18.61
City of Beaverton	1,404,794.25	98.95	1.05
City of Cornelius	155,845.50	0.00	0.00
City of Durham	18,934.50	0.00	100.00
City of Forest Grove	339,364.50	85.27	14.73
City of Hillsboro	968,572.50	17.40	82.60
City of Sherwood	80,835.75	50.00	50.00
City of Tigard	755,923.50	50.00	50.00
City of Tualatin	444,897.00	100.00	0.00
Tualatin Hills Park and Recreation District outside Beaverton	2,319,472.25	THPRD Bond Fails 100.00	0.00
Tualatin Hills Park and Recreation District outside Beaverton		THPRD Bond Passes 92.67	7.33

Estimates based on formulas adopted by local jurisdictions on a county wide basis. Actual allocation may vary.

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GREENSPACES GENERAL OBLIGATION BOND MEASURE PROPOSED LOCAL SHARE GUIDELINES

Local governments will be entitled to receive a portion of the regional greenspaces bond measure funds based on the allocation formula in the Metropolitan Greenspaces Master Plan adopted in July 1992. Projects eligible for local share funding must meet the following criteria:

1. Eligible agency is a park provider as of July 1, 1991.
2. Funds must be expended on Greenspaces related activities only including:

Acquisition

- Fee Simple (or easement) to purchase regionally significant greenspaces and/or trail corridors identified in the Metropolitan Greenspaces Master Plan, and/or locally determined significant greenspaces and/or trail corridors.
- Costs associated with the acquisition of property.

Capital Improvements

- Restoration or enhancement of natural areas
 - Trail construction
 - Access facilities such as roads that are an integral part of the greenspace, parking, boat ramps, trail heads, Americans with Disabilities Act (ADA) requirements.
 - Public use facilities such as rest rooms, picnic tables, shelters, viewing blinds, water systems, camp sites, fishing piers, and associated appurtenances including signs, fences, security lighting, barbecues.
 - Environmental education facilities such as nature centers and interpretive displays.
3. The park provider will enter into an Intergovernmental Agreement (IGA) to be approved by the Metro Council and the governing board of the park provider. The IGA shall require signage at the project site in an appropriate location(s) to acknowledge Metro, the park provider, and other project partners; funds from the bond measure shall not be used to replace local funds on project; and funds from the bond measure should leverage other sources of revenue when possible.
 4. A list of local share projects with estimated costs, and approved by the governing board of each jurisdiction shall be delivered to Metro no later than November 1, 1994 to be eligible for local share funding.
 5. Greenspace sites subject to local share funding will be maintained for its intended recreational, natural area, or trail activities.

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City of Cornelius
 1355 N. Barlow Street
 P.O. Box 607
 Cornelius, Oregon 97113

Phone: 503/357-9112
 FAX: 503/640-3682

October 27, 1994

Via Facsimile and U. S. Mail

Mel Huie, Senior Regional Planner
 Regional Parks and Greenspaces Department
 Metro
 600 N. E. Grand Ave.
 Portland, Oregon 972323-2736

Dear Mel:

This is to memorialize our telephone conversation last week regarding the proposed Regional Greenspaces bond measure. So there is no misunderstanding, the position of the City of Cornelius here described characterizes the deliberations and resultant minute action of the City Council taken during their regular meeting, October 17, 1994.

First, the City Council is not supportive of the proposed bond measure. There is an absolute limit to the tax burden City residents should be asked to shoulder, and the open space measure, while worthy in and of itself, falls far short of higher priority, unmet community needs. While not supportive, the Council took no position as to whether the City should openly oppose the bond issue.

Second, the City will not submit a list of local greenspace projects. The Council is concerned that to do so would send a mixed message to Cornelius citizens -- would suggest that the Council recognizes the open space bond measure as deserving of priority spending consideration.

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Third, if the measure should pass, the Council asks that bond assessments be structured so as to exempt Cornelius taxpayers from that portion of debt redemption representing "local projects"; that Cornelius taxpayers be assessed only for regional projects. If it is determined that debt can not be spread in that manner, then the City of Cornelius will insist that its citizens be granted a proportionate share of the local project fund to in turn allocate to qualified community projects.

If you have any questions, please call (357-9112).

Sincerely,



Harold L. Schilling
City Manager

xc: Mayor and City Council
Susan McLain, Metro District # 1
James Coleman, City Attorney

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LOCAL GREENSPACE AND TRAILS PROJECTS

To Be Included As Part of Exhibit B of Resolution 94-2049

Submitted by Local Park Providers to Metro
for Funding Under the \$25 Million Local Greenspaces Component
of a Regional Bond Measure

November 1, 1994

Park Providers in Multnomah County

Multnomah County: \$3,365,550. (est. allocation)

1. Project: **Whitaker Ponds**
Summary: Land Acquisition to create an urban natural area park along the Columbia Slough and adjacent to the old Whitaker School site in northeast Portland.
Request: \$300,000.
2. Project: **Hogan Cedars / Johnson Creek**
Summary: Land Acquisition in the vicinity of Telford Road / Springwater Corridor / Johnson Creek to create a natural area and public access site to Springwater Corridor Trail.
Request: \$300,000.
3. Project: **Tryon Creek Linkages**
Summary: Land Acquisition in the Tryon Creek watershed in southwest Multnomah County.
Request: \$300,000.
4. Project: **Old Growth Grove**
Summary: Capital Improvements to the 38 acre site which contains a remnant stand of old growth Douglas Fir and Western Red Cedar. The grove is located in northwest Multnomah County north of Forest Park. Trails, interpretive signs and a parking area will be constructed.
Request: \$150,000.
5. Project: **Howell Territorial Park**
Summary: Capital Improvements to the 73 acre site located on Sauvie Island. Activities include: renovation of restrooms to comply with Americans' With Disabilities Act (ADA); construction of a picnic shelter; pedestrian trails construction; construction of a waterfowl viewing blind; and surfacing of the parking area.
Request: \$275,000.
6. Project: **Oxbow Regional Park**
Summary: Capital Improvements to the 1,000 acre natural are located in the heart of the Sandy River Gorge (a designated National Wild and Scenic River) in east Multnomah County. Significant renovation

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and improvement projects are necessary at his park. Project components include: water system upgrades and main line replacement; construction of flush toilets in several locations; extension of electrical service to new restrooms and picnic shelters; replacement of two badly deteriorated picnic shelters; and replacement of three badly deteriorated group camp shelters.

Request: \$1,250,000.

7. **Project:** Burlington Bottom Wetlands
Summary: Capital Improvements to the 428 acre wetland site located near Multnomah Channel and Sauvie Island. Project components include: develop access road and parking; and construction of trails and waterfowl blind.
Request: \$200,000.
8. **Project:** M. James Glisan Boat Ramp
Summary: Capital Improvements to this marine facility on the Columbia River located at N.E. Marine Drive and 43rd Ave. Project components include: rehabilitation of breakwater and boarding docks; new traffic circulation; renovation of parking area; and construction of restrooms.
Request: \$90,000.
9. **Project:** Sauvie Island Boat Ramp
Summary: Capital Improvements to this marine facility located on Sauvie Island along Multnomah Channel. Project components include: modify and improve the launch ramp; replace and expand boarding docks; and construct restroom.
Request: \$50,000.
10. **Project:** Blue Lake Regional Park
Summary: Capital Improvements to this 185 acre site located adjacent to the Columbia River at N.E. 223rd Ave. This project will restore and enhance up to 10 acres of wetlands located in the eastern portion of the park. Project components include: conversion of existing emergent wetland area dominated by Reed Canary Grass to a combination of pen water, islands and emergent wetlands. Boardwalks and interpretive signs will be constructed.
Request: \$205,000.
11. **Project:** Springwater Corridor Trail Construction
Summary: Capital Improvements to this "Rails to Trail" which runs 16.5 miles through southeast Portland, Gresham and then south to Boring. Project components include: trail construction from Palmsblad Road to the Clackamas County line; and development of trail heads along the entire corridor.
Request: \$250,000.

Fairview: \$168,622. (est. allocation)

- 1. Project: Fairview Creek Riparian Area**
Summary: Capital Improvements and wetland enhancement work on approximately 50 acres just west of the proposed N.E. 207th connector between Glisan and Halsey. Project components include: wetland enhancement activities; construction of a handicapped accessible trail system, fishing docks, and interpretive facilities.
Request: \$168,659.

Gresham: \$1,151,628. (est. allocation)

- 1. Project: Springwater Corridor Trail Development**
Summary: Capital Improvements to this "Rails to Trail." Project components include: construction of three trail heads; parking improvements at existing trail heads; rehabilitation of Linnemann Station (former trolley station) as a museum/trail information center; interpretive signs along the trail; and purchase and installation of native plants for wildlife habitat enhancement along the trail corridor.
Request: \$576,295.
- 2. Project: Fairview Creek Headwaters Enhancement at Southwest Community Nature Park**
Summary: Capital Improvements and enhancement of 18 acres at the headwaters of Fairview Creek in southwest Gresham. Project components include: purchase and installation of wildlife habitat plantings; wildlife viewing blinds; interpretive signs and displays; picnic shelters; and trail construction along the perimeter of the site.
Request: \$288,148.
- 3. Project: Butler Creek Greenway Trail**
Summary: Capital Improvements to a natural area in the southeast section of the city. Project components include: soft surface trail construction; and pedestrian bridge crossing over Johnson Creek.
Request: \$172,889.
- 4. Project: Kelly Creek Greenway**
Summary: Acquisition to purchase environmentally sensitive open space along Kelly Creek in southeast Gresham. Approximately, 4.5 acres will be purchased with Metro funds and 14.5 acres with city funds. Metro's bond funds will leverage \$295,000. in city funds.
Request: \$90,000.
- 5. Project: Kelly Creek Greenway Trail Development**
Summary: Capital Improvements will be carried out to construct a 0.40 mile soft surface trail along Kelly Creek in southeast Gresham.
Request: \$25,259.

Portland: (\$7,401,377. est. allocation)

1. **Project:** Terwilliger-Marquam Natural Area in Southwest Portland.
Summary: Acquisition of undeveloped upland forest, currently only partially protected by Terwilliger Parkway design guidelines and by the City's environmental conservation overlay zone.
Request: \$1,500,000.
2. **Project:** Columbia Slough and Johnson Creek Corridor
Summary: Acquisition of land, natural areas and wildlife habitat sites along, adjacent and near the Columbia Slough in north and northeast Portland, and Johnson Creek in southeast Portland.
Request: \$2,000,000.
3. **Project:** Locally Significant Natural Areas
Summary: Acquisition of relatively small natural areas throughout the city. Many areas, particularly in southwest Portland, are threatened by development. An innovative greenspace project such as a greenway connecting parks, community centers and open space in inner northeast Portland is also needed.
Request: \$1,150,000.
4. **Project:** Hoyt Arboretum, Leach Botanical Garden and Crystal Springs Rhododendron Garden
Summary: Acquisition of land adjacent to the above listed gardens in west and southeast Portland. All three gardens have land acquisition opportunities which need immediate attention.
Request: \$1,000,000.
5. **Project:** Regional Trails (e.g. 40-Mile Loop and Willamette Greenway)
Summary: Acquisition of trail right-of-way and Capital Development of major trails in the city. These may include, but are not limited to 40-Mile Loop and Willamette Greenway.
Request: \$1,250,000.
6. **Project:** Natural Areas Capital Improvement Projects located at Forest Park, Powell Butte, Oaks Bottom, and locations along the 40-Mile Loop Trail and Willamette Greenway
Summary: Capital Improvements will include: making the sites fully accessible; trail head improvements; new entrances; interpretative facilities; and resource/habitat enhancement and restoration.
Request: \$500,000.

** Portland's Local Share Project List comes to 17 sites. This is due to subareas and sites listed in Project No. 2, 3, 4, 5, and 6.

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Troutdale: \$255,867. (est. allocation)

1. **Project: Beaver Creek Greenway Land Acquisition**
Summary: Acquisition of land at several sites in the Beaver Creek corridor located in the eastern part of the city and near the Sandy River.
Request: \$100,000.
2. **Project: Beaver Creek Greenway Trail Improvements**
Summary: Capital Improvements in the Beaver Creek corridor to develop a trail and pedestrian bridge.
Request: \$25,000.
3. **Project: Beaver Creek Riparian Zone and Watershed Habitat Restoration Activities**
Summary: Capital Improvements in the watershed to remove invasive exotic plants, and to replace them with native vegetation. Erosion will be lessened and the banks of the creek will be stabilized.
Request: \$130,000.

Wood Village: \$168,622. (est. allocation)

1. **Project: Wood Village City Park**
Summary: Capital Improvements to expand and develop the city's park as a greenspace. The expanded area is 12 acres in size and will be purchased by non-Greenspaces funds. Improvements to be funded by Metro's bond measure include: trails and bridge construction; pond construction; purchase and installation of trees and shrubs; parking improvements; and installation of fences and drainage.
Request: \$168,622.

Park Providers in Clackamas County

Clackamas County: \$1,953,930. (est. allocation)

1. **Project:** Springwater Corridor Trail
Summary: Acquisition of land to fill the "missing gap" along the trail in Boring. Following the acquisition, the trail would be in public ownership for a continuous 16.5 miles between Portland at S.E. McLoughlin Blvd. and Boring.
Request: \$130,000.
2. **Project:** Barton Park Quarry Reclamation
Summary: Capital Improvements to Barton Park on the Clackamas River and near the Springwater Corridor Trail will include: development of an overnight campground and day use areas in the reclaimed area.
Request: \$750,000.
3. **Project:** East Urban Park Acquisition: Damascus Area
Summary: Acquisition of Land near Damascus to create a much needed park in a rapidly developing area of the county. Approximately 25-50 acres will be purchased.
Request: \$750,000.
4. **Project:** Clackamas River North Bank Park Site
Summary: Acquisition of Land to create a new park site along the proposed North Bank Greenway on the Clackamas River. This would be a major natural area site on the proposed trail.
Request: \$350,000.

**North Clackamas Parks and Recreation District: \$1,086,217. (est. allocation)
(outside of Milwaukie)**

1. **Project:** Kellogg Creek Natural Area
Summary: Acquisition of land near Jennings Ave. along Kellogg Creek to create a natural area.
Request: \$155,000.
2. **Project:** Boardman Slough Wetland Park
Summary: Acquisition of land along Boardman Slough near Jennings Ave. and Boardman Ave. just north of Gladstone to create a wetland park.
Request: \$70,000.
3. **Project:** Mt. Talbert
Summary: Acquisition of land on the top and east side of Mt. Talbert which is located just south of Sunnyside Rd. and east of I-205. Approximately, 15 acres will be acquired.
Request: \$300,000.

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4. **Project:** Portland Traction Company (PTC) Right-of-Way
Summary: Acquisition of 7 miles of right-of-way of rail line (former trolley line) from Milwaukie to Gladstone. A trail for pedestrian and bike purposes would be developed. The trail would ultimately be connected to the Springwater Corridor Trail and Willamette Greenway and downtown Portland.
Request: \$571,020.

Gladstone: \$163,352. (est. allocation)

1. **Project:** Meldrum Bar Park
Summary: Capital Improvements at this park along the Willamette River. Project components include: restoration of riparian corridor along the Willamette River; and construction of picnic shelters and restrooms.
Request: \$63,352.
2. **Project:** Cross Memorial Park
Summary: Capital Improvements to build a pedestrian and bicycle trail.
Request: \$15,000.
3. **Project:** Glen Echo Wetlands
Summary: Acquisition and Capital Improvements to expand and improve this wetlands park. Project components include: acquisition of land containing wetlands and second growth timber; construction of foot paths, benches, and interpretive signage.
Request: \$85,000.

Happy Valley: \$36,767. (est. allocation)

1. **Project:** Mt. Scott Creek Trail
Summary: Capital Improvements for trail construction. The city's main park would be connected to Sunnyside Rd. via this pedestrian and bicycle trail.
Request: \$18,767.
2. **Project:** Scott View Nature Park
Summary: Capital Improvements to construct a 1.5 mile trail within the city's nature park located on the southeast slope of Mt. Scott.
Request: \$18,000.

Lake Oswego: \$725,895. (est. allocation)

1. **Project:** West Waluga Park Trail
Summary: Capital Improvements to construct trails: along the perimeter of this natural area/wetlands park; and to connect the park with adjacent neighborhoods.
Request: \$180,000.

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2. **Project:** Roehr Park Pathway Extension / Willamette Greenway: Acquisition
Summary: Land Acquisition along the Willamette River for a trail.
Request: \$242,637.
3. **Project:** Roehr Park Pathway Extension / Willamette Greenway: Capital Improvements
Summary: Capital Improvements to extend an existing trail along the park and Willamette River Greenway.
Request: \$83,750.
4. **Project:** Trail Connection Between Lushcer Farm and Cook's Butte: Acquisition
Summary: Land Acquisition to develop a trail connecting Cook's Butte natural area to Luscher Farm park in the southern part of Lake Oswego.
Request: \$60,900.
5. **Project:** Trail Connection Between Luscher Farm and Cook's Butte: Capital Improvements
Summary: Capital Improvements to construct a trail between Cook's Butte natural area to Luscher Farm park in the southern part of Lake Oswego.
Request: \$52,500.
6. **Project:** Trail Project for Canal Acres Natural Area
Summary: Capital Improvements to construct a trail in this newly acquired actual area which contains a forested wetland. Canal Acres Natural Area would be connected to Bryant Woods Park by this new trail.
Request: \$105,750.

Milwaukie: \$363,473. (est. allocation)

1. **Project:** Milwaukie Waterfront
Summary: Acquisition of land along the Willamette River at the confluence of Johnson Creek. Approximately 2.5 acres are planned for purchase. The location is just west of McLoughlin Blvd. and would be a major open space on a proposed "rails to trail" project.
Request: \$300,000.
2. **Project:** Kellogg Lake
Summary: Acquisition of land west of Kellogg Lake and east of McLoughlin Blvd. The new purchase would be added adjacent property already owned by the city.
Request: \$23,000.
3. **Project:** Springwater Corridor / Johnson Creek
Summary: Acquisition of land located between Johnson Creek and the Springwater Corridor Trail. The land would be used as natural areas in a linear park and/or trail head sites.
Request: \$25,000.

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4. **Project:** Rosewell Wetland Enhancement
Summary: Capital Improvements to a storm water detention pond to enhance its wildlife habitat potential. Native vegetation will be planted.
Request: \$5,000.
5. **Project:** Willow Place Wetland Enhancement
Summary: Capital Improvements to a storm water detention pond to enhance its wildlife habitat potential. Native vegetation will be planted.
Request: \$5,000.
6. **Project:** Ardenwald to Springwater Corridor
Summary: Capital Improvements to construct a trail connecting a city street (SE 28th) in the Ardenwald neighborhood to the Springwater Corridor Trail.
Request: \$5,000.

Oregon City: \$279,433. (est. allocation)

1. **Project:** High Rocks River Bank
Summary: Acquisition of Land to create a city park on the south bank of the Clackamas River between old 82nd Drive and I-205.
Request: \$20,000.
2. **Project:** Barclay Hills Park Trails
Summary: Capital Improvements to develop nature trails within the upper reaches of Newell Creek Canyon.
Request: \$20,000.
3. **Project:** Clackamette Park
Summary: Capital Improvements at Clackamette Park which is located at the confluence of the Clackamas and Willamette rivers. Project components include: picnic shelters, restrooms and parking area improvements.
Request: \$223,000.
4. **Project:** Clackamette Park Fishing Dock
Summary: Capital Improvement at Clackamette Park which is located at the confluence of the Clackamas and Willamette rivers. Project consists of construction of a fishing dock on the Clackamas River at the park.
Request: \$16,000.

Rivergrove: \$5,980. (est. allocation)

1. **Project:** Tualatin River Access / Boat Ramp
Summary: Capital Improvement to repair the boat ramp at the city park on the Tualatin River located just off S.W. Dogwood Road.
Request: \$5,980.

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West Linn: \$347,190. (est. allocation)

- Project:** Nature Park in Bolton Community / Additions to Burnside Park
Summary: Acquisition of Land to purchase approximately 8 acres of natural area property adjacent to Burnside Park an existing 12 acre nature park.
Request: \$347,190.

Wilsonville: \$226,908. (est. allocation)

- Project:** Memorial Park / Willamette Greenway
Summary: Capital Improvements to construct a pedestrian and bicycle trail from city neighborhoods / Wilsonville Rd. or Memorial Drive to the park and the Willamette River Greenway.
Request: \$100,000.
- Project:** Restoration Projects at the City Four Public Schools
Summary: Capital Improvements at the two primary, one middle, and one high school located in the city. Two major creeks (Boeckman and Mill) flow through the school properties. Project activities include: wetlands and stream bank restoration (e.g. removing blackberries and replanting with native vegetation for wildlife habitat); erosion control; and purchasing interpretive signs.
Request: \$20,000.
- Project:** Wilsonville City Trail System
Summary: Capital Improvements to complete a city-wide trail system which would connect the city's schools to natural areas, parks and other trails.
Request: \$56,000.
- Project:** Gordon's Run Open Space on Willamette Greenway
Summary: Capital Improvements to this open space area which is on the Willamette River Greenway and adjacent to the Charbonneau District. Project components include: trail construction; pedestrian access to Charbonneau; and purchase of benches.
Request: \$46,000.
- Project:** Memorial Park Trail
Summary: Capital Improvements to begin construction of a trail in the park. Project components include clearing of brush to delineate the trail.
Request: \$5,000.

Park Providers in Washington County

Washington County: \$809,814 (est. allocation)

1. Project: Henry Hagg Lake Park / Scoggins Valley Park
Summary: Capital Improvements at the park will include: construction of six individual picnic sites and one group picnic shelter; construction of restroom facilities; and parking improvements.
Request: \$150,720.

2. Project: Greenspaces Acquisitions in Bethany, Reedville, Cedar Mill and/or Bull Mountain
Summary: Acquisition of land to establish natural area parks in these geographic areas within the unincorporated portions of the county. Average assessed value for developable parcels in these areas is approximately \$100,000 per acre. Average assessed value for wetlands is approximately \$5,000 per acre in these areas.

Metro staff will be working with county staff to better determine opportunity areas for acquisition during the next few months.

Request: \$659,094.

Tualatin Hills Park and Recreation District: \$2,319,472. (est. allocation)

Project List No. I (if THPRD Bond measure on 11-8-94 ballot does not pass)

1. Project: Tualatin Hills Nature Park Additions
Summary: Land Acquisition of approximately 22 acres to expand the existing nature park.
Request: \$880,000.

2. Project: Hart Road Natural Area Park Acquisition
Summary: Land Acquisition of approximately 18 acres to create a new natural area park near S.W. Hart Road in Beaverton.
Request: \$720,000.

3. Project: Beaverton's Johnson Creek Corridor Acquisition
Summary: Land Acquisition of approximately 18 acres in the Johnson Creek corridor.
Request: \$720,000.

Project List No. II (if THPRD Bond measure on 11-8-94 ballot passes)

1. Project: Beaverton's Johnson Creek Corridor Acquisition
Summary: Land Acquisition of approximately 18 acres in the Johnson Creek corridor.
Request: \$720,000.

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2. **Project:** Koll Center Wetland
Summary: Acquisition and Capital Improvements at this site. Project components include: purchase of right-of-way for access to the wetland from adjacent park properties; construction of a pathway, viewing platform and interpretive signage.
Request: \$150,000.
3. **Project:** Cedar Mill Creek Corridor Acquisition
Summary: Land Acquisition of approximately 22 acres near the Sunset Highway and Cornell Road.
Request: \$880,000.
4. **Project:** Fanno Creek Greenway Trail Construction and Interpretive Signs
Summary: Capital Improvements including trail construction and purchase of interpretive signs. The trail would connect Fanno Creek Park to neighborhoods and continue pathway improvements on Fanno Creek.
Request: \$170,000.
5. **Project:** Golf Creek Corridor Acquisition
Summary: Land Acquisition of approximately 10 acres in the Golf Creek Corridor which is north of the Sunset Highway and west of Sylvan.
Request: \$400,000.

Beaverton: \$1,404,794. (est. allocation)

1. **Project:** Johnson Creek Corridor / Acquisition Area #1
Summary: Land Acquisition of approximately 18.14 acres of outstanding wetlands and upland forest along Johnson Creek west of S.W. Murray Blvd. and north of S.W. Hart Rd.
Request: \$725,600.
2. **Project:** Johnson Creek Corridor / Acquisition Area #2
Summary: Land Acquisition of approximately 9.61 acres of wooded wetlands and upland conifer forest in the western part of the city.
Request: \$384,400.
3. **Project:** Stonegate Woods
Summary: Land Acquisition of approximately 7 acres of wooded wetlands and upland conifer forest along Willow Creek in the northwestern part of the city.
Request: \$280,000.
4. **Project:** Forest Glen Park / Hiteon Creek
Summary: Capital Improvements in this park/stream corridor include restoration activities. Native trees and plants will be installed.
Request: \$14,700.

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Cornelius: \$155,845. (est. allocation)

City of Cornelius Response to Metro

The city of Cornelius chose not to submit a list of local Greenspace and trail projects to Metro. The city does not support the regional Greenspaces Bond Measure. The City also stated in its October 27, 1994 letter to Metro, "If the measure should pass, the Cornelius City Council asks that bond assessments be structured so as to exempt Cornelius taxpayers from that portion of debt redemption representing "local" projects; that Cornelius taxpayers be assessed only for regional projects. If it is determined that debt cannot be spread in that manner, then the City of Cornelius will insist that its citizens be granted a proportionate share of the local project fund to in turn allocate to qualified community projects." (See attached letter from the city of Cornelius.)

Metro Regional Parks and Greenspaces Staff Recommendation

Metro's Guidelines Require Local Park Providers to Submit A List of Local Greenspace and Trail Projects by November 1, 1994 to Metro in order to be considered for funding under the regional bond measure.

All other park providers have responded with lists of local projects.

Staff recommends that the estimated local share allocation of \$155,845 for Cornelius be removed from the \$25 million for local greenspace and trail projects in the bond measure. Further, the city of Cornelius cannot apply for local share funds next year if the bond measure were to pass.

As to the city of Cornelius' request on exempting its taxpayers from the local share part of the bond measure, the Metro Finance and Legal Departments will have to respond.

Durham: \$18,934. (est. allocation)

1. Project: **Durham City Park Trail**
Summary: Capital Improvements to construct a trail and bridge in Durham City Park.
Request: \$18,934.

Forest Grove: \$339,364. (est. allocation)

1. Project: **David Hill Forest Park / Natural Area**
Summary: Land Acquisition to purchase 5 to 10 acres to create a natural area park in the northwestern section of the city.
Request: \$250,000.
2. Project: **Gales Creek Linear Park**
Summary: Land Acquisition of property along Gales Creek on the southwest edge of the city.
Request: \$39,364.

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3. **Project:** Fernhill Wetlands
Summary: Capital Improvements to Fernhill Wetlands adjacent to the Tualatin River. Project components include: construction of an interpretive center and science education center; the building of trails and trail heads.
Request: \$50,000.

Hillsboro: \$968,572. (est. allocation)

1. **Project:** Noble Woods Park
Summary: Capital Improvements to develop this 37 acre nature park which is on Rock Creek. Project components include, but not limited to: construction of access drives, parking areas, shelters, trails, viewing platforms/overlooks, signage and fencing.
Request: \$350,000.
2. **Project:** Rood Bridge Road Park
Summary: Capital Improvements to develop this 61 acre park site at the confluence of Rock Creek and the Tualatin River. Project components include, but not limited to: construction of access drives, parking areas, shelters, trails, viewing platforms/overlooks, signage, and canoe launch; site work and utilities work; and habitat restoration activities.
Request: \$450,000.
3. **Project:** Rock Creek Property Acquisition
Summary: Land Acquisition of properties in the Rock Creek corridor to augment existing public ownership.
Request: \$168,572.

Sherwood: \$80,835. (est. allocation)

1. **Project:** Cedar Creek Greenway: Acquisition
Summary: Land Acquisition of properties in the Cedar Creek riparian zone and flood plain.
Request: \$40,417.
2. **Project:** Cedar Creek Greenway: Trail Construction
Summary: Capital Improvements to construct a trail in the greenway. The trail would be a combination of hard surface and wooden boardwalk.
Request: \$40,418.

Tigard: \$755,923. (est. allocation)

1. **Project:** Greenway Trail Construction
Summary: Capital Improvements to develop and construct trails in at least

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two greenway areas in the city (e.g. Fanno Creek and Summer Creek).

Request: \$377,500.

2. **Project: Natural Area Park**

Summary: Land Acquisition of approximately 7.5 acres of forest land within the city to develop a nature park.

Request: \$377,500.

Tualatin: \$444,897. (est. allocation)

1. **Project: Tualatin River Greenway Acquisition**

Summary: Land Acquisition of parcels on the south bank of the Tualatin River Greenway. The new purchases would complement the existing greenway and park on the Tualatin River within the city's urban growth boundary area.

Request: \$444,897.

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Meeting Date: November 10, 1994
Agenda Item No. 7.5

RESOLUTION NO. 94-1975

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REGIONAL FACILITIES COMMITTEE REPORT

RESOLUTION NO. 94-1975, AMENDING THE LOCAL SHARE ALLOCATION FORMULAS AND GUIDELINES IN THE GREENSPACES MASTER PLAN

Date: November 4, 1994

Presented by: Councilor McFarland

COMMITTEE RECOMMENDATION: At its November 2, 1994 meeting the Regional Facilities Committee voted 4-0 to recommend Council adoption of Resolution No. 94-1975. Councilors Hansen, McFarland, Moore, and Washington voted in favor. Councilor Gates abstained, saying one of the potential local share properties was adjacent to his home and he abstained to avoid a potential conflict of interest.

COMMITTEE DISCUSSION/ISSUES: Regional Parks and Greenspaces Director Charlie Ciecko presented the staff report. He said this resolution is pursuant to direction from Council, and the Greenspaces Policy Advisory and Blue Ribbon Committees, to prepare amendments to the Greenspaces Master Plan so it would conform with the bond measure proposal. Senior Regional Planner Mel Huie discussed the specific changes to the Master Plan, which he explained had been approved by the two advisory committees noted above. The principal changes are to make the local share allocations available only for greenspaces and trails rather than for any general park purposes, and to change the local share allocation from 25% of the bond measure to a \$25 million figure that will be allocated based on assessed value.

There was brief discussion of the method for allocating funds among Multnomah County park providers, which Mr. Ciecko and Councilor Moore reported had been agreed to by all the affected parties.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) RESOLUTION NO. 94-1975
LOCAL SHARE ALLOCATION FORMULAS) Introduced by Executive Officer
AND GUIDELINES IN THE GREENSPACES) Rena Cusma
MASTER PLAN)

WHEREAS, the Greenspaces program and bond measure are cooperative efforts between Metro, cities, counties, special districts, state and federal agencies, nonprofit organizations, neighborhood groups, business and civic interests, and the region's citizens; and

WHEREAS, the Greenspaces Policy Advisory Committee recommended changes to the Metro Council at its June 1, 1994 meeting regarding the local share allocation formulas and guidelines as listed in Exhibit A attached hereto; and

WHEREAS, the Greenspaces Blue Ribbon Committee recommended changes to the Metro Council at its July 7, 1994 meeting regarding the local share allocation formulas and guidelines as listed in Exhibit A attached hereto; and

WHEREAS, the Metro Council approved Resolution No. 94-2011A on July 28, 1994, which refers to the voters a General Obligation Bond Measure in an amount of up to \$138.80 million to proceed with the acquisition of land and development of a regional system of greenspaces and trails; and

WHEREAS, the Greenspaces General Obligation Bond Measure includes up to \$25 million for local park providers, which were providing park services as of July 1, 1991 to carry out local greenspaces and trails projects; and

WHEREAS, the Metro Greenspaces Master Plan, adopted by Resolution No. 92-1637 on July 23, 1992, includes local share formulas and guidelines for allocating funds from a regional greenspaces bond measure; and

WHEREAS, the Greenspaces Master Plan details the local share allocation formulas and guidelines on how bond funds should be spent; and

WHEREAS, the Greenspaces Policy Advisory Committee on June 1, 1994, which in turn represents the interests of the local jurisdictions in the region, recommended that Metro make the changes to the local share allocation formulas and guidelines as detailed in Exhibit A attached hereto; and

WHEREAS, the Greenspaces Blue Ribbon Committee on July 7, 1994, recommended that Metro make the changes to the local share allocation formulas and guidelines as detailed in Exhibit A attached hereto: and

WHEREAS, the cities of Portland, Gresham, Fairview, Wood Village and Troutdale, and Multnomah County (the park providers within the Multnomah County area of Metro) unanimously approved the change to the local share allocation formula for park providers in Multnomah County as detailed in Exhibit A attached hereto; now therefore,

BE IT RESOLVED,

1. That the Metro Council hereby amends the Greenspaces Master Plan by adopting the changes as detailed in Exhibit A attached hereto.

ADOPTED by the Metro Council, this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

Exhibit A

Resolution No. 94-1975

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businesses, neighborhood associations, "friends" groups and interested citizens have been undertaken to formulate the Metropolitan Greenspaces program. As a result of this cooperation, all four counties and {22} of the 24 cities within the Metropolitan Service District boundaries have passed resolutions of support for the Greenspaces program since 1990.

We have come together through consensus-building, cost-sharing of projects, coordinated planning and use of uniform data bases and maps. We share, most importantly, a renewed understanding and appreciation of the fact that we are dealing with an ecosystem that crosses a multitude of political boundaries and that regional planning and cooperation are required in shaping the future of our bi-state community.

The master plan relationship to urban growth management goals

Growth management is a priority for Metro and for most local jurisdictions in the region. Metro is responsible for coordinating the efforts of all agencies within its boundary on growth management issues in the region. **Metro's Regional Urban Growth Goals and Objectives** cover these growth management issues, specifically listing natural areas, parks and wildlife habitat as crucial issues to be addressed within the regional perspective under RUGGO Goal II, Objective 9:

"Sufficient open space in the urban region shall be acquired, or otherwise protected, and managed to provide reasonable and convenient access to sites for passive and active recreation. An open space system capable of sustaining or enhancing native wildlife and plant populations should be established."

The master plan is not a functional plan nor does it amend adopted urban growth boundary policies. Local comprehensive plans, the UGB and adopted functional plans, including the Regional Transportation Plan, are not affected by the master plan. The master plan seeks to

raise community awareness of the value of natural areas planning and protection to the same level of understanding and priority as other growth management issues, including land use, transportation and infrastructure planning.

The master plan is primarily a planning activity needed to implement RUGGO Objective 9, but it also complements many other RUGGO objectives and planning activities:

Objective 7, Water Resources – A multi-objective management approach for significant greenspaces is embraced in the master plan. Ecological information generated to date, and subsequent ecosystems planning called for in the plan, will be useful in identifying carrying capacities of water resources important to the region for municipal and industrial water supply, irrigation, fisheries, recreation, wildlife, environmental standards and amenities.

Objective 8, Air Quality – To the extent that the master plan facilitates development of pedestrian and trail linkages providing alternatives to automobile use, objectives of the regional air quality management plan will be supported.

Objective 10, Agriculture and Forest Resource Lands – The master plan acknowledges that continued economic use of resource lands outside the urban growth boundary for resource production purposes is an important tool in implementing master plan objectives, which are consistent with Objectives 10 and 10.1.

Objectives 10.2 and 15.3 mandate designation of urban reserves, which, once established, could result in long-term urban expansion onto resource lands. The master plan does not alter or supersede these objectives. In Objective 15.3.2, however, the hierarchy of lands to be considered for establishing urban reserves identifies pri-

Regional partnerships

Once a regional system of interconnected natural areas, parks and open space is established, it will be managed and operated by Metro in partnership with local park providers, state and federal agencies, nonprofit conservation organizations, land trusts and other interested resource agencies. Some lands will be owned by Metro, some by other park providers. Emphasis is on interagency cooperation and partnerships. Management of existing parks or natural areas owned or managed by other agencies will not be assumed by Metro unless by consent of the current provider and the Metro Council.

The master plan will serve as the vehicle for articulating and implementing a cooperative and coordinated natural areas and open space agenda for the region. It identifies the processes and strategies for coordinating actions of cooperators in further planning, assembly and management of the greenspaces system. It recommends a variety of actions to be undertaken by Metro and cooperators to realize the goals of the program.

Metro, as the lead agency in the development and implementation of the Greenspaces Master Plan, will seek protection for significant natural areas and open space in subsequent actions using its various powers. An initial means of protection consistent with this master plan is the purchase of identified natural areas from willing sellers. Accomplishing this by Metro is contingent upon approval of funds by the voters [for Metro authority and funds] to acquire regionally significant sites in a system of interconnected natural areas and parks.

All program recommendations and implementation actions will continue to be developed in consultation with policy and technical advisory committees and with input from citizens. [After adoption of the master plan by the Metro Council and a vote on a general obligation bond measure anticipated to be on the ballot in November 1992, policy advisory responsibilities

~~to the Metro Council will transfer from the Metropolitan Greenspaces Policy Advisory Committee to the Regional Policy Advisory Committee established by Goal I, Objective 2 of Metro's adopted Regional Urban Growth Goals and Objectives. The Metropolitan Greenspaces Technical Advisory Committee will continue to provide technical advice on the implementation and future revisions to the master plan, reporting directly to RPAG.]~~
Metro Council Resolution No. 94-2026A establishes the advisory structure for the Regional Parks and Greenspaces Program.

Current and future planning partners include more than 150 elected officials and board members, parks and land use planners, city and county administrators, business people and finance managers, conservation specialists, biologists, geographers, educators, landscape architects and citizen advocates who have served directly on Metro committees and working groups in developing the Greenspaces program to date.

Private land trusts and their programs are also important components in the coordination and implementation of the master plan. Partners in the cooperative effort include the 40-Mile Loop Land Trust, Columbia Land Trust, The Nature Conservancy, Lake Oswego Land Trust, The Wetlands Conservancy, and the Trust for Public Land.

While the master plan will be reviewed and updated regularly, active participation and support of citizens are the most important components in saving our natural areas and open space. Public understanding of the issues, problems, needs, challenges and the concept of private stewardship of the land will determine the success or failure of the master plan. This community commitment to protection of our natural heritage is an overriding objective of a regional system of natural areas, open space, greenways and trails.

Cooperative and Coordinated Implementation

Coordinated land protection efforts

The planning process for the Metropolitan Greenspaces program has been extensive, inclusive and characterized by unparalleled cooperation among local governments, state and federal government agencies, nonprofit conservation and neighborhood organizations, and Metro. Successful implementation of the Metropolitan Greenspaces Master Plan depends on continuation of this cooperation through coordinated land protection efforts.

Local, regional, state and federal government agencies, nonprofit groups and other stakeholders must work together to complement acquisition and protection programs. We must coordinate the development and application of land use and environmental regulations, and educate and involve the public in issues and decisions related to greenspaces. By working together, we will maximize all our resources and the "on-the-ground" effects of the implementation actions called for in this master plan.

A common understanding and philosophical commitment to coordinated implementation of the master plan among all cooperators in the program is critical to successful creation of the system. "Cooperators" describes all governments for which Metro has planning coordination responsibilities as described in ORS.268 and all others who are interested in being active partners in the program. Cooperators include all citizens groups, resource agencies and jurisdic-

"Further progress requires that we go beyond compulsion and laws and incentives to insure the environmental integrity of our nation and our planet. We must shift our orientation. We must shift our consciousness. In short, we must engage the heart, which is seldom reached by appeals to law or economics. Our task is to bring our habits, choices, and lifestyles into harmony with the needs of nature."

*Lewis S. W. Crampton
Environmental Protection Agency,
1991*

dictions in the region that would need to continue the established planning partnership we have had during the past three years in order to successfully implement the overall regional plan.

Some of the resource agencies that have a tremendous stake in protection, restoration and management of the region's natural areas, including wetlands, river and stream ecosystems, are the federal Environmental Protection Agency, U.S. Fish and Wildlife Service, Unified Sewerage Agency of Washington County, Portland's Bureau of Environmental Services, Clackamas County Department of Utilities, the Oregon Department

of Fish and Wildlife, Water Resources Department, Department of Environmental Quality, Division of State Lands and Oregon State Parks.

Metro will work closely with these agencies in developing and implementing cooperative Greenspaces-oriented projects that promote multiobjective management of these natural areas. Roles and responsibilities that cooperators in the program will assume in regard to implementation of the plan through site acquisition, protection and enhancement efforts include:

1. Metro should place a greenspaces funding mechanism before the voters of the region, that, if successful, would establish a regional revenue source for acquisition and capital improvement of greenspaces. [A regional

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1. A \$200 million general obligation bond measure was referred by the Metro Council to the voters of the region for consideration at the November 3, 1992 election. The measure was rejected by a 45% "yes" to 55% "no" vote. On July 28, 1994 the Metro Council referred a new (up to) \$138.8 million measure to the voters for consideration at the March 28, 1995 election.

general obligation bond measure is being considered by Metro for referral to the voters at the November 1992 general election to fulfill this responsibility.] Metro will also continue to pursue grants from state and federal government agencies, private foundations and other organizations to plan for and assemble the system.

2. Donations and dedications of greenspaces will continue to be accepted by public agencies and nonprofit land trusts in a coordinated strategy.
3. Greenspaces to be administered at the local level will be the responsibility of local governments to secure and manage. Greenspaces to be administered by Metro will be the responsibility of Metro to secure and manage.
4. Greenspaces of common interest administered by Metro will be the responsibility of Metro to secure. Metro will offer a first right of refusal to the local government where the sites are located to acquire the property. The first right of acquisition will be offered only to local governments providing park services in whose service area the greenspaces are located. It will not be offered to local governments having comprehensive planning responsibility that did not provide park services as of July 1, 1991.
5. Greenspaces of common interest administered at the local level will be the responsibility of local governments to secure and manage. Lower priority will be given for acquisition of properties adequately protected by federal, state or local regulations.
6. If the local government accepts acquisition responsibility from Metro, the accepting government will be responsible for funding the acquisition of the greenspace with its own resources. If the local government expresses interest in acquiring a site, Metro may enter into an intergovernmental agreement that includes provisions related to regional or joint funding of the local acquisition. If the local government chooses not

to acquire the property, Metro will be responsible for funding the acquisition of the greenspace with its own resources.

7. In evaluating priorities for acquisition, Metro will first determine whether existing federal, state, regional and local land use, environmental or other applicable regulations provide adequate protection of greenspaces. If not, Metro will then determine if legally defensible new regulations could be adopted by appropriate government agencies within timeframes necessary to protect significant greenspaces. If not, Metro will pursue acquisition based on fair market value.

The complete roles and responsibilities framework is located in Appendix 2 of this master plan. Appendices, and the information found in them, are held to be a full part of the master plan and its implementation processes.

The information developed through the Greenspaces program may assist Metro and local governments in meeting requirements of state planning laws. While not a regulatory document, the plan and supporting information are recommended for voluntary consideration in preparation, administration and periodic review of comprehensive plans, implementing land use regulations and regional functional plans. Metro encourages agencies and local governments to employ all tools at their disposal to assist in implementation of the plan and use master plan policies as guidance in establishing a common agenda for natural resource protection and stewardship.

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McKay Creek Trail

Extending north from the confluence with the Tualatin River, this trail follows the edge of Hillsboro to the confluence with Dairy Creek, continuing to North Plains where it joins the Portland to the Coast Rails-to-Trails route.

Mt. Scott Trail

From the junction with the North Clackamas Trail on Mt. Talbert, this trail extends north to join the Springwater Trail near Powell Butte. It crosses Mt. Scott and follows Johnson Creek before intersecting with the Springwater Corridor.

North Fork Trail

This segment of the Cazadero Trail connects the north fork of Deep Creek with Barton Park.

Oregon Trail/Barlow Road

It is hoped that a more accurate alignment of this historic road can be defined as a multi-use trail along the southern part of the region. Using early maps and other available research the corridor will be laid out as close to the original route as possible.

Peninsula Crossing Trail

Located in North Portland, this trail corridor connects a number of regionally significant greenspaces and trails including Smith and Bybee lakes, Columbia River, Columbia Slough, Willamette Greenway, the Forty Mile Loop Trail, Marine Drive and Forest Park via the St. Johns Bridge. Aligned within the right-of-way of Carey Boulevard for much of its length, land acquisition costs would be minimal. Once available, funds could be directed primarily at improvements.

Portland to the Coast Trail

A segment of this Oregon State Parks' proposed Rails-to-Trails project from North Plains to the Sauvie Island bridge traverses the northwest portion of the Greenspaces study area. A spur to this line, the Oregon Electric Railway, extends into the center of Beaverton.

Portland Traction Line/Oregon City Alignment

The southern extension of the Portland Traction Railroad Line from Milwaukie to Gladstone is currently being considered for acquisition. This line once provided rail connections to Oregon City but has been abandoned since the late 1950s. It offers a nearly level trail connection, crossing primarily residential streets as far as Gladstone, where the bridge to Oregon City has been abandoned.

Powerline Trail

This Bonneville Power and Portland General Electric easement extends from the northern end of Forest Park to the newly proposed Tualatin River National Wildlife Refuge near Sherwood. It crosses the Bronson Creek and Beaverton Creek trails, passes through Tualatin Hills Nature Park, across Cooper and Bull mountains and joins the Tualatin River Greenway Trail at the southern end.

Rock Creek Trail

From the confluence of Rock Creek and the Tualatin River, the trail parallels the stream to its confluence with Beaverton Creek. The trail follows Beaverton Creek to the confluence of Bronson Creek.

Sandy River Gorge Trail

This trail follows the Sandy River, connecting the Sandy River delta on the Columbia River with Lewis and Clark State Park and terminating at Dabney State Park. It may eventually extend as far as Oxbow Regional Park, but at present the connection will be restricted to the proposed water-based river trail.

Scouters Mountain Trail

This trail forms a north-south link between the Springwater Corridor and the Clackamas River Greenway Trail. It follows Rock Creek from the Clackamas crossing Scouters Mountain and joins the Springwater near Powell Butte.

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Financing the Greenspaces System

Financing acquisition and capital improvements

To date, major funding to initiate planning for the Metropolitan Greenspaces program has been provided by the US Department of Interior Fish and Wildlife Service. As this federal source of start-up funds [ends in fiscal year 1993-94,] could end at any time, we must look elsewhere for support of site acquisitions and capital improvements, as well as support for general operations and maintenance of the Greenspaces system.

With Metro serving as coordinator of the Metropolitan Greenspaces program, a key strategy for public implementation of the Greenspaces system is possible. Because its focus and programs cross local jurisdictional boundaries, Metro will be able to propose funding on a regional basis to secure significant natural areas for inclusion in the Greenspaces system and thereby provide a solution to greenspaces protection on a regionwide basis.

Acquisition, while one of many tools to protect open space, is an essential strategy in developing a regional system of natural areas, open space and trails for the four-county area. With a dedicated source of funds, lands will be purchased as a means of protection; rights-of-way may be purchased to establish trails and wildlife corridors; restoration of existing degraded natural areas could be carried out, as well as negotiations of easements that preserve open space through a process that allows for continued private ownership of the majority of land.

"The livability of Oregon is our competitive edge in economic development. Practicing healthy environmental stewardship isn't just a matter of good citizenship, it's also a matter of good business."

*Richard Reiten,
president, Portland General
Corporation, 1990*

Any financial solution and long-term plan must be developed on a regional basis, with funding for this regional system coming from throughout the district. The major source of funding currently available is a regional general obligation bond. In fiscal year 1993, [F]the total assessed value of land and improvements within Metro's boundaries [is more than \$45] was estimated to be approximately \$50 billion.

While there are many variables involved in estimating how far funds from a bond would go toward acquisition of significant sites, a multi-million dollar bond might enable Metro to begin the important process of natural areas protection on a regional basis.

No other source of public revenues can generate an adequate amount of funds to "jump-start" the land assembly process for the Greenspaces system. Bond funds can only be used for acquisition of land and capital improvements.

An overview of finance-related roles and responsibilities of cooperators in the Metropolitan Greenspaces system indicates that:

1. Metro will [establish a Metro/]include a local government [split]share of the initial capital and acquisition funds that are raised on a regional basis. The regional (Metro) share of the net bond measure will be at least 75 percent; the local share [will be 25 percent.] may vary, at Metro's discretion in consultation with local park providers, based on the size of the measure. Metro will use the regional portion of funds solely

for acquisition and development of
greenspaces of regional significance.

2. The local share of funds will be distributed
to eligible parks providers as follows:

2. In 1992 a 75%/25% regional/local split of net proceeds from the \$200 million bond measure was proposed. In March 1995 a local greenspaces projects allocation not to exceed \$25 million is proposed, with the balance of the (up to) \$138.8 million measure reserved for regional greenspace projects.

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- a. the local share will be allocated on the basis of June 30, 1993 assessed valuation by county.
 - b. parks providers within each county will negotiate an allocation formula for distribution of the countywide total among each parks provider in that county.
 - c. if parks providers cannot agree to a formula for distributing countywide shares, Metro will designate the formula.
3. ~~[Funds are to be used for any locally determined open space, parks and recreational acquisition and capital needs.]~~ The local share allocation of funds shall only be used for projects that meet the Local Greenspaces Project Guidelines included in Appendix Two of this Master Plan. Funds may not be used for operations and maintenance activities. Eligible local governments and special districts may form consortiums to combine their allocations for eligible purposes.

~~[Expenditure of the local share of funds is under local government control to the extent that such expenditures conform to legal requirements.]~~ The local share funds must adhere to federal tax laws for tax-exempt bonds, to the limits of the ballot measure authority and to Ballot Measure 5 restrictions. Intergovernmental agreements will be developed for each local government project prior to local expenditures.

Cooperative planning efforts and a regional/local partnership are the foundations of a regional financing program. Metro and local parks providers may contract with nonprofit organizations to assist in site acquisition and

capital improvements. All lands and conservation easements acquired by general obligation bond funds will be in public ownership as natural area/open space. Deed restrictions will be used where appropriate. Bond funds for capital improvement and restoration projects will be spent on lands, easements and/or improvements owned by a public agency.

A five-year plan will be created that will list all priority acquisition and construction/restoration projects on Metro-owned and managed greenspaces. A planning, budgeting and project monitoring system will be developed between Metro and local park providers to oversee the use of the local share of funds from a bond.

Metro may make "extra-territorial" purchases of land and conservation easements with potential revenues from a regional bond measure. A regional bond measure under Metro's bonding authority would allow the agency to buy lands outside its boundaries for open space protection if the residents within the district benefit. Many pristine and undeveloped lands important to the region are located outside of Metro's boundaries.

As the agency in charge of the bond, Metro would issue the bonds, coordinate all purchases and capital costs, and be the legal authority responsible to the U.S. Treasury and bond holders. The bonds would be secured by a tax on real property (land and improvements) within ~~[the Metropolitan Service District]~~ Metro's jurisdictional boundary.

Operations and maintenance issues

The Greenspaces program involves much more than simply issuing general obligation bonds. Funding of acquisition and capital improvements is one key component; the second is funding of ongoing operation and maintenance of the acquired lands.

~~3. Appendix Two includes the formulas mutually negotiated by eligible park providers within each county.~~

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The need to buy land before it is developed and before the purchase price increases is apparent. In the early phases of the Metropolitan Greenspaces system, Metro may choose to land-bank as much of its purchases as possible in order to protect significant areas, yet still be able to minimize operations and maintenance costs.

Even if Metro acquires or accepts donated lands into the regional Greenspaces system, public access can be limited or forbidden pend-

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Roles and responsibilities framework

approved by the Metropolitan Greenspaces Policy Advisory Committee 6-24-92
(includes references to text citations in the body of the plan)

Program Goal: To create a cooperative regional system of natural areas, open space, trails and greenways for wildlife and people in the four-county bi-state Portland Oregon/Vancouver Washington metropolitan area.

(referenced in the Vision and overall Program goals)
Approach: Through a cooperative effort that complements local government and special district open space, parks and recreation programs in the metropolitan area of Clackamas, Multnomah and Washington counties, Oregon, Metro will identify, acquire and arrange for the management of a system of greenspaces of metropolitan significance. A closely coordinated parallel effort will be undertaken with the city of Vancouver, Clark County and the state of Washington so that the program will cover the entire metropolitan area. (referenced in the Vision and Part One, Sections 1 and 2, and Policy 1.14)

Program Planning and Management:

After adoption of the Master Plan by the Metro Council and the general obligation bond measure election, policy advisory responsibilities to the Metro Council will transition from the Metropolitan Greenspaces Policy Advisory Committee to the Regional [Policy] Parks and Greenspaces Advisory Committee established by [Goal 1, Objective 2 of Metro's adopted Regional Urban Growth Goals and Objectives] Metro Council Resolution No. 94-2076A. The Metropolitan Greenspaces Technical Advisory Committee will continue to provide technical advice on the implementation and future revisions to the Master Plan, reporting directly to [RPAC] the Regional Parks and Greenspaces Advisory Committee. (referenced in Part One, Section 1)

Roles of Metro and Local Governments (Oregon portion of the region)

1) IDENTIFICATION OF LOCAL AND REGIONAL GREENSPACES SYSTEM (referenced in Part One, Section 1 and 2)

a) Local governments and special districts providing park services, and local governments with comprehensive planning responsibility, will identify greenspaces systems in their jurisdictions.

b) Metro will identify a system of large-acre natural areas and open spaces that should be protected throughout and proximate to the Metro boundary and a system of trails and greenways to interconnect them.

c) The local government-identified and Metro-identified systems will be "overlaid" to determine those greenspaces of common interest.

d) Local governments and special districts providing parks services, as well as local governments with comprehensive planning responsibility, will meet with Metro to decide whether the greenspaces of common interest are more appropriately administered by local governments or Metro. In the case where a Metro-identified greenspace designation would conflict with a local government comprehensive plan designation, the affected parties will negotiate a resolution to the conflict. Acquisition and management responsibility for those sites is discussed, respectively, in sections 3 and 4 of this document.

2) PLANNING OF GREENSPACES

a) Metro in cooperation with local governments, special districts, state and federal agencies, and nonprofit organizations will develop a metropolitan-wide Greenspaces Master Plan that will identify and recommend protection of a system of natural areas, open space, trails and greenways (see section 1 of this document). (referenced in the Vision and Part One, Sections 1 and 2, and Policy 1.14)

b) Criteria will be delineated in the Master Plan to assist in the establishment of priorities for inclusion of specific greenspaces into the system. However, some flexibility will be retained in order to quickly respond to unexpected preservation opportunities that may arise or unforeseen changes in circumstances that may affect priorities. (referenced in Part Two, Section 1 and Policy 2.5)

c) The location of large-acre protection sites, restoration sites, trail and other interconnections shown on the Metropolitan Greenspaces Master Plan system map are representative. More site-specific definition of system

4. Changes to the regional/local share allocation of funds derived from sale of the initial voter-approved land acquisition and capital improvement general obligation bond measure was approved by the Greenspaces Policy Advisory Committee on June 1, 1994 and the Greenspaces Blue Ribbon Committee on July 7, 1994. Changes to the local share allocation formula for eligible parks providers in Multnomah County were approved by all eligible providers in the county in September 1994.

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components will be undertaken in cooperation with local governments and other interests subsequent to Master Plan adoption by the Metro Council. Balancing natural resource value and development value will be an important planning activity when determining the ultimate size and location of specific greenspaces system components. (referenced in Part One, Section 1)

d) Management plans for specific natural area sites will be prepared within a specified time frame after securing

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h) ~~At least (S)seventy-five percent (75%) of the capital and acquisition funds raised through the initial voter-approved regional general obligation bond, after netting out bond issuance costs, will be retained by Metro. [Twenty-five percent (25%) of the net initial and capital and acquisition funds will] The share of funds to be distributed by Metro to local governments may vary, at Metro's discretion in consultation with local parks providers, based on the sizes of the measure. Cities and special districts not providing park and recreation services as of July 1, 1991, are not eligible to receive funds. The funds will be distributed to counties, cities and special parks districts in accordance with attachment "A" of this roles and responsibilities document. Funds will be expended as follows: (referenced in Part Two, Section 1)~~

(1) Metro will use the regional portion of funds for acquisition and development of greenspaces and interconnections to be secured and administered by Metro, for property transaction and associated administrative costs, and for overall financial management of bond funds. Funds may not be used for operations and maintenance activities.

(2) ~~[Funds distributed by Metro to local parks providers are to be used for any locally determined open space, parks and recreational acquisition and capital needs consistent with applicable tax laws and provisions of the regional funding measure.] The portion of funds to be distributed to local parks providers shall only be used for projects that meet the Local Greenspaces Project Guidelines included in this appendix. Funds may not be used for operations and maintenance activities nor be used outside [the Metropolitan Service District's] Metro's boundary unless Metro finds that such expenditures clearly benefit district residents.~~

(3) The "pass-through" of regional funds to local parks providers will be executed through intergovernmental agreements.

(4) Eligible local governments and special districts may form consortiums to combine their allocations for eligible purposes.

i) Metro and local agencies will maintain greenspaces included in the metropolitan-wide system in perpetuity in accordance with management plans. Where possible, deed restrictions will be included at the time of transfer of property, from private property owner to Metro or local government, Metro to local government, local government to Metro, or Metro or local government to nonprofit organization, which require use of the land for open space purposes in perpetuity. (referenced in Part Two, Section 1 and in Policies 2.20 - 2.22)

4) LOCAL GREENSPACES PROJECT GUIDELINES

Local governments will be entitled to receive a portion of the initial voter approved regional greenspaces bond measure funds based on the allocation formula in the Metropolitan Greenspaces Master Plan as amended. Projects eligible for local greenspaces project funding must meet the following criteria:

- a) Eligible agency is a park provider as of July 1, 1991.
- b) Funds must be expended on Greenspaces related activities only including:

Acquisition

- Fee Simple (or easement) to purchase regionally significant greenspaces and/or trail corridors identified in the Metropolitan Greenspaces Master Plan and/or locally determined significant greenspaces and/or trail corridors.
- Costs associated with the acquisition of property.

Capital Improvements

- Restoration or enhancement of natural areas
- Trail construction
- Access facilities such as roads that are an integral part of the greenspace, parking, boat ramps, trail heads, Americans with Disabilities Act (ADA) requirements.
- Public use facilities such as rest rooms, picnic tables, shelters, viewing blinds, water systems, camp sites, fishing piers, and associated appurtenances including signs, fences, security lighting, barbecues.
- Environmental education facilities such as nature centers and interpretive displays.

c) The park provider will enter into an Intergovernmental Agreement (IGA) to be approved by the Metro Council and the governing board of the park provider. The IGA shall require signage at the project site in an appropriate location(s) to acknowledge Metro, the park provider, and other project partners; funds from the bond measure shall not be used to replace local funds on project; and funds from the bond measure should leverage other sources of revenue when possible.

d) A list of local share projects with estimated costs, and approved by the governing board of each jurisdiction shall be delivered to Metro no later than November 1, 1994 to be eligible for local share funding.

e) Greenspace sites subject to local share funding will be maintained for its intended recreational, natural area, or trail activities.

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[4]5) OPERATION AND MANAGEMENT OF GREENSPACES

a) Using the resource management planning process (see section 2), acceptable maintenance, types and levels of programmed use, and development standards will be established for all components of the Greenspace system. The operator (Metro or local government) shall be responsible for operation and management in compliance with the standards developed through the management plan. (referenced in Part Two, Section 1 and in Policies 2.20 - 2.22)

b) The management practices employed by Metro, local governments, special districts or nonprofit groups for the operation and maintenance of greenspaces will be consistent with the adopted Greenspaces Master Plan and with specific site management plans. (referenced in Part Two, Section 1 and in Policies 2.20 - 2.22)

c) Metro will budget for and manage, operate and maintain those portions of the greenspaces program to be administered by Metro (see Section 1 of this document). Metro may make provisions with local parks providers for management of Metro-administered greenspaces, section 3.b) notwithstanding, if local parks providers express interest to Metro. Nothing in this document shall be construed to preclude local governments or Metro from entering into ORS Section 190 agreements regarding park and recreation operations and maintenance. (referenced in Part Two, Section 1)

d) Local agencies will budget and fund the operation and maintenance of those portions of the greenspaces program to be administered by local governments (see section 1). (referenced in Part Two, Section 1)

e) Local governments, special districts and Metro may choose to contract with private entities, certified 501(c)(3) nonprofit organizations and/or local parks providers for development, operation and maintenance, provided improvements and activities are consistent with adopted greenspaces management plans. (referenced in Part Two, Section 1)

f) Metro will offer a first right of refusal to local governments in which greenspaces of common interest are located to provide management responsibility by intergovernmental agreement. The first right of refusal will only be offered to local governments providing park services, as of July 1, 1991, in whose service area the greenspaces are located. (referenced in Part Two, Section 1)

(1) If the local government accepts management responsibility from Metro, the accepting government will be responsible for funding the operation and maintenance of the greenspace with their own resources, except as provided in subsection (2). (referenced in Part Two, Section 1)

(2) When a regional funding source is available for operations and maintenance, Metro will enter into intergovernmental agreements with local parks providers to defray all or portions of the operations cost for locally administered or managed large-acre

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5. The Master Plan was originally adopted in July 1992. Amendment No. 1 was approved in December 1993. Amendment No. 2 was approved in November 1994.

components of the greenspaces system where:
(referenced in Part Two, Section 1)

(a) The local parks provider agrees to manage sites in accordance with the standards established through adopted management plans and policies; and

(b) The local parks provider renders the service at a cost less than that which Metro could provide under the adopted management plan and regional operations and management policies.

(3) If the local government chooses not to accept management responsibility, Metro will be responsible for funding the operation and maintenance of these sites with its own resources. (referenced in Part Two, Section 1)

g) Metro will undertake studies to determine future regional financing options for greenspaces, parks and recreational facilities. The studies will be coordinated with local, state and federal agencies, and nonprofit groups. The studies will address Metro's immediate revenue needs to acquire and manage Metro-administered greenspaces identified in the Greenspaces Master Plan as well as a long-term financing options of local governments, special districts and Metro for additional acquisition, capital improvement, operations and maintenance of greenspaces, parks and recreational facilities. (referenced in Part One, Section 1 and in Policy 1.6)

[5] ENVIRONMENTAL EDUCATION

a) Metro's role will be to actively pursue environmental education programs as both facilitator and provider. Metro will ensure regional coordination among environmental education providers. (referenced in Part Two, Section Two and in Policies (2.31 - 2.43)

b) Metro will cooperate with local, state and federal park providers, and refuge/wildlife managers, as well as the Audubon Society of Portland's Metropolitan Wildlife Refuge System project, Wetlands Conservancy and other nonprofit organizations to produce informational brochures, signage and other interpretive materials for environmental education for the general public. (referenced in Part Two, Section Two and in Policies (2.31- 2.43)

c) Metro will develop a technical assistance program that may include, but is not limited to, development of interpretive facilities and environmental education programs that relate to sites ultimately incorporated into the greenspaces system and to assist in the implementation of the Greenspaces Master Plan by local governments, special districts, nonprofit organizations and other interests. Metro will also promote and coordinate

recreational and environmental education programs initiated by other governments and private organizations to broaden participation in such programs by the residents of the metropolitan area. (referenced in Part Two, Section 2 and in Policies 2.31 - 2.47)

[6] ROLES OF STATE & FEDERAL AGENCIES

a) Metro, local governments, special districts and nonprofit organizations will work with state agencies such as Oregon Parks and Recreation Department, Oregon Department of Fish and Wildlife, Governor's Watershed Enhancement Board and Division of State Lands, to ensure maintenance, expansion of their parks, refuge areas, grant programs and regulatory efforts in a coordinated and complementary approach with the Metropolitan Greenspaces program. These agencies should address and fund the special urban needs of the region, including the identification, planning, acquisition and management of natural areas. Future state acquisitions should include the metropolitan region as a key target area. These lands, while owned and managed by the state, will be linked with and promoted as parts of the Metropolitan Greenspaces system. (referenced in Part One, Section Two and in Policy 1.28)

b) Federal agencies such as the Fish and Wildlife Service, National Park Service, Bonneville Power Administration and Northwest Power Planning Council should maintain existing refuge and recreational areas, and identify new areas for acquisition. These lands, while owned and operated by the federal government, will be linked with and promoted as parts of the Metropolitan Greenspaces system. (referenced in Part One, Section Two)

[7] ROLES OF NONPROFIT ORGANIZATIONS AND LAND TRUSTS

a) Metro will work closely with nonprofit organizations, land trusts and "Friends" groups to explore partnerships which include acceptance of land donations, conservation and other easements and management of sites. These sites may be owned by a local, state, federal agency or Metro and operated by a nonprofit or the site may be owned by a nonprofit and managed by a local, state, federal agency or Metro. (referenced in Part Two, Section One)

b) Metro will work with Portland State University and other educational institutions throughout the region including, Audubon Society of Portland, Portland Bureau of Parks and Recreation, Saturday Academy, Multnomah County and others, nonprofit organizations and agencies to develop a comprehensive environmental education program that uses the greenspaces system. (referenced in Part Two, Section Two)

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[8] ROLES OF SPECIAL SERVICE DISTRICTS AND WATER QUALITY AGENCIES

a) Metro recognizes that agencies such as the federal Environmental Protection Agency, Unified Sewerage Agency of Washington County, Portland's Bureau of Environmental Services, Clackamas County Department of Utilities, state Water Resources Department and Department of Environmental Quality, and other interested agencies and other surface water managers have a tremendous stake in protection, restoration and management of the region's natural areas, including wetlands, and river and stream ecosystems. Metro will work closely with these agencies in development and implementation of cooperative Greenspaces-oriented projects which promote multi-objective management of natural areas, regional streams, rivers and wetlands. (referenced in Part One, Section Two, in Part Two, Section Two, and in Policy 2.56)

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Parks providers, as of July 1, 1991

(eligible for local-regional general obligation bond split)

Special Districts

North Clackamas Parks and Recreation District
Tualatin Hills Parks and Recreation District

Counties

Clackamas County
Multnomah County
Washington County

Cities

Beaverton
Cornelius
Durham
Fairview
Forest Grove
Gladstone
Gresham
Happy Valley
Hillsboro
Lake Oswego
Oregon City
Portland
Rivergrove
Sherwood
Tigard
Troutdale
Tualatin
West Linn
Wilsonville
Wood Village

Attachment A

The local share of bond funds, as described in Section 3h of this Roles and Responsibilities Framework, shall be apportioned among parks providers in each county on the basis of county-wide totals established using ~~[FY 1991-92] June 30, 1991~~ assessed valuation within the ~~Metro[politan Service District]~~ boundary. Estimated county-wide totals ~~based on 1991 assessed valuation data~~ and 1990 census information are as follows:

Clackamas County	[19.56]21.01 percent
Multnomah County	[50.20]49.86 percent
Washington County	[30.24]29.13 percent

Formulas for allocating county-wide totals among parks providers in each county are as follows:

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Multnomah County Parks Providers Local Share Allocation Formula

1. Divide total Multnomah County allocation into two [equal] shares – [50]27 percent for the county; [50]73 percent for the cities.

2. From the [county] [cities] share, allocate [200,000] \$125,000 to each city with a population of less than 50,000 (Troutdale, Wood Village and Fairview).

3. Distribute balance of "cities" share based on percentage of population* (1990 census information).

* Population for distribution purposes is defined as the sum of the populations from each municipality that was a "park provider" as of July 1, 1991, i.e., 518,611.

[Table 1] Estimated Multnomah County Parks Providers Allocation based on 1993 assessed valuation data and 1990 census information.

Amount to be allocated: [\$24,786,250*] \$12,475,000
 County share: [12,393,125**] \$3,368,250
 Cities share: [12,393,125] \$9,106,750

City	Base Allocation	% Total County Population	Population Allocation	Total Allocation
Portland	0	84.3%	[\$10,447,405]	[\$10,447,405]
Gresham	0	13.2%	[\$7,360,865]	[\$7,360,865]
Troutdale	[\$200,000]	1.5%	[\$1,152,591]	[\$1,152,591]
Fairview	[\$200,000]	.5%	[\$43,659]	[\$43,659]
Wood Village	[\$200,000]	.5%	[\$43,659]	[\$43,659]
Totals	[\$600,000]	100%	[\$12,393,125]	[\$12,393,125]
	[\$375,000]		[\$8,731,750]	[\$9,106,750]

[* Assumes \$200 million bond sale, no interest]
 [** After adjustment for base allocation, county share = \$11,793,125]

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[4: From the county share, establish a \$5 million fund for the pursuit of cooperative natural areas projects to be administered by the county as follows:

a. Each city with a population of less than 50,000 to have \$50,000 reserved for cooperative natural area projects within their city limits:

b. Pro rata shares of the balance in this fund to be reserved for cooperative natural area projects in each city as in "3" above:

c. All cooperative projects to be consistent with the Multnomah County Natural Areas Protection and Management Plan:

d. "City" cash contribution to be required for cooperative projects. (Specific levels to be determined at later date.)

e. Pro rata share of interest, if any, to "county" portion of allocation shall accrue to this fund:

f. Any city which has not identified cooperative natural area project(s) within three years from the time funds are available shall forfeit their access to resources reserved in this section. See Table 2 for details.]

[Table 2]				
[City]	[Base Reservation]	[% Population]	[Population Reservation]	[Total Reservation]
Portland	0	84.3%	\$4,088,550	\$4,088,550
Gresham	0	13.2%	640,200	640,200
Troutdale	\$50,000	1.5%	72,750	122,750
Fairview	\$50,000	.5%	24,250	74,250
Wood Village	\$50,000	.5%	24,250	74,250
Totals	\$150,000	100%	\$4,850,000	\$5,000,000

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STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 94-1975 TO AMEND THE LOCAL SHARE ALLOCATION FORMULAS AND GUIDELINES AS SET FORTH IN THE GREENSPACES MASTER PLAN

Date: November 2, 1994

Presented by: Mel Huie
Regional Parks and Greenspaces

FACTUAL BACKGROUND AND ANALYSIS

On July 28, 1994, by Resolution No. 94-2011A, the Metro Council referred a \$138.80 million General Obligation Bond Measure to the voters to proceed with the acquisition of land and development of a regional system of greenspaces and trails. Included in the bond measure package is \$25 million for local park providers to carry out local greenspaces and trails projects consistent with newly adopted Local Greenspaces Project Guidelines. These were changes from the original local pass-through formula and local project eligibility criteria contained in the Master Plan. The changes were proposed and approved by the Greenspaces Policy Advisory Committee and the Blue Ribbon Committee prior to consideration and approval by the Metro Council. Thus, Resolution No. 94-2011A also directed staff to return to the Council with amendments to the Greenspaces Master Plan to reflect these changes.

One other substantive amendment now proposed to the Master Plan involves the local share allocation process and formula for eligible Multnomah County park providers. The formula contained in the adopted Master Plan established the Multnomah County Parks Services Division as the arbiter of joint city/county greenspaces oriented local share projects. It was crafted largely to assure that a significant percentage of the Multnomah County jurisdictions' local share would be greenspaces oriented rather than being used for active recreation projects. Adoption of the Local Greenspaces Project Guidelines via Resolution 94-2011A made this issue a moot point. The process for distributing local share funds in Multnomah County could also be streamlined by removing this interim step in the local share distribution process. Thus, in September 1994, eligible park providers within Multnomah County unanimously approved the change in their local share allocation formula to distribute funds directly from Metro to each provider, rather than being distributed first to the County and from that point to all other eligible providers.

SUMMARY OF PROPOSED CHANGES

Proposed changes are specifically identified in Exhibit A to Resolution No. 94-1975. Though there are also a few minor "clean-ups", the substantive changes are as follows:

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1. It is acknowledged that there is a direct correlation between the size of the initial voter-approved general obligation bond measure referred by Metro, and the size of the local pass-through allocations to eligible park providers. Specifically Resolution 94-2011A establishes a "local share" of up to \$25 million of the up to \$138.8 million total regional bond measure rather than 25 percent of total net bond revenues after deducting issuance costs, as was the case in 1992.
2. Local park providers must use their allocations for greenspaces and trails related activities consistent with the Local Greenspaces Project Guidelines (as detailed in Exhibit A) rather than for any locally determined open space, park and recreational activity.
3. The assessed land and property valuations within Metro and for the portions of Clackamas, Multnomah and Washington counties within Metro used in the local share allocation formulas shall be from the Departments of Assessment and Taxation for Clackamas, Multnomah and Washington counties as of June 30, 1993.
4. Allocation formula for park providers within Multnomah County is changed to a direct pass-through from Metro to each provider. Allocations previously reserved for joint County/City natural area projects are now reallocated proportionately to each park provider. (The local share allocation formulae for distributing countywide totals among the individual park providers in Clackamas County and Washington County remain the same as originally adopted).

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 94-1975.

J:\MPAME.huie

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Meeting Date: November 10, 1994
Agenda Item No. 7.6

RESOLUTION NO. 94-1981

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REGIONAL FACILITIES COMMITTEE REPORT

RESOLUTION NO. 94-1981, AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO AN AGREEMENT WITH PORTLAND GENERAL ELECTRIC COMPANY TO OPTION PROPERTY

Date: November 3, 1994

Presented by: Councilor Moore

COMMITTEE RECOMMENDATION: At its November 2, 1994 meeting the Regional Facilities Committee voted 5-0 to recommend Council adoption of Resolution No. 94-1981. All committee members were present and voted in favor.

COMMITTEE DISCUSSION/ISSUES: Discussion of this resolution took place in Executive Session. Council will be briefed at its November 10 meeting, also in Executive Session, on the specific points of this and two other resolutions concerning options for Greenspace lands.

There was no substantive committee discussion in open session.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 94-1981
THE EXECUTIVE OFFICER TO ENTER) Introduced by Rena Cusma
INTO AN AGREEMENT WITH PORTLAND) Executive Officer
GENERAL ELECTRIC COMPANY TO)
OPTION PROPERTY)

WHEREAS, In July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, Acquisition of natural areas from willing sellers is a primary strategy for preservation of natural areas; and

WHEREAS, The Option To Purchase Real Property Agreement is part of Metro's Options Demonstration Project approved by Council Resolution No. 93-1832; and

WHEREAS, Funds to obtain options from willing seller to purchase land are allocated via Council Ordinance No. 93 - 511; and

WHEREAS, A Process for Considering and Executing Options to Purchase Lands was adopted by Council Resolution No. 94-1919; and

WHEREAS, The property owned by Portland General Electric, as indicated in Exhibit A, is in a target area as set out in Resolution No. 94 - 2011A which referred a 138.8 million dollar bond measure for public consideration in spring 1995; now, therefore,

BE IT RESOLVED,

That Metro Council authorizes the Executive Officer to enter into an agreement with Portland General Electric as attached in Exhibit A.

ADOPTED by Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

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Meeting Date: November 10, 1994
Agenda Item.No. 7.7

RESOLUTION NO. 94-1982

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REGIONAL FACILITIES COMMITTEE REPORT

RESOLUTION NO. 94-1982, AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO AN AGREEMENT WITH PORTLAND AREA CAMP FIRE COUNCIL TO OPTION PROPERTY

Date: November 3, 1994

Presented by: Councilor Moore

COMMITTEE RECOMMENDATION: At its November 2, 1994 meeting the Regional Facilities Committee voted 5-0 to recommend Council adoption of Resolution No. 94-1982. All committee members were present and voted in favor.

COMMITTEE DISCUSSION/ISSUES: Discussion of this resolution took place in Executive Session. Council will be briefed at its November 10 meeting, also in Executive Session, on the specific points of this and two other resolutions concerning options for Greenspace lands.

There was no substantive committee discussion in open session.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 94-1982
THE EXECUTIVE OFFICER TO ENTER) Introduced by Rena Cusma
INTO AN AGREEMENT WITH PORTLAND) Executive Officer
AREA CAMP FIRE COUNCIL)
TO OPTION PROPERTY)

WHEREAS, In July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, Acquisition of natural areas from willing sellers is a primary strategy for preservation of natural areas; and

WHEREAS, The Option To Purchase Real Property Agreement is part of Metro's Options Demonstration Project approved by Council Resolution No. 93-1832; and

WHEREAS, Funds to obtain options from willing seller to purchase land are allocated via Council Ordinance No. 93-511; and

WHEREAS, A Process for Considering and Executing Options to Purchase Lands was adopted by Council Resolution No, 94-1919; and

WHEREAS, The Properties owned by Portland Area Camp Fire Council, as indicated in Exhibit A, are in target areas as set out in Resolution No. 94-2011A which referred a 138.8 million dollar bond measure for public consideration in spring 1995; now, therefore,

BE IT RESOLVED,

That Metro Council authorizes the Executive Officer to enter into an agreement with Portland Area Camp Fire Council as attached in Exhibit A.

ADOPTED by Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

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Meeting Date: November 10, 1994
Agenda Item No. 7.8

RESOLUTION NO. 94-1987

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REGIONAL FACILITIES COMMITTEE REPORT

RESOLUTION NO. 94-1987, AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO AN AGREEMENT FOR ACQUISITION OF TUALATIN RIVER PROPERTY

Date: November 3, 1994

Presented by: Councilor Moore

COMMITTEE RECOMMENDATION: At its November 2, 1994 meeting the Regional Facilities Committee voted 5-0 to recommend Council adoption of Resolution No. 94-1982. All committee members were present and voted in favor.

COMMITTEE DISCUSSION/ISSUES: Discussion of this resolution took place in Executive Session. Council will be briefed at its November 10 meeting, also in Executive Session, on the specific points of this and two other resolutions concerning options for Greenspace lands.

There was no substantive committee discussion in open session.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 94-1987
THE EXECUTIVE OFFICER TO ENTER) Introduced by Rena Cusma
INTO AN AGREEMENT FOR ACQUISITION) Executive Officer
OF TUALATIN RIVER PROPERTY)

WHEREAS, in July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, Acquisition of natural areas from willing sellers is a primary strategy for preservation of natural areas; and

WHEREAS, The Option To Purchase Real Property Agreement is part of Metro's Options Demonstration Project approved by Council Resolution No. 93-1832; and

WHEREAS, Funds to obtain options from willing seller to purchase land are allocated via Council Ordinance No. 93-511; and

WHEREAS, A Process for Considering and Executing Options to Purchase Lands was adopted by Council Resolution No. 94-1919; and

WHEREAS, The property being purchased by Portland General Electric, as indicated in Exhibit A, is in a target area as set out in Resolution No. 94-2011A which referred a 138.8 million dollar bond measure for public consideration in spring 1995; now, therefore,

BE IT RESOLVED,

That Metro Council authorizes the Executive Officer to enter into an agreement to acquire Tualatin River property as attached in Exhibit A.

ADOPTED BY Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

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Council
11/10/94
4.1

MINUTES OF THE METRO COUNCIL

October 13, 1994

Council Chamber

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

Councilors Absent: Roger Buchanan

Also Present: Metro Auditor-Elect Alexis Dow

Presiding Officer Wyers called the regular meeting to order at 4:04 p.m.

1. INTRODUCTIONS

None.

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

Jack Polans, 16000 SW Queen Victory Place, King City, said he had received his Council agenda on Tuesday, October 11, via special delivery. He questioned why he received the agenda so late and not via regular mail. He said he needed time to research the issues contained in the agenda and said two days was not enough time in which to do so. He also stated that it was difficult to find and or re-locate documents printed in the agenda because no page numbers were provided.

The Council and Mr. Polans discussed the issues. Presiding Officer Wyers asked Councilor Gates, Governmental Affairs Committee chair, to review the agenda logistical issues raised at this meeting at a future Committee meeting.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. OTHER BUSINESS

4.1 Review of MERC Resolution No. 94-48

Casey Short, Council Analyst, briefed the Council on the issues. He explained the FY 94-95 Budget for the Convention Center Project Capital Fund contained an appropriation for \$759,000, of which \$425,000 had been identified for a project to upgrade and retrofit concessions at the Oregon Convention Center (OCC). He said that project was now estimated to cost not more than \$500,000. He said the Metropolitan Exposition-Recreation Commission (MERC) at its September 14 meeting, approved Resolution No. 94-48 to authorize the general manager to call for bids on and enter into contracts for upgrading and renovating OCC concessions. He said Metro Code Section 6.01 provided for governance of MERC and included provisions that final action of the Commission shall be by resolution, that MERC would provide all copies of final resolutions within five days of their adoption to the Clerk of the Council and that within 10 days of the Clerk of the Council's receipt of said resolutions, either three Councilors filing jointly, the Executive Officer acting alone, or any person who were adversely affected or aggrieved, could request that the Council review a resolution at the next regularly scheduled Council meeting. He explained that Alan Peters requested the Council review Resolution No. 94-48

and said that request fit Metro Code criteria. He said the Council's options at this time were to approve or modify the resolution or return it to MERC for further work.

Steve Moskowitz, Moskowitz & Thomas, legal counsel, Holland Corporation, owner of Burgerville, 111 SW Columbia, Suite 1080, Portland, explained that the persons present at this meeting were aggrieved because they attempted to work in good faith with the OCC and felt betrayed by MERC's actions. He said the notice for the September 14 MERC meeting was issued in violation of Oregon Public Meetings Law because it did not reference Resolution No. 94-48. He said the OCC advisory committee had not been properly consulted and/or informed about the proposed project. He said agendas for that advisory committee had almost been non-existent and were also in violation of public meetings law. He asked the Council to return the resolution to MERC and make it hold public hearings on what the consequences to the community would be if the food court was built. He said the OCC was funded from three sources; 1) \$15 million from the Oregon State Legislature; 2) \$65 million in bond funding; and 3) \$5 million from the local improvement district (LID). He said the legal basis for a LID was that the properties being assessed would reap special benefits from the special project. He cited a report issued in 1987 stating that restaurants in the target area would get a 70 percent increase in direct sales because of the OCC. He said because of that report, area businesses petitioned the Portland City Council to create the LID. He said businesses had invested or planned to invest \$1 million because they believed they would receive benefits from the OCC. He said if the OCC built a new concessions complex, that project would adversely impact their business. He said businesses in the surrounding area had supported the OCC and made capital investments with the expectation that they would receive business because of OCC operations.

To Councilor Van Bergen's question, Mr. Moskowitz explained that the parties he represented wanted Resolution No. 94-48 referred back to MERC for further public hearing and study.

Councilor Van Bergen recommended the Regional Facilities Committee hold a public hearing to try to resolve the issues.

General Counsel Dan Cooper said the Council had several options at this time, but that it could appropriately refer the issue to whatever Council committee it chose for further review.

Motion: Councilor Hansen moved, seconded by Councilor Gardner, to refer Resolution No. 94-48 to the Regional Facilities Committee for further review.

Councilor McLain asked if the persons present at this meeting expected to testify at this meeting. Presiding Officer Wyers asked if those persons present wished to testify at this time, or if they wished to testify at the public hearing at the Regional Facilities Committee.

Alan Peters, Portland Conference Center, 300 NE Multnomah, Portland, said a public hearing at the Regional Facilities Committee would be acceptable in lieu of a public hearing at this time.

The persons who submitted cards to testify cards against 94-48 (no persons submitted cards in favor) were:

Dan Brown, Sizzler, 834 NE Martin Luther King, Jr. Blvd. Portland
Easton Cross, White Wykoff & Cross, 222 NW Davis, #317, Portland
Jack C. Graves, Holland Inc. - Burgerville, 109 W. 17th St., Vancouver, WA
Becky Kearny, Carousel Photography, 300 NE Multnomah, Portland
Kathy Matrisciano, Carousel Catering & Photography, 300 NE Multnomah, Portland
Michael Mong, Lyon's Restaurant, 1215 NE Martin Luther King, Jr. Blvd., Portland,
Lamar Newkirk, Calaroga Residents Assn., 1400 NE 2nd, #1611, Portland

Virgil Orvall, Lloyd District Community Assn., 950 Lloyd Center, Suite 29, Portland
Terry Ryther, Community Ear Newspaper, 300 NE Multnomah, #2, Portland
Chuck Vendar, Holland Inc. - Burgerville, 1135 NE Martin Luther King, Jr. Blvd., Portland

The Council discussed the issues further.

Presiding Officer Wyers asked MERC representatives if delay on the project would cause undue hardship.

Pat LaCrosse, MERC General Manager, said delay would be problematic but believed that further review of the issues would be useful.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and the motion passed.

5. CONSENT AGENDA

5.1 Minutes of September 8, 1994

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

5.2 Resolution No. 94-2037, For the Purpose of Authorizing a Competitive Bid Exemption and the Execution of a Sole-Source Contract with Western Attitudes for Continuation of "Citi-Speak" Public Opinion Surveys

5.3 Resolution No. 94-2038, For the Purpose of Authorizing a Competitive Bid Exemption and the Execution of a Sole-Source Contract with Portland Cable Access Television

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

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and the Consent Agenda was adopted.

6. ORDINANCES, FIRST READINGS

6.1 Ordinance No. 94-579, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$35,000 from the General Fund Contingency to Materials and Services in the Regional Parks and Greenspaces Department and Recognizing a \$2,000 Grant from the USDA Soil Conservation Service For the Purpose of Matching Federal Funding to Support the Columbia Envirocorps Project; and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-579 had been referred to the Regional Facilities and Finance Committees for consideration.

6.2 Ordinance No. 94-580, For the Purpose of Adding a New Title to the Metro Creating an Administration Code, and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-580 had been referred to the Governmental Affairs Committee for consideration.

Councilor Washington introduced Metro Auditor-Elect Alexis Dow in attendance at this meeting to those present.

7. ORDINANCES, SECOND READINGS

7.1 Ordinance No. 94-568, For the Purpose of Approving the Revision of Metro Code Section 4.01.050 Revising Admission Fees and Policies at Metro Washington Park Zoo

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

Presiding Officer Wyers announced that Ordinance No. 94-568 was first read on September 8, 1994 and referred to the Regional Facilities Committee for consideration. The Regional Facilities Committee considered it on September 21 and recommended it to the full Council for adoption.

Motion: Councilor McFarland moved, seconded by Councilor Moore, for adoption of Ordinance No. 94-568.

Councilor McFarland gave the Regional Facilities Committee's report and recommendations. She explained the small rate change related to chaperons for groups only and that the ordinance would require chaperons be at least 18 years of age and preserve the Zoo's revenue-raising potential.

Presiding Officer Wyers opened the public hearing.

No persons present appeared to testify and the public hearing was closed.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Ordinance No. 94-568 was adopted.

7.2 Ordinance No. 94-571, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$110,000 from the Spectator Facilities Fund Contingency to Fund Restroom Remodel at the Civic Auditorium; and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-571 was first read on September 22, 1994 and referred to the Regional Facilities and the Finance Committees for consideration. The Finance Committee considered it on September 28 and the Regional Facilities Committee considered it on October 5 and both committees recommended the ordinance to the full Council for adoption.

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Motion: Councilor Kvistad moved, seconded by Councilor Hansen, for adoption of Ordinance No. 94-571.

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained the ordinance would transfer \$110,000 from Spectator Facilities Fund Contingency to the Performing Arts Center Capital Outlay Category. He said the transfer would construct six new unisex rest rooms in the Civic Auditorium to alleviate a shortage of rest rooms when capacity crowds were in attendance for various events.

Councilor McFarland gave the Regional Facilities Committee's report and recommendations and explained the new rest rooms would also comply with the Americans with Disabilities Act (ADA).

Presiding Officer Wyers opened the public hearing.

Jack Polans, 16000 SW Queen Victory Place, King City, asked why almost all of Metro's ordinances cited emergency clauses.

Mr. Cooper explained the 1992 Metro Charter and how it affected Metro ordinances beginning January 1993.

Mr. Polans asked criteria was used to justify the use of the emergency clause.

Presiding Officer Wyers said there were several reasons for emergency clauses, but said she had told staff in the past that use of the emergency clause did seem excessive.

Councilor Van Bergen explained that if the ordinance was deemed to be in the public's best interest, the emergency clause was used to make the ordinance effective before the 90-day period elapsed.

Councilor Gardner said it was a matter for Council Committees and then the full Council to decide if an emergency clause was justified. He said the clauses were usually justified because they facilitated the public's business. He said Metro operations would move very slowly if staff had to wait 90 days for every ordinance to be effective. He noted that no ordinance involving a tax could have an emergency clause, however.

Councilor Moore said emergency clauses were not allowed when the Urban Growth Boundary (UGB) was amended or when Metro assumed a new function. She said Councilors were allowed to use their discretion on what was good for the region. She noted also that an ordinance with an emergency clause required two thirds, or nine, Councilors voting aye to adopt an ordinance with an emergency clause.

Mr. Polans said an ordinance with an emergency clause did not allow enough time for public input, especially if a citizen only had two to three days to review agenda items.

Councilor Moore said the issue appeared to be one of prior notice rather than subsequent notice.

Presiding Officer Wyers asked if any other persons present wished to testify. No other persons appeared to testify and the public hearing was closed.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Ordinance No. 94-571 was adopted.

7.3 Ordinance No. 94-569, An Ordinance Amending the FY 1994-95 Budget and Appropriations schedule by Transferring \$5,000 from the General Fund Contingency to the Office of the Auditor Materials and Services, Misc. Professional Services For the Purpose of Transition Services for the New Office of the Auditor; and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-569 was first read on September 8, 1994 and referred to the Finance Committee for consideration. The Finance Committee considered it on September 28 and recommended it to the full Council for adoption.

Motion: Councilor Washington moved, seconded by Councilor Hansen, for adoption of Ordinance No. 94-569.

Councilor Washington gave the Finance Committee's report and recommendations. He explained the ordinance would transfer \$5,000 from General Fund Contingency to the Office of the Auditor Materials & Services Miscellaneous Professional Services Account to acquire staff assistance to assist Ms. Dow in setting up the new Metro Auditor offices.

Presiding Officer Wyers opened the public hearing.

No persons appeared to testify and the public hearing was closed.

There was no Councilor discussion or questions.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Ordinance No. 94-569 was adopted.

7.4 Ordinance No. 94-572A, An Ordinance Amending the FY 1994-95 Budget and Appropriations schedule by Transferring \$45,850 from the Regional parks and Expo Fund Contingency to Materials & Services in the Regional Parks and Greenspaces Department For the Purpose of Updating and Reprinting Public Information Materials for the Metropolitan Greenspaces Program

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

Presiding Officer Wyers announced that Ordinance No. 94-572 was first read on September 22, 1994 and referred to the Finance Committee for consideration. The Finance Committee considered it on September 28 and recommended the ordinance to the full Council for adoption.

Motion: Councilor Hansen moved, seconded by Councilor Moore, for adoption of Ordinance No. 94-572.

Councilor Hansen gave the Finance Committee's report and recommendations. She explained the ordinance would transfer \$48,850 from General Fund Contingency to the Regional Parks and Greenspaces Department Planning and Capital Development Division Materials and Services budget to pay for the update and reprinting of various public information materials regarding the Greenspaces Master Plan and Greenspaces Program; and also transferred \$10,600 from the Regional Parks and Expo Fund Contingency to the Planning and Capital

Development Division Personal Services budget to pay for the costs of new, temporary Program Assistance 1.5 FTEs to assist in the production and dissemination of public information materials.

Presiding Officer Wyers opened the public hearing.

No persons appeared to testify and the public hearing was closed.

Councilor Moore noted Ordinance No. 94-572A was for reprinting existing Greenspaces materials and that Agenda Item No. 7.5 was for informational items.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Ordinance No. 94-572A was adopted.

7.5 Ordinance No. 94-573, An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule by Transferring \$12,900 from the General Fund Contingency to Materials and Services in the Regional Parks and Greenspaces Department For the Purpose of Producing Public Information Materials for the 1995 Greenspaces Acquisition Bond Measure; and Declaring an Emergency

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

Presiding Officer Wyers announced that Ordinance No. 94-573 was first read on September 22, 1994 and referred to the Finance Committee for consideration. The Finance Committee considered it on September 28 and recommended the ordinance to the full Council for adoption.

Motion: Councilor Hansen moved, seconded by Councilor Moore, for adoption of Ordinance No. 94-573.

Councilor Hansen gave the Finance Committee's report and recommendations. She explained the ordinance would transfer \$12,900 from General Fund Contingency to the Regional Parks and Greenspaces Department budget to provide various public information materials to explain the future Greenspaces ballot measure to the public.

Presiding Officer Wyers opened the public hearing.

No persons appeared to testify and the public hearing was closed.

Councilor Gardner said Ordinance Nos. 94-572A and 94-573 were closely related, but explained the first ordinance would pay for additional copies of already existing materials on Greenspaces because staff expected the bond measure would create additional need for those materials. He said the second ordinance would pay for materials on new information to provide to the public on the bond measure.

Councilor Van Bergen said he had always supported Greenspaces issues. He said such materials were generic in nature and would not endorse the ballot measure so that Metro would not be in any danger of using public funds for a ballot measure.

Councilor Monroe said staff promised the Finance Committee that the Council would have the opportunity to review the materials before they were printed to ensure that Metro complied with state election and funding laws.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Ordinance No. 94-573 was adopted.

8. RESOLUTIONS

8.1 Resolution No. 94-2036, Confirming a Citizen Member, Betsy Bergstein, to the Metro Policy Advisory Committee (MPAC)

Motion: Councilor Gates moved, seconded by Councilor Gardner, for adoption of Resolution No. 94-2036.

Councilor Gates gave the Planning Committee's report and recommendations.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Resolution No. 94-2036 was adopted.

8.2 Resolution No. 94-2034, For the Purpose of Authorizing a Design and Construction Agreement with Tri-Met for the Washington Park Parking Lot

Motion: Councilor Gates moved, seconded by Councilor Moore, for adoption of Resolution No. 94-2034.

Councilor Gates gave the Regional Facilities Committee's report and recommendations. He explained that some of the issues contained in the agreement had not been formally decided upon by the Council, such as the establishment of a paid parking lot and the issuance of bonds to pay for parking lot construction and relocation of Knights Boulevard, as well as the Council's earlier commitment to pay \$2 million to Tri-Met for Metro's share of the Zoo Station.

The Council discussed the resolution. Councilor Van Bergen asked if the outstanding parking issues had been settled with the City of Portland.

Don Rocks, Executive Assistant, said all of the entities involved met as partners and did not wish to give the City a specific percentage of revenues because there were only unproven projections on same at this time. He said it was considered premature at this time to deal with those issues.

Councilor McLain said the resolution was acceptable at this time, but wished to revisit the project in the future. Councilor Monroe said additional revenues would be used to pay off bond debt. He said the various issues raised should not halt the project and that surveys could be done on the project and the revenues it would generate to ensure equitable distribution of whatever profits there might be. Councilor Van Bergen concurred with Councilor Monroe, but said the issues should be settled as soon as possible.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Resolution No. 94-2034 was adopted.

8.3 Resolution No. 94-2035, For the Purpose of Authorizing an Amendment to the Parking Lot Agreement for the Washington Park Parking Lot Between OMSI, World Forestry Center, and Metro

Motion: Councilor Gates moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-2035.

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

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Resolution No. 94-2035 was adopted.

8.4 Resolution No. 94-2031A, For the Purpose of Exempting the Long Distance Carrier for the Metro Washington Park Zoo from Competitive Bidding, and Authorizing a Sole Source Contract with Sprint

Motion: Councilor Washington moved, seconded by Councilor Gates, for adoption of Resolution No. 94-2031A.

Councilor Washington gave the Regional Facilities Committee's report and recommendations. He explained the background of the contract and why it had to be sole source.

Councilor Hansen noted Zoo staff researched the issues thoroughly.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Devlin, McFarland, McLain and Monroe were absent. The vote was 8/0 in favor and Resolution No. 94-2031A was adopted.

8.5 Resolution No. 94-2046A, For the Purpose of Authorizing Issuance of a Request for Proposals and Authorizing the Executive Officer to Enter into a Multi-Year Contract with the Most Qualified Proposer to Manage the Lake House at Blue Lake Regional Park

Motion: Councilor Gates moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-2046A.

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

Vote: Councilors Gardner, Gates, Hansen, Kvistad, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Devlin, McFarland and McLain were absent. The vote was 9/0 in favor and Resolution No. 94-2046A was adopted.

8.6 Resolution No. 94-2026A, Establishing an Advisory Committee to Assist the Metro Council in Coordinating the Regional Parks and Greenspaces Program

Motion: Councilor Moore moved, seconded by Councilor Gates, for adoption of Resolution No. 94-2026A.

Councilor Moore gave the Regional Facilities Committee's report and recommendations. She explained what the new committee would do.

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Councilor Van Bergen asked what fiscal impact the committee represented. Councilor Moore said there would be virtually no budget impact and that the committee would only meet four times per year. Presiding Officer Wyers asked when the committee would begin work. Councilor Moore said pertinent dates were contained in staff's report, but that after a 30-day period for advertisement for membership, the Council would confirm beginning members and the committee would begin work in December 1994.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan, Devlin and McFarland were absent. The vote was 10/0 in favor and Resolution No. 94-2026A was adopted.

8.7 Resolution No. 94-2043A, For the Purpose of Endorsing a Change in State Statute Regarding the Membership of the Portland Metropolitan Area Local Government Boundary Commission

Motion: Councilor Gates moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-2043A.

Councilor Gates gave the Governmental Affairs Committee's report and recommendations and noted the Metro Policy Advisory Committee (MPAC) voted unanimously to approve the same measure.

Councilor Kvistad said he would vote against the resolution because the Commission should reduce in size to match the seven-member 1995 Metro Council.

The Council discussed the resolution. Councilor Moore asked if a transudation process was in place. Councilor Gates said there was not. Councilor Moore said her appointee to the Boundary Commission was concerned about input during the interim period and suggested an alternate system be developed to handle that. Councilor Gardner said he would vote nay also. He said he did not approve of the Metro Council being reduced from 13 to 7 and did not approve the reduction in Boundary Commission membership either. The Council briefly discussed the issues further.

Vote: Councilors Gates, Hansen, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Gardner and Kvistad voted nay. Councilors Buchanan and Devlin were absent. The vote was 9/2 in favor and Resolution No. 94-2043A was adopted.

8.9 Resolution No. 94-2033, For the Purpose of Expressing the Intent of Metro to Acquire an Automated Management Information System in Fiscal Year 1995-96 Using, In Part, the Fiscal Year 1994-95 Support Services Unappropriated Balance

Motion: Councilor Kvistad moved, seconded by Councilor Gates, for adoption of Resolution No. 94-2033.

Councilor Kvistad gave the Finance Committee's report and recommendations. He explained the differences between the old system and the proposed system. He said with the new system, staff would be able to access current financial data instantly.

Presiding Officer Wyers expressed concern about appropriating funds from one fiscal year into another fiscal year. Councilor Kvistad said Metro employed 1,500 FTEs and had a budget of \$200 million. He said the new system would make Metro's operations more efficient. Councilor Van Bergen discussed when the Council authorized the purchase of the current Unisys system. Councilor McFarland asked why it was necessary to circumvent the normal budgeting cycle. She said the project was being considered outside of Metro's normal

budgeting process when Metro's needs as a whole were considered. She asked why the project could not be proposed for the FY 1995-96 budget cycle. Councilor Kvistad said staff had planned ahead and had put funds into Contingency over the last two budget cycles for this project. He said the Council should hold the funds for the project anyway if the Council did not approve the resolution at this time.

Councilor Gates said it would cost Metro money also if it did not upgrade its system. Councilor Van Bergen asked what would happen if staff delayed acquisition for one year.

Jennifer Sims, Director of Finance and Management Information, said in one year the service agreement would expire and Metro could not count on having access to well-trained technicians. She said there was increasing risk in continuing to maintain an old system. She said Metro had received good value from the old system considering that it had been in place for eight years and how much Metro had grown and expanded.

Councilor Kvistad said advocating this kind of expenditure was not easy, but said the new system was necessary to respond to the next budget cycle and Metro's future needs.

Vote: Councilors Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Buchanan and Devlin were absent. The vote was 11/0 in favor and Resolution No. 94-2033 was adopted.

8.8 Resolution No. 94-2045, For the Purpose of Submitting to the Voters for Their Approval an Ordinance Relating to Taxation, Establishing a Construction Excise Tax Reducing Solid Waste Rates and Refunding Planning Service Fees to Local Governments

Motion: Councilor Monroe moved, seconded by Councilor Hansen, for adoption of Resolution No. 94-2045.

Councilor Monroe gave the Finance Committee's report and recommendations. He explained the resolution had been drafted per Legal Counsel's advice. He said it was necessary to adopt it in a timely manner, especially in view of the Planning Department's budgetary needs.

Councilor Moore asked why the Council could not wait to adopt it till after the General Election on November 8, 1994. Councilor Monroe said some Councilors did anticipate repealing Ordinance No. 94-556C. He said General Counsel advised the time to do that would be November 23, the ordinance's effective date. He said there were several reasons to adopt Resolution No. 94-2045 now, including the risk of the Homebuilders Association (HBA) gathering enough signatures to partially refer it themselves. He said that various parties were interested in what action the Council took and said it would be better for everyone to reveal Metro's intent now.

Councilor Gates said HBA actions would not necessarily effect Metro right now if Metro chose to take no action either way, but said a combination of circumstances was forcing Metro to take action at this time. He said issues to be considered were the changes in Council size and membership effective January 1995. He said the resolution meant that the Council knew citizens knew there was a need for such a measure. He said he hoped the Council would not take action in response to a perceived threat by another organization. He said there were three specific groups with an interest in the issues, in addition to the citizens. He said Resolution No. 94-2045 merely confirmed a process already begun by Metro.

Councilor Gardner agreed it would be prudent to refer the full package to the voters for consideration, but said it did not need to be referred now. He said the Council should wait and see if Ballot Measure 5 passed on

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November 8. He said it was not clear what would happen if the HBA did gather enough signatures and turn them in.

Councilor McLain asked Legal Counsel why action on the resolution was necessary at this time.

Mr. Cooper said if the resolution were adopted now, it would preclude a second ballot measure being filed by a party other than Metro. Councilor McLain said the citizens should have the opportunity to vote on the full package and that she would vote aye on the resolution.

Councilor Washington said he had some concerns about the resolution, but said when other factors were considered, adopting the resolution at this time was Metro's best option.

Per Councilor Moore's question, Mr. Cooper explained ballot measure timing details. He said if Ordinance No. 94-556C were referred now, that action would have the same effect as if it had been referred by the Council on August 25, 1994. He said if another entity referred the ordinance before Metro did, he said there would be uncertainty about what action the Oregon courts would take because they had never dealt with this issue before.

Councilor Van Bergen said he supported referral because if the Council did not do so, another party would do it for them. Presiding Officer Wyers said per Councilor Kvistad's request of Legal Counsel at the October 12 Finance Committee meeting, a repeal was pending. Councilor Van Bergen said he preferred repeal, but said that option was not before the Council at this time.

Councilor Devlin said the Council had acted hastily when it adopted Ordinance No. 94-556C, but said if it adopted Resolution No. 94-2045 now, the Council would be acting hastily again. He said the Council still had time to refer the issue up until May 1995.

Councilor Monroe said the Greenspaces bond measure was set for the March 1995 election. He said if Ballot Measure 5 passed, that date would change and was why referral had been set for May at this time.

The Council discussed the issues further.

Vote: Councilors Gates, Hansen, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilors Devlin and Gardner voted nay. Councilors Buchanan and Kvistad were absent. The vote was 9/2 in favor and Resolution No. 94-2045 was adopted.

9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Presiding Officer Wyers discussed meeting scheduling during the holiday season. She said November Council meetings would be held November 10, Thursday, the regular date; and November 22, Tuesday, a special date to replace November 24, Thanksgiving Day. She said December Council meeting dates were December 8 and 22 and said there was no reason to change those dates, although December 22 could be canceled if there was not enough legislation to justify a full Council meeting. She noted also the Council would hold a public hearing on Monday, December 1 to consider Resolution No. 94-2040.

Councilor Devlin said the Council had just sunsetted the Greenspaces Policy Advisory Committee. He said he would introduce resolutions thanking retiring GSPAC members at a future Council meeting and that a reception would be held for them also.

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Councilor Moore noted local jurisdictions were currently holding Regional Transportation Plan updates.

All business having been attended to, Presiding Officer Wyers adjourned the regular Council meeting at 6:58 p.m.

Respectfully submitted,

**Paulette Allen
Clerk of the Council
MCMIN94.286**

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE	)	ORDINANCE NO. 94-578
REGIONAL URBAN GROWTH GOALS)	
AND OBJECTIVES (RUGGO)	)	Introduced by Executive Officer
ORDINANCE TO REFLECT THE 1992	)	Rena Cusma
METRO CHARTER AND TO INCLUDE)	
THE REGION 2040 URBAN GROWTH)	
FORM AND GROWTH CONCEPT)	

WHEREAS; The Regional Urban Growth Goals and Objectives (RUGGO) in Metro Ordinance No. 91-418B were adopted September 21, 1991 as Metro's regional goals and objectives under ORS 268.380; and

WHEREAS, The Metro Council adopted Ordinance No. 93-499 to substitute Metro Policy Advisory Committee for the Regional Policy Advisory Committee as the regional partner advisory committee in the Regional Urban Growth Goals and Objectives; and

WHEREAS, The Ordinance has not been amended to reflect the Future Vision and the Regional Framework Plan required by the 1992 Metro Charter; and

WHEREAS, The Metro Council established in Resolution No. 94-1930B that the configuration of Metro's urban form in the year 2040 would be adopted both as Metro policy and as Regional Urban Growth Goals and Objectives provisions; and

WHEREAS, ORS 197.015(1) was amended in 1993 to included the Regional Urban Growth Goals and Objectives in the definition of "acknowledgement" for compliance with the Land Conservation and Development Commission statewide goals; and

WHEREAS, ORS 197.251 now allows Metro to seek the Land Conservation and Development Commission acknowledgement of the Regional Urban Growth Goals and Objectives compliance with the statewide land use goals; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. The Regional Urban Growth Goals and Objectives are amended to read as in Exhibit "A" attached.

Section 2. The Regional Urban Growth Goals and Objectives, as amended, shall be submitted to Oregon's Land Conservation and Development Commission for their acknowledgement of compliance with their statewide land use goals.

Adopted by the Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

ATTEST:

Clerk of the Council

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF MODIFYING THE	)	RESOLUTION NO. 94-2049-A
SUBMISSION TO THE VOTERS OF A)	
GENERAL OBLIGATION BOND	)	Introduced by Rena Cusma,
INDEBTEDNESS TO PROCEED WITH THE	)	Executive Officer
ACQUISITION OF LAND FOR A)	
REGIONAL SYSTEM OF GREENSPACES)	

WHEREAS, Metro has taken a leadership role in identifying remaining natural areas in the region and planning for their protection or potential acquisition; and

WHEREAS, Such activities have been and will continue to be coordinated with the affected federal, state and local governments and citizens in the region; and

WHEREAS, Numerous planning efforts, studies and recommendations have been proposed over the past 90 years to develop a system of interconnected greenspaces for the Portland/Vancouver region; and

WHEREAS, On June 28, 1990, by Resolution No. 90-1261, the Metro Council established the Greenspaces Policy Advisory Committee to assist the Council in coordinating its Natural Areas Planning Program and to develop a regional consensus in the development of a Metropolitan Greenspaces Master Plan; and

WHEREAS, On September 26, 1991, the Metro Council adopted Regional Urban Growth Goals and Objectives by Ordinance No. 91-418B, including Objective 9: Natural Areas, Parks, and Wildlife Habitat which calls for a regional open space system linking public and private open spaces, trails, recreational and wildlife corridors; and

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

WHEREAS, The Metropolitan Greenspaces Master Plan recommends that Metro seek a regional funding mechanism to assemble, through acquisition and other strategies, and develop a regional greenspaces system and also assume operations and management responsibility for components of the system in cooperation with local governments; and

WHEREAS, On July 23, 1992, the Metro Council submitted a \$200 million General Obligation bond measure in Resolution No. 92-1939A for the acquisition of greenspaces that did not pass; and

WHEREAS, The voters approved the 1992 Metro Charter which specifically authorizes Metro to acquire, develop, maintain and operate a regional system of parks, open spaces and recreational facilities; and

WHEREAS, The Metro Council approved an intergovernmental agreement with Multnomah County which transferred the Parks Services Division to Metro; and

WHEREAS, The Metro Council formed the Metropolitan Greenspaces Blue Ribbon Committee by Resolution No. 94-1942 to seek advice and evaluation of proposals for a new bond measure for acquisition of greenspaces; and

WHEREAS, Both the Greenspaces Policy Advisory Committee and the Metropolitan Greenspaces Blue Ribbon Committee recommended a General Obligation bond measure for acquisition of greenspaces in the range of \$136-\$139 million, including up to \$25 million for local government greenspaces projects; and

WHEREAS, An initiative on the November 1994 ballot, if adopted, could change the first 1995 election date from March 1995 to May 1995, or some other date; and

WHEREAS, The Council on July 28, 1994, adopted Resolution No. 94-2011A submitting to the voters a general bond indebtedness in the amount of \$138.8 million to proceed with the acquisition of land for a regional system of greenspaces; and

WHEREAS, The City of Fairview has acknowledged the regional significance of Fairview Creek and Fairview Lake; and

WHEREAS, The City of Fairview has guaranteed the protection of Fairview Creek and Fairview Lake outside the need for use of Metro funds; and

WHEREAS, Deleting Fairview Creek and Fairview Lake as a target area for acquisition with General Obligation bond funds will result in a savings; and

WHEREAS, Local governments have submitted a list of proposed greenspace projects to Metro for inclusion in the local program to be funded with the General Obligation bonds as provided in Resolution No. 94-2011A; and

WHEREAS, The City of Cornelius was the only local government which declined to submit any proposed greenspace projects for the local program in this bond measure, thereby waiving participation in this program; and

WHEREAS, It is appropriate to modify the amount of the bond measure, the ballot title and the description of the bond measure to reflect the deletion of Fairview Creek and Fairview Lake and the list of local government greenspace projects; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby submits to the qualified voters of the District the question of contracting a General Obligation bond indebtedness of \$135.5 million for greenspaces, including up to \$25 million for local government greenspace projects as

described in Exhibit "B-3," ~~excluding an allocation for the City of Cornelius.~~ The bonds shall mature over a period of not more than 30 years.

2. That the measure shall be placed on the ballot for the General election held on the 28th day of March 1995 ~~or the earliest legally available election date in 1995 thereafter.~~

3. That ~~the District shall cause this~~ Resolution and the Ballot Title attached as Exhibit "A" ~~to shall~~ be submitted to the Elections Officer, the Tax Supervising and Conservation Commission, and the Secretary of State in a timely manner as required by law.

4. That the Executive Officer, pursuant to ORS 251.305 and Metro Code Chapter 9.02, shall transmit this Measure, Ballot Title, an Explanatory Statement and arguments for or against, if any, to the County Elections Officers for inclusion in any county voters' pamphlets published for the first election date in 1995.

5. ~~That~~ The question, measure description and ballot title authorized by this Resolution ~~shall supersede~~ amends the question, measure description and ballot title approved by the Council pursuant to Resolution No. 94-2011A.

ADOPTED by the Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

gl
11706

EXHIBIT "A"

Bond Measure for Resolution No. 94-2049

- "Caption:** Bonds to buy open space for wildlife, parks and trails."
- "Question:** Shall Metro issue \$135.5 million of general obligation bonds to finance land for open space, parks and trails? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of section 11b, Article XI of the Oregon Constitution."
- "Summary:** Buys land to preserve an open space network. More public green space will be preserved for our growing population. Will curb loss of natural areas to help protect water quality. Will save wildlife habitat near urban growth. Will add outdoor recreation options and improvements. Trails will link open spaces. Up to \$25 million will go to local governments for open space and trails. Bonds mature in not more than thirty years. Bond cost estimate is ~~up to~~ ^{about} twenty-two cents per one thousand dollars of assessed value."

Exhibit "B"
GREENSPACES ACQUISITION BOND MEASURE

The basis for this land acquisition program is the 1992-Metropolitan Greenspaces Master Plan. The Master Plan is the growth management strategy which details the vision, goals and organizational framework of a regional system of natural areas, open space, trails and greenways for wildlife and people. The primary objective of the Master Plan is protection of natural resource areas in the public interest. The analysis is based on watersheds or stream basins to encourage review of the ecosystem in each part of the region. The Master Plan includes 1989 inventories and maps of 109,000 acres of then existing natural areas in and near the Metro boundaries. In 1989, approximately 9,200 acres were in public ownership. Nearly half of the publicly-owned acreage is located in Forest Park.

Metro estimates that the Portland-Vancouver metropolitan area will grow by more than 1.1 million people by the year 2040. More homes and businesses will be built to serve this anticipated growth. As communities continue to develop, the land supply available for open space and parks will be smaller and generally more expensive to purchase. If the region is to have parks and open space areas in the future, planning and funding priorities are needed now to reflect the importance of greenspaces. The protection, acquisition and active stewardship of greenspaces must become just as important as planning transportation, water, sewer and other basic infrastructure.

One goal of the Master Plan is to improve water quality.—Water quality in the region which is degraded as natural areas are lost. Retaining forested areas on slopes minimizes erosion that pollutes streams. Wetlands and floodplains hold runoff allowing plants and micro-organisms to biologically filter pollutants. Natural areas with riparian corridors will be purchased and preserved. Restoring native vegetation along these waterways will improve water quality.

The Master Plan identifies regional trails and regional wildlife corridors. The trails provide means of human-powered access to commerce, recreation and natural areas. This includes links between parks, local trails and local communities and access to regionally significant parklands and natural areas. Wildlife corridors protect habitat for maintaining biological diversity. Linked habitat is important for species that reside in and pass through the region along regular migratory routes.

From the Master Plan inventory a number of existing large acre sites throughout the region were designated as regionally significant open space protection areas. These areas would be used to provide and protect open space and for passive recreational activities, including but not limited to, picnicking, hiking, bicycling, camping, bird watching, and boating. In 1992, these sites were estimated to be 9,962 acres, based on the 1989 studies. Over 3,000 acres were located in each county within Metro's boundaries. The 1992 measure proposed issuing \$200 million in bonds for acquisitions from 57 of these areas and the region-wide trail network identified in the Metro Plan.

This referral to the voters of \$135.5 million in general obligation bonds is based on advisory groups recommendations. **This proposal has three components.** It proposes acquisitions from 14 of the regionally significant areas (approximately 5,982 acres) **plus** regional trail segments from the Master Plan **plus** local open space and trail projects. The inventory in these target areas has been reviewed in 1994.

The following are the 14 regionally significant natural areas and estimated acreages:

Willamette River Greenway - 1,103	East Buttes/Boring Lava Domes - 545
Willamette Narrows	Newell Creek Canyon - 370
Canemah Bluffs	Sandy River Gorge - 808
Cathedral Park to railroad bridge	Cooper Mountain - 428
Oaks Bottom to OMSI	Buffer and expansion of Forest Park - 320
West side of Multnomah Channel	
Jackson Bottom and McKay Creek/ Dairy Creek Addition - 333	Gales Creek - 775
Tonquin Geological area - 277	Columbia Shoreline - 95
Tualatin River Greenway, access points - 266	Rock Creek - 300
Clear Creek Canyon - 342	Tryon Creek linkages - 20

The following are the five regionally significant trail segments targeted for acquisition:

Peninsula Crossing Trail (Improvements only)
Fanno Creek Greenway
Sauvie Island to Beaverton/Hillsboro Trail
Clackamas River Greenway (north bank)
Beaver Creek Canyon Greenway (Troutdale)

They will be the first priority for acquisitions from the bond proceeds. Other regionally significant open spaces and regional trails identified in the Master Plan may be acquired if target areas become degraded, cost prohibitive or otherwise infeasible as determined by the Metro Council after a public hearing. New target areas shall be selected to retain a regional balance of sites acquired. In addition, some new opportunities may arise to acquire natural resource areas not in the Master Plan if funding permits. These will not be approved unless the Master Plan is first amended by the Metro Council after a public hearing on the amendment.

There are various means intended to be used to secure rights to natural resource land. This will include outright purchase of title to the land with the assistance of outside professional realtors. However, other methods insure preservation of the character of the land as open space and may allow its use by the public. Purchase through a nonprofit land preservation organization may enable the program to secure land at below market rates due to the

favorable tax benefits that accrue to sellers. Easements, rather than full title to the land, can be donated or sold by a landowner. Donations, bequests and grants will be sought to enable the program to protect and acquire more natural resource land.

In addition to the regional areas and trails, \$25 million of bond proceeds will be used to buy and make capital improvements on lands for local open spaces and trails. These purchases and improvements will be made by cities, counties and park districts which provide parks services. The local governments shall be permitted to pay administrative costs associated with land acquisition and capital improvements from this local share of bond proceeds or from their own resources. Intergovernmental agreements between Metro and the park providers will be used to assure that the funds are expended for greenspaces related activities. Interests in land acquired from this local share would be for regionally or locally significant natural areas, open space, trails and greenways, including accessible waterways, that function for both wildlife and people. Capital improvements would be for restoration or enhancement of natural areas, trail construction, access facilities, public use facilities and environmental education facilities. Ownership of lands will be consistent with the Greenspaces Master Plan. Provision must be made for lands acquired with the local share to be maintained for its intended recreational, natural area or trail activities.

It is important to identify local projects to be funded and their estimated costs in time to inform the voters prior to the vote on this ballot measure. Therefore, a list of local projects with estimated costs matching each provider's pro rata share has been delivered to Metro. The list of local projects, the sponsoring local government and the estimated acreage are:

Clackamas County	
Springwater Corridor Trail	Land acquisition to complete trail near Boring
Barton Park Quarry Reclamation	Capital improvements of Barton Park; restoration and campground
Damascus Greenspace	Acquire 25-30 acres in the Damascus area for a park
Clackamas River North Bank Park	Acquisition of park land along the proposed greenway trail
Kellogg Creek Natural Area	Natural area acquisition near Jennings Avenue
Boardman Slough Wetland Park	Land acquisition for a wetland park near Gladstone
Mt Talbert	Acquire 15 acres on top and east slope; south of Sunnyside Rd.
Portland Traction Company Right-of-Way	Acquire about 7 miles of rail line between Milwaukie and Gladstone
Meldrum Bar Park, Gladstone	Riparian restoration and picnic shelters of this Willamette River park
Cross Memorial Park, Gladstone	Trail improvements
Glen Echo Wetlands, Gladstone	Land addition to wetland park; trails
Mt. Scott Creek Trail, Happy Valley	Trail construction to provide park access from Sunnyside Road

Scott View Nature Park, Happy Valley	Trail construction
West Waluga Park Trail, Lake Oswego	Perimeter trail and access points around natural area park
Roehr Park Willamette Greenway, L. Oswego	Acquire land and construct trail along park and greenway
Lusher Farm / Cook's Butte Trail, L. Oswego	Acquire land and construct trail between parks
Canal Acres Natural Area, Lake Oswego	Trail construction connecting to Bryant Woods Park
Milwaukie Waterfront	Acquire about 2.5 acres at the confluence of Johnson Creek
Kellogg Lake, Milwaukie	Acquire land west of Kellogg lake and east of McLoughlin Blvd.
Springwater Corridor, Milwaukie	Acquire land between Johnson Creek and the Springwater Trail
Rosewell Wetland, Milwaukie	Natural habitat enhancements to a stormwater detention pond
Willow Place Wetland, Milwaukie	Natural habitat enhancements to a stormwater detention pond
Ardenwald to Springwater Corridor, Milwaukie	Trail construction to connect Ardenwald neighborhood to Springwater
High Rocks River Bank, Oregon City	Acquire park land on south bank of the Clackamas River
Barclay Hills Park, Oregon City	Nature trail construction in the upper reaches of Newell Creek Canyon
Clackamette Park, Oregon City	Picnic shelters, restrooms, fishing dock
Tualatin River Access, Rivergrove	Boat ramp improvement at city park near SW Dogwood Road
Burnside Park, West Linn	Acquire 8 acres of natural area adjacent to city park on Willamette R.
Memorial Park, Wilsonville	Trail construction in park and to the Willamette River Greenway
Boeckman and Mill Creek, Wilsonville	Habitat restoration along creeks at four public schools in area
Wilsonville City Trail System	Capital improvements to complete city trail system to natural areas
Gordon's Run Open Space, Wilsonville	Trail construction along Willamette Greenway near Charbonneau
Washington County	
Henry Hagg Lake / Scoggins Valley Park	Six individual picnic sites, one group picnic shelter, restrooms
Bethany, Reedville, Cedar Mill, Bull Mt. Parks	Acquire land to establish small natural area parks
Tualatin Hills Nature Park	Acquire 22 acres to add to existing park
Koll Center Wetland	Acquire right-of-way access, trail construction, viewing platform
Cedar Mill Creek Corridor	Acquire about 22 acres near Sunset Highway and Cornell Road
Golf Creek Corridor	Acquire about 10 acres west of Sylvan and north of Sunset Highway
Fanno Creek Greenway	Trail construction to connect Fanno Creek Park to neighborhoods
Stonegate Woods, Beaverton	Acquire about 7 acres of wetland forest along Willow Creek

Hart Road Natural Area, Beaverton	Acquire 18 acres to establish greenspace park near SW Hart Road
Johnson Creek Corridor, Beaverton	Acquire about 45 acres along greenway
Washington County continued	
Forest Glen Park / Hiteon Creek, Beaverton	Habitat restoration including native tree and vegetation plantings
Durham City Park	Trail and bridge construction
David Hill Forest Park, Forest Grove	Acquire up to 10 acres to establish greenspace park in NW area of city
Gales Creek Linear Park, Forest Grove	Acquire land along greenway in SW area of city
Fernhill Wetlands, Forest Grove	Trail access, trail construction, interpretive center near Tualatin River
Noble Woods Park, Hillsboro	Trails, picnic shelters, viewing areas for park on Rock Creek
Rood Bridge Road Park, Hillsboro	Restoration, canoe launch, trails, at confluence of Rock Crk & Tualatin
Rock Creek Corridor, Hillsboro	Acquisition along the greenway
Cedar Creek Greenway, Sherwood	Acquisition and trail construction in the riparian zone
Fanno Creek / Summer Creek Greenway, Tigard	Trail construction
Natural Area Park, Tigard	Acquire about 7.5 acres of forest land for a city nature park
Tualatin River Corridor, Tualatin	Acquisition along the south bank of the greenway
Multnomah County	
Burlington Bottom Wetlands, Mult. Channel	Road access, trails, wildlife blind
Howell Territorial Park, Sauvie Island	Picnic shelters, trails, and wildlife viewing blind for 73 acre site
Sauvie Island Boat Ramp	Improvements to launch ramp, boarding docks
Ancient Forest Grove	Trail construction and signage for 38 acre site north of Forest Park
Hogan Cedars	Acquisition along Johnson Creek near Telford Road / Springwater
Oxbow Regional Park, Sandy River	Water system upgrade, picnic shelters, group camp shelters
Blue Lake Regional Park, Fairview	Restore and enhance 10 acre wetland , boardwalks
Fairview Creek Riparian Area, Fairview	Enhancement of 50 acre wetland west of NE 207th connector
Springwater Corridor Trail, Gresham	Trail heads, trail construction, info center, native vegetation plantings
Fairview Creek Headwaters, Gresham	Enhancement of 18 acres, habitat plantings, picnic shelters, trails
Butler Creek Greenway Trail, Gresham	Soft surface trails, bridge over Johnson Creek
Kelly Creek Greenway, Gresham	Acquisition of 4.5 acres, soft surface trails
Beaver Creek Greenway, Troutdale	Acquisition, trails, pedestrian bridge, habitat restoration, erosion control
Wood Village City Park	Habitat improvements, trails, erosion control for 12 acre addition
Springwater Corridor, Portland	Trail heads and trail improvements in SE Portland
OMSI to Springwater Corridor, Portland	Trail heads and trail improvements on east bank of Willamette River
Whitaker Ponds, Portland	Acquisition for greenspace park along Columbia Slough in NE PDX
Tryon Creek Linkages, Portland	Acquisition in Tryon Creek watershed in SW Portland
M. James Glisan Boat Ramp, Portland	Improvements to launch facility on Columbia River in NE Portland
Terwilliger-Marquam Natural Area, Portland	Acquisition of upland forest in SW Portland
Columbia Slough, Portland	Acquisition of greenspace along or near slough in N and NE Portland
Johnson Creek Corridor, Portland	Acquisition of greenspace along creek in SE Portland

Mocks Crest, Portland	Acquisition of greenspace in N Portland
Kelly Point Park, Portland	Acquisition of adjacent land in N Portland
Oaks Bottom, Portland	Habitat restoration, improvements in SE Portland
Powell Butte, Portland	Habitat restoration, improvements SE Portland
Community Natural Areas, Portland	Acquisition of small greenspaces in NE King or Elliot neighborhoods
Hoyt Arboretum, Portland	Acquisition of adjacent land in NW Portland
Leach Botanical Garden, Portland	Acquisition of adjacent land in SE Portland
Crystal Springs Rhododendron Garden, Portland	Acquisition of adjacent land in SE Portland
40-Mile Loop Trail, Portland	Trail right-of-way acquisition along the 40-Mile Loop
River Place to Willamette Park, Portland	Acquisition and trail construction on the west bank of Willamette River
Fanno Creek, Portland	Acquisition along the greenway in SW Portland
Forest Park Wildwood Trail, Portland	Access and habitat improvements in NW Portland

Other local projects may be substituted if the target areas become degraded, cost prohibitive or otherwise infeasible. Capital improvements of lands acquired with bond proceeds are intended to be a secondary purpose of this entire program. However, for individual purchases or some local projects, greenspaces related capital improvements, may be a primary element. Allowable improvements include, but are not limited to, restoration or enhancement of natural areas, trail construction, nature centers, interpretative displays, facilities for disabled people, access roads and facilities, parking, boat ramps, trail heads, rest rooms, picnic tables, shelters, viewing facilities, water systems, camp sites, fishing piers, signs, fences, and security lighting.

Regionally significant lands acquired by Metro would be "land banked" with the property interest owned by Metro. The Metro Regional Parks and Greenspaces Department may operate and maintain these lands or other cooperative arrangements may be made consistent with the Greenspaces Master Plan. Initially, most of these lands will be held with limited maintenance and development. If the acquisition bond measure is approved by the voters, Metro excise taxes have been committed for this low level of maintenance. No bond funds can be legally used for any operating expenses. Some improvements could be done with bond funds and new grants to start public use. At the same time, user fees and other revenue must be developed to offset increased costs from increased public use. The July, 1992 Metropolitan Greenspaces Program Financial Study identified the following alternatives for such revenue: greenspaces parking permit, day use or camping fees, concessions, volunteer services. Other revenue sources may be investigated depending on the type of improvement.

Other allowable expenditures for this program include acquisition administrative expenses, bond issuance costs and reimbursable bond preparation expenses relating to the design planning and feasibility of the acquisition program. Administrative expenses include, but are not limited to, assistance from professional realtors, real estate appraisals, title companies and environmental evaluation firms.

The preference is to issue bonds which mature in 20 years. However, to maintain the flexibility to respond to the market existing at time bonds are issued, the maturity period may be up to 30 years.



METRO

Council
11/10/94
#7.4

Date: November 9, 1994

To: Charlie Ciecko, Director of Parks and Greenspaces

From: Craig Prosser, ^{CP} Financial Planning Manager

Re: Metro Greenspaces Program
Alternative Financing Scenarios

We have attached revisions to bond sizing scenarios originally provided by Public Financial Management. You requested these revisions in order to forecast the impact upon the tax levy of a reduction in bond size.

The bond size has been reduced to \$135,500,000, and repayment calculated over both 20 and 30 years. The tax levy rate, and impact on a \$100,000 property are stated for each time frame. Related assumptions are included with each worksheet.

Please advise if you have questions.

CP:hh

hh:c:\winword\debtmgmt\grn_spcs\bnd_size.doc

Encl. 20 and 30 year bond sizing displays

cc: Larry Shaw, Senior Assistant Counsel
Pat Lee, Planning and Capital Development Manager
Jennifer Sims, Director of Finance and Management Information

**METRO GREENSPACES PROGRAM
ALTERNATIVE FINANCING SCENARIOS
Bond Sizing
20 Year Term**

10/27/94 - General Obligation Bond

Purpose of analysis - Revision of Scenario Seven provided by PFM.

	Tax-Exempt Financing	
SOURCES		
Bond size	\$135,500,000	
Interest income		
Construction/acquisition	\$27,171,984	
Reserve Account	\$0	
Capitalized interest	\$0	
Total Interest Income	<u>\$27,171,984</u>	
TOTAL SOURCES	<u><u>\$162,680,000</u></u>	
USES		
Project costs	\$141,464,650	
Deposit to Reserve Account	\$0	
Deposit for capitalized interest	\$0	
Issuance costs	\$1,693,750	
Transaction Costs	<u>\$19,521,600</u>	
TOTAL USES	<u><u>\$162,680,000</u></u>	
Annual debt service	\$12,297,492	
Interest rate		
Bond (Blended Rate)	Rate1	6.50%
Short term investments	Rate2	4.50%
Term	nper	20 years
Issuance costs	lc	1.25%
Transaction costs	tc	12%
Construction period	const per	? year

Metro Greenspaces Program

Assumptions:

The purpose of this analysis is to revise Scenario Seven provided by PFM, specifically, a reduction in bond issue size from \$138,850,000 to \$135,500,000. The objective is to adjust the impact of the reduced bond size upon the tax rate per \$1,000, and the results of this tax rate upon a \$100,000 house.

The PFM projection used a drawdown schedule of anticipated usage of bond proceeds and the resultant interest earnings, which was not available at the time this analysis was done. Therefore, a ratio of their interest earnings to their bond proceeds is used as a proxy for interest earnings on the reduced size.

Other basic assumptions are shown in the data to the left.

Reality check	Original scenario	This revision	Percent of revision to original
Bond size	\$138,850,000	\$135,500,000	97.59%
Interest earnings (1)	\$24,719,639	\$27,171,984	109.92%
Transaction costs (1)	\$19,628,357	\$19,521,600	99.46%
Annual debt service	\$12,601,525	\$12,297,492	97.59%
Highest tax rate	\$0.2301	\$0.2219	96.45%
	year 6/30/96	6/30/96	
Highest impact on house	\$23.01	\$22.19	96.45%
	year 6/30/96	6/30/96	
Adjustment to percent of revision to original			
Highest tax rate		\$0.2245	97.59%
Highest impact on house		\$22.45	97.59%

(1) Both interest earnings and transaction costs are the same in this 20 year term as the 30 year term, since the bond size and total sources are the same.

**Metro Greenspaces Program
Alternative Financing Scenarios
Debt Service and Tax Rate Schedule
20 year term**

*This display is for internal planning purposes only.
Breakdown of payments and resultant tax rate
will vary based upon the yield curve
and market temperament at date of issue.*

Fiscal Year Ending	Fiscal Year Debt Service	Tax Rate per \$1,000	Impact on \$100,000 Property
6/30/95	6,148,746	0.11540	\$11.54
6/30/96	12,297,492	0.22193	\$22.19
6/30/97	12,297,492	0.21340	\$21.34
6/30/98	12,297,492	0.20519	\$20.52
6/30/99	12,297,492	0.19730	\$19.73
6/30/00	12,297,492	0.18971	\$18.97
6/30/01	12,297,492	0.18241	\$18.24
6/30/02	12,297,492	0.17540	\$17.54
6/30/03	12,297,492	0.16865	\$16.87
6/30/04	12,297,492	0.16216	\$16.22
6/30/05	12,297,492	0.15593	\$15.59
6/30/06	12,297,492	0.14993	\$14.99
6/30/07	12,297,492	0.14416	\$14.42
6/30/08	12,297,492	0.13862	\$13.86
6/30/09	12,297,492	0.13329	\$13.33
6/30/10	12,297,492	0.12816	\$12.82
6/30/11	12,297,492	0.12323	\$12.32
6/30/12	12,297,492	0.11849	\$11.85
6/30/13	12,297,492	0.11393	\$11.39
6/30/14	12,297,492	0.10955	\$10.96
6/30/15	6,148,746	0.05267	\$5.27
6/30/16			
6/30/17			
6/30/18			
6/30/19			
6/30/20			
6/30/21			
6/30/22			
6/30/23			
6/30/24			
6/30/25			

Est A V (94-95) (in 1000's)	\$59,199,740
Est A V (95-96) (in 1000's) w/4% increase over previous year	\$61,567,730
Estimated Collectibility	90.00%

Estimated Assessed Value w/annual Increase based on: 4.00%	Debt Service Schedule		
	Rmning. bal. following payments based on original balance of 135,500,000	Fiscal year Principal	Fiscal year Interest
59,199,740	133,755,004	1,744,996	4,403,750
61,567,730	130,151,588	3,603,416	8,694,075
64,030,439	126,313,950	3,837,638	8,459,853
66,591,656	122,226,865	4,087,085	8,210,407
69,255,323	117,874,119	4,352,745	7,944,746
72,025,535	113,238,446	4,635,674	7,661,818
74,906,557	108,301,453	4,936,993	7,360,499
77,902,819	103,043,556	5,257,897	7,039,594
81,018,932	97,443,895	5,599,660	6,697,831
84,259,689	91,480,257	5,963,638	6,333,853
87,630,077	85,128,982	6,351,275	5,946,217
91,135,280	78,364,874	6,764,108	5,533,384
94,780,691	71,161,100	7,203,775	5,093,717
98,571,919	63,489,080	7,672,020	4,625,471
102,514,795	55,318,378	8,170,701	4,126,790
106,615,387	46,616,581	8,701,797	3,595,695
110,880,003	37,349,167	9,267,414	3,030,078
115,315,203	27,479,372	9,869,796	2,427,696
119,927,811	16,968,039	10,511,332	1,786,159
124,724,923	5,773,470	11,194,569	1,102,923
129,713,920	0	5,773,470	375,276

**METRO GREENSPACES PROGRAM
ALTERNATIVE FINANCING SCENARIOS
Bond Sizing
30 Year Term**

10/27/94 - General Obligation Bond

Purpose of analysis - Revision of Scenario Seven provided by PFM.

	Tax-Exempt Financing	
SOURCES		
Bond size	\$135,500,000	
Interest income		
Construction/acquisition	\$27,171,984	
Reserve Account	\$0	
Capitalized interest	\$0	
Total Interest Income	<u>\$27,171,984</u>	
TOTAL SOURCES	<u><u>\$162,680,000</u></u>	
USES		
Project costs	\$141,464,650	
Deposit to Reserve Account	\$0	
Deposit for capitalized interest	\$0	
Issuance costs	\$1,693,750	
Transaction Costs	<u>\$19,521,600</u>	
TOTAL USES	<u><u>\$162,680,000</u></u>	
Annual debt service	\$10,919,458	
Interest rate		
Bond (Blended Rate)	Rate1	7.00%
Short term investments	Rate2	4.50%
Term		
Issuance costs	nper	30 years
Transaction costs	lc	1.25%
	tc	12%
Construction period	const per	? year

Metro Greenspaces Program

Assumptions:

The purpose of this analysis is to revise Scenario Seven provided by PFM, specifically, a reduction in bond issue size from \$138,850,000 to \$135,500,000. The objective is to adjust the impact of the reduced bond size upon the tax rate per \$1,000, and the results of this tax rate upon a \$100,000 house.

The PFM projection used a drawdown schedule of anticipated usage of bond proceeds and the resultant interest earnings, which was not available at the time this analysis was done. Therefore, a ratio of their interest earnings to their bond proceeds is used as a proxy for interest earnings on the reduced size.

Other basic assumptions are shown in the data to the left.

Reality check			
	Original scenario PFM	This revision	Percent of revision to original
Bond size	\$138,850,000	\$135,500,000	97.59%
Interest earnings	\$27,843,764	\$27,171,984	97.59%
Transaction costs	\$20,003,252	\$19,521,600	97.59%
Annual debt service	\$11,189,422	\$10,919,458	97.59%
Highest tax rate	\$0.2043	\$0.1971	96.46%
	year	6/30/96	
Highest impact on house	\$20.43	\$19.71	96.46%
	year	6/30/96	
Adjustment to percent of revision to original			
Highest tax rate		\$0.1994	97.59%
Highest impact on house		\$19.94	97.59%

**Metro Greenspaces Program
Alternative Financing Scenarios
Debt Service and Tax Rate Schedule
30 year term**

*This display is for internal planning purposes only.
Breakdown of payments and resultant tax rate
will vary based upon the yield curve
and market temperament at date of issue.*

Fiscal Year Ending	Fiscal Year Debt Service	Tax Rate per \$1,000	Impact on \$100,000 Property
6/30/95	5,459,729	0.10247	\$10.25
6/30/96	10,919,458	0.19706	\$19.71
6/30/97	10,919,458	0.18948	\$18.95
6/30/98	10,919,458	0.18220	\$18.22
6/30/99	10,919,458	0.17519	\$17.52
6/30/00	10,919,458	0.16845	\$16.85
6/30/01	10,919,458	0.16197	\$16.20
6/30/02	10,919,458	0.15574	\$15.57
6/30/03	10,919,458	0.14975	\$14.98
6/30/04	10,919,458	0.14399	\$14.40
6/30/05	10,919,458	0.13845	\$13.85
6/30/06	10,919,458	0.13313	\$13.31
6/30/07	10,919,458	0.12801	\$12.80
6/30/08	10,919,458	0.12309	\$12.31
6/30/09	10,919,458	0.11835	\$11.84
6/30/10	10,919,458	0.11380	\$11.38
6/30/11	10,919,458	0.10942	\$10.94
6/30/12	10,919,458	0.10521	\$10.52
6/30/13	10,919,458	0.10117	\$10.12
6/30/14	10,919,458	0.09728	\$9.73
6/30/15	10,919,458	0.09353	\$9.35
6/30/16	10,919,458	0.08994	\$8.99
6/30/17	10,919,458	0.08648	\$8.65
6/30/18	10,919,458	0.08315	\$8.32
6/30/19	10,919,458	0.07995	\$8.00
6/30/20	10,919,458	0.07688	\$7.69
6/30/21	10,919,458	0.07392	\$7.39
6/30/22	10,919,458	0.07108	\$7.11
6/30/23	10,919,458	0.06834	\$6.83
6/30/24	10,919,458	0.06572	\$6.57
6/30/25	5,459,729	0.03159	\$3.16

Est A V (94-95) (In 1000's)	\$59,199,740
Est A V (95-96) (In 1000's) w/4% Increase over previous year	\$61,567,730
Estimated Collectibility	90.00%

Estimated Assessed Value w/annual Increase based on: 4.00%	Debt Service Schedule		
	Rmning. bal. following payments based on original balance of 135,500,000	Fiscal year Principal	Fiscal year Interest
59,199,740	134,782,771	717,229	4,742,500
61,567,730	133,298,107	1,484,664	9,434,794
64,030,439	131,709,517	1,588,590	9,330,868
66,591,656	130,009,726	1,699,791	9,219,666
69,255,323	128,190,949	1,818,777	9,100,681
72,025,535	126,244,858	1,946,091	8,973,366
74,906,557	124,162,540	2,082,318	8,837,140
77,902,819	121,934,460	2,228,080	8,691,378
81,018,932	119,550,415	2,384,045	8,535,412
84,259,689	116,999,486	2,550,929	8,368,529
87,630,077	114,269,992	2,729,494	8,189,964
91,135,280	111,349,434	2,920,558	7,998,899
94,780,691	108,224,437	3,124,997	7,794,460
98,571,919	104,880,690	3,343,747	7,575,711
102,514,795	101,302,881	3,577,809	7,341,648
106,615,387	97,474,625	3,828,256	7,091,202
110,880,003	93,378,391	4,096,234	6,823,224
115,315,203	88,995,420	4,382,970	6,536,487
119,927,811	84,305,642	4,689,778	6,229,679
124,724,923	79,287,579	5,018,063	5,901,395
129,713,920	73,918,252	5,369,327	5,550,131
134,902,477	68,173,072	5,745,180	5,174,278
140,298,576	62,025,729	6,147,343	4,772,115
145,910,519	55,448,073	6,577,657	4,341,801
151,746,940	48,409,980	7,038,093	3,881,365
157,816,818	40,879,221	7,530,759	3,388,699
164,129,490	32,821,309	8,057,912	2,861,545
170,694,670	24,199,343	8,621,966	2,297,492
177,522,457	14,973,839	9,225,504	1,693,954
184,623,355	5,102,550	9,871,289	1,048,169
192,008,289	0	5,102,550	357,179

Council
11/10/94

Association of Northwest Steelheaders

Roderick Haig-Brown — Habitat and Conservation Chapter

7.5

Guy Orcutt — Communications Director
4041 NE 22nd • Portland, OR 97222 • 653 4176 (voice only)

November 10, 1994

FAX to:
Council Clerk

For:
METRO Councilors
4:00 pm meeting — Fairview Item

Dear Councilors:

We understand that the citizens of Fairview have decided not to include lands in their area in Metro's Greenspaces Measure. There is then the question of whether to request those funds for other purposes or simply seek less money. We recommend the former course.

We feel strongly that local government and development has followed a decidedly fish unfriendly path for the past century. There are no Metro watersheds which could not benefit from the restoration potential which greenspaces acquisition holds.

We would like to see the funds which Fairview will not be using applied towards protecting freshwater fish habitat and/or associated uplands elsewhere in the region.

Sincerely,



Guy Orcutt
Communications Director
Roderick Haig-Brown Chapter
Association of Northwest Steelheaders



METRO

Council
11/10/94
7.5

Dick Engstrom
Tele: (503) 797-1502
FAX (503) 797-1799

November 9, 1994

Harold L. Schilling
City Manager
City of Cornelius

Re: Local Greenspace Projects

Dear Mr. Schilling:

In response to your October 27, 1994 letter, I want to express Metro's disappointment that the city will not submit a list of local greenspaces projects. We understand the position you express that the Greenspaces bond measure is a worthy understanding but other unmet community needs are of higher priority to your city.

As you know from both written materials and conversations with Metro staff, the purpose of seeking local greenspaces projects was to clearly and completely state to the region's voters what the bond proceeds will buy. Every other local government in the region submitted local greenspace projects to be listed in the regional bond measure.

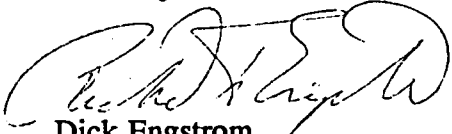
For that reason, the written materials and further staff explanations made clear that if greenspace projects were not received in time to be included in the modifications to the regional measure, the size of the bond measure would be reduced by the amount of local allocations without listed projects. Therefore, since Cornelius did not submit any local greenspace projects, its \$155,000 allocation will be removed, yielding a \$135.5 million bond measure. The Metro Council is scheduled to take that action on November 10, 1994.

Your letter is correct in assuming that regional bond assessments cannot be structured to assess City taxpayers for only the regionally significant projects in the measure. You have requested that the city be granted a proportionate share of the local project fund if the regional measure should pass. However, the measure as reduced will no longer have funds for such a share.

Harold L. Schilling
November 9, 1994
Page 2

Metro understands your reasons for choosing not to participate in the Greenspaces local projects. We hope you understand our need to keep the pledge to the voters and other local governments to seek only the funds needed for identified priority projects.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dick Engstrom".

Dick Engstrom,

Deputy Executive Officer

rpj
1863

CONFIDENTIAL

7.6

Exhibit A

AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 1994 by and between PORTLAND GENERAL ELECTRIC COMPANY, an Oregon corporation ("PGE") and METRO, a municipal corporation of the state of Oregon organized under Oregon Revised Statutes, Chapter 268, and the 1992 Metro Charter ("Metro").

Recitals

A. Metro has approached PGE about possible purchase by Metro of PGE's interest in certain real property which is generally described in Exhibit A hereto (the "Property").

B. PGE is willing to accommodate Metro's interest in the manner and in accordance with the terms and conditions hereinafter set forth.

NOW, THEREFORE, the parties agree as follows:

1. PGE and Metro shall pursue during the term of this Agreement the negotiation of a definitive option agreement or other agreement ("Definitive Agreement") pursuant to which PGE would agree to sell the Property to Metro. If a Definitive Agreement is reached, the purchase price for the Property to be included in such agreement shall be Three Hundred Fifty Thousand Dollars (\$350,000).

2. All other terms of any Definitive Agreement remain open as of the date hereof including, without limitation, (i) arrangements and responsibilities for determining the status of title to the Property including obtaining preliminary title reports and title insurance on the Property, (ii) methods and responsibility for environmental assessment of the Property, (iii) the respective representations and warranties of the parties, and (iv) necessary approvals of the transaction including, without limitation, approvals of the Boards of Directors of the parties, and governmental approvals. The parties understand and agree that despite their efforts to negotiate the Definitive Agreement it is possible that no Definitive Agreement will be reached and neither party shall be liable to the other in any way in such event. PGE has made no representations to Metro concerning the Property or the proposed transaction and none should be implied.

3. The term of this Agreement shall end May 1, 1995. If no Definitive Agreement is executed by ^{June} May 1, 1995 all obligations of the parties hereunder shall terminate automatically.

4. PGE shall not during the term of this Agreement sell its interest in the Property to any entity or person other than Metro.

5. In consideration of PGE's commitment not to sell its interest in the Property to others as set forth in Item 4, above, Metro agrees to pay PGE within ten (10) days after the date hereof the sum of One Hundred Dollars (\$100).

6. PGE does not object to Metro adding this proposed transaction to its list of example projects for Metro's Greenspace bond-measure scheduled for the first available election date in 1995.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

PORTLAND GENERAL ELECTRIC COMPANY

By: *Mike Sullivan*

Its: _____

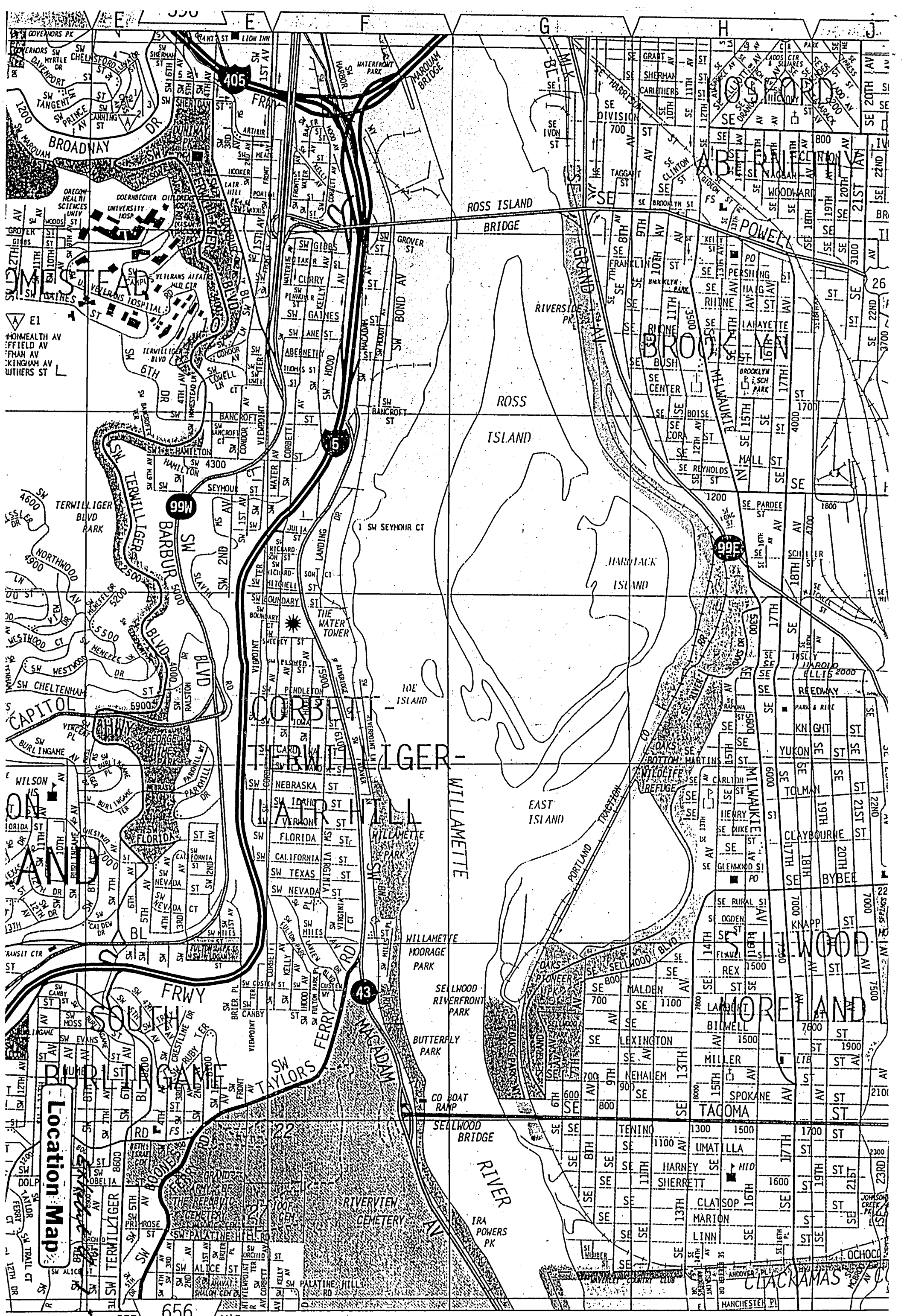
METRO

By: _____

Its: _____

EXHIBIT A

The Property is described in Land Department Copy No:2630, Auditor No. 4724 Recorded in Book 209 Page no. 1 Records of Deeds of Multnomah County and Land Department Copy No. 2884, Recorded in Book 231 Page no. 25 to 41 Records of Deed of Multnomah County; is generally indicated on the attached Exhibit A maps labeled A-1 through A-7; and, is generally described as a rail corridor, 60 to 100 feet in width, approximately 2.95 miles in length, a 1.34 acre industrial parcel and a 5.32 acre riverfront parcel with total acreage being estimated at 44.23 acres.



E1
HOMEWEALTH AV
FIELD AV
FMAN AV
KINGHAM AV
WITHERS ST L

Location Map

S.E. DIVISION

PLACE

S.E. DIVISION



Subject Site

Exhibit A-2

3431

REYNOLDS

S.E. HOLGATE BLVD.

S.E. MILWAUKIE AVE.

SE. PARDEE ST.

S.E. LONG ST.

BLVD.

Mc LOUGHLIN

WILLAMETTE RIVER

HARD TACK ISLAND

3532

(65)

RIVER

105'

See 74 3128

N.W. 1/4 SEC. 14, 15, 1E

3531

600-29 1963

D

D

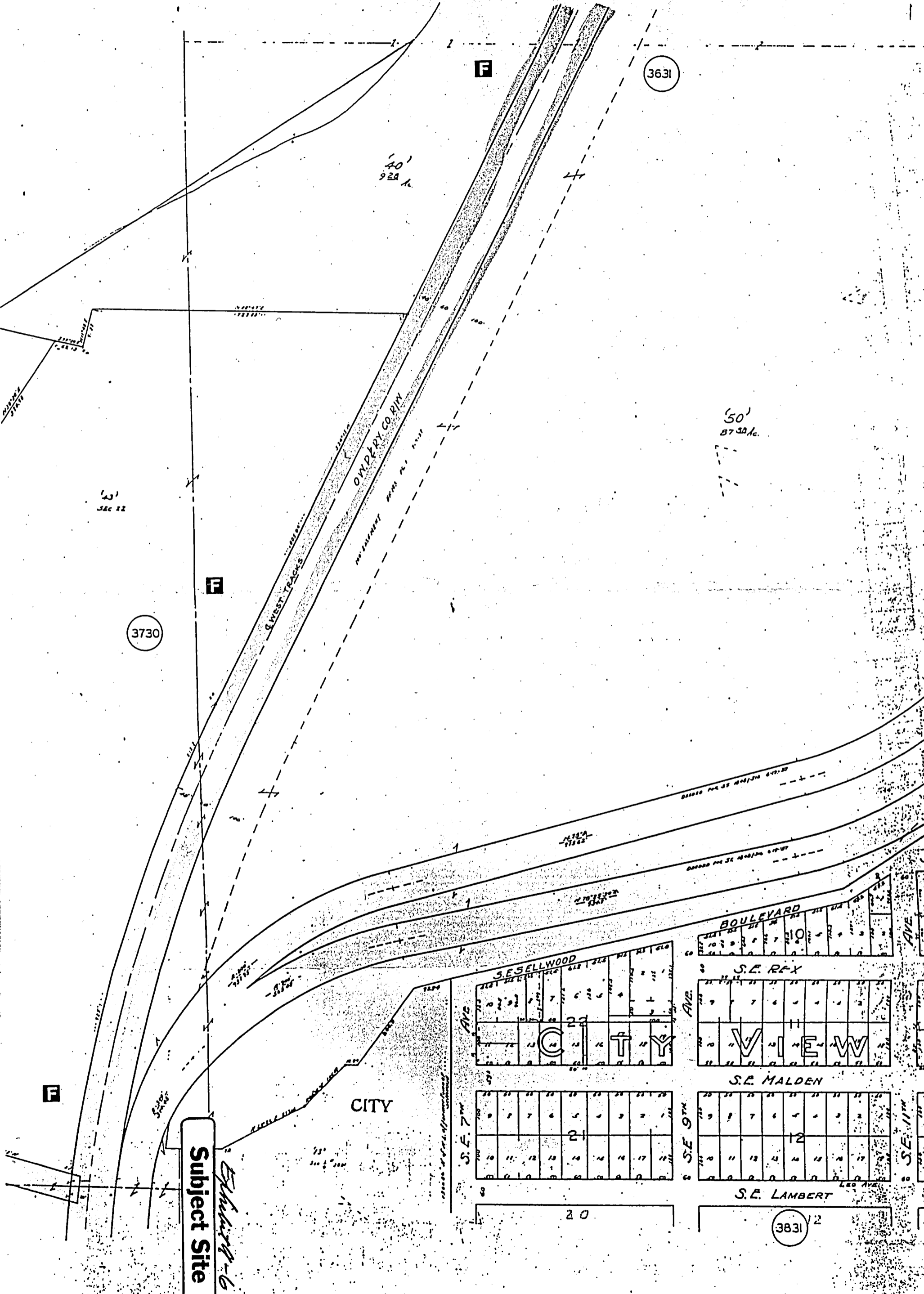
D

Subject Site

Exhibit A

3631

3431



3730

3631

Subject Site
E. 14th St - 6

BOULEVARD

S.E. SELLWOOD
CITY

S.E. REX
VIEW

S.E. MALDEN

S.E. 7th Ave
20

S.E. 9th Ave
12

S.E. LAMBERT

3831 1/2

IRDTACK ISLAND

SEE T.L. 501
SEC 15-14-18

3630

3531

WILLAMETTE RIVER

THE C J R
T R A

P A V E J M A R

T R A C T

S.E. TOLMAN

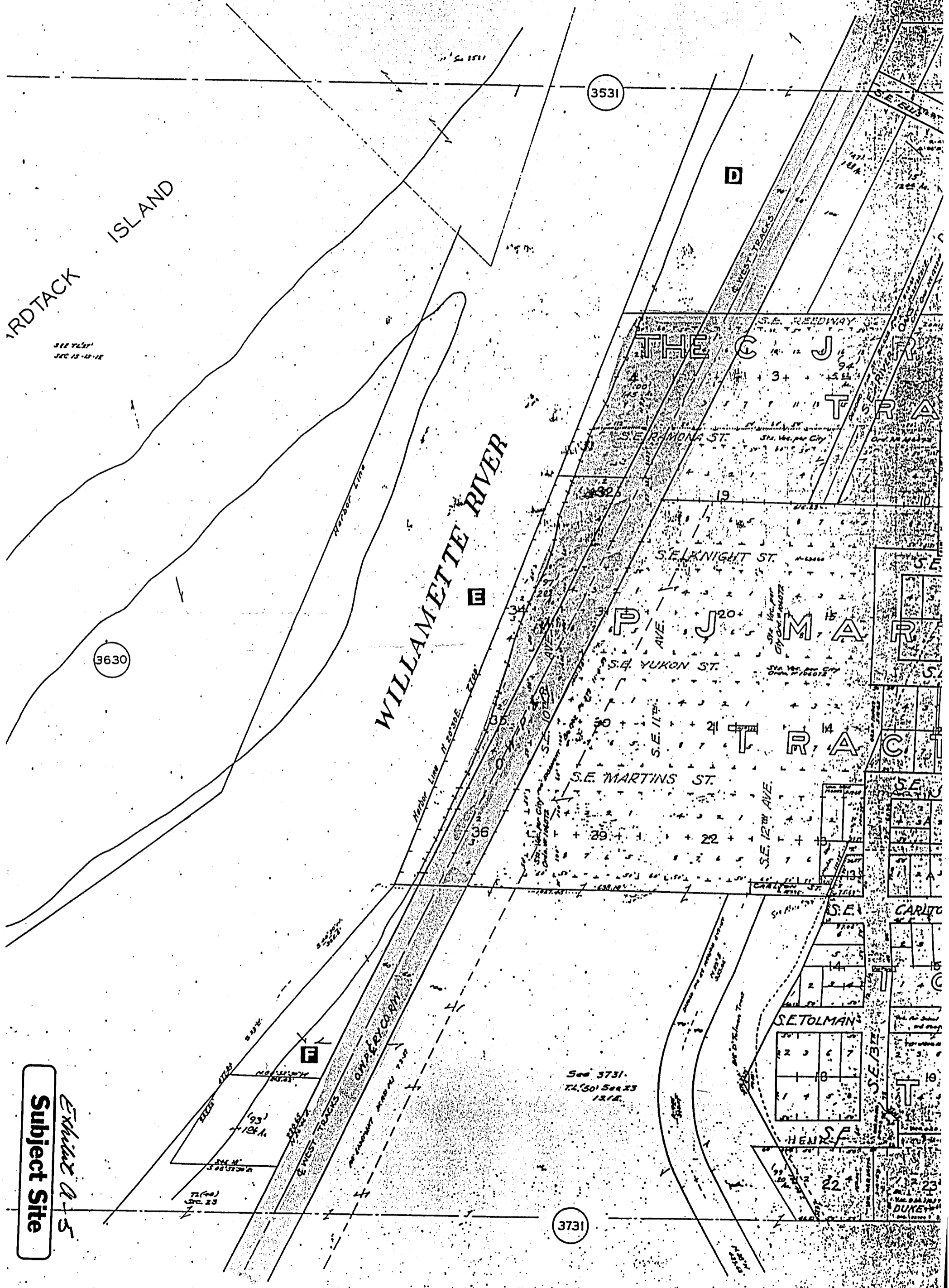
HENR S

DUKE

See 3731
T.L. 501 Sec 23
12/18.

3731

Subject Site
Exhibit A-5



3730

RIVER

57' 110 AC. H

20' 132 AC. F

41' 155 AC. F

SE OAKS

SELLWOOD

1 SENEHALEM ST.

2 WOOD

3 L W

4 E

5 TENINO ST.

SELLWOOD BRIDGE

WILLAMETTE

SELLWOOD HARBOR CONDOMINIUM

S. TAGOMA ST.

S. SUMATILLA

S. HANNY ST.

3930

Subject Site

S.E. 1/4 SEC. 27, 1S. 1E.

3830

600-29 1989

Deeded from ST. D. ... 1-19-69
Sec. 21 Sec. 23
Sec. 27 Sec. 24

PARK

SELLWOOD
FLARY ROAD
S.W.

RIVER

EXHIBIT 1