

A G E N D A

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



METRO

MEETING: METRO COUNCIL
DATE: December 8, 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**
- 4:05 **3. EXECUTIVE OFFICER COMMUNICATIONS**
- 4. OTHER BUSINESS**
- (30 min.) **4.1 Consideration and Review of Resolution No. 94-48**
- 4:35 **5. ORDINANCES, FIRST READINGS**
- (5 min.) **5.1 Ordinance No. 94-581, For the Purpose of Amending Metro Code Chapter 5.09, Relating to Illegal Dumping of Solid Waste, to Make Procedural Improvements and Corrections, and Declaring an Emergency (Action Requested: Refer to the Solid Waste Committee)**
- 6. ORDINANCES, SECOND READINGS**
- REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE
- 4:40 **6.1 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: Motion to Adopt the Ordinance)** Gates
- (10 min.)
- 4:50 **6.2 Ordinance No. 94-580A, For the Purpose of Adding New Title 10 to the Metro Code, Creating an Administration Code, and Declaring an Emergency (Action Requested: Motion to Adopt the Ordinance)** Gates
- (20 min.)

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.

7. RESOLUTIONS

REFERRED FROM THE SOLID WASTE COMMITTEE

- 5:10
(10 min.)
- 7.1 **Resolution No. 94-1977**, For the Purpose of Authorizing Issuance of a Request for Bids for the Construction of an Improved Cover System, Gas Collection System, and Stormwater Collection on a Portion of the St. Johns Landfill (Action Requested: Motion to Adopt the Resolution Dependent upon Solid Waste Committee Action December 6, 1994)

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

- 5:20
(10 min.)
- 7.2 **Resolution No. 94-1985**, For the Purpose of Requiring Council Confirmation of Appointments to a Committee to Supervise Administration of the Metro Employee Salary Savings Plan (Action Requested: Motion to Adopt the Resolution) Gates
- 7.2 **Resolution No. 94-1992**, For the Purpose of Amending Rules Establishing Procedures Relating to the (Conduct of Council Business) (Action Requested: Motion to Adopt the Resolution) Gates

REFERRED FROM THE PLANNING COMMITTEE

- 5:30
(1 hour)
- 7.3 **Resolution No. 94-2040B**, For the Purpose of Adopting a 2040 Growth Management Strategy (Action Requested: Motion to Adopt the Resolution) Kvistad

6:30

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

- (10 min.)
- 8.1 **LCDC Goal 5 Subcommittee Testimony**

6:40

ADJOURN

Meeting Date: December 8, 1994
Agenda Item No. 4.1

MERC RESOLUTION NO. 94-48

2



METRO

DATE: December 2, 1994

TO: Metro Council
Executive Officer
Agenda Recipients

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 4.1; MERC RESOLUTION NO. 94-48

Supplemental materials distributed at the Regional Facilities Committee meeting on November 30 will be provided at the Council meeting on December 8, 1994.

REGIONAL FACILITIES COMMITTEE REPORT

REVIEW OF MERC RESOLUTION NO. 94-48, AUTHORIZING THE GENERAL MANAGER TO BID, AWARD AND ENTER INTO CONTRACTS FOR THE COMPLETION OF THE OREGON CONVENTION CENTER CONCESSION STANDS RENOVATION

Date: December 1, 1994

Presented by: Councilor Gates

COMMITTEE RECOMMENDATION: At its November 30, 1994 meeting the Regional Facilities Committee voted 5-0 to recommend Council approval of MERC Resolution No. 94-48. All committee members were present and voted in favor.

COMMITTEE DISCUSSION/ISSUES: Chair Hansen call on Mr. Alan Peters of the Portland Conference Center, who had requested the Council review of this resolution. Mr. Peters said he would defer his testimony until the full Council's consideration of this item.

Mr. Jack Graves of the Holland Corporation testified. He said he wanted to reiterate his company's opposition to the construction of the food court at the Convention Center (OCC) and cited two issues. The first was the establishment of the Local Improvement District (LID) which helped pay for OCC construction. He said the LID was established based upon the benefit that would accrue to assessed properties, including an estimated benefit to local restaurants of 70% of the direct sales impact. He said the City ordinance approving the OCC site said it met the City's economic policies for the retention and expansion of existing businesses. Mr. Graves said the Holland/Burgerville Corporation has conditional approval for an expanded Burgerville at its current site at 1135 NE Martin Luther King Blvd., with a projected \$1 million investment. His company does not want to see this investment jeopardized with competition from OCC using Burgerville's tax dollars.

Councilor Hansen referred to a meeting of November 16, which included her, Mr. Graves, Mr. Peters, Jeff Blosser of OCC, and others. She asked Mr. Graves if there had been further discussion of an idea to have OCC include menus that did not conflict with his business. Mr. Graves said he'd had a follow-up conversation with Mr. Blosser, in which Mr. Graves said he would listen with an open ear to possible compromise, but he wanted more time than just an hour's meeting. He wanted an open-ended discussion, to include other local restaurant operators and business owners. He said the establishment of food carts and the proposed food court is becoming competition that he would like to see limited. He proposed a series of meetings until the issue is resolved.

Mr. Chuck Venard, manager of the Burgerville outlet on NE MLK, testified. He said before the food court is approved, he would like to see an economic impact study of its effect on local

5

restaurants and other retailers. He said any new food establishment takes "a slice of the pie." He said adding three "mini-restaurants" in a public building would compete with private business in the area. If the project is done, some concessions should be given to local restaurants, such as leaflets, delivery service, or coupons to attract business of OCC patrons. He said he opposed his tax dollars being used to compete with his business.

Councilor Hansen asked Mr. Venard if he would be willing to help fund the economic impact study. Mr. Venard said the study should have been done earlier. He said his restaurant doesn't have the funds, and he didn't know if the parent company would contribute. Councilor Gates asked if the idea of concessions or promotions for local restaurants had been discussed with MERC or OCC staff. Mr. Venard said no, that this is a last resort if the project is approved. Councilor Hansen asked if Burgerville had done market research to prepare for and justify its proposed remodeling, and Mr. Venard said they had.

Jeff Blosser, OCC Manager, reviewed issues of process and ADA compliance included in a packet of materials distributed to the committee. He said the original intent of the OCC was to provide food service for its customers. He said the proposed concessions are not restaurants, they are concessions stands serving specific types of items. He said the stands would be related to events only, and would not be open except to service events and their patrons. He said the principal complaint from customers is about the lack of food and lack of variety in food offered.

Mr. Blosser addressed a question from Councilor Moore, regarding economic studies done for the original OCC bond issue and how food was addressed in those studies. Mr. Blosser said the original building design provided for concession stands to have some cooking or frying capability, but that was removed as a cost saving measure during construction. He said such capability is a mainstay of many comparable facilities across the country. Councilor Moore asked if early studies had addressed the potential benefit to local restaurants when developing the projections for the OCC project. Mr. Blosser said he did not have that information, but would do the research to see if it exists and would provide it for Council if it was done.

Mr. Blosser said the request for this project is to remedy the inadequacy of the OCC to provide food for its patrons, and to provide service to its customers who choose not to have their events catered. Councilor Gates asked if it would be feasible to post in the building a listing of local food establishments. Mr. Blosser said he would investigate that possibility, but his concern was to ensure fairness in choosing which businesses would be listed or promoted in that way. Councilor Moore suggested such a list could include all those businesses that are included in the LID.

6

Councilor Washington said he was not sure he would support moving this issue to Council, because there are still some unresolved issues between the OCC and its neighbors. He encouraged Mr. Blosser to work with his neighbors to resolve those issues.

Councilor Hansen noted that there have been six public meetings between July 23 and November 16 at which this issue has been discussed, and at which Mr. Peters and Burgerville have had the opportunity to raise their concerns.

The committee discussed the timing of Council consideration of this matter, and whether to have the committee hold another hearing on it. Councilor Washington asked if another week would give enough time to resolve the issues. Mr. Blosser said he was not sure what the issues are to be resolved, other than just not doing the project. He said no other proposals had been raised before this meeting, other than some brief discussion of menu selection. Councilor Washington strongly encouraged both sides in the debate to put forth a strong effort to resolve the problems prior to the Council's consideration of it, recognizing that many difficult negotiations are concluded only at the last hour before a deadline. He said the issue of principal concern to him was that OCC get together with its neighbors to work out their problems.

RECEIVED SEP 15 1994

METROPOLITAN EXPOSITION-RECREATION COMMISSION

RESOLUTION NO. 94-48

Authorizing the General Manager to bid, award and enter into contracts for the completion of the Oregon Convention Center Concession Stands Renovation.

The Metropolitan Exposition-Recreation Commission finds:

1. That the renovations of this Concession Stand will provide more variety, better service to enhance the operations of the Oregon Convention Center Concessions.
2. That the Metropolitan Exposition Recreation Commission approved an expenditure not to exceed \$450,000 to complete this project in the 1994-95 fiscal year budget.
3. That this project falls within the scope of work to be completed by the Oregon Convention Center Construction funds.
4. That the Metropolitan Exposition-Recreation Commission has the authority to delegate this construction process to the General Manager and to enhance the effectiveness of its facilities operations to serve the clientele and the public attending events at the Oregon Convention Center.

BE IT THEREFORE RESOLVED that this Metropolitan Exposition-Recreation Commission authorizes the General Manager to execute all necessary processes and contracts to complete the Oregon Convention Center Concession Stand Retrofit within the approved budget amount and outlined scope of work.

Passed by the Commission on September 14, 1994.



Chairman



Secretary-Treasurer

APPROVED AS TO FORM:
Daniel B. Cooper, General Counsel

By: 

Mark B. Williams
Senior Assistant Counsel

9

VOTING AYES Commissioners Carlsen, Conkling, Middleton, Norris, Scott
MOTION PASSED

FACILITY & LIAISON COMMISSIONER REPORTS

OCC

Renaming of OCC - Chairman Brooks asked that this issue be reviewed in detail in Committee. All aspects of the impact of such a change needs to be explored fully at the subcommittee level. The Chair asked Commissioner Conkling to chair that subcommittee, adding also Bill Nato and a Metro Councilor. This issue will be brought to the October Commission meeting by the subcommittee.

Commissioner Foster arrived at this time.

Concession Improvements at OCC - Blosser summarized this issue providing the background that this was included in last years budget covering a retrofit or renovation of the concession operation at OCC. This needed amendment in the OCC food service includes labor intensive portable concessions for use in the Exhibit Hall and Lobby, as well as an event tent. More and more of the exhibit hall and lobby has been used for "sellable space", hence the ability to provide needed food service through points of sale and outlets for concessions is negated. This review process has also looked at the quality and variety of the food service. Also in attendance was consultant, Bill Caruso, who has assisted in this extensive review process. Mr. Caruso provided a brief overview of the suggested changes being proposed for the Convention Center. Mr. Caruso also stressed the level of increased income that can be realized from improved food and beverage service. Blosser reviewed these changes using a diagram of proposed changes.

Blosser requested the Commission to give the General Manager the authority to bid, let and contract for this project for an amount not to exceed \$500,000. This project was budgeted in the budget process at \$425,000. A portion of the \$150,000 capital limit for Fine Host for equipment purchase and equipment refurbishment would be used as well.

Hospitality Industry representatives were consulted on this project, as well as neighboring merchants.

It was moved by Commissioner Conkling seconded by Commissioner Carlsen approving Resolution #94-48.

Easton Cross, Portland Conference Center. He commented that the food and beverage success formula alluded to by the consultant, Mr. Caruso, was not necessarily a foregone conclusion and is certainly viewed differently by the surrounding business community. He felt strongly that the merchants should be given more time to adequately review the proposed plan and provide MERC with their findings relating to the return on the dollar proposed to be spent.

Mike Fisher, Update Management, manages associations that use the Convention Center. His comments support the necessity for food and beverage service variety and choices resulting in keeping the attendees in the facility thus promoting business and interaction with the exhibitors. The quality of the service and product is of importance to Mr. Fisher, as well.

Larry Harvey, Tri-County Lodging Association. Expressed support for the proposed project as it relates to promoting Portland and its convention services.

David Sloma, Fine Host. Feels the improvements being proposed are badly needed to provide the quality, availability, and diversity requested by the users.

Mike Smith, POVA. Competing for national conventions requires top quality, customer-oriented, food service variety. Expressed support for this project.

Karen Fisher, M & M Productions, produces the Home Improvement Show. This includes 750 booths and exhibitors. The exhibitors are very desirous of having the attendees stay on the show floor and have the opportunity of food quality and variety available to them. Expressed support for this project.

Virgil Oval, Lloyd District Community Association. Very supportive of the Convention Center's success. Want to keep the partnership between the community and the Convention Center a positive, ongoing one.

VOTING AYES Commissioners Carlsen, Conkling, Middleton, Norris, Scott
 NOS Commissioner Foster
 MOTION PASSED

PORTLAND CENTER FOR THE PERFORMING ARTS

Civic Auditorium Restroom Additions - Harriet Sherburne recognized Mark Hunter's efforts in working with the City to obtain a workable solution to accomplish the goals of additional restrooms that also meet the ADA requirements. Hunter reviewed the proposed additions. In response to Commissioner Carlsen, Hunter stated the costs for this solution versus the mandated ADA compliance originally proposed by the City came out about the same.

Sherburne requested approval for an amount not to exceed \$110,000, following the appropriate bidding procedure.

It was moved by Commissioner Carlsen, seconded by Commissioner Foster approving Resolution #94-49.

VOTING AYES Commissioners Carlsen, Conkling, Foster, Middleton, Norris, Scott
 MOTION PASSED

Land Lease for PCPA - Staff is requesting approval of the land lease rent adjustment for the next five years on the land that underlies the new theater building. Two particular adjustments have to be made each five years; the value of the land and the return on investment. Following the calculation, then there is a netting out to determine the space that is leased back to the church. Sherburne expressed appreciation to Charlie Hinkle who represented the church on this matter. Consideration was given to comparable land values in the vicinity and a fair agreement has been negotiated resulting in a modest impact to the PCPA budget.

It was moved by Commissioner Norris, seconded by Commissioner Conkling approving Resolution #94-50.

VOTING AYES Commissioners Carlsen, Conkling, Foster, Middleton, Norris, Scott
 MOTION PASSED



PORTLAND CONFERENCE CENTER

300 N.E. Multnomah St. ♦ Portland, Oregon 97232 ♦ (503) 239-9921 ♦ FAX (503) 239-4246

September 22, 1994

Paulette Allen, Clerk of the Council
METRO
P.O. Box 2746
Portland, Oregon 97208

Re: Review of MERC Resolution No. 94-48

Dear Ms Allen:

In accordance with Metro Code Section 6.01.080, this letter will serve as a request for Council review of MERC Resolution No. 94-48, passed by the Commission on September 14 and filed with you on September 15. That resolution authorized the general manager to bid, award, and enter into contract for development of a "food court" at the Oregon Convention Center.

I was represented by Mr. Easton Cross, in appearing before the Commission on this matter. I will be adversely affected by this decision, and am an "adversely affected or aggrieved" person as defined by Metro Section 6.01.020. As such, I ask that Council review the Commission's decision, among other reasons, for the following:

- (1) The decision to build a food court inside the OCC will substantially drain business away from businesses in the vicinity. This violates a basic premise upon which the bond measure for the OCC was promoted.
- (2) Businesses in the area have expended or are planning to expend substantial sums on improvements relying upon promises that the OCC would promote rather than compete with them. This planned private investment will not occur as a result of the decision.
- (3) There are more pressing uses to which the funds allocated by MERC for the food court could be put.
- (4) Proper public notice was not published for the MERC meeting 9-14-94, by omitting any reference to the food emporium proposal on the agenda. This omission violates the Oregon Public Meeting Law, ORS 192.640.

For these and other reasons, I ask that the Council either refer this matter to its Facilities Standing Committee, or modify the resolution by directing that the funds identified either be placed in a facilities reserve account or be expended to enhance assess for the disabled, or return the matter to the Commission.

Please refer any correspondence regarding my request to me at the above address. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alan C. Peters".

Alan C. Peters
ACP: bms

12

6.01.070 Delegation: The Commission may delegate to its employees any of the power and authority of the Commission subject to those limitations the Commission deems appropriate. Any delegation shall be by resolution of the Commission.

(Ordinance No. 87-225, Sec. 1)

6.01.080 Review:

(a) Within five (5) days after the passage of any resolution, the Commission shall file a copy of the resolution with the Council Clerk, who shall maintain a special record of the Commission's resolutions which shall be accessible to the public under like terms as the ordinances of the District. Except as provided in subsection (c) of this section, no resolution of the Commission shall become effective until 5:00 p.m. on the 10th day following the filing of a copy thereof with the Council Clerk. The Council Clerk shall immediately notify the Executive and Council of the receipt of the resolution.

(b) Except as provided in subsection (c) of this section, a resolution of the Commission shall not become effective if, within ten (10) days after the filing by the Commission of a copy of the resolution with the Council Clerk, either the Executive, three (3) members of the Council acting jointly, or any person adversely affected or aggrieved by a final action of the Commission files a request with the Council Clerk for Council review of the Commission resolution. All requests for review shall be in writing and shall include (1) a description of the resolution to be reviewed including the resolution number; (2) a clear statement of the specific reasons for the review and the requested Council action; and (3) the name and address of the person requesting review. Upon receipt of a request for Council review of Commission action, the Council Clerk forthwith shall notify the Commission of the request for review and shall deliver to the Commission a copy of the request for review. The resolution to be reviewed shall be placed on the agenda for the next regular Council meeting, subject to compliance with rules for placing items on the agenda; provided, however, that the Council may review the resolution at any meeting under a suspension of the rules. For any review, the Executive may submit a recommendation as to the action to be taken by the Council or review. In conducting the review the Council shall hear and consider statements from the person requesting the review, the Executive, the Commission and other interested persons. After hearing the matter, the Council shall upon motion act to approve the Commission action, modify the action or return the matter to the Commission.

If the Council approves or modifies the Commission resolution it shall become effective immediately. If the Council returns the resolution to the Commission it shall not become

October 25, 1994

Background Information Of OCC Concession Stand Retrofit/Renovation

1. Submitted as a budget item for MERC approval in 1993 at \$125,000 - MERC Meeting to approve Budget.
2. Hired Consultant to look at signage needs, equipment, construction and menu selections - February 3, 1994. Consultant finished Phase I in April of 1994. Work budget for the project was determined to be \$425,000.
3. Staff submitted change to MERC budget from \$125,000 to \$425,000 and approved by Metro in June 1994.
4. Phase II of the Consultant's work was approved to commence based on approved budget June 21, 1994.
5. RFPs were issued to provide consulting work on structural and engineering, architectural and design and electrical for renovation in July 1994.
6. Meeting was held at the request of Mr. Alan Peters who invited Tony Roma's, Holiday Inn, OLA, Red Robin, Calaroga Terrace, Burgerville, Lloyd District Association, Bernie Foster and Lee Perlman, of the Oregonian, on July 22, 1994. Phase II information was sent out to those who attended as well as a thorough discussion of the project and the reasons for the renovation. Article in the Oregonian, July 23 related to this meeting.
7. August 26 - 17 major OCC clients were notified of the concession project renovation by letter from Jeff Blosser and were requested to attend the MERC Meeting on September 14 for public review. Four responses were received from clients.
8. Area businesses were sent a letter on September 1, 1994 - 16 in all plus the Oregon Lodging Association, outlining the renovation diagram and all were invited to send me comments on the project as well as attend the September 14, 1994 MERC Meeting for public review and questions. Two responses were received from area businesses.
9. September 14 - MERC approved the renovation project and the Commission heard public testimony for and against the renovation project prior to approving this project.
10. Metro reviewed the renovation project and referred it to the Regional Facilities Committee for further review and public testimony related to this project.

14

**METRO**

October 12, 1994

TO: Metro Council

FROM: Rena Cusma, Executive Officer

SUBJECT: Consideration of MERC Resolution No. 94-48

It is my recommendation that the Council approve MERC Resolution No. 94-48 to the end that "all necessary processes and contracts to complete the Oregon Convention Center Concession Stand Retrofit within the approved budget...." may go forward.

The Metropolitan Exposition-Recreation Commission is charged with managing the Oregon Convention Center--and indeed all of the facilities under its management--as a profit making business, or at least in a manner which minimizes the degree of public subsidy required and is consistent with the public interest. In the present instance I believe the Commission action meets that test.

In the main, the convention center's success in securing bookings has substantially increased the number of visitors and area residents that attend conventions and shows and whose presence contributes to the economic vitality of the immediate area and the region as a whole. The net effect is one of enlarging the customer base available to local food vendors and merchants of all kinds. A minimal expansion of food service at the OCC will not change that situation.

Upon completion of the upgrade, patrons of the OCC will be no more or less "captive" than they are now. The measurable decline in business predicted by the petitioning food vendors would seem most unlikely. For persons who staff vendor booths during shows, a greater variety of food service to draw from during their sometimes extended hours on site will surely be welcome and appreciated. Neither should we nor taxpayers be upset if their patronage adds to the OCC's bottom line.

If food vendors located near the OCC who demonstrably receive a direct potential benefit by virtue of their proximity to an enlarged customer base can claim they will be harmed by virtue of a modest increase in food service within that facility, do then food vendors located elsewhere in the city and throughout the region have an equally valid reason to assert that they have been unfairly penalized because they did not receive a similar direct benefit from the tax supported construction and operation of the OCC? I believe a reasonable person would reject both arguments.

15

RECEIVED
9-23-94

4:55pm

September 23, 1994

Paulette Allen, Clerk of the Council
METRO
P.O. Box 2746
Portland, Oregon 97208

Re: MERC Resolution No. 94-48.

Dear Ms. Allen:

As president of the Lloyd District Community Association I would like to request the METRO Council to review MERC Resolution No. 94-48. MERC's action is contrary to the representations that were made as part of the Convention Center Bond Measure campaign. The Community Association believes that this action will not help area businesses and will actually draw customers away. The voters did not approve a facility which would directly compete with surrounding businesses.

We also believe that MERC's action may discourage businesses from making additional investments in improving the district. MERC made its decision in violation of Oregon Public Meeting Laws. The notice for the meeting did not list improvements to the food concession area as a subject to be discussed.

The Lloyd District Community Association fully supports efforts of the Oregon Convention Center to be as successful as they can. We also agree that the district, as well as the region, is a partner in the benefits received from successful Convention Center operations. Improvements made to the Convention Center should compliment businesses that already exist, not compete directly with those same businesses.

Together area businesses in partnership with the Oregon Convention Center provides the region with the best and strongest product to attract future convention business.

I would appreciate the Council referring this matter to its Facilities Standing Committee or delaying a vote on this matter until further review by all concerned.

Sincerely,



Virgil Oval
President

Lloyd District Community Association

16



THE **Holland**, INC.
THE HOLLAND
AND BURGERSVILLE U.S.A.
RESTAURANTS

CORPORATE OFFICES
1111 WEST SEVENTH STREET
VANCOUVER, WASHINGTON 98660

(206) 694-1521

September 13, 1994

Mr. Jeffrey A. Blosser
Oregon Convention Center
777 NE Martin Luther King Jr. Blvd.
PO BOX 12210
Portland, Oregon 97212

Dear Jeff,

This letter is in response to your letter to Chuck Vernard, Burgerville General Manager, dated 09/01/94.

It is difficult for those of us who have supported efforts at the O.C.C. to understand how a two year old operation can be "antiquated", and it further escapes understanding how, the O.C.C. believes we can continue to be supportive of a public entity which would turn the tables on the business community which put it in operation in the first place.

In our view this proposal negates all the valid reasons for developing the O.C.C. This proposed project needs to be carefully re-evaluated and subjected to public scrutiny prior to any further development of these plans.

We will be represented at the MERC Commission meeting on September 14th at 12:30 PM in the O.C.C.

Sincerely,

Jack C. Graves
Property Development Manager
Burgerville U.S.A.

cc: Steve Pfeifer

FOLD-OUT	TO: Jeff Blosser O.C.C.	FROM: JACK GRAVES The Holland Inc.	DATE: 9/13/94
	FAX #: 731-7805	FAX #: 283-0176 PHONE #: 283-6052	PAGES INCLUDING THIS PAGE: 1

17



Oregon Association of Nurserymen, Inc.

September 12, 1994

Jeffrey A. Blosser
Oregon Convention Center
P.O. Box 12210
Portland, Oregon 97212

Dear Jeff:

Having just concluded a very successful Farwest Show at your facility and reviewing plans for an expanded food service program at the Convention Center, let me offer some thoughts and comments which you may wish to include in your report to Metro later this week.

First of all, from a show management position, let me encourage you and Metro to give serious consideration to up-grading the food service available at the Convention Center. This is in no way intended to be a negative comment in regards to Fine Host's operation, but a general observation of concession food service currently available to users of the facility.

If the Oregon Convention Center is going to continue to be considered a first-class event facility, then it needs to move beyond the hot dog, pretzel and pizza menu now offered. I can tell you from first hand experience that if visitors to a facility are given the option of an expanded food menu they will take advantage of it.

A case in point was the final year we used Memorial Coliseum for the Yard, Garden and Patio Show. As you may recall we developed a special "garden restaurant" in the G-P Room with Fine Host offering a varied menu of hot meals. Not knowing what that weekend's revenues totaled, I can tell you it had to be a financial benefit to the facility compared to our earlier events or other similar events which used only the standard concession stands and customary "sports event" menu.

From a show management point of view, an expanded menu of higher quality food items would be a benefit to us as well as the facility. Exhibitors who must remain on site and work their booth space anywhere from six to 10 hours a day are in need of, and would welcome, a choice of meals. Additionally, show visitors, whether they be attending a closed trade show or a consumer show would also respond favorably to a more complete food service menu.

Let me also comment on an item I learned about from the local media within the past few weeks. Evidently there are some restaurant operators in the vicinity of the Convention Center who are objecting to the facility expanding

18

Jeffrey A. Blosser/OCC Food Service
September 12, 1994
Page 2

its food service. I would offer that this objection is not well based, and to some degree very surprising. If it was not for the Convention Center, and the business it generates for the immediate area, these same restaurant operators would be doing far less business in the long run.

I find it hard to believe that an expanded food service for the benefit of the facility's visitors would adversely impact the established area restaurant trade. Conversely, I feel confident shows such as the two which I manage annually would find the additional food service to be an advantage to participants as well as visitors, at the same time providing the Convention Center with a new look, and obviously increased revenue.


The one objection I have with the present plans, at least the preliminary draft I have seen, is the possibility of losing saleable exhibit space. Based on the two floor plans I am currently using for my shows the addition may not negatively impact us, unless the Fire Marshal determines he will require additional space in and around the proposed concession areas. If it should be determined that wider aisles or open space near the concessions is required, then I would loose something in the vicinity of 10 to 20 exhibit booth spaces, significant dollars.

As a major tenant of your facility let me encourage you to do whatever is necessary to maintain the Convention Center in the same high quality, first class manner which you have so successfully operated it since it opened. Having personally watched the Coliseum fall from a premier facility to a less than desirable venue to stage non-sports events, I know how easy it is to cut corners and fail to maintain a building in the manner necessary to continue operations at a quality level.

Please do not let this happen to the Oregon Convention Center. From all indications, based on my understanding, your plan to expand and improve the food service operation is a step in the right direction.

Sincerely,

OREGON ASSOCIATION OF NURSERYMEN, INC.,



Clayton W. Hannon
Executive Director

19

**Travelodge
Hotel**

September 9, 1994

Jeffrey A. Blosser
777 NE Martin Luther King Jr. Blvd.
Portland, OR 97212

Dear Jeffrey,

I am responding to your letter dated September 1, 1994 relating to food concessions.

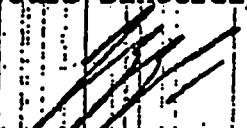
I do not envision any specific impact upon my operation except for breakfast time and would not wish to object to your improvement as long as you contain the hours of operation to the hours a convention is using the convention center.

As an aside to this issue I believe if you increase your food concessions then an element of the increased turnover should be used to reduce the subsidy charged to hotels for certain conventions. This subsidy ranges from .50 to \$5.00 or more per room night and is used to pay some of the convention costs.

Clearly there is both a service and profit motive behind your proposed changes and thus a subsidy based on volume would appear most reasonable. In the hotels case our subsidy ranges from 1% to 8% thus you may wish to consider a mid way point for conventions requiring a subsidy.

I would be interested to hear your thoughts.

Yours sincerely,


Gordon Slatford
General Manager


FORTE
HOTELS

PORTLAND

1441 Northeast Second Avenue, Portland, OR 97232 (503) 233-2401 Fax (503) 238-7016

20



RECEIVED SEP 8 1994

September 5, 1994

Trade Shows • Special Events

Mr. Jeff Blosser
Director
Oregon Convention Center
777 NE MLK Jr. Blvd.
Portland, Oregon 97212

Dear Jeff,

I was extremely pleased to hear your plans for increasing the food options at your facility. As a consumer show producer, it is very important to keep attendees at the show as long as possible. Once they leave, they generally don't return. The longer an attendee stays, the more exhibitors he/she will talk to and therefore, exhibitors have a greater opportunity to do business.

Your current options for food are less than adequate. Not only do attendees complain about the poor selection and lack of variety, exhibitors complain also. As you know, exhibitors are captive customers for days at a time and appreciate having good food choices close, since time does not always allow them to leave their exhibit for long periods.

Another issue for myself is seating for attendees. In an effort to get attendees to stay, I have to devote saleable floor space to sitting areas so attendees can rest, eat, etc. It is my understanding, your new food areas will provide some seating. While it may not be enough, it is a step in the right direction.

Connected to the inadequate service areas you have at this time is the placement of food carts. While I appreciate your investment in these alternative temporary eating stations and am greatfull for their existance, they do not come without problems. We get requests and inquiries constantly from exhibitors who are concerned about the placement of a food cart near their booth.

I have attended Convention Centers in other markets and believe me, the food areas and choices are much more sophisticated than what is offered at OCC. I commend you for pushing forward with this much needed addition to an otherwise great facility. My only disappointment is they won't be completed for my October show.

Enclosed, please find a copy of our latest exhibitor survey with their comments on food at OCC.

Sincerely,

A handwritten signature in cursive script that reads 'Karen E. Fisher'.

Karen E. Fisher

21

- Opening at noon on a weekday seems to be a waste of time.
- Wednesday and Thursday nights are usually older or just lookers that want to beat the crowds.
- I think the times you had were the right amount.
- Keep it the same!!
- No. Time and expense to set-up (5-day good). 9-10 dead time. Customers will come early if show ends at 9 pm.
- Wednesday was a good day, but 4 days would be much easier for us to handle as a small company and I'm sure other people have the same problem.
- Best hours I feel for show, forget Thurs., waste of time! Fri: 12-9, Sat: 11-9, Sun: 12-6
- The Portland Home Show (spring) used to be billed as Portland's "biggest" show. They have reduced the number of show days from 9 to 5. You are the big show now. Hold it in the spring and do 9 days. The convention Center is a major reason why. Do not book dates the same as Seattle Home Show.
- Good idea! Staffing would be much easier and exhibitor costs should be reduced.
- Actually, I would like to see the show open on either Wed. or else run it a full week.
- Five days A.O.K.
- I think more days like Friday would be more profitable!
- Four days is enough floor time. Weds. night seems more for "gawkers" to me! Thur-Fri-Sat & Sun. the more interested sincere folks show up.
- We like the five day show. It enables us to earn our expense money back with the additional day. We would definitely vote to keep the hours the same as they have been.
- Prefer just the way it is now.
- It would be easier to man.
- Yes, but this is not a crucial issue for us.
- No. However, if you so decide we'll be happy to be there, but evening sales are usually always better for us than weekday sales.
- Perfect 5-day show.

14. Due to complaints about food selection at the show, what items would you like to see offered?

18% Pasta
23% Salads

22% Soup
20% Sandwiches

17% Baked Potatoes

Other:

- Less expensive!
- Food prices were rather high.
- Not such exorbitant prices!
- Higher nutrition, less cost for juice!!
- Food OK!
- Fresher foods. Thanks for asking!
- Any/all of the above.
- Tacos, chicken.
- Hotdogs and Hamburgers works for me.
- Food is robbery in price.
- Selection is not a problem—low quality, too expensive.
- The espresso shop would not do "double" or extra shots of espresso. No flexibility!
- Chicken at a sit-down cafe?
- Any of the above would be better than hotdogs— we either bring food or leave the show to eat.

22

Food selection and quality are poor. Employees are rude and disinterested. Metro needs to find new food service surveyors. These folks are terrible. I believe having these rude, non-helpful people in the arena distracts from the shows goal and objectives. They are a negative.

- Starbucks Coffee.
- All of the above.
- At somewhat reasonable pricing!
- We liked the food in the back room restaurant.
- Prices are too high! Deli foods need more attention. Keep things light and cost down.
- Food was too expensive!! Everybody was complaining and then would leave early to eat rather than pay the high prices!!
- The frozen yogurt stand was our favorite.
- Fresh fruit.
- All of the above, please!!!

15. Additional comments/suggestions about this year's show or for next year's show:

- It is always a pleasure to work with the staff. They are courteous, calm and ready to help with a smile. My only real disappointment is the exhibitor's lounge. Separating smoking from "non" with a curtain hardly works. Eating at the concession area does not really provide a break, but it's the only smoke free area. Are all the conference rooms used all the time?
- Your salespeople should sell the advertising in the show publication much harder.
- Thank you! You guys did a great job!
- We were very impressed with the show. It was extremely well organized, laid out, and the security was great! Cary Lee was great. She was always willing to go above and beyond to make sure the vendors were well taken care of, and she was always very accommodating!
- Make parking options improved for us. And we feel for next year's show a better location.
- The area by the overhead doors along the back of the building should be limited to unloading booth items— NO PARKING. Provide a listing of participants by their category to allow people looking for windows to see all booths, etc.
- More exhibitor passes for those of us who are fortunate to staff in shifts. Or at least make one exhibitor pass good for all day rather than punching and hand stamping. This would enable trading the pass around.
- Thank you for your prompt attention on the "Fitness" sign above the regulated 8' height. Your efforts help keep this show the "class" show of the Northwest.
- Open show on Sunday at Noon and run to 8pm. 10-noon was very light and there were people trying to see the show at 6pm as it was closing.
- Make the master passes just a general masters pass without having to have each day punched. As an exhibitor I think it's embarrassing to have stamp on your hand!
- More passes per 10'x10'. Better parking.

23

INTERNATIONAL SPORTSMEN'S EXPOSITIONS



September 8, 1994

Jeff Blosser, Director
Oregon Convention Center
PO Box 12210
Portland, OR 97212

Fax: 503-235-7417

This letter serves as a follow-up to your letter of August 26th and our telephone conversations regarding the changes in the OCC Concession operation. The changes outlined will be a welcome upgrade to our exhibitors as well as the ISE staff.

Relating to these changes, our comments are as follows:

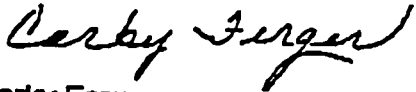
- The changes will not affect revenue floor space, it is our understanding the changes will be made to existing "concession" area and not affect the floor space.
- The revenue perimeters will be secure with no access to the concession area from the lobby.
- Temporary concessions would be set during our show in January 1995.
- Construction would still be underway in January and work would be done during "non-show" hours.
- OCC would provide additional security when construction workers were on the premises and construction workers will wear credentials at all times.
- Our 1995 show will have a "cafe" on the floor as we have the past couple years

24

Jeff Blosser, Director
September 8, 1994
Page -2-

Do not hesitate to call if you have questions or we can be of further assistance. Please let us know the progress of this project.

Sincerely,



Corky Ferger
Director of Operations

25



TRI-COUNTY LODGING ASSOCIATION - 12724 S.E. Stark - Portland, OR 97233 - (503) 255-5135

September 20, 1994

COPY

Mr. Patrick LaCrosse
Metropolitan Exposition and Recreation Commission
P.O. Box 2746
Portland, Oregon 97208

Dear Pat:

At the Tri-County Lodging Association Board of Director's meeting last week, Larry Harvey reported the two of you had met to discuss issues of mutual interest to our organizations. We are pleased to think the relationship between our Association and MERC has matured to the extent representatives of the organizations regularly communicate now. This is of great benefit to the entire tourism industry in the Portland metropolitan area.

As you know, our organization recently voiced great concern regarding two issues involving MERC; the expansion of the food service facilities at the Oregon Convention Center and the development of recreational vehicle parks at Blue Lake and Hayden Island. In both instances, the concerns were focused upon the appearances of the public sector competing with the private sector for market sales. According to our report from Larry, at least one of these issues may be resolved.

The opportunity to review the contracts for food service and catering at the Oregon Convention Center, as I understand it, may include an option for a non-exclusive agreement in the future. Should that become a reality, we would certainly encourage you to offer other local food service operators a chance to bid on space for catering or niche product sales. We believe this solution would satisfy a majority of the concerns and complaints raised by some of the other local operators, and would certainly satisfy ours.

Regarding the development of recreational vehicle parks, we understand Larry has been participating in the process to select a contractor to perform the feasibility study. Given his participation in that, we trust our organization will be regularly supplied with information as it becomes available, and thus avoid the situation which developed over the food court project.

26

Pat LaCrosse
September 20, 1994
Page 2

We appreciate being considered a partner with MERC on these very important community issues, Pat. In fact, we are committed to maintaining a strong relationship with the commission and anticipate our partnership will be full-time and long-term. While we may not always see "eye to eye" on every issue, we're convinced it is in everyone's best interest that we strive to resolve any problems which may arise collectively in a proactive manner and spirit. We appreciate and are committed to being a part of the solution.

We look forward to working with you on the expansion of the Convention Center, as well as resolving the need for a headquarters hotel. Thanks again for your hard work on the PCPA funding transfer.

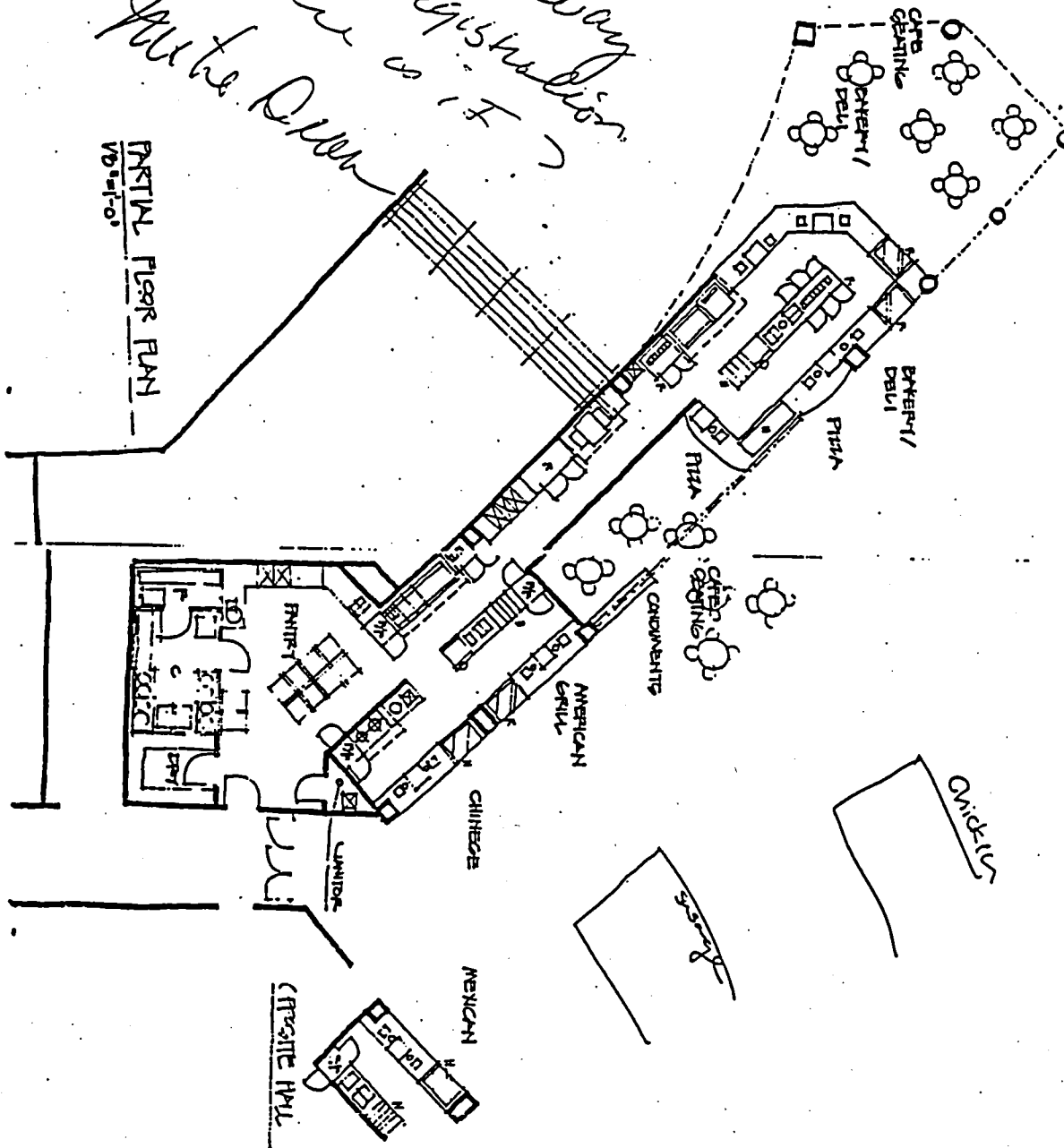
Sincerely,

Ron Anderson
President

cc: Jeff Blosser
Chris Bailey
TCLA Board Members

12

I can't tell where this is located - looks great but after it take away booth space? when is it? Mike Dixon



OREGON CONVENTION CENTER

PROPOSED FOOD & BEVERAGE SERVICE RENOVATION

(Preliminary) SCHEMATIC
01 AUG 1994

Overview/Budget

Fiscal Year 1994-95

Overview:

The Metro Exposition Recreation Commission assumed management responsibility in Fiscal Year 1993-94 over the remaining funds for capital improvement projects. Projects to be anticipated in Fiscal Year 1994-1995 are continuing work on retrofiting ADA requirements, concessions retrofiting, further work on the Master Plan development and construction of lighting controls.

Budget Summary:

Est. Beg. Fund Balance		\$ 1,371,260
Personal Services	\$ 37,694	
Material & Services	22,500	
Capital Outlay	689,767	
Contingency	100,000	
Transfers- Metro	49,294	
Total Expenditures		899,255
Interest on Investments		47,995
Unappropriated Balance		\$ 520,000

Budget Justification:

Personal Service		\$ 37,694
511121 Capital Construction/Projects Coordinator	\$ 27,216	
512000 Fringes (38.5% of salary)	10,478	
Materials & Services		\$ 22,500
524190 Misc. Professional Services	\$ 22,500	

EXPENDITURE QUESTIONS

1. Please provide revised FTE numbers. Will the change in budgeted FTE also produce a change in the total Personal Services expenditures?
2. There is significant fluctuation in the budgeted wage increases for full-time represented staff. Increases range from 2.2% for Operating Engineers (aggregate) to 22.6% for a Receptionist. Please discuss the policy for determining wage increases for the budget, and justify the large increases for the following positions:
 - Administrative Secretary (+13%)
 - Receptionist (+22.6%)
 - Facility Security (total for 8 positions is +17.7%)
 - Utility Maintenance (total for 2 positions is +18%)
 - Utility - Grounds (total for 2 positions is +11.8%)
 - Utility Technician (total for 3 positions is +9.4%)
3. The Promotions/Public Relations line item shows no changes in the itemized figures for POVA, Oregon Tourism Alliance, and others. Are changes anticipated in the allocations to the various contractors? If so, please discuss.
4. Please provide descriptions of the projects and purchases planned for Capital Outlay expenditures.
5. The transfer to Support Services increases 13%, which is noteworthy in itself. Included in this transfer, however, is a 35% decrease in the transfer for direct costs, offset by a 39% transfer in indirect costs. Why is there this change in the allocation of the Support Service costs?

CONVENTION CENTER PROJECT CAPITAL FUND

REVENUES

Fund resources consist of residual money from the funds used to pay for Convention Center construction. Resources decrease 47%, as the remaining funds are being used on capital projects at OCC.

EXPENDITURES

Personal Services: The only staff paid out of this Fund is 50% of the MERC Capital/Construction Projects Manager, whose budgeted salary increases 13.4%.

30

Materials & Services: Decreases 43% from \$39,500 to \$22,500. The only expenditure listed is for Miscellaneous Professional Services

<i>OCC PROJECT CAPITAL</i>	<i>FY 92-93 ACTUAL</i>	<i>FY 93-94 ADOPTED BUDGET</i>	<i>FY 94-95 PROPOSED BUDGET</i>	<i>% CHANGE</i>
RESOURCES				
Fund Balance	4,522,822	2,640,000	1,371,260	-48.1%
Interest	154,044	60,000	47,995	-20.0%
Other	157,375	0	0	0.0%
TOTAL RESOURCES	4,834,241	2,700,000	1,419,255	-47.4%
REQUIREMENTS				
Personal Services	32,760	33,240	37,694	13.4%
Materials & Services	1,341,102	39,500	22,500	-43.0%
Capital Outlay	562,623	1,483,340	689,351	-53.5%
Transfers	93,094	605,920	49,710	-91.8%
<i>Support Services</i>	84,405	103,712	49,710	-52.1%
<i>Building Management</i>	7,117	0	0	0.0%
<i>OCC Renewal/Replacement</i>	0	500,000	0	-100.0%
<i>Other</i>	1,572	2,208	0	-100.0%
Contingency	0	0	100,000	n/a
Unappropriated Balance	2,804,662	538,000	520,000	-3.3%
TOTAL REQUIREMENTS	4,834,241	2,700,000	1,419,255	-47.4%
TOTAL FTE		0.5	0.5	0.0%

Capital Outlay: The total is down 53%, reflecting the completion of planned projects, or progress on those projects. The budget lists four projects, as follows:

- Concessions Retrofit: \$125,000 (\$25,000 for architectural services and \$100,000 for construction). Needed to upgrade concessions equipment to provide more efficient service and add capacity for large events.
- Master Plan Development: \$100,000 for architectural services.
- ADA Retrofit: \$50,000 (\$15,000 for architectural services, and \$35,000 for construction). Ongoing project due for completion in 94-95.
- Lighting Controls: \$180,000, for construction. This project has been in the works for a couple of years, and is to provide centralized lighting control for the facility, resulting in more efficient operations.

There is \$230,000 in this category for "unforeseen capital projects."

Transfers, Contingency, Unappropriated Balance: There is a \$49,710 transfer to Support Services; \$100,000 in contingency; and an unappropriated balance of \$520,000. The latter is a reserve needed for an arbitrage rebate payment in 1997.

EXPENDITURE QUESTIONS

1. What is anticipated for expenditure under Miscellaneous Professional Services?
2. How firm are the budgeted costs for the three capital projects identified?
3. What is anticipated to be done on the development of a master plan?

ISSUE

Should \$222,000 be transferred from the OCC Capital Fund to the Operating Fund? This would restore the remainder of the \$722,000 LID payment to the Operating Fund, permitting extra flexibility in the use of the money. Funds are available, as there is \$230,000 in the Capital Fund that is unprogrammed. Counsel has informally advised that this would be an allowable expenditure; a formal opinion will be requested if Council is interested in pursuing this idea.

OREGON CONVENTION CENTER RENEWAL & REPLACEMENT FUND

OCC RENEWAL AND REPLACEMENT	FY 92-93 ACTUAL	FY 93-94 ADOPTED BUDGET	FY 94-95 PROPOSED BUDGET	% CHANGE
RESOURCES				
Fund Balance		0	690,000	N/A
Interest		27,000	25,000	-7.4%
Interfund Transfer		678,000	1,400,000	106.5%
TOTAL RESOURCES	0	705,000	2,115,000	200.0%
REQUIREMENTS				
Unappropriated Balance		705,000	2,115,000	200.0%
TOTAL REQUIREMENTS	0	705,000	2,115,000	200.0%
TOTAL FTE		0	0	

32

4. The following is a breakdown of the requested Capital Outlay:

General office & facility remodel	\$ 25,000
Elect., Mech. & Plumbing replacement	60,000
Energy retrofit	25,000
Furniture, fixtures & equipment	20,000
Concessions/Catering inventory replace.	150,000
Exterior fencing & grading (parking lot)	15,000
Operations equipment	10,000
Audio-Visual equipment	10,000
Enhanced security systems (cameras, video)	20,000
Communications equip (2-way radios)	16,000
Miscellaneous equipment	19,000

5. During the budget process, it was determined that the 2 Accounting Department FTE which had been directly billed through support services previously, should now be billed through indirect since their associated job duties had changed and were not now 100% dedicated to MERC. The only remaining direct FTEs are from the Personnel Department (2.5 FTE).

CONVENTION CENTER PROJECT CAPITAL FUND

ANSWERS TO EXPENDITURE QUESTIONS

1. The Miscellaneous Professional Services amount would be for architectural and engineering services for concession stand retrofit, consulting and work needed outside the scope of the planned major projects. We do not intend to exceed this total amount.

2. The Lighting Controls project is firm; the ADA Retrofit is in the ballpark. We have determined that the Concessions retrofit project is now estimated to be about \$425,000 rather than \$125,000 as budgeted. Therefore, we must change the budget to reflect this, which then increases total capital outlay to \$759,000 and decreases Contingency to \$30,767. If we are able to complete all these projects in FY 94-95, as anticipated, only a small amount would remain outside of the calculated arbitrage amount of \$520,000.

3. The Masterplan development will begin this fiscal year with the establishment of a steering committee to discuss and analyze OCC expansion. A Metro-commissioned parking study has been completed as it relates to parking in the OCC district. Once a determination is made that warrants OCC expansion by the steering committee, MERC and Metro, then a formal RFP process will take place to select a consultant to finalize the OCC expansion feasibility and master plan.

CONVENTION CENTER PROJECT CAPITAL FUND

The only recommended change in this Fund is to acknowledge the increased estimate for the Concessions retrofit project, and increase Capital Outlay by \$69,233; the contingency will be correspondingly reduced. (Amounts are at Proposed Budget level.)

<u>Category</u>	<u>Proposed</u>	<u>Recommended</u>	<u>Change</u>
Capital Outlay			
- Const. Work - Bldg.	\$ <u>545,767</u>	\$ <u>615,000</u>	\$ <u>69,233</u>
TOTAL CAPITAL OUTLAY	\$ <u>689,767</u>	\$ <u>759,000</u>	\$ <u>69,233</u>
Contingency/ Unapp. Balance			
- Contingency	\$ <u>100,000</u>	\$ <u>30,767</u>	\$ <u>(69,233)</u>
TOTAL CONTINGENCY/ UNAPP. BALANCE	\$ <u>620,000</u>	\$ <u>550,767</u>	\$ <u>(69,233)</u>
FUND TOTAL	\$ <u>1,419,255</u>	\$ <u>1,419,255</u>	\$ <u>0</u>

CONVENTION CENTER RENEWAL & REPLACEMENT FUND

I recommend no changes in this Fund.

SPECTATOR FACILITIES OPERATING FUND

The only recommended changes in this Fund are technical, to correct a salary level and fringe at Civic Stadium, and to correct a job title for a position budgeted across both operations in the Fund. The job title change is from Office Clerical to Event Services Clerk, budgeted at 0.2 FTE at Civic Stadium and 0.45 FTE at PCPA. An adjustment will also be made to the transfer to MERC Administration, to reflect the recommendation in that Fund. Net savings will result in an increase in the Unappropriated Balance.

CIVIC STADIUM

<u>Category</u>	<u>Proposed</u>	<u>Recommended</u>	<u>Change</u>
Personal Services			
- Event Coord. II	\$ <u>30,619</u>	\$ <u>23,821</u>	\$ <u>(6,798)</u>
- Fringe	\$ <u>140,727</u>	\$ <u>138,585</u>	\$ <u>(2,142)</u>
TOTAL PERSONAL SVCS.	\$ <u>587,478</u>	\$ <u>578,538</u>	\$ <u>(8,940)</u>
CIVIC STADIUM TOTAL	\$ <u>1,869,907</u>	\$ <u>1,860,967</u>	\$ <u>(8,940)</u>

34

Convention Center Project Capital Fund

HISTORICAL DATA ACTUAL \$		FY 1993-94 ADOPTED BUDGET		FISCAL YEAR 1994-95		PROPOSED	APPROVED	ADOPTED			
FY 1991-92	FY 1992-93	FTE	AMOUNT	ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<u>Resources</u>											
5,498,434	4,522,822		2,640,000	305000	Fund Balance		1,371,260		1,371,260		1,371,260
246,594	154,044		60,000	361100	Interest on Investments		47,995		47,995		47,995
267,448	157,375		0	379000	Other Miscellaneous Revenue		0		0		0
6,012,476	4,834,241		2,700,000		TOTAL RESOURCES		1,419,255		1,419,255		1,419,255
<u>Personal Services</u>											
				511121	SALARIES-REGULAR EMPLOYEES (full time)						
6,701	7,043		0		Director		0		0		0
12,043	6,219	0.50	28,000		Manager	0.50	27,216	0.50	27,216	0.50	27,216
0	0		0		Development Project Manager		0		0	0.10	4,740
12,823	4,691		0		Principal Administrative Services Analyst		0		0		0
19,321	0		0		Senior Management Analyst		0		0		0
17,466	3,807		0		Assistant Management Analyst		0		0		0
				511221	WAGES-REGULAR EMPLOYEES (full time)						
5,275	1,987		0		Administrative Secretary		0		0		0
				511235	WAGES-TEMPORARY EMPLOYEES (part time)						
0	736		0		Temporary Professional Support		0		0		0
20,941	8,277		12,500	512000	FRINGES		10,478		10,478		12,469
94,570	32,760	0.50	40,500		Total Personal Services	0.50	37,694	0.50	37,694	0.60	44,425
<u>Materials & Services</u>											
880	156		500	521100	Office Supplies		0		0		0
1,425	0		0	521240	Graphics/Reprographic Supplies		0		0		0
0	15		0	521260	Printing Supplies		0		0		0
13,970	15,463		15,000	524190	Misc. Professional Services		22,500		22,500		22,500
381	1,077		1,000	526200	Ads & Legal Notices		0		0		0
0	0		2,000	526310	Printing Services		0		0		0
537	0		0	526320	Typesetting & Reprographics Services		0		0		0
330	174		500	526410	Telephone		0		0		0
1	0		300	526420	Postage		0		0		0
0	16		300	526440	Delivery Service		0		0		0
0	1		1,250	526500	Travel		0		0		0
0	0		1,500	526700	Temporary Help Service		0		0		0
0	0		7,740	528100	License, Permits, Payments to Other Agencies		0		0		0
0	1,324,200		0	528320	Federal Rebate on Bonds		0		0		0
0	0		1,650	526800	Training, Tuition and Conferences		0		0		0
142	0		500	529500	Meetings		0		0		0
2	0		0	529800	Miscellaneous Expenditures		0		0		0
17,668	1,341,102		32,240		Total Materials & Services		22,500		22,500		22,500

Convention Center Project Capital Fund

HISTORICAL DATA ACTUAL \$		FY 1993-94 ADOPTED BUDGET		FISCAL YEAR 1994-95		PROPOSED		APPROVED		ADOPTED	
FY 1991-92	FY 1992-93	FTE	AMOUNT	ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<u>Capital Outlay</u>											
46,045	0		0	571300	Purchases-Buildings, Exhibits & Related		0		0		0
23,912	89,033		500,000	571400	Purchases-Equipment & Vehicles		0		0		0
97,985	0		0	571500	Purchases-Office Furniture & Equipment		0		0		0
44,533	0		0	574110	Construction Management		0		0		0
50,675	77,237		150,000	574120	Architectural Services		0		0		0
3,094	0		15,000	574130	Engineering Services	140,000		140,000		140,000	
7,114	0		0	574190	Other Construction Services	4,000		4,000		4,000	
1,865	0		350,000	574510	Construction Work Other than Bldg		0		0		0
1,010,234	396,353		468,340	574520	Const. Work/Materials-Bldgs, Exhibits & Rel.		0		0		0
						545,767		615,000		615,000	
1,285,457	562,623		1,483,340	Total Capital Outlay		689,767		759,000		759,000	
<u>Interfund Transfers</u>											
6,608	7,117		0	581513	Trans. Indirect Costs to Bldg Fund-Metro Center		0		0		0
74,721	84,405		66,580	581610	Trans. Indirect Costs to Support Svs. Fund	49,294		29,151		53,053	
8,460	1,572		1,909	581615	Trans. Indirect Cost to Risk Mgmt. Fund-Liability		0		0		0
2,170	0		299	581615	Trans. Indirect Cost to Risk Mgmt. Fund-Workers Comp		0		0		0
0	0		500,000	582551	Trans. Resources to OCC Renewal & Replacement		0		0		0
0	0		37,132	583610	Trans. Direct Costs to Support Svs. Fund		0		0		0
						49,294		29,151		53,053	
91,959	93,094		605,920	Total Interfund Transfers							
<u>Contingency and Unappropriated Balance</u>											
0	0		0	599999	Contingency	100,000		50,910		20,277	
4,522,822	2,804,662		538,000	599990	Unappropriated Balance	520,000		520,000		520,000	
						620,000		570,910		540,277	
4,522,822	2,804,662		538,000	Total Contingency and Unappropriated Balance							
6,012,476	4,834,241	0.50	2,700,000	TOTAL EXPENDITURES		0.50	1,419,255	0.50	1,419,255	0.60	1,419,255

36

Date: December 8, 1994
Agenda Item No. 5.1

ORDINANCE NO. 94-581

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 94-581 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.09, RELATING TO ILLEGAL DUMPING OF SOLID WASTE, TO MAKE PROCEDURAL IMPROVEMENTS AND CORRECTIONS AND DECLARING AN EMERGENCY

Date: November 22, 1994

Presented by:
Steve Kraten

Proposed Action

Adopt Ordinance No. 94-581 to make procedural and other technical changes to Ordinance No. 94-557 (Metro Code Chapter 5.09), Metro's Illegal Dumping Ordinance.

Factual Background and Analysis

Ordinance No. 94-557, the Metro Illegal Dumping Ordinance, took effect on November 9, 1994. The ordinance sets up a process for enforcing a regional prohibition on uncovered loads and illegal solid waste dumping through the use of a Hearings Officer.

In preparing for implementation of Ordinance No. 94-557, Solid Waste Enforcement Unit staff, Accounting Services staff and the Office of General Counsel performed a "dry run" of the ordinance, from issuance of a citation to collection of a fine. This exercise demonstrated several procedural and technical glitches that need to be corrected, to avoid confusion once citations are issued.

Metro staff also reviewed the ordinance with the Hearings Officer who will be conducting hearings under the ordinance. That conversation also led to several changes that improve the workability of the ordinance.

The following changes were made:

1. "Bail" was changed to "security" throughout, because "bail" is more appropriately associated with release from custody than ensuring an appearance or payment of fine.
2. "Minimum security" is referenced (top of page 2), to make clear that an official issuing a citation can impose a greater amount of security depending on the degree of violation and the cost incurred in cleaning it up.

3. An option allowing a person to post as little as \$25 when requesting a hearing was added, to ensure that an indigent person will not be denied his or her 'day in court.' (Page 2, sub (c)(4))
4. A violation of the prohibitions section of the code is declared to be a nuisance, to possibly aid in an action for an injunction against a repeat or serious violator. (Page 2, sub (e))
5. Section 5.09.090 (bottom of page 3) would be amended to only require "substantial" conformance of the citation with what is stated in the ordinance. This is to preclude nonsubstantive arguments related to minor variations in the citations used.
6. Subsection (6) of section 5.09.090 (middle of page 4) is amended to conform with the notice provisions in the Oregon Administrative Procedures Act and Metro's contested case procedures. It could be argued that the existing language affords more or different notice than generally required in administrative proceedings.
7. The language on the back of the citation/summons, (page 5-6) would be amended to make it easier to understand. Existing language provided that requests for a hearing be made to the Hearings Officer, when in fact hearings will be set up administratively and the Hearings Officer will only be present at Metro on specified days. The changes also provide that payments will be made to the Accounting Services Division. On page 7, the notice to violators deletes reference to collection activities that can only occur if Metro obtains a judgment for the amount of the fine. Because most unpaid fines are likely to be small, Metro is more likely to turn them over to a collection agency than to seek a judgment for the amount owed.
8. Changes to Section 5.09.110 (page 8) are to conform to changes in the citation regarding payment of security to the Accounting Services Division.
9. Section 5.09.130 originally stated that the Oregon Evidence Code (OEC) would apply in hearings before the Hearings Officer. Section 5 of the ordinance (page 9) deletes that requirement and inserts less stringent rules of evidence, more in line with the Oregon Administrative Procedures Act and Metro's contested case procedures. (see Metro Code section 2.05.030) Compliance with the OEC could be difficult not only for Metro in documenting violations, but for individuals defending against citations.
10. Section 6 of the ordinance (page 11) would amend section 5.09.140, to correct two problems. First, Metro staff believes that as originally configured, this section rewards the person who fails to appear at any step in the process by limiting the potential penalty to which that person might be subjected. The only person exposed to higher penalties is the person who posts security and asks for a hearing. The changes distinguish between failure to appear at an original appearance and failure to appear before the Hearings Officer after posting security. If a person fails to appear at an original appearance, a forfeiture of the amount of bail stated on the citation

would occur unless Metro instead forwards the matter to the Hearings Officer for disposition. If a matter is scheduled for a hearing and the person cited fails to appear, the official issuing the citation would be required to establish that the violation occurred and that the person cited committed it, and the Hearings Officer would enter an order, assessing fines and expenses if appropriate, based on the evidence received. The second problem corrected is the erroneous statement that the Hearings Officer's order is automatically collectible as a judgment, when it is only collectible as a debt.

11. The ordinance contains an emergency clause to prevent undue delay in the implementation of the original illegal dumping ordinance.

Budget Impacts

None noted.

Executive Officer's Recommendation

The Executive Officer Recommends adoption of Ordinance No. 94-581.

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42

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)
METRO CODE CHAPTER 5.09, RELATING)
TO ILLEGAL DUMPING OF SOLID WASTE,)
TO MAKE PROCEDURAL IMPROVEMENTS)
AND CORRECTIONS, AND DECLARING)
AN EMERGENCY.)

ORDINANCE NO. 94-581

Introduced by Rena Cusma
Executive Officer

WHEREAS, Ordinance No. 94-557, the Metro Illegal dumping ordinance, took effect on November 9, 1994; and

WHEREAS, Ordinance No. 94-557 addressed illegal dumping as a matter of metropolitan concern by establishing a mechanism for civil enforcement of regional illegal dumping and uncovered loads prohibitions; and

WHEREAS, As implementation of Ordinance No. 94-557 begins, certain procedural problems have been noted, that require correction by amendment of Metro Code Chapter 5.09; now, therefore;

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code section 5.09.050 is amended to read:

5.09.050 Penalties and Minimum Bail Security:

(a) Any person, firm, or corporation violating Section 5.09.040(a) shall be subject to a civil fine of not more than \$500 for each infraction.

(b) Any person, firm, or corporation violating Section 5.09.040(b) shall be subject to:

(1) A civil fine of not more than \$1,000 for each infraction; and

(2) An award of costs to reimburse Metro for the following actual expenses:

(A) administrative costs of investigation, adjudication, and collection; and

(B) cleanup and disposal costs incurred.

(c) The Metro Council may by order establish and modify schedules of minimum bailsecurity for violations under this chapter. Until modified, bailminimum security shall be as follows:

- (1) \$75.00 for a first offense of Section 5.09.040(a), and \$250.00 for a subsequent offense.
- (2) \$150.00 for a first offense of Section 5.09.040(b), and \$500.00 for a subsequent offense.
- (3) Notwithstanding subsections (1) and (2) of this section, the minimum bailsecurity for any corporation or other business entity violating Section 5.09.040(b) by illegally depositing solid waste estimated to be in excess of ten cubic yards, shall be \$1,000.00.
- (4) Notwithstanding subsections (1), (2), and (3) of this section, Metro may accept less than full security, but in no case less than \$25.00, from a person who requests a hearing by appearing in person, upon a showing by such person that he or she is financially unable to post the full security required by this section.

(d) Forfeiture of bailsecurity or payment of a fine on a citation issued under this chapter does not relieve a violator of responsibility to remedy the violation.

(e) Nothing in this chapter is intended to prevent other legal action against a person alleged to have violated a provision enforceable under this chapter. Metro, or any person or governmental entity whose interest is or may be affected by violation of a provision enforceable under this chapter may take whatever legal or equitable action necessary to abate a nuisance, impose criminal sanctions or collect damages, regardless of whether an action has been commenced under this chapter. Violation of Metro Code Section 5.09.040 is hereby declared to be a nuisance and subject to abatement or injunction as any other nuisance.

Section 2. Metro Code section 5.09.080 is amended to read:

5.09.080 Issuance of Warnings:

(a) A person authorized to issue a citation under this chapter may issue a warning of an alleged infraction under this chapter.

(b) If issued, a warning notice shall be in writing and shall be delivered to the person alleged to have committed the infraction in person or in any other manner reasonably calculated to give notice of the violation, including posting or regular mail.

44

- (c) A warning notice shall include:
- (1) A brief description of the nature of the infraction;
 - (2) The legal provision or provisions alleged to be violated;
 - (3) The date and time at which the infraction is alleged to have occurred, ~~or if it is a continuing offense, a statement to that effect and the date the infraction was first observed;~~
 - (4) The name of the person, department, or office to contact regarding the infraction;
 - (5) The name of the person issuing the warning;
 - (6) The date the warning was issued;
 - (7) A statement that failure to correct the alleged violation ~~or to contact the appropriate Metro office within a specified time~~ may result in issuance of a citation to appear before a Hearings Officer; ~~and~~
 - ~~(8) A statement that if a citation is issued, payment of a fine or bail does not relieve a violator of the responsibility to remedy the violation; and~~
 - ~~(9)~~⁽⁸⁾ The maximum penalty that may be assessed if a citation is issued for the infraction and a finding of guilty is entered.

Section 3. Metro Code section 5.09.090 is amended to read:

5.09.090 Citation Form and Content:

- (a) A citation ~~substantially~~ conforming to the requirements of this section shall be used for all infractions enforceable under this chapter.
- (b) The citation shall consist of the following four parts and any additional parts inserted for administrative use:
 - (1) The complaint;
 - (2) The abstract of record;
 - (3) The department, police or sheriff's records; and

45

(4) The summons.

(c) Each part shall contain the following information or blanks for entry of information:

- (1) Identification of Metro, as the public body in whose name the action is brought;
- (2) Hearings Officer file number;
- (3) Name of the person cited;
- (4) The Metro ordinance or code section violated;
- (5) The date and time at which the infraction is alleged to have occurred, or if it is a continuing violation, a statement to that effect and the date the infraction was first observed by the complainant;
- (6) A brief description short and plain statement of the infraction of which the person is charged, in a manner that can be readily understood by a person making a reasonable effort to do so;
- (7) The place at which the infraction is alleged to have occurred;
- (8) The date on which the citation was issued;
- (9) The name of the complainant;
- (10) The time and place where the person cited is to appear before a Hearings Officer by which a person cited must post security, and the place where bail security must be posted;
- (11) The bail security, if any, fixed for the infraction; and
- (12) The method of service and certification that service has been made. If service is made by certified mail, return receipt requested, it shall be so stated on the complaint and the required certification of service may be made upon receipt of the "return receipt" and after the filing of the complaint. Service by certified mail shall be as specified in Section 5.09-0805 09.070(a)(4).

(d) The complaint shall contain a certification by the complainant, under penalty of ORS 153.990, that the complainant has reasonable grounds to believe, and does believe,

46

that the person cited committed an infraction enforceable under this chapter. A certificate conforming to this subsection shall be deemed equivalent to a sworn complaint.

- (e) The reverse side of the complaint shall contain the Hearings Officer record.
- (f) The summons shall notify the person cited that the complaint will be filed with the Hearings Officer.
- (g) The reverse side of the summons shall contain substantially the following information:

READ CAREFULLY

You have been cited for violating the Metro Code, as stated on the front of this summons. You must do one of the following:

- (1) Request a hearing in person: Appear at Metro Regional Center, Accounting Services Division, 600 NE Grand Ave, Portland, Oregon on or before the Hearings Officer at the time when this summons requires you to appear, post security in the amount indicated on the other side of this Summons and request a hearing. You will be notified by mail of your hearing date and time; OR
- (2) Request a hearing by mail: Mail to the Hearings Officer this summons, together with a check or money order in the amount of the bail security indicated on the other side of this Summons to the Metro Accounting Services Division in the numbered envelope provided, and tell the Hearings Officer you request a hearing. You will be notified by mail of your hearing date and time. **THIS SUMMONS AND THE BAIL SECURITY MUST REACH THE HEARINGS OFFICER METRO BEFORE THE TIME CLOSE OF BUSINESS ON THE DATE WHEN THIS SUMMONS REQUIRES YOU TO APPEAR.**
- (3) Submit an explanation by mail: If you don't want a hearing, but wish to explain your side, send your explanation with the summons and bail security. The Hearings Officer will then consider your explanation and may forfeit your bail security or part of it on the basis of your explanation and what the Metro official tells or shows the Hearings Officer. **YOUR EXPLANATION AND SECURITY MUST REACH METRO BEFORE THE CLOSE OF BUSINESS ON THE DATE**

47

THIS SUMMONS REQUIRES YOU TO APPEAR. Please include the summons number (upper right hand corner on the other side) on any correspondence related to this citation; OR

~~(3)~~(4) **Admit responsibility by mail:** Sign the statement of responsibility below and send this summons to the ~~Hearings Officer~~ **Metro Accounting Services Division**, together with check or money order in the amount of bail security indicated on the other side of this summons. **THIS SUMMONS AND THE BAIL SECURITY MUST REACH THE HEARINGS OFFICER METRO ACCOUNTING SERVICES DIVISION BEFORE THE TIME CLOSE OF BUSINESS ON THE DATE WHEN THIS SUMMONS REQUIRES YOU TO APPEAR BEFORE THE HEARINGS OFFICER.** NOTE: If you have already given bail or other security for your appearance, proceed as mentioned above, but do not send in any additional sum as bail.

FORFEITURE OF BAIL SECURITY OR PAYMENT OF A FINE FOR THIS CITATION DOES NOT RELIEVE A VIOLATOR OF THE RESPONSIBILITY TO REMEDY THE VIOLATION. FAILURE TO REMEDY A VIOLATION PRIOR TO THE HEARINGS OFFICER APPEARANCE DATE STATED IN THIS CITATION MAY CONSTITUTE A CONTINUING VIOLATION AND MAY GIVE RISE TO ISSUANCE OF ADDITIONAL CITATIONS.

APPEARANCE, STATEMENT OF
RESPONSIBILITY, AND WAIVER

I, the undersigned, do hereby enter my appearance on the complaint of the infraction charged on the other side of this summons. I have been informed of my right to a hearing, and that my signature to this statement of responsibility will have the same force and effect as a judgment an order of the Hearings Officer. **I HEREBY STATE THAT I AM RESPONSIBLE FOR COMMITTING THE VIOLATION AS CHARGED, WAIVE MY RIGHT TO A HEARING BY THE HEARINGS OFFICER, AND AGREE TO PAY THE PENALTY PRESCRIBED FOR MY VIOLATION.** I understand that my agreement to pay a fine or forfeit bail security does not relieve me of my responsibility to remedy the violation charged.

48

(Cited Person's Name)

(Cited Person's Address)

Mail Your Remittance to: Metro
Accounting Services Division
Solid Waste Department
600 N.E. Grand Avenue
Portland, OR 97232-2736

NOTICE

IF YOU FAIL TO MAKE AN APPEARANCE THROUGH ONE OF THE ~~THREE~~ ~~FOUR~~ FOREGOING PROCEDURES, OR FAIL TO APPEAR FOR A HEARING AT THE TIME SET BY THE HEARINGS OFFICER, THE HEARINGS OFFICER IS EMPOWERED TO DECLARE YOU IN DEFAULT ON THE COMPLAINT. IN THE EVENT OF A DEFAULT, OR FAILURE TO PAY A FINE PURSUANT TO ORDER OF THE HEARINGS OFFICER UPON ENTRY OF A FINDING OF A VIOLATION, METRO MAY USE ~~THE FOLLOWING PROCEDURES TO SATISFY THE UNPAID FINE OR BAIL.~~

- ~~1. ATTACHMENT OF CHECKING OR SAVINGS ACCOUNT.~~
- ~~2. GARNISHMENT OF WAGES.~~
- ~~3. SEIZURE OF PERSONAL PROPERTY.~~
- ~~4. RECORDING OF A LIEN IN THE COUNTY COURT LIEN RECORD.~~
- ~~5. OTHER LEGAL OR EQUITABLE RELIEF AS PROVIDED BY LAW.~~

~~SEEK A JUDGMENT AGAINST YOU FOR THE UNPAID FINE OR SECURITY, RECORD A LIEN IN THE COUNTY LIEN RECORD, AND OBTAIN OTHER LEGAL OR EQUITABLE RELIEF AS PROVIDED BY LAW~~

(h) An error in transcribing information into the blanks provided in the citation form, when determined by the Hearings Officer to be non-prejudicial to the defense of the

49

person cited, may be corrected at the time of hearing or prior to time of hearing with notice to the person cited. Except as provided in this subsection, a complaint that does not conform to the requirements of this section shall be set aside by the Hearings Officer upon motion of the person cited before entry of a plea. ~~Minor variations in the form of citation, including but not limited to a change in the place or manner of posting security,~~ shall not be a basis for setting aside a complaint.

(i) Nothing prohibits the Hearings Officer from amending a citation in the Hearings Officer's discretion.

Section 4. Metro code section 5.09.110 is amended to read:

5.09.110 Appearance by Person Cited:

(a) The person cited shall either appear ~~as specified in the summons on or before the Hearings Officer at the time close of business on the date indicated in the summons, or prior to the such time of hearing shall deliver to the Hearings Officer address noted in the summons, a check or money order in the amount of bail security set forth on in the summons;~~ and

- (1) A request for hearing;
- (2) A statement of explanation in mitigation of the offense charged; or
- (3) The executed appearance, waiver of hearing and statement of responsibility appearing on the summons.

(b) A written statement of explanation submitted by a cited person shall constitute a waiver of hearing and consent to judgment by the Hearings Officer and forfeiture of all or any part of the ~~bail security~~ as determined by the Hearings Officer.

(c) If the person cited requests a hearing and posts appropriate ~~bail security~~, the Hearings Officer shall fix a date and time for a hearing. Unless notice is waived, the Hearings Officer shall mail to the person cited a notice of the date and time of the hearing at least five working days prior to the hearing. The notice shall:

- (1) Be in the form of a "Notice to Appear" and contain a warning that if the person cited fails to appear, a finding of responsibility will be entered against that person; and
- (2) Be sent to the person cited at the person's last known address by regular mail.

50

Section 5. Metro Code section 5.09.130 is amended to read:

5.09.130 Procedures Before Hearings Officer:

(a) An allegation of violation of Code Section 5.09.040 shall, if not admitted by the person cited or settled by the Department prior to hearing, be resolved by a Hearings Officer.

(b) The Hearings Officer, and any assistant Hearings Officers, shall be independent of all Metro Departments although, for administrative purposes, such officer or officers may be established as part of the Solid Waste Department, Office of General Counsel, or Metro Auditor Department Office.

(c) Metro shall have the burden of proving the alleged infraction by a preponderance of the evidence.

(d) The Hearings Officer shall ~~allow admission of evidence as specified in the Oregon Evidence Code.~~ apply the following rules of evidence:

(1) All evidence, including hearsay evidence, of a type commonly relied upon by reasonably prudent persons in conducting their serious affairs shall be admissible;

(2) Irrelevant, immaterial or unduly repetitious evidence shall be excluded at the discretion of the Hearings Officer. Erroneous rulings on evidence shall not preclude action by the Hearings Officer, unless shown on the record to have substantially prejudiced the rights of a party;

(3) The Hearings Officer shall give effect to the rules of privilege recognized by law;

(4) All evidence offered but not objected to shall be received, subject to the Hearings Officer's authority to exclude irrelevant or unduly repetitious evidence and to weigh all evidence received; and

(5) Evidence objected to may be admitted at the discretion of the Hearings Officer. Rulings on the admissibility or exclusion of evidence may be made at the hearing or at the time an order is issued.

(e) A name of a person found on solid waste, rubbish, trash, garbage, debris, or other refuse, or recyclable material, in such a way that it denotes ownership of the items, constitutes rebuttable evidence that the person has violated the refuse hauling or dumping regulations. The Hearings Officer shall determine at the hearing whether the evidence in question is sufficient to give rise to a rebuttable presumption of responsibility against the

person cited, and shall so notify the person cited following presentation of Metro's case.

(f) The Hearings Officer shall place on the record a statement of the substance of any written or oral *ex parte* communication made to the Hearings Officer on a fact in issue during the pendency of the proceedings. The Hearings Officer shall notify the parties of the communication and of their right to rebut such communication.

(g) The Hearings Officer shall have the authority to administer oaths and take testimony of witnesses. Upon the request of the person cited, or upon the Hearings Officer's own motion, the Hearings Officer may issue subpoenas in accordance with this section, and in accordance with the Oregon Rules of Civil Procedure to the extent that the matter is not otherwise addressed by this section:

- (1) If the person cited desires that witnesses be ordered to appear by subpoena, the person cited shall so request in writing at any time at least five days prior to the scheduled hearing. A \$15 deposit for each witness shall accompany each request. The deposit will be refunded, as appropriate, if the witness cost is less than the amount deposited.
- (2) Subject to the same five-day limitation, Metro may also request that certain witnesses be ordered to appear by subpoena.
- (3) The Hearings Officer, for good cause, may waive the five-day limitation.
- (4) Witnesses ordered to appear by subpoena shall be allowed the same fees and mileage as allowed in civil cases.
- (5) If a fine is imposed in the final order, the order shall include an order for payment of actual costs for any witness fees attributable to the hearing.

(h) The person cited shall have the right to cross-examine witnesses who testify and shall have the right to submit evidence.

(i) The person cited may not be required to be a witness in the hearing of any infraction under this chapter.

(j) Proof of a culpable mental state is not an element of an infraction under this chapter.

(k) After due consideration of the evidence and arguments, the Hearings Officer shall determine whether the infraction alleged in the complaint has been proven and enter an order as follows:

- (1) If the Hearings Officer determines that the infraction has not been proven, an order dismissing the complaint shall be entered.
- (2) If the Hearings Officer determines that the infraction has been proven, or if an answer admitting the infraction has been received, an appropriate order shall be entered, including penalty and costs.
- (3) The final order issued by the Hearings Officer shall set forth both findings of fact and conclusions of law and shall contain the amount of the fine and costs imposed and instructions regarding payment.
- (4) A copy of the order shall be delivered to the parties, or to their attorneys of record, personally or by mail.

(1) A tape recording shall be made of the hearing unless waived by both parties. The tape shall be retained for at least 90 days following the hearing or final judgment on appeal.

Section 6. Metro Code section 5.09.140 is amended to read:

5.09.140 Failure to Appear by Person Cited:

If a person cited and notified of a hearing as provided in this chapter fails to appear at either the original appearance or prior to the time specified on the summons or at a subsequent hearing scheduled by the Hearings Officer, the person cited shall forfeit any bail that has been posted on the citation, but no fine may be imposed in excess of the bail deposited to Metro the amount of security specified in the citation. In the alternative, Metro may forward the citation to the Hearings Officer for disposition. If a person notified of a hearing before the Hearings Officer fails to appear, the Hearings Officer shall review any evidence submitted, and if Metro has established the infraction by a preponderance of the evidence, shall enter an order including, if appropriate, imposition of a fine and/or award of expenses to Metro. If no bail security, or less than total bail security has been posted, the amount of bail security not posted, or the amount of the fine and expenses specified in the Hearings Officer's order minus the amount of security posted, whichever is greater, shall be entered as a judgment against the person cited a debt owing to Metro that can be collected by Metro by any means specified in the Oregon Revised Statutes for collection of a judgment in the same manner as any other debt.

Section 7. Emergency Clause. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that Ordinance No. 94-557 took effect on November 9, 1994, and immediate implementation of the procedural corrections in this

ordinance will prevent unnecessary confusion and delay, an emergency is declared to exist and this Ordinance takes effect upon passage.

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

Judy Wyers, Presiding Officer

ATTEST:

Clerk of the Council

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54

Meeting Date: December 8, 1994
Agenda Item No. 6.1

ORDINANCE NO. 94-577

55

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

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

Date: November 30, 1994

Presented by: Councilor Gates

COMMITTEE RECOMMENDATION: At its November 29, 1994 meeting the Governmental Affairs Committee voted 5-0 to recommend Council adoption of Ordinance No. 94-577. All committee members were present and voted in favor.

COMMITTEE DISCUSSION/ISSUES: General Counsel Dan Cooper presented the staff report. He said this ordinance provides for the transition of the Boundary Commission from thirteen members to seven, as required by the reduction in the number of Councilors and the Boundary Commission statute that ties the number of commissioners to the number of Metro Councilors. The ordinance specifies which seven positions will continue and which six positions will expire, and matches the seven continuing positions with Council districts. Mr. Cooper pointed out that not all the continuing Boundary Commission members live in the Council districts to which they are assigned. This is not inconsistent with the current structure, which does not require residence in the relevant district; one continuing member, for example, lives outside the Metro area. He noted the emergency clause is added to make it effective in a timely manner.

Councilor Gates noted that the Council has approved a resolution which supports a change in the Boundary Commission structure, to be considered by the 1995 Legislature. He said MPAC also supports the change.

Councilor Buchanan asked why a member who has served two terms was continuing despite a restriction, in statute and Code, of two terms of service. Ken Martin, Executive Officer of the Boundary Commission, said the member in question had been originally appointed to fill an unexpired term. The statute allows service of two full terms, plus any time in a partial term. Mr. Martin explained the process by which the seven members proposed to continue were selected. He said the Councilors who had worked with the Boundary Commission members and staff to develop this transition plan had asked the Commission to determine which seven members they wanted to continue. The Commission polled its members, with the Chair tabulating the results, which produced the seven reflected in this ordinance. Those members tended to have the most experience.

Councilor Wyers said the member from her district could have been eligible to continue because his term would otherwise continue, but he did not wish to do so. He told her he supported the process used to determine the seven continuing members.

57

58

BEFORE THE METRO COUNCIL

RELATING TO THE PORTLAND)
METROPOLITAN AREA LOCAL)
GOVERNMENT BOUNDARY COMMISSION)
AMENDING METRO CODE SECTION)
2.01.190 AND DECLARING AN)
EMERGENCY)

ORDINANCE NO. 94-577

Introduced by
Councilor Mike Gates

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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59

(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,

60

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~~

61

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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62

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

63

64

Meeting Date: December 8, 1994
Agenda Item No. 6.2

ORDINANCE NO. 94-580A

65

66

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

67

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.

68

**METRO**

Date: August 18, 1994

To: Government Affairs Committee Members

From: Donald E. Carlson, Council Administrator

Re: Proposed Draft Metro Administration Code

Attached please find a draft copy of a proposed Metro Administration Code. It is a common practice for federal, state and local legislative bodies to enact policies setting forth the powers, duties and functions of the administrative agencies of the governmental entity. Historically, the Council has adopted clear and definitive Code provisions related to those administrative units that report to both the Executive Officer and Council (ie. Office of General Counsel) but has not enacted similar provisions related to the departments who report directly to the Executive Officer.

The principal intent of the proposed Code is to establish the organizational structure of Metro and more clearly define the role of the Executive Officer and the Council relating to modifications of existing departmental organizational structures and functions. The proposed code would enable the Executive Officer to implement administrative changes within each department, except to the extent that such changes conflict with the schedule of appropriations. Section 1A.01.020 is a critical section of the proposed Code which provides that "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." The code defines each existing department based on the administrative units, programs and functions that are identified in the Adopted Fiscal Year 1994-95 Budget.

Many of you will recall the debate that occurred when the present Executive Officer proposed the merger of the old Planning and Development Department with the Transportation Department to form the new Planning Department. The Council and the Executive disagreed concerning the need for Council approval of such sweeping administrative changes. This proposed Administration Code would require the Executive Officer to obtain Council approval for major actions, such as the creation or elimination of a department.

I believe that it is particularly important for the Council to set forth its policy in this area at this time. There will be a new Executive Officer in January and the potential for administrative or organizational changes will be significant. The lack of a clear policy concerning the Council's role in approving such changes could contribute to unnecessary friction with the new Executive. Please review and comment on this proposed draft and determine whether or not the committee is interested in introducing it for first reading and further consideration.

cc: Dick Engstrom

69

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING 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

71

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 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,

75

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 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;

77

- (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

Section 10.15.010 Finance Department Established:

(a) The Metro Finance 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 functions set forth in the Metro Charter and this Code.

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

80

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

Section 10.15.020 Director Finance 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 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.

(c) Subject to Section 10.01.020, the Director of the Finance 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

82

- (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).

(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

84

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 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

83

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 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

86

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) Organize and reorganize the Office in the manner the General Counsel considers necessary to conduct the work of the Office.

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

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

(d) 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) 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 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,

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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 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;

89

(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 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

91

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.

(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.

92

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 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 Policies: In carrying out the duties of the Office, the Officer or subordinate employees shall not represent or advocate the position of any 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:

(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.

96

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

98

Meeting Date: December 8, 1994
Agenda Item No. 7.1

RESOLUTION NO. 94-1977

99

100



METRO

DATE: December 2, 1994

TO: Metro Council
Executive Officer
Agenda Recipients

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 7.1; RESOLUTION NO. 94-1977

The Solid Waste Committee will consider Resolution No. 94-1977 on December 6. Committee reports will be distributed in advance to Councilors and available at the Council meeting on December 8, 1994.

101

102

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 94-1977
ISSUANCE OF A REQUEST FOR BIDS FOR)
THE CONSTRUCTION OF AN IMPROVED) Introduced by Rena Cusma,
COVER SYSTEM, GAS COLLECTION) Executive Officer
SYSTEM, AND STORMWATER COLLECTION)
SYSTEM ON A PORTION OF THE ST. JOHNS)
LANDFILL)

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

WHEREAS, Work associated with and including the construction of an improved multi-layered cover system, gas collection system, and stormwater collection system on a portion of St. Johns Landfill will carry forward the closure process; and

WHEREAS, This resolution along with the Request for Bids and contract form for the work described above were submitted to the Executive Officer for consideration and all were forwarded to the Council for approval; now, therefore,

BE IT RESOLVED,

That the Metro Council authorize issuance of a Request for Bids for work associated with and including the construction of an improved multi-layered cover system, gas collection system, and storm water collection system on a portion of St. Johns Landfill.

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

Judy Wyers, Presiding Officer

104

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 94-1977 FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF A REQUEST FOR BIDS FOR THE CONSTRUCTION OF AN IMPROVED COVER SYSTEM, GAS COLLECTION SYSTEM, AND STORMWATER COLLECTION SYSTEM ON A PORTION OF ST. JOHNS LANDFILL

Date: November 4, 1994

Presented by: Jim Watkins
Dennis O'Neil

PROPOSED ACTION

Adoption of Resolution No. 94-1977, authorizing the issuance of a Request for Bids (RFB) for the construction of an improved cover system, gas collection system, and stormwater collection system in order to cap the final portion of St. Johns Landfill.

FACTUAL BACKGROUND AND ANALYSIS

According to the 1989 St. Johns Landfill Closure and Financial Assurance Plan, the primary method to control groundwater and surface water contamination from St. Johns Landfill is to construct a waterproof cover over the solid waste. During the 1992, 1993, and 1994 construction seasons, Metro built a greatly improved multi-layered cover system and associated gas and stormwater systems on two-thirds of St. Johns Landfill

Proposed RFB 94B-31-SW is for installation of the above systems on the remaining 68 acres of St. Johns Landfill over a period of up to two years. With the completion of work performed under this RFB, Metro's portion of the St. Johns Landfill (north of Columbia Slough) will be completely covered preventing future leachate formation by rainwater. The major objective of the 1989 Closure Plan will be achieved.

Metro's minority and woman owned business program requires that Metro and bidders make good-faith efforts to maximize business opportunities for MBEs and WBEs for this project. Metro will identify and contact appropriate MBEs and WBEs about potential subcontracting opportunities for this project. For bidders, good faith efforts include the requirements that bidders identify specific subcontracting opportunities for these groups in their general subcontracting plans for this project, and that all MBEs and WBEs attending the pre-bid meeting be contacted by bidders. Negotiations must be conducted with MBEs and WBEs for which appropriate subcontracting opportunities exist.

105

BUDGET IMPACT

The estimated total cost for all construction work listed in this RFB is \$9 million dollars. It is expected that the work will begin in Spring 1995 and may continue up to late Fall 1996. In the FY 1994-1995 budget, \$2 million dollars is allocated for work to be performed up to June 30, 1995. The remaining funds would come from the FY 1995-1996 and FY 1996-1997 budgets after they are adopted. The projected closure fund of \$41 million dollars remains adequate to pay for this work.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 94-1977.

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106

Meeting Date: December 8, 1994
Agenda Item No. 7.2

RESOLUTION NO. 94-1985

107

108

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 94-1985, REQUIRING COUNCIL CONFIRMATION OF APPOINTMENTS TO A COMMITTEE TO SUPERVISE ADMINISTRATION OF THE METRO EMPLOYEE SALARY SAVINGS PLAN

Date: November 30, 1994

Presented by: Councilor Gates

COMMITTEE RECOMMENDATION: At its November 29, 1994 meeting the Governmental Affairs Committee voted 5-0 to recommend Council adoption of Resolution No. 94-1985. All committee members were present and voted in favor.

COMMITTEE DISCUSSION/ISSUES: Council Analyst Casey Short presented the staff report. He said the question of Council confirmation of appointment to the Metro employee salary savings plan committee had been raised earlier by the Governmental Affairs Committee, which had directed him to draft a resolution requiring such confirmation. They had considered a draft resolution at their previous meeting, and requested changes to require the committee to meet at least quarterly and to provide for appointment to become effective after a certain time if the Council had not acted on them. Mr. Short said this resolution establishes a 45-day period for confirmation; he said this is probably more time than will normally be needed, but would provide enough time for thorough consideration if there were issues.

Mr. Short said the resolution provides for the current committee to continue into 1995, but calls for the new Executive Officer to appoint the committee's five members by January 31, 1995. Council will then have until March 17 to confirm or reject the appointments. He explained that this provision would avoid the potential of two Councils having to confirm the appointments made by two Executive Officers.

There was no further committee discussion.

109

110



METRO

DATE: November 21, 1994
TO: Governmental Affairs Committee
FROM: Casey Short C.S.
RE: Salary Savings Plan Committee

At the Governmental Affairs Committee's November 8 meeting, the Committee directed me to make changes to my draft of a resolution that would require Council confirmation of members of the committee charged with oversight of the Metro Employees Salary Savings Plan. The changes were to add a requirement that the committee meet at least quarterly, and provide for appointments to be effective if the Council had not acted on the appointments in a specified time.

I have made the changes you requested in the attached draft of Resolution No. 94-1985. I have suggested a period of 45 days for Council to act on a resolution of appointment, reasoning that such a period would give the Council sufficient time to consider the appointments. This will probably be a longer period than will normally be necessary, but I thought that 45 days would allow enough time to process the resolution through the filing, committee consideration, and forwarding-to-Council procedures, while also allowing a committee to take its time if it had concerns.

There is a significant change in the proposed resolution from the version you saw earlier. I am proposing this resolution become effective in January, which will accomplish two things. First, it provides for the current committee to continue through the transition period of the next couple of months, but calls for new appointments to be submitted for Council confirmation by the end of January, 1995. In this way, there will not be an interruption of the committee system of overseeing the employees' funds, while at the same time ensuring that the Council will have confirmation authority over the composition of the entire committee. Second, it provides that the new Executive Officer will be able to choose the members of the committee whose names he will submit for confirmation. This will avoid the possibility of the 1994 Council going through the exercise of confirming a committee appointed by the outgoing Executive, only to have the 1995 Council have to do this again with the incoming Executive. The March 17, 1995 date for expiration of terms of the current committee is set only because it is 45 days after January 31. I look forward to discussing this with you on November 29.

111

112

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF NAMING) RESOLUTION NO. 92-1596
WM TRUST COMPANY AS NON-)
DISCRETIONARY TRUSTEE OF THE) Introduced by Rena Cusma,
METRO SALARY SAVINGS PLAN) Executive Officer
AND TRUST)

WHEREAS, The Metropolitan Service District has established a Salary Savings Plan and Trust (the "Plan"), originally effective July 1, 1985; and


WHEREAS, Metro desires to name WM Trust Company, with its principal place of business in Seattle, Washington, as nondiscretionary Trustee to the Plan; and

WHEREAS, Metro desires to authorize the Executive Officer to appoint a five-person Advisory/Administrative Committee to give instructions to WM Trust Company with respect to all matters concerning the Plan; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby names WM Trust Company as nondiscretionary Trustee, and authorizes the Executive Officer to appoint a five-person Advisory/Administrative Committee to give instructions to WM Trust Company with respect to all matters concerning the Plan.

ADOPTED by the Council of the Metropolitan Service District this 26th day of March, 1992.



Jim Gardner, Presiding Officer

MBW/gl
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113

114

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REQUIRING)	RESOLUTION NO. 94-1985
COUNCIL CONFIRMATION OF)	
APPOINTMENTS TO A COMMITTEE TO)	Introduced by Governmental
SUPERVISE ADMINISTRATION OF THE)	Affairs Committee
METRO EMPLOYEE SALARY SAVINGS PLAN)	

WHEREAS, Metro has established a Salary Savings Plan and Trust (the Plan), originally effective July 1, 1985; and

WHEREAS, The Metro Council adopted Resolution No. 92-1596 on March 26, 1992, naming the Plan's trustee and authorizing the Executive Officer to appoint a five-person Advisory/Administrative Committee (the Committee) to give instructions to the trustee with respect to all matters concerning the Plan; and

WHEREAS, The Council desires to have the authority to confirm or not confirm the Executive Officer's appointments to the Committee; and

WHEREAS, A smooth transition of Councilors and Executive Officers will be promoted by establishing an effective date in early 1995 for Council's confirmation of the Committee members; now, therefore,

BE IT RESOLVED,

1. That the Executive Officer's appointments to an Advisory/Administrative Committee to give instructions to the trustee with respect to all matters concerning the Salary Savings Plan and Trust, as originally authorized in Resolution No. 92-1596, shall require confirmation by the Metro Council. Confirmation shall be in the form of a resolution. The Council shall adopt or reject the resolution within 45 days of filing; if the Council has taken no action on the resolution within 45 days, the appointments shall be deemed to be confirmed.
2. The Executive Officer shall file a resolution naming members to the committee no later than January 31, 1995. Members of the Committee as of the date of adoption of this resolution shall continue on the Committee through March 17, 1995, or until re-appointed or replaced (whichever occurs first).

115

3. That the Committee shall meet quarterly, or more often if necessary.

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

Judy Wyers, Presiding Officer

116

Meeting Date: December 8, 1994
Agenda Item No. 7.3

RESOLUTION NO. 94-1992

117

118

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 94-1992, AMENDING RULES ESTABLISHING PROCEDURES
RELATING TO THE CONDUCT OF COUNCIL BUSINESS

Date: November 30, 1994

Presented by: Councilor Gates

COMMITTEE RECOMMENDATION: At its November 29, 1994 meeting the Governmental Affairs Committee voted 4-0 to recommend Council adoption of Resolution No. 94-1992. Councilors Gates, McFarland, Van Bergen, and Wyers voted in favor. Councilor Buchanan was absent.

COMMITTEE DISCUSSION/ISSUES: Council Analyst Casey Short presented the staff report. He said this resolution was drafted at Councilor Wyers' request, and would require resolutions to be placed on the Council agenda prior to their consideration by a committee. Resolutions would be listed on the Council agenda by title only, with the listing of resolutions also to include the committee referral and scheduled date of committee consideration.

Councilor Wyers said she asked for this resolution because many members of the public receive Council agendas but not all the committee agendas. Since much of the Council's business is by resolution, members of the public would have greater opportunity to participate in the dialogue on those items if they were listed on the Council agenda before committees acted on them. She said she didn't think it would be critical to move the filing deadlines for resolutions up a few days to allow for greater public notification. Councilor Wyers asked Mr. Short if any departments had contacted him with objections to this item. Mr. Short said he had discussed it with the Deputy Executive Officer, who did not have great concern, but he has not heard from anyone else.

Councilor Van Bergen discussed the Council structure and procedures expected in 1995. He said he expected much of the Council's business to be done by the whole body, and wondered whether the proposed change would give the Presiding Officer more power to keep resolutions off the agenda. Councilor Wyers said the Council's procedures do not now provide authority for the Presiding Officer to block items from being considered, and this change would not affect that. She said that committee chairs could keep items off their agendas, but the Council can remove an item from committee and bring it to the full Council.

120

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)	RESOLUTION NO. 94-1992
RULES ESTABLISHING PROCEDURES)	
RELATING TO THE CONDUCT OF)	Introduced by Governmental
COUNCIL BUSINESS)	Affairs Committee

WHEREAS, Metro Code Section 2.01.130(a) directs that the general order of business for the Council shall be prescribed by resolution; and

WHEREAS, Metro Code Section 2.01.080(d) directs that the Council by resolution shall adopt procedures for introducing and considering resolutions; and

WHEREAS, Resolution No. 91-1467A, adopted on October 10, 1991, adopted rules establishing procedures relating to the conduct of Council business; and

WHEREAS, There is no provision in the Metro Code or Council Rules for pending resolutions to be printed in the Council agenda prior to their final consideration by the Council; now, therefore, BE IT RESOLVED,

1. That Resolution No. 91-1467A, attached as Exhibit 1, shall continue in effect with amendments to Exhibits C and D, which shall provide for resolutions to be listed, by title only, on the regular Council agenda prior to their consideration by a standing committee of the Council.

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

Judy Wyers, Presiding Officer

121

127

EXHIBIT A

RULES OF PROCEDURE GOVERNING DEBATE ON MATTERS BEFORE THE COUNCIL

To conduct Council business in an orderly and expeditious manner the following rules of procedure are established:

1. All Councilors have a right to debate each matter brought before the Council. There shall be a question before the Council prior to debate on any matter. On each matter brought before the Council for a decision, the Presiding Officer shall ask for a motion on the matter which must be seconded for it to be a proper question. For matters referred to the Council from a standing committee the Presiding Officer shall first recognize the Councilor designated to present the committee report for a motion and presentation of the committee report. If there is a minority report on any matter referred from a standing committee, the Presiding Officer shall recognize the Councilor presenting the minority report for a motion and presentation of the minority report immediately after the presentation of the committee report.
2. A Councilor speaking on a motion shall confine his or her remarks to the matter under consideration by the Council and shall avoid repetition and irrelevant comment.
3. A Councilor may speak once for up to five (5) minutes on each main motion and substantive amendment to a main motion before the Council. A Councilor may speak more than the allotted time with unanimous consent of the Council or if another Councilor yields his or her right to speak and time

on the question at hand. A member may be permitted to speak a second time to clear up a matter of fact, to explain a point misunderstood, or to clear up a question that has arisen in the debate. A Councilor may be recognized by the Presiding Officer to question any person appearing before the Council. When a Councilor has been recognized he or she is considered to have the floor and need not be recognized for each subsequent question until he or she is finished with the questioning.

4. The Councilor who moves and presents the committee or minority report on a matter before the Council is entitled to close the debate after other Councilors wishing to speak have spoken. The closing comments shall be limited to three (3) minutes unless extended by unanimous consent of the Council.

124

EXHIBIT B

RULES OF PROCEDURE RELATING TO COMMUNICATIONS FROM THE PUBLIC

The Council shall encourage the appearance of members of the public both for matters on the agenda and not on the agenda. To facilitate the orderly transaction of business the following procedures shall apply for matters other than contested cases:

1. At the beginning of each Council meeting and periodically during the meeting, the Presiding Officer shall announce that public testimony is allowed on matters before the Council and shall instruct members of the public to fill out sign-up cards and submit them to the Clerk of the Council. The sign-up card shall indicate the name and address of the person to testify, the agenda item on which the person wishes to speak and whether the person is speaking in favor or against the matter before the Council.
2. A member of the public may appear only once on each separate matter before the Council and shall be limited to three (3) minutes of testimony, exclusive of answers to questions from Councilors. A member of the public may speak more than once and longer than the three (3) minutes with unanimous consent of the Council or if a member of the public who has also signed up to speak yields his or her time and opportunity to speak.
3. On matters before the Council on which a decision is to be made the Presiding Officer shall alternate the testimony between those speaking in favor of the matter and those speaking in opposition to the matter, starting with a person

in favor of the matter. If there are no persons remaining to alternate, the Presiding Officer shall call the remaining persons to testify in whichever order he or she determines is best. The Presiding Officer shall request members of the public to avoid providing repetitive testimony.

4. A person addressing the Council shall do so from the rostrum or table upon first gaining recognition of the Presiding Officer and after stating his or her name and address for the record.

EXHIBIT C

RULES OF PROCEDURE AND CONSIDERATION
OF ORDINANCES AND RESOLUTIONS

1. Introduction: An ordinance or resolution may be introduced by the Council, a Councilor or Councilors, a Council standing committee, or the Executive Officer. Each ordinance or resolution shall designate the person, persons, or committee introducing the ordinance or resolution.
2. Filing: The Clerk of the Council (Council Clerk) shall assign numbers and approve titles for all proposed ordinances or resolutions. The Council Administrator may establish requirements for filing supporting materials with ordinances and resolutions to assist the Council and its committees in deliberating on matters brought before it. A proposed ordinance shall be filed with the Council Clerk at least eight (8) days prior to the next regular Council meeting for which it is requested to be considered for first reading. A proposed resolution shall be filed with the Council Clerk at least eight (8) days prior to consideration by a Council standing committee, provided, however, that a proposed resolution shall be listed by title only on a Council meeting agenda prior to its consideration by a Council standing committee.
3. Disposition and Referral: An ordinance or resolution timely filed with the Council Clerk and in proper form (including all required supporting materials shall be 1) in the case of an ordinance placed on the next available Council agenda for

127

first reading and referral by the Presiding Officer to one or more standing committee(s); or, 2) in the case of a resolution referred to one or more standing committee(s) by the Presiding Officer except for a resolution introduced and recommended by a standing committee. . A resolution introduced and recommended by a standing committee shall be filed with the Council Clerk and shall be placed on a Council agenda at the discretion of the Presiding Officer. If the Presiding Officer refers an ordinance or resolution to more than one standing committee, the standing committees shall consider and act upon the ordinance or resolution in the order specified by the Presiding Officer at the time of referral. The Council shall notify Councilors and the Executive Officer on a weekly basis of the referral status of ordinances and resolutions.

4. Items Considered by the Council as a Whole: The following items shall be considered and acted upon by the Council as a whole, rather than referred to a committee by the Presiding Officer:

- a) Any ordinance placed on an agenda as provided in Section 2.01.070(1) of the Metro Code for which only one reading only is required;
- b) Any ordinance, order or resolution proposed for Council action as a result of a contested case proceeding as provided in Chapter 2.05 of the Metro Code;
- c) Any item placed on the agenda for any emergency meeting of the Council as provided in Section 2.01.050 of the Metro Code; and

128

d) Any action of the Metropolitan Exposition-Recreation Commission placed on the Council agenda as provided by Section 6.01.080 of the Metro Code.

5. Committee Consideration: An ordinance or resolution referred to a standing committee shall be scheduled for public hearing and committee consideration at the discretion of the chair of the committee. The committee may refer an ordinance or resolution to the Council or another standing committee to which it was referred by the Presiding Officer either as originally submitted or as amended with a recommendation for approval or with no recommendation, table an ordinance or resolution, or continue an ordinance or resolution to another meeting. Any ordinance or resolution which remains in a standing committee six (6) months from the date it was initially considered by the committee shall be considered to be defeated and shall be filed with the Council Clerk and receive no further consideration. The Presiding Officer or the Council by a majority vote of a quorum may remove any ordinance or resolution from a committee for re-referral by the Presiding Officer or consideration by the Council at a subsequent meeting. Announcement of or Council consideration of such removal shall take place under the "Councilor Communication and Committee Reports" agenda item at Council meetings.

6. Committee Report: An ordinance or resolution referred to the Council with or without a favorable committee recommendation shall be placed on a Council agenda at the discretion of the Presiding Officer for second reading

129

and/or Council consideration. There shall be a committee report for each ordinance or resolution referred to the Council. The committee chair shall assign a member of the committee to present the report to the Council. The report shall state the committee recommendation, a record of the vote, the major issues discussed by the committee and any other pertinent information of use to the Council.

7. Minority Report: A minority report on any ordinance or resolution recommended by the committee may be submitted for Council consideration at the same Council meeting that the Committee report is considered. Any committee member present at the committee meeting at which an ordinance or resolution was considered and voting against the prevailing side may serve notice at that committee meeting of his or her intent to file a minority report for Council consideration. Upon such notice and in order for the minority report to be considered by the Council, the Councilor who had served notice shall prepare a written minority report which shall be submitted to the Clerk of the Council prior to the Council meeting at which the ordinance or resolution is scheduled for a second reading and/or consideration. The Council shall hear and consider the minority report immediately after the presentation of the committee report.

EXHIBIT D

A RULE ESTABLISHING THE GENERAL ORDER OF BUSINESS

FOR COUNCIL MEETINGS

1. The general order of business for regular Council meetings shall be as follows:
 - o Call to order
 - o Introductions
 - o Citizen Communications to the Council on Non-Agenda Items
 - o Executive Officer Communications
 - o Listing of Resolutions to be Considered by Committees (to include Resolution Titles, Committee Referral, and date of Scheduled Committee Consideration)
 - o Ordinances
 - First Readings
 - Second Readings
 - o Orders
 - o Resolutions
 - o Other Business
 - o Councilor Communications and Committee Reports
 - o Adjourn
2. The Presiding Officer shall follow the above general order of business in preparing regular Council meeting agendas and shall include approximate times for the consideration of each item on the agenda.
3. The Presiding Officer may change the order of business in preparing a regular Council meeting to meet special

131

circumstances and shall notify the Council of such change in the general order of business at the beginning of the Council meeting.

132

EXHIBIT E

RULES OF PROCEDURE AND CRITERIA FOR THE CONSENT AGENDA

The following criteria and procedures shall apply to the Consent Agenda:

1. Agenda items may be placed on the Consent Agenda if they conform to the following criteria:
 - a) The agenda item has received a unanimous favorable recommendation from a Council standing committee or committees if it has been considered by more than one standing committee; and
 - b) The standing committee chairperson(s) request that the item be placed on the Council Consent Agenda; and
 - c) No public hearing is required by law or Metro ordinance before the Council.
2. Ordinances may not be included on the Consent Agenda.
3. A Consent Agenda may only be presented at a regular Council meeting and shall be included as part of the regular meeting agenda.
4. The Presiding Officer shall have final approval of which items shall be placed on the Consent Agenda and the Council Administrator shall certify that Consent Agenda items meet the criteria listed in Section 1 above.
5. If a Councilor objects to any item on the Consent Agenda, that item may be removed from the Consent Agenda and placed on the regular agenda of the Council at a time or place to be determined by the Presiding Officer

133

134

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING) RESOLUTION NO. 91-1467A
RULES ESTABLISHING PROCEDURES)
RELATING TO THE CONDUCT OF) Introduced by Councilors
COUNCIL BUSINESS) McFarland and McLain and
) Presiding Officer Collier

WHEREAS, Ordinance No. 91-407 amends Metro Code Section 2.01.090 to require the Council to adopt rules establishing procedures governing the conduct of debate on matters considered by the Council;

WHEREAS, Ordinance No. 91-407 amends Metro Code Section 2.01.120 to require the Council to adopt rules establishing procedures relating to the receipt of communications from the public at Council meetings;

WHEREAS, Metro Code Sections 2.01.070 and 2.01.080 require the Council by resolution to adopt a rule establishing procedures for the introduction and consideration of ordinances and resolutions respectively which current procedures have been adopted by the Council through Resolution No. 88-874;

WHEREAS, Metro Code Section 2.01.130 requires the Council by resolution to adopt the general order of business which current general order of business has been adopted through Resolution No. 88-898; and

WHEREAS, Ordinance No. 91-407 requires the Council by resolution to adopt a rule establishing criteria for the presentation of a consent agenda for consideration and vote at a regular Council meeting which current criteria have been adopted by the Council through Resolution No. 84-499; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby rescinds and adopts the following rules establishing criteria and/or procedures:

1. Adopts the rules of procedure governing debate on matters before the Council as shown in Exhibit A attached hereto;

2. Adopts the rules of procedure relating to receipt of communications from the public at Council meetings as shown in Exhibit B attached hereto;

3. Rescinds the procedures for the introduction and consideration of ordinances and resolutions set forth in Resolution No. 88-874 and adopts the rules of procedure for ordinances and resolutions as shown in Exhibit C attached hereto;

4. Rescinds the general order of business for Council meetings set forth in Resolution No. 88-898 and adopts the rules establishing the general order of business for Council meetings as shown in Exhibit D attached hereto; and

5. Rescinds the consent agenda criteria set forth in Resolution No. 84-499 and adopts the rule establishing consent agenda criteria and procedures as shown in Exhibit E attached hereto.

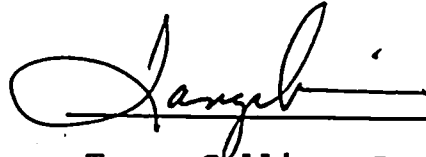
6. The Council may by a positive vote of eight members authorize the suspension of any rule adopted herein.

BE IT FURTHER RESOLVED,

That the appropriate standing Committee of the Council shall review the Council procedures contained in this Resolution six months from its adoption, and report its findings and recommendations to the Council.

136

ADOPTED by the Council of the Metropolitan Service District
this 10th day of October, 1991.



Tanya Collier, Presiding Officer

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137

138

Meeting Date: December 8, 1994
Agenda Item No. 7.4

RESOLUTION NO. 94-~~2040~~B

139

140



METRO

DATE: December 2, 1994

TO: Metro Council
Executive Officer
Agenda Recipients

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 7.4; RESOLUTION NO. 94-2040B

Resolution No. 94-2040B was amended at the Council Work Session on December 1, 1994. That resolution is provided here. Planning Department staff are in the process of amending the related Exhibits and Attachments and the Planning Committee's report. Those materials will be provided at the Council meeting on December 8, 1994.

141

142

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A) RESOLUTION NO. 94-2040-B
2040 GROWTH MANAGEMENT STRATEGY)
) Introduced by Metro Council
) Planning Committee, Chairman
) Jon Kvistad

WHEREAS, Metro adopted land use regional goals and objectives called Regional Urban Growth Goals and Objectives (RUGGO) in September 1991 which are required by state law; and

WHEREAS, During the development of RUGGO, there was widespread interest in a long-range, 50-year view of how to accommodate regional growth which led to Metro's Region 2040 planning program; and

WHEREAS, State law requires several significant 20-year regional land use decisions in 1995 that will be affected by identifying the region's long-term planning direction; and

WHEREAS, On April 28, 1994, the Metro Council adopted Resolution No. 94-1930B describing its intent concerning the process and products of the Region 2040 planning program; and

WHEREAS, The Region 2040 planning process included analysis of the Base Case and Concepts A, B, and C by Metro staff together with local government staff and public representatives; and

WHEREAS, The Metro Council has received the considered advice of its Metro Policy Advisory Committee and Joint Policy Advisory Committee on Transportation, and all the concepts have been the subject of extensive public review; and

WHEREAS, This Resolution accepts the work products of the Region 2040 process for Metro's continued planning, establishes the 2040 Growth Concept scheduled to be added to RUGGO by July 1995 and states the process for refinement and implementation of the 2040 Growth Concept; now, therefore,

BE IT RESOLVED,

1. That the amendments to RUGGO text and the 2040 Growth Concept Map attached and incorporated herein as Exhibit "A" are hereby established as the 2040 Growth Concept proposal which shall be scheduled for adoption and implementation at the first regular Metro Council meeting in July 1995. Any proposed refinements developed by the

143

process herein shall be considered concurrent with the adoption and implementation of this 2040 Growth Concept proposal in July 1995.

2. That a refinement process of additional technical analysis and public review shall be carried out between December 1994 and June 1995 to determine the required policies necessary to assure that the Growth Concept proposal will be achievable. This refinement shall be guided by the following policy considerations:

a. A focus on centers and corridors to seek greater land use efficiencies in development and redevelopment.

b. Relatively few additions to the urban land supply such as the 14,500 acres or fewer estimated to be needed under the example 2040 Concept Analysis.

c. Development of a true multimodal transportation system which serves land use patterns, densities and community designs that allow for and enhance transit, bike, pedestrian travel and freight movement.

d. An improved transportation modal share for transit, bike and pedestrian travel.

e. Creation of a jobs-housing balance at the regional, central city, centers and community levels.

f. Preservation of both local and regional green spaces within and near the Metro boundary.

g. Enhanced redevelopment and reinvestment opportunities in areas of substandard incomes and housing.

3. That the refinement process of additional technical analysis and public review to be carried out between December 1994 and June 1995 will also provide the opportunity for the following:

a. Further local government analysis and discussion of the 2040 Growth Concept with its constituents as requested by Metro's local government partners.

b. Analysis of the study areas identified in the public process leading to this 2040 Growth Concept as outlined in the Work Plan attached as Exhibit "D."

c. Consideration of Concept Map revisions based on the policy considerations, local comment and analysis, and analysis of the study areas in the Work Plan.

d. Development of the 2015 population and employment forecasts.

194

- e. Development of site specific urban reserve areas for designation by July 1995.
- f. Receipt of the Future Vision Commission recommendation and adoption of a 50-year Future Vision by July 1, 1995, as required by the 1992 Metro Charter.
- g. Development of an interim Regional Transportation Plan Update.
- h. Consideration of amendments to RUGGO Goal II, Urban Form, consistent with the refined 2040 Growth Concept.
- i. Formulation and adoption of a Work Plan for the Regional Framework Plan required by the 1992 Metro Charter.
- j. Periodic review of the Urban Growth Boundary.
- k. Development of an improved modal share forecast for achievable levels of transit, bike, and pedestrian travel.
- l. Continued examination and analysis of industrial lands and access to them.
- m. Further analysis of achievable infill and development.

4. That the proposals to the Metro Council for amendments to different sections of existing RUGGO Goal II and to the RUGGO Growth Concept attached as Exhibit 'E' that go beyond the scope of MPAC's review of the Recommended Alternative Concept are hereby referred to MPAC as proposed refinements including proposed changes to the 2040 Growth Concept and 2040 Concept Map.

5. That all proposed refinements to the 2040 Growth Concept and Concept Map, adopted on December 8, 1994, such as, urban reserve designations, concept definitions, density targets, and jobs-housing balance policies will be referred to MPAC for review and recommendation prior to adoption by the Metro Council.

6. That MPAC should consider the established 2040 Concept and the referred amendments received by the Metro Council along with other refinements and make a recommendation back to Council by April 15, 1995.

7. That implementation of the 2040 Growth Concept shall include:

- a. Adoption of 2040 Growth Concept RUGGO text and 2040 Concept Map with designated urban reserve areas in July 1995.

145

b. Adoption amendments to RUGGO Goal II, Urban Form consistent with the refined 2040 Growth Concept in July 1995.

c. Adopt the regional transportation plan by December 1995.

d. Define and adopt rural reserves protection inside Metro jurisdictional boundaries as part of the Regional Framework Plan by June 1996.

e. Adopt intergovernmental agreements with cooperative neighbor cities, counties and state agencies to protect "green" transportation corridors and rural reserves outside Metro jurisdictional boundaries by June 1996.

f. Adoption of transportation, green spaces, water quantity and quality, urban design, urban growth boundary and urban reserve components of the regional framework plan by December 1996.

8. That the urban reserve study areas indicated on the 2040 Growth Concept Map shall be the lands analyzed for designation as urban reserve areas by the first Metro Council meeting in July 1995.

9. That the 2040 Growth Concept, including urban reserve study areas, shall be submitted to the Land Conservation Development Commission for technical review and coordination of adopted RUGGO 15.3 on Urban Reserves and LCDC's Urban Reserve Rule prior to designation of urban reserves.

10. That the Region 2040 Recommended Alternative Technical Appendix attached as Exhibit "B" is hereby accepted as an example of one possible implementation of the 2040 Growth Concept.

11. That the Preliminary 2040 forecasts of 50-year population and employment of Tables 5, 6 and 7 in the Region 2040 Recommended Technical Appendix attached as Exhibit "B" shall be the technical context for development of the Regional Framework Plan.

12. That the narrative description of the 2040 Growth Concept and the 2040 Analysis Map attached as Exhibit "C" is hereby accepted as a demonstration of one possible way to achieve the 2040 Growth Concept.

13. That the Work Plan for completion of urban reserve designation, future vision, RUGGO Growth Concept and Concept Map, Regional Transportation Plan and Regional

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146

Framework Plan Work Plan attached as Exhibit "D" is hereby adopted as the basis for 1994-95 budget deliberations.

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

Judy Wyers, Presiding Officer

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147

142.