

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 REGULAR MEETING
DATE: January 19, 1995
DAY: Thursday
TIME: 2:00 p.m.
PLACE: Council Chamber

Approx.
Time *

- 2:00 **CALL TO ORDER AND ROLL CALL**
- (5 min.) 1. **INTRODUCTIONS**
- (5 min.) 2. **CITIZEN COMMUNICATIONS**
- (5 min.) 3. **EXECUTIVE OFFICER COMMUNICATIONS**
- 2:15 4. **ORDINANCES SECOND READINGS**
- (5 min.) 4.1 Ordinance No. 95-583, Amending Chapter 2.01 of the Metro Code Relating to Council Organization and Procedures; and Declaring an Emergency
5. **RESOLUTIONS**
- 2:20 5.1 Consideration of Resolution 95-2064, Declaring Novell to be a Metro Local Area Network Standard and Thereby Authorizing a Sole Source Relationship with Novell Netware Pursuant to State Price Agreement No. 3215 (Action requested: motion to adopt the resolution)
- (10 min.)
- 2:30 5.2 Consideration of Resolution No. 95-2074, Changing the Election Date of the Submission to the Voters of a General Obligation Bond Indebtedness to Proceed with the Acquisition of Land for a Regional System of Greenspaces (Action requested: motion to adopt the resolution)
- (10 min.)
- 2:40 5.3 Consideration of Resolution No. 95-2073, Authorizing an Exemption from the Competitive Bid Process and Authorizing Issuance RFP #94R-35-SW for Purchasing Diesel Fuel (Action requested: motion to adopt the resolution)
- (10 min.)
- 2:50 5.4 Consideration of Resolution No. 95-1995, Certifying that Tri-Met's Joint Complementary Paratransit Plan Update for 1995 Conforms to Metro's Regional Transportation Plan (Action requested: motion to adopt the resolution)
- (10 min.)

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For assistance/Services per the Americans with Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office)

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

Approx.
Time *

- | | | |
|-------------------|-----|---|
| 3:00
(10 min.) | 5.5 | Consideration of Resolution No. 95-2058, Allocating I-205 Busway Withdrawal Funds to South/North Environmental Impact Statement and Preliminary Engineering and Airport Ground Access Study and Rescinding Tri-Met Obligation to Repay Previous I-205 Buslane Withdrawal Grant (Action requested: motion to adopt the resolution) |
| 3:10
(15 min.) | 5.6 | Consideration of Resolution No. 95-2072, Endorsing the Oregon Transportation Finance Package (Action requested: motion to adopt the resolution) |
| 3:25
(10 min.) | 5.7 | Consideration of Resolution No. 95-2076, Adopting the Metro 1995 Oregon Legislative Process, Principals and Priorities (Action requested: motion to adopt the resolution) |
| 3:35
(10 min.) | 6. | COUNCILOR COMMUNICATIONS |
| 3:45 | | ADJOURN |

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

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF EXPRESSING) RESOLUTION NO. 92-1554
APPRECIATION TO DAVID KNOWLES FOR)
SERVICES RENDERED TO THE COUNCIL) Introduced by Presiding
OF THE METROPOLITAN SERVICE) Officer Gardner
DISTRICT)

WHEREAS, David Knowles served as the elected Council representative for District 11 of the Metropolitan Service District from January 1987 through January 10, 1992; and

WHEREAS, David Knowles has submitted his resignation as Metro Councilor effective January 10, 1992, in order to devote more time to his law practice and to raising his three sons, David, Michael, and Spencer; and

WHEREAS, Councilor Knowles served as an exemplary representative on the Metro Council, providing dedicated service as Chair of the Planning & Development; Convention Center; Convention, Zoo and Visitor Facilities; Convention and Visitor Facilities; and Regional Facilities Committees; Vice-Chair of the Convention Center and Governmental Affairs Committees; member of the Finance; Intergovernmental Relations; Internal Affairs; and Zoo Committees; member of the Legislative Task Force for the 1989 and 1991 legislative sessions; member and Chair of the Joint Policy Advisory Committee on Transportation (JPACT); the Council's representative to the Arena Task Force; and member and Finance Subcommittee Chair of the Public Policy Advisory Committee on Regional Facilities; and

WHEREAS, Councilor Knowles has provided invaluable and far-sighted leadership on the issues surrounding Metro's regional facilities, including construction of the Oregon Convention Center, MERC consolidation (Phase I), and regional facilities planning; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District expresses its appreciation to David Knowles for his excellent service, dedication and commitment to the Council, Metro, and the region.

2. That the Council wishes David continued success in all his future endeavors.

ADOPTED by the Council of the Metropolitan Service District this 9th day of January, 1992.

Jim Gardner, Presiding Officer

Metro Council
January 19, 1995
Item 4.1



METRO

DATE: January 13, 1995
TO: Metro Council
Interested Parties
FROM: Susan Lee, Council Assistant
RE: Ordinance No. 95-583

The above referenced Ordinance was under revision at the time of printing. It will be distributed to Councilors prior to the meeting. Copies will be available to the public at the meeting or earlier upon request. If you have any questions, please call me at 797-1538.

Metro Council
January 19, 1995
Item 5.1

STAFF REPORT

FOR THE PURPOSE OF DECLARING NOVELL NETWARE TO BE A METRO LOCAL AREA NETWORK STANDARD AND THEREBY AUTHORIZING A SOLE SOURCE RELATIONSHIP WITH NOVELL PURSUANT TO STATE PRICE AGREEMENT NO. 3215.

Date: 12/27/94

Presented By: Ann Clem

PROPOSED ACTION

Section 2.04.041(c) of the Metro Code allows the Contract Review Board, where appropriate, to exempt specific contracts from the general requirement for competitive bidding, and direct the use of alternate contracting and purchasing practices.

The Metro Code references ORS 279.015 as the basis for requiring that all public contracts be based upon competitive bid and sets forth a process by which the following findings will permit an exemption and allow execution of a sole source contract. The Board must find that:

- It is unlikely that the exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
- The award of a public contract pursuant to the exemption will result in substantial cost savings to the public contracting agency.

FACTUAL BACKGROUND AND ANALYSIS

In 1991, the existing Metro local area network was established and at that time it was determined that Novell's Netware would be a local area network standard for the agency.

The State of Oregon has declared Novell Netware as a LAN standard and used the expression of the standard as a condition for a sole source class exemption to establish a pricing agreement with Novell called the Master License Agreement (MLA). That MLA agreement No. 3215 is exclusively for State agency use, except that the State will extend the MLA pricing to other state governments if they declared Novell to be a LAN standard (see agreement attached). The MLA offers volume pricing, node-based, rather than server-based, licensing, an automatic upgrade program and direct hotline support from Novell. Metro has a total of six servers running at the Regional Center, the Solid Waste sites and the Zoo with different versions of the Netware Operating System. The MLA would allow all servers to be upgraded to the same version of the operating system thereby allowing a single support person to administer the servers more easily.

BUDGET IMPACT

No change in the current budget is anticipated and if the proposed sole source contract is approved, potential savings are anticipated both now and in the future as Metro's software needs continue to grow.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends adoption of Resolution 94-2064 to waive competitive bidding of the MLA and allow execution of a sole source contract.

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY

COMMODITY CODE: 20437
BUYER NAME: M. LONGABAUGH (503) 378-4646

PA NUMBER: 3215
REVISION NUMBER: 004
EFFECTIVE DATE: 05/01/1994

ITEM: NOVELL NETWORK AND SUPPORT - MLA AGREEMENT

AGENCY: STATE OF OREGON AGENCIES AND AUTHORIZED
ORCPP MEMBERS

CONTRACTOR: NOVELL INC./MICRODYNE INC.
3601 EISENHOWER AVENUE
ALEXANDRIA VA 22304

TELEPHONE: (703) 329-3700 CONTACT: PHILLIP ROCLIFF

BRAND/TRADE NAME: NOVELL

PRICE: CONTACT AUTHORIZED RESELLERS/INTEGRATORS FOR COSTS

TERMS: NET 30
FOB: FOB DESTINATION

CONTRACT PERIOD: MAY 1 1993 THROUGH APR 30 1995

DAYS REQUIRED FOR DELIVERY: REFERENCE SUPPLEMENTAL INFORMATION
MINIMUM ORDER: NONE
TRANSPORTATION CHARGES: REFERENCE SUPPLEMENTAL INFORMATION
OTHER CONDITIONS: NON-STATE AGENCIES MUST BE FORMALLY
APPROVED BY THE PURCHASING DIVISION
TO BECOME A PARTY TO THIS SOLE SOURCE
MLA CONTRACT.

THIS REVISION HAS BEEN ISSUED TO LIST NEW CONTACT NAME & PHONE NUMBER
FOR MICRODYNE & TO REVISE THE LIST OF AUTHORIZED RESELLER/INTEGRATORS

THE STATE AGENCY OR AGENCIES LISTED ARE REQUIRED TO PURCHASE FROM THE
CONTRACTOR WHEN PURCHASING THE ITEMS LISTED IN THE PRICE SCHEDULE UNLESS
AN EXCEPTION IS INDICATED.

IF PRODUCTS OR SERVICES PURCHASED UNDER THIS CONTRACT ARE UNSATISFACTORY
ASSISTANCE MAY BE OBTAINED BY SUBMITTING A PURCHASING PERFORMANCE REPORT
(FORM NO. 125-3001) TO THE QUALITY ASSURANCE UNIT OF THE PURCHASING DIV.

THIS CONTRACT COVERS ONLY THOSE ITEMS LISTED.

DATE OF ISSUANCE: 05/18/1993
BID NO.: 10100001 93

STATE OF OREGON
DEPARTMENT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
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SUPPLEMENTAL INFORMATION

1. INTRODUCTION

Oregon state government has a Master License Agreement (MLA) with Novell. This agreement offers discount pricing, node-based licensing, an automatic upgrade program, and direct Novell hotline support.

The term agency used in this document refers to all state agencies and authorized non-state agencies. The MLA Agreement is non-exclusive for State agency use. The MLA pricing can be extended to authorized non-state agencies/governments (county, city, etc.). NON-STATE AGENCIES MAY ONLY USE THIS CONTRACT SUBJECT TO THE FOLLOWING PROVISIONS:

- a. They are a current member of the Department of Administrative Services Purchasing Division's Cooperative Purchasing Program; and
- b. They must submit, for advanced approval, a written request to become a party to the contract. The request must be mailed or faxed to the Department of Administrative Services Purchasing Division (reference Section 2.a.iii for contact person, address, etc). The request must contain the following information:
 - i. A statement declaring and documenting Novell's Netware as a local area network standard for their agency or jurisdiction;
 - ii. Contact person's name, address, telephone and facsimile numbers.
- c. The Purchasing Division will mail/fax a letter of acceptance to the non-state agency. This letter will authorize the non-state agency and the reseller/integrator to proceed with the contract.

Non-state agency's requests must be approved by the Department of Administrative Services before contract participation can be granted. The State declared Novell Netware a LAN standard, pursuant to its rule making role under ORS 291.038. The State used the expression of the standard as the basis for a sole source class exemption to enable it to establish a Master License Agreement with Novell. Because Oregon state government's standards do not extend to other non-state agencies/governmental bodies in Oregon, the only way our standards-based sole source contract can be extended legally to any other party is if they formally declare and document Novell Netware as a standard.

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The Department of Administrative Services Information Resource Management Division sees potential advantages for other non-state agencies/governments to file their network standards with Oregon state government. Our enterprise network will grow dramatically in the next several years. It may be beneficial for local and federal governments, that do business with Oregon state government, to establish standards and work with the state to make network services as predictable and universal as possible. For more information on the state's various standards and network plans, call the Department of Administrative Services Information Resource Management Division at 503-378-4126.

This Price Agreement Summary is designed to inform agencies of the process to find Novell products under this State of Oregon MLA. Contact names and other pertinent information are supplied. This Price Agreement Summary in no way modifies the signed agreement between Novell and the State of Oregon. Its purpose is to delineate the details necessary to implement this agreement. Agencies should acquire a complete copy of this MLA and all associated schedules from the Reseller/Integrator organizations listed in Section 5.

2. CONTRACT ADMINISTRATION

a. State Contract Administration

Three levels of administration are required to manage the State of Oregon MLA, Executive, Contract, and Location. The Executive level, in conjunction with the Department of Administrative Services Purchasing Division, coordinates contractual arrangements between Novell and the State of Oregon. The Contract level is responsible for day to day operations of the statewide contract. The location coordinators are at the agency level and deal with the specifics of ordering and installation of products.

In addition the State of Oregon has authorized Microdyne to be their agent for duplication and distribution of Novell products under this MLA.

i. Executive:

Ron Jones, of the Department Administrative Services Telcom Section, has been identified as the State's Executive Coordinator for this contract.

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DEPARTMENT OF ADMINISTRATIVE SERVICES
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ii. Contract:

Carl Grzybowski, of the Department Administrative Services Telcom Section, will be the State of Oregon Contract Coordinator. Novell's Contract Coordinator will be Al Viera from the Novell Portland Office.

Carl Grzybowski
State of Oregon
Department of Administrative Services Telcom Section
1225 SE Ferry Street
Salem, OR 97310
503-378-6633

Al Viera
Novell, Inc.
10220 SW Greenburg Road, Suite 100
Portland, OR 97223
503-293-8346

iii. Administrative Services:

Marleen Longabaugh, of the Department of Administrative Services Purchasing Division, will administer the Price Agreement Contract for the state.

Marleen Longabaugh, Purchasing Analyst
Department of Administrative Services
Purchasing Division
1225 SE Ferry Street
Salem, Or 97310
503-378-4646 (voice)
503-373-1626 (facsimile)

iv. Duplication and Distribution Services

Phillip Rocliff
Microdyne, Inc.
(703)329-3700 ext. 3210
Fax (703)739-1026

b. Location Coordinators

Each agency submitting a schedule C will select a Location Coordinator for the MLA from that agency. This person will have the right to order software and will coordinate the distribution and installation of these products.

c. Change of Coordinators

Novell's Coordinator (Al Viera) must be notified in writing of any change in the State of Oregon's coordinators, either at the Location level or Executive level.

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3. License

- a. Licensed Works
This MLA grants only a license to use Novell's software. Please refer to schedule H of the MLA for specifics of this licence.
- b. Conversion of Existing Novell Licenses
Agencies who have purchased Novell products can "grandfather" those licenses under the node-based licensing of the MLA. These existing nodes must be listed on the Novell Final Pricing Worksheet. There is no license fee charged but these nodes are subject to the annual maintenance fees. See Schedule G of the MLA for license and maintenance fees.
- c. Upgrades from Old Version Novell and Competitive Products
Conversion of existing Novell Licenses only applies to current versions of Novell Products. An agency can upgrade to the current version for a lesser license fee.

Competitive server based products, such as Banyan Vines and LAN Manager, can also be upgraded for this lesser fee. Pricing for these upgrades are listed on Schedule G.
- d. Documentation
No right to copy the documentation is given under the terms of the MLA. See Section 4 for directions on how to purchase additional sets of documentation.

4. Delivery of Software and Documentation

- a. Software Distribution
Novell will provide Microdyne one set of Master Software for each product licensed. These products and their pricing are listed Schedule G. The State has assigned these Masters to Microdyne for duplication and distribution to all agencies.

Copies of the software will be shipped to each agency by Microdyne for each Novell product listed on the agency's Schedule C Novell Final Pricing Worksheet. The order will be processed ONLY when accompanied by a fully completed Schedule C Order Form and a completed State of Oregon CRO. Completed forms should be submitted to The Reseller/Integrator organization of the agencies choice for processing.

Microdyne will charge the agency a nominal duplication fee (contact your Reseller/Integrator for the Microdyne Price list and Schedule C Order Forms).

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DEPARTMENT OF ADMINISTRATIVE SERVICES
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- b. Installation
State agencies can install copies of the software on workstations and servers, assuming they have purchased the appropriate license to use each product.
- c. Upgrades
Upgrades, when commercially available, shall be provided by Novell' sending Microdyne one set of Master Software per product. Microdyne will advise registered agencies of the availability and duplication costs. Agencies can then request, via CRO, copies of these upgrades.
- d. Request for Netware 4
Netware 4 has many wide area network implications. To promote an awareness of the statewide directory effort, before Microdyne will issue activation diskettes for Netware 4 servers, Microdyne will first validate that your group will be using registered organizational names and addresses. See the following section for information regarding IPX addresses.

Netware Directory Services (NDS) is a complex undertaking. The DAS Network Information Center (NIC) has published a directory planning guide to help you implement NDS in a enterprise-wide environment. In addition, the NIC installed a 4.01 Master Server on the WAN and established the Oregon Tree. The Master Server provides a timing synchronization service to all Netware servers on the WAN. Timing synchronization is critical to maintaining proper updates to replicated partitions of the directory. The NIC will create top level containers for agencies wanting to connect to the Oregon Tree. Groups not connecting to the tree should still coordinate naming conventions with the NIC.

For copies of the Planning Guide or information regarding organizational naming standards call Carl Grzybowski at 503-378-6633.

- e. IPX Address Registration: To help avoid network conflicts before they occur, we are asking you to use registered IPX addresses. During network integration, duplicate addressing can cause disruptions and data loss. To help assure unique network addresses, the DAS NIC has purchased a block of IPX addresses from Novell. These addresses are available to all government and educational agencies for free. Your agency should first estimate the number of IPX segments and servers you will have running two years from now. Then call Carl Grzybowski at 503-378-6633 to get a block of addresses for your use.

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f. Documentation

Novell has provided the State of Oregon five copies of the documentation for each licensed product. The copies have been distributed to the following locations:

Carl Grzybowski
DAS NOC
5th Floor Revenue Building
955 Center Street
Salem, Oregon 97310

Tami Williams
Multnomah ISD
4747 E Burnside
Portland, Oregon 97215

Troy Howe
Housing
1600 State Street
Salem, Oregon 97310

Jim Sanders
OECC
Dept. Ed
255 Capitol NE
Salem, Oregon 97310

John Osterhout
CSD Human Resources Building
500 Summer Street
Salem, Oregon 97310

Agencies can purchase additional copies from Microdyne for the prices listed in the Microdyne Documentation price list. Obtain these documents from your reseller/integrator.

g. Delivery Terms

Delivery of Master Software will be made FOB destination, agencies facility by Novell's carrier, ground only. All other freight arrangements will be prepaid and billed to each agency.

Microdyne will ship copies of Master diskettes freight prepaid to the agencies facilities, ground only. All other freight arrangements will be prepaid and billed to each agency.

5. Reseller/Integrators

Customers must nominate a Novell Authorized Reseller/Integrator from the list below for purposes of pre-sales support. This is accomplished on the Schedule C Order Form.

Applied Information Systems
Contact: Alan Lyles
(Portland)639-0777

Cascade Computer Maintenance
Contact: Gerry Woock
(Salem)581-0081

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Polar Systems
Contact: Michael Peach
(Portland) 775-4410

Precision Computer
Contact: Beth Seismore
(Portland) 234-4553

The Network Group
Contact: Adam Apalategui
(Eugene) 485-0895

Pre-sales support involves establishing a relationship between the Agency and Reseller. The Reseller would assist the agency in understanding Novell products and their benefits to that agency. This does not include systems design, installation, training, or after sales support. These services may be purchased separately from this MLA.

The Resellers will provide all associated MLA schedules and assist agencies in completing the Schedule C information accurately and understanding the concepts of the State MLA. They will also conduct semi-annual agency reviews of Schedule C information and assist the agencies in completing the Novell forms for this review.

6. Compensation

a. Calculation of Fees

Fees are calculated on the Schedule C Novell Final Pricing Worksheet. The Reseller/Integrators listed in section 5 are available for assistance in completing this form.

b. Payment of License Fees

Discounted License Fees calculated on Schedule C shall be due and payable by each agency within 30 days of the execution of the MLA or any new schedule C. MICRODYNE will invoice each agency separately and agency funds should be sent directly to MICRODYNE at the address indicated on the invoice. Novell has appointed Microdyne as the billing and collection agent for this contract.

STATE OF OREGON
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c. Payment of Maintenance Fees

Agencies shall pay an annual Discounted Maintenance Fee as calculated on schedule C. This fee shall be payable in quarterly installments, with the first payment being due and payable within 30 days of the execution of the MLA or new Schedule C and each payment thereafter being due within 10 days of the end of each calendar quarter. Microdyne will invoice each agency separately for maintenance.

7. Maintenance Agreement

a. Updates and Upgrades

Novell shall provide the agencies upgrades when they are commercially available. See Section 4.c for distribution information.

b. Hotline Support

The State of Oregon has selected the Unlimited Contact Support option of Schedule F of the MLA. This schedule shows the total number of incidents for the statewide maintenance dollars. An incident is a reported problem assigned a Novell incident number and is open until resolved or closed. There is no limit to the number of phone calls per incident.

These incidents will be handled as a statewide pool of incidents. Each agency is expected to use only those incidents appropriated to them. This is approximately one incident for every \$1,500 of annual maintenance. This will be governed by the honor system. Each agency should have only one contact who would use the Novell Hotline. Calls should be made to the hotline after the agency uses any other sources of resolution at their disposal. For information regarding this service, call Carl Grzybowski at 503-378-6633.

8. Confidentiality and Information Exchange

Novell, from time to time, will offer State of Oregon MLA customers the opportunity to attend special briefings on product strategies and directions. Non-disclosure agreements may need to be signed for each of these sessions as the non-disclosure section was eliminated from the State of Oregon's MLA.

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF DECLARING)	RESOLUTION NO. 95-2064
NOVELL TO BE A METRO LOCAL)	
AREA NETWORK STANDARD AND)	Introduced by
THEREBY AUTHORIZING A SOLE)	Executive Officer
SOURCE RELATIONSHIP WITH NOVELL)	
NETWARE PURSUANT TO STATE PRICE)	
AGREEMENT NO. 3215.)	

WHEREAS, Novell Netware has been considered a local area network standard for all of Metro, including MERC, since 1991; and

WHEREAS, the State of Oregon, as its contract review board, has declared State purchases of Novell Netware to be sole source procurements exempt from competitive bid; and

WHEREAS, the State of Oregon has established a Master License Agreement (MLA) with Novell which is exclusively for state agencies, but which the State will extend to Metro upon written request including a specific statement that Novell's Netware is a network standard for Metro; and

WHEREAS, purchases under State price agreements are automatically exempt from competitive bid pursuant to Metro Code Section 2.04.041; and

WHEREAS, it is unlikely that use of that MLA by Metro would significantly encourage favoritism or diminish competition for such network software, and there are natural potential savings in standardizing on one software manufacturer, utilizing existing volume pricing and executing a single Master Lease Agreement; now, therefore,

BE IT RESOLVED,

That the Metro Contract Review Board hereby declares Novell to be a Metro LAN standard thereby allowing the sole source procurement outlined above pursuant to State Price Agreement No. 3215, and authorizes the Executive Officer to execute the appropriate contract documentation with the State of Oregon and Novell Network to establish and document that relationship.

ADOPTED by Metro's Contract Review Board this _____ day of _____, 1995.

J. Ruth McFarland, Presiding Officer

Metro Council
January 19, 1995
Item 5.2

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CHANGING THE)
ELECTION DATE OF THE SUBMISSION TO)
THE VOTERS OF A GENERAL OBLIGATION)
BOND INDEBTEDNESS TO PROCEED WITH)
THE ACQUISITION OF LAND FOR A)
REGIONAL SYSTEM OF GREENSPACES)

RESOLUTION NO. 95-2074

Introduced by Councilor McCaig

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, The Council on November 10, 1994, adopted Resolution No. 94-2049A which modified the General Obligation bond measure referred to the voters by Resolution No. 94-2011A by including the specific projects submitted by local governments, decreasing the amount of the measure to \$135.6 million, and reflecting other changes to the measure made by the Council; and

WHEREAS, The Council finds it is in the public interest that this measure be submitted to the voters at a Special election to be held on May 16, 1995, instead of March 29, 1995; and

WHEREAS, The Council finds it desirable to submit a modified ballot title for the measure as set forth in attached Exhibit "A"; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby withdraws the submission to the qualified voters of the District of the bond measure submitted to the voters by adoption of Resolution No. 94-2049A on the 29th day of March 1995 and directs that the bond measure shall be submitted to the qualified voters of the District on the ballot for a Special election to be held on the 16th day of May 1995. The Special election called for the 29th day of March 1995 is cancelled.

2. The Measure and the Ballot Title for the Measure are attached as Exhibit "A" and Exhibit "B" hereto.

3. That this Resolution and the revised Ballot Title shall be submitted to the Elections Officer in a timely manner as required by law in order to cancel the Special election called for on March 29, 1995, by adoption of Resolution No. 94-2049A and instead call for a Special election to be held on May 16, 1995.

4. That the Executive Officer shall submit all necessary information to the Elections Officer so that the Ballot Measure, Ballot Title, and Explanatory Statement shall appear in all county voters' pamphlets published for the election.

ADOPTED by the Metro Council this _____ day of _____, 1995.

J. Ruth McFarland, Presiding Officer

gl
1207

GREENSPACES ACQUISITION BOND MEASURE

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

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

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

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

From the Master Plan inventory a number of existing large acre sites throughout the region were designated as regionally significant open space protection areas. These areas would be used to provide and protect open space and for passive recreational activities, including but not limited to, picnicking, hiking, bicycling, camping, bird watching, and boating. In 1992, these sites were estimated to be 9,962 acres, based on the 1989 studies. Over 3,000 acres were located in each county within Metro's boundaries. The 1992 measure proposed issuing \$200 million in bonds for acquisitions from 57 of these areas and the region-wide trail network identified in the Metro Plan.

This referral to the voters of \$135.6 million in general obligation bonds is based on advisory groups recommendations. This proposal has three components. It proposes acquisitions from 14 of the regionally significant areas (approximately 5,982 acres) and regional trail segments from the Master Plan plus local open space and trail projects. The inventory in these target areas has been reviewed in 1994.

The following are the 14 regionally significant natural areas and estimated acreages:

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

The following are the five regionally significant trail segments targeted for acquisition:

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

They will be the first priority for acquisitions from the bond proceeds. Other regionally significant open spaces and regional trails identified in the Master Plan may be acquired if target areas become degraded, cost prohibitive or otherwise infeasible as determined by the Metro Council after a public hearing. New target areas shall be selected to retain a regional balance of sites acquired. In addition, some new opportunities may arise to acquire natural resource areas not in the Master Plan if funding permits. These will not be approved unless the Master Plan is first amended by the Metro Council after a public hearing on the amendment.

There are various means intended to be used to secure rights to natural resource land. This will include outright purchase of title to the land with the assistance of outside professional realtors. However, other methods insure preservation of the character of the land as open space and may allow its use by the public. Purchase through a nonprofit land preservation organization may enable the program to secure land at below market rates due to the

favorable tax benefits that accrue to sellers. Easements, rather than full title to the land, can be donated or sold by a landowner. Donations, bequests and grants will be sought to enable the program to protect and acquire more natural resource land.

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

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

Clackamas County	
Springwater Corridor Trail	Land acquisition to complete trail near Boring
Barton Park Quarry Reclamation	Capital improvements of Barton Park; restoration and campground
Damascus Greenspace	Acquire 25-30 acres in the Damascus area for a park
Clackamas River North Bank Park	Acquisition of park land along the proposed greenway trail
Kellogg Creek Natural Area	Natural area acquisition near Jennings Avenue
Boardman Slough Wetland Park	Land acquisition for a wetland park near Gladstone
Mt Talbert	Acquire 15 acres on top and east slope; south of Sunnyside Rd.
Portland Traction Company Right-of-Way	Acquire about 7 miles of rail line between Milwaukie and Gladstone
Meldrum Bar Park, Gladstone	Riparian restoration and picnic shelters of this Willamette River park
Cross Memorial Park, Gladstone	Trail improvements
Glen Echo Wetlands, Gladstone	Land addition to wetland park; trails

Mt. Scott Creek Trail, Happy Valley	Trail construction to provide park access from Sunnyside Road
Scott View Nature Park, Happy Valley	Trail construction
West Waluga Park Trail, Lake Oswego	Perimeter trail and access points around natural area park
Roehr Park Willamette Greenway, L. Oswego	Acquire land and construct trail along park and greenway
Lusher Farm / Cook's Butte Trail, L. Oswego	Acquire land and construct trail between parks
Canal Acres Natural Area, Lake Oswego	Trail construction connecting to Bryant Woods Park
Milwaukie Waterfront	Acquire about 2.5 acres at the confluence of Johnson Creek
Kellogg Lake, Milwaukie	Acquire land west of Kellogg lake and east of McLoughlin Blvd.
Springwater Corridor, Milwaukie	Acquire land between Johnson Creek and the Springwater Trail
Rosewell Wetland, Milwaukie	Natural habitat enhancements to a stormwater detention pond
Willow Place Wetland, Milwaukie	Natural habitat enhancements to a stormwater detention pond
Ardenwald to Springwater Corridor, Milwaukie	Trail construction to connect Ardenwald neighborhood to Springwater
High Rocks River Bank, Oregon City	Acquire park land on south bank of the Clackamas River
Barclay Hills Park, Oregon City	Nature trail construction in the upper reaches of Newell Creek Canyon
Clackamette Park, Oregon City	Picnic shelters, restrooms, fishing dock
Tualatin River Access, Rivergrove	Boat ramp improvement at city park near SW Dogwood Road
Burnside Park, West Linn	Acquire 8 acres of natural area adjacent to city park on Willamette R.
Memorial Park, Wilsonville	Trail construction in park and to the Willamette River Greenway
Boeckman and Mill Creek, Wilsonville	Habitat restoration along creeks at four public schools in area
Wilsonville City Trail System	Capital improvements to complete city trail system to natural areas
Gordon's Run Open Space, Wilsonville	Trail construction along Willamette Greenway near Charbonneau
Washington County	
Henry Hagg Lake / Scoggins Valley Park	Six individual picnic sites, one group picnic shelter, restrooms
Bethany, Reedville, Cedar Mill, Bull Mt. Parks	Acquire land to establish small natural area parks
Tualatin Hills Nature Park	Acquire 22 acres to add to existing park
Koll Center Wetland	Acquire right-of-way access, trail construction, viewing platform
Cedar Mill Creek Corridor	Acquire about 22 acres near Sunset Highway and Cornell Road
Golf Creek Corridor	Acquire about 10 acres west of Sylvan and north of Sunset Highway

Fanno Creek Greenway	Trail construction to connect Fanno Creek Park to neighborhoods .
Stonegate Woods, Beaverton	Acquire about 7 acres of wetland forest along Willow Creek
Hart Road Natural Area, Beaverton	Acquire 18 acres to establish greenspace park near SW Hart Road
Johnson Creek Corridor, Beaverton	Acquire about 45 acres along greenway
Washington County continued	
Forest Glen Park / Hiteon Creek, Beaverton	Habitat restoration including native tree and vegetation plantings
Dufham City Park	Trail and bridge construction
David Hill Forest Park, Forest Grove	Acquire up to 10 acres to establish greenspace park in NW area of city
Gales Creek Linear Park, Forest Grove	Acquire land along greenway in SW area of city
Fernhill Wetlands, Forest Grove	Trail access, trail construction, interpretive center near Tualatin River
Noble Woods Park, Hillsboro	Trails, picnic shelters, viewing areas for park on Rock Creek
Rood Bridge Road Park, Hillsboro	Restoration, canoe launch, trails, at confluence of Rock Crk & Tualatin
Rock Creek Corridor, Hillsboro	Acquisition along the greenway
Cedar Creek Greenway, Sherwood	Acquisition and trail construction in the riparian zone
Fanno Creek / Summer Creek Greenway, Tigard	Trail construction
Natural Area Park, Tigard	Acquire about 7.5 acres of forest land for a city nature park
Tualatin River Corridor, Tualatin	Acquisition along the south bank of the greenway
Multnomah County	
Burlington Bottom Wetlands, Mult. Channel	Road access, trails, wildlife blind
Howell Territorial Park, Sauvie Island	Picnic shelters, trails, and wildlife viewing blind for 73 acre site
Sauvie Island Boat Ramp	Improvements to launch ramp, boarding docks
Ancient Forest Grove	Trail construction and signage for 38 acre site north of Forest Park
Hogan Cedars	Acquisition along Johnson Creek near Telford Road / Springwater
Oxbow Regional Park, Sandy River	Water system upgrade, picnic shelters, group camp shelters
Blue Lake Regional Park, Fairview	Restore and enhance 10 acre wetland , boardwalks
Fairview Creek Riparian Area, Fairview	Enhancement of 50 acre wetland west of NE 207th connector
Springwater Corridor Trail, Gresham	Trail heads, trail construction, info center, native vegetation plantings
Fairview Creek Headwaters, Gresham	Enhancement of 18 acres, habitat plantings, picnic shelters, trails
Butler Creek Greenway Trail, Gresham	Soft surface trails, bridge over Johnson Creek
Kelly Creek Greenway, Gresham	Acquisition of 4.5 acres, soft surface trails
Beaver Creek Greenway, Troutdale	Acquisition, trails, pedestrian bridge, habitat restoration, erosion control
Wood Village City Park	Habitat improvements, trails, erosion control for 12 acre addition
Springwater Corridor, Portland	Trail heads and trail improvements in SE Portland
OMSI to Springwater Corridor, Portland	Trail heads and trail improvements on east bank of Willamette River
Whitaker Ponds, Portland	Acquisition for greenspace park along Columbia Slough in NE PDX
Tryon Creek Linkages, Portland	Acquisition in Tryon Creek watershed in SW Portland
M. James Glisan Boat Ramp, Portland	Improvements to launch facility on Columbia River in NE Portland
Terwilliger-Marquam Natural Area, Portland	Acquisition of upland forest in SW Portland
Columbia Slough, Portland	Acquisition of greenspace along or near slough in N and NE Portland

Johnson Creek Corridor, Portland	Acquisition of greenspace along creek in SE Portland
Mocks Crest, Portland	Acquisition of greenspace in N Portland
Kelly Point Park, Portland	Acquisition of adjacent land in N Portland
Oaks Bottom, Portland	Habitat restoration, improvements in SE Portland
Powell Butte, Portland	Habitat restoration, improvements SE Portland
Community Natural Areas, Portland	Acquisition of small greenspaces in NE King or Elliot neighborhood
Hoyt Arboretum, Portland	Acquisition of adjacent land in NW Portland
Leach Botanical Garden, Portland	Acquisition of adjacent land in SE Portland
Crystal Springs Rhododendron Garden, Portland	Acquisition of adjacent land in SE Portland
40-Mile Loop Trail, Portland	Trail right-of-way acquisition along the 40-Mile Loop
River Place to Willamette Park, Portland	Acquisition and trail construction on the west bank of Willamette River
Fanno Creek, Portland	Acquisition along the greenway in SW Portland
Forest Park Wildwood Trail, Portland	Access and habitat improvements in NW Portland

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

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

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

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

BALLOT TITLE

"Caption: Bonds to preserve open space, parks; protect streams, fish, wildlife."

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

"Summary: Buys specified open space in the region. Approved bonds will:

- Preserve local lands for parks and trails.
- Maintain water quality in rivers and streams.
- Protect salmon, trout, steelhead.
- Provide areas for walking, picnicking and other outdoor recreation.

Buying open spaces for public use will balance private development in the region. Bonds mature in not more than 30 years. Bond cost estimate is about 22 cents per \$1,000 of assessed value per year. Typical home pays \$1.91 per month."

Metro Council
January 19, 1995
Item 5.3

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2073 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION FROM THE COMPETITIVE BID PROCESS AND AUTHORIZING ISSUANCE OF RFP #94R-35-SW FOR PURCHASING DIESEL FUEL

Date: January 9, 1995

Presented by: Jim Watkins
Chuck Geyer

PROPOSED ACTION

Adopt Resolution No. 95-2073 to permit the Executive Officer to issue a request for proposals for the purchase of diesel fuel.

FACTUAL BACKGROUND AND ANALYSIS

In April, 1994, Metro began purchasing diesel fuel required to transport waste from Metro facilities to the Columbia Ridge Landfill per Change Order No. 15 to the Waste Transport Services Contract (see Exhibit "A" to the attached resolution). As a result of this action, Metro has realized savings of approximately \$50,000 per month (see Exhibit "B" to the attached resolution).

The current agreements to purchase fuel expire in March, 1995. For the reasons contained in Exhibit "C" to the attached resolution, it is in Metro's best interest to utilize a proposal rather than bid process to secure replacement agreements. Utilizing a proposal process requires an exemption from the competitive bid process. Resolution No. 95-2073 provides the required exemption and authorizes issuance of the request for proposals which will result in replacement agreements.

BUDGET IMPACTS

Metro would continue to save approximately \$50,000 per month.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 95-2073.

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN)	RESOLUTION NO. 95-2073
EXEMPTION FROM THE COMPETITIVE BID)	
PROCESS AND AUTHORIZING ISSUANCE)	Introduced by
RFP #94R-35-SW FOR PURCHASING)	Mike Burton, Executive Officer
DIESEL FUEL)	

WHEREAS, Metro has executed Change Order No. 15 to the Waste Transport Services Contract (EXHIBIT "A") which provides for a reduction in unit prices for solid waste transported to the Columbia Ridge Landfill; and

WHEREAS, Under Change Order No. 15, Metro must purchase fuel for the Waste Transport Services Contractor in exchange for the reduction in unit prices; and

WHEREAS, As a result of this arrangement Metro has realized monthly savings of approximately \$50,000 per month (see EXHIBIT "B"); and

WHEREAS, Metro has purchased the fuel through Devin and Stein Oil Companies utilizing agreements which expire in March, 1995; and

WHEREAS, It is in Metro's best interest to continue to purchase fuel utilizing a request for proposal rather than the competitive bid process for the reasons stated in EXHIBIT "C"; and

WHEREAS, Metro Code Section 2.04.041(c) and ORS 279.015(2) authorize the Metro Contract Review Board to exempt a public contract from competitive bidding if it finds that the exemption will not encourage favoritism or substantially diminish competition for public contracts and that such an exemption will result in substantial cost savings; and

WHEREAS, EXHIBIT "C" to this resolution presents findings which satisfy the requirements for such an exemption; and

WHEREAS, This resolution was submitted to the Executive Officer for consideration and was forwarded to the Contract Review Board for approval; now therefore,

BE IT RESOLVED,

1. That the Metro Contract Review Board adopts as findings the information and reasoning contained in EXHIBIT "C", made part of this resolution by reference, and concludes that:
 - a) It is unlikely that exempting the purchase of diesel fuel from the competitive bid process will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
 - b) The exemption will result in substantial cost savings to Metro; and

Therefore, exempts the contract to be solicited through Request for Proposals No. #94R-35-SW from competitive bid requirements.

2. That the Metro Council authorizes issuance of RFP #94R-35-SW attached as EXHIBIT "D".

ADOPTED by the Metro Council this _____ day of _____, 1995.

Ruth McFarland, Presiding Officer

EXHIBIT "A"

CHANGE ORDER NO. 15
METRO CONTRACT NO. 900848

MODIFICATION TO THE CONTRACT BETWEEN
METRO AND JACK GRAY TRANSPORT, INC.
ENTITLED
"WASTE TRANSPORT SERVICES"

PROJECT: Waste Transport Services
METRO POC: Jim Watkins, Engineering & Analysis Manager
CONTRACTOR POC: Gary Goldberg, Executive V.P.

This Amendment is to Metro Contract No. 900848, entitled "Waste Transport Services," dated March 1, 1989 (herein, "Original Contract"). In exchange for the promises and other consideration set forth in the Waste Transport Services Contract and this Amendment, the Parties agree as follows:

1. Purpose. The purpose of this Amendment is for Metro to supply fuel for Contractor's "over the road" tractors while exclusively used in transporting solid waste for Metro.
2. Fuel Delivery Periods. The initial period covered by this Amendment shall be from the date on which Metro begins supplying fuel to Contractor until June 30, 1994. Subsequent periods shall begin on July 1 of each year and end on June 30 of each subsequent year, until termination of the Original Contract between the Parties.
3. Termination. (a) Either Party may terminate this Amendment by giving notice to the other no later than April 30 of any period (other than the initial period), of pending termination on June 30. Upon termination, Metro's per load payments to Contractor shall revert to the adjusted amount that would have been paid under the Original Contract, had this Amendment not been executed.

(b) If the Internal Revenue Service (IRS) contacts Contractor, either through audit or otherwise, and indicates that it may have to pay federal excise taxes on fuel provided by Metro under this amendment, Contractor shall immediately notify Metro and provide Metro with a copy of all correspondence received from the IRS. Once Metro confirms that the IRS has made such a contact, the parties shall cooperate to contest the IRS and/or to establish a reasonable date for terminating this amendment. In either case, at the point at which Metro determines not to contest the IRS further, Metro shall pay directly to the IRS all amounts required to be paid to the IRS related to fuel provided to Contractor under this amendment and used by Contractor in conformance with this amendment.

4. Amount of Fuel Provided.

(a) The amount of fuel provided by Metro to Contractor for Metro's sole and exclusive use shall be equal to the number of loads projected for the period times 58 gallons. The projected number of loads shall be established by written notice from Metro provided on or before April 30 of each year for the subsequent period. Metro may update such notice, in writing, as necessary throughout the period. Metro shall also provide notice to its fuel supplier of the amount of fuel that may be provided to Contractor.

(b) If Contractor requires more fuel per actual load than provided by this section 4, Contractor shall be responsible for purchasing the additional fuel required during that period and for payment of all applicable taxes.

5. Exclusive Use of Metro. Fuel supplied by Metro to the Contractor is to be used exclusively for the performance of the Contract, and Contractor shall ensure, and comply with all Metro-established safeguards to ensure, that fuel provided by Metro is used only for the performance of the Waste Transport Contract.

6. Per Load Payment Reduction.

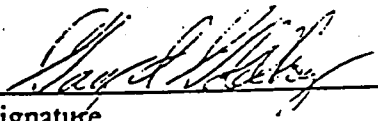
(a) From the date on which Metro begins supplying fuel to Contractor through September 30, 1994, the per load unit price paid to the Contractor shall be \$333.50.

(b) Beginning October 1, 1994, the per load unit price paid to the Contractor shall be \$332.92. This per load unit price shall be adjusted in the same manner as Contractor's unit price is adjusted as specified in Article 12 of the general conditions.

7. Fuel Deliveries. Metro shall make fuel available in a manner reasonably acceptable to Contractor and reasonably consistent with historical service levels obtained by Contractor.

8. Effect of Amendment. Except as modified herein, all other terms and conditions of the Contract and previous Change Orders shall remain in full force and effect.

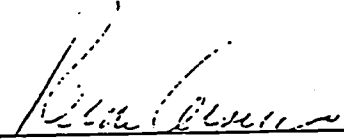
JACK GRAY TRANSPORT, INC.


Signature

Carl I. Goldberg, P.E., Vice Pres.
Print Name and Title

4-18-94
Date

METRO


Signature

Rena Cusma
Executive Officer
Print Name and Title

4-12-94
Date

1197

EXHIBIT B

COMPARISON OF FUEL COSTS AND JGT UNIT PRICE

DATE	LOADS		JACK GRAY TRANSPORT		FUEL			METRO SAVINGS	EXEMPT EXCISE TAX TOTAL	
	MSS	MCS	UNIT PRICE DIFFERENCE	UNIT PRICE SAVINGS	GALLONS	COSTS Excludes Excise Tax	AVERAGE GALLONS PER LOAD			
*APRIL 94	431	377	\$54.52	\$44,052.16	46,900.160	\$29,313.29	58.04	\$14,738.87	\$11,443.64	\$3,295.23
MAY 94	1155	988	\$54.52	\$116,836.36	121,898.990	\$72,906.37	56.88	\$43,929.99	\$29,743.35	\$14,186.64
JUNE 94	1192	1046	\$54.52	\$122,015.76	127,402.980	\$74,547.72	56.93	\$47,468.04	\$31,086.33	\$16,381.71
JULY 94	1153	1129	\$54.52	\$124,414.64	123,243.200	\$74,758.25	54.01	\$49,656.39	\$30,071.34	\$19,585.05
AUG 94	1263	1247	\$54.52	\$136,845.20	140,684.970	\$85,131.91	56.05	\$51,713.29	\$34,327.13	\$17,386.16
SEPT 94										
OCT 94										
NOV 94										
TOTAL	5,194	4,787		\$544,164.12	560,130.300	\$336,657.54	56.12	\$207,506.580	\$136,671.79	\$70,834.79

*April 94 is for the time period April 20 through April 30, 1994

\$0.244 = Excise Tax

EXHIBIT "C"

FINDINGS FOR AN EXEMPTION FROM THE COMPETITIVE BID PROCESS FOR THE PROCUREMENT OF DIESEL FUEL

In order to utilize the proposal process to purchase diesel fuel for the Waste Transport Services Contract, findings are presented below to satisfy the following exemption requirements:

- (a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
- (b) The awarding of public contracts pursuant to the exemption will result in substantial cost savings to the public contracting agency. In making such finding, the director or board may consider the type, cost, amount of the contract, number of persons available to bid and such other factors as may be deemed appropriate.

The approach will not encourage favoritism because it should increase the number of potential proposers. This is because the proposal process will allow greater flexibility in the arrangements vendors can make in providing the fuel to Metro, than would a bid. There are multiple ways in which fuel can be provided (i.e. cardlocks, either onsite or en route to the landfill, or subcontracting with OWS to retrofit existing onsite tanks etc.), some of which we probably have not thought of. Writing precise specifications, without limiting the number of approaches, would therefore be difficult. A proposal process should increase to number of proposals received, thereby satisfying "a" above, because it allows more approaches.

Increasing competition should result in savings as vendors vie to cut their margins. Price competition however, is not the only way in which substantial savings to Metro will result. The modification to the JGT (Jack Gray Transport, Inc. - the Waste Transport Services Contractor) contract which permitted Metro to take advantage of an exemption to the excise tax, contains service levels for the provision of fuel by Metro and is annually renewable. JGT does not enjoy any of the savings realized by Metro, and in fact, is specifically prohibited by IRS rules from doing so. JGT is concerned with fuel being provided in an efficient manner. If it is not, it is quite likely that the firm will withdraw from the current arrangement and Metro will then lose over \$300,000 in annual savings. The proposal process allows Metro to evaluate the proposals and proposers on their past performance and the convenience of their approach, **in addition to**, the proposed price. This should increase the probability that the selected firm and approach satisfies JGT's needs and thereby maintain the substantial savings Metro currently has.

In addition, the RFP does not anticipate the use of liquidated damages or performance bonds as contractual safeguards, since these would substantially

increase the cost and probably decrease competition. This is because such measures are not common in the industry and because competition is so great that dissatisfied customers typically just switch suppliers. Given the location of the fuel purchases and the service requirements of JGT, suppliers are somewhat limited. Metro is therefore evaluating proposers on their past performance. This will help ensure that the contract negotiated, will be performed satisfactorily. For these reasons, the procurement of fuel through the RFP proposed will also satisfy the requirements of "b" above.

EXHIBIT "D"



METRO

Request for
Proposals for
Providing Diesel
Fuel

REQUEST FOR PROPOSALS
(#94R-35-SW)

January 1995

Solid Waste Department
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1650
Fax (503) 797-1795

**REQUEST FOR PROPOSALS
FOR PROVIDING DIESEL FUEL**

(RFP # 94R-35-SW)

Metro
Solid Waste Department
600 NE Grand Avenue
Portland, OR 97232
(503) 797-1650

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**REQUEST FOR PROPOSALS
FOR PROVIDING DIESEL FUEL
(RFP # 94R-35-SW)**

I. INTRODUCTION

The Solid Waste Department of Metro is requesting proposals for the supply of approximately 1.4 million gallons of No. 2, low sulfur diesel fuel. Portions of the fuel are to be provided at one of two separate locations. Metro is a regional government serving the Portland metropolitan area, organized under the laws of the State of Oregon and the 1992 Metro Charter. Metro is located at 600 NE Grand Avenue, Portland, OR 97232-2736. Proposals will be due no later than ___ p.m., _____, 19_ in Metro's Solid Waste Department. Details concerning the project and proposal are contained in this document.

II. BACKGROUND/HISTORY OF PROJECT

In 1991, Metro began transporting solid waste generated in the region to the Columbia Ridge Landfill located in Gilliam County, Oregon (see map located in the Appendix), approximately 150 miles east of Portland, Oregon. The landfill is owned and operated by Oregon Waste Systems, Inc. and disposal capacity is available to Metro until 2009. Transport of the waste is provided through a contract with Jack Gray Transport, Inc. (JGT) for the same period of time.

Loads of waste to be transported are prepared at Metro transfer stations by compactors. One transfer station is located in Oregon City (Metro South Station) and the other in northwest Portland (Metro Central Station). A load of waste is 7 x 7 x 39 feet in size and weighs about 29 tons. In calendar year 1993, JGT transported 696,084 tons of solid waste to the Columbia Ridge Landfill, a total of 24,116 loads, traveling 7.43 million miles.

The typical JGT driver transports two loads per day. Beginning at the landfill, a driver takes an empty trailer to a transfer station, picks up a full trailer which is transported to a staging area located in Rufus. At the staging area, an empty trailer is picked up for another trip to a transfer station, where a full trailer is picked up and transported to the landfill. Full trailers left at the staging area in Rufus are shuttled to the landfill. Four of the tractors are based at the Metro Central Station, the rest are based at the landfill.

JGT utilizes approximately 45 tractors and 200 trailers. The tractors are Standard Peterbilt 378 three-axle conventionals with a 262 inch wheel base, plus a drop axle. The trailers are 48 foot Fruehaufs. Engines are a combination of 425 hp Cat 3406C ATAAC mechanical diesels and Cat's new electronic 3406-rated 435 hp with 1,650 pounds per foot of torque. They drive through Fuller Super 10 transmissions and Rockwell 3.90 rearends. Each tractor is equipped with one, 120 gallon fuel tank which is accessed from the driver's side.

The original contract between Metro and JGT provided that JGT purchase all the fuel to be used in performance of the work. In April 1994, Metro began to purchase the fuel used by JGT for its over-

the-road vehicles through a modification of the contract (see Appendix). Metro proposed this modification to realize substantial cost savings. These cost savings are incurred because Metro is a political subdivision of the state of Oregon and as such is exempt from payment of federal fuel excise taxes.

As part of this modification to the JGT contract, Metro agreed to provide the fuel to JGT "in a manner ... reasonably consistent with historical service levels...". In 1993, JGT purchased approximately 1.4 million gallons of fuel for use by its over-the-road vehicles. About 95% of the fuel was purchased from a cardlock located in Gilliam County, on HWY 19 between the City of Arlington and the landfill. The remaining amount was purchased from a cardlock located off Interstate 84 between I-205 and the Sandy River. Metro plans to purchase fuel in the same proportion from these two general locations. However, for fuel to be purchased in Gilliam Co., proposals will be accepted which provide for locating a fueling facility on the landfill itself in cooperation with the landfill owner. It should be noted that vehicles generally fuel exclusively at only one location.

Since the cardlocks currently in use also supply fuel to customers who must pay the federal excise tax, the cardlock must pay the excise tax on Metro fuel when purchased from a terminal and request a refund of the tax from the federal government. The vendor must therefore be a "registered ultimate vendor" under IRS rules and comply with all IRS rules. If fuel were supplied to exempt users only, it is Metro's understanding the vendor could supply dyed fuel and avoid paying the excise tax altogether.

Detailed information on fuel purchases is located in the Appendix. While fuel has been, and still must be in the future, available on a 24 hour, seven day a week basis, most of the fuel purchases occur during the weekday/daylight hours. Branded, No. 2 low sulfur fuel is used exclusively, except when weather conditions require "blending" to achieve non-gel operation.

The current agreements for the provision of fuel expire March 31, 1994. This RFP is intended to result in replacement agreements taking effect on or before that date.

III. PROPOSED SCOPE OF WORK/SCHEDULE

Metro is seeking proposals from qualified firms to perform the following services and to deliver the products described below. Since Metro will be purchasing fuel from two separate locations, the tasks below are divided into three parts. Section "A" contains those general requirements that apply to the fuel purchased at either location. Section "B" contains those specific requirements to provide fuel only for the location on I-84 between I-205 and the Sandy river (see map in the Appendix). Section "C" contains the specific requirements to provide fuel in Gilliam County. Section "C" is further subdivided to address requirements for the provision of fuel at a cardlock located on HWY 19 or a fueling facility to be located at the landfill.

A. General Requirements

1. Branded, low sulfur, No. 2 diesel fuel shall be available 24 hours per day, seven days a week. All fuel provided shall be filtered and free from impurities that might cause damage or impairment to vehicle operation. Fuel shall be weatherized during cold weather to ensure 100% non-gel operation. Specific requirements for each location are contained in sections "B" and "C" below. Contractor shall be liable for damages caused by fuel that is contaminated or otherwise does not meet specifications.
2. If the primary fueling system is disabled, Contractor shall provide an alternative fuel supply on an "as needed" basis until the primary system is available at the same cost to Metro as if the primary system were available. Any and all sites or systems must comply with applicable laws and regulations.
3. All cardlock sites must have restrooms, water, and emergency phone services; be capable of fueling two vehicles simultaneously and have high pressure pumps.
4. Fuel shall be accessed through the use of a card assigned to a specific vehicle, regardless of whether a cardlock or tank system is used. The system shall be programmable to limit purchases per use and to record the invoice information described below. Contractor shall be able to cancel access to fuel within 24 hours notice from Metro, either system-wide or on an individual card basis. Contractor shall provide cards to Metro (or a designated party at JGT) to access the system within 2 working days of a request.
5. It is desired that the Contractor's invoice shall contain the following information. Please indicate in your proposal which information would be available.
 - for each transaction by card # (provision of this information is mandatory):
 - Date / time / tractor # / odometer reading / m.p.g. / # of gallons / price per gallon¹ / total price
 - For each card (which is assigned to a specific tractor), the following summary information:
 - Average m.p.g. / total gallons / total charge
 - At the end of the invoice the following summary information shall be included:
 - For invoice period: Total gallons / total charge / average m.p.g. / average price per gallon / total excise tax avoided / state diesel tax
 - Year to date: Total gallons / total charge / average m.p.g. / average price per gallon / total excise tax avoided / state diesel tax

¹All price information shall exclude federal excise taxes.

6. Price - Proposers should present their proposed pricing structure using the following assumptions:

- > No excise tax will be charged to Metro (contractor will have to pay excise tax if applicable and obtain a refund from IRS)
- > Weekly billings
- > Metro payment within 15 working days
- > Weatherization of fuel for each location per the specification in "B" or "C" below

Submittal - Submit your price proposal in enough detail, utilizing the applicable price sheet(s) contained in the Appendix, to reflect the following:

- a. index to be used for base cost (i.e., Portland OPIS index, specific branded fuel, the terminal(s) where fuel will be purchased, etc.)
- b. base cost + freight cost + taxes (except excise) + markup + other (specify what it is)

Example: Portland OPIS index + \$0.04 (freight from Portland) + \$0.0035 (superfund tax) + \$0.015 (markup) + \$0.00 (other)

- c. Utilizing the actual monthly average base cost for the time period contained in the price sheet and the other components of the pricing structure presented in "a" above, present what the cost to Metro would have been for the period and location indicated on the applicable price sheet(s) contained in the Appendix.

Please attach enough backup information for Metro to verify the prices.

7. Term - The term of this agreement shall be for a period of April 1, 1995, to June 30, 1996, with the option to extend for up to an additional three years in one year increments, at the discretion of Metro's Executive Officer.

8. Adjustment - Price adjustments for the second and any additional years of the contract will be negotiated on the anniversary of the contract based on documented increases in costs other than those to the base cost. The base cost will fluctuate based on the index used throughout the term of the agreement.

B. Specific Requirements for Western Fueling Location

- 1. Fuel must be provided through a cardlock located within 50 yards of I-84 between I-205 and the Sandy River.

2. Weatherization of fuel for Portland area conditions, consistent with the practices of major suppliers.

C. Specific Requirements for Eastern Fueling Location

Two types of approaches are acceptable to Metro, fueling through a cardlock or through tanks to be located on the Columbia Ridge Landfill.

1. Cardlock Option Requirements

- a. The cardlock must be located on HWY 19, between the City of Arlington and Cedar Springs Road.
- b. In the event of a failure of the cardlock to provide fuel as required, the required backup system must be either another cardlock meeting these criteria or fueling at the Columbia Ridge Landfill through the provision of a tanker truck. Reporting requirements will be waived during this period and hand written receipts shall be issued.
- c. Working with Metro's transport contractor, Jack Gray Transport, Inc., branded #2 low sulfur diesel shall be blended with branded #1 low sulfur diesel to ensure "non-gel" operation when weather conditions require. For purposes of preparing the price sheet, assume that 30% of each gallon will be #1 diesel for the months of December through February.
- d. The delivery of some fuel to a tank located at the landfill during the winter may be negotiated as part of the contract.

2. Tank Option Requirements

- a. The successful proposer will supply a self-contained fuel storage and distribution facility on the Columbia Ridge Landfill of sufficient size to ensure 24 hour, 7 day per week operations of JGT.
- b. The provision of this facility must be accomplished through a contractual arrangement with the landfill owner, Oregon Waste Systems (contact Doug Coenan, Division President and General Manager at 503-454-2030) and be conveniently located in relation to JGT operations.
- c. In the event of a failure of the facility to provide fuel as required, the required backup system must be either a cardlock meeting the above criteria, or fueling at the Columbia Ridge Landfill through the provision of a tanker truck.
- d. Working with Metro's transport contractor, Jack Gray Transport, Inc., branded #2 low sulfur diesel shall be blended with branded #1 low sulfur diesel to ensure "non-gel" operation when weather conditions require. For purposes of preparing the price sheet,

assume that 30% of each gallon will be #1 diesel for the months of December through February.

IV. PROPOSAL CONTENTS

Five copies of the proposals should be furnished to Metro, addressed to:

Metro/ Solid Waste Dept.
Attn: Chuck Geyer
600 NE Grand
Portland, OR 97232

Proposals must be received by _____ to be considered, and should contain the following:

- A. Transmittal Letter: Indicate which location the proposal is for, and if for both locations, whether you wish to be considered for only one location as well during evaluation. Indicate who is to be the contact for the project, who in the firm has the authority to enter into an agreement with Metro, and that the proposal will be valid for ninety days.
- B. Approach/Project Work Plan: Describe how your approach meets the requirements of the proposed Scope of Work above for each of the applicable sections "A", "B" and "C". If your proposal is for both locations, indicate what items in the proposal would change if the locations are considered independently. The work plan should include the pricing sheet from the Appendix, the pricing structure and backup.
- C. Staffing/Project Manager Designation: Identify the specific firms involved in providing the fuel and their roles. For example, if a cardlock, whether it will be a jobber for a specific brand of fuel, and who will be the transporter.
- D. Experience/Qualifications: List projects conducted over the past five years which involved services similar to the services required here. In particular specify any projects that involved continuous operation in locations with similar weather conditions. For each of these other projects, include the name of the customer contact person, his/her title, role on the project, and telephone number.

List any licenses or permits needed for the proposed approach and which your firm currently possesses. For those permits or licenses needed, provide a schedule for obtaining them and the relevant contact person and phone number of the issuing governmental body.

List any equipment or contracts which must be obtained and your schedule for obtaining them by April 1, 1995.

- E. Exceptions and Comments: To facilitate evaluation of proposals, all responding firms will adhere to the format outlined within this RFP. Firms wishing to take exception to, or comment on, any

specified requirements within this RFP are encouraged to document their concerns in this part of their proposal. Exceptions or comments should be succinct, thorough and organized. Please include any exceptions you wish to take with the proposed standard contract.

- F. Confidentiality. This paragraph shall apply to information Proposer is submitting to Metro which Proposer considers to be confidential and proprietary and which Proposer does not want Metro to disclose to third parties ("confidential information" herein). Such confidential information shall be separately contained in a sealed envelope, clearly and prominently marked "confidential information" and bearing the title and number of this RFP, and the sealed envelope shall be attached to the rest of the RFP. To the extent permitted by law, Metro will not disclose such properly identified confidential information to any person outside of Metro. However, Proposers should be aware that Oregon Law (ORS chapter 192) requires public disclosure of most records deemed to be "public records." Metro cannot, therefore, guarantee to protect the confidentiality of any records submitted to Metro, even if the Proposer believes them to be exempt from disclosure.

V. EVALUATION OF PROPOSALS

- A. Evaluation Procedure: Only proposals received that conform to the proposal instructions will be evaluated. The evaluation will take place using the evaluation criteria identified in the following section. The evaluation process will result in Metro developing a short list of the firms who, in its opinion, are most qualified. Interviews with these firms may be requested prior to final selection of firm(s) to provide the goods and services for the two locations.
- B. Evaluation Criteria: This section provides a description of the criteria which will be used in the evaluation of the proposals submitted to accomplish the work defined in the RFP.
1. Cost - The lowest cost proposal, based on the "Total Cost" item from the applicable price sheets. 90%
 2. Performance - Ability of the proposal to satisfy the requirements of the scope of work and the standard contract. Proposers must satisfy these requirements to be the successful proposer.
 3. Experience/Qualifications - Experience in providing a similar level of service under similar conditions. Ability of the proposer to provide the necessary equipment and personnel. Ability to obtain the necessary permits, or other regulatory approvals. 10%

VI. GENERAL PROPOSAL/CONTRACT CONDITIONS

- A. Limitation and Award: Based on the evaluation of proposals, Metro will enter into negotiations with the highest ranked firms for each location. If Metro is unsuccessful in negotiating an agreement, Metro will select the next highest ranked firm and attempt to negotiate a contract.

This process will continue until contract(s) have been signed or Metro terminates the procurement.

This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to waive minor irregularities, accept or reject any or all proposals received as the result of this request, negotiate with all qualified sources, or to cancel all or part of this RFP.

B. Standard Agreement

The attached public contract is a standard agreement approved for use by the Metro Office of General Counsel; it is included for your review prior to submitting a proposal.

Any changes in the standard agreement must be requested and resolved as part of the proposal process or as a condition attached to the proposal. Consider the language carefully. Suggested changes which cannot be resolved will result in rejection of the proposal.

C. RFP as Basis for Proposals:

This Request for Proposals represents the most definitive statement Metro will make concerning the information upon which Proposals are to be based. Any additional verbal information which is not presented in this RFP will not be considered by Metro in evaluating the Proposal. All questions relating to this RFP should be addressed to Chuck Geyer at (503) 797-1691. Any questions which, in the opinion of Metro, warrant a written interpretation or RFP amendment will be furnished to all parties receiving this RFP. Metro will not respond to questions received after _____.

D. Information Release

All proposers are hereby advised that Metro may solicit and secure background information based upon the information, including references, provided in response to this RFP. By submission of a proposal all proposers agree to such activity and release Metro from all claims arising from such activity.

E. Disadvantaged, Minority and Women-Owned Business Program

In the event that any subcontracts are to be utilized in the performance of this agreement, the proposer's attention is directed to Metro Code provisions 2.04.100, 200 & 300.

Copies of that document are available from the Procurement and Contracts Division of General Services, Metro, Metro Center, 600 NE Grand Avenue, Portland, OR 97232 or call (503) 797-1717.

CG:jc
graygas/fuel.rfp
11/09/94 3:56 PM

APPENDIX

consisting of:

**Standard Metro Contract
Location Maps
Modification to JGT/Metro Contract
Detailed Fuel Information
Price Sheet**

STANDARD METRO CONTRACT

CONTRACT NO. _____

PUBLIC CONTRACT

THIS Contract is entered into between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, whose address is 600 NE Grand Avenue, Portland, Oregon 97232, and _____, whose address is _____, hereinafter referred to as the "CONTRACTOR."

THE PARTIES AGREE AS FOLLOWS:

ARTICLE I

SCOPE OF WORK

CONTRACTOR shall perform the work and/or deliver to Metro the goods described in Attachment A, the Scope of Work, which is incorporated herein by this reference. All services and goods shall be of good quality and, otherwise, in accordance with the Scope of Work.

ARTICLE II

TERM OF CONTRACT

The term of this Contract shall be for the period commencing _____, through and including _____.

ARTICLE III

CONTRACT SUM AND TERMS OF PAYMENT

Metro shall compensate the CONTRACTOR for work performed and/or goods supplied as described in Attachment B, which is incorporated herein by this reference. Metro shall not be responsible for payment of any materials, expenses or costs other than those which are specifically included in Attachment B.

ARTICLE IV

LIABILITY AND INDEMNITY

CONTRACTOR is an independent contractor and assumes full responsibility for the content of its work and performance of CONTRACTOR's labor, and assumes full responsibility for all liability for bodily injury or physical damage to person or property arising out of or related to this Contract, and shall indemnify, defend and hold harmless Metro, its agents and employees, from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Contract. CONTRACTOR is solely responsible for paying CONTRACTOR's subcontractors and nothing contained herein shall create or be construed to create any contractual relationship between any subcontractor(s) and Metro.

ARTICLE V

TERMINATION

Metro may terminate this Contract upon giving CONTRACTOR seven (7) days written notice. In the event of termination, CONTRACTOR shall be entitled to payment for work performed to the date of termination. Metro shall not be liable for indirect or consequential damages. Termination by Metro will not waive any claim or remedies it may have against CONTRACTOR.

ARTICLE VI

INSURANCE

CONTRACTOR shall purchase and maintain at CONTRACTOR's expense, the following types of insurance covering the CONTRACTOR, its employees and agents. Contractor must comply with all applicable DOT regulations, including those related to transportation.

A. Broad form comprehensive general liability insurance covering personal injury, property damage, and bodily injury with automatic coverage for premises and operation and product liability. The policy must be endorsed with contractual liability coverage.

B. Automobile bodily injury and property damage liability insurance.

Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an aggregate limit, the aggregate limit shall not be less than \$1,000,000. Metro, its elected officials, departments, employees, and agents shall be named as an ADDITIONAL INSURED. Notice of any material change or policy cancellation shall be provided to Metro thirty (30) days prior to the change.

This insurance as well as all workers' compensation coverage for compliance with ORS 656.017 must cover CONTRACTOR's operations under this Contract, whether such operations be by CONTRACTOR or by any subcontractor or anyone directly or indirectly employed by either of them.

CONTRACTOR shall provide Metro with a certificate of insurance complying with this article and naming Metro as an insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours before services under this Contract commence, whichever date is earlier.

ARTICLE VII

PUBLIC CONTRACTS

All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement, including, but not limited to, ORS 279.310 to 279.320. Specifically, it is a condition of this contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by 1989 Oregon Laws, Chapter 684.

ARTICLE VIII

ATTORNEY'S FEES

In the event of any litigation concerning this Contract, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to any appellate courts.

ARTICLE IX

QUALITY OF GOODS AND SERVICES

Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of the highest quality. All workers and subcontractors shall be skilled in their trades.

CONTRACTOR guarantees all work against defects in material or workmanship for a period of one (1) year from the date of acceptance or final payment by Metro, whichever is later. All guarantees and warranties of goods furnished to CONTRACTOR or subcontractors by any manufacturer or supplier shall be deemed to run to the benefit of Metro.

ARTICLE X

OWNERSHIP OF DOCUMENTS

All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by CONTRACTOR pursuant to this agreement are the property of Metro and it is agreed by the parties hereto that such documents are works made for hire. CONTRACTOR does hereby convey, transfer and grant to Metro all rights of reproduction and the copyright to all such documents.

ARTICLE XI

SUBCONTRACTORS

CONTRACTOR shall contact Metro prior to negotiating any subcontracts and CONTRACTOR shall obtain approval from Metro before entering into any subcontracts for the performance of any of the services and/or supply of any of the goods covered by this Contract.

Metro reserves the right to reasonably reject any subcontractor or supplier and no increase in the CONTRACTOR's compensation shall result thereby. All subcontracts related to this Contract shall include the terms and conditions of this agreement. CONTRACTOR shall be fully responsible for all of its subcontractors as provided in Article IV.

ARTICLE XII

RIGHT TO WITHHOLD PAYMENTS

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

If a liquidated damages provision is contained in the Scope of Work and if CONTRACTOR has, in Metro's opinion, violated that provision, Metro shall have the right to withhold from payments due CONTRACTOR such sums as shall satisfy that provision. All sums withheld by Metro under this Article shall become the property of Metro and CONTRACTOR shall have no right to such sums to the extent that CONTRACTOR has breached this Contract.

ARTICLE XIII

SAFETY

If services of any nature are to be performed pursuant to this agreement, CONTRACTOR shall take all necessary precautions for the safety of employees and others in the vicinity of the services being performed and shall comply with all applicable provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits.

ARTICLE XIV

INTEGRATION OF CONTRACT DOCUMENTS

All of the provisions of any bidding documents including, but not limited to, the Advertisement for Bids, Request for Bids or Proposals, General and Special Instructions to Bidders, Proposal, Bid, Scope of Work, and Specifications which were utilized in conjunction with the bidding of this Contract are hereby expressly incorporated by reference. Otherwise, this Contract represents the entire and integrated agreement between Metro and CONTRACTOR and supersedes all prior negotiations, representations or agreements, either written or oral. This Contract may be amended only by written

instrument signed by both Metro and CONTRACTOR. The law of the state of Oregon shall govern the construction and interpretation of this Contract.

ARTICLE XV

ASSIGNMENT

CONTRACTOR shall not assign any rights or obligations under or arising from this Contract without prior written consent from Metro.

Metro

Signature

Signature

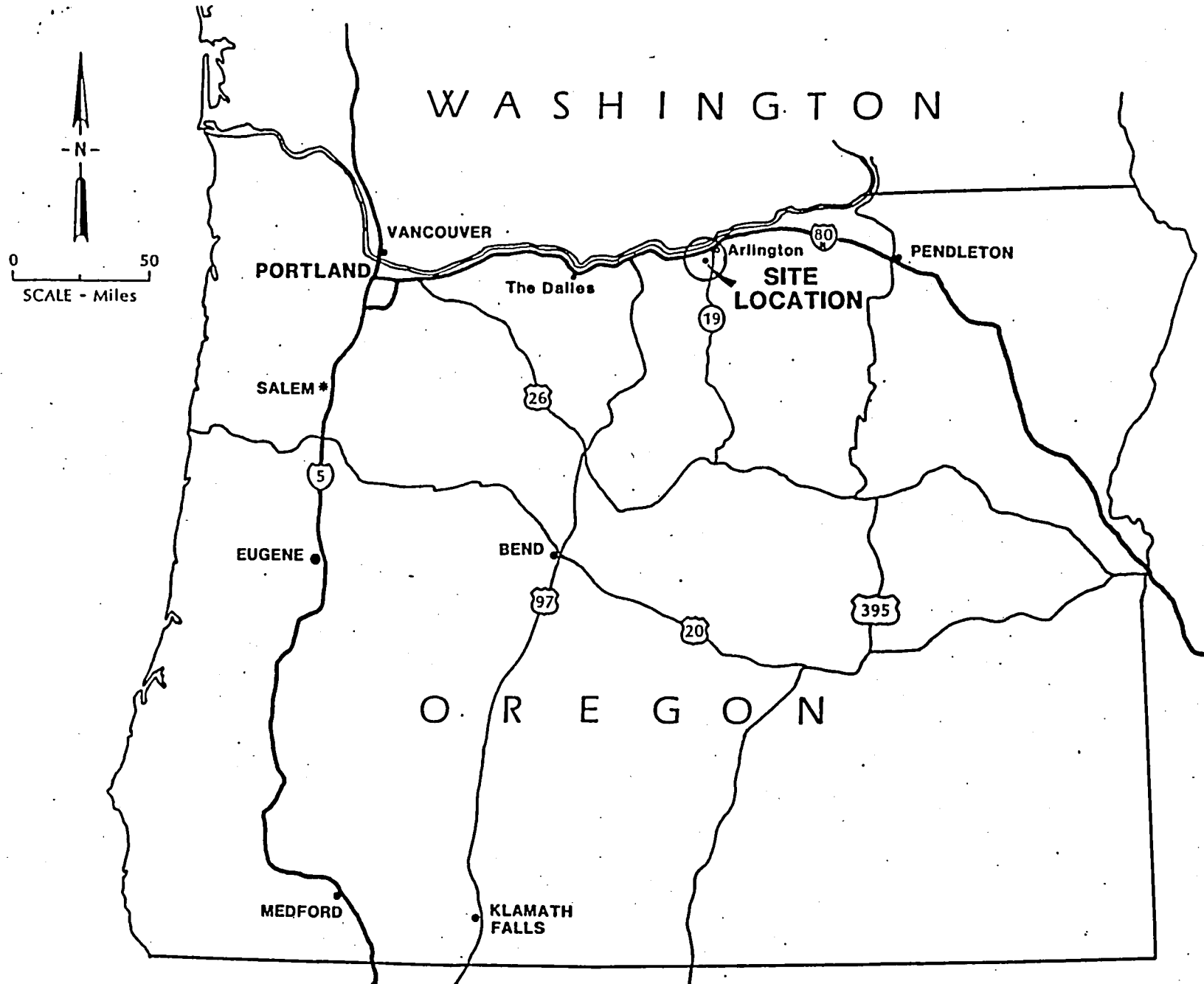
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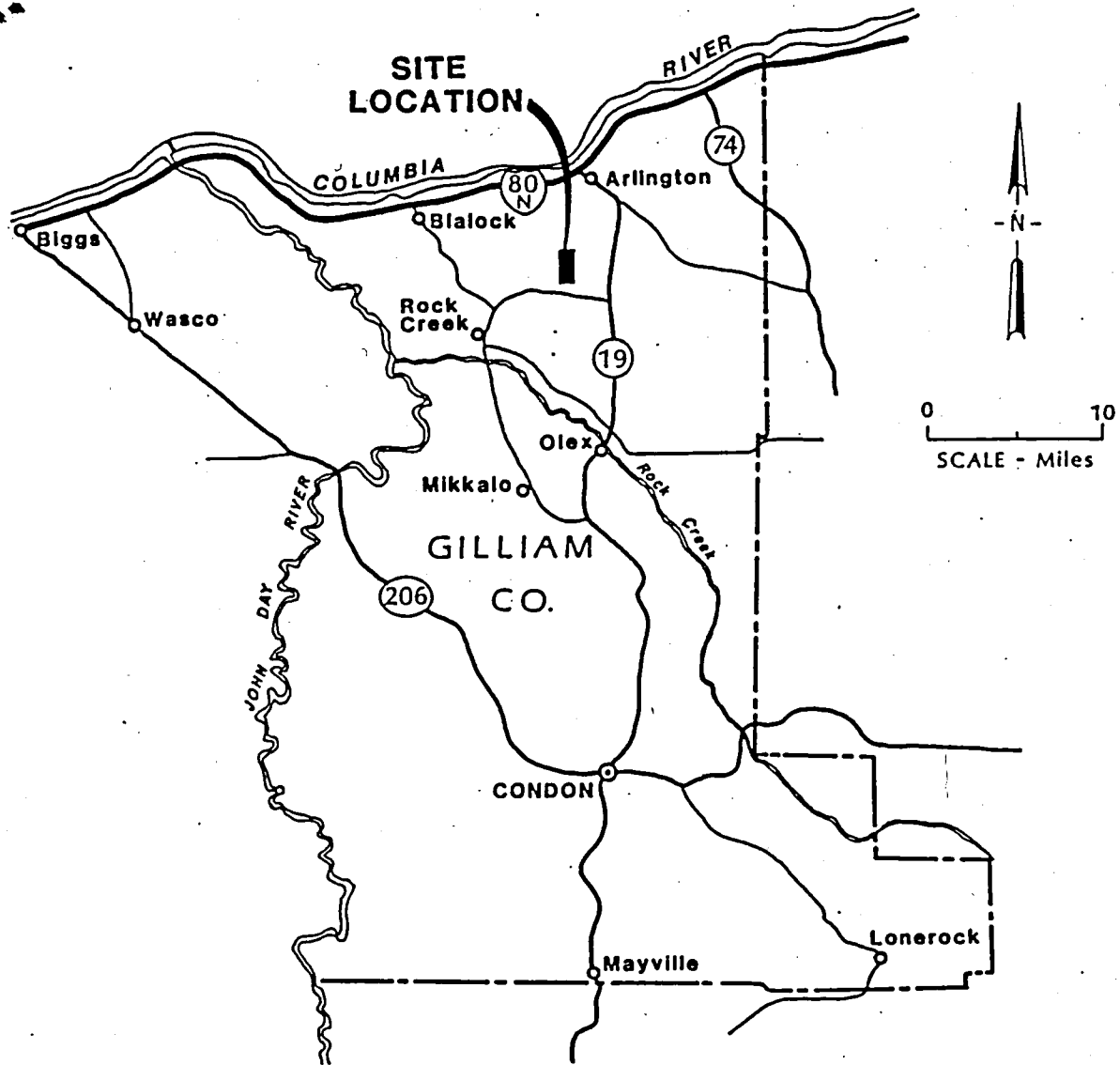
Date

Date

LOCATION MAPS

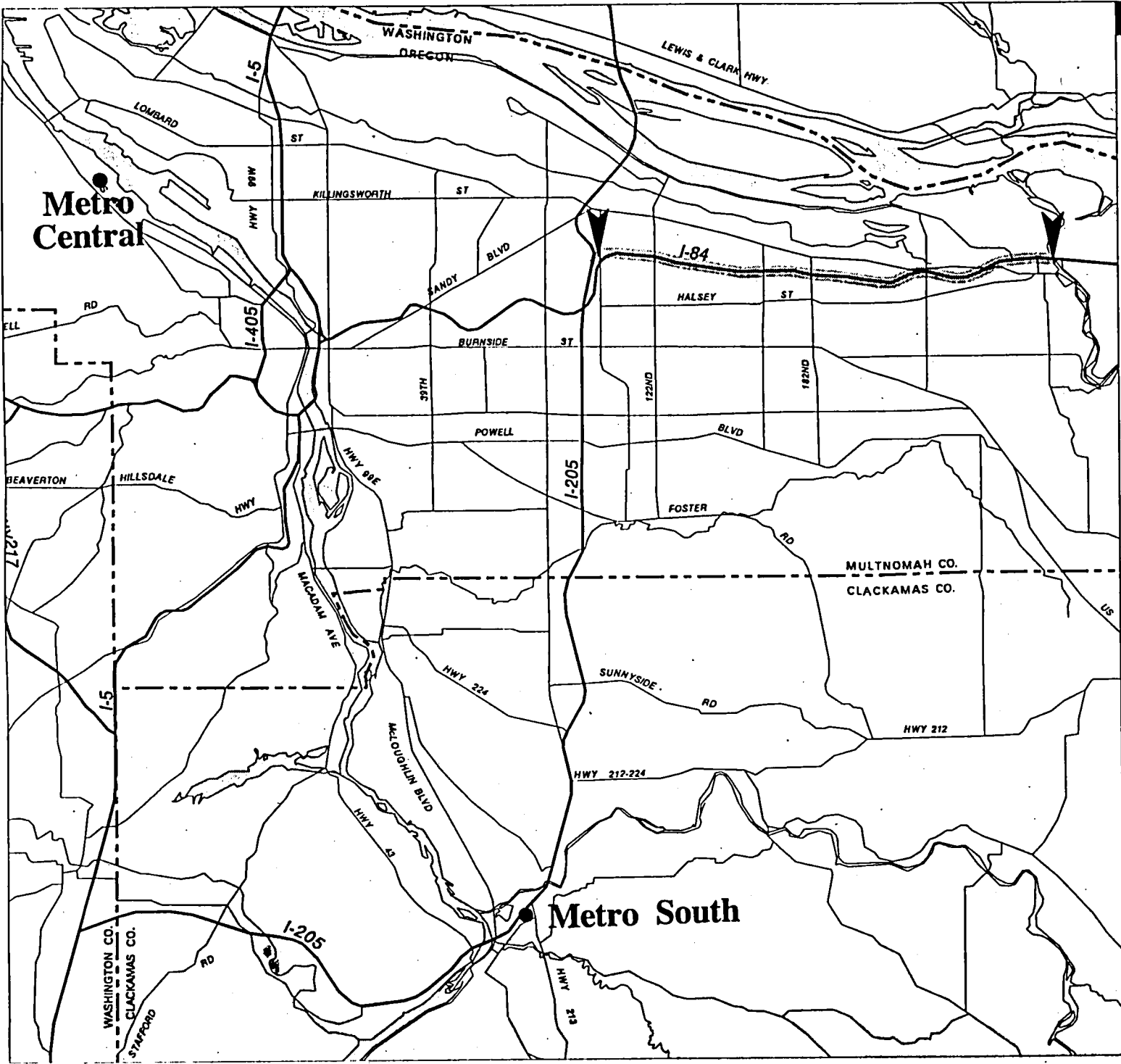


SITE LOCATION MAP



SITE VICINITY MAP

Fueling Request



**Western Fueling
Location**

This map is plotted on recyclable paper.
It can be recycled with mixed waste paper.
If you recycle white and colored separately,
please place in the colored bin due to the
amount of colored ink.



600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1700



METRO

MODIFICATION TO JGT/Metro CONTRACT

MODIFICATION TO THE CONTRACT BETWEEN
METRO AND JACK GRAY TRANSPORT, INC.
ENTITLED
"WASTE TRANSPORT SERVICES"

PROJECT: Waste Transport Services
METRO POC: Jim Watkins, Engineering & Analysis Manager
CONTRACTOR POC: Gary Goldberg, Executive V.P.

This Amendment is to Metro Contract No. 900848, entitled "Waste Transport Services," dated March 1, 1989 (herein, "Original Contract"). In exchange for the promises and other consideration set forth in the Waste Transport Services Contract and this Amendment, the Parties agree as follows:

1. Purpose. The purpose of this Amendment is for Metro to supply fuel for Contractor's "over the road" tractors while exclusively used in transporting solid waste for Metro.
2. Fuel Delivery Periods. The initial period covered by this Amendment shall be from the date on which Metro begins supplying fuel to Contractor until June 30, 1994. Subsequent periods shall begin on July 1 of each year and end on June 30 of each subsequent year, until termination of the Original Contract between the Parties.
3. Termination. (a) Either Party may terminate this Amendment by giving notice to the other no later than April 30 of any period (other than the initial period), of pending termination on June 30. Upon termination, Metro's per load payments to Contractor shall revert to the adjusted amount that would have been paid under the Original Contract, had this Amendment not been executed.

(b) If the Internal Revenue Service (IRS) contacts Contractor, either through audit or otherwise, and indicates that it may have to pay federal excise taxes on fuel provided by Metro under this amendment, Contractor shall immediately notify Metro and provide Metro with a copy of all correspondence received from the IRS. Once Metro confirms that the IRS has made such a contact, the parties shall cooperate to contest the IRS and/or to establish a reasonable date for terminating this amendment. In either case, at the point at which Metro determines not to contest the IRS further, Metro shall pay directly to the IRS all amounts required to be paid to the IRS related to fuel provided to Contractor under this amendment and used by Contractor in conformance with this amendment.

4. Amount of Fuel Provided.

(a) The amount of fuel provided by Metro to Contractor for Metro's sole and exclusive use shall be equal to the number of loads projected for the period times 58 gallons. The projected number of loads shall be established by written notice from Metro provided on or before April 30 of each year for the subsequent period. Metro may update such notice, in writing, as necessary throughout the period. Metro shall also provide notice to its fuel supplier of the amount of fuel that may be provided to Contractor.

(b) If Contractor requires more fuel per actual load than provided by this section 4, Contractor shall be responsible for purchasing the additional fuel required during that period and for payment of all applicable taxes.

5. Exclusive Use of Metro. Fuel supplied by Metro to the Contractor is to be used exclusively for the performance of the Contract, and Contractor shall ensure, and comply with all Metro-established safeguards to ensure, that fuel provided by Metro is used only for the performance of the Waste Transport Contract.

6. Per Load Payment Reduction.

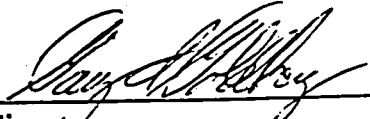
(a) From the date on which Metro begins supplying fuel to Contractor through September 30, 1994, the per load unit price paid to the Contractor shall be \$333.50.

(b) Beginning October 1, 1994, the per load unit price paid to the Contractor shall be \$332.92. This per load unit price shall be adjusted in the same manner as Contractor's unit price is adjusted as specified in Article 12 of the general conditions.

7. Fuel Deliveries. Metro shall make fuel available in a manner reasonably acceptable to Contractor and reasonably consistent with historical service levels obtained by Contractor.

8. Effect of Amendment. Except as modified herein, all other terms and conditions of the Contract and previous Change Orders shall remain in full force and effect.

~~JACK~~ GRAY TRANSPORT, INC.



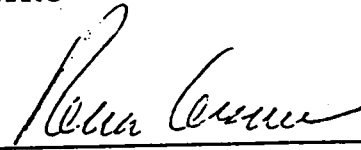
Signature

Gary I. Goldenberg, Executive Pres.
Print Name and Title

4-18-94

Date

METRO



Signature

Rena Cusma
Executive Officer

Print Name and Title

4-12-94

Date

1197

DETAILED FUEL INFORMATION

1993 Fuel Consumption by Location

MONTH'93	EASTERN FUEL USED	WESTERN FUEL USED	TOTAL
January	99,310	4,256	103,566
February	97,363	2,754	100,117
March	110,567	2,644	113,210
April	119,482	2,227	121,709
May	125,581	4,272	129,852
June	124,374	7,048	131,422
July	117,369	10,013	127,382
August	116,390	12,898	129,289
September	101,256	17,444	118,700
October	110,880	13,902	124,782
November	111,636	9,755	121,391
December	106,126	11,270	117,396
	1,340,333.700	98,481	1,438,815

**FUELING SCHEDULE FOR JACK GRAY TRANSPORT
 PORTLAND LONG-HAUL AND RUFUS SHUTTLE TRACTORS**

11:30 P.M.	2	TRACTORS
12:00 A.M.	2	"
12:30 A.M.	2	"
1:00 A.M.	2	"
1:30 A.M.	2	"
2:00 A.M.	2	"
2:30 A.M.	2	"
3:00 A.M.	2	"
3:30 A.M.	2	"
4:00 A.M.	4	"
4:30 A.M.	4	"
5:00 A.M.	4	"
5:30 A.M.	2	"
11:30 A.M.	2	"
12:00 P.M.	2	"
12:30 P.M.	2	"
1:00 P.M.	2	"
1:30 P.M.	2	"
2:00 P.M.	2	"
2:30 P.M.	2	"
3:00 P.M.	2	"
3:30 P.M.	2	"
4:00 P.M.	5	"
4:30 P.M.	5	"
5:00 P.M.	3	"
5:30 P.M.	1	"

***Note: Goats from Portland fuel one at a time, usually on Thursday or Friday evenings.**

PRICE SHEET

PRICE SHEET FOR WESTERN LOCATION TO BE FILLED IN BY PROPOSERS

a. Indicate index to be used for base cost. _____

b. Describe all cost components: i.e. base cost + freight cost + taxes (except excise) +
 markup + other (please specify)

c. Western Fueling Location Price Sheet (Please attach backup)

MONTH 1994	FUEL USED*	AVERAGE PRICE/GAL.	TOTAL MONTHLY COST
July	10,013		
August	12,898		
September	17,444		
October	13,902		
November	9,755		
December	11,270		
	75,282		TOTAL COST

* Assume normal winterization for Portland terminal

PRICE SHEET FOR EASTERN LOCATION TO BE FILLED IN BY PROPOSERS

a. Indicate index to be used for base cost. _____

b. Describe all cost components: i.e. base cost + freight cost + taxes (except excise) + markup + other (please specify)

c. Eastern Fueling Location Price Sheet (Please attach backup)

MONTH 1994	FUEL USED**	AVERAGE PRICE/GAL.	TOTAL MONTHLY COST
January	99,310		
February	97,363		
March	110,567		
April	119,482		
May	125,581		
June	124,374		
July	117,369		
August	116,390		
September	101,256		
October	110,880		
November	111,636		
December	106,126		
	1,340,334		TOTAL COST

** Assume that for the Eastern location, that for the months of December through February, that 30% of each gallon will consist of #1 diesel to achieve "non-gel" operation

Metro Council
January 19, 1995
Item 5.4

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-1995 FOR THE PURPOSE OF CERTIFYING THAT TRI-MET'S JOINT COMPLEMENTARY PARATRANSIT PLAN UPDATE FOR 1995 CONFORMS TO METRO'S REGIONAL TRANSPORTATION PLAN

Date: November 30, 1994

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution certifies to the Federal Transit Administration (FTA) that Tri-Met's Joint Complementary Paratransit Plan Update for 1995 conforms to Metro's Regional Transportation Plan (RTP). Tri-Met is required to obtain this certification from Metro to meet the requirements of the Americans With Disabilities Act of 1990.

TPAC has reviewed this update and recommended approval pending formal action and approval by the Committee on Accessible Transportation (CAT) and the Tri-Met Board of Directors. Subsequent action by CAT and the Tri-Met Board was taken on December 21, 1994 in support of the resolution.

TPAC also requested that Tri-Met staff be available at a future meeting to discuss the following:

1. Paratransit definitions and policy issues associated with achievement of selected milestones; and
2. What policies and procedures should be included in the upcoming RTP Update.

FACTUAL BACKGROUND AND ANALYSIS

The Americans With Disabilities Act (ADA), enacted by the U.S. Congress in 1990, mandates the development of a plan to address discrimination and equal opportunity for disabled persons in employment, transportation, public accommodation, public services, and telecommunications. The original ADA transportation plan, as developed by Tri-Met and adopted by the Tri-Met Board of Directors on December 18, 1991, outlined the requirements of the Act as applied to Tri-Met's service area, the deficiencies of the existing service when compared to the requirements of the new Act, and the remedial measures necessary to bring Tri-Met and the region into compliance with the Act.

The final rule also requires that Metro, as the Metropolitan Planning Organization, review Tri-Met's paratransit plan annually and certify that the plan conforms to the Regional Transportation Plan (RTP). This certification is one of the required components of Tri-Met's submittal to the Federal Transit Administration and, without the certification, Tri-Met cannot be found to be in compliance with the ADA.

Annual Plan Update Requirements

It is required under 49 CFR part 37.139(h) that the Paratransit Plan be updated and certified each year. The annual plan update must include all significant changes and revisions to the established timetable for implementation and address how and when key milestones within the plan are being met (49 CFR part 37.139(j)). It is also required that milestone slippage greater than one year be addressed.

The 1994 Paratransit Plan Update previously submitted by Tri-Met and certified by Metro in Resolution No. 94-1884, included several milestones that were to be achieved by January 1995. The status of these milestones are addressed in Tri-Met's 1995 Annual Paratransit Plan Update.

Tri-Met's 1995 Annual Plan Update

Tri-Met's 1995 Annual Paratransit Plan Update identifies current activities and planned strategies for complying with the milestones previously committed to in their 1994 Plan update by September 1995. The schedule for completing all necessary activities and assigned responsibilities is included as Attachment A. It is required that the 1995 Paratransit Plan Update be approved and submitted to FTA by 1/26/95.

A. Progress On Milestones To Be Achieved Prior to 1/25/95

Tri-Met achieved full compliance with ADA for the following milestones identified in the 1994 Plan Update (Table 1 in the 1995 Paratransit Plan Update).

1. No substantial number of trip denials or missed trips. A substantial number is defined by Tri-Met to be less than one-tenth of 1 percent. Referring to Table 4, Page 12 of the 1995 Paratransit Plan Update (Exhibit A to Resolution No. 95-1995), 743 trips were denied due to capacity limitations. This represents less than one-tenth of 1 percent of the total ADA paratransit trips provided by Tri-Met in 1994.
2. The Complementary Paratransit Plan was updated (January 1995) consistent with the requirements of 49 CFR Section 37.139.

B. Revised ADA Paratransit Plan Timetable for 1995

The compliance dates for the following milestones (Table 1 and Table 2 in Exhibit A) were revised by Tri-Met during 1994. Compliance with these items was contingent on the operation of a new paratransit scheduling program at Tri-Met. Tri-Met has purchased and installed the new program but it is

not yet operational. It is expected that the system will be fully operational in early 1995.

1. Requests will be accepted during normal business hours on a "next day" basis. Originally scheduled to be completed by 9/94. New target date is 4/95.
2. Trips will be scheduled within one hour of requested pickup time. Original completion date 9/94. New target date is 4/95.
3. There will be no substantial numbers of significantly untimely pickups for initial or return trips. Original date 9/94. New target date is 6/95.
4. There will be no substantial number of trips with excessive trip lengths. Original date 9/94. New target date is 6/95.

It should be noted that Tri-Met is in the process of defining what constitutes a "substantial number" for items 3 and 4 above. Their finding that these milestones have not been achieved to date is based on complaints and inquiries from ADA paratransit riders.

C. Plan Review by Citizens for Accessible Transportation (CAT) Committee

A public hearing was held by the Committee on Accessible Transportation (CAC) on November 16, 1994 to review the proposed update. Testifiers expressed some concern with the quality measures for service provision. In addition, some recommended that the provision of ADA service be extended beyond the three-quarter mile boundary currently used. Tri-Met is opposed to extending all ADA services beyond the boundary but will consider what level of service could be provided outside the boundary.

Tri-Met is confident that the revised dates for items 1-4 above can be met. The CAT committee met on December 21, 1994 and recommended approval of the plan with the following change: Strike out the sentence "Following this evaluation and discussion with the CAT, the service may be reduced or eliminated." under item 2 on page 31 of the Paratransit Plan Update. With this change, the CAT approved the 1995 ADA Paratransit Plan Update.

D. Plan Review by Tri-Met Board of Directors

The Tri-Met Board reviewed the plan at its December 21, 1994 meeting. They were in agreement with CAT's recommendation and subsequently approved the 1995 ADA Paratransit Plan Update, as well.

With the implementation of items 1-4, Tri-Met's proposed Para-transit Plan Update will conform to the existing RTP. It should be pointed out that the RTP is undergoing a major revision to be completed by May 1995. The revised RTP will also be consistent with the ADA service requirements.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-1995.

RL:lnk
95-1995.RES
12-22-94

Attachment A

TIMETABLE FOR 1995 PARATRANSIT PLAN UPDATE

ACTIVITY	RESPONSIBILITY	DATE
Information Collected	Operations, Fiscal	10/94
Review of Plan Update	ADA Task Force	10/11/94
Review of Plan Update and approval to distribute	Bob Post/Executive Directors	10/94
LIFT/Paratransit Subcommittee	Park Woodworth	10/12/94
Distribution of Plan and notice of Hearing published	Park Woodworth /Legal	10/19/94
Plan Update reviewed at CAT	Park Woodworth	10/19/94
LIFT/Paratransit Subcommittee	Park Woodworth	11/9/94
Public Hearing on Plan Update at CAT	Park Woodworth	11/16/94
Modification of Plan based on public input	Park Woodworth	11/94
Review of any modifications	Bob Post	12/94
Board Resolution to Nancy Klass	Park Woodworth	12/9/94
LIFT/Paratransit Subcommittee	Park Woodworth	12/14/94
Recommendation to Support Plan	CAT	12/21/94
Approval of Plan	Tri-Met Board	12/21/94
Review and Approval	TPAC	12/21/94
Review and Approval	JFACT	1/12/95
Review and Approval	Metro Council	1/26/95
Send to FTA		1/26/95

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CERTIFYING THAT) RESOLUTION NO. 95-1995
TRI-MET'S JOINT COMPLEMENTARY)
PARATRANSIT PLAN UPDATE FOR 1995) Introduced by
CONFORMS TO METRO'S REGIONAL) Rod Monroe, Chair
TRANSPORTATION PLAN) JPACT

WHEREAS, The U.S. Department of Transportation issued a final rule implementing the transportation provisions of the Americans with Disabilities Act (ADA) on September 6, 1991; and

WHEREAS, The final rule as applied to the Portland metropolitan area requires Tri-Met to develop an annual Paratransit Plan Update which conforms to the Regional Transportation Plan (RTP); and

WHEREAS, The final rule requires that the Metropolitan Planning Organization (MPO) review the Paratransit Plan Update and certify that it conforms to the RTP; and

WHEREAS, The Joint Policy Advisory Committee on Transportation certifies that it has reviewed the ADA Paratransit Plan Update for 1995 prepared by Tri-Met as required under 49 CFR part 37.139(h) and finds it to be in conformance with the RTP (the transportation plan developed under 49 CFR part 613 and 23 CFR part 450); and

WHEREAS, The Joint Policy Advisory Committee on Transportation recommends certification by the Metro Council; and

WHEREAS, The Committee on Accessible Transportation has reviewed and approved this Paratransit Plan update; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby certifies that it has reviewed the ADA paratransit plan prepared by Tri-Met (included as Exhibit A) as required under 49 CFR part 37.139(h) and finds it to be in conformance with the RTP, the transportation plan developed under 49 CFR part 613 and 23 CFR part 450 (the UMTA/FHWA joint planning regulation), for a period of one year.

ADOPTED by the Metro Council this _____ day of _____,
1995.

Ruth McFarland, Presiding Officer

RBL:lmk
95-1995.RES
12-22-94

RECEIVED

1995 ADA (Americans with Disabilities Act)
Paratransit Plan Update
of the
Tri-County Metropolitan Transportation District of Oregon
(Tri-Met)

Final
DRAFT
12-7-94

January 26, 1995

PARATRANSIT PLAN UPDATE FOR 1995

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1995 PARATRANSIT PLAN UPDATE

SECTION I

IDENTIFICATION OF SUBMITTING ENTITIES

AND

MPO CERTIFICATION

IDENTIFICATION OF SUBMITTING ENTITIES

Tri-Met
4012 SE 17th Ave.
Portland, Oregon 97202
(503) 238-4915

Authorized Person: Tom Walsh, General Manager
(503) 238-4915

Contact Person: Park Woodworth, Director
Accessible Program Development
(503) 238-4879, TTY (503) 238-5811

Metropolitan Service District (Metro)
600 NE Grand Ave.
Portland, OR 97232-1797
(503) 797-1700

Authorized Person: _____, Presiding Officer
(503) 797-1700

Contact Person: Rich Ledbetter, Senior Transportation Planner
(503) 797-1761

1995 PARATRANSIT PLAN UPDATE

SECTION II

TIMETABLES, PROGRESS REPORT ON MILESTONES

AND

SIX SERVICE CRITERIA

SYSTEM NAME: Tri-Met.

CITY: Portland

STATE: Oregon

1994-1996 ADA PARATRANSIT PLAN TIMETABLE AND PROGRESS REPORT * (Table 1)

1994	1994		1995
UPDATE MILE-			NEW
TARGET STONE			DATE ?
DATE MET ?		1994 MILESTONE PROGRESS REPORT - as of Jan. 1995	(MM/YY)
(MM/YY) (Y/N)		(Y/N - period January 26, 1994 - January 25, 1995)	
.09/94		Full Compliance with ADA including	
N		a. Request accepted during normal business hour on "next day" basis	4/95
N		b. Trips scheduled within one hour of requested pickup time	4/95
N		c. No substantial numbers of significantly untimely pickups for initial or return trips	6/95
Y		d. No substantial number of trip denials or missed trips	NA
N		e. No substantial number of trips with excessive trip lengths	6/95

Note: Using Form 2, provide detailed written explanation on milestone slippage greater than one full year (12 months).

* List all 1994-1996 ADA Paratransit Milestones; Then Indicate Progress (Y/N) On Milestones Targeted To Be Achieved Prior To 1/26/95; Include Additional Accomplishments.

FORM 2

SYSTEM NAME: Tri-Met

JAN. 95

EXCEPTION REPORT: MILESTONE SLIPPAGE EXPLANATION*

<u>MILESTONE or FULL COMPLIANCE DELAYS:</u>	<u>Target Date</u> <u>'94 Update</u>	<u>New Target Date</u> <u>'95 Update</u>
1. Requests accepted on next day basis	9/94	4/95
2. Trips scheduled within one hour of requested pickup time	9/94	4/95
3. No substantial number of significantly untimely pickups	9/94	6/95
4. No substantial number of trips with excessive trip lengths	9/94	6/95

Explanation for 1 through 4

In the Tri-Met planning process, compliance with the four items above is contingent on the operation of a new paratransit scheduling program. Tri-Met has purchased and installed a new program but it is not yet operational. The schedule now is for the program to become operational in 1994. When the inevitable first months' bugs are worked out, the paratransit program will start accepting next day rides, and schedule and monitor to ensure timely pickups and reasonable length trips.

***Note:** A narrative explanation, using Form 2, must accompany Table 1, when there is significant milestone slippage. During the 1994-1996 period, "significant milestone slippage" exists (1) when the target date for Plan full compliance is delayed or (2) when individual milestones slip by a year (a full 12 months). This Form 2 provides a brief example of such a slippage explanation. If there are no milestone or full compliance delays, no explanation is required, and Form 2 can be omitted. [Attach as many additional sheets to this form as needed; you may put this form on your own wordprocessor.]

SYSTEM NAME: Tri-Met

CITY: Portland

STATE: OR

REVISED 1995 - 1996 ADA PARATRANSIT PLAN TIMETABLE (Table 2)

1995 - 1996

TARGET DATE
(MM/YY)

ANY REMAINING MILESTONES - JANUARY 1995 UPDATE

4/95	Requests accepted during normal business hours on "next day" basis
4/95	Trips scheduled within one hour of requested pickup time
6/95	No substantial number of significantly untimely pickups
6/95	No substantial number of trips with excessive trip length

SYSTEM NAME: Tri-Met

CITY: Portland

STATE: Oregon

ELIGIBILITY, SIX SERVICE CRITERIA, AND FULL COMPLIANCE DATE (Table 3, Page 1)

COMPLIANCE ITEM	IN FULL COMPLIANCE NOW (Y/N)	IF NO, EXPECTED DATE OF FULL COMPLIANCE (MM/YY)
ELIGIBILITY PROCESS		
1. Requests for certification being accepted and all aspects of policy (appeals, documentation, etc.) established	Y	_____
2. Compliance with companion and personal care attendant requirements	Y	_____
3. Compliance with visitor requirements	Y	_____
SIX SERVICE CRITERIA		
SERVICE AREA		
4. Service to all origins and destinations within the defined area	Y	_____
5. Coordination with contiguous/overlapping service areas, if applicable	Y	_____
RESPONSE TIME		
6. Requests accepted during normal business hours on "next day" basis	N	4/95
7. Requests accepted on all days prior to days of service (e.g., weekends/holidays)	Y	_____
8. Requests accepted at least 14 days in advance	Y	_____
9. Trips scheduled within one hour of requested pickup time	N	4/95
FARES		
10. No more than twice the base fixed route fare for eligible individuals	Y	_____
11. Compliance with companion fare requirement	Y	_____

SYSTEM NAME: Tri-Met

CITY: Portland STATE: Oregon

(Table 3, Page 2)

COMPLIANCE ITEM	IN FULL COMPLIANCE NOW (Y/N)	IF NO, EXPECTED DATE OF FULL COMPLIANCE (MM/YY)
12. Compliance with personal care attendant fare requirement	Y	
DAYS AND HOURS OF SERVICE		
13. Paratransit provided during all days and hours when fixed route service is in operation	Y	
TRIP PURPOSES		
14. No restriction on types of trip purposes	Y	
15. No prioritization by trip purpose in scheduling	Y	
CAPACITY CONSTRAINTS		
16. No restrictions on the number of trips an individual will be provided.	Y	
17. No waiting lists for access to the service	Y	
18. No substantial numbers of significantly untimely pickups for initial or return trips	N	6/95
19. No substantial numbers of trip denials or missed trips	Y	
20. No substantial numbers of trips with excessive trip lengths	N	6/95
21. When capacity is unavailable, subscription trips are less than 50 percent	Y	
DATE TARGETED FOR "FULL COMPLIANCE" WITH ALL "ADA PARATRANSIT" REQUIREMENTS		
In 1994 Update Submission		9/94
In 1995 Update Submission		6/95

1995 PARATRANSIT PLAN UPDATE

SECTION III

DEMAND AND SERVICE ESTIMATES

SYSTEM NAME: Tri-Met

CITY: Portland

STATE: Oregon

ADA PARATRANSIT DEMAND AND SERVICE ESTIMATES (Table 4, Page 1)

DEMAND (No. Trips/Year) (Thousands of One-Way Trips)	Actual 1992	Actual 1993	Actual 1994	Est. 1995	Proj. 1996	Proj. 1997
1. ADA Paratransit Trips Provided/Year (000)	375	484	575	594	609	633
2. Total Paratransit Trips Provided/Year (000) (Total ADA and non-ADA)	558	647	747	806	829	849
3. Total Paratransit Revenue Hours/Year (000) (Total ADA and non-ADA) [Sec. 15 definition]	216	274	299	329	345	363

In 1991, total paratransit trips (line 2) were: 513

ADA PARATRANSIT SERVICE: Purchased Transportation.

- 4. For 1994, estimate the number of trips on line 1 that were provided by contracted taxi service: 22,500
- 5. For 1994, estimate the number of trips on line 1 that our system purchased (contracted out) rather than provide in-house: 626,000
(include contracted taxi service from line 4 and other service owned or operated by the contractors)

11

SYSTEM NAME: Tri-Met

CITY: Portland

STATE: Oregon

ADA PARATRANSIT SERVICE (Table 4, Page 2)

Actual	Proj.
1994	1997
-----	-----

6. SSA Clients. In 1994, estimate the number of trips on line 1, that you provided to clients of local social service agencies (SSA), who prior to the ADA, provided SSA paratransit service for their clients. Provide an estimate for 1997. (Optional)

_____	_____
-------	-------

7. Trip Denials. In 1994, estimate the number of requested ADA paratransit trips that were "denied" because of capacity limitations. (Please do not include trips missed because of traffic or vehicle breakdowns, trips negotiated outside the 1 hour window, "no-shows," etc.) How many by 1997? (Required)

743	716
-----	-----

8. Destinations. Clearly, it is discrimination under the ADA to prioritize trip requests based on trip purpose. However, for 1994, please estimate the percent of trips on line 1 that were for the following purposes: (Optional)

Work Trips	42 %	Food/Shopping	21 %
Dialysis	9 %	Medical Trips (Other Than Dialysis)	14 %
Educational	2 %	Other Trips	12 %

Note: Percentages above should total 100%.

1995 PARATRANSIT PLAN UPDATE

SECTION IV

BUDGET, COST AND VEHICLE ESTIMATES

SYSTEM NAME: Tri-Met

CITY: Portland

STATE: Oregon

ADA PARATRANSIT CAPITAL & OPERATING BUDGET SUMMARY (Table 5)
 (projections in thousands of 1994 dollars)

	Actual 1992	Actual 1993	Actual 1994	Est. 1995	Proj. 1996	Proj. 1997	6 Year Total 92-97
ADA PARATRANSIT EXPENSES *							
1. Capital Expenses	<u>1482</u>	<u>1265</u>	<u>1458</u>	<u>2941</u>	<u>1765</u>	<u>685</u>	<u>9596</u>
2. Operating Expenses	<u>4522</u>	<u>5182</u>	<u>7190</u>	<u>8345</u>	<u>8469</u>	<u>8579</u>	<u>42,287</u>
3. Subtotal ADA Paratransit Expenses (sum of lines 1 + 2)	<u>6004</u>	<u>6447</u>	<u>8648</u>	<u>11,286</u>	<u>10,234</u>	<u>9264</u>	<u>51,883</u>
TOTAL PARATRANSIT EXPENSES (ADA & Non-ADA combined)							
4. Capital Expenses	<u>1625</u>	<u>1760</u>	<u>1712</u>	<u>3680</u>	<u>2055</u>	<u>855</u>	<u>11,687</u>
5. Operating Expenses	<u>5958</u>	<u>6937</u>	<u>9697</u>	<u>12079</u>	<u>12293</u>	<u>12451</u>	<u>59,415</u>
6. TOTAL PARATRANSIT EXPENSES (sum of lines 4 and 5)	<u>7583</u>	<u>8697</u>	<u>11409</u>	<u>15759</u>	<u>14348</u>	<u>13306</u>	<u>71,102</u>

IN 1991, TOTAL PARATRANSIT COSTS (Line 6) FOR OUR TRANSIT SYSTEM WERE \$ 5,972

* Using a ratio to break out ADA from total paratransit expenses is acceptable. Do not include any ADA fixed-route costs.

** If non-ADA paratransit service is provided, add ADA to non-ADA costs to obtain Total Paratransit Expenses.

SYSTEM NAME: Tri-Met

CITY: Portland

STATE: Oregon

TOTAL TRANSIT SYSTEM COST ESTIMATES (Table 6)
(projections in thousands of 1994 dollars)

	Actual 1992	Actual 1993	Actual 1994	Est. 1995	Proj. 1996	Proj. 1997	6 Year Total 92-97
TOTAL TRANSIT SYSTEM COSTS *							
1. Capital Expenses	<u>18,414</u>	<u>23,499</u>	<u>29,460</u>	<u>48,613</u>	<u>56,549</u>	<u>25,032</u>	<u>201,567</u>
2. Operating Expenses	<u>105,087</u>	<u>115,501</u>	<u>125,558</u>	<u>141,189</u>	<u>142,091</u>	<u>145,688</u>	<u>775,114</u>
3. TOTAL SYSTEM COSTS (lines 1 + 2)	<u>123,501</u>	<u>139,000</u>	<u>155,018</u>	<u>189,802</u>	<u>198,640</u>	<u>170,720</u>	<u>976,681</u>
4. ADA PARATRANSIT EXPENSES (line 3, Table 5)	<u>6,004</u>	<u>6,447</u>	<u>8,648</u>	<u>11,286</u>	<u>10,234</u>	<u>9,264</u>	<u>51,883</u>
5. ADA PARATRANSIT AS PERCENT OF TOTAL COSTS (line 4 divided by line 3)	<u>4.9%</u>	<u>4.6%</u>	<u>5.6%</u>	<u>5.9%</u>	<u>5.2%</u>	<u>5.4%</u>	<u>5.3%</u>

IN 1991, TOTAL SYSTEM COSTS (line 3) FOR OUR TRANSIT SYSTEM WERE \$ 122,168

* Total transit system costs encompass all system costs, not just ADA-related costs. These transit system costs must include:
(1) all fixed-route costs (bus, rail, etc.), plus (2) all paratransit expenses (ADA and non-ADA).

SYSTEM NAME: Tri-Met

CITY: Portland

STATE: Oregon

ADA ACCESSIBILITY: FIXED-ROUTE BUSES (Table 7)

BUSES IN ACTIVE FLEET	Actual 1990	Actual 1991	Actual 1992	Actual 1993	Actual 1994	Est. 1995	Proj. 1996	Proj. 1997
1. Total Number of Buses	<u>523</u>	<u>526</u>	<u>579</u>	<u>580</u>	<u>592</u>	<u>592</u>	<u>621</u>	<u>608</u>
2. Buses Without Lifts/Ramps	<u>204</u>	<u>166</u>	<u>140</u>	<u>96</u>	<u>108</u>	<u>108</u>	<u>51</u>	<u>7</u>
3. Buses With Pre-ADA Lifts/Ramps	<u>319</u>	<u>319</u>	<u>321</u>	<u>321</u>	<u>321</u>	<u>321</u>	<u>321</u>	<u>246</u>
4. Buses With ADA Lifts/Ramps (meets Part 38 lift specifications)	<u>0</u>	<u>41</u>	<u>118</u>	<u>163</u>	<u>163</u>	<u>163</u>	<u>249</u>	<u>355</u>
(Note: The sum of lines 2, 3, and 4 should equal line 1.)								
5. Percent With Lifts/Ramps (sum of lines 3 and 4, divided by line 1)	<u>61 %</u>	<u>68 %</u>	<u>76 %</u>	<u>84 %</u>	<u>82 %</u>	<u>82 %</u>	<u>92 %</u>	<u>99 %</u>

16

For 1994, provide an approximate estimate of the number of boardings where lifts/ramps were deployed on the fixed-route system: 93,532

For an average day, can you estimate the total number of persons with any disabilities that use your fixed-route service? (Do not include customers who normally use ADA paratransit service.) (Optional): _____

SYSTEM NAME: Tri-Met

CITY: Portland

STATE: Oregon

TOTAL "PARATRANSIT" VEHICLES USED BY YOUR SYSTEM * (Table 8)

	Actual 1991	Actual 1992	Actual 1993	Actual 1994	Est. 1995	Proj. 1996	Proj. 1997
TOTAL NUMBER IN ACTIVE FLEET							
1. All Paratransit - Vans and Minivans *	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>12</u>
2. All Paratransit - Buses *	<u>104</u>	<u>118</u>	<u>140</u>	<u>154</u>	<u>173</u>	<u>192</u>	<u>203</u>
3. Paratransit - Sedans/Wagons * (other than taxis)	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
LIFT-EQUIPPED PARATRANSIT VEHICLES							
4. Paratransit - Buses, Vans and Minivans * (with lifts/ramps from lines 1 and 2)	<u>111</u>	<u>125</u>	<u>147</u>	<u>161</u>	<u>186</u>	<u>206</u>	<u>217</u>

CONTRACTOR VEHICLES

5. For 1994, from lines 1 and 2, estimate the number of buses, vans, and minivans, etc., "OWNED" by your contractors that routinely provide paratransit (ADA and non-ADA) for your system. 36

Please estimate 1997 41

* Please include all dedicated paratransit vehicles (ADA or non-ADA service combined) used on your system. Include all paratransit vehicles your system owns or leases, as well as vehicles used from your contractors' fleet. Do not include any accessible vehicles used on the fixed-route.

17

SYSTEM NAME: Tri-Met

CITY: Portland

STATE: Oregon

YOUR ADA "PARATRANSIT" CUSTOMERS (Table 9)
(Please Make An Estimate Based On Actual Eligibility Determinations)

1. By 1994, how many persons had been certified as ADA paratransit eligible by your system? 12,000

By 1997, please project how many people will be certified? 17,000

2. Using the 1990 Census, what is the total population of your service area? _____

3. Of those certified, can you estimate the percent who are ages... (Optional)

0 to 16 years old _____% 17 to 61 _____% 62 to 70 _____% Over 70 _____%

4. Of those eligible for ADA paratransit, how many are employed? (Optional) _____

5. Of those ADA paratransit eligible, what percent have as their most limiting or qualifying impairment... (Optional, should total 100%)

Sensory Impairments (Visual, Hearing) _____ %

Mobility Impairments Requiring Adaptive Devices (Devices: Wheelchairs, Walkers, etc.) _____ %

Mental, Cognitive or Developmental Impairments (including Alzheimers) _____ %

Health Impairments (Heart Disease, MS, CP, Arthritis, Kidney Dysfunction, etc.) _____ %

1995 PARATRANSIT PLAN UPDATE

SECTION V

PUBLIC PARTICIPATION

The public participation for the Paratransit Plan Update was focused on Tri-Met's Committee on Accessible Transportation (CAT) and its subcommittees. The CAT LIFT/Paratransit Subcommittee was given an update of the plan development process at its regular meeting on October 12 and this was reported at the regular CAT meeting on October 19, 1994. CAT members and subcommittee members were sent the November 1, 1994 draft Paratransit Plan Update (printed or 4 track tape) in the first week of November.

A Public Notice regarding the plan and Tri-Met public hearings was published in four newspapers between October 26 and November 2, 1994 and was also included in a newsletter distributed to over 12,000 LIFT General Passengers, agencies, and friends. Oregon Public Broadcasting's Golden Hours was provided with the Public Notice and indicated that they would air the information. Rider alerts were placed on LIFT vehicles.

Discussions regarding the Plan Update took place at the LIFT Paratransit Subcommittee on November 9th, 1994. Tri-Met responded to nineteen separate requests for copies of the 1994 draft plan including two requests for large print and one request for 4-track tape. Seven written documents were submitted and oral testimony by phone outside the public hearings was submitted by seven people. Tri-Met held a public hearing at the regular CAT meeting on November 16, 1994 and another in the evening on the same date. Testimony at the hearings was received from fourteen people. Following is a description of the comments made and responses to those comments.

PUBLIC HEARING ORAL OR SIGNED TESTIMONY

NOVEMBER 16, 1994 (DAY) - 9 public, 17 staff and CAT members, and a sign language interpreter and court reporter, 9 people testified.

PUBLIC TESTIMONY 1 - The customer had received paratransit service in New Orleans and Washington D.C. Tri-Met is way ahead of Washington and way behind New Orleans.

TRI-MET RESPONSE - No comment.

PUBLIC TESTIMONY 2 - LIFT scheduling should be monitored closely because it is not doing an adequate job.

TRI-MET RESPONSE - We believe that both service and monitoring capability will be improved with the new scheduling software that is becoming operational soon.

PUBLIC TESTIMONY 3 - Georgianne Obinger read the testimony of Donna Crawford which was submitted in written form.

TRI-MET RESPONSE - The response is covered under written testimony.

PUBLIC TESTIMONY 4 - The next person presented written testimony that is discussed later, asked about the budget and computer software, and suggested that the 3/4 mile does not serve all of those needing service.

TRI-MET RESPONSE - A breakdown of the budget information was provided to the CAT committee at this meeting. The new computer program will provide more reports to assess the quality of service. Tri-Met does not want to expand the ADA boundary for guaranteed rides until after it has met the legal requirements within the 3/4 mile boundary and requests for service have stabilized. We are, however, reevaluating what the level of service should be outside the 3/4 mile and will bring recommendations back to the Committee on Accessible Transportation.

PUBLIC TESTIMONY 5 - The individual has great concern about the 3/4 mile line and customers losing service after using the LIFT for a long time. She was happy to hear that the Deputy General Manager believes that the LIFT has to become a true part of the family of services we provide. Tri-Met increased the length of rides in order to make the no turn down goal.

TRI-MET RESPONSE - The 3/4 mile boundary was addressed previously. Service quality must be measured as well as turndowns.

PUBLIC TESTIMONY 6 - The commenter expressed concern about Tri-Met disqualifying current clients and suggested that CAT ask Tri-Met to cease disqualifying current clients.

TRI-MET RESPONSE - After some discussion it was determined that the issue was over customers outside the 3/4 mile boundary. This was discussed previously.

PUBLIC TESTIMONY 7 - This commenter agreed with expanding the 3/4 mile boundary because there is not much bus service outside the city limits and no sidewalks for people using chairs. There should be some provision for people who are eligible for ADA service but have not registered.

TRI-MET RESPONSE - The 3/4 mile boundary was discussed previously. There is a way people can get registered immediately if there are mitigating circumstances. Also, an eligible person can take a friend.

PUBLIC TESTIMONY 8 - (Signed by the sign language interpreter) The customer complimented Tri-Met on having a TTY machine but was concerned by the lack of response at times from the Senior and Disabled Citizen Information Department.

TRI-MET RESPONSE - Three people in the department are trained to use the TTY but the office is only open from 7:30 am to 5:30 pm on weekdays. We will look at the possibility of expanding hours as part of next fiscal year's budget.

PUBLIC TESTIMONY 9 - The customer related problems with Broadway Cab doing LIFT rides and particularly drivers attitude. There was a recommendation for further sensitivity training and more consumer response to CAT, Tri-Met and the LIFT program.

TRI-MET RESPONSE - Broadway Cab and the City of Portland require some sensitivity training for all operators of accessible cabs. We will work with Broadway to improve the sensitivity of their drivers.

NOVEMBER 16, 1994 (EVENING) - 6 public attended, 7 Tri-Met staff and CAT members, and a sign language interpreter, 5 people testified (one twice).

PUBLIC TESTIMONY 1 - A college student related an incident where a LIFT Program ride did not arrive on time causing her to miss a class at a loss of \$250 . Many LIFT problems are related to cab rides ordered by the LIFT Program. She does not want to give up school and wants the LIFT to get her there in a timely manner.

TRI-MET RESPONSE - Tri-Met recognizes that there have been timeliness problems that need to be addressed. We are in the process of defining "significantly untimely pickups and dropoffs" and the new scheduling program should both assist in meeting the definition selected and monitor for variances.

PUBLIC TESTIMONY 2 - A woman testified on behalf of her sister who has been turned down for rides. The sister lives outside the 3/4 mile ADA service area but received rides from the LIFT for the last 8 years. LIFT operators say there is a "grandfather" grant that should allow the customer to ride.

TRI-MET RESPONSE - The "grandfather" grant refers to customers of the LIFT that were receiving ongoing (subscription) service as of 1/26/92. This customer received regular, but not subscription, service as of that date. Nevertheless, a majority of this customer's requests have been honored.

PUBLIC TESTIMONY 3 - John Mullin, Director of Clackamas County Social Services testified and provided written testimony. He indicated that the Plan adversely affects Clackamas County because so much of the population is outside the 3/4 mile line. He stressed that the Clackamas County land area is larger than Washington and Multnomah Counties combined. Clackamas County must also work with three transit districts, Wilsonville and Molalla in addition to Tri-Met. He felt it was important that Tri-Met work together with the County to ensure that transportation needs are met in all areas of the County.

TRI-MET RESPONSE - The 3/4 mile boundary was discussed previously. Tri-Met will continue to work with local governments to provide the best transportation services possible within limited budgets.

PUBLIC TESTIMONY 4 - It was suggested that Tri-Met expand the 3/4 mile ADA boundary.

TRI-MET RESPONSE - This was discussed above.

PUBLIC TESTIMONY 5 - A friend of a LIFT customer indicated that the customer, who is sensitive to cigarette smoke and contaminants in the air, cannot depend on the LIFT to provides rides. The customer's father had to fly here from Pasadena to take him to the doctor. There is a problem with the accessible taxi minivans because they cannot load a standard electric wheelchair with the foot rests in place.

TRI-MET RESPONSE - We are working to improve the reliability of the LIFT program so people can depend on it for important appointments. Park Woodworth is the Tri-Met representative on the Portland Taxicab Board of Review and he will follow up on the taxicab problem. We are somewhat surprised because the minivans meet ADA specifications. Additionally, the Portland taxis have accessible full sized vans which could be assigned when the minivans won't work.

PUBLIC TESTIMONY 6 - It was stressed that a large population of former transit riders no longer support Tri-Met and refuse to take LIFT rides because they don't want to order two days in advance only to be turned down or to be driven around for 2 hours before reaching their destination. It is high time for Tri-Met and LIFT to stop the litany of excuses.

TRI-MET RESPONSE - We hear the frustration and hope to resolve some of the problems soon. Next day rides will be available in April of 1995. The turndowns for ADA eligible rides should remain at a low level and we are working on a definition of "excessive trip length".

In addition to the public hearings, Tri-Met solicited oral and written testimony from the release of the draft document on November 1 through November 30, 1994.

ORAL OR TTY TESTIMONY BY PHONE

Seven comments were received by phone.

TESTIMONY 1 - The first commenter indicated that she had been requested to see a Tri-Met doctor as part of the registration process and then the LIFT didn't show up for the ride. She feels that she is being treated very poorly, and degraded and she is very angry.

TRI-MET RESPONSE - We are sorry for the confusion over the ride. Tri-Met asks people to see a Tri-Met doctor when determining eligibility is very difficult.

TESTIMONY 2 - Caller complimented Tri-Met for being so good and so thoughtful and helpful.

TRI-MET RESPONSE - Thank you.

TESTIMONY 3 - The caller believes that the boundary line should be enlarged by either running buses in rural areas or enlarging the line to one or one and one-half miles. Service is particularly needed in the Oregon City / Beavercreek area.

TRI-MET RESPONSE - The 3/4 mile issue was discussed previously.

TESTIMONY 4 - This person wants to know why her service was cut off since she pays her taxes like everyone else. How come the bus goes by her house to pick up other people?

TRI-MET RESPONSE - This customer lives outside the 3/4 mile boundary. Tri-Met still provides service to "grandfathered" customers outside the 3/4 mile and to others on a space available basis.

TESTIMONY 5 - This caller does not like requesting a nutrition ride for 12 noon and having the pickup scheduled for 8:00 or 9:00 am.

TRI-MET RESPONSE - The quality of service should be better after the new program is operating and the quality goals are more precisely defined.

TESTIMONY 6 - This LIFT customer feels that the calltakers do not allow for negotiations; they offer only a "take it or leave it" option; and no other resources are suggested. The LIFT is getting more difficult to use as it is taking two or more hours to get to and from her work site, a trip that would take 10-15 minutes by car. She holds Tri-Met responsible for improving service quality.

TRI-MET RESPONSE - There is some discussion nationally on what "negotiation" means with respect to ride requests. Our new service quality definitions should assist in clarifying this for the LIFT Program. The definition for "unreasonably long trips" should help in resolving the length of trip issue. We will be working on these definitions with the CAT over the next few months.

TESTIMONY 7 - The caller recommends that Tri-Met look at options for service outside the 3/4 mile boundary once Tri-Met has met ADA compliance because there are a lot of people who can really use the service. She suggests that people outside the 3/4 mile line could pay more and/or the rides be prioritized. It would be interesting to know how many people there would be outside the 3/4 mile limit. Perhaps Tri-Met could use volunteer programs. Another idea would be to have a LIFT block home program where LIFT passengers could stay until the LIFT picked them up. Also, the LIFT could limit the number of rides provided each month.

TRI-MET RESPONSE - Thank you for some good ideas. Tri-Met understands there is a need outside the 3/4 mile boundary and intends to review the service to this area. Ideas like priorities and higher fares may make it reasonable to provide some service. These issues will be brought to the CAT over the next few months.

WRITTEN PUBLIC COMMENT

Seven written documents were submitted commenting on the plan. These letters are contained in Attachment F and are summarized and commented on below.

LETTER 1 FROM LAURIE SITTON - The letter noted some errors in the November 7th draft and asked some pertinent questions. When will the scheduling program be fully functional? What are the definitions of "substantial" and "excessive" in the quality measures. The writer wants clarification of services provided outside of the 3/4 mile boundary.

TRI-MET RESPONSE - Thank you for pointing out errors in the draft. The scheduling program will be operational in 1994 but it takes a few months to get the bugs out and to tune the program properly. This is why Tri-Met is postponing full compliance until June of 1995. The scheduling program will be operating efficiently at that time. We will work to

define substantial and excessive over the next few months so we can be monitoring by June. Service levels outside the 3/4 mile boundary will also be clarified over the next few months.

LETTER 2 FROM DONNA CRAWFORD - Donna Crawford, representing the Disability Advocates Coalition of Clackamas County, urged reconsideration of the 3/4 mile limit for ADA service because the County is a large geographical area served by few fixed routes. They also believe that persons should be grandfathered in and not just the original standing order. There should be a more equitable distribution of transportation service between the three counties so it would more closely match the payroll taxes received. Finally, Tri-Met should limit ride time for paratransit customers and we should monitor that immediately and not wait for the more sophisticated software.

TRI-MET RESPONSE - The 3/4 mile limit was discussed previously. The intent of the original Plan (1/26/92) to continue "grandfathered" rides outside the 3/4 mile boundary was to not disrupt subscription trips to work, school and ongoing medical appointments. Other than those "grandfathered" standing order trips of 1/26/92, the service needs of all customers eligible for the LIFT and residing outside the ADA service area should be evaluated equally.

Tri-Met service planning is district wide and does not allocate service based on the region from which payroll taxes are received. Finally, we are constantly monitoring service quality but it will be more accountable when there are specific definitions for our goals and we have software that can assist in recordkeeping.

LETTER 3 FROM JOHN MULLIN - This was summarized under oral testimony. It also contained letters from the Clackamas County Senior Transportation Consortium, the Clackamas County Area Agency on Aging and the Disability Advocates Coalition as attachments.

TRI-MET RESPONSE - See response to oral testimony.

TWO LETTERS (4 and 5) FROM HAROLD BAUGH - The first letter discusses the problems with the accessible minivan taxis. The second letter referred to the "extremely poor level of service" that a particular customer has been subjected to. A particular problem is the long wait times and "seemingly cavalier attitude toward honoring even their very broad time commitments". This is particularly a problem at night and in bad weather. Mr. Baugh suggests that reducing the ready and wait time to 15 minutes on either side of the appointment time would reduce stress and exposure.

TRI-MET RESPONSE - We appreciate the minivan issue being brought to our attention.

The minivans are an experiment for the taxi industry in Portland. It is clear that regular accessible vans are needed for some customers.

Tri-Met recognizes that it is important to improve the quality as well as the quantity of service. We will be working to define and measure quality issues such as on time performance. The LIFT presently uses plus or minus 15 minutes from the scheduled pickup time as the acceptable standard. However, many times the customer does not know what the scheduled pickup time is. The new software will usually provide that information for the customer when the request is being made. This will provide an immediate increase in service quality.

LETTER 6 FROM BONNIE MATSLER - The letter makes similar comments about the problems with accessible minivan taxis.

TRI-MET RESPONSE - We appreciate this being brought to our attention. The minivans are an experiment for the taxi industry in Portland. It is clear that regular accessible vans are needed for some customers.

LETTER 7 FROM KAREN MEANEA - The letter is a followup to a phoned in comment and indicated that she had been requested to see a Tri-Met doctor as part of the registration process and then the LIFT didn't show up for the ride. She feels that she is being treated very poorly, and degraded and she is very angry.

TRI-MET RESPONSE - We are sorry for the confusion over the ride. Tri-Met asks people to see a Tri-Met doctor when determining eligibility is very difficult.

ACTION BY THE CITIZEN'S COMMITTEE ON ACCESSIBLE TRANSPORTATION (CAT)

At the regular Committee on Accessible Transportation (CAT) meeting on December 21, 1994, the CAT reviewed the 1995 Paratransit Plan Update. CAT's action is included as Attachment G.

1995 PARATRANSIT PLAN UPDATE

SECTION VI

UNRESOLVED ISSUES

The following letter documents that FTA found no unresolved issues in the 1994 Paratransit Plan Update.



U.S. Department
of Transportation
Federal Transit
Administration

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Building, Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

MAY 10 1994

Source - ...
ADA
1.1.4
C: B Post
K. Manley

Mr. Tom Walsh
General Manager
Tri-Met
4012 S.E. 17th Ave.
Portland, OR 97202

Re: 1994 ADA Paratransit Plan
Update

Dear Mr. Walsh:

The Federal Transit Administration (FTA) has completed its review of the paratransit plan update submitted in accordance with the Department of Transportation's (DOT) regulation implementing the Americans with Disabilities Act of 1990 (ADA) (49 CFR Parts 27, 37, and 38). We have determined that your plan update is in compliance with the requirements of DOT's regulation.

We look forward to receiving your annual update on or before January 26, 1995.

Sincerely,

Terry L. Ebersole

for Terry L. Ebersole
Regional Administrator

1995 PARATRANSIT PLAN UPDATE

SECTION VII

OTHER ISSUES

1. Tri-Met has provided the complementary paratransit service in the Molalla Transportation District since January 26, 1992 and will continue to provide that service for grandfathered rides through June 30, 1995. The Molalla Transportation District is in the process of determining its ADA responsibility to provide complementary paratransit service in the Molalla District. The Molalla Transportation District is also developing its own Paratransit Plan Update and is no longer jointly submitting a plan with Tri-Met. Consequently this submittal is solely a Tri-Met document.
2. Paratransit service to customers further than 3/4 mile from the Tri-Met fixed-routes will be evaluated over the next year. ~~Following this evaluation and discussion with the CAT, the service may be reduced or eliminated.~~ This will have no effect on ADA mandated service provided by Tri-Met.
3. Tri-Met releases Draft Paratransit Plan Updates, has public hearings and adopts the plan prior to the end of 1994. The numbers for 1994 are, therefore, estimates on the draft plan. When possible, those "estimates" will be updated to "actual" prior to the submission of the plan to FTA on or before January 26, 1995. Some numbers for 1993 in last year's plan have been changed because the numbers used last year were estimates. Tri-Met suggests that the tables should list the numbers for the year just ended as "estimates" since it is impossible to have a public process with "actual" numbers before the year is up.
4. The fare for the LIFT program was raised from \$.50 to \$.75 in September of 1994. The LIFT fare continues to meet the ADA requirements.
5. In 1994 Tri-Met started operation of a brokerage for Title 19 (Medicaid) rides in the Tri-County area. This substantially increased the total projections for paratransit service and ADA service since it is presently estimated that 33% of the Medicaid rides would qualify as ADA paratransit service.
6. A new registration form using self certification was put in place in 1994. The new registration is included in attachments.

FURTHER DOCUMENTATION CONTAINING WRITTEN COMMENTS
ARE AVAILABLE UPON REQUEST

Metro Council
January 19, 1995
Item 5.5

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2058 FOR THE PURPOSE OF ALLOCATING I-205 BUSWAY WITHDRAWAL FUNDS TO SOUTH/NORTH ENVIRONMENTAL IMPACT STATEMENT AND PRELIMINARY ENGINEERING AND AIRPORT GROUND ACCESS STUDY AND RESCINDING TRI-MET OBLIGATION TO REPAY PREVIOUS I-205 BUSLANE WITHDRAWAL GRANT

Date: December 27, 1994

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution provides for the allocation of the final \$12,605,958 of the I-205 Buslane Withdrawal funds to support the DEIS, FEIS and Preliminary Engineering of the South/North Transit Corridor project.

TPAC has reviewed this proposed allocation and recommends approval of Resolution No. 95-2058.

FACTUAL BACKGROUND AND ANALYSIS

The Surface Transportation Act of 1987 allowed the Portland region to withdraw \$16,366,283 which had been dedicated to the completion of a busway along I-205 between Airport Way and Foster Road. The Act also permitted transfer of the funds to a light rail transit project in the I-205 corridor. Metro Resolution No. 89-1094 asked the Governor to request the funding withdrawal and the flexibility to use the funds for light rail purposes and this request was granted by the federal Department of Transportation.

Metro Resolution No. 92-1584 approved seeking Congressional action to provide flexibility in the use of the withdrawn buslane funds and allow their use for alternative transit projects in the Portland region. The resolution includes language that retains the JPACT commitment to use the I-205 buslane withdrawal funds for LRT purposes in the I-205 corridor and requires JPACT approval to shift funds out of the I-205 corridor. The resolution further establishes that final allocation of these funds will be made based upon the I-205/Milwaukie Preliminary Alternatives Analysis together with an implementation funding strategy.

At the conclusion of the I-205/Milwaukie Preliminary Alternatives Analysis, Metro Council passed Resolution No. 93-1784 which adopted the Milwaukie Corridor as the priority corridor for light rail transit development serving Portland and Clackamas County, and directed staff to prepare intermediate term improvement strategies in the I-205 Corridor. Tri-Met and Metro staff together with C-TRAN, Clackamas County, City of Portland and Port of Portland have prepared an analysis of transit improvements in the I-205 Corridor. This study concluded that there are no

potentially cost-effective bus priority capital improvements needed in the Oregon portion of the I-205 Corridor prior to 2010.

At the same time, additional study was undertaken evaluating light rail transit alternatives serving the Portland International Airport (PDX). Based on this study and on the short and medium term plans for accommodating growth at PDX, the Port of Portland Commission endorsed beginning Alternatives Analysis on a PDX light rail line following completion of the South/North Environmental Impact Statement.

The original \$16,366,283 has been reduced as a result of a series of regional and federal actions:

- In 1992, Metro received a \$425,000 grant from FTA for the I-205 portion of the I-205/Milwaukie Preliminary Alternatives Analysis.
- In 1993, the region sought and received approval for \$1.6 million in I-205 Buslane Withdrawal funds as part of the funding package for the South/North Alternatives Analysis. A condition of the regional approval to use these funds for South/North was that the I-205 funds would be replaced by an alternate Tri-Met source if it was determined that the funds were needed for transit capital improvements in the I-205 corridor.
- In 1994, the adoption of the FY 1995 Transportation Improvement Program included a provision (consistent with Congressional action) to decrease the I-205 Buslane Withdrawal account by \$1,661,718 and to allocate those funds to a South/North Corridor project account.
- The I-205 Buslane Withdrawal account now stands at \$12,605,958 (minus \$73,607 of unappropriated federal funds).

This resolution would make \$12,379,565 of these withdrawal funds available to use for South/North Preliminary Engineering. Securing additional DEIS/FEIS and PE funding at this time is critical due to an amendment made to the South/North budget by Metro Council and a change in FTA policy which allows the region to commence PE concurrently with the beginning of the Draft Environmental Impact Statement (DEIS). The additional funds will allow the region to move rapidly forward towards construction of the South/North project if the DEIS Locally Preferred Alternative (LPA) concludes with the Build alternative. The DEIS and PE are planned to begin in the spring of 1995 and secured funds will help to expedite the study process. Preliminary Engineering and FEIS should be concluded by late 1997.

In addition, this resolution would dedicate up to \$300,000 to a detailed study of airport ground transportation. This study has two clear objectives: 1) to develop a strategy for implementation of public transit service improvements (both Tri-Met and

C-TRAN) leading up to the eventual implementation of light rail service to PDX; and 2) to prepare a comprehensive strategy on ground transportation that seeks to maximize the ability of non-auto modes to serve the needs of airport employees and airport users. TPAC has suggested that the Port of Portland provide the 15 percent local match for the airport ground access study.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2058.

95-2058.RES/lmk
12-27-94

I-205 CORRIDOR ACTION PLAN CONCLUSIONS AND RECOMMENDATIONS

I. I-205 Corridor Service Plan and List of Potential Capital Improvements

Service Plan

The attached schematic diagram and tables summarize a potential long range service plan developed for purposes of this analysis for the I-205 Corridor. Routes are configured to serve major trip generators and transfer points in the corridor in a circumferential travel movement. Service levels were based on TSM networks designed for the South/North Corridor Transit Study Pre-Alternatives Analysis, and were matched to projected 2010 travel demand in the corridor.

The highest service levels are between Gateway and Vancouver Mall, with the majority of that service being provided by C-Tran as connecting bus service to Gateway and serving the Airport. The Airport would be served by nine peak hour trips and six trips per hour off-peak between 2000 and 2010. Service levels between Gateway and Oregon City range between three and eight trips in the peak between 2000 and 2010.

Capital Plan

The following table lays out capital improvements assumed to facilitate bus service in the corridor, along with their capital cost.

Improvement	Priority	Cost	Peak Bus Volumes
Year 2000 Priorities			
18th Avenue Ramps	First	\$42,000	4
Parkrose ramp meter/Q bypass	First	\$42,000	22
Gateway double left turn to Glisan	First	\$2,000	25
Signal Coordination/99th and Glisan	First	\$50,000	25
Division Ramp Signals	First	\$50,000	5
Parkrose Signal Coordination	Second	\$200,000	22
Total		\$386,000	
Year 2010 Priorities			
Vancouver Mall TC Ramp	First	\$2,836,400	29
Division Ramp Stop	First	\$30,000	8
Powell Ramp Stop	First	\$30,000	8
Foster/Woodstock Ramp Stop	First	\$30,000	8
Clackamas TC Ramp Meter/Q Bypass	First	\$42,000	8
18th Av Q Bypass	Secondary	\$42,000	6
Holgate Freeway Stop	Secondary	\$150,000	8
Special Clack TC Roadway	Secondary	\$348,200	8
Total		\$3,508,600	

Improvement	Priority	Cost	Peak Bus Volumes
Post-2010 Improvements			
Lincoln Tunnel	First	\$672,100	8+
Highway 212 Ramp Stop	First	\$30,000	5+
HOV Lanes	Second	\$3,354,000	30+
Busway	Second	\$5,171,500	8+
Parkrose P&R New Road	Third	\$370,000	27+
Total		\$9,597,600	

II. Findings of Conclusions

A. I-205 Improvements

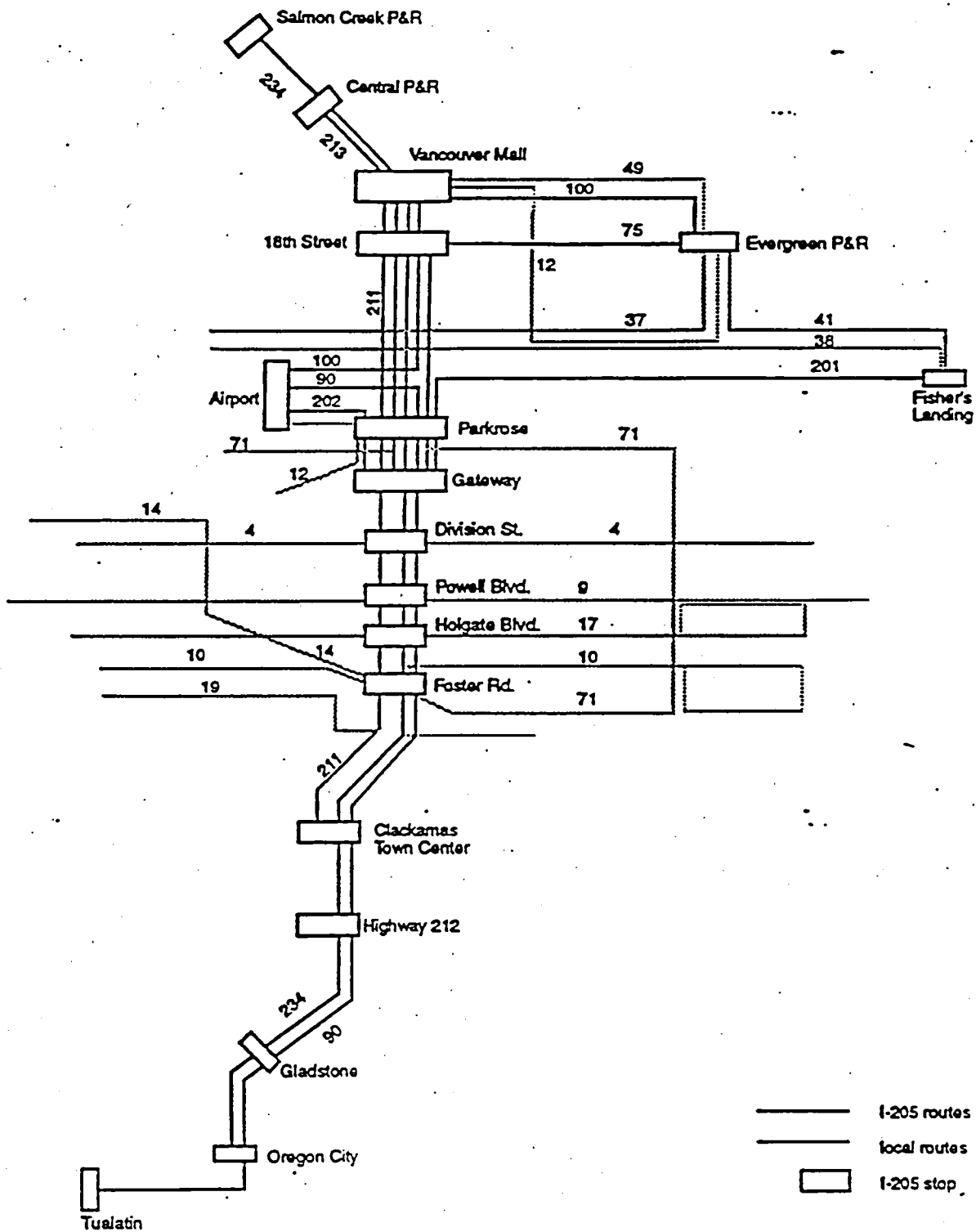
1. Tri-Met does not currently have bus service operating along the I-205 circumferential corridor, nor is any currently proposed. I-205 service was considered in last year's Annual Service Plan and was not implemented due to lack of interest from the public and low ridership potential.
2. Service levels projected to meet demand in the BRW report increase from 20 to 30 buses in the peak between Gateway and Vancouver Mall between 2000 and 2010. Peak bus volumes between Gateway and Oregon City would range from three to eight buses per hour between 2000 and 2010.
3. Of the service proposed for 2000 between Gateway and Vancouver Mall, 18 of 25 peak period trips are for C-Tran buses. In 2010, 25 of 30 buses are C-Tran Buses.
4. In the peak period, C-Tran would provide four peak buses to the Airport, and Tri-Met would provide five for a total of nine peak period buses to the Airport in both 2000 and 2010. In the off-peak, four Tri-Met and two C-Tran buses would provide service each hour to the Airport.
5. Potential capital improvements in the I-205 Corridor would facilitate increased speed and reliability of operations.
6. The AASHTO "bus uses of highways" standard (see attached table) for bus priority treatments recommends capital improvements to improve operations based on certain peak and daily bus volumes. Based on the BRW projections for Tri-Met and C-Tran service, any level of improvement would not likely be needed until at least the year 2000 between Gateway and Vancouver Mall and 2010 south of Gateway.

B. I-205 Context in South/North Project

1. South/North LRT is the region's number one transit funding priority after the Westside and Hillsboro project are fully funded.
2. Swift completion of the PE concurrently with the DEIS and FEIS is required to meet the aggressive schedule for FTA funding mandated by the ISTEA reauthorization in late 1996. Voter approval of \$475 million in G.O. Bonds for Oregon local share heightens this sense of urgency.
3. Because the South/North project is moving into PE sooner than originally anticipated, funds need to be identified for this effort that are readily accessible.
4. The I-205 E(4) interstate transfer funds can be transferred to South/North to fund PE and other pre-construction work for the project.
5. The Region risks losing the E(4) money if we don't move to spend it quickly.

III. Recommendations

1. The possibility of future service levels of up to 30 peak hour buses along a small part of the I-205 corridor does not warrant withholding any funding from the E(4) account at this time based on this level of analysis. At such time that I-205 capital improvements are required, Tri-Met and C-Tran will prioritize them along with all other requests for capital and service improvements and fund them if money is available and if they prove to be a cost effective investment for the two Districts.
2. The transfer of the E(4) funds to the South/North project should be made at this time. These funds are a critical revenue source for South/North LRT project pre-construction activities, and provide a readily available funding source, against which FTA could issue a grant or a Letter of No Prejudice.
3. Approximately \$200,000 to \$300,000 should be awarded to facilitate a service planning study of airport transit service requested by the Port of Portland. The study could be performed by a consultant, Tri-Met, C-Tran or the Port, or jointly among these agencies.



I-205
Route Schematic
Year 2010

Figure 3-2
BRW

**Table 3.1
Peak/Off-Peak Headways and Volumes**

Route	Peak/Off-Peak Headways (In Minutes)				
	1993	1995	2000	2005	2010
75X Evergreen Express	10/60	10/60	10/60	10/60	10/60
76L Vancouver Mall Limited	30/ -	30/ -			
90o Oregon City - Airport			20/30	20/30	
90T Tualatin - Airport					20/30
201X Fisher's Landing - Gateway			10/ -	10/ -	10/ -
211X Vancouver Mall - Clackamas TC			30/60	30/60	20/30
213X Central County - Gateway			15/ -	15/ -	15/ -
234X Salmon Creek - Gateway				30/60	
234X Salmon Creek - Oregon City					30/60
202 Airport - Gateway Shuttle		30/30	30/30	30/30	30/30
100L Evergreen to Airport				15/30	15/50

Route	Peak/Off-Peak Volumes (Per Hour)				
	1993	1995	2000	2005	2010
75X Evergreen Express	6/1	6/1	6/1	6/1	6/1
76L Vancouver Mall Limited	2/ -	2/ -			
90o Oregon City - Airport			3/2	3/2	
90T Tualatin - Airport					3/2
201X Fisher's Landing - Gateway			6/ -	6/ -	6/ -
211X Vancouver Mall - Clackamas TC			2/1	2/1	3/2
213X Central County - Gateway			4/ -	4/ -	4/ -
234X Salmon Creek - Gateway				2/1	
234x Salmon Creek-Oregon City					2/1
202 Airport to Gateway		2/2	2/2	2/2	2/2
100L Evergreen to Airport				4/2	4/2

I-205	Year				
	1993	1995	2000	2005	2010

Salmon Creek					
Central					2
Van Mall			4	4	6
Airport Way	2	2	20	24	29
Parkrose	2	4	22	22	27
Gateway	8	10	25	25	30
Division St.			5	5	8
Powell Blvd.			5	5	8
Holgate Blvd.			5	5	8
CTC			5	5	8
Hwy 212			3	3	5
Gladstone			3	3	5
Oregon City			3	3	5
Tualatin					3



I-205
Peak Hour Bus
Volumes By Segment

Figure 3-3



TABLE 43

SUMMARY OF WARRANTS FOR ARTERIAL-RELATED BUS PRIORITY TREATMENTS

TYPE OF TREATMENT	PLAN- NING PERIOD (YR)	MINI- MUM DAILY BUS VOLUME	RANGE IN ONE-WAY PEAK-HOUR VOL.		STREET CHARACTERISTICS	RELATED FACTORS
			BUS	PASS.		
Bus streets	5-10	200	20-30	800-1,200		Commercial frontage. Part of CBD plan. Available alternative traffic routes.
CBD curb bus lanes, main street	1-5	200	20-30	800-1,200		Commercial frontage.
Curb bus lanes	1-5	300	30-40	1,200-1,600	At least 2 lanes available for other traffic in same direction.	
Median bus lanes	1-5	600	60-90	2,400-3,600	At least 2 lanes available for other traffic in same direction. Ability to separate vehicular turn conflicts from buses.	
Contra-flow bus lanes, short segments	1-5	200	20-30	800-1,200		Essential part of bus routing pattern necessary to serve generators or reduce bus miles.
Contra-flow bus lanes, extended	1-5	400	40-60	1,600-2,400	At least 2 lanes available for other traffic in opposite direction. Signal spacing greater than 500-ft intervals.	Ability to provide service.
Bus preemption of traffic signals	1-5	100	10-15	400-600	Where not constrained by pedestrian clearance or signal network requirements.	
Special bus signal and bus-actuated signal phases	1-5	50	5-10	200-400	Bus lanes at access points to busways or terminals; or where special bus turning movements must be accommodated.	
Special bus turn provisions	1-5	50	5-10	200-400	Wherever vehicular turn provisions are located along bus routes.	
Bus turnouts	1-5	100	10-15	400-600	Points of major passenger loadings on streets with more than 500 peak-hour autos using curb lanes.	
Bus shelters	1-5	—	—	—		100 or more boarding and/or transferring passengers per day and/or daily person waiting time is at least 1,000 min.

lane legislation will also have important bearing on implementation feasibility. Full official and public support is essential. For these reasons, the suggested warrants must be construed as broad-gauged guides in developing specific urban needs.

BUS STREETS AND AUTO-FREE ZONES

Bus streets represent a major commitment to downtown transit and development. They fully separate bus and car traffic, increase bus service reliability, enhance bus identity, and provide downtown distribution for regional express

routes. They enhance pedestrian access, and, when accompanied by amenities, can improve the downtown environment.

In the United States—and to some extent in Europe—bus streets and auto-free zones are motivated by environmental planning considerations rather than by bus flow requirements alone. The two best-known American examples are Nicollet Mall in downtown Minneapolis, and the 63rd and Halsted bus streets in Englewood (Chicago). Additional CBD bus streets have been proposed for Atlanta, Dallas, Hartford, St. Louis, and Vancouver. Short sections

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ALLOCATING I-205)	Resolution No. 95-2058
BUSWAY WITHDRAWAL FUNDS TO SOUTH/)	
NORTH ENVIRONMENTAL IMPACT STATEMENT))	Introduced by
AND PRELIMINARY ENGINEERING AND)	Rod Monroe, Chair
AIRPORT GROUND ACCESS STUDY AND)	JPACT
RESCINDING TRI-MET OBLIGATION TO)	
REPAY PREVIOUS I-205 BUSLANE WITH-)	
DRAWAL GRANT)	

WHEREAS, The Federal Highway Administration approved withdrawal of the I-205 buslanes, providing \$16,366,283 for light rail transit in the I-205 corridor; and

WHEREAS, In 1992, \$425,000 of the I-205 buslane funds were awarded in a grant from the Federal Transit Administration (FTA) for the I-205 portion of the I-205/Milwaukie Preliminary Alternatives Analysis; and

WHEREAS, Resolution No. 93-1784 adopted the Milwaukie Corridor as the priority corridor for light rail transit development serving Portland and Clackamas County and directed staff to prepare intermediate term improvement strategies in the I-205 Corridor; and

WHEREAS, Metro Council adopted Resolution No. 93-1845A which directed Metro staff to submit an application to FTA for up to \$1.6 million in I-205 Busway Interstate Transfer funds and amended the TIP to include those funds in the \$8.25 million South/North AA revenue budget; and

WHEREAS, Resolution No. 93-1845A also requested that Tri-Met commit an amount equal to the I-205 Buslane Withdrawal fund grant (up to \$1.6 million), and that such funds be used to replace the

I-205 buslane grant funds if those funds were needed for transit capital improvements within the I-205 corridor; and

WHEREAS, Metro Council adopted Resolution No. 94-1964 which adopted the FY 1995 Transportation Improvement Program (TIP) for the Portland metropolitan area, which includes a provision to decrease the I-205 Buslane Withdrawal Account by \$1.66 million and to allocate those funds to the South/North Corridor project; and

WHEREAS, Resolution No. 92-1584 established that final allocation of the I-205 buslane funds be made based upon the I-205/Milwaukie Preliminary Alternatives Analysis together with an implementation funding strategy; and

WHEREAS, Metro and Tri-Met in conjunction with C-TRAN have completed an I-205 Action Plan which evaluated bus priority capital needs in the I-205 Corridor; and

WHEREAS, The I-205 Action Plan concluded that there are no potentially cost-effective bus priority capital improvements needed in the Oregon portion of the I-205 corridor in the intermediate term (2010); and

WHEREAS, The Port of Portland has endorsed pursuing an airport light rail connection following completion of the South/North Transit Corridor Study; and

WHEREAS, The South/North project derives from a conforming Regional Transportation Plan and Transportation Improvement Program; now, therefore,

BE IT RESOLVED

That the Metro Council hereby declares:

1. Metro staff is directed to submit an application to the Federal Transit Administration for \$12,605,958 to provide funds for completing the Tier II DEIS and FEIS and for initiating Preliminary Engineering on the South/North Transit Corridor.

2. Metro staff is further directed to submit an application to FTA for up to \$300,000 for a comprehensive study of ground, non-auto, and non-freight access to Portland International Airport (PDX). The actual amount required is dependent on the work scope. If the amount is less than \$300,000, any residual amount would be made available to the South/North study.

3. Metro staff is further directed to cooperate with local governments, ODOT, Tri-Met, C-TRAN, Southwest Washington RTC and Port of Portland staff to prepare and execute a work plan for the study of ground access to PDX which should include, but shall not be limited to, existing Tri-Met bus service, new Tri-Met and C-TRAN bus service, taxi operations, hotel shuttle services, other private shuttle services, bicycle access, pedestrian connections, short-term parking, long-term parking, remote-site parking (private and public) and other issues related to airport ground access. The study participants shall coordinate this intermediate range study with long-range plans to operate high-capacity transit to PDX.

4. The obligation of Tri-Met to repay the \$1.6 million I-205 Buslane Withdrawal grant awarded to the South/North Transit Corridor Study is rescinded.

5. Metro staff is directed to amend the Transportation Improvement Program to reflect transfer of the I-205 Buslane

funds to the South/North DEIS/PE and airport ground access study.

ADOPTED by the Metro Council on this _____ day of _____,
1995.

Ruth McFarland, Presiding Officer

JC:mk
95-2058.RES
12-27-94

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2072 FOR THE PURPOSE OF ENDORISING THE OREGON TRANSPORTATION FINANCE PACKAGE

Date: January 3, 1995

Presented by: Andrew Cotugno

PROPOSED ACTION

Endorsement of the Oregon Transportation Finance Package establishing a comprehensive, multi-modal funding strategy for consideration by the 1995 Oregon Legislature.

FACTUAL BACKGROUND AND ANALYSIS

The Oregon Transportation Finance Coalition is comprised of representatives from the Oregon Department of Transportation (ODOT), the Association of Oregon Counties (AOC), the League of Oregon Cities (LOC), the Oregon Public Ports Association and the Oregon Transit Association. They have developed a proposal for consideration by the 1995 Oregon Legislature to help fund critical statewide transportation needs which include the following elements:

1. A 2¢ gas tax increase to be implemented in January 1996 and 1997 (2 x 2) to be shared between ODOT, the counties and cities on a 50/30/20 split for state and local road and bridge needs.
2. A 2¢ gas tax increase to be implemented in January 1996 and 1997 (2 x 2) to fund an ODOT-administered bridge seismic retrofit program on the basis of criticality of lifelines regardless of jurisdiction.
3. Recognition of ODOT's updated study of truck cost responsibility calling for a decrease of the truck's share of the Highway Trust Fund from 38.7 percent to 37.5-38.0 percent. At this rate, the truck weight-mile tax would increase 5.0-8.5 percent with the above referenced gas tax increases.
4. An increase in the statewide vehicle registration fee of \$20/year dedicated to mass transit and local road needs. This would be allocated to Metropolitan Planning Organizations (MPOs) and counties and could be used for roads if all transit needs are met. This is only likely in the rural counties of Oregon.
5. Referral of a Constitutional Amendment to the voters to enable new vehicle fees (including the above referenced vehicle registration fee increase) excluding the gas tax and truck weight-mile tax to be used for transit.

6. Adoption of a lottery funding package for non-highway purposes statewide, including South/North LRT, high-speed rail, port improvements, aviation improvements, and freight rail improvements.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2072.

ACC:lmk
1-3-95
95-2072.RES

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING)
THE OREGON TRANSPORTATION)
FINANCE PACKAGE)

RESOLUTION NO. 95-2072

Introduced by
Rod Monroe, Chair
JPACT

WHEREAS, Metro adopted the Regional Transportation Plan by Ordinance No. 92-433 identifying a comprehensive system of transportation improvements; and

WHEREAS, Metro adopted Resolution No. 94-2009 establishing a 5 and 10-year transportation finance strategy; and

WHEREAS, Metro has participated with the Oregon Transportation Finance Coalition in the development of a state finance proposal; now, therefore,

BE IT RESOLVED,

That the Metro Council endorses the Oregon Transportation Finance Package as reflected in Exhibit A.

ADOPTED by the Metro Council this _____ day of _____,
1995.

Ruth McFarland, Presiding Officer

Proposed Oregon Transportation Finance Package

The Oregon Transportation Finance Committee is a group of Oregonians made up of representatives from the Association of Oregon Counties, the League of Oregon Cities, Oregon Department of Transportation, the Oregon Public Ports Association and the Oregon Transit Association.

The Committee has been working since the end of the last legislative session to put together a comprehensive transportation finance package for the 1995 session that has a broad base of public support. It would fund only the state's highest priority needs.

Input from consumers, providers and interest groups across the state has been incorporated into the funding package that follows.

Highlights

- * An increase in the state gas that will fund critical road and bridge maintenance, safety and capacity projects.
- * Fifty-percent of the new gas tax fees would go directly to cities and counties for local road and bridge projects.
- * A source of stable funding for public and special transportation.
- * An amendment to the Oregon Constitution to allow flexibility in the way fees on the use of the automobile can be used.
- * A lottery request to finance aeronautics, freight, rail, light rail and freight mobility projects linked to economic development.

Benefits

37% of the package for road maintenance, safety and improvements.
 25% of the package for earthquake retrofit of bridges.
 25% improvements for public and special transportation for elderly/disabled.
 13% for improved rail, freight and airport facilities.

Cost

- * 2-cent gas tax increase in each of two years for roads.
- * 2-cent gas tax increase in each of two years to strengthen Oregon bridges against earthquakes.
- * \$20 increase in passenger vehicle registration for public transportation.
- * The package would cost the average Oregon driver less than \$6 per month.

November, 1994

Package Elements

Roads and Bridges:

- * A 2 cent gas tax increase (January 1996, and 1997) raises \$94 million per year (fully implemented). The priority road and bridge needs that are unfunded in the next twenty years total \$19.2 billion.
- * Will fund high-priority road and bridge maintenance and construction projects.
- * Will fund high-priority "freight mobility projects" linked to expanded commerce.
- * Fifty-percent of the new dollars collected are passed through directly to cities and counties for local road and bridge maintenance and improvements.

Earthquake Retrofit for Bridges:

- * A 2 cent gas tax increase (January 1996, and 1997) for seismic retrofit raises \$70 million per year. Estimate for retrofitting Oregon bridges is \$1.2 billion.
- * Will finance strengthening Oregon bridges against earthquakes.
- * Will retrofit bridges connecting lifeline routes and routes critical to commerce.

Public and Special Transportation:

- * \$20 annual increase in passenger vehicle registration fee raises \$60 million annually.
- * Constitutional amendment to allow fees on the use of the automobile to be used for public transportation.
- * Funding distributed to counties and transit and transportation districts for public transportation and special transportation for elderly and disabled citizens. Dollars may also be used for roads if public transportation needs are met.

Airport Improvements:

- * \$7 million request could leverage up to \$60 million in federal funds.
- * Funding for expansion and improvement of rural and urban airports.
- * Projects selected for regional balance.

Freight Mobility Improvements:

- * \$30 million lottery request (leverages \$19 million in federal funds).
- * Funding for road, rail and port projects that improve commercial links.
- * Projects selected for regional balance.

High Speed Rail, Light Rail and Other Passenger Improvements

- * \$64 million lottery request for track, terminal and service improvements for rail and intercity buses; state match for South /North light rail planning and vehicle purchase;
- * Leverages \$168 million in federal funds.

November, 1994

Metro Council
January 19, 1995
Item 5.7

STAFF REPORT

RESOLUTION NO. 95-2076, ADOPTING THE METRO 1995 OREGON LEGISLATIVE
PROCESS, PRINCIPALS AND PRIORITIES

Date: January 11, 1995

Presented by: Merrie H. Waylett

BACKGROUND: Representatives of the Office of Public and Government Relations began working in July 1994 with the Metro Executive Officer, Council, and Western Advocates to develop a process to be followed during the 1995 Session of the Oregon Legislature. Metro staff and elected officials began development of proposals for legislation necessary to Metro policy consideration and program operation.

On October 27, 1994, representatives of Western Advocates and the Metro government relations staff presented the draft Policies, Principals and Priorities to the Council and discussed plans for the upcoming session during Council Communications. Revisions were made to the draft following that discussion.

The legislative priority list was later refined and designed to be added to as the 1995 legislative session proceeds.

Representatives of Western Advocates and Metro government relations staff met in December 1994 with both the executive officer-elect and the presiding officer-elect to keep them apprised of development of the program.

RECOMMENDATION: With the convening of the new Metro Council, the assumption of administrative responsibility by the new executive officer and the convening of the Oregon Legislature, it is appropriate that the Council adopt the proposed resolution and program to guide Metro's legislative activities. It is, therefore, recommended by the Executive Officer that Resolution 95-2076 be approved.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE METRO) RESOLUTION NO. 95-2076
1995 OREGON LEGISLATIVE PROCESS,)
PRINCIPALS AND PRIORITIES) Introduced by
Mike Burton
Executive Officer

WHEREAS, The 1995 Oregon Legislature convened on Monday, January 9, 1995: and

WHEREAS, Metro has certain legislation which it is requesting be introduced into the 1995 Session of the Oregon Legislature for consideration; and

WHEREAS, The 1995 Oregon Legislature may consider other legislation which may have impact on Metro; and

WHEREAS, Metro is represented at the Oregon Legislature by Western Advocates through contract with the Special Districts Association of Oregon; and

WHEREAS, there are procedures and principals which have been developed to guide Metro's involvement in the 1995 session of the Oregon Legislature, and a beginning list of priorities (Exhibit A) which the Metro Executive Officer has approved, and the Metro Council is to adopt, to guide Metro's lobbyist; now, therefore

BE IT RESOLVED,
That the Metro Council adopts the process, principals and priorities outlined in Exhibit A, and directs its representatives to follow the process and principals, and to report on the status of priorities listed above and additional priorities as the 1995 Session proceeds.

ADOPTED by the Metro Council this _____ day of January 1995.

J. Ruth McFarland, Presiding Officer

EXHIBIT A

1995 Legislative Process, Principals & Priorities

A. Legislative Process

1. Metro is the regional government for the metropolitan area in and around Portland, Oregon. Its authority and responsibilities are described in the Metro charter, adopted by area voters at the November 1992 general election. In carrying out the charter responsibilities, Metro interacts with the Oregon Legislature, both pro-actively, e.g. Metro will seek introduction of its own legislative proposals asking the legislature to take specific action, and re-actively, e.g. Metro will respond, either in support or opposition, to legislative proposals introduced by others. Metro receives basic legislative information through its membership in the Special Districts Association of Oregon (SDAO). It also contracts for an enhanced level of lobbying representation from SDAO's contract lobbyists, Western Advocates.

2. Metro's legislative agenda for the 1995 Legislative Assembly will identify: (a) proposals and bills the agency actively supports; (b) proposals and bills the agency actively opposes; (c) proposals and bills that have the potential to affect the agency and which will be monitored during the session. The single most important factor in determining priorities among the proposals and bills that affect Metro, will be the impact each will have on the agency's ability to do its job, as outlined in the Metro charter.

3. The agency's legislative priorities will be determined by the Metro Council. Council members, the Executive Officer and Western Advocates representatives will meet with legislators from the region to brief them on Metro's legislative principles and priorities. Metro's legislative activities during the session will be managed by a legislative oversight committee, whose membership will be determined by the Executive Office and the Council. During the session, Western Advocates will route bills to metro's Office of General Counsel for their review, and for review by affected departments. The Office of Public and Government Relations will coordinate departmental responses and send them to Western Advocates, the Presiding Officer and Council, the Executive Officer, the Auditor, and the Office of General Counsel. Responses will be used to help determine Metro's position on specific legislation, either S=Support, O=Oppose; M=Monitor. As bills are amended through the legislative process, their status may alter. Western Advocates staff will report to the Metro Council on a regular basis and furnish the Presiding Officer and Council and the Executive Officer with a weekly status report on legislation of importance to the agency. Visits to Salem by Council members, the Executive Officer, and agency staff in support of Metro's legislative agenda will be most effective if coordinated through the Office of Public and Government and with Western Advocates staff.

B. Legislative Principles

As a guiding principle, Metro will support actions of the Oregon Legislature that recognize, and are consistent with, the authority and responsibility granted to the regional government by the Metro charter and state law.

- * Metro support of any bill will be based on an assessment that action by the State Legislature is either required, or will enhance Metro's ability, to carry out its responsibilities under the charter.

- * Metro's opposition to a bill will be based on an assessment that legislative action, as proposed, will have the effect of diminishing Metro's authority under the charter, or otherwise impair its ability to carry out its charter responsibilities.

Metro will generally support legislative actions that:

- * Maintain Metro's ability to generate revenues locally and retain maximum control over their use.

- * Contribute to a healthy economy and a better quality of life for the people of the region, and of Oregon, through implementation of the Oregon Benchmarks program.

- * Facilitate the implementation of transportation and growth management goals and objectives that are consistent with adopted visions, plans and strategies for the region.

C. Legislative Priorities for 1995
Week of January 16-20

Land Use/Transportation

- * South/North Light Rail
Funding Commitment
Expedited Review Legislation (Attachment F)
- * Oregon Transportation Financing package (Attachment A)
- * Legislation providing financial incentives
for development within light rail station areas
(Attachment B)
- * Boundary Commission membership (Attachment C)
- * Minimum Density and Refinement Plan (Attachment E)
- * Modification of Farm Tax Deferral to allow for
development within the UGB (Attachment G)

Environment & Natural Resources (Solid Waste, recycling,
greenspaces)

- * Clarification of Metro's status under law relating to
conservation easements (Greenspaces) (Attachment D)

Finance & Taxation

- * Local budget law provision reform
- * Funding for Regional Planning For Infrastructure
Projects (Attachment H)

General Government

Facilities (Zoo, MERC)

Other

Proposed Oregon Transportation Finance Package

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- * An amendment to the Oregon Constitution to allow flexibility in the way fees on the use of the automobile can be used.
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13% for improved rail, freight and airport facilities.

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- * \$20 increase in passenger vehicle registration for public transportation.
- * The package would cost the average Oregon driver less than \$6 per month.

November, 1994

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- * \$64 million lottery request for track, terminal and service improvements for rail and intercity buses; state match for South /North light rail planning and vehicle purchase;
- * Leverages \$168 million in federal funds.

November, 1994

November 7, 1994

MEMO

TO: Andy Cotugno, Larry Shaw, John Fregonese, and Merrie Waylett

FROM: Terry Lassar

RE: Proposed legislation that would offer financial incentives for development within light rail station areas.

This memo is to inform you about current efforts to formulate proposed state legislation that would offer financial inducements to promote development within the 1/4 to 1/2 mile areas surrounding light rail platforms.

Staff with the Portland Planning Bureau and Office of Intergovernmental Affairs are working on drafting a bill that would allow the use of tax abatement within LRT station areas. See Attachment A. They will be touching base and working with the appropriate entities (Tri-Met, Metro, Homebuilders, etc). The Westside TSAP Management Committee is reviewing the proposal and is looking to develop a package of recommended financial tools.

I am now assembling information about financial incentives that other jurisdictions use to spur development next to stations. See, for example, Attachment B - California's "Transit Village Development Planning Act of 1994 - that was enacted last September. The Act offers several incentives to develop projects close to rail stations, including expedited permit review procedures and density bonuses. An even stronger inducement is the use of state low - and moderate-income housing funds for residential projects that are built within "Transit Village Development Districts."

CITY OF PORTLAND
LEGISLATIVE ISSUE IDENTIFICATION
1995 LEGISLATIVE ASSEMBLY

BUREAU: Planning

PERSON COMPLETING FORM: Bob Clay

DATE: 9/22/94 PHONE: (503) 823-7713 FAX: (503) 823-7800

PROBLEM: (Include pertinent background information and attach relevant material)
Few, if any, financing incentives or other tools exist to promote infill and redevelopment around proposed and planned light rail station areas outside the Central City Plan Area. The current residential 10-year limited special assessment program for new construction is restricted to the Central City. If the city is serious about promoting transit oriented development (TODs) adjacent to LRT stations that increases transit ridership and reduces VMT, then it requires greater redevelopment capacity than currently is available. And, if the city is to meet the Future Focus/Livable City Project objectives to accommodate a greater share of the region's growth in the city expressed through its support for a Region 2040 and Regional Framework Plan that are aggressive in their containment of urban development, then more redevelopment tools are needed.

PROPOSED SOLUTION: (Include citation of relevant state and local law)
Amend ORS provisions granting local government authority to administer Residential 10-year Special Assessment Program for New Construction for certain kinds of TOD mixed-use development within 1/4 mile of existing or planned LRT stations. This amendment and authority for local government should make clear that local government may provide special assessment up to 10-years. In other words local government should retain the discretion to grant less-than-10-year assessment based on a determination of project feasibility. We want to be clear that this is not an entitlement program for any development/developer based on a single standard for eligibility, but must meet a project feasibility test based on market conditions and reasonable rate of return criteria.

Potential Supporters of Proposal:

Planning Bureau, PDC, Tri-Met, Metro, City of Portland, P-DOT, transit advocacy groups, 1000 Friends of Oregon, Portland Metro Homebuilders Association, Multi-Family Housing Council, certain State agencies concerned with growth in Metro Portland.

Potential Opponents of Proposal:

The supporters of property tax limitations. Concern may be voiced by school districts that they either have approval or review and notification authority for any local government enacting such tax abatement program within their school district boundaries.

Other City Bureau(s) Affected:

BOP, PDC, P-DOT. Also non-city School Districts, other taxing entities. Success of new legislation may hinge on the November General Election and the voter approval of the North/South LRT Bond Measure. Tax Abatement could maximize and leverage the public's investment if the LRT funding is approved. All local governments with proposed LRT stations are affected and a potential supporting coalition participant in the Legislative process. These local governments together with Tri-Met form the core of a group with the same interests. A single legislative coordinator is needed, perhaps Tri-Met, to coordinate mutually acceptable legislation and then to coordinate efforts in Salem. The inter-agency/inter-jurisdiction Westside LRT Station Area Management Committee may be a logical body to assume responsibility for coming up with a workable legislative proposal that works for and can be supported by all the local governments with existing or proposed (i.e., South/North) LRT stations. Tri-Met and PDC also participate in this committee structure. The Management Committee may also have other incentives it may want to recommend that would also be supported by the city.

Impact if proposed action occurs:

- Cost Savings
- Effect on Administration
- Effect on Bureau Operations
- Effect on Other Agencies/Organizations
- Other

- OR ABENDA ?? (eq. tools - merge Tri-Met)

- Craft proposal (subcommittee of WS mgmt) ?

- Cover Res, Res + Retail (mixed - Use) , - - Retail only ?

- area covered; Sta. Pln. Area, 1/4 1/8 1/2 ??

RECEIVED

Display 1993-1994 Bill Text - INFORMATION
BILL NUMBER: AB 3152

BILL TEXT

	CHAPTER	780
FILED WITH SECRETARY OF STATE		SEPTEMBER 26, 1994
APPROVED BY GOVERNOR		SEPTEMBER 24, 1994
PASSED THE ASSEMBLY		AUGUST 30, 1994
PASSED THE SENATE		AUGUST 27, 1994
AMENDED IN SENATE		AUGUST 25, 1994
AMENDED IN SENATE		JULY 6, 1994
AMENDED IN SENATE		JUNE 15, 1994
AMENDED IN ASSEMBLY		MAY 5, 1994
AMENDED IN ASSEMBLY		APRIL 7, 1994

INTRODUCED BY Assembly Member Bates
 (Principal coauthor: Senator Bergeson)
 (Principal coauthor: Assembly Member Gotch)
 (Coauthor: Senator Kopp)

FEBRUARY 23, 1994

An act to add Article 8.5 (commencing with Section 65460) to Chapter 3 of Division 1 of Title 7 of the Government Code, and to add Section 33334.19 to the Health and Safety Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 3152, Bates. Land use: Transit Village Development Planning Act of 1994.

Existing law, known as the Community Redevelopment Law, authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined, in blighted areas of those communities known as project areas.

This bill would enact the Transit Village Development Planning Act of 1994, and would express various findings and declarations of the Legislature

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BILL TEXT

regarding the use of rail transit in California and related issues. The bill would authorize the establishment of transit village development districts, which would include all land within a quarter-mile of one exterior boundary of the parcel on which a transit station is located, designated by the legislative body of the city, county, or city and county that has jurisdiction over the station area. The bill would authorize a city or county to prepare a transit village plan for the district, that would address specified transit-, community-, and commerce-related characteristics, and would provide for the manner in which the plan may be adopted, amended, or repealed. The bill would require that the transit village plan be consistent with the general plan, and would require other specified planning tools to be consistent with the transit village plan, before they may be approved. The bill would also authorize an agency to increase, improve, and preserve the supply of low- and moderate-income housing located within a transit village plan, as indicated.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 8.5 (commencing with Section 65460) is added to Chapter 1 of Division 1 of Title 7 of the Government Code, to read:

Article 8.5. Transit Village Development Planning Act of 1994

65460. This act shall be known, and may be cited, as the Transit Village Development Planning Act of 1994.

65460.1. The Legislature hereby finds and declares all of the following:

(a) Federal, state, and local governments in California are investing in new and expanded rail transit systems in areas throughout the state, including Los Angeles County, the San Francisco Bay area, San Diego County, Santa Clara County, and Sacramento County.

(b) This public investment in rail transit is unrivaled in the state's history and represents well over ten billion dollars (\$10,000,000,000) in planned investment alone.

(c) Recent studies of transit ridership in California indicate that persons who live within a quarter-mile radius of rail transit stations utilize the transit system in far greater numbers than does the general public living elsewhere.

(d) The use of transit by persons living near rail transit stations is particularly important given the decline of transit ridership in California

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between 1980 and 1990. Transit's share of commute trips dropped in all California metropolitan areas greater Los Angeles: 5.4 percent to 4.8 percent; San Francisco Bay area: 11.9 percent to 10.0 percent; San Diego: 3.7 percent to 3.6 percent; Sacramento: 3.7 percent to 2.5 percent.

(e) Only a few rail transit stations in California have any concentration of housing proximate to the station.

(f) Interest in clustering housing and commercial development around rail transit stations, called transit villages, has gained momentum in recent years.

65460.2. A city or county may prepare a transit village plan for a transit village development district that addresses the following characteristics:

(a) A neighborhood centered around a transit station that is planned and designed so that residents, workers, shoppers, and others find it convenient and attractive to patronize transit.

(b) A mix of housing types, including apartments, within not less than a quarter mile of the exterior boundary of the parcel on which the transit station is located.

(c) Other land uses, including a retail district oriented to the transit station and civic uses, including day care centers and libraries.

(d) Pedestrian and bicycle access to the transit station, with attractively designed and landscaped pathways.

(e) A rail transit system that should encourage and facilitate intermodal service, and access by modes other than single occupant vehicles.

(f) Demonstrable public benefits beyond the increase in transit usage, including all of the following:

(1) Relief of traffic congestion.

(2) Improved air quality.

(3) Increased transit revenue yields.

(4) Increased stock of affordable housing.

(5) Redevelopment of depressed and marginal inner-city neighborhoods.

(6) Live-travel options for transit-needy groups.

(7) Promotion of infill development and preservation of natural resources.

(8) Promotion of a safe, attractive, pedestrian-friendly environment around transit stations.

(9) Reduction of the need for additional travel by providing for the sale of goods and services at transit stations.

(10) Promotion of job opportunities.

(11) Improved cost-effectiveness through the use of the existing infrastructure.

(12) Increased sales and property tax revenue.

(13) Reduction in energy consumption.

(g) Sites where a density bonus of at least 25 percent may be granted pursuant to specified performance standards.

(h) Other provisions that may be necessary, based on the report prepared pursuant to subdivision (b) of Section 14045.

65460.3. To increase transit ridership and to reduce vehicle traffic on the highways, local, regional, and state plans should direct new development close to the transit stations. These entities should provide financial incentives to implement these plans.

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65460.4. A transit village development district shall include all land within not less than a quarter mile of the exterior boundary of the parcel on which is located a rail transit station designated by the legislative body of a city, county, or city and county that has jurisdiction over the station area.

For purposes of this article, "district" means a transit village development district as defined in this section.

65460.5. A city or county establishing a district and preparing a plan pursuant to this article shall:

(a) Be eligible for available transportation funding.

(b) Receive assistance from the Office of Permit Assistance, pursuant to Section 15399.53, in establishing an expedited permit process pursuant to Section 15399.50, at the request of the city or county.

65460.6. An agency responsible for the preparation and adoption of the congestion management program may exclude district impacts from the determination of conformance with level of service standards pursuant to subdivision (c) of Section 65089.3.

65460.7. (a) A transit village plan shall be prepared, adopted, and amended in the same manner as a general plan.

(b) A transit village plan may be repealed in the same manner as it is required to be amended.

65460.8. No transit village plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.

65460.9. No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a transit village plan unless it is consistent with the adopted transit village plan.

65460.10. A city, county, or city and county may require a developer to enter into a development agreement pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4 to implement a density bonus specified in the transit village plan pursuant to subdivision (g) of Section 65460.2.

SEC. 2. Section 33334.19 is added to the Health and Safety Code, to read:

33334.19. (a) Notwithstanding Section 33670 or any other provision of this division, an agency may increase, improve, and preserve the supply of low- and moderate-income housing located within a transit village plan adopted pursuant to the Transit Village Development Planning Act of 1994, Article 8.5 (commencing with Section 65460) of Chapter 3 of Division 1 of Title 7 of the Government Code, and is within its territorial limits but outside of a project area. In the event that the agency seeks to comply with any of its obligations under Section 33413 under a transit village plan, it shall provide two units outside of a project area, both of which shall be at the same level of affordability as, and otherwise comply with, all requirements pertaining to the unit that would otherwise have been available inside a project area.

(b) To implement subdivision (a), an agency may increase, improve, and preserve the supply of low- and moderate-income housing which is located within a transit village plan with funds from the Low and Moderate Income Housing Fund. In using these funds, the agency shall comply with all requirements of the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).

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(c) To implement subdivision (a), notwithstanding subdivision (a) of Section 33670, an agency may determine the location and character of any residential construction which is located within a transit village plan and which is to be financed pursuant to Chapter 8 (commencing with Section 33750) and may make mortgage or construction loans to participating parties through qualified mortgage lenders, or purchase mortgage or construction loans without premium made by qualified mortgage lenders to participating parties, for financing residential construction of multifamily rental units located within a transit village plan.

(d) Expenditures from the Low and Moderate Income Housing Fund pursuant to this section shall be deemed to be part of the agency's redevelopment plans, as if those redevelopment plans had been amended to include those expenditures, and the agency is not required to comply with Article 12 (commencing with Section 33450). The Legislature hereby deems those expenditures to benefit the agency's project areas.

A BILL FOR AN ACT

Relating to local government boundary commissions; creating new provisions; amending ORS 199.440; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 199.440 is amended to read:

199.440 Membership; appointment; qualifications; term; vacancy. (1) A

boundary commission shall have seven members. However, if the population of the area subject to the jurisdiction of the commission exceeds 500,000 and if the area subject to its jurisdiction is wholly or partly situated within the boundaries of a metropolitan service district, the commission shall have eleven [a number of] members [that is equal to the number of councilors of the metropolitan service district].

(2) Except as provided in subsection (3) of this section, the Governor may appoint all members of a commission from a list of names obtained from cities, counties and districts within the area of jurisdiction of the boundary commission. The Governor shall prepare the list annually and keep it current so timely appointments will be made as vacancies occur. The Governor shall endeavor to appoint members from the various cities, counties and districts so as to provide geographical diversity of representation on the commission.

(3) When the area subject to the jurisdiction of a boundary commission is wholly or partly situated within the boundaries of a metropolitan service district organized under ORS chapter 268, 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 names obtained from cities, counties and districts within the area of jurisdiction of the boundary commission. The executive officer shall prepare the list annually and keep it current so timely appointments will be made as

vacancies occur. Appointments by the executive officer require confirmation of the council of the metropolitan service district. [Individuals nominated by the councilors of the district. Each councilor shall nominate no fewer than three or more than five individuals for appointment to the boundary commission. When first appointing all the members of a 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.

(4) 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 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, 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.

(5) 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:

(a) Any service for the unexpired term of a predecessor in office.

(b) Any term less than four years served on the commission first appointed.

(6) A commission may declare the office of a member vacant for any cause set out by ORS 236.010 or for failure, without good reason, to attend two consecutive meetings of the commission. A vacancy shall be filled by the Governor or by the executive officer of a metropolitan service district, by appointment for the unexpired term. If the Governor or the executive officer has not filled a vacancy within 45 days after the vacancy occurs, then, and until such time as the vacancy is filled, the remaining members of a commission shall comprise and act as the full membership of the commission for purposes of ORS 199.445.

gl
1862



METRO

Attachment D

Date: September 29, 1994

To: Merrie Waylett, Director
Office of Government and Public Relations

Charlie Ceicko, Director
Parks and Greenspaces

From: *LS*
Larry Shaw, Senior Assistant Counsel

Regarding: LEGISLATION NEEDED: CONSERVATION EASEMENT
Our file: 14.1

Introduction

One of the mechanisms used by Regional Parks and Greenspaces in the Options Project and the Greenspaces Acquisition Program is acquisition of "conservation easements." These are nonpossessory interests in land that create limitations or obligations on the landowner to protect natural, scenic or open space values of real property. One of the great advantages of this approach, of course, is that only a small part of the property interest need not be purchased. This memo addresses an omission of Metro in state law that could limit Metro's use of this mechanism.

Easement Statute Problem

A special set of statutes at ORS 271.715 to 271.795 was adopted in 1967 with a definition of these easements with a required process, rule-making authority, taxation approach, and a third party right of enforcement of easement. The conservation easement statutes seem to be intended to be a uniform law under ORS 271.795.

The problem for Metro is that ORS 271.715(3) defines "holder" of a conservation easement to include "the state or any county, city or park and recreation district * * * " This list of holders does not include Metro.

Impact of the Omission of Metro

Metro has its own authority to enter into agreements and to obtain conservation easements under ORS 268.340(1), which gives Metro authority to acquire any interest in real property to the extent necessary to provide a metropolitan aspect of a public service (like greenspaces). That statute even allows any interest in real property to be obtained by using eminent domain. Metro's existing authority is not affected by these statutes because ORS 271.765(3) specifically states that the conservation easement statutes do not invalidate any interest that is otherwise enforceable under state law. Therefore, Metro now has more authority than the cities, counties and park districts on conservation easements because ORS 271.725(1) generally prohibits them from acquiring a conservation easement by eminent domain.

The conservation easement statute requires a hearing to be held in the community where the easement will be located after two published notices. ORS 271.735(1). Currently, Metro is not required to do this.

Real Property Assessment

The concern about Metro not being listed as a conservation easement "holder" under these statutes is the unclear impact of that on the tax assessment of the seller's property once Metro has obtained a conservation easement. ORS 271.785 is a clear statement that the real property subject to a conservation easement "shall be assessed on the basis of the real market value of the property less any reduction in value caused by the conservation easement * * *
Such an easement shall be exempt from assessment and taxation the same as any other property owned by the holder." (Emphasis added). Clearly, the last sentence about Metro's exemption from assessment for holding the conservation easement merely restates the law about Metro-held property not leased out for revenue. The assessment of property that is subject to the conservation easement should be reduced in value for the loss in value from the conservation easement as a matter of course. Since this statute seems to be intended to be a uniform law, this provision may or may not merely restate current practice by county assessors. If county assessors would follow this approach for conservation easements outside these statutes, there may be no need to change the law.

Third Party Right of Enforcement

An unusual portion of the conservation easement statute is that the easement restrictions may be enforced by a third party who is not an owner or a "holder" of the easement right. ORS 271.755(1). So, for example, Friends of Forest Park, which is an eligible "holder," could negotiate to include in an easement which it obtains, a separate right for either the Friends or a county to enforce the terms of its easement even though the county did not purchase that

Merrie Waylett
September 29, 1994
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particular conservation easement. Unfortunately for Metro's problem, to qualify for "third party right of enforcement" the third party must be eligible to be a holder. Therefore, it is not a solution to Metro's problem to have a county as the holder and to negotiate into the easement Metro's third party right of enforcement.

Conclusion

As part of Metro's legislative proposals for 1995, Regional Parks and Greenspaces should consider seeking an amendment to ORS 271.715(3)(a) to add Metro to the list of eligible governmental "holders" of conservation easements. Even if county assessors don't create a problem for seller's tax assessments, Metro probably wants to comply with the same rules and have the same legal status as the state, counties and park districts for conservation easements. Unfortunately, the way the statute is constructed, "Metro" will also have to be inserted at ORS 271.725(1),(3), 271.735(1), and 271.775.

Until such a clarification of the conservation easement statute can be obtained from the legislature, the safest approach would be for any conservation easements obtained by Metro to be written with Multnomah County as the "holder" of the recorded easement with some accompanying reiteration of Metro's management and ultimate ownership of that interest if Metro funds are expended. However, the effect of this approach is that the county as "holder" must be the one that holds the hearing under ORS 271.735, which requires two published notices and 12 days notice before a hearing held in the community. If that approach is not satisfactory, a specific inquiry should be made to the county assessor concerning the seller's assessment prior to Metro directly purchasing a conservation easement.

cc: Dan Cooper
Nancy Chase
Jane Hart

KLA
1835

**METRO**

Date: December 14, 1994

To: Andy Cotugno, Planning Director

From: Larry Shaw, Senior Assistant Counsel /s/ LARRY SHAW_{rcj}

Regarding: MINIMUM DENSITY LEGISLATION
Our file:

Introduction

DLCD and Governor Roberts' office through Bob Stacey have convened a group of usual suspects to discuss a legislative package: Both a fast track development appeal process bill for inside UGBs and a minimum densities in transportation corridors bill. I have asked Stacey to include Metro in the loop as these proposals evolve.

Legislation Argument

Given Jon Chandler's expected ease of getting his proposals through both houses and governors' desires to avoid unnecessary vetoes, the two proposals together could be jointly crafted and act as a package. This could accomplish both a prime objective of Home Builders and one prime objective, minimum densities inside UGBs, of DLCD's urban growth studies.

John Fregonese's first reaction was that the minimum densities bill is nuts in this legislative session. This is true if that bill stood alone. But, if Chandler wants the other bill signed instead of possibly vetoed, the package could go. Also, the state's density bill relates to South/North state contribution legislation because it would help maximize the cost-effectiveness state's transit contribution similar to the land use conditions put on the Hillsboro Extension Full Funding Agreement.

Fast Track Appeal Process

The outline of a Chandler-type expedited appeal of development process is attached, courtesy of Bob Stacey. Both proposals are very early discussions, not yet bill language.

Conclusion

Metro may prefer to keep minimum density proposals, even in transit corridor, at the regional level. However, if a state legislation beginning can be accomplished as part of a legislature-governor compromise, it could assist both 2040 implementation and South/North. The form of any state bill needs to be coordinated with Metro. We should now be on the mailing list, and be possible invitees to this working group.

rpj₁₈₂₄

cc: Dan Cooper John Fregonese Richard Brandman

**METRO**

Date: January 11, 1995

To: Mike Burton, Executive Officer

From: *LSH*
Larry Shaw, Senior Assistant Counsel

Regarding: SOUTH/NORTH LIGHT RAIL TRANSIT (LRT) EXPEDITED REVIEW
LEGISLATION
Our file: 10.§17.D

Introduction

SB 573, the special land use legislation enacted for Westside LRT in 1991, provided for consolidated land use decisions by Tri-Met and expedited judicial review of those decisions. The process has been very successful at focusing, managing, and expediting state land use review. This memo outlines parallel legislation being prepared for the \$2.8 billion South/North project with Metro making LUFO decisions.

Same Purposes As SB 573

The dual purposes of SB 573 were to (1) assure timeliness of state land use decisions to capture hundreds of millions in federal funds and (2) preserve but expedite, Oregon land use process. For both projects, regional and local plans included some alternatives of the multi jurisdictional LRT facility prior to special legislation.

Land Use Final Order-LUFO

The regional and local jurisdictions are now familiar with the state LUFO decision being made at the same time as the federal the Locally Preferred Alternative (LPA) decision. This is the time after the DEIS when the preferred alternative is selected. Data is available for statewide land use Goal findings on route, stations and support roads at that point. Retaining similar expedited judicial review and special standards (rather than full statewide Goal findings) is needed for South/North light rail. Metro can make these decisions that will bind local government comprehensive plans under ORS 268.390 functional plan authority. However, even unsuccessful appeals of Metro's decisions and each city or county plan amendment could take nearly a year without this legislation.

Mike Burton, Executive Officer
January 11, 1995
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LCDC Standards To Be Used

Expedited judicial review works only if the courts can absorb the task in the time allotted. So, something less complex than full statewide Goal findings are needed as the LUFO decision standard. Limited standards were created by LCDC for Westside LRT based on city and county comprehensive plans. Most of the same standards can be applied to South/North.

1995 Legislation

To be in place for the projected August 1996 land use decision on the South/North route, the expedited review legislation is needed in the 1995 session. The initial route decision by LUFO which establishes project boundaries, significant changes to that LUFO, and a separate LUFO for a later project extension to Oregon City will be covered by this bill. The first full draft will begin a staff review with local governments on January 13. Tri-Met and Metro lobbyist have recommended introduction of the bill as soon as possible. Prior to introduction, staff will schedule a review of the proposed bill with the Metro Council.

rpj
1903

cc: Andy Cotugno
Burton Weast
Richard Feeney



METRO

Attachment G (1)

Date: September 21, 1994

To: Merrie Waylett, Director of the Office of Public and Government Relations

From: *LS*
Larry Shaw, Senior Assistant Counsel

Regarding: FARM TAX DEFERRAL INSIDE THE UGB
Our file: 7.§5.F

Introduction

The issue of Farm Tax Deferral inside the Urban Growth Boundary came up at the MPAC meeting, Affordable Housing Panel on August 24, 1994. This memo describes the relationship of this issue to the compact UGB/urban reserves proposed in the 2040 Recommended Alternative.

Tax Deferral Means Not Available for Development

At the MPAC meeting a developer complained of being unable to find willing sellers for existing vacant lots. He presented the argument against a tight UGB - that the market for developable land is so tight that developers can't respond to housing demands within the current UGB.

John Fregonese reported that about 12,000 of the 57,000 vacant buildable acres inside the UGB are currently in Farm Tax Deferral status. These properties are not currently paying full real property taxes. A substantial portion of their taxes are deferred until the property changes from farm use or is sold. The purpose of the state law which provides this tax relief to allow farm land to stay in production despite its increased market value for nonfarm uses. There is little incentive to sell sooner, rather than later. The property owner has no incentive to stop any farm use. The tax law provides reduced carrying costs while awaiting more appreciation or a later convenient time to sell.

State Tax Policy Conflicts with State Land Use Policy

Metro's Urban Growth Boundary (UGB) is required by LCDDC Goal 14 and Metro statutes. Use of UGBs to prevent sprawl development onto farm and forest land is premised on encouraging development inside the UGBs. Therefore, it is state land use policy that

Farm Tax Deferral Inside the UGB

September 21, 1994

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Metro adopt a UGB to discourage growth outside the UGB and encourage growth to locate inside the UGB. To the contrary, the separate Farm Tax Deferral laws are intended to preserve family farms by deferring taxes otherwise due until a future sale of the property. Therefore, this state tax policy discouraging state land sales does conflict with land use policy encouraging orderly development inside UGBs, instead of forcing development to "leapfrog" over land held off the market.

Legislative History

Evidently, a bill to eliminate Farm Tax Deferrals inside Urban Growth Boundaries was introduced in the 1991 legislative session. The bill seems to have died in committee with Farm Bureau opposition. The issue was discussed, but no such bill was filed in 1993.

2040 Policy Connection

The sample analysis of the recommended alternative for 50 years uses only 14,500 acres of urban reserves. The Metro Council may prefer an even more compact urban form. If the Farm Tax Deferral allows 12,000 acres to remain undeveloped with reduced tax cost to the landholder and this land must be passed by, tax deferred lands may offset the amount of urban reserves set aside for a 50 year period.

Reform Options

If Metro seeks to adopt a very compact urban form, that policy creates an institutional interest in seeking to remove barriers to development inside the UGB, like the Farm Tax Deferral law. Some farm interest representatives have urged the Future Vision Commission to avoid UGB expansion onto farm land in Washington County. If farm interests urge Metro to adopt a very compact urban form to protect farm land outside the UGB, there is a trade off. The UGB must provide sufficient land for development. If the Farm Tax Deferral inside the UGB makes land unavailable for development, UGB expansion will have to be considered when need can be shown.

Since Metro may have a greater interest in a compact urban form than elsewhere in the state and the 2040 concept is long term planning, perhaps a date in the future for eliminating Farm Tax Deferral only inside the Metro UGB would reflect the land use policy trade off. Urban reserves logically would retain use of farm tax deferral until those lands are needed for urban use and made part of the UGB.

Farm Tax Deferral Inside the UGB
September 21, 1994
Page 3

Conclusion

Any change in Farm Tax Deferral inside the Metro UGB would require a change in state tax law.

cc: Dan Cooper
Andy Cotugno
John Fregonese

KLA 1814A

**METRO**

Date: September 29, 1994
To: Merrie Waylett, Director Office of Governmental and Public Relations
From: Larry Shaw, Senior Assistant Counsel
Regarding: FARM TAX DEFERRAL INSIDE UGB
Our file: 5.§2

Introduction

MPAC has indicated an interest in Metro review of possible legislation on the impact of farm use tax deferrals on land available for development inside the Metro UGB. 1000 Friends urged caution and pointed to a 1990 study conclusion that tax deferrals provide a "land banking" benefit even inside UGBs. This memo summarizes that study.

"Property Tax Deferral Policy Inside Urban Growth Boundaries" (1990)

A DLCD contractor prepared this 78 page report as part of DLCD's Urban Growth Management Study on the effectiveness of growth management.

Up to page 52, the report describes how farm and forest deferrals work and inventories the amount of tax deferred acreage in the state's UGBs.

Of six case studies, only one 300 acre Gresham nursery property zoned light industrial is described, leading to the conclusion at p. 57: "The McGill property case study illustrates that tax-deferral can serve growth management by keeping large properties intact (and productive) until services and demand can support urban-scale development. Once that point has been reached, however, it may not be desirable to continue deferral." (Emphasis added).

There is a financial analysis section at pp. 58-70 on landowner decision-making for a developer, farmer, retiree and corporation based on holding costs and relative appreciation. In this analysis a 1979 study is cited for the proposition that "Thus, in the absence of tax deferral properties will tend to develop not only sooner, but also at lower densities * * * taxation of vacant land at 'highest and best use' value creates a bias against development projects with a long gestation period, favoring projects that produce a return more quickly."

Growth Management analysis and policy options are at pp. 70-78. Based on the sample financial analyses the report concludes that (1) tax deferral postpones the timing of development, (2) tax deferred land develops later at a higher density, and (3) therefore, it encourages higher density development in the long run. However, (4) if services and demand can support "urban-scale development" continued tax deferral may exacerbate shortages of certain joining and confer monopoly power on land owners to command inflated prices.

Report Review of Options for Limiting Deferrals

a. Phase out all tax deferrals inside UGBs or cities

The report assumes that UGBs and "many cities have tax deferred land that should not be developed currently, because of inadequate demand, slopes, drainage conditions, or scenic or natural values." (Emphasis added). p. 73. Therefore, this option is rejected by the report.

b. Apply stricter income or stocking requirements

This would be aimed at reducing participation by owners who are not "bona fide" farmers. "however, such changes would provide no particular growth management benefits." p. 73.

c. Increase minimum parcel sizes required for eligibility

The report supports "Denying tax deferral to new parcels of ten acres or less * * * " This would discourage parcelization and operate to exclude "The prevalence of homesites on tax deferred land (like) Multnomah County, where fully a third of the tax-deferred acreage contains a single family home."

d. Condition eligibility on zoning designations

"Local governments could group into two groups: those where urban serves are adequate to support urban development, and those where services are inadequate. Tax deferral could be terminated in the former and maintained in the latter.

Report Recommendations for Change p. 76.

1. Tax laws provide disincentives for partitioning.
2. Legislature should give local governments the authority to selectively withdraw tax deferral in serviced areas.

Open Space Tax Deferrals - ORS 308.740

ORS 308.765 provides for assessment of qualifying land for the current open space use as the "highest and best use" with only improvements valued at "real market value." However,

Merrie Waylett
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Page 3

to qualify, the landowner's application must be acted upon "in the same manner in which an amendment to the comprehensive plan is processed * * * " ORS 308.755(1). If the use is changed, deferred taxes are due plus interest. ORS 308.770(2).

The report points out that very few qualifying landowners (mostly golf courses) have taken advantage of this program. It recommends (1) more real tax reduction by reducing years of back taxes payable on withdrawal (in exchange for) ____ (2) requiring owners to commit to open space use for a period of time.

Relationship to 2040 Recommended Alternative

Since the 2040 alternative seeks to develop more "up, not out" by increasing density in centers, corridor and station communities, implementation in the 1990s will be part of a zoning review in all local jurisdictions. That may be an opportunity to implement the report recommendation: to categorize zones not yet serviced for urban development as a basis for terminating farm tax deferral if urban services are available. However, with the RLIS regional database, some determination of urban service availability may be available now as a basis to seek termination of some farm tax deferral lands by a statutory amendment. Also, the report recommendation on limiting partition of deferred land could be accomplished by statutory amendment now.

Open space tax deferrals could greatly assist in reducing development pressures and preserving open space both inside the UGB and in "rural reserve areas." Metro's Greenspaces Program may want to consider proposing statutory amendments to make that assessment more attractive and procedurally accessible.

cc: Andy Cotugno
John Fregonese
Charles Ceicko
Pat Lee

KLA
1837

LC 2077

12/30/94 (JB/hk)

D R A F T

SUMMARY

Allocates in each fiscal year 10 percent of net receipts from video lottery games to regional entities for infrastructure projects.

Defines "regional entity" and "infrastructure project."

Requires regional entities to submit annual report to Economic Development Department concerning expenditure of moneys.

A BILL FOR AN ACT

1
2 Relating to allocation of lottery moneys for regional infrastructure projects.

3 Be It Enacted by the People of the State of Oregon:

4 **SECTION 1.** As used in sections 1 to 5 of this Act:

5 (1) "Council of governments" has the meaning given that term in
6 ORS 294.900.

7 (2) "Infrastructure project" includes a project for the acquisition
8 or construction of sewage treatment works, solid waste disposal sites,
9 water supply works, roads, public transportation, port facilities or
10 other facilities necessary to serve a growing population.

11 (3) "Regional entity" means a council of governments or a metro-
12 politan service district organized under a district charter and ORS
13 chapter 268.

14 **SECTION 2.** (1) In each fiscal year beginning with the fiscal year
15 commencing July 1, 1995, there is allocated to regional entities for
16 infrastructure projects, from the Executive Department Economic
17 Development Fund created by ORS 461.540, an amount equal to 10
18 percent of net receipts from video lottery games received during the
19 preceding fiscal year. The moneys shall be allocated to each regional
20 entity in proportion to the gross receipts from video lottery games.
21 from the counties included within the regional entity.

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in boldfaced type.

1 (2) As used in this section:

2 (a) "Gross receipts from video lottery games" means the amount
3 of money inserted into video lottery games plus the value of any free
4 game prizes used by players for subsequent games.

5 (b) "Net receipts from video lottery games" means the amount of
6 money that is received from the operation of video lottery games and
7 devices after the payment of prizes but prior to any other payment.

8 SECTION 3. (1) The amounts required to be allocated to regional
9 entities under section 2 of this Act shall be expended only for the
10 purpose of paying the allowable project costs incurred by a regional
11 entity undertaking an infrastructure project.

12 (2) When a county that is wholly or partly within the boundaries
13 of a metropolitan service district is also a party to an intergovern-
14 mental agreement creating a council of governments, the regional
15 entity for that county is the metropolitan service district.

16 (3) The amounts required to be allocated under section 2 of this Act
17 shall be distributed to the regional entities quarterly with one-fourth
18 of the annual allocation distributed in each calendar quarter.

19 SECTION 4. For the purposes of sections 2 and 3 of this Act, the
20 allowable costs of an infrastructure project may include:

21 (1) Costs for preliminary planning or legal, fiscal and economic in-
22 vestigations, reports and studies to determine the economic and engi-
23 neering feasibility of the project.

24 (2) Costs of engineering and architectural reports, studies, surveys,
25 designs, plans, working drawings and specifications necessary in the
26 construction of the infrastructure project.

27 (3) Costs of property acquisition directly related to the
28 infrastructure project and acquisition of easements or rights of way
29 necessary to accomplish construction of the infrastructure project.

30 SECTION 5. Each regional entity receiving moneys allocated under
1 section 2 of this Act shall submit an annual report to the Economic

1 Development Department concerning the expenditure of those lottery
2 moneys. The report shall be in such form and contain such informa-
3 tion as the department may require. The report shall be submitted to
4 the department not later than the date specified by the department.

5

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 95-583A
CHAPTER 2.01 OF THE METRO CODE)
RELATING TO COUNCIL) Introduced by Councilor)
ORGANIZATION AND PROCEDURES;) McFarland
AND DECLARING AN EMERGENCY)

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amending the Metro Code. Chapter 2.01 is amended as follows:

2.01.001 Definitions: As used in this chapter the following terms shall have the meanings indicated:

(a) "Adoption" means the act of the Council to approve a motion to adopt an ordinance or resolution.

(b) "Clerk" means Clerk of the Council.

(c) "Final adoption" means 1) for an ordinance subject to veto by the Executive Officer the time and date an ordinance passes the five working days veto period without being vetoed or the act of the Council to override an Executive Officer veto of an ordinance; or 2) for an ordinance not subject to the Executive Officer's veto the date of adoption by the Council.

(d) "Quorum" means the majority of the members of the Council holding office [~~or a committee~~].

2.01.010 Officers:

(a) The Council shall, at its first meeting after the first Monday in January of each year, elect one Councilor to serve as its Presiding Officer for the ensuing year. The newly elected Presiding Officer shall appoint at the same meeting a Deputy Presiding Officer. The affirmative vote of [~~the~~] a majority of the members of the Council [~~(7)~~] is required to elect the Presiding Officer.

(b) The Presiding Officer will preside at all meetings of the Council and will preserve order and decorum. The Presiding Officer is authorized to sign all documents memorializing Council's action on behalf of the Council. The Presiding Officer will have a vote on each matter before the Council, but will not make motions unless first relinquishing the position of Presiding Officer for the purpose of making such motion.

(c) The Deputy Presiding Officer shall be the Presiding Officer in the absence or incapacity of the Presiding Officer, and will have the authority and perform the duties of the Presiding Officer but shall not receive the salary of the Presiding Officer.

(d) In the absence or incapacity of the Presiding Officer and the Deputy Presiding Officer, the Presiding Officer may designate a Councilor to act as the temporary Presiding Officer.

(e) The Presiding Officer [~~or temporary Presiding Officer~~] may be removed by the Council upon the affirmative vote of two-thirds (2/3) of the members of the Council[~~ers (8)~~].

2.01.020 Clerk of the Council: The Clerk of the Council, or a qualified alternate designated by the Presiding Officer, [~~shall act as agent of record for the District,~~] shall act as recording secretary for the Council, shall be present at each meeting of the Council and shall provide that the proceedings be recorded as specified in Section 2.01.090(B). Sound recordings shall be made

of each meeting. Equipment malfunction shall not be a reason to postpone the meeting and shall not negate the minutes. The Council Clerk may temporarily interrupt Council proceedings in the event of equipment malfunction, changes of tapes or other cause of short-term loss of recording. The Clerk shall also maintain a journal of Council proceedings that shall be available to the public during regular office hours.

2.01.030 Regular Meetings: The Council shall meet regularly on the ~~the [second and fourth Thursdays of each month at a time designated by the Presiding Officer]~~ dates and times established by a resolution adopted by the Council. Regular meetings shall be held at a place designated in the published agenda of the meeting. Regular meetings may be adjourned to a specific time and place before the day of the next regular meeting. Published notice of the time and place of an adjourned meeting is not required. Matters included on the agenda of a regular meeting that is adjourned to a later date need not be republished. New matters to be considered at the adjourned meeting shall be published in the same manner as the agenda for a regular meeting.

2.01.035 Work Sessions

The Council may conduct work sessions for the purpose of receiving briefings from staff and other invited persons and for discussing issues of interest to the Council. Public hearings may be held at work sessions, but are not required. Rules governing work sessions shall be prescribed by resolution.

2.01.040 Special Meetings: The Presiding Officer or a majority of the members of the Council ~~[-(7)-]~~ may call a special meeting of the Council provided that at least 24 hours notice is given to the Council and the general public. ~~[The agenda shall be limited to the purpose for which the meeting is called.]~~ Except for the provisions of this section, special meetings are subject to the same rules as regular meetings. If possible, the agenda and time and place of the meeting should be published in a newspaper of general circulation in the District. If publication is not possible, the provisions for notifying the public of emergency meetings should be followed:

2.01.050 Emergency Meetings: In case of an actual emergency, the Presiding Officer or a majority of the members of the Council

may call an emergency meeting of the Council upon such notice as is appropriate to the circumstances. The agenda shall be limited to the purposes for which the meeting is called. To the extent possible, telephone calls and news released to the media and interested persons should be made to give public notice of the agenda and time and place of meeting.

2.01.060 Notice and Agenda:

(a) An agenda that sets forth the time, date, and place of the meeting, that includes the title and a brief description of the ordinances and other matters to be considered, and that states that copies of ordinances are available at the office of [the] Metro[~~politan Service District~~] shall be published in a newspaper of general circulation within the District no more than ten (10) nor less than [~~four (4)~~] three (3) days before a regular meeting of the Council. If an Executive Session will be held, the Notice shall state the specific provision of the law authorizing the Executive Session. Items may be considered at a regular or special meeting that were not included in the published agenda as provided by law.

(b) The Presiding Officer shall establish the agenda from the agenda items submitted by the Councilors, Council committees, the Auditor, or the Executive Officer. By majority vote of a quorum of the Council any matter that has been filed for Council consideration shall be considered at a subsequent meeting. The Presiding Officer may, at his or her discretion, determine the time by which agenda items must be submitted for inclusion in the next succeeding agenda and shall notify the Councilors [Council committees] and the Executive Officer of such due dates.

~~[(c) All ordinances and resolutions shall be referred to the Presiding Officer. With the exception of matters described in (d) of this section, the Presiding Officer shall refer each ordinance and resolution to an appropriate committee of the Council. Notice of such referral shall be in writing and distributed to each Councilor and the Executive Officer. The Presiding Officer shall notify each Councilor and the Executive Officer in writing that an ordinance or resolution has been filed.]~~

~~(d) The following matters shall be considered and acted upon by the Council as a whole:~~

~~(1) All ordinances and resolutions introduced for Council consideration as provided by this Chapter or rules of the Council except that, if the Council establishes a Standing committee or Committees as authorized by this Chapter, the Presiding Officer shall refer appropriate ordinances or resolutions to such committee or Committees prior to consideration and action by the Council.~~

~~[(1)] (2) Any ordinance or resolution placed on the agenda for any emergency meeting of the Council as authorized by section 2.01.050;~~

~~[(2)] (3) Any order, final order or ordinance proposed for Council action as a result of a contested case proceeding as provided in chapter 2.05 of the Metro Code; or~~

~~[(3)] (4) 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) Any item brought before the Council pursuant to the suspension of the Council's rules approved by a vote of two thirds (2/3) of the members of the Council.]~~

2.01.070 Ordinances:

(a) The legislative action of the Metro ~~[opolitan Service District]~~ shall be by Ordinance.

(b) ~~[Except as provided in subsection (g) of this section, before]~~ Before an ordinance is adopted, it shall be read ~~[during two regular meetings of the Council on two different days at least six (6) days apart]~~ at a previous meeting of the Council; the title of the ordinance must be included in the written agenda of the meeting at which the ordinance is adopted; the agenda [is] shall be publicized not less than three business days nor more than ten days before the meeting; and copies of the ordinance [are] available for public inspection at least three business

days before the meeting. The reading shall be full and distinct unless at the meeting:

- (1) A copy of the ordinance is available for each person who desires a copy; and
- (2) The Presiding Officer directs that the reading be by title only.

(c) Ordinances may be introduced for Council consideration by the Council, a Councilor or Councilors, a committee of the Council, or the Executive Officer. The Council by resolution shall adopt procedures for introduction and consideration of ordinances.

(d) Except as provided in [~~subsection (1) of this section,~~] Section 39(1) of the 1992 Metro Charter, the affirmative vote of at least [~~the majority of the~~] four members of the Council [~~(4)~~] is required to adopt an ordinance. A roll call vote shall be taken on all ordinances. Any ordinance which receives [~~six~~] four or more Nay votes shall be defeated and shall be filed and

receive no further consideration. Any ordinance voted upon and ~~neither adopted nor~~ [not] defeated shall be continued to the next regular meeting.

(e) Within two working days of adoption, any ordinance subject to the Executive Officer's veto shall be enrolled and transmitted to the Executive Officer for veto consideration.

(f) The Executive Officer [~~shall~~] may veto an ordinance by filing a written and signed message with the Clerk no later than 5:00 p.m. of the fifth working day following adoption of the ordinance. If the Clerk has not received such veto message within the prescribed time then the ordinance shall be considered finally adopted.

(g) The Council may override an Executive Officer veto by an affirmative vote of [~~eight~~] five members of the Council [~~at the next regular meeting of the Council, but~~] not later than [~~30~~] 30 calendar days after the Executive Officer's veto. [~~The vote to override an Executive Officer veto shall be the first item of~~

~~business on the Council's agenda and a roll call vote shall be taken on all considerations of an override to a veto.]~~

~~[(h) Ordinances adopted by the Council which are not legislative in nature as determined by the General Counsel shall not be subject to the Executive Officer's veto.]~~

~~(i) Unless otherwise specified by the Council in the ordinance, an ordinance shall become effective on the 90th day after its adoption. If an ordinance is vetoed by the Executive Officer and the veto is overridden by the Council, the date of adoption shall be the date on which the veto is overridden. Except as provided in ORS 268.465 and 268.507, the Council by a majority vote of its members may declare that an emergency exists in which case an ordinance may take effect immediately or in less than 90 days. The Council by a majority vote of its members may prescribe that an ordinance take effect later than the 90th day after its adoption. If the Council refers an ordinance to the electors, the ordinance shall become effective on the 30th day after its approval by a majority of the electors voting on the measure or on a later date specified in the ordinance. If a~~

~~referendum petition, other than a petition referring an ordinance declaring an emergency, is filed with the filing officer not later than the 90th day after the adoption of the ordinance and before the ordinance takes effect, the effective date of the ordinance shall be suspended. An ordinance referred by a proper referendum petition shall become inoperative and shall not take effect if a minority of the electors voting on the measure reject the ordinance.]~~

[+j+] (h) Within seven (7) days after adoption or final adoption of an ordinance, the enrolled ordinance shall be:

- (1) Signed by the Presiding Officer;
- (2) Attested by the person who served as Recording Secretary of the Council at the meeting at which the Council adopted the ordinance; and
- (3) Filed in the records of the ~~[District]~~ Metro.

~~[(k)]~~ (i) If required by law a certified copy of each ordinance shall be filed with the Division of Courts Process of Multnomah County, and the County Clerk for Washington and Clackamas counties.

(j) The provisions of subsection (b) of this section do not apply to an ordinance adopted by the unanimous consent of the Council and containing findings on the need for immediate adoption.

~~[(l) Pursuant to ORS 198.550(3), an ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the Council at the meeting, a quorum being present, is required to adopt an emergency ordinance. Failing such approval, an emergency ordinance shall be considered pursuant to subsections 2.01.070(b) and (c) above. Emergency ordinances may be subject to the veto of the Executive Officer as described in~~

~~subsections (e), (f) and (g) of this section and shall have an effective date as described in subsection (i) of this section.]~~

(Ordinance No. 79-65, Sec. 7; amended by Ordinance No. 88-241, Sec. 1; and Ordinance No. 91-407A, Sec. 1)

2.01.080 Resolutions:

(a) All matters other than legislation and [rules] procedural matters coming before the Council and requiring Council action shall be handled by resolution.

(b) Excluding procedural matters, the affirmative vote of a majority of the Council present and voting, a quorum being present, is required to adopt a resolution. Procedural matters shall be subject to Robert's Rules of Order, newly revised, unless chapter 2.01 of this Code provides otherwise.

(c) Resolutions shall become effective upon adoption unless a later date is specified therein.

(d) The Council by resolution shall adopt procedures for introducing and considering resolutions.

2.01.090 Conduct of Meetings:

(a) A quorum of the Council is [~~seven (7) members~~] a majority of the members of the Councilors in holding office. If a quorum is present, the Council may proceed with the transaction of its business. If fewer Councilors are present they may compel absent members to attend.

(b) Minutes of each meeting shall be prepared by the Clerk of the Council or his/her designee, and shall include at least the following information:

- (1) All members of the Council present;
- (2) All motions, [~~proposals,~~] resolutions, and [~~orders,~~] ordinances [~~and rules~~] proposed and their dispositions;

(3) The results of all votes, and the vote of each Councilor by name; and

(4) The substance of any discussion on any matter.

(c) Minutes of Executive Sessions may be limited consistent with ~~[ORS 192.660]~~.

(d) The written minutes shall be available to the public within a reasonable time after the meeting, and shall be maintained as a permanent record of the actions of the Council by the Clerk of the Council.

(e) The Council shall by resolution adopt rules establishing procedures governing conduct of debate on matters considered by the Council at Council meetings.

(f) Council members present, but not voting or not specifically abstaining, shall be counted as voting with the majority. In the event that there is no such majority, such members shall be counted as abstaining.

(g) Except for ordinances [~~and rules~~], the Presiding Officer may order the unanimous approval of any matter before the Council unless there is an objection from one or more Councilors.

If there is an objection, then a voice vote shall be taken, unless the objecting Councilor requests a roll call vote [~~and at least two (2) Councilors concur in such request,~~] in which case a roll call vote shall be taken. At each meeting, the Clerk of the Council shall rotate the order for each roll call vote so that the Councilor who voted first shall vote last on the next roll call vote, except that the Presiding Officer shall always vote last on a roll call vote.

(h) In the event a matter is the subject of a voice vote or a roll call vote, after the vote is taken the Presiding Officer shall announce the result of the votes. Prior to proceeding to the next item on the agenda, or if the item voted upon is the last item on the agenda before adjournment, any member may request that the Clerk of the Council change [~~their~~] that member's vote in which case the change in vote shall be announced by the Presiding Officer and the result of the votes as modified

shall also be announced. Upon commencement of the next agenda or adjournment, as the case may be, all votes shall become final and may not be further changed without the unanimous consent of the Council.

(i) Any matter not covered by this chapter or a rule adopted by the Council pursuant to a resolution shall be determined by Robert's Rules of Order, newly revised. The Council may by a positive vote of [~~eight (8)~~] two-thirds (2/3) of the members of the Council authorize the suspension of any rule adopted by a resolution of the Council.

(j) All meetings of the Council, its committees and advisory committees shall be held and conducted in accordance with the Oregon Public Meetings law.

2.01.100 Adoption and Amendment of Rules: No standing rule of procedure of the Council shall be adopted, amended, or [~~repealed~~] repealed except pursuant to a duly adopted resolution approved by [~~upon~~] the affirmative vote of a majority of the

members of the Council ~~[-(7)-]~~. Any rule may be suspended by a vote of two-thirds (2/3) of the members of the Council.

2.01.110 Reconsideration:

(a) When a matter has been adopted or defeated, any Councilor voting on the prevailing side may move for reconsideration of the matter.

(b) Notice of the intention to move for reconsideration of an ordinance or ~~[rule]~~ resolution must be given orally by the Councilor who intends to make the motion prior to adjournment on the same day on which the vote to be reconsidered was taken.

~~[Notice of the intention to move for reconsideration of other matters should be made to the Presiding Officer prior to or at the next meeting.]~~

(c) A motion to reconsider shall be made and voted on not later than the next regular meeting after the meeting on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.

(d) A motion for reconsideration must receive the affirmative vote of a majority of the members of the Council ~~[(7)]~~ in order to be adopted.

(e) There shall be only one (1) reconsideration of any final vote even though the action of Council reverses its previous action.

2.01.120 Communications from the Public: Communications from the public both for matters on the agenda and matters not on the agenda may be allowed by the Council according to rules and procedures prescribed by resolution. ~~[, provided, however:~~

~~(a) Persons addressing the Council shall do so from the rostrum upon first gaining recognition of the Presiding Officer and after stating name and address.~~

~~(b) To facilitate the orderly transaction of business, the Presiding Officer may limit the time, order and number of~~

~~appearances in accordance with rules establishing procedures adopted by resolution by the Council.]~~

2.01.130 Order of Business:

(a) The general order of business for the Council shall be prescribed by resolution.

(b) Questions relating to the priority of business shall be decided without debate. The general order of business shall not be varied except upon the affirmative vote of a majority of the Council present and voting, a quorum being present.

(c) A consent agenda shall be presented for the consideration and vote of the Council only at regular meetings. Items may be placed on the consent agenda pursuant to rules establishing criteria adopted by the Council by resolution. Copies of the consent agenda shall be printed and distributed to the Council prior to consideration.

(d) Before calling for the vote on the consent agenda, the Presiding Officer shall ask if any Councilor objects to any matter on the consent agenda. If any matter on the consent agenda is objected to by a member of the Council, that matter shall be removed from the consent agenda and placed upon the regular agenda of the Council at a time or place determined by the Presiding Officer.

(Ordinance No. 79-65, Sec. 13; amended by Ordinance No. 80-87, Sec. 2; and Ordinance No. 91-407A, Sec. 4)

2.01.140 Standing Committees of the Council:

~~(a)~~ The Council may establish standing committees as it deems necessary. The purpose, structure, membership and responsibilities of any standing committee shall be established by the Council by the adoption of a resolution.

~~(b) Members of all standing committees shall be appointed by the Presiding Officer subject to confirmation of the Council.~~

~~The first named shall be the Chair and the second named shall be the Vice Chair.~~

~~(c) A majority of the members of the standing committee shall constitute a quorum for the transaction of business before the committee. Except as otherwise provided in this chapter, or rules adopted by the Council, all standing committees of the Council shall be governed by Robert's Rules of Order, newly revised.~~

~~(d) All standing committees shall meet at the call of the Chair or upon the request of a majority of the members of the Committee.~~

~~(e) The purposes of standing committees of the Council are to:~~

~~(1) Make studies of and inquiries into areas of concern and interest of the Council.~~

~~(2) Report information to the Council.~~

~~(3) Prepare and submit recommendations, proposals and ordinances to the Council.~~

~~(f) Unless otherwise specifically provided, standing Committees of the Council shall have the power to:~~

~~(1) Hold meetings at such times and places as the committee considers expedient.~~

~~(2) Hold public hearings and take testimony.~~

~~(3) Make findings, conclusions and recommendations.~~

~~(4) Draft and prepare resolutions and ordinances for consideration by the Council.~~

~~(5) Appoint task forces and committees to advise the committees of the Council, subject to Council approval.~~

~~(g) Standing committees shall conduct business according to the following rules:~~

~~(1) A quorum of the committee is necessary to take action on any matter before the committee;~~

~~(2) Any matter before a committee may be decided by a majority of a quorum;~~

~~(3) Each committee member shall have one (1) vote and the Chair may vote and discuss any issue before the committee without relinquishing his or her position as Chair;~~

~~(4) Any member may make a motion for action by the committee and a second is not necessary for committee consideration of the motion;~~

~~(5) Comment from members of the public appearing at the meeting shall be solicited prior to the committee taking action on any matter before it.~~

~~The Chair may set time limits for public comment on matters before the committee, and~~

~~(6) A committee may go into Executive Session for the purposes and following procedures prescribed by law.~~

~~(h) A standing committee may take the following action on an ordinance or resolution:~~

~~(1) Refer the ordinance or resolution to the Council or another Committee, if it has received a subsequent referral by the Presiding Officer, either as originally submitted or as amended, with a recommendation for approval or with no recommendation, or~~

~~(2) Table the ordinance or resolution; or~~

~~(3) Continue the ordinance or resolution to another committee meeting.~~

~~Any ordinance or resolution which remains in a standing committee over six (6) months from the date it was introduced shall be considered to be defeated and shall be filed with the Council Clerk and receive no further consideration. By majority vote of a quorum of the Council or by action of the Presiding Officer any matter referred to a standing committee may be removed from the committee and reassigned to another committee or be considered by the Council at a subsequent meeting. Consideration of such action shall take place under the "Councilor Communication" agenda item.~~

~~(i) The term for a committee member shall be one (1) year. Except for filling vacancies, committee appointments shall be made in January of each year.~~

~~(j) No committee will incur any indebtedness or hire any personnel without the express approval of the Council.~~

~~(k) The Chair, the Vice Chair or committee members may be removed from committee assignment(s) upon the affirmative vote of~~

~~the majority of the Council (7). Consideration of such action shall take place under the "Councilor Communication" agenda item. (Ordinance No. 79-65, Sec. 14; amended by Ordinance No. 88-241, Sec. 1 and Ordinance No. 91-407A, Sec. 5)]~~

~~2.01.150 Local Government Advisory Committees:~~

~~(a) The Council shall appoint such advisory committees comprised of local government officials from the metropolitan area and any other areas receiving services from the District as may be necessary to assist the Council in the performance of its duties. The number of members and term for each committee so appointed shall be established by the Council.~~

~~(b) Each member shall have one (1) vote and the Chair may vote on and discuss any matter coming before the committee.~~

~~(c) Unless otherwise specifically provided, local government advisory committees shall have a power to:~~

~~(1) Select a Chair and a Vice Chair.~~

~~(2) Hold meetings at such times and places as the committee considers expedient.~~

~~(3) Prepare and submit proposals and recommendations to the Council.~~

~~(4) Perform other functions assigned by the Council.~~

~~(d) A majority of the members of the committee shall constitute a quorum for the transaction of business before the committee. Except as otherwise provided in this chapter, all committees of local government officials shall be governed by Robert's Rules of Order, newly revised.~~

~~(e) All committees shall meet at the call of the Chair or upon the request of a majority of the members of the committee or upon the request of the Council. All meetings of the committee shall be subject to the Oregon Public Meetings law.]~~

2.01.160 [Other] Advisory Committees: The Presiding Officer may appoint [~~ether~~] advisory committees or task forces as necessary to assist the Council in the performance of its duties. The purposes and powers of each advisory committee or task force shall be expressly stated at the time of appointment. Advisory committees shall serve at the pleasure of the Presiding Officer.

2.01.170 Salary and Expenditure Reimbursement Guidelines:

(a) Councilors shall be paid an authorized salary at the same time as regular Metro employees. The amount of the salary shall be as prescribed by law. The annual salary shall be divided into twenty-four (24) equal payments. If a councilor vacates the office, he or she shall be paid on a pro-rata basis for the number of working days from the last pay period. A councilor may waive all or any portion of an authorized salary by signing a waiver form which indicates the amount of salary waived and the period of time for the waiver. The waiver shall remain in effect until written notice of cancellation is given prior to the commencement of the pay period for which the waiver will no longer be in effect. A councilor who waives a salary must sign a

release form at the time of receipt of a salary which releases Metro from any further obligation for the period of time for which the salary is paid. ~~[The Council Administrator shall provide the necessary forms for implementation of this section.]~~

Notwithstanding any waiver of salary, all councilors shall receive the full benefit (health and welfare) package received by other Metro employees. Such benefits shall be based on the full salary of the councilor provided by law regardless of any waiver or salary payments.

(b) The Council by resolution shall adopt guidelines for reimbursement of Councilors and Council employees for expenses incurred in the conduct of business of Metro. The guidelines shall specify the amount each councilor shall ~~[receive]~~ be allocated for authorized expenditures, the type of authorized expenditure, and procedures for the request and approval of expenditure reimbursement requests.

2.01.190 Appointment Process, Qualifications and Terms of Office for Boundary Commission Members:

(1) As provided by Oregon Law;

(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, 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 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 Council representing former Councilor district number five shall be nominated by the Councilor representing new Council district number two; the Boundary Commission member nominated by the Council representing former Councilor district number nine shall be nominated by the

Councilor representing new Council district number six; the Boundary Commission member nominated by the Council representing former Councilor district number eleven shall be nominated by the Councilor representing new Council district number five; the Boundary Commission member nominated by the Council representing former Councilor district number twelve shall be nominated by the Councilor representing new Council district number one; the Boundary Commission member nominated by the Council representing former Councilor district number thirteen shall be nominated by the Councilor representing new Council district number seven;

Section 2. EMERGENCY CLAUSE. This ordinance being necessary for the health, safety or welfare of the Metro area for the reason that the Metro Council is reducing in numbers on January 2, 1995 which requires new operating procedures, an emergency is declared and this ordinance shall be effective upon adoption.

ADOPTED by the Metro Council this _____ day of _____,
1995.

J. Ruth McFarland, Presiding Officer

ATTEST:

Clerk of the Council

h:\council\94-583.doc

**METRO**

Date: January 12, 1995

To: Councilor Patricia McCaig

From: Donald E. Carlson, Council Analyst

Re: Resolution No. 95-2064 -- Authorizing Sole Source Services from
Novell Inc.

I've reviewed the resolution and supporting materials for this item and discussed it with the Data Processing Staff. The immediate purpose of the contract is to acquire maintenance services for Metro's local area network operating system. As the Staff Report indicates we utilize Novell Inc.'s "Netware" software as the operating system for our computer network. It's a sole source contract because Novell is the only company which provides the maintenance services. The Finance Department has \$11,000 in it's Budget and Appropriation Schedule for this service. They cannot expend the funds without meeting the requirements of the State of Oregon to designate the Novell Netware as the local area network standard.

In discussions with Rich Wiley, Metro Contract Officer, Metro will acquire the needed goods and service through the Districts intergovernmental agreement with the State of Oregon. If problems are encountered with the vendor, the State will assist Metro in obtaining a remedy. The State requires that Metro declare Novell Netware as a local area network standard which essentially designates Novell, Inc. as the sole source vendor for these goods and services. Attached is a memo from Rich Wiley providing further information on this matter.

I've reviewed the resolution and suggest several changes to clarify what the Council is actually doing. The changes are shown in Resolution 95-2064A attached.

cc: Metro Council
Ann Clem
Rich Wiley



METRO

Date: January 12, 1995

To: Don Carlson

From: Rich Wiley 

Re: Master lease agreement available to Metro pursuant to State price agreement

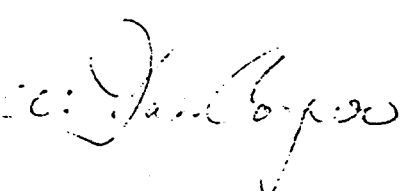
I've talked to the State buyer in charge of the master lease agreement. She told me that the State performed the following procedural steps:

- An assessment of the State's particular software needs;
- A survey of available software services;
- Documented that Novell software support was only available through Novell/Microdyne;
- Determined that their needs and market circumstances justified a sole source procurement pursuant to ORS 279.015(2)(a)(b);
- Issued a public notice of their finding and solicited any concerns or comments to the contrary.
- No public input to the contrary was received and they executed a master lease agreement with Novell, Inc./Microdyne, Inc.

Since we are a current member of the State Department of Administrative Services Purchasing Division's Cooperative Purchasing Program, the next step is to document that our circumstances are the same as the State's and the State will add us as a party to their agreement. The resolution before the Council is designed to accomplish that specific procedural step.

The State has had a very good experience with Novell and no problems are expected. But, if problems do occur, they will be pursued and resolved through the State.

Hope this adds the necessary background information. If not, let me know.

cc: 

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF DECLARING) RESOLUTION NO. 95-2064A
NOVELL NETWARE TO BE A METRO)
LOCAL AREA NETWORK STANDARD) Introduced by
AND THEREBY AUTHORIZING A SOLE) Executive Officer Mike Burton
SOURCE RELATIONSHIP WITH NOVELL)
[NETWARE] INC. PURSUANT TO STATE)
PRICE AGREEMENT NO. 3215.)

WHEREAS, Novell Netware has been considered a local area network standard for all of Metro, including MERC, since 1991; and

WHEREAS, the State of Oregon, as its contract review board, has declared State purchases of Novell Netware to be sole source procurements exempt from competitive bid; and

WHEREAS, the State of Oregon has established a Master License Agreement (MLA) with Novell which is exclusively for state agencies, but which the State will extend to Metro upon written request including a specific statement that Novell's Netware is a network standard for Metro; and

WHEREAS, purchases under State price agreements are automatically exempt from competitive bid pursuant to Metro Code Section 2.04.041; and

WHEREAS, it is unlikely that use of that MLA by Metro would significantly encourage favoritism or diminish competition for such network software, and there are natural potential savings in standardizing on one software manufacturer, utilizing existing volume pricing and executing a single Master Lease Agreement; now, therefore,

BE IT RESOLVED,

That the Metro Contract Review Board hereby declares Novell Netware to be a Metro [LAN] local area network standard thereby allowing the sole source procurement outlined above pursuant to State Price Agreement No. 3215, and authorizes the Executive Officer to execute the appropriate contract [documentation] documents with the State of Oregon [and Novell Network] to establish and document [that] the relationship with Novell Inc.

ADOPTED by Metro's Contract Review Board this _____ day of _____, 1995.

J. Ruth McFarland, Presiding Officer

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CHANGING THE) RESOLUTION NO. 95-2074-A
ELECTION DATE OF THE SUBMISSION TO)
THE VOTERS OF A GENERAL OBLIGATION) Introduced by Councilor McCaig
BOND INDEBTEDNESS TO PROCEED WITH)
THE ACQUISITION OF LAND FOR A)
REGIONAL SYSTEM OF GREENSPACES)

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, The Council on November 10, 1994, adopted Resolution No. 94-2049A which modified the General Obligation bond measure referred to the voters by Resolution No. 94-2011A by including the specific projects submitted by local governments, decreasing the amount of the measure to \$135.6 million, and reflecting other changes to the measure made by the Council; and

WHEREAS, The Council finds it is in the public interest that this measure be submitted to the voters at a Special election to be held on May 16, 1995, instead of March 29~~th~~, 1995; and

WHEREAS, The Council finds it desirable to submit a modified Ballot Title for the Measure as set forth in attached Exhibit "A"; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby withdraws the submission to the qualified voters of the District of the bond measure submitted to the voters by adoption of Resolution No. 94-2049A on the 29~~th~~28~~th~~ day of March 1995 and directs that the bond measure shall be submitted to the qualified voters of the District on the ballot for a Special election to be held on the 16th day of May 1995. The Special election called for the 29~~th~~28~~th~~ day of March 1995 is cancelled.

2. ~~The Measure and the Ballot Title for the Measure~~Ballot Title for the Measure and the Measure are attached as Exhibit "A" and Exhibit "B" hereto.

3. That this Resolution and the revised Ballot Title shall be submitted to the Elections Officer in a timely manner as required by law in order to cancel the Special election called for on March 29~~28~~, 1995, by adoption of Resolution No. 94-2049A and instead call for a Special election to be held on May 16, 1995.

4. That the Executive Officer shall submit all necessary information to the Elections Officer so that the Ballot Measure, Ballot Title, and Explanatory Statement shall appear in all county voters' pamphlets published for the election.

ADOPTED by the Metro Council this ____ day of _____, 1995.

J. Ruth McFarland, Presiding Officer

gl
1207

EXHIBIT "A"

BALLOT TITLE

"Caption: Bonds to preserve open space, parks; protect streams, fish, wildlife."

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

"Summary: Buys specified open space in the region. Approved bonds will:

- Preserve local lands for parks and trails.
- Maintain water quality in rivers and streams.
- Protect salmon, trout, steelhead.
- Provide areas for walking, picnicking and other outdoor recreation.

Buying open spaces for public use will balance private development in the region. Bonds mature in not more than 30 years. Bond cost estimate is about 22 cents per \$1,000 of assessed value per year. Typical home pays \$1.91 per month."

Exhibit "B"

GREENSPACES OPEN SPACE ACQUISITION BOND MEASURE

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

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

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

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

From the Master Plan inventory a number of existing large acre sites throughout the region were designated as regionally significant open space protection areas. These areas would be used to provide and protect open space and for passive recreational activities, including but not limited to, picnicking, hiking, bicycling, camping, bird watching, and boating. ~~In 1992, these sites were estimated to be 9,962 acres, based on the 1989 studies. Over 3,000 acres were located in each county within Metro's boundaries. The 1992 measure proposed issuing \$200 million in bonds for acquisitions from 57 of these areas and the region wide trail network identified in the Metro Plan.~~

This referral to the voters of \$135.6 million in general obligation bonds is based on advisory groups recommendations. This proposal has three components. It proposes acquisitions from 14 of the regionally significant areas (approximately 5,982 acres) and regional trail segments from the Master Plan plus local open space and trail projects. The inventory in these target areas has been reviewed in 1994.

The following are the 14 regionally significant natural areas and estimated acreages:

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

The following are the five regionally significant trail segments targeted for acquisition:

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

They will be the first priority for acquisitions from the bond proceeds. Other regionally significant open spaces and regional trails identified in the Master Plan may be acquired if target areas become degraded, cost prohibitive or otherwise infeasible as determined by the Metro Council after a public hearing. New target areas shall be selected to retain a regional balance of sites acquired. In addition, some new opportunities may arise to acquire natural resource areas not in the Master Plan if funding permits. These will not be approved unless the Master Plan is first amended by the Metro Council after a public hearing on the amendment.

There are various means intended to be used to secure rights to natural resource land. This will include outright purchase of title to the land with the assistance of outside professional realtors. However, other methods insure preservation of the character of the land as open space and may allow its use by the public. Purchase through a nonprofit land preservation

organization may enable the program to secure land at below market rates due to the favorable tax benefits that accrue to sellers. Easements, rather than full title to the land, can be donated or sold by a landowner. Donations, bequests and grants will be sought to enable the program to protect and acquire more natural resource land. Donations will be encouraged by allowing some naming of parks, trails and open spaces. Agreements for Metro to acquire any interest in land shall be negotiated with willing sellers. Metro will exercise its powers of eminent domain only when the Metro Council has determined that extraordinary circumstances exist.

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

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

Clackamas County	
Springwater Corridor Trail	Land acquisition to complete trail near Boring
Barton Park Quarry Reclamation	Capital improvements of Barton Park; restoration and campground
Damascus Greenspace	Acquire 25-30 acres in the Damascus area for a park
Clackamas River North Bank Park	Acquisition of park land along the proposed greenway trail
Kellogg Creek Natural Area	Natural area acquisition near Jennings Avenue
Boardman Slough Wetland Park	Land acquisition for a wetland park near Gladstone

Mt Talbert	Acquire 15 acres on top and east slope; south of Sunnyside Rd.
Portland Traction Company Right-of-Way	Acquire about 7 miles of rail line between Milwaukie and Gladstone
Meldrum Bar Park, Gladstone	Riparian restoration and picnic shelters of this Willamette River park
Cross Memorial Park, Gladstone	Trail improvements
Glen Echo Wetlands, Gladstone	Land addition to wetland park; trails
Mt. Scott Creek Trail, Happy Valley	Trail construction to provide park access from Sunnyside Road
Scott View Nature Park, Happy Valley	Trail construction
West Waluga Park Trail, Lake Oswego	Perimeter trail and access points around natural area park
Roehr Park Willamette Greenway, L. Oswego	Acquire land and construct trail along park and greenway
Lusher Farm / Cook's Butte Trail, L. Oswego	Acquire land and construct trail between parks
Canal Acres Natural Area, Lake Oswego	Trail construction connecting to Bryant Woods Park
Milwaukie Waterfront	Acquire about 2.5 acres at the confluence of Johnson Creek
Kellogg Lake, Milwaukie	Acquire land west of Kellogg lake and east of McLoughlin Blvd.
Springwater Corridor, Milwaukie	Acquire land between Johnson Creek and the Springwater Trail
Rosewell Wetland, Milwaukie	Natural habitat enhancements to a stormwater detention pond
Willow Place Wetland, Milwaukie	Natural habitat enhancements to a stormwater detention pond
Ardenwald to Springwater Corridor, Milwaukie	Trail construction to connect Ardenwald neighborhood to Springwater
High Rocks River Bank, Oregon City	Acquire park land on south bank of the Clackamas River
Barclay Hills Park, Oregon City	Nature trail construction in the upper reaches of Newell Creek Canyon
Clackamette Park, Oregon City	Picnic shelters, restrooms, fishing dock
Tualatin River Access, Rivergrove	Boat ramp improvement at city park near SW Dogwood Road
Burnside Park, West Linn	Acquire 8 acres of natural area adjacent to city park on Willamette R.
Memorial Park, Wilsonville	Trail construction in park and to the Willamette River Greenway
Boeckman and Mill Creek, Wilsonville	Habitat restoration along creeks at four public schools in area
Wilsonville City Trail System	Capital improvements to complete city trail system to natural areas
Gordon's Run Open Space, Wilsonville	Trail construction along Willamette Greenway near Charbonneau
Washington County	
Henry Hagg Lake / Scoggins Valley Park	Six individual picnic sites, one group picnic shelter, restrooms

Bethany, Reedville, Cedar Mill, Bull Mt. Parks	Acquire land to establish small natural area parks
Tualatin Hills Nature Park	Acquire 22 acres to add to existing park
Koll Center Wetland	Acquire right-of-way access, trail construction, viewing platform
Cedar Mill Creek Corridor	Acquire about 22 acres near Sunset Highway and Cornell Road
Golf Creek Corridor	Acquire about 10 acres west of Sylvan and north of Sunset Highway
Fanno Creek Greenway	Trail construction to connect Fanno Creek Park to neighborhoods
Stonegate Woods, Beaverton	Acquire about 7 acres of wetland forest along Willow Creek
Hart Road Natural Area, Beaverton	Acquire 18 acres to establish greenspace park near SW Hart Road
Johnson Creek Corridor, Beaverton	Acquire about 45 acres along greenway
Washington County continued	
Forest Glen Park / Hiteon Creek, Beaverton	Habitat restoration including native tree and vegetation plantings
Durham City Park	Trail and bridge construction
David Hill Forest Park, Forest Grove	Acquire up to 10 acres to establish greenspace park in NW area of city
Gales Creek Linear Park, Forest Grove	Acquire land along greenway in SW area of city
Fernhill Wetlands, Forest Grove	Trail access, trail construction, interpretive center near Tualatin River
Noble Woods Park, Hillsboro	Trails, picnic shelters, viewing areas for park on Rock Creek
Rood Bridge Road Park, Hillsboro	Restoration, canoe launch, trails, at confluence of Rock Crk & Tualatin
Rock Creek Corridor, Hillsboro	Acquisition along the greenway
Cedar Creek Greenway, Sherwood	Acquisition and trail construction in the riparian zone
Fanno Creek / Summer Creek Greenway, Tigard	Trail construction
Natural Area Park, Tigard	Acquire about 7.5 acres of forest land for a city nature park
Tualatin River Corridor, Tualatin	Acquisition along the south bank of the greenway
Multnomah County	
Burlington Bottom Wetlands, Mult. Channel	Road access, trails, wildlife blind
Howell Territorial Park, Sauvie Island	Picnic shelters, trails, and wildlife viewing blind for 73 acre site
Sauvie Island Boat Ramp	Improvements to launch ramp, boarding docks
Ancient Forest Grove	Trail construction and signage for 38 acre site north of Forest Park

Hogan Cedars	Acquisition along Johnson Creek near Telford Road / Springwater
Oxbow Regional Park, Sandy River	Water system upgrade, picnic shelters, group camp shelters
Blue Lake Regional Park, Fairview	Restore and enhance 10 acre wetland , boardwalks
Fairview Creek Riparian Area, Fairview	Enhancement of 50 acre wetland west of NE 207th connector
Springwater Corridor Trail, Gresham	Trail heads, trail construction, info center, native vegetation plantings
Fairview Creek Headwaters, Gresham	Enhancement of 18 acres, habitat plantings, picnic shelters, trails
Butler Creek Greenway Trail, Gresham	Soft surface trails, bridge over Johnson Creek
Kelly Creek Greenway, Gresham	Acquisition of 4.5 acres, soft surface trails
Beaver Creek Greenway, Troutdale	Acquisition, trails, pedestrian bridge, habitat restoration, erosion control
Wood Village City Park	Habitat improvements, trails, erosion control for 12 acre addition
Springwater Corridor, Portland	Trail heads and trail improvements in SE Portland
OMSI to Springwater Corridor, Portland	Trail heads and trail improvements on east bank of Willamette River
Whitaker Ponds, Portland	Acquisition for greenspace park along Columbia Slough in NE PDX
Tryon Creek Linkages, Portland	Acquisition in Tryon Creek watershed in SW Portland
M. James Glisan Boat Ramp, Portland	Improvements to launch facility on Columbia River in NE Portland
Terwilliger-Marquam Natural Area, Portland	Acquisition of upland forest in SW Portland
Columbia Slough, Portland	Acquisition of greenspace along or near slough in N and NE Portland
Johnson Creek Corridor, Portland	Acquisition of greenspace along creek in SE Portland
Mocks Crest, Portland	Acquisition of greenspace in N Portland
Kelly Point Park, Portland	Acquisition of adjacent land in N Portland
Oaks Bottom, Portland	Habitat restoration, improvements in SE Portland
Powell Butte, Portland	Habitat restoration, improvements SE Portland
Community Natural Areas, Portland	Acquisition of small greenspaces in NE King or Elliot neighborhoods
Hoyt Arboretum, Portland	Acquisition of adjacent land in NW Portland
Leach Botanical Garden, Portland	Acquisition of adjacent land in SE Portland
Crystal Springs Rhododendron Garden, Portland	Acquisition of adjacent land in SE Portland
40-Mile Loop Trail, Portland	Trail right-of-way acquisition along the 40-Mile Loop
River Place to Willamette Park, Portland	Acquisition and trail construction on the west bank of Willamette River

Fanno Creek, Portland	Acquisition along the greenway in SW Portland
Forest Park Wildwood Trail, Portland	Access and habitat improvements in NW Portland

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

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

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

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

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CHANGING THE)
ELECTION DATE OF THE SUBMISSION TO)
THE VOTERS OF A GENERAL OBLIGATION)
BOND INDEBTEDNESS TO PROCEED WITH)
THE ACQUISITION OF LAND FOR A)
REGIONAL SYSTEM OF GREENSPACES)

RESOLUTION NO. 95-2074A

Introduced by Councilor McCaig

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

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

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

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

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

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

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WHEREAS, The Council finds it is in the public interest that this measure be submitted to the voters at a Special election to be held on May 16, 1995, instead of March 29~~th~~th, 1995; and

WHEREAS, The Council finds it desirable to submit a modified Ballot Title for the Measure as set forth in attached Exhibit "A"; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby withdraws the submission to the qualified voters of the District of the bond measure submitted to the voters by adoption of Resolution No. 94-2049A on the 29~~th~~th day of March 1995 and directs that the bond measure shall be submitted to the qualified voters of the District on the ballot for a Special election to be held on the 16th day of May 1995. The Special election called for the 29~~th~~th day of March 1995 is cancelled.

2. ~~The Measure and the Ballot Title for the Measure~~ ~~Ballot Title for the Measure~~ ~~and the Measure~~ are attached as Exhibit "A" and Exhibit "B" hereto.

3. That this Resolution and the revised Ballot Title shall be submitted to the Elections Officer in a timely manner as required by law in order to cancel the Special election called for on March 29~~28~~, 1995, by adoption of Resolution No. 94-2049A and instead call for a Special election to be held on May 16, 1995.

4. That the Executive Officer shall submit all necessary information to the Elections Officer so that the Ballot Measure, Ballot Title, and Explanatory Statement shall appear in all county voters' pamphlets published for the election.

ADOPTED by the Metro Council this ____ day of _____, 1995.

J. Ruth McFarland, Presiding Officer

gl
1207

EXHIBIT "A"

BALLOT TITLE

"Caption: Bonds to preserve open space, parks; protect streams, fish, wildlife."

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

"Summary: Buys specified open space in the region. Approved bonds will:

- Preserve local lands for parks and trails.
- Maintain water quality in rivers and streams.
- Protect salmon, trout, steelhead.
- Provide areas for walking, picnicking and other outdoor recreation.

Buying open spaces for public use will balance private development in the region. Bonds mature in not more than 30 years. Bond cost estimate is about 22 cents per \$1,000 of assessed value per year. Typical home pays \$1.91 per month."

Exhibit "B"

GREENSPACES OPEN SPACE ACQUISITION BOND MEASURE

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

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

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

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

From the Master Plan inventory a number of existing large acre sites throughout the region were designated as regionally significant open space protection areas. These areas would be used to provide and protect open space and for passive recreational activities, including but not limited to, picnicking, hiking, bicycling, camping, bird watching, and boating. ~~In 1992, these sites were estimated to be 9,962 acres, based on the 1989 studies. Over 3,000 acres were located in each county within Metro's boundaries. The 1992 measure proposed issuing \$200 million in bonds for acquisitions from 57 of these areas and the region-wide trail network identified in the Metro Plan.~~

This referral to the voters of \$135.6 million in general obligation bonds is based on advisory groups recommendations. This proposal has three components. It proposes acquisitions from 14 of the regionally significant areas (approximately 5,982 acres) and regional trail segments from the Master Plan plus local open space and trail projects. The inventory in these target areas has been reviewed in 1994.

The following are the 14 regionally significant natural areas and estimated acreages:

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

The following are the five regionally significant trail segments targeted for acquisition:

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

They will be the first priority for acquisitions from the bond proceeds. Other regionally significant open spaces and regional trails identified in the Master Plan may be acquired if target areas become degraded, cost prohibitive or otherwise infeasible as determined by the Metro Council after a public hearing. New target areas shall be selected to retain a regional balance of sites acquired. In addition, some new opportunities may arise to acquire natural resource areas not in the Master Plan if funding permits. These will not be approved unless the Master Plan is first amended by the Metro Council after a public hearing on the amendment.

There are various means intended to be used to secure rights to natural resource land. This will include outright purchase of title to the land with the assistance of outside professional realtors. However, other methods insure preservation of the character of the land as open space and may allow its use by the public. Purchase through a nonprofit land preservation

organization may enable the program to secure land at below market rates due to the favorable tax benefits that accrue to sellers. Easements, rather than full title to the land, can be donated or sold by a landowner. Donations, bequests and grants will be sought to enable the program to protect and acquire more natural resource land. Donations will be encouraged by allowing some naming of parks, trails and open spaces. Agreements for Metro to acquire any interest in land shall be negotiated with willing sellers. Metro will exercise its powers of eminent domain only when the Metro Council has determined that extraordinary circumstances exist.

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

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

Clackamas County	
Springwater Corridor Trail	Land acquisition to complete trail near Boring
Barton Park Quarry Reclamation	Capital improvements of Barton Park; restoration and campground
Damascus Greenspace	Acquire 25-30 acres in the Damascus area for a park
Clackamas River North Bank Park	Acquisition of park land along the proposed greenway trail
Kellogg Creek Natural Area	Natural area acquisition near Jennings Avenue
Boardman Slough Wetland Park	Land acquisition for a wetland park near Gladstone

Mt Talbert	Acquire 15 acres on top and east slope; south of Sunnyside Rd.
Portland Traction Company Right-of-Way	Acquire about 7 miles of rail line between Milwaukie and Gladstone
Meldrum Bar Park, Gladstone	Riparian restoration and picnic shelters of this Willamette River park
Cross Memorial Park, Gladstone	Trail improvements
Glen Echo Wetlands, Gladstone	Land addition to wetland park; trails
Mt. Scott Creek Trail, Happy Valley	Trail construction to provide park access from Sunnyside Road
Scott View Nature Park, Happy Valley	Trail construction
West Waluga Park Trail, Lake Oswego	Perimeter trail and access points around natural area park
Roehr Park Willamette Greenway, L. Oswego	Acquire land and construct trail along park and greenway
Lusher Farm / Cook's Butte Trail, L. Oswego	Acquire land and construct trail between parks
Canal Acres Natural Area, Lake Oswego	Trail construction connecting to Bryant Woods Park
Milwaukie Waterfront	Acquire about 2.5 acres at the confluence of Johnson Creek
Kellogg Lake, Milwaukie	Acquire land west of Kellogg lake and east of McLoughlin Blvd.
Springwater Corridor, Milwaukie	Acquire land between Johnson Creek and the Springwater Trail
Rosewell Wetland, Milwaukie	Natural habitat enhancements to a stormwater detention pond
Willow Place Wetland, Milwaukie	Natural habitat enhancements to a stormwater detention pond
Ardenwald to Springwater Corridor, Milwaukie	Trail construction to connect Ardenwald neighborhood to Springwater
High Rocks River Bank, Oregon City	Acquire park land on south bank of the Clackamas River
Barclay Hills Park, Oregon City	Nature trail construction in the upper reaches of Newell Creek Canyon
Clackamette Park, Oregon City	Picnic shelters, restrooms, fishing dock
Tualatin River Access, Rivergrove	Boat ramp improvement at city park near SW Dogwood Road
Burnside Park, West Linn	Acquire 8 acres of natural area adjacent to city park on Willamette R.
Memorial Park, Wilsonville	Trail construction in park and to the Willamette River Greenway
Boeckman and Mill Creek, Wilsonville	Habitat restoration along creeks at four public schools in area
Wilsonville City Trail System	Capital improvements to complete city trail system to natural areas
Gordon's Run Open Space, Wilsonville	Trail construction along Willamette Greenway near Charbonneau
Washington County	
Henry Hagg Lake / Scoggins Valley Park	Six individual picnic sites, one group picnic shelter, restrooms

Bethany, Reedville, Cedar Mill, Bull Mt. Parks	Acquire land to establish small natural area parks
Tualatin Hills Nature Park	Acquire 22 acres to add to existing park
Koll Center Wetland	Acquire right-of-way access, trail construction, viewing platform
Cedar Mill Creek Corridor	Acquire about 22 acres near Sunset Highway and Cornell Road
Golf Creek Corridor	Acquire about 10 acres west of Sylvan and north of Sunset Highway
Fanno Creek Greenway	Trail construction to connect Fanno Creek Park to neighborhoods
Stonegate Woods, Beaverton	Acquire about 7 acres of wetland forest along Willow Creek
Hart Road Natural Area, Beaverton	Acquire 18 acres to establish greenspace park near SW Hart Road
Johnson Creek Corridor, Beaverton	Acquire about 45 acres along greenway
Washington County continued	
Forest Glen Park / Hiteon Creek, Beaverton	Habitat restoration including native tree and vegetation plantings
Durham City Park	Trail and bridge construction
David Hill Forest Park, Forest Grove	Acquire up to 10 acres to establish greenspace park in NW area of city
Gales Creek Linear Park, Forest Grove	Acquire land along greenway in SW area of city
Fernhill Wetlands, Forest Grove	Trail access, trail construction, interpretive center near Tualatin River
Noble Woods Park, Hillsboro	Trails, picnic shelters, viewing areas for park on Rock Creek
Rood Bridge Road Park, Hillsboro	Restoration, canoe launch, trails, at confluence of Rock Crk & Tualatin
Rock Creek Corridor, Hillsboro	Acquisition along the greenway
Cedar Creek Greenway, Sherwood	Acquisition and trail construction in the riparian zone
Fanno Creek / Summer Creek Greenway, Tigard	Trail construction
Natural Area Park, Tigard	Acquire about 7.5 acres of forest land for a city nature park
Tualatin River Corridor, Tualatin	Acquisition along the south bank of the greenway
Multnomah County	
Burlington Bottom Wetlands, Mult. Channel	Road access, trails, wildlife blind
Howell Territorial Park, Sauvie Island	Picnic shelters, trails, and wildlife viewing blind for 73 acre site
Sauvie Island Boat Ramp	Improvements to launch ramp, boarding docks
Ancient Forest Grove	Trail construction and signage for 38 acre site north of Forest Park

Hogan Cedars	Acquisition along Johnson Creek near Telford Road / Springwater
Oxbow Regional Park, Sandy River	Water system upgrade, picnic shelters, group camp shelters
Blue Lake Regional Park, Fairview	Restore and enhance 10 acre wetland , boardwalks
Fairview Creek Riparian Area, Fairview	Enhancement of 50 acre wetland west of NE 207th connector
Springwater Corridor Trail, Gresham	Trail heads, trail construction, info center, native vegetation plantings
Fairview Creek Headwaters, Gresham	Enhancement of 18 acres, habitat plantings, picnic shelters, trails
Butler Creek Greenway Trail, Gresham	Soft surface trails, bridge over Johnson Creek
Kelly Creek Greenway, Gresham	Acquisition of 4.5 acres, soft surface trails
Beaver Creek Greenway, Troutdale	Acquisition, trails, pedestrian bridge, habitat restoration, erosion control
Wood Village City Park	Habitat improvements, trails, erosion control for 12 acre addition
Springwater Corridor, Portland	Trail heads and trail improvements in SE Portland
OMSI to Springwater Corridor, Portland	Trail heads and trail improvements on east bank of Willamette River
Whitaker Ponds, Portland	Acquisition for greenspace park along Columbia Slough in NE PDX
Tryon Creek Linkages, Portland	Acquisition in Tryon Creek watershed in SW Portland
M. James Glisan Boat Ramp, Portland	Improvements to launch facility on Columbia River in NE Portland
Terwilliger-Marquam Natural Area, Portland	Acquisition of upland forest in SW Portland
Columbia Slough, Portland	Acquisition of greenspace along or near slough in N and NE Portland
Johnson Creek Corridor, Portland	Acquisition of greenspace along creek in SE Portland
Mocks Crest, Portland	Acquisition of greenspace in N Portland
Kelly Point Park, Portland	Acquisition of adjacent land in N Portland
Oaks Bottom, Portland	Habitat restoration, improvements in SE Portland
Powell Butte, Portland	Habitat restoration, improvements SE Portland
Community Natural Areas, Portland	Acquisition of small greenspaces in NE King or Elliot neighborhoods
Hoyt Arboretum, Portland	Acquisition of adjacent land in NW Portland
Leach Botanical Garden, Portland	Acquisition of adjacent land in SE Portland
Crystal Springs Rhododendron Garden, Portland	Acquisition of adjacent land in SE Portland
40-Mile Loop Trail, Portland	Trail right-of-way acquisition along the 40-Mile Loop
River Place to Willamette Park, Portland	Acquisition and trail construction on the west bank of Willamette River

Fanno Creek, Portland	Acquisition along the greenway in SW Portland
Forest Park Wildwood Trail, Portland	Access and habitat improvements in NW Portland

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

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

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

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



GEORGE D. WARD & ASSOCIATES

4941 S.W. 26th Dr., Portland, Oregon 97201

(503) 293-6075 FAX (503) 243-6815

ENVIRONMENTAL CONSULTING ENGINEERS

TO: METRO Council
FROM: George Ward
DATE: January 19, 1995
SUBJECT: Resolution No. 92-2074

Members of the METRO Council:

The firm of George D. Ward & Associates is pleased to offer its support concerning changing the election date of the submission to the voters of a general obligation bond indebtedness to proceed with the acquisition of land for a regional system of greenspaces.

We also recommend that METRO consider the addition of one additional greenspace to the 90 local community greenspace projects already on its ambitious agenda. The location of the proposed new greenspace is the riverbank portion of land currently owned by Portland General Electric, located immediately upstream from OMSI on the eastbank of the Willamette River.

The January 18, 1995 issue of The Oregonian contained two notices that we feel justifies either METRO's acquisition of or perhaps the stewardship of this unique reach of undeveloped riverbank located in the center of Oregon's largest city. The monumental notices include the following:

1. The Northwest Power Planning Council's obligation to embark on a \$177 million a year salmon recovery plan.
2. Portland General Electric's announcement that it proposes to sell its eastbank property with the first parcel to be purchased by KPTV (12).

How do these two events fit together? Remarkably well!

The land, located adjacent to OMSI, is uniquely situated for the development of a statewide streambank restoration educational facility designed specifically to train youngsters as well as adults about the importance of healthy streambanks as they relate to the salmon recovery issue.

There is very little that individual citizens or youngsters can do to effect the regulation of major dams, hydroelectric power generation or streamflow manipulation. On the other hand, the

Memo to METRO Council
January 19, 1995
Page Two

advantages to be gained by making Oregon's school kids and others aware of things they can do could make a significant contribution toward solving the salmon issue along countless streambanks all over Oregon and throughout the Pacific Northwest.

METRO's acquisition of 91 greenspaces instead of 90 could provide a hands-on streambank restoration awareness facility unequalled anywhere in the nation.

METRO's dream of the future is vital to the future enjoyment of perhaps all of Oregon. We urge that you go slow -- and that you do it right. Measure 92-2074 is the right way to go and should be passed.



George D. Ward

GDW:sf



GEORGE D. WARD & ASSOCIATES

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(503) 293-6075 FAX (503) 243-6815

ENVIRONMENTAL CONSULTING ENGINEERS

OREGONIAN, JAN. 18, 1995

1/13/95

Don't abandon BPA now

BPA's utility customers who buy power from someone else can't dodge salmon recovery bill forever; eventually, we'll all pay

Northwest ratepayers probably don't give a hoot from whom their local utility buys its electricity, so long as the price is right.

So most readers probably weren't bothered by the report last week that speculated that half of the Bonneville Power Administration's 124 public-utility customers are threatening to buy electricity elsewhere.

Fair enough. However, if it turns out that BPA, the Northwest's primary wholesaler of power, can't meet its financial obligations because its customers have defected, who will pay for the region's salmon recovery plan?

You will, that's who.

Local utilities, unlike BPA, don't have an obligation to pay for regional fish protection. But if the federal courts order the Northwest Power Planning Council to embark on a \$177-million-a-year salmon recovery plan, Northwest ratepayers are more likely than Congress to foot the bill, probably in the form of a surcharge on the power they use.

The BPA faces a dilemma. It can't predict its future because the cost of funding the region's salmon recovery plan is unknown. And because BPA can't be certain about future rate increases, about half of its customers are threatening to jump ship.

This would cripple BPA. If its customers defect, then the money would dry up to (1) meet the Northwest's

debt obligation to the U.S. Treasury for construction of the federal dams and transmission system; (2) fund the region's fish and wildlife program, and (3) promote energy conservation.

Those publicly owned utilities that are considering buying power from non-BPA sources also should consider that the cheap block of power they would give up might not be held in reserve for them if or when their independent power buys don't pay off.

The preference clause that gives public utilities first call on buying BPA's low-cost power has been a useful invention that at one time made the Northwest's power system the envy of every other region in the nation. But it can be amended.

If scores of BPA customers take a hike now that power prices are competitive with BPA's wholesale rates, then Congress should modify the preference clause to allow BPA to market that abandoned power to someone else on a long-term basis.

Put another way, if public utility customers reject BPA's preference rates, they should lose their places in line as preference customers.

That way, BPA would not have to reserve power for those who strayed away. The agency then could market the unsold power to the highest bidder, thus increasing its revenues to save the salmon.

TV station moves closer to building on east bank site

Television station KPTV (12) on Tuesday came one step closer to building its headquarters on the east bank of the Willamette River.

Portland General Electric, which owns the large chunk of riverfront just south of OMSI, wants to split it into four lots that could include a maximum of 300,000 square feet of office space and room for 1,050 parked cars. KPTV wants to take one of the plots and build a studio facing the river.

Although hearings officer Elizabeth Normand made no decision Tuesday, the planning bureau, the local Hosford-Abernethy neighborhood association and PGE seemed to all be relatively satisfied with the project. A decision is expected by early next month.

Gregory A. Baker, the president of the Hosford-Abernethy Neighborhood Association, told the hearing that his members do not want 1,050 parking spaces and that 750 would do.

"We also want to see the banks of the river lined with natural vegetation, not rip-rap," he said.

If the project moves on schedule, construction of the station could start as early as April and be finished by the end of the year.

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN)	RESOLUTION NO. 95-2073A
EXEMPTION FROM THE COMPETITIVE BID)	
PROCESS AND AUTHORIZING ISSUANCE)	Introduced by
RFP #94R-35-SW FOR PURCHASING)	Mike Burton, Executive Officer
DIESEL FUEL)	

WHEREAS, Metro has executed Change Order No. 15 to the Waste Transport Services Contract (EXHIBIT "A") which provides for a reduction in unit prices for solid waste transported to the Columbia Ridge Landfill; and

WHEREAS, Under Change Order No. 15, Metro must purchase fuel for the Waste Transport Services Contractor in exchange for the reduction in unit prices: and

WHEREAS, As a result of this arrangement Metro has realized monthly savings of approximately \$50,000 per month (see EXHIBIT "B"); and

WHEREAS, Metro has purchased the fuel through Devin and Stein Oil Companies utilizing agreements which expire in March, 1995; and

WHEREAS, It is in Metro's best interest to continue to purchase fuel utilizing a request for proposal rather than the competitive bid process for the reasons stated in EXHIBIT "C"; and

WHEREAS, Metro Code Section 2.04.041(c) and ORS 279.015(2) authorize the Metro Contract Review Board to exempt a public contract from competitive bidding if it finds that the exemption will not encourage favoritism or substantially diminish competition for public contracts and that such an exemption will result in substantial cost savings; and

WHEREAS, EXHIBIT "C" to this resolution presents findings which satisfy the requirements for such an exemption; and

WHEREAS, This resolution was submitted to the Executive Officer for consideration and was forwarded to the Contract Review Board for approval; now therefore,

BE IT RESOLVED,

1. That the Metro Contract Review Board adopts as findings the information and reasoning contained in EXHIBIT "C", made part of this resolution by reference, and concludes that:
 - a) It is unlikely that exempting the purchase of diesel fuel from the competitive bid process will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts;
 - b) The exemption will result in substantial cost savings to Metro; and

Therefore, exempts the contract to be solicited through Request for Proposals No. 94R-35-SW from competitive bid requirements.

2. That the Metro Council authorizes issuance of RFP #94R-35-SW attached as EXHIBIT "D"; and
3. That Council approval shall be required prior to Metro's exercise, at any time, of its option to extend the agreement for up to an additional three years in one year increments; as stated in Section III.A.7 of RFP #94R-35-SW.

ADOPTED by the Metro Council this _____ day of _____, 1995.

J. Ruth McFarland, Presiding Officer

PROPOSED AMENDMENTS TO RESOLUTION NO. 95-2073

The following amendments to Resolution No. 95-2073 will clarify that Council approval will be required prior to Metro's exercise of its option to extend the diesel fuel purchase contract for one year increments following the first year of purchase:

- * On page 2 of the Resolution, add a third "Be It Resolved" clause, as follows:

"3. That Council approval shall be required prior to Metro's exercise, at any time, of its option to extend the agreement for up to an additional three years in one year increments, as stated in Section III.A.7 of RFP #94R-35-SW."

- * On page 4 of RFP #94R-35-SW, Section III.A.7, strike "'s Executive Officer" from the end of the sentence.



METRO

DATE: January 19, 1995

TO: Presiding Officer McFarland
Metro Councilors

FROM: Patricia McCaig *Patricia A. McCaig*

RE: DRAFT SCHEDULE FOR THE FY 1995-96 BUDGET PROCESS

Please find attached a draft schedule for deliberations on the FY 1995-96 Proposed Budget. This schedule has been based on the following assumptions and is still in draft form:

1. The Council will act as the Budget Committee;
2. The Budget Committee (Council) will meet on the same days as Council work sessions (Tuesdays) and regular Council meetings (Thursdays). Budget Committee meetings will start at 12:00 noon and end at 2:00 p.m. -- lunch will be provided;
3. Each department will be presented in three phases:
 - Phase I: Budget Background
Presented by: Department and Council Staff
 - Phase II: Work Session and Public Comments
Presented by: Councilors, Department and Council Staff
 - Phase III: Deliberation and Final Recommendations
Presented by: Council
4. The Executive Officer will present the proposed FY 1995-96 budget to the Metro Council on Thursday, February 16. The budget will be made available to Council staff for review on February 9.
5. The Council will meet Friday, February 17 in an all day work session to establish and prioritize our goals for the budget and review the key assumptions used by the Executive in the proposed FY 95-96 Budget.

Unless I hear from you by 5:00 p.m. on Friday, January 20, we will proceed with this schedule.

Thanks.

BUDGET PROCESS SCHEDULE

DATE	DAY	TIME	AGENDA
February 16	Thursday	2:00 p.m.	Executive Officer presents Proposed FY 1995-96 Budget to Council
February 17	Friday	10:00 a.m.	Council holds workshop to receive a budget overview from Council Staff
Phase I			
February 21	Tuesday	12:00 p.m.	Solid Waste Department budget (see explanation below)
February 23	Thursday	12:00 p.m.	Zoo Department, Metro ER Commission, and Regional Parks and Greenspaces Department budgets (see explanation below)
February 28	Tuesday	12:00 p.m.	Planning Department budget (see explanation below)
March 2	Thursday	12:00 p.m.	General Fund, Support Services Fund, Building Management Fund, and Insurances Fund Department budgets (see explanation below)
Phase II			
March 9	Thursday	12:00 p.m.	Solid Waste Department budget
March 14	Tuesday	12:00 p.m.	Zoo Department, Metro ER Commission, and Regional Parks and Greenspaces Department budgets
March 16	Thursday	12:00 p.m.	Planning Department budget
March 21	Tuesday	12:00 p.m.	General Fund, Support Services Fund, Building Management Fund, and Insurances Fund Department budgets
Phase III			
March 28	Tuesday	12:00 p.m.	Solid Waste Department budget
April 4	Tuesday	12:00 p.m.	Zoo, Metro ER Commission, and Regional Parks and Greenspaces Department budgets
April 11	Tuesday	12:00 p.m.	Planning Department budget
April 18	Tuesday	12:00 p.m.	General Fund, Support Services Fund, Building Management Fund, and Insurances Fund Department budgets
April 20	Thursday	12:00 p.m.	<i>If necessary -- subject to be determined</i>
April 25	Tuesday	12:00 p.m.	<i>If necessary -- subject to be determined</i>
April 27	Thursday	12:00 p.m.	<i>If necessary -- subject to be determined</i>
Regular Council Session			
May 4	Thursday	2:00 p.m.	Council meeting to consider Budget Committee recommendations and approve FY 1995-96 Budget for submittal to TSCC by May 15, 1995
June 22	Thursday	2:00 p.m.	Council meeting to consider and adopt FY 1995-96 Budget

PURPOSE OF FUND OR DEPARTMENT

Solid Waste Department

Provides solid waste management planning; disposal of region's solid waste; waste reduction; and household hazardous waste programs

General Fund Departments

- Council Provides support for Metro Council
- Executive Management Provides support for Metro Executive Officer
- Auditor Provides support for Metro Auditor

Support Service Fund, Building Management Fund, Risk Management Fund Departments

- Finance Provides accounting, budgeting, financial planning, data processing, and risk management services to all departments
- Office of General Counsel Provides legal services to all departments
- Office of Public and Government Relations Provides public and government relation services to the Council, Executive Officer, Metro Commissions and departments
- Office of Citizen Involvement Provides support for the Metro Committee for Citizen Involvement (MCCI)
- Personnel Provides personnel services to all departments
- General Services Provides facility planning services, construction management services and manages Metro office space

Planning Department

Provides regional planning activities including: urban growth management (Future Vision and 2040 programs), transportation, water resources, data services (geographic information system)

Regional Parks and Greenspaces Department

Operates Multnomah County Regional Parks, Smith and Bybee Lakes Natural Area, and develops and implements Regional Greenspaces Master Plan

Zoo Department

Operates the Metro Washington Park Zoo

Metro ER Commission (MERC)

Operates the Oregon Convention Center, Civic Stadium, Portland Center for the Performing Arts, and the Expo Center.



METRO

Date: January 19, 1995

To: Presiding Officer Ruth McFarland
Metro Council

From: Executive Officer Mike Burton

Subject: Amendment to RESOLUTION NO. 95-2076, ADOPTING THE METRO
1995 OREGON LEGISLATIVE PROCESS, PRINCIPALS, AND PRIORITIES
(Exhibit A.)

Attached please find an amendment to Exhibit A which addresses the need for Metro's response to important legislation which has not been considered by the Legislative Oversight Committee.

EXHIBIT A

1995 Legislative Process, Principals & Priorities

A. Legislative Process

1. Metro is the regional government for the metropolitan area in and around Portland, Oregon. Its authority and responsibilities are described in the Metro charter, adopted by area voters at the November 1992 general election. In carrying out the charter responsibilities, Metro interacts with the Oregon Legislature, both pro-actively, e.g. Metro will seek introduction of its own legislative proposals asking the legislature to take specific action, and re-actively, e.g. Metro will respond, either in support or opposition, to legislative proposals introduced by others. Metro receives basic legislative information through its membership in the Special Districts Association of Oregon (SDAO). It also contracts for an enhanced level of lobbying representation from SDAO's contract lobbyists, Western Advocates.

2. Metro's legislative agenda for the 1995 Legislative Assembly will identify: (a) proposals and bills the agency actively supports; (b) proposals and bills the agency actively opposes; (c) proposals and bills that have the potential to affect the agency and which will be monitored during the session. The single most important factor in determining priorities among the proposals and bills that affect Metro, will be the impact each will have on the agency's ability to do its job, as outlined in the Metro charter.

3. The agency's legislative priorities will be determined by the Metro Council. Council members, the Executive Officer and Western Advocates representatives will meet with legislators from the region to brief them on Metro's legislative principles and priorities. Metro's legislative activities during the session will be managed by a legislative oversight committee, whose membership will be determined by the Executive Office and the Council. During the session, Western Advocates will route bills to metro's Office of General Counsel for their review, and for review by affected departments. The Office of Public and Government Relations will coordinate departmental responses and send them to Western Advocates, the Presiding Officer and Council, the Executive Officer, the Auditor, and the Office of General Counsel. Responses will be used to help determine Metro's position on specific legislation, either S=Support, O=Oppose; M=Monitor. As bills are amended through the legislative process, their status may alter. Western Advocates staff will report to the Metro Council on a regular basis and furnish the Presiding Officer and Council and the Executive Officer with a weekly status report on legislation of importance to the agency. In the event there is immediate action pending on legislation which has not been discussed by the legislative oversight committee, the Presiding Officer of the Council and the Executive Officer will jointly direct Western Advocates to oppose or support the legislation based on the adopted Legislative Principals. A full report of the action will be

provided to the committee and Council at the next earliest possible date. Visits to Salem by Council members, the Executive Officer, and agency staff in support of Metro's legislative agenda will be most effective if coordinated through the Office of Public and Government and with Western Advocates staff.

1995
Oregon Legislature
Background Information
for
Metro Council
District 3

January 1995

Burton Weast & Noel Klein
Western Advocates, Incorporated

METROPOLITAN PORTLAND OFFICE
7150 SW Hampton, Suite 130
Tigard OR 97223
(503) 620-3356
Fax (503) 598-0298

Internet: WESTERNADV@AOL.COM

SALEM OFFICE
1284 Court Street NE
Salem OR 97301
(503) 378-0595
Fax (503) 378-7495

Metro District #3 Kivistad

1995 SENATE MEMBERS

Senator/Party	District	Capitol Office	Capitol Phone	Senator/ Party	District	Capitol Office	Capitol Phone
Adams, Brady (R-Grants Pass)	25	S-203	986-1725	Kennemer, Bill (R-Milwaukie)	12	S-206	986-1712
Baker, Ken (R-Clackamas)	14	S-319	986-1714	Kintigh, Bob (R-Springfield)	22	S-217	986-1722
Bradbury, Bill (D-Bandon)	24	S-311	986-1724	Leonard, Randy (D-Portland)	9	S-305	986-1709
Bryant, Neil (R-Bend)	27	S-218	986-1727	Lim, John (R-Gresham)	11	S-205	986-1711
Bunn, Jim (R-McMinnville)	15	S-	986-	McCoy, Bill (D-Portland)	8	S-309	986-1708
Bunn, Stan (R-Newberg)	2	S-317	986-1702	Miller, Randy (R-Lake Oswego)	13	S-211	986-1713
Cease, Ron (D-Portland)	10	S-306	986-1710	Phillips, Paul (R-Tigard)	4	S-209	986-1704
Derfler, Gene (R-Salem)	16	S-204	986-1716	Smith, Gordon (R-Pendleton)	29	S-233	986-1729
Dukes, Joan (D-Astoria)	1	S-318	986-1701	Sorenson, Peter (D-Eugene)	20	S-314	986-1700
Dwyer, Bill (D-Springfield)	21	S-310	986-1721	Springer, Dick (D-Portland)	6	S-323	986-1720
Gold, Shirley (D-Portland)	7	S-316	986-1707	Stull, Shirley (R-Keizer)	17	S-210	986-1717
Hamby, Jeanette (R-Hillsboro)	5	S-312	986-1705	Timms, Gene (R-Burns)	30	S-219	986-1730
Hannon, Lenn (R-Ashland)	26	S-303	986-1726	Trow, Cliff (D-Corvallis)	18	S-307	986-1718
Hartung, Tom (R-Portland)	3	S-212	986-1703	Walden, Greg, (R-Hood River)	28	S-216	986-1728
Johnson, Rod (R-Myrtle Creek)	23	S-214	986-1723	Yih, Mac (R-Albany)	19	S-302	986-1719

COMMITTEE ASSIGNMENTS BY SENATOR

Adams, Brady
Labor & Government Operations
Ways and Means

Baker, Ken 1, 2, 6
Transportation, Chair
Education
Judiciary

Bradbury, Bill
Agriculture, Natural Resources, & Environment
Trade & Economic Development

Bryant, Neil
Judiciary, Chair
Labor & Government Operations
Water & Land Use

Bunn, Stan
Health & Human Services, Chair

Cease, Ron 5, 6,
Water & Land Use
Ways and Means

Derfler, Gene
Business & Consumer Affairs
Labor & Government Relations, Chair
Trade & Economic Development

Dukes, Joan
Business & Consumer Affairs
Trade & Economic Development

Dwyer, Bill
Agriculture, Natural Resources & Environment
Water & Land Use

Gold, Shirley 5, 6, 7
Education
Government Finance & Tax Policy
Rules & Elections

Hamby, Jeannette 4
Judiciary
Subcommittee on Juvenile Justice
Ways and Means
Subcommittee on Human Resources, Chair

Hannon, Lenn
Transportation
Ways and Means
Subcommittee on Natural Resources, Chair

Hartung, Tom 3, 4, 7
Agriculture, Natural Resource & Environment
Education, Chair
Government Finance & Tax Policy

Johnson, Rod
Agriculture, Natural Resources & Environment
Education

Water & Land Use, Chair
Kenemer, Bill 2, 6, 7
Business & Consumer Affairs, Chair
Health & Human Services
Trade and Economic Development

Kintigh, Bob
Agriculture, Natural Resources & Environment
Labor & Government Operations
Water & Land Use

Leonard, Randy 1, 6,
Health & Human Services
Labor & Government Operations

Lim, John 1, 6,
Business & Consumer Affairs
Health & Human Services
Trade & Economic Development, Chair

McCoy, Bill 5, 6,
Business & Consumer Affairs
Health & Human Services
Labor & Government Operations

Miller, Randy 2, 3
Judiciary
Rules & Election, Chair
Ways and Means

Phillips, Paul 3, 7
Government Finance & Tax Policy, Chair
Rules & Elections

Shannon, Marylin
Agriculture, Natural Resources & Environment
Education
Transportation

Smith, Gordon
Ways and Means

Sorenson, Peter
Judiciary

Springer, Dick 2, 5, 7
Judiciary
Rules & Elections
Transportation

Stull, Shirley
Judiciary
Ways and Means

Timms, Eugene
Government Finance & Tax Policy
Ways and Means, Co-chair

#1's = METRIC DISTRICTS IN SENATE 2002-2003

SENATE STANDING COMMITTEE REGULAR MEETING SCHEDULE

Committee Name/Staff	Staff Office	Staff Phone	Monday	Tuesday	Wednesday	Thursday	Friday
Agriculture, Natural Resources & Environment Bruce McIntosh, Administrator Catrina Victor, Assistant	334	986-1681 986-1286	1:00 P.M. Room 343		3:00 P.M. Room 343		1:00 P.M. Room 343
Business & Consumer Affairs Darrell Fuller, Administrator TBA, Assistant	335	986-1688 986-1689		8:00 A.M. HR B		8:00 A.M. HR B	
Education Falle Calder, Administrator Carolynn Gillson, Assistant	S-401	986-1675 986-1643		8:00 A.M. Room 343		8:00 A.M. Room 343	
Government Finance & Tax Policy James Scherzinger, Legislative Revenue Officer Kimberly James, Office Manager Janice DeVito, Assistant	H-197	986-1266		1:00 P.M. HR A	1:00 P.M. HR A	1:00 P.M. HR A	
Health & Human Services Art Wilkinson, Administrator Mary Gallagher, Assistant	S-401	986-1638 986-1491	3:00 P.M. HR B		3:00 P.M. HR B		3:00 P.M. HR B
Judiciary Committee Bill Taylor, Counsel Max Williams, Counsel Dar' Woodrum, Assistant Diane Dussler, Assistant	S-401	986-1694 986-1476 986-1640	3:00 P.M. HR C	3:00 P.M. HR C	3:00 P.M. HR C	3:00 P.M. HR C	
Labor & Government Operations Rita Thomas, Administrator TBA, Research Assistant Amy Baker, Assistant Glenda Fields, Assistant	331	986-1672 986-1673 986-1674	8:00 A.M. HR B		8:00 A.M. HR B		8:00 A.M. HR B
Rules & Elections Kristina McNitt, Administrator Gretchen Haber, Assistant	431	986-1610 986-1611		4:30 P.M. (at call of chair) Room 343		4:30 P.M. (at call of chair) Room 343	
Trade & Economic Development Joseph Cortright, Executive Officer Jeri Chase, Office Manager Bobby Sullinger, Assistant	132	986-1804		1:00 P.M. Room 137		1:00 P.M. Room 137	
Transportation Janet Adkins, Administrator Gina Rumbaugh, Assistant	332	986-1621 986-1376		1:00 P.M. HR C		1:00 P.M. HR C	
Water & Land Use Karen Quigley, Administrator Kimberly Shadley, Assistant	333	986-1680 986-1627		1:00 P.M. HR B	1:00 P.M. HR B	1:00 P.M. HR B	

1995 HOUSE MEMBERS

Representative/Party	District	Capitol Office	Capitol Phone	Representative/Party	District	Capitol Office	Capitol Phone
Adams, Ron (R-West Linn)	27	H-479	986-1427	Minnis, John (R-Troutdale)	20	H-374	986-1420
Baum, Ray (R-LaGrande)	58	H-295	986-1458	Montgomery, Bob (R-Cascade Locks)	56	H-381	986-1456
Beyer, Lee (D-Springfield)	42	H-486	986-1442	Naito, Lisa (D-Portland)	15	H488-	986-1415
Brian, Tom (R-Tigard)	9	H-470	986-1409	Norris, Chuck (R-Hermiston)	57	H-277	986-1457
Brown, Kate (D-Portland)	13	H-288	986-1413	Oakley, Carolyn (R-Albany)	36	H-495	986-1436
Carpenter, Chuck (R-Portland)	7	H-493	986-1407	Parks, Del (R-Klamath Falls)	53	H-280	986-1453
Carter, Margaret (D-Portland)	18	H478	986-1418	Piercy, Kitty (D-Eugene)	39	H-369	986-1439
Clarno, Beverly (R-Bend)	54	H-269	986-1455	Prozanski, Floyd (D-Eugene)	40	H-471	986-1440
Corcoran, Tony (D-Cottage Grove)	44	H-365	986-1444	Qutub, Eileen (R-Beaverton)	8	H-373	986-1408
Courtney, Peter (D-Salem)	33	H-395	986-1900	Rasmussen, Anita (D-Portland)	11	H-367	986-1411
Eighmey, George (D-Portland)	14	H-371	986-1414	Repine, Bob (R-Grants Pass)	49	H-496	986-1449
Fahey, Mike (D-Portland)	17	H-364	986-1417	Roberts, Lonnie (D-Portland)	21	H-481	986-1421
Federici, Tony (D-St. Helens)	1	H-485	986-1401	Ross, Barbara (D-Corvallis)	35	H-366	986-1435
Fisher, Bill (R-Roseburg)	45	H-276	986-1445	Schoon, John (R-Rickreall)	34	H-389	986-1434
Gordly, Avel (D-Portland)	19	H-279	986-1419	Shibley, Gail (D-Portland)	12	H-386	986-1412
Grisham, Jerry (R-Beavercreek)	23	H-285	986-1423	Shields, Frank (D-Portland)	16	H-487	986-1416
Hayden, Cedric (R-Lyons)	28	H-480	986-1428	Snodgrass, Lynn (D-Boring)	10	H-473	986-1410
Johnson, Eldon (R-Central Point)	51	H-392	986-1451	Sowa, Larry (D-Oregon City)	26	H-293	986-1426
Johnston, Bryan (D-Salem)	53	H-284	986-1431	Starr, Charles (R-Hillsboro)	3	H-388	986-1403
Jones, Denny (R-Ontario)	60	H-380	986-1460	Strobeck, Ken (R-Beaverton)	6	H-472	986-1406
Josi, Tim (D-Bay City)	2	H-491	986-1402	Tarno, Veral (R-Coquille)	48	H-286	986-1448
Lehman, Mike (D-Coos Bay)	47	H-383	986-1447	Thompson, Terry (D-Newport)	4	H-384	986-1404
Lewis, Leslie (R-Newberg)	29	H-278	986-1429	Tiernan, Bob (R-Lake Oswego)	24	H-292	986-1424
Lokan, Jane (R-Milwaukie)	25	H-474	986-1425	Uherbelau, Judith (D-Ashland)	52	H-368	986-1452
Luke, Dennis (R-Bend)	54	H-287	986-1454	VanLeeuwen, Liz (R-Halsey)	37	H-291	986-1437
Lundquist, Lynn (R-Powell Butte)	59	H-385	986-1459	Watt, John (R-Medford)	50	H-377	986-1450
Mannix, Kevin (D-Salem)	32	H-378	986-1432	Wells, Larry (R-Jefferson)	30	H-372	986-1430
Markham, Bill (R-Riddle)	46	H-484	986-1446	Welsh, Jim (R-Elmira)	43	H-382	986-1443
Meek, John (R-Hillsboro)	5	H-475	986-1405	Wooten, Cynthia (D-Eugene)	41	H-492	986-1441
Milne, Patti (R-Woodburn)	38	H-283	986-1438	Wylie, Sharon (D-Gresham)	22	H-393	986-1422

COMMITTEE ASSIGNMENTS BY REPRESENTATIVE

Adams, Ron 2, 3
General Government and Regulatory Reform
State and School Finance

Baum, Ray
Legislative Rules, Chair
Ways and Means Subcommittee on Natural Resources
Ways and Means Subcommittee on Public Safety/Regulation
Special Committee on Sexual Harassment

Beyer, Lee
Labor, Vice-Chair
Legislative Rules, Vice-Chair
State and School Finance
Special Committee on Sexual Harassment, Vice-Chair

Brian, Tom 3,
Ways and Means
Subcommittee on Public Safety/Regulation
Subcommittee on Transportation/Economic Development

Brown, Kate 7
Judiciary, Vice-Chair
Labor

Carpenter, Chuck 4, 7
Commerce
Subcommittee on Trade & Economic Development, Chair
Judiciary
Labor

Carter, Margaret 5
Ways and Means
Subcommittee on Human Resources
Subcommittee on Transportation/Economic Development

Clarno, Bev

Corcoran, Tony
Legislative Rules
Natural Resources
Subcommittee on Agriculture & Forestry, Vice-Chair
Ways and Means Subcommittee on Natural Resources

Courtney, Peter
Judiciary
Legislative Rules
Ways and Means Subcommittee on Public Safety/Regulation

Eighmey, George 5, 7
Children & Families
Ways and Means Subcommittee on Public Safety/Regulation

Fahey, Michael 5, 6
Commerce
Labor
Ways and Means Subcommittee on Natural Resources

H 3 = major DISTRICTS in House BOUNDARIES

**COMMITTEE ASSIGNMENTS BY REPRESENTATIVE
(CONTINUED)**

Federici, Tony

Commerce

Subcommittee on Business, Vice-Chair

State & School Finance, Vice-Chair

Fisher, Bill

Children & Families

Human Resources & Education

Natural Resources

Agriculture & Forestry Subcommittee Chair

Gordly, Avel

5, 6

Water Policy

Ways and Means Subcommittee on Education

Special Committee on Sexual Harassment

Grisham, Jerry

General Government and Regulatory Reform

Judiciary

Hayden, Cedric

General Government and Regulatory Reform

Subcommittee on Transportation, Chair

Ways and Means Subcommittee on Education

Johnson, Eldon

Commerce, Chair

Ways and Means Subcommittee on Transportation/Economic Development

Johnston, Bryan

General Government and Regulatory Reform

Judiciary

Subcommittee on Civil Law & Judicial Administration, Vice-Chair

Jones, Denny

Ways and Means, Co-Chair

Josi, Tim

Natural Resources

State and School Finance

Water Policy, Vice-Chair

Lehman, Mike

General Government and Regulatory Reform, Vice-Chair

Human Resources and Education

Lewis, Leslie

Judiciary

Natural Resources

Subcommittee on Environment & Energy, Chair

Lokan, Jane

2, 6, 7

State and School Finance

Ways and Means Subcommittee on Human Resources

Luke, Dennis

Human Resources & Education, Chair

Natural Resources

COMMITTEE ASSIGNMENTS BY REPRESENTATIVE
(CONTINUED)

Lundquist, Lynn

Commerce

Subcommittee on Business, Chair

Labor

Legislative Rules

Ways and Means Subcommittee on Natural Resources

Mannix, Kevin

Ways and Means

Subcommittee on Education

Subcommittee on Public Safety/Regulation

Markham, Bill

General Government and Regulatory Reform

Subcommittee on State/Federal Affairs & Elections, Chair

Legislative Rules

Ways and Means Subcommittee on Transportation/Economic Development

Meek, John 4

Children & Families, Chair

Human Resources & Education

Ways and Means Subcommittee on Human Resources

Milne, Patti

Children & Families

Human Resources & Education

Subcommittee on Education, Chair

Legislative Rules

Ways and Means Subcommittee on Human Resources

Minnis, John 1, 6

Ways and Means

Subcommittee on Education

Subcommittee on Public Safety/Regulation, Chair

Montgomery, Bob

Ways and Means

Subcommittee on General Government, Chair

Subcommittee on Natural Resources

Naito, Lisa 6

Judiciary

Natural Resources

Subcommittee on Environment & Energy, Vice-Chair

Norris, Chuck

Natural Resources

Water Policy, Chair

Ways and Means Subcommittee on Natural Resources

Oakley, Carolyn

Ways and Means

Subcommittee on Education, Chair

Subcommittee on Human Resources

Special Committee on Sexual Harassment

COMMITTEE ASSIGNMENTS BY REPRESENTATIVE
(CONTINUED)

Parks, Del
Judiciary, Chair
Subcommittee on Civil Law & Judicial Administration, Chair
Ways and Means Subcommittee on Public Safety/Regulation

Piercy, Kitty
Children & Families
Ways and Means Subcommittee on General Government
Special Committee on Sexual Harassment

Prozanski, Floyd
Judiciary
Subcommittee on Crime & Corrections, Vice-Chair

Qutub, Eileen 3, 7
Judiciary
Ways and Means Subcommittee on Public Safety/Regulation
Special Committee on Sexual Harassment

Rasmussen, Anitra 2, 5, 7
State School & Finance
Ways and Means Subcommittee on Human Resources

Repine, Bob
Ways and Means, Co-Chair

Roberts, Lonnie 1
General Government and Regulatory Reform
Subcommittee on Transportation, Vice-Chair
Legislative Rules

Ross, Barbara
General Government and Regulatory Reform
Subcommittee on State & Federal Affairs, Vice-Chair
Human Resources & Education

Schoon, John
State & School Finance, Chair
Ways and Means Subcommittee on General Government

Shibley, Gail 2, 5, 7
Commerce
Subcommittee on Trade & Economic Development, Vice-Chair
Ways and Means Subcommittee on Education

Shields, Frank 1, 6
Human Resources & Education, Vice-Chair
Ways and Means Subcommittee on Human Resources

Snodgrass, Lynn 1, 2, 6
Children & Families
Commerce
Human Resources & Education
Labor

Sowa, Larry 2
Ways and Means
Subcommittee on General Government
Subcommittee on Natural Resources

COMMITTEE ASSIGNMENTS BY REPRESENTATIVE
(CONTINUED)

Starr, Charles 4

Human Resources & Education

Subcommittee on Human Resources, Chair

Ways and Means Subcommittee on General Government

Strobeck, Ken 3, 4

General Government and Regulatory Reform

Subcommittee on Regulatory Reform, Chair

State & School Finance

Tarno, Veral

Judiciary

Subcommittee on Crime & Corrections, Chair

Natural Resources, Chair

Thompson, Terry

Human Resources & Education

Subcommittee on Education, Vice-Chair

Natural Resources, Vice-Chair

Tiernan, Bob 2, 3

General Government and Regulatory Reform, Chair

Judiciary

Uherbelau, Judith

Children & Families, Vice-Chair

Natural Resources

VanLeeuwen, Liz

Ways and Means

Subcommittee on Human Resources

Subcommittee on Natural Resources

Watt, John

Labor, Chair

Legislative Rules

Water Policy

Ways and Means Subcommittee on Education

Wells, Larry

Commerce

Natural Resources

Ways and Means Subcommittee on Education

Welsh, Jim

Natural Resources

State & School Finance

Water Policy

Wooten, Cynthia

Commerce, Vice-Chair

Ways and Means Subcommittee on Transportation/Economic Development

Wylie, Sharon /

General Government and Regulatory Reform

Subcommittee on Regulatory Reform, Vice-Chair

Human Resources & Education

Subcommittee on Human Resources, Vice-Chair

HOUSE STANDING COMMITTEE REGULAR MEETING SCHEDULE

Committee Name/Staff	Staff Office	Staff Phone	Monday	Tuesday	Wednesday	Thursday	Friday	
Children and Families Tom Mann, Administrator Pamela Berger, Assistant	453-H	986-1644 986-1647		8:00 A.M. HR 170		8:00 A.M. HR 170		
Commerce Dan Jarman, Administrator Jodie Hall, Assistant	453-D	986-1630 986-1146		1:30 P.M. HR 170 & "D"		1:30 P.M. HR 170 & "D"		
General Government and Regulatory Reform Greg Moore, Administrator Anne Tweedt, Administrator Annetta Mullins, Assistant TBA, Assistant	453-B, C	986-1497 986-1496 986-1634	1:30 P.M. HR 357	1:30 P.M. HR 357	1:30 P.M. HR 357	1:30 P.M. HR 357	1:30 P.M. HR 357	
Human Resources and Education Jan McComb, Administrator Tom Mann, Administrator Pamela Berger, Assistant Shelley Jones, Assistant	453-I	986-1635 986-1644 986-1647 986-1648	8:00 A.M. HR D		8:00 A.M. HR D		8:00 A.M. HR D	
Judiciary Committee Holly Robinson, Counsel Milt Jones, Counsel Debby Johnson, Assistant Janet Ellingsworth, Assistant TBA, Assistant	354	986-1654 986-1489 986-1641 986-1487	8:00 A.M. HR 357	8:00 A.M. HR 357	8:00 A.M. HR 357	8:00 A.M. HR 357	8:00 A.M. HR 357	
Labor Aaron Felton, Administrator Paula Gilmer-Purcell, Assistant	354	986-1493 986-1485	1:30 P.M. HR D		1:30 P.M. HR D		1:30 P.M. HR D	
Legislative Rules Troy Rayburn, Administrator	H-295	986-1813	4:00 P.M. Call of the Chair HR 350					
Natural Resources Mark Bauer, Administrator Pat Zwick, Administrator Paula Hird, Assistant Gail Boesch, Assistant	453-F, G	986-1278 986-1626 986-1629 986-1494	1:30 P.M. HR 50		1:30 P.M. HR 50		1:30 P.M. HR 50	
State and School Finance James Scherzinger, Legislative Revenue Officer Kimberly James, Office Manager Rhonda Wehler, Assistant	H-197	986-1266	8:30 A.M. HR A	8:30 A.M. HR A	8:30 A.M. HR A	8:30 A.M. HR A	8:30 A.M. HR A	
Water Policy Pat Zwick, Administrator Gail Boesch, Assistant	453-H	986-1626 986-1494		1:30 P.M. HR 174		1:30 P.M. HR 174		

JOINT COMMITTEE MEMBERSHIP

Ways and Means

Senator Eugene Timms, Co-Chair
Senator Brady Adams
+ Senator Ron Cease
+ Senator Jeannette Hamby
Senator Lenn Hannon
+ Senator Randy Miller
Senator Gordon Smith
Senator Shirley Stull
Senator Greg Walden
Senator Mae Yih

Representative Denny Jones, Co-Chair

Representative Bob Repine, Co-Chair
+ Representative Tom Brian
+ Representative Margaret Carter
Representative Kevin Mannix
+ Representative John Minnis
Representative Bob Montgomery
Representative Carolyn Oakley
+ Representative Larry Sowa
Representative Liz VanLeeuwen

Subcommittee on Education

Representative Carolyn Oakley, Chair
Representative Kevin Mannix
+ Representative John Minnis
+ Representative Avel Gordly
Representative Cedric Hayden
+ Representative Gail Shibley
Representative John Watt
Representative Larry Wells

Subcommittee on General Government

Representative Bob Montgomery, Chair
+ Representative Larry Sowa
Representative Kitty Piercy
Representative John Schoon
+ Representative Charles Starr

Subcommittee on Human Resources

+ Senator Jeannette Hamby, Chair
+ Representative Margaret Carter
Representative Carolyn Oakley
Representative Liz VanLeeuwen
+ Representative Jane Lokan
+ Representative John Meek
Representative Patti Milne
+ Representative Anitra Rasmussen
+ Representative Frank Shields

Subcommittee on Natural Resources

Senator Lenn Hannon, Chair
Representative Bob Montgomery
Representative Liz VanLeeuwen
+ Representative Larry Sowa
Representative Ray Baum
Representative Tony Corcoran
+ Representative Mike Fahey
Representative Lynn Lundquist
Representative Chuck Norris

Subcommittee on Public Safety/Regulation

+ Representative John Minnis, Chair
+ Representative Tom Brian
Representative Kevin Mannix
Representative Ray Baum
Representative Peter Courtney
+ Representative George Eighmey
Representative Del Parks
+ Representative Eileen Qutub

Subcommittee on Transportation/ Economic Development

Senator Greg Walden, Chair
+ Representative Tom Brian
+ Representative Margaret Carter
Representative Eldon Johnson
Representative Bill Markham
Representative Cynthia Wooten

SENATE STANDING COMMITTEE MEMBERSHIP

Agriculture, Natural Resources & Environment

Senator Bob Kintigh, Chair
Senator Bill Bradbury
Senator Bill Dwyer
+ Senator Tom Hartung
Senator Rod Johnson
Senator Marylin Shannon

Business & Consumer Affairs

+ Senator Bill Kennemer, Chair
Senator Gene Derfler
Senator Joan Dukes
+ Senator John Lim
+ Senator Bill McCoy

Education

+ Senator Tom Hartung, Chair
+ Senator Ken Baker
+ Senator Shirley Gold
Senator Rod Johnson
Senator Marylin Shannon
Senator Cliff Trow

Government Finance & Tax Policy

+ Senator Paul Phillips, Chair
+ Senator Shirley Gold
+ Senator Tom Hartung
Senator Eugene Timms
Senator Cliff Trow
Senator Greg Walden

Health & Human Services

Senator Stan Bunn, Chair
+ Senator Bill Kennemer
+ Senator Randy Leonard
+ Senator John Lim
+ Senator Bill McCoy

Judiciary Committee

Senator Neil Bryant, Chair
+ Senator Ken Baker
+ Senator Jeannette Hamby
+ Senator Randy Miller
Senator Peter Sorenson
+ Senator Dick Springer
Senator Shirley Stull
Subcommittee on Juvenile Justice
+ Senator Jeannette Hamby

Labor & Government Operations

Senator Gene Derfler, Chair
Senator Brady Adams
Senator Neil Bryant
Senator Bob Kintigh
+ Senator Randy Leonard
+ Senator Bill McCoy

Rules & Elections

+ Senator Randy Miller, Chair
Senator Brady Adams
+ Senator Shirley Gold
+ Senator Paul Phillips
+ Senator Dick Springer

Trade & Economic Development

+ Senator John Lim, Chair
Senator Bill Bradbury
Senator Gene Derfler
Senator Joan Dukes
+ Senator Bill Kennemer

Transportation

+ Senator Ken Baker, Chair
Senator Lenn Hannon
Senator Marylin Shannon
+ Senator Dick Springer
Senator Mae Yih

Water & Land Use

Senator Rod Johnson, Chair
Senator Neil Bryant
+ Senator Ron Cease
Senator Bill Dwyer
Senator Bob Kintigh

HOUSE STANDING COMMITTEE MEMBERSHIP

Children and Families

- + Representative John Meek, Chair
- Representative Judith Uherbelau, Vice-Chair
- + Representative George Eighmey
- Representative Bill Fisher
- Representative Patti Milne
- Representative Kitty Piercy
- + Representative Lynn Snodgrass

Commerce

- Representative Eldon Johnson, Chair
- Representative Cynthia Wooten, Vice-Chair
- + Representative Chuck Carpenter
- + Representative Mike Fahey
- Representative Tony Federici
- Representative Lynn Lundquist
- + Representative Gail Shibley
- + Representative Lynn Snodgrass
- Representative Larry Wells

Subcommittee on Business

- Representative Lynn Lundquist, Chair
- Representative Tony Federici, Vice-Chair

Subcommittee on Trade and Economic Development

- + Representative Chuck Carpenter, Chair
- + Representative Gail Shibley, Vice-Chair

General Government and Regulatory Reform

- + Representative Bob Tiernan, Chair
- Representative Mike Lehman, Vice-Chair
- + Representative Ron Adams
- Representative Jerry Grisham
- Representative Cedric Hayden
- Representative Bryan Johnston
- Representative Bill Markham
- + Representative Lonnie Roberts
- Representative Barbara Ross
- + Representative Ken Strobeck
- + Representative Sharon Wylie

Subcommittee on Regulatory Reform

- + Representative Ken Strobeck, Chair
- + Representative Sharon Wylie, Vice-Chair

Subcommittee on State & Federal Affairs

- Representative Bill Markham, Chair
- Representative Barbara Ross, Vice-Chair

Subcommittee on Transportation

- Representative Cedric Hayden, Chair
- + Representative Lonnie Roberts, Vice-Chair

Human Resources and Education

- Representative Dennis Luke, Chair
- + Representative Frank Shields, Vice-Chair
- Representative Bill Fisher
- Representative Mike Lehman
- + Representative John Meek
- Representative Patti Milne
- Representative Barbara Ross
- + Representative Lynn Snodgrass
- + Representative Charles Starr
- Representative Terry Thompson
- + Representative Sharon Wylie
- Subcommittee on Education*
- Representative Patti Milne, Chair
- Representative Terry Thompson, Vice-Chair
- Subcommittee on Human Resources*
- + Representative Charles Starr, Chair
- + Representative Sharon Wylie, Vice-Chair

Judiciary

- Representative Del Parks, Chair
- + Representative Kate Brown, Vice-Chair
- + Representative Chuck Carpenter
- Representative Peter Courtney
- Representative Jerry Grisham
- Representative Bryan Johnston
- Representative Leslie Lewis
- Representative Lisa Naito
- Representative Floyd Prozanski
- + Representative Eileen Qutub
- Representative Veral Tarno
- + Representative Bob Tiernan
- Subcommittee on Civil Law & Judicial Administration*
- Representative Del Parks, Chair
- Representative Bryan Johnston, Vice-Chair
- Subcommittee on Crime & Corrections*
- Representative Veral Tarno, Chair
- Representative Floyd Prozanski, Vice-Chair

Labor

- Representative John Watt, Chair
- Representative Lee Beyer, Vice-Chair
- + Representative Kate Brown
- + Representative Chuck Carpenter
- + Representative Mike Fahey
- Representative Lynn Lundquist
- + Representative Lynn Snodgrass

HOUSE STANDING COMMITTEE MEMBERSHIP
(CONTINUED)

Legislative Rules

Representative Ray Baum, Chair
Representative Lee Beyer, Vice-Chair
Representative Tony Corcoran
Representative Peter Courtney
Representative Lynn Lundquist
Representative Bill Markham
Representative Patti Milne
+ Representative Lonnie Roberts
Representative John Watt

Natural Resources

Representative Veral Tarno, Chair
Representative Terry Thompson, Vice-Chair
Representative Tony Corcoran
Representative Bill Fisher
Representative Tim Josi
Representative Leslie Lewis
Representative Dennis Luke
+ Representative Lisa Naito
Representative Chuck Norris
Representative Judy Uherbelau
Representative Larry Wells
Representative Jim Welsh

Subcommittee on Agriculture & Forestry

Representative Bill Fisher, Chair
Representative Tony Corcoran, Vice-Chair

Subcommittee on Environment & Energy

Representative Leslie Lewis, Chair
+ Representative Lisa Naito, Vice-Chair

State and School Finance

Representative John Schoon, Chair
Representative Tony Federici, Vice-Chair
+ Representative Ron Adams
Representative Lee Beyer
Representative Tim Josi
+ Representative Jane Lokan
+ Representative Anitra Rasmussen
+ Representative Ken Strobeck
Representative Jim Welsh

Water Policy

Representative Chuck Norris, Chair
Representative Tim Josi, Vice-Chair
+ Representative Avel Gordly
Representative John Watt
Representative Jim Welsh

Special Committee on Sexual Harassment

Representative Carolyn Oakley, Chair
Representative Lee Beyer, Vice-Chair
Representative Ray Baum
+ Representative Avel Gordly
Representative Kitty Piercy
+ Representative Eileen Qutub

1995 SENATE MEMBERS

<p>ADAMS, Brady 3579, Campus View Dr., Grants Pass, 97527 Dist. 25 (R) S-203, State Capitol, Salem, 97310 476-7590(h) 479-3351(o) 986-1725(c)</p>	<p>KENNEMER, Bill 18808 SE Mildred Way, Milwaukie, 97267 Dist. 12 (R) S-206, State Capitol, Salem, 97310 654-7696(h) 650-8257(o) 986-1712(c)</p>
<p>BAKER, Ken 10121 SE Sunnyside Rd., Ste. 120, Clackamas, 97015 Dist. 14 (R) S-319, State Capitol, Salem, 97310 658-8249(h) 652-2587(o) 986-1714(c)</p>	<p>KINTIGH, Bob 38865 E, Cedar Flat Rd., Springfield, 97478 Dist. 22 (R) S-217, State Capitol, Salem, 97310 741-9833(h) 726-2519(o) 986-1722(c)</p>
<p>BRADBURY, Bill PO Box 1499, Bandon, 97411 Dist. 24 (D) S-311, State Capitol, Salem, 97310 347-9614(h) 986-1724(c)</p>	<p>LEONARD, Randy 4530 SE 67th, Portland, 97206 Dist. 9 (D) S-305, State Capitol, Salem, 97310 771-8256(h) 774-4302(o) 986-1709(c)</p>
<p>BRYANT, Neil PO Box 1151, Bend, 97709 Dist. 27 (R) S-218, State Capitol, Salem, 97310 389-3224(h) 382-4331(o) 986-1727(c)</p>	<p>LIM, John PO Box 1616, Gresham, 97030 Dist. 11 (R) S-205, State Capitol, Salem, 97310 667-3647(h) 239-5200(o) 986-1711(c)</p>
<p>BUNN, Jim 8157 SW Riverbend, McMinnville, 97128 Dist. 15 (R) S-, State Capitol, Salem, 97310 835-0326(h) 986- (c)</p>	<p>McCOY, Bill 2205 N. Lombard, Portland, 97217 Dist. 8 (D) S-309, State Capitol, Salem, 97310 286-8989(h) 986-1708(c)</p>
<p>BUNN, Stan 408 E. First, Newberg, 97123 Dist. 2 (R) S-317, State Capitol, Salem, 97310 538-4908(h) 538-7374(o) 986-1702(c)</p>	<p>MILLER, Randy PO Box 1795, Lake Oswego, 97035 Dist. 13 (R) S-211, State Capitol, Salem, 97310 638-2622(h) 986-1713(c)</p>
<p>CEASE, Ron 2625 NE Hancock, Portland, 97212 Dist. 10 (D) S-306, State Capitol, Salem, 97310 282-7931(h) 986-1710(c)</p>	<p>PHILLIPS, Paul PO Box 231208, Tigard, 97223 Dist. 4 (R) S-209, State Capitol, Salem, 97310 590-7796(h) 224-5650(o) 986-1704(c)</p>
<p>DERFLER, Gene PO Box 2168, Salem, 97308 Dist. 16 (R) S-204, State Capitol, Salem, 97310 399-8013(h) 986-1716(c)</p>	<p>SMITH, Gordon 1101 Skyline Dr., Pendleton, 97801 Dist. 29 (R) S-323, State Capitol, Salem, 97310 278-1818(h) 986-1950(o) 986-1729(c)</p>
<p>DUKES, Joan Rt. 2, Box 503, Astoria, 97103 Dist. 1 (D) S-318, State Capitol, Salem, 97310 458-6746(h) 986-1701(c)</p>	<p>SORENSEN, Peter PO Box 10836, Eugene, 97440 Dist. 20 (D) S-314 State Capitol, Salem, 97310 343-9093(h) 683-1378(o) 986-1720(c)</p>
<p>DWYER, Bill 5558 Thurston Rd., Springfield, 97478 Dist. 21 (D) S-310, State Capitol, Salem, 97310 726-0187(h) 986-1721(c)</p>	<p>SPRINGER, Dick 7624 SE 13th Ave., Portland, 97202 Dist. 6 (D) S-323, State Capitol, Salem, 97310 233-9595(h) 226-3232(o) 986-1700(c)</p>
<p>GOLD, Shirley PO Box 82789, Portland, 97282 Dist. 7 (D) S-316, State Capitol, Salem, 97310 775-9612(h) 986-1707(c)</p>	<p>STULL, Shirley 1764 Zachris Ct. NE, Keizer, 97303 Dist. 17 (R) S-210, State Capitol, Salem, 97310 393-7001(h) 986-1717(c)</p>
<p>HAMBY, Jeanette PO Box 519, Hillsboro, 97213 Dist. 5 (R) S-312, State Capitol, Salem, 97310 648-7185(h) 986-1705(c)</p>	<p>TIMMS, Gene 1049 North Ct., Burns, 97720 Dist. 30 (R) S-219, State Capitol, Salem, 97310 573-2744(h) 986-1730(c)</p>
<p>HANNON, Lenn 240 Scenic Dr., Ashland, 97520 Dist. 26 (R) S-303, State Capitol, Salem, 97310 482-5210(h) 773-7548(o) 986-1726(c)</p>	<p>TROW, Cliff 1835 NW Juniper Pl., Corvallis, 97330 Dist. 18 (D) S-307, State Capitol, Salem, 97310 752-5395(h) 737-2334(o) 986-1718(c)</p>
<p>HARTUNG, Tom 13975 NW Burton Rd., Portland, 97229 Dist. 3 (R) S-212, State Capitol, Salem, 97310 645-2114(h) 986-1703(c)</p>	<p>WALDEN, Greg 1504 W. Sherman St., Hood River, 97031 Dist. 28 (R) S-216, State Capitol, Salem, 97310 386-1511(h) 986-1728(c)</p>
<p>JOHNSON, Rod 4350 Roberts Mountain Rd., Myrtle Creek, 97457 Dist. 23 (R) S-214, State Capitol, Salem, 97310 672-0231(h) 863-3414(o) 986-1723(c)</p>	<p>YIH, Mac 34465 Yih Lane NE, Albany, 97321 Dist. 19 (D) S-302, State Capitol, Salem, 97310 327-2666(h) 986-1719(c)</p>

1995 HOUSE MEMBERS

ADAMS, Ron Dist. 27 (R)	1494 Braemar Dr., West Linn, 97068 H-479, State Capitol, Salem, 97310 636-6194(h) 986-1427(c)	GRISHAM, Jerry Dist. 23 (R)	PO Box 406, Beaver Creek, 97004 H-285, State Capitol, Salem, 97310 632-4254(h) 632-3878(o) 986-1423(c)
BAUM, Ray Dist. 58 (R)	PO Box 2902, LaGrande, 97850 H-295, State Capitol, Salem, 97310 963-4138(h) 986-1400(c)	HAYDEN, Cedric Dist. 28 (R)	PO Box 358, Lyons, 97358 H-480, State Capitol, Salem, 97310 394-2838(h) 986-1428(c)
BEYER, Lee Dist. 42 (D)	1439 Lawnridge, Springfield, 97471 H-486, State Capitol, Salem, 97310 726-2533(h) 986-1442(c)	JOHNSON, Eldon Dist. 51 (R)	650 Ross Lane, Central Point, 97502 H-392, State Capitol, Salem, 97310 772-2536(h) 986-1451(c)
BRIAN, Tom Dist. 9 (R)	7630 SW Fir, Tigard, 97223 H-470, State Capitol, Salem, 97310 639-1182(h) 986-1409(c)	JOHNSTON, Bryan Dist. 31 (D)	2218 Treemont Court S., Salem, OR 97302 H-284, State Capitol, Salem, 97310 772-2536(h) 986-1431(c)
BROWN, Kate Dist. 13 (D)	PO Box 82699, Portland, 97282 H-288, State Capitol, Salem, 97310 777-6274(h) 222-2510(o) 986-1413(c)	JONES, Denny Dist. 60 (R)	1461 NW Third Ave., Ontario, 97914 H-380, State Capitol, Salem, 97310 889-8348(h) 986-1460(c)
CARPENTER, Chuck Dist. 7 (R)	1075 SW Murray Rd. #315, Portland, 97229 H-493, State Capitol, Salem, 97310 646-9211(h) 671-2779(o) 986-1407(c)	JOSI, Tim Dist. 2 (D)	6740 Base Line Rd., Bay City, 97107 H-491, State Capitol, Salem, 97310 377-2111(h) 377-2111(o) 986-1402(c)
CARTER, Margaret Dist. 18 (D)	2948 NE 10th Ave., Portland, 97212 H-478, State Capitol, Salem, 97310 282-1585(h) 244-6111(o) 986-1418(c)	LEHMAN, Mike Dist. 47 (D)	590 Commercial, Coos Bay, 97420 H-383, State Capitol, Salem, 97310 888-2150(h) 267-2214(o) 986-1447(c)
CLARNO, Beverly Dist. 55 (R)	25325 Dodds Rd., Bend, 97701 H-269, State Capitol, Salem, 97310 986-1400(o) 986-1200(c)	LEWIS, Leslie Dist. 29 (R)	PO Box 408, Newberg, 97132 H-278, State Capitol, Salem, 97310 537-0340(o) 986-1429(c)
CORCORAN, Tony Dist. 44 (D)	34475 Kizer Cr. Rd., Cottage Grove, 97424 H-365, State Capitol, Salem, 97310 942-1213(h) 342-1055(o) 986-1444(c)	LOKAN, Jane Dist. 25 (R)	5317 SE El Centro Way, Milwaukie, 97267 H-474, State Capitol, Salem, 97310 654-9691(h) 986-1425(c)
COURTNEY, Peter Dist. 33 (D)	2925 Island View Dr. NE, Salem, 97303 H-395, State Capitol, Salem, 97310 585-7449(h) 838-8494(o) 986-1900(c)	LUKE, Dennis Dist. 54 (R)	PO Box 9096, Bend, 97708 H-287, State Capitol, Salem, 97310 389-5877(h) 986-1454(c)
EIGHMEY, George Dist. 14 (D)	1423 SE Hawthorne Blvd., Portland, 97214 H-371, State Capitol, Salem, 97310 233-9313(h) 231-9970(o) 986-1414(c)	LUNDQUIST, Lynn Dist. 59 (R)	PO Box 8, Powell Butte, 97753 H-385, State Capitol, Salem, 97310 548-1215(h) 986-1459(c)
FAHEY, Mike Dist. 17 (D)	6817 N. Armour St., Portland, 97203 H-364, State Capitol, Salem, 97310 286-1898(h) 283-6998(o) 986-1417(c)	MANNIX, Kevin Dist. 32 (D)	2003 State St., Salem, 97301 H-378, State Capitol, Salem, 97310 371-8145(h) 364-1913(o) 986-1432(c)
FEDERICI, Tony Dist. 1 (D)	59946 Sunrise Dr., St. Helens, 97051 H-485, State Capitol, Salem, 97310 397-2098(h) 397-2482(o) 986-1401(c)	MARKHAM, Bill Dist. 46 (R)	PO Box 300, Riddle, 97469 H-484, State Capitol, Salem, 97310 874-2834(h) 986-1446(c)
FISHER, Bill Dist. 45 (R)	268 Akin Lane, Roseburg, 97470 H-276, State Capitol, Salem, 97310 672-1908(h) 986-1445(c)	MEEK, John Dist. 5 (R)	32620 SW Bridges St., Hillsboro, 97123 H-475, State Capitol, Salem, 97310 640-1017(h) 648-6664(o) 986-1405(c)
GORDLY, Avel Dist. 19 (D)	1915 NE 16th, #13, Portland, 97212 H-279, State Capitol, Salem, 97310 288-0837(h) 288-0837(o) 986-1419(c)	MILNE, Patti Dist. 38 (R)	2330 Miller Farm Rd., Woodburn, 97071 H-283, State Capitol, Salem, 97310 982-6097(h) 986-1438(c)

MINNIS, John Dist. 20 (R)	23765 NE Holladay, Wood Village, 97060 H-374, State Capitol, Salem, 97310 667-6068(h) 986-1420(c)	SHIELDS, Frank Dist. 16 (D)	10932 SE Salmon, Portland, 97216 H-487, State Capitol, Salem, 97310 252-5956 (h) 235-8726(o) 986-1416(c)
MONTGOMERY, Bob Dist. 56 (R)	PO Box 65, Cascade Locks, 97014 H-381, State Capitol, Salem, 97310 374-8690(h) 986-1456(c)	SNODGRASS, Lynn Dist. 10 (D)	12995 SE Hacienda Dr., Boring, 97009 H-473, State Capitol, Salem, 973102 658-8124(h) 658-4223 (o) 986-1410(c)
NAITO, Lisa Dist. 15 (D)	3505 SW Ankeny, Portland, 97214 H-488, State Capitol, Salem, 97310 234-1305(h) 239-4347(o) 986-1415(c)	SOWA, Larry Dist. 26 (D)	18438 S. Holly Lane, Oregon City, 97045 H-293, State Capitol, Salem, 97310 655-4543(h) 657-4753(o) 986-1426(c)
NORRIS, Chuck Dist. 57(R)	PO Box 121, Hermiston, 97838 H-277, State Capitol, Salem, 97310 567-8638(h) 986-1457(c)	STARR, Charles Dist. 3 (R)	8330 SW River Rd., Hillsboro, 97123 H-388, State Capitol, Salem, 97310 642-2024(h) 986-1403(c)
OAKLEY, Carolyn Dist. 36 (R)	3197 Crest Loop NW, Albany, 97321 H-495, State Capitol, Salem, 97310 928-7745(h) 986-1436(c)	STROBECK, Ken Dist. 6 (R)	PO Box 6690, Beaverton, 97007 H-472, State Capitol, Salem, 97310 645-2323(h) 986-1406(c)
PARKS, Del Dist. 53 (R)	228 N. Seventh, Klamath Falls, 97601 H-280, State Capitol, Salem, 97310 882-6331(h) 986-1453(c)	TARNO, Veral Dist. 48 (R)	310 East 1st, Coquille, 97423 H-286, State Capitol, Salem, 97310 396-6965(h) 986-1448(c)
PIERCY, Kitty Dist. 39 (D)	1371 West 4th, Eugene, 97402 H-369, State Capitol, Salem, 97310 484-9720(h) 986-1439(c)	THOMPSON, Terry Dist. 4 (D)	5123 NW Agate Way, Newport, 97365 H-384, State Capitol, Salem, 97310 265-6810(h) 265-6810(o) 986-1404(c)
PROZANSKI, Floyd Dist. 40 (D)	PO Box 11511, Eugene, 97440 H-471, State Capitol, Salem, 97310 342-2447(h) 687-4072(o) 986-1440(c)	TIERNAN, Bob Dist. 24 (R)	415 N. State St., Lake Oswego, 97034 H-292, State Capitol, Salem, 97310 697-7266(h) 986-1424(c)
QUTUB, Eileen Dist. 8 (R)	11135 SW Partridge Loop, Beaverton, 97007 H-373, State Capitol, Salem, 97310 579-3165(h) 986-1408(c)	UHERBELAU, Judith Dist. 52 (D)	69 Manzanita #2, Ashland, 97520 H-368, State Capitol, Salem, 97310 488-2569(h) 428-2621 986-1452(c)
RASMUSSEN, Anitra Dist. 11 (D)	3844 SW Jerald Way, Portland, 97221 H-367, State Capitol, Salem, 97310 223-2374(h) 223-2374(o) 986-1411(c)	VANLEEuwEN, Liz Dist. 37 (R)	27070 Irish Bend Loop, Halsey, 97348 H-291, State Capitol, Salem, 97310 369-2544(h) 986-1437(c)
REPINE, Bob Dist. 49 (R)	PO Box 1195, Grants Pass, 97526 H-496, State Capitol, Salem, 97310 476-1081(h) 986-1449(c)	WATT, John Dist. 50 (R)	PO Box 4661, Medford, 97051 H-377, State Capitol, Salem, 97310 773-8832(h) 986-1450(c)
ROBERTS, Lonnie Dist. 21 (D)	15815 SE Mill, Portland, 97223 H-481, State Capitol, Salem, 97310 255-9887(h) 256-7313(o) 986-1421(c)	WELLS, Larry Dist. 30 (R)	3080 Jeff-Scio Dr. SE, Jefferson, 97352 H-372, State Capitol, Salem, 97310 327-2469(h) 327-2469(o) 986-1430(c)
ROSS, Barbara Dist. 35 (D)	4175 NE Morning Dr., Corvallis, 97333 H-366, State Capitol, Salem, 97310 752-3605(h) 752-3605(o) 986-1435(c)	WESLH, Jim Dist. 43 (R)	90050 Killian Lane, Elmira, 97437 H-382, State Capitol, Salem, 97310 935-6503(h) 986-1443(c)
SCHOON, John Dist. 34 (R)	7090 Zena Rd., Rickreall, 97371 H-389, State Capitol, Salem, 97310 835-5301(h) 986-1434(c)	WOOTEN, Cynthia Dist. 41 (D)	PO Box 1756, Eugene, 97440 H-492, State Capitol, Salem, 97310 485-3366(h) 465-9684(o) 986-1441(c)
SHIBLEY, Gail Dist. 12 (D)	PO Box 6805, Portland, 97228 H-386, State Capitol, Salem, 97310 248-4568(h) 248-4568(o) 986-1412(c)	WYLIE, Sharon Dist. 22 (D)	1265 SE Roberts, Gresham, 97080 H-393, State Capitol, Salem, 97310 666-1859(h) 666-1859(o) 986-1422(c)



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

CORRECTED PINK SHEET
(3/6/92)

DATE: January 13, 1992
TO: Metro Council
Executive Officer
Interested Staff
FROM: Paulette Allen, Clerk of the Council
RE: COUNCIL ACTIONS OF JANUARY 9, 1992 (REGULAR MEETING)

COUNCILORS PRESENT: Presiding Officer Jim Gardner, Deputy Presiding Officer Judy Wyers, Roger Buchanan, Tanya Collier, Richard Devlin, Tom DeJardin, Sandi Hansen, David Knowles, Ruth McFarland, Susan McLain and George Van Bergen. COUNCILORS ABSENT: Larry Bauer.

AGENDA ITEM

ACTION TAKEN

1. ELECTION OF COUNCIL PRESIDING OFFICER

The Council elected Councilor Jim Gardner to serve as Presiding Officer for calendar year 1992 (9/0 vote). Presiding Officer Gardner appointed Councilor Judy Wyers to serve as Deputy Presiding Officer for calendar year 1992.

2. NON-REFERRED RESOLUTIONS

2.1 Resolution No. 92-1553, For the Purpose of Reorganizing Council Standing Committees, Making Appointments for 1992 and Setting Meeting Schedules

Adopted (Buchanan/Devlin; 9/0 vote). (Note: Committee schedules will be issued to all departments when committee starting times have been finalized; for further information contact pertinent Council committee staff.)

2.2 Resolution No. 92-1541, For the Purpose of Confirming the Reappointment of Ron Kawamoto to the Metropolitan Exposition-Recreation Commission

Adopted (Knowles/Wyers; 9/0 vote).

(Continued)

2. NON-REFERRED RESOLUTIONS (Continued)

- 2.3 92-1554, For the Purpose of Expressing Appreciation to David Knowles for Services Rendered to the Council of the Metropolitan Service District Adopted (Wyers/Knowles; 9-0 vote).

3. INTRODUCTIONS

None.

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

None.

6. ORDINANCES, FIRST READINGS

- 6.1 Ordinance No. 92-446, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding One Full Time FTE Lead Accounting Clerk in the Finance and Management Information Department for PERS Administration Referred to the Finance Committee for consideration.
- 6.2 Ordinance No. 92-447, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Recognizing New Grants and Authorizing Six New Positions in the Transportation Department Referred to the Finance Committee for consideration.
- 6.3 Ordinance No. 92-441, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 91-1: Dammasch Ethan Seltzer, Regional Planning Supervisor, gave staff's report. Ordinance No. 92-441 has been tentatively scheduled for final Council consideration on January 23, 1992.

7. RESOLUTIONS

- 7.1 Resolution No. 92-1543A, For the Purpose of Establishing a Procedure for Metro Service District Response to Positions of Governance Under Consideration or Endorsed by the Metropolitan Service District Charter Committee Adopted (Devlin/Collier; 10-1 vote; Councilor Buchanan voted nay).

(Continued)

7. RESOLUTIONS (Continued)

- 7.2 Resolution No. 92-1546, For the Purpose of Adopted (McFarland/Wyers;
Authorizing Issuance of a Request for Bids 11-0 vote).
for the Construction of an Improved Cover
System, Gas Collection System, and
Stormwater Collection System on a Portion
of St. Johns Landfill
- 7.3 Resolution No. 92-1548, For the Purpose of Adopted (McLain/Wyers; 11-
Approving a Contract with Western 0 vote).
Compliance Services, Inc., to Transport,
Recycle, Treat, and Disposal of Wastes
Collected at Metro's Permanent Household
Hazardous Waste Collection Facilities

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

- 1) The Council discussed transmission of Resolution No. 92-1543A to the Charter Committee; 2) The Council discussed Riedel's default on bonds issued to construct the Composter Facility and asked General Counsel Cooper about same; and 3) The Council discussed other matters related to possible litigation.