

A G E N D A

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METRO

MEETING: METRO COUNCIL REGULAR MEETING
DATE: March 16, 1995
DAY: Thursday
TIME: 2:00 p.m.
PLACE: Council Chamber

<u>Approx. Time *</u>		<u>Presenter</u>	<u>Lead Councilor</u>
2:00 PM	CALL TO ORDER AND ROLL CALL		
(5 min.)	1. INTRODUCTIONS		
(5 min.)	2. CITIZEN COMMUNICATIONS		
(5 min.)	3. EXECUTIVE OFFICER COMMUNICATIONS		
	4. CONSENT AGENDA		
2:15 PM (5 min.)	4.1 Consideration of Minutes of the March 9, 1995 Council Meeting.		
	5. ORDINANCES SECOND READINGS		
2:20 PM (10 min.)	5.1 Ordinance No. 95-588 , An Ordinance Amending The FY 1994-95 Budget And Appropriations Schedule To Reflect A Grant Received By Metro Washington Park Zoo, And Declaring An Emergency.		Washington
2:30 PM (10 min.)	5.2 Ordinance No. 95-594 , An Ordinance For The Purpose Of Revising Metro Code Chapter 2.02, Personnel Rules For Non-Represented Employees.		McFarland
	6. CONTRACT REVIEW BOARD		
2:40 PM (45 Min.)	6.1 Hearing: Appeal by Tri-State Construction, Inc. of Award to L & H Grading, Inc., of Contract for Closure of Sub-Areas 4 & 5 Contract Award Item.		
	7. RESOLUTIONS		

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

Approx.
Time *Presenter

3:25 PM (10 Min.)	7.1	Resolution No. 95-2106 , For The Purpose of Authorizing The Executive Officer To Enter Into A Contract With L & H Grading, Inc. For Work Associated With The Closure Of Sub-Areas 4 & 5 of The St. Johns Landfill.	Burton Watkins	Kvistad
3:35 PM (10 Min.)	7.2	Resolution No. 95-2102 , For The Purpose of Approving The FY 1996 Unified Work Program.	Cotugno	Monroe
3:45 PM (2 Min.)	7.3	Resolution No. 95-2103 , For The Purpose of Certifying That The Portland Metropolitan Area Is In Compliance With Federal Transportation Planning Requirements.	Cotugno	Monroe
3:47 PM (10 Min.)	7.4	Resolution No. 95-2109 , For The Purpose of Authorizing The Release Of A Request For Proposals (RFP) And The Execution Of A Multi-Year Contract For Management Of The Boat Concession At Blue Lake Park.	Ciecko	McCaig
3:57 PM (10 Min.)	7.5	Resolution No. 95-2108 , For The Purpose of Authorizing The Release Of A Request For Proposals (RFP) And The Execution Of A Multi-Year Contract For Management Of The Food Concession At Blue Lake Park.	Ciecko	McCaig
4:10 PM (10 Min.)	7.6	Resolution No. 95-2089 , For The Purpose Of Amending The Transportation Policy Alternatives Committee (TPAC) Bylaws.	Cotugno	Monroe
4:20 PM (10 Min.)	7.7	Resolution No. 95-2114 , For The Purpose Of Amending Resolution 95-2070, Relating To Meeting Times Of The Metro Council.		McFarland
	8.	INFORMATIONAL ITEMS		
4:30 PM (15 Min.)	8.1	Report Regarding Envirocorps Work At Metro	Thompson	Washington
4:45 PM (10 min.)	9.	COUNCILOR COMMUNICATIONS		
4:55 PM (10 min.)	10.	LEGISLATIVE ITEMS		
5:05 PM		ADJOURN		

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

**Minutes of the Metro Council
March 9, 1995
Council Chamber**

Councilors Present: Ruth McFarland (Presiding Officer), Rod Monroe (Deputy Presiding Officer), Jon Kvistad, Patricia McCaig, Susan McLain, Don Morissette, Ed Washington

Presiding Officer McFarland called the meeting to order at 2:05 p.m.

1. Introductions

None.

2. Citizen Communications

None.

3. Executive Officer Communications

None.

4. Consent Agenda

4.1 Consideration of Minutes for the February 28, 1995 Work Session meeting and March 1, 1995 Metro Council Meeting

Motion: Councilor Kvistad moved, seconded by Councilor Monroe to approved Minutes.

Vote: All those present voted aye. The vote was unanimous and the motion passed.

5. ORDINANCES FIRST READINGS

5.1 Ordinance No. 95-588, An Ordinance Amending The FY 1994-95 Budget And Appropriations Schedule To Reflect A Grant Received By Metro Washington Park Zoo, And Declaring An Emergency

Councilor Washington noted the grant would study the effects of the noise from tunnel blasting on zoo animals.

5.2 Ordinance No. 95-594, An Ordinance For The Purpose Of Revising Metro Code Chapter 2.02, Personnel Rules For Non-Represented Employees

John Houser, Senior Council Analyst, presented the staff report. He noted the purpose was to provide limitations to the educational benefits for non-represented employees. He said the intent was to clarify the existing rules and provide guidelines for management in granting educational benefits.

Presiding Officer McFarland opened the public meeting. She noted she would not take public testimony from any represented employees due to collective bargaining.

Councilor McLain asked if the classes addressed courses mandated by Metro. Paula Paris, Personnel Director, stated the coursework in question was for non-mandated, job related coursework.

Debbie Gorham, Waste Reduction Manager, appeared to testify. She noted she supervised employees taking advantage of the educational program. She distributed and summarized tuition rates and benefits of other jurisdictions, a copy of which is included in the record of this meeting. The handout summarized other jurisdictions' policy and provided accurate tuition rates for Portland State University (\$128 per credit hour for undergraduates and \$213 per credit hour for graduates). She asked for Council consideration of the significant cost of education in the establishing of a limit on educational reimbursement.

Ms. Paris stated she contacted the registrars office at Portland State University for cost of courses. She stated a graduate level course cost from \$69 to \$153. Councilor Monroe noted the prices sounded very low and he requested figures for community colleges and local universities. He called for breakdowns for graduate and undergraduate costs. Presiding Officer McFarland requested from Ms Paris figures in writing from the area institutions.

Councilor Washington requested cost break information for full-time students also.

Councilor Morissette asked what the current policy was with regard to educational benefits. Ms. Paris stated the non-represented code was changed about a year ago to reflect the coursework needed to be related to the position. She noted the issue was a mandatory subject to bargaining issue. She noted they did not bargain anything with represented employees on this issue. Ms. Paris stated there was money in the budget for educational reimbursement and it varied by department. Councilor Morissette called for examination of how the money was spent and the benefit Metro received. Mr. Houser noted the funds needed to be budgeted prior to expenditure. Councilor Morissette requested information on funds available in the budget for educational benefits.

Councilor Washington requested written information from other jurisdictions and private companies to compare benefits.

6. INFORMATIONAL ITEMS

6.1 Presentation of Feasibility Study For Peninsula Crossing Trail (40 Mile Loop).

Councilor McLain introduced David Evans and Associates. Bob Akers, 40 Mile Acres Land Trust Director, presented information on the trails. He presented the feasibility study, a copy of which is included in the record of this meeting. Mel Stout, David Evans and Associates, was present to discuss the feasibility study. Jim Sebert, David Evans and Associates presented a slide show. Councilor Monroe spoke to a desire to have crossing alternatives for the higher speed bicyclists.

Mel Huie, Senior Regional Planner, noted the trail was significant to the region, coordinated with many jurisdictions and was multi-modal.

Presiding Officer McFarland thanked former Councilor Sandi Hansen, Barbara Walker, Dorethea Lynch, and Ernie Drapella for their assistance on the project.

6.2 Report on American Legion Convention cancellation

Councilor Washington discussed the withdrawal of the American Legion Convention from the Portland area.

Jeff Blosser, OCC Manager, introduced Gary Grimmer, P/OVA Executive Director. Mr. Grimmer expressed his disappointment that the American Legion withdrew. He stated the Sunday, March 5, 1995 Oregonian article was a fairly accurate account of the events, a copy of which is included in the record of this meeting. He stated he disagreed with the understanding of the Legion's position. He noted with a convention of this size, it was surprising that the hotel room blocks had not been secured. Mr. Grimmer noted the \$40,000 issue was resolved in October 1994. He said the Legion was still considered a client and would continue to be considered a client.

Councilor McCaig asked what P/OVA did to assist the Legion in meeting the timelines. Mr. Grimmer responded by stating he had reviewed the file and found that P/OVA had responded appropriately. Tim Estes, Vice Chair P/OVA, concurred with the review of the Legion file. He noted very little was done in writing and the majority of business was conducted orally. Councilor McCaig questioned why more

wasn't required in writing. Mr. Grimmer stated the situation was nearly unprecedented. Mr. Estes noted the hospitality business does not always enforce the requirements of a written contract and very few penalties were included in the contracts.

Councilor Morissette suggested improving procedures to reduce the chance of repeating the situation. He called for continued effort to locate the Legion's convention in Portland.

Councilor Washington suggested decision makers be identified early in the process. Mr. Grimmer stated he was aware of the decision makers. He discussed the booking process for a convention.

Phil Peach, Oregon Lodging Association, discussed his surprise at the cancellation of the convention. He urged a thorough review of the situation.

Mr. Grimmer noted the hotels had been asked to hold the rooms through March 17, 1995 in the event the Legion were to change it's mind again. Mr. Blosser noted the OCC was reserved until that date, noting the OCC was historically underutilized on Labor Day.

Councilor Washington called for Metro involvement in the review of the P/OVA file.

8. LEGISLATIVE ITEMS

Merrie Waylett, Office of Government and Public Affairs, reported that the Metro Boundary Commission Bill was currently dead in the Legislature. She discussed the situation with the Metro Boundary Commission. She noted Metro would still need to conduct a study and submit findings and recommendations to the 1997 Legislature. She said the Commission will consist of 7 members until that time. Presiding Officer McFarland noted MPAC had agreed to participate in the study. Councilor McLain note MPAC would continue to discuss the study and the role of MPAC related to the issue of the Boundary Commission.

Councilor Monroe noted the functions of the Boundary Commission and how Metro might accomplish those mandates should be examined.

Councilor McLain noted important transportation and land use votes would be made next week at the Legislature. She called for other Councilors to assist in contacting Legislators.

7. COUNCILOR COMMUNICATIONS

Councilor McLain updated the Council on the activities of the March 8, 1995 MPAC meeting. She noted she had some issues that could have been placed on the canceled March 14, 1995 Work Session. She asked that in the future Councilors be asked if they have items to be discussed when the agenda is short or scheduled to be canceled.

With no further business before the Council, Presiding Officer adjourned the meeting at 4:25 p.m.

Prepared by,

Susan Lee, CMC
Council Assistant

AGENDA ITEM 5.1
Meeting Date: March 16, 1995

Ordinance No. 95-588

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 95-588 AMENDING THE FY 1994-95 BUDGET AND APPROPRIATIONS SCHEDULE TO REFLECT GRANT EXPENDITURES TO STUDY THE IMPACT OF CONSTRUCTION NOISE ON THE ANIMALS AT THE ZOO; AND DECLARING AN EMERGENCY

Date: February 22, 1995

Presented by: Kathy Kiaunis

FACTUAL BACKGROUND AND ANALYSIS

An adjustment to the Zoo Operating Fund is requested to reflect the receipt of a grant to study the effects of noise and vibration on zoo animals caused by the light rail construction.

Changes in Tri-Met's construction plans for the light rail tunnel include top-down excavation of the shafts in the Washington Park parking lot. The revised construction plan will generate more noise and vibration from the blasting of the rock. The proximity of this activity to the zoo and its animal inhabitants raised concerns as to the well being of the animals since little research or information is available on this topic. The zoo proposed a systematic and analytical study of the impact of construction noise on the animals. Tri-Met approved the grant proposal for an amount not to exceed \$60,000. The time period of the study is December 1994 through December 1995.

Expenditures for the grant include temporary help for data collection, urine, blood and fecal assays, an acoustical consultant, interpretives, and two closed circuit television systems. FY 1994-95 expenditures will total \$47,884. Although the FY 1994-95 amount is requested from contingency, grant funds will offset the costs. The balance of the study will be completed in FY 1995-96, also reimbursed by the grant.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 95-588.

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1994-95)	ORDINANCE NO. 95-588
BUDGET AND APPROPRIATIONS)	
SCHEDULE TO REFLECT GRANT)	Introduced by Mike Burton
EXPENDITURES TO STUDY THE IMPACT OF)	Executive Officer
CONSTRUCTION NOISE ON THE ANIMALS)	
AT THE ZOO; AND DECLARING AN)	
EMERGENCY)	

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations with the FY 1994-95 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS;

1. That the FY 1994-95 Budget and Schedule of Appropriations are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$47,884 from the Zoo Operating Fund Contingency to various appropriation categories and authorizing .35 new FTE to study the impact of construction noise on the animals at the Zoo, and

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

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

ATTEST:

J. Ruth McFarland, Presiding Officer

Recording Secretary

Exhibit A
Ordinance No. 95-588

FISCAL YEAR 1994-95		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATING FUND:Animal Management							
<u>Personal Services</u>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Managers	1.00	57,809		0	1.00	57,809
	Program Supervisor	1.00	52,576		0	1.00	52,576
	Associate Service Supervisor	1.00	36,269		0	1.00	36,269
	Research Coordinator	1.00	50,110		0	1.00	50,110
	Veterinarian	2.00	91,496		0	2.00	91,496
	Assistant Research Coordinator	1.00	28,281		0	1.00	28,281
511135	WAGES-TEMPORARY EMPLOYEES (part time)						
	Program Assistant 2	0.50	12,775		0	0.50	12,775
	Administrative Support Asst - Secretary	0.50	11,076		0	0.50	11,076
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Support Assistant C	1.00	27,623		0	1.00	27,623
	Records Specialist	1.00	34,217		0	1.00	34,217
511225	WAGES-REGULAR EMPLOYEES (part time)						
	Management Intern	0.15	3,871		0	0.15	3,871
	Animal Hospital Attendant	1.00	19,335		0	1.00	19,335
	Program Assistant 1	0.65	15,507		0	0.65	15,507
	Administrative Assistant	0.50	12,526		0	0.50	12,526
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Management Intern		0	0.35	8,518	0.35	8,518
511321	REPRESENTED 483-REGULAR EMPLOYEES (full time)						
	Nutrition Technician	1.00	30,518		0	1.00	30,518
	Senior Animal Keeper	7.00	225,516		0	7.00	225,516
	Animal Keeper	26.00	796,012		0	26.00	796,012
511325	REPRESENTED 483-REGULAR EMPLOYEES (part time)						
	Animal Keeper-PT	1.50	45,776		0	1.50	45,776
511335	REPRESENTED 483-TEMPORARY EMPLOYEES (part time)						
	Animal Keeper	0.31	8,120		0	0.31	8,120
511400	OVERTIME		66,950		0		66,950
512000	FRINGE		662,450		937		663,387
Total Personal Services		48.11	2,288,813	0.35	9,455	48.46	2,298,268
<u>Materials & Services</u>							
521100	Office Supplies		990		0		990
521111	Computer Supplies		5,035		0		5,035
521230	Vet & Medical Supplies		76,000		6,176		82,176
521260	Printing Supplies		670		0		670
521270	Animal Food		217,330		0		217,330
521290	Other Supplies		62,660		3,407		66,067
521292	Small Tools		1,550		0		1,550
521310	Subscriptions & Publications		3,090		0		3,090
521320	Dues		3,790		0		3,790
524190	Misc. Professional Services		30,485		4,500		34,985
525640	M&R-Equipment(Contract/Agreement)		4,120		0		4,120
525710	Equipment Rental		2,775		0		2,775
526310	Printing Services		6,542		0		6,542
526500	Travel		46,958		0		46,958
526700	Temporary Help Services		8,892		0		8,892
526800	Training, Tuition, Conferences		2,600		0		2,600
526910	Uniform Supply & Cleaning		21,115		0		21,115
528100	License, Permits, Payments to Other Agencies		500		0		500
529500	Meetings		0		0		0
529700	Animal Purchases		23,000		0		23,000
Total Materials & Services			518,102		14,083		532,185

Exhibit B
Ordinance No. 95-588
FY 1994-95 SCHEDULE OF APPROPRIATIONS

	Current Appropriation	Revision	Proposed Appropriation
ZOO OPERATING FUND			
Administration			
Personal Services	768,193	0	768,193
Materials & Services	174,595	0	174,595
Capital Outlay	6,180	0	6,180
Subtotal	948,968	0	948,968
Animal Management			
Personal Services	2,288,813	9,455	2,298,268
Materials & Services	518,102	14,083	532,185
Capital Outlay	60,000	17,446	77,446
Subtotal	2,866,915	40,984	2,907,899
Facilities Management			
Personal Services	1,822,777	0	1,822,777
Materials & Services	1,401,501	0	1,401,501
Capital Outlay	169,740	0	169,740
Subtotal	3,394,018	0	3,394,018
Education Services			
Personal Services	644,673	0	644,673
Materials & Services	222,300	0	222,300
Capital Outlay	7,500	0	7,500
Subtotal	874,473	0	874,473
Marketing			
Personal Services	323,762	0	323,762
Materials & Services	667,784	0	667,784
Capital Outlay	4,650	0	4,650
Subtotal	996,196	0	996,196
Visitor Services			
Personal Services	1,565,076	0	1,565,076
Materials & Services	1,297,420	0	1,297,420
Capital Outlay	117,000	0	117,000
Subtotal	2,979,496	0	2,979,496
Design Services			
Personal Services	285,194	0	285,194
Materials & Services	152,199	6,900	159,099
Capital Outlay	199,500	0	199,500
Subtotal	636,893	6,900	643,793
General Expenses			
Interfund Transfers	1,356,276	0	1,356,276
Contingency	561,665	(47,884)	513,781
Subtotal	1,917,941	(47,884)	1,870,057
Unappropriated Balance	3,685,996	0	3,685,996
Total Fund Requirements	18,300,896	0	18,300,896

All Other Appropriations Remain As Previously Adopted

AGENDA ITEM 5.2
Meeting Date: March 16, 1995

Ordinance No. 95-594

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 95-594, FOR THE PURPOSE OF
REVISING METRO CODE CHAPTER 2.02, PERSONNEL RULES FOR NON-
REPRESENTED EMPLOYEES

Date: February 28, 1995

Presented by: John Houser

BACKGROUND: Historically, Metro has supported the desire of its employees to improve their job performance through the completion of additional academic coursework. This support has generally included providing tuition reimbursement for the completion of one or two courses that directly relate to the employee's work.

The Personnel Code revision adopted in June 1994 included an educational reimbursement policy for non-represented employees (Metro Code 2.02.210). Under this policy, an employee may receive some reimbursement for academic coursework if four conditions are met. These include: 1) prior approval by the department director, 2) the course is taken on the employee's own time, 3) the employee receives a grade of "C" or better, and 4) the employee is not receiving tuition reimbursement from another source. The amount of the reimbursement shall be at the discretion of the director, subject to budgetary limitations.

Ordinance 95-594 would provide a monetary cap on the amount of tuition reimbursement that could be received by a single employee in during one fiscal year. The cap would be \$200 per term for up to three terms in any one fiscal year with an annual cap of \$600 per employee.

FISCAL IMPACT: Metro has a limited amount of resources that can be devoted to providing academic opportunities for its employees. This ordinance will insure that these resources are made available to the largest number of employees possible within budgetary constraints. The cap would insure that employees could receive significant reimbursement while pursuing job-related coursework.

RECOMMENDATION: This ordinance is necessary to insure that Metro's educational reimbursement policies are consistent and equitable. The Presiding Officer recommends that Ordinance 95-594 be adopted.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REVISING
METRO CODE CHAPTER 2.02,
PERSONNEL RULES, FOR
NON-REPRESENTED EMPLOYEES

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ORDINANCE NO. 95-594

Introduced by J. Ruth McFarland,
Presiding Officer

THE METRO COUNCIL ORDAINS:

Section 1. Chapter 2.02, Personnel Rules, Section 2.02.210 is amended to read as follows:

2.02.210 Educational Training & Development Policy:

(a) Education and Development: All regular full-time employees, upon successful completion of the six (6) month initial probationary period, are encouraged to pursue educational opportunities or development programs which are directly related to the employee's work and which will enhance the employee's job-related skill level.

(1) A full-time employee who registers for courses which are judged to be of direct and significant benefit to Metro may receive some reimbursement, not to exceed \$200 per term for three terms in a fiscal year for a total not to exceed \$600 per fiscal year per employee, for expenses incurred by the employee while taking approved courses provided that:

(A) The course is submitted to the employee's Department Director for approval at least thirty (30) days prior to proposed enrollment, and the course is approved by the Department Director.

(B) The course is taken on the employee's own time.

(C) The amount of reimbursement is at the Department Director's discretion and is subject to departmental budgetary limitations and priorities.

(D) The employee receives a grade of "C" or better or a "pass" grade if the class is graded on a "Pass-Fail" basis. Metro will make reimbursement within thirty (30) days after proof of satisfactory completion of the course.

(E) The employee is not receiving reimbursement for tuition from other sources.

(2) In lieu of tuition reimbursement, the Department Director may approve time off with pay so an employee may attend courses or development programs which are directly related to the employee's current position and will result in improved job performance or skills.

(3) Normally, the cost of textbooks and technical publications required for such courses or development programs shall be the responsibility of the employee. However, the Department Director may elect to reimburse the employee for textbooks and publications for such courses. If the employee is reimbursed, the textbooks and publications shall be the property of Metro and shall be returned to the Department Director upon completion of the educational courses or development programs.

(b) Training: Metro may develop and implement its own training and development programs or may obtain and implement training and development programs to be conducted by person(s) other than Metro employees.

(1) The Department Director may temporarily change an employee's work assignment for a period not to exceed ninety (90) work days, without posting, so that such employee can participate in training and development provided.

(2) If an employee is required to participate in any training and development program, it shall be considered time worked for pay purposes. All tuition, texts, training materials, and other expenses incident to such required participation shall be assumed by the Department.

(3) If an employee desires to participate in any training and development program in which their participation is not required, time off to attend must be approved by the Department Director. All tuition, texts, training materials, and other expenses incident to such non-required participation shall be assumed by the employee, however, the Department Director may elect to reimburse the employee for textbooks and publications for such courses. If the employee is reimbursed, textbooks and publications shall be the property of Metro and shall be returned to the Department Director upon completion of the training or development program.

(4) Metro shall notify employees of available training and development programs provided by Metro.

Section 2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, and for the orderly administration of the FY95-96 budget process to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

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

J. Ruth McFarland, Presiding Officer

Attest:

Recording Secretary

AGENDA ITEM 6.1
Meeting Date: March 16, 1995

CONTRACT REVIEW BOARD

**METRO**

Date: March 6, 1995

To: Ruth McFarland, Presiding Officer

From: Todd Sadlo, Senior Assistant Counsel

Regarding: INFORMATION PACKET, TRI-STATE APPEAL OF BID AWARD TO
L&H GRADING, INC., CONTRACT FOR CLOSURE OF SUB-AREAS
4 & 5, ST. JOHNS LANDFILL

The following set of information is related to the above referenced appeal that will be heard by the Metro Council, sitting as the Metro Contract Review Board, on March 16, 1995. At that time Tri-State Construction, Inc. will have an opportunity to be heard, and Solid Waste Department staff and the Office of General Counsel will present information and be available to answer questions. The Executive Officer's decision was to reject the Tri-State bid and award the contract to L & H Grading, Inc..

Following the hearing, there should be a motion to accept or reject the Tri-State appeal. If you reject the appeal, there is a resolution on the agenda to award the contract to L & H Grading, Inc.. If you accept the appeal, you can adopt a resolution to authorize the Executive Officer to award the contract to Tri-State, or adopt no resolution and recommend issuance of a new Request For Bids. Here is a timeline showing the major events that led to this appeal:

January 27, 1995	Bids were opened for closure of sub-areas 4 & 5, St. Johns Landfill
February 10, 1995	Notice of Award to L & H Grading, Inc., stating that the Tri-State bid was being rejected
February 17, 1995	Tri-State appeals award to the Executive Officer, under Metro Code section 2.04.031(b), by letter from Attorney Joseph A. Yazbeck, Jr. to Rich Wiley, Metro Procurement Officer
February 23, 1995	Executive Officer rejects Tri-State Appeal, by letter to Joseph A. Yazbeck, Jr.

Ruth McFarland, Presiding Officer
March 6, 1995
Page 2

February 28, 1995

Tri-State appeals Executive Officer's decision to the Metro Contract Review Board, by letter from Joseph A. Yazbeck, Jr. to Contract Review Board.

March 6, 1995

Memo from Office of General Counsel to Contract Review Board, addressing issues raised by Tri-State's attorney.

The Bid documents are available for your review in the Office of General Counsel, and John Houser of your staff has a copy. If you need any other materials related to this matter, please let me know.

rpj
1411



METRO

February 10, 1995

Jim Beck
L & H Grading
P. O. Box 9220
Salem, OR 97305

RE: Notice of Award for the Closure of Sub-areas 4 & 5 at the St. Johns Landfill

Dear Mr. Beck:

This letter is to inform you that Metro intends to award a contract to L & H Grading, Inc., to close Subareas 4 & 5 at the St. Johns Landfill. Award of this contract is contingent upon approval by the Metro Council, receiving a signed Construction Agreement from L & H Grading, Inc., Metro's receipt and acceptance of a Performance Bond, Labor and Materials Bond and insurance certificates.

When bids were opened on January 27, 1995, Tri-State Construction, Inc., was the apparent low bidder. However, Tri-State's bid has been rejected as non-responsive, because it was "obviously unbalanced." (see Contract Documents Section 00110, "Instructions to Bidders," Subsection 6, paragraph 2, page 00110-4). L & H Grading, Inc.'s, bid has been deemed the lowest responsive bid received.

Time is of the essence with regard to this matter. We anticipate Metro Council review and award on March 16, 1995. Appeal of the decision set forth in this letter must be filed within five (5) working days of the postmark of this letter. Please call Rich Wiley at 797-1713, if you have any questions regarding this matter.

Sincerely,

Bob Martin
Solid Waste Director

BM:ay

S:\SHARE\EHINSJ4&5\BID\NOTAWARD.PF

ALLEN, YAZBECK & O'HALLORAN

A Professional Corporation
Attorneys at Law

F. Gordon Allen •
Joseph A. Yazbeck, Jr. •
Robert L. O'Halloran

• Also admitted in Illinois
• Also admitted in Texas

1650 SECURITY PACIFIC PLAZA
1001 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204-1132
Telephone: (503) 227-2242
Facsimile: (503) 227-2669

Jeffrey K. Hanson •
Tamara H. Lesh •

• Also admitted in Washington
• Also admitted in New York

February 13, 1995

Via Facsimile and Regular Mail

Mr. Rich Wiley
METRO
600 N.E. Grand Avenue
Portland, Oregon 97232

Re: Project : St. Johns Landfill
Closure of Subareas 4 & 5
Request For Bid No. : 94B-32-SW
Our Client : Tri-State Construction, Inc.
Our File No. : 2624.04

Dear Mr. Wiley:

We are counsel for Tri-State Construction, Inc. ("Tri-State") and have been retained to represent it with respect to its protest of any award of the above referenced project to any entity other than Tri-State.

1. Period for Timely Protest:

Pursuant to Mr. Bob Martin's February 10, 1995 letter, Tri-State's letter of protest must be filed within five (5) working days of February 10, 1995. As METRO's offices were closed today, and we were therefore unable to obtain the documents requested below, we understand that the calculation of working days will not commence until METRO re-opens for business. If my understanding is in error, please notify me as soon as possible.

2. Public Records Request:

I understand that Tri-State has previously requested the bid abstract from the January 27, 1995 bid opening on the above referenced matter, but has not yet been provided with that document. Pursuant to Oregon's Public Records Act, specifically ORS 192.410 et. seq., demand is hereby made to allow inspection and copying of the previously requested bid abstract from the January 27, 1995 bid opening on Request For Bid No. 94B-32-SW. In addition, Tri-State also requests the right to inspect and copy METRO's bid protest procedures and/or regulations. All reasonable

FEB-16-95 THU 16:50

ALLEN, YAZBECK, ET AL.

FAX NO. 503 227 2669

P. 03/03

Mr. Rich Wiley
February 13, 1995
Page 2

search and copy costs will be promptly paid by this office. Given the short period of time within which to file Tri-State's letter of protest, we request that we be permitted to send someone to review the requested documents tomorrow afternoon, February 14, 1995.

3. Basis for Rejection of Tri-State:

Mr. Bob Martin's February 10, 1995 letter states "Tri-State's bid has been rejected as non-responsive, because it was 'obviously unbalanced.'" I would appreciate it if you could provide this office with specific reference to the bid item(s) wherein METRO determined that Tri-State's bid was "obviously unbalanced." In addition, I would further request the name(s) of the individual or individuals who made that determination.

I appreciate your anticipated cooperation with the foregoing requests and want to assure you that our letter of protest on behalf of Tri-State will be filed prior to the expiration of five (5) working days following February 10, 1995. In the meantime, if you have any questions or need any clarification as to our requests, please contact me or my associate, Jeff Hanson.

Very truly yours,


Joseph A. Yazbeck, Jr.

cc: Tri-State Construction, Inc.
Att: Paul Noble (Via Facsimile)
Mike Kasberger (Via Facsimile)

ALLEN, YAZBECK & O'HALLORAN

A Professional Corporation
Attorneys at Law

1650 SECURITY PACIFIC PLAZA
1001 S.W. FIFTH AVENUE
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February 17, 1995

Rich Wiley
Procurement Officer
METRO
600 N.E. Grand Avenue
Portland, Oregon 97232

Re: Project	:	St. Johns Landfill
		Closure of Subareas 4 & 5
Request For Bid No.	:	94B-32-SW
Our Client	:	Tri-State Construction, Inc.
Our File No.	:	2624.04

Dear Mr. Wiley:

As you know, we are counsel for Tri-State Construction, Inc. ("Tri-State"). Pursuant to Section 2.04.031(b)(1) of the METRO Code, Tri-State hereby appeals METRO's proposed award of the contract on the above-referenced project to L & H Grading, Inc ("L & H Grading").

Tri-State is the apparent low bidder on this project. Its total bid, in the amount of \$6,755,550, is more than a quarter of a million dollars lower than the second low bid of L & H Grading, which was in the amount of \$7,008,620. Under ORS 279.023, "[i]t is the policy of the State of Oregon that public agencies shall make every effort to construct public improvements at the least cost to the public agency." METRO's proposed award of the contract on this project to L & H Grading clearly contravenes that policy. As discussed more fully below, an award to Tri-State is the only award that will serve the public interest.

While it is true that the bids on items 7 and 8 are unbalanced and that the item 14 unit price is higher than the other bidders' prices, this fact is immaterial to an analysis of the bids. The reason for this is that if you take the sum of all three of these items for Tri-State, it is \$2,157,000 and for L&H the sum is \$2,125,000. This means that on these three items Tri-State is only \$32,000 higher than L&H. Even if you take into account the \$32,000 on those three items, Tri-State's bid on the remainder of the items is \$285,070 lower than L&H's bid on the remainder of the items. Regardless of the machinations that the owner may imagine, there is a substantial cushion between Tri-State's bid and L&H's bid in the the total amount of \$253,070, even with the difference in the prices in items 7, 8 and 14. The difference between the bids consists of an addition of \$32,000 on items 7, 8 and 14; and of a subtraction of \$285,070 on the remaining items. Tri-State is the low bidder.

Background

By Notice of Award dated February 10, 1994, METRO advised Tri-State that it intends to award the contract on the project to L & H Grading because, even though Tri-State is the apparent low bidder, METRO has rejected its bid as "obviously unbalanced."

In rejecting Tri-State's bid, METRO relied on Section 00110, Subsection 6, paragraph 2 of the Contract Documents (page 00110-4), which states:

Any bid may be deemed non-responsive which contains omissions, erasures, alterations, or additions of any kind, or prices uncalled for, or in which any of the prices are obviously unbalanced, conditioned or which in any manner shall fail to conform to the conditions of the Contract Documents.

Tri-State submits that this contractual provision is contrary to law and that accordingly, METRO's rejection of Tri-State's bid on the basis of this provision was erroneous. Specifically, METRO erred in rejecting Tri-State's bid because (1) Tri-State was the lowest responsible bidder; and (2) Tri-State's bid was responsive even if it was obviously unbalanced.

Argument

1. Tri-State Should Receive Award Because It Was The Lowest Responsible Bidder.

As a public contracting agency, METRO must obey the mandate of ORS 279.029 and award its public improvement contracts to the lowest responsible bidder. The lowest responsible bidder is "the lowest bidder who has substantially complied with all prescribed public bidding procedures and requirements and who has not been disqualified by the public contracting agency under ORS 279.037. ORS 279.029(6)(a). METRO does not allege that Tri-State is not a responsible bidder. There is no allegation that Tri-State failed to substantially comply with any public bidding procedure or requirement or that it has been disqualified under ORS 279.037. Moreover, METRO acknowledges that Tri-State's bid was low. Therefore, as the lowest responsible bidder, Tri-State is entitled to award.

The opinion of the Supreme Court of Pennsylvania in Pearlman v. City of Pittsburgh, 304 Pa. 24, 155 A. 118 (Pa. 1931), is instructive on this issue. Like the Oregon statute, the Pennsylvania public bidding statute required that contracts be awarded to the lowest responsible bidder. Despite that statute, the City of Pittsburgh awarded a contract for the supply of water meters and water meter parts to the second low bidder, because the low bidder's prices for certain specified repair parts was "much below their cost."

The Supreme Court of Pennsylvania held that the award to the second low bidder was erroneous and issued a permanent injunction against execution and performance of the contract by the second low bidder. The court stated:

The award of a contract to one not prima facie the lowest bidder . . . must rest upon a full and honest investigation of the qualifications, etc., of the respective bidders. . . . [The directors] should call to their assistance the means of information at hand to form an intelligent judgment. They should investigate the bidders to learn their financial standing, reputation, experience, resources, facilities, judgment, and efficiency as builders. . . . Though the directors were not bound in law to give the contract to the lowest bidder, who might be irresponsible, they were bound to investigate, and if a bidder measured up to the law's

requirements as a responsible party, the board could not capriciously award the contract to another.

Pearlman v. City of Pittsburgh, 155 A. at 119 (internal quotation omitted) (emphasis added).

Here, Tri-State unquestionably measures up to the law's requirements as a responsible party. Since Tri-State is the lowest responsible bidder, METRO may not capriciously award the contract to L & H Grading.

2. Tri-State Should Receive Award Because Its Bid Was Responsive Even If It Was Obviously Unbalanced.

The Oregon statutes do not define, or even use, the term "responsiveness." In Bean Dredging Corp. v. United States, 22 Cl. Ct. 519 (1991), the United States Claims Court defined the term as follows:

Responsiveness addresses whether a bidder has promised to perform in the precise manner requested by the government. . . . To be considered for an award a bid must comply in all material respects with the invitation for bids. A responsive bid is one that, if accepted by the government as submitted, will obligate the contractor to perform the exact thing called for in the solicitation.

Bean Dredging Corp. v. United States, 22 Cl. Ct. at 522.

A bid will typically be rejected as non-responsive when a bidder makes a change or alteration in its bid or when a bidder fails to supply information required by the bid, such as a unit price, a bond, a signature, or in contracts involving a DBE goal, proposed DBE subcontractor information. In each of these instances, the bidder has not promised to perform in the precise manner requested by the government, and the bid therefore is not "responsive" to the government's solicitation.

The test for bid responsiveness is whether the terms of the bid vary from the terms of the solicitation, as of the date of bid opening. C. Bolander & Sons v. City of Minneapolis, 451 N.W.2d 204, 207 (Minn. 1990). Questions of bid responsiveness must be answered solely by looking to the face of the bid.

Moreover, unbalanced bids, and even nominal "penny" bids, are not inherently non-responsive. Submission of an unbalanced or

penny bid cannot be equated with a substantial failure to comply with the conditions of a bid invitation. Riverland Const. Co. v. Lombardo Contracting Co., 154 N.J. Super. 42, 380 A.2d 1161 (N.J. App. Div. 1977). Even where, as here, the project specifications state that bids may be rejected if the prices are obviously unbalanced, "reasonable unbalancing is perfectly proper." Id. at ___, 380 A.2d at 1164.

The contract specification in Frank Stamato & Co. v. City of New Brunswick, 20 N.J. Super 340, 90 A.2d 34 (N.J. App. Div. 1952), was almost identical to the METRO specification in issue here. In Stamato, the specification provided: "Bids which are obviously unbalanced may be rejected." 90 A.2d at 36 (emphasis added). The court held that this language was "not a prohibition against unbalanced bids." Id. (emphasis added). The court stated:

The mere fact that a bidder has submitted an unbalanced bid, does not automatically operate to invalidate an award of the contract to such bidder. There must be proof of collusion or of fraudulent conduct on the part of such bidder and the city or its engineer or other agent, or proof of other irregularity of such substantial nature as will operate to affect fair and competitive bidding.

Id. The court held that the city had properly awarded the contract to a bidder whose proposal included "penny" bids on two of the unit price items contained in the solicitation. Id.; see also Armaniaco v. Borough of Cresskill, 62 N.J. Super. 476, 163 A.2d 379 (N.J. App. Div. 1960) (following Stamato and holding that award was not invalid because bid was unbalanced).

As in Stamato, The language of METRO's specification, stating that a bid may be deemed non-responsive if any of its prices are obviously unbalanced, does not constitute a prohibition against unbalanced bidding. An example of non-responsiveness is contained in the IFB: METRO stated that a bid will be considered non-responsive if it does not include unit prices on all bid items.

In Walter v. McClellan, 113 App. Div. 295, 99 N.Y.S. 78 (N.Y. App. Div. 1906), the court upheld the validity of a contract awarded to a bidder who had submitted an unbalanced bid. The court stated:

The fact that MacArthur Bros. Company and Winston & Co. made a nominal bid on certain items does not subject them nor the aqueduct commissioners to any criticism. The reasons

which induced them to make such bids was a matter purely personal to themselves. They may have thought the estimates in those respects were erroneous, and the materials and work called for by these items would not be required. If they were in error, nobody was injured except themselves. There was nothing to indicate that there was any collusion between the successful bidder and the chief engineer of the commissioners.

Walter v. McClellan, 99 N.Y.S. at 84.

In Riverland, supra, the court expanded on this principle, stating that "[e]very contractor may apply his own business judgment in the preparation of a public bid, and his willingness to perform one of the items for a nominal amount is but his judgmental decision in an effort to underbid his competitors." 380 A.2d at 1163.

Even the Supreme Court of Oregon has noted that, under proper circumstances, a smart bidder will unbalance his bid. Rushlight Automatic Sprinkler Co. v. City of Portland, 189 Or. 194, 219 P.2d 732, 735 (1950).

In sum, unbalanced bidding has been widely accepted as a proper method of conducting business. Even if Tri-State's bid was unbalanced, the bid nevertheless was responsive because Tri-State promised to perform in accordance with the provisions of METRO's solicitation. METRO makes a clear distinction between types of conduct that will render a bid non-responsive and other types of conduct which may render a bid non-responsive. The problem with this distinction is that it does not comply with the law. A bid is responsive on its face if the bidder fills out the form properly and obligates itself to perform all of the work. This is determined at the time of bid opening, by review of the bid form. If bidding strategies are unacceptable to the owner, it must state clearly what strategies are prohibited. The owner may not leave acceptability of a bid to its broad discretion by stating that it "may" reject obviously unbalanced bids. METRO erred in determining that Tri-State's bid was rendered non-responsive because it was unbalanced. Without evidence of fraud or collusion, METRO must award the contract to the lowest responsive and responsible bidder, Tri-State.

An award to L & H Grading will constitute a violation of both law and policy. L & H Grading has offered to perform the very same work that Tri-State has offered to perform, but at an increased price of more than a quarter of a million dollars. If METRO awards

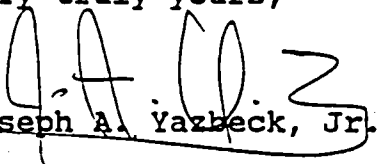
Rich Wiley
February 17, 1995
Page 7

the contract on the project to L & H grading, METRO will be unnecessarily wasting the money which the taxpayers of this region have provided as funding. Such a result would be unwarranted, unreasonable, and unjust.

Presentation Request

Tri-State requests that it be given the opportunity to make a presentation before the METRO Council.

Very truly yours,


Joseph A. Yazbeck, Jr.

cc: T.S. Sadlo, METRO
Tri-State Construction, Inc.



METRO

Mike Burton
Tele: (503) 797-1502
FAX (503) 797-1799

February 23, 1995

Joseph A. Yazbeck, Jr.
Allen, Yazbeck & O'Halloran
1650 Security Pacific Plaza
1001 S.W. Fifth Avenue
Portland, OR 97204-1132

Re: Notice of Rejection of Tri-State Construction, Inc. Appeal, Contract for Closure of
Sub-areas 4 & 5, St. Johns Landfill

Dear Mr. Yazbeck:

On January 27, 1995, bids were opened for closure of sub-areas 4 & 5 at the St. Johns Landfill. Your client, Tri-State Construction, Inc. ("Tri-State") was the apparent low bidder, for \$6,755,550, and the apparent second-to-lowest bidder was L & H Grading, for \$7,008,620, a difference of \$253,070. Closer inspection showed that Tri-State had submitted the following unit prices:

<u>Bid Item</u>	<u>Engineer's Estimate, Average of other per cubic yard</u>	<u>Bids per cubic yard</u>	<u>Tri-State Bid per cubic yard</u>
#8 Imported Sand	\$9.00	\$9.16	20 cents
#7 Place On-Site Sand	\$1.50	\$2.70	\$7.00
#14 Low Permeable Soil	\$3.00	\$3.03	\$6.00

As can be seen, Tri-State bid included a nominal unit price for imported sand, more than four times the engineer's estimate for placing sand now stockpiled at the site, and twice the engineer's estimate for placing imported "low permeable" soil.

Tri-State's bid was deemed by Metro Solid Waste Department Director to be "obviously unbalanced" and was rejected as non-responsive. Staff recommended that the contract be awarded to L & H Grading, which submitted a balanced, unconditional and otherwise responsive bid that was below the engineer's estimated cost for the work.

Mike Burton, Executive Officer
February 23, 1995
Page 2

You have appealed the rejection of Tri-State's bid to me. For the reasons stated in this letter, I am rejecting your appeal and recommending that the contract be awarded to L & H Grading, Inc.

The work involves the construction of final cover for a 69-acre portion of the St. Johns Landfill. Existing topsoil will be stripped and stockpiled, clay will be imported and placed, a plastic cover will be installed and covered with imported and stockpiled sand and topsoil. The contractor will also install a landfill gas collection system and perform all work necessary to properly contour and revegetate the site.

Tri-State is the contractor who completed construction of sub-areas 2 & 3 for Metro, and is very familiar with the site. In addition, the procurement documents, other than the specifications for the work, have been almost identical for all sub-area closure projects. As you know, the contract documents request that a series of unit prices be submitted for estimated quantities of sand, clay, topsoil, plastic membrane, and the gas collection system. The unit price is multiplied by the estimated quantity in each category to calculate a price for each bid item, and the bid item prices are added to establish the total bid price.

As you are also aware, it is difficult to determine the amount of material that must be imported and the amount of useable material that has been stockpiled. The structure of the bid allows Metro to make reasoned choices about whether to use imported or stockpiled sand and to allow for regulatory contingencies. (DEQ could rule that the on-site sand does not meet specifications, or require placement of additional sand.) In addition, Metro requested unit prices so that neither Metro nor the contractor will be harmed if a quantity is increased or decreased due to field conditions or design modifications.

Section 00110 of the bid documents, "Instructions to Bidders," subsection 6, paragraph 2, (page 00110-4) states, in part, that "Any Bid may be deemed non-responsive . . . in which any of the prices are obviously unbalanced, conditioned, or which in any manner shall fail to conform to the conditions of the Contract Documents." Three state statutes are also relevant in this matter. ORS 279.023(1) state that: "It is the policy of the State of Oregon that public agencies shall make every effort to construct public improvements at the least cost to the public agency." ORS 279.029(1) states, in part: ". . . the public contracting agency shall award the contract to the lowest responsible bidder." ORS 279.035 states, in part: "The public contracting agency may reject any bid not in compliance with all prescribed public bidding procedures and requirements, and may, for good cause, reject any or all bids upon a finding of the agency it is in the public interest to do so."

For the following reasons, the public interest requires that the Tri-State bid be rejected as non-responsive:

Mike Burton, Executive Officer

February 23, 1995

Page 3

1. The Tri-State bid is "obviously unbalanced."

As detailed above, the Tri-State bid is mathematically unbalanced on its face. Prices for some work and materials are significantly less than the actual cost of the work and materials, and other prices are significantly overstated. The unbalancing is obvious, and apparently not disputed by Tri-State.

2. Under the most likely scenarios for use of materials to close sub-areas 4 & 5, Tri-State's bid is not the lowest bid.

Some unbalancing in a bid may be acceptable and may demonstrate the skill of the bidder and the bidder's understanding of the work. Nevertheless, Tri-State unbalanced three of the largest bid items in terms of quantity and cost, maximizing the impact of unbalancing on the total bid price. The cases you cite in your appeal suggest that Metro could accept the Tri-State bid even though it is mathematically unbalanced. Tri-State's bid, however, is materially unbalanced, and you have cited no cases suggesting that Metro must accept such a bid.

Judging completely from the bid prices submitted, Tri-State may have concluded that there was a large quantity of sand available on site, and that Tri-State would need to import very little additional sand to complete the work. It is in fact possible that under the specifications, and given the amount of sand on site, as little as 67,000 cubic yards of sand will need to be imported. Metro asked for a price on 125,000 cubic yards of sand, to maintain Metro's flexibility in the use of imported sand. Tri-State has given a nominal bid for importing sand, which has caused it to have the overall lowest bid if the entire 125,000 cubic yards of imported sand are utilized.

The two attached graphs (Attachment 1 and 2) show the dramatic impact the unbalancing of Tri-State's bid has on the overall bid price, if less than 125,000 cubic yards of soil are actually imported. Since Tri-State gave a nominal price of 20 cents per cubic yard for importing sand, Tri-State's bid is nearly unaffected by using less imported sand, and appears on Attachment 1 as a flat line.

However, the other bidders all bid the actual price for importing sand, which is around \$9.00 per cubic yard. For each cubic yard of sand that Metro does not import, the other bids are reduced by around \$9.00. The striking result is that if Metro ends up importing any less than 97,000 cubic yards of sand, L & H's bid is the low bid. If Metro uses less than 78,000 cubic yards of imported sand, the L & H bid and two other bids are lower than Tri-State's. If, as is entirely possible, only 67,000 cubic yards of sand are imported, Tri-State would be paid \$257,330 more than L & H, for closure of sub-areas 4 & 5.

The unbalanced bid submitted by Tri-State gives rise to more than a reasonable doubt that Tri-State's bid is in fact the lowest bid. Because Tri-State deliberately unbalanced its bid, Metro would likely end up paying Tri-State more than it would pay L & H to do the work in question. It is exactly this kind of price manipulation that the above quoted bid instructions and state statutes related to "public interest" bid rejection are intended to prevent.

3. If Metro accepts Tri-State's unbalanced bid, it may be foreclosed from changing quantities to deal with on-site contingencies or regulatory changes.

Tri-State's bid is only lowest if Metro ends up importing large quantities of sand for landfill closure. However, the actual cost (plus profit and overhead) of importing sand to the site is approximately \$9.00 per cubic yard and Tri-State bid 20 cents per cubic yard. If Metro takes advantage of the Tri-State bid by ordering importation of additional sand, Tri-State will suffer a significant economic impact (possibly in excess of \$400,000). Tri-State would be the only bidder to suffer such an impact, because all other bidders gave Metro a price for imported sand that accurately reflects the cost of importing and placing sand. Tri-State would be the only contractor with a financial stake in making sure that Metro does not use the full quantity of imported sand that Tri-State included in its bid. Metro needs to maintain flexibility to vary the quantities of materials used on the site to deal with on-site conditions and possible changes in regulatory requirements. Tri-State's economic stake in preventing Metro from utilizing certain materials included in the bid will likely lead to friction between the parties. Tri-State would also be likely to claim that Metro accepted an unbalanced bid with full understanding of the reasons for the unbalancing, and is foreclosed from attempting to take advantage of the nominal price following acceptance of the bid.

4. The submittal by Tri-State of a nominal bid for a large bid item suggests on its face that Tri-State's bid is conditional. Statements made by Tri-State since the bid opening tend to confirm that Tri-State is not in fact offering to deliver to Metro 125,000 cubic yards of sand at \$.20 per cubic yard.

A conditional bid is a non-responsive bid (Section 00110 of the bid documents, "Instructions to Bidders," subsection 6, paragraph 2, (page 00110-4)) Tri-State's bid allows it to reap large profits for delivery or placement of materials that it is relatively sure will be fully utilized. However, the amount bid for imported sand is so low that if Metro used the entire quantity for which a price was requested, (in normal course or through a change order that Metro is entitled to make) Tri-State is unlikely to recoup its loss through gains made in bid categories in which it has offered artificially inflated prices. Tri-State's bid is so unbalanced that it appears on its face to contain an implicit condition, that the bid is good 'so long as' Metro does not utilize the full bid category for imported Sand.

Acceptance of such a bid would be against the public interest. Contract Specification Section 01025, subsection 1.3 A. (page 01025-5) states that "The estimated quantities shown in the

Mike Burton, Executive Officer
February 23, 1995
Page 5

Bid Forms are estimates only, being given only as the basis for the comparison of Bids . . . " By unbalancing its bid, Tri-State has made it impossible to fairly compare it to the other bids received. It is reasonable for Metro, considering only the bid submitted by Tri-State, to assume either that a mistake was made or that Tri-State has a specific theory regarding the contract or the work under which Metro would not be entitled to request importation of 125,000 cubic yards of sand at the stated price.

Metro sent a fax to Paul Noble of Tri-State on February 2, 1995 asking specifically if the Tri-State bid contained any material errors, and if the price was good for the full 125,000 cubic yards of imported sand requested by the bid documents. A February 3, 1995 fax from Mr. Noble stated that the bid contained no material errors, but skirted the question of whether the full amount of sand would be made available at the bid price. (Attachments 3 and 4)

In a phone conversation with Jim Watkins of Metro on February 8, 1995, Mr. Noble indicated that the bid documents did not preclude Tri-State from submitting an unbalanced bid. Mr. Noble also stated that the Tri-State bid was a "lump sum," that he knew how much Tri-State needed to perform the work, and that the total bid is the amount needed to perform the work. From these statements, it appears that Tri-State's price for imported sand is conditioned upon Metro using only the amount of imported sand that Tri-State has determined will be necessary to complete the work without changes. The price for imported sand is grossly out of line with market prices, leading Metro to a reasonable conclusion that Tri-State has no intention of delivering the full quantity of sand requested at the stated price, even if required to do so through a change order issued by Metro.

5. The request for bids clearly stated that Metro could reject bids that are "obviously unbalanced" or conditional. Tri-State had ample notice that its bid could be deemed non-responsive if it unbalanced its bid.

Unfairness can occur if bid instructions or specifications do not adequately put bidders on notice of what is required. Metro's warning regarding "obviously unbalanced" and conditional bids has been included in all of the landfill sub-area closure contracts, including the contract for sub-areas 2-3, which was awarded to Tri-State. The same is true for the specification stating that bid quantities are estimates that will be used to compare bids. Tri-State undoubtedly knew that its bid was not simply 'tweaked' to make it more competitive, but that the bid contained a nominal price for a large bid category, with the cost for that item shifted to other major items. Four other bids were received, and all of them were balanced, as further evidence that the contract documents provided clear notice that a bidder risked rejection for unbalancing its bid. As specified above, ORS 279.035 allows us to reject bids not in compliance with all prescribed bid requirements.

Mike Burton, Executive Officer
February 23, 1995
Page 6

For the reasons stated in this letter, I am rejecting Tri-State's bid for closure of sub-areas 4 & 5 at the St. Johns Landfill, and rejecting Tri-State's appeal of Metro's award of the contract to L & H Grading, Inc. Within five working days of the postmark on this Notice of Rejection, you may appeal my decision to the Metro Contract Review Board.

Sincerely,

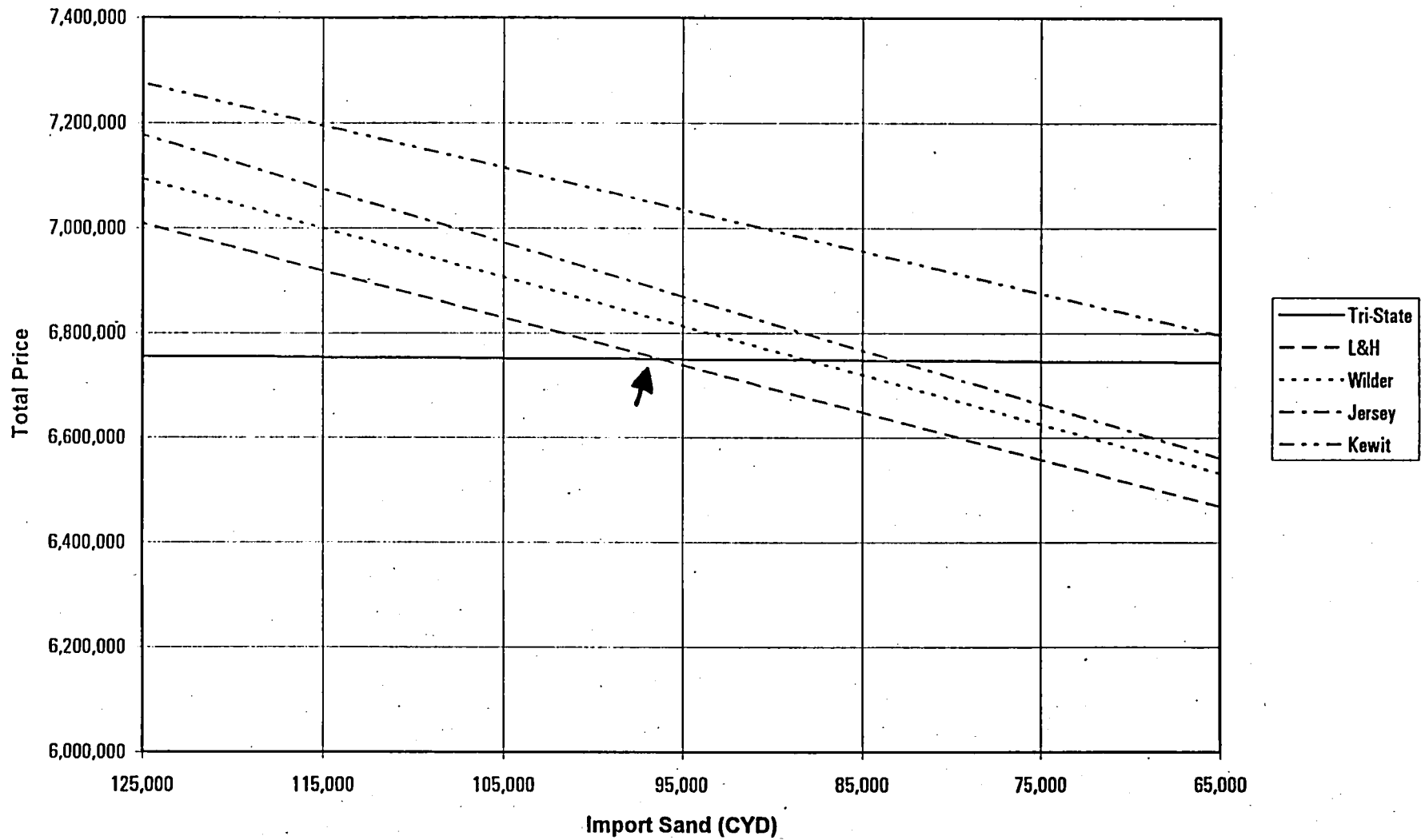


Mike Burton,
Executive Officer

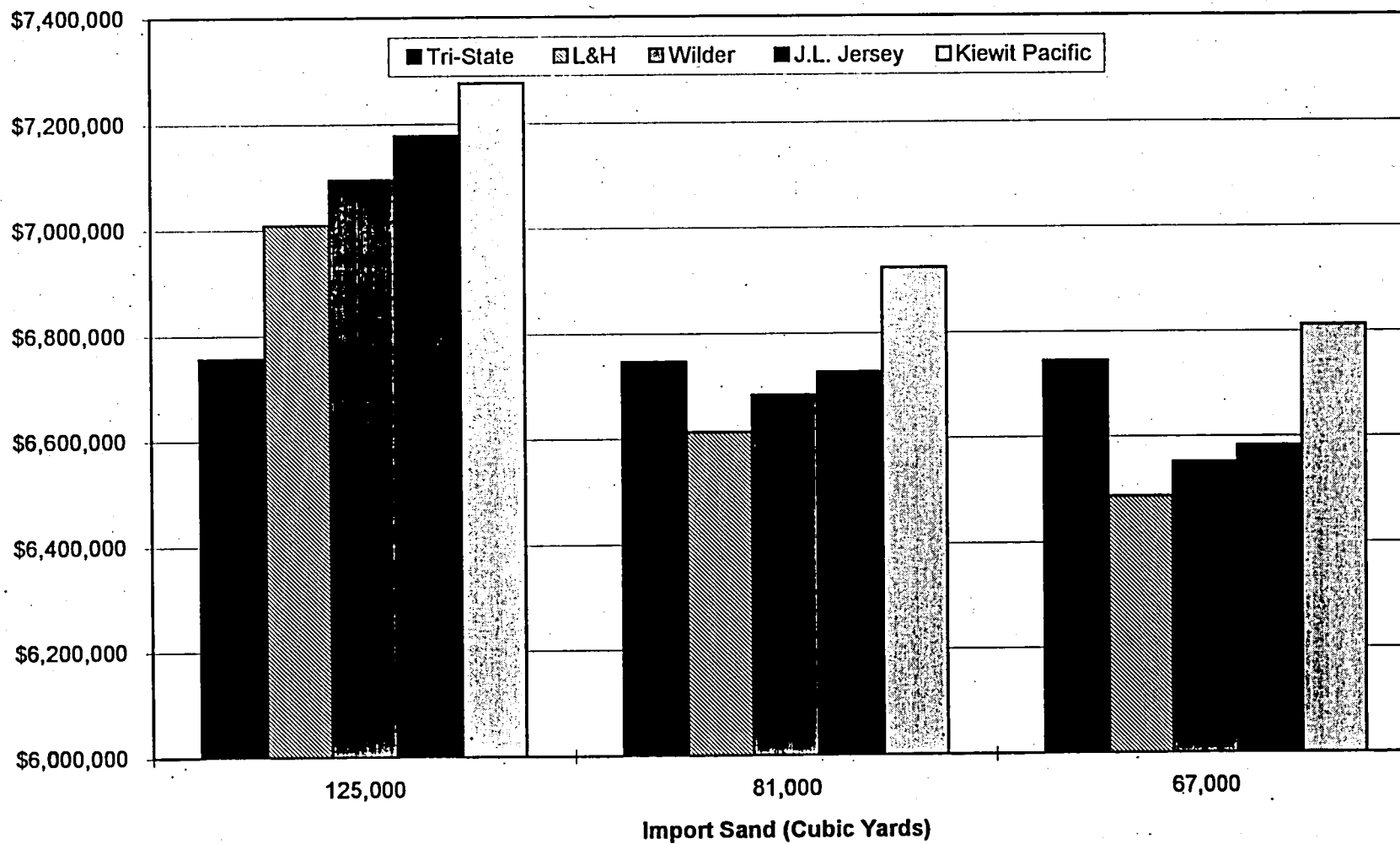
rpj1404

cc: Bob Martin
Jim Watkins
Paul Ehinger
Jim Beck, L & H Grading, Inc.

Total Cost for SA 4 & 5 vs. Import Sand



Project Cost Versus Import Sand Quantity





METRO

February 2, 1995

Mr. Paul Noble
Tri-State Construction Company
PO Box 83466
Portland, OR 97283

VIA FAX (206) 633-5838

Re: Metro Review of Tri-State Bid for Closure of Sub-Areas 4 & 5

Dear Mr. Noble:

Metro has been reviewing the five bids submitted for the Closure of Sub-Areas 4 & 5 at the St Johns Landfill in an effort to determine the apparent low bidder. In reviewing your bid we are requesting a written response to the following questions.

- 1) Do you believe your bid, as submitted, contains any material errors?
- 2) Is the unit price of \$0.20 per cy for imported Type 1 sand (Bid Item #8) the correct price for the full 125,000 cy quantity shown on the bid schedule?

Please fax your response to Jim Watkins, fax # (503) 797-1795 as soon as possible so that we can complete our analysis in a timely fashion.

Sincerely,

Jim Watkins
Engineering & Analysis Manager

JW:clk

s:\share\watkins\letter\noble.ltr

Attachment 4

FEB 03 1995



TRI-STATE CONSTRUCTION, INC.

General Contracting

TRISTC*356R8

P.O. BOX 3686 • 320 - 106th AVE. N.E. • BELLEVUE, WA 98009-3686
 PHONE: (206) 455-2570 • (206) 632-7717 FAX (206) 633-5838

TIME 11:51
METRO OFFICE GENERAL COUNSEL

February 3, 1995

METRO
 600 Northeast Grand Ave.
 Portland, Oregon 97232

Post-It™ brand fax transmittal memo 7671		# of pages •
To <i>Jim Watkins</i>	From <i>Tri-State</i>	
Co. <i>Metro</i>	Co.	
Dept.	Phone # <i>(206) 455-2570</i>	
Fax # <i>(503) 797-1795</i>	Fax # <i>(206) 633-5838</i>	

Reference: Bid on St. John's Landfill
 Closure of Sub-Areas 4 & 5

Attention: Jim Watkins

Dear Mr. Watkins,

Our bid on the above referenced project contains no material errors, and the price on Bid Item #8 (Type 1 Sand) is correct.

If there are any further clarifications on our bid please contact me.

Sincerely,

TRI-STATE CONSTRUCTION, INC.

Paul Noble
 Vice President

PN/tu

ALLEN, YAZBECK & O'HALLORAN

A Professional Corporation
Attorneys at Law

F. Gordon Allen •
Joseph A. Yazbeck, Jr. •
Robert L. O'Halloran

• Also admitted in Illinois
• Also admitted in Texas

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PORTLAND, OREGON 97204-1132
Telephone: (503) 227-2242
Facsimile: (503) 227-2669

Jeffrey K. Hanson •
Tamara H. Lesh •

• Also admitted in Washington
• Also admitted in New York

February 28, 1995

RECEIVED

MAR 1 1995

Via Facsimile and
Certified Mail, RRR

Contract Review Board
Metro
600 N.E. Grand Avenue
Portland, Oregon 97232

Re: Project	:	St. Johns Landfill
	:	Closure of Subareas 4 & 5
Request For Bid No.	:	94B-32-SW
Our Client	:	Tri-State Construction, Inc.
Our File No.	:	2624.04

Dear Board Members:

We are counsel for Tri-State Construction, Inc. ("Tri-State"). Pursuant to Section 2.04.031(b)(2) of the Metro Code, Tri-State hereby appeals the Executive Officer's February 23, 1995 letter rejecting Tri-State's appeal of Metro's award of the above-referenced contract to L & H Grading, Inc.

In his letter rejecting Tri-State's appeal, the Executive Officer states that Tri-State's bid is "obviously unbalanced" and that, as a result, Tri-State's bid will not be the lowest bid under the most likely scenarios. The Executive Officer is wrong for the following reasons.

As you know, the work involves the construction of a final cover for a 69-acre portion of the St. John's Landfill. After existing topsoil is stripped and stockpiled and clay is imported and placed, a plastic cover will be installed. The plastic will be covered with stockpiled and imported sand and topsoil.

Metro's specifications state that the contractor must use on-site existing sand first, before using import sand. Specifically, provision 3.9 A. 1. of Section 02220 (page 02220-18) states:

All Existing Type I Sand shall be used prior to placing Imported Type I Sand. (Emphasis added.)

The specifications also direct bidders to check the units before submitting bids. Provision 4 of Section 00110, Instructions to Bidders (page 00110-2), states:

Before submitting a Bid, Bidders shall fully examine and read the Contract Documents; visit the site of the proposed Work, and examine the Site and the surrounding areas; and fully inform themselves of all conditions on, in, at and around the Site, the surrounding areas, and any work that may have been done thereon. The bidder acknowledges by the submission of its Bid that it understands . . . the kind of surface materials on the Site, the kind of equipment needed, and all other matters which may in any way affect the Work or the cost, including utilities not identified in the Contract Documents.

* * *

Any failure of a Bidder to acquaint itself with all of the available information concerning conditions . . . will not relieve it from responsibility for estimating properly the difficulties or cost of the Work and Bidder shall, regardless of such failure, be bound to its Bid. (Emphasis added.)

In addition, the Invitation to Bid (Section 00030 of the specifications) directs bidders to call Metro for a site visit appointment (page 00030-2). Given these specification, a prudent contractor should have checked the units before submitting its bid.

The contract drawings clearly show the total amount of sand required for the project. Moreover, at the pre-bid conference, Metro represented that the existing sand would undoubtedly meet the project specifications. Therefore, contrary to the statement in the Executive Officer's letter (page 2), Metro does not have discretion to make "reasoned choices about whether to use imported or stockpiled sand." Further, the representation that the existing sand is acceptable is clearly at odds with the statement in the Executive Officer's letter (page 2) that Metro may "allow for regulatory contingencies," such as a DEQ ruling that the on-site sand might not meet specifications.

Given the drawings, the specifications and the statements made at the pre-bid conference, it should have been obvious to any bidder that the project would not require 125,000 CY of imported type 1 sand. It was obvious to Metro. Metro's engineer, Parametrix, told Metro that there were approximately 55,000 CY of existing sand on the site, which had to be used first under the specifications. Moreover, the Executive Officer admitted in his February 23, 1995 letter that Metro grossly overstated the estimated quantity on this item and that the actual quantity of imported type 1 sand will probably be 67,000 CY. Having reached the same conclusion, Tri-State bid accordingly.¹ Metro invited this kind of bidding and should have expected it from at least one astute bidder. Tri-State is surprised that no other bidder reacted the same way.

In Summit Contractors v. United States, 21 Cl. Ct. 767, 776 (1990), the U.S. Claims Court stated that a government owner may be liable for breach of contract if its estimate is "grossly erroneous or negligently prepared." Underruns resulting from inflated estimates plainly give rise to claims for breach of contract by the contractor. See Gregory Lumber Co. v. United States, 9 Cl. Ct. 503 (1986). Thus, it is clear that if Metro awards the contract to L & H Grading, Inc., Metro would be subject to a claim when L & H Grading, Inc. experiences a 58,000 CY underrun on the imported type 1 sand bid item. As a result of such a claim, Metro would likely end up paying L & H Grading, Inc. more than it would pay Tri-State to do the work in question. On the other hand, if Metro awards the contract to Tri-State, no underrun claim would be presented on this item, because Tri-State saw Metro's discrepancy in the estimated quantities and bid accordingly. The end result is that the Executive Officer's analysis is wrong. Under any scenario, Tri-State will perform this contract at the least cost to the public agency, in accordance with the policy set forth in ORS 279.023(1).

Finally, the Executive Officer states that Tri-State's bid is non-responsive because it is "obviously unbalanced." However, unbalancing, and even obvious unbalancing, is not determinative of non-responsiveness as that term is defined in the Oregon Administrative Rules. OAR 125-30-004(2) provides:

¹ Further, a review of the quantities shows the amount of import sand is grossly overstated. Bid item 17 shows that the area to be filled is 334,000 SY. 111,333 CY of type 1 sand will be required to cover that area to a thickness of 1'. There are at least 44,000 CY of existing type 1 sand on site. Therefore, by simple subtraction, it is obvious that the contractor will need to import only 67,333 CY of type 1 sand. The 125,000 CY figure set forth in the specifications is grossly overstated.

A "nonresponsive bid or proposal" is, except in the case of minor informalities as provided in OAR 137-30-075(2), one which:

(a) omits, or is unclear as to, the price; or price cannot be determined in the bid or proposal documents;

(b) offers goods or services of a lesser quality or quantity than requested in the ITB or RFP;

(c) requires a delivery date different from that required in the ITB or RFP;

(d) takes exception to the terms and conditions of the ITB or RFP;

(e) is conditional upon the public contracting agency's acceptance of terms and conditions different from those contained in the ITB or RFP; or

(f) contains deviations which, if the bid or proposal were accepted, would give the bidder or proposer a substantial advantage or benefit not shared by other bidders or proposers to the ITB or RFP.

Tri-State's bid does not suffer any of the irregularities enumerated by the Oregon rule. Thus, Tri-State's bid clearly is not non-responsive.

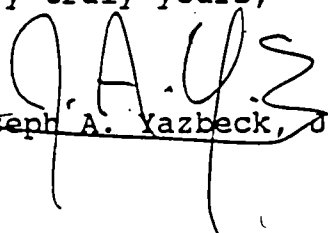
The Executive Officer attempts to fit Tri-State's bid into this rubric by questioning whether the bid is "conditional." The Executive Officer questions whether Tri-State is offering to deliver 125,000 CY of type 1 sand at \$.20 per CY. These questions and concerns are completely unwarranted. Tri-State's price is its price, and Tri-State plans to stick to its price. Its bid is not conditional; it is wholly responsive to the solicitation.

In sum, as the lowest responsive and responsible bidder, Tri-State has offered to perform this job at the lowest price, under any factual scenario. If Metro makes an award L & H Grading, Inc., Metro can expect an underrun claim which will substantially raise

Contract Review Board
February 28, 1995
Page 5

the cost of the project. Metro should act wisely, in accordance with both law and public policy. Metro should award the contract to Tri-State.

Very truly yours,

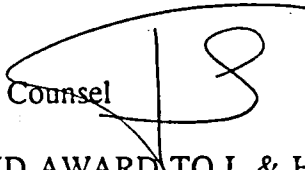

Joseph A. Yazbeck, Jr.

cc: T.S. Sadlo, Metro
Tri-State Construction, Inc.

**METRO**

Date: March 6, 1995

To: Ruth McFarland, Council Presiding Officer
Metro Council

From: Todd Sadlo, Senior Assistant Counsel 

Regarding: TRI-STATE APPEAL OF BID AWARD TO L & H GRADING, INC.,
CONTRACT FOR CLOSURE OF SUB-AREAS 4 & 5, ST. JOHNS
LANDFILL

This memorandum is intended to supplement a letter dated February 23, 1995, from Metro Executive Officer Mike Burton to Joseph A. Yazbeck, Jr., attorney for Tri-State Construction, Inc.. In the letter, the Executive Officer established a factual and legal basis for rejecting the Tri-State bid and accepting the L & H Grading, Inc. bid as the lowest responsive bid. This memo rebuts legal analysis presented by Tri-State, and describes in greater detail the legal basis for denial of the Tri-State bid.

Oregon law and the Metro Code allow Metro to reject the Tri-State Bid, because it is obviously unbalanced and is not the low bid.

In its February 23 submittal, Tri-State alleges that Metro does not have the authority to reject an unbalanced bid. To the contrary, Oregon law and the Metro Code allow Metro to reject an unbalanced bid. ORS 279.035 states, in relevant part:

"The public contracting agency may reject any bid not in compliance with all prescribed public bidding procedures and requirements, and may, for good cause, reject any or all bids upon a finding of the agency it is in the public interest to do so."

This section unambiguously allows Metro to reject a single bid for one of two separate reasons:

1. Because the bid is not in compliance with all prescribed public bidding requirements, or

Ruth McFarland, Council Presiding Officer
Metro Council
March 6, 1995
Page 2

2. Upon a finding that it is in the public interest to do so.

Metro Code section 2.04.040(c) also allows Metro to reject a single bid for either of the above stated reasons.¹

The bid documents for closure of sub-areas 4 & 5 clearly stated that Metro "may" reject a bid that is "obviously unbalanced."² Any bidder reading this statement, which was prominent in the "Instructions to Bidders," would know that it risked rejection for providing an obviously unbalanced bid. The Tri-State bid was "obviously unbalanced," as Tri-State has admitted.³ For that reason alone, it was "not in compliance with all prescribed public bidding requirements" and was subject to rejection.

More importantly, the Tri-State bid was rejected by the Executive Officer "upon a finding that it is in the public interest to do so."⁴ Again, Oregon law and the Metro Code specifically allow rejection of a bid on this basis. The Executive Officer cited several reasons why it was in the public interest to reject the Tri-State bid. Although all of those findings contribute to the Executive Officer's ultimate conclusion, his finding that the unbalancing of Tri-State's bid caused it to not be the lowest bid implicates state law and Metro Code requirements for accepting the lowest bid.

Oregon law requires that a contract be awarded to the "lowest responsible bidder."⁵ "Lowest responsible bidder" is defined in ORS 279.029(6)(a) as "the lowest bidder who has substantially complied with all prescribed public bidding procedures and requirements . . ." The Metro Code states that "Unless exempt from public bidding, all other public contracts

¹Metro Code Section 2.04.040(c) states: "The Executive Officer or the Deputy Executive Officer may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may, for good cause, reject any or all bids upon a finding that it is in the public interest to do so . . ."

²Section 00110, "Instructions to Bidders," subsection 6, para. 2 (page 00110-4)

³Letter from Joseph A. Yazbeck, Jr. to Rich Wiley, February 17, 1995, p. 2, lines 1-2

⁴Letter from Mike Burton to Joseph A. Yazbeck, Jr., February 23, 1995, p.2.

⁵ORS 279.029(1)

Ruth McFarland, Council Presiding Officer
Metro Council
March 6, 1995
Page 3

shall be awarded to the lowest, responsive, responsible bidder responding to competitive bids by Metro."⁶

As detailed by the Executive Officer, the Tri-State bid was not in compliance with Metro's bid requirements, and is only the low bid if more than 97,000 cubic yards of sand are imported. Tri-State has admitted that in its analysis, only 67,333 cubic yards of sand will need to be imported to complete the work. If only 67,333 cubic yards of sand need to be imported, Metro would pay Tri-State \$254,400 more than L & H to do the same work. Tri-State is therefore not actually the low bidder, but only appears to be the low bidder because it unbalanced its bid.⁷ Metro has a clear legal and factual basis for rejecting the Tri-State bid.

Oregon Administrative Rules, federal procurement law and procurement law in other states support Metro's action in rejecting the Tri-State bid.

Not a single case cited by Tri-State in either of its submittals to date held that a government cannot reject a bid that is obviously and materially unbalanced. There is no reason to believe that Metro cannot reject an unbalanced bid, especially when the unbalancing has a material impact on the overall ranking of bids.

Tri-State cites Oregon Administrative Rules to support its position that an obviously unbalanced bid is "not non-responsive."⁸ This argument is attenuated by three circumstances: the rule cited supports Metro's position; other parts of the rule support Metro's position; the rule cited applies only to state agencies, not Metro.

⁶Metro Code section 2.04.040(a)

⁷On page 3 of its February 28, 1995 submittal, Tri-State makes the interesting argument that it is the low bidder because L & H will sue us. This argument requires speculation that is beyond the pale of reasoned analysis. It also uses faulty assumptions, including the assumption that L & H's damages would include not just lost profit, but the entire bid value of sand not used. Finally, cases cited to support the argument involved federal timber sales, and are not analogous to the case at hand. In both of the cases cited, statements in the sales documents explaining that the estimates were estimates only, precluded recovery on the basis that the actual amount of timber varied. Metro's bid documents clearly state: "The estimated quantities shown in the Bid Forms are estimates only, being given only as the basis for the comparison of Bids . . ." Contract Spec. Section 01025, subsection 1.3 A., page 01025-5.

⁸Letter from Joseph A. Yazbeck, Jr. to Contract Review Board, February 28, 1995, p. 4.

Ruth McFarland, Council Presiding Officer
Metro Council
March 6, 1995
Page 4

The portion of OAR 125-30-004(2) cited by Tri-State in its February 28, 1995 letter states that a bid is "nonresponsive" if it: "(f) contains deviations which, if the bid or proposal were accepted, would give the bidder or proposer a substantial advantage or benefit not shared by other bidders or proposers to the ITB or RFP." Tri-State's bid contains at least three material deviations, which are the three unbalanced unit prices which Tri-State has admitted its bid contains. The benefit that Tri-State would receive that other bidders, all of whom submitted balanced bids, would not share, is excessive profits for delivery of unit price items that were unbalanced upward. If OAR 125-30-004 applied, subsection (1)(f) would provide a basis for establishing nonresponsiveness.

The remainder of the Oregon Administrative Rules strongly supports Metro's position. Tri-State quoted from the state procurement rules. Those rules define a "responsive bid" as "one which complies in all material aspects with an Invitation to Bid or Request for Proposals (hereafter referred to as ITB and RFP, respectively) and with all prescribed public bidding procedures and requirements."⁹ Tri-State's bid was not responsive under this definition.

Moreover, the state procurement rules adopt by reference the Attorney General's model procurement rules.¹⁰ The Model Rules were developed for use by local governments, at their discretion. Metro has not adopted the Model Rules, but they also strongly support Metro's position. The Model Rules contain a section entitled "Rejection of Individual Bids or Proposals," which states:

"(2) Reasons for rejection. Reasons for rejecting a bid or proposal include but are not limited to finding that:

(c) The bid is not responsive, that is, it does not conform in all material respects to bid document requirements, including all prescribed public bidding procedures and requirements; or

* * *

(k) Other circumstances of the particular bid, proposal, or bidder indicate that acceptance of the bid would impair the

⁹OAR 125-30-004(1)

¹⁰OAR 125-30-050

Ruth McFarland, Council Presiding Officer
Metro Council
March 6, 1995
Page 5

integrity of the selection process or result in an imprudent contract by the public contracting agency."¹¹

The Tri-State bid did not conform because it was materially unbalanced. It would be imprudent to contract with Tri-State for the work because Tri-State is not the low bid, and for the other reasons listed in the Executive Officer's letter to Tri-State dated February 23, 1995. If the Model Rules applied, they would offer Metro a sound basis for rejection of the Tri-State bid.

Under federal analysis, the Tri-State bid is mathematically and materially unbalanced, and would require rejection.

The analysis used by the U.S. Government in determining whether to accept an unbalanced bid closely parallels the analysis used by Metro in rejecting the Tri-State bid. In federal procurement, the agency first decides whether the bid is "mathematically" unbalanced. This is similar to Metro's "obviously unbalanced" test, because it seeks to establish whether the numbers submitted in the bid are skewed on their face. Next, the agency determines if the bid is "materially" unbalanced.¹² This corresponds to Metro's efforts under State law and Metro Code to determine if the effect of the unbalancing is such that the public interest requires rejection.

"The Comptroller General's test for determining whether a bid is materially unbalanced is as follows:

- (1) Does each bid item carry its share of the cost of the work plus profit, or is the bid based on nominal price for some work and enhanced prices for other work?
- (2) Is there a reasonable doubt that award to the bidder submitting the mathematically unbalanced bid will result in the lowest ultimate cost to the government?"¹³

¹¹OAR 137-30-100(2)

¹²Howell Construction, Inc. v. the United States, 12 Cl. Ct. 450, 1987 U.S. Lexis 94, 34 Cont. Cas. Fed. P75,297 (U.S. Claims Court, 1987) Solon Automated Services Inc. v. United States of America, 658 F. Supp. 28, 1987 U. S. Dist. Lexis 4096, 33 Cont. Cas. Fed. P74,924 (1987 U.S. Dist. Ct. D.C.)

¹³Solon, supra, 658 F. Supp. 28, 32 Matter of Crown Laundry and Dry Cleaners, Inc., 1983 U.S. Comp. Gen. Lexis 1269, 83-1 Comp. Gen. Proc. Dec. 438, (1983)

Ruth McFarland, Council Presiding Officer
Metro Council
March 6, 1995
Page 6

With regard to Tri-State, there is no doubt that 20 cents per cubic yard is a nominal price for imported sand, and that Tri-State's prices for placing on-site sand and low permeable soil are "enhanced."¹⁴ More importantly, Metro has a reasonable doubt that Tri-State's bid is the lowest bid. Indeed, Tri-State has agreed that it is very likely that only 67,000 cubic yards of sand will need to be imported, in the face of an analysis showing that at that level of procurement, three other bids are lower than Tri-State's. The facts in this instance give rise to a reasonable certainty that Metro will pay more if it accepts the Tri-State bid. Under federal analysis, therefore, Metro would be justified in rejecting Tri-State's bid as materially unbalanced.

The law of other states supports Metro in its rejection of the Tri-State Bid.

In its February 17, 1995 submittal, Tri-State cited cases from other states to support its position that Metro cannot reject an unbalanced bid. However, in most of the cases cited the agency accepted an unbalanced bid, and the Court held that the agency had the discretion to do so.¹⁵

Even the cases cited demonstrate that, in most jurisdictions, an agency can reject an unbalanced bid to protect the public interest. Thus, in a passage cited by Tri-State in its February 17, 1995 submittal, a New Jersey court established that if an unbalanced bid has been submitted, and there is "proof of . . . irregularity of such substantial nature as will operate to affect fair and competitive bidding," the bid can be rejected.¹⁶ The dominant theme of the cases cited and other state court cases is that procurement agencies have broad discretion to accept or reject bids, and an unbalanced bid should not be rejected unless the unbalancing has a substantial impact on the bidding process or in establishing the actual low

¹⁴See chart, February 23, 1995 letter from Mike Burton to Joseph Yazbeck, p. 1

¹⁵Frank Stamato & Co. v. City of New Brunswick, 20 N.J. Super 340, 90 A.2d 34 (N.J. App. div. 1952), Araminiaco v. Borough of Cresskill, 62 N.J. Super. 476, 163 A.2d 379 (N.J. App. Div. 1960), Walter v. McClellan, 113 App. Div. 295, 99 N.Y.S. 78 (N.Y. App. Div. 1906), Riverland Const. Co. v. Lombardo Contracting Co., 154 N.J. Super. 42, 380 A.2d 1161 (N.J. App. Div. 1977)

¹⁶Letter from Joseph A. Yazbeck, Jr. to Rich Wiley, February 17, 1995, p. 5, quoting Frank Stamato & Co. v. City of New Brunswick, 20 N.J. Super 340, 90 A.2d 34 (N.J. App. Div. 1952)

Ruth McFarland, Council Presiding Officer
Metro Council
March 6, 1995
Page 7

bid.¹⁷ Tri-State unbalanced three of the largest bid categories in order to obtain the lowest overall bid. Under Oregon, federal, or other state analysis, Tri-State's bid is "substantially" and "materially" unbalanced, and Metro has the authority to reject it.

Conclusion

An attempt has been made in the Executive Officer's February 23, 1995 letter and in this analysis, to establish the legal and factual basis for rejecting the Tri-State bid, and to rebut arguments raised by Tri-State. It is the opinion of this office that the Executive Officer has established a solid basis for rejecting the Tri-State bid. It is recommended that the Council also reject the Tri-State bid, and award the contract to L & H Grading, Inc., as the lowest responsive, responsible bidder.

rpj
1410

¹⁷Riverland Const. Co. v. Lombardo Contracting Co., 154 N.J. Super. 42, 380 A.2d 1161 (N.J. App. Div. 1977), Walter v. McClellan, 113 App. Div. 295, 99 N.Y.S. 78, 84 (N.Y. App. Div. 1906), State ex. rel. Weaver v. Babcock, 175 Minn. 590, 222 N.W. 287 (Sup. Ct. Minn. 1928) A-Del Construction C. v. Delaware DOT, 1992 Del. Ch. Lexis 121 (Del. Ct. Ch. 1992), Daisy Concrete, Inc. v. DOT, Slip Op. No. 8764, (Del. Ct. Ch. 1987), Statewide Hi-Way Safety, Inc. v. DOT, Slip. Op. No. 7219, (Del. Ct. Ch. 1983), Aurora Pump v. Goulds Pumps, Inc., 424 So.2d 70, (Dist. Ct. Ap. Fla. 1982), Department of Labor & Industries v. Boston Water & Sewer Commn., 18 Mass. App. Ct. 621, 469 N.E.2d 64 (1984)

**Metro St. Johns Landfill Closure, Subareas 4&5
Bid Participants**

Date: January 27, 1995

Organization	Cost
L & H Grading	\$7,008,620
Kiewit Pacific	\$7,275,280
Tri-State Construction	\$6,755,550
Wilder Construction Company	\$7,093,705
John L Jersey	\$7,177,221

St Johns Landfill - SA4/5
Bid Tabulation

Item No.	Description	Unit	Total SA-4/5			TRI STATE		L&H GRADING, INC.		WILDER		JOHN L. JERSEY & SON, INC.		KIEWIT PACIFIC CO.	
			Est. Quantity	Unit Price	Total Cost	CONSTRUCTION, INC.				CONSTRUCTION CO.					
1	Mobilization	LS	1	\$700,000	\$700,000	\$500,000	\$500,000	\$560,000	\$560,000	\$570,000	\$570,000	\$374,248	\$374,248	\$730,000	\$730,000
2	Site Safety and Health	LS	1	\$90,000	\$90,000	\$50,000	\$50,000	\$20,000	\$20,000	\$5,000	\$5,000	\$37,200	\$37,200	\$70,000	\$70,000
3	Structure Demolition	LS	1	\$5,000	\$5,000	\$25,000	\$25,000	\$10,000	\$10,000	\$3,000	\$3,000	\$7,500	\$7,500	\$15,000	\$15,000
4	Remove Unsuitable Soil Material	CY	4,000	\$2.50	\$10,000	\$2.00	\$8,000	\$4.00	\$16,000	\$3.00	\$12,000	\$2.82	\$11,280	\$1.60	\$6,400
5	Remove and Place Existing Topsoil	CY	8,000	\$2.75	\$22,000	\$4.50	\$36,000	\$4.00	\$32,000	\$2.75	\$22,000	\$3.71	\$29,640	\$3.50	\$28,000
6	Imported Topsoil	CY	125,000	\$12.00	\$1,500,000	\$9.00	\$1,125,000	\$10.00	\$1,250,000	\$10.20	\$1,275,000	\$10.77	\$1,346,250	\$9.50	\$1,187,500
7	Existing Type 1 Sand	CY	44,000	\$1.50	\$66,000	\$7.00	\$308,000	\$2.00	\$88,000	\$2.80	\$123,200	\$2.50	\$110,000	\$3.50	\$154,000
8	Imported Type 1 Sand	CY	125,000	\$9.00	\$1,125,000	\$0.20	\$25,000	\$9.00	\$1,125,000	\$9.35	\$1,168,750	\$10.27	\$1,283,750	\$8.00	\$1,000,000
9	Grade Existing Subgrade Embankment-SA4	LS	1	\$221,000	\$221,000	\$75,000	\$75,000	\$40,000	\$40,000	\$105,000	\$105,000	\$73,750	\$73,750	\$175,000	\$175,000
10	Grade Existing Subgrade Embankment-SA5	LS	1	\$210,000	\$210,000	\$75,000	\$75,000	\$40,000	\$40,000	\$165,000	\$165,000	\$37,000	\$37,000	\$135,000	\$135,000
11	Grade Existing Subgrade Embankment-SA5A	LS	1	\$68,000	\$68,000	\$75,000	\$75,000	\$20,000	\$20,000	\$40,000	\$40,000	\$22,000	\$22,000	\$20,000	\$20,000
12	Construct Existing Type A Low Perm Soil	SY	30,000	\$1.00	\$30,000	\$0.60	\$18,000	\$1.00	\$30,000	\$0.30	\$9,000	\$0.75	\$22,500	\$1.00	\$30,000
13	Construct Imported Type A Low Perm Soil	SY	30,000	\$3.00	\$90,000	\$2.00	\$60,000	\$2.00	\$60,000	\$3.10	\$93,000	\$3.27	\$98,100	\$2.00	\$60,000
14	Construct Imported Type B Low Perm Soil	SY	304,000	\$3.00	\$912,000	\$6.00	\$1,824,000	\$3.00	\$912,000	\$3.11	\$945,440	\$3.01	\$915,040	\$3.00	\$912,000
15	Geonet Composite	SY	29,700	\$5.00	\$148,500	\$5.00	\$148,500	\$3.60	\$106,920	\$3.60	\$106,920	\$3.97	\$117,909	\$3.65	\$108,405
16	Bentonite Mat	SY	2,100	\$6.50	\$13,650	\$6.25	\$13,125	\$8.00	\$16,800	\$4.00	\$8,400	\$5.99	\$12,579	\$5.00	\$10,500
17	Geomembrane, 40 MIL, Textured	SY	334,000	\$3.60	\$1,202,400	\$3.05	\$1,018,700	\$3.20	\$1,068,800	\$3.40	\$1,135,600	\$3.23	\$1,078,820	\$3.00	\$1,002,000
18	Geotextile, Type 3	SY	4,000	\$1.35	\$5,400	\$1.30	\$5,200	\$2.00	\$8,000	\$2.00	\$8,000	\$3.17	\$12,680	\$1.25	\$5,000
19	Cover Crop Vegetation	AC	68	\$1,200	\$81,600	\$650	\$44,200	\$700	\$47,600	\$680	\$46,240	\$750	\$51,000	\$650	\$44,200
20	Roadway Embankment	CY	4,400	\$12.00	\$52,800	\$10.00	\$44,000	\$16.00	\$70,400	\$13.00	\$57,200	\$12.50	\$55,000	\$15	\$66,000
21	Crushed Surfacing Base Course	CY	800	\$15.00	\$12,000	\$11.00	\$8,800	\$16.00	\$12,800	\$14.00	\$11,200	\$15	\$12,000	\$22	\$17,600
22	Remove Existing Culverts	EA	7	\$500.00	\$3,500	\$200	\$1,400	\$600	\$4,200	\$300	\$2,100	\$400	\$2,800	\$1,000	\$7,000
23	Excavation for Sedimentation Basin	CY	2,000	\$15.00	\$30,000	\$5.50	\$11,000	\$10	\$20,000	\$4.00	\$8,000	\$7.50	\$15,000	\$3.00	\$6,000
24	Leachate Control	HR	200	\$200.00	\$40,000	\$60	\$12,000	\$60	\$12,000	\$40	\$8,000	\$100	\$20,000	\$145	\$29,000
25	12" CMP	LF	50	\$20.00	\$1,000	\$20	\$1,000	\$28	\$1,400	\$64	\$3,200	\$20	\$1,000	\$18	\$900
26	18" CMP	LF	350	\$25.00	\$8,750	\$25	\$8,750	\$32	\$11,200	\$33	\$11,550	\$25	\$8,750	\$18	\$6,300
27	4" PVC UDGP and UDTP	LF	7,600	\$10.00	\$76,000	\$7.00	\$53,200	\$12	\$91,200	\$7.00	\$53,200	\$7.50	\$57,000	\$13	\$98,800
28	6" PVC UDGP and UDTP	LF	4,000	\$12.00	\$48,000	\$8.00	\$32,000	\$14	\$56,000	\$7.10	\$28,400	\$8.65	\$34,600	\$19	\$76,000
29	8" PVC UDGP	LF	550	\$14.00	\$7,700	\$11.00	\$6,050	\$16	\$8,800	\$8.00	\$4,400	\$12.00	\$6,600	\$21	\$11,550
30	Outlet Structure	EA	1	\$5,000	\$5,000	\$4,000	\$4,000	\$8,000	\$8,000	\$5,000	\$5,000	\$5,000	\$5,000	\$4,000	\$4,000
31	Quarry Spalls	CY	1,100	\$25.00	\$27,500	\$17	\$18,700	\$20	\$22,000	\$25	\$22,500	\$21.20	\$23,320	\$23	\$25,300
32	Erosion Control Mat	SY	50,000	\$1.50	\$75,000	\$0.90	\$45,000	\$1.00	\$50,000	\$0.86	\$43,000	\$1.25	\$62,500	\$1.00	\$50,000
33	Erosion Control	LS	1	\$90,000	\$90,000	\$40,000	\$40,000	\$24,000	\$24,000	\$18,000	\$18,000	\$67,750	\$67,750	\$50,000	\$50,000
34	Single Completion Gas Well	VF	1,300	\$100.00	\$130,000	\$71	\$92,300	\$80	\$104,000	\$80.50	\$104,650	\$80	\$104,000	\$90	\$117,000
35	Double Completion Gas Well	VF	700	\$150.00	\$105,000	\$110	\$77,000	\$100	\$70,000	\$120	\$84,000	\$120	\$84,000	\$110	\$77,000
36	Perimeter and Horizontal Gas Trench	LF	3,500	\$18.00	\$63,000	\$20	\$70,000	\$22	\$77,000	\$10	\$35,000	\$18.77	\$65,695	\$15	\$52,500
37	Wellhead Completion, Type 1	EA	2	\$1,000	\$2,000	\$200	\$400	\$1,400	\$2,800	\$600	\$1,200	\$600	\$1,200	\$1,500	\$3,000
38	Wellhead Completion, Type 2	EA	24	\$1,000	\$24,000	\$900	\$21,600	\$1,400	\$33,600	\$600	\$14,400	\$1,600	\$38,400	\$1,000	\$24,000
39	Wellhead Completion, Type 3	EA	12	\$1,000	\$12,000	\$1,000	\$12,000	\$1,400	\$16,800	\$650	\$7,800	\$1,600	\$19,200	\$1,000	\$12,000
40	Wellhead Completion, Type 4	EA	22	\$1,000	\$22,000	\$800	\$17,600	\$1,400	\$30,800	\$650	\$14,300	\$900	\$19,800	\$1,000	\$22,000
41	3" HDPE-LFG	LF	2,400	\$4.50	\$10,800	\$5.00	\$12,000	\$4.00	\$9,600	\$3.60	\$8,640	\$4.00	\$9,600	\$4.50	\$10,800
42	4" HDPE-LFG	LF	1,500	\$5.50	\$8,250	\$7.50	\$11,250	\$6.00	\$9,000	\$6.90	\$10,350	\$5.00	\$7,500	\$5.50	\$8,250
43	6" HDPE-LFG	LF	1,000	\$8.00	\$8,000	\$10.00	\$10,000	\$8.00	\$8,000	\$11.50	\$11,500	\$7.00	\$7,000	\$8.00	\$8,000
44	8" HDPE-LFG	LF	1,700	\$12.00	\$20,400	\$15.00	\$25,500	\$10.00	\$17,000	\$12.30	\$20,910	\$10.00	\$17,000	\$11.00	\$18,700
45	10" HDPE-LFG	LF	1,000	\$15.50	\$15,500	\$18.00	\$18,000	\$14.00	\$14,000	\$20.00	\$20,000	\$15.00	\$15,000	\$20.00	\$20,000
46	12" HDPE-LFG	LF	2,000	\$20.00	\$40,000	\$27.00	\$54,000	\$18.00	\$36,000	\$22.00	\$44,000	\$20.00	\$40,000	\$25.00	\$50,000
47	16" HDPE-LFG	LF	1,700	\$30.00	\$51,000	\$40.00	\$68,000	\$24.00	\$40,800	\$36.00	\$61,200	\$30.00	\$51,000	\$36.00	\$61,200
48	3" HDPE-LFG, Buried	LF	6,200	\$5.50	\$34,100	\$6.00	\$37,200	\$5.00	\$31,000	\$5.00	\$31,000	\$6.00	\$37,200	\$6.00	\$37,200
49	4" HDPE-C, Buried	LF	4,800	\$8.00	\$38,400	\$6.50	\$31,200	\$7.00	\$33,600	\$5.60	\$26,880	\$7.00	\$33,600	\$6.00	\$28,800
50	1" PVC-V, Buried	LF	2,000	\$2.50	\$5,000	\$3.00	\$6,000	\$2.00	\$4,000	\$2.00	\$4,000	\$2.25	\$4,500	\$3.00	\$6,000
51	2" PVC-D, Buried	LF	2,000	\$3.00	\$6,000	\$3.00	\$6,000	\$4.00	\$8,000	\$2.10	\$4,200	\$3.00	\$6,000	\$3.00	\$6,000
52	16" DI Casing	LF	150	\$55.00	\$8,250	\$26	\$3,900	\$80	\$12,000	\$25	\$3,750	\$40	\$6,000	\$40	\$6,000
53	24" DI Casing	LF	120	\$75.00	\$9,000	\$40	\$4,800	\$100	\$12,000	\$40	\$4,800	\$80	\$9,600	\$53	\$6,360
54	Adj. Pipe Support (G1)	EA	6	\$350.00	\$2,100	\$275	\$1,650	\$400	\$2,400	\$130	\$780	\$480	\$2,880	\$700	\$4,200

St Johns Landfill - SA4/5
Bld Tabulation

Item No.	Description	Unit	Total SA-4/5			TRI STATE CONSTRUCTION, INC.		L&H GRADING, INC.		WILDER CONSTRUCTION CO.		JOHN L. JERSEY & SON, INC.		KIEWIT PACIFIC CO.	
			Est. Quantity	Unit Price	Total Cost										
55	Pipe Guides (G2)	EA	77	\$90.00	\$6,930	\$150	\$11,550	\$100	\$7,700	\$90	\$6,930	\$165	\$12,705	\$300	\$23,100
56	Pipe Anchor	EA	16	\$350.00	\$5,600	\$200	\$3,200	\$400	\$6,400	\$360	\$5,760	\$350	\$5,600	\$600	\$9,600
57	Bollards	EA	4	\$200.00	\$800	\$175	\$700	\$200	\$800	\$90	\$360	\$150	\$600	\$200	\$800
58	6" Butterfly Valve	EA	1	\$300.00	\$300	\$200	\$200	\$400	\$400	\$360	\$360	\$500	\$500	\$135	\$135
59	8" Butterfly Valve	EA	1	\$400.00	\$400	\$400	\$400	\$600	\$600	\$660	\$660	\$750	\$750	\$300	\$300
60	10" Butterfly Valve	EA	1	\$650.00	\$650	\$625	\$625	\$800	\$800	\$720	\$720	\$1,000	\$1,000	\$500	\$500
61	12" Butterfly Valve	EA	3	\$875.00	\$2,625	\$850	\$2,550	\$1,000	\$3,000	\$950	\$2,850	\$1,250	\$3,750	\$725	\$2,175
62	16" Butterfly Valve	EA	1	\$4,000.00	\$4,000	\$3,700	\$3,700	\$4,000	\$4,000	\$5,000	\$5,000	\$5,500	\$5,500	\$3,200	\$3,200
63	Stormwater Check Valve	EA	1	\$2,500	\$2,500	\$3,750	\$3,750	\$8,000	\$6,000	\$4,000	\$4,000	\$5,000	\$5,000	\$3,700	\$3,700
64	Vacuum Valve Station	EA	9	\$2,000	\$18,000	\$1,900	\$17,100	\$2,000	\$18,000	\$2,000	\$18,000	\$3,500	\$31,500	\$1,500	\$13,500
65	Vacuum Pump Station	EA	1	\$60,000	\$60,000	\$56,000	\$56,000	\$38,000	\$36,000	\$28,000	\$28,000	\$47,000	\$47,000	\$50,000	\$50,000
66	Remote Condensate Pump Station	EA	1	\$30,000	\$30,000	\$41,000	\$41,000	\$24,000	\$24,000	\$18,000	\$18,000	\$37,000	\$37,000	\$35,000	\$35,000
67	6" Condensate Drip Leg	EA	2	\$500.00	\$1,000	\$1,050	\$2,100	\$600	\$1,200	\$250	\$500	\$500	\$1,000	\$350	\$700
68	8" Condensate Drip Leg	EA	2	\$600.00	\$1,200	\$1,100	\$2,200	\$800	\$1,600	\$300	\$600	\$600	\$1,200	\$500	\$1,000
69	10" Condensate Drip Leg	EA	2	\$700.00	\$1,400	\$1,200	\$2,400	\$1,000	\$2,000	\$350	\$700	\$700	\$1,400	\$525	\$1,050
70	12" Condensate Drip Leg	EA	4	\$800.00	\$3,200	\$1,400	\$5,600	\$1,200	\$4,800	\$440	\$1,760	\$800	\$3,200	\$700	\$2,800
71	16" Condensate Drip Leg	EA	4	\$1,200.00	\$4,800	\$2,000	\$8,000	\$1,400	\$5,600	\$560	\$2,240	\$1,000	\$4,000	\$1,000	\$4,000
72	Condensate Cleanouts	EA	24	\$650.00	\$15,600	\$900	\$21,600	\$800	\$19,200	\$520	\$12,480	\$700	\$16,800	\$370	\$8,880
73	Electrical Ductbank	LF	2,000	\$30.00	\$60,000	\$10	\$20,000	\$16	\$32,000	\$10	\$20,000	\$11	\$22,000	\$20	\$40,000
74	Temporary Gas System Materials	LS	1	\$30,000	\$30,000	\$20,000	\$20,000	\$20,000	\$20,000	\$11,000	\$11,000	\$35,000	\$35,000	\$15,000	\$15,000
75	Labor for Temporary Gas System	HR	3,000	\$35.00	\$105,000	\$20	\$60,000	\$40	\$120,000	\$33	\$99,000	\$40	\$120,000	\$38	\$114,000
76	Oper. & Equip for Temporary Gas System	HR	1,500	\$60.00	\$90,000	\$35	\$52,500	\$70	\$105,000	\$64	\$96,000	\$70	\$105,000	\$62	\$93,000
77	Leachate Barrier	LF	185	\$675.00	\$124,875	\$110	\$20,350	\$400	\$74,000	\$125	\$23,125	\$135	\$24,975	\$175	\$32,375
78	**Force Account	LS	1	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Subtotal					\$8,261,000		\$6,755,550		\$7,008,620		\$7,093,705		\$7,177,221		\$7,275,280
ESTIMATED TOTAL					\$8,261,000		\$6,755,550		\$7,008,620		\$7,093,705		\$7,177,221		\$7,275,280

**Force Account - Non-Biddable Item.

AGENDA ITEM 7.1
Meeting Date: March 16, 1995

Resolution No. 95-2106

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 95-2106 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO A CONTRACT WITH L & H GRADING, INC. FOR WORK ASSOCIATED WITH THE ST. JOHNS LANDFILL CLOSURE OF SUB-AREAS 4 & 5.

Date: February 16, 1995

Presented by: Jim Watkins

PROPOSED ACTION

Adopt Resolution No. 95-2106 to authorize the Executive Officer to execute a contract with L & H Grading, Inc., the lowest responsive, responsible bidder for work associated with the St. Johns Landfill Closure of Sub-Areas 4 & 5. The Contract is recommended for award conditioned upon receipt of Performance and Payment Bonds, Insurance Certificates, and other bid document submittal requirements, which are required after Council approval.

FACTUAL BACKGROUND AND ANALYSIS

The primary method to control ground water and surface water contamination from St. Johns Landfill is to construct an impervious cap over the existing solid waste. Metro has solicited bids to construct an improved, multi-layered cover system and associated landfill gas and stormwater systems in a 69 acre portion of the landfill during 1995 and 1996. Construction of this cover system is the last phase of construction for the entire landfill.

Following Council approval, a Request for Bids was issued on December 14, 1994. Advertisements were published in Portland newspapers and sent to a list of potentially interested parties. A prebid conference was held on January 6, 1995. The purpose of this conference was to present highlights of the project, review Metro requirements and to receive questions from interested parties. Representatives from approximately 34 businesses (including 16 MBE and WBE) attended the prebid conference.

Only one addendum to the Request for Bids document was issued. The items in this addendum did not materially change the Bidding Documents.

Five bid submittals were accepted and opened during a public bid opening on January 27, 1995. The Bidders are listed below with the total prices as received at the bid opening.

ORGANIZATION	PRICE
Tri-State Construction	\$ 6,755,550
L & H Grading, Inc.	7,008,620
Wilder Construction Co.	7,093,705
John L. Jersey & Son, Inc.	7,177,221
Kiewit Pacific Co.	7,275,280

The bid submitted by Tri-State Construction was deemed non-responsive because it contained prices which were obviously unbalanced. This bid was therefore rejected.

Staff then reviewed the bid submitted by L & H Grading and have determined it to be the lowest, responsive, responsible bid. Staff has reviewed the references of L & H Grading, Inc. and has determined that they meet the requirements for experience and have the ability to perform the work as described in the Instructions to Bidders. The firm successfully completed closure of subarea #1 of the St. Johns Landfill.

L & H Grading, Inc. has meet the requirements of the Metro Minority and Women Owned Business Program for good faith efforts. They will subcontract about 4.4 percent of the work to MBE and about 11 percent of the work to WBE firms.

Applying a bid preference for recycled product would not have changed the low, responsive, responsible bidder.

BUDGET IMPACT

It is expected that this work will begin in April 1995 and continue into the fall of 1996. In the FY 1994-95 budget, \$2,000,000 is allocated for work to be performed up to June 30, 1995. The FY 1995-96 and 1996-97 budget appropriations will be determined by the Metro Council..

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends that a contract be awarded to L & H Grading, Inc.

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02/17/95 2:18 PM

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 95-2106
EXECUTIVE OFFICER TO ENTER INTO A)	
CONTRACT WITH L & H GRADING, INC. FOR)	
WORK ASSOCIATED WITH THE CLOSURE OF)	Introduced by Mike Burton,
SUB-AREAS 4 & 5 OF THE ST. JOHNS LANDFILL)	Executive Officer

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

WHEREAS, Work associated with and including the construction of an improved multi-layered cover system, gas collection system and storm water collection system on Sub-Areas 4 & 5 will advance the closure process; and

WHEREAS, On December 14, 1994 the Metro Council authorized issuance of a Request for Bids for the above listed work; and

WHEREAS, L & H Grading, Inc. has been determined to be the lowest responsive, responsible bidder after an open competitive bid process; and

WHEREAS, The award is conditioned upon the receipt of Performance and Payment Bonds and all other bid document submittal requirements; and

WHEREAS, This resolution, authorizing the Executive Officer to enter into a contract with L & H Grading, Inc. was submitted to the Executive Officer for consideration and was forwarded to the Metro Council for approval; now therefore,

BE IT RESOLVED, That the Metro Council authorizes the Executive Officer to enter into a contract with L & H Grading, Inc. in the amount of \$7,008,620 for work associated with the Closure of Sub-Areas 4 & 5 of the St. Johns Landfill.

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

J. Ruth McFarland, Presiding Officer

AGENDA ITEM 7.2
Meeting Date: March 16, 1995

Resolution No. 95-2102

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2102 FOR THE PURPOSE OF APPROVING THE FY 1996 UNIFIED WORK PROGRAM AND RESOLUTION NO. 95-2103 CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH FEDERAL TRANSPORTATION PLANNING REQUIREMENTS

Date: February 15, 1995

Presented by: Andrew C. Cotugno

PROPOSED ACTION

This resolution would: 1) approve the Unified Work Program (UWP) continuing the transportation planning work program for FY 1996; 2) authorize the submittal of grant applications to the appropriate funding agencies; and 3) certify that the Portland metropolitan area is in compliance with federal transportation planning requirements.

TPAC has reviewed the FY 1996 Unified Work Program and recommends approval of Resolutions 95-2102 and 95-2103.

FACTUAL BACKGROUND AND ANALYSIS

The FY 1996 Unified Work Program (UWP) describes the transportation planning activities to be carried out in the Portland-Vancouver metropolitan region during the fiscal year beginning July 1, 1995. Included in the document are federally-funded studies to be conducted by Metro, Regional Transportation Council (RTC), Tri-Met, the Oregon Department of Transportation (ODOT), the City of Portland and local jurisdictions. Major commitments continue to the Clean Air Act, Demand Management, Urban Growth Management, the Westside Corridor project, and the South/North Alternatives Analysis (AA). Also of major priority are the Southeast Corridor Study, the response to Rule 12 and the Intermodal Surface Transportation Efficiency Act (ISTEA), the Travel-Forecasting Surveys and Research and implementation of the Management System.

In the past, regional Interstate Transfer or FAU funds have been allocated toward work elements in the UWP. This practice is continued with an allocation from the region's Surface Transportation Program (STP).

Federal transportation agencies (Federal Transit Administration (FTA)/Federal Highway Administration (FHWA)) require a self-certification that our planning process is in compliance with certain federal requirements as a prerequisite to receiving federal funds. The self-certification documents that we have met those requirements and is considered yearly at the time of UWP approval.

/

The UWP matches the projects and studies reflected in the proposed Metro budget submitted by the Metro Executive Officer to the Metro Council and is subject to revision in the final Metro budget.

Approval will mean that grants can be submitted and contracts executed so work can commence on July 1, 1995 in accordance with established Metro priorities.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolutions numbered 95-2102 and 95-2103, respectively.

95-2102.RES
2-28-95
KT:lnk

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE) RESOLUTION NO. 95-2102
FY 1996 UNIFIED WORK PROGRAM)

Introduced by
Councilor Rod Monroe, Chair
JPACT

WHEREAS, The Unified Work Program describes all
federally-funded transportation planning activities for the
Portland-Vancouver metropolitan area to be conducted in FY 1996;
and

WHEREAS, The FY 1996 Unified Work Program indicates
federal funding sources for transportation planning activities
carried out by Metro, Regional Transportation Council, Oregon
Department of Transportation, Tri-Met and the local jurisdic-
tions; and

WHEREAS, Approval of the FY 1996 Unified Work Program is
required to receive federal transportation planning funds; and

WHEREAS, The FY 1996 Unified Work Program is consistent
with the proposed Metro budget submitted to the Tax Supervisory
and Conservation Commission; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby declares:

1. That the FY 1996 Unified Work Program is approved.
2. That full implementation of this work program is
subject to allocation of Regional STP funds.
3. That the FY 1996 Unified Work Program is consistent
with the continuing, cooperative and comprehensive planning

process and is given positive Intergovernmental Project Review action.

4. That Metro's Executive Officer is authorized to apply for, accept and execute grants and agreements specified in the Unified Work Program.

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

J. Ruth McFarland, Presiding Officer

95-2102.RES
KT:lmk
2-15-95

AGENDA ITEM 7.3
Meeting Date: March 16, 1995

Resolution No. 95-2103

JOINT RESOLUTION OF THE
METRO COUNCIL
AND OREGON STATE HIGHWAY CHIEF ENGINEER

FOR THE PURPOSE OF CERTIFYING THAT)	RESOLUTION NO. 95-2103
THE PORTLAND METROPOLITAN AREA IS IN)	
COMPLIANCE WITH FEDERAL TRANSPORTATION)	Introduced by
PLANNING REQUIREMENTS)	Councilor Monroe, Chair
	JPACT

WHEREAS, Substantial federal funding from the Federal Transit Administration and Federal Highway Administration is available to the Portland metropolitan area; and

WHEREAS, The Federal Transit Administration and Federal Highway Administration require that the planning process for the use of these funds complies with certain requirements as a prerequisite for receipt of such funds; and

WHEREAS, Satisfaction of the various requirements is documented in Exhibit A; now, therefore,

BE IT RESOLVED,

That the transportation planning process for the Portland metropolitan area (Oregon portion) is in compliance with federal requirements as defined in Title 23 Code of Federal Regulations, Part 450, and Title 49 Code of Federal Regulations, Part 613.

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

J. Ruth McFarland, Presiding Officer

APPROVED by the Oregon Department of Transportation Chief Engineer this _____ day of _____, 1995.

State Highway Chief Engineer

EXHIBIT A

Metro Self-Certification

1. Metropolitan Planning Organization Designation

Metro is the MPO designated by the Governor for the urbanized areas of Clackamas, Multnomah and Washington Counties.

Metro is a regional government with seven directly elected Councilors and an elected Executive Officer. Effective January 1995, the Council was reduced to seven as mandated by the Metro Charter. Local elected officials are directly involved in the transportation planning/decision process through the Joint Policy Advisory Committee on Transportation (JPACT) (see attached membership). JPACT provides the "forum for cooperative decision-making by principal elected officials of general purpose local governments" as required by USDOT. The Charter created a new local government committee, the Metro Policy Advisory Committee, for nontransportation-related matters with the exception of adoption and amendment to the Regional Transportation Plan (RTP). JPACT remained unchanged under the Charter with the exception of a requirement to consult JPACT regarding Metro takeover of Tri-Met.

2. Agreements

- a. A basic memorandum of agreement between Metro and the Regional Transportation Council (Southwest Washington RTC) which delineates areas of responsibility and necessary coordination and defines the terms of allocating Section 8 funds is in effect.
- b. An agreement between Tri-Met, Public Transit Division of the ODOT and Metro setting policies regarding special needs transportation.
- c. An intergovernmental agreement between Metro, Tri-Met and ODOT which describes the roles and responsibilities of each agency in the 3C planning process.
- d. Yearly agreements are executed between Metro and ODOT defining the terms and use of FHWA planning funds and Metro and Tri-Met for use of FTA funds.
- e. Bi-State Resolution -- Metro and RTC jointly adopted a resolution establishing a Bi-State Policy Advisory Committee.
- f. Bi-State Transportation Planning -- Metro and RTC have jointly adopted a work program description which is reflected in this UWP and a decision-making process for high-capacity transit corridor planning and priority setting.
- g. Metro has circulated a Memorandum of Understanding to concerned agencies in the metropolitan area which 1) establishes a Metro boundary less than that of the Oregon portion of the Portland/Vancouver Interstate Air Quality Maintenance Area for ozone

and its precursors; 2) identifies transportation and air quality planning responsibilities between concerned agencies for that portion of the AQMA which lies outside Metro's boundary; and 3) prescribes dispute resolution procedures in the event that modification of transportation projects planned outside Metro's boundaries but within the AQMA boundary become needed to demonstrate conformity with the Oregon State Implementation Plan.

Ratification of the MOU is anticipated prior to the end of FY 95. The incorporated City of Gaston has declined to approve the MOU. Gaston owns no regionally significant facilities and no significant projects are planned in the next 20 years on state-owned facilities within the City's boundary. Should regionally significant activity be proposed, Gaston would be consulted as a courtesy.

3. Geographic Scope

Transportation planning in the Metro region includes the entire area within the Federal-Aid Urban boundary.

4. Transportation Plan

The RTP was adopted on July 1, 1982. The document had one housekeeping update in 1984, a major update in 1989, and was revised in 1991. A minor update to incorporate new elements of ISTEA is scheduled for May 1995. A major update to reflect the State Transportation Planning Rule (TPR) will follow in 1996 and will include revisions that reflect the Region 2040 Growth Concept and Regional Framework Plan efforts. A rigorous review process is followed during updates which allows for extensive citizen and technical comment. The short-range Transit Development Plan, the detailed transit operations plan for the region, was completely revised and adopted by the Tri-Met Board in January 1988 and is currently being updated.

5. Transportation Improvement Program

The 1995 Metropolitan TIP (MTIP) was adopted by Metro in June 1994. It further incorporates planning requirements of the federal metropolitan planning regulations. Specifically, the 1995 MTIP:

- a. Specifies the region's project selection procedures;
- b. Elaborates regional compliance with fiscal constraint requirements;
- c. Provides dual information regarding projects allocated categorical funds and categories of funds allocated to individual projects by phase of work, year of anticipated obligation and sponsoring jurisdiction;
- d. Identifies and discusses the reasons that major projects programmed in the 1994 MTIP have been delayed;

- e. Identifies local projects of regional significance with respect to emission of air pollutants;
- f. Reformats the presentation of project description and map location data for projects programmed in the three-year approved program period; and
- g. Provides updated analysis of MTIP conformity with the 15 planning factors specified in the federal planning rule.

The MTIP reaffirmed programming of numerous projects amended into the regional program throughout FY 1994 including completion of funding allocations to the CMAQ and Transportation Enhancement programs. The 1995 MTIP approved a handful of new projects and programming actions. All program activity associated with amendment of the 1994 TIP and adoption of the 1995 MTIP, except for two project approvals, were exempt from regional conformity analysis.

Comments received from Oregon DEQ led to the discovery that the Baseline network developed for the Conformity Analysis contained technical errors. Rather than redo the analysis, Metro cooperated with ODOT to process a comprehensive amendment of the State TIP (STIP) to identify and incorporate into the STIP all exempt programming activity which occurred subsequent to adoption of the FY 1994 MTIP in January.

Two projects, I-5/Wilsonville Interchange Reconstruction and OR-47 (Forest Grove) Bypass, were formally approved by adoption of the FY 1995 MTIP. Because these two projects were not exempt from Conformity Analysis requirements, they remain ineligible to obligate federal funds at this time. These two projects will be addressed in the Conformity Analysis to be prepared for the FY 1996 MTIP due in May 1995.

6. Transportation Improvement Program (TIP) Air Quality Conformity

Metro performs air quality analyses as required by the Clean Air Act Amendments (CAAA) of 1990. A linked-based emissions calculation methodology is used to estimate pollutants for the Air Quality Maintenance Area (AQMA) in the Portland metropolitan region for the analysis years 1990, 1995, 1996, 2000 and 2010. Total mobile emissions for ozone precursors – summer CO, HC and NOx – and Winter CO are reported. The TIP must conform to CAAA by not increasing emissions when compared to a base year of 1990 or to a No-Build forecast year.

7. Management Systems

Metro worked with ODOT in preparing work programs for submittal to FHWA on the Intermodal and Congestion Management Systems. The work programs and summaries of initial data-collection activities to support the management systems were submitted in October 1994 in compliance with the Interim Final Rules for Management Systems.

Also consistent with the Interim Final Rules, Metro has acted as a coordinating agency between ODOT and local governments and agencies on developing and implementing the safety, bridge and pavement systems. Metro has also worked with ODOT and Tri-Met on

the public transit management system. Such coordination will continue in following fiscal years.

8. Issues of Interstate Significance

The Bi-State Study was completed in FY 1994. The study generated recommendations which will be further analyzed as part of the update to the RTP. Unresolved issues may require additional separate analysis or study. Metro continues to participate on bi-state transportation and air quality issues. The South/North Transit Corridor Study AA/DEIS is being conducted with the close cooperation of Clark County jurisdictions.

9. Public Involvement

Metro maintains a continuous public involvement process which provides public access to key decisions and supports early and continuing involvement. Interactive public participation methods encourages the exchange of ideas and information. This includes the establishment of Citizen Advisory Committees; community outreach efforts such as workshops, and project specific activities; the use of communication methods such as newsletters, fact sheets, meeting notices, and press releases and mailings.

Major transportation projects have detailed citizen involvement plans focused specifically on the special needs of the project.

The South/North Transit Corridor Study involves 15 jurisdictions. An extensive regional public involvement plan is supported by supplemental local citizen participation efforts. These include geographical working groups, neighborhood/community stakeholder outreach, business contact programs, media education efforts, the development of differing levels of informational material and opportunities for input in addition to extensive decision-making processes for recommendations made throughout the study.

The South Willamette River Crossing Study (Southeast Corridor Study, Phase 2) will use a variety of public involvement techniques including: informational meetings in the study area, monthly articles in local papers, mailings to interested and affected parties, and a Community Review Group comprised of representatives from neighborhood and business associations, environmental interest groups, transportation advocacy group organizations that serve the transportation underserved, and other stakeholder groups in the study area.

A comprehensive public involvement strategy has been developed for the Regional Transportation Plan update process. Specific public outreach activities include: a transportation fair, informational meetings and open houses, public hearings, newsletters and other mailings, monthly articles in local papers, outreach to groups that have been traditionally underserved by the transportation system, and a Citizens Advisory Committee (CAC). The CAC will be comprised of delegates from neighborhood and business associations and a wide variety of community organizations, including those that serve the transportation underserved.

10. Air Quality

The Oregon Legislature passed HB 2214 which directs and authorizes the Environmental Quality Commission to adopt a specific air quality maintenance plan for the Portland area, patterned after the recommendations of the State Motor Vehicle Task Force.

A key point in the bill is the substitution of regulatory measures for the proposed market-based vehicle emission fee. Most notably are the limits placed on the construction of new parking associated with employment, retail and commercial facilities. In addition, the bill provides for a more stringent employer trip reduction program than originally proposed by the State Task Force. These two regulatory programs are expected to provide reductions in vehicle miles traveled (VMT) similar to what may have been achieved by the proposed vehicle emission fee. They are also complimentary to and will help achieve the goals of the LCDC TPR 12 which includes VMT and parking space per capita reduction targets.

11. Civil Rights

Metro's Title VI tri-annual report was submitted in September 1992 and is still in review. An ODOT/FHWA on-site review was held in March 1993 and certification approved. Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO) and citizen participation all have programs in place which have been FTA-certified.

12. Elderly and Handicapped

The Americans with Disabilities Act Joint Complementary Transit Plan was adopted by the Tri-Met Board in December 1991 and was certified as compatible with the RTP by Metro Council in January 1992. (The 1994 Plan Update was approved by Metro as in conformance with the RTP.)

13. Disadvantaged Business Enterprise Program

A revised DBE program was adopted by the Metro Council in September 1989. Overall agency goals were set for DBEs and Women-Owned Business Enterprises (WBE) as well as contract goals by type. The annual goal for all DOT-assisted DBEs is 12 percent combined DBE/WBE. The DBE program is very specific about the request for proposals, bidding and contract process.

14. Public/Private Transit Operators

Tri-Met and C-TRAN are the major providers of transit service in the region. Other public and private services are coordinated by these operators.

Tri-Met also contracts for demand-responsive, and neighbor service with private entities such as ATC, Dave Transportation Systems, Inc., Larson Transportation Services, Inc., taxis and Buck Medical Services. Tri-Met also coordinates with those agencies using federal programs (FTA's 16(b)(2)) to acquire vehicles. Service providers in this category are coordinated by Volunteer Transportation, Inc. Special airport transit services are also

provided in the region (Raz Transportation and Beaverton Airporter Services). Involvement with these services is limited to special issues.

Two areas, Molalla and Wilsonville, were allowed to withdraw from the Tri-Met District on January 1, 1989. A condition of withdrawal was that they provide service at least equal to the service previously provided by Tri-Met. Dave Transportation Systems, Inc. is providing alternative service to Molalla at approximately two-thirds the cost of Tri-Met service.

KT:lmk
SELF CERT. UWP
2/28/95

JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION

Metro Council Councilor Rod Monroe
Councilor Susan McLain
Councilor Don Morissette
Councilor Patricia McCaig (alternate)

Multnomah County Commissioner Tanya Collier
Commissioner Dan Saltzman (alternate)

Cities in Multnomah County . Councilor Claudiette LaVert (Gresham)
Councilor David Ripma (Troutdale) (alt.)

Washington County Commissioner Roy Rogers (Washington Co.)
Linda Peters (alternate)

Cities in Washington County . Mayor Rob Drake (Beaverton)
Councilor John Godsey (Hillsboro) (alt.)

Clackamas County Commissioner Ed Lindquist

Cities in Clackamas County . Mayor Craig Lomnicki (Milwaukie)
Commissioner Jim Ebert (Oreg. City) (alt.)

City of Vancouver Councilmember Royce Pollard
Dean Lookingbill (SW RTC) (alternate)

Clark County Commissioner David Sturdevant
Les White (C-TRAN) (alternate)

City of Portland Commissioner Earl Blumenauer
Commissioner Mike Lindberg (alternate)

Oregon Department of
Transportation Bruce Warner, Region I Engineer
Michal Wert, Transportation Development
Manager (alternate)

Port of Portland Mike Thorne, Executive Director
Dave Lohman, Director of Policy
and Planning (alternate)

Washington State Department
of Transportation Gerry Smith, District Administrator
Mary Legry, Transportation Planning
Manager (alternate)

Tri-Met Tom Walsh, General Manager
Bob Post, Deputy General Manager (alternate)

Department of Environmental
Quality Lydia Taylor, Interim Director
Gregory Green, Administrator
Air Quality Division (alternate)

TRANSPORTATION POLICY ALTERNATIVES COMMITTEE

Metro	Andy Cotugno Casey Short
City of Portland	Steve Dotterer Vic Rhodes (alternate) Greg Jones (alternate)
Multnomah County	Kathy Busse Ed Pickering (alternate)
Cities of Multnomah County	Richard Ross James Galloway (alternate)
Washington County	Brent Curtis Mark Brown (alternate)
Cities of Washington County	Roy Gibson Carol Landsman (alternate)
Clackamas County	Rod Sandoz Ron Weinman (alternate)
Cities of Clackamas County	Maggie Collins Jerry Baker (alternate)
Tri-Met	G.B. Arrington Joe Walsh (alternate)
Clark County	Dean Lookingbill Bob Hart (alternate) Lynda David (alternate)
Oregon Department of Transportation	Dave Williams Robin McArthur-Phillips (alt.) Leo Huff (alt.)
Washington State Department of Transportation	Steve Jacobson Keith Ahola (alternate)
Federal Highway Administration	Fred Patron Scott Frey (alternate)
Port of Portland	Susie Lahsene Brian Campbell
Department of Environmental Quality	Howard Harris
Citizenry:	Ronald Correnti/Pamela Williams David Bragdon/Gordon Hunter Molly O'Reilly/Ellen Vanderslice Michael Robinson/Dorothy Cofield Sterling Williams/Ray Polani Rex Burkholder/Grant Raddon
Associate Member: C-TRAN	Patrick Bonin

AGENDA ITEM 7.4
Meeting Date: March 16, 1995

Resolution No. 95-2109

REGIONAL PARKS AND GREENSPACES STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2109 AUTHORIZING THE RELEASE OF A REQUEST FOR PROPOSALS AND AUTHORIZING A MULTI-YEAR CONTRACT WITH THE MOST ADVANTAGEOUS PROPOSER FOR MANAGEMENT OF THE BOAT CONCESSION AT BLUE LAKE PARK.

Date: February 28, 1995

Presented by : Charles Ciecko

FACTUAL BACKGROUND AND ANALYSIS

The Boat Concession facility at Blue Lake Regional Park was among the facilities transferred to Metro management from Multnomah County by intergovernmental agreement in December 1993 (Resolution No. 93-1877). In 1990, Multnomah County entered into a contract with River Trails, Inc. to manage the Boat Concession facility. Responsibilities include marketing the Boat Concession facility itself, as well as promoting other services to large groups and company picnics, and provide high quality, non-motorized or electric powered rental watercraft to Blue Lake Park's visitors. These responsibilities have generated an average annual revenue, to Parks, of \$8,686.00 for the past five (5) years. However, potential for increased revenues exist via increased marketing and additional services.

The current contract expires on April 30, 1995. It is highly desirable to issue the RFP and have new vendor under contract, so as not to delay opening the facility for the coming season.

BUDGET IMPACT

This operation is strictly revenue generating. The percentage of funds paid to Metro from the Boat Concession Contractor, are funded into Regional Parks and Greenspaces Blue Lake Park's budget as "program/resource revenue".

EXECUTIVE OFFICERS RECOMMENDATION

The Executive Officer recommends approval of Resolution No.

rpgsrb.oat
TJ/mb

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 95-2109
THE RELEASE OF A REQUEST FOR)	
PROPOSALS (RFP) AND THE)	Introduced by Mike Burton
EXECUTION OF A MULTI-YEAR)	Executive Officer
CONTRACT FOR MANAGEMENT OF)	
THE BOAT CONCESSION AT BLUE)	
LAKE PARK)	

WHEREAS, On December 9, 1994, by Resolution No. 95-1877, the Metro Council approved an intergovernmental agreements with Multnomah County transferring management of regional parks, natural areas, golf courses, cemeteries, trade and spectator facilities to Metro; and

WHEREAS, The Boat Concession at Blue Lake Regional Park is one of the facilities for which management responsibility was transferred to Metro; and

WHEREAS, The Boat Concession is a mainstay within the operation of Blue Lake Park, renting paddle boats, rowboats and canoes to park patrons, and a source of revenue to support Regional Parks and Greenspaces programs and operations; and

WHEREAS, This contract is strictly revenue generating and the percentage of funds paid to Metro, from Boat Concession Contractor, are funded back into Regional Parks and Greenspaces Blue Lake Park's budget as "program/resource revenue".

WHEREAS, It has been the practice to enter into a multi-year contract with the most advantageous proposer seeking to manage that concession; and

WHEREAS, The contract with the current vendor terminates April 30, 1995; now, therefore,

BE IT RESOLVED,

1. The Metro Council, acting as the Metro Contract Review Board, approves issuance of a request for proposals (RFP # 95R 9-PK), in substantial compliance with Exhibit A attached, and authorizes the Executive Officer to enter into a multi-year contract with the most advantageous proposer.

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

J. Ruth McFarland, Presiding Officer

AGENDA ITEM 7.5
Meeting Date: March 16, 1995

Resolution No. 95-2108

REGIONAL PARKS AND GREENSPACES STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2108 AUTHORIZING THE RELEASE OF A REQUEST FOR PROPOSALS AND AUTHORIZING A MULTI-YEAR CONTRACT WITH THE MOST ADVANTAGEOUS PROPOSER FOR MANAGEMENT OF THE FOOD CONCESSION AT BLUE LAKE PARK.

Date: February 28, 1995

Presented by: Charles Ciecko

FACTUAL BACKGROUND AND ANALYSIS

The Food Concession facility at Blue Lake Regional Park was among the facilities transferred to Metro management from Multnomah County by intergovernmental agreement in December 1993 (Resolution No. 93-1877). In 1990, Multnomah County entered into a contract with Tommy's Place to manage the Food Concession facility. Responsibilities include marketing the Food Concession facility itself, as well as promoting catering services to large groups and company picnics; providing high quality food, beverages, goods and sundry items to Blue Lake Park's visitors; and catering for special events. These responsibilities have generated an average annual revenue, to Parks, of \$3,902.00 for the past five (5) years. However, potential for increased revenues exist via increased marketing and provision of catering services.

The current contract expires on April 30, 1995. It is highly desirable to issue the RFP and have a new vendor under contract, so as not to delay opening the facility for the coming season.

BUDGET IMPACT

This operation is strictly revenue generating. The percentage of funds paid to Metro from the Food Concession Contractor, are funded into Regional Parks and Greenspaces Blue Lake Park's budget as "program/resource revenue".

EXECUTIVE OFFICERS RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2108.

strep.202
TJ/mb

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 95-2108
THE RELEASE OF A REQUEST FOR)
PROPOSALS (RFP) AND THE EXECUTION)
OF A MULTI-YEAR CONTRACT FOR)
MANAGEMENT OF THE FOOD)
CONCESSION AT BLUE LAKE PARK.)

WHEREAS, On December 9, 1994, by Resolution No. 93-1877, the Metro Council approved an intergovernmental agreement with Multnomah County transferring management of regional parks, natural areas, golf courses, cemeteries, trade and spectator facilities to Metro; and

WHEREAS, The Food Concession at Blue Lake Regional Park is one of the facilities for which management responsibility was transferred to Metro; and

WHEREAS, The Food Concession is a mainstay within the operation of Blue Lake Park, providing food, beverages, and sundry items to park patrons, and a source of revenue to support Regional parks and Greenspaces programs and operations; and

WHEREAS, This contract is strictly revenue generating with the percentage of funds paid to Metro, from Food Concession Contractor, are funded back into Regional Parks and Greenspaces Blue Lake Park's budget as "program/resource revenue".

WHEREAS, It has been the practice to enter into a multi-year contract with the most advantageous proposer seeking to manage that concession; and

WHEREAS, The contract with the current vendor terminates April 30, 1995; now, therefore,

BE IT RESOLVED,

1. That the Metro Council, acting as the Metro contract Review Board, approves issuance of a request for proposals (RFP # 95R-8-PK), in substantial compliance with Exhibit A attached, and authorizes the Executive Officer to enter into a multi-year contract with the most advantageous proposer.

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

J. Ruth McFarland, Presiding Officer

AGENDA ITEM 7.6
Meeting Date: March 16, 1995

Resolution No. 95-2089

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2089 FOR THE PURPOSE OF AMENDING THE TRANSPORTATION POLICY ALTERNATIVES COMMITTEE (TPAC) BYLAWS

Date: January 30, 1995

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution would amend the TPAC Bylaws as follows:

1. Add implementation of the adopted 2040 growth concept to the requirements to consider in developing the Regional Transportation Plan.
2. Change the reference of the Urban Mass Transportation Administration (UMTA) to the Federal Transit Administration (FTA).
3. Remove reference to the Metro Council Planning Committee to the appointment of citizen members and approval of their alternates since it no longer exists. Selection and appointment of citizen members would remain the responsibility of the Metro Council.

TPAC reviewed the proposed amendments offered by Councilor Kvistad (Attachment 1) and Andy Cotugno (Attachment 2) in reconsideration of the TPAC Bylaws at its February 24, 1995 meeting and hereby recommends approval of Resolution No. 95-2089. The action taken was reflective of the need for flexibility in consideration of members and alternates. The Committee was hopeful that Metro Council would take into consideration appointing an alternate that shared the same interest perspective as that of the citizen member.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2089.



METRO

PROPOSED AMENDMENT NO. 1

DATE: February 7, 1995
TO: JPACT
FROM: Councilor Jon Kvistad
RE: TPAC Bylaws Amendment

At the Metro Council's February 7 work session, the Council voted 5-2 to forward to JPACT for confirmation a proposed amendment to the TPAC bylaws (item #2 on your February 9 agenda). This amendment, which I introduced, addresses the appointment process for alternates to the six citizen positions on TPAC. The proposal would provide for alternates to be appointed through the same nomination and confirmation process as the citizen members. Alternates would be selected from the group of nominees originally submitted for full membership. This would replace the proposal before you which gives the authority to name alternates to the TPAC citizen members themselves.

It is my belief that the process of local government nomination and Metro Council confirmation is a good one, and should be used for the alternates as well as the full members. It provides greater accountability and promotes broader representation on TPAC from throughout the community.

The amendment deals with Article III, Section 2c, on page 3 of the TPAC bylaws. Incorporating the relevant TPAC recommendation, it would read (new language underlined):

Citizen representatives and their alternates will be nominated by the jurisdictions and through a public application process, confirmed by the Metro Council, and appointed by the Presiding Officer of the Metro Council. Alternates shall be selected from the list of nominees submitted by the jurisdictions for appointment as citizen members.

Thank you for your consideration.

PROPOSED AMENDMENT NO. 2
OFFERED BY ANDREW COTUGNO

ARTICLE III, Section 2c

Citizen representatives and their alternates will be nominated by the jurisdictions and through a public application process, confirmed by the Metro Council, and appointed by the Presiding Officer of the Metro Council. Alternates shall be selected from the list of nominees for appointment as citizen members.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)	RESOLUTION NO. 95-2089
THE TRANSPORTATION POLICY)	
ALTERNATIVES COMMITTEE (TPAC))	Introduced by
BYLAWS)	Rod Monroe, Chair
		JPACT

WHEREAS, The Transportation Policy Alternatives Committee (TPAC) provides technical and policy input to JPACT and the Metro Council; and

WHEREAS, Amendments to the Bylaws are needed from time to time; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby amends the TPAC Bylaws as reflected in Exhibit A.

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

J. Ruth McFarland, Presiding Officer

TRANSPORTATION POLICY ALTERNATIVES COMMITTEE

BYLAWS

Adopted by Metro Council
in Resolution 94-1902 on March 24, 1994

ARTICLE I

This Committee shall be known as the TRANSPORTATION POLICY ALTERNATIVES COMMITTEE (TPAC).

ARTICLE II

The Transportation Policy Alternatives Committee coordinates and guides the regional transportation planning program in accordance with the policy of the Metro Council.

The responsibilities of TPAC with respect to transportation planning are:

a. Review the Unified Work Program (UWP) and Prospectus for transportation planning.

b. Monitor and provide advice concerning the transportation planning process to ensure adequate consideration of regional values such as land use, economic development, and other social, economic and environmental factors in plan development.

c. Advise on the development of the Regional Transportation Plan in accordance with the Intermodal Surface Transportation Efficiency Act (ISTEA), the L.C.D.C. Transportation Planning Rule, the 1992 Metro Charter and the adopted 2040 Growth Concept.

d. Advise on the development of the Transportation Improvement Program (TIP) in accordance with ISTEA.

e. Review projects and plans affecting regional transportation.

f. Advise on the compliance of the regional transportation planning process with all applicable federal requirements for maintaining certification.

g. Develop alternative transportation policies for consideration by JPACT and the Metro Council.

h. Review local comprehensive plans for their transportation impacts and consistency with the Regional Transportation Plan.

- i. Recommend needs and opportunities for involving citizens in transportation matters.

The responsibilities of TPAC with respect to air quality planning are:

- a. Review and recommend project funding for controlling mobile sources of particulates, CO, HC and NOx.
- b. Review the analysis of travel, social, economic and environmental impacts of proposed transportation control measures.
- c. Review and provide advice (critique) on the proposed plan for meeting particulate standards as they relate to mobile sources.
- d. Review and recommend action on transportation and parking elements necessary to meet federal and state clean air requirements.

ARTICLE III

MEMBERSHIP, VOTING, MEETINGS

Section 1. Membership

- a. The Committee will be made up of representatives from local jurisdictions, implementing agencies and citizens as follows:

City of Portland	1
Clackamas County	1
Multnomah County	1
Washington County	1
Clackamas County Cities	1
Multnomah County Cities	1
Washington County Cities	1
Oregon Department of Transportation	1
Washington State Department of Transportation	1
Southwest Washington Regional Transportation Council	1
Port of Portland	1
Tri-Met	1
Oregon Department of Environmental Quality	1
Metro (non-voting)	2
Citizens	6
	<hr/> 21

In addition, the City of Vancouver, Clark County, C-TRAN, Federal Highway Administration, Federal Aviation Administration (FAA), Federal Transit Administration (FTA), and Washington

Department of Ecology may appoint an associate member without a vote. Additional associate members without vote may serve on the Committee at the pleasure of the Committee.

b. Each member shall serve until removed by the appointing agency. Citizen members shall serve for two years and can be reappointed.

c. Alternates may be appointed to serve in the absence of the regular member.

d. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chairperson to notify the appointing agency with a request for remedial action.

Section 2. Appointment of Members and Alternates

a. Representatives (and alternatives if desired) of the Counties and the City of Portland shall be appointed by the presiding executive of their jurisdiction/agency.

b. Representatives (and alternates if desired) of Cities within a County shall be appointed by means of a consensus of the Mayors of those cities. It shall be the responsibility of the representative to coordinate with the cities within his/her county.

c. ~~Citizen representatives and their alternates will be nominated by the jurisdictions and through a public application process, confirmed by the Metro Council, and appointed by the Presiding Officer of the Metro Council. All citizen members shall appoint an alternate to serve in their absence; if a citizen member fails to appoint an alternate within 30 days of appointment, the Metro Council will make the appointment.~~

d. Metro representatives (non-voting) shall be appointed one each by the Metro Executive Officer and Council Presiding Officer.

Section 3. Voting Privileges

a. Each member or alternate of the Committee, except associate members, shall be entitled to one (1) vote on all issues presented at regular and special meetings at which the member or alternate is present.

b. The Chairperson shall have no vote.

Section 4. Meetings

a. Regular meetings of the Committee shall be held each month at a time and place established by the Chairperson.

b. Special meetings may be called by the Chairperson or a majority of the Committee members.

Section 5. Conduct of Meetings

a. A majority of the voting members (or designated alternates) shall constitute a quorum for the conduct of business. The act of the majority of the members (or designated alternates) present at meetings at which a quorum is present shall be the act of the Committee.

b. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

c. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

d. An opportunity will be provided at each meeting for citizen comment on agenda and non-agenda items.

ARTICLE IV

OFFICERS AND DUTIES

Section 1. Officers

The permanent Chairperson of the Committee shall be the Metro Planning Director or designee.

Section 2. Duties

The Chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business.

Section 3. Administrative Support

a. Metro shall supply staff, as necessary, to record actions of the Committee and to handle Committee correspondence and public information concerning meeting times and places.

ARTICLE V

SUBCOMMITTEES

One (1) permanent subcommittee of the Committee is established to oversee the major functional area in the transportation planning process where specific products are required:

a. Transportation Improvement Program Subcommittee (TIP) -
- to develop and update the five-year TIP, including the Annual Element.

b. Transportation Demand Management Subcommittee (TDM) --
to recommend measures to reduce travel demand for inclusion in the Regional Transportation Plan or funding in the Transportation Improvement Program.

Subcommittees may be established by the Chairperson. Membership composition shall be determined according to mission and need. The Chair shall consult with the full committee on membership and charge before organization of subcommittees. Subcommittee members can include TPAC members, alternates and/or outside experts. All such committees shall report to the Transportation Policy Alternatives Committee.

ARTICLE VI

REPORTING PROCEDURES

The Committee shall make its reports and findings and recommendations to the Joint Policy Advisory Committee on Transportation (JPACT). The Committee shall develop and adopt procedures which adequately notify affected jurisdictions on matters before the Committee.

ARTICLE VII

AMENDMENTS

The Bylaws may be amended or repealed only by the Metro Council.

TPACBLAW.3

2-27-95

March 24, 1994 - As approved by Metro Council.

AGENDA ITEM 7.7
Meeting Date: March 16, 1995

Resolution No. 95-2114

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING
RESOLUTION 95-2070, RELATING TO
MEETING TIMES OF THE METRO
COUNCIL

)
)
)
)

RESOLUTION NO. 95-2114

Introduced by Presiding Officer
Ruth McFarland

WHEREAS, The Metro Council adopted Resolution 95-2070 for the purpose of making appointments and setting meeting times;

WHEREAS, The Council set its regular meeting on the fourth Thursday of each month at 7 P.M.; and

WHEREAS, public attendance at evening meetings has been limited; now therefore,

BE IT RESOLVED,

1. That Exhibit C of Resolution 95-2070 be amended to delete the following language, "except that on the fourth Thursday of each month the regular session shall begin at 7:00 p.m."

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

J. Ruth McFarland, Presiding Officer

COUNCIL MEETING SCHEDULE

The Metro Council meetings shall be regularly scheduled as outlined below except when the Presiding Officer finds a need to: 1) convene special meetings; 2) change meeting dates or times to respond to special scheduling needs, such as during Thanksgiving and Christmas or other religious holiday periods; or 3) cancel a meeting due to a lack of quorum or agenda items or other precipitating events.

Regular Sessions: The Metro Council shall meet in Regular Session on each Thursday beginning at 2:00 p.m. [~~except that on the fourth Thursday of each month the regular session shall begin at 7:00 p.m.~~]

Work Sessions: The Metro Council shall meet in Work Session on each Tuesday beginning at 2:00 p.m.

All Regular and Work Session meetings of the Council shall be open to the public and shall be advertised in a newspaper of general circulation in the region. The Council may consider ordinances and resolutions at its Work Session meetings but shall take final action on any ordinance or resolution at a Regular Session meeting.

COUNCIL MEETING SCHEDULE

The Metro Council meetings shall be regularly scheduled as outlined below except when the Presiding Officer finds a need to: 1) convene special meetings; 2) change meeting dates or times to respond to special scheduling needs, such as during Thanksgiving and Christmas or other religious holiday periods; or 3) cancel a meeting due to a lack of quorum or agenda items or other precipitating events.

Regular Sessions: The Metro Council shall meet in Regular Session on each Thursday beginning at 2:00 p.m.

Work Sessions: The Metro Council shall meet in Work Session on each Tuesday beginning at 2:00 p.m.

All Regular and Work Session meetings of the Council shall be open to the public and shall be advertised in a newspaper of general circulation in the region. The Council may consider ordinances and resolutions at its Work Session meetings but shall take final action on any ordinance or resolution at a Regular Session meeting.

ENVIROCORPS

★ What is EnviroCorps?

EnviroCorps is an AmeriCorps program, the national initiative for Americans to serve their country. EnviroCorps provides a service learning experience to adults in conservation and natural resource management. The sponsors are Metro, Portland State University, the Natural Resources Conservation Service (formerly the Soil Conservation Service), and the East Multnomah Soil and Water Conservation District.



MARY BONGAROWICZ/The Oregonian

★ Our mission:

We are looking for environmentally oriented restoration and enhancement projects on both public and private properties. We are seeking opportunities to work with private landowners, business, citizen organizations and government agencies as partners. Our primary focus is natural resource restoration in the Columbia Slough watershed and urban environment of the Portland metropolitan area.

★ EnviroCorps can help! We can provide:

- Energetic workers to help plan and implement restoration projects
- Assistance with an environmental education program for your school
- Help monitoring and improving water quality in your local stream
- Habitat enhancement for wildlife, from a small backyard to a large site?

★ What you can provide:

- A project site and the willingness to improve habitat and/or water quality
- Funding, in-kind services, plants, or materials to accomplish projects
- Training opportunities for EnviroCorp members and other participants

★ Become an EnviroCorps partner! Benefits include:

- Restoration of natural resources
- Positive publicity
- Support for local youth in work experience and educational activities
- Enhanced public awareness and increased community involvement



★ For information, please call Jennifer Thompson, Project Coordinator, (503) 797-1874

AmeriCorps to help restore some of Columbia Slough

■ Workers in the new program will receive a small monthly wage and college tuition credits for their part in the project

By JOE FITZGIBBON

Correspondent, The Oregonian

At least two dozen of President Clinton's newly created AmeriCorps workers will be helping restore portions of the Columbia Slough before the end of summer.

On Monday, President Clinton announced the creation of AmeriCorps, a cadre of 20,000 young men and women to work on soil conservation projects in return for college tuition waivers and monthly living expenses.

In a program patterned after Peace Corps and Vista, college-aged young people will work for a year restoring wildlife habitats, farmlands and urban greenspaces. In addition to a stipend of about \$700 a month, AmeriCorps volunteers will earn a \$4,725 tuition credit to be applied to a college of their choice.

The Corporation for National and Community Service (CNCS), under the guidance of the U.S. Department of Agriculture, selected a Portland

project to restore portions of the Columbia Slough and Whitaker Pond as a model for the national service program.

"This sends out an important message to the entire region, but especially the African-American community that we are going to do something about environmental damage," said Metro Councilor Ed Washington, who co-sponsored the project proposal with Portland State Professor Barry Messer. Washington grew up in North Portland near the Columbia Slough and said that he has made its restoration a personal goal.

"People of color have been fishing and using the slough for recreation and it's long past time we make it the jewel it's always had the potential to be."

According to Messer, the program will hire 20 youths full-time to work on restoration projects along the slough over the next two years. Another dozen part-time college students will act as mentors for high school students from Roosevelt, Grant, Jefferson and Marshall high schools studying natural resource management along the 18-mile waterway.

Messer said that he and Washing-

ENVIRONMENTAL PEACE CORPS

■ **WHAT:** The newly created AmeriCorps to help solve environmental problems.

■ **WHO'S IN IT:** High school and college students.

■ **WHAT DO THEY DO:** In Portland, the job will be work along the Columbia Slough and Whitaker Pond

■ **WHAT DO THEY GET:** A \$700 monthly stipend and up to \$4,725 in tuition credits.

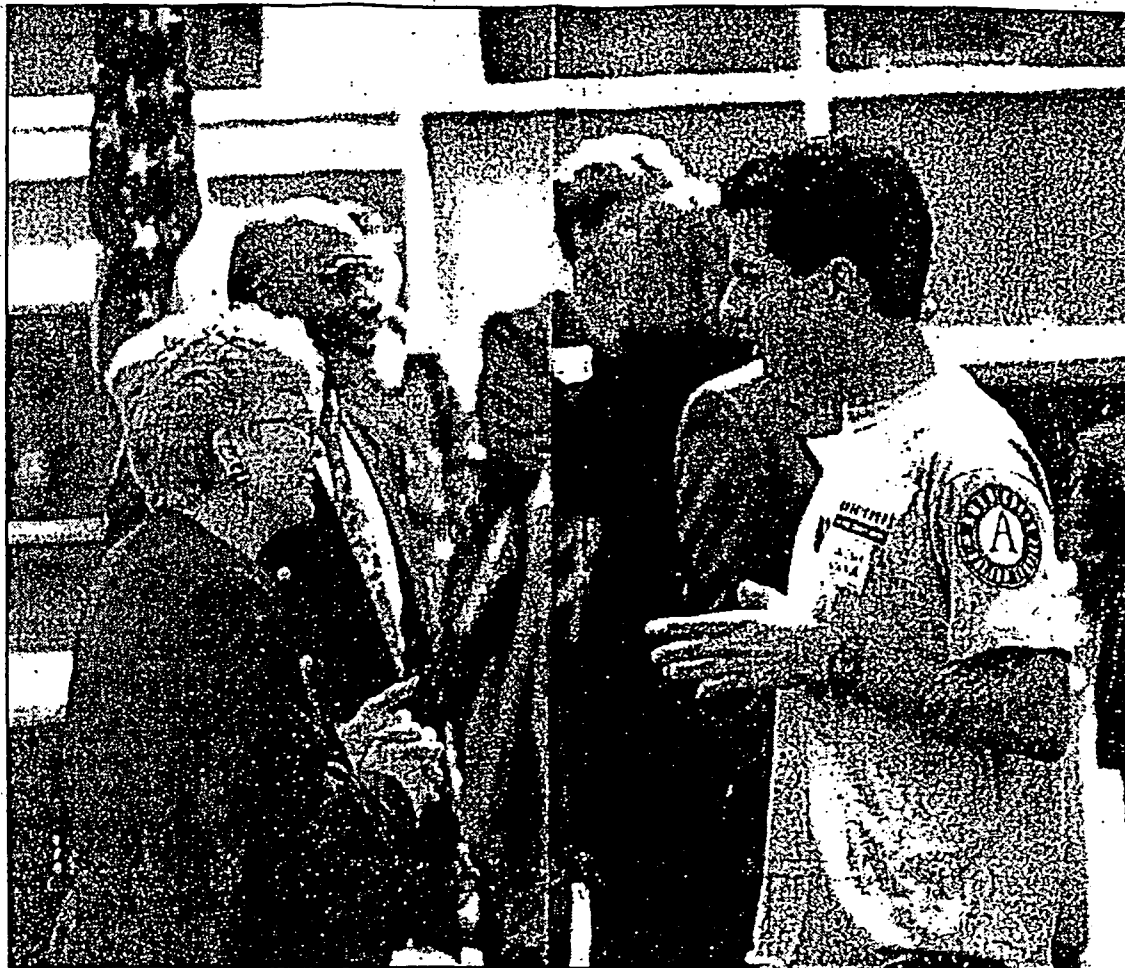
■ **WHERE TO CALL:** Contact Ed Washington at Metro, 797-1546 or call 1-800-94ACORPS.

ton spent more than a year drafting the slough proposal and expected work to get under way around Labor Day.

"The actual amount of money we will have to spend has not been determined yet, but it might be close to \$1 million," said Messer.

For its initial year, CNCS will fund 42 different AmeriCorps projects operating in 32 states. Portland and five other urban sites were selected for funding, including Atlanta, Chicago, East St. Louis, Boston and Washington, D.C.

Portland Launches Envirocorps



Gov. Barbara Roberts, Metro commissioner Ed Washington and an AmericaCorps representative at the Portland kick-off to a community service initiative created by President Clinton.

Community Service For College

College students will help pay back government support for their education and learn new skills by working to restore the health of the Columbia Slough in North and Northeast Portland.

The EnviroCorps team is being launched from a \$199,288 grant from AmericaCorps, a community service initiative created by President Clinton and approved by Congress.

The Portland program, based on the Portland State University campus, will provide learning and labor opportunities for 20 young adults in the metropolitan area.

EnviroCorps will center around environmental and public access improvements to north and northeast Portland's Columbia Slough. Metro regional government and the U.S. Soil Conservation Service are partners in the project.

Officials said the recruitment for EnviroCorps participants is under way. Ten part-time and eight full-time members are needed for a variety of community service projects, including restoration of natural resources, construction of interpre-

tive trails and exhibit areas, and the training and mentoring of high-school youth. Two full-time team leaders will round out the program.

"This program is really a prototype of what PSU as an urban university wants to be," said Barry Messer, EnviroCorps educa-

tion director. Full-time members completing a year of service will receive a \$4,725 education award to be used to continue education and job training or to repay existing student loans. Part-time participants receive a \$2,363 education award.

Amy Spring, EnviroCorps recruitment

“

This program is really a prototype of what PSU as an urban university wants to be.”

Barry Messer, EnviroCorps education director

tion director.

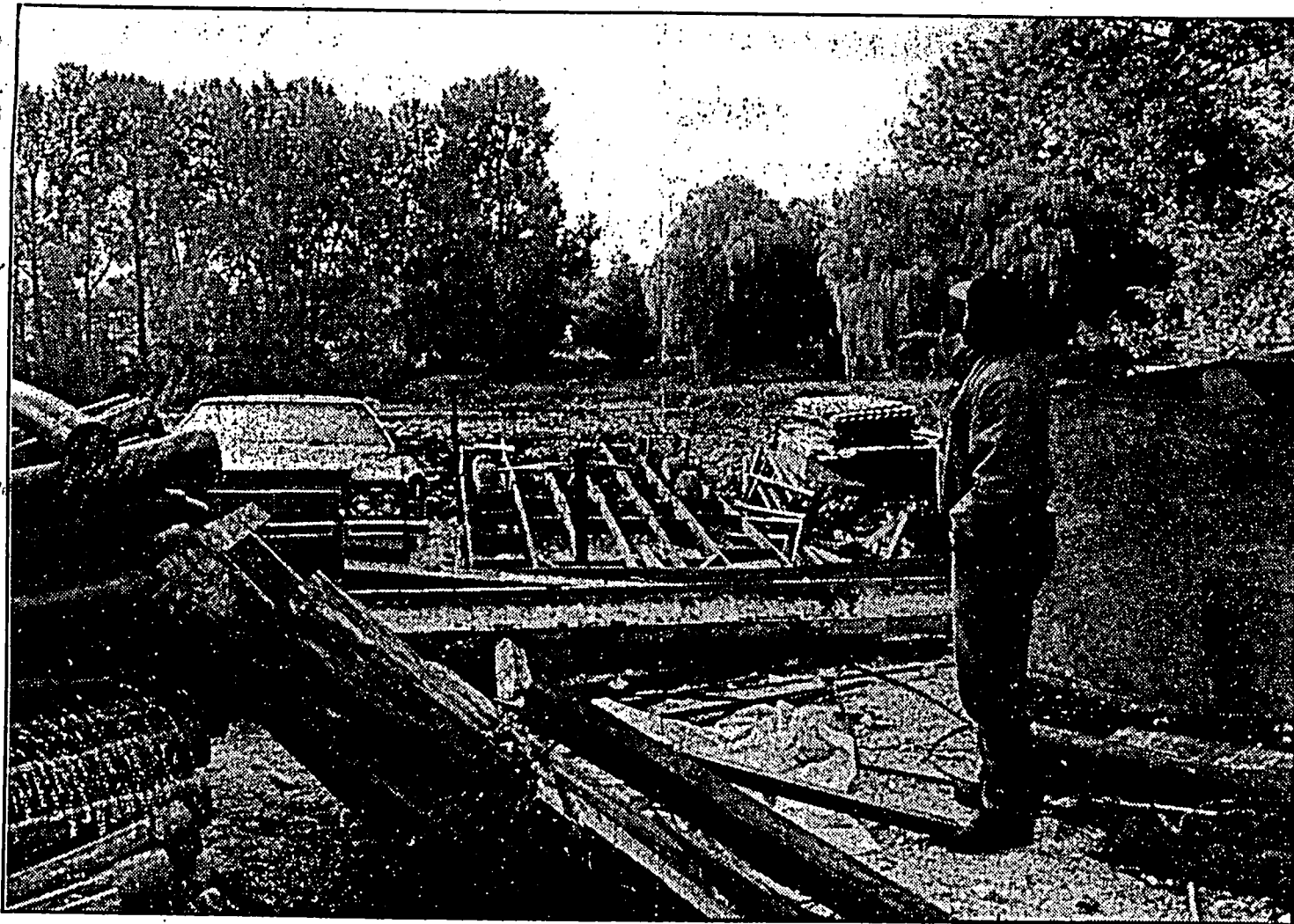
Messer has coordinated other service learning projects at PSU's Center for Urban Studies. He says the program is a means of opening education opportunities for young people while providing valuable service learning experiences for potential and existing college students.

Full-time members will receive a single-year living allowance of \$7,600, while part-time members receive \$4,023. All members will be eligible for health care and child care

benefits. Full-time members completing a year of service will receive a \$4,725 education award to be used to continue education and job training or to repay existing student loans. Part-time participants receive a \$2,363 education award.

The application deadline is Sept. 28. In-the-filed training and project work is scheduled to begin Oct. 14. For more information, call Spring at 725-5582.

Taking a Bite Out of Grime



CLEANUP--Michael Burch, team leader of the EnviroCorps project in North Portland, surveys an area targeted for cleanup adjacent to the Whitaker Ponds. The project is part of President Clinton's AmeriCorps community service initiative.



THE CLEANUP

- **WHAT:** Cleanup of the Whitaker ponds, a 22-acre wetland.
- **WHERE:** Near old Whitaker Grade School, Northeast 52nd Avenue and Columbia Boulevard.
- **WHO:** EnviroCorps is doing most of the work, with assistance from Metro, Portland, the school district and other agencies.

On a drenching winter day, Kathryn Heriza (left) and Avis Dunas plant ferns along the edge of Whitaker ponds.

MARV BONDAROWICZ/The Oregonian

Being Recycled

Avis Dunas, 65, says it was time to recycle herself through AmeriCorps, working on the Whitaker ponds restoration

By JOE FITZGIBBON
Special writer, The Oregonian

“Working on this project — and being with all these young people — it's all brought me back to life.”

Avis Dunas

Her face is mud-speckled. Errant strands of white hair mat tightly against her damp forehead.

Still, 65-year-old Avis Dunas sloshes through ankle-deep mud in her yellow rainslicker, waving off help as she totes buckets of fertilizer and wetland plants for Whitaker ponds restoration.

By nearly all accounts, the former teacher and restaurant critic is the oldest and probably best-educated member of President Clinton's recently formed AmeriCorps.

And, according to crew members, the most inspiring.

“Quite frankly, I don't love all of the digging and weed pulling, but I wanted to help my country,” Dunas said. “Working on this project — and being

with all these young people — it's all brought me back to life.”

In June, the president announced the formation of a cadre of 20,000 men and women willing to work on community projects in exchange for monthly living allowances and college tuition waivers.

Metro and Portland State University officials jumped at the chance to complete several environmental projects and accepted a federal grant to hire two crews of 20 workers.

Dunas was selected from hundreds of applicants and will spend the year working with young men and women — most a third of her age — restoring a 22-acre wetlands on the grounds of the old Whitaker Grade School.

The Chicago native holds advanced degrees in teaching and art history from UCLA. She took on the low-paying job because she wanted to change her life.

“It's getting harder and harder for a teacher my

age to find a job,” she said. “The way I look at it, I'm the one being recycled.”

The school, located along Northeast 52nd Avenue and Columbia Boulevard, currently houses a police training facility and three baseball fields.

Metro biologist Jim Morgan points toward two huge ponds nestled in the back of the school, overgrown with blackberry bushes and piled up with debris.

“We want this to be a place where kids will be able to walk out into the woods, throw a fishing line in the ponds, and forget for a few hours that they're in the city,” he said.

Morgan's plans call for relocating one of the ball-parks closer to the school building. He also wants to create a wildlife habitat using the ponds as a centerpiece and connect the entire area to the nearby

Please turn to
RECYCLED, Page 4

CITY LIFE

Recycled: Hard labor mixes with organizing

■ Continued from Page 1
Columbia Slough.

A longtime resident of the area, Metro Councilor Ed Washington, supports the project.

"These ponds and sloughs were where many of us were exposed to the basic sciences — where we learned about tadpoles, frogs and plants," said Washington. "By giving young people part of the responsibility to restore them, they'll come away with a better appreciation of these special places."

Of immediate concern to Morgan, though, is the small mountain of scrap metal, plastic pipe, machine parts and creosote-treated timber dumped near the ponds.

AmeriCorps workers hired for the restoration will earn about \$4 an hour for their work, and, by year's end, receive a \$4,725 college tuition waiver to a college or university of their choice.

Dunas calls herself a "tree-hugger" who during the past 40 years has taught special education students, hard-core prisoners and well-to-do graduate students in Southern California.

She spent six years writing "The Single's Guide to Los Angeles" and was co-host of a Los Angeles television show that reviewed ethnic restaurants.

But her most enjoyable times, Dunas said, were spent leading her own tours of museums, cemeteries and shopping malls.

Crew members, most in their early 20s, marvel at her stamina, work ethic and gift of gab.

"Her knowledge and enthusiasm is a stimulation to all of us," said team leader Michael A. Burch. "She's such an extrovert that it's helped us build good relationships among the crew."

When she completes her year of service, Dunas wants to produce her own children's television show or move to Asia to study homeopathic medicine.

According to Barry Messer, urban affairs professor at PSU, AmeriCorps workers will spend much of the week on labor-intensive projects.

But, he added, the crew will also study community organizing and environmental issues while working with nonprofit groups on individual projects. Plans call for the group to canvass the old Whitaker School neighborhood during the next few weeks to encourage local residents and business owners to help develop a master site plan.



Avis Dunas (left) and Kathryn Heriza place ferns along the edge of a pond.

MARV BONDAROWICZ/The Oregonian

Portland's slice of AmeriCorps

Oregon received more than \$600,000 in federal grants to fund 15 AmeriCorps projects. In Portland, they are:

■ **Friends of the Children:** Patterned after Big Brothers/Big Sisters Association, 24 AmeriCorps members work with at-risk second graders from five inner-city schools. Members visit homes, tutor the children and spend time with them on weekends in an attempt to help the youngsters build self-esteem.

■ **I Have a Dream Foundation:** These 24 AmeriCorps men and women have adopted nearly 300 third and fourth graders to assist them in developing strong social and academic skills. Students who graduate from high school will earn an all-expenses-paid college education from the foundation.

■ **Green Corps:** Five AmeriCorps college graduates are assisting low-income families weatherize their homes. They will teach community groups the risks of lead poisoning and help neighborhoods plan and construct community gardens.

■ **Green Lights Program:** A group of 10 AmeriCorps members will assist the Bonneville Power Administration in helping 75 area schools and public buildings become more energy efficient.

■ **EnviroCorps:** Two AmeriCorps teams, made up of 20 people, will restore Whitaker Ponds, a wetlands site near the Columbia Slough, improve public access to Smith and Bybee lakes and develop a vacant lot in North Portland into a neighborhood park.

"Right now there are more people in AmeriCorps than were in Peace Corps at its peak," said Mary Carroll, assistant director of the Oregon Community Service Commission. "Most of the public may not know about them or their work yet, but, by the end of the year, I think we'll all see that change."

A SLOUGH OF ACTIVITY

E N V I R O C O R P S

An environmentally focused group participating in President Clinton's AmeriCorps program

This is our first Newsletter. Quite a bit is happening on both the full and part-time crews, so here is a brief description of a few major projects we are working on during our year of service in the AmeriCorps program.

•Part-time crew•

Team leader Tamra Cochran is involved in all the activities which the part-time crews participate in.

•Roosevelt team•

Beth Polidoro, Jonathan Mugglestone, Cassondra Rutherford, and Katherine Demsky, the part-timers involved with Ms. Dunster's class at Roosevelt High School, drafted a proposal to include her students in an upcoming event at Smith and Bybee Lakes on April 29th.

The Roosevelt students and EnviroCorps members have gathered cuttings from plant species found in the wetlands around the lakes and are rooting them in a greenhouse adjoining Ms. Dunster's classroom. On April 29th, at the Smith and Bybee Lakes Day, the students will demonstrate how to transplant the newly rooted cuttings and then assist anyone who wishes to join in and help plant them.

As the project progresses Ms. Dunster and the EnviroCorps crew will teach the students something about the ecology of the Columbia Slough watershed system in which the cuttings they have rooted are to be planted. It should be a rewarding experience for all concerned.

•Alberta Park team•

The other group of part-time members; Alexandria Le, Grayson Hashida, Robert Smith Jr., Richard Melo, and Avis Dunas have drafted a proposal for a multifaceted project in Alberta Park, located in the Vernon neighborhood of Northeast Portland.

The park is an ideal spot to design naturescaped areas in which native plants are grown to attract birds and other species of small animals. It is also a good location to develop a community garden, which will afford students from nearby Vernon Elementary School a safe place to grow flowers and vegetables.

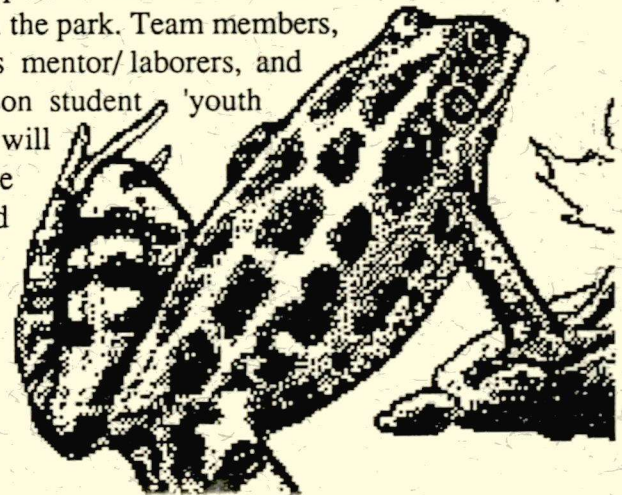


There is a possibility that building an 'urban tree house' can be incorporated into the plans as well. The tree house will serve as an outdoor classroom where community residents can participate in educational and cultural workshops on a wide variety of topics, geared towards experiential learning.

The EnviroCorps team is coordinating efforts with Mr. Yamashida from the Parks Department to discuss and refine plans for the proposed project. In early March a public forum was held at Vernon Elementary School giving people interested in the park an opportunity to voice ideas and concerns they held about any proposed changes in, or additions to, their neighborhood greenspace.

People living nearby definitely want more lights installed. We will provide the Parks Department with information about the expressed needs of the community in the hopes of gaining the city's support to make necessary improvements in the park a reality.

When we arrive at a mutually agreed upon course of action students from Jefferson High School will join EnviroCorps team members for a six week summer session in the park. Team members, serving as mentor/ laborers, and the Jefferson student 'youth partners', will provide the brains and the brawn needed to get the job done.



ENVIROCORPS'

internship program commenced after the New Year, providing team members the opportunity to work individually with various Portland environmental and educational agencies.

Though designed primarily to enhance the diversity of the team members' education, which they in turn later apply to future EnviroCorps projects, the internship program also establishes working relationships with the Portland-area environmental community.

Internships include working with such groups as; The Nature Conservancy, The Wetlands Conservancy, The Audubon Society, and The Oregon Natural Resources Council. Other internships include taking environmentally minded classes and working with young students in the classroom.

True to the design of many of the EnviroCorps projects during the team's first year, the internship program provides team members ample educational opportunities while performing service activities.

The internship program continues through June.

RICHARD MELO



PHOTO ~ RYAN BOND

• **Whitaker Ponds** • is a large project that the EnviroCorps teams are working on in stages. The entire plan for the area will take years to fully implement, but our crews have worked steadily to plant indigenous grasses, trees, and shrubs around sections of the ponds. We plan to organize more work parties and a summer project which will focus on restoration efforts in the area.

• **AmeriCorps Video Project** •

Several of the EnviroCorps members are involved in documenting the myriad projects that other AmeriCorps teams around Oregon are working on.

We are interested in meeting the people from the diverse programs throughout the state and recording their stories. The experiences which they share with us about their year of service will be added to an ever growing testimonial that we hope will show the value of these national service projects all around the country.

The list of projects in which we are involved goes on and on. We have worked in cooperation with many other groups and each of us fortunate enough to have been here at the beginning of this 'new' idea for service will come away with something worthwhile to ponder.

Thanks to our management team for their often behind the scenes support. You know who you are.

There are many events coming up in the next few months. To find out additional information about these events, the AmeriCorps program, or other questions you may have please write or give us a call. Thanks for your interest.

ENVIROCORPS



East Multnomah Soil and Water Conservation District
2115 SE Morrison Street
Portland, OR 97214
503/725-5582 FAX 503/231-2271

- When the final quantities of a major item of work, as defined in the following paragraph, is more than 125 percent or less than 75 percent of the original contract quantity. Any allowance for an increase in quantity shall apply only to that portion in excess of 125 percent of original contract item quantity, or in case of a decrease below 75 percent, to the actual amount of work performed.

Standard Specifications for Highway Construction

Oregon Department of Transportation
State Highway Division 1991 Oregon

1-04.6 Increased or Decreased Quantities

Payment to the Contractor will be made only for the actual quantities of work performed and accepted in conformance with the contract. When the accepted quantities of work vary from the original bid quantities, payment will be at the unit contract prices for accepted work unless the total quantity of any contract item, using the original bid quantity, increases or decreases by more than 25 percent. In that case that part of the increase or decrease exceeding 25 percent will be adjusted as follows:

1. Increased Quantities.

Either party to the contract will be entitled to an equitable adjustment for that portion of the actual quantity in excess of 125 percent of the original bid quantity except as limited in subparagraph 3 in this section.

2. Decreased Quantities.

Either party to the contract will be entitled an equitable adjustment if the actual quantity of work performed is less than 75 percent of the original bid quantity except as limited in subparagraph 3 in this section.

4-L03B(2) Decreases of More Than 25 Percent.—Should the total pay quantity of any item of work required under the contract be less than 75 percent of the Engineer's Estimate therefor, an adjustment in compensation pursuant to this Section will not be made unless the Contractor so requests in writing. If the Contractor so requests, the quantity of said item performed, unless covered by an executed contract change order specifying the compensation payable therefor, will be paid for by adjusting the contract unit price as hereinafter provided, or at the option of the Engineer, payment for the quantity of the work of such item performed will be made on the basis of force account as provided in Section 9-L03, provided however, that in no case shall the payment for such work be less than that which would be made at the contract unit price.

Such adjustment of the contract unit price will be the difference between the contract unit price and the actual unit cost, which will be determined as hereinafter provided, of the total pay quantity of the item, including fixed costs. Such actual unit cost will be determined by the Engineer in the same manner as if the work were to be paid for on a force account basis as provided in Section 9-L03; or such adjustment will be as agreed to by the Contractor and the Engineer.

If the quantity of a unit-priced item in this contract is an estimated quantity and the actual quantity of the unit-priced item varies more than 15 percent above or below the estimated quantity, an equitable adjustment in the contract price shall be made upon demand of either party. The equitable adjustment shall be based upon any increase or decrease in costs due solely to the variation above 115 percent or below 85 percent of the estimated quantity. If the quantity variation is such as to cause an increase in the time necessary for completion, the Contractor may request, in writing, an extension of time, to be received by the Contracting Officer within 10 days from the beginning of the delay, or within such further period as may be granted by the Contracting Officer before the date of final settlement of the contract. Upon the receipt of a written request for an extension, the Contracting Officer shall ascertain the facts and make an adjustment for extending the completion date as, in the judgement of the Contracting Officer, is justified. #

<u>Item No.</u>	<u>Estimated Quantity</u>	<u>Description of Item</u>	<u>Unit Price</u>	<u>Total Cost</u>
6.	125,000 C.Y.	Imported Topsoil	\$	\$
(Per Cubic Yard)		(Words)	(Figures)	
7.	44,000 C.Y.	Existing Type 1 Sand	\$	\$
(Per Cubic Yard)		(Words)	(Figures)	
8.	125,000 C.Y.	Imported Type 1 Sand	\$	\$
(Per Cubic Yard)		(Words)	(Figures)	
9.	1 L.S.	Grade Existing Subgrade Embankment- Subarea 4	\$	\$
(Per Lump Sum)		(Words)	(Figures)	
10.	1 L.S.	Grade Existing Subgrade Embankment- Subarea 5	\$	\$
(Per Lump Sum)		(Words)	(Figures)	
11.	1 L.S.	Grade Existing Subgrade Embankment- Subarea 5A	\$	\$
(Per Lump Sum)		(Words)	(Figures)	
12.	30,000 S.Y.	Construction of Existing Type 'A' Low Permeable Soil	\$	\$
(Per Square Yard)		(Words)	(Figures)	

Mike Burton, Executive Officer
February 23, 1995
Page 3

1. The Tri-State bid is "obviously unbalanced."

As detailed above, the Tri-State bid is mathematically unbalanced on its face. Prices for some work and materials are significantly less than the actual cost of the work and materials, and other prices are significantly overstated. The unbalancing is obvious, and apparently not disputed by Tri-State.

2. Under the most likely scenarios for use of materials to close sub-areas 4 & 5, Tri-State's bid is not the lowest bid.

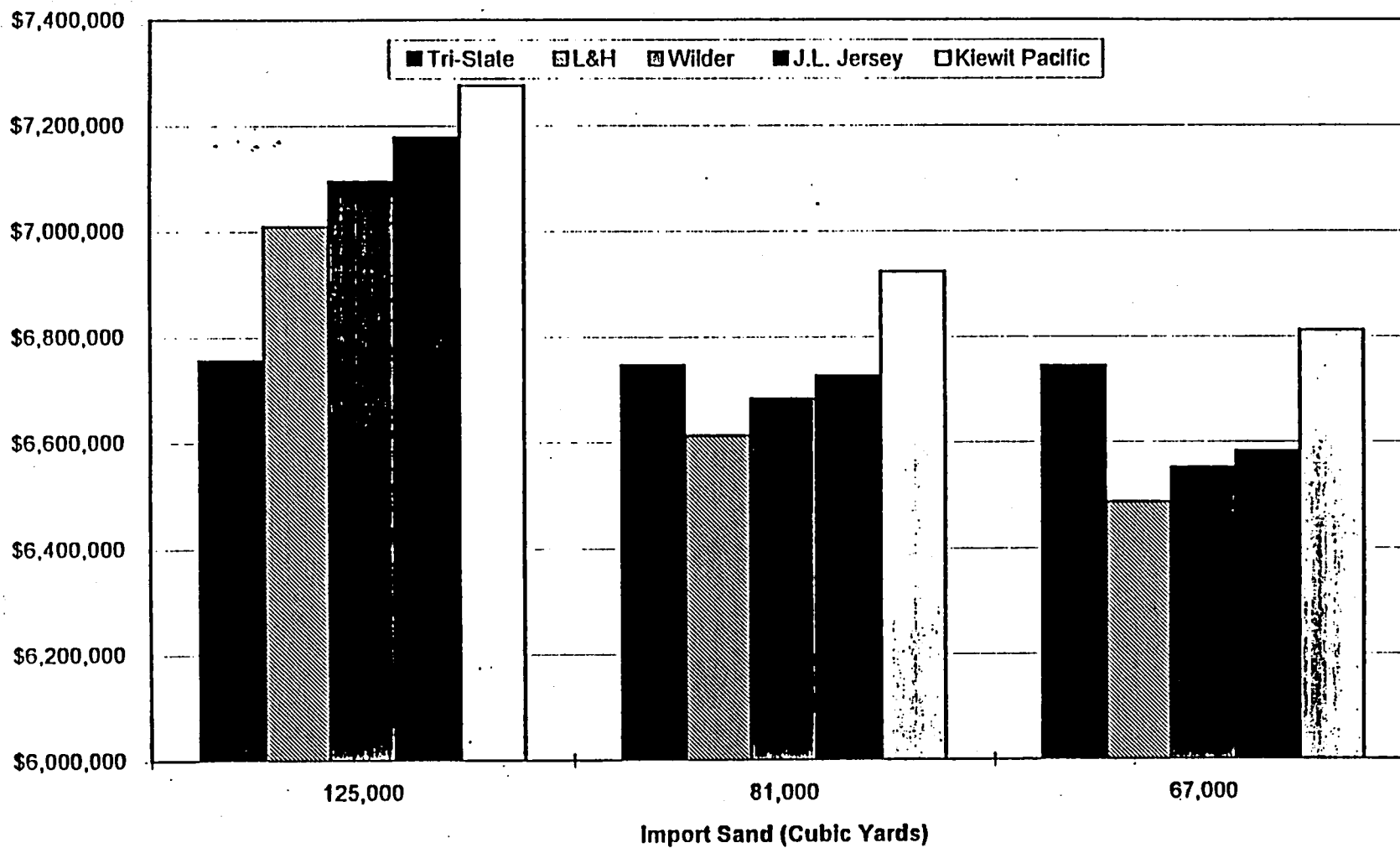
Some unbalancing in a bid may be acceptable and may demonstrate the skill of the bidder and the bidder's understanding of the work. Nevertheless, Tri-State unbalanced three of the largest bid items in terms of quantity and cost, maximizing the impact of unbalancing on the total bid price. The cases you cite in your appeal suggest that Metro could accept the Tri-State bid even though it is mathematically unbalanced. Tri-State's bid, however, is materially unbalanced, and you have cited no cases suggesting that Metro must accept such a bid.

Judging completely from the bid prices submitted, ^{53.6% of 125,000} Tri-State may have concluded that there was a large quantity of sand available on site, and that Tri-State would need to import very little additional sand to complete the work. It is in fact possible that under the specifications, and given the amount of sand on site, as little as 67,000 cubic yards of sand will need to be imported. Metro asked for a price on 125,000 cubic yards of sand, to maintain Metro's flexibility in the use of imported sand. Tri-State has given a nominal bid for importing sand, which has caused it to have the overall lowest bid if the entire 125,000 cubic yards of imported sand are utilized.

The two attached graphs (Attachment 1 and 2) show the dramatic impact the unbalancing of Tri-State's bid has on the overall bid price, if less than 125,000 cubic yards of soil are actually imported. Since Tri-State gave a nominal price of 20 cents per cubic yard for importing sand, Tri-State's bid is nearly unaffected by using less imported sand, and appears on Attachment 1 as a flat line.

However, the other bidders all bid the actual price for importing sand, which is around \$9.00 per cubic yard. For each cubic yard of sand that Metro does not import, the other bids are reduced by around \$9.00. The striking result is that if Metro ends up importing any less than 97,000 cubic yards of sand, L & H's bid is the low bid. If Metro uses less than 78,000 cubic yards of imported sand, the L & H bid and two other bids are lower than Tri-State's. If, as is entirely possible, only 67,000 cubic yards of sand are imported, Tri-State would be paid \$257,330 more than L & H, for closure of sub-areas 4 & 5.

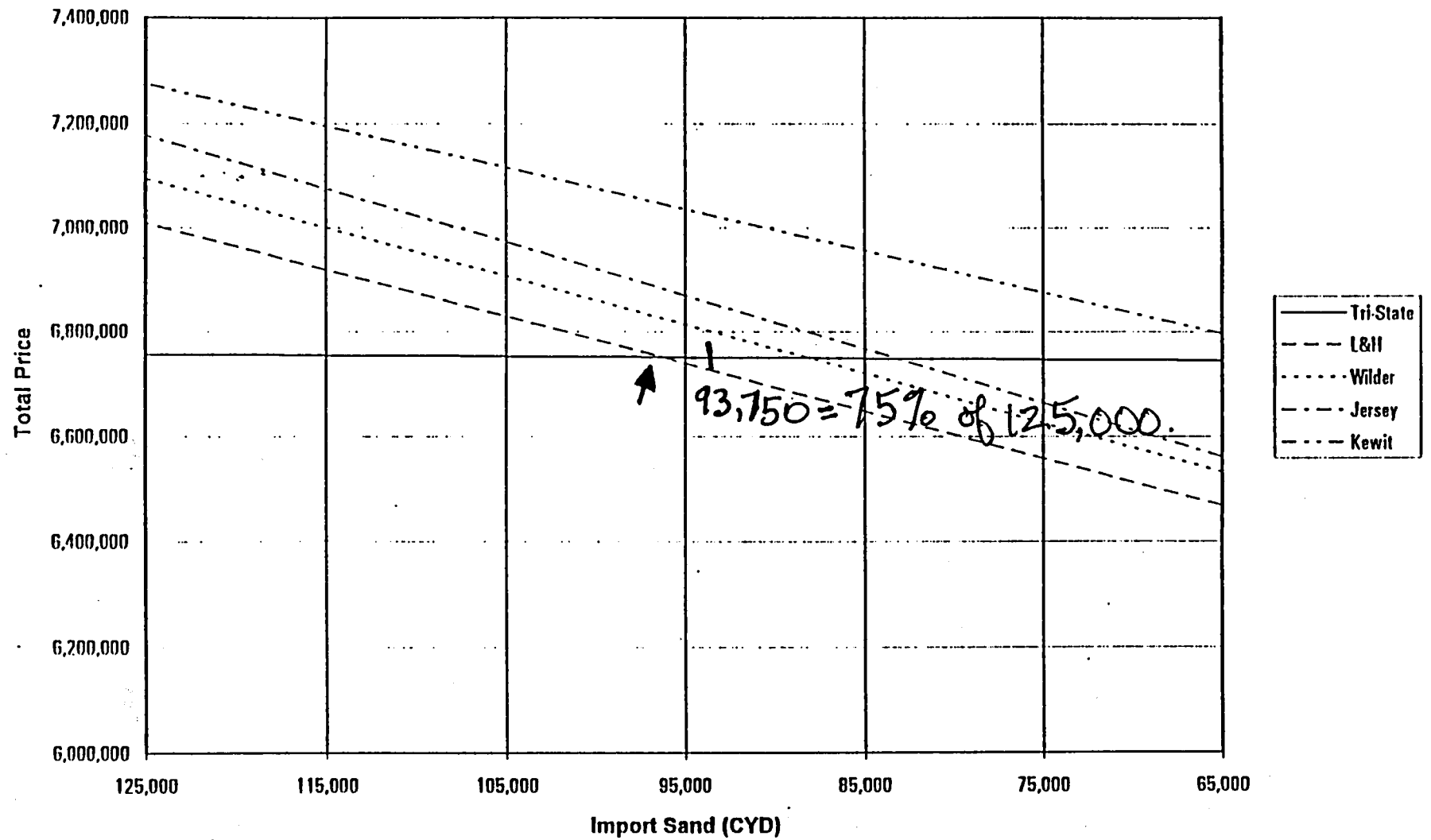
Project Cost Versus Import Sand Quantity



64.8%
Underrun

Total Cost for SA 4 & 5 vs. Import Sand

Attachment 1



Investment Report

Quarter ending
December 31, 1994



METRO

*Finance Department
Financial Planning Division
600 NE Grand Ave.
Portland, OR 97232-2736*

**METRO
INVESTMENT ADVISORY BOARD**

INVESTMENT REPORT

QUARTER ENDED DECEMBER 31, 1994

TABLE OF CONTENTS

SECTION I - ECONOMIC CONDITIONS.....	1
SECTION II - AVERAGE MATURITIES.....	3
SECTION III - PORTFOLIO	4
SECTION IV - DEPOSIT PROTECTION.....	8
SECTION V - DEPOSITORY INSTITUTION BALANCES.....	9
SECTION VI - YIELD ANALYSIS	10
SECTION VII - INVESTMENTS BY ACCOUNT	11
SECTION VIII - INVESTMENTS BY INSTITUTION.....	13
SECTION IX - INVESTMENTS BY TYPE.....	15
SECTION X - INVESTMENT ACTIVITY	17
SECTION XI - QUALIFIED INSTITUTIONS.....	18
SECTION XII - LEGENDS.....	19

METRO
INVESTMENT REPORT
QUARTER ENDED DECEMBER 31, 1994

SECTION I - ECONOMIC CONDITIONS

The fourth quarter of 1994 continued the debate regarding the strength of the economy and the fear of inflationary pressures. William Conerly, Senior Vice President of First Interstate Bank used the word "skittish". He stated that "Every economic report seems to blow the opposite direction from the previous report; and U.S. troop movements in Haiti and the Middle East add to the excitement. A renewed crisis in Korea is all we need to really stir up the pot".¹ While fundamentals were pointing to a gradual slowdown in the economy, there was anticipation of another Federal Reserve tightening in mid-November.

There were upward movements in short rates, accompanied by gradual declines in long rates. A resultant flattening of the yield curve was predicted over the next six to twelve months.

The National Association of Purchasing Management's index climbed to 59.7% in October from 58.2% in September, reaching its highest level in nearly seven years, and marking more than a year of expansion. A reading above 50% is generally associated with growth at the nation's factories. The prices-paid component of this index rose to a six year high of 79.9% in October, compared with 77.1% in the previous month.

Analysts stated it was only a matter of time before these price increases start bobbing up to the consumer level, and that the mild 2.7% to 3.0% inflation over the past three years will rise to a 4.0% level by year-end 1995.² Investors have also been concerned about continued weakness in the value of the dollar in currency markets.

Although the November 1994 increase in short term rates was expected, the size of the increase took most by surprise. The 3/4 percentage point raise lifted the federal funds rate from 4.75% to 5.50% and the discount rate from 4.00% to 4.75%. It was the largest single increase in the discount rate since May 5, 1981.³ Supporting the action were statistics received the morning of the increase (industrial production, capacity utilization and retail sales) showing the economy moving at a steady, strong clip.

The Fed seems to have adopted a strategy of leaving more time between rate moves, and it gave no hint that it expects the move to be the last for a while, as it did after the previous two increases.⁴

James E. Glassman, Senior Economist, Chemical Securities, Inc. provided commentary just after the Fed move. Even though the Fed policymakers hope to provide a soft landing to the pace of economic growth, Glassman stated that the steep yield curve implies that short-term interest rates are still well below equilibrium. Further, that the financial markets are clearly skeptical of rosy inflation talk, since economic growth continues to exceed potential growth. With little spare U.S. factory capacity or available workers, and global economic recovery reviving credit demands, inflation will turn up. Continuing short rate increases, perhaps to 7.50% by the end of 1995, and the factors above will flatten the yield curve

¹ First Interstate Bank, "Market Highlights", October 14, 1994.

² Wall Street Journal, November 2, 1994.

³ Ibid., November 16, 1994.

⁴ Ibid., November 16, 1994.

markedly in 1995. It will eventually invert when inflation is perceived as worrisome, and the Fed slams on the brakes. ⁵

This quarter also witnessed the Orange County municipal investment fund debacle. The returns reported by the fund manger just seemed too good to be true, and in fact, they were. Much of the hue and cry about the county's bankruptcy seems centered on their use of derivative products. These derivative investments are not inherently bad, especially when they are understood and properly employed. The real problem was caused by the age old bugaboo of "borrowing short and lending long". It didn't work for the thrift institutions in the early Eighties, and it didn't work for Orange County either. Extending investment maturities to take advantage of the yield curve beyond what can be reasonably supported by cash flow exposes the fund to the need to borrow in order to meet cash flow demands. This combination of short term borrowing and long term investments proved devastating to Orange County.

Public treasurers in Oregon are subject to statutes limiting the kinds of investments available. They are also encouraged to adopt policies modeled after these statutes. Metro's investment policy is slightly more restrictive than state statute. Review of Metro's investment portfolio over time confirms avoidance of both the leverage and the investment products employed by Orange County.

Following are significant economic data at the end of the fourth quarter of 1994.

Economic Trends	12/31/93	3/31/94	6/30/94	9/30/94	12/31/94
Prime Rate	6.00%	6.25%	7.25%	7.75%	8.50%
Federal Funds Rate	3.00%	3.50%	4.25%	4.75%	5.50%
30 day T-Bills ⁶	2.45%	2.80%	3.45%	4.05%	4.53%
30 day Commercial Paper ⁶	3.07%	3.64%	4.36%	4.80%	5.30%
2 year Treasuries	3.86%	5.15%	6.02%	6.49%	7.40%
Unemployment ⁷	6.40%	6.50%	6.00%	5.90%	5.40%
Capacity Utilization	83.50%	83.60%	83.90%	84.60%	85.40%

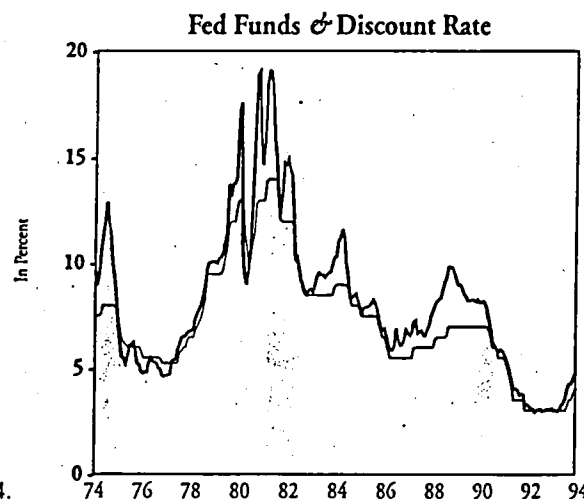
The consensus estimate of 59 economists surveyed by the Wall Street Journal resulted in a 3-month T-Bill rate of 6.50% by June 30, 1995, and 6.42% by December 31, 1995. The range is 4.89%/7.50% for the first half, and 3.28%/8.30% for the close of the year. ⁸

Actual Producer Price Index, Consumer Price Index, and Retail Sales data just published reveals a tempering of inflation and a leveling of sales. The next Federal Reserve meeting is January 31, and their reaction to this data will be interesting. A slightly inverted yield curve has now become evident.

OUTLOOK AND RECOMMENDATIONS:

While some evidence of a softening in the economy has been demonstrated, there is still significant upside potential to rates as demonstrated in the table to the right. ⁹

Metro should therefore continue with new investment maturities of a year or less.



⁵ Chemical Securities, Inc. "Market Perspectives", November 23, 1994.

⁶ Discount Rate.

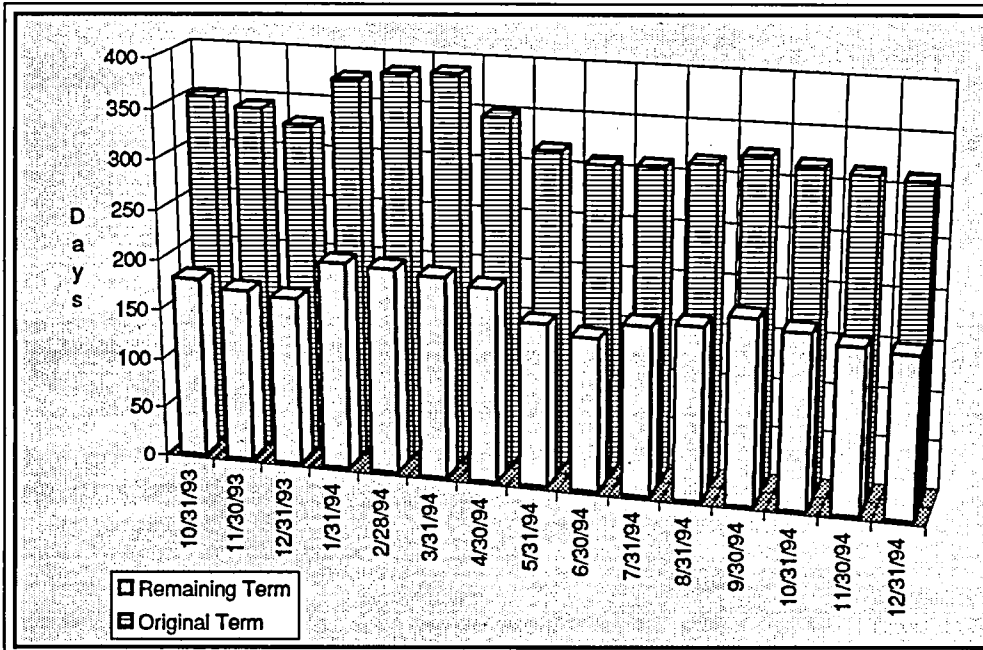
⁷ The unemployment rate is calculated under a new survey design, starting in January 1994. The result is to overstate the rate if calculated under the historic method by 0.4/0.5 percentage points. Therefore, the 6.5% rate reported for March 31, 1994 would be closer to 6.1% if reported under the old system. Wall Street Journal, February 7, 1994.

⁸ Wall Street Journal, January 3, 1995.

⁹ B A Securities, 1995 Econoday

SECTION II - AVERAGE MATURITIES

METRO TOTAL INVESTMENTS, AVERAGE MATURITIES REMAINING TERM/ORIGINAL TERM (days)		
Date	Remaining Term	Original Term
10/31/93	181	352
11/30/93	173	343
12/31/93	169	329
1/31/94	208	377
2/28/94	206	385
3/31/94	202	388
4/30/94	195	349
5/31/94	164	319
6/30/94	154	309
7/31/94	170	310
8/31/94	174	316
9/30/94	186	326
10/31/94	176	319
11/30/94	166	315
12/31/94	163	312



SECTION III - PORTFOLIO

This section summarizes the status of Metro's investments at the end of the quarter. Diversification requirements prescribed by Metro Code and the Oregon Revised Statutes are used as the basis for providing this information.

INVESTMENT BY ACCOUNT:

This report segregates investments into the groups required for tax purposes. Bond proceeds are segregated from other non-bond investments. Metro Pooled funds and Convention Center funds are administered by Metro's Investment Officer. Metro Central funds and Metro Headquarters funds are monitored in accordance with the investment trust agreement administered by First Interstate Bank of Oregon. "Convention Center," "Metro Central," and "Metro Headquarters" are the investments made with bond proceeds.

The Convention Center investment groups are limited to an investment yield of 7.28 percent by federal tax law. Amounts earned in excess of that rate over a five-year period must be rebated to the federal government.

Bond proceeds for Metro Central and Metro Headquarters are not yield restricted. Metro has elected to follow the spend down schedule included in the arbitrage rebate regulations.

INVESTMENT BY INSTITUTION:

This report reflects the amount of monies invested in each financial institution, which must be the lesser of thirty percent of the total portfolio, or fifteen percent of the institution's equity. The amount of the Collateral Certificate covering each institution is provided on another page. Certificates of Collateral requirements do not apply to Banker's Acceptances.

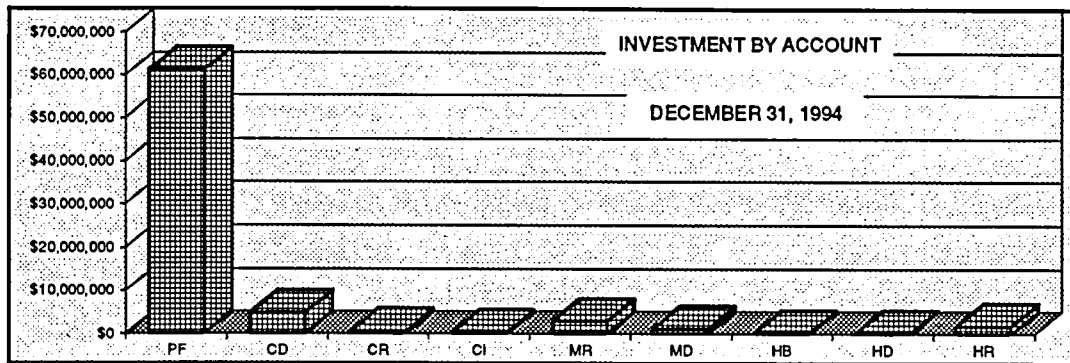
Investments in Commercial Paper may not exceed ten percent of the total portfolio with any one corporate entity for Oregon businesses and five percent of the total portfolio with any one corporate entity for businesses not in Oregon. ¹⁰

The State of Oregon Investment Pool is not to exceed \$20 million, with the exception of pass-through funds.

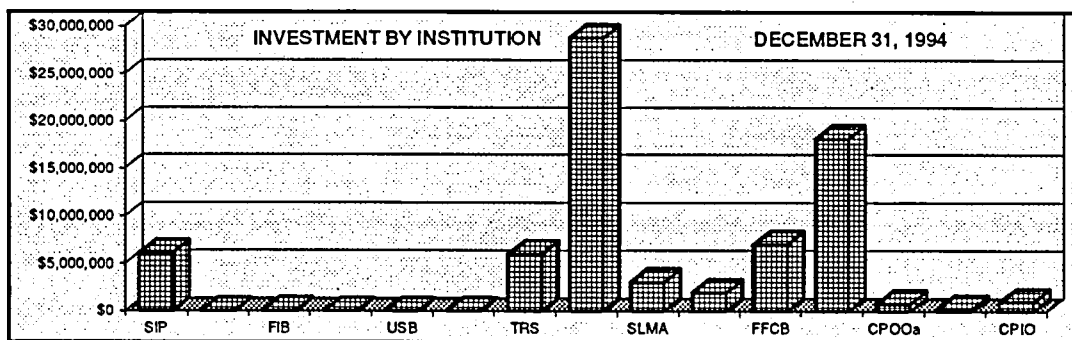
U. S. Government Agencies are limited to those appearing under ORS 294.035 and ORS 294.040. No more than forty percent of the total portfolio may be with any one agency.

There are no limitations on U. S. Government Treasuries.

¹⁰ PacifiCorp, Commercial Paper Upgrade. 9/15/94 - Moody's Investors Service, Inc. from Prime-2 to Prime-1. 10/4/94 - Standard and Poor's Corporation from A-2 to A-1.



Investment accounts	Balance by account	Actual % of portfolio
METRO POOLED FUNDS (PF)	\$61,211,579	83.55%
CONVENTION CENTER DEBT SERVICE (CD)	4,820,783	6.58%
CONVENTION CENTER REBATE (CR)	514,437	0.70%
CONVENTION CENTER CITY LID (CI)	285,110	0.39%
METRO CENTRAL TRANSFER RESERVE (MR)	2,937,986	4.01%
METRO CENTRAL TRANSFER DEBT SERVICE (MD)	1,275,597	1.74%
METRO HEADQUARTERS REN & REPLACE (HB)	211,930	0.29%
METRO HEADQUARTERS DEBT SERVICE (HD)	168,678	0.23%
METRO HEADQUARTERS RESERVE (HR)	1,840,914	2.51%
TOTAL INVESTMENTS	\$73,267,014	100.00%



	Code max % of bank equity	Actual % of equity	Balance by institution	Actual % of portfolio	Code maximum \$ or % of portfolio
STATE INVESTMENT POOL (SIP)		n/a	\$6,062,250	8.31%	\$20 million
BANK OF CALIFORNIA (CAL)	15.00%	0.00%	0	0.00%	30.00%
FIRST INTERSTATE BANK (FIB)	15.00%	0.00%	61,389	0.08%	30.00%
KEY BANK OF OREGON (KEY)	15.00%	2.49%	0	0.00%	30.00%
U S BANK OF OREGON (USB)	15.00%	0.00%	0	0.00%	30.00%
WEST ONE BANK (WOB)	15.00%	6.13%	0	0.00%	30.00%
U S TREASURIES/BILLS (TRS)		n/a	5,962,422	8.17%	100.00%
AGENCY-FED HOME LOAN BANK (FHLB)		n/a	28,759,732	39.42%	40.00%
AGENCY-SALLIE MAE (SLMA)		n/a	3,084,141	4.23%	40.00%
AGENCY-FED HOME LOAN MTG CORP. (FHLMC)		n/a	1,955,625	2.68%	40.00%
AGENCY-FED FARM CREDIT BANK. (FFCB)		n/a	6,998,702	9.59%	40.00%
AGENCY-FED NAT'L MORT. ASSN. (FNMA)		n/a	18,097,225	24.80%	40.00%
FORD A1/P1 (CPOOa)		n/a	774,974	1.06%	5.00%
SAFECO A1/P1 (CPOOb)		n/a	213,069	0.29%	5.00%
PGE A2/P2 (CPIO)		n/a	992,083	1.36%	10.00%
TOTAL INVESTMENTS			\$72,961,612	100.00%	

INVESTMENT BY TYPE:

This report segregates the investments by the type of investment instrument. U. S. Treasuries, U. S. Agencies, Certificates of Deposits in Oregon Commercial Banks, Banker's Acceptances, State of Oregon and Local Government Securities with A ratings or better, and the State of Oregon Investment Pool, may carry up to 100 percent of the portfolio.

Certificates of Deposit with Oregon Savings and Loan Associations that meet Federal capital requirements and are insured by the F. D. I. C. are limited to twenty five percent of the portfolio.

Commercial Paper issuers in Oregon, rated A-1 and P-1, are limited to a 90 day maturity, and those rated A1/P2, A2/P1, and A2/P2 are limited to a 60 day maturity. Oregon issuers are also limited to twenty-five percent of the portfolio. Those issuers outside Oregon, rated A-1 and P-1, are limited to a 90 day maturity and ten percent of the portfolio.

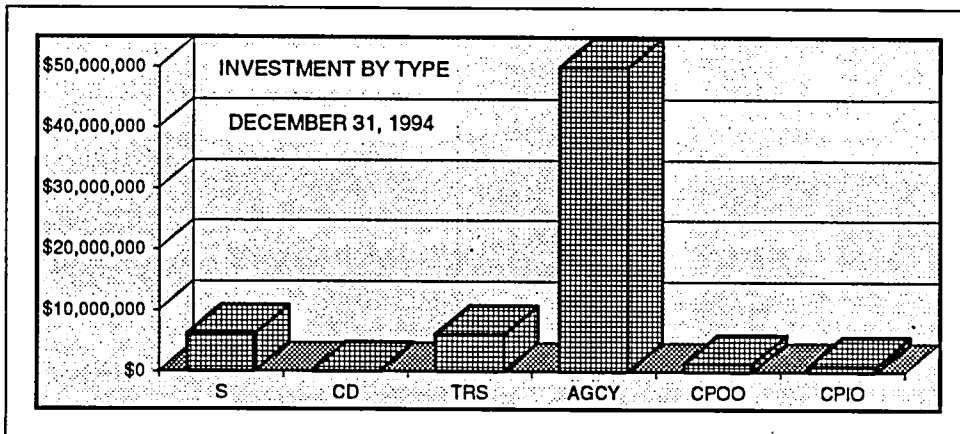
INVESTMENT BY DURATION AND AVERAGE MATURITY:

All funds shall be considered short-term except those reserved for capital projects.

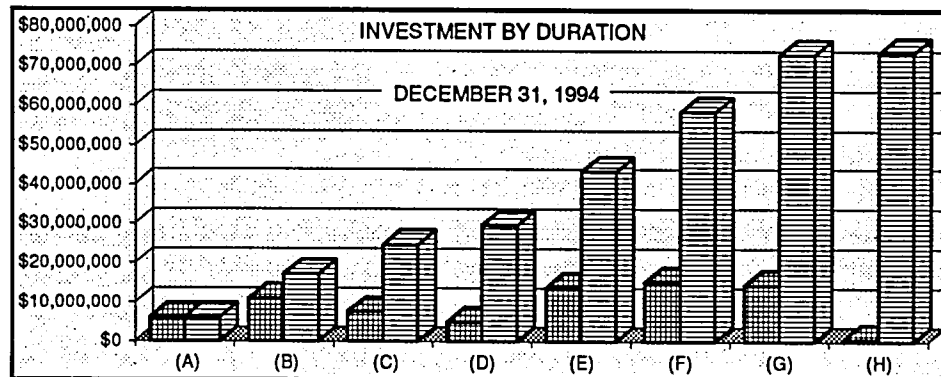
Short-term funds shall be scheduled to coincide with projected cash flow needs. Investments shall be limited to maturities not exceeding eighteen months, except for special situations, as identified by the Investment Advisory Board and directed by the Investment Officer.

Long-term funds shall have maturities timed according to anticipated need, and as directed by ORS 294.135, with maturities to coincide with the expected use of the funds. Investment of capital project funds shall be timed to meet projected contractor payments.

Investment by Duration describes portfolio maturities relative to dollar volumes.



Investment type	Balance by type	Actual percent	Code maximum percent
SAVINGS (S)	\$6,123,639	8.36%	100.00%
CERTIFICATES OF DEPOSIT (CD)	0	0.00%	100.00%
U S TREASURIES/BILLS (TRS)	5,962,422	8.14%	100.00%
FEDERAL GOVERNMENT AGENCIES (AGCY)	58,895,425	80.38%	100.00%
COMMERCIAL PAPER/OUTSIDE OREGON (CPOO)	1,321,122	1.80%	10.00%
COMMERCIAL PAPER/INSIDE OREGON (CPIO)	964,406	1.32%	25.00%
TOTAL INVESTMENTS	\$73,267,014	100.00%	



Remaining term of investment	Balance by duration	Accumulative Balance	Actual % of portfolio
DAILY - SAVINGS (A)	\$6,123,639	\$6,123,639	8.36%
1 - 30 DAYS (B)	10,972,889	17,096,528	14.98%
31 - 60 DAYS (C)	7,519,684	24,616,212	10.26%
61 - 90 DAYS (D)	4,986,244	29,602,456	6.81%
91 - 180 DAYS (E)	13,611,142	43,213,598	18.58%
181 - 270 DAYS (F)	15,213,543	58,427,141	20.76%
271 - 365 DAYS (G)	14,325,436	72,752,577	19.55%
12/18 MONTHS (H)	514,437	73,267,014	0.70%
TOTAL INVESTMENTS	\$73,267,014		100.00%

SECTION IV - DEPOSIT PROTECTION

CERTIFICATES OF PARTICIPATION - COLLATERAL POOL

This page reports collateral pool participation certificates compared to actual deposits, including both investment and retainage accounts. ORS 295.018 dictates that at least 25% of the Certificate of Participation amount be pledged with the pool manager as collateral for public fund deposits.

Depository	Date	Amount	Cert. #	Pool Manager
Bank of America	6/14/94	\$0	N/A	Oregon State Treasurer
Actual Deposits:				
Tracking Sheet		\$0		
Endowment - Kreft		\$14,380		
Total Deposits		\$14,380		
Bank of California	11/20/92	\$0	N/A	Oregon State Treasurer
Actual Deposits:				
Tracking Sheet		\$0		
First Interstate Bank (trustee)	1/28/88	\$8,000,000	34664	Oregon State Treasurer
First Interstate Bank	5/8/89	\$8,000,000	36106	Oregon State Treasurer
Actual Deposits:				
Tracking Sheet (Trust Accounts)		\$61,389		
Retainages:				
L. D. Mattson		\$10,877		
Total Deposits:		\$72,266		
Key Bank	7/17/87	\$24,000,000	33872	First Interstate Bank
Actual Deposits:				
Tracking Sheet		\$0		
U. S. Bank	8/13/93	\$13,000,000	100121	Oregon State Treasurer
Actual Deposits:				
Checking Account		\$1,243,252		
Tracking Sheet		\$0		
Retainage:				
Jack Gray Transport		\$2,238,721		
Total Deposits:		\$3,481,973		
West One Bank	11/18/94	\$300,000	38527	U. S. Bank
Actual Deposits:				
Tracking Sheet		\$0		
Retainage:				
John L. Jersey & Son		\$20,126		
Jensen Drilling Co.		\$1,482		
Tri-State Construction, Inc.		\$240,463		
Bishop Contractors		\$0		
Irene Luther Estate Account		\$10,951		
Total Deposits:		\$273,022		

Footnotes:

Bank of America Certificate of Participation reduced to zero on 6/14/94. Kreft balance covered by FDIC.

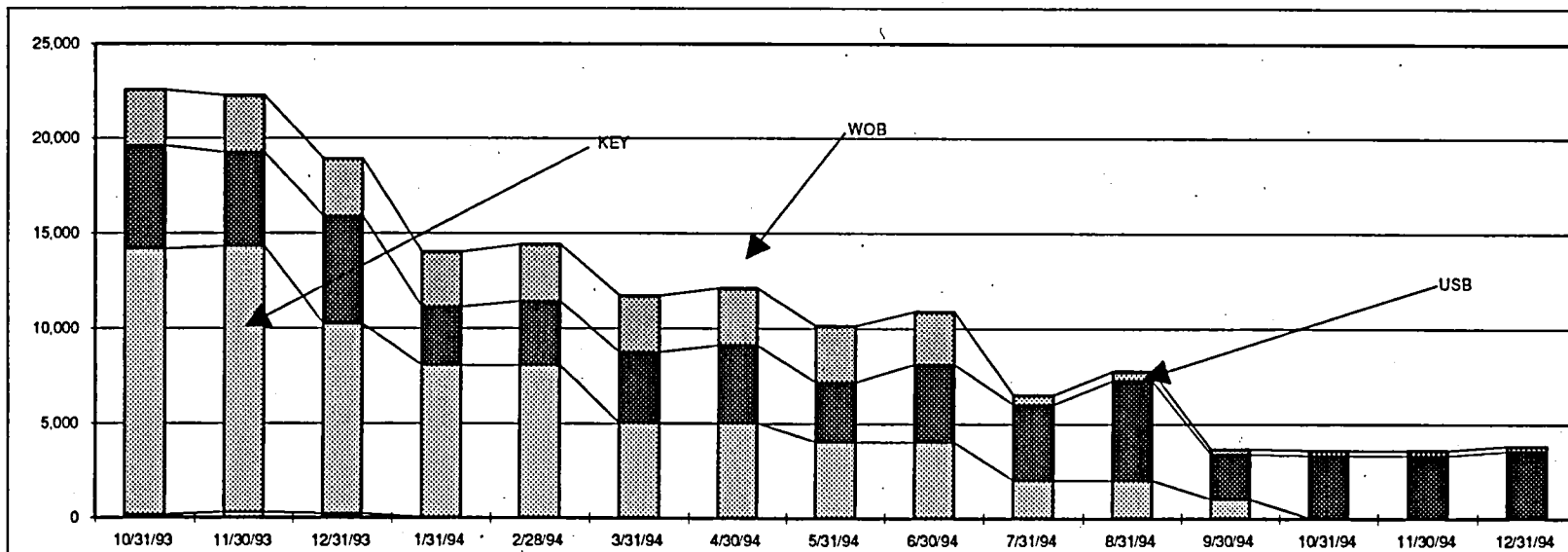
SECTION V - DEPOSITORY INSTITUTION BALANCES

A historical graph of balances carried with Bank of America (BOA), The Bank of California (CAL), First Interstate Bank (FIB), Key Bank of Oregon (KEY), Security Pacific Bank (SPB), U. S. National Bank (USB), and West One Bank (WOB).

METRO Depository Institution Balances															
	10/31/93	11/30/93	12/31/93	1/31/94	2/28/94	3/31/94	4/30/94	5/31/94	6/30/94	7/31/94	8/31/94	9/30/94	10/31/94	11/30/94	12/31/94
Bank of America (BOA)	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14
The Bank of California (CAL)	68	68	68	0	0	0	0	0	0	0	0	0	0	0	0
First Interstate Bank (FIB)	81	224	161	22	15	15	15	15	15	18	18	18	40	25	72
Key Bank of Oregon (KEY)	14,000	14,000	10,000	8,000	8,000	5,000	5,000	4,000	4,000	2,000	2,000	1,000	0	0	0
U. S. National Bank (USB)	5,438	4,950	5,657	3,081	3,403	3,695	4,066	3,122	4,093	3,968	5,231	2,359	3,290	3,288	3,482
West One Bank (WOB)	2,941	3,010	3,014	2,909	2,980	2,985	2,987	2,959	2,755	506	508	278	269	272	273
Total Bank Deposits	22,542	22,266	18,914	14,026	14,412	11,709	12,082	10,110	10,877	6,506	7,771	3,669	3,613	3,599	3,841

Footnote:

Balances are in thousands as of month end.



SECTION VI - YIELD ANALYSIS

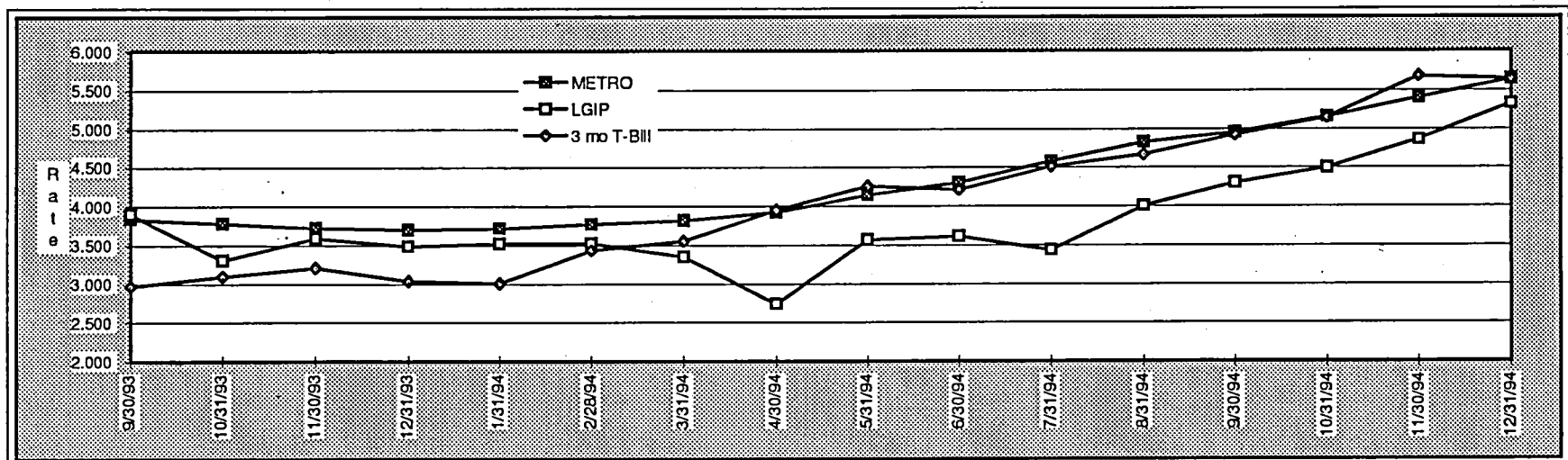
METRO INVESTMENT YIELD ANALYSIS:

An annualized yield comparison of Metro, the State of Oregon Investment Pool, and three-month Treasury Bills.

METRO YIELD ANALYSIS (%)																
	9/30/93	10/31/93	11/30/93	12/31/93	1/31/94	2/28/94	3/31/94	4/30/94	5/31/94	6/30/94	7/31/94	8/31/94	9/30/94	10/31/94	11/30/94	12/31/94
METRO	3.837	3.781	3.722	3.697	3.717	3.769	3.813	3.923	4.148	4.304	4.574	4.822	4.950	5.157	5.397	5.640
LGIP	3.903	3.300	3.584	3.483	3.521	3.515	3.344	2.737	3.567	3.611	3.433	4.004	4.304	4.494	4.856	5.322
3-mo T-Bill	2.972	3.096	3.210	3.034	3.002	3.435	3.549	3.952	4.260	4.211	4.511	4.667	4.917	5.142	5.676	5.634

Footnotes:

- 1) Yield does not include benefit of trading gains and securities lending for Local Government Investment Pool (LGIP).
- 2) Metro yield is based on portfolio at month end with average rate annualized.
- 3) LGIP yield is the average yield for the entire month. Prior to 7/1/93 it was Act/360. As of 7/1/93 forward, it will be Act/365. This adds @ 50 b.p. to apparent yield.
- 4) 3-mo T-Bill is the yield for the Treasury Bill issue maturing closest to 3 months from month end.



SECTION VII - INVESTMENTS BY ACCOUNT

Acct	Inst	Type	Cost	Interest Yield	Purchase Date	Maturity Date	Term (Days)
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Metro Pooled Cash/Investments

PF	SIP	S	\$6,062,250	5.25%	daily	daily	daily
PF		Treas	1,978,750	5.36%	8/5/94	4/30/95	268
PF		Treas	990,703	5.27%	8/25/94	4/30/95	248
PF		Treas	1,027,344	5.51%	9/1/94	8/15/95	348
PF		Treas	1,965,625	5.09%	4/5/94	9/30/95	543
PF		SLMA	1,053,828	3.79%	11/30/93	2/1/95	428
PF		SLMA	1,015,469	3.82%	12/28/93	2/3/95	402
PF		SLMA	1,014,844	5.14%	8/1/94	3/13/95	224
PF		FFCB	1,770,328	5.10%	4/4/94	9/1/95	515
PF		FFCB	1,014,063	5.18%	8/2/94	2/15/95	197
PF		FFCB	1,008,594	7.14%	12/9/94	10/13/95	308
PF		FFCB	2,993,787	6.78%	11/22/94	11/14/95	357
PF		FHLB	1,022,188	3.61%	10/25/93	1/25/95	457
PF		FHLB	2,000,000	3.85%	11/9/93	5/9/95	546
PF		FHLB	1,237,219	3.87%	12/28/93	3/27/95	454
PF		FHLB	769,219	4.06%	2/18/94	3/27/95	402
PF		FHLB	2,001,875	5.84%	10/28/94	4/25/95	179
PF		FHLB	2,115,000	4.36%	2/28/94	6/26/95	483
PF		FHLB	1,015,938	5.64%	8/18/94	8/14/95	361
PF		FHLB	997,969	5.84%	9/13/94	10/30/95	412
PF		FHLB	1,992,500	4.48%	3/1/94	8/28/95	545
PF		FHLB	996,875	6.13%	10/7/94	9/26/95	354
PF		FHLB	2,009,110	5.57%	10/7/94	2/1/95	117
PF		FHLB	1,945,550	5.16%	7/5/94	1/19/95	198
PF		FHLB	1,923,668	5.30%	8/3/94	5/1/95	271
PF		FHLB	3,993,676	6.09%	11/1/94	7/21/95	262
PF		FHLB	933,173	7.18%	12/8/94	12/1/95	358
PF		FHLB	1,488,482	7.29%	12/28/94	12/15/95	352
PF		FNMA	1,980,000	5.06%	5/2/94	2/24/95	298
PF		FNMA	1,994,375	5.54%	6/30/94	6/30/95	365
PF		FNMA	960,397	5.55%	9/13/94	6/9/95	269
PF		FNMA	991,663	5.54%	9/28/94	3/2/95	155
PF		FNMA	973,299	5.59%	9/26/94	3/24/95	179
PF		FNMA	1,018,125	6.79%	11/29/94	11/10/95	346
PF		FNMA	1,031,556	7.08%	11/30/94	11/10/95	345
PF		FNMA	932,500	7.21%	12/12/94	12/7/95	360
PF		FHLMC	1,955,625	6.31%	10/25/94	10/18/95	358
PF		CPOO	1,036,012	5.60%	10/7/94	1/3/95	88

Total \$61,211,579

Convention Center Debt Service Account

CD		FHLB	675,685	6.45%	12/1/94	6/22/95	203
CD		FHLB	965,064	6.62%	12/5/94	6/22/95	199
CD		FNMA	420,345	6.65%	12/21/94	6/30/95	191
CD		FNMA	1,795,283	5.81%	11/30/94	1/3/95	34
CD		CPIO	964,406	5.91%	11/18/94	1/3/95	46

Total \$4,820,783

Convention Center Rebate Account

CR		FHLB	\$514,437	6.69%	9/14/94	8/18/97	1069
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Total \$514,437

Acct	Inst	Type	Cost	Interest Yield	Purchase Date	Maturity Date	Term (Days)
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Convention Center City LID Account

CI		CPOO	\$285,110	6.15%	12/2/94	1/31/95	60
Total			<u>\$285,110</u>				

Metro Central Transfer Station 1990 Series A Debt Service Account

MD		FNMA	\$965,960	4.82%	7/1/94	1/3/95	186
MD	FIB	S	1,357	2.67%	daily	daily	daily
Total			<u>\$967,317</u>				

Metro Central Transfer Station 1993 Series A Refunding Debt Service Account

MD		FNMA	\$307,351	4.82%	7/1/94	1/3/95	186
MD	FIB	S	929	2.67%	daily	daily	daily
Total			<u>\$308,280</u>				

Metro Central Transfer Station 1990 Series A Reserve Account

MR		FNMA	\$2,653,525	8.93%	3/15/90	1/10/95	1762
MR		FNMA	282,614	5.21%	7/11/94	1/10/95	183
MR	FIB	S	1,847	2.67%	daily	daily	daily
Total			<u>\$2,937,986</u>				

Metro Headquarters Building Reserve Account

HR		FNMA	\$1,790,232	5.53%	7/1/94	6/30/95	364
HR	FIB	S	50,682	2.67%	daily	daily	daily
Total			<u>\$1,840,914</u>				

Metro Headquarters Building Debt Service Account (Includes Escrow Restructuring *)

HD		FHLB	\$162,104	5.57%	10/7/94	2/1/95	117
HD	FIB	S *	3,020	2.67%	7/1/94	daily	daily
HD	FIB	S	3,554	2.67%	daily	daily	daily
Total			<u>\$168,678</u>				

Metro Headquarters Building Renewal and Replacement Account

HB		FFCB	211,930	6.31%	11/28/94	07/05/95	219
Total			<u>\$211,930</u>				

TOTAL INVESTMENTS			\$73,267,014	5.64%	Weighted Ave. Yield		
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SECTION VIII - INVESTMENTS BY INSTITUTION

Acct	Inst	Type	Cost	Interest Yield	Purchase Date	Maturity Date	Term (Days)
State Investment Pool				Collateral:	N/A		
PF	SIP	S	\$6,062,250	5.25%	daily	daily	daily
Total			\$6,062,250				
First Interstate Bank				Collateral:	\$16,000,000		
MD	FIB	S	2,286	2.67%	daily	daily	daily
MR	FIB	S	1,847	2.67%	1/0/00	daily	daily
HD	FIB	S	3,020	4.82%	7/1/94	daily	daily
HD	FIB	S	3,554	2.67%	daily	daily	daily
HR	FIB	S	50,682	2.67%	daily	daily	daily
Total			\$61,389				
U. S. Treasuries/Bills				Collateral:	N/A		
PF		Treas	1,978,750	5.36%	8/5/94	4/30/95	268
PF		Treas	990,703	5.27%	8/25/94	4/30/95	248
PF		Treas	1,027,344	5.51%	9/1/94	8/15/95	348
PF		Treas	1,965,625	5.09%	4/5/94	9/30/95	543
Total			\$5,962,422				
Agencies				Collateral:	N/A		
PF		FHLB	1,022,188	3.61%	10/25/93	1/25/95	457
PF		FHLB	2,000,000	3.85%	11/9/93	5/9/95	546
PF		FHLB	1,237,219	3.87%	12/28/93	3/27/95	454
PF		FHLB	769,219	4.06%	2/18/94	3/27/95	402
PF		FHLB	2,001,875	6.04%	10/28/94	4/25/95	179
PF		FHLB	2,115,000	4.36%	2/28/94	6/26/95	483
PF		FHLB	1,015,938	5.64%	8/18/94	8/14/95	361
PF		FHLB	997,969	5.84%	9/13/94	10/30/95	412
PF		FHLB	1,992,500	4.48%	3/1/94	8/28/95	545
PF		FHLB	996,875	6.13%	10/7/94	9/26/95	354
PF		FHLB	2,009,110	5.57%	10/7/94	2/1/95	117
PF		FHLB	1,945,550	5.16%	7/5/94	1/19/95	198
PF		FHLB	1,923,668	5.30%	8/3/94	5/1/95	271
PF		FHLB	3,993,676	6.09%	11/1/94	7/21/95	262
PF		FHLB	933,173	7.18%	12/8/94	12/1/95	358
PF		FHLB	1,488,482	7.29%	12/28/94	12/15/95	352
CD		FHLB	675,685	6.45%	12/1/94	6/22/95	203
CD		FHLB	965,064	6.62%	12/5/94	6/22/95	199
CR		FHLB	514,437	6.69%	9/14/94	8/18/97	1069
HD		FHLB	162,104	5.57%	10/7/94	2/1/95	117
Sub-Total FHLB			28,759,732				

Acct	Inst	Type	Cost	Interest Yield	Purchase Date	Maturity Date	Term (Days)
PF		FHLMC	1,955,625	6.31%	10/25/94	10/18/95	358
Sub-Total FHLMC			1,955,625				
PF		FFCB	1,770,328	5.10%	4/4/94	9/1/95	515
PF		FFCB	1,014,063	5.18%	8/2/94	2/15/95	197
PF		FFCB	1,008,594	7.14%	12/9/94	10/13/95	308
PF		FFCB	2,993,787	6.78%	11/22/94	11/14/95	357
HB		FFCB	211,930	6.31%	11/28/94	7/5/95	219
Sub-Total FFCB			6,998,702				
PF		FNMA	1,980,000	5.06%	5/2/94	2/24/95	298
PF		FNMA	1,994,375	5.54%	6/30/94	6/30/95	365
PF		FNMA	960,397	5.55%	9/13/94	6/9/95	269
PF		FNMA	991,663	5.54%	9/28/94	3/2/95	155
PF		FNMA	973,299	5.59%	9/26/94	3/24/95	179
PF		FNMA	1,018,125	6.79%	11/29/94	11/10/95	346
PF		FNMA	1,031,556	7.08%	11/30/94	11/10/95	345
PF		FNMA	932,500	7.21%	12/12/94	12/7/95	360
CD		FNMA	420,345	6.65%	12/21/94	6/30/95	191
CD		FNMA	1,795,283	5.81%	11/30/94	1/3/95	34
MD		FNMA	965,960	4.82%	7/1/94	1/3/95	186
MD		FNMA	307,351	4.82%	7/1/94	1/3/95	186
MR		FNMA	2,653,525	8.93%	3/15/90	1/10/95	1762
MR		FNMA	282,614	5.21%	7/11/94	1/10/95	183
HR		FNMA	1,790,232	5.53%	7/1/94	6/30/95	364
Sub-Total FNMA			18,097,225				
PF		SLMA	1,053,828	3.79%	11/30/93	2/1/95	428
PF		SLMA	1,014,844	5.14%	8/1/94	3/13/95	224
PF		SLMA	1,015,469	3.82%	12/28/93	2/3/95	402
Sub-Total SLMA			3,084,141				
Total Agencies			\$58,895,425				
Comm'l Paper/Outside Oregon				Collateral:	N/A		
PF		CPOO	\$1,036,012	5.60%	10/7/94	1/3/95	88
CI		CPOO	285,110	6.15%	12/2/94	1/31/95	60
Total			\$1,321,122				
Comm'l Paper/Inside Oregon				Collateral:	N/A		
CD		CPIO	964,406	5.91%	11/18/94	1/3/95	46
Total			\$964,406				
TOTAL INVESTMENTS			\$73,267,014	5.64%	Weighted Ave. Yield		

SECTION IX - INVESTMENTS BY TYPE

Acct	Inst	Type	Cost	Interest Yield	Purchase Date	Maturity Date	Term (Days)
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Certificates of Deposit - Commercial Banks

	CD		0	0.00%	N/A	N/A	N/A
Total			<u>\$0</u>				

Savings

PF	SIP	S	\$6,062,250	5.25%	daily	daily	daily
MD	FIB	S	2,286	2.67%	daily	daily	daily
MR	FIB	S	1,847	2.67%	1/0/00	daily	daily
HD	FIB	S	6,574	2.67%	daily	daily	daily
HR	FIB	S	50,682	2.67%	daily	daily	daily
Total			<u>\$6,123,639</u>				

U. S. Treasuries/Bills

PF	Treas		1,978,750	5.36%	8/5/94	4/30/95	268
PF	Treas		990,703	5.27%	8/25/94	4/30/95	248
PF	Treas		1,027,344	5.51%	9/1/94	8/15/95	348
PF	Treas		1,965,625	5.09%	4/5/94	9/30/95	543
Total			<u>\$5,962,422</u>				

Agencies

PF	FHLB		1,022,188	3.61%	10/25/93	1/25/95	457
PF	FHLB		2,000,000	3.85%	11/9/93	5/9/95	546
PF	FHLB		1,237,219	3.87%	12/28/93	3/27/95	454
PF	FHLB		769,219	4.06%	2/18/94	3/27/95	402
PF	FHLB		2,001,875	5.84%	10/28/94	4/25/95	179
PF	FHLB		2,115,000	4.36%	2/28/94	6/26/95	483
PF	FHLB		1,015,938	5.64%	8/18/94	8/14/95	361
PF	FHLB		997,969	5.85%	9/13/94	10/30/95	412
PF	FHLB		1,992,500	4.48%	3/1/94	8/28/95	545
PF	FHLB		996,875	6.13%	10/7/94	9/26/95	354
PF	FHLB		2,009,110	5.57%	10/7/94	2/1/95	117
PF	FHLB		1,945,550	5.16%	7/5/94	1/19/95	198
PF	FHLB		1,923,668	5.30%	8/3/94	5/1/95	271
PF	FHLB		3,993,676	6.09%	11/1/94	7/21/95	262
PF	FHLB		933,173	7.18%	12/8/94	12/1/95	358
PF	FHLB		1,488,482	7.29%	12/28/94	12/15/95	352

Acct	Inst	Type	Cost	Interest Yield	Purchase Date	Maturity Date	Term (Days)
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Agencies (cont'd.)

CR		FHLB	514,437	6.69%	9/14/94	8/18/97	1069
CD		FHLB	675,685	6.45%	12/1/94	6/22/95	203
CD		FHLB	965,064	6.62%	12/5/94	6/22/95	199
HD		FHLB	162,104	5.57%	10/7/94	2/1/95	117
PF		FHLMC	1,955,625	6.31%	10/25/94	10/18/95	358
PF		SLMA	1,053,828	3.79%	11/30/93	2/1/95	428
PF		SLMA	1,015,469	3.82%	12/28/93	2/3/95	402
PF		SLMA	1,014,844	5.14%	8/1/94	3/13/95	224
PF		FNMA	1,980,000	5.06%	5/2/94	2/24/95	298
PF		FNMA	1,994,375	5.54%	6/30/94	6/30/95	365
PF		FNMA	960,397	5.55%	9/13/94	6/9/95	269
PF		FNMA	991,663	5.54%	9/28/94	3/2/95	155
PF		FNMA	973,299	5.59%	9/26/94	3/24/95	179
PF		FNMA	1,018,125	6.79%	11/29/94	11/10/95	346
PF		FNMA	1,031,556	7.08%	11/30/94	11/10/95	345
PF		FNMA	932,500	7.21%	12/12/94	12/7/95	360
CD		FNMA	420,345	6.65%	12/21/94	6/30/95	191
CD		FNMA	1,795,283	5.81%	11/30/94	1/3/95	34
MD		FNMA	965,960	4.82%	7/1/94	1/3/95	186
MD		FNMA	307,351	4.82%	7/1/94	1/3/95	186
MR		FNMA	2,653,525	8.93%	3/15/90	1/10/95	1762
MR		FNMA	282,614	5.21%	7/11/94	1/10/95	183
HR		FNMA	1,790,232	5.53%	7/1/94	6/30/95	364
PF		FFCB	1,770,328	5.10%	4/4/94	9/1/95	515
PF		FFCB	1,014,063	5.18%	8/2/94	2/15/95	197
PF		FFCB	1,008,594	7.14%	12/9/94	10/13/95	308
PF		FFCB	2,993,787	6.78%	11/22/94	11/14/95	357
HB		FFCB	211,930	6.31%	11/28/94	7/5/95	219

Total \$58,895,425

Comm'l Paper/Outside Oregon

PF	CPOO	\$1,036,012	5.60%	10/7/94	1/3/95	88
CI	CPOO	285,110	6.15%	12/2/94	1/31/95	60

Total \$1,321,122

Comm'l Paper/Inside Oregon

CD	CPIO	964,406	5.91%	11/18/94	1/3/95	46
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Total \$964,406

TOTAL INVESTMENTS	\$73,267,014	5.64%	Weighted Ave. Yield
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SECTION X - INVESTMENT ACTIVITY

Acct	Inst	Type	Cost	Interest Yield	Purchase Date	Maturity Date	Term (Days)
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Metro Pooled Cash/Investments

Investments maturing October 1994

PF		CPIO	\$992,083	4.85%	8/8/94	10/7/94	60
PF	KEY	CD	1,000,000	3.65%	10/22/93	10/25/94	368
PF		FFCB	1,956,344	4.55%	5/2/94	10/28/94	179

Total			<u>\$3,948,427</u>				
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Investments maturing November 1994

PF		FHLMC	\$970,485	4.07%	3/4/94	11/28/94	269
PF		CPIO	991,492	5.05%	9/13/94	11/14/94	62
PF		Treas	1,001,328	4.41%	4/7/94	11/30/94	237

Total			<u>\$2,963,305</u>				
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Investments maturing December 1994

PF		FHLB	\$965,095	3.64%	12/28/93	12/21/94	358
PF		FNMA	1,952,739	4.81%	6/30/94	12/28/94	181
PF		FHLB	967,489	3.98%	3/1/94	12/30/94	304
PF		Treas	1,000,859	4.50%	4/8/94	12/31/94	267

Total			<u>\$4,886,182</u>				
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Convention Center City LID Account

Investments maturing October 1994

CI		CPOO	\$774,974	4.58%	8/2/94	10/3/94	62
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Total			<u>\$774,974</u>				
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Investments maturing December 1994

CI		CPOO	\$661,419	5.13%	10/3/94	12/2/94	60
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Total			<u>\$661,419</u>				
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Metro Headquarters Renewal and Replacement Account

Investments maturing November 1994

HB		CPOO	\$213,069	4.81%	8/29/94	11/28/94	91
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			<u>\$213,069</u>				
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SECTION XI - QUALIFIED INSTITUTIONS

LIST OF QUALIFIED INSTITUTIONS FOR METRO INVESTMENT PURPOSES

Bank of America
1001 S. W. Fifth Avenue
Portland, OR 97204
(503) 275-2308

Contact: Daniel J. Davis
David Sloop

The Bank of California
407 S. W. Broadway
Portland, OR 97205
(503) 225-3004

Contact: Susan B. Vogel
Laurence R. Bright

First Interstate Bank of Oregon
1300 S. W. Fifth Avenue
P.O. Box 3131
Portland, OR 97208
(503) 225-7071

Contact: Nancy Rivers
Todd Michael

Key Bank of Oregon
1222 S. W. Sixth Avenue
Portland, OR 97204
(503) 790-7640

Contact: Barbara Burgess

U.S. Bank of Oregon
T - 9
111 S. W. Fifth Avenue
P.O. Box 4412
Portland, OR 97208
(503) 275-5114

Contact: Tom Gilbertson
Frances L. Fieger
Joanne K. Busse

West One Bank, Columbia Plaza Branch
1300 S. W. 6th
P. O. Box 311
Portland, OR 97207
(503) 248-6021

Contact: Lisa M. Boisvert
Shelley A. Torris

SECTION XII - LEGENDS

The following legend describes the abbreviations used in the report:

ACCOUNT

- PF -- Pooled Funds -- Investments made with cash not segregated for bond related projects; i.e., cash for General Fund, Zoo, Solid Waste, etc.
- CD -- Convention Center Debt Service Account -- Investment of property tax collections available to pay principal and interest on the bonds.
- CC -- Convention Center Construction -- Investment of bond proceeds available for construction.
- CR -- Convention Center Rebate -- Investment of interest earned above bond yield. Rebateable to the federal government after five years.
- CI -- Convention Center City LID -- Investment of Convention Center City Local Improvement District funds available for construction.
- MC -- Metro Central Transfer Station Construction -- Investment of bond proceeds available for construction.
- MD -- Metro Central Transfer Station Debt Service -- Investment of bond proceeds and fund transfers available to pay principal and interest on the bonds.
- MR -- Metro Central Transfer Station Reserve -- Investment of bond proceeds available to back up the Debt Service Account if that account is insufficient to pay principal and interest when due to bond holders.
- HC -- Metro Headquarters Bond Proceeds -- Investment of bond proceeds available for construction or related activities.
- HR -- Metro Headquarters Reserve -- Investment of bond proceeds available to back up the Debt Service Account if that account is insufficient to pay principal and interest when due to bond holders.
- HD -- Metro Headquarters Debt Service -- Investment of bond proceeds and fund transfers available to pay principal and interest on the bonds.
- HB -- Metro Headquarters Renewal and Replacement Account -- Investment of bond proceeds and fund transfers as a reserve for future capital requirements.

INSTITUTION

BOA -- Bank of Americas
CAL -- Bank of California
FIB -- First Interstate Bank of Oregon
KEY -- Key Bank of Oregon
SIP -- State of Oregon Local Government Investment Pool
SPB -- Security Pacific Bank Oregon
USB -- US Bank of Oregon
WOB -- West One Bank

TYPE

- S - Savings' Account -- Daily access available without penalty for early withdrawal.
- CD - Certificate of Deposit -- Deposits that must be held to maturity and are subject to penalty for early withdrawal.
- REPO - Repurchase Agreement -- Represents the sale of a Treasury Bill, Note, or Federal Agency issue with the agreement to repurchase the security at an agreed price on a mutually agreed future date. The difference between the sale price and repurchase price represents income. Specific securities are identified on the confirmation as to type, interest rate and maturity date.
- TRS - U.S. Treasury Bills and Notes -- Securities backed by the U.S. Government that may be sold in the market prior to maturity, and are subject to gains or losses upon sale.
- FNMA - The Federal National Mortgage Association issues securities, "Fannie Mae's," that assist the home mortgage market by purchasing mortgages insured by the Farmers Home Administration, Veterans Administration and the Federal Housing Administration, all Federal Government Agencies.
- SLMA - A short-term uninsured discount note, issued on a daily basis and readily traded in the market. Proceeds fund the Federal Guaranteed Student Loan Program.
- FHLB - Obligations of the Federal Home Loan Bank system of 12 district banks and institutions that carry the ethical backing of the federal government.
- FHLMC - Federal Home Loan Mortgage Certificates represent shares in pooled mortgage accounts.
- FFCB - Federal Farm Credit Banks are consolidated system wide obligations funding first mortgage real estate loans to the agricultural sector.
- REFCO - Resolution Funding Corporation was established in August, 1989. It funds the activities of the Resolution Trust Corporation (RTC) through its authority to borrow up to \$30 billion. Principal on the obligations is secured by zero-coupon Treasury obligations.
- BA - Credit instrument used to finance certain types of domestic and international commercial transactions. The bank on which the "B.A." is drawn accepts the liability and responsibility of making payment upon maturity. This liability makes the acceptance a very marketable and safe instrument.
- CPOO - Commercial Paper, Outside Oregon -- short-term promissory notes issued by the largest corporations to finance their credit needs. Generally backed by unused bank credit lines. Rated by Moody's, and Standard and Poor's. This category is for paper issued by corporations with no Oregon offices.
- CPIO - Same as CPOO except that this paper is issued by corporations with offices in Oregon.

PROPOSED AMENDMENT TO ORDINANCE NO. 95-594

Delete the new language in Metro Code Section 2.02.210(a)(1) and add the following:

"(F) The tuition reimbursement per course shall not exceed the tuition rate for a similar course at Portland State University (PSU).

(G) The tuition reimbursement for any single course shall not exceed the tuition rate for a three hour graduate level course at PSU, and

(H) The total tuition reimbursement to an employee shall not exceed \$1,000 in any fiscal year.

HENRY KANE
12077 SW Camden Lane
Beaverton, Oregon 97008-5251
(503) 643-4054
March 20, 1995

HAND-DELIVERED - PRIORITY CONSIDERATION REQUESTED

Ruth McFarland, Chair,
and Councilors
Metro
600 NE Grand
Portland, Oregon 97232-2776

Re: Confirmation of testimony March 17, 1995 before the
Metro Council - proposed closure of westbound access
to the Sunset Highway from northbound Highway 217 and
Barnes Road in Washington County

Dear Chairman McFarland and Metro Councilors:

This letter confirms my testimony concerning the above matter.

I urge Metro to study the matter as a priority transportation issue,
then take a position and present the position at the March 29, 1995
hearing on the Tri-Met and ODOT application before Larry Epstein,
Washington County hearings officer.

Enclosed is Metro's copy of my March 18, 1995 letter to Gregory
Hathaway, the attorney representing Tri-Met and ODOT in support
of the application.

The most important part of the letter is at pp. 8-10. It lists
21 questions to Tri-Met and ODOT concerning the application.

The application explicitly calls for permanent closure of S.W.
Barnes Road on-ramp access to the westbound lanes of the Sunset
Highway.

The application implicitly calls for permanent closure of north-
bound Highway 217 on-ramp access to the westbound lanes of the
Sunset Highway.

Sincerely,


Henry Kane

encl.

cc: Mike Burton, Executive Officer, Metro
Michael Hoglund, Transportation Planner, Metro
Beaverton Mayor Rob Drake and City Attorney Mark Pilliod
media

HENRY KANE
12077 SW Camden Lane
Beaverton, Oregon 97008-5251
(503) 643-4054
March 18, 1995

Gregory S. Hathaway, Esq.
Davis Wright Tremaine
1300 SW Fifth Avenue, Suite 2300
Portland, Oregon 97201

Re: Tri-Met and Oregon Department of Transportation application
to Washington County for development review approval of
the Sunset Transit Center unit of the Westside Corridor
Project, Case No. 95-006-D(C1)

Dear Mr. Hathaway:

This letter of request for clarification is addressed to you as the applicants' lead representative in the above-identified proceeding. The hearing on the application will continue on Wednesday, March 29, 1995 before Larry Epstein, Washington County hearings office.

I filed a written statement, gave oral testimony, and was granted standing by Hearings Officer Epstein at the March 8, 1995 hearing.

My opposition is based on the announced intention to terminate the S.W. Barnes Road on-ramp access to the westbound Sunset Highway (U.S. Highway 26) and what appears to be the intention to terminate northbound Highway 217 on-ramp access to the westbound Sunset Highway (U.S. Highway 26).

The purpose of this letter is to clarify the record prior to the March 8, 1995 hearing, and if not possible by that date, by a date certain set by Hearings Officer Epstein.

I submit that clarification of the hearing record would assist Tri-Met, ODOT, those who have appeared in writing and/or oral testimony, the hearings officer, and any public body or appellate court asked to review the decision of the hearings officer. Otherwise, a decision granting the application may be remanded because of an incomplete record or lack of necessary findings of fact, e.g., 1000 Friends of Oregon v. City of North Plains, 27 Or LUBA 372, 401 (1994):

Gregory S. Hathaway, Esq.
March 18, 1995
Page Two

"Under OAR 660-12-015, coordinated state, regional and local Transportation System Plans are required.²¹ OAR 660-12-060(3) requires that plan amendments which significantly affect a transportation facility be 'coordinated with transportation and service providers and other affected local governments.' Because the city determined it was not required to establish current compliance with the TPR at this plan amendment state, the city erroneously failed to address the coordination requirements of OAR 660-12-060(3). On remand, the city must do so.

"This subassignment of error is sustained.

"²¹The State Transportation System Plan is prepared by ODOT. As relevant here, the regional Transportation System Plan is prepared by the Metropolitan Service District. Washington County is responsible for preparing a local Transportation System Plan covering the subject property."

As you know, the Sunset Transit Center application as it affects Highway 217 and Barnes Road access to the westbound lanes of the Sunset Highway (U.S. Highway 26), is subject to:

1. The Oregon Transportation Plan prepared by ODOT
2. The Washington County Comprehensive Code - Cedar Hills-Cedar Mill Community Plan
3. The 1994 Metro Northwest Subarea Transportation Study Plan adopted by Metro
4. The 1992 Metro Regional Transportation Plan
5. Land Use Conservation and Development Commission, OAR chapter 660, Division, 12, transportation planning, §§ 660-12-00, et seq.
6. April 12, 1991 Land Use Final Order (LUFO) for the Westside Corridor Project
7. August 1991 Final Environmental Impact Statement (FEIS) for the Westside Corridor Project

Gregory S. Hathaway, Esq.
March 18, 1995
Page Three

8. State Implementation Plan adopted under the federal Clean Air Act, OAR 660-035(3)(b):

"The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act * * * ."

The application expressly calls for permanent closure of the Barnes Road access on state highway property directly to the westbound lanes of the Sunset Highway. Barnes Road is the southwesterly extension of Burnside Road, the east-west arterial between the City of Gresham and the summit of the West Hills at Skyline Boulevard. Closure of the Barnes Road access to the westbound Sunset Highway lanes will degrade the air quality of the area, reduce mobility and increase traffic congestion.

My major concern is that the application implicitly would terminate the pre-existing northbound Highway 217 access to the westbound Sunset Highway. Part of the proposed Transit Center appears to take part of the state highway property at the Highway 217-Sunset Highway traffic interchange used to provide northbound Highway 217 and Barnes Road access to westbound Highway 26, the Sunset Highway. The proposed Sunday Transit Center includes a 595-car parking garage that may cost some \$6 million. If the Sunset Transit Center is built on what is now westbound access to the Sunset Highway from Barnes Road and northbound Barnes Road, restoration of said westbound access may prove not practical.

The application does not state, unfortunately, that approval of the application will permit restoration of the pre-existing northbound Highway 217 on-ramp to the westbound Sunset Highway. The numerous/ various maps and diagrams show the Sunset Transit Center. The maps and diagrams, however, do not make clear whether the westbound on-ramps can be rebuilt if the County approves the application.

The Washington County Land Development Services staff report and recommendation on the Tri-Met and ODOT application addresses the closure of Barnes Road issue, but does not analyze the application in terms of whether approval of the application precludes restoration of northbound Highway 217 access to the westbound Sunset Highway.

Gregory S. Hathaway, Esq.
March 18, 1995
Page Four

The Preliminary, Non-Binding Nature of the Plans

Tri-Met and ODOT submitted the following document to the Hearings Officer. It is dated March 9, 1995, is headed TRI-MET WEST SIDE LIGHT RAIL PROJECT, and is further identified as:

"Documents Submitted by Tri-Met Regarding
On-Ramp Conditions/Sunset Transit Center/
Casefile No. 95-006-D(C1)."

The document, offered as an exhibit in support of the application, contains a letter of explanation to you dated March 8, 1995, signed by an associate partner of the Zimmer Gunsul Fraca Partnership, and states:

"I have attached a set of the 30% drawing
submitted for the convenience of the Hearings
Officer."

The above-quoted sentence identifies the preliminary engineering plans, dated November 30, 1994, for the proposed Sunset Transit Center, and related documents: "30% PRELIMINARY ENGINEERING/ November 30, 1994." Following said identified cover are 13 separate engineering maps/diagrams for the Sunset Transit Center and pedestrian overpass across the Sunset Highway.

I claim to have some familiarity with engineering plans: my late father-in-law, a second generation building contractor, supervised the building of the first home of my wife and I, in 1952, in The Dalles, Oregon. Over the years as a newspaper reporter, I had to learn the contents of engineering plans to write news articles on large projects such as The Dalles Dam. During my private law practice and my six years as an Oregon Assistant Attorney General I had to learn to read, interpret and master engineering plans. Such familiarity enabled me to obtain large settlements and judgments against contractors, and in one instance, an \$18,000 judgment against the developer arm of a billion-dollar-plus conglomerate.

I claim to know the vital distinction between the phrase, "Final Engineering Plans" on plans bearing the Professional Engineer "stamp," and "Preliminary" plans not signed by a professional engineer and plans identified as "PRELIMINARY FOR DISCUSSION ONLY" and not signed by a professional engineer.

Each of the engineering plans for the Sunet Transit Center is marked, in small and easy-to-overlook type:

Gregory S. Hathaway, Esq.
March 18, 1995
Page Five

"PRELIMINARY

"CONTENTS SUBJECT TO CHANGE."

The 30% preliminary, subject to change engineering plans, are in separate sheets numbered 1 through 13. None of the 13 sheets bears any indication of approval by anyone and does not contain the signature and PROFESSIONAL ENGINEER stamp of a professional engineer licensed by the State Board of Engineering Examiners.

I have reason to believe the preliminary engineering plans for the Sunset Transit Center were prepared by draftsmen, and not by a professional engineer or professional engineers.

I have sufficient engineering plan reading experience to know that proper engineering plans include a "site map" clearly identifying the property owned by the owner for whom the plans were prepared.

I have sufficient engineering plan reading experience to know that the site map for a building or other project clearly identifies on all sides the property owned by the owner and the adjacent property not owned by the building or project owner.

I invite your attention to sheet 2 of the preliminary engineering plans. Sheet 2 does not identify the boundary between Tri-Met land for the Sunset Transit Center and land owned by the Oregon Department of Transportation.

Said sheet 2 clearly indicates that Tri-Met intends to build the Sunset Transit Center on ODOT-owned land heretofore used for northbound Highway 217 and Barnes Road access to the westbound lanes of the Sunset Highway. Sheet 2 does, curiously, identify the "PROPOSED NORTHERN PROPERTY LINE" for part of the.

Construction of the Sunset Transit Center, including the 595-vehicle parking garage, on ODOT-owned right-of-way for the westbound lanes of the Sunset Highway, will prevent restoration of such access.

I invite your attention to a PRELIMINARY FOR DISCUSSION ONLY" map dated 2/22/95 identified as the property disposition plan for the Sunset Transit Center. It is marked Exhibit B, 2/22/95 and accompanies a March 8, 1995 letter to you signed by Robert Y. Chow, Tri-Met civil engineering director. The third paragraph states:

"After the 1/31/95 hearing, I have ordered further alignment refinement to reduce Peterkort property take requirement. The drawing marked

Gregory S. Hathaway, Esq.
March 18, 1995
Page Six

Exhibit B dated 2/22/95 shows the additional rights-of-way take requirement reduces to approximately 3,500 square feet (the area colored in green) as compared to the current rights-of-way plan." (emphasis added)

The proposed additional right-of-way to be acquired from the Peterkort family is clearly identified by line and colored green.

Tri-Met does not appear to see fit, however, to provide the Hearings Officer and those who oppose the application, such as the undersigned with an engineering map, diagram or drawing identifying ODOT-owned land used for northbound Highway 217 and Barnes Road access to the westbound lanes of the Sunset Highway.

I continue to find troubling your statement made to the Hearings Officer at the March 8, 1995 hearing. My recollection is that you said that Tri-Met was not bound by the Land Use Final Order (LUFO) and/or the Final Environmental Impact Statement (FEIS) for the Westside Corridor Project.

I do not object to the general location of the Sunset Transit Center, identified as part of the Westside Corridor Project.

However, the LUFO and FEIS each identified that the Westside Corridor Project would retain pre-existing northbound Highway 217 and Barnes Road access to the on-ramps leading to the westbound lanes of the Sunset Highway. Said access is part of the Washington County Comprehensive Plan, the Oregon Transportation Plan and the 1992 Metro Regional Transportation Plan and the 1994 revision for the Northwestern Subarea of which the Highway 217-Sunset Highway traffic interchange is a part.

Compliance with LUFO and FEIS includes continuing said westbound Sunset Highway access, and does not violate Senate Bill 573, Oregon Laws 1993, chapter 3. The Oregon Supreme Court expressly approved the LUFO in Seto v. Tri-County Metropolitan Transportation District, 311 Or 456, 814 P2d 1060 (1991).

Because of unresolved issues it will be difficult for the Hearings Officer to issue his ruling, and I wish a ruling prior to the 120-day deadline. It is in the interest of applicants to attempt to make an adequate record by, for example, answering the attached questions and making the answers and exhibits part of the hearing record.

My Right to Cross-Examine Applicants' Witnesses

Washington County Development Code Sections 205-5 and 205-5.2 mandate:

Gregory S. Hathaway, Esq.
March 18, 1995
Page Seven

"Subject to the specific standards and limitations set forth in this Code, the following procedural entitlements shall be provided at the public hearing:

* * *

"205-5.2 A reasonable opportunity to cross-examine witnesses, including staff, provided that right is asserted at the first reasonable opportunity. Staff similarly shall be entitled to reasonable cross-examination of witnesses;". (emphasis added)

-

I assume you will provide a copy of this letter to joint applicant ODOT.

My questions, which I would like answered in writing prior to the continued March 29, 1995 hearing on the application, are attached. If applicants do not see fit to respond in writing, then the Hearings Officer may apply the rule that petitioners-applicants bear the burden of proof, particularly where objectors have challenged the premises of the application. Tri-Met apparently contends, for example, that it should be excused from LUBA and FEIS compliance for alleged lack of funding. See LAND USE (Oregon CLE 1994) § 16.21, page 16-31, Fiscal Decisions (decisions affecting land use are outside LUBA jurisdiction if they are principally fiscal in nature). I interpret the rule of § 16.21 as not providing a defense of lack of funding as a reason for not complying with a Comprehensive Plan.

Please note recipients of copies of this letter.

Sincerely,


Henry Kane

cc: Governor Kithaber's environment and transportation advisors
Metro
Oregon Transportation Commission
Land Use and Development Commission
Washington County Department of Land Use and Transportation
Oregon Department of Environmental Quality
City of Beaverton
Timothy Ramis, attorney for Peterkort family
media

Gregory S. Hathaway, Esq.
March 18, 1995
Page 8

Questions for Tri-Met and ODOT - Case No. 95-006-D(C(1))

1. Do each of the following documents require Tri-Met and/or the Oregon Department of Transportation to provide at the Highway 217-Sunset Highway traffic interchange continued northbound Highway 217 and Barnes Road on-ramp access to the westbound lanes of the Sunset Highway (U.S. Highway 26): The Oregon Transportation Plan, the Washington County Comprehensive Plan, the 1992 Metro Regional Transportation Plan, the 1994 Metro Northwest Subarea Plan, and the Land Use Final Order (LUF) and the Final Environmental Impact Statement (FEIS) for the Westside Corridor Project?
2. Did Tri-Met and/or ODOT request Washington County to amend the Washington County Comprehensive Plan to delete the requirement of northbound Highway 217 and Barnes Road on-ramp access to the westbound lanes of the Sunset Highway, and if so, identify the order issued in response to the application?
3. Did Tri-Met and/or ODOT request Metro to amend the 1992 Metro Regional and/or the 1994 Northwest Subarea Transportation Plan to delete the requirement of northbound Highway 217 and Barnes Road on-ramp access to the westbound lanes of the Sunset Highway, and if so, identify the order issued in response to the application.
4. Would mandating the requirement of northbound Highway 217 and Barnes Road on-ramp access to the westbound lanes of the Sunset Highway violate any provision of Senate Bill 573, Oregon Laws 1991, ch. 3, the LUFO, and/or the FEIS for the Westside Corridor Project, and if so, identify the particulars of the violation?
5. Would any part of the Tri-Met Sunset Transit Center at the Highway 217-Sunset Highway traffic interchange occupy any state highway land owned by the State of Oregon, and if so, please provide a map signed by a registered land surveyor or professional engineer showing state highway land to be occupied by the Center and the pre-existing northbound Highway 217 and Barnes Road on-ramp right-of-way to the westbound lanes of the Sunset Highway.
6. Identify the deed or other Oregon Transportation Commission and/or Oregon Department of Transportation document transferring the right-of-way identified in response to question no. 5 to Tri-Met, and the amount Tri-Met paid for the property?

Gregory S. Hathaway, Esq.
March 18, 1995
Page 9

7. Does Tri-Met and/or the Oregon Department of Transportation intend as part of the Westside Corridor Project to reconnect northbound Highway 217 with the westbound lanes of the Sunset Highway, and if so, when will the reconnection start and when will the reconnection be completed and open to traffic?
8. If Tri-Met and/or the Oregon Department of Transportation do not intend as part of the Westside Corridor Project to reconnect northbound Highway 217 with the westbound lanes of the Sunset Highway, will the replacement be the "temporary" "S.W. Barnes Road extension," and if so, is that roadway built to state throughway standards?
9. Did the Federal Transit Administration and/or the Federal Highway Administration of the U.S. Department of Transportation give Tri-Met, and/or the Oregon Department of Transportation, grant written permission to amend the LUFO and/or the FEIS for the Westside Corridor Project to delete the LUFO/FEIS requirement to reconnect northbound Highway 217 and/or S.W. Barnes Road with the westbound lanes of the Sunset Highway, and if so, produce each document signed by an authorized federal official?
10. Prior to submission of the application for the Sunset Transit Center did Washington County grant Tri-Met and/or the Oregon Department of Transportation written permission to terminate S.W. Barnes Road on-ramp access to the westbound lanes of the Sunset Highway, and if so, identify each such document granting such permission?
11. Did Tri-Met and/or the Oregon Department of Transportation enter into any agreement to modify the Full Funding Agreement for the Westside Corridor Project to "defer" or eliminate:
(1) the northbound Highway 217 and (2) the Barnes Road on-ramp access to the westbound lanes of the Sunset Highway, and if so identify each such document granting such permission?
12. Does Tri-Met and/or the Oregon Department of Transportation claim that it gave notice to the public of the intent to terminate or close off permanently S.W. Barnes Road on-ramp access to the westbound lanes of the Sunset Highway, and if so, identify the date of publication of the legal notice and publication printing the legal notice announcing said intention, plus the contents of said legal notice?

Gregory S. Hathaway, Esq.
March 18, 1995
Page 10

13. If the answer to question no. 12 is affirmative, state whether the legal notice put Tri-Met residents/electors/taxpayers on notice that they must appeal the decision to terminate access?
14. Which agency does Tri-Met and/or the Oregon Department of Transportation gave either or both agencies written permission to amend the LUFO and FEIS and to terminate/close off permanently SW Barnes Road on-ramp access to the westbound lanes of the Sunset Highway, and identify each document giving written permission?
15. What is the amount of money originally budgeted for (1) the northbound Highway 217 and (2) the Barnes Road access to the westbound lanes of the Sunset Highway, and if the money is no longer available, state how the money was expended or transferred?
16. Did the Oregon Transportation Commission or the Federal Transit Administration or the Federal Highway Administration give written permission to transfer money budgeted for (1) the northbound Highway 217 and (2) the Barnes Road access to the westbound lanes of the Sunset Highway, and if so, identify each document giving written permission?
17. What is the legal authority allowing Tri-Met and/or the Oregon Department of Transportation to (1) close northbound Highway 217 and (2) Barnes Road on-ramp access to the westbound lanes of the Sunset Highway?
18. Did Tri-Met and/or ODOT consider the adverse effect on public safety (police and sheriff) and emergency ambulance service of closing the northbound Highway 217 and Barnes Road on-ramps access to the westbound lanes of the Sunset Highway, and if so, identify each document pertaining to said consideration?
19. Did Tri-Met and/or ODOT consider the adverse effect on air quality in the form of pollutants from motor vehicles of closing the northbound Highway 217 and Barnes Road on-ramps to the westbound lanes of the Sunset Highway, and if so, identify each document permitting to said consideration?
20. Did Tri-Met and/or ODOT consider the reduced motor vehicle mobility and more motor vehicle traffic congestion of closing the northbound Highway 217 and Barnes Road on-ramps to the westbound lanes of the Sunset Highway, and if so, identify each document pertaining to said consideration?
21. Does Tri-Met and/or ODOT claim that closure of northbound Highway 217 and Barnes Road on-ramp access to the Sunset Highway complies with ORS chapter 197, Land Conservation and Development Commission air quality and transportation goals, and if the answer is affirmative, state the reasons?



CLACKAMAS COUNTY

Department of Transportation & Development

MEMO

THOMAS J. VANDERZANDEN
EXECUTIVE DIRECTOR

TO: Metro Council

FROM: Judie Hammerstad, Chair, Clackamas County Board of Commissioners

DATE: March 15, 1995

SUBJECT: Proposed Amendments to Metro's 2040 Growth Concept

Judie Hammerstad

Thank you for the opportunity to give you our comments on the Metro 2040 Growth Concept. We have a number of responses to specific elements as follows:

The following should be designated as "inner neighborhoods:"

- Altamont Estates area -- planned for both apts. and single family -- see map
- Sunnyside Village neotraditional area -- see map

Both these neighborhoods are planned to have a mixture of single and multifamily housing, with neighborhood and community commercial uses.

The following should be considered as a "bus corridor:"

- Johnson Creek Blvd. from 45th to the Altamont estates bowl -- see map. We feel that the area west of 45th, although serviceable by bus, is unlikely to redevelop with the types of land uses needed for a Corridor. However, the area east of 45th is very likely to redevelop, and would provide a needed east-west transit opportunity. Another corridor between Woodstock and King Blvd. is needed -- please note the spacing. The city of Milwaukie should be invited to comment on this.
- 172nd from Highway 212 to the Multnomah County line. Treat it as one with the Foster Rd "Town Center". We aren't suggesting that it develop as a strip; the Calthorpe model with nodes and villages might be more appropriate. Make it a part of a transportation corridor connect Damascus to the employment center at the Columbia South Shore.

We have reservations about the following bus corridors:

- Flavel/Linwood/Webster Road is very questionable for a number of reasons, even though a north south corridor in this general area would be very nice to have. Flavel north of its intersection with Johnson Creek Blvd. is too steep for

buses, and it will be difficult to restructure the road to make a gentler slope. The Corridor would require a new crossing of the main railroad line (possible high speed rail) and road connection across Highway 224 and the industrial area. The land uses along Linwood and especially along Webster will be very difficult to redevelop, as they are well established exclusive residential areas with relatively high valued units.

- The Corridor on 112th from east Multnomah County to Happy Valley is too steep for bus operations, and it is hard to see how the road could be rebuilt at suitable grades, given the area's topography. Also, we wonder about the potential for converting the land uses in that area to "corridor" uses. Does Happy Valley want this?
- Highway 43 in West Linn. Given the limited capacity of Highway 43 and Mcadam, and the limited ability to increase capacity in this corridor, as well as the relatively restricted access, the land use redevelopment associated with a bus corridor may not be feasible. Please double check with West Linn before carrying this idea forward.
- Highway 43 in Dunthorpe. The land use conversions associated with a "corridor" may not be feasible in Dunthorpe because of topography and land costs. This could prevent the corridor from being continuous through Dunthorpe on Highway 43.
- There appears to be a corridor extending south on Highway 99E through the historic district of Canemah in Oregon City. The redevelopment associated with a "corridor" designation may not be consistent with preservation of the existing historic buildings. Also, redevelopment opportunities are limited in this area by topography. Does Oregon City want this?

Slight modifications to the map are needed:

- Sunnyside as a high capacity transit route should have nodes rather than strip development.
- The Regional Center at the Clackamas Town Center should center on the intersection of I-205 and Sunnyside Road. (rather than 82nd and Sunnyside), or at least cross over the intersection with I-205 to take in Kaiser Hospital and the office complex at Stevens Road. Much of the office and residential development in the Regional Center is east of the freeway.
- The location of the "Town Center" in West Linn should perhaps be moved further north on Highway 43 (see West Linn Comprehensive Plan), or elsewhere. This specific location is restricted by topography and freeway structures. Please check with West Linn.
- Is the "node" shown on the map at the Park Place interchange in Oregon City perhaps meant to be located at the SDA site in Gladstone? It is located on top of the Tri-city sewage treatment plant.
- The "Town Center" in Gladstone would perhaps be more likely if located at the SDA site (Oatfield and I-205) rather than Portland Avenue. A Mainstreet designation might be more appropriate for Gladstone's historic main street. Please check with the city of Gladstone.

Additional "Town Centers" or "nodes" are needed:

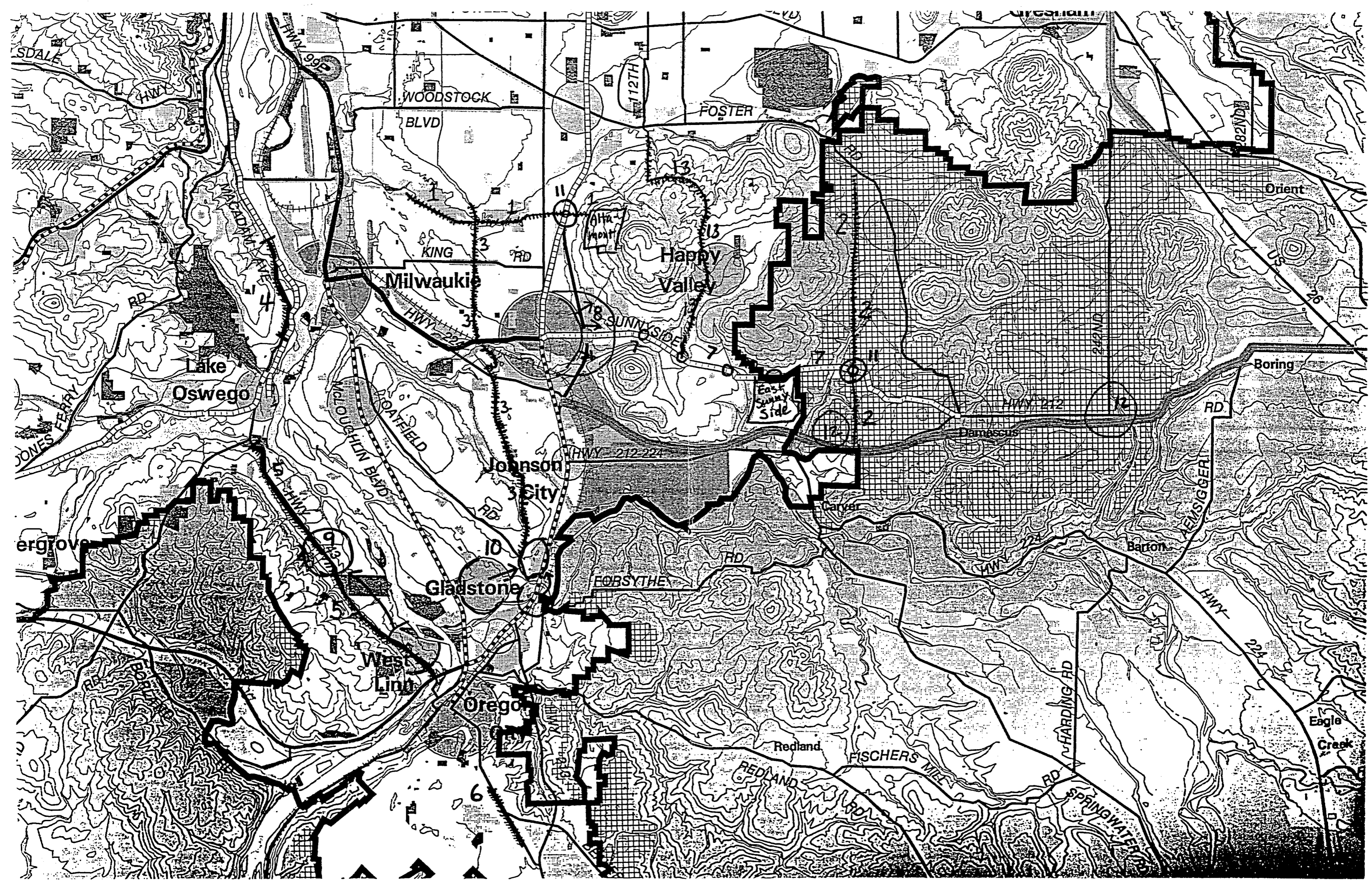
- At 172nd and Sunnyside, either a "town center" or "node".
- Centered on the intersection of I-205 and Johnson Creek Blvd., a "node".

Additional "Employment Centers" are needed:

- A few hundred acres in the Damascus area around 242nd and Highway 212
- West of 172nd, north of Highway 212 and Carver

The region may want to revisit the I-205 corridor from the airport to the Clackamas Town Center as a potential LRT line rather than high capacity transit, given the current legislative climate. It may be difficult getting legislative support for South/North unless we also have some potential for LRT on I-205

Copies: Gladstone, Happy Valley, Milwaukie, Oregon City, West Linn



- 1 Johnson Creek Blvd to Altamont
- 2 172ND from 212 to County Line
- 3 Flavel/Linwood/Webster
- 4 Hwy 43: Dunthorpe
- 5 Hwy 43 West Linn
- 6 99E S. of Oregon Cty to Canemah
- 7 Sunnyside Rd Nodes
- 8 Clackamas Town Center Shift East of I-205
- 9 West Linn Town Center Shift to Northwest
- 10 Gladston Town Center Shift to SDA site
- 11 Town Center Nodes at 172ND + Sunnyside and I-205/Johnson Ck Blvd.
12. Employment Centers at 242ND and 212 and, West of 172ND North of 212 (Carver)
13. Corridor on 112th in Multnomah County down to Happy Valley



METRO

Date: March 14, 1995
 To: Metro Councilors
 From: Paula Paris, Personnel Director
 Re: Proposed Ordinance No. 95-594
 Educational Reimbursement

Attached is the information the Council requested last Thursday regarding the issue of educational funding and reimbursement for non-represented employees.

Personnel staff surveyed the following employers and colleges to obtain the information:

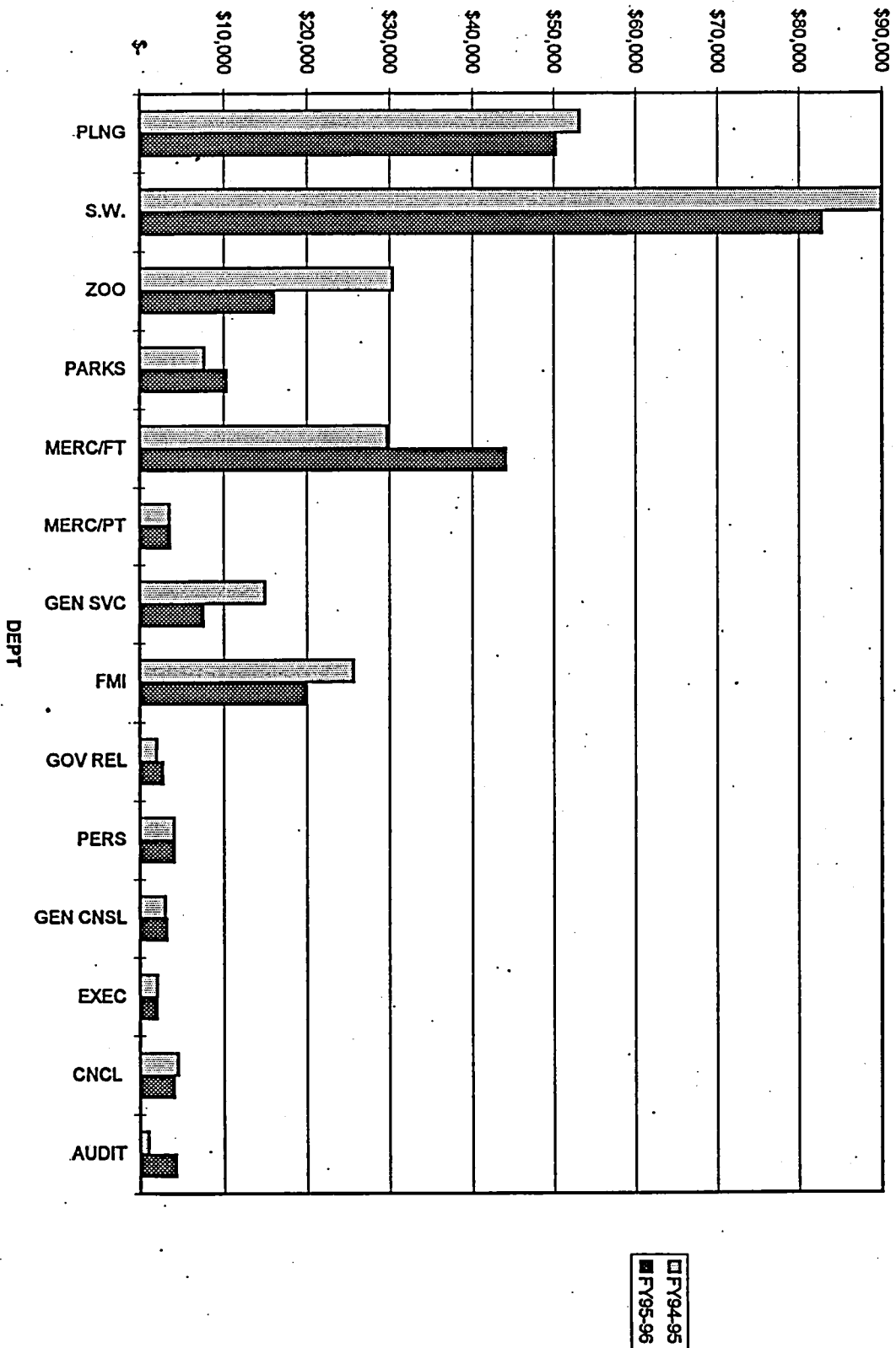
City of Portland	Portland State University
City of Beaverton	Marylhurst College
Multnomah County	Portland Community College
Clackamas County	Clackamas Community College
Washington County	George Fox College
Port of Portland	Warner-Pacific College
Tri-Met	
Portland Public Schools	
Beaverton School District	
Fred Meyer, Inc.	
American Red Cross	
NW Natural Gas	

- Per the information provided, eight employers have a centralized education and reimbursement system in Personnel/HR with designated funds, while the remaining four employers (3 County governments and Port of Portland) allow department head discretion for reimbursement from allocated departmental funds.
- We have also provided budget information (bar charts) by department agency-wide for FY94-95 and proposed FY95-96 for comparative data.
- Keep in mind that the centralized systems also have a Training Coordinator/Manager and/or other training staff in HR to monitor an entire education and training program inclusive of educational reimbursement and with an accompanying budget. Short of revamping the entire process to a centralized system which would require additional staff and a financial commitment to a centralized training program, the question remains for the current budget process:

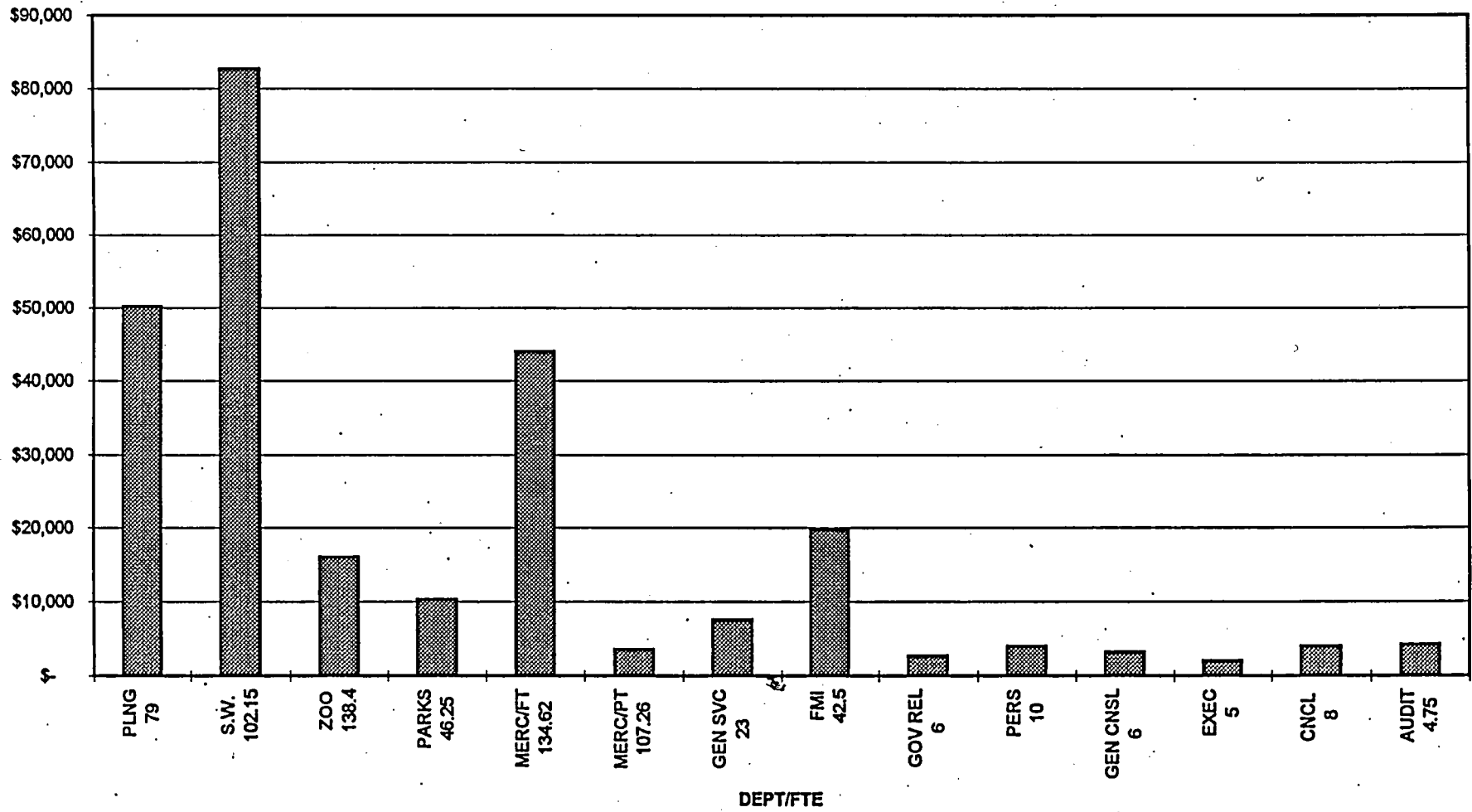
What is the best process for Metro.... and should it be handled by capping reimbursements in the Code, or should it be handled through the normal budget allocation process by determining the appropriate level of funds to be allocated for this line item for each department.

cc: Mike Burton

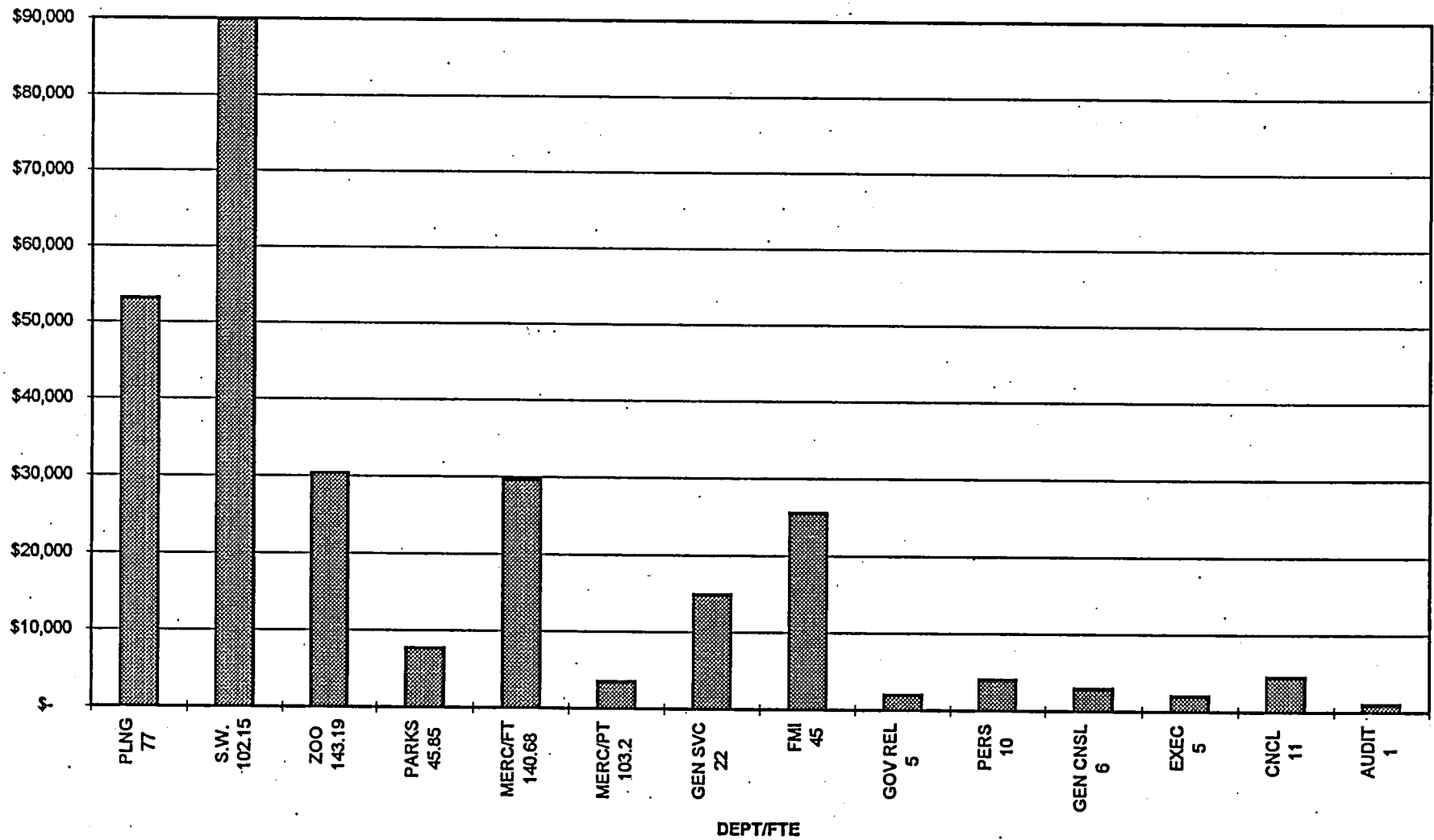
TRAINING, TUITION & CONFERENCES COMPARISON OF FY94-95 & FY95-96



**FY95-96 AGENCY-WIDE
TRAINING, TUITION, & CONFERENCES**



**FY94-95 AGENCY-WIDE
TRAINING, TUITION & CONFERENCES**



EDUCATIONAL REIMBURSEMENT SURVEY

Agency/Organization	Policy
City of Portland	<ul style="list-style-type: none"> • <u>Funding:</u> Centralized Tuition Reimbursement Program in the Bureau of Personnel Services. Includes \$14,000 designated in FY94-95 for general tuition reimbursement; \$10,000 designated in FY 94-95 specifically for Lewis & Clark Masters of Public Administration program. Additional funds within bureaus for specific bureau or technical training appropriated through annual budget process. • <u>Authorization:</u> Reimbursements authorized by Training Coordinator, Bureau of Personnel. • <u>Job-Related Criteria:</u> Courses must directly relate to employee's present position or their career objectives in their field of employment with the City. Must be of direct value to the City and relevant to positions with employee's bureaus and must provide special knowledge and skills not available through in-service training programs. • <u>Eligible Employees:</u> Permanent employees who have completed probation. • <u>Reimbursement:</u> Reimburses undergraduate courses at 100% limited to cost of 9 credit hours at PSU per year. Reimburses graduate courses at the undergraduate rate limited to one class per quarter. Eligible expenses include tuition only. Repayment to City required if employment is terminated within 12 months.
City of Beaverton	<ul style="list-style-type: none"> • <u>Funding:</u> Centralized Training and Career Development Program in Personnel. Includes \$80,000 designated in FY94-95 budget for tuition reimbursement and general training including supervisory and computer training. Additional funds within departments for technical or department specific training appropriated through annual budget process. • <u>Authorization:</u> Reimbursements approved by department head and are contingent upon availability of funds, then authorized by Personnel. • <u>Job-related Criteria:</u> Tuition reimbursement is provided to employees pursuing job-related education programs; must pertain directly to current class or one to which the employee could reasonably aspire. • <u>Eligible Employees:</u> Regular represented and management employees who have completed one-year of service with the City, except where pre-empted by labor agreements. Regular part-time employees receive reimbursement on a pro-rated basis. Does not cover temporary, seasonal or extra help. • <u>Reimbursement:</u> Equivalent to 6 credit hour rate for comparable course work at the University of Portland (\$385 per credit hour) and includes lab fees and textbooks; no established annual limit for tuition reimbursement. Repayment to City required if employee resigns within 6 months of receiving tuition reimbursement.

Agency/Organization	Policy
Multnomah County (program is currently being revised)	<ul style="list-style-type: none"> • <u>Funding:</u> No centralized training budget. Funds are appropriated at the department level through the annual budget process/no cap. • <u>Authorization:</u> Approvals for tuition reimbursement are made in individual departments by the department heads. • <u>Job-related Criteria:</u> Tuition reimbursement provided to employees when course is specifically related to current position and will result in improved performance. • <u>Eligible Employees:</u> Applies to all regular represented and non-represented County employees. • <u>Reimbursement:</u> Will reimburse an employee for the cost of tuition and any related expenses for the course of study. No established limits on tuition reimbursement.
Clackamas County	<ul style="list-style-type: none"> • <u>Funding:</u> No centralized training budget. Funds are appropriated at the department level through the annual budget process/no cap. • <u>Authorization:</u> Reimbursements authorized by department director and are contingent upon availability of funds. • <u>Job-related Criteria:</u> Each department has discretion in establishing departmental policy. • <u>Eligible Employees:</u> Each department has discretion in establishing departmental policy. • <u>Reimbursement:</u> Each department has discretion in establishing departmental policy; for example, the Finance Department's policy limits tuition reimbursement to 50% and does not pay for books. Courses must be directly related to work; Union contract with Sheriff's department employees provides for a maximum reimbursement of \$550 per fiscal year per employee (tuition & books) for any approved academic course up to the appropriated budget amount.
Washington County	<ul style="list-style-type: none"> • <u>Funding:</u> No centralized training budget. Funds are appropriated at the department level through the annual budget process/no cap. • <u>Authorization:</u> Approvals for reimbursement are made in individual departments by department directors/managers. • <u>Job-related Criteria:</u> Classes must be directly related to business of the County. • <u>Eligible Employees:</u> All regular represented and non-represented County employees. • <u>Reimbursement:</u> Tuition and cost of instructional materials are included; no established limits on tuition reimbursement.

Agency/Organization	Policy
Tri-Met	<ul style="list-style-type: none"> • <u>Funding:</u> Centralized Educational Development Program in Human Resources Department with \$50,000 designated for tuition reimbursement, \$50,000 designated for management/professional development training and \$5,400 designated for pre-supervisory certificate program (bus drivers & mechanics). Additional funds within departments appropriated through the annual budget process for technical or department specific training. • <u>Authorization:</u> Approvals for reimbursement are made by the Human Resource Department • <u>Job-related Criteria:</u> Courses must be directly related to current position or related to jobs in the district for which the employee might reasonably qualify in the future. • <u>Eligible Employees:</u> Regular employees who have completed probation and work at least 20 hours per week are eligible. • <u>Reimbursement:</u> Eligible expenses include tuition, registration fees, books and lab fees. Courses which are specifically job-related are reimbursed at 100%. Courses which relate to jobs in the district which an employee might reasonably qualify for in the future are reimbursed at 50%; maximum benefit per employee of \$1,200 per fiscal year.
Port of Portland	<ul style="list-style-type: none"> • <u>Funding:</u> No centralized training budget. Funds are appropriated at the department level through the annual budget process/no cap. • <u>Authorization:</u> Reimbursements approved by department head and are contingent upon availability of funds, then authorized by Personnel. • <u>Job-related Criteria:</u> Reimburses courses that are required by job, maintains or significantly improves specific skills required in job, prepares employee for work to be assigned in the near future and/or is expected to result in demonstrated improvement in the employee's work performance in the near future. • <u>Eligible Employees:</u> Full-time and part-time regular employees who have completed the six-month introductory period. Temporary employees and interns may receive reimbursement as recommended by manager and reviewed by Human Resources based on the need for skills and benefit to the organization. • <u>Reimbursement:</u> Eligible expenses include tuition, books, materials, tools and supplies and are limited to \$1,600 per fiscal year per employee for approved classes, seminars, courses or programs. Reimbursement amount is prorated for part-time employees.

Agency/Organization	Policy
Portland Public Schools	<ul style="list-style-type: none"> • <u>Funding:</u> \$24,000 per year designated for Career Development Fund per the union contract with classified employees. • <u>Authorization:</u> Reimbursements authorized by supervisors and Personnel Department. • <u>Job-related Criteria:</u> Reimburses employees for workshops, seminars, conferences or college courses related to public education or work performed by members of the bargaining unit. • <u>Eligible Employees:</u> Classified employees and teachers are eligible. Administrators do not receive educational reimbursement. • <u>Reimbursement:</u> Classified employees are reimbursed up to \$175 per year per union contract. Teacher reimbursements suspended for FY94-95 except when required to renew or retain current licenses per union contract.
Beaverton School District	<ul style="list-style-type: none"> • <u>Funding:</u> Centralized tuition reimbursement fund of \$479,650 for FY94-95. Fund increases annually based on tuition increases in state higher education system. • <u>Authorization:</u> Reimbursements authorized by School Principal and School District Administrative Offices. • <u>Job-related Criteria:</u> Reimburses courses related to teaching assignment. • <u>Eligible Employees:</u> All regular and temporary employees are eligible. • <u>Reimbursement:</u> Reimbursement is made by the school district when the class is successfully completed. The employee is responsible for paying the cost of books and materials. Different provisions are in effect for administrators, certified, classified, classified instructional assistants and temporary employees: <ul style="list-style-type: none"> • Administrators: 12 credit hours per 3-year cycle equal to the current rate of the University of Portland per year (\$385 per credit hour). Administrators may use the funds for conference or for university credits. • Certified: full-time: 12 credit hours per 3-year cycle. Must be used for university credits; .5 FTE: 6 credit hours per 3-year cycle. Must be used for university credits. • Classified (working 6 hours per day or more): 4 credit hours at the current rate of PSU (\$344 per credit hour) on a one-year cycle. • Classified Instructional Assistants: 4 graduate credit hours at the current rate of PSU (\$684 per credit hour) on a one-year cycle. • Temporaries: 4 graduate level credit hours at the current PSU rate (\$684 per credit hour) that must be used during the contract year. Credit hours are pro-rated if an employee is working less than full time.

Agency/Organization	Policy
Fred Meyer, Inc.	<ul style="list-style-type: none"> • <u>Funding:</u> Centralized in Human Resources. Amount not available • <u>Authorization:</u> Applications and reimbursements authorized by Vice President of Personnel. • <u>Job-related Criteria:</u> Reimburses courses which related directly to current position. • <u>Eligible Employees:</u> Any full-time employee who has been with the company for a year on a consistent basis. • <u>Reimbursement:</u> Limited to one course per term for undergraduate or graduate level.
American Red Cross (Oregon Trail Chapter)	<ul style="list-style-type: none"> • <u>Funding:</u> Centralized in Human Resources. Amount not available. • <u>Authorization:</u> Reimbursements approved verbally by supervisor. Human Resources reviews employee request. • <u>Job-related Criteria:</u> Reimburses courses which are related to current position or positions which may be a promotional opportunity for an employee. • <u>Eligible Employees:</u> Full-time employees are eligible. • <u>Prepayment:</u> Prepay all tuition reimbursement requests up to \$200 directly to educational provider.
Northwest Natural Gas	<ul style="list-style-type: none"> • <u>Funding:</u> Centralized in Human Resources. Amount not available. • <u>Authorization:</u> Reimbursements approved by Human Resources. • <u>Job-related Criteria:</u> Reimburses courses which are related to current position or toward an undergraduate degree. • <u>Eligible Employees:</u> Full-time and part-time employees who work more than 20 hours per week. • <u>Reimbursement:</u> Eligible expenses include tuition only and are limited to \$2,500 per year per employee.

TUITION RATES

College/University	Undergraduate Credit Hours	Undergraduate Tuition Rates	Graduate Credit Hours	Graduate Tuition Rates
Portland State University (in-state rates only)	1 2 3 4 5 6 7 8 9 10 11 12-18	\$128 \$200 \$272 \$344 \$416 \$488 \$560 \$697 \$777 \$857 \$938 \$1,020	1 2 3 4 5 6 7 8 9-16	\$213 \$370 \$527 \$684 \$841 \$998 \$1,155 \$1,402 \$1,582
Wamer-Pacific College	1-5* 1-5 6-11 12-18 *First semester students	\$75/per hour \$200/per hour \$330/per hour \$3,970/per semester	n/a	n/a
George Fox College	1-11.5 12-17.5	\$390/per hour \$6,250/per semester	M.B.A.	\$17,900/per 2-year program (includes tuition, books and fees)
Marylhurst College	1-18	\$189 per credit hour	1-18	\$212 per credit hour
Portland Community College (in-state rates only)	1-18	\$30 per credit hour		
Clackamas Community College (in-state rates only)	1-18	\$32/per hour	n/a	n/a

TUITION AND FEES: 1994-95

Note: The appropriate fee schedule is determined by total hours in registered coursework, credit and audit.

A. SEVEN HOURS OR LESS - Fees based on the level of course taken.

Undergraduate Course		Graduate Course	
Credit Hours	Instruction Fees	Credit Hours	Instruction Fees
1	\$ 69	1	\$ 153
2	138	2	306
3	207	3	459
4	276	4	612
5	345	5	765
6	414	6	918
7	483	7	1071
			1135
Total Charges		Total Charges	

Total charges include:

Instruction Fee, undergraduate course, as shown above;

Instruction Fee, graduate course, as shown above;

Incidental Fee at \$50 per quarter;

Technology Fee at \$2.00 per credit hour, and

Building Fee: \$7 for 1 credit hour, \$8 for 2, \$9 for 3, \$10 for 4, \$11 for 5, \$12 for 6, \$13 for 7.

Policy notes:

Admission: Recommended but not required;

State residence requirements: Waived, not considered;

Resource Fee: Programs in Engineering and Business Graduate.

Health Service and Insurance: Not available.

Exemption for certain students if residing in excess of 7 hours:

Non-admits: Not available until admitted, see Admissions Office.

Non-residents: Requires assessment of the non-resident instructional fee per total registered credit hours.

Graduate students are assessed graduate-level fees for all credit hours regardless of course level.

Post-baccalaureate undergraduate students are assessed undergraduate fees.

B. EIGHT HOURS OR MORE, REGULAR STUDENT - Fees based on student level.

Undergraduate Students		Non-Resident	
Credit Hours	Instruction Fees	Credit Hours	Instruction Fees
8	\$ 552	8	\$ 697
9	621	9	777
10	690	10	857
11	759	11	938
12-18	830	12-18	1020
Over time: Each add-tional hour		Over time: Each add-tional hour	
			257
Total Charges		Total Charges	

Total undergraduate charges include:

Instruction Fee, as shown above;

Health Service Fee (includes basic insurance) at \$47.50 per quarter;

Building Fee, Incidental Fee and Technology Fee at hours:

18.50	100.00	24.00	12 and above.
17.00	92.50	22.00	11
16.00	83.50	20.00	10
15.00	75.50	18.00	9
\$14.00	\$67.50	\$16.00	8

ADDENDUM TO THE FALL 1994 TIME SCHEDULE OF CLASSES

Graduate Students		Non-Resident	
Credit Hours	Instruction Fees	Credit Hours	Instruction Fees
8	\$1224	8	\$2088
9-16	1389	9-16	2344
Over time: Each add-tional hour		Over time: Each add-tional hour	
			2537
Total Charges		Total Charges	

Resource Fee: Programs in Engineering and Business Graduate.

Over time note:

Over time enrollment is restricted, see "Overload Approvals" elsewhere in this Schedule.

NOTE: Graduate students registering for eight or more hours are assessed graduate-level fees for all credit hours regardless of course level (per State policy).

C. GRADUATE ASSISTANT

Graduate Assistants (GAs) are fully admitted graduate students appointed to assistships while working toward an advanced degree. Appointments must be for at least .15 FTE per quarter. GAs are exempt from the payment of the instruction fee on the first 16 credit hours per quarter. (Employing department will provide a written credit.) All GAs must register for a minimum of 9 graduate credits. Hours in excess of 16 per quarter are assessed at \$153 per hour and must be approved by the Department Head and Dean of Graduate Studies. GAs are responsible to pay the Building, Health, Incidental, and applicable resource fees (e.g., programs in Engineering and Business, and technology fee) which total \$193.

This schedule of tuition and fees is determined by the Oregon State Board of Higher Education. No reduction in the total charge is made to those students who do not intend to use specific resources or services. Fees subject to change.

receive assistance, including institutional assistance.

3. If you are a transfer student, you must have a Financial Aid Transcript sent to Warner even if you received no assistance at the previous institution.

Funds are available in limited amounts. The CSS and ACT form should be completed as soon after January 1 as possible even if you are not planning on coming until Fall or Spring Semester. Do not wait to complete tax returns; estimate income if necessary. Limited funds obligate us to offer the best packages to those students who have been accepted and whose financial aid application is on file prior to June 1. The application date for non-need merit-based scholarships, fellowships and grants is March 1.

Applicants are encouraged to apply for all types of assistance for which they may be eligible. This gives the Office of Student Financial Aid more flexibility in the awarding (packaging) procedures. In addition, since all scholarships reduce any loan that may be awarded, the more scholarships you can receive, the less loan you will repay later! If you do not qualify for certain types of assistance, or if the funds are exhausted in any particular program(s), we may be able to offer other help.

Make sure applications are complete with all blanks filled in. If a question does not apply to you, write N/A in the space. Applications with unanswered questions take more time to process and may delay your award.

All applicants for Financial Assistance are expected to make substantial contributions to their college expenses by earnings from summer employment and school term work.

HOW STUDENTS RECEIVE AID

CRITERIA

Warner Pacific College packages 100% of all eligible applicants admitted to the College using a federally approved needs analysis document.

GRANTS

The Financial Aid Office credits any grant or internal scholarship funds to each student's account in the Business Office at registration each term or upon notification of approval of the grant or scholarship, if after registration.

LOANS

The Business Office notifies students, generally through campus mail, when their Stafford Loan is received from the bank. The student endorses the check and it is credited to their account in the Business Office. Checks are received at the beginning of each semester as Federal Regulations require the loan to be disbursed in multiple installments. Stafford loans may not be disbursed to freshmen until 30 days after enrollment.

The Business Office handles the paper work and processing of Perkins Loans and an interview is required. The loan check is then credited to a student's account.

WORK

Students working on campus through the student employment programs are paid by check each month. Nearly all positions pay minimum wage, which is currently \$4.75 per hour.

TUITION FEES AND EXPENSES (1994-1995)

TUITION

1-5 credits per semester	\$75 per credit
1-5 credits per semester (continuing)	\$200 per credit
6-11 credits per semester (half time)	\$330 per credit
12-18 credits per semester	\$3,970 per semester
19+ credits per semester	\$165 per credit
Audit fee	\$25 per credit
Tutorial/Independent Study, tuition +	\$75 per credit*
Master of Religion	\$153 per credit

ESL Tuition*

1-5 credits per semester	\$200 per credit*
6-11 credits per semester	\$300 per credit
12-18 credits per semester	\$3,570 per semester
19+ credits per semester	\$150 per credit
Audit fee	\$35 per credit

*This tuition rate is available one time only for the first semester of those who are beginning freshmen or transfer students and who wish to "try out" Warner Pacific College. This special rate does not apply to summer school tuition.

STUDENT BODY MEMBERSHIP AND FEES

ASWPC (semester) (charged to all students taking 6+ hours)	\$51
Health Insurance Accident \$70*; Sickness \$281* (annual)	
Nurse's Fee (semester)	\$15
Parking Fee (annual)	\$30

* These will be adjusted for 94-95

ROOM AND BOARD EXPENSES

Double Room & 14 meal plan	\$4130
Physical Single Room & 14 meal plan	\$4130
Double as Single Room & 14 meal plan	\$4630
Any of the above & 19 meal plan add	\$158
Security deposit fees	\$100

DEPOSITS AND ADMISSIONS FEES

Application fee (non-refundable submitted with application for admission)	\$25
Continuing Deposit (required of all full-time students, balance refunded at exit)	\$50

FINANCES

George Fox College maintains high educational standards at the lowest possible cost. The individual student pays about 74 percent of the actual cost of education. The remainder of the cost is underwritten by gifts from alumni, friends, churches, businesses and institutions. An extensive financial aid program assists students in meeting college costs.

The Board of Trustees reserves the right to adjust charges at any time, after giving due notice. No changes will be made during a semester, nor, unless special circumstances make such action necessary, will changes be made during a given academic year.

■ COSTS

Estimated Cash Outlay for Typical Entering Undergraduate Student, 1994-95 (two semesters)

	Fall Semester	Spring Semester	Total
Tuition (12 to 17 1/2 hours)	\$6,250	\$6,250	\$12,500
Student Body Fee	62	62	124
Activities Fee	8	8	16
Health Fee	25	25	50
Continuing Deposit	100	—	100
Total	\$6,445	\$6,345	\$12,790

Board and Room
(Complete food service and residence hall room, double occupancy) **\$2,065** **\$2,065** **\$4,130**

Total,
resident students **\$8,510** **\$8,410** **\$16,920**

These costs do not include travel, books and personal expenses, which will vary widely among students. Costs of books can be expected to average about \$200 to \$300 per semester, depending on courses taken.

■ TUITION, FEES AND EXPENSES (1994-95)

TUITION - UNDERGRADUATE

1 to 11 1/2 credit hours per semester.....\$390 per hour
12 to 17 1/2 credit hours per semester.....\$6,250
per semester
More than 17 1/2 credit hours per
semester, for each additional hour.....\$345
May Term, per credit hour.....\$195
Early admission.....\$35 per credit hour
Older adults (62 and older).....\$20 service fee
per semester
ESL students (20 hr. maximum).....\$4,300 per semester



TUITION - GRADUATE

Master of Education \$290 per hour
Master of Arts in Teaching \$360 per hour
Master of Arts in Christian Studies \$390 per hour
Master of Business
Administration \$17,900 per program
(includes tuition, books and fees)
Doctor of Psychology \$390 per hour
Internship, full time per semester \$2,150
part time per semester \$1,075

Both undergraduate and graduate courses may be audited for half the applicable regular charge.

STUDENT BODY MEMBERSHIP

Students registered for 12 hours or more each semester (Graduate students - 8 hours or more) \$62 per semester
Students registered for 5-11 hours each semester (Graduate students - 4-7 hours) \$31 per semester

The full membership covers student activities, class dues, social events, the Student Union Building, and subscriptions to ASGFC publications.

ACTIVITIES FEE

All students registered for 5 hours or more each semester (Graduate students - 4 hours or more) \$8 per semester
Entitles students to attend basketball games and some drama/music theatre events free of charge.

Marylhurst College

TUITION AND FEES

1994-95

ADMISSIONS FEES

Undergraduate Degree Program	\$81
Graduate Degree Program	\$81

GRADUATION FEE

Undergraduate	\$92
Graduate	\$92

UNDERGRADUATE TUITION

Regular class,	
per quarter credit hour	\$189
Audit, per credit hour	\$189
Internship, per credit hour	\$189
Independent/Directed Study,	
per credit hour	\$249

GRADUATE TUITION

Regular class,	
per quarter credit hour	\$212
Audit, per credit hour	\$212
Internship, per credit hour	\$212
Independent/Directed Study	
per credit hour	\$261

COURSE CHALLENGE/WAIVER

instructor's fees plus	\$38 per cr.
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TUITION, non-credit class

per hour	\$105
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TUITION, special class or co-op

(as published)

charged once per term to students

requesting academic credit	\$15
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REGISTRATION PROCESS

Add/Drop fee	\$10
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TRANSCRIPT OF GRADE

First copy	\$6
Additional copy,	
requested at same time	\$2

LIBRARY CARD

Faculty, staff	no charge
Currently enrolled students	no charge
General Public:	
Individual per year	\$19
Family per year	\$24

PRIOR LEARNING ASSESSMENT PROGRAM

LAC 100 Learning Assessment for	
Academic Planning Workshop	
Tuition, fees & materials, 1 cr. hr.	\$204
Tuition, fees & materials, non-cr.	\$170

CM 310 PLA Workshop

Tuition & fees, 3 cr. hrs.	\$750
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CM 311 PLA Portfolio Development Studies

Tuition & fees, 1 cr. hr.	\$365
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CM 030 PLA Portfolio Development

Studies/Re-Entry, non-cr.	\$320
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Evaluation Fee, per cr. hr. awarded	\$28
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SAT Prep (includes tuition & fees	\$170
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CLEP/DANTES TEST FEE	\$45
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COLLEGE MUSIC LESSONS

Private	
60 min. weekly (per qtr.) 3 crs.	\$390
60 min. weekly (per qtr.) 2 crs.	\$327
60 min. weekly (per qtr.) 1 cr.	\$283
30 min. weekly (per qtr.)	\$175
45 min. weekly (per qtr.) non-cr.	
students over age 64	\$232

PREPARATORY MUSIC

Rates for 10-week term

Private Lessons	
60 min. weekly	\$232
45 min. weekly	\$208
30 min. weekly	\$175
Suzuki Violin and Piano	
60 min. weekly	\$232
45 min. weekly	\$208
30 min. weekly	\$175
Group, pre-school	
age 5 and under	\$140

COMPUTER LAB FEES

Class using the Center for the entire term:

1-cr. class	\$11
2-cr. class	\$21
3-cr. class	\$32

Marylhurst College

Marylhurst, Oregon 97036-0261

Portland Metro: (503) 636-8141

Outside Portland Metro: 1-800-634-9982



Enrolling at PCC**Fall Term 1994 — Summer Term 1995**

Disabled Students

The Office of Students with Disabilities (OSD) offers a variety of supportive services that facilitate access to educational opportunities for students with disabilities at PCC. OSD exists to help students realize their personal and educational goals.

Supportive services can be provided, depending on the nature of the disability and availability of resources. Documentation of an existing disability may be required. Services offered include: sign language interpreting, note taking services, proctored testing, taping of printed materials, physical assistance for classroom activities, special tutorial support for students with learning disabilities or hearing impairments, counseling, advising, and career/technical program planning. A variety of adaptive equipment is available.

Accessible transportation is available to students who have mobility impairments and no other viable means of transportation. This service is limited and provided on a priority basis. There is a fee charged.

In addition to these services, several classes of special interest are offered in the regular college curriculum. These include specific courses on career exploration, study skills and language development. Special adaptive physical education classes for students with disabilities are offered through the Physical Education Department.

Interested students should contact the OSD to schedule an appointment with a counselor, who can assist in program planning and in making arrangements for necessary academic support services. Students are encouraged to contact OSD as early as possible to request services. For more information, see Disabled Student Services in the Basic Skills section of this Catalog or call 503-244-6111, ext. 4341 or TDD 246-4072.

International Students

Portland Community College currently enrolls more than 525 students from over 66 foreign countries. Questions about admissions should be directed to the Admissions Office at the Sylvania Campus, College Center Mall.

International student applicants must complete all correspondence and forms in English. To be considered for admission to PCC, the following must be submitted to the International Student Affairs Office.

1. International Student Application for Admission form.
2. Declaration of Finances form.
3. \$25 application fee, which is non-refundable and non-transferable (Cashier's check, money order or cash). Personal checks will be accepted from local banks only.
4. Tuberculosis certification form.
5. Proof of government or private scholarship support (if applicable)
6. Proof of college-level English ability. (A minimum TOEFL score of 525 is required.)
7. Recent photograph (2" x 3")

8. For transfer students only:

- a. Official transcripts from high schools, other colleges or universities.
- b. Letter of consent from previous college's foreign student advisor.
- c. Copy of I-94 and I-20 ID.
- d. Copy of pages one through four of passport and U.S. Visa page.

When all of the above has been received, the applicant will be considered for admission. (An I-20 form will not be issued to any individual until all the required information has been received and approved.) All students must enroll by the last scheduled day of registration each term. International students must pursue a full course of study (12 credit hours or more per term) to be on the I-20 form.

International students must pay all tuition and fees at the time of registration. Payment of out-of-country drafts must clear the business office approval procedure before registration is final. Students requesting this billing service must file authorization forms with the Business Office prior to registration. Deferred tuition is not available for international students.

How to Register

The college offers three types of registration: telephone and "in-person" with some in-class for Open Campus classes. When registering in person, you should make a registration appointment. Ask at any registration office about getting an appointment. PCC will be implementing a new touch tone telephone system for registration during the next year. Specific registration information and procedures are in the quarterly Schedule of Classes, mailed throughout the district or available at any PCC facility, plus many other public sites around the community. Those living outside the PCC district may call any PCC Admissions Office to request a schedule to be sent to them.

Tuition for Credit Classes

The Portland Community College Board of Directors evaluates tuition rates annually. The following rates are subject to change:

1994-95 Tuition

In-State: \$30 per credit hour

Out-of-State or International: \$95 per credit hour

In-State Older Adult: \$15 per credit hour

Out-of-State Older Adult: \$95 per credit hour

Student Activity Fee

Beginning summer term 1994, all credit students will be assessed a student activity fee according to this schedule:

If you are taking:	Activity Fee:
1 to 5 credits	\$2
6 or more credits	\$7

Non-credit and CEU classes are priced individually. Tuition and fees for these classes are printed in the Schedule of Classes following the course description.

Students with past due debts payable to Portland Community College will not be allowed to register until the total indebtedness is paid in full. An unsatisfactory credit history at PCC will prevent students from eligibility for deferred note, emergency loans or other institutional financial assistance.

TUITION & PAYMENT OPTIONS

Tuition/Payment Options

Payment Options: Accounts Receivable (ext. 2658)

Cash: U.S. funds only

Credit card: Mastercard/Visa accepted for all charges. If the student isn't the cardholder, written authorization from the cardholder is required.

Check: Local bank-imprinted checks, for the amount due *only*. Make checks payable to CCC. No two-party or post-dated checks accepted.

NOTE: The CCC Bookstore also requires two (2) acceptable pieces of identification: current student ID card, valid Oregon driver's license or bank guarantee card, and doesn't accept out-of-area checks. A \$25 service charge is assessed on any item returned by the bank. When mailing a check, please include your driver's license number and check guarantee number and expiration date on the face of the check. Print the student's full name in the memo section of the check, if the check is written by someone other than the student.

Cashier's check, money orders and travelers checks: for the amount due *only*, made payable to CCC.

Agency or company payments: CCC must have a letter of authorization or purchase order on file before registration if an agency or company is paying tuition. A \$15 service fee is assessed for third-party billings.

Gold Card: Seniors 62 years of age and older qualify for a Gold Card and free tuition for all CCC-sponsored classes (fees excluded). Apply for your Gold Card at the Student Help Center.

Paying in installments: An installment plan is available to students who are taking four (4) credit hours or more and registering in person (but not available for non credit classes, mail-in registration, or phone registration). You must complete a Deferred Tuition Questionnaire, and present it in *in person* at the time you register and sign a promissory note.

The installment plan requires payment of one third (minimum) tuition and all fees and a non-refundable service charge of \$15 at registration. The remaining two thirds of your tuition is paid in two equal installments. All installments must be paid before registration begins for the next term. You are responsible for keeping CCC Accounts Receivable informed of your current address and phone number.

NOTE: If you withdraw, any refunds due are applied to the outstanding balance, and any remaining balance due remains payable. Failure to withdraw within the refund period does not dismiss your obligation to pay the installment plan balance.

If for any reason you can't make a scheduled payment on time, you must call the Accounts Receivable office at 657-6958 ext. 2658 to arrange an alternate payment plan. Financial aid, refunds, and any other amounts due to the student from this institution will be applied toward any amount due this institution *before* any monies are released to the student. Students under 18 years of age are held liable for the agreement as an educational loan under Oregon Revised Statute (ORS 348-105). Please read your promissory note and attachments for all provisions and penalties related to the installment plan.

Students may dispute a charge within 60 days of the origination of the charge *in writing*. Send to Clackamas Community College, Accounts Receivable, 19600 S. Molalla Ave., Oregon City, OR 97045. The college will answer any dispute in writing within 30 days. Questions about your account may be directed to the above address or call 657-6958, ext. 2658.

Financial Aid (ext. 2422)

A wide range of grants, loans, work study, and scholarships are available to CCC students based on financial need or academic achievement. Students receiving financial aid must present an official financial aid voucher to the cashier from which all charges are withheld. A check is issued for the balance of the voucher on the first day of class.

If the official financial aid voucher isn't yet available, a temporary authorization form from the financial aid office will allow you to open an installment plan with no down payment (see above). If the amount listed on the authorization form does not cover all tuition and fees, you must pay the balance at the time of registration.

Student loans: Students receiving a Perkins or Stafford Loan must at-

1994-95 Tuition: Oregon/Washington residents

1-13 credit hours	\$32/credit hour
14-18 credit hours	\$448
Above 18 credit hours	\$32/credit hour

1994-95 Tuition: Out of State (except Washington)

1-13 credit hours	\$112/credit hour
14-18 credit hours	\$1568
Above 18 credit hours	\$112/credit hour

Certain classes have special fees in addition to tuition (please note fee column in course listings). Tuition and fee rates are subject to change without prior notice.

tend an entrance interview before funds can be released. Call the Student Loan office at ext. 2410 or 2243 for group interview times and locations.

Check disbursement: The earliest financial aid or loan checks can be released is the first day of classes. An attendance verification form signed by one of your instructors must be presented at the time of each check disbursement. To arrange for check pick-ups after 5p.m., call ext. 2253 (Stafford or financial aid grants) or ext. 2243 (Perkins Loans).

Add/Dropping Classes/Official Withdrawal

To add a course after the first week of classes, you must get the instructor's approval and signature on an add/drop form. Late registrations or adds are assessed \$25 beginning April 10 (third week of the term). No registration or schedule changes are accepted after the 8th week of the term. To drop a course or withdraw from college, you must file an add/drop request with the Cashier's office. A \$5 fee is assessed for any drop with a refund during the first two weeks of school. After the refund period there is a \$5 fee assessed on ALL drops. There is no drop fee for cancelled classes, but a refund request must still be submitted to the cashier's office. Ceasing to attend class or notification by telephone does not constitute official withdrawal.

Drops or withdrawals after the sixth week of the term require the signature of both a counselor, and the instructor or department chairperson. In order to drop a course without responsibility for a grade, your add/drop request must be filed before the end of the sixth week of the term. After the sixth week, the course will appear on your record.

Make sure you attend your first class! If you can't make it to your first class session, contact your instructor in advance! If you don't, you may be dropped from the class at the option of the instructor, and your seat given to a student waiting to enroll. If you're dropped from a class under this procedure, you'll be notified by the Registrar. CCC's refund policy remains the same (see below). If you used financial aid or veteran's benefits, you may owe a repayment.

Tuition Refunds

Refunds are not automatic. To obtain a refund or an adjustment to your account, you must file an Add/Drop Request with the Cashier's Office. Refunds are calculated according to the date you file your request, not the date you stop attending classes. Full refunds are granted based on the following schedule:

- Classes which meet 1 week or less: file request before class starts
- Classes which meet 2-4 weeks: file request during first week of class
- Classes which meet 5 weeks or more: file request during first two weeks of class

No refunds are allowed for drops nor will credit be given toward classes added after these deadlines. Please allow a minimum of three weeks to process your refund check.

If your class is cancelled you'll be automatically notified. The refund process is as stated above: you *must* file an Add/Drop Request with the Cashiers for an adjustment to your charges. Financial aid students must notify the Financial Aid Office of intent to withdraw from classes. Students receiving Veterans benefits must also notify the Veterans Specialist.

Student Photo ID Cards

Cards are available for \$2 in the Community Center, and are necessary for library checkout, access to computer and tutorial labs, the Assessment Center, and admission to college events. Replacements are \$5.

PROPOSED AMENDMENT TO ORDINANCE NO. 95-594

Delete the new language in Metro Code Section 2.02.210(a)(1) and add the following:

"(F) The tuition reimbursement per course shall not exceed the tuition rate for a similar course at Portland State University (PSU). . . .

(G) The tuition reimbursement for any single course shall not exceed the tuition rate for a three hour graduate level course at PSU, and

(H) The total tuition reimbursement to an employee shall not exceed \$1,000 in any fiscal year.

PEGGY LYNCH 

(503) 646-4580

(503) 646-6286 fax

3840 SW 102nd Avenue
Beaverton, OR 97005-3244

March 16, 1995

To: Ruth McFarland, Presiding Officer, and
Members of the Metro Council
fax: 797-1793

cc: Mike Burton, Metro Executive
fax: 797-1799

Re: Council Agenda Item 7.7, Resolution 95-2114, Relating to Meeting
Times of the Metro Council

As this new Metro Council and Metro Executive reach out to local government partners, I hope you consider a possible consequence of removing the evening meeting of the Metro Council from your schedule.

Most local government officials are volunteers—with day jobs—who cannot easily attend your daytime meetings. Offering them (and other Metro citizens) the opportunity to share information with you is a good message for Metro to send. It says, "We want to afford you the greatest access to your regional government possible."

Only the Cities of Portland and King City and the Counties of Clackamas and Multnomah do not offer their citizens evening access to their meetings. Cities in the region hold evening meetings to accommodate both their Council members and their citizens.

Washington County holds one evening meeting a month—and takes advantage of that meeting to hold public hearings on controversial issues. The County also offers up to five 2-minute presentations by citizens at the beginning of their meetings and up to 10-minute presentations at the end of all their meetings for discussion of items not on the regular agenda.

Please reconsider the possible effect of Resolution 95-2114 and vote "No". Then reach out to your local government partners and seek their advice about meeting times and best methods for them to have access to the Metro Council.

Thank you for considering this request.



Virtual Corporation, 521 SW 11th Ave., Suite 400, Portland, OR 97205
Voice (503) 226-3000
FAX (503) 228-2666

Date: March 16, 1995

To: Ms. Cathy Ross
Assistant to the Presiding Officer

Firm: Metro

No. of Pages (including this cover sheet) 4

FAX Number: 797-1793

From: E. P. Gronke, Vice President

Re: Council Resolution # 95-2114

Dear Ms. Ross:

This confirms my telephone call of this morning. As I suggested, I am enclosing letters I have received today from some members of MCCI. They asked that I present these to the Metro Council at its meeting this afternoon. I would greatly appreciate your having them duplicated and distributed to the Councilors prior to the meeting.

I was delegated by the MCCI at its meeting of March 15 to represent its feelings to the Council on the pending resolution. I intend to make a short statement to the Council at its meeting this afternoon in opposition to Resolution # 95-2114. I should be there between 3:00 P.M. and 3:30 P.M. If this does not allow sufficient time for my statement, I would appreciate your advising me.

I should be in my office until 3:00 P.M. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'E.P. Gronke', written over a horizontal line.

E.P. Gronke
Metro Committee for Citizen Involvement
Position 4

From: Daniel S. Small at 503/771-7368
To: ED GRONKE, MCCI POSITION 4 at 228-2666

03-16-95 06:17 am
001 of 002

15 March 1995

Councillor Rod Monroe
Metro Council Office
600 NE Grand Ave
Portland, OR 97232-2736

Dear Councillor Monroe:

I am writing to you to express my protest to Resolution No. 95-2114, For The Purpose Of Amending Resolution 95-2070, relating to meeting times of the Metro Council, which is on the Council Agenda for 16 March.

Eliminating evening meetings precludes most citizens from any opportunity to participate in the political process. For an organization which says it supports and encourages citizen interest and participation to contemplate the further erosion of citizen opportunities for expression support of Resolution 95-2114 seems to belie that rhetoric. Metro has set itself some daunting challenges with assembling the Regional Framework Plan, the Regional Transportation Plan and making Future Vision more concrete, while concurrently maintaining its current regional responsibilities, still poorly understood by the public. Limiting public access does not seem reasonable if the public is expected to favor the product produced and support it in the face of hostile critics, of which there are many.

Citizens who are already involved in the political process, however minimally, are likely to already attend evening meetings because daytime meetings are impossible. Citizens who are not currently involved are even less likely to become involved in daytime meetings because of employment schedule and transportation conflicts, and the further citizens are geographically removed from the Metro building the more true this becomes. Those who are employed in downtown Portland or the Lloyd District should not become the arbiters of Metro policy.

The Metro Committee for Citizen Involvement (MCCI) conducted a survey in 1993 and found citizen interest and capacity to participate marginal for daytime meetings. There was some support for meetings at 4 pm (84

From: Daniel S. Small at ☐ 503/771-7368
To: ED GRONKE, MCCI POSITION 4 at ☐ 228-2666

03-16-95 06:18 am
002 of 002

PROTEST TO RESOLUTION 95-2114 - Page 2

voices) but more support for meetings after 6:30 pm (144 voices); and 177 people were interested in off-site Council meetings. The current MCCI favors evening meetings.

In conclusion, I urge you to vote against Resolution 95-2114. If Metro wants meaningful citizen support and participation, early evening hours are best for Council Meeting times.

Sincerely,

Daniel S. Small
MCCI Position 16
8105 SE Powell, #30
Portland, OR 97206
503/771-7368

Debra Downey

PO Box 1518

Lake Oswego, OR 97035

(503)624-0492

March 16, 1995

Metro Council
600 NE Grand Ave.
Portland, OR 97232-2736

Dear Officer McFarland and Council Members:

I would appreciate your time and consideration of this letter with regard to Resolution No.95-2114.

Public involvement is the corner stone to the decision making process in any government body. As a member of the MCCI, I consider it my duty to express the public's opinions and concerns to the council with regard to activities that will directly impact the ability of Metro's constituents to actively participate in the process.

Resolution No. 95-2114 would effectively eliminate the potential for an overwhelming majority of citizens in the region to take an active role in their regional government. A no vote to Resolution No. 95-2114 would ensure that citizens of our Metro Region will be afforded the opportunity to share their views and concerns with the officials they have elected to perform those functions.

No one ever said that government was easy. To the contrary, executing the duties of elected office are time consuming, occasionally frustrating and require the ability to be available, flexible, teachable, and responsible.

Resolution No. 95-2114 would send the message that Metro Councillors are not available to their public. As committed, dedicated public officials I know the council members would not want citizens to feel isolated from the process.

One meeting a month at 7:00 PM ensures most citizens have the opportunity to participate in their regional government. The issue is not the level of participation but the option to choose to if one is so inclined.

I encourage all council members to send the message that they are available, willing and waiting for citizens to grasp the opportunity to take part in their regional government. Vote NO on Resolution No. 95-2114.

Sincerely,

Debra Downey

Debra Downey
MCCI, Position # 8

FAX COVER SHEET

**FRANCINE RAFTEN-SCHMIDT
6729 SW 162ND DRIVE
BEAVERTON, OR 97007
(503) 848-6901**

DATE : MARCH 16, 1995

**TO : METRO COUNCIL PRESIDING
OFFICER RUTH McFARLAND and
THE METRO COUNCIL**

FAX # : 797-1793

FROM : FRANCINE RAFTEN-SCHMIDT

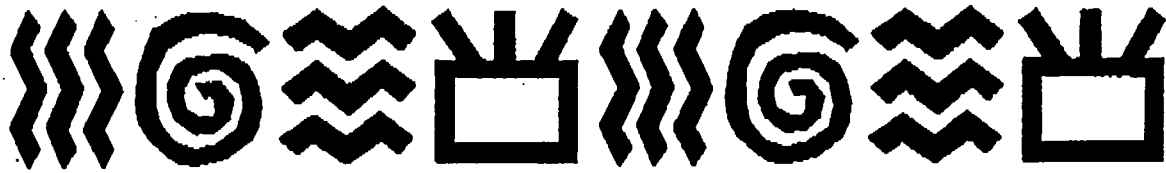
**RE : RESOLUTION TO END METRO
NIGHT MEETINGS**

FAX # : 848-6901 (CALL FIRST)

PHONE#: 848-6901

TOTAL PAGES (INCLUDING THIS ONE): 3

***Please read publicly at today's METRO Council
meeting. Thank you. FRS***



FRANCINE RAFTEN-SCHMIDT & ASSOCIATES

6729 S.W. 162ND DRIVE • BEAVERTON, OR 97005 • TELEPHONE/FAX (503) 848-6901 / CAR: 720-2014

TO : THE METRO COUNCIL c/o
PRESIDING OFFICER RUTH McFARLAND

FROM : FRANCINE RAFTEN-SCHMIDT

DATE : MARCH 16, 1995

RE : RESOLUTION TO TERMINATE NIGHT MEETINGS

I would like to urge the Metro Council to defeat the resolution before you today which would do away with evening Metro meetings, for several reasons:

1. DETRIMENTAL EFFECT ON CITIZEN PARTICIPATION.

As the former Chair of Beaverton's Committee for Citizen Involvement, Vice-Chair of the Police Chief's Advisory Board and volunteer on numerous other boards and/or committee's within Beaverton and Washington County, I know the immense value of citizen participation in the governing process. I also know the sacrifice many dedicated and caring individuals make, at the expense of free-time and family-time, to take an active role in their communities. Evenings are clearly the most ACCESSIBLE time for the vast majority of citizens who wish to participate. Doing away with evening meetings would severely limit the participation of your constituency.

2. METRO'S IMAGE.

I feel I can safely presume that Metro officials feel continual outreach to the citizenry a vital priority in communicating purpose as well as demonstrating to the public that goals are being met. Closing off a distinct avenue for feedback on that communication could easily foster distrust and confusion between Metro and the public it serves.

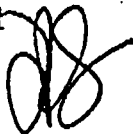
3. NARROWING KEY INFORMATION RESOURCES.

If Metro chooses to eliminate evening meetings, severely limiting the opportunity for citizen participation, a critical body of information will be cut-off. If community leaders and activists are unable

to secure time away from daytime commitments, information that could be pivotal to the decision-making process will be unavailable.

I urge you to continue an open line of communication with the public you serve by continuing to hold night meetings. Thank you very much.

Francine Raften-Schmidt
6729 S.W. 162nd Drive
Beaverton, OR 97007
(503) 848-6901



Date: 16 March 1995

To: Metro Executive Burton
Metro Councilors

Re: Cancellation of Evening Meetings

It has come to my attention that there has been a proposal to do away with evening Metro Council meetings. I am writing this letter, instead of attending the 16 March meeting where this will be discussed, for the same reason these evening meetings need to be continued — I work during the day. This is also the situation for most of the public.

Public involvement is required by Metro's charter, as well as, by state and federal law. In order to have successful public involvement, I feel the following needs to be adhered to:

- 1) The time and place needs to be set and kept.
- 2) The time and place needs to be made known to the public.

I understand that one of the reasons for the idea of cancelling these meetings is the lack of attendance. If this is the case, perhaps the methods of meeting notification need to be re-examined.

I feel the cancellation of the evening meetings would be a step backwards for Metro.

Sincerely,



Holly Isaak
Member, Metro Committee for Citizen Involvement

VIA FAX CAROL GEARIN 641-4427

To: Ruth McFarland
Presiding Officer
Metro Council
Receiving fax: 797-1793

March 16, 1995

Please enter into public testimony. It has, today, come to my attention that the METRO Council will be voting on a resolution this afternoon to eliminate their monthly evening meeting in favor of only daytime meetings.

This will seriously impair the ability of most working citizens from participating in the METRO Council meetings.

When elected officials imply by their actions that input from their electorate is neither necessary nor wanted, serious backlash can occur.

I urge you to re-consider and keep an evening meeting available to the general public. I believe that most of the jurisdictions within the tri-county area do hold at least one evening meeting per month for just this reason.

Respectfully,

Carol Gearin

Faxing total of one page:

PLEASE DISTRIBUTE TO ALL MEMBERS OF THE METRO COUNCIL

2420 N.W. 119TH AVENUE PORTLAND, OREGON 97229



Citizen Involvement Committee

2115 SE MORRISON

PORTLAND, OREGON 97214

248-3450

March 16, 1995

STATEMENT OF SUPPORT FOR METRO Committee for Citizen Involvement (MCCI) NIGHT MEETINGS ISSUE

Metro Council is a public body.

It has never been more important for the public to be involved in the daily conduct of their own governance.

Because more and more elected officials are sincere about citizen involvement, they must understand that government can rebuild trust by working as partners with citizens to solve problems.


The people have a right to open, honest, direct involvement with their government, and must be able to deliberately inform themselves and advance their opinions prior to government decisions which affect their lives.

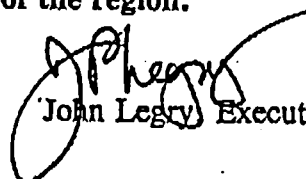
To close down citizen involvement opportunities, to actually create obstacles to genuine citizen involvement, to purposely and with intent foreclose citizen involvement options is unconscionable in the present environment.

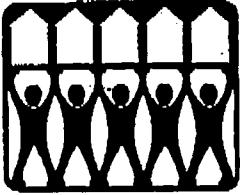
Metro Council may be composed of very busy, highly-powered, greatly imaginative people, but they are also the people's representatives. The Multnomah County Office of Citizen Involvement staffs night and weekend meetings at the need of its citizen constituents, who cannot afford to purchase representation to attend daytime public meetings.

If Metro Council does not simply represent special interests, but truly represents the public interest, there should honestly be no discussion of whether or not to hold night meetings. There is no question here for a dedicated public body.

Therefore, Metro Council is urged to continue to provide and maintain meaningful citizen involvement opportunities, such as MCCI, and work to genuinely integrate citizens into the decision-making process, including continuation of night meetings for the convenience of and fairness to the hard-working citizen volunteers of the region.


Derry Jackson, Chair


John Legry, Executive Director



Southeast Uplift Neighborhood Program

3534 SE Main Street • Portland, Oregon • 97214 • Phone 232-0010

A non-profit coalition supporting citizen participation and community development in Southeast Portland.

March 16, 1995

Dear Metro Council Members:

This letter is to voice our concern for the proposed elimination of evening meetings of the Metro Council. Having not been notified about this agenda item which greatly affects our work, we are also concerned about the notification process which took place.

The majority of residents within the Metro service area are unable to attend daytime meetings of the Council. Work and family commitments, transportation, and childcare availability are just a few of the many barriers faced by citizens participating in public involvement activities.

We feel that now is not the time to be cutting back on opportunities for citizen input. Metro is a public body and hence, has an obligation to provide easy access to the citizenry in its proceedings. By holding only daytime Council meetings, the Metro Council would effectively eliminate this vital and required component of their duties.

We urge to deny this motion being put forward in today's Council hearing.

Sincerely,

Ginny Peckinpaugh

Ginny Peckinpaugh
Executive Director

GP/sb

cc: Judy Shioishi, Metro CCI
John Legry, Multnomah County CIC

Post-It™ Fax Note	7671	Date	3-16	# of pages	1
To	Judy Shioishi	From	S. Bader		
Co./Dept.	Metro	Co.	SEUL		
Phone #	797-1539	Phone #	232-0010		
Fax #	797-1793	Fax #	232-5265		

SUMMARY TITLE PAGE FOR METRO 3-16-95

BILL#	TITLE	SUBJECT	STAFF	POSITION
HB 2008	Vehicle Emmissions	Pollution	BW	
HB 2009	Waste Disposal Fees	Recycling	BW	
HB 2015	Minimum Lot Size	Land Use	BW	
HB 2016	Forest/Farm Designations	Land Use	BW	
HB 2017	EFU and Farm Zones	Land Use	BW	
HB 2018	EFU And Non Farm Dwellings	Land Use	BW	
HB 2019	EFU Zones	Land Use	BW	
HB 2019	EFU Zones	Land Use	BW	
HB 2065	LUBA Attorney Fees	LUBA	BW	
HB 2077	Public Documents	Public Record	NK	
HB 2080	Representation before LCDC	LCDC & DLCD	BW	
HB 2081	Periodic Review	LCDC	BW	
HB 2106	Safety for Transit	Transportation	NK	
HB 2107	Reemployment Assistance	Reemployment	NK	
HB 2110	Unemployment Comp.	Unemployment	NK	
HB 2111	Unemp. Comp. Eligibility	Unemployment	NK	
HB 2113	Land Use Appeals	LUBA	BW	
HB 2114	LCDC Authority	LCDC	BW	
HB 2115	LCDC Standards	LCDC	BW	
HB 2116	Minimum Lot Size	Land Use	BW	
HB 2117	Secondary Lands	Land Use	BW	
HB 2122	Compensation for Property	Property	KH	
HB 2132	Fees for LUBA Appearances	LUBA	BW	
HB 2159	Funding of Emp. Rel. Bd.	Employment	NK	
HB 2230	Transp. Tax for Education	Taxes	NK	
HB 2232	Ad Valorem Exemptions	Exemptions	NK	
HB 2242	Combining Bargaining Units	Collective Bargaining	NK	
HB 2244	Collective Barg. Factfinding	Collective Bargaining	NK	
HB 2245	Undergrnd. Storage Tanks	DEQ	KH	
HB 2252	Temporary Disability	Workers' Comp.	NK	
HB 2255	Plastic Recycling Tax Credits	Recycling	BW	
HB 2272	Fees for Residential Develop.	Fees	NK	
HB 2292	New Fiscal Year	Fiscal Year	NK	
HB 2296	Recreation Liability	P & R	BW	
HB 2319	Computer Network Records	Public Records	BW	
HB 2325	Tax Court Magistrate	Taxes	NK	
HB 2349	Lottery for Infrastructure	Lottery	NK	
HB 2366	BC Fees for Enforcement	Building Codes	BW	
HB 2367	Housing Cost Statements	Housing	KH	
HB 2384	County Fair Boards	Fair Boards	BW	
HB 2387	County Fair Boards	Fair Boards	BW	
HB 2392	Lot Lines	Land Use	BW	
HB 2412	Discrimination in Contracting	Public Contracts	NK	
HB 2418	Public Contract Requirements	Public Contracts	NK	
HB 2439	Recreational Use Liability	P & R	BW	
HB 2449	Public Land Sales	P & R	BW	
HB 2456	Single Fam. Renting	Housing	BW	
HB 2470	Subdivision Plats	Water	KH	
HB 2476	PERS Reform	PERS	NK	
HB 2482	Homeless Removal	P & R	BW	
HB 2495	Illegal Dumping	Littering	BW	
HB 2497	OSEA Citiation Issues	OSEA	BW	
HB 2500	Land Development Moratorium	Land Use	BW	
HB 2501	Subdivision Approvals	Land Use	BW	
HB 2502	No School Capacity Exemption	Tax Exemptions	BW	
HB 2504	Comp. for Real Property	Land Use	BW	
HB 2505	Local Government Employment	Employment	BW	
HB 2557	State/Federal Requirements	State/Federal	BW	
HB 2558	Tiernan Reform	PERS	NK	
HB 2588	State/Federal Requirements	State/Federal	BW	
HB 2589	Rural Lands	Land Use	BW	
HB 2590	Regional Advisory Committees	LCDC	BW	
HB 2594	UGB Changes	Land Use	BW	
HB 2599	UGB Expansions & Sewage	Land Use	BW	

<u>BILL#</u>	<u>TITLE</u>	<u>SUBJECT</u>	<u>STAFF</u>	<u>POSITION</u>
HB 2603	Tenant Utility Bills	Landlord Tenant	KH	
HB 2628	Public Comment	Public Meetings	BW	
HB 2642	Property Tax Exemptions	Taxes	NK	
HB 2658	Subdivision Partition Approval	Land Use	BW	
HB 2680	Plastic Container Recycling	Recycling	BW	
HB 2697	Navigable Waters	Water	KH	
HB 2707	Wetlands Regulations	Land Use	BW	
HB 2708	Goal 5/UGB Expansion	Land Use	BW	
HB 2709	Vacant Buildable Land	Land Use	BW	
HB 2713	RTR Moratorium Extension	Taxes	NK	
HB 2715	RTR Moratorium	Taxes	NK	
HB 2749	Personal Information	Public Records	BW	
HB 2752	Financing Vote Requirements	Financing	NK	
HB 2762	Recycling Program Extension	Recycling	BW	
HB 2766	UGB Annexation	Land Use	BW	
HB 2767	Urban Service Boundaries	USB's	BW	
HB 2775	Transient Lodging Preemption	Taxes	NK	
HB 2779	Enterprise Zone Tax Exempt.	Enterprise Zones	BW	
HB 2782	LCDC Enforcement Orders	LCDC	BW	
HB 2787	CB Wage Benefits Exclusion	Collective Bargaining	NK	
HB 2788	Employee Strikes w/ CB Agr.	Strikes	NK	
HB 2789	Labor Negotiations Public	Labor	NK	
HB 2826	Cost Comparison for Contracts	Public Contracts	NK	
HB 2835	School Const. & Maintenance	Lottery	NK	
HB 2844	Election Date Change	Elections	NK	
HB 2848	Dedicated Revenues Exemption	Taxes	NK	
HB 2850	Tax Credits	Taxes	NK	
HB 2897	Bottle Deposits	Recycling	BW	
HB 2898	SDC's for Capital Imp.	SDC's	NK	
HB 2919	Property Rights	Transportation	BW	
HB 2934	Hazardous Waste	DEQ	KH	
HB 2939	Water Right Objections	Water	KH	
HB 2986	Public Funds for CB	Collective Bargaining	NK	
HB 3020	Prevailing Wage Rates Repeal	Public Contracts	NK	
HB 3048	Competitive Analysis for Services	Public Contracts	NK	
HB 3055	Flow Control of Authority	Recycling	BW	
HB 3064	SDC Collection Changes	SDC's	NK	
HB 3065	Land Use Review	Land Use	BW	
HB 3066	Land Use Decision	Land Use	BW	
HB 3067	Special Assessment Prohibition	Assessments	BW	
HB 3081	Land Division Decisions	Land Use	BW	
HB 3103	Rural Lands Rules	LCDC	BW	
HB 3124	Land Use Comments	Land Use	BW	
HB 3131	SPWF Wetland Money	Wetlands	KH	
HB 3136	Comp Plan Preemption	Land Use	BW	
HB 3137	Period Review Requirements	Land Use	BW	
HB 3158	Land Use Planning Registration	Land Use	BW	
HB 3170	AV Study	Assessed Values	NK	
HB 3189	Property Rental	Tax Exemptions	NK	
HB 3201	DEQ Info on Haz Waste	Hazardous Waste	BW	
HB 3218	Legislative Proposals	Transportation	NK	
HB 3222	Local Gov Funds for Programs	Mandates	NK	
HB 3229	S-N Light Rail	Transportation	NK	
HB 3231	Light-Rail Financing	Transportation	NK	
HB 3232	Increase Decrease in Gas Tax	Taxes	NK	
HB 3233	Transportation Task Force	Transportation	NK	
HB 3235	Toll Roads	Transportation	NK	
HB 3236	UGB's of Cities	Land Use	BW	
HB 3236	UGB's Withing City Limits	Land Use	BW	
HB 3297	Public Contracts Hrs/Day	Public Contracts	NK	
HB 3299	Environmental Cleanup Fees	Fees	BW	
HB 3300	UGB Condemnation	Land Use	BW	
HB 3341	Judicial Review of Rules	OAR's	KH	
HB 3368	Gov Emp Lobbying	Lobbying	BW	
HB 3370	Mandate Funding	Mandates	NK	
HB 3372	Collective Bargaining & Arbitr.	Collective Bargaining	NK	

<u>BILL#</u>	<u>TITLE</u>	<u>SUBJECT</u>	<u>STAFF</u>	<u>POSITION</u>
HB 3376	Fee Expenditure	Fees	BW	
HB 3378	Recycling Content	Recycling	BW	
HB 3389	Pub/Priv Services	Services	NK	
HB 3393	PERS Modification	PERS	NK	
HB 3395	Final Average Salary	PERS	NK	
HB 3396	Collective Bargaining Reform	Collective Bargaining	NK	
HB 3406	Forest/Farm Zones	Land Use	BW	
HB 3417	Parking Facilities	Parking	BW	
HB 5005	LCDC Budget	LCDC	BW	
HB 5017	State Police Budget	Budget	HC	
HCR 009	Federal Mandates	Mandates	BW	
HJR 002	Mandate Funding	Mandates	BW	
HJR 003	Initiative Reform	Initiatives	BW	
HJR 016	Assessed Values	AV's	NK	
HJR 017	Mandate Funding	Mandates	NK	
HJR 022	Assessed Values to 3%	Assessed Values	NK	
HJR 026	Assessed Values 6% Limit	Assessed Values	NK	
HJR 027	SD Serial Levy Msr. 5 Exemption	Taxes	NK	
HJR 030	Signature Requirements	Initiatives	BW	
HJR 035	OAR Leg. Review 12 mos.	OAR's	NK	
HJR 036	15 % Requirement	Initiative Petitions	NK	
HJR 046	AV's to 3%	Assessed Values	NK	
HJR 051	Real Market Value	Taxes	NK	
HJR 052	AV's to 6%	Assessed Values	NK	
HJR 053	6% Increase	BM 5 Increase	NK	
HJR 058	Gas Tax for Transportation	Transportation	NK	
HJR 059	Suspension of OAR's	OAR's	NK	
HJR 062	Signature Requirements	Initiative Petitions	NK	
HJR 067	Gov Plus 10 Suspension	OAR's	NK	
SB 025	Payroll Under Work. Comp.	Workers' Comp.	NK	
SB 036	Municipal Building Codes	Building Codes	BW	
SB 045	Exemption of Emp. Appeals	Employment	NK	
SB 057	Attorney Fees	Torts	BW	
SB 060	Security Liscensing Contracts	Contracts	NK	
SB 080	Closing Claims	Workers' Comp.	NK	
SB 107	Judicial Review Proceudures	Judicial Review	BW	
SB 1084	Periodic Reviews	Land Use	BW	
SB 137	Oil Collection Programs	Recycling	KH	
SB 139	Oil Recycling	Recycling	KH	
SB 141	PERS Transfers	PERS	NK	
SB 144	PERS for Retired	PERS	NK	
SB 145	PERS Retirement Calculation	PERS	NK	
SB 181	Public Emp. Cand. Supt.	Elections	BW	
SB 196	Fees for Well Construction	Wells	KH	
SB 199	Local Government Investments	F & T	NK	
SB 201	Federal Securities	F & T	NK	
SB 203	Local Government Bonds	Bonds	NK	
SB 244	Assess Goals & Rules	LCDC	BW	
SB 245	120 Day Limit	Land Use	BW	
SB 249	Tax Coordinator Extention	Taxation	NK	
SB 255	School Fee for Res. Devel.	Fees	NK	
SB 264	Election Ban During CB	Collective Bargaining	NK	
SB 267	Health Insurance Plans	Health Insurance	NK	
SB 279	Plastic Recycling	Recycling	BW	
SB 281	Boundary Commissions	Boundary/Water	BW	
SB 284	Transit Districts	Transit	NK	
SB 288	Non -Buildable Lands	Land Use	BW	
SB 289	Transit Emergency Clauses	Transit	BW	
SB 294	Water Rights Applications	Water	KH	
SB 297	WRC Water Mgmt. Plan	Water	KH	
SB 305	Fees for Property	Fees	BW	
SB 327	Transient Room Tax	Taxes	NK	
SB 328	Lottery Taxes	Taxes	NK	
SB 329	Real Estate Transfer Tax	Taxes	NK	
SB 333	State Fees Freeze	Fees	NK	
SB 358	Lottery for DEQ, SPRD & WRD	Lottery	KH	

<u>BILL#</u>	<u>TITLE</u>	<u>SUBJECT</u>	<u>STAFF</u>	<u>POSITION</u>
SB 359	DOT Budget	Transportation/Lottery	NK	
SB 361	Reduced Packages	Recycling	BW	
SB 363	Dissolution of OAR's	OAR's	BW	
SB 369	Workers Comp. Reform	Workers' Comp.	NK	
SB 385	Attorney Fees	Torts	BW	
SB 395	Public Contract Bidding	Public Contracts	NK	
SB 397	Violation Corrections	Safety	BW	
SB 398	Political Contributions Exemptions	Taxes	BW	
SB 416	Safety Violation Notices	Safety	BW	
SB 461	Sales Taxes	Taxes	NK	
SB 464	Employment Law	FMLA	BW	
SB 514	Nepotism	Employment	BW	
SB 517	Attorney Fees	Awards	NK	
SB 519	Ballot Measure Positions	Positions	NK	
SB 520	PERS Retirement Revision	PERS	NK	
SB 523	Political Activity	Councils	BW	
SB 529	Property Transfers Notice	Land Use	BW	
SB 536	Voters' Pamphlet Argument	Fees	NK	
SB 540	Assessment Limitations Exclusions	Land Use	BW	
SB 568	Appeal Fee Reimbursement	Land Use	BW	
SB 570	Senior Citizen Tax Freeze	Taxes	NK	
SB 571	No Appeal of Decisions	DLCD	BW	
SB 596	Property Assessments	Assessments	NK	
SB 600	Ecotake Bill	Land Use	BW	
SB 613	Statewide Concern Matters	LCDC	BW	
SB 626	Toll Roads	Transportation	NK	
SB 683	Farm/Forest Zoning	Land Use	BW	
SB 688	Seismic Rehab AV's	Assessed Values	NK	
SB 716	Boundary Commission Approvals	Land Use	BW	
SB 728	LCDC Resource Regulation	LCDC	BW	
SB 743	Elections By Mail	Elections	NK	
SB 745	PERS Transfer	PERS	NK	
SB 750	Collective Bargaining	Collective Bargaining	NK	
SB 777	Fair-Share Strikes	Collective Bargaining	NK	
SB 799	Prevailing Wage Law	Prevailing Wage	BW	
SB 802	PERS Reform	PERS	NK	
SB 805	Emergency Services Fees	Fees	BW	
SB 813	Appeals & Filing Fees	Land Use	BW	
SB 826	Parking Facilities	Parking	BW	
SB 830	Wetland Regulations	Wetlands	KH	
SB 848	Fee Increases	Fees	BW	
SB 881	Light Rail Funding	Transportation	NK	
SB 882	N-S Light Rail Siting	Transportation	NK	
SB 891	PERS for All	PERS	NK	
SB 927	Self-Dispensing Gas	Gasoline	BW	
SB 935	Disability Calculations	Worker's Comp	NK	
SB 939	EDD Study of Land Use	Land Use	BW	
SCR 003	Unfunded Mandates	Mandates	BW	
SJR 004	Initiative Petitions	Initiatives	BW	
SJR 005	Assessed Values at CPI	Assessed Values	NK	
SJR 010	Leg. Review of OAR's	OAR's	BW	
SJR 012	Dissolution of OAR's	OAR's	BW	
SJR 018	AV's to County Wage Increase	Assessed Values	NK	
SJR 019	Signature Requirements	Initiative Petitions	NK	
SJR 020	2/3 Constitutional Amendment	Constitutional Amend	NK	