

A G E N D A

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



METRO

MEETING: METRO COUNCIL REGULAR MEETING
 DATE: October 12, 1995
 DAY: Thursday
 TIME: 2:00 PM
 PLACE: Metro Council Chamber

2ND REVISED AGENDA
*Items 5, 8.7, and 8.8
 have been added*

APPROX. TIME		PRESENTER
2:00 PM	CALL TO ORDER AND ROLL CALL	
2:00 PM	1. INTRODUCTIONS	
2:00 PM (5 min.)	2. CITIZEN COMMUNICATIONS	
2:05 PM (5 min.)	3. EXECUTIVE OFFICER COMMUNICATIONS	
	4. CONSENT AGENDA	
2:10 PM (5 min.)	4.1 Consideration of Minutes for the October 5, 1995 Metro Council Meeting.	
2:15 PM (30 min.)	5. APPROVAL OF A METRO POSITION ON GOAL FIVE RULE REVISION	McLain
	6. ORDINANCES -- FIRST READINGS	
2:45 PM (5 min.)	6.1 Ordinance No. 95-617, An Ordinance Amending the FY 1995-96 Budget and Appropriations Schedule Transferring \$20,000 From the General Fund to the Building Management Fund For the Purpose of Building Improvements Necessary to Accommodate the Open Spaces Program Office Needs, and Declaring an Emergency	
	7. ORDINANCES -- SECOND READINGS	
2:50 PM (20 min.)	7.1 Ordinance No. 95-616, An Ordinance Amending the FY 1995-96 Budget and Appropriations Schedule For the Purpose of Reorganizing the Staff of the Council Office, Creating New Positions, Reducing Staffing Levels For the Office of Citizen Involvement, and Declaring an Emergency <u>PUBLIC HEARING</u>	McLain

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APPROX. TIME		PRESENTER
	8. RESOLUTIONS	
3:10 PM (5 min.)	8.1 Resolution No. 95-2211 , For the Purpose of Securing Metro's Federal match Requirement for Conducting the Federal Highway Administration (FHWA) Pre-Project Study of Congestion Pricing	Kvistad
3:15 PM (5 min.)	8.2 Resolution No. 95-2214 , For the Purpose of Approving Amendment to a Contract with the Washington State Department of Transportation to Provide the Services of an Expert Review Panel for Independent Technical Review of the South/North Capacity Transit Study	Washington
3:20 PM (5 min.)	8.3 Resolution No. 95-2218 , For the Purpose of Authorizing a Contract for Technical Assistance, Financial Analysis and Intergovernmental Coordination of the South/North Transit Corridor Study	Kvistad
3:25 PM (5 min.)	8.4 Resolution No. 95-2220 , For the Purpose of Amending the South/North Intergovernmental Agreement (Contract 903678) With the Tri-County Metropolitan Transit District of Oregon	Washington
3:30 PM (5 min.)	8.5 Resolution No. 95-2175 , For the Purpose of Authorizing Issuance of the Request for Qualifications/Proposals for Property Acquisition Services for the Open Spaces, Parks and Streams Program	Washington
3:35 PM (5 min.)	8.6 Resolution No. 95-2222 , A Resolution Supplementing Resolution No. 95-2169 Pertaining to Issuance of General Obligation Bonds (Open Spaces Program) in the Principal Amount of Not to Exceed \$135,600,000 For the Purpose of Financing the Acquisition and Improvement of Various Parcels of Land as Part of Metro's Open Spaces Program	McCaig
3:40 PM (5 min.)	8.7 Resolution No. 95-2208 , For the Purpose of Approving the Lease/Purchase Financing Whereby SAWY Leasing Corporation Leases/Purchases Certain Equipment to Metro Pursuant to a Lease/Purchase Agreement; and Authorizing the CFO or Her Designee to Execute the Lease/Purchase Agreement and Such Other Documents and Certificates as May be Necessary to Carry Out the Transaction Contemplated by the Aforementioned Agreement.	McCaig
3:45 PM (5 min.)	8.8 Resolution No. 95-2210 , For the Purpose of Confirming the Reappointment of Virginia V. Benware to the Investment Advisory Board.	McCaig
3:50 PM (10 min.)	9. COUNCILOR COMMUNICATIONS	
4:00 PM	ADJOURN	

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MINUTES OF THE METRO COUNCIL MEETING

Thursday, October 5, 1995

Council Chamber

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

Councilors Absent: None

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

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton, Executive Officer, introduced Charles Ciecko, Director of Regional Parks and Greenspaces, and gave a report on Metro's open space acquisition plan. The components of the plan are included in a document entitled Metro Open Space Acquisition Program Draft Implementation Work Plan, a copy of which is included as part of the meeting record. He introduced Nancy Chase, Open Spaces Acquisition Manager, and Jim Desmond, Open Spaces Acquisition Program Manager.

Councilor McLain asked to receive a list of the local share agreements that have been signed, as well as a list of those that are in the process of being signed, and those that are problematic.

Councilor Morissette asked for assurance that in the acquisition process there is provision for appraisals and determination of hazardous materials on site. Executive Officer Burton said the due diligence section deals with these issues.

Executive Officer Burton reported that \$1.3 million of open spaces citizen bonds have been ordered.

6. RESOLUTIONS

The Council heard Resolution No. 95-2215 out of order.

6.2 Resolution No. 95-2215, For the Purpose of Authorizing Execution of 26 Intergovernmental Agreements with Local Park Providers for the Local Share of the Open Spaces Bond Measure

The Clerk read the resolution by title only.

***Motion:** Councilor McCaig moved, seconded by Councilor Washington for adoption of Resolution No. 95-2215.*

Councilor McCaig reported on Resolution No. 95-2215 which authorizes execution of 26 Intergovernmental Agreements (IGAs) with local jurisdictions for the local share of the open spaces bond measure. She said this resolution is a cornerstone in moving forward with Measure 26-26, and of furthering good working relations with local jurisdictions.

Vote: Councilors McCaig, Morissette, Monroe, Washington, McLain, Kvistad, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

4. CONSENT AGENDA

4.1 Consideration of Minutes for the September 28, 1995 Metro Council Meeting

Motion: Councilor Monroe moved, seconded by Councilor Washington for adoption of the Consent Agenda.

Vote: Councilors McCaig, Morissette, Monroe, Washington, McLain, Kvistad, and McFarland voted aye. The vote was 7/0 and the motion passed unanimously.

5. INFORMATIONAL ITEMS

5.1 Report by the Auditor: Observations Relating to Loaned Employees and Metro's Code of Ethics

Alexis Dow, Metro Auditor, gave a report on a study relating to loaned employees and Metro's code of ethics. The study of the loaned employee program was undertaken in response to request by a citizen. A copy of this report, which includes the background, analysis, and recommendations, as well as other key elements, and is included as part of the meeting record. As a result of the study, Ms. Dow found absolutely no improprieties had occurred. However, she did recommend Metro's code of ethics be reviewed and enhanced.

Executive Officer Burton presented his response to the audit. He supplied copies of his Executive Order 95-56 outlining his policy with regard to loaned executives to the council. A copy of this order is included as part of the meeting record.

Councilor McLain said a copy of the actual written complaint should be available. She asked if there was a process in place to require a formal written request. Ms. Dow referred Councilor McLain to the Objectives section of the report, where the citizen request is summarized. She said she had telephone conversations with the citizen, and some written correspondence.

Councilor McLain asked where the feedback from the loaned employee or the senior planner was found in the report. Ms. Dow said since there were no findings of impropriety, the subjects of the study were not notified that they were being audited. Councilor McLain asked if the Auditor's Office felt an obligation to inform people that they have been the subject of a published audit. Ms. Dow said as a courtesy she had notified the individuals involved that the audit had been produced. Councilor McLain stated that when there is a published report where individuals ethics and reputations have been scrutinized, whether or not there is a finding of wrongdoing, they should be notified of this situation. In the situation under discussion, the individuals did not know their actions had been audited until they were contacted by members of the media. Ms. Dow responded that a draft copy of the study was reviewed with the Executive Officer and Presiding Officer before it was distributed to the media, the public, and the individuals involved at the same time. Councilor McLain said work needs to take place to improve the notification process.

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Councilor McCaig asked what criteria are used to determine the merit of an individual's request for an investigation. Ms. Dow said there have been criteria developed for selection of audits, part of which were developed in conjunction with development of an annual plan. She said the initial audits were generated by citizen inquiry, and that the organizational annual plan was being developed when these requests came in. She said their brief, limited nature provided a good opportunity for the Auditor to familiarize herself with Metro and the audit process. Ms. Dow stated that she will look into any inquiry she receives to see if it has any merit. Councilor McCaig said it is important that the Council and the Executive know what criteria the Auditor uses to decide whether or not to undertake an audit. Ms. Dow responded that as long as time permits, she will respond to each request. Councilor McCaig said the availability of time is not necessarily a good basis for a decision to undertake an audit.

Councilor McCaig asked for an accounting of the time and cost of the audit. Ms. Dow responded that the audit in question took place before July 1, and professional staff were not on board until April. She indicated that time records were not maintained prior to July 1. Councilor McCaig asked for verification that the Auditor's Office had not kept track of time spent on audits until July 1. Ms. Dow confirmed that fact. Councilor McCaig asked why an audit performed prior to July 1 was not released until October.

Councilor Washington asked if there is a legal requirement to attach names to audit reports. Mr. Cooper responded that this is a judgment call for the auditor. He said the public records act does not require non-disclosure, it simply permits it. Councilor Washington asked that since there was no wrong-doing found, would a letter of that fact have been sufficient. Ms. Dow indicated she chose to prepare a report as her method of communicating with the Council.

Councilor McCaig said she feels this report is a poor example of what Metro hoped an elected auditor would do. She expressed discomfort with the procedure which allows any one individual to place a telephone call and have that call result in an investigation without any other criteria than time available. She said there were people who are associated with Metro and those who are no longer associated with Metro who feel their reputations have been damaged by this investigation. She said the individuals involved are not elected officials, but rather public servants, and that Metro owes it to them to appropriately protect them. She further said the publication of this document and involvement of almost everybody except the principals who were the subject of the report is damaging. She said those employees involved have an obligation and a right to respond to the audit prior to delivering of the report.

Executive Officer Burton pointed out that Metro does have code of ethics which mirrors state law. He said amplification may be needed. He further stated that he had incorrectly assumed that the principals had been notified of the study, and since discovering they were not, has contacted them to apologize for that assumption. He said he looks forward to working with the new Council Committee to find ways to involve the Council prior to final publication of these matters.

Councilor McLain reported that the next audit involves the Council, and the Council needs to be involved in the audit at the fact-finding stage. Ms. Dow responded that she will speak with Councilor McLain on this issue.

5.2 Informational Update of TGM Grants

Andy Cotugno, Transportation Director, and John Fregonese, Director of Growth Management, appeared to provide an update on the Transportation and Growth Management program. Mr. Cotugno introduced Ludwein Rahman, ODOT Project Manager. A copy of the staff report regarding Resolution No. 95-2219 which implements funding for the TGM program is included as part of the

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meeting record. The resolution has been reviewed by MTAC and TPAC. MTAC has not made a recommendation, however, TPAC has made a recommendation regarding the resolution. MPAC and JPACT will review the resolution next week.

Ms. Rahman spoke briefly to the TGM Grant program.

Mr. Cotugno reported that since Metro is an applicant for grant funds, during the staff review and recommendation process Metro did not review it's own grant application. ODOT and DLCD reviewed Metro's applications.

Councilors then asked questions about specific projects listed to receive grant funds.

6. RESOLUTIONS

6.1 Resolution No. 95-2216, For the Purpose of Amending the Council Organizing Resolution

The Clerk read the resolution by title only.

***Motion:** Councilor McLain moved, seconded by Councilor Monroe for adoption of Resolution No. 95-2216.*

Councilor McLain reported on Resolution No. 95-2216 which would change the name of the Land Use Planning Committee to the Growth Management Committee in order to remain consistent with the name of the Growth Management department.

***Vote:** Councilors Morissette, Monroe, Washington, McLain, Kvistad, McCaig, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.*

6.3 Resolution No. 95-2197, For the Purpose of Appointing Monica D. Hardy to the Solid Waste Rate Review Committee

The Clerk read the resolution by title only.

***Motion:** Councilor Kvistad moved, seconded by Councilor McLain for adoption of Resolution No. 95-2197.*

Councilor Kvistad gave a report on Resolution No. 95-2197 which appoints Monica D. Hardy to the Solid Waste Rate Review Committee. In addition, Councilor Kvistad recommended an amendment to the resolution which would reappoint Shirley Kauffman, whose term expires this evening.

***Motion to Amend Main Motion:** Councilor Kvistad moved, seconded by Councilor Washington to amend Resolution No. 95-2197 by adding language approving the reappointment of Shirley Kauffman to the Solid Waste Rate Review Committee.*

***Vote on Motion to Amend Main Motion:** Councilors Monroe, Washington, McLain, Kvistad, McCaig, Morissette, and McFarland voted aye. The vote was 7/0 and the motion passed unanimously.*

The resolution became Resolution No. 95-2197A.

Councilor Kvistad provided professional background information on the two nominees.

MINUTES OF THE METRO COUNCIL MEETING

Thursday, October 5, 1995

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Vote on Main Motion as Amended: Councilors Washington, McLain, Kvistad, McCaig, Morissette, Monroe, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

7. ORDINANCES -- SECOND READINGS

7.1 Ordinance No. 95-614. Amending the FY 1995-96 Budget and Appropriations Schedule for the Purpose of Transferring Appropriations to Fund Back Ordered Capital Expenditures Related to the Regional Governmental Information Exchange (REGGIE) Network; and Declaring an Emergency

The Clerk read the ordinance for the second time by title only.

Motion: Councilor McCaig moved, seconded by Councilor Washington for adoption of Ordinance No. 95-614.

Councilor McCaig reported on Ordinance No. 95-614 which would amend the FY 1995-96 budget to allow for the expenditure of \$22,000 that was not expended last year to purchase back-ordered computer network equipment.

Vote: Councilors McLain, Kvistad, McCaig, Morissette, Monroe, Washington, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

8. ORDINANCES -- FIRST READINGS

8.1 Ordinance No. 95-616. Amending the FY 1995-96 Budget and Appropriations Schedule for the Purpose of Reorganizing the Staff of the Council Office, Creating New Positions, Reducing Staffing Levels for the Office of Citizen Involvement, and Declaring an Emergency

The Clerk read the ordinance for the first time by title only.

Councilor McLain gave an overview of the history leading up to the creation of this Ordinance. A copy of the staff report containing the key points of her remarks is included as part of the meeting record.

Presiding Officer McFarland opened a public hearing.

Ric Buhler, Chair of the Metro Committee for Citizen Involvement, appeared to express concern with the reduction in Personal Services in the amount of \$10,277 for support staff for the MCCI. He also said that the provision of temporary staff for minutes taking would provide inconsistent and inadequate coverage.

Councilor Monroe said he is aware that the ordinance does not permanently solve the staffing problems of the MCCI. He said that the Council is committed to addressing those needs in a permanent manner, however, this ordinance is an interim step.

Presiding Officer McFarland closed the public hearing.

Councilor Monroe said the office manager position replaces a position that had traditionally been on the Council staff until January 1995 at an annual salary of \$70,000, whereas the office manager will be hired at the rate of \$38,000 to \$42,000 per year.

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Councilor Morissette expressed concern that the reorganization not cost more money than originally budgeted. He asked if Councilor Monroe's comments were an indication of an intent to hire more staff. Councilor Monroe said the needs of MCCI can be met without increasing the budget. Councilor McLain said she has told Judy Shiochi, MCCI Council Analyst, and Mr. Buhler she will donate eight hours of her staff's time to staff MCCI if necessary.

Councilor McCaig asked if Presiding Officer McFarland intended to refer the ordinance to committee. Presiding Officer McFarland said she did not plan to do so. Councilor McCaig said there is no pressing need to move the item to Council agenda without thoughtful discussion. She expressed concern about the lack of adequate public notice for the work session that was held September 22. Therefore, she felt it was important to follow the normal process on this item. Councilor McLain said that the need to hire staff was immediate. She stated the work session was held in an appropriate manner.

Councilor Monroe referred to a councilor who had asked for a freeze on filling a Council staff vacancy; he went on to state that as a result the Council has been short-handed for some time now. Councilor McCaig said it was true she has pushed for a more thorough review of the reorganization process, and pointed out she had been affected the most by shortages in staff, having effectively worked without an analyst for most of her tenure. Councilor Kvistad suggested the issue be discussed at a Council work session. Councilor McCaig explained the situation with the change in dates of the last work session, and the conflict on her schedule with the revised date. She said she had not expected a decision to be made at that meeting. Councilor McLain said the Council has indicated its desire to accommodate Councilor McCaig. She said she has been unable to schedule a meeting when both she and Councilor McCaig would be available to discuss the matter, and would therefore support an additional work session.

It was agreed to hold an additional work session prior to Thursday's Council meeting. Councilor McCaig asked if it would be appropriate for former and current Council staff to attend. Councilor McLain responded that the structure should be determined by the Council, and after that decision, the work flow discussion should involve staff input. Councilor McCaig thought it would be beneficial to interview the seven individuals who have left the Council to determine if there are flaws in the office structure.

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660 (1)(e) TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY GOVERNING BODY TO NEGOTIATE REAL PROPERTY TRANSACTIONS

Present: Councilor McFarland, Councilor Monroe, Councilor Kvistad, Councilor McCaig, Councilor McLain, Councilor Morissette, Councilor Washington, Nancy Chase, Senior Regional Planner, Daniel Cooper, General Counsel, John Houser, Council Analyst, Lindsey Ray, Council Assistant, Cora Mason, Council Assistant, Greg Nokes, The Oregonian

Presiding Officer McFarland opened an Executive Session pursuant to ORS 192-660 (1)(e) at 3:45 PM. Presiding Officer McFarland closed the Executive Session at 3:52 PM.

10. RESOLUTION NO. 95-2209, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ACCEPT AN ASSIGNMENT OF OPTION AND TO PURCHASE PROPERTY IN THE SANDY RIVER TARGET AREA

The Clerk read the resolution by title only.

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Thursday, October 5, 1995

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***Motion:** Councilor Washington moved, seconded by Councilor Kvistad for adoption of Resolution No. 95-2209.*

Presiding Officer McFarland asked for assurance of "no hazardous material."

***Vote:** Councilors Kvistad, McCaig, Morissette, Monroe, Washington, McLain, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.*

11. COUNCILOR COMMUNICATIONS

Councilor McCaig stated that after reconsideration of the matter, scheduling an additional work session on the Council staff reorganization would not change the conclusions of the rest of the Council. She said she will instead make her case at the second reading of the ordinance at the next Council meeting. She expressed her desire not to burden Councilor's already full schedules, and asked that the work session be canceled.

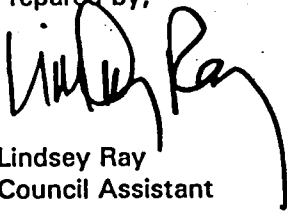
Councilor McLain wished to notify the Council that the map amendments are in Councilor mail boxes for next Tuesday's meeting. She requested that as many Councilors as possible attend the Growth Management meetings on October 10 and 17. At those meetings, the RUGGOs will be completed, and amendments to the maps will be discussed.

Councilor Kvistad reported that Bern Shanks, Director of the Regional Environmental Management Department, and staff are attending Solid Waste Rate Review and SWAC at the onset to discuss budget early in the process. He invited Councilors to attend these meetings and be proactive in the budget process.

Presiding Officer McFarland reported that she and Councilor Washington had attended another meeting of the City/Metro Consolidation Committee where a presentation by the arts groups was heard.

There being no further business before the Council, Presiding Officer McFarland adjourned the meeting at 3:58 PM.

Prepared by,



Lindsey Ray
Council Assistant

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Agenda Item 5.1

Ordinance No. 95-617

**Metro Council Meeting
Thursday, October 12, 1995**

STAFF REPORT

CONSIDERATION OF ORDINANCE NO 95-617 AMENDING THE FY 1995-96 BUDGET AND APPROPRIATIONS SCHEDULE TRANSFERRING \$20,000 FROM THE GENERAL FUND TO THE BUILDING MANAGEMENT FUND FOR THE PURPOSE OF BUILDING IMPROVEMENTS NECESSARY TO ACCOMMODATE THE OPEN SPACES PROGRAM OFFICE NEEDS; AND DECLARING AN EMERGENCY

Date: October 12, 1995

Presented By: Charles Ciecko

PROPOSED ACTION

This Ordinance would amend the FY 1995-96 Budget to appropriate \$20,000 from the General Fund to Building Management Fund Capital Outlay to fund redesign of portions of the first floor of Metro Regional Center to accommodate the office needs of the Regional Parks and Greenspaces Department's Open Spaces Program. The Open Spaces Program will implement land acquisition and related activities authorized through voter approval of Ballot Measure 26-26 in May 1995.

FACTUAL BACKGROUND AND ANALYSIS

The adopted FY 1995-96 budget authorizes a staffing level of 6.0 FTE for the Open Spaces Program. Currently there is no space within the existing Regional Parks and Greenspaces Department to accommodate Open Spaces Program staff. Further, on October 5, the Executive Officer is scheduled to brief the Council on a detailed work program for the Open Spaces Program that, among other actions, recommends additional staffing beyond what is currently authorized in the budget.

Approval of this ordinance would appropriate funding for the following building improvements:

- Construction of an enclosed office in the space currently occupied on the first floor by the Solid Waste Enforcement Unit. The office is for the Open Spaces Program Manager who is scheduled to report to work at Metro Regional Center October 15, 1995.
- Phone/electrical wiring and carpeting of the "Fitness Room" in order to accommodate up to ten work cubicles and/or office equipment cubicles.
- Enclosure of the map storage and layout space in the existing Parks and Greenspaces Department work area in order to provide a private meeting room in which to conduct confidential real estate negotiations.

BUDGET IMPACT

The Adopted FY 1995-96 Budget appropriated a \$15,000 transfer from the Open Spaces Fund to the Building Management Fund contingency specifically for anticipated building improvements needed to accommodate the Open Spaces Program. Since adoption of the budget, however, the Office of General Counsel has advised that this is not an allowed use of Open Spaces Bond revenue. Thus, it is necessary to transfer the resources from the General Fund to complete the needed improvements.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 95-617.

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1995-96)	ORDINANCE NO. 95-617
BUDGET AND APPROPRIATIONS)	
SCHEDULE FOR TRANSFERRING \$20,000)	Introduced by Mike Burton
FROM THE GENERAL FUND TO THE)	Executive Officer
BUILDING MANAGEMENT FUND FOR THE)	
PURPOSE OF BUILDING IMPROVEMENTS)	
TO METRO REGIONAL CENTER)	
NECESSARY TO ACCOMMODATE THE)	
OPEN SPACES PROGRAM OFFICE NEEDS;)	
AND DECLARING AN EMERGENCY)	

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations with the FY 1995-96 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 1995-96 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 purposes of transferring \$20,000 from the General Fund to the Building Management Fund, Capital Outlay for the purpose of building improvements to Metro Regional Center necessary to accommodate the Open Spaces Program office needs; and

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

**Exhibit A
Ordinance No. 95-617**

FISCAL YEAR 1995-96		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
General Fund							
General Expenses							
<u>Interfund Transfers</u>							
581513	Trans. Indirect Costs to Bldg. Fund-Metro Center		0		0		0
581513	Trans. Indirect Costs to Bldg. Fund-Regional Center		276,950		20,000		296,950
581610	Trans. Indirect Costs to Support Svcs. Fund		427,687		0		427,687
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Gen'l		2,576		0		2,576
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Workers' Comp		3,325		0		3,325
581615	Trans. Indirect Costs to Risk Mgmt. Fund (Open Spaces)		10,000		0		10,000
582550	Trans. Resources to Oregon Conv. Ctr. Oper. Fund		0		0		0
583610	Trans. Direct Costs to Support Svcs. Fund		0		0		0
583615	Trans. Direct Costs to Risk Mgmt Fund (Open Spaces EIL)		10,000		0		10,000
<u>Excise Tax Transfers</u>							
582140	Trans. Res. to Planning Fund		3,415,068		0		3,415,068
582142	Trans. Res. to Plan. & Dev. Fund		0		0		0
582413	Trans. Res. to Gen'l Revenue Bond Fund		0		0		0
582513	Trans. Res. to Building Mgmt. Fund		53,328		0		53,328
582554	Trans. Res. to Spectator Facilities fund		250,000		0		250,000
582610	Trans. Res. to Support Svcs. Fund		0		0		0
582160	Trans. Res. to Reg. Parks/Expo Fund (Green. Prgs)		533,709		0		533,709
582160	Trans. Res. to Reg. Parks/Expo Fund (earn'd on facilities)		213,329		0		213,329
Total Interfund Transfers			5,195,972		20,000		5,215,972
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		578,336		(20,000)		558,336
599990	Unappropriated Fund Balance		200,000		0		200,000
Total Contingency and Unappropriated Balance			778,336		(20,000)		758,336
TOTAL FUND REQUIREMENTS		19.55	7,379,395	0.00	0	19.55	7,379,395

**Exhibit A
Ordinance No. 95-617**

FISCAL YEAR 1995-96		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Building Management Fund							
Resources							
<u>Resources</u>							
METRO REGIONAL CENTER OPERATIONS							
305000	Beginning Balance		120,795		0		120,795
347220	Sublease Income		57,275		0		57,275
361100	Interest		5,436		0		5,436
374000	Parking Fees		79,367		0		79,367
392010	Trans. Indirect Costs from Gen'l Fund		276,950		20,000		296,950
392140	Trans. Indirect Costs from Planning Fund		422,451		0		422,451
392150	Trans. Indirect Costs from Open Spaces Bond Fund		15,000		0		15,000
392160	Trans. Indirect Costs from Regional Parks/Expo Fund		86,071		0		86,071
392531	Trans. Indirect Costs from S.W. Revenue Fund		311,115		0		311,115
392610	Trans. Indirect Costs from Support Svcs. Fund		688,423		0		688,423
PARKING STRUCTURE OPERATIONS							
305000	Fund Balance		358,427		0		358,427
361100	Interest on Investments		4,465		0		4,465
374000	Parking Fees		153,398		0		153,398
391010	Trans. Resources from General Fund		53,328		0		53,328
TOTAL RESOURCES			2,632,501		20,000		2,652,501

Expenditures

Total Personal Services		6.38	264,715	0	0	6.38	264,715
Total Materials & Services			518,437		0		518,437
<u>Capital Outlay</u>							
574570	Construction-Improvements		20,000		20,000		40,000
Total Capital Outlay			20,000		20,000		40,000
Total Interfund Transfers			1,431,790		0		1,431,790
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		62,839		0		62,839
599990	Unappropriated Balance		334,720		0		334,720
Total Contingency and Unappropriated Balance			397,559		0		397,559
TOTAL EXPENDITURES		6.38	2,632,501	0	20,000	6.38	2,652,501

**Exhibit B
Ordinance No. 95-617
FY 1995-96 SCHEDULE OF APPROPRIATIONS**

	Current Appropriation	Revision	Proposed Appropriation
GENERAL FUND			
Council			
Personal Services	688,681	0	688,681
Materials & Services	84,320	0	84,320
Capital Outlay	19,500	0	19,500
Subtotal	792,501	0	792,501
Executive Management			
Personal Services	304,759	0	304,759
Materials & Services	33,827	0	33,827
Capital Outlay	0	0	0
Subtotal	338,586	0	338,586
Special Appropriations			
Materials & Services	274,000	0	274,000
Subtotal	274,000	0	274,000
General Expenses			
Interfund Transfers	5,195,972	20,000	5,215,972
Contingency	578,336	(20,000)	558,336
Subtotal	5,774,308	0	5,774,308
Unappropriated Balance	200,000	0	200,000
Total Fund Requirements	\$7,379,395	\$0	\$7,379,395
BUILDING MANAGEMENT FUND			
Personal Services	264,715	0	264,715
Materials & Services	518,437	0	518,437
Capital Outlay	20,000	20,000	40,000
Interfund Transfers	1,431,790	0	1,431,790
Contingency	62,839	0	62,839
Unappropriated Balance	334,720	0	334,720
Total Fund Requirements	\$2,632,501	\$20,000	\$2,652,501

All Other Appropriations Remain as Previously Adopted

Agenda Item 6.1

Ordinance No. 95-616

**Metro Council Meeting
Thursday, October 12, 1995**

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 95-616 AMENDING THE FY 1995-96 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF REORGANIZING THE STAFF OF THE COUNCIL OFFICE, CREATING NEW POSITIONS, REDUCING STAFFING LEVELS FOR THE OFFICE OF CITIZEN INVOLVEMENT, AND DECLARING AN EMERGENCY

Date: October 5, 1995

Presented by: Councilor McLain

FACTUAL BACKGROUND AND ANALYSIS

This ordinance provides the necessary changes in the FY 95-96 budget and appropriations schedule to reflect a new organizational structure and staffing pattern in the Council Office. Two new job classifications would be created (Office Manager and Council Assistant) and an existing vacant secretary position would be reclassified as a receptionist. In addition, the .45 FTE of support for the Office of Citizen Involvement provided from two existing Council staff positions would be eliminated. Two of the three budgeted council analyst positions and all of the budgeted administrative secretary positions would be eliminated.

The new Office Manager position would be responsible for general office administration, coordination of office work flow, monitoring of the office budget and supervision of committee support services provided by the Council Assistants. The position will be filled within an annual pay range of \$38,000 to \$42,000.

The ordinance would provide for a reduction in the compensation of the assistant to the Presiding Officer and for the hiring of council assistants by the six remaining councilors. The council assistants will spend approximately 75% of their time providing various support services to the councilor for whom they are employed. These services will include correspondence, constituent and general public relations, scheduling, policy analysis and attending meetings on behalf of the councilor. The remaining 25% of the council assistant's time will be spent serving as the committee assistant for any Council committees chaired by the councilor for whom they are employed. These duties will include agenda preparation, taping of committee meetings and preparation of minutes and committee staff reports. It is intended that the council assistants will be hired within non-represented salary range 8 within the adopted Metro Pay Plan. This salary range is \$23,296 to \$33,946 annually. The average starting salary for those initially hired to fill these positions will not exceed \$30,000. The salary of the Assistant to the Presiding Officer will be reduced to be within salary range 8, effective January 1, 1996. Each of these positions will be exempt from the payment of overtime.

Exhibit A outlines the specific revisions in the budget schedule to accomplish the changes noted above. The totals shown in the revision and proposed columns for the General Fund are based on the following assumptions:

1) For new positions it is assumed that the Office Manager position will be filled by November 1, 1995, the council assistants will have an average starting date of October 15, 1995 and the receptionist position will have a starting date of October 15, 1995.

2) For eliminated positions, the totals in the proposed column represent the amount of FTE actually funded for the current fiscal year prior to the elimination of the positions.

3) The overtime line item is reduced to reflect actual expenditures to date and the assumption that no further overtime will be paid.

4) A "temporary professional support" line item is created to properly account for payments being made for the temporary employee currently providing receptionist and general office assistance services.

5) It is assumed that the proposed changes will have an expenditure-neutral affect on fringe benefits and overall personal services expenditures.

The changes in the Support Services Fund related to the Office of Citizen Involvement are based on the following assumptions:

1) Support services currently funded as a portion of two positions from the Council office will be eliminated. These positions are being eliminated from the Council budget.

2) A total of \$2,000 will be budgeted for "temporary professional support" to assist the office in addressing any unmet support service needs.

3) Savings from the net reduction in personal services expenditures will be transferred to the Support Service Fund Contingency (Exhibit B).

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1995-96)	ORDINANCE NO. 95-616
BUDGET AND APPROPRIATIONS)	
SCHEDULE FOR THE PURPOSE OF)	Introduced by Councilors
REORGANIIZING THE STAFF OF THE)	McLain and Monroe
COUNCIL OFFICE, CREATING NEW)	
POSITIONS, REDUCING STAFFING LEVELS)	
FOR THE OFFICE OF CITIZEN)	
INVOLVEMENT, AND DECLARING AN)	
EMERGENCY)	

WHEREAS, The Metro Council has reviewed and considered the need to reorganize positions and transfer appropriations within the FY 1995-96 Budget; and

WHEREAS, There is a need for reconfiguration of office management staff in the Council Office; and

WHEREAS, There is a need for enhanced public and community outreach; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS;

1. That the FY 1995-96 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 providing a net increase of 1.56 FTE in the Council Office, a reduction of .45 FTE in the Office of Citizen Involvement and a transfer of \$10,227 from the Office of Citizen Involvement Personal Services to the Support Services Fund Contingency, and

2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area 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.

J. Ruth McFarland, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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10/5/95 11:28 AM

Exhibit A
Ordinance No. 95-616
General Fund

HISTORICAL DATA ACTUAL \$		FY 1994-95 ADOPTED BUDGET		FISCAL YEAR 1995-96		ADOPTED		REVISION		PROPOSED	
FY 1992-93	FY 1993-94	FTE	AMOUNT	ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Council											
<u>Personal Services</u>											
162,400	353,607		279,400	511110	ELECTED OFFICIALS	7.00	203,200			7.00	203,200
					Councilors						
67,568	70,261	0.95	66,748	511121	SALARIES-REGULAR EMPLOYEES (full time)		0				0
0	0		0		Administrator	1.00	44,290		(4,290)	1.00	40,000
133,337	142,336	3.00	148,818		Assistant to the Presiding Officer	3.00	169,699	(1.50)	(89,699)	1.50	80,000
27,524	36,916		0		Council Analyst		0				0
0	0	0.00	0		Citizen Involvement Analyst	0	0	4.35	134,905	4.35	134,905
0	0	0.00	0		Council Assistant	0	0	0.67	30,000	0.67	30,000
0	0	0.00	0		Office Manager		0				0
29,608	33,456	1.00	33,385		Associate Service Supervisor		0				0
				511221	WAGES-REGULAR EMPLOYEES (full time)						
81,144	87,082	2.75	82,965		Administrative Secretary	2.75	89,679	(2.04)	(64,679)	0.71	25,000
19,292	21,954	0.80	18,836		Secretary	0.80	21,164	(0.63)	(16,164)	0.17	5,000
0	0		0		Receptionist		0	0.71	12,927	0.71	12,927
				511235	WAGES-TEMPORARY EMPLOYEES (part time)		0		5,000		5,000
6,652	0		0		Temporary Professional Support		10,000		(8,000)		2,000
11,204	7,801		13,972	511400	OVERTIME		150,649				150,649
156,962	278,960		244,767	512000	FRINGE						
695,691	1,032,373	8.50	888,891		Total Personal Services	14.55	688,681	1.56	0	16.11	688,681
<u>Materials & Services</u>											
7,281	7,214		4,420	521100	Office Supplies		4,420				4,420
4,264	1,662		3,000	521110	Computer Software		4,500				4,500
234	560		450	521310	Subscriptions		450				450
755	815		660	521320	Dues		1,100				1,100
59,997	35,000		30,000	524110	Accounting & Auditing Services		0				0
13,235	3,638		10,000	524190	Misc. Professional Services		10,000				10,000
183	420		1,000	525640	Maintenance & Repairs Services-Equipment		1,300				1,300
179	0		0	525710	Equipment Rental		0				0
13,778	11,696		3,898	525740	Lease Payments		0				0
2,470	1,433		1,500	526200	Ads & Legal Notices		1,500				1,500
2,722	134		2,900	526310	Printing Services		0				0
1,099	787		850	526410	Telephone		850				850
0	117		200	526420	Postage		7,000				7,000
1,057	126		465	526440	Delivery Services		500				500

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Exhibit A
Ordinance No. 95-616
General Fund

HISTORICAL DATA ACTUAL \$		FY 1994-95 ADOPTED BUDGET		FISCAL YEAR 1995-96		ADOPTED		REVISION		PROPOSED	
FY 1992-93	FY 1993-94	FTE	AMOUNT	ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Council (continued)											
10,387	8,380		5,000	526500	Travel		8,700				8,700
0	0		0	526510	Mileage Reimbursement		0				0
0	0		0	526700	Temporary Help Services		0				0
2,625	3,246		4,000	526800	Training, Tuition, Conferences		4,000				4,000
7,576	11,900		8,700	528100	License, Permits, Payments to Other Agencies		9,000				9,000
117,692	0		0	528200	Election Expense		0				0
40,525	41		0	529110	Council Per Diem		0				0
27,905	15,013		19,200	529120	Councilor Expenses		21,000				21,000
16,737	5,577		6,000	529500	Meetings		10,000				10,000
12	0		0	529800	Miscellaneous		0				0
330,713	107,759		102,243		Total Materials & Services		84,320		0		84,320
<u>Capital Outlay</u>											
14,378	3,356		13,800	571500	Purchases-Office Furniture & Equipment		19,500				19,500
14,378	3,356		13,800		Total Capital Outlay		19,500		0		19,500
1,040,782	1,143,488	8.50	1,004,934		TOTAL EXPENDITURES		792,501	1.56	0		792,501
<u>Contingency and Unappropriated Balance</u>											
0	0		568,475	599999	Contingency		578,336				578,336
753,060	870,649		200,000	599990	Unappropriated Fund Balance		200,000				200,000
753,060	870,649		768,475		Total Contingency and Unappropriated Balance		778,336		0		778,336
5,244,871	6,257,731	13.50	6,664,018		TOTAL FUND REQUIREMENTS	19.55	7,379,395	1.56	0	21.11	7,379,395

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Exhibit A
Ordinance No. 95-616

Support Services Fund

HISTORICAL DATA ACTUAL \$		FY 1994-95 ADOPTED BUDGET		FISCAL YEAR 1995-96		ADOPTED		REVISION		PROPOSED	
FY 1992-93	FY 1993-94	FTE	AMOUNT	ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Office of Citizen Involvement											
<u>Personal Services</u>											
				511121	SALARIES-REGULAR EMPLOYEES (full time)						
0	0	0.05	3,513		Administrator		0				0
0	0	1.00	38,608		Associate Administrative Services Analyst	1.00	42,094			1.00	42,094
				511221	WAGES-REGULAR EMPLOYEES (full time)						
0	0	0.25	7,170		Administrative Secretary	0.25	8,436	(0.18)	(7,686)	0.07	750
0	0	0.20	4,709		Secretary	0.20	5,291	(0.15)	(4,541)	0.05	750
				511235	WAGES-TEMPORARY EMPLOYEES (part time)						
					Temporary Professional Support				2,000		2,000
0	0		20,520	512000	FRINGE		15,630				15,630
0	0	1.50	74,520		Total Personal Services	1.45	71,451	(0.33)	(10,227)	1.12	61,224
<u>Materials & Services</u>											
0	0		780	521100	Office Supplies		800				800
0	0		115	521320	Dues		115				115
0	0		2,500	524190	Misc. Professional Services		2,500				2,500
0	0		200	525640	Maintenance & Repairs Services-Equipment		200				200
0	0		5,000	526200	Ads & Legal Notices		5,000				5,000
0	0		400	526310	Printing Services		400				400
0	0		150	526410	Telephone		200				200
0	0		0	526420	Postage		2,000				2,000
0	0		85	526440	Delivery Services		85				85
0	0		500	526500	Travel		500				500
0	0		500	526800	Training, Tuition, Conferences		500				500
0	0		500	529500	Meetings		500				500
0	0		10,730		Total Materials & Services		12,800		0		12,800
0	0	1.50	85,250		TOTAL EXPENDITURES	1.45	84,251	(0.33)	(10,227)	1.12	74,024

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Exhibit A
Ordinance No. 95-616
Support Services Fund

HISTORICAL DATA ACTUAL \$		FY 1994-95 ADOPTED BUDGET		FISCAL YEAR 1995-96		ADOPTED		REVISION		PROPOSED	
FY 1992-93	FY 1993-94	FTE	AMOUNT	ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
General Expenses											
					<u>Contingency and Unappropriated Balance</u>						
				599999	Contingency * General		231,726		10,277		242,003
0	0		200,000								
216,645	612,628		673,151		Total Contingency and Unappropriated Balance		1,323,332		10,277		1,333,609
5,992,132	6,736,104	81.25	7,668,704		TOTAL EXPENDITURES	85.81	8,390,740	(0.33)	50	85.48	8,390,790

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Exhibit B
FY 1995-96 SCHEDULE OF APPROPRIATIONS
Ordinance No. 95-616

	<u>Adopted Budget</u>	<u>Revision</u>	<u>Proposed Budget</u>
SUPPORT SERVICES FUND			
Office of Citizen Involvement			
Personal Services	71,451	(10,227)	61,224
Materials & Services	12,800		12,800
Capital Outlay	0		0
<u>Subtotal</u>	<u>84,251</u>	<u>(10,227)</u>	<u>74,024</u>
General Expenses			
Interfund Transfers	732,472		732,472
Contingency	653,419	10,227	663,646
<u>Subtotal</u>	<u>1,385,891</u>	<u>10,227</u>	<u>1,396,118</u>
Unappropriated Balance	669,913		669,913
Total Fund Requirements	\$8,390,740	\$0	\$8,390,740

Agenda Item 7.1

Resolution No. 95-2211

**Metro Council Meeting
Thursday, October 12, 1995**

TRANSPORTATION PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 95-2211, FOR THE PURPOSE OF SECURING METRO'S FEDERAL MATCH REQUIREMENT FOR CONDUCTING THE FHWA PRE-PROJECT STUDY OF CONGESTION PRICING

Date: October 4, 1995

Presented by: Councilor Kvistad

Committee Recommendation: At the October 3 meeting, the Committee voted to unanimously recommend Council adoption of Resolution No. 95-2211. Voting in favor: Councilors Kvistad, Monroe and Washington.

Committee Issues/Discussion: Richard Brandman, Assistant Director, Transportation Planning, reviewed the staff report and the purpose of the proposed resolution. He noted that the Metro Council had approved a resolution in 1993 which authorized staff to seek federal funding for a pilot congestion pricing study. The purpose of the study would be to examine technical issues related to congestion pricing and solicit the opinion of the general public concerning congestion pricing.

In August 1995, the Federal Highway Administration approved a study request for \$1.29 million. Funding would be 80% federal, 20% local. The total local fund match would be \$258,000. It is anticipated that the Oregon Department of Transportation will contribute slightly more than 50% of the local match, with the remainder coming from DEQ, Metro, Tri-Met, the Port of Portland, the City of Portland and Clackamas, Multnomah and Washington Counties.

The proposed resolution would authorize Metro to contribute up to \$66,700 (25.85%) of the local match. Brandman noted that the resolution, as originally submitted, indicated that the maximum Metro share was \$62,700. This was a typographical error and Brandman submitted a revised copy with the corrected amount which was accepted by the committee.

Brandman explained that the actual amounts to be paid by the state and each of local participants has not been finalized. This is because Metro has applied for \$100,000 from the state's "public purpose grant program" which is funded by the state's share of the national petroleum anti-trust settlement. If these funds are received, the Metro share of the local match would be reduced to \$34,800.

Brandman indicated that when the details of the local match had been finalized, the department would submit a budget amendment to address payment of the Metro share and the hiring of staff to oversee the study. It is anticipated that the Metro share would come from the General Fund Contingency.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF SECURING METRO'S)	RESOLUTION NO. 95-2211
FEDERAL MATCH REQUIREMENT FOR)	
CONDUCTING THE FHWA PRE-PROJECT)	Introduced by
STUDY OF CONGESTION PRICING)	Mike Burton,
	Executive Officer

WHEREAS, Section 1012 (b) of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 authorizes the Secretary of Transportation to create a Congestion Pricing Pilot Program by entering into an agreement with up to five states or local governments or other public authorities to conduct a pre-project study of congestion pricing; and

WHEREAS, Metro and the Oregon Department of Transportation (ODOT) desire to jointly study the technical and political feasibility of congestion pricing in the Portland region pursuant to Section 1012(b) of ISTEA; and

WHEREAS, The parties have successfully completed a joint application to the Federal Highway Administration (FHWA) for \$1.29 million to conduct a two-year, two-phased study of congestion pricing in the Portland region; and

WHEREAS, A minimum 80/20 (federal/state) funding match is required under this program, resulting in a state and local matching share of not less than \$258,000; and

WHEREAS, Each jurisdiction/agency will contribute their portion of the required match in a match pool prior to commencement of the study; now, therefore,

BE IT RESOLVED,

1. That the Metro Council directs staff to proceed with the two-year, two-phase pre-project study of congestion pricing authorized by FHWA.

2. That the Metro Council agrees to contribute Metro funds in an amount not to exceed \$66,700, as detailed in Exhibit A, Option 1, to be used as matching funds to conduct the federally-approved pre-project study of congestion pricing in the Portland region.

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

J. Ruth McFarland, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

RBL:lmk
95-2211.RES
10-5-95

Congestion Pricing Project Match Options

OPTION 1 (without Oil Overcharge Assistance)

	Oil Ovchg. Match	Metro Share	Metro Match	Local Share	Local ¹ Match	Port Share	Port Match	ODOT Share	ODOT Match	Total Project	Total Match
Phase 1 and Admin.	N/A	\$243,500	\$52,700	\$120,000	\$4,000 x 6 (\$24,000)	\$20,000	\$25,000	20,000	\$65,200	\$834,500	\$166,900
Phase 2	N/A	60,500	14,000	60,000	2,000 x 6 (12,000)	10,000	000	10,000	65,100	455,500	91,100
TOTAL	N/A	\$304,000	\$66,700	\$180,000	\$6,000 x 6 (\$36,000)	\$30,000	\$25,000	30,000	\$130,300	\$1,290,000	\$258,000

OPTION 2 (with Oil Overcharge Assistance)

	Oil Ovchg. Match ²	Metro Share	Metro Match	Local Share	Local ¹ Match	Port Share	Port Match	ODOT Share	ODOT Match	Total Project	Total Match
Phase 1 and Admin.	\$8,900	\$243,000	\$34,800	\$120,000	\$3,417 x 6 (\$20,500)	\$20,000	\$25,000	\$20,000	\$77,700	\$834,500	\$166,900
Phase 2	91,100	60,500	000	60,000	000	10,000	000	10,000	000	455,000	91,100
TOTAL	\$100,000	\$304,000	\$34,800	\$180,000	\$3,417 x 6 (\$20,500)	\$30,000	\$25,000	\$30,000	\$77,700	\$1,290,000	\$258,000

Metro
8/7/95

¹ Local Share and Match assume grant assistance totaling \$30,000 over the life of the grant (\$20,000 for phase I and \$10,000 for phase II) for each of the three Metro area counties, the City of Portland, Tri-Met, and DEQ. The Port and ODOT are shown separately due to the differing match requirements.

² Assumes \$100,000 from the "Public Purpose Grant Program" (Petroleum Antitrust Settlement - Oregon). The grant would accommodate the phase II match and reduce phase I by \$8,900. The \$100,000 is distributed on a pro rata basis between Metro (27.9%), locals (15.6% total for all 6), and ODOT (52.6%). Timing of the grant award may alter its actual application.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2211 FOR THE PURPOSE OF SECURING METRO'S FEDERAL MATCH REQUIREMENT FOR CONDUCTING THE FHWA PRE-PROJECT STUDY OF CONGESTION PRICING

Date: September 15, 1995

Presented by: Andrew Cotugno

PROPOSED ACTION

This resolution commits Metro to providing federal match funds up to a maximum of \$66,700 to the Federal Highway Administration (FHWA) to conduct a pre-project study of congestion pricing in the Portland region.

FACTUAL BACKGROUND AND ANALYSIS

In August 1995, the Federal Highway Administration (FHWA) approved a joint Metro/ODOT Congestion Pricing application for pre-project funding under the ISTEA Congestion Pricing demonstration program (Section 1012(b) of the Intermodal Surface Transportation Efficiency ACT (ISTEA) of 1991). FHWA has generally approved a request for \$1,290,000 for a two-year, two-phased study. The pre-project study of congestion pricing will include public involvement and technical work tasks. Federal funds and obligation authority have been made available in the amount of \$1,032,000 (80 percent of \$1.29 million). A minimum 80/20 (federal/state) funding match is required under the federal program, resulting in a state and local matching share of not less than \$258,000.

Exhibit A to the resolution describes two options for providing the required match. Both options include the following assumptions:

- All match is "hard." Initial discussion with FHWA indicated that "soft," or "in-kind" match contributions could not be counted. However, subsequent discussions with FHWA indicated that some soft match may be reimbursable. In the event soft match is reimbursed, participant match shares will be reduced accordingly.
- The Port of Portland will contribute \$25,000 by directing an environmental-related settlement toward the project match.
- The participating jurisdictions and agencies eligible for pass-through grant assistance in conducting the pre-project study include the three Metro area counties (Clackamas, Multnomah, and Washington), the City of Portland, Tri-Met, the Department of Environmental Quality (DEQ), and the Port of Portland.

Option 1 (Exhibit A) is the maximum amount that could be expected to be paid by participating agencies. Under Option 1, local participating jurisdictions (Clackamas County, Multnomah County, Washington County, Tri-Met, and DEQ) would pay the required 20 percent match based on the dollar amount they will receive in assistance. Metro would pay a 24 percent share for staff work associated with the grant (\$66,700), with ODOT contributing 50.5 percent (\$130,300) and the Port 9.7 percent (\$25,000) to complete the total match of \$258,000.

Option 2 assumes the region receives an additional \$100,000 in grant funds through the "Public Purpose Grant Program" being administered by the state Attorney General's Office. The program is a result of a national anti-trust settlement against petroleum companies. Approximately \$7 million is available for projects which "assist motorists." Eligible activities include programs which will lead to improvements in air quality. Metro has completed a grant application to the Attorney General's Office requesting \$100,000 in grant funds to be applied toward the overall federal match (\$258,000) for the pre-project study. The \$100,000, if received, will be used to provide the entire Phase II match (\$91,100) and reduce the Phase I match (\$166,900) by \$8,900. Each jurisdiction's matching share would be reduced accordingly as shown in Exhibit A (Option 2).

The match shares shown in Exhibit A will form the basis for an Intergovernmental Agreement (IGA) between participating parties regarding payment of the match for the pre-project study of congestion pricing. As noted, Option 1 defines the maximum amount that could be expected from each participating agency or jurisdiction. Resolution No. 95-2211 initiates the IGA process by establishing a match pool and authorizing Metro to contribute an amount equal to or less than its maximum share of \$66,700 as shown in Exhibit A, Option 1. A copy of the project work program is included as Attachment A. The two-year study is scheduled to begin in earnest by February 1996.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2211.

PORTLAND METROPOLITAN AREA CONGESTION PRICING PILOT PROGRAM

Pre-Project Study Work Plan and Budget

Introduction

Metro is proposing a two-phase pre-project congestion pricing study for the Portland area. Each phase will include public involvement and technical work tasks. Specific elements of the congestion pricing study (public outreach and education) will be integrated with Metro's update of its Regional Transportation Plan (RTP) in order to reach as large an audience as possible with the concept of congestion pricing as a transportation strategy. The RTP update is to be completed in two phases with final adoption in 1996. The RTP update will leave some issues, including congestion pricing, open for further refinement planning. In particular, the public education and involvement program for the study will be coordinated with RTP public outreach to ensure a smooth transition between the two efforts.

At the end of the study, Metro will evaluate the study results to determine the technical and political feasibility of congestion pricing in the Portland region. Depending on the preferred alternative selected at the end of Phase II, Metro intends to apply to the FHWA for implementation of a pilot congestion pricing project.

Pre-Project Study Goals and Objectives

The overall goals of the congestion pricing pre-project study are (1) to develop a nationally applicable process for gaining public and political acceptance of congestion pricing; and (2) to provide for a regional evaluation and implementation of congestion pricing (beginning with a pre-project study to evaluate alternatives).

Supporting these goals are the following objectives. The final two objectives would apply to implementation of congestion pricing, following the study.

1. Assess the case for and against congestion pricing, and its practical feasibility, with regard to the following:
 - Reduce peak-period congestion, principally through reduced peak period use of the single-occupant vehicle (SOV);
 - Reduce regional vehicle miles of travel (VMT);
 - Reduce regional motor vehicle emissions;
 - Improve regional mobility (as measured by travel times and the availability and use of alternate modes);

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- Allocate highway investments in an optimal, efficient manner;
 - Improve overall transportation and land use efficiencies in the region;
 - Avoid and/or mitigate negative impacts on neighborhoods and businesses; and
 - Reduce and mitigate economic impacts on lower income drivers; and
 - Determine the appropriate use of revenues generated through the pricing scheme.
2. Increase awareness and understanding of congestion pricing among the general public and elected officials in the Portland region and to obtain feedback from the public to help shape the overall pricing strategy.
 3. At the conclusion of Phases I and II, evaluate results to determine the technical and political feasibility of congestion pricing in the Portland region.
 4. If appropriate (as determined by objective 3 above), develop regional consensus on a congestion pricing pilot implementation plan, including:
 - Congestion pricing test site(s);
 - Schedule for implementation;
 - Tolling technology;
 - Fee strategy and use of revenues; and
 - Equity and Mitigation plan.
 5. Seek enabling legislation for a pilot project. This should encompass:
 - State authority to conduct a pilot project (tolling in general);
 - Enabling laws for enforcement
 6. File application to FHWA for a pilot project

7. Implement a congestion pricing pilot project in accordance with the regionally agreed upon plan
8. Monitor and evaluate the pilot project

Work Plan and Budget

This work plan/budget describes work tasks and budget estimates for the study. The study will involve work by Metro staff and by consultants. Metro staff will complete tasks described in section (A) Project Administration. Metro will contract with consultants for some work tasks described in sections: (B) Phase I - Policy Development and Alternatives Analysis, and (C) Phase II - Selection of Preferred Alternative. Other work tasks will be completed by Metro staff and/or local agency staff.

This document supersedes portions of Section III (Work Plan and Schedule) and Section IV (Budget and Financial Plan) of Metro's "Re-application for Participation in the Congestion Pricing Pilot Program" (October 14, 1993).

Table 1 provides a summary of the funding request by work element. Project-specific advisory committees are described in the work plan. A detailed budget by task is shown on page 4 and 4a.

Table 1. Funding Summary

	Management and Administration	Technical Work Element	Project Approval	Public Involvement	Total
Federal Funds (80%)	\$27,200	\$547,800	\$20,300	\$436,700	\$1,032,000
Local Matching Funds (20%)	\$6,800	\$136,950	\$5,075	\$109,175	\$258,000
Total Study Budget	\$34,000	\$684,750	\$25,375	\$545,875	\$1,290,000

Budget amounts are for 24 months.

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PHASE I/Task Name	TASK #	Consultant Service	Metro Staff	Metro Staff	Metro Staff	Metro Staff	Local Agency Staff	TOTALS
			Project Management	Public Involvement	Administration	Travel Forecasting		
PROJECT ADMINISTRATION						30,000		30,000
Project Administration	A.1							0
Policy Oversight	A.2		4,000					4,000
Project Travel	A.3		0	4,000	0	30,000	0	34,000
TOTALS FOR PROJECT ADMINISTRATION (Phase I and II)								
PHASE I: POLICY DEVELOPMENT AND ALTERNATIVES ANALYSIS (18 months)								
TECHNICAL WORK ELEMENT								0
Establish Project Management/Advisory Committees	B.1							0
Educate Policy/Decision Makers	B.2							20,000
Develop Baseline Model Data	B.3	20,000						30,000
Develop Alternative Scenarios and Ranking Criteria	B.4	30,000						75,000
Modify Regional Model to Evaluate Congestion Pricing	B.5	75,000						85,000
Analyze and Rank Congestion Pricing Scenarios	B.6	85,000					25,000	115,000
Technical Review by Metro Staff (Tasks B.1 - B.6)	B.7		90,000					136,000
Local Agency Technical Support	B.8						136,000	5,000
Produce Project Report for FHWA on Phase I Activities	B.9	5,000					25,000	136,000
Subtotal: Technical Work Element		215,000	90,000	0	0	25,000	136,000	466,000
PUBLIC INVOLVEMENT WORK ELEMENT								66,000
Public Opinion Research	B.10	66,000						150,000
Introduce the Study and Involve the Public in Alternatives Analysis	B.11	150,000						94,500
Metro Staff Review of Consultant Work; In-House Public Involvement	B.12			94,500				24,000
Local Agency Support of Public Involvement Program	B.13					0	24,000	334,500
Subtotal: Public Involvement Work Element		216,000	0	94,500	0	0	24,000	800,500
TOTALS FOR PHASE I		431,000	90,000	94,500	0	25,000	160,000	800,500

Congestion Pricing Pre-Project Study
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CONGPRIC.WB2

PHASE II /Task Name	TASK #	Consultant Service	Metro Staff Project Manag	Metro Staff Public Involvement	Metro Staff Administrati	Metro Staff Travel Forecasting	Local Agency St	TOTALS
PHASE II: SELECTION OF PREFERRED ALTERNATIVE (approx. 6 months)								
TECHNICAL WORK ELEMENT								
Develop Conceptual Designs for Highest Ranking Scenarios	C.1	120,000						120,000
Prepare Reports and Informational Materials to Guide Selection and Adoption of Preferred Alternative	C.2	10,000						10,000
Technical Review by Metro Staff	C.3		26,250					26,250
Local Agency Technical Support	C.4						68,500	68,500
Subtotal: Technical Work Element		130,000	26,250				68,500	224,750
PUBLIC INVOLVEMENT WORK ELEMENT								
Select/Recommend Preferred Alternative	C.5	165,000						165,000
Metro Staff Review of Consultant Work; In-House Public Involvement	C.6			32,375				32,375
Local Agency Support of Public Involvement Program	C.7						8,000	8,000
Subtotal: Public Involvement Work Element		165,000	0	32,375			8,000	205,375
PROJECT APPROVAL								
Adopt Preferred Alternative/Amend RTP	C.8		1,875				3,500	5,375
Produce Final Project Report for FHWA	C.9	20,000						20,000
Subtotal: Project Approval		20,000	1,875				3,500	25,375
TOTALS FOR PHASE II		315,000	28,125	32,375			80,000	455,500
CONGESTION PRICING STUDY TOTALS (24 months) (Phase I + Phase II + Administration)		746,000	122,125	126,875	30,000	25,000	240,000	1,290,000

A. PROJECT ADMINISTRATION

Budget (for Metro staff work): \$34,000

A.1 Project Administration \$30,000

Metro will provide general administration of the congestion pricing pre-project study by performing and/or coordinating the following activities:

(a) Manage/Provide Staff Support for Project Meetings: The project will require establishment and ongoing coordination of 4 new advisory committees, which are described below. Metro will provide planning and secretarial staff support to these committees and will coordinate meeting notices and other mailings. As needed, Metro will also coordinate briefings and information updates for other interested groups. - \$10,000

(1) Project Steering Group (PSG)

The Project Steering Group (PSG) will be a small "Blue Ribbon" committee of state and local government leaders, jointly selected by JPACT, Metro Council, and the Oregon Transportation Commission (OTC), responsible for policy formulation and project guidance. The PSG will review study findings, and based on input from the CAC, PMG and Technical Advisory Committee, formulate policy recommendations to JPACT/Metro Council for conducting the pre-project study. After a thorough review of the study findings and conclusions concerning congestion pricing, the PSG will develop policy recommendations for conducting a congestion pricing pilot project in the Portland region. These policy recommendations will be incorporated in the formal application to FHWA to conduct the pilot.

(2) Project Management Group (PMG)

The project management group (PMG) will provide overall study coordination, including management and review of consultant work. The PMG will also coordinate review of study recommendations by the region's policy-making committees and boards, including the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT). The PMG will be chaired by Metro and will include policy-makers drawn from the local, regional and state agencies represented on JPACT.

(3) Technical Advisory Committee (TAC)

The TAC will advise the Project Management Group on technical matters relating to the congestion pricing pre-project study. The process to select members would include approval through JPACT/Metro Council resolution. Metro staff will chair this committee. As needed, the committee may request assistance on public involvement issues from the Partners for a Livable Community, a regional communications/public relations group representing state, regional and local government agencies.

(4) Citizens Advisory Committee (CAC)

The CAC will provide a forum for discussions among the region's many interest groups (e.g. businesses, environmental organizations, neighborhood associations). This committee would also generate broader public involvement by disseminating information from its members to those members' constituents. The process to select members will include approval through JPACT/Metro Council resolution.

- (b) Manage Contracts and Budget: Funds will be used for Metro staff (Management Staff, Contracts Administration, Project Manager) to review all financial and contractual agreements with consultants. Metro will maintain budget and financial records for tasks associated with the study. Metro will provide administrative support for consultant contracts. Metro, as lead agency, will receive FHWA Congestion Pricing Pilot Program grant funding. Tasks undertaken by consultants will be performed and paid for under the terms of contractual agreements approved by the Joint Policy Advisory Committee on Transportation (JPACT) and signed by Metro, ODOT and the consultant. Metro will prepare and administer Intergovernmental Agreements with local agencies for their administrative and technical support - \$20,000

A.2 Policy Oversight

(no specific funds requested for this element)

The PSG will guide the project through its policy recommendations. Metro will be the lead agency for the congestion pricing study. The attached "Regional Transportation: The Decision-Making Process" describes Metro's process for adoption of regional transportation policies. The congestion pricing study will produce information and recommendations for review by the groups involved in this process (i.e. TPAC, PSG, JPACT/Metro Council). Metro staff will provide appropriate and timely information for consideration at meetings of the PSG and Metro's policy-makers and their advisory committees. Staff will present information to other policy-making bodies in the region, as appropriate.

A.3 Project Travel

\$4,000

It is anticipated that the Metro Project Manager may need to travel each year of the 2-year study to 1 or 2 workshops, meetings, or perhaps the Annual Transportation Research Board Meetings to: (1) learn about congestion pricing project activities in other locales, (2) to participate in an exchange of ideas, or (3) to present results and progress of this study.

B. PHASE I - POLICY DEVELOPMENT AND ALTERNATIVES ANALYSIS

Estimated Budget: \$800,500 - \$860,500

Note: Tasks will not necessarily occur in consecutive order. In particular, there will be overlap between technical and public involvement activities. See Attachment 2 for project schedule.

TECHNICAL WORK ELEMENT Total of \$466,000

B.1 Establish Project Management/Advisory Committees

Project management and advisory groups will be established to guide the policy direction and technical activities for the pre-project study. The various committees will make recommendations for the study's ongoing activities and will produce final recommendations at the conclusion of Phase II. These groups will meet regularly, with additional meetings as necessary.

B.2 Educate Policy Advisory and Decision-making Bodies

Because the knowledge and understanding of congestion pricing is limited, it is essential that the key policy and decision-making entities of the region (i.e. JPACT, Metro Council, Oregon Transportation Commission) and the project's advisory groups (i.e. Project Steering Group, Project Management Group, Citizens Advisory Committee) have at least a workable understanding of congestion pricing. Some appropriate forum for providing this information will have to be selected.

B.3 Develop Baseline Model Data \$20,000

Purpose: Under consultant contract, Metro's travel forecasting model will be used to develop information on regional travel patterns and system conditions, with a focus on problem locations and facilities for congestion and air quality. This data will be further refined and used to identify candidate projects for the application of congestion pricing. Candidate projects will include corridor, facility, and area-wide locations.

Consultant Tasks:

- (a) Describe transportation system supply conditions - \$5,000
- Routes (highway/transit)
 - Origins/destinations served (highway/transit)
 - Capacities (highway/transit)

- Frequencies (transit)
 - Costs/fares (parking fees/transit)
 - Commodity flows
- (b) Update current travel patterns and base travel data with results from the 1994 household survey. This information will be used to further define candidate locations, define appropriate boundaries of pricing influence, and for model integration with the results of the stated preference data from Task B.5. The following travel parameters will be updated: - \$15,000
- Trips
 - VMT
 - Trip purpose
 - Origin-Destination pairs
 - Congestion (volume/capacity)
 - Travel times
 - Average speed
 - Hours of delay
 - Time of travel
- (c) Develop baseline for vehicle emissions for VOC and CO.

Product: Updated EMME/2 travel forecasting baseline data, maps and charts for use at public meetings and focus groups and alternatives analysis.

B.4 Develop Alternative Scenarios and Ranking Criteria \$30,000

Purpose: The purpose of this task is to produce a set of alternative facility, corridor, sub-area, and possibly regional scenarios (tentatively 12-15) for testing congestion pricing in the region. For analysis and public information purposes, a hypothetical regional pricing application may be designed. The regional application would show overall system benefits of a full pricing scenario. The regional application could test for changes in delay, emissions, and costs as opposed to the baseline long range transportation plan (RTP).

The public will have an opportunity to have input into the selection of scenarios through focus groups and public forums. Each option will undergo an initial screening to determine if it should be considered further and included in the modeling exercise. Evaluation criteria to use in ranking the modeled alternatives will also be developed. Tasks (a) and (c) below can be completed at the same time.

Consultant Tasks:

- (a) Develop initial screening criteria to determine if the alternative should be considered for further analysis and modeling. Separate screening criteria may be developed for areas, corridors and facilities. These criteria will look at both administrative and technical factors such as ease of implementation and potential for reducing vehicle trips - \$10,000
- (b) Finalize list of congestion pricing alternative scenarios to be modeled. This task will include identification of candidate locations (including suggestions made by the public) and screening of the candidates using the criteria established in task (a) above. The scope of alternatives may include areas, corridors and facilities. Alternatives will be selected based on criteria consistent with transportation system performance objectives. This task will also include production of a report documenting the screening process, including identification of the candidates and the results of the screening process. - \$5,000
- (c) Develop evaluation criteria for selection and ranking of alternative scenarios. These criteria will be used in task B.4. At a minimum, the criteria will include consideration of the following factors: - \$15,000
 1. Congestion reduction. Potential for significant congestion reduction (reduction in the volume to capacity ratio below 0.9) in priced locations by the year 2010.
 2. Social and economic impacts on neighborhoods and businesses. Impacts to businesses along the priced routes as well as other affected areas; traffic impacts on neighborhoods; changes in accessibility to community facilities; right of privacy concerns by drivers as a result of the tolling technology.
 3. Environmental assessment. Noise impacts and other environmental effects of traffic attempting to bypass the priced facility; changes in travel safety; effects of project alternative on sensitive biological resources.
 4. Equity impacts on lower income drivers. Economic impacts of project alternative on lower income drivers and potential mitigation measures.
 5. Avoided cost. Facilities where the projected 2010 congestion could be reduced by pricing rather than capacity enhancement would receive priority in ranking.
 6. Mobility/transit enhancement. Impacts of the project alternative on normal commute patterns and the availability of alternative routes and modes. pricing should only be applied to facilities where substantial transit capacity is present, easily instituted or included as part of Tri-Met's strategic plan.

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7. Legal feasibility. Potential legal impediments to implementation in addition to the need for state legislation authorizing toll collection. (Note: Senate Bill 626 would allow toll roads in the Newburg/Dundee area of Oregon and looks as if it will be passed by the 1995 Oregon legislature.)
8. Revenue/cost issues. Potential costs to be incurred and revenues to be raised by the project alternative; scenarios showing possible uses of the revenue and most likely outcomes; public concerns and political issues that may be raised as a result of revenue questions.
9. Tolling technology/enforcement/engineering issues. The type of tolling technology proposed by the project alternative; impacts of technology requirements; engineering feasibility issues; scenarios for effective enforcement and related issues.
10. Air quality. Projections for impact on regional ozone and carbon monoxide pollution.
11. VMT reduction. Although congestion reduction is the assumed goal, projects structured to achieve both congestion relief and VMT reduction will receive priority consideration.

Product: Alternative congestion pricing scenarios and ranking criteria. Report describing the screening process.

B.5 Modify Regional Model to Evaluate Congestion Pricing

\$75,000

Purpose: During the fielding of Metro's 1994 Household Survey, a subset of approximately 600 households also completed a "stated preference" survey relating to people's different stated behavioral actions relative to various congestion pricing schemes. By asking people what they would do under alternative pricing scenarios, data was collected as to probable outcomes. The results of the stated preference survey on congestion pricing need to be analyzed and integrated with the revealed preference data so that factors and elasticities can be developed for use in Metro's regional model to access the travel and socioeconomic impacts, and associated behavioral change from congestion pricing. This type of information is not currently available. Using the elasticities developed, adjustments will be made to various trip parameters, such as trip distribution and mode split, to reflect changes in travel behavior under congestion pricing. Following these adjustments, the regional model will be capable of forecasting regional travel patterns and conditions with congestion pricing on specific facilities, along corridors, or areawide. This task may also include further refinement of vehicle movement by mode, particularly related to automobile versus truck (small, large, etc.).

Consultant Tasks:

- (a) **Modify model parameters to reflect effects of congestion pricing on people's behavioral changes relative to the following travel characteristics: - \$75,000**
- Trip generation
 - Trip distribution
 - Route assignment
 - Mode choice
 - Time of day of travel
 - Day of week of travel
 - Trip purpose (work vs. non-work)

Product: Enhanced EMME/2 travel forecasting model for evaluating congestion pricing alternatives.

B.6 Analyze and Rank Congestion Pricing Scenarios \$85,000

Purpose: Model runs will be performed for each congestion pricing scenario, resulting in a forecast of travel patterns and conditions. Each forecast will be evaluated against the goals and objectives of the pilot project and the evaluation criteria developed in B.4. The model results will be used to estimate the effects of congestion pricing on factors related to travel behavior, including congestion, traffic volumes and air quality. The mitigation of economic and social impacts will be estimated by a more qualitative analysis of each scenario (mitigation refers to efforts to reduce, eliminate, or compensate for unwanted or unintended environmental and/or socioeconomic impacts such as displacement of motorists, increased traffic infiltration into neighborhoods, and differential economic impacts to businesses and/or lower income drivers). This task will include the preparation of reports describing the model, other analysis tools, evaluation methodology, and ranked results.

Consultant Tasks:

- (a) Perform model runs for the alternative scenarios (identified in task B.4) - \$45,000
- (b) Analyze model results for effectiveness in achieving the goals and objectives of the study, and for environmental and socioeconomic impacts plus other evaluation criteria. Identify mitigation needs for environmental and socioeconomic impacts. - \$30,000
- (c) Rank alternative scenarios using criteria established in task B.4 - \$10,000

Product: Ranked alternative congestion pricing scenarios.

B.7 Technical Review by Metro Staff \$115,000

(a) Project Manager:

Metro staff will develop Requests for Proposal (RFPs), review contracts for consistency with Consultant work tasks, review consultant work products as identified in Tasks B1 through B6. and coordinate revisions and/or modifications to work products as necessary. It is proposed that the Metro project manager will devote one FTE for two years (24 months) of staff time to this study. The project manager, who will have a combination planning and policy background will offer overall direction and coordination to this study and will manage overall consultant work. Management and administrative staff at Metro will also play significant roles in reviewing study products, financial management and

reporting, and monitoring. In addition, the metropolitan Portland area has a tradition of a comprehensive public involvement process as evidenced by the 4 year old "Region 2040" growth management effort and the long-range transportation plan process. While this comprehensive involvement and review process is very labor-intensive in terms of meeting preparation and logistics, it has proven to be very effective in generating public support and consensus. -- \$90,000

(b) Other Metro Staff:

Travel forecasting and transportation planning staff support to consultants on
Tasks B5: Model Modification and B6: Analysis and Ranking. -- \$25,000

B.8 Local Technical Support

\$136,000

Local agencies will assist Metro in formulating and modifying consultant work requests and reviewing consultant work products. Local agencies are currently overwhelmed by the demands of ISTEA and the Oregon Transportation Planning Rule. It is anticipated that eight agencies (Multnomah County, Washington County, Clackamas County, The City of Portland, Tri-Met, The Department of Environmental Quality (DEQ), the Port of Portland and the Oregon Department of Transportation (ODOT)) will expend approximately .2 FTE (5.2 months) of staff time over two years to assist in the public outreach effort and analysis of scenarios. This funding is necessary for these agencies to participate fully.

B.9 Produce project report for FHWA on activities completed during Phase I
This is a consultant task.

\$5,000

PUBLIC INVOLVEMENT PROGRAM (Phase I)

**Total of
\$334,500 - \$394,500**

Metro's proposed approach is to incorporate the concept of congestion pricing into an overall analysis of tools and approaches in the RTP to help the region meet land use and VMT objectives. In this way, congestion pricing can be presented to the public as one of many possible strategies to meet the region's transportation goals. Tasks and funding related to congestion pricing will be clearly defined and distinguished from the normal RTP process. In addition, to better discern public attitude and to receive feedback that can help shape the proposed pricing strategy about congestion pricing, Metro staff will conduct focus groups. Throughout the public involvement process, Metro staff will be proceeding in an objective but cautious manner because the true benefits and costs of congestion pricing are unclear. It is the intent of the public involvement phase to broaden education about congestion pricing including the potential benefits and costs to the Portland region.

Because it is difficult to predict the most effective strategies to communicate to the public about congestion pricing, Metro will reevaluate the budget and work plan for the public involvement program every 6 months. Any necessary changes will be communicated to FHWA. It may be necessary, for example, to shift budget allocations among work plan tasks.

B.10 Public Opinion Research

\$66,000

Purpose: To measure the level of understanding and interest of the general public in order to develop appropriate and effective communication materials. Random telephone surveys will guide the development and adjustment of the public outreach effort. Focus groups will be used to test advertising messages prior to implementation and to get feedback from key groups within the community and the state. Focus groups can be used in addition to other public outreach strategies to bring key interest groups into the process of thinking through potential impacts and options for conducting a congestion pricing pilot demonstration.

Consultant Tasks:

- (a) Three random telephone surveys measuring awareness and understanding - \$36,000
- (b) Focus groups for message testing and to obtain community feedback - \$30,000

Product: Information on public opinion to use in developing public education and involvement materials. Data to be used in assessing the effectiveness of the public education and information program.

B.11 Introduce the Congestion Pricing Study and Involve the Public in Alternatives Analysis \$150,000 - 210,000

Purpose: Build broader awareness of the causes and costs of congestion in the Portland Metro area and provide alternative solutions to the ever-increasing problem. Introduce the concept of congestion pricing as a tool to maintain Portland's quality of life and as a potentially more equitable transportation financing technique. The RTP may be used as a framework for discussion and presentation of congestion pricing as a viable transportation alternative.

Consultant Tasks:

- (a) Public Information Campaign - Purchased Media Space: This three-piece campaign will be designed to: (1) build awareness and interest, (2) educate and (3) solicit response from all targeted audiences. It is possible that the nature and extent of the public information campaign may require the use of television advertising to reach targeted audiences. If this becomes necessary, the region will request additional funds through FHWA.
- Advertising in major regional and subregional newspapers - \$25,000
 - Possible use of television for advertising (costs may be up to \$60,000, and are not included in the budget at this time)
- (b) Mailings/Newsletters: The public and interested groups will be notified of the status of the study and upcoming activities. Periodic updates of the progress of the study during Phase I will be provided by a tabloid insert in local and regional newspapers.
- Expenses for mailings to study mailing list - \$20,000
 - Expenses for tabloid newspaper inserts - \$30,000
- (c) Public Meetings/Forums: Opportunities for the general public to be involved in the initial phase of the study. A kick-off meeting will be held to introduce the public to the study, its goals and objectives, its scope, and other opportunities for public participation. At the meeting, the public will be invited to suggest candidate locations for congestion pricing. Metro will also solicit applicants for the Citizens Advisory Committee. Other public meetings or forums may also be held to distribute information and encourage public participation in Phase I of the study.
- Expenses for Phase I public meetings/forums - \$10,000

•Expenses for focus groups - \$30,000

- (d) Citizens Advisory Committee (CAC) Meetings: The CAC is an opportunity for citizens in the region to be involved in all phases of the study. The CAC reviews draft findings and makes recommendations to policy and technical groups. CAC meetings are open to the public.

•Expenses for managing the CAC and its meetings are included in the budget for project management and administration.

- (e) Presentations to Community Groups/Speakers Bureau: Staff from Metro and its regional partners will make presentations to community groups to disseminate information about the congestion pricing study. Presentation materials, including videos, maps and charts, will be developed and maintained for use by speakers. Build the visibility of the public outreach campaign through news conferences and other media coverage. News releases and public service announcements will be used at key milestones to keep the public informed of decisions and advancements in the congestion pricing study. Displays may be used at RTP public forums, public fairs and conferences. Editorial board meetings, "Town Hall" discussion shows and radio talk shows may all be used encourage an informed discussion.

•Expenses to produce presentation materials - \$30,000

- (f) Telephone Line, Electronic Bulletin Board: Metro will designate a direct dial telephone line (with a recording device) so that people can call for information about the project and/or leave a message or comments. The telephone line will be monitored daily by public involvement staff or consultants. Once the comments have been transcribed, the comments and response will become part of the public record.

•Expenses for telecommunications services/equipment - \$5,000

- (g) Public Comment/Agency Response: Public comment will be solicited and taken at a variety of meetings and hearings and during comment periods. The public will also have the opportunity to submit comments at any time by mail, telephone, fax machine or electronic mail. Metro or its consultants will record all comments, both written and oral, and provide a reply. Responses may deal with comments individually or as a group, as appropriate. Draft recommendations will be revised based on comments received, as appropriate.

•Expenses for agency response to public comments are included in the budget for task B.12.

Product: Greater awareness and understanding by the public of congestion pricing and the pre-project study. Involvement by the public in analysis of candidate locations for congestion pricing.

B.12 Metro Staff Review of Consultant Work: In-House Public Involvement \$94,500

Metro technical staff will develop Requests for Proposals (RFPs), review contracts for consistency with Consultant work tasks, review consultant work products, and coordinate revisions and/or modifications to work products as necessary. This work will be carried out by the project manager over the two year period. Metro public involvement staff (one public involvement specialist for two years) will complete tasks as needed, including setting up for meetings, responding to the public's questions and comments and preparing briefing material for the Project Steering Group.

B.13 Local Agency Support of Public Involvement Program \$24,000

Local agencies will assist Metro in formulating and modifying consultant work requests and reviewing consultant work products for the public involvement program. Local jurisdictions may sponsor and/or assist with public meetings and workshops. This funding will be distributed among seven agencies to assist with their participation.

C. PHASE II - SELECTION OF PREFERRED ALTERNATIVE

Estimated Budget: \$445,500

Note: Tasks will not necessarily occur in consecutive order. In particular, there will be overlap between technical and public involvement activities. See Attachment 2 for project schedule.

TECHNICAL WORK ELEMENT **Total of \$224,750**

C.1 Develop Conceptual Designs for Highest Ranking Scenarios \$120,000

Purpose/Tasks: The consultant will develop conceptual designs for the three to five alternatives ranked highest in the Alternatives Analysis (Phase I). The TAC and CAC will approve these conceptual designs. The preliminary design for each alternative should include

- Technological/engineering requirements
- Cost/Revenue estimates
- Projected impact on congestion
- Environmental assessment
- Social and economic impacts on neighborhoods and businesses & mitigation measures
- Equity impacts on lower income drivers and mitigation measures
- Avoided cost estimates
- Mobility/transit impacts
- Legal feasibility/enforcement
- Air quality impact
- Projected VMT reduction

Product: Conceptual designs for highest ranked alternative scenarios.

C.2 Prepare Reports and Informational Materials
To Guide Selection and Adoption of Preferred Alternative \$10,000

Purpose: Consistent with federal guidelines and Metro procedures, Metro will conduct a public process to select and adopt a preferred alternative. Technical reports and other informational materials will form the basis for the selection and adoption process.

Consultant Task:

- (a) Prepare technical reports and materials - \$10,000

Product: Reports and supplementary materials describing the concept, design, and background information on the alternatives being considered.

C.3 Technical Review by Metro Staff \$26,250

Metro staff (project manager) will develop Requests for Proposal (RFPs), review contracts for consistency with Consultant work tasks, review consultant work products, and coordinate revisions and/or modifications to work products as necessary.

C.4 Local Agency Technical Support \$68,000

Local agencies will assist Metro in formulating and modifying consultant work requests, reviewing consultant work products, and assisting Metro in analyzing and selecting the preferred alternative. It is anticipated that each local agency will devote approximately .14 FTE to this task.

PUBLIC INVOLVEMENT PROGRAM (Phase II) Total of \$205,375

C.5 Select/Recommend Preferred Alternative \$165,000

Purpose: To obtain regional consensus and adopt a preferred alternative through an extensive public outreach program. This program will use both traditional grass-roots activities as well as new technological methods to encourage participation. The RTP will be amended to reflect the adopted alternative, as appropriate.

Consultant Tasks:

- (a) Public Information Campaign - Purchased Media Space: Continued from Phase I. This three-piece campaign will be designed to: (1) build awareness and interest, (2) educate, and (3) solicit response from all targeted audiences.

•Advertising in major regional and subregional newspapers - \$25,000

- (b) Mailings/Newsletters: The public and interested groups will be notified of the status of the study and upcoming activities, including public hearings and workshops. Periodic updates of the progress of the study during Phase I will be provided by a tabloid insert in local and regional newspapers.

•Expenses for mailings to study mailing list - \$20,000

*Portland Metropolitan Area Congestion Pricing Pilot Program
Revised Pre-Project Study Work Plan and Budget September 19, 1995*

- Expenses for tabloid newspaper inserts - \$60,000

- (c) House Meetings/Public Forums: These meetings will involve the general public, business and interest groups in impacted areas and regionwide. The house meetings will allow for discussions of the congestion pricing study in a small setting.

- Expenses for house meetings and public forums in Phase II - \$25,000

- (d) Citizens Advisory Committee (CAC) Meetings: The CAC is an opportunity for citizens in the region to be involved in all phases of the study. The CAC reviews draft findings and makes recommendations to policy and technical groups. CAC meetings are open to the public.

- Expenses for managing the CAC and its meetings are included in the budget for project management and administration.

- (e) Presentations to Community Groups/Speakers Bureau: Staff from Metro and its regional partners will make presentations to community groups to disseminate information about the congestion pricing study. Presentation materials, including videos, maps and charts, will be developed and maintained for use by speakers. Build the visibility of the public outreach campaign through news conferences and other media coverage. News releases and public service announcements will be used at key milestones to keep the public informed of decisions and advancements in the congestion pricing study. Displays may be used at RTP public forums, public fairs and conferences. Editorial board meetings, "Town Hall" discussion shows and radio talk shows may all be used encourage an informed discussion.

- Expenses to develop presentation materials - \$30,000

- (f) Telephone Line. Electronic Bulletin Board: Metro will designate a direct dial telephone line (with a recording device) so that people can call for information about the project and/or leave a message or comments. The telephone line will be monitored daily by public involvement staff or consultants. Once the comments have been transcribed, the comments and response will become part of the public record.

- Expenses for telecommunications services/equipment - \$5,000

- (g) Public Comment/Agency Response: Public comment will be solicited and taken at a variety of meetings and hearings and during comment periods. The public will also have the opportunity to submit comments at any time by mail, telephone, fax machine or electronic mail. Metro or its consultants will record all comments, both written and oral, and provide a reply. Responses may deal with comments individually or as a group, as appropriate. Draft recommendations will be revised based on comments received, as appropriate.

•Expenses for agency response to public comments are included in the budget for task C.6.

Product: Regional discussions and consensus on a preferred alternative for congestion pricing.

C.6 Metro Staff Review of Consultant Work: In-House Public Involvement \$32,375

Metro staff will develop Requests for Proposal (RFPs), review contracts for consistency with Consultant work tasks, review consultant work products, and coordinate revisions and/or modifications to work products as necessary. Metro public involvement staff will complete tasks as needed, including setting up for meetings and responding to the public's questions and comments.

C.7 Local Agency Support of Public Involvement Program \$8,000

Local agencies will assist Metro in formulating and modifying consultant work requests and reviewing consultant work products. Local jurisdictions may sponsor and/or assist with public meetings and workshops.

APPROVAL PROCESS

Total of \$25,375

C.8 Adopt Preferred Alternative/Amend RTP

\$5,375

A preferred alternative and a conceptual plan/strategy for implementation will be adopted using Metro and ODOT's formal decision-making processes for transportation policy. The plan will also include implementation requirements for the preferred alternative, including legal, institutional, operational, technological and cost/revenue issues (including revenue allocation). An evaluation framework will also be prepared. These processes will include formal public hearings to obtain public comment. As appropriate, the RTP will be amended to reflect study results. The budget for this tasks represents Metro and local agency staff time to prepare and present staff and committee reports and recommendations.

C.9 Produce Final Report for FHWA

\$20,000

The final report will include an implementation plan for the preferred alternative, including legal, institutional, operational, technological and cost/revenue issues. This consultant task will include a description and evaluation of the study and its results. The public education and involvement program will be evaluated for its effectiveness in reaching and involving the various interest groups in the region. Before and after surveys conducted as part of the public opinion research (beginning with task B.10) will generate information for the evaluation. The report will also describe an evaluation framework for the preferred alternative assuming implementation as an FHWA pilot project. The report will document the process and outline a strategy (at least in concept) for proceeding with the next steps (e.g. state legislative approval) to implement congestion pricing in the Portland metropolitan area.

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Agenda Item 7.2

Resolution No. 95-2214

**Metro Council Meeting
Thursday, October 12, 1995**

TRANSPORTATION COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 95-2214, FOR THE PURPOSE OF APPROVING AMENDMENT TO A CONTRACT WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION TO PROVIDE THE SERVICES OF AN EXPERT REVIEW PANEL FOR INDEPENDENT TECHNICAL REVIEW OF THE SOUTH/NORTH CAPACITY TRANSIT STUDY

Date: October 4, 1995

Presented by: Councilor Washington

Committee Recommendation: At the October 3 meeting, the Committee voted to unanimously recommend Council adoption of Resolution No. 95-2214. Voting in favor: Councilors Kvistad, Monroe and Washington.

Committee Issues/Discussion: Richard Brandman, Assistant Director, Transportation, and Leon Skiles, Transportation Planning Manager, presented the staff report. Brandman explained that expert review panel for the South/North transit study had been established in 1993. The creation of such a panel had been mandated by the Washington Legislative Assembly and the Oregon Legislative Assembly recently enacted a similar requirement. Federal regulations also encourage the establishment of such panels for federally funded projects.

The purpose of the proposed resolution is to amend a contract with the Washington Department of Transportation to continue the work of panel through the completion of the Environmental Impact Statement process in December 1996. The panel consists of nationally recognized experts in various aspects of transportation planning and project management. The panel meets 2 to 3 times a year to review technical data, capital cost information and ridership forecasts related to the South/North project.

Washington formerly provided some gas tax revenue funds to finance the work of the panel, but this funding was recently terminated. The estimated cost of continuing the work of the panel through the end of 1996 is \$85,000, which would be funded from existing project funds.

Councilor Washington asked for more specifics about the panel members and Mr. Skiles reviewed the names and qualifications of several of the members. Washington asked for a breakdown of how the proposed expenditures would be spent. Skiles noted that most of the funding is spent to provide independent staff for the panel and pay for the cost of the actual meetings. Metro staff involvement is generally limited to the development of presentations for the panel to review. Washington asked why citizens were not included on the review panel. Skiles responded that the information reviewed by the panel was highly technical and that the role of the panel was limited to technical issues and that it was not involved in policy review.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING) RESOLUTION NO. 95-2214
AMENDMENT TO A CONTRACT WITH)
THE WASHINGTON STATE DEPARTMENT) Introduced by Mike Burton,
OF TRANSPORTATION TO PROVIDE THE) Executive Officer
SERVICES OF AN EXPERT REVIEW PANEL)
FOR INDEPENDENT TECHNICAL REVIEW)
OF THE SOUTH/NORTH HIGH CAPACITY)
TRANSIT STUDY)

WHEREAS, Metro is the lead agency in studying alternatives for high capacity transit in the South/North corridor; and

WHEREAS, The South/North Expert Review Panel has provided a volunteer, independent review of the technical analysis created by project staff since its inception in 1992; and

WHEREAS, This independent review of technical data helps project staff provide better data to decision makers; and

WHEREAS, This independent review of technical data creates confidence in the public community that the analysis is technically sound; and

WHEREAS, State of Washington law requires high capacity transit studies to use the Expert Review Panel process for all high capacity transit projects to be funded by the State of Washington; and

WHEREAS, An Expert Review Panel is now recommended to be a part of the local planning process for federally funded transportation projects; and

WHEREAS, The South/North project will complete an Environmental Impact Study for the entire corridor from Clackamas County, Oregon to Clark County, Washington to ensure federal approval and funding of the corridor as one project; and

WHEREAS, It is necessary to continue the services of the Expert Review Panel during the Environmental Impact Study phase of the project; and

WHEREAS, Funding for Expert Review Panel expenses are no longer available from the State of Washington; and

WHEREAS, Metro currently funds 60 percent of the expenses of the South/North Expert Review Panel; and

WHEREAS, \$71,000 remain unspent of the current authorization of \$139,000 for Expert Review Panel expenses; and

WHEREAS, Expenses for the Expert Review Panel through the Environmental Impact Study phase of the project (from July 1, 1995 through December 31, 1996) are estimated to be \$156,000; now, therefore,

BE IT RESOLVED, The contract with the Washington State Department of Transportation (No. 903-406) be amended to change Metro's percentage of responsibility to 100 percent of costs incurred for the Expert Review Panel from July 1, 1995 through December 31, 1996 not to exceed \$156,000 as written in Exhibit A.

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

J. Ruth McFarland, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION
HIGH CAPACITY TRANSPORTATION - EXPERT REVIEW PANEL

THE FIRST AMENDMENT TO GC-9978 entered into by the Washington State Department of Transportation (hereinafter referred to as the "Department") and Metro-Portland, (hereinafter referred to as "Metro"), WITNESSES THAT:

Delete the existing language in Sections 1 through 3 of GC-9978 and replace them as follows:

Section 1. Purpose of Agreement. The purpose of this Agreement is to provide for Metro reimbursement of the expenses incurred by the Department in paying the Bi-State Expert Review Panel costs.

Section 2. Scope of Project. The Department and Metro have agreed upon the following issues:

- A. The Department has budgeted \$156,000 for all expenses of the Bi-State Expert Review Panel for the time of performance of this agreement; and
- B. Metro is responsible for 100% reimbursement up to a maximum of \$156,000 of Expert Review Panel costs paid by the Department;
- C. Metro will reimburse the department for Expert Review Panel expenses incurred based on invoices from the Washington State Department of Transportation which includes copies of panel bills paid. Billings will be made by the Department on an incremental basis, either monthly or quarterly.

Section 3. Time of Performance. The Project period of this Agreement shall be October 4, 1993 to December 31, 1996.

A copy of this Amendment shall be attached to and made a part of the original Agreement. Any references in such Agreement to the "Agreement" shall mean "Agreement as amended". All other terms and conditions of the original Agreement shall remain in full force and effect. This document may be simultaneously executed in several counterparts each of which shall be deemed original having identical legal effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment the date and year last written below.

**WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION**

METRO

By: _____

JAMES SLAKEY, Director
Public Transportation and
Rail Division

By: _____

Title: _____

Date: _____

Date: _____

Approved as to form:

By:  _____
Assistant Attorney General

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2214 FOR THE PURPOSE OF APPROVING AN AMENDMENT TO A CONTRACT WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION TO PROVIDE THE SERVICES OF AN EXPERT REVIEW PANEL FOR INDEPENDENT TECHNICAL REVIEW OF THE SOUTH/NORTH HIGH CAPACITY TRANSIT STUDY

Date: September 19, 1995

Presented by Andy Cotugno

FACTUAL BACKGROUND AND ANALYSIS

The South/North Expert Review Panel has been providing an independent review of technical data for the South/North High Capacity Transit project since its inception in 1993. The Panel was a requirement of State of Washington law for high capacity transit projects to receive State of Washington transportation funds. The purpose of the Panel is to ensure accurate and adequate technical information is provided to decision-makers on which to base their decisions.

In response to the Intermodal Surface Transportation and Efficiency Act of 1992, new federal regulations on transportation planning now encourage an Expert Review Panel process in order to qualify for federal funding of transportation projects.

The Panel will continue to review draft technical reports individually and then meet as a group in the Portland area, generally over a two-day period, to discuss the technical analysis. At the conclusion of the meeting, Panel staff prepares a list of recommendations on how the reports should be changed or improved. Panel members are not paid for their participation at meetings or time reviewing the technical data. There are expenses, however, in providing staff support to the committee and reimbursing the expenses of holding committee meetings.

The State of Washington has previously supported a portion of funding Panel expenses through a portion of gas tax revenues. The Washington State Legislature has now dedicated these funds to other projects. Because the Panel provides valuable input into the South/North light rail analysis and because of the need to accommodate new federal recommendations and continue to meet State of Washington requirements, full funding of Panel expenses is needed.

Panel expenses through the Environmental Impact Study process from July 1, 1995 to December 31, 1996 are estimated to be \$156,000. There is \$71,000 available in the current Panel account that can be carried over to cover a portion of these expenses. To meet expected expenses through the end of the Environmental Impact Study process, authorization of an additional \$85,000 is needed. Contract #903-406 would be amended to extend Panel services to December 31, 1996 and to provide for Metro to reimburse Panel expenses up to \$156,000 for the remainder of the contract. The total contract amount, including costs already reimbursed dating back to October 4, 1993, will become \$223,816.

CHANGE ORDER SUMMARY

CHANGE ORDER NO: 1 INITIATION DATE: 9/11/95
CONTRACT NO: 903406 PROJECT: Reimbursement of ERP Expenses
CONTRACTOR: Washington State DOT VENDOR # _____
PROPOSED BY: Leon Skiles
PROJECT MANAGER/DEPARTMENT

FINANCIAL IMPACT

BUDGET CODE/TITLE: 140 122200 528100 45670

Original Contract Sum: \$ 138,816.00

Net Change Orders to Date: \$ 0

Contract Sum Prior to this C/O: \$ 138,816.00

This Change Order Request: \$ 85,000.00

New Contract Sum, Post C/O: \$ 223,816.00

Fiscal Year - -
Appropriation \$ _____

Contract, Paid to Date: \$ 67,816

Est. Appropriation Remaining: \$ 156,000

EFFECTIVE DATE(S): 7/1/95 - 12/31/96

REVIEW & APPROVAL:

[Signature] 9/17/95 [Signature] 9/19/95
DIVISION MANAGER DATE

FISCAL DATE

[Signature]
DEPARTMENT DIRECTOR DATE

BUDGET (MULTI-YEAR ONLY) DATE

DIRECTOR GENERAL SERVICES DATE

LEGAL DATE

Agenda Item 7.3

Resolution No. 95-2218

**Metro Council Meeting
Thursday, October 12, 1995**

TRANSPORTATION COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 95-2218, FOR THE PURPOSE OF AUTHORIZING A CONTRACT FOR TECHNICAL ASSISTANCE, FINANCIAL ANALYSIS AND INTERGOVERNMENTAL COORDINATION FO THE SOUTH/NORTH TRANSIT CORRIDOR STUDY

Date: October 4, 1995

Presented by: Councilor Kvistad

Committee Recommendation: At the October 3 meeting, the Committee voted to unanimously recommend Council adoption of Resolution No. 95-2218. Voting in favor: Councilors Kvistad, Monroe and Washington.

Committee Issues/Discussion: Richard Brandman, Assistant Director, Transportation Planning, presented the staff report. He noted that the Metro Council adopted a resolution in May authorizing staff to release an RFP to procure technical assistance, financial analysis, and intergovernmental coordination services related to the South/North Transit Corridor Study. Three groups of consultants responded to the RFP. Each proposer was interviewed by an evaluation committee consisting of Metro, Tri-Met and local government staff.

The proposed resolution would authorize entering into a contract with the Larkin Group, which received the unanimous approval of the evaluation committee. Brandman indicated that Larkin Group had superior experience with other light rail projects, was capable of providing full cost benefit analyses and offered to provide a broader level of services under the terms of the contract.

Councilor Kvistad asked about the source of funding for the contract. Brandman responded that the funds would be provided from existing, budgeted funds for the South/North project.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING)
A CONTRACT FOR TECHNICAL)
ASSISTANCE, FINANCIAL ANALYSIS)
AND INTERGOVERNMENTAL)
COORDINATION FOR THE SOUTH/)
NORTH TRANSIT CORRIDOR STUDY)

RESOLUTION NO. 95-2218

Introduced by Mike Burton,
Executive Officer

WHEREAS, The Regional Transportation Plan has the South/North Transit Corridor Study as the region's highest priority for development once the Light Rail Transit in the Westside Corridor and Hillsboro Extension is complete; and

WHEREAS, Light rail alignment and termini studies from Clackamas County through Milwaukie, Portland and Vancouver into Clark County, Washington are now being developed as part of a Draft Environmental Impact Statement (DEIS); and

WHEREAS, Consultant Services are deemed to be the most efficient means by which to manage the large amount of work and provide needed technical and financial expertise; and

WHEREAS, The Technical Assistance contract for the South/North Transit Corridor Study is listed in the 1994-95 Fiscal Year Budget as a Type "A" contract which pursuant to Metro Code Provision 2.04.032(d) requires authorization by Metro Council prior to the award of a contract for Consultant Services; and

WHEREAS, In May 1995 Metro Council approved Resolution No. 95-2141A which authorized release of a Request for Proposals for Technical Services for the South/North Study; and

WHEREAS, Three consultant team proposals were received and reviewed by a Consultant Selection Committee that unanimously recommended The Larkin Group Proposal as

the finalist to negotiate a contract with; and

WHEREAS, Metro Code Section 2.04.033 (a)(1) requires the Metro Council to approve all multi-year contracts which commit Metro to expenditures beyond the current fiscal year; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby approves authorization to enter into a contract with the Larkin Group, substantially similar to Exhibit A, to provide technical, financial and intergovernmental coordination assistance for the South/North Transit Corridor Study through the completion of the Draft Environmental Impact Statement and the Design Concept and Scope Refinement Report.

2. That the Metro Council approves the inclusion of a statement in the contract which would allow Metro, at its discretion and with future Metro Council approval, to extend that Contract and thereby allow provision of similar services through preparation and completion of the Final Environmental Impact Statement and Record of Decision.

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

J. Ruth McFarland, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Contract No. 904099

**SOUTH/NORTH TECHNICAL ASSISTANCE, FINANCIAL
ANALYSIS AND INTERGOVERNMENTAL COORDINATION
PERSONAL SERVICES AGREEMENT**

THIS AGREEMENT is between the METRO, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, and The Larkin Group Inc., referred to herein as "Contractor," located at 2535 SW Patton Court, Portland, OR 97201-1638. Federal ID # 93-1085282.

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

1. **Duration.** This personal services agreement shall be effective upon signatures of authorized parties and shall remain in effect until and including June 30, 1997, unless terminated or extended as provided in this Agreement.
2. **Scope of Work.** Contractor shall provide all services and materials specified in the attached "Exhibit A -- Request for Proposals (July 3, 1995) and Exhibit B -- The Larkin Group Proposal (July 25, 1995)," which are incorporated into this Agreement, and referred to herein as "Scope of Work." All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. **Payment.** Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed TWO HUNDRED FORTY NINE THOUSAND NINE HUNDRED EIGHTY EIGHT AND NO/100THS DOLLARS (\$249,988.00). An option to increase the contract up to an additional \$25,000.00 may be authorized following an agreement between METRO and the Contractor on a Scope of Work and budget and written authorization by METRO's Project Manager.

Contractor shall invoice METRO for reimbursement of expenditures for authorized work performed under the Scope of Work approximately on a monthly basis. The invoice(s) shall include a brief description of the work performed during the invoice period and shall include itemization of costs at a task level.

The task budget for this contract is included in "Exhibit B". Budgeted amounts for each task may be modified, keeping the total not to exceed budget constant, upon written agreement between the METRO Project Manager and the Consultant contract manager.

4. Insurance.

a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:

(1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and

(2) Automobile bodily injury and property damage liability insurance.

b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.

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

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

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$1,000,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

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

6. Project Records. The Contractor shall establish and maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this Agreement. To facilitate the administration of the Project, separate

accounts shall be established and maintained within the Contractor's existing accounting system or set up independently. Such accounts are referred to herein collectively as the "Project Accounts." The Contractor shall charge to the Project Account all eligible costs of the Project. Costs in excess of the latest approved budget or attributable to actions which have not received the required approval of Metro, shall not be considered eligible costs. All costs, charged to the Project, including any approved services contributed by the Contractor or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in proper detail the nature and propriety of the changes.

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

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

9. Audits, Inspections and Retention of Records. Metro, the Oregon and Washington Departments of Transportation, the State Auditors, and any of their representatives shall have full access to and the right to examine, during normal business hours and as often as they deem necessary, all of the Contractor's records with respect to all matters covered by this Agreement. Such representatives shall be permitted to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, accounting records and other materials pertaining to costs incurred in connection with the project shall be retained by the Contractor for three years from the date of completion of the project to facilitate any audits or inspections. If any litigation, claim, or audit is commenced, the records along with supporting documentation shall be retained until any litigation, claim, or audit finding has been resolved even through such litigation, claim, or audit continues past the three-year retention period.

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

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

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

13. Equal Employment Opportunity. The Contractor agrees to abide by all state and federal laws and regulations with respect to employment. This includes, but is not limited to, equal opportunity employment, nondiscrimination assurances, project record keeping, audits, inspection, and retention of records and with adhere to all of the nondiscrimination provisions in Chapter 49.60 RCW, Laws of the State of Washington.

14. Federal Funds Provisions.

a. If this payment is to be charged against federal funds, the Contractor certifies that it is not currently employed by the federal government.

b. If federal funds are involved in this Agreement, Exhibit "C", Federal Provisions, are incorporated into this Agreement by reference.

c. Contractor shall not be compensated for work performed under this Agreement by any other federal, state, or local agency.

d. This Agreement may be terminated by Metro upon 30 days notice, in writing and delivered by certified mail or in person if funding from federal, state, or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services. The Agreement may be modified to accommodate a reduction in funds.

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

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

17. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor 30 days prior written notice

of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

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

19. Severability. The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

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

21. Staffing. Metro's Project Manager is Leon Skiles, Metro High Capacity Transit Planning Manager. Contract's Contract Manager is Geoff Larkin, The Larkin Group, Inc. Within Exhibit "B", Contractor has identified and committed key staff for each task to work with Metro through the duration of this Agreement. Any changes in the key staff must be requested and approved in writing by Metro. Unacceptable changes in the key staff will be sufficient cause for termination of this contract.

THE LARKIN GROUP, INC. METRO

By: _____ By: _____
Title: _____ Title: _____
Date: _____ Date: _____

1:904099.encl

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2218 FOR THE PURPOSE OF AUTHORIZING A CONTRACT FOR TECHNICAL ASSISTANCE, FINANCIAL ANALYSIS AND INTERGOVERNMENTAL COORDINATION FOR THE SOUTH/NORTH TRANSIT CORRIDOR STUDY

Date: September 19, 1995

Presented by: Andy Cotugno

PROPOSED ACTION

Authorizing entering into a contract with The Larkin Group, Inc. to provide assistance to Metro in preparing methodology reports, technical analyses, results reports and sections and chapters of the South/North Transit Corridor Study. Technical analysis will be provided in areas of transit impact and in developing and evaluating financial plans and scenarios. The Larkin Group, Inc. will also prepare an analysis of and document the project's land use and economic benefits that will be used to address anticipated Federal land use and economic criteria. As noted in the Request for Proposal for this contract, Metro may later consider an extension of this contract for the provision of similar services to assist in the completion of the South/North Transit Corridor Study Final Environmental Impact Statement subject to future Metro Council approval.

FACTUAL BACKGROUND AND ANALYSIS

The proposed scope of work included within the Request for Proposal that was approved in May 1995 by Council for release is one of three consultant contracts that is traditionally issued by Metro and Tri-Met for light rail studies. The first contract for overall preparation of the Draft Environmental Impact Statement is currently being negotiated with Parametrix, Inc. The second contract is for preliminary engineering services and will be issued by Tri-Met. The third contract for technical assistance, financial analysis and intergovernmental coordination is the subject of this Council action.

In May 1995 following Metro Council approval (Resolution No. 95-2141A), Metro's Transportation Planning Department issued a Request for Proposal which identified four criteria to be used in the selection of a consultant to perform the scope of work for the technical assistance contract. Those criteria were:

1. Consultant experience and skill in:
 - Preparation of purpose and need statements and evaluation methodologies for DEIS
 - Providing Financial Analysis for Major Public Work projects
 - Providing state, local and federal intergovernmental coordination
 - Preparation of Benefits Assessment and Monetization of Land Use and Economic Benefits for Major Public Infrastructure Investments

- Preparation of transit and impact analysis for major transit investments, and
 - Review and comment on DEIS results reports;
2. The ability of the consultant (given the work plan, staffing assignments and budget) to meet the proposed project schedule;
 3. Demonstrated consultant ability to control costs, meet schedules and comply with federal state and local regulations; and
 4. Demonstrated consultant ability to effectively communicate both orally and verbally with elected officials, neighborhood groups and staff.

Metro received three proposals in response to the technical assistance Request for Proposals. The responding teams were:

- HDR Engineering with Manuel Padron and Associates, Molyneau Associates and Dorman & Company;
- Cambridge Systematics, Inc. with Pacific Rim Resources, Inc.; and
- The Larkin Group, Inc. with Steven M. Siegel and Associates, Kato and Warren, Inc. and The Underhill Company.

All proposing consultant teams passed the initial screening criteria and were interviewed on August 4, 1995. The interviews were structured to provide the consultant teams the opportunity to make a presentation on their approach to the proposed scope of work and highlight their relevant experience in providing the requested type of professional services. Time was reserved during each interview for the consultant to answer questions from the consultant selection committee and for the consultant to make any concluding remarks.

The consultant selection committee consisted of five members, each from an agency participating in the South/North Transit Corridor Study. The committee was composed of: Richard Brandman, Metro; Elsa Coleman, The City of Portland; Leo Huff, Oregon Department of Transportation; Bob Post, Tri-Met; and Rod Sandoz, Clackamas County. Casey Short attended all of the consultant presentations and observed the consultant selection committee's evaluation process on behalf of the Metro Council.

A weighted rating system was used by the consultant selection committee to evaluate the consultant's proposals and oral presentations.

The consultant selection committee came to an unanimous recommendation that The Larkin Group, Inc. team was the most qualified to provide the professional services outlined in the Request for Proposal based on their proposal, reference checks and their oral presentation. The committee determined that The Larkin Group, Inc. team provides the highest level of experience and skills directly related to the scope of work. Casey Short concurred with the selection committee's recommendation.

The selection committee noted that The Larkin Group, Inc. team members have extensive experience with the Banfield, Westside and Hillsboro light rail projects in providing technical assistance, financial analysis and intergovernmental coordination. The team also provides experience with other major public investments, in particular, experience with full cost-benefit analysis, preparation of evaluation methodologies, preparation of financial plans and analysis for highway projects. Further, The Larkin Group, Inc. team exhibited the highest ability to respond quickly to immediate issues with their strong local presence and record of past performance. The Larkin Group, Inc. proposal was the most responsive to the scope of work and team members exhibited the highest level of understanding of the issues and products presented within the scope. The cost and staffing proposal of The Larkin Group, Inc. provided the highest number of principle staff member hours at a similar total cost. In summary, the selection committee concluded that The Larkin Group, Inc. proposal and team presented the best combination of skills and experience needed to successfully complete the scope of work.

The total value of the proposed contract would be \$249,988 with an additional \$25,000 available if needed following an agreement on a scope of work and budget and written authorization from Metro. As noted in the RFP, Metro may, at its discretion and pending future Metro Council approval, extend this contract to include a similar scope of work for the Final Environmental Impact Statement. Determination of the extension will be based upon performance within the DEIS and the ability to successfully negotiate a scope of work and budget.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2218.

95-2218.rjf

Agenda Item 7.4

Resolution No. 95-2220

**Metro Council Meeting
Thursday, October 12, 1995**

TRANSPORTATION COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 95-2220, FOR THE PURPOSE OF AMENDING THE SOUTH/NORTH INTERGOVERNMENTAL AGREEMENT (CONTRACT 903678) WITH THE TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON

Date: October 4, 1995

Presented by: Councilor Washington

Committee Recommendation: At the October 3 meeting, the Committee voted to unanimously recommend Council adoption of Resolution No. 95-2220. Voting in favor: Councilors Kvistad, Monroe and Washington.

Committee Issues/Discussion: Richard Brandman, Assistant Director. Transportation Planning, reviewed the staff report and explained the purpose of the resolution. He noted that staff anticipates that the South/North Light Rail Project will be entering the Preliminary Engineering phase shortly. The original Metro resolution that authorized the sale of bonds for the Westside Light Rail Project provided that \$4 million in bond interest would be made available for planning, preliminary engineering and other activities related to a Clackamas County light rail project.

Brandman indicated that Metro and Tri-Met have an intergovernmental agreement related to funding for the South/North Study. The purpose of the proposed resolution is to amend the intergovernmental agreement to authorize the transfer of the \$4 million in Westside bond interest from Tri-Met to Metro to finance continuing work on the South/North Project. In addition, the resolution provides that Metro would reimburse Tri-Met by \$500,000 for additional conceptual engineering support related to development of the the draft environmental impact statement.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) RESOLUTION NO. 95-2220
SOUTH/NORTH INTERGOVERNMENTAL)
AGREEMENT (CONTRACT NO: 903678)) Introduced by:
WITH THE TRI-COUNTY METROPOLITAN) Councilor Monroe
TRANSIT DISTRICT OF OREGON)

WHEREAS, Metro and the Tri-County Metropolitan Transit District of Oregon have executed an intergovernmental agreement (Contract No: 903678) for assistance in funding the South/North Light Rail Project; and

WHEREAS, Contract No: 903678 provides for Metro to reimburse the expenses of the Tri-County Metropolitan Transit District of Oregon for specified tasks related to the South/North Light Rail Project; and

WHEREAS, Metro Resolution No: 92-1646 authorized the sale of general obligation bonds for the Westside Light Rail Construction Project with the provision that approximately \$4 million in interest from the sale of those bonds be made available to the South/North Light Rail Project for planning, preliminary engineering and other purposes; and

WHEREAS, Metro has submitted a request to the Federal Transit Administration to advance the South/North Corridor into Preliminary Engineering; and

WHEREAS, Metro has submitted a grant request to the Federal Transit Administration for approximately \$12.3 million in I-205 E-4 Interstate Transfer Funds for partial funding of the South/North Draft Environmental Impact Statement and Preliminary Engineering Step One Work Plan; and

WHEREAS, The \$4 million in funds to be provided to Metro by the Tri-County

Metropolitan Transit District of Oregon will be programmed for partial funding of the South/North Draft Environmental Impact Statement and Preliminary Engineering Step One Work Plan; and

WHEREAS, Additional consultant services for the provision of conceptual engineering work, beyond that specified in Contract No: 903678, is now programmed to be performed by the Tri-County Metropolitan Transit District of Oregon prior to initiating preliminary engineering; now, therefore,

BE IT RESOLVED,

That Metro Council authorizes the execution of an amendment to Contract No: 902678 between Metro and the Tri-County Metropolitan Transit District of Oregon substantially similar to Exhibit A which would provide for Metro to receive an additional \$4 million in funds for the South/North Light Rail Project from the Tri-County Metropolitan Transit District of Oregon and would increase the amount for consultant services that the Tri-County Metropolitan Transit District of Oregon would receive reimbursement from Metro by \$500,000 to cover additional conceptual engineering support needed to initiate the DEIS

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

J. Ruth McFarland, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

1:46:11 PM, 10/15/95

Exhibit A

MODIFICATION No. 1
Contract No. 94-0838I
Page 1 of 2

COMPLETE IN TRIPLICATE

This modification is made and entered into by and between the Tri-County Metropolitan Transportation District of Oregon, a transportation district organized under the laws of the State of Oregon, hereinafter "Tri-Met," and METRO, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter located at 600 NE Grand Avenue, Portland, Oregon 97232-2736, hereinafter referred to as METRO.

WHEREAS, METRO and Tri-Met have entered into an Intergovernmental Agreement, hereinafter "IGA," on June 22, 1994, to study high capacity transit improvements in the South North Corridor connecting Clackamas County, Oregon, and Clark County, Washington, hereinafter known as the South/North Transit Corridor Study Alternatives Analysis/Draft Environmental Impact Statement, or South/North AA/DEIS; and

WHEREAS, the Tri-Met Board of Directors, by Resolution 95-06-46, approved modifications to the IGA which will provide additional funds required for a contract amendment for the engineering contract with Parsons Brinckerhoff Quade and Douglas, as well as increase Tri-Met's local match contribution to METRO.

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

1. METRO agrees to increase its contribution to cover expenses incurred by Tri-Met for two contract modifications to the Engineering and Alignment Definition Contract with Parsons Brinckerhoff Quade and Douglas. METRO agrees to pay to Tri-Met a total amount of \$500,000, which increases the amount of Tri-Met's Project budget from \$2,524,868 to \$3,024,868. This modification increases the amount of authorized expenditures from \$ 2,163,165 to \$2,663,165. Section 5(a) and (c) and Exhibit B of the IGA are amended to reflect these amounts.
2. METRO and Tri-Met also agree to amend Section 4(g) of the IGA to permit Tri-Met to increase the local match contribution from \$100,000 to \$4.1 million, invoice and payment schedule will be determined and agreed upon in writing by Project Managers identified in Section 7.

NO OTHER CHANGES

TAX CERTIFICATE

By signature hereto, both Parties agree to this Modification as written. Contractor certifies, under penalty of perjury as provided in ORS 305.385(6), that it is, to the best of its knowledge, not in violation of any Oregon tax law. For this certification, "Oregon Tax Laws" are ORS chapters 118, 119, 314, 316, 317, 318, 320, 321, and 323 and sections 10 to 20, chapter 533; Oregon Laws 1981, as amended by chapter 16; Oregon Laws 1982 (first special session); the Homeowners and Renters Property Tax Relief Program under ORS 310.630 to 310.690; and any local taxes administered by the Oregon Department of Revenue under ORS 305.620.

METRO

TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT
OF OREGON

Title: _____

Executive Director, Technical Services

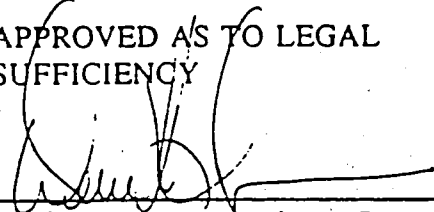
Date of Execution: _____

Date of Execution: 1/28/85

APPROVED AS TO LEGAL
SUFFICIENCY

APPROVED AS TO LEGAL
SUFFICIENCY

Attorney for Metro



Denise K. Turner, Assistant General Counsel

SOUTH/NORTH LCDC CRITERIA WORK SCHEDULE

- (9/6) 1. All plans have been collected by Metro staff. Meet with planning directors (or designees) to discuss the process; assign identification of applicable plan policies. Designate person for working group from each jurisdiction.
- (9/13) 2. Metro meets with DLCD to go over SB 1156; identify DLCD contact; urge special meeting needed to meet 90 day timeline.
- (by 9/25) 3. Cities and counties identify applicable policies for analysis.
- (by 10/2) 4. Consultant reviews Westside packet and S/N comp plans; receives local input; discusses with local representatives.
- (10/6) 5. Consultant and Metro staff review comp plan applicability and complete collating plan policies by similar categories to those used on Westside (pre-criteria) - Consultant.
- (10/6) 6. Develop first draft of proposed criteria (Consultant, Metro staff); review against likely alternatives; compare with Westside criteria; mail to planners.
- (10/18) 7. Planners meeting at 9:00 a.m. at Metro to discuss and amend proposed criteria (Consultant attends).
- (10/20) 8. DLCD meets on proposed criteria (Consultant, Metro staff).
- (by 10/31) 9. Revise criteria (all); draft Narrative in support (Consultant).
- (by 10/31) 10. Letter from planning directors (including Metro) in support of criteria (Consultant, Metro staff).
- (by 10/31) 11. Metro narrative relating S/N to RTP, RUGGO (2040) - Metro staff.
- (by 11/15) 12. Submit packet to LCDC for their hearing notice (Metro Transmittal).
- (12/7) 13. Hearing by LCDC.
- (12/8) 14. Adopt criteria by LCDC.

kaj2062

WESTSIDE
CORRIDOR

D. APPLICABLE CRITERIA.

On March 8, 1991, LCDC entered an order establishing the criteria to be applied by the Board in its land use decision on light rail alignments, light rail station and park-and-ride lot locations, and highway improvements. The Commission acted pursuant to Section 4 of Senate Bill 573, which requires the Commission to "establish criteria to be used by the district in making decisions in a final order on light rail alignments, station and lot locations and highway improvements."

The criteria include two procedural and seven substantive criteria, one of which applies only where the choice of alignment differs from the specific alignment contained in an acknowledged comprehensive plan of an affected jurisdiction. In its final order, the Board must demonstrate compliance with these criteria.

Procedural Criteria.

- (1) Coordinate with and provide an opportunity for the Oregon Transportation Commission, the Oregon Department of Transportation, Multnomah and Washington counties, the cities of Beaverton, Hillsboro and Portland, and the Metropolitan Service District to submit testimony on the light rail alignments, light rail station, and park-and-ride lot locations and the highway improvements.
- (2) Hold at least one public hearing to provide an opportunity for the public to submit testimony on the light rail alignments, light rail station, and park-and-ride lot locations and the highway improvements.

Substantive Criteria.

- (3) Identify adverse economic, social and traffic impacts on affected residential, commercial, and industrial neighborhoods, and consider mitigation measures to reduce those impacts which could be imposed as conditions of approval during the National Environmental Policy Act (NEPA) process or by affected local governments during the permitting process.
 - (A) Provide for highway improvements that facilitate efficient traffic flow, balancing the need to improve the highway system with the need to protect affected residential, commercial, and industrial neighborhoods and, in the City of Portland, the need to protect the scenic qualities of the Sunset Canyon.

- (B) Provide for a light rail alignment, light rail stations, and park-and-ride lots, balancing the need to protect affected residential, commercial, and industrial neighborhoods with the need for proximity and connections to present or planned residential, employment and recreational areas that are capable of enhancing transit ridership. Park-and-ride lots shall not be located within the central business district of the City of Beaverton or within the boundaries established by the Downtown Parking and Circulation Policy of the City of Portland.
- (4) Identify adverse noise impacts and mitigation measures or other techniques to reduce noise impacts which could be imposed as conditions of approval during the NEPA process or by affected local governments during the permitting process. Consider adverse impacts that noise mitigation measures may have on scenic resources in the Sunset Canyon.
 - (5) Identify landslide areas, areas of severe erosion potential, areas subject to earthquake damage, and lands within the 100 year floodplain. Demonstrate that adverse impacts to persons or property can be reduced or mitigated through design or construction techniques which could be imposed as conditions of approval during the NEPA process or by local governments during the permitting process.
 - (6) Identify adverse impacts of project development on significant fish and wildlife, scenic and open space, riparian, wetland, and park and recreational areas, as identified in the local comprehensive plans. Where adverse impacts cannot practically be avoided, encourage the conservation of natural resources by demonstrating that there are measures to reduce or mitigate impacts which could be imposed as conditions of approval during the NEPA process or by local governments during the permitting process.
 - (7) Identify adverse impacts associated with stormwater runoff. Demonstrate that there are measures to provide adequate stormwater drainage retention or removal which could be imposed as conditions of approval during the NEPA process or by local governments during the permitting process.
 - (8) Identify how, if at all, historic and cultural resources which are inventoried and designated in local comprehensive plans will be adversely affected. Where adverse impacts cannot practically be avoided, demonstrate that local, state or federal review processes are available to address and to reduce adverse impacts to affected resources to the extent practical and prudent.
 - (9) If Tri-Met selects an alignment within the City of Beaverton and Washington County that is different from the specific

alignment contained in the acknowledged comprehensive plans of those jurisdictions, Tri-Met shall also:

Demonstrate that the selected alignment on balance is more effective than the specific alignment contained in the acknowledged comprehensive plans of the City of Beaverton and Washington County in meeting the concerns addressed in these criteria.

E. RECOMMENDATIONS TO THE BOARD.

The land use decision before the Board has been reviewed, and recommendations made, by the Citizens Advisory Committee, the Project Management Group, the Steering Group, the cities of Portland, Beaverton and Hillsboro, the counties of Multnomah and Washington, the Oregon Transportation Commission, the Joint Policy Advisory Committee on Transportation, and the Metropolitan Service District. The transcripts of the CAC, PMG, and Steering Group meetings are part of the record.

In some areas, there are no options proposed with respect to the light rail alignment, the location of light rail stations and park-and-ride lots, and the highway improvements. However, options do exist for some areas, particularly with respect to the light rail alignment and the highway improvements. A document entitled "Decision Document" identifies alternatives, lists the advantages and disadvantages of the alternatives, and indicates the recommendations of prior reviewing bodies on those alternatives. While this document is intended to assist the Board in selecting a locally Preferred Alternative for purposes of compliance with NEPA, the document also provides assistance to the Board for purposes of making its land use decision.

The staff recommendation follows in nearly all respects the recommendation of the Steering Group on light rail improvements and the Oregon Transportation Commission with respect to the highway improvements. These recommendations are consistent in nearly all respects with the recommendations of the other groups and jurisdictions identified above. The alternative options and the staff recommendation are as follows:

1. Light Rail Transit.

Staff recommends a light rail route beginning in downtown Portland with a terminus at SW 185th Avenue in Hillsboro. Staff endorses ultimate extension of this route to downtown Hillsboro.

The recommended route includes a long tunnel with a zoo station option in the Sunset Canyon; the North entry into the City

Staff Report

CONSIDERATION OF RESOLUTION NO: 95-2220 AMENDING THE SOUTH/NORTH INTERGOVERNMENTAL AGREEMENT (CONTRACT NO: 903678) WITH THE TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON

Date: September 26, 1995

Presented by: Leon Skiles

PROPOSED ACTION

This resolution would authorize the execution of an amendment to Contract No: 902678 between Metro and the Tri-County Metropolitan Transit District of Oregon (Tri-Met), substantially similar to Exhibit A. The amendment would stipulate that Tri-Met will contribute to Metro an additional \$4 million in funds for the South/North Light Rail Project and would increase the amount for consultant services that Tri-Met would receive reimbursement from Metro by \$500,000 to cover additional conceptual engineering support needed to initiate the Draft Environmental Impact Statement (DEIS).

FACTUAL BACKGROUND AND ANALYSIS

In June 1994, Metro and Tri-Met executed an intergovernmental agreement (Contract No: 902678) for the South/North Transit Corridor Study. That agreement included a provision for Tri-Met to provide \$100,000 to Metro to help fund the South/North study. Further, the agreement stipulated that Metro would reimburse Tri-Met for up to \$1.2 million in consultant services for the South/North Study.

In March 1995, Metro submitted a request to the Federal Transit Administration to advance the South/North Corridor into Preliminary Engineering (PE) following completion of the *Major Investment Study (MIS) Final Report* for the project. The *MIS Final Report* will be submitted to FTA in the Fall 1995 following completion of further travel demand forecasting analysis.

Concurrent with the request to advance the Corridor into PE, Metro submitted a grant request to the Federal Transit Administration for approximately \$12.3 million in I-205 E-4 Interstate Transfer funds for partial funding of the South/North DEIS/PE Step One Work Plan. Additional funding for the DEIS/PE Step One Work Plan will be provided from carryover from previous federal grants and C-TRAN.

This amendment to Contract No: 902678 would:

- 1) Increase the amount for consultant services that Tri-Met would receive reimbursement from Metro by \$500,000 to cover additional conceptual engineering support needed to initiate the DEIS. This consultant work would have been provided by Tri-Met's PE consultant, but delays in the PE approval process have delayed release of that consultant selection process.

- 2) Increase Tri-Met's contribution to the South/North study by \$4 million, consistent with Metro Resolution No: 92-1646 that authorized the sale of the Westside General Obligation Bonds with the stipulation that approximately \$4 million of earned interest on the bonds be made available to the Clackamas County light rail project for planning, preliminary engineering and other activities.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2220.

sl:ugtrm.af/d

Agenda Item 7.5

Resolution No. 95-2175

**Metro Council Meeting
Thursday, October 12, 1995**

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 95-2175
ISSUANCE OF THE REQUEST FOR)
QUALIFICATIONS/PROPOSALS FOR)
PROPERTY ACQUISITION SERVICES)
FOR THE OPEN SPACES, PARKS AND) Introduced by
STREAMS PROGRAM) Regional Facilities & Finance
) Committees

WHEREAS, Metro staff have prepared the Request for Qualifications/Proposals (RFQ/P) for Property Acquisition Services for the Open Spaces, Parks and Streams Program which is attached as Exhibit A and would result in multi-year contracts; and

WHEREAS, the RFQ/P is designed to select several different consultants and/or firms with expertise in several different areas of property acquisition; and

WHEREAS, the selected consultants and/or firms would be utilized on an "on call" basis to augment Metro's existing staff to perform the work necessary to ensure the Open Spaces Program goals are met; and

WHEREAS, Metro Code section 2.04.033, requires Metro Contract Review Board approval prior to issuance of RFQ/P for multi-year contracts, now, therefore,

BE IT RESOLVED, That the Metro Contract Review Board take the following action:

1. Authorize the issuance of the attached RFQ/P for Property Acquisition Services for the Open Spaces, Parks and Streams Program, attached as Exhibit A.
2. Authorize the Metro Executive Officer to enter into multi-year contracts with the selected contractors which are not materially altered from the RFQ/P.

ADOPTED by the Metro Contract Review Board this ____ day of _____, 1995.

J. Ruth McFarland, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

EXHIBIT " A "

REQUEST FOR QUALIFICATIONS/ PROPOSALS for PROPERTY ACQUISITION SERVICES for the OPEN SPACES, PARKS AND STREAMS PROGRAM

INTRODUCTION

Metro, the regional government, is soliciting written qualifications/proposals from qualified consultants to provide Property Acquisition Services for the Metro Open Spaces, Parks and Streams Program (Open Spaces). Many different areas of expertise are required and are the subject of this Request for Qualifications/Proposal (RFQ/P). The intent of this RFQ/P is to provide Metro with a list of qualified firms that would be under contract to provide "on call" services, as required. These services are intended to augment the existing Metro staff capabilities and provide specific expertise for conducting work to ensure program goals are met. Proposers must submit a separate proposal for each of the area of expertise they desire to be considered. The tasks necessary to perform the work are described in the section titled Scope of Work. Any questions concerning this RFQ/P should be addressed to Berit Stevenson, Administrative Services Department.

GENERAL PROPOSAL INFORMATION

Qualifications/Proposals will be received at the offices of Metro, Regional Parks and Greenspaces Department, 600 Northeast Grand Avenue, Portland, Oregon 97232, Attention: Berit Stevenson, until 5:00 p.m. PDT, October 27, 1995. Submittals should be delivered to the Regional Parks and Greenspaces Department clearly marked "Qualifications/Proposal - Property Acquisition Services - Open Spaces". Each submittal must be in the format described in this RFQ/P. A mandatory meeting will be held at Metro Regional Center on October 23, 1995 in meeting room 370A at 10:00 AM to brief consultants on the project.

All information submitted by Proposers shall be public record and subject to disclosure pursuant to the Oregon Public Records Act, except such portions of the proposals for which Proposers request exception from disclosure consistent with Oregon law.

Metro and its Contractors will not discriminate against any person based on race, color, national origin, sex, sexual orientation, age, religion, physical disability, political affiliation or marital status.

BACKGROUND / HISTORY OF THE PROJECT

A \$135.6 million General Obligation bond was approved by the voters of the Metro region which consists primarily of Multnomah, Washington and Clackamas counties in May 1995. The funds will be used by Metro to acquire approximately 6,000 acres in 14 target areas and 5 trail corridors throughout the Metro region. In addition to fee simple, a variety of other property rights will likely be acquired such as timber and development rights, conservation easements, trail or access easements. Metro estimates that the program will be substantially complete within three to five years, however, because this is a willing seller program, certain parcels may

take longer to acquire. Metro expects to utilize the services of a variety of professional consultants to assist with this program. For the purposes of this RFQ/P, specifically, appraisers, negotiators, biologists, surveyors, civil engineers environmental auditors, planners/landscape architects and construction managers will be utilized to assist Metro staff to accomplish the goals of the Open Spaces program.

PURPOSE OF THIS RFQ/P

The purpose of this RFQ/P is to identify interested and qualified appraisers, negotiators, biologists, surveyors, civil engineers, environmental auditors, planners/landscape architects and construction managers who are willing and able to perform a variety of real property acquisition related services within their area of expertise on an as needed basis. Using this RFQ/P, multiple consultants in each of the above listed disciplines will be selected. Master contracts will be executed with each of the selected consultants which will establish the general requirements. During the term of the master contract, one or more of the qualified consultants will be asked to respond to individual assignments to perform certain services related to their field of expertise. The assignments will be specific to an individual property transaction, target area or trail. Consultant(s) will be asked to indicate their availability to perform the specific assignment within the stated time requirements, their cost based on the amount of time anticipated to complete the work. In addition, consultants will be asked to fully disclose any potential conflicts of interest consultant may have based on the subject of the assignment and any interest the consultant has in the property or any other related property.

Consultants are not guaranteed to receive any certain number of assignments; however, Metro anticipates that the number of individual property transactions in which services of one or more of the listed disciplines will be required is in excess of 75 per year. Most assignments are estimated to cost between \$1,500 to \$7,500.

It is anticipated that some multi-disciplinary firms could be qualified to provide services in more than one of the above disciplines. Proposers may submit and be considered for more than one discipline; however, a separate submittal must be prepared and submitted for each discipline in which Proposer would like to be considered.

PROPOSAL INSTRUCTIONS

1. Deadline and Submission of Qualifications/Proposals

Six copies of the submittal shall be furnished to Metro addressed to:
Metro, Administrative Services Department, 600 NE Grand Avenue, Portland, OR 97232
ATTN.: Berit Stevenson.

The submittal should be clearly marked "Qualifications/Proposal - Property Acquisition Services Open Spaces." In addition, indicate the area of expertise for which the submittal is being submitted. Submittals will be returned and not considered if received after 5:00 p.m. PDT, October 27, 1995. Postmarks are not acceptable.

Proposers may withdraw their Qualifications/Proposal in person, or by written or telegraphic request prior to the scheduled closing time for submitting Qualifications/Proposals.

2. Basis for Qualifications/Proposals

This RFQ/Ps represents the most definitive statement Metro will make concerning the information upon which the submittals are to be based. Any information which is not addressed in this RFQ/P will not be considered by Metro in evaluating the submittals. All questions relating to the RFQ/P should be addressed to Berit Stevenson, Administrative Services Department. Any questions which in the opinion of Metro warrant a written reply or RFQ/P amendment will be furnished to all parties receiving this RFQ/P. Metro will not respond to questions received after 5:00 p.m., October 23, 1995.

3. Selection Committee

Metro will appoint a Selection Committee(s) to review the submittals received and, if interviews are deemed by the Selection Committee(s) to be necessary, to interview Proposers. (Separate Selection Committees may be appointed for the various disciplines to be considered.) The Selection Committee(s) will make recommendations to the Metro Executive Officer regarding their selections at the conclusion of their deliberations. If interviews are deemed necessary, they will be scheduled at the respective Selection Committee's discretion.

4. Award of Contracts

Metro intends to award Contracts to the Proposers which, after considering the recommendations of the Selection Committee(s), Metro finds best fits the needs of Metro to provide Property Acquisition Services in accordance with the requirements set out in this RFQ/P.

5. Information Release

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

6. Minority and Women - Owned Business Program

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

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

QUALIFICATIONS/PROPOSAL CONTENTS

The submittal should contain not more than five (5) pages of written material (excluding resumes and brochures which may be included in an appendix), describing the ability of the Proposer to perform the work requested. Contents of the submittal should be as follows:

1. Transmittal Letter

Indicate name, address of Proposer, date established, and brief description of Proposer's background and relevant experience. Also indicate that the Qualifications/Proposal is valid for sixty (60) days.

2. Statement of Approach

Give a written explanation of your understanding of the effort needed to perform the requirements of the Contract, and why your firm should be selected. Include discussion of your ability to assign personnel to projects on short (one or two week) notice and to meet aggressive schedules. To expedite the process, Metro desires to have direct contact with the staff who would be performing the work.

3. Staffing/Project Manager Designation

Identify specific personnel assigned to major project tasks, their roles in relationship to the services required and specific qualifications. Include resumes of individuals proposed for this contract.

4. Experience

Include a description of your past relevant projects and/or work experience. Describe the experience, training and credentials of the staff who would be assigned to perform the work for Metro. Specific expertise in the 14 target areas and 5 trail corridors should be specifically noted (see attachment A).

5. Budget/Cost

Submit a schedule of fees and/or hourly rates for staff to be assigned to perform work. Proposers may include an annual increase intended to keep pace with inflation. All reimbursable expenses shall be at cost. Metro expects to receive the Proposers most favorable rates.

6. Exceptions, Suggestions & Comments

To facilitate evaluation of Qualifications/Proposals, Metro wishes that all Proposers adhere to the format outlined in this RFQ/P. Proposers wishing to take exception to, or comment on any specified criteria within this RFQ/P, including the Personal Services Agreement, are encouraged to document their concerns in this part of the submittal. Exceptions, suggestions and comments should be succinct, thorough and organized.

GENERAL PROPOSAL AND CONTRACT CONDITIONS

1. Limitation and Award

This RFQ/P does not commit Metro to the award of a contract(s), nor to pay any costs incurred in the preparation and submission of Qualifications/Proposals in anticipation of a contract. Metro reserves the right to accept any or all Qualifications/Proposals received as the result of this request, to negotiate with all qualified sources, or to cancel all or part of this RFQ/P.

2. Contract Type

Metro intends to award multi-year Contracts with the selected firms. It is anticipated that the contract length might run from 3 to 5 years. A copy of the standard agreement form which the successful firms will be required to execute is attached as Attachment B. Any qualifications or concerns with this must be raised at the time of submittal.

3. Validity Period and Authority

The Qualifications/Proposal shall be considered valid for a period of 60 days and shall contain a statement to that effect. The submittal shall contain the name, title, address and telephone number of an individual or individuals with authority to bind the proposing firm during the period in which Metro is evaluating the submittals.

4. Conflict of Interest

A Proposer submitting Qualifications/Proposal thereby certifies that no officer, agent, or employee of Metro has a pecuniary interest in the submittal; that the submittal is made in good faith without fraud, collusion, or connection of any kind with any other Proposer; the Proposer is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm.

5. Appeals

Appeals of the award of the Contract(s) should be addressed to the Metro Contracts Administrator, Risk and Contracts Division, 600 NE Grand Avenue, Portland, Oregon 97232. Appeals shall be submitted in writing within five working days of the postmarked Notice of Award or disqualification. Appeals must describe the specific citation of law, rule, regulation, or practice upon which protest is based. The judgment used in the evaluation by individual members of the Selection Committee(s) is not grounds for appeal.

EVALUATION OF QUALIFICATIONS/PROPOSALS

1. Evaluation Procedure

Submittals received that conform to the requirements of this RFQ/P will be evaluated. The evaluation will be based on the evaluation criteria identified in the following section, and performed by a Selection Committee(s) appointed by Metro. After review of the written submittals, the Selection Committee(s) may determine, at their sole discretion, to conduct

interviews with one or more of the Proposers. In addition, the Selection Committee(s) may request clarifying information of any Proposer during the evaluation process .

2. Evaluation Criteria

The Qualifications/Proposals submitted will be evaluated using the following evaluation criteria and point system:

A.	Professional qualifications & relevant experience	50 points
B.	Approach to project	30 points
C.	Fee proposal	20 points
	Total Possible Points	100

SCHEDULE

The following schedule has been established for this RFQ/P:

RFQ/P issued	October 13, 1995
Mandatory meeting	October 23, 1995
Last date for questions	October 23, 1995
Proposals due	October 31, 1995
Contractors selected	November 10, 1995
Contracts executed	November 17, 1995
Contract commencement	November 17, 1995

SCOPE OF WORK

1. General

Contractor will assist Metro staff in their efforts to acquire real property interests in specified sites throughout the Metro region in support of the Open Spaces Program. Specific assignments related to individual parcels of property will be given to Contractor which will include a description of the services to be rendered, the cost of such services (time and materials basis) and a time period in which to complete the assigned tasks. Contractor will not proceed with work until a written assignment, properly executed by Metro, has been received.

2. Scope of Services

The following text will provide a basic scope of services for each identified discipline. This list of services will be used to evaluate the consultant's qualifications to perform work within their individual areas of expertise. Submittals must address the individual staff expertise in the disciplines a firm wishes to be considered for selection. It is assumed that the Consultant has all necessary support personnel, materials, computers, software, etc. required to provide these services.

2.1 Real Property Appraiser

- Prepare a narrative appraisal on subject property based on a determination of fair market value. All work shall be performed to federal, ODOT and USPAP standards. Three bound originals of the narrative appraisal addressed to Todd Sadlo, Metro Legal Counsel will be required. Unless requested in a specific assignment, the appraisal should not contain general information about the vicinity in which the parcel is located.
- Provide review of appraisals prepared by qualified appraisers, as requested.
- Prepare estimates of value in cases where a standard appraisal is not required, such as preliminary estimates for budgeting purposes, and estimates for cost comparison purposes.

2.2 Negotiators

- Conduct site visits, research and prepare reports of findings for property acquisition cost estimates, attend public meetings, conduct advance liaison with potential affected property owners, and keep a property specific diary.
- Work with Metro staff to determine actual property needs relative to program objectives.
- Assist Metro staff in conducting meetings with property owners, public agency staff and others as necessary to accomplish work tasks.
- Act as acquisition agents in conducting negotiations with property owners, as directed.
- Assist in preparing documents and other tasks necessary to insure timely closing and transfer of property.

2.3 Surveyors

Surveying services as requested. The specific assignments will vary depending on Metro's anticipated use of the parcel. Services which may be requested include:

- ALTA Surveys that meet the required standards for extended coverage with the insurance companies.
- Boundary Surveys in recordable form for filing with County Surveyor's offices.
- Topographical Surveys, lot line adjustments, partitioning , etc.
- Prepare and/or review legal descriptions, both narrative and maps, for subject properties.
- Perform related services as requested.

2.4 Environmental Auditors

- Conduct preliminary environmental site assessments to determine environmental risks and the need for further "due diligence" examination.
- Conduct Phase I Site Assessments and/or Phase II Remedial investigation and Characterization of environmental hazards. These assessments include both site inspection and records search.
- Provide laboratory services as requested. These may include site monitoring, sample collection (both surface and subsurface), sample lab analysis, and data interpretation.
- Provide consultation and plan development services for cost effective remedial actions related to environmental hazards which are compliant with applicable environmental guidelines, regulations and laws.

2.5 Biologist

- Conduct preliminary biological site assessment to determine the biological importance of subject property. Assessment may include review of wetlands, streams, riparian area, timbered area for fish and mammal habitat value.
- Interview interested parties; assist in Target Area refinement process.
- Prepare wetlands delineations and determinations as directed.
- Provide written evaluation of biological assessment; consult with Metro staff as requested to determine biological significance of subject property.
- Areas of discipline helpful in this assessment may include general biology, zoology, botany, ecology, natural history, hydrology, herpetology, geography and environmental sciences.

2.6 Civil Engineers

- Assist appraiser in determining highest and best use of properties.
- Assist Metro staff and other contractors as requested.

2.7 Planners/Landscape Architects

- Assist staff in the refinement and planning process to determine potential right-of-ways for Trail Corridors and acquisitions priorities.
- Assist Metro in Rails to Trails inventories, studies and planning activities.
- Work with local land use agencies to determine highest and best use of subject property, existing land use protections for environmentally significant areas, etc.

2.8 Construction Managers

- Assist Metro in managing all aspects of park facility and trail construction projects including preparation of drawings and governmental bid processes.

3. Organization

Metro staff will identify projects requiring consulting services within the above described disciplines. Metro staff will assign and manage all work of Consultants. Metro staff shall have direct contact with Consultant's staff who will be performing the work. Consultants will cooperate with Metro staff and other consultants as directed to perform the services required. Metro will cooperate fully with Contractor to achieve the objectives of the contract by providing Contractor information and direction in a timely and effective manner.

4. Billing Procedures

Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. Contractor's invoices shall include an itemized statement of the work done during the billing period, and shall not be submitted more frequently than once a month. Metro shall pay contractor within 30 days of receipt of an approved invoice.

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Staff Report

CONSIDERATION OF RESOLUTION NO. 95-2175 AUTHORIZING ISSUANCE OF THE REQUEST FOR QUALIFICATIONS/PROPOSALS FOR PROPERTY ACQUISITION SERVICES FOR THE OPEN SPACES, PARKS AND STREAMS PROGRAM

Date: September 27, 1995

Presented by: Berit Stevenson

Factual Background and Analysis

Metro staff have prepared a Request for Qualifications/Proposals for property acquisition services to be utilized in conjunction with the Open Spaces, Parks and Streams Program. The RFQ/P is intended to identify qualified consultants in several different areas of expertise needed to accomplish the property acquisition element of the Program. The professionals which are the subject of this RFQ/P are appraisers, negotiators, biologists, surveyors, civil engineers, environmental auditors, planners/landscape architects and construction managers.

Using this RFQ/P, multiple consultants in each of the above listed disciplines would be selected. Master contracts would be executed with each of the selected consultants which would establish the general requirements. During the term of the master contract, one or more of the selected consultants would be asked to respond to individual assignments to perform certain services related to their field of expertise. The assignments will be specific to an individual property transaction, target area or trail. Consultants will be asked to indicate their availability to perform the work within the stated time requirements and their cost based on the amount of time anticipated to complete the work. In addition, consultants will be asked to fully disclose any conflicts of interest they may have in regards to the specific property.

The RFQ/P indicates that consultants are not guaranteed to receive any certain number of assignments. However, Metro staff have estimated that, on average, 75 individual property transactions per year will be completed and that transactions will require from one to four of the specified contracted services. It is estimated that most assignments should cost between \$1,500 to \$7,500.

The master contracts will include contract terms from three to five years. Metro Contract Review Board approval is required prior to issuance of multi-year contract per Metro Code Section 2.04.033.

Budget Impact

The overall program budget for the Open Spaces, Parks and Streams has allocated \$2.5 million for miscellaneous professional services. Careful fiscal management throughout the Program will ensure that adequate funds are available for these contracted services.

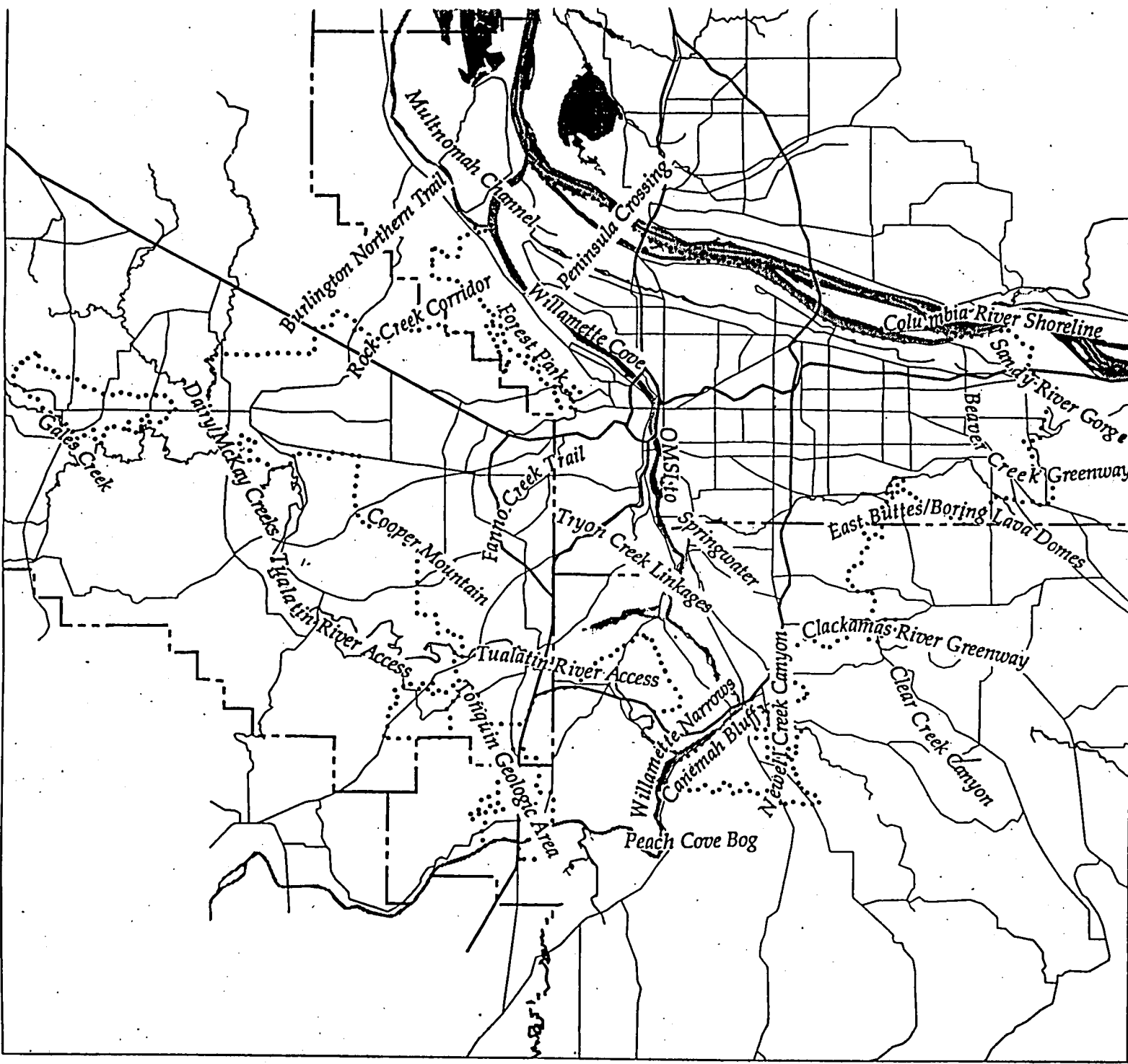
Recommendation

Metro staff recommend issuance of the attached RFQ/P for Property Acquisition Services for the Open Spaces Parks and Streams Program.

Measure 26-26

Regional Target Areas

••• Urban Growth Boundary



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ATTACHMENT A

600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742



METRO

Project _____
 Contract No. _____

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 N.E. Grand Avenue, Portland, OR 97232-2736, and _____, referred to herein as "Contractor," located at _____.

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

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

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

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

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

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

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

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

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

and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

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

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

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

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

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

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

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

_____	METRO
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

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Agenda Item 7.6

Resolution No. 95-2222

**Metro Council Meeting
Thursday, October 12, 1995**

METRO

RESOLUTION No. 95-2222

A RESOLUTION SUPPLEMENTING RESOLUTION NO. 95-2169 PERTAINING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS (OPEN SPACES PROGRAM) IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$135,600,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION AND IMPROVEMENT OF VARIOUS PARCELS OF LAND AS PART OF METRO'S OPEN SPACES PROGRAM.

ADOPTED BY THE METRO COUNCIL
ON OCTOBER 12, 1995
EFFECTIVE ON OCTOBER 12, 1995

BEFORE THE METRO COUNCIL

A RESOLUTION SUPPLEMENTING
RESOLUTION NO. 95-2169
PERTAINING TO THE ISSUANCE OF
GENERAL OBLIGATION BONDS (OPEN
SPACES PROGRAM) IN THE PRINCIPAL
AMOUNT OF NOT TO EXCEED
\$135,600,000 FOR THE PURPOSE OF
FINANCING THE ACQUISITION AND
IMPROVEMENT OF VARIOUS PARCELS
OF LAND AS PART OF METRO'S OPEN
SPACES PROGRAM.

RESOLUTION NO. 95-2222
INTRODUCED BY MIKE BURTON

SECTION A. FINDINGS. As the preamble to this Resolution, the Metro Council recites the matters set forth in this Section. To the extent any of the following recitals relates to a finding or determination which must be made by the Council in connection with the subject matter of this Resolution or any aspect thereof, the Council declares that by setting forth such recital such finding or determination is thereby made by the Council. This Section A and the recitals, findings and determinations set forth herein constitute a part of this Resolution.

(A) POLITICAL SUBDIVISION. Metro is a municipality and political subdivision organized and existing under and pursuant to Article XI, Section 14 of the Oregon Constitution, the laws of the State of Oregon and the Metro Charter.

(B) PRIOR AUTHORIZATION OF BONDS AND SUPPLEMENTAL RESOLUTIONS. On June 22, 1995, the Metro Council adopted Resolution No. 95-2169 (the "Initial Resolution") authorizing the issuance and sale of general obligation bonds in an aggregate principal amount not to exceed \$135,600,000 (the "Bonds") for the purpose of financing the capital costs of the Metro Open Spaces Program (the "Program"), the Initial Resolution having been supplemented by Metro Council Resolution No. 95-2190 adopted on August 10, 1995 (the "First Supplemental Resolution"). The Initial Resolution provided for the issuance of the Bonds in three series, consisting of the Series A Bonds, the Series B Bonds and the Series C Bonds (each as defined in the Initial Resolution). In exercise of the authority granted under the Elector Authorization (as defined in the Initial Resolution), on September 13, 1995, Metro issued the Series A Bonds in the aggregate principal

amount of \$74,170,000. On September 28, 1995, the Metro Council adopted Resolution No. 95-2206 (the "Second Supplemental Resolution") providing for certain matters pertaining to the negotiated sale of the Series B Bonds. On September 29, 1995 Metro signed a Bond Purchase Agreement with Prudential Securities Incorporated and Edward D. Jones & Co. for the sale of the Series B Bonds in the aggregate principal amount of \$5,219,923.06, with issuance and delivery of the Series B Bonds scheduled to take place on October 11, 1995.

(C) ISSUANCE OF THIRD SERIES OF BONDS. Metro is now ready to proceed with the issuance of the Series C Bonds pursuant to the authority granted by the Elector Authorization and as provided in the Initial Resolution. In the Initial Resolution, the Metro Council reserved the right to adopt subsequent resolutions pertaining to the issuance and sale of the Bonds as it determines are necessary or appropriate. This resolution is being adopted to supplement the Initial Resolution in order to provide for certain matters in connection with the Series C Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE METRO COUNCIL AS FOLLOWS:

SECTION 1. DEFINITIONS. All terms used in this resolution and not otherwise defined herein shall have the respective meanings assigned thereto in the Initial Resolution. Notwithstanding the definitions provided in the Initial Resolution, the following terms, when used with respect to the second series of Bonds authorized by this Resolution, shall have the respective meanings set forth below:

"AUTHORIZED DENOMINATION" when used with respect to a Series C Bond means \$5,000 or any integral multiple thereof.

"BENEFICIAL OWNERS" shall mean, whenever used with respect to a Series C Bond, the person or entity in whose name such Series C Bond is recorded as the beneficial owner of such Series C Bond by a Participant on the records of such Participant pursuant to the arrangements for book-entry determination of ownership applicable to the Securities Depository.

"BOOK-ENTRY SYSTEM" shall mean that system whereby the clearance and settlement of securities transactions is made through electronic book-entry changes, thereby eliminating the need of physical movement of securities.

"CEDE & CO." shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Series C Bonds.

"DTC" shall mean The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

"INTEREST PAYMENT DATE" when used with respect to the Series C Bonds means March 1 and September 1 of each year, commencing March 1, 1996.

"PARTICIPANT" shall mean a broker-dealer, bank or other financial institution for which DTC holds Series C Bonds as Securities Depository.

SECTION 2. THE SERIES C BONDS.

(A) **AUTHORIZATION.** Pursuant to and subject to the requirements of the Authorizing Legislation and the Initial Resolution, Metro shall issue the Series C Bonds in the aggregate principal amount determined by the Metro Chief Financial Officer pursuant to Section 3.1 of this Resolution but in no event in excess of the aggregate principal amount of FIFTY SIX MILLION TWO HUNDRED TEN THOUSAND DOLLARS (\$56,210,000.00), all as provided in and subject to the limitations hereinafter set forth in the Initial Resolution, this Resolution and such other resolutions as the Metro Council, in its discretion, may hereafter adopt with respect to the Series C Bonds.

(B) **TERMS OF SERIES C BONDS.** The Series C Bonds shall be dated October 15, 1995 or such other as Metro's Chief Financial Officer may determine, and shall be issued in Authorized Denominations.

Interest on each Series C Bond shall accrue from the dated date thereof to the date of maturity or prior redemption at the interest rate *per annum* established by the Chief Financial Officer pursuant to Section 3.1 of this Resolution, with accrued interest thereon being due and payable semiannually on each Interest Payment Date.

The Series C Bonds will mature on September 1 of each of the years and in the principal amounts determined by Metro's Chief Financial Officer pursuant to Section 3.1 hereof, provided that the final maturity date shall be not later than September 1, 2015.

The Series C Bonds shall be subject to redemption prior to maturity at the option of Metro, in whole on such dates and at such redemption prices as shall be determined by the Chief Financial Officer pursuant to Section 3.1 hereof.

(B) **PAYMENT OF PRINCIPAL AND INTEREST; PAYMENT THROUGH DTC.** Principal of each Series C Bond shall be paid only on or after the stated maturity date thereof or date fixed for earlier redemption thereof, and then only upon presentation and surrender of such Series C Bond to the Paying Agent at its principal corporate trust office. Interest on each Series C Bond shall be paid on each Interest Payment Date by check or draft drawn upon and mailed by the Paying Agent to the registered owner of such Series C Bond at the address thereof, all as shown on the registration books maintained by the Registrar as of the 15th day of the month next preceding the Interest Payment Date. Notwithstanding the foregoing, so long as the Series C Bonds are subject to the Book-Entry System, payment of principal of and interest on the Series C Bonds when due shall be paid through the facilities of DTC in accordance with the rules, regulations and practices established and followed in connection with the Book-Entry System.

(C) PROVISIONS FOR BOOK-ENTRY SYSTEM. The Series C Bonds will initially be subject to a Book-Entry System of ownership and transfer, which Book-Entry System shall continue with respect to the Series C Bonds until such time as the same is discontinued as provided in (iii) below. The general provisions for effecting such Book-Entry System are as follows:

(i) Metro hereby designates DTC, as the initial Securities Depository hereunder.

(ii) Notwithstanding the provisions regarding exchange and transfer of Series C Bonds set forth in this Resolution, the Series C Bonds shall initially be evidenced by one certificate for each maturity (including one certificate for each principal amount due pursuant to a Mandatory Redemption Schedule), in an amount equal to the aggregate principal amount thereof. The Series C Bonds so initially delivered shall be registered in the name of "Cede & Co." as nominee for DTC. The Series C Bonds may not thereafter be transferred or exchanged on the registration books of Metro held by the Registrar except:

(A) to any successor Securities Depository designated pursuant to (iii) below;

(B) to any successor nominee designated by a Securities Depository; or

(C) if Metro shall, by resolution, elect to discontinue the Book-Entry System pursuant to (iii) below, Metro will cause the Registrar to authenticate and deliver replacement Series C Bonds in fully registered form in Authorized Denominations in the names of the Beneficial Owners or their nominees; thereafter the provisions of this Resolution regarding registration, transfer and exchange of Series C Bonds shall apply.

(iii) Upon the resignation of any institution acting as Securities Depository hereunder, or if Metro determines that continuation of any institution in the role of Securities Depository is not in the best interests of the Beneficial Owners, Metro will attempt to identify another institution qualified to act as Securities Depository hereunder or will discontinue the Book-Entry System by resolution. If Metro is unable to identify such successor Securities Depository prior to the effective date of the resignation, Metro shall discontinue the Book-Entry System, as provided in (ii)(C) above.

(iv) So long as the Book-Entry System is used for the Series C Bonds, the Registrar will give any notice of redemption or any other notices required to be given to owners of Series C Bonds only to the Securities Depository or its nominee registered as the owner thereof. Any failure of the Securities Depository to advise any of its Participants, or of any Participant to notify the Beneficial Owner, of any such notice and its content or effect will not affect the validity of the redemption of the Series C Bonds called for redemption or of any other action premised on such notice. Neither Metro nor the Registrar is responsible or liable for the failure of the Securities Depository or any Participant thereof to make any

payment or give any notice to a Beneficial Owner in respect of the Series C Bonds or any error or delay relating thereto.

SECTION 3.1. SALE OF SERIES C BONDS; AUTHORIZATION OF AND DIRECTION TO CHIEF FINANCIAL OFFICER.

(A) SALE OF SERIES C BONDS. The Series C Bonds shall be sold in a public competitive sale conducted pursuant to and in accordance with the requirements of ORS 287.014 to 287.026.

(B) AUTHORIZATION OF AND DIRECTION TO METRO CHIEF FINANCIAL OFFICER. The Metro Chief Financial Officer is hereby authorized, empowered and directed, for and on behalf of Metro, to:

(I) PRELIMINARY OFFICIAL STATEMENT: cause to be prepared, in accordance with the requirements of ORS 288.865, a preliminary official statement in substantially final form describing the Series C Bonds and setting forth such information concerning Metro, the Program and the Series C Bonds as may be necessary or appropriate in order to disclose all material information which a prospective investor would need in order to make an informed decision with respect to an investment in the Series C Bonds;

(II) NOTICE OF SALE: prepare and publish a notice of sale with respect to the Series C Bonds, and to receive bids for the purchase of the Series C Bonds in accordance with the terms and provisions of such notice of sale;

(III) REJECTION OF BIDS AND REPUBLICATION OF NOTICE OF SALE: in the discretion of the Chief Financial Officer, reject all bids received for the purchase of the Series C Bonds, and in the event of any such rejection the Chief Financial Officer shall be authorized, empowered and directed to prepare and publish one or more additional notice(s) of sale with respect to the Series C Bonds, and to receive bids for the purchase of the Series C Bonds in accordance with the terms and provisions of such other notice(s) of sale;

(IV) AWARD OF SERIES C BONDS: award the Series C Bonds to the lowest bidder, *provided that* in no event shall the Series C Bonds be sold at a price of less than 100% of the par value thereof or at a true interest cost greater than 8.0%;

(V) FINAL OFFICIAL STATEMENT: upon the award of the Series C Bonds to the lowest bidder, to cause to be prepared within the time required by law a final official statement describing the Series C Bonds and setting forth such information concerning Metro, the Program and the Series C Bonds as may be necessary or appropriate in order to disclose all material information which a prospective investor would need in order to make an informed decision with respect to an investment in the Series C Bonds;

(VI) **ESTABLISH PRINCIPAL:** subject to the limitations set forth in Section 2(A) of this Resolution, establish the actual principal amount of the Series C Bonds to be issued;

(VII) **ESTABLISH PRINCIPAL MATURITIES AND INTEREST RATES:** establish:

(A) the principal amount of the Series C Bonds to mature in each year, 1996 through 2015 (inclusive) and the principal amounts of the Series C Bonds to be issued as serial bonds and as term bonds;

(B) with respect to the Series C Bonds to be issued as term bonds, the principal amount of the term Series C Bonds of each maturity to be subject to mandatory sinking fund redemption in each year; and

(C) the rate of interest *per annum* to be applicable to the Series C Bonds of each maturity;

provided that the aggregate amount of principal and interest due on the Series A Bonds, the Series B Bonds and the Series C Bonds in any one year shall, insofar as is practical, be as substantially equal; *and provided further that*, in no event shall the true interest cost of the Series C Bonds exceed 8.0%; and

(VIII) **ACQUIRE CREDIT FACILITY:** if the Chief Financial Officer determines that it is in the best interests of Metro, acquire a letter of credit, a municipal bond insurance policy, a surety bond, standby bond purchase agreement or other credit enhancement device to provide credit enhancement for all or any portion of the Series C Bonds, or to meet all or a portion of the reserve requirement with respect to the Series C Bonds (herein called a "Credit Facility"), and to negotiate such terms and conditions relating to such Credit Facility as the Chief Financial Officer deems appropriate and in the best interests of Metro.

The authority of the Chief Financial Officer to determine the terms of the Series C Bonds as provided in subsections (v) and (vi) above shall be exercised by setting forth such terms as so determined and established in a Certificate of Metro's Chief Financial Officer executed in connection with the sale the Series C Bonds and, to the extent so required under applicable law, shall constitute the completion of the determination of such matters by Metro as a public body.

SECTION 4. ADDITIONAL ACTION AND SUBSEQUENT RESOLUTIONS OF COUNCIL. The Council may authorize by subsequent resolution any acts or other matters necessary or appropriate in connection with the issuance, sale, and delivery of the Series C Bonds and the performance by Metro of its covenants and obligations with respect thereto.

SECTION 5. ADDITIONAL AUTHORIZATIONS. Metro's Executive Officer and Chief Financial Officer, and each of them acting individually, are hereby authorized, empowered and directed, for and on behalf of Metro, to do and perform all acts and things necessary or appropriate to issue and

sell the Series C Bonds and otherwise implement the provisions of this Resolution and the Initial Resolution, including but not limited to the execution and delivery of such documents, instruments, certificates and agreements as may be necessary or appropriate in connection with the Bonds or any Credit Facility therefor.

SECTION 6. EFFECTIVENESS OF RESOLUTION. This Resolution shall take effect immediately upon its adoption by the Metro Council.

ADOPTED THIS 12TH DAY OF OCTOBER, 1995.

J. Ruth McFarland
Presiding Officer of Metro Council

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 95-2222 WHICH SUPPLEMENTS RESOLUTION NO. 95-2169 AUTHORIZING THE ISSUANCE OF THE OPEN SPACES GENERAL OBLIGATION BONDS, AND SETS THE PRINCIPAL AND INTEREST PAYMENT DATES.

Date: September 29, 1995

Presented by: Craig Prosser

BACKGROUND AND ANALYSIS

Resolution 95-2222 supplements Resolution 95-2169 which authorized the issuance of the Open Spaces General Obligation Bonds. Resolution 95-2222 establishes the terms and conditions under which Series C of the Open Spaces General Obligation bonds will be sold. Series C is the third and final series of bonds to be sold under the \$135.6 million general obligation authorization approved by voters last May.

Series C bonds will not exceed \$56,210,000.00. The actual authorization amount will equal the balance of the bonds not sold in Series A and Series B, but the Series B amount had not been finalized as of the writing of this resolution and staff report, so the final sale amount was not known at this time. The bonds will be sold through competitive sale, as were the Series A bonds. Bids will be opened on Wednesday, October 18, 1995.

The proceeds of the Series C bonds will not be spent until after the Series A proceeds are fully expended. Since this will not occur for approximately three years, the investment earnings on the Series C proceeds will have to be "yield restricted" under federal IRS regulations to no more than the interest Metro pays on the bonds. Although Metro will not be able to earn interest above the bond rate, the interest earned within that rate will maintain the purchasing power of the initial voter authorization.

BUDGET IMPACT

There is no budget impact on this Resolution.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 95-2222.

METRO TESTIMONY - GOAL 5 RULE REVISIONS
LCDC Committee
October 19, 1995

Enhance Ecosystem Approach

Metro has strongly supported the principle that natural resource evaluation and protection should be approached on an ecosystem basis. This Committee has included that principle in its deliberations. Metro's Greenspaces Master Plan and 2040 Open Spaces Bond Measure have followed this principle, using the regional watershed mapping presented to this Committee in December 1994 to identify regionally-significant open spaces and trails.

The draft rule begins to prioritize local government work and to connect related resources by grouping riparian areas, habitat, wetlands and natural areas in -015(1)(b). Adjacent "water areas" and recreational trails should be added to these related resources to encourage multiple resource inventory studies. Metro supports continuing to mandate local government inventories of these important related Goal 5 resources. Consistent with ecosystem analysis and the structure of the proposed rule, Metro proposes below an early, first stage of protection for some "water areas" and portions of riparian areas based on Metro's Perennial Streams Mapping.

Add to Resources Deemed Significant

Metro strongly supports the Committee's proposal to pre-approve the "significance" of resource areas already inventoried and identified as significant by state and federal agencies. This is an important streamlining of the Goal 5 process and reduction of potential duplication of effort. Also, this saves scarce government resources to assist timely completion of important Goal 5 work. So, Metro proposes that DLCD staff review and that LCDC add three regionally-significant inventories to resources deemed significant in -015(1)(a) to assist the 24 cities and 3 counties in the Metro region.

First, Metro proposes adding its inventory of interconnected regionally-significant trails on the Regional Trails Map first approved in the 1992 Metropolitan Greenspaces Master Plan. Several of these trails were included for land acquisition in the voter-approved 1995 Open Spaces Bond Measure. The Regional Trails network is connected to the "Approved Oregon Recreational Trails" already deemed significant in -015(1)(a).

Second, Metro's 2040 Open Spaces mapping should be added to -015(1)(a) as deemed significant open spaces. This would assist 24 cities and 3 counties seeking to complete Goal 5 analysis of "open space."

Third, Metro's Perennial Streams, Floodplains and Wetlands Map has been developed, using US Geological Service perennial streams and National Wetlands Inventory mapping, verified by local governments, to identify areas to remove from 2040 and 2015 buildable lands analyses. These streams and a portion of their riparian areas represent a high quality portion of all regionally-significant riparian areas. Perennial streams are those that flow year-round. Such streams all have "fish-bearing" capability, consistent with the draft rule special criteria for riparian areas, if they are not degraded. National Wetlands Inventory (NWI) was the starting point for wetlands.

METRO TESTIMONY - GOAL 5 RULE REVISIONS

Page 2

Federal Emergency Management Agency (FEMA) data on 100-year floodplains and US Soil Conservation Service data on flood-prone soils was used.

Pre-approving the Goal 5 "significance" of these three sets of resources would assist 24 cities and 3 counties by completing the first Goal 5 step. This would not eliminate the need to complete an analysis of conflicting uses and selection of appropriate zoning.

First Stage Stream Protection

Using the Metro Perennial Streams Mapping, and based on the Metro Watersheds and Metro 2040 Open Spaces mapping, some stream "water areas" and a portion of their "riparian areas" (measured as 50' from the centerline of perennial streams) were removed from the 2040 buildable lands inventory. A consensus of local governments agreed to consider those lands unbuildable for purposes of 2040 analysis in 1994. By regional consensus, those lands continue to be defined as unbuildable in ~~subtracted from~~ the 2015 buildable lands inventory being prepared for the early 1996 regional UGB review. Therefore, Goal 5 treatment of these lands consistent with the Goal 14 treatment of these lands as unbuildable would be to protect them as soon as possible. "Protect" under the draft rule is defined as prohibiting conflicting uses.

For consistency with the principle of early protection for locatable, high quality water areas and a portion of their riparian areas, perennial streams wider than 50" from centerline were considered unbuildable to ~~25' above either high mean water level or top of bank~~ 50' from the mapped edge of the stream. Therefore, First Stage protection would include these areas for wider streams and rivers.

Implementation of early stream protection for 24 cities and portions of 3 counties could be accomplished a number of ways. Metro proposes a special case reliance on the current region's Perennial Streams Mapping, Metro's data, rather than Metro as an agency. Instead of adding Metro "agency reliance" for these specific "water areas" and their "riparian areas" to the -025(1) list as an alternative to ESEE analysis, First Stage stream protection could be added to -045 as a mandatory protection measure at the first inventory stage. This would supplement, not replace, "interim protection" in -090(6)(b). However, this approach would be different than "interim protection" because it would be early, permanent, amendable protection for lands that are deemed ~~not included in unbuildable lands~~ for Goal 14 purposes.

In the unlikely event that the proposed full inventory and subsequent ESEE analysis resulted in some of these First Stage protected lands allowing some conflicting uses, those lands would change status for both Goal 5 and Goal 14, by amending the First Stage overlay zone. First Stage stream protection could be due one year (or less) from the effective date of the new rule. Metro could prepare a model overlay ordinance as part of assisting early 2040 implementation. The protection ordinance must include some variance provision to avoid creation of unbuildable lots that could be a "taking." The ordinance ~~could~~ must include a hardship quasi-judicial inventory error and ESEE review procedure that would hear variances, claims of map error and ESEE analysis for hardship cases.

METRO TESTIMONY - GOAL 5 RULE REVISIONS

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~~Full inventories are due October 1, 1997- and implementing measures are due March 31, 1999 under the draft rule.~~

~~The That would be the Second Stage of stream protection, which would continue complete work on the tougher questions of protecting or allowing conflicting uses for the full riparian area as indicated in the draft rule. Identification of riparian area boundaries and conflicting uses, ESEE analysis and riparian area management programs would proceed, including the perennial stream areas protected in the First Stage. To add certainty, The First Stage protection overlay would remain in place, amended only as indicated by the full ESEE analysis, as one part of the full riparian area management program to add certainty to the process.~~

~~Other Amendments to -045 should be considered to encourage multiple resource analysis of Goal 5 resources within and adjacent to "riparian areas." This could include water areas and wetlands in and adjacent to riparian areas, habitat resources, recreational trails, open spaces and scenic view sites.~~

"Open Space" Voluntary Regulation

The draft rule proposes to ease city and county comprehensive plan work by making "open space" inventory, analysis and regulation voluntary. The Goal 5 definition is narrow: open space resources are those not included in the 11 other resources; This may be an appropriate law prioritization statewide to help cities and counties complete high-priority Goal 5 work. However, the detailed analysis of buildable land for the Metro Urban Growth Boundary (UGB) makes open space regulation a higher priority here in the region. To assure open space to balance higher densities to preserve the UGB, city and county plans need to address open space. Therefore, Metro proposes that the draft rule ease the Goal 5 open space requirements only outside the Metro region. Inside the region, the open space work would be made easier by adding the 2040 Open Spaces Map to the list of resources deemed significant.

Conclusions

Metro supports LCDC's efforts to streamline the Goal 5 process and to avoid requiring duplication of work by local governments. Metro's Regional Trails Map, 2040 Open Spaces and Perennial Streams Map deserve DLCD staff review for inclusion in the Goal 5 rule section on resources deemed significant to assist 24 cities and 3 counties. To supplement "interim protection" in the draft rule, Metro proposes that early implementation of protection for the "water areas" of perennial streams and limited riparian areas considered unbuildable by 24 cities and 3 counties be protected in the new Goal 5 rule. Open space resource regulations should be voluntary only outside the Metro region.

kaj20757.112.J



METRO

Date: October 11, 1995
To: Metro Council
From: Larry Shaw, Senior Assistant Counsel /s/ LARRY SHAW *LS*
Re: Goal 5 Revision Testimony
Our file: 7. §12.J

LCDC Hearings: Proposed testimony on a Goal 5 revision proposal consistent with 2040 was reviewed and forwarded to the full Council by the Land Use Committee on October 10. MPAC and WRPAC heard about the proposal as information items on October 11. Metro is scheduled to testify at 10:00 a.m. October 19 in Salem. Presentation by Executive Officer Burton and a Councilor with maps would enhance LCDC acceptance of the proposal into the November 10 second draft of the rule. The LCDC hearing on that draft is December 8. Metro testimony will be needed at that time, too.

Proposal Revisions: John Fregonese and WRPAC members have suggested adding Metro wetlands and floodplain mapping to the Metro proposal for early Goal 5 protection. At this point, the revised testimony adds those resources to the "deemed significant" part of the proposal reflecting Metro's high quality regional data on these Goal 5 resources. I recommend that more discussion of those additional categories for 2040 and Goal 5 implementation is needed to assure regional consensus before adding early regulation protection to Metro's testimony.

Some additional discussion is added to the proposal about a hardship process during the time of early protection of stream corridors. This reflects additional research on this concept and responds to Councilor Morissette's concerns in committee.

Conclusions:

1. Council action on a Metro position on LCDC Goal 5 revisions is needed for the October 19 Salem hearing at 10:00 a.m.
2. A Councilor co-presenter would strengthen Metro's requests for Goal 5 changes at both the October 19 and December 8 hearings.



METRO

Date: October 6, 1995

To: Metro Council
Mike Burton, Executive Officer

From: Larry Shaw, Senior Assistant Counsel /s/ LARRY SHAW *LS*

Re: Goal 5 Revision Testimony
Our file: 7. §12.J

Introduction

A functional plan on urban growth management must accompany the Spring 1996 UGB review. It will contain the HB 2709-required "measures" to reduce needed land in a 20-year UGB. Because that functional plan must "require" measures that change city and county comprehensive plans to count for HB 2709, the "require" portions of that new functional plan must comply with Statewide Land Use Goals. The most difficult Goal for certainty of compliance has been Goal 5. The proposed Metro testimony seeks to include clear approval of several Metro issues in Goal 5 as it is now being revised.

Goal 5 - Natural and Cultural Resources

Twelve "resources" are required to be inventoried and compared to development needs that conflict with located resource areas. A policy decision is then made to completely protect the resource or allow development, often with conditions to conserve the resource. Under current Goal 5 rules, there is the ability to not make a decision where insufficient information is available and no ability to prohibit development while the studies are going on. Portland, one of the best-funded and most extensively studied Goal 5 programs, and others have consistently lost appeals of their Goal 5 programs on interpretations of Goal 5. Therefore, this Goal 5 rule revision is an extensive reanalysis of the state's approach to natural resource protection in land use plans.

Streamlining - Metro Opportunity

A popular part of the new draft rule is likely to be the "streamlining," which allows cities and counties to use existing state and federal data for part of their Goal 5 work. Metro's highly developed data, using RLIS, fits that new state approach well. The Attorney General has cautioned LCDC about turning over discretionary decisions to other than state agencies in applying this "agency reliance" principle. So, Metro proposals in the proposed testimony emphasize DLCD-reviewed Metro data, not deference to Metro decisions.

Metro Council
Mike Burton
October 6, 1995
Page 2

The testimony seeks state Goal 5 rule agreement that Metro's Regional Trails Map, 2040 Open Spaces Map and Perennial Streams Map automatically meet Goal 5's inventory requirement. That will make it much easier for any Metro functional plan "requirement" relating to these maps to demonstrate Goal 5 compliance.

Stream Protection Proposal

The biggest policy issue in this testimony is the proposed protection of 50' from centerline of perennial streams. This is an application of an MTAC-proposed 2040 early implementation measure. If there is a desire for early protection of stream corridors that can clearly comply with Goal 5, the basis for that must be included in the revised Goal 5 now.

The proposed testimony, then, contains a Metro proposal for first step mandatory protection of the same limited area of streams and part of their riparian areas that are considered unbuildable for 2040 and 2015. So, land identified as the highest resource and/or most constrained from development would be generally protected from development, unless the detailed study demonstrates a higher priority for development. If so, the protection zone would be amended.

Open Space

The proposed testimony repeats Metro's 1994 testimony requesting that open space regulation continue to be a comprehensive plan responsibility in the Metro region.

Conclusion

Metro's plans are greatly affected by Statewide Land Use Goals and Goal 5 in particular. Metro needs a position on Goal 5 revisions. This proposed testimony seeks to (1) pre-approve 3 parts of Metro data as "significant" under Goal 5; (2) pre-approve fast, limited stream protection for the Metro region while more detailed studies are going on; and (3) retain open spaces in Goal 5 for the Metro region.

kaj2078

Enclosure

cc: John Fregonese
Charlie Ciecko
Pat Lee
Rosemary Furfey
Jim Morgan

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1995-96)	ORDINANCE NO. 95-616
BUDGET AND APPROPRIATIONS)	
SCHEDULE FOR THE PURPOSE OF)	Introduced by Councilors
REORGANIIZING THE STAFF OF THE)	McLain and Monroe
COUNCIL OFFICE, CREATING NEW)	
POSITIONS, REDUCING STAFFING LEVELS)	
FOR THE OFFICE OF CITIZEN)	
INVOLVEMENT, AND DECLARING AN)	
EMERGENCY)	

WHEREAS, The Metro Council has reviewed and considered the need to reorganize positions and transfer appropriations within the FY 1995-96 Budget; and

WHEREAS, There is a need for reconfiguration of office management staff in the Council Office; and

WHEREAS, There is a need for enhanced public and community outreach; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS;

1. That the FY 1995-96 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 providing a net increase of 1.56 FTE in the Council Office, a reduction of .33 FTE in the Office of Citizen Involvement and a transfer of \$10,227 from the Office of Citizen Involvement Personal Services to the Support Services Fund Contingency, and

2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area 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.

J. Ruth McFarland, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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10/11/95 11:08 AM

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 95-616 AMENDING THE FY 1995-96 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF REORGANIZING THE STAFF OF THE COUNCIL OFFICE, CREATING NEW POSITIONS, REDUCING STAFFING LEVELS FOR THE OFFICE OF CITIZEN INVOLVEMENT, AND DECLARING AN EMERGENCY

Date: October 11, 1995

Presented by: Councilor McLain

FACTUAL BACKGROUND AND ANALYSIS

This ordinance provides the necessary changes in the FY 95-96 budget and appropriations schedule to reflect a new organizational structure and staffing pattern in the Council Office. Two new job classifications would be created (Office Manager and Council Assistant) and an existing vacant secretary position would be reclassified as a receptionist. In addition, the .45 FTE of support for the Office of Citizen Involvement provided from two existing Council staff positions would be eliminated. Two of the three budgeted council analyst positions and all of the budgeted administrative secretary positions would be eliminated.

The new Office Manager position would be responsible for general office administration, coordination of office work flow, monitoring of the office budget and supervision of committee support services provided by the Council Assistants. The position will be filled within an annual pay range of \$38,000 to \$42,000.

The ordinance would provide for a reduction in the compensation of the assistant to the Presiding Officer and for the hiring of council assistants by the six remaining councilors. The council assistants will spend approximately 75% of their time providing various support services to the councilor for whom they are employed. These services will include correspondence, constituent and general public relations, scheduling, policy analysis and attending meetings on behalf of the councilor. The remaining 25% of the council assistant's time will be spent serving as the committee assistant for any Council committees chaired by the councilor for whom they are employed. These duties will include agenda preparation, taping of committee meetings and preparation of minutes and committee staff reports. It is intended that the council assistants will be hired within non-represented salary range 8 within the adopted Metro Pay Plan. This salary range is \$23,296 to \$33,946 annually. The average starting salary for those initially hired to fill these positions will not exceed \$30,000. The salary of the Assistant to the Presiding Officer will be reduced to be within salary range 8, effective January 1, 1996. Each of these positions will be exempt from the payment of overtime.

Exhibit A outlines the specific revisions in the budget schedule to accomplish the changes noted above. The totals shown in the revision and proposed columns for the General Fund are based on the following assumptions:

- 1) For new positions it is assumed that the Office Manager position will be filled by November 1, 1995, the council assistants will have an average starting date of October 15, 1995 and the receptionist position will have a starting date of October 15, 1995.
- 2) For eliminated positions, the totals in the proposed column represent the amount of FTE actually funded for the current fiscal year prior to the elimination of the positions.
- 3) The overtime line item is reduced to reflect actual expenditures to date and the assumption that no further overtime will be paid.
- 4) A "temporary help services" line item is created in materials and services to properly account for payments being made for the temporary employee currently providing receptionist and general office assistance services.
- 5) It is assumed that the proposed changes will have an expenditure-neutral affect on fringe benefits.

The changes in the Support Services Fund related to the Office of Citizen Involvement are based on the following assumptions:

- 1) Support services currently funded as a portion of two positions from the Council office will be eliminated. These positions are being eliminated from the Council budget.
- 2) A total of \$2,000 will be budgeted for "temporary help services" in materials and services to assist the office in addressing any unmet support service needs.
- 3) Savings from the net reduction in personal services expenditures will be transferred to the Support Service Fund Contingency (Exhibit B).

Exhibit A
Ordinance No. 95-616
General Fund

HISTORICAL DATA ACTUAL \$		FY 1994-95 ADOPTED BUDGET		FISCAL YEAR 1995-96		ADOPTED		REVISION		PROPOSED	
FY 1992-93	FY 1993-94	FTE	AMOUNT	ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Council											
<u>Personal Services</u>											
162,400	353,607		279,400	511110	ELECTED OFFICIALS						
					Councilors	7.00	203,200			7.00	203,200
67,568	70,261	0.95	66,748	511121	SALARIES-REGULAR EMPLOYEES (full time)						
0	0		0		Administrator		0				0
					Assistant to the Presiding Officer	1.00	44,290		(4,290)	1.00	40,000
133,337	142,336	3.00	148,818		Council Analyst	3.00	169,699	(1.50)	(89,699)	1.50	80,000
27,524	36,916		0		Citizen Involvement Analyst		0				0
0	0	0.00	0		Council Assistant	0	0	4.35	134,905	4.35	134,905
0	0	0.00	0		Office Manager	0	0	0.67	30,000	0.67	30,000
29,608	33,456	1.00	33,385		Associate Service Supervisor		0				0
81,144	87,082	2.75	82,965	511221	WAGES-REGULAR EMPLOYEES (full time)						
19,292	21,954	0.80	18,836		Administrative Secretary	2.75	89,679	(2.04)	(64,679)	0.71	25,000
0	0		0		Secretary	0.80	21,164	(0.63)	(16,164)	0.17	5,000
11,204	7,801		13,972		Receptionist		0	0.71	12,927	0.71	12,927
156,962	278,960		244,767	511400	OVERTIME		10,000		(8,000)		2,000
				512000	FRINGE		150,649				150,649
695,691	1,032,373	8.50	888,891		Total Personal Services	14.55	688,681	1.56	(5,000)	16.11	683,681
<u>Materials & Services</u>											
7,281	7,214		4,420	521100	Office Supplies		4,420				4,420
4,264	1,662		3,000	521110	Computer Software		4,500				4,500
234	560		450	521310	Subscriptions		450				450
755	815		660	521320	Dues		1,100				1,100
59,997	35,000		30,000	524110	Accounting & Auditing Services		0				0
13,235	3,638		10,000	524190	Misc. Professional Services		10,000				10,000
183	420		1,000	525640	Maintenance & Repairs Services-Equipment		1,300				1,300
179	0		0	525710	Equipment Rental		0				0
13,778	11,696		3,898	525740	Lease Payments		0				0
2,470	1,433		1,500	526200	Ads & Legal Notices		1,500				1,500
2,722	134		2,900	526310	Printing Services		0				0
1,099	787		850	526410	Telephone		850				850
0	117		200	526420	Postage		7,000				7,000
1,057	126		465	526440	Delivery Services		500				500

Exhibit A
Ordinance No. 95-616
General Fund

HISTORICAL DATA ACTUAL \$		FY 1994-95 ADOPTED BUDGET		FISCAL YEAR 1995-96		ADOPTED		REVISION		PROPOSED	
FY 1992-93	FY 1993-94	FTE	AMOUNT	ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Council (continued)											
10,387	8,380		5,000	526500	Travel		8,700				8,700
0	0		0	526700	Temporary Help Services		0		5,000		5,000
2,625	3,246		4,000	526800	Training, Tuition, Conferences		4,000				4,000
7,576	11,900		8,700	528100	License, Permits, Payments to Other Agencies		9,000				9,000
117,692	0		0	528200	Election Expense		0				0
40,525	41		0	529110	Council Per Diem		0				0
27,905	15,013		19,200	529120	Councilor Expenses		21,000				21,000
16,737	5,577		6,000	529500	Meetings		10,000				10,000
12	0		0	529800	Miscellaneous		0				0
330,713	107,759		102,243		Total Materials & Services		84,320		5,000		89,320
<u>Capital Outlay</u>											
14,378	3,356		13,800	571500	Purchases-Office Furniture & Equipment		19,500				19,500
14,378	3,356		13,800		Total Capital Outlay		19,500		0		19,500
1,040,782	1,143,488	8.50	1,004,934		TOTAL EXPENDITURES		792,501	1.56	0		792,501
<u>Contingency and Unappropriated Balance</u>											
0	0		568,475	599999	Contingency		578,336				578,336
753,060	870,649		200,000	599990	Unappropriated Fund Balance		200,000				200,000
753,060	870,649		768,475		Total Contingency and Unappropriated Balance		778,336		0		778,336
5,244,871	6,257,731	13.50	6,664,018		TOTAL FUND REQUIREMENTS	19.55	7,379,395	1.56	0	21.11	7,379,395

Exhibit A
Ordinance No. 95-616

Support Services Fund

HISTORICAL DATA ACTUAL \$		FY 1994-95 ADOPTED BUDGET		FISCAL YEAR 1995-96		ADOPTED		REVISION		PROPOSED	
FY 1992-93	FY 1993-94	FTE	AMOUNT	ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Office of Citizen Involvement											
<u>Personal Services</u>											
				511121	SALARIES-REGULAR EMPLOYEES (full time)						
0	0	0.05	3,513		Administrator		0				0
0	0	1.00	38,608		Associate Administrative Services Analyst	1.00	42,094			1.00	42,094
				511221	WAGES-REGULAR EMPLOYEES (full time)						
0	0	0.25	7,170		Administrative Secretary	0.25	8,436	(0.18)	(7,686)	0.07	750
0	0	0.20	4,709		Secretary	0.20	5,291	(0.15)	(4,541)	0.05	750
0	0		20,520	512000	FRINGE		15,630				15,630
0	0	1.50	74,520		Total Personal Services	1.45	71,451	(0.33)	(12,227)	1.12	59,224
<u>Materials & Services</u>											
0	0		780	521100	Office Supplies		800				800
0	0		115	521320	Dues		115				115
0	0		2,500	524190	Misc. Professional Services		2,500				2,500
0	0		200	525640	Maintenance & Repairs Services-Equipment		200				200
0	0		5,000	526200	Ads & Legal Notices		5,000				5,000
0	0		400	526310	Printing Services		400				400
0	0		150	526410	Telephone		200				200
0	0		0	526420	Postage		2,000				2,000
0	0		85	526440	Delivery Services		85				85
0	0		500	526500	Travel		500				500
0	0		0	526700	Temporary Help Services		0		2,000		2,000
0	0		500	526800	Training, Tuition, Conferences		500				500
0	0		500	529500	Meetings		500				500
0	0		10,730		Total Materials & Services		12,800		2,000		14,800
0	0	1.50	85,250		TOTAL EXPENDITURES	1.45	84,251	(0.33)	(10,227)	1.12	74,024

Exhibit A
Ordinance No. 95-616

Support Services Fund

HISTORICAL DATA ACTUAL \$		FY 1994-95 ADOPTED BUDGET		FISCAL YEAR 1995-96		ADOPTED		REVISION		PROPOSED	
FY 1992-93	FY 1993-94	FTE	AMOUNT	ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
General Expenses											
					<u>Contingency and Unappropriated Balance</u>						
				599999	Contingency						
			200,000		* General		231,726		10,227		241,953
					Total Contingency and Unappropriated Balance		1,323,332		10,227		1,333,559
0	0										
216,645	612,628		673,151								
5,992,132	6,736,104	81.25	7,668,704		TOTAL EXPENDITURES	85.81	8,390,740	(0.33)	0	85.48	8,390,740

Exhibit B
FY 1995-96 SCHEDULE OF APPROPRIATIONS
Ordinance No. 95-616

	Adopted Budget	Revision	Proposed Budget
SUPPORT SERVICES FUND			
Office of Citizen Involvement			
Personal Services	71,451	(12,227)	59,224
Materials & Services	12,800	2,000	14,800
Capital Outlay	0		0
Subtotal	84,251	(10,227)	74,024
General Expenses			
Interfund Transfers	732,472		732,472
Contingency	653,419	10,227	663,646
Subtotal	1,385,891	10,227	1,396,118
Unappropriated Balance	669,913		669,913
Total Fund Requirements	\$8,390,740	\$0	\$8,390,740
GENERAL FUND			
Council			
Personal Services	688,681	(5,000)	683,681
Materials & Services	84,320	5,000	89,320
Capital Outlay	19,500		19,500
Subtotal	792,501	0	792,501
Total Fund Requirements	\$7,379,395	\$0	\$7,379,395



METRO

DATE: October 12, 1995

TO: Councilor Susan McLain, Council Liaison to the MCCI

FROM: ^{JAS} Judy Shioishi, Analyst for the Metro Committee for Citizen Involvement

RE: Ordinance No. 95-616 Amending the FY 1995 - 96 Budget and Appropriations Schedule -- Related to MCCI Support Staff

This memorandum is in reference to Ordinance No. 95-616 amending the FY 1995 - 96 budget and appropriations schedule, as it relates to Metro Committee for Citizen Involvement (MCCI) support staff.

Currently the MCCI has an allocation of 1.45 Full Time Equivalent (FTE), this ordinance would remove the .45 allocation, leaving only the analyst position to support the functions of this 27 member committee. The .45 FTE provides the office support for meetings, mailings and special projects. A detailed breakdown of time utilized in these roles for the first half of this year has been attached (Attachment A -- MCCI support staff letter).

Key components to these functions include:

- Meeting support (ordering meeting supplies and materials, attending twice monthly meetings, producing minutes and assisting with agenda packet development and distribution).
- Mailings (twice monthly meeting packets, monthly mailings to neighborhood associations and community groups, and one to three work group mailings).
- Special projects (recent examples include: assistance with the preparation of member notebooks, and loading data onto an electronic bulletin board). A summary of one special project, the electronic bulletin board is attached (Attachment B -- Metro Electronic Bulletin Board Update). The committee and the agency have made some investments into the project, and direction for either terminating or supporting this project should come from the Council.

As we discussed, these meeting support functions are essential to the operation of the committee. I have relayed your offer to provide assistance for these functions via your personal assistant, as part of your role as the Council Liaison to the MCCI. The MCCI steering committee greatly appreciates this gesture and any other arrangements that might

be made. However, concern has been raised over the possibility that changes may occur in Council assignments. It is conceivable that another Councilor could be placed in the liaison role, and due to differing staffing arrangements, the committee could lose their temporary assistance. A more formal agreement for support has been suggested and would be appreciated. This might take the form of a sentence or two, outlining that allocation in this ordinance or in the organizing resolution designating the Councilor committee assignments.

It may be that there is an expectation that committee members may be able to volunteer for some of these activities. Previous discussions in meetings regarding alternate methods of providing project support by volunteers have led to two conclusions. The first is that members already have significant demands placed on their time. The second conclusion is that due to the strict requirements of public meeting records law and the mandates of the bylaws, having these support functions provided by a volunteer may be inadequate to fulfill these provisions.

As always, the committee members and staff appreciate your consideration and assistance. We look forward to your continued support and help in these and other matters. Thank you.

Attachment A: MCCI support staff letter
Attachment B: Metro Electronic Bulletin Board Update



METRO

July 19, 1995

Ric Buhler, Chair
Metro Committee for Citizen Involvement

Dear Mr. Buhler;

Thank you for your letter of July 7, 1995. I understand and appreciate your concerns in regards to staff support for the Committee for Citizen Involvement and look forward to working with Council staff, you, and your committee as we seek solutions.

As you requested I am enclosing copies of the two clerical staff positions that have had part of their time allocated to MCCI, and the analyst with 100% allocation.

You also requested information on time spent on MCCI projects for January through June of 1995. A schedule of those projects follow:

JANUARY, 1995:

Marilyn Geary-Symons:

Regular meeting attendance and recording	3 hours
Agenda preparation and set-up	2 hours
After meeting cleanup	1 hour
Minutes preparation and permanent record	4 hours

Cheri Arthur:

Preparation of notebooks	24 hours
Mallings	4 hours
Newsletter preparation and mailing	3 hours

FEBRUARY, 1995:

Marilyn Geary-Symons:

Regular meeting attendance and recording	3 hours
Agenda preparation and set-up	2 hours
After meeting cleanup	1 hour
Minutes preparation and permanent record	4 hours

Cathy Ross:

Staff retreat meeting (Saturday)	6 hours
Minutes preparation	4 hours

Cheri Arthur
 Mailings 4 hours
 Newsletter preparation and mailing 3 hours

MARCH, 1995:

Marilyn Geary-Symons:
 Regular meeting attendance and recording 3 hours
 Agenda preparation and set-up 2 hours
 After meeting cleanup 1 hour
 Minutes preparation and permanent record 4 hours
 Preparation of Work Program goals and objectives document (for agenda packet) 3 hours

Cheri Arthur
 Mailings 4 hours
 Newsletter preparation and mailing 3 hours

APRIL, 1995:

Marilyn Geary-Symons:
 Regular meeting attendance and recording 3 hours
 Agenda preparation and set-up 2 hours
 After meeting cleanup 1 hour
 Minutes preparation and permanent record 4 hours
 Format, procedure, development and updating attendance log 6 hours

Cheri Arthur
 Mailings 4 hours
 Newsletter preparation and mailing 3 hours

MAY, 1995:

Marilyn Geary-Symons:
 Regular meeting attendance and recording 3 hours
 Agenda preparation and set-up 2 hours
 After meeting cleanup 1 hour
 Minutes preparation and permanent record 4 hours

Marilyn Geary-Symons:
 Steering Committee attendance and recording 3 hours
 Agenda preparation and set-up 2 hours
 After meeting cleanup 1 hour
 Minutes preparation and permanent record 4 hours

Cheri Arthur
 Mailings 4 hours
 Newsletter preparation and mailing 3 hours

JUNE, 1995:

Marilyn Geary-Symons:
Regular meeting attendance and recording 3 hours
Agenda preparation and set-up 2 hours
After meeting cleanup 1 hour
Minutes preparation and permanent record 4 hours
Training for EBB 6 hours
Update EBB 6 hours

Cathy Ross (to fill in for hospitalized Marilyn):
Steering Committee attendance and recording 3 hours
Agenda preparation and set-up 2 hours
After meeting cleanup 1 hour
Minutes preparation and permanent record 4 hours

Cheri Arthur
Mailings 4 hours
Newsletter preparation and mailing 3 hours

JULY, 1995:

Marilyn Geary-Symons:
Regular meeting attendance and recording 3 hours
Agenda preparation and set-up 2 hours
After meeting cleanup 1 hour
Minutes preparation and permanent record 4 hours

Marilyn Geary-Symons:
Steering Committee attendance and recording 3 hours
Agenda preparation and set-up 2 hours
After meeting cleanup 1 hour
Minutes preparation and permanent record 4 hours

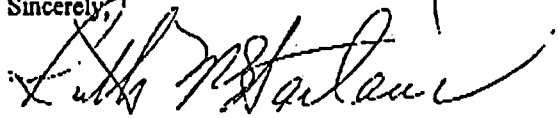
Cheri Arthur
Mailings 4 hours
Newsletter preparation and mailing 3 hours
Training on EBB 8 hours
Weekly EBB update (6 hours/wk) 24 hours
Attendance log update 2 hours

These figures indicate some months are quite different from others. Perhaps .45 is not a realistic figure. Perhaps MCC1 doesn't need that much or perhaps more is necessary to get the work completed. I would suggest a meeting first with you and Cathy Ross to take whatever time is required to establish an agreeable and workable procedure. The FTE allocation would probably not be changed until the end of this current budget cycle but I believe it would best serve both your committee and the Council staff to resolve any and all issues regarding human resources as soon as possible.

I believe that we have been fair in our allocation of staff time for your committee. In January the first priority of business was to assure MCCI that all regular meetings would be recorded. Later in the Spring we were able to provide coverage for your steering committee meetings also. Since we thought we had covered all agreed upon meetings we don't understand your reference to "spotty coverage". If you have any questions about the above information I would encourage you to contact Cathy Ross, my assistant, at 797-1542.

It is one of my goals, as Presiding Officer, to facilitate the MCCI to become the valuable resource to the Metro region as intended in the Charter. Your time and feedback is certainly part of the process to reach that goal.

Sincerely,



Ruth McFarland
Presiding Officer

cc: Councilor Susan McLain
Judy Shiochi
Executive Officer Mike Burton

Metro Committee for Citizen Involvement
METRO ELECTRONIC BULLETIN BOARD PROJECT
Status Report, September 1995

Prepared by Judy Shioishi, Office of Citizen Involvement

September 7, 1995

Introduction

This document summarizes the mission, goals, Council involvement and actual usage of the Metro Electronic Bulletin Board Project. This project was developed by the Metro Committee for Citizen Involvement (MCCI) designed to explore and implement better communication between citizens and local government through telecommunication technology.

Project Mission Statement

The mission of the Metro Electronic Bulletin Board Project is to help citizens in the Portland metropolitan area communicate with and participate in local government; improve communication between government entities, citizen involvement groups and the general public through the use of computer and telecommunications technologies; and to do so in a cost-effective manner.

Goals

This mission has been pursued by focusing on the following goals:

Goal 1. Provide people with convenient access to local government information, 24 hours a day, every day of the year, through local dial-up connections.

Goal 2. Enhance public access to this information through terminals at public libraries and other locations.

Goal 3. Provide an electronic forum to facilitate discussions between community members on public policy issues.

Goal 4. Facilitate the use of the Metro Electronic Bulletin Board system through public education.

Achievements (Usage)

For the months Metro received reports on usage (February through May, 1995) the program was accessed an average of 350 times per month. Guests constituted about 70% of the usage, while Subscribers composed approximately 30% of the usage.

Council Review and Approval

The Metro Council heard testimony on March 30, 1994 supporting a pilot project for a Metro Electronic Bulletin Board. The project envisioned a resource for community members to provide information on Metro meetings and events, as well as a library of frequently requested documents, and later, a forum for discussion of projects and issues. The pilot project

-- more --

recommendation called for an initial pilot program period of one year, a contract employee to staff and develop the program, and maintenance of the information by a contract service provider.

Citizen involvement groups and leadership from throughout the library networks expressed their interest and a willingness to participate in the development of such a project. The Metro Council authorized the project by placing \$14,500 into the Fiscal Year 1994 - 95 budget to fund the pilot.

Two Requests for Proposals were released in August 1994. One was for bulletin board service providers and the other was for a contract to staff and develop the program. The Compass Bulletin Board on the Oregon Ed-net system was selected as the service provider and The Computer People consulting firm was awarded the contract to staff and develop the program.

Resolution Number 95-2085 authorized the issuance of scholarships to selected candidates to Oregon ED-NET, the selected service provider.

Ordinance Number 95-587 adopted the Metro FY 95-96 budget and provided that the project would be housed in the Office of Citizen Involvement. Support functions from the Management Information Services division have been discontinued. The responsibility for maintaining the information on the electronic bulletin board was transferred to the Council Office staff assigned to support the Metro Committee for Citizen Involvement.

Scholarships Issued

In FY 1994-95, the project operated under the Office of Public and Government Relations. The project as originally funded included an allotment for scholarships to the network, to provide an incentive and a regular motivation to utilize the service. A total of 19 scholarships were issued.

Costs to Date

In Fiscal Year 1994 - 95, Computer People, Inc. received payment of \$9,800 for their services. During the same period, Oregon Ed Net received \$4,370 for scholarships and support of the system and data. Total expenditures equalled \$14,170.

Staff Support

Three individuals have been trained to enter data onto the bulletin board. None of these three is available for updates to the project at this time. The first, a staff person from the Management Information Services Division worked on the project on a limited duration assignment.

The responsibility for updating the material was transferred to the Council Office staff at the beginning of the Fiscal Year 1995 - 96. The MCCI committee clerk and the Council Office secretary have each been trained to upload information on the network. Both individuals reported that maintaining and updating the material required considerably more time than was expected. Both Council Office staffers have taken other positions within the agency, so there is no one remaining in the Office trained to update the system.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING) RESOLUTION NO. 95-2210
THE REAPPOINTMENT OF VIRGINIA V.)
BENWARE TO THE INVESTMENT) Introduced by Mike Burton
ADVISORY BOARD) Executive Officer

WHEREAS, The Metro Code, Section 2.06.030, provides that the Council confirms members to the Investment Advisory Board; and,

WHEREAS, Virginia V. Benware has been actively serving as a member of the Investment Advisory Board since April 14, 1994 with a term ending October 31, 1995; and,

WHEREAS, The Council finds that Virginia V. Benware is exceptionally qualified to continue these duties, now, therefore,

BE IT RESOLVED,

That Virginia V. Benware is hereby confirmed for reappointment as a member of the Investment Advisory Board for the term ending October 31, 1998.

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

Ruth McFarland, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2210 CONFIRMING THE REAPPOINTMENT OF VIRGINIA V. BENWARE TO THE INVESTMENT ADVISORY BOARD.

Date: September 8, 1995

Presented by: Howard Hansen

FACTUAL BACKGROUND AND ANALYSIS

Metro Code, Section 2.06.030, includes the creation of the Investment Advisory Board. One provision of this Code requires the Investment Officer to recommend to the Council for confirmation those persons who shall serve on the Board to discuss and advise on investment strategies, banking relationships, the legality and probity of investment activities, and the establishment of written procedures for the investment operation.

On April 14, 1994 Virginia V. Benware was appointed to the Investment Advisory Board for the term ending October 31, 1995. Her appointment was to fill the unexpired term of a previous member who left the board.

The Executive Officer, acting as the Investment Officer, recommends reappointment for Virginia V. Benware for a successive term to end October 31, 1998.

Ms. Benware was employed as Personal Financial Planner for IDS Financial Services Inc. from 1991 to 1995. Her duties included business development, financial analysis and investment advice to a broad range of clientele from small business owners to retirees. She holds the NASD Series 7 and 63 licenses.

She has over twelve years of experience in public administration, general management, finance and budget, organizational and strategic planning, and personnel.

She holds a Bachelor of Arts degree in Sociology from the University of Nevada, and a Master of Public Administration degree from the Kennedy School of Government at Harvard University.

Ms. Benware's educational, employment, and professional experience confirm her ability to assist in the efforts of the Investment Advisory Board.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2210.