

REGIONAL POLICY ADVISORY COMMITTEE

MEETING ANNOUNCEMENT

**WEDNESDAY, JANUARY 13, 1993
5:00-6:30 P.M. ROOM 440, METRO CENTER**

AGENDA:

**I. APPROVAL OF MINUTES OF MEETING OF
DECEMBER 9, 1992 (MATERIALS ATTACHED)**

II. COMMUNICATIONS FROM THE PUBLIC

**III. IMPLEMENTATION OF MPAC (MATERIALS
ATTACHED)**

**V. REGION 2040 UPDATE (MATERIALS
ATTACHED)**

**VI. PROCESS FOR REVIEW OF LOCAL
GOVERNMENT DUES ASSESSMENT
(MATERIALS ATTACHED)**

All parking spaces are available for public use at 5:00 pm.

Please let us know if you cannot make it.

Thanks!!!

Regional Policy Advisory Committee

Meeting Summary

December 9, 1992

RPAC was convened by Chairman Gardner at 4:35 p.m., Wednesday, December 9, 1992 in room 440, Metro Center.

Members in attendance included: Committee Chairman Jim Gardner, Jerry Arnold, Earl Blumenauer, Dick Benner, Larry Cole, Richard Devlin, Jack Gallagher, John Godsey, Chris Foster, Gretchen Kafoury, Richard Kidd, Robert Liddell, Ed Lindquist, Peggy Lynch, Susan McLain, Roy Rogers, Bruce Thompson, Chris Utterback and Jim Zehren.

Others in attendance: Mike Gates, Doug Anderson, Andy Cotugno, Eric Carlsen, Brent Curtis, John Fregonese, Ken Gervais, Larry Shaw, Al Siddahl, Richard Ross, Stuart Todd, Mary Weber and Mark Turpel.

I. Meeting Summary

Chairman Gardner asked for amendments to the meeting summary of November 11, 1992. Hearing none, he asked for approval and no dissent was voiced.

II. Communications from the Public

Peggy Lynch asked to speak about regional growth.

Chairman Gardner recommended that as Resolution 92-1712 was the next item, the committee move to that item and as the issues that she was interested in were discussed that she make her comments at that time.

Chairman Gardner also introduced John Fregonese, the newly appointed Land Use Supervisor.

John Fregonese described his background including his 12 years as Director of Community Development for the City of Ashland and prior to that as Planning Director for the City of Woodburn.

III. Resolution 92-1712

Chairman Gardner asked Andy Cotugno to summarize the resolution and attachments.

Andy Cotugno described the resolution and attachment dated November 11, 1992, which included changes made at the previous RPAC meeting as well as changes made by JPACT.

Mayor Liddell asked how do you freeze Urban Growth Boundary (UGB) and comprehensive plans?

Andy Cotugno stated that you could say "we're done". He indicated that growth would not totally cease, at least initially, that it would not be exactly static. He gave as an example vacant or redevelopable properties that could develop to their comprehensive plan potential, but there

would be no comprehensive plan changes or UGB changes. He further stated that there could be zone changes within the constraints of the overall local comprehensive plan, within the constraints of land use economics.

Councilman Gallagher asked if it was easier to just build a fence around the ugb. He asked about disaster damaged structures and replacement.

Andy Cotugno responded that he was not in favor of such an option, but was responding to the question.

Jim Gardner asked if anyone was in favor of this option.

Chris Foster asked if it was legal.

Richard Kidd stated he was not in favor of the idea, but allowed uses within zones would give some flexibility, might be a possibility.

Mayor Cole stated that such a policy might have been acceptable if done 10-15 years ago, but that commitments had been made.

Mayor Liddell agreed that it couldn't be done now.

Chris Utterback said that if it is not doable, you shouldn't give the public the idea that is a possibility or a choice to be made from among other concepts.

Councilor Devlin stated that nothing can be done about it now, but there were some prime agricultural lands brought into the UGB historically.

Jim Gardner asked staff about the "no governance" option, and the radial option. He asked whether the radial option was simply a different way of doing concept "C".

Mark Turpel responded that the no governance concept was proposed by members of the development community, but only as a contingency to the slow or no growth concept. He stated that they were seeking to look at the full spectrum of alternatives if the slow growth alternative were going to be considered. He further stated that radial pattern could be a different way of implementing either concept "A" or "C".

Jim Zehren mentioned Greenspaces, and that he hoped to come back to this program as RPAC talks about criteria and next phases of the project.

Andy Cotugno stated agreement with the need to integrate an greenspace element for each option, and that a statement to this effect had been added to the resolution. However, he noted that there had not been the time to play out what form this could take.

Mayor Liddell stated that natural areas and quality of life were important considerations and that this may be the first thing to address in the next phase.

Chris Utterback stated that CPO's like natural areas, but raise the issue of compensation to land owners when one property is designated as park and another as residential. She also stated that she would like to see criteria for becoming a satellite included so you don't constrain land prices. She stated that it is possible to prevent sprawl and have a safety valve (satellites), although she didn't see this in the resolution.

Andy Cotugno stated you can do it in concept C.

Chris Utterback stated that C shows specific locations.

Andy Cotugno stated that this was intended only an illustration and was the reason why staff was recommending adoption of the resolution, not adoption of the specific maps.

Jim Gardener stated that was the downside of including maps, that they sparked discussion, but could be considered to be the only way to play out a growth concept. He indicated that there were many issues relating to satellites and concept C, as there were with the other alternatives.

Councilor McLain stated that in the next phase, that every time you do a map, land owners see this as designating a park. She stated that the map may be only for illustrating a general area, not a specific property, but someone has to be brave enough to put something on the map to begin the discussion.

Richard Devlin stated that he had just come from a park meeting and that what we are trying to do is a vision, a framework plan, of which one element is open space. He stated that Region 2040 should be addressing greenspaces in all concepts.

Councilman Gallagher asked whether this included taking into consideration what cities and counties are already doing and planning.

Councilor Devlin agreed that it must include this effort.

Chairman Gardner agreed and added that the region should look at acquisition of open spaces from willing sellers.

Mayor Liddell mentioned the problem of schools in West Linn. He didn't see education in the criteria. He stated that the 12-20 acres needed for a school site is not a small parcel. The number of people multiplied by the school needs equals a lot of land.

Andy Cotugno responded that we do take the need for school land into regional figures, but the calculations were not done in the sense of a specific site for a specific school.

Jerry Arnold stated that Beaverton schools need space for 1,200 more children than they have capacity.

Dick Benner stated that the need for school sites can differ depending on how they are built. If they are single story, have lots of parking they use more land. If they are built with several stories, perhaps with other uses included and have more reliance on transit, less land is needed per student.

Councilor Devlin stated that no one is setting aside school sited even though they know the need is there.

Mayor Liddell stated in the Tanner Basin, they did set aside land but schools had different ideas- massive Southern California style 1 story expansive schools.

Chairman Gardner asked if they can afford it.

Councilor McLain stated as an example the Winkle School, which is 2 story and has preserved adjacent wetlands and has houses as neighbors on the other side of the fence.

Roy Rogers asked what density are we trying to achieve? Is the satellite concept the right approach? If all renters are in high rise what kinds of differences from today will we see.

Andy Cotugno stated that we don't have the concepts worked out in sufficient detail to provide the numbers, but that the point of the concepts is to explore possibilities. One definition of tolerable is another person's definition of terrible.

Jim Zehren asked whether the growth concepts would consider the 4 county area.

Andy Cotugno stated that there was no 4 county plan contemplated. He suggested that a cooperative effort be included for those areas outside the Metro boundary but within the 3 county area and to provide information about the possible impacts of development in the metro area to Clark County.

Jim Zehren asked about whether the rate of growth would be considered and how this might affect how growth was accommodated.

Chairman Gardner noted that the resolution was describing a range of reasonable growth concepts, not choosing specific options, a task not to occur for 6-8 months.

Councilor McLain asked how the concepts would respond to fast growth in one area of the region.

Andy Cotugno responded that there should be language that included a future task that would analyze how to respond to whatever conditions face the region - slow growth, fast growth - the

consequences of each and that these all dealt with the rate of growth issue.

Councilman Gallagher asked whether added growth should be defined in terms of what the community can afford to support? He asked how do you put a handle on it without affecting local communities?

Andy Cotugno responded that this issue was brought up by the public, and that some of the public stated that they did not like to see more development outside the urban growth boundary and did not want to see more development over and above what existing plans allowed. He stated that he did not recommend a separate no growth option, but it was a issue that required a legitimate response, including what the consequences of such actions would be.

Councilman Gallagher stated that if you follow the U.S. Constitution, there was the right to travel and other rights which would make no growth perspective not viable.

Andy Cotugno stated that he agreed, but that an issue was raised, does the RPAC recommend inclusion of a slow or no growth option as a concept "D"?

Councilman Gallagher stated that when the issue was the ability of the public to pay costs, the discussion was on firm ground, but that other aspects of the issue were disturbing.

Councilor Devlin stated that at a meeting when the advisory committee was known as UGMPAC and the RUGGO were being discussed, the merits of concurrency versus consistency were debated. He stated that growth does not occur unless there is an ability to pay and that perhaps, the concurrency issue should be explored further.

Chris Utterback proposed that for resolve #8, the second line, that the words "livability and density" should be added.

Commissioner Rogers stated that the word "growth" needed to be better defined.

Andy Cotugno stated that "added population and employment" could be used to clarify what was meant by growth.

Commissioner Rogers stated that the qualities of households and families were changing and that there were not as many traditional families as a percentage of all households as there had been in earlier decades and these types of qualitative changes make a difference. He asked whether you can move an urban growth boundary based on different family structure.

Andy Cotugno stated that if the RPAC wanted a no growth option, they needed to define how they wanted to approach it.

Mayor Cole asked whether resolve #4 of the resolution was only concerned with the 4 counties regarding urban growth or whether it would include other issues.

Andy Cotugno stated that he did not believe that the resources were available and that there were jurisdictional problems.

Mayor Cole asked whether this indicated indifference about what happened outside the region.

Chairman Gardner stated that it was not a matter of indifference, only a recognition of limitations.

Councilor McLain stated that she hoped that the language would be written to express the idea that the region would identify the impact and that they could do their own analysis. That way, the region wouldn't get into doing an air quality analysis, for example, for them.

Mayor Cole stated that he would like to see the word "growth" struck.

Andy Cotugno recommended that a tighter definition, including the word growth, remain.

It was then moved by Councilwoman Kafoury and seconded by Jerry Arnold to revise the resolution by adding the word "rate" to growth in the 5th resolve, add the word "density" after the word livability in resolve #8, add "and regional framework plan" to resolve #9.

Eric Carlsen stated, as a former school band member, more reality was needed in the discussion. Schools have no money, if they could bank land, they would do it. Financing is key.

Councilman Kidd stated Forest Grove schools owns 3 sites, ready for construction as need occurs.

Peggy Lynch stated DLCD gave City of Beaverton a grant for coordinating comprehensive plans and urban growth with school issues. She stated that there was a final meeting December 16 and that a report will be coming out.

Andy Cotugno stated that in the resolution for Concept B top of page 2 of the attachment, the word "intersection" should be deleted. Commissioner Kafoury, as maker of the motion accepted this as a friendly amendment, as did Jerry Arnold, who seconded the motion. With this and the other 3 amendments noted earlier, the RPAC unanimously recommended adoption of the resolution.

IV. Implementation of MPAC

A memo was distributed from Larry Shaw dated December 9. (see attached)

Jim Gardner asked if RPAC and MPAC were similar enough to eliminate RPAC.

Larry Shaw responded that the Charter role for the MPAC was to provide "...advice and consent". He stated that the RUGGO gives RPAC a whole list of specific duties.

Councilman Gallagher asked if the MPAC make up could be changed.

Larry Shaw responded that MPAC and Metro Council could jointly agree to change the composition.

Jim Zehren asked if the charter functions like a constitution, could changes be made to MPAC so that it functions similarly to RPAC.

Larry Shaw stated that "advice and consent" is undefined to date.

Dick Benner stated that MPAC was mandated to be formed on January 1. If all representatives appointed to MPAC agrees to a membership change, it seemed like this could be accomplished and RPAC dissolved.

Councilman Kidd stated that this approach seemed to be most logical, otherwise there would be two meetings with most of the same people. He stated that he was ready to make a motion to that effect. RPAC for State Agency Council on.

It was noted that the State Agency Council was represented on RPAC but not on MPAC.

Councilman Kidd stated that should MPAC membership be increased to 21 members, this would remain a workable number.

Chris stated that one Metro Councilor may be appropriate, but asked why two Metro councilors.

Councilor McLain stated that originally UGMPAC had three councilors, when the UGMPAC voted for RPAC membership, it ended up with two Metro Council members and the Metro Council reluctantly approved this make-up. She stated that there is a heavy burden of coordination if there is one member, but with two there is more geographic balance and no surprises. She said that the vote was not important, representation is. She state that if a Metro councilor is in the back row not participating, this would not be very workable.

Chairman Gardner stated the value of two-since Metro is regional. He cited as an example himself and Councilor McLain. He lives in the central city and Councilor McLain is in Forest Grove.

Chris Utterback asked how they were looking at representation.

Councilman Thompson stated it was premature to talk about MPAC changes. He stated that he understood that the charter committee was intentional in leaving off the Metro Council.

Chairman Gardner stated that MPAC must make decisions.

Councilor Devlin stated that there was a change in the way citizen members of MPAC would

be selected compared with RPAC. That RPAC citizen representatives were selected by other RPAC members from county. MPAC citizens are appointed by Metro Executive with Metro Council approval. He stated that there was no mention in RUGGO of the Future Vision, the Framework Plan, MPAC, etc. He stated that there was no desire to pass off responsibility but..

Jerry Arnold stated that Metro's Executive Officer could appoint all citizens from one county.

Roy Rogers stated the only reason we're here is consultation. He stated that they had concerns with MPAC and that these issues needed to be nailed down.

Councilor McLain stated that Metro would not be calling MPAC meetings without further discussion with local governments. She stated that she hoped that RPAC members could see the worth of ongoing consultation and that it worked both ways. She stated that she did not want to lose RPAC as a consultative body until these issues were resolved.

Commissioner Rogers stated that it was important to trust, but verify.

Mayor Cole stated that in reviewing the chart contained in the memo distributed that Lake Oswego was missing. He also asked whether this would be the last RPAC meeting, or whether there would be two meetings - an MPAC meeting and an RPAC meeting.

Andy Cotugno acknowledged that there was an error in the chart and that there should be 17 members on the list for RPAC.

Chairman Gardner stated that they could be the same meeting, but that for now he was planning on continuing with RPAC and that it would meet next on January 13.

Mayor Cole asked if it would be a joint meeting.

Chairman Gardner stated that he was not sure of the timing and whether MPAC would be fully formed by the 13th.

Commissioner Lindquist stated that if MPAC appointments were similar to RPAC appointments, this could be a signal.

Andy Cotugno stated that it may be sufficient if there are 10 out of the total 18 appointed, that this would be sufficient for a quorum and to begin discussion.

Chairman Gardner stated that he would like to see more discussion of RPAC and MPAC at the next RPAC meeting.

Chairman Gardner adjourned the committee at 6:30 pm.

Respectfully submitted by Mark Turpel. H:\rpac12.min



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: December 9, 1992

To: Andy Cotugno, Planning Director

From: *lll*
Larry Shaw, Senior Assistant Counsel

Regarding: MPAC COMPARED TO RPAC
Our file: 7.§2.Q

Introduction

The Metro Charter significantly changes Metro's emphasis after January 1, 1993. Planning is now Metro's "most important service." Regional planning functions "are the primary functions of Metro" (§ 5(3)). State law planning requirements for Metro now must be read with Charter planning functions. So the Metro Council has undertaken careful review of the Charter's terms on all planning matters. This memo analyzes the new MPAC compared to RUGGO's RPAC.

RPAC - Regional Policy Advisory Committee

Metro is required by ORS 268.380 to adopt regional goals and objectives. On September 26, 1991, the holdover CRAG regional goals and objectives were replaced by RUGGO, Regional Urban Growth Goals and Objectives. Goal I, Objective 2.i of these new regional goals and objectives commits the Metro Council to establish RPAC to "assist with the development and review of Metro's regional planning activities." This assistance specifically includes "review and implementation" of RUGGO, functional plans, and the regional UGB.

In addition to assistance, RPAC is a forum for identifying and discussing regional and subregional issues (2.ii) and RPAC is an "avenue for involving all cities and counties and other interests in the development and implementation of growth management strategies" (2.iii).

RPAC membership is determined by its Bylaws adopted by the Metro Council. Current Bylaws include two Metro Councilors as RPAC members. Either the Metro Council or RPAC may appoint technical advisory committees as they determine a need. RPAC and JPACT are to develop a coordinated process, approved by the Metro Council, to assure that regional land use and transportation remain consistent with RUGGO.

MPAC - Metro Regional Advisory Committee

MPAC is not RPAC or JPACT. MPAC is Charter-required, including its membership composition. Its authority is not limited to land use and growth management and it is not required by the Charter to coordinate with JPACT.

MPAC is created on January 1, 1993, the effective date of the Charter, subject to appointment of its members (§ 27). It develops its own Bylaws and it is not subject to RPAC Bylaws. Its role comes from the Charter, not RUGGO.

MPAC has some RPAC-like duties. Under the Charter a Future Vision Commission recommends a 50-year vision in 1995. RPAC "assists with the development and review" of Region 2040 under RUGGO. MPAC "consultation and advice" is required on the adoption of the Regional Framework Plan before 1998 in § 5(2)(a), its amendment in § 5(2)(d), and new Framework Plan subjects in § 5(2)(b). Since RUGGO, functional plans, and the regional UGB seem to be included in that Framework Plan, that is similar to RPAC.

However, RPAC was established to "assist with the development" as well as review. MPAC only consults and advises. This distinction is notable in the recommendation and preparation of new functional plans. First, RPAC is specifically authorized by RUGGO, Objective 5.2.1 to recommend a new functional plan. Then, Objective 5.2.2 states that RPAC " * * * shall oversee the preparation of the plan" consistent with RUGGO and RPAC " * * * shall present the plan and its recommendations to the Metro Council." Further, RPAC has a primary role at Objective 5.3.2 in the conflict resolution process for functional plans and comprehensive plans.

Beyond Framework Plan consultation, MPAC has authority in Charter § 7 relating to additional Metro service functions unrelated to land use and growth management. Metro must seek MPAC advice before assuming a new service function (§ 7(3)). For Metro to assume a new service that is a "local government service," MPAC has the authority to allow Metro to proceed without the necessity of voter approval. This MPAC role is beyond the scope of RUGGO and RPAC.

Conclusion

A variety of differences in wording, composition, and emphasis exist between the Charter's MPAC and RUGGO's RPAC. Policy decisions on how to proceed are presented by these differences for Metro and representatives of local government.

Table 1
MEMBERSHIP COMPARISON

METROPOLITAN POLICY ADVISORY COMMITTEE (MPAC) (18 members)	REGIONAL POLICY ADVISORY COMMITTEE (RPAC) (16 members)
Clackamas County Commissioner	Clackamas County Commissioner
Multnomah County Commissioner	Multnomah County Commissioner
Washington County Commissioner	Washington County Commissioner
Lake Oswego City Councilor	Lake Oswego City Councilor
City Councilor or Mayor from remaining Clackamas County cities <i>within Metro boundary</i>	City Councilor or Mayor from remaining Clackamas County cities
Portland City Councilor or Mayor	Portland City Councilor or Mayor
Portland City Councilor	Portland City Councilor
Gresham City Councilor or Mayor	Gresham City Councilor or Mayor
City Councilor or Mayor from remaining Multnomah County cities <i>within Metro boundary</i>	
Beaverton City Councilor or Mayor	Beaverton City Councilor or Mayor
City Councilor or Mayor from remaining Washington County cities <i>within Metro boundary</i>	City Councilor or Mayor from remaining Washington County cities
Special District Governing Body member within Metro boundary within Clackamas County	Metro Councilor
Special District Governing Body member within Metro boundary within Multnomah County	Metro Councilor
Special District Governing Body member within Metro boundary within Washington County	
Citizen	Clackamas County Citizen
Citizen	Multnomah County Citizen
Citizen	Washington County Citizen
Tri-Met Board Member	State Agency Council



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: January 5, 1993

To: Andy Cotugno, Planning Director

From: *llt*
Larry Shaw, Senior Assistant Counsel

Regarding: MPAC MEMBERSHIP AMENDMENT PROCESS
Our file: 7.§2.Q

Introduction

At its last meeting, RPAC discussed the option of adding members to MPAC's Charter-designated composition to reflect current RPAC members omitted in the Charter. This memo suggests a process for MPAC and Metro Council approval of such a proposal.

MPAC Charter Provision - Section 27

MPAC was created on January 1, 1993, the effective date of the Charter, with a specific "initial membership" composition. Many MPAC members are expected to have been appointed by RPAC's January 13 meeting.

Charter Section 27(2) allows changes in MPAC composition: "A vote of both a majority of the MPAC members and a majority of all councilors may change the composition of MPAC at any time."

Duties of MPAC include Charter-required "consultation and advice on adoption," and amendment of the new Framework Plan subjects in Section 5. Also, Charter Section 27(3) states "The MPAC shall perform the duties assigned to it by this charter and any other duties the Council prescribes." (Emphasis added.) Therefore, it would be consistent with the Charter if the Council adopted amendments to RUGGO adding specific duties to MPAC, such as replacing "RPAC" with "MPAC" as suggested at the last RPAC meeting.

MPAC is required to adopt Bylaws " * * * governing the conduct and record of its meetings and the terms of its members."

Composition Change Process

Since both MPAC and Metro Council approval is required for a change in MPAC composition and any amendments to RUGGO must be adopted by Metro ordinance, the following process is suggested if a change in MPAC composition is desired:

1. A majority of MPAC's 18 Charter members indicate the proposed change in MPAC composition desired.
2. Metro Council considers First Reading of an ordinance including the proposed composition change and any RUGGO amendments.
3. Metro Council Transportation and Planning Committee considers the proposed ordinance and makes its recommendation to the Metro Council.
4. MPAC reviews and approves the change in MPAC composition in the proposed Metro Council ordinance.
5. Metro Council adopts the proposed ordinance, thereby approving the same MPAC change in MPAC composition.

Terms of MPAC Members and Alternates

Each MPAC member agency appoints its representative under Charter Section 27(1). MPAC is required to address the term of its members in the MPAC Bylaws under Charter Section 27(4). The current RPAC Bylaw approach to alternates and terms is in Article III: Section 1.c. requires alternates to be appointed to serve in the absence of the regular members, Sections 2.b. and d. state two-year terms for representative city and citizen members and alternates, and Sections 2.a., c., and e. provide that all others serve until removed by their jurisdiction. If this approach is adopted in MPAC Bylaws, alternates would be required after such MPAC Bylaws were adopted.

WHEREAS, The Region 2040 project has completed a telephone survey of over 400 randomly selected citizens of the region about their concerns and values about growth; and

WHEREAS, Two series of workshops with the elected and appointed officials of the cities and counties of the region have been conducted in the spring and fall of this year concerning growth in the region; and

WHEREAS, Interviews with 52 representatives of public and private agencies and organizations from throughout the region have been conducted gathering their thoughts about growth in the region; and

WHEREAS, Two series of public workshops and open houses were advertised in the newspaper of general circulation as well as community newspapers and were held during the spring and fall of this year gathering public values and concerns about growth in the region; and

WHEREAS, 20,000 copies of a 12-page publication were prepared and distributed this fall which provided background on possible growth choices and provided the opportunity for citizens of the region to add or amend growth concepts; and

WHEREAS, RTAC and TPAC, RPAC and JPACT have reviewed, revised and recommend the evaluation of these regional growth concepts; and,

WHEREAS, growth choices depicted in the publication intend to show broad policy options and not to specify land use

designations, transportation facilities or employment centers; now, therefore

BE IT RESOLVED,

1. That the Metro Council directs staff to begin evaluation of growth concepts as follows:

- Concept "A" continuing with current policies accommodating forecasted growth to the year 2045 through currently adopted comprehensive plans and continued expansion of the urban growth boundary;
- Concept "B" growing inside the urban growth boundary accommodating forecasted growth to the year 2045 by not enlarging the present urban growth boundary and increasing development intensities focused on transit inside the current boundary; and
- Concept "C" satellite communities growing at the edge accommodating forecasted growth to the year 2045 through some increases in intensities of use inside the current urban growth boundary and by some growth occurring in areas of concentrated urban development outside the current urban growth boundary.

2. That all of the above concepts will strive to be workable models and will endeavor to meet the intent of newly adopted policies and requirements including Metro's Regional Urban Growth Goals and Objectives and the State of Oregon's Transportation Rule and Urban Reserve Rule and the Clean Air Act of 1990.

3. That a base case for comparison purposes will be developed to provide an examination of the implications of implementing existing plans and policies not including new provisions of the State's Transportation Rule and Urban Reserve Rule, the Regional Urban Growth Goals and Objectives or the Clean Air Act of 1990 . That detailed base data and assumptions will be provided for timely review to all TPAC and RPAC jurisdictions.

4. That each growth concept will include the full tri-county area and take into consideration effect on growth in Clark, Columbia, Yamhill and Marion Counties .

5. That a study of growth pressures will be completed in two parts. The first part will identify and analyze factors, both internal and external, which influence growth and describe how the growth options respond. The second part of the study will identify possible actions which may be taken to discourage or encourage growth and the feasibility of application.

6. That the concepts described above could be designed in a myriad of ways and are subject to further technical definition, but that Exhibit "A" outlines the minimum set of variations for each concept that will be examined further. However, during Phase II of the project, other variations may be developed or proposed and Exhibit "A" is not intended to limit the possibility of other variations being evaluated .

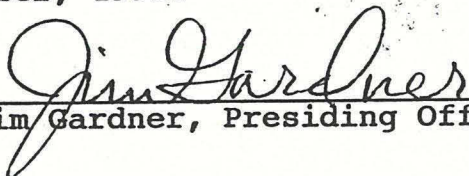
7. That each concept will incorporate an element related to the Greenspaces Master Plan.

8. That for each of the regional growth concepts, Region 2040 shall develop a further level of detail which facilitates evaluation in terms of livability, density, economic, governmental and social costs, benefits and impacts, including the evaluation of public and private costs. That for each concept, Region 2040 shall develop a comparative analysis of public infrastructure and services. Several variations to each concept may be considered. It is Metro's intention for the process of refinement and evaluation to be as inclusive as possible to encourage participation and ultimate consensus on alternatives.

9. That the Region 2040 project shall be amended to 2045 to ensure requirements of the Metro Charter related to development of a "Future Vision" are addressed including establishment of a "Future Vision Commission" and development of a regional framework plan.

ADOPTED by the Council of the Metropolitan Service

District this 22rd day of December, 1992.



Jim Gardner, Presiding Officer

Possible Refinements to Designated Regional Growth Concepts

For each concept there will be developed a further definition of detail sufficient to allow evaluation of impacts on liveability and economic vitality. Numerous variations of each concept are possible. The following are a minimum set that will be developed. During the development and further definition of the variations, it may be concluded that additional variations should be added. The following list is therefore a minimum that will be pursued, but is not intended to be an exclusive list which cannot be amended as deemed appropriate.

Concept "A" Continuing with Current Policies

The basic framework for Concept "A" is existing comprehensive land use plans and current urban growth boundary policies.

1. Concept "A" will be refined to determine the location for expansion of the urban growth boundary considering the following factors: a) contiguity with the existing boundary; b) a balanced consideration of factors 1 through 7 of Goal 14 and RUGGO, including accessibility of expansion areas to the jobs of the region, the ease of providing sanitary sewers and avoidance, where possible, of rural resource lands; and c) no expansion into floodplains or the Columbia Gorge Scenic area.
2. Two variations of the highway system would include: a) the Sunrise Corridor, Mt. Hood Parkway and Western Bypass as freeway/expressway level facilities; and b) the Sunrise Corridor, Mt. Hood and the Western Bypass as arterial, non-freeway improvements.
3. The Transit assumptions will include a basic radial transit system in which: a) the east-west light rail line from Gresham to Hillsboro will exist; b) there will be north-south light rail service connecting Milwaukie, Clackamas Town Center, Vancouver and Portland International Airport; c) there will be an additional radial light rail line to the southwest quadrant of the region; and d) the light rail and bus transit service level will be that described in the existing Regional Transportation Plan. A basic level of bicycle and pedestrian improvements would be included in this option.

Concept "B" Growing Inside the Urban Growth Boundary

A basic assumption of Concept "B" is that the current urban growth boundary would not be expanded.

1. Concept "B" will include accommodating the forecast growth for population and employment to the year 2045 inside the current urban growth boundary by a more intensive use of land focused on transit. LUTRAQ and the Livable City projects would provide more specific local models for how land use intensification could occur in this concept focused along high capacity transit lines and transit "Main Streets."
2. Transit would be assumed to: a) have the most extensive transit level of service of any concept; b) consist of a radial high capacity transit system with an east-west component from Forest Grove to Gresham and north-south lines which connect areas north of Vancouver, Washington, Portland International Airport, Clackamas Town Center, Milwaukie and Oregon City; c) include an additional radial light rail line to the southwest quadrant of the region; d) include a circumferential high capacity transit system on the southern end of the region; and e) have a level of transit service consistent with that described in Tri-Met's proposed Strategic Plan. The highest level of bicycle and pedestrian improvements would be reflected in this option.
3. Two variations of the highway system would include: a) the Sunrise Corridor, Mt. Hood Parkway and Western Bypass as freeway/expressway level facilities; and b) the Sunrise Corridor, Mt. Hood and the Western Bypass as arterial, non-freeway improvements.

Concept "C" Communities Growing at the Edge

A basic assumption of Concept "C" is that the current urban growth boundary would not be expanded in a contiguous manner. Rather, three satellite centers would be added as places to accommodate growth. An initial definition of satellite centers includes centers sized to accommodate 40-60,000 people, with alternative locations considered primarily on flatter, non-rural resource lands.

1. Approximately two-thirds of the forecast growth would be accommodated within the current urban growth boundary and the balance in satellite centers outside the current urban growth boundary as guided by forecasts of demand.
2. High capacity transit would be assumed to include both radial and circumferential lines, with service including: a) east-west from Forest Grove to Gresham, north-south from areas north of Vancouver Washington, to Portland International Airport, Clackamas Town Center, Milwaukie and Oregon City; b) a southern circumferential line; and c) an additional radial light rail line to the southwest quadrant of the region. Satellite centers would be provided high capacity transit service. The level of transit service would be less than that recommended in the Tri-Met proposed Strategic Plan, but higher than the current Regional Transportation Plan. A

moderate level of bicycle and pedestrian improvements would be included in this concept.

3. Two variations of the highway system would include: a) the Sunrise Corridor, Mt. Hood Parkway and Western Bypass as freeway/expressway level facilities; and b) the Sunrise Corridor, Mt. Hood and the Western Bypass as arterial, non-freeway improvements.

Base Case

This base case will reflect past practices. Recently adopted but not yet implemented policies such as the Transportation Rule, Clean Air Act or the Regional Urban Growth Goals and Objectives will not be included. The light rail system will be limited to an east-west line from Gresham to Hillsboro with a modest level of transit service. Investment in transportation expansion will continue to lag behind growth. The base case will also assume that underbuilding, or development at less than the maximum densities allowed by existing comprehensive plans, will occur consistent with historical experience. In addition, the base case will assume that infill and redevelopment will continue to occur at existing rates.

MT:GR:lmk
92-1712C.RES
12-23-92

Planning Department
2000 S.W. First Avenue
Portland, OR 97201-5398
(503) 221-1646 Fax 273-5585

DATE: January 6, 1992
TO: 2040 Management Committee
FROM: Andy Cotugno
SUBJECT: Region 2040 Phase II - Work Plan Draft

Background:

The Region 2040 project was begun in 1992 (mid-year FY 1991-1992). Its historical antecedent was the development and adoption of the Regional Urban Growth Goals and Objectives (RUGGO). As a result of RUGGO development and adoption process, it was concluded that Region 2040 should be initiated. The project purpose was to provide a more detailed understanding of how RUGGO would be applied, for example, RUGGO call for the development of a balanced transportation system and better coordination between land use and transportation planning. Region 2040 was intended to develop and explore alternative ways to accomplish RUGGO. In addition, it was to include a substantial effort in evaluating the costs and consequences of growth alternatives and a well-organized public involvement effort. In order to accommodate contract administration, budgeting and work program management, the project was conceived in phases. The focus of Region 2040, Phase I was twofold: 1) gather and analyze public concerns with how growth could be accommodated in the region; and 2) shape public and technical interests and concerns into a reasonable range of growth concepts. For Phase I, the work tasks were divided into two "rounds". The first round, concluded in the second half of FY 1991-1992, was a public involvement effort that included: 5 public workshops, a 400 person random telephone survey, interviews with 52 stakeholders, an Annual Conference with over 700 participants, a local government exercise, and workshops with local governments. All of these efforts were documented in a summary report.

Fiscal Year 1992-1993 began round 2 of Region 2040, Phase I. During this 6 month period, a report outlining the historical and regional landscape form was completed, as well as a literature review of mixed use urban centers. This information, as well as the public responses documented from round 1, were used to shape several draft growth concepts. A 12 page full-color tabloid was developed to describe the Region 2040 process and the growth concepts. This document was distributed to over 20,000 people. Also, over 70 public meetings were held with the cities and counties of the region, neighborhood and community organizations, business and environmental organizations. In addition, meetings with Metro advisory committees (RTAC, TPAC, RPAC and JPACT) were held, discussing what a reasonable range of growth concepts could be. On December 22, 1992, the Metro Council

adopted 3 regional growth concepts as a reasonable range. A final report will be completed in January, 1993 documenting all of the Phase I efforts and a newsletter will be distributed to inform Phase I participants about how their input was used and how they can participate in Phase II.

Region 2040 Phase II

The adoption of the new Metro charter in November of 1992 increases significantly the importance and scope of the Region 2040 Project. The Charter requires that Metro develop a Regional Framework Plan by December 31, 1997, which includes many elements that will be informed by the Region 2040 process.

The objectives of Phase II are to better understand the relationship of the transportation system to the urban form of the region and to present the public and decision-makers with accessible information from which to make informed growth management decisions. Utilizing qualitative and quantitative measures, we will analyze and describe the trades-offs associated with different transportation systems and urban forms and land use patterns. We will also present the public with general information regarding the growth concept benefits, costs, and consequences. The public and decision-makers will be asked to choose from among the urban forms defined by urban growth boundary policies, and a transportation philosophy for serving that urban form.

Phase II will begin in January, 1993 and will lead to a Metro Council decision in December of 1993 on: 1) the urban growth boundary policy, "Do we grow up or out?" (or some combination); and 2) a coordinated transportation/land use philosophy. It is also anticipated that three or four implementation strategies will be adopted for further analysis. We propose to accomplish these objectives by providing the public and decision-makers with several detailed land use/transportation policy/plan variations to be narrowed to perhaps as few as 1 or as many as 3 variations by the end of the calendar year.

With the completion of Phase II, Metro will adopt a document that will both help to guide the development of the region, and provide a stepping stone to development of a Regional Framework Plan. It will contain the following elements:

1. The public involvement program (including how it was conducted, what was learned from the public and specifically what the region, as a whole, values;
2. Population and employment forecasts for the year 2045 (representing mid-low and a mid-high growth scenarios, as well as a description of the forecast assumptions and decreasing rate of reliability.);
3. The analysis of the choices for urban growth and form;
4. A decision on the type of urban growth policy, as it relates to the urban growth boundary;

5. A set of implementation policies to achieve the above, including a general description of land use changes and development patterns that will need to be changed to support the decision;
6. An official map, showing the urban growth boundary, a sketch level of the transportation facilities necessary, basic land use densities and patterns and greenspaces to be preserved;
7. What decisions will need to be made in Phase III of Region 2040.

Region 2040 will then begin Phase III, which will refine the Phase II product and will include goals for housing density, urban form, and implementation measures. A strategic planning approach will be taken, which will attempt to minimize risk and maximize opportunities for the region's overall goals. Phase III will be developed in parallel with the updated Regional Transportation Plan, and the required work on Urban Reserves. All of these products will lead to the development of elements of the Regional Framework Plan.

Region 2040 Planning Approach

In proceeding with Phase II of Region 2040, Metro is undertaking an ambitious process that has failed in many other metropolitan areas to produce significant beneficial results. However, the chances for success are better today in the Metro area than ever before. The reasons are manyfold: a heightened awareness of the problems unplanned growth, a strong tradition for planning, a statewide planning system that is supportive and complementary to regional planning, the participation and support of the State of Oregon, local governments, Tri-Met, public interest groups, and the private sector, and, perhaps most importantly, a form of regional government that has the clear authority to develop and implement an effective regional planning program.

While the chances for success are better than elsewhere, we must approach this task with a clear understanding of the limitations of the tools we have available, and an appreciation for the importance that societal values, intuitive thinking, creative solutions, and common sense play in good planning. While Metro has available some of the best computer modeling and forecasting tools in the world, in the end, planning decisions are, and should be, made by people, not computers.

Modeling

Metro staff have taken an existing computerized land use allocation model (DRAM/EMPAL) and upgraded, improved and calibrated the model for use in the metropolitan area (the new version of the model is called SAM - Spatial Allocation Model). As noted earlier, this model is intended to be used as a tool for technical experts to use in projecting likely or

possible growth allocations for the region to a scale of 100 zones for the 4 county area.

The SAM model has three basic purposes:

1. To inform; especially in the base case (base case meaning "what if the plans and policies of the 1980's were used and unchanged for the next 50 years") and the early forecast years, the model should give reliable information about the relationship between land use and transportation in terms of the affect of accessibility and market attractiveness on urban growth for 100 subareas in the region.
2. To build consensus; the model should help us to bring in stakeholders, who through the modeling will be able to see some of the effects of their proposals or the effects of anyone's proposals on their interests.
3. To provide a learning tool; this will force all of us to articulate our assumptions and to learn more about interrelationships between and among variables.

Model Limitations: The model becomes less reliable as it goes through successive iterations. It should be seen as only one of several information inputs. We should be careful to avoid any implication that the model itself will give answers about best scenarios. It is most reliable as an indicator of relative attractiveness of one major subarea of the region to another and becomes less reliable at a finer zone level.

Iterations: Modeling will proceed step-wise, beginning with 2 base cases (with and without new freeways) and proceeding to those versions of Concept A which are most like the base case. Similarities shall be noted with the objective of reducing the number of model runs as much as possible. We will not assume that it will be necessary to complete 30 runs of the model in the sketch phase of this effort.

Context

Project 2040 is seen by Metro as being within a broader context of overall growth management. This means that transportation planning, including work on the Regional Transportation Plan (RTP) and corridor studies, as well as land use refinements such as Greenspaces, urban reserves, infill, UGB review etc. are related, ongoing Metro planning activities. Region 2040 is intended to "inform" these other efforts, and be informed by them, rather than to operate as the sole generator of policy and planning. That is, a relationship other than dependency on Region 2040 results.

Strategic Planning

It is being recognized that the traditional "Master Plan" approach alone has limitations. The Region 2040 project emphasis should include strategic planning and risk analysis/aversion

tools within a long term (fifty year) time frame. One of the products of Phase II will be an outline of the implementation packages needed to achieve the various growth concepts. This is important both to avoid a "plan" as the sole product of this effort and to recognize the importance of policy development and implementation as a tool with the flexibility to respond to changing circumstances. One of the best examples of a successful approach to a regional problem using this approach is the work of the Northwest Power Planning Council. We should be looking for those policies which Metro and other governments, utilities, etc, should be pursuing because they must and should be done in all likely futures.

Values

We must make a clear connection between citizen values and our products. For building consensus and for technical analysis the values of our citizens are probably the most stable building blocks upon which to fashion a future.

The scenarios need to be described both in technical terms and in terms of people's values, in living terms. This can be done through images included photographs, drawings, and films/videos and with words. These descriptions need to portray what life would be like in each alternative. They would be qualitative, not primarily quantitative in nature.

Growth Allocations

A range of growth allocations could be applied to each urban form concept. Population forecasting for a 50 year time frame is very uncertain, and this needs to be acknowledged in our planning process. When looking at a 50 year time frame, a small difference in an annual growth rate can make a substantial difference in 50 years. Therefore, the projections should be viewed as growth scenarios, rather than forecasts. The Region 2040 planning methodology should acknowledge this limitation, and deal with it in a realistic fashion.

Our proposed approach is to respond to this limitation by using a mid-low and mid-high set of projections and to introduce risk analysis for other possible projections. Specifically, for initial modeling runs we will choose a middle range forecast and apply it to each of the concepts. For the second round of modeling, we will assess the likelihood of the achieving the high versus the low growth allocation for each concept and describe the potential risks and rewards of higher or lower rates of growth. For example, we would likely examine the risks to infrastructure investments and financing if growth rates were lower or higher than expected. This approach recognizes the uncertainty inherent in population and employment long-term forecasts and provides a way to examine how different urban forms may have different risks/rewards at differing population and employment levels. It also attempts to answer the concerns voiced by some members of the public and project technicians about the "what ifs" associated with forecasting growth.

Work Tasks:

These are the major tasks that are the components of Region 2040 Phase II:

Task 1: Project Management

The project will be managed by "inside" and "outside" teams. The inside team will be comprised of Planning Department managers, representing the multi-disciplinary approach of Region 2040. The outside team will be the 2040 Management Committee, who will provide oversight and assistance. Staff managers will meet weekly and the Management Committee will meet semi-monthly. These teams will be used to address technical and coordination issues and will be supplemented by regular reviews by TPAC and RTAC. Policy issues will be forwarded to Metro policy advisory committees and the Metro Council.

Task 2: 2045 Growth Scenarios

The purpose of this task is to complete and publish the population and employment forecasts to the year 2045. We should publish the four most robust forecasts that have been developed, and use a middle projection in the sketch modeling of the concepts for Phase II. The other forecasts will be used to test for sensitivity of the scenarios to different population and employment growth rates when the number of growth variations has been reduced to 4 or so.

Task 3: Sketch Modeling

This task is to develop the modeling technique at the staff level, run the base case, and develop standard methods of displaying model information so the results can easily be interpreted by persons who do not have a technical background. This task will be done primarily using the SAM model, and will be the phase where the anticipated 50 year growth is allocated in the region. After the first six weeks of staff activity, a larger group, the "users", will be included to develop variations and learn from the modeling technique. This task includes the following sub tasks:

1. Train the interdisciplinary staff team primarily involved in the modeling work.
2. Develop standard input forms and a modeling protocol that will insure a consistent application of the model and documentation of the results.
3. Develop the base case with the SAM model. We will develop most of the concept variations based on the range of concepts adopted at the end of Phase I, and test the effects of a highway, freeway and high capacity transit on the various alternative concepts.

4. Facilitate user group modeling. Train and develop variations on the concepts for input into the model with the user group for the model. The user group would provide for, at a minimum, one representative from each city and county of the region, drawing from the membership of the 2040 Management Committee, RTAC and TPAC members, as well as other strategic agencies including ODOT and Tri-Met. The users would be trained in the use of the model and would be familiarized with the model assumptions, inputs, constraints, and limitations.
5. Review the development and operation of the base case with the users and modify it, if necessary.
6. Develop variations to the three concepts that have been adopted with the users and other groups such as MPAC, JPACT, the Metro Area Planning Directors, and the Future Vision Commission.
7. Review and report to Metro Council Planning Committee at regular intervals for updates and policy direction.
8. Model the variations at a low level of detail, including growth allocations within the region, and evaluate them using "sketch" criteria, that is, rough measures that will allow the culling of variations that fail the evaluation test thresholds.

Task 4: Cull and Combine Variations

This task is to eliminate the scenarios that are no longer viable. At this point, the number of variations should be cut to between 3 and 5 variations. Sketch or threshold evaluation criteria will be applied to growth variations to reduce the number of different growth choices to be more finely analyzed.

Task 5: Fine Modeling

This task is to refine the surviving variations, and perform a detailed analysis of the costs and consequences of the remaining scenarios. It is at this stage when a full modeling of the transportation system will be done. It includes the following sub-tasks:

1. Rerun variations, and test for sensitivity to different population forecasts;
2. Develop a detailed analysis of the transportation systems that would serve the variations and how they would meet federal, state, and RUGGO requirements;

3. Analyze the land use necessary to support the variations and what changes would be needed from current practice and existing development, including the amount of infill and redevelopment necessary to achieve the variations; and
4. Solicit input from sewer and water providers, and private utilities where appropriate, to determine the costs and feasibility of serving the variations;
5. Evaluate each scenario in detail providing both quantitative and qualitative data about how much the growth would cost, who could be expected to pay for it, and how well it would match regional values identified through public involvement.

Task 6: Slow Growth Analysis

This task will analyze and evaluate the causes of growth or decline in a region, what policies or programs can impact the growth of a region, and the costs and consequences of applying the policies. In addition, a legal memorandum should be prepared which gives an opinion on the limitations the federal and state constitutions and state planning laws place on growth limiting strategies.

Task 7: Develop Evaluation Criteria

Development of two sets of evaluation criteria will comprise this task. The first set, called sketch criteria, are those which can be used to quickly assess the viability of a model at the sketch modeling level. These would be numerical measures that can be quickly derived from the models themselves. The second set, called fine evaluation criteria, would be measures that are quantitative, but depend on data that is derived from a detailed modeling exercise, or are qualitative criteria that will be harder to obtain. The fine evaluation criteria will be applied to the limited set of variations. The staff would be assisted by consultant help in developing the fine criteria and evaluating the fine modeling results.

Task 8: Economic Effects

The modeling system we will be using does not include a great deal of information on market effects. This task is largely a consultant-based project which will include an economic analysis of the land use and transportation systems, and how they would effect the outcome of any particular scenario. This will be used to refine the "fine" models to realistically take into account market effects.

Task 9: Greenspaces Integration

This task will be to integrate Metro Greenspaces Masterplan concepts into the sketch and fine

modeling steps, so that the final Region 2040 product is compatible with and supportive of the Greenspaces masterplan. It will involve at least the following:

1. Define the Greenspaces concept for each concept. Is there a difference in how Greenspaces is implemented in each concept?
2. Insure that the Greenspaces effect on buildable lands is taken into effect.
3. Define Greenspaces implementation strategy in the final variations and insure that conflicts between necessary development to support the concepts and implementation of Greenspaces are resolved.

Task 10: Urban Design

This task is to develop a urban design element that will show greater detail of the types of development that would be envisioned in each of the three concepts. The project would begin by describing a hypothetical square mile in the region. It would be half developed, with a mix of typical single family homes, apartments, commercial, and small scale industrial. The square mile would include important physical features that have greenspace implications, such as a creek, wetlands, and a hillside. The transportation system would include arterial and collector streets, with a underdeveloped system of local roads, with poor interconnections. This area would have developed mostly in the late 50's to the present, with a few antecedent historic structures.

The project would then show in detail how the area might develop within specific policies, including those relating to residential density and other land use parameters for the base case and Concepts A, B, and C. The results would include a list of policies, a detailed land use map and architectural renderings of a typical street scene. The costs, density, and traffic generation of each scenario would be described at a small scale, to assist in understanding what the macro scale decisions mean in human scale.

The upcoming Visual Preference Survey that will be conducted in the region will assist in assessing what the regional values are in urban form, and will guide the development of the urban design for each of the concepts.

Task 11: Development of a Decision Document

This document will be the compilation of all that was learned in the process and clearly lay out the decisions to be made. It will be designed in two volumes: Volume 1 will be in a journalistic, magazine format, easy to read with interesting, colorful graphics. Volume 2 will be a appendix of supporting technical reports. Volume 1 will be designed to be easily modified and reprinted when a decision is final, so that it will represent official Metro policy as most recently revised.

Task 12: Public Involvement

This task is the development of a continuing and underling public involvement strategy for the project. We will focus materials and program that provide information and education about growth management and the trade-offs associated with urban form. At the end of the technical process of Phase II, we will concentrate on providing opportunities for the public, stakeholders, local governments and special interest groups in the region to help shape the decisions about the urban growth boundary and transportation system. The general subtasks are:

1. Develop a public involvement plan at an early stage that will thoroughly lay out the methods to be used to inform the Metro citizenry and efficiently gather responses from them.
2. Insure that Region 2040 is a key component in the upcoming ad campaign sponsored by the Partners for a Livable Community, an intergovernmental group of local governments, Tri-Met, and Metro to promote awareness of growth management and spur involvement in the community.
3. Publish a newsletter early in Phase II, informing the public of the responses gathered in Phase I, decisions that have been made, the ongoing process that will be upcoming and how they can participate.
4. Publish a second tabloid in September, which will be part of the major outreach program, informing the public of the results of the analysis and alerting them to opportunities for participation at the beginning of the decision process.
5. Develop broad public outreach through the local television stations, including a "Townhall" program in March, cable TV call-in programs and media events designed to generate coverage on local news.
6. Develop a video for broad distribution. This would be a 15 to 30 minute, documentary style video. Major parts of the process would be recorded on tape, such as the Growth Conference, public meetings, MPAC discussions, etc., as well as interviews with key decisions makers. The future scenarios would be shown by architectural drawings, computer simulations, and show existing development in the region today.
7. Convene the annual growth conference in early May and provide the results of the base case modeling and the variations to be modeled. As an exercise during the conference, new variations could be suggested, which could be consolidated and modeled.

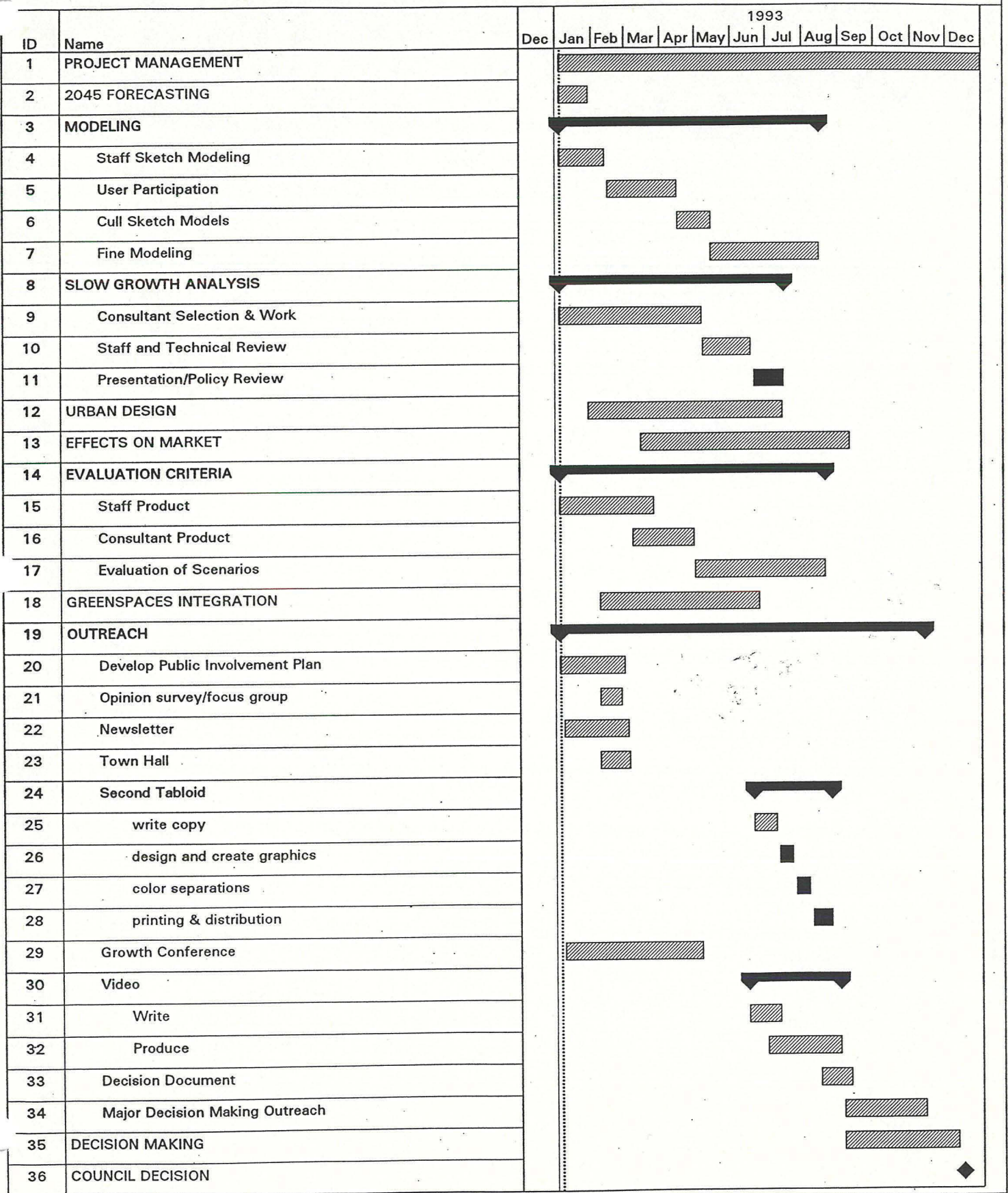
8. Conduct community presentations and workshops. This would be similar to the outreach sessions in Phase I of Region 2040. Additional outreach techniques will also be considered.
9. Develop a mechanism to engage the stakeholders and the special interest groups in the region in the decision making process. This could include individual interviews as used in Phase 1 or other techniques.

Task 13: Decision Making

This task involves selection of the preferred urban form concept and an adoption by the Metro council of a document that contains the interim decisions that can be made at this point. The Metro council would at the same time lay out the future activities to be completed in Phase III. The decision document will include:

1. The public involvement program (including how it was conducted, what was learned from the public and specifically what the region, as a whole, values;
2. Population and employment forecasts for the year 2045 (representing mid-low and a mid-high growth scenarios, as well as a description of the forecast assumptions and decreasing rate of reliability.);
3. The analysis of the choices for urban growth and form;
4. A decision on the type of urban growth policy, as it relates to the urban growth boundary;
5. A set of implementation policies to achieve the above, including a general description of land use changes and development patterns that will need to be changed to support the decision;
6. An official map, showing the urban growth boundary, a sketch level of the transportation facilities necessary, basic land use densities and patterns and greenspaces to be preserved;
7. What decisions will need to be made in Phase III of Region 2040.

REGION 2040 TIMELINE - 1993



Project: Region 2040
Date: 1/4/93

Critical
Noncritical

Progress
Milestone

Summary

REGION 2040 - TIME ALLOCATIONS BY DIVISION AND TASK

(Calendar year 1993)

TASK \ DIVISION	Director	Transportation Planning	Transportation Modeling	Data Resource Center	Land Use	Environmental	TOTAL
PROJECT MANAGEMENT	208	84	84	42	418		836
2045 FORECAST	10		10	42			62
MODELING	105	1,357	2,767	1,880	2,150		8,259
Staff Sketch Analysis	42	564	1169	731	731		3,237
User Participation	43	500	300	700	731		2,274
Cull Sketch Model	10	22	45	31	62		170
Fine Modeling	10	271	1253	418	626		2,578
SLOW GROWTH ANALYSIS			42	376	188		606
Consultant Work					20		20
Technical Review			42	376	148		566
Presentation/ Policy Review					20		20
URBAN DESIGN					84		84
EFFECTS ON MARKET			42	271	292		605
EVALUATION		313	751	1,065	1,650		3,779
Staff Product		100	125	125	710		1,060
Consultant Product							
Evaluation of Scenarios		213	626	940	940		2,719
GREENSPACES INTEGRATION					146	104	250
OUTREACH	198	42	42	481	5,502	188	6,453
Develop PI Plan							
Newsletter					324		324
Town Hall					80		80
Opinion Survey			21	42	397		460
Tabloids	21			230	1553	21	1,825
Growth Conference					100		100
Video				63	397	21	481
Decision Document	52	42	21	146	960	42	1,263
Major Decision Making Outreach	125				1691	104	1,920
DECISION MAKING	104				146		250
COUNCIL DECISION							
TOTAL	625	1,796	3,738	4,157	10,576	292	21,184

	FY 1992-93 Assessment @ .43/	FY 1992-93 Assessment @ .51/	FY 1991-92 Assessment @ .43/
Clackamas County			
Gladstone	\$4,699.90	\$5,574.30	\$4,480.60
Happy Valley	\$821.30	\$974.10	\$709.50
Johnson City	\$266.60	\$316.20	\$262.30
Lake Oswego	\$13,710.55	\$16,261.35	\$13,564.35
Milwaukie	\$8,406.50	\$9,970.50	\$8,363.50
Oregon City	\$7,228.30	\$8,573.10	\$7,206.80
Rivergrove	\$126.85	\$150.45	\$126.85
West Linn	\$7,587.35	\$8,998.95	\$7,378.80
Wilsonville	\$3,966.75	\$4,704.75	\$3,764.65
Unincorporated in Metro	\$40,980.29	\$48,604.53	\$39,189.53
Multnomah County			
Fairview	\$1,279.25	\$1,517.25	\$1,113.70
Gresham	\$31,050.30	\$36,827.10	\$30,626.75
Maywood Park	\$335.40	\$397.80	\$335.40
Portland	\$197,058.25	\$233,720.25	\$194,817.95
Troutdale	\$3,779.70	\$4,482.90	\$3,523.85
Wood Village	\$1,255.60	\$1,489.20	\$1,259.90
Unincorporated in Metro	\$22,971.89	\$27,245.73	\$23,193.96
Washington County			
Beaverton	\$25,277.55	\$29,980.35	\$24,634.70
Cornelius	\$2,762.75	\$3,276.75	\$2,728.35
Durham	\$344.00	\$408.00	\$331.10
Forest Grove	\$6,024.30	\$7,145.10	\$5,946.90
Hillsboro	\$17,350.50	\$20,578.50	\$16,985.00
King City	\$887.95	\$1,053.15	\$885.80
Sherwood	\$1,563.05	\$1,853.85	\$1,421.15
Tigard	\$13,443.95	\$15,945.15	\$13,259.05
Tualatin	\$7,155.20	\$8,486.40	\$6,974.60
Unincorporated in Metro	\$57,716.75	\$68,454.75	\$53,992.26
Local Assessment	\$478,050.78	\$566,990.46	\$467,077.30
Port of Portland	\$59,756.35	\$70,873.81	\$58,384.66
Tri-Met	\$59,756.35	\$70,873.81	\$58,384.66
TOTAL ASSESSMENT	\$597,563.48	\$708,738.08	\$583,846.63

Metro Projects Funded by Local Government Dues

Fiscal Year 1991-1992

Use of the dues assessment for the Transportation Department and the Planning and Development Department at a \$.43 level generally falls into the following major categories:

1. Grant Match - \$150,845 - The dues plus ODOT and Tri-Met local match are used to leverage federal funding toward Transportation Planning. The program areas, which must be approved in the FY 92 Unified Work Program, include:

- Model Refinement
- Local Technical Assistance
- Regional Transportation Plan Update
- Transportation Improvement Program
- Willamette River Bridge Study
- Demand Management
- Air Quality Plan
- Regional HCT Plan
- Management and Coordination

2. Data Resource Center - \$281,425 - The Data Resource Center publishes periodic updates of historical and forecasted population and employment growth throughout the Portland metropolitan area. In addition, the Regional Land Information System (RLIS) is operational and provides land use-related data. Funding sources for the Data Resource Center include dues, transportation grants, solid waste fees and Metro's General Fund. In general, the dues share is approximately 25 percent of the Data Section budget. Revenues collected from data sales are used to reduce the dues share of this budget.
3. Region 2040/Urban Growth Management - \$148,887 - The Transportation Department and Planning and Development Department are jointly sponsoring the Region 2040 program. In addition, associated projects relating to urban reserves and infill are underway. Other funding sources in the program include Metro General Fund, Tri-Met and ODOT.

RPAC/MPAC Joint Meeting

Name Plate Color Dot Code

Blue - MPAC member

Red - RPAC member

Brown - member of both committees

Member name plates have been placed with alternate member name plates beneath. If a member is absent, the alternate should sit at the table, reverse the plates and make their name plate visible.

Thanks!



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: February 1, 1993
To: JPACT/RPAC/MPAC
From: *AC* Andrew C. Cotugno, Planning Director
Re: Local Government Dues

Historically, Metro has levied an assessment of dues on local governments to help support its planning functions. At present, 43¢ per capita is assessed, providing \$583,846 which is being spent in the following general program areas:

Transportation Planning	\$194,299
Data Resource Center.	\$281,425
Land Use Planning	\$108,122

None of these funds are used for Metro general government purposes.

The legislation enabling Metro to levy the dues expires June 30, 1993. In addition, the recently passed Metro Charter does not provide for the dues. The Metro Charter does provide for alternate taxing powers that could be used for planning purposes. However, an extended period of time is required to adopt these sources, including consultation with a Charter-required "Tax Commission," adoption of a Metro ordinance, and a 90-day waiting period after adoption. In addition, it is necessary to better understand the cost implications of the planning requirements mandated by the Charter. As such, this is a source that will not be available in FY 93-94.

In order to levy the dues on a mandatory basis, it would be necessary for the Legislature to act to reauthorize them. If this were to occur, notification of dues assessment would need to be adopted by the Metro Council by their February 25 meeting in order to meet the 120-day notification requirement in law.

In lieu of seeking legislative authority, Metro could request a voluntary dues contribution from local governments (plus Tri-Met and the Port of Portland). Further discussion is needed of this matter with TPAC, JPACT, RTAC and RPAC/MPAC.

Attached are the assessment levels by jurisdiction at 35¢, 43¢ and 51¢.

ACC:lmk
Attachment

Proposed
FY 1993-94
Dues

	Population Estimate 1992	Proposed FY 1993-94 @.43/	Population Estimate 1991	Actual FY 1992-93 @.43/
Clackamas County				
Gladstone	10930	\$4,699.90	10420	\$4,480.60
Happy Valley	1910	\$821.30	1650	\$709.50
Johnson City	620	\$266.60	610	\$262.30
Lake Oswego	31885	\$13,710.55	31545	\$13,564.35
Milwaukie	19550	\$8,406.50	19450	\$8,363.50
Oregon City	16810	\$7,228.30	16760	\$7,206.80
Rivergrove	295	\$126.85	295	\$126.85
West Linn	17645	\$7,587.35	17160	\$7,378.80
Wilsonville	9225	\$3,966.75	8755	\$3,764.65
Unincorporated in Metro	95303	\$40,980.29	91138	\$39,189.53
Multnomah County				
Fairview	2975	\$1,279.25	2590	\$1,113.70
Gresham	72210	\$31,050.30	71225	\$30,626.75
Maywood Park	780	\$335.40	780	\$335.40
Portland	458275	\$197,058.25	453065	\$194,817.95
Troutdale	8790	\$3,779.70	8195	\$3,523.85
Wood Village	2920	\$1,255.60	2930	\$1,259.90
Unincorporated in Metro	53423	\$22,971.89	53939	\$23,193.96
Washington County				
Beaverton	58785	\$25,277.55	57290	\$24,634.70
Cornelius	6425	\$2,762.75	6345	\$2,728.35
Durham	800	\$344.00	770	\$331.10
Forest Grove	14010	\$6,024.30	13830	\$5,946.90
Hillsboro	40350	\$17,350.50	39500	\$16,985.00
King City	2065	\$887.95	2060	\$885.80
Sherwood	3635	\$1,563.05	3305	\$1,421.15
Tigard	31265	\$13,443.95	30835	\$13,259.05
Tualatin	16640	\$7,155.20	16220	\$6,974.60
Unincorporated in Metro	134225	\$57,716.75	125563	\$53,992.26
Local Assessment		\$478,050.78		\$467,077.30
Port of Portland		\$59,756.35		\$58,384.66
Tri-Met		\$59,756.35		\$58,384.66
TOTAL ASSESSMENT		\$597,563.48		\$583,846.63




METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: February 1, 1993

To: JPACT/RPAC/MPAC

From:  Andrew C. Cotugno, Planning Director

Re: FY 93-94 Local Government Dues

The following are the programs proposed to be funded in next year's budget with local government dues at the 43¢ level:

Data Resource Center

RLIS/Database Maintenance/Forecast	\$209,875
Local Government Data Services	66,000

Transportation Planning

Surveys Monitoring and Model Refinement.	69,033
Local Government Technical Assistance.	11,097
RTP Update	18,116
TDM Program.	8,176
Willamette River Crossing Study.	45,500
Transportation Improvement Program	12,118

Land Use Planning

Region 2040 - Phase II	125,000
Urban Reserves Designation	<u>35,000</u>
	\$599,915

ACC:lmk



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: January 29, 1993

To: RPAC/MPAC

From: *AC* Andrew C. Cotugno, Planning Director

Re: Metro Local Government Dues Assessment

At the January 28 meeting of RTAC, the following comments on the question of Metro's local government dues assessment were provided:

1. Metro should collect the dues; the services that are provided with the dues are essential and should be continued.
2. The members are more interested if this is viewed as a transition period (for a year or two) and if there is a commitment by Metro to secure a permanent replacement for the dues.
3. The members are concerned that everyone pays; if individual jurisdictions choose not to pay, an inequitable burden is placed on those that do pay.
4. The members expressed a general preference for mandatory dues as the means by which local governments agree with one another that they will shoulder the cost burden of regional planning equitably.

ACC:lmk



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: February 1, 1993
To: JPACT
From: *AC* Andrew C. Cotugno, Planning Director
Re: Metro Local Government Dues Assessment

At the January 29 meeting of TPAC, the following comments on the question of Metro's local government dues assessment were provided:

1. Dues-paying jurisdictions have a general expectation that Metro will assess local government dues at a 43¢ level.
2. There is a recognized benefit to local governments from the planning activity funded through the dues.
3. There is a general sense that mandatory dues collection should remain until a stable Metro funding source is available for their replacement. Local government dues assessment is viewed as a transition funding source for the next several years.

ACC:lmk



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: January 26, 1993

To: Andy Cotugno, Planning Director

From: Daniel B. Cooper, General Counsel *[Signature]*

Regarding: 1992 METRO CHARTER - LOCAL GOVERNMENT "DUES"
Our file: 6.§22

For fiscal years beginning on or before July 1, 1993, Metro has been authorized by ORS 268.513 to assess against local governments within the Metro boundary a service charge for the planning functions of the District. This charge is commonly known as the local government dues or "head tax." Section 5 of ORS 268.513 provides that the statutory authorization for the service charge does not apply to a fiscal year that begins on or after July 1, 1993. The sunset provision in this statute has been extended by previous sessions of the Legislature from time to time. In 1981, 1985, and 1989, the Legislature extended the expiration date of the statutory authorization an additional four years each time. I understand you have been asked whether Metro intends to request that the Legislature extend the authorization period for the service charge to local governments for an additional time period. In the context of that issue, the question has been raised whether any provision of the 1992 Metro Charter would act to prohibit Metro from collecting the dues even if the time period for the dues authorization was extended by the Legislature.

I understand your question to be different from the question of whether the Legislature could preempt any provision of the Metro Charter that purported to prohibit Metro from assessing the dues against local governments. Your question is based on the assumption that the provisions of ORS 268.513 are permissive and not mandatory, and therefore if the statutory authorization is simply extended for an additional time period, a provision of the Charter could validly prohibit Metro from collecting the dues.

The short answer to your question is that the Charter is silent on the question of the dues, and therefore the provisions of Sections 4, 5, 6, and 9 of the Charter allow Metro to exercise the authority granted by state law to assess and collect the service charge if such authorization were extended by the Legislature.

The reason that some confusion exists on this matter is because the Charter Committee during its final review and drafting process, before placing the Charter on the ballot in July of 1992, made a tentative decision to include language in the Charter that would have

prohibited Metro from collecting the dues. The minutes of the Charter Committee reflect that this action was taken at the close of the Charter Committee's meeting on July 18, 1992, as part of a motion that was designed to state a conceptual resolution of a set of issues with the understanding that the Committee would seek and develop specific and refined language. The motion provided:

"At-large, full-time elected executive officer. Part-time, elected by districts, council consisting of from seven to nine members. Presiding officer selected from among the council members. A deputy executive, appointed by the elected executive and confirmed by the council. At-large, full-time elected auditor, with some legitimate auditing credentials.

"Provide for an authorization to levy an excise tax not to exceed \$6 million, adjusted by the western cities index, and will be adjusted according to a formula to providing funding for planning, general government overhead, and a specified other category.

"The limitations will be subject to adjustment or change of the council upon the completion of the process of the review of local plans for compliance of the Regional Framework Plan. There would be an overall limitations on revenues which the government could raise by ordinance without a vote of the people, exclusive of the excise tax.

"The current local government head tax would be eliminated."

This motion was adopted by the 11 Charter Committee members present at the meeting on July 18.

At a subsequent meeting on July 21, 1992, the Committee received from its attorney, Timothy Sercombe, draft Charter language that would have put into effect portions of the concept motion adopted at the previous meeting. That draft language included a subsection that was entitled "Prohibition on Local Government Charges."

The Committee at the July 21 meeting considered a new conceptual motion for a different structure and finance proposal. That motion was for:

"A seven member council. The councilors would receive a compensation equal to one-third that of a district court judge. The presiding officer would receive compensation equal to two-thirds that of a district court judge. The executive officer would have a veto on taxes adopted by ordinance, the budget, and service and user fees. The council could override the veto with a two-thirds vote. A \$12.5 million spending limit. The charter would have the

instruction, although no dollar amount, to fully fund the planning responsibilities outlined in the charter."

That motion was then adopted by the Charter Committee on a vote of 10 to 4. The minutes then reflect the following discussion occurred.

"Bob Shoemaker said that he is not sure that eliminating the head tax from Metro is appropriate. He asked Metro staff to explain the situation.

Joe Egge said that Ray Phelps said earlier that there was a tentative deal made with respect to the head tax in relationship to the excise tax. He said that he would like to hear local government's perspective.

Ken Gervais, Metro staff, asked the Committee to not prohibit the continuation of the head tax. He said that the money now goes back to local governments in terms of technical assistance. A local government committee meets to discuss how that fund should be spent which creates an interaction between the regional government and the local governments. He said that the head tax will either go away on its own or the local governments will get rid of it through the legislature.

Mike McKeever, RGC staff, said that the RGC has not asked that it be eliminated. He suggested that, if it is authorized, the \$12.5 million under the lid could not solely be raised by the head tax.

Tim Sercombe said that the only authority on the government to put a charge on another government, against that government's will, comes from state law.

Charles Hales said that if, after Metro has a charter and has taxing authorities, Metro still wants to fight out local government dues in the legislature, let them.

Bob Shoemaker asked if the Committee lets the local government dues take care of itself when it sunsets, should it be eliminated from the conceptual proposal the Committee adopted at the last meeting.

Chair Myers said that it has not been incorporated into the finance article yet. If there is not a motion to include it, the charter will remain silent on the issue."

Andy Cotugno
Page 4
January 26, 1993

Thus, it is clear that the Charter Committee consciously reversed its decision to include language that would have prohibited the continuation of the dues and instead left that as an issue for Metro and local governments to deal with in the Legislature.

The final version of the Charter reflects this decision.

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FOCUS STEERING COMMITTEE

**COMMENTARY AND SUGGESTED AMENDMENTS TO DRAFT
Metro Policy Advisory Committee By-Laws**

February 10, 1993

FOCUS COMMENTARY

These comments reflect the position of the FOCUS Steering Committee, comprised of chair Bonnie Hays, Washington County, Walt Hitchcock, Mayor of Sherwood, Gussie McRobert, Mayor of Gresham and Bob Liddell, Mayor of West Linn. This information will be presented to the FOCUS general membership at its February 18 meeting.

The document is formatted to correspond to the draft MPAC by-laws prepared by Metro. Recommended amendment language is in *italics*.

DRAFT

Metro Policy Advisory Committee By-Laws

Article I

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

Article II Mission and Purpose

Section 1. The mission of MPAC is consultation and advice on the regional framework plan and any other duties that the Council prescribes as part of a participatory regional planning partnership. MPAC has the further responsibility of acting on Metro assumption of a local government function.

Section 2. The purposes of MPAC are as follows:

- a. To provide advice and recommendations for the development and review of Metro's regional planning activities, including implementation of the Regional Urban Growth Goals and Objectives, development of new functional plans, and periodic review of the region's urban growth boundary.
- b. To create a forum for identifying and discussing areas and activities of metropolitan significance.
- c. To involve all cities, counties, and other interests in the development and implementation of growth management strategies.
- d. To coordinate its activities with the Joint Policy Advisory Committee on Transportation (JPACT) so that regional transportation planning is linked and consistent with regional growth management efforts.
- e. To review and comment, as needed, on the regional land use and growth management issues affecting or affected by local comprehensive plans or plans of state and regional agencies. MPAC is not intended to routinely review land use decisions or plan amendments in the region.
- f. To discuss and make recommendations on land use and growth management issues of regional or subregional significance.
- g. To establish a coordinating link with Vancouver and Clark County, Washington, and other parts of the state of Oregon to address land use and growth management issues of common interest.

FOCUS COMMENTARY

← Article 1. In general, the commentary which follows recommends tying the initial MPAC by-laws very closely to Charter language and authorities. This is to minimize the potential for confusion and competing interpretations if MPAC by-law language and charter language differ, and to ensure that the letter and spirit of the charter is implemented. No changes are recommended to Article I.

← Article 2. Mission and Purpose. Section 1. The outright duties assigned to MPAC through the charter are more extensive than advising on the regional framework plan and acting on METRO assumption of a local government function. The FOCUS Steering Committee recommends deleting the draft by-laws language and directly referencing Section 27 (3) of the Charter, which simply states:

"The MPAC shall perform the duties assigned to it by this charter and any other duties the council prescribes."

← Article 2. Mission and Purpose. Section 2. Consistent with the Charter language referenced above, the duties of MPAC should be separated into those functions specifically identified in the Charter, and any additional functions assigned by the council. There are several MPAC duties imposed by the charter which are not identified in the draft language. Draft alternative language, including a listing of MPAC duties expressly identified in the charter follows:

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

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

Many of the purposes described in Section 2 of the draft by-laws fall under the category of "other duties the council prescribes" (i.e. they are not specifically described in the charter itself). A slightly reformatted and reworded version of the draft by-law language follows (any wording changes from the draft are bracketed []):

FOCUS COMMENTARY

(Refers to Article II mission & purpose section 2, b.)

"b. Others duties prescribed by the council, including but not necessarily limited to:

- 1. To provide advice and recommendations for the development and review of Metro's regional planning activities, including implementation of the Regional Urban Growth Goals and Objectives, development of new functional plans and periodic review of the region's urban growth boundary;*
- 2. To create a forum for identifying and discussing areas and activities of metropolitan significance;*
- 3. To involve all cities, counties, [special districts] and other interests in the development and implementation of growth management strategies;*
- 4. To coordinates its activities with the Joint Policy Advisory Committee on Transportation (JPACT) so that regional transportation planning is linked and consistent with regional growth management efforts;*
- 5. To review and comment, as needed, on the regional land use and growth management issues. MPAC is not intended to routinely review land use decisions or plan amendments in the region;*
- 6. To discuss and make recommendations on land use and growth management issues of regional or subregional significance; and*
- 7. To establish a connecting link with Vancouver and Clark County, Washington, and other parts of the state of Oregon to address land use and growth management issues of common interest."*

Article III
Committee Membership

Section 1. Membership

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

Multnomah County Commission	1
Second Largest City in Multnomah County	1
Other Cities in Multnomah County	1
Special District in Multnomah County	1
 City of Portland	 2
 Clackamas County Commission	 1
Largest City in Clackamas County	1
Other Cities in Clackamas County	1
Special District in Clackamas County	1
 Washington County Commission	 1
Largest City in Washington County	1
Other Cities in Washington County	1
Special District in Washington County	1
 Metro Council	 2
 Tri-Met	 1
 State Agency Council	 1
 Citizens of Metro	 <u>3</u>
 Total	 21

b. Members representing jurisdictions shall be appointed from among members of the governing body.

c. Alternates qualified to be members shall be appointed to serve in the absence of the regular members.

d. Members and alternates shall be capable of representing the policy interests of their jurisdiction, agency, or constituency at all meetings of the Committee.

FOCUS COMMENTARY

Article III. Committee Membership. Section 1.a. The draft by-laws add three members to MPAC not identified in the Charter: 2 from the Metro Council and 1 from the State Agency Council. There are procedural and substantive issues to address before making these changes. Procedurally, the charter allows the composition of MPAC to be changed at any time by "a vote of both a majority of the MPAC members and a majority of all councilors". However, it seems that the MPAC members described in the charter would first have to meet, adopt by-laws, and otherwise become a formal, functioning body before they could vote to change their composition. Procedurally, changing MPAC's composition in the founding by-laws seems inappropriate at best.

Substantively, the addition of the two Metro representatives raises concerns related to the spirit and intent of the charter and local government's fundamental interests. The local governments who participated in the charter development process, and the charter committee, specifically discussed the merits of placing Metro representatives on MPAC and expressly decided against this approach. The most obvious case in which this could become a problem is when MPAC is exercising its duty to authorize Metro to undertake the provision or regulation of a local government service. With Metro representatives voting on MPAC, a positive vote for the regionalization of a local service could occur with the three citizen representatives, two Metro representatives, and a minority of local government representatives.

An alternative approach might be to state that two or three Metro representatives would be guaranteed non-voting seats in MPAC deliberations to ensure efficient and effective communication between MPAC and Metro.

The issue of representation from the State Agency Council is less clear. Local governments had originally recommended such a seat be included on MPAC. The Charter Committee eliminated the state's seat on MPAC, primarily to attempt to reduce the size of the body for efficiency purposes.

In summary, on purely procedural grounds the FOCUS Steering Committee recommends:

"deleting the MPAC seats for the Metro Council and State Agency Council which are included in Article III. 1.a. of the draft by-laws. Any membership changes can then be addressed as by-law amendments after MPAC is operational."

Section 1. c. The requirement to officially identify alternates is a good idea and should be left as drafted.

Section 1.d. The intent of the language "members and alternates shall be capable of representing the policy interests of their jurisdiction, agency, or constituency..." is not clear. For government members of MPAC it would seem the intent is to indicate a vote from the member officially represents the position of the government or governments they represent. While it is appropriate and necessary for MPAC members to stay in communication with, and represent the interests of, the governments they represent, it is probably a bad idea to imply through the by-laws that their votes on MPAC guarantee a similar policy perspective from those they represent. This would constrain MPAC members unnecessarily, and procedurally require some form of formal vote by the governments before MPAC members cast their vote.

This issue is even more complicated for the citizen members. How do they ensure that they are representing the constituency they represent?

FOCUS recommends alternative language for this section as follows:

"Members and alternates shall establish a means of communicating with the jurisdiction(s), agency or constituency they represent to ensure that their concerns are identified and considered by MPAC before it acts on matters of policy."

Section 2. Appointment of Members and Alternates

a. Members and alternates from the City of Portland, the counties of Multnomah, Clackamas, and Washington, and the largest cities of Multnomah, Clackamas, and Washington Counties, excluding Portland, shall be appointed by the jurisdiction. The member and alternate will serve until removed by the appointing jurisdiction.

b. Members and alternates from the cities of Multnomah, Clackamas, and Washington Counties, excluding Portland and the remaining largest city from each county, will be appointed jointly by the governing bodies of those cities represented. The member and alternate will be from different jurisdictions. The member and alternate will serve two-year terms unless other action is taken by the appointing authority. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office.

c. Members and alternates from the special districts with territory in Multnomah, Clackamas, and Washington Counties will be appointed by _____. The member and alternate will serve two-year terms unless other action is taken by the appointing authority. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office.

d. Members and alternates from the Metro Council will be appointed by the Presiding Officer of the Metro Council and will represent a broad cross-section of geographic areas. The members and alternates will serve until removed by the Presiding Officer of the Metro Council.

e. Members and alternates representing citizens will be appointed by the Metro Executive Officer and confirmed by the Metro Council consistent with Section 27(1)(m) of the 1992 Metro Charter.

f. Members and alternates from the Tri-County Metropolitan Transportation District of Oregon will be appointed by the governing body of that District. The member and alternate will serve until removed by the governing body.

g. Members and alternates from the State Agency Council will be chosen by the Chairperson of that body. The member and alternate will serve until removed by the Chairperson.

FOCUS COMMENTARY

← Article III, Section 2. The FOCUS Steering Committee recommends amending the language in Section 2 to:

"Delete items d and g (they address seats for Metro and the State Agency Council not identified for MPAC in the charter)."

Article IV
Meetings, Conduct of Meetings, and Quorum

a. Regular meetings of the Committee shall be held monthly at a time and place established by the Chairperson. Special or emergency meetings may be called by the Chairperson or a majority of the members of the Committee.

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

c. Subcommittees to develop recommendations for MPAC may be appointed by the Chairperson. The Chairperson will consult with the full membership of the Committee at a regularly scheduled meeting on subcommittee membership and charge. Subcommittee members shall include MPAC members and/or alternates, and can include outside experts.

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

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

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

g. The Committee shall make its reports and findings public and shall forward them to the Metro Council.

h. Metro shall provide staff, as necessary, to record the actions of the Committee, and to handle Committee business, correspondence, and public information.


Article V
Officers and Duties


a. The Chairperson and Vice-Chairperson shall be designated by _____.

b. The Chairperson shall preside at all meetings, and shall be responsible for the expeditious conduct of the Committee's business.

c. In the absence of the Chairperson, the Vice-Chairperson shall assume the duties of the Chairperson.

FOCUS COMMENTARY


 Article IV. Meetings, Conduct of Meetings, and Quorum. a. This section requires monthly meetings and allows for special or emergency meetings. It should be amended to allow the group to meet less frequently than monthly if workload does not require monthly meetings. Language related to agenda setting and running meetings when the Chair is absent should also be added. FOCUS recommends the following addition to section IV a.

 *"A majority of the voting members of the Committee may vote to cancel a regularly scheduled monthly meeting if there is no need for the meeting. Such a vote must occur in a public meeting of MPAC at least 30 days prior to the meeting being cancelled. The Chair, in consultation with other members of the Executive Committee, shall set meeting agendas. The Chair shall designate one of the vice-chairs to preside at any meetings which the Chair does not attend."*

Article IV. b. This section defines a quorum as a simple majority and allows action based on a simple majority of those present. The most troublesome aspect of this approach is in those cases when MPAC is voting to authorize Metro to provide or regulate a local government service. The charter specifically states that this action requires a vote of "a majority of the members of the MPAC" (Section 7.(2)).


The FOCUS Steering Committee recommends that the second sentence of Section IV. b. be amended as follows:

"The act of a majority of those voting members present at meetings at which a quorum is present shall be the act of the Committee, except in exercising the duty of authorizing Metro to provide or regulate a local government service as described in Section 7.(2) of the charter. In these cases a majority vote of all voting MPAC members is required."

 Article IV. h. This section states that Metro shall provide staff to record the actions of the Committee and to handle Committee business, correspondence, and public information. It probably is inappropriate for MPAC to attempt to permanently obligate Metro staff resources through its by-laws.

The FOCUS Steering Committee recommends the following alternative language:

"MPAC shall annually establish a budget and a means of providing for any needed staffing."

 This language would allow the MPAC to honor this obligation through a variety of means, including having the staff of their governments conduct the function, hiring staff, or working out an arrangement for Metro to provide the staff. The FOCUS Steering Committee recommends that Metro's offer to provide basic staff services for the first year of MPAC be accepted.

Further, the FOCUS Steering Committee recommends adding new sections, Article IV. i., j, k and l. as follows:

"i. MPAC may receive information and analysis on issues before it from a variety of sources, including Metro staff, hiring its own staff, or from other organizations with an interest in regional issues, including but not limited to the Forum on Cooperative Urban Services, Institute for Metropolitan Studies, the League of Oregon Cities and the Association of Oregon Counties.

j. MPAC shall provide an opportunity for the public and the Citizens Committee in the Office of Citizen Involvement (CCCI) to provide comment on relevant issues at each of its regularly scheduled meetings.

k. MPAC shall provide a minimum of seven days notice to members of any regular or special meeting.

l. MPAC shall abide by the opening meeting laws of the State."

Article VI
Technical Advisory Committees

- a. The Committee shall solicit and take into consideration the alternatives and recommendations of the appropriate technical advisory committees in the conduct of its business.
- b. Existing technical advisory committees for solid waste, urban growth management, water resources, and natural areas will be continued to advise on their respective subject areas.
- c. The Metro Council or the Committee can appoint special technical advisory committees as the Council or Committee determine a need for such bodies.

Article VII
Amendments

- a. These By-Laws may be amended by a majority vote of the full membership of the Committee.
- b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend the By-Laws.


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FOCUS COMMENTARY

(Refers to article V from previous page)


Article V. Officers and Duties. The draft by-laws call for creating positions for a chairperson and vice-chairperson. There are benefits to broader representation within the leadership of MPAC.

The FOCUS Steering Committee recommends the following changes to Section V.a.



"a. The Executive Committee will be comprised of a chair and three vice-chairs. The Chair shall be elected by the MPAC membership. Following election of the Chair three vice-chairs shall be elected by the MPAC membership. The four positions on the Executive Committee must be filled by members representing jurisdictions in Washington, Multnomah and Clackamas Counties and the City of Portland."

Article VI.b. and c. It is not appropriate in MPAC's by-laws to prescribe anything regarding how the Metro Council appoints or structures its technical subcommittees. The FOCUS Steering Committee recommends:



"deleting VI b. and amending VI c. to delete any reference to the Metro Council."

Article VII a. This item should be amended to add the following clause:

"except that Article III related to MPAC membership may not be amended without the concurrence of the majority of the Metro Council."

MINUTES OF THE METRO CHARTER COMMITTEE
JULY 21, 1992

to 4 days and the motion passed.

Bob Shoemaker said that he would like to revisit the issue of enterprise revenues, which the Committee agreed would be limited to the enterprise from which the revenue was derived. He said that there are some enterprises that should not be so constrained, such as a parking lot or a marketable commodity in which they are competing with the private sector. He asked if it would be worthwhile to exempt that kind of enterprise revenues so that the parking lot revenues would not have to be limited to the cost of operating the lot.

Frank Josselson said that Bob Shoemaker's suggestion makes sense, but it would be difficult to describe which services those are.

Bob Shoemaker said the exceptions would be proprietary in nature. They are the types of activities which Metro is not the only game in town so that the public would not be taken advantage of by making a profit on it.

Larry Derr said that the concept of fees was that the fees be set at a level to fund the cost of the services, including overhead.

Bob Shoemaker said that there would be the problem that it would not balance out at the end of the year, but appropriate adjustments could be made to keep it in line. He suggested a distinction be made that service and user fees for proprietary operations would not be subject to the same limitation. He asked that counsel bring back language.

Frank Josselson suggested that proprietary be defined as a service in which private enterprise is engaged in the region.

Jon Egge said that the definition would put the government into competition with the private industry. The private industry is very sensitive to that kind of competition. He said that he does not disagree with Bob Shoemaker's proposal. He suggested that counsel draft language and bring back the issue for the Committee to discuss.

Bob Shoemaker said that he is not sure that eliminating the head tax from Metro is appropriate. He asked Metro staff to explain the situation.

Jon Egge said that Ray Phelps said earlier that there was a tentative deal made with respect to the head tax in relationship to the excise tax. He said that he would like to hear local government's perspective.

Ken Gervais, Metro staff, asked the Committee to not prohibit the continuation of the head tax. He said that the money now goes back to local governments in terms of technical assistance. A local government committee meets to discuss how that fund should be spent which creates an interaction between the regional government and the local governments. He said that the head tax will either go away on its own or the local governments will get rid of it through the legislature.

Mike McKeever, RGC staff, said that the RGC has not asked that it be eliminated. He suggested that, if it is authorized, the \$12.5 million under the lid could not solely be raised by the head tax.

Tim Sercombe said that the only authority on the government to put a charge on another government, against that government's will, comes from state law.

Charlie Hales said that if, after Metro has a charter and has taxing authorities, Metro still wants to

fight out local government dues in the legislature, let them.

Bob Shoemaker asked if the Committee lets the local government dues take care of itself when it sunsets, should it be eliminated from the conceptual proposal the Committee adopted at the last meeting.

Chair Myers said that it has not been incorporated into the finance article yet. If there is not a motion to include it, the charter will remain silent on the issue. He asked if, regarding the salary of the councilors and presiding officer, the compensation set will be the salary or if the council may set compensation not to exceed that amount.

Bob Shoemaker said that the motion the Committee passed set the salary in the charter.

Motion: Frank Josselson moved, Matt Hennessee seconded, to delete section 28, *limitation of terms of office*, from the charter.

Frank Josselson said that he made the motion because the voters have the opportunity to eliminate whomever they want to by voting someone out of office. If there is a good person, that person should be allowed to stay in officer for longer than the term limitation.

Ron Cease said that the motion makes sense, but within a reasonable limit such as in the charter draft, it is not too limiting. He said that when someone gets elected from a large district, chances are that the person will not get challenged and that person will get too comfortable in the position.

Ray Phelps said that he does not want the term limitations eliminated because the concept has become common in many different offices. With a small council and being nonpartisan, it is difficult to run against an incumbent. He said that the lack of term limitations would embed special interest people on the council.

Frank Josselson withdrew his motion. He asked that Tim Sercombe direct the Committee as to whether or not they should ask the legislature to repeal ORS 268. If not, he asked how the Committee should deal with conforming legislation.

Tim Sercombe said that there might be an issue of whether the legislature can compel the government to do something that it does not want to do, but there is not a lot of conflict between ORS 268 and the charter.

Chair Myers adjourned the meeting at 10:15 pm.

Respectfully submitted,


Kimi Iboshi
Committee Clerk