



# Metro | Agenda

MEETING: METRO COUNCIL  
DATE: April 15, 2010  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

## CALL TO ORDER AND ROLL CALL

### 1. INTRODUCTIONS

### 2. CITIZEN COMMUNICATIONS

### 3. CONSENT AGENDA

3.1 Consideration of Minutes for the April 1, 2010 Metro Council Regular Meeting.

3.2 **Resolution No. 10-4140**, Resolution of Metro Council, Acting as the Metro Contract Review Board, For the Purpose of Approving Contract Amendments for the Predators of the Serengeti and Red Ape Reserve Exhibits at the Oregon Zoo.

### 4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 10-1235**, For the Purpose of Adopting the Annual Budget for Fiscal Year 2010-11, Making Appropriations, Levying Ad Valorem Taxes and Declaring an Emergency. PUBLIC HEARING

4.2 **Ordinance No. 10-1237**, For the Purpose of Amending Metro Code Chapter 5.02 to Establish Metro's Solid Waste Disposal Chargers and System Fees for Fiscal Year 2010-11. PUBLIC HEARING

4.3 **Ordinance No. 10-1239**, For the Purpose of Amending Metro Code Chapter 7.01 to Modify the Amount of Net Solid Waste Excise Tax Generated and to Repeal the Additional Solid Waste Excise Tax. PUBLIC HEARING

4.4 **Ordinance No. 10-1240**, For the Purpose of Amending Metro Code Chapter 2.04 In Order to Strengthen the MWESB Program. PUBLIC HEARING

### 5. RESOLUTIONS

5.1 **Resolution No. 10-4136**, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements and Adopting the FY 2011 Unified Planning Work Program. Collette

5.2 **Resolution No. 10-4142**, For the Purpose of Confirming the Appointment of Jeff Bissonnette and the Reappointment of Ms. Cece Hughley Noel and Mr. David Davies to the North Portland Rehabilitation and Enhancement Committee (NPREC). Burkholder

**6. CHIEF OPERATING OFFICER COMMUNICATION**

**7. COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for April 15, 2010 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, Wash.</b>          Channel 11 – Community Access Network  <a href="http://www.tvctv.org">www.tvctv.org</a> – (503) 629-8534          2 p.m. Thursday, April 15 (Live)</p>	<p><b>Portland</b>          Channel 30 (CityNet 30) – Portland Community Media  <a href="http://www.pcmtv.org">www.pcmtv.org</a> – (503) 288-1515          8:30 p.m. Sunday, April 18          2 p.m. Monday, April 19</p>
<p><b>Gresham</b>          Channel 30 – MCTV  <a href="http://www.mctv.org">www.mctv.org</a> – (503) 491-7636          2 p.m. Monday, April 19</p>	<p><b>Washington County</b>          Channel 30 – TVC-TV  <a href="http://www.tvctv.org">www.tvctv.org</a> – (503) 629-8534          11 p.m. Saturday, April 17          11 p.m. Sunday, April 18          6 a.m. Tuesday, April 20          4 p.m. Wednesday, April 21</p>
<p><b>Oregon City, Gladstone</b>          Channel 28 – Willamette Falls Television  <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> – (503) 650-0275          Call or visit website for program times.</p>	<p><b>West Linn</b>          Channel 30 – Willamette Falls Television  <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> – (503) 650-0275          Call or visit website for program times.</p>

**PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.**

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office @ (503) 797-1540. Public hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website [www.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 3.1

**Consideration of Minutes for the April 1, 2010 Metro Council Regular Meeting.**

*Consent Agenda*

Metro Council Meeting  
Thursday, April 15, 2010  
Metro Council Chamber



Agenda Item Number 3.2

**Resolution No. 10-4140**, Resolution of Metro Council, Acting as the Metro Contract Review Board, For the Purpose of Approving Contract Amendments for the Predators of the Serengeti and Red Ape Reserve Exhibits at the Oregon Zoo.

*Consent Agenda*

Metro Council Meeting  
Thursday, April 15, 2010  
Metro Council Chamber



BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

RESOLUTION OF METRO COUNCIL, ACTING )  
AS THE METRO CONTRACT REVIEW BOARD, )  
FOR THE PURPOSE OF APPROVING )  
CONTRACT AMENDMENTS FOR THE  
PREDATORS OF THE SERENGETI AND RED  
APE RESERVE EXHIBITS AT THE OREGON  
ZOO

RESOLUTION NO. 10-4140  
Introduced by Chief Operating Officer  
Michael Jordan with the concurrence of  
Council President David Bragdon.

WHEREAS, pursuant to ORS 279A.060 and Metro Code 2.04.058 the Metro Council is designated as the Public Contract Review Board for the agency; and

WHEREAS, Metro Code 2.04.058 requires Council approval for contract amendments that exceed five percent of the initial contract value or \$25,000; and

WHEREAS, under the direction of the Zoo, Portland Fence Company is fabricating caging at the Predators of the Serengeti and Red Ape Reserve exhibits in accordance with the project specifications and schedule; and

WHEREAS, the original contract was awarded as a result of an open competitive bid process with Portland Fence Company being deemed the lowest responsive and responsible bidder; and

WHEREAS, the current contract amount is \$298,609 and the proposed contract amendment totals \$21,257.32. The debits and credits to the contract have been reviewed by the Zoo Project Manager and the project team and has been approved as necessary and appropriately priced; and

WHEREAS, during the course of construction, a number of unforeseen items have come up that necessitate additional work be performed by this contract. This work includes hydraulic door bracket, perimeter meshing, additional chain link fence, repairs to existing access gate.

WHEREAS, the Metro Procurement Officer believes that the amending the existing contract with Portland Fence Company is appropriate and that such action is in the best interests of Metro and will better ensure a timely project delivery; and

BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Procurement Officer to execute contract amendments in the amount of \$21,257.32 with Portland Fence Company for the Predators of the Serengeti and Red Ape Reserve project.

ADOPTED by the Metro Council Contract Review Board this \_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
David Bragdon, Council President

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4140, RESOLUTION OF METRO COUNCIL, ACTING AS THE METRO CONTRACT REVIEW BOARD, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT FOR THE PREDATORS OF THE SERENGETI AND RED APE RESERVE EXHIBITS AT THE OREGON ZOO

---

Date: March 26, 2010

Prepared by:

Darin Matthews, 503 797-1626  
Joanne Ossanna, 503-220-5705

## BACKGROUND

An open, competitive Request for Bid (RFB) was issued for steel caging at the Predators of the Serengeti and Red Ape Reserve projects in 2009. In accordance with Metro Code, the lowest responsive, responsible bidder was selected, which was Portland Fence Company, a division of United Fence Contractors, Inc.

The project specifications and design drawings were prepared by Peck Smiley Ettlin Architects and adequately represented the scope of the project.

This contract was awarded on 3/19/2009 and expired 12/31/2009. Original contract amount was \$251,028. On 10/19/2009, it was amended for additional work at Predators of the Serengeti in the amount of \$47,581, bringing contract total to \$298,609. Portland Fence Company has provided caging fabrication and installation services in accordance with the contract. As of February 1, 2010 their work—as initially described in contract Scope of Work—is nearing completion. There is currently \$9,952 left on the contract.

During the course of construction, a number of unforeseen items have come up.

1. Red Ape Reserve. An additional bracket for hydraulic door locking pin was identified as a necessity to ensure safe door operation. The contractor (Portland Fence Company) has quoted \$517.32 to complete this additional work.
2. Red Ape Reserve. Rigid Mesh around the perimeter base of the outdoor exhibit yard has been added to project scope, to ensure against potential contact between dangerous animals and zoo visitors. The contractor has quoted \$4896 to complete this additional work.
3. Red Ape Reserve. A black 4 foot tall chain link fence, running 116 feet in the planter dividing visitor space from animal space is shown on the approved design drawings but was not included in any contractor's Scope of Work. This work is necessary to ensure minimum required safety distances between dangerous animals and zoo visitors. The contractor has quoted \$4931 to complete this additional work.
4. Red Ape Reserve. Modifications to gate frames in the outdoor mesh enclosure were required due to misalignment of posts and concrete walls. The contractor has quoted \$463 to complete this additional work.
5. Predators of the Serengeti. Lock out/tag out modifications at cheetah holding building for keeper/animal safety. The contractor has quoted \$1100 to complete this additional work.
6. Predators of the Serengeti. Change the hardware on the demonstration theater gate to ensure limited, authorized staff access for safety. The contractor has quoted \$585 to complete this work.
7. Predators of the Serengeti. Repairs to the existing access gate at service entrance to Predators. The contractor has quoted \$752 to complete this additional work.



8. Predators of the Serengeti. Alterations to the zoo perimeter fence are required to meet USDA requirements. The contractor has quoted \$11,177 to complete this additional work.

This brings the total amount for proposed changes to \$24,421.32. The Zoo eliminated one item from Portland Fence Company's contracted scope of work: hydraulic door shrouds. There is a credit from the contractor to the Zoo for this eliminated work in the amount of \$3164. By applying that credit to this contract amendment, the net total amount is \$21,257.32. The respective Project Managers for Red Ape Reserve and Predators of the Serengeti projects and design teams have reviewed these additional items and agreed the work is necessary. The necessary additional work for Red Ape Reserve can be covered under current project budget. The punch list for Predators of the Serengeti, including the items listed above, is being prioritized. No work will proceed, even upon approval of contract amendment, unless funding can be identified.

Metro Code 2.04.058, Public Contract Amendments, requires Metro Council approval of contract amendment or change orders that exceed \$25,000 or five percent of the original contract value. The Metro Procurement Officer has deemed this amendment to be appropriate and reasonably related to the original scope of work, and therefore, believes the amendment is in Metro's best interest to approve.

The Zoo will continue to manage and administer this contract to ensure these exhibits are constructed in accordance with the contract, including all plans and specifications. Red Ape Reserve is scheduled to open in summer 2010.

#### **ANALYSIS/INFORMATION**

1. **Known Opposition:** None known.
2. **Legal Antecedents:** Metro Code 2.04.058, ORS Chapter 279C.
3. **Anticipated Effects:** Construction will continue on the new exhibits under the direction of respective Project Managers and Zoo Management and in accordance with schedules.
4. **Budget Impacts:** These change orders fall within budgeted contingency amounts.

#### **RECOMMENDED ACTION**

Metro Council, acting as Public Contract Review Board, approves the attached contract amendment.



**METRO**

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

# Change Order

**CHANGE ORDER NO. 2**  
**CONTRACT NO. 929143**

This Amendment hereby amends the above titled contract between Metro, a metropolitan service district organized under the law of the State of Oregon and the Metro Charter, and **Portland Fence Co, Inc** hereinafter referred to as "Contractor," located at **9940 SE Oak St. Portland Oregon 97216.**

This is a change order to amend the original Scope of Work to include new tasks at the *Predators of the Serengeti* and *Red Ape Reserve* exhibits. The expiration date of the contract is hereby extended to June 30, 2010. The cost for the added work and supplies is as follows:

### **Red Ape Reserve Exhibit**

Rigid Mesh Barrier (perimeter of outdoor mesh enclosure)	\$ 4,896.00
Additional bracket for hydraulic locking pin ram	\$ 517.32
4 ft black chain link fence in planter (around door enclosure)	\$ 4,931.00
Gate modifications for keeper and vehicle service gates (Outdoor mesh enclosure)	\$ 463.00
Credit from Portland Fence (hydraulic door shrouds)	\$ (3,164.00)

**Total Red Ape Reserve** \$ 7,643.32

### **Predators of the Serengeti Exhibit**

Lock out/tag out modifications @ Cheetah Holding (for keeper/animal safety)	\$ 1,100.00
Change hardware on demonstration theater gate (ensures limited, authorized staff access for safety)	\$ 585.00
Repairs to existing access gate at service entrance ( <i>Predators</i> )	\$ 752.00
Alterations to Zoo perimeter fence (USDA requirement)	\$ 11,177.00

**Total Predators of the Serengeti** \$ 13,614.00

**Total Amendment #2** \$ 21,257.32

Contract Amount \$ 298,609.00

Amendment #2 \$ 21,257.32

\$ 319,866.32

The contract is hereby amended for TWENTY ONE THOUSAND TWO HUNDRED FIFTY SEVEN AND 32/100 DOLLARS (\$21,257.32). Except for the above, all other conditions and covenants remain in full force and effect.

IN WITNESS TO THE ABOVE, the following duly authorized representatives of the parties referenced have executed this Change Order.

PORTLAND FENCE CO, INC

METRO

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Name

Darin Matthews  
\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Metro Procurement Officer  
\_\_\_\_\_  
Title

Agenda Item Number 4.1

**Ordinance No. 10-1235**, For the Purpose of Adopting the Annual Budget for Fiscal Year 2010-11, Making Appropriations, Levying Ad Valorem Taxes and Declaring an Emergency. PUBLIC HEARING

ORDINANCES – FIRST READING  
PUBLIC HEARING

Metro Council Meeting  
Thursday, April 15, 2010  
Metro Council Chamber



BEFORE THE METRO COUNCIL

ADOPTING THE ANNUAL BUDGET FOR	)	ORDINANCE NO. 10-1235
FISCAL YEAR FY 2010-11, MAKING	)	
APPROPRIATIONS, LEVYING AD VALOREM	)	Introduced by Michael Jordan, Chief
TAXES, AND DECLARING AN EMERGENCY	)	Operating Officer, with the concurrence of
	)	Council President David Bragdon

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 2010, and ending June 30, 2011; and

WHEREAS, recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by Metro (attached as Exhibit A and made a part of the Ordinance) and considered; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The “Fiscal Year 2010-11 Metro Budget,” in the total amount of FOUR HUNDRED TWENTY FIVE MILLION ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$425,115,000), attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, at the rate of \$0.0966 per ONE THOUSAND DOLLARS (\$1,000) of assessed value for operations and in the amount of THIRTY NINE MILLION ONE HUNDRED TWENTY EIGHT THOUSAND ONE HUNDRED TWENTY SEVEN DOLLARS (\$39,128,127) for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2010-11. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from <u>the Limitation</u>
Operating Tax Rate Levy	\$0.0966/\$1,000	
General Obligation Bond Levy		\$39,128,127

3. In accordance with Section 2.02.040 of the Metro Code, the Metro Council hereby authorizes positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 2010, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

4. The Chief Operating Officer shall make the filings as required by ORS 294.555 and ORS 310.060, or as requested by the Assessor's Office of Clackamas, Multnomah, and Washington Counties.

5. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins July 1, 2010, and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council on this 17<sup>th</sup> day of June 2010.

---

David Bragdon, Council President

ATTEST:

Approved as to Form:

---

Anthony Andersen, Recording Secretary

---

Daniel B. Cooper, Metro Attorney

## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 10-1235 ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2010-11, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES, AND DECLARING AN EMERGENCY

---

Date: April 1, 2010

Presented by: Michael Jordan  
Chief Operating Officer

## BACKGROUND

I am forwarding to the Metro Council for consideration and approval my proposed budget for fiscal year 2010-11.

Metro Council action, through Ordinance No. 10-1235 is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Metro Council to adopt this plan must be completed by June 30, 2010.

Once the budget plan for fiscal year 2010-11 is approved by the Metro Council on April 29, the number of funds and their total dollar amount and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Metro Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's expenditures in the period between Metro Council approval in late April 2010 and adoption in June 2010.

Exhibit A to this Ordinance will be available subsequent to the Tax Supervising and Conservation Commission hearing June 3, 2010. Exhibits B and C of the Ordinance will be available at the public hearing on April 1, 2010.

## ANALYSIS/INFORMATION

1. **Known Opposition** – Metro Council hearings will be held on the Proposed Budget during the month of April 2010. Opportunities for public comments will be provided. Opposition to any portion of the budget will be identified during that time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Tax Supervising and Conservation Commission by May 15, 2010. The Commission will conduct a hearing on June 3, 2010 for the purpose of receiving information from the public regarding the Metro Council's approved budget. Following the hearing, the Commission will certify the budget to the Metro Council for adoption and may provide recommendations to the Metro Council regarding any aspect of the budget.
3. **Anticipated Effects** – Adoption of this ordinance will put into effect the annual FY 2010-11 budget, effective July 1, 2010.
4. **Budget Impacts** – The total amount of the proposed FY 2010-11 annual budget is \$425,115,000 and 752.60 FTE.

**RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of Ordinance No. 10-1235

M:\Asd\Finance\Confidential\BUDGET\FY09-10\Budord\Ordinance 09-1215 - Adopting Ordinance\Staff Report For Adoption Ord 09-1215.Doc



Agenda Item Number 4.2

**Ordinance No. 10-1237**, For the Purpose of Amending Metro Code Chapter  
5.02 to Establish Metro's Solid Waste Disposal Chargers and System  
Fees for Fiscal Year 2010-11. PUBLIC HEARING

ORDINANCES – FIRST READING  
PUBLIC HEARING

Metro Council Meeting  
Thursday, April 15, 2010  
Metro Council Chamber



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 10-1237
METRO CODE CHAPTER 5.02	)	
TO ESTABLISH METRO’S SOLID WASTE	)	Introduced by Chief Operating Officer
DISPOSAL CHARGES AND SYSTEM FEES FOR	)	Michael J. Jordan with the concurrence of
FISCAL YEAR 2010-11	)	Council President David Bragdon

WHEREAS, Metro Code Chapter 5.02 establishes charges for disposal of solid waste at Metro South and Metro Central transfer stations; and,

WHEREAS, Metro Code Chapter 5.02 establishes fees assessed on solid waste generated within the District or delivered to solid waste facilities regulated by or contracting with Metro; and,

WHEREAS, Metro’s costs for solid waste services and programs have changed; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- Section 1. Metro Code Amendment. Metro Code section 5.02.025 is amended in the form attached hereto as Exhibit “A.”
- Section 2. Metro Code Amendment. Metro Code section 5.02.045 is amended in the form attached hereto as Exhibit “B.”
- Section 3. Metro Code Amendment. Metro Code section 5.02.047 is amended in the form attached hereto as Exhibit “C.”
- Section 4. Effective Date. Pursuant to Metro Code section 7.01.020(e)(1), the provisions of this ordinance shall become effective on August 1, 2010, or 90 days after adoption by Metro Council, whichever is later.

ADOPTED by the Metro Council this 29<sup>th</sup> day of April, 2010.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to Form:

\_\_\_\_\_  
Anthony Andersen, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

**Exhibit "A" to Ordinance No. 10-1237**

METRO CODE - TITLE V SOLID WASTE  
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.025 Disposal Charges at Metro South & Metro Central Station

(a) The fee for disposal of solid waste at the Metro South Station and at the Metro Central Station shall consist of:

- (1) The following charges for each ton of solid waste delivered for disposal:
  - (A) A tonnage charge of ~~\$51.65~~56.45 per ton,
  - (B) The Regional System Fee as provided in Section 5.02.045,
  - (C) An enhancement fee of \$.50 per ton, and
  - (D) DEQ fees totaling \$1.24 per ton;
- (2) All applicable solid waste taxes as established in Metro Code Chapter 7.01, which excise taxes shall be stated separately; and
- (3) The following Transaction Charge for each Solid Waste Disposal Transaction:
  - (A) For each Solid Waste Disposal Transaction completed at staffed scales, the Transaction Charge shall be ~~\$10.00~~11.00.
  - (B) For each Solid Waste Disposal Transaction that is completed at the automated scales, the Transaction Charge shall be \$3.00.
  - (C) Notwithstanding the provisions of subsection (A), the Solid Waste Disposal Transaction Charge shall be \$3.00 in the event that a transaction that is otherwise capable of being completed at the automated scales must be completed at the staffed scales due to a physical site limitation, a limit or restriction of the computer operating system for the automated scales, or due to a malfunction of the automated scales.

(b) Notwithstanding subsection (a) of this section,

- (1) There shall be a minimum solid waste disposal charge at the Metro South Station and at the Metro Central Station for loads of solid waste weighing ~~440-400~~ pounds or less of \$28, which shall consist of a minimum Tonnage Charge of ~~\$18.00~~17.00 plus a Transaction Charge of ~~\$10.00~~11.00 per Transaction.
- (2) The Chief Operating Officer may waive collection of the Regional System Fee on solid waste that is generated outside the District, and collected by a hauler that is regulated by a local government unit, and accepted at Metro South Station or Metro Central Station.

(c) Total fees assessed in cash at the Metro South Station and at the Metro Central Station shall be rounded to the nearest whole dollar amount, with any \$0.50 charge rounded down.

(d) The Director of Parks and Environmental Services ~~the Solid Waste & Recycling Department~~ may waive disposal fees created in this section for Non-commercial Customers of the Metro Central Station and of the Metro South Station under extraordinary, emergency conditions or circumstances.

**Exhibit "B" to Ordinance No. 10-1237**

METRO CODE - TITLE V SOLID WASTE  
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.045 Regional System Fees

(a) The Regional System Fee shall be \$~~17.53~~16.72 per ton of solid waste, prorated based on the actual weight of solid waste at issue rounded to the nearest one-hundredth of a ton.

(b) Any waste hauler or other person transporting solid waste generated, originating, or collected from inside the Metro region shall pay Regional System Fees to Metro for the disposal of such solid waste. Payment of applicable system fees to the operator of a Designated Facility shall satisfy the obligation to pay system fees, provided that, if such solid waste is transported to a Designated Facility outside of the Metro region, then such waste hauler or other person must have informed the operator of the Designated Facility that the solid waste was generated, originated or collected inside the Metro region. In any dispute regarding whether such waste hauler or other person informed such operator that the solid waste was generated, originated, or collected inside the Metro region, such waste hauler or other person shall have the burden of proving that such information was communicated.

(c) Designated Facility operators shall collect and pay to Metro the Regional System Fee for the disposal of solid waste generated, originating, collected, or disposed of within Metro boundaries, in accordance with Metro Code Section 5.01.150.

(d) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated from outside the Metro boundary, the load in its entirety shall be reported at the disposal site by the generator or hauler as having been generated within the Metro boundary, and the Regional System Fee shall be paid on the entire load unless the generator or hauler provides the disposal site operator with documentation regarding the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary and the disposal site operator forwards such documentation to Metro, or unless Metro has agreed in writing to another method of reporting.

(e) System fees described in this Section 5.02.045 shall not apply to exemptions listed in Section 5.01.150(b) of this Code.

**Exhibit "C" to Ordinance No. 10-1237**

METRO CODE - TITLE V SOLID WASTE  
CHAPTER 5.02 DISPOSAL CHARGES AND USER FEES

5.02.047 Regional System Fee Credits

Any person delivering Cleanup Material Contaminated by Hazardous Substances that is derived from an environmental cleanup of a nonrecurring event, and delivered to any Solid Waste System Facility authorized to accept such substances shall be allowed a credit in the amount of \$~~15.03~~14.22 against the Regional System Fee otherwise due under Section 5.02.045(a) of this Chapter.





## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 10-1237 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 TO ESTABLISH METRO'S SOLID WASTE DISPOSAL CHARGES AND SYSTEM FEES FOR FISCAL YEAR 2010-11

Date: April 15, 2010

Prepared by: Douglas Anderson

### EXECUTIVE SUMMARY

**Solid Waste Rates.** Adoption of Ordinance No. 10-1237 would implement the rates shown in boldface in the following table. As a result, on August 1, 2010, the Metro tip fee would rise by \$5.10 per ton to \$85.85 and the Regional System Fee collected from privately-owned disposal sites would fall \$0.81 to \$16.72 per ton.

#### Proposed Solid Waste Disposal Charges Effective August 1, 2010 through July 31, 2011

Solid Waste Rates	Current Rates	Provisional	Change
Transaction Fees			
<b>Staffed scales</b>	\$10.00	<b>\$11.00</b>	\$1.00
<b>Automated scales</b>	\$3.00	<b>\$3.00</b>	- 0 -
Per-ton rates:			
<b>Tonnage Charge</b>	\$51.65	<b>\$56.45</b>	\$4.80
<b>Regional System Fee</b>	\$17.53	<b>\$16.72</b>	<b>(\$0.81)</b>
Excise tax	\$9.83	\$10.94	\$1.11
DEQ & host fees	\$1.74	\$1.74	- 0 -
Metro Tip Fee	\$80.75	\$85.85	\$5.10
Minimum load charge	\$28	<b>\$28</b>	- 0 -

### BACKGROUND

**Why the Changes?** Three types of changes since last year affect the rates:

- Policy
- Costs
- Process

## Policy

Last year, facing a potential \$10 increase in the tip fee, and considering the impact on ratepayers during the economic downturn, the Metro Council explicitly chose a *one-time* departure from its “pay as you go” policy on rates. In simple terms, “pay as you go” is a universally-recognized best business practice, and means that current costs are to be paid from current (*i.e.*, rate) revenue. To implement the departure from pay-as-you-go, Metro used over \$2.4 million of its solid waste fund balance to cover certain one-time costs, backfill various appropriations, and make the annual deposit into the Renewal & Replacement account.

In contrast, the proposed FY 2010-11 rates are based once again on the pay-as-you-go principle. This explains approximately half of the increase shown in the table.

## Costs

Tonnage and inflation are expected to be virtually flat between now and next year, so costs and revenue drive the balance of the rate changes. The main drivers of change are:

- New station operating contracts: cost up 17 percent. Effect on the tip fee: +\$2.52
- A full year of the new transport contract: cost up 9½ percent. Effect on the tip fee: +\$1.45
- Investment income is down 42½ percent. The loss of offsetting revenue means: +\$0.63
- Disposal costs are down 9 percent due to a negotiated settlement with Waste Management in 2007 (Change Order 9). On the tip fee: -\$0.88
- Larger trucks mean fewer trips, meaning fuel costs are down. On the tip fee: -\$0.50
- The budget recognizes over \$1.3 million in new revenue from the statewide PaintCare product stewardship initiative. Effect on the tip fee: -\$1.13
- Of the \$1.11 increase in the excise tax, \$0.49 is an annual adjustment per Metro code that does not require council action. The \$0.62 balance is subject to council adoption of a separate ordinance, the Excise Tax Simplification and Stabilization Ordinance (No. 10-1239), to be first-read on April 15. The effect of this separate ordinance on the tip fee is +\$0.62
- Finally, as mentioned above, the rates are full-cost pay-as-you-go. On the tip fee: +\$2.38

A variety of other, smaller changes combine to round out the net increase to the tip fee. All of this is documented in staff’s Rate Report that will accompany formal transmittal of the proposed rates.

## Process

Last October, the council adopted a new approach toward solid waste rate setting. Among the key changes:

- Align the budget and rate hearing cycles.
- Engage an independent expert to review the rates.
- Periodically review rate criteria and policies.

**Alignment.** The main objectives of this change are to provide more opportunities for the public to review and comment on both the budget and the rates, and to provide the council with immediate feedback on the cross-effects between budget amendments and rate changes.

Budget staff and rate staff have cooperated closely this year in order to deliver rates and the budget on the same schedule. Staff presented the proposed rates at a Council Work Session on March 30, two days before transmittal of the budget. During this transition year the alignment has not been perfect, but the rate and budget ordinances are both scheduled for action on April 29 as originally planned. Staff has

learned from this transition year and looks to apply the lessons learned to next year's process. Completion of a policy review (see "Periodic Review" below) ahead of next year's rate making cycle should contribute toward the improvement of next year's process.

**Independent review.** Finance & Regulatory Services engaged FCS Group of Redmond, Washington for the independent review. Per Metro Code, FCS has delivered its report directly to the Metro Council. In general, FCS found the empirical rate work to be sound and consistent with best practices. FCS found the proposed rate increase to be justified. FCS made recommendations to strengthen the rate making process, including linking it more closely to medium-term and strategic financial planning efforts. In particular, FCS recommended that Metro re-examine its "50% loading" approach toward general and administrative costs; and to ensure that end-of-year "true-up" charges for direct service transfers are based on applicable and objectively measured factors.

**Periodic review of policies and criteria.** The council placed periodic reviews outside the regular rate cycle to allow focus on the policy questions. Periodic reviews will provide a forum for a broad range of stakeholders and interests, and thereby help ensure that rate criteria and policies remain complete and relevant. With the first formal round of periodic review still to come, staff has designed the proposed FY 2010-11 rates to meet the current policies of the council, including a return to the full cost recovery ("pay as you go") policy.

## INFORMATION/ANALYSIS

- 1. Known Opposition.** There is no known opposition.
- 2. Legal Antecedents.** Metro's solid waste rates are set in Metro Code Chapter 5.02. Any change in these rates requires an ordinance amending Chapter 5.02. Metro reviews solid waste rates annually, and has amended Chapter 5.02 when changes are warranted. The excise tax component is controlled by Metro Code sections 7.01.020 and 7.01.023 which do not require annual council action; and by the separate Ordinance No. 10-1239 if the latter is adopted by the council on or about April 29, 2010.
- 3. Anticipated Effects:** If adopted, this ordinance would raise the tip fee and the staffed transaction fee, and reduce the Regional System Fee by the amounts indicated in the table on the first page.

The average effect on the residential customer's curbside collection bill would be about a penny per day, all else equal.

Owners of private solid waste facilities will pay \$0.83 less in Regional System Fee (and, unrelated to this ordinance, an additional \$1.11 in Metro excise tax) on solid waste delivered to a landfill for disposal—a net increase of \$0.30 in Metro fees and taxes. This is the lowest net change since FY 2006-07.

- 4. Budget Impacts.** This ordinance reflects the FY 2010-11 proposed budget and the final adjustment to the new transfer station operations contracts which will be incorporated into the proposed budget as a technical amendment in April..

## RECOMMENDATION

The Chief Operating Officer recommends adoption of Ordinance No. 10-1237.



Agenda Item Number 4.3

**Ordinance No. 10-1239**, For the Purpose of Amending Metro Code Chapter 7.01 to Modify the Amount of Net Solid Waste Excise Tax Generated and to Repeal the Additional Solid Waste Excise Tax.  
PUBLIC HEARING

ORDINANCES – FIRST READING  
PUBLIC HEARING

Metro Council Meeting  
Thursday, April 15, 2010  
Metro Council Chamber



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 10-1239
CODE CHAPTER 7.01 TO MODIFY THE	)	
AMOUNT OF NET SOLID WASTE EXCISE	)	Introduced by Chief Operating Officer
TAX GENERATED AND TO REPEAL THE	)	Michael J. Jordan with the concurrence of
ADDITIONAL SOLID WASTE EXCISE TAX	)	Council President David Bragdon

WHEREAS, Metro Code establishes two different solid waste excise taxes; and

WHEREAS, Metro code sets forth different methodologies for calculating each tax rate; and

WHEREAS, Over time, the Solid Waste Excise Tax for which provision is made in Metro Code Section 7.01.020 (c)-(e) provides for greater revenue stability than the Additional Excise Tax in Metro Code Section 7.01.023; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- Section 1. Metro Code Amendment. Metro Code Section 7.01.020 is amended in the form attached hereto as Exhibit "A".
- Section 2. Metro Code Amendment. Metro Code section 7.01.023 is repealed.

ADOPTED by the Metro Council this 29<sup>th</sup> day of April, 2010.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to Form:

\_\_\_\_\_  
Anthony Andersen, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

**Exhibit "A" to Ordinance No. 10-1239**

METRO CODE - TITLE VII FINANCE  
CHAPTER 7.01 EXCISE TAXES  
Sections 7.01.020

7.01.020 Tax Imposed

(a) For the privilege of the use of the facilities, equipment, systems, functions, services, or improvements owned, operated, certified, licensed, franchised, or provided by Metro, each user except users of solid waste system facilities shall pay a tax of 7.5 percent of the payment charged by the operator or Metro for such use unless a lower rate has been established as provided in subsection 7.01.020(b). The tax constitutes a debt owed by the user to Metro which is extinguished only by payment of the tax directly to Metro or by the operator to Metro. The user shall pay the tax to Metro or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user to the operator with each installment.

(b) The Council may for any period commencing no sooner than July 1 of any year and ending on June 30 of the following year establish a tax rate lower than the rate of tax provided for in subsection 7.01.020(a) or in subsections 7.01.020(c)-(e) by so providing in an ordinance adopted by Metro. If the Council so establishes a lower rate of tax, the Chief Operating Officer shall immediately notify all operators of the new tax rate. Upon the end of the fiscal year the rate of tax shall revert to the maximum rate established in subsection 7.01.020(a) unchanged for the next year unless further action to establish a lower rate is adopted by the Council as provided for herein.

~~(c) For the privilege of the use of the solid waste system facilities, equipment, systems, functions, services, or improvements owned, operated, licensed, franchised, or provided by Metro, each user of solid waste system facilities and each solid waste facility licensed or franchised under Chapter 5.01 of this Code to deliver putrescible waste directly to Metro's contractor for disposal of putrescible waste Except as provided in Metro Code Section 7.01.050, each person who disposes of solid waste at a solid waste system facility shall pay a tax in the amount calculated under subsection (e)(1) for each ton of~~



solid waste disposed exclusive of compostable organic waste accepted at Metro Central or Metro South stations and source separated recyclable materials accepted at the solid waste system facilities. ~~In addition, each user of solid waste system facilities and each solid waste facility licensed or franchised under Chapter 5.01 of this Code to deliver putrescible waste directly to Metro's contractor for disposal of putrescible waste shall also pay the additional tax in the amount set forth under Section 7.01.023 for each ton of solid waste exclusive of compostable organic waste accepted at Metro Central or Metro South stations and source separated recyclable materials accepted at the solid waste system facilities.~~ The tax constitutes a debt owed by the user-person to Metro which is extinguished only by payment of the tax directly to Metro or by the operator to Metro. The user-person shall pay the tax to Metro or to an operator at the time payment for the use is made. The operator shall enter the tax on his/her records when payment is collected if the operator keeps his/her records on the cash basis of accounting and when earned if the operator keeps his/her records on the accrual basis of accounting. If installment payments are paid to an operator, a proportionate share of the tax shall be paid by the user-person to the operator with each installment.

(d) For the Metro fiscal year beginning July 1, ~~2002~~2010, the tax rate imposed and calculated under subsections (c) through (g) of this section shall be sufficient to generate net excise tax revenue of ~~\$6,050,000~~\$11,370,000 after allowing for any tax credit or tax rebate for which provision is made in this chapter. For each Metro fiscal year thereafter the tax rate imposed and calculated under this section shall be sufficient to generate net excise tax revenue equal to the net excise tax revenue authorization in the previous fiscal year as adjusted in accordance with Section 7.01.022.

(e) (1) The excise tax rate for each ton of solid waste, exclusive of (i) source separate recyclable materials accepted at the solid waste system facilities, (ii) inert materials, (iii) Cleanup Materials Contaminated by Hazardous Substances, and (iv) compostable organic waste delivered to Metro Central or Metro South stations, shall be the amount that results from dividing the net excise tax revenue amount set forth in subsection (d) by the amount of solid waste tonnage which the Chief Operating Officer reports to the Council under subsection (f)(2). Subject to the provisions of subsection 7.01.020(b), the rate so

determined shall be Metro's excise tax rate on solid waste during the subsequent Metro fiscal year. Commencing with Metro fiscal year 2006-07, and each fiscal year thereafter, the rate determined by this subsection shall be effective as of September 1st unless another effective date is adopted by the Metro Council.

- (2) The excise tax rate for each ton of solid waste constituting Cleanup Materials Contaminated by Hazardous Substances shall be \$1.00.

(f) By March 1st of each year, the Chief Operating Officer shall provide a written report to the Metro Council stating the following:

- (1) For the twelve (12) month period ending the previous December 31, the amount of solid wastes, exclusive of inert materials, delivered for disposal to any Solid Waste System Facility that is not exempt pursuant to Section 7.01.050(a) of this chapter, and
- (2) The amount of such solid wastes that would have been delivered for disposal to any such non-exempt Solid Waste System Facility if ~~the a~~ Regional Recovery Rates of 58 percent had been met corresponding to each calendar year set forth on the following schedule had been achieved:

<u>Year</u>	<u>Regional Recovery Rate</u>
2005	56%
2006	56.5%
2007	57%
2008	57.5%
2009	58%

The result of such calculation by the Chief Operating Officer shall be used to determine the excise tax rate under sub-section (e)(1).

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 10-1239, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 7.01 TO MODIFY THE AMOUNT OF NET SOLID WASTE EXCISE TAX GENERATED AND TO REPEAL THE ADDITIONAL SOLID WASTE EXCISE TAX

---

Date: April 15, 2010

Prepared by: Margo Norton, 503 797-1934  
Douglas Anderson, 503-797-1788  
Karen Feher, 503-797-1868

## BACKGROUND

In an effort to stabilize future revenue, this ordinance would change the method by which the Additional Tax on solid waste is calculated. Adoption of this ordinance would increase the maximum solid waste tax yield established in Metro Code by the amount of revenue projected from the “buck a ton” Additional Tax in the current fiscal year. The calculation of the combined Base and Additional Tax would use the same method as is currently used for the base solid waste excise tax. The Additional Tax would be repealed. The results of this action would result in:

- Simplification of the Per-Ton Excise Tax Code
- Stabilization of future revenues

The current method of calculating the Additional Tax results in the revenue production fluctuating significantly with changes in tonnage. In periods of high increases in disposed tonnage, the revenue production increases significantly; likewise, in periods of large decreases in tonnage the revenue production decreases significantly. By combining the two separate taxes and creating a single way of calculating taxes on solid waste everyone involved will have greater certainty about the amount of taxes that will be collected. In its first year the change will have a rate impact of less than two tenths of one percent on a typical residential customer’s bill and an overall increase of less than eight tenths of one percent of the total solid waste tip fee, raising less than \$650,000 overall. Expenditure of excise tax continues to be limited by Metro’s Charter. The revenue generated by this action will stay beneath that limit.

In a housekeeping sub-amendment, this ordinance also updates the aspirational Regional Recovery Rate that is used in the annual rate calculation. The current rate schedule ends in 2009; this ordinance converts the schedule to a fixed 58 percent rate. This is the current goal set for the wasteshed in state law and the Regional Solid Waste Management Plan (that is, 64 percent less the two percentage points each for waste prevention, reuse and home composting).

In addition, this ordinance clarifies that the tax imposed by Metro Code section 7.01.020(c) is an excise tax on disposal of solid waste generated inside the district and also on solid waste generated outside the region if it is disposed at an in-region system facility. Because Metro has no authority over waste generated outside the region and disposed at a system facility outside the region, the new language cannot make, and is not intended to make, a taxable event out of such out-of-district to out-of-district transactions.

During several meetings in March and early April, local government staff and interested members of the solid waste industry reviewed this proposal.

## **ANALYSIS/INFORMATION**

1. **Known Opposition:** None known.
2. **Legal Antecedents:** A change to the solid waste excise tax requires amendment of Metro Code Chapter 7.01 by an ordinance of the council..
3. **Anticipated Effects:** Increases the FY 2010-11 expected excise tax revenue by an estimated \$650,000 and stabilizes revenues subsequent to that fiscal year. The FY 2010-11 rate impact is 62 cents per ton. The statutory yield of solid waste excise tax in Metro Code will increase from the current level of approximately \$7.2 million by about \$4.2 million, to \$11.37 million—offset by the repeal of the Additional Tax. Also fixes a 58 percent recovery rate for the tax rate calculation and clarifies that the tax imposed is an excise tax on all disposal.
4. **Budget Impacts:** The net increase in FY 2010-11 is an estimated \$650,000 over a “no action” scenario. This increase is included in the Proposed FY 2010-11 budget.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends that council adopt Ordinance No. 10-1239.

Agenda Item Number 4.4

**Ordinance No. 10-1240**, For the Purpose of Amending Metro Code Chapter  
2.04 In Order to Strengthen the MWESB Program.  
PUBLIC HEARING

ORDINANCES – FIRST READING  
PUBLIC HEARING

Metro Council Meeting  
Thursday, April 15, 2010  
Metro Council Chamber



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 10-1240
CODE CHAPTER 2.04 IN ORDER TO	)	
STRENGTHEN THE MWESB PROGRAM.	)	Introduced by Michael Jordan, Chief
	)	Operating Officer, with the concurrence of
	)	Council President David Bragdon.
	)	

WHEREAS, Metro Code 2.04.100 through 2.04.190 establishes agency policies for maximizing opportunities for minority-owned, women-owned and emerging small businesses (MWESB) in the contracting process; and

WHEREAS, Metro relies on the State of Oregon’s Business Development Department to certify firms as minority-owned business enterprises (MBE), women-owned business enterprises (WBE), and emerging small businesses (ESB); and

WHEREAS, the Metro Council has determined that participation by MWESB firms in the contracting process is vital to the local economy and is in the best interest of Metro and the community; and

WHEREAS, the Procurement Officer in conjunction with the Office of the Metro Attorney has proposed certain revisions to the Metro Code which will provide additional opportunities to MWESB firms. These revisions are attached as Exhibit A and are hereby incorporated into this resolution; and

WHEREAS, the proposed revisions to the Metro Code to improve the agency’s MWESB program were included as recommendations in the 2007-2008 Annual MWESB Report provided to the Metro Council pursuant to Metro Code 2.04.170; now therefore

The Metro Council ordains that Metro Code 2.04.100 to 2.04.190 are amended in the form attached hereto as Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
David Bragdon, Council President

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## **METRO ESB, MBE AND WBE PROGRAM**

### 2.04.100 Findings

(a) The Metro Council finds:

- (1) The opportunity for full participation in our free enterprise system by emerging small businesses, minorities and women owned businesses is essential;
- (2) Greater economic opportunity for emerging small businesses, minorities and women owned businesses is essential;
- (3) Historical patterns of exclusion and discrimination against racial or ethnic groups and women resulted in unfortunate effects of social, political and economic inequity that still exist;
- (4) It is in the best interest of Metro and the community to do business with emerging small businesses, minority and women owned businesses resulting in increased competition and a stronger local economy;
- (5) In cooperation with the private sector, the affected populations, interested groups and appropriate governmental entities, a program should be established to recommend remedies.

(b) It is the purpose of this policy to establish and implement a program to encourage the utilization by Metro of emerging small businesses, minority and women owned businesses, to the greatest extent permitted by law, by creating for such businesses the maximum possible opportunity to compete for and participate in locally-funded Metro contracting activities. This program does not apply to federally-funded contracts, which are governed by Metro Code 2.04.300, et seq.

(Ordinance No. 83-165, Sec. 1. Amended by Ordinance No. 84-181, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; all previous Ordinances repealed by Ordinance No. 92-466A, Sec. 2; repealed by Ordinance No. 97-692A, Sec. 1; replaced by Ordinance No. 97-692A, Sec. 2.)



#### 2.04.105 Policy Statement

(a) Metro expresses its strong commitment to provide maximum opportunity to do business with ESBs, MBEs and WBEs.

(b) It is the policy of Metro to provide equal opportunity to all persons to access and participate in the locally-funded projects, programs and services of Metro. Metro and Metro contractors shall not discriminate against any person or firm on the basis of race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status.

(Ordinance No. 83-165, Sec. 2. Amended by Ordinance No. 84-181, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; all previous Ordinances repealed by Ordinance No. 92-466A, Sec. 2; amended by Ordinance No. 97-692A, Sec. 3.)

#### 2.04.110 Definitions

For purposes of Metro Code Sections 2.04.100 to 2.04.190, unless the context requires otherwise, the following definitions shall apply:

(aa) "Department" means the State of Oregon's Department of ~~Consumer and Business Affairs Development, Office of Minority, Women and Emerging Small Business~~ or such state agency, department or entity to which has been delegated the responsibility to certify a Emerging Small Business Enterprise, Minority Business Enterprise, Women Business Enterprise, or a Disadvantaged Business Enterprise and to engage in related activities.

(bb) "Emerging Small Business ~~Enterprise~~" or "ESB" means a small business concern which is certified as such by the Department.

(ce) "Minority Business Enterprise" or "MBE" means a business concern which is certified as such by the Department.

(d) "Public Improvement" has the meaning specified in Metro Code Section 2.04.010 (m).

(~~ed~~) "Women Owned Business Enterprise" or "WBE" means a business concern which is certified as such by the Department.

(Ordinance No. 165, Sec. 3. Amended by Ordinance No. 84-181, Sec. 2; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1; all previous Ordinances repealed by Ordinance No. 92-466A, Sec. 2; amended by Ordinance No. 96-635B, Sec. 4.; repealed by Ordinance No. 97-692A, Sec. 4; replaced by Ordinance No. 97-692A, Sec. 5.)

#### 2.04.115 Program Administration

(a) The ~~Chief Operating Procurement~~ Officer shall be responsible for administering this program on behalf of the Chief Operating Officer. ~~The Chief Operating Officer may, by executive order, designate a Program Coordinator and, if necessary, other staff adequate to administer this program on the executive's behalf.~~

(b) In administering this program, the ~~Chief Operating Procurement~~ Officer shall advise potential ESB, MBE and WBE vendors that Metro does not certify ESBs, MBEs and WBEs, and shall direct them to the Department.

(Ordinance No. 83-165, Sec. 4. All previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; all previous Ordinances repealed by Ordinance No. 92-466A, Sec. 2; repealed by Ordinance No. 97-692A, Sec. 6; replaced by Ordinance No. 97-692A, Sec. 8; amended by Ordinance No. 02-966A, Sec. 1.)

#### 2.04.120 Program Activities

The ~~Chief Operating Procurement~~ Officer shall ~~direct staff to~~ develop procedures in the following areas leading to increased business with ESBs, MBEs, and WBEs:

(a) Outreach. Such procedures may include electronic notices, ~~telephone hotlines~~, annual contract lists, newsletters, attending regularly-scheduled contractor orientation programs, and participation in local and regional outreach opportunities.

(b) Technical Assistance. Provide information on feasible options for management assistance, ~~-bonding~~, insurance, certification and financial assistance.

(c) Reduce Contract Size. Examining alternatives for arranging contracts by size and type of work so as to enhance the possibility of participation by ESBs, MBEs and WBEs.

(d) Education. Periodic training for staff to ensure awareness of program objectives and desired activities on their part.

(e) Plan Centers. Ensuring ESB, MBE and WBE plan centers and contractors are receiving requests for bids, proposals and quotes.

(f) Advertising. Advertise formal purchases and contracting opportunities in at a minimum, one newspaper of general circulation and one minority-oriented publication. Additional advertising may be used in order to increase outreach to the MWESB community.

(g) Informal Purchasing Opportunities. Requiring that at least one ESB and one MBE and one WBE vendor or contractor be contacted for all purchases and contracts more than \$2,5005,000 and less than \$2550,000. The program coordinator may waive this requirement if he/she determines that there are no certified ESBs, MBEs and WBEs on the certification list capable of providing the service or item. Any such waivers shall be in writing, and shall be kept as supporting documentation.

(h) Informal Construction Opportunities. Requiring all public improvement construction opportunities for contracts more than \$2,5005,000 and less than \$2550,000 to be bid only by qualified ESBs, MBEs and WBEs. The Chief Operating Procurement Officer may waive this requirement if he/she determines that there are no certified ESBs, MBEs and WBEs on the certification list capable of providing the project needed. Any such waivers shall be in writing, and shall be kept as supporting documentation.

(i) Additional Activities. The program coordinator Procurement Officer may establish and implement additional techniques which are consistent with this Program and designed to facilitate participation of ESBs, MBEs and WBEs in Metro purchasing and contracting activities.

(Ordinance No. 83-165, Sec. 5. Amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; all previous Ordinances repealed by Ordinance No. 92-466A, Sec. 2;

repealed by Ordinance No. 97-692A, Sec. 7; replaced by Ordinance No. 97-692A, Sec. 9; amended by Ordinance No. 02-966A, Sec. 1.)

#### 2.04.130 Minority-Owned Banks

Metro will seek to identify minority-owned banks and banks utilizing equal opportunity banking practices, including community reinvestment, and, to the greatest extent permitted by law, use their services. In addition, Metro will encourage prime contractors, subcontractors and consultants to utilize such services by sending them brochures and service information on such banks.

(Ordinance No. 83-165, Sec. 7. Amended by Ordinance No. 84-181, Sec. 3; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; all previous Ordinances repealed by Ordinance No. 92-466A, Sec. 2.)

#### 2.04.150 Good Faith Efforts at Maximizing ESB, MBE and WBE Opportunities

The ~~Chief Operating~~Procurement Officer shall establish procedures relating to good faith opportunities for ~~major-formal~~ construction projects. Procedures shall be consistent in nature and scope with those of other local public bodies for ease in understanding for contractors.

(a) Good faith efforts for maximizing ESB, MBE and WBE subcontracting opportunities shall be required for construction contracts ~~in an amount determined by the Chief Operating Officer over \$100,000.~~

(b) At the discretion of the ~~program~~ coordinatorProcurement Officer, good faith efforts may be required for any other contract, including architects and engineers. This requirement shall be made in writing prior to the solicitation of bids or proposals for such contract.

(c) When construction projects using a proposal process are approved by Council, the staff shall consider past ESB, MBE and WBE utilization as part of the selection criteria. The program coordinator shall provide the awarded contractor with ESB, MBE and WBE targets for subcontracting.

(d) Compliance with good faith efforts during the bidding process is required. Contractors failing to comply will be considered ~~in breach of contract~~non-responsive.

(Ordinance No. 83-165, Sec. 11. Repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; Ordinance No. 88-252, Sec. 1; all previous Ordinances repealed by Ordinance No. 92-466A, Sec. 2; amended by Ordinance No. 97-692A, Sec. 12; Ordinance No. 02-966A, Sec. 1.)

#### 2.04.162 Contractor Work Force Efforts at Maximizing Minority and Women Opportunities

(a) Metro contractors shall not discriminate against any person or firm on the basis of race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status.

(b) Assuring that minorities and women have access to employment opportunities in the construction industry is critical. The ~~Chief Operating~~Procurement Officer shall establish procedures relating to work apprenticeships for minorities and women for Metro major construction projects. Procedures may include participation in a workforce clearing house providing opportunities for minorities and women.

(Ordinance No. 97-692A, Sec. 14-15. Amended by Ordinance No. 02-966A, Sec. 1.)

#### 2.04.165 Replacement of ESB, MBE or WBE Subcontractors

Prime contractors shall not replace an ESB, MBE or WBE subcontractor with another subcontractor, either before contract award or during contract performance, without the prior notice written consent of~~to~~ Metro. Prime contractors who replace an ESB, MBE or WBE subcontractor shall make good faith efforts as described in the preceding section in selecting a replacement.

(Ordinance No. 83-165, Sec. 14. Amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; all previous Ordinances repealed by Ordinance No. 92-466A, Sec. 2; amended by Ordinance No. 97-692A, Sec. 28.)

#### 2.04.170 Council Information Reports

~~The~~On behalf of the Chief Operating Officer, the Procurement Officer shall provide an annual report to Council showing Metro's utilization of ESBs, MBEs and WBEs ~~doing business within Metro~~the procurement and contracting process.

The Chief Operating Officer shall use MWESB utilization when evaluating the performance of this program and of Department Directors.

(Ordinance No. 83-165, Sec. 15. Amended by Ordinance No. 84-181, Sec. 7, and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; all previous Ordinances repealed by Ordinance No. 92-466A, Sec. 2; repealed by Ordinance No. 97-692A, Sec. 16; replaced by Ordinance No. 97-692A, Sec. 17; amended by Ordinance No. 02-966A, Sec. 1.)

#### 2.04.190 Severability and Intent

(a) The provisions of Metro Code Sections 2.04.100 to 2.04.190 shall be effective in all cases unless otherwise provided for by state or federal law. The provisions of Metro Code Sections 2.04.100 to 2.04.190 are separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of Metro Code Sections 2.04.100 to 2.04.190 or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of Metro Code Sections 2.04.100 to 2.04.190, or the validity of their application to other persons or circumstances.

(b) Metro Code Sections 2.04.100 to 2.04.190 are intended, and should be construed, as establishing and requiring the maximum efforts at assuring ESB, MBE, and WBE participation in Metro contracting activities that is consistent with the United States and Oregon Constitutions and applicable federal and state law.

(Ordinance No. 92-466A, Sec. 2. Amended by Ordinance No. 97-692A, Sec. 19.)

## **STAFF REPORT**

### **FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.04 IN ORDER TO STRENGTHEN THE MWESB PROGRAM**

---

Date: March 28, 2010

Prepared by: Darin Matthews  
Procurement Officer  
797-1626

#### **BACKGROUND**

Metro Code 2.04.100 to 2.04.190 sets forth the agency's policies on the use of minority-owned, women-owned and emerging small businesses (MWESB) in the procurement and contracting process. These policies were established by the Metro Council as a result of the Regional Disparity Study conducted by state and local agencies in Oregon.

Metro found that the opportunity for MWESB firms to participate in the agency's procurement process was vital to the local economy. It also determined that historical patterns of exclusion and discrimination warranted the need for a program that supported MWESB's.

#### **MWESB Contacts**

Currently Metro requires solicitations to purchase goods and services up to \$25,000 include contact with one MBE, one WBE, and one ESB. The Metro Procurement Office is recommending this amount be raised to \$50,000 in order to provide additional contracting opportunities to MWESB's.

#### **Sheltered Market**

Construction projects up to \$25,000 currently fall within Metro's sheltered market program. These contracts must be competitively bid solely to qualified MWESB firms. It is recommended that this amount be increased to \$50,000 in order to include more agency projects in the program. This amount is appropriate for our agency based on the types and sizes of projects put out for bid. In comparison, the City of Portland's sheltered market program includes projects up to \$200,000 and Multnomah County's up to \$250,000.

#### **Direct Appointment**

The Procurement Office is proposing that personal service contracts up to \$10,000 be directly negotiated with qualified MWESB firms. In addition to providing opportunities to MWESB's, this will also speed up the contracting process for these projects. For the past decade, Multnomah County has successfully used a similar direct appointment process for MWESB personal service providers.

#### **Good Faith Effort**

On large construction projects there are often opportunities for MWESB's to earn sub-contracts in their area of expertise. Even when a large non-MWESB general contractor is selected, they can in turn provide opportunities for smaller MWESB firms to earn work. Metro currently requires prime contractors to contact MWESB sub-contractors through our good faith effort program. Procurement Services is proposing that all formal construction projects over \$100,000 include a good faith effort.

### **Program Responsibilities**

Currently the Procurement Officer provides program oversight of the MWESB program on behalf of the Chief Operating Officer. For program duties such as waiving MWESB requirements and requiring good faith efforts, it is suggested that the Procurement Officer be given the necessary authority.

These program enhancements were noted in the Annual MWESB Report submitted to the Metro Council for Fiscal Years 2008 and 2009, and are supported by the Chief Operating Officer and the senior leadership team of Metro. It is believed that these revisions to the Metro Code will help strengthen the agency's MWESB program.

The proposed revisions to this section of the Metro Code are attached to the ordinance as Exhibit A.

### **ANALYSIS/INFORMATION**

1. **Known Opposition** None known.
2. **Legal Antecedents** Metro Code 2.04.100 through 2.04.190, ORS 279A.100
3. **Anticipated Effects** Additional contracting opportunities will be provided to MWESB's; program roles and responsibilities will be clarified.
4. **Budget Impacts** None.

### **RECOMMENDED ACTION**

Metro Council approves the proposed revisions to Metro Code 2.04 in order to strengthen the agency's MWESB procurement program.



Agenda Item Number 5.1

**Resolution No. 10-4136**, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements and Adopting the FY 2011 Unified Planning Work Program.

RESOLUTIONS  
COUNCILOR COLLETTE

Metro Council Meeting  
Thursday, April 15, 2010  
Metro Council Chamber



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CERTIFYING THAT )  
THE PORTLAND METROPOLITAN AREA IS IN )  
COMPLIANCE WITH FEDERAL )  
TRANSPORTATION PLANNING )  
REQUIREMENTS AND ADOPTING THE )  
FY 2010-11 UNIFIED PLANNING WORK )  
PROGRAM )

RESOLUTION NO. 10-4136

Introduced by Michael Jordan, COO with the  
Concurrence of Council President Bragdon

WHEREAS, the Unified Planning Work Program (UPWP) as shown in Exhibit A attached hereto, describes all Federally-funded transportation planning activities for the Portland-Vancouver metropolitan area to be conducted in FY 2010-11; and

WHEREAS, the FY 2010-11 UPWP indicates Federal funding sources for transportation planning activities carried out by Metro, Southwest Washington Regional Transportation Council, Tualatin Hills Parks & Recreation, the cities of Damascus, Milwaukie, Portland, and Wilsonville, Clackamas County, Multnomah County, Washington County, TriMet, and Oregon Department of Transportation; and

WHEREAS, approval of the FY 2010-11 UPWP is required to receive Federal transportation planning funds; and

WHEREAS, the federal self-certification findings in Exhibit B demonstrate Metro's compliance with federal planning regulations as required to receive Federal transportation planning funds; and

WHEREAS, the FY 2011 UPWP is consistent with the proposed Metro Budget submitted to the Metro Council; now therefore

BE IT RESOLVED by the Metro Council:

1. That the FY 2010-11 UPWP attached hereto as Exhibit A is hereby adopted.
2. That the FY 2010-11 UPWP is consistent with the continuing, cooperative, and comprehensive planning process and is given positive Intergovernmental Project Review action.
3. That Metro's Chief Operating Officer is authorized to apply for, accept, and execute grants and agreements specified in the UPWP.
4. That staff shall update the UPWP budget figures, as necessary, to reflect the final Metro budget.
5. That staff shall submit the final UPWP and self-certification findings to the Federal Highway Administration and Federal Transit Administration.

ADOPTED by the Metro Council this 16<sup>th</sup> day of April, 2010.

---

David Bragdon, Council President

Approved as to Form:

---

Daniel B. Cooper, Metro Attorney

---

# **FY 2010-11 Unified Planning Work Program**

---

## **Transportation Planning in the Portland/Vancouver Metropolitan Area**

Metro

Tualatin Hills Parks & Recreation

City of Damascus

City of Milwaukie

City of Portland

City of Wilsonville (SMART)

Clackamas County

Multnomah County

Washington County

TriMet

Oregon Department of Transportation

Southwest Washington Regional Transportation Council

**Draft**

February 8, 2010

## **Metro Self-Certification**

### **1. Metropolitan Planning Organization Designation**

Metro is the Metropolitan Planning Organization (MPO) designated by the Governor for the urbanized areas of Clackamas, Multnomah and Washington Counties, and operates in accordance with 23 U.S.C. 134 and 49 U.S.C. 5303.

Metro is a regional government with six directly elected district councilors and a regionally elected Council President. Local elected officials of general purpose governments are directly involved in the transportation planning/decision process through the Joint Policy Advisory Committee on Transportation (JPACT). JPACT provides the “forum for cooperative decision-making by principal elected officials of general purpose governments” as required by USDOT and takes action on the Regional Transportation Plan (RTP), the Metropolitan Transportation Improvement Program (MTIP) and the Unified Planning Work Program (UPWP). The Metro Policy Advisory Committee (MPAC) deals with non-transportation-related matters and with the adoption and amendment to the Regional Transportation Plan (RTP). Specific roles and responsibilities of the committees are described on page 2.

### **2. Geographic Scope**

Transportation planning in the Metro region includes the entire area within the Federal-Aid Urban Boundary (FAUB). Metro updated the FAUB and Federal functional classification in January 2005 as recommended in Metro’s 2004 Federal Review.

### **3. Agreements**

- a. A Memorandum of Agreement between Metro and the Southwest Washington Regional Transportation Council (RTC) delineates areas of responsibility and coordination. Executed in April 2006, the update to this Agreement was executed in April 2009.
- b. In accordance with 23 CFR 450.314, an intergovernmental agreement (IGA) between TriMet, Oregon Department of Transportation (ODOT), and Metro was executed in July 2008, to be updated in June 2018.
- c. Yearly agreements are executed between Metro and ODOT defining the terms and use of FHWA planning funds.
- d. Bi-State Coordination Committee Charter – Metro and eleven state and local agencies adopted resolutions approving a Bi-State Coordination Committee Charter in 2004. Some were adopted in late 2003 and the balance in 2004, which triggered the transition from the Bi-State Transportation Committee to the Bi-State Coordination Committee.
- e. A Memorandum of Understanding between Metro and the Department of Environmental Quality (DEQ) describing each agency’s responsibilities and roles for air quality planning. Executed in July 2007, to be updated in July 2010.
- f. A Memorandum of Understanding between Metro and South Metro Area Regional Transit (SMART) outlining roles and responsibilities for implementing the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was effective July 1, 2008, to be updated in June 2011.

### **4. Responsibilities, Cooperation and Coordination**

Metro uses a decision-making structure that provides state, regional, and local governments the opportunity to participate in the transportation and land use decisions of the organization. The two key committees are JPACT and MPAC. These committees receive recommendations from the Transportation Policy Alternatives Committee (TPAC) and the Metro Technical Advisory Committee (MTAC).

## **JPACT**

This committee is comprised of three Metro Councilors; seven locally elected officials representing cities and counties, and appointed officials from ODOT, TriMet, the Port of Portland, and DEQ. The State of Washington is also represented with three seats that are traditionally filled by two locally elected officials and an appointed official from the Washington Department of Transportation (WSDOT). All transportation-related actions (including Federal MPO actions) are recommended by JPACT to the Metro Council. The Metro Council can approve the recommendations or refer them back to JPACT with a specific concern for reconsideration. Final approval of each item, therefore, requires the concurrence of both bodies. As recommended by Metro's 2004 Federal Review, JPACT has designated a Finance Subcommittee to explore transportation funding and finance issues in detail, and make recommendations to the full committee.

In FY 2007-08, JPACT completed the bylaw review recommended in Metro's 2004 Federal Review and clarified representation of South Metro Area Regional Transit representation on the committee.

## **Bi-State Coordination Committee**

Based on a recommendation from the I-5 Transportation & Trade Partnership Strategic Plan, the Bi-State Transportation Committee became the Bi-State Coordination Committee in early 2004. The Bi-State Coordination Committee was chartered through resolutions approved by Metro, Multnomah County, the cities of Portland and Gresham, TriMet, ODOT, the Port of Portland, RTC, Clark County, C-Tran, WSDOT and the Port of Vancouver. The Committee is charged with reviewing all issues of bi-state significance for transportation and land use. A 2003 Memorandum of Understanding (MOU) states that JPACT and the RTC Board "shall take no action on an issue of bi-state significance without first referring the issue to the Bi-State Coordination Committee for their consideration and recommendation."

## **MPAC**

This committee was established by the Metro Charter to provide a vehicle for local government involvement in Metro's planning activities. It includes eleven local elected officials, three appointed officials representing special districts, TriMet, a representative of school districts, three citizens, two non-voting Metro Councilors, two Clark County, Washington representatives and a non-voting appointed official from the State of Oregon. Under the Metro Charter, this committee has responsibility for recommending to the Metro Council adoption of or amendment to any element of the Charter-required RTP.

The Regional Framework Plan was adopted on December 11, 1997 and updated December 28, 2005 and addresses the following topics:

- Transportation
- Land use (including the Metro Urban Growth Boundary (UGB))
- Nature in Neighborhoods
- Water supply and watershed management
- Natural hazards
- Coordination with Clark County, Washington
- Management and implementation

In accordance with this requirement, the transportation component of the Regional Framework Plan developed to meet Federal transportation planning regulations, the Oregon Transportation Planning Rule and Metro Charter requirements that require a recommendation from both MPAC and JPACT. This ensures integration of transportation with land use and environmental concerns.

## **5. Metropolitan Transportation Planning Products**

### **a. Unified Planning Work Program**

JPACT, the Metro Council, and the Southwest Washington RTC adopt the UPWP annually. It fully describes work projects planned for the Transportation Department during the fiscal year and is the basis for grant and funding applications. The UPWP also includes Federally funded major

projects being planned by member jurisdictions. These projects will be administered by Metro through intergovernmental agreements with ODOT and the sponsoring jurisdiction. As required by Metro's 2004 Federal Review, Congestion Management Process (CMP) and RTP update tasks were expanded in the UPWP narratives. Also, Metro identified environmental justice tasks in the UPWP in the Environmental Justice and Title VI narrative and individual program narratives; elderly and disabled planning tasks have been identified in the Elderly & Disabled Transportation Planning program narrative.

**b. Regional Transportation Plan**

JPACT and the Metro Council approved the 2035 Federal RTP in December 2007. This update was limited in scope and did not attempt to revisit the requirements of the Oregon Transportation Planning Rule. However, the 2035 Federal RTP included new policies for the purpose of transportation planning and project funding to address SAFETEA-LU provisions and key issues facing the region.

As required by Metro's 2004 Federal Review, the 2035 update addressed operating and maintenance costs paid by member jurisdictions. The 2035 RTP revenue forecast and financial analysis for operations and maintenance costs was based on a thorough evaluation of city and county, ODOT, TriMet and SMART cost projections (2035 RTP Sections 5.1 through 5.3). The financially constrained system described in Chapter 6 of the 2035 RTP was specifically developed to comply with SAFETEA-LU planning requirements. The system was developed based on a forecast of expected revenues that was formulated in partnership with ODOT, cities and counties in the Metro region, TriMet and the South Metro Area Rapid Transit (SMART) district. A background research report was also developed to document current funding trends and sources. The subsequent financial analyses are included in Appendix 4.1 and 4.2. A separate background report is available to download from Metro's website at [http://library.oregonmetro.gov/files/rtp\\_preliminary\\_financial\\_analysisfinal.pdf](http://library.oregonmetro.gov/files/rtp_preliminary_financial_analysisfinal.pdf).

The projects and programs recommended in the financially constrained system were developed cooperatively with local jurisdictions, ODOT, and port and transit districts, and through workshops sponsored by TPAC. Projects and programs came from plans and studies adopted through a previous public process. The financially constrained system is intended as the "Federal" system for purposes of demonstrating air quality conformity and allocating Federal funds through the MTIP process (2035 RTP Sections 7.1 and 7.5). The RTP financial plan and revenue forecast assumptions are described in Chapter 5 of the 2035 RTP. The total reasonably expected revenue base assumed in the 2035 RTP for the road system is approximately \$ 9.07 billion.

In addition to the financially constrained system, the 2035 Federal Update identifies a larger set of projects and programs for the "2035 RTP Investment Pool," which is illustrative and nearly double the scale and cost of the financially constrained system. The illustrative system represents the region's objective for implementing the Region 2040 Plan and is being refined as part of the "State" component of the RTP update.

Staff also prepared a systems level environmental analysis of the 2035 RTP project lists. Analysis was done for the projects in both the 2035 RTP Investment Pool and the 2035 RTP Financially Constrained System. A separate background report complements this analysis, documenting key environmental issues and trends in the Portland metropolitan region and specific federal and state environmental requirements that must be addressed through the RTP. The analysis responds to federal SAFETEA-LU requirements for the RTP to discuss potential environmental mitigation activities and potential areas to carry out these activities, and to consult with appropriate resource agencies. The analysis was the basis for consultation with Collaborative Environmental and Transportation Agreement for Streamlining (CETAS) on October 16, 2007 and can be downloaded from Metro's website at <http://library.oregonmetro.gov/files/environmentalmemowithmapsweb.pdf>. The background report is available to download from Metro's website at [http://library.oregonmetro.gov/files/rtp\\_environmental\\_profilefinal.pdf](http://library.oregonmetro.gov/files/rtp_environmental_profilefinal.pdf).



A new map was been added to Chapter 1 of the RTP that identifies the MPO Planning Boundary and the Air Quality Maintenance Area Boundary. This boundary defines the area that the RTP applies to for Federal planning purposes. The boundary includes the area inside Metro's jurisdictional boundary, the 2008 UGB and the 2000 census defined urbanized area boundary for the Portland metropolitan region. FHWA and FTA approved the 2035 RTP and the associated air quality conformity determination on February 29, 2008. Documentation of compliance with specific Federal planning requirements is summarized in subsequent sections of this document, and Appendix 4.1 of the 2035 RTP.

Work is continuing on the State component of the RTP update in 2008-09. Tasks related to the update were outlined in the FY 2007-08 UPWP and FY 2008-09 UPWP.

**c. Metropolitan Transportation Improvement Program**

The MTIP was updated in Summer 2007 and incorporated into the 2008-11 State Transportation Improvement Program (STIP). The 2007 update included the allocation of \$63 million of Surface Transportation Program (STP) and Congestion Mitigation/Air Quality Program (CMAQ) funding, programming of projects for the ODOT Modernization, Bridge, Safety, Preservation, Operations, OTIA III, Enhancements, and Immediate Opportunity Fund projects and programming of transit funding. The first year of programming is considered the priority project funding for the region. Should any of these projects be delayed, projects of equivalent dollar value may be advanced from the second, third or fourth years of the program without processing formal Transportation Improvement Program (TIP) amendments.

After a delay in implementation of the Statewide TIP, Metro is in the process of updating the 2010-13 MTIP in the current fiscal year, with adoption of an updated program scheduled for August 2010. As recommended in Metro's 2008 Federal Review, the 2010-13 MTIP will include total project costs and cost estimates that may go beyond the 4-year programming cycle.

**6. Planning Factors**

Currently, Metro's planning process addresses the SAFETEA-LU planning factors in all projects and policies. Table 1 below describes the relationship of the planning factors to Metro's activities and Table 2 outlines Metro's response to how the factors have been incorporated into the planning process. The SAFETEA-LU planning factors are:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase the accessibility and mobility options available to people and for freight;
5. Protect and enhance the environment, promote energy conservation and improve quality of life;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient management and operations; and
8. Emphasize the preservation of the existing transportation system.

As noted in Tables 1 and 2, Metro has reviewed and updated both the RTP and MTIP, and revised both documents to be compliant with SAFETEA-LU planning requirements.

**Table 1: SAFETEA-LU Planning Factors**

<b>Factor</b>	<b>System Planning (RTP)</b>	<b>Funding Strategy (MTIP)</b>	<b>High Capacity Transit (HCT)</b>
<p>1. Support Economic Vitality</p>	<ul style="list-style-type: none"> <li>• RTP policies linked to land use strategies that promote economic development.</li> <li>• Industrial areas and intermodal facilities identified in policies as “primary” areas of focus for planned improvements.</li> <li>• Comprehensive, multimodal freight improvements that link intermodal facilities to industry are detailed for the plan period.</li> <li>• Highway Level of Service (LOS) policy tailored to protect key freight corridors.</li> <li>• RTP recognizes need for freight linkages to destinations beyond the region by all modes.</li> </ul>	<ul style="list-style-type: none"> <li>• All projects subject to consistency with RTP policies on economic development and promotion of “primary” land use element of 2040 development such as centers, industrial areas and intermodal facilities.</li> <li>• Special category for industrial and employment lands access calls out the unique importance for these projects.</li> <li>• All freight projects subject to funding criteria that promote industrial jobs and businesses in the “traded sector.”</li> </ul>	<ul style="list-style-type: none"> <li>• HCT plans designed to support continued development of regional centers and central city by increasing transit accessibility to these locations.</li> <li>• HCT improvements in major commute corridors lessen need for major capacity improvements in these locations, allowing for freight improvements in other corridors.</li> </ul>

**Table 1: SAFETEA-LU Planning Factors**

<b>Factor</b>	<b>System Planning (RTP)</b>	<b>Funding Strategy (MTIP)</b>	<b>High Capacity Transit (HCT)</b>
2. Increase Safety	<ul style="list-style-type: none"> <li>• The RTP policies call out safety as a primary focus for improvements to the system.</li> <li>• Safety is identified as one of three implementation priorities for all modal systems (along with preservation of the system and implementation of the region's 2040-growth management strategy).</li> <li>• The RTP includes a number of investments and actions aimed at further improving safety in the region, including:               <ul style="list-style-type: none"> <li>◦ Investments targeted to address known safety deficiencies and high-crash locations.</li> <li>◦ Completing gaps in regional bicycle and pedestrian systems.</li> <li>◦ Retrofits of existing streets in downtowns and along main streets to include on-street parking, street trees marked street crossings and other designs to slow traffic speeds to follow posted speed limits.</li> <li>◦ Intersection changes and ITS strategies, including signal timing and real-time traveler information on road conditions and hazards.</li> <li>◦ Expanding safety education, awareness and multi-modal data collection efforts at all levels of government.</li> <li>◦ Expand safety data collection efforts and create a better system for centralized crash data for all modes of travel.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• All projects evaluated according to specific safety criteria.</li> <li>• Road modernization and reconstruction projects are scored according to relative accident incidence.</li> <li>• All projects must be consistent with regional street design guidelines that provide safe designs for all modes of travel.</li> </ul>	<ul style="list-style-type: none"> <li>• Station area planning for proposed HCT improvements is primarily driven by pedestrian access and safety considerations.</li> </ul>

**Table 1: SAFETEA-LU Planning Factors**

<b>Factor</b>	<b>System Planning (RTP)</b>	<b>Funding Strategy (MTIP)</b>	<b>High Capacity Transit (HCT)</b>
3. Increase Security	<ul style="list-style-type: none"> <li>• System security was incorporated into the 2035 Federal RTP.</li> <li>• Security and emergency management activities are summarized in Section 2.4.7.4 of the 2035 RTP.</li> <li>• Policy framework in Section 3.3 of the 2035 RTP includes, “Goal 5: Enhance Safety and Security,” and specific security objectives and potential actions to increase security of the transportation system for all users.</li> <li>• Includes investments that increase system monitoring for operations, management and security of the regional mobility corridor system.</li> <li>• Actions direct Metro to work with local, state and regional agencies to identify critical infrastructure in the region, assess security vulnerabilities and develop coordinated emergency response and evacuation plans.</li> <li>• Actions direct transportation providers to monitor the regional transportation and minimize security risks at airports, transit facilities, marine terminals and other critical infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>• Transportation security will be factored into the next MTIP update, following completion of the new RTP.</li> </ul>	<ul style="list-style-type: none"> <li>• System security has been a routine element of the HCT program, and does not represent a substantial change to current practice.</li> </ul>

**Table 1: SAFETEA-LU Planning Factors**

<b>Factor</b>	<b>System Planning (RTP)</b>	<b>Funding Strategy (MTIP)</b>	<b>High Capacity Transit (HCT)</b>
<p>4. Increase Accessibility</p>	<ul style="list-style-type: none"> <li>• The RTP policies are organized on the principle of providing accessibility to centers and employment areas with a balanced, multi-modal transportation system.</li> <li>• The policies also identify the need for freight mobility in key freight corridors and to provide freight access to industrial areas and intermodal facilities.</li> <li>• The plan emphasizes accessibility and reliability of the system, particularly for commuting and freight, and includes a new, more customized approach to managing and evaluating performance of mobility corridors. This new approach builds on using new, cost-effective technologies to improve safety, optimize the existing system, and ensure freight transporters and commuters have a broad range of travel options in each corridor.</li> </ul>	<ul style="list-style-type: none"> <li>• Measurable increases in accessibility to priority land use elements of the 2040-growth concept is a criterion for all projects.</li> <li>• The MTIP program places a heavy emphasis on non-auto modes in an effort to improve multi-modal accessibility in the region.</li> </ul>	<ul style="list-style-type: none"> <li>• The planned HCT improvements in the region will provide increased accessibility to the most congested corridors and centers.</li> <li>• Planned HCT improvements provide mobility options to persons traditionally underserved by the transportation system.</li> </ul>

**Table 1: SAFETEA-LU Planning Factors (continued)**

<b>Factor</b>	<b>System Planning (RTP)</b>	<b>Funding Strategy (MTIP)</b>	<b>High Capacity Transit (HCT)</b>
<p>5. Protect Environment and Quality of Life</p>	<ul style="list-style-type: none"> <li>• The RTP is constructed as a transportation strategy for implementing the region’s 2040-growth concept. The growth concept is a long-term vision for retaining the region’s livability through managed growth.</li> <li>• The RTP system has been "sized" to minimize the impact on the built and natural environment.</li> <li>• The region has developed an environmental street design guidebook to facilitate environmentally sound transportation improvements in sensitive areas, and to coordinate transportation project development with regional strategies to protect endangered species.</li> <li>• The RTP conforms to the Clean Air Act.</li> <li>• Many new transit, bicycle, pedestrian and Transportation Demand Management (TDM) projects have been added to the plan to provide a more balanced multi-modal system that maintains livability.</li> <li>• RTP transit, bicycle, pedestrian and TDM projects will complement the compact urban form envisioned in the 2040 growth concept by promoting an energy-efficient transportation system.</li> <li>• Metro coordinates its system level planning with resource agencies to identify and resolve key issues.</li> <li>• The region’s parking policies (Title 2 of the Urban Growth Management Functional Plan) are also designed to encourage the use of alternative modes, and reduce reliance on the automobile, thus promoting energy conservation and reducing air quality impacts.</li> </ul>	<ul style="list-style-type: none"> <li>• The MTIP conforms to the Clean Air Act and continues to comply with the air quality maintenance plan in accordance with sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7605 (c) and (d)) and 40 CFR part 93.</li> <li>• The MTIP focuses on allocating funds for clean air (CMAQ), livability (Transportation Enhancement) and multi- and alternative modes (STIP).</li> <li>• Bridge projects in lieu of culverts have been funded through the MTIP to enhance endangered salmon and steelhead passage.</li> <li>• "Green Street" demonstration projects funded to employ new practices for mitigating the effects of storm water runoff.</li> </ul>	<ul style="list-style-type: none"> <li>• Light rail improvements provide emission-free transportation alternatives to the automobile in some of the region’s most congested corridors and centers.</li> <li>• HCT transportation alternatives enhance quality of life for residents by providing an alternative to auto travel in congested corridors and centers.</li> </ul>

**Table 1: SAFETEA-LU Planning Factors (continued)**

<b>Factor</b>	<b>System Planning (RTP)</b>	<b>Funding Strategy (MTIP)</b>	<b>High Capacity Transit (HCT)</b>
6. System Integration/ Connectivity	<ul style="list-style-type: none"> <li>• The RTP includes a functional classification system for all modes that establishes an integrated modal hierarchy.</li> <li>• The RTP policies and Functional Plan* include a street design element that integrates transportation modes in relation to land use for regional facilities.</li> <li>• The RTP policies and Functional Plan include connectivity provisions that will increase local and major street connectivity.</li> <li>• The RTP freight policies and projects address the intermodal connectivity needs at major freight terminals in the region.</li> <li>• The intermodal management system identifies key intermodal links in the region.</li> </ul>	<ul style="list-style-type: none"> <li>• Projects funded through the MTIP must be consistent with regional street design guidelines.</li> <li>• Freight improvements are evaluated according to potential conflicts with other modes.</li> <li>• Projects are scored according to addressing system gaps and deficiencies.</li> </ul>	<ul style="list-style-type: none"> <li>• Planned HCT improvements are closely integrated with other modes, including pedestrian and bicycle access plans for station areas and park-and-ride and passenger drop-off facilities at major stations.</li> </ul>
7. Efficient Management & Operations	<ul style="list-style-type: none"> <li>• The policy component of the 2035 RTP includes specific provisions for efficient system management and operation (2035 RTP Goal 4), with an emphasis on TSM, ATMS and the use of non-auto modal targets (Table 3.17) to optimize the existing and planned transportation system.</li> <li>• Proposed RTP projects include many system management improvements along regional corridors.</li> <li>• The plan also calls for consideration of value pricing in the region to better manage capacity and peak use of the throughway system. However, more work is needed to gain public acceptance of this tool.</li> </ul>	<ul style="list-style-type: none"> <li>• Projects are scored according to relative cost effectiveness (measured as a factor of total project cost compared to measurable project benefits).</li> <li>• TDM projects are solicited in a special category to promote improvements or programs that reduce single occupancy vehicle (SOV) pressure on congested corridors.</li> <li>• TSM/ITS projects are funded through the MTIP.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed HCT improvements include redesigned feeder bus systems that take advantage of new HCT capacity and reduce the number of redundant transit lines.</li> </ul>

\* *Functional Plan = Urban Growth Management Functional Plan, an adopted regulation that requires local governments in Metro's jurisdiction to complete certain planning tasks.*

## 7. **Public Involvement**

Metro maintains a proactive public involvement process that provides complete information, timely public notice, and full public access to key decisions. Metro supports early and continuing involvement of the public in developing its policies, plans and programs. Every effort is made to employ broad and diverse methods, tools and activities to reach potentially impacted communities and other neighborhoods and to encourage the participation of low-income and minority residents and organizations.

All Metro UPWP studies and projects that have a public involvement component require a Public Involvement Plan that meets or exceeds adopted public involvement policies. PIPs are designed to both support the technical scope and objectives of Metro studies and programs and provide for innovative, effective and inclusive opportunities for engagement. Metro consults with the Metro Committee for Citizen Involvement in the development of individual PIPs. PIPs include strategies and methods for public involvement. Examples include special public opinion survey mechanisms, translation of materials for non-English speaking members of the community, advisory committees, special task forces, web instruments, public information material, hearings, workshops, open houses and design charrettes.

The work program and PIP for the 2035 RTP update was developed with input from Metro's technical and policy advisory committees and MCCI. Public involvement in the 2035 RTP update included workshops, informal and formal input opportunities as well as two 30-day comment periods and one 45-day comment period. Public involvement opportunities and key decision points were promoted in all community newspapers in the region, ethnic newspapers and the *Oregonian*, posted on Metro's web site and e-mailed to more than 4,500 individuals and organizations on Metro's "interested parties" electronic database. All plan documents were simultaneously published (and regularly updated) on the Metro web site, including draft plan amendments, the schedule of major milestones and decisions, other explanatory materials and public comment reports.

The Metro Transportation Improvement Program (MTIP) lists projects to be funded over the next four years with federal transportation dollars. The MTIP lists projects administered by the Oregon Department of Transportation, TriMet and the South Metro Area Transit, and Metro through its regional flexible funding allocation. The PIP for the MTIP presents specifics on how jurisdictional and community stakeholders will be engaged to help develop guiding policies for selecting projects, establishing funding categories, and prioritizing projects as well as specific processes that Metro will use to allocate regional flexible fund (from federal Congestion Management/Air Quality funds and the Surface Transportation Program). Involvement mechanisms include workshops, informal and formal feedback opportunities, a formal 30-day comment period, formal public hearings and an active web site with an online comment tool.

Metro's transportation decision-making process includes the Transportation Policy Advisory Committee, a technical committee made up primarily of professionals from local planning and transportation agencies and six community positions. The six community positions are recruited through an open, advertised application and interview process from across the region and designed to represent diverse areas of interest. TPAC's function is to make recommendations to the Joint Policy Advisory on Transportation, which in turn makes a recommendation to the Metro Council. Metro Council adopted Metro's Transportation Public Involvement Policy on June 10, 2004 by Resolution Number 04-3450.

**Title VI** – In April 2007, Metro completed and submitted its first formal Title VI Plan. The plan was updated in March 2010 to reflect major changes in Metro's organizational structure. Metro has also submitted annual Title VI compliance reports to the Oregon Department of Transportation. Public involvement principles put forth in the Title VI plan are implemented through Metro's RTP and MTIP public involvement activities, and through corridor planning activities in the region.

**Environmental Justice** – The intent of environmental justice (EJ) practices is to ensure the needs of minority and disadvantaged populations are considered as an important component of transportation planning and project implementation, and that the relative benefits/impacts of those projects and plans are equitably distributed. Metro continues to expand and explore environmental justice efforts that provide early access to and consideration of planning and project development



activities. Metro's EJ program is organized to communicate and seek input on project proposals and to carry those efforts into the analysis, community review and decision-making processes. Metro has recently focused on developing procedures and policies for determining when language services are needed for persons with limited English proficiency, and has identified a pool of qualified service providers as potential contractors.

Supplementing Metro's Title VI and EJ work in the transportation arena is an active Diversity Action Team that serves the entire agency. The DAT sets long- and short-term diversity goals and seeks opportunities to collaboratively develop and implement sustainable diversity initiatives across and throughout the agency. Metro's diversity efforts are most evident in three areas: Contracts and Purchasing, Community Outreach, and Recruitment and Retention.

**8. Disadvantaged Business Enterprise**

A revised Disadvantaged Business Enterprise (DBE) program was adopted by the Metro Council in June 1997 (Ordinance No. 97-692A).

Metro's DBE program was reviewed and submitted to FTA in August 1999. Metro currently piggybacks on ODOT's DBE program.

**9. Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) Joint Complementary Paratransit Plan was adopted by the TriMet Board in December 1991 and was certified as compatible with the RTP by Metro Council in January 1992. The plan was phased in over five years and TriMet has been in compliance since January 1997. Metro approved the 1997 plan as in conformance with the RTP. FTA audited and approved the plan in summer 1999.

**10. Affirmative Action**

In accordance with 49 U.S.C. 5331, 42 U.S.C. 6101, Section 324 of title 23 U.S.C. and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27, Metro states as its policy a commitment to provide equal employment opportunities without regard to race, color, religion, national origin, sex, age, disability, sexual orientation, or marital or familial status, except where a bona fide occupational qualification exists. Compliance with this policy is administered by Metro's Human Resources Department.

**11. Construction Contracts**

Provisions of 23 CFR part 230 do not apply to Metro as Metro does not administer Federal and Federal-aid highway construction contracts.

**12. Lobbying**

Annually Metro certifies compliance with 49 CFR 20 through the FTA TEAM system.

**Table 2: Metro’s Response to SAFTEEA-LU Provisions**

<b>SAFTETEA-LU Provision for all MPOs</b>	<b>Metro Response</b>
<p><i>Consult/Coordinate with planning officials responsible for planned growth, economic development, environmental protection, airport operations, and freight movement.</i></p>	<p>Metro’s transportation planning and land-use planning functions are within the same department and coordinate internally.</p> <ul style="list-style-type: none"> <li>• Metro facilitates this consultation, coordination and decision-making through four advisory committee bodies –the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Policy Advisory Committee (MPAC), the Transportation Policy Alternatives Committee (TPAC) and the Metro Technical Advisory Committee (MTAC). Metro consults MPAC on land-use activities.</li> <li>• Metro is a member of Regional Partners for Economic Development and endorsed the Consolidated Economic Development Strategy (CEDS).</li> <li>• Metro has implemented a fish and wildlife habit protection program through regulations, property acquisition, education and incentives.</li> <li>• Metro has a standing committee to coordinate with public agencies with environmental protection responsibility.</li> <li>• The Port of Portland manages the airport and is represented on both TPAC and JPACT.</li> <li>• Metro also coordinates with freight, rail, airport operations and business interests through the Regional Freight and Goods Movement Task Force and Regional Freight and Goods Movement Technical Advisory Committee.</li> </ul>
<p><i>Promote consistency between transportation improvements and State and local planned growth and economic development.</i></p>	<p>Metro transportation and land-use planning is subject to approval by the Oregon Department of Land Conservation and Development.</p>
<p><i>Give safety and security due emphasis as separate planning factors.</i></p>	<p>Metro addressed security and safety as individual factors in the update to the RTP in 2007.</p> <ul style="list-style-type: none"> <li>• Separate background research papers were developed during Phase 2 of the update to document current safety issues and planning efforts, and current security planning efforts in the region. This research is included Appendix 6.0 was considered during the formulation of the 2035 RTP goals, objectives, projects and potential actions included in Chapter 3 and investment priorities in Chapter 6 of the 2035 RTP.</li> </ul> <p>Additionally, Metro staffs the Regional Emergency Management Group (REMG), which has expanded its scope to include anti-terrorism preparedness, TriMet’s responsibility for transit security plans, ODOT’s responsibility for coordination of state security plans, Port of Portland’s responsibility for air, marine and other Port facilities security plans and implementation of system management strategies to improve security of the transportation system (e.g., security cameras on MAX and at transit stations). The group brings together local emergency managers to plan responses to security concerns and natural hazards.</p>

**Table 2: Metro's Response to SAFETEA-LU Provisions (continued)**

<b>SAFETEA-LU Provision for all MPOs</b>	<b>Metro Response</b>
<p><i>Discuss in the transportation plan potential environmental mitigation activities to be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.</i></p>	<p>SAFETEA-LU provisions for additional consultation with state and Federal resource agencies, and tribal groups that were not already part of Metro's existing committee structure were met through a consultation meeting held on October 16, 2007 with the Collaborative Environmental Transportation Agreement for Streamlining (CETAS) work group, consisting of the Oregon Department of Transportation and ten state and Federal transportation, natural resource, cultural resource and land-use planning agencies. A background research paper was also developed during Phase 2 of the update to document current environmental trends, issues and current mitigation strategies in the region. This research was considered during the formulation of the 2035 RTP goals, objectives, projects and potential actions included in Chapter 3 and investment priorities in Chapter 6 of the 2035 RTP. In addition, staff conducted an analysis of the potential environmental effects of transportation investments. The background research report and environmental considerations analysis is included in Appendix 6.0.</p>
<p><i>Consult with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation in development of the transportation plan.</i></p>	<p>SAFETEA-LU provisions for additional consultation with state and Federal resource agencies, and tribal groups that were not already part of Metro's existing committee structure were met through a consultation meeting held on October 16, 2007 with the Collaborative Environmental Transportation Agreement for Streamlining (CETAS) work group, consisting of the Oregon Department of Transportation and ten state and Federal transportation, natural resource, historic, cultural resource and land-use planning agencies.</p> <p>A background research paper was also developed during Phase 2 of the update to document current environmental trends, issues and mitigation strategies in the region. This research was considered during the formulation of the 2035 RTP goals, objectives, projects and potential actions included in Chapter 3 and investment priorities in Chapter 6 of the 2035 RTP. In addition, staff conducted an analysis of the potential environmental effects of transportation investments – this analysis included a comparison of the RTP investments with available State Conservation maps and inventories of historic resources. The background research report and environmental considerations analysis is included in Appendix 6.0.</p>

**Table 2: Metro's Response to SAFTEEA-LU Provisions (continued)**

<b>SAFTETEA-LU Provision for all MPOs</b>	<b>Metro Response</b>
<p><i>Include operation and management strategies to address congestion, safety, and mobility in the transportation plan.</i></p>	<ul style="list-style-type: none"> <li>• System management policies in the RTP (2035 RTP Section 3.4.4) and resulting projects and programs are intended to maximize the use of existing facilities to address congestion, safety and mobility.</li> <li>• The regional CMP also requires local jurisdictions to explore system management solutions before adding roadway capacity to the regional system (2035 RTP Section 7.6.3). These provisions are implemented through potential actions included in Section 3.3 (particularly Goals 4 and 5), and a number of projects and programs recommended in the updated plan, and are listed in Chapter 6 of the 2035 RTP.</li> <li>• The plan also calls for consideration of value pricing in the region to better manage capacity and peak use of the throughway system.</li> <li>• RTP projects in Chapter 6 include many system management improvements along regional mobility corridors and the supporting arterial system. Work will continue in the state component of the RTP update to further expand implementation of these strategies.</li> <li>• Metro has established a Regional Transportation Options Committee as a subcommittee of TPAC to address demand management. The TransPort Committee is a subcommittee of TPAC to address ITS and operations.</li> </ul>

**Table 2: Metro's Response to SAFETEA-LU Provisions (continued)**

<b>SAFETEA-LU Provision for all MPOs</b>	<b>Metro Response</b>
<p><i>Develop a participation plan in consultation with interested parties that provides reasonable opportunities for all parties to comment on transportation plan.</i></p>	<p>Metro has public involvement policy for regional transportation planning and funding activities to support and encourage board-based public participation in development and review of Metro's transportation plans. The Transportation Planning Public Involvement Policy was last updated in June 2004.</p> <p>The work program and public participation plan (PPP) for the 2035 RTP update was developed with input from Metro's Advisory Committees, including Metro's Committee for Citizen Involvement.</p> <p>Approval of the 2035 RTP, Resolution No. 07-3831B, followed JPACT and Metro Council consideration of approximately 300 comments received during the public comment period. The comments were summarized into a comment log and Public Comment Summary Report. Refinements were recommended to respond to the comments received. The comment period for the Air Quality Conformity Determination provided an opportunity for public review and comment on the air quality conformity methodology and results.</p> <p><i>Section 1.5 in the 2035 RTP and Appendix 4.5 describe the public process in more detail.</i></p>
<p><i>Employ visualization techniques to describe plan and make information available (including transportation plans) to the public in electronically accessible format such as on the Web.</i></p>	<p>On a regular basis, Metro employs visualization techniques. Examples include:</p> <ul style="list-style-type: none"> <li>• RTP document is available on Metro's website</li> <li>• RTP newsletters and maps</li> <li>• MTIP document is available on Metro's website</li> <li>• GIS maps to illustrate planning activities</li> <li>• Participation in FHWA GIS Web Training</li> </ul> <p>Video simulation of light rail on the Portland Mall and I-205 Corridor.</p>
<p><i>Update the plan at least every 4 years in non-attainment and maintenance areas, 5 years in attainment areas.</i></p>	<p>2035 Federal RTP update was completed by March 5, 2008.</p>
<p><i>Update the TIP at least every 4 years, include 4 years of projects and strategies in the TIP.</i></p>	<p>Initiated MTIP and STIP update for August 2010, within 3 years of previous update.</p>
<p><i>SAFETEA-LU includes a new requirement for a "locally developed, coordinated public transit/human services transportation plan" to be eligible for formula funding under three FTA grant programs (5310,5316,5317) It is not clear yet who will be responsible for these plans.</i></p>	<p>Metro participates on the Special Transportation Fund Advisory Committee and Regional Transportation Coordinating Council of the Elderly and Disabled Transportation Plan. A coordinated human services and public transportation plan is under development by those committees and has been integrated into the 2008 RTP update. Additional work will be completed during the state component of the RTP update in 2008.</p>

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4136, FOR THE PURPOSE OF CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH FEDERAL TRANSPORTATION PLANNING REQUIREMENTS AND ADOPTING THE FY 2011 UNIFIED PLANNING WORK PROGRAM

---

Date: March 11, 2010

Prepared by: Robin McArthur  
(503) 797-1714

### BACKGROUND

Federal transportation agencies (Federal Transit Administration [FTA] and Federal Highway Administration [FHWA]) require that Metro coordinate federally funded planning activities as the region's Metropolitan Planning Organization (MPO). The FY 2011 Unified Planning Work Program (UPWP) describes these planning activities in the metropolitan region during the fiscal year beginning July 1, 2010. Included in the document are federally funded studies to be conducted by Metro, Southwest Washington Regional Transportation Council, Tualatin Hills Parks & Recreation, the cities of Damascus, Milwaukie, Portland, and Wilsonville, Clackamas County, Multnomah County, Washington County, TriMet, and Oregon Department of Transportation.

The federal transportation agencies also require a self-certification that Metro's planning process is in compliance with certain federal requirements as a prerequisite to receiving federal funds. The self-certification documents that we have met those requirements and is considered yearly at the time of Unified Planning Work Program (UPWP) approval. Required self-certification areas include:

- Metropolitan Planning Organization (MPO) designation
- Geographic scope
- Agreements
- Responsibilities, cooperation and coordination
- Metropolitan Transportation Planning products
- Planning factors
- Public Involvement
- Title VI (civil rights)
- Environmental Justice
- Disadvantaged Business Enterprise (DBE)
- Americans with Disabilities Act (ADA)
- Affirmative Action
- Construction Contracts
- Lobbying

Each of these areas is discussed in Exhibit B to Resolution No. 10-4136.

### ANALYSIS/INFORMATION

1. **Known Opposition** – No known opposition

2. **Legal Antecedents** – Federal transportation agencies (Federal Transit Administration [FTA] and Federal Highway Administration [FHWA]) require an adopted UPWP as a prerequisite for receiving Federal funds according to Title 23 of the Code of Federal regulations, Part 450, Subpart C.

This resolution certifies that the Portland metropolitan area is in compliance with Federal transportation planning requirements as defined in Title 23 of the Code of Federal Regulations, Parts 450 and 500, and title 49, of the Code of Federal Regulations, Part 613.

3. **Anticipated Effects** – Approval will mean that grants can be submitted and contracts executed so planning work can commence on July 1, 2010, in accordance with established Metro priorities.

**Budget Impacts** – Approval of this resolution is a prerequisite to receipt of Federal planning funds and is, therefore, critical to the Metro budget. The UPWP matches the projects and studies reflected in the proposed Metro FY 2010-11 budget submitted by the Chief Operating Officer to the Metro Council. The UPWP is subject to revision in the final Metro budget. This resolution also directs staff to update the UPWP budget figures, as necessary, to reflect the final Metro budget.

## **RECOMMENDED ACTION**

Approve Resolution No. 10-4136 which certifies that the Portland metropolitan area is in compliance with Federal transportation planning requirements and adopts the UPWP continuing the transportation planning work program for FY 2011. This resolution also authorizes submittal of grant applications to the appropriate funding agencies.





Agenda Item Number 5.2

**Resolution No. 10-4142**, For the Purpose of Confirming the Appointment of Jeff Bissonnette and the Reappointment of Ms. Cece Hughley Noel and Mr. David Davies to the North Portland Rehabilitation and Enhancement Committee (NPREC).

RESOLUTIONS  
COUNCILOR BURKHOLDER

Metro Council Meeting  
Thursday, April 15, 2010  
Metro Council Chamber



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE ) RESOLUTION NO. 10-4142  
APPOINTMENT OF JEFF BISSONNETTE AND THE )  
REAPPOINTMENT OF MS. CECE HUGHLEY NOEL AND ) Introduced by David Bragdon,  
MR. DAVID DAVIES TO THE NORTH PORTLAND ) Council President  
REHABILITATION AND ENHANCEMENT COMMITTEE  
(NPREC)

WHEREAS, Metro Code Chapter 2.19.140 provides for a North Portland Rehabilitation and Enhancement Committee (NPREC); and,

WHEREAS, Metro Code 2.19.140(b) authorizes seven citizen representatives for NPREC membership; and,

WHEREAS, vacancies have occurred in the NPREC membership; and,

WHEREAS, the Council President has appointed Mr. Bissonnette to the position of Cathedral Park neighborhood representative, subject to confirmation by the Metro Council; and,

WHEREAS, Metro Code Chapter 2.19.030 states that advisory committee members and alternate members are limited to two consecutive two-year terms; and,

WHEREAS, Ms. Hughley Noel and Mr. Davies' initial term has expired and they have expressed interested in serving another term; and,

WHEREAS, Ms. Hughley Noel and Mr. Davies are members in good standing and their reappointments are supported by the Committee and Committee Chair; and,

WHEREAS, the Council President has reappointed these individuals, subject to confirmation by the Metro Council; now, therefore,

BE IT RESOLVED, that the Metro Council confirms the appointment of Mr. Bissonnette and the reappointment of Ms. Hughley Noel and Mr. Davies to serve on the North Portland Rehabilitation and Enhancement Committee.

ADOPTED by the Metro Council this 15 day of April, 2010.

\_\_\_\_\_  
David Bragdon, Council President

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 10-4142, FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF JEFF BISSONNETTE AND THE REAPPOINTMENTS OF CECE HUGHLEY NOEL AND DAVID DAVIES TO THE NORTH PORTLAND REHABILITATION AND ENHANCEMENT COMMITTEE (NPREC)

---

Date: March 26, 2010

Prepared by: Karen Blauer

### **BACKGROUND**

A vacancy has occurred in the North Portland Rehabilitation and Enhancement Committee (hereinafter referred to as NPREC) membership. Metro Code Chapter 2.19.140, "North Portland Rehabilitation and Enhancement Committee (NPREC)," provides for the NPREC and subsection 2.19.140(b) authorizes representatives for Committee membership and representation criteria. The vacancy in the NPREC membership exists due to term limits for the member representing the Cathedral Park neighborhood.

A recruitment effort to fill the position was launched in February 2010 with a recruitment letter sent from Rex Burkholder, Metro Councilor and North Portland Enhancement Committee chair, to approximately 45 community leaders including representatives of North Portland neighborhood and business associations, local schools, nonprofit and advocacy organizations, cultural groups and government staff and officials. Following the letter, a mailer announcing the recruitment was sent to nearly 200 local residents. In addition, advertisements were placed in two local newspapers (the St. Johns Review and Portland Sentinel). The announcements directed those interested to Metro's web site where more details and an Applicant Interest Form were posted. A copy of Councilor Burkholder's letter, the mailer and advertisements appear here as Attachments 1 - 3.

A panel comprised of past Metro grant selection committee members and grant recipients was asked to review and evaluate applicants' interest forms and to provide Metro Council with a recommendation for nominations. The panel included Doug Ray (founder of Friends of Cathedral Park Neighborhood Association, resident of the neighborhood and past member of the North Portland Enhancement Committee), Rick Sandstrom (former chair of Cathedral Park Neighborhood Association, community activist and former member of the Metro Central Enhancement Committee), and Tom Griffin-Valade (North Portland Neighborhood Services District Director).

Four candidates applied for the position. The Review Panel recommends the appointment of Jeff Bissonnette. He is active in and knowledgeable about his neighborhood, has professional expertise and credentials that will be an asset to Metro's committee and decision-making process and received "high" ratings (a copy of candidates' applications and the review panel's recommendation are attachments 4 - 5).

The eight-member North Portland Rehabilitation and Enhancement Committee (NPREC) is charged with making recommendations to the Metro Council regarding policies and the administration of the rehabilitation and enhancement program for the North Portland Area, including recommending projects for funding.

Metro Code 2.19.140(b) authorizes membership on the Committee, including seven citizen neighborhood representatives. Metro Code 2.19.030 concerning membership of advisory committees, limits these representatives to two consecutive two-year terms. Two members' terms have expired: Cece Hughley Noel, representing the Portsmouth neighborhood and David Davies, representing the Overlook neighborhood. Both are members in good standing and Councilor Rex Burkholder, chair of the NPREC, supports their reappointments. Furthermore, both have expressed interest in serving second terms on the NPREC.

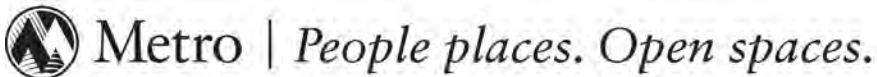
## **ANALYSIS/INFORMATION**

1. Known Opposition. There is no known opposition to the appointment of Mr. Bissonnette and the reappointments of Ms. Hughley Noel and Mr. Davies to the NPREC.
2. Legal Antecedents. Chapter 2.19 of the Metro Code Relating to Advisory Committees; Section 2.19.140 provides for a North Portland Rehabilitation and Enhancement Committee (NPREC) and sets forth guidelines for representation.
3. Anticipated Effects. Adoption of this resolution would confirm the appointment of Mr. Bissonnette and the reappointments of Ms. Hughley Noel and Mr. Davies to the NPREC.
4. Budget Impacts. There are no known costs associated with implementation of this legislation.

## **RECOMMENDED ACTION**

David Bragdon, Council President, and Councilor Rex Burkholder, chair of the enhancement committee, recommend adoption of this resolution to confirm the appointment of Jeff Bissonnette and the reappointments of Cece Hughley Noel and David Davies to serve on the North Portland Rehabilitation and Enhancement Committee.

S:\REM\BLAUER\GRANTS\NPEC\2009-10\LEGISLATION\NPREC STFRPT.DOC



February 19, 2010

Dear Friend:

Metro is recruiting for a representative from the Cathedral Park neighborhood to serve a two-year term on Metro's North Portland Enhancement Committee. This person will fill a position vacated by someone who recently completed a term. Please consider people you believe would be good prospects for this special opportunity and encourage them to apply now. **The application deadline is 9 a.m. Monday, March 22, 2010.**

As Metro Councilor representing the district, I chair the committee. Seven citizen members round out the group, all of whom represent a neighborhood within the grant target area.

Committee members help solicit and review grant applications, and select a slate of neighborhood improvement projects to fund that will benefit the area directly affected by the now-closed St. Johns landfill. Typically, committee members are community activists who are knowledgeable about the needs of their neighborhood, its environmental features and the community in general.

Individuals that serve on the committee must live within the grant target area. They are expected to attend two to three meetings per grant cycle - usually in the spring - at Metro Regional Center in Northeast Portland. Current and past committee members have commented that their work, though limited in scope and time commitment, is challenging and very rewarding.

Candidates will need to complete the attached "appointment interest form" and send it to Metro, care of Karen Blauer (via US mail at 600 NE Grand Ave., Portland, OR 97232 or via email [karen.blauer@oregonmetro.gov](mailto:karen.blauer@oregonmetro.gov)). A panel of past committee members from North Portland will review applications and forward a nomination to me. The appointment will be confirmed by the Metro Council.

This will be the 22nd year Metro has invested funds in the community through the North Portland grant program. In that time, more than \$2.2 million has been awarded to help fund 439 neighborhood improvement projects. Thank you again for your help with Metro's recruitment for this important committee.

Sincerely,

Rex Burkholder, Metro Councilor (District 5)  
Chair, North Portland Enhancement Committee



NORTH PORTLAND ENHANCEMENT COMMITTEE  
APPOINTMENT INTEREST FORM

COMMENTS: (this section to be filled out by nomination committee only)

NAME NEIGHBORHOOD

HOME ADDRESS:

STREET CITY STATE ZIP

BUSINESS ADDRESS:  
STREET CITY STATE ZIP

HOME PHONE: BUSINESS PHONE:

E-MAIL:

FAX:

THE FOLLOWING INFORMATION IS VOLUNTARY:

GENDER: ETHNIC ORIGIN  
(Metro strives for membership on its committee that reflects the diversity of the North Portland community.)

SCHOOL (include high school) LOCATION MAJOR OR DEGREE

**Please explain your reasons and interests in applying for this appointment.**

**Please describe life skills or qualifications you would contribute to this public service appointment (e.g., project management, accounting, mediation, public relations, other).**

**Please list relevant experience serving your neighborhood and the North Portland community.**

**Please explain how you keep informed and aware of the community's diverse needs and priorities.**

**Please summarize relevant experience working with people of varied backgrounds and under-represented groups.**

Applications are due at 9 a.m. Monday, March 22, 2010. Please send or deliver to Karen Blauer, Metro, 600 NE Grand Ave., Portland, OR 97232. Forms can be faxed (503-797-1849), or emailed ([karen.blauer@oregonmetro.gov](mailto:karen.blauer@oregonmetro.gov)).



solve  
fix  
restore  
connect  
**apply now**

Healthy neighborhoods are no accident. They are intentional and require vision, leadership and investment. Apply now to Metro for a grant that benefits North Portland and its residents.

Application deadline:

**5 p.m. Monday, April 19, 2010**

Need help writing your application? Find tips, samples and details about Metro's free grant-writing workshop online at

**[www.oregonmetro.gov/grants](http://www.oregonmetro.gov/grants)**

**Now recruiting residents from Cathedral Park** to serve on Metro's grant selection committee. For more information, contact Karen Blauer, community grants coordinator, at 503-797-1506 or [karen.blauer@oregonmetro.gov](mailto:karen.blauer@oregonmetro.gov).



solve  
fix  
restore  
connect  
**apply now**

Healthy neighborhoods are no accident. They are intentional and require vision, leadership and investment. Apply now to Metro for a grant that benefits North Portland and its residents.

Application deadline:

**5 p.m. Monday, April 19, 2010**

Need help writing your application? Find tips, samples and details about Metro's free grant-writing workshop online at

**[www.oregonmetro.gov/grants](http://www.oregonmetro.gov/grants)**

**Now recruiting residents from Cathedral Park** to serve on Metro's grant selection committee. For more information, contact Karen Blauer, community grants coordinator, at 503-797-1506 or [karen.blauer@oregonmetro.gov](mailto:karen.blauer@oregonmetro.gov).





**Metro**  
600 NE Grand Ave.  
Portland, OR 97232-2736

## **Apply now for funds to improve your neighborhood.**

**Grant writing skills workshop**  
7 to 9 p.m. Thursday, March 25

**Grant application deadline**  
5 p.m. Monday, April 19

*Printed on recycled content paper 10055*



**Metro**  
600 NE Grand Ave.  
Portland, OR 97232-2736

## **Apply now for funds to improve your neighborhood.**

**Grant writing skills workshop**  
7 to 9 p.m. Thursday, March 25

**Grant application deadline**  
5 p.m. Monday, April 19

*Printed on recycled content paper 10055*

fix  
clean  
restore  
connect  
apply now

Healthy neighborhoods are no accident. They are intentional and require vision, leadership and investment. Apply to Metro for a grant that benefits North Portland and its residents.

Application deadline:

**5 p.m. Monday, April 19, 2010**

Need help writing your application? Find tips, samples and details about a free grant-writing workshop on Metro's web site.

**[www.oregonmetro.gov/grants](http://www.oregonmetro.gov/grants)**

**Now recruiting Cathedral Park residents for Metro's grant selection committee.**

For more information, contact Karen Blauer, community grants coordinator at [karen.blauer@oregonmetro.gov](mailto:karen.blauer@oregonmetro.gov) or 503-797-1506.



Metro





City of Portland Office of Neighborhood Involvement  
**North Portland Neighborhood Services**

2209 N. Schofield Portland Oregon 97217  
503.823.4524 503.285.5614 fax  
www.npnscommunity.org

**Tom Griffin-Valade, Director**

Arbor Lodge Bridgeton Cathedral Park East Columbia Kenton Hayden Island Overlook Piedmont Portsmouth St Johns University Park

TO: Councilor Rex Burkholder

THROUGH: Karen Blauer, Grants Coordinator

DATE: March 31, 2010

RE: [Metro's North Portland Rehabilitation and Enhancement Committee](#)

Doug Ray, Rick Sandstorm, and I were appointed to review applications from the Cathedral Park neighborhood for [Metro's North Portland Rehabilitation and Enhancement Committee](#). Four excellent, well qualified candidates applied for this position.

Jeff Bissonnette received high ratings (9 of 9 pts) from the appointment committee. His active involvement in nearly every civic group in the Cathedral Park/St Johns area along w/ his knowledge of North Portland and Metro make him the strongest of the candidates. In addition, Mr. Bissonnette brings a wealth of experience from his work and civic involvement in the Metro area.

High-medium ratings were received by April Brinkman (7.5 of 9 pts), Andrew De Veux (7 of 9 pts), and Curt Schneider (7 of 9 pts). Each of these candidates, received high marks from the reviewers. While each had impressive backgrounds in community work, their level of community engagement was somewhat less than the highest ranking candidate.

The review panel recommends the appointment of Jeff Bissonnette to this position.



NORTH PORTLAND ENHANCEMENT COMMITTEE  
APPOINTMENT INTEREST FORM

COMMENTS: (this section to be filled out by nomination committee only)

NAME: JEFF BISSONNETTE

NEIGHBORHOOD: CATHEDRAL PARK

HOME ADDRESS:

STREET: 9217 N WILLAMETTE BLVD

CITY: PORTLAND STATE: OR ZIP: 97203

BUSINESS ADDRESS:

STREET: 610 SW BROADWAY, #308

CITY: PORTLAND STATE: OR ZIP: 97203

HOME PHONE: 503-516-1636

BUSINESS PHONE: 503-227-1984

E-MAIL: JEFF@JEFFBISSONNETTE.COM

FAX:

THE FOLLOWING INFORMATION IS VOLUNTARY:  
Metro strives for membership on its committee that reflects the diversity of the North Portland community.

GENDER: MALE

ETHNIC ORIGIN: CAUCASIAN

SCHOOL (include high school)

LOCATION

MAJOR OR DEGREE

MARIST HIGH SCHOOL

EUGENE, OR

DIPLOMA

UNIVERSITY OF OREGON

EUGENE, OR

BA; PLANNING, PUBLIC  
POLICY & MGMT

**Please explain your reasons and interests in applying for this appointment.**

I have a long standing commitment to civic engagement. I believe it's important for community members to take responsibility to be involved in community decision-making. In the six years I've lived in North Portland, I have attempted to take an active role in the issues of the area. If my service on the North Portland Enhancement Committee can be helpful to the process, I'm happy to participate.

**Please describe life skills or qualifications you would contribute to this public service appointment (e.g., project management, accounting, mediation, public relations, other).**

I have worked for non-profit organizations throughout my working life and understand the importance of grant funding. I have also managed many grant-funded projects and completed project evaluations. From this experience, I have gained a sense of the necessary planning and implementation requirements to successfully accomplish goals and objectives outlined in a grant. I believe this experience can help ensure that resources are awarded to the projects that will deliver the most benefit to the community.

**Please list relevant experience serving your neighborhood and the North Portland community.**

Regular attendee at St. Johns Neighborhood Assoc. and Cathedral Park Neighborhood Assoc. meetings  
Participant in the St. Johns Main Street Coalition; member of Economic Restructuring Cmte.  
Participant in Friends of Baltimore Woods; member of Education and Outreach Cmte.  
Attendee of quarterly meetings of "The Gathering" involving N. Portland businesses and organizations.

**Please explain how you keep informed and aware of the community's diverse needs and priorities.**

My involvement in the community groups and efforts named above play a significant part in keeping me in touch with the community's needs and priorities. I also read a variety of community newspapers and online forums. I make a habit of frequenting North Portland businesses and talk both to owners and customers about a variety of issues. Finally, riding the Number 16 bus is a frequent source of information about topics affecting the community.

**Please summarize relevant experience working with people of varied backgrounds and under-represented groups.**

I have broad experience working with people of varied backgrounds and underrepresented groups. My professional life has been as a community organizer, working for almost 8 years as a social service advocate on anti-hunger, food and nutrition issues and the last 12 years as a consumer advocate representing residential utility ratepayers. In those roles, I've needed to be equally comfortable interacting with individuals in difficult economic situations as well as high-ranking politicians and corporate representatives. I also sit on the city's citizen police oversight committee and need to have equally solid conversations with both police officers and individuals encountering problems with members of the police bureau or with bureau policies.