

BEFORE THE METRO COUNCIL

AMENDING THE FY 2012-13 BUDGET AND) ORDINANCE NO. 12-1289
APPROPRIATIONS SCHEDULE FOR)
COMPLIANCE WITH TITLE VI OF THE CIVIL) Introduced by Martha Bennett, Chief
RIGHTS ACT OF 1964) Operating Officer, with the concurrence of
) Council President Tom Hughes

WHEREAS, Metro, as a recipient of federal funds, must ensure that all Metro programs, projects and activities expend public funds in a way that complies with Title VI of the Civil Rights Act of 1964 ("Title VI") and does not encourage, subsidize or result in discrimination based on race, color or national origin, including Limited English Proficiency; and

WHEREAS, a federal executive order concerning the requirements regarding Limited English Proficiency has been in place since 2000, and while Metro has consistently been in compliance with the requirements of Title VI, the Obama Administration has instituted more stringent oversight for implementation and reporting under the Act; and

WHEREAS, Metro Code chapter 2.02.040 requires Metro Council approval to add any new position to the budget; and

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2012-13 Budget; and

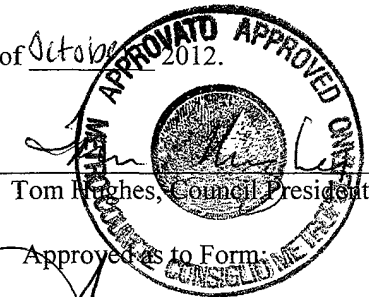
WHEREAS, the need for the increase of appropriation has been justified; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. That the FY 2012-13 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of ensuring compliance with Title VI of the Civil Right Act of 1964.
- 2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this 4th day of October 2012.



Tom Hughes, Council President

Attest:

K. Newell

Kelsey Newell, Recording Secretary

Approved as to Form:

Alison Kean Campbell

Alison Kean Campbell, Metro Attorney

Exhibit A
Ordinance No. 12-1289

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Communications							
<i>Personnel Services</i>							
<i>SALWGE Salaries & Wages</i>							
5010	Reg Employees-Full Time-Exempt						
	Administrative Specialist IV	1.00	57,953	-	0	1.00	57,953
	Associate Public Affairs Specialist	7.75	429,697	-	0	7.75	429,697
	Associate Visual Communications Desig	1.00	60,837	-	0	1.00	60,837
	Director	1.00	132,300	-	0	1.00	132,300
	Manager II	3.00	277,195	-	0	3.00	277,195
	Program Supervisor II	1.00	81,624	-	0	1.00	81,624
	Senior Management Analyst	1.00	63,899	-	0	1.00	63,899
	Senior Public Affairs Specialist	6.00	433,558	-	0	6.00	433,558
5020	Reg Emp-Part Time-Exempt						
	Associate Public Affairs Specialist	-	0	0.38	21,326	0.38	21,326
5089	Salary Adjustments						
	Merit/COLA Adjustment (non-rep)		12,769		0		12,769
	Step Increases (AFSCME)		17,735		0		17,735
	COLA (represented employees)		28,819		0		28,819
<i>FRINGE Fringe Benefits</i>							
5110	Fringe Benefits - Payroll Taxes		139,320		1,794		141,114
5120	Fringe Benefits - Retirement PERS		232,663		3,002		235,665
5130	Fringe Benefits - Health & Welfare		298,310		5,111		303,421
5140	Fringe Benefits - Unemployment		1,972		0		1,972
5150	Fringe Benefits - Other Benefits		8,934		125		9,059
Total Personnel Services		22.75	\$2,340,085	0.38	\$31,358	23.13	\$2,371,443
Total Materials & Services			\$261,500		\$0		\$261,500
TOTAL REQUIREMENTS		22.75	\$2,601,585	0.38	\$31,358	23.13	\$2,632,943

**Exhibit A
Ordinance No. 12-1289**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Research Center							
<i>Personnel Services</i>							
<i>SALWGE Salaries & Wages</i>							
5010	Reg Employees-Full Time-Exempt						
	Assistant GIS Specialist	1.00	55,235	-	0	1.00	55,235
	Administrative Specialist IV	1.00	52,581	-	0	1.00	52,581
	Assistant Regional Planner	1.00	60,837	-	0	1.00	60,837
	Associate GIS Specialist	1.00	73,892	0.75	46,973	1.75	120,865
	Associate Transportation Modeler	4.00	272,088	-	0	4.00	272,088
	Director	1.00	135,739	-	0	1.00	135,739
	Manager I	1.00	93,311	-	0	1.00	93,311
	Manager II	2.00	183,384	-	0	2.00	183,384
	Principal GIS Specialist	1.00	89,745	-	0	1.00	89,745
	Principal Regional Planner	1.00	89,745	-	0	1.00	89,745
	Principal Transportation Modeler	3.00	269,236	-	0	3.00	269,236
	Program Supervisor II	2.00	153,875	-	0	2.00	153,875
	Senior GIS Specialist	4.00	311,916	-	0	4.00	311,916
	Senior Transportation Modeler	2.00	170,977	-	0	2.00	170,977
5020	Reg Emp-Part Time-Exempt						
	Associate GIS Specialist	1.10	65,522	-	0	1.10	65,522
	Senior GIS Specialist	2.40	169,598	-	0	2.40	169,598
5089	Salary Adjustments						
	Merit/COLA Adjustment (non-rep)		15,524		0		15,524
	Step Increases (AFSCME)		26,902		0		26,902
	COLA (represented employees)		42,916		0		42,916
<i>FRINGE Fringe Benefits</i>							
5110	Fringe Benefits - Payroll Taxes		195,868		3,949		199,817
5120	Fringe Benefits - Retirement PERS		327,445		6,614		334,059
5130	Fringe Benefits - Health & Welfare		386,595		10,223		396,818
5140	Fringe Benefits - Unemployment		7,934		0		7,934
5150	Fringe Benefits - Other Benefits		12,291		267		12,558
Total Personnel Services		28.50	\$3,263,156	0.75	\$68,026	29.25	\$3,331,182
Total Materials & Services			\$617,779		\$0		\$617,779
TOTAL REQUIREMENTS		28.50	\$3,880,935	0.75	\$68,026	29.25	\$3,948,961

Exhibit A
Ordinance No. 12-1289

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
Total Interfund Transfers			\$7,721,525		\$0		\$7,721,525
<u>Contingency & Unappropriated Balance</u>							
CONT	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,305,375		(146,000)		3,159,375
	* Opportunity Account		266,100		0		266,100
UNAPP	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,430,861		0		2,430,861
	* PERS Reserve		4,613,474		0		4,613,474
	* Reserve for Future One-Time Expenditures		1,758,931		0		1,758,931
	* Reserved for Community Invest. Initiative		393,000		0		393,000
	* Reserved for Local Gov't Grants (CET)		2,128,369		0		2,128,369
	* Reserved for Cost Allocation Adjustments		382,035		0		382,035
	* Reserved for Future Planning Needs		13,756		46,616		60,372
	* Reserved for Metro Export Initiative		50,000		0		50,000
	* Reserved for Capital		26,000		0		26,000
	* Reserved for Web Project		225,005		0		225,005
	* Reserve for Future Debt Service		639,414		0		639,414
Total Contingency & Unappropriated Balance			\$16,232,320		(\$99,384)		\$16,132,936
TOTAL REQUIREMENTS		449.50	\$109,974,959	1.13	\$0	450.63	\$109,974,959

Exhibit B
Ordinance 12-1289
Schedule of Appropriations

	<u>Revised</u> <u>Appropriation</u>	<u>Revision</u>	<u>Revised</u> <u>Appropriation</u>
GENERAL FUND			
Communications	2,601,585	31,358	2,632,943
Council Office	3,964,829	0	3,964,829
Finance & Regulatory Services	4,218,275	0	4,218,275
Human Resources	2,167,032	0	2,167,032
Information Services	3,640,353	0	3,640,353
Metro Auditor	708,748	0	708,748
Office of Metro Attorney	1,927,172	0	1,927,172
Oregon Zoo	30,862,025	0	30,862,025
Parks & Environmental Services	6,761,825	0	6,761,825
Planning and Development	14,477,196	0	14,477,196
Research Center	3,880,935	68,026	3,948,961
Sustainability Center	4,260,662	0	4,260,662
Former ORS 197.352 Claims & Judgments	0	0	0
Special Appropriations	4,896,187	0	4,896,187
Non-Departmental			
Debt Service	1,654,290	0	1,654,290
Interfund Transfers	7,721,525	0	7,721,525
Contingency	3,571,475	(146,000)	3,425,475
<i>Total Appropriations</i>	97,314,114	(46,616)	97,267,498
Unappropriated Balance	12,660,845	46,616	12,707,461
Total Fund Requirements	\$109,974,959	\$0	\$109,974,959

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE FY 2012-13 BUDGET AND APPROPRIATIONS SCHEDULE FOR COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Date: September 19, 2012

Prepared by: Ben Ruef 503-797-1630

BACKGROUND

As a recipient of federal funds, Metro must ensure that all Metro programs, projects and activities spend public funds in a way that complies with Title VI of the Civil Rights Act, i.e., does not encourage, subsidize or result in discrimination based on race, color or national origin (including limited English proficiency).

Although a federal executive order on Limited English Proficiency (LEP) has been in place since 2000 and Metro has consistently been in compliance with Title VI requirements, the current administration is instituting more stringent oversight and expectations in terms of implementation and reporting.

In the most recent update, the FTA required Metro to take additional steps, including developing a more robust Limited English Proficiency plan. Metro received final compliance approval on May 10, 2012; however, federal agreement on the resulting work program came too late to include additional requests in the FY 2012-13 budget process. Were Metro to lose its Title VI approval from FTA, over \$6 million of federal grant funding would be at risk.

The work plan for Title VI/LEP implementation leverages existing resources and coordinates with other work, including the Diversity Action Plan, the equity strategy proposal, and project outreach. Examples of coordination include:

- Accessing existing FY 2012-13 budget allocations for translation services, currently included in COO budget and managed by Metro's diversity coordinator, Bill Tolbert.
- Collaboration on development of equity strategy proposal, identifying cost savings especially in the areas of data collection and analysis.
- Identifying opportunities to coordinate and benefit from relationship-building with key community stakeholders in equity, diversity and environmental justice.

In addition, enhanced demographic data collection will enable the entire agency to more effectively and efficiently conduct program and project work, including: Diversity Action Plan, future Title VI/LEP certification, corridor/NEPA analysis, RTP/MTIP analysis, equity strategy scoping, Sustainability Center demographic research, etc.

Key tasks included in Metro's LEP Implementation Plan are:

1. *Data tracking and plan scope*
 - a. Following data collection, complete LEP Factor 1 analysis
 - b. Add LEP questions to Title VI tracking form for public events
 - c. Improve consistency and breadth of data collection through Metro public involvement events and surveys

2. *Translation services*
 - a. Define “vital documents” and provide translation
 - b. Establish tracking process and process to monitor and translate new documents
3. *Notices*
 - a. Update Metro signage following Factor 1 analysis
 - b. Develop outreach process for notice of right to language assistance
 - c. Share LEP plan
4. *Procurement*
 - a. Develop and review contract language to ensure compliance with Title VI regulations
5. *Training*
 - a. Conduct research on best practices for training modules
 - b. Deliver training to MPO function workgroups on Title VI and LEP responsibilities and resources
 - c. Determine need and timing for training for employees in other Metro functions
6. *Outreach*
 - a. Develop intake questions to determine how best to serve LEP populations
 - b. Develop outreach strategy to community organizations serving LEP populations, focusing first on MPO functions. Strategy should include capacity building, culturally competent training and material
 - c. Target outreach in coordination with community organizations
 - d. Establish internal working group to identify and leverage areas for collaboration
7. *Evaluation and reporting*
 - a. Establish and implement reporting schedule and work plans for Title VI and LEP requirements (including near-term update of Transportation Public Involvement Policy) to:
 - i. ODOT annually
 - ii. FTA according to Title VI reporting schedule
 - iii. Determine reporting level to Metro Council

This action requests the addition of two positions on a limited duration basis through 9/30/13 – 1.0 FTE Associate GIS Specialist and 0.50 FTE Associate Public Affairs Specialist. This action provides funding through 6/30/2013 for both positions. It also reserves an amount necessary to fund the estimated costs of both positions through the remaining authorized duration in FY 2013-14. Future budget needs will be addressed through the annual budget process.

Resource needs	Implementation Plan tasks	Agency outcomes/benefits
1.0 FTE Assoc. GIS Specialist LD thru 9/30/13 DRC	Title VI/LEP Factor 1 demographic data gathering, development of a permanently maintained data layer, analysis for the region	Initiate enhanced demographic data collection that will eventually provide needed demographic data to inform multiple programs and projects, including equity strategy proposal
0.50 FTE Assoc. PA Specialist LD thru 9/30/13 Communications	Implements an agency-wide Title VI compliance, including employee training, language assistance, community outreach, procurement, translation, and reporting (<i>NOTE: while completing these tasks, protocols and best practices will be created</i>)	Initiate creation of agency protocols and best practices that will ensure inclusive and effective access to MPO functions, with possible benefits to customers of other Metro programs and services
\$0	Translation services for signs, documents and in-person interaction (estimated \$12,000 covered by Diversity Action Plan budget)	Meets Title VI/EJ/LEP requirements and provides agency access to documents and translation services

ANALYSIS/INFORMATION

- 1. Known Opposition:** None Known
- 2. Legal Antecedents:** Metro code chapter 2.02.040 requires the Metro Council to approve the addition of any position to the budget. ORS 294.463 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction. ORS 294.338 allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose
- 3. Anticipated Effects:** This action provides resources necessary to ensure that all Metro programs. projects and activities spend public funds in a way that complies with Title VI of the Civil Rights Act.
- 4. Budget Impacts:** This action transfers \$146,000 from the General Fund Contingency to ensure Title VI compliance as stated above. It adds two limited duration positions – 1.0 FTE Associate GIS Specialist and 0.50 FTE Associate Public Affairs Specialist both authorized through 9/30/13. Finally, included in the transfer of \$146,000 from contingency is a reserve of \$46,616 for future needs to fund the estimated FY 2013-14 cost of funding the positions through the remaining authorized duration.

RECOMMENDED ACTION

The Chief Operating Office recommends adoption of this Ordinance.