

Metro | Agenda

Meeting: Metro Council
Date: Thursday, Jan. 23, 2014
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. METRO CENTRAL ENHANCEMENT COMMITTEE OUTCOMES FOR 2013 AND NEW SLATE OF AWARDS 2014

Sam Chase, Metro Council
**Mary Peveto, Metro Central Enhancement
Committee**
Daniel Faccinetti, Linnton Community Center

4. CONSIDERATION OF THE COUNCIL MINUTES FOR JAN. 16, 2014

5. ORDINANCES – FIRST READ

5.1 Ordinance No. 14-1323, For the Purpose of Amending Metro Code Chapter 5.02 and Related Provisions of Metro Code Chapter 7.01 to Allow Solid Waste Disposal Fees and Charges and Solid Waste Excise Tax Rates to Take Effect at the Beginning of Each Fiscal Year, and to Update Other Sections of Metro Code.

Doug Anderson, Metro

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for Jan. 23, 2014 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, Jan. 23	Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, Jan. 26, 7:30 p.m. <i>Date:</i> Monday, Jan. 27, 9 a.m.
Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, Jan. 27, 2 p.m.	Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, Jan. 25, 11 p.m. <i>Date:</i> Sunday, Jan. 26, 11 p.m. <i>Date:</i> Tuesday, Jan. 28, 6 a.m. <i>Date:</i> Wednesday, Jan. 29, 4 p.m.
Oregon City and Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.	

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 at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities.

Metro's nondiscrimination notice

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Agenda Item No. 3.

**METRO CENTRAL ENHANCEMENT COMMITTEE OUTCOMES
FOR 2013 AND NEW SLATE OF AWARDS 2014.**

Metro Council Meeting
Thursday, Jan. 23, 2013
Metro, Council Chamber



Metro | Memo

Date: Thursday, Jan. 9, 2014
To: Metro Council
From: Metro Councilor Sam Chase, Chair, Metro Central Enhancement Committee
Subject: Metro Central Enhancement Committee 2014 Grant Awards

The Central Enhancement Committee is comprised of six neighborhood association representatives. The Metro Councilor from District 5 serves as chair. The grants are funded from a surcharge collected at the regional transfer station in Northwest Portland and awarded to projects benefiting the community affected by the station.

The 2014 funding cycle marks the 20th year of these grant awards. This year the committee is awarding a total of \$71,990 to the following 10 projects:

Organization	Project	Funding Award
Forest Park Conservancy	Forest Park watershed restoration will treat invasive weed species on 31 acres within the park and 10 acres on private property.	\$20,000
Golden Harvester's Inc.	A mini-split heat and air conditioning unit will be installed in their new location.	\$6,200
Linnton Community Center	Regrades a steeply sloped, unsafe playground and adds a native shade tree and a children's butterfly garden with native plants.	\$10,000
Northwest Industrial Neighborhood Association	Creates a linear park at the corner of Northwest Nicolai Street and Northwest Yeon Avenue.	\$7,000
Portland Festival Symphony	Supports a free classical music concert performed by the Oregon Symphony at Cathedral Park on July 27, 2014.	\$6,000
Portland Harbor Community Advisory Group	The Willamette Speaks: An oral history project capturing stories of community elders and others who fished, swam, played and worked on the river and sharing them at community events.	\$3,500
Re building Together Portland	Community enhancement projects to repair and rehabilitate nonprofit buildings or owner-occupied homes in the central district target area.	\$3,500
Sauvie Island Center	Farm field trips for 160 3 rd grade students from James John and Chapman Elementary Schools.	\$4,540
Store to Door	Nourishment and social connections for seniors and adults with disabilities through their grocery and prescription drug delivery service.	\$5,000
Tsuga	Parks Learning and Community Enhancement summer camp in Cathedral Park. Serving youth ages 9 to 16.	\$6,250

Agenda Item No. 4.

Consideration of the Council Minutes for Jan. 16, 2014

Metro Council Meeting
Thursday, Jan. 23, 2013
Metro, Council Chamber

Agenda Item No. 5.1

Ordinance No. 14-1323, Solid Waste Excise Tax Rates to Take Effect at the Beginning of Each Fiscal Year, and to Update Other Sections of Metro Code.

Ordinances – First Reading

Metro Council Meeting
Thursday, Jan. 23, 2013
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE) ORDINANCE NO. 14-1323
CHAPTER 5.02 AND RELATED PROVISIONS OF)
METRO CODE CHAPTER 7.01 TO ALLOW SOLID) Introduced by Chief Operating
WASTE DISPOSAL FEES AND CHARGES AND SOLID) Officer Martha Bennett with the
WASTE EXCISE TAX RATES TO TAKE EFFECT AT) concurrence of Council President
THE BEGINNING OF EACH FISCAL YEAR, AND TO) Tom Hughes
UPDATE OTHER SECTIONS OF METRO CODE)

WHEREAS, Metro Code currently requires the annual process for setting solid waste fees to be strictly aligned with the annual budget process; and,

WHEREAS, As a result of this code requirement, it is not possible for solid waste fees and solid waste excise tax rates to take effect at the beginning of the fiscal year; and,

WHEREAS, The Code does not allow for the adoption of a standard rate schedule, but instead requires extensive amendments to the Code itself in order to adopt new solid waste fees and charges; and,

WHEREAS, The Metro Council finds that the efficiency and transparency of Metro's financial operations are enhanced when rate changes coincide with the beginning of the fiscal year and when all rate changes are consolidated in a single rate schedule; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- Section 1. Metro Code Amendment. Metro Code Section 5.02.020 is amended in the form attached hereto as Exhibit "A."
- Section 2. Metro Code Amendment. Metro Code Section 5.02.025 is amended in the form attached hereto as Exhibit "B."
- Section 3. Metro Code Amendment. Metro Code Section 5.02.045 is amended in the form attached hereto as Exhibit "C."
- Section 4. Metro Code Amendment. Metro Code Section 5.02.047 is repealed and replaced with the language attached hereto as Exhibit "D."
- Section 5. Metro Code Amendment. Metro Code subsection 5.01.150(c) is repealed and the remaining subsections of Metro Code 5.01.150 shall be renumbered accordingly, and all other subsections of Metro Code Section 5.01.150 shall remain unchanged.
- Section 6. Metro Code Amendment. The term "Parks and Environmental Services (or its successor department)" shall replace the term "Regional Environmental Management Department" in Metro Code subsection 5.02.015(a), and all other subsections of Metro Code Section 5.02.015 shall remain unchanged.
- Section 7. Metro Code Amendment. Metro Code subsection 7.01.020(e)(1) is amended in the form attached hereto as Exhibit "E" and all other subsections of Metro Code Chapter 7.01 shall remain unchanged.

ADOPTED by the Metro Council this ____ day of January, 2014.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison R. Kean, Metro Attorney

Exhibit "A" to Ordinance No. 14-1323

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

5.02.020 Establishment of Disposal Fees and Charges; Procedures

(a) Purpose. The purpose of this section is to establish a consistent, predictable, open and transparent framework for the adoption of solid waste disposal fees and charges by Metro.

(b) Definitions. As used in this subsection, "rates" means any of Metro's solid waste fees or charges as set forth in Metro Code section 5.02.025 or 5.02.045. "Rate year" means a period of 365 consecutive days (366 leap year days) commencing from the date on which a rate becomes effective.

(c) Frequency. The Council shall consider rates annually and adopt changes as needed.

(d) Rate-Making Requirements; Independent Review. Each year the Chief Operating Officer shall prepare rates for consideration by the Council. Rates shall be regarded as provisional until transmitted to the Council pursuant to paragraph (e) of this section. In preparing provisional rates the Chief Operating Officer shall:

(1) Consider all sources and uses of funds that affect the Solid Waste Revenue Fund budget during the next rate year.

(2) Follow generally accepted practices for selection of methodologies, assumptions, requirements, and other technical factors that determine the rates.

(3) Incorporate rate criteria and policies adopted by resolution of the Council pursuant to paragraph (e) of this section.

(4) Submit the provisional rates to review by at least one independent expert. The reviewer shall test the provisional rates for accuracy, adequacy, the reasonableness of underlying assumptions, compliance with applicable law and requirements, consistency with adopted criteria of the Council, and any other criteria specified by the Chief Operating Officer or recommended by the reviewer under generally accepted professional or best practices for rate review. The Chief Operating Officer shall provide the reviewer with access to the rate model, data, assumptions, criteria, and any other information that the Chief Operating Officer used to calculate the provisional rates. At the conclusion of his work, the reviewer shall deliver a written report to the Chief Operating Officer documenting the reviewer's findings, exceptions and recommendations.

(5) Perform any other forms of due diligence that the Chief Operating Officer finds necessary to meet the purpose of this section.

(e) Transmittal of Proposed Rates to the Council. Each year the Chief Operating Officer shall transmit to the Metro Council in ordinance form a set of proposed rates for consideration. ~~Transmittal of the rates shall coincide with transmittal of the proposed budget by the Budget Officer.~~ At the same time that he transmits the rates, the Chief Operating Officer shall transmit to the Metro Council:

(1) A report that documents the methodologies, data, assumptions, adopted criteria and the other factors that the Chief Operating Officer used to calculate the proposed rates including his response to the recommendations of the independent review; and

(2) The report of the independent review prepared pursuant to paragraph (d)(3) of this section.

~~(f) Public Review and Comment. The Council shall open public hearings on the proposed rates on a time line designed to coincide with public hearings on the proposed annual budget.~~

~~(g)~~ Periodic Review of Rate Criteria and Policies. From time to time the Council shall undertake a review of its adopted rate criteria and policies. The purpose of these reviews shall be to assure that adopted criteria and policies reflect the purpose of this section, meet Metro's needs, support Metro's management of the regional solid waste system, and address any findings of the Council that result from the periodic review. ~~The Chief Operating Officer shall initiate the first such periodic review on a time line designed to facilitate consideration by the Council before December 31, 2010.~~ The Chief Operating Officer shall initiate ~~subsequent~~ periodic reviews no less frequently than every three years ~~thereafter~~. The Council may initiate, or the Chief Operating Officer may propose to initiate, a review of rate criteria or policies at any time.

Exhibit "B" to Ordinance No. 14-1323

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 in the dollar amount adopted by an ordinance of the Metro Council ~~of \$61.74 per ton,~~

(B) The Regional System Fee as provided in Section 5.02.045,

(C) ~~An~~The Community Rehabilitation and Enhancement ~~Fee set forth in Metro Code Chapter 5.06 of \$.50 per ton,~~ and

(D) The applicable DEQ fees established in Oregon Revised Statutes chapters 459 and 459A, as implemented in Chapter 340 Division 90 of Oregon Administrative Rules ~~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~~ A Transaction Charge in the dollar amount adopted by an ordinance of the Metro Council for each Solid Waste Disposal Transaction that is:

(A) ~~For each Solid Waste Disposal Transaction~~ Completed at staffed scales, ~~or the Transaction Charge shall be \$12.00.~~

(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 the amount authorized in subsection (B) ~~\$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 charges s at ~~the~~ Metro South Station and at ~~the~~ Metro Central Station for the acceptance of solid wastes ~~s for loads of solid waste weighing 340 pounds or less of \$28,~~ which shall consist of a transaction charge as set forth in Metro Code section 5.02.025(a)(3) plus a tipping charge based on the minimum load weight adopted by an ordinance of the Metro Council ~~Tonnage Charge of \$16.00 plus a Transaction Charge of \$12.00 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 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 "C" to Ordinance No. 14-1323

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 ~~\$18.56~~the dollar amount per ton of solid waste adopted by an ordinance of the Metro Council, 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 “D” to Ordinance No. 14-1323

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

5.02.047 Regional System Fees on Cleanup Material Contaminated by
Hazardous Substances

(a) Notwithstanding Section 5.02.045(a), there is hereby established a reduced Regional System Fee on Cleanup Material Contaminated by Hazardous Substances that is delivered to any Solid Waste System Facility authorized to accept such material.

(b) The Regional System Fee on Cleanup Material Contaminated by Hazardous Substances shall be the dollar amount per ton adopted by an ordinance of the Metro Council.

(c) The Chief Operating Officer is authorized to issue administrative procedures that define the terms and conditions under which solid wastes may qualify for the reduced Regional System Fee. The Chief Operating Officer is further authorized to establish an application process for said reduced rate; and may approve, deny, or approve with conditions any application submitted under this process.

Exhibit "E" to Ordinance No. 14-1323

METRO CODE - TITLE VII FINANCE

CHAPTER 7.01. EXCISE TAXES

Metro Code Section 7.01.020 Tax Imposed

- (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) recoverable solid 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~~2014-15, and each fiscal year thereafter, the rate determined by this subsection shall be effective ~~as of September 1st~~on the first day of each fiscal year unless another effective date is adopted by the Metro Council.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1323 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02 AND RELATED PROVISIONS OF METRO CODE CHAPTER 7.01 TO ALLOW SOLID WASTE DISPOSAL FEES AND CHARGES AND SOLID WASTE EXCISE TAX RATES TO TAKE EFFECT AT THE BEGINNING OF EACH FISCAL YEAR, AND TO UPDATE OTHER SECTIONS OF METRO CODE

Date: February 6, 2014

Prepared by: Douglas Anderson, FRS (Ext. 1788)

Summary

This ordinance would implement three sets of changes. It would:

1. Amend Metro Code to allow solid waste charges and excise tax rates to take effect at the beginning of each fiscal year.
2. Amend Metro Code in a manner that improves the transparency of future rate ordinances.
3. Authorize the Chief Operating Officer to develop administrative procedures for waste generators who seek a reduced-fee system fee and excise tax on contaminated soils.

Background

1. Aligning rates with the fiscal year. In 2005, the Council President, acting in his role as the Budget Officer, directed staff to prepare new solid waste rates only after all budget decisions for the next fiscal year had been made. This direction was one element of the Council President's initiative to simplify, streamline, and improve the transparency of the budget and rate processes.

As a matter of practicality, it is difficult to complete the budget process early enough to implement solid waste rates at the start of the fiscal year. By law, revenue ordinances require a 90-day referral period, meaning that rates must be adopted by March of each year if they are to be implemented on July 1. Accordingly, rates now take effect in August or September. There are two main consequences of this fact: (a) the General Fund foregoes some revenue that would be forthcoming if the new tax rates could take effect a month or two earlier; (b) new contract and personnel costs take effect on July 1, but with only 10 or 11 months to recover these costs, solid waste rates are generally higher than if they could be collected over the full 12 months of the fiscal year.

If adopted, this ordinance would remove the sections of Metro Code that require the budget and solid waste rate processes to be developed sequentially. In the future, the Council would set the appropriate effective date within the annual rate ordinance.

It is important to note that these changes will not constrain the council's deliberations over the budget in the future. Any changes to the proposed solid waste budget after the rates have been adopted would simply be managed through the Rate Stabilization Account of the Solid Waste Fund. This account would serve as a source (repository) of funds for any increase (decrease) in the proposed budget that is not covered in the adopted rates.

These amendments are implemented in Sections 1 and 7 of Ordinance No. 14-1323.

2. Improving transparency. The second set of amendments is intended to make future rate changes more transparent for decision-makers and stakeholders.

Most municipal codes authorize utility rates, but the numerical rates are usually adopted separately. At present, Metro Code both authorizes solid waste rates *and* specifies the numbers themselves. As a result, it takes an ordinance of 6 to 8 pages containing at least 10 amendments scattered across at least 7 different sections of the Code to implement solid waste rate changes. In this format, it is difficult for decision-makers and ratepayers to see the “big picture.”

This ordinance would change that. Under this ordinance, rate *authority* would remain in Metro Code, but the numbers would be set forth in a separate rate schedule that the council would adopt as needed. The simplification in format, and the resulting improvement in transparency, is considerable. Rate ordinances of the future could consist of findings and ordaining clauses, and a single rate schedule on which all rates are shown together in one place. An example is shown in Figure 1.

These amendments are implemented in Sections 2 through 5 of Ordinance No. 14-1323.

Figure 1. Example of a future rate ordinance – simpler and easier to understand

BEFORE THE METRO COUNCIL	
FOR THE PURPOSE OF ADOPTING SOLID WASTE CHARGES AND USER FEES FOR FY 2014-15.) ORDINANCE NO. 14-XXXX) Introduced by Chief Operating Officer) Martha Bennett with the concurrence of) Council President Tom Hughes
WHEREAS, Metro Code Chapter 5.02 establishes charges for the acceptance of solid waste at Metro Central and Metro South transfer stations; and,	
WHEREAS, Metro Code chapters 5.01 and 5.02 establish user fees on solid waste accepted at all disposal sites in the system; and,	
WHEREAS, Metro's costs for solid waste services and programs have changed; now therefore,	
THE METRO COUNCIL ORDAINS AS FOLLOWS:	
Section 1.	<u>Solid Waste Fees and Charges</u> . The schedule of solid waste fees and charges attached hereto as Exhibit "A" shall be implemented on the effective date of this ordinance.
Section 2.	<u>Effective Date</u> . This ordinance shall become effective on July 1, 2014, or the first day of the first full month following 90 days after adoption by the Metro Council, whichever is later.
ADOPTED by the Metro Council this 13 th day of March, 2014.	
_____ Tom Hughes, Council President	
Attest:	<u>Approved as to Form:</u>
_____ Kelsey Newell, Recording Secretary	_____ Alison R. Kean, Metro Attorney

Exhibit "A" to Ordinance No. 14-xxxx	
SCHEDULE OF SOLID WASTE FEES AND CHARGES Effective July 1, 2014	
Charges at Metro Central Station and Metro South Station	
<u>Tonnage Charges by waste class</u> The rates per ton pursuant to Metro Code sections 5.02.025(a)(1) and 5.02.029 shall be:	
(1) Mixed solid waste	\$ xx.xx
(2) Wood waste or yard debris (separated or comingled).....	xx.xx
(3) Residentially generated organic waste	xx.xx
(4) Commercially generated organic waste (Metro Central only).....	xx.xx
<u>Transaction Charges by transaction class</u> The rates per transaction pursuant to Metro Code 5.02.025(a)(3) shall be:	
(1) For users of staffed scales	\$ xx.xx
(2) For users of automated scales	xx.xx
<u>Minimum Charges</u> Minimum tonnage charges pursuant to Metro Code section 5.02.025(b) shall be based on xxx pounds for all classes of solid waste.	
Fees on Disposal of Solid Waste	
<u>Regional System Fees by waste class</u> The rates per ton pursuant to Metro Code sections 5.01.150, 5.02.045 and 5.02.047 shall be:	
(1) Environmental cleanup material contaminated by hazardous substances.....	\$ x.xx
(2) All other solid wastes.....	xx.xx

3. Rules for contaminated soils. The third set of amendments is intended to address Metro’s administration and fees on contaminated soils. “Contaminated soil” is dirt and other media that cannot be used for clean fill, and is best managed by disposal in a modern landfill.

Metro Code has long authorized a reduced Regional System Fee and excise tax rate (\$2.50 and \$1.00 per ton, respectively) on contaminated soils. The policy was originally adopted in the late 1990s to establish an equitable rate for the disposal of soils and other media containing petroleum-based

compounds (“petroleum contaminated soil,” or PCS) that was being generated in large quantities at the time by the remediation of leaking underground oil and gasoline tanks. The policy issues were both environmental and economic: Metro’s full fees and taxes, if assessed on PCS, would constitute the largest single cost of most remediation projects. Stakeholders argued that level of economic burden threatened the sound environmental handling of contaminated soils. In response, the Metro Council adopted reduced fees and-taxes on such material.

With the increase in urban redevelopment and brownfield remediation since the late 1990s, the amount of and types of soils and contamination have become more complex. Administrative procedures are now called for. This ordinance, if adopted, authorizes the Chief Operating Officer to develop administrative procedures on contaminated soils, and to develop recommendations on a fee structure, with the intent of implementing such procedures and fees by FY 2015-16.

These amendments ***do not*** affect any other class of solid waste. In particular, these amendments ***do not affect*** the exemption status for industrial wastes that are used for operational purposes in landfills, such as mixed glass cullet used for drainage or auto shredder residue used for daily cover.

This amendment is implemented in Section 4 of Ordinance No. 14-1323.

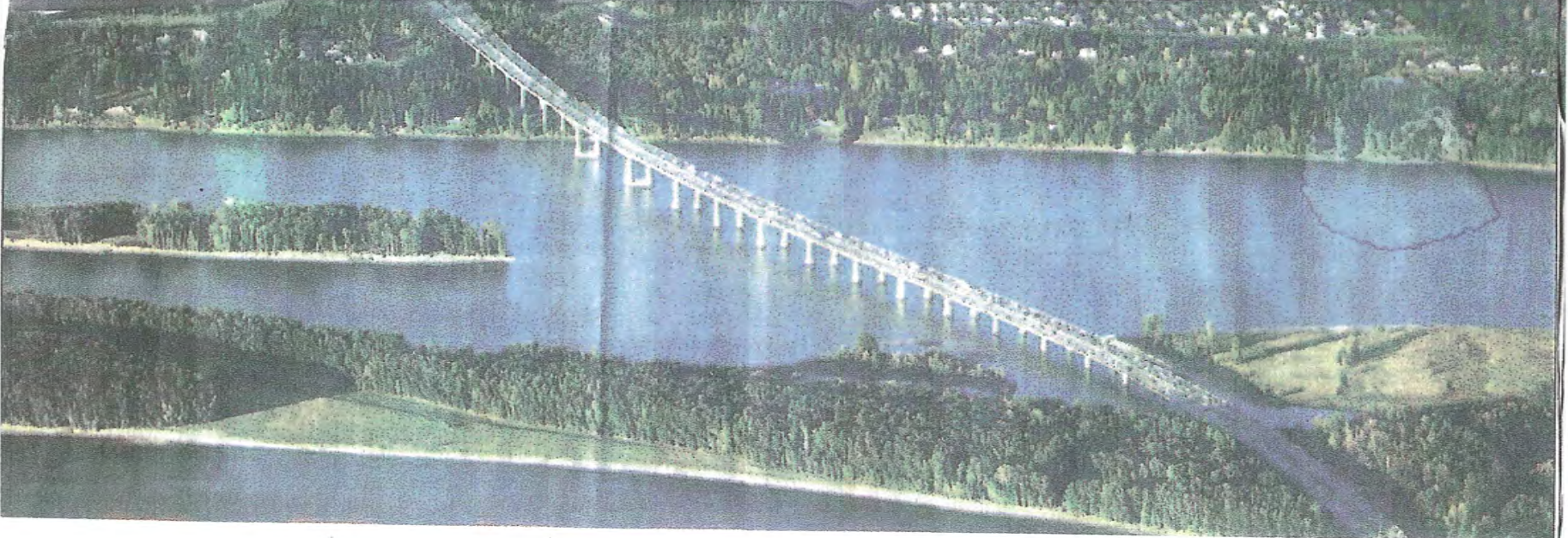
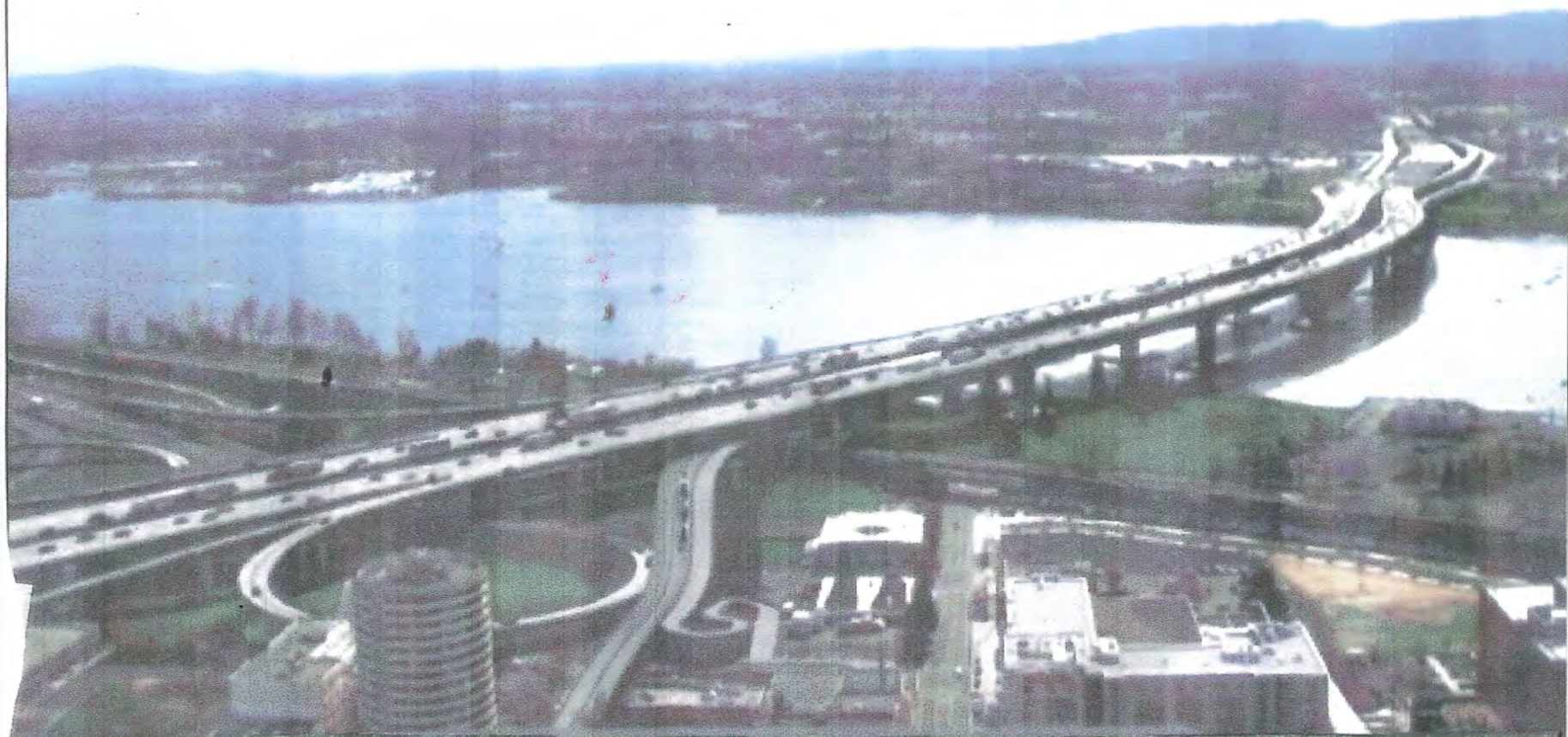
Information/Analysis

- 1. Known Opposition.** There is no opposition.
- 2. Legal Antecedents.** Any change to Metro code requires an ordinance of the Metro Council.
- 3. Anticipated Effects:** If adopted, this ordinance would (1) allow updated rates to be collected over the full fiscal year, rather than 10 or 11 months when rate implementation is delayed; (2) allow future rate ordinances to be simpler and more transparent; (3) authorize the Chief Operating Officer to develop procedures and recommend a fee structure that will update Metro’s administration of contaminated soils.
- 4. Budget Impacts.**
 - There would be no impact on the Solid Waste Revenue Fund. The rates would be set to recover same total revenue, but could be a bit lower, all else equal, because they would be collected over a 12-month period rather than over 10 or 11 months as is current practice.
 - There would be a small positive fiscal impact on the General Fund because the new rates would be collected over the full fiscal year rather than over 10 or 11 months.

RECOMMENDATION

The Chief Operating Officer recommends adoption of Ordinance No. 14-1323.

Materials following this page were distributed at the meeting.



PORTLAND STREETCAR

- 001) BLUE--GREEN
- 002) ORANGE--RED
- 003) ORANGE--GREEN
- 004) BLUE--RED
- 005) BLUE--ORANGE
- 006) BLUE--GREEN
- 007) BLUE--RED
- 008) YELLOW--LIME GREEN
- 009) BLUE--LIME GREEN
- 010) YELLOW--ORANGE
- 015) SKYBLUE--RED USA
- 021) YELLOW--MAROON
- 022) ORANGE--LIME GREEN
- 023) YELLOW--BLUE
- 024) ORANGE--PURPLE
- 025) ORANGE--MAROON

OCTOBER 2013



Metro Central Enhancement Committee 2014 Funding

Heather Nelson Kent
Grants Program Manager

Mary Peveto
Central Enhancement Committee Member

Daniel Faccinetti
Executive Director, Linnton Community Center

Metro Council
January 23, 2014



Metro | *Making a great place*

Metro Central Enhancement Grants

Since 1991 the committee has invested \$3.3 million in 330 local improvement projects, primarily in Northwest Portland.



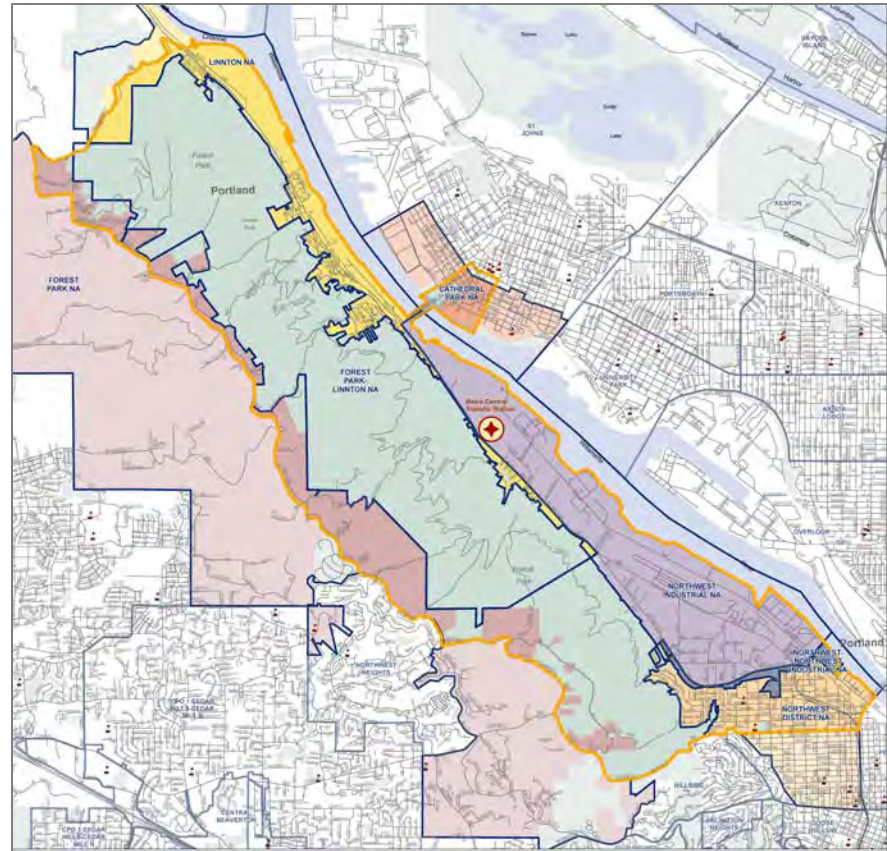
Metro Central Enhancement Committee Process

6 neighborhood association representatives on the committee

2014 Grants

13 applications reviewed

\$71,990 granted to 10 organizations



2014 Awards

Forest Park Conservancy

\$20,000

Golden Harvester's Inc.

\$6,200

Linnton Community Center

\$10,000

Northwest Industrial Neighborhood Association

\$7,000

Portland Festival Symphony

\$6,000



2014 Awards

Portland Harbor Community Advisory Group

\$3,500

Rebuilding Together

\$3,500

Sauvie Island Center

\$4,540

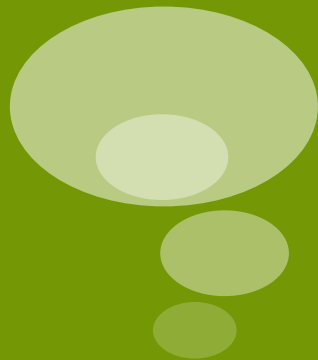
Store to Door

\$5,000

Tsuga

\$6,250





Linnton Community Center

Hungry Families Program



Responding to Increasing Need

	2013	2012	% change
Total People	10,222	8,344	23%
Total Households	2,541	2,197	16%
Volunteer Hours	2,005.8	2,002	0%
Average LBS Per Person	13.9	8.6	62%
Average LBS Per Family	55.9	32.7	71%

Beginning of 2012



2013



Volunteers and Partners



- Oregon Food Bank
- Metro
- NW Natural
- Owens Corning
- Individuals



Increased Capacity



Open Air Market



New Van!



Future Plans and Vision



- Improving communication between food pantries
 - Improving access to hungry people
 - Sharing Resources
- Exploring new models/partnerships
- Create a permanent home for the Hungry Families program
 - Increase food security
 - Share resources more effectively









Metro | *Making a great place*

METRO COUNCIL MEETING

Meeting Summary

Jan. 16, 2014

Metro, Council Chamber

Councilors Present: Council President Tom Hughes, and Councilors Shirley Craddick, Sam Chase, Kathryn Harrington, Bob Stacey, Carlotta Collette and Craig Dirksen

Councilors Excused: None

Council President Tom Hughes called the regular council meeting to order at 2:02 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Shellea Allen, UNITE HERE, Local 8: Ms. Allen addressed the Metro Council on concerns related negotiations between UNITE HERE and Aramark, the concessions provider currently contracted at the Oregon Convention Center. She stated that the negotiations are moving slowly, and that the union is waiting for Aramark's proposal. She was concerned with the difference in wages, gratuity, and healthcare benefits union workers at Aramark receive verses other union positions in the Pacific Northwest. She stated that she looked forward for connecting with councilors on this issue in the near future.

Dave Moore, UNITED HERE, Local 8: Mr. Moore stated that he has worked at the OCC since the early 1990s, and has been part of the different union contracts. He stated that over the last 20 years his pay and gratuity have not significantly increased. He did state, however, that he does now receive healthcare benefits. He discussed the financial impacts to his family, and emphasized the need for fair wages. Mr. Moore stated that the OCC receives repeat business in part due to the high quality service provided. He stated that union workers expect to be fairly compensated for their work.

Ben Marston, UNITE HERE, Local 8: Mr. Marston stated that the standards have dropped since Aramark was awarded the contract at the OCC. He stated that an important component of Aramark's obligation to Metro is to provide a high level of service. He stated that Portland is a culinary city and the labor pool is highly trained that therefore can demand a decent wage. In order to keep dedicated people in the city, Mr. Marston emphasize that Aramark must do better and raises its standards. He stated that he has been proud to work on union issues at the OCC and with the proposed OCC hotel project, but sees this as a critical contract fight that may set the stage for what happens next with the hotel project. He stated that the union is prepared to do what it takes to significantly raise the standards at the OCC.

Councilors ask legal counsel for clarification on Aramark and the OCC's contract limitations, and if the Aramark contract is scheduled for renewal and the timeframe for doing so. Legal

counsel confirmed that the OCC's contract with Aramark explicitly prohibits Metro from interfering or being involved in Aramark's labor issues. Metro is prohibited from entering into trade relations and union negotiations that have to do with Aramark. That stated, the Aramark contract is up for consideration for a five-year renewal within the next 12 months. When Metro evaluates the contract on who to procure with moving forward – whether Aramark or another provider, Metro is open for every consideration.

Councilors also asked clarifying questions on if accepting a meeting with one of the above testifiers would violate the current contract. Legal counsel clarified that any citizen, including any Aramark employee, has the opportunity to petition government. However, counsel cautioned that Councilors should be careful not to inadvertently violate the current contract. Counsel stated that Councilors could listen to the testifiers, but not take a position that would interfere with Aramark relations. Councilors were encouraged to connect with legal counsel offline with more specific questions.

Art Lewellan, Portland: Mr. Lewellan distributed renderings of transportation services in Seattle, Washington. He stated that while the renderings did not pertain to Portland, he has come to distrust Washington State's Highway Department on projects in Seattle and the Columbia River Crossing project. Mr. Lewellan asked the Metro Council to send the renderings to the Secretary of Washington state. He also addressed the CRC project, expressing his support for the single-deck alternative, Concept #1 interchange, and simplifying the tolls system to be financially competitive with transit service. (Written handouts included as part of the meeting record.)

Councilor Bob Stacey stated that he would forward Mr. Lewellan's submitted material to the Secretary of Washington state.

Les Poole, Gladstone: Mr. Poole stated that he has been active in Clackamas County and Milwaukie for several years. He stated that the region's residents need to have a better understanding of what Metro is doing. Mr. Poole stated that while Metro operates a lot of things and is a large agency, there are a limited number of decision-makers. He believed that a limited number tends to invite in-the-box thinking. He highlighted examples regarding the City of Damascus, the CRC project, and concerns related to population and planning forecasts that impact TriMet. He stated that he is not opposed to TriMet or Metro, but wanted to ensure citizens were included in the dialog.

3. CONSENT AGENDA

Motion:	Councilor Kathryn Harrington moved to approve Jan. 16 consent agenda, which consisted of: <ul style="list-style-type: none">• Consideration of the Council Minutes for Jan. 9, 2014; and• Resolution No. 14-4493, For the Purpose of Approving the Use of Federal Streamlining Provisions for Regional Air Quality Conformity Determinations.
Second:	Councilor Stacey seconded the motion.

Vote:	Council President Hughes, and Councilors Craddick, Harrington, Chase, Dirksen, Collette and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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4. **RESOLUTIONS**

4.1 **Resolution No. 14-4496**, For the Purpose of Creating and Appointing Members of a Steering Committee for the Powell-Division Transit and Development Project.

Motion:	Councilor Shirley Craddick moved to approve Resolution No. 14-4496.
Second:	Councilor Stacey seconded the motion.

Mr. Brian Monberg of Metro provided a presentation on the Powell-Division Transit and Development Project. The project is focused on identifying ways to better connect downtown Portland, through southeast and east Portland, to downtown Gresham along the Division and Powell corridors. The project seeks to define a new transit line connecting the two cities – including defining vehicle mode, route and station areas – and to design a development strategy for key places along the corridor such as creating connections between education and employment institutions. Mr. Monberg’s presentation included information on the project timeline, transit, community development and diversity and equity components, partnerships, public engagement and project planning and implementation. The Powell-Division Transit and Development Project was identified as one of the top priority projects through East Metro Connections Plan.

Resolution No. 14-4496, if adopted, would confirm the appointment of members to the project steering committee. The committee, composed of 22 members, includes representation from the Metro Council, Portland and Gresham neighborhood associations, TriMet and ODOT, the public health sector, higher education institutions, the local business communities, and environmental justice groups.

Council discussion

Councilors were pleased with the diverse representation on the steering committee, and were particularly excited by the seat for student users of the system. Councilors discussed the project’s regional significance, and the increased job and education opportunities and better living conditions for those living and traveling through the corridor. Councilors discussed how the project could support Mt. Hood Community College, Portland Community College, OHSU, the cities of Portland and Gresham, and so on. Councilors emphasized the significant ridership throughout the corridor, and stated that the project aims to develop a community-supported project that can bring federal and regional funds to the corridor, and build high-capacity transit within the next five years. Additionally, councilors noted that Portland and Gresham will work to establish a community-supported vision for the corridor, and TriMet will develop a bus service enhancement plan for the entire east side.

Additional discussion addressed some concern expressed by local jurisdictions about completing the Powell-Division corridor study concurrent with the Southwest Corridor study. Councilors believed that beginning the Powell-Division project would not detract from the work on the Southwest Corridor project.

Vote:	Council President Hughes, and Councilors Craddick, Harrington, Chase, Dirksen, Collette and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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- 4.2 **Resolution No. 14-4498**, For the Purpose of Adding the Powell Boulevard: I-205 to SE 176th Project to the 2012-15 Metropolitan Transportation Improvement Program (MTIP) and the Unified Planning Work Program (UPWP).

Motion:	Councilor Carlotta Collette moved to approve Resolution No. 14-4498.
Second:	Councilor Craddick seconded the motion.

Mr. Ted Leybold of Metro provided a brief staff report for Resolution No. 14-4498. During the last legislative session, the Oregon Legislature awarded \$4.9 million to the Oregon Department of Transportation for project development of the outer Powell Boulevard project, a project from I-205 east to southeast 176th. The project funds have been divided into two phases. The first phase, funded at \$2 million, will be used to plan a preferred street design. The second phase, which allocates the remaining balance, will be used for engineering, drawing, construction, and contract development work for the preferred alternative to be selected during the development planning process. In order to utilize the project funds, the project must be amended into the region's Unified Planning Work Program and that Metropolitan Transportation Improvement Program maintained by Metro.

Vote:	Council President Hughes, and Councilors Craddick, Harrington, Chase, Dirksen, Collette and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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- 4.3 **Resolution No. 14-4500**, For the Purpose of Providing Direction to Metro Concerning Bills Before the 2014 Oregon Legislature

Motion:	Council President Hughes moved to approve Resolution No. 14-4500.
Second:	Councilor Sam Chase seconded the motion.

Council President Hughes introduced Resolution No. 14-4500. Every year, in advance of each session of the Oregon Legislature, the Metro Council reviews its legislative principles and priorities that guide Metro staff in their work at the state capital. The 2014 priorities, included as Exhibit A to the resolution, address a variety of topics from the I-5 Replacement Bridge project to urban growth management to industrial site readiness and toxics. Exhibit B to the resolution, the Council's 2014 principles, address categories of potential state legislation that may impact areas such as local authority, land use and urban growth management, and transportation.

Council President Hughes stated that present challenges prompted the Council to spend additional time discussing Metro's land use priorities. He highlighted two primary changes since the Council's last work session discussion:

- A new principle has been added to Exhibit B, *Oregon's Land Use System*, which highlights the importance of the region's land use system; and
- New language in both Exhibit A and Exhibit B that underscores Metro's desire for the Oregon Legislature to "affirm" the agency's local authority to make specific land use decisions within the process and policy framework set by the state.

Council President Hughes highlighted next steps which will include, for example, a letter from Metro to the Oregon Legislature expressing support for the region's last urban growth boundary decision, frustration with the long process, interest in maintaining state and local decision-making roles, and the agency's interest and support for pursuing legislative changes that shorten the administration and judicial timeframes for land use decisions. (Full priorities and principles included as part of the meeting record.)

Council discussion

After further discussions with legal counsel regarding the term "affirm," Councilor Dirksen recommended that Exhibit A and Exhibit B be updated to reflect:

- Exhibit A, *Urban growth management*, is amended to "...local land use decisions ~~affirms~~ **supports** the authority of local governments..."
- Exhibit B, *Land use and Urban growth management – Local Land Use Decisions*, is amended to "...local land use decisions and should ~~affirm~~ **support** the authority of local governments..."

The Metro Council supported the request and considered the edits to be friendly amendments.

Councilor Chase stated that while he is enthusiastic about the legislative agenda and would vote in favor of Resolution No. 14-4500, he did not support the legislative priorities that address the I-5 Replacement Bridge over the Columbia River or gain share. Councilor Stacey echoed Councilor Chase's comments about the I-5 Replacement Bridge and stated that he did not support the current design of the project. Councilor Stacey was, however, satisfied with the additional language in the second paragraph of the item in Exhibit A, and therefore expressed support for the resolution.

Vote:

Council President Hughes, and Councilors Craddick, Harrington, Chase, Dirksen, Collette and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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5. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett provided updates on the following items:

- She thanked Metro Councilors who attended the Jan. 16 employee service award luncheon. Ms. Bennett stated that councilor attendance at the anniversary luncheon means a lot to staff.
- The Metro Regional Center will be closed on Monday, Jan. 20 in observance of Rev. Dr. Martin Luther King Jr. day.
- The Convention Industries Council, in collaboration with the Green Meeting Industry Council, has named Portland and the OCC among the top destination for green meetings in 2014.

6. COUNCILOR COMMUNICATION

Councilors provided updates on the following meetings or events: the City of Beaverton's state of the city address, Washington County Visitor Association board meeting regarding the OCC hotel project, and the committee charged with selecting art for the Scouter Mountain Nature Park. Highlighted upcoming meetings included the mid-January state of the county address in Washington County, and Feb. 20 state of the city address in Forest Grove.

7. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 3:06 p.m. The Metro Council will convene the next regular council meeting on Thursday, Jan. 23 at 2 p.m. at Metro's Council Chamber.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'K. Newell', is written over a light blue circular stamp.

Kelsey Newell, Regional Engagement & Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JAN. 16, 2014

Item	Topic	Doc. Date	Document Description	Doc. Number
2.0	Handouts	N/A	Handouts distributed by citizen Art Lewellan	11614c-01
3.1	Minutes	1/9/14	Council minutes for Jan. 9, 2014	11614c-02
4.1	PowerPoint	1/16/14	Powell-Division Transit and Development Project	11614c-03
4.1	Legislation	1/15/14	Revised Exhibit B to Resolution No. 14-4496	11614c-04
4.3	Legislation	N/A	Revised Exhibit A and Exhibit B to Resolution No. 14-4500	11614c-05



Metro | Memo

Date: January 1, 2014
To: Metro Council, MPAC
From: Martha Bennett, Chief Operating Officer
Subject: 2013 annual report on amendments to the Employment and Industrial Areas Map

Background

Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan seeks to improve the region's economy by protecting a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas. Those areas are depicted on the Employment and Industrial Areas Map.

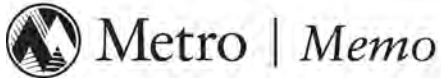
Title 4 sets forth several avenues for amending the map, either through a Metro Council ordinance or through an executive order, depending on the circumstances. Title 4 requires that, by January 31 of each year, Metro's Chief Operating Officer submit a written report to the Council and MPAC on the cumulative effects on employment land in the region of amendments to the Employment and Industrial Areas Map during the preceding year. This memo constitutes the report for 2013.

Title 4 map amendments in 2013

There were no amendments made to the Title 4 map in 2013.

Chief Operating Officer recommendations for 2014

Staff does not, at this time, recommend changes to Title 4 policies.



Date: Friday, January 3, 2014

To: Martha Bennett, Chief Operating Officer

From: Tim O'Brien, Principal Regional Planner

Re: End of Calendar Year Urban Growth Boundary Minor Adjustment Report

Background

Metro Code Section 3.07.1450(G): Minor Adjustments - Criteria requires the Chief Operating Officer to submit a report to the Metro Council with an analysis of all minor adjustments made during the year. The report shall demonstrate how adjustments, when considered cumulatively, are consistent with and help achieve the 2040 Growth Concept. This memo constitutes the report for 2013.

Urban Growth Boundary Minor Adjustments

There were no Urban Growth Boundary Minor Adjustment petitions in 2013.