

Agenda Item No. 1.1

**RESOLUTION NO. 14-4519, FOR THE
PURPOSE OF AUTHORIZING THE
METRO ATTORNEY TO DEFEND,
APPEAL OR COMMENCE LITIGATION**

Metro Council Work Session
Tuesday, Apr. 15, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 14-4519
METRO ATTORNEY TO DEFEND, APPEAL, OR)
COMMENCE LITIGATION) Introduced by Councilor Sam Chase

WHEREAS, pursuant to the Metro Charter, Section 25(2), the Metro Council has created by ordinance the Office of Metro Attorney, as codified in the Metro Code Chapter 2.08; and

WHEREAS, the Metro Code provides in Section 2.08.030 and Section 2.08.040 that the Metro Attorney is charged with general control and supervision of all civil actions and legal proceedings, and to appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding as requested in the district's interest and in the discretion of the Metro Attorney; and

WHEREAS, there is currently pending or potential litigation regarding Metro and its facilities, including but not limited to litigation related to the Oregon Convention Center hotel project that affects the interests of the citizens of the metropolitan region, Metro and its facilities, and it is in the district's interest to appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding; now therefore

BE IT RESOLVED that the Metro Council hereby requests and authorizes the Metro Attorney to appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding in any court or tribunal, whether in the name of Metro or the Metro Council, when, in the discretion of the Metro Attorney, the same may be necessary or advisable to protect Metro's rights and interests, including but not limited to the rights and interests of the Metropolitan Exposition-Recreation Commission and/or the Metro facilities such as the Oregon Convention Center, the Expo Center, the Portland'5, and the Oregon Zoo.

ADOPTED by the Metro Council this 15th day of April, 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Agenda Item No. 3.0

**SOLID WASTE COMMUNITY
ENHANCEMENT PROGRAM UPDATE**

Metro Council Work Session
Tuesday, Apr. 15, 2014
Metro, Council Chamber

METRO COUNCIL

Work Session Worksheet

PRESENTATION DATE: April 15, 2014 **TIME:** 2:30 p.m. **LENGTH:** 45 minutes

PRESENTATION TITLE: Solid Waste Community Enhancement Program Update

DEPARTMENT: Finance and Regulatory Services

PRESENTER(S): Scott Robinson (x1605), Roy Brower (x1657), Bill Metzler (x1666)

WORK SESSION PURPOSE & DESIRED OUTCOMES

Purpose: Review final recommendations to Metro's Solid Waste Community Enhancement Program (Metro Code Chapter 5.06) based on stakeholder input.

Outcome: Council provides guidance on the final recommendations and remaining key questions.

TOPIC BACKGROUND & FRAMING THE WORK SESSION DISCUSSION

Background: Metro has long recognized that certain solid waste facilities may present economic, environmental, health or other impacts on local host communities. Metro's enhancement program was established based on state law adopted in 1987 (ORS 459.284). Metro's community enhancement policy was adopted as part of the Regional Solid Waste Management Plan (RSWMP) in 1988 and in Metro Code Chapter 5.06 in 1990.

Since the early 1990's, Metro has collected \$0.50 per ton on solid waste delivered to the two public transfer stations, the private Forest Grove Transfer Station, and at facilities until they were closed long ago (St. Johns Landfill and Riedel Composter). The funds have been used to provide grants for local community projects responsive to funding guidelines.

The program has been administered in one of two ways:

- (1) directly by Metro through a Metro-administered committee (e.g., Metro Central Enhancement Committee, North Portland Enhancement Committee), or
- (2) directly by a local government through an intergovernmental agreement (IGA) between Metro and the host local government (e.g. Oregon City, Forest Grove).

Over the past few years, new facilities and new activities at existing facilities have become eligible for the enhancement program under state law. In addition, existing host local governments have requested that Metro increase the enhancement fee at facilities where the fee is already being collected. The fee has not been adjusted since 1991. The purpose of this project is to review the existing program provisions and provide recommendations to the Council for updating the program.

Process: At the September, 24, 2013 Work Session, staff provided Council with an overview of the project purpose, a description of the existing program, proposed a stakeholder review process and proposed an initial set of five recommendations for updating the program (see original proposed recommendations on next page). Council provided staff with direction to proceed with a stakeholder review of the program recommendations.

Original Recommendations from September 2013 Council Work Session

Staff solicited input from October, 2013 until April, 2014 on the five key program recommendations below. A cross section of stakeholders were selected that included: host local governments, solid waste industry, neighborhood associations, the Metro Central Enhancement Committee and the Solid Waste Advisory Committee. The original five program recommendations vetted with stakeholders are summarized below:

- 1) **Update Metro's program to reflect its basis in state law (ORS 459.284).**
- 2) **Clarify the type of facilities that are eligible and ineligible based on state law (ORS 459.280.)** [Continue to suspend yard debris facilities from the program pending further evaluation.]
- 3) **Establish a collaborative process to include the host local government for considering whether to impose fees at eligible facilities, both existing and new.**
- 4) **Provide range of options for fund distribution and program administration.** Metro-administered committee, IGA with local government, Metro contract with neighborhood non-profit, Facility-initiated and managed.
- 5) **Enhancement fee adjustment.** Increase current fees from \$0.50 to \$1.00 (maximum under state law) based on inflation since program inception.

The stakeholder process resulted in modifications to the proposed recommendations and identified two new questions that require additional direction from Council. Attached to this worksheet are two summary documents:

- **Attachment A: Final Program Recommendations.** These are final staff recommendations that have been modified based on stakeholder input and two additional questions that require additional direction from Council.
- **Attachment B: Summary of Stakeholder Feedback.** This provides a brief summary of the comments received from stakeholders during the feedback process.

QUESTIONS FOR COUNCIL CONSIDERATION

- 1) Does Council agree with the modified recommendations set out in Attachment A (#1 -- #5)?
- 2) Should a local tonnage-based tax or fee supersede the establishment of a community enhancement program at a facility (see New Topic #1 in Attachment A)?
- 3) Should administrative reimbursements be standardized and funded as proposed in Attachment A (see New Topic #2)?

NEXT STEPS

April – July: Staff prepares detailed proposal as revisions to Metro Code Chapter 5.06.

August: File proposed ordinance package.

September: Public hearing and Council decision on ordinance.

July 1, 2015: New program, fees and fee increases takes effect.

PACKET MATERIALS

- Would legislation be required for Council action Yes No
- If yes, is draft legislation attached? Yes No
- What other materials are you presenting today? **See attachments listed above.**

Attachment A - Final Program Recommendations

Metro's Solid Waste Community Enhancement Program Update

These are final recommendations that have been modified based on stakeholder input. Included are two additional questions that have emerged during discussions with councilors and stakeholders that need additional direction from Council.

Recommendation #1: Continue to base Metro's Community Enhancement Program in state law. Update and improve Metro's existing program (Metro Code Chapter 5.06) based on state law adopted in 1987 (ORS 459.284). Future program will be guided by the state statutory framework.

Recommendation #2: Clarify which facilities are in and out of the program. The proposal will specify and clarify which facilities are eligible and ineligible based on state law (ORS 459.280.)

- Eligible facilities under state law include landfills, transfer stations, anaerobic digesters, energy recovery and composting facilities.
- Ineligible facilities under state law include reuse, recycling and material recovery facilities.
- Yard debris-*only* reload and composting facilities are not included pending further evaluation.

Modification: Collection of an enhancement fee at *multi-purpose hybrid facilities* will not be placed on dry waste recovery and recycling activities at otherwise eligible facilities. However, the program will include an exception process, to allow collection of enhancement fees on dry waste when a facility owner/operator, in cooperation with Metro and the host local government, determines it to be in the public interest.

Discussion: State law considers reuse, recycling and material recovery *facilities* to be ineligible from the community enhancement program as a way to encourage recovery and recycling activities. In 1987, state law did not specifically address modern "hybrid" facilities where multiple activities and waste streams are managed by a single facility. Collection of community enhancement fees at hybrid facilities should continue to be guided by the eligible and ineligible criteria contained in state law. For instance, as a matter of policy waste activities (e.g. wet waste transfer vs. dry waste material recovery) should generally be used to determine the fee collection structure. However, a flexible fee structure should be available to account for historical relationships between facilities and host communities, or to anticipate future conditions necessary to operate a new facility within a community.

Recommendation #3: Implement the community enhancement program *uniformly* at all eligible facilities and establish a collaborative process for host local government notification and administration, including host Metro councilor involvement.

Modification: Metro should implement the program uniformly in the region and assure a collaborative process that involves the host local government and the Metro councilor from the host district.

Discussion: Based on stakeholder feedback from communities and industry, there was concern about the consequences of collecting a fee at one facility but not at another. While the overall impact of the fee is minimal, it could send unintentional price signals that could create an unlevel playing field among facilities or between host local governments.

Recommendation #4: Provide *three* options for program administration and distribution of funds.

- Metro-administered committee with option for host Metro councilor leadership or involvement.
- IGA between Metro and local government with option for host Metro councilor involvement.
- Metro contract with local government-endorsed non-profit organization.

Modification: Eliminate the option of a facility initiated and managed community process through a good neighbor agreement.

Discussion: Based on stakeholder feedback, the original recommendation included a fourth possible option that would allow a facility to directly manage its own community enhancement program. However, this approach was not widely supported by stakeholders.

Recommendation #5: Adjust the amount of the enhancement fee from \$0.50 to \$1.00 per ton. Enhancement fees have not been increased since their inception. Inflation alone places the fees close to \$1/ton. Therefore, enhancement fee changes should be included in next year's rate review process.

- Increase fees currently collected from \$0.50 to \$1.00 (maximum allowed under current state law) by July 1, 2015 i.e. Metro South, Metro Central and Forest Grove.
- Begin collecting fees at newly eligible facilities i.e. Pride, Troutdale and WRI, or at new facilities i.e. Recology Suttle Road Recovery, Columbia Biogas on July 1, 2015.
- Establish a process for periodic fee adjustment based on inflation should the state statutory limit ever be increased.

Two new questions emerged during the stakeholder process:

New Topic #1: Influence of local tonnage fee or tax on an enhancement program.

Key Question: *Should a local tonnage-based fee or tax supersede the establishment of a community enhancement program at a facility?*

New Recommendation #6: Metro's regional policy should state that a tonnage-based fee or tax collected by a local government at a facility *not supersede* Metro's collection of a community enhancement fee.

Discussion: General tax revenue is used to support general government activities. Community enhancement funds, as envisioned by state law, are intended to be used for the rehabilitation and enhancement of the area around a disposal site from which the fees have been collected. In the past, Metro has signaled that it would not collect community enhancement fees at a solid waste facility *if* a local government also collected a tonnage tax or fee. For instance, Metro indicated such a position in the existing IGAs with Oregon City and Forest Grove. In addition, Troutdale currently collects a \$.65/ton tax at the Troutdale Transfer Station that goes to support general city government. Metro should collect community enhancement fee at all eligible facilities if a fee is not already being collected and used to fund local enhancement activities.

New Topic #2: Administrative costs.

Key Question: *Should administrative reimbursements be standardized and funded as proposed in Recommendation #7 below?*

New Recommendation #7:

- ***If administrative reimbursement is necessary, it should be funded in a uniform manner;***
- **Enhancement funds may be used to reimburse actual administrative costs up to 20% based on the amount of annual enhancement fees collected by any committee (but no more than \$50,000 for any committee); and**
- **Administrative costs in excess of the cap shall be borne by the entity administering the committee, either Metro or the local government.**

Discussion: At various times, the cost to administer enhancement programs e.g. award grants, distribute funds and select/monitor projects, has been paid for by the regional system fee, community enhancement fees or directly by local governments. In 2012, Metro expressed its intent to rely solely on enhancement fees to cover administrative costs for the Metro Central Committee and refined this direction in 2014 by limiting Metro's administrative costs to 20% of funds collected annually. Metro proposes to establish a standard cap for reimbursement of administrative costs for all committees. Additional costs can be covered by local government's general funds and for Metro-administered committees by the regional system fee.

Attachment B - Summary of Stakeholder Feedback

Metro's Solid Waste Community Enhancement Program Update

Staff solicited input from October, 2013 until April, 2014 on five key program recommendations. A cross section of stakeholders were selected that included: host local governments, solid waste industry, neighborhood associations, the Metro Central Enhancement Committee and the Solid Waste Advisory Committee. The original five key program recommendations vetted with stakeholders are summarized below:

- 1) **Update Metro's program to reflect its basis in state law (ORS 459.284).**
- 2) **Clarify the type of facilities that are eligible and ineligible based on state law (ORS 459.280.)** [Continue to suspend yard debris facilities from the program pending further evaluation.]
- 3) **Establish a collaborative process to include the host local government for considering whether to impose fees at eligible facilities, both existing and new.**
- 4) **Provide range of options for fund distribution and program administration.** Metro-administered committee, IGA with local government, Metro contract with neighborhood non-profit, Facility-initiated and managed.
- 5) **Enhancement fee adjustment.** Increase current fees from \$0.50 to \$1.00 (maximum under state law) based on inflation since program inception.

Summary of Stakeholder Feedback

- Local government stakeholders included representatives from Portland, Forest Grove, Oregon City, Troutdale, Sherwood, Wilsonville and Washington County. Generally, all are supportive of the program recommendations and direction but indicated a preference for uniformly applying the program at all eligible facilities. The local governments that currently host eligible solid waste facilities expressed an interest in the option to administer the program through an IGA with Metro (Wilsonville, Sherwood, and Troutdale). The city of Portland is supportive of the program but has reservations about administering the program through an IGA with Metro.
- Solid waste industry representatives included: Republic/Allied Waste, Waste Management, Recology, Pride Disposal, Columbia Biogas and Oregon Refuse and Recycling Association (ORRA). Generally there were mixed comments from industry representatives and are summarized as follows: 1) some are supportive of the program, but indicated that it should be applied uniformly to help foster a more level playing field between all eligible facilities, 2) others were not supportive of the program and preferred that the local government decide whether or not to implement a program, and 3) Metro should carefully consider how the program funds will be administered since there are concerns about accountability with two of the proposed administrative options (i.e., neighborhood or facility administration through a Metro contract).
- Metro also contacted key neighborhood associations that are or could be host to eligible solid waste facilities that included Cully Association of Neighbors and St. Johns Neighborhood Association. Staff also met with the Metro Central Enhancement Committee. Both Cully and Metro Central associations are very supportive of Metro's program and the recommendations. Cully endorsed the proposed administrative option for Metro to contract directly with a neighborhood non-profit organization.
- The Solid Waste Advisory Committee (SWAC) was generally supportive of the program and proposed recommendations (an exception was the industry representative). In summary, many committee members voiced support for a uniform application of the program by Metro at all eligible facilities. There were questions about how much of the fund could be used to help defray administrative costs, and expressed doubts about the viability of the administrative option that would allow a facility to directly administer the program. There were also some concerns expressed about Metro contracting with a neighborhood association due to potential limited representation and accountability.

Agenda Item No. 5.0

**TRANSPORTATION POLICY,
COMMUNICATION AND COORDINATION
ASSESSMENT REPORT**

Metro Council Work Session
Tuesday, Apr. 15, 2014
Metro, Council Chamber

METRO COUNCIL

Work Session Worksheet

PRESENTATION DATE: April 15, 2014	TIME: 3:20pm	LENGTH: 45 minutes
PRESENTATION TITLE: Transportation Policy, Communication and Coordination Assessment Report		
DEPARTMENT: Office of COO		
PRESENTER(S): Steve Bryant, Oregon Consensus Center		

WORK SESSION PURPOSE & DESIRED OUTCOMES

- Purpose: To provide the Metro Council with the recommendations of an assessment of transportation decision-making within the ODOT Region 1 area (provided by Steve Bryant, the principle investigator and author).
- Outcome: Provide direction on Metro interests and involvement in next steps.

TOPIC BACKGROUND & FRAMING THE WORK SESSION DISCUSSION

On June 18, 2003 the Oregon Transportation Commission a policy on formation and operation of Area Commissions on Transportation (ACTs). The intent of the policy is to expand stakeholder involvement in ODOT decision-making, especially as it relates to recommendations to the Oregon Transportation Commission on project funding in the State Transportation Improvement Program (STIP). This role was significantly upgraded this past year as ODOT modified their project selection process to be multi-modal, based upon a jurisdictional application process with the ACTs being the focus of where project prioritization occurs. Lacking an ACT for ODOT Region 1, ODOT staff formed an interim project selection committee with public and private sector members appointed by the Multnomah County, Clackamas County, Washington County and Hood River County Commissions. The Chair of JPACT was also included on the Committee.

Since 2003, ODOT has established a series of ACTs throughout the state with the exception of Region 1. After adoption of the OTC policy, there were numerous discussions between ODOT, OTC members and Metro Council and JPACT members. However, no agreement was reached with the disagreement around the question of JPACT membership to include business and other stakeholders and concern about the geography of Region 1 beyond Metro's boundary.

Subsequent to the discussions between Metro/JPACT and ODOT/OTC, ODOT Region 1 staff worked with stakeholders in Hood River County and rural Clackamas County in pursuit of an ACT for this area of Region 1 outside Metro. However, no agreement was reached as a result of that process since the two areas did not see a common area of interest to merit formation of an ACT.

In 2013, Representative Kennemer introduced legislation to form a rural Clackamas County ACT. ODOT objected to the legislation because of the narrow geography. Representative Kennemer agreed to remove his legislative proposal based upon the agreement of ODOT, Metro and Clackamas County to contract with the Oregon Consensus Center (as a neutral party) to carry out an evaluation of current transportation decision-making in the Region 1 area.

The Oregon Consensus Center interviewed over 70 individuals, evaluated the requirements of the OTC Policy on the Formation of ACTs and the USDOT requirements for metropolitan planning organizations. This report is the conclusion of that interview and evaluation process.

QUESTIONS FOR COUNCIL CONSIDERATION

- The report recommends formation of a Task Force appointed by ODOT and convened by the Governor's office to evaluate and recommend formation of an ACT to include a proposed charter, geography, membership and responsibilities. The Charter would be subject to approval by the OTC.

Does the Metro Council have any input on charge or membership of the Task Force?

- The report also recommends that Metro/JPACT initiate a process to evaluate the membership of JPACT and to consider changes to JPACT's membership consistent with options considered for establishment of an ACT.

Does the Metro Council have any input on the issue of JPACT membership or the timing of consideration?

PACKET MATERIALS

- Would legislation be required for Council action Yes No
- If yes, is draft legislation attached? Yes No
- What other materials are you presenting today? Final Report: Transportation Policy, Communication and Coordination Assessment Report (January 29, 2014)

Transportation Policy, Communication, and Coordination Assessment Report

January 29, 2014

Background

Stakeholders in the non-Metro areas of ODOT Region 1 have increasingly expressed concerns regarding their desire to have more input into decisions related to priorities for transportation funding. The primary tool that the Oregon Transportation Commission and ODOT relies upon for public engagement for the State Transportation Improvement Plan (STIP) and other statewide transportation policy planning processes is through Area Commissions on Transportation (ACTs). ODOT Region 1 is the one area in the State where there is not an ACT. The urban portion of Region 1, the areas that falls within the Metro boundary, is represented by JPACT, where there is inter-jurisdictional coordination for transportation project funding recommendations and public engagement. The areas outside of the Metro boundary, which mostly fall in Clackamas County and Hood River County, do not have the same opportunity for project coordination and public engagement.

Over the past several years, some rural Clackamas County stakeholders have been exploring the creation of a rural ACT. This led to the introduction of House Bill 2945 in the 2013 legislative session, which if enacted would have created such an ACT. In response to this situation and interest in whether these or related concerns might be shared by other rural areas, ODOT, Metro and Clackamas County jointly sought the assistance of Oregon Consensus¹ to conduct a broad assessment of the issues related to current transportation decision making. Specifically, the sponsors sought a neutral assessment of issues related to representation in the decision-making process regarding transportation policies, program mechanics and project prioritization and whether and how a collaborative, agreement seeking process could be used to address these issues.

During the period of September through November of 2013, Oregon Consensus staff members conducted interviews with over 60 stakeholders representing many interests including rural communities, urban areas, statewide policy makers, planners, local and regional governments, ports, and others. This report captures the themes that emerged from those interviews and provides recommendations of potential collaborative process options to enhance transportation decision making. The list of individuals interviewed and the questions asked are available at the back of this document.

¹ Oregon Consensus (OC) is part of the Oregon Solutions Network and serves as Oregon's official program established to promote effective, collaborative approaches for public decision-making in the state. OC provides assessment, facilitation, mediation and other alternative dispute resolution services to public entities and their stakeholders throughout Oregon. OC is a university based program located in Portland State University's Hatfield School of Government. OC offers state agencies, local governments and the public a neutral forum and neutral services in support of collaborative governance. An assessment conducted by a neutral third party is often critical to assuring that information gained is given freely and analyzed without bias.

Key Themes

- Clackamas County stakeholders are the most vocal and united in desiring more input on transportation decisions impacting their area. They have pursued efforts in the past to form a rural ACT and repeatedly suggested that prior efforts should be built upon rather than discarded. However, they perceive that ODOT does not support the creation of an ACT without reasonable explanation or exploration of realistic alternatives. In addition, these stakeholders had the impression that ODOT made a commitment to meet with them on a regular basis to discuss transportation issues, but this has not happened, to their knowledge. Nevertheless, they do seem to welcome the idea of expanding the ACT to include other areas of interest including Hood River County, east Multnomah County, and perhaps northern Marion County communities in the French Prairie area. However, other stakeholders representing these areas expressed some concerns about joining with Clackamas County in a larger ACT, noting political, geographical, logistical, and other issue differences.
- Metro councilors and staff, together with Portland, Beaverton, Lake Oswego, and Multnomah County seem most satisfied with the current approach, including JPACT's representation and functions. Metro Councilors and staff are invested in their current functions and responsibilities, although they are not necessarily opposed to the formation of ACTs that do not usurp their authority. These stakeholders also point out the required MPO functions that operate in accordance with long established agreements between Metro, ODOT, the Governor's Office, and the federal government (primarily FHWA).
- Other cities and counties within the MPO are less satisfied with their representation on JPACT and feel underrepresented. Numerous parties were interested in discussing JPACT membership and, in particular, reducing the number of Metro Councilors and adding at least one city representative for each county. The issue that interviewees described as "overrepresentation" of Metro on JPACT (three Metro Councilors including the chair), often came up in the context of the requirement that the Metro Council must also approve JPACT's recommendations. (Interestingly, a 2010 Portland City Club report, *"Moving Forward, a Better Way to Govern Regional Transportation"* also addressed this issue among other relevant issues discussed in this assessment. We did not find that any of the report's recommendations were enacted, though it may serve as a useful resource moving forward.) Others were less critical of Metro representation, noting that the councilors are elected from periodically adjusted districts within the metro area based on population size. Even so, Metro critics perceive Metro Councilors as having an "urban and multimodal bias" at the expense of highway modernization projects that would otherwise benefit the transportation needs of the growing outer metropolitan ring.
- Views are mixed on the desirability of adding private sector interests to JPACT although a number of stakeholders mentioned the trucking industry and high tech industries as key stakeholders in the region whose interests should be represented on JPACT. A number of interviewees asked to learn more about how private sector interests have influenced the actions of other ACTs.
- Hood River County is also somewhat satisfied with the current approach since they have successfully received highway project funding as a result of their participation on the Region 1 STIP Committee and

their other advocacy efforts (the Bridge of the Gods project was frequently mentioned). However, they expressed more interest in joining an ACT that has a focus on transportation connections along the Gorge, across the river in Washington, and to the Mt. Hood area. Their primary concern is with their limited capacity to participate in regional meetings and a concern about their voices being drowned out by the bigger players in Region 1. Columbia River Gorge Commission staff also voiced strong interests in playing a larger role in transportation planning for the region. The geographic area that they represent includes stakeholders from both states that have been identified as logical parties for undertaking regional transportation planning work, perhaps in an ACT-like structure.

- There is a widely held perception by those both within and outside of the Metro area that there is a lack of informative dialogue between the urban and rural areas. Rural stakeholders consistently complained of the lack of appreciation for the importance of highway improvements to support the transportation of goods and services that originate in rural areas (such as farm to market roads) and to support the tourism and recreation travel needs of urban residents. Conversely, some Metro stakeholders pointed out the lack of understanding in suburban and rural areas about their requirements to achieve clean air standards through the prioritization of multimodal projects.
- Many interviewees cited the Region 1 STIP selection committee, chaired by Bill Wyatt, as a good example of a region-wide collaborative effort that also included private sector interests. They also commended ODOT staff for their helpful role in this process. For these interviewees, this process provided an example of well-balanced representation. Others, particularly Metro representatives, were somewhat less satisfied with the STIP process because it resulted in disproportionate recommendations for funding projects outside of the MPO area.
- A number of people expressed that it would be difficult to change the status quo without some directive from the OTC and Governor's Office since JPACT and Metro's composition and authority as the MPO comes from agreement between the Governor's Office and the federal government in accordance with FHWA/FTA guidelines.
- Many interviewees discussed the possibility of forming several ACTs or a larger ACT-like entity with subcommittees structured around "communities of interest" or transportation corridors. Often cited examples included the Mt. Hood triangle of Highways 84, 26 and 35, the Columbia Gorge Scenic Area, and the Clackamas and Marion County areas around Highways 211, 213, 214 and 99E.
- There are significant differences between each of the five counties (including Marion County) which would present challenges to any collaborative effort among them. These differences include political orientation, geographic dissimilarities, financial capacity—both capital and human, rural vs. urban, and multimodal-oriented vs. highway-oriented.
- Many perceive Metro's policy planning as "top down" and prefer a more traditional ACT where transportation policies and priorities emerge from the discussions of the various stakeholder interests.

Even many JPACT members expressed a desire to re-examine how transportation planning policy issues are initiated and prioritized.

- There is near-universal agreement that the most significant transportation-related challenge facing all stakeholders is the lack of available funding to meet growing transportation maintenance and enhancement needs throughout the region.

Process Recommendations

The assessment interviews indicated that there is broad support to move forward with a consensus-seeking process to form one or more Area Commissions on Transportation (ACTs) or ACT-like structures representing ODOT Region 1. While it is not yet clear how one or more ACTs or ACT-like structures would overlap or otherwise impact Metro and JPACT's MPO responsibilities for transportation planning, many interviewees welcomed a facilitated discussion on that specific topic, as well as how the non-metro areas of Region 1 could be better organized and more effective. The Oregon Consensus assessment process was intended to determine whether there was potential for a collaborative process to be helpful and, if so, to recommend suggested processes to advance this conversation.

Based on the interview process, we believe that a collaborative effort may be beneficial provided that: A) Each of the co-sponsors indicate a willingness to consider new alternative models for transportation planning and project selection in the region, B) a broad-based group of stakeholders is engaged to fairly represent the many diverse regions and interests throughout the region, and C) clear objectives and a limited time frame are agreed upon by the participants.

With these provisions in mind, we recommend the following processes as potential next steps:

1. That the Governor's Office convene an ODOT Region 1 task force comprised of representatives of diverse interests in the region facilitated by a neutral entity, and charged with the following tasks:
 - a. Review the summary and recommendations of the Oregon Consensus Assessment Report and seek additional comments and ideas from task force members.
 - b. Reach consensus on task force objectives and develop an agreed upon timeframe for completing the tasks below.
 - c. Examine the history and experiences of other Oregon ACTs and urban/rural areas in other states that include or are adjacent to MPOs.
 - d. Develop one or more alternatives for the creation of one or more ACTs representing transportation interests within ODOT Region 1. These alternatives would include working assumptions about any overlap in responsibilities and coordination with the MPO/JPACT/Metro and would consider needs for addressing the community of interest with the Columbia River Gorge Scenic Area, including appropriate Washington stakeholders as an ACT or ACT-like structure.

- e. Plan a region-wide transportation summit for participation by all the region's transportation stakeholders. The summit would be designed by the task force and could include the following elements:
 - i. Summit opening remarks by the OTC Chair or ODOT Director and/or Governor's Office representative to indicate their willingness to consider a consensus-based proposal.
 - ii. Presentation of the Oregon Consensus assessment process and findings
 - iii. Overview of regional funding allocations and methodology
 - iv. Overview of the history and experience of Oregon ACTs and MPOs
 - v. Presentation of two or more alternatives for creation of ODOT District 1 ACTs or ACT-like structures
 - vi. Breakout discussions to evaluate and comment on the alternatives
 - vii. Reporting back to the larger group
 - viii. Closing remarks including delivery of the assignments and expectations for the task force moving forward.
 - f. Review the results of the summit and select one or more alternative models for further study and stakeholder review.
 - g. Receive public and stakeholder comments on the selected alternative(s).
 - h. Seek collaborative agreement on a new structure and/or modified structures for transportation planning and project selection in the region.
 - i. If one or more ACTs or ACT-like structures are recommended, develop a proposed charter(s) for submission to the OTC. Alternatively, recommend other steps for improving transportation planning coordination within the region.
2. That the Metro Council give advance consideration to the issue of JPACT membership composition (as raised in the third theme on page 2) and whether it might be advantageous to initiate this conversation with JPACT members and other interested parties as a facilitated discussion independent from the broader discussion of creating new ACTs or ACT-like structures in Region 1. Alternatively, this issue should be dealt with as part of the discussion of how JPACT might look different within one or more of the structures that the task force examines.



Individuals Interviewed

Paul Koch (Port of Cascade Locks)
Bob Reeves (Village at Mt. Hood)
Mike Wagner (Mulino Hamlet)
Margaret Middleton (City of Beaverton)
Bill Wyatt (Port of Portland)
Rob Sadowsky (Bicycle Transportation Alliance)
Commissioner Janet Carlson and Don Russo
(Marion County)
Nancy Boyer and Richard Schmidt (Mid Willamette
Valley COG)
Donna Jordan (Lake Oswego City Council)
Brian Hodson (Mayor of Canby)
Michael McElwee (Port of Hood River)
Jason Tell (ODOT)
Diane McKeel (Multnomah County Commission)
Joanna Valencia and Sean Files (Multnomah County)
John Ludlow (Clackamas County Commission)
Roy Rogers (Washington County Commission)
Andy Cotugno and Ted Leybold (Metro)
Kathryn Harrington (Metro Council)
Shirley Craddick (Metro Council)
Darren Nichols, Jennifer Kaden and Jeff Litwak
(Columbia River Gorge Commission staff)
Shane Bemis (Mayor of Gresham; written answers)
Josh Alpert (Portland Mayor's office)
Steve Bates (Boring CPO)
Paul Savas (Clackamas County Commission)
David Meriwether (Hood River County) and Karen
Joplin (Hood River County Commission)
Pat Egan (Oregon Transportation Commission)
Deborah Rogge (Mayor of Molalla)
Representative Bill Kennemer (Oregon State
Legislature)
Jerry Wiley (Mayor of Hillsboro)
Don Odermott and Rob Dixon (City of Hillsboro)
Carlotta Collette (Metro Council)

Groups Interviewed

Clackamas County C4 Metro Advisory Committee:

Paul Savas (Clackamas County Commission)
Tim Knapp (Mayor of Wilsonville)
William Wild (Oak Lodge Sanitary District)
Jody Carson (West Linn City Council)
Betty Mumm (Oregon City Commissioner)
Wilda Parks (citizen member, MPAC)
Stephen Lashbrook (SMART)
Nancy Kraushauer (Wilsonville)
Dan Chandler (Clackamas County)
Doug Neely (Mayor of Oregon City)
Jeff Gudman (Lake Oswego City Councilor)
Carlotta Collett (Metro Council)
John Ludlow (Clackamas County
Commission)
Mayor Lori DeRemer (Happy Valley)
Martha Schrader (Clackamas County
Commission)
Karen Buehrig (Clackamas County)

Clackamas County REACT Committee:

Marge Stewart (Firwood CPO)
Bill Merchant (Beavercreek Hamlet)
Warren Jones (Mulino Hamlet)
Bob Reeves (Villages at Mt. Hood)
Pat Sharp (Villages at Mt. Hood)
Charlene DeBruin (Eagle Creek-Barton)
Windy Ingle (Stafford Hamlet)
Mike Wagner (Mulino citizen)
Laurie Freeman Swanson (Molalla CPO)
Glenn Koehrsen (TSP Committee)

French Prairie Forum Group:

Greg Leo (lobbyist)
Don Russo (Marion County)
Mayor Catherine Fidler (Woodburn)
Bill Graupp (Mayor of Aurora)
Mark Ottenad (Wilsonville)
Nancy Kraushaur (Wilsonville)
Bryan Brown (Canby)



Interview Questions

1. Please tell us about your background, affiliation, involvement and interests with respect to transportation policy and or programs.
2. What do you see as the major issues that need to be addressed related to transportation policy and coordination among ODOT, Metro, and the city and county governments within Clackamas, Hood River, Marion, Multnomah and Washington counties?
3. What are the challenges or barriers to addressing these issues? Do you have any suggestions for how they might be overcome?
4. What approach or process would be helpful for addressing the above topics and why?
5. What do you see as the appropriate scope and scale of a potential collaborative effort?
6. What do you think will happen if the “status quo” continues?
7. Are there lessons learned from past efforts to resolve these issue that you think should be applied to future effort?
8. Do you think there are information/data gaps and if so, what are the sources of data and resources do you think should be utilized and considered?
9. Is there anyone else you think we should be interviewing?
10. What should we have asked that we did not?
11. Do you have any questions for us?

Materials following this page were distributed at the meeting.

 **Metro** | *Agenda*

Meeting: Metro Council
Date: Thursday, April 17, 2014
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. REPORT ON TRIPLE BOTTOM LINE SUCCESSES AT GLENDOVEER AND PROPOSED RINGSIDE INVESTMENTS Lydia Neill, Metro

4. CONSENT AGENDA

4.1 Consideration of the Council Minutes for April 10, 2014

4.2 **Resolution No. 14-4518**, For the Purpose of Confirming Appointments to the Metro Public Engagement Review Committee.

5. RESOLUTIONS

5.1 **Resolution No. 14-4513**, For the Purpose of Extending Funding Through the Metro Tourism Opportunity and Competitiveness Account (MTOCA) to the Portland Expo Center. MTOCA Funds to Continue to be Directed to the Oregon Convention Center. Mathew Rotchford, Metro

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for April 17, 2014 Metro Council meeting

<p>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, April 17</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, April 20, 7:30 p.m. <i>Date:</i> Monday, April 21, 9 a.m.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, April 21, 2 p.m.</p>	<p>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, April 19, 11 p.m. <i>Date:</i> Sunday, April 20, 11 p.m. <i>Date:</i> Tuesday, April 22, 6 a.m. <i>Date:</i> Wednesday, April 23, 4 p.m.</p>
<p>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.</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 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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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 14-4519
METRO ATTORNEY TO DEFEND, APPEAL, OR)
COMMENCE LITIGATION) Introduced by Councilor Sam Chase

WHEREAS, pursuant to the Metro Charter, Section 25(2), the Metro Council has created by ordinance the Office of Metro Attorney, as codified in the Metro Code Chapter 2.08; and

WHEREAS, the Metro Code provides in Section 2.08.030 and Section 2.08.040 that the Metro Attorney is charged with general control and supervision of all civil actions and legal proceedings, and to appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding as requested in the district’s interest and in the discretion of the Metro Attorney; and

WHEREAS, there is currently pending or potential litigation regarding Metro and its facilities, including but not limited to litigation related to the Oregon Convention Center hotel project that affects the interests of the citizens of the metropolitan region, Metro and its facilities, and it is in the district’s interest to appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding; now therefore

BE IT RESOLVED that the Metro Council hereby requests and authorizes the Metro Attorney to appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding in any court or tribunal, whether in the name of Metro or the Metro Council, when, in the discretion of the Metro Attorney, the same may be necessary or advisable to protect Metro’s rights and interests, including but not limited to the rights and interests of the Metropolitan Exposition-Recreation Commission and/or the Metro facilities such as the Oregon Convention Center, the Expo Center, the Portland’5, and the Oregon Zoo.

ADOPTED by the Metro Council this 15th day of April, 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Region 1 Transportation Task Force-Project Team

Revised 4/15/2014

Transportation Task Force-Invite List							
#	Last Name	First Name	Title	Organization	Phone	Email/Contact notes	Mail Address
1	Avison	Bill	President	Avison Lumber	503- 829-9001	bill@avison.com	410 E. 5 th St. Molalla, OR 97038
2	Colette	Carlotta	Council Member	Metro	503-797-1887	carlotta.collie@oregonmetro.gov	Metro Council, 600 NE Grand Ave, Portland, OR 97232
3	Daum	Martin	President and CEO	Daimler Trucks North America	503-745-8000		Daimler Trucks North America 4747 Channel Ave. Portland, OR 97217
4	Doyle	Denny	Mayor of Beaverton	City of Beaverton	503- 526-2497	mayor@mail@beavertonoregon.gov	P.O. Box 4755, Beaverton, OR 97076
5	Dunn	Deb	President	Oregon Trucking Association	503-513-0005	dunn@ortrucking.org	4005 SE Naef Rd, Portland, OR 97267
6	Hales	Charlie	Mayor of Portland	City of Portland	503-823-1125	susan.dietz@portlandoregon.gov-Asst. to the Mayor	1221 SW 4 th Ave, Room 340, Portland, OR 97204
7	Hodson	Brian	Mayor of Canby	City of Canby	503-263-5528	hodsonb@ci.canby.or.us	P.O. Box 930, Canby, OR 97013
8	Jones	Warren	Citizen and Member	Mulino Hamlet Board	503-829-5124 503-829-6424-cell	director1@hamletofmulino.or.us	Po Box 853 Mulino 97042 28931 S. Dalmation Mulino, OR 97042
9	Joplin	Karen	County Commissioner	Hood River County	541-308-5526	Karen.joplin@co.hood-river.or.us	601 State St Hood River, OR 97031
10	Lee	Bobby	Regional Coordinator	Regional Solutions	503- 339-5223	bobby.lee@state.or.us	Portland State University Market Center Building 1600 SW Fourth Avenue, Suite 109 Portland, OR 97201
11	McKeel	Diane	Multnomah County Commissioner	Multnomah County Headquarters	503-823-4000	district4@mulco.us	501 SE Hawthorne Blvd, Site 600, Portland, OR 97214-3587
12	McCurdy	Mary Kyle	Policy Director and Staff Attorney	1000 Friends of Oregon	503 497-1000 x130	mkm@friends.org	133 SW 2 nd Ave, Ste 201, Portland, OR 97204
13	Rogers	Roy	County Chair	Washington County Commission	503- 846-8681	Roy_rogers@co.washingtont.n.or.us	155 N First Avenue, Hillsboro, OR 97124-3072, Mail Stop 22
14	Savas	Paul	Commissioner	Clackamas County	503- 655-8581	bcc@clackamas.us	2051 Kaen Rd. Oregon City, OR 97045
15	Stephens	Julie	Transit Manager	Sandy Transit	503-489-0925	jstephens@cityofsandy.com	38348 Pioneer Blvd, Sandy, OR 97055
16	Stovall	Travis	Executive Director	East Metro Economic Alliance	971 506-1493	Awaiting new EID contact	773 NW 13th Ave, Ste 416, Gresham, OR 97030

Region 1 Transportation Task Force-Project Team

Revised 4/15/2014

Transportation Task Force-Invitee List

#	Last Name	First Name	Title	Organization	Phone	Email/Contact notes	Mail Address
17	Tell	Jason	Portland Metropolitan Area Region Manager	ODOT	503-731-8200	Jason.tell@odot.state.or.us Assistant, richard.b.scherzinger@odot.state.or.us	123 NW Flanders Portland, OR 97209
18	Warner	Bruce	Board Chair	TriMet	503-962-4831	warnerb@trimet.org	Kelly Runnion, Board Administrator, 1800 SW 1st Ave, Ste 300, Portland, OR 97201
19	Wheeler	Steve	City Manager	City of Hood River	541 386-1488	Steve.wheeler@ci.hood-river.or.us	P.O. Box 27, Hood River, OR 97031
20	Wyatt	Bill	Director	Port of Portland	503-944-7011	bill.wyatt@portofportland.com	P.O. Box 3529, Portland, OR 97208

Technical Advisory Committee

Last Name	First Name	Title	Organization	Phone	Email
Alpert	Josh	Mayor-Policy Director	City	503-823-3579	josh.alpert@portlandoregon.gov
Curugno	Andy	Senior Policy Advisor	Metro	503-797-1763	andy.cotugno@oregonmetro.gov
Deffebach	Chris	Policy Analyst	Washington County	503-846-3406	Christina_deffebach@co.washington.or.us
Lahsene	Susie	Regional Transportation and Land Use Manager	Port of Portland	503-415-6517	susie.lahsene@portofportland.com
Schilling	Karen	Transportation and Land Use Planning Director	Multnomah County	503-988-5050	karen.c.schilling@multco.us
Buehrig	Karen	Transportation Planning Director	Clackamas County	503-742-5908	karenb@co.clackamas.or.us
Windsheimer	Rian	Policy and Development Manager	ODOT	503-731-8456	rian.m.windsheimer@odot.state.or.us

Region 1 Transportation Task Force-Project Team

Revised 4/15/2014

Conveners and Cosponsors					
Last Name	First Name	Title	Organization	Contact	
Forel ¹	Karmen	Sustainable Communities and Transportation Policy Advisor	Governor's office	Andrew Plambeck 503-986-6545 or andrew.plambeck@state.or.us.	
Garrett	Mathew	Director	ODOT	Mathew.L.GARRETT@odot.state.or.us	
Bennett	Martha	COO	Metro	Martha.Bennett@oregonmetro.gov	
Schmidt	Gary	Public and Government Affairs Director	Clackamas County	gschmidt@co.clackamas.or.us	

Oregon Consensus Staff					
Last Name	First Name	Title	Phone	Email	
Singer	Laurel	Director	503-725-8224	laurels@pdx.edu	
Bryant	Steve	Project Manager	541-619-3964-cell	sbryants@comcast.net	
Harkema	Peter	Project Manager	503-725-8191	pharkema@pdx.edu	
Balcock	Julia	Project Coordinator	503-725-8109 (727-409-4160-cell)	jib@pdx.edu	

¹ Karmen Fore will be the initial convener of the Transportation Task Force at the May Kickoff meeting.

Transportation Funding in the 2015 Legislative Session

4/7/14

1. Past Transportation Funding Measures:

- 2001/2003: Oregon Transportation Investment Act 1,2 and 3 including a 6 billion bridge program in OTIA 3.
- 2009: Jobs and Transportation Act – 6-cent gas tax, increased titling fees and vehicle registration fees; increased heavy vehicle registration fees and weight-mile fees; Highway modernization plus maintenance; heavily earmarked; pass-thru to cities/counties; created an Urban Trail Fund; Connect Oregon - \$100 million; preempted local gas taxes and vehicle registration fees; enabled Sellwood Bridge local VRF.
- 2005 – 2013: Connect Oregon 1,2,3,4 and 5 – Multi-modal non-highway grants and loans; total \$400 million of lottery backed bonds.
- 2013: \$450 million bonding authority for Columbia River Crossing; now defunct.
- Continued decline of the state and federal gas tax has led to increased reliance on local gas taxes and street utility fees for maintenance; although implementation is uneven across the metro region.

2. Signs of a 2015 Transportation Funding Measure:

- Governor's office has indicated intent to develop a proposal.
- Oregon Transportation Forum has stepped up to develop a proposal around an "All Modes" Fix-It and Enhance framework.
- Regional staff discussions underway.
- Better economic conditions make a package more promising.

3. Issues and Opportunities:

- The RTP Update is what we are all agreeing we want to implement and it can't be done without increases in transportation revenues at the federal, state and local levels.
- The Climate Smart Communities project demonstrates that this region can meet greenhouse gas reduction targets adopted by the Legislature, but only with sufficient revenues to implement our adopted plans; if we fall short, we will not hit our targets.
- Purchasing power of the gas tax continues to decline; 6-cent increase adopted in 2009 JTA is falling short of projection.
- Titling fees, registration fees and weight-mile taxes on heavy trucks do not decline.
- VMT fee on high mileage vehicles failed in the 2013 Legislature but is likely to return.
- Connect Oregon Plus was introduced in 2013 Legislative Session – would dedicate 18% of lottery proceeds, split the fund 50/50 between passengers and freight and add to the passenger share bike/ped (which was done in Connect Oregon 5) and transit operations (in addition to transit capital which was included in Connect Oregon 1 thru 5).

- There is a growing experience in selecting projects through a multi-modal project selection process (through the Regional Flexible Fund Allocation by JPACT/Metro and statewide through the Enhance program).
- Loss of BETC funds is a significant blow to downstate transit providers; lifeline transit service is in jeopardy.
- AMTRAK is shifting \$26 million per biennium in operating cost to Oregon for the Eugene to Vancouver, BC passenger rail service.
- There is a growing interest in funding improvements to ODOT orphan highways to facilitate more jurisdictional transfers and allow these roads to serve their community in ways that is not possible under ODOT jurisdiction.
- The Oregon Resilience Plan identifies priority investments needed to speed recovery from a Cascadia Earthquake.
- Earmarks were a big part of the Jobs and Transportation Act.
- Federal transportation funding is at best uncertain.

4. What are JPACT members interested in pursuing? Should we develop a regional position on a package?