

Metro

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Metro

Minutes

Tuesday, March 21, 2017

2:00 PM

Metro Regional Center, Council Chamber

Council work session

2:00 Call to Order and Roll Call

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

Councilors Excused: Councilor Carlotta Collette

Council President Tom Hughes called the Metro Council work session to order at 2:04 p.m.

2:05 Chief Operating Officer Communication

Ms. Martha Bennett, Metro Chief Operating Officer, made the following announcements:

- Mortenson Construction, Metro, and the Portland Development Commission would be hosting an open house at the Metro Regional Center later that day to allow contractors to bid on the Oregon Convention Center hotel project.
- The fiscal year 2017-18 proposed budget would be released electronically on March 30.
- Metro's Regional Illegal Dumping (RID) Patrol conducted a cleanup of Sullivan's Gulch that resulted in the collection of 23 tons of garbage.
- She would be out of office until April 3 for an International City/County Management Association (ICMA) West Coast Summit, followed by a family vacation. In her absence, Mr. Scott Cruickshank and Mr. Scott Robinson would take turns serving as acting Chief Operating Officer.

Work Session Topics:

- 2:10 Proposed Policy and Investment Framework for Cycle 5 of 2040 Planning and Development Grants

Ms. Elissa Gertler, Planning and Development Director, introduced the presentation on Cycle 5 of the 2040 Planning and Development grants. She relayed feedback that the

department had received from local jurisdictions, what the department had learned from past experience, as well as direction that the department had received from the Metro Council. Local jurisdictions sought an easier application process, clearer criteria, and a name that was less easily confused with a federal program. As a response, Planning and Development provided face to face pre-application conferences, implementation of a user-friendly online grant application, and changed the program name to 2040 Planning and Development Grants. Ms. Gertler informed the Council that experience had taught the department that the application process needed to coincide with local jurisdictions' budget processes, and that the implementation of a cooperative procurement process would make entering intergovernmental agreements (IGAs) and identifying scopes of work quicker and easier for local governments. Ms. Gertler reiterated the Council's feedback on the Planning and Development grant program. She stated that the Council wanted to: ensure that key stakeholders would support proposed changes, continue communication of regional program outcomes and lessons learned, and reflect Council policy emphasis on equity, housing, and other critical 2040 goals.

Ms. Gertler explained the next steps of the process: Council consideration of the proposed policy and investment framework for the 2040 Planning and Development Grant Program on April 6, grant application materials available online on April 10, and a grant application deadline of June 30.

Council Discussion:

Councilor Harrington appreciated that the proposed resolution allocated 50 percent of grant awards to projects that had strong emphasis on serving disadvantaged populations and/or equitable housing. However, she was concerned because she didn't see equity reflected in the rules and criteria for grant proposals. She thought that

equity should be criteria for all grant applicants. She felt that there was an information gap and that specific definitions of terms such as “equitable housing” and “strong emphasis” were undefined and unclear. Ms. Gertler stated that they are demanding applications that are competitive across multiple criteria. Ms. Lisa Miles, Principal Regional Planner, stated that all grant applications would be judged on their incorporation of equity, as equity is one of Metro’s six desired outcomes. Ms. Miles stated that, as far as the information gap was concerned, an application handbook and specific questions in the application would guide applicants in an equitable direction. Councilor Harrington expressed concern about a loss of Council connection to the program. She also wanted to know how it incorporated the audit review findings from the previous year. Ms. Gertler spoke about streamlining criteria. Councilor Stacey noted that he would like the administrative rules to be amended so that they no longer referred to the Chief Operating Officer by gender. He also asked about the 2020 sunset provision, and requested clarification in the administrative rules that all applications for 2040 grants must discuss how they will further equitable outcomes. Councilor Dirksen expressed concern over the specificity in the percentages for projects. He stated that he would rather remove those restrictions and allow all projects to compete against one another on their own merits. Ms. Bennett interjected her strong recommendation that the grant program retain its existing criteria that 25 percent of funds be set aside for new urban reserve areas. Councilor Craddick agreed with other councilors that the criteria were also of concern to her. Ms. Gertler stated that each cycle they try to make their criteria as clear as possible, and they had reduced their criteria pages from four to one to make the criteria easier for jurisdictions to understand; the Planning and Development department was leaning toward simplifying rather than convoluting the criteria. Councilor Chase supported the inclusion of 50 percent equitable projects and additional clarity in criteria. The Council unanimously approved of the

program's name change. Council President Hughes supported a few clear criteria rather than a surplus of criteria, which he stated would limit the projects that could apply. Councilor Harrington noted that what was being presented was a policy framework; Ms. Gertler agreed, and stated that an operational framework was still needed.

2:40 Solid Waste Regional System Fees and Excise Tax Update

Mr. Paul Slyman, Property and Environmental Services Director, provided an update on Metro's solid waste fee and tax exemptions policies. He stated that the policies were last reviewed in a 2006 report. Mr. Slyman introduced Mr. Tim Collier, Finance and Regulatory Services (FRS) Director, and Mr. Juri Freeman, a consultant from Resource Recycling Systems.

Mr. Collier provided an overview of the proposed evaluation process. He discussed the regional system fee, which supported regional solid waste programs and services, and excise tax, which supported Metro's general government activity. Mr. Collier discussed the full and reduced fee and tax rates. He went on to say that certain types of material, such as alternative daily cover (ADC) in landfills, are exempt from fees and taxes. The Solid Waste Alternatives Advisory Committee (SWAAC) commissioned a subcommittee that was tasked with evaluating Metro's current solid waste fee and tax exemption policies, to determine if said policies were achieving desired public benefits and goals. Mr. Collier provided the Council with an overview of the subcommittee members.

Mr. Freeman spoke about the project goals. The goals were to update the 2006 report, compare Metro's fees and tax policies to those in other jurisdictions, assess the public benefits and policy rationale of the exemption system, and identify potential areas for improvement. Mr. Freeman provided an overview of the process, background, and current challenges facing the review of Metro code and

policy. Mr. Freeman highlighted state and jurisdiction research conducted in California, Idaho, Oregon, and Washington, and the findings from interviews conducted with these jurisdictions. Mr. Freeman also discussed interviews conducted with landfill operators, exempted parties, and eligible parties within the Metro region, and provided a summary of the responses from those individuals. Mr. Freeman informed the Council that next steps for the report were to fill in any gaps in the research, share research with the subcommittee and collect feedback, share revised draft and recommendations with the subcommittee, and bring a final report to Metro in June of 2017.

Mr. Collier shared Metro's next steps. The subcommittee would begin work in April and receive the consultant's report and recommendations in June. The subcommittee would then relay its recommendations to SWAAC in August or September, and SWAAC would bring recommendations to the Metro Council for consideration in October.

Council Discussion:

Councilor Harrington noted that the majority of the members of the subcommittee were from the solid waste industry. She also stated that she wanted to explore the idea of having the regional system fee apply across all tons, not just disposed tons. Councilor Stacey responded that he would not want Metro to take any steps that would reduce the likelihood that businesses or individuals would recycle, and he was concerned that spreading charges across the system might de-incentivize recycling. Council President Tom Hughes asked what the price difference would be should system fees apply across all tons; Mr. Slyman explained that there would be an almost imperceptible impact on residential users, and offered to perform a high-level analysis of how the policy would impact the commercial sector. Councilor Chase wondered how changes to policy would impact businesses, and had questions about ADC.

Councilor Dirksen acknowledged that there was a conflict between policy, which is to reduce waste that is disposed, and the need to increase revenue, which is only gained when waste is disposed. He went on to say that it was important to encourage people to recycle. Councilor Dirksen stated that ADC only deserved exemption if that was how it was being utilized. Councilor Stacey noted that the region was not going to run out of garbage any time soon, thus it would not run out of revenue. Councilor Harrington was interested to know how many recycled tons were within the Metro region.

3:40 Metro Attorney Communication

Ms. Alison Kean discussed the following Office of Metro Attorney (OMA) projects: drafting an IGA with TriMet regarding regional flexible funds allocation; a disposition and development agreement for an 82nd Avenue and Division site; finalizing IGAs with cities regarding equitable housing grants; statutory research in response to requests for legislative proposals for transportation funding, and drafting proposed bills; charter spending cap research and analysis; work related to urban and rural reserves; reviewing an application from Sherwood School District regarding an urban growth boundary (UGB) amendment for a new high school; working with the Willamette Falls Legacy Project team to identify project needs for receiving state funds; working on a Newell Creek Canyon Nature Park application for Oregon City's review; resolving encroachment and boundary issues; working on solid waste recommendations on how to procure solid waste transportation and disposal services in 2019; determining Metro's authority to clear and dispose of disaster debris, which Ms. Kean explained was a complicated matter because Metro was not recognized by the Federal Emergency Management Agency (FEMA) or Oregon state statute for disaster relief purposes; working with the finance team on bond issuance for the Oregon Convention Center Hotel project; working on Portland's Centers for the Arts agreements for P'5 Presents

performances; advising the Portland Expo Center on legal issues; reviewing and revising the new Diversity Action Plan; advising the Human Resources department on employment related issues, developing an employee relations strategy, and assisting in the recruitment of a new Diversity Program Manager; defending Metro from various claims at venues and meeting and negotiating with the Department of Environmental Quality (DEQ) regarding St. John's Landfill; advising on legal issues related to the Regional Waste Plan; and continuing work on public records requests regarding the death of Oregon Zoo's Packy the elephant.

3:50 Councilor Communication

Council President Tom Hughes introduced a legislative update from Policy Advisors Mr. Andy Shaw and Mr. Randy Tucker. Mr. Shaw informed the Council that land use bill 2095 had been delayed. He went on to speak about: attempts to lessen industry opposition to a product stewardship bill by making amendments that would phase in products; a recreational immunity bill; and an industrial sites readiness bill. Mr. Tucker discussed diesel legislation; Mr. Shaw explained that the bill incorporated the idea that one percent of funds in public construction projects would be devoted to retrofits of equipment used in project construction. Mr. Shaw relayed information about workgroups and committees in Salem. He also shared that Oregon Zoo staff had asked the Council to consider supporting a bill which proposed a bottle tax; the tax would fund Oregon Department of Fish and Wildlife (ODFW) wildlife and habitat restoration. Mr. Shaw suggested supporting the idea of raising revenue for ODFW while not necessarily taking a position on how the revenue would be raised. Mr. Shaw discussed possible Public Employees Retirement System (PERS) reform. Councilor Harrington discussed President Trump's budget release, which cut homeland security and FEMA grants. She shared that the Regional Disaster Preparedness Organization (RDPO) relied on those grants, and that she would like the Government

Affairs and Policy Development (GAPD) team to review a letter from the RDPO before the Metro Council signed off on it. Councilor Stacey discussed an active transportation summit. He also introduced a draft letter written in response to a letter sent by community leaders to the TriMet Board of Directors and JPACT regarding regional transportation. The Council gave a thumbs up to the draft letter. Councilor Dirksen discussed the Regional Transportation Plan (RTP) process. Councilor Harrington noted that regional transportation forums were not a replacement for public engagement. Councilor Stacey suggested that the RTP should not be finished without addressing how projects could realistically be funded and set in motion.

4:10 Adjourn

Seeing no further business, Council President Tom Hughes adjourned the Metro Council work session at 5:09 p.m.

Respectfully submitted,



Taylor Unterberg, Council Policy Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MARCH 21, 2017

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
2.0	PowerPoint	03/21/17	2040 Planning and Development Grants	032117cw-01
3.0	PowerPoint	03/21/17	Solid Waste Regional System Fee and Excise Tax Update	032117cw-02
3.0	PowerPoint	03/21/17	Evaluation of Solid Waste Fee and Tax Policies	032117cw-03
5.0	Handout	03/21/17	2018 Regional Transportation Plan Update	032117cw-04
5.0	Handout	03/21/17	2018 Regional Transportation Plan Timeline	032117cw-05